

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 5: Disclosure of Campaign Finances

§ 46. Financial Disclosure Report—Forms; Time of filing; Corrections; Late Filing; Failure to File; Complaints

Cite as: 26 CNCA § 46

A. Report Forms; Certification. Each Candidate filing for elective office of the Cherokee Nation shall file with the Election Commission, a certified monthly and final Financial Disclosure Report on forms provided by the Election Commission. The report shall include information for each of the Financial Agents named by the Candidate pursuant to § 42 of this Title.

B. Time of Filing Monthly Report; Late Filing, Failure to File. Each Candidate shall deliver a complete monthly Financial Disclosure Report to the Election Commission Office beginning with a report for the month that the Candidate filed for office. The report shall be comprised of the entire previous month, beginning on the first day of the month and ending on the last day of the month. The report shall be due by the 10th day of the following month, the first report shall be filed on or before the 10th of February. In the event that the Election Commission has not received a monthly report by the 10th day of the month in which it was due, failure to file a final report or revised final report when due or failure to refile an incomplete report when due, the Election Commission shall impose a fine in the amount of \$100.00 on the Candidate and shall send a notice of the failure to meet the deadline and notice of the fine to the Candidate by certified mail return receipt requested. Unless the Candidate can show extenuating circumstances for his or her failure to file a report or the filing of an incomplete report by the 10th day of the month following the month in which it was due; failure to meet the deadline for any two monthly reports; or failure to pay a fine by the date of election, the Candidate shall be disqualified from the election by the Election Commission after notice and hearing. Said disqualification may be appealed to the Cherokee Nation Supreme Court. The Election Commission shall expedite all such proceedings.

C. Time of Filing Final Report. The Candidate or his or her Financial Agent shall file a final Financial Disclosure Report no later than five (5) days prior to the date for swearing in of the successful Candidates. The Candidate receiving the highest number of votes in any Cherokee Nation Election shall not be eligible to take office until his or her final report is filed. Candidates with unpaid balances and/or missing Financial Disclosure Reports at the end of an election period shall be contacted by the Election Commission and scheduled a

show cause hearing for payment and possible barring from any Cherokee Nation election for a five-year period.

D. Corrections; Revisions; Retention of Reports. The Election Commission shall give the Candidate an opportunity to correct any deficiency or error in his or her reports. Any contributions and/or expenditures during the six month period following said election date shall be recorded on a revised final report to be filed no later than the first of the month following the expiration date of said six month period. The reports shall be maintained by the Election Commission Office, which shall preserve the reports in a secure location for at least five years, during which time they shall be a public record available for inspection and copying by the Election Commission for a reasonable fee for search and/or making copies of such reports, provided that no photo shall be taken by cell phone, camera or other electronic device.

E. No Third Party Complaints. Unless a Candidate is unopposed, only opposing Candidate(s) shall have the right to file a complaint related to a Financial Disclosure Report. In the case of an unopposed Candidate, only a Registered Voter from within the district may file a complaint related to an unopposed Candidate's Financial Disclosure Report.

F. Disqualification for Unpaid Balances Owed; Missing Reports. The Election Commission shall provide written notice to any Candidate with an unpaid balance and/or a missing Financial Disclosure Report at the end of an election period. Such notice shall describe the specific nature of the Candidate's noncompliance; shall state the amount of any fine or unpaid balance owed, if any; shall describe the missing reports, if any; and shall state a deadline of not less than thirty (30) days from the date of notice to remit payment in full and/or submit any missing report. Such notice shall also state the Candidate may submit a written contest to the Election Commission to any fine or unpaid balance owed and/or a missing Financial Disclosure Report. The Election Commission shall review such submissions and issue a final determination within a reasonable time. Any Candidate who fails to cure a violation under this Section or fails to timely initiate and pursue a good-faith contest within the prescribed period, shall be ineligible to file as a Candidate for any elected office of the Cherokee Nation for a period of five (5) years from the date a final determination is issued by the Election Commission.

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. Amended LA 20–26, eff. June 11, 2026.