

Voting Access for Native Americans: Case Studies & Best Practices



U.S. Election Assistance Commission

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Introduction

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan commission charged with helping to improve American elections. One of the EAC's top priorities is serving as a national clearinghouse of information on election administration so that all eligible Americans can fully participate in elections.

According to the U.S. Census Bureau, the current total population of Native American¹ persons in the United States is over 9.7 million.² Native Americans are diverse Indigenous peoples of the United States, with over 574 unique federally recognized tribal governments— this number changes annually as tribes gain or lose federal recognition.³ Federally recognized tribes are entities recognized as having tribal sovereignty and are entitled to certain protections because of their relationship to the United States. Tribes determine their own governance structures and write their laws except where a treaty or legal decision applies. Each tribal government has a formal nation-to-nation relationship with the United States government. Native Americans are both citizens of their tribes and citizens of the United States. Tribal citizens are guaranteed the same full U.S. and state constitutional rights and protections as every other citizen, including voting rights, whether they live on or off tribal lands. Native Americans are unique within the American political structure and have equally unique challenges to fully participating in United States elections.

Ever since the United States formally became a nation, Native Americans have faced unique barriers to obtaining full citizenship and voting rights. This document details some of the mitigation measures jurisdictions have implemented when administering non-tribal elections in areas where federally recognized tribal governments are located.

Background

Native Americans practiced self-government in America long before the formation of the United States government.⁴ However, it would be centuries before Native Americans gained legal voting rights protection to fully participate in United States elections.

Ratified in 1868, the Fourteenth Amendment to the U.S. Constitution declared “all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside...” However, the privileges of citizenship were not fully granted to all Native Americans until the passage of the Indian Citizenship Act in 1924 and the Nationality Act of 1940.⁵

Citizenship did not guarantee full legal voting rights, as the U.S. Constitution gives states broad power in determining how to conduct elections. Native Americans were still prevented from participating in federal, state, and local elections, where state laws excluded Native Americans from the franchise. In 1948, two

¹ The terms American Indian and Alaskan Native have historically been used by the Federal government to denote the cultural and historical distinctions between persons belonging to the indigenous tribes of the continental United States (American Indians) and the indigenous tribes and villages of Alaska (Alaska Natives, i.e., Eskimos, Aleuts, and Indians) who are eligible for benefits and services funded or directly provided by the Bureau of Indian Affairs. This document refers to American Indian and Alaskan Native persons as Native Americans.

² See: <https://www.census.gov/about/partners/cic/resources/data-links/aian.html> (accessed 10/19/2021)

³ 86 FR 7554, 01/29/2021

⁴ See: <https://www.loc.gov/classroom-materials/elections/right-to-vote/voting-rights-for-native-americans/> (accessed 10/27/2021)

⁵ The Indian Citizenship Act, ch. 233, 43 Stat. 253 (1924) (codified at 8 U.S.C. § 1401(b)(1994)). The Nationality Act of 1940, ch. 876, 54 Stat. 1137



landmark cases affirmed the right of Native Americans to vote in United States elections - *Harrison v. Laveen*⁶ and *Trujillo v. Garley*.⁷

In *Harrison v. Laveen*, Frank Harrison and Harry Austin, members of the Mohave-Apache Tribe, residing on the Fort McDowell Reservation, attempted to register to vote in Maricopa County, Arizona. The Maricopa County Recorder denied their right to register to vote, claiming they were ineligible to vote because they were “under guardianship” or wards of the state. Harrison and Austin sued the Maricopa County Recorder, asserting that if they were denied the right to register and vote they would be deprived of the franchises, immunities, rights, and privileges of citizens which are guaranteed to them under the Constitution and laws of both the United States and the state of Arizona. Although a trial court originally entered judgment in favor of the County, through the appellate process, the final judgment of the Arizona Supreme Court held that Harris and Austin were able to register and vote. In the decision, the court opined, “In a democracy suffrage is the most basic civil right, since its exercise is the chief means whereby other rights may be safeguarded. To deny the right to vote, where one is legally entitled to do so, is to do violence to the principles of freedom and equality.”

In *Trujillo v. Garley*, Miguel Trujillo, a World War II veteran and member of the Isleta Pueblo tribe in New Mexico, attempted to register to vote. The County Registrar refused to allow him to register because he did not pay taxes and lived on Pueblo lands. Trujillo sued the County Registrar, and the three-judge panel ruled in his favor. Speaking for the panel, Judge Orié Phillips stated: “[The constitution of New Mexico] says that ‘Indians not taxed’ may not vote, although they possess every other qualification. We are unable to escape the conclusion that, under the Fourteenth and Fifteenth Amendments, that constitutes discrimination on the ground of race. Any other citizen, regardless of race, in the state of New Mexico who has not paid one cent of tax of any kind or character, if he possesses the other qualification, may vote. An Indian, and only an Indian, to meet the qualifications to vote must have paid a tax. How you can escape the conclusion that makes a requirement with respect to an Indian as a qualification to exercise the elective franchise and does not make that requirement with respect to the member of any race is beyond me.”

Although these two cases advanced voting rights for Native Americans, it was not until 1957, when Utah was the last state to remove laws preventing Native Americans from registering to vote, that the franchise was extended to Native Americans in every state in the nation.⁸ However, these protections were not regularly enforced until the enactment of the Voting Rights Act in 1965, which prohibited any election practice that denied the right to vote on account of race or ethnicity.

Today, challenges remain for Native American voters living both on and off tribal lands. According to a recent report issued by the Native American Rights Fund (NARF),⁹ non-traditional mailing addresses such as post-office boxes, lack of election information and outreach, lack of reliable broadband service, less access to polling and registration sites than those not located on Tribal lands, and language access needs are some of the distinct issues confronting Native American voters. Statistics from the National Congress of American Indians show that only 66 percent of the eligible Native American voting population is registered to vote, and voter turnout of Native Americans is between 5 to 14 percentage points lower than other racial and ethnic groups.¹⁰

⁶ *Harrison v. Laveen*, 67 Ariz. 337, 342 (Ariz. 1948)

⁷ *Trujillo v. Garley*, Civ. No. 1353 (D.N.M. 1948)

⁸ *Allen v. Merrell*, 305 P.2d 490 (Utah 1956), vacated as moot, 353 U.S. 932 (1957)

⁹ Native American Rights Fund, *Obstacles at Every Turn*, June 4, 2020: <https://www.narf.org/obstacles-at-every-turn/>

¹⁰ See: https://www.ncai.org/initiatives/campaigns/NCAI_NativeVoteInfographic.pdf (accessed 10/18/2021)



Non-Traditional Mailing Addresses

Each person who registers to vote must provide an address where they live and an address where they receive their mail, if different. This is because a voter's ballot is determined by the voter's home address.

Addresses on tribal reservations are assigned by tribal governments, not cities, counties, or other non-tribal agencies. Because each tribal entity has its own governance structure, tribes may not have adopted local ordinances to name roads, assign numerical addresses, put up road signs, or other conditions to assign a situs address to every residence. Although the [National Mail Voter Registration Form](#) provides the opportunity to physically describe where a voter lives using a map, it can be difficult for both the voter and election officials to determine the exact place of residence if the information provided is unclear or unfamiliar. In addition, tribal members often receive their mail at post office boxes or other locations besides their residence address because of the lack of home delivery. This can lead to delays in the voter registration process and receiving or sending election materials by mail.

Case Study: State of Washington

In 2019, the state of Washington enacted the Native American Voting Rights Act. This law codified the “use of non-traditional residence addresses when a voter resides on an Indian Reservation or Indian Lands.” Per the legislation, a traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government. A non-traditional address consists of a narrative description of the location of the voter's residence. Additionally, the law allows federally recognized tribes to designate tribal government buildings to serve as residential addresses for registrants living on that land if the building is in the same precinct where the voter lives. If the tribe has designated a ballot pick-up and collection location, it also allows voters to use that location as their mailing and residential address for voter registration.

Voter Registration and Outreach

Congress passed the National Voter Registration Act (NVRA) to make it easier for citizens to register to vote. Under the NVRA, states must develop programs to offer voter registration to citizens when updating their driver's licenses or when applying for services from certain agencies.¹¹ Typically, agencies that provide public assistance, services to persons with disabilities, and other state-funded programs are designated to provide voter registration services under NVRA. However, many Native Americans interact with federal agencies such as the U.S. Department of Agriculture (USDA), Bureau of Indian Affairs (BIA), Temporary Assistance to Needy Families (TANF) and, other federal programs not subject to NVRA. Because of this, Native Americans may be less likely to benefit from the intended purpose of the NVRA.

¹¹ The requirements of the NVRA apply to 44 states and the District of Columbia. Six states (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming) are exempt from the NVRA because, on and after August 1, 1994, they either had no voter-registration requirements or had election-day voter registration at polling places with respect to elections for federal office.



Native Americans are also the only American citizens that must register on two separate voting rolls to vote in every civic election they are eligible:

- Tribal voting rolls to vote in tribal elections
- State/local voting rolls to vote in federal, state, county, city, or district elections

Maintaining two voter registrations is a challenge, especially for new voters. For example, if an 18-year-old tribal member votes for the first time in a Tribal Council election in June, they may not be on the official list of eligible voters when attempting to vote again in a Presidential election in November of that same year. In jurisdictions with voter registration deadlines, election officials should develop strategies to coordinate with tribal communities to ensure that information about voter registration deadlines is communicated well before every election.

The NVRA also requires that states subject to the NVRA accept and use the national mail voter registration application maintained by the EAC. States may also develop their own form that meets the minimum requirements of the NVRA. The rules regarding by-mail registration and voting differ in tribal elections from federal, state, and other local elections, which can lead to unintentional errors when voting in different types of elections.

The Help America Vote Act (HAVA) of 2002 outlines requirements to prove identity when registering to vote.¹² Because tribal IDs are not explicitly listed as an acceptable ID to prove identity under HAVA, not all jurisdictions accept them for registration and voting purposes. Many states have passed laws authorizing tribal IDs for identifying purposes, but only if they contain specific information as determined by the state.

Best Practices

- ✓ Develop working relationships with tribal leaders to learn about local challenges to voting access in your community.
- ✓ Coordinate with local service providers for tribal members to distribute voter registration forms, if allowable by law.
- ✓ Add tribal governments to press release lists, to ensure information about voting, including registration deadlines, is well advertised.
- ✓ Create a dedicated webpage with information specific to voting on tribal lands, including any language access services available.
- ✓ Recruit Native American outreach coordinators to develop voter outreach messaging, select polling locations, and hire and train election workers.

¹² Pub. L. 107-252, 116 Stat. 1666, 42 U.S.C. 15483



Lack of Reliable Broadband Service

In today's modern world, the internet has become an essential mode of communication, a way to facilitate community relationships, and an avenue for civic engagement. Broadband access provides additional ways to register to vote, learn about candidates, participate in political discussions, and be informed about election rules and deadlines. Without broadband access, many voters are at a disadvantage to participate in the democratic process. According to recent survey data, which examined the relationship between internet use and voting in the United States, in both 2016 and 2018, an internet user was more likely to vote than a non-user after controlling for other factors believed to be related to voter turnout.¹³ Other results also indicated that computer and tablet use was associated with a higher likelihood of voting.

According to the Bureau of Indian Affairs (BIA), "In 2017 the FCC Broadband Development Report stated 34 percent of Native Americans who live on rural tribal lands lacked access to sufficient broadband capabilities."¹⁴ Because tribal lands are often held in trust by the BIA, complex legal requirements to obtain rights-of-ways and leases for broadband hinder development. Even if a voter has access to broadband on tribal lands, not every household will have access to the internet.¹⁵ As more voter outreach efforts move online, elections offices should be aware that communities without internet access will still need access to information and services through direct mail, in-person voter registration, and other traditional outreach methods.

Case Study: New Mexico Tribal Wi-Fi Hotspot Program

As a response to the COVID-19 pandemic, the Native American Voters Alliance Education Project (NAVAEP) in partnership with the Santa Fe Indian School (SFIS) created a program to provide mobile Wi-Fi hotspots in tribal communities. Given the timeline of the program, mobile Wi-Fi hotspots installed provided reliable connections during a crucial time ahead of the 2020 Census, 2020 Primary and General Elections and the 2021 Special Congressional Election in New Mexico. Although only tribes with existing fiber-optic broadband networks are eligible, the equipment and installation are covered by NAVAEP grant funds and SFIS provides technical assistance and coordination. Additionally, tribes who participate in the program own the equipment and manage it as part of their broadband network.

Read more information about the Native American Voters Alliance Education Project and the New Mexico Tribal Wi-Fi Hotspot Program: <https://www.navaeducationproject.org/>

¹³Robinson, Amy and Schaller, Hannah and Goldberg, Rafi M. and Carlson, Edward, Is a Digital Nation a Voting Nation? (January 4, 2021). Available at SSRN: <https://ssrn.com/abstract=3760187>

¹⁴ Tribal Broadband: Status of Deployment and Federal Funding Programs, updated January 9, 2019: <https://sgp.fas.org/crs/misc/R44416.pdf>

¹⁵ GAO, BROADBAND INTERNET-FCC's Data Overstate Access on Tribal Lands, United States Government Accountability Office, 1 (September 2018), available at <https://www.gao.gov/assets/700/694386.pdf>



Access to Polling Locations

Voters have a legal right to equal access. Deciding where to place in-person voting locations can significantly impact Native American communities. Because mail service delivery can be unreliable, in-person voting is often a more viable option for many tribal voters.

In rural areas, polling locations are often located hundreds of miles away from tribal areas. A 2017 survey by the Native American Voting Rights Coalition found that 32 percent of respondents in South Dakota said that the distance needed to travel to the polls affected their decision to vote.¹⁶ According to the Census Bureau, 13.4 percent of all occupied Native American households lacked access to a vehicle.¹⁷ In urban areas, traffic can cause hours-long delays, and public transportation may require several connections to reach a polling location.

Tribal lands may also be in very remote geographical areas and are subject to extreme weather conditions. Remote Alaskan Villages in the Yukon Delta National Wildlife Refuge may not be accessible by air travel for several weeks due to inclement weather and remote desert communities such as the Timbisha Tribal Reservation in Death Valley National Park can reach extreme temperatures over 120 degrees. Mail-in voting is increasing in use and is commonly offered as an alternative to inaccessible polling places. However, mail voting is often inaccessible for voters with disabilities or who need language assistance.

Best Practices

- ✓ Recruit Native American election workers to assist with in-person early voting and in-person Election Day voting.
- ✓ Coordinate with Tribal Boards of Election and tribal governments to establish polling places on tribal lands.
- ✓ When selecting drop box locations in communities with federally recognized tribes, ensure they are located in areas that are geographically accessible to all voters.
- ✓ Coordinate with tribal governments to make needed accommodations to polling locations, including parking areas and pathways ensuring access to all voters.

¹⁶ See: <https://www.narf.org/wordpress/wp-content/uploads/2018/01/2017NAVRCsurvey-summary.pdf> (accessed 10/20/2021)

¹⁷ See: <https://www.census.gov/newsroom/facts-for-features/2017/aian-month.html> (accessed 10/20/2021)



Case Study: State of Nevada

In 2017, the Nevada legislature enacted a bill that requires, under certain circumstances, that at least one in-person polling place be established within the boundaries of an “Indian reservation or Indian colony at a location or locations approved by the Indian tribe.”¹⁸ The intent was to provide tribal governments with the opportunity to request a polling place, either for early voting or Election Day, on tribal lands. In 2019, the Nevada legislature expanded their existing election law to ensure that once a polling location was created on tribal lands, it must continue to serve as a polling location for all future elections, unless the Tribe requests change. In 2021, Nevada has continued to expand access to voting to Native American citizens, by extending the deadlines to request a polling place and/or drop box and by allowing tribal agencies to become registered as voter registration agencies.

Read more about information about Nevada’s process of locating polling places on tribal reservations and colonies: <https://www.nvsos.gov/sos/elections/voters/reservation-and-colony-polling-locations>

Increasing Polling Place Accessibility

Native Nations have a higher rate of disability than the United States at large, with 24 percent of Native Americans living with a disability compared to the average rate in the United States of 16 percent. In addition, the COVID-19 infection rate was over 3.5 times higher for Native Americans than non-Hispanic whites and Native Americans were more than 4 times as likely to be hospitalized.¹⁸ While the long-term impacts of COVID-19 are unknown, the disproportionate rate of infection and hospitalization could lead to further increases in this disparity of rates of disability.

With a higher rate of disability, it is important to ensure polling places are accessible; however, the Americans with Disabilities Act (ADA) as federal law does not apply to tribal nations. The ADA, which is designed to prohibit discrimination and increase access for individuals with disabilities, applies to polling places operated by counties neighboring tribal nations and has been used to close polling places further disenfranchising Native Americans.¹⁹ These closures have led to numerous surveys of polling locations used by the Navajo Nation including review by the United States Department of Justice (DOJ). The rate of disability among the Navajo Nation is higher than Native Americans generally; 30 percent of Navajos between the ages of 21 and 54 have a disability and 70 percent of those over 64 have a disability. The Navajo Nation Vocational

¹⁸ See: <https://www.ihs.gov/coronavirus/> (accessed 11/5/2021)

¹⁹ See: <https://www.hcn.org/articles/tribal-affairs-how-the-americans-with-disabilities-act-could-affect-native-american-voters> (accessed 11/5/2021)



Rehabilitation and Opportunities for the Handicap Act, passed in 1984, requires public entities to provide site accessibility and reasonable accommodations for individuals with disabilities and make all services available in an equitable and non-discriminatory basis.²⁰ The Act applies to polling places in the Navajo Nation.

Case Study: Navajo Nation

In May 2013, the Native American Disability Law Center (NADLC) released a report conducted in collaboration with the Native Nation Advisory Council on Disabilities (the Advisory Council) after surveying 25 polling sites in five major communities in the Navajo Nation. Subsequently the United States Department of Justice (the “Department”) opened an investigation into McKinley County, Arizona and surveyed 32 of the County’s 46 election day polling places in 2016 and re-surveyed 23 of the County’s polling places in 2018.

These surveys reported similar barriers to accessibility: a lack of posted signs or designated accessible parking spaces, uneven or inaccessible parking lots because of loose gravel or surfaces that could be made impassable or potentially muddy during inclement weather. The sidewalks or pathways, entrances, and ramps were similarly inaccessible. Below is a non-exhaustive list of proposed solutions to the accessibility barriers:

- a. Paving parking areas and pathways
- b. Signage, including parking and accessible entrance signage
- c. Portable ramps (including curb ramps) with side edge protection
- d. Unlock or prop open doors
- e. Portable buzzers or doorbells
- f. Install handrails on the sides of pathways and stairs

Working with communities to monitor and survey polling places while deploying temporary and permanent solutions will ensure continuity and access to preferred accessible polling locations.

Read the full report: <https://www.ndrn.org/wp-content/uploads/2019/10/Polling-Accessibility-Report-00000005.pdf>

²⁰ 10 N.N.C. § 1402 (A)(3)



Language Access

Over a quarter of all single-race Native Americans aged 5 and older speak a language other than English at home.²¹ Section 203 of the Voting Rights Act (VRA) requires jurisdictions to provide bilingual registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, where citizens of voting age meet or exceed certain criteria. In addition, covered jurisdictions must provide bilingual poll workers to assist voters at the polling place.

Congress enacted the language minority provisions of Section 203 because it found that: “[T]hrough the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation.”²²

Currently, there are over 50 local election jurisdictions in nine states subject to the provision of Section 203. To qualify for Section 203 protections, communities must have a limited English proficiency population which:

- Is more than 10,000 voting-age citizens, or
- Is greater than five percent of all voting-age citizens, or
- On an Indian reservation, exceeds five percent of all reservation residents; and
- The illiteracy rate of the group is higher than the national illiteracy rate

Additionally, many Native American languages are verbal, and language assistance for these communities requires oral translations. The Civil Rights Division of the DOJ offers guidance to local election officials on how to comply with language minority provisions. These guidelines are entitled "Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups."²³

Read more about Language Minority Guidelines for local election officials:

<https://www.justice.gov/crt/page/file/927236/download>

Best Practices

- ✓ Create glossaries of election terminology in Native languages.
- ✓ Design and distribute “I voted” stickers in Native languages.
- ✓ Recruit bilingual election workers to assist voters in communities where federally recognized Native American tribes are located.

²¹U.S. Census Bureau, Facts for Features: 2016 American Indian and Alaskan Native Heritage Month: November 2016 (27.1% percent)

²²See: <https://www.justice.gov/crt/about-language-minority-voting-rights#coverage> (accessed 11/5/2021)

²³ 28 C.F.R. Part 55

Case Study: State of Alaska

In response to litigation, the State of Alaska provides enhanced Yup'ik language voting assistance. This assistance includes:

- Training bilingual poll workers to provide language assistance to voters.
- Coordinating language assistance through a bilingual staff person with a toll-free number.
- Relying on Yup'ik language experts to translate election materials, including information on ballot measures, candidates, absentee and special needs voting and voter registration.
- Preparation of a Yup'ik-English glossary of election terms and phrases to guide bilingual poll workers providing language assistance.
- Providing sample ballots in Yup'ik.
- Generating pre-election publicity in Yup'ik through radio ads, television programs and public service announcements, including announcements over VHF radios in villages that do not receive regular radio broadcasts.
- Undertaking outreach to the villages in the census area.
- Distributing Yup'ik "I voted" stickers.

The State of Alaska, Division of Elections has developed Glossaries of Election Terminology in several Yup'ik dialects. To ensure the translations were culturally and linguistically appropriate, Division staff worked alongside an eight-member panel of Alaskans fluent in the various Yup'ik dialects. Read more about Alaska's language assistance program, and find copies of their glossaries, here:

<https://www.elections.alaska.gov/Core/languageassistance.php>

Conclusion

Native Americans face unique challenges when voting in United States elections. This document acknowledges some of these challenges and highlights different strategies employed to ensure voting access for Native Americans. Many of the efforts outlined require collaboration with lawmakers, tribal leaders, election officials, and non-governmental agencies. Working together, state and local election officials can ensure access to voting for all Americans.



Additional Resources and Acknowledgments

[Native Vote](#), a non-partisan initiative that focuses on Voter Registration and Get-Out-The-Native-Vote (GOTNV), Election Protection, Education and Data Collection. Native Vote is providing toolkits, updating the Native Vote webpage, distributing e-newsletters and promotional items, creating Public Service Announcements (PSAs), and hosting telephone conferences, webinars, and trainings.

[Native American Rights Fund](#), has provided legal assistance to Indian tribes, organizations, and individuals nationwide who might otherwise have gone without adequate representation. NARF has successfully asserted and defended the most important rights of Indians and tribes in hundreds of major cases and has achieved significant results in such critical areas as tribal sovereignty, treaty rights, natural resource protection, and Indian education. NARF is a non-profit 501c(3) organization that focuses on applying existing laws and treaties to guarantee that national and state governments live up to their legal obligations. Part of their work includes protecting the voting rights of Native Americans.

[National Conference of American Indians](#), was established in 1944 in response to the termination and assimilation policies the U.S. government forced upon tribal governments in contradiction of their treaty rights and status as sovereign nations. To this day, protecting these inherent and legal rights remains the primary focus of NCAI.

[National Tribal Broadband Grant Program](#), U.S. Department of the Interior program: All federally recognized American Indian and Alaska Native tribes, bands, villages, nations, or communities are eligible for NTBG funding. NTBG grant applications are rated on the potential positive impacts broadband could bring to an applicant's community, with additional credit awarded to applications involving projects to be developed in Opportunity Zones. An Opportunity Zone is an economically distressed community where new investments, including investments in broadband systems, may be eligible for preferential tax treatment under certain conditions.

[Coconino County Arizona Innovation Clearie Award, for Native American Outreach Program](#), which has allowed the county to develop staffing and organizational innovations that continues to evolve and improve. Started in the late 1970s, Coconino County leads an extensive Native American Outreach Program. The program has emerged as a hub to coordinate the unique elections needs of communication, registration, and polling in tribal lands.

[From Protests to the Ballot Box, and Beyond: Building Indigenous Power](#), a 2020 report on Native American voter turnout, youth participation and more from the Indigenous Futures Project, a collaboration between the Center for Native American Youth, IllumiNative, and the Native Organizers Alliance.

[Bureau of Indian Affairs \(BIA\) Tribal Leaders Directory](#), developed the Tribal Leaders Directory as an internal reference document for its employees. It quickly became one of Indian Affairs' most requested documents, and is now used by federal, state, and local governments; news media; businesses; researchers; and the general public as a resource to help them connect with Indian Country. It's important to note that the Directory is not an official listing of federally recognized tribes. It should be used in conjunction with the Federal Register Notice of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs (81 Fed. Reg. 26826), which *is* the official listing of all federally recognized tribes in the United States, pursuant to the Federally Recognized Indian Tribe List Act of 1994 (Pub. L. 103-454, 108 Stat. 4791-4792).



Additional Case Studies

Many states have recently passed laws to expand access to voting for Native Americans. Following are examples of different methods states and local election officials have used to identify and mitigate challenges unique to Native American voters in their states.

Case Study: State of Montana

In 2019, the Montana legislature tasked the State-Tribal Relations Committee to study barriers to voting by Montana Native Americans and how those findings can be addressed in Montana election laws and procedures. According to the report *Barriers to Voting for American Indians in Montana*, discussions between committee members, stakeholders, and tribal governments revealed that primary barriers to voting for American Indians in Montana include:

- Access to polling places.
- A lack of physical addresses within reservation boundaries for verification of placement in polling precincts.
- The complication of commonly shared post office boxes for mailed ballots and other elections communication.
- The need for more education of election workers about the valid use of tribal IDs for voter identification.

The Montana Advisory Committee to the U.S. Commission on Civil Rights submitted a memorandum with recommendations for addressing concerns raised during testimony regarding voting access for Native Americans in Montana.

In 2021, Montana has continued to expand access to in-person voting for Native Americans by passing new legislation that requires tribal governments to sign off before limiting the hours of polling locations on tribal lands.

Read more about Voting Access for Native Americans in Montana:

<https://www.usccr.gov/files/2021/07-15-Native-American-Voting-Rights-Advisory-Memo.pdf>

Read the draft report Barriers to Voting for American Indians in Montana:

<https://leg.mt.gov/content/Committees/Interim/2019-2020/State-Tribal-Relations/Meetings/august-2020/hj10-draft-report-july2020.pdf>



Case Study: New Mexico Secretary of State

In 2017, the New Mexico Secretary of State's office created a Native American Voting Rights Taskforce to identify ways to boost voter registration, education, and election participation in tribal communities.¹ The Taskforce includes representatives from the Navajo Nation, the Jicarilla Apache Nation, the Mescalero Apache Tribe, the Fort Sill Apache Tribe, the nineteen pueblos, and a Native American who resides in an urban area. The New Mexico Secretary of State's website includes:

- Public access to Task Force meeting agendas
- A list of jurisdictions and associated Native American languages spoken
- A list of precincts on federally recognized tribal land
- A directory of the 22 New Mexico Indian Nations
- A list of the 23 federally recognized tribes in New Mexico

The Task Force is charged with analyzing the areas of need, making recommendations for election officials across the state, and developing an action plan to address voter registration, voter education, and turnout in tribal communities. The Native American Voting Taskforce consults, advises, and makes recommendations to the Secretary of State on Native American voting issues, including:

- Increasing voter registration in Native American communities
- Establishing adequate early voting sites
- Increasing access to the ballot
- Providing election documents in Native American languages
- Proposing statutory changes on Native American voting rights issues
- Increasing voter outreach and voter education in Native American communities
- Assisting New Mexico's counties in complying with federal voting rights statutes
- Assisting the federal government in recognizing areas of need in New Mexico's Native American communities, including in urban areas
- Streamlining and reducing inconsistencies in the voting process
- Improving translation services inclusive of language diversities
- Increasing dialogue between the task force, the counties, the state, and tribal leadership
- Advocating to the legislature to address the digital divide and internet connectivity
- Incorporating Native American input into future redistricting efforts
- Securing additional funding for Native American voter outreach programs

Read more about the New Mexico Secretary of State Native American Task Force:

<https://www.sos.state.nm.us/voting-and-elections/native-american-election-information-program/native-american-voting-task-force/>



Case Study: State of Colorado

In 2019, the Colorado Legislature modified their existing election law to require local election officials to provide a drop box, voter services center, or polling place on tribal lands, if a tribal government requests one of these expanded services. In September 2020, the Colorado Secretary of State met with representatives of the Southern Ute and Ute Mountain Ute Tribes to discuss increased voting access for Native Americans living on tribal lands. The Southern Ute and Ute Mountain Ute reservations are the only two Native American reservations in Colorado. According to Christine Sage, former chairman of the Southern Ute Indian Tribe, “[The Secretary of State] has led the nation by bringing about voter equality to the members of the Southern Ute Indian Tribe as well as including tribally issued identification as proper identification when registering to vote or going to the polls on election day.”

Case Study: Gila and Graham Counties, Arizona

The San Carlos Apache Nation encompasses three counties in Arizona: Gila, Graham, and Pinal. In 2002, the DOJ determined that Gila and Graham counties must begin providing Apache language assistance under Section 203 of the Voting Rights Act. Prior to 2002, neither county provided Apache language assistance for voting. The DOJ worked with both counties to recommend various ways to improve language access to voters in their communities. These recommendations included hiring poll workers who spoke Apache, implementing voter registration drives on tribal reservations during key community events, and launching Apache Language Election Information Programs.

“The Future of Election Administration” tells the story of five women, all tribal elders, from the San Carols Apache Nation. Despite living through the 1948 Arizona Supreme Court decision that gave Native American's the right to vote, these five tribal elders, as well as many others in their community, were not able to vote in practice due to low English language proficiency. Now, with Gila and Graham Counties providing voting and election information and assistance in their native language, the women finally felt comfortable enough to register to vote. Voting had become accessible to them. They and other San Carlos Apache became first-time voters that day.

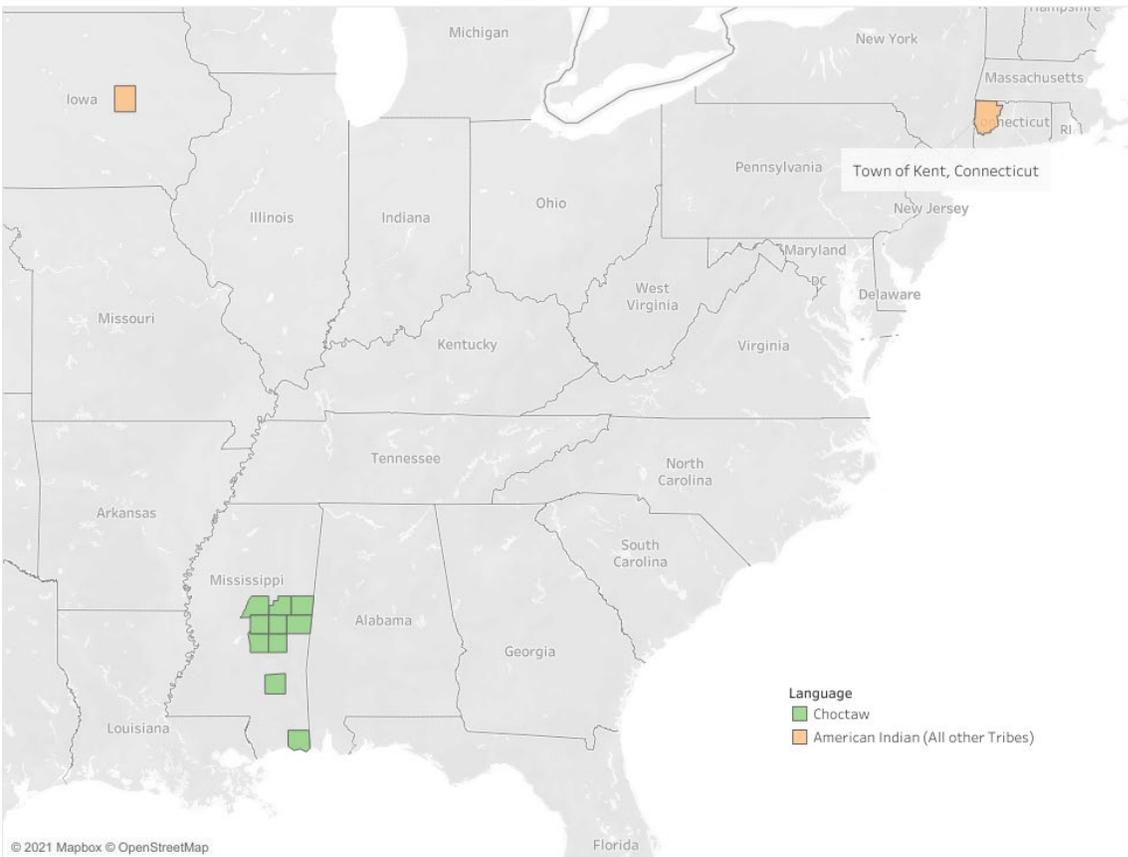


Section 203 Languages

Covered jurisdictions are determined by the Census Bureau based upon a formula set out in the Voting Rights Act. The most recent [determinations](#) for Section 203 were made on December 5, 2016, and the relevant jurisdictions and associated language requirements are copied below. The next round of determinations will be in 2021.

Map - Section 203 Jurisdictions Eastern United States

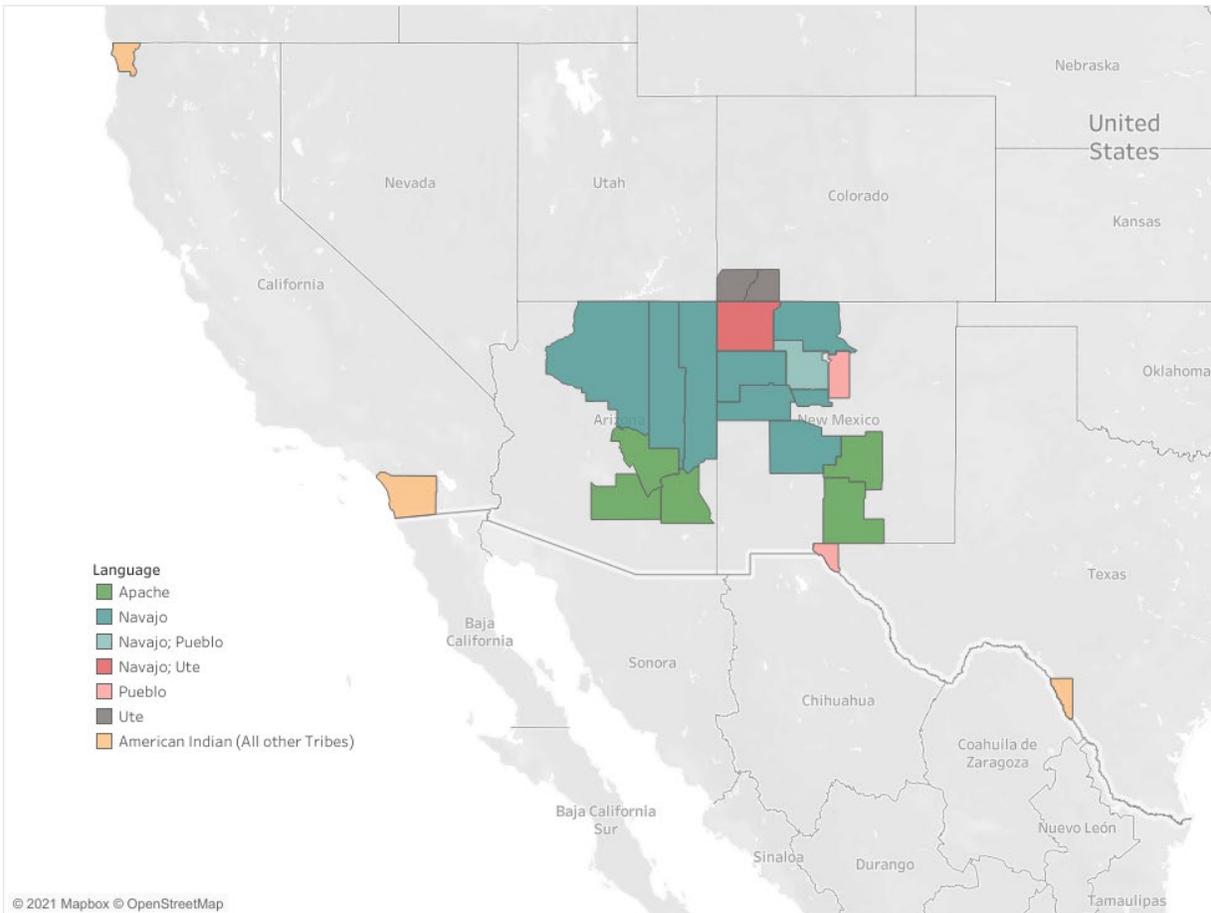
Eastern United States



<i>State</i>	<i>Jurisdiction</i>	<i>Language</i>
Connecticut	Kent Town	American Indian (All other American Indian Tribes)
Iowa	Tama County	American Indian (All other American Indian Tribes)
Mississippi	Attala County, Jackson County, Jones County, Kemper County, Leake County, Neshoba County, Newton County, Noxubee County, Scott County, Winston County	American Indian (Choctaw)

Map - Section 203 Jurisdictions Western United States

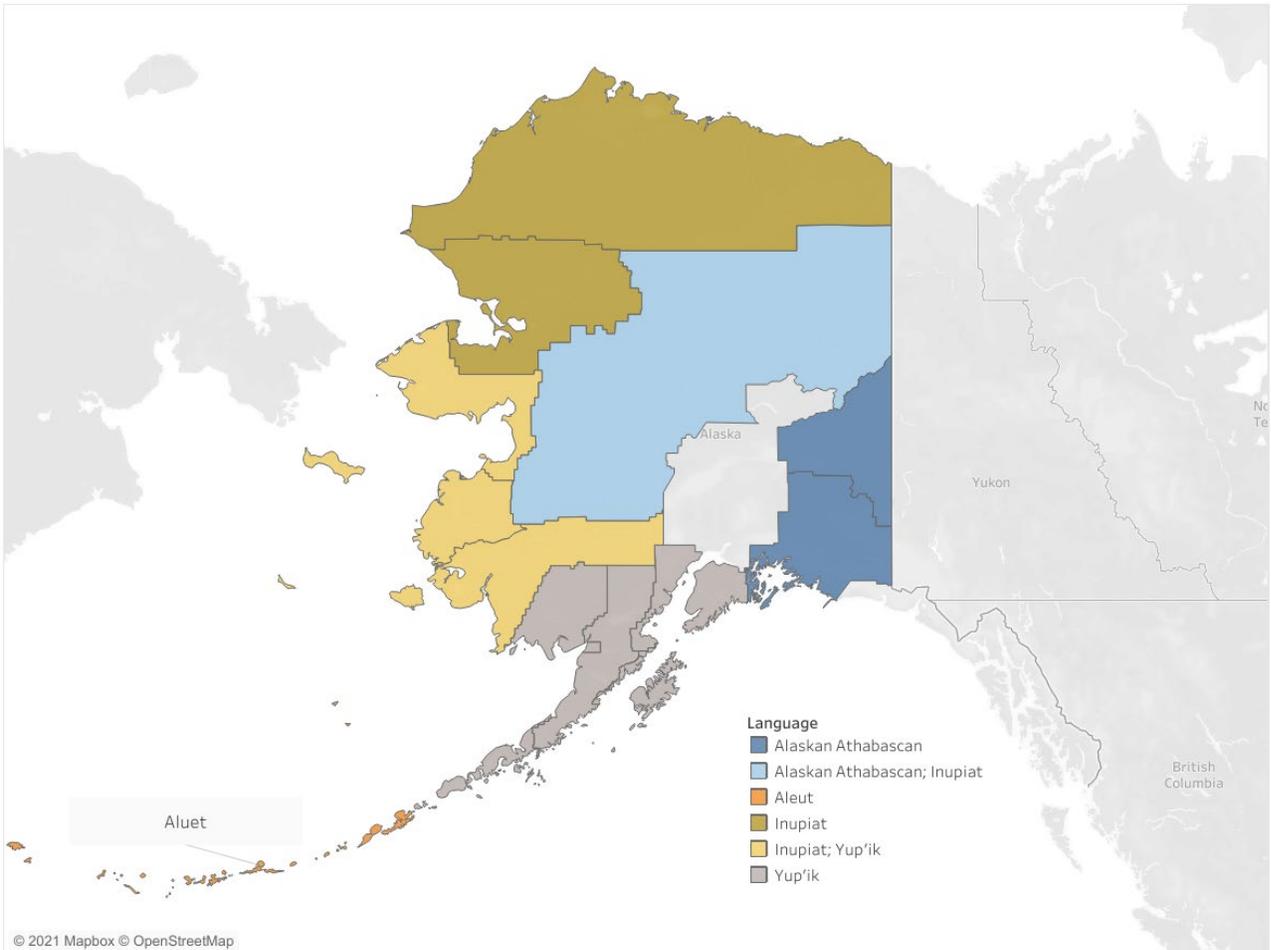
Western United States



State	Jurisdiction	Language
Arizona	Gila County, Graham County, Pinal County	American Indian (Apache)
Arizona	Apache County, Coconino County, Navajo County	American Indian (Navajo)
California	Del Norte County, San Diego County	American Indian (All other American Indian Tribes)
Colorado	La Plata County, Montezuma County	American Indian (Ute)
New Mexico	Lincoln County, Otero County	American Indian (Apache)
New Mexico	Bernalillo County, Cibola County, McKinley County, Rio Arriba County, San Juan County, Sandoval County, Socorro County	American Indian (Navajo)
New Mexico	Sandoval County, Santa Fe County	American Indian (Pueblo)
New Mexico	San Juan County	American Indian (Ute)
Texas	Maverick County	American Indian (All other American Indian Tribes)
Texas	San Juan County	American Indian (Navajo)
Texas	El Paso County	American Indian (Pueblo)

Map - Section 203 Jurisdictions Alaska

Alaska



State	Jurisdiction	Language
Alaska	Southeast Fairbanks Census Area, Valdez-Cordova Census Area, Yukon-Koyukuk Census Area	Alaskan Athabascan
Alaska	Aleutians West Census Area	Aleut
Alaska	Bethel Census Area, Nome Census Area, North Slope Borough, Northwest Arctic Borough, Wade Hampton Census Area, Yukon-Koyukuk Census Area	Inupiat
Alaska	Aleutians East Borough, Bethel Census Area, Bristol Bay Borough, Dillingham Census Area, Kenai Peninsula Borough, Kodiak Island Borough, Lake and Peninsula Borough, Nome Census Area, Wade Hampton Census Area	Yup'ik

Percentage of Population

Percentages based on the Census Bureau's population

estimates²⁴: <https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-detail.html>

State	Percentage American Indian and Alaska Native Population	State	Percentage American Indian and Alaska Native Population
Alabama	1.41%	Montana	8.46%
Alaska	20.26%	Nebraska	2.26%
Arizona	6.30%	Nevada	2.79%
Arkansas	2.05%	New Hampshire	0.92%
California	2.76%	New Jersey	1.15%
Colorado	2.76%	New Mexico	12.30%
Connecticut	1.21%	New York	1.64%
Delaware	1.39%	North Carolina	2.34%
Florida	1.02%	North Dakota	6.78%
Georgia	1.15%	Ohio	0.92%
Hawaii	2.67%	Oklahoma	13.99%
Idaho	2.88%	Oregon	3.48%
Illinois	1.12%	Pennsylvania	0.91%
Indiana	0.99%	Rhode Island	1.91%
Iowa	1.07%	South Carolina	1.13%
Kansas	2.39%	South Dakota	10.48%
Kentucky	0.86%	Tennessee	1.13%
Louisiana	1.41%	Texas	1.67%
Maine	1.55%	Utah	2.30%
Maryland	1.34%	Vermont	1.30%
Massachusetts	1.09%	Virginia	1.28%
Michigan	1.59%	Washington	3.47%
Minnesota	2.20%	West Virginia	0.84%
Mississippi	1.06%	Wisconsin	1.82%
Missouri	1.43%	Wyoming	3.81%

²⁴ See: <https://www.ncsl.org/research/elections-and-campaigns/voting-for-all-americans-american-indians.aspx> (accessed 10/19/2021)