

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 6: Conduct of Elections

Article II. Voting Generally

§ 64. Challenged Ballots

Cite as: 26 CNCA § 64

A. Voting Procedure. If the Precinct Voter Signature Book does not contain a Voter's name, or if a Precinct Official should challenge the Voter's right to vote for other reasons, said Voter shall be allowed to vote only if the Voter is registered to vote and completes a Voter Registration Application for a residence address within the district and signs a statement swearing or affirming that the Voter is currently eligible to vote in said Precinct and has not already cast a regular or Absentee Ballot for said General Election or Special Election. The Voter will sign a Challenged Ballot Roster and the Challenged Ballot issued to the Voter will be listed in the Ballot Issued Column. If the Voter's name appears in the Voter Signature Book, he or she will not sign the Voter Signature Book and the Inspector will designate "Challenged Ballot" by his or her name.

B. Preservation and Counting. Each Voted Challenged Ballot shall be placed in a Secrecy Envelope by the Voter and then placed in the Challenged Ballot Affidavit, which has been completed by the Challenged Ballot Official and signed by the Voter. The Challenged Ballot Official will attach the Voter Registration Application to the outside of the Challenged Ballot Affidavit envelope. Challenged Ballots shall not be counted with the other cast ballots, but shall be maintained in a separate bag marked "Challenged Ballot Bag" Following the close of the election, the Election Commission shall determine whether the person who cast a Challenged Ballot was entitled to vote in the Precinct where the ballot was cast. If the person was so entitled, the ballot will be opened, counted, and secured in a container in the vault. All counted Challenged Ballots will be totaled with other votes before Certification of the election. If the person was not entitled to vote, the ballot will not be opened or counted. If the Voter was not entitled to vote, the Un-opened Challenged Ballots will be secured in the vault separate from the counted Challenged Ballots.

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.