

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 6: Conduct of Elections

Article I. General Provisions

§ 53. Ballot Box Watchers

Cite as: 26 CNCA § 53

A. Primary Election. Each Candidate in a General Primary Election for the office of the Principal Chief, Deputy Principal Chief, and for the Council may submit one (1) name and up to two (2) alternates as their designated watchers at each Precinct and Early Walk-In Absentee Voting within a time to be prescribed by the Election Commission. Each Candidate may also submit one (1) watcher name and two (2) alternate names for the Absentee Ballot Affidavit examinations.

B. Runoff Election. In the event of a Runoff Election, Candidates in the Runoff Election may submit one (1) watcher name and up to two (2) alternate watcher names as their designated watchers at each Precinct and Early Walk-In Absentee voting within five (5) business days from date of certification of results of the General Primary Election. Each Candidate may also submit one (1) watcher name and two (2) alternate names for the Absentee Ballot Affidavit examinations.

C. Selection of Watchers. No Candidate for any elective office in the Cherokee Nation, as defined in § 3(3) of this Title shall be a watcher and no one in an elective office for the Cherokee Nation shall be a watcher if they are currently serving in that elective office capacity during an election. In addition, no former Tribal Councilor, former Principal Chief or former Deputy Principal Chief shall serve as watchers in any Cherokee Nation Elections. The selection of the watchers and their designated Precincts shall be by random drawing of names submitted by Candidates for each respective district and Early Walk-In Absentee voting. The Election Commission shall have the sole authority to determine the number of watchers in any given Precinct. The selection of two (2) absentee watchers shall be made for each day that absentee declarations are examined prior to and on the day of the election. No person shall serve as an absentee watcher for more than one day and no person shall serve as an Early Walk-In Absentee Watcher for more than one day. The selection of absentee watchers shall be by random drawing from the list of names submitted by the Candidates pursuant to §§ 53 (A) and 53 (B) of this Title. All names for consideration must have come from the list submitted by the Candidate when the Candidate filed for office.

D. Duties of Watchers. Watchers shall be entitled to observe the Ballot Box, including a Counting Device and all printouts from the Counting Device, before the Precincts are opened, during voting and after the Precincts are closed. Watchers may be commissioned to observe Counting Device testing and to accompany personnel assigned to repair or maintain machines during the period of the election. In such case, the Watchers shall be limited to observing the repair or maintenance work being performed and making a written record of such work. A Watcher is an observer only. Watchers are permitted to talk with the Inspector or a member of the Cherokee Nation Election Commission only. The Watcher may notify Inspector/Commissioner if they notice any kind of irregularity at which point Inspector/Commissioner corrects the issue. A Watcher is not permitted to bring a cell phone or any other electronic devices, or make or receive phone calls. A Watcher may not leave the building from 7:00 a.m. until after 7:00 p.m. If the Watcher leaves, the Watcher shall not return except with the consent from a Commissioner of the Election Commission. The Watcher shall remain at the Precinct until all the work has been completed and the Inspector is ready to return the election materials to the Election Commission. A Watcher may ask a Precinct Worker to call the Election Commission to voice any complaints, questions or allegations of improprieties to the Election Commission. Any Watcher found to be in violation of this Section may be removed from the Precinct and assessed a five hundred dollar (\$500.00) civil penalty per violation.

E. Citizenship. All watchers and tabulation watchers must be Cherokee Nation citizens.

F. Electronic Devices; Prohibition. No watcher shall utilize any electronic device, including but not limited to cellular phones, cameras, or recording devices, while inside a Precinct or tabulation area. Any such device shall be surrendered to the Precinct Chairperson or Election Commission staff upon entry.

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.