

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



November 11, 2019

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

RE: CO-44-19, *Amending the Navajo Nation Election Code at 11 N.N.C. § 3(C) by Changing the Primary Election Date in Navajo Elections*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am enacting CO-44-19 into law.

I believe we all agree that election day on the Navajo Nation is a special time. Not only does one get to exercise the right to vote but one gets to visit with relatives and friends, enjoy a hot cup of coffee and tasty fry bread, and to catch up on community events. Just as important, the change in our election date to coincide with the Arizona primary date should boost voter turnout. The Navajo Nation is a major voting block and we must exercise our right to vote to ensure our voice gets heard. I appreciate the Navajo Nation Council's amendment and encourage our People to get out and vote.

Sincerely,

  
Jonathan Nez, President  
THE NAVAJO NATION

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2019

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. §3(C) BY CHANGING THE PRIMARY ELECTION DATE IN NAVAJO NATION ELECTIONS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600(A). The Committee, among other delegated duties, "review[s] and make[s] recommendations to the Navajo Nation Council on proposed amendments to ... the Navajo Nation Code." 2 N.N.C. § 601(B)(14).
- B. Pursuant to 2 N.N.C. § 164(A)(9), "[a] proposed resolution that requires final action by the Navajo Nation Council shall be assigned to standing committee(s) having authority over the subject matter at issue and the Naabik'íyáti' Committee."
- C. The Navajo Nation Council enacts and amends laws of the Navajo Nation. The Council also sets policy for the Navajo Nation. See generally, 2 N.N.C. § 102.

SECTION TWO. FINDINGS

- A. Under the Navajo Nation Election Code, primary elections are held on the "tenth Tuesday prior to a general election." 11 N.N.C. § 3(C).
- B. The primary elections in Arizona are held on the first Tuesday in August in a general election year. ARS §16-201, as amended by S.B. 1154.

- C. To ensure higher Navajo voter turn-out, it is in the best interest of the Navajo Nation that the Navajo Election Code be amended to provide that primary elections be held on the first Tuesday in August in an election year for chapter elections and elections for Navajo Nation President and Council Delegates. This change will maximize voter turn-out in both Arizona and Navajo Nation elections.

### SECTION THREE. AMENDING ELECTION CODE

The Navajo Nation Council hereby amends the Navajo Nation Election Code as follows:

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**Title 11. Elections**  
**Chapter 1. Navajo Election Code of 1990**  
**Subchapter 1. General Provisions**

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**§3. Elections; election dates**

- A. General elections shall be held on the first Tuesday of November 2006 and every fourth (4<sup>th</sup>) year thereafter on the Tuesday after the first Monday in November.
- B. Chapter elections shall be held on the first Tuesday of November 2004 and every fourth (4<sup>th</sup>) year thereafter on the Tuesday after the first Monday in November.
- C. Primary elections shall be held on the ~~tenth Tuesday prior to a general election~~ 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.
- D. Special elections shall be held when required.
- E. The Board of Election Supervisors is authorized to postpone for a maximum of sixty (60) days any Navajo election for the purpose of printing new ballots required because of changed circumstances.
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**SECTION FOUR. EFFECTIVE DATE**

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B).

**SECTION FIVE. CODIFICATION**

The provisions of these amendments of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amendments in the next codification of the Navajo Nation Code.

**SECTION SIX. 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.

**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 18 in Favor, and 02 Opposed, on this 23<sup>rd</sup> day of October 2019.

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


11-01-19  
DATE

Motion: Honorable Edmund Yazzie  
Second: Honorable Pernell Halona

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 11<sup>th</sup> day of November, 2019.

  
Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2019 for the reason(s) expressed in the attached letter to the Speaker.

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Jonathan Nez, President  
Navajo Nation

NAVAJO NATION

197

10/23/2019  
06:50:48 PM

NNC 2019 FALL SESSION

Amd# to Amd#  
MOT Yazzie  
SEC Halona, P

Legislation 0274-19: Amending  
the Navajo Nation Election Code  
at 11 NNC S 3(C) by Changing  
the Primary Election Date in...

PASSED

Yea : 18

Nay : 2

Excused : 3

Not Voting : 0

Yea : 18

Begay, E  
Begay, K  
Begay, P  
Brown  
Crotty

Freeland, M  
Halona, P  
Henio, J  
James, V  
Nez, R

Slater, C  
Stewart, W  
Tso  
Tso, C

Tso, D  
Walker, T  
Wauneka, E  
Yellowhair

Nay : 2

Yazzie

Charles-Newton

Excused : 3

Smith

Daniels

Tso, E

Not Voting : 0

Presiding Speaker: Damon