



FOR IMMEDIATE RELEASE  
March 16, 2015

## President Shelly approves \$317,891 from UUFB to fund referendum



WINDOW ROCK, Ariz.— The decision whether or not to amend Navajo fluency requirements for the presidency of the Navajo Nation will go before the Navajo people through a referendum.

On standby to report before the N.M. House of Representatives on the gaming compact with the state, President Shelly's first order of business at the Office of the President and Vice President this morning was to address the legislation passed by the 23rd Navajo Nation Council to fund more than \$300,000 for the presidential election.

With a stroke of his pen, President Shelly approved funding to hold a referendum

vote on Navajo fluency requirements for the presidency.

"There is no easy fix to the on-going election issue than a referendum to the Navajo people," President Shelly said. "An issue as important and decisive as this, it is indeed in the best interest of the Navajo people for a referendum to begin the healing process.

"I urge the Navajo Nation Council and the Navajo Election Administration to promptly hold a discussion regarding election events to establish a new timeline," he added.

During a special session on March 13, the Navajo Nation Council passed Resolution No. CMA-06-15, for approving

supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$317,891 for the Navajo Nation Election Administration business unit no. 101021 to fund the continuing 2014 Navajo Nation elections.

The legislation came across the street to the Executive Branch for approval the same evening.

Sponsored by delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill), the bill was amended by delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse

Lake), who proposed the funds be used for a referendum before the election.

The council voted to approve the amended legislation by a vote of 12-8.

President Shelly maintained that the decision to amend the Navajo language fluency requirements for the election code lies in the hands of the people, as it should.

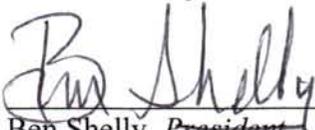
"I maintain that the Navajo people are the governing authority," President Shelly said.





MEMORANDUM

**TO:** Honorable LoRenzo Bates, *Speaker*  
The 23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Ben Shelly, *President*  
THE NAVAJO NATION

**DATE:** March 16, 2015

**SUBJECT:** **Legislation CMA-06-15: Relating to Budget and Finance, Naabik'iyáti', and the Navajo Nation Council; Approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$317,891 for the Navajo Nation Election Administration, Business Unit #101021, to fund the continuing 2014 Navajo Nation elections**

As I have stated in my October and December veto message that addressed a similar issue, there is no easy fix to the on-going election issue than a referendum to the Navajo People. An issue as important and decisive as this, it is indeed in the best interest of the Navajo People for a referendum to begin the healing process.

I urge the Navajo Nation Council and the Navajo Election Administration to promptly hold a discussion regarding election events to establish a new timeline, which needs to include the referendum. It is very important that notification of significant election dates is provided to the Navajo People as soon as possible.

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL -- First Year, 2015

AN ACTION

RELATING TO BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$317,891 FOR THE NAVAJO NATION ELECTION ADMINISTRATION, BUSINESS UNIT #101021, TO FUND THE CONTINUING 2014 NAVAJO NATION ELECTIONS

I. FINDINGS

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102 (A); and
- B. Pursuant to 2 N.N.C. § 701 (A)(5), the Naabik'íyáti' Committee is the oversight committee for the Navajo Election Administration; and
- C. Pursuant to 2 N.N.C. § 301 (B)(2), the Budget and Finance Committee is authorized to recommend adoption of resolutions related to the expenditure of the Nation's financial resources; and
- D. 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 the Naabik'íyáti' Committee before it is heard by the Navajo Nation Council; and
- E. The Navajo Nation has an unmet need for continuing to conduct the postponed 2014 Navajo Nation Election; and
- F. The Supplemental Funding will be deposited with the Navajo Nation Election Administration; the Program Budget Summary is attached as Exhibit "A"; and
- G. There being so many Navajo voters who are claiming the disenfranchisement of their votes as a result of Navajo Nation Supreme Court decision and the President requesting that the question of "fluency of Navajo language" requirement be resolved by the Navajo people, it is

important to have the Navajo people decide whether to amend 11 N.N.C. § 8 (A) (4) or not; and

- H. The Navajo Nation hereby finds it is in the best interest of the Navajo People to approve this supplemental funding request.

**II. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED, FUND BALANCE IN THE AMOUNT OF \$317,891 FOR THE NAVAJO NATION ELECTION ADMINISTRATION**

- A. The Navajo Nation, having received certification by the Office of the Controller of the balance in the Unreserved, Undesignated Fund Balance, attached as Exhibit "B".
- B. This supplemental appropriation of \$317,891 shall be to the Navajo Election Administration, Business Unit # 101021 and from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller, pursuant to 12 N.N.C. § 820(L). This appropriation shall be first used to have the Navajo voters vote on the referendum question to modify 11 N.N.C. § 8 (A.) (4.) as follows:

"§8. Qualifications for office

A. Qualifications for President and Vice-President are:

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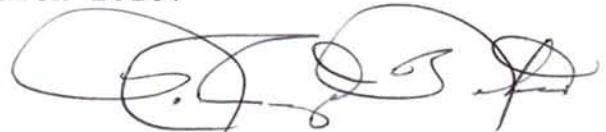
4. ~~Must fluently speak and understand Navajo and read and write English;~~ Must be able to speak and understand the Navajo and English language; and this ability shall be determined by the Navajo voter when he/she casts a ballot."

- C. After the certification of the referendum vote by Navajo Election Administration, the Speaker shall call a special session to address the election for Navajo Nation Office of the President.
- D. Notwithstanding provisions of the Election Code, the Navajo Nation Council authorizes the Navajo Election Administration, with the advice and assistance of the Office of Legislative Counsel and the Navajo Department of Justice, to prepare and finalize the appropriate ballot language for purposes of this referendum.

E. The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$317,891 for the Navajo Election Administration, Business Unit #101021, to fund the postponed 2014 Navajo Nation Election.

**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 19 in favor and 1 opposed, this 13<sup>th</sup> day of March 2015.



LoRenzo Bates, Speaker  
Navajo Nation Council

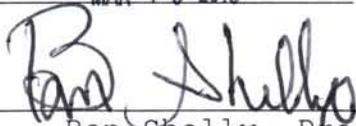
3-13-15

Date

Motion: Honorable Otto Tso  
Second: Honorable Tom Chee

**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 MAR 16 2015 2015.



Ben Shelly, 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.

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Ben Shelly, President  
Navajo Nation

3. I hereby line-item veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10) and 2 N.N.C. §164 (A) (17), on this \_\_\_\_\_ day of \_\_\_\_\_, 2015. The justification of my line-item veto is set forth by memorandum.

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Ben Shelly, President  
Navajo Nation