

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0078-22\_

SPONSOR: Edison J. Wauneka

**TITLE: An Action Relating to Naabik'iyáti' Committee and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CJA-12-22**

*Date posted:* April 13, 2022 at 4:36PM

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0078-22

**DATE:** April 8, 2022

**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CJA-12-22

**PURPOSE:** This resolution, if approved, will override President's veto of CJA-12-22 (An Act Relating to Law and Order, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Establishing a Referendum for Diné Voters to Decide whether to Increase the Number of Navajo Nation Council Delegates from 24 to 48, beginning with the November 2026 Navajo Nation General Election)

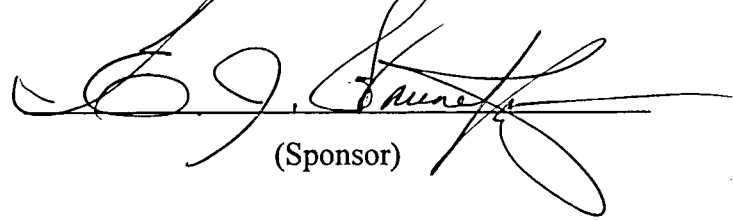
**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

5-DAY BILL/HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 04-18-22  
Eligible for Action: 04-19-22

Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL -FOURTH YEAR, 2022

3 INTRODUCED BY

4   
5  
6 (Sponsor)

7  
8 TRACKING NO. 0078-22

9  
10 AN ACTION  
11 RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION  
12 COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF  
13 NAVAJO NATION COUNCIL RESOLUTION CJA-12-22

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  
20 the President of the Navajo Nation pursuant to 2 N.N.C. § 1005(C)(10) and (11) and  
21 override by the Navajo Nation Council. 2 N.N.C. § 164(A)(17).  
22 C. Resolutions vetoed by the President of the Navajo Nation are subject to override "by  
23 two-thirds (2/3) vote of the membership of the Navajo Nation Council." 2 N.N.C. §  
24 1005 (C) (11).  
25 D. A vetoed resolution shall first be submitted to Naabik'iyáti' Committee before  
26 consideration by the Council. 2 N.N.C. § 164 (A)(17).

27  
28 SECTION TWO. FINDINGS

- 29 A. Navajo Nation Council Resolution No. CJA-12-22, attached as **Exhibit A**, was passed  
30 by the Navajo Nation Council and certified by the Speaker on February 3, 2022. The

1 resolution is entitled "AN ACT RELATING TO LAW AND ORDER, BUDGET  
2 AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO  
3 NATION COUNCIL; ESTABLISHING A REFERENDUM FOR DINÉ VOTERS  
4 TO DECIDE WHETHER TO INCREASE THE NUMBER OF NAVAJO NATION  
5 COUNCIL DELEGATES FROM 24 TO 48, BEGINNING WITH THE NOVEMBER  
6 2026 NAVAJO NATION GENERAL ELECTION"

7 B. The Navajo Nation President vetoed Resolution CJA-12-22 on February 13, 2022.

8 The President's memorandum explaining his veto decision is attached as **Exhibit B**.

9 C. The Navajo Nation Council does not agree with the President's veto of Resolution  
10 CJA-12-22 or the President's stated reasons for vetoing CJA-12-22.

11 D. The President's memo alleges that pursuant to CJA-12-22, the Navajo Nation  
12 Council is independently amending the size of the Council and 2 N.N.C. § 102 (A).  
13 This is a patently inaccurate statement. The *only* action the Navajo Nation Council  
14 took in CJA-12-22 was to authorize the *Navajo people to vote* on whether they wish  
15 they to amend the size of Council.

16 E. As the President's memo states, "the Navajo Supreme Court points out that the  
17 Navajo Nation Council has "clearly deferred the power to approve all amendments to  
18 Section 102(A) to the Navajo People." *Nelson v. Initiative Committee to Reduce the*  
19 *Navajo Nation Council.*" CJA-12-22 is in-line with the Navajo Supreme  
20 Court. CJA-12-22 authorizes a referendum wherein the Navajo People  
21 will decide if 2 N.N.C. § 102 (A) is amended.

22 F. As set forth in CJA-12-22, Section Two, Paragraph G, the Commission on Navajo  
23 Government Development ("CNGD" or "Commission") passed Resolution No.  
24 CNGD-0902-19 requesting the Navajo Nation Council and the Navajo Board of  
25 Election Supervisors' to authorize a referendum that would allow Navajo voters to  
26 change the size of the Navajo Nation Council from twenty-four (24) to forty-eight  
27 (48) Council Delegates.

28 G. CNGD-0902-19 was a correct exercise of the Commission's statutory authority. The  
29 Commission was established in 1989 with quasi-independent authority  
30 to implement reforms necessary to ensure an accountable and responsible

1 government. *See* Resolution No. CD-68-89; 2 N.N.C. § 970 *et seq.* The purposes of  
2 the Commission were increased in 2020 to include the review and evaluation of the  
3 existing governmental structure of the Navajo Nation, including central and local  
4 governments. 2 N.N.C. §971.

5 H. The Navajo Nation Council has determined that CJA-12-22 is important to the  
6 Navajo people and adheres to Navajo Nation law, including Navajo Supreme Court  
7 opinions, and the President’s veto of CJA-12-22 should be overridden.  
8

9 **SECTION THREE. OVERRIDING VETO**

10 The Navajo Nation Council hereby overrides the Navajo Nation President’s veto of  
11 Resolution CJA-12-22 effective upon certification of the Speaker of the Navajo Nation  
12 Council.  
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14 **SECTION FOUR. EFFECTIVE DATE**

15 The effective date of this override shall be as provided for in 2 N.N.C. § 221 (A) and  
16 (C).  
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