



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. 0011-15. I understand that if there are co-sponsors to the resolution, they may continue as sponsor of the proposed resolution.

Dwight Witherspoon Signature

1/29/15 Date

LEGISLATIVE SUMMARY SHEET

Tracking No. 0011-15

DATE: January 15, 2014

TITLE OF RESOLUTION:RELATING TO THE NAVAJO NATION COUNCIL;
RESCINDING, REPEALING AND RENDERING NULL AND VOID A RESOLUTION
ENTITLED CD-80-14 WHICH STATES IT IS *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*

PURPOSE: This resolution of approved, will allow the Navajo Nation Council to Rescind,
Repeal and render Null and Void CD-80-14.

**This written summary does not address recommended amendments as may be provided by
the standing committee. The Office of Legislative Counsel requests each committee
member to review the proposed legislation in detail.**

5-DAY BILL HOLD PERIOD: WUSA
Website Posting Time/Date: 7:20pm 1/14/15
Posting End Date: 1/21/14
Eligible for Action: 1/22/14

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23RD NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0011-15

AN ACTION

RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL;
RESCINDING, REPEALING AND RENDERING NULL AND VOID A
RESOLUTION ENTITLED CD-80-14 WHICH STATES IT IS *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*

BE IT ENACTED:

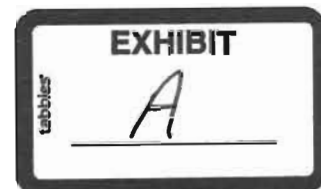
I. FINDINGS

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102 (A).
- B. All powers not delegated are reserved to the Navajo Nation Council. 2. N.N.C. §102 (B).
- C. The Navajo Nation Council shall supervise all powers delegated. 2 N.N.C. §102 (C).
- D. Navajo Nation Council has the authority to create laws, resolutions, and to rescind them pursuant to 2 N.N.C. §164 (A)(1).
- E. Navajo Nation Council has the authority to create laws, resolutions, and to rescind them pursuant to 2. N.N.C§164 (A)(16) for emergencies which require Navajo Nation Council final action.

- 1 F. The Navajo Nation Council exercised this authority on December 31, 2013
2 and passed CD-80-14 RELATING TO AN EMERGENCY; TO ADDRESS A
3 MATTER OF NAVAJO VOTER DISENFRANCHISEMENT; AND
4 PROVIDING FOR A SPECIAL RUN-OFF ELECTION AND A SPECIAL
5 GENERAL ELECTION FOR THE OFFICE OF PRESIDENT. Exhibit "A".
- 6 G. The Navajo Nation President Ben Shelly signed CD-80-14 into law on January
7 10, 2015 (although the date of his signature has 2014 by mistake).
- 8 H. Accordingly, the Navajo Nation Council retains the authority and it has
9 inherently reserved the right to rescind any resolution passed by it.
- 10 I. The Navajo Nation Council has decided to exercise its authority to rescind
11 CD-80-14.
- 12 J. Based on the foregoing, it is in the best interest of the Navajo Nation to
13 rescind, repeal and render null and void CD-80-14.
14

15 **II. RESCIND, REPEAL, AND RENDER NULL AND VOID CD-80-14**

16 The Navajo Nation hereby rescinds, repeals, and renders null and void CD-80-14
17 RELATING TO AN EMERGENCY; TO ADDRESS A MATTER OF NAVAJO
18 VOTER DISENFRANCHISEMENT; AND PROVIDING FOR A SPECIAL RUN-
19 OFF ELECTION AND A SPECIAL GENERAL ELECTION FOR THE OFFICE
20 OF PRESIDENT.
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CD-80-14

RESOLUITON OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - Fourth Year, 2014

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

BE IT ENACTED:

Section One. Findings

- A. 2 N.N.C. § 164(A)(16) provides, in part, that an emergency is limited to matters which directly threaten the sovereignty of the Navajo Nation and that such emergency matters must arise due to the pressing public need for such resolution and must be a matter requiring final action by the Council.
- B. The Navajo Nation election cycle for 2014 began with the primary election being held on August 26, 2014 and for the office of the President, seventeen (17) candidates filed; the two candidates with the most votes were slated to face each other in the general election which was scheduled for November 4, 2014.
- C. After the primary election, election grievances were filed by two candidates who did not prevail in the election and the grievances by the two candidates have been finalized by Navajo Nation tribunal bodies; however, Navajo People remain dissatisfied as their voice through their votes are being ignored and continued disharmony remains.
- D. Navajo Nation Supreme Court has issued an Opinion in the court case: *Tsosie, et al., v. Navajo Board of Election Supervisors*, slip op. SC-CV-68-14 (October 23, 2014) in a 2-1 majority vote with one (1) justice dissenting. The Opinion orders the name, Christopher C. Deschene, to be taken off the ballot.

- E. The decision of the Navajo Nation Supreme Court has disenfranchised the ample number of voters who voted in the 2014 primary and general election and no remedy was provided for them.
- F. The decision of the Navajo Nation Supreme Court indicates that it "is unavoidable that the November 4, 2014 election must be postponed..." The Navajo Nation Council agrees.
- G. The late filing of grievances, the different interpretations of the laws and the late decisions by the Office of Hearings and Appeals and the Navajo Nation Supreme Court has caused instability and confusion in the 2014 Navajo Nation Election. Such on-again, off-again appearance with respect to the carrying out of the Navajo Nation laws is damaging to the image of the Navajo Nation. In the meantime, community leaders are requesting the voters to have a civil dialogue and resolve the matter through the concept of hozho.
- H. Navajo Nation Council has received hundreds of Navajo Chapter resolutions, petitions or letters from Navajo voters. The request of the Navajo People should not be ignored and, rather, be seriously considered by all Navajo Nation branches and departments. If the confusion is not resolved, civil unrest may develop.
- I. Navajo Nation does not have a constitution but has a set of developed laws, including election laws. Navajo Nation Supreme Court's decisions should be given due deference when it identifies ambiguities in Navajo Nation laws; however, Navajo Nation Council, as the representative body of the elected representatives of the Navajo People, has the prerogative and the authority to address matters by determining if laws were properly applied, to reduce confusion in the interpretation of the laws, and to resolve emergency matters facing the Navajo Nation or its residents.
- J. 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 laws to provide for certain remedies and pass resolutions, pursuant to 2 N.N.C. § 164(A)(1).

- K. "Resolution" is defined as a form of legislation, which means a formal action of the Navajo Nation Council or its Committees adopting its approval of or stating its opinion on a matter. 2 N.N.C. §110(T).

Section Two. Amendments to Title 11 of the Navajo Nation Code

This Resolution does not amend Title 11 of the Navajo Nation Code, and other relevant laws, but shall be interpreted as a Resolution to provide for a special remedy to address the disenfranchisement of Navajo voters pursuant to the authority of the Navajo Nation Council over election matters.

Section Three. Authorizing a Special Run-off Election and a Special General Election

Notwithstanding certain election laws contained in Title 11 of the Navajo Nation Code, and other relevant laws, the following provisions shall be used to implement a special run-off primary election and a special general election:

- A. Except for the Office of the President and Vice President, the general election results of November 4, 2014, for all Navajo Nation elected offices shall be certified by the Navajo Election Administration.
- B. The Navajo Nation Council hereby authorizes a special run-off election and a special general election for the offices of the President and Vice President pursuant to the laws existing at the time of the special primary election.
- C. Navajo Nation Council hereby authorizes the following procedures to be used to conduct the 2015 special run-off election, if necessary, and the 2015 special general election:
 - 1. A special run-off election shall be scheduled for June 2, 2015.
 - 2. A special general election shall be scheduled for August 4, 2015.

3. Laws existing at the time of the special primary election shall be used to allow presidential candidates who filed for and participated in the 2014 primary election to be given an opportunity to participate in the special run-off election for the offices of the President and Vice President.
4. The requirements under 11 N.N.C. § 26 regarding filing fees shall be waived for candidates.
5. Subject to laws existing at the time of the election only the 2014 primary election candidates shall be qualified to be a candidate for the special run-off election and the Navajo Election Administration shall contact them to determine if they wish to file an application for candidacy for the Office of the President, to wit:
 - a. Donald Benally;
 - b. Edison J. Wauneka;
 - c. Moroni Benally;
 - d. Hank Whitethorne;
 - e. Dan Smith;
 - f. Ben Shelly;
 - g. Chris Deschene;
 - h. Kee Yazzie Mann;
 - i. Myron McLaughlin;
 - j. Joe Shirley, Jr.;
 - k. Duane H. Yazzie;
 - l. Dale E. Tsosie;
 - m. Carrie Lynn Martin;
 - n. Cal Nez;
 - o. Edison "Chip" Begay;
 - p. Kenneth Maryboy; and
 - q. Russell Begaye.

6. Navajo Election Administration shall maintain a record of how the contact with each candidate was made and the candidate's answer. Personal contact is preferred, but the Administration may contact the candidates by telephone or other form of electronic means. The candidate shall be allowed to file their application for candidacy for the Office of the President no later than April 3, 2015.
7. Candidates for the special run-off election shall be certified by the Navajo Election Administration no later than April 4, 2015.
8. If only two candidates file their applications for candidacy for the special run-off election, the special run-off election shall be canceled and the two candidates who filed shall be allowed to run in the special general election for the Office of the President.
9. If three or more candidates file their applications for candidacy for the run-off election, then all candidates who filed their candidacy application shall be allowed to run in the special run-off election. A special ballot shall be printed for the special run-off election. If a special ballot cannot be printed within the timeline herein, Navajo Election Administration shall arrange for in-house printing and the hand-counting of the ballots, along with security measures to prevent voting fraud.
10. Unless otherwise prohibited by Navajo Nation law, voters who are registered to vote by May 4, 2015, shall be allowed to vote in the special run-off election and the special general election.
11. Early voting for special run-off election shall be allowed from May 21, 2015 to May 29, 2015. Voters may be allowed to bring their special early voting ballot and cast it on special run-off election day.

12. Absentee ballots for special run-off election shall be mailed to all voters who requested absentee ballots in the regular primary election and regular general election no later than May 4, 2015, and the due date for the return of absent ballots shall be June 2, 2015. Additional absentee ballot requests may be allowed for the special run-off election.
13. Final certification of the result for the special run-off election shall be done no later than June 15, 2015 the Navajo Election Administration. The candidates with the two highest votes in the run-off election shall be certified as candidates for a special general election.
14. Grievance filed by a candidate for the special run-off election shall be filed no later than June 12, 2015; and the Navajo Nation Office of Hearings and Appeals shall render a decision no later than June 13, 2015. Appeals of the decision of the Navajo Nation Office of Hearings and Appeals shall be made to the Navajo Nation Supreme Court no later than June 14, 2015; and the Navajo Nation Supreme Court shall render a decision no later than June 16, 2015.
15. A special ballot shall be printed for the special general election and included on the ballot shall be the two certified candidates.
16. Early voting for the special general election shall be allowed from June 22, 2015, to June 31, 2015 if no grievance is filed for the special run-off election. If a grievance is filed in the special run-off election, then early voting for the special general election shall be allowed from June 27, 2015, to June 31, 2015. Voters may be allowed to bring their special early voting ballot and cast it on special general election day.

17. Absentee ballots for special general election shall be mailed to all voters who requested absentee ballots in the regular primary election and regular general election no later than July 6, 2015, and the due date for the return of absent ballots shall be August 4, 2015. Additional absentee ballot requests may be allowed for the special general election.
18. Absentee voting for the special general election shall be allowed from July 6, 2015, to August 4, 2015 if no grievance is filed for the special run-off election. If a grievance is filed in the special run-off election, then absentee voting for the special general election shall be allowed from July 11, 2015, to August 4, 2015.
19. Final certification of the result for the special general election shall be done no later than August 17, 2015 by the Navajo Election Administration. The candidate with the highest votes shall be certified as the elected official to take the oath of office on September 9, 2015.
20. Grievance filed by a candidate for the special general election shall be filed no later than August 14, 2015; and the Navajo Nation Office of Hearings and Appeals shall render a decision no later than August 18, 2015. Appeals of the decision of the Navajo Nation Office of Hearings and Appeals shall be made to the Navajo Nation Supreme Court no later than August 21, 2015; and the Navajo Nation Supreme Court shall render a decision no later August 25, 2015.
21. Campaign reports for the special run-off election and the special general election, as required by 11 N.N.C. §§ 201 - 209 shall be filed no later than June 12, 2015 and August 14, 2015.
22. Poll officials used in the 2014 regular general election may be used as poll officials for the special run-off election and the special general election.

23. Navajo Election Administration shall take all precautions and necessary steps to promptly send absentee ballots to persons who have voted by absentee ballots in the 2014 election cycle.
 24. Navajo Election Administration shall use the special provisions contained herein in a congruent manner with the current Election Code provisions.
 25. Elections scheduled by Navajo Election Administration for President and Vice President should be canceled for 2014.
- D. Navajo Election Administration shall make arrangements for the public announcement of the procedure adopted herein in Navajo and English languages on a daily basis until January 13, 2015.
 - E. Navajo Election Administration shall prepare a budget to cover the costs of the special run-off election and the special general election and communicate this to the Navajo Nation Council so it may allocate additional resources.
 - F. Employees of the Navajo Nation government shall be given time off beginning at 1:00 p.m. on special run-off election day, if necessary, and on special general election day only if they use the leave to go vote.
 - G. The Oath of Office for all Navajo Nation elected officials shall be September 9, 2015.

Section Four.

The special primary and general elections shall be funded at the Amount of \$317,891.00 and said funding shall be expended pursuant to budget documents inserted hereto as Exhibit "B".

Section Five. Effective Date

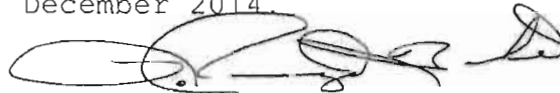
These amendments are effective upon its approval pursuant to 2 N.N.C. §221 and shall be in effect for the 2015 Navajo Nation Election subsequent Navajo Nation elections.

Section Six. Saving Clause

Should any provisions of this ordinance 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, those portions of this ordinance which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 11 in favor and 1 opposed, this 30th day of December 2014.



LoRenzo Bates, Pro Tem Speaker
Navajo Nation Council

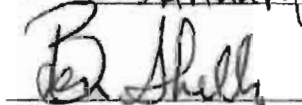
12-31-14

Date

Motion: Honorable Duane Tsinigine
Second: Honorable Roland Tso

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this 10th day of January 2014.



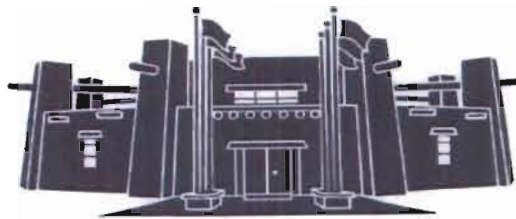
Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2014 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation


3. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10) and 2 N.N.C. §164 (A) (17), on this _____ day of _____, 2014. The justification of my line-item veto is set forth by memorandum.

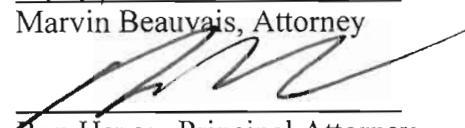
Ben Shelly, President
Navajo Nation



MEMORANDUM

TO: Honorable Dwight Witherspoon
Navajo Nation Council

FROM: 
Marvin Beauvais, Attorney

THRU: 
Ron Haven, Principal Attorney
Office of Legislative Counsel

DATE: January 15, 2014

SUBJECT: RELATING TO THE NAVAJO NATION COUNCIL; RESCINDING,
REPEALING AND RENDERING NULL AND VOID A RESOLUTION
ENTITLED CD-80-14 WHICH STATES IT IS *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*

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law and review of the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Sponsor", and submit it to the office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution. You may contact me at (928) 871-7166. Thank you.


Commission:



January 16, 2015

MEMORANDUM

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

FROM : 
Hon. Kee Allen Begay, Speaker Pro Tem
22nd 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. 0011-15

RELATING TO NAA'BIK'IYATI' AND THE NAVAJO NATION COUNCIL; RESCINDING, REPEALING AND RENDERING NULL AND VOID A RESOLUTION ENTITLED CD-80-14 WHICH STATES IT IS 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. 0011-15 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. 0011-15

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: _0011-15_____

SPONSOR: Dwight Witherspoon

**TITLE: An Action Relating To Naa'bik'iyati' And The Navajo Nation Council;
Rescinding, Repealing And Rendering Null And Void A Resolution Entitled CD-80-14
Which States It Is 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.**

Date posted: January 16, 2015 at 7:20pm

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.: 0011-15

SPONSOR: Honorable Dwight Witherspoon

TITLE: Relating To Naa'bik'iyati' And The Navajo Nation Council; Rescinding, Repealing And Rendering Null And Void A Resolution Entitled CD-80-14 Which States It Is 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.

Posted: January 16, 2015 at 7:20 PM

5 DAY Comment Period Ended: January 21, 2015

Digital Comments received:

Comments Supporting (1)	1. Chuck Charleston
Comments Opposing	<i>None</i>
Inconclusive Comments (2)	1. Eunice Tso 2. Diana DeChilly

L. P. H.

**Executive Director
Office of Legislative Services**

1/22/2015 - 9:40 AM

Date/Time

SUPPORT LEGISLATION NO: 0011-15

Chuck Charleston <crusader910@yahoo.com>

Tue 1/20/2015 10:10 PM

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

Cc: Chuck Charleston <crusader910@yahoo.com>;

Position Letter: SUPPORT LEGISLATION NO: 0011-15

LEGISLATION NO: 0011-15 SPONSOR: Dwight Witherspoon

TITLE: An Action Relating To Naa'bik'iyati' And The Navajo Nation Council;
Rescinding, Repealing And Rendering Null And Void A Resolution Entitled CD-80-14
Which States It Is 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.

The NN Supreme Court is focused on the merits of the case before it with regard to substantive and procedural law. Elements within the Council became sidetracked and made this an "us versus the Supreme Court" issue and began outrageously defying the high court. The sad thing is they knew they were wrong stating they are not afraid to go to jail. The spirit of this legislation is rooted in anger, disrespect and hatred for law and order, and you must repeal all of it.

0011-15

Eunice Tso <eunicet@etd-inc.com>

Wed 1/21/2015 12:26 PM

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

I disagree with moving election date again. This is too much for the people to change the course of action again. Please create stability by keeping the law as is.

Thank you,
Eunice

Legislation No. _0011-15____

Diana DeChilly <dd.chilly@gmail.com>

Wed 1/21/2015 12:12 PM

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

Legislation #_0011-15____

Sponsor: Dwight Witherspoon

Title: An Action Relating To Naa'bik'iyati' And The Navajo Nation Council; Rescinding, Repealing And Rendering Null And Void A Resolution Entitled CD-80-14 Which States It Is 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.**

Date posted: January 16, 2015 at 7:20pm

Honorable Council Delegates and Staff,

I am writing to express my disapproval for this legislation and to urge you to vote NO for this legislation.
The Navajo people are wanting a new and unimpeded election process otherwise the People's faith in tribal government will cease.

Blessings,

Diana J. DeChilly

23rd NAVAJO NATION COUNCIL

First Year 2015

The **NAABIK'İYATI' COMMITTEE** to whom has been assigned

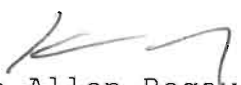
Legislation No. 0011-15

Relating to Naabik'iyati' Committee and Navajo Nation Council;
Rescinding, Repealing and Rendering Null and Void a Resolution
Entitled CD-80-14 Which states it is *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* - Sponsor: Honorable Dwight
Witherspoon

Has had it under consideration and reports the same with the
recommendation that it **FAILED** with no amendment

And therefore, referred to the **NAVAJO NATION COUNCIL**

Respectfully submitted,


Kee Allen Begay, Jr., Pro Tem Chairman
Naabik'iyati' Committee

22 January 2015

MOTION: Honorable Edmund Yazzie
SECOND: Honorable Otto Tso
The vote was 01 in favor and 19 opposed

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0011-15

SPONSOR: Honorable Dwight Witherspoon

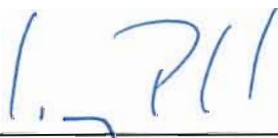
TITLE: Relating To Naa'bik'iyati' And The Navajo Nation Council; Rescinding, Repealing And Rendering Null And Void A Resolution Entitled CD-80-14 Which States It Is Relating To An Emergency; To Address A Matter Of Navajo Voter Disenfranchisement; And Providing For A Special Run-Off Election And A Special General Election For The Office Of President.

Posted: January 16, 2015 at 7:20 PM

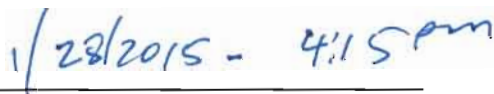
5 DAY Comment Period Ended: January 21, 2015

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments (1)	1. Dominic Beyal; see attachment.



**Executive Director
Office of Legislative Services**



Date/Time

Tom Platero

From: Dominic Beyal <dbeyal@omb.navajo-nsn.gov>
Sent: Wednesday, January 21, 2015 10:44 AM
To: Tom Platero
Subject: FW: Legislation #0010-15 and 0011-15

For your information.

From: Dominic Beyal
Sent: Wednesday, January 21, 2015 10:15 AM
To: 'keeallenbegayjr@navajo-nsn.gov'; 'dwitherspoon@navaj-nsn.gov'; Ron Haven; Edison J. Waunaka
Cc: Mariana Kahn; 'Arbin Mitchell'
Subject: Legislation #0010-15 and 0011-15

Re: Legislation 0010 – supplemental appropriation for \$317,891 for special election from the UUFB
Legislation 0011 – rescinding, repealing CD-80-14 for special election and general election, and \$317,891 appropriation for election costs

These legislations raise questions because resolution CD-80-14 is now law (signed by President on 1/10) including the \$317,819 budget for the special and general election which is appended to the resolution as Exhibit 'B'. So it is puzzling why this appropriation would be repealed and rescinded and then re-appropriated again in 0010, especially when it is the same exact budget (including the same errors).

Exhibit "B"

THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: <u>101021</u>	Program Title: <u>Election Administration Office</u>
Division/Branch: <u>Legislative</u>	Amount Requested: <u>\$317,891.00</u>
Phone No.: <u>871-7263</u>	
Prepared By: <u>Jonah Roanhorse</u>	Email Address: <u>jonahroanhorse@navajo-nsn.gov</u>

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

The supplemental request is to fund the special election for the Office of Navajo Nation president and associated costs.

Pursuant to SC-CV-68-14.

PART III. SCOPE OF WORK/METHODOLOGY

The special election is tentatively set for December 23, 2014; however there is a hearing by the Hearing & Appeals Office for one of the potential candidates for this special election.

1. The office will recruit 440 poll officials.
2. The office will order approximately 98,600 ballots
4. The office will incur costs for travel, supplies, postage, rental of equipment and building space, and media advertising.

These activities will cover approximately sixty (60) days culminating in the election and certification.

PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL

REVIEWED BY: Edison J. Wauneka, Executive Director / Date

RECOMMEND APPROVAL: Hon. LoRenzo Bates, Speaker Pro Tem / Date

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: 101021		Program Title: Election Administration Office		Division/Branch: Legislative	
Prepared By: Jonah Roanhorse		Phone No.: 928-871-6367		Email Address: jonahroanhorse@navajo-nsn.gov	

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			(C)
		10/1/14 - 09/30/15	317,891.00	100%	Fund Type Code	NNC Approved Original Budget	Proposed Presidential Election Budget	Total (Column B - A)
					2001 Personnel Expenses	874,399	32,193	906,592
					3000 Travel Expenses	78,418	5,176	83,594
					3500 Meeting Expenses	148,394	101,200	249,594
					4000 Supplies	110,102	140,474	250,576
					5000 Lease and Rental	100,606	1,700	102,306
					5500 Communications and Utilities	59,785		59,785
					6000 Repairs and Maintenance	11,160		11,160
					6500 Contractual Services		2,948	2,948
					7000 Special Transactions	110,974	34,200	145,174
					8000 Public Assistance			0
					9000 Capital Outlay			0
					9500 Matching Funds			0
					9500 Indirect Cost			0
TOTAL:						\$1,493,838.00	317,891.00	1,811,729

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		18	N. A.
Total # of Permanently Assigned Vehicles:		6	N. A.

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

[Signature] 11-12-14

SUBMITTED BY: Edison J. Wauneka, Executive Director / Date

[Signature] 11-18-14

APPROVED BY: Hon. Lorenzo Bates, Speaker Pro Tem / Date

THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:

Business Unit No.: 101021

Program Name/Title:

Election Administration Office

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

2 NNC Sec 876 To implement and carryout provisions of the election code and conduct elections.

AMENDED**PART III. PROGRAM PERFORMANCE CRITERIA:**

1. Program Performance Area:

Voter Turnout

Goal Statement:

To attain voter turnout for general election and special elections

2. Program Performance Area:

Assist local officials

Goal Statement:

Provide information to chapter officials, delegates and other officials

3. Program Performance Area:

Maintain data base

Goal Statement:

To register voters, provide information, change voter data

4. Program Performance Area:

Statistical reporting

Goal Statement:

Reports to NN Council, Standing Committees, Oversight Committees, Chapters, general public

5. Program Performance Area:

Assist NBOES

Goal Statement:

Administrative support, reports, resolutions, rules & regulations, code amendments

PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Program Manager/Printed Name and Signature/Date

11-12-14

Division Director/Branch Chiefs Printed Name and Signature / Date

11-14-14

THE NAVAJO NATION
DETAILED LINE ITEM BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:

Program Name/Title: Election Administration Office

Business Unit No.: 101021

PART II. DETAILED BUDGET:

(A)	(B)	(C)	(D)
Object Code (LCD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
2310	2001 PERSONNEL EXPENSES Temporary employees salary and fringe benefits. Temporary Person - Temporary Full Time Ten (10) Temporary Full Time positions at 320 hours each.	29,578	32,193
2900	Fringe Benefits Temporary \$29,577.60 x 8.84% = \$2,614.66	2,615	5,176
3110	3000 TRAVEL EXPENSES Mileage for assigned vehicles and travel expenses for staff to tend to program and election activities. Fleet Mileage	2,040	2,040
3230	Personal Travel Per Diem Meals POV Mileage	2,576	3,136
3810	4000 MEETING EXPENSES Poll Officials stipends and training; mileage for CPJs. Meetings Stipend - M/L	101,200	101,200
3813	Mileage 110 CPJ x 125 mi. x 2 RT x \$0.56/mi. =	15,400	140,474
4420	4000 SUPPLIES Chapler office and operational supplies. Passage for absentee ballot mailouts. Printing of ballots, forms, envelopes, xeroxing, etc Office Supplies General Office Supplies	5,500	140,068
	TOTAL	144,068	279,043

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THE NAVAJO NATION
DETAILED LINE ITEM BUDGET AND JUSTIFICATION

Page 4 of 4

PART I. PROGRAM INFORMATION:

Program Name/Title: _____

Election Administration Office

Business Unit No.: _____

101021

PART II. DETAILED BUDGET:

(A)	(B)	(C)	(D)
Object Code (ICD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
SUPPLIES CONTD			
4450	Postage, Courier, Shipping 1,500 absentee ballots x \$1.40/ea. =	2,100	
4530	Printing/Binding/Photocopying Ballots: 116,000 x 85% x \$1.09/ea. = Forms, envelopes, etc. Xeroxing: 20,000 x \$0.10/ea. =	107,474 1,400 2,000	110,874
5000 LEASE & RENTAL			
5310	Rental of other space for election returns and equipment rental. Building/Space		
5350	Other Space Rental WRR Sports Ctr.	1,000	
5360	Equipment/Supplies Equipment Rental	700	
4000 CONTRACTUAL SERVICES			
6910	Security service for crowd and fire compliance! Other Contractual Services Security Services	2,948	2,948
7000 SPECIAL TRANSACTIONS			
7410	Advertising through print and radio media. Media		
7440	Print Advertising \$2,250 x 4 ea. =	9,000	34,200
7450	Radio Advertising 6 outlets x 168 spots x \$25/	25,200	
TOTAL		158,122	38,848