THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0033-20__  SPONSOR: Seth Damon

TITLE: An Action Relating To NAABIK’IYATI; Opposing proposed Arizona Senate Bill 1018, Entitled AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO THE INDEPENDENT REDISTRICTING COMMISSION

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DATE:  February 7, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI'; OPPOSING PROPOSED ARIZONA SENATE BILL 1018, ENTITLED AN AMENDMENT TO THE CONSTITUTION OF ARIZONA: AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO THE INDEPENDENT REDISTRICTING COMMISSION

PURPOSE: This resolution opposes proposed Arizona Senate Bill 1018, entitled AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO THE INDEPENDENT REDISTRICTING COMMISSION

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0033-20

AN ACTION

RELATING TO NAABIK’IYÁTT; OPPOSING PROPOSED ARIZONA SENATE BILL 1018, ENTITLED AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO THE INDEPENDENT REDISTRICTING COMMISSION

WHEREAS:

1. The Naabik’iýáti’ Committee is a standing committee of the Navajo Nation Council. N.N.C. § 700. Its powers include reviewing and monitoring activities of state departments and coordinating intergovernmental matters, N.N.C. §701(A)(7) and (8).

2. In 1962 the Supreme Court established the legal principle of “one person, one vote” in Baker v. Carr under the theory political districts with elected representatives should be approximately the same size in total population.

3. While the principle is most strictly applied to U.S. Congressional districts with equal population required “as nearly as practicable,” State and local legislative districts have a bit more flexibility, as they are only required to be “substantially” equal.

4. Over a series of federal court cases, the now accepted standard is that the smallest district and largest district can be up to 10 percent apart in total population. However,
even the 10-percent standard has some allowance, in order to protect minority voting rights under the Voting Rights Act.

5. Over the years, the courts have signaled that they do not like artificial deviation requirements, but rather prefer flexibility in the drawing of state legislative boundaries allowing redistricting bodies to consider geographic and community interests.

6. Section 2 of the Voting Rights Act requires map makers to consider drawing majority-minority districts to allow minority voters an opportunity to elect a candidate of choice. If it is possible to create such a majority-minority district, the courts have ruled that population deviations are permissible -- even beyond 10 percent -- if they allow a state to comply with the federal Voting Rights Act.

7. The Arizona Redistricting Commission is charged with drawing legislative district. Strict adherence to a near 0% population deviation criterion could make it more difficult for the Arizona Redistricting Commission to create majority-minority districts and draw districts that give minority voters the ability to elect candidates of choice, which is required in Section 2 of the Voting Rights Act.

8. The creation of majority-minority districts that do not dilute the voting power of minority groups will likely result in these districts having smaller total populations than other districts. By allowing this flexibility for majority-minority districts to have smaller populations, Section 2 of the Voting Rights Act will not be violated.

9. SCR 1018’s (Attached as Exhibit A) requirement that the Arizona Redistricting Commission draw districts where the largest legislative district shall not exceed the population of smallest district by more than 5,000 people (about a 2% range), would severally limit the Commission’s ability to draw majority-minority districts.

10. SCR 1018 would negatively affect Legislative District 7, which currently has a 8.8% population difference with Arizona’s largest district.

11. Legislative District 7 is a predominately Navajo district. In order for it to comply with the requirements of SCR 1018 the Commission would have to add in a significant number of non-Navajo voters, there by diluting the ability of the Navajo people to elect a representative of their choice.
NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Nation hereby states its opposition to proposed Arizona Senate bill SCR 1018, entitled *AN AMENDMENT TO THE CONSTITUTION OF ARIZONA: AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO THE INDEPENDENT REDISTRICTING COMMISSION.*