



25th NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Danny Simpson, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 007-24.

If there are any co-sponsors, they may re-sponsor the
same bill by beginning a new legislation.

SPONSOR SIGNATURE:

A handwritten signature in black ink, appearing to be "Danny Simpson", written over a horizontal line.

DATE:

01-18-24

LEGISLATIVE SUMMARY SHEET

Tracking No. 0007-24

DATE: January 10, 2024

TITLE OF THE RESOLUTION: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CAMPAIGN EXPENSE PROVISIONS OF THE NAVAJO ELECTION CODE AT §§ 201 THROUGH 209 AND § 404

PURPOSE: The purpose of the resolution is to amend campaign expense provisions of the Navajo Election Code at §§ 201 through 209 and § 404.

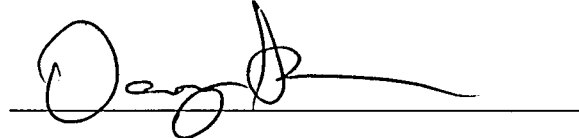
This written summary does not address recommended amendments as may be provided by the standing committees.
The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD Alfred Mike
Website Posting Time/Date 5:45 1-10-24
Posting End Date: 01/15/24
Eligible for Action: 01/16/24

Law & Order Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0007-24

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE
NAVAJO NATION COUNCIL; AMENDING CAMPAIGN EXPENSE
PROVISIONS OF THE NAVAJO ELECTION CODE AT §§ 201 THROUGH 209
AND § 404

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600(A). The committee is empowered to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 164(A)(9) and 601(B)(14).
- B The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. Proposed legislation requiring final action by the Navajo Nation Council are assigned to the Naabik'iyáti' Committee. 2 N.N.C. §§ 164(A)(9) and 700(A).
- C. The Navajo Nation Council is the governing body of the Navajo Nation, with authority to approve amendments to the Navajo Nation Code. 2 N.N.C. §§ 102(A) and 164(A).

SECTION TWO. FINDINGS

- A. Pursuant to 2 N.N.C. § 871(A), the Navajo Board of Election Supervisors was
"created by the Navajo Nation Council as an independent entity. The Board shall

1 *be responsible to the Navajo Nation Council only...."* Among its various tasks, the
2 Navajo Board of Election Supervisors ("the Board") oversees the conduct of all
3 Navajo Nation elections - General Elections, Chapter Elections, and all special
4 elections, including referendum elections. In conducting these elections, the Board
5 ensures the protection of every individual's right to vote and participate in elections.

6 B. By resolution BOESD-59-23, the Navajo Board of Election Supervisors
7 recommends amendments to campaign expenses provisions of the Election Code.
8 See **EXHIBIT 1**, attached hereto.

9 C. In all Navajo Nation elections, campaign expense reports must be filed by all
10 candidates whose names appear on official ballots. Such reports must be filed within
11 ten (10) days of primary and general elections by candidates successful and
12 unsuccessful. 11 N.N.C. § 202. Campaign expense reports must also be filed in
13 initiative elections. 11 N.N.C. § 404.

14 D. Amendments recommended by the Navajo Board of Election Supervisors through
15 BOESD-59-23 include provisions on failure to file campaign expense reports under
16 11 N.N.C. § 203, campaign expense limits at 11 N.N.C. § 205, exceeding campaign
17 expense limits under 11 N.N.C. § 206 and the filing of fraudulent statements under
18 11 N.N.C. § 207. For failure to file expense reports under section 203, the Board is
19 recommending the disqualification of candidates in lieu of fines. Concerning
20 campaign expense limits, the Board is recommending the amount of two dollars
21 (\$2.00) per registered voter for all candidates irrespective of the office sought. For
22 exceeding campaign expense limits, the Board is recommending disqualification of
23 successful candidates in lieu of fine and/or imprisonment. And, concerning the filing
24 of fraudulent campaign expense reports, the Board is recommending an increase in
25 criminal penalties (both fine and imprisonment). For disqualifications occurring
26 after a general or special election, the board is recommending declaration of vacancy
27 for affected positions. 11 N.N.C. § 208.

28 E. The Navajo Nation finds that it is in the best interest of the Navajo Nation and the
29 Navajo people that the amendments proposed by the Navajo Board of Election
30 Supervisors through BOESD-59-23 be approved.

1
2 **SECTION THREE. AMENDING CAMPAIGN EXPENSE PROVISIONS OF THE**
3 **NAVAJO ELECTION CODE**

4 The Navajo Nation Council hereby amends campaign expense provisions of the Navajo
5 Election Code at §§ 201 through 209 and § 404 as follows:

6
7 *****

8 **§ 201. ~~Report of designated~~ Designating a financial agent; filing; penalty**

9 A. ~~Before~~ At the time of candidate filing for any election, each candidate, including
10 the candidate for Vice-President, shall file with the ~~Board~~ Election
11 Administration a report designating and containing the names and addresses of
12 every person authorized as his or her financial agent by or through whom such
13 candidate has expended or proposed to expend money in defraying the expenses
14 of his or her campaign, ~~or~~ Alternatively, a candidate may submit a statement
15 that he or she has not authorized and will not authorize any person to act for him
16 or her, but that he or she will in person account for all money or other things of
17 value expended in the interest of his or her candidacy.

18 B. ~~The eCandidates shall file with the Board the designation of an agent by the filing~~
19 ~~date and will be allowed to amend the designation or statement required by this~~
20 section any time prior to the opening of the polls on the day set for the election.

21 C. ~~Should he or she a candidate fail to file such report comply with filing~~
22 ~~requirements of this section, he or she is guilty of an offense and shall be assessed~~
23 ~~a fine of not less than \$25 and not more than \$500. his or her candidate~~
24 application shall not be accepted by the Election Administration.

25
26 **§ 202. Statement of receipts and expenses; time of filing; preparation and**
27 **distribution of forms**

28 A. Each candidate whose name appears upon the official ballot in any Navajo
29 Nation election, including a primary election, shall, not more than ten (10) days
30 after the election, file with the ~~Board~~ Election Administration a sworn and signed

1 itemized statement of receipts and expenses. The ~~Board~~ Election Administration
2 shall, but no later than the period specified by this subsection, give the candidate
3 an opportunity to correct any deficiency or error in his or her report. Thereafter
4 the report shall be filed in the Central Records Department of the Navajo Nation
5 and shall be preserved in said office for at least five (5) years during which time
6 it shall be a public record available for inspection and copying.

7 B. The statement of receipts and expenses shall set forth in detail a complete record
8 of the candidate's receipts and expenditures in money or other things of value
9 and cost thereof, including promises to pay, treats, presents, and favors, either
10 present or future, intended for the purpose of aiding or which could have a
11 tendency to aid his or her success in such election and shall include a like
12 statement for each of the persons named by the candidate in any report filed
13 under 11 N.N.C. § 201, and for any person not so named whom the candidate
14 knows to have made any receipt or expenditure on behalf of his or her candidacy.
15 Actual receipts for expenses shall accompany the statement.

16 C. A candidate shall not be required to report his or her filing fee.

17 D. The statement of expenses and the report shall be made upon forms approved
18 by the Board. The ~~Board~~ Election Administration shall ~~deliver in person or by~~
19 ~~certified mail~~ make available a reasonable number of such forms ~~to each~~ for
20 candidates.

21
22 **§ 203. Failure to file statement of receipts and expenses; disqualification;**
23 **penalty**

24 A. A candidate in a primary election receiving a sufficient number of votes to be
25 placed on the general election ballot shall be disqualified by the Election
26 Administration for his or her failure to file a campaign expense report for the
27 primary election as required by 11 N.N.C. § 202. The candidate disqualified
28 may file a grievance with the Office of Hearings and Appeals no later than ten
29 (10) days of date of written notice.
30

1 A ~~B.~~ A candidate in a general or special election The candidate receiving the highest
2 number of votes ~~in any Navajo Nation election~~ shall not receive a certification
3 of election and shall not be eligible to take office until the statement required by
4 11 N.N.C. § 202 is filed within the time provided. If the candidate receiving the
5 highest number of votes fails to file the statement within the time prescribed, he
6 or she shall immediately be disqualified by the Election Administration. The
7 candidate disqualified may file a grievance with the Office of Hearings and
8 Appeals no later than ten (10) days of the date of written notice.

9 B ~~C.~~ A candidate, whether elected to an office or not, who refuses or fails to file the
10 statement required by 11 N.N.C. § 202 ~~is guilty of an offense and upon~~
11 ~~conviction thereof shall be punished by a fine of not less than \$300 nor more~~
12 ~~than \$500.~~ shall be barred from holding or being a candidate for elective office
13 for a period of five (5) years upon the written notice issued by the Election
14 Administration.

15
16 **§ 204. Report by persons not authorized to collect, receive or expend money**
17 **for expenses of candidate's campaign; time of filing; form; penalty for**
18 **failure or refusal to file**

19 A. If any person not named in the candidate's report required by 11 N.N.C. § 201
20 collects, receives or expends any money or things of value in connection with
21 the candidacy of such candidate in any Navajo election, such person shall within
22 ~~30~~ ten (10) days after such election file with the ~~Board~~ Election Administration
23 a full and complete report showing all money or other things of value collected,
24 received and expended by ~~him or her~~ such person.

25 B. The form of the report shall be approved by the Board and shall be similar in
26 form to that required of candidates.

27 C. A person who fails or refuses to sign or to file a report required by this section is
28 guilty of an offense and upon conviction thereof shall be ~~punished by fine of not~~
29 ~~less than \$300 nor more than \$500~~ subject to a fine of not more than a thousand
30 dollars (\$1,000.00). If such person is not subject to the jurisdiction of the Court

1 of the Navajo Nation, he or she may be fined or expelled from Navajo Nation
2 land (17 N.N.C. § 1901 *et seq.*).
3

4 **§ 205. Limitation on contribution, receipts and expenditure by or on behalf of**
5 **candidates; radio or television time**

6 A. The following sums shall be the maximum amounts for both the primary and
7 general elections combined which may be expended by or on behalf of any
8 candidate in a primary and general, or special, recall, initiative or referendum
9 election. When anything of value other than money is expended or used by or
10 on behalf of any candidate, it shall be considered as equivalent to money as its
11 fair cash value. Necessary personal travel or subsistence expenses of candidate
12 and provided by candidate shall not be included in the limitation and need not be
13 reported.

14 1. For the Office of the President and Vice-President (combined sum) ~~one~~
15 ~~dollar and fifty cents~~ two dollars (\$2.00) for each registered voter.

16 2. For other elective offices, ~~the offices of Delegate, Chapter Officer, Other~~
17 ~~Elected Officials and School Board members, four dollars~~ two dollars
18 (\$2.00) for each registered voter within the election precinct.

19 B. Where radio and television time is donated or offered on an equal basis to all
20 qualified candidates for any particular office, the value of such time shall not be
21 included in the above limitation on expenditures but shall be reported by or on
22 behalf of each candidate receiving the same, without assigning any cash value
23 thereof.
24

25 **§ 206. ~~Penalty for e~~ Exceeding campaign expenditure limit; disqualification**
26 **and removal**

27 A. A candidate who expends more money or other things of value than is permitted
28 by 11 N.N.C. § 205 either in person or through agents, or who knowingly permits
29 any other person to expend a sum which when added to the sum expended by
30 such candidates and his or her agents exceeds said limits, ~~is guilty of an offense~~

1 and upon conviction thereof shall be punished by a fine of not less than \$300 nor
2 more than \$1,000, or by imprisonment for not more than six months, or by both
3 such fine and prison term; shall be disqualified by the Election Administration;
4 and in addition, he or she shall be barred for five years from holding or being a
5 candidate for any elective office of the Navajo Nation. In the event such
6 candidate has assumed office, he or she shall be immediately removed by the
7 Election Administration and shall be barred for five years from holding or being
8 a candidate for any elective office of the Navajo Nation.

9 B. Grievances concerning disqualification or removal under this section may be
10 filed with the Office of Hearings and Appeals no later than ten (10) days of
11 written notices of such actions. Standing for such grievances shall be limited to
12 candidates disqualified and officials removed.

13
14 **§ 207. Fraudulent statement or reports; penalty**

15 A candidate who makes any statement or report required by this ordinance
16 subchapter and therein knowingly misstates the amount of money given received
17 or expended, or fails knowingly to fully disclose the facts as to any gift, promise,
18 treat, reward, favor, or any valuable thing given received or expended, is guilty
19 of a misdemeanor, and upon conviction thereof shall be subject to imprisonment
20 for a term not to exceed three hundred and sixty-five (365) days, or ordered to
21 pay a fine not to exceed five thousand dollars (\$5,000.00), or both. punished by
22 a fine of not less than \$300 nor more than \$1,000 or by imprisonment for not
23 more than six months, or by both fine and prison term; and if such person a
24 candidate received the highest number of votes in the election, or in the event he
25 or she has assumed office, he or she, upon conviction, shall not hold the office
26 be disqualified; and shall be barred for a period of five eight years from
27 candidacy for or holding any elective office of the Navajo Nation.

28
29 **§ 208. ~~Filling vacancy in office due to disqualification~~ Disqualification after**
30 **election; vacancy declaration**

1 A. Where any person who has received the highest number of votes for any office
2 is disqualified from holding said office by 11 N.N.C. §§ 203(B), 206 and 207,
3 ~~prior to the oath of office, the candidate who received the next highest votes shall~~
4 ~~be sworn in as the elected official for that position pursuant to 11 N.N.C. §141(E)~~
5 the position shall be declared vacant.

6 ~~B. Where any person who has received the highest number of votes for any office~~
7 ~~is disqualified from holding said office by 11 N.N.C. §§206 and 207, after the~~
8 ~~oath of office, a vacancy shall be declared by the Navajo Election~~
9 ~~Administration, and the position shall be filled by appointment pursuant to~~
10 ~~applicable provisions for the particular position~~

11
12 **§ 209. Contribution by corporations and nonmembers of Navajo Nation; penalty**

13 A. It is unlawful for any corporation or nonmember of the Navajo Nation to make
14 any contribution of money or anything of value for the purpose of campaigning
15 or influencing a Navajo election or for any member of the Navajo Nation to
16 receive such a contribution for such purposes, provided, however, that it shall
17 not be unlawful for a radio or television station to make free time available to
18 any candidate for Navajo Nation Office, provided equal time is made available
19 to all other candidates for the same office.

20 B. Any person or any non-Navajo Indian married to a Navajo who violates this
21 section shall be guilty of an offense and upon conviction shall be ~~punished by a~~
22 ~~fine of not less than \$300 nor more than \$1,000, or by imprisonment for not~~
23 ~~more than six months or by both such fine and prison term~~ subject to
24 imprisonment for a term not to exceed three hundred and sixty-five (365) days,
25 or ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

26 C. Any non-Indian who violates this section, shall be fined or expelled from Navajo
27 Nation land by the ~~Government Services~~ Naabik'iyáti Committee according to
28 the procedure set out in 17 N.N.C. § 1901, as amended.

29 D. Any corporation or nonmember of the Navajo Nation violating this section may
30 upon application of the Attorney General be ordered to show cause before the

appropriate Navajo Nation Committee as to why it or he or she should not be barred from receiving any lease, right-of-way, contract, franchise, concession of any character whatsoever thereafter from the Navajo Nation, or excluded from the Navajo Nation. If, upon hearing of such order to show cause, it appears to the appropriate Navajo Nation Committee that the said corporation or person is guilty of violating this section, said corporation or person shall be barred for a period of not less than one year nor more than five years from receiving any lease, right-of-way, contract, franchise, or concession of any character whatsoever from the Navajo Nation.

E. It is the intent of this section to prohibit contribution being made for the purpose of influencing a Navajo election from any source other than members of the Navajo Nation. Violators shall be prosecuted.

§ 404. Initiatives by petition of registered voters

A. ****

4. Each Petition Committee whose initiative appears upon the official ballot in any special initiative election shall, not more than ~~thirty (30)~~ ten (10) days after the initiative election, file with the Election Administration a sworn and signed itemized statement of receipts in a similar manner to that set forth for candidate expenses in 11 N.N.C. § 202.

SECTION FOUR. CODIFICATION

The amendments approved herein shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall arrange for the incorporation of all such provisions in the next codification of the Navajo Nation Code.

SECTION FIVE. SAVINGS CLAUSE

1 If any portion of the amendments approved herein is determined invalid by the Navajo
2 Supreme Court, or by a District Court of the Navajo Nation without appeal to the
3 Navajo Supreme Court, the remainder of the amendments shall remain the law of the
4 Navajo Nation.
5

6 **SECTION SIX. EFFECTIVE DATE**

7 The provisions of the amendments approved herein shall become effective in
8 accordance with 2 N.N.C § 221(B).
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RESOLUTION OF THE
NAVAJO BOARD OF ELECTION SUPERVISORS

**Recommending and Supporting Amendments to Campaign
Expense Reporting under the Navajo Election Code
§§201 through 209 and §404; rescinding BOESD-54-23**



Whereas:

1. The Navajo Board of Election Supervisors enforces and implements the Navajo Election Code; 2 N.N.C. §873 and 11 N.N.C. §321.
2. Pursuant to 2 N.N.C. §871(A), the Navajo Board of Election Supervisors was *"created by the Navajo Nation Council as an independent entity, ... responsible to the Navajo Nation Council only...."* Among its various tasks, the Navajo Board of Election Supervisors oversees the conduct of all Navajo Nation elections - General Elections, Chapter Elections, and all special elections, including referendum elections. In conducting these elections, the Board ensures the protection of every individual's right to vote and participate in elections.
3. The Navajo Election Code provides provisions on campaign expense reporting. 11 N.N.C. §201 *et seq.* Such reports must be filed by all candidates, including those not successful. The provisions on such reporting requirements must be clarified on failure to file expense reports. Such reports should also be reported under initiative and referendum provisions at 11 N.N.C. §404.
4. By resolution BOESD-54-23, the Navajo Board of Election Supervisors recommended amendments to campaign expenses provisions of the Election Code. It is necessary to rescind this resolution.
5. It is in the best interests of the Navajo Nation that campaign expense reporting provisions of the Navajo Election Code be amended for purposes of clarification.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Board of Election Supervisors hereby supports amendments to campaign expense reporting provisions of the Navajo Election Code at §§201 through 209 and §404 as provided in attached **EXHIBIT "A."**
2. The Navajo Board of Election Supervisors rescinds BOESD-54-23.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Board of Election Supervisors at a duly called meeting within the Navajo Nation in Window Rock, Arizona, during which a quorum was present and that the same was passed by a vote of 5 in favor, 0 opposed, and 0 abstained, this 29th day of December, 2023.

A handwritten signature in black ink, appearing to read "Melvin Harrison".

Melvin Harrison, Chairperson
Navajo Board of Election Supervisors

Motion: Larry Noble
Second: Leta D. Honnie

EXHIBIT A

Title 11. Elections
Chapter 1. Navajo Election Code of 1990
Subchapter 11. Campaign Expenses; Contributions

§201. Report of designated Designating a financial agent; filing; penalty

- A. ~~Before~~ At the time of candidate filing for any election, each candidate, including the candidate for Vice-President, shall file with the ~~Board~~ Navajo Election Administration a report designating and containing the names and addresses of every person authorized as his or her financial agent by or through whom such candidate has expended or proposed to expend money in defraying the expenses of his or her campaign; ~~or~~ Alternatively, a candidate may submit a statement that he or she has not authorized and will not authorize any person to act for him or her, but that he or she will in person account for all money or other things of value expended in the interest of his or her candidacy.
- B. ~~The e Candidates~~ shall ~~file with the Board the designation of an agent by the filing date and will~~ be allowed to amend the designation or statement required by this section any time prior to the opening of the polls on the day set for the election.
- C. ~~Should he or she a candidate fail to file such report comply with filing requirements of this section, he or she is guilty of an offense and shall be assessed a fine of not less than \$25 and not more than \$500.~~ his or her candidate application shall not be accepted by the Navajo Election Administration.

§202. Statement of receipts and expenses; time of filing; preparation and distribution of forms

- A. Each candidate whose name appears upon the official ballot in any Navajo Nation election, including a primary election, shall, not more than 10 days after the election, file with the ~~Board~~ Navajo Election Administration a sworn and signed itemized statement of receipts and expenses. The Board Navajo Election Administration shall, but no later than the period specified by this subsection, give the candidate an opportunity to correct any deficiency or error in his or her report. Thereafter the report shall be filed in the Central Records Department of the Navajo Nation and shall be preserved in said office for at least five years during which time it shall be a public record available for inspection and copying.
- B. The statement of receipts and expenses shall set forth in detail a complete record of the candidate's receipts and expenditures in money or other things of value and cost thereof, including promises to pay, treats, presents, and favors, either present or future, intended for the purpose of aiding or

which could have a tendency to aid his or her success in such election and shall include a like statement for each of the persons named by the candidate in any report filed under 11 N.N.C. §201, and for any person not so named whom the candidate knows to have made any receipt or expenditure on behalf of his or her candidacy. Actual receipts for expenses shall accompany the statement.

- C. A candidate shall not be required to report his or her filing fee.
- D. The statement of expenses and the report shall be made upon forms approved by the Board. The Board Navajo Election Administration shall ~~deliver in person or by certified mail~~ make available a reasonable number of such forms to each for candidates.

§203. Failure to file statement of receipts and expenses; disqualification; penalty

- A. A candidate in a primary election receiving a sufficient number of votes to be placed on the general election ballot shall be disqualified by the Navajo Election Administration for his or her failure to file a campaign expense report for the primary election as required by 11 N.N.C. §202. The candidate disqualified may file a grievance with the Office of Hearings and Appeals no later than ten (10) days of date of written notice.
- B. A candidate in a general or special election ~~The candidate~~ receiving the highest number of votes ~~in any Navajo Nation election~~ shall not receive a certification of election and shall not be eligible to take office until the statement required by 11 N.N.C. §202 is filed within the time provided. If the candidate receiving the highest number of votes fails to file the statement within the time prescribed, he or she shall immediately be disqualified by the Navajo Election Administration. The candidate disqualified may file a grievance with the Office of Hearings and Appeals no later than ten (10) days of the date of written notice.
- ~~B. C.~~ A candidate, whether elected to an office or not, who refuses or fails to file the statement required by 11 N.N.C. §202 ~~is guilty of an offense and upon conviction thereof shall be punished by a fine of not less than \$300 nor more than \$500. shall be barred from holding or being a candidate for elective office for a period of five (5) years upon the written notice issued by the Navajo Election Administration.~~

§204. Report by persons not authorized to collect, receive or expend money for expenses of candidate's campaign; time of filing; form; penalty for failure or refusal to file

- A. If any person not named in the candidate's report required by 11 N.N.C. §201 collects, receives or expends any money or things of value in connection with the candidacy of such candidate in any Navajo election, such person shall within ~~30~~ ten (10) days after such election file with the

~~Board Navajo Election Administration~~ a full and complete report showing all money or other things of value collected, received and expended by ~~him or her~~ such person.

- B. The form of the report shall be approved by the Board and shall be similar in form to that required of candidates.
- C. A person who fails or refuses to sign or to file a report required by this section is guilty of an offense and upon conviction thereof shall be ~~punished by fine of not less than \$300 nor more than \$500~~ subject to a fine of not more than a thousand dollars (\$1,000.00). If such person is not subject to the jurisdiction of the Court of the Navajo Nation, he or she may be fined or expelled from Navajo Nation land (17 N.N.C. §1901 *et seq.*).

§205. Limitation on contribution, receipts and expenditure by or on behalf of candidates; radio or television time

- A. The following sums shall be the maximum amounts for both the primary and general elections combined which may be expended by or on behalf of any candidate in a primary and general, or special, recall, initiative or referendum election. When anything of value other than money is expended or used by or on behalf of any candidate, it shall be considered as equivalent to money as its fair cash value. Necessary personal travel or subsistence expenses of candidate and provided by candidate shall not be included in the limitation and need not be reported.
 - 1. For the Office of the President and Vice-President (combined sum) ~~one dollar and fifty cents~~ two dollars (\$2.00) for each registered voter.
 - 2. For other elective offices, ~~the offices of Delegate, Chapter Officer, Other Elected Officials and School Board members, four dollars~~ two dollars (\$2.00) for each registered voter within the election precinct.
- B. Where radio and television time is donated or offered on an equal basis to all qualified candidates for any particular office, the value of such time shall not be included in the above limitation on expenditures but shall be reported by or on behalf of each candidate receiving the same, without assigning any cash value thereof.

§206. ~~Penalty for e~~ Exceeding campaign expenditure limit; disqualification and removal

- A. A candidate who expends more money or other things of value than is permitted by 11 N.N.C. §205 either in person or through agents, or who knowingly permits any other person to expend a sum which when added to the sum expended by such candidates and his or her agents exceeds said limits, ~~is guilty of an offense and upon conviction thereof shall be punished by a fine of not~~

~~less than \$300 nor more than \$1,000, or by imprisonment for not more than six months, or by both such fine and prison term; shall be disqualified by the Navajo Election Administration; and in addition, he or she shall be barred for five years from holding or being a candidate for any elective office of the Navajo Nation. In the event such candidate has assumed office, he or she shall be immediately removed by the Navajo Election Administration and shall be barred for five years from holding or being a candidate for any elective office of the Navajo Nation.~~

B. Grievances concerning disqualification or removal under this section may be filed with the Office of Hearings and Appeals no later than ten (10) days of written notices of such actions. Standing for such grievances shall be limited to candidates disqualified and officials removed.

§207. Fraudulent statement or reports; penalty

A candidate who makes any statement or report required by this ordinance ~~subchapter~~ and therein knowingly misstates the amount of money ~~given~~ received or expended, or fails knowingly to fully disclose the facts as to any gift, promise, treat, reward, favor, or any valuable thing ~~given~~ received or expended, is guilty of a misdemeanor, and upon conviction thereof shall be subject to imprisonment for a term not to exceed three hundred and sixty-five (365) days, or ordered to pay a fine not to exceed five thousand dollars (\$5,000.00), or both. ~~punished by a fine of not less than \$300 nor more than \$1,000 or by imprisonment for not more than six months, or by both fine and prison term; and~~ ~~if~~ If such person a candidate received the highest number of votes in the election, or in the event he or she has assumed office, he or she, upon conviction, ~~shall not hold the office be disqualified;~~ and shall be barred for a period of ~~five~~ eight years from candidacy for or holding any elective office of the Navajo Nation.

§208. ~~Filling vacancy in office due to disqualification~~ Disqualification after election; vacancy declaration

~~A. Where any person who has received the highest number of votes for any office is disqualified from holding said office by 11 N.N.C. §§203(B), 206 and 207, prior to the oath of office, the candidate who received the next highest votes shall be sworn in as the elected official for that position pursuant to 11 N.N.C. §141(E)~~ the position shall be declared vacant.

~~B. Where any person who has received the highest number of votes for any office is disqualified from holding said office by 11 N.N.C. §§206 and 207, after the oath of office, a vacancy shall be declared by the Navajo Election Administration, and the position shall be filled by appointment pursuant to applicable provisions for the particular position~~

§209. Contribution by corporations and nonmembers of Navajo Nation; penalty

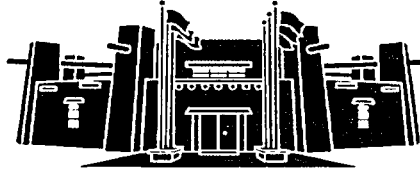
- A. It is unlawful for any corporation or nonmember of the Navajo Nation to make any contribution of money or anything of value for the purpose of campaigning or influencing a Navajo election or for any member of the Navajo Nation to receive such a contribution for such purposes, provided, however, that it shall not be unlawful for a radio or television station to make free time available to any candidate for Navajo Nation Office, provided equal time is made available to all other candidates for the same office.
- B. Any person or any non-Navajo Indian married to a Navajo who violates this section shall be guilty of an offense and upon conviction shall be ~~punished by a fine of not less than \$300 nor more than \$1,000, or by imprisonment for not more than six months or by both such fine and prison term~~ subject to imprisonment for a term not to exceed three hundred and sixty-five (365) days, or ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.
- C. Any non-Indian who violates this section, shall be fined or expelled from Navajo Nation land by the ~~Government Services~~ Naabik'iyáti Committee according to the procedure set out in 17 N.N.C. §1901, as amended.
- D. Any corporation or nonmember of the Navajo Nation violating this section may upon application of the Attorney General be ordered to show cause before the appropriate Navajo Nation Committee as to why it or he or she should not be barred from receiving any lease, right-of-way, contract, franchise, concession of any character whatsoever thereafter from the Navajo Nation, or excluded from the Navajo Nation. If, upon hearing of such order to show cause, it appears to the appropriate Navajo Nation Committee that the said corporation or person is guilty of violating this section, said corporation or person shall be barred for a period of not less than one year nor more than five years from receiving any lease, right-of-way, contract, franchise, or concession of any character whatsoever from the Navajo Nation.
- E. It is the intent of this section to prohibit contribution being made for the purpose of influencing a Navajo election from any source other than members of the Navajo Nation. Violators shall be prosecuted.

§ 404. Initiatives by petition of registered voters

A. ****

- 4. Each Petition Committee whose initiative appears upon the official ballot in any special initiative election shall, not more than ~~30~~ ten (10) days after the initiative election, file with the Navajo Election Administration a sworn and signed itemized statement of receipts in a similar manner to that set forth for candidate expenses in 11 N.N.C. §202.

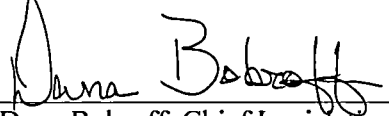
Office of Legislative Counsel
Telephone: (928) 871-7166
Fax #: (928) 871-7576



Honorable Crystalyne Curley
Speaker
25th Navajo Nation Council

MEMORANDUM

TO: Honorable Danny Simpson, Council Delegate
25th Navajo Nation Council

FROM: 
Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: January 10, 2024

SUBJECT: **AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CAMPAIGN EXPENSE PROVISIONS OF THE NAVAJO ELECTION CODE AT §§ 201 THROUGH 209 AND § 404**

As requested, I prepared the above-referenced proposed resolution pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government, however, it can be subject to review by the courts in the event of proper challenge.

Please ensure this resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0007-24_

SPONSOR: Danny Simpson

TITLE: An Action Relating to Law and Order, Naabik'iyáti' Committee and the Navajo Nation Council; Amending Campaign Expense Provisions of the Navajo Election Code at §§ 201 Through 209 and § 404

Date posted: January 10, 2024 at 5:45PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0007-24

SPONSOR: Honorable Danny Simpson

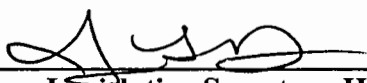
TITLE: An Action Relating to Law and Order, Naabik'iyáti' Committee and the Navajo Nation Council; Amending Campaign Expense Provisions of the Navajo Election Code at §§ 201 Through 209 and § 404

Posted: January 10, 2024 at 5:45 PM

5 DAY Comment Period Ended: January 15, 2024

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

January 16, 2024 8:18 AM

Date/Time