

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - First Year, 2015

AN ACT

RELATING TO LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 2 N.N.C. § 1002 AND THE NAVAJO NATION ELECTION CODE TITLE 11 N.N.C. § 6 FOR PURPOSES OF PERMITTING A PRESIDENT WHOSE TERM HAS ENDED TO CONTINUE HIS OR HER FUNCTIONS AS PRESIDENT PENDING AN ELECTION, CERTIFICATION AND THE ADMINISTERING OF OATHS FOR THE NEW ELECTED PRESIDENT AND VICE PRESIDENT

BE IT ENACTED:

Section One. Findings

- A. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 601(B)(14), reviews and makes recommendations to the Navajo Nation Council proposed amendments to the Navajo Nation Code.
- B. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164(A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council.
- C. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A).
- D. Due to candidacy challenges resulting in hearings and appeals on such complaints being filed, the general election for the Office of the Navajo Nation President and Vice President was not conducted on November 4, 2014.
- E. It is in the best interests of the Navajo Nation that Title 2 and the Navajo Nation Election Code be amended or otherwise clarified to address the lack of an elected Navajo Nation President and Vice President pending an election, certification and/or the administering of Oaths of Office for such positions.

Section Two. Amendments to Title 2 of the Navajo Nation Code

The Navajo Nation hereby amends the Navajo Nation Code, Title 2, § 1002 as follows:

TITLE 2. NAVAJO NATION GOVERNMENT

CHAPTER 5. EXECUTIVE BRANCH

SUBCHAPTER 1. Generally

Article 1. Office of the President and Vice-President

§ 1002. Office of President and Vice-President; term

E. In the event that there is no President-elect and/or Vice-President-elect on the date of installment into office as set forth in 11 N.N.C. § 6(B), then the procedure enumerated in 11 N.N.C. § 6(F) shall be followed.

Section Three. Amendments to Title 11 of the Navajo Nation Code

The Navajo Nation hereby amends the Navajo Nation Code, Title 11, § 6 as follows:

TITLE 11. ELECTIONS

CHAPTER 1. NAVAJO ELECTION CODE OF 1990

SUBCHAPTER 1. GENERAL PROVISIONS

§ 6. Terms of office; oath

F. In the event that there is no President-elect and/or Vice-President-elect on the date of installment into office as set forth in 11 N.N.C. § 6(B), the President and Vice-President shall remain in the offices as interims, with all the powers and duties of the offices, until such time that a new President and Vice-President are validly elected, certified and sworn into office.

Section Four. Effective Date

The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).

Section Five. 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 Six. Saving Clause

Should any provisions of this ordinance 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 portions of this ordinance which are not determined invalid shall remain the law of the Navajo 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 17 in favor and 5 opposed, this 21st day of July 2015.



LoRenzo Bates, Speaker
Navajo Nation Council

July 23, 2015

Date

Motion: Honorable Seth Damon
Second: Honorable Jonathan L. 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 31st day of July 2015.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2015 for the reason(s) expressed in the attached letter to the Speaker.

Russell Begaye, President
Navajo Nation