

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0020-24_

SPONSOR: Crystalyn Curley

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Approving \$965,485 from the Unreserved, Undesignated Fund Balance ("UUFB") for the Navajo Election Administration for its Expenses in Preparation for the 2024 Navajo Nation Elections; Waiving 12 N.N.C §820 (E), §820 (F), §820 (J), and §820 (L)

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SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0020-24

DATE: January 23, 2024

RE: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING \$965,485 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE (“UUF”) FOR THE NAVAJO ELECTION ADMINISTRATION FOR ITS EXPENSES IN PREPARATION FOR THE 2024 NAVAJO NATION ELECTIONS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L)

Purpose of this Legislation:

approving \$965,485 from the UUF) for the Navajo Election Administration’s expenses to prepare for the upcoming 2024 Navajo Nation elections.

OLC No. 24-031-1

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25th NAVAJO NATION COUNCIL - Second Year, 2024

Introduced by:



(Prime Sponsor)

Tracking No. 0020-24

AN ACTION

**RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
APPROVING \$965,485 FROM THE UNRESERVED, UNDESIGNATED FUND
BALANCE (“UUF”) FOR THE NAVAJO ELECTION ADMINISTRATION FOR
ITS EXPENSES IN PREPARATION FOR THE 2024 NAVAJO NATION
ELECTIONS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L)**

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
As such, the Council may consider proposed legislation regarding an emergency matter. 2
N.N.C. §164(A)(16).

B. “[M]atters constituting an emergency shall be limited to the cessation of law enforcement
services, and disaster relief services, fire protection services or other direct services required
as an entitlement under Navajo Nation or Federal law, or which directly threaten the
sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing
public need for such resolution(s) and must be a matter requiring final action by the Council.”
2 N.N.C. §164(A)(16).

C. At this time, the Navajo Nation Council is concerned that the Navajo Election Administration
(“NEA”) currently does not have enough funds in its budget to adequately prepare for and

1 properly conduct, all of the upcoming 2024 elections that will be held across the Navajo
2 Nation, or to fulfill its post-election duties to properly tally all legitimate votes cast and to
3 publish all election results.

4 D. The Navajo Nation Council therefore finds that the NEA's request for \$965,485 in
5 supplemental funding, as explained below, is indeed an emergency matter because the NEA's
6 lack of funds "directly threaten[s] the sovereignty of the Navajo Nation" and there certainly
7 exists a "pressing public need" for the requested funds.

8 E. The Navajo Nation Council is empowered to approve supplemental appropriations during
9 the current fiscal year if, and when, additional incoming revenue to the Navajo Nation is
10 expected to surpass initial or current revenue projections, and such revenue exceeds the 10%
11 minimum reserve mandated by §820(J). 12 N.N.C. §820(L).

12 F. The restrictions on supplemental appropriations, including all amounts from the UUFB,
13 include:

14 1. Payment of recurring government operating expenses shall be from recurring revenues,
15 and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFB
16 funds. 12 N.N.C. §820(E), §820(F).

17 2. Specifically, the UUFB shall not be used for recurring government expenditures or
18 operations. 12 N.N.C. §820(J), §820(L).

19 3. Nonrecurring revenues, such as UUFB funds, may be used only after the Controller
20 determines whether or not such revenues are subsidizing an imbalance between the
21 Navajo Nation's recurring revenues and expenditures, and government expenditures shall
22 only be authorized if a long-term (3-year to 5-year year) forecast shows that the operating
23 deficit will not continue; otherwise, nonrecurring revenues will be added to the
24 Unreserved, Undesignated Fund Balance. 12 N.N.C. §820(F).

25 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote of the
26 full Navajo Nation Council. 12 N.N.C. §820(F), 12 N.N.C. §880.

27 5. In compliance with 12 N.N.C. §820(F) all UUFB funding requests must be reviewed by
28 the Controller. Such review is also required because the Controller determines which
29 revenues and expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).

30 6. In compliance with 12 N.N.C. §820(M) all UUFB funding requests must also be submitted

1 to the Office of Management and Budget (“OMB”) for a budget impact analysis.

2 7. In accordance with 12 N.N.C. §820(N), the approved UUFB funds shall lapse at the end
3 of the current fiscal year unless the Navajo Nation Council decides otherwise by a 7/8
4 vote.

5
6 **SECTION TWO. FINDINGS**

7 A. The Navajo Election Administration (“NEA”) is requesting \$965,485 from the UUFB to hire
8 temporary employees, to renovate its facilities, and to cover its operating expenses for the
9 remainder of FY2024. NEA believes this funding request should be viewed as an emergency
10 matter, because such expenses are necessary for NEA to adequately prepare for the upcoming
11 2024 Navajo Nation elections to be conducted across the Navajo Nation.

12 B. Regarding its funding request, NEA has provided the required Navajo Nation Budget Forms
13 and the required Appendix J “Supplemental Funding Proposal Summary.” **EXHIBIT A.**

14 C. The Office of the Controller has provided a memorandum regarding the requested UUFB
15 funding, as required by 12 N.N.C. §820(L). This memorandum indicates that the proposed
16 expenditures are *recurring*. **EXHIBIT B.**

17 D. The Office of Management and Budget has also provided its memorandum regarding the
18 NEA’s proposed expenditures. 12 N.N.C. §820(M). **EXHIBIT C.**

19 E. The Navajo Nation has determined that this legislation constitutes an emergency, because
20 the requested funds are needed to ensure a *bona fide* election process for 2024, for all
21 elections conducted across the Navajo Nation, as well as proper post-election procedures for
22 the counting of all votes and the publication of final election results. Voting must be easily
23 accessible to all eligible Navajo voters, and this UUFB funding will greatly assist the NEA
24 in providing such access.

25
26 **SECTION THREE. APPROVAL OF \$965,485 FROM THE UUFB FOR THE NEA’S**
27 **EXPENSES IN PREPARATION FOR THE UPCOMING 2024**
28 **NAVAJO NATION ELECTIONS**

29 A. The Navajo Nation hereby approves a supplemental appropriation of \$965,485 out of the
30 UUFB for the Navajo Election Administration to cover its expenses in preparation for the

1 upcoming 2024 Navajo Nation elections, in accordance with the attached **EXHIBIT A**.

2 B. The \$965,485 in UUFb funds approved herein shall be from those revenues that exceed the
3 10% minimum balance of the UUFb, which amount must be maintained according to 12
4 N.N.C. §820(J).

5 C. In accordance with 2 N.N.C. §820(N), the \$965,485 approved herein shall lapse at the end
6 of Fiscal Year 2024, unless otherwise decided by the Navajo Nation Council with a 7/8 vote.

7
8 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L)**

9 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to allow
10 use of the \$965,485 in UUFb funds by NEA for its necessary expenditures in preparation for
11 the upcoming 2024 Navajo Nation elections. This waiver is necessary because the proposed
12 NEA expenditures are considered recurring government expenses.

13
14 **SECTION FIVE. EFFECTIVE DATE**

15 This Action shall become effective pursuant to 2 N.N.C. §221(B) and 2 N.N.C. §164(A)(17).

16
17 **SECTION SIX. SAVING CLAUSE**

18 If any portion of this Action is determined invalid by the Navajo Nation Supreme Court, or by
19 a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the
20 remainder of this Action shall be the law of the Navajo Nation.