

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Third Year, 2021

AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; AUTHORIZING AND DESIGNATING THE OFFICE OF NAVAJO NATION HUMAN RIGHTS COMMISSION TO REPRESENT THE NAVAJO NATION IN THE 2021-2022 CONGRESSIONAL AND STATE REDISTRICTING ACTIVITIES AND RECOMMENDING REDISTRICTING PLANS

BE IT ENACTED:

SECTION ONE: AUTHORITY

The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700. The Committee, among other duties and responsibilities, serves as the oversight authority over the Navajo Nation Human Rights Commission. 2 N.N.C. § 923.

SECTION TWO: FINDINGS

- A. The Navajo Nation occupies land in Arizona, New Mexico and Utah.
- B. Navajo voters have a right to vote and participate in all state elections, including those for federal positions.
- C. Navajos are citizens of the United States and citizens of the fifty states. It is crucial that Navajo people are fairly and adequately represented in all election districts including but not limited to legislative and Congressional redistricting plans.
- D. While the United States Census Bureau is not scheduled to release the 2020 census data until September 2021, the state of Arizona, New Mexico and Utah, among others, are currently addressing redistricting of Congressional and state legislative districts. Countries that extend onto the Navajo Nation are also redistricting plans, including those of their state school board.
- E. The Navajo Nation Human Rights Commission was established by the Navajo Nation Council for various purposes, including the protection of the basis rights of Navajo people. 2 N.N.C. § 920 *et seq.* The Commission is under the legislative branch of the Navajo Nation. *Id.*

- F. In the months of October, November and December 2020, the Office of the Navajo Human Rights Commission ("HRC Office") participated as a member in the New Mexico Task Force on Redistricting ("Task Force"). The Task Force issued a report with recommendations. One of the principal issues presented by the HRC Office is that both Navajo Nation and counties often do not have voting boundaries that are the same. It is important that voting precinct boundaries coincide with Navajo community chapter boundaries.
- G. On April 6, 2021, New Mexico Governor Michelle Lujan Grisham signed into law Senate Bill 304 which established for the first time a citizens' redistricting commission in New Mexico, directing that voting precinct boundaries coincide with chapter boundaries as much as possible. Senate Bill 304 will come into effect on July 1, 2021.
- H. The Navajo Nation Human Rights Commission was the principal mapper for the Navajo Nation during the 2011-2012 redistricting activities. The Navajo Nation prevailed in redistricting litigations involving New Mexico and Utah, and participated in an *amicus curiae* brief submitted in Arizona redistricting litigation. See, *Navajo Nation et al v. San Juan County et al.*, 2:12-CV-00039-RJS (Utah); *Navajo Nation et al v. Duran et al* - amended (comprehensive), D-101-CV-2011-02942 (Consolidated) (New Mexico).
- I. By resolution NNHRCJUN-09-21, the Navajo Nation Human Rights Commission recommends that the Office of Navajo Nation Human Rights Commission be designated to address redistricting activities in the states of Arizona, New Mexico, and Utah for 2021 and thereafter. See attached Exhibit A.

SECTION THREE. AUTHORIZING AND DESIGNATING THE OFFICE OF NAVAJO NATION HUMAN RIGHTS COMMISSION TO REPRESENT THE NAVAJO NATION IN THE 2021-2022 CONGRESSIONAL AND STATE REDISTRICTING ACTIVITIES AND RECOMMENDING RESTRICTING PLANS

- A. The Navajo Nation hereby authorizes and designates the Office of the Navajo Nation Human Rights Commission to assist with and represent the Navajo Nation on all state legislative and Congressional redistricting activities.
- B. The Office of the Navajo Nation Human Rights Commission shall ensure that all members of the Navajo Nation are fairly and adequately represented in all voting precincts and elective districts. Most particularly, the Office shall:

- 1). Improve/maintain the legislative districting in which the Navajo Nation is located and preserve a majority-minority standard;
- 2). Improve the Congressional districting in which the Navajo Nation is located;
- 3). Ensure that Navajo Nation communities remain intact in legislative districts and oppose cracking of such districts; and
- 4). Resist all efforts to dilute the strength of Navajo votes; ensure that Navajo voters are given a fair opportunity to elect candidates of their choice; and,
- 5). Oppose retrogression; ensure that Navajo voting rights are protected and preserved.

SECTION FOUR. AUTHORIZING THE OFFICE OF THE SPEAKER TO ASSIGN NAVAJO NATION COUNCIL DELEGATES TO WORK WITH THE OFFICE OF THE NAVAJO NATION HUMAN RIGHTS COMMISSION

The Speaker shall assign Navajo Nation Council Delegates to work with the Office of the Navajo Nation Human Rights Commission on state redistricting activities. The assigned Council Delegates, among other related responsibilities, shall:

- A. Guide the Office of the Navajo Nation Human Rights Commission in the development of maps, concepts, goals, and all other applicable standards for redistricting;
- B. Appear and provide testimony, on behalf of the Navajo Nation, before governmental entities considering redistricting affecting the Navajo people;
- C. Seek the assistance of the Office of the Navajo Nation President/Vice President, the Office of the Speaker of the Navajo Nation, the Navajo Nation Department of Justice, the Navajo Election Administration and the Navajo Board of Election Supervisors on the collection of necessary data; and,
- D. Provide monthly written reports on its activities to the Naabik'iyáti' Committee of the Navajo Nation Council.

SECTION FIVE. DURATION OF ACTION

The duration of this action of the Navajo Nation shall continue until proposed redistricting plans of the states of Arizona, New


Mexico and Utah currently being discussed for implementation are officially adopted and disputes, if any, are fully resolved.

SECTION SIX. SAVINGS CLAUSE

Should any portion of this legislation approved herein be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' 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 16 in Favor, and 00 Opposed, on this 24th day of June 2021.


Honorable Seth Damon, Chairman
Naabik'iyáti' Committee
June 30, 2021
Date

Motion: Honorable Rickie Nez
Second: Honorable Jimmy Yellowhair

Chairman Seth Damon not voting