

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



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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LEGISLATIVE SUMMARY SHEET

Tracking No. 0033-20

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.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 02-12-20
Eligible for Action: 02-13-20

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Second Year, 2020
3 INTRODUCED BY

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6
7 (Prime Sponsor)

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9 TRACKING NO. 0033-20

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11 AN ACTION
12 RELATING TO NAABIK'YÁTI; OPPOSING PROPOSED ARIZONA SENATE BILL
13 1018, ENTITLED *AN AMENDMENT TO THE CONSTITUTION OF ARIZONA;*
14 *AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA;*
15 *RELATING TO THE INDEPENDENT REDISTRICTING COMMISSION*

16
17 **WHEREAS:**

- 18 1. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council.
19 2 N.N.C. § 700. Its powers include reviewing and monitoring activities of state
20 departments and coordinating intergovernmental matters. 2 N.N.C. §701(A)(7) and
21 (8).
- 22 2. In 1962 the Supreme Court established the legal principle of "one person, one vote"
23 in *Baker v. Carr* under the theory political districts with elected representatives
24 should be approximately the same size in total population.
- 25 3. While the principle is most strictly applied to U.S. Congressional districts with equal
26 population required "as nearly as practicable," State and local legislative districts
27 have a bit more flexibility, as they are only required to be "substantially" equal.
- 28 4. Over a series of federal court cases, the now accepted standard is that the smallest
29 district and largest district can be up to 10 percent apart in total population. However,
30

1 even the 10-percent standard has some allowance, in order to protect minority voting
2 rights under the Voting Rights Act.

- 3 5. Over the years, the courts have signaled that they do not like artificial deviation
4 requirements, but rather prefer flexibility in the drawing of state legislative
5 boundaries allowing redistricting bodies to consider geographic and community
6 interests
- 7 6. Section 2 of the Voting Rights Act requires map makers to consider drawing
8 majority-minority districts to allow minority voters an opportunity to elect a
9 candidate of choice. If it is possible to create such a majority-minority district, the
10 courts have ruled that population deviations are permissible -- even beyond 10 percent
11 -- if they allow a state to comply with the federal Voting Rights Act.
- 12 7. The Arizona Redistricting Commission is charged with drawing legislative district.
13 Strict adherence to a near 0% population deviation criterion could make it more
14 difficult for the Arizona Redistricting Commission to create majority-minority
15 districts and draw districts that give minority voters the ability to elect candidates of
16 choice, which is required in Section 2 of the Voting Rights Act.
- 17 8. The creation of majority-minority districts that do not dilute the voting power of
18 minority groups will likely result in these districts having smaller total populations
19 than other districts. By allowing this flexibility for majority-minority districts to have
20 smaller populations, Section 2 of the Voting Rights Act will not be violated.
- 21 9. SCR 1018's (Attached as Exhibit A) requirement that the Arizona Redistricting
22 Commission draw districts where the largest legislative district shall not exceed the
23 population of smallest district by more than 5,000 people (about a 2% range), would
24 severally limit the Commission's ability to draw majority-minority districts.
- 25 10. SCR 1018 would negatively affect Legislative District 7, which currently has a 8.8%
26 population difference with Arizona's largest district.
- 27 11. Legislative District 7 is a predominately Navajo district. In order for it to comply with
28 the requirements of SCR 1018 the Commission would have to add in a significant
29 number of non-Navajo voters, there by diluting the ability of the Navajo people to
30 elect a representative of their choice.

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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.*