

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 5: Disclosure of Campaign Finances

§ 48. Restrictions Related to Independent Expenditures

Cite as: 26 CNCA § 48

A. Prohibition Against Independent Expenditures. Independent expenditures shall be prohibited in the elections of the Cherokee Nation.

B. Criminal Sanctions for Participating and/or Contributing to Independent Expenditure. Any person or legal entity who participates in, contributes to, coordinates, and/or directs an independent expenditure in an election of the Cherokee Nation shall be guilty of a crime. A criminal violation of this subsection is punishable by imprisonment for not more than two (2) years or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. Civil Penalties for Contributing to Independent Expenditure. Any person who contributes to an independent expenditure in an election of the Cherokee Nation may be assessed a civil penalty by the Cherokee Nation Election Commission. Such civil penalty shall not exceed Five Hundred Thousand Dollars (\$500,000.00), per contribution.

D. Cooperation of Candidate. Any clearly identified Candidate who benefits from an Independent Expenditure in an election of the Cherokee Nation shall cooperate with any investigation relating to such an Independent Expenditure. A Candidate shall make all reasonable efforts to stop or halt the Independent Expenditure. A Candidate shall have an affirmative duty to disclose any information regarding the existence of an Independent Expenditure to the Cherokee Nation Election Commission and the Cherokee Nation Marshal Service and to cooperate in any related investigation. A Candidate's failure to cooperate, as provided in this section, may subject the Candidate to disqualification.

E. Affirmative Duty to Disclose. Any Candidate who has knowledge of an Independent Expenditure in an election of the Cherokee Nation shall have an affirmative duty to disclose such knowledge to the Election Commission and the Cherokee Nation Marshal and to cooperate in any related investigation. Failure to disclose such knowledge may subject the candidate to criminal and/or civil penalties as provided by law.

F. Jurisdiction. Any person, citizen or non-citizen, or legal entity, who directly or indirectly participates in an Independent Expenditure, as defined herein, shall be deemed a participant in conduct that threatens or has some direct effect on the political integrity of

the Cherokee Nation and shall have availed themselves to the civil and criminal jurisdiction of the Courts of the Cherokee Nation.

Historical Data

LA 14-22, eff. May 16, 2022.