THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0283-26 **SPONSOR:** Shawna Ann Claw

TITLE: **An Act Relating to the Law and Order Committee, Naabik'íyáti' Committee and the Navajo Nation Council; Amending 11 N.N.C. §§ 8, 23, and 240; Qualifications for Office, Review of Candidate Application, And Removal and Placement on Administrative Leave**

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0283-26

DATE: November 13, 2026

TITLE OF RESOLUTION: AN ACT RELATING TO THE LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; AMENDING 11 N.N.C. §§ 8, 23, AND 240; QUALIFICATIONS FOR OFFICE, REVIEW OF CANDIDATE APPLICATION, AND REMOVAL AND PLACEMENT ON ADMINISTRATIVE LEAVE

PURPOSE: The purpose of this proposed resolution is to amend 11 N.N.C. §§ 8, 23, and 240.

FINAL AUTHORITY: Navajo Nation Council

VOTE REQUIRED: Simple Majority

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: J Johnson
Website Posting Time/Date: _____
Posting End Date: 11-18-26
Eligible for Action: 11-19-26

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25th NAVAJO NATION COUNCIL – Fourth Year, 2026

Introduced by:

Shawna Ann Claw

(Prime Sponsor)

Tracking No. 0283-26

AN ACT

RELATING TO THE LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; AMENDING 11 N.N.C. §§ 8, 23, AND 240; QUALIFICATIONS FOR OFFICE, REVIEW OF CANDIDATE APPLICATION, AND REMOVAL AND PLACEMENT ON ADMINISTRATIVE LEAVE

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Law and Order Committee of the Navajo Nation Council is empowered to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments to the Navajo Nation Code, pursuant to 2 N.N.C. § 601(B)(14).

B. All proposed legislation requiring final authority by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee, pursuant to 2 N.N.C. §§ 164(A)(9) and 700(A).

C. The Navajo Nation Council must review and approve enactments or amendments of positive law, pursuant to 2 N.N.C. §§ 164(A).

SECTION TWO. FINDINGS

A. In 1991, the Navajo Nation Supreme Court found that the Navajo Nation Election Code of 1990, specifically 11 N.N.C. §8, modernized and streamlined the Navajo Nation election law. Further, the Court stated that changing the candidate qualifications served a legitimate Council purpose to assure public confidence in the integrity of the Navajo Nation Government. *See McDonald v. Redhouse and Navajo Board of Election Supervisors*, 6 Nav. R. 342 (Nav. Sup. Ct. 1991).

B. The 1991 decision held that convictions, whether felony or misdemeanor, may be from any jurisdiction.

SECTION THREE. AMENDMENTS TO TITLE 11

The Navajo Nation amends the Navajo Nation Code 11 N.N.C. §§ 8, 23, and 240, as follows:

NAVAJO NATION CODE ANNOTATED

TITLE 11. ELECTIONS

CHAPTER 1. NAVAJO ELECTION CODE OF 1990

SUBCHAPTER 1. GENERAL PROVISIONS

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§ 8. Qualifications for office

A. Qualifications for President and Vice-President are:

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7. Must not have been convicted of any misdemeanor, in any jurisdiction, involving crimes of deceit, untruthfulness and dishonesty, including but not limited to extortion, embezzlement, bribery, perjury, forgery, fraud, misrepresentation, false pretense, theft, conversion, or misuse of Navajo Nation funds and property, have any outstanding debt related to any employment-related restitution of funds, and crimes involving the welfare of children, child abuse, child neglect, aggravated assault and aggravated battery, sexual assault,

sex offenses, DUI, and possession of drugs or paraphernalia ~~within the last five years~~. Must not have been found in violation by a trial court or the Ethics and Rules Committee of the Navajo Nation Council of the Navajo Ethics in Government or Election Laws;

10. Must not have been indicted by a federal grand jury, or similar adjudicatory body from any state, at the time of filing of the candidate application. Any candidate for the Office of the President or Vice-President who is indicted by a federal grand jury, or similar adjudicatory body from any state, subsequent to the filing of the candidate application shall be disqualified; and,

12. Must complete a background clearance check with the Navajo Nation Office of Background Investigations (OBI). The background clearance shall be provided by the individual to the Election Administration Office before the candidate's candidacy is certified.

13. Must have an Associate of Arts Degree or higher educational degree.

14. Must not hold a state or county office where a salary is paid to the individual on behalf of the state or county office.

15. Prior to being sworn into office, the individual must dissolve any companies, corporations, and businesses where he/she is the sole owner and must resign from any companies, corporations, and businesses, where he/she holds interests in said companies, corporations, or businesses.

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B. Qualifications for Delegate of the Navajo Nation Council:

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3. Must not have been convicted of a felony, in any jurisdiction ~~within the last five (5) years~~;

4. Must not have been convicted of any misdemeanor, in any jurisdiction, involving crimes of deceit, untruthfulness and dishonesty, including but not limited to extortion, embezzlement, bribery, perjury, forgery, fraud, misrepresentation, false pretense, theft, conversion, or misuse of Navajo Nation funds and property, have any outstanding debt related to any employment-

related restitution of funds, and crimes involving the welfare of children, child abuse, child neglect, aggravated assault and aggravated battery, sexual assault, sex offenses, DUI, and possession of drugs or paraphernalia ~~within the last five years~~. Must not have been found in violation by a trial court or the Ethics and Rules Committee of the Navajo Nation Council of the Navajo Ethics in Government or Election Laws;

12. Must complete a background clearance check with the Navajo Nation Office of Background Investigations (OBI). The background clearance shall be provided by the individual to the Election Administration Office before the candidate's candidacy is certified.
13. Must have an Associate of Arts Degree or higher educational degree.
14. Must not hold a state or county office where a salary is paid to the individual on behalf of the state or county office.

Prior to being sworn into office, the individual must dissolve any companies, corporations, and businesses where he/she is the sole owner and must resign from any companies, corporations, and businesses, where he/she holds interests in said companies, corporations, or businesses.

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C. Qualifications for Chapter Officers.

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3. Must not have been convicted of a felony, in any jurisdiction ~~within the last five (5) years~~;
4. Must not have been convicted of any misdemeanor in any jurisdiction ~~courts~~ involving crimes of deceit, untruthfulness and dishonesty, including but not limited to extortion, embezzlement, bribery, perjury, forgery, fraud, misrepresentation, false pretense, theft, conversion, or misuse of Navajo Nation funds and property, have any outstanding debt related to any employment-related restitution of funds, and crimes involving the welfare of children, child abuse, child neglect, aggravated assault and aggravated battery, sexual assault,

sex offenses, DUI, and possession of drugs or paraphernalia ~~within the last five years~~. Must not have been found in violation by a trial court or the Ethics and Rules Committee of the Navajo Nation Council of the Navajo Ethics in Government or Election Laws;

7. Must not have been removed and/or disqualified from a chapter office within the five years preceding the date of his or her filing for candidacy;

8. Must not, if elected, serve in any other Nation elective offices, and must not serve on any commissions, ~~with the exception of~~ including the office(s) of Navajo Nation school board member(s);

9. Must be a high school graduate or must have a GED Certificate~~, if the candidate seeks the office of Secretary/Treasurer~~;

12. Must complete a background clearance check with the Navajo Nation Office of Background Investigations (OBI). The background clearance shall be provided by the individual to the Election Administration Office before the candidate's candidacy is certified.

13. Must not hold a state or county office where a salary is paid to the individual on behalf of the state or county office.

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D. Qualifications for Other Elected Officials.

1. Qualifications for the Land Board Candidates:

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c. Must not have been convicted of a felony, in any jurisdiction ~~within the last five (5) years~~;

d. Must not have been convicted of any misdemeanor in any ~~court~~ jurisdiction involving crimes of deceit, untruthfulness and dishonesty, including but not limited to extortion, embezzlement, bribery, perjury, forgery, fraud, misrepresentation, false pretense, theft, conversion, or misuse of Navajo Nation funds and property, have any outstanding debt related to any employment-related restitution of funds, and crimes involving the welfare of children, child abuse, child neglect, aggravated assault and aggravated

battery, sexual assault, sex offenses, DUI, and possession of drugs or paraphernalia ~~within the last five years~~. Must not have been found in violation by a trial court or the Ethics and Rules Committee of the Navajo Nation Council of the Navajo Ethics in Government or Election Laws;

k. Must complete a background clearance check with the Navajo Nation Office of Background Investigations (OBI). The background clearance shall be provided by the individual to the Election Administration Office before the candidate's candidacy is certified.

l. Must not hold a state or county office where a salary is paid to the individual on behalf of the state or county office.

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2. Qualifications for Farm Board Candidates:

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h. Must not have been convicted of a felony, in any jurisdiction, ~~within the last five (5) years~~;

i. Must not have been convicted of any misdemeanor in any ~~court~~ jurisdiction involving crimes of deceit, untruthfulness and dishonesty, including but not limited to extortion, embezzlement, bribery, perjury, forgery, fraud, misrepresentation, false pretense, theft, conversion, or misuse of Navajo Nation funds and property, have any outstanding debt related to any employment-related restitution of funds, and crimes involving the welfare of children, child abuse, child neglect, aggravated assault and aggravated battery, sexual assault, sex offenses, DUI, and possession of drugs or paraphernalia ~~within the last five years~~. Must not have been found in violation by a trial court or the Ethics and Rules Committee of the Navajo Nation Council of the Navajo Ethics in Government or Election Laws;

j. Must complete a background clearance check with the Navajo Nation Office of Background Investigations (OBI). The background clearance shall be provided by the individual to the Election Administration Office before the candidate's candidacy is certified.

k. Must not hold a state or county office where a salary is paid to the individual on behalf of the state or county office.

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3. Qualifications for District Grazing Committee Candidates:

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i. Must not have been convicted of a felony, in any jurisdiction ~~within the last five (5) years~~; ~~and~~

j. Must not have been convicted of any misdemeanor in any ~~court~~ jurisdiction involving crimes of deceit, untruthfulness and dishonesty, including but not limited to extortion, embezzlement, bribery, perjury, forgery, fraud, misrepresentation, false pretense, theft, conversion, or misuse of Navajo Nation funds and property, have any outstanding debt related to any employment-related restitution of funds, and crimes involving the welfare of children, child abuse, child neglect, aggravated assault and aggravated battery, sexual assault, sex offenses, DUI, and possession of drugs or paraphernalia ~~within the last five (5) years~~. Must not have been found in violation by a trial court or the Ethics and Rules Committee of the Navajo Nation Council of the Navajo Ethics in Government or Election Laws;

k. Must complete a background clearance check with the Navajo Nation Office of Background Investigations (OBI). The background clearance shall be provided by the individual to the Election Administration Office before the candidate's candidacy is certified; and

l. Must not hold a state or county office where a salary is paid to the individual on behalf of the state or county office.

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4. Qualifications for Candidates for School Board:

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g. Must not have been convicted of a felony, in any jurisdiction;

h. Must not have been convicted of the following misdemeanor crimes, in any jurisdiction:

(1) Any crimes involving elements of deceit, untruthfulness and dishonesty, including but not limited to extortion, bribery, forgery, fraud, theft, embezzlement, perjury, misrepresentation, false pretense, conversion, or misuse of public funds or property, have any outstanding debt related to any employment-related restitution of funds;

(2) Any crimes involving the welfare of children, child abuse, or child neglect;

(3) Aggravated Assault or Aggravated Battery or Sexual Assault or Sex Offenses;

(4) ~~Any crimes involving the use of intoxicating alcohol or illegal substance abuse including unlawful transport, sales or distribution of controlled substances.~~ Must not have been convicted of DUI, and possession of drugs or paraphernalia.

l. Must complete a background clearance check with the Navajo Nation Office of Background Investigations (OBI). The background clearance shall be provided by the candidate to the Election Administration Office before the candidate's candidacy is certified.

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5. Navajo Nation Board of Education.

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e. All candidates shall not have been convicted of a felony or of any crime involving child abuse or neglect in any jurisdiction.

f. Must not have been convicted of Aggravated Assault or Aggravated Battery or Sexual Assault or Sex Offenses;

g. Must not have been convicted of DUI, and possession of drugs or paraphernalia;

h. Must complete a background clearance check with the Navajo Nation Office of Background Investigations (OBI). The background clearance shall be provided by the individual to the Election Administration Office before the candidate's candidacy is certified.

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SUBCHAPTER 2. FILING FOR ELECTIONS

§ 23. Review of Candidate Application; notice

A. Within 30 days of receipt of a candidate's application, the Election Administration shall review, verify and determine, on the face of the candidate's application, the qualifications for candidacy. The Navajo Election Administration shall verify each individual's criminal history by a certified background check. The Navajo Election Administration shall have the authority to determine ineligible any individual who does not meet the qualifications for the office sought.

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SUBCHAPTER 13. REMOVAL OF OFFICIALS; PLACEMENT OF OFFICIALS ON ADMINISTRATIVE LEAVE; RECALL; FILLING VACANCY

§ 240. Removal and placement on administrative leave

A. The President, Vice President, ~~and~~ delegate to the Navajo Nation Council, Chapter Officers, and Other Elected Officials are subject to removal by the Navajo Nation Council for just cause.

1. Just cause shall include, but shall not be necessarily limited to:

b. Conviction by any court of any felony, in any jurisdiction.

f. Conviction of any misdemeanor, in any jurisdiction, involving crimes of deceit, untruthfulness and dishonesty, including but not limited to extortion, embezzlement, bribery, perjury, forgery, fraud, misrepresentation, false pretense, theft, conversion, or misuse of Navajo Nation funds and property, have any outstanding debt related to any employment-related restitution of funds, and crimes involving the welfare of children, child abuse, child neglect, aggravated assault and aggravated battery, sexual assault, sex offenses, DUI, and possession of drugs or paraphernalia.

F. The individuals serving in their elected positions shall maintain all qualifications stated herein throughout their term of office.

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SECTION FOUR. CODIFICATION

The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

SECTION FIVE. SAVING CLAUSE

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

SECTION SIX. EFFECTIVE DATE

The amendments enacted shall be effective upon approval in accordance with 2 N.N.C. § 221(B).