

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 6: Conduct of Elections

Article III. Absentee Voting

§ 73. Time for Filing Requests for Absentee Ballots—Furnishing of Ballots Generally

Cite as: 26 CNCA § 73

A. Timelines. A Registered Voter may apply for an Absentee Ballot by submitting a written request to the Election Commission by mail, electronic mail, fax or in person delivery at the Election Commission Office as provided in § 72 of this Title the beginning of the Election Period and continuing through the fifth working day after the close of Voter Registration for the upcoming General Election, midnight, CST in which the absentee ballot may be voted. All requests submitted must be received by the Election Commission no later than midnight, CST on that fifth working day after the close of Voter Registration from the upcoming General Election. For requests submitted electronically, the timestamp evidencing receipt of submission by the Election Commission shall determine the time received. Absentee Ballots shall be mailed to Registered Voters requesting the ballot in a two-day period starting on the last Tuesday in April of the election year and ending on the Wednesday immediately following said Tuesday.

B. Runoff. In the event of a Runoff Election, the Election Commission Office shall automatically send an Absentee Ballot to all Registered Voters who were sent an Absentee Ballot for the General Election, except for Registered Voters whose Absentee Ballots in the General Election were returned unopened due to bad addresses. Absentee Ballot Requests for a Runoff Election by persons who did not vote by absentee ballot in the general election must be received by the Election Commission Office by the second Monday in June of the election year. Absentee Ballots for a Runoff Election shall be mailed to persons requesting the ballot during a two-day period starting on the third Monday in June of the election year and ending on the Tuesday immediately following said Monday.

C. Limitation. No more than one Absentee Ballot Request per individual signature for each election date shall be accepted.

D. Incapacitation of Registered Voter. A Registered Voter who becomes physically incapacitated after 5:00 p.m. on Saturday preceding an election and is unable to vote in person at the appropriate Precinct on the day of the election may make a written request for an Absentee Ballot. The request shall be signed by the Voter, or signed by a witness at the Voter's direction if the Voter is unable to sign his or her name, and shall be transmitted to the Election Commission Office. The person transmitting said request on behalf of the

Voter may be anyone of the Voter's choosing at least eighteen (18) years of age; provided, said person is not employed by nor related within the third degree of consanguinity or affinity to any person whose name appears on the ballot. The person becomes the Voter's agent for the purposes of voting by Absentee Ballot. The Voter's request must be accompanied by a sworn statement by a duly licensed physician. Expected or likely hospitalization or home confinement for physical incapacity or childbirth on Election Day is sufficient cause to entitle Voter to vote absentee pursuant to this section. The statement must attest to the fact that the Voter is in fact unable to vote in person at the appropriate Precinct on the day of the election because of a physical incapacity and that said physical incapacity originated after 5:00 p.m. on Saturday preceding an election. Upon receipt of Voter's request and accompanying sworn statement, the Election Commission Office shall issue to the Voter's agent the appropriate ballots and envelopes required for voting by incapacitated Voters. The ballots must be returned by the agent to the Election Commission Office no later than 7:00 p.m. on the day of the election. No person may be the agent for more than one voter at any election. Upon return of the Absentee Ballots, the Election Commission Office shall cause said ballots to be processed in the same manner as is prescribed for other Absentee 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 30–24, eff. September 16, 2024. Amended LA 20–26, eff. June 11, 2026.