



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Leonard Tsosie, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0029-15.

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. 0029-15

DATE: January 27, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; AMENDING RESOLUTION CD-80-14, ENTITLED *"AN ACTION RELATING TO AN EMERGENCY; TO ADDRESS A MATTER OF NAVAJO VOTER DISENFRANCHISEMENT; AND PROVIDING FOR A SPECIAL RUN-OFF ELECTION AND A SPECIAL GENERAL ELECTION FOR THE OFFICE OF PRESIDENT"*

PURPOSE: This emergency resolution will amend resolution CD-80-14, entitled *"An Action Relating to an Emergency; To Address a Matter of Navajo Voter Disenfranchisement; and providing for a Special Run-Off Election and a Special General Election for the Office of President"*

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. 0029-15

AN ACTION

RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL;
AMENDING RESOLUTION CD-80-14, ENTITLED "AN ACTION RELATING TO
AN EMERGENCY; TO ADDRESS A MATTER OF NAVAJO VOTER
DISENFRANCHISEMENT; AND PROVIDING FOR A SPECIAL RUN-OFF
ELECTION AND A SPECIAL GENERAL ELECTION FOR THE OFFICE OF
PRESIDENT"

BE IT ENACTED:

Section One. Findings

- A. On January 10, 2015, President Ben Shelly signed Res. CD-80-14.
- B. Res. CD-80-14 was considered as an emergency matter to address disenfranchisement of the votes of many Navajo voters by allowing them to vote again. Based on recommendation from the Navajo Election Administration, a special run-off election was to be scheduled for June 2, 2015; and a special general election was to be scheduled for August 4, 2015. By Res. CD-80-14, Navajo Election Administration was requested to contact 2014 primary election candidates to determine if they wish to file an application for candidacy for the Office of the President.

- 1 C. The Navajo Election Administration has reported that it has not contacted the
2 2014 primary election candidates due to the filing of new court pleadings with the
3 Navajo Supreme Court.
- 4 D. Navajo leaders are receiving many communications about the need to resolve the
5 election of the President and many Navajo voters are expressing their desire to
6 have an election sooner than June 2015 and August 2015.
- 7 E. The continuing delay of the election is preventing or otherwise hindering the
8 installation of the next President of the Navajo Nation, causing the image of the
9 Navajo Nation to suffer, resulting in too many uncertainties; the delay also does
10 not allow for immediate planning by the Navajo Nation to continue basic essential
11 governmental services for the Navajo People.
- 12 F. Navajo Nation leadership have been "talking things out" to provide for the
13 continued leadership in the Office of the President and to resolve the election of a
14 new President while recognizing that many Navajo votes were disenfranchised.
15 Several pieces of legislation have been introduced to address the issue of
16 disenfranchisement of Navajo voters.
- 17 G. Res. CD-80-14 funded the special primary and general elections in the amount of
18 \$317,891.00 and required said funding should be re-appropriated and be expended
19 and used for election(s) scheduled pursuant to this legislation in conformance
20 with budget documents inserted hereto as Exhibit "A".
- 21 H. The late filing of grievances, the different interpretations of the law and the late
22 decisions by the Office of Hearings and Appeals and the Navajo Nation Supreme
23 Court have contributed to the instability and confusion in the 2014 Navajo Nation
24 Election.
- 25 I. Joe Shirley, Jr., received the highest amount of votes in the 2014 Navajo Nation
26 primary election.
- 27 J. Although Russell Begaye finished third in the 2014 Navajo Nation primary
28 election, he was ordered by the Navajo Office of Hearings & Appeals and the
29 Navajo Nation Supreme Court to be a candidate in the for the Office of the
30 President.

- 1 K. The inconsistencies in the Election Code may potentially violate due process
2 rights of candidates, deny the right to the equal protection of the law and infringe
3 upon the fundamental right of voters to select their own leaders. The right of
4 Navajo People to elect a leader of their choice should be respected.
- 5 L. It is in the best interest of the Navajo Nation to resolve the issues, questions and
6 concerns about the Navajo Nation presidential election and to provide for the
7 installation of a new President sooner than what was called for in Res. CD-80-14.
- 8 M. This matter is a continuing emergency pursuant to 2 N.N.C. § 164(A)(16); an
9 emergency is limited to matters which directly threaten the sovereignty of the
10 Navajo Nation and that such emergency matters must arise due to the pressing
11 public need for such resolution and must be a matter requiring a final action by
12 the Council.
- 13 N. The lack of an election for the Office of the President and the Vice President
14 constitutes an emergency which needs to be addressed immediately. Accordingly,
15 for purposes of stability and the continuing of services, it is crucial, and in the
16 best interests of the Navajo Nation, that an election for the offices of the President
17 and Vice President take place at an earlier date.
- 18 O. Navajo Nation Council, as the representative body of the elected representatives
19 of the Navajo People, pursuant to 2 N.N.C. § 102(A), has the prerogative and the
20 authority to amend resolutions to provide for certain remedies and to enact
21 resolutions pursuant to 2 N.N.C. § 164(A).

22
23 **Section Two. Amending and Modifying Res. CD-80-14.**

24 Navajo Nation Council resolution CD-80-14 is hereby amended and modified as
25 follows:

- 26 A. There shall only be one special election scheduled for March 24, 2015, to elect
27 the President and Vice-President of the Navajo Nation.
- 28 B. Joe Shirley, Jr., along with his choice for the Vice President, shall be a
29 pictured candidate on the ballot for the special election; and his previous
30

1 payment of a filing fee shall be sufficient and no further fee shall be required
2 of him.

3 C. Russell Begaye, along with his choice for the Vice President, shall be a
4 pictured candidate on the ballot for the special election; and his previous
5 payment of a filing fee shall be sufficient and no further fee shall be required
6 of him.

7 D. If the law existing at the time of the printing of the ballot allows for a write-in
8 candidate, a space shall be provided on the ballot for a write-in candidate. If
9 the write-in candidate paid his filing fee for the 2014 primary election, then
10 any filing fee as a write-in candidate for the special election shall be waived.
11 Otherwise, a fee of \$1,500.00 shall be required for any new write-in candidate.
12 The election shall be determined by plurality vote. The candidate receiving the
13 highest number of votes shall be declared the winner; no run-off election shall
14 be held.

15 E. Prior to the printing of the ballot for the March 24, 2015 special election, any
16 write-in candidate, cleared by the Navajo Election Administration to
17 participate, shall declare his choice for the Vice-President.

18 F. The amount of \$317,891.00 appropriated by Res. CD-80-14 shall be
19 appropriated and be used for the March 24, 2015 special election scheduled
20 pursuant to this legislation in conformance with budget documents inserted
21 hereto as Exhibit "A".

22 G. All other sections of Res. CD-80-14 are rescinded and shall have no legal
23 effect.

24
25 **Section Three. Authorizing Navajo Board of Election Supervisors and the**
26 **Navajo Election Administration To Implement the Special Election.**

27 The Navajo Board of Election Supervisors and the Navajo Election
28 Administration are hereby authorized to conduct the special Presidential general
29 election of March 24, 2015, for the purpose of electing and certifying a new President
30 and Vice-President of the Navajo Nation.

- 1 A. Poll officials used in the 2014 regular general election may be used as poll
2 officials for the special general election.
- 3 B. All precautions and necessary steps shall be taken to -promptly send absentee
4 ballots to persons who have voted by absentee ballots in the 2014 election cycle.
- 5 C. Special provisions contained herein shall be consistently implemented, as much as
6 possible, with current Election Code provisions and the intent of this resolution.
- 7 D. Navajo Election Administration shall make arrangements for the public
8 announcement for the special election in Navajo and English languages.
- 9

10 **Section Four. Effective Date**

11 These amendments are effective upon its approval pursuant to 2 N.N.C. §221(B).

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13 **Section Five. Saving Clause**

14 Should any provision of this action 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, portions not determined invalid shall remain the law of
17 the Navajo Nation.

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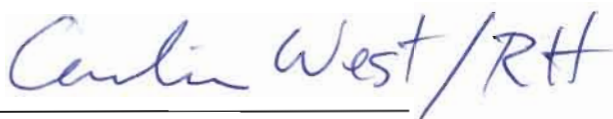
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MEMORANDUM

To : Hon. Leonard Tsosie, Delegate
Navajo Nation Council

From : 
Caroline West, Attorney
Office of Legislative Counsel

Date : January 27, 2015

Re : AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO
NATION COUNCIL; AMENDING RESOLUTION CD-80-14, ENTITLED
*"AN ACTION RELATING TO AN EMERGENCY; TO ADDRESS A MATTER
OF NAVAJO VOTER DISENFRANCHISEMENT; AND PROVIDING FOR A
SPECIAL RUN-OFF ELECTION AND A SPECIAL GENERAL ELECTION
FOR THE OFFICE OF PRESIDENT"*

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.

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 # 15-179-1

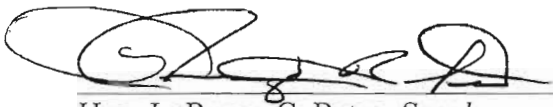
OFFICE OF THE SPEAKER – NAVAJO NATION LEGISLATIVE BRANCH
POST OFFICE BOX 3390/WINDOW ROCK, ARIZONA 86515 / T: (928-871-7160 F: (928)871-7255



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. 0029-15

**RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL;
AMENDING RESOLUTION CD-80-14, ENTITLED "AN ACTION RELATING TO AN
EMERGENCY; TO ADDRESS A MATTER OF NAVAJO VOTER
DISENFRANCHISEMENT; AND PROVIDING FOR A SPECIAL RUN-OFF ELECTION
AND A SPECIAL GENERAL ELECTION FOR THE OFFICE OF PRESIDENT".**

As the Committee assigned to consider the legislation, Legislation No. 0029-15 must be placed on the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0029-15

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: _0029-15_____ SPONSOR: Leonard Tsosie

TITLE: An Action Relating To An Emergency and the Navajo Nation Council; Amending Resolution CD-80-14, Entitled "An Action Relating to an Emergency; To Address a Matter of Navajo Voter Disenfranchisement; and Providing for a Special Run-Off Election and a Special General Election for the Office of President"

Date posted: January 28, 2015 at 3:20pm

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.*