

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

22<sup>ND</sup> NAVAJO NATION COUNCIL - Second Year 2012

AN ACT

RELATING TO LAW AND ORDER; NÁABIKI'YÁTI' AND THE NAVAJO NATION  
COUNCIL; AMENDING TITLE 11 OF THE NAVAJO NATION CODE BY CHANGING  
THE PRIMARY ELECTION DATE IN NAVAJO NATION ELECTIONS

BE IT ENACTED:

**Section 1. Findings and Purpose**

1. Native Americans have a right to vote in all state and federal elections.
2. There are 107,375 registered voters of the Navajo Nation. A significant number of Navajo voters also participate in, and potentially impact the outcome of, state and federal elections. Apache, Navajo, Coconino counties in Arizona have a total of 80,603 registered Navajo voters, counties in New Mexico with significant Navajo voters have a total of 42,992 state voters; San Juan county in Utah has 2,981 voters. Statistics, May 2011.
3. Among Arizona, New Mexico, and Utah, Arizona has the greater number of Navajo voters.
4. Within Navajo Nation elections, in an election year, primary elections are held 90 days prior to a general election.
5. In Arizona, primary elections are on the tenth Tuesday prior to a general or special election A.R.S. 16-201. In New Mexico, primary elections are held on the first Tuesday in June of each odd numbered year. NMSA, §1-8-11. Regular primary elections in the state of Utah are held on the fourth Tuesday of June in each even numbered year. Utah §20A-1-201.

6. It is essential that the voting strength of Navajo Nation voters be maximized. In an effort to further this important end, it is crucial that Navajo Nation amend its primary election date to coincide with the primary election date of the state of Arizona where there is the largest concentration of Navajo voters of any state.

## 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:

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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 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 year thereafter on the Tuesday after the first Monday in November.
- C. Primary elections shall be held on the ~~first Tuesday which precedes the date of the general or chapter election by a minimum of 90 days.~~ tenth Tuesday prior to a general election at which candidates for public office are to be elected.
- D. Special election shall be held when required.
- E. The Board of Election Supervisors is authorized to postpone for a maximum of 60 days any Navajo election for the purpose of printing new ballots required because of changed circumstances.

**Section 3. Effective date**

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

**Section 4. Codification**

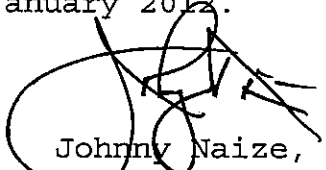
The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

**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 20 in favor and 0 opposed, this 24<sup>th</sup> day of January 2012.

  
Johnny Naize, Speaker  
Navajo Nation Council

Feb. 04, 2012  
Date

Motion: Roscoe Smith  
Second: Walter Phelps

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 FEB 13 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  
22<sup>nd</sup> NAVAJO NATION COUNCIL**

**FIRST YEAR 2011**

**COMMITTEE REPORT**

Mr. Speaker,

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

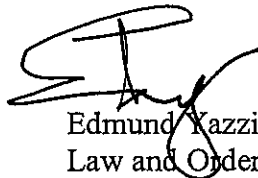
**NAVAJO LEGISLATION NO. 0414-11**

AN ACT RELATING TO LAW AND ORDER; NAA'BIKIYATI COMMITTEE; AND  
THE NAVAJO NATION COUNCIL; AMENDING TITLE 11 OF THE NAVAJO  
NATION CODE BY CHANGING THE PRIMARY ELECTION DATE IN NAVAJO  
NATION ELECTIONS. (*Sponsored by Lorenzo Curley*)

Has had it under consideration and report the same with a recommendation that it **DO NOT PASS**, with no amendments

and therefore referred to **NABIK'IYATI' COMMITTEE**.

Respectfully submitted,



Edmund Kazzie, Chairperson  
Law and Order Committee of the  
22<sup>nd</sup> Navajo Nation Council

Date: October 11, 2011

The vote was 2 in favor and 3 opposed

Motion: Duane S. Tsinigine

Second: Alton Shepherd



**NAABIKI'YATI' COMMITTEE  
22<sup>nd</sup> NAVAJO NATION COUNCIL**

**Committee Report**

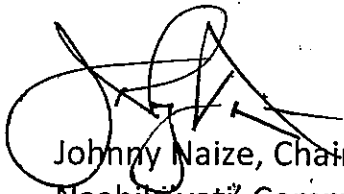
The Naabiki'yati' Committee to whom it has been assigned:

**LEGISLATION NO. 0414-11**

**Relating to Law and Order; Naabiki'yati' and the Navajo Nation Council;  
Amending Title 11 of the Navajo Nation Code by Changing the Primary Election  
Date in the Navajo Nation Elections**

Has had it under consideration and reports the same with the recommendation  
that it **DO PASS** with no amendments.

And therefore referred the same to the **NAVAJO NATION COUNCIL**.

  
Johnny Naize, Chairperson  
Naabiki'yati' Committee

Dated: November 23, 2011

Motion: Honorable Dwight Witherspoon

Second: Honorable David Tom

Vote: 10-4