



NOTIFICATION TO WITHDRAW SPONSORSHIP

Legislative Reporting Supervisor
Reporting Section/OLS

I, Dwight Witherspoon, Sponsor of proposed resolution hereby withdraw my sponsorship of the proposed resolution, tracking no. 0001-15. I understand that if there are co-sponsors to the resolution, they may continue as sponsor of the proposed resolution.

Dwight Witherspoon Signature

1/15/15 Date

LEGISLATIVE SUMMARY SHEET

Tracking No. 0001-15

DATE: January 9, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; ALLOWING CURRENT NAVAJO NATION PRESIDENT, BEN SHELLY, TO REMAIN IN OFFICE UNTIL ANOTHER NAVAJO NATION ELECTS A PRESIDENT

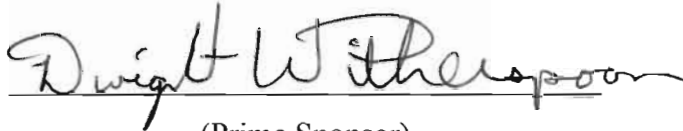
PURPOSE: The purpose of the resolution, if approved, will permit the current President to remain in office pending a general election for the Office of President.

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. 0001-15

AN ACTION

RELATING TO AN EMERGENCY; ALLOWING CURRENT NAVAJO NATION
PRESIDENT, BEN SHELLY, TO REMAIN IN OFFICE UNTIL ANOTHER
NAVAJO NATION ELECTS A PRESIDENT

BE IT ENACTED:

Section One. Findings

- A. Section 164(16) of Title 2 provides, in part, that legislation can be considered as an emergency if such proposed legislation concerns potential threats to "the sovereignty of the Navajo Nation" or a pressing public need exists requiring immediate action by the Navajo Nation Council.
- B. The lack of an elected President and Vice President represents an emergency for the Navajo Nation as this lack of elected leadership will have an impact on enforcement services, disaster relief services, fire protection services and other direct services required as an entitlement under Navajo Nation and federal law. 2 N.N.C § 164(16).
- C. Due to candidacy challenges, and hearings and appeals on such complaints being filed, the election for the Office of the Navajo Nation President and Vice President was not conducted on November 4, 2014 as required by the Navajo Nation Election Code. 11 N.N.C. § 3.

- 1 D. As a result of not having a general election for President and Vice-President
2 there is no one to assume office, either as President or Vice President,
3 beginning January 13, 2015; consequently, the Navajo Nation will not have a
4 President or Vice President until an election is conducted.
- 5 E. Under the existing provisions of the Election Code, a President-elect and Vice
6 President-elect assume office after an election is conducted in November of a
7 General Election year. 11 N.N.C. § 6.
- 8 F. This is a new situation within the Navajo Nation government where the term
9 of one President expires and a President-elect not been elected, thus creating
10 an opening in the Navajo Nation President's Office.
- 11 G. Pending election of a new President and Vice President, it is necessary that
12 Executive functions continue under temporary leadership.
- 13 H. The Navajo Nation Code does not have provisions for a situation such as this.
- 14 I. Under Navajo Nation law, proposed Council resolutions are generally
15 assigned and reviewed by standing committees and the general public. The
16 process for the review of proposed legislation is set forth at 2 N.N.C. §164.
17 However, Navajo Nation law allows the immediate consideration of
18 emergency legislation and general applicable time frames are shortened.
- 19 J. Maintaining the continuity of the Navajo Nation government is in the Navajo
20 Nation's best interest.

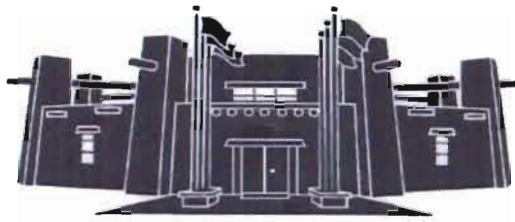
21
22 **Section Two. Allowing the Current Navajo Nation President to Remain in**
23 **Office**

24 Notwithstanding statutory provisions regarding the Navajo President's term of
25 office, the Navajo Nation hereby allows the current Navajo Nation President, Ben
26 Shelly, to remain in office until a new Navajo Nation President is elected and sworn
27 into office.

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29 **Section Three. Effective Date**

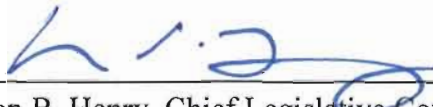
30 This emergency action of the Navajo Nation Council will be effective upon

1 certification of the resolution by the Pro Tem Speaker of the Navajo Nation Council.
2 This action of the Council shall be effective until or unless vetoed by vote of the People
3 through initiative. Due to time constraints and emergency circumstances created, no
4 other review or authority is granted by the Council.
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MEMORANDUM

TO: Honorable Dwight Witherspoon
Navajo Nation Council Delegate

FROM: 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: January 9, 2015

SUBJECT: AN ACTION RELATING TO AN EMERGENCY; ALLOWING CURRENT
NAVAJO NATION PRESIDENT, BEN SHELLY, TO REMAIN IN OFFICE
UNTIL ANOTHER NAVAJO NATION ELECTS A PRESIDENT

As requested, I prepared the above-reference proposed resolution and associated legislative summary sheet. Based on existing law and review of documents submitted, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of challenge. You are encouraged to review the proposed resolution to ensure this is drafted to your satisfaction.

If you are satisfied with the proposed resolution, please sign as "Primary Sponsor" and submit to the Office of Legislative Services where the proposed resolution will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make.