



## 24<sup>th</sup> NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, HONORABLE JAIME HENIO, Primary  
Sponsor of proposed legislation hereby withdraw my  
sponsorship of the proposed legislation. The legislation  
tracking number is 0190-19.

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

SPONSOR SIGNATURE:

A handwritten signature in black ink, appearing to read "JAIME HENIO", is written over a horizontal line.

DATE:

A handwritten date "7/8/19" in black ink is written over a horizontal line.



## LEGISLATIVE SUMMARY SHEET

Tracking No. 0190-19

**DATE:** July 2, 2019

**TITLE OF RESOLUTION:** AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING 11 N.N.C. §404(B)(11), SIGNATURE REQUIREMENTS FOR NAVAJO NATION-WIDE INITIATIVE PETITIONS

**PURPOSE:** This resolution will amend 11 N.N.C. §404(B)(11), signature requirements for Navajo Nation-wide initiative petitions.

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: 7/3/19  
Website Posting Time/Date: 7:35am 7/3/19  
Posting End Date: 7/8/19  
Eligible for Action: 7/9/19

Law & Order Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

  
(Prime Sponsor)

Tracking No. 0190-19

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION  
COUNCIL; AMENDING 11 N.N.C. §404(B)(11), SIGNATURE REQUIREMENTS  
FOR NAVAJO NATION-WIDE INITIATIVE PETITIONS

BE IT ENACTED:

**SECTION ONE. AUTHORITIES**

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600. The committee has the authority to review and make recommendations to the Navajo Nation Council on proposed amendments and enactments to the Navajo Nation Code. 2 N.N.C. §601(B)(14).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700. Under Navajo Nation law, "a proposed resolution that requires final action by the Navajo Nation Council [must] be assigned to standing committee(s) having authority over the subject matter at issue and the Naabik'iyáti' Committee." 2 N.N.C. § 164(A)(9). The committee has oversight over the Commission on Navajo Government Development. 2 N.N.C. § 970.
- C. The Navajo Nation Council is an elected body authorized to enact laws of the Navajo Nation. See generally, 2 N.N.C. § 164.

1       **SECTION TWO. FINDINGS**

- 2       A. The Navajo Nation Council created the Commission on Navajo Government  
3       Development in 1989. CD-68-89. Enabling legislation provided, "[t]he Commission  
4       is special entity created by the Navajo Nation Council with quasi-independent  
5       authority to accomplish the Council's project of instituting reforms necessary to  
6       ensure an accountable and responsible government." 2 N.N.C. § 970. Subsequently,  
7       in 1994, the Council added the following purpose - "to review and evaluate all aspects  
8       of the existing government structure of the Navajo Nation including laws, rules and  
9       regulations, practices, functions, goals and objectives of the central government as it  
10      relates to Chapters, and local communities and the relationship of Chapters and local  
11      communities and the relation of chapters and local communities to the central  
12      government.." 2 N.N.C. § 971, CJY-65-94.
- 13     B. Under the Navajo Election Code, the signatures of at least 15 percent of registered  
14     voters is required on an initiative petition for a measure to be placed on the ballot. 11  
15     N.N.C. § 404(B)(11). For local chapter measures, the percentage is based on voters  
16     within the precinct. *Id.*
- 17     C. Pursuant to the Navajo Election Code, "General Elections" is defined as "Elections held  
18     for the purpose of electing the President of the Navajo Nation, Vice-President of the Navajo  
19     Nation, elected members of the Navajo Nation Board of Education, and Delegates of the  
20     Navajo Nation Council, and/or for voting on a referendum." 11 N.N.C. § 2(V).
- 21     D. The Commission on Navajo Government Development recommends that, for Navajo  
22     Nation-wide initiatives, the percentage of signature requirements under the Election  
23     Code be changed to one based on voter turnout in a last Navajo Nation general  
24     election. See Exhibit A, CNGD-0503019.
- 25     E. It is in the best interests of the Navajo Nation to amend signature requirements for  
26     Navajo Nation-wide initiatives under the Navajo Election Code.

27  
28       **SECTION THREE. AMENDING ELECTION CODE**

29       The Navajo Nation hereby amends the Navajo Nation Election Code as follows:  
30       \_\_\_\_\_



## Chapter 2. Referendum/Initiative

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### § 404. Initiatives by petition of registered voters

- A. Registered voters may petition to place an initiative on a Navajo Nation general or special election ballot where the scope of the initiative affects the entire Navajo Nation and is not limited to a chapter or chapters. Registered voters may petition to place an initiative on a chapter or special chapter election ballot where the initiative's scope is limited to the chapter or chapters. An initiative election shall be at the next regularly scheduled Navajo Nation or chapter election if scheduled no sooner than 60 days from the date of the Board's final certification of the initiative petition OR at a special initiative election to be held no sooner than 60 days and not later than 120 days from the date of the Board's final certification of the initiative petition, subject to the conditions on special initiative elections set forth herein.

\*\*\*\*

11. ~~Fifteen percent of all eligible registered voters shall have signed the petition for an initiative to be placed on a ballot. For purposes of determining the fifteen percent signature requirement, the total number of eligible registered voters shall be the official number of registered voters, Navajo Nation-wide or for the particular chapter if a chapter initiative, as of the date the petition is first submitted to the Navajo Election Administration.~~ The number of eligible registered voter signatures required for an initiative to be placed on the ballot shall be based on the date the petition is first submitted to the Navajo Election Administration, and shall be determined as follows:

- a). For Navajo Nation-wide initiatives, signatures equal to at least fifteen percent of the total number of voters voting in a last general election in which elections included the Office of the Navajo Nation President and Vice President.

1                    b). For chapter initiatives, signatures equal to at least fifteen percent  
2                    of registered voters within the chapter.

3                    \*\*\*\*\*  
4                    \_\_\_\_\_  
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7                    **SECTION FOUR. EFFECTIVE DATE**

8                    The Act enacted herein shall be effective upon its approval pursuant to 2 N.N.C. §221 and 2  
9                    N.N.C. §1005 (C) (10-12).  
10

11                    **SECTION FIVE. CODIFICATION**

12                    The provisions of these amendments of the Navajo Nation Code shall be codified by  
13                    the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate  
14                    such amendments in the next codification of the Navajo Nation Code.  
15

16                    **SECTION SIX. SAVINGS CLAUSE**

17                    Should any provision of these amendments be determined invalid by the Navajo  
18                    Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the  
19                    Navajo Nation Supreme Court, those amendments that are not determined invalid shall  
20                    remain the law of the Nation.  
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**RESOLUTION OF THE  
COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT**



**AN ACTION TO RECOMMEND TO THE NAVAJO NATION COUNCIL AND THE NAVAJO BOARD OF ELECTION SUPERVISORS TO AMEND 11 N.N.C. § 404 (11.) TO ALLOW FOR GREATER NAVAJO REGISTERED VOTERS PARTICIPATION IN PLACING A PETITION INITIATIVE ON A NAVAJO NATION GENERAL OR SPECIAL ELECTION BALLOT WHERE THE SCOPE OF THE INITIATIVE AFFECTS THE ENTIRE NAVAJO NATION.**

**WHEREAS:**

1. Pursuant to CD-68-89, the Navajo Nation Council established the Commission on Navajo Government Development (Commission) including the Office of Navajo Government Development with quasi-independent authority to accomplish the Navajo Nation Council's project of instituting reforms necessary to ensure an accountable and responsible government; and
2. Pursuant to 2 N.N.C. § 971 (1994 as amended), the purpose of the Commission on Navajo Government Development shall be as follows: (A) To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities to the central government; and
3. Pursuant to 2 N.N.C. § 973 (B)(2), to provide short and long range comprehensive planning, evaluation and development appropriate to further enhance a Navajo Government that will perpetually accommodate the Navajo People both at the central government level and at the local level...to ensure and retain traditional harmony, cultural respect; and
4. Pursuant to 2 N.N.C. § 973 (B)(3), the Commission shall have the powers "To review, evaluate, and recommend laws, rules, and regulation, including those of agencies, boards and commissions in order to develop a comprehensive system of government for the Navajo People; and
5. On January 19, 2019, the Commission on Navajo Government Development initially received a report from the Initiative Petition Committee representative to *Develop Constitution Diné Bi Beehaz'áanii*, in which a strong recommendation was made by the presenter to consider amending 11 N.N.C. § 404 – initiative by petition of registered voters; and
6. On March 10, 2019, the Commission on Navajo Government Development and the Navajo Board of Election Supervisor held a joint work session to review 11 N.N.C. § 404, Empowering the Navajo People presentation, recommendations by both the board and commission on next steps; and
7. The Commission and Board agreed to have both entities identify and select two (2) members in establishing a Joint Task Force, so to begin collaborating on examining scenarios and most feasible approaches to amend 11 N.N.C. § 404 – initiative by petition of registered voters; and

8. The Commission is of a conclusive position that rather than changing "Fifteen percent (15%)" numerical quantity in 11 N.N.C. § 404 (11.), a minor language modification will suffice in amending the outcome of achieving a more manageable threshold for an initiative by petition signature requirement of registered voters; and

9. The Commission endorses the following language modification in 11 N.N.C. § 404 (11.):

Fifteen percent (15%) of all eligible registered voters ~~shall~~ who cast their ballot in the last General Election have signed the petition for an initiative to be placed on a ballot. For purposes of determining the fifteen percent (15%) signature requirement, the total number of eligible registered voters ~~shall~~ who cast their ballot in the last General Election be the official number of registered voters, Navajo Nation-wide or for the particular chapter if a chapter initiative, as of the date the petition is first submitted to the Navajo Election Administration.

#### **NOW THEREFORE IT BE RESOLVED THAT:**

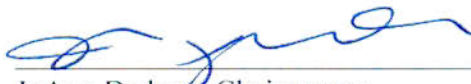
1. The Commission on Navajo Government Development hereby endorses language modification in 11 N.N.C. § 404 (11.) and it will read as follow:

Fifteen percent (15%) of all eligible registered voters ~~shall~~ who cast their ballot in the last General Election have signed the petition for an initiative to be placed on a ballot. For purposes of determining the fifteen percent (15%) signature requirement, the total number of eligible registered voters ~~shall~~ who cast their ballot in the last General Election be the official number of registered voters, Navajo Nation-wide or for the particular chapter if a chapter initiative, as of the date the petition is first submitted to the Navajo Election Administration.

2. The Commission recommends to the Navajo Nation Council and the Navajo Board of Election Supervisors to enact the aforementioned language modification as part of the commission's *review, evaluate, and recommend laws, rules and regulations...for the Navajo People.*

#### **CERTIFICATION**

I, hereby certify that the foregoing resolution was duly considered by the Commission on Navajo Government Development at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed, and 1 abstained, this 18<sup>th</sup> day of May, 2019.



JoAnn Dedman Chairperson  
Commission on Navajo Government Development

Motion: Emmett Kerley

Second: LeTanya Thinn



**LEGISLATIVE BRANCH  
NAVAJO NATION**



**HONORABLE SETH DAMON**  
*Speaker, 24<sup>th</sup> Navajo Nation Council*

May 23, 2019

Jamie Henio, Council Delegate  
24<sup>th</sup> Navajo Nation Council  
PO Box 3390  
200 Parkway, Building 4  
Window Rock, AZ 86515

Dear Honorable Delegate Henio,

Yá'át'tééh! I hope this letter finds you in good spirit and health.

On May 18, 2019, the Commission on Navajo Government Development (Commission) passed Resolution No. CNGD-0503-19.

The intent of this resolution is to update amend or modify the language in 11 N.N.C. § 404 (11.) in an effort to empower the Navajo People when an initiative by petition of registered voters is pursued.

The Commission and the Navajo Board of Election Supervisors held a joint work sessions to reach a consensus on this matter and thus the approved resolution with language medication is attached here.

The Office of Navajo Government Development is requesting that you be the primary sponsor for this legislation and to submit this packet to the Office of Legislative Services, so the legal staff can prepare the necessary legislative documents. The Commission and Office respectfully request this be introduced right away in hope that it makes the 24<sup>th</sup> Navajo Nation Council Summer Session.

Attached to this letter are the following:

1. Commission on Navajo Government Development Resolution No. CNGD-0503-19

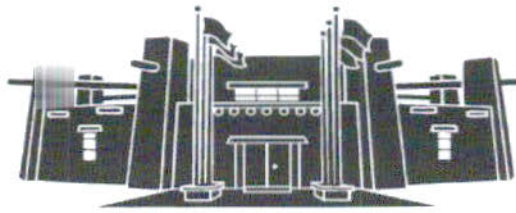
If you need additional information or clarification, please do not hesitate to call us at the following numbers: (928) 871-7214 / 7161.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward K. Dee".

Edward K. Dee, Executive Director  
Office of Navajo Government Development

xc: ONGD files



## MEMORANDUM

To : Hon. Jamie Henio, Council Delegate  
Navajo Nation Council

From :   
Ron Haven, Attorney  
Office of Legislative Counsel

Date : July 2, 2019

Re : AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTT' AND THE  
NAVAJO NATION COUNCIL; AMENDING 11 N.N.C. §404(B)(11),  
SIGNATURE REQUIREMENTS FOR NAVAJO NATION-WIDE  
INITIATIVE PETITIONS

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. However, as with all legislation, it can be subject to review by the courts in the event of proper challenge. Also, understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title. 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.

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 # 19-269-1**



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0190-19

SPONSOR: Jamie Henio

TITLE: An Action Relating To Law And Order, NAABIK'IYATI' And The Navajo Nation Council; Amending 11 N.N.C. §404(B)(11), Signature Requirements For Navajo Nation-Wide Initiative Petitions

*Date posted:* July 3, 2019 at 7:35 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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) 871-7586

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.*