LEGISLATION NO: _0358-19_____ SPONSOR: Edison Wauneka

TITLE: An Action Relating to Naabik'íyáti and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CO-38-19

Date posted: November 22, 2019 at 5:51pm

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0358-19

DATE: November 19, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CO-38-19

PURPOSE: This resolution, if approved, will override veto of CO-38-19.

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

(Sponsor)

TRACKING NO. 035819

AN ACTION
RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL;
OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO
NATION COUNCIL RESOLUTION CO-38-19

BE IT ENACTED:

SECTION ONE. AUTHORITY
A. The Navajo Nation Council enacts laws of the Navajo Nation. 2 N.N.C. § 102.
B. All resolutions enacting new law or amending existing laws are subject to veto by the
President of the Navajo Nation pursuant to 2 N.N.C. § 1005(C)(10) and (11) and override
by the Navajo Nation Council. 2 N.N.C. § 164(A)(17).
C. A vetoed resolution must first be submitted to Naabik'íyáti' Committee before
consideration by the Navajo Nation Council. 2 N.N.C. § 164 (A)(17).
D. Legislation vetoed by the President of the Navajo Nation is subject to override "by
two-thirds (2/3) vote of the membership of the Navajo Nation Council." 2 N.N.C. § 1005
(C)(11).

SECTION TWO. FINDINGS
A. Resolution CO-40-19 was passed by the Navajo Nation Council on October 23, 2019.
The resolution is entitled, "AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI'

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AND THE NAVAJO NATION COUNCIL; AMENDING, FOR PURPOSES OF
CLARIFICATION, APPOINTMENT AND SPECIAL ELECTION PROVISIONS OF THE
NAVAJO ELECTION CODE AT 11 N.N.C. §§ 143, 161 AND 326."

B. The changes enacted by the Navajo Nation Council through CO-38-19 merely clarify
when appointments are made for purposes of filling vacant positions under the Navajo
Election Code. The President vetoed the legislation, stating that voting rights are
affected. See attached Exhibit "A." veto letter and resolution CO-38-19.

C. However, the intent and purposes of the original provisions of the Code remain the
same - special elections are conducted to fill vacancies occurring in the first half of an
elected term, and vacancies occurring in the second half are filled by appointment. The
amendments of CO-38-19 provide that any vacancy continuing into the second half of a
term is filled by appointment. As the intent and purposes of the law essentially remains
the same, an override is necessary.

C. The Navajo Nation President's veto is "subject to an override...by two-thirds (2⁄3) vote
of the membership of the Navajo Nation Council." 2 N.N.C. § 164 (A)(17).

D. The Navajo Nation Council finds it in the best interest of the Navajo Nation to
override the Presidential veto herein.

SECTION THREE. OVERRIDE VETO

The Navajo Nation Council hereby overrides the Navajo Nation President's veto of
Resolution CO-38-19.