LEGISLATION NO: _0099-21__        SPONSOR: Daniel Tso

TITLE: An Action Relating to the Naab’ik’íyáti’ 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

Date posted: June 16, 2021 at 12:49PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 et. seq.
DATE: June 8, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAA'BIKI'YATI' 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.

21-212-1
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0899-21

AN ACTION

RELATING TO THE NAA'BIKIYATI' 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

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

A. The Navajo Nation occupies lands in Arizona, New Mexico and Utah.

B. Navajo voters have a right to vote and participate in all state elections, including those for federal positions.

C. Navajos are citizens of the United States and citizens of the fifty states. It is crucial that Navajo people are fairly and adequately represented in all election districts including but not limited to legislative and Congressional redistricting plans.
D. While the United States Census Bureau is not scheduled to release the 2020 census data until September 2021, the states of Arizona, New Mexico and Utah, among others, are currently addressing redistricting of Congressional and state legislative districts. Counties that extend onto the Navajo Nation are also addressing their redistricting plans, including those of their state school boards.

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

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

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

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

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

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

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

1). Improve/maintain the legislative districting in which the Navajo Nation is located
and preserve a majority-minority standard;

2). Improve the Congressional districting in which the Navajo Nation is located;

3). Ensure that Navajo Nation communities remain intact in legislative districts and
oppose cracking of such districts; and

4). Resist all efforts to dilute the strength of Navajo votes; ensure that Navajo voters
are given a fair opportunity to elect candidates of their choice; and,

5). Oppose retrogression; ensure that Navajo voting rights are protected and
preserved.

SECTION FOUR. AUTHORIZING THE OFFICE OF THE SPEAKER TO
ASSIGN NAVAJO NATION COUNCIL DELEGATES TO WORK WITH THE
OFFICE OF THE NAVAJO NATION HUMAN RIGHTS COMMISSION

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

A Guide the Office of the Navajo Nation Human Rights Commission in the development
of maps, concepts, goals, and all other applicable standards for redistricting;
B. Appear and provide testimony, on behalf of the Navajo Nation, before governmental entities considering redistricting affecting the Navajo people;

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

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

SECTION FIVE. DURATION OF ACTION

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

SECTION SIX. SAVINGS CLAUSE

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