TITLE: An Action Relating To An Emergency For The Navajo Nation; Waiving 11 N.N.C. §§ 3(B) And (C), 6(A) And 26(A); For Purposes Of Addressing COVID-19 Health Crisis, Postponing The 2020 Navajo Nation Chapter Elections For One Year And Extending Current Terms Of Office For Such Time

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DATE: April 1, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; WAIVING 11 N.N.C. §§ 3(B) AND (C), 6(A) AND 26(A); FOR PURPOSES OF ADDRESSING COVID-19 HEALTH CRISIS, POSTPONING THE 2020 NAVAJO NATION CHAPTER ELECTIONS FOR ONE YEAR AND EXTENDING CURRENT TERMS OF OFFICE FOR SUCH TIME.

PURPOSE: This emergency bill will, for purposes of addressing the COVID-19 health crisis, postpone the 2020 Navajo Nation Chapter Elections for one year. Because of this postponement, terms of office for current officials (those holding positions subject to the chapter elections) will be extended for the same postponement period. These actions necessarily will require the waiving of certain provisions of the Election Code, including provisions at 11 N.N.C. §§ 3(B), 6(A) and 26.

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 -- Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0075-20

AN ACTION
RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; WAIVING 11
N.N.C. §§ 3(B) AND (C), 6(A) AND 26(A); FOR PURPOSES OF ADDRESSING
COVID-19 HEALTH CRISIS, POSTPONING THE 2020 NAVAJO NATION
CHAPTER ELECTIONS FOR ONE YEAR AND EXTENDING CURRENT
TERMS OF OFFICE FOR SUCH TIME

BE IT ENACTED:

SECTION ONE. AUTHORITY
1. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
102(A).

2. Pursuant to 2 N.N.C. §164(A)(16):

"Matters constituting an emergency shall be limited to the cessation of law
enforcement services, disaster relief services, fire protection services or other direct
services required as an entitlement under the Navajo Nation or Federal law, or
which directly threaten the sovereignty of the Navajo Nation. Such an emergency
matter must arise due to the pressing public need for such resolution(s) and must
be a matter requiring final action by the Council. " 2 N.N.C. §164 (A) (16).

3. Ensuring the health and safety of all residents and employees within the Navajo Nation is an
inherent attribute of sovereignty.
SECTION TWO. FINDINGS

1. COVID-19 is a dangerous and extremely contagious respiratory virus. The virus is pandemic and has reached the Navajo Nation. COVID-19 is spreading at an alarming rate within the Navajo Nation, with several deaths reported.

2. The Navajo Nation Commission on Emergency Management with the concurrence of the President and Vice President of the Navajo Nation, on March 11, 2020 declared Public Health State of Emergency due to the outbreak of coronavirus (COVID 19) in areas surrounding the Navajo Nation. Acknowledging the establishment of Health Command Center by the Navajo Nation Department of Health, the Commission stated, “Locally, it is acknowledged and understood that the threat of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo People and the resultant consequential public health impacts.” CEM-20-03-11, attached as Exhibit A.

3. On March 18, 2020, the Navajo Office of Environmental Health and Protection Program within the Navajo Nation Department of Health issued a Public Health Order declaring the outbreak of COVID-19 within the Navajo Nation. The order limited mass gatherings. See Exhibit B.

4. On March 19, 2020, in respect to the COVID-19 outbreak in the community of Chilchinbeto, the community was ordered closed and quarantined. A Shelter-in-Place order was immediately issued to residents. See Exhibit C.

5. On March 20, 2020 Public Health Emergency Order No. 2020-003 was issued, ordering all individuals living on the Navajo Nation to stay home (Shelter in Place). See Exhibit D. The same order prohibits visitors to the Navajo Nation, and requires the closure of all businesses on the Navajo Nation except “essential businesses.”

6. On March 29, 2020, Public Health Emergency Order No. 2020-004 was issued implementing a curfew from 8:00 p.m. to 5:00 a.m. on all Navajo Nation residents. The Shelter in Place order of March 20, 2020 was also indefinitely extended. Exhibit E

7. On March 31, 2020, Executive Order 002-20 was issued extending the closure of all Navajo Nation governmental offices. Exhibit F.
8. For purposes of protecting the health of the residents of the Navajo Nation, and to help
prevent the further spread of COVID-19, it is in the best interest of the Navajo Nation that
the 2020 Chapter General Elections be postponed.

9. The Navajo Board of Election Supervisors supports and recommends the postponement
of the 2020 Chapter Election.

SECTION THREE. POSTPONING THE 2020 CHAPTER ELECTIONS

The Navajo Nation hereby postpones the 2020 Navajo Nation Chapter Elections.

Accordingly:

1. The 2020 Chapter Elections shall be postponed for one year.

2. The terms of Office for current Chapter Officials and other elected officials elected to
   four year terms in the 2016 Chapter Elections shall be extended for one year, consistent
   with this emergency action of the Navajo Nation.

3. The Navajo Nation Council, for purposes of this emergency action concerning the 2020
   Chapter Election, waives all required time periods, including 11 N.N.C. § 3(B) and (C)
   (Chapter Elections, primary and general), 6(A) (terms of office) and 26 (A) (filing
   fees).

4. The Navajo Board of Election Supervisors shall waive any times frames within its
   existing rules and regulations intended for use in the 2020 Chapter Elections. Such
   rules and regulations may be applied to the elections rescheduled for 2021. The Board
   shall also issue a new schedule for the 2021 Chapter Election cycle, designating such
   matters as filing periods, registration time lines, election dates and all other necessary
   time periods.

5. Except as otherwise provided herein, all requirements of the Navajo Election Code
   shall continue to apply to the Chapter Elections to be conducted in 2021.

6. The Navajo Election Administration and the Navajo Board of Election Supervisors
   shall ensure that funds are adequate and available to conduct the Chapter Election now
   set for 2021.
7. The Navajo Board of Election Supervisors shall be delegated the authority to adopt rules and regulations for purposes of implementing the intent and purposes of this action of the Navajo Nation.

SECTION FOUR. SAVINGS CLAUSE

Should any part 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, portions not determined invalid shall remain the law of the Navajo Nation.

SECTION FIVE. EFFECTIVE DATE

These amendments shall become effective in accord with 2 N.N.C. § 221(B).