



# 23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

## FOR IMMEDIATE RELEASE

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## Legislative Branch clarifies Navajo Election Code provisions

**WINDOW ROCK** – In Window Rock District Court on March 23, a jury found Council Delegate Mel R. Begay (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahast'a'a') guilty of ten separate criminal complaints related to the former Navajo Nation Financial Assistance Program, commonly known as discretionary funds.

In 2014, the Navajo Nation Council amended portions of the Title 11, the Navajo Election Code, through Resolution CJA-02-14, for the purposes of clarifying qualification provisions for elected officials. The resolution also delegated the authority to enforce the qualifications to the Navajo Election Administration.

Additionally, the resolution amended provisions within Title 11 that address situations in which elected officials are found guilty of certain offenses. Title 11, Section 8 states the following in regards to maintaining qualifications during term of office, convictions, and removal:

1. “Upon assuming an elective office, an official shall maintain the qualifications required of the respective office, as provided herein, throughout the term of such office. A conviction during a term of office of an offense for which candidates can be disqualified pursuant to applicable Navajo Nation law shall be grounds for automatic removal of an elected official unless otherwise required by a removal procedure under Navajo Nation law.”
2. Officials no longer eligible to hold office are subject to removal pursuant to provisions of 11 N.N.C. §240 (D)

CJA-02-14 states that all removal procedures should start with the Navajo Election Administration and that the authority to determine qualifications for candidates has already been delegated to the NEA. This authority should be specifically extended to include the removal of officials after such officials assume office.

The resolution further states the following; “The Election Administration and the Office of Hearings and Appeals should be able to address the issue of whether elected officials should be removed from office for not maintaining the qualifications of office or conviction of felonies and certain misdemeanors while in office.”

Officials with the Legislative Branch said now that the court has taken action, it is now left to the Navajo Election Administration to address it administratively in accordance with the mandated provisions set forth in CJA-02-14.

The Election Code also provides provisions for a special election to be held upon the removal of a delegate. Section 144 of Title II states the following:

“Whenever there is a vacancy in a Council Delegate position during the first half of the term of office, at the request of the affected Chapter or Chapters within a precinct, the Speaker of the Navajo Nation Council may select and appoint an interim Delegate from the precinct until the vacancy is filled by special election and the new Delegate takes office.”

It further states that the interim Delegate would be required to meet qualifications and shall only be certified after a review by the Navajo Election Administration.

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