

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 6: Conduct of Elections

Article IV. Count and Return of Votes—Recounts and Runoffs

§ 92. Counting; Certificate of Votes and Consolidated Return; Preservation of Materials; Certification of Results

Cite as: 26 CNCA § 92

A. Counting of Absentee and Early Walk-In Absentee Ballots. The ballots cast in person during Early Walk-In Absentee Voting shall be counted and tallied by the Counting Device. Absentee Ballots, which includes all ballots mailed to the U.S. Post Office shall be counted and tallied on Election Day in accordance with this Section 92 of this Title. The Unofficial Certificate of Votes from the aforementioned ballots shall be announced as soon as practical after 7:00 p.m. and posted in accordance with Section 92(C). The Unofficial Certificate of Votes shall record the number of ballots cast for each Candidate or proposition and the number of Challenged Ballots. Pursuant to Section 80(C), 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 and shall be reported on the Official Certificate of Votes.

B. Counting of Precincts. After the processing, count and posting of the Unofficial Results for all Absentee and Early Walk-In Absentee Ballots in conformance with Sections 91 and 92(A), each Precincts Certificate of Votes shall be immediately posted by the Election Commission as practical after the arrival of the Ballot Boxes from each Precinct. The Certificate of Votes for each Precinct shall record the total number of ballots cast for each Candidate or proposition and the number of Challenged Ballots and Spoiled Ballots.

C. Post of Unofficial Results. Post of Unofficial Results means the immediate posting of Unofficial Certificate of Votes from the Early Walk-In Absentee Ballots, all ballots retrieved from the U.S. Post Office, on the Election Commission website and on the Election Commission windows. Posting of Unofficial Results also means the immediate posting, as soon as practical, of the Unofficial Certificate of Votes from each precinct on the Election Commission website and on the Election Commission windows.

D. After the Posting of Unofficial Results. After the posting of Unofficial Results for all Absentee, Early Walk-In Absentee and the Precincts, the Election Commission will examine all Challenged Ballots and determine whether they should be counted; and as soon as practical, post the Unofficial Certificate of Votes of the Challenged Ballots in accordance with Section 92(C).

E. Precinct Certificate of Votes; Consolidated Return. The Election Commission shall establish the number of printouts of results needed for certification purposes, the procedure for counting of the votes, posting of the results for the Precincts, consolidated return of General Election or Special Election results and posting of such results. These procedures shall be developed and posted by the Election Commission no less than ninety (90) days prior to Election Day.

F. Preservation of Ballots and Other Election Materials. After the required number of Tally Reports of the vote have been created, the Ballot Box shall be unlocked and all ballots, including the "Spoiled/Mutilated Ballot Envelope", a copy of the signed Precinct Certificate of Vote and a copy of the electronic results shall be placed in the Voted Ballot Bag. Said Voted Ballot Bag shall be sealed, and the Inspector shall return the Voted Ballot Bag, along with all other election materials and the originals of the Certificate of Vote, forthwith to the Election Commission. The Election Commission shall not disturb anything in the Voted Ballot Bag, and the case shall remain sealed at a secure location designated by and under the control of the Election Commission until opened by order of the Election Commission for recount purposes, or by order of the Supreme Court if necessary in an Election Appeal proceeding filed pursuant to § 101 of this Title. All ballots and other election materials shall be retained for a minimum period of two years from the date of the election at which they were cast, under the supervision the Election Commission Office; provided that after said two-year period, the ballots may be destroyed by order of the Election Commission.

G. Certification of Results. When the election outcome is final for all elective offices, the Election Commission shall certify the results and make such certification available to the public.

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.