

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
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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

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**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 \_\_\_\_\_  
Posting End Date: 01/15/24  
Eligible for Action: 01/16/24

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 25<sup>th</sup> NAVAJO NATION COUNCIL – Second Year, 2024

3 INTRODUCED BY

4   
5 \_\_\_\_\_  
6 (Prime Sponsor)

7  
8 TRACKING NO. 0007-24

9  
10 AN ACT  
11 RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE  
12 NAVAJO NATION COUNCIL; AMENDING CAMPAIGN EXPENSE  
13 PROVISIONS OF THE NAVAJO ELECTION CODE AT §§ 201 THROUGH 209  
14 AND § 404

15  
16 **SECTION ONE. AUTHORITY**

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

27  
28 **SECTION TWO. FINDINGS**

- 29 A. Pursuant to 2 N.N.C. § 871(A), the Navajo Board of Election Supervisors was  
30 *"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 \*\*\*\*

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

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

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

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

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

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

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

13 \*\*\*\*

14 **§ 404. Initiatives by petition of registered voters**

15 A. \*\*\*\*

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

21 \*\*\*\*

22 \_\_\_\_\_  
23  
24 **SECTION FOUR. CODIFICATION**

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

28  
29 **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).