

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 6: Conduct of Elections

Article III. Absentee Voting

§ 80. Handling of Requested Absentee Ballots not Received and Spoiled Absentee Ballots

Cite as: 26 CNCA § 80

A. Should a Voter request an Absentee Ballot and then not receive it, he or she may obtain an Absentee Ballot by contacting the Election Commission Office to inform them that their requested Absentee Ballot was not received. The Election Commission shall send the Election Commission approved form to the Voter by mail, e-mail, fax or the voter can pick one up in-person at the Election Commission Office. The Election Commission shall also make the form available on its website. The Voter shall then complete the form to request a replacement Absentee Ballot and submit the request back to the Election Commission. The form can be submitted by mail, email, fax or hand delivery. If an Absentee Ballot has been lost or destroyed, a Registered Voter may request a replacement Absentee Ballot from the Election Commission. A Registered Voter must wait ten (10) days from the day the ballots were first mailed before requesting a second Absentee Ballot. No replacement Absentee Ballot shall be mailed after Saturday prior to Election Day.

B. Should a Voter lose, spoil or not receive an Absentee Ballot, he or she may obtain a substitute ballot by submitting a request, on the Election Commission approved form, in writing to the Election Commission Office. Upon request by the voter, the Election Commission shall send a blank approved form for a substitute ballot to the Voter by mail, email, fax or the Voter can pick up an approved form in person at the Election Commission Office. The Election Commission shall also make the approved form to request a substitute ballot available on its website. The Voter shall then fully complete the approved form to request a substitute ballot and submit the request back to the Election Commission. The fully completed approved form can be submitted by mail, email, fax or hand delivery. After the request is received and verified that they are a Registered Voter and previously requested an Absentee Ballot, the Election Commission Office will send another ballot to the Voter by mail. No substitute Absentee Ballots shall be mailed after Tuesday prior to Election Day.

C. Each Absentee Ballot card shall be considered as a separate ballot for each of the races for each Elected Official and any question presented. Any Spoiled Absentee Ballot cast that is returned spoiled as to one race shall be examined to determine if it was correctly voted as to the other races. If so, it shall be valid as to those races.

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.