LEGISLATIVE SUMMARY SHEET

Tracking No. 0239-18

DATE: July 3, 2018

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION ELECTION CODE AT 11 N.N.C. §241(A) TO LOWER PERCENTAGE OF SIGNATURE REQUIREMENT ON RECALL PETITIONS FROM 60 TO 30% OF VOTERS VOTING IN LAST ELECTION FOR POSITION IN QUESTION.

PURPOSE: The purpose of the resolution is to amend the Navajo Nation Election Code at 11 N.N.C. §§241(A) to lower percentage of signature requirement on recall petitions from 60% to 30% of voters voting in last election for position in question.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Clear
Website Posting Time/Date: 3:59pm 7/6/18
Posting End Date: 7/11/2018
Eligible for Action: 7/12/2018

Law & Order Committee
Thence
Naa'bik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL – Fourth Year, 2018

ALTON JOE SHEPHERD
(Prime Sponsor)

TRACKING NO. 0239-18

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION ELECTION CODE AT 11 N.N.C. §241(A) TO LOWER PERCENTAGE OF SIGNATURE REQUIREMENT ON RECALL PETITIONS FROM 60 TO 30% OF VOTERS VOTING IN LAST ELECTION FOR POSITION IN QUESTION

BE IT ENACTED:

Section 1. Authority

A. The Law and Order Committee is a standing committee of the Navajo Nation. 2 N.N.C. §601. Among its statutory duties and responsibilities are to "review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code." 2 N.N.C. § 601(B)(14).

B. Pursuant to 2 N.N.C. § 164 (A)(9), a proposed resolution that requires final action by the Navajo Nation Council must be assigned to the Naabik'íyáti' Committee before it is considered by the Navajo Nation Council.

C. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2 N.N.C. § 102 (A). It enacts laws and sets policy for the Navajo Nation.

Secton 2. Findings

A. Within the Navajo Nation, Diné voters, as in any democratic society, freely elect their leaders. 11 N.N.C. §1 *et seq*. Those elected serve a representative role.

B. Elected officials of the Navajo Nation are subject to recall by voters. 11 N.N.C. §241 *et seq*. A petition for recalling an elected official must be signed by at least 60% of voters participating in the last election of such official (*i.e.*, voting in the election putting the official in office). 11 N.N.C. §240(A). If the 60% signature requirement is met, ballots are prepared and a special recall election is conducted. 11 N.N.C. §244.

C. Generally, the 60% signature requirement of the Navajo Nation is higher than other jurisdictions where recall elections are permitted. For example, regarding elected officials in Arizona, the number of petition signatures (before a recall election is held) must equal to at least 25% of votes cast in the last general election for the position held by the official sought to be recalled. Const. Art. 8, §1-6; Ariz. Rev. Stat. §19-201 - 19-234. In New Mexico, for county officials, the signature requirement is set at 33 1/3% (of voters voting in the last election for the office involved). Const. Art. 10, §9.

D. It is in the best interests of the Navajo Nation that recall petition signature requirements be lowered.

Section 3. Amending Election Code

The Navajo Nation hereby amends the Navajo Election Code as follows:

Title 11. Elections

Chapter 1. Navajo Election Code of 1990

Subchapter 12. Removal of Officials; Placement of Officials on Administrative Leave; Recall; Filling Vacancy

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§ 241. Officials subject to recall; recall affidavit; recall petition

A. All elected officials may be removed from office if ~~sixty~~ thirty percent of the registered voters who voted in the last election for the office in question file a petition seeking the official's removal.

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Section 4. Effective date; applicability

The amendments enacted herein shall be effective upon its approval pursuant to 2 N.N.C §221.

Section 5. Codification

These amendments shall be codified by the Office of Legislative Counsel in the next recodification or supplement of the Navajo Nation Code to the extent practicable.

Section 6. Savings Clause

Should any provision of this enactment be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, portions not determined invalid shall remain the law of the Navajo Nation.

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable LoRenzo Bates
Speaker
23rd Navajo Nation Council

MEMORANDUM

To : Hon. Alton Joe Shepherd, Council Delegate
Navajo Nation Council

From : _____
Ron Haven, Attorney
Office of Legislative Counsel

Date : July 6, 2018

Re : AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION ELECTION CODE AT 11 N.N.C. §241(A) TO LOWER PERCENTAGE OF SIGNATURE REQUIREMENT ON RECALL PETITIONS FROM 60 TO 30% OF VOTERS VOTING IN LAST ELECTION FOR POSITION IN QUESTION.

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. 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. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

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 # 18-344-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0239-18_____ SPONSOR: Alton Shepherd

TITLE: An Action Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Amending the Navajo Nation Election Code at 11 N.N.C. §241(A) to lower percentage of signatures requirement on recall petitions from 60 to 30% of voters voting in last election for position in question

***Date posted*: July 6, 2018 at 3:59pm**

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.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: **0239-18**

SPONSOR: **Honorable Alton Joe Shepherd**

TITLE: **An Action Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Amending the Navajo Nation Election Code at 11 N.N.C. §241(A) to lower percentage of signatures requirement on recall petitions from 60 to 30% of voters voting in last election for position in question**

Posted: **July 06, 2018 at 3:59 PM**

5 DAY Comment Period Ended: **July 11, 2018**

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Inconclusive Comments	***None***

Legislative Secretary II
Office of Legislative Services

7/12/2018 8:27am
Date/Time