



The Navajo Nation Council - Office of the Speaker

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FOR IMMEDIATE RELEASE

Navajo Nation reaches settlement agreement with the state of Arizona, Secretary of State, Navajo County, Coconino County, Apache County over implementation of Proposition 200

Navajo Nation Speaker Lawrence T. Morgan pleased with Proposition 200 outcome

WINDOW ROCK, Ariz. — On June 20, 2006, the Navajo Nation filed a lawsuit challenging the voter identification requirement of Proposition 200, "The Arizona Taxpayer and Citizen Protection Act," in federal district court. The proposition is a citizens' initiative in Arizona that was approved in November 2004 to prevent illegal immigrants from voting, but it inadvertently affected Native Americans.

Proposition 200 changed two things, the first was to the voter registration requirement to include a more stringent demonstration of citizenship and the second was to the in-person voting procedures to require all in-person voters to produce certain identification prior to receiving a regular ballot.

The Navajo Nation filed the lawsuit challenging the constitutionality of Proposition 200 and to prevent the state of Arizona from implementing the voter identification requirements on the Navajo Nation. The lawsuit was filed in anticipation of the problems that would occur in the first elections using the new requirements. Two other lawsuits were filed and the three cases were combined in the federal district court of Arizona.

In the primary and general elections of September and November 2006, several hundred Navajo voters failed to present identification and were provided conditional provisional ballots. Very few of those ballots were counted. The Navajo Nation argued that Navajos are less likely to have the required forms of identification required by Proposition 200 prior to voting due to the Navajo Nation's socio-economic and historical conditions.

In April 2008, the Navajo plaintiffs reached a settlement agreement with the state of Arizona, the Arizona Secretary of State, and with Coconino, Apache and Navajo counties. The settlement agreement provides for revisions to the identification at the polls requirement that is part of the Arizona Secretary of State's elections procedures.

The revised procedures provide a non-exhaustive list of documents that may serve as tribal identification for Native American electors. On May 22, the United States Department of Justice pre-cleared the revised procedures and therefore the revised procedures can be utilized in the 2008 state and federal elections.

Speaker Lawrence T. Morgan, upon hearing the news from the Sacks Tierney law firm, was pleased with the outcome of Proposition 200 given the U.S. Supreme Court's decision in an Indiana case, which rejected the challenge to require voters to provide identification at the polls. Speaker Morgan believes that the Navajo Nation created a substantial win for Navajo voters and for all Native American people within the state of Arizona who may not have the typical driver's license or other forms of identification. Based on the stipulation, the federal district court judge dismissed the Navajo case today, May 27.

Judith M. Dworkin with the law firm of Sacks Tierney P.A. represents the Navajo Nation in the case filed against the state and the counties. Ms. Dworkin explained that "our focus will now be related to ensuring that Navajo voters are able to receive identification by a designated individual from the Navajo Elections Commission at the chapters on the days of the elections — if they don't have identification with them."

Dworkin added that Navajo voters can use this method, as long as they are registered to vote in the Navajo elections.

"The Navajo Nation fought the limitation on identification at the polls from day one and we are very pleased with the outcome," Speaker Morgan said. "Every citizen of the United States deserves the right to vote and certainly, the First Americans should have that right without question."

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