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### **SPEAKER ENCOURAGES CITIZENS TO BECOME INFORMED ON PROPOSITONS**

Speaker of the Navajo Nation Council Lawrence T. Morgan would like to inform the members of the Navajo Nation on some of the propositions for consideration within the states of Arizona, New Mexico and Utah for the general election to take place on Tuesday, November 7, 2006

“There are propositions on the ballots that would affect the Navajo Nation. Some of these propositions will have direct impact upon our people,” Speaker Morgan said. “The Navajo Nation Council encourages all Navajo citizens to learn about the issues that you will be voting on in this upcoming election and to get to the polls on election day.”

The speaker released information compiled by the Legislative Branch regarding propositions that are being considered by voters within the respective states:

#### **ARIZONA**

First, Arizona’s propositions can be categorized as follows:

1. Propositions 100 – 105 are proposals to amend the *state constitution* and they are submitted by the *state legislature*.
2. Propositions 106 and 107 are proposals to amend the *state constitution* and they are submitted through *petition initiative*.
3. Propositions 108 – 207 are also questions submitted through *initiative petition* but concern proposed amendments to *state statutes*.
4. Propositions 300 and 301 also concern proposals to amend state statutes but these questions are submitted to voters by the state legislature.

5. Propositions 302 and 400 are questions submitted by the state Commission on Salaries for elected officials and Navajo County Board of Supervisors, respectively.

Substantively, here is very brief summary of the measures and the significance of votes.

### **1. Proposition 100 – Denying Bail to Illegal Immigrants**

This proposition concerns whether bail should be denied illegal immigrants for charges involving *serious* felonies.

A “YES” vote will result in a constitutional amendment and illegal immigrants charged with serious felonies will not be allowed bail pending trial.

A “NO” vote will keep the law the same.

### **2. Proposition 101 – 2006 Taxpayer Protection Act**

This proposition concerns taxing authority of counties, cities, towns and community college districts. Generally, the question is whether such entities can raise property taxes to the maximum allowed limit set forth by the state Constitution. Under current law, the Arizona Constitution limits the amount of primary property taxes counties, cities, towns and community college districts are allowed to levy. Maximum levy limits were established in 1980, and these limits have been allowed to increase by 2% each year, plus any new construction. If the taxing entities are not at their maximum levy limit, they may increase primary property taxes to the maximum levy limit without voter approval.

A “YES” vote would remove unused taxing capacity and reset each taxing entity’s limit to the actual tax levy of that city, county, town or community district in 2005. Beginning in 2007, the new levy limit would increase by 2% per year, plus any new construction.

A “NO” vote would maintain the current authority of cities, counties, towns and community districts to levy primary property taxes pursuant to provisions set by the state Constitution.

### **3. Proposition 102 – Punitive Damages not awarded to Illegal Immigrants**

This proposition would limit the type of damages illegal immigrants can receive in the event they are injured or there is damage to their property. Under current law, a person can sue for two types of damages – compensatory and punitive. Compensatory damages are for actual loss, while punitive damages are allowed to punish the wrongdoer.

A “YES” vote would prohibit the award of punitive damages to illegal immigrants.

A “NO” vote would keep the law as it is.

### **4. Proposition 103 – English as official language**

This proposition will make *English* the official language for the conduct of most state government activities. Anyone engaged in official state business, such as state legislators, local elected officials and state employees would have to speak English. English would have to be spoken during sessions or meetings of legislative bodies, during any transactions involving the government, and during all statements made on behalf of the government in a representative capacity. There are very few limited exceptions, such as when a teacher teaching a foreign language.

A “YES” vote make English the official language of the state of Arizona, requiring all official actions to be conducted in English. With the few stated exceptions, all state, county and local officials would have to speak English in conducting business anywhere.

A “NO” vote will defeat this measure.

*Comment. This English-only requirement will likely impact adversely both Navajo Nation government and residents of the Navajo Nation. In spite of the limited exceptions, state officials, including elected officials and employees, will not be allowed to speak Navajo (even while performing services within the Navajo Nation).*

## **5. Proposition 104 – Municipal Debt; Capacity**

This proposition concerns the amount of debt an incorporated city or town could incur.

A “YES” vote would allow incorporated cities and towns to include debt for the acquisition and development of public safety, law enforcement, fire and emergency facilities and streets and transportation facilities in the 20% debt limit, upon voter approval.

A “NO” vote will keep the keep the law the same.

## **6. Proposition 105 – State Trust Land Reform**

This proposition concerns conveyance of state trust lands to the counties, cities and towns.

A “YES” vote would allow conveyance of certain urban area state trust land to counties, cities and towns. It would also set aside for conservation purposes up to 400,000 acres of non-urban trust lands

A “NO” vote maintain the current law on conservation and the conveyance of state trust lands.

## **7. Proposition 106 – Conserving Arizona’s Future**

This proposition concerns the establishment of a 7-member Board of Trustees to plan and dispose of state trust lands. The measure would also set aside 690,000 acres of state trust land for conservation purposes.

A “YES” vote would establish a 7-member Board of Trustee to plan and dispose of state trust lands and set aside 690,000 acres of state trust lands for conservation purposes.

A “NO” vote would maintain the current process for planning and disposing of state trust lands.

### **8. Proposition 107 – Protect Marriage Arizona**

This proposition concerns marriage.

A “YES” vote would provide that only a union between a man and a woman is valid or recognized by the state, its cities, towns, counties or districts. The state and local government will not create or recognize a legal status for unmarried persons that are similar to marriage. Benefits to an employee’s unmarried partner will be denied.

A “NO” vote maintain the current law, such as prohibiting marriages between persons of the same sex.

*Note: Pursuant to the **Dine Marriage Act of 2005, CAP-29-05 and CJN-34-05**, the Navajo Nation Council defines a marriage as between a man and woman.*

### **9. Proposition 200 – Arizona Voter Reward Act**

This measure concerns awarding voters for voting.

A “YES” vote would establish a lottery and award 1,000,000 to a voter, selected by drawing, who voted in either a primary or general election. The money would be awarded after each statewide general election.

A “NO” vote would maintain the current law.

### **10. Proposition 201 – Smoke-Free Arizona Act**

Proposition 201 concerns banning smoking in public places.

A “YES” vote would prohibit smoking in all public places, including bars and restaurants, and places of employment. Smoking will still be allowed in retail tobacco stores (with their own ventilation systems), nonpublic veterans and fraternal clubs, hotel rooms designated for smoking, outdoor patios and Native American ceremonies. The state tax on cigarettes will be increased by 2¢ per pack and the revenues collected would fund enforcement and education costs.

A “NO” vote would maintain the current laws on smoking.

Note. Proposition 201 appears similar to Proposition 206. Generally, Proposition 201 includes a ban on smoking in bars, while Proposition 206 does not ban smoking in bars and separately ventilated bars within restaurants.

### **11. Proposition 202 – Arizona Minimum Wage Act**

This measure concerns a state minimum wage law. The current minimum wage in the state, based on federal law, is \$5.15 per hour. Proposition 202, if approved, will raise the minimum wage in Arizona to \$6.75 per hour (with some exceptions for certain employers such as the federal government).

A “YES” vote would establish a state minimum wage law. Beginning January 1, 2007, the minimum wage in the state will be \$6.75 per hour (adjusted each year thereafter).

A “NO” vote would maintain the minimum wage at the federal level, \$5.15 per hour.

### **12. Proposition 203 – Early Education Funding**

This proposition will establish an Early Childhood Development and Health Fund, funded by an increase in taxes on cigarettes by 80¢ per pack.

A “YES” vote would establish the Early Childhood Development and Health Fund and increase the state tax on cigarettes.

A “NO” vote would maintain the current law.

### **13. Proposition 204 - Humane Treatment of Farm Animals Act**

This proposition concerns the humane treatment and confinement of calves raised for veal and pregnant pigs.

A “YES” vote would require sufficient space for pigs and calves (raised for veal) to turn around and extend limbs freely. Violations of this requirement will be a crime.

A “NO” vote would maintain the existing law on the manner in which pigs and calves are raised.

### **14. Proposition 205 – the Requirement of Voting by Mail in all elections**

Proposition 205 will require that every state, county and local election be conducted by mail-in ballots. The number of polling places for voting will be restricted to an absolute minimum, determined by county officials. School buildings would no longer be used for polling places.

A “YES” vote will require voting by mail. Also, the number of polling places on election day will be kept to an absolute minimum in a county. Polling places will no longer be required in each election precinct but determined on a county-wide basis.

A “NO” vote will kept the election law the same. Voters will still be able to request early voting by mail or may continue to vote in person on election day at polling places within precincts designated.

Note: Although this proposition is entitled “*Your Right to Vote by Mail Act*,” people already have a right to vote by mail in the state. Proposition 205 will essentially require all voters to vote by mail; access to polls on election day will likely be difficult as the law will no longer require sites within each precinct. Problems inherent with voting by mail include getting any official assistance in understanding election materials. This type of assistance can only be obtained at the polls, in person on election day. As Proposition 205 will likely unfairly impact Navajo voters, it may be in the best interest of all voters that this measure be defeated.

### **15. Proposition 206 - Arizona Non-Smoker Protection Act**

Generally, Proposition 206 concerns a proposed ban on smoking in public places and places of employment.

A “YES” vote would prohibit smoking in all public places and places of employment, except bars and separately ventilated bars within restaurants, private residences, tobacco stores, designated hotel rooms, veterans and fraternity clubs, Native American ceremonies and outdoor patios.

A “NO” vote will maintain the current laws on smoking in public places and places of employment.

Note. Proposition 206 appears similar Proposition 201. Generally, Proposition 206 exempts bars and separately ventilated bars within restaurants. Proposition 201 includes bars.

### **16. Proposition 207 – Private Property Rights Protection Act**

This proposition concerns rights of property owners when the government takes private property for public use. It concerns the state and its political subdivisions.

A “YES” vote would establish additional rights for individuals whose property is taken by the government for public use. The changes will also include prohibiting the use of property seized by the government for economic development, requiring primary residences taken to be replaced by comparable dwellings, and requiring just compensation for property values reduced by land use laws.

A “NO” vote will maintain the current eminent domain law, which includes just compensation for property taken by the government.

### **17. Proposition 300 – Public Programs**

This proposition concerns eligibility for certain state funded programs, particularly education.

A “YES” vote would make only citizens or legal residents of the United States eligible to participate in state subsidized immigrant and adult education classes, receive in-state student or county residency status for community college and university purposes, receive state subsidized tuition/fee waivers and financial assistance, receive state subsidized child care assistance and participate in state-sponsored family literacy programs. The Board of Education, colleges and universities and the Department of Economic Security would be responsible for reporting all ineligible persons applying for these programs and assistance.

A “NO” vote would keep the laws the same on state-sponsored programs and assistance as they relate to education.

### **18. Proposition 301 - Methamphetamine**

This proposition concerns the offense of personal possession or use of methamphetamine. Under current law, it is mandatory that first and second time offenders be placed on probation and not sentenced to jail or imprisonment.

A “YES” vote would remove mandatory probation for first and second time offenders. However such offenders may still be ordered into drug rehabilitation programs at the court’s discretion.

A “NO” vote would keep the current law on mandatory probation for first and second time offenders (for personal possession or use of methamphetamine).

Note. Within the Navajo Nation, it is a crime to possess Methamphetamine. 17 NNC §394. A person committing this offense can be jailed for up to 365 days.

### **19. Proposition 302 - Salaries of State Legislators**

Proposition 302 is submitted to voters of the state by the Commission on Salaries for State Elective State Officers. The Commission is recommending that the salaries of state legislators be increased from \$24,000 to \$36,000 per year.

A “YES” vote would increase the annual salaries of state legislators from \$24,000 to \$36,000, effective the next regular legislative session.

A “NO” vote would maintain the salary of state legislators at \$24,000 per year.

## **20. Proposition 400 – Navajo County; base expenditure limit**

Proposition 400 is a proposal submitted to voters of the county by the Navajo County Board of Supervisors. The Board is proposing a permanent adjustment to the state-imposed base expenditure limit for Navajo County in the amount of \$1,873,732.

A “YES” vote would allow Navajo County to adjust its base expenditure limit.

A “NO” vote would maintain the state-imposed expenditure limit for Navajo County.

*Comment: Only for Navajo County voters.*

## **II. NEW MEXICO**

### **1. Bond Issue A - Senior Citizen Facility Improvements**

This bond issue concerns whether general obligation bonds in an amount not exceeding \$15,958,000 will be issued by the state for certain senior citizen facility improvements and construction projects. Senior citizen projects include the planning, design, construction and equipping of senior citizen centers. Within the Navajo Nation, specific designated projects under the bond issue are improvements and equipment purchase and installation for 14 chapters (Baca, Becenti, Bread Springs, Casmero Lake, Church Rock, Manuelito, Nahodishgish, Ojo Encino, Ramah, Rock Springs, Smith Lake, Thoreau, Tohatchi, and Sheep Springs). Other chapters will benefit as well from this bond issue.

A vote “FOR” bond issue “A” would have the effect of authorizing the state to issue general obligation bonds in the an amount not exceeding \$15,958,000 to make capital expenditures for certain senior citizen facility improvements and construction projects.

A vote “AGAINST” bond issue “A” would have the effect of not authorizing the state to issue general obligation bonds as proposed.

### **2. Bond Issue B - Higher Education Capital Improvements**

This bond issue concerns whether general obligation bonds should be issued for certain higher education capital improvements. Projects specifically designated for funding are facilities at several schools, institutions, colleges and universities (including \$3,000,000 for the Native American Cultural Center at the New Mexico State University).

A vote “FOR” bond issue “B” would have the effect of authorizing the state to issue general obligation bonds in an amount not exceeding \$118,360,000 to make capital expenditures for certain higher educational capital improvements and acquisitions.

A vote “AGAINST” bond issue “B” would have the effect of not authorizing the state to issue general obligation bonds as proposed.

### **3. Bond Issue C - Public School, Higher Education and Public Libraries Acquisitions**

This bond issue concerns whether general obligation bonds not exceeding \$9,090,000 should be issued for capital expenditures for certain public library acquisitions. Three libraries specifically designated for funding are the Cultural Affairs Department Library, the Higher Education Department Library, and the Public Education Department Library. Each library will receive funding in the amount of \$3,000,000 for books, equipment and resources.

A vote "FOR" bond issue "C" would have the effect of authorizing the state to issue general obligation bonds in an amount not exceeding \$9,090,000 to make capital expenditures for public library acquisitions.

A vote "AGAINST" bond issue "C" would have the effect of not authorizing the state to issue general obligation bonds as proposed.

### **4. Constitutional Amendment No. 1.**

This proposed amendment concerns the right of all persons to acquire and possess real property. It would repeal Section 22 of Article 2 of the New Mexico Constitution which states that, unless otherwise provided by law, aliens who are not eligible to become citizens and certain business entities that are majority-owned by such aliens are prohibited from acquiring any interest in real property in the state.

A vote in favor of Constitutional Amendment No. 1 would repeal section 22 of Article 2 of the New Mexico Constitution.

A vote against Constitutional Amendment No. 1 would retain the language of section 22 of Article 2 of the New Mexico Constitution.

Note. Currently, state statute allows aliens to acquire real property. However, this legislation can be repealed. In this event, the state constitutional language will remain the same.

### **5. Constitutional Amendment No. 2.**

This proposed amendment concerns whether the state and school districts, including charter schools, should be allowed to lease buildings and other real property with an option to purchase.

A vote in favor of this amendment will allow the state and school districts to lease real property with an option to purchase.

A vote against this amendment will maintain the current law.

## **6. Constitutional Amendment No. 3.**

This amendment to Article 16 of the New Mexico Constitution would create a “water trust fund.”

A vote in favor of this amendment would add a section to Article 16 of the New Mexico Constitution by creating a “water trust fund” to support projects designed to preserve and protect the state’s water supply and for annual distributions of that fund for that purpose.

A vote against this amendment would not add to Article 16 of the New Mexico Constitution.

Comment. New Mexico passed the Water Project Finance Act in 2001. This law, among other provisions, provides for a water trust fund. From this fund, for fiscal years 2007 through 2016, annual distributions of at least \$4 million must be to the water project fund.

## **7. Constitutional Amendment No. 4.**

This proposed amendment to Article 9, Section 14 of the New Mexico Constitution concerns affordable housing.

A vote in favor of this amendment would permit the state, counties, municipalities and the state’s designated housing authority to pay a portion of the costs of land, buildings, construction or renovation or financing of affordable housing.

A vote against this amendment would maintain the existing language of Article 9, Section 14 of the New Mexico Constitution.

## **III. UTAH**

### **Constitutional Amendment Number 1.**

This proposed amendment to the Utah state constitution concerns tax exemptions and personal property.

A vote “FOR” constitutional amendment number 1 would authorize the state legislature to pass a law creating a property tax exemption for tangible personal property that generates an inconsequential amount of tax revenue.

A vote “AGAINST” constitutional amendment 1 would have the effect of not allowing the Utah state legislature to create a property tax exemption for tangible personal property that generates an inconsequential amount of tax revenue.

Note. Generally, state personal property taxes cannot be imposed on Indians residing within Indian Country. *Bryan v. Itasca County*, 426 U.S. 373 (1976); *Moe v. Confederated Salish & Kootenai Tribes*, 425 U.S. 463 (1976).