

LEGISLATIVE SUMMARY SHEET

Tracking No. 0239-18

DATE: July 3, 2018

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION ELECTION CODE AT 11 N.N.C. §241(A) TO LOWER PERCENTAGE OF SIGNATURE REQUIREMENT ON RECALL PETITIONS FROM 60 TO 30% OF VOTERS VOTING IN LAST ELECTION FOR POSITION IN QUESTION.

PURPOSE: The purpose of the resolution is to amend the Navajo Nation Election Code at 11 N.N.C. §§241(A) to lower percentage of signature requirement on recall petitions from 60% to 30% of voters voting in last election for position in question.

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: None
Website Posting Time/Date: 3:59pm 7/12/18
Posting End Date: 7/11/2018
Eligible for Action: 7/12/2018

Law & Order Committee
Thence
Naa'bik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 23rd NAVAJO NATION COUNCIL – Fourth Year, 2018
3

4 
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6 (Prime Sponsor)

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8
9 TRACKING NO. 0239-18
10

11 AN ACT
12 RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION
13 COUNCIL; AMENDING THE NAVAJO NATION ELECTION CODE AT 11 N.N.C.
14 §241(A) TO LOWER PERCENTAGE OF SIGNATURE REQUIREMENT ON
15 RECALL PETITIONS FROM 60 TO 30% OF VOTERS VOTING IN LAST
16 ELECTION FOR POSITION IN QUESTION
17

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19 **BE IT ENACTED:**
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21 **Section 1. Authority**

22 A. The Law and Order Committee is a standing committee of the Navajo Nation. 2
23 N.N.C. §601. Among its statutory duties and responsibilities are to "review and make
24 recommendations to the Navajo Nation Council on proposed amendments to and
25 enactments in the Navajo Nation Code." 2 N.N.C. § 601(B)(14).

26 B. Pursuant to 2 N.N.C. § 164 (A)(9), a proposed resolution that requires final action by
27 the Navajo Nation Council must be assigned to the Naabik'iyáti' Committee before it is
28 considered by the Navajo Nation Council.

29 C. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2
30 N.N.C. § 102 (A). It enacts laws and sets policy for the Navajo Nation.

1 A. All elected officials may be removed from office if ~~sixty~~ thirty percent of the
2 registered voters who voted in the last election for the office in question file a petition
3 seeking the official's removal.

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7 **Section 4. Effective date; applicability**

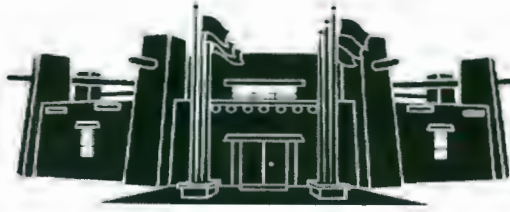
8 The amendments enacted herein shall be effective upon its approval pursuant to 2
9 N.N.C §221.
10

11 **Section 5. Codification**

12 These amendments shall be codified by the Office of Legislative Counsel in the next
13 recodification or supplement of the Navajo Nation Code to the extent practicable.
14

15 **Section 6. Savings Clause**

16 Should any provision of this enactment be determined invalid by the Navajo Nation
17 Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo
18 Nation Supreme Court, portions not determined invalid shall remain the law of the
19 Navajo Nation.
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MEMORANDUM

To : Hon. Alton Joe Shepherd, Council Delegate
Navajo Nation Council

From : 

Ron Haven, Attorney
Office of Legislative Counsel

Date : July 6, 2018

Re : AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE
NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION
ELECTION CODE AT 11 N.N.C. §241(A) TO LOWER PERCENTAGE OF
SIGNATURE REQUIREMENT ON RECALL PETITIONS FROM 60 TO
30% OF VOTERS VOTING IN LAST ELECTION FOR POSITION IN
QUESTION.

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 18-344-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0239-18 _____ SPONSOR: Alton Shepherd

TITLE: An Action Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Amending the Navajo Nation Election Code at 11 N.N.C. §241(A) to lower percentage of signatures requirement on recall petitions from 60 to 30% of voters voting in last election for position in question

Date posted: July 6, 2018 at 3:59pm

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) 871-7590

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.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO.: 0239-18

SPONSOR: Honorable Alton Joe Shepherd

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Posted: July 06, 2018 at 3:59 PM

5 DAY Comment Period Ended: July 11, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Legislative Secretary II
Office of Legislative Services

7/12/2018 8:27am

Date/Time

**3THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0239-18

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Posted: July 06, 2018 at 3:59 PM

5 DAY Comment Period Ended: July 11, 2018

Digital Comments received:

Comments Supporting (1)	1. Navajo Board of Election Supervisor Resolution No. BOESJY-036-18
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

7/27/2018 10:14am

Date/Time

RESOLUTION OF THE
NAVAJO BOARD OF ELECTION SUPERVISORS

Supporting Proposed Navajo Nation Council Resolution for Lowering the percentage for Recall Signature Requirements for Recall Petitions; however recommending that the percentage be 35% as opposed to 30% of those voting in the last election for the position in question; further recommending that the Recall Committee pay the costs for conducting a recall election

WHEREAS:

1. The Navajo Board of Election Supervisors is authorized pursuant to 2 N.N.C. §873(A)(1) to administer, implement and enforce the Navajo Election Code.
2. All elected officials of the Navajo Nation are subject to recall by voters. 11 N.N.C. §241 *et seq.*
3. Legislation No. 0239-18 has been introduced to change the percentage of signature requirements in recalls to 30% (from 60%) of those voting in the last election for the position in question. See attached *Exhibit "A."* The current requirement of mandating the collection of 60% of signatures of the actual voters voting in the last election for the position is unreasonably high, considering that the percentage of removing officials in recall elections is based on a plurality vote.
4. It is in the best interest of voters of the Navajo Nation that the percentage of signature requirements for recalling elected officials be changed to a reasonable percentage.

NOW THEREFORE BE IT RESOLVED:

1. The Navajo Board of Election Supervisors hereby supports proposed legislation No. 0239-18 changing the signature percentage requirement for recall petitions. However, the percentage should be 35% of those voting in the last election for the position in question.
2. The Navajo Election Administration is authorized to forward this resolution of the Navajo Board of Election Supervisors to the Navajo Nation Legislative Branch and the Navajo Nation Council for purposes of 2 N.N.C. §164 (5-day comment period on proposed bills).
3. The Navajo Board of Election Supervisors recommends that the Navajo Nation Election Code be amended as well to address the costs of conducting recall elections. These costs, provided by the Navajo Election Administration, shall be paid by the Recall Committee prior to the setting of an election date for a recall election.

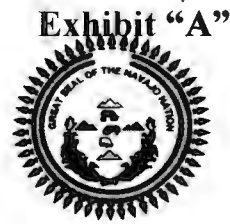
CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Board of Election Supervisors at a duly called meeting within the Navajo Nation in Window Rock, Arizona, during which a quorum was present and that the same was passed by a vote of 4 in favor, 2 opposed, and 0 abstained, this 12th day of July, 2018.



Melvin Harrison, Chairperson
Navajo Board of Election Supervisors

Motion: Sammy Ahkeah
Second: Bertha Aguirre



THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0239-18 SPONSOR: Alton Shepherd

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