



CHAPTER 3

**KAYENTA TOWNSHIP
ELECTIONS ORDINANCE**

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ELECTIONS ORDINANCE

SECTION 3-101 Title

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

History

KTCO-37-03 (Oct. 26, 2003)

SECTION 3-102 Definitions

- A. "Reside" means having a home within the boundaries of the Township where one lives (sleeps and eats).
1. 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.
 2. Furthermore, having another home outside the Township boundaries where one also lives (*e.g.*, where one keeps livestock or where one lives on days when not working) does not disqualify a person from this residency requirement. In such a situation, if there is a question as to whether or not one resides within the Township, the facts of 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.
 3. 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 3-103 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 (2) 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 3-104 Qualification of Commissioners; Oath; Restrictions

- A. To be a Commissioner a person, at the time of declaration of candidacy, must:
1. Be twenty-five (25) years old;
 2. Reside within the Township;
 3. Be 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);
 4. Be a high school graduate (with a diploma or GED);
 5. Not have been convicted of an offense (criminal or civil) within the last ten (10) years involving:
 - 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. Not have been convicted of a felony within the last ten (10) years.
- B. Before starting 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;
 - b. Any state or any political subdivision thereof;
 - c. The United States government;
 - d. For purposes of this subsection (C)(1), serving on a school board (whether elected or non-elective) is exempt from this restriction; any school board member 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 3-105 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 the Township election precinct (No. 26a), and who reside within the Township boundaries shall be eligible to vote in Township elections.

SECTION 3-106 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 limitations, 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 apply to Township elections and such elections 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 3-107 Registration of Persons Entitled to Vote

- A. The Township Records Manager or his/her successor shall compile and keep up-to-date records of all persons entitled to vote at Township elections under the provisions of this Chapter.
- B. Such records 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 records shall include a Township map upon which the voter shall indicate where she or he resides.
- D. The records shall be known as the "Register of Voters – Kayenta Township" and shall be open to the public for review during normal business hours.

SECTION 3-108 Cancellation of a Primary Election

- A. This section is to address situations in which holding a primary election would not be necessary because the same candidates will be placed on general election ballot regardless of primary election voting results. A further purpose is to cut costs in conducting an unnecessary election.
- B. A primary election shall be conducted between or among candidates only if it is necessary to narrow the number of candidates for purposes of the general election. If conducting a primary election would not narrow the number of candidates for the general election, then the primary election shall be cancelled by the Navajo Nation Election Administration and the candidates will be automatically placed on the general election ballot. For purposes of this section, a "candidates" is one that is certified by the Navajo Nation Election Administration (including a write-in candidate).
- C. The Navajo Nation Election Administration shall:

1. cancel the primary election:
 2. notify all certified candidates by mail that the primary election has been cancelled; that their names and photos will not appear on the primary election ballot; and that their names and photos shall appear on the general election ballot; and
 3. notify the public via publication in any regional (and local newspaper, if any) that the primary election has been cancelled.
- D. All fees required of candidates, including write-in candidates, shall not be refundable if a primary election is cancelled