

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0019-22\_

SPONSOR: Kee Allen Begay, Jr.

**TITLE: An Action Relating to an Emergency; Establishing the Navajo Nation's Position That the Voting Rights of Navajo Voters in all State and Federal Elections Should Be Protected by Appropriate Legislation and Other Means; Authorizing the Navajo Nation President and the Speaker of the Navajo Nation Council to Affirm the Navajo Nation's Position**

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## LEGISLATION SUMMARY

Date: January 27, 2022

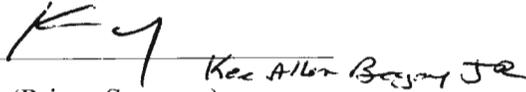
Re: AN ACTION RELATING TO AN EMERGENCY; ESTABLISHING THE NAVAJO NATION'S POSITION THAT THE VOTING RIGHTS OF NAVAJO VOTERS IN ALL STATE AND FEDERAL ELECTIONS SHOULD BE PROTECTED BY APPROPRIATE LEGISLATION AND OTHER MEANS; AUTHORIZING THE NAVAJO NATION PRESIDENT AND THE SPEAKER OF THE NAVAJO NATION COUNCIL TO AFFIRM THE NAVAJO NATION'S POSITION

Purpose: to establish and affirm the Navajo Nation's position with respect to the protection of the voting rights of Navajo people; to authorize President Nez and Speaker Damon to affirm the Navajo Nation's position.

OLC No. 22-024-1

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL – Fourth Year, 2022

Introduced by:

  
\_\_\_\_\_  
(Prime Sponsor)

Tracking No. 0019-22

AN ACTION

RELATING TO AN EMERGENCY; ESTABLISHING THE NAVAJO NATION'S POSITION THAT THE VOTING RIGHTS OF NAVAJO VOTERS IN ALL STATE AND FEDERAL ELECTIONS SHOULD BE PROTECTED BY APPROPRIATE LEGISLATION AND OTHER MEANS; AUTHORIZING THE NAVAJO NATION PRESIDENT AND THE SPEAKER OF THE NAVAJO NATION COUNCIL TO AFFIRM THE NAVAJO NATION'S POSITION

**Whereas:**

- A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. §102(A).
- B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.”
- C. Voting in the United States is a fundamental right of all Americans. U.S. Constitution, Amendment XV (1870). Although the U.S. Congress ratified the 15th Amendment to the U.S. Constitution, it was not until the Snyder Act in 1924 that Native Americans were given the right to vote under the 15th Amendment. Despite this, minorities, particularly Native

1 Americans, continue to face discrimination and other unfair restrictions in the election  
2 process, including unreasonable voter registration procedures, inadequate language  
3 assistance and unfair voter identification requirements. Native Americans with disabilities  
4 face even more barriers in the voting process, including those at the polls on election day.

5 D. In the United States, it is constitutionally unlawful for the federal government or any state  
6 to deny to any citizen the right to vote based on "race, color, or previous condition of  
7 servitude." U.S. Const. amend. XV §1.

8 E. The Navajo Nation, as with all Native American tribes, has a unique government-to-  
9 government relationship with the United States of America. Treaty of 1868, Aug. 12, 1868,  
10 15 Stat. 667.

11 F. The federal government owes a duty of trust to all Native Americans in this country. Native  
12 Americans are citizens of this country, and many have served honorably in the military  
13 forces of the United States.

14 G. Minorities, particularly Native Americans, continue to face discrimination and other unfair  
15 restrictions in the election process. Today, practices of voter suppression include unfair  
16 voter identification requirements, unreasonable voter registration procedures and  
17 inadequate language assistance.

18 H. The Navajo Nation has historically approved Navajo Nation resolutions to protect and  
19 preserve the voting rights of Navajo, Native American and minority voters:

20 1. Resolution No. NABIS-32-21 (AN ACTION RELATING TO NAABIK'ÍYÁTI'  
21 COMMITTEE: SUPPORTING THE "FRANK HARRISON, ELIZABETH  
22 PERATROVICH, AND MIGUEL TRUJILLO NATIVE AMERICAN VOTING  
23 RIGHTS ACT OF 2021," S. 2702, A BILL INTRODUCED IN THE UNITED STATES  
24 SENATE)

25 2. Resolution No. CMA-13-20 (AN ACTION RELATING TO AN EMERGENCY FOR  
26 THE NAVAJO NATION; OPPOSING THE STATE OF ARIZONA'S ALL MAIL IN  
27 VOTING FOR THE ELECTIONS; REQUESTING THE STATE OF ARIZONA  
28 CONSULT WITH THE NAVAJO NATION ON OTHER ALTERNATIVES)

29 3. Resolution No. NABIAP-17-20 (AN ACTION RELATING TO NAABIK'ÍYÁTI';  
30 SUPPORTING H.R. 5510, A PROPOSED CONGRESSIONAL BILL AMENDING

1 THE HELP AMERICA VOTE ACT OF 2002 AND ENTITLED "PROTECTION AND  
2 ADVOCACY FOR VOTING ACCESS PROGRAM INCLUSION ACT")

3 4. Resolution No. NABIJA-07-20 (AN ACTION RELATING TO NAABIK'ÍYÁTI;  
4 SUPPORTING PROPOSED "NATIVE AMERICAN VOTING RIGHTS ACT OF  
5 2019" AS INTRODUCED THROUGH U.S. SENATE BILL 739 AND HOUSE OF  
6 REPRESENTATIVE BILL 1694)

7 I. The Navajo Nation Council by Resolution No. CJN-15-08, also established the Navajo  
8 Nation Human Rights Commission, 2 N.N.C. §§ 920 et seq., to interact with local, state,  
9 national and international groups and advocate for recognition of Navajo human rights,  
10 which includes Navajo voting rights and Navajo voting redistricting efforts.

11 J. The Navajo Nation Council hereby finds the following:

- 12 1. Native Americans were the last Americans to be granted citizenship in the United States  
13 and the last to gain access to the right to vote. While Navajo voters are some of the most  
14 active and reliable voters in Arizona, New Mexico, and Utah; Navajos still face numerous  
15 barriers in accessing their right to vote.
- 16 2. Navajo voters face voting issues that are unique to Indian Country. The extremely rural  
17 nature of the Navajo Nation presents unique challenges for Navajo voters. Many Navajos  
18 must travel long distances to access basic voting services. All the County seats are  
19 located off the Navajo Nation. It is not uncommon for a Navajo voter to have to travel  
20 long distances, one way to a polling location. As a population that faces extreme poverty,  
21 traveling these long distances can have an extreme impact on the voters' financial  
22 resources.
- 23 3. All Navajo voters must travel some distance to access their mail. The extremely rural  
24 nature of the Navajo Nation has resulted in there being no home mail delivery service on  
25 the Nation. All residents on the Navajo Nation receive their election mail at their post  
26 office box address. There are a finite number of post office boxes on the Navajo Nation.  
27 Currently there are fewer post office boxes than people resulting in family members  
28 being required to share a post office box. Post offices generally limit the number of  
29 people that can be listed on a box, causing some who share post office boxes with their  
30 families to be removed from the box. Renting a post office box within the Navajo Nation

1 is very costly and if the fee is not paid on time, the box could be closed. If there is no  
2 availability on the family box, or if voters do not have enough money to pay the yearly  
3 fee, voters are forced to travel longer distances to secure any available post office boxes.  
4 This drastically limits the ability of the voter to receive important voter information or  
5 their ballot in the mail.

6 4. Getting to a polling location or a post office post box is often a difficult task, as  
7 transportation options are limited. Navajos rely on relatives or clan members for  
8 transportation because most Navajo households only have one vehicle for the entire  
9 family. In some parts of the Navajo Nation, very few Navajos own a vehicle. Travel  
10 across the Navajo Nation can also be difficult as thousands of miles of roads are unpaved.  
11 Long travel times make checking post office boxes a hardship for Navajo voters who are  
12 elderly or disabled. Navajo voters might also choose to check their mail less frequently,  
13 checking once a week or even as little as once every few weeks, making receipt of time  
14 sensitive information difficult.

15 5. Additionally, when Navajo voters do utilize a post office to mail their ballots, mail routes  
16 and timing are unreliable. This increases the risk of a ballot going uncounted. Because  
17 of the long delay in mailing, many Navajo voters prefer to vote in-person or utilize drop  
18 boxes to ensure their vote is counted.

19 6. The Navajo language is widely spoken by Navajo voters. The Navajo people are a racial  
20 and language minority under the Voting Rights Act and entitled to language assistance  
21 under the Act. Any written election material provided in the English language must also  
22 be provided in Navajo. Navajo voters continue to face language barriers in voting  
23 whether it be through a lack of voting material in Navajo or a lack of translators available  
24 to help them under the contents of their ballot.

25 7. Eligible voters within the Navajo Nation should not face hardship in registering to vote,  
26 receiving important voting information, or casting their ballot. Overall, poverty  
27 combined with the rural nature of the Nation and language barriers make voting for  
28 Navajos uniquely challenging. These disparities hinder active participation in the  
29 political process and effectively deny Navajos living on Navajo Nation lands the right to  
30 vote.

1 8. The Navajo Nation has a strong interest in ensuring that Native Americans have an equal  
2 opportunity to participate in the electoral process the same as other U.S. citizens. Each  
3 Navajo person registered to vote in state and federal elections in Arizona, New Mexico,  
4 or Utah should have the ability to cast their ballot and have that vote count.

5 K. It is necessary for the Navajo people, Navajo Chapters, Navajo communities, and the Navajo  
6 Nation to continue protecting and preserving voting rights of Navajo voters, by working  
7 with federal and state agencies, as well as private organizations, to advocate for the  
8 protection of the voting rights of the Navajo people. The first peoples of this country should  
9 not be the last people to cast their ballots.

10  
11 **Therefore Be It Resolved:**

12 The Navajo Nation strongly urges the U.S. Congress to enact voting rights legislation to protect  
13 the constitutionally-guaranteed right of Native Americans to vote in all federal and state  
14 elections. The federal government must fulfill its trust responsibility and safeguard Navajo  
15 citizens' right to vote, as well as the voting rights of all Native Americans. The Navajo Nation  
16 Council hereby authorizes the Navajo Nation President, and the Navajo Nation Speaker to  
17 affirm the Navajo Nation's position of protecting and preserving the voting rights of Navajo  
18 voters in all federal and state elections.