

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0027-25_

SPONSOR: Shaandiin Parrish

TITLE: An Action Relating to the Naabik'iyáti' Committee; Opposing State of Utah House Bill 300, Amendments to Election Law, and Requesting the State of Utah to Consult with The Navajo Nation to Provide Alternatives for Utah Election Code Amendments for Citizens of the State of Utah Navajo Voters

Date posted: March 07, 2025 at 5:16PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0027-25

DATE: March 07, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; OPPOSING STATE OF UTAH HOUSE BILL 300, AMENDMENTS TO ELECTION LAW, AND REQUESTING THE STATE OF UTAH TO CONSULT WITH THE NAVAJO NATION TO PROVIDE ALTERNATIVES FOR UTAH ELECTION CODE AMENDMENTS FOR CITIZENS OF THE STATE OF UTAH NAVAJO VOTERS

PURPOSE: The purpose of this proposed resolution is to convey the Nation's opposition to HB 300 passed by the Utah State Legislature due to it authorizing the denial of Utah Navajos' rights to vote in state and federal elections.

Final Authority: Naabik'íyáti' Committee

Vote Required: Simple Majority

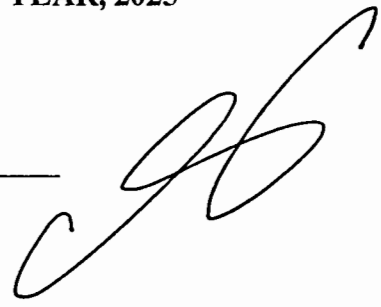
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL – THIRD YEAR, 2025

INTRODUCED BY



(Prime Sponsor)



TRACKING NO. 0027-25

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; OPPOSING STATE OF UTAH HOUSE BILL 300, AMENDMENTS TO ELECTION LAW, AND REQUESTING THE STATE OF UTAH TO CONSULT WITH THE NAVAJO NATION TO PROVIDE ALTERNATIVES FOR UTAH ELECTION CODE AMENDMENTS FOR CITIZENS OF THE STATE OF UTAH NAVAJO VOTERS

WHEREAS:

- A. The Navajo Nation established the Naabik'iyáti' Committee as Navajo Nation Council standing committee and as such empowered the Naabik'iyáti' Committee to coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700(A) and 701(A)(6).
- B. The Navajo Nation has a government-to-government relationship with the State of Utah.
- 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 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

1 disabilities face even more barriers in the voting process, including those at the polls on
2 election day.

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

6 E. The Utah Constitution states, "[e]very citizen of the United States, eighteen years of age
7 or over, who makes proper proof of residence in this state...shall be entitled to vote in
8 the election." Utah Constitution Art. IV, Sect. 2. The Navajo Nation has an interest in
9 ensuring its citizens have equitable, unimpeded access to the ballot box in Utah.

10 F. During the 2025 General Session, State of Utah, House Bill 300 ("HB 300") was
11 introduced to create three new categories of identification required for voter registration:
12 primary, secondary, and tertiary. In order for an individual to register to vote, they must
13 provide documentation from one of the three categories. In addition to this identification,
14 an individual who provides identification from the tertiary category must also provide an
15 affidavit justifying why they are not able to provide a photo identification. 20A-2-
16 103.5(1)(c).

17 G. The Navajo Nation believes HB 300 places an unnecessary burden on individuals who
18 do attempt to register without a photo identification by making them justify lack of photo
19 identification. It is also not clear the purpose of this requirement, or if Navajo voters'
20 registration will be denied if the election official does not agree with the statements in
21 the affidavit. Requiring Navajo voters to provide a justification for why they do not have
22 a photo identification interferes with their right to vote.

23 H. The Navajo Nation also believes that HB 300 limits access to voting by mail to only
24 voters with primary identification. 20A-3a-202(3)(e) requires election officials to include
25 a statement in all ballots mailed to voters that says, "[i]f you do not have a valid Utah
26 driver license or valid Utah state identification card, you must vote in person at a polling
27 place". Additionally, 20A-3a-202.5(4)(b)(i) prohibits an election officer from mailing
28 ballots to voters who do not have a primary photo identification. While the law claims
29 to allow voters to use various types of documents for registration purposes, the limitation
30 on the access of voting by mail, to only voters who have primary photo identification,

1 i.e. a Utah license or a Utah identification card, discriminates against Navajo voters and
2 places an unnecessary burden on Navajo voters to access their right to vote.

3 I. As citizens of the State of Utah, Navajo voters must have the same access to voting
4 opportunities as all Utah citizens. However, while HB 300 claims to accept various types
5 of verification, it actually limits the acceptable types of identification to Utah driver
6 licenses and Utah identification cards. It provides voters who have access to a Utah
7 driver license or a Utah identification card with greater access to the right to vote. The
8 people of the Navajo Nation deserve an equal opportunity to vote. Unfortunately, HB
9 300 does not provide them with an equal opportunity, but only constructs barriers for
10 them.

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
13 States and the last to gain access to the right to vote. While Navajo voters are some
14 of the most active and reliable voters in Arizona, New Mexico, and Utah; Navajos
15 still face numerous barriers in accessing their right to vote.

16 2. Navajo voters face voting issues that are unique to Indian Country. The extremely
17 rural nature of the Navajo Nation presents unique challenges for Navajo voters.
18 Many Navajos must travel long distances to access basic voting and identification
19 card services. All the County seats are located off the Navajo Nation. It is not
20 uncommon for a Navajo voter to travel long distances, one way to a polling location
21 and driver license and motor vehicle registration services. Many Navajo voters
22 prefer to have Arizona driver license and identification card because the services
23 are closer to where they live than the county seat. As a population that faces
24 extreme poverty, traveling these long distances can have an extreme impact on the
25 voters' financial resources.

26 3. All Navajo voters must travel some distance to access their mail. The extremely
27 rural nature of the Navajo Nation has resulted in there being no home mail delivery
28 service on the Nation. All residents on the Navajo Nation receive their election
29 mail at their post office box address. There are a finite number of post office boxes
30 on the Navajo Nation. Currently there are fewer post office boxes than people

1 resulting in family members being required to share a post office box. Post offices
2 generally limit the number of people that can be listed on a box, causing some who
3 share post office boxes with their families to be removed from the box. Renting a
4 post office box within the Navajo Nation is very costly and if the fee is not paid on
5 time, the box could be closed. If there is no availability on the family box, or if
6 voters do not have enough money to pay the yearly fee, voters are forced to travel
7 longer distances to secure any available post office boxes. This drastically limits
8 the ability of the voter to receive important voter information or their ballot in the
9 mail.

- 10 4. Getting to a polling location or a post office post box is often a difficult task, as
11 transportation options are limited. Navajos rely on relatives or clan members for
12 transportation because most Navajo households only have one vehicle for the entire
13 family. In some parts of the Navajo Nation, very few Navajos own a vehicle.
14 Travel across the Navajo Nation can also be difficult as thousands of miles of roads
15 are unpaved. Long travel times make checking post office boxes a hardship for
16 Navajo voters who are elderly or disabled. Navajo voters might also choose to
17 check their mail less frequently, checking once a week or even as little as once
18 every few weeks, making receipt of time sensitive information difficult.
- 19 5. Additionally, when Navajo voters do utilize a post office to mail their ballots, mail
20 routes and timing are unreliable. Envelops are date stamped either at Salt Lake
21 City, Phoenix, AZ or Albuquerque, NM for Navajos that live on the Utah portion
22 of the Navajo Nation. This increases the risk of a ballot going uncounted. Because
23 of the long delay in mailing, many Navajo voters prefer to vote in-person or utilize
24 drop boxes to ensure their vote is counted.
- 25 6. The Navajo language is widely spoken by Navajo voters. The Navajo people are a
26 racial and language minority under the Voting Rights Act and entitled to language
27 assistance under the Act. Any written election material provided in the English
28 language must also be provided in Navajo. Navajo voters continue to face language
29 barriers in voting whether it be through a lack of voting material in Navajo or a lack
30 of translators available to help them under the contents of their ballot.

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

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

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

17
18 **NOW, THEREFORE, BE IT RESOLVED:**

19 A. The Naabik'iyáti' Committee hereby opposes the State of Utah, House Bill 300. The
20 Navajo Nation respectfully requests State of Utah to consult with the Navajo Nation to
21 provide alternatives for Utah election code amendments for Citizens of the State of Utah
22 Navajo voters.

23 B. The Naabik'iyáti' Committee hereby authorizes the Navajo Nation President, Navajo
24 Nation Vice-President and the Speaker of the Navajo Nation Council to take all steps
25 necessary to advocate for the Navajo Nation's position with respect to House Bill 300.