

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0099-21_

SPONSOR: Daniel Tso

TITLE: An Action Relating to the Naa' bik'iyáti' Committee; Authorizing and Designating the Office of Navajo Nation Human Rights Commission to Represent the Navajo Nation in the 2021-2022 Congressional and State Redistricting Activities and Recommending Redistricting Plans

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0099-21

DATE: June 8, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAA'BIK'IYATI' COMMITTEE; AUTHORIZING AND DESIGNATING THE OFFICE OF NAVAJO NATION HUMAN RIGHTS COMMISSION TO REPRESENT THE NAVAJO NATION IN THE 2021-2022 CONGRESSIONAL AND STATE REDISTRICTING ACTIVITIES AND RECOMMENDING REDISTRICTING PLANS

PURPOSE: This resolution, if adopted, would authorize the Office of the Navajo Nation Human Rights Commission to assist the Navajo Nation by participating in the 2021-2022 Congressional, State Redistricting and other redistricting activities and recommending redistricting plans.

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 VSREDANVSC
Website Posting Time/Date _____
Posting End Date: JUNE 21, 2021
Eligible for Action: JUNE 22, 2021

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL – Third Year, 2021
3 INTRODUCED BY

4
5 _____
6 (Prime Sponsor)
7 
8 TRACKING NO. 0099-21
9 AN ACTION

10 RELATING TO THE NAA'BIK'IYATI' COMMITTEE; AUTHORIZING AND
11 DESIGNATING THE OFFICE OF NAVAJO NATION HUMAN RIGHTS
12 COMMISSION TO REPRESENT THE NAVAJO NATION IN THE 2021-2022
13 CONGRESSIONAL AND STATE REDISTRICTING ACTIVITIES AND
14 RECOMMENDING REDISTRICTING PLANS

15
16 BE IT ENACTED:

17
18 **SECTION ONE. AUTHORITY**

19 The Naa'bik'iyati' Committee is a standing committee of the Navajo Nation Council. 2
20 N.N.C. § 700. The Committee, among other duties and responsibilities, serves as the
21 oversight authority over the Navajo Nation Human Rights Commission. 2 N.N.C. § 923.
22

23 **SECTION TWO. FINDINGS**

- 24 A. The Navajo Nation occupies lands in Arizona, New Mexico and Utah.
25 B. Navajo voters have a right to vote and participate in all state elections, including those
26 for federal positions.
27 C. Navajos are citizens of the United States and citizens of the fifty states. It is crucial that
28 Navajo people are fairly and adequately represented in all election districts including but
29 not limited to legislative and Congressional redistricting plans.
30

1 D. While the United States Census Bureau is not scheduled to release the 2020 census data
2 until September 2021, the states of Arizona, New Mexico and Utah, among others, are
3 currently addressing redistricting of Congressional and state legislative districts. Counties
4 that extend onto the Navajo Nation are also addressing their redistricting plans, including
5 those of their state school boards.

6 E. The Navajo Nation Human Rights Commission was established by the Navajo Nation
7 Council for various purposes, including the protection of the basic rights of Navajo people.
8 2 N.N.C. § 920 *et seq.* The Commission is under the legislative branch of the Navajo
9 Nation. *Id.*

10 F. In the months of October, November and December 2020, the Office of the Navajo
11 Nation Human Rights Commission (“HRC Office”) participated as a member in the New
12 Mexico Task Force on Redistricting (“Task Force”). The Task Force issued a report with
13 recommendations. One of the principal issues presented by the HRC Office is that both
14 Navajo Nation and counties often do not have voting boundaries that are the same. It is
15 important that voting precinct boundaries coincide with Navajo community chapter
16 boundaries.

17 G. On April 6, 2021, New Mexico Governor Michelle Lujan Grisham signed into law
18 Senate Bill 304 which established for the first time a citizens’ redistricting commission in
19 New Mexico, directing that voting precinct boundaries coincide with chapter boundaries
20 as much as possible. Senate Bill 304 will come into effect on July 1, 2021.

21 H. The Navajo Nation Human Rights Commission was the principal mapper for the
22 Navajo Nation during the 2011-2012 redistricting activities. The Navajo Nation prevailed
23 in redistricting litigations involving New Mexico and Utah, and participated in an *amicus*
24 *curiae* brief submitted in Arizona redistricting litigation. See, *Navajo Nation et al v. San*
25 *Juan County et al.*, 2:12-CV-00039-RJS (Utah); *Navajo Nation et al v. Duran et al -*
26 *amended (comprehensive)*, D-101-CV-2011-02942 (Consolidated) (New Mexico).

27 I. By resolution NNHRCJUN-09-21, the Navajo Nation Human Rights Commission
28 recommends that the Office of Navajo Nation Human Rights Commission be designated
29 to address redistricting activities in the states of Arizona, New Mexico and Utah for 2021
30 and thereafter. See attached **Exhibit A**.

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2 **SECTION THREE. AUTHORIZING AND DESIGNATING THE OFFICE OF**
3 **NAVAJO NATION HUMAN RIGHTS COMMISSION TO REPRESENT THE**
4 **NAVAJO NATION IN THE 2021-2022 CONGRESSIONAL AND STATE**
5 **REDISTRICTING ACTIVITIES AND RECOMMENDING REDISTRICTING**
6 **PLANS**

7 A. The Navajo Nation hereby authorizes and designates the Office of the Navajo Nation
8 Human Rights Commission to assist with and represent the Navajo Nation on all state
9 legislative and Congressional redistricting activities.

10 B. The Office of the Navajo Nation Human Rights Commission shall ensure that all
11 members of the Navajo Nation are fairly and adequately represented in all voting precincts
12 and elective districts. Most particularly, the Office shall:

- 13 1). Improve/maintain the legislative districting in which the Navajo Nation is located
14 and preserve a majority-minority standard;
- 15 2). Improve the Congressional districting in which the Navajo Nation is located;
- 16 3). Ensure that Navajo Nation communities remain intact in legislative districts and
17 oppose cracking of such districts; and
- 18 4). Resist all efforts to dilute the strength of Navajo votes; ensure that Navajo voters
19 are given a fair opportunity to elect candidates of their choice; and,
- 20 5). Oppose retrogression; ensure that Navajo voting rights are protected and
21 preserved.

22
23 **SECTION FOUR. AUTHORIZING THE OFFICE OF THE SPEAKER TO**
24 **ASSIGN NAVAJO NATION COUNCIL DELEGATES TO WORK WITH THE**
25 **OFFICE OF THE NAVAJO NATION HUMAN RIGHTS COMMISSION**

26 The Speaker shall assign Navajo Nation Council Delegates to work with the Office of
27 the Navajo Nation Human Rights Commission on state redistricting activities. The
28 assigned Council Delegates, among other related responsibilities, shall:

29 A Guide the Office of the Navajo Nation Human Rights Commission in the development
30 of maps, concepts, goals, and all other applicable standards for redistricting;

1 B. Appear and provide testimony, on behalf of the Navajo Nation, before governmental
2 entities considering redistricting affecting the Navajo people;

3 C. Seek the assistance of the Office of the Navajo Nation President/Vice President, the
4 Office of the Speaker of the Navajo Nation, the Navajo Nation Department of Justice, the
5 Navajo Election Administration and the Navajo Board of Election Supervisors on the
6 collection of necessary data; and,

7 D. Provide monthly written reports on its activities to the Nabik'iyati' Committee of the
8 Navajo Nation Council.

9
10 **SECTION FIVE. DURATION OF ACTION**

11 The duration of this action of the Navajo Nation shall continue until proposed
12 redistricting plans of the states of Arizona, New Mexico and Utah currently being discussed
13 for implementation are officially adopted and disputes, if any, are fully resolved.

14
15 **SECTION SIX. SAVINGS CLAUSE**

16 Should any portion of this legislation approved herein be determined invalid by the
17 Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal
18 to the Navajo Nation Supreme Court, those portions not determined invalid shall remain
19 the law of the Navajo Nation.