

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 1: General Provisions

§ 3. Definitions (see also § 41)

Cite as: 26 CNCA § 3

For purposes of this Title, the following terms shall be defined as follows:

1. **At-Large Registered Voter.** "At-Large Registered Voter" means a person who is a Citizen of the Cherokee Nation, under the age of twenty-five (25) residing outside of the jurisdictional boundaries of the Cherokee Nation, who has not previously registered to vote as provided herein, and fails to choose a single district upon the time of their first registration; and citizens age twenty-five (25) and older residing outside of the boundaries not registered to vote as provided herein at the time of the first election to fill At-Large Council seats pursuant to Article VI Section 3 of the Cherokee Nation Constitution.
2. **Ballot Box.** "Ballot Box" means the locked box or Electronic Counting Device in which ballots are inserted when votes are cast or any transfer case used for ballots inserted in an Electronic Counting Device.
3. **Ballot Transfer Case.** "Ballot Transfer Case" means a sealed and secure container, functionally equivalent to a Ballot Box, used exclusively for the collection, storage, and transport of ballots after votes are cast.
4. **Candidate.** "Candidate" means a person who has raised funds and/or accepted In-Kind Contributions in excess of One Thousand Dollars (\$1,000.00); or, a person who has filed and is qualified to run in an election to hold elective office in the Cherokee Nation, in accordance with 26 CNCA §§ 31–34 of this Title and in accordance with the Cherokee Nation Constitution.
5. **Challenged Ballot Official.** "Challenged Ballot Official" means an election official designated to receive, review, and process challenged ballots in accordance with applicable procedures.
6. **Citizen of the Cherokee Nation.** "Citizen of the Cherokee Nation" or "Citizen" means a person enrolled as a Citizen of the Cherokee Nation pursuant to 11 CNCA §§ 11–14.
7. **Computer Technology.** "Computer Technology" shall include electronic hardware and software.
8. **Constitutional Amendment.** "Constitutional Amendment" means Constitutional amendment(s) proposed by the Cherokee Nation Council that are submitted to the

Registered Voters of the Cherokee Nation for the purposes of voting on said Amendment(s) at a General Election or Special Election pursuant to Article XV, Section 2 of the Cherokee Nation Constitution and/or Article XV, Section 3 which gives the right of the people to propose Constitutional Amendments.

9. **Council.** "Council" means the Council of the Cherokee Nation.

10. **Council Member.** "Council Member" means a member of the Council of the Cherokee Nation.

11. **Counting Device.** "Counting Device" means an electronic device used for the purpose of accepting and counting ballots and for all other legitimate purposes related to the conduct of an election.

12. **Criminal Violation.** "Criminal Violation" means a violation of: (i) any provision of this Title identified herein as a crime; or (ii) any provision of the Penal Code of the Cherokee Nation.

13. **Election Commission.** "Election Commission" means the Cherokee Nation Election Commission created pursuant to Article IX, Section 1 of the Cherokee Nation Constitution.

14. **Electoral Fraud or Election Fraud.** "Electoral Fraud" or "Election Fraud" means any illegal interference with the process of an election, including but not limited to:

- a. Any violation of the Penal Code of the Cherokee Nation, including Chapter 11A;
- b. In-person voter fraud (voter impersonation/attempting to vote for any person other than yourself);
- c. Fraudulent activity involving absentee ballots and/or absentee ballot requests, including, but not limited to, doctoring or changing absentee ballot requests;
- d. Ballot stuffing (casting illegal votes or submitting more than one ballot per voter);
- e. Voting under the name of a deceased person;
- f. Ineligible voting (casting a ballot by a person not eligible to vote);
- g. Voter suppression (intentional acts to lower or suppress the number of voters who might otherwise vote in a particular election);
- h. Voter registration fraud (fraudulently filling out and/or submitting a voter registration and/or request for any person other than yourself without their consent, real or fictional, or forging his or her signature on the registration and/or request).

i. Vote-buying (any agreement between a voter and another exchanging anything for a person's vote); and/or

j. Tampering or manipulation of ballots and/or returns.

15. Election Outcome. "Election Outcome" means the determination of the Candidate winning an election for office; and/or the determination of the passage or failure of an Initiative Petition or Referendum Petition.

16. Election Results. "Election Results" means the number of votes in favor of each Candidate for office; and/or the number of votes in favor of and opposed to each Constitutional Amendment or Initiative Petition or Referendum Petition.

17. Election Commission Office. "Election Commission Office" means the Cherokee Nation Election Commission Office established under 26 CNCA § 14 and when the Election Commission Office is in any of the following sections, it is referencing the Election Office.

18. Elective Office. "Elective Office" means the office of Principal Chief, Deputy Principal Chief, and/or Tribal Council.

19. Election Period. "Election Period" shall include the six months prior to and including the Primary Election and the Runoff Election through the completion of any applicable challenge, court requirement of a new election and/or certification proceedings.

20. General Election. "General Election" means a regular election for offices of the Principal Chief and Deputy Principal Chief and for seats on the Cherokee Nation Council as provided by law on a date certain; provided that elections for the following purposes may also occur during a General Election: (i) consideration of Referendum Petitions and Initiative Petitions pursuant to Article XV, Section 3 and Section 4 of the Cherokee Nation Constitution; and/or (ii) consideration of Constitutional Amendments pursuant to Article XV, Sections 2 and 3 of the Cherokee Nation Constitution.

21. Independent Expenditure. "Independent Expenditure" means an expenditure made by an individual or legal entity for a communication expressly advocating the election or defeat of a clearly identified candidate that is not made in coordination with, cooperation with, consultation with, or concert with, or at the request or suggestion of, a candidate, an agent of a candidate. An independent expenditure shall not include the display of a noncommercial yard sign, lapel pin, button, bumper sticker or similar de minimis display of support or opposition to a candidate.

22. Indian. "Indian" means (i) Any person who is a citizen of the Cherokee Nation; (ii) any person who a citizen or member of any other federally recognized Indian tribe, including

Alaska Native entities: (iii) any person who is eligible to become a member of any federally recognized Indian tribe; and (iv) any person who would be considered an "Indian" for the purposes of federal criminal prosecution under 18 U.S.C. § 1152 and/or 18 U.S.C. § 1153.

23. Initiative Petition. "Initiative Petition" means a petition submitted by the Registered Voters of the Cherokee Nation for purposes of proposing any legislative measure and Constitutional Amendment pursuant to Article XV of the Cherokee Nation Constitution.

24. Jurisdictional Boundaries. "Jurisdictional Boundaries" means the boundaries of the Cherokee Nation Reservation described by the patents of 1838 and 1846 diminished only by the Treaty of July 19, 1866, and the Act of March 3, 1893, which encompasses all or portions of the northeastern fourteen counties of Oklahoma.

25. Officer. "Officer" means the Principal Chief and/or Deputy Principal Chief.

26. Political Purposes. "Political Purposes" means actions or activities designed to influence the success or defeat of a Candidate or elective office or any ballot measure.

27. Precinct. "Precinct" shall mean an official voting place within a district, as designated by the Election Commission.

28. Precinct Board. "Precinct Board" means a Cherokee Nation Election Precinct Board for each Precinct, appointed by the Election Commission and exercising the duties set forth in § 12(C) of this Title.

29. Primary Election. "Primary Election" means the initial submission of Candidates or measures to a vote of the people during a General Election or a Special Election, prior to a Runoff Election.

30. Principal Chief. "Principal Chief" means the Principal Chief of the Cherokee Nation.

31. Referendum Petition. "Referendum Petition" means a petition submitted by registered voters of the Cherokee Nation for purposes of submitting to a vote of the people all or a portion of a Council enactment pursuant to the provisions of Article XV of the Cherokee Nation Constitution.

32. Registered Voter. "Registered Voter" means a Citizen of the Cherokee Nation who has registered to vote pursuant to the Cherokee Nation Constitution and this Title.

33. Registration. "Registration" means the act of registering to vote by a Citizen of the Cherokee Nation in a district where the person resides, or in the case of a Citizen of the Cherokee Nation residing outside of the jurisdictional boundaries of the Cherokee Nation, the act of registering as an At-Large Registered Voter or in the district of choice, in accordance with Article VI, Section 3 of the Cherokee Nation Constitution.

34. **Re-register.** "Re-register" means the act of changing the Registration of a Citizen of the Cherokee Nation as a result of a change in residency for purposes of changing their Voting District or for other legitimate purposes.

35. **Resident Registered Voter.** "Resident Registered Voter" means a Citizen of the Cherokee Nation whose residence is inside of the jurisdictional boundaries of the Cherokee Nation at the time he or she registers to vote as provided herein.

36. **Runoff Election.** "Runoff Election" means the election of one of the two Candidates for an Elective Office who had the highest number of votes at the Primary Election. A Runoff Election may occur during a General or Special Election.

37. **Signature.** "Signature" or "Sign" means a natural person's written name in a distinctive way as a form of identification in authorizing a document or other writing or a person's mark with one witness.

38. **Special Election.** "Special Election" means an election specially set on a date other than the date certain established for General Elections, for one or more of the following purposes: (i) consideration of Referendum Petition and/or Initiative Petition when a Special Election is required by the Council or Principal Chief pursuant to Article XV, Section 4 of the Cherokee Nation Constitution; (ii) consideration of Constitutional Amendments when a Special Election is required by the Council pursuant to Article XV, Sections 2 and/or 4 of the Cherokee Nation Constitution; (iii) election authorized by the Council to fill Council vacancies pursuant to Article VI, Section 13 of the Cherokee Nation Constitution; or (iv) election of the Principal Chief pursuant to Article VII, Section 5 of the Cherokee Nation Constitution.

39. **Technical Violation.** "Technical Violation" means a minor clerical error in a filing, report, or election procedure that does not result in a material misrepresentation of facts or provide an unfair advantage.

40. **Voters List.** "Voters List" means the names, district, and precinct of each Registered Voter who is eligible to vote in an upcoming election as provided in §23 of this Title of this Title and may be subject to the exclusion of certain personal voter information as provided in §23(C) of this Title.

41. **Voting District or District.** "Voting District" or "District" as used herein means any one of the representative districts within the boundaries of the Cherokee Nation established by the Council pursuant to Article VI § 3 of the Cherokee Nation Constitution.

Historical Data

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