



## NOTIFICATION TO WITHDRAW SPONSORSHIP

Legislative Reporting Supervisor  
Reporting Section/OLS

I, Dwight Witherspoon, Sponsor of proposed resolution hereby withdraw my sponsorship of the proposed resolution, tracking no. 0009-15. I understand that if there are co-sponsors to the resolution, they may continue as sponsor of the proposed resolution.

Dwight Witherspoon Signature

1/22/15 Date

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0009-15

**DATE:** January 16, 2015

**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOWING NAVAJO NATION PRESIDENT, BEN SHELLY, TO REMAIN IN OFFICE UNTIL THE NAVAJO NATION ELECTS A NEW PRESIDENT

**PURPOSE:** The purpose of the resolution is to allow Navajo Nation President, Ben Shelly, to remain in office until the Navajo Nation elects a new President.

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.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23<sup>rd</sup> NAVAJO NATION COUNCIL – First Year, 2015

INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0009-15

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION  
COUNCIL; ALLOWING NAVAJO NATION PRESIDENT, BEN SHELLY, TO  
REMAIN IN OFFICE UNTIL THE NAVAJO NATION ELECTS A NEW  
PRESIDENT

BE IT ENACTED:

**Section One. Findings**

- A. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A) (2012) *see also* CO-45-12.
- B. The Navajo Nation Council is the governing body of the Navajo Nation and all powers not delegated are reserved with the Navajo Nation Council. 2 N.N.C. § 102 (A) and (B) (2012) *see also* CO-45-12.
- C. Due to candidacy challenges, and hearings and appeals on such complaints being filed, the election for the Office of the Navajo Nation President and Vice President was not conducted on November 4, 2014 as required by the Navajo Nation Election Code. 11 N.N.C. § 3.

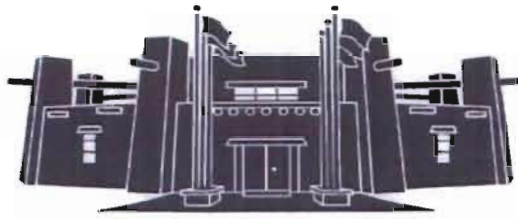
- 1 D. As a result of not having a general election for President and Vice-President  
2 there is no one to assume office, either as President or Vice President,  
3 beginning January 13, 2015; consequently, the Navajo Nation will not have a  
4 President or Vice President until an election is conducted.
- 5 E. Under the existing provisions of the Election Code, a President-elect and Vice  
6 President-elect assume office after an election is conducted in November of a  
7 General Election year. 11 N.N.C. § 6.
- 8 F. This is a new situation within the Navajo Nation government where the term  
9 of one President expires and a President-elect not been elected, thus creating  
10 an opening in the Navajo Nation President's Office.
- 11 G. Pending election of a new President and Vice President, it is necessary that  
12 Executive functions continue under temporary leadership.
- 13 H. The Navajo Nation Code does not have provisions for a situation such as this.
- 14 I. Maintaining the continuity of the Navajo Nation government is in the Navajo  
15 Nation's best interest.

16 **Section Two. Navajo Nation President Remain in Office**

17 Notwithstanding statutory provisions regarding the Navajo President's term of  
18 office, the Navajo Nation allows Navajo Nation President Ben Shelly, to remain in  
19 office until a new Navajo Nation President is elected and sworn into office.

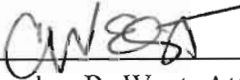
20 **Section Three. Effective Date**

21 This action of the Navajo Nation Council will be effective upon certification of  
22 the resolution by the Speaker or Pro Tem Speaker of the Navajo Nation Council. 2  
23 N.N.C. § 221(C).  
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## MEMORANDUM

**TO:** Honorable Dwight Witherspoon  
Navajo Nation Council Delegate

**FROM:**   
Carolyn R. West, Attorney  
Office of Legislative Counsel

**DATE:** January 16, 2015

**SUBJECT:** OLC Service Request No. 15-146-1: An Action Relating to Naabik'iyáti' Committee and Navajo Nation Council; Allowing Navajo Nation President, Ben Shelly, to Remain in Office until the Navajo Nation Elects a New 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 16, 2015

**MEMORANDUM**

**TO** : *Honorable Members*  
*Naabik'iyati' Committee*  
*Navajo Nation Council*

**FROM** :   
*Hon. Kee Allen Begay, Speaker Pro Tem*  
*22<sup>nd</sup> Navajo Nation Council*

**SUBJECT** : **ASSIGNMENT OF LEGISLATION**

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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. 0009-15**

**RELATING TO NAA'BIK'IYATI' AND NAVAJO NATION COUNCIL; ALLOWING NAVAJO NATION PRESIDENT, BEN SHELLY, TO REMAIN IN OFFICE UNTIL THE NAVAJO NATION ELECTS A NEW PRESIDENT.**

As the Committee assigned to consider the legislation, Legislation No. 0009-15 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. 0009-15

xc: *Hon. Ben Shelly, President*  
*The Navajo Nation*  
*Harrison Tsosie, Attorney General*  
*Mark Grant, Controller*  
*Dominic Beyal, Executive Director, OMB*  
*Honorable Dwight Witherspoon, Council Delegate (Prime Sponsor)*

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0009-15\_\_\_\_\_ SPONSOR: Dwight Witherspoon

**TITLE: An Action Relating To Naa'bik'iyati' And Navajo Nation Council; Allowing Navajo Nation President, Ben Shelly, To Remain In Office Until The Navajo Nation Elects A New President.**

***Date posted: January 16, 2015 at 7:15pm***

**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.: 0009-15

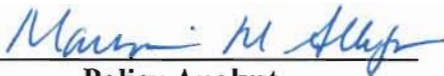
SPONSOR: Honorable Dwight Witherspoon

TITLE: Relating To Naa'bik'iyati' And Navajo Nation Council; Allowing Navajo Nation President, Ben Shelly, To Remain In Office Until The Navajo Nation Elects A New President.

Posted: January 16, 2015 at 7:15 PM

5 DAY Comment Period Ended: January 21, 2015

Digital Comments received: *No comments were received*

  
Policy Analyst  
Office of Legislative Services

  
Date/Time