

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - Third Year, 2013

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING SECTION 282(A) OF THE NAVAJO NATION ELECTION CODE, TITLE 11, TO PERMIT, IN SPECIAL ELECTIONS, THE REGISTRATION OF VOTERS UP UNTIL A DATE IS SET FOR ELECTION

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 N.N.C. §871.
2. The Election Code provides that voter registration remains open, except 30 days prior to a primary or general election and 10 days after such election. 11 N.N.C. §282. During these short periods of time, voter registration is closed.
3. In special elections, voter registration is closed once a *declaration of vacancy* is announced. N.N.C. §282(A). Voter registration reopens 10 days after the special election. Unfortunately, in respect to voter registration, there is no provision in the Election Code addressing situations in special elections when filing period must be extended because no candidate files (for the position declared vacant). In some cases, there are even further extensions due to the same reason. The result, upon each extension, is that individuals desiring to register cannot do so because of the restrictions on registration (*i.e.*, no further registration of voters once a *declaration of vacancy* is announced).

4. Keeping registration rolls closed indefinitely is unnecessary. It is more reasonable, in special elections that registration rolls be kept open until an actual election date is set. A clarification in the law in this respect would be consistent with the intent and purposes of the Navajo Nation Election Code and in the best interests of all voters of the Navajo Nation.

Section 2. Amending Section 282(A) of the Navajo Nation Election Code

The Navajo Nation hereby approves the following amendments to Section 282(A) of Title 11, the Navajo Nation Election Code:

Title 11. Elections
Chapter 1. Navajo Election Code of 1990
Subchapter 14. Voter Registration

§282. Registration form; appeal

A. A voter registration roll listing each registered voter by Chapter shall be maintained by the Board of the Election Administration in Window Rock. The Board shall keep the register open, subject to the provisions of subsection (A)(1) below, during regular business hours, beginning ten (10) days after each general, chapter or special election and continuing until 30 days prior to the next primary, general or chapter election or in the event of a special election, until the date the Board declares a vacancy an election date for the special election is set. 11 N.N.C. § 282(A)

Section 3. Effective Date

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

Section 4. Codification

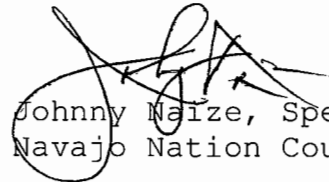
The amendment adopted herein shall be codified in the Navajo Nation Code by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amendment in the next codification of the Navajo Nation Code.

Section 5. Savings Clause

Should this amendment approved herein 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, any portion which is 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 21 in favor and 0 opposed, this 22nd day of October 2013.


Johnny Naize, Speaker
Navajo Nation Council

Oct 29, 13
Date

Motion: Honorable Jonathan L. Hale
Second: Honorable David L. Tom

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 OCT 29 2013 2013.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2013, for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation

3. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (10) and 2 N.N.C. § 164 (A) (17), on this _____ day of _____, 2013. The justification of my line-item veto is set forth by memorandum.

Ben Shelly, President
Navajo Nation