

Barriers Preventing Native American Access to the Polls and Proposed Solutions



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Presenters



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About the Native American Voting Rights Coalition

- ***Founded in early 2015***
- ***A non-partisan coalition*** of national, regional, and local grassroots organizations, scholars, lawyers and activists ***advocating for the equal access of Native Americans to the political process***
- Facilitates collaboration between its members on ***coordinated approaches to the many barriers that Native Americans face*** in registering to vote, casting their ballot, and having an equal voice in elections

Organizations/Individuals Participating in Field Hearings: NAVRC Members



Professor Dan McCool (University of Utah)
Professor Patty Ferguson-Bohne (Arizona State University)
Professor Jean Schroedel (Claremont Graduate University)
James Tucker, Esq. (Pro Bono Voting Rights Counsel to NARF)

Why Have Field Hearings?

To separate fact from fiction on Native voting

“Voter turnout and registration rates now approach parity. Blatantly discriminatory evasions of federal decrees are rare. And minority candidates hold office at unprecedented levels.... The tests and devices that blocked access to the ballot have been forbidden nationwide for over 40 years....”

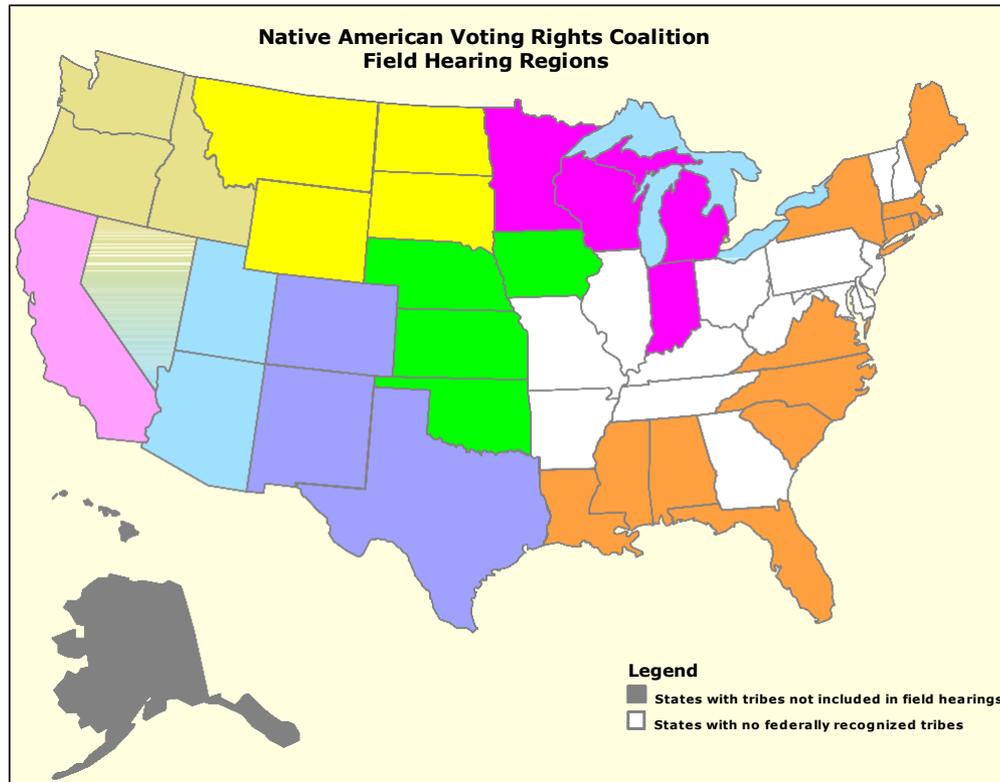
Shelby County v. Holder
(2013)

Why Have Field Hearings?

Purposes of the Hearings

- The hearings help promote *public education* on voting rights in Indian Country.
- The hearings will play a critical role in development of and response to *public policy*.
- The hearings will assist in the pursuit of *other legal remedies* to expand opportunities for Native voters to participate in the political process (e.g., litigation).

Overview of the Field Hearings: Regions Covered by the Field Hearings



Field hearings were held in every region except Alaska, Hawaii, the Eastern States, and states without federally recognized tribes.

Some Issues Impacting Native Voting

- **High poverty rate**
- **Isolating conditions**
- **Lack of resources and funding**
- **Residential features**
- **Non-traditional mailing addresses**
- **Voter ID**
- **Felony Disenfranchisement Laws**
- **Threshold Requirements for Polling Locations**
- **Distrust of Federal and State Governments**
- **Overt Racism**

High Poverty Rate

- Socio-economic isolation

- ❑ Native Americans have the highest poverty rate of any population group

- ❑ AIAN poverty rate: 26.6 percent

- ❑ Poverty rate of AIAN population is nearly double the national poverty rate

- ❑ Poverty rate for Native Americans is highest on tribal lands: 38.3 percent

- ❑ Median household income of single-race AIAN households in 2016 was \$39,719, well below the national median household income of \$57,617

- ❑ The unemployment rate of AIAN population aged 16 and older is 12 percent

- ❑ 13.4 percent of all occupied AIAN households lacked access to a vehicle

Isolating Conditions

- Geographic isolation

- ❓ Native voters live in some of the most remote areas of the United States

- ❓ One third of the total Alaska Indian and Alaska Native (AIAN) population live in “Hard-to-Count” Census Tracts

- ❓ “Hard-to-Count” Census Tracts include those Tracts “in the bottom 20 percent of 2010 Census Mail Return Rates (i.e., Mail Return Rates of 73 percent or less) or tracts for which a mail return rate is not applicable because they are enumerated in 2010 using the special Update/Enumerate method.”

- ❓ 1.7 million people out of 5.3 million people in the 2011-2015 American Community Survey estimates

- ❓ Tremendous distances to get from tribal areas to urban areas

Isolating Conditions

- Physical Barriers

- ❑ Natural barriers isolate tribal lands

- ❑ Mountains

- ❑ Water (oceans, rivers, lakes)

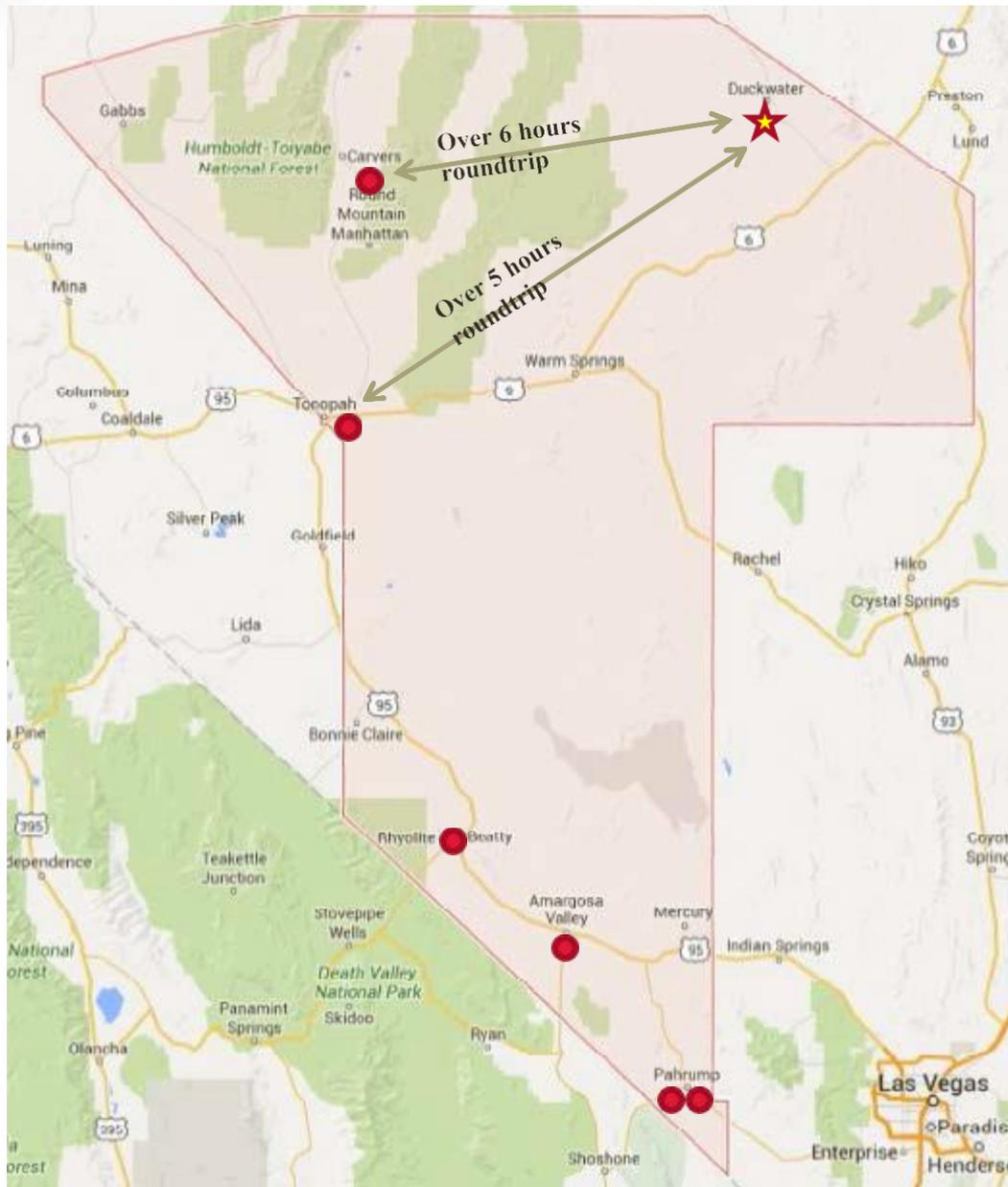
- ❑ Canyons

- ❑ Poor or non-existent roads

- ❑ “Road conditions on both Navajo and Hopi reservations become tricky and dangerous in the wintertime causing expensive repair work on personal and school vehicles. The vehicles travel over deeply mud-rutted and pot-holed roads, which have been damaged by snow and rain, ruining and damaging wheel alignment and tires.”



NAVAJO-HOPI OBSERVER, December 16, 2014



Nye County Polling Places

- Identified by ●
- Four are located in the southern portion of the county
- Two polling places are in Pahrump
- Duckwater has no polling place – vote-by-mail only
- Closest polling places to Duckwater are:
 - **Round Mountain:** 360 miles roundtrip (180 miles each way by road)
 - **Tonopah:** nearly 300 miles roundtrip (about 140 miles each way by road)

Isolating Conditions

- In-person voting opportunities are often inaccessible to Native voters living on tribal lands because of distance issues and lack of transportation

Example #1 - South Dakota: The polling location for the Crow Creek Reservation in South Dakota was established off-reservation in a non-Native community with just 12 voters

- ❓ The Crow Creek Reservation has a total population of over 2,200 people
- ❓ Buffalo County refused to establish an in-person voting location at Fort Thompson, the capital and major community on the reservation with a population of about 1,300 people

Isolating Conditions

- Linguistic Isolation

- ❑ Over one-quarter of all single-race American Indian or Alaska Native people speak a language other than English at home
- ❑ Two-thirds of all speakers of AIAN languages reside on tribal lands
- ❑ Nationally, 357,409 AIAN persons reside in a county-level jurisdiction covered by Section 203 of the Voting Rights Act, which requires that language assistance must be provided for all phases of the voting process
 - ❑ Language assistance is required in 35 county-level jurisdictions in nine states
 - ❑ Alaska, Arizona, and New Mexico account for 87 percent of all American Indians and Alaska Natives who reside in an area required to provide language assistance in a Native language



Isolating Conditions

- Technological Isolation

- ❓ The Federal Trade Commission estimates broadband penetration in tribal communities at less than 10 percent

- ❓ Census Bureau's Tribal Consultations:

- ❓ "Some tribes reported that internet response is currently not a viable option for members..."

- ❓ Connectivity was reported to be the greatest issue "in rural areas including Alaska, Navajo Nation, [and] Pueblos" in New Mexico

- ❓ Even where broadband is available, many Native voters cannot afford to access it (e.g., no computer, inability to pay for broadband access)

- ❓ The digital divide is also a generational problem in Indian Country

- ❓ Younger Native voters are more likely to go online to use voting resources

- ❓ Resources often are not accessible to Elders

Isolating Conditions

- Technological Isolation



- Technological Isolation
 - Increasingly, states are moving to online voter registration
 - According to the National Conference of State Legislatures (NCSL), as of December 2017, a total of 37 states and the District of Columbia offer online registration
 - States tout the savings from online voter registration
 - Arizona reported that it costs an average of 3 cents to process online voter registration applications, compared to 83 cents per paper registration form
 - The hearings showed that at least one of NCSL's findings is not accurate since NCSL reported that “[i]n all states, paper registration forms are available for anyone, including those who cannot register online” but we received reports at some hearings that Native voters are restricted in how many paper forms they can submit in states with online registration

- Technological Isolation
- Paper voter registration forms need to be provided and made readily accessible to potential Native voters living on tribal lands
- Local election offices need to conduct regular in-person voter registration drives on tribal lands
- Local election officials must allow organizers to submit all completed voter registration applications they receive



Lack of Resources and Funding

- County and local governments deny basic resources to constituents living on tribal lands
- Tribes and Tribal members often must engage in self-help to get the most basic voting services that non-Natives take for granted
 - ❓ **Example #1:** Alaska authorized early voting locations in dozens of Alaska Native villages only after the tribal governments agreed to provide volunteers who were not paid the same rate as election workers at existing urban early voting locations
 - ❓ **Example #2:** New Mexico Zuni rented a recreational vehicle in 2012 to use as a mobile polling place to improve voter access, but discontinued it because there were no funds for the next election
- Limits voter registration drives
- Limits ability of tribal governments to prepare their own voter information guides, even though those guides are very effective at educating voters

Fewer Resources Expended on Voter Registration

- Native Americans have unequal access to in-person registration opportunities
- Unequal funding for voter registration efforts on tribal lands
 - Permanent voter registration sites, at county clerk's offices, elections offices, or Department of Motor Vehicle sites, are too distant for Native voters (many of whom lack any form of reliable transportation)
 - Few election offices have permanent satellite voter registration locations on tribal lands, even where there are large populations of voters
 - ❓ Local jurisdictions deny requests for satellite offices due to claimed lack of funding
 - ❓ Satellite offices are denied even when Tribal governments have departments and offices that would be designated as NVRA sites if they were branches of a non-tribal government
 - Few election offices recruit, train, and pay tribal members to serve as deputy voting registrars on tribal lands
 - Failure to provide voter registration opportunities at polling places on Election Day

Residential Features

- Native Americans have a lower rate of home ownership than other population groups

☐ According to the 2016 American Community Survey:

☐ 63.1 percent of the total population owns their own home

☐ 52.9 percent of all single-race American Indian and Alaska Native householders own their own home

☐ It is common for multiple families and adult family members to share a single household

- Multiple people and families often use the same mailing address

- Native voters often maintain multiple mailing addresses

☐ Native voters living off reservation (often in urban areas) may maintain an address on the reservation to be able to vote in tribal elections

☐ Makes it difficult for many Native voters to register to vote or vote-by-mail

Residential Features

- Native Americans have higher rates of homelessness than other population groups – although they only comprise 1.2 percent of the total population, they comprise:
 - ❓ 4.0 percent of all sheltered homeless persons living in emergency or transitional housing
 - ❓ 4.0 percent of all homeless individuals (people who are homeless in their own right, and not as part of a homeless family)
 - ❓ 4.8 percent of all sheltered homeless families
 - ❓ Urban Indians also face disproportionately high rates of homelessness
- Native Americans experience higher rates of homelessness among veterans than other population groups
 - ❓ Only 0.7 percent of all veterans are American Indian or Alaska Native
 - ❓ But Native Americans comprise 2.5 percent of all sheltered, homeless veterans (about 3.5 times their percentage of all veterans)

Residential Features

- “Couch surfing” is common, especially among younger Native Americans
- According to the 2016 American Community Survey, 15.5 percent of the American Indian and Alaska Native population was residing in a different home than the one they reported a year earlier
- In 2017, for the 11,000 members of the Northern Arapaho Tribe in Wyoming
 - ❑ There were just 230 reservation homes (averaging nearly 48 people per home)
 - ❑ 55 percent of Tribal members were considered homeless because they are couch surfing
- HUD found that if couch surfing did not occur in the Navajo Nation, between 42,000 and 85,000 Navajo people living on tribal lands would be homeless

Non-Traditional Mailing Addresses

- The Census Bureau defines non-traditional mailing addresses as “noncity-style addresses,” such as “those that do not contain a house number and/or a street name.” Examples include:
 - ❓ General delivery
 - ❓ Rural route and box number
 - ❓ Highway contract route and box number
 - ❓ Post office box only delivery
- Non-traditional mailing addresses also include:
 - ❓ Location descriptions such as “Brick House with Attached Garage on Right”
 - ❓ Structure points (geographic coordinates)
 - ❓ One of the witnesses testified that the use of coordinates, such as latitude and longitude, often do not match up
 - ❓ A single set of coordinates often can misidentify a cluster of homes as a single home
 - ❓ Census geographic codes such as state code, county code, census tract number, and census block number

Non-Traditional Mailing Addresses

- Why do non-traditional mailing addresses matter?
 - ❓ They make it harder to enumerate (count) Native Americans in the Census
 - ❓ Native voters who use them may be precluded from registering to vote, or it can make it much more difficult for them to register to vote
 - ❓ Mail delivery is often delayed, including when vote-by-mail ballots are returned, because the mail has to be routed to distant cities before going to the County office
 - ❓ Example: Navajo witness testified that when they return their ballot, instead of going straight to the Coconino County elections office in Flagstaff, it is routed through Phoenix
 - ❓ Can lead to voter disenfranchisement if the ballot is not returned early; mailing it on the day of the Election does not guarantee it will be received on time
 - ❓ Native voters often do not have ready access to mail delivered to a non-traditional mailing address
 - ❓ Native voters may check their mail infrequently (going once a month or longer in between checking it), delaying the receipt of critical election information
 - ❓ A single residence with multiple families of registered voters may receive only one voter information pamphlet

Non-Traditional Mailing Addresses

- Mailing locations are not as accessible for Natives on tribal lands as they are to non-Natives off tribal lands
 - ❓ Mailboxes, post office boxes, and postal services are often great distances away from where Native voters live
 - ❓ Native voters often share their mailboxes or post office boxes with many other family members or tribal members, and may not receive their mail in a timely manner
 - ❓ “Voting centers” where mail-in ballots can be dropped off are all off reservation
- Washington State witnesses testified that although they have a post office on their reservation, that post office closes at 3 p.m. on Election Day and the mailbox to drop off their ballots is inside the post office
- Arizona election officials testified that because of delays in routing ballots returned from rural tribal areas through an urban processing center, it is possible a mailed ballot would not be received in time to be counted

- Lack of traditional mailing addresses are a barrier to registering
- Homelessness and housing instability are a barrier to registering

ARIZONA VOTER REGISTRATION FORM
FORMULARIO DE INSCRIPCIÓN DE VOTANTE EN ARIZONA
 LAS INSTRUCCIONES EN ESPAÑOL SE ENCUENTRAN AL REVERSO

Questions? For questions regarding voter registration, call your County Recorder listed on the back of the form

You Can Use This Form To:

- Register to vote in the state of Arizona
- Let us know that your name, address or party affiliation has changed

To Register To Vote In Arizona, You Must (Qualifications):

- Be a United States citizen (see citizenship requirements on back)
- Be a resident of Arizona and the county listed on your registration
- Be 18 years of age or more on or before the day of the next regular General Election

WARNING: Executing a false registration is a class 6 felony

You Cannot Register To Vote In Arizona If:

- You have been convicted of a felony and have not yet had your civil rights restored
- You have been adjudicated incompetent

How To Register To Vote:

- To be eligible for an election, you must register to vote at least 29 days before the election
- You can mail or hand deliver your completed form to your County Recorder's office
- If by mail, the form must be received by the County Recorder no later than 5 days after the last day to register to vote in that election or be postmarked 29 days or more before an election and received by the County Recorder by 7 p.m. on election day
- Your County Recorder's office will mail you a proof of registration within 4 – 6 weeks
- You can register online at www.azsos.gov

Citizens With Disabilities May:

- Contact the County Recorder/Elections Department for information about early voting, accessible voting, or other accommodations.

PROOF OF CITIZENSHIP REQUIREMENT

A complete voter registration form must contain proof of citizenship or the form will be rejected. If you have an Arizona driver license or nonoperating identification license issued after October 1, 1996, this will serve as proof of citizenship. If not, you must enclose proof of citizenship with the form. Please refer to the back of the form for a list of acceptable documents to establish your citizenship.

PERMANENT EARLY VOTING LIST - EARLY BALLOT - VOTE BY MAIL

Any voter may request to be included on the "Permanent Early Voting List" (PEVL) in order to automatically receive an early ballot for all elections he or she is eligible to participate. To be on the list, the address where you receive mail must be in the county where you are registered to vote. Military and overseas voters are also eligible to be on the PEVL, using their overseas mailing address. To automatically receive an early ballot, mark "Yes" in box 1. If "yes" is marked in box 1, you will be added to the PEVL. If "no" is marked in box 1, your name will not be added to the PEVL, and will be removed from PEVL if it was previously included on the list. If neither "yes" or "no" are marked in box 1, your record will remain unchanged as it relates to being on the PEVL.

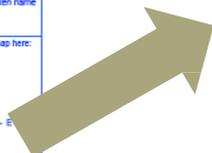
(22) If no street address draw a map here:

<Fold Line -> ***USE BLACK PEN - COMPLETELY FILL OUT FORM *USE PLUMA DE TINTA NEGRA - LLENE EL FORMULARIO COMPLETAMENTE** <Fold Line ->

[1] Permanent Early Voting List - Early Ballot (see instructions above)		BOX FOR OFFICE USE ONLY	
<input type="checkbox"/> YES, I want to automatically receive an early ballot for each election for which I am eligible.		S	
<input type="checkbox"/> NO, I DO NOT want to automatically receive an early ballot. I understand CHECKING THIS BOX will remove my name from the list if it was previously included.			
[2] Last Name	First Name	Middle Name	Jr./Sr./III
[3] Address <u>where you live</u> - If no street address, describe residence location using mileage, cross streets, parcel #, subdivision name and lot, or landmarks. Do not use post office box or business address. Draw a map below if located in rural area.			[4] Apt./Unit/Space
[5] City	[6] Zip	[7] Address <u>where you get your mail</u> , if mail is not delivered to your home	
[8] Last four digits of Social Security Number	[9] AZ Driver License Number or AZ Nonoperating License Number	[10] Optional Tribal Identification Number	[11] Alien Registration Number
[12] Birth Date (MM/DD/YYYY)	[13] State or Country of Birth	[14] Specify Party Preference	[15] Telephone Number { () }
[17] Are you registered to vote at another address? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure <input type="checkbox"/>		[18] List former name (if applicable)	[19] Father's name or mother's maiden name
[20] Will you be willing to work at a polling place on election day? Yes <input type="checkbox"/> No <input type="checkbox"/>		[22] If no street address draw a map here:	
[21] <ul style="list-style-type: none"> • Are you a citizen of the United States of America? Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If you checked "No" to either one of these questions, do not submit this form.</i> • Will you be 18 years of age on or before election day? Yes <input type="checkbox"/> No <input type="checkbox"/> VOTER DECLARATION - By signing below, I swear or affirm that the above information is true, that I am a RESIDENT of Arizona, I am NOT a convicted FELON or my civil rights are restored, and I have NOT been adjudicated INCOMPETENT.			
SIGN HERE		DATE	
[23] If you are unable to sign the form, the form can be completed at your direction. The person who assisted you must sign here.			
SIGNATURE OF PERSON ASSISTING		DATE	

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- Voter purges disproportionately affect Native Americans



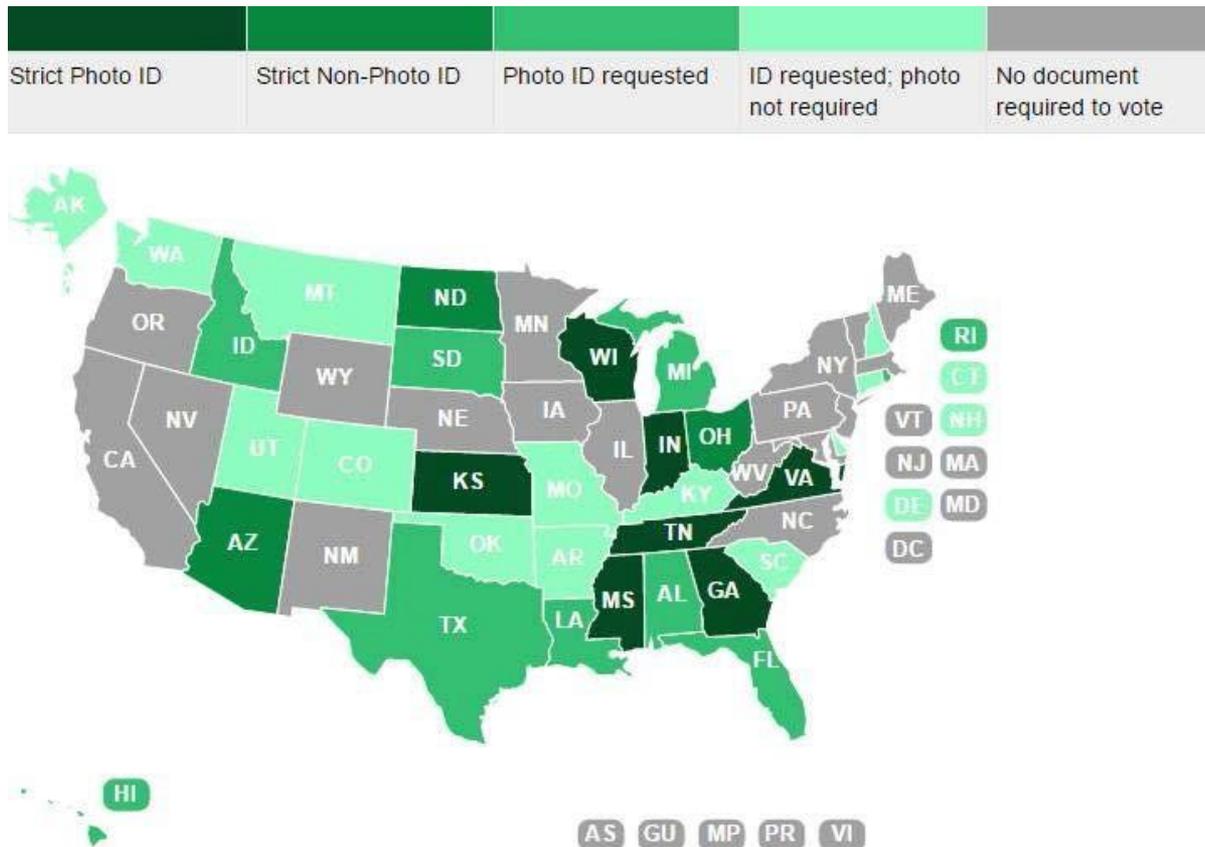
- Even after voters with non-traditional mailing addresses are registered, they may still be purged because of those addresses

❓ **Example #1 (Apache County, AZ – Phoenix AZ Field Hearing)** In Apache County, Arizona, the County purged 500 Navajo voters in 2012 because the County Recorder claimed their addresses were “too obscure” and the Recorder claimed they could not be assigned to a precinct. The County Recorder failed to accept a P.O. Box and the applicants’ drawing on the voter registration form to show the location of their home

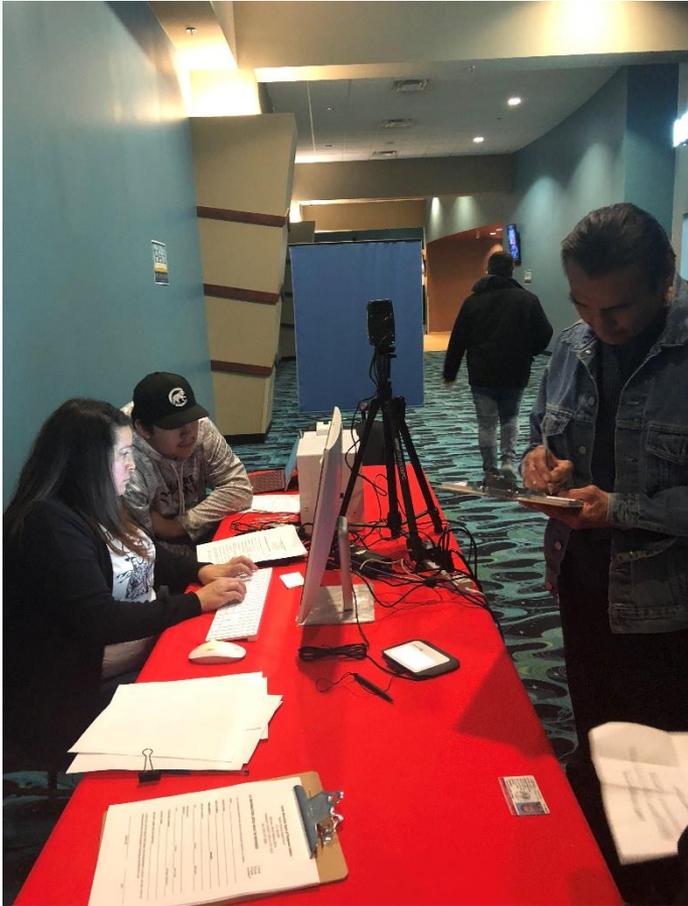
- In places covered by Section 203, information about voter purges is not provided in the covered Native language
- Once purged, many Native voters won’t vote again in non-Tribal elections
- Many Native voters vote infrequently in non-Tribal elections, causing their registration to be purged if they do not respond to a NVRA notice

Voter ID

- Voter ID laws impact registration and same-day or (no registration voting in North Dakota) because Native Americans are substantially less likely to have qualifying ID.



Voter ID



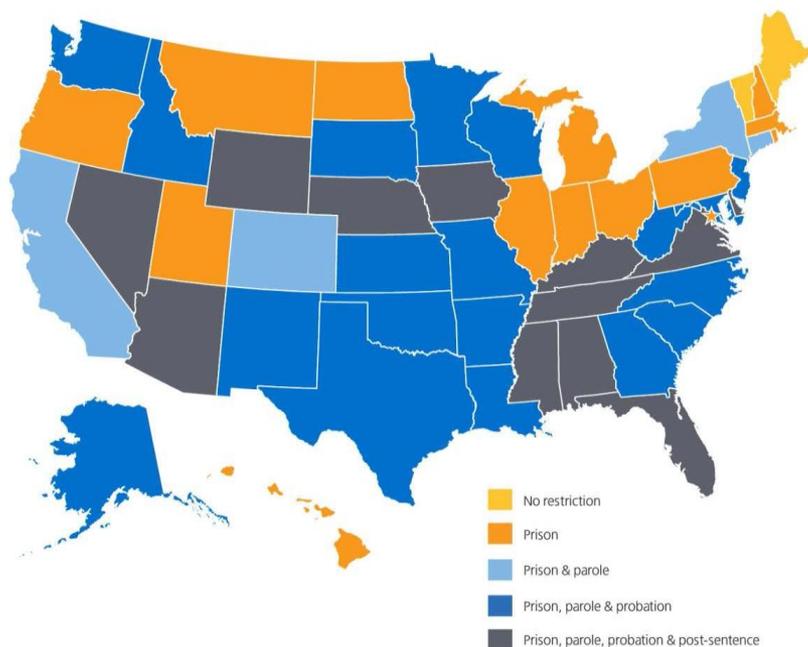
Turtle Mountain tribal member Elvis Norquay receives a free tribal ID at a mobile ID station the day before Election Day 2018

- Socio-economic barriers to obtaining identification
 - ❓ DMV location or other state offices where ID can be obtained often are vast distances from tribal lands
 - ❓ Lack of transportation
 - ❓ Cost of driving to office
 - ❓ Inconvenience/time lost to make roundtrip drive that may take several hours
 - ❓ Cost of paying for identification
- Native voters who lack proper identification when they try to vote may be unable to return to their polling place before it closes with the proper ID

Felony Disenfranchisement Laws

- Native Americans are disproportionately impacted by felon disenfranchisement laws, even when eligible to vote.

Felony Disenfranchisement Restrictions by State, 2015



- Minor crimes often used as a vehicle to disenfranchise Native voters through overcharging at disproportionate rates
- Even in states such as California where civil rights are automatically restored after completing the sentence or terms of parole, Native voters remain disenfranchised

? Parole officers inaccurately inform Native parolees that they cannot register to vote even after their sentence is fully served

? The State of California does not inform previously convicted felons who have served their terms that they are eligible to register to vote

Threshold Requirements Disenfranchise Native Voters

- State laws give discretion to eliminate polling places where voter thresholds are not met and are widely used on tribal lands.
- **“Not enough registered voters”**: Laws in many states give county clerks the discretion to designate precincts in rural and tribal areas as all vote-by-mail if they do not meet a designated threshold of registered voters
- **Example #1 - Nevada (N.R.S. § 293.343)**: “A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the county clerk and Secretary of State that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive [that is, a vote-by-mail precinct].”
 - ❓ Creates a vicious cycle: vote by mail depresses voter registration rates on tribal lands, making it even more difficult to surpass the 200 voter threshold for a required in-person voting location
 - ❓ County clerks in Nevada overwhelmingly exercise this option for precincts on tribal lands

Threshold Requirements Disenfranchise Native Voters

- State laws give discretion to eliminate polling places where voter thresholds are not met and are widely used on tribal lands (cont.)
- **Example #1 (cont.) - Duck Valley Shoshone-Paiute**
 - ❓ Tribal elections typically have approximately 700 voters voting in tribal elections
 - ❓ Just 147 Tribal members were active voters in Elko County, Nevada in the 2016 General Election, a registration rate of just over 18 percent of the eligible Tribal members of voting age
 - ❓ In 2016 General Election, the turnout rate among the registered voters was just 42 percent, compared to countywide average turnout rate of 55.6 percent
 - ❓ 2016 General Election turnout of all Tribal members eligible to register to vote was just 7.6 percent
- **Example #2 - Tule River Tribe, Sacramento Field Hearing**
 - ❓ California Elections Code § 3005(a) permits registrars of voters to designate precincts with fewer than 250 voters as vote-by-mail
 - ❓ Tule River Tribe struggled for years to exceed threshold despite sufficient eligible voters and was just informed that starting in 2018 the tribe will have an in-person voting location following a sustained registration effort

Redistricting Issues

- Redistricting practices have been used to prevent Native voters from electing their chosen candidates – examples:
 - ❓ **San Juan County, Utah:** Native voters were packed primarily into one district even though they were sufficiently numerous to comprise majorities in two out of the three County Commission districts
 - ❓ **Washington State Redistricting:** The State Redistricting Commission fractured (“cracked”) the Colville and Yakama Reservations, dividing them into two separate state legislative districts
 - ❓ Native voters were excluded from the redistricting process – Washington State witnesses testified that non-Natives claiming to have Native ancestry took their seats at the table
 - ❓ Traditionally, each of the reservations should have been maintained in the same district
- Denial of equal opportunities to elect results in denial of opportunities for Natives to serve on appointed bodies

Distrust of Federal and State Governments

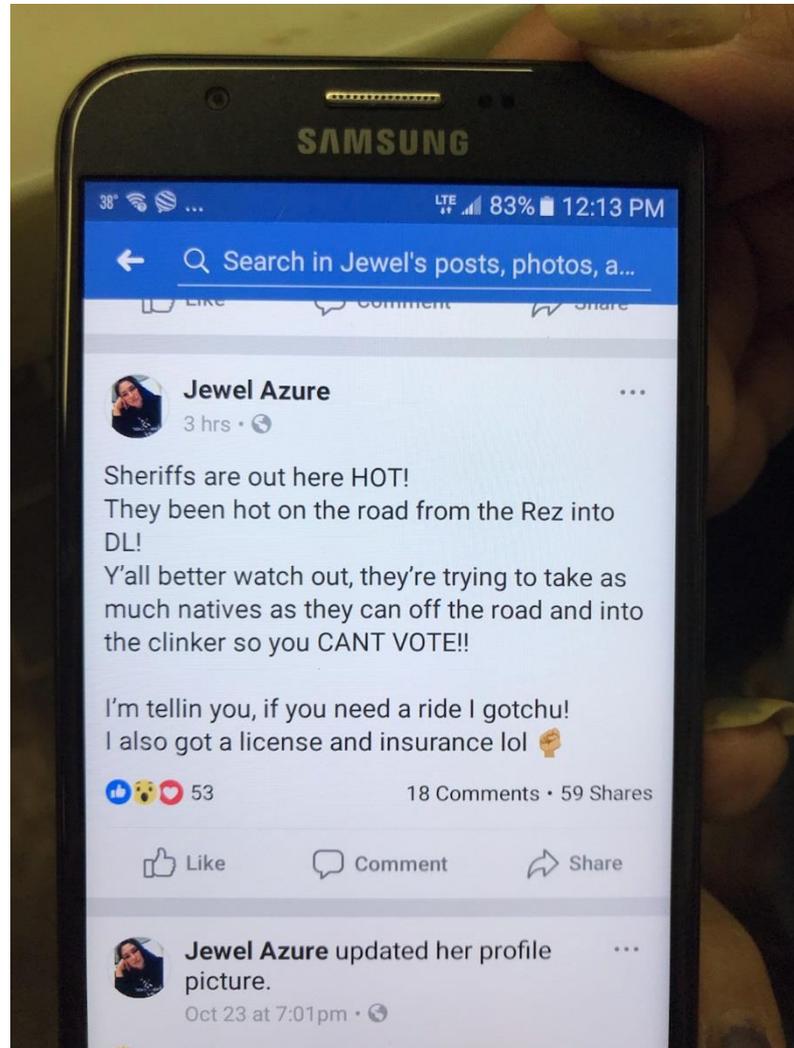
- Distrust towards non-tribal governments (federal, state, and local governments)
 - Out of 2,800 Native voters interviewed in Arizona, Nevada, New Mexico, and South Dakota, tribal governments were the most trusted
 - Trust in the federal government ranged from a high of 28 percent of Native voters in Nevada to a low of just 16.3 percent in South Dakota
- Distrust and anger towards the federal government has increased through recent actions like Bears Ears, the Dakota Access Pipeline, and the Keystone XL Pipeline

“ . . . the education has to go both ways. If Americans expect Native Americans to buy in and want to participate in these colonial process of governance, they have to show us that we are worth a damn to them, right, which is not the case. Hasn't been the case.” Mr. Rydberg, Sacramento Field Hearing April 5, 2018.

- Impact of the government-to-government relationship on voting
 - ❓ Concern that participating in non-tribal elections will negatively impact tribal sovereignty
 - ❓ Some Native voters view themselves only as citizens of their own tribal government, not of federal, state, or local governments that engaged in genocide, cultural war, and discriminated against Native peoples
 - ❓ Greater focus on Tribal elections because of the direct democracy and more representative government that they provide

A Few Examples of Overt Racism

- In South Dakota, voters were forced to vote in a repurposed chicken coop
- In Arizona, voters were forced to travel to the boarder city where racial tensions were so fraught that the pipes sending water to the reservation were regularly blocked
- Consistent testimony that police were used to intimidate voters – heavy police presence checking plates leaving the reservation on Election Day. In Wisconsin, polling location placed inside of sheriff's office
- In Montana, county official would complain upon receipt of registrations and there were many suspicious errors in tribal registrations. Number of registration cards given to Native community organizations was arbitrarily limited
- In South Dakota poll workers would fall silent and stare when a Native American entered to vote





“Every time we take a stack of reg cards in there, we get dirty looks. And I’m pretty sure some of them go into the garbage, you know They hassled us about us bringing in too many voter reg cards. So in 2014, they brought it down to where we can only bring 70 in.”

Erica Shelby - Flathead Reservation, Montana
Bismarck Field Hearing
September 5, 2017

Litigating in Indian Country



Dismal facts = a record of litigation successes

There have been 94 voting rights cases involving Native American plaintiffs. Of those, there have been victories or successful settlements in 87 cases with partial victories in 2 cases and 5 losses. That is a success rate of 92.5%

Model Engagement



- Engagement Led by New Mexico Secretary of State's Office
- **Native American Election Information Program**
 - Provides voter education and ensures compliance with the minority language assistance amendments of the VRA.
 - Communicates with Native American voters on a wide range of information, voter and candidacy requirements, electoral process and participation.
 - Provides technical assistance to New Mexico tribes and New Mexico County Clerks for statutory compliance on the federal and state election laws, oral assistance and voter education programs.
- **Native American Voting Task Force**
 - Comprised of 10 Native American voting rights experts
 - Regular meetings and community engagement

Model Legislation



- **Washington State Native American Voting Rights Act**
- Signed March 14, 2019
- 4 Key Provisions:
 - Allows use of tribal IDs and does not require the tribal IDs to have a residential address or expiration date to be considered valid. Allows tribal IDs to be used to register online if the Secretary of State is able to obtain a copy of the applicant's signature from the federal government or the tribal government.
 - Adds "unmarked homes" to exceptions that allow an individual to use a non-traditional address to register
 - Allows tribes to designate one or more buildings to serve as the location a voter can use as an address to register AND/or receive a ballot. These buildings also serve as designated drop off locations for ballots.
 - Allows tribes to request from the governor to designate one or more state facilities, state funded facilities, or programs that are located on the lands of the requested Indian tribes or are substantially engaged in providing services to Indian tribes, as selected by tribes, to provide voter registration services.

Proposed Federal Legislation



- **Native American Voting Rights Act**

- Introduced by Senator Udall and Congressman Lujan on March 12, 2019
- Establishes Native American Voting Task Force Grant Program
- Mandates tribes can designate voter registration sites on reservation
- Mandates tribes can designate polling sites on reservation
- For mail-in voting states, tribes may designate a building as a ballot pickup and collection location
- Dictates tribally designated buildings can be used by reservation and Indian lands residents to register to vote
- Requires tribal IDs to be accepted in states that require ID. Prohibits requirement of an address or expiration date on tribal IDs.
- Allows for language assistance in the form of oral assistance if requested by the tribe.
- Requires federal approval if a state attempts to move a polling location off the reservation without tribal approval

Immediate Action Items

- **Create a Native American Voting Rights Task Force**
- **If you are a voter ID state, allow for tribal IDs that do not require a residential address or expiration date**
- **Ensure online registration allows for use of tribal IDs**
- **Ensure registration forms allow for non-traditional addresses and unmarked homes**
- **Allow tribes to access registration forms to distribute on the reservation**
- **Create on-reservation registration sites at tribally designated locations**
- **Check polling sites near reservations in your State for distance. Consider road conditions when calculating travel time to the polling location.**
- **Allow tribes to mandate a polling site on reservation**
- **Allow tribes to designate a building that can be used for registration**
- **Allow tribes to designate a building that can be used for ballot pickup and drop off**
- **Issue guidance to counties that have large tribal communities reminding them of their financial obligations to tribal citizens**
- **Urge county officials to advertise in and hire from Native communities for election positions**

Questions?

