Vote By Mail: An Impossible Hurdle in Many Native American Communities

Adapting Elections in a Pandemic:
Covid-19 and Beyond
ABA Presentation
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Quick Takeaways:

Increased Vote by Mail is Great!

**All** Vote by Mail is **Not** Great!

We must provide safe, in-person voting options, especially in rural and high poverty areas.
Vote By Mail is Not a Panacea

For example:

• Lower income and minority groups tend to move more often and suffer from increased homelessness so have more trouble receiving a ballot

• No Election Day Registration with Vote By Mail

• Some persons with disabilities need touch screens and audio ballots

• Language assistance is unavailable
Native Americans Disenfranchised By Vote By Mail: A Closer Look
Throughout the country, many homes on reservations do not have addresses or have “non-traditional addresses” that do not use a street name. **The postal service does not deliver to these homes, so many Native Americans cannot receive ballots at their homes.** Additionally, some precincts prohibit the delivery of election materials to non-traditional addresses. Countless Native Americans cannot safely vote from home and would be disenfranchised entirely by an all vote by mail system.
Non-Traditional Mailing Addresses – Not Just Native Americans

The Census Bureau defines non-traditional mailing addresses as “noncity-style addresses,” such as “those that do not contain a house number and/or a street name.” Examples include:

- General delivery
- Rural route and box number
- Highway contract route and box number
- Post office box only delivery

Non-traditional mailing addresses also include:

- Location descriptions (House on the right past the red barn)
- Structure points (geographic coordinates)
- Census geographic codes such as state code, county code, census tract number, and census block number
Not Just Impossible, Also Unreasonably Difficult to Vote By Mail in Indian Country

A Housing Crisis: Homelessness, Over-crowding, Moving Homes
There is a severe housing crisis on reservations. It is not uncommon to have 15 people sharing a home. People move from couch to couch because they have no home of their own. Native Americans also suffer from disproportionately high rates of homelessness.

Precarious housing makes both voter registration and the delivery of mailed ballots difficult.

Some state laws prohibit ballots to be mailed to a home with more than one family.
In 2017, for the 11,000 members of the Northern Arapaho Tribe in Wyoming there were just 230 reservation homes (averaging nearly 48 people per home). 55% of tribal members were considered homeless because they are couch surfing.

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.
Most states pull signatures from Driver’s Licenses. However, for example, in North Dakota some Standing Rock members have to travel 131.6 miles roundtrip to get to the nearest DMV. Without a driver’s license Native voter’s signatures are not on file with the state and cannot be easily matched with their mail in ballot if a signature match is required. In-person registration is required to provide the signature to match.
Rural Post Offices Do Not Substitute At Home Vote by Mail

Will still require travel, and an in-person interaction to pick up and return ballot to the Post Office
Post Offices are prohibitively far from Native communities (20 - 50 miles away)
Rural Post Offices are open limited hours (Tuesday from 8AM-Noon)
P.O. Boxes Require a Fee
P.O. Boxes Are Limited in Number
• Multiple people (10 +) are sharing a P.O. Box
• One person will do a “mail-run” to minimize the burden of travel
• Mail will touch multiple hands
• Long lapses between picking up and receiving mail
• Circuitous mail routes mean long delivery times
  
  Example: When voters on Navajo return their ballot, instead of going straight to the Coconino County elections office in Flagstaff, it is routed through Phoenix
Solutions in time of Covid-19: In-person Voting

• Consult with Tribes to Designate Polling Locations and use Native community poll workers

• In Person-Voting Options Must be Safe
  • Early voting options to minimize crowds
  • Curbside voting
  • PPE and distance between voters
  • Set-aside times for vulnerable and elder populations
  • Offer language assistance

• Mobile Voting Stations and Registration
  • Provide Access 20 miles from homes
  • Offer language assistance
For Native Americans That Can Vote By Mail

• Allow for Election Day postmarks for ballots to be considered timely
• Increase ballot drop boxes so no voter has to go further than 20 miles
• Pay for postage
• Provide ample notice to cure signature match issues
• Allow for ballot pick up and drop off for others
Novel Solutions: Tribally Designated Building

- Washington, an all vote by mail state, did not see an increase in voter turnout among Native Americans in transition to vote by mail. Turnout remains low.
- This year, Washington implemented a Native American Voting Rights Act that utilizes tribally designated buildings that allow tribal members to use a tribal building to register, pick up, and drop off ballots.