

LEGISLATIVE SUMMARY SHEET

Tracking No. 0123-20

DATE: May 15, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; CANCELLING THE PRIMARY ELECTION FOR THE 2020 CHAPTER ELECTION; SETTING ONE CHAPTER ELECTION DATE FOR NOVEMBER 3, 2020; WAIVING 11 N.N.C. §§ 3(C) AND 41

PURPOSE OF RESOLUTION: This resolution, if approved, will cancel the Primary Election for the 2020 Chapter Election. There will be one Chapter Election which will be conducted on November 3, 2020. The election results will be determined by plurality vote. Election Code provisions necessary to be waived are 11 N.N.C. §§ 3(C) and 41.



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: 5:47pm 05/20/20
Website Posting Time/Date: 05-25-20
Posting End Date: 05-26-20
Eligible for Action: 05-26-20

Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY


(Prime Sponsor) 

TRACKING NO. 0123-20

AN ACTION

RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL;
CANCELLING THE PRIMARY ELECTION FOR THE 2020 CHAPTER ELECTION;
SETTING ONE CHAPTER ELECTION DATE FOR NOVEMBER 3, 2020; WAIVING
11 N.N.C. §§ 3(C) AND 41

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).

B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700. Pursuant to 2 N.N.C. § 164(A)(9), "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."

C. The Navajo Board of Election Supervisors was created by the Navajo Nation Council as "*an independent entity.*" 2 N.N.C. § 871(A), Consistent with this status, the Board is responsible only to the Navajo Nation Council, with the authority to enforce provisions of the Navajo Election Code and to make rules and regulations furthering the intent and purposes of the Election Code. 2 N.N.C. § 873(B)(6) and 11 N.N.C. §§ 321(A)(6) and 322.

SECTION TWO. FINDINGS

A. Under the Navajo Nation Election Code, primary election for the 2020 Chapter Elections must be conducted August 4, 2020. 11 N.N.C. 3(C).

B. Pursuant to directive of the Navajo Nation Council for recommendations, the Navajo Board of Election Supervisors, "the board," is requesting that the primary election scheduled for August 4, 2020 be cancelled. Exhibit A, resolution BOESMY-024-20. The board expresses health concerns over the recent outbreak of coronavirus (COVID-19). The Navajo Election Administration (NEA) states similar concerns. Exhibit B, NEA memorandum. Essentially, the concerns are over the safety of the voting public, candidates, poll officials, and staff of the Election Administration. For purposes of mitigating the spread of COVID-19, the request is made for the cancellation of the primary election and that one election be held on November 3, 2020.

C. COVID-19 is a virus causing serious respiratory illness. It is pandemic, with many cases involving death continuing to be reported across the United States. In addressing the concerns, the Navajo Nation has issued a number of public health orders for all residents of the Navajo Nation. These orders include mandatory curfews, restrictions on public gatherings, the mandatory wearing of masks in public places and social distancing. Access to government offices has also been restricted to the general public. *See, Emergency Management Commission resolution CEM 20-03-11; Executive Orders Nos. 001-20, 002-20, 003-20, 004-20; Public Health Emergency Orders 2020-001, 2020-002, 2020-003, 2020-004, 2020-005, 2020-006, 2020-007, 2020-008* (incorporated herein by this reference).

D. In spite of mitigation measures, COVID-19 has disproportionately affected the Navajo Nation. Today, the Navajo Nation has one of the highest per capita rates of positive tests for COVID-19 in the United States. *See, <https://thehill.com/policy/healthcare/497091-navajo-nation-has-more-coronavirus-cases-per-capita-than-any-us-state>*. The number of positive tests continues to increase at an alarming rate.

1 E. Historically, elections within the Navajo Nation have been conducted in-person.
2 Although mail-in balloting is permitted, most voters choose to cast their ballots at the
3 polling sites that are established in each of the 110 chapters on election day. The
4 emergency caused by COVID-19 has impacted preparations for the 2020 Chapter
5 Elections.

6 F. All voters, candidates and poll officials must be properly protected on election day.
7 Preparations and precautionary measures must include the purchase and availability of
8 Personnel Protective Equipment (PPE). The Navajo Election Administration calculates
9 the costs for such protective equipment to range between \$57,884.68 and \$84,401.20.
10 Exhibit B. In addition to these anticipated costs, the Election Administration is also
11 reviewing the prospect of on-line voting, as well as purchasing computer software and
12 additional equipment for election purposes. For the 2020 Chapter Elections, the
13 Administration intends to continue working with Navajo Nation Health Command in
14 ensuring compliance with all guidelines for conducting a safe election.

15 G. COVID-19 will likely affect voter turn in the 2020 Chapter Elections, particularly
16 for the primary. Voter turn-out is generally lower in primary elections than in general
17 elections. In the last Chapter Election conducted in 2016, the primary election voter turn-
18 out was 29.52 %. Aside this issue, the Navajo Board of Election Supervisors expresses
19 concern regarding instances in which candidates will run unopposed in the primary
20 election. Upon election, such candidates are automatically placed on the general election
21 and certified upon such election.

22 H. COVID-19 presents a major challenge in the conduct of the 2020 Chapter Elections.
23 The pandemic facing the Navajo Nation makes it extremely difficult to proceed with
24 elections as has been done in the past. As there is no vaccine, it is crucial that the spread
25 of the virus be minimized.

26
27 **SECTION THREE. CANCELLING PRIMARY ELECTION; AUTHORIZING**
28 **CHAPTER ELECTION FOR NOVEMBER 3, 2020**

29 A. The Navajo Nation hereby cancels the primary election for the 2020 Chapter
30 Elections. For purposes of this action, 11 N.N.C. §§ 3(C) and 41 are waived.

1 B. Chapter Elections shall be conducted on November 3, 2020. There shall be one
2 election, with no primary election. All eligible candidates shall be placed on the election
3 ballot and the winning results for each position shall be determined by plurality vote.

4 C. The Navajo Board of Election Supervisors shall set the candidate filing period, and
5 shall further adopt any necessary rules and regulations for purposes of implementing and
6 furthering the intent and purposes of this resolution of the Navajo Nation Council.

7 8 **SECTION FOUR. EFFECTIVE DATE**

9 This action of the Navajo Nation Council herein shall be effective pursuant to 2
10 N.N.C. § 221(B). Further, the "President's authority to sign into law or veto legislation
11 shall be deemed waived if not exercised within ten calendar days after certification of the
12 legislation by the Speaker or Speaker Pro Tem and the legislation shall be deemed
13 enacted and become effective pursuant to 2 N.N.C. §221." 2 N.N.C. § 1005(C)(12).

14 15 **SECTION FIVE. SAVINGS CLAUSE**

16 Should any provision of these amendments be determined invalid by the Navajo
17 Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the
18 Navajo Nation Supreme Court, those amendments that are not determined invalid shall
19 remain the law of the Nation.

A

RESOLUTION OF THE
NAVAJO BOARD OF ELECTION SUPERVISORS

**Recommending the conduct of only the General Election for the 2020 Chapter Elections;
recommending waiving 11 N.N.C. §§ 3(C) and 41 with a timeline attached at Exhibit A.**

WHEREAS:

1. Pursuant to 2 N.N.C. § 871(A), the Navajo Board of Election Supervisors was created by the Navajo Nation Council as "*an independent entity*." Consistent with this status, the Board is responsible only to the Navajo Nation Council, with the authority to enforce provisions of the Navajo Election Code and to make rules and regulations furthering the intent and purposes of the Election Code. 2 N.N.C. § 873(B)(6) and 11 N.N.C. §§ 321(A)(6) and 322.
2. There are a number public health orders issued residents and members of the Navajo Nation for purposes of addressing COVID-19, orders including stay-at-home orders. It is uncertain when orders and restrictions will be lifted.
3. Under the current provisions of the Navajo Nation Election Code at 11 N.N.C § 3(C) primary elections are held on 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. The processes for a primary election are held in 11 N.N.C. § 41 as well. The new timeline is attached as Exhibit A.
4. It is not uncommon in a primary election to have only one interested candidate applying for a position. In these instances, the sole candidate, pursuant 11 N.N.C. § 25, is placed on the ballot as an "unopposed candidate" in both the primary and general elections. In the primary elections for 2016 Chapter Elections, there were 479 unopposed candidates.
5. Through a directive of the Navajo Nation Council issued on April 10, 2020, the Navajo Board of Election Supervisors must within 60 days thereof address through resolution, the Chapter Elections.

NOW THEREFORE BE IT RESOLVED THAT:

1. To minimize the contact amidst COVID-19 and for the purposes of compliance with the various Navajo Nation Health Orders issued to date, the Navajo Board of Elections Supervisors, in respect to the 2020 Chapter Elections, recommends that requirements of conducting a primary election this year to be waived and to have only a General Election in November 2020. See Exhibit A.
2. Pursuant to the Navajo Nation Election Code, the Navajo Board of Election Supervisors states that the General Election of the 2020 Chapter Election be conducted on November 3, 2020.

CERTIFICATION

I hereby certify that the foregoing resolution was duly adopted by the Navajo Board of Election Supervisors at a duly called special meeting at Window Rock, Navajo Nation (Arizona) at which a quorum was physically present and that the same was passed by a vote of 6 in favor, 0 opposed, and 0 abstaining this 13th day of May, 2020.



Melvin Harrison, Chairperson
Navajo Board of Election Supervisors

"Exhibit A"

New Timeline for the 2020 Navajo Chapter Elections

1. July 25 to August 5, 2020 Candidates filing date opens and closes.
2. August 10, 2020 Deadline for Certification of Candidates.
3. August 20, 2020 Deadline for Candidates to file a grievance.
4. October 5, 2020 Voter registration closes.
5. October 5, 2020 Absentee voting begins.
6. October 19, 2020 Deadline for early voters, (voters must be in NEA office by 5pm that day).
7. October 30, 2020 Last day for absentee voting.
8. November 2, 2020 Chief Poll Judges meeting and training.
9. November 3, 2020 General Election.



NAVAJO ELECTION ADMINISTRATION

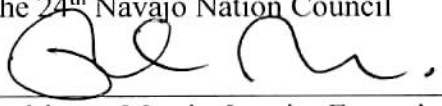
Strength and Dignity Through Voting



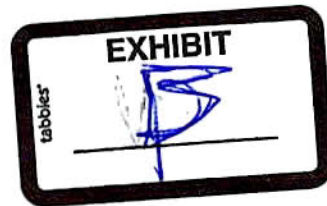
May 14, 2020

MEMORANDUM

To: The 24th Navajo Nation Council

From: 
Rodriguez Morris, Interim Executive Director
Navajo Election Administration

RE: Support for the NBOES Resolution BOESMY-024-20
*Recommending the conduct of only the General Election for the
2020 Chapter Elections; recommending waving 11 N.N.C. §§ 3(C) and 41.*



This memorandum is written to support and to provide information to the Navajo Nation Council on the Navajo Board of Election Supervisors resolution to recommend waving 11 N.N.C. §§ 3 (C) and 41, and to proceed directly to the General Election and not have a Primary Election for the 2020 Election. The Navajo Elections Administration (NEA) has assessed the current office standing as for available resources in operations to proceed with the planning and the implementation of the 2020 election without a primary election. And our office has identified the following as to support our aforementioned position for the 2020 Election:

1. The primary concern in proceeding with elections as codified within the election code is the safety of the NEA staff, volunteers and the general public. The COVID19 (CCP Virus) pandemic makes it difficult to proceed with the elections as it has been done in the past. We are tasked with procuring building material to build barriers, counter space to direct public traffic for open filing and the elections, establishing a controlled environment to mitigate direct and community spread of the virus, partitions to separate staff work stations and establishing a decontamination work stations for all 6 offices to process the submission of public documents to mitigate the indirect spread of the virus to the NEA offices and staff who will have to handle documents submitted by candidates. The NEA will have to seek additional supplemental funding immediately from council to prepare for this election year, as we will incur significant additional expenditures for this election cycle.
2. The NEA has also identified that we will have to acquire Personal Protective Equipment (PPE) --- which includes masks, hand sanitizer stations, gloves and disinfectant supplies---for staff members to operate in the normal course of business serving the general public and candidates. The PPEs will also have to be procured and made available for poll workers, volunteers, registered voters and staff members who may enter into the polling sites on the designated election days. The anticipated registered voters for the 2020 elections is 108,968 and thus it is estimated to provide sufficient PPEs for a safe election it will cost at the least \$57,884.68 and \$84,401.20 on the high end.

NAVAJO ELECTION ADMINISTRATION

Strength and Dignity Through Voting

3. The NEA, as result of the unique situation posed by the pandemic, time lines for printing the ballots has been directly affected and thus having to focus on a primary and a general election could hinder sufficient time to ensure the ballots would be ready for both the primary and general election. We have to also consider possible further delays which may come from candidates who may file within the Office of Hearings & Appeals and the Navajo Nation courts. This election cycle will result in possible instances of first impression and thus may further impinge upon the overall election process schedule.
4. It is recommended to have open filing for candidates to be set for July 23, 2020 to August 5, 2020 as opposed to June 4, 2020 as the NEA is currently working to establish online filing for candidates to limit person to person contact and to prevent contamination of our offices from documents which may have latent viruses upon them. We are acquiring a license to establish a viable online platform to allow for candidates to file for candidacy online. The initial cost of the annual licensure is \$700.00 and thus will have to include in operations expenditures.
5. The NEA administration has been seriously neglected and thus the interim Executive Director is working bring the office back up to sufficient operation standards. The computer system and the voter data base are both obsolete and operating on Window 2003, new computers have been ordered and some have arrived and have yet to be installed, computer software also need to be ordered for all the new computers, we also need additional equipment to include scanners, printers and hard drives. In addition to the office equipment the NEA is having to resubmit an application to acquire an Operational PCard to streamline purchasing office supplies and equipment.
6. The NEA requires additional time to work with the Navajo Nation Health Command to establish protocols and procedures for a safe election process for the November 3, 2020 General Election. This includes dispatching all protective measures at all the polling sites, train all staff and temporary support staff to properly deploy protective protocols for all sites, consider alternatives for casting ballots to include absentee ballots, mail in ballots and/or curb side voting. The NEA will also be looking to work with State entities to cost share on equipment and supplies for all polling sites. The NEA will be looking at alternative options to include limiting and consolidating polling sites for the General Election. We have also been tasked to attempt to implement online voting however such a platform would most likely not be available until the next years voting cycle.
7. The COVID19 (CCP Virus) has caused many Navajo Nation Offices to shut down or operate on limited staffing and hours which has affected processing of and approving purchase orders and request for direct payments, this has hindered NEA operations. Should the Navajo Nation reopen by June 2020, or thereafter we should be able to push all our purchasing forward within the process or via an operational PCard (which would be the best option for the NEA).
8. Statistics from the 2016 Primary Elections is recorded as follow; 118,673 persons registered to vote and only 35,027 (29.52 %) voted in the primary election in 2016.
9. Lastly, we also are establishing an internal administrative work group to work with and advise the Automated Election Services (AES), who primarily prints all Navajo Nation ballots and houses our voting machines, to work out details for ballot printing and to amend our agreement to utilize voting machines that could accommodate alternative voting for curbside voting, mail in and absentee balloting and to accommodate ballots that will have back to back printing to accommodate candidate ballots and referendums. The use of the updated voting machines would make tallying ballots efficiently and will also

NAVAJO ELECTION ADMINISTRATION

Strength and Dignity Through Voting

help in over reporting of statistics. This also will open possible discussion to initiate the implementation of a new voter and election data base.

This memorandum is not written to undermine nor infringe upon the general public's right to vote but is made to ensure that the safety of the Navajo Nation tribal members in this years' election, which also includes the NEA staff and volunteers. Should you require additional information I may be reached at my office and will also be available to appear before the Navajo Nation Council when this matter is addressed in a regular or special meeting.

MEMORANDUM

To : Hon. Edison Wauneka, Delegate
Navajo Nation Council

From : 
Ron Haven, Attorney
Office of Legislative Counsel

Date : May 15, 2020

Re : AN ACTION RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO
NATION COUNCIL; CANCELLING THE PRIMARY ELECTION FOR
THE 2020 CHAPTER ELECTION; SETTING ONE CHAPTER ELECTION
DATE FOR NOVEMBER 3, 2020; WAIVING 11 N.N.C. §§ 3(C) AND 41

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

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 # 20-185-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0123-20__

SPONSOR: Edison J. Wauneka

**TITLE: An Action Relating To NAABIK'IYATI' And The Navajo Nation Council;
Cancelling The Primary Election For The 2020 Chapter Election; Setting One
Chapter Election Date For November 3, 2020; Waiving 11 N.N.C. §§ 3(C) And 41**

Date posted: May 20, 2020 at 5:47 PM

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.: 0123-20

SPONSOR: Honorable Edison J. Wauneka

TITLE: An Action Relating To Naabik'iyáti' And The Navajo Nation Council; Cancelling The Primary Election For The 2020 Chapter Election; Setting One Chapter Election Date For November 3, 2020; Waiving 11 N.N.C. §§ 3(C) And 41

Posted: May 20, 2020 at 5:47 PM

5 DAY Comment Period Ended: May 25, 2020

Digital Comments received:

Comments Supporting	1) Oljato Chapter 2) Leonard Perry
Comments Opposing	1) Noreen Kelly 2) Lucita L. Nolan 3) New Mexico Navajo Central Agency School Boards 4) Beatrice Woodward
Inconclusive Comments	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

05/26/20 9:05AM

Date/Time

Untitled

Oljato Chapter <oljato@navajochapters.org>

Wed 5/20/2020 10:13 PM

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

Election

Please agree to the one time election which will be on Nov. 3, 2020.

Enforce a mail in vote, register to file on line and register on line to vote.

No referendum, only vote.

Thank you

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Re: NNC Legislation No. 0123-20

Leonard Perry <philohis@yahoo.com>

Mon 5/25/2020 1:30 PM

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

Cc: Mark Freeland <m.freeland@navajo-nsn.gov>; philohis@yahoo.com <philohis@yahoo.com>;

May 25, 2020

RE: NNC Legislation No. 0123-20 - Cancelling the Primary Election for the 2020 Chapter Election; Setting One Chapter Election Date for November 3, 2020.

My stance for the NNC Legislation 0123-20 is in the affirmative. Also, in the affirmative would be the New Timeline for the 2020 Navajo Chapter Elections.

My wish is that applicants be those who have some formal education in the fields of government, business, and community development; new people with new ideas.

Thank you.

Leonard Perry

Crownpoint Chapter Vice-President

Crownpoint New Mexico

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Eliminating Primary Election for 2020 Chapter Election

Noreen Kelly <noreenkellymcsd@gmail.com>

Fri 5/22/2020 8:22 AM

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

I appose the legislation to not have the Primary Election for Chapters. There are bigger issues to be working on for this committee. Leave the election to take place when things settle down. There is no need to reinvent the wheel.

Noreen Kelly

Wingate K-12 School Board Member

WARNING: External email. Please verify sender before opening attachments or clicking on links.

May 22, 2020

To Comments@navajo-nsn.com

Reference: Tracking# 0123-20

The Navajo Nation should give the people time to respond to these legislations, remember the people who voted you into that position your holding. Pretty soon there's going to be another Navajo Nation Election for all the CD's. You have to be fair and have respect for your people. You give us dateline for comments and by the time the information gets to us out here it is wasted.

Constant Meetings

The Committee has been having constant meeting rushing and passing Legislations. What's the RUSH? Remember not all the communities have internet services at the Hogan level. The leaders shouldn't work like this. IT'S CHEATING AND DISRESPECTFUL TO THE NAVAJO PEOPLE. The people voted you in to be a liaison between the chapter and Window Rock. Work with the people

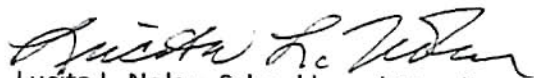
Comments Ignored:

We have been sending emails and most of the time our comments/resolution are being ignored and the committee proceeds and approve all legislation. Even the Eastern Navajo Council Resolution has been ignored, this resolution consist of all chapters within Eastern Navajo.

I truly do not like the way Edison Wauneka is sponsoring this legislation, I'm requesting and making my comments to postponed the Navajo Nation Election until 2021. I like the traditional way of doing the election which includes Primary and general election. Candidates' needs to campaign for their positions and these positions are very important. Just like your position as Council Delegates

Put yourself in the chapter officials, land board, and school board position. If everything has been rush on you at one time you wouldn't like.

"COME ON WAKE UP AND SMELL THE ROSES" You don't need to treat our Navajo Nation like this.



Lucita L. Nolan, School board Member

Member of the Navajo Nation

Registered voter of the Navajo Nation chapter &
New Mexico State & County



NEW MEXICO NAVAJO CENTRAL AGENCY SCHOOL BOARDS

P.O. Box 509

Crownpoint, New Mexico 87313

(505) 786-6150/6152 Fax# (505) 786-6112

Lucita Nolan, President

Kyle Augustine, Vice-President

George H. Tolth, Secretary



RESOLUTION OF NEW MEXICO NAVAJO CENTRAL AGENCY SCHOOL BOARD ORGANIZATION

RESOLUTION: ENA-008-20

THE NEW MEXICO NAVAJO CENTRAL AGENCY SCHOOL BOARD ORGANIZATION IS OPPOSING TO AN ACTION RELATING TO NAABIK'IYATI AND THE NAVAJO NATION COUNCIL; CANCELLING THE PRIMARY ELECTION FOR THE 2020 CHAPTER ELECTION; SETTING ONE CHAPTER ELECTION DATE FOR NOVEMBER 03, 2020; WAIVING 11 N.N.C. §§ 3(C) AND 41,

WHEREAS:

01. The New Mexico Navajo Central Agency School Board, formerly known as the Eastern Navajo Agency School Board, is authorized and empowered to function as the policy making body for the New Mexico Navajo Central Agency (NMNCA) consistent with the authority granted by CFR 25 Code Federal Regulations § 32.0 (4), Public Law 95-561 and Public Law 100-297; and
02. The New Mexico Central Agency School Board; henceforth, shall be referred to as the Agency School Board and shall exercise Indian Self-determination and Local Control in the planning, development, management, operation, budget, staffing, priority setting and evaluation of all aspects of the Agency education process as outlined under P.L. 95-561, P.L. 100-297; and 25 Code of Federal Regulations § 32.4 (3); and
03. The New Mexico Navajo Central Agency School Board is established and empowered by the Navajo Nation Council pursuant to Navajo Nation Council Resolution CAU-87-69 and the Navajo Sovereignty in Education Act of 2005 (CJY-37-05), §251 and 253; and
04. The New Mexico Navajo Central Agency School Board had their teleconference calls regular meeting on May 21, 2020. During this meeting the Agency School Board voiced their concerns and disappointed with the Navajo Nation Board of Election Supervisors are recommending the conduct of only General Election for the 2020 Chapter Election and waiving 11 N.N.C. §§ 3(3) and 41 with a timeline attached; and
05. The New Mexico Navajo Central Agency School Board realized, if the Legislation 0123-20 is approved, there will be only one Chapter (General) Election which will be held on November 03, 2020. According to the Board of Election Supervisors the results will be determined by plurality vote; and
06. The New Mexico Navajo Central Agency School Board would be disappointed with the Naabik'iyati Committee and the Navajo Nation Council to approve the Legislation 0123-20 of cancelling the primary election and only have one election.
07. The New Mexico Navajo Central Agency School Board respectfully request and recommending the best option for the Navajo Nation Government is to cancel the 2020 Chapter Election until the

year of 2021. The Navajo Nation Government should stay with the primary election instead of waiving the Navajo Nation law (**WAIVING 11 N.N.C. §§ 3(C) AND 41,**

08. The New Mexico Navajo Central Agency School Board noticed the State of New Mexico is still having their regular primary election on Tuesday, June 03, 2030. The absentee ballot are being mail out to the New Mexico voters. They are not cancelling the election.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The New Mexico Navajo Central Agency School Board and the Local School Board Members are opposing the Navajo Nation of Election Supervisors are recommending to the Naabik'iyati Committee and the Navajo Nation Council to cancel the primary election and only have the General Election, which is proposed on November 03, 2020.
2. The New Mexico Navajo Central Agency School Board and the Local School Board Members respectfully request the Naabik'iyati Committee and the Navajo Nation to postpone the 2020 Chapter Election until 2021 in the best interest of the Navajo Voters.

Motion made by Mr. George H. Tolth
Seconded by Mrs. Betsy Dennison

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the New Mexico Navajo Central Agency School Board at a duly called meeting in which a quorum was present and same was passed by a vote of 7 in favor, 0 opposed, and 2 abstained on this 21th day May 2020.

Lucita Nolan, NMNCASB President

Fw: NNC Legislation No.0123-20

From: Beatrice Woodward <beawoodward19@yahoo>

To: "comments@navajo-nsn.com" <comments@navajo-nsn.com>

Sent: Friday, May 22, 2020, 5:00:29 PM MDT

Subject: NNC Legislation No.0123-20

NNC Legislation No.0123-20

The Navajo Nation has its laws, procedures, and policies that are to be followed by the Dine members of the Navajo Nation. In its purposes of electing our leaders, we have the Navajo Election Office that guides the ethics of leaders being selected as well the people's right to voice their concerns and/or opinions of the process.

However, I find many of our leaders ignore the laws, procedures, policies and the most important:

ETHICS of their leadership role when it comes to voting and fairness. We have our people in our area not interested in the leadership of Council Delegates, Chapter Officials, Land Boards, or other. Our chapters and its representatives for any leadership role that is the nearest to the local communities that can be assured their voices are heard is Nil. Instead there is clear disrespect for the well-being of our own people.

Having said that, for the past few years, we are dealing with disrespect for our concerns. We voted for the leaders we thought would do a good job in assuring they would be transparent and communicate with us due to the fact, local leaders are in our minds the main advocates to express our needs and concerns.

Local Chapter Leaders and School Board Members are often referred to as the local governmental agency to the people.

We don't have that, due to the fact, our council delegates in the committees they are in rarely seek feasible involvement of their constituents and their wishes /concerns. Information is always given "after the fact". This drives distrust and uncertainty where we are going in the rushed decision-making.

We have evolved into Top-Down Decision making for us, the people who voted for their leaders without consulting with us, asking our opinion/s. The example given is first, the School Board Apportionment:

-DODE and HESE decided among themselves what "they" thought was good for our children. Resolutions were painstakingly done to assure the people were informed and had their voices heard locally.....Then we find there was a "rush" to do voting.....We question the way it was done by "our" leaders. What happened to our Eastern Navajo Agency Resolutions that involved "all" chapter representation.

-Here we are again with the "rush" to approve the date of voting.....There is no time for the people to ponder on who they would like for their leader , no time to gather for properly campaign . I feel it is very disrespectful to our people who are not ready "yet" to even think about voting.....We have lost some dear ones in this corona virus and we ARE still in the Hot Spot" area, furthermore, still losing day by day . McKinley County is the Hot Spot as well as San Juan County:.....

-We mention this to our constituents and they say "it must be nice to have all the convenience like internet, Phones, etc." Please remember, many of our people do not have the internet service so don't think everyone has internet service and expect them to vote on line or keep up with what is expected of them as voters.

Many of our families are still working with their children on their homework, and there are some of us as community members still trying to work with the telephone companies and/or internet services to provide services so they can do all this.....last of all some don't have phone service and if they do it has to be used with care because they cannot afford minutes all the time.

-The virus is not going to go away right away and we are still in areas quarantined. It is not fair to those who may want to be a part of a leadership role to miss out. They are as I am in favor of the traditional process primary and general election. Their rights should not be taken away from them, as the reapportionment process was done.....our young men and women learn from all this so what are we doing to our future leaders in terms of teaching leadership? Dine Traditional Law speaks to: it is the right and freedom of the Dine to choose leaders of their choice..." therefore, shouldn't we always act to remember rights of the people to be given time to think of running or think of whom they want as their leader.....you would want that if you are returning as a council delegate

AS A CITIZEN, NAVAJO VOTER, EDUCATOR, SCHOOL BOARD MEMBER ,
BACA/PREWITT CHAPTER MEMBER HEREBY OPPOSE THE CHAPTER ELECTION
DATE TO BE IN NOVEMBER BUT TO HAVE PROPER PRIMARY AND VOTING
SOMETIME IN 2021....

Thank you

Beatrice L. Woodward
Baca/Prewitt Chapter