

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0183-21\_

SPONSOR: Daniel E. Tso

**TITLE: An Action Relating to Naabik'iyáti' Committee: Supporting the "Frank Harrison, Elizabeth Peratrovich, and Miguell Trujillo Native American Voting Rights Act of 2021," S. 2702, A Bill Introduced in the United States Senate**

*Date posted:* August 31, 2021 at 3:02PM

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0183-21

**DATE:** August 26, 2021

**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE FRANK HARRISON, ELIZABETH PERATROVICH, AND MIGUEL TRUJILLO NATIVE AMERICAN VOTING RIGHTS ACT OF 2021, S. 2702, A BILL INTRODUCED IN THE UNITED STATES SENATE

**PURPOSE:** This resolution, if adopted, would support the Frank Harrison, Elizabeth Peratrovich, and Miguel Trujillo Native American Voting Rights Act of 2021, S. 2702, a bill introduced in the United States Senate.

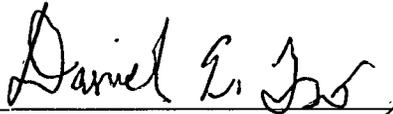
**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: VSPREADNONE  
Website Posting Time/Date:  
Posting End Date: SEPT. 05, 2021  
Eligible for Action: SEPT. 06, 2021

1 PROPOSED COMMITTEE RESOLUTION OF THE NAVAJO NATION

2 24<sup>th</sup> NAVAJO NATION COUNCIL -- Third Year, 2021

3 INTRODUCED BY

4  
5 

6  
7 (Primary Sponsor)



8  
9 TRACKING NO. 0183-21

10  
11 AN ACTION

12 RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE "FRANK  
13 HARRISON, ELIZABETH PERATROVICH, AND MIGUEL TRUJILLO NATIVE  
14 AMERICAN VOTING RIGHTS ACT OF 2021," S. 2702, A BILL INTRODUCED IN  
15 THE UNITED STATES SENATE

16  
17 WHEREAS:

- 18 A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council 2  
19 N.N.C. § 700(A). The committee, among other responsibilities, "coordinate[s] all  
20 federal, county and state programs with other standing committees and branches of  
21 the Navajo Nation government to provide the most efficient delivery of services to  
22 the Navajo Nation." 2 N.N.C. § 701(A)(4).
- 23 B. On August 10, 2021, Senator Ben Ray Luján (D-NM) introduced in the United States  
24 Senate bill S. 2702. The bill is entitled, the "Frank Harrison, Elizabeth Peratrovich,  
25 and Miguel Trujillo Native American Voting Rights Act of 2021." See attached  
26 **Exhibit A**. H.R. 5008 is a similar bill introduced by Representative Sharice Davids  
27 (D-KS).
- 28 C. Native Americans, although citizens of the United States, have historically been  
29 denied voting rights.
- 30

1 D. S. 2702 acknowledges, “[b]arriers to voter access for Native Americans persist  
2 today.” These barriers “range from obstructing voter access to voter dilution and  
3 intentional malapportionment of elections districts.” Section 2(a)(7). The bill  
4 provides, “[l]egislation removing barriers to Native American voting is vital for the  
5 fulfillment of Congress’ “unique obligation” toward Indians, particularly ensuring  
6 that Native American voters are fully included as “qualified members of the modern  
7 body politic”. Citing, *Board of County Comm’rs v. Seber*, 318 U.S. 705, 715 (1943).

8 E. Consistent with the federal government’s trust responsibilities towards Native  
9 Americans, key provisions of S. 2702 include:

- 10 1. Allowing Indian tribes to “specify the number and locations of requested polling  
11 places, early voting locations, and ballot drop boxes to be provided on ... Indian  
12 lands.” *See*, Section 6(c)(2)(A).
- 13 2. Requiring states to “provide a minimum of one polling place in each precinct in  
14 which there are eligible voters who reside on Indian lands in a location selected  
15 by the Indian tribe and at no cost to the Indian Tribe, regardless of the population  
16 or number of registered voters residing on Indian lands.” *See*, Section 6(a)(2).
- 17 3. Requiring states to consider all factors “relevant to effectuating the aim of  
18 achieving equal voting opportunities for individuals living on Indian lands.”  
19 Section 6(b)(1)(G). Mandated considerations would include “distances ... voters  
20 must travel to reach the polling places” and the modes of transportation (such as  
21 public transportation, if any). Section 6(b)(1)(B), (D) and (E).
- 22 4. Prohibiting states from “moving or consolidating a polling place on ... Indian  
23 lands ... to a location across a river, lake, mountain, or other natural boundary,  
24 such as that it makes travel difficult for a voter, regardless of distance.” Section  
25 7(a)(3).
- 26 5. Mandating notice and consent requirements regarding polling site changes  
27 proposed by states. *See e.g.*, Section 6(a) and Section 7.
- 28 6. Requiring states to allow early voting regardless of a registered voter’s “residence  
29 or residential address.” States would not be able to demand reasons for an  
30

1 absentee ballot request, nor “reject [it] ... on grounds that [it] was cast at the  
2 wrong polling place.” Section 6(a)(2)(I).

3 7. States would be required to accept and allow “any family member (including  
4 extended family such as cousins, grandchildren, and relations through marriage),  
5 caregiver, tribal assistance provider, or household member to return a sealed  
6 ballot to the post office on Tribal lands, a ballot drop box location ..., a tribally  
7 designated building ..., or an election office (provided unlawful compensation is  
8 not paid). Section 9(1).

9 8. States will be required to cooperate in good faith with Indian tribes, including  
10 providing reasonable opportunities to cure defects in absentee ballot applications.  
11 Section 6(c)(1)(C).

12 10. States will be required to accept tribal identification cards for voting purposes.  
13 Section. Section 8.

14 11. Periodical consultation with Indian tribes would be required of states for any  
15 compliance issues under the proposed law. Section 6.

16 12. And, consistent with recognized inherent authority of Indian tribes, tribes would  
17 be able to remove from their lands non-Indians “for intimidating, harassing or  
18 otherwise impeding the ability of people to vote...” Section 12.

19 F. S. 2702 would establish a Native American Voting Rights Task Force,” with a \$10  
20 million grant program for purposes of addressing the unique issues faced by Native  
21 voters. *See*, Section 4.

22 G. It is in the best interests of the Navajo Nation to support S. 2702.

23  
24 **NOW THEREFORE BE IT RESOLVED THAT:**

25 The Navajo Nation hereby supports and urges the passage of Senate bill S. 2702,  
26 entitled, the “Frank Harrison, Elizabeth Peratrovich, and Miguel Trujillo Native  
27 American Voting Rights Act of 2021.”  
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29  
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