

**RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION****Approving and Enacting the Kayenta Township Election Ordinance****WHEREAS:**

1. The Kayenta Township Commission ("KTC") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and
2. Pursuant to Resolution CJY-42-03 the Navajo Nation Council established the Township as a home rule municipality to be governed by the KTC. By this same resolution the Navajo Nation Council repealed subsections D, E, F and G of 2 N.N.C. §4084 which had established the membership and election requirements for the KTC, the qualification requirements for candidates to the KTC, the eligibility requirement for voting in KTC elections and the filing fee requirements for candidates.
3. The terms of all of the current members of the KTC will expire in October, 2004. The Navajo Board of Election Supervisors has established the time schedule for the 2004 election; candidates will be able to pick up candidacy applications on November 5, 2003. Therefore, there is an immediate need to enact the Township requirements and qualifications for the upcoming election.
4. The Township recommends the enactment of the election ordinance attached hereto as Exhibit "A"; the Township on October 23, 2003 consulted with the Navajo Board of Election Supervisors on the proposed ordinance.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Kayenta Township Commission hereby approves and enacts the election ordinance attached hereto as Exhibit "A" and incorporated herein by reference.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting in Kayenta, Navajo Nation (AZ), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed and 0 abstained, this 26th day of October, 2003.

Motion: Jimmie Austin II  
Second: Eugene Badonie

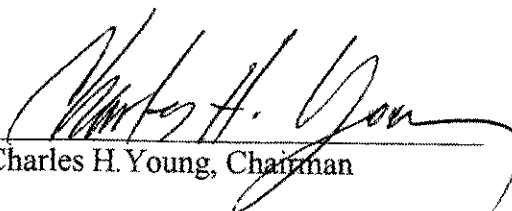
  
Charles H. Young, Chairman

EXHIBIT "A"

**CHAPTER 4  
ELECTIONS**

**Section 4-101 Title**

This Chapter shall be cited as the Kayenta Township Election Ordinance.

**Section 4-102 Definitions**

1. "Reside" means having a home within the boundaries of the Township where one lives (sleep and eat).
  - A. For purposes of this definition, neither mere possession of a homesite lease without a home thereon, nor possession of a grazing permit, nor being employed or owning a business within the Township while living elsewhere, nor enrolling children in a school within the Township while living outside the Township qualifies a person under this residency requirement.
  - B. Furthermore, having another home outside the Township boundaries where one also lives (e.g., where one keeps livestock or where lives during days when not working) does not disqualify a person from this residency requirement. In such a situation, if an issue arises whether or not one resides within the Township, the facts whether one has a homesite lease within the Township, or whether one is employed within the Township, or whether one's children attend school within the Township shall be factors in favor of Township residency.
  - C. Absence from the Township for the purpose of attending school (academic or vocational) or serving in the military does not disqualify a person from this residency requirement.

**Section 4-103 Commission; Term**

- A. The KTC shall consist of five commissioners. Except for the 2004 election as noted in Subsection B of this section, every commissioner shall hold the office for a term of four (4) years.
- B. The terms of the commissioners shall be staggered; this staggered term system shall commence in the year 2004 when the current terms of the present commissioners expire. In the year 2004 two commissioners shall be elected for

two (2) years and three (3) commissioners shall be elected for four (4) years. Thereafter, these two groups of two (2) commissioners and three (3) commissioners shall be elected every two years for four (4) year terms.

- C. Immediately after the 2004 election, those elected shall draw lots to determine which two (2) commissioners shall serve two (2) years and which three (3) commissioners shall serve four (4) years.

**Section 4-104 Qualification of Commissioners; Oath; Restrictions**

- A. To be a commissioner, a person, at the time of the declaration of candidacy, must be:

1. Twenty-five years old; and
2. Reside within the Township; and
3. A registered voter in Navajo Nation elections in the Kayenta Chapter election precinct (No. 26) and is a registered voter in the Township election precinct (No. 26a); and
4. A high school graduate (diploma or GED); and
5. Has not been convicted of any offense (criminal or civil) within the last ten (10) years that involved any of the following:
  - a. Deceit, untruthfulness and dishonesty, including extortion, embezzlement, bribery, perjury, forgery, fraud, misrepresentation, theft, conversion, or misuse of public or private funds or property;
  - b. Aggravated assault, aggravated battery or sexual misconduct; or
  - c. Use or possession of illegal drugs; and
6. Has not been convicted of a felony within the last ten (10) years.

- B. Before entering upon the duties of the office, each commissioner shall take the oath of office.

- C. No person shall serve as a commissioner if she or he:

1. Holds any other elective office of:
  - a. the Navajo Nation or any political subdivision thereof; or
  - b. any state or any political subdivision thereof; or

- c. the United States government;
- d. For purposes of this subsection (C) (1), serving on a school board (whether elective or non-elective) is exempt from this restriction; any school board members can serve as a commissioner.

2. Is a Judge in any court.

- D. These qualifications shall be effective in the year 2004 when the current terms of the present commissioners expire.

#### **Section 4-105 Eligibility to Vote in Township Elections**

Persons who are duly registered to vote in Navajo Nation elections in the Kayenta Chapter election precinct (No.26) and who reside within the Township boundaries and are registered to vote in the Township election precinct (No. 26a) shall be eligible to vote in Township elections.

#### **Section 4-106 Applicability of General Election Law**

A. The Navajo Nation election procedures, requirements and restrictions (filing for candidacy, schedules and deadlines for primary and general elections and registration, ballots, canvassing, certification, term limitation, absentee voting, filing of reports such as campaign expenses and contributions and grievance procedures), including the conduct of elections by the Nation's Election Administration shall be applied in Township elections and shall otherwise conform to the Navajo Nation election laws except as otherwise specifically provided in this chapter.

B. All filing fees, consistent with the Navajo Nation Election Code, will be charged to each candidate who declares candidacy for Township elections.

#### **Section 4-107 Register of Persons Entitled to Vote**

A. The Township records manager or her successor shall compile and keep up-to-date a record of all persons entitled to vote at Township elections under the provisions of this chapter.

B. Such record shall be compiled by conducting registration drives, and when feasible, such drives shall be in conjunction with drives conducted by the Navajo Nation Election Administration.

C. Such record shall include a Township map upon which the voter shall indicate where she or he resides.

- D. The record shall be known as the "Register of Voters-Kayenta Township". The "Register of Voters-Kayenta Township" shall be open to the public during business hours.