

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - SECOND YEAR 2012

AN ACT

RELATING TO LAW AND ORDER, NAABIKI'YATI; AND THE NAVAJO NATION COUNCIL; AMENDING SECTIONS 123, 124 AND 125 OF THE NAVAJO NATION ELECTION, CODE TITLE 11, TO EXTEND TIME FOR ACCEPTANCE OF MAILED ABSENTEE BALLOTS

BE IT ENACTED:

Section 1. Findings and Purpose

1. The right to vote is protected by Navajo Nation law. Every Navajo Nation voter is encouraged to register and to vote in every election conducted.
2. Absentee voting is permitted in Navajo Nation elections. 11 N.N.C. § 121 *et seq.* This is "to encourage every eligible voter to exercise his or her voting right." 11 N.N.C. §121(b).
3. Absentee voting generally involves the mailing of an absentee ballot to the Navajo Election Administration. 11 N.N.C. §§ 124(D) and 125. Aside the use of the postal service, it is also possible for voters to deliver absentee ballots in person to the Election Administration. 11 N.N.C. § 124(E).
4. Under current Navajo Nation law, all absentee ballots must be received by the Navajo Election Administration no later than the Friday before the election." 11 N.N.C. §§ 124(D); see also, §§ 124(E) and 125(B).
5. Voters seeking to vote by absentee ballot are those unable to be physically present on an election day. These voters include Navajo military service personnel, many of whom are stationed overseas. These voters are unable to be present within their voting precincts on an election day and must vote by absentee ballot, through the mail. At times, these mailed ballots do not reach the Navajo Election Administration on or prior to the "Friday before the election." Unfortunately, these mailed ballots cannot be counted under current law.

6. It is in the best interests of the Navajo Nation that the Election Code be amended by extending the time period for acceptance of absentee ballots that are mailed. These ballots that are mailed should be counted if received by the Navajo Election Administration anytime up until polls are closed on an election day.

Section 2. Amending Title 11 of the Navajo Nation Code

The Navajo Nation hereby approves the following amendments to Title 11 of the Navajo Nation Code:

Title 11. Elections
Chapter 1. Navajo Election Code of 1990
Subchapter 7. Absentee Voting

§ 123. Delivery in Person or mailing of ballot

B. No absentee ballot shall be delivered or mailed to any person other than the applicant who is an eligible qualified voter. Each qualified applicant is allowed a ballot. Once an absentee ballot is sent out to an applicant, the applicant shall not be allowed to vote at his or her polling place unless the original absentee ballot is surrendered to poll officials. All absentee ballots shall be returned to the Election Administration.

§ 124. Marking ballot; envelope

D. The witness before whom the absentee voter voted shall sign his or her name on the envelope. He or she shall then place the envelope in the large envelope and shall seal the same and hand it back to the voter to deliver to the Election Administration. Absentee ballots mailed to the Election Administration Office shall be counted if received by the Election Administration prior to the time polls are closed on an election day. ~~The Friday before the election date at the Election office.~~

F. Subject to approval by the Board, the Election Administration Office may, as a convenience to voters, designate ~~polling~~ places, within or outside the Navajo Nation, for submission of absentee ballots. ~~Voting as a convenience to voters.~~

§ 125. Duty of Election Administration on receipt of official mailing envelopes

B. The Election Administration shall accept completed official mailing envelopes, provided such envelopes are received by the Election Administration prior to the closing of the polls on an election day. ~~Until 5:00 p.m. on the Friday before the Election day.~~ Any completed official mailing envelope received after that time shall not be honored and shall be invalidated by the Navajo Election Administration.

§ 126. Absentee voter may not vote in person in ~~his or her own~~ precinct

Any person who has voted by an absentee ballot shall not be permitted to vote in person in the election he or she has cast an absentee ballot.

Section 3. Effective date

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

Section 4. Codification

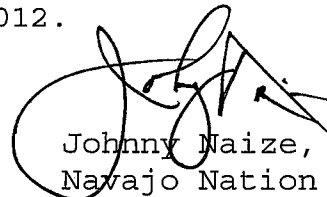
The provision of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 5. Savings Clause

Should any provision of this Act 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 provisions of the Act which are not determined invalid shall remain the law of the Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 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 16 in favor and 1 opposed, this 17th day of April 2012.

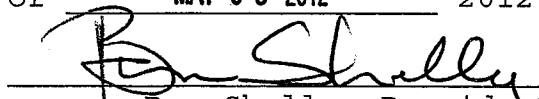

Johnny Naize, Speaker
Navajo Nation Council

April 30, '12
Date

Motion: Charles Damon, II
Second: Jonathan Hale

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 MAY 08 2012 2012.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2012 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation

**LAW AND ORDER COMMITTEE
22nd NAVAJO NATION COUNCIL**

SECOND YEAR 2012

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATION NO. 0012-12

AN ACT RELATING TO LAW AND ORDER; NAABIK'YATI' AND THE NAVAJO
NATION COUNCIL; AMENDING SECTIONS 123, 124 AND 125 OF THE
NAVAJO NATION ELECTION CODE, TITLE 11, TO EXTEND TIME FOR
ACCEPTANCE OF MAILED ABSETEE BALLOTS.

(Sponsored by Russell Begaye)

Has had it under consideration and report the same with a recommendation for **DO PASS**, with
the no amendments:

and therefore referred to **NAABIK'YATI COMMITTEE**.

Respectfully submitted,



Edmund Yazzie, Chairperson
Law and Order Committee of the
22nd Navajo Nation Council

Date: January 19, 2012

The vote was 2 in favor and 0 opposed

Motion: Russell Begaye

Second: Elmer P. Begay

NAA'BIK'IYATI' COMMITTEE REPORT
22nd NAVAJO NATION COUNCIL – Second Year, 2012

Mr. Speaker:

The NAA'BIK'IYATI' COMMITTEE, to whom has been assigned:

LEGISLATION NO. 0012-12
Introduced by Hon. Russell Begaye

An Act


Relating to Law and Order, Nabik'iyati' and the Navajo Nation Council; Amending Sections 123, 124 and 125 of the Navajo Nation Election Code, Title 11, to Extend Time for Acceptance of Mailed Absentee Ballots.

Has had it under consideration and reports the same with a **Do Pass** with no amendment:

And thence referred to the **Navajo Nation Council**.

CERTIFICATION

I hereby certify that the foregoing legislation was duly considered by the Naa'bik'iyati' Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed with a vote of 9 in favor and 4 opposed this 9th day of February 2012.



Mr. Johnny Naize, Chairperson
Naa'bik'iyati' Committee

MOTION: Katherine Benally
SECOND: Roscoe Smith