

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0075-20__

SPONSOR: Eugene Tso

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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LEGISLATIVE SUMMARY SHEET

Tracking No. 0075-20

DATE: April 1, 2020

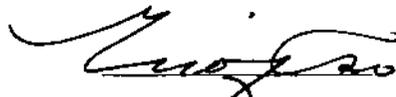
TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; WAIVING 11 N.N.C. §§ 3(B) AND (C), 6(A) AND 26(A); FOR PURPOSES OF ADDRESSING COVID-19 HEALTH CRISIS, POSTPONING THE 2020 NAVAJO NATION CHAPTER ELECTIONS FOR ONE YEAR AND EXTENDING CURRENT TERMS OF OFFICE FOR SUCH TIME

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.

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2 **SECTION TWO. FINDINGS**

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

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

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

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

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

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

28 7. On March 31, 2020, Executive Order 002-20 was issued extending the closure of all
29 Navajo Nation governmental offices. **Exhibit F**.

1 8. For purposes of protecting the health of the residents of the Navajo Nation, and to help
2 prevent the further spread of COVID-19, it is in the best interest of the Navajo Nation that
3 the 2020 Chapter General Elections be postponed.

4 9. The Navajo Board of Election Supervisors supports and recommends the postponement
5 of the 2020 Chapter Election.
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7 **SECTION THREE. POSTPONING THE 2020 CHAPTER ELECTIONS**

8 The Navajo Nation hereby postpones the 2020 Navajo Nation Chapter Elections.
9 Accordingly:

- 10 1. The 2020 Chapter Elections shall be postponed for one year.
- 11 2. The terms of Office for current Chapter Officials and other elected officials elected to
12 four year terms in the 2016 Chapter Elections shall be extended for one year, consistent
13 with this emergency action of the Navajo Nation.
- 14 3. The Navajo Nation Council, for purposes of this emergency action concerning the 2020
15 Chapter Election, waives all required time periods, including 11 N.N.C. § 3(B) and (C)
16 (Chapter Elections, primary and general), 6(A) (terms of office) and 26 (A) (filing
17 fees).
- 18 4. The Navajo Board of Election Supervisors shall waive any times frames within its
19 existing rules and regulations intended for use in the 2020 Chapter Elections. Such
20 rules and regulations may be applied to the elections rescheduled for 2021. The Board
21 shall also issue a new schedule for the 2021 Chapter Election cycle, designating such
22 matters as filing periods, registration time lines, election dates and all other necessary
23 time periods.
- 24 5. Except as otherwise provided herein, all requirements of the Navajo Election Code
25 shall continue to apply to the Chapter Elections to be conducted in 2021.
- 26 6. The Navajo Election Administration and the Navajo Board of Election Supervisors
27 shall ensure that funds are adequate and available to conduct the Chapter Election now
28 set for 2021.
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1 7. The Navajo Board of Election Supervisors shall be delegated the authority to adopt
2 rules and regulations for purposes of implementing the intent and purposes of this
3 action of the Navajo Nation.
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5 **SECTION FOUR. SAVINGS CLAUSE**

6 Should any part of these amendments be determined invalid by the Navajo Nation Supreme
7 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
8 Supreme Court, portions not determined invalid shall remain the law of the Navajo Nation.
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10 **SECTION FIVE. EFFECTIVE DATE**

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