

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0047-24_

SPONSOR: Dr. Andy Nez

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Waiving 11 N.N.C § 3(C), Navajo Nation Primary Election Date; Setting July 30, 2024, as the 2024 Navajo Nation Primary Election Date for Year 2024 Only

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0047-24

DATE: February 26, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; WAIVING 11 N.N.C § 3(C), NAVAJO NATION PRIMARY ELECTION DATE; SETTING JULY 30, 2024 AS THE 2024 NAVAJO NATION PRIMARY ELECTION DATE FOR YEAR 2024 ONLY

PURPOSE: If adopted, this legislation will set a date of July 30, 2024, for the Navajo Nation's Primary Elections this year. This change is only for 2024 and will not carry-over to next year. The reason for the change is that the 2024 Navajo Nation Primary Election is on the same date as the 2024 Arizona Primary Election.

Final Authority: Navajo Nation Council

Vote Required: Simple Majority

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.

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

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0047-24

AN ACTION

**RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
WAIVING 11 N.N.C § 3(C), NAVAJO NATION PRIMARY ELECTION DATE;
SETTING JULY 30, 2024, AS THE 2024 NAVAJO NATION PRIMARY ELECTION
DATE FOR YEAR 2024 ONLY**

SECTION ONE. AUTHORITY

- A. Pursuant to 2 N.N.C. § 102(A), the Navajo Nation Council is the governing body of the Navajo Nation.
- B. Pursuant to 2 N.N.C. § 164(A)(16), “[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.”

SECTION TWO. FINDINGS

- A. Pursuant to 2 N.N.C. § 871(A), the Navajo Board of Election Supervisors was *"created by the Navajo Nation Council as an independent entity. The Board shall be responsible to the Navajo Nation Council only..."* Among its various tasks, the Navajo Board of Election Supervisors (“the Board”) oversees the conduct of all Navajo Nation elections -

1 General Elections, Chapter Elections, and all special elections, including referendum
2 elections. Purposes of the board include “*providing the opportunity for each qualified*
3 *elector to exercise his or her right to vote for a candidate of his or her choice.*” 2 N.N.C.
4 § 871(B)(2).

5 B. The Navajo Election Code, at 11 N.N.C. § 3(C), provide- “Primary elections shall be
6 held on the first Tuesday in August in any year in which a general election is held and at
7 which candidates for public office are to be elected.” The State of Arizona has essentially
8 the same provision, conducting its state primary elections on the same day as the Navajo
9 Nation Primary Election. Arizona Revised Statutes, § 16-201.

10 C. On February 9, 2024, Arizona Governor Katie Hobbs signed into law House Bill 2785,
11 changing Arizona’s 2024 primary election date, among other provisions. *See*, HB 2785,
12 attached hereto as **EXHIBIT A**. Under provisions of this new law, the State of Arizona
13 will conduct its primary election on July 30, 2024 (a week earlier than the Navajo Nation
14 Primary Election). Because of this change, there will be two major elections conducted
15 within the Navajo Nation one week apart.

16 E. Arizona is a swing state, and the number of Navajo voters in the state is significant. The
17 date change of the 2024 Arizona primary election will impact Navajo voter turnout and
18 dilute the Navajo vote.

19 F. The Navajo Board of Election Supervisors by Resolution BOESF-11-24 recommended
20 that the Navajo Nation Council, for Year 2024 only, waive 11 N.N.C. § 3(C) and
21 authorize and direct that the 2024 Navajo Nation Primary Election be held on July 30,
22 2024. See Resolution BOESF-11-24, attached hereto as **EXHIBIT B**.

23 G. As the new date provided for the Arizona primary election is approaching soon, the
24 Navajo Nation Council finds it an emergency to waive 11 N.N.C. § 3(C) for Year 2024
25 only, and to authorize and direct that the 2024 Navajo Nation Primary Election be held
26 on July 30, 2024. The action of the state of Arizona justifies a pressing public need for
27 this resolution, a matter that requires final action by the Navajo Nation Council.

28 H. In order to protect Navajo voter turnout in the primary elections in both the State of
29 Arizona and the Navajo Nation, it is in the best interests of the Navajo Nation that the
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1 Navajo Nation Primary Election date as set forth in the Navajo Election Code be waived
2 for 2024.

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4 **SECTION THREE. WAIVING 11 N.N.C. §3(C), PRIMARY ELECTION DATE**
5 **UNDER THE NAVAJO ELECTION CODE; PUBLIC NOTICES; AND**
6 **AUTHORIZING NAVAJO BOARD OF ELECTION SUPERVISORS TO**
7 **IMPLEMENT INTENT OF LEGISLATION**

- 8 A. The Navajo Nation Council hereby waives the applicability of 11 N.N.C. § 3(C), the
9 Navajo Nation Primary Election date under the Navajo Election Code. The 2024 Navajo
10 Nation Primary Election shall be held on July 30, 2024, for this year only.
- 11 B. The Navajo Election Administration and the Navajo Board of Election Supervisors shall
12 ensure that proper notices are provided to the Navajo voters on this important change in
13 the 2024 Navajo Nation Primary Election date.
- 14 C. Subject to adequate public notice, the Navajo Board of Election Supervisors is
15 authorized, through rules and regulations, to adjust any timelines and other requirements
16 under the Navajo Election Code for purposes of implementing the intent and purposes of
17 this emergency legislation.

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19 **SECTION FOUR. EFFECTIVE DATE**

20 The provisions of this action of the Navajo Nation Council shall become effective in
21 accordance with 2 N.N.C §221(B).

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