

National and Regional Tribal Partner Organizations Letter Urging Congress to Protect Native American Voting Rights



September 24, 2021

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232 Capitol Building
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
H-204 Capitol Building
Washington, D.C. 20515

The Honorable Charles Schumer
Majority Leader
U.S. Senate
S-221 U.S. Capitol Building
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
S-230 U.S. Capitol Building
Washington, DC 20510

Dear Majority Speaker Pelosi, Minority Leader McCarthy, Majority Leader Schumer, and
Minority Leader McConnell:

On behalf of the undersigned tribal organizations, we write to urge Congress to take swift action to protect voting rights for Native Americans and all citizens. With redistricting on the horizon and the inconsistency in voting laws and practices across the nation, congressional action is needed as soon as possible to ensure our tribal citizens are able to exercise the fundamental tenet of our democracy—the right to vote.

Despite being the first inhabitants and sovereigns of the lands now home to the United States, Native Americans were the last people to be granted the right to vote. Tribal citizens were not recognized as United States citizens with a right to vote until the Indian Citizenship Act in 1924, and it took more than three decades after that before all Native Americans were able to fully participate in state elections. Because many Native American reservations are rural with poor infrastructure, we still face unique barriers to making our voices heard at the ballot box. With recent court decisions and state laws increasingly taking advantage of our isolated conditions in order to make it more difficult for tribal citizens to vote, federal legislation is needed to counter the state efforts that would serve to disenfranchise Native American voters. For example, the U.S. Supreme Court's July 2021 decision in *Brnovich v. Democratic National Committee* allows the

state of Arizona to continue with practices that disenfranchise Native Americans who have to travel upwards of fifty miles to reach a post office to return their ballots. And a law passed in the 2021 legislative session in Montana was described by the Montana Advisory Committee to the U.S. Commission on Civil Rights as “intentional discrimination. . . [that] will increase barriers to voting for Native Americans on reservations in Montana.” We are facing present-day discrimination that capitalizes on the longstanding inequities and challenges we face every day due to failures in the execution of the federal government’s trust and treaty obligations.

Urgent congressional action is essential to ensure that voting rights across the country are uniformly protected. We applaud the recent legislative efforts like the U.S. House of Representatives-passed John Lewis Voting Rights Act, introduction of the Native American Voting Rights Act in both the House and U.S. Senate, and the Freedom to Vote Act introduced in the Senate. It is imperative that voting rights protections make their way to the President’s desk this fall and that any federal action include specific provisions for Native Americans. Congress has ample authority under the federal trust responsibility to ensure specialized protections for Native voters.

There are very specific, straightforward actions that can be taken to support access to the polls in Indian Country. Due to the lack of residential mail delivery, poor roads, and prevalence of homes that do not have addresses, it is harder for Native Americans to register, receive an absentee ballot, and reach the polls. The most direct way of ensuring more equitable access is a federal mandate requiring on-reservation polling places and registration opportunities. Allowing tribes to designate a building whose address can be used to register, pick up, and drop off a ballot would also help. Additionally, Native voters often face issues regarding identification and lack of effective language assistance. Providing protections that ensure use of tribal designated IDs, and ballots made available in Native languages at the request of the tribal governments, are easy fixes with large effects. Finally, to provide the maximum opportunity and access for voters across the country, election day should be a federal holiday.

Thank you for your consideration of these recommendations. We urge Congress to take swift action to include key voting rights protections for Native Americans in any legislation that moves forward.

Sincerely,

Affiliated Tribes of Northwest Indians
All Pueblo Council of Governors
California Tribal Chairpersons Association
Great Lakes Inter-tribal Council
Great Plains Tribal Chairmen’s Association
Inter Tribal Association of Arizona
Inter-Tribal Council of Michigan

Midwest Alliance of Sovereign Tribes
National Congress of American Indians
Native American Rights Fund
Rocky Mountain Tribal Leaders Council
United South and Eastern Tribes Sovereignty
Protection Fund
United Tribes of Michigan