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IDENTIFICATION REQUIRED TO VOTE IN ARIZONA PRIMARY TODAY

On September 11, 2006, United States District Court Judge Roslyn O. Silver denied motions for a preliminary injunction concerning the implementation of identification requirements in federal and state elections in the State of Arizona after hearing two days of testimony from plaintiffs including the Navajo Nation. The Order indicated that the Judge was reluctant to grant a motion for preliminary injunction once voting has begun. Early voting in the Primary Elections began on August 10.

The Navajo Nation filed suit against the State of Arizona earlier this year regarding Proposition 200, which requires identification at the polls. While the Navajo Nation sought a separate hearing, its claims were consolidated with other plaintiffs suing the state on the same law. The United States District Court for the District of Arizona held the hearing August 30 - 31, 2006.

Because of the decision rendered yesterday, Arizona voters will be required to present identification in order to vote at the polls in the primary election today.

Valid government-issued identification with photo is acceptable. Lacking photo identification, a voter may also bring in two forms of alternate non-photo identification that includes the name and address of the elector, such as:

- Utility bill of the elector that is dated within ninety days of the date of the election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television.
- Bank or credit union statement that is dated within ninety days of the date of the election
- Valid Arizona Vehicle Registration
- Indian census card
- Property tax statement of the elector's residence
- Tribal enrollment card or other form of tribal identification
- Vehicle insurance card
- Recorder's Certificate
- Valid United States federal, state, or local government issued identification, including a voter registration card issued by the county recorder

While the motions for a preliminary injunction were denied, the other parties have been ordered to submit briefs on whether the voter identification requirements for voter registration constitute a poll tax.

Judge Silver also ordered the Navajo Nation to submit additional briefing on its Voting Rights Act and Civil Rights Act claims by September 25, 2006. Civil Rights laws, including the Voting Rights Act, were implemented to protect the voting rights of minority citizens. The Nation claims that the new laws are discriminatory and unduly burden Navajo electors' right to vote. Navajos, a protected class under the Voting Rights Act, are less likely to have the forms of identification that can be used as identification at the polls than other citizens of Arizona due to historical, socio-economic and other factors. In addition, Navajos, have less opportunity than other citizens to participate in elections through the early ballot process because many Navajos require official translation assistance in order to complete election ballots and because of the problems with the mail service in obtaining and requesting an early ballot. Because most Navajos vote at the polls on Election Day, Navajos are subjected to more burdensome requirements for voting than those individuals voting at precincts off of the reservation. A hearing on the Navajo Nation's Voting Rights Act and Civil Rights

Act claims is scheduled to be held October 19, 2006.

“It certainly was a disappointment that our motion for a preliminary injunction was denied, but we now have the opportunity to present our Voting Rights Act and Civil Rights Act claims separately,” Speaker Morgan said. “The Navajo Nation is often in a unique situation because of the remoteness of our communities and lack of access to many services. To impose this requirement on our people may have an effect on whether or not the votes of the Navajo people are counted.”

Speaker of the Navajo Nation Council Lawrence T. Morgan is encouraging the Navajo people to report incidents of voter problems to his office. For example, if someone chooses not to vote because of the new identification requirements or if someone must purchase an identification card in order to vote, that person should contact the speaker’s office. Anyone who is unable to produce proper identification to vote should also contact the speaker’s office. The speaker’s office is also interested in hearing if anyone had problems with early voting for any reason, such as lack of a post office box or not voting early because you require a translator to vote.

“This will be the first election held within the boundaries of the Navajo Nation that will require identification to be presented at the polls,” Speaker Morgan said, noting that the ID requirements apply only to state and/or federal elections conducted by the State of Arizona and not to Navajo Nation elections.

“Attorneys for the Navajo Nation have informed me that no one should be denied the right to vote. Even if you are unable to produce the required identification, you may cast a conditional provisional ballot. If you do cast a conditional provisional ballot, you will also be required to return and produce a valid identification,” Speaker Morgan said.

If any Navajo voting in the State of Arizona elections today encounters difficulties in voting, please contact Leila Help-Tulley at the speaker’s office at (928) 871-7160.

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