

LEGISLATIVE SUMMARY SHEET

Tracking No. 0220-24

DATE: September 27, 2024

TITLE OF THE RESOLUTION: AN ACT RELATING TO AN EMERGENCY FOR THE NAVAJO COUNCIL; RESCINDING CJA-08-24 WHICH AMENDED CAMPAIGN EXPENSE PROVISIONS OF THE NAVAJO ELECTION CODE AT §§ 201 THROUGH 209 AND § 404

PURPOSE: The purpose of the resolution is to rescind Resolution CJA-08-24 and for the rescinding to apply to when Resolution CJA-08-24 was enacted on February 2, 2024.

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.

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

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 022024

AN ACT

RELATING TO AN EMERGENCY FOR THE NAVAJO COUNCIL; RESCINDING
CJA-08-24 WHICH AMENDED CAMPAIGN EXPENSE PROVISIONS OF THE
NAVAJO ELECTION CODE AT §§ 201 THROUGH 209 AND § 404

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 proposed legislation regarding an emergency matter, pursuant to 2 N.N.C. §164(A) (16).
- B. “[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. The Navajo Nation Council passed Resolution CJA-08-24 on January 24, 2024. Navajo Nation President Dr. Buu Nygren signed the resolution on February 2, 2024. Resolution CJA-08-24 is attached as **Exhibit A**.

- 1 B. One of the provisions in CJA-08-24, 11 N.N.C. § 203 (Failure to file statement of
2 receipts and expenses; disqualification; penalty), provided that failure to file a
3 campaign expense report would result in a candidate's disqualification, as well as
4 ineligibility to be a candidate for five years. One hundred ninety-two (192) candidates
5 did not file the campaign expense reports in accordance with 11 N.N.C. § 203.
- 6 C. Approximately half are appealing their disqualification to the Office of Hearings and
7 Appeals ("OHA"). They have filed grievances with the OHA requesting that they be
8 placed on the ballot. A number of candidates removed from the ballot were running as
9 unopposed candidates.
- 10 D. Given the amount of time OHA needs to hear all of the appeals and issue orders in each
11 case, and given the amount of time a party has to appeal an OHA decision to the Navajo
12 Nation Supreme Court, the Election Administration will not have a finalized list of
13 candidates who have successfully argued their cases to be placed back on the ballot for
14 the General Election.
- 15 E. There is a time limitation to allow for printing of ballots. Ballots have to be ready for
16 the early voting process.
- 17 F. It will be necessary to hold special elections to fill the vacant positions that will exist
18 if CJA-08-24 is not rescinded.
- 19 G. The Navajo Nation Council understands the importance of having candidates running
20 for elected office submit campaign expense reports. However, it is in the best interest
21 of the Navajo Nation that additional time to be provided for work session(s) by the
22 Navajo Nation Council and its standing committees to examine the implications of the
23 provisions of CJA-08-24.
- 24 H. This legislation is offered as an emergency measure because Navajo Nation elections
25 are direct services required as an entitlement under Navajo Nation law. The General
26 Election is fast-approaching. Before November 5, 2024, the ballots must be printed, the
27 mail in early voting and in person early voting will be occurring before November 5,
28 2024. An emergency legislation provides the Navajo Nation Council time to consult
29 and vote on whether to rescind CJA-08-24 before the General Election has begun.
30

1 There is a pressing public need for this resolution and it is a matter requiring final action
2 by the Council.

- 3 I. The Navajo Nation finds that it is in the best interest of the Navajo Nation and the
4 Navajo people that Resolution CJA-08-24 be rescinded and that the rescinding be
5 applied retroactively to the point when CJA-08-24 was enacted.

6
7 **SECTION THREE. RESCINDING RESOLUTION CJA-08-24**

8 The Navajo Nation Council hereby rescinds CJA-08-24 in its entirety. The rescinding will
9 apply to when Resolution CJA-08-24 was enacted on February 2, 2024.

10
11 **SECTION FOUR. SAVINGS CLAUSE**

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

16
17 **SECTION SIX. EFFECTIVE DATE**

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



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.

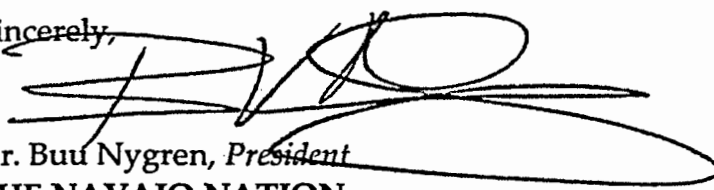
Dear Honorable Members of the 25th Navajo Nation Council:

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~~7.~~ ~~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 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 held 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:

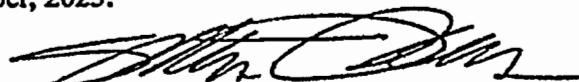
1. The Navajo Board of Election Supervisors enforces and implements the Navajo Election Code; 2 N.N.C. §873 and 11 N.N.C. §321.
2. Pursuant to 2 N.N.C. §871(A), the Navajo Board of Election Supervisors was "*created by the Navajo Nation Council as an independent entity, ... responsible to the Navajo 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.



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,~~ 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 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.



MEMORANDUM

TO: Hon. Brenda Jesus
Chairwoman, Resources and Development Committee

FROM: Mariana Kahn
Mariana Kahn
Acting Chief Legislative Counsel, Office of Legislative Counsel

DATE: September 27, 2024

SUBJECT: AN ACT RELATING TO AN EMERGENCY FOR THE NAVAJO COUNCIL;
RESCINDING CJA-08-24 WHICH AMENDED CAMPAIGN EXPENSE
PROVISIONS OF THE NAVAJO ELECTION CODE AT §§ 201 THROUGH 209
AND § 404

I have prepared the above-referenced proposed resolution and associated legislative summary sheet 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.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees' powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5). Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0220-24_

SPONSOR: Brenda Jesus

TITLE: An Act Relating to an Emergency for the Navajo Council; Rescinding CJA-08-24 which Amended Campaign Expense Provisions of the Navajo Election Code at §§ 201 through 209 and § 404

Date posted: September 27, 2024 at 4:43PM

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.: 0220-24

SPONSOR: Honorable Brenda Jesus

TITLE: An Act Relating to an Emergency for the Navajo Council; Rescinding CJA-08-24 which Amended Campaign Expense Provisions of the Navajo Election Code at §§ 201 through 209 and § 404

Posted: September 27, 2024 at 4:43 PM

5 DAY Comment Period Ended: Emergency Legislation

Digital Comments received:

Comments Supporting	<ol style="list-style-type: none"> 1. Jay R. Stewart 2. Jackie Platero 3. Austin Long 4. Khaleah Long 5. Calvin Delgarito 6. Clara Daye
Comments Opposing	<ol style="list-style-type: none"> 1. Aaron Edsitty 2. Taylor Pinto 3. Guarena M. Adeky 4. Shannon Platero 5. Shawnevan Dale 6. Emily Ellison
Comments/Recommendations	<ol style="list-style-type: none"> 1. Vicky Wellito 2. Evi Walker



Legislative Secretary II
Office of Legislative Services

October 01, 2024; 9:37 AM
Date/Time

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[EXTERNAL]legislation 0220-24



Jay-R Stewart

Mon 9/30, 9:27 AM

comments; Brenda Jesus 

Inbox



Action Items

I support rescinding Resolution CJA-08-24 regarding campaign expense report violations. While the intent of promoting transparency and accountability in election finances is commendable, disqualifying candidates and imposing a five-year ineligibility period seems too harsh, especially for positions that are unopposed or have limited interest in the community.

Instead, I propose implementing monetary penalties for candidates who fail to submit their reports on time. This approach could help the Navajo Nation Election Office address its funding needs by collecting fines to improve election equipment and processes, rather than simply disqualifying candidates. Such a system would maintain accountability without discouraging individuals from running for local offices where interest is already limited.

Supporting local government is crucial, and imposing long-term ineligibility only harms communities struggling to find dedicated leaders. I urge the delegates to consider rescinding the current resolution and developing a more balanced approach that both enforces campaign finance rules and supports the election office's financial needs.

Jay R Stewart.

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"Rescind" the law



Jackie Platero

Mon 9/30, 1:00 PM

comments 

Inbox

Yes, "rescind" the law so that candidates who are running for chapter officials and/or school continue to the general election.

NN voter To'Hajiilee

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"Rescind" the law



Austin Long

Mon 9/30, 1:07 PM

comments 

Inbox

Yes, "rescind" the law so that candidates who are running for chapter officials and/or school continue to the general election.

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"Rescind" the law



khaleah long

Mon 9/30, 1:09 PM

comments 

Inbox

Yes, "rescind" the law so that candidates who are running for chapter officials and/or school continue to the general election.

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"Rescind" the law



Calvin Delgarito

Mon 9/30, 3:25 PM

comments 

Inbox

Yes, "rescind" the law so that candidates who are running for chapter officials and/or continue to the general election.

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Rescind Legislation



Clara Daye

Mon 9/30, 5:11 PM

comments ▾

Inbox

I, Clara Daye, currently the VP of Pinedale Chapter am asking to rescind the legislation campaign expenses because I re-applied for my 3rd term chapter officials but did not turn in my campaign expenses because of 3 reasons:

1. i had eye surgery 2 days before due date; was taking my meds and my eyes were still blurry.
2. I was so busy with our summer youth students as we hired 53 students all at once becuz school were opened early in August and the council delegates approved the summer youth fund at the 12th hour.
3. I was not properly informed of the passed legislation on campaign expenses from the election office. (They said they did but it's a lie).

Your approval to rescind the legislation on campaign expenses will greatly benefit our community people. I have worked tirelessly from 2002 with the Navajo Nation government/chapter to help our elderly, veterans, babies, youth, homeless, ARPA, roads, with community projects funded from the federal, state and Navajo Nation funds.

Thank you again.

Clara Daye, VP

Pinedale Chapter

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[EXTERNAL]0220-24



Crownpoint Chapter

Fri 9/27, 5:07 PM

comments ▾

Inbox

All candidates failed to file their Campaign Expenses by the deadline date that was set and if the law is changed for them, how will these elected officials be accountable at all 110 Navajo Chapters if elected. By changing the law you are encouraging these potential elected officials to miss deadlines at the chapter level. By your own voices during council meetings and other committees meetings, all deadlines should be met respectively. I am against Legislation 0220-24.

Respectfully
Aaron Edsitty
CSC

--

Crownpoint Chapter

Crownpoint, NM 87313

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Oppose Legislation 0220-24: Rescinding CYA-08-24



pintohorse

Sat 9/28, 12:26 PM

comments ▾

Inbox

Dear Honorable Members of the 25th Navajo Nation Council,

I am writing to express my strong opposition to Legislation 0220-24: rescinding CYA-08-24, which pertains to Campaign Expense Provision of the Navajo Nation Election Code.

By reconsidering CYA-08-24, are we implying that our nation's codes will no longer be enforced? Rescinding CYA-08-24 would undermine the principles of transparency and accountability in our elections. It's essential that we maintain robust regulations to ensure candidates comply with campaign finance laws, promoting a level playing field for all.

Additionally, I respectfully request you to consider the impact on candidates who diligently submit their campaign expenses on time. Rescinding CYA-08-24 would unfairly accommodate those who fail to comprehend or follow our election codes, potentially compromising the integrity of our electoral process.

I urge our elected leaders to vote against legislation 0220-24 and prioritize the enforcement of our Navajo Nation codes. Our nation's laws and regulations are in place to ensure fairness, transparency, and accountability.

Thank you for your dedication to upholding the principles of our nation.

Sincerely,

Taylor Pinto

Registered Member of Ojo Encino Chapter, Navajo Nation

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Legislation 0220-24 - against



Guarena Adeky

Mon 9/30, 8:12 AM

comments ▾

Inbox

Greetings. I am submitting my comment regarding this legislation. I understand that there are 192 individuals who were disqualified. However, each one of these individuals were provided information when they filed for their position of when those expense reports were due. If this legislation goes through, it will set a precedent that allows deadlines to be disregarded. Not only at the Nation's level but also at the chapter level. We should hold our elected officials to be accountable and accept that they missed a deadline and have to deal with the consequences.

I say this because at the chapter level, as I was an employee for 16 years, when students missed a scholarship deadline or families missed the housing discretionary deadline, we often told them that they missed the deadline and we are following policy by denying them. It is nothing malicious, but a lesson in learning that the chapter has to be accountable to the deadlines we have in place by policy and the people to meet those deadlines. If this passes, that accountability we put on the chapters will be jeopardized because the people will believe if the Chapter Official can overturn a deadline, then they can too.

Please take this into consideration. I do feel for those 192 individuals, but a policy is a policy and we need to follow them. Running for an Elected Official position should be an opportunity for those individuals to show the people they will be representing that they will follow standing policies and procedures and will enforce them. This legislation does not do that, it does the opposite of that. Thank you.

Guarena M Adeky

Gallup, NM 87305

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Legislation 0220-24 Comment



Shannon Platero

Mon 9/30, 11:42 AM

comments; Danny Simpson 

Inbox



Action Items

Hello. I do not not believe rescinding Resolution CJA-08-24 is in the best interest of the Navajo Nation and the Navajo people. What message are you as the Council sending by rescinding laws for candidates who did not follow the law to turn in Campaign Expense reports? Its like saying its okay not to follow laws on the Navajo Nation because there is no legislation enforcement. This is a simple common sense law that should be followed. How hard is it to keep track of your expenses and then turn them in? If candidates cant follow a simple common sense law, do we really want them in office? Absolutely not! I oppose this ridiculous legislation.

Shannon Platero
Registered Voter at Nageezi Chapter

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Executive Director
Office of Legislative Services
PO Box 3390
Window Rock, AZ 86515

Re: Legislation 220-24

September 30, 2024

I am submitting the letter **opposing** the proposed emergency legislation No. 220-24. On January 24, 2024, the Navajo Nation Council addressed this matter as an Emergency Legislation (Legislation 0016-24) to address the delinquencies in submitting Campaign Expense Forms from candidates.

In reviewing the Amendments made by the NNC on January 24th, it did not alter the 10-day requirements. This action only amended the following (Paraphrased):

1. § 201 – Designation of a financial agent
2. § 202 – Statement of receipts and expenses; time of filing; preparation and distribution of forms. (Basically added “primary election”; designated Election Administration not Board to carry out administrative functions.)
3. § 203 – Failure to file statement (Campaign Expense Reports).
 - a. Disqualifies for failure to submit expense reports for the primary election.
 - b. Disqualifies for failure to submit expense reports for the general election.
 - c. Refusal or Failure to submit results in a 5-year ban from holding office.
4. § 204-209 – Address: non-authorized agents, Contributions, exceeding campaign expenditure limits, Fraudulent reporting, Disqualification, and Corporate Contributions.







Nothing in the Emergency Action introduced a new 10-day limitation to expense reporting. As an elected official since 2007, the 10-day Expense Submission has always been a requirement.

Why should the laws be changed for a select few individuals who cannot seem to abide by Navajo Nation Law? In fact, as local elected officials we take an Oath to uphold the Navajo Nation's Laws, not to challenge them if they don't work in my favor. Candidates were provided written notice of all the requirements when we picked our candidate packets, we even acknowledged that we understood the rules.

As a law-abiding candidate, I don't think it is appropriate to change the laws for those who were disqualified due to their inability to submit a Campaign Expense Report on time as required by NN Law. Let me end with this quote from Hubert Selby, Jr.: “Eventually we all have to accept full and total responsibility for our actions, everything we have done and have not done.”

Regards,

Shawnevan Dale
Wide Ruins Chapter

 Reply all |   Delete  Junk |  

Legislation benefiting irresponsible NN government candidates



Emily Ellison

Mon 9/30, 4:42 PM

comments 

Inbox



Action Items

I am writing to express my concern regarding the proposed emergency legislation to rescind the campaign finance reporting requirements. As a candidate for NN President in both 2018 and 2022, I have diligently followed the law and submitted all necessary documentation as mandated by CJA-08-24.

Allowing candidates who failed to comply with these requirements back on the ballot undermines the integrity and fairness of our electoral process. It is crucial that we uphold transparency and accountability to ensure a level playing field for all candidates. I urge you to oppose this legislation and maintain the standards set for our elections via Navajo Nation Code and the Navajo Board of Elections. Please focus your efforts as delegates on ARPA, creating legislation on protection against crime and protecting our property.

Undermining the Election Board decision is not in the best interest of Navajo governmental development. It promotes irresponsible behavior.

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Rescinding CJA-08-24 Which Amended Campaign Expense Provisions of the Navajo Election code 201 through 209 and 404



vicky wellito

Mon 9/30, 11:25 AM

comments ▾

Inbox

To the Honorable Navajo Nation Council:

I'm one of the people who is running for Chapter President. During the process of filing I was informed three times to file my expense report. I'm sure everyone else was reminded too. Based on this reminder I knew I needed to file this report. So I filed it.

The council made this law. Each of us should follow it because you are our governing body that makes these laws for our best interests. I don't think it's fair to rescind this law just because they chose not to listen. Failure to comply with laws teaches them it's ok to break them and we had a good two weeks to file. It also says that the laws made by the council is not enforceable or it's just made up.

We always teach our children to follow rules and obey the laws but if we rescind this law we are letting them know that if we don't get what we want someone can change it to benefit them. The world doesn't work that way. I'm sorry if the person or people you wanted in a certain positions failed to comply with this new legislation but just to rescind it for your benefit doesn't sit well for those of us who did. I also have people that I think need to be in certain positions but the law is the law. They all should have made plans to follow the law and file their reports.

Bottom line we all need to be held accountable for our actions and inaction. Based on our current administration we can not continuously do whatever we want to benefit ourselves. We need to stand strong for our people and do what is right for them. There are over 200,000 people in our care please think about what this means to them all.

Thank you,

Vicky Wellito

Counselor Chapter Vice President

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NN Law



Evi Walker

Today, 6:26 AM

comments 

Inbox

If these Chapter Officials are filing grievances, still keep them out of running for office, if they can't follow the law, they have no business in Navajo Politics!

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

LEGISLATION NO.: 0220-24

SPONSOR: Honorable Brenda Jesus

TITLE: An Act Relating to an Emergency for the Navajo Council; Rescinding CJA-08-24 which Amended Campaign Expense Provisions of the Navajo Election Code at §§ 201 through 209 and § 404

Posted: September 27, 2024 at 4:43 PM

5 DAY Comment Period Ended: Emergency Legislation

Digital Comments received:

Comments Supporting	<ul style="list-style-type: none"> 1. Greasewood Springs Chapter 2. Northern Navajo Agency District 13 Grazing Committee 3. District 13 Council 4. Tiis Tsoh Sikaad Chapter
Comments Opposing	<ul style="list-style-type: none"> 1. Paula S. Begay 2. Dr. Delores Greyeyes 3. John Begay
Comments/Recommendations	<i>None</i>



Legislative Secretary II
Office of Legislative Services

October 04, 2024; 9:00 AM
Date/Time



Greasewood Springs Chapter

Diwozhii Bii' To doo' Bi'Naha'ta'

Arthur Hardy, Jr., President
Julia Benally, Vice-President

Linda Salabiye Yazzie, Secretary/Treasurer
Bill Spencer, Grazing Committee Member

Cherilyn Yazzie, Council Delegate

RESOLUTION GSC09-24-1374

SUPPORTING AND RECOMMENDING THE 25TH NAVAJO NATION COUNCIL AND THE NAVAJO BOARD OF ELECTION SUPERVISORS TO CONSIDER AN EMERGENCY LEGISLATION TO AMEND THE NAVAJO ELECTION CODE CAMPAIGN EXPENSE PROVISIONS TO EXTEND AN ADDITIONAL 35 DAYS TO ALLOW THE 192 DISQUALIFIED CANDIDATES TO REMAIN ON THE BALLOT FOR THE 2024 NAVAJO NATION CHAPTER GENERAL ELECTION

WHEREAS:

1. The Greasewood Springs Chapter is a Certified Chapter of the Navajo Nation pursuant to Navajo Tribal Council CAP-34-98 and is delegated authority with respect to local matter consistent with Navajo Nation Laws, including custom, tradition and fiscal matter; and,
2. Pursuant to N.N.C., Section 4028 (A), the Greasewood Springs Chapter is vested authority to review all matters affecting the community and make appropriate actions; and,
3. Pursuant to the newly amended election code: A candidate, whether elected to an office or not, who refuses or fails to file the statement required by 11 N.N.C. §202 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; and,
4. Certification of Candidacy letters dated May 14, 2024, were issued by the Navajo Nation Election Administration to the candidates and concerning campaign expense reporting states, "...a candidate (whether successful in an election or not) who fails to file a campaign expense report within ten (10) days of an election (Primary, General, or Special Election) will be disqualified immediately and will not be allowed to run for any elective office for five (5) years." The language in the certification letter is translated differently by the election office and by the candidates. Some candidates translated that the campaign expense statement could be turned in after any election (Primary, General, or Special Election) but not after every election; and,
5. The Greasewood Springs Chapter understand that this legislation was signed by Navajo Nation President Buu Nygren on February 2, 2024. This gave plenty of time for the Navajo Board of Election Supervisors and/or the Department of Justice (DOJ) Chapter Unit to have notified the chapter of the new changes, as well as the chapter officials notifying the constituents of the 2024 Election amendments to the submitting of the Campaign Expense Report, the Chapters were unaware of these changes; and,
6. The Navajo Election Office's deadline or due dates for the Campaign Expense Report did not specify if the dates were to be calendar days or business days; and,
7. The Navajo Nation Election Offices were closed due to training for two (2) days during the 10-day period the campaign expense statement or reports were required to be turned in; and,
8. The requirements set forth by the Navajo Nation Election Administration on dates, and language in the Certification Letters to candidates were vague and created disharmony among the Navajo People and the Disqualified Candidates; and,
9. The newly amended election statute(s) delegates arbitrary authority to the Navajo Board of Election Supervisors and the Navajo Election Administration in disqualifying candidates. The Offices in which the candidates were disqualified belong to the voting public, the Navajo People may exercise his or her right to vote for a candidate of his or her choice; and,

RESOLUTION GSC09-24-1374

10. The Greasewood Springs Chapter urges the Navajo Nation Council to undertake revision of the Election Code to give all disqualified candidates the ability to exercise their liberty right to run for public office.
11. The Greasewood Springs Chapter urges the Navajo Nation Board of Election Supervisors and the 25TH Navajo Nation Council to reconsider candidates disqualified including those that had zero dollars towards their campaign expenses during the Primary Election. This ruling should not be counted toward a disqualification.

NOW THEREFORE, BE IT BE RESOLVED THAT:


1. We support and recommend that the deadline for filing a campaign expense statement for the Primary Election be extended an additional thirty-five (35) days for all disqualified candidates; and,
2. The Greasewood Springs Chapter supports and recommends to the 25th Navajo Nation Council and to the Navajo Board of Election Supervisors, to consider emergency legislation to amend the Navajo Election Code regarding the Campaign Expense Provisions for the 2024 Primary and General Navajo Nation Chapter Elections to allow the disqualified candidates to remain on the ballot for November 5, 2024.

CERTIFICATION


We hereby certify that the foregoing Chapter Resolution was duly considered by the Greasewood Springs Chapter (Navajo Nation), Arizona, at a duly called special meeting at which a quorum was present and the same was passed by a vote of 30 in favor, 1 opposed, 4 abstained on this 26th day of September 2024.

Motion: Priscilla Lee

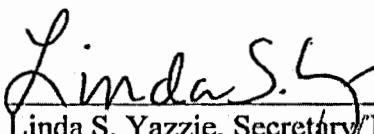
Seconded: Leroy Thomas



Arthur Hardy Jr., President



Julia Benally, Vice-President



Linda S. Yazzie, Secretary/Treasurer



The
Navajo
Nation

**NORTHERN NAVAJO AGENCY
DISTRICT 13 GRAZING COMMITTEE**
Tanner J. Begaye – Tiis Tsoh Sikaad Chapter / President
Clarence D. Cly Sr. – San Juan Chapter / Vice President
Harold Dodge – Nenahnezad Chapter / Secretary
Roxanne R. Lee – Upper Fruitland Chapter / Member

RESOLUTION OF THE DISTRICT 13 GRAZING COMMITTEE: D13-9-11-24-1

SUPPORTING AND RECOMMENDING THE 25TH NAVAJO NATION COUNCIL, THE NAVAJO BOARD OF ELECTION SUPERVISORS TO CONSIDER AN EMERGENCY LEGISLATION TO AMEND THE NAVAJO ELECTION CODE CAMPAIGN EXPENSE PROVISIONS TO EXTEND AN ADDITIONAL 35 DAYS TO ALLOW THE 192 DISQUALIFIED CANDIDATES TO REMAIN ON THE BALLOT FOR THE 2024 NAVAJO NATION CHAPTER GENERAL ELECTION

WHEREAS:

1. The District Grazing Committees of the Navajo Nation; were established by the Navajo Tribal Resolution CJ-6-53; and the Navajo Tribal Advisory Committee Resolution ACA-31-55 and CAN-83-57; and,
2. District Grazing Committee are the administrative bodies within the Navajo Nation Government with primary responsibility for managing range lands, livestock management and for enforcing the Navajo Grazing Regulations and other related land use issues on Navajo Nation Land's; and,
3. Northern Navajo Agency Grazing Committees are in compliance with 25 CFR Part 167-NavajoGrazing Regulation in compliance to the Grazing Committee's Plan of Operation; and,
4. Pursuant to the newly amended election code: A candidate, whether elected to an office or not, who refuses or fails to file the statement required by 11 N.N.C. §202 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; and,
5. Certification of Candidacy letters dated May 14, 2024, were issued by the Navajo Nation Election Administration to the candidates and concerning campaign expense reporting states, "...a candidate (whether successful in an election or not) who fails to file a campaign expense report within ten (10) days of an election (Primary, General, or Special Election) will be disqualified immediately and will not be allowed to run for any elective office for five (5) years." The language in the certification letter is translated differently by the election office and by the candidates. Some candidates translated that the campaign expense statement could be turned in after any election (Primary, General, or Special Election) but not after every election; and,
6. The District 13 Grazing Committee understand that this legislation was signed by Navajo Nation President Buu Nygren on February 2, 2024. This gave plenty of time for the Navajo Board of Election Supervisors and/or the Department of Justice (DOJ) Chapter Unit to have notified the chapters of the new changes, as well as the chapter officials notifying the constituents of the 2024 Election changes to the submitting of the Campaign Expense Report; and,
7. The newly amended election statute(s) delegates arbitrary authority to the Navajo Board of Election Supervisors and the Navajo Election Administration in disqualifying candidates. The Office's in which the candidates were disqualified belong to the voting public, the Navajo People may exercise his or her right to vote for a candidate of his or her choice; and,
8. The District 13 Grazing Committee urges the Navajo Nation Council and the Navajo Board of Election Supervisors to undertake revision of the Election Code to give all disqualified candidates the ability to exercise their liberty right to run for public office.

NOW THEREFORE, BE IT BE RESOLVED THAT:

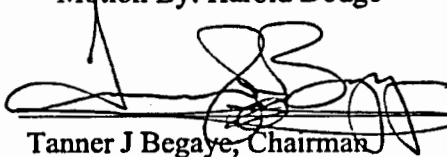
1. We support and recommend that the deadline for filing a campaign expense statement for the Primary Election be extended an additional thirty-five (35) days for all disqualified candidates to September 13, 2024; and,
2. We support and recommend that in lieu of disqualification, each candidate who failed to file a campaign expense statement after August 9, 2024 for the Primary Election shall be liable and pay to the Navajo Nation two hundred dollars (\$200) for the first day and fifty dollars (\$50.00) for each subsequent day after the time required for the filing of the report until the true and complete report is filed, up to a maximum of seventeen hundred dollars (\$1,700.00) and not to exceed beyond the extended period of thirty one (35) days up to or on September 13, 2024; and,
3. The District 13 Grazing Committee supports and recommends to the 25th Navajo Nation Council and to the Navajo Board of Election Supervisors, to consider emergency legislation to amend the Navajo Election Code regarding the Campaign Expense Provisions for the 2024 Primary and General Navajo Nation Chapter Elections to allow the disqualified candidates to remain on the ballot for November 5, 2024.

CERTIFICATION


We hereby certify that the forgoing Resolution was duly considered by the District 13 Grazing Committee at a duly called Meeting at Nenahnezad Chapter, Navajo Nation (New Mexico), at which time a quorum was present, and that the Resolution was approved by a vote of 2 in favor, 0 opposed, and 1 abstained this 11th day of September 2024.

Motion By: Harold Dodge

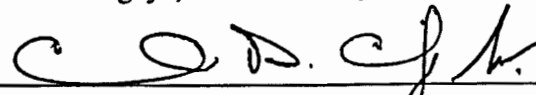
Second by: Clarence D Cly Sr.



Tanner J Begaye, Chairman



Harold Dodge, Secretary



Clarence D Cly Sr., Vice Chairman



Council Delegate: Rickie Nez President: Sophina Tyler Vice President: Lisa Byrd Secretary: Dora Smith



RESOLUTION OF THE DISTRICT 13 COUNCIL: DC13-9-16-2024-1

SUPPORTING AND RECOMMENDING THE 25TH NAVAJO NATION COUNCIL, THE NAVAJO BOARD OF ELECTION SUPERVISORS TO CONSIDER AN EMERGENCY LEGISLATION TO AMEND THE NAVAJO ELECTION CODE CAMPAIGN EXPENSE PROVISIONS TO EXTEND AN ADDITIONAL 35 DAYS TO ALLOW THE 192 DISQUALIFIED CANDIDATES TO REMAIN ON THE BALLOT FOR THE 2024 NAVAJO NATION CHAPTER GENERAL ELECTION

WHEREAS:

1. The San Juan, Upper Fruitland, Nenahnezad, and Tiis Tsoh Sikaad Chapters are Certified Chapters of the Navajo Nation pursuant to Navajo Tribal Council CAP-34-98 and are delegated authority with respect to local matter consistent with Navajo Nation Laws, including custom, tradition and fiscal matter; and,
2. Pursuant to the newly amended election code: A candidate, whether elected to an office or not, who refuses or fails to file the statement required by 11 N.N.C. §202 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; and,
3. Certification of Candidacy letters dated May 14, 2024, were issued by the Navajo Nation Election Administration to the candidates and concerning campaign expense reporting states, "...a candidate (whether successful in an election or not) who fails to file a campaign expense report within ten (10) days of an election (Primary, General, or Special Election) will be disqualified immediately and will not be allowed to run for any elective office for five (5) years." The language in the certification letter is translated differently by the election office and by the candidates. Some candidates translated that the campaign expense statement could be turned in after any election (Primary, General, or Special Election) but not after every election; and,
4. The District 13 Council understand that this legislation was signed by Navajo Nation President Buu Nygren on February 2, 2024. This gave plenty of time for the Navajo Board of Election Supervisors and/or the Department of Justice (DOJ) Chapter Unit to have notified the chapter of the new changes, as well as the chapter officials notifying the constituents of the 2024 Election changes to the submitting of the Campaign Expense Report, the Chapters were unaware of these changes; and,
5. The Navajo Election Office's deadline or due dates for the Campaign Expense Report did not specify if the dates were to be calendar days or business days; and,
6. The Navajo Nation Election Offices were closed due to training for two (2) days during the 10-day period the campaign expense statement or reports were required to be turned in; and,
7. The requirements set forth by the Navajo Nation Election Administration on dates, and language in the Certification Letters to candidates were vague and created disharmony among the Navajo People and the Disqualified Candidates; and,
8. The newly amended election statute(s) delegates arbitrary authority to the Navajo Board of Election Supervisors and the Navajo Election Administration in disqualifying candidates. The Office's in which



Council Delegate: Rickie Nez President: Sophina Tyler Vice President: Lisa Byrd Secretary: Dora Smith

the candidates were disqualified belong to the voting public, the Navajo People may exercise his or her right to vote for a candidate of his or her choice; and,

9. The District 13 Council urges the Navajo Nation Council to undertake revision of the Election Code to give all disqualified candidates the ability to exercise their liberty right to run for public office.

NOW THEREFORE, BE IT BE RESOLVED THAT:

1. We support and recommend that the deadline for filing a campaign expense statement for the Primary Election be extended an additional thirty-five (35) days for all disqualified candidates to September 13, 2024; and,
2. We support and recommend that in lieu of disqualification, each candidate who failed to file a campaign expense statement after August 9, 2024 for the Primary Election shall be liable and pay to the Navajo Nation two hundred dollars (\$200) for the first day and fifty dollars (\$50.00) for each subsequent day after the time required for the filing of the report until the true and complete report is filed, up to a maximum of seventeen hundred dollars (\$1,900.00) and not to exceed beyond the extended period of thirty five (35) days up to or on September 13, 2024; and,
3. The District 13 Council supports and recommends to the 25th Navajo Nation Council and to the Navajo Board of Election Supervisors, to consider emergency legislation to amend the Navajo Election Code regarding the Campaign Expense Provisions for the 2024 Primary and General Navajo Nation Chapter Elections to allow the disqualified candidates to remain on the ballot for November 5, 2024.

CERTIFICATION

We hereby certify that the foregoing Chapter Resolution was duly considered by the District 13 Council at Nenahnezad (Navajo Nation), New Mexico, at a duly called meeting at which a quorum was present and the same was passed by a vote of 5 in favor, 4 opposed, 1 abstained on this 16th day of September 2024.

Motion: Harrison LaMone

Seconded: Sam Bee

 Sophina Tyler
Sophina Tyler: District Council President

 Lisa Byrd
Lisa Byrd: District Council Vice-President

 Dora Smith
Dora Smith: District Council Secretary

TÍIS TSOH SÍKAAD CHAPTER

Post Office Box 7359
Newcomb, New Mexico 87455
505-696-5470 (Telephone)
505-696-5473 (Fax)
tiistsohsikaad@navajochapters.org



Harrison LaMone, President
Edison Smith, Vice President
Clara Pierce, Secretary/Treasurer
Tanner J. Begaye, Grazing Member
Rickie Nez, Council Delegate

RESOLUTION OF THE TIIS TSOH SÍKAAD CHAPTER

TTS-RES-24-09-61

SUPPORTING AND RECOMMENDING THE 25TH NAVAJO NATION COUNCIL, THE NAVAJO BOARD OF ELECTION SUPERVISORS TO CONSIDER AN EMERGENCY LEGISLATION TO AMEND THE NAVAJO ELECTION CODE CAMPAIGN EXPENSE PROVISIONS TO EXTEND AN ADDITIONAL 35 DAYS TO ALLOW THE 192 DISQUALIFIED CANDIDATES TO REMAIN ON THE BALLOT FOR THE 2024 NAVAJO NATION CHAPTER GENERAL ELECTION

WHEREAS:

1. The Tiis Tsoh Sikaad Chapter is a certified Chapter of the Navajo Nation pursuant to Navajo Tribal Council CAP-34-98 and is delegated authority with respect to local matter consistent with Navajo Nation Laws, including custom, tradition and fiscal matter; and,
2. Pursuant to N.N.C., Section 4028 (A), the Tiis Tsoh Sikaad Chapter is vested authority to review all matters affecting the community and make appropriate actions; and,
3. Pursuant to the newly amended election code: A candidate, whether elected to an office or not, who refuses or fails to file the statement required by 11 N.N.C. §202 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; and,
4. Certification of Candidacy letters dated May 14, 2024, were issued by the Navajo Nation Election Administration to the candidates and concerning campaign expense reporting states, "...a candidate (whether successful in an election or not) who fails to file a campaign expense report within ten (10) days of an election (Primary, General, or Special Election) will be disqualified immediately and will not be allowed to run for any elective office for five (5) years." The language in the certification letter is translated differently by the election office and by the candidates. Some candidates translated that the campaign expense statement could be turned in after any election (Primary, General, or Special Election) but not after every election; and,
5. The Tiis Tsoh Sikaad Chapter membership understand that this legislation was signed by Navajo Nation President Buu Nygren on February 2, 2024. This gave plenty of time for the Navajo Board of Election Supervisors and/or the Department of Justice (DOJ) Chapter Unit to have notified the chapter of the new changes, as well as the chapter officials notifying the constituents of the 2024 Election changes to the submitting of the Campaign Expense Report; and,
6. The newly amended election statute(s) delegates arbitrary authority to the Navajo Board of Election Supervisors and the Navajo Election Administration in disqualifying candidates to take away the rights from the Navajo People. The Office's in which the candidates were disqualified belong to the voting public, the Navajo People may exercise his or her right to vote for a candidate of his or her choice; and,
7. The Tiis Tsoh Sikaad (Burnham) Chapter urges the Navajo Nation Council to undertake revision of the Election Code to give all disqualified candidates the ability to exercise their liberty right to run for public office.

NOW THEREFORE, BE IT BE RESOLVED THAT:

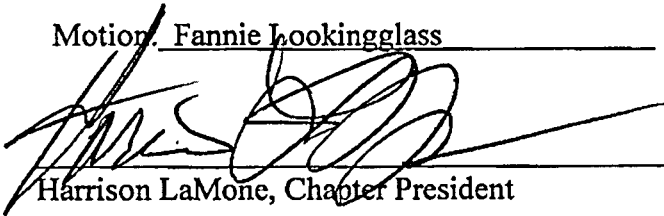
1. We support and recommend that the deadline for filing a campaign expense statement for the Primary Election be extended an additional thirty-five (35) days for all disqualified candidates to September 13, 2024; and,
2. We support and recommend that in lieu of disqualification, each candidate who failed to file a campaign expense statement after August 9, 2024 for the Primary Election shall be liable and pay to the Navajo Nation two hundred dollars (\$200) for the first day and fifty dollars (\$50.00) for each subsequent day after the time required for the filing of the report until the true and complete report is filed, up to a maximum of seventeen hundred dollars (\$1,700.00) and not to exceed beyond the extended period of thirty one (35) days up to or on September 13, 2024; and,
3. The Tiis Tsoh Sikaad Chapter supports and recommends to the 25th Navajo Nation Council and to the Navajo Board of Election Supervisors, to consider emergency legislation to amend the Navajo Election Code regarding the Campaign Expense Provisions for the 2024 Primary and General Navajo Nation Chapter Elections to allow the disqualified candidates to remain on the ballot for November 5, 2024.

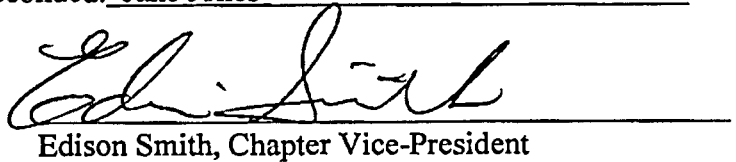
CERTIFICATION

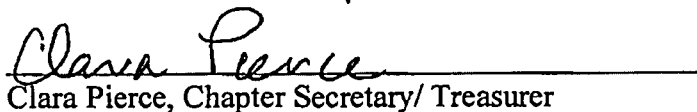
We hereby certify that the foregoing Chapter Resolution was duly considered by the Tiis Tsoh Sikaad Chapter (Navajo Nation), New Mexico, at a duly called meeting at which a quorum was present and the same was passed by a vote of 28 in favor, 0 opposed, 4 abstained on this 9th day of September 2024.

Motion: Fannie Lookingglass

Seconded: Jane Jones


Harrison LaMone, Chapter President


Edison Smith, Chapter Vice-President


Clara Pierce, Chapter Secretary/ Treasurer

October 1, 2024

Honorable Danny Simpson, Council Delegate
Becenti, Lake Valley, Nahadishgish, Standing Rock, Whiterock, Huerfano, Nageezi and
Crownpoint Chapters

Honorable Brenda Jesus, Council Delegate
Oakspring and St. Michaels Chapters

25th Navajo Nation Honorable Council Delegates
Representing 110 Navajo Nation Chapters

RE: Legislation CJA-08-24

Dear Honorable Council Delegates:

First of all, I extend my appreciate and commend Honorable Delegate Danny Simpson for sponsoring Legislation CJA-08-24, which was signed into Law by Navajo Nation President Buu Nygren in February, 2024.

Ahe'hee, to the Navajo Nation Election Administration and the Navajo Nation Board of Election Supervisors under Title II, who oversee the Election process for the Navajo Nation Voters, for doing a marvelous job of providing information(s) of the new Law of the Campaign Expense Reports to the all candidates.

The Candidate Campaign Expense Reports was always in place with the Navajo Nation Election Policy, but it was never enforced, until it became Law under CJA-08-24.

The candidates of the Navajo Nation, were fully aware of the new Law, all candidates received information(s) from the Navajo Nation Election Office in the Elective Position Candidate Application:

1. Swore Statement (Notary Public Form)
2. Elective Position Candidate Application
3. Subchapter 11. Campaign Expenses; Contributions (Amended by CJA-08-24)
4. Candidate Documents Received & Campaign Expense Statement Issued
5. Campaign Expense Statement with Contributions (Itemized)
6. Letter: 2024 Navajo Nation Election-Certification of Candidacy

It is the responsibilities of each candidate and elected leaders to be held responsible for their action, in seeking public office. I believe the 10 days to submit campaign expense reports is sufficient time to do so.

It is the duty and responsibility of the candidate, and if the candidate is running for re-election, they took an Oath of Office:

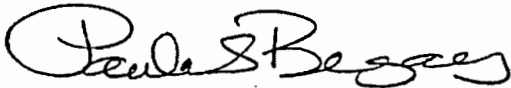
"I, NAME to solemnly swear to uphold and abide by the laws of the Navajo Nation and Treaty of 1868 between the Navajo Nation and the United States of American and will faithfully execute the office of POSITION representing CHAPTER and will to the best of my ability preserve, protect and defend the laws and government of the Navajo Nation and advance the interests of the Navajo people, having due regard for the ethical duties and responsibilities of the office; So help me God."

To rescind Legislation CJA-08-24, is to avoid doing something that one ought to do, avoiding commitments and responsibility, backing out of a situation that needs to be completed.

I strongly encourage the 25th Navajo Nation Council to REJECT the Rescinding of Legislation CJA-08-24, practice the Laws first, for the betterment of the Navajo Nation.

The election is in the process for General Election, please don't make it difficult and confuse the Navajo Nation people. I remain.

Respectfully,

A handwritten signature in cursive script that reads "Paula S. Begay". The signature is written in black ink and is positioned above the printed name.

Paula S. Begay, President
Lukachukai Chapter

Reply all | Delete | Junk | ...

An Emergency Legislation - CJA-08-24 - Amendment of Campaign Expenses



Delores Greyeyes

Wed 10/2, 9:03 AM

comments

Inbox

Good morning:

I am writing this letter of concern relating to this legislation to rescind CJA-08-24 which will allow Candidates to remain on the November 5, 2024, when candidates failed to file their expense reports following the Primary Election. The legislation to rescind CJA-08-24 will send a strong message to the general public to say that "it's ok to break the Laws of the Navajo Nation!" If a candidate cannot be accountable, be an abiding citizen of the Navajo Nation right from the onset of our election requirements to file an "expense report"! A point that should be considered by the Navajo Nation Council is this; the election board and staff took time to explain to all the candidates on the new Navajo Nation Law on the requirements to file an expense report 10 days following the primary election. Once the election staff and board explained the new law, candidates signed a form that they understood and acknowledged the new requirement. If the election office took time to ensure that the candidates were educated on the new law and the candidates acknowledged by signing a form to file 10 days following the primaries. Being a leader means taking responsibilities. If a candidate cannot be responsible to simply file a report, then the candidates are irresponsible.

I am concerned that this was even introduced as emergency legislation. This is not an emergency situation, its simple neglect and failure by candidates for leadership positions who did not follow Navajo Nation Law. Please vote this down. The Navajo Nation needs responsible leaders.

Thank you.

Dr. Delores Greyeyes
Kayenta Community Member

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🔄 Reply all | ▾ 🗑 Delete Junk | ▾ ...

Oppose Legislation 0220-24



ManyFarms Parent

Wed 10/2, 2:09 PM

comments ▾

Inbox

Dear Honorable Navajo Nation Council:

I am emailing you to OPPOSE Legislation 0220-24 *"An Act Relating to an Emergency for the Navajo Council; Rescinding CJA-08-24 which Amended Campaign Expense Provisions of the Navajo Election Code at §§ 201 through 209 and § 404."*

1. The law was recently amended and there no need to change the law because some candidates and elected officials violated the law. It is unfortunate that these politicians failed to follow the law. Everyone needs to be held accountable to abide by the law without exception(s).
2. All candidates were clearly made aware of the law. Candidates even signed and dated written documents stating that they knew about the campaign finance laws and were warned about the penalties. Candidates also had 10 days from the day of the election to file the reports, rather than wait until the last day. The election office staff did a good job at explaining the requirements to each candidate the requirements.
3. Candidates for public office also need to take personal responsibility and accountability for following all laws; not break or violate them.
4. This law is all about ensuring that all elected and/or appointed officials are held to high standards and ethics. There is no need to water down, weaken, or remove laws that ensure accountability and transparency.
5. Rescinding or undoing this law is also unfair to the hundreds of other candidates who followed the law. Rescinding the campaign finance law also means that the Navajo Nation's laws mean nothing or can be watered down to accommodate those who fail to follow the law or running to council delegates to change the law.
6. There is nothing wrong with enforcing the laws on the books.

For these reasons, please OPPOSE Legislation 0220-24. Continue to ensure transparency and hold politicians/candidates accountable to follow the law and ethics.

Sincerely,

John Begay

Chapter: Many Farms

WARNING: External email. Please verify sender before opening attachments or clicking on links.

*From Percy Byron Anderson, Manuelito Chapter Secretary/Treasurer, October 3, 2024.
panderson@navajochapters.org*

**Commenting on NNC legislation #0220-24; Sponsor: Brenda Jesus
Title: An Act Relating to an Emergency for the Navajo Council; Rescinding CJA-08-24
which Amended Campaign Expense Provisions of the Navajo Election Code at §§ 201
through 209 and § 404**

Regarding disqualification for Manuelito Chapter Vice-President; Navajo Nation General Election due to missing the deadline of August 9, 2024, to submit primary election expense receipts and reporting.

On August 26, I submitted my primary election expense reporting to the Navajo Nation Election Office, discovering a sign at the office to submit any information to the Office of Hearings & Appeals due to training attendance. When at the Hearings and Appeals office door that day, there was another sign to drop off documents at Labor Relations.

The date of August 26 was publicly made by the election office through media reporting but there may have been confusion on whether it was for an extension to submit primary election expense receipts or the last day to appeal to the Hearings & Appeals.

On August 30, I went to the Office of Hearings & Appeals to follow up on the drop off of documents at Labor Relations on August 26 and was informed by an employee that documents had been received and further instructed to submit expense receipts to the Election Office, which was closed that day due to training attendance. I was further advised by the Hearings and Appeals employee to complete a written appeal letter on submitting expense reporting after the deadline of August 9.

On September 3, I visited the Office of Hearings & Appeals to follow up on the submission of my appeal letter. On the same day, I then went to the election office to drop off expense receipts due to closure on August 30. September 2 was a holiday, Labor Day.

On September 20, I followed up on my appeal letter again, via phone call, with the Office of Hearings & Appeals informing me that a certified letter disqualifying me from the general election was mailed to me on September 5. I asked the question if there was another recourse to appeal and was told that in the letter it states there is a 10 day period from the date of certified letter to appeal to the Navajo Nation Supreme Court. That deadline to appeal to the Supreme Court was September 15. As of October 3, there is yet to be a certified letter in my mailbox.

Here are a couple of recommendations for the proposed Navajo Nation Council legislation 0220-24:

- Recommendation #1: Forgo the special election candidacy fee requirement for all disqualified candidates who were voted in by registered voters for the general election.
- Recommendation #2: Eliminate the 5 year disqualification requirement solely for reporting expense receipts late.
- Recommendation #3: Instead of requiring those who make it to the general election to report their expense receipts twice for primary and general elections, allow them to report their combined election expenses until after the general election.

Thank you for your consideration of the recommendations provided and for allowing me to describe the time spent to adhere to the election candidacy appeal requirements after the deadline while I innocently forgot to adhere to what my signature required me to do when I filed as a candidate for Chapter Vice-President. Whether as an elected representative or a community organizer and advocate, I will continue to remain involved as a community member.

I thank the Navajo Nation Council in advance for allowing all disqualified candidates who made it into the general election to run in a special election for the position we all initially filed for. We need to honor all the registered voters who placed their vote in the primary election.

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

LEGISLATION NO.: 0220-24

SPONSOR: Honorable Brenda Jesus

TITLE: An Act Relating to an Emergency for the Navajo Council; Rescinding CJA-08-24 which Amended Campaign Expense Provisions of the Navajo Election Code at §§ 201 through 209 and § 404

Posted: September 27, 2024 at 4:43 PM

5 DAY Comment Period Ended: Emergency Legislation

Digital Comments received:

Comments Supporting	<ol style="list-style-type: none">1. Dr. Rosanna Jumbo-Fitch2. Tsidi To'ii Chapter3. Fort Defiance Chapter4. Edwin J. Begay5. Vivian Arviso
Comments Opposing	<ol style="list-style-type: none">1. Lee Yazzie Jr.
Comments/Recommendations	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

October 16, 2024; 9:16 AM

Date/Time

Reply all | Delete Junk |

Supporting Legislation 0220-24



Rosanna Jumbo

Thu 10/10, 11:06 AM

comments

Reply all |

Inbox

I SUPPORT LEGISLATION 0220-24 AND BELIEVE IT SHOULD BE RESCINDED TO ALLOW PROPER POSTINGS, READINGS, AND DISTRIBUTIONS TO THE 110 CHAPTERS, OFFICIALS, AND GENERAL PUBLIC.

LEGISLATION NUMBER

0220-24

LEGISLATION TITLE

An Act Relating to an Emergency for the Navajo Council; Rescinding CJA-08-24 which Amended Campaign Expense Provisions of the Navajo Election Code at §§ 201 through 209 and § 404

Rosanna

--
--

Dr. Rosanna Jumbo-Fitch, LEED GA
Chapter President
Chinle Chapter Government

.....

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dr. Buu Nygren
Navajo Nation President

Samuel McCabe, Jr.
Chapter President

Richelle Montoya
Navajo Nation Vice President

Todd Wilcox
Chapter Vice President

Casey Allen Johnson
District V Counsel Delegate

Mitzi Begay
Chapter Secretary/Treasurer

Tsidi To'ii

Steven Wagoner
Grazing Official

APPROVING AND RECOMMENDING THE 25TH NAVAJO NATION COUNCIL, THE NAVAJO BOARD OF ELECTION SUPERVISORS TO CONSIDER AN EMERGENCY LEGISLATION TO AMEND THE NAVAJO ELECTION CODE CAMPAIGN EXPENSE PROVISIONS TO RESCIND CJA-08-24 AT §§201 THROUGH 209 AND §404 TO ALLOW THE 192 DISQUALIFIED 2024 NAVAJO NATION PRIMARY ELECTION CANDIDATES TO BE PLACED BACK ON THE BALLOT

RESOLUTION NO: TT-10-01-2024

WHEREAS:

1. Tsidi To'ii Chapter is a Certified Chapters of the Navajo Nation pursuant to Navajo Tribal Council CAP-34-98 and are delegated authority with respect to local matter consistent with Navajo Nation Laws, including custom, tradition and fiscal matter; and,
2. Pursuant to the newly amended election code: A candidate, whether elected to an office or not, who refuses or fails to file the statement required by 11 N.N.C. §202 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; and,
3. Certification of Candidacy letters dated May 14, 2024, were issued by the Navajo Nation Election Administration to the candidates and concerning campaign expense reporting states, "...a candidate (whether successful in an election or not) who fails to file a campaign expense report within ten (10) days of an election (Primary, General, or Special Election) will be disqualified immediately and will not be allowed to run for any elective office for five (5) years." The language in the certification letter is translated differently by the election office and by the candidates. Some candidates translated that the campaign expense statement could be turned in after any election (Primary, General, or Special Election) but not after every election; and,
4. The Chapters understand that this legislation was signed by Navajo Nation President Buu Nygren on February 2, 2024. This gave plenty of time for the Navajo Board of Election Supervisors and/or the Department of Justice (DOJ) Chapter Unit to have notified the chapter of the new changes, as well as the chapter officials notifying the constituents of the 2024 Election changes to the submitting of the Campaign Expense Report, the Chapters were unaware of these changes; and,
5. The Navajo Election Office's deadline or due dates for the Campaign Expense Report did not specify if the dates were to be calendar days or business days; and,
6. The Navajo Nation Election Offices were closed due to training for two (2) days during the 10-day period the campaign expense statement or reports were required to be turned in; and,
7. The requirements set forth by the Navajo Nation Election Administration on dates, and language in the Certification Letters to candidates were vague and created disharmony among the Navajo People and the Disqualified Candidates; and,

8. The newly amended election statute(s) delegates arbitrary authority to the Navajo Board of Election Supervisors and the Navajo Election Administration in disqualifying candidates. The Office's in which the candidates were disqualified belong to the voting public, the Navajo People may exercise his or her right to vote for a candidate of his or her choice; and,
9. A number of candidates that were removed from the ballot were running as unopposed candidates; and,
10. In lieu of disqualification the Navajo Nation Council could impose a financial penalty for everyday the campaign expense report is late; and,
11. The Tsidi To'ii Chapter urges the Navajo Nation Council to undertake revision of the Election Code to give all disqualified candidates the ability to exercise their liberty right to run for public office.

NOW THEREFORE, BE IT BE RESOLVED THAT:

1. We approve and recommend that the Navajo Nation Council Rescind CJA-08-24 in its entirety, to apply when Resolution CJA-08-24 was enacted on February 2, 2024; and,
2. The Tsidi To'ii Chapter approves and recommends to the 25th Navajo Nation Council and to the Navajo Board of Election Supervisors, to consider emergency legislation to amend the Navajo Election Code regarding the Campaign Expense Provisions for the 2024 Primary and General Navajo Nation Chapter Elections to allow the disqualified candidates to remain on the ballot for November 5, 2024 or for the Special Elections and to not be banned from office for 5 years.

CERTIFICATION

We hereby certify that the foregoing Chapter Resolution was duly considered by the Tsidi To'ii Chapter (Navajo Nation), Arizona, at a duly called meeting at which a quorum was present and the same was passed by a vote of 7 in favor, 0 opposed, 1 abstained on this _____ day of October 2024.

Motion: Delores Curley

Seconded: Thomas Walker Jr

Samuel McCabe, Jr.
Samuel McCabe, Jr., President

Mitzi Begay
Mitzi Begay, Secretary/Treasurer

Todd Wilcox, Vice-President

Steven Wagoner, Grazing Officer

Casey Allen Johnson



**THE NAVAJO NATION
FORT DEFIANCE CHAPTER**

P.O. Box 366 • Ft Defiance, Arizona 86504
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Aaron D. Sam, President
Genevieve Jackson, Vice-President
Brenda Wauneka, Secretary/Treasurer
Herman Billie, Grazing Official
Dr. Andy Nez, 25th NN Council Delegate

Dr. Buu Van Nygren
Navajo Nation President

Richelle Montoya
Navajo Nation Vice President

RESOLUTION OF THE FORT DEFIANCE CHAPTER FDC-2024-OCT-3-02-Spec

APPROVING AND RECOMMENDING THE 25TH NAVAJO NATION COUNCIL, THE NAVAJO BOARD OF ELECTION SUPERVISORS TO CONSIDER AN EMERGENCY LEGISLATION TO AMEND THE NAVAJO ELECTION CODE CAMPAIGN EXPENSE PROVISIONS TO RESCIND CJA-08-24 AT §§201 THROUGH 209 AND §404 TO ALLOW THE 192 DISQUALIFIED 2024 NAVAJO NATION PRIMARY ELECTION CANDIDATES TO BE PLACED BACK ON THE BALLOT

WHEREAS:

1. Fort Defiance Chapter is a Certified Chapters of the Navajo Nation pursuant to Navajo Tribal Council CAP-34-98 and are delegated authority with respect to local matter consistent with Navajo Nation Laws, including custom, tradition and fiscal matter; and,
2. Pursuant to the newly amended election code: A candidate, whether elected to an office or not, who refuses or fails to file the statement required by 11 N.N.C. §202 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; and,
3. Certification of Candidacy letters dated May 14, 2024, were issued by the Navajo Nation Election Administration to the candidates and concerning campaign expense reporting states, "...a candidate (whether successful in an election or not) who fails to file a campaign expense report within ten (10) days of an election (Primary, General, or Special Election) will be disqualified immediately and will not be allowed to run for any elective office for five (5) years." The language in the certification letter is translated differently by the election office and by the candidates. Some candidates translated that the campaign expense statement could be turned in after any election (Primary, General, or Special Election) but not after every election; and,
4. The Chapters understand that this legislation was signed by Navajo Nation President Buu Nygren on February 2, 2024. This gave plenty of time for the Navajo Board of Election Supervisors and/or the Department of Justice (DOJ) Chapter Unit to have notified the chapter of the new changes, as well as the chapter officials notifying the constituents of the 2024 Election changes to the submitting of the Campaign Expense Report, the Chapters were unaware of these changes; and,
5. The Navajo Election Office's deadline or due dates for the Campaign Expense Report did not specify if the dates were to be calendar days or business days; and,
6. The Navajo Nation Election Offices were closed due to training for two (2) days during the 10-day period the campaign expense statement or reports were required to be turned in; and,
7. The requirements set forth by the Navajo Nation Election Administration on dates, and language in the Certification Letters to candidates were vague and created disharmony among the Navajo People and the Disqualified Candidates; and,

8. The newly amended election statute(s) delegates arbitrary authority to the Navajo Board of Election Supervisors and the Navajo Election Administration in disqualifying candidates. The Office's in which the candidates were disqualified belong to the voting public, the Navajo People may exercise his or her right to vote for a candidate of his or her choice; and,
9. A number of candidates that were removed from the ballot were running as unopposed candidates; and,
10. In lieu of disqualification the Navajo Nation Council could impose a financial penalty for everyday the campaign expense report is late; and,
11. The Fort Defiance Chapter urges the Navajo Nation Council to undertake revision of the Election Code to give all disqualified candidates the ability to exercise their liberty right to run for public office.

NOW THEREFORE, BE IT BE RESOLVED THAT:

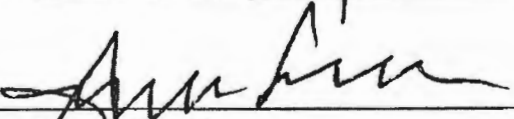
1. We approve and recommend that the Navajo Nation Council Rescind CJA-08-24 in its entirety, to apply when Resolution CJA-08-24 was enacted on February 2, 2024; and,
2. The Fort Defiance Chapter approves and recommends to the 25th Navajo Nation Council and to the Navajo Board of Election Supervisors, to consider emergency legislation to amend the Navajo Election Code regarding the Campaign Expense Provisions for the 2024 Primary and General Navajo Nation Chapter Elections to allow the disqualified candidates to remain on the ballot for November 5, 2024 or for the Special Elections and to not be banned from office for 5 years.

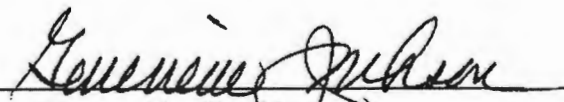
CERTIFICATION

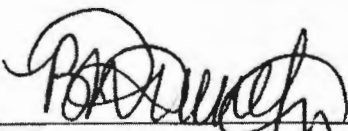
We hereby certify that the foregoing Chapter Resolution was duly considered by the Fort Defiance Chapter (Navajo Nation), Arizona, at a duly called meeting at which a quorum was present and the same was passed by a vote of 23 in favor, 00 opposed, 02 abstained on this 3rd day of October 2024.

Motion: Bernie Eckstut

Seconded: Wilson Stewart, Jr.


Chapter President


Chapter Vice-President

 10/03/2024
Chapter Secretary/Treasurer

25th Navajo Nation Council
Honorable Council Delegates

Support of Legislation 0220-24 – Act Relating to an Emergency for the Navajo Nation Council; Rescinding CJA-08-24 which Amended Campaign Expense Provisions of the Election Code at § 201 through 209 and § 404.

As a Navajo registered citizen, I am thankful for leadership to step into action by **“Rescinding”** Navajo Nation Council Resolution CJQ-08-24 which was recently enacted by the Navajo Nation Council and signed into Law on February 2, 2024 by our Navajo Nation President.

The issue is the **“ten-day”** reporting of the expense report; a calendar or business day is the question. Understand, it is important that proper clarification of calendar or business days is what determines upholding the law. I believe no one is saying that law is wrong, it is just clarification.

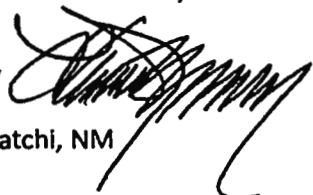
Facts: If the Election Administration is enforcing the deadline date of Friday, August 9, 2024 at 5:00 P.M.; of which is the tenth date following the recent Navajo Nation Primary Election held on Tuesday, July 31, 2024. Then the Election Administration should **be open** for business on Saturday, August 3rd and Sunday, August 4th, 2024 to accept Campaign Expense Reports from Candidates, but the Election Administration Office only operates Monday through Friday, during the business hours of 8:00 A.M. through 5:00 P.M., and close during lunch hours from 12:00 P.M. to 1:00 P.M. So, if calendar days are upheld, then hours of business should be beyond the regular tour of duty during deadline dates such as this.

Reality, only eight days were open for official business hours of the Election Administration Office, excluding the weekend of Saturday, August 3rd and Sunday, August 4th, 2024. Of which means the Election Administration Office **owes** the candidates two-days. Then the factor becomes business days instead of calendar. That means, legally the **“ten-day”** is now business and should have closed on Tuesday, August 13th, 2024 at 5:00 P.M., then everyone is upholding the law.

So, now 192 Primary Election Candidates are penalized due to the **Ambiguity Language** of Calendar or Business Days. Whereof, the law just states **“ten-day”** but Election Administration Office **failed** to accommodate the weekend of Saturday, August 3rd and Sunday, August 4th, 2024 of which now defines it to become business days.

Conclusion to the matter is to rescind and support Legislation 0220-24 for this reason. To continue CJA-08-24 will lead to special election cost, cost of filing fees for new candidates, possible cases to be filed in Supreme Court, especially those currently grieving with the Office of Hearing & Appeals. Therefore Legislation 0220-24 should be carefully considered by the Navajo Nation Council. *Ahe' Hee'*

Respectfully submitted,



10/7/24

Mr. Edwin J. Begay, Tohatchi, NM

Honorable Members of the Navajo Nation Council, 'ahééh shi deezhí Brenda Jesus for presenting Legislation #0220-24, An Act Relating to an Emergency for the Navajo Nation Council; Rescinding CJA-08-24 which Amended Campaign Expense Provisions of the Navajo Election Code at §201 through 209 and §404.

As an educator most of my life, I know that efforts to change behavior take thoughtfulness as to strategies and guidance leading to the desired outcome. Laws can only identify the standard behavior, leaving the responsibility for change with individuals. It takes time but individuals need clarification and encouragement to fully understand a law. Negative judgmental voices shouting disqualification only leads to discouragement for both parties.

In this case, the Executive Branch under President Nygren holds responsibility for not resolving the known problem of the Navajo Election Administration with candidates and their expense reports. Guidance for candidates lacked clarity. The resulting chaos produced 192 candidates who did not meet the deadline for filing their campaign expense reports within ten days following the primary election, including candidates from my chapter of Tohatchi.

There is clearly a lack of due process being imposed without consideration of the rights each candidate has when trying to meet the election law. The blanket legislation did not weigh circumstances for unopposed candidates who technically await certification of their winning. Nor did the legislation identify a deadline following either 10 business days or 10 calendar days, if the latter, the Navajo Election Administration would be bound to maintaining office hours to accommodate candidates trying to file on the weekend.

It is frustrating to learn that the latest solution (BOESS-43-24) by the Navajo Board of Election Supervisors is to deny any candidate caught in the cycle of the Navajo Office of Hearing and Appeals further lack of due process. It negates the authority of that office to carry out its duties. This muddy approach at the twelfth hour reflects the kind of bad decision-making that weakens our government.

New legislation can be crafted with carefully examined instructions for obtaining campaign reports. Deadlines can be fulfilled without loss of due process. Maybe the Election Office can set up a process that resolves the problem rather than compounds it.

Béésh baah si'ání Jesus has correctly identified the current chaos with the emergency legislation. It is critical to rescind CJA-08-24 as the right thing to do. I urge Honorable Members of the Navajo Nation Council to take this action.

'Ahéhee'

Vivian Arviso, member of Tohatchi Chapter
Former Chair, Navajo Women's Commission

~

October 4, 2024

TO: Who May Concern

FROM: Lee Yazzie, Jr-B/G Chapter Vice-President

I STROGLY OPPOSED THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION LEGISLATION NO: 0220-24 SPONSOR: Brenda Jesus TITLE: An Act Relating to an Emergency for the Navajo Council; Rescinding CJA-08-24 which Amended Campaign Expense Provisions of the Navajo Election Code at §§ 201 through 209 and § 404

1. We have already signed the document if we don't turn in our Campaign Expenditure Report will be disqualify
2. Its not fair to the one who turn their Campaign Expenditure Report on time. It's the Law that was passed.
3. Please consider my comment

Thanks,
Lee Yazzie,Jr



10/4/2024

Bodaway Gap Chapter Vice-President