



OBSTACLES AT EVERY TURN:

BARRIERS TO POLITICAL PARTICIPATION FACED BY NATIVE AMERICAN VOTERS

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 Faced By 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.

Some of these findings affect non-Natives as well. Many are particular to the Indian Country experience in 2020. Some were put in place specifically to suppress turnout.

11 GENERAL BARRIERS TO PARTICIPATION FACED BY NATIVE AMERICANS

1. Geographic isolation
2. Physical and natural barriers
3. Poor or non-existent roads
4. Distance, travel time, and limited hours of non-tribal government offices
5. Technological barriers and the digital divide
6. Low levels of educational attainment
7. Depressed socio-economic conditions
8. Homelessness and housing insecurity
9. Lack of addresses and non-traditional mailing addresses
10. Lack of resources and funding
11. Discrimination against Native Americans

10 BARRIERS TO VOTER REGISTRATION FACED BY NATIVE AMERICANS

1. Lack of traditional mailing addresses
2. Homelessness and housing instability
3. Hard to obtain voter ID requirements
4. Unequal access to online voter registration
5. Unequal access to in-person voter registration
6. Restrictions on access to voter registration forms
7. Denial of voter registration opportunities due to previous convictions
8. Rejection of voter registration applications
9. Voter purges
10. Failure to offer registration opportunities at polling places on Election Day

9 BARRIERS TO CASTING A BALLOT FACED BY NATIVE AMERICANS

1. Unequal funding for voting activities in Native American communities
2. Lack of pre-election information and outreach
3. Cultural and political isolation
4. Unequal access to in-person voting
5. Unequal access to early voting
6. Barriers caused by vote-by-mail
7. Arbitrary population thresholds in order to establish polling places
8. Use of the ADA to deny polling places on reservation lands
9. Lack of Native American election workers.

4 BARRIERS TO HAVING VOTES COUNTED FACED BY NATIVE AMERICANS

1. Lack of ballot canvassing opportunities
2. Failure to count ballots cast out-of-precinct
3. Ballot collection bans
4. Lack of information on ballot status and the inability to correct errors.

5 BARRIERS TO VOTE BY MAIL FACED BY NATIVE AMERICANS

1. Native Americans do not have mail delivery at their homes
2. Distant rural post offices, slow mail routes, too few PO boxes
3. Homelessness, over-crowding, moving homes
4. In-person registration on paper registration forms
5. Some elder Native American voters are not fluent or literate in English

NATIVE PARTICIPATION MATTERS

Difficulties in voting—the very foundation of democracy—are not new for Native Americans. It is part of the legacy of genocide and racism the continent's first peoples have fought for more than 500 years. American Indians have only been recognized as citizens for less than a century.

But just as it is not new, this problem is also not unsolvable. Politicians would do well to note the impact of their Native American constituents. The Native vote regularly decides elections in the Dakotas, Alaska, and parts of the Southwest. Their votes are determinative in numerous Congressional districts.

And this is about more than political fortunes. 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

Simply put: the first people on the land should not be the last to vote.

RECOMMENDATIONS & 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: **Congress must 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 a ballot in a familiar place free from discrimination.

States and state officials should make sure election activities for Native Americans are equitably funded and establish 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. **For vote by mail specifically**, election officials should ensure safe curbside voting and ballot drop boxes, and deploy mobile registration and voting stations. Election day postmarks should be accepted as the norm, as should postage-paid ballots. Third parties should be allowed to collect ballots and drop off completed ballots, and there must be a process for rectifying signature match issues.

Tribes should encourage their members to participate in 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 de-mystify voting processes and ballot initiatives that affect the tribal community. Tribes should make voter registration for state and federal 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.

Concerned citizens and activists should reach out to their elected officials, including their Secretary of State, to insist upon equitable access for Native Americans by inquiring whether the state has a Native American task force, insist upon voting opportunities on Native American lands, and demand funding for Native American voting and registration opportunities.

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.*