



PRESS RELEASE

Native American Voters File Voting Rights Act Suit Challenging North Dakota Voter ID Requirements

Bismarck, ND – On January 20, 2016, seven Native Americans from North Dakota filed suit under the Voting Rights Act and the U.S. and North Dakota Constitutions challenging North Dakota’s recently enacted voter ID law on the grounds it disproportionately burdens Native Americans and denies qualified voters the right to vote.

The plaintiffs are challenging North Dakota House Bills 1332 and 1333, which require North Dakota voters to present one of only four qualifying IDs with a current residential address printed on it in order to vote. Before enactment of these laws, North Dakota required a poll clerk to request an ID, but a voter without one could still vote if the clerk vouched for their qualifications or the voter signed an affidavit of identity. While other states also have voter ID requirements, North Dakota is the only state without a fail-safe provision, such as provisional balloting that allows a voter to produce their ID within a few days of the election or an affidavit of identity. Additionally, North Dakota’s list of acceptable IDs is much more limited than other states, which allow U.S. passports and military IDs to be used.

Many Native Americans living on Indian reservations in North Dakota do not have qualifying IDs, such as driver's licenses or state ID cards containing a residential address. Thus, in both the primary and general election in 2014, many qualified North Dakota Native American voters were disenfranchised because their IDs did not list their residential address.

The lawsuit alleges that North Dakota’s new voter ID requirements limit the right to vote arbitrarily and unnecessarily, and disproportionately burden Native American voters in North Dakota. The burdens are substantial for a number of Native Americans who cannot afford to drive to the nearest driver’s license site (“DMV”). There are no DMV locations on any Indian reservations in North Dakota, and for many Native Americans, a DMV location may be over 60 miles away. Many Native Americans live below the poverty line, and do not have dependable access to transportation or cannot afford travel to a distant DMV location.

“As a veteran who served this country, I know how important it is to vote,” explained plaintiff

Richard Brakebill. “But I wasn’t permitted to vote in 2014 because my address wasn’t listed on my ID. That was very upsetting.” Elvis Norquay, another plaintiff who is a veteran added: “I felt bad about being turned away from the polls at the last election. It is my right to vote for whomever I want. I shouldn’t be turned away just because I didn’t have my address listed.”

The plaintiffs are represented by The Native American Rights Fund (“NARF”), Richard de Bodo of Morgan, Lewis & Bockius LLP, and Tom Dickson of the Dickson Law Office. NARF won important Voting Rights cases in Alaska in 2010 and again in 2015, establishing that the State of Alaska should be required to provide greater language assistance to voters who speak Alaska Native languages.

ABOUT THE NATIVE AMERICAN RIGHTS FUND

The Native American Rights Fund is a non-profit organization that has been protecting the legal and sovereign rights of tribes and Native people within the American legal system for 45 years. NARF is headquartered in Boulder, Colorado with offices in Anchorage, Alaska, and Washington, D.C.

Any questions can be directed to attorney Matthew Campbell at (303) 447-8760



NATIVE AMERICAN RIGHTS FUND
1506 BROADWAY
BOULDER, CO 80302
(303) 447-8760