RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments to enact legislation to remove voting barriers for Native Americans and Alaska Natives by:

(1) Providing equal access to voter registration and polling sites for Native American and Alaska Natives to increase Native American and Alaska Native access at each stage of the voting process;

(2) Ensuring equal treatment for Tribal identification by directing election officials and voting precincts to treat Tribal identification cards like state and local identification cards for purposes of voting and registering to vote;

(3) Requiring jurisdictions to give notice and obtain consent from Native Americans and Alaska Native Tribes before eliminating the only polling location or voter registration site on tribal lands; closing or moving a polling place or voter registration site to a location one mile or further from the current location; or other aspects of election administration; and

(4) Requiring adequate language assistance by directing states to consult with Tribes on appropriate methods for furnishing instructions, assistance, and other information related to registration and voting under Section 203 of the Voting Rights Act; and

FURTHER RESOLVED, That the American Bar Association urges the federal government to improve voter outreach and access in Indian Country by:

(1) Providing Tribal leaders a direct pathway to request Federal election observers;
(2) Requiring the United States Department of Justice to conduct annual voting consultation with Indian Tribes; and

(3) Establishing a Native American Voting Rights Task Force under the Office for Civil Rights at the Office of Justice Programs of the Department of Justice, in coordination with the Department of the Interior, to provide grant funds to Tribal and state consortia for purposes of boosting Native voter registration, education, and election participation in Tribal communities; and

FURTHER RESOLVED, That the American Bar Association urges Congress to pass the Native American Voting Rights Act of 2019 (H.R. 1694; S. 739), or similar legislation, which removes voting barriers and improve access to voting for Native American and Alaska Native voters.
I. Introduction

The American Bar Association has a history of encouraging and supporting efforts to increase voter participation. This resolution builds upon prior resolutions to ease voter participation, increase voter registration, and encourage efforts to make the opportunity to vote easier consistent with ABA Resolutions 11A121 and 99A104.

The right to vote is “a fundamental political right, because [it is] preservative of all rights.” For Native Americans, exercising that fundamental right to vote is too often extremely difficult if not impossible. The Indian Citizenship Act in 1924 made all Native Americans citizens of the United States. However, the franchise was not secured that year. In 1948, Native Americans in New Mexico and Arizona litigated their right to vote. Utah and North Dakota became the last states to afford on-reservation Native Americans the right to vote in 1957 and 1958, respectively. Although by the 1960’s the denial to the right to vote was no longer express in law, other barriers and practices were implemented to disenfranchise Native Americans. Native Americans in Arizona, for example, were not able to fully participate in voting until 1970 when the United States Supreme Court upheld the ban against using literacy tests as a voter qualification. The Voting Rights Act bolstered the Native American franchise by preventing pernicious voting laws and practices from being implemented; however, the Supreme Court in 2013 invalidated the preclearance formula of the Voting Rights Act thus undermining enforcement of its provisions.

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1 11A121 (Resolution committing ABA to support efforts to improve voter registration practices).
2 99A104 (Resolution seeking to increase number of persons registered to vote).
4 The term “Native American” and “Indians” used in this resolution refer to Native Americans and Alaska Natives.
The Native American Voting Rights Coalition (NAVRC) conducted a survey and held a series of hearings across Indian Country documenting problems with voter access. The NAVRC findings revealed the following obstacles, among others:

(A) a lack of accessible registration and polling sites, either due to conditions such as geography, lack of paved roads, the absence of reliable and affordable broadband connectivity, and restrictions on the time and place that people can register and vote, and the manner in which people can register and vote, including unequal opportunities for absentee, early, mail-in, and in-person voting;
(B) nontraditional addresses for residents on Indian reservations, which make voter registration, acquisition of mail-in ballots, and securing required identification difficult, if not impossible;
(C) inadequate language assistance for Tribal members, including lack of outreach and publicity, the failure to provide complete, accurate, and uniform translations of all voting materials in the relevant Native language, and an insufficient number of trained bilingual poll workers; and
(D) voter identification laws that discriminate against Native Americans.

Today, the Native American right to vote is undermined by the proliferation of election laws and policies that enact new barriers, change the landscape of elections, and confuse voters all to the detriment of democracy. The goal of this resolution is to ensure that the privileges of citizenship and the rights of Native Americans are safeguarded. Legislation removing barriers to Native American voting is vital for the fulfillment of Congress’ “unique obligation” toward Indians, particularly ensuring that Native American voters are fully included as “qualified members of the modern body politic.” See Board of County Comm’rs v. Seber, 318 U.S. 705, 715 (1943).

The Resolution is consistent with the ABA commitment to increase voter participation and minimize voter suppression. It calls on Congress to adopt legislation that (1) establishes a Native American Voting Rights Task Force, (2) requires jurisdictions to give notice and obtain consent from Tribes prior to changing polling locations on their respective reservations, (3) requires adequate language assistance under Section 203 of the Voting Rights Act, (4) provides Tribal leaders a direct pathway to request Federal election observers, and (5) requires the United States Department of Justice to conduct annual voting consultation with Indian Tribes. It also requires state, local, territorial, and tribal jurisdictions to (1) provide equal access to voter registration and polling sites, (2) ensure equal treatment of Tribal identification when registering to vote and when voting, (3) ensure that voters living in Tribal communities with non-standard residential addresses are not precluded from registering to vote or voting due to their addresses, and (4) ensure that voters without home mail delivery, who rely on post office boxes, have equal access to the ballot and are not subject to mail-only elections.

II. Supportive ABA Policies

The American Bar Association has long supported efforts to increase voter participation, in fact the predecessor entity to the Standing Committee on Election Law was a Special Committee on Election Law and Voter Participation. This proposed resolution fits squarely within long standing Association efforts and policies to increase voter registration and to encourage voter participation by lawyers.

In line with this policy proposal, ABA Resolution 79M127\(^{10}\) supports the enactment of legislation that encourages voter participation and urges the state and local bars to aid the ABA in improving voter participation. The ABA also encourages lawyers' voter participation in Resolution 89A124B\(^{11}\), as well as asks lawyers to assist employees of their offices to participate in the election process.

Especially pertinent to the goal of this resolution is ABA Resolution 93A116\(^{12}\), which supports efforts to ensure the participation of homeless persons in the electoral process. It states that election regulations regarding residency determination should not prevent registration and voting by homeless persons who are otherwise qualified to vote. Recognizing the reality of residency in Indian Country, the leniency is critical to limiting voter suppression of minority groups and is consistent with previous ABA policies.

There are several ABA resolutions that work to improve the voter registration process, including 99A104\(^{13}\), 11A121\(^{14}\) and 90A300\(^{15}\). Resolution 90A300 supports efforts to increase voter registration and encourage efforts that make the opportunity to vote easy and convenient. Additionally, there are existing ABA resolutions concerning enhancing the Voting Rights Act. Resolutions 05A108\(^{16}\), 06BOG2.3\(^{17}\) and 13A10E\(^{18}\) serve to reauthorize the Voting Rights Act of 1965 and preserve voting rights by legislating a coverage formula.

III. Barriers to Voting

There are 573 Federally Recognized Tribes in the United States and hundreds more State Recognized Tribes. The 2010 census found that 5.2 million people identified as American Indian/Alaska Native alone or in combination.\(^{19}\) The largest concentrations of Native

\(^{10}\) 79M127.
\(^{11}\) 89A124B.
\(^{12}\) 93A116.
\(^{13}\) 99A104.
\(^{14}\) 11A121.
\(^{15}\) 90A300.
\(^{16}\) 05A108.
\(^{17}\) 06BOG2.3.
\(^{18}\) 13A10E.
\(^{19}\) National Congress of American Indians, Tribes & Transportation: Policy Challenges and Opportunities, (November 13, 2013).
Americans/Alaska Natives are found in Alaska (19.5%), Oklahoma (12.9%), New Mexico (10.7%), South Dakota (10.1%), Montana (7.9%), North Dakota (6.4%), Arizona (5.5%), Wyoming (3.3%), Washington (3.0%), and Oregon (2.9%).

American Indians and Alaska Natives nationally are registered to vote at lower rates than non-Hispanic whites, respectively, 26.5% to 34%. As a result, 1.2 million eligible Native American voters are missing from the electorate. Furthermore, voter turnout for Native Americans is 1 to 10% lower than the rate of other racial and ethnic groups. As a consequence, Native Americans are underrepresented in the electorate and in government.

Access to the polls and participation in the political process are impacted by isolating conditions such as language barriers, socioeconomic disparities, lack of access to transportation, lack of residential addresses, lack of access to mail, the digital divide, and distance.

Beyond the barriers that exist day to day, Native Americans continue to bear the brunt of new election laws such as voter ID laws. Additional barriers include precinct-based voting system, lack of polling locations on or near Tribal lands, racial gerrymandering, voter intimidation, and racial hostility.

IV. Socioeconomic Barriers

Many Native Americans and Alaska Natives face obstacles in voting as a part of their socioeconomic reality. Nationally, the poverty rate of Native Americans was measured at 28.8% in 2014. Less than half the homes on Tribal lands have access to broadband.

An additional problem impacting many Native Americans is homelessness or near homelessness due to extreme poverty and lack of affordable housing on many reservations. A study by Housing and Urban Development found that between 42,000 and 85,000 people in Tribal areas are couch surfers, staying with friends or relatives only because they had no place of their own. This lack of permanent housing impacts the ability of these Tribal members to have a permanent physical address.

20 Id.
22 Id.
23 Id.
V. Establishing a Native American Voting Rights Task Force

State and Federal Elections are implemented by states and their political subdivisions. The states and their subdivisions do not have authority or jurisdiction on Tribal lands but have the responsibility to provide polling locations for voters living on Tribal lands. Tribal leaders do not have representation or authority over these political subdivisions. States and their subdivisions often neglect to provide the additional effort and funding to increase access to voter registration and voting locations for Native Americans on Tribal lands, and Tribal leaders cannot preemptively compel them to do so. Consequently, Native American voters fall to the wayside and remain under-registered, are left in the informational-dark regarding elections, and turn out to vote in lower numbers.

Congress should establish a Native American Voting Rights Task Force so that States and political subdivisions are better financially and politically equipped to implement policies and efforts to ensure that Native Americans have equal access to voting at all stages.

VI. Accommodating Non-Standard Residential Addresses

Many Native Americans and Alaska Natives live in rural communities where standard residential addresses do not exist. Residents' homes are usually described in terms of landmarks, cross roads, and directions. Residents rely on P.O. Boxes to receive their mail and do not have the luxury of home mail delivery. For day-to-day life, this is manageable. When voting, this becomes a barrier in jurisdictions with only vote-by-mail elections, and for voting processes that do not accommodate non-standard addresses in voter registration or in voter ID requirements.

For example, in October 2018, a month before the midterm elections, a voter ID law went into effect in North Dakota that required voters to have residential addresses with the approval from the Supreme Court. For the six reservations located in North Dakota, residential addresses did not exist. The Secretary of State told the Tribal leaders that they could call the County 911 coordinator and be assigned an address, but this was a meager solution given that the reservations span multiple counties thus creating inconsistencies and confusion. For Sioux County, where the Standing Rock Sioux Tribe is located, the 911 coordinator is the County Sheriff which posed a deterrent for community members wary of law enforcement. On October 12, when a Standing Rock Sioux Tribal member called to determine her residential address the Sheriff told her that he was transporting prisoners and could not assign addresses that day.

28 Id.
29 Id.
31 Id.
assigned an address corresponding to a nearby bar, exposing that Tribal member to fraud if he voted based on that addresses.\textsuperscript{32}

As a result, North Dakota Tribes had to create emergency plans to produce addresses and corresponding IDs for their members. They kept their offices open for extended hours and began providing free IDs to Tribal members, to the point where the Turtle Mountain Band of Chippewa’s ID machine overheated.\textsuperscript{33} Although the Secretary of State never explicitly endorsed the Tribes’ plan, the Tribes were left with no other options and had to undertake the extraordinary effort in order to ensure that their tribal members could vote.\textsuperscript{34}

Native American and Alaska Native Voters should not face barriers to voting simply because they do not have a standard residential address. Such requirements for registering and voting in state elections demonstrate a disregard for voters living in Tribal communities and a misunderstanding of the realities of these communities. A residential address cannot be a prerequisite to a right as fundamental as voting and laws should be enacted to guarantee as much.

\textbf{VII. Ensure Equal Access to the Ballot for Voters Without Home Mail Delivery}

Native American and Alaska Native voters often do not have at-home mail delivery services and instead have to travel to P.O. Boxes. P.O. Box hours on many reservations are limited to the regular business day and are only open until noon on Saturdays. Regular trips to the P.O. Box can be half a day’s effort due to distance between the home and the Post Office. Consequentially, voting by mail is not a realistic option for voters in Tribal communities. For jurisdictions that conduct mail-only elections or seek to, this could result in wholesale disenfranchisement of Native Americans and Alaska Natives.

For example, in Alaska the state began looking into a vote-by-mail system.\textsuperscript{35} Alaska Native voters voiced grave concern because mail delivery to many Alaska Native villages can take 2-3 weeks via air service, but inclement weather can delay mail services even longer.\textsuperscript{36} Given that state and federal elections are held in October and November, the chances of inclement weather are even higher making mail-in elections even more concerning.\textsuperscript{37}

Furthermore, Native Americans in Arizona, New Mexico, Nevada, and South Dakota have a low level of trust in mail-in voting.\textsuperscript{38} This distrust is rooted in the irregularities of the mail

\textsuperscript{32} Id.
\textsuperscript{33} Id.
\textsuperscript{34} Id.
\textsuperscript{36} Id.
\textsuperscript{37} Id.
delivery services in Tribal communities because voters do not have faith that the mail will be delivered timely; this creates a preference among many Native American and Alaska Native Voters to vote in person.\textsuperscript{39}

Native American and Alaska Natives should not be limited to voting by mail. Aspects of election administration, such as registration or dissemination of election information, should not be limited to mail either. Further, many Native American language translations are only provided orally, requiring in-person language translations of the ballot, which cannot be provided by mail. The law should ensure that voters living in Tribal communities have equal access to all aspects of the election that is not reliant on inconsistent, irregular, and unreliable mail services.

\textbf{VIII. Providing Equal Access to Voter Registration and Polling Sites}

Native Americans and Alaska Natives do not have the same access to voter registration and polling locations as off-reservation voters, and voter turnout for Native Americans and Alaska Natives is the lowest in the country, as compared to other groups. The barriers to registering to vote and reaching polling locations are inherently mired by the lack of broadband, the poor conditions of roads in Indian Country, and lack of transportation. These barriers are further exacerbated by the apathy of election administrators to overcome these problems or to accommodate Native American voters.

For Alaska Native voters, in 2008, the Alaskan government eliminated polling locations for Alaska Native villages as part of a “district realignment” that resulted in voters having to travel by plane in order to vote.\textsuperscript{40}

For the Kaibab Paiute Tribe in Arizona, voters had to travel 280 miles one way in 2016 and 2018 in order to vote early in person. The Pyramid Lake and Walker River Paiute Tribes in Nevada had to sue the state of Nevada before the 2016 general election in order to get polling locations on the reservation.\textsuperscript{41}

Native American voters have a right to equal access to early voting and in-person early voting in their own communities and this needs to be included in law. Tribal governments should not be forced to resort to begging or litigating in order to ensure that their members have equal access to the polls. Legislation ensuring that Native Americans have a statutory right to voter registration and polling sites in Native communities will reduce these barriers.


\textsuperscript{40} Natalie Landreth, \textit{Why Should Some Native Americans Have to Drive 163 Miles to Vote?}, The Guardian (June 10, 2015), available at \url{https://www.theguardian.com/commentisfree/2015/jun/10/native-americans-voting-rights} (“Imagine if you had to take a plane flight to the nearest polling place because you cannot get to it by road, which was the case for several Native communities in 2008, when the state of Alaska attempted a “district realignment” to eliminate polling places in their villages. And that’s just half the trip”).

\textsuperscript{41} Jennifer Solis, “Tribes get their own polling places, some for the first time,” Nevada Current (Oct. 31, 2018).
IX. Ensuring Equal Treatment for Tribal Identification

There are 35 states in the United States that require some form of identification at the polls when voting. Some states do not explicitly include Tribal Identification amongst their Voter ID requirements and in other states that do, often voters with Tribal ID are wrongfully rejected at the polls due to insufficient poll worker training. Rejecting Tribal forms of identification hinders Native American voters who often lack access to state forms of identification and do not have the access to transportation or funds to acquire state forms of ID.

Native American and Alaska Natives living in jurisdictions with Voter ID laws should not be subject to the indignities of having their Tribal ID rejected and being denied the opportunity to vote. The validity of Tribal IDs should not be questioned. Legislation mandating equal treatment for Tribal identification, putting them on par with other forms of accepted identification, will ensure that Native Americans are not unduly burdened by voter identification requirements. Tribal IDs should be accepted as valid IDs when registering to vote and voting even if the Tribal ID lacks a residential address or an expiration date.

X. Requiring Jurisdictions to Give Notice and Obtain Consent

Polling location decisions are often made without the input of Native Americans and Alaska Natives Tribes. Tribal governments do not have the power to determine polling locations in their communities. When States and political subdivisions decide to change polling locations or other aspects of election administration without Tribal notice and consent, Tribal communities are often left with the burden to overcome barriers.

For example, in 2018 Pima County, Arizona, decided to no longer provide early voting to the Pascua Yaqui Tribe. Tribal members then had to take buses and travel two hours to vote early in person off the reservation.

To ensure that Native Americans have access to voter registration and polling places, Tribes should have the opportunity to request voter registration or polling places on the reservation. Before closing, moving a polling place or voter registration site to another location one mile or further from the existing location, or decreasing the number of hours a site is open, the jurisdiction providing election services should consult with the Tribe and obtain consent.

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44 Id.
By requiring that state governments and political subdivisions give notice and obtain consent before making any changes to polling locations, Tribal communities can have the stability and reliability of consistent polling locations, making voting easier.

XI. Requiring Adequate Language Assistance

There are 357,409 Native Americans and Alaska Natives residing in 57 jurisdictions covered by Section 203 of the Voting Rights Act, which requires that language assistance must be provided for all phases of the voting process. However, some jurisdictions fail to provide effective language assistance.

For example, in Alaska there are 14 census areas that are covered by Section 203 and must provide language assistance in one or more Alaska Native languages. In 2014, after a lawsuit brought by Alaska Native citizens, the United States District Court found that Alaska failed to provide Alaska Natives with voting information equivalent to what English-speaking voters were provided in the covered languages of Gwich’in or Yup’ik.

On the Navajo Nation (which spans Arizona, New Mexico, and Utah), over seventy percent (70%) of the voting age population speaks a language other than English. In 2018, Navajo Voters were unable to read and believed that no one was able to translate, orally, the instructions for casting an early ballot. This resulted in Navajo voters returning early ballots, unsigned, resulting in litigation filed by the Nation.

States and subdivisions should be required to provide adequate language assistance by consulting with Tribes on appropriate methods for furnishing instructions, assistance, and other information related to registration under Section 203 of the Voting Rights Act. Providing in-person translations for the ballot alone are insufficient, when voters have a right to translations related to all aspects of voting.

XII. Providing Tribal Leaders a Direct Pathway to Request Federal Election Observers

Rights secured in law need to be guaranteed by enforcement of those laws. Unfortunately, rights assured by the U.S. Constitution, the Voting Rights Act, the Help America Vote Act, or state law are regularly violated due to insufficient poll worker training or harassment and intimidation at the polls on election day. Voters are regularly denied a ballot despite presenting lawful identification or not offered a provisional ballot.

In order to protect the integrity of elections, the Native American vote, and to instill trust in the government among Native American voters, Tribal leaders need a direct pathway to request Federal election observers from the Department of Justice to observe polling locations in Tribal communities. The VRA should be amended to allow Tribes an

opportunity to submit complaints to the Department of Justice identifying “efforts to deny or abridge the right to vote under the color of law on account of race or color, or in contravention of [the language minority provisions of the Voting Rights Act] are likely to occur.” Federal Observer reports should be publicly available minus any personally identifiable information.

XIII. Requiring Annual Consultation with Indian and Alaska Native Tribes

The right to vote is a federal right as well as a right of state and local citizens. The right is continually under threat. In 2015, the Department of Justice recommended legislation to improve access to voting for American Indians and Alaska Natives. However, despite an awareness of continuing voting rights violations for Native Americans and Alaska Natives, the Department of Justice has not brought a case on behalf of Native American voting rights in nearly 20 years. Requiring the Department of Justice to consult annually with Native American tribes and Alaska Native tribes will ensure that the Department of Justice is consistently made aware of voting rights violations in Tribal communities but also function to create accountability among the Department of Justice to Tribal governments directly. This will facilitate long term cooperation and enforcement of voting rights.

XIV. Conclusion

The federal government has a trust responsibility to ensure that Native Americans have equal access to the ballot as all other Americans. Recent studies and findings demonstrate that many barriers exist to impede the right to vote for Native American voters.

As concerned Americans and members of the legal profession, and as the voice of the legal profession, it is imperative that the American Bar Association take steps to ensure that all citizens have the ability to exercise their right to vote, if they so choose, and be free of any improper impediment to do so. We should take affirmative steps to encourage citizens to choose to exercise their right, privilege and responsibility to vote. Legislative efforts to remove voting barriers for Native Americans and Alaska Natives are consistent with previous ABA policies.

Respectfully submitted,

Wendy K. Mariner
Chair, Section of Civil Rights & Social Justice
February 2020
1. **Summary of Resolution(s).**

This Resolution calls on federal, state, territorial and local governments to remove barriers to Native American and Alaska Native voter registration and participation, and to establish measures to ensure protections for Native American and Alaska Native voting rights.

2. **Approval by Submitting Entity.**

   The Section of Civil Rights and Social Justice approved sponsorship of the resolution during its Fall Meeting in Atlanta, Georgia on October 26, 2019.

   The Standing Committee on Election Law approved cosponsorship of the resolution by email on November 13, 2019.

   The National Native American Bar Association approved cosponsorship of the resolution during its Meeting on November 18, 2019.

   The Commission on Disability Rights approved cosponsorship of the resolution during its Commission Meeting on November 15, 2019.

   The Commission on Homelessness and Poverty approved cosponsorship of the resolution by email November 20, 2019.

   The Section of State and Local Government Law approved cosponsorship of the resolution by email on November 18, 2019.

   The Commission on Hispanic Legal Rights and Responsibilities approved cosponsorship of the resolution by email on November 20, 2019.

   The Coalition on Racial and Ethnic Justice approved cosponsorship of the resolution by email on November 20, 2019.

   The National Conference of Specialized Court Judges approved cosponsorship of the resolution on November 14, 2019.

3. **Has this or a similar resolution been submitted to the House or Board previously?**

   N/A
4. **What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?**

   Over the last forty years the ABA has supported policy that promotes greater and more equal access to voting, and this Resolution builds upon and strengthens existing policy, including Resolutions 79A127 (voter participation), 93A116 (homeless persons participation), 90A300 (voter registration), as well as existing ABA resolutions concerning enhancing the Voting Rights Act, including Resolutions 05A108, 06BOG2.3 and 13A10E.

5. **If this is a late report, what urgency exists which requires action at this meeting of the House?**

   N/A

6. **Status of Legislation.**

   Native American Voting Rights Act of 2019 (H.R. 1694; S. 739)

7. **Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.**

   We will work with relevant stakeholders within and outside of the American Bar Association and the Governmental Affairs Office to implement the policy.

8. **Cost to the Association.**

   Adoption of this proposed resolution would result in only minor indirect costs associated with Section staff time devoted to the policy subject matter as part of the staff members’ overall substantive responsibilities.

9. **Disclosure of Interest.**

   N/A

10. **Referrals.**

    Center for Human Rights  
    Commission on Homelessness and Poverty  
    Commission on Racial & Ethnic Diversity in the Profession  
    Commission on Youth at Risk  
    Government and Public Sector Lawyers Division  
    Law Practice Division  
    National Conference of Federal Trial Judges
Section of Litigation
Standing Committee on Legal Aid & Indigent Defense
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EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution calls on federal, state, territorial and local governments to remove barriers to Native American and Alaska Native voter registration and participation, and to establish measures to ensure protections for Native American and Alaska Native voting rights.

2. Summary of the Issue that the Resolution Addresses

Access to voting is a fundamental right as it ensures the capacity for representation and participation. Native Americans and Alaska Natives have continually faced barriers to this fundamental right via (a) inadequate access to polling and registration places due to geography, insufficient broadband connectivity, or travel and transportation obstacles, (b) federal and state address requirements that do not accept reservation addresses, (c) language barriers including insufficient translation and language assistance, and (d) voter identification laws that discriminate against Tribal identification methods.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This Resolution aims to remove barriers faced by Native Americans and Alaska Natives to voter registration and participation by providing sufficient access to polling and registration sites at each stage of the voting process, notifying Tribal leaders and obtaining consent prior to changing polling and registration locations, providing adequate language assistance, and accepting all forms of Tribal identification.

Further, this Resolution seeks to establish a Native American Voting Rights Task Force under the Office for Civil Rights at the Office of Justice Programs of the Department of Justice, in coordination with the Department of the Interior, and to establish straightforward procedure for Tribal leaders to request federal election observers. Additionally, the Resolution urges the United States Department of Justice to conduct yearly consultation with Tribal leaders regarding voting access.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

N/A.