



VOTE BY MAIL IN NATIVE AMERICAN COMMUNITIES

In any move to a vote-by-mail system because of COVID-19, we must provide accommodations for tribal communities to protect their ability to vote.

In 2017 and 2018, the Native American Voting Rights Coalition—founded by the Native American Rights Fund—held nine public hearings to better understand how Native Americans are systemically and culturally kept from fully exercising their franchise. More than 120 witnesses testified from dozens of tribes across the country.

The final report, *Obstacles at Every Turn: Barriers to Political Participation of Native American Voters*, provides detailed evidence that Native people face obstacles at every turn in the electoral process: from registering to vote, to casting votes, to having votes counted.

Below is an explanation of the problems with vote-by-mail in many Native American communities. We recommend that tribes and states work together to enact the policy changes required for political participation for this land's First people.

VOTE-BY-MAIL CHALLENGES

Native Americans Do Not Have Mail Delivery at their Homes

Throughout the country, many homes on reservations do not have addresses, or have “non-traditional addresses” that do not use a street name. The postal service does not deliver to these addresses, so they cannot receive ballots at their homes, and therefore cannot vote safely from home.

Distant Rural Post Offices, Slow Mail Routes, Too Few PO Boxes

Native Americans who lack home mail delivery commonly use PO Boxes to conduct business. Rural post offices can be remarkably far—some Navajo Nation members travel 140 miles roundtrip to access postal services. Sometimes there are not enough Boxes to service a community, so friends and families share them. Rural mail is often delayed due to complicated mail routing.

Homelessness, Overcrowding, Moving Homes

It is not uncommon to have 15 people sharing a home on a reservation. Some move from couch to couch because they have no home of their own. Disproportionate homelessness and precarious housing makes both voter registration and the delivery of mailed ballots difficult.

In-Person Registration on Paper Registration Forms

Over 90 percent of reservations lack broadband access so many Native voters cannot register online. Many Native voters do not have driver's licenses and DMVs are too far away—in North Dakota, some Standing Rock members have to travel 131.6 miles roundtrip to get to the nearest DMV. Without a driver's license, Native voters' signatures are not on file with the state and cannot be easily matched with their mail-in ballot if a signature match is required. In-person registration is required to provide the signature to match.

Some Elder Native American Voters Are Not Fluent or Literate in English

A mailed ballot is useless if it cannot be completed without translation. Elders in Alaska, Arizona, Mississippi, New Mexico, and Utah are covered by Section 203 of the Voting Rights Act, which requires language assistance. Some Native languages are unwritten and many places do not provide Native language translations, which means in-person assistance is needed.

Poverty Makes All of These Obstacles Worse

Native peoples have a 26.6 percent poverty rate, nearly double the national rate. On reservations and in Alaska Native villages, it is even higher, at 38.3 percent. Mailing a ballot from a reservation requires gas money, the price of the PO Box, time, and access to a vehicle. These costs are simply too high for many impoverished Native Americans.

NATIVE VOTER ADVOCACY IN ACTION

Tribally Designated Buildings

Washington, which is an all-mail-state, currently uses a system of tribally designated buildings to ensure Native American access to voting. States should implement a system where tribes designate one or more buildings per precinct. Members use the building as an address for voter registration and a physical location to pick up and drop off ballots. The building contains a no-postage-required dropbox that has the same hours as in-person voting locations. Ballot collection occurs at no cost to the tribe.

The Secretary of State must provide accurate precinct maps so tribes can designate buildings at least 60 days before an election. These buildings should also be used to provide in-person voter registration.

Safe In-Person and Curbside Voting

Maintain in-person polling sites and make modifications to ensure safety: allow curbside voting; implement generous early voting opportunities to reduce crowds; designate hours for high-risk voters, such as elders and those with underlying diseases, such as diabetes; provide Personal Protective Equipment to all poll workers; regularly clean polling sites; mandate distance between voters. Identify tribal officials and community members to work as election officials and poll workers to minimize introduction of outside germs.

Mobile Voting Stations and Registration

Require that all voters have access to ballots within 20 miles of their home. Use mobile and temporary voting stations as needed. Offer language assistance at mobile voting locations as appropriate. Provide advance notice of schedule and locations, including in Native languages and dialects. Allow same-day, in-person registration at mobile voting stations.

Translations and In-Person, On-Reservation Language Access

Translate all voting materials, including voter registration, voting information, ballots, and instructions if the Native language can be written. Provide early registration and voting with language assistance for all voting materials at on-reservation polling sites for an extended period to minimize traffic; practice social distancing; and provide personal protection equipment, such as face masks, gloves, and wipes. Creative solutions, such as in-person translation of absentee ballots during meal drop-off, should be permitted and encouraged.

Transportation

Fund transportation for Native communities to tribally designated buildings, polling and registration locations, post offices, and ballot drop boxes. Consider funding non-profit third parties to perform registration and ballot collection.

Ballot Drop Boxes

Increase the number of ballot drop boxes so no voter must travel more than 20 miles to access a no-postage-required ballot drop box. Keep drop boxes open as long as in-person voting locations would be under state law. Collect ballots from the drop boxes at no cost to the tribe.

Accept Election Day Postmarks, Pre-Paid Postage

Because rural mail delivery is delayed by complicated mail routes, ballots marked by Election Day should be considered timely and counted. No election should be deemed complete until all timely ballots from Native communities are counted. Postage should

be pre-paid—even the cost of stamps can be prohibitively expensive and it is hard to get stamps on reservations.

Ballot Collection and Distribution

Do not penalize rural, poor, and elder voters. Do not restrict the ability to pick up and drop off ballots for others. Do not limit the number of ballots sent to PO Boxes. Do not regulate the number of families that can receive a ballot at one home.

Signature Match

Provide notice and ample opportunity for a voter to cure a missing signature or lack of a signature match. Work with tribes to contact tribal members and provide notice.

Education Campaign

Sponsor robust education campaign to alert hard-to-reach Native communities updating them on the new rules, how to fill out ballots, and instructions on how to correct an incorrectly filled out ballot. Local radio should be used to reach remote areas.

THE WAY FORWARD

In the United States, power is available through participatory democracy. If Native Americans can engage fully in the political system—free from the barriers that currently obstruct them—they can reclaim power and participate in America in a way that is fair and just.

The first critical step is for Congress to pass the Native American Voting Rights Act, or its component pieces in other legislation. This bill will ensure that Native Americans have access to political participation by starting to address the obstacles outlined in this report. For example, mandating polling places on reservations will cut down travel time and allow Native American voters to cast their ballots in a familiar place free from discrimination.

States and state officials should make sure election activities for Native Americans are equitably funded and adopt Native American task forces to ensure Native American citizens are provided equal access to registration and voting opportunities within their states. States should not require a physical address, or proof of a physical address, to register or cast a ballot.

Local election officials should reach out directly to tribes to consult about placement of vote centers with registration opportunities and polling places within Native communities, and recruit Native American community members to work as poll workers and local election officials.

Tribes should encourage their members to participate in local, state, and federal elections as a way to increase political power, reach out to and work with county officials to increase voter access for their members, and issue voter guides to demystify voting processes and ballot initiatives that affect the tribal community. Tribes should make voter registration for state and local elections available in all tribal buildings and encourage registration at every point of contact with tribal members.

Tribal citizens should register and vote, and encourage their families and friends to register to vote. They should arrange voter registration drives and reach out to their tribal governments expressing enthusiasm for get-out-the-vote efforts.

This is about the well-being of United States citizens. Eradicating barriers to political participation for Native Americans would improve:

- Socio-economic status
- Self-determination
- Land rights
- Water rights
- Health care

Read the full report at vote.narf.org and
contact vote@narf.org for more information.

ABOUT THE NATIVE AMERICAN RIGHTS FUND: Since 1970, the Native American Rights Fund (NARF) has provided specialized legal assistance to protect the rights of Native American tribes, organizations, and individuals nationwide. NARF has achieved significant results in hundreds of major cases, addressing fundamental issues like tribal sovereignty, treaty rights, natural resource protection, human rights, Indian education, and voting rights. In 2015, NARF began the Native American Voting Rights Coalition, comprised of national and regional grassroots organizations, academics, and attorneys advocating for equitable access for Native Americans to the political process.