

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0238-26

SPONSOR: Amber Kanazbah Crotty

TITLE: An Act Relating to the Law and Order, Budget and Finance, and Naabik'íyáti' Committees and the Navajo Nation Council; Establishing a Referendum for Diné Voters to Consider whether to Approve the Navajo Nation Budget Line Item Veto Act of 2026, Amending and Clarifying the Line-item Veto Authority Delegated to the President of the Navajo Nation by Vote of the Navajo People in 2009, Establishing Limitations Upon the Authority, and Amending 2 N.N.C. §§ 164 and 1005; Approving the Referendum Ballot Measure; and Setting the Timelines for the Referendum Election

Date posted: October 06, 2026 at 11:50 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. 0238-26

DATE: October 6, 2026

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; ESTABLISHING A REFERENDUM FOR DINÉ VOTERS TO CONSIDER WHETHER TO APPROVE THE NAVAJO NATION BUDGET LINE-ITEM VETO ACT OF 2026, AMENDING AND CLARIFYING THE LINE-ITEM VETO AUTHORITY DELEGATED TO THE PRESIDENT OF THE NAVAJO NATION BY VOTE OF THE NAVAJO PEOPLE IN 2009, ESTABLISHING LIMITATIONS UPON THAT AUTHORITY, AND AMENDING 2 N.N.C. §§ 164 AND 1005; APPROVING THE REFERENDUM BALLOT MEASURE; AND SETTING THE TIMELINES FOR THE REFERENDUM ELECTION

PURPOSE: This legislation, if approved, would refer to the Diné voters, by referendum, the question whether to approve the Navajo Nation Budget Line-Item Veto Act of 2026, which would amend Title 2 of the Navajo Nation Code to place the budget line-item veto authority approved by the Navajo People in 2009 into 2 N.N.C. § 1005, to state the scope of that authority, to establish limitations prohibiting its use to shut down the Navajo Nation Government, to eliminate the operating funding of another branch, to impair Navajo Nation elections, or to suspend direct services to the Navajo People, and to conform 2 N.N.C. § 164(A)(17), and would approve the ballot language, establish the timelines for the referendum election, and direct that funding be identified and made available to conduct it.

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: 11/11/26
Website Posting Time/Date: _____
Posting End Date: 10/11/26
Eligible for Action: 10/12/26

Law & Order Committee
Thence
Budget & Finance 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. 0238-26

AN ACT

RELATING TO LAW AND ORDER, BUDGET AND FINANCE, AND
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;
ESTABLISHING A REFERENDUM FOR DINÉ VOTERS TO CONSIDER
WHETHER TO APPROVE THE NAVAJO NATION BUDGET LINE-ITEM VETO
ACT OF 2026, AMENDING AND CLARIFYING THE LINE-ITEM VETO
AUTHORITY DELEGATED TO THE PRESIDENT OF THE NAVAJO NATION BY
VOTE OF THE NAVAJO PEOPLE IN 2009, ESTABLISHING LIMITATIONS UPON
THAT AUTHORITY, AND AMENDING 2 N.N.C. §§ 164 AND 1005; APPROVING
THE REFERENDUM BALLOT MEASURE; AND SETTING THE TIMELINES FOR
THE REFERENDUM ELECTION

BE IT ENACTED:

SECTION ONE. AUTHORITIES

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

1 budgeting, appropriation, investment and management of all funds. 2 N.N.C. §§
2 300(A) and 301(B)(2).

3 C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
4 empowered to review proposed legislation which requires final action by the Navajo
5 Nation Council. 2 N.N.C. §§ 700(A) and 164(A)(9).

6 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
7 102(A).

8 E. The Navajo Nation Council may, by resolution, refer a referendum measure to the
9 Navajo People for a vote when the Council determines that the people should decide
10 the measure, and the Council shall establish the election timeline and direct that
11 funding be identified and made available to conduct the election. A referendum
12 measure is approved by a majority of the votes cast on the measure, and the result of
13 the referendum election is binding and has the effect of law. 11 N.N.C. §§ 402(A),
14 403(A), 406(A), and 409(A).

15 16 **SECTION TWO. FINDINGS**

17 A. On December 15, 2009, the Navajo People approved an initiative entitled "Initiative
18 to Authorize the President of the Navajo Nation to Exercise Line-Item Veto
19 Authority," which provides:

20 The President of the Navajo Nation will be authorized to exercise line-item veto
21 authority over budget items contained in the annual Navajo Nation
22 Comprehensive Budget or supplemental appropriations approved by the Navajo
23 Nation Council. Budget line items vetoed by the President of the Navajo Nation
24 will not be subject to Navajo Nation Council override. [T]his initiative may be
25 repealed or amended by the initiative process only.

26 B. The grant of the line-item veto authority described in Subsection (A) has not been
27 codified in the Navajo Nation Code. The Navajo Nation Code refers to the authority
28 in a single place, 2 N.N.C. § 164(A)(17), which provides that all resolutions enacting
29 new laws or amending existing laws are subject to veto by the President of the Navajo
30 Nation pursuant to 2 N.N.C. § 1005(C)(10) and (11) and to override by the Navajo

1 Nation Council, except that financial line-item vetoes are not subject to override.
2 The authority is otherwise identified only by reference to the vote of the Navajo
3 People in 2009, and line-item vetoes are executed by reference to the budget line-
4 item veto authority delegated to the President by that vote. The absence of a codified
5 text stating the scope of the authority has made its limits difficult to determine.

6 C. The enumerated powers of the President of the Navajo Nation set forth at 2 N.N.C.
7 § 1005(C) do not include line-item veto authority. The veto conferred by 2 N.N.C.
8 § 1005(C)(11) is a veto of legislation in its entirety and is subject to override by two-
9 thirds (2/3) vote of the membership of the Navajo Nation Council. The line-item
10 veto authority exercised over the Comprehensive Budget and supplemental
11 appropriations arises solely from the vote of the Navajo People in 2009.

12 D. The vote on a referendum or initiative election is binding and has the effect of law,
13 and legislation adopted by such an election may be amended or repealed only by the
14 outcome of a vote on a subsequent referendum or initiative election concerning the
15 same subject matter as that of the referendum or initiative which originally adopted
16 the legislation, or, for a Navajo Nation-wide election, by three-fourths (3/4) vote of
17 the full membership of the Navajo Nation Council at a regular session. 11 N.N.C. §
18 409(A) and (C).

19 E. The full text of the 2009 initiative provided that the initiative may be repealed or
20 amended by the initiative process only, and that full text was required to be available
21 for review at each polling place. 11 N.N.C. § 407(B). The Navajo Nation Council
22 finds that a referendum election submits the question to the same Diné voters who
23 adopted the 2009 initiative, is an election concerning the same subject matter within
24 the meaning of 11 N.N.C. § 409(C)(1), and preserves to the Navajo People the
25 decision whether to amend the authority they delegated. The Navajo Nation Council
26 does not seek to amend the 2009 enactment by vote of the Navajo Nation Council.

27 F. On August 5, 2026, the District Court of the Navajo Nation, Window Rock Judicial
28 District, entered its Order Granting Declaratory Relief (Count One) and Denying
29 Injunctive Relief (Count Two), Docket No. WR-CV-112-25 and WR-CV-113-25,
30 concerning line-item vetoes of the fiscal year 2026 Comprehensive Budget, attached

1 as **Exhibit A.**

- 2 G. The Court declared that the line-item veto authority cannot be used to shut down the
3 Navajo Nation Government, that injunctive relief is warranted when line-item vetoes
4 are utilized to violate the Navajo People's right to vote or to assume a superior role
5 over another branch, and that judicial intervention is limited to establishing an
6 equilibrium of power between the branches. *Id.*
- 7 H. The Court found that the Navajo People did not authorize the Navajo Nation
8 Executive Branch to shut its government down when the 2009 initiative was passed,
9 and that the line-item veto should not be utilized to do so. *Id.*
- 10 I. The Court found that the dispute over the line-item vetoes disallowed direct services
11 to the Navajo People and defunded the Navajo Board of Election Supervisors,
12 impacting the 2026 elections. *Id.*
- 13 J. The Court found that beginning September 5, 2025, most of the operational budget
14 of the Navajo Nation Council was eliminated through the exercise of the line-item
15 veto authority, and that the condition continued until the parties negotiated a
16 supplemental budget enacted as Legislation No. CAP-23-26. *Id.*
- 17 K. Each branch of the Navajo Nation Government has *Naat'áanii* of equal stature from
18 the Navajo People's point of view, the branches are expected to work cooperatively
19 and cohesively together, and it is the interests of the People, as opposed to one branch
20 assuming a superior position, that is the thought behind the separation of powers.
21 *Shirley v. Morgan*, 9 Nav. R. 325, 335-337 (Nav. Sup. Ct. 2010).
- 22 L. A government cannot operate effectively unless the citizenry has confidence in its
23 government, and checks and balances promote accountability within each branch by
24 preventing abuses of discretion and power. *Tuba City Judicial Dist. v. Sloan*, 8 Nav.
25 R. 159, 167, 169 (Nav. Sup. Ct. 2001).
- 26 M. The Navajo Nation Council finds that the line-item veto authority delegated by the
27 Navajo People in 2009 should be preserved, stated in the Navajo Nation Code, and
28 limited so that it is not used to shut down the Navajo Nation Government, to impair
29 the conduct of Navajo Nation elections, or to assume a role superior to another branch
30 of the Navajo Nation Government.

1 N. The Navajo Nation Council finds that the amendments proposed herein are strictly
2 legislative within the meaning of 11 N.N.C. § 401(A); are not administrative or
3 executive; are not laws preserving peace, public health or safety; have not been
4 determined and declared by the Navajo Nation Council to be of an emergency nature;
5 and are not a yearly appropriation for a fiscal year budget, the amendments being
6 prospective limitations upon an authority rather than an appropriation of funds. The
7 amendments are therefore a proper subject of a referendum.

8 O. The Navajo Nation Council finds that the Navajo People should decide whether the
9 line-item veto authority delegated by their vote in 2009 should be amended and
10 clarified as set forth in Section Three of this resolution. 11 N.N.C. § 402(A).

11 12 **SECTION THREE. REFERENDUM MEASURE**

13 Pursuant to 11 N.N.C. § 402(A), the Navajo Nation Council hereby determines that the
14 Diné voters should decide, and hereby refers to the Diné voters, the question whether the
15 Navajo Nation Budget Line-Item Veto Act of 2026 should be approved. If approved by
16 the Diné voters, the line-item veto authority delegated by the vote of the Navajo People in
17 2009 is amended and restated as set forth herein, and Title 2 of the Navajo Nation Code is
18 amended as follows. New language is underlined and deleted language is struck through.

19 20 **THE NAVAJO NATION BUDGET LINE-ITEM VETO ACT OF 2026**

21 22 **Section 1. Title; effect; severability.**

- 23 A. This Act may be cited as the Navajo Nation Budget Line-Item Veto Act of 2026.
- 24 B. This Act amends, restates, and supersedes the line-item veto authority delegated to
25 the President of the Navajo Nation by the vote of the Navajo People in 2009, and
26 places that authority in Title 2 of the Navajo Nation Code.
- 27 C. To the extent that a provision of the Navajo Nation Code is inconsistent with this
28 Act, this Act controls.
- 29 D. If any provision of this Act is held invalid, the remaining provisions remain in full
30 force and effect. If 2 N.N.C. § 1005(E)(1), as enacted by this Act, is held invalid,

1 the line-item veto authority approved by the Navajo People in 2009 remains in
2 effect as approved.

3
4 **Section 2. Amendment of 2 N.N.C. § 1005.**

5 Title 2 of the Navajo Nation Code, Section 1005, is amended by adding a new Paragraph
6 (C)(15) and a new Subsection (E), to read as follows:

7
8 **§ 1005. Powers and duties**

9 ****

10 C. The President shall have the following enumerated powers and duties:

11 ****

12 15. Veto one or more budget line items contained in the annual Navajo Nation
13 Comprehensive Budget or in a supplemental appropriation approved by the
14 Navajo Nation Council, as provided in Subsection (E) of this Section.

15 ****

16 E. Budget line-item veto.

17 1. Authority. The President of the Navajo Nation may veto one or more budget
18 line items contained in the annual Navajo Nation Comprehensive Budget or
19 in a supplemental appropriation approved by the Navajo Nation Council,
20 while approving the remainder of the legislation.

21 2. Scope of the authority. The authority under this Subsection extends only to
22 the veto of a budget line item in its entirety. The President shall not reduce
23 the amount of a budget line item, veto a portion of a budget line item, veto or
24 alter a condition, restriction, or other language stated within a budget line item
25 while retaining the funds appropriated by that line item, or transfer, redirect,
26 or reprogram funds appropriated by a vetoed budget line item. Funds
27 appropriated by a vetoed budget line item shall remain unexpended and
28 unobligated and are available only upon a subsequent appropriation by the
29 Navajo Nation Council. The authority under this Subsection does not extend
30 to legislation other than the Comprehensive Budget and supplemental

1 appropriations, and is separate from the veto conferred by Subsection (C)(11)
2 of this Section.

3 3. Limitations. The President shall not exercise the authority under this
4 Subsection to:

5 a. Eliminate or reduce the operating funding of a branch of the Navajo
6 Nation Government other than the Executive Branch below the amount
7 necessary for that branch to perform the functions required of it by law;

8 b. Eliminate or reduce the funding of the Navajo Election Administration
9 or of the Navajo Board of Election Supervisors, impair the
10 administration of a Navajo Nation primary, general, special,
11 referendum, initiative, or chapter election, or violate the right of the
12 Navajo People to vote;

13 c. Eliminate or reduce funding required by Navajo Nation law, by federal
14 law, or by a contract or grant agreement, or funding the elimination of
15 which would cause the Navajo Nation to be in breach of an obligation
16 or to forfeit or return federal funds;

17 d. Cause a shutdown or a cessation of the Navajo Nation Government or
18 of the essential functions of a branch of the Navajo Nation Government;

19 e. Suspend the delivery of direct services to the Navajo People; or

20 f. Assume a role superior to another branch of the Navajo Nation
21 Government, or interfere with the exercise of a function committed by
22 law to another branch.

23 4. Veto message. The President shall transmit a written veto message to the
24 Speaker of the Navajo Nation Council, the Chief Justice of the Navajo Nation,
25 the Office of Management and Budget, and the Office of the Controller not
26 later than the date on which the President is required to act upon the legislation
27 under Subsection (C)(10) of this Section. The veto message shall identify
28 each budget line item vetoed by business unit and amount, shall state the
29 reasons for each veto, and shall state how each veto conforms to Paragraph
30 (3) of this Subsection. A budget line item that is not identified in the veto

1 message is approved. The veto message is a public record and shall be made
2 available for public inspection by the Office of the Speaker and by the Office
3 of the President and Vice-President within five (5) days of its transmittal.

4 5. Effect of a veto exercised in violation of this Subsection. A veto exercised in
5 violation of Paragraph (2) or Paragraph (3) of this Subsection is void and of
6 no effect, and the budget line item stands as approved by the Navajo Nation
7 Council. The Office of Management and Budget and the Office of the
8 Controller shall take no action to implement a veto that is void under this
9 Paragraph. The Speaker of the Navajo Nation Council, the Chief Justice of
10 the Navajo Nation, or the principal officer of an entity whose funding is
11 affected may seek declaratory and injunctive relief in the District Courts of
12 the Navajo Nation to enforce this Subsection. Relief under this Paragraph is
13 limited to establishing an equilibrium of power between the branches of the
14 Navajo Nation Government.

15 6. Override. Budget line items vetoed under this Subsection are not subject to
16 override by the Navajo Nation Council.

17 7. Definitions. For purposes of this Subsection:

18 a. "Comprehensive Budget" means the annual budget of the Navajo
19 Nation approved by the Navajo Nation Council for a fiscal year.

20 b. "Supplemental appropriation" means an appropriation approved by the
21 Navajo Nation Council after the approval of the Comprehensive Budget
22 for that fiscal year.

23 c. "Budget line item" means a single, discrete appropriation of funds to an
24 identified business unit, program, project, or object of expenditure, as
25 that appropriation appears in the Comprehensive Budget or in a
26 supplemental appropriation.

27 d. "Operating funding" means the funding necessary for personnel,
28 contractual services, supplies, equipment, and related costs required for
29 an entity to perform the functions required of it by Navajo Nation law,
30 by federal law, or by a contract or grant agreement.

1 8. Amendment and repeal. Paragraph (C)(15) of this Section and this Subsection
2 (E) were enacted by the vote of the Navajo People and may be amended or
3 repealed only by the outcome of a vote of the Navajo People at a referendum
4 or initiative election concerning the same subject matter.

5 ****

6
7 **Section 3. Amendment of 2 N.N.C. § 164(A)(17).**

8 Title 2 of the Navajo Nation Code, Section 164(A)(17), is amended to read as follows:

9
10 **§ 164. Navajo Nation Council and committee legislative process**

11 ****

12 A. Statements of policy, enactment of positive law, intergovernmental agreements,
13 budget resolutions, and reallocations, must be reviewed and approved by resolution
14 by the appropriate standing committee(s) and the Navajo Nation Council except as
15 otherwise provided herein.

16 ****

17 17. All resolutions enacting new laws or amending existing laws are subject to
18 veto by the President of the Navajo Nation pursuant to 2 N.N.C. §
19 1005(C)(10) and (11) and override by the Navajo Nation Council, ~~except~~
20 ~~financial line item vetoes are not subject to override~~except that budget line
21 items vetoed pursuant to 2 N.N.C. § 1005(E) are subject to override only as
22 provided in 2 N.N.C. § 1005(E)(6). A vetoed resolution shall be first
23 submitted to Naabik'iyáti' Committee before consideration by the Council.
24 Memorials are not subject to veto but become effective upon certification by
25 the Speaker pursuant to 2 N.N.C. § 221(C). All acts of vetoing a resolution
26 shall occur within the territorial jurisdiction of the Navajo Nation as described
27 in 7 N.N.C. § 254.

28 ****

1
2 **SECTION FOUR. TIMELINES FOR THE REFERENDUM ELECTION;**
3 **APPROVING THE REFERENDUM BALLOT MEASURE**

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

6 1. The referendum measure referred herein shall be placed on the ballot of the next
7 regularly scheduled Navajo Nation election, whether a primary, general, or Navajo
8 Nation-wide chapter election, that is scheduled to be held no sooner than sixty (60)
9 days following the date this resolution becomes effective.

10 2. If no regularly scheduled Navajo Nation election is scheduled to be held on a
11 date that is no sooner than sixty (60) days following the date this resolution
12 becomes effective, the referendum measure shall be placed on the ballot of a special
13 election to be held no sooner than sixty (60) days and no later than ninety (90) days
14 from the date this resolution becomes effective.

15 3. For purposes of this Section and of 11 N.N.C. § 403(A), the date of passage of
16 the resolution referring the enactment is the date this resolution becomes effective
17 under Section Nine (A) of this resolution.

18 B. Subject to the authority of the Navajo Board of Election Supervisors as set forth in
19 11 N.N.C. § 403(A) and § 407, the language of the referendum measure referred
20 herein shall read as follows:

21
22 **Official Title:** Referendum approving the Navajo Nation Budget Line-Item Veto Act of
23 2026.

24
25 **Descriptive Summary:** In 2009 the Navajo People approved an initiative that
26 authorized the President of the Navajo Nation to veto individual budget line items
27 in the Comprehensive Budget and in supplemental appropriations, and provided
28 that a vetoed line item is not subject to Council override. That authority was never
29 placed in the Navajo Nation Code. The Navajo Nation Budget Line-Item Veto Act
30 of 2026 would keep the authority and place it in the Navajo Nation Code at 2 N.N.C.

1 § 1005. The Act would state that the authority reaches a whole budget line item
2 only, and would not allow the President to reduce a line item, to strike conditions
3 while keeping the funds, or to move the funds elsewhere. The Act would prohibit
4 the use of the authority to shut down the Navajo Nation Government, to eliminate
5 the operating funding of the Legislative Branch or the Judicial Branch, to defund
6 or impair Navajo Nation elections, to eliminate funding required by law or by a
7 federal contract or grant, or to suspend direct services to the Navajo People. The
8 Act would require a written, public veto message, and would make a veto that
9 exceeds these limits void. The Act could be amended or repealed only by another
10 vote of the Navajo People.

11
12 **Ballot Question:** “Shall the line-item veto authority approved by the Navajo People in
13 2009 be placed in the Navajo Nation Code and amended to state the scope of the
14 authority and to prohibit its use to shut down the Navajo Nation Government or to
15 impair Navajo Nation elections?”

16
17 Brief Statement of Legal Effect:

18
19 A “YES” vote approves the Navajo Nation Budget Line-Item Veto Act
20 of 2026, which keeps the President’s budget line-item veto authority,
21 places it in the Navajo Nation Code, and establishes limitations upon it.

22
23 A “NO” vote keeps the line-item veto authority approved by the Navajo
24 People in 2009 as it stands, outside the Navajo Nation Code and without
25 limitation.

26
27 C. Pursuant to 11 N.N.C. § 407(B), a minimum of four copies of the complete text of
28 the Navajo Nation Budget Line-Item Veto Act of 2026 shall be made available in
29 each polling place for the voters to review, and each voter shall be informed by the
30 poll judges and clerks at each polling place that copies of the complete text are

1 available to review in the polling place.

2
3 **SECTION FIVE. FUNDING FOR THE REFERENDUM ELECTION**

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

- 7 A. The Navajo Election Administration shall, within thirty (30) days following the
8 effective date of this Resolution, provide to the Speaker of the Navajo Nation
9 Council, the Budget and Finance Committee, the Office of Management and Budget,
10 and the Office of the Controller a written cost estimate for conducting the referendum
11 election. The cost estimate shall separately state the estimated cost of placing the
12 referendum measure on the ballot of the next regularly scheduled Navajo Nation
13 election and the estimated cost of conducting a special election, together with the
14 time required in each instance to place the referendum measure on the ballot.
- 15 B. Upon receipt of the cost estimate required under Subsection (A), the Budget and
16 Finance Committee, in consultation with the Office of Management and Budget and
17 the Office of the Controller, shall identify and recommend to the Navajo Nation
18 Council a funding source and an amount sufficient to conduct the referendum
19 election.
- 20 C. The funding source and amount recommended by the Budget and Finance
21 Committee pursuant to Subsection (B) shall be submitted to the Navajo Nation
22 Council for consideration and approval. Upon approval by the Navajo Nation
23 Council, the Office of Management and Budget and the Office of the Controller shall
24 make the approved funds available to the Navajo Election Administration solely for
25 the purpose of conducting the referendum election.

26
27 **SECTION SIX. CONDUCT OF THE REFERENDUM ELECTION**

28 The Navajo Board of Election Supervisors and the Navajo Election Administration shall
29 conduct the referendum election in accordance with the Navajo Election Code, including
30 11 N.N.C. §§ 401, 402, 403, 406, 407, 408 and 409.

1
2 **SECTION SEVEN. VOTE REQUIRED FOR APPROVAL**

3 The referendum measure referred herein is approved upon a majority of the votes cast upon
4 the measure. 11 N.N.C. § 406(A).
5

6 **SECTION EIGHT. CODIFICATION; CONFORMING AMENDMENTS**

- 7 A. If the referendum is approved, the amendments to Title 2 of the Navajo Nation Code
8 set forth in Section Three of this resolution shall be codified by the Office of
9 Legislative Counsel, which may correct internal numbering, lettering, and cross-
10 references as necessary, provided that no correction under this Subsection shall alter
11 the substance of the amendments approved by the Diné voters.
- 12 B. If the referendum is approved, the Office of Legislative Counsel shall, in consultation
13 with the Budget and Finance Committee, identify the provisions of the Navajo
14 Nation Code, including 2 N.N.C. § 221, and the policies of the Navajo Nation,
15 including the Appropriations Act and the Budget Instructions Manual, that require
16 amendment to conform to the amendments approved by the Diné voters, and shall
17 prepare the legislation necessary to do so. Legislation prepared under this Subsection
18 shall be enacted in accordance with 11 N.N.C. § 409(C) where that Section applies,
19 and shall not alter the substance of the amendments approved by the Diné voters.
20

21 **SECTION NINE. EFFECTIVE DATE**

- 22 A. This resolution refers a question to the Diné voters and does not itself enact new
23 Navajo law or amend existing Navajo law. This resolution shall become effective
24 upon certification by the Speaker of the Navajo Nation Council pursuant to 2 N.N.C.
25 § 221(C).
- 26 B. If the referendum is approved, the amendments to Title 2 of the Navajo Nation Code
27 set forth in Section Three of this resolution shall become effective upon certification
28 of the referendum election results by the Navajo Board of Election Supervisors
29 pursuant to 11 N.N.C. § 408(E), and shall apply to the Comprehensive Budget and
30 to any supplemental appropriation approved on or after that date.

1
2 **SECTION TEN. SAVING CLAUSE**

3 If any portion of this Legislation, or of the amendments to Title 2 of the Navajo Nation
4 Code approved by the referendum, is determined invalid by the Navajo Nation Supreme
5 Court or the District Courts of the Navajo Nation, without reaching the merits of the
6 underlying case, those portions that are not invalid shall continue in full force and effect,
7 and the line-item veto authority approved by the Navajo People in 2009 shall remain in
8 effect to the extent that the amendments are held invalid.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30