

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0162-19_____

SPONSOR: Raymond Smith, Jr.

TITLE: An Act Relating To Law And Order, Naabik'íyáti' And The Navajo Nation Council; Amending 2 N.N.C. §§1002(D) And 1003(C) And 11 N.N.C. § 8(A) To Clarify That Term Limits For Navajo Nation Office Of The President And Vice President Are No More Than Two Terms In A Lifetime

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0162-19

DATE: June 19, 2019

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§1002(D) AND 1003(C) AND 11 N.N.C. § 8(A) TO CLARIFY THAT TERM LIMITS FOR NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT ARE NO MORE THAN TWO TERMS IN A LIFETIME

PURPOSE: This resolution will amend 2 N.N.C. §§1002(D) and 1003(C) and 11 N.N.C. § 8(A) to provide clarification to existing statutory language as to term limits (two terms only) for Navajo Nation Office of the President and Vice President elective positions. The clarification is to restrict or otherwise prohibit an individual from serving more than two terms as President or two terms as Vice President in a lifetime.

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.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 6/26/19
Eligible for Action: 6/27/19

Law & Order Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – First Year, 2019

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4 
5 (Prime Sponsor)

6
7
8 TRACKING NO. 0162-19

9
10 AN ACT

11 RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION
12 COUNCIL; AMENDING 2 N.N.C. §§1002(D) AND 1003(C) AND 11 N.N.C. § 8(A)
13 TO CLARIFY THAT TERM LIMITS FOR NAVAJO NATION OFFICE OF THE
14 PRESIDENT AND VICE PRESIDENT ARE NO MORE THAN TWO TERMS IN A
15 LIFETIME

16
17 BE IT ENACTED:

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19 **SECTION ONE. AUTHORITIES**

20 A. The Law and Order Committee is a standing committee of the Navajo Nation Council.
21 2 N.N.C. § 600(A). The committee is authorized "to review and make recommendations to
22 the Navajo Nation Council on proposed amendments to and enactments in the Navajo
23 Nation Code." 2 N.N.C. § 601(B)(14).

24 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2
25 N.N.C. § 700(A). The committee is assigned and reviews all proposed resolutions that
26 require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).

27 C. The Navajo Nation Council, pursuant to 2 N.N.C. §102(A), is the "governing body of
28 the Navajo Nation..." A primary role of Navajo Nation Council delegates is policy-
29 making.
30

1 **SECTION TWO. FINDINGS**

2 A. Under the Navajo Election Code, a term of office is four years. 11 N.N.C. § 6(A). For
3 the offices of the President, Vice-President and Council Delegate, the code states and defines
4 the beginning and ending dates of this four-year term as follows - "At each general election
5 all persons elected to the offices of President of the Navajo Nation, Vice-President of the
6 Navajo Nation and Delegate of the Navajo Nation Council shall be installed in office at
7 noon on the second Tuesday after the first Monday of January following their election and
8 their predecessors' term of office shall expire upon their installation in office." 11 N.N.C.
9 § 6(B). Terms start upon oaths administered in January after each general election and end
10 four calendar years thereafter. Terms do extend beyond this defined period.

11 B. The Navajo Election Code provides, "[e]xcept as otherwise provided by law, the number
12 of terms a person may hold a Navajo elective office shall be unlimited." 11 N.N.C. § 7(A).

13 C. Title 2 of the Navajo Nation Code provides term limits for the Navajo Nation Office of
14 the President and the Vice President. For the Office of the President, the law provides -
15 "The President shall serve no more than two terms" 2 N.N.C. § 1002(D). Similarly, with
16 respect to the Office of the Vice President, the law provides - "The Vice-President shall
17 serve no more than two terms" 1003(C).

18 D. The Navajo Supreme Court determined that the two-term limit set forth at 2 N.N.C. §
19 1002(D) for the Office of the President as valid. See *Todacheene v. Shirley*, 9 Nav. R. 380
20 (Nav. Sup. Ct. August 2, 2010). The court however construed the two-term restriction of 2
21 N.N.C. §1002(D) to mean two consecutive terms (eight years) for a sitting President.
22 Thereafter, an individual completing consecutive terms as President must sit out a full term
23 before seeking additional terms. In this respect, the court stated, "2 N.N.C. §1002(D)
24 imposes a space of one term between a former two-term President's candidacy for that same
25 office." *Todacheene v. Shirley*, 9 Nav.R. 380, 384 (Nav. Sup. Ct. August 2, 2010).

26
27 **SECTION THREE. AMENDING 2 N.N.C. §§1002(D) AND 1003(C)**

28 The Navajo Nation hereby reaffirms the statutorily-enacted two-term limit for the
29 Offices of the Navajo President and Vice-President. However, the two-term limit provisions
30 at 2 N.N.C. §§1002(D) and 1003(C) are amended for clarification purposes as follows:

Title 2. Navajo Nation Government

Chapter 5. Executive Branch

Subchapter 1. Generally

Article 1. Office of the President and Vice-President

§ 1002. Office of President and Vice-President; term

- A. There is established the Office of President and Vice-President.
- B. There shall be one President of the Navajo Nation.
- C. The President shall be elected for a term of four years.
- D. ~~The President shall serve no more than two terms.~~ No individual shall serve more than two terms to which they are elected as President in a lifetime.

§ 1003. Vice-President

- A. There shall be one Vice-President of the Navajo Nation.
- B. He/she shall be elected for a term of four years.
- C. ~~The Vice-President shall serve no more than two terms.~~ No individual shall serve more than two terms to which they are elected as Vice-President in a lifetime.

SECTION FOUR. AMENDING 11 N.N.C. § 8(A)

The Navajo Nation Election Code, at 11 N.N.C. § 8(A) is amended as follows:

§ 8. Qualifications for office

- A. Qualifications for President and Vice-President are:

1 12. No individual shall serve more than two terms to which they are elected
2 as President or two terms as Vice-President in a lifetime.
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5 **SECTION FIVE. VOTE REQUIRED**

6 Pursuant to CD-68-89, this action requires a two-thirds (2/3rds) vote of the full Navajo
7 Nation Council.
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9 **SECTION SIX. EFFECTIVE DATE; RETROACTIVE APPLICATION**

10 These amendments shall operate retroactively upon their approval pursuant to 2 N.N.C.
11 §221. They shall apply to all individuals who have served two terms, consecutive or not, as
12 Navajo Nation President or two terms as Vice President.
13

14 **SECTION SEVEN. CODIFICATION**

15 These amendments shall be codified by the Office of Legislative Counsel in the next
16 recodification or supplement of the Navajo Nation Code to the extent practicable.
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18 **SECTION EIGHT. SAVINGS CLAUSE**

19 Should any provision of these amendments be determined invalid by the Navajo Nation
20 Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo
21 Nation Supreme Court, the amendments, or any portion thereof, which are not determined
22 invalid shall remain the law of the Navajo Nation.
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