



25th NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Danny Simpson, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 006-24.

If there are any co-sponsors, they may re-sponsor the
same bill by beginning a new legislation.

SPONSOR SIGNATURE:

[Signature]

DATE:

01-18-24

LEGISLATIVE SUMMARY SHEET

Tracking No. 0006-24

DATE: January 10, 2024

TITLE OF THE RESOLUTION: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING AMENDMENTS TO THE NAVAJO ELECTION CODE AT 11 N.N.C. §§ 25 AND 145 BY AUTHORIZING APPOINTMENT BY THE NAVAJO BOARD OF ELECTION SUPERVISORS FOR ONE CANDIDATE VACANCY FILINGS IN SPECIAL ELECTIONS AND DESIGNATING VOTING HOURS IN SPECIAL ELECTIONS

PURPOSE: The purpose of the resolution is to amend the Navajo Election Code at 11 N.N.C. §§ 25 and 145 by authorizing appointment by the Navajo Board of Election Supervisors for one candidate vacancy filings in special elections and designating voting hours in Special Elections.

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 Alfred Mike
Website Posting Time/Date 5:39 PM 1-10-24
Posting End Date: 1/15/24
Eligible for Action: 1/16/24

Law & Order Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0006-24

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND
THE NAVAJO NATION COUNCIL; APPROVING AMENDMENTS TO THE
NAVAJO ELECTION CODE AT 11 N.N.C. §§ 25 AND 145 BY AUTHORIZING
APPOINTMENT BY THE NAVAJO BOARD OF ELECTION SUPERVISORS FOR
ONE CANDIDATE VACANCY FILINGS IN SPECIAL ELECTIONS AND
DESIGNATING VOTING HOURS IN SPECIAL ELECTIONS

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 is empowered to review and make
recommendations to the Navajo Nation Council on proposed Navajo Nation Code
amendments and enactments. 2 N.N.C. §§ 164(A)(9) and 601(B)(14).
- B The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council.
Proposed legislation requiring final action by the Navajo Nation Council are assigned
to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164(A)(9) and 700(A).
- C. The Navajo Nation Council is the governing body of the Navajo Nation, with authority
to approve amendments to the Navajo Nation Code. 2 N.N.C. §§ 102(A) and 164(A).

SECTION TWO. FINDINGS

- 1 A. Pursuant to 2 N.N.C. § 871(A), the Navajo Board of Election Supervisors was *"created*
2 *by the Navajo Nation Council as an independent entity. The Board shall be responsible*
3 *to the Navajo Nation Council only...."* Among its various tasks, the Navajo Board of
4 Election Supervisors ("the Board") oversees the conduct of all Navajo Nation elections
5 - General Elections, Chapter Elections, and all special elections, including referendum
6 elections. In conducting these elections, the Board ensures the protection of every
7 individual's right to vote and participate in elections.
- 8 B. The Navajo Election Code, at 11 N.N.C. § 143, provides, "[w]henever a vacancy is
9 declared for an elected office during the first half of a term of office, with the exception
10 of a vacancy involving the Office of the Navajo Nation President or the Navajo Nation
11 Vice President, the remaining term of the vacant office shall be filled pursuant to
12 special election provisions of this Code." Vacancies occurring in the second half of a
13 term of office are filled by appointment, and there is no election. 11 N.N.C. § 161.
- 14 C. In a special election, during the first half of a term, it is possible that only one candidate
15 applies to fill a vacancy. Such candidate is placed on the ballot, unopposed. 11 N.N.C.
16 §25(A). A special election is then held, with the one unopposed candidate. Upon the
17 special election, the sole candidate is declared the winner. Under these circumstances,
18 an appointment, rather than an election, would expedite the filling of the vacant
19 position, as well as save costs for conducting an election, such as one on an agency-
20 wide basis.
- 21 D. By resolution BOESD-55-23, the Navajo Board of Election Supervisors recommends
22 amendments to the Navajo Election Code at 11 N.N.C. § 25(A) and (B) and § 145(I)
23 by authorizing appointment by the Board for one candidate vacancy filing in special
24 elections. The Board's resolution is attached hereto as **EXHIBIT 1**.
- 25 E. The Board further recommends an amendment at 11 N.N.C. § 145 by specifying voting
26 hours in special elections, beginning at 8:00 a.m. and ending at 6:00 p.m. See
27 **EXHIBIT 1**.
- 28
- 29 F. It is in the best interests of the Navajo Nation that the Navajo Election Code be amended
30 as recommended by the Navajo Board of Election Supervisors through BOESD-55-23.

1
2 **SECTION THREE. AMENDING THE NAVAJO ELECTION CODE**

3 The Navajo Nation Council hereby amends the Navajo Election Code at 11 N.N.C. §§ 25
4 and 145 as follows:

5
6 ****

7 **§ 25. Unopposed candidates; candidate withdrawal**

8 A. In the event only one candidate files for a Navajo Nation elective office, he or she shall
9 be placed on the ballot as an unopposed candidate— , except as otherwise provided
10 herein.

11 B. For vacancies declared in the first half of an elective term of office, the Navajo Board
12 of Election Supervisors shall appoint unopposed candidates, provided such candidates
13 are deemed qualified by the Election Administration.

14 ~~B~~ C. A candidate who withdraws from the election at any time prior to the printing of
15 the ballots shall have his or her name removed from the ballot. Any votes cast for
16 the candidate who has withdrawn shall not be tallied.

17 ~~C~~ D. A candidate who withdraws from the election after the ballots have already been
18 printed, but before the election occurs, shall have his or her name remain on the ballot,
19 but the Navajo Election Administration shall inform voters at the polling site that the
20 candidate has withdrawn. Any votes cast for the candidate who has withdrawn shall
21 not be tallied.

22 ****

23 **§ 145. Conduct of Special Elections**

24 ****

25 F. If there is no challenge or grievance, a special election, upon public notice, shall be
26 conducted within sixty (60) days of the conclusion of the challenge or grievance
27 period.

28 G. Voting hours in special elections shall begin at 8:00 a.m. and end at 6:00 p.m. All
29 voters present and in line at the polling place at 6:00 p.m. will be allowed to vote.
30

1 G H. The Navajo Board of Election Supervisors shall adopt rules and regulations on the
2 selection of poll clerks and poll judges for the conduct of special elections.

3 I. Notwithstanding special election provisions of this section, unopposed candidates
4 shall be appointed pursuant to provisions of 11 N.N.C. § 25.

5
6 **SECTION FOUR. CODIFICATION**

7 The amendments approved herein shall be codified by the Office of Legislative Counsel.
8 The Office of Legislative Counsel shall arrange for the incorporation of all such provisions
9 in the next codification of the Navajo Nation Code.

10
11 **SECTION FIVE. SAVINGS CLAUSE**

12 If any portion of the amendments approved herein is determined invalid by the Navajo
13 Supreme Court, or by a District Court of the Navajo Nation without appeal to the Navajo
14 Supreme Court, the remainder of the amendments shall remain the law of the Navajo
15 Nation.

16
17 **SECTION SIX. EFFECTIVE DATE**

18 The provisions of the amendments approved herein shall become effective in accordance
19 with 2 N.N.C §221(B).



**RESOLUTION OF THE
NAVAJO BOARD OF ELECTION SUPERVISORS**

Recommending and Supporting Amendments to the Navajo Election Code at 11 N.N.C. §§25 and 145 by Authorizing Appointment by the Navajo Board of Election Supervisors for One Candidate Vacancy Filing in Special Elections; and further Recommending and Supporting an Amendment designating Voting Hours in Special Elections

WHEREAS:

1. The Navajo Board of Election Supervisors was "created by the Navajo Nation Council as an independent entity." 2 N.N.C. § 871(A). Under the Navajo Election Code, the Board, among other duties and responsibilities, generally oversees the Navajo Election Administration in the implementation of the Code. *See e.g.*, 2 N.N.C. § 321.
2. Pursuant to 11 N.N.C. § 143, "[w]henever a vacancy is declared for an elected office during the first half of a term of office, with the exception of a vacancy involving the Office of the Navajo Nation President or the Navajo Nation Vice President, the remaining term of the vacant office shall be filled pursuant to special election provisions of this Code." Vacancies occurring in the second half of a term of office are filled by appointment. 11 N.N.C. § 161.
3. For positions declared vacant in the first half of an elective term of office, special elections are held to fill the vacancy. Although only one candidate may apply for such position, such candidate is placed on the ballot and a special election is conducted under 11 N.N.C § 25. Upon special election, the sole candidate is declared the winner.
4. It is in the best interests of the Navajo Nation that the Navajo Election Code be amended to permit appointment by the Navajo Board of Election Supervisors when there is only one candidate filing for a vacant position under special election provisions of the Navajo Election Code.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Board of Election Supervisors recommends that the Navajo Election Code at 11 N.N.C. §§25 and 145 be amended to permit appointment by the Navajo Board of Election Supervisors when there is only one candidate filing for a vacant position under special election provisions of the Navajo Election Code. Attached as **EXHIBIT A** is the recommended amendments to the Navajo Election Code.

EXHIBIT A**§ 25. Unopposed candidates; candidate withdrawal**

- A. In the event only one candidate files for a Navajo Nation elective office, he or she shall be placed on the ballot as an unopposed candidate- , except as otherwise provided herein.
- B. For vacancies declared in the first half of an elective term of office, the Navajo Board of Election Supervisors shall appoint unopposed candidates, provided such candidates are deemed qualified by the Election Administration.
- B C. A candidate who withdraws from the election at any time prior to the printing of the ballots shall have his or her name removed from the ballot. Any votes cast for the candidate who has withdrawn shall not be tallied.
- C D. A candidate who withdraws from the election after the ballots have already been printed, but before the election occurs, shall have his or her name remain on the ballot, but the Navajo Election Administration shall inform voters at the polling site that the candidate has withdrawn. Any votes cast for the candidate who has withdrawn shall not be tallied.

§145. Conduct of Special Elections

Special elections shall be conducted in the same manner as other elections except as follows:

- A. There shall be a 14-day filing period upon a declaration of vacancy.
- B. Candidate applications for the Offices of the Navajo Nation President and Vice President shall be filed at the same time.
- C. Upon the expiration of a filing period, the Navajo Election Administration shall, within five days, review applications filed and determine whether applicants should be certified as eligible for candidacy. An applicant disqualified or otherwise deemed ineligible for office may file a grievance pursuant to 11 N.N.C. §341.
- D. Challenge provisions of 11 N.N.C. §24 shall apply, except that such challenges, if any, shall be filed within five days of certification of a candidate.
- E. In the event of a challenge or a grievance, a special election date shall not be set until after the challenge or grievance is addressed and resolved in accordance with applicable provisions of the Election Code. Once applicable administrative and judicial remedies of the Election Code have been exhausted, the special election, upon public notice, shall be conducted within 60 days thereafter.

- F. If there is no challenge or grievance, a special election, upon public notice, shall be conducted within 60 days of the conclusion of the challenge or grievance period.
- G. Voting hours in special elections shall begin at 8:00 a.m. and end at 6:00 p.m. All voters present and in line at the polling place at 6:00 p.m. will be allowed to vote.
- ~~G~~ H. The Navajo Board of Election Supervisors shall adopt rules and regulations on the selection of poll clerks and poll judges for the conduct of special elections.
- I. Notwithstanding special election provisions of this section, unopposed candidates shall be appointed pursuant to provisions of 11 N.N.C. §25.

Office of Legislative Counsel
Telephone: (928) 871-7166
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Honorable Crystalyne Curley
Speaker
25th Navajo Nation Council

MEMORANDUM

TO: Honorable Danny Simpson, Council Delegate
25th Navajo Nation Council

FROM:


Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: January 10, 2024

SUBJECT: **AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING AMENDMENTS TO THE NAVAJO ELECTION CODE AT 11 N.N.C. §§ 25 AND 145 BY AUTHORIZING APPOINTMENT BY THE NAVAJO BOARD OF ELECTION SUPERVISORS FOR ONE CANDIDATE VACANCY FILINGS IN SPECIAL ELECTIONS AND DESIGNATING VOTING HOURS IN SPECIAL ELECTIONS**

As requested, I prepared the above-referenced proposed resolution pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government, however, it can be subject to review by the courts in the event of proper challenge.

Please ensure this resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

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 to make to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0006-24_

SPONSOR: Danny Simpson

TITLE: AN ACT RELATING TO LAW AND ORDER, NAA'BIK'IYATI'
COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING
AMENDMENTS TO THE NAVAJO ELECTION CODE AT 11 N.N.C. §§ 25 AND 145
BY AUTHORIZING APPOINTMENT BY THE NAVAJO BOARD OF ELECTION
SUPERVISORS FOR ONE CANDIDATE VACANCY FILINGS IN SPECIAL
ELECTIONS AND DESIGNATING VOTING HOURS IN SPECIAL ELECTIONS

Date posted: January 10, 2024 at 5:39PM

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.: 0006-24

SPONSOR: Honorable Danny Simpson


TITLE: An Action Relating to Law and Order, Naabik'iyáti' Committee and the Navajo Nation Council; Approving Amendments to the Navajo Election Code at 11 N.N.C. §§ 25 and 145 by Authorizing Appointments by the Navajo Board of Elections Supervisors for one Candidate Vacancy Filings in Special Elections and Designating Voting Hours in Special Elections

Posted: January 10, 2024 at 5:39 PM

5 DAY Comment Period Ended: January 15, 2024

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>


**Legislative Secretary II
Office of Legislative Services**

**January 16, 2024 8:15 AM
Date/Time**