RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Second Year, 2020

AN ACTION RELATING TO NAABIK'ÍYÁTI'; SUPPORTING H.R. 5510, A PROPOSED CONGRESSIONAL BILL AMENDING THE HELP AMERICA VOTE ACT OF 2002 AND ENTITLED "PROTECTION AND ADVOCACY FOR VOTING ACCESS PROGRAM INCLUSION ACT"

WHEREAS:

A. Voting in the United States is a fundamental right of all Americans. U.S. Constitution, Amendment XV (1870). In spite of 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 disabilities face even more barriers in the voting process, including those at the polls on election day.

B. In 2013, the Native American Disability Law Center (NADLC) and the Navajo Nation Advisory Council on Disabilities (NNACD) reported:

"Thirty percent of Navajos between the ages of 21 and 54 have a disability. Of Navajos over the age of 64, 70% have a disability. Close to 40,000 enrolled members of the Navajo Nation have a disability." *The Fundamental Principal of a Participatory Democracy*, Native American Disability Law Center (May 2013). See report attached as **Exhibit B** (hereinafter, "report").

C. The NADLC and NNACD, in its 2013 report, found:

"One of the primary issues facing Navajo with disabilities throughout the Navajo Nation is difficulty getting into polling sites. Navajo with disabilities cannot get out of their vehicles because of muddy parking lots; they cannot get to a polling site entrance because of loose gravel and large rocks

on the parking lots; they cannot get in doors because they are too heavy, there is no ramp, or the doors are not wide enough to accommodate a wheelchair." Report (2013).

D. The United States Congress in 2002 passed the Help America Act (HAVA). Under the act, the Protection and Advocacy for Voting Access program (PAVA) was established within the United States Department of Health and Human Services, Administration on Disabilities. Through the program, funding is made available to eligible Protection and Advocacy Systems across the United States.

E. PAVA advocates "for voters with disabilities," ensuring that such voters have "access to all aspects of the American voting process." See, *History and Need for Technical Fix in PAVA Program, National Disability Rights Network*. **Exhibit C**. More particularly, the program assists with "providing disability training to poll workers, distributing resources on how to conduct an accessible campaign, maintaining voting hotlines, and examining polling places for accessibility." *Id.*

F. Within the Four Corners region, the American Indian Consortium (the Native American Disabilities Law Center) serves Native Americans with disabilities in areas of civil rights, education, health care and access to public and private services. However, due to interpretation of HAVA provisions, the Consortium, as well as the Commonwealth of the Northern Mariana Islands CNMI), does not receive any funds under PAVA. This is because the Consortium is not a "state."

G. The original intent of PAVA was to include funding for programs serving as Protection and Advocacy Systems. Congressional proposed bill H.R. 5510 intends to amend HAVA to explicitly allow "grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium." See attached **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED:

The Navajo Nation hereby supports H.R. 5510, a proposed Congressional Bill amending the Help America Vote Act of 2002, entitled "Protection and Advocacy For Voting Access Program Inclusion Act."

CERTIFICATION

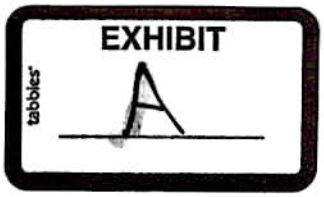
I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 15 in Favor, and 00 Opposed, on this 16th day of April 2020.

Honorable Seth Damon, Chairman
Naabik'íyáti' Committee

Motion: Honorable Mark A. Freeland
Second: Honorable Daniel E. Tso

Chairman Seth Damon not voting

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



116TH CONGRESS
1ST SESSION

H. R. 5510

To amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2019

Mr. GALLEGO (for himself, Mr. O'HALLERAN, Mr. SABLAN, Mr. LUJÁN, Mr. TIPTON, Ms. HAALAND, and Mr. STANTON) introduced the following bill; which was referred to the Committee on House Administration

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A BILL

To amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection and Advocacy for Voting Access Program Inclusion Act" or the "PAVA Program Inclusion Act".

SEC. 2. AUTHORIZING PAYMENTS TO VOTING ACCESSIBILITY PROTECTION AND ADVOCACY SYSTEMS SERVING THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS AND THE AMERICAN INDIAN CONSORTIUM.

(a) RECIPIENTS DEFINED.—Section 291 of the Help America Vote Act of 2002 (52 U.S.C. 21061) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) ELIGIBLE GRANT RECIPIENTS.—

"(1) DEFINITION OF STATE.—For the purposes of this section, the term 'State' shall have the meaning given such term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

"(2) AMERICAN INDIAN CONSORTIUM ELIGIBLE.—A system serving the American Indian consortium for which funds have been reserved under section 509(c)(1)(B) of the Rehabilitation Act of

1973 (29 U.S.C. 794e(c)(1)(B)) shall be eligible for payments under subsection (a) in the same manner as a protection and advocacy system of a State.".

(b) GRANT MINIMUMS FOR AMERICAN INDIAN CONSORTIUM.—Section 291(b) of such Act (52 U.S.C. 21061(b)) is amended—

(1) by inserting "(c)(1)(B)," after "as set forth in subsections"; and

(2) by striking "subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively." and inserting the following: "subsection (c)(3)(B) shall not be less than $70,000, and the amount of the grants to systems referred to in subsections (c)(1)(B) and (c)(4) shall not be less than $35,000.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect at the start of the first fiscal year starting after the date of the enactment of this Act.

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The Fundamental Principal of a Participatory Democracy

Equal Access for Navajos with Disabilities

May 2013

NATIVE AMERICAN
DISABILITY LAW CENTER

> "One of the major differences between Western principles . . . and Navajo legal procedure as participatory democracy is that it is essentially egalitarian. Egalitarianism is the fundamental principle of participatory democracy. The egalitarian principle is the ability of the people as a whole to make law." *Downey v. Bigman*, 7 Nav. R. 176, 177 (Nav. Sup. Ct. 1995).

I. Background

One of the primary issues facing Navajos with disabilities throughout the Navajo Nation is difficulty getting into polling sites. Navajos with disabilities cannot get out of their vehicles because of muddy parking lots; they cannot get to a polling site entrance because of loose gravel and large rocks on the parking lots; they cannot get in doors because they are too heavy, there is no ramp, or the doors are not wide enough to accommodate a wheelchair. This lack of basic access to polling sites interferes with the rights of Navajos with disabilities to fully participate in the election process. Although accommodations can be provided to some extent, such as an election official bringing a ballot to a person with a disability who is not able to access a polling facility due to structural barriers, individuals with disabilities are not being afforded the same opportunity as others without a disability to enter the polling site to vote and the essential privacy of the voting booth is violated.

In order to identify the specific barriers to poling sites and develop recommendations to address these issues, the Native American Disability Law Center (the Law Center) collaborated with the Navajo Nation Advisory Council on Disabilities (the Advisory Council) and community volunteers to survey the accessibility of 25 polling sites in five major communities across the Navajo Nation that host tribal, state, county and federal elections. This report summarizes the findings of those surveys. This report will be submitted to the Navajo Election Administration (NEA) for review. The Navajo Nation Board of Election Supervisors and the NEA were established to afford every Navajo individual the opportunity to participate in tribal, state, county, and federal elections and are responsible for all elections conducted within the Navajo Nation. The Law Center and the Advisory Council hope that this report motivates the Navajo Nation to implement corrective measures to enhance the voting accessibility for people with disabilities.

The Law Center is a private non-profit organization that advocates for the legal rights of Native Americans with disabilities. Through advocacy and education, the Law Center empowers Native people with disabilities to live independent lives in their own communities. The Law Center serves Native Americans with disabilities across the Four Corners area of New Mexico, Utah, Arizona and Colorado with offices in Farmington and Gallup, New Mexico. The Law Center assists Native Americans with disabilities who feel they have been discriminated against because of their disability, abused or neglected, or wrongly denied a service.

The Advisory Council is the official advocacy body for Navajos with disabilities and their families. The Advisory Council members are confirmed by the Navajo Nation Office of the President. The Advisory Council's authority comes from Title XII, Chapter 57 of the Navajo Nation Code. The Advisory Council is responsible for advising the Navajo Nation on policies impacting people with disabilities and ensuring that persons with disabilities have equal access to employment, education, housing, public safety, communication, recreation, medical treatment and social opportunities, including participation in the political process. Also, the Advisory Council promotes awareness of the needs of Navajos with disabilities. To fulfill its responsibilities, the Advisory Council is focused on ensuring that Navajos with disabilities have access to all polling sites within the Navajo Nation.

II. Justification and Purpose

Thirty percent of Navajos between the ages of 21 and 54 have a disability. Of Navajos over the age of 64, 70% have a disability. Close to 40,000 enrolled members of the Navajo Nation have a disability.

The Navajo Nation Vocational Rehabilitation and Opportunities for the Handicap Act, passed in 1984, states:

> All Navajo people are entitled to participate fully in the economic, social, cultural, and political life of the Navajo Nation regardless of the person's disability.
> *10 N.N.C. §1402(A)*

This act further mandates that public entities provide site accessibility and reasonable accommodations for individuals with disabilities and make all services available in an equitable and non-discriminatory basis. *10 N.N.C. §1402(A)(3).*

In order to personally participate in the election process, Navajos with disabilities must first be able to get in the door. Access requires a sufficient number of designated parking spaces, easy access to clear and level pathways to the entrance of the facility, accessible door entrances with doorways at least 32 inches wide throughout the building, level thresholds throughout the building, doors that are equipped with levers that are easy to grasp for a person with a disability, and voting areas that allow for easy maneuvering of wheelchairs and other assistive devices. These are basic accessibility requirements that should be provided at all designated polling sites within the Navajo Nation.

III. Survey Methodology

The polling site survey was developed by the Advisory Council with input by the Law Center, Office of Special Education and Rehabilitation Services, and other disability advocates. Several survey samples

were reviewed and compiled into a survey form that was designed to reflect basic accessibility requirements. The resulting survey form was not based on typical definitions of full accessibility but rather was focused on the basic requirements necessary to provide minimum access.

The survey form has four major components:

- Parking Accessibility
- Sidewalks and Walkways
- Other Features
- Other Comments

Each component addresses several specific elements necessary to provide minimum physical access for individuals with disabilities. The survey form uses the United States Department of Justice Americans with Disabilities Accessibility Guidelines as the basis for the standards of use but are not rigidly applied in every area and in every aspect. And some elements were not applicable to some sites, such as when a building entrance did not require ramps or steps.

Surveys were conducted in the five major Navajo communities of Shiprock, Gallup, Chinle, Tuba City and Crownpoint. The selection of polling sites to be surveyed was based on a current list of polling locations retrieved from the internet within the identified Navajo community area. In each of the five communities, five polling site surveys were conducted for a total of twenty-five surveys. The communities and polling sites surveyed were:

1. Shiprock, New Mexico – located in the northern part of the Navajo Nation.

    a. Burnham Chapter House
    b. Sanostee Veterans Building
    c. Shiprock Fire Station
    d. Hogback Chapter House
    e. Nenahnezad Chapter House

2. Gallup, New Mexico – located in the southern part of the Navajo Nation.

    a. Mexican Springs Chapter House
    b. Tohatchi Elementary School
    c. Twin Lakes Elementary School
    d. Rock Springs Chapter House
    e. Red Rock Chapter House

3. Chinle, Arizona – located in the central part of the Navajo Nation.

    a. Many Farms Chapter House
    b. Chinle Community Civic Center
    c. Tsaile\Wheatfields Chapter House
    d. Lukachukai Chapter House
    e. Red Valley Chapter House

4. Tuba City, Arizona – located in the far western part of the Navajo Nation.

    a. Tuba City Chapter House
    b. Tuba City High School
    c. Tonalea Chapter House
    d. Kaibeto Chapter House
    e. Inscription House Chapter House

5. Crownpoint, New Mexico – located in the eastern part of the Navajo Nation.

    a. Coyote Canyon Chapter House
    b. Coyote Canyon Senior Citizen Center
    c. Standing Rock Chapter House
    d. Dulton Pass Chapter House
    e. Crownpoint Middle School

An assessment team jointly conducted the surveys. The assessment team included a person who uses a wheelchair and has a van with a wheelchair lift, a person who is legally blind, and a person who provides attendant care for elderly parents. After the surveys were completed, the assessment team jointly reviewed the recorded responses to ensure there was a consensus on compliance or non-compliance.

IV. Summary of Survey Findings

The results from the surveys of the 25 polling sites found several common barriers to accessibility throughout the polling sites on the Navajo Nation. Additionally, each polling site also had specific barriers that inhibit Navajos with disabilities from accessing that polling site. Following this summary, is a section that provides a detail analysis of each community with specific recommendations.

The survey results show common major deficiencies across the Navajo Nation:

1. No posted signs or designated parking spaces for individuals with disabilities.
2. No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
3. Uneven and unsafe parking lot surfaces consisting of dirt, loose gravel, or large rocks that are impassable and potentially muddy during inclement weather.
4. No clear and safe entrance to polling places with surfaces of loose gravel and large rocks making it difficult to maneuver wheelchairs, walkers, and potentially unsafe for individuals with visual impairments.
5. Uneven sidewalks that are one inch or higher than the surface of the parking area.
6. Impassable entrance and interior doors that have unusable knobs or "C" shape handles with thumb press buttons, rather than easily used levers.
7. No ramps or steep and unsafe ramps constructed of material that becomes slippery during inclement weather.
8. Impassable and narrow entries and exits that become congested for wheelchairs and other assistive devices.

V. Identified Deficiencies of Specific Polling Sites:

Shiprock, New Mexico area:

Burnham Chapter House: This polling site hosts state, county and Navajo Nation elections.

- No posted signs or designated parking spaces for individuals with disabilities.
  Recommended Resolution: Signs posted and lined parking spaces marked to designate parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The parking area on the south side of the polling site has a paved surface, but the parking area on the west side is a dirt surface that can become muddy during inclement weather.
  Recommended Resolution: Pave the parking area on the west side to provide a hard, smooth, and level surface.
- The pathway from the parking area to the entrance of the polling site has a dirt surface with no sidewalks.
  Recommended Resolution: Pave the pathway from the parking area and provide sidewalks four feet wide for easier access to the building entrance.

- The exit door has a 1 to 2-inch drop off that is unsafe for a person who uses a wheelchair or a walker or a person with a visual impairment.
  Recommended Resolution: Install a ramp with a 1:12 inch slope ratio.
- All doors have round door knobs that are difficult for some people with disabilities to grasp or open.
  Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.

Sanostee Veterans Building: This polling site hosts federal, state and county elections.

- No posted signs or designated parking spaces for individuals with disabilities.
  Recommended Resolution: Signs posted and lined parking spaces marked to designate parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The parking area is a dirt surface that can become muddy during inclement weather.
  Recommended Resolution: Pave the parking area to provide a hard, smooth, and level surface.
- The sidewalks near the building entrance have a three inch drop off on each side with no railings; the drop is potentially hazardous for persons who use a wheelchair or a walker, or for a person with a visual impairment.
  Recommended Resolution: Install 32 inch high railings on each side of the sidewalk.
- The exit door has a steep ramp constructed of material that could become slippery when wet.
  Recommended Resolution: Modify the ramp to a 1:12 slope and cover the surface with a non-slip material.
- All doors have round door knobs that are difficult for some people with disabilities to grasp or open.
  Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.

Shiprock Fire Station: This polling site hosts federal, state and county elections.

- No posted signs or designated parking spaces for individuals with disabilities.
  Recommended Resolution: Signs posted and lined parking spaces marked to designate parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The ramp lacks a landing large enough for safe maneuverability.

Recommended Resolution: Modify the ramp landing allowing for four square foot area for sufficient and safe maneuverability for a person who uses a wheelchair.

- The entrance door swings outward toa limited ramp landing space making it difficult for a person in a wheelchair to enter.
  Recommended Resolution: Modify the door so it swings inward allowing easier and safer access.
- The polling site lacks sufficient space for individuals using wheelchairs, walkers or other mobility devices.
  Recommended Resolution: The polling site should allow 36 inch wide pathways and access for individuals using wheelchairs, walkers and other mobility devices.
- The pathway from the parking area to the entrance of the polling site has a dirt surface with no sidewalks.
  Recommended Resolution: Pave the pathway from the parking area and provide sidewalks four feet wide for easier access to the building entrance.

Hogback Chapter House: This polling site hosts state, county and Navajo Nation elections.

- No posted signs or designated parking spaces for individuals with disabilities.
  Recommended Resolution: Signs posted and lined parking spaces marked to designate parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The parking area is a dirt and gravel surface that becomes muddy during inclement weather.
  Recommended Resolution: Pave the parking area to provide a hard, smooth, and level surface.
- The pathway from the parking area to the entrance of the polling site is dirt and gravel.
  Recommended Resolution: Pave the pathway from the parking area and provide sidewalks four feet wide for easier access to the building entrance.
- The sidewalks near the building drop five to six inches on each side with no railings; the drop is potentially hazardous for persons who use a wheelchair or a walker, or for a person with a visual impairment.
  Recommended Resolution: Install 32 inch high railings on each side of the sidewalk.
- All doors except the entrance have round door knobs that are difficult for some people with disabilities to grasp or open.
  Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.

Nenahnezad Chapter House: This polling site hosts state, county and Navajo Nation elections.

- The ramp at the building's entrance is too steep and the surface becomes slippery when wet.
  Recommended Resolution: Modify the ramp to a 1:12 slope and install a slip resistant material on the ramp.

Gallup, New Mexico area:

Mexican Springs Chapter House: This polling site hosts federal, state, county and Navajo Nation elections.

- No designated parking spaces for individuals with disabilities.
  Recommended Resolution: Mark lined parking spaces designating parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The parking area is a dirt surface that can become muddy during inclement weather.
  Recommended Resolution: Pave the parking area to provide a hard, smooth, and level surface.
- The two available ramps become slippery when wet.
  Recommended Resolution: Cover the ramp surface with a slip resistant material.
- All doors have round door knobs that are difficult for some people with disabilities to grasp or open.
  Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.

Tohatchi Elementary School: This polling site hosts federal, state and county elections.

- The polling site lacks sufficient space for individuals using wheelchairs, walkers or other mobility devices.
  Recommended Resolution: The polling site should allow 36 inch wide pathways and access for individuals using wheelchairs, walkers and other mobility devices.

Twin Lakes Elementary School: This polling site hosts federal, state and county elections.

- On the pathway to the polling site entrance there are two cement pillars that could be hazardous for a blind/low vision person.
  Recommended Resolution: The bases of the pillars need to be covered with material at least six feet high to serve as safety cushioning.
- The doors have "C" shaped handles with thumb presses that are difficult for some people with disabilities to open.

Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.

Rock Springs Chapter House: This polling site hosts state, county and Navajo Nation elections.

- No posted signs or designated parking spaces for individuals with disabilities.
  Recommended Resolution: Signs posted and lined parking spaces marked to designate parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The parking area is a dirt surface that can become muddy during inclement weather.
  Recommended Resolution: Pave the parking area to provide a hard, smooth, and level surface.
- The pathway to the building entrance is dirt and becomes muddy during inclement weather.
  Recommended Resolution: Pave the pathway from the parking area and provide sidewalks four feet wide for easier access to the building entrance.
- The railroad ties near the building entrance cause an unnecessary barrier and hazard.
  Recommended Resolution: Remove the railroad ties.
- All doors have round door knobs that are difficult for some people with disabilities to grasp or open.
  Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.

Red Rock Chapter House: This polling site hosts state, county and Navajo Nation elections.

- No posted signs or designated parking spaces for individuals with disabilities.
  Recommended Resolution: Signs posted and lined parking spaces marked to designate parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The parking area is gravel which creates difficulty for individuals using wheelchairs, walkers, other mobility devices or who have mobility impairments.
  Recommended Resolution: Pave the parking area to provide a hard, smooth, and level surface.
- The building steps do not have hand rails.
  Recommended Resolution: Install hand rails at least 32 inches high on each side of the steps.

Chinle, Arizona area:

Many Farms Chapter House: This polling site hosts county and Navajo Nation elections.

- No posted signs or designated parking spaces for individuals with disabilities.
  Recommended Resolution: Signs posted and lined parking spaces marked to designate parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The parking area is a dirt surface that can become muddy during inclement weather.
  Recommended Resolution: Pave the parking area to provide a hard, smooth, and level surface.
- All doors have round door knobs that are difficult for some people with disabilities to grasp or open.
  Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.

Lukachukai Chapter House: This polling site hosts federal, state, county and Navajo Nation elections.

- The same door is used for entering and exiting the polling site causing unnecessary congestion for individuals using wheelchairs, walkers or other assistive devices.
  Recommended Resolution: There are doors on the west side and east side of the building that could be designated for entering or exiting.

Red Valley Chapter House: This polling site hosts county and Navajo Nation elections.

- No posted signs or designated parking spaces for individuals with disabilities.
  Recommended Resolution: Signs posted and lined parking spaces marked to designate parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The asphalt parking area is broken with pot holes.
  Recommended Resolution: The surface of the parking area needs to be re-paved or properly patched to provide a smooth and safe surface.
- All doors have round door knobs that are difficult for some people with disabilities to grasp or open.
  Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.

- The entrance has a four inch drop between the parking surface and the sidewalk that is unsafe for a person who uses a wheelchair or a walker or a person with a visual impairment.
  Recommended Resolution: Install a ramp with a 1:12 inch slope.

Chinle Civic Center: This polling site hosts federal, state and county elections.

According to the survey results, there were no deficiencies at this site and it is minimally accessible for Navajo voters with disabilities.

Wheatfield/Tsaile Chapter House: This polling site hosts state, county and Navajo Nation elections.

- No posted signs or designated parking spaces for individuals with disabilities.
  Recommended Resolution: Signs posted and lined parking spaces marked to designate parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The parking area is a dirt surface that can become muddy during inclement weather.
  Recommended Resolution: Pave the parking area to provide a hard, smooth, and level surface.
- All doors have round door knobs that are difficult for some people with disabilities to grasp or open.
  Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.

Tuba City, Arizona area:

Kaibeto Chapter House: This polling site hosts state, county and Navajo Nation elections.

- No posted signs or designated parking spaces for individuals with disabilities.
  Recommended Resolution: Signs posted and lined parking spaces marked to designate parking for individuals with disabilities.
- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The parking area is a dirt and gravel surface that can become muddy and difficult during inclement weather.

Recommended Resolution: Pave the parking area to provide a hard, smooth, and level surface.

- The entrance door has a "C" shape handle with a thumb press button that could be difficult for a person with a disability to use:
  Recommended Resolution: The entrance door needs to be equipped with a "L" shape lever for easy grasping.
- The doors have "C" shaped handles with thumb presses that are difficult for some people with disabilities to open.
  Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.
- The entrance and exit doors are close to each other resulting in unnecessary congestion for those using wheelchairs, walkers or other assistive devices.
  Recommended Resolution: Reorganize traffic so that a side is designated for exiting to avoid congestion.

Tuba City High School Pavilion: This polling site hosts federal, state and county elections.

- No designated parking spaces with sufficient room for vehicles with wheelchair lifts.
  Recommended Resolution: Mark designated lined parking spaces 13 feet wide to sufficiently accommodate parking for a van with a wheelchair lift.
- The parking area located on the southwest side of the polling site is over the recommended minimum 200 feet from the entrance on the southeast side.
  Recommended Resolution: Designate a back door on the southwest side of the polling site as an entrance for those with disabilities.
- The doors have "C" shaped handles with thumb presses that are difficult for some people with disabilities to open.
  Recommended Resolution: Equip all doors with "L" shaped levers for easy grasping.

Tonalea Chapter House: This polling site hosts federal, state, county and Navajo Nation elections.

- The surface of the parking area is paved but has pot holes; there is a posted sign for a designated parking space for a person with a disability but the space does not have lines designating the parking spaces.
  Recommended Resolution: The surface of the parking area needs to be re-paved and designated lines for the parking spaces need to be painted, including a lined space 13 feet wide to accommodate a van with a wheelchair lift.
- The parking area and pathway that leads to the sidewalk to the entrance of the polling place is paved, but has pot holes that makes it difficult for maneuvering wheelchairs, walkers, and is unsafe for a individuals with visual impairments.

Recommended Resolution: The surface of the parking area needs to be re-paved to create a hard, smooth and level pathway to the polling facility.

- There is a deep dip at least three feet wide of dirt and gravel between the parking area and the sidewalk to the entrance that makes it difficult for accessing the polling site.
  Recommended Resolution: A ramp needs to be constructed over the deep dip, between the parking surfaces on to the sidewalk that leads to the building entrance.
- The sidewalk that leads up to the entrance door is less than four feet wide, has rough edges on the left side of the sidewalk and the surface has cracks.
  Recommended Resolution: The sidewalk needs to be re-constructed to be four feet wide, with even edges, and a smooth surface.
- The entrance has a double door for entering and exiting that could become congested for wheelchairs and other assistive devices.
  Recommended Resolution: A side or back door could be designated for exiting.

Inscription Chapter House: This polling site hosts state, county and Navajo Nation elections.

- The parking area has a posted sign for disability parking, but the designated lined parking spaces are faded.
  Recommended Resolution: The lined parking spaces need to be re-painted for disability parking, including a 13 foot wide space that can accommodate a van with a wheelchair lift.
- The pathway to the entrance of the building has a deep dip that makes accessing the building difficult for wheelchairs, walkers, and unsafe for individuals with visual impairments.
  Recommended Resolution: A ramp needs to be constructed over the deep dip leading to the building entrance.
- The entrance door has a round knob that makes it difficult to grasp for a person with a disability.
  Recommended Resolution: The entrance door needs to be equipped with an "L" shape lever for easy grasping.
- The outside of the exit door has a cement slab with a high drop off.
  Recommended Resolution: The cement slab needs to have a ramp constructed at a 1:12 inch slope.

Tuba City Chapter House: This polling site hosts Navajo Nation elections.

- The surface of the parking area is dirt and gravel with large loose rocks. There are no posted signs or designated lined parking spaces for disability parking.

Recommended Resolution: The surface of the parking area needs to be paved, lined parking spaces need to be painted, including a 13 foot wide space to accommodate a van with a wheelchair lift, and related signs need to be posted.

- The pathway to the entrance of the polling site is not level, and has a dirt and gravel surface with large loose rocks that makes it difficult for maneuvering a wheelchair, using a walker and unsafe for individuals with visual impairments.
  Recommended Resolution: Pave the parking area to provide a hard, smooth, and level surface.
- The entrance door has handles that are too high to reach for a person in a wheelchair.
  Recommended Resolution: The entrance door needs to be equipped with an "L" shape levers that are positioned no more than 48 inches high.
- There are two ramps on the pathway to the building entrance that are constructed of metal and could become slippery during inclement weather.
  Recommended Resolution: The two ramps need to be covered with slip resistant material.
- There are four steps leading up to the entrance of the polling facility with hand rails only on one side.
  Recommended Resolution: Hand rails need to be installed on each side of the steps at a height of least 32 inches.
- The interior doors have round knobs which is difficult to grasp for a person with a disability.
  Recommended Resolution: All doors need to be equipped with "L" shape levers for easy grasping.

Crownpoint, New Mexico area:

Coyote Canyon Chapter House: This polling site hosts Navajo Nation elections.

- In the parking area there is one posted sign but there are not any designated lined parking spaces for disability parking.
  Recommended Resolution: The parking area needs to have lined parking spaces painted, including one that is 13 feet wide to accommodate a van with a wheelchair lift.
- The entrance door is too heavy for individuals with disabilities to open.
  Recommended Resolution: A lighter weight door needs to be installed with an "L" shape lever for easy opening.
- There is a 1 to 2-inch rise from the surface of the parking area onto the edge of the sidewalk leading to the building entrance.
  Recommended Resolution: A ramp at a 1:12 slope ratio, needs to be installed.

- The surface of the sidewalk has cracks and is uneven that makes it unsafe for a person who uses a walker and for individuals with visual impairments.
  Recommended Resolution: The sidewalk needs to be re-surfaced making the sidewalk level and smooth.

Coyote Canyon Senior Citizen Center: This polling site hosts state and county elections.

- The surface of the parking area has loose gravel with large rocks. It also lacks posted signs or designated lined parking spaces for disability parking.
  Recommended Resolution: The surface of the parking area needs to be paved, lined parking spaces need to be painted, including a 13 foot wide space to accommodate a van with a wheelchair lift, and signs need to be posted designating the parking spaces for those with disabilities.
- The pathway to the building entrance is unlevel with loose gravel and large rocks that makes it difficult for individuals with visual impairments or for those using wheelchairs, walkers, or other mobility devices.
  Recommended Resolution: The parking area needs to be paved and sidewalks need to be constructed near the building to make the entrance more accessible.
- The doors have a round knob that makes it difficult for grasping by a person with a disability.
  Recommended Resolution: All doors need to be equipped with "L" shape levers for easy grasping.
- The same door is used for entering and exiting the polling site that could make it congested for wheelchairs and other assistive devices.
  Recommended Resolution: The back door could be used for exiting; however, since it has steps, a ramp with a slope of 1:12 inches would need to be installed. The ramp at the back door has the added benefit of providing an accessible emergency exit.

Standing Rock Chapter House: This polling site hosts state, county and Navajo Nation elections.

- The surface of the parking area is dirt; there are no posted signs or designated lined parking spaces for disability parking.
  Recommended Resolution: The parking area needs to be paved, lined parking spaces need to be painted, including a 13 foot wide space to accommodate a van with a wheelchair lift, and related signs need to be posted.
- The pathway to the entrance has a 2 to 3-inch rise from the surface of the parking area onto the edge of the sidewalk that makes it inaccessible for those using wheelchairs, walkers, or other mobility devices and for individuals with visual impairments.

Recommended Resolution: A ramp needs to be installed with a 1:12 inch slope to provide access.

Dulton Pass Chapter House: This polling site hosts state, county and Navajo Nation elections.

- The surface of the parking area is dirt with loose gravel and lacks posted signs or designated lined parking spaces for disability parking.
  Recommended Resolution: The parking area needs to be paved, lined parking spaces need to be painted, including a 13 wide space to accommodate a van with a wheelchair lift, and related signs need to be posted designating parking spaces for those with disabilities.
- The surface of the sidewalk leading up to the entrance has breaks and cracks over a half inch wide.
  Recommended Resolution: The sidewalk needs to be re-surfaced so that is level and smooth for easy mobility for wheelchairs and other assistive devices.
- The doors have "C" shape handles with thumb press buttons that make it difficult for a person with a disability to open the doors.
  Recommended Resolution: All doors need to be equipped with "L" shaped levers for easy grasping.

Crownpoint Middle School: This polling site hosts federal, state and county elections.

- The parking lot lacks signs designating parking for those with disabilities and the lines for the designated parking spaces are faded.
  Recommended Resolution: The designated lined parking spaces need to be re-painted, including a 13 foot wide space that can accommodate a van with a wheelchair lift, and related signs need to be posted.

VI. Features inside the Voting Area:

Although this report has focused on the minimum requirements for physical access, the polling sites should also comply with the following requirements to ensure that once voters enter the building, they have the ability to cast their ballots.

1. Voting instructions should be printed in 14-type print and prominently displayed.
2. The voting area should be arranged with a minimum of 36 inch wide pathways and aisles to provide maneuvering for voters using wheelchairs, walkers or other mobility devices.
3. All necessary parts of the voting system should be no higher than 48 inches.
4. The tops of tables and counters used for voting should be between 28 to 34 inches high.

5. The voting booths/tables should have a writing shelf clearance of at least 27 inches underneath.
6. The voting tables should be at least 19 inches deep.
7. Magnifying devices should be available for those who request them.
8. The area where votes are cast should be well lit.
9. Seating in a waiting area should be available for individuals with disabilities.

VII. Conclusion

The survey results indicate that while some of the designated Navajo Nation polling sites are somewhat accessible for individuals with disabilities, only one, the Chinle Civic Center, is compliant with minimum accessibility standards. The Native American Disability Law Center, the Navajo Nation Advisory Council on Disabilities, and community advocates hope that this report provides a framework for discussing the need to improve accessibility for all Navajo voters. There is also a need to expand this type of review to all Navajo Nation polling sites hosting federal, state, county and Navajo Nation elections.

The Navajo Nation Vocational Rehabilitation and Opportunities for the Handicap Act mandates that the Navajo Nation recognize the rights of Navajos with disabilities to fully participate in the political process. In order to fulfill this mandate, Navajos with disabilities must have physical access to the polls and the opportunity to exercise their right to vote. This report can serve as a framework for creating short and long term goals to fulfill this mandate and protect the rights of Navajos with disabilities to fully participate in their communities.

NATIONAL DISABILITY RIGHTS NETWORK
Protection & Advocacy for Individuals with Disabilities

EXHIBIT C
tabbies

HISTORY AND NEED FOR TECHNICAL FIX IN PAVA PROGRAM

HISTORY OF PROTECTION AND ADVOCACY FOR VOTING ACCESS (PAVA)

In 2002, Congress passed the Help America Vote Act (HAVA). The law acknowledges the unique obstacles people with disabilities face at the polls, and authorizes funding for the Protection and Advocacy for Voting Access (PAVA) program. This program advocates for voters with disabilities to have access to all aspects of the American voting process. PAVA is administered by the United States Department of Health and Human Services, Administration on Disabilities (AoD) in the Administration on Community Living (ACL).

PAVA funding is currently awarded to eligible Protection and Advocacy (P&A) Systems across the country. P&As are congressionally mandated, legally based disability rights agencies that work to protect individuals with disabilities by empowering them and advocating on their behalf. There are a total of 57 P&As located in all 50 states, the District of Columbia, Puerto Rico, the U.S. territories (U.S. Virgin Islands, Guam, the Northern Marianas Islands (CNMI) and American Samoa) and there is an American Indian Consortium serving Native Americans with disabilities in the Four Corners region as well.

As a result of an interpretation of the 2002 HAVA law, only 55 out of the 57 P&As are currently eligible for PAVA funding as CNMI and the American Indian Consortium do not receive this funding, because they are not considered "states".

Every year, ACL releases appropriations distributions provided to each P&A under the various P&A programs. ACL's list of the P&As who received FY2019 HAVA funding does not include CNMI and the American Indian Consortium, while ACL lists all 57 P&As as receiving FY2019 Protection and Advocacy for Assistive Technology (PAAT) funding. This indicates that the American Indian Consortium and CNMI are excluded from receiving PAVA funds.

USE OF PAVA FUNDS

Under Section 291 of HAVA it states that P&As can use the funds to "ensure full participation in the electoral process for individuals with disabilities" (*HAVA, 2002*). Examples of work PAVA funds support include, but are not limited to, providing disability training to poll workers, distributing resources on how to conduct an accessible campaign, maintaining voting hotlines, and examining polling places for accessibility.

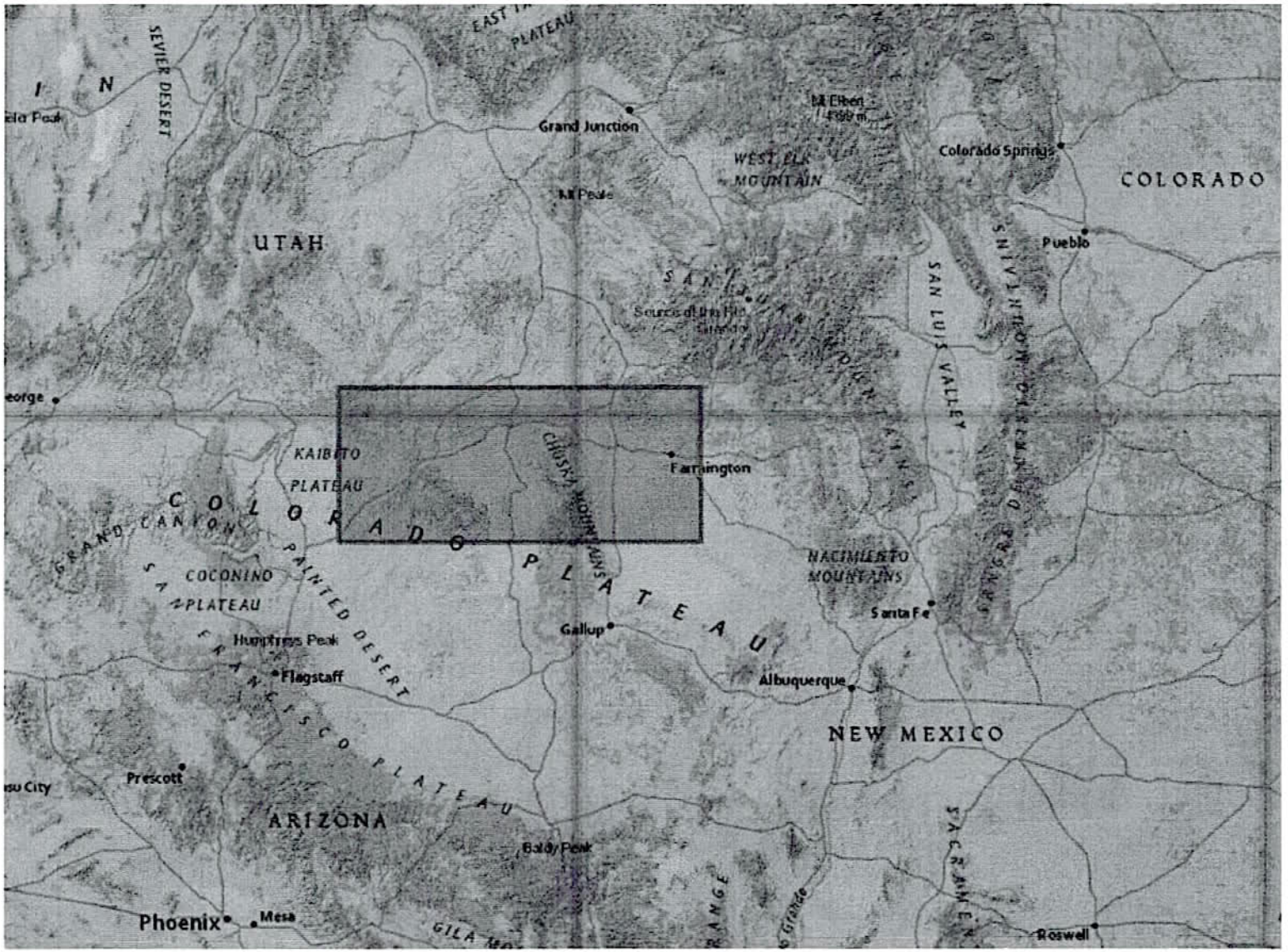
AMERICAN INDIAN CONSORTIUM PROTECTION AND ADVOCACY SYSTEM

The American Indian Consortium P&A's public name is the *Native American Disability Law Center* (Law Center) and it is located in Farmington, New Mexico. The Law Center serves all Native Americans with disabilities living anywhere in the Four Corners area of New Mexico, Utah, Arizona and Colorado (a map of the areas the Law Center serves can be found here). Like other P&As, the issues the Law Center addresses includes civil rights, education, health care, and access to public and private services.

Although the Law Center does not currently receive PAVA funding, the Law Center used their other grants in 2013 to publish a report entitled *The Fundamental Principal of a Participatory Democracy*. This report examines polling place accessibility and the barriers voters with disabilities face at the polls. In collaboration with the Navajo Nation Advisory Council on Disabilities, the Law Center surveyed the accessibility of 25 polling sites in five major communities across the Navajo Nation that host tribal, state, county and federal elections. This report not only showcased the need for the Law Center to receive PAVA funding, but also showcases what the American Indian Consortium can do with the appropriate funds.

PAVA FUNDING FOR ALL 57 PROTECTION AND ADVOCACY SYSTEMS

When HAVA was passed in 2002, it was the intent for all 57 P&As to participate in the PAVA program, but since Section 291 of the Act states "of each state" the American Indian Consortium and CNMI have not received funding. Congress needs to pass new legislation that would provide a long overdue technical fix to HAVA, explicitly authorizing the distribution of grant funds to both the American Indian Consortium and CNMI P&As for FY2020 and future appropriations moving forward. The American Indian Consortium and the CNMI P&As would receive a minimum of $35,000 a year to do voter access work just like the other US territories, while each state will continue to receive a minimum of $70,000 a year in PAVA grant funds.


SEVIER DESERT
EAST
PLATEAU
Grand Junction
La Ellen
WEST ELK
MOUNTAIN
Colorado Springs
COLORADO
Mt Peale
UTAH
Pueblo
SAN JUAN
MOUNTAINS
SAN LUIS VALLEY
SANGRE DE CRISTO MOUNTAINS
KAIBITO
PLATEAU
CHUSKA MOUNTAINS
Farmington
COLORADO PLATEAU
GRAND CANYON
PAINTED DESERT
COCONINO
PLATEAU
NACIMIENTO
MOUNTAINS
Santa Fe
Gallup
Humphreys Peak
Flagstaff
Albuquerque
SAN FRANCISCO PLATEAU
NEW MEXICO
Prescott
ARIZONA
Baldy Peak
Phoenix
Mesa
Roswell

NAVAJO NATION

480

4/16/2020

Navajo Nation Council Special Session

04:01:43 PM

Amd# to Amd#	Consent: Legislation 0050-20	PASSED
MOT Freeland, M	0053-20; 0087-20	
SEC Tso, D	0089-20	

Yeas : 15 **Nays : 0** **Excused : 0** **Not Voting : 8**

Yea : 15

Begay, E	Charles-Newton	Henio, J	Tso, D
Begay, K	Crotty	Nez, R	Tso, O
Begay, P	Daniels	Slater, C	Yellowhair
Brown	Freeland, M	Stewart, W	

Nay : 0

Excused : 0

Not Voting : 8

Halona, P	Smith	Tso, E	Wauneka, E
James, V	Tso, C	Walker, T	Yazzie

Presiding Speaker: Damon