TITLE: An Action Relating To Law And Order, NAABIK'IYATI' And The Navajo Nation Council; Amending 11 N.N.C. §404(B)(11), Signature Requirements For Navajo Nation-Wide Initiative Petitions

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DATE:       July 2, 2019

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING 11 N.N.C. §404(B)(11), SIGNATURE REQUIREMENTS FOR NAVAJO NATION-WIDE INITIATIVE PETITIONS

PURPOSE:    This resolution will amend 11 N.N.C. §404(B)(11), signature requirements for Navajo Nation-wide initiative petitions.

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

24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

(Prime Sponsor)

Tracking No. 0190-19

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI AND THE NAVAJO NATION COUNCIL; AMENDING 11 N.N.C. §404(B)(11), SIGNATURE REQUIREMENTS FOR NAVAJO NATION-WIDE INITIATIVE PETITIONS

BE IT ENACTED:

SECTION ONE. AUTHORITIES

A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600. The committee has the authority to review and make recommendations to the Navajo Nation Council on proposed amendments and enactments to the Navajo Nation Code. 2 N.N.C. §601(B)(14).

B. The Naabik'íyáti Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700. Under Navajo Nation law, "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'íyáti Committee." 2 N.N.C. § 164(A)(9). The committee has oversight over the Commission on Navajo Government Development. 2 N.N.C. § 970.

C. The Navajo Nation Council is an elected body authorized to enact laws of the Navajo Nation. See generally, 2 N.N.C. § 164.
SECTION TWO. FINDINGS

A. The Navajo Nation Council created the Commission on Navajo Government Development in 1989. CD-68-89. Enabling legislation provided, "[t]he Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government." 2 N.N.C. § 970. Subsequently, in 1994, the Council added the following purpose - "to review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities to the central government." 2 N.N.C. § 971, CJY-65-94.

B. Under the Navajo Election Code, the signatures of at least 15 percent of registered voters is required on an initiative petition for a measure to be placed on the ballot. 11 N.N.C. § 404(B)(11). For local chapter measures, the percentage is based on voters within the precinct. *id.*

C. Pursuant to the Navajo Election Code, "General Elections" is defined as "[e]lections held for the purpose of electing the President of the Navajo Nation, Vice-President of the Navajo Nation, elected members of the Navajo Nation Board of Education, and Delegates of the Navajo Nation Council, and/or for voting on a referendum." 11 N.N.C. § 2(V).

D. The Commission on Navajo Government Development recommends that, for Navajo Nation-wide initiatives, the percentage of signature requirements under the Election Code be changed to one based on voter turnout in a last Navajo Nation general election. See Exhibit A, CNGD-0503019.

E. It is in the best interests of the Navajo Nation to amend signature requirements for Navajo Nation-wide initiatives under the Navajo Election Code.

SECTION THREE. AMENDING ELECTION CODE

The Navajo Nation hereby amends the Navajo Nation Election Code as follows:
Chapter 2. Referendum/Initiative

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§ 404. Initiatives by petition of registered voters

A. Registered voters may petition to place an initiative on a Navajo Nation general or special election ballot where the scope of the initiative affects the entire Navajo Nation and is not limited to a chapter or chapters. Registered voters may petition to place an initiative on a chapter or special chapter election ballot where the initiative’s scope is limited to the chapter or chapters. An initiative election shall be at the next regularly scheduled Navajo Nation or chapter election if scheduled no sooner than 60 days from the date of the Board’s final certification of the initiative petition OR at a special initiative election to be held no sooner than 60 days and not later than 120 days from the date of the Board’s final certification of the initiative petition, subject to the conditions on special initiative elections set forth herein.

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11. Fifteen percent of all eligible registered voters shall have signed the petition for an initiative to be placed on a ballot. For purposes of determining the fifteen percent signature requirement, the total number of eligible registered voters shall be the official number of registered voters, Navajo Nation wide or for the particular chapter if a chapter initiative, as of the date the petition is first submitted to the Navajo Election Administration. The number of eligible registered voter signatures required for an initiative to be placed on the ballot shall be based on the date the petition is first submitted to the Navajo Election Administration, and shall be determined as follows:

a). For Navajo Nation-wide initiatives, signatures equal to at least fifteen percent of the total number of voters voting in a last general election in which elections included the Office of the Navajo Nation President and Vice President.
b). For chapter initiatives, signatures equal to at least fifteen percent of registered voters within the chapter.

SECTION FOUR. EFFECTIVE DATE

The Act enacted herein shall be effective upon its approval pursuant to 2 N.N.C. §221 and 2 N.N.C. §1005 (C) (10-12).

SECTION FIVE. CODIFICATION

The provisions of these amendments of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amendments in the next codification of the Navajo Nation Code.

SECTION SIX. SAVINGS CLAUSE

Should any provision of these amendments 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 amendments that are not determined invalid shall remain the law of the Nation.