

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL—THIRD YEAR, 2017

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; AMENDING THE NAVAJO ELECTION CODE AT 11 N.N.C. §§ 22 AND 23 BY SHORTENING CANDIDATE FILING PERIOD FROM 90 TO 14 DAYS AND SHORTENING THE CANDIDATE APPLICATION REVIEW PERIOD FROM 30 TO 14 DAYS

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Navajo Nation Council enacts laws and sets Navajo Nation policy. 2 N.N.C. § 102.
- B. The Law and Order Committee of the Navajo Nation Council reviews and makes recommendations to the Navajo Nation Council on proposed amendments to the Navajo Nation Code. 2 N.N.C. § 601(B)(14).
- C. The Naabik'iyáti' Committee of the Navajo Nation Council reviews proposed Navajo Nation Council resolutions. 2 N.N.C. § 164(A)(9).

SECTION TWO. FINDINGS

- A. Under the Navajo Nation Election Code, candidate filing periods open six months prior to a primary election. Once this filing period opens, candidates have 90 days to file their candidate applications. 11 N.N.C. § 22. After a candidate files his or her candidate application, the Navajo Election Administration has 30 days to complete its review of the particular application. 11 N.N.C. § 23. The ending dates for the 30-day application review period can be different for each candidate, depending on when an application is filed.
- B. Initially, the 90-day filing period allowed candidates sufficient time to circulate their nomination petitions for gathering signatures. The law has been changed and nomination petitions are no longer required. Candidates now can file

candidate applications, a process which does not require a significant period of time.

- C. The Navajo Board of Election Supervisors recommends and supports amendments to the Election Code provisions on the 90-day candidate filing period and the subsequent 30-day candidate application review period. The board recommends a shorter candidate filing period of 14 days, instead of 90. See Exhibit "A," resolution BOESD-030-15. It further recommends a shorter candidate application review period of 14 days, not 30. *Id.*
- D. Amending the Election Code whereby the candidate filing and the application review periods are shorten will permit a more efficient and uniform application and review process. The changes will not impact the rights of candidates or the rights of voters to select leaders of their choice.

SECTION THREE. AMENDING ELECTION CODE

The Navajo Nation hereby amends the Navajo Election Code at sections 22 and 23 as follows:

§ 22. Time of filing

- A. Except as otherwise provided by law, there shall be a 14-day ~~90-day~~ filing period. The filing period shall end 90 days prior to the primary election. beginning 180 days prior to a primary election and ending 90 days thereafter. However, for those elective positions which lack a candidate after the a primary election has been conducted, candidate applications shall be filed within the filing period set by the Navajo Board of Election Supervisors. In the event a filing period is extended beyond a primary election, the general election shall be determined by plurality vote.

§ 23. Review of Candidate Application; notice; appeals

- A. Within ~~thirty (30)~~ 14 days of ~~receipt of a candidate application~~ the closing of the candidate filing period, the Election Administration shall review, verify and determine, on the face of the candidate application, the qualifications for candidacy. The Navajo Election Administration shall have the authority to determine ineligible any individual who does not meet the qualifications for the office sought.

- B. If the Election Administration determines that an individual is not qualified for the position sought, it shall deny the application for candidacy as ineligible. Within ~~thirty (30)~~ 14 days of the submitted application closing of the candidate filing period, the Administration shall notify the applicant in writing of the reason for his or her ineligibility and the right to file an appeal to the Office of Hearings and Appeals pursuant to 11 N.N.C. §341.

SECTION FOUR. EFFECTIVE DATE

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

SECTION FIVE. CODIFICATION

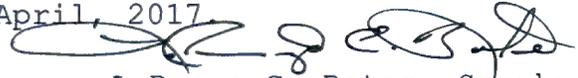
The provisions of these amendments which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code. The office shall be authorized, in incorporating such amendments, to redesignate sections of the Election Code if necessary.

SECTION SIX. SAVINGS CLAUSE

Should any provision of these amendments 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, those provisions which are not determined invalid shall remain the law of the Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 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 16 in favor and 0 opposed, this 20th day of April, 2017.



LoRenzo C. Bates, Speaker
Navajo Nation Council

4-21-17

Date

Motion: Honorable Jonathan Perry
Second: Honorable Seth Damon

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 30th day of April 2017.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this _____ day of _____ 2017 for reason(s) expressed in the attached letter to the Speaker

Russell Begaye, President
Navajo Nation

NAVAJO NATION

RCS# 766

NNC Spring Session

4/20/2017
09:17:18 PM

Amd# to Amd#

Legislation No. 0098-17

PASSED

MOT Perry

Amending the Navajo Election

SEC Damon

Code

Yea : 16

Nay : 0

Not Voting : 7

Yea : 16

Begay, NM
Begay, S
BeGaye, N
Chee

Crotty
Damon
Daniels
Jack

Perry
Phelps
Slim
Smith

Tso
Tsosie
Witherspoon
Yazzie

Nay : 0

Not Voting : 7

Bates
Begay, K

Bennett
Brown

Filfred
Hale

Pete
Shepherd



BOESD-030-15

RESOLUTION OF THE
NAVAJO BOARD OF ELECTION SUPERVISORS

Recommending that the Navajo Nation Council amend the Navajo Nation Election Code at 11 N.N.C. §§ 22 and 23 by shortening the candidate filing period from 90 days to 14 days and changing provisions relative to the candidate application review period for purposes of consistency

WHEREAS:

1. The Navajo Board of Election Supervisors is authorized pursuant to 2 N.N.C. §873(A)(1) and 11 N.N.C. § 321 to administer, implement and enforce the Navajo Election Code.
2. The right to vote is protected by Navajo Nation law. Every Navajo Nation voter is encouraged to register and to vote in every election conducted. Every Navajo voter also has a right to run for elective office.
3. Under Navajo Nation law, the filing period is 90 days. This filing period opens 6 months (180 days) before a primary election. 11 N.N.C. § 22(A). At the end of 90 days, the filing period is closed.
4. It is necessary that the 90-day filing period be shortened to 14 days. A shorter period permit's a more efficient process for the review of applications and does not affect the right of voters to vote for their candidates of choice. Aside a shorter filing period, the application review period will similarly be shortened.

NOW THEREFORE BE IT RESOLVED:

1. The Navajo Board of Election Supervisors hereby recommends that the Navajo Nation Council amend the Navajo Nation Election Code at §§ 22 and 23 as follows (or similar text consistent with the intent and purposes of the recommendations hereof):

§ 22. Time of filing

A. Except as otherwise provided by law, There shall be a 14 day 90-day filing period. The filing period shall end 90 days prior to the primary election. ~~beginning 180 days prior to a primary election, and ending 90 days thereafter.~~ However, for those elective positions which lack a candidate after the a primary election has been conducted, candidate applications shall be filed within the filing period set by the Navajo Board of Election Supervisors. In the event a filing period is extended beyond a primary election, the general election shall be determined by plurality vote.

§ 23. Review of Candidate Application; notice; appeals

A. Within ~~thirty (30)~~ fourteen days of receipt of a candidate application ~~the closing of the candidate filing period~~, the Election Administration shall review, verify and determine, on the face of the candidate application, the qualifications for candidacy. The Navajo Election Administration shall have the authority to determine ineligible any individual who does not meet the qualifications for the office sought.

B. If the Election Administration determines that an individual is not qualified for the position sought, it shall deny the application for candidacy as ineligible. Within ~~thirty (30)~~ fourteen days of the ~~submitted application~~ the closing of the candidate filing period, the Administration shall notify the applicant in writing of the reason for his or her ineligibility and the right to file an appeal to the Office of Hearings and Appeals pursuant to 11 N.N.C. §341.

2. In the event the Chairperson of the Navajo Board of Election Supervisors, the Vice-Chairperson of the Navajo Board of Election Supervisors or the designee of the Navajo Board of Election Supervisors is unavailable, the Director of the Navajo Election Administration shall be authorized to present these proposed amendments to standing committees and the Navajo Nation Council on behalf of the Navajo Board of Election Supervisors.

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 at which a quorum was present and that the same was passed by a vote of 7 in favor, 0 opposed, and 1 abstention, this 28th day of December, 2015.


Rodger Martinez, Chairperson
Navajo Board of Election Supervisors

Motion: Ruth Gilmore
Second: Bertha Aguirre