

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0263-24

SPONSOR: Brenda Jesus

**TITLE: An Action Relating to an Emergency; Temporarily Suspending 11 N.N.C. § 161(A)(2) and 26 N.N.C. § 1003(A) to Allow the Chapter Membership to Appoint a Temporary (Pro Tempore) Chapter President and/or a Pro Tempore Chapter Secretary-Treasurer to Serve Until New Chapter Officials are Sworn-In Following a Special Election**

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0263-24

**DATE: December 13, 2024**

**TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO AN EMERGENCY; TEMPORARILY SUSPENDING 11 N.N.C. § 161(A)(2) AND 26 N.N.C. § 1003(A) TO ALLOW THE CHAPTER MEMBERSHIP TO APPOINT A TEMPORARY (*PRO TEMPORE*) CHAPTER PRESIDENT AND/OR A *PRO TEMPORE* CHAPTER SECRETARY-TREASURER TO SERVE UNTIL NEW CHAPTER OFFICIALS ARE SWORN-IN FOLLOWING A SPECIAL ELECTION**

**PURPOSE:** This legislation, if approved, will temporarily suspend the “unexpired term” provision in 11 N.N.C. § 161(A)(2) and the limited nature of *pro tempore* appointments in 26 N.N.C. § 1003(A) in order to allow Chapters to appoint a Chapter President *pro tempore* and/or a Chapter Secretary-Treasurer *pro tempore* to serve after vacancies have been declared and will serve up to the date in which a new elected Official is sworn into Office.

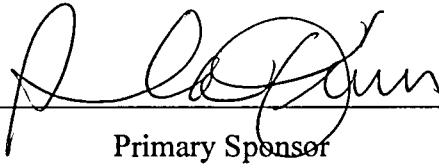
**FINAL AUTHORITY:** Navajo Nation Council

**VOTE REQUIRED:** Simple Majority 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  
25<sup>th</sup> NAVAJO NATION COUNCIL - Second Year, 2024

Introduced by:

  
Primary Sponsor

Tracking No. 0263-24

**AN ACTION**

**RELATING TO AN EMERGENCY; TEMPORARILY SUSPENDING 11 N.N.C. § 161(A)(2) AND 26 N.N.C. § 1003(A) TO ALLOW THE CHAPTER MEMBERSHIP TO APPOINT A TEMPORARY (*PRO TEMPORE*) CHAPTER PRESIDENT AND/OR A *PRO TEMPORE* CHAPTER SECRETARY-TREASURER TO SERVE UNTIL NEW CHAPTER OFFICIALS ARE SWORN-IN FOLLOWING A SPECIAL 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). 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).

1 C. On the date of inauguration in January 2025, several Navajo Nation Chapters will have  
2 vacancies in the President, Vice-President, and/or the Secretary-Treasurer positions which  
3 will impact the direct services provided to local community members and could affect “law  
4 enforcement services, and disaster relief services, fire protection services or other direct  
5 services required as an entitlement under Navajo Nation or Federal law.” This legislation  
6 “arise[s] due to the pressing public need for such resolution(s)” and is “a matter requiring  
7 final action by the Council.” 2 N.N.C. §164(A)(16). Accordingly, the Council finds it  
8 necessary to temporarily suspend 11 N.N.C. §161(A)(2) and 26 N.N.C. § 1003(A) as an  
9 emergency matter.

10  
11 **SECTION TWO. FINDINGS**

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

15 B. One of the provisions in CJA-08-24 amended 11 N.N.C. § 203 providing that failure to file  
16 a campaign expense report would result in disqualification and removal of a candidate from  
17 the General Election ballot. Such candidates are also barred from being a candidate and  
18 holding office for a period of five (5) years.

19 C. After the Primary Election, the Navajo Election Office determined that one hundred ninety-  
20 two (192) Chapter Official candidates failed to file a campaign expense report and these  
21 candidates were deemed disqualified for the November 5, 2024 General Election.  
22 Approximately half of these candidates challenged their disqualification to the Office of  
23 Hearings and Appeals and thereafter, some appealed further to the Navajo Supreme Court.  
24 In order to allow time for these challenges to be completed, there were no elections for the  
25 affected Chapter Official positions on November 5<sup>th</sup>.

26 D. On November 7, 2024, the Navajo Board of Election Supervisors passed BOESN-55-24  
27 which authorized an election to be held on December 10, 2024, for those elected positions  
28 that completed the appeal process.

29 E. The following seven (7) Chapters did not have any candidates for both the Chapter  
30 President and Vice-President positions on December 10, 2024: 1) Many Farms; 2) Nazlini;

1 3) Round Rock; 4) Fort Defiance; 5) Wide Ruins; 6) Bodaway Gap; and 7) Tolani Lake.  
2 The terms for the current sitting Chapter President and Vice-President for these Chapters  
3 will end on the date of inauguration in January 2025. As a result, it is anticipated that  
4 vacancies will be declared for these positions on the date of inauguration or shortly  
5 thereafter. In effect, such Chapters will not have a Chapter President, nor a Vice-President,  
6 to perform the statutory duties listed in the Navajo Nation Local Governance Act, 26  
7 N.N.C. §§ 1 *et seq.*

8 F. Similarly, the following twenty-six (26) Chapters did not have any candidates for the  
9 Secretary-Treasurer position on December 10, 2024: 1) Black Mesa; 2) Forest Lake; 3)  
10 Hardrock; 4) Nazlini; 5) Round Rock; 6) Blue Gap / Tachee; 7) Tse Chizi; 8) Becenti; 9)  
11 Casamero Lake; 10) Counselor; 11) Lake Valley; 12) Nahodishgish; 13) Pueblo Pintado;  
12 14) Ramah; 15) To'Hajiilee; 16) Torreon / Star Lake; 17) Dilkon; 18) Fort Defiance; 19)  
13 Oaksprings; 20) Teecospos; 21) Tiistsoh Sikaad; 22) Bodaway Gap; 23) Coalmine  
14 Canyon; 24) Naatsis'aan; 25) Shonto; and 26) Tolani Lake.

15 G. Under 11 N.N.C. § 143, a Chapter Official vacancy in the first half of the term of office is  
16 filled by a special election. This law will apply when vacancies are declared in January  
17 2025. Therefore, a special election will likely occur in early 2025.

18 H. Under 11 N.N.C. § 161(A)(2), a vacancy, "as distinguished from those one time vacancies  
19 contemplated by 26 N.N.C. § 1003, shall be filled by appointment...[and] shall complete  
20 the unexpired term." However, such appointments must occur within the second half of  
21 an election term. 11 N.N.C. § 161(A). Basically, these provisions are inapplicable in  
22 addressing the upcoming vacancies.

23 I. Under 26 N.N.C. § 1002(C)(2)(b) and § 1003(A), the Chapter Membership can appoint a  
24 *pro tempore* chairperson in the absence of both the Chapter President and Vice-President.  
25 Additionally, a *pro tempore* Secretary-Treasurer may be appointed in the absence of the  
26 elected Secretary-Treasurer. However, these *pro tempore* appointees serve "for that  
27 meeting only." 26 N.N.C. § 1003(A). In other words, *pro tempore* appointees do not serve  
28 before a Chapter Meeting or after a Chapter Meeting.

29 J. Essentially, the *pro tempore* provisions in the Local Governance Act and the permanent  
30 appointment provisions in the Election Code are insufficient to fill the void that will occur

1 when vacancies are declared in January 2025.

2 K. In order to ensure the continuity of local government, it is necessary to temporarily suspend  
3 § 1003(A) to allow the listed Chapters to appoint a *Pro Tempore* Chapter President and/or  
4 a *Pro Tempore* Secretary-Treasurer to serve beyond the Chapter Meeting period.

5 L. After vacancies are declared, the Chapters listed in paragraphs E and F shall use the  
6 appointment procedures promulgated under Navajo Board of Election Supervisor  
7 Resolution BOESAU-018-15 to select candidates to serve as *pro tempore* Officials.  
8 Resolution BOESAU-018-15 with PART I (GENERAL PROVISIONS) and PART III  
9 (CHAPTER OFFICERS) is attached as **Exhibit B**.

10 M. Since a special election will occur to replace the *pro tempore* appointees, it shall be  
11 understood that such appointees will not be serving the “unexpired term” mentioned in 11  
12 N.N.C. § 161(A)(2). In that limited respect, § 161(A)(2) is temporarily suspended.

13 N. Based on 11 N.N.C. § 203(C), any person who was disqualified as a candidate shall not be  
14 allowed to serve as a *pro tempore* Official.

15  
16 **SECTION THREE. TEMPORARILY SUSPENDING 11 N.N.C. § 161(A)(2) and 26**  
17 **N.N.C. § 1003(A)**

18 The Navajo Nation Council temporarily suspends the “unexpired term” provision in 11 N.N.C.  
19 § 161(A)(2) and the limited nature of *pro tempore* appointments in 26 N.N.C. § 1003(A) in  
20 order to allow Chapters listed herein to appoint a Chapter President *pro tempore* and/or a  
21 Chapter Secretary-Treasurer *pro tempore* to serve after vacancies have been declared and will  
22 serve up to the date in which a new elected Official is sworn into Office.

23  
24 **SECTION FOUR. EFFECTIVE DATE**

25 The provisions of this Action shall become effective pursuant to 2 N.N.C. § 221(B).

26  
27 **SECTION FIVE. SAVING CLAUSE**

28 If any part of this Action is determined invalid by the Navajo Nation Supreme Court, or by a  
29 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those  
30 provisions of this Action not determined invalid shall remain valid.