

23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

1, Leonard TEOSIE, Primary		
Sponsor of proposed legislation hereby withdraw my		
sponsorship of the proposed legislation. The legislation		
tracking number is posu-15.		
If there are any co-sponsors, they may re-sponsor the same		
bill by beginning a new legislation.		
bill by beginning a new legislation.		
SPONSOR SIGNATURE:		
DATE:		

LEGISLATIVE SUMMARY SHEET

Tracking No. 003le - 15

DATE: January 29, 2015

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

PURPOSE: The purpose of the resolution is to amend Resolution CD-80-14.

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.

The second second second	HOLD PERIOD: Naa'bik'íyáti' Co	ommittee
Website Post Posting End	THEN	ICE
Eligible for A	540.	on Council
1	PROPOSED NAVAJO NATION COUNCIL RESOLUTION	on Council
2	23 nd NAVAJO NATION COUNCIL – First Year, 2015	
3	INTRODUCED BY	
4		
5	(L) /00 h	
6	(Prime Sponsor)	
7		
8	TRACKING NO. 00312-15	
9		
10	AN ACTION	
11		
12	RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL;	
13	AMENDING RESOLUTION CD-80-14, ENTITLED "AN ACTION RELATING TO	
14	AN EMERGENCY; TO ADDRESS A MATTER OF NAVAJO VOTER	
15	DISENFRANCHISMENT; AND PROVIDING FOR A SPECIAL RUN-OFF	
16	ELECTION AND A SPECIAL GENERAL ELECTION FOR THE OFFICE OF	
17	PRESIDENT"	
18		
19	BE IT ENACTED:	
20	Section One. Findings	
21	A. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo	
22	Nation standing committee and as such proposed legislation that requires final action	
23	by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2	
24	N.N.C. §§ 164 (A)(9), 700 (A) (2012) see also CO-45-12.	
25	B. The Navajo Nation Council must review and approve enactments or amendments of	
26	positive law. 2 N.N.C. § 164 (A) (2012) see also CO-45-12.	
27	C. On January 10, 2015, President Ben Shelly signed Res. CD-80-14.	
28	D. Res. CD-80-14 was considered as an emergency matter to address	
29	disenfranchisement of the votes of many Navajo voters by allowing them to vote	
30	again. Based on recommendation from the Navajo Election Administration, a special	

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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.

- E. The Navajo Election Administration has reported that it has not contacted the 2014 primary election candidates due to the filing of new court pleadings with the Navajo Supreme Court.
- F. Navajo leaders are receiving many communications about the need to resolve the election of the President and many Navajo voters are expressing their desire to have an election sooner than June 2015 and August 2015.
- G. The continuing delay of the election is preventing or otherwise hindering the installation of the next President of the Navajo Nation, causing the image of the Navajo Nation to suffer, resulting in too many uncertainties; the delay also does not allow for immediate planning by the Navajo Nation to continue basic essential governmental services for the Navajo People.
- H. Navajo Nation leadership have been "talking things out" to provide for the continued leadership in the Office of the President and to resolve the election of a new President while recognizing that many Navajo votes were disenfranchised. Several pieces of legislation have been introduced to address the issue of disenfranchisement of Navajo voters.
- I. Res. CD-80-14 funded the special primary and general elections in the amount of \$317,891.00 and required said funding should be expended and used for election(s) scheduled pursuant to this legislation in conformance with budget documents.
- J. The late filing of grievances, the different interpretations of the law and the late decisions by the Office of Hearings and Appeals and the Navajo Nation Supreme Court have contributed to the instability and confusion in the 2014 Navajo Nation Election.
- K. Joe Shirley, Jr., received the highest amount of votes in the 2014 Navajo Nation primary election.

- L. Although Russell Begaye finished third in the 2014 Navajo Nation primary election, he was ordered by the Navajo Office of Hearings & Appeals and the Navajo Nation Supreme Court to be a candidate in the for the Office of the President.
- M. The inconsistencies in the Election Code may potentially violate due process rights of candidates, deny the right to the equal protection of the law and infringe upon the fundamental right of voters to select their own leaders. The right of Navajo People to elect a leader of their choice should be respected.
- N. It is in the best interest of the Navajo Nation to resolve the issues, questions and concerns about the Navajo Nation presidential election and to provide for the installation of a new President sooner than what was called for in Res. CD-80-14.
- O. Navajo Nation Council, as the representative body of the elected representatives of the Navajo People, pursuant to 2 N.N.C. § 102(A), has the prerogative and the authority to amend resolutions to provide for certain remedies and to enact resolutions pursuant to 2 N.N.C. § 164(A).

Section Two. Amending and Modifying Res. CD-80-14.

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

- A. There shall only be one special election scheduled for March 24, 2015, to elect the President and Vice-President of the Navajo Nation.
- B. Joe Shirley, Jr., along with his choice for the Vice President, shall be a pictured candidate on the ballot for the special election; and his previous payment of a filing fee shall be sufficient and no further fee shall be required of him.
- C. Russell Begaye, along with his choice for the Vice President, shall be a pictured candidate on the ballot for the special election; and his previous payment of a filing fee shall be sufficient and no further fee shall be required of him.
- D. If the law existing at the time of the printing of the ballot allows for a write-in candidate, a space shall be provided on the ballot for a write-in candidate. If

the write-in candidate paid his filing fee for the 2014 primary election, then any filing fee as a write-in candidate for the special election shall be waived. Otherwise, a fee of \$1,500.00 shall be required for any new write-in candidate. The election shall be determined by plurality vote. The candidate receiving the highest number of votes shall be declared the winner; no run-off election shall be held.

- E. Prior to the printing of the ballot for the March 24, 2015 special election, any write-in candidate, cleared by the Navajo Election Administration to participate, shall declare his choice for the Vice-President.
- F. The amount of \$317,891.00 appropriated by Res. CD-80-14 shall be appropriated and be used for the March 24, 2015 special election scheduled pursuant to this legislation in conformance with budget documents inserted hereto as Exhibit "A".
- G. All other sections of Res. CD-80-14 are rescinded and shall have no legal effect.

Section Three. Authorizing Navajo Board of Election Supervisors and the Navajo Election Administration To Implement the Special Election.

The Navajo Board of Election Supervisors and the Navajo Election

Administration are hereby authorized to conduct the special Presidential general election of March 24, 2015, for the purpose of electing and certifying a new President and Vice-President of the Navajo Nation.

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

Section Four. Effective Date

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

Section Five. Saving Clause

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

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

FY ___2015_

EXHIBIT Subbles

Page__1__ of _4___

(C) (Column B - A) 906,592 83,694 249,594 249,594 250,576 11,160 2,948 145,174 0 0 0 0 0 0 0 0 0 1,811,729	ionahroanhorse@navajo-nsn.gov (A) (B) Proposed Presidential ginal Budget Election Budget (6 17,00 17,	Division/Branch: jonahroanho (A)	Fund Type Code Code Indgeted: Vehicles:	Fund Type Code Personnel Expenses Repairs and Maintenance Contractual Services Special Transactions Public Assistance Capital Outlay Matching Funds rdirect Cost Total # of Positions Budgeted: Total # of Permanentity Assigned Vehicles: Indicet PACKAGE IS COMPLETE AND ACCI	UDGET	Election Administration Office No.: 928-871-6 Nof Total PART III. BI Total PART III. BI 3000 Trave 3000 Trave 3500 Meet 4000 Supp 5500 Conti 6500 Conti 6500 Capii 9500 Match 9500 Indire 9500 Indire 100% Total Total	Program Title: Electic Amount 317,891.00 \$317,891.00	PART II. Business Unit No.: 101021 Program Title PART II. FUNDING SOURCE(S) Fiscal Year Term Amou UUFB 10/1/14 - 09/30/15 317 TOTAL: \$317,89	PART I. Business Unit No.: PART II. FUNDING SOURCE(S) UUFB PART V. I HEREBY ACKNOWLI
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		RATE.	ND ACCU	SE IS COMPLETE	IIS BUDGET PACKAO	INED IN TH	FORMATION CONTA	DGE THAT THE IN	OWL
						100%	\$317,891.00	TOTAL	
	N. A.	9	Vehicles:	nanently Assigned	Total # of Perm				
	N. A.	18	udgeted:	tal#of Positions B	To				
	(E)	(D)		S AND VEHICLES					
1,811,729	317,891.00	\$1,493,838.00	TOTAL						
0					500 Indirect Cost	9			
0					500 Matching Funds	6			
0					000 Capital Outlay	6			
0				93		8			
145,174	34,200	110,974		ctions		7			
2,948	2,948			rvices		9			
11,160		11,160		aintenance		9			
59,785		59,785		ns and Utilities	500 Communication	2			
102,306	1,700	100,606		ıtal	000 Lease and Ren	5			
250,576	140,474	110,102				4			
249,594	101,200	148,394		ses		3			
83,594	5,176	78,418		3S		3			
906,592	32,193	874,399		enses		2			
(Column B - A	Election Budget	Original Budget	Code						
Total	Proposed Presidential	Devotored ONN	Type			100%	317,891.00	10/1/14 - 09/30/15	
(c)	(8)	(¥)		JMMARY	ART III. BUDGET SL		Amount	Fiscal Year Term	CE(S)
<u>gov</u>	ırse@navajo-nsn	jonahroanho		Email Addr	928-871-6367		Phone No.:	onah Roanhorse	7
	Legislative	Division/Branch:			ation Office	on Administ	Program Title: Election		 _;
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THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

FY 2015

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Page

PART I. PROGRAM INFORMATION:								
Business Unit No.: 101021 Program Name/Title:	ne/Title:		Election Administration Office	nistration Offi	8			
PART II. PLAN OF OPERATION REFERENCE/I EGISLATED PROGRAM PURPOSE:				AMENDED				
2 NNC Sec 876 To Implement and carryout provisions of the election code and conduct elections.			í					
PART III. PROGRAM PERFORMANCE CRITERIA:	1st QTR	IR	2nd QTR	TR	3rd QTR	J.L.	4th QTR)TR
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Program Performance Area:								
Voter Turnout								
Goal Statement:								
To attain voter turnout for general election and special elections	67,500		54,455		225		225	
2. Program Performance Area:								
Assist local officials								
Goal Statement:								
Provide information to chapter officials, delegates and other officials	1,676		165		40		30	
3. Program Performance Area:								
Maintain data base								
Goal Statement:								
To register voters, provide information, change voter data	2,000		2,000		3,000		3,000	
4. Program Performance Area:								
Statistical reporting								
Goal Statement:								
Reports to NN Council, Standing Committees, Oversigfht Committees, Chapters, general public	12		116		116		12	
5. Program Performance Area:								
Assist NBOES								
Goal Statement:								
Administrative support, reports, resolutions, rules & regulations, code amendments	006		111		111		111	
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.	VIEWED.							
	J		XX	5	, Ø	K1-K1-11	ý	
rinted Name and Signature/Date		Division Direct	Division Director/Branch Chief's Printed Name and Signature / Date	iefs Printed	Name and Si	gnature / Dai	a	

THE NAVAJO NATION DETAILED LINE ITEM BUDGET AND JUSTIFICATION

FY 2015

Page __3__ of _4__

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	101021
	Business Unit No.:
	Election Administration Office
TI. PROGRAM INFORMATION:	Program Name/Title:

PART I. PRC	PART I. PROGRAM INFORMATION:						
	Program Name/Title:	Ze:	Election Administration Office	Business Unit No.:	101021		
PART II. DE (A)	DETAILED BUDGET:		(E)		9		ê
					Total by		Total by
Object Code			Oblact Code Description and Justification		DETAILED		MAJOR
	2001 PERSONNEL EXPENSES	PENSES					32.193
	Temporary employees	Temporary employees salary and fringe benefits.					
2310	Temporary					29.578	
	2320	Person - Temporary Full Time				_	
		Ten (10) Temporary Full Time posit	Ten (10) Temporary Full Time positions at 320 hours each = \$29,577.60				
2900	Fringe Benefits					2.615	
	2900	Temporary \$29,577.60 x 8.84% = \$2,614.66	72,514.66				
	3000 TRAVEL EXPENSES	SES					5.176
	Wileage for assigned v	MReage for assigned vehicles and travel expenses for staff to tend to program and election activities	end to program and election activities.			_	
3110	Fleet					2,040	
	3113	Меаде	5 B-II Vehicles x 1,200 mi. \$0.34/mi. =	2,040	_		
3230	Personal Travel					3,136	
	3240	Per Diem Meats	\$46 x 8 staff x 7 days =	2,576		_	
	3250	POV Mileage	1,000 mi. x \$0.56/mi. =	999			
	3500 MEETING EXPENSES	NSES					101.200
	Poll Officials stipends	Poll Officials stipends and training; mileage for CPJ's.					
3810	Meetings				_	101,200	
	3811	Stipend - M/L	440 PO x \$180/ea. =	79,200			
			110 CPJ x \$60/ea.≂	009'9			
	3813	Micage	110 CPJ x 125 mi. x 2 RT x \$0.56/mi. =	15,400			
	4000 SUPPLIES						140,474
74.20	Chapter office and op	erational supplies. Postage for absentee	Chapter office and operational supplies. Postage for absentee ballot mailouts. Printing of ballots, forms, envelopes, xeroxing.etc.	g.etc.			
0714	4130	General Office Supplies	110 chapters x \$50/ea. =	5,500		5,500	
					TOTAL	144,068	279,043

NNOMB-BF4

THE NAVAJO NATION DETAILED LINE ITEM BUDGET AND JUSTIFICATION

FY 2015

Page __4_ of _4__

PART I. PRO	GRAM INFORMATION:	PART I. PROGRAM INFORMATION:					
	Program Name/Title:		Election Administration Office	Business Unit No.:	nit No.:	101021	
PART II. DE (A)	DETAILED BUDGET:		(8)			(2)	<u>(</u> 0
						Total by	Total by
Object Code						DETAILED	MAJOR
(200.9)	drivo ori odio		Object Code Description and Justinication			Object Code	Opject Code
4410	SUPPLIES CONTD					134 974	
<u> </u>	4420	Operational Supplies	110 chptrs.x \$200/ea. =	22,000			
	4450	Postage, Courier, Shipping	1,500 absentee ballots x \$1.40/ea. =	2,100			
	4530	Printing/Binding/Phtocopying	Ballots: 116,000 x 85% x \$1.09/ea. =	107,474			
			Forms, envelopes, etc.	1,400			
			Xeroxing: 20,000 x \$0.10/ea.=	2,000			
	5000 LEASE & RENTAL Other Space Rental	Other Space Rental					1,700
	Rental of other space for e	Rental of other space for election returns and equipment rental.					
2300	Rental					1,000	
	5350	Other Space Rental	WR Sports Ctr.	1,000			
5360	Equipment/Supplies					002	
	5370	Equipment Rental	PA System:	700			
	4000 CONTRACTUAL SERVICES	RVICES					2,948
	Security services for crowd and fire complianace.	d and fire complianace.					
0169	Other Contractual Services 6916	s Security Services	Security Guards: 8 x \$368.50/ea. =	2,948		95,7	_
	7000 SPECIAL TRANSACTIONS	SNOIL					34,200
	Advertising through print and radio media	and radio media.					
7410	Media 7440	Print Advertising	\$2,250 x 4 ea. =	000'6		34,200	
	7450	Radio Advertising	6 outlets x 168 spots x \$25 =	25,200			
					1	TOTAL 173,822	38,848



MEMORANDUM

TO: Honorable Leonard Tsosie

Navajo Nation Council Delegate

FROM: (VVS)

Carolyn R. West, Attorney Office of Legislative Counsel

DATE: January 29, 2015

SUBJECT: OLC Service Request No. 15-179-3: An Action Relating to Law and Order,

Naabik'íyáti', and Navajo Nation Council; Amending Resolution CD-80-14, Entitiled "An Action Relating to an Emergency; to Address a Matter of Navajo Voter Disenfranchisment; and Providing for a Special Run-Off Election and a

Special General Election for the Office of 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.



January 29, 2015

MEMORANDUM

TO : Honorable Members

Naabik'iyati' Committee 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 Naabik'iyati' Committee and the Navajo Nation Council;

Legislation No. 0036-15

RELATING TO NAA'BIK'IYATI' 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. 0036-15 must be placed on the Naabik'iyati' Committee and the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0036-15

Kc: Hon. Ben Shelly. President
The Navajo Nation
Harrison Tsosie, Altorney General
Mark Grant, Controller
Dominic Beyal, Executive Director, OMB

Honorable Leonard Tsosie, Council Delegate (Prime Sponsor)

THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0036-15 SPONSOR: Leonard Tsosie

TITLE: An Action Relating To NAA'BIK'IYATI' 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 Office
Of President"

Date posted: January 29, 2015 at 7:10PM

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) 871-7586

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.

THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0036-15

SPONSOR: Honorable Leonard Tsosie

TITLE: Relating To Naa'bik'iyati' 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 Office Of President".

Posted: January 29, 2015 at 7:10pm

5 DAY Comment Period Ended: February 3, 2015

Digital Comments received:

Comments Supporting	None
Comments Opposing (1)	1. Natani Pete
Inclusive Comments (1)	1. Anthony Allison

Executive Director
Office of Legislative Services

2/4/2015 - 8:35

0036-15

Anthony Allison <allison_6@q.com>

Fri 1/30/2015 1 26 PM

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

There needs to be provisions for write-in. We as voters should have a choice. Undesired candidates should not be pushed upon us.

Sent from my iPad

LEGISLATION NO: _0036-15__

Natani Pete <fourpete@gmail.com>

Tue 2/3/2015 11:57 PM

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

To Council Delegates,

Good luck on your upcoming positions as council delegates. I commend you on the courage to step up to the plate within your communities. You will be challenged with tough decisions to make that will impact the future of the Navajo Nation. Thanks for all that you do.

I am writing to oppose legislation that will unnecessarily delay the election any further. The 22nd NNC and president made a mess of the election with the legislation that basically discarded the election we have in place and started over with a new election that would delay a new president by over 9 months. Let's continue with the election that is already underway. We had set of established rules that would ensure a qualified candidate would lead. All candidates and voters had access to these rules. No rule was hidden from the public. There should have been no surprises. All the votes counted and everyone was allowed to vote. Let's finish this election with these rules and laws. Let's not change the rules and laws in the middle of the election. Changing the rules in the middle of the election is a bad standard, unfair to qualified candidates, and could further delay this election.

Also let's continue to tell our children language is important and we are capable of learning it and speaking it fluently even if we are tested. I once read that lower standards at a school so more students can pass is a "dumb way to sound smart". Let's not lower the standard. Thanks for your time.

1LT Pete, Natani

1-66th AR BN, 3rd Armor Brigade, 4th Infantry Division

Fort Carson, CO 80913

Tolikan Chapter House.