

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 6: Conduct of Elections

Article VI. Criminal and Civil Sanctions; Attorney General

§ 104. Election Fraud; Criminal and Civil Sanctions for Violations of this Title

Cite as: 26 CNCA § 104

A. Election Fraud. Any Candidate or other person who commits Election Fraud shall be deemed to have committed a crime, subject to the criminal and/or civil sanctions provided herein, and shall be referred to the Attorney General of the Cherokee Nation for prosecution as applicable.

B. Criminal Sanctions. Any Candidate or other person who is an Indian who has violated any provision of this Title deemed to be a crime in accordance with the laws of the Cherokee Nation shall be subject to: (i) prosecution under the Penal Code of the Cherokee Nation and the penalties therein; and/or (ii) disqualification by the Election Commission as provided under § 38 of this Title.

C. Civil Damages. Any Candidate, other person, corporation or other legal entity who or which has violated any provision of this Title deemed a crime shall be subject to a civil penalty of: (i) not less than one hundred dollars (\$100.00) or more than two hundred fifty thousand dollars (\$250,000.00); and/or (ii) an amount of double the value of the unlawful contribution, expenditure, damage as determined by the Cherokee Nation District Court an amount of double the value of the unlawful contribution, expenditure, damage as determined by the Cherokee Nation District Court. Such civil penalty for a violation shall be determined solely by the Election Commission and subject to the appeal process of § 101 of this Title. Said civil penalty shall be payable to the Election Commission within six (6) months of the Election Commission's finding of a violation(s). The Election Commission shall be entitled to recover all reasonable attorney's fees and legal costs incurred in any related lawsuit and/or collection of the civil penalty. Any person, corporation or other legal entity who or which has violated any provision of this Title is deemed to have consented to the jurisdiction of the Cherokee Nation and the Cherokee Nation District Court.

Historical Data

LA 22-20, eff. October 13, 2020. Amended LA 14-22, eff. May 16, 2022. Amended LA 20-26, eff. June 11, 2026.