



The Navajo Nation Office of the President and Vice President

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FOR IMMEDIATE RELEASE

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Nez-Lizer push for ballot measure to amend Navajo law to state that “all powers originate from the Navajo people”

WINDOW ROCK, Ariz. — Navajo Nation President Jonathan Nez and Vice President Myron Lizer are calling on the Navajo Board of Election Supervisors to move forward with a referendum measure in the upcoming Navajo Nation General Election by allowing Navajo voters to decide whether or not Navajo Nation law should be amended to state that “all powers originate from the Navajo people” and that the “Navajo people maintain the inherent power and authority to govern themselves.” If approved by voters, the ballot measure would codify and protect the Navajo peoples’ inherent right of governance over those in tribal government.

As a member of the 22nd Navajo Nation Council, President Nez introduced legislation to refer the ballot measure to the Board of Election Supervisors, which was approved by the Navajo Nation Council on July 23, 2014. However, for unknown reasons, the measure has yet to be placed on the ballot for Navajo voters to decide.

“The current law states that the Navajo Nation Council is the ‘governing body of the Navajo Nation.’ If this ballot measure is approved by Navajo voters, that language would be replaced with language that honors the fact that the Navajo people maintain the inherent power and authority to govern themselves and powers not delegated are reserved to the Navajo people. This important initiative aligns with the principles of our democracy, which value liberty, equality, and justice, but before the Navajo people can make this decision, the Navajo Board of Election Supervisors must authorize the measure to be placed on the General Election ballot,” said President Nez, who also stated that the Navajo people are supreme in a democratic society and their participatory rights must be recognized and honored. “Let’s give the Navajo people the opportunity to make this critical decision about their government – it belongs to them.”

The measure would also amend Title II of the Navajo Nation Code to state, “The Navajo People hereby delegate the legislative authorities of the Navajo Nation to the Navajo Nation Council. All legislative powers not limited by laws of the Navajo Nation or by vote of the Navajo People are delegated to the Navajo Nation Council, including the power to act as the governing body of the Navajo Nation and for purposes of external government relations.”

“I don’t think anyone can argue that the power and authorities of our government are derived from the Navajo people. This ballot measure is very important to the foundation of our Navajo government and the Navajo people have a right to vote on it. The measure also honors the right to vote, which our people have fought long and hard to secure. The ballot measure is supported by the Navajo Nation Council through their resolution, but has yet to be placed on a ballot. Perhaps all of the issues and challenges in the 2014 presidential election overshadowed this initiative but now is the opportunity to allow Navajo voters to decide,” stated Vice President Lizer.

President Nez and Vice President Lizer issued a letter to the Navajo Board of Election Supervisors outlining their support for the ballot measure and urging the board to place it on the upcoming General Election ballot for the Navajo Nation.

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THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

July 13, 2020

Melvin Harrison, Chairman (via email: mjharrison91@aol.com)
Navajo Board of Election Supervisors
PO Box 3449
Window Rock, Navajo Nation (AZ) 86515

Rodriquez Morris, Executive Director (via email: rmorris@navajo-nsn.gov)
Navajo Election Administration
PO Box 3449
Window Rock, Navajo Nation (AZ) 86515

Dear Chairman Harrison and Director Morris,

Attached find Res. CJY-37-14 authorizing a referendum to be voted upon by the Navajo voters. The Resolution was signed by President Shelly. We are not aware of any restrictions on when referendums of this sort are placed on the ballot and presented to the Navajo voters. It is important for Navajo government to identify who is the governing body once and for all. Therefore, I respectfully request the Navajo Board of Election Supervisors to put this referendum question on the General Election ballot for chapter officials.

Your cooperation is appreciated. If you have any questions, please contact Milton Bluehouse, Jr., Deputy Chief of Staff at mbluehouse@navajo-nsn.gov in our immediate office. Ahé'hee'.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION




MEMORANDUM

TO: Honorable Lorenzo Bates, *Pro Tem Speaker*
The 22nd Navajo Nation Council

Members of the Navajo Board of Supervisors

FROM:


Ben Shelly, *President*
THE NAVAJO NATION

DATE: August 8, 2014

SUBJECT: CJY-37-14 Referring a referendum measure on amending 2 N.N.C. §102.

As a Navajo citizen I truly believe, and as President I have advocated that it should be recognized, that the authority to govern originates and is authorized by the Navajo Nation People. Although, it could be said by casting an election ballot the Navajo People provide the delegation or authorization, but that recognition needs to be codified within the Navajo Nation laws. I am pleased to sign this Resolution CJY-37-14 Referring a referendum Measure to Amend 2 N.N.C. § 102 and commend the Navajo Nation Council for its passage.

I would request the Board of Election Supervisors consider clarification to the wording referred by this Resolution. As presented the Official Title and the Descriptive Summary is acceptable in describing the intent of the referendum. However, the Brief Statement of Legal Effect, Referendum Ballot Question, and the Section three Complete Text are lacking full accuracy in the explanation to the voter.

Brief Statement of Legal Effect: As stated now, "A 'Yes' vote is in favor [to] amend 2 N.N.C. § 102 to state that all powers originate from the Navajo People, and powers not delegated are reserved to the People.

Complete Text: the amended language, "The Navajo People maintain the inherent power and authority to govern themselves. All authorities and all powers not delegated are reserved to the Navajo People."

Section "A." of the Complete Text does accurately reflect the Brief Statement of Legal Effect. However, there is a section "B." that is included as part of the Complete Text section. It reads,

“The Navajo People hereby delegate the legislative authorities of the Navajo Nation to the Navajo Nation Council. All Legislative powers not limited by laws of the Navajo Nation or by vote of the Navajo People are delegated to the Navajo Nation Council, including the power to act as the governing body of the Navajo Nation and for purposes of external government relations.”

The whole section “B.” is an entirely separate action of delegation that is not described in the Brief Statement of Legal Effect or in the Referendum Ballot Question that the voters will read. Additionally the language goes beyond the legislative authority delegation described in the Descriptive Summary.

In the Descriptive Summary it states, “...it is the People who delegated *legislative authority* to the Navajo Nation Council.” Italics added. In the Complete Text, section “B.” the language after the comma of the last sentence, “..., including the power to act as the governing body of the Navajo Nation and for purposes of external government relations.” That is more delegation than legislative authority, and should not be included within the referendum.

Navajo Board of Election Supervisors Authority

Pursuant to 11 N.N.C. § 102, the Navajo Board of Election Supervisors has the final approval authority over the wording of the descriptive summary and the brief statement of legal effect of the referendum. Please see the following suggested language changes to clarify the intent of the referendum, for your consideration.

The Descriptive Summary as stated provides a good overview of the referendum intent and effect.

Brief Statement of Legal Effect: A “Yes” vote is in favor of amending 2 N.N.C. § 102 to state that all powers originate from the Navajo People, and powers not delegated are reserved to the People. The Navajo People delegate legislative authority to the Navajo Nation Council.

Referendum Ballot Question: Navajo Nation law, at 2 N.N.C. § 102, shall be amended to state that all powers originate from the Navajo People, and powers not delegated are reserved to the People? ,including amending delegation of legislative authority to the Navajo Nation Council?

Navajo Nation Council legislative authority

The suggested legislative language in Section three Complete Text is required to reflect the intent and wording of the referendum. As referred by Resolution CJY-37-14 the language does not accurately reflect the referred Descriptive Summary, Brief Statement of Legal Effect, or Referendum Ballot Question. Please find suggested legislative language to clarify the Navajo Nation Council’s referred Descriptive Summary that surmise action of voters to decide to change 2 N.N.C. § 102: 1) to state the power originates from the Navajo People; 2) it is the People who delegate legislative authority to the Navajo Nation Council; 3) all powers not delegated are reserved to the People of the Navajo Nation.

Section “A.” does accurately reflect the first and third summary points. However, Section “B.” does not accurately reflect the summary second point. Please read the following clarifying changes to be considered to accurately reflect the intent and what was presented to the Navajo voter.

Section three. Complete Text: “B. The Navajo Nation People hereby delegate the legislative authorities powers not limited by laws of the Navajo Nation or by vote of the Navajo People are delegated to of the Navajo Nation to the Navajo Nation Council. ~~All legislative powers not limited by laws of the Navajo Nation or by vote of the Navajo People are delegated to the Navajo Nation Council, including the power to act as the governing body of the Navajo Nation and for purposes of external government relations.~~

Resolution CJY-37-14 refers a referendum to the Navajo Board of Supervisors to propose a lawmaking action to the Navajo People. In essence this allows the People by vote to create law, rather than the Navajo Nation Council enacting law. As President I concur with the intent of the Resolution to refer the referendum to the Navajo Board of Supervisor. I also feel strongly that it is our collective responsibility to ensure that the question put further by ballot to the Navajo voter is clear. In my capacity of the Chief Executive Officer of the Navajo Nation government, it is important that the laws that I faithfully execute, especially when directed by referendum by the People, is executed with transparency and in full effect of the intent of the People.

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - Fourth Year, 2014

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION
COUNCIL; REFERRING A REFERENDUM MEASURE ON AMENDING 2 N.N.C.
§102 AND ON APPROVAL TO AMEND 1 N.N.C. §10

BE IT ENACTED:

Section One. Findings

1. Navajo Nation law states "[a]ll powers not delegated are reserved to the Navajo Nation Council." 2 N.N.C. §102(B). However, the authority to govern derives from the Navajo People. The People elect their leaders and may delegate to them certain powers.

2. It is necessary that Navajo Nation law be amended to state that the source of all power is the People of the Navajo Nation.

Section Two. Referral of Referendum Measure

The Navajo Nation Council, pursuant to 11 N.N.C. §403(A), hereby refers a referendum measure and ballot language on proposed amendment of 2 N.N.C. §102, as follows:

Official Title: "Referendum Amending 2 N.N.C. §102."

Descriptive Summary:

The purpose of this referendum, entitled: "Referendum Amending 2 N.N.C. §102," is to give the Navajo People an opportunity to decide by majority vote whether to change Navajo Nation law at 2 N.N.C. §102 to state that power originates from the Navajo People, and that it is the People who delegate legislative authority to the Navajo Nation Council. Further, the law will be changed to state that all powers not delegated are reserved to the People of the Navajo Nation.

Brief Statement of Legal Effect:

A "YES" vote is in favor amendment 2 N.N.C. §102 to state that all powers originate from the Navajo People, and powers not delegated are reserved to the People.

A "NO" vote is against amending 2 N.N.C. §102 and the effect of a "NO" vote is to maintain current law providing that the Navajo Nation Council is "the governing body of the Navajo Nation" and that it reserves all powers not delegated.

Referendum Ballot Question:

"Navajo Nation law, at 2 N.N.C. §102, shall be amended to state that all powers originate from the Navajo People, and powers not delegated are reserved to the People?"

_____ "YES"

_____ "NO"

Section Three. Complete Text

The Navajo Nation Council hereby refers the complete text of the proposed referendum measure amending 2 N.N.C. §102, as follows:

§102. Powers; Composition

~~A. The Navajo Nation shall be the governing body of the Navajo Nation and shall consist of 24 delegates. This § 102 (A) shall not be amended unless approved by majority vote of all registered voters in all precincts.~~

A. The Navajo People maintain the inherent power and authority to govern themselves.

All authorities and all powers not delegated are reserved to the Navajo People.

~~B. All powers not delegated are reserved to the Navajo Nation Council.~~

B. The Navajo People hereby delegate the legislative authorities of the Navajo Nation to the Navajo Nation Council. All legislative powers not limited by laws of the Navajo Nation or by vote of the Navajo People are delegated to the Navajo Nation Council, including the power to act as the governing body of the Navajo Nation and for purposes of external government relations.

~~C. The Navajo Nation Council shall supervise all powers delegated.~~

C. The Navajo Nation Council shall consist of 24 delegates. This § 102(C) shall not be amended unless approved by majority vote of all registered voters in all precincts.

Section Four. Time Lines; Directive to the Navajo Board of Election Supervisors

The Navajo Board of Election Supervisors shall, in accordance with the requirements of the Navajo Nation Election Code, place the referred measure on the ballot of the November 4, 2014 Chapter general election.

Section Five. Vote Requirement

Pursuant to 11 N.N.C. §406(A), this referendum shall pass if a majority "of all eligible registered voters who cast a vote" vote in favor of it.

Section Six. Effective Date

If this referendum is approved by majority vote, it shall be deemed effective upon certification by the Navajo Nation Board of Election Supervisors.

Section Seven. Codification

Upon approval and certification of the referendum herein referred, the Office or Legislative Counsel shall codify the approved amendments.

Section Eight. Amendment to 1 N.N. C. §10

Upon approval by majority vote, the referendum language of 2 N.N.C. §102, as amended, shall be codified at 1 N.N.C. §10.

Section Nine. Savings Clause

Should any provisions of the amendments approved by this referendum measure be determined invalid by the Navajo Nation Supreme Court, or a District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of the legislation 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 14 in favor and 6 opposed, this 23rd day of July 2014.



LoRenzo Bates, Pro Tem Speaker
Navajo Nation Council


July 29, 2014

Date

Motion: Honorable Alton Joe Shepherd
Second: Honorable Joshua Lavar Butler

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 AUG 08 2014 2014.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2014, for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation