

**REPORT OF THE
INTERAGENCY
STEERING GROUP ON
NATIVE AMERICAN
VOTING RIGHTS**

MARCH 2022



**THE WHITE HOUSE
WASHINGTON**



Executive Summary

In March 2021, President Biden signed Executive Order 14019, Promoting Access to Voting, directing the federal government where possible to provide nonpartisan election-related information and opportunities for engagement. The Executive Order also created an Interagency Steering Group on Native American Voting Rights, to research the barriers Native peoples face in achieving full access to participate in U.S. elections, and to recommend ways to mitigate or eliminate these barriers.

The Steering Group held regional consultations with Tribal leaders and members, and engaged in listening sessions with Native Hawaiians, organizations advocating for improved Tribal voting rights, and state and local election officials in jurisdictions with sizable Native communities. Native voters are profoundly diverse, and their electoral experiences similarly reflect a broad range of practices and conditions. Nevertheless, the Steering Group heard several recurring themes, reflecting unnecessary and unacceptable impediments to the franchise.

Participants in the consultations and listening sessions cited repeated manifestations of a range of problems, including language barriers, a lack of accessibility for voters with disabilities, cultural disrespect and outright hostility, the consequences of extreme physical distance and persistent poverty, and the compounding impact of the COVID-19 pandemic. While these problems are broader than the electoral sphere, they also interact with state election laws and local practices to create difficulties in exercising the franchise. In addition, participants recounted election-specific barriers that Native voters face—including barriers in receiving information about the voting process, redistricting, voter registration, voter identification, voting in person, and voting by mail. This report explores these problems in greater detail, drawing from the testimony the Steering Group received.

As directed by the Executive Order, this report also presents best practices and recommendations to mitigate and eliminate the barriers Native voters encounter. Some of these recommendations pertain to federal legislation, some to action by federal agencies, and some to state and local government. Some are already in place in particular jurisdictions, and should be encouraged more widely. But it is clear that there is much work to be done.

These recommendations are described more fully in the report that follows. By way of summary, the Steering Group's recommendations for actions include:

Legislation

- Congress should pass the John Lewis Voting Rights Advancement Act—restoring the Voting Rights Act of 1965 to again ensure, among other safeguards, that certain voting rules must be precleared before they go into effect so they do not discriminate.
- Congress should pass the Native American Voting Rights Act, to ensure that Native voters have equitable and meaningful opportunities to vote where they live, in person and by mail.
- Congress should pass the Freedom to Vote Act, including national baselines for the effective exercise of the franchise that benefit all Americans, including Native voters.
- States should pass legislation incorporating and building upon the sensible protections in the Native American Voting Rights Act, as several states have already done since 2017.



Execution and Enforcement of Current Law

- States should ensure that existing laws are equitably implemented. For example, state laws requiring voter identification should permit the use of Tribal identification cards for that purpose—and where existing laws allow government documents to be used as voter ID, officials should ensure that Tribal identification cards are clearly and explicitly recognized as such.
- Local officials should also ensure that existing laws are equitably implemented, providing registration sites, polling places, and mail ballot collection stations or drop boxes in locations convenient to Native voters.
- Tribal governments should request local polling sites when state law or local practice allows such opportunities.
- The Department of Justice should continue to vigorously enforce the protections of federal law, including laws preventing discrimination on the basis of race and protections for language minority voters and voters with disabilities.
- The Department of Justice should continue to ensure adequate communications channels with Tribal governments, so that Tribal leaders can ensure appropriate attention to incidents and practices in need of enforcement action.
- State and local officials should foster compliance with legal requirements, and convey the importance of trust and respect, through robust training programs for permanent staff and temporary pollworkers working on Tribal lands and serving Native communities elsewhere.

Inclusion and Communication

- Federal, state, and local policymakers should institutionalize engagement of Tribal leaders and Tribal communities through representation on task forces and similar bodies, to ensure that Native American voices are at the table when decisions affecting Native voters are made.
- Local election officials should commit to a long-term presence—when invited by Tribal government—in Tribal communities on Tribal lands, to foster trust and improve service delivery.
- Government at every level should engage Native advocates and recruit and hire qualified members of Native communities to ensure connection to and communication with voters.
- Local officials should ensure that elections offices and polling places serving Native communities are sited for convenience to Native voters, and staffed by bilingual members of those communities whenever possible.
- Local officials should ensure that poll workers are trained on working with Native voters, including how to proactively offer language assistance where it is needed and how to recognize valid Tribal identification cards.
- State and local redistricting entities should recognize and preserve Native areas as communities of interest when residents there form cohesive constituencies for representation.



Access to Information

- Federal, state, and local governments, and private providers, should ensure reliable, affordable, and high-speed broadband access to the Internet in every Tribal community—including incorporating Tribal governments into the procurement process.
- State and local officials should ensure that their election-related applications and information are optimized (and translated) for mobile devices.
- State and local officials should distribute essential information in media most appropriate for the audience—including flyers, posters, and other offline media.

Voting by Mail

- The U.S. Postal Service should evaluate whether it can add routes, offices, and staff hours or personnel in Tribal areas, and should consider whether fleet upgrades would better serve voters on more rugged rural routes. And in consultation with Tribal governments, local governments should evaluate the extent to which road access in Native American communities can and should be improved.
- The U.S. Postal Service should prioritize assigning postal addresses to homes on Tribal lands, and designate specific employees with the formal responsibility to liaise with Tribal governments on issues of addressing and delivery.
- The U.S. Postal Service should explore increased support (including potential subsidies) for cluster mailboxes on Tribal lands, and should evaluate how its procedures concerning P.O. boxes in low-income rural areas might be modified to better serve low-income rural customers.
- U.S. Postal Service offices in Tribal areas should offer federal voter registration forms in retail offices, and should consider whether the retail postal space on or near Tribal lands could be used as satellite polling places without compromising postal operations.

Voter Registration

- Federal agencies with significant presence serving Native communities should expeditiously offer their programs for state designation under the National Voter Registration Act—and state officials should accept those requests for designation.
- State offices required to provide voter registration services under the NVRA—and federal agencies supporting those state offices—should confirm that the state offices are living up to their statutory responsibilities. And states should consider whether other state agencies and nongovernmental offices serving Native voters would be suitable for designation.
- Where formal designation as an NVRA agency is inappropriate or unavailable, offices and entities serving Native communities should still offer constituents voter registration forms and nonpartisan election-related information where possible.



Language Access

- Jurisdictions serving Native voters should ensure that they offer effective language assistance through adequate translation of materials in appropriate media, even when no statutory mandate compels them to do so. The best process will involve consultation with Native communities themselves on what the most effective assistance entails.
- Local elections offices should train poll workers to recognize when someone may welcome language assistance, and to allow assistants of the voter’s choice to provide language assistance if the voter wishes.
- Local elections offices should also consider means by which language access can foster inclusion beyond assistance essential to the voting process—including, for example, the communicative impact of materials like “I voted” stickers in Native languages.
- The federal government should institutionalize a resource center to sustainably provide capacity to translate federal information into Native languages.

Additional Resources

- The Census Bureau should continue to improve its Native community outreach programs, survey sampling in Native areas, and the analysis and dissemination of Census data for Native communities.
- Federal and state policymakers should ensure that election officials in Native communities have the funding they need to ensure appropriate and equitable service—and to this end, the federal government should consider a sizable and sustained commitment of resources.
- Federal policymakers should consider revisiting the exclusion of two Protection & Advocacy disability rights agencies—including the American Indian Consortium—from access to funds under the Help America Vote Act, to ensure that those entities are also able to equitably serve voters with disabilities in their areas.
- The private sector should consider the ways in which they can offer reliable information and support voter engagement, including for Native communities, and private entities that already offer voter-facing tools or services should consider whether they are optimally designed for Native voters’ needs.



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Report of the Interagency Steering Group on Native American Voting Rights

Since taking office in January 2021, the Biden-Harris Administration has taken historic steps to support Tribal communities in their recovery from the COVID-19 pandemic, advance equity and opportunity for all Native Americans, and help Tribal Nations overcome new and long-standing challenges. The Administration's work is rooted in the President's respect for the unique Nation-to-Nation relationship, commitment to the United States' trust and treaty responsibilities, and desire to strengthen and advance Tribal sovereignty and self-determination.

The Administration is committed to protecting the voting rights of American Indian, Alaska Native, and Native Hawaiian voters. In March 2021, the President signed Executive Order 14019, Promoting Access to Voting, which leverages the resources of the federal government to expand citizens' opportunities to register to vote and to learn about, and participate in, the electoral process. The Executive Order also created a Native American Voting Rights Steering Group that researched the barriers Native peoples face in achieving full access to participate in U.S. elections. This steering group drafted the following report and recommendations on protecting and improving access to voting in Native communities.



Background

There are 574 federally recognized Tribal Nations (commonly referred to as tribes, nations, bands, pueblos, communities, and native villages) in the United States. Approximately 229 of these Tribes are located in Alaska; the other 345 federally recognized Tribes are located in 35 other states. The states with the largest populations of American Indians and Alaska Natives as a share of total population include:¹

- Alaska (which is 22% AI/AN)
- Oklahoma (16%)
- New Mexico (12%)
- South Dakota (11%)
- Montana (9%)²

Pursuant to standards issued by the Office of Management and Budget,³ in addition to people identifying as American Indian or Alaska Native (AI/AN), the Census Bureau enumerates people “having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands” as Native Hawaiian or other Pacific Islander (NH/PI). In this report, the terms “Native peoples” and “Native communities” refer to all who identify as having origins among indigenous communities, including both categories used by the decennial Census: American Indian and Alaska Native, and Native Hawaiian and Pacific Islander.

Population growth, and more accurate data reporting and collection, have led to substantial increases in the documented Native population.⁴ According to the Census Bureau, there are approximately 9.7 million people identifying as AI/AN in the United States, up from 5.2 million counted in 2010, and making up 2.9% of the U.S. population in 2020.⁵ The Census also counted approximately 1.6 million people identifying as NH/PI in 2020, up from 1.2 million counted in 2010.⁶ Accounting for people identifying in both AI/AN and NH/PI categories, the Census counted approximately 11.2 million Native peoples in 2020.⁷

While these increased numbers represent the growth and improved recognition of Native populations in the United States, it is important to note that Native populations have in the past been undercounted, and it is not yet clear whether or to what extent that pattern persisted in 2020. The Census Bureau estimated that in 2010, American Indians and Alaska Natives living on Tribal lands—a significant portion of the AI/AN population—were undercounted by 4.9%.⁸ Historically, it has been difficult to properly count populations living on Tribal lands or in Native villages, which are often located in tracts identified as “hard-to-count” based on factors like terrain, distance, distrust, and language barriers.⁹ Years of advocacy and on-the-ground work done by Native organizations and their allies, as well as increased Tribal engagements by the Census Bureau, have led to improvements in the methodology for these counts, but challenges remain, including pandemic-related adjustments to Census Bureau methodology and operations. Some early and partial indications of the challenge can be seen in self-response rates—the rates at which individuals responded to the Census (online, by mail, or by phone), without the need for further outreach. Low Census self-response rates show where more Census follow-up was required and where that work involved increased difficulty. They do not themselves indicate an



undercount, especially where administrative records are more complete, but they have been correlated with undercounts in the past. Analysis shows that self-response rates for the 2020 Census were 33% in majority-AI/AN tracts, and 42% on Tribal lands, compared to 67% for the country as a whole.¹⁰ The Census has not yet completed its more detailed assessments of the accuracy of the 2020 count; those releases are forthcoming.¹¹

The latest Census figures show more than eight million Native Americans of voting age. However, in the 2020 election, Census surveys also estimate that enormous portions of this eligible voting population are not registered to vote, for reasons detailed later in this report.¹² Voter turnout in Native American populations is also lower than amongst the larger U.S. population—13% lower than the national average, and 17% lower than white non-Hispanic voters.¹³ This represents both a lower registration rate for Native Americans and lower voting rates among those who are registered.¹⁴ Among citizens who report American Indian/Alaska Native ancestry not in combination with other racial or ethnic heritage, the turnout disparity is still 5% worse—18% lower than the national average and 21% lower than white non-Hispanic voters.¹⁵ Of all racial and language minority groups surveyed by the Census, the persistent obstacles facing Native American voters have meant that turnout for AI/AN citizens is the lowest in the country.¹⁶

Native American voters have been an important bloc in state and federal elections. Limited research into Native American voting trends suggests that Native voters are less attached to political parties and are more concerned with what candidates can do to support Native communities.¹⁷ But the fact that Native American voters may provide pivotal support in some elections may also help to explain why some policymakers have been reluctant to mitigate longstanding disparities in electoral access—or, worse, why some Native American communities have faced targeted disenfranchisement.

History of Voting Rights for Native Americans

The right to vote is fundamental to the advancement of democracy, giving citizens the power to weigh in on policy, elect representatives who protect their interests, and exercise self-determination. However, it is not and has not been accessible to all. Unequal suffrage in the United States has a long and complex history, rooted in racial discrimination and the intentional disenfranchisement of multiple populations in order to concentrate power in the hands of the few. Expanding access to voting has required decades of advocacy and multiple Constitutional amendments enshrining it as a right for U.S. citizens.

The passage of the Fourteenth Amendment in 1866 guaranteed:

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. . . . Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. . . .¹⁸



However, many states made the argument that the amendment’s definition of “citizen” did not include Native Americans, and that Native people could not be considered both members of their respective sovereign Tribal governments and citizens of the state. The shameful view held by many at the time can be summed up in the following statement by Michigan Senator Jacob Howard in 1866:

I am not yet prepared to pass a sweeping act of naturalization by which all the Indian savages, wild or tame, belonging to a tribal relation, are to become my fellow-citizens and go to the polls and vote with me and hold hands and deal in every other way that a citizen of the United States has a right to do.¹⁹

This exclusion from the Fourteenth Amendment was upheld by the Supreme Court in 1884 in *Elk v. Wilkins*,²⁰ and used to deny Native Americans the protections offered by the Fourteenth and Fifteenth Amendments. Citizenship could be obtained through other means, such as military service, marriage to a white citizen, or accepting land allotments under the Dawes Act, but these avenues were not widely used. It took the passage of the Indian Citizenship Act of 1924 (also known as the Snyder Act) to bestow American citizenship upon Native peoples more broadly.²¹ The act was enacted in part to recognize the thousands of Native people who served in World War I.

Though the Snyder Act provided for citizenship, the Constitution gives states some flexibility to determine who may vote. And in the aftermath of the Snyder Act, many states denied that Native Americans were residents of the state or used the “Indians not taxed” language from the Fourteenth Amendment or from similar state constitutional provisions to deny voting rights for Natives living on Tribal lands. These attempts to suppress the Native vote were often litigated in the judicial system, with courts usually siding with the Tribe or the Native individual bringing the suit. In the 1948 case *Trujillo v. Garley*,²² for example, New Mexico argued that Miguel Trujillo, an Isleta Pueblo World War II veteran, could not register to vote because he was an Indian who did not pay property taxes and lived on a reservation, and was therefore ineligible under the state constitution. The three-judge federal trial court sided with Trujillo, finding that the New Mexico constitution’s express singling out and exclusion of Indians was discriminatory under the Fourteenth and Fifteenth Amendments.²³ While this was a landmark case in advancing voting protections, it wasn’t until decades after the Snyder Act passed that all 48 then-existing states had granted Native Americans the right to vote. In 1957, Utah became the final state to pass a statute extending its Native American population the right to vote.²⁴

Even after these wins, discriminatory policies—such as poll taxes, literacy tests, and other forms of intimidation—that were primarily aimed at suppressing the votes of Black individuals also impacted Native voters. The passage of the federal Voting Rights Act of 1965 (VRA) represented a landmark victory for voting rights across the country because it provided pragmatic protections to enforce and make real the Constitution’s prohibitions on racial discrimination in voting.²⁵ Among other safeguards, the VRA required preclearance of any changes to voting laws by jurisdictions that had a history of voter discrimination, including some that covered Native voting areas.²⁶ However, the VRA’s coverage formula was struck down in 2013 by the Supreme



Court in *Shelby County v. Holder*,²⁷ effectively dismantling the preclearance protections. Shortly after the Supreme Court’s decision, multiple states moved to enact laws that restrict access to voting, including voting by Native Americans, in the name of “election security.” And litigation in this new environment has limits. A recent Supreme Court case, for example, upheld laws in Arizona that disproportionately affected Native American voters—who were more likely to face transportation difficulties in getting to polling places, drop boxes, or postal receptacles—by requiring election officials to toss out ballots cast in the wrong precinct and by preventing most non-family members from collecting completed mail ballots to drop off for friends or neighbors.²⁸

The VRA still prohibits racial discrimination in the franchise nationwide. It also provides protections for language assistance, in place since 1975, for sizable communities of Native American voters with limited English proficiency. But litigation to enforce the Act is more complex, lengthy, expensive, and uncertain than it once was. And while profoundly important, the statute’s remaining protections are an inadequate substitute for a VRA at full strength.

In the face of all these challenges, advocates have continued fighting to protect Native voting rights, dedicating time and resources to get out the vote campaigns, voter education, and voter protection efforts. Under the Obama-Biden administration, the White House led an initiative called “Gen-I” (Generation Indigenous), meant to help develop Native youth leaders and increase their access to academic and career success. One participant of Gen-I, Jason Chavez, led a local effort to increase voter turnout in his community of Tohono O’odham Nation in Pima County, Arizona. He stated:

The future of our tribal sovereignty depends on our engagement not only with Congress, but with county and state leaders as well. We elect these leaders to represent us, and by exercising our right to vote, we will be the driving force behind positive change for our tribal communities.²⁹

Prior Studies and Compilations

Many of the voting barriers faced by Native American communities are persistent and longstanding, with deep historical roots. Over the years, various governmental and nongovernmental entities have sought to chronicle these difficulties and enumerate strategies to overcome them. Many of their findings were echoed in and reinforced by the listening sessions held by the Native American Voting Rights Steering Group in 2021.

For example, in November 2021, the U.S. Election Assistance Commission issued a short report of case studies and suggested best practices to improve voting access for Native Americans. In 2017 and 2018, several state advisory committees of the U.S. Commission on Civil Rights convened public meetings on Native American voting rights and issued advisory findings from that process.

Private groups have conducted similar inquiries. In 2017, the Native American Rights Fund (NARF), an organization that provides legal services to Tribes, convened a group of stakeholders



as part of the Native American Voting Rights Coalition (NAVRC) to foster voter engagement and protect voter rights in Indian Country. Members include the National Congress of American Indians (NCAI), the American Civil Liberties Union (ACLU), and the Inter-Tribal Council of Arizona, among others. As part of their work, NAVRC conducted nine public hearings across the country to document the various barriers that Native voters face. Detailed summaries of the results of these field hearings can be found on their site and have also been compiled as part of a comprehensive report, titled “Obstacles at Every Turn: Barriers to Political Participation Faced by Native American Voters.”³⁰ Similarly, in advance of the reauthorization of the Voting Rights Act in 2006, the National Commission on the Voting Rights Act, led by the Lawyers’ Committee for Civil Rights Under Law, held field hearings and commissioned a report on the work of the VRA over the previous 25 years; associated individual state reports covered the barriers confronted by minority voters locally, including several states with significant barriers faced by Native voters. Other individual nonprofits and academics have also documented systemic voting difficulties in various Native communities. It is important to acknowledge that this report builds upon all of that prior work.



Executive Order 14019: Promoting Access to Voting

On March 7, 2021, President Biden issued an Executive Order on Promoting Access to Voting.³¹ Recognizing that the right to vote is at the core of American democracy but has not historically been equitably accessible to the entire population, the Order amounts to an all-of-government effort to further the franchise. It instructs each government agency to increase access to information about the election process and offer registration opportunities where possible.

In addition to this direction to government agencies generally, Section 10 of the Order specifically establishes an Interagency Steering Group on Native American Voting Rights (“Steering Group”), coordinated by the Domestic Policy Council. The Steering Group is chaired by the Assistant to the President for Domestic Policy and includes the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs, or their designees.

The Order directed the Steering Group to study best practices for protecting the voting rights of Native Americans and to produce a report outlining recommendations for such protection across the voter experience, including recommendations pertinent to education, registration, participation at the polls and remotely, and any other issues raised during consultation and engagement.

Tribal Consultations & Engagement

To develop these recommendations, the Steering Group engaged in meaningful and robust consultation with Tribal Nations and Native leaders. In May 2021, the Steering Group noticed a Dear Tribal Leader Letter and framing paper for consultations.

The framing paper was shared with Tribal leaders before consultation. The Steering Group asked general and targeted questions to better understand historical challenges, continuing problems, and new difficulties that Native voters faced in 2020. The Steering Group also asked for recommendations on how the federal government, Tribal governments, state and local governments, and private organizations may work to break down these barriers to foster robust election participation now and in the future.

The Steering Group held five regional consultations with Tribal leaders:

- Navajo, Southwest, and Western Regions
- Northwest and Pacific Regions
- Eastern, Eastern Oklahoma, Midwest, and Rocky Mountain Regions
- Great Plains and Southern Plains Regions
- Alaska Region

The group also engaged in listening sessions with the Native Hawaiian community, organizations advocating for improved Tribal voting rights, and state and local election officials in jurisdictions with sizable Native communities.



Barriers to Voting: Broad Themes

Eligible Native voters live and vote in every state and from overseas. They live in urban, suburban, rural, and profoundly remote locations; some are wealthy, and many are poor; some are veterans, and some are members of the military deployed across the country and the world; some travel for family or business; some have grown up speaking only English, and some have grown up most comfortable speaking one or more of a rich tapestry of languages and dialects. Native Americans are profoundly diverse and have diverse experiences. Their relationship with the voting franchise is similarly diverse, and individual voters' experiences will vary by region, Tribe, county, and even precinct or poll worker.

That said, several concerning themes emerged, unprompted and repeatedly, throughout the Steering Group's consultations and listening sessions. These recurring concerns impacted many more specific voting procedures or points in the electoral process. Many of these represented longstanding barriers or difficulties, all too familiar to many voters and advocates. They can and should be mitigated and eliminated wherever possible, to ensure that the promise of democracy is equitably available to all.

Language Barriers

While many Native voters grew up with English as a primary language or became fluent in English, many others still speak only or primarily their Native language. The Census Bureau reports that 22% of voting-age residents identifying as American Indian or Alaska Native speak a language other than English at home; 7%—hundreds of thousands of eligible voters—say that they speak English less than “very well.”³² The voting process should be a pathway to community expression and self-governance; for Native voters with limited English proficiency, voting materials represent a brick wall when they are available only in English. It's important to note that the exclusionary nature of English-only materials applies beyond the ballot. It also applies to the various other ways in which election-related information is communicated: sample ballots, voter guides, and candidate statements; redistricting procedures; instructions about who is eligible; information about when, where, and/or how to register or update registration, vote by mail and cast a mail ballot, vote in person, and resolve problems involving provisional ballots; and on and on. It applies to materials distributed online as well as materials distributed in print, and to information communicated by broadcast or phone as well as communications in person at election offices or at the polls.

The Voting Rights Act provides a federal right for certain language minority groups to receive voting-related materials in languages that they speak, in jurisdictions with concentrations of such voters who are limited in their English proficiency. Section 203 of the VRA sets out a formula determining which jurisdictions are “covered” for language purposes based on the size of the community with limited English proficiency; coverage determinations are made and remade every five years, based on the Census Bureau's American Community Survey, so that responsibilities shift and change as the country shifts and changes. The latest determinations were released by the Census Bureau in December 2021. In all, 3 states and 331 counties and municipalities have language responsibilities; 94 of those jurisdictions have responsibilities to



provide materials in at least one of 16 different Native American languages.³³ And even outside of those jurisdictions, federal law applicable throughout the country allows individuals with limited English proficiency to receive in-language assistance with the voting process from the person of their choice (other than an employer or union representative).

However, the Steering Group heard, repeatedly, that despite significant gains in some areas, adequate availability of in-language materials, language assistance, and language access remain inconsistent in various places around the country. For example, a councilwoman for the Ak-Chin Indian Community in Pinal County, Arizona related that her aunt had been explaining specific ballot initiatives to two Tribal elders in O’odham when an official who did not speak the language pulled her aside, complaining unjustifiably that the aunt was instructing the elders on how they should vote. Although the O’odham language is not covered under Section 203 in Pinal County, Section 208 of the Voting Rights Act allows assistance to be provided by someone of the voter’s choice in the voter’s language to voters who need such assistance. Afterward, it took establishing a precinct designed for the community for elders to feel comfortable asking for in-language assistance. Several Tribal leaders in Alaska noted that despite the successful resolution of litigation designed to ensure adequate translation, practical relief on the ground has yet to reach their communities.³⁴

Translation must also be robust to be meaningful. Online translation services may or may not reflect the appropriate contextual translation of individual words with multiple possible meanings, and have a particularly difficult time with idiosyncratic phrases and figures of speech, much less words with no direct equivalent in a Native language. As a result, passages simply parsed through a service and not through the eye of a trained translator can be incomprehensible. Ballot propositions or eligibility and voting instructions with complex legalese in English can be even more impenetrable when translated, if they are not reviewed by someone fluent not only in both languages but also in the legal terminology. Some Native communities have developed written forms of their “historically unwritten” languages, or glossaries for certain terms, which can help interpreters provide accurate and consistent interpretations for voters in need. However, written translations alone are likely inadequate and insufficient to provide Native voters who speak “historically unwritten” languages with the help they need. Rather, jurisdictions covered for “historically unwritten” languages must provide oral language assistance and publicity in the covered language to allow voters with limited English proficiency to have an effective opportunity to participate in the electoral process.

Lack of Accessibility for Voters with Disabilities

Barriers described throughout this report are often compounded for voters with disabilities. Native Americans have the highest rate of disability among all American ethnicities and racial groups; nearly one in four Native Americans has a disability.³⁵ That often translates to difficulties at the ballot box. Native Americans with disabilities often face undue challenges in voting when a polling site is not physically accessible, when they lack access to an appropriately equipped vehicle, when there is inadequate official assistance at the polling site, or when officials refuse to allow them to receive assistance from the person of their choice. Many disabled Native American voters may in practice be forced to rely on family or community members to assist with casting their ballot or taking it to a ballot collection site. These extra steps inhibit their right to a private and independent vote. Additionally, state laws that limit or



eliminate the option to receive assistance from others can, as a practical matter, cut off their ability to vote altogether. Additionally, not every state offers voter registration, voter information pamphlets, or mail ballots that are in formats that are accessible to individuals with disabilities. These features are often legally required, under both state laws and federal laws like the Americans with Disabilities Act and the Voting Accessibility for the Elderly and Handicapped Act of 1984. These protections have received renewed enforcement focus in recent years, including in areas with large Native American populations³⁶—but serious accessibility gaps remain in many Native American communities.

Cultural Disrespect

Many Native voters live in communities with distinct common cultures, bordering non-Native communities with different cultural touchpoints. While Native and non-Native communities tend to live side-by-side one another, the Steering Group heard repeated examples of non-Native election officials treating Native voters in a manner perceived at best as culturally insensitive and at worst as conveying profound disrespect. And that mistreatment can have the effect of alienating Native voters, turning an electoral process that should be a civic celebration of inclusion and belonging into an exclusionary one that deters participation.

For example, in describing one incident, one Tribal member noted that the sharing of food was a central element of community gatherings: when members of the community congregate, it is commonplace for Tribal leaders to ensure that food is available. This food is neither an inducement to gather nor an inducement to engage in any other activity—the participants would have gathered to engage in common purpose whether or not food was provided. The food is, however, a cultural tradition that makes the gathering more welcoming.

When Tribal representatives encouraged members of the community to gather for election-related events, food was provided—as it would have been for other gatherings. But prominent non-Native locals, perhaps without a similar cultural tradition, criticized the food as a purported bribe to induce Native voters to engage, perpetuating harmful stereotypes. That lack of cultural respect created an uncomfortable environment resonating throughout the community.

Outright Hostility

Negative interactions between Native communities and non-Native communities are sometimes more directly confrontational. The Steering Group heard from some Tribal leaders about boaters on Flathead Lake, in and abutting the Flathead Reservation, taunting Native youth marching in memory of murdered and missing indigenous people, and local political party leaders sending emails about how to “stand up to” the Tribes. In the context of casting votes, Native voters recounted receiving disparaging comments, for example, when presenting Tribal identification, or unfounded pushback from local officials expressing fear for the safety and integrity of voting equipment if the equipment were brought out to the reservation. One Tribal leader related that one week before the 2020 election, they learned that a county election official had refused to comply with a county directive to provide drop boxes in towns on the Blackfeet Reservation, based on an assumed preference about how Tribal members would vote. After an outcry, the drop boxes were put in place three days before the election—but a last-minute effort reportedly found at least 200 ballots that Tribal members had been unable to return. Another consultation



participant recounted that officials in a South Dakota county had prepared a chicken coop as a polling place for Native American voters.

Others recounted even more virulent hostility from non-Native neighbors, including local law enforcement actively intimidating Native voters. Tribal leaders of the Confederated Salish and Kootenai Tribes noted that their canvassers encountered graffiti saying “No Indians” around the Flathead Reservation. Advocates also highlighted a well-publicized news story in which a local bar just outside of the Fort Peck Reservation offered the winning prize in a 2020 Halloween costume contest—just three days before Election Day—to a local non-Native resident in a Ku Klux Klan costume. The Klan had an active history of white supremacy in Montana, as elsewhere, and the modern connection of a KKK outfit to white supremacist violence is powerful and inevitable. An environment that rewards the wearing of a KKK costume, in a story disseminated throughout the community, sends an unmistakable message of an active threat to a Native population.

Extreme Physical Distances

While Native voters live at every level of housing density—for example, the 2020 Census counted more than 204,500 people living in New York City and identifying as AI/AN or NH/PI³⁷—many live on Tribal lands or other areas of sparse or extremely sparse population. Some Tribal lands are larger than several states, with significant physical barriers like mountains, canyons, or forests. In such areas, it may be several hours’ distance by car to the nearest town, on roads that are often unpaved and in poor repair, and occasionally impassable in inclement weather or without vehicles built specifically for rugged terrain.

When a town is that remote, it means that services many urban dwellers take for granted may be only sporadically available, or not available at all. There is often no public transportation. Internet access is infrequent, broadband connections even less so. Tribal lands are “some of the most digitally disconnected areas in the United States”,³⁸ the Federal Communications Commission’s (FCC) most recent data estimates that at least 34% of those living on Tribal lands do not have access to fixed wired broadband infrastructure that reliably delivers even minimally sufficient speeds.³⁹ In addition, only half of households on Tribal lands subscribe to any fixed home Internet service.⁴⁰ Photocopiers and notary services are often rare. Many Native American community dwellings are not on U.S. Postal Service (USPS) routes—indeed, many dwellings are not even platted with street names and numbers recognized for USPS delivery, but are described by reference to a local landmark, road mile marker, or intersection. And the nearest post office for a P.O. box may require 100 miles of round-trip travel—as it does for the Native American community living in Ventana, Arizona.⁴¹ In Alaska, where the problems of remote distance and unforgiving terrain are particularly amplified, there are substantial regions without road systems at all; mail service may be dependent on whether conditions at remote airports will allow mail planes to land.

In consultations, Tribal leaders and members of Tribal communities repeatedly noted the impact of these extreme distances on electoral participation. As detailed further below, the lack of broadband access can impair the ability to register online, or even download registration forms posted online, and affects Native voters’ ability to access information about the voting process and candidates or measures on the ballot. Precincts can be enormous, with vast distances between a Native voter’s home and their polling place or early voting site. One Tribal leader in



Montana noted that it could take more than an hour's drive for some of her Tribal residents to get to a location to register; another in a different part of the state pointed out that it was 120 miles from his Tribe's land to reach a registration site. Hawai'i used voting centers to complement voting by mail, but the two centers on the island of O'ahu were both in urban areas, with no in-person option at all in the rural regions; reaching a voting center from some rural parts of the island took over an hour's drive with a car and more than two hours by public transport. In 2008, Alaska sought to eliminate polling places in three Alaska Native communities that would have rendered in-person voting wholly unavailable to Native residents by road, forcing residents to travel by boat or plane in order to vote in person.⁴² And voting by mail also becomes difficult when the nearest post office is similarly distant and mail delivery is only sporadic.

The lack of postal addresses in remote locations affects postal delivery of election information and voter registration and mail balloting (see pages 20-24, below), but also election procedures more broadly, beyond the use of the mail. Candidates submitting petitions signed by registered voters without platted postal addresses have been removed from the ballot for signatures invalidated because of the address issue. Where states require voter identification with a street address, unaddressed voters cannot meet the requirement. And voters without postal addresses have had their registrations purged for purported improprieties, or have been placed in the wrong precinct—which may not only lead to vast distances of unnecessary travel, but in some jurisdictions, may invalidate a ballot altogether. One Tribal official recounted the experience of a Native voter who walked 30 miles in 12-degree weather to submit a voter registration form that a local social services agency official threw out for lack of a postal address—which is not a requirement for registration in the first place.

Persistent Poverty

Compounding the difficulties of distance are the extreme poverty conditions besetting many Native voters, particularly but not exclusively in rural communities. According to the Census, 20% of American Indian or Alaska Native people live in poverty—twice the rate of the white population.⁴³ Similarly, Native Hawaiians have the highest percentage of families living in poverty, and the lowest percentage of families with a livable income, of any of Hawai'i's major ethnic groups.⁴⁴ Additionally, staples like food and fuel can be comparably expensive in Native communities due to the high costs of transportation, squeezing residents and creating the conditions for durable and lingering poverty. That squeeze also translates to disproportionately high rates of housing instability and people experiencing homelessness, which makes employment more difficult and contributes to a vicious economic cycle. A national pre-COVID count in January 2020 found that Native Hawaiians and other Pacific Islanders had the highest rate of people experiencing homelessness in the country, at more than 6 times the national average; American Indian and Alaska Native people experience homelessness at 2.5 times the national average.⁴⁵ These conditions can span whole communities; as one example, a 2016 report estimated that 55-60% of the 11,000-person Northern Arapaho Tribe lacked permanent housing of their own.⁴⁶

The consultations also revealed the impact of these poverty conditions on Native Americans' access to the voting franchise. Housing instability drives the need for frequent re-registration as voters move. It also compounds pre-existing postal difficulties with Native American addresses, which interfere with proper precincting and with voters' ability to receive information,



registration, and ballot materials. To the extent that Native American voters are dependent on P.O. boxes for mail service, several families may need to split the costs of one box, occasionally triggering allegations of fraud or purges. Many Native Americans do not own a car and cannot easily travel the distances necessary to reach a polling place or post office; for those living in extreme poverty, the cost of fuel and car insurance can be a barrier when the choice is a trip to the polls or paying the bills for food, utilities, or rent. And when state laws prohibit community members from helping their neighbors by offering to bring ballots back to a centralized collection point, Native American voters are dependent on the ability of community members with cars and fuel to take them personally on a trip to the polls that may take several hours round-trip. When state laws limit ballot collection, the number and size of vehicles available for carpooling becomes a chokepoint, cutting off Native American access to the voting process.

COVID-19 Pandemic

It is also important to acknowledge the impact of the COVID-19 pandemic on Native communities and their access to vote. In its 2018 “Broken Promises” report,⁴⁷ the U.S. Commission on Civil Rights noted chronic federal underfunding of Native American programs. The pandemic significantly exacerbated that underfunding shortfall. The COVID-19 pandemic also exacerbated pre-existing health care inequities facing Tribal Nations and disproportionately affected Native American populations across the country. American Indians and Alaska Natives experienced infection rates over three times higher than non-Hispanic whites, were four times more likely to be hospitalized as a result of COVID-19, and had higher rates of mortality at younger ages. As the Chair of the Commission on Civil Rights said following the Commission’s 2020 work to update its 2018 report: “The needs our investigation uncovered are staggering.”⁴⁸

As part of infection control measures, many jurisdictions limited the number of in-person polling locations during the pandemic, and instead allowed more options to vote by mail. Many Americans took advantage of this option. However, due to the distances from drop boxes and post offices, and limited mail delivery to Native community dwellings, it is often difficult for Native voters to receive and return mail ballots; the pandemic was no exception. Moreover, sporadic mail delivery left many Native voters skeptical that their mail ballots would be timely delivered and properly counted; this understandable hesitation was difficult to overcome. For Native voters dependent on translation assistance at in-person polling locations, vote-by-mail efforts also severely limited options to vote independently. Other social distancing measures, such as curbside or drive-through voting, also presented challenges to Native voters. While a number of states allowed their own precincts to perform curbside or drive-through voting in the 2020 primaries, not every precinct has the resources to implement this practice for their voters. Due to the challenges Native voters face in accessing reliable transportation, these options may not be feasible. Many Native voters did turn to these alternatives during the pandemic, but the strains of the pandemic also laid bare some of the limitations for Native communities when mail or curbside voting is a de facto requirement rather than merely one of several options.



Barriers to Voting: Specific Electoral Practices

The above conditions work in concert with specific state laws and local practices to create, as reflected in the title of the Native American Rights Fund’s recent national report, “Obstacles at Every Turn” for many Native American voters.⁴⁹ These obstacles span what researchers at the Moritz College of Law at Ohio State University have called the “election ecosystem”:⁵⁰ from information about the voting process, through redistricting, voter registration, access to in-person polling places, and access to voting by mail. The Steering Group heard, repeatedly, that Native American communities faced unnecessary barriers in each part of the process, which non-Native voters did not face. And these barriers add up to decreased faith in democracy. Many participants echoed the sentiment of one Tribal leader, noting the deeply felt inequity: no other group in his area, he said, had to send dozens of emails and letters each election, threatening litigation, affirmatively pleading for the most basic of rights. The frustration is widespread and palpable.

Information About Voting

Engagement in the election process begins with information: information about who may be eligible to vote, about the candidates who are running and the ballot propositions put forward for decision, about the rules for registering and voting by various methods, about the mechanics and logistics of the process, and ultimately, about the results. All of this information is inaccessible when it is not available in the languages that eligible voters speak. Even when technically translated, election-related information may remain inaccessible if it is not written in plain language, for voters not only to read, but understand.

The quality of the writing and its translation are not the only barriers to reliable information. Much election-related information is most readily available online, but Native American voters without broadband access may be severely restricted in their ability to navigate to the information they need. Native American voters in areas with limited, or nonexistent, postal service may be similarly limited in the information they can receive by mail. One Tribal leader in Pondera County, Montana, related that despite a request for county officials to communicate election changes with the Tribe via email, rather than postal mail, when those officials closed a satellite voting office, they sent notice only by letter—and Tribal officials did not receive the notification for several months. For many Native American communities, officials will need to deploy multiple modes of communication to ensure that they reach their audience.

As noted above, the Steering Group heard repeatedly in the consultations that Native American voters were not able to access information about the election process in an equitable manner. Members of several Tribes noted that they did not have the information they needed, and that layers of state laws, regulations, and manuals, on top of separate county procedures, were difficult to puzzle through without plain-language explanations designed for lay citizens. Changes in election-related procedures represent particular stumbling blocks when there is inadequate communication; new requirements and new opportunities were especially likely to



catch Native American voters by surprise. Though accurate information was particularly difficult to come by during the pandemic, these deficiencies extend beyond the pandemic.

Redistricting

In contemporary practice, most Americans are represented in federal, state, and local government by virtue of the district in which they reside. When jurisdictions redraw political district lines following each Census, those lines may magnify some voices and diminish others. And in some parts of the country, incumbents have misused the redistricting process specifically to bolster their own political power and marginalize opposing voices, choosing their voters rather than allowing the voters to choose them.

Unfortunately, racial and ethnic minorities are often on the receiving end of this misbehavior. As one federal appellate judge recognized decades ago:

Protecting incumbency and safeguarding the voting rights of minorities are purposes often at war with each other. . . . Today's case barely opens the door to our understanding of the potential relationship between the preservation of incumbency and invidious discrimination, but it surely gives weight to the . . . observation that "many devices employed to preserve incumbencies are necessarily racially discriminatory."⁵¹

Native American communities have not been immune, but indeed have been packed or divided by district lines that dilute their vote or otherwise discriminate. Federal law provides several legal protections against discriminatory redistricting: prohibitions on acting with the intent to harm a Native population on account of their race or ethnicity; on using race as the predominant factor in moving residents into or out of a district without sufficient reason; and, in some circumstances, on drawing lines with the effect of diluting Native Americans' votes. State law and local ordinances may provide further protections in some jurisdictions. But litigation is both expensive and time-consuming—and under current law, litigation is generally available only after a redistricting plan has become the presumptive plan to be used in the coming elections, without a preclearance process, and when incumbents seeking re-election have personal incentives to fight tooth and nail for their favored district lines even if those lines are discriminatory.

As a result, with the loss of preclearance under the VRA in 2013's *Shelby County v. Holder* decision, the remaining protections of existing federal law against discriminatory redistricting plans are challenging to enforce across the states and many local jurisdictions across the country that conduct elections. In addition, protections in state law like recognition of Tribes as valid communities of interest are disappearing or made meaningful only intermittently. Advocates noted that a legislative district in Washington State split a Tribal community because a highway cutting through the community was used as the district border line, instead of the river that represented the natural and more salient border. Others mentioned a Native Hawaiian homestead community appended to and diluted by a much more affluent non-Native population with very



different interests, further limited by district lines finalized without adequate opportunity for the community to engage or respond. Jurisdictions like the Navajo and Ute communities of San Juan County have had to repeatedly fight, most recently in a lawsuit lasting seven years, for the equitable representation they deserve.⁵² One leader noted with dismay the feeling of futility in the redistricting process, watching incumbents draw districts or maintain at-large jurisdictions that render meaningful Native representation fruitless.

Voter Registration

Voter registration is the gateway to casting a valid ballot. All states except North Dakota require people to register before casting a vote. The vast majority of registered voters cast ballots: the Census Bureau estimates that 92% of registered voters reported voting in 2020.⁵³

Native American voters face several persistent barriers to voter registration. Forms are not always available “in-language” for voters with limited English proficiency. Many states offer online registration, but those online sites may not be translated into the languages that Native American voters speak, they may require a current driver’s license or state identification card that Native Americans disproportionately lack, they may be programmed to require a house number that Native Americans without platted addresses do not have, and they may not be available at all in areas with poor Internet access. Physical forms that must be returned to distant county registrars may be difficult to mail if the nearest post office is many miles away; this difficulty is compounded by states that purport to restrict the activities of third-party voter registration drives that facilitate the forms’ return. And though federal law requires certain offices in a state (like motor vehicles offices or state providers of SNAP or Medicaid benefits) to offer voter registration whenever individuals apply for other services, the Steering Group heard from Native voters that some of those offices simply do not comply with this requirement: Native voters were never offered the opportunity to register, or found that their registration applications were never delivered to election officials.

Some states are enacting new barriers that re-establish problems that had previously been mitigated. Montana implemented a same-day registration law in 2005, allowing voters to register at the same time they cast their ballot at the polls; for Native voters in particular, given Montana’s geography and the extreme distances required for travel—over 120 miles, for some—the law made it so that voters had to make an arduous journey only once. In 2021, Montana repealed that opportunity, forcing voters participating in person to make two trips of multiple hours apiece just to exercise the franchise.

Voter Identification

Every state has a system for ensuring that voters are who they say they are, but some states have recently passed new and burdensome restrictions on the sorts of documentation that voters are allowed to show to verify their identity. Some states require specific ID cards like a driver’s license or state identification card, which Native American voters are less likely to possess.⁵⁴ States like Texas refuse to accept Tribal identification cards, disproportionately impacting Native American voters; the disparity is particularly confusing to local voters when, for example, voters from the same Tribal lands just a few miles away in Oklahoma can use their Tribal IDs. North Dakota required a street address on documentation used for voting, which left Native Americans



on Tribal lands with unplatted addresses unable to participate. This law was challenged and the case was resolved in April 2020, with new protections put in place to ensure Native voters are able to vote, including a provision to allow voters at the polls to use a Tribal government document locating their residence on a map.⁵⁵

For voters without current identification, it can be difficult to obtain the required voter ID. State-issued IDs are usually available only in certain offices at certain times, which may be extremely far from where Native voters live. And the persistent poverty in Native communities not only increases the burden of that travel, but also makes it more difficult to pay for underlying documentation (like a birth certificate or passport) required to get an official ID card. Moreover, when large Native American families share a single home address, not every member of the household may have proof of address in their name, to use to get an ID or (if permitted) as an alternative to ID like driver's licenses or state ID cards.

Even when Native American voters have the identification required by the state, they may still run into problems. For example, states may require a photocopy of that ID to vote by mail—but photocopiers can be quite difficult to find in some remote Tribal lands. And when voting in person, for poll workers without adequate training, Tribal identification cards may look unfamiliar: even when the state permits the use of Tribal ID at the polls, Native American voters have been unlawfully turned away by poll workers who will only accept the identification cards that look like the IDs to which they are accustomed. Similarly, poll workers without adequate training have believed that street addresses (which Native voters may not have) are required on identification cards, in states where the law includes no such requirement.

And where states may have less stringent rules in some respects, those rules must be clearly communicated to voters. For example, most Arizona voters at the polls need to show one photo ID or two non-photo IDs, each with name and address, to vote a ballot that will count without later traveling to the county office with the necessary identification. But given the addressing difficulties on Tribal lands, Native voters with Tribal identification that does not otherwise meet these conditions may vote a valid provisional ballot without separate follow-up to confirm their ID.⁵⁶ The Steering Group, however, heard from Tribal leaders in Arizona who were unfamiliar with these rules; they believed that Navajo voters without ID would have to travel hundreds of miles to the county seat, and still were likely to find that their ballots did not count. And in Nevada, though the law requiring ID in certain circumstances allows the use of a document issued by a government agency, Native voters (and poll workers) may not know whether Tribal governments (and Tribal IDs) qualify.

Access to Voting in Person

The option to vote in person is prized by many Native American voters. Some have a cultural preference for voting in person, or prefer the sense of security from watching their ballot cast and logged into the recording system. Others rely on in-person voting for the independence it offers voters with visual disabilities, if the remote systems such voters might otherwise use are unavailable, or inaccessible due to spotty Internet access or lack of access to printers. Still others rely on the assistance they should be able to receive at the polling place, in their language, by assistants of choice or by election officials in jurisdictions covered under Section 203 of the Voting Rights Act.



Too often, however, opportunities for Native voters to vote in person are, as a practical matter, unavailable. When polling places or early voting sites are hours away from rural homes, on roads that are occasionally impassible and without public transportation options, they are not truly viable options for many Native voters. When polling places or early voting sites are located in towns with recent hate incidents, or operated by officials who have made clear that they are unsympathetic to local Native concerns, voters may understandably feel deterred from making the journey. When polling places or early voting sites aren't adequately staffed to provide language assistance to those who need it, or when poll workers aren't adequately trained to accommodate eligible Native American voters, even physically accessible locations may in practice be closed to voters in Native communities attempting to exercise the franchise.

For example, the Steering Group heard from leaders of the Pascua Yaqui Tribe about early voting sites removed from Tribal locations in Pima County, Arizona, in 2020, at a time when community members were concerned about increased susceptibility to COVID-19 and needing options to avoid overcrowding on Election Day. Notice was sent to the Tribe just three weeks before the election, and litigation proved fruitless. When Tribal leaders pleaded to restore the additional capacity, the response they received was that they should “just Uber your way to the polling site.” In 2020, a member of the Tohono O’odham Nation was elected to become chief elections official in Pima County, and according to an official from another Tribe, communications with local Native Americans have since improved.

Similarly, Native Hawaiian voters noted that there were only two in-person voting service centers in all of Hawai'i Island and O'ahu, and only one on each other island in the state, leaving rural populations underserved. The in-person voting service centers in O'ahu, for example, required more than an hour's drive one way for rural Native voters, in good traffic, if they had a car; public transport would take more than two hours. And because so few centers were available for the state's first election conducted almost entirely by mail,⁵⁷ lines for voting in person were predictably long. In Pondera County, Montana, until litigation forced a change, the only in-person polling place in 2020 was in the county seat, where residents were 95% white, and which was 60 miles from the heart of the Tribal lands and 80 miles from some Tribal residents.⁵⁸ Members of the Nevada Native Vote Project similarly cited polling places requiring a three-hour round-trip journey from voters' houses. Others noted local officials' refusal to set up polling places on Tribal lands even when Tribal members offered to fully staff the office.

The location of polling places matters. One Tribal leader noted that after litigation spurring voting locations on Tribal lands, midterm election turnout there shot up from 39% to 70% just four years later. When reasonable procedures make it possible for eligible voters to vote, they respond.

Access to Voting by Mail

Particularly during the pandemic, limited in-person options have made the ability to vote by mail essential for many voters. But mail voting is not merely a pandemic precaution. When polling places are too far away; when voters with mobility impairments have difficulty traveling; when voters are away from home on Election Day; or when voters want to review ballot instructions, research ballot choices, or receive translation assistance from others in the household, the option to vote from home can be critical.



Mail service to remote Native locations is too often more of a barrier than it should be. Some Native communities live in areas that are not platted for postal addresses, precluding standardized delivery to and pickup from individual households, and offering only mail receptacles shared by many community members and far from individual homes. In Arizona, for example, outside of the two major metropolitan areas, only 18% of Native American voters have home mail delivery.⁵⁹ In other Native communities, mail arrives only intermittently, and the uncertainty of delivery or longer delivery times squeeze the time that voters may have to apply for, receive, and return mail ballots. Post offices have limited supplies of P.O. boxes, and even when available, they may be too expensive or too far away to be useful. And staffing at post offices is also restricted, with some offices offering only limited hours or limited days of the week. For the Pyramid Lake lands in Nevada, Tribal leaders noted that they had one post office, closing at 3:30 PM and closed on weekends, almost sixty miles from some parts of the Tribal lands.

State laws may further limit access to voting by mail. Some states require photocopies of documents or notarization, both of which may be difficult to come by on Tribal lands. In the pandemic, some local election officials arranged for supplemental drop boxes to give voters more effective options for dropping off completed ballots; but in the past year alone, states like Florida, Indiana, and Iowa have passed laws restricting the use of those drop boxes and thereby destroying most of their utility.⁶⁰ Florida, Georgia, Kansas, and Texas have made it more difficult in the past year to help voters request mail ballots;⁶¹ Arkansas, Florida, Iowa, Kansas, and Montana have made it more difficult in the past year to help voters return completed mail ballots—in Montana, this followed an earlier law similarly impeding the return of mail ballots that was struck down after litigation by Tribes.⁶² Those are just recent additions to an unfortunate list of states restricting the ability of Native leaders to help community members return their ballots to election officials. For example, the 2016 Arizona law, passed in the aftermath of *Shelby County v. Holder*, was propelled by reaction to an inflammatory racist video, and justified by the state on the basis of pretextual concerns about fraud. The law criminalized the return of someone else's sealed ballot by most third parties other than a family member. The law was invalidated by a federal court of appeals as improperly motivated by racial discrimination, but was reinstated by the U.S. Supreme Court in 2021.⁶³

It can be difficult for Americans in heavily urbanized areas, accustomed to the ubiquity of post boxes and ballot drop boxes, to understand how important it is in some Native American communities to preserve voters' agency to allow trusted third parties to return ballots on their behalf. Where mail service is far away and difficult to access, voters may deputize a few trusted colleagues with vehicles and gas money to collect ballots on Tribal lands and make the trip into a post office or elections office once, rather than forcing each voter to undergo that substantial journey individually. Texas recently went farther still, eliminating a voter's lack of transportation as a reason to vote by mail at all.⁶⁴ The new spate of state laws erects new barriers to these voters' practical ability to exercise the franchise.



Recommendations

The Steering Group was charged with recommending best practices to mitigate the issues described above. Some of these recommendations pertain to federal legislation, some to action by federal agencies, and some to state and local government. Some are already in place in particular jurisdictions, and should be encouraged more widely. It will take a concerted and intergovernmental effort to ensure that voting is equitably accessible for all Native voters.

Restoration of the Voting Rights Act

Many of the barriers identified in this report arise from persistent inequities, but some are exacerbated or created anew by new laws or practices making voting more difficult for Native American communities. As one organization litigating on behalf of Native American voters put it, in assessing its record in court, “the facts are so bad we nearly always win.”⁶⁵ But even where there are protections in state or federal law prohibiting this sort of backsliding, litigation is cumbersome and expensive, and adequate enforcement can be too long delayed.

The federal Voting Rights Act has a structure for addressing this problem, requiring jurisdictions with the most troubled histories of racial discrimination to submit election-related changes for preapproval, and ensuring that discrimination could be stopped before it had the chance to take effect. In 2013, in *Shelby County v. Holder*, the Supreme Court struck down as outdated the portion of the VRA determining which jurisdictions had the responsibility to “preclear” their new election practices. As a result, jurisdictions with troubled histories of discrimination against minority groups, including Native Americans, were empowered to change the rules to make voting more difficult once again, staying one step ahead of enforcement. But at the same time that the Supreme Court issued its 2013 opinion, it expressly invited Congress to update preclearance coverage for the modern era.

The John Lewis Voting Rights Advancement Act is presently pending in Congress, with bipartisan support—it would restore the VRA by, among other things, updating for the modern era a provision designating which jurisdictions have the responsibility to preclear their new voting rules. President Biden has repeatedly and emphatically called for the John Lewis Voting Rights Advancement Act to be delivered to his desk. To protect Native American voting rights, Congress should heed the President’s call. The Steering Group recommends that Congress **pass the John Lewis Voting Rights Advancement Act**.

The Native American Voting Rights Act

Defense against backsliding is not the only legislative need. The John Lewis Voting Rights Advancement Act also includes provisions bundled as the Native American Voting Rights Act (NAVRA), which are themselves essential protections for meaningful and equitable access addressing several of the barriers described above. The NAVRA contains several components designed to bolster voting rights for Native communities, including:



- Authorization for a grant program to create state voting task forces including Tribal leaders and election officials, to facilitate intergovernmental communication around election procedures;
- Expansion of offices required to be designated as voter registration agencies under the National Voter Registration Act of 1993 (NVRA) to include facilities primarily engaged in providing services to a Tribe;
- Requirements to provide polling places and registration sites on Tribal lands and staffed by members of the community where requested by a Tribe, and protections for maintaining existing polling locations;
- Requirements to permit mail ballot pickup and collection, and mail ballot drop boxes, at locations requested by a Tribe, and protections for mail ballot access for Native voters;
- Requirements to allow Tribal voters to use, as their own address for registration and mail ballot purposes, the address of a Tribally designated building in the same precinct;
- Requirements to accept Tribal identification cards at the polls if the jurisdiction requires documentation generally; and
- Protections for Tribal governments to prevent obstruction of the vote by third parties, by empowering Tribal governments to request federal observers and by reasserting the authority of Tribal law enforcement to address election-related intimidation and harassment.

Each of the requirements in the Act increases access by ensuring that there are meaningful voting opportunities—both in-person and by mail—where Native voters are. This legislation would help ensure equitable access to the franchise for Native American voters across the country, providing baseline access most Americans take for granted but which is not yet a given in all Native communities. These are not partisan commitments, but American commitments, as entities like the American Bar Association demonstrate in calling for congressional action.⁶⁶ In endorsing the John Lewis Voting Rights Advancement Act, the Biden-Harris Administration specifically noted the vital protections of the Native American Voting Rights Act, and strongly supports its passage. The Steering Group recommends that Congress **pass the Native American Voting Rights Act.**

Beyond NAVRA, the Freedom to Vote Act—also pending in the 117th Congress—includes many protections for the effective exercise of the franchise. Among other provisions, it would facilitate registration, voting in person, and voting by mail; protect against extreme partisan gerrymandering; improve the information available to voters; and protect against voter subversion and the undermining of election integrity in ways that benefit all Americans, including Native Americans. **The Steering Group recommends that Congress act expeditiously on these important priorities.**

State and Local Access Improvements

Federal legislation need not be the exclusive means to codify protections for Native American voting rights—and states need not wait for federal legislation to ensure the rights of their own citizens in similar ways. Each of the provisions of the Native American Voting Rights Act is available to state legislatures as well. States like Nevada, Washington, and Colorado have



already enacted tailored bills to promote and safeguard Tribal voting.

For example, Nevada’s 2017 law authorizes county officials to provide language support even beyond that required by federal law, and requires election officials to place at least one polling place (including, in some circumstances, for early voting) on Tribal lands at a location specified by the Tribal government; later legislation made that polling place permanent unless a change was requested by the Tribal government.⁶⁷ Washington’s 2019 law—tailored for Washington’s largely vote-by-mail structure—allows Tribal governments to designate a government building on Tribal lands as the residential or mailing address of voters in the same precinct with nontraditional addresses; allows Tribal governments to request drop boxes for mail ballots and to designate a building for mail ballot pickup and drop-off; allows Tribal governments to request that the governor designate state facilities providing services to Tribal members as voter registration sites; and specifically provides for online registration using a Tribal identification card with an associated signature.⁶⁸ Colorado’s 2019 law blends a few elements of both: it allows Tribal members to use addresses designated by Tribal governments as their registration addresses if they live at a location without a recognized postal address, and requires polling places and drop boxes on Tribal lands at the request of Tribal government.⁶⁹ Some of the provisions in each of these laws mirror those in the federal bill, but some provide even greater protection. For example, all three states also offer same-day registration, so that voters can register and vote on the same day; particularly where physical distance makes travel burdensome, allowing voters to conduct all of their election-related business in one trip substantially facilitates access for many rural voters, including Native Americans. **The Steering Group recommends that other states follow these leads with laws of their own.**

Even without statutory change, election officials often have the discretion to provide accessible opportunities on their own. For example, the Steering Group recommends that state laws permit the use of **Tribal identification cards**. But also, where state laws already permit the use of government documents as identification, officials should ensure that Tribal identification cards are clearly and explicitly recognized as the government documents that they are, and should ensure that registration systems are configured where possible to engage with Tribal identification cards just like driver’s licenses or state-issued ID cards. Local officials should similarly use their discretion to support Native access. For example, the Steering Group recommends that local officials avail themselves of opportunities to **provide registration sites, polling places, and mail ballot collection stations or drop boxes in locations convenient to Native voters**. Drop boxes in Native communities are particularly important in this respect, because they provide an accessible avenue to get ballots directly to election officials, mitigating lengthy trips to post offices, and avoiding delay when the postal service routes rural ballots to distant processing centers before rerouting them back for local delivery. As the final days of voting approach, the delays in postal pickup and delivery in remote areas become even more meaningful and the need for accessible drop boxes becomes even more acute.

The Steering Group heard repeatedly that adequate capacity to serve voters, both in person and by mail, was a prominent concern during the pandemic. But it is not only a concern during the pandemic. Tribal leaders urged local officials to maintain the same attention to adequate access once extraordinary pandemic conditions recede, and election officials stressed the same message. And Tribes should avail themselves of the opportunity to request local sites when those opportunities are offered.



Adequate Enforcement of Existing Law

The new federal legislation described above is essential to ensure comprehensive protection of the right to vote. But the fact that existing tools may occasionally be inadequate does not imply that they are nonexistent—or unimportant. In addition to protections under the Constitution or under state law, the Voting Rights Act continues to prohibit election-related actions undertaken with discriminatory intent or effect against racial or ethnic minorities, including Native Americans, and continues to require election-related language support in particular covered jurisdictions. And several federal laws require accommodation for voters with disabilities, including Native Americans with disabilities.

The Department of Justice has the authority to enforce the VRA and other federal voting rights laws. President Biden has pressed for the Department to have the resources it needs to enforce these laws to the best of its ability, and with that support, Attorney General Garland has taken concrete steps to help protect the right to vote. For example, the Department has doubled the number of staff working on voting rights enforcement, challenged state laws under the VRA that infringe upon voter access to the ballot, and clarified federal law standards in guidance documents to the public and statements of interest to courts.

The Department has a robust record of protecting the voting rights of Native Americans, and continues to use all of the tools at its disposal—including, most recently, litigation challenging a South Dakota school district’s at-large election structure, on the grounds that it unlawfully deprived Native American voters of an equal opportunity to participate in the political process and elect candidates of their choice.⁷⁰ The Department should continue to monitor elections and election-related laws and procedures affecting Native communities, and **continue to vigorously enforce the protections of federal law wherever appropriate**. Additionally, the Steering Group recommends that the Department continue to ensure adequate communications channels with Tribal governments—with specific individuals clearly identified as appropriate points of contact—so that Tribal government leaders can call federal government attorneys’ attention to incidents or practices in need of enforcement action.

The Steering Group recommends that state and local officials foster compliance with legal requirements through robust training programs for permanent staff and temporary poll workers alike, whether staff are working on Tribal lands or serving Native communities elsewhere. **Fulsome training and messaging for election officials** are necessary to explain the rights that Native American voters have, and to make sure that their rights are effectuated and legal protections consistently implemented.

Inclusion and Communication

While hostility to Native American voters is real and unacceptable, many of the problems above are not always driven by hostility. They may stem from a failure to appreciate the nature or scale of difficulties that Native Americans may face, like the challenges of extreme distance and extreme poverty. Or they may stem from a failure to recognize opportunities for clarification or confusion, like the fact that Tribal voters must understand the procedures for participating in Tribal elections and separate (often distinct and different) procedures for participating in local, state, and federal elections. Sometimes, the genesis of a barrier may be as simple as designing or



articulating election procedures for a “typical” voter, without having Native voters in mind when their experience may be quite different. And these failures may themselves stem from generational cycles of distance and exclusion: governments making decisions for Native Americans rather than with Native Americans.

Accordingly, one best practice is to ensure Native American voices are at the table whenever decisions affecting Native voters are made—not just in the resolution of problems, but on the front end, before problems arise. In some circumstances, this may involve official Tribal consultation and intergovernmental liaison arrangements with Tribal governments, to ensure a regular working knowledge of local conditions and practices. For example, jurisdictions like New Mexico have proactively built task forces, with representation from Tribal leaders and Tribal communities from around the state, to raise and resolve concerns of Native voters.⁷¹ The Native American Voting Rights Act, described further above, would provide federal grants to facilitate such task forces. The Steering Group recommends that federal, state, and local policymakers **institutionalize engagement of Tribal leaders and Tribal communities** through representation on task forces and in consultation formats like these.

These task forces are not merely for incorporating Native input in official decisions. They can be just as essential for communicating to Native populations when officials have already established new or improved resources that benefit the community. When a new satellite office is established, a drop box is set up, early voting hours are made available or expanded, or officials with language capacity are retained, the community has to know about the resource to take advantage of it. Along similar lines, the Steering Group heard repeatedly from both Tribal leaders and election officials how crucial it is for election officials to **be present long-term in Tribal communities on Tribal lands**, going to where the constituents are in order to foster trust, and making sure that Tribal leaders know elections staff personally (and by name). These lines of ready communication are particularly important when Tribal lands and other Tribal communities cross county lines, and may require residents to navigate multiple municipal relationships.

But, crucially, while intergovernmental contact and communication are necessary, they may not be sufficient. Ensuring effective work on election practices for Native voters also means **engaging Native advocates and recruiting and hiring members of Native communities**—including Native populations without intergovernmental representation—to work directly in local, state, and federal government. Election officials themselves stressed how important it is for the official staff engaging Native voters to be known and trusted members of the community.

A similar principle suggests that **elections offices and polling places serving Native communities should be sited for convenience to Native voters, and staffed by members of those communities**—including bilingual members of those communities wherever possible. Several participants in the Steering Group consultations mentioned how much more comfortable Native voters may feel when their poll workers are also members of the local community. This may seem obvious when facilities are located on Tribal lands, but is just as essential when those offices are some unavoidable distance away. The Steering Group recommends ensuring that community members have adequate opportunities to serve as election staff—including adequate resources devoted to informing community members of those opportunities and training new staff members—to help mitigate language or cultural barriers, or allow election offices to more efficiently serve voters by leveraging current practices within the community. And at the same time that they expressed their gratitude for long-serving staff, participants in the consultation



sessions also stressed the need to ensure a fulsome and replenishing pipeline of staff from the community.

Where staff are not themselves members of Tribal Nations, the Steering Group recommends that local officials ensure particularly **robust poll worker training**, engaging members of the Native American community to help in preparing or delivering the training. Such training can help full-time staff and volunteer poll workers alike better serve Native voters with solicitude and respect, like proactively offering language assistance where it is needed, or recognizing Tribal identification cards that may otherwise seem unfamiliar.

And beyond the procedures used to conduct elections, these same concepts would help effectuate robust appreciation of Native American populations in the redistricting process. Federal law, and some state laws, provide specifically for protection of Native American opportunities to elect candidates of choice under certain conditions. But even beyond these protections, redistricting entities in state and local governments should also **recognize and preserve Native areas as redistricting communities of interest** that are often powerfully cohesive constituencies for representation.

Broadband Access

Similarly, several of the problems above stem from or are exacerbated by unreliable Internet access—21st-century infrastructure that is essential to the effective exercise of the franchise, but also to Native American community life far beyond voting. Preliminary research suggests that those who use the Internet more are more likely to vote, which is understandable given the volume of information available online about the process, the stakes, and the options on the ballot.⁷² The Steering Group recommends that governments at every level strive to **ensure reliable, affordable, and high-speed broadband access** to the Internet in every Native community.

The Biden-Harris Administration has already taken historic steps to help provide this access going forward. The Bipartisan Infrastructure Law signed by the President in November 2021 includes several provisions designed to improve broadband access for Native communities. First, it provides \$2 billion for the Department of Commerce, on top of nearly \$1 billion in existing funding, to fund Tribal entities for broadband planning, deployment, and affordability projects on Tribal lands.⁷³ Second, it provides the Federal Communications Commission (FCC) with more than \$14 billion to subsidize the cost of broadband and computers for low income households, with increased subsidies for households on Tribal lands (up to \$75 a month). Third, the new law provides more than \$42 billion in funding for states and territories to provide meaningful broadband deployment and affordability programs, including a requirement for companies that accept funding to provide at least one low-cost broadband option to eligible subscribers. Fourth, the law gives the Department of Agriculture \$2 billion in funding for rural broadband deployment, in addition to \$1.15 billion in existing funding with at least \$350 million set aside for Tribal lands and economically disadvantaged areas. Finally, the law provides support for states to adopt and implement digital equity and inclusion plans, and directs the FCC to adopt antidiscrimination rules and rules that make it easier for consumers to understand and compare broadband plans offered by different providers.



And yet, still more could be done. The FCC, for example, has auctioned off spectrum licenses⁷⁴ and Universal Service Fund support to build out broadband capacity to millions of unserved locations, but could do more to integrate Tribal governments into the process, to ensure better communication and relationships between the auction winners and the Tribal communities they serve. To the extent that states deploy federal funding or funding of their own to ensure broadband access in Tribal areas, it would be advisable to similarly **incorporate Tribal governments into the process** of assessing needs and selection procedures, as well as bid evaluation and contract approval. And when the FCC issues spectrum licenses directly to Tribal governments, it is important for policymakers to consider offering the technical and grantmaking assistance necessary for Tribal governments to capitalize effectively on the spectrum availability.

Even at its most effective, however, broadband connectivity addresses only one aspect of the communication of information. Information built for desktop viewing may not be effective for eligible voters who are primarily online through smartphones, no matter how robust their connectivity or capacity. (And without fixed broadband access, the ability to connect through the simplified interface of a mobile device is essential.) The Steering Group therefore recommends that state and local officials ensure that their **election-related applications and information are also optimized (and translated) for mobile**, in order to reach Native American voters where they are. And where practicable, essential information should be available through **flyers, posters, and other offline media** as well.

U.S. Postal Service (USPS) Improvements

Similarly, mail service to Native American communities is vital for voting, but also far beyond the election process. The Steering Group recommends that the USPS evaluate whether it is able to **add routes, offices, and staff hours or personnel in Tribal areas**; the Steering Group heard that members of many Tribal communities would likely be eager to apply for open positions. USPS should also evaluate the conditions of its vehicle fleet in areas surrounding Tribal lands, and the extent to which it may need to **replace or upgrade vehicles** to better serve more rugged routes. Local governments should, in consultation with Tribal governments, evaluate the extent to which **road access** in Native American communities can and should be improved.

The Steering Group also recommends that USPS increase its dedication of resources for **plating addresses on Tribal lands**, and designate employees with the **formal responsibility to liaise with Tribal governments** on issues of addressing and delivery. Many Native communities are unplatted and without a post-friendly street address. Sometimes the dwellings have descriptions USPS could use, but no ready means to get them to USPS, and no training is offered to Tribal governments on how to facilitate compatible addressing. USPS welcomes suggestions from local governments on addresses for unplatted areas, but has not historically collected addresses from Tribes; a designated liaison could change that. And a standardized postal address has a profound impact on the resident—it not only facilitates mail pickup and delivery of registration forms and voter information and ballots and the like, but also helps ensure that voters are assigned to the correct precinct, fosters accurate Census counts, and improves a host of other democracy-related procedures. Where standardized addresses are nevertheless unavailable, USPS should consider accepting other forms of addressing for nontraditional locations, akin to the Plus Codes used by Amazon and Google that are based on GPS coordinates. GIS analysis, election officials stressed, may be able to help identify pockets of individuals in need of greater addressing assistance.



Where mail pickup and delivery are simply impractical at dwellings in the most remote parts of Tribal lands, USPS should assess whether more can be done with respect to co-located mailboxes. Cluster mailboxes for groups of private dwellings are the default means of delivery and collection for new construction developments, but are underused on Tribal lands; they are normally purchased entirely by mail recipients, but could also be subsidized by the government for low-income communities. The Steering Group recommends that USPS evaluate whether **increased support for cluster mailboxes on Tribal lands** could mitigate problems with access to mail. If so, USPS Tribal liaisons, with ready access to existing postal routes, could collect recommendations on where to site the cluster mailboxes from Tribal governments (including, potentially, at the Tribal government office itself).

In addition to cluster mailboxes on Tribal lands, USPS should also evaluate its **procedures around P.O. boxes in low-income rural areas**. In addition to the scarcity and cost of P.O. boxes, which might be mitigated by subsidizing rentals, the identification requirements may prove difficult for Native American voters. At present, two different forms of identification are required to obtain a P.O. box, and though Tribal ID cards are among the forms accepted, that second ID may be a barrier for some members of Tribal communities. The Postal Service should consider whether that second form of identification is truly necessary for individuals living in remote areas. And in border regions, where a voter may live in one state but access mail through the nearest post office over the state line, USPS staff should proactively ensure in the P.O. box application process that residents know to receive their election-related information based on their residential address and not their postal location.

Finally, when USPS offices are in locations comparatively convenient to Native lands, they may be among the only federal government buildings in the region, and should consider whether that physical space provides opportunity to facilitate the election process. For example, the Steering Group recommends that **USPS offer federal voter registration forms in its retail offices** wherever possible. And it should evaluate whether a portion of its space in offices in or near Native communities can be used as **satellite polling places** without compromising postal operations.

Designation of Offices as NVRA Agencies

In Executive Order 14019, Promoting Access to Voting—the same Executive Order directing the production of this report—President Biden required every federal agency to assess the extent to which they are able to offer election-related information and opportunities to register to vote, in order to promote participation when citizens are otherwise interacting with the federal government.⁷⁵ Section 4 of the Executive Order specifically directed federal agencies to evaluate the services they provide directly to the public, and stressed the importance of the agency offering those services to states for designation under the National Voter Registration Act whenever practicable. State designation of administrative offices or services under the NVRA serves as a mechanism to integrate voter registration with the provision of other services. When Americans apply for government services, agencies designated by states under the NVRA will also provide eligible citizens an opportunity to register to vote, or update their registration, if they wish.

The requirement that federal agencies evaluate their programs for opportunities under the NVRA is especially important for rural Native communities, and particularly appropriate given the



federal government’s fiduciary trust responsibilities. Given persistent postal and Internet access problems, the occasions when Native Americans are already interacting with government offices are high-value opportunities to ensure that those who wish to be registered to vote are registered, and registered accurately. These opportunities are entirely consistent with federal laws restricting partisan political activity by federal agencies, because NVRA designations mean that registration opportunities are offered to each constituent seeking services, on a strictly nonpartisan basis. The Steering Group therefore recommends that agencies with significant presence serving Native American voters **expeditiously offer programs for state designation under the NVRA** where possible.

In addition, states already have a legal responsibility to designate as NVRA agencies those offices that provide public assistance (such as offices offering SNAP, TANF, or Medicaid benefits) and those primarily engaged in providing services to persons with disabilities. Many such offices serve Native American constituents. Government can do more to **follow through on NVRA designations**. State offices should confirm that they are actually living up to their responsibilities under the National Voter Registration Act. And to the extent that federal agencies contribute to the assistance these offices provide, those agencies should facilitate their grantees’ capacity to comply with the NVRA wherever possible.

And beyond state agencies required to provide registration under the Act, the NVRA permits states to **designate other state offices and nongovernmental offices** as voter registration agencies as well.⁷⁶ Particularly where state or nongovernmental entities already serve and have established relationships with Native communities—including federally qualified health centers, or nonprofits with community roots—states should evaluate whether formally designating those trusted partners facilitates Native American voters’ access.

The most effective path to registration is a process that integrates opportunities to register for eligible voters in the same transactions as applications for other services. That said, where formal designation as a voter registration agency is inappropriate or unavailable, offices and entities serving Native American communities can still facilitate voter engagement by offering constituents standalone **voter registration forms and information** about the election process.

Language Resources

As noted above, the Voting Rights Act contains protections for language minorities, including Native American voters, when communities in need meet statutory requirements. However, these federal statutory protections do not cover language minorities who live outside of communities of sufficient size. Therefore, the Steering Group recommends that jurisdictions serving Native voters strive to offer effective language assistance through **adequate translation of materials, including in media appropriate to reach the population**,⁷⁷ even when no statutory mandate compels them to do so.⁷⁸ Interpreters for covered jurisdictions should be fluent in both English and the covered language, and should be trained to understand and effectively translate election-related terms. Covered jurisdictions should **consult with Native communities** to help the jurisdiction assess and meet the needs of limited English proficient voters, and to seek out qualified interpreters.⁷⁹ All **poll workers should also be trained** to recognize when someone needs language assistance, and to allow assistants of the voter’s choice to provide language assistance if the voter needs such assistance.



The Steering Group also recommends that jurisdictions consider means by which language access can foster inclusion beyond assistance essential to the voting process. Offering “I voted” stickers in-language, for example, can **communicate a message that eligible voters are welcome** no matter what language they speak. And one election official explained that they made sure that staff with language abilities were available at drive-up drop box locations as the final days of voting approached, to answer any questions and help voters correct technical lapses as they cast their ballots.

The Biden-Harris Administration is committed to this principle. Section 5 of Executive Order 14019 directs the General Services Administration (GSA) to update and modernize the vote.gov website containing basic information on the electoral process, and instructs GSA to ensure that vote.gov is translated into all of the languages covered under the language protections of the Voting Rights Act. Based on the 2021 Census determinations under the VRA, that mandate includes Aleut, Apache, Choctaw, Coushatta, Ho-Chunk, Hopi, Inupiaq, Kickapoo, Navajo, Nez Perce, Paiute, Pueblo, Seminole, Shoshone, Ute, and Yup'ik. By ensuring that a website available nationally is translated into these languages, it will ensure that **voters who speak these languages can access crucial information about the election process no matter where they live**. Additionally, in 2021, the Election Assistance Commission released Native American translations of the National Mail Voter Registration form in Yup'ik, Navajo, and Apache.⁸⁰ The Steering Group recommends that the Federal government secure funding and establish institutional structures to build these one-time translation efforts into **sustained language resource centers**, facilitating translation of federal information into Native languages more generally.

Funding

Many of the persistent underlying conditions impacting the franchise in Native communities could be mitigated through financial investments. The Biden-Harris Administration has made such investment a historic priority. The American Rescue Plan provided \$32 billion specifically for Tribal communities and Native American residents, including \$20 billion in emergency funding swiftly distributed directly to Tribal governments to stabilize economies devastated by the COVID-19 pandemic. The Bipartisan Infrastructure Law provides more than \$13 billion in direct infrastructure investments in Tribal communities, with the ability to access hundreds of billions more in grants and other funding opportunities. This funding will improve roads and bridges to polling places, build new broadband infrastructure to increase access to election-related information, and help address chronic underfunding in Indian Country.

Along with funding for traditional infrastructure, it is crucial to continue improving data collection and analysis. Federal and state data collection systems regularly struggle to accurately capture data on Native Americans, often leading to an incomplete picture of challenges faced by Native populations. It has historically been difficult to count many Native American populations in the decennial Census and difficult to survey many Native American populations in related Census Bureau instruments like the American Community Survey; these difficulties have had significant impacts on the allocation of financial resources, language-assistance determinations

under Section 203 of the Voting Rights Act, and Native representation in districting procedures. While the Census Bureau has made large strides in improving its data collection and outreach, it should continue to dedicate resources to improving its **community outreach programs, survey**



sampling in Native American areas, and the analysis and dissemination of Census data for Native communities.

Election infrastructure needs funding, too. Accessible Election Day polling places and early voting sites have to be rented and secured. Voting equipment must be purchased and maintained; forms and ballots and voter guides must be printed and mailed. Permanent and temporary personnel must be hired, trained, and retained in an increasingly difficult public environment—as one election official put it in a listening session for the Steering Group: “Without the human capital to put financial capital into play, it’s difficult to provide additional services.” On top of these regular costs, critical capital investments are necessary to secure registration databases, voting machines, mail ballot processing infrastructure, and tabulation systems in desperate need of significant upgrades.

Combating the difficulties mentioned in the report above will often mean particularly dire need for funding in areas that serve Native communities. Basic infrastructure like drop boxes, satellite offices, translated documents, and sufficient personnel with language skills all cost money. But the needs can be more fundamental still: when rural elections offices have only one or two full-time staff, it is exceedingly difficult to provide service for hard-to-reach populations. State and local jurisdictions have long raised concerns that the funding they receive is well short of adequate. For example, Coconino County, Arizona, is the county with the second largest land area in the country, spanning 18,600 square miles.⁸¹ It took a \$614,000 private grant in 2020 for Coconino County to hire 19 additional temporary staffers to help residents of the Navajo Nation register and cast their ballots, run ads in English and Navajo to promote voting options, add 14 drop boxes, and open nine drive-up ballot drop-off locations on Navajo Nation lands, helping more than 28,000 voters participate—about one-quarter of the county’s adult population.⁸²

While these resources were essential to help voters to participate in emergency circumstances, public elections should not depend on private philanthropy. The Steering Group recommends that state and local jurisdictions ensure that **election officials in Native American communities have the resources they need** to ensure appropriate and equitable service. And the federal government should also establish a steadier presence in election funding. Thus far, federal funding has been episodic and crisis-driven. In the aftermath of the 2000 election, Congress provided funding through the Help America Vote Act (HAVA), to support a variety of election-related upgrades that were necessary at the time but have now reached or (more often) exceeded their useful life. In 2018 and 2020, the federal government enacted similar one-time appropriations, which were welcome but not on their own sufficient to meet the need; and in 2020, Congress appropriated \$400 million under the CARES Act to address emergency election needs during the height of the pandemic. These were meaningful steps. But the Steering Group recommends that the federal government consider providing a **sustained commitment of resources**, consistent enough for officials to rely on and plan around and substantial enough to support the elections we all deserve. And it should calibrate that spending with the needs of Native American communities firmly in mind.

An oversight that is smaller in scale, but still meaningful, should also be considered for correction. Among other appropriations, HAVA funds congressionally mandated disability rights agencies, known as Protection & Advocacy (P&A) Systems, across the country. These agencies work to protect individuals with disabilities, and HAVA recognizes the impact they may have in ensuring that voters with disabilities have adequate access to the franchise. There are 57 P&A agencies in U.S. states and territories, but due to a technicality in the law, two are ineligible for



HAVA funds: the agency operating in the Commonwealth of the Northern Mariana Islands, and the American Indian Consortium serving Native Americans with disabilities in the Four Corners region of New Mexico, Utah, Arizona, and Colorado. Federal policymakers should consider revisiting that limitation, to ensure that these entities can also **equitably access HAVA funds to serve voters with disabilities** in their areas.

Private Sector Tools

Finally, there are opportunities for interested entities in the private sector to foster equitable access for Native American voters. Some of these opportunities pertain to every eligible American, including but not limited to Native communities. For example, businesses can help provide cost-effective broadband access for low-income populations, call attention to reliable information about the voting process (including federal resources like vote.gov), support voter registration for staff and customers, encourage employees to take time to vote or to serve as poll workers, or offer physical space for polling locations during early voting or on election day.

But there are distinct opportunities specifically for Native populations as well. For example, many Tribal lands span multiple jurisdictions—precincts, cities, counties, and sometimes even state lines. Intragovernmental sites for locating polling places are becoming more common, but it is more challenging to develop the appropriate information infrastructure for Tribes spanning different governmental units. Several private sector companies, including Google, have created API software that helps voters find their own polling places, their representatives, and information about upcoming elections, based on their physical location—but the extent to which such companies have specifically engaged Tribal governments to ensure that the software responds to Tribe-specific needs is unclear. To be clear, there are some private sector efforts specifically designed for Tribal communities, like the voting site tool developed by the Arizona State University Indian Legal Clinic.⁸³ **Additional assistance from the private sector** in developing shell software or APIs specifically designed for local Native electoral needs would be welcome.



Conclusion

The right to vote is the gateway to all other rights in this country. It is crucial for the health of our democracy that it be equitably accessible to all. Voting should be a simple, easy process for everyone, including Native Americans. The barriers listed throughout this report are long-standing and persistent, but it is clear that there are actions that can be taken to mitigate or eliminate them. This report recommends a range of proposals to expand access to registration and voting for Native communities. Critical to all of these recommendations is meaningful consultation and regular engagement with Native communities to ensure that the barriers are effectively addressed. Collaboration between Tribal communities, local and state officials, lawmakers, and the private sector can help implement these recommendations and make sure that all Native voters are able to access their right to vote. The Biden-Harris Administration is committed to strengthening voting rights for Native Americans and for all Americans.



APPENDIX I

EXECUTIVE ORDER 14019

13623

Federal Register
Vol. 86, No. 45
Wednesday, March 10, 2021

Presidential Documents

Title 3—
The President

Executive Order 14019 of March 7, 2021
Promoting Access to Voting

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. The right to vote is the foundation of American democracy. Free and fair elections that reflect the will of the American people must be protected and defended. But many Americans, especially people of color, confront significant obstacles to exercising that fundamental right. These obstacles include difficulties with voter registration, lack of election information, and barriers to access at polling places. For generations, Black voters and other voters of color have faced discriminatory policies and other obstacles that disproportionately affect their communities. These voters remain more likely to face long lines at the polls and are disproportionately burdened by voter identification laws and limited opportunities to vote by mail. Limited access to language assistance remains a barrier for many voters. People with disabilities continue to face barriers to voting and are denied legally required accommodations in exercising their fundamental rights and the ability to vote privately and independently. Members of our military serving overseas, as well as other American citizens living abroad, also face challenges to exercising their fundamental right to vote.

The Constitution and laws of the United States prohibit racial discrimination and protect the right to vote. The Voting Rights Act of 1965 and other Federal statutes implement those protections and assign the Federal Government a key role in remedying disenfranchisement and unequal access to the polls. In passing the National Voter Registration Act of 1993, the Congress found that it is the duty of Federal, State, and local governments to promote the exercise of the fundamental right to vote. Executive departments and agencies (agencies) should partner with State, local, Tribal, and territorial election officials to protect and promote the exercise of the right to vote, eliminate discrimination and other barriers to voting, and expand access to voter registration and accurate election information. It is our duty to ensure that registering to vote and the act of voting be made simple and easy for all those eligible to do so.

Sec. 2. Policy. It is the policy of my Administration to promote and defend the right to vote for all Americans who are legally entitled to participate in elections. It is the responsibility of the Federal Government to expand access to, and education about, voter registration and election information, and to combat misinformation, in order to enable all eligible Americans to participate in our democracy.

Sec. 3. Expanding Access to Voter Registration and Election Information. Agencies shall consider ways to expand citizens' opportunities to register to vote and to obtain information about, and participate in, the electoral process.

(a) The head of each agency shall evaluate ways in which the agency can, as appropriate and consistent with applicable law, promote voter registration and voter participation. This effort shall include consideration of:

(i) ways to provide relevant information in the course of activities or services that directly engage with the public—including through agency materials, websites, online forms, social media platforms, and other points of public access—about how to register to vote, how to request a vote-by-mail ballot, and how to cast a ballot in upcoming elections;



(ii) ways to facilitate seamless transition from agencies' websites directly to State online voter registration systems or appropriate Federal websites, such as Vote.gov;

(iii) ways to provide access to voter registration services and vote-by-mail ballot applications in the course of activities or services that directly engage with the public, including:

(A) distributing voter registration and vote-by-mail ballot application forms, and providing access to applicable State online systems for individuals who can take advantage of those systems;

(B) assisting applicants in completing voter registration and vote-by-mail ballot application forms in a manner consistent with all relevant State laws; and

(C) soliciting and facilitating approved, nonpartisan third-party organizations and State officials to provide voter registration services on agency premises;

(iv) ways to promote and expand access to multilingual voter registration and election information, and to promote equal participation in the electoral process for all eligible citizens of all backgrounds; and

(v) whether, consistent with applicable law, any identity documents issued by the agency to members of the public can be issued in a form that satisfies State voter identification laws.

(b) Within 200 days of the date of this order, the head of each agency shall submit to the Assistant to the President for Domestic Policy a strategic plan outlining the ways identified under this review that the agency can promote voter registration and voter participation.

(c) The Administrator of the Office of Electronic Government, Office of Management and Budget, shall, consistent with applicable law, coordinate efforts across agencies to improve or modernize Federal websites and digital services that provide election and voting information to the American people, including ensuring that Federal websites are accessible to individuals with disabilities and people with limited English proficiency. As appropriate, the Administrator of the United States Digital Service may support agencies in implementing the strategic plans directed in subsection (b) of this section.

Sec. 4. Acceptance of Designation Under the National Voter Registration Act. (a) This order shall supersede section 3 of Executive Order 12926 of September 12, 1994 (Implementation of the National Voter Registration Act of 1993).

(b) Each agency, if requested by a State to be designated as a voter registration agency pursuant to section 7(a)(3)(B)(ii) of the National Voter Registration Act, shall, to the greatest extent practicable and consistent with applicable law, agree to such designation. If an agency declines to consent to such designation, the head of the agency shall submit to the President a written explanation for the decision.

(c) The head of each agency shall evaluate where and how the agency provides services that directly engage with the public and, to the greatest extent practicable, formally notify the States in which the agency provides such services that it would agree to designation as a voter registration agency pursuant to section 7(a)(3)(B)(ii) of the National Voter Registration Act.

Sec. 5. Modernizing Vote.gov. The General Services Administration (GSA) shall take steps to modernize and improve the user experience of Vote.gov. In determining how to do so, GSA shall coordinate with the Election Assistance Commission and other agencies as appropriate, and seek the input of affected stakeholders, including election administrators, civil rights and disability rights advocates, Tribal Nations, and nonprofit groups that study best practices for using technology to promote civic engagement.

(a) GSA's efforts to modernize and improve Vote.gov shall include:



(i) ensuring that Vote.gov complies, at minimum, with sections 504 and 508 of the Rehabilitation Act of 1973;

(ii) ensuring that Vote.gov is translated into languages spoken by any of the language groups covered under section 203 of the Voting Rights Act anywhere in the United States; and

(iii) implementing relevant provisions of the 21st Century Integrated Digital Experience Act (Public Law 115–336).

(b) Within 200 days of the date of this order, GSA shall submit to the Assistant to the President for Domestic Policy a strategic plan outlining the steps to modernize and improve the user experience of Vote.gov.

Sec. 6. *Increasing Opportunities for Employees to Vote.* It is a priority of my Administration to ensure that the Federal Government, as the Nation's largest employer, serves as a model employer by encouraging and facilitating Federal employees' civic participation. Accordingly, the Director of the Office of Personnel Management shall take the following actions within 200 days of the date of this order:

(a) coordinate with the heads of executive agencies, as defined in 5 U.S.C. 105, to provide recommendations to the President, through the Assistant to the President for Domestic Policy, on strategies to expand the Federal Government's policy of granting employees time off to vote in Federal, State, local, Tribal, and territorial elections. Such recommendations should include efforts to ensure Federal employees have opportunities to participate in early voting.

(b) Coordinate with the heads of executive agencies, as defined in 5 U.S.C. 105, to provide recommendations to the President, through the Assistant to the President for Domestic Policy, on strategies to better support Federal employees who wish to volunteer to serve as non-partisan poll workers or non-partisan observers, particularly during early or extended voting periods.

Sec. 7. *Ensuring Equal Access for Voters with Disabilities.* Within 270 days of the date of this order, the National Institute of Standards and Technology (NIST) within the Department of Commerce shall evaluate the steps needed to ensure that the online Federal Voter Registration Form is accessible to people with disabilities. During that period, NIST, in consultation with the Department of Justice, the Election Assistance Commission, and other agencies, as appropriate, shall also analyze barriers to private and independent voting for people with disabilities, including access to voter registration, voting technology, voting by mail, polling locations, and poll worker training. By the end of the 270-day period, NIST shall publish recommendations regarding both the Federal Voter Registration Form and the other barriers it has identified.

Sec. 8. *Ensuring Access to Voting for Active Duty Military and Overseas Citizens.* (a) Within 200 days of the date of this order, the Secretary of Defense shall establish procedures, consistent with applicable law, to affirmatively offer, on an annual basis, each member of the Armed Forces on active duty the opportunity to register to vote in Federal elections, update voter registration information, or request an absentee ballot.

(b) Within 200 days of the date of this order, the Secretary of Defense shall evaluate the feasibility of implementing an online system to facilitate the services described in subsection (a) of this section.

(c) The Secretary of Defense, in coordination with the Department of State, the Military Postal Service Agency, and the United States Postal Service, shall take all practical steps to establish procedures to enable a comprehensive end-to-end ballot tracking system for all absentee ballots cast by military and other eligible overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. 20301 *et seq.* Within 200 days of the date of this order, the Secretary of Defense shall submit a report to the Assistant to the President for Domestic Policy with a strategic plan for establishing the aforementioned tracking system.



(d) The head of each agency with overseas employees shall designate an employee to be responsible for coordinating with the Federal Voting Assistance Program, including to promote voter registration and voting services available to the agency's overseas employees. The Director of the Office of Management and Budget may issue guidance to assist agencies in making such designations.

Sec. 9. *Ensuring Access to Voter Registration for Eligible Individuals in Federal Custody.* (a) The Attorney General shall establish procedures, consistent with applicable law, to provide educational materials related to voter registration and voting and, to the extent practicable, to facilitate voter registration, for all eligible individuals in the custody of the Federal Bureau of Prisons. Such educational materials shall be incorporated into the reentry planning procedures required under section 4042(a)(7) of title 18, United States Code. The educational materials should also notify individuals leaving Federal custody of the restrictions, if any, on their ability to vote under the laws of the State where the individual resides and, if any such restrictions exist, the point at which the individual's rights will be restored under applicable State law.

(b) The Attorney General shall establish procedures, consistent with applicable law, to ensure the United States Marshals Service includes language in intergovernmental agreements and jail contracts to require the jails to provide educational materials related to voter registration and voting, and to facilitate voting by mail, to the extent practicable and appropriate.

(c) The Attorney General shall establish procedures, consistent with applicable law, for coordinating with the Probation and Pretrial Services Office of the Administrative Office of the United States Courts to provide educational materials related to voter registration and voting to all eligible individuals under the supervision of the Probation and Pretrial Services Office, and to facilitate voter registration and voting by such individuals.

(d) The Attorney General shall take appropriate steps, consistent with applicable law, to support formerly incarcerated individuals in obtaining a means of identification that satisfies State voter identification laws, including as required by 18 U.S.C. 4042(a)(6)(B).

Sec. 10. *Establishing a Native American Voting Rights Steering Group.* (a) There is hereby established an Interagency Steering Group on Native American Voting Rights (Steering Group) coordinated by the Domestic Policy Council.

(b) The Steering Group shall be chaired by the Assistant to the President for Domestic Policy and shall include the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs or their designees. The Chair may invite the participation of the heads or senior representatives of other agencies, as the Chair determines to be helpful to complete the work of the Steering Group. The Steering Group shall consult with agencies not represented on the Steering Group to facilitate the sharing of information and best practices, as appropriate and consistent with applicable law.

(c) The Steering Group shall engage in meaningful and robust consultation with Tribal Nations and Native leaders to inform the Steering Group regarding concerns and potential areas of focus for the report described in subsection (d) of this section, and to assist the Steering Group in developing that report.

(d) The Steering Group shall study best practices for protecting voting rights of Native Americans and shall produce a report within 1 year of the date of this order outlining recommendations for providing such protection, consistent with applicable law, including recommendations for:

(i) increasing voter outreach, education, registration, and turnout in Native American communities; increasing voting access for Native American communities (including increasing accessibility for voters with disabilities);



and mitigating internet accessibility issues that may hinder voter registration and ballot access in Native American communities;

(ii) increasing language access and assistance for Native American voters, including evaluating existing best practices;

(iii) mitigating barriers to voting for Native Americans by analyzing and providing guidance on how to facilitate the use of Tribal government identification cards as valid voter identification in Federal, State, local, Tribal, and territorial elections;

(iv) facilitating collaboration among local election officials, Native American communities, and Tribal election offices; and

(v) addressing other areas identified during the consultation process.

(e) The Department of the Interior shall provide administrative support for the Steering Group to the extent permitted by law.

Sec. 11. Definition. Except as otherwise defined in section 6 of this order, “agency” means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Sec. 12. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,

March 7, 2021.



APPENDIX II

SCHEDULE OF CONSULTATIONS AND LISTENING SESSIONS



THE WHITE HOUSE
WASHINGTON

What: Best Practices and Strategies of Protecting the Native American Vote

Purpose: On March 7, 2021, the President issued an Executive Order on Promoting Access to Voting. The EO established an Interagency Steering Group on Native American Voting Rights (Steering Group). The charge of the Steering Group includes studying best practices for protecting voting rights of Native Americans and producing a report within 1 year of the date of this order outlining recommendations for providing such protection, consistent with applicable law. The Steering Group will engage in meaningful and robust consultation with Tribal Nations, and listening sessions with Native leaders, advocates, and officials during this process and will include recommendations drawn from the discussions in this report.

- **Navajo, Southwest, and Western Regions**
 - Date: Wednesday, June 2, 2021
 - Time: 2:00PM-4:00PM ET / 11:00AM-1:00PM PT / 12:00PM-2:00PM MT
 - Format: Zoom Webinar

- **Northwest and Pacific Regions**
 - Date: Wednesday, June 16, 2021
 - Time: 2:00PM-4:00PM ET / 11:00AM-1:00PM PT / 12:00PM-2:00PM MT
 - Format: Zoom Webinar



- **Eastern, Eastern Oklahoma, Midwest, and Rocky Mountain Regions**
 - Date: Wednesday, July 28, 2021
 - Time: 2:00PM-4:00PM ET / 12:00PM-2:00PM MT
 - Format: Zoom Webinar

- **Great Plains and Southern Plains Regions**
 - Date: Wednesday, September 15, 2021
 - Time: 2:00PM-4:00PM ET / 1:00PM-3:00PM CT
 - Format: Zoom Webinar

- **Alaska Region**
 - Date: Wednesday, September 22, 2021
 - Time: 2:00PM-4:00PM ET / 10:00AM-12:00PM AKT
 - Format: Zoom Webinar

- **Hawaii Listening Session**
 - Date: Wednesday, October 20, 2021
 - Time: 2:00PM-4:00PM ET / 8:00AM-10:00AM HT
 - Format: Zoom Webinar

- **Tribal Communities' Advocates Listening Session**
 - Date: Tuesday, November 2, 2021
 - Time: 2:00PM-3:00PM ET / 10:00AM-11:00AM AKT / 11:00AM-12:00PM PT
12:00PM-1:00PM MT / 1:00PM-2:00PM CT
 - Format: Zoom Webinar

- **State and Local Government Officials Listening Session**
 - Date: Thursday, January 20, 2022
 - Time: 1:00PM-2:30PM ET / 9:00AM-10:30AM AKT / 10:00AM-11:30PM PT
11:00AM-12:30PM MT / 12:00PM-1:30PM CT
 - Format: Zoom Webinar



APPENDIX III

2021 DETERMINATIONS: SECTION 203 OF THE VOTING RIGHTS ACT

In 2021, the Census Bureau determined that the following jurisdictions with authority to administer federal elections have specific responsibilities to provide election-related language support for Native American languages, under section 203 of the Voting Rights Act. This list does not include jurisdictions with responsibilities for languages other than Native American languages. Some of the jurisdictions on this list may also have responsibilities for languages other than Native American languages.

Jurisdiction	State	Covered languages		
Aleutians East Borough	Alaska	Yup'ik		
Bethel Census Area	Alaska	Yup'ik		
Bristol Bay Borough	Alaska	Yup'ik		
Dillingham Census Area	Alaska	Yup'ik		
Kenai Peninsula Borough	Alaska	Yup'ik		
Kodiak Island Borough	Alaska	Yup'ik		
Kusilvak Census Area	Alaska	Yup'ik		
Lake and Peninsula Borough	Alaska	Aleut	Yup'ik	
Nome Census Area	Alaska	Yup'ik		
North Slope Borough	Alaska	Inupiat		
Northwest Arctic Borough	Alaska	Inupiat		
Yukon-Koyukuk Census Area	Alaska	Inupiat		
Apache County	Arizona	Navajo	Pueblo	
Coconino County	Arizona	Hopi	Navajo	Paiute
Gila County	Arizona	Apache		
Graham County	Arizona	Apache		
Mohave County	Arizona	Paiute		
Navajo County	Arizona	Hopi	Navajo	
Pinal County	Arizona	Apache		
La Plata County	Colorado	Ute		
Montezuma County	Colorado	Ute		
Glades County	Florida	Seminole		



Clearwater County	Idaho	Nez Perce*		
Idaho County	Idaho	Nez Perce*		
Lewis County	Idaho	Nez Perce*		
Nez Perce County	Idaho	Nez Perce*		
Houston County	Minnesota	Ho-Chunk*		
Attala County	Mississippi	Choctaw		
Carroll County	Mississippi	Choctaw		
Jackson County	Mississippi	Choctaw		
Jones County	Mississippi	Choctaw		
Kemper County	Mississippi	Choctaw		
Leake County	Mississippi	Choctaw		
Neshoba County	Mississippi	Choctaw		
Newton County	Mississippi	Choctaw		
Noxubee County	Mississippi	Choctaw		
Scott County	Mississippi	Choctaw		
Winston County	Mississippi	Choctaw		
Nye County	Nevada	Shoshone		
Bernalillo County	New Mexico	Navajo		
Catron County	New Mexico	Pueblo		
Cibola County	New Mexico	Navajo	Pueblo	
McKinley County	New Mexico	Navajo	Pueblo	
Rio Arriba County	New Mexico	Navajo		
San Juan County	New Mexico	Navajo	Ute	
Sandoval County	New Mexico	Navajo		
Socorro County	New Mexico	Navajo		
Maverick County	Texas	Kickapoo*		
Polk County	Texas	Alabama*		
San Juan County	Utah	Navajo	Ute	
Adams town	Wisconsin	Ho-Chunk*		
Albion town	Wisconsin	Ho-Chunk*		
Bangor town	Wisconsin	Ho-Chunk*		
Birnamwood town	Wisconsin	Ho-Chunk*		
Black River Falls city	Wisconsin	Ho-Chunk*		
Brockway town	Wisconsin	Ho-Chunk*		
Byron town	Wisconsin	Ho-Chunk*		
Cranmoor town	Wisconsin	Ho-Chunk*		

* These jurisdictions were determined by the Census Bureau to be designated in a language category for “All other American Indian tribes.” The specific language indicated in this listing was derived from the AI/AN areas that intersect with the jurisdiction, and which caused the jurisdiction to be determined as subject to coverage under Section 203 of the Voting Rights Act.



Dellona town	Wisconsin	Ho-Chunk*		
Delton town	Wisconsin	Ho-Chunk*		
Dewhurst town	Wisconsin	Ho-Chunk*		
Eaton town	Wisconsin	Ho-Chunk*		
Elderon town	Wisconsin	Ho-Chunk*		
Ferryville village	Wisconsin	Ho-Chunk*		
Franzen town	Wisconsin	Ho-Chunk*		
Freeman town	Wisconsin	Ho-Chunk*		
Friendship village	Wisconsin	Ho-Chunk*		
Germania town	Wisconsin	Ho-Chunk*		
Germantown town	Wisconsin	Ho-Chunk*		
Greenfield town	Wisconsin	Ho-Chunk*		
Holland town	Wisconsin	Ho-Chunk*		
Komensky town	Wisconsin	Ho-Chunk*		
La Grange town	Wisconsin	Ho-Chunk*		
Lemonweir town	Wisconsin	Ho-Chunk*		
Leon town	Wisconsin	Ho-Chunk*		
Levis town	Wisconsin	Ho-Chunk*		
Lyndon town	Wisconsin	Ho-Chunk*		
Madison city	Wisconsin	Ho-Chunk*		
Manchester town	Wisconsin	Ho-Chunk*		
Mead town	Wisconsin	Ho-Chunk*		
Millston town	Wisconsin	Ho-Chunk*		
Oakdale town	Wisconsin	Ho-Chunk*		
Onalaska town	Wisconsin	Ho-Chunk*		
Port Edwards town	Wisconsin	Ho-Chunk*		
Preston town	Wisconsin	Ho-Chunk*		
Reid town	Wisconsin	Ho-Chunk*		
Seneca town	Wisconsin	Ho-Chunk*		
Seven Mile Creek town	Wisconsin	Ho-Chunk*		
Stark town	Wisconsin	Ho-Chunk*		
Sumpter town	Wisconsin	Ho-Chunk*		
Whitestown town	Wisconsin	Ho-Chunk*		
Wilson town	Wisconsin	Ho-Chunk*		
Wittenberg town	Wisconsin	Ho-Chunk*		
Wittenberg village	Wisconsin	Ho-Chunk*		

* These jurisdictions were determined by the Census Bureau to be designated in a language category for “All other American Indian tribes.” The specific language indicated in this listing was derived from the AI/AN areas that intersect with the jurisdiction, and which caused the jurisdiction to be determined as subject to coverage under Section 203 of the Voting Rights Act.



APPENDIX IV: ENDNOTES

¹ When this report refers to Census data for American Indian and Alaska Native (AI/AN) or Native Hawaiian and Other Pacific Islander (NH/PI) populations, it uses “Alone or In Combination” data unless otherwise specified. Alone or In Combination data is the sum of the population self-identifying with the relevant racial or ethnic group alone plus the population self-identifying with the relevant racial or ethnic group and also any other racial or ethnic group.

² *Race and Ethnicity in the United States: 2010 Census and 2020 Census*, U.S. CENSUS BUREAU (Aug. 12, 2021), <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html>.

³ Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, 62 Fed. Reg. 58,782, at 58,786-56,789 (Oct. 30, 1997), <https://www.govinfo.gov/content/pkg/FR-1997-10-30/pdf/97-28653.pdf>.

⁴ Rachel Marks & Merarys Rios-Vargas, *Improvements to the 2020 Census Race and Hispanic Origin Question Designs, Data Processing, and Coding Procedures*, U.S. CENSUS BUREAU (Aug. 3, 2021), <https://www.census.gov/newsroom/blogs/random-samplings/2021/08/improvements-to-2020-census-race-hispanic-origin-question-designs.html>.

⁵ Nicholas Jones et al., *2020 Census Illuminates Racial and Ethnic Composition of the Country*, U.S. CENSUS BUREAU (Aug. 12, 2021), <https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html>.

⁶ 2020 Decennial Redistricting Data tbl. P1, U.S. Census Bureau, <https://go.usa.gov/xtGyJ>.

⁷ *Id.*

⁸ Press Release, *Census Bureau Releases Estimates of Undercount and Overcount in the 2010 Census*, U.S. CENSUS BUREAU (May 22, 2012), https://www.census.gov/newsroom/releases/archives/2010_census/cb12-95.html. This undercount includes Native Americans designated by the Census Bureau as living on Tribal reservations, but does not include other trust lands, or geographies beyond.

⁹ The Census Bureau identifies four primary reasons why populations may be hard to count in a census: the people may be hard to locate, hard to contact, hard to persuade (to participate in the enumeration), hard to interview (often because of language barriers), or some combination of the above. U.S. CENSUS BUREAU, COUNTING THE HARD TO COUNT IN A CENSUS 1 (2019), <https://www.census.gov/content/dam/Census/library/working-papers/2019/demo/Hard-to-Count-Populations-Brief.pdf>.

¹⁰ WILLIAM P. O’HARE & JAE JUNE J. LEE, WHO RESPONDED IN THE 2020 CENSUS? VARIATION IN TRACT-LEVEL SELF-RESPONSE RATES IN THE 2020 U.S. CENSUS 16 (Georgetown Law Ctr. on Poverty & Inequality, Working Paper, 2021), <https://www.georgetownpoverty.org/wp-content/uploads/2021/04/WhoRespondedinthe2020Census-20210412.pdf>.

¹¹ An Urban Institute analysis predicts, based on probabilistic microsimulation, that the 2020 Census results will reveal a 4.94% overcount and a 5.30% undercount of AI/AN populations, for a net national undercount of 0.36%. DIANA ELLIOTT ET AL., URBAN INSTITUTE, SIMULATING THE 2020 CENSUS: MISCOUNTS AND THE FAIRNESS OF OUTCOMES 17 (2021), https://www.urban.org/sites/default/files/publication/104961/simulating-the-2020-census_2.pdf.

¹² Nov. 2020 Current Population Survey Voting and Registration Supplement, U.S. Census Bureau, <https://go.usa.gov/xtGV3>. Survey results show that about 64% of voting-age citizens indicating AI/AN background alone or in combination reported that they were registered in 2020, and that about 78% of those citizens definitely answering the registration question yes or no reported that they were registered. For voting-age citizens indicating AI/AN background alone, those figures are 60% and 74%, respectively. The relevant results for Native Hawaiians



and other Pacific Islanders are similar: for NH/PI background alone or in combination, the relevant figures are 63% and 74%, respectively; for NH/PI background alone, 61% and 73%. *Id.*

The relevant comparisons for *all* voting-age citizens are 73% and 87%, respectively. The comparisons for white non-Hispanic voting-age citizens are 76% and 89%, respectively. *Id.*

¹³ *Id.* About 55% of voting-age citizens indicating AI/AN or NH/PI background alone or in combination reported that they voted in 2020, and about 65% of those citizens definitely answering the question yes or no reported that they voted in 2020. The relevant comparisons for all voting-age citizens are 67% and 79%, respectively; the comparisons for white non-Hispanic voting-age citizens are 71% and 82%, respectively. *Id.*

¹⁴ *Id.* Endnote 12 recounts the relevant registration rates. Among those who report being registered, about 87% of voting-age citizens indicating AI/AN or NH/PI background alone or in combination reported voting in 2020. The relevant comparison for all voting-age citizens is 92%, and the relevant comparison for white non-Hispanic voting-age citizens is 93%. *Id.*

¹⁵ *Id.* The relevant comparisons for voting-age citizens indicating AI/AN background alone are 50% and 61%, respectively. *Id.*

¹⁶ *Id.* The relevant comparisons for voting-age Black citizens are 62% and 78%; Hispanic citizens are 54% and 66%; Asian citizens are 60% and 76%; and NH/PI citizens are 55% and 64%, respectively. *Id.*

¹⁷ U.N.M. NATIVE AMERICAN BUDGET & POLICY INST. ET AL., THE NATIVE AMERICAN ELECTORATE'S ROLE IN THE BLUE WAVE REFERENDUM ON PRESIDENT TRUMP'S POLICY AGENDA 9 (2018), https://latinodecisions.com/wp-content/uploads/2019/06/Native_Am_2018_Brief.pdf; DAVID E. WILKINS & HEIDI KIIWETINEPINESIIK STARK, AMERICAN INDIAN POLITICS AND THE AMERICAN POLITICAL SYSTEM 198-219 (4th ed. 2018).

¹⁸ U.S. CONST. amend. XIV.

¹⁹ CONG. GLOBE, 39th Cong., 1st Sess. 2895 (1866) (statement of Sen. Howard), <https://memory.loc.gov/l1/lcrg/073/0000/00172895.tif>.

²⁰ 112 U.S. 94, 103, 109 (1884).

²¹ Act of June 2, 1924, Pub. L. 68-175, 43 Stat. 253 (1924).

²² Civ. No. 1353 (D.N.M. filed Aug. 11, 1948) (unreported), *available in* Pls.' Br., app. C, Allen v. Merrell, No. 8589 (Utah Oct. 8, 1956), https://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=3703&context=uofu_scl.

²³ *Id.* at 52-54.

²⁴ 1957 Utah Laws ch. 38 (H.B. 31), <https://digitallibrary.utah.gov/aw-server/rest/product/purl/USL/s/d3a85342-f464-4fa1-a82d-9b51e2e60ee7#page=103>. Alaska and Hawai'i were admitted as states in 1959.

²⁵ Pub. L. 89-110, 79 Stat. 437 (1965).

²⁶ The VRA also includes provisions for the U.S. Office of Personnel Management (OPM) to send federal observers to observe elections on the ground, documenting and deterring violations, at the request of the U.S. Attorney General. OPM recruits and trains these observers, including establishing a longstanding partnership with Native Americans with language skills and community relationships that are vital to effective observation in Tribal communities. Because of the Supreme Court's decision in *Shelby County v. Holder*, 570 U.S. 529 (2013), OPM observers are authorized now only where there is a separate court order. *Fact Sheet on Justice Department's Enforcement Efforts Following Shelby County Decision*, U.S. DEP'T OF JUSTICE (2016), <https://www.justice.gov/crt/file/876246/download>.

²⁷ 570 U.S. 529, 553-57 (2013).

²⁸ *Brnovich v. Democratic National Committee*, 141 S. Ct. 2321, 2343-44 (2021).

²⁹ Amber Richardson, *Why the Native Vote Matters—for Tribal Communities, and our Country*, ASPEN INST. (Nov. 3, 2015), <https://www.aspeninstitute.org/blog-posts/why-native-vote-matters-tribal-communities-our-country/>.



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- ³⁰ NATIVE AMERICAN RIGHTS FUND, OBSTACLES AT EVERY TURN: BARRIERS TO POLITICAL PARTICIPATION FACED BY NATIVE AMERICAN VOTERS (2020), <https://www.narf.org/obstacles-at-every-turn/>.
- ³¹ Exec. Order 14,019, 86 Fed. Reg. 13,623 (Mar. 7, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-03-10/pdf/2021-05087.pdf>.
- ³² 2015 ACS 5-Year Estimates tbl. B16004, U.S. Census Bureau, <https://go.usa.gov/xtShA>.
- ³³ Press Release, *Census Bureau Releases 2021 Determinations for Section 203 of the Voting Rights Act*, U.S. CENSUS BUREAU (Dec. 8, 2021), <https://www.census.gov/newsroom/press-releases/2021/section-203-voting-rights-act.html>.
- ³⁴ *See, e.g.*, Second Stipulated Order, *Toyukak v. Meyer*, No. 3:13-cv-00137 (D. Alaska Sept. 20, 2021) (extending until 2022 protections for Alaska Natives put in place by court order in 2014 and then subject to a consent decree issued in 2015).
- ³⁵ ELECTION ASSISTANCE COMM'N, NATIVE AMERICAN VOTERS AND DISABILITY ACCESS (2021), https://www.eac.gov/sites/default/files/2021-11/Native_Americans_and_Disability_Access.pdf.
- ³⁶ *See, e.g.*, Press Release, *Justice Department Reaches Agreement with Sandoval County, New Mexico, to Ensure Accessible Voting*, U.S. DEP'T OF JUSTICE (July 12, 2019), <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-sandoval-county-new-mexico-ensure-accessible-voting>; Press Release, *Justice Department Reaches Agreement with McKinley County, New Mexico, to Ensure Accessible Voting*, U.S. DEP'T OF JUSTICE (June 6, 2019), <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-mckinley-county-new-mexico-ensure-accessible-voting>; Press Release, *Justice Department Reaches Agreement with Coconino County, Arizona, to Ensure Accessible Voting*, U.S. DEP'T OF JUSTICE (May 7, 2018), <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-coconino-county-arizona-ensure-accessible-voting>.
- ³⁷ 2020 Decennial Redistricting Data tbl. P1, U.S. Census Bureau, <https://go.usa.gov/xzaZS>.
- ³⁸ Press Release, *Federal Coalition Announces Summit to Improve Broadband*, U.S. DEP'T OF THE INTERIOR (Aug. 16, 2021), <https://www.doi.gov/pressreleases/federal-coalition-announces-summit-improve-broadband>.
- ³⁹ Fixed Broadband Deployment: Compare Broadband Availability in Different Areas, Fed. Communications Comm'n, <https://go.usa.gov/xtHyE>.
- ⁴⁰ Press Release, *FACT SHEET: Biden Administration Offers Nearly \$1 Billion in Grants to Help Connect Tribal Lands*, U.S. DEP'T OF COMMERCE (June 3, 2021), <https://www.commerce.gov/news/fact-sheets/2021/06/fact-sheet-biden-administration-offers-nearly-1-billion-grants-help>.
- ⁴¹ NATIVE AMERICAN RIGHTS FUND, 2021 ADDENDUM TO OBSTACLES AT EVERY TURN: BARRIERS TO POLITICAL PARTICIPATION FACED BY NATIVE AMERICAN VOTERS 4 (2020), <https://vote.narf.org/wp-content/uploads/2021/10/obstacles-2021addendum.pdf>.
- ⁴² *Amici Curiae Brief of the Alaska Federation of Natives et al. in Support of Respondents at 35-37, Shelby County v. Holder*, 570 U.S. 529 (2013) (No. 12-96), https://www.narf.org/bloglinks/shelby_county_brief.pdf. At the time, Alaska was subject to the preclearance review process of the Voting Rights Act; after the Department of Justice requested more information about the polling place changes, Alaska changed its plans. *Id.*
- ⁴³ 2019 ACS 1-Year Estimates tbl. S0201, U.S. Census Bureau, <https://go.usa.gov/xtGm9>.
- ⁴⁴ SHAWN MALIA KANA'IAUPUNI ET AL., KA HUAKA'I NATIVE HAWAIIAN EDUCATIONAL ASSESSMENT 2021, at 93 (2021), https://www.ksbe.edu/assets/research/ka_huakai/2021_KaHuakai.pdf.
- ⁴⁵ NATL. ALLIANCE TO END HOMELESSNESS, STATE OF HOMELESSNESS: 2021 EDITION (2021), <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-2021/>.
- ⁴⁶ Melodie Edwards, *Overcrowded Lives: The First in a Series on the Reservation Housing Shortage*, WYOMING PUBLIC MEDIA (Aug. 12, 2016), <https://www.wyomingpublicmedia.org/open-spaces/2016-08-12/overcrowded-lives-the-first-in-a-series-on-the-reservation-housing-shortage>.



- ⁴⁷ U.S. COMM’N ON CIVIL RIGHTS, *BROKEN PROMISES: CONTINUING FEDERAL FUNDING SHORTFALL FOR NATIVE AMERICANS* (2018), <https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf>.
- ⁴⁸ Kolby Kickingwoman, *Lawmakers Condemn ‘Censorship’ of COVID Report*, INDIAN COUNTRY TODAY (Oct. 30, 2020), <https://indiancountrytoday.com/news/lawmakers-condemn-censorship-of-covid-report>.
- ⁴⁹ See OBSTACLES AT EVERY TURN, *supra* note 30.
- ⁵⁰ STEVEN F. HUEFNER ET AL., *FROM REGISTRATION TO RECOUNTS: THE ELECTION ECOSYSTEMS OF FIVE MIDWESTERN STATES* (2007), <https://law.osu.edu/electionlaw/projects/registration-to-recounts/book.pdf>.
- ⁵¹ *Garza v. County of Los Angeles*, 918 F.2d 763, 778 (9th Cir. 1990) (Kozinski, J., concurring and dissenting in part).
- ⁵² Zak Podmore, *10th Circuit Court Upholds Voting Rights Decision in San Juan County that Resulted in Historic Navajo-Majority Control*, SALT LAKE TRIB. (July 16, 2019), <https://www.sltrib.com/news/2019/07/16/th-circuit-court-upholds/>.
- ⁵³ *Voting and Registration in the Election of November 2020* tbl. 1, U.S. Census Bureau, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.
- ⁵⁴ OBSTACLES AT EVERY TURN, *supra* note 30, at 73-75.
- ⁵⁵ Order, Consent Decree, and Judgment, *Brakebill v. Jaeger*, No. 1:18-cv-00222 (D.N.D. Apr. 27, 2020), <https://campaignlegal.org/sites/default/files/2020-04/Court-Ordered%20Consent%20Decree.pdf>.
- ⁵⁶ ARIZ. SEC’Y OF STATE, 2019 ELECTIONS PROCEDURES MANUAL 183-84 (2019), https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf#page=197.
- ⁵⁷ Hawai’i passed legislation transitioning to a mail voting system, and scaling back options for voting in person, in 2019. 2019 Haw. Act 136 (H.B. 1248), https://www.capitol.hawaii.gov/slh/Years/SLH2019/SLH2019_Act136.pdf. Under the statute, each county must have at least one in-person voter service center, but county officials may provide additional locations to serve the needs of the voters, *id.*; in 2020, the islands of Hawai’i and O’ahu had only two voter service centers, and each other island had only one.
- ⁵⁸ Complaint 2-3, 15, *Blackfeet Nation v. Stapleton*, No. 4:20-cv-00095 (D. Mont. Oct. 9, 2020); Notice of Voluntary Dismissal Without Prejudice ex. A, *Blackfeet Nation v. Stapleton*, No. 4:20-cv-00095 (D. Mont. Oct. 14, 2020) (Pondera County Agreement to Provide Satellite Election Offices and Ballot Drop Box on the Blackfeet Reservation for the 2020 General Election).
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- ⁶³ *Brnovich v. Democratic National Committee*, 141 S. Ct. 2321, 2343-44 (2021).
- ⁶⁴ 2021 Tex. Acts ch. 728 (H.B. 3920), <https://lrl.texas.gov/scanned/signedBills/87-0/HB3920.pdf>.
- ⁶⁵ Written Statement of Jacqueline De León, Staff Att’y for the Native American Rights Fund 5, *Oversight of the Voting Rights Act: The Evolving Landscape of Voting Discrimination, Hearing Before the Subcomm. on the Const. of the H. Comm. on the Judiciary*, 117th Cong. (Apr. 22, 2021), <https://docs.house.gov/meetings/JU/JU10/20210422/112481/HMTG-117-JU10-Wstate-DeLeonJ-20210422.pdf>.
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- ⁷² AMY ROBINSON ET AL., IS A DIGITAL NATION A VOTING NATION? USING SURVEY DATA TO EXAMINE THE RELATIONSHIP BETWEEN INTERNET USE AND VOTING IN THE UNITED STATES 3, 25, 28 (NTIA Working Paper, 2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3760187.
- ⁷³ Press Release, *supra* note 40.
- ⁷⁴ A spectrum license permits the holder of the license to use a band of radio wave frequencies for specific applications, like TV or radio broadcasting—or broadband Internet service.
- ⁷⁵ Exec. Order 14,019, 86 Fed. Reg. 13,623 (Mar. 7, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-03-10/pdf/2021-05087.pdf>.
- ⁷⁶ 52 U.S.C. 20506(a)(3)(B)(ii).
- ⁷⁷ Careful attention to multimedia formats is particularly important for unwritten languages, but may also be warranted when written translations are available but not optimally effective. *See* ELECTION ASSISTANCE COMM’N, BEST PRACTICES: UNWRITTEN LANGUAGES (2022), https://www.eac.gov/sites/default/files/Language_Access/Best_Practices_Unwritten_Languages_Final_508.pdf.
- ⁷⁸ A recent guide from the Census Bureau articulates some best practices toward this end, drawn from its experience in providing access to Census-related materials in English and 59 non-English languages. JENNIFER KIM ET AL., U.S. CENSUS BUREAU, DEVELOPING PUBLIC-FACING LANGUAGE PRODUCTS: GUIDANCE FROM THE 2020 CENSUS LANGUAGE PROGRAM (2021), <https://www2.census.gov/library/publications/decennial/2020/operations/language-product-handbook.pdf>. And the Election Assistance Commission offers a reminder that one of these best practices is the ability to anticipate the future needs of language minority communities. ELECTION ASSISTANCE COMM’N, LANGUAGE ACCESSIBILITY 3 (2019), https://www.eac.gov/sites/default/files/eac_assets/1/6/EAC-ClearinghouseBrief-LanguageAccessibility.pdf.
- ⁷⁹ ELECTION ASSISTANCE COMM’N, *supra* note 78, at 4, 6.
- ⁸⁰ Press Release, *EAC Releases First Native American Translations of National Mail Voter Registration Form*, U.S. ELECTION ASSISTANCE COMM’N (Nov. 22, 2021), <https://www.eac.gov/news/2021/11/22/eac-releases-first-native-american-translations-national-mail-voter-registration>. Further language assistance materials, including materials



from local jurisdictions and glossaries of election terms in several Native American languages, are available on the EAC's website at <https://www.eac.gov/language-access-resources>.

⁸¹ Alaska's election regions are not county-based.

⁸² Fredreka Schouten, *Private Funding Was Key in Some 2020 Elections. Republicans Have Outlawed It in Nearly a Dozen States*, CNN POLITICS (Aug. 28, 2021), <https://edition.cnn.com/2021/08/28/politics/states-ban-private-funding-elections/index.html>.

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