

THE NAVAJO NATION



JONATHAN NEZ | **PRESIDENT** MYRON LIZER | **VICE PRESIDENT**

February 10, 2022

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CJA-14-22, *An Action Relating an Emergency; Establishing the Navajo Nation's Position that the Voting Rights of Navajo Voters in all States and Federal Elections should be Protected by Appropriate Legislation and Other Means; Supporting the John R. Lewis Voting Rights Advancement Act of 2021, H.R. 4, 117th Congress; and Authorizing the Navajo Nation President and Speaker of the Navajo Nation Council to Affirm the Navajo Nation's Position*

Dear Speaker Damon,

Thank you to the Navajo Nation Council for presenting this resolution. It is critical that our Navajo citizen's right to vote in federal and state elections be protected through this important federal legislation which amends the Voting Rights Act of 1965. The barriers faced by Navajo voters, such as travel distance to polling locations and registration sites, unimproved roadways, voting materials published in the English language only, and other issues, have caused a hardship and unequal voting opportunities for people.

The federal government must uphold its trust responsibility to the Navajo Nation. This Act is a great step in ensuring greater access to voting opportunities for the Navajo people and other Native peoples. Pursuant to the authority vested in the Navajo Nation President, I am signing into law CJA-14-22.

Sincerely,


Jonathan Nez, *President*
THE NAVAJO NATION


Myron Lizer, *Vice President*
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - FOURTH YEAR, 2022

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; SUPPORTING THE JOHN R. LEWIS VOTING RIGHTS ADVANCEMENT ACT OF 2021, H.R.4, 117TH CONGRESS; AND 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 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.
- D. In the United States, it is constitutionally unlawful for the federal government or any state to deny to any citizen the right to vote based on "race, color, or previous condition of servitude." U.S. Const. amend. XV § 1.

- E. The Navajo Nation, as with all Native American tribes, has a unique government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- F. The federal government owes a duty of trust to all Native Americans in this country. Native Americans are citizens of this country, and many have served honorably in the military forces of the United States.
- G. Minorities, particularly Native Americans, continue to face discrimination and other unfair restrictions in the election process. Today, practices of voter suppression include unfair voter identification requirements, unreasonable voter registration procedures and inadequate language assistance.
- H. The Navajo Nation has historically approved Navajo Nation resolutions to protect and preserve the voting rights of Navajo, Native American and minority voters:
 - 1. Resolution No. NABIS-32-21 (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)
 - 2. Resolution No. CMA-13-20 (AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; OPPOSING THE STATE OF ARIZONA'S ALL MAIL IN VOTING FOR THE ELECTIONS; REQUESTING THE STATE OF ARIZONA CONSULT WITH THE NAVAJO NATION ON OTHER ALTERNATIVES)
 - 3. Resolution No. NABIAP-17-20 (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")
 - 4. Resolution No. NABIJA-07-20 (AN ACTION RELATING TO NAABIK'ÍYÁTI'; SUPPORTING PROPOSED "NATIVE AMERICAN VOTING RIGHTS ACT OF 2019" AS INTRODUCED THROUGH U.S. SENATE BILL 739 AND HOUSE OF REPRESENTATIVE BILL 1694)
- I. The Navajo Nation Council by Resolution No. CJN-15-08, also established the Navajo Nation Human Rights Commission, 2 N.N.C. §§ 920 et seq., to interact with local, state, national and international groups and advocate for recognition of Navajo human rights, which includes Navajo voting rights and Navajo voting redistricting efforts.

J. The Navajo Nation Council hereby finds the following:

1. Native Americans were the last Americans to be granted citizenship in the United States and the last to gain access to the right to vote. While Navajo voters are some of the most active and reliable voters in Arizona, New Mexico, and Utah; Navajos still face numerous barriers in accessing their right to vote.
2. Navajo voters face voting issues that are unique to Indian Country. The extremely rural nature of the Navajo Nation presents unique challenges for Navajo voters. Many Navajos must travel long distances to access basic voting services. All the County seats are located off the Navajo Nation. It is not uncommon for a Navajo voter to have to travel long distances, one way to a polling location. As a population that faces extreme poverty, traveling these long distances can have an extreme impact on the voters' financial resources.
3. All Navajo voters must travel some distance to access their mail. The extremely rural nature of the Navajo Nation has resulted in there being no home mail delivery service on the Nation. All residents on the Navajo Nation receive their election mail at their post office box address. There are a finite number of post office boxes on the Navajo Nation. Currently there are fewer post office boxes than people resulting in family members being required to share a post office box. Post offices generally limit the number of people that can be listed on a box, causing some who share post office boxes with their families to be removed from the box. Renting a post office box within the Navajo Nation is very costly and if the fee is not paid on time, the box could be closed. If there is no availability on the family box, or if voters do not have enough money to pay the yearly fee, voters are forced to travel longer distances to secure any available post office boxes. This drastically limits the ability of the voter to receive important voter information or their ballot in the mail.
4. Getting to a polling location or a post office post box is often a difficult task, as transportation options are limited. Navajos rely on relatives or clan members for transportation because most Navajo households only have one vehicle for the entire family. In some parts of the Navajo Nation, very few Navajos own a vehicle. Travel across the Navajo Nation can also be difficult as thousands of miles of roads are unpaved. Long travel times make checking post office boxes a hardship for Navajo voters

who are elderly or disabled. Navajo voters might also choose to check their mail less frequently, checking once a week or even as little as once every few weeks, making receipt of time sensitive information difficult.

5. Additionally, when Navajo voters do utilize a post office to mail their ballots, mail routes and timing are unreliable. This increases the risk of a ballot going uncounted. Because of the long delay in mailing, many Navajo voters prefer to vote in-person or utilize drop boxes to ensure their vote is counted.
 6. The Navajo language is widely spoken by Navajo voters. The Navajo people are a racial and language minority under the Voting Rights Act and entitled to language assistance under the Act. Any written election material provided in the English language must also be provided in Navajo. Navajo voters continue to face language barriers in voting whether it be through a lack of voting material in Navajo or a lack of translators available to help them under the contents of their ballot.
 7. Eligible voters within the Navajo Nation should not face hardship in registering to vote, receiving important voting information, or casting their ballot. Overall, poverty combined with the rural nature of the Nation and language barriers make voting for Navajos uniquely challenging. These disparities hinder active participation in the political process and effectively deny Navajos living on Navajo Nation lands the right to vote.
 8. The Navajo Nation has a strong interest in ensuring that Native Americans have an equal opportunity to participate in the electoral process the same as other U.S. citizens. Each Navajo person registered to vote in state and federal elections in Arizona, New Mexico, or Utah should have the ability to cast their ballot and have that vote count.
- K. It is necessary for the Navajo people, Navajo Chapters, Navajo communities, and the Navajo Nation to continue protecting and preserving voting rights of Navajo voters, by working with federal and state agencies, as well as private organizations, to advocate for the protection of the voting rights of the Navajo people. The first peoples of this country should not be the last people to cast their ballots.

THEREFORE, BE IT RESOLVED:

- A. The Navajo Nation strongly urges the U.S. Congress to enact voting rights legislation to protect the constitutionally-guaranteed right of Native Americans to vote in all federal and state elections. The federal government must fulfill its trust responsibility and safeguard Navajo citizens' right to vote, as well as the voting rights of all Native Americans. The Navajo Nation Council hereby authorizes the Navajo Nation President, and the Navajo Nation Speaker to affirm the Navajo Nation's position of protecting and preserving the voting rights of Navajo voters in all federal and state elections.
- B. The Navajo Nation hereby fully supports the John R. Lewis Voting Rights Advancement Act of 2021, H.R.4, 117th Congress which establishes new criteria for determining which states and political subdivisions must obtain preclearance before changes to voting practices may take effect and procedures set forth within the House Bill.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by 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 22 in Favor, and 01 Opposed, on this 27th day of January 2022.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

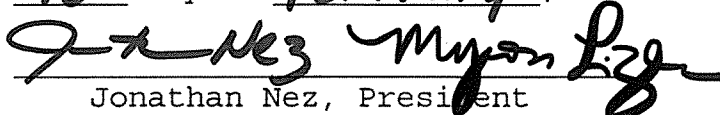
Feb 3, 2022
DATE

Motion: Honorable Thomas Walker, Jr.
Second: Honorable Eugenia Charles-Newton

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 10th day of February, 2022.


Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2022 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation

NAVAJO NATION

993

1/27/2022

Navajo Nation Council 2022 Winter Session

07:08:12 PM

Amd# to Amd#	Legislation 0019-22:Establishing	PASSED
MOT Walker, T	the Navajo Nation's Position	
SEC Charles-Newton	That the Voting Rights of Navajo	
	Voters in all State and.....	

Yeas : 22

Nays : 1

Excused : 0

Not Voting : 0

Yea : 22

Begay, K	Freeland, M	Smith	Tso, E
Begay, P	Halona, P	Stewart, W	Walker, T
Brown	Henio, J	Tso	Wauneka, E
Charles-Newton	James, V	Tso, C	Yazzie
Crotty	Nez, R	Tso, D	Yellowhair
Daniels	Slater, C		

Nay : 1

Begay, E

Excused : 0

Not Voting : 0

Presiding Speaker: Damon