



The Navajo Nation **DR. BUU NYGREN** **PRESIDENT**
Yideeskáądi Nitsáhákees **RICHELLE MONTOYA** **VICE PRESIDENT**

February 2, 2024

Honorable Crystalyne Curley, Speaker
Office of the Speaker
Navajo Nation Council
P.O. Box 3390
Window Rock, AZ 86515

RE: CJA-08-24, An act relating to an Emergency for the Navajo Nation Council; Amending Campaign Expense Provisions of the Navajo Election Code at §§ 201 through 209 and §404.

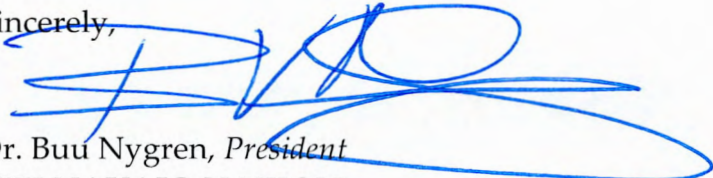
Dear Honorable Members of the 25th Navajo Nation Council:

By signing this resolution into law, I am in support of the amendments recommended by the Navajo Board of Election Supervisors ("Board") through BOESD-59-23 which include provisions on 1) failure to file campaign expense reports under 11 N.N.C. § 203; 2) campaign expense limits at 11 N.N.C. § 205; 3) exceeding campaign expense limits under 11 N. N. C. § 206; 4) and the filing of fraudulent statements under 11 N.N.C. § 207. I also support the increase in penalties and fines, including the disqualification of a candidate, for violating these provisions of the Navajo Nation Election Code.

In addition, I support the increase in campaign expense limits from one-dollar and fifty cents (\$1.50) to two dollars (\$2.00) per registered voter for all candidates irrespective of the office sought. For exceeding campaign expense limits, the Board is recommending disqualification of successful candidates in lieu of fine and/or imprisonment.

Ultimately, elected leaders are held to a high standard of duty, responsibility, morals and ethics. These amendments ensure that those seeking public office are held accountable and are kept out of office if fraud or misrepresentation occurs.

Sincerely,


Dr. Buu Nygren, *President*
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
25th NAVAJO NATION COUNCIL - SECOND YEAR, 2024

AN ACT

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; AMENDING
CAMPAIGN EXPENSE PROVISIONS OF THE NAVAJO ELECTION CODE AT §§ 201
THROUGH 209 AND § 404

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A). As such, the Council may consider emergency legislation. 2 N.N.C. § 164(A)(16). "[M]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council." 2 N.N.C. § 164(A)(16).

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 be responsible to the Navajo Nation Council only...."* Among its various tasks, the Navajo Board of Election Supervisors ("the Board") oversees the conduct of all Navajo Nation elections - General Elections, Chapter Elections, and all special elections, including referendum elections.
- B. By resolution BOESD-59-23, the Navajo Board of Election Supervisors recommends amendments to campaign expenses provisions of the Election Code. See **EXHIBIT 1**, attached hereto.
- C. In all Navajo Nation elections, campaign expense reports must be filed by all candidates whose names appear on official ballots. Such reports must be filed within ten (10) days of primary and general elections by candidates successful and unsuccessful. 11 N.N.C. § 202. Campaign expense reports must also be filed in initiative elections. 11 N.N.C. § 404.

- D. Amendments recommended by the Navajo Board of Election Supervisors through BOESD-59-23 include provisions on failure to file campaign expense reports under 11 N.N.C. § 203, campaign expense limits at 11 N.N.C. § 205, exceeding campaign expense limits under 11 N.N.C. § 206 and the filing of fraudulent statements under 11 N.N.C. § 207. For failure to file expense reports under section 203, the Board is recommending the disqualification of candidates in lieu of fines. Concerning campaign expense limits, the Board is recommending the amount of two dollars (\$2.00) per registered voter for all candidates irrespective of the office sought. For exceeding campaign expense limits, the Board is recommending disqualification of successful candidates in lieu of fine and/or imprisonment. And, concerning the filing of fraudulent campaign expense reports, the Board is recommending an increase in criminal penalties (both fine and imprisonment). For disqualifications occurring after a general or special election, the board is recommending declaration of vacancy for affected positions. 11 N.N.C. § 208.
- E. The Navajo Nation Council finds it an emergency to amend the campaign expense provisions of the Navajo Election Code at §§ 201 through 209 and § 404. The timeline for candidacy applications for the next Navajo Nation elections is approaching soon. The candidate applications need to be prepared with the information about campaign expense reporting requirements before the candidates begin the next election season. Navajo Nation elections are a direct service to the Navajo people and are required under Navajo Nation law. There is pressing public need for this resolution and this resolution is a matter requiring final action by the Navajo Nation Council.
- F. The Navajo Nation finds that it is in the best interest of the Navajo Nation and the Navajo people that the amendments proposed by the Navajo Board of Election Supervisors through BOESD-59-23 be approved.

SECTION THREE. AMENDING CAMPAIGN EXPENSE PROVISIONS OF THE NAVAJO ELECTION CODE

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

§ 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~~ 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. ~~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 eCandidates 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 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 ten (10) days after the election, file with the ~~Board~~ Election Administration a sworn and signed itemized statement of receipts and expenses. The Board 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 (5) 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~~ 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 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.

A 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 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 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~~ 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 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 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 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 ~~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

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

SECTION SIX. EFFECTIVE DATE

The provisions of the amendments approved herein shall become effective in accordance with 2 N.N.C § 221(B).

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 13 in Favor, and 00 Opposed, on this 24th day of January 2024.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

1/30/2024


Date

Motion: Honorable George H. Tolth
Second: Honorable Helena Nez Begay

Speaker Crystalyne Curley not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 2 day of February, 2024.



~~Buu Nygren, President~~
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2024 for the reason(s) expressed in the attached letter to the Speaker.

Buu Nygren, President
Navajo Nation

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.

NAVAJO NATION

309

1/24/2024

Navajo Nation Council 2024 Winter Session

03:45:04 PM

Amd# to Amd#

New Business: Item M. (MAIN)

PASSED

MOT Tolth, G

Legislation 0016-24:

SEC Begay, H

Yeas : 13

Nays : 0

Excused : 6

Not Voting : 3

Yea : 13

Begay, H
Crotty, A
James, V
Jesus, B

Johnson, C
Nez, R
Notah, N

Parrish, S
Simonson, G
Simpson, D

Slater, C
Tolth, G
Yazzie, C

Nay : 0

Excused : 6

Charles-Newton, E
Claw, S

Daniels, H
Nez, A

Tso, O

Yanito, C

Not Voting : 3

Arviso, S

Aseret, L

Begay, N

Presiding Speaker: Curley, C