

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0274-19

**DATE:** September 12, 2019

**TITLE OF RESOLUTION:** AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTT' AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION ELECTION CODE AT 11 N.N.C. §3(C) BY CHANGING THE PRIMARY ELECTION DATE IN NAVAJO NATION ELECTIONS

**PURPOSE:** This bill will change the Primary Election dates for Navajo Nation Chapter Elections and Navajo Nation General Elections to the first Tuesday in August in which there is a general election (for chapter elections or for elections for Office of Navajo Nation President and delegates to the Navajo Nation Council).

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: high  
Website Posting Time/Date: 5:33pm 9-18-19  
Posting End Date: 9-23-19  
Eligible for Action: 9-24-19

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. 0274-19

AN ACT

RELATING TO LAW AND ORDER; NAABIK'ÍYÁTI' AND THE NAVAJO NATION  
COUNCIL; AMENDING THE NAVAJO NATION ELECTION CODE AT 11 N.N.C. §3(C)  
BY CHANGING THE PRIMARY ELECTION DATE IN NAVAJO NATION ELECTIONS

**BE IT ENACTED:**

**SECTION ONE. AUTHORITY**

A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2  
N.N.C. § 600(A). The Committee, among other delegated duties, "review[s] and make[s]  
recommendations to the Navajo Nation Council on proposed amendments to ... the Navajo Nation  
Code." 2 N.N.C. § 601(B)(14).

B. Pursuant to 2 N.N.C. § 164(A)(9), "[a] proposed resolution that requires final action by  
the Navajo Nation Council shall be assigned to standing committee(s) having authority over  
the subject matter at issue and the Naabik'iyáti' Committee."

C. The Navajo Nation Council enacts and amends laws of the Navajo Nation. The Council  
also sets policy for the Navajo Nation. See generally, 2 N.N.C. § 102.

A. Under the Navajo Nation Election Code, primary elections are held on the "tenth Tuesday prior to a general election." 11 N.N.C. § 3(C).

C. To ensure higher Navajo voter turn-out, it is in the best interest of the Navajo Nation that the Navajo Election Code be amended to provide that primary elections be held on the first Tuesday in August in an election year for chapter elections and elections for Navajo Nation President and Council Delegates. This change will maximize voter turn-out in both Arizona and Navajo Nation elections.

The Navajo Nation Council hereby amends the Navajo Nation Election Code as follows:

## Chapter 1. Navajo Election Code of 1990

\* \* \* \*

A. General elections shall be held on the first Tuesday of November 2006 and every fourth year thereafter on the Tuesday after the first Monday in November.

C. Primary elections shall be held on the ~~tenth Tuesday prior to a general election~~ first Tuesday in August in any year in which a general election is held and at which candidates for public office are to be elected.

E. The Board of Election Supervisors is authorized to postpone for a maximum of 60 days any Navajo election for the purpose of printing new ballots required because of changed circumstances.

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3 **SECTION FOUR. EFFECTIVE DATE**

4 The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B).  
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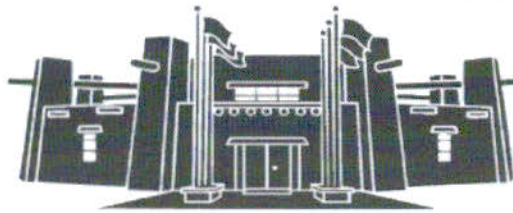
6 **SECTION FIVE. CODIFICATION**

7 The provisions of these amendments of the Navajo Nation Code shall be codified by the  
8 Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such  
9 amendments in the next codification of the Navajo Nation Code.  
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11 **SECTION SIX. SAVINGS CLAUSE**


12 Should any provision of these amendments be determined invalid by the Navajo Nation  
13 Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo  
14 Nation Supreme Court, those amendments that are not determined invalid shall remain the  
15 law of the Nation.  
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## MEMORANDUM

To : Edison Wauneka, Council Delegate  
Navajo Nation Council

From :   
Ron Haven, Attorney  
Office of Legislative Counsel

Date : August 6, 2019

Re : AN ACT RELATING TO LAW AND ORDER; NAABIK'ÍYÁTI' AND THE  
NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION  
ELECTION CODE AT 11 N.N.C. §3(C) BY CHANGING THE PRIMARY  
ELECTION DATE IN NAVAJO NATION ELECTIONS

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'.