

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0152-20

**DATE:** July 6, 2020

**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CJN-49-20

**PURPOSE OF RESOLUTION:** This resolution, if approved, overrides the Navajo Nation President's veto of Navajo Nation Council Resolution CJN-49-20.

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: Johnson  
Website Posting Time/Date: 6:39 PM; 07-07-20  
Posting End Date: 07-12-20  
Eligible for Action: 07-13-20

Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 24th NAVAJO NATION COUNCIL -- Second Year, 2020

3 INTRODUCED BY

4 

5 \_\_\_\_\_  
6 (Sponsor)

7 

8 TRACKING NO. 0152-20

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10  
11 AN ACTION

12 RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL;  
13 OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION  
14 COUNCIL RESOLUTION CJN-49-20

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16 **BE IT ENACTED:**

17 **Section One. Authority**

18 A. All resolutions enacting new law or amending existing laws are subject to veto by  
19 the President of the Navajo Nation pursuant to 2 N.N.C. § 1005(C)(10) and (11) and  
20 override by the Navajo Nation Council. 2 N.N.C. § 164(A)(17).

21 B. A vetoed resolution shall first be submitted to Naabik'iyáti' Committee before  
22 consideration by the Council. 2 N.N.C. § 164 (A)(17).

23 C. Veto legislation passed by the Navajo Nation Council [is] subject to an override of  
24 the veto by two-thirds (2/3) vote of the membership of the Navajo Nation Council. 2  
25 N.N.C. § 1005(C)(11).

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27 **Section Two. Findings**

28 A. The Navajo Nation Council on April 20, 2020 approved resolution number CJN-49-  
29 20 entitled, "AN ACTION RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO  
30 NATION COUNCIL; CANCELLING THE PRIMARY ELECTION FOR THE 2020

1 CHAPTER ELECTION; SETTING ONE CHAPTER ELECTION DATE FOR  
2 NOVEMBER 3, 2020; WAIVING 11 N.N.C. §§ 3(C) AND 41.”

3 B. The Navajo Nation President vetoed CJN-49-20 on July 2, 2020. Attached as  
4 Exhibit A is his memorandum supporting his decision to veto the resolution of the  
5 Council.

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7 **Section Three. Override**

8 The Navajo Nation Council hereby overrides the Navajo Nation President’s veto of  
9 Resolution CJN-49-20.

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# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



July 2, 2020



Hon. Seth Damon  
Office of the Speaker  
Post Office Box 3390  
Window Rock, AZ 86515

RE: CJN-49-20, *An Action Relating to Naabik 'iyati' and the Navajo Nation Council; Cancelling the Primary Election for the 2020 Chapter Election; Setting One Chapter Election Date for November 3, 2020; Waiving 11 N.N.C. §§ 3 (C) and 41*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am vetoing CJN-49-20.

"There is no right more basic in our democracy than the right to participate in electing our political leaders." This principle is the basis of the Navajo Nation's legal argument to the New Mexico court in the case of *State of New Mexico, ex rel., M. Keith Riddle, et al. v. Maggie Toulouse Oliver* filed earlier this year supporting the Navajo People's right to vote in State elections. The Navajo Nation has also fought for the People's right to vote in Arizona and Utah elections. CJN-49-20 has the potential to undo all the legal arguments made by the Navajo Nation Department of Justice and cripple the Nation's position in State election cases. Had the Navajo Election Commission and the Navajo Nation Council consulted the Navajo Nation Department of Justice there may have been a solution to our own election situation rather than an immediate rush to cancel our Primary Election.

The Navajo Nation has fought for decades to secure certain rights for our People and the right to vote is a fight we continue to this day. We owe much to our parents and grandparents who lead that fight for our rights, so we have an obligation as Navajo leaders to protect those rights for future generations. We are in a difficult time now where we need to be seriously concerned for our People's health, safety, and welfare but we must balance that concern without giving up our hard earned right to vote. There are still many options available to the Navajo Election Office for the Primary Election; some of those options are expressed in the New Mexico case brief mentioned above.

We agree the coronavirus presents a major challenge for all of us but over the past months we have learned to meet that challenge head on. We live in a COVID world now with face coverings, washing our hands, limiting our movement outside our homes, and keeping our physical distance from others. Our People are well aware of the seriousness of the virus and we are learning new social norms. Election day was a time we met with our relatives to catch up on news, have a cup



of coffee and a hot meal. We cannot do these things now, but we can still exercise our right to choose our leaders.

The Navajo elections must be taken seriously. As a Nation we have made accommodations to have our own elections coincide with State elections to have our Navajo People participate in all elections. This is one of those years it is important to get out the vote. Our Navajo People have influence on State elections and the national election, but we will lose that influence with the cancellation of our Primary Election this year. The rationale for cancelling the Navajo Primary this year will have repercussions not only for Chapter elections but the State and national elections as well.

A veto of CJN-49-20 protects the right to vote of all Navajo People and we recommend the Navajo Election Office and the Navajo Nation Board of Election Supervisors consider alternative methods to allow Navajo People their vote in the Chapter elections. We also recommend the Election Office and Board of Supervisors review the Navajo Nation's position on State elections with the Navajo Department of Justice so that we are in step with each other on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Nez". The signature is stylized and cursive.

Jonathan Nez, President  
THE NAVAJO NATION

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL;  
CANCELLING THE PRIMARY ELECTION FOR THE 2020 CHAPTER ELECTION;  
SETTING ONE CHAPTER ELECTION DATE FOR NOVEMBER 3, 2020; WAIVING 11  
N.N.C. §§ 3 (C) AND 41

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).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700. Pursuant to 2 N.N.C. § 164 (A)(9), "a proposed resolution that requires final action by the Navajo Nation Council [must] be assigned to standing committee(s) having authority over the subject matter at issue and the Naabik'iyáti' Committee."
- C. The Navajo Board of Election Supervisors was created by the Navajo Nation Council as "an independent entity." 2 N.N.C. § 871 (A), Consistent with this status, the Board is responsible only to the Navajo Nation Council, with the authority to enforce provisions of the Navajo Election Code and to make rules and regulations furthering the intent and purposes of the Election Code. 2 N.N.C. § 873 (B)(6) and 11 N.N.C. §§ 321 (A)(6) and 322.

**SECTION TWO. FINDINGS**

- A. Under the Navajo Nation Election Code, primary election for the 2020 Chapter Elections must be conducted August 4, 2020. 11 § N.N.C. 3 (C).
- B. Pursuant to directive of the Navajo Nation Council for recommendations, the Navajo Board of Election Supervisors, "the board," is requesting that the primary election scheduled for August 4, 2020 be cancelled. **Exhibit A**, resolution BOESMY-024-20. The board expresses health concerns over the recent outbreak of coronavirus (COVID-19). The Navajo Election Administration (NEA) states similar concerns. **Exhibit B**, NEA memorandum. Essentially, the concerns are over the safety of

the voting public, candidates, poll officials, and staff of the Election Administration. For purposes of mitigating the spread of COVID-19, the request is made for the cancellation of the primary election and that one election be held on November 3, 2020.

- C. COVID-19 is a virus causing serious respiratory illness. It is pandemic, with many cases involving death continuing to be reported across the United States. In addressing the concerns, the Navajo Nation has issued a number of public health orders for all residents of the Navajo Nation. These orders include mandatory curfews, restrictions on public gatherings, the mandatory wearing of masks in public places and social distancing. Access to government offices has also been restricted to the general public. See, *Emergency Management Commission resolution CEM 20-03-11; Executive Orders Nos. 001-20, 002-20, 003-20, 004-20; Public Health Emergency Orders 2020-001, 2020-002, 2020-003, 2020-004, 2020-005, 2020-006, 2020-007, 2020-008* (incorporated herein by this reference).
- D. In spite of mitigation measures, COVID-19 has disproportionately affected the Navajo Nation. Today, the Navajo Nation has one of the highest per capita rates of positive tests for COVID-19 in the United States. See, <https://thehill.com/policy/healthcare/497091-navajo-nation-has-more-coronavirus-cases-per-capita-than-any-us-state>. The number of positive tests continues to increase at an alarming rate.
- E. Historically, elections within the Navajo Nation have been conducted in-person. Although mail-in balloting is permitted, most voters choose to cast their ballots at the polling sites that are established in each of the 110 chapters on election day. The emergency caused by COVID-19 has impacted preparations for the 2020 Chapter Elections.
- F. All voters, candidates and poll officials must be properly protected on election day. Preparations and precautionary measures must include the purchase and availability of Personnel Protective Equipment (PPE). The Navajo Election Administration calculates the costs for such protective equipment to range between \$57,884.68 and \$84,401.20. **Exhibit B.** In addition to these anticipated costs, the Election Administration is also reviewing the prospect of on-line voting, as well as purchasing computer software and additional equipment for election purposes. For the 2020 Chapter Elections, the Administration intends to continue working with



Navajo Nation Health Command in ensuring compliance with all guidelines for conducting a safe election.

- G. COVID-19 will likely affect voter turnout in the 2020 Chapter Elections, particularly for the primary. Voter turn-out is generally lower in primary elections than in general elections. In the last Chapter Election conducted in 2016, the primary election voter turn-out was 29.52 %. Aside this issue, the Navajo Board of Election Supervisors expresses concern regarding instances in which candidates will run unopposed in the primary election. Upon election, such candidates are automatically placed on the general election and certified upon such election.
- H. COVID-19 presents a major challenge in the conduct of the 2020 Chapter Elections. The pandemic facing the Navajo Nation makes it extremely difficult to proceed with elections as has been done in the past. As there is no vaccine, it is crucial that the spread of the virus be minimized.

**SECTION THREE. CANCELLING PRIMARY ELECTION; AUTHORIZING CHAPTER ELECTION FOR NOVEMBER 3, 2020**

- A. The Navajo Nation hereby cancels the primary election for the 2020 Chapter Elections. For purposes of this action, 11 N.N.C. §§ 3 (C) and 41 are waived.
- B. Chapter Elections shall be conducted on November 3, 2020. There shall be one election, with no primary election. All eligible candidates shall be placed on the election ballot and the winning results for each position shall be determined by plurality vote.
- C. The Navajo Board of Election Supervisors shall set the candidate filing period, and shall further adopt any necessary rules and regulations for purposes of implementing and furthering the intent and purposes of this resolution of the Navajo Nation Council.

**SECTION FOUR. EFFECTIVE DATE**

This action of the Navajo Nation Council herein shall be effective pursuant to 2 N.N.C. § 221(B). Further, the "President's authority to sign into law or veto legislation shall be deemed waived if not exercised within ten calendar days after certification of the legislation by the Speaker or Speaker Pro Tem and the legislation



shall be deemed enacted and become effective pursuant to 2 N.N.C. § 221." 2 N.N.C. § 1005 (C)(12).

#### **SECTION FIVE. SAVINGS CLAUSE**

Should any provision of these amendments be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those amendments that are not determined invalid shall remain the law of the Nation.

#### **SECTION SIX. DIRECTIVE**

The Office of the Controller and Business Regulatory Department shall provide administrative support to the Navajo Nation Election Office for financial procurement of goods and services to ensure the 2020 election is held in a safe and orderly manner.

#### **CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 15 in Favor, and 06 Opposed, on this 19<sup>th</sup> day of June 2020.

  
Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

June 23, 2020

DATE

Motion: Honorable Vince James  
Second: Honorable Eugenia Charles-Newton

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 03 day of July, 2020 for the reason(s) expressed in the attached letter to the Speaker.

**J-TZ NEZ**  
Jonathan Nez, President  
Navajo Nation

RESOLUTION OF THE  
NAVAJO BOARD OF ELECTION SUPERVISORS

A

**Recommending the conduct of only the General Election for the 2020 Chapter Elections;  
recommending waiving 11 N.N.C. §§ 3(C) and 41 with a timeline attached at Exhibit A,**

**WHEREAS:**


1. Pursuant to 2 N.N.C. § 871(A), the Navajo Board of Election Supervisors was created by the Navajo Nation Council as "an independent entity." Consistent with this status, the Board is responsible only to the Navajo Nation Council, with the authority to enforce provisions of the Navajo Election Code and to make rules and regulations furthering the intent and purposes of the Election Code. 2 N.N.C. § 873(B)(6) and 11 N.N.C. §§ 321(A)(6) and 322.
2. There are a number public health orders issued residents and members of the Navajo Nation for purposes of addressing COVID-19, orders including stay-at-home orders. It is uncertain when orders and restrictions will be lifted.
3. Under the current provisions of the Navajo Nation Election Code at 11 N.N.C § 3(C) primary elections are held on first Tuesday in August in any year in which a general election is held and at which candidates for public office are to be elected. The processes for a primary election are held in 11 N.N.C. § 41 as well. The new timeline is attached as Exhibit A.
4. It is not uncommon in a primary election to have only one interested candidate applying for a position. In these instances, the sole candidate, pursuant 11 N.N.C. § 25, is placed on the ballot as an "unopposed candidate" in both the primary and general elections. In the primary elections for 2016 Chapter Elections, there were 479 unopposed candidates.
5. Through a directive of the Navajo Nation Council issued on April 10, 2020, the Navajo Board of Election Supervisors must within 60 days thereof address through resolution, the Chapter Elections.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. To minimize the contact amidst COVID-19 and for the purposes of compliance with the various Navajo Nation Health Orders issued to date, the Navajo Board of Elections Supervisors, in respect to the 2020 Chapter Elections, recommends that requirements of conducting a primary election this year to be waived and to have only a General Election in November 2020. See Exhibit A.
2. Pursuant to the Navajo Nation Election Code, the Navajo Board of Election Supervisors states that the General Election of the 2020 Chapter Election be conducted on November 3, 2020.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly adopted by the Navajo Board of Election Supervisors at a duly called special meeting at Window Rock, Navajo Nation (Arizona) at which a quorum was physically present and that the same was passed by a vote of 6 in favor, 0 opposed, and 0 abstaining this 13<sup>th</sup> day of May, 2020.

  
Melvin Harrison, Chairperson  
Navajo Board of Election Supervisors



**"Exhibit A"**

**New Timeline for the 2020 Navajo Chapter Elections**

1. July 25 to August 5, 2020 Candidates filing date opens and closes.
2. August 10, 2020 Deadline for Certification of Candidates.
3. August 20, 2020 Deadline or Candidates to file a grievance.
4. October 5, 2020 Voter registration closes.
5. October 5, 2020 Absentee voting begins.
6. October 19, 2020 Deadline for early voters, (voters must be in NEA office by 5pm that day).
7. October 30, 2020 Last day for absentee voting.
8. November 2, 2020 Chief Poll Judges meeting and training.
9. November 3, 2020 General Election.



NAVAJO ELECTION ADMINISTRATION

Strength and Dignity Through Voting



May 14, 2020



MEMORANDUM

To: The 24th Navajo Nation Council
From: [Signature]
Rodriquez Morris, Interim Executive Director
Navajo Election Administration

RE: Support for the NBOES Resolution BOESMY-024-20
Recommending the conduct of only the General Election for the
2020 Chapter Elections: recommending waving 11 N.N.C. §§ 3(C) and 41.

This memorandum is written to support and to provide information to the Navajo Nation Council on the Navajo Board of Election Supervisors resolution to recommend waving 11 N.N.C. §§ 3 (C) and 41, and to proceed directly to the General Election and not have a Primary Election for the 2020 Election. The Navajo Elections Administration (NEA) has assessed the current office standing as for available resources in operations to proceed with the planning and the implementation of the 2020 election without a primary election. And our office has identified the following as to support our aforementioned position for the 2020 Election:

- 1. The primary concern in proceeding with elections as codified within the election code is the safety of the NEA staff, volunteers and the general public. The COVID19 (CCP Virus) pandemic makes it difficult to proceed with the elections as it has been done in the past. We are tasked with procuring building material to build barriers, counter space to direct public traffic for open filing and the elections, establishing a controlled environment to mitigate direct and community spread of the virus, partitions to separate staff work stations and establishing a decontamination work stations for all 6 offices to process the submission of public documents to mitigate the indirect spread of the virus to the NEA offices and staff who will have to handle documents submitted by candidates. The NEA will have to seek additional supplemental funding immediately from council to prepare for this election year, as we will incur significant additional expenditures for this election cycle.
2. The NEA has also identified that we will have to acquire Personal Protective Equipment (PPE) --- which includes masks, hand sanitizer stations, gloves and disinfectant supplies---for staff members to operate in the normal course of business serving the general public and candidates. The PPEs will also have to be procured and made available for poll workers, volunteers, registered voters and staff members who may enter into the polling sites on the designated election days. The anticipated registered voters for the 2020 elections is 108,968 and thus it is estimated to provide sufficient PPEs for a safe election it will cost at the least \$57,884,68 and \$84,401.20 on the high end.



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## NAVAJO ELECTION ADMINISTRATION

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### Strength and Dignity Through Voting

3. The NEA, as result of the unique situation posed by the pandemic, time lines for printing the ballots has been directly affected and thus having to focus on a primary and a general election could hinder sufficient time to ensure the ballots would be ready for both the primary and general election. We have to also consider possible further delays which may come from candidates who may file within the Office of Hearings & Appeals and the Navajo Nation courts. This election cycle will result in possible instances of first impression and thus may further impinge upon the overall election process schedule.
4. It is recommended to have open filing for candidates to be set for July 23, 2020 to August 5, 2020 as opposed to June 4, 2020 as the NEA is currently working to establish online filing for candidates to limit person to person contact and to prevent contamination of our offices from documents which may have latent viruses upon them. We are acquiring a license to establish a viable online platform to allow for candidates to file for candidacy online. The initial cost of the annual licensure is \$700.00 and thus will have to include in operations expenditures.
5. The NEA administration has been seriously neglected and thus the interim Executive Director is working bring the office back up to sufficient operation standards. The computer system and the voter data base are both obsolete and operating on Window 2003, new computers have been ordered and some have arrived and have yet to be installed, computer software also need to be ordered for all the new computers, we also need additional equipment to include scanners, printers and hard drives. In addition to the office equipment the NEA is having to resubmit an application to acquire an Operational PCard to streamline purchasing office supplies and equipment.
6. The NEA requires additional time to work with the Navajo Nation Health Command to establish protocols and procedures for a safe election process for the November 3, 2020 General Election. This includes dispatching all protective measures at all the polling sites, train all staff and temporary support staff to properly deploy protective protocols for all sites, consider alternatives for casting ballots to include absentee ballots, mail in ballots and/or curb side voting. The NEA will also be looking to work with State entities to cost share on equipment and supplies for all polling sites. The NEA will be looking at alternative options to include limiting and consolidating polling sites for the General Election. We have also been tasked to attempt to implement online voting however such a platform would most likely not be available until the next years voting cycle.
7. The COVID19 (CCP Virus) has caused many Navajo Nation Offices to shut down or operate on limited staffing and hours which has affected processing of and approving purchase orders and request for direct payments, this has hindered NEA operations. Should the Navajo Nation reopen by June 2020, or thereafter we should be able to push all our purchasing forward within the process or via an operational PCard (which would be the best option for the NEA).
8. Statistics from the 2016 Primary Elections is recorded as follow; 118,673 persons registered to vote and only 35,027 (29.52 %) voted in the primary election in 2016.
9. Lastly, we also are establishing an internal administrative work group to work with and advise the Automated Election Services (AES), who primarily prints all Navajo Nation ballots and houses our voting machines, to work out details for ballot printing and to amend our agreement to utilize voting machines that could accommodate alternative voting for curbside voting, mail in and absentee balloting and to accommodate ballots that will have back to back printing to accommodate candidate ballots and referendums. The use of the updated voting machines would make tallying ballots efficiently and will also



## **NAVAJO ELECTION ADMINISTRATION**

### **Strength and Dignity Through Voting**

help in over reporting of statistics. This also will open possible discussion to initiate the implementation of a new voter and election data base.

This memorandum is not written to undermine nor infringe upon the general public's right to vote but is made to ensure that the safety of the Navajo Nation tribal members in this years' election, which also includes the NEA staff and volunteers. Should you require additional information I may be reached at my office and will also be available to appear before the Navajo Nation Council when this matter is addressed in a regular or special meeting.

NAVAJO NATION

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6/19/2020

Navajo Nation Council Special Session

11:22:08 PM

Amd# to Amd#	Legislation 0123-20: Cancelling	PASSED
MOT James, V	the Primary Election for the	
SEC Charles-Newton	2020 Chapter Election; Setting	
	one Chapter Election date...	

Yeas : 15

Nays : 6

Excused : 1

Not Voting : 1

**Yea : 15**

Begay, P	James, V	Stewart, W	Walker, T
Charles-Newton	Nez, R	Tso	Wauneka, E
Halona, P	Slater, C	Tso, D	Yazzie
Henio, J	Smith	Tso, E	

**Nay : 6**

Begay, E	Brown	Freeland, M	Yellowhair
Begay, K	Crotty		

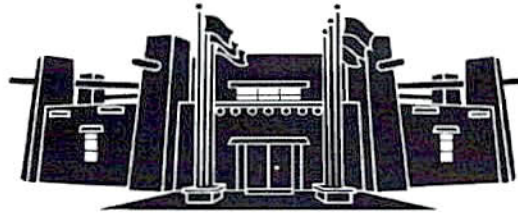
**Excused : 1**

Daniels

**Not Voting : 1**

Tso, C

**Presiding Speaker: Damon**



## MEMORANDUM

To : Hon. Pernell Halona, Delegate  
Navajo Nation Council

Hon. Edison Wauneka, Delegate (co-sponsor)  
Navajo Nation Council

From :   
Ron Haven, Attorney *for*  
Office of Legislative Counsel

Date : July 6, 2020

Re : AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CJN-49-20

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

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. 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 # 20-236-1



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0152-20\_\_

SPONSOR: Pernell Halona

TITLE: An Action Relating to Naabik'iyáti' and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CJNI-49-20

*Date posted:* July 7, 2020 at 6:39M

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.*

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

**LEGISLATION NO.:** 0152-20

**SPONSOR:** Honorable Pernell Halona

**TITLE:** An Action Relating to Naabik'iyáti' and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CJN-49-20

**Posted:** July 7, 2020 at 6:39M

**5 DAY Comment Period Ended:** July 12, 2020

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	1) Eastern Navajo Agency Council 2) Native American Grant School Association, Inc.
<b>Inconclusive Comments</b>	1) Cheriden Yazzie

  
 \_\_\_\_\_  
 Legislative Tracking Secretary  
 Office of Legislative Services

07/13/20 1:48pm  
 \_\_\_\_\_  
 Date/Time

# LEGISLATION 0152-20

Eastern Navajo Agency Council <enacouncil@navajochapters.org>

Fri 7/10/2020 3:54 PM

To: comments <comments@navajo-nsn.gov>;

 1 attachment

ENAC-06-2020-004-ChapterElectionsAPPRVD.pdf;

SEE ATTACHED. THANK YOU.

WARNING: External email. Please verify sender before opening attachments or clicking on links.





**RESOLUTION  
OF THE  
EASTERN NAVAJO AGENCY COUNCIL  
THE NAVAJO NATION**

**No. ENAC-06-2020-004**

**OPPOSING LEGISLATION 0123-20: AN ACTION RELATING TO NAABIK'YATI' AND THE NAVAJO NATION COUNCIL;  
CANCELLING THE PRIMARY ELECTION FOR THE 2020 CHAPTER ELECTION AND STRONGLY URGING TO POSTPONE  
THE ELECTION BY ONE YEAR LIKE IT WAS DONE IN THE PAST TO ENSURE THE SAFETY OF OUR NAVAJO PEOPLE**

**WHEREAS:**

1. The Eastern Navajo Agency Council is established under the Legislative Branch of the Navajo Nation and certified by Resolution IGRS-251-01; and
2. Pursuant to 26 N.N.C. Section 103 (D) (4), the Eastern Navajo Agency Council, a consortium of elected Chapter Officials representing thirty-one (31) certified Navajo Nation Chapters, agree to address and undertake common goals and interests for the benefit of the Eastern Navajo Agency Chapters; and
3. Pursuant 2 N.N.C SECTION: 4028; the Eastern Navajo Agency Council is vested with government authority to review all matters affecting the community to make most appropriate recommendations when necessary to the Navajo Nation, County, State, Federal and other local agencies; and
4. School leaders and educators of Bureau Funded Schools have a common interest to preserve in unity the education services we provide our students through local community schools and that our united voices are express by using the same language in our resolutions and is therefore respectfully requested of our elected leaders not to disregard our voices just because our resolution languages are the same; and
5. The Eastern Navajo Agency Council requests and urges our Navajo Nation to protect our civil rights as voters by not cancelling the primaries; and
6. The Eastern Navajo Agency Council acknowledges the disruption of the natural order of day to day business due to Coronavirus Disease (COVID-19) that has impacted the Navajo Nation more so and placed our people at risk; and
7. The Eastern Navajo Agency Council unanimously concurs with the Navajo Nation President's and the Public Health Emergency Order No. 2020-004 to protect our community people and poll officials from exposure to COVID-19, including potential loss of life; a Stay at Home (Shelter in Place) Order No. 2020-003 and in CEM Resolution 20-03-11 states: "Locally, it is acknowledged and understood that the threat of transmission of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo people and the resultant consequential public health impacts."; and
8. The order also states: "All individuals on the Navajo Nation shall strictly limit their movement within and outside of their immediate communities, as well as limit public contact with others, ... only to perform Essential Activities, ... tasks essential to health, safety, and welfare."; and
9. We are aware of the poor Dine voter turn-out for the federal and state primary elections held on June 02, 2020 that made a huge impact on the voting rights of our Dine people because they could not vote for fear of contracting the deadly virus; and
10. We believe with the predictions that the Virus will spike again in the fall will place our Dine peoples live at risk and many of our people will not vote thereby their voting rights will be impacted; and
11. The Eastern Navajo Agency Council foresees a rushed election whereas the time to file an application being shortened by 14 days from 60 days may cause errors and not enough campaign time for new applicants; and
12. The Eastern Navajo Agency Council requests and supports that All Navajo Nation elections be postponed for one year until 2021and the current elected officials serve for one more year; and
13. The Eastern Navajo Agency Council does not believe the pandemic will be over by November 3, 2020 because the CDC foresees the pandemic getting worst this fall so why place our Dine people at risk when our Navajo Nation has been the hardest hit with this deadly virus.


**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Eastern Navajo Agency Council is in concurrence with the Navajo Nation President's and the Public Health Emergency Order No. 2020-004 to protect our community people and poll officials from exposure to COVID-19, including potential loss of life; a Stay at Home (Shelter in Place) Order No. 2020-003 and in CEM Resolution 20-03-11 states: "Locally, it is acknowledged and understood that the threat of transmission of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo people and the resultant consequential public health impacts. ";
2. **FURTHER IT BE RESOLVED**, to honor the President's and the Public Health Emergency orders, the Eastern Navajo Agency Council is opposing Legislation 0123-20: an action relating to Naabik'iyati' and the Navajo Nation Council; cancelling the Primary Election for the 2020 Chapter Election and setting one Chapter Election date for November 3, 2020.
3. **FURTHER IT BE RESOLVED**, the Navajo Nation Council Delegates must hear their Dine people's voices and take every measure to protect our Nation from any further devastation of losing precious, unreplaceable lives.
4. **FURTHER IT BE RESOLVED**, the Eastern Navajo Agency Council urges and supports that ALL Navajo Nation elections be postponed for one year as this has been done before in the past and the current elected officials serve for one more year primarily to protect the health and lives of our Navajo people.


**CERTIFICATION**

I hereby certify that the foregoing resolution was approved by the Eastern Navajo Agency Council at a duly called meeting VIA Teleconference at which a quorum was present and the same was passed by a vote of 16 in favor, 00 opposed, 05 abstained, this 25<sup>th</sup> day of June 2020.

Moved by: Charles Long, Decentil Chapter  
Second: George Werito, Ojo Encino Chapter

  
\_\_\_\_\_  
Johnny Johnson, President

ATTEST:



Wanda Arviso, Secretary





# **NATIVE AMERICAN GRANT SCHOOL ASSOCIATION**

P.O. Box 726 Flagstaff, Arizona 86002  
[www.nativegrantschools.org](http://www.nativegrantschools.org)

"Unity to Inspire and Advocate for Diversity in Education to Retain Language, Culture and Spiritual Values"

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## **RESOLUTION OF NATIVE AMERICAN GRANT SCHOOL ASSOCIATION, INC.**

### **SUPPORTING THE OPPOSITION OF LEGISLATION 0152-20: AN ACTION RELATING TO NABIK'IYATI AND THE NAVAJO NATION COUNCIL; CANCELLING THE PRIMARY ELECTION FOR THE 2020 CHAPTER ELECTION AND STRONGLY URGING TO POSTPONE THE ELECTION BY ONE YEAR LIKE IT WAS DONE IN THE PAST TO ENSURE THE SAFETY OF OUR NAVAJO PEOPLE**

#### **WHEREAS:**

1. The Native American Grant School Association, Incorporated (NAGSA) was founded by Navajo School Boards in 1991 to Advocate for tribally controlled grant schools to ensure quality education for all Native American students; and
2. To date, the organization comprise of Navajo Grant/Contract School and Residential Program memberships; and
3. NAGSA Board is informed that the Navajo Nation President's veto regarding "An Action Relating to Naabik'iyáti' and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CJN-49-20" sponsored by Council Delegate through Legislation No: 0152-20; and
4. Informed of the Eastern Navajo Agency Council Resolution (ENAC-06-2020-004) "Opposing Legislation 0123-20: "An Action Relating to Naabik'iyáti' and the Navajo Nation Council; Cancelling the Primary Election for the 2020 Chapter Election and Strongly Urging to Postpone the Election by One Year Like it was Done in the Past to Ensure the Safety of our Navajo People; and
5. NAGSA Board is deeply concerned about the impact of the profound change in 2020 Navajo Nation Election by low candidate applicants and few voter turnouts; and
6. The impact of COVID-19 on Voting Rights and Elections Administrations: Ensuring Safe and Fair Election(s).

#### **NOW, THEREFORE, BE IT RESOLVED:**

1. NAGSA Board, Accepts, Approves, and Supports the Opposition of Legislation 0152-20: An Action Relating to Nabik'iyati and the Navajo Nation council; Cancelling the Primary Election for the 2020 Chapter Election and Strongly Urging to Postpone the Election by One Year Like it was Done in the Past to Ensure the Safety of our Navajo People; and

2. NAGSA Board highly respects the health and safety of all human kind, the candidate(s) rights to run for office, and the voting rights of the Navajo people.

### CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Native American Grant School Association, Inc. at a duly called meeting at which a quorum was present and that the same was adopted by a vote of 5 in favor, 0 opposed and 1 abstained on this 11<sup>th</sup> day of July, 2020.

Motion: Leslie Williams  
Second: Ella Shirley

  
Laida B. Maestas  
NAGSA President

  
Tom Franklin  
NAGSA Vice-President



# NNC Resolution CJN-49-20

Cheriden Yazzie <cheriden.yazzie@navajochapters.org>

Fri 7/10/2020 10:17 AM

To: comments <comments@navajo-nsn.gov>;

Good Evening, Honorable Council Delegates:

The Navajo Nation is in a dire state with the COVID-19 Pandemic; all chapter communities have elected officials who failed to lead their chapter administrations, and community to fighting COVID-19. This years election is very important to us communities that have officials who aren't resourceful. Many Chapter Houses wish to assist their communities but given the fact that the chapter officials have become self-serving, and are favorizing certain community members, our elders, and single families living in rural area aren't receiving assistance, and attention. Many Chapter Communities suffer from the lack of preparedness and seriousness through this Pandemic. We as navajo people still have that obligation to vote this year, whether or not the Pandemic will cease, we still have the right to vote, and using the CorronaVirus and it's effects is a poor excuse for removing the option of voting in New Officials. Have you all become thin skinned? What happened to all those teachings that our elders teach us to be tough, sincere, and attentive? Our Officials have become senile, and evil with thier visions,views, and understanding of helping their own communities.

Please consider those who want their own officials out. This Pandemic surely truly reveal their, and your true colors.

Thank You. God Bless.

--

**Cheriden Yazzie**

*Accounts Maintenance Specialist*

*Tolani Lake Chapter Administration*

*(928)686-3295*

WARNING: External email. Please verify sender before opening attachments or clicking on links.

**24<sup>th</sup> NAVAJO NATION COUNCIL  
NAABIK'ÍYÁTI' COMMITTEE REPORT  
Second Year 2020**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

**NAVAJO LEGISLATIVE BILL #0152-20**

An Action Relating to Naabik'íyáti' and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CJN-49-20

*Sponsored by: Honorable Pernell Halona*

*Co-Sponsored by: Honorable Edison J. Wauneka*

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Seth Damon, Chairman  
NAABIK'ÍYÁTI' COMMITTEE*

**16 July 2020**

**MAIN MOTION**

*Motioned by: Honorable Raymond Smith, Jr.*

*Seconded by: Honorable Wilson C. Stewart, Jr.*

*Vote: 15 in Favor, 04 Opposed (Chairman Damon Not Voting)*

NAVAJO NATION

574

7/16/2020

Navajo Nation Naabik'iyati' Committee Meeting

07:25:51 PM

Amd# to Amd#	Legislation 0152-20: Overriding	PASSED
MOT Smith	the Navajo Nation President's	
SEC Stewart, W	Veto of Navajo Nation Council	
	Resolution CJN-49-20	

Yeas : 15                  Nays : 4                  Excused : 1                  Not Voting : 3

**Yea : 15**

Begay, P	Henio, J	Stewart, W	Walker, T
Charles-Newton	Nez, R	Tso, C	Wauneka, E
Daniels	Slater, C	Tso, D	Yazzie
Halona, P	Smith	Tso, O	

**Nay : 4**

Tso, E	Freeland, M	Crotty	Begay, E
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**Excused : 1**

Begay, K

**Not Voting : 3**

Brown	Yellowhair	James, V
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**Presiding Speaker: Damon**