

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0006-24_

SPONSOR: Danny Simpson

TITLE: An Action Relating to Law and Order, Naabik'iyáti' Committee and the Navajo Nation Council; Approving Amendments to the Navajo Election Code at 11 N.N.C. §§ 25 and 145 by Authorizing Appointments by the Navajo Board of Elections Supervisors for one Candidate Vacancy Filings in Special Elections and Designating Voting Hours in Special Elections

Date posted: January 10, 2024 at 5:39PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0006-24

DATE: January 10, 2024

TITLE OF THE RESOLUTION: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING AMENDMENTS TO THE NAVAJO ELECTION CODE AT 11 N.N.C. §§ 25 AND 145 BY AUTHORIZING APPOINTMENT BY THE NAVAJO BOARD OF ELECTION SUPERVISORS FOR ONE CANDIDATE VACANCY FILINGS IN SPECIAL ELECTIONS AND DESIGNATING VOTING HOURS IN SPECIAL ELECTIONS

PURPOSE: The purpose of the resolution is to amend the Navajo Election Code at 11 N.N.C. §§ 25 and 145 by authorizing appointment by the Navajo Board of Election Supervisors for one candidate vacancy filings in special elections and designating voting hours in Special Elections.

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 Alfred Mike
Website Posting Time/Date _____
Posting End Date: 1/15/24
Eligible for Action: 1/16/24

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0006-24

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND
THE NAVAJO NATION COUNCIL; APPROVING AMENDMENTS TO THE
NAVAJO ELECTION CODE AT 11 N.N.C. §§ 25 AND 145 BY AUTHORIZING
APPOINTMENT BY THE NAVAJO BOARD OF ELECTION SUPERVISORS FOR
ONE CANDIDATE VACANCY FILINGS IN SPECIAL ELECTIONS AND
DESIGNATING VOTING HOURS IN SPECIAL ELECTIONS

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600(A). The committee is empowered to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 164(A)(9) and 601(B)(14).
- B The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. Proposed legislation requiring final action by the Navajo Nation Council are assigned to the Naabik'iyáti' Committee. 2 N.N.C. §§ 164(A)(9) and 700(A).
- C. The Navajo Nation Council is the governing body of the Navajo Nation, with authority to approve amendments to the Navajo Nation Code. 2 N.N.C. §§ 102(A) and 164(A).

SECTION TWO. FINDINGS

- 1 A. Pursuant to 2 N.N.C. § 871(A), the Navajo Board of Election Supervisors was *"created*
2 *by the Navajo Nation Council as an independent entity. The Board shall be responsible*
3 *to the Navajo Nation Council only...."* Among its various tasks, the Navajo Board of
4 Election Supervisors ("the Board") oversees the conduct of all Navajo Nation elections
5 - General Elections, Chapter Elections, and all special elections, including referendum
6 elections. In conducting these elections, the Board ensures the protection of every
7 individual's right to vote and participate in elections.
- 8 B. The Navajo Election Code, at 11 N.N.C. § 143, provides, "[w]henver a vacancy is
9 declared for an elected office during the first half of a term of office, with the exception
10 of a vacancy involving the Office of the Navajo Nation President or the Navajo Nation
11 Vice President, the remaining term of the vacant office shall be filled pursuant to
12 special election provisions of this Code." Vacancies occurring in the second half of a
13 term of office are filled by appointment, and there is no election. 11 N.N.C. § 161.
- 14 C. In a special election, during the first half of a term, it is possible that only one candidate
15 applies to fill a vacancy. Such candidate is placed on the ballot, unopposed. 11 N.N.C.
16 §25(A). A special election is then held, with the one unopposed candidate. Upon the
17 special election, the sole candidate is declared the winner. Under these circumstances,
18 an appointment, rather than an election, would expedite the filling of the vacant
19 position, as well as save costs for conducting an election, such as one on an agency-
20 wide basis.
- 21 D. By resolution BOESD-55-23, the Navajo Board of Election Supervisors recommends
22 amendments to the Navajo Election Code at 11 N.N.C. § 25(A) and (B) and § 145(I)
23 by authorizing appointment by the Board for one candidate vacancy filing in special
24 elections. The Board's resolution is attached hereto as **EXHIBIT 1**.
- 25 E. The Board further recommends an amendment at 11 N.N.C. § 145 by specifying voting
26 hours in special elections, beginning at 8:00 a.m. and ending at 6:00 p.m. See
27 **EXHIBIT 1**.
- 28
29 F. It is in the best interests of the Navajo Nation that the Navajo Election Code be amended
30 as recommended by the Navajo Board of Election Supervisors through BOESD-55-23.

1
2 **SECTION THREE. AMENDING THE NAVAJO ELECTION CODE**

3 The Navajo Nation Council hereby amends the Navajo Election Code at 11 N.N.C. §§ 25
4 and 145 as follows:
5

6 ****

7 **§ 25. Unopposed candidates; candidate withdrawal**

8 A. In the event only one candidate files for a Navajo Nation elective office, he or she shall
9 be placed on the ballot as an unopposed candidate— , except as otherwise provided
10 herein.

11 B. For vacancies declared in the first half of an elective term of office, the Navajo Board
12 of Election Supervisors shall appoint unopposed candidates, provided such candidates
13 are deemed qualified by the Election Administration.

14 ~~B~~ C. A candidate who withdraws from the election at any time prior to the printing of
15 the ballots shall have his or her name removed from the ballot. Any votes cast for
16 the candidate who has withdrawn shall not be tallied.

17 ~~C~~ D. A candidate who withdraws from the election after the ballots have already been
18 printed, but before the election occurs, shall have his or her name remain on the ballot,
19 but the Navajo Election Administration shall inform voters at the polling site that the
20 candidate has withdrawn. Any votes cast for the candidate who has withdrawn shall
21 not be tallied.

22 ****

23 **§ 145. Conduct of Special Elections**

24 ****

25 F. If there is no challenge or grievance, a special election, upon public notice, shall be
26 conducted within sixty (60) days of the conclusion of the challenge or grievance
27 period.

28 G. Voting hours in special elections shall begin at 8:00 a.m. and end at 6:00 p.m. All
29 voters present and in line at the polling place at 6:00 p.m. will be allowed to vote.
30

