



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Leonard Teosie, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0028-15.

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

SPONSOR SIGNATURE:



DATE:

5/14/15

LEGISLATIVE SUMMARY SHEET

Tracking No. 0028-15

DATE: January 26, 2015

TITLE OF RESOLUTION: AN ACT RELATING TO AN EMERGENCY; AMENDING 11 N.N.C. §§ 8 *ET SEQ.* AND 824 REGARDING QUALIFICATIONS FOR CANDIDATES FOR ELECTIVE OFFICES WHILE ALLOWING NAVAJO VOTERS TO ALTERNATIVELY ELECT A CANDIDATE OF THEIR CHOICE BY MEANS OF WRITE-IN VOTING

PURPOSE: This resolution will amend 11 N.N.C. §§ 8 *et seq.* and 824 regarding qualifications for candidates for elective offices. Among other matters, the bill, if approved, will allow Navajo voters to alternatively elect a candidate of their choice by means of write-in voting.

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

23rd NAVAJO NATION COUNCIL – First Year, 2015

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0028-15

AN ACT

RELATING TO AN EMERGENCY; AMENDING 11 N.N.C. §§ 8 *ET SEQ.* AND
824 REGARDING QUALIFICATIONS FOR CANDIDATES FOR ELECTIVE
OFFICES WHILE ALLOWING NAVAJO VOTERS TO ALTERNATIVELY
ELECT A CANDIDATE OF THEIR CHOICE BY MEANS OF WRITE-IN
VOTING

BE IT ENACTED:

Section One. Findings

A. Navajo Nation government consists of three branches of government, each separately exercising distinct assigned powers. The Legislative Branch of the Navajo Nation government consists of the Navajo Nation Council and other programs and offices. 2 N.N.C. §102 *et seq.* The Council is a representative body, consisting of members elected by voters of the Navajo Nation. Under the structure of Navajo Nation government, the Council exercises legislative powers of government. As a law-making body, the Navajo Nation Council enacts law through legislation and sets and establishes policy for the Navajo Nation (including its entities and programs). The President executes laws passed by the Council and the Courts, when necessary, interpret such laws.

1 B. The 2014 Navajo Nation election was disrupted when a Navajo Nation
2 presidential candidate was challenged about his fluency in Navajo language and was
3 eventually removed from the ballot by the Navajo Nation Supreme Court. This
4 resulted in the formation of at least two groups of Navajo people. One group is
5 concerned about the need to keep fluency requirement for a Navajo presidential
6 candidate. Another group, composed largely of a younger generation of Navajo
7 people, is insisting upon the recognition of their right to vote and elect a leader of
8 their choice. Despite the bifurcation of ideals, Navajo Nation needs to remain whole
9 and address the concerns of both groups. This division in ideals is unnecessary.

10 C. Navajo parents and their leaders have consistently sent Navajo youth to seek
11 and obtain Western education and to return to help the Navajo Nation. Many have
12 obtained this education but at institutions far from Navajoland. Further, young
13 Navajo persons are getting their Western education at state-controlled school systems
14 which do not prioritize the teaching of Navajo language and culture. As a result,
15 many of our Navajo youth have become less fluent or proficient in the Navajo
16 language. In 1980, it was reported that 80% of Navajo people spoke Navajo.
17 However, today, this percentage is down to 68%. Navajo Times, January 15, 2015.

18 D. All Navajo people, particularly our youth, should be encouraged to participate
19 in government, including the electoral process. If young Navajo persons are not
20 allowed to participate in the election of offices as candidates, there could be a long-
21 lasting division incongruent with the Navajo concept of harmony or hozho.

22 E. Aside the Navajo Nation Presidential position, there are “fluency” provisions in
23 Navajo law for other offices within the Navajo Nation government.

24 F. Write-in voting procedure is necessary to allow Navajo voters to vote for an
25 alternative candidate in recognition of the principle that Navajo voters are allowed to
26 vote for candidates of their choice.

27 G. Navajo Nation Council has received many requests from the voting public that
28 the law or the electoral process be immediately reviewed or otherwise amended to
29 permit a broader more inclusive system which encourages fair participation in
30 government. The need to address this issue facing the Navajo Nation constitutes an

1 emergency under the laws of the Navajo Nation. Statutory provisions under the
2 Navajo Nation legislative process provide - "Matters constituting an emergency shall
3 be limited to the cessation of law enforcement services, and disaster relief services,
4 fire protection services or other direct services required as an entitlement under
5 Navajo Nation or Federal law, or which directly threaten the sovereignty of the
6 Navajo Nation. Such an emergency matter must arise due to the pressing public need
7 for such resolution(s) and must be a matter requiring final action by the Council." 2
8 N.N.C. § 164(A)(16). The Navajo Nation is a sovereign nation. As a sovereign
9 entity, it must immediately address the issue of voting rights facing many Navajo
10 voters.

11 H. Accordingly, it is in the best interest of the Navajo Nation to accommodate the
12 concerns of the Navajo voting population by immediately designing a law which
13 promotes confidence in the electoral process, particularly the ability and interest to
14 vote in elections again.

15 16 **Section Two. Amending Title 11, Navajo Election Code**

17 **§ 2. Definitions**

18 ****

19 II. "Special elections" - Elections called by the Navajo Nation Council or Board
20 in the event of a sufficient recall or referendum petition or to fill a vacancy in
21 accord with this Title.

22 ****

23 **§ 4. Voting; number of votes**

24 A. Except as provided by Navajo Nation law, V voting shall be by secret pictorial
25 ballot. If a candidate fails to comply with the provisions of 11 N.N.C. § 27, Ballot
26 Picture, his or her picture will be deleted from the ballot.

27 B. Each registered voter shall be entitled to cast one vote for each position that
28 his or her precinct is entitled to elect in the primary, general, and chapter
29 elections; provided, however, that no voter may cast more than one vote for any
30 one candidate.

1 C. In an election involving a write-in candidate, a name stamp or other form of a
2 voting device, furnished by the write-in candidate and approved by the Navajo
3 Election Administration, may be used by voters in casting ballots. Write-in
4 candidates shall furnish, prior to an election, such stamp or device to the Election
5 Administration.

6 ****

7 **§ 8. Qualifications for office**

8 All elective offices of the Navajo Nation, including those specified in this section,
9 shall be subject to the following qualifications provisions except as otherwise
10 provided herein.

11 **A. Qualifications for President and Vice-President are:**

12 ****

13 5 4. Must fluently speak and understand the Navajo language and read and
14 write the English language, except as otherwise provided by Navajo Nation
15 law.

16 ****

17 **B. Qualifications for Delegate to the Navajo Nation Council:**

18 ****

19 8. Must be able to speak and understand Navajo and/or English, except as
20 otherwise provided by Navajo law;

21 ****

22 **C. Qualifications for Chapter Officers**

23 ****

24 **D. Qualifications for Other Elected Officials:**

25 1. Qualifications for the Land Board Candidates:

26 ****

27 f. Must be able to speak the Navajo language fluently, and to read and write
28 the English language, except as otherwise provided by Navajo Nation law;

29 ****

30 2. Qualifications for Farm Board Candidates:

1 ****

2 c. Must be fluent in the Navajo and English language, except as otherwise
3 provided by Navajo Nation law;

4 ****

5 3. Qualifications for District Grazing Committee Candidates:

6 d. Should be able to read, write and speak the English language, except as
7 otherwise provided by Navajo Nation law;

8 e. Must be able to converse fluently in the Navajo language, except as
9 otherwise provided by Navajo Nation law;

10 ****

11 4. Qualifications for Candidates for School Board:

12 ****

13 5. Navajo Nation Board of Education.

14 ****

15 F E. ****

16 F. A candidate disqualified due to fluency qualifications provisions of this section,
17 or pursuant to other fluency provisions of Navajo Nation, shall be permitted to run as
18 a write-in candidate in a primary election, or any election designated as such,
19 provided:

20 1. He or she meets all other qualifications for office;

21 2. He or she files as a write-in candidate, is determined and certified as qualified
22 prior to the time the Navajo Election Administration prepares and submits ballots
23 for official printing.

24 G. A write-in candidate who receives a sufficient number of votes to qualify for a
25 general election, or any run-off election, shall be permitted to have his or her picture
26 appear on a general, or other run-off, election ballot.

27 ****

28 **§ 42. No primary in special election; write-in candidacies not allowed; exceptions**

29 A. There shall be no primary election in a special election unless otherwise
30 provided for by resolution of the Navajo Nation Council.

1 B. All candidates determined eligible by the Navajo Election Administration
2 following review of candidate applications shall be placed on the special election
3 ballot.

4 C. ~~Notwithstanding authorization in other elections, W~~write-in candidacies shall
5 not be allowed in special elections unless otherwise provided for by resolution of
6 the Navajo Nation Council.

7 ****

8 **§ 145. Conduct of special elections**

9 In the absence of a Navajo Nation Council resolution setting out a procedure for
10 conducting a special election, or unless otherwise provided by Navajo Nation law,
11 sSpecial elections shall be conducted in the same manner as other elections except as
12 follows:

13 A. There shall be a 14-day filing period upon a declaration of vacancy.

14 B. Candidate applications for the Offices of the Navajo Nation President and Vice
15 President shall be filed at the same time.

16 C. Upon the expiration of a filing period, the Navajo Election Administration shall,
17 within five days, review applications filed and determine whether applicants should
18 be certified as eligible for candidacy. An applicant disqualified or otherwise deemed
19 ineligible for office may file a grievance pursuant to 11 N.N.C. § 341.

20 ****

21 **§ 321. Board of Election Supervisors—Powers and duties**

22 ***

23 **§ 322. Authority to make rules and regulations**

24 ****

25 **§ 323. Composition; election**

26 ****

27 **§ 324. Qualifications**

28 ****

1 E. Must be able to understand and speak Navajo and English and write the English
2 language, except as otherwise provided by Navajo Nation law, including 11 N.N.C. §
3 8.
4

5 **Section Three. Effective Date**

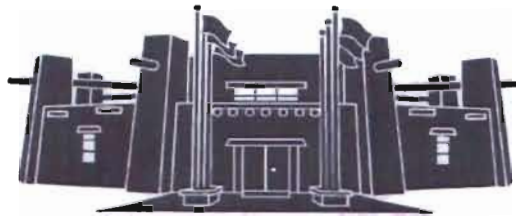
6 These amendments shall become effective in accord with 2 N.N.C. § 221(B).
7

8 **Section Four. Codification**

9 The provisions of this Amendment shall be codified by the Office of Legislative
10 Counsel. The Office of Legislative Counsel shall incorporate this amendment into the
11 next codification or supplement of the Navajo Nation Code.
12


13 **Section Five. Saving Clause**

14 Should any provision of this Act be determined invalid by the Navajo Nation
15 Supreme Court, or the District Courts of the Navajo Nation without appeal to the
16 Navajo Nation Supreme Court, those provisions of the Act which are not determined
17 invalid shall remain the law of the Navajo Nation.
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MEMORANDUM

To : Hon. Leonard Tsosie, Delegate
Navajo Nation Council

From : 
Ron Haven, Attorney
Office of Legislative Counsel

Date : January 26, 2015

Re : AN ACTION RELATING TO AN EMERGENCY; AMENDING 11 N.N.C.
§§ 8 *ET SEQ.* AND 824 REGARDING QUALIFICATIONS FOR
CANDIDATES FOR ELECTIVE OFFICES WHILE ALLOWING NAVAJO
VOTERS TO ALTERNATIVELY ELECT A CANDIDATE OF THEIR
CHOICE BY MEANS OF WRITE-IN VOTING

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. Note that this bill, if approved, will still need to go to the President's office for approval or veto.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

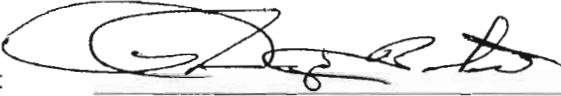
OLC # 15-145-2



January 27, 2015

MEMORANDUM

TO : *Honorable Members*
Navajo Nation Council

FROM : 
Hon. LoRenzo C. Bates, *Speaker*
23rd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Navajo Nation Council;

Legislation No. 0028-15

RELATING TO AN EMERGENCY; AMENDING 11 N.N.C. §§ 8 ET SEQ. AND 824 REGARDING QUALIFICATIONS FOR CANDIDATES FOR ELECTIVE OFFICES WHILE ALLOWING NAVAJO VOTERS TO ALTERNATIVELY ELECT A CANDIDATE OF THEIR CHOICE BY MEANS OF WRITE-IN VOTING.

As the Committee assigned to consider the legislation, Legislation No. 0028-15 must be placed on the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0028-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Mark Grant, *Controller*
Dominic Beyer, *Executive Director, OMB*
Honorable Leonard Tsosie, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0028-15_____ SPONSOR: Leonard Tsosie

TITLE: An Action Relating To An Emergency; Amending 11 N.N.C. §§ 8 *Et Seq.* and 824 Regarding Qualifications For Candidates for Elective Offices While Allowing Navajo Voters to Alternatively Elect a Candidate of Their Choice By Means of Write-In Voting

Date posted: January 28, 2015 at 3:12pm

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) 871-7590

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.*