

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0358-19\_\_\_\_\_

SPONSOR: Edison Wauneka

**TITLE: An Action Relating to Naabik'iyáti and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CO-38-19**

*Date posted:* November 22, 2019 at 5:51pm

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**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0358-19

**DATE:** November 19, 2019

**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CO-38-19

**PURPOSE:** This resolution, if approved, will override veto of CO-38-19.

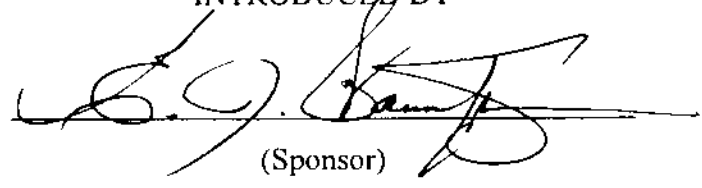
**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: 2800  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 11/27/19  
Eligible for Action: 11/28/19

Naabik'iyáti Committee  
Thence  
Navajo Nation Council

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

3 INTRODUCED BY

4   
5  
6 (Sponsor)

7  
8 TRACKING NO. 0358-19

9  
10 AN ACTION

11 RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL;  
12 OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO  
13 NATION COUNCIL RESOLUTION CO-38-19

14  
15 BE IT ENACTED:

16  
17 **SECTION ONE. AUTHORITY**

- 18 A. The Navajo Nation Council enacts laws of the Navajo Nation. 2 N.N.C. § 102.  
19 B. All resolutions enacting new law or amending existing laws are subject to veto by the  
20 President of the Navajo Nation pursuant to 2 N.N.C. § 1005(C)(10) and (11) and override  
21 by the Navajo Nation Council. 2 N.N.C. § 164(A)(17).  
22 C. A vetoed resolution must first be submitted to Naabik'iyáti' Committee before  
23 consideration by the Navajo Nation Council. 2 N.N.C. § 164 (A)(17).  
24 D. Legislation vetoed by the President of the Navajo Nation is subject to override "by  
25 two-thirds (2/3) vote of the membership of the Navajo Nation Council." 2 N.N.C. § 1005  
26 (C) (11).

27  
28 **SECTION TWO. FINDINGS**

- 29 A. Resolution CO-40-19 was passed by the Navajo Nation Council on October 23, 2019.  
30 The resolution is entitled, "*AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI'*"

1 *AND THE NAVAJO NATION COUNCIL; AMENDING, FOR PURPOSES OF*  
2 *CLARIFICATION, APPOINTMENT AND SPECIAL ELECTION PROVISIONS OF THE*  
3 *NAVAJO ELECTION CODE AT 11 N.N.C. §§ 143, 161 AND 326."*

4 B. The changes enacted by the Navajo Nation Council through *CO-38-19* merely clarify  
5 when appointments are made for purposes of filling vacant positions under the Navajo  
6 Election Code. The President vetoed the legislation, stating that voting rights are  
7 affected. See attached Exhibit "A," veto letter and resolution *CO-38-19*.

8 C. However, the intent and purposes of the original provisions of the Code remain the  
9 same - special elections are conducted to fill vacancies occurring in the first half of an  
10 elected term, and vacancies occurring in the second half are filled by appointment. The  
11 amendments of *CO-38-19* provide that any vacancy continuing into the second half of a  
12 term is filled by appointment. As the intent and purposes of the law essentially remains  
13 the same, an override is necessary.

14 C. The Navajo Nation President's veto is "subject to an override...by two-thirds ( $\frac{2}{3}$ ) vote  
15 of the membership of the Navajo Nation Council." 2 N.N.C. § 164 (A)(17).

16 D. The Navajo Nation Council finds it in the best interest of the Navajo Nation to  
17 override the Presidential veto herein.

18  
19 **SECTION THREE. OVERRIDING VETO**

20 The Navajo Nation Council hereby overrides the Navajo Nation President's veto of  
21 Resolution *CO-38-19*.