24th NAVAJO NATION COUNCIL
LEGISLATION SPONSORSHIP WITHDRAWAL

I, Honorable Raymond Smith, Jr., Primary Sponsor of proposed legislation hereby withdraw my sponsorship of the proposed legislation. The legislation tracking number is 0162-19.

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

SPONSOR SIGNATURE: _____

DATE: 7/11/19

Office of Legislative Services • Post Office Box 3390 • Window Rock, AZ 86515
(928) 871-6380 / 7254 • Fax (928) 871-7259

LEGISLATIVE SUMMARY SHEET

Tracking No. 0162-19

DATE: June 19, 2019

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§1002(D) AND 1003(C) AND 11 N.N.C. § 8(A) TO CLARIFY THAT TERM LIMITS FOR NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT ARE NO MORE THAN TWO TERMS IN A LIFETIME

PURPOSE: This resolution will amend 2 N.N.C. §§1002(D) and 1003(C) and 11 N.N.C. § 8(A) to provide clarification to existing statutory language as to term limits (two terms only) for Navajo Nation Office of the President and Vice President elective positions. The clarification is to restrict or otherwise prohibit an individual from serving more than two terms as President or two terms as Vice President in a lifetime.

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: _____
Website Posting Time/Date: 6:18pm 6/21/19
Posting End Date: 6/26/19
Eligible for Action: 6/27/19

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

(Prime Sponsor)

TRACKING NO. 0162-19

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§1002(D) AND 1003(C) AND 11 N.N.C. § 8(A) TO CLARIFY THAT TERM LIMITS FOR NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT ARE NO MORE THAN TWO TERMS IN A LIFETIME

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(A). The committee is authorized "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. The Naabik'íyáti Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A). The committee is assigned and reviews all proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).

C. The Navajo Nation Council, pursuant to 2 N.N.C. §102(A), is the "governing body of the Navajo Nation...." A primary role of Navajo Nation Council delegates is policy-making.

SECTION TWO. FINDINGS

A. Under the Navajo Election Code, a term of office is four years. 11 N.N.C. § 6(A). For the offices of the President, Vice-President and Council Delegate, the code states and defines the beginning and ending dates of this four-year term as follows - "At each general election all persons elected to the offices of President of the Navajo Nation, Vice-President of the Navajo Nation and Delegate of the Navajo Nation Council shall be installed in office at noon on the second Tuesday after the first Monday of January following their election and their predecessors' term of office shall expire upon their installation in office." 11 N.N.C. § 6(B). Terms start upon oaths administered in January after each general election and end four calendar years thereafter. Terms do extend beyond this defined period.

B. The Navajo Election Code provides, "[e]xcept as otherwise provided by law, the number of terms a person may hold a Navajo elective office shall be unlimited." 11 N.N.C. § 7(A).

C. Title 2 of the Navajo Nation Code provides term limits for the Navajo Nation Office of the President and the Vice President. For the Office of the President, the law provides - "The President shall serve no more than two terms" 2 N.N.C. § 1002(D). Similarly, with respect to the Office of the Vice President, the law provides - "The Vice-President shall serve no more than two terms" 1003(C).

D. The Navajo Supreme Court determined that the two-term limit set forth at 2 N.N.C. § 1002(D) for the Office of the President as valid. See *Todacheene v. Shirley*, 9 Nav. R. 380 (Nav. Sup. Ct. August 2, 2010). The court however construed the two-term restriction of 2 N.N.C. §1002(D) to mean two consecutive terms (eight years) for a sitting President. Thereafter, an individual completing consecutive terms as President must sit out a full term before seeking additional terms. In this respect, the court stated, "2 N.N.C. §1002(D) imposes a space of one term between a former two-term President's candidacy for that same office." *Todacheene v. Shirley*, 9 Nav.R. 380, 384 (Nav. Sup. Ct. August 2, 2010).

SECTION THREE. AMENDING 2 N.N.C. §§1002(D) AND 1003(C)

The Navajo Nation hereby reaffirms the statutorily-enacted two-term limit for the Offices of the Navajo President and Vice-President. However, the two-term limit provisions at 2 N.N.C. §§1002(D) and 1003(C) are amended for clarification purposes as follows:

Title 2. Navajo Nation Government

Chapter 5. Executive Branch

Subchapter 1. Generally

Article 1. Office of the President and Vice-President

****

§ 1002. Office of President and Vice-President; term

A. There is established the Office of President and Vice-President.

B. There shall be one President of the Navajo Nation.

C. The President shall be elected for a term of four years.

D. ~~The President shall serve no more than two terms.~~ No individual shall serve more than two terms to which they are elected as President in a lifetime.

§ 1003. Vice-President

A. There shall be one Vice-President of the Navajo Nation.

B. He/she shall be elected for a term of four years.

C. ~~The Vice-President shall serve no more than two terms.~~ No individual shall serve more than two terms to which they are elected as Vice-President in a lifetime.

****

SECTION FOUR. AMENDING 11 N.N.C. § 8(A)

The Navajo Nation Election Code, at 11 N.N.C. § 8(A) is amended as follows:

§ 8. Qualifications for office

A. Qualifications for President and Vice-President are:

****

12. No individual shall serve more than two terms to which they are elected as President or two terms as Vice-President in a lifetime.

SECTION FIVE. VOTE REQUIRED

Pursuant to CD-68-89, this action requires a two-thirds (2/3rds) vote of the full Navajo Nation Council.

SECTION SIX. EFFECTIVE DATE; RETROACTIVE APPLICATION

These amendments shall operate retroactively upon their approval pursuant to 2 N.N.C. §221. They shall apply to all individuals who have served two terms, consecutive or not, as Navajo Nation President or two terms as Vice President.

SECTION SEVEN. 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 EIGHT. 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, the amendments, or any portion thereof, which are not determined invalid shall remain the law of the Navajo Nation.

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

To : Hon. Raymond Smith, Jr., Delegate
Navajo Nation Council

From : Ron Haven, Attorney
Office of Legislative Counsel

Date : June 19, 2019

Re : AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§1002(D) AND 1003(C) AND 11 N.N.C. §8(A) TO CLARIFY THAT TERM LIMITS FOR NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT ARE NO MORE THAN TWO TERMS IN A LIFETIME

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'.

19-289-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0162-19_____ SPONSOR: Raymond Smith, Jr.

TITLE: An Act Relating To Law And Order, Naabik'íyáti' And The Navajo Nation Council; Amending 2 N.N.C. §§1002(D) And 1003(C) And 11 N.N.C. § 8(A) To Clarify That Term Limits For Navajo Nation Office Of The President And Vice President Are No More Than Two Terms In A Lifetime

Date posted: June 21, 2019 at 6:18pm

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.: 0162-19

SPONSOR: Honorable Raymond Smith Jr.

TITLE: An Act Relating To Law And Order, Naabik'íyáti' And The Navajo Nation Council; Amending 2 N.N.C. §§1002(D) And 1003(C) And 11 N.N.C. § 8(A) To Clarify That Term Limits For Navajo Nation Office Of The President And Vice President Are No More Than Two Terms In A Lifetime

Posted: June 21, 2019 at 6:18 PM

5 DAY Comment Period Ended: June 26, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	**Willie Tracey Jr., Ganado Chapter**

Legislative Tracking Secretary
Office of Legislative Services

6-27-19 8:25 am
Date/Time

Legislation 0162-19

Ganado Chapter <ganado@navajochapters.org>

Mon 6/24/2019 9:49 AM

To comments <comments@navajo-nsn.gov>;

Respective NNC Members,
This is legislation should not be decided by only 14-23 Council Delegates, this legislation should be decided using a respective Navajo Nation Referendum Election. Direct the Navajo Board of Election Supervisors to include it on the election ballot to be considered by the people for the people.

Secondly, It's only right to include NAVAJO NATION COUNCIL, all local Chapter elected leadership as well.

--
Willie Tracey Jr., Chapter Manager
GANADO CHAPTER

LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL

FIRST YEAR 2019

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0162-19: An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Amending 2 N.N.C. §§1002(D) and 1003(C) and 11 N.N.C. § 8(A) to Clarify that Term Limits for Navajo Nation Office of the President and Vice President are No More Than Two Terms in a Lifetime – Sponsor: Honorable Raymond Smith, Jr.

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendment

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,

Eugenia Charles-Newton, Chairwoman
Law and Order Committee
24th Navajo Nation Council

Date: July 8, 2019

Main Motion: Honorable Vince James
Second : Honorable Otto Tso
Vote : 3-0-1

LAW AND ORDER COMMITTEE
Regular Meeting
July 8, 2019

VOTE TALLY SHEET:

Legislation No. 0162-19: An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Amending 2 N.N.C. §§1002(D) and 1003(C) and 11 N.N.C. § 8(A) to Clarify that Term Limits for Navajo Nation Office of the President and Vice President are No More Than Two Terms in a Lifetime – Sponsor: Honorable Raymond Smith, Jr.

Main Motion: Vince James **Second:** Otto Tso **Vote:** 3-0-1

VOTE TALLY:
Yea: VJames/ETso/Otso
Nay:
Not Voting: ECNewton
Absent: EYazzie

Eugenia Charles-Newton, Chairwoman

Laureen Spencer, Legislative Advisor
Law and Order Committee