

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 5: Disclosure of Campaign Finances

§ 45. Sanctions for Violations of Contribution and Expenditure Requirements and Prohibitions

Cite as: 26 CNCA § 45

A. Criminal Sanctions. Any Candidate or other person who is an Indian who has violated any requirement or prohibition in §§ 43 and 44 of this Title shall be guilty of a crime and subject to: (i) prosecution under the criminal laws of the Cherokee Nation and subject to the penalties therein; and (ii) disqualification by the Election Commission as provided under § 38 of this Title.

B. Civil Damages. Any Candidate, other person, corporation or other legal entity who or which has knowingly made or accepted a Campaign Contribution or made a Campaign Expenditure on behalf of a Candidate in violation of §§ 43 and 44 of this Title shall be liable to the Election Commission and to any party whose name appeared on the ballot in opposition to said Candidate in the amount of double the value of the unlawful contribution or expenditure. Said damages shall be payable to each plaintiff filing suit in the Cherokee Nation District Court within six (6) months of the final election date, upon a finding of a violation(s) by said Court, plus reasonable attorney's fees incurred in the suit. Reasonable attorney's fees incurred in a suit brought under this subsection may be awarded to the defendant if judgment is rendered in defendant's favor.

C. Disqualified Candidates. Votes for any Candidate who is disqualified after the printing of ballots shall not be counted or considered in determining the winner of an election or if a runoff is necessary. Votes cast for such disqualified Candidate shall not be considered in the tabulation of final votes cast.

Historical Data

LA 06–10, eff. February 23, 2010. Amended LA 46–12, eff. December 17, 2012; LA 04–14, eff. February 19, 2014; LA 12–16, eff. May 18, 2016. Amended LA 22–20, eff. October 13, 2020. Amended LA 14–22, eff. May 16, 2022.