



# 2018 NATIVE VOTE ELECTION PROTECTION RECAP

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*Native Vote: Broadening the Perspective*

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# Indian Country in Arizona

- There are **22 Federally Recognized Tribes in Arizona** and 21 Indian reservations.
- Tribal Land in Arizona amounts to roughly 27% of the State's total land.
- Roughly **5.8% of the State's Population is Native American.**
- 8 Tribes have land in 2 or more counties.
  - Hualapai Indian Tribe, Kaibab Paiute, Navajo Nation, Hopi Tribe, White Mountain Apache, San Carlos Apache, Tohono O'odham Nation, Gila River Indian Tribe.
- 2 tribal languages are covered by Section 203 of the Voting Rights Act: Navajo and Apache.



<http://itcaonline.com/wp-content/uploads/2017/04/Counties.png>

# Understanding Indian Country

- Each Tribe is unique in its history, culture, language, government structure, and population. However, there are some commonalities that impact voting.
  - **Non-Standardized Residential Addresses/P.O. Boxes**
    - Across many reservations, reservation residents lack formal residential addresses.
    - Reservation populations often rely on Post Office boxes for mail; PO Boxes may be shared among family, located a town away, or a substantial drive away, with limited hours.
    - Impacts Voter ID/Reasonable Match, candidate petitions, etc.
  - **Infrastructure**
    - Infrastructure issues vary among reservations. There are issues with access to water, electricity, telephone service, high speed internet, public transportation, and paved roads.
  - **The Native American Population is Young**
    - 2010 U.S. Census: 32 percent of American Indians are under the age of 18, compared to only 24% of the total population who are under the age of 18. The median age for American Indians and Alaska Natives on reservations is 26, compared to 37 for the entire nation.

# NAVRC Survey Results – AZ

- **Low levels of political engagement**
- **Low level of Trust in Government**
  - Tribal
    - 56% trust                      43% don't trust
  - Federal
    - 22% trust                      77% don't trust
  - State
    - 28% trust                      71% don't trust
  - Local
    - 16% trust                      83% don't trust
- **Reasons for not voting**
  - Too busy
  - Forgot
  - Out of town
  - No ride
  - Registration problems
  - No ID

# NAVRC Survey Results – AZ

- **Registration**

- Most have some form of ID to register to vote
- Not many registration services provided to native voters
- Should be offered at public assistance and MVD
  - Not being offered to most voters
- 70% - Not aware of any voter registration drives
- 44% - Difficulty traveling to a place to register to vote
- Hard to describe address
- Lack of access to internet to register online
- Lack of knowledge of where and how to register
- Lack of assistance filling out form

- **Voting**

- 75% prefer voting in person
- Transportation and language barriers
- Lack of ID
- Lack of translations
- Lack of trust that early ballot will be counted

# NAVRC Field Hearings

- **General factors discouraging participation**
  - Distrust
  - A single bad experience attempting to register to vote or to cast a ballot is often enough to permanently disenfranchise a Native voter
- **Isolating conditions** – Geographic/Roads/technology/Educational/Socio-Economic
  - Illiteracy Rate
    - Navajo-speakers: 25 percent (19.1 times the national rate)
    - Apache-speakers: 6.8 percent (5.2 times the national rate)
- **High poverty rate**
- **Lack of resources and funding**
- **Residential features** – low rate of home ownership/Higher rates of homelessness
  - HUD found that if couch surfing did not occur in the Navajo Nation, between 42,000 and 85,000 Navajo people living on tribal lands would be homeless
- Non-traditional mailing addresses

# Arizona Native Vote Election Protection Project

- Non-partisan effort to protect to ensure that all voters have an equal opportunity to participate in the political process
- Partners: ASU Indian Legal Clinic, NABA-AZ, ITCA, and NCAI
- **Election Day Efforts:**
  - Election Protection Volunteers stationed at polling locations on/near tribal lands to assist voters and collect data on incidents.
  - Legal Mobile Volunteers to visit multiple polling locations on/near tribal lands.
  - On-Call Attorneys for Tribes.
  - Native Vote Hotline housed in the Indian Legal Clinic at ASU College of Law to assist voters statewide on Election Day.

# Importance and Need for Election Protection

- Native American Voters Have Historically Been Disenfranchised at the polls
- Attempts to Discourage and Prevent Native Voters and Candidates
- Changing Legal Standards
- Protect Native Americans From Voter Intimidation and to Ensure Native Voting Rights





# Purpose of Election Protection

- To help voters resolve
  - ID Problems
  - Polling locations
  - Registration Lists
- To collect data illustrating the obstacles voters face as they head to the polls
- Use data to resolve issues prior to elections

# Proposition 200: Arizona Taxpayer and Citizen Protection Act

- Ballot Proposition 2004
- Requires proof of citizenship to apply for public benefits
- Changed procedures for voting at the polls
- Changed procedures for registering to vote

## AZ Voter ID law

- Who *must* show ID?
  - Anyone voting at the polls on election day
- Who does not need to show ID?
  - Early voters
  - On election day, voters dropping off or completing early ballots at a polling place

# Regular Ballot requirements

- Voter must show one form of photo ID with name and address OR
- Two forms of non-photo ID with name and address OR
- Mix & Match: One form of photo ID with one form of non-photo ID

# AZ Tribal Id (non-exhaustive list)

1. Tribal identification or enrollment card issued by a federally recognized Indian tribe, nation, community, or band, tribal subdivision or BIA
2. Certificate of Indian Blood issued by a Tribe or BIA
3. Voter registration card for tribal elections
4. Home site assignment lease, permit or allotment issued by a Tribe or BIA
5. Grazing permit or allotment issued by a Tribe or BIA

# Provisional ballots

- **Regular Provisional Ballot**
  - If name or address on ID do not match the information in the precinct register or photo does not reasonably resemble voter
- **Conditional Provisional Ballot**
  - If voter provides no ID or only one form of non-photo ID

# Native American Provisional

- A Native American voter who provides one form of tribal ID (photo or non-photo) with the voter's name (address not required) receives a regular provisional ballot
- Ballot will be counted after signature match



# Voter ID

- Help America Vote Act: All voters should receive a ballot.
- ID issues to watch out for:
  - Misapplication of voter identification laws leading to voters receiving incorrect ballots or being improperly turned away
  - Voters not having the required identification
  - Signature Rosters/Voter Rolls not having both the physical addresses and mailing addresses
  - Interpretation of “Reasonably Match” or “Reasonably Appear” for nontraditional addresses

# Native Vote Training Video



# Problems with Provisional Ballots

- Arizona law requires voters to be in the proper precinct for their provisional ballot to count
- Poll workers giving a provisional ballot without telling voter it will not count if they are not in the correct precinct
- Poll workers failing to direct voters to the proper precinct
- Poll workers failing to make sure that the provisional ballot envelope is completed correctly
- Voters not being provided with the toll-free number required by HAVA informing them whether their ballot was counted

Reason for Provisional	Number of Ballots
No Identification	391
Not Registered	11,266
Late Registration	3,278
Registration Cancelled	521
Wrong Precinct	3,549
Wrong Jurisdiction	10
Early	770
Incomplete Form	888
Missing Ballot	12
No Signature	79
Illegible	57
Could Not Confirm	
Multiple Ballots	
Not Eligible, empty, spoiled	

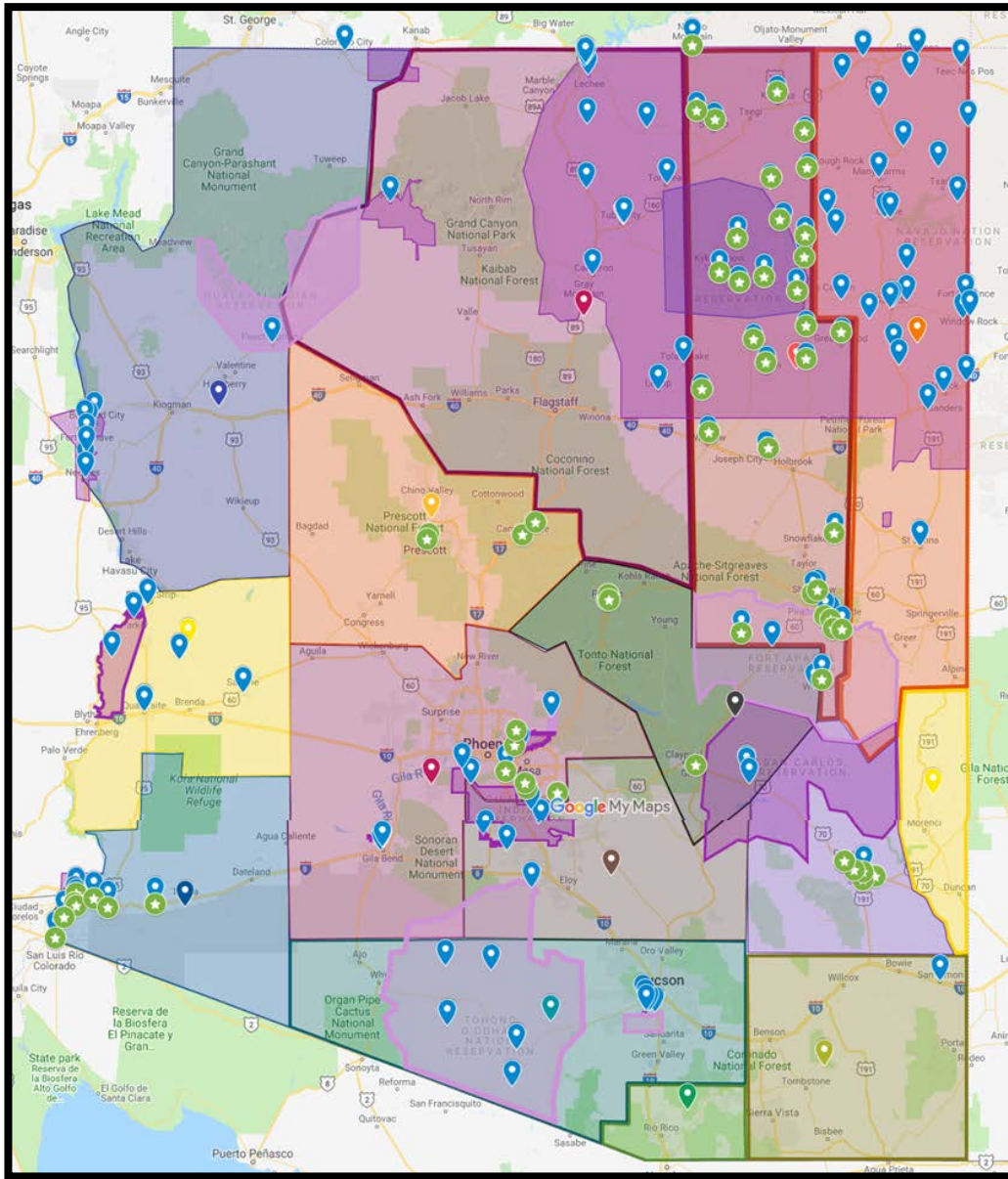
## Provisional Ballots 2016 Data

- Total Provisional Ballots Cast:
  - 100,098
- Provisional Ballots Rejected:
  - 22,817 (23%)
- Provisional Ballots Counted:
  - 77,281 (77%)

\* Data excludes Santa Cruz County\*

# Polling Locations in Indian Country 2018

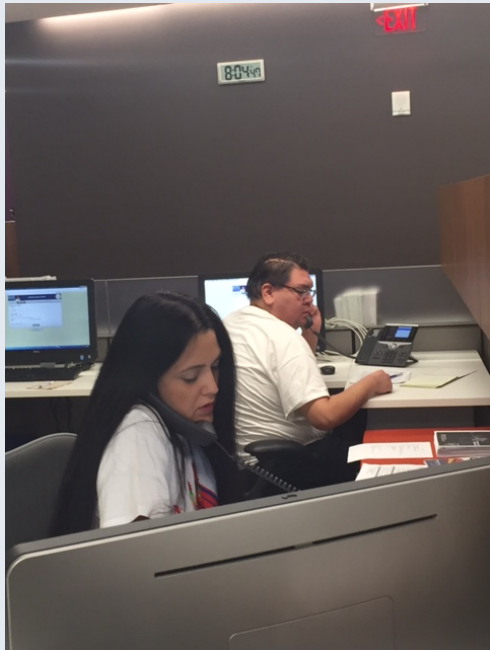
- Key:
  - Blue Markers: Polling Location
  - Green Markers: Vote Center
  - Purple Areas: Tribal Lands
  - Multi-Color Markers: County Boundaries
- Polling Locations:
  - 138 Polling Locations on/near Tribal Lands
- Vote Centers
  - 60 Vote Centers on/near Tribal Lands in Arizona
    - Most in Navajo County
    - Maricopa, Gila, Yavapai, and Yuma Counties also had vote centers



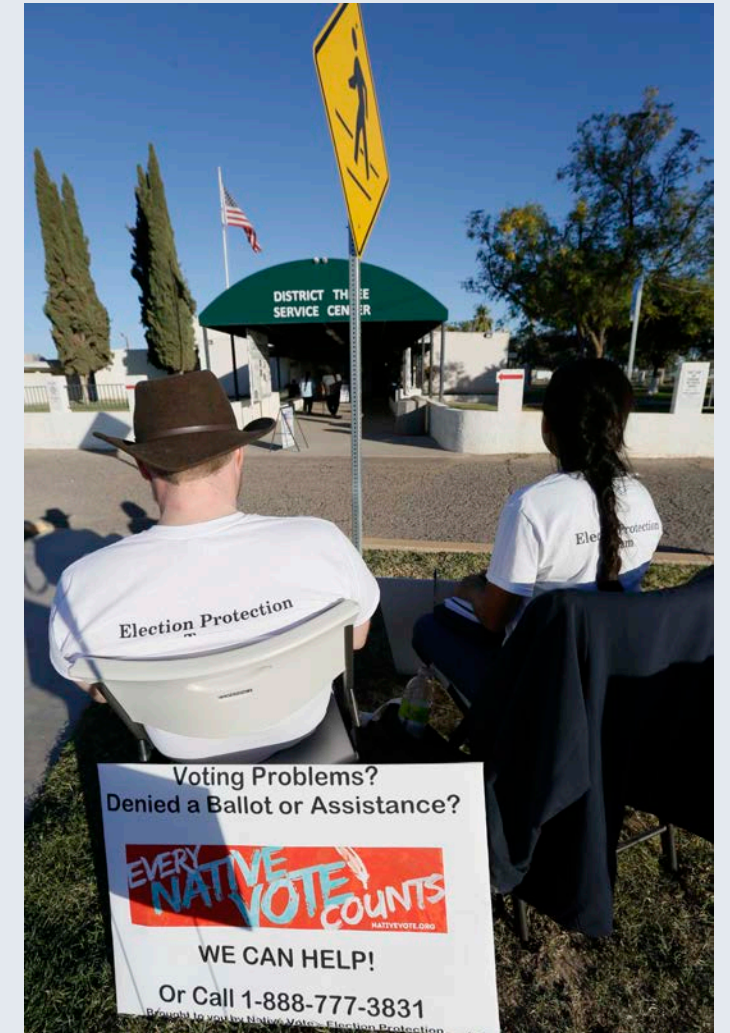
Map: [https://www.google.com/maps/d/u/o/viewer?mid=1oGXDU\\_mLxeswgmjTPGI\\_MANvLBa7RAPjB&ll=35.793817774662074,-115.76354437987663&z=6](https://www.google.com/maps/d/u/o/viewer?mid=1oGXDU_mLxeswgmjTPGI_MANvLBa7RAPjB&ll=35.793817774662074,-115.76354437987663&z=6)

# NATIVE VOTE OVERVIEW AND IMPACT

- Coordinated Trainings
- Hotline
- Legal Mobile Volunteers
- On-Call Attorneys



*Native Vote  
Protection  
Squad*



# Native Vote Impact: 2016 and 2018

## Native Vote 2016

- **VOLUNTEERS:**
  - 85 Volunteers
    - 60 Stationed Outside of 22 Polling Locations
    - 7 Legal Mobile Volunteers
    - 7 Counties
    - 14 Tribal Communities

## Native Vote 2018

- **VOLUNTEERS:**
  - 56 Volunteers
    - 42 Stationed Outside of 22 Polling Locations
    - 7 Legal Mobile Volunteers
    - 7 Counties
    - 12 Tribal Communities
  - Trained Four Directions' Volunteers on Navajo Reservation

# Native Vote Impact: 2016 and 2018

## Native Vote 2016

- **INCIDENTS:**
  - 112 Incidents Reported
    - 98 Incidents at Polling Location

## Native Vote 2018

- **INCIDENTS:**
  - 180 Hotline Calls
  - 44 Self-Reported Incidents at Polls



# 2016 Election Issues

- ADDRESS ISSUES
- OUT-OF-PRECINCT VOTING
- ID ISSUES
- ACCESSIBILITY FOR DISABLED VOTERS
- INTIMIDATION
- POLLS NOT OPEN ON TIME
- MACHINE MALFUNCTION
- VOTERS DROPPED FROM THE ROLLS
- POLL WORKER TRAINING ISSUES

## 2016 Incidents

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- **Accessibility**

- Voter brought her elderly/disabled parents to vote but there were no handicap parking spots and they could not access the building. She voted but her parents did not.
- A group of elderly voters went to the polls together. When they exited their van, they could not navigate the parking lot with canes and walkers. They returned to the van without voting.
- Extremely dark outside the polling location. Voters had difficulty finding the entrance.
- Lack of ramp access; voter needed three bystanders to help carry them in.

- **Equipment Issues**

- No paper ballots were available and the machine broke down. Two voters left without voting and did not return.
  - Machines were malfunctioning.
  - Ballot machines were not working.
  - Voter had to wait an hour for a ballot because of a machine malfunction.
- **203**
    - Interpreter had difficulty using the machines and caused delays; poll workers said they received insufficient training on the machines.

## Incidents Reported 2016 (Cont.)

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### • **Intimidation**

- Border Patrol parked outside of polling location in Guadalupe.
- Poll Watcher taking pictures of voters while voting.
- Tribal police parked outside of polling location.
- Voter told that he was not on the voter list and refused to give him a provisional ballot after numerous requests; voter felt racial animus.
- Voter had a visible gun within the 75 – foot line.

### • **Non-Standard Address Issues**

- Voter had PO Box on ID so poll worker informed voter that address did not match. Voter registered with her P.O. Box as well as her residential address.

### • **Voter Identification**

- Voters were told that they needed a voter registration card to vote. Several people were denied a ballot for not having the voter registration card.
- Voter had moved so her address did not match her Tribal I.D.
- Voters given a provisional ballot without poll workers asking them if they had another form of identification that could get them a regular standard ballot.

## Incidents Reported 2016 (Cont.)

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### • Procedural Failures

- Voter arrived to the polls at 6 a.m. and no poll workers were there.
- Poll Marshall attempted to close the polls early and prevent voters in line from voting. He misrepresented the time to attempt to prevent them from voting.
- Line to vote passed the 75 foot line.
- Voter denied a ballot and not offered a provisional ballot.
- Voter went to one precinct, then was told to go to another precinct where she was not on their roll either.
- Voters had always voted in one location but were told that they needed to vote at a different polling location. Some voters left without voting and did not go to the other

locations.

- Over an hour and a half wait to vote.
- Voting machine was placed too close to the line; voting was not confidential.
- Polling locations took down signs instructing voters where to vote before the polls were closed.

### • Voter Roll Issues

- Voter attempted to vote and told not on the rolls, so forced to vote provisionally even after confirmed the voter's registration status.
- Voters listed as "dropped."

# Top Reason for 2018 Calls

- Verify Registration
- Determine whether Early Ballot was Received
- Verify Polling Location
  - Confusion between tribal and state precincts
- Confusion regarding Out-of-Precinct Voting – i.e. Navajo citizen temporarily living in Maricopa County for work

# 2018 Types of Incidents

- Early Ballots – Misplaced, Missing Ballot envelopes
- Vote center forced voters to vote provisionally
- Denied a ballot
- Machine Issues/Equipment
- Intimidation
- Wrong polling place
- Language Assistance
- Voter ID Issues
  - Address Match Issues
  - Not accepting Tribal IDs

# Incident Data By County 2018

## Recorded Call Data

County	Number of Calls
Apache	2
Coconino	10
Gila	1
Maricopa	18
Navajo	7
Pima	3
Pinal	7
Yavapai	2
Unknown	16

## Long Form Data

County	Incidents
Apache	10
Maricopa	17
Mohave	1
Navajo	2
Pima	3
Pinal	8

# Incident Data by Tribe 2018

## Recorded Call Data

Tribe	County	Number of Incidents
Gila River	Maricopa	6
	Pinal	6
	Unknown	1
Navajo Nation	Apache	1
	Coconino	8
	Navajo	5
	Unknown/Other	5
Pascua Yaqui	Maricopa	3
	Pima	1
	Unknown/Other	2
Salt River	Maricopa	3
Tohono O'odham	Pima	1
White Mountain	Navajo	1

## Long Form Data

Tribe	County	Number of Incidents
Ak-Chin	Pinal	8
Gila River	Maricopa	8
	Pinal	1
Kaibab Paiute	Mohave	1
Navajo Nation	Apache	9
	Navajo	2
Pascua Yaqui	Maricopa	7
Salt River	Maricopa	3
Tohono O'odham	Pima	3



## Incidents Recorded - 2018

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- **Accessibility**

- Poor lighting in voting area.

- **203 Issues**

No translator available.

- **Ballot Issues**

- Early ballot being rejected and voter forced to re-vote and poll workers would not allow them to copy their early ballot (which was filled out with assistance). Voter ended up not filling out the ballot completely at the poll because she did not know how to vote without her son's help.
- Vote centers giving voters provisional ballots.
- Voters turned away for out-of-precinct voting at a vote center.
- Voters wrongly given a provisional ballot.
- Voter (candidate on the ballot) was given the wrong ballot and unable to vote for herself in the race and was unable to re-vote.

## Incidents Recorded - 2018

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- **Equipment Issues**

- Machine failure to print ballots.
- Poll books unable to pull a voter's name on the first try, but after a few tries the name shows up.

- **Intimidation**

- Voter was at the wrong polling location. Voter felt that the poll worker chose to publicly embarrass the voter for it. Another poll worker offered a provisional ballot; voter was embarrassed and left without voting.
- Poll workers being impatient with disabled/elderly voters; embarrassing them.

- **Misinformation**

- Voters turned away for out-of-precinct voting at a vote center.
- County Elections Department telling the hotline that vote centers are only for dropping off out-of-precinct ballots, not voting out-of-precinct in person on Election Day.
- Voter told that they could not vote at a vote center.
- Voters turned away without being offered a provisional ballot.
- Voter told she could not vote because she was the "suspense list."
- Voter was told she could not vote because she had not voted in several years.

## Incidents Recorded – 2018 (Cont.)

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- **Non-Standard Address Issues**

- Gila River Indian Community Voters were assigned addresses that did not reflect their residential address or P.O. Box.
- Voters were sent back and forth between polling locations; each polling location telling the voters that they were not on the rolls.
- Voter's precinct was reassigned to Sells, despite the voter living in a different district within the Tohono O'odham Nation.
- Voters unable to manually enter their address into check-in the kiosk.

- **Voter Identification/Address Issues**

- Voter identification with P.O. Box listed was denied regular ballot.
- Tribal identification was rejected (primary and general election).
- Voter told that to vote with tribal ID they would have to combine it with another document.
- Driver's license did not match the voter roll. Voter was unable to match it with a bill.

# CAUTION

- New laws
  - ID at Early Voting
  - All Vote by Mail Systems
  - Other Measures to Reduce Voting Access
- ADA as a pretext to undermine voting access and to close or deny polling locations on reservations

# Common Individualized Barriers to Voting

*Re-occurring barriers to voting are those that have an individualized impact.*

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- **Socioeconomic Issues**

- High Poverty Rate
- Distance.
  - lack of public transportation, private transportation, or lack of funds to pay for gas
    - (For example, a voter who living on the Navajo Nation Reservation in Kayenta, Arizona would need to travel six hours round trip to Holbrook in order to vote early if they missed the 25 hours of early voting on the Reservation).

- **Access to identification.**

- Voters who do not have a car or cannot drive often do not have a drivers license because they do not have a need for one.
- Bank statements and utility bills may not be in their name either.
- Some elders lack birth certificates.

# Common Systemic Barriers to Voting

*Re-occurring barriers that impact a population of voters primarily caused by policy, procedure, or implementation of elections.*

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- **Unequal Access to Early Voting**

- Lack of on-reservation early voting polling locations
- Early Voting Polling Locations closing during the advertised hours of operations.
- Many reservation early voting locations were open for one day and often for less than 8 hours
- Off-reservation early voting locations were open for multiple days.

- **Minority Language Assistance Problems**

- **Non-Standardized Reservation Addresses/Voter Roll/Voter Database Issues**

- There is no uniform way each county handles non-standard reservation addresses.
- Changing a voter's precinct based on the P.O. box without notifying the voter.
- Creating addresses for voters that cannot be matched to any form of identification.
- Polling locations failing to check all voter rolls before denying a voter.
- Poll workers enforcing an "exact match" standard instead of the "reasonable match" standard.

# Common Systemic Barriers to Voting (Cont.)

*Re-occurring barriers that impact a population of voters primarily caused by policy, procedure, or implementation of elections.*

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- **Tribal Identification Rejected at the Polls**
  - Poll workers unfamiliar with valid forms of tribal ID.
  - Failing to provide a ballot after a voter presents tribal ID.
  - Tribal ID being rejected for being incompatible with kiosk check-in.
- **HAVA**
  - Turning away voters without offering provisional ballots.
- **Voter Registration**
  - Native American voters are often registered to vote at lower rates.
  - There can be difficulty registering to vote because of lack of internet access to register online or knowledge re: voter registration process.
  - Lack of interest in voting by Native American voters.

# Potential Solutions to Increase Voting Access

- Tribal Liaison w/SOS Office.
- Expand early voting hours/locations.
- Expand vote centers and out-of-precinct voting options.
- Train poll workers assigned to on-reservation polling locations on Tribal ID and reservation addresses/P.O. boxes.
- Interpretation of “Reasonable Match” must be broad to protect the rights of the voter.
- Host Voter Registration Drives
  - Check Registration Address, Party Status, PEVL



# Potential Solutions

## Communication – Early and Often

- Meetings between Tribe/County
  - Create an Outreach Plan that Works for Your Community
  - Learn about deadlines for requesting additional services
  - Work with County to recruit tribal poll workers
  - Request Voter Registration Drives at Tribal Events
  - Identify Issues and Problem Solve, such as
    - IDs,
    - address issues, and
    - ballot access

# Potential Solutions: Tribal Efforts (Finding 3 – NAVRC Field Hearing)

- Efforts by tribal governments must supplement, not replace, efforts by non-tribal election officials
- Tribal governments need to give their support to:
  - Educate potential voters about the importance of participating in non-tribal elections
  - Register voters
  - Prepare voter information guides, such as those used in some New Mexico Pueblos, that are appropriate to the educational, cultural and language needs of tribal members and provide information about candidates and ballot measures and their impact on tribal members
  - Grass-roots organizing and community organizing efforts
  - Get Out the Vote
- Assign In-House Counsel to serve as Election Protection Volunteer