

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0053-20_____

SPONSOR: Carl Slater

TITLE: An Action Relating to Naabik'iyáti; Supporting H.R. 5510, a proposed Congressional Bill amending The Help America Vote Act of 2002 and entitled "Protection and Advocacy for Voting Access Program Inclusion Act"

Date posted: March 12, 2020 at 4:24pm

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0053-20

DATE: February 28, 2020

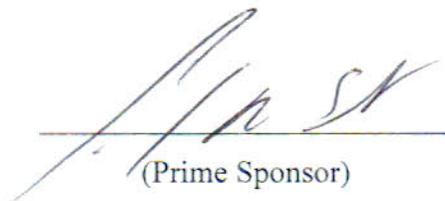
TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI'; SUPPORTING H.R. 5510, A PROPOSED CONGRESSIONAL BILL AMENDING THE HELP AMERICA VOTE ACT OF 2002 AND ENTITLED "PROTECTION AND ADVOCACY FOR VOTING ACCESS PROGRAM INCLUSION ACT"

PURPOSE: This resolution supports H.R. 5510, a proposed Congressional bill amending the Help America Vote Act of 2002. The proposed bill is officially entitled "Protection And Advocacy For Voting Access Program Inclusion Act" and clarifies (among other matters) funding for the American Indian Consortium serving (in the Four Corners region) voters with disabilities.

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. 0053-20

AN ACTION

RELATING TO NAABIK'ÍYÁTTI; SUPPORTING H.R. 5510, A PROPOSED CONGRESSIONAL BILL AMENDING THE HELP AMERICA VOTE ACT OF 2002 AND ENTITLED "PROTECTION AND ADVOCACY FOR VOTING ACCESS PROGRAM INCLUSION ACT"

WHEREAS:

1. Voting in the United States is a fundamental right of all Americans. U.S. Constitution, Amendment XV (1870). In spite of this, minorities, particularly Native Americans, continue to face discrimination and other unfair restrictions in the election process, including unreasonable voter registration procedures, inadequate language assistance and unfair voter identification requirements. Native Americans with disabilities face even more barriers in the voting process, including those at the polls on election day.

2. In 2013, the Native American Disability Law Center (NADLC) and the Navajo Nation Advisory Council on Disabilities (NNACD) reported:

“Thirty percent of Navajos between the ages of 21 and 54 have a disability. Of Navajos over the age of 64, 70% have a disability. Close to 40,000 enrolled members of the Navajo Nation have a disability.” *The Fundamental Principal of a Participatory Democracy*, Native American Disability Law Center (May 2013). See report attached as **Exhibit B** (hereinafter, “report”).

- 1 3. The NADLC and NNACD, in its 2013 report, found:
2 “One of the primary issues facing Navajo with disabilities throughout the Navajo
3 Nation is difficulty getting into polling sites. Navajo with disabilities cannot get out
4 of their vehicles because of muddy parking lots; they cannot get to a polling site
5 entrance because of loose gravel and large rocks on the parking lots; they cannot get
6 in doors because they are too heavy, there is no ramp, or the doors are not wide
7 enough to accommodate a wheelchair.” Report (2013).
- 8 4. The United States Congress in 2002 passed the Help America Act (HAVA). Under
9 the act, the Protection and Advocacy for Voting Access program (PAVA) was
10 established within the United States Department of Health and Human Services,
11 Administration on Disabilities. Through the program, funding is made available to
12 eligible Protection and Advocacy Systems across the United States.
- 13 5. PAVA advocates “for voters with disabilities,” ensuring that such voters have “access
14 to all aspects of the American voting process.” See, *History and Need for Technical*
15 *Fix in PAVA Program, National Disability Rights Network. Exhibit C.* More
16 particularly, the program assists with “providing disability training to poll workers,
17 distributing resources on how to conduct an accessible campaign, maintaining voting
18 hotlines, and examining polling places for accessibility.” *Id.*
- 19 5. Within the Four Corners region, the American Indian Consortium (the Native
20 American Disabilities Law Center) serves Native Americans with disabilities in areas
21 of civil rights, education, health care and access to public and private services.
22 However, due to interpretation of HAVA provisions, the Consortium, as well as the
23 Commonwealth of the Northern Mariana Islands CNMI), does not receive any funds
24 under PAVA. This is because the Consortium is not a “state.”
- 25 6. The original intent of PAVA was to include funding for programs serving as
26 Protection and Advocacy Systems. Congressional proposed bill H.R. 5510 intends to
27 amend HAVA to explicitly allow “grant funds to the voting accessibility protection
28 and advocacy system of the Commonwealth of the Northern Mariana Islands and the
29 system serving the American Indian consortium.” See attached **Exhibit A.**

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NOW THEREFORE BE IT RESOLVED:

The Navajo Nation hereby supports H.R. 5510, a proposed Congressional Bill amending the Help America Vote Act of 2002, entitled "Protection and Advocacy For Voting Access Program Inclusion Act."