

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0232-26

SPONSOR: Eugenia Charles-Newton

TITLE: An Act Relating to the Law and Order and Naabik'iyáti' Committees and the Navajo Nation Council; Establishing a Referendum for Diné Voters to Decide Two Separate Measures Amending 2 N.N.C. § 106(A), The First Increase the Salary of Navajo Nation Council Delegates from \$25,000 per year to \$70,000 per year, and the Second to Replace the Chapter Ratification Requirement for Future Salary Increases with Approval by Referendum of the Navajo People; Approving the Referendum Ballot measures; Setting the Timelines for the Referendum Election; and Directing that funding be Identified and more Available to Conduct the Election

Date posted: October 06, 2026 at 11:16 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0232-26

DATE: October 6, 2026

TITLE OF RESOLUTION: AN ACT RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; ESTABLISHING A REFERENDUM FOR DINÉ VOTERS TO DECIDE TWO SEPARATE MEASURES AMENDING 2 N.N.C. § 106(A), THE FIRST TO INCREASE THE SALARY OF NAVAJO NATION COUNCIL DELEGATES FROM \$25,000 PER YEAR TO \$70,000 PER YEAR, AND THE SECOND TO REPLACE THE CHAPTER RATIFICATION REQUIREMENT FOR FUTURE SALARY INCREASES WITH APPROVAL BY REFERENDUM OF THE NAVAJO PEOPLE; APPROVING THE REFERENDUM BALLOT MEASURES; SETTING THE TIMELINES FOR THE REFERENDUM ELECTION; AND DIRECTING THAT FUNDING BE IDENTIFIED AND MADE AVAILABLE TO CONDUCT THE ELECTION

PURPOSE: This legislation, if approved, would place two separate measures amending 2 N.N.C. § 106(A) before the Navajo People by referendum, the first to increase the annual salary of Navajo Nation Council Delegates from \$25,000 to \$70,000, and the second to replace the existing chapter ratification requirement for future salary increases with approval by referendum of the Navajo People, and would approve the ballot measures, set the timelines for the referendum election, and direct that funding be identified and made available to conduct the 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.

5-DAY BILL HOLD PERIOD: 11/14/24
Website Posting Time/Date: _____
Posting End Date: 10/11/26
Eligible for Action: 10/12/26

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL - Fourth Year, 2026

Introduced By:

(Prime Sponsor)

Tracking No. 0232-26

AN ACT

RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI'
COMMITTEES AND THE NAVAJO NATION COUNCIL; ESTABLISHING A
REFERENDUM FOR DINÉ VOTERS TO DECIDE TWO SEPARATE
MEASURES AMENDING 2 N.N.C. § 106(A), THE FIRST TO INCREASE THE
SALARY OF NAVAJO NATION COUNCIL DELEGATES FROM \$25,000 PER
YEAR TO \$70,000 PER YEAR, AND THE SECOND TO REPLACE THE
CHAPTER RATIFICATION REQUIREMENT FOR FUTURE SALARY
INCREASES WITH APPROVAL BY REFERENDUM OF THE NAVAJO
PEOPLE; APPROVING THE REFERENDUM BALLOT MEASURES;
SETTING THE TIMELINES FOR THE REFERENDUM ELECTION; AND
DIRECTING THAT FUNDING BE IDENTIFIED AND MADE AVAILABLE TO
CONDUCT THE ELECTION

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).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council empowered to review proposed legislation which requires final action by the Navajo

1 Nation Council. 2 N.N.C. §§ 164(A)(9) and 700(A).

2 C. The Law and Order Committee is a standing committee of the Navajo Nation Council
3 empowered to review and make recommendations to the Navajo Nation Council on
4 proposed amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§
5 600(A) and 601(B)(14).

6 D. The Navajo Nation Council may, by resolution, refer a referendum measure to the
7 Navajo People for a vote when the Council determines that the People should decide
8 the measure, and the Council shall set the timeline for the election and direct that
9 funding be identified and made available to conduct it. The vote on a referendum
10 election is binding and has the effect of law. 11 N.N.C. §§ 402(A), 403(A), 406, and
11 409(A).

12 13 **SECTION TWO. FINDINGS**

14 A. Council Delegate salaries are established in 2 N.N.C. § 106(A), which states:

15 Delegates [to the Navajo Nation Council] shall be compensated by an annual salary
16 of twenty-five thousand dollars (\$25,000.00) per year. All Council Delegates shall
17 be paid bi-weekly. A salary increase may be approved by the Navajo Nation
18 Council but shall not become effective unless ratified by two-thirds (2/3) of all
19 Navajo Nation Chapters within one hundred twenty (120) days of approval by the
20 Navajo Nation Council. The provisions of this Section shall not apply to mileage
21 payments, per diem payments, deferred compensation benefits or any other
22 payments or benefits which are separate from the bi-weekly base salary established
23 in this Section.

24 B. The salaries of Council Delegates were established by the 1989 amendments to Title
25 2 of the Navajo Nation Code, Resolution CD-68-89, when the Council abolished the
26 Office of the Chairman and established the Office of the President and Vice-
27 President and the Office of the Speaker. Resolution CD-68-89 was approved on
28 December 15, 1989.

29 C. The salary of Council Delegates was established on December 15, 1989. According
30 to the U.S. Bureau of Labor Statistics, the Consumer Price Index for All Urban

1 Consumers (CPI-U) stood at 126.1 in December 1989 and at 334.980 in August 2026.
2 Adjusted by that change, a salary of \$25,000 in December 1989 is equivalent to
3 \$66,411.58 in August of 2026.

4 D. Increasing the salary of Council Delegates will increase the number of qualified
5 candidates, because salary is a factor people weigh in deciding whether to seek
6 election as a Council Delegate. The cost of living has increased since December 15,
7 1989, and over the more than 36 years since then the workload and responsibilities
8 of Council Delegates have increased as well. Since the reduction of the Navajo
9 Nation Council from 88 to 24 members, each Council Delegate represents more
10 Navajo voters than in 1989. Council Delegates also carry Committee responsibilities
11 that extend to all Navajo People. For example, a Council Delegate who is a member
12 of the Health, Education, and Human Services Committee works on issues affecting
13 Navajo students living outside the Navajo Nation and Navajos receiving health care
14 outside the Navajo Nation.

15 E. There are three possible means to increase Council Delegate salaries: (1) strict
16 application of 2 N.N.C. § 106(A); (2) application of Resolved Clause No. 7 of
17 Resolution CD-68-89; and (3) a referendum of the Navajo People.

18 F. **Strict Application of 2 N.N.C. § 106(A).** As quoted in Subsection (A) of this
19 Section, 2 N.N.C. § 106(A) provides that a salary increase approved by the Navajo
20 Nation Council shall not become effective unless ratified by two-thirds (2/3) of all
21 Navajo Nation Chapters within one hundred twenty (120) days of approval by the
22 Council. This ratification requirement raises legal and practical concerns. The
23 Navajo Nation Supreme Court in *Nelson v. Initiative Committee to Reduce Navajo*
24 *Nation Council*, 9 Nav. R. 350 (Nav. Sup. Ct. 2010), held that the referendum and
25 initiative processes are modern acknowledgments of the inherent authority of the
26 Navajo People to enact laws. The Court stated:

27 The Council's acknowledgement of *Dine bi beenahaz 'áanii* provides guidance
28 on the subject of leadership and the manner in which traditional law has
29 established the People's right and freedom to choose their leaders. 1 N.N.C.
30 §203(A). We have previously stated *In the Matter of Two Initiative Petitions*

1 *Filed by Navajo Nation President Joe Shirley, Jr., No. SC-CV-41-08 (Nav. Sup.*
2 *Ct. July 18, 2008)* that the Navajo People have the inherent authority reserved to
3 them to enact laws. The People's laws are superior to the statutory laws enacted
4 by the Council, and the referendum/initiative processes are modern
5 acknowledgments of this authority.

6 *Id.* at 358.

- 7 G. In *Nelson*, the Court also held that power over the structure of the Navajo government
8 is ultimately in the hands of the Navajo People, reaffirming its holding in *Shirley v.*
9 *Morgan* that through the recitals of Resolution CD-68-89 the Council made a solemn
10 compact with the People that the structure would be temporary and left it to the
11 People to choose the final structure of government. The Court stated:

12 The recitals in Resolution CD-68-89 operate as a promise. Through the Title II
13 Amendments, the Council acted to stabilize Navajo Nation government in face of
14 corruption and chartered a course for further reform and enhancements. The
15 Council recognized that the power over the structure of the Navajo government
16 ‘is ultimately in the hands of the People and it will look to the People to guide it.’
17 *Id.* at 358 (quoting *Shirley v. Morgan*, 9 Nav. R. 325, 338 (Nav. Sup. Ct. 2010)).

- 18 H. In *Nelson*, the Court held that unanimity and extraordinary majority requirements
19 cannot be imposed on the Navajo People in an initiative or referendum. Addressing
20 the size of the Council, the Court stated:

21 Such an extraordinary statutory limitation cannot be used to circumscribe the
22 People's will. While the Council may limit itself in creating laws, it cannot limit
23 the Diné when they are attempting to address the structure of their governing
24 system. . . . Unanimity and extraordinary majority are not required.

25 *Id.* at 359.

- 26 I. The Navajo Nation Council is concerned with the requirement of ratification by two-
27 thirds (2/3) of all Navajo Nation Chapters within one hundred twenty (120) days of
28 Council approval. Chapter ratification is a different process from an election of the
29 Navajo People, and the two-thirds requirement is an extraordinary majority of the
30 kind the Navajo Nation Supreme Court has held cannot be used to circumscribe the

1 will of the Diné. *Id.* at 359. The Council therefore finds that the question of Council
2 Delegate salaries should be decided by the Navajo People in a referendum passed by
3 a majority of the votes cast, and that whether to keep the chapter ratification
4 requirement for future salary increases should be placed before the Navajo People as
5 a separate measure.

6 **J. Application of Resolved Clause No. 7 of Resolution CD-68-89.** On December 15,
7 1989, the Navajo Tribal Council, by Resolution CD-68-89, amended Title 2 of the
8 Navajo Tribal Code to reorganize the Navajo government until the Navajo People,
9 through the Government Reform Project, decided their form of government.
10 Resolution CD-68-89, Whereas Clause No. 8. The Council established the
11 Commission on Navajo Government Development with authority to propose
12 amendments to Title 2. Resolved Clause No. 7 of Resolution CD-68-89 stated:

13 The Navajo Tribal Council further authorizes, declares and directs that
14 Section 101(b), 102(a), 1008, and 106(a) of the Title Two (2)
15 amendments shall not apply to amendments duly proposed by the
16 Navajo Nation Commission on Navajo Government Development.

17 **K.** On June 12, 2000, the Commission on Navajo Government Development approved
18 Resolution CNGD-04-00, which recommended amendments to 2 N.N.C. §§ 106(A)
19 and 1008 to increase the salaries of the Council Delegates, the President, and the
20 Vice-President. The Council accepted the recommendation and approved Resolution
21 CJY-52-00, Approving the Duly Proposed Amendments of the Commission on
22 Navajo Government Development to 2 N.N.C. §§ 106(A) and 1008, To Adjust the
23 Salaries of the Navajo Nation Council Delegates, President and Vice-President.
24 President Kelsey A. Begaye vetoed the resolution, and on July 31, 2000, the Council
25 overrode the veto by Resolution CJY-63-00. On January 17, 2001, Nellie Judy, Eddie
26 Arthur, and Ernest Yazzie filed suit in the Chinle District Court against Controller
27 Bobby White, seeking a declaration that Resolution CJY-52-00 and the salary
28 increases were invalid. The Chinle District Court held the resolution invalid, and in
29 January 2003 the Navajo Nation Department of Justice appealed to the Navajo
30 Nation Supreme Court. On August 2, 2004, the Court issued *Judy v. White*, 8 Nav.

1 R. 510 (Nav. Sup. Ct. 2004), holding that Resolved Clause No. 7 could not be used
2 to change the salaries of the Council Delegates, President, and Vice-President. The
3 Court stated:

4 Therefore, we hold that Resolution CD-68-89, Resolved Clause 7 (1989)
5 was not a legislative act carrying the weight of law.
6

7 Any further argument or analysis about the meaning of Resolved Clause 7
8 is moot. There is no need to analyze the grammar structure or plain meaning
9 of invalid legislation. Because Resolved Clause 7 does not carry the weight
10 of law, it cannot provide a legal alternative for increasing salaries without
11 proper chapter ratification.

12 *Id.* at 539.

13 L. On October 26, 2009, the Navajo Nation Council, by Resolution CO-41-09, placed
14 certain Navajo Nation officials on administrative leave, including President Joe
15 Shirley, Jr. In December 2009, President Shirley sought an emergency injunction,
16 and the District Court invalidated the resolution. The Council and Speaker Morgan
17 appealed to the Navajo Nation Supreme Court.

18 M. On June 2, 2010, the Navajo Nation Supreme Court issued *Shirley v. Morgan*, 9 Nav.
19 R. 325 (Nav. Sup. Ct. 2010). Discussing the governmental structure of the Navajo
20 Nation, the Court stated:

21 We acknowledge and hold that the Whereas and Resolved Clauses of CD-
22 68-89 operate today as a solemn promise by the Council to the People,
23 intended to bind the hands of future Councils. They embody the
24 commitment of the Council to a structure they hoped and believed would
25 serve the People effectively until the People themselves might find a path
26 to a better way. We are not unmindful that this Court has previously held
27 that the clauses in a resolution do not carry the weight of law as they do not
28 contain "the required overstriking and underlining." *See Judy, supra*, at
29 538. When convinced of former error, we must exercise our power to
30 reexamine the basis of the previous decision. The *Judy* Court applied the

1 law of statutory construction to clauses in a resolution, and did not hesitate
2 in breaking the link between the purpose, as stated in the recitals, and
3 command, as codified. We state today that logic and fundamental fairness
4 demands that there be consistency and harmonious linkage between the
5 recitals and the statute enacted. Words are sacred, and the Navajo People
6 have the right to keep the Navajo Nation Council to the whole of its words,
7 not simply a portion thereof. *See In re Grievance of Wagner*, 9 Nav. R. 114,
8 117 (Nav. Sup. Ct. 2007).

9 . . .

10 The recitals in Resolution No. CD-68-89 operate as a promise. Through the
11 Title II Amendments, the Council acted to stabilize Navajo Nation
12 government in face of corruption and chartered a course for further reform
13 and enhancements. The Council recognized that the power over the
14 structure of the Navajo government "is ultimately in the hands of the People
15 and it will look to the People to guide it." *In re Two Initiative Petitions Filed*
16 *by Navajo Nation President Shirley*, 9 Nav. R. at 204. As we noted earlier,
17 CD-68-89 provides for a Government Reform Project through which the
18 People would make known what kind of government the People want to be
19 governed by. *Resolution CD-68-89, Whereas Clause 8; Resolved Clause 7*
20 *& 11; codified sections 970-978*. Pursuant to this promise, the Commission
21 on Navajo Government Development (Commission) was established with
22 quasi-independent authority.

23 *Shirley*, 9 Nav. R. at 338.

24 N. Between 2004 and 2010, the Navajo Nation Supreme Court changed its view of
25 Resolution CD-68-89. In 2004, the Court held in *Judy* that Resolved Clause No. 7
26 did not carry the weight of law and could not provide a legal alternative for increasing
27 salaries without proper chapter ratification. In 2010, the Court in *Shirley* reexamined
28 *Judy* and held that the Whereas and Resolved Clauses of Resolution CD-68-89
29 operate as a solemn promise by the Council to the People, intended to bind the hands
30 of future Councils.

- 1 **O. Referendum by the Navajo People.** The Navajo Nation Council has determined
2 that it will not rely on Resolved Clause No. 7 to increase Council Delegate salaries
3 and has decided that this question should be referred to the Navajo People by
4 referendum. As the Navajo Nation Supreme Court has recognized, “[t]he People’s
5 laws are superior to the statutory laws enacted by the Council, and the
6 referendum/initiative processes are modern acknowledgments of this authority.”
7 *Nelson*, 9 Nav. R. at 358.
- 8 P. Under 11 N.N.C. §§ 402(A) and 403(A), the Navajo Nation Council may, by
9 resolution, refer a referendum measure to the Navajo People.
- 10 Q. The Navajo Nation Council finds that the measure referred herein is strictly legislative
11 within the meaning of 11 N.N.C. § 401(A). It is not administrative or executive, is not
12 a law preserving peace, public health or safety, has not been declared by the Council
13 to be of an emergency nature, and is not a yearly appropriation for a fiscal year budget.
14 The measure is therefore a proper subject of a referendum.
- 15 R. The Navajo Nation Council recognizes that, if the referendum is approved, 2 N.N.C.
16 § 106(A) as amended may thereafter be amended or repealed only by a subsequent
17 referendum or initiative on the same subject or by a three-fourths (3/4) vote of the
18 full membership of the Navajo Nation Council at a regular session. 11 N.N.C. §
19 409(C).
- 20 S. The Navajo Nation Council finds that the two questions presented by this resolution
21 should be submitted to the Navajo People as separate measures. Each proposed
22 initiative must be submitted to the voters as an individual proposal, and two or more
23 proposals addressing separate and distinct legislation shall not be joined in a single
24 petition. 11 N.N.C. § 404(B)(6). The Council finds that the same principle should
25 govern a measure it refers under 11 N.N.C. § 403(A), so that a registered voter who
26 favors one change and opposes the other is able to vote on each.
- 27 T. The Navajo Nation Council finds that the salary established by Measure A, if
28 approved, requires no further ratification. The ratification requirement in 2 N.N.C. §
29 106(A) applies to a salary increase approved by the Navajo Nation Council. A salary
30 established by the Navajo People at a referendum election is not approved by the

1 Council, and the vote on a referendum election is binding and has the effect of law.
2 11 N.N.C. § 409(A).
3

4 **SECTION THREE. REFERENDUM MEASURE A**

5 Pursuant to 11 N.N.C. § 402(A), the Navajo Nation Council hereby determines that the
6 Diné voters should make the decision, and hereby refers to the Diné voters as Measure A,
7 the question whether 2 N.N.C. § 106(A) should be amended to increase the salary of
8 Council Delegates from \$25,000 per year to \$70,000 per year. If Measure A is approved
9 by the Diné voters, 2 N.N.C. § 106(A) shall be amended as follows, with new language
10 underlined and deleted language struck through:

11 _____
12 **Title 2. Navajo Nation Government**
13 **Chapter 3. Legislative Branch**
14 **Subchapter 1. Navajo Nation Council**

15 ***

16 **§ 106. Compensation of Council Delegates**

17 A. Delegates shall be compensated by an annual salary of ~~twenty-five~~ seventy
18 thousand dollars (~~\$25,000.00~~70,000.00) per year. All Council Delegates shall be paid
19 bi-weekly. A salary increase may be approved by the Navajo Nation Council but shall
20 not become effective unless ratified by two-thirds (2/3) of all Navajo Nation Chapters
21 within one hundred twenty (120) days of approval by the Navajo Nation Council. The
22 provisions of this Section shall not apply to mileage payments, per diem payments,
23 deferred compensation benefits or any other payments or benefits which are separate
24 from the bi-weekly base salary established in this Section.

25 *****
26 _____
27

28 **SECTION FOUR. REFERENDUM MEASURE B**

29 Pursuant to 11 N.N.C. § 402(A), the Navajo Nation Council hereby determines that the
30 Diné voters should decide, and hereby refers to the Diné voters as Measure B, the question

1 whether 2 N.N.C. § 106(A) should be amended to replace the requirement that a future
2 salary increase be ratified by two-thirds (2/3) of all Navajo Nation Chapters with a
3 requirement that a future salary increase be approved by referendum of the Navajo People.
4 If Measure B is approved by the Diné voters, 2 N.N.C. § 106(A) shall be amended as
5 follows, with new language underlined and deleted language struck through:

6
7 **Title 2. Navajo Nation Government**
8 **Chapter 3. Legislative Branch**
9 **Subchapter 1. Navajo Nation Council**

10 ***

11 **§ 106. Compensation of Council Delegates**

12 A. Delegates shall be compensated by an annual salary of twenty-five thousand dollars
13 (\$25,000.00) per year. All Council Delegates shall be paid bi-weekly. A salary increase
14 may be approved by the Navajo Nation Council but shall not become effective unless
15 ~~ratified by two-thirds (2/3) of all Navajo Nation Chapters within one hundred twenty~~
16 ~~(120) days of approval by the Navajo Nation Council~~ referendum of the Navajo People.
17 The provisions of this Section shall not apply to mileage payments, per diem payments,
18 deferred compensation benefits or any other payments or benefits which are separate
19 from the bi-weekly base salary established in this Section.

20 ****

21
22
23 **SECTION FIVE. MEASURES INDEPENDENT**

- 24 A. Measure A and Measure B shall be placed on the ballot as separate measures, and
25 the Diné voters shall vote upon each measure separately.
26 B. Approval or rejection of one measure shall have no effect upon the other measure.
27 Either measure may be approved without the other.
28 C. If both measures are approved, both amendments shall be codified in 2 N.N.C. §
29 106(A), and the salary shall be seventy thousand dollars (\$70,000.00) per year and a
30 future salary increase shall be approved by referendum of the Navajo People.

1 D. If Measure A is approved and Measure B is not approved, the salary of seventy
2 thousand dollars (\$70,000.00) per year established by the Diné voters is effective
3 without ratification by the Navajo Nation Chapters, and the ratification requirement
4 in 2 N.N.C. § 106(A) continues to apply only to a salary increase approved by the
5 Navajo Nation Council.
6

7 **SECTION SIX. TIMELINES FOR THE REFERENDUM ELECTION;**
8 **APPROVING THE REFERENDUM BALLOT MEASURES**

9 A. Pursuant to 11 N.N.C. § 403(A), the Navajo Nation Council establishes the following
10 timelines for the referendum election:

- 11 1. The referendum measures referred herein shall be placed on the ballot of the next
12 regularly scheduled Navajo Nation election, whether a primary, general, or
13 Navajo Nation-wide chapter election, that is scheduled to be held no sooner than
14 sixty (60) days following the date this resolution becomes effective.
- 15 2. If no regularly scheduled Navajo Nation election is scheduled to be held on a date
16 that is no sooner than sixty (60) days following the date this resolution becomes
17 effective, the referendum measures shall be placed on the ballot of a special
18 election to be held no sooner than sixty (60) days and no later than ninety (90)
19 days from the date this resolution becomes effective.
- 20 3. For purposes of this Section and of 11 N.N.C. § 403(A), the date of passage of the
21 resolution referring the enactment is the date this resolution becomes effective
22 under Section Eleven (A) of this resolution.

23 B. Subject to the final approval authority of the Navajo Board of Election Supervisors
24 under 11 N.N.C. § 407(A)(5), the Navajo Nation Council provides and recommends
25 the following ballot language for Measure A:
26

27 **Official Title:** Measure A. Referendum on increasing the salary of Navajo Nation
28 Council Delegates from \$25,000 per year to \$70,000 per year.

29
30 **Descriptive Summary:** Title 2 of the Navajo Nation Code sets the salary of Navajo

1 Nation Council Delegates at \$25,000 per year, the amount set in 1989. Measure A would
2 increase that salary to \$70,000 per year. Measure A would not change the per diem,
3 mileage, or deferred compensation paid to Council Delegates, and would not change how
4 future salary increases are approved.

5
6 **Ballot Question:** "Shall the salary of Navajo Nation Council Delegates be increased
7 from \$25,000 per year to \$70,000 per year?"

8
9 **Brief Statement of Legal Effect:**

10 A "YES" vote shall have the effect of amending 2 N.N.C. § 106(A) to
11 set the salary of Council Delegates at \$70,000 per year, effective without
12 ratification by the Navajo Nation Chapters.

13
14 A "NO" vote shall have the effect of leaving the salary of Council
15 Delegates at \$25,000 per year.

16
17 C. Subject to the final approval authority of the Navajo Board of Election Supervisors
18 under 11 N.N.C. § 407(A)(5), the Navajo Nation Council provides and recommends
19 the following ballot language for Measure B:

20
21 **Official Title:** Measure B. Referendum on whether a future increase in the salary of
22 Navajo Nation Council Delegates shall be approved by a vote of the Navajo People
23 instead of by ratification by the Navajo Nation Chapters.

24
25 **Descriptive Summary:** Title 2 of the Navajo Nation Code provides that a salary increase
26 for Council Delegates approved by the Navajo Nation Council does not take effect unless
27 it is ratified by two-thirds (2/3) of all Navajo Nation Chapters within one hundred twenty
28 (120) days. Measure B would remove that chapter ratification requirement and would
29 instead require that any future salary increase be approved by a vote of the Navajo People.
30 Measure B would not change the amount of the salary.

1
2 **Ballot Question:** "Shall a future increase in the salary of Navajo Nation Council
3 Delegates be approved by a vote of the Navajo People instead of by ratification by two-
4 thirds (2/3) of all Navajo Nation Chapters?"

5
6 **Brief Statement of Legal Effect:**

7 A "YES" vote shall have the effect of amending 2 N.N.C. § 106(A) to
8 require that any future salary increase for Council Delegates be
9 approved by referendum of the Navajo People, and of removing the
10 requirement of ratification by two-thirds (2/3) of all Navajo Nation
11 Chapters.

12
13 A "NO" vote shall have the effect of keeping the requirement that a
14 salary increase approved by the Navajo Nation Council be ratified by
15 two-thirds (2/3) of all Navajo Nation Chapters within one hundred
16 twenty (120) days.

17
18 D. Pursuant to 11 N.N.C. § 407(B), a minimum of four copies of the complete text of
19 Measure A and of Measure B, as set forth in Sections Three and Four of this
20 resolution, shall be made available in each polling place for the voters to review, and
21 each voter shall be informed by the poll judges and clerks at each polling place that
22 copies of the complete text are available to review in the polling place.

23
24 **SECTION SEVEN. FUNDING FOR THE REFERENDUM ELECTION;**
25 **DIRECTIVE**

26 Section 403(A) of the Navajo Election Code, in part, provides: "The Council shall direct
27 that funding be identified and made available to conduct the election." Accordingly, the
28 Navajo Nation Council hereby directs the following:

29 A. The Navajo Election Administration shall, within thirty (30) days following the
30 effective date of this resolution, provide to the Speaker of the Navajo Nation

1 Council, the Budget and Finance Committee, the Office of Management and Budget,
2 and the Office of the Controller a written cost estimate for conducting the
3 referendum election. The cost estimate shall separately state the estimated cost of
4 placing the referendum measures on the ballot of the next regularly scheduled
5 Navajo Nation election and the estimated cost of conducting a special election,
6 together with the time required in each instance to place the referendum measures
7 on the ballot.

8 B. Upon receipt of the cost estimate required under Subsection (A), the Budget and
9 Finance Committee, in consultation with the Office of Management and Budget and
10 the Office of the Controller, shall identify and recommend to the Navajo Nation
11 Council a funding source and an amount sufficient to conduct the referendum
12 election.

13 C. The funding source and amount recommended by the Budget and Finance
14 Committee pursuant to Subsection (B) shall be submitted to the Navajo Nation
15 Council for consideration and approval. Upon approval by the Navajo Nation
16 Council, the Office of Management and Budget and the Office of the Controller shall
17 make the approved funds available to the Navajo Election Administration solely for
18 the purpose of conducting the referendum election.

19 D. If Measure A is approved, the Navajo Nation Council shall provide for the increased
20 salaries of Council Delegates in the Legislative Branch budget for the fiscal year in
21 which the increased salary first applies under Section Eleven (B) of this resolution.

22 23 **SECTION EIGHT. CONDUCT OF THE REFERENDUM ELECTION**

24 The Navajo Board of Election Supervisors and the Navajo Election Administration shall
25 conduct the referendum election in accordance with the Navajo Election Code, including
26 11 N.N.C. §§ 401, 402, 403, 406, 407, 408 and 409.

27 28 **SECTION NINE. VOTE REQUIRED FOR APPROVAL**

29 Pursuant to 11 N.N.C. § 406(B), each referendum measure referred herein must be passed
30 by a majority of the eligible registered voters who cast a vote upon that measure.

1 **SECTION TEN. CODIFICATION**

2 Each measure approved by the Diné voters shall be codified in 2 N.N.C. § 106(A) by the
3 Office of Legislative Counsel, which may correct internal lettering and cross-references as
4 necessary, provided that no correction under this Section shall alter the substance of a
5 measure approved by the Diné voters. 11 N.N.C. § 409(B).

6
7 **SECTION ELEVEN. EFFECTIVE DATE**

8 A. This resolution refers a question to the Diné voters and does not itself enact new
9 Navajo law or amend existing Navajo law. This resolution shall become effective
10 upon certification by the Speaker of the Navajo Nation Council pursuant to 2 N.N.C.
11 § 221(C).

12 B. If Measure A is approved, the amendment set forth in Section Three of this resolution
13 shall become effective upon certification of the referendum election results by the
14 Navajo Board of Election Supervisors pursuant to 11 N.N.C. § 408(E), and the salary
15 of seventy thousand dollars (\$70,000.00) per year shall apply beginning with the first
16 bi-weekly pay period of the first Navajo Nation fiscal year that begins after that
17 certification.

18 C. If Measure B is approved, the amendment set forth in Section Four of this resolution
19 shall become effective upon certification of the referendum election results by the
20 Navajo Board of Election Supervisors pursuant to 11 N.N.C. § 408(E), and shall
21 apply to any salary increase proposed after that certification.

22
23 **SECTION TWELVE. SAVING CLAUSE**

24 If any portion of this legislation, or of a measure approved by the Diné voters, is determined
25 invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation,
26 without reaching the merits of the underlying case, those portions that are not invalid shall
27 continue in full force and effect.