

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0232-24

SPONSOR: Otto Tso

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Approving \$961,602 from the Unreserved, Undesignated Fund Balance (“UUFB”) for the Navajo Election Administration for its Expenses in Preparation for the 2024 Navajo Nation Elections; Waiving 12 N.N.C. §820(E), §820(F), §820(J), and §820(L)

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0232-24

DATE: October 22, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING \$961,602 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE (“UUFb”) FOR THE NAVAJO ELECTION ADMINISTRATION FOR ITS EXPENSES IN PREPARATION FOR THE 2024 NAVAJO NATION ELECTIONS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L)

PURPOSE: The purpose of this legislation is to approve \$961,602 from the UUFb for the Navajo Election Administration.

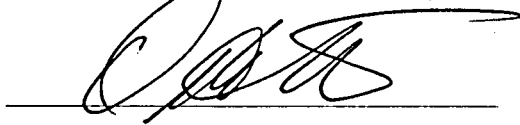
Final Authority: Navajo Nation Council

Vote Required: 2/3 vote

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

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

Introduced by:



(Prime Sponsor)

Tracking No. 0232-24

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
APPROVING \$961,602 FROM THE UNRESERVED, UNDESIGNATED FUND
BALANCE (“UUF”) FOR THE NAVAJO ELECTION ADMINISTRATION
FOR ITS EXPENSES IN PREPARATION FOR THE 2024 NAVAJO NATION
ELECTIONS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L)

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).
As such, the Council may consider proposed action regarding an emergency matter. 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).

C. At this time, the Navajo Nation Council is concerned that the Navajo Election Administration
(or “NEA”) currently does not have enough funds in its budget to adequately prepare for and

1 conduct all of the upcoming 2024 elections to be held across the Navajo Nation, or to fulfill
2 its post-election duties to tally all legitimate votes cast and publish election results.

3 D. The Navajo Nation Council therefore finds that the NEA's request for supplemental funding,
4 as explained below, is indeed an emergency matter because the NEA's lack of funds "directly
5 threaten[s] the sovereignty of the Navajo Nation" and there certainly exists a "pressing public
6 need" for the requested funds.

7 E. The Navajo Nation Council is empowered to approve supplemental appropriations during
8 the current fiscal year if, and when, additional incoming revenue to the Navajo Nation is
9 expected to surpass initial or current revenue projections, and such revenue exceeds the 10%
10 minimum reserve mandated by 12 N.N.C § 820(J). 12 N.N.C. §820(L).

11 F. The restrictions on supplemental appropriations, including all amounts from the UUFB,
12 include:

13 1. Payment of recurring government operating expenses shall be from recurring revenues,
14 and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFB
15 funds. 12 N.N.C. §820(E), §820(F).

16 2. Specifically, the UUFB shall not be used for recurring government expenditures or
17 operations. 12 N.N.C. §820(J), §820(L).

18 3. Nonrecurring revenues, such as UUFB funds, may be used only after the Controller
19 determines whether or not such revenues are subsidizing an imbalance between the
20 Navajo Nation's recurring revenues and expenditures, and government expenditures shall
21 only be authorized if a long-term (3-year to 5-year year) forecast shows that the operating
22 deficit will not continue; otherwise, nonrecurring revenues will be added to the
23 Unreserved, Undesignated Fund Balance. 12 N.N.C. §820(F).

24 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote of the
25 full Navajo Nation Council. 12 N.N.C. §820(F), 12 N.N.C. §880.

26 5. 12 N.N.C. §820(F) requires all UUFB funding requests to be reviewed by the Controller.
27 Such review is also required because the Controller determines which revenues and
28 expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).

29 6. 12 N.N.C. §820(M) requires all UUFB funding requests to be submitted to the Office of
30 Management and Budget ("OMB") for a budget impact analysis.

1 7. In accordance with 12 N.N.C. §820(N), the approved UUFB funds shall lapse at the end
2 of the current fiscal year unless the Navajo Nation Council decides otherwise by a 7/8
3 vote.
4

5 **SECTION TWO. FINDINGS**

6 A. The Navajo Election Administration is requesting UUFB funds for operating costs, the hiring
7 of temporary employees, and other expenses. NEA believes this funding request should be
8 viewed as an emergency matter, because such expenses are necessary for NEA to adequately
9 prepare for the upcoming 2024 Navajo Nation elections across the Navajo Nation.

10 B. Regarding the NEA’s funding request, the Navajo Board of Election Supervisors has
11 approved Resolution No. BOESO-50-24. **EXHIBIT 1.**

12 C. NEA has provided Navajo Nation Budget Forms and the required Appendix J “Supplemental
13 Funding Proposal Summary.” See the Sub-Exhibit A attached to **EXHIBIT 1.**

14 D. The Office of the Controller has provided a memorandum regarding the requested UUFB
15 funding, as required by 12 N.N.C. §820(L). This memorandum indicates that the proposed
16 expenditures are *recurring*. **EXHIBIT 2.**

17 E. The Office of Management and Budget has also provided its memorandum regarding the
18 NEA’s proposed expenditures. 12 N.N.C. §820(M). **EXHIBIT 3.**

19 F. The Navajo Nation has determined that this legislation constitutes an emergency, because
20 the requested funds are needed to ensure a proper election process for 2024, for all elections
21 conducted across the Navajo Nation, as well as proper post-election procedures for the
22 counting of all votes and the publication of final election results. Voting must be easily
23 accessible to all eligible Navajo voters, and this UUFB funding will greatly assist the NEA
24 in providing such access.
25

26 **SECTION THREE. APPROVING UUFB FUNDS FOR THE NEA’S EXPENSES IN** 27 **PREPARATION FOR THE UPCOMING 2024 NAVAJO NATION** 28 **ELECTIONS**

29 A. The Navajo Nation hereby approves a supplemental appropriation of \$961,602 from the
30 UUFB for the Navajo Election Administration to cover its expenses in preparation for the

1 upcoming 2024 Navajo Nation elections, in accordance with the attached **EXHIBIT A**.

2 B. The UUFB funds approved herein shall be from those revenues that exceed the 10%
3 minimum balance of the UUFB, which amount must be maintained according to 12 N.N.C.
4 §820(J).

5 C. In accordance with 12 N.N.C. §820(N), the UUFB funds approved herein shall lapse at the
6 end of Fiscal Year 2024, unless otherwise decided by a 7/8 vote of the Navajo Nation
7 Council.

8
9 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L)**

10 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to allow
11 use of the approved UUFB funds by NEA for its necessary expenditures in preparation for the
12 upcoming 2024 Navajo Nation elections. This waiver is necessary because the proposed NEA
13 expenditures are considered recurring government expenses.

14
15 **SECTION FIVE. EFFECTIVE DATE**

16 This Action shall become effective pursuant to 2 N.N.C. §164(A)(17) and 2 N.N.C. §221(B).

17
18 **SECTION SIX. SAVING CLAUSE**

19 If any portion of this Action is determined invalid by the Navajo Nation Supreme Court, or by
20 a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the
21 remainder of this Action shall be the law of the Navajo Nation.