

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0190-19

SPONSOR: Jamie Henio

**TITLE: An Action Relating To Law And Order, NAABIK'IYATI' And The Navajo Nation Council; Amending 11 N.N.C. §404(B)(11), Signature Requirements For Navajo Nation-Wide Initiative Petitions**

*Date posted:* July 3, 2019 at 7:35 PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0190-19

**DATE:** July 2, 2019

**TITLE OF RESOLUTION:** AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING 11 N.N.C. §404(B)(11), SIGNATURE REQUIREMENTS FOR NAVAJO NATION-WIDE INITIATIVE PETITIONS

**PURPOSE:** This resolution will amend 11 N.N.C. §404(B)(11), signature requirements for Navajo Nation-wide initiative petitions.

**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: ALA  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 7/8/19  
Eligible for Action: 7/9/19

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2019

3 INTRODUCED BY

4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

(Prime Sponsor)

7  
8 Tracking No. 0190-19

9  
10 AN ACT

11 RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION  
12 COUNCIL; AMENDING 11 N.N.C. §404(B)(11), SIGNATURE REQUIREMENTS  
13 FOR NAVAJO NATION-WIDE INITIATIVE PETITIONS

14  
15 BE IT ENACTED:

16  
17 **SECTION ONE. AUTHORITIES**

- 18 A. The Law and Order Committee is a standing committee of the Navajo Nation  
19 Council. 2 N.N.C. § 600. The committee has the authority to review and make  
20 recommendations to the Navajo Nation Council on proposed amendments and  
21 enactments to the Navajo Nation Code. 2 N.N.C. §601(B)(14).
- 22 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2  
23 N.N.C. § 700. Under Navajo Nation law, "a proposed resolution that requires final  
24 action by the Navajo Nation Council [must] be assigned to standing committee(s)  
25 having authority over the subject matter at issue and the Naabik'iyáti' Committee." 2  
26 N.N.C. § 164(A)(9). The committee has oversight over the Commission on Navajo  
27 Government Development. 2 N.N.C. § 970.
- 28 C. The Navajo Nation Council is an elected body authorized to enact laws of the Navajo  
29 Nation. See generally, 2 N.N.C. § 164.
- 30

1           **SECTION TWO. FINDINGS**

- 2           A. The Navajo Nation Council created the Commission on Navajo Government  
3           Development in 1989. CD-68-89. Enabling legislation provided, "[t]he Commission  
4           is special entity created by the Navajo Nation Council with quasi-independent  
5           authority to accomplish the Council's project of instituting reforms necessary to  
6           ensure an accountable and responsible government." 2 N.N.C. § 970. Subsequently,  
7           in 1994, the Council added the following purpose - "to review and evaluate all aspects  
8           of the existing government structure of the Navajo Nation including laws, rules and  
9           regulations, practices, functions, goals and objectives of the central government as it  
10          relates to Chapters, and local communities and the relationship of Chapters and local  
11          communities and the relation of chapters and local communities to the central  
12          government.." 2 N.N.C. § 971, CJY-65-94.
- 13          B. Under the Navajo Election Code, the signatures of at least 15 percent of registered  
14          voters is required on an initiative petition for a measure to be placed on the ballot. 11  
15          N.N.C. § 404(B)(11). For local chapter measures, the percentage is based on voters  
16          within the precinct. *Id.*
- 17          C. Pursuant to the Navajo Election Code, "General Elections" is defined as "Elections held  
18          for the purpose of electing the President of the Navajo Nation, Vice-President of the Navajo  
19          Nation, elected members of the Navajo Nation Board of Education, and Delegates of the  
20          Navajo Nation Council, and/or for voting on a referendum." 11 N.N.C. § 2(V).
- 21          D. The Commission on Navajo Government Development recommends that, for Navajo  
22          Nation-wide initiatives, the percentage of signature requirements under the Election  
23          Code be changed to one based on voter turnout in a last Navajo Nation general  
24          election. See Exhibit A, CNGD-0503019.
- 25          E. It is in the best interests of the Navajo Nation to amend signature requirements for  
26          Navajo Nation-wide initiatives under the Navajo Election Code.

27  
28           **SECTION THREE. AMENDING ELECTION CODE**

29           The Navajo Nation hereby amends the Navajo Nation Election Code as follows:  
30           \_\_\_\_\_

1 **Chapter 2. Referendum/Initiative**

2 \*\*\*\*

3 **§ 404. Initiatives by petition of registered voters**

4 A. Registered voters may petition to place an initiative on a Navajo Nation general  
5 or special election ballot where the scope of the initiative affects the entire  
6 Navajo Nation and is not limited to a chapter or chapters. Registered voters may  
7 petition to place an initiative on a chapter or special chapter election ballot  
8 where the initiative's scope is limited to the chapter or chapters. An initiative  
9 election shall be at the next regularly scheduled Navajo Nation or chapter  
10 election if scheduled no sooner than 60 days from the date of the Board's final  
11 certification of the initiative petition OR at a special initiative election to be held  
12 no sooner than 60 days and not later than 120 days from the date of the Board's  
13 final certification of the initiative petition, subject to the conditions on special  
14 initiative elections set forth herein.

15 \*\*\*\*

16 11. ~~Fifteen percent of all eligible registered voters shall have signed the peti-~~  
17 ~~tion for an initiative to be placed on a ballot. For purposes of determining~~  
18 ~~the fifteen percent signature requirement, the total number of eligible~~  
19 ~~registered voters shall be the official number of registered voters, Navajo~~  
20 ~~Nation wide or for the particular chapter if a chapter initiative, as of the~~  
21 ~~date the petition is first submitted to the Navajo Election Administration.~~  
22 The number of eligible registered voter signatures required for an initiative  
23 to be placed on the ballot shall be based on the date the petition is first  
24 submitted to the Navajo Election Administration, and shall be determined  
25 as follows:

26 a). For Navajo Nation-wide initiatives, signatures equal to at least  
27 fifteen percent of the total number of voters voting in a last general  
28 election in which elections included the Office of the Navajo Nation  
29 President and Vice President.

1                                    b). For chapter initiatives, signatures equal to at least fifteen percent  
2                                    of registered voters within the chapter.

3                                    \*\*\*\*  
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7                                    **SECTION FOUR. EFFECTIVE DATE**

8                                    The Act enacted herein shall be effective upon its approval pursuant to 2 N.N.C. §221 and 2  
9                                    N.N.C. §1005 (C) (10-12).  
10

11                                    **SECTION FIVE. CODIFICATION**

12                                    The provisions of these amendments of the Navajo Nation Code shall be codified by  
13                                    the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate  
14                                    such amendments in the next codification of the Navajo Nation Code.  
15

16                                    **SECTION SIX. SAVINGS CLAUSE**

17                                    Should any provision of these amendments be determined invalid by the Navajo  
18                                    Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the  
19                                    Navajo Nation Supreme Court, those amendments that are not determined invalid shall  
20                                    remain the law of the Nation.  
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