



**CHEROKEE NATION**  
**OFFICE OF THE ATTORNEY GENERAL**

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**OPINION OF THE CHEROKEE NATION ATTORNEY GENERAL**

**Question Submitted by:** Tammy Miller, Cherokee Nation Community and Cultural Outreach

**Opinion Number:** 2014-CNAG-02

**Date Decided:** September 9, 2014

This office has been asked for an opinion answering the following:

**Question:** Whether political activity is allowed during Cherokee Nation at-large annual community meetings hosted by the Cherokee Nation?

For the reasons below, we believe that political activity is not allowed during Cherokee Nation hosted community activities.

**BACKGROUND**

Cherokee Nation Community Association Corporation (CNCA) is a non-profit entity wholly-owned by the Cherokee Nation. CNCA has chartered at-large community organizations under this entity. San Diego Cherokee Community is one of the chartered organizations under CNCA. The Cherokee Nation periodically hosts events throughout the United States to provide information to the at-large citizens about the Cherokee Nation. These activities are hosted and funded by the Cherokee Nation, not the community association. In October, a Cherokee Nation annual community meeting will be held in California. San Diego Cherokee Community would like to allow all political candidates to speak at this community meeting provided by the Cherokee Nation.

**ANALYSIS**

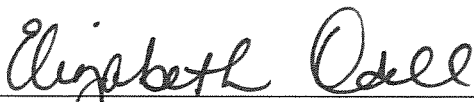
The Cherokee Nation annual community meetings are hosted and funded by the Cherokee Nation. Therefore, Cherokee Nation law and policy are applicable to these gatherings.

Cherokee Nation Human Resources Policies and Procedures, Chapter III (H), prohibits any employee of the Cherokee Nation from participating in political activities during work hours. This would apply to any event hosted and funded by the Cherokee Nation. No political activity should be conducted during an event provided by the Cherokee Nation, which includes candidate forums.

In addition, non-profit entities are prohibited from participating in any political campaign for public office. 26 U.S.C. §501(c)(3). The Cherokee Nation elected positions would be public offices and any participation in the campaign for this office would be prohibited by a non-profit entity. A public forum, allowing all candidates for a specific office to speak, is not prohibited under this act though as long as the organization does not show a bias toward any candidate during the forum. Compliance Guide for 501 (c) (3) Public Charities, Publication 4221-PC (Rev. 8-2013) Catalog Number 49829R, Department of the Treasury, Internal Revenue Service. San Diego Cherokee Community is allowed to host a forum for the political candidates so long as no bias toward any candidate is shown by the community association and no endorsement of any candidate is given. San Diego Cherokee Community could host a separate event from the Cherokee Nation hosted annual meeting. The date, location, and funding for this forum would be the responsibility of the community association.

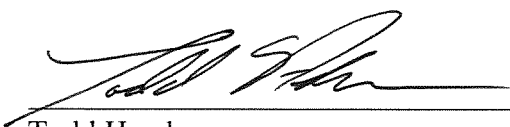
**IT IS, THEREFORE, THE OFFICIAL OPINION OF THE ATTORNEY GENERAL THAT:**

- 1. No political activity is allowed at the Cherokee Nation hosted and funded at-large community events.**
- 2. The at-large community associations are allowed under 26 U.S.C. §501(c)(3) to sponsor a forum for all of the political candidates so long as a bias is not shown toward any candidate. The forum would have to be at a location provided by the community association and the funding for the forum would have to be provided by the community association.**



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Elizabeth Odell  
Assistant Attorney General  
Cherokee Nation



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