



Navajo Nation Council prioritizes public health during pandemic with primary election cancellation, November general election to continue

FOR IMMEDIATE RELEASE: July 27, 2020

WINDOW ROCK, Ariz. — The 2020 Navajo Nation primary election was cancelled by the 24th Navajo Nation Council due to concern over public health and safety during the ongoing coronavirus (COVID-19) pandemic. The Arizona state primary election will continue according to the state's separate election schedule.

The 2020 Navajo Nation primary election that was scheduled for Aug. 4 is now cancelled and all candidates on the Navajo Nation's primary election ballot have been automatically forwarded to the Nov. 3 general election ballot.

The cancellation was ultimately approved through an override legislation for Navajo Nation Council Resolution No. CJN-49-20, which was vetoed by President Jonathan Nez on Jul. 3. The 24th Navajo Nation Council had approved CJN-49-20 with a vote of 15 in favor and 6 opposed on Jun. 19.

Although the Navajo Nation Council has supported the voting rights at the state level of the Navajo People, even going as far as changing the Navajo Nation primary election date last year through Resolution No. CO-44-19 to coincide with the State of Arizona primary election to encourage voter turnout, the COVID-19 pandemic posed too great a threat to the public health of the Navajo public.

CJN-49-20 was discussed extensively at the Naabik'iyáti' Committee at its Jun. 11 regular meeting, where the Navajo Election Administration's (NEA) primary concern was the protection of human life, first.

Although a safe election is possible with enough time and resources, the Navajo Nation chapter primary election would require a rushed, coordinated effort during the ongoing shut-down of the Navajo Nation government, stated Rodriquez Morris, interim Executive Director for the Navajo Election Administration. The shut-down already presented multiple challenges for Navajo Nation programs and local chapter governments. Attempting a chapter election would increase the risk that COVID-19 would spread further.

The committee discussed alternative options, including pushing both the primary and general elections back, keeping the election dates the same, and only pushing the primary election date back.

In his veto message, President Nez stated: "Had the Navajo Election Commission [sic] and the Navajo Nation Council consulted the Navajo Nation Department of Justice, there may have been a solution to our own election situation rather than an immediate rush to cancel our Primary Election."

President Nez continued: "The rational [sic] for cancelling the Navajo Primary this year will have repercussions not only for Chapter elections but the State and national elections as well."

These concerns were brought forward by the 24th Navajo Nation Council in further discussing the override legislation. The 24th Navajo Nation Council acknowledged that the COVID-19 pandemic has disproportionately affected the Navajo Nation compared to other areas of the United States.

The approved legislation, which only applies to the 2020 chapter primary election, states: "Chapter Elections shall be conducted on November 3, 2020. There shall be one election, with no primary election. All eligible candidates shall be placed on the election ballot and the winning results for each position shall be determined by plurality vote."

The Eastern Navajo Agency Council, which is comprised of all eastern agency Navajo Nation chapters, submitted a resolution opposing Legislation No. 0152-20 and recommended instead that all Navajo Nation elections be postponed for one year. That resolution noted that year-long postponements have occurred in the past. The Native American Grant School Association also submitted a public comment in support of postponing the elections for one year.

In a memorandum to the 24th Navajo Nation Council dated May 14, Morris described the current state of the NEA office, including aging machines and supplies required to run a normal election. Morris explained that the NEA supported the Navajo Board of Election Supervisors (NBOES) resolution primarily out of concern for the safety of staff, volunteers and the general public.

Morris stated plainly that the NEA's support for the cancellation of the primary election was not out of a desire to deny the public their right to vote. Rather, they simply did not have the capacity to provide for a safe, and therefore fair, election until safety measures were put in place. Morris added that NEA is preparing to adopt an electronic candidate filing system once the procurement process is completed.

Under the new timeline adopted by the Navajo Nation Council, the 2020 chapter election candidate filing period would be from Jul. 28 to Aug. 10. The deadlines for certification of candidates and filing a grievance will also follow the new timelines in accordance with the Navajo Election Code.

The last day to register as a voter is now Oct. 5, and absentee voting will start the same day. The early voter deadline is Oct. 19, with the requirement that voters must be in a NEA office by 5 p.m. that day. The last day for absentee voting is Oct. 30. The 2020 General Election will take place on Nov. 3. The new schedule also puts training for chief poll judges on Nov. 2, a day before the election.

Previously, the Navajo Nation Council voted Apr. 10 to table the now-expired emergency Legislation No. 0075-20, sponsored by Council Delegate Eugene Tso (Chinle), which would have postponed the 2020 chapter elections and extended current terms for one year. The Navajo Nation Council also issued a directive to the NBOES to address this year's chapter elections within 60 days.

On May 13, the NBOES unanimously approved a resolution recommending the requirement to conduct a primary election in 2020 be waived. Those requirements are located in the Navajo Nation Code at 11 N.N.C. §§3(C) and 41.

That resolution noted that for the 2016 primary elections for chapters, there were 479 unopposed candidates that were placed on the primary election ballots that were then automatically put onto that year's general election ballots, pursuant to 11 N.N.C. §25. This is not an uncommon occurrence, according to the resolution.

The Naabik'iyáti' Committee considered the veto override legislation, Legislation No. 0153-20, on Jul. 16 and approved it with a vote of 15 in favor and 4 opposed. The Navajo Nation Council then approved it on Jul. 22 with a vote of 16 in favor and 4 opposed.

The Navajo Election Administration can be found online at www.navajoelections.navajo-nsn.gov or can be reached by calling 1-800-775-VOTE (8683).

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