

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0220-24_

SPONSOR: Brenda Jesus

TITLE: An Act Relating to an Emergency for the Navajo Council; Rescinding CJA-08-24 which Amended Campaign Expense Provisions of the Navajo Election Code at §§ 201 through 209 and § 404

Date posted: September 27, 2024 at 4:43PM

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Office of Legislative Services
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0220-24

DATE: September 27, 2024

TITLE OF THE RESOLUTION: AN ACT RELATING TO AN EMERGENCY FOR THE NAVAJO COUNCIL; RESCINDING CJA-08-24 WHICH AMENDED CAMPAIGN EXPENSE PROVISIONS OF THE NAVAJO ELECTION CODE AT §§ 201 THROUGH 209 AND § 404

PURPOSE: The purpose of the resolution is to rescind Resolution CJA-08-24 and for the rescinding to apply to when Resolution CJA-08-24 was enacted on February 2, 2024.

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. 022024

AN ACT

RELATING TO AN EMERGENCY FOR THE NAVAJO COUNCIL; RESCINDING
CJA-08-24 WHICH AMENDED CAMPAIGN EXPENSE PROVISIONS OF THE
NAVAJO ELECTION CODE AT §§ 201 THROUGH 209 AND § 404

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, pursuant to 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).

SECTION TWO. FINDINGS

- A. The Navajo Nation Council passed Resolution CJA-08-24 on January 24, 2024. Navajo Nation President Dr. Buu Nygren signed the resolution on February 2, 2024. Resolution CJA-08-24 is attached as **Exhibit A**.

- 1 B. One of the provisions in CJA-08-24, 11 N.N.C. § 203 (Failure to file statement of
2 receipts and expenses; disqualification; penalty), provided that failure to file a
3 campaign expense report would result in a candidate's disqualification, as well as
4 ineligibility to be a candidate for five years. One hundred ninety-two (192) candidates
5 did not file the campaign expense reports in accordance with 11 N.N.C. § 203.
- 6 C. Approximately half are appealing their disqualification to the Office of Hearings and
7 Appeals ("OHA"). They have filed grievances with the OHA requesting that they be
8 placed on the ballot. A number of candidates removed from the ballot were running as
9 unopposed candidates.
- 10 D. Given the amount of time OHA needs to hear all of the appeals and issue orders in each
11 case, and given the amount of time a party has to appeal an OHA decision to the Navajo
12 Nation Supreme Court, the Election Administration will not have a finalized list of
13 candidates who have successfully argued their cases to be placed back on the ballot for
14 the General Election.
- 15 E. There is a time limitation to allow for printing of ballots. Ballots have to be ready for
16 the early voting process.
- 17 F. It will be necessary to hold special elections to fill the vacant positions that will exist
18 if CJA-08-24 is not rescinded.
- 19 G. The Navajo Nation Council understands the importance of having candidates running
20 for elected office submit campaign expense reports. However, it is in the best interest
21 of the Navajo Nation that additional time to be provided for work session(s) by the
22 Navajo Nation Council and its standing committees to examine the implications of the
23 provisions of CJA-08-24.
- 24 H. This legislation is offered as an emergency measure because Navajo Nation elections
25 are direct services required as an entitlement under Navajo Nation law. The General
26 Election is fast-approaching. Before November 5, 2024, the ballots must be printed, the
27 mail in early voting and in person early voting will be occurring before November 5,
28 2024. An emergency legislation provides the Navajo Nation Council time to consult
29 and vote on whether to rescind CJA-08-24 before the General Election has begun.
30

1 There is a pressing public need for this resolution and it is a matter requiring final action
2 by the Council.

- 3 I. The Navajo Nation finds that it is in the best interest of the Navajo Nation and the
4 Navajo people that Resolution CJA-08-24 be rescinded and that the rescinding be
5 applied retroactively to the point when CJA-08-24 was enacted.

6
7 **SECTION THREE. RESCINDING RESOLUTION CJA-08-24**

8 The Navajo Nation Council hereby rescinds CJA-08-24 in its entirety. The rescinding will
9 apply to when Resolution CJA-08-24 was enacted on February 2, 2024.

10
11 **SECTION FOUR. SAVINGS CLAUSE**

12 If any portion of the amendments approved herein is determined invalid by the Navajo
13 Supreme Court, or by a District Court of the Navajo Nation without appeal to the Navajo
14 Supreme Court, the remainder of the amendments shall remain the law of the Navajo
15 Nation.

16
17 **SECTION SIX. EFFECTIVE DATE**

18 The provisions of the amendments approved herein shall become effective in accordance
19 with 2 N.N.C § 221(B).