

# **Voting Barriers Encountered by Native Americans in Arizona, New Mexico, Nevada and South Dakota**

## **Survey Research Report**

### **The Native American Voting Rights Coalition**

**January 2018**

In 2015, the Native American Rights Fund created the Native American Voting Rights Coalition (NAVRC) on the advice and with the assistance of NEO Philanthropy. Its primary goal was to assess the extent to which Native peoples face unique difficulties and challenges in attempting to register and vote in non-tribal elections. In late spring 2016, the Kellogg Foundation provided funding for the NAVRC to conduct survey research among Native Americans living primarily on reservations and in rural parts of Nevada, South Dakota, New Mexico and Arizona.<sup>1</sup> The primary responsibility for research in Nevada and South Dakota was undertaken by Four Directions with assistance from Claremont Graduate University faculty and students. The primary responsibility for the research in Arizona and New Mexico was undertaken by the Navajo Nation Human Rights Commission, the Inter Tribal Council of Arizona, and the Native America Voters Alliance of New Mexico, with the assistance of the staff of Fair Elections Legal Network.<sup>2</sup>

Over the past decade, a range of new state registration and voting laws and practices have been implemented under the label of “ballot security.” These include:

- Restrictions on the hours, days and places that people can register and vote.
- Requirements that people provide government issued identification before voting
- The removal of eligible voters from the lists of registered voters

Opponents of these measures argue that these laws disenfranchise large numbers of African Americans, Latinos, the poor, the elderly and the young.<sup>3</sup> Somewhat surprisingly, less attention has been paid to whether Native Americans face substantial barriers in trying to register and vote in non-tribal elections. The survey research for this project represents the first effort to identify in a comprehensive way barriers confronted by members of rural Native American communities in

---

<sup>1</sup> A sub-group of the NAVRC was given the task of designing survey instruments that could be used in the different states. The sub-group was convened by Jon Sherman from the FELN and it included Bret Healy and OJ Semans from Four Directions, Laughlin McDonald from the ACLU and political scientists Dan McCool and Jean Schroedel. Suggestions also were provided by attorneys, most notably Natalie Landreth from NARF, Jim Tucker and Bryan Sells, as well as from Tribal leaders in the four states.

<sup>2</sup> These four states were chosen for several reasons, including their histories of voting rights litigation, the size of the Native American populations, reports of unequal access, and their electoral importance.

<sup>3</sup> See, for example, Brennan Center for Justice. 2012. *Voting Rights & Elections*. New York: New York University School of Law. [http://www.brennancenter.org/content/section/category/voting\\_rights](http://www.brennancenter.org/content/section/category/voting_rights). Accessed 1/25/2013. For up-to-date data on the different state laws, see the National Conference of State Legislatures. *Voter Identification Requirements*. Washington, DC: NCSL. [http://ncsl.org/research/elections\\_and-campaigns/voter-id.aspx](http://ncsl.org/research/elections_and-campaigns/voter-id.aspx).

Nevada, South Dakota, Arizona and New Mexico. The principal goal of NAVRC is to ensure that Native Americans have an equal opportunity to register and vote, but before remedial actions can take place to address problems, we must first develop a better understanding of those problems; that is the genesis of this study. We need a complete understanding of the types of barriers that Native Americans face in trying to access the ballot box. The information provided by this survey will be the foundation of a reform agenda to begin to address the problems identified.

The survey questions were grouped into five categories: 1) voter eligibility, 2) political engagement, 3) registering to vote, 4) voting, and 5) demographic information. Since the project's aim was to determine registration and voting barriers affecting Native Americans, individuals who were not potentially eligible to vote were excluded from participation. The *political engagement* questions are designed to measure the level of political participation and perceptions of political efficacy. With respect to political participation, questions about different forms of political engagement, as well as voting in tribal and non-tribal elections were included. Political efficacy questions either measure the extent to which respondents trust government institutions and leaders to be responsive to their concerns or the degree of confidence that respondents have in their understanding of politics and ability to influence outcomes.

Questions covering *registering to vote* were designed to identify a respondent's level of knowledge about how and where to vote in their state and whether they encountered administrative, legal or personal barriers, and if there were simply personal reasons for choosing not to register. Questions on the voting process were designed to identify a respondent's knowledge about voting, experiences with voting, and reasons for not voting; the latter includes questions about possible barriers, personal, legal and administrative. They were also asked to evaluate the degree of trust they have about whether their votes count when using different forms of voting.

The final questions focused on demographics, identifying socio-economic factors, and using geographic information to estimate travel distances to locations where people can register and vote. Also, because mail-in voting has become a bigger factor in registering and voting, we identified the use of PO boxes and the travel distances necessary to access mail.

## Overview of Findings

These surveys have clarified a number of major issues that contribute to the difficulty many Native Americans face trying to exercise their right to vote. There is a very low level of trust in local government. The responses make it clear that Native voters face multiple difficulties when they attempt to register to vote and cast a ballot. These include a lack of information on how and where to register and vote, a lack of convenient options, long distances to travel, low levels of access to the Internet, and some local officials and poll workers who are hostile, unhelpful, ill-informed or intimidating.

### Trust in Government

- Elections are largely run locally. Great levels of distrust exist between the Native American population and local and state government. Lack of trust in government means less trust in the election process. Research has shown that there is a strong correlation between trust and the willingness of citizens to participate in electoral politics.<sup>4</sup> The surveys indicated trust in local government ranged from 19% in New Mexico, 16% in Arizona, 11% in Nevada to only 5% in South Dakota. These data make it clear that local governments need to improve their relationship with tribes. NAVRC should focus future research efforts on understanding this low level of trust and developing strategies to improve it.

### Overall voter participation

Levels of participation were relatively high (although some people may overstate this, not wanting to admit they do not vote)<sup>5</sup>:

- Surveys done before the 2016 general election showed 56% of South Dakota respondents and 60% of Nevada respondents said they voted in non-tribal elections (although these folks could also be referring generally to past state and federal elections including Presidential elections.)
- Surveys done after the 2016 general election showed 65% of Arizona respondents and 69% of New Mexico respondents said they voted in the presidential election.<sup>6</sup>

---

<sup>4</sup> Although some early research showed only a slight relationship between political trust and electoral participation, more recent studies that also explored linkages between trust and related variables showed a significant relationship between political trust and voting. See, for example, Wang, Ching-Hsing. 2016. "Political Trust, Civic Duty and Voter Turnout: The Mediation Argument." *Social Science Journal* 53(3): 291-330 and Hooghe, Marc. Forthcoming 2018. "Trust and Elections," in Eric Uslander, ed. *The Oxford Handbook of Social and Political Trust*. New York: Oxford University Press.

<sup>5</sup> These findings and the overall registration numbers below can also be overstated by the self-selection of some of the respondents (those more engaged with tribal government and with the mobility to get to tribal centers where much of the surveys were collected).

<sup>6</sup> The proportion of respondents in Nevada and South Dakota stating they had voted in 2012, as well as the proportion stating they generally vote in non-tribal elections, is roughly the same as the national data on voting turnout among registered voters. The proportion of respondents in Arizona and New Mexico who said they voted in 2016 as well as the proportion stating they generally vote in non-tribal elections, is roughly the same as the national data on voting

## **Voter Registration**

Voter registration rates were similar to overall non-Native state numbers but there may be some overstatement here as well.

- Arizona: 72%
- New Mexico: 71%
- South Dakota: 71%
- Nevada: 69%

But this means 30% of the Native American populations surveyed were not registered. The data make it clear that NAVRC and tribes must focus their efforts at increasing the rate at which Native American register to vote.

## **Problems encountered in registration**

Some people did not know how or where to register. It was the number one reason cited in all four states. The second most cited reason in all four states at a fairly consistent rate was missing the deadline, and the third was a lack of interest in politics. Thus, another goal for NAVRC is to increase Native interest in participating in the governing process.

Not knowing what to do and missing the deadline, as well as other reasons cited, such as not understanding the forms or difficulty in traveling to registration sites, can be largely overcome by registration drives by third parties or elections officials, and properly functioning Division of Motor Vehicles (DMV) and social service agencies that are required by federal law to help their clients register when they interact with their office.

The surveys found that there were very few voter registration drives in the Native community compared to other communities of color, and a low level of compliance with the National Voter Registration Act (NVRA) requirement that clients at DMVs and social service agencies must offer voter registration assistance to anyone they are helping.

Of the four states, it was clear that Arizona and New Mexico were not complying with the NVRA requirements of DMV and social service agencies to affirmatively offer to help clients register to vote at each interaction with the agency. Only 42% of Arizona respondents indicated they were asked about registering at the DMV and 35% at social service agencies. In New Mexico, a state that has been sued over its non-compliance with the NVRA, 29% indicated they were asked about

---

turnout among registered voters. However, one must be careful about interpreting survey responses to questions asking whether people voted. Voting is considered to be a socially desirable behavior and researchers have found a consistent pattern of survey respondents over-stating their propensity to vote. Depending upon the population, the over-voting bias ranges from 11% to more than 50%. See Bernstein, Robert, Anita Chada, and Robert Monjoy. 2001. "Overreporting Voting: Why It Happens and Why It Matters." *Public Opinion Quarterly* 65: 22-44; Cassell, Carol. 2003. "Overreporting and Electoral Participation Research." *American Politics Research* 31(1): 81-92; Silver, Brian, Barbara A. Anerson, and Paul R. Abramson. 1986. "Who Overreports Voting." *American Political Science Review* 80: 631-624.

registration at the DMV and 29% at social services. South Dakota was better with respondents indicating 61% had been asked at the DMV and 44% at social services. In Nevada, the numbers were 73% at DMVs and 28% at social services. NAVRC and tribes must work to ensure that state and local agencies are meeting their legal obligations in assisting all people to register.

### **Registration Drives**

Given the lack of awareness of “how and where” to register to vote, Native American communities would benefit from voter registration drives that reach out to the community where they live, where they congregate and where they gather at institutions they trust. The surveys indicated that most respondents were not aware of any voter registration drives in their community. There were generally low levels of activity by third-party groups to conduct registration drives, with just 29% of Arizona and 33% of New Mexico respondents indicating awareness of third party registration drives. Slightly higher numbers were recorded in South Dakota (44%) and Nevada (43%). Clearly, more “get out the vote drives” need to be organized to increase turn out.

### **Non-traditional addresses for many reservation residents create additional registration problems.**

It is important to understand that many Native American people do not have a traditional street addresses. This can create significant problems in registering to vote, and voting. Some respondents without traditional addresses had trouble describing where they live on the registration form.

Arizona and New Mexico’s voter registration forms provide a space to draw a map locating the nearest intersection, but the spaces are small, and this method often leads to registrars arbitrarily assigning a precinct that may be inappropriate and may result in that person not showing up on that precinct’s voter list.

Arizona, New Mexico and Nevada all have online registration, which can be beneficial to people living far from the registrar’s office, but only if they have broadband Internet, a working computer, and an Internet connection. Many of the respondents in these surveys live in rural areas, but online registration is seldom used by Native Americans in any of these states. Surprisingly, in Arizona, which has had online registration for more than 15 years and where 40% of all registrations were done online in 2016, only 6.7% of Arizona respondents registered online. In New Mexico, where the system is relatively new, only 3.3% of the Native American respondents registered online, and in Nevada 5.1% registered online (as opposed to 21% of all registrants).

### **Voting problems**

Most of the U. S., including all four of the survey states, have expanded early voting and mail-in absentee voting options. However, those options are not being chosen by many Native Americans. Most people in Native communities vote in-person. There appears to be little familiarity with

mail-in options and less trust in the process. For those that discussed mail-in voting, some mentioned that a ballot had never arrived, some mentioned difficulty in describing their voting addresses, and some did not understand how to fill out the ballot. Clearly, mail-in balloting presents significant difficulties for some Native American voters. This difficulty could be compounded by a trend toward all mail balloting in some jurisdictions.

### **Voter Identification Requirements**

- Generally, access to voter ID was not a problem and, with the exception of Arizona, the states did not require a strict form of ID. ID for voting and proof of citizenship for registration are required in Arizona, but those requirements appear to have little impact because the vast majority of potential Native American voters surveyed had access to the required IDs. In Arizona, 89% of respondents had an Arizona driver's license that can be used as proof of citizenship for registration (69% had a copy of their birth certificate). And most of those respondents who lacked a valid *photo* voter ID in Arizona had a combination of two non-photo IDs that can be used to vote under the law.

### **Distances impacted registration and voting**

As in most rural communities, distances can create difficulty for residents trying to conduct official business or, in this case, registering and voting. That was true for both registering to vote and voting. When those unregistered respondents were asked what problems impacted their decision not to register, they gave multiple reasons, but long distance needed to travel to register was cited in 10% of responses in New Mexico, 14% in Arizona, 26% in Nevada and 32% in South Dakota.

Travel distances also played a role in problems encountered with in-person voting. Respondents were asked to list all problems encountered with in-person voting. Of the issues cited, difficulty in traveling to the polling place was mentioned by 10% of respondents in New Mexico, 15% of those in Arizona, 27% of those in Nevada, and 29% of those in South Dakota. It is clear from these data that increasing the number of registration and voting locations in order to reduce travel times is a crucial element in the effort to provide Native Americans with equal access to voting.

### **Limited English language or difficulty understanding the ballot**

A relatively small number of respondents cited language as a problem in voting (between 3 and 4 percent) in all states, though higher percentages identified as limited English-proficient. Those numbers are probably slightly higher in the roughly half of all Arizona and New Mexico respondents representing members of the Navajo Nation in Arizona and New Mexico. Others cited a general problem understanding the ballot as well, which might be impacted by language proficiency as well. However, even small percentages of language-challenged voters can be significant in close elections. Thus, in some areas of the four states, language assistance programs are critical to assuring that all Native Americans have access to the polls.

In sum, this survey research is the first comprehensive, multi-state study of the potential problems and challenges facing Native American voters. The data clearly indicate that there are a variety of problems, each requiring a different strategy in order to resolve it. There is clearly a need for tribes, with the assistance of NAVRC and other Native organizations, to implement a multi-pronged strategy to improve access to polls, with the overall goal of assuring that Native Americans have an equal opportunity to participate in that most fundamental of all rights, the right to vote.

# Nevada and South Dakota NAVRC Survey Results

## The Nevada Case Study

### Introduction:

From early August through mid-September 2016, researchers from Four Directions and Claremont Graduate University traveled to Nevada. The plan was to survey Tribal members in the following communities: Reno-Sparks Indian Colony, Fallon-Paiute Reservation, Washoe Reservation, Yerington Reservation, Pyramid Lake Reservation, Duck Valley Reservation, Elko Bank Walker River Reservation, and the Las Vegas Paiute Reservation. Tribal leaders in each location arranged for the survey administration to be publicized through the posting of flyers and through Facebook, and local people assisted with the surveys in the different communities.<sup>7</sup> People were surveyed at Indian Health Service clinics, senior centers, a smoke shop, a food bank, a youth center, and tribal administration headquarters. Approximately 90% of the people who were asked to participate agreed to do so.

### Demographics of the Nevada Sample:

The publicity generated by tribal leaders resulted in more people showing up at the designated sites to take the survey. Nearly a thousand tribal members took the survey—far more than the planned 600 people in Nevada, the team ended up surveying 1,052 Tribal members in the state.<sup>8</sup> The overwhelming majority of the respondents identified their tribal affiliation as either Paiute or Shoshone, although there also were small numbers of people from other Tribes (Chippewa, Cherokee, Sioux, Choctaw, Chumash, Apache, Ho Chunk, Hopi, Kiowa, Salish, Mohawk, Ute, Osage, Oneida, Potawatomi, Pima, Sac and Fox, Seneca, and Zuni).

Women were over-represented in the sample, comprising nearly two-thirds of survey takers. The age break-down was more representative: 22% age 60 to 93 years, 62% age 30 to 59 years, and 16% age 18 to 29 years. People were asked whether they had ever had the right to vote taken away because of felony convictions, and if so, whether it had been restored. Among the Nevada respondents, a total of 35 (3.34%) were felons whose right to vote had been restored.

---

<sup>7</sup> The following is a listing of Tribal leaders, who assisted with this effort: Daryl Crawford (director of ITCN), Arlen Melendez (chairman of the Reno-Sparks Indian Colony), Andrea Harper (director of the RSIC health clinic), Vinton Hawley (chairman of the Pyramid Lake Paiute Tribe), Laure Thom (chair of the Yerington Paiute Tribe), Bobby Sanchez (chairman of the Walker River Paiute Tribe), Deirdre Jones Flood (vice-chair of the Washoe Tribe of California and Nevada), Len George (chairman of the Fallon Paiute-Shoshone Tribe), Alvin Moyle (former chairman of the Fallon Paiute-Shoshone Tribe), David Decker (chairman of the Elko Band), Lindsey Manning (chairman of the Duck Valley Shoshone Paiute Tribe) and Benny Tso (chairman of the Las Vegas Paiute Tribe).

<sup>8</sup> This resulted in there not being as much funding available for survey taking in South Dakota as was planned.



### Qualitative Findings:

We are aware of the limitations of anecdotal evidence, and we are cautious in interpreting that evidence. However, it does provide a sense of the context in Nevada. One of the most striking findings was the large number of respondents who stated they had never thought about whether they had equal access to registration and voting, and this was true of tribal leaders as well as ordinary tribal members. This general lack of awareness suggests that the inequality had become so normalized and so routine that it was not noticed until outsiders (e.g., the survey team) asked the question.<sup>9</sup>

Urban/Rural Differences: There were also pronounced differences between anecdotes expressed in the urban areas as opposed to those on reservations. Urban respondents, particularly in the Reno-Sparks area, were quite adamant in pointing out that they were treated fairly.<sup>10</sup> A woman at the Indian Health Clinic in Reno commented on the urban/rural differences in access, noting that she lived near a polling place in Reno, but that relatives who lived further away on remote reservations did not.

Absentee Ballots: There were numerous stories about absentee ballots not being available to reservation voters. As one person in Fallon, Nevada, stated, “I’m registered to vote, but one day, the ballots just stopped coming.” A person at the Indian Health Clinic in Washoe said that absentee ballots that were being sent in the mail to Republicans were more likely to get lost than those being sent to Democrats.

Removal of Polling Places: There also were stories about polling places being removed from reservations. For example, at the Pyramid Lake Tribe’s headquarters, two middle-aged women separately mentioned they could remember a time in the past when there was a polling place on the reservation and wondered why they now had to travel approximately ten miles to vote. The lack of access to voting seemed to be particularly acute in Duck Valley, where several people noted that the county election officials in Elko were not responsive to requests for more access.

High Levels of Distrust and Cynicism: There were many comments indicating high levels of distrust of government. When asked which level of government they trusted most, quite a few asked how they should respond if they trusted no level of government. Several people also indicated a lack of trust in tribal government, citing nepotism as a problem. A Duck Valley Reservation respondent spoke about how historical trauma had left her people unwilling to participate in non-tribal governance and a staff member at Pyramid Lake Reservation also raised

---

<sup>9</sup> Other evidence of the normalization of racially discriminatory attitudes and practices was noted by team members, who had spoken with non-Native residents in communities, such as Elko. While in Elko they engaged in conversations with non-Natives, who made racially insensitive comments, at the Chamber of Commerce and in the local Wal-Mart. The Wal-Mart also included a section selling t-shirts and sweatshirts for the local high schools, including apparel for the Elko Indians that had a caricatured face of an American Indian man.

<sup>10</sup> At the same time, the team found that the Reno/Sparks Indian Colony was excluded from the boundaries of the city of Reno in a manner akin to what was uncovered in the South Dakota case, *United States v. Day County* (2000).

the issue of how historical trauma has damaged their people and the steps the tribe is taking to address it.<sup>11</sup>

A large number of respondents expressed cynicism and distrust of the two political parties. Two elderly women eating lunch at a senior center in Washoe said that they did not want to vote in this election because neither political party cared about Indians. Others, however, singled Trump out as a threat to Native people. At Pyramid Lake, a staff member said that Trump was “untrustworthy” and only cared about Native people with respect to making money from casinos. A man from Elko recounted the time that he had driven a partisan canvasser from his property, telling the man, “We don’t do that around here.”

Support for the Research: Despite the cynicism and distrust towards government, large numbers of people expressed appreciation for the survey research. The following is what one Claremont Graduate University student wrote about her experience after doing surveys outside of a Yerington smoke shop, “I had a horrible headache by the time I finished surveying and went into the smoke shop to get something to drink. The person behind the counter was Native and made some positive comment about the turn out. My response was that it was a good turn out and important because everyone’s voice matters. The big burly man behind the counter teared up, had to look out the window because he could no longer look at me and said, ‘yes it does matter.’”

Other Evidence of Unequal Access:

Our research in Nevada found that there are 22 offices in Washoe County offering in-person early voting but none of these offices are located on the Pyramid Lake Reservation, which is 95 miles from the county seat. However, people living in Lake Tahoe—many of whom are quite wealthy, only 75 miles from the county seat, have access in their community. Moreover, voting by mail is not easily accessible for Paiutes living on the Pyramid Lake Reservation because the post office in Nixon is only open from 9:30-3:30, Monday through Friday, and a sign there states that mail can only be picked up after 1:30 on those days. In Mineral County, Walker River Paiutes living in Schurz, the Tribal capitol, must travel 70 miles round-trip for access to an in-person voter registration office and in-person early voting site. Nevada law (NRS 293.5237) states that individuals can request that a field registrar travel to their homes to register them if they are ill, disabled or “for other good cause.” However, this is not an option for Native Americans because, according to county election officials, that service is only available when there are “volunteer registrars.” In fact, there is no language in the statute regarding volunteer positions.

---

<sup>11</sup> For more information on historical trauma, see Evans-Campbell, Teresa. 2008. “Historical Trauma in American Indian/Native Alaskan Communities.” *Journal of Interpersonal Violence* 23(3): 316-338. [https://www.ihs.gov/telebehavioral/includes/themes/newihsthem/display\\_objects/documents/slides/historicaltrauma/historicaltraumaintro\\_011113.pdf](https://www.ihs.gov/telebehavioral/includes/themes/newihsthem/display_objects/documents/slides/historicaltrauma/historicaltraumaintro_011113.pdf).

## Nevada Data Analysis

### **Political Engagement:**

Although this study is primarily interested in access to the ballot box, there are many other forms of political participation in which people may engage. Questions about these other forms may provide insights into respondents' general orientation towards political involvement, and their patterns of political engagement. The topics covered in Part I include questions about the broad range of political activity, as well as the reasons why participants choose to vote or not vote. The survey also includes a question exploring the degree of political trust that respondents have in different levels of government. Political trust has often been characterized as a necessary precondition for democratic governance at all levels.<sup>12</sup>

### **Questions Answered by All Respondents**

#### Measure of Political Participation:

To assess the extent to which respondents engaged in non-voting forms of political action, the following question was asked:

Which of the following have you ever done: [Check all that apply]

- Taken part in a demonstration
- Attended a political meeting or a rally
- Donated money or raised funds for a political cause
- Participated in an election campaign
- Signed a petition
- Contacted an elected official in a non-tribal government (federal, state, or local governments)

Table 1 provides data on the number of respondents who have engaged in the different forms of political action. It shows that a large portion of the Nevada respondents have participated in non-electoral types of political behavior. Given that Native Americans are the poorest group within the country, it is not surprising that donating money and fund raising is the least common type of activity, with fewer than one in five respondents having done so.<sup>13</sup> That response is only slightly

---

<sup>12</sup> Measurements of political trust are designed to assess the degree to which citizens support political institutions when there is uncertainty about outcomes. Political trust is learned indirectly and from a distance, but involves the subject (citizen) developing or not developing trust in the object (government institution) over time. For a discussion of the most recent work on political trust, see Zmerlie, Sonja and Tom W.G. van der Meer, eds.. 2017. *Handbook on Political Trust*. Online: Elgar Publishing.

<sup>13</sup> According to the U.S. Census Bureau's 2010-2014 American Community Survey 5-Year Estimates, 25.5% of American Indians/Alaska Natives in Nevada have incomes that place them below the poverty line. Although the Nevada poverty rate for American Indians is slightly below the national average for all American Indians/Alaska Natives, the percent living in poverty is still almost twice as high as the national average for all Americans.

lower than the respondents who attended demonstrations or contacted officials. The most common type of action was signing a petition, which just over 60% had done.

**Table 1. Political Activities**

<b>Political Activity</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Sign Petition	644 (61.39%)	405 (38.61%)	1,049
Attend Meeting/Rally	351 (33.59%)	694 (66.41%)	1,049
Campaign Activities	226 (21.56%)	822 (78.44%)	1,048
Attend Demonstration	223 (21.26%)	826 (78.74%)	1,049
Contact Official	221 (21.09%)	827 (78.91%)	1,048
Donate/Fund Raise	204 (19.45%)	845 (80.55%)	1,049

Propensity to Vote:

The survey included two questions designed to measure how likely respondents were to vote in non-tribal and tribal elections. Since both activities are an indication of civil engagement, the goal was to determine whether there were notable differences between the basic activity of voting, depending upon whether it involved Tribal governance or local/state/national voting.

Table 2 shows the responses to the following question: Do you generally vote in non-tribal elections? \_\_\_Yes \_\_\_No

**Table 2. Voting in Non-Tribal Elections**

<b>Vote</b>	<b>Number</b>	<b>Percentage</b>
Yes	620	59.85%
No	416	40.15%
Total	1,036	100.0%

Table 3 shows responses to the following question: Do you generally vote in tribal elections? \_\_\_Yes \_\_\_No

**Table 3. Voting in Tribal Elections**

<b>Vote</b>	<b>Number</b>	<b>Percentage</b>
Yes	717	69.21%
No	319	30.79%
Total	1,036	100.0%

This demonstrates that the Nevada respondents were substantially more likely to participate in tribal elections rather than non-tribal elections. There is a 9-point difference in their propensity to vote in tribal elections.

Voting in the 2012 Presidential Election:

This survey was conducted in the late summer of 2016, so a specific question was included asking if participants voted in the last presidential election (e.g., the 2012 election), and the reasons why they chose to vote or not vote in 2012. Out of the 1,048 respondents who answered the question about voting in 2012, 621 (59.26%) stated they had voted. <sup>14</sup>

Voters in 2012: The 621 respondents who indicated they had voted in 2012 were asked this follow-up question:

What are the reasons that you voted in 2012? [Check all that apply.]

- It is my duty or responsibility to vote.
- It's my right to vote.
- I think my vote can make a difference in my life.
- I think my vote can make a difference in laws that will affect all of our lives.
- A relative or friend convinced me I should vote but I don't feel strongly about it.
- Other

Table 4 shows the responses to this question.

**Table 4. Reasons for Voting in the 2012 Election**

<b>Reasons Given</b>	<b>Number Marking It</b>
Duty or Responsibility to Vote	375
Right to Vote	506
Vote Can Make a Difference in my Life	366
Make a Difference in Laws	384
Relative or Friend Convinced Me	42
Other	31
Total Number of Responses	1,704

---

<sup>14</sup> As mentioned above, voting is considered to be a socially desirable behavior and researchers have found a consistent pattern of survey respondents over-stating their propensity to vote See footnote 7.

Perhaps the most interesting result is how few of the respondents indicated that they voted because of friend or relative convinced them to do so. Most of the respondents gave civic-oriented responses (duty, responsibility and a right). Large numbers also saw it as an opportunity to make a difference in their own lives or in the lives of the public at-large.

Non-Voters in 2012: In a similar vein, the 427 people who had not voted in the 2012 election were asked to give reasons for their failure to vote. These responses are tabulated in Table 5.

What are the reasons that you did not vote in 2012? [Check all that apply.]

- I wasn't registered
- Illness or disability (own or family member's)
- Out of town or away from home
- Forgot to vote
- Not interested, felt my vote wouldn't make a difference
- Too busy, due to family, work or school responsibilities
- Had trouble getting to the polling place
- Didn't like candidates or campaign issues
- Didn't feel I knew enough about the candidates
- Didn't receive the absentee or mail-in ballot I requested
- There were problems at the polling place
- Other

**Table 5. Reasons for Not Voting in 2012 Election**

<b>Reasons Given</b>	<b>Numbers Marking It</b>
Not Registered	209
Vote Wouldn't Make a Difference	85
Away from Home	72
Too Busy with Other Responsibilities	65
Forgot to Vote	57
Didn't Like Candidates or Issues	51
Didn't Know Enough About the Candidates	51
Other	41
Trouble Getting to the Polling Place	35
Illness or Disability	25
Didn't Receive Absentee Ballot	5
Problems at the Polling Place	1
Total	697

As can be seen in the table, there were many different and possibly inter-related reasons why respondents did not vote in 2012, but not being registered was the single most common reason for not voting. It also is worth noting the significant percentage of respondents who cited reasons related to their lack of a sense of efficacy. The most direct measure of whether respondents have a strong sense of external efficacy is the question about whether voting would make a difference. Eighty-five respondents indicated a belief that their votes would not make a difference. Internal efficacy was measured by the question about whether respondents knew enough about the candidates and issues to make a decision on how to vote. Fifty-one respondents indicated a lack of sufficient knowledge, which is indicative of a low sense of internal efficacy. Interestingly, the same number stated they did not like the candidates or campaign issues.

Trust in Different Levels of Government:

As noted previously, researchers have found a strong positive relationship between trust and the willingness of citizens to participate in electoral politics. American Indians are affected by decisions made by four different levels of government (tribal, local, state and federal). To assess the levels of trust towards each of these government entities, respondents were asked the following question:

Which government do you trust most to protect your rights?

- Tribal
- Local (county or city)
- State
- Federal

Even though this question asked them to choose the most trust-worthy among the four different options, many respondents marked more than one level of government, which suggests they could not choose between the marked options. Some did not choose among the different government entities, which suggests they did not trust any level of government to protect their rights. The data presented in Table 6 shows all of the positive marks given for each of the different levels of government, as well as the survey respondents not marking any level or writing “don’t know.”

**Table 6. Trust in Government to Protect Rights**

<b>Level of Government</b>	<b>Marked as Most Trusted</b>	<b>Percentage of Marked Responses</b>
Tribal	469	41.95%
Local	124	11.09%
State	146	13.06%
Federal	313	28.00%
No Govt./Don’t Know	66	5.90%
Total	1,118	100%

There are two noteworthy findings. First, tribal governments appear to have garnered higher levels of trust than other government entities, but even they fall substantially below 50%. Second, there is very little trust in state and local governments. This is significant since those are the governments responsible for the administration of elections. The federal government, which has responsibility for fulfilling treaty obligations, falls in the middle with lower trust levels than tribal governments, but substantially more than state and local bodies.

### Summary:

The responses, outlined in this section, provide significant insights into the general orientation of Nevada's Native population towards political engagement. While voting continues to be the most well-known form of political participation, the data show that Nevada respondents engaged in other forms of political action, with petition signing garnering the highest positive response (over 60%). While majorities of the respondents stated that they generally voted in elections, the reported participation in Tribal elections was 9 points higher than the reported rate for non-tribal elections. When asked specifically about voting in 2012, the reported rate was nearly identical (59.26%) to the proportion that reported they generally voted in non-tribal elections. When given a range of choices about why one might vote, those who voted in 2012 generally chose civic-oriented responses. Those who did not vote in 2012 cited a number of different reasons, with not being registered the most common response. A substantial number also indicated they did not believe their vote mattered. This sense of alienation was reflected in responses to the question about trust in different levels of government. While tribal governments garnered the highest level of trust, the overall levels were quite low with state and local governments ranking the least-trusted. This is significant because those governments administer elections.

### **Voter Registration in Nevada:**

#### Outreach About Voting Registration:

The most common reason for not voting in 2012 was not being registered, thus it is important to determine whether respondents have been provided with equal opportunities to register. The survey included three questions designed to assess the degree to which people have been presented with opportunities to register for voting in non-tribal elections. Table 7 shows responses to the following three questions:

Has anyone ever conducted a voter registration drive in your community? \_\_\_ Yes \_\_\_ No

Have you ever been asked about registering to vote at the local Department of Motor Vehicles office? \_\_\_ Yes \_\_\_ No

Have you ever been asked about registering to vote at the local public assistance office? \_\_\_ Yes \_\_\_ No



**Table 7. Registration Outreach**

<b>Type of Outreach</b>	<b>Yes</b>	<b>No</b>	<b>Total Respondents</b>
Registration Drive	442 (43.0%)	586 (57.0%)	1,028
Department of Motor Vehicles	763 (73.72%)	272 (26.28%)	1,035
Public Assistance Office	282 (27.65%)	738 (72.35%)	1,020

While all of these forms of outreach are important, this data particularly highlights the significance of “motor voter” legislation. Nearly three-quarters of respondents had been provided information about voting while at the Department of Motor Vehicles office.

Knowledge about Registering:

The survey asked the following two questions designed to assess the level of basic knowledge that people had about registering to vote for non-tribal elections within their community?

Do you know the location of your local election official’s office where you can register to vote?  
\_\_\_ Yes \_\_\_ No

Did you know that Nevada allows someone with good cause to request that a field registrar travel to your home to register you? \_\_\_ Yes \_\_\_ No

Table 8 summarizes the responses to those two questions.

**Table 8. Knowledge about Ways to Register**

<b>Type of Information</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Location of Election Office	716 (68.98%)	322 (31.02%)	1,038
Field Registrar	309 (30.56%)	711 (70.34%)	1,011

While these responses show that slightly more than two-thirds of respondents knew where the local election official’s office was located, there was much less awareness of the possibility of having a field registrar travel to one’s home for the purposes of registering someone to vote. Only 30% of those responding to the question stated they knew about this option, but it is worth noting that the response rate on the question dropped, which also is consistent with a lack of knowledge.

## **Questions Only Asked of Those Registered to Vote**

### **Choice of Registration Mechanism:**

Over the past four decades, election laws have changed dramatically. One of the biggest changes is that eligible voters, depending on where they live, may be presented with a range of different ways to register. Because of federalism, there are significant cross-state differences in the registration options available to citizens. Nevada law provides a number of different ways that people can use to register for voting in non-tribal elections, so it is important to understand which of these options are chosen by Native populations.

Table 9 shows responses to the following question: For the most recent time you registered, do you remember how you registered. Then it listed different ways that people could use to register. Only the respondents, who self-identified as being currently registered, were asked this question.

**Table 9. Most Recent Form of Registration**

<b>Type of Registration</b>	<b>Number</b>
Department of Motor Vehicles	130 (18.49%)
Local Election Official Office	122 (17.35%)
Registration Drive	106 (15.78%)
Mail-In Registration	99 (14.10%)
Don't Remember	88 (12.52%)
Public Assistance Office	58 (8.25%)
On-line Registration	36 (5.12%)
None of the Listed Choices	28 (3.98%)
Another Public Office	18 (2.56%)
Field Registrar	18 (2.56%)
Total	703

The Nevada data shows that respondents have registered using a broad range of the available options. As expected the most common means is through the Department of Motor Vehicles, although several other options (the local election official's office and registration drives) are nearly as common. The least used options are registering at another public office and using the field

registrar. The latter is touted as a mechanism to make registration available for individuals who, due to disability status or other good cause, find it difficult to utilize other options. However, awareness of this option is limited among those surveyed. Also as the research team discovered, the position of field registrar is voluntary and one election official stated they had no one willing to travel to reservations.

Problems in Registering to Vote

Although having a range of options available for people to register is a positive development, it can also create a greater variety of problems in their attempts to register.

Table 10 shows the responses to the following question: Have you ever experienced any of these problems in registering to vote? [Check all that apply]

- It was difficult to travel to the place where I registered to vote.
- It was hard to identify or describe my residence on the registration form because I live at a non-traditional, rural, or remote residence.
- I did not have the required forms of identification.
- It was hard to understand the questions on the form.
- It was hard to communicate with officials because English is not my primary language.
- I needed help but no one would help me.
- A local election official refused to give me a voter registration form.
- A local election official was disrespectful
- I had computer or Internet problems that prevented me from using online voter registration
- I filled out the voter registration form but didn't get a registration card in the mail.
- My voter registration form was rejected.
- Other

Because people were asked to mark any problem that they encountered, the resulting data are useful only as an aggregate measure of the prevalence of specific problems; they do not tell us what percentage of those registered to vote encountered any of these problems. Again, only those registered to vote were asked to respond to this question.

**Table 10. Problems in Registering to Vote**  
(Only Answered by Those Registered)

<b>Type of Problem</b>	<b>Numbers Marking It</b>
Difficult to Travel to Register	102
Did Not Receive Registration Card	55
Hard to Describe Residence	46
Hard to Understand Questions on Form	34
Lacked Required Form of Identification	24

Disrespectful Election Official	19
Needed Help	19
Computer/Internet Problems	18
Other Not Listed Problem	15
Registration Form was Rejected	6
Limited English Proficiency	6
Official Refused to Give Me Registration Form	5
Total Number of Problems	349

These responses illustrate the range of problems that make it difficult for some tribal members to register. Despite being registered the group listed a total of 349 problems that made registering a challenge. The most prevalent response was the difficulty of traveling to places to register. Other problems included failure to receive a registration card through the mail, and difficulties in describing their place of residence. A number of the respondents marked categories, such as being treated in a disrespectful manner, that point to the need for better assistance from election officials,

### **Questions Only Asked of Those Not Registered to Vote**

#### **Reasons for Not Being Registered**

There are many possible reasons why an individual may not be registered to vote. These include access issues, as well as issues related to the person’s views about political participation. The non-registered respondents were asked to identify the reasons why they were not registered to vote at the time when the survey was administered.

Table 11 shows the responses to the following question: What are the reasons you are not registered to vote? [Check all that apply]

Did not meet registration deadline for this election

- Did not meet registration deadline for this election
- Did not know where or how to register
- Did not meet residency requirements/did not live here long enough
- Permanent illness or disability
- Difficulty with English
- Not interested in the election or not involved in politics
- My vote would not make a difference
- Did not want to deal with non-Native election officials
- Other reason

**Table 11. Reasons for Not Being Registered**

(Only Answered by Those Not Registered)

<b>Reason for Not Being Registered</b>	<b>Number Marking It</b>
Not Interested in Election or Politics	133
Not Where or How to Register	102
Vote Not Matter	69
Other Reasons	55
Did Not Want to Deal with Non-Native Officials	55
Missed the Registration Deadline	53
Did Not Meet Residency Requirement	18
Problems with English Language	7
Have a Permanent Illness or Disability	6
Total	631

It is clear from the answers that a large portion of those not registered in Nevada do not view non-tribal elections and politics to be relevant to their lives. This is a troubling result, and almost certainly related to a lack of political trust. This sense of political alienation is also evident by the number of respondents who were unwilling to deal with non-Native election officials. There was also a significant number who did not know either how to register or where they would go to register.

The survey also included a question asking those currently not registered if they had ever tried to register and roughly 40% indicated they had tried to register at some point in the past.

#### Problems in Voter Registration

The non-registered respondents were then asked about experiences they might have encountered when trying to register. Obviously those who had never considered registering did not have responses to this question.

Table 12 shows the responses to the following question: Have you ever experienced any of these problems in registering to vote? [Check all that apply] Only those, who were not registered, were asked to respond to the question.

- It was difficult to travel to the place where I registered to vote.
- It was hard to identify or describe my residence on the registration form because I live at a non-traditional, rural, or remote residence.
- I did not have the required forms of identification.
- It was hard to understand the questions on the form.
- It was hard to communicate with officials because English is not my primary language.
- I needed help but no one would help me.
- A local election official refused to give me a voter registration form.
- A local election official was disrespectful
- I had computer or Internet problems that prevented me from using online voter registration
- I filled out the voter registration form but didn't get a registration card in the mail.
- My voter registration form was rejected.
- Other

Respondents were asked to mark any problem that they had encountered, which creates a useful aggregate measure of the prevalence of specific problems, but it does not tell us what percentage of those not registered encountered any one of the problems.

**Table 12. Problems in Registering to Vote**  
(Only Answered by Those Not Registered)

<b>Type of Problem</b>	<b>Numbers Marking It</b>
Difficult to Travel to Register	63
Did Not Receive Registration Card in Mail	35
Hard to Understand Questions on Form	28
Needed Help	27
Computer/Internet Problems	21
Hard to Describe Residence	17
Lacked Required Form of Identification	17
Disrespectful Election Official	10
Other Not Listed Problem	9
Limited English Language	7
Official Refused to Give Me Registration Form	6
Registration Form was Rejected	5
Total	245

The respondents listed a total of 245 problems. Again, travel distance and the failure to receive the registration card in the mail were the most commonly cited problems, but difficulties with understanding the questions on the form and the need for assistance with filling out the form also were prevalent. Also a number of the respondents marked issues related to their interactions with officials.

## Summary:

This research clearly shows that government outreach, particularly through the Department of Motor Vehicles, is an effective means of raising awareness about registering to vote. Also more than two-thirds of respondents knew the location of the local election official's office, where they could register, but only a small number were aware of the possibility of being registered by having a field registrar travel to their home. Not surprisingly, less than 3% of those registered to vote in the sample had been registered by a field registrar. While registration at the Department of Motor Vehicles (18.49%) was the most common response to the question about means of registration, it was only slightly higher than several of the other options. The most common reasons, given by non-registered respondents, for not being registered were a lack of interest in politics and elections, followed by not knowing how to register. This strongly suggests that political alienation, particularly towards government institutions, is a significant problem.<sup>15</sup> The large number of registration problems identified by both those registered and those not registered was one of the more troubling findings. Respondents identified a total of 594 specific problems they had encountered in trying to register. While travel distance to registration locations was the most commonly cited problem, a sizeable number also indicated they had experienced problems in their interactions with election officials.

## **Voting in Nevada:**

### **Questions Answered by All Respondents**

#### Basic Knowledge about Voting in Nevada

The survey included two questions that measured knowledge about how one would go about voting in the respondent's community. Nevada state law allows counties to designate some precincts for exclusively mail-in voting; in those precincts, voting by mail is the only available means of casting a ballot. As a first step in assessing respondents' basic knowledge about voting, all respondents were asked if they knew whether they lived in a precinct where mail-in voting was the only option. Responses to this question are presented in Table 13. A third did not have this basic level of knowledge.

---

<sup>15</sup> The prevalence of a large segment of politically alienated people may contribute to spreading a lack of trust in government and increasing numbers of people, choosing to not participate in governance. Researchers have found there is a contagion effect, such that when social networks encourage registration and voting, there are increases in those activities (Vonnahme, Greg. 2012. "Registration Deadlines and Turnout in Context." *Political Behavior* 34: 765-779.) Given there is a contagion effect that encourages participation, it is plausible there is a contagion effect that encourages alienation and non-engagement in politics.

**Table 13. Living in a Mail-in Only Precinct**

<b>Responses</b>	<b>Number</b>	<b>Percentage</b>
Yes	147	14.53%
No	511	50.49%
Don't Know	354	34.98%
Total	1,012	100%

Those who answered “no” or “don’t know” to the previous question were then asked whether they knew where their local polling places were located. These responses are tabulated in Table 14 and show that most of those knew the locations of their local polling places.

**Table 14. Knowledge of Local Polling Place**

<b>Responses</b>	<b>Number</b>	<b>Percentage</b>
Know Location	500	61.65%
Don't Know Location	311	38.35%
Total	811	100%

Ways People Have Used to Vote:

One of the most significant changes in the administration of elections over the past 40 years is the shift to offering voters many different ways to vote. All of the respondents were asked this question: The following is a list of the different ways that people in Nevada can vote. Please tell us which of the ones you have used at any time:

- In-person voting on Election Day at your local polling place
- Election Day voting by dropping off ballot at precinct or other site (This is not the same as in-person voting at local polling place).
- Used any form of Early Voting (Identify which one of the following)
  - In-person early voting at an early voting location (temporary site).
  - Receive ballot by mail & return it by mail
  - Receive ballot by mail & return it in-person to county election official’s office
  - Get ballot in auditor’s office and return it in-person to government office
  - Other

Table 15 indicates the percentage of respondents who used the two forms of election-day voting. More than two-thirds of all survey respondents have at some time voted at their local precinct on Election Day. It also shows that very few chose the option of returning their ballots to the polling place on Election Day.



**Table 15. Use of Election Day Voting**

<b>Type of Election Day Voting</b>	<b>Have Used the Type of Voting</b>	<b>Have Not Used Type of Voting</b>	<b>Total</b>
In-person voting at polling place	699 (67.34%)	339 (32.66%)	1,038
Dropping off ballot	91 (8.78%)	946 (91.22%)	1,037

Table 16 what percentage of respondents have used any form of early voting, and then more specifically the type of early voting. Individuals could mark more than one form of early voting if they had used multiple types of early voting.

**Table 16. Use of Early Voting**

<b>Type of Early Voting</b>	<b>Have Used the Type of Voting</b>	<b>Have Not Used Type of Voting</b>	<b>Total</b>
Any Type of Early Voting	242 (23.31%)	796 (76.69%)	1,038
In-Person at Early Voting Location	144 (13.99%)	885 (86.01%)	1,029
Receive & Return by Mail	134 (13.02%)	895 (86.98%)	1,029
Receive by Mail & Return to Election Official	12 (1.17%)	1,017 (98.83%)	1,029
Receive by Mail & Return to Other Office	0 (0%)	1,029 (100%)	1,029

Early voting is viewed as a mechanism for increasing turnout among under-served populations, but these results show that it is not an effective means for increasing turnout among Native Americans in Nevada. Less than one-quarter of those surveyed reported ever using any form of early voting.

Failed in Attempt to Vote:

It was important to determine what portion of respondents had tried unsuccessfully to vote.

Table 17 shows the responses to the following follow-up question: have you ever tried but been unable to vote using one of these methods? \_\_\_ Yes \_\_\_ No

**Table 17. Failed in Voting Attempt**

<b>Unable to Vote</b>	<b>Number</b>	<b>Percentage</b>
Yes	51	5.61%
No	858	94.39%
Total	909	100.0%

Of those responding to this question, only a relatively small number were not able to cast a ballot when they encountered problems, but it is still troubling that they constituted nearly 6% of the respondents.

**Questions Only Asked of Those Registered to Vote**

Problems Experienced in In-Person Voting:

About 6% of respondents reported having failed in their attempts to vote. It is important to discover how common it is to experience problems in trying to vote, regardless of whether one ultimately succeeded or not. For ease of presentation the discussion of voting problems is divided into two categories: problems with in-person voting and problems in voting by mail. Table 18 shows the responses to the following question about problems in in-person voting:

Have you ever experienced any of the following problems in trying to cast your vote in person? [Check all that apply].

- I couldn't get to my polling place.
- I was told I was at the wrong polling place.
- I didn't have the requested voter ID.
- I had a photo ID but I was told it couldn't be used because it didn't have my current address, was expired or had some other issue.
- I wasn't on the registered voter list.
- I do not speak English well enough to vote and there was no ballot available in my primary language.
- I read and speak English, but I had trouble with understanding part of the ballot.
- I asked to bring someone into the booth to help me vote but the poll worker denied my request.
- A local election official was disrespectful.
- I was told to vote a provisional ballot but it wasn't counted.
- Other

**Table 18. In-Person Voting Problems**

(Only answered by those registered to vote)

Type of Problem	Numbers Marking It
Difficult to Travel to Polling Place	111
Went to Wrong Polling Place	81
Not on Registered Voter List	53
Trouble Understanding the Ballot	35
Other Not Listed Problem	31
Did Not Have Requested ID	30
Disrespectful Election Official	26
Did Not Accept Photo Identification	25
Request for Help Denied	10
Provisional Ballot Not Counted	8
Limited English Language	7
Total	417

The data show that many Native Americans in Nevada find travel distance to be the most significant impediment to voting (just as in attempting to register). But they also experienced a broad range of other problems when trying to vote in-person, including going to the wrong polling place, and not being on the registered voter list. Again, there were a substantial number identifying problematic encounters with local election officials, such as being treated in a disrespectful manner and refusal to provide needed help.

#### Problems in Voting by Mail:

There are several potential problems with the different forms of voting by mail. While voting by mail avoids the problems associated with poor encounters with election officials, it has its own areas of difficulty. Table 19 provides the responses to the following question about voting by mail:

Did you ever experience any of the following problems in requesting, receiving and/or casting your mail-in or drop-off ballot? [Check all that apply.]

- Ballot never arrived in the mail
- I wasn't able to identify my residential address because it is rural and not easily described.
- Did not understand how to fill out ballot.
- The ballot was not in my primary language and I did not have anyone to translate it for me.
- Made a mistake filling out my ballot and am unsure if my vote was properly recorded
- Damaged ballot in some way (ripped, spilled coffee, etc.), and thus am unsure if my vote was properly recorded
- Did not understand how to return ballot
- A local election official was disrespectful when I tried to return the ballot

- I was unable to mail or drop off my ballot because of a physical disability or illness.
- Other

**Table 19. Voting by Mail Problems**

(Only answered by those who have tried to vote by mail)

<b>Type of Problem</b>	<b>Numbers Marking It</b>
Ballot Never Arrived	87
Did Not Understand How to Fill Out Ballot	60
Made a Mistake in Filling Out Ballot	47
Could Not Identify Rural Address	47
Did Not Understand How to Return Ballot	42
Other Unspecified Problem	26
Damaged the Ballot	22
Incapacitated Due to Disability or Illness	12
Disrespectful Election Official	11
Needed a Translator to Understand Language	4
Total	164

This shows that Nevada respondents encountered a substantial number of problems when they attempted to vote by mail, with the failure to receive the ballot being the most significant problem. A large number also had difficulties filling out the ballot; 60 did not understand how to fill it out, 47 made mistakes in filling out the ballot, and 22 had damaged the ballot. Another 42 did not understand how to return the ballot and 47 had problems identifying their rural address. These responses indicate that voting in the presence of election officials (e.g., in-person voting) can be a problematic and frustrating experience for many tribal members.

**Questions Answered by All Respondents**

Overall Perceptions of Discrimination:

The responses to questions about registration and voting indicate that American Indians in Nevada encounter a broad range of problems in trying to participate in elections, however, it is not clear to what extent those are related to race. While it is impossible to ascertain motivations of election officials, state legislators, and others involved in the crafting of electoral procedures in the state, it is possible to gauge whether the survey respondents felt they had experienced racial discrimination. This is not a perfect measure because their perceptions may be inaccurate (e.g., seeing racial animus where it does not exist or not recognizing racism when it is masked). It does, however, provide useful insights into the mindset of the respondents.

Table 20 summarizes responses to the following question: Have you ever felt discriminated against when registering or voting?

**Table 20. Perceptions of Discrimination in Registering or Voting**

<b>Discrimination</b>	<b>Number</b>	<b>Percentage</b>
None	716	86.16%
Registering	57	6.86%
Voting	42	5.05%
Both Registering & Voting	16	1.93%
Total	831	100%

The good news is that most respondents did not feel they had personally been discriminated against, even though many had experienced a wide range of problems. The bad news is that 14% of the Nevada respondents believed that they had experienced racial discrimination.<sup>16</sup>

Trust in Voting:

The earlier voting-related questions examined voting practices and problems that people may have encountered in using different forms of voting, but trust in the system of voting also affects choices about whether to vote and if so, the type of voting that one chooses. Tables 21 through 24 summarize the responses to questions about the level of trust in different forms of voting. Even though not every respondent had experience with the different forms of voting, all were asked to respond to all of the questions about trust in different forms of voting. The response rates, particularly on the questions about forms other than in-person voting, were markedly lower than on most questions.

Table 21 gives responses to the following question:

How much trust do you have that your vote will be counted, if you vote in-person at a local polling place on Election Day? If you have not used this method, still tell us how much trust you have in this form of voting.

- Complete trust
- Some trust
- No trust.

---

<sup>16</sup> Although the reasons are unclear, there were very few useable responses to this question in the South Dakota group of survey takers, so it is not included in the South Dakota part of this report.

**Table 21. Trust in In-Person Voting at Polling Place on Election Day**

<b>Level of Trust</b>	<b>Number</b>	<b>Percentage</b>
Complete Trust	431	45.42%
Some Trust	414	43.62%
No Trust	104	10.96%
Total	949	100.0%

Table 22 gives responses to the following question: How much trust do you have that your vote will be counted, if you vote in-person at an early voting location? If you have not used this method, still tell us how much trust you have in this form of voting.

- Complete trust
- Some trust
- No trust.

**Table 22. Trust in Voting In-Person at an Early Voting Site**

<b>Level of Trust</b>	<b>Number</b>	<b>Percentage</b>
Complete Trust	387	42.07%
Some Trust	424	46.01%
No Trust	109	11.85%
Total	920	100.0%

Table 23 measures trust in voting by mail with respondents being asked the following question: If you mail your ballot in, how much trust do you have that your vote will be counted? If you have not used this method, still tell us how much trust you have in this form of voting.

- Complete trust
- Some trust
- No trust.

**Table 23. Trust in Voting by Mail**

<b>Level of Trust</b>	<b>Number</b>	<b>Percentage</b>
Complete Trust	203	28.43%
Some Trust	359	50.28%
No Trust	152	21.29%
Total	714	100.0%

Table 24 measures trust in voting when ballots are hand-delivered to the county auditor. This is measured by responses to the following question: What about casting a vote by dropping off your absentee or mail in ballot (i.e., giving it to the county election official) how much trust do you have that your vote will be counted? If you have not used this method, still tell us how much trust you have in this form of voting.

- Complete trust
- Some trust
- No trust.

**Table 24. Trust in Voting by Dropping Off Ballot to County Election Official**

<b>Level of Trust</b>	<b>Number</b>	<b>Percentage</b>
Complete Trust	217	30.31%
Some Trust	351	49.02%
No Trust	148	20.67%
Total	716	100.0%

These responses demonstrate that the Nevada respondents do not have a great deal of trust in any of the forms of voting. None of the forms of voting garner even 50% of the respondents' complete trust that their votes will count. Even more noticeable is that the levels of trust are markedly lower for mail-in voting and the in-person drop-off ballots to the county election official. These also were the forms of voting that produced a low level of responses from respondents.

Summary:

This section began with an assessment of the level of basic knowledge that respondents had with respect to voting, and then considered the types of voting that respondents have used.

Approximately two-thirds knew whether they lived in a mail-in only precinct, and most of those who had in-person voting on election day indicated they knew the location of their polling place. The overwhelming majority of respondents who had voted used in-person forms of voting on Election Day, and less than one-quarter had ever used a form of early voting. As was true with respect to registration, the most common problem was the difficulty in traveling to the polling place, followed by going to the wrong polling place. There were other problems as well, such as not being on the list of registered voters, and difficulty understanding the ballot. Again, respondents reported problematic interactions with election officials, including being treated in a disrespectful manner and election officials refusing to help them with problems. Even though far fewer respondents tried voting by mail, they reported a large number of problems, the most prevalent being the failure of ballots to arrive followed by a mix of issues related to filling out and returning the ballot. Although most respondents did not believe they had experienced racial discrimination in trying to register and vote, 14% had that perception. The results to the trust questions were quite troubling and suggest that alienation towards government is a problem. None of the forms of voting had the complete trust of a majority of respondents, although the in-person forms garnered more positive responses than the other forms.

### **Additional Factors Related to Electoral Participation:**

The survey included several questions designed to elicit information about a range of additional factors that researchers have identified as important to electoral participation. These factors are divided into two broad categories: factors related to electoral access and human capital factors.

#### **Factors Related to Electoral Access:**

The electoral access category included questions about internet access, the distance that people have to travel in order to vote at a polling place on Election Day, how often they travel to the county seat (the location of election offices), whether they have regular access to the mail, and whether the person has a disability that makes registration and voting more difficult.

**Internet Access:** One of the potential ways that people can register is through using the internet, so respondents were asked whether they had regular access to the internet. Voting via the internet also is being touted by some as a way to increase access to voting. Out of the 1,014 answering this question, 251 (24.75%) stated they did not have regular access. This is a much lower rate of internet usage than the national average.<sup>17</sup>

---

<sup>17</sup> As recently as 2015, surveys have shown that adult usage of the internet has reached 84%. Not surprisingly, internet usage is positively related to education and income. The gap between white, Hispanic and African American internet usage has largely disappeared, but the surveys have not included American Indians and Native Alaskans (Perrin, Andrew and Maeve Duggan. 2015. *Americans' Internet Access: 2000-2015*. Pew Research Center. <http://www.pewinternet.org/2015/06/26/americans-internet-access-2000-2015>. Accessed 6/2/2017.



Distance to Polling Place: In light of the large body of academic research showing that even very small distances, such as a half mile, are related to decreased turnout, the survey included a question asking people how far they had to travel to reach their polling place. The response rate was low, but that could be due to a number of factors. The first reason why the rate was low is that 15% of respondents live in precincts designated as only vote by mail, and another 30% had stated previously they did not know the location of their polling place. Also it is possible that some people had difficulty estimating the travel distance.

The responses support the view that travel distances constitute a major barrier. Nearly one-quarter of respondents said they had to travel more than 10 miles to reach their polling place and roughly 8% had to go more than 30 miles to reach the polling place. It is important, however, to keep in mind that each of these distances needed to be doubled to take into account the total travel distance. This means that roughly 8% had to travel round-trip over 60 miles and nearly a quarter of respondents had to travel more than 20 miles round-trip to access their polling place. Table 25 shows the responses to the question asking how far they have to travel to reach their polling place on Election Day.

**Table 25. One Way Travel Distance to Polling Place**

<b>Travel Distance</b>	<b>Number</b>	<b>Percentage</b>
Up to 1 Mile	139	32.40%
Over 1 Mile, Up to 5 Miles	135	31.47%
Over 5 Miles, Up to 10 Miles	57	13.29%
Over 10 Miles, Up to 30 Miles	65	15.15%
Over 30 Miles	33	7.70%
Total	429	100.01%

Visiting the County Seat: Many tasks related to registration and voting require traveling to election offices, which are located in the county seat. If one regularly travels to the county seat, it is much easier to access these services, so travel distance to the county seat is a factor in assessing access. Also, it is important to note that many county seats are located in border towns with reputations for hostility to Native Americans.<sup>18</sup> For this reason, the question about how often respondents

---

<sup>18</sup> The 1961 U. S. Commission on Civil Rights Report, “Justice,” noted that: “The degree of hostility in communities adjoining Indian reservations is usually in inverse proportion to the distance of the locality from reservation boundaries” (U. S. Commission on Civil Rights 1947: 135). Anthropologist David Brugge analyzed prejudice in border towns and found: “The role of prejudice as a political weapon derives, of course, from its potency in society at large.... In the present century, in the reservation border towns, such stereotypes are especially pervasive, but they are also found throughout much of the four-corners states of New Mexico, Arizona, Utah, and Colorado” (Brugge 1994: 252). In 2005 the New Mexico Advisory Committee to the U. S. Commission on Civil Rights held a series of hearings in Farmington, New Mexico—a town dubbed by the local Navajo chapter president as the “Selma, Alabama of the Southwest” (New Mexico Advisory Committee 2005: 10). The mayor admitted that there were still “some vestiges of

traveled to the county seat provides a means of gauging both elements. The responses, as tabulated in Table 26, show that a large portion of the respondents do not regularly travel to the county seat. Nearly two-thirds of the respondents stated they either never or rarely traveled to the county seat.

**Table 26. Travel to County Seat**

<b>How Often They Travel</b>	<b>Number</b>	<b>Percentage</b>
Never	268	45.27%
Rarely	105	17.74%
Occasionally	33	5.57%
Weekly	43	7.26%
Several Times a Week	23	3.89%
Daily	62	10.47%
Live in County Seat	58	9.80%
Total	592	100%

Access to Mail Services: Voting by mail is often suggested as a way for people facing travel distance barriers to gain greater access. While this may be a feasible alternative for those with home mail delivery, it is not a viable option for people who must travel to post offices to get their mail. There were two questions designed to ascertain access to mail services in the survey. Table 27 gives the responses to a question asking about their form of mail delivery.

**Table 27. Form of Mail Delivery**

<b>Type of Mail Delivery</b>	<b>Number</b>	<b>Percentage</b>
At Home Delivery	467	46.01%
Post Office Box	493	48.57%
Other	55	5.42%
Total	1,015	100%

---

prejudice and bigotry” (New Mexico Advisory Committee 2005: 8). In 2010, the Navajo Nation Human Rights Commission published a report focusing on racism in border towns (Navajo Nation Human Rights Commission 2010). See Brugge, David. 1994. *The Navajo-Hopi Land Dispute: An American Tragedy*. University of New Mexico Press; Navajo Nation Human Rights Commission. 2010. “Assessing Race Relations Between Navajos and Non-Navajos, 2008-2009, a Review of Border Town Race Relations; New Mexico Advisory Committee. 2005. “The Farmington Report: Civil Rights for Native Americans 30 Years Later.” Nov.; U. S. Commission on Civil Rights. 1961. “Justice.” Part III: The American Indian;” *U. S. v. Kagama*, 118 U. S. 375 (1886).

This was followed by a question asking those without home mail delivery, how often they picked up their mail. This is a relevant factor in whether one is able to vote by mail. These results are presented in Table 28.

**Table 28. Patterns of Picking Up Mail at Post Office**

<b>Timing of Pick Up</b>	<b>Numbers</b>	<b>Percentage</b>
Daily	208	36.94%
Couple Times Per Week	167	29.66%
Weekly	119	21.14%
Couple Times Per Month	38	6.75%
Once a Month	13	2.31%
Less Than Once a Month	18	3.20%
Total	563	100%

Not only do nearly half of the Nevada respondents have at-home mail delivery, these questions show that most of those without home delivery pick up their mail regularly (e.g., at least once a week). However, 12% pick up mail less often, which is important to voting by mail because all mail-in ballots have a deadline. These numbers are not likely enough to explain the low levels of trust in voting by mail.

Human Capital Factors Related to Voting:

Individuals vary with respect to the skills, knowledge, and intangible assets that they possess. Economists refer to these factors as human capital and have found they are directly tied to one’s ability to contribute economically to society. Human capital factors also are related to political engagement.<sup>19</sup>

Disability Status: The survey included the following question about disability status. Do you have any disabilities that might limit your ability to register or vote without assistance? Out of the 1,021 responses, a total of 75 (7.35%) respondents stated that disabilities adversely impacted their abilities to participate in elections.

Educational Achievement: Not surprisingly, scholars have found that levels of education are associated with the propensity to vote.<sup>20</sup>

---

<sup>19</sup> In 1982, the Senate Judiciary Committee issued a report listing nine factors, subsequently labeled “Senate Factors,” which courts should consider in voting rights litigation. Socio-economic conditions, such as low levels of education, poverty and low levels of employment, and poor health are included as Senate Factors. See Senate Report No. 97-417. 1982: 28-29 for a complete listing of the Senate Factors. For more recent work on the relationship between socio-demographic factors and political participation, see Weeks, Daniel. 2013. *Democracy in Poverty: A View from Below*. Edward J. Safra Center for Ethics. Cambridge, MA: Harvard University.

<sup>20</sup> *Id.*

Table 29 shows the responses to a question asking participants to identify the highest level of schooling completed. While most had completed high school, only a small number had completed college or had an advanced degree. The high school completion rate is about the same as the national average, but the proportion completing college or having advanced degrees is much lower.<sup>21</sup>

**Table 29. Highest Level of Education Completed**

Level of Schooling Completed	Number	Percentage
Less than 5 <sup>th</sup> Grade	3	0.30%
More than 5 <sup>th</sup> Grade but No High School Degree	62	6.10%
High School Graduate	349	34.35%
Some College/No Degree	348	34.25%
Associate Degree	132	12.99%
Bachelor Degree	78	7.68%
Advanced Degree	44	4.33%
Total	1,016	100%

Economic Status: Because many people are not willing to provide information about their incomes, more indirect measures were used to assess economic status. The first of these was a question asking people to identify their main source of income. Just under half of the respondents identified full time employment as the main source of their income. See Table 30.

**Table 30. Main Sources of Income**

Source of Income	Numbers	Percentage
Full Time Employment	483	49.59%
Other	140	14.37%
Retirement Income	104	10.68%
Part-Time Employment	93	9.55%
Disability Income	76	7.80%
Public Assistance	53	5.44%
Student Financial Aid	25	2.57%
Total	974	100%

<sup>21</sup> The most recent census data shows that roughly one-third of all Americans have bachelor's degree or advanced degrees (Ryan, Camille and Kurt Bauman. 2016. *Educational Attainment in the United States: 2015*. Census Bureau. March. <https://www.census.gov/content/dam/Census/library/publication/2016/.../p20-578.pdf>. Accessed 6/2/2017.

The second question asked people to identify which of the following best described their living situation: own a house or condo, live in tribal housing, rent a non-tribal house or condo, stay with family or friends, or other living situation. Responses are summarized in Table 31.

**Table 31: Current Living Situation**

<b>Type of Housing</b>	<b>Number</b>	<b>Percentage</b>
Own House or Condo	379	38.40%
Tribal Housing	298	30.19%
Rent Non-Tribal Housing	138	13.98%
Stay with Friends/Family	143	14.50%
Other	29	2.94%
Total	987	100.01%

While not definitive, the responses to the two questions related to economic status suggest that most of the survey respondents have modest incomes. The rates of full-time employment and portion of respondents who own their own home are low, and the portion without stable living situation is high. This is consistent with the observations of the survey administrators.

Primary Language: Finally, people were asked to identify their primary language. Just over 95% of respondents stated that English was their primary language. Most of the respondents who listed another language also included English along with those other languages. Among the other languages listed, the most common were Shoshone and Paiute. Only 1.1% listed a Native language (Paiute, Shoshone, Navajo and Neemer) as their primary and sole language. These results suggest there are language barriers to voting but the proportion is quite small.

Summary:

In Part IV, factors that previously were found to be related to registration and voting were explored. Responses to questions were divided into two broad categories of factors: those related to access and those that involve the human capital of individuals. The first category included internet access, travel distance to polling places, travel to the county seat, regular access to mail, and disability status. Roughly a quarter of respondents indicated they did not have regular internet access. About a third of respondents live within a mile of their polling places, and nearly a quarter had to travel more than ten miles to reach their polling place, which meant they would have a total travel distance of more than 20 miles. Also, nearly two-thirds never or rarely went to their county seat. Less than half of the respondents get home mail delivery, and most (88%) of those without home delivery go to the post office at least once a week. The second category included a range of socio-demographic and economic factors: education levels, source of income, living situation and primary language. The relatively low levels of educational attainment and indirect socio-economic measures suggest that most respondents have modest incomes; these factors combine to make it more difficult to be politically engaged.

## **The South Dakota Case Study**

### **Introduction:**

In August 2016 a team of researchers affiliated with Four Directions, Claremont Graduate University and Fair Elections Legal Network did survey research in South Dakota with tribal members from the following communities: Rosebud Sioux Reservation, Crow Creek Sioux Reservation, Yankton Sioux Reservation, Lower Brule Reservation, Cheyenne River Reservation and, Lakota Homes--a low income housing project in Rapid City.<sup>22</sup> Due to the financial burden caused by over-surveying in Nevada, a decision was made to limit the total number of surveys in South Dakota. Tribal leaders made sites available at the Sinte Gleska Community College, tribal administration headquarters, a computer center, and a youth center. At Lakota Homes, a woman in the community graciously offered her home as a location for administering surveys.<sup>23</sup> Again, approximately 90% of the people who were asked to participate did so.

The following is a listing of the tribal leaders who provided support for the project and welcomed us in the different locations: Willie Kindle (president of the Rosebud Sioux Tribe), Scott Herman (vice-president of the Rosebud Sioux Tribe), Wayne Bearshield (Rosebud Sioux general operations manager), Diana Dillon (Sinte Gleska librarian), Donita Loudner (Buffalo County Commissioner, Crow Creek Sioux Tribe), Brandon Sazue (chairman Crow Creek Sioux Tribe), Robert Flying Hawk (chairman Yankton Sioux Tribe), Red Landeau (secretary-treasurer Lower Brule Sioux Tribe), Julie Gurreau (director Cheyenne River Sioux Youth Project), Harold Frazier (Cheyenne River Sioux Tribe), and Tracy Amos (Lakota Homes community member).

### **Demographics of the South Dakota Sample:**

A total of 502 people were surveyed in South Dakota. Nearly all of the participants self-identified as belonging to one of the Sioux nations, although there were a small number from other tribal nations (Crow, Assinboine, Mille Lac, Navajo, Apache, and Winnebago). As was the case in Nevada, women were over-represented in the sample and comprised 62% of those taking the survey. The age break-down, however, was different than in Nevada. Older individuals (age 60 years and older) only made up 12% of those surveyed. People in the middle of the age range (ages 30-59 years) made up 61% of the sample, while those between 18 and 29 years of age made up 27% of those surveyed. Among the 501 South Dakota respondents, a total of 40 (8%) of the total had at some time been convicted of felony offenses, but were now eligible to vote. That is quite a bit larger than the number of ex-felons in the Nevada sample and suggests that future research to

---

<sup>22</sup> The team had hoped to survey individuals on the Pine Ridge and Sisseton Wahpeton Reservations, but researchers were not able to secure approval from their institutional review boards prior to traveling to South Dakota. It also was not feasible to try and conduct survey research on the Standing rock Reservation because of the widespread protests that were occurring at the time.

<sup>23</sup> The Lakota Homes survey site was only two doors down from where a controversial police shooting occurred in December 2014. A day after attending a Native Lives Matter demonstration, Allen Locke was shot by police at Lakota Homes.

examine the significance of felony disenfranchisement in states with large Native American populations.

### Qualitative Findings:

While one must be careful about extrapolating from impressions and anecdotes garnered during visits to the South Dakota sites, there are two observations that stood out across the different places. First, all of the survey administrators got the strong impression that a large portion---perhaps a majority of the South Dakota respondent--were impoverished.<sup>24</sup> Second, there appeared to be a much higher degree of knowledge about voting rights issues than was true in Nevada.

Inadequate Medical Care: There were many reports of inadequate medical care and misdiagnoses, particularly on the Rosebud Sioux Reservation. A close family member of Four Directions team members, as well as one of their friends, died while the research was being conducted. In both cases, Indian Health Services had misdiagnosed serious illnesses that were then accurately diagnosed too late and only after the patients had paid out-of-pocket to obtain off-reservation care.<sup>25</sup>

Awareness of Voting Rights Issues: Perhaps because the state has been the site of so much voting rights litigation, there seemed to be much greater levels of awareness about voting rights issues. Survey respondents recounted stories about intimidation, voting fraud and the loss of ballots. At the Cheyenne River Reservation, a middle-aged man said he “knew” ballots had been stolen. Several people asked why poll workers were always white and whether that affected vote counting.

Voter Intimidation at Pine Ridge: Individuals at two different locations discussed voter intimidation at the Pine Ridge Reservation after litigation forced the state to open a satellite registration and early voting center on the reservation. A young Oglala woman recounted the following story: “In 2014 I was driving elders to register and vote at the satellite center. It had taken a lot to convince them to come. They had a lot of distrust but I talked them into trusting me and going ahead to vote. When we got to center, there was the sheriff, a big white guy, standing there, almost blocking the entrance. He wasn’t supposed to be there. This is the res, not his jurisdiction. He didn’t say anything, just stared at people in a mean way. It was way intimidating.

---

<sup>24</sup> Per requirements of Public Law 113-6, counties that had poverty rates of 20% or more over the past thirty years are classified as “persistent poverty counties.” The most recent listing of persistent poverty counties included all of the South Dakota counties with large Native American populations, but no Nevada counties made the list (United States Department of the Treasury. 2012. *Persistent Poverty Data---By County*. [https://www.mycdfi.cdfifund.gov/what\\_we\\_do/persistentpovertyasp](https://www.mycdfi.cdfifund.gov/what_we_do/persistentpovertyasp). Accessed 5/31/2017.

<sup>25</sup> Data, compiled by the University of Wisconsin’s Population Health Institute, ranks Oglala Lakota County and Todd County (that respectively include much of the Pine Ridge Reservation and the Rosebud Sioux Reservation) as the number one and two on their list of “most deadly” (deaths per 100,000before age 75 years) counties, and another two South Dakota Counties are within the top six “most deadly” listing; all are counties within reservations or share borders with a reservation (Escoffey, Brandon. 2015. “SD Holds Deadliest Counties Nationwide.” *Lakota Country Times*. June 11. [http://www.lakotacountrytimes.com/newa/2015-06-11/Front\\_Page/SD\\_holds\\_deadliest\\_counties\\_nationwide.html](http://www.lakotacountrytimes.com/newa/2015-06-11/Front_Page/SD_holds_deadliest_counties_nationwide.html). Accessed 5/31/2017.

The people I had brought, refused to go in. It looked like he was keeping track of everyone who went in to vote. People were uncomfortable and a bunch left instead of voting. This wasn't right."

Disrespect towards Native Voters: At the Crow Creek Reservation, a middle-aged woman recounted a story about what happened after Tribal members engaged in voting rights litigation. She said that the Hyde County officials still refused to open a polling place on the reservation. Instead, they opened one just outside of the reservation boundary---in a chicken coop. "Talk about a lack of respect, the message that sends. It was not ADA compliant. Elderly people couldn't get in. There was nowhere anyone could go to the bathroom."

High Levels of Distrust and Cynicism: As was true in Nevada, there were many comments indicating a lack of trust in all levels of government. In Wagner, several people just chuckled and made laughing comments among themselves when answering the survey questions about trust and said they would mark "not applicable." An elderly man from the Rosebud Reservation stated that he was a full-blood and did not trust any government, nor did he trust anyone with less than half Native blood. "Everybody is trying to steal our land. Whatever is left, they want to steal. I'm not gonna vote in their elections and justify all of the stealing." An older woman stated that she told her children that they were full-blood even though they were part white and other people made jokes about white people and their habits.

Importance of Voting: An official from the Crow Creek Reservation said that it was a "shame" that Tribal members did not vote in non-tribal elections. She stated that 90% of the people voted in Tribal elections but they needed to vote in county, state and national elections. "If you don't vote, politicians can ignore you."

Difficulty in Running for Political Office: At Lakota Homes, an older woman raised a different set of issues. She stated that it was much more difficult for Natives to run for political office. "The districts are set up so Natives in Rapid City can't get representation." She gave an example of a Native man, a community college professor who ran for office and lots of ugly things came out in the campaign.

Felony Disenfranchisement: The sense that felony disenfranchisement is a major issue was reinforced by comments heard while in South Dakota. Several women mentioned that their partners/husbands currently were unable to vote because of felony convictions. For example, a young woman from the Cheyenne River Reservation stated that it was "unfair that her boyfriend, the father of her children could not vote. He was labeled a felon, but he had not done anything very bad, just gotten into a fight off-reservation, and now he is a felon and can't vote." She went on to talk about how Natives are harassed by police off-reservation.<sup>26</sup>

---

<sup>26</sup> Interestingly, the team got a bit of a sense of police attitudes while doing surveys at Lakota Homes. The researchers were surveying people in front of a home because there was no community location that could be used. Shortly after setting up, people from the community arrived and began filling out forms on clip boards. Within ten minutes, police cars began circling the block, driving very slowly past with officers staring at the group. Then an officer parked across



Jon Sherman and David Edlefsen also met with Pam Michalek, the auditor for Lyman County, which includes the Lower Brule Sioux Reservation. Auditor Michalek stated that she had been in her position since 2001 and that the Tribe had never requested a satellite office, but if asked the county would have to provide one. At that point her assistant noted that the white residents of Iona, an unincorporated township south of Lower Brule, had never asked for “special treatment” and if the tribe got it, then the people of Iona needed to get a satellite as well.<sup>27</sup> Jon Sherman pointed out that the residents of Fort Thompson are extremely poor and that the Voting Rights Act provides protections for communities that have faced historical discrimination, such as this. The auditor’s office in Kennebec is a bit more than an hour’s drive round trip from Fort Thompson.

## **South Dakota Data Analysis**

### **Political Engagement:**

Although this study is primarily interested in access to the ballot box, there are many other forms of political participation. The topics covered within Part VI examine the responses to questions about a broad range of political activities, as well as more specific questions about voting and non-voting in different types of elections. And as was true of the Nevada survey, it also included questions related to political trust.

### **Questions Answered by All Respondents**

To assess the extent to which respondents engaged in these other forms of political action, the survey included the following question.

Which of the following have you ever done: [Check all that apply]

- Taken part in a demonstration
- Attended a political meeting or a rally
- Donated money or raised funds for a political cause
- Participated in an election campaign
- Signed a petition
- Contacted an elected official in a non-tribal government (federal, state, or local governments)

Table 32 provides data on the number of respondents who have engaged in the different forms of political action. It shows that a large portion of the South Dakota respondents have participated in non-electoral types of political behavior. Given that Native Americans are the poorest group

---

and slightly down the street from the home and observed the survey taking. When confronted, the officer told a white team member that his presence had nothing to do with their being there. He said there had been gunshots so he was just checking that out. However, none of the research team had heard gun shots.

<sup>27</sup> Iona is an unincorporated community that has such a small population that the Census Bureau no longer collects socio-demographic data on its residents. There is actually only single occupied residence in Iona at this time, although there may be a small number of additional people in the surrounding area. In contrast, Fort Thompson is the largest community on the Lower Brule Reservation and has a population of 1,282---96.4% of whom are Native American and two-thirds have incomes below the poverty level.

within the country, it is not surprising that donating money and fund raising is the least common type of activity with only 14% having done so. Also, it is not surprising that the portion giving donations or engaged in fund-raising was lower in South Dakota than in Nevada. South Dakota’s Native American population includes some of the poorest people in the country.<sup>28</sup> Also as was true in Nevada, the most common type of action was signing a petition with two-thirds of respondents indicating they had done so. This is a somewhat higher percentage than was found in Nevada. The South Dakota respondents also were more likely to have been active in election campaigns.

**Table 32. Political Activities**

<b>Political Activity</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Sign Petition	334 (66.93%)	165 (33.07%)	499
Attend Meeting/Rally	166 (33.33%)	332 (66.67%)	498
Campaign Activities	149 (29.86%)	350 (70.14%)	499
Attend Demonstration	106 (21.24%)	393 (78.76%)	499
Contact Official	91 (18.24%)	408 (81.76%)	499
Donate/Fund Raise	72 (14.46%)	426 (85.54%)	498

Propensity to Vote:

Table 33 shows the responses to the following question: Do you generally vote in non-tribal elections? \_\_\_Yes \_\_\_No

**Table 33. Voting in Non-Tribal Elections**

<b>Vote</b>	<b>Number</b>	<b>Percentage</b>
Yes	274	55.8%
No	217	44.2%
Total	491	100.0%

Table 34 shows responses to the following question: Do you generally vote in Tribal elections? \_\_\_Yes \_\_\_No

<sup>28</sup> According to the U.S. Census Bureau’s 2010-2014 American Community Survey 5-Year Estimates, 48.42% of American Indians/Alaska Natives in South Dakota have incomes that place them below the poverty level. This is nearly twice the rate in Nevada and close to four times the national poverty rate for all Americans.

**Table 34. Voting in Tribal Elections**

<b>Vote</b>	<b>Number</b>	<b>Percentage</b>
Yes	403	88.08%
No	88	17.92%
Total	491	100.0%

What these results show is that the South Dakota respondents were substantially more likely to participate in tribal elections than non-tribal elections. There is a 32-point difference in the voting rates, which is a much larger than in Nevada. It strongly suggests there is a high degree of alienation from the non-tribal government institutions. Cross tabulations running the two voting variables (non-tribal and tribal elections) against one another, showed that more than a third of those who identified as voting in tribal elections did not vote in the non-tribal elections.

Voting in the 2012 Presidential Election:

Since this survey was conducted in the late summer of 2016, it included a specific question about whether participants voted in the last presidential election (e.g., the 2012 election), and the reasons why they chose to vote or not vote in 2012. Out of the 497 respondents who answered the question about voting in 2012, 274 (55.13%) stated they had voted.

Voters in 2012: The 274 respondents who indicated they had voted in 2012 were asked this follow-up question:

What are the reasons that you voted in 2012? [Check all that apply.]

- It is my duty or responsibility to vote.
- It's my right to vote.
- I think my vote can make a difference in my life.
- I think my vote can make a difference in laws that will affect all of our lives.
- A relative or friend convinced me I should vote but I don't feel strongly about it.
- Other

Table 35 shows the responses to this question.

**Table 35. Reasons for Voting in the 2012 Election**

<b>Reasons Given</b>	<b>Number Marking It</b>
Right to Vote	221
Make a Difference in Laws	178
Vote Can Make a Difference in my Life	176
Duty or Responsibility to Vote	113
Relative or Friend Convinced Me	27
Other	8
Total Number of Responses	723

The most common response was that voting was a right. Large numbers also saw it as an opportunity to make a difference in their own lives or in the lives of the public at large through affecting the types of laws adopted. However, compared to Nevada, a much lower portion emphasized that one has a duty or responsibility to vote. Again, a relatively small portion mentioned the influence of relatives or friends.

Non-Voters in 2012: In a similar vein, the 223 respondents who had not voted in the 2012 election were asked to give reasons for their failure to vote. These responses are tabulated in Table 36.

What are the reasons that you did not vote in 2012? [Check all that apply.]

- I wasn't registered
- Illness or disability (own or family member's)
- Out of town or away from home
- Forgot to vote
- Not interested, felt my vote wouldn't make a difference
- Too busy, due to family, work or school responsibilities
- Had trouble getting to the polling place
- Didn't like candidates or campaign issues
- Didn't feel I knew enough about the candidates
- Didn't receive the absentee or mail-in ballot I requested
- There were problems at the polling place
- Other

**Table 36: Reasons for Not Voting in 2012 Election**

<b>Reasons Given</b>	<b>Numbers Marking It</b>
Not Registered	104
Forgot to Vote	51
Away from Home	38
Vote Wouldn't Make a Difference	37
Too Busy with Other Responsibilities	35
Didn't Know Enough About the Candidates	26
Other	16
Didn't Like Candidates or Issues	15
Trouble Getting to Polling Place	13
Illness or Disability	9
Problems at the Polling Place	1
Didn't Receive Absentee Ballot	1
<b>Total</b>	<b>346</b>

As was true in Nevada, there were many different and possibly inter-related reasons why respondents did not vote in 2012, but again not being registered (a structural barrier) was the single most common reason for not voting. It also is worth noting that there were large numbers of non-voters who also indicated a lack of a sense of efficacy. The most direct measure of whether respondents have a strong sense of external efficacy is the question about whether voting would make a difference and 37 people marked it as a reason for not voting.

Trust in Different Levels of Government:

Researchers have found a strong positive relationship between trust and the willingness of citizens to participate in electoral politics. American Indians are affected by decisions made by four different levels of government (Tribal, local, state and federal). To assess the levels of trust towards each of these government entities, respondents were asked the following question:

- Which government do you trust most to protect your rights?
- Tribal
  - Local (county or city)
  - State
  - Federal

Even though this question asked them to choose the most trust-worthy among the four different options, many respondents marked more than one level of government, which suggests they did not want to choose only one available options. Some also refused to choose among the different government entities. The data presented in Table 37 show all of the positive responses given for each of the different levels of government, as well as the survey respondents did not indicate any level or wrote “don’t know.” The total equals 478 but some people marked more than one level of government.

**Table 37. Trust in Government to Protect Rights**

Level of Government	Marked as Most Trusted	Percentage of All Marked Responses
Tribal	319	66.76%
Local	24	5.02%
State	38	7.95%
Federal	78	16.32%
No Government/Don’t Know	19	3.97%

There are several key points worth noting about these responses. First, the data clearly show that American Indians in South Dakota have a much higher level of trust in tribal governments than in

any level of non-tribal government. Moreover, their level of trust in tribal government is much higher than in Nevada. Second, they have the least trust in local government. This is particularly important with respect to electoral participation because local government entities oversee registration and voting, albeit according to state laws. Third, the level of trust in the federal government is substantially lower in South Dakota than what was found in Nevada.

Summary:

The responses to the questions on political engagement show that Native Americans in South Dakota engage in a range of political activities, aside from voting. As was true in Nevada the most likely activity was signing a petition and the least likely was donating money or fund-raising. The biggest difference between the Nevada and South Dakota respondents was their responses to the questions about voting in tribal versus non-tribal elections. While both populations were roughly equal in their likelihood to vote in non-tribal elections, the South Dakota respondents were far more likely vote in tribal elections than were the Nevada respondents. This resulted in a 32-point voting participation disparity in South Dakota. With respect to the reasons given for voting in the 2012 election, the South Dakota respondents were much more likely than those in Nevada to indicate that voting could make a difference in one's life and that it was a way to influence laws. They also were much less likely to cite civic duty or responsibility as a reason for voting. Finally, with respect to trust in different levels of government, the South Dakota respondents evinced much higher levels of trust in tribal governments and much lower levels of trust in all levels of non-tribal government than in Nevada.

**Voter Registration in South Dakota:**

Outreach About Voting Registration:

The survey also included three questions designed to assess the degree to which people have been presented with opportunities to register to vote in non-tribal elections?

Table 38 shows responses to the following three questions:

Has anyone ever conducted a voter registration drive in your community? \_\_\_ Yes \_\_\_ No

Have you ever been asked about registering to vote at the local Department of Motor Vehicles office? \_\_\_ Yes \_\_\_ No

Have you ever been asked about registering to vote at the local public assistance office? \_\_\_ Yes \_\_\_ No

**Table 38. Registration Outreach**

<b>Type of Outreach</b>	<b>Yes</b>	<b>No</b>	<b>Total Respondents</b>
Registration Drive	216 (43.90%)	276 (56.10%)	492
Department of Motor Vehicles	302 (61.26%)	191 (38.74%)	493
Public Assistance Office	212 (43.62%)	274 (56.38%)	486

As was true in the responses by the Nevada respondents, those taking the survey in South Dakota also highlighted the importance of outreach by the Department of Motor Vehicles, but it was cited less often than in the former. Both states were roughly equal in terms of whether there had been a registration drive within their community. However, a much higher portion of respondents in South Dakota indicated receiving this information at the Public Assistance Office---another indicator of the depressed economic status of the population.

Knowledge about Registering:

Respondents were asked the following questions designed to assess their level of basic knowledge about registering to vote for non-tribal elections within their community:

Do you know the location of your local election official’s office where you can register to vote?  
\_\_\_ Yes \_\_\_ No

These results are tabulated in Table 39.

**Table 39. Knowledge about Registering to Vote**

<b>Information</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Location of Election Office	384 (77.73%)	110 (22.27%)	494

This shows that most of the respondents knew the location of the county auditor’s office, which is the place where people in South Dakota go to carry out a broad range of tasks related to registering and voting.

Questions Only Asked of Those Registered to Vote

Choice of Registration Mechanism:

In the state of South Dakota, there are many different ways to register to vote in non-tribal elections. Again, the aim was to uncover the preferred forms of voting used by Native Americans in the state.

Table 40 shows their responses to the following question: For the most recent time you registered, do you remember how you registered? Then it listed different ways that people could register. Only respondents who self-identified as being currently registered were asked this question.

**Table 40. Most Recent Form of Registration**

Type of Registration	Number
Registration Drive	66
Don't Remember	65
Local Election Official Office	64
Mail-In Registration	52
Public Assistance Office	45
Department of Motor Vehicles	36
None of the Listed Choice	14
Satellite Center	10
Total	352

Even though people were asked to mark their most recent form of registration, quite a few marked more than one form of registration, which meant percentages could not be used. Even without the percentages, it is very clear that registration drives are extremely important in South Dakota. The Department of Motor Vehicles, which was the top Nevada choice, is way down on the list among the South Dakota registered voters.

Problems in Registering to Vote:

Table 41 shows the responses to the following question: Have you ever experienced any of these problems in registering to vote? [Check all that apply]

- It was difficult to travel to the place where I registered to vote.
- It was hard to identify or describe my residence on the registration form because I live at a non-traditional, rural, or remote residence.
- I did not have the required forms of identification.
- It was hard to understand the questions on the form.
- It was hard to communicate with officials because English is not my primary language.
- I needed help but no one would help me.
- A local election official refused to give me a voter registration form.
- A local election official was disrespectful
- I filled out the voter registration form but didn't get a registration card in the mail.
- My voter registration form was rejected.
- Other



Since people were asked to mark any problem that they had encountered, this only is useful as an aggregate measure of how prevalent specific problems are as opposed to how many of those registered to vote had encountered any problems. Again, only those registered to vote were asked to respond to this question.

**Table 41. Problems in Registering to Vote**  
(Only Answered by those Registered)

<b>Type of Problem</b>	<b>Numbers Marking It</b>
Difficult to Travel to Register	99
Lacked Required Form of Identification	43
Hard to Describe Residence	42
Did Not Receive Registration Card in Mail	36
Hard to Understand Questions on Form	25
Needed Help	20
Disrespectful Election Official	18
Other Not Listed Problem	12
Registration Form was Rejected	6
Limited English Language	5
Official Refused to Give Me Registration Form	3
<b>Total</b>	<b>309</b>

It is clear that large numbers of those registered in South Dakota encountered significant difficulties trying to register. Respondents listed a total of 309 specific problems they encountered. As was true in the responses from the Nevada survey, travel distance again was the most common problem. There were many other significant challenges, including the lack of the required form of identification, difficulties in describing residence, failure to receive a card in the mail, and difficulties with the questions on the form. A significant number also pointed to problematic actions on the part of election officials.

**Questions Only Asked of Those Not Registered to Vote**

Table 42 shows the responses to the following question: What are the reasons you are not registered to vote? [Check all that apply]

Did not meet registration deadline for this election

- Did not meet registration deadline for this election
- Did not know where or how to register
- Did not meet residency requirements/did not live here long enough
- Permanent illness or disability
- Difficulty with English

- Not interested in the election or not involved in politics
- My vote would not make a difference
- Did not want to deal with non-Native election officials
- Other reason

**Table 42. Reasons for Not Being Registered**  
(Only Answered by Those Not Registered)

<b>Reason for Not Being Registered</b>	<b>Number Marking It</b>
Not Know Where or How to Register	77
Not Interested in Election or Politics	40
Missed the Registration Deadline	36
Vote Not Matter	20
Other Reasons	17
Did Not Want to Deal with Non-Native Officials	15
Did Not Meet Residency Requirement	10
Have a Permanent Illness or Disability	6
Problems with English Language	4
Total	225

Despite information about registering being provided at the Department of Motor Vehicles and public assistance offices, a significant number indicated a lack of knowledge about how to register. The answers to this question also show that a large portion of the non-registered respondents do not view non-tribal elections and politics as relevant to their lives.

The survey also included a question asking those currently not registered if they had ever tried to register and roughly 37% stated they had tried in the past.

Problems in Registering to Vote

Table 43 shows the responses to the following question: Have you ever experienced any of these problems in registering to vote? [Check all that apply] Only those who were not registered were asked to respond to the question.

- It was difficult to travel to the place where I registered to vote.

- It was hard to identify or describe my residence on the registration form because I live at a non-traditional, rural, or remote residence.
- I did not have the required forms of identification.
- It was hard to understand the questions on the form.
- It was hard to communicate with officials because English is not my primary language.
- I needed help but no one would help me.
- A local election official refused to give me a voter registration form.
- A local election official was disrespectful
- I filled out the voter registration form but didn't get a registration card in the mail.
- My voter registration form was rejected.
- Other

Since people were asked to mark any problem that they had encountered, this only is useful as an aggregate measure of how prevalent specific problems are as opposed to how many of those not registered to vote had encountered any problems.

**Table 43. Problems in Registering to Vote**  
(Only Answered by Those Not Registered)

<b>Type of Problem</b>	<b>Numbers Marking It</b>
Difficult to Travel to Register	59
Lacked Required Form of Identification	32
Did Not Receive Registration Card in Mail	19
Hard to Describe Residence	18
Needed Help	18
Other Not Listed Problem	11
Hard to Understand Questions	8
Limited English Language	5
Official Refused to Give Me Registration Form	4
Disrespectful Election Official	3
Registration Form Was Rejected	3
Total	180

The respondents who completed this question listed a total of 180 problems they had encountered in trying to register. Again, travel distance, the lack of required identification, the failure to receive the registration card in the mail, and difficulties in describing residence were the most commonly cited problems, but all of the possible problems received at least some responses.

Summary:

As was true of the Nevada group, most of the South Dakota respondents knew of opportunities to register, most notably through the Department of Motor Vehicles and at public assistance offices. However, the most common response to the question about reasons for not being registered among

those who were not registered, is the lack of knowledge about how to register. The non-registered respondents also evinced a lack of interest in elections or politics. Interestingly, the most common form of registration was through a registration drive, but quite a few registered in the county auditor’s office or through mail-in registration. Also, as was evident in the Nevada responses, the difficulty of traveling to places for registration is a significant impediment. The lack of a required form of identification was the second most common problem, both among those registered and those who were not registered. Difficulties in describing residence and failure to receive a registration card in mail also were common problems. Respondents described a total of 489 problems that they had encountered while trying to register. That is a very large number, given the sample size.

**Voting in South Dakota**

**Questions Answered by All Respondents**

**Basic Knowledge About Voting In South Dakota**

Unlike Nevada, which has some precincts designated as vote by mail only, all South Dakota precincts have local polling places where people can cast ballots on election day. This makes the question about whether people know the location of their local polling place a good indicator of basic knowledge about voting in South Dakota. Table 44 shows the responses to the following: Do you know where your local polling place is?

**Table 44. Knowledge of Local Polling Place**

<b>Responses</b>	<b>Number</b>	<b>Percentage</b>
Know Location	376	78.66%
Don’t Know Location	102	21.34%
Total	478	100%

**Ways People Have Used to Vote:**

All of the respondents were asked the following question: The following is a list of the different ways that people in South Dakota can vote. Please tell us which of the ones you have used at any time:

- In-person voting on Election Day at your local polling place
- Used any form of Early Voting (Identify which one of the following)
  - Early voting at a satellite election center on the reservation
  - Receive ballot by mail & return it by mail
  - Receive ballot by mail & return it in-person to county auditor’s office
  - Get ballot in auditor’s office and return it immediately
  - Get ballot in auditor’s office and mail it back to auditor’s office
  - Get ballot in auditor’s office and return it later in person to auditor’s office

Other

Table 45 covers the responses to the question asking people about the forms of voting they have used.

**Table 45. Use of Different Forms of Voting**

Type of Voting	Have Used the Type of Voting	Have Not Used the Type of Voting	Totals
In-Person Voting on Election Day at Polling Place	375 (77.48%)	109 (22.52%)	484
Any Type of Early Voting	83 (18.16%)	374 (81.84%)	457
Early Voting: Fill Out and Turn in At Auditor's Office	42 (8.77%)	437 (91.23%)	479
Early Voting: Receive & Return by Mail	39 (8.14%)	440 (91.86%)	479
Early Voting: Satellite on Reservation	32 (6.68%)	447 (93.32%)	479
Early Voting: Receive by Mail & Return In-Person to Auditor	17 (3.55%)	462 (96.45%)	479
Early Voting: Receive at Auditor Office & Return Later in Person to Auditor	17 (3.55%)	462 (96.45%)	479
Early Voting: Receive at Auditor's Office & Return by Mail	10 (2.09%)	469 (97.91%)	479
Other Form of Voting	8 (2.67%)	292 (97.33%)	300

These responses clearly show that very few South Dakota respondents ever have used a form of early voting. Overall only 83 (18.2%) people had tried to use early voting forms, which is clear from the more specific questions about types of early voting. Among the forms of early voting, the most commonly used were voting in the auditor's office and voting by mail.

Failed in Attempt to Vote:

Table 46 shows the responses to the follow-up question: have you ever tried but been unable to vote using one of these methods? \_\_\_ Yes \_\_\_ No

**Table 46. Failed in Voting Attempt**

<b>Unable to Vote</b>	<b>Number</b>	<b>Percentage</b>
Yes	24	5.29%
No	430	94.71%
Total	454	100.0%

Problems Experienced in In-Person Voting:

Although only 5.3% of respondents reported having failed in their attempts to vote when using either a form of Election Day voting or early voting, there are other problems in voting that result in some people not even making an attempt to vote using one of the methods described above.

Table 47 shows the responses to the following question about problems with in-person voting: Have you ever experienced any of the following problems in trying to cast your vote in person? [Check all that apply]. Only people who have ever been registered to vote were asked to answer this question.

- I couldn't get to my polling place.
- I was told I was at the wrong polling place.
- I didn't have the requested voter ID.
- I had a photo ID but I was told it couldn't be used because it didn't have my current address, was expired or had some other issue.
- I wasn't on the registered voter list.
- I do not speak English well enough to vote and there was no ballot available in my primary language.
- I read and speak English, but I had trouble with understanding part of the ballot.
- I asked to bring someone into the booth to help me vote but the poll worker denied my request.
- A local election official was disrespectful.
- Had your right to vote challenged by a member of election board or poll watcher.
- I was told to vote a provisional ballot but it wasn't counted.
- Other

**Table 47. In-Person Voting Problems**  
(Only answered by those registered to vote)

Type of Problem	Numbers Marking It
Difficult to Travel to Polling Place	108
Went to Wrong Polling Place	63
Did Not Accept My Photo Identification	42
Did Not Have Requested Identification	41
Not on Registered Voter List	39
Trouble Understanding the Ballot	19
Disrespectful Election Official	16
Limited English Language	14
Right to Vote Challenged	10
Other Not Listed Problem	7
Request for Help Denied	7
Provisional Ballot Not Counted	6
Total	372

These responses show that a large portion of the registered South Dakota respondents still had problems when it came to voting on Election Day at their local precinct. Travel distance again shows up as a high barrier to voting, as do problems with finding the correct polling place. Issues related to voter identification, registration, and interactions with election officials also were marked by a substantial number of respondents. They listed a total of 372 distinct problems in their attempts to vote. Given that the number of respondents in South Dakota was less than half as Nevada sample, it is striking that the number of problems is substantially higher than in Nevada, controlling for number of respondents.

Problems in Voting by Mail:

There is also a range of potential problems with the different forms of voting by mail. Table 48 provides the responses to the following question about voting by mail:

Did you ever experience any of the following problems in requesting, receiving and/or casting your mail-in or drop-off ballot? [Check all that apply.]

- Ballot never arrived in the mail
- I wasn't able to identify my residential address because it is rural and not easily described.
- Did not understand how to fill out ballot.
- The ballot was not in my primary language and I did not have anyone to translate it for me.
- Made a mistake filling out my ballot and am unsure if my vote was properly recorded

- Damaged ballot in some way (ripped, spilled coffee, etc.), and thus am unsure if my vote was properly recorded
- Did not understand how to return ballot
- A local election official was disrespectful when I tried to return the ballot
- I was unable to mail or drop off my ballot because of a physical disability or illness.
- Other

**Table 48. Voting by Mail Problems**

(Only answered by those who have tried to vote by mail)

<b>Type of Problem</b>	<b>Numbers Marking It</b>
Ballot Never Arrived	57
Could Not Identify Rural Address	32
Did Not Understand How to Fill Out Ballot	32
Other Unspecified Problem	14
Made a Mistake in Filling Out the Ballot	14
Did Not Understand How to Return Ballot	9
Damaged the Ballot Language	7
Disrespectful Election Official	6
Needed a Translator to Understand	4
Incapacitated Due to Disability or Illness	4
Total	179

This clearly indicates that, even though only a small portion of the South Dakota respondents had tried to vote by mail, they encountered a substantial number of problems. The biggest problem was the failure to receive a ballot in the mail (that was also the most cited problem among the Nevada respondents). The South Dakota respondents were, compared to Nevada, much more likely to have experienced problems due to a rural address that is difficult to identify.

**Questions Answered by All Respondents.**

**Trust in Voting:**

Earlier questions examined the different forms of voting that are available, so we need an understanding of why individuals would choose one form over another. The earlier questions examine the possible problems that people may encounter in different forms of voting, but trust in government may also affect decisions about whether to vote, and if so, the form of voting. Tables 49-52 summarize the responses to questions about the level of trust in different forms of voting.

Table 49 gives responses to the following question: How much trust do you have that your vote will be counted, if you vote in-person at a local polling place on Election Day? If you have not used this method, still tell us how much trust you have in this form of voting.

- Complete trust
- Some trust



- No trust.

**Table 49. Trust in In-Person Voting at Polling Place on Election Day**

Level of Trust	Number	Percentage
Complete Trust	178	38.28%
Some Trust	240	51.61%
No Trust	47	10.11%
Total	465	100.0%

It is worth noting that the South Dakota respondents were less likely than those in Nevada to indicate they had “complete trust” their votes would be counted when using in-person voting at a polling place.

Table 50 gives responses to the following question: How much trust do you have that your vote will be counted, if you vote at a satellite election center on the reservation? If you have not used this method, still tell us how much trust you have in this form of voting.

- Complete trust
- Some trust
- No trust.

**Table 50. Trust in Satellite Voting on the Reservation**

Level of Trust	Number	Percentage
Complete Trust	150	32.90%
Some Trust	240	52.63%
No Trust	66	14.47%
Total	456	100.0%

Table 51 measures trust in voting by mail with respondents being asked the following question: If you mail your ballot in, how much trust do you have that your vote will be counted? If you have not used this method, still tell us how much trust you have in this form of voting.

- Complete trust
- Some trust
- No trust.

**Table 51. Trust in Voting by Mail**

<b>Level of Trust</b>	<b>Number</b>	<b>Percentage</b>
Complete Trust	75	23.89%
Some Trust	158	50.32%
No Trust	81	25.80%
Total	314	100.01%

The South Dakota respondents also had lower levels of “complete trust” in voting by mail in comparison with those in Nevada.

Table 52 measures trust in voting where you hand deliver the ballot to the county auditor. This is measured by responses to the following question: What about casting a vote by dropping off your absentee or mail in ballot (i.e., giving it to the county auditor) how much trust do you have that your vote will be counted? If you have not used this method, still tell us how much trust you have in this form of voting.

- Complete trust
- Some trust
- No trust.

**Table 52. Trust in Voting by Dropping Off Ballot to County Auditor**

<b>Level of Trust</b>	<b>Number</b>	<b>Percentage</b>
Complete Trust	96	29.91%
Some Trust	174	54.21%
No Trust	51	15.89%
Total	321	100.0%

South Dakota respondents have fairly low levels of trust in any of the forms of voting. None of the forms of voting garner even 40% of the respondents indicating they have “complete trust” that their votes will count. Even more noticeable is that levels of trust are markedly lower for mail-in voting and in-person drop-off ballots to the county auditor. It also is worth noting that large

numbers of respondents chose not to answer the final two questions about trust in voting by mail and dropping off a ballot to the county auditor. For both of these forms of voting, the county auditor has a substantial amount of discretion over whether a ballot is recorded.

### Summary:

Most South Dakota respondents indicated they knew the location of their local polling place, which is important because that is the most commonly used means of voting (77%). Only 18% have ever used a form of early voting, which is substantially lower than among Nevada respondents. Even though only 5% indicated they had tried to vote but failed, respondents reported a very high number of problems. Controlling for the number of respondents, the rate of problems for both in-person voting and early voting was much higher in South Dakota than in Nevada. As was true in Nevada, the greatest in-person voting problems were difficulty in traveling to the polling place, and going to the wrong polling place. South Dakota in-person voters also had problems providing the requested voter identification. Respondents in both states also identified not being on the list of registered voters as an impediment. South Dakota respondents experienced a broad range of problems when attempting to vote by mail, with the ballot not arriving as the most common, followed by difficulties in identifying their rural address.

The respondents reported very low levels of trust in all forms of voting. The trust levels are somewhat lower than in Nevada where 45.42% of in-person voters indicated they had “complete trust” their votes would be counted. The lack of trust evident in these responses is very much in keeping with the earlier 32-point disparity in the reported rates of voting in tribal versus non-tribal elections. It also is consistent with the responses to questions related to political efficacy.

### **Additional Factors Related to Electoral Participation:**

At the end of the survey, there was a section with questions that probed deeper into additional factors that relate to electoral participation. These are divided into two broad categories: systemic factors related to electoral access, and human capital factors. The latter includes socio-demographic and economic factors that have been identified as increasing the human capital of individuals.

#### Factors Related to Electoral Access:

These included questions about internet access, the distance that people have to travel in order to vote at a polling place on election day, how often they travel to the county seat (the location of election offices), and regular access to the mail.

Internet Access: One of the potential ways that people can register is through using the internet, so respondents were asked whether they had regular access to the internet. Out of the 484 answering this question, 148 or 30.58% stated they did not have regular internet access. Not only is this a substantially lower rate of access than was the case in Nevada, it is much lower than the

national average. This means that people do not have an easy way of down-loading forms and finding out basic information about registering and voting within the state.

Distance to Polling Place: In light of the large body of academic research showing that even very small distances, such as a half-mile, are related to decreased turnout, people were asked how far they had to travel to reach their polling places. The response rate was quite low, but that could be due to a number of factors, such as not knowing the location of the polling place and not knowing the distances. The responses support the view that travel distances constitute a major barrier, although not quite as much of a problem as in Nevada. (In both states, however, the response rate on the question was low.) Nearly 30% of respondents had to travel to polling places that were more than 10 miles distant from their homes, which meant a round-trip travel distance of 20 miles or more. Table 53 shows the responses to the question asking how far they have to travel to reach their polling place on Election Day.

**Table 53. One Way Travel Distance to Polling Place**

<b>Travel Distance</b>	<b>Number</b>	<b>Percentage</b>
Up to 1 Mile	88	42.72%
Over 1 Mile, Up to 5 Miles	42	20.39%
Over 5 Miles, Up to 10 Miles	18	8.747%
Over 10 Miles, Up to 30 Miles	47	22.82%
Over 30 Miles	11	5.34%
Total	215	100.01%

Visiting the County Seat: The offices of election officials are located in the county seat, so many of the tasks related to registration and voting are done in these offices. Regular travel to the county seat makes it easier to perform these tasks. Many of the county seats are located in border towns with reputations for hostility to Native Americans, so the problem is not simply one of travel distance. Hence, a question was included that asked how often they traveled to the county seat. Their responses, as tabulated in Table 54, show that 80% of respondents either never or rarely travel to the county seat. These figures show that South Dakota's Native populations are significantly less likely to travel to the county seat than are those living in Nevada, although the latter do not regularly travel there either.

**Table 54. Travel to County Seat**

<b>How Often They Travel</b>	<b>Number</b>	<b>Percentage</b>
Never	181	46.29%
Rarely	132	33.76%
Occasionally	49	12.53%
Weekly	16	4.09%
Several Times a Week	7	1.79%
Daily	6	1.53%

Live in County Seat	0	0%
Total	391	99.99%

Access to Mail Services: Voting by mail is often suggested as a way for people facing travel distance barriers to gain greater access. While this may be a feasible alternative for those with home mail delivery, it is not a viable option for people who must travel to post offices in order to get their mail. Two questions designed to ascertain access to mail services were included.

Table 55 gives the responses to the first of these, which asks about their form of mail delivery.

**Table 55. Form of Mail Delivery**

Type of Mail Delivery	Number	Percentage
At Home Delivery	397	81.69%
Post Office Box	56	11.52%
Other	33	6.79%
Total	486	100%

Then a follow-up was included for those without home mail delivery, asking how often they picked up their mail. This is an important factor affecting the ability to vote by mail.

These results are presented in Table 56.

**Table 56. Patterns of Picking Up Mail at Post Office**

Timing of Pick Up	Numbers	Percentage
Daily	186	45.81%
Couple Times Per Week	133	32.76%
Weekly	49	12.07%
Couple Times Per Month	21	5.17%
Once a Month	4	.99%
Less Than Once a Month	13	3.20%
Total	406	100.0%

These two tables show that the only a small portion of the South Dakota respondents have home mail delivery, but that most of those who get their mail at the post office travel there regularly. Three-quarters go to the post office daily or a couple times per week, but 9% visit the post office less than once a week.

### Human Capital Factors Related to Voting:

Individuals vary with respect to the skills, knowledge, and intangible assets that they possess. The degree of human capital is directly tied to one's ability to contribute economically to society. It also is related to one's ability to be politically engaged. Also not surprisingly, scholars have found that levels of education and economic status are associated with the propensity to vote. The survey also examined whether having a primary language other than English made it more difficult for individuals to vote. The responses to questions covering these factors are presented in Tables 57-59.

Disability Status: The first factor is disability status. The ability to participate in a broad range of political activities, including registering and voting, can be adversely impacted by disability status. As with the Nevada respondents, disability status affected roughly 7% of the South Dakota respondents' ability to participate in elections.

Educational Achievement: Table 57 shows the responses to a question asking participants to identify the highest level of schooling completed. While most (87%) had completed high school, only 7% had completed college or had an advanced degree. This is a lower proportion of college-educated respondents than in the Nevada sample, and much lower than the national average.

**Table 57. Highest Level of Education Completed**

<b>Level of Schooling Completed</b>	<b>Number</b>	<b>Percentage</b>
Less than 5 <sup>th</sup> Grade	2	0.41%
More than 5 <sup>th</sup> Grade but No High School Degree	60	12.42%
High School Graduate	2014	41.61%
Some College/No Degree	136	28.16%
Associate Degree	48	9.94%
Bachelor Degree	26	5.38%
Advanced Degree	10	2.07%
Total	483	100%

Economic Status: Because many people are not willing to provide information about their incomes, economic status was explored through the use of indirect measures.

The first was a question asking people to identify their main sources of income. See Table 58.

**Table 58. Main Sources of Income**

<b>Source of Income</b>	<b>Numbers</b>	<b>Percentage</b>
Full Time Employment	155	32.22%
Other	96	19.96%

Public Assistance	75	15.59%
Part Time Employment	56	11.64%
Disability Income	47	9.77%
Student Financial Aid	31	6.44%
Retirement Income	21	4.37%
Total	481	99.99%

The second question designed to assess economic status asked people to identify which of the following best described their living situation: own a house or condo, live in Tribal housing, rent a non-tribal house or condo, stay with family or friends, and other living situation.

Responses are summarized in Table 59.

**Table 59. Current Living Situation**

Type of Housing	Number	Percentage
Tribal Housing	154	31.49%
Stay with Friends/Family	132	26.99%
Own House or Condo	103	21.06%
Rent Non-Tribal Housing	69	14.11%
Other	31	6.34%
Total	489	100.0%

While not definitive, the responses to the two questions related to economic status are consistent with our sense that most of the survey respondents are economically stressed. Less than one-third have full-time jobs. A large number marked other forms of income (likely the informal economy) and public assistance as their primary sources of income. With respect to their living situations, the most common tribal housing followed by staying with family or friends. All the results were expected, given that roughly half of American Indians in the state have incomes below the poverty line.

Primary Language: Ninety percent of respondents indicated that English alone was their primary language and most of the other respondents listed English along with a Native language.

Summary:

Earlier we discussed a range of additional factors that are relevant to electoral participation were considered. These included two broad categories of factors: those related to access and those that involve the human capital of individuals. The first category included internet access, travel distance to polling places, travel to the county seat, regular access to mail and disability status. Nearly a third of respondents stated they did not have regular internet access. Nearly 30% had round-trip distances of more than 20 miles to reach their polling places, but the response rate to this question was quite low. Also, 80% never or rarely went to their county seat. Less than 7% of

the respondents have home mail delivery, but most regularly visit the post office. The second category included a range of socio-demographic and economic factors: education levels, source of income, living situation and primary language. The responses to these questions provide strong indications that the South Dakota sample has low levels of human capital. Their education levels are much lower than the national average and they have limited economic resources. It is important, however, to remember that all of these factors are inter-related. For example, travel distance, either to polling place or to election officials' offices, constitutes a much greater obstacle if the individual is impoverished and has a low level of education; that makes it harder to navigate the requirements to register and vote.



## Arizona and New Mexico NAVRC Survey Results

NAVRC also administered a survey on barriers to Native American voters in Arizona and New Mexico in Spring 2017. The survey included a cross-section of the Native American populations in each state, including the largest indigenous Native American population in the United States, the Navajo Nation. The initial goal was to survey 625 eligible Native American voters in each state for a total of 1,250. The survey group decided to survey 525 eligible voters from the reservations and pueblos in each state and cap the urban sample at 100 per state. Though this does not represent an exact representation of the urban-rural breakdown of Native American voters in each state, it permitted the group to include some urban Native American voters, while emphasizing the unique challenges faced by Native Americans in rural communities. It is the latter group of voters, after all, who must travel great distances to register and vote, who predominantly rely on P.O. boxes for election-related mail, and whose isolation from non-tribal governmental services can exacerbate barriers to voting.

After analyzing the demographic data in conjunction with University of Utah Professor Dan McCool and his research assistant Liana Prudencio, the survey group set the following goals for each state and tribal grouping:

**Table 1. Survey Targets**

<b>Arizona</b>	<b>Number of Surveys To Be Collected</b>
Navajo Nation	339
Yuman tribal grouping	12
Apache tribal grouping	67
Pima tribal grouping	45
Tohono O’odham tribal grouping	29
Hopi tribal grouping	23
Yaqui tribal grouping	10
Flagstaff (urban sample)	22
Phoenix (urban sample)	59
Tucson (urban sample)	19
<b><i>Total</i></b>	<b><i>625</i></b>

<b>New Mexico</b>	
Navajo Nation	323
Pueblo tribal grouping	171
Apache tribal grouping	31
Albuquerque (urban sample)	35
Farmington and Gallup (urban sample)	65
<b><i>Total</i></b>	<b><i>625</i></b>

NAVRC, under the direction of the Fair Elections Legal Network, worked in conjunction with three teams to field the survey: the Navajo Nation Human Rights Commission, led by Leonard Gorman; the Inter Tribal Council of Arizona (ITCA), led by Travis Lane; and the Native American Voters Alliance (NAVA) of New Mexico, led by Laurie Weahkee.

The Navajo Nation Human Rights Commission devised a plan to conduct their total of 662 surveys in designated locations within the Arizona and New Mexico portions of the Navajo Nation. The team selected sites based on turnout levels in the 2016 general election. ITCA was responsible for surveying the Yuman, Apache, Pima, Tohono O’odham, Hopi and Yaqui tribal groupings in Arizona, as well as the Flagstaff, Phoenix and Tucson urban samples. Similarly, NAVA conducted all non-Navajo surveys in New Mexico, including the Pueblo<sup>29</sup> and Apache tribal groupings, as well as the urban samples in Albuquerque, Farmington and Gallup.

The Fair Elections Legal Network, with input from the NAVRC data working group and the local lead groups, drafted and finalized the surveys, helped train the three teams in Arizona and New Mexico, provided general supervision for both pre- and post-survey collection activities, and drafted this final report. Due to a mix of practical hurdles, the most significant of which was the difficulty in obtaining permission from each reservation and pueblo and in some cases their Institutional Review Boards, the number of surveys actually collected differs slightly from the goals outlined above. Nevertheless, the survey achieved its aims and adhered closely to its distributional targets.

Substantial help with data input and arraying the data for analysis was provided by Maureen Brophy of ITCA.

---

<sup>29</sup> There are 19 different pueblos in New Mexico.

**Table 2. Number of Actual Surveys Collected**

<b>Arizona</b>	<b>Number of Surveys Collected</b>
Navajo Nation	362
Yuman tribal grouping	12
Apache tribal grouping	76
Pima tribal grouping	38
Tohono O’odham tribal grouping	0 ( <i>permission denied</i> )
Hopi tribal grouping	23
Yaqui tribal grouping	10
Flagstaff (urban sample)	29
Phoenix (urban sample)	75
Tucson (urban sample)	19
<b><i>Total</i></b>	<b>644</b>
<b>New Mexico</b>	
Navajo Nation	302
Pueblo tribal grouping	166
Apache tribal grouping	31
Albuquerque (urban sample)	35
Farmington and Gallup (urban sample)	68
<b><i>Total</i></b>	<b>602</b>

Surveys were collected in various tribal communities within a tribal grouping or indigenous nation. The survey totals by data collection location are reflected below in Tables 3 through 5:

**Table 3. Arizona’s Collected Surveys by Data Collection Location**

<b>Data Collection Location</b>	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Frequency</b>	<b>Cumulative Percent</b>
Flagstaff	29	4.50	29	4.50
Gila River	19	2.95	48	7.45

Hopi	23	3.57	71	11.02
Hualapai	12	1.86	83	12.89
Navajo	362	56.21	445	69.10
Pascua Yaqui	10	1.55	455	70.65
Phoenix	75	11.65	530	82.30
Salt River	19	2.95	549	85.25
San Carlos	76	11.80	625	97.05
Tucson	19	2.95	644	100.00

**Table 4. New Mexico's Collected Surveys by Data Collection Location**

Data Collection Location	Frequency	Percent	Cumulative Frequency	Cumulative Percent
Acoma Pueblo	15	5.00	15	5.00
Albuquerque	35	11.67	50	16.67
Cochiti Pueblo	11	3.67	61	20.33
Farmington	34	11.33	95	31.67
Gallup	34	11.33	129	43.00
Isleta Pueblo	13	4.33	142	47.33
Jicarilla Apache	15	5.00	157	52.33
Laguna Pueblo	23	7.67	180	60.00
Mescalero Apache	16	5.33	196	65.33
Picuris Pueblo	5	1.67	201	67.00
Pojoaque Pueblo	4	1.33	205	68.33
San Felipe Pueblo	17	5.67	222	74.00
Santa Clara Pueblo	12	4.00	234	78.00
Santo Domingo Pueblo	22	7.33	256	85.33
Taos Pueblo	21	7.00	277	92.33
Zuni Pueblo	23	7.67	300	100.00

**Table 5. Navajo Nation’s Collected Surveys by Data Collection Location**

<b>Data Collection Location</b>	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Frequency</b>	<b>Cumulative Percent</b>
Alamo	45	6.78	45	6.78
Bird Springs	44	6.63	89	13.40
Black Mesa	47	7.08	136	20.48
Chinle	44	6.63	180	27.11
Copper Mine	42	6.33	222	33.43
Mexican Springs	44	6.63	266	40.06
Nahata Dziil	44	6.63	310	46.69
Nahodishgish	44	6.63	354	53.31
Nanees Dizi	43	6.48	397	59.79
Nenahnezad	45	6.78	442	66.57
Red Valley	46	6.93	488	73.49
Sanostee	44	6.63	532	80.12
Sawmill	44	6.63	576	86.75
To’hajiilee	44	6.63	620	93.37
Tsalie Wheatfields Dine College	44	6.63	664	100.00

The survey instruments used in Arizona and New Mexico largely matched the surveys used in South Dakota and Nevada, with some notable changes:

- First, Arizona has two significant restrictions on voting – a proof of citizenship requirement for new voter registration applicants and an in-person voter ID requirement. The Arizona survey therefore asks voters whether they have any of the valid forms of proof of U.S. citizenship and whether they have any of the forms of photo ID and/or non-photo ID that the law requires. Certain New Mexico municipalities such as Albuquerque, Rio Rancho and Clovis have a voter ID requirement for municipal elections but since this was a statewide survey and respondents overwhelmingly were not subject to these laws, a question on *municipal* voter ID was omitted.

- Second, the felon disenfranchisement question was made more explicit in the Arizona and New Mexico surveys to attempt to reduce respondent and survey-taker confusion. The survey only canvassed eligible voters, regardless of registration status.
- Third, the Navajo Nation team used a distinct version of the survey but the only difference was that they asked whether a respondent was “a resident of the [Arizona/New Mexico] portion of the Navajo Nation,” as opposed to a resident of the state itself.
- Fourth, the surveys reflected the terminology and registration or voting options in the state.
- Fifth, the survey allowed respondents to select “None” when answering which government they trusted most.

Below we walk through the results of the survey question by question and then conclude each section with a summary of key findings and recommendations for election reforms that would address some of the barriers to Native Americans registering to vote and casting a ballot.

# ARIZONA

## Political Engagement

As noted in previous sections of this report, the survey begins with a series of questions on political engagement before diving into the questions on barriers to voter registration and voting. Voting is just one of a number of actions a citizen can take to participate in democratic politics. This section of the survey begins by asking what types of political actions the respondent has engaged in, besides voting:

Which of the following have you ever done? [**CHECK ALL THAT APPLY**]

- Taken part in a demonstration or protest
- Attended a political meeting or a rally
- Donated money or raised funds for a political cause or candidate
- Participated in an election campaign
- Signed a petition
- Contacted an elected official in a non-tribal government (federal, state or local governments)

**Table 6. Non-Voting Political Activities**

Political Activity	Yes	No	Total
Attended a Demonstration	116 (18.11%)	528 (81.99%)	644 (100%)
Attended a Political Meeting/Rally	194 (30.12%)	450 (69.88%)	644 (100%)
Donated Money/Fundraised	126 (19.57%)	518 (80.43%)	644 (100%)
Election Campaign	140 (21.74%)	504 (78.26%)	644 (100%)
Signed a Petition	350 (54.35%)	294 (45.65%)	644 (100%)
Contacted an Elected Official	111 (17.24%)	533 (82.76%)	644 (100%)

Signing a petition was the only political activity that garnered a majority of respondents in Arizona and attending a political meeting or rally was second at 30.12%. There are lower levels of other

types of political engagement among Arizona’s eligible Native American voters, especially when it comes to participating in campaign work and direct outreach to elected public officials. This is unsurprising given the disproportionate levels of poverty and isolation in rural areas. In light of that context, the fact that nearly a third have attended a political meeting or rally is heartening.

**Propensity to Vote**

Moving on to voting itself, the survey asked whether respondents generally vote in non-tribal and tribal elections, respectively. As Table 7 demonstrates, almost 2/3 of respondents identify as generally high-frequency, high-propensity voters in non-tribal elections, but that leaves over one third who do not so identify. Table 9 reveals that the percentage of eligible Native American voters in Arizona participating in tribal elections is higher than that participating in non-tribal elections, but only by about 10 percentage points. About a quarter either do not participate or are ineligible to vote in tribal elections. The rest of the survey focused on non-tribal elections.

**Table 7. Non-Tribal Election Participation Generally<sup>30</sup>**

<b>Do you generally vote in non-tribal elections?</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Count	416	221	637
Percentage	65.3%	34.7%	100%

Unsurprisingly, by frequency, most identified last year’s presidential election as the last non-tribal election they participated in. There is also some participation in local elections, even among those who seemingly did not participate in last year’s presidential election.

**Table 8. Last Non-Tribal Election In Which Respondent Voted**

2016 Presidential/General Election	275
Unspecified County Election	20
2012 Presidential	6
I don’t know	6
2014 Midterm Elections	4
2016 County Election	3
2017 Local	3
2008 Presidential	2
Likely 2008 Presidential	2
Unspecified School Board Election	2

---

<sup>30</sup> 1 missing response is excluded.



Unspecified School Referendum	2
1996 Presidential	1
2014 County Election	1
2015 School Board	1
2016 Primary	1
Local city council election	1
School Board Election	1

**Table 9. Tribal Election Participation Generally<sup>31</sup>**

<b>Do you generally vote in tribal elections?</b>	<b>Yes</b>	<b>No</b>	<b>Not Applicable</b>	<b>Total</b>
Count	480	121	34	635
Percentage	75.6%	19.05%	5.35%	100%

The majority of respondents who identified the last election in which they voted, had voted in a tribal election within the last four years. One hundred sixteen respondents identified a specific tribal election they voted in but did not give the precise year.

**Table 10. Last Tribal Election In Which Respondent Voted**

2016	161
2015	47
2014	32
2017	17
I don't know	5
2013	5
2012	5
2010	4
2009	2
2011	1
2007	1
2000	1
1998	1
1996	1
1994	1
Unspecified	116

<sup>31</sup> We have excluded 9 missing responses.

Respondents were next asked if they voted in the 2016 general election and the reasons why they did or did not participate. Some possible reasons were supplied but each follow-up question also contained blank space for an extended description of any of the individual respondent's reasons for or against voting.

The most common form of political activity is voting, although there are reasons why people sometimes cannot vote. Did you vote in the 2016 presidential election?

\_\_\_ YES \_\_\_ NO

**IF YES**, what are the reasons that you voted in 2016? [**CHECK ALL THAT APPLY.**]

- It is my duty or responsibility to vote.
- It's my right to vote.
- I think my vote can make a difference in my life.
- I think my vote can make a difference in laws that will affect all of our lives.
- A relative or friend convinced me I should vote but I don't feel strongly about it.
- Other \_\_\_\_\_

---

**If NO**, there are a number of reasons that people don't vote. Which of the following were reasons that you did not vote in 2016? [**CHECK ALL THAT APPLY.**]

- I wasn't registered
- Illness or disability (own or family member's)
- Out of town or away from home
- Forgot to vote
- Not interested, felt my vote wouldn't make a difference
- Too busy, due to family, work or school responsibilities
- I did not know where or how to vote
- Had trouble getting to the polling place
- Didn't like candidates or campaign issues
- Didn't feel I knew enough about the candidates
- Didn't receive the absentee ballot I requested
- There were problems at the polling place
- Other reason: \_\_\_\_\_

As can be seen in Table 11, the turnout rate was quite high at 70.1%, which is higher than the national and Arizona turnout rates. We suspect this number is also higher than the Native American turnout rate in Arizona, suggesting a selection bias in the survey.<sup>32</sup> Nevertheless, even if 2016 election participants were somewhat overrepresented, nearly 30% of respondents said they did not participate in the presidential election, so the survey did canvass a broad spectrum of high- and low-propensity voters and everyone in between.

---

<sup>32</sup> See footnote 6.

**Table 11. Voting in the 2016 Election<sup>33</sup>**

<b>2016 Election Participation</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Count	451	192	643
Percentage	70.1%	29.9%	100%

Arizona’s Native American respondents generally identified with the civic-minded reasons provided (see Table 12), as was expected. Notably, very few people stated that a relative or friend had to persuade them to vote.

**Table 12. Reasons for Voting in 2016 Election**

<b>Reason</b>	<b>Yes</b>	<b>No</b>	<b>% Yes</b>
It is my right to vote.	392	252	60.87%
I think my vote can make a difference in my life.	313	331	48.60%
I think my vote can make a difference in laws that will affect all of our lives.	319	325	49.53%
A relative or friend convinced me....	36	608	5.59%
Other	47	597	7.30%

Some respondents used the “other” choice to express that it is their duty or responsibility to vote. These statements included that they voted because they had a strong feeling about the election or the candidate.

**Table 12A. Responses for “Other” in Table 12**

Strong feeling about candidate	18
Duty or responsibility to vote	8
Make difference in all lives	5
To be heard	4
Feel strongly about election in general	2
Enjoys voting	1
A relative or friend convinced me	1

Among the 30% of respondents who did not participate in the 2016 general election, their reasons ran the gamut. The most frequent responses tended toward being busy and forgetting to vote which can be a function of too many work and/or family obligations. Lack of knowledge of how to vote and of the candidates were noted to a lesser extent. That 48 people did not vote because they were out of town or away from home is a bit distressing because Arizona of course has no-excuse absentee voting. There may also be some gaps in information and some misinformation

<sup>33</sup> 1 missing response.

surrounding mail-in and drop-off voting alternatives, which contribute to low levels of mail-in voting.

**Table 13. Reasons for Not Voting in 2016 Election**

<b>Reason</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Illness or Disability (own or family member's)	16	628	644
Out of town or away from home	48	596	644
Forgot to vote	56	588	644
Not interested, felt my vote wouldn't make a difference	42	602	644
Too busy, due to family, work, or school responsibilities	45	599	644
I did not know where or how to vote	20	624	644
Had trouble getting to the polling place	21	623	644
Didn't like candidates or campaign issues	38	606	644
Didn't feel like I knew enough about the candidates	32	612	644
Didn't receive the absentee ballot I requested	2	642	644
There were problems at the polling place	4	640	644
Other	25	619	644

Some of these responses start to anticipate the questions later in the survey on registration barriers, ID problems and the difficulty of transportation. It bears noting that one person indicated their traditional beliefs are in conflict with engaging in elections.

**Table 13A. "Other"**

Registration problems	9
Didn't like candidates	3
Trouble getting to polling place	3
No ID	2
Ineligible (less than 18yo)	1
Not interested in voting	1
Too busy	1
Traditional beliefs conflict with engaging in elections	1

Levels of trust in government can drive voter apathy or participation. Though there appears to be high levels of participation in the 2016 election for these respondents, the level of trust in the federal government is poor, only outranking "None" and local government. Tribal governments yield the highest rates of trust at 56.83% and state government interestingly outranks local government.

Which government do you trust most to protect your rights?

- Tribal
- Local (county or city)
- State
- Federal
- None

**Table 14. Most Trusted Government(s)**

<b>Government</b>	<b>Yes</b>	<b>No</b>
Tribal	366 (56.83%)	278 (43.17%)
Local	106 (16.46%)	538 (83.54%)
State	183 (28.42%)	461 (71.58%)
Federal	142 (22.05%)	502 (77.95%)
None	116 (18.01%)	528 (81.99%)

### **Registration Barriers**

The survey next asked respondents to answer questions about registering to vote in non-tribal elections and any barriers or problems they encountered in the past. Registration in Arizona is not as straightforward as in other states due to a law enacted following the passage of Proposition 200 in 2004. Arizona is one of just four states that requires documentary proof of U.S. citizenship. ARIZ. REV. STAT. § 16-166(F) provides that: “The county recorder shall reject any application for registration that is not accompanied by satisfactory evidence of United States citizenship. Satisfactory evidence of citizenship shall include any of the following:

1. The number of the applicant's driver license or nonoperating identification license issued after October 1, 1996 by the department of transportation or the equivalent governmental agency of another state within the United States if the agency indicates on the applicant's driver license or nonoperating identification license that the person has provided satisfactory proof of United States citizenship.
2. A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the county recorder.
3. A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the county recorder of the applicant's United States passport.
4. A presentation to the county recorder of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States immigration and naturalization service by the county recorder.

5. Other documents or methods of proof that are established pursuant to the immigration reform and control act of 1986.

6. The applicant's Bureau of Indian Affairs card number, tribal treaty card number or tribal enrollment number.

Subsection (G) states that only new registrants need to provide evidence of citizenship, and that includes anyone “changing voter registration from one county to another.” As these laws go, Arizona’s proof of citizenship law is less strict than Kansas’, Georgia’s and Alabama’s proof of citizenship laws, *see* ALA. CODE § 31-13-28; GA. CODE ANN. § 21-2-216(g); KAN. STAT. ANN. § 25-2309, because a driver’s license or ID card number suffices in lieu of a hard copy of documentary evidence or even a photocopy of the license or ID, as long as it was issued after October 1, 1996. To assess whether Native Americans can comply with this requirement, the survey asked respondents whether they have one or more of the following valid forms of proof of citizenship:

Do you have one of the following forms of proof of citizenship? “Have” means you have it on your person or know where it is and could bring it to register to vote. [CHECK ALL THAT YOU HAVE.]

- An Arizona driver’s license or ID issued after October 1, 1996
- A legible photocopy of a birth certificate
- A marriage certificate
- A passport or legible photocopy of the pertinent pages of your passport
- U.S. naturalization certificate
- Indian Census Number

**Table 15. Proof of U.S. Citizenship for Registration**

<b>Proof of U.S. Citizenship</b>	<b>Yes</b>	<b>No</b>
An Arizona driver’s license/ID issued after Oct. 1, 1996	574 (89.13%)	70 (10.87%)
A photocopy of a birth certificate	440 (68.32%)	204 (31.68%)
U.S. passport or photocopy of relevant pages	54 (8.39%)	590 (91.61%)
U.S. naturalization certificate	10 (1.55%)	634 (98.45%)
Indian Census Number	450 (69.88%)	194 (30.12%)
Tribal Enrollment Number	464 (72.05%)	180 (27.95%)
Bureau of Indian Affairs (BIA) Card Number	67 (10.40%)	577 (89.60%)

This was one of the more surprising results in the survey. Six hundred forty-one out of 644 respondents had at least one form of proof of citizenship and therefore could register to vote. That figure would likely decrease if Arizona moved to a strict documentary proof of citizenship requirement, eliminating the post-October 1, 1996 Arizona driver’s license or state ID number alternative. Only 63 or 9.78% of respondents had only one form of proof of citizenship, suggesting that Native Americans in Arizona have multiple ways to comply with this law, such that even if a

driver’s license/ID number were eliminated as a possibility in the future, Native American eligible voters might be *less* affected than other demographic groups. As of now, the proof of citizenship law’s anticipated suppressive effects are not reflected in these statistical results, though there may have been selection biases and the results may not accurately capture more impoverished individuals’ lack of documentation.

Aside from this major evidentiary requirement, Native American communities also face barriers from the disproportionate lack of access to many of the ways eligible voters typically register to vote. To assess the scope of this problem, the survey asked a series of questions on rural isolation from voter registration services and poor to no compliance with the National Voter Registration Act (NVRA), or Motor Voter Law, which requires voter registration be offered at public assistance and driver’s licensing offices.

Has anyone ever conducted a voter registration drive in your community? \_\_\_ YES  
 \_\_\_ NO \_\_\_ I DON’T KNOW

Do you know the location of your county election office where you register to vote? \_\_\_ YES \_\_\_ NO

As Tables 16 through 19 demonstrate, the survey results paint a portrait of a voting community that is woefully underserved by local and state officials and third-party registration groups. Less than a third of respondents could positively say there had been a voter registration drive in their community; almost a third definitively said there had never been such a drive. While it may be superficially comforting that at least 71% knew the location of their county election office, a county seat can be quite far away from where Native Americans live on reservation lands and they may experience difficulty traveling there or bringing someone who has just turned 18 years old. Knowledge and access may diverge, and it is disheartening that almost 30% do not know where the county election office is, particularly in light of the low third-party registration drive activity in these communities.

**Table 16. Voter Registration Drives<sup>34</sup>**

<b>Has Anyone Ever Conducted a Voter Registration Drive in Your Community?</b>	<b>Yes</b>	<b>No</b>	<b>I don’t know.</b>
Count	185 (28.8%)	197 (30.7%)	260 (40.5%)

---

<sup>34</sup> 2 missing responses.

**Table 17. Knowledge of Location of County Election Office<sup>35</sup>**

<b>Do you know the location of your county election office?</b>	<b>Yes</b>	<b>No</b>
Count	456 (71%)	186 (29%)

The inaccessibility of in-person registration at a county election office or an in-community registration drive is compounded by Arizona’s failure to comply with the NVRA. Section 5 of the NVRA requires employees at MVD to offer voter registration as part of the driver’s license or ID card issuance, renewal or duplication transaction. Section 7 requires the same in the context of all transactions, including a mere change of address, at public assistance offices. The survey data on compliance is abysmal. As can be seen in Tables 19 and 20 below, of those who have been to an MVD or a public assistance office, more have not been asked to register to vote than have been asked.

A 2015 study by Demos labeled Arizona as a “middle-performing” group for motor voter registration,<sup>36</sup> but the burden of the state’s under-performance in this regard may fall most heavily on lower-income and more isolated areas of the state such as Navajo and Apache Counties. As to public assistance agency-based registration, Project Vote, Demos, the Lawyers’ Committee for Civil Rights Under Law, and the ACLU of Arizona sent the state a notice letter of its failure to comply in August 2014, but it is unclear whether a lawsuit was subsequently filed and what, if any, outcome was reached.<sup>37</sup>

Have you ever been asked about registering to vote at the local Department of Motor Vehicles office?

- YES
- NO
- I don’t know.

**Table 18. MVD Registration – National Voter Registration Act Section 5 Compliance**

<b>Have you ever been asked about registering to vote at the local DMV office?</b>	<b>Yes</b>	<b>No</b>	<b>Not Applicable</b>	<b>I don’t know.</b>
Count	268 (41.61%)	319 (49.53%)	14 (2.17%)	43 (6.68%)

Have you ever been asked about registering to vote at the local public assistance office?

- YES

<sup>35</sup> 2 missing responses.

<sup>36</sup> Demos, *Driving the Vote: Are States Complying with the Motor Voter Requirements of the National Voter Registration Act?* (Feb. 5, 2015), available at [http://www.demos.org/sites/default/files/publications/Driving%20the%20Vote\\_0.pdf](http://www.demos.org/sites/default/files/publications/Driving%20the%20Vote_0.pdf).

<sup>37</sup> Project Vote Press Release, <http://www.projectvote.org/blog/arizona-public-agencies-once-again-failing-to-comply-with-voter-registration-law/>.



- NO
- I don't know.

**Table 19. Public Assistance Office Registration – National Voter Registration Act Section 7 Compliance<sup>38</sup>**

<b>Have you ever been asked about registering to vote at the local public assistance office?</b>	<b>Yes</b>	<b>No</b>	<b>Not Applicable</b>	<b>I don't know.</b>
Count	225 (34.99%)	313 (49.61%)	51 (7.93%)	54 (8.39%)

The survey next asked whether the respondent was registered to vote in non-tribal elections and asked follow-ups based on that response.

- Are you currently registered to vote in non-tribal elections in Arizona?
- YES
  - NO
  - I don't know.

**Table 20. Current Registration Status<sup>39</sup>**

<b>Are you currently registered to vote?</b>	<b>Yes</b>	<b>No</b>	<b>I don't know.</b>
Count	461 (71.7%)	100 (15.55%)	82 (12.75%)

At this point, the survey divides the respondents into two groups: registered and unregistered. Those who are registered were asked about their method of registration and whether they have overcome any obstacles in registering to vote. Those who are currently unregistered were asked about: the reason(s) they are not registered; what methods (if any) they have tried to register to vote; and any barriers that ultimately prevented them from successfully registering to vote. These questions offered a variety of possible answers in case respondents had difficulty remembering or describing the exact barriers that prevented them from voting.

**IF REGISTERED:**

For the most recent time you registered to vote, do you remember how you registered?

- Mail-in registration form
- Online voter registration application
- A voter registration drive
- In person at the county election official's office
- At an on-reservation satellite center
- DMV office

<sup>38</sup> 1 missing response.

<sup>39</sup> 1 missing response.

- Public assistance office
- I don't remember
- Other (please describe): \_\_\_\_\_

Have you EVER experienced any of these problems in registering to vote? [**CHECK ALL THAT APPLY.**]

- It was difficult to travel to the place where I was supposed to register.
- It was hard to identify or describe my residence on the registration form because I live at a non-traditional, rural, or remote residence.
- I did not have the required forms of identification.
- It was hard to understand the questions on the form.
- It was hard to communicate with officials because English is not my primary language.
- I needed help but no one would help me.
- A county election official refused to give me a voter registration form.
- A county election official was disrespectful to me.
- I had computer or Internet problems that prevented me from using online voter registration.
- I filled out the voter registration form but didn't get a registration card in the mail.
- My voter registration form was rejected.
- I don't know or remember.
- No problem
- OTHER (please describe): \_\_\_\_\_

**IF NOT REGISTERED:**

What are the reasons you are not registered to vote? [**CHECK ALL THAT APPLY**]

- Did not meet registration deadline
- Did not know where or how to register
- Did not meet residency requirements/did not live here long enough
- Permanent illness or disability
- Difficulty with English
- Not interested in the election or not involved in politics
- My vote would not make a difference
- Did not want to deal with non-Native election officials
- Other reason: \_\_\_\_\_

Have you ever tried to register to vote in non-tribal elections? \_\_\_\_ YES \_\_\_\_ NO

**IF YES**, how have you tried to register to vote in non-tribal elections? [**CHECK ALL THAT APPLY**]

- Mail-in registration form
- Online voter registration application
- A voter registration drive
- In person at a county election official's office
- At an on-reservation satellite center

- A DMV office
- A public assistance office
- Other (please describe): \_\_\_\_\_

**IF YES**, have you EVER experienced any of the following problems in trying to register to vote in non-tribal elections? [**CHECK ALL THAT APPLY.**]

- It was difficult to travel to the place where I registered to vote.
- It was hard to identify or describe my residence on the registration form because I live at a non-traditional, rural, or remote residence.
- I did not have the required forms of identification.
- It was hard to understand the questions on the form.
- It was hard to communicate with officials because English is not my primary language.
- I needed help but no one would help me.
- A county election official refused to give me a voter registration form.
- A county election official was disrespectful.
- I had computer or Internet problems that prevented me from using online voter registration.
- I filled out the voter registration form but didn't get a registration card in the mail.
- My voter registration form was rejected.
- No problem
- OTHER: (please describe): \_\_\_\_\_

As Table 21 makes clear, though Arizona was the first state in the nation to adopt online voter registration back in 2002, online voter registration is still not a used tool for eligible Native American voters. In the background/demographic section of the survey, a majority of respondents said they had easy access to the Internet, but 263 or 42.63% of respondents noted they do not have easy access to the Internet. This is consistent with government studies. While 75% of Americans reported Internet usage as of July 2015, according to the U.S. Department of Commerce's National Telecommunications and Information Administration, there is a persistent urban-rural digital divide.<sup>40</sup> According to the NTIA report, 68% of Native Americans report they use the Internet. Our survey asked about easy access to the Internet. Those without "easy access" may still find ways to access the Internet via public libraries, but their use may be much more sporadic given the relative lack of access in rural areas. In-person registration at a county election office or at a voter registration drive remain the most common methods of registering to vote for Native Americans in Arizona. One respondent stated that the "offices were never open when I came to register," showing one instance where a lack of Internet might limit opportunities to register to vote in a timely manner. On-reservation satellite centers may be scarce; many more New Mexican respondents recorded using such a satellite center to register to vote.

---

<sup>40</sup> <https://www.ntia.doc.gov/blog/2016/state-urbanrural-digital-divide>.

**Table 21. Method of Registration for Registered Voters [N = 461]**

<b>METHOD OF REGISTRATION</b>	<b>YES</b>	<b>NO</b>
Online voter registration	31 (6.72%)	430 (93.28%)
Voter registration drive	76 (16.49%)	385 (83.51%)
In person at the county election official's office	185 (40.13%)	276 (59.87%)
At an on-reservation satellite center	11 (2.39%)	450 (97.61%)
MVD office	26 (5.64%)	435 (94.36%)
Public assistance office	35 (7.59%)	426 (92.41%)
I don't remember	29 (6.29%)	432 (93.71%)
Other	19 (4.12%)	442 (95.88%)

New registrants face a variety of challenges, but the most common problem was difficulty of traveling to a place where one can register to vote (14.32%), followed by difficulty describing a non-traditional, rural or remote residential address on the Arizona voter registration form (8.03%), and lack of ID or proof of citizenship (4.56%). It is interesting to note that a significant number of people said they did not receive a voter registration card in the mail (though some respondents erroneously believed this was required in order to vote). If these individuals are putting down a P.O. box as a mailing address, this is difficult to explain. If they did not record a mailing address, the problem may in some cases be attributable to the U.S. Postal Service not recognizing and not delivering mail to a certain residential address.

**Table 22. Problems in Registration for Registered Voters [N = 461]**

<b>PROBLEMS IN REGISTRATION FOR REGISTERED VOTERS</b>	<b>YES</b>	<b>NO</b>
It was difficult to travel to the place where I registered to vote.	66 (14.32%)	395 (85.68%)
It was hard to identify or describe my residence on the registration form because I live at a non-traditional, rural, or remote residence.	37 (8.03%)	424 (91.97%)
I did not have the required forms of identification.	21 (4.56%)	440 (95.44%)
It was hard to understand the questions on the form.	27 (5.86%)	434 (94.14%)
It was hard to communicate with officials because English is not my primary language.	16 (3.47%)	445 (96.53%)

I needed help but no one would help me.	20 (4.34%)	441 (95.66%)
A county election official refused to give me a voter registration form.	8 (1.74%)	453 (98.26%)
A county election official was disrespectful.	13 (2.82%)	448 (97.18%)
I had computer or Internet problems that prevented me from using online voter registration.	8 (1.74%)	453 (98.26%)
I filled out the voter registration form but didn't get a registration card in the mail.	44 (9.54%)	417 (90.46%)
My voter registration form was rejected.	4 (0.87%)	457 (99.13%)
I don't know or remember	27 (5.86%)	434 (94.14%)
No problem	260 (56.40%)	201 (43.60%)
Other	24 (5.21%)	437 (94.79%)

**Table 22A. "Other"**

No problem	5
Official error in inputting registration information	3
Name change problem	2
Turned into wrong county	2
Computer or internet problems	1
English not primary language	1
Needed proof of residence	1
No registration card	1
Only had P.O. box	1
Problem getting to the office during open hours	1
Subjected to waiting period	1

### Further Explanations

Didn't get registration card	3
County election official was disrespectful	2
Problem getting to the office	2
Didn't get ballot	1
Didn't know deadline	1
Hard to communicate	1
Official error in inputting registration information	1
Only had P.O. box	1

The reasons Arizona's Native Americans are unregistered include a lack of knowledge about where and how to register, missing the deadline, and failing to meet the residency requirement. These problems can be attributed to basic public information gaps and it shows state and local election officials are not doing enough to provide basic voting information in Native American communities on the reservations.

Almost 6% of respondents said it was hard to understand the questions on the form, 3.5% of registered individuals found it hard to communicate with officials in English; and 2.5% needed help but no one would help them.

All jurisdictions may not be complying with Section 203 of the Voting Rights Act and some jurisdictions may not be covered even though limited-English-proficient Native American voters in those communities may struggle to fill out an English registration form.

Counties in Arizona that are covered under Section 203 are Apache County (Navajo), Coconino County (Navajo), Gila County (Apache), Graham County (Apache), Navajo County (Navajo), and Pinal County (Apache).

There is also a degree of apathy and alienation from the electoral process reflected below in Table 23, but this is not easily addressed through policy reforms.

**Table 23. Reasons Individual is Unregistered to Vote [N = 182]**

<b>REASON(S) INDIVIDUAL IS NOT REGISTERED TO VOTE</b>	<b>YES</b>	<b>NO</b>
Did not meet the registration deadline	30 (16.48%)	152 (83.52%)
Did not know where or how to register	55 (30.22%)	127 (69.78%)

Did not meet the residency requirements / did not live here long enough	15 (8.24%)	167 (91.76%)
Permanent illness or disability	5 (2.75%)	177 (97.25%)
Difficulty with English	5 (2.75%)	177 (97.25%)
Not interested in the election or not involved in politics	28 (15.38%)	154 (84.62%)
My vote would not make a difference	16 (8.79%)	166 (91.21%)
Did not want to deal with non-Native election officials	18 (9.89%)	164 (90.11%)
Other	16 (8.79%)	166 (91.21%)

**Table 23A. “Other”**

Not eligible to vote	3
Absent	2
Registration error	2
Transportation issue	2
Busy working	1
Do not vote for traditional reasons	1
Registered elsewhere	1
Registration expired	1
Residency requirement	1

Only 38 of the 182 unregistered survey participants ever attempted to register to vote, and those individuals tried to register with a variety of methods, including with local chapter houses and the Boy Scouts. Problems encountered in these unsuccessful attempts included a lack of official assistance filling out the registration form and difficulty identifying his/her residence on the registration form because it is a non-traditional, rural, or remote residence. The Arizona voter registration form does contain a box with cardinal directions that allows a registrant to draw his/her residential location, but the box is quite small and voters may struggle to depict it. The state should make this easier by including space for an additional narrative description of the residential address. P.O. boxes cannot be used as an address for registration purposes, only as an alternative, mailing address.

**Table 24. Ever Attempted to Register to Vote? [N = 182]**

<b>YES</b>	<b>NO</b>	<b>MISSING</b>
38	87	57

**Table 25. Method of Registration Attempt by Unregistered Individuals [N = 182]**

<b>METHOD OF REGISTRATION ATTEMPT</b>	<b>YES</b>	<b>NO</b>
Mail-in registration form	14 (7.69%)	168 (92.31%)
Online voter registration	6 (3.30%)	176 (96.70%)
Voter registration drive	12 (6.59%)	170 (93.41%)
In person at the county election official's office	13 (7.14%)	169 (92.86%)
At an on-reservation satellite center	3 (1.65%)	179 (98.35%)
MVD office	10 (5.49%)	172 (94.51%)
Public assistance office	8 (4.40%)	174 (95.60%)
I don't remember	18 (9.89%)	164 (90.11%)
Other	4 (2.20%)	178 (97.80%)

**Table 25A. "Other"**

At local chapter office	1
With boy scouts	1

**Table 26. Problems in Registration for Unregistered Voters**

<b>PROBLEMS IN REGISTRATION PREVENTING VOTERS FROM REGISTERING</b>	<b>YES</b>	<b>NO</b>
It was difficult to travel to the place where I registered to vote.	3 (7.89%)	35 (92.11%)
It was hard to identify or describe my residence on the registration form because I live at a non-traditional, rural, or remote residence.	7 (18.42%)	31 (81.58%)



I did not have the required forms of identification. It was hard to understand the questions on the form.	5 (13.16%)	33 (86.84%)
It was hard to communicate with officials because English is not my primary language.	0 (0%)	38 (100%)
I needed help but no one would help me.	7 (18.42%)	31 (81.58%)
A county election official refused to give me a voter registration form.	0 (0%)	38 (100%)
A county election official was disrespectful.	2 (5.26%)	36 (94.74%)
I had computer or Internet problems that prevented me from using online voter registration.	2 (5.26%)	36 (94.74%)
I filled out the voter registration form but didn't get a registration card in the mail.	7 (18.42%)	31 (81.58%)
My voter registration form was rejected.	1 (2.63%)	37 (97.37%)
No problem	17 (44.74%)	21 (55.26%)
Other	4 (10.53%)	34 (89.47%)

**Table 26A. "Other"**

Difficult to travel	2
Didn't know polling site	1
Hassle	1
Working on reservation	1
No time to vote	1

### Voting Methods

The survey next explored any methods the respondent had ever used to vote and whether they had experienced any barriers in casting a ballot by that method, whether that barrier prevented them from voting or not.

The following is a list of the different ways that people in Arizona can vote. Please tell us which of the ones you have used at any time:

- In-person voting on Election Day at your local polling place
- Election Day voting by dropping off your ballot (This is not the same as in-person voting at local polling place).
- Used any form of voting before Election Day (mail-in, drop-off or in-person)
  - CHECK THIS BOX if you have ever mailed in your ballot
- Other (Describe) \_\_\_\_\_

**Table 27. Method(s) of Voting**

<b>METHOD OF VOTING</b>	<b>YES</b>	<b>NO</b>
In-person voting on Election Day	487 (75.62%)	157 (24.38%)
Election Day voting by dropping off your ballot	95 (14.75%)	549 (85.25%)
Used any form of voting before Election Day (mail-in, drop-off, or in-person)	151 (23.45%)	493 (76.55%)
Mailed in your ballot	78 (12.11%)	566 (87.89%)
Other	30 (4.66%)	614 (95.34%)

**Table 27A. “Other”<sup>41</sup>**

Never voted	13
In person voting	2
Mail-in	2
Ballot drop off	1
I don’t know	1
Early voting	1

Have you ever tried but been unable to vote using one of these methods? \_\_\_ YES \_\_\_NO  
**If YES, tell us what happened.**

Only 50 out of 610 people recorded an unsuccessful attempt to vote.

**Table 28. Unsuccessful Attempts to Vote<sup>42</sup>**

<b>Unsuccessful Attempts to Vote?</b>	<b>YES</b>	<b>NO</b>
Count	50 (8.2%)	560 (91.8%)

<sup>41</sup> If anything, some of these residual “other” categories, where the responses duplicate the responses offered in the question indicate some comprehension or language barriers with the survey, or that they simply have a different way of expressing the same concept that the survey presented in other terms.

<sup>42</sup> 34 people skipped this question.

**Table 28A. Explanation for Unsuccessful Attempt**

Not listed in poll books	7
Unable to get to polling place	7
Registration not up to date	4
No ID/Improper ID	2
Registration problem	2
Went to wrong location	2
Ballot misprinted	1
Ballot not mailed properly	1
Didn't meet residency requirements	1
Missed deadline to register	1
Not fluent in English; didn't know candidates	1
Not registered	1
Official input error	1
Proof of residence problem	1
Was sent ballot late	1
Was sent wrong ballot	1
Unable to mail in ballot in time	1

The overwhelming majority know where their polling place is, so this is no problem. All but 70 of the respondents who told us how far they were from their polling place lived within 15 miles of their polling location. However, at least some people live a half-hour or even more away from their Election Day polling location.

Do you know where your local polling place is? \_\_\_ YES \_\_\_ NO

If YES, how far do you have to travel to get there?

**Table 29. Knowledge of Location of Polling Place<sup>43</sup>**

<b>Knowledge of Location of Polling Place</b>	<b>YES</b>	<b>NO</b>
Count	512	109

**Table 30. Distance from Polling Place<sup>44</sup>**

<b>DISTANCE FROM POLLING PLACE</b>	<b>COUNT</b>
Walking distance	4
Less than 1 mile	76
1-5 miles	187
6-10 miles	68

<sup>43</sup> 21 responses missing.

<sup>44</sup> If an increment of 5 miles has been omitted, it is because 0 respondents recorded that.

11-15 miles	32
16-20 miles	18
21-25 miles	12
26-30 miles	12
31-35 miles	6
36-40 miles	2
41-45 miles	4
46-50 miles	1
51-55 miles	4
61-65 miles	2
71-75 miles	1
86-90 miles	1
91-95 miles	1
120 miles	1
145 miles	1
186 miles	1
200 miles	2
369 miles	1

### In-Person Voting (Early or Election Day)

Next the survey focused sequentially on each form of voting, starting with in-person voting on or before Election Day.

**ONLY ANSWER IF YOU HAVE BEEN REGISTERED:** Have you EVER experienced any of the following problems in trying to cast your vote in person? [**CHECK ALL THAT APPLY.**]

- I couldn't get to my polling place (weather conditions, lack of transportation, etc.).
- I was told I was at the wrong polling place.
- I didn't have the requested voter ID. What ID was requested? \_\_\_\_\_
- I had a photo ID but I was told it couldn't be used because it didn't have my current address, was expired or had some other issue.
- I wasn't on the registered voter list. [IF CHECKED, HAD YOU SUBMITTED A REGISTRATION FORM? \_\_\_ YES \_\_\_ NO]
- I do not speak English well enough to vote and there was no ballot available in my primary language.
- I read and speak English, but I had trouble with understanding part of the ballot.
- I asked to bring someone into the booth to help me vote but the poll worker denied my request.
- A local election official was disrespectful.
- Had my right to vote challenged by a member of election board or poll watcher.
- I was told to vote a provisional ballot but it wasn't counted.
- No problem
- OTHER: \_\_\_\_\_

The Arizona respondents had a variety of problems casting a ballot in person on or before Election Day. The most frequent were transportation and language barriers. Jurisdictions may not all be complying with Section 203 of the Voting Rights Act and some jurisdictions may not be covered and limited-English-proficient Native American voters in those communities may struggle to fill out an English registration form. The jurisdictions that are covered by Section 203 in Arizona include: Apache County (Navajo), Coconino County (Navajo), Gila County (Apache), Graham County (Apache), Navajo County (Navajo), and Pinal County (Apache).<sup>45</sup> One respondent noted that the “[c]ounty election official was disrespectful because I was trying to interpret for an elder.” Another respondent divulged that some poll workers’ language assistance amounts to an effort to steer their votes toward the Democratic Party: “Poll workers who assist non-English-speaking voters always tell them to mark Democrat w/o explaining all candidates or propositions.” That is the kind of detail that if publicly disclosed might make it more difficult to ensure compliance with Section 203, but it is problematic and poll workers should be admonished to avoid it.

The most cited problem during in-person voting was the inability to get to the polling place (71 respondents, 15.40%). Following that was a lack of a valid voter ID or having an ID without a current address, which were indicated by 58 respondents. Seventy people were told they were at the wrong polling place or that they were not on the registered voting list. That forces those individuals to travel to another polling place, on the poll workers’ perhaps erroneous suggestion, or cast a provisional ballot, which in Arizona will be rejected top to bottom if it turns out the voter cast it in the wrong precinct. ARIZ. REV. STAT. ANN. § 16-584.

Arizona is one of a minority of states in the country that rejects a wrong-precinct provisional ballot in full. The majority of the country has Election Day registration, partially counts a wrong-precinct provisional ballot for races in which the provisional voter was eligible to vote, or does not have a registration system. This is significant because a number of respondents reported concern that their provisional ballot may not have counted, even though the state provides a system for provisional voters to learn whether their ballots were counted. If Arizona changed its law to partially count all wrong-precinct provisional ballots, then it would create some trust in this fail-safe system created by the Help America Vote Act (HAVA). The introduction of electronic pollbooks that can quickly verify if a voter is in the right polling place and print out a slip of paper directing voters to the correct polling place can reduce the incidence of provisional voting. It has reduced the number of wrong-precinct provisional ballots cast in Maricopa County.

---

<sup>45</sup> U.S. Census Bureau, Section 203 Coverage Determinations, *available at* [https://www.census.gov/rdo/pdf/1\\_FRN\\_2016-28969.pdf](https://www.census.gov/rdo/pdf/1_FRN_2016-28969.pdf).

**Table 31. Problems During In-Person Voting**

<b>PROBLEMS DURING IN-PERSON VOTING</b>	<b>YES</b>	<b>NO</b>
I couldn't get to my polling place (weather conditions, lack of transportation, etc.).	71 (15.40%)	390 (84.60%)
I was told I was at the wrong polling place.	38 (8.24%)	423 (91.76%)
I didn't have the requested voter ID.	26 (5.64%)	435 (94.36%)
I had a photo ID but I was told it couldn't be used because it didn't have my current address, was expired or had some other issue.	32 (6.94%)	429 (93.06%)
I wasn't on the registered voter list.	32 (6.94%)	429 (93.06%)
I do not speak English well enough to vote and there was no ballot available in my primary language.	12 (2.60%)	449 (97.40%)
I read and speak English, but I had trouble with understanding part of the ballot.	37 (8.03%)	424 (91.97%)
I asked to bring someone into the booth to help me vote but the poll worker denied my request.	7 (1.52%)	454 (98.48%)
A local election official was disrespectful.	8 (1.74%)	453 (98.26%)
Had my right to vote challenged by a member of election board or poll watcher.	5 (1.08%)	456 (98.92%)
I was told to vote a provisional ballot but it wasn't counted.	8 (1.74%)	453 (98.26%)
No problem.	263 (57.05%)	198 (42.95%)
Other	26 (5.64%)	435 (94.36%)

**Table 31A. "Other"**

Needed interpreter	3
Not listed	3
Received mail-in ballot	3
ID problem	2
Lines were too long	2
Trouble getting to polling place	2
Went to wrong polling location	2
Could not vote because of party affiliation	1
Didn't understand ballot	1
Do not speak English well enough	1

No time to vote	1
Poll workers were disrespectful	1
Voting machine error	1

### Further Explanation

Not listed	3
Not listed, provisional ballot may not have counted	2
Provisional ballot may not have counted	2
Wait too long	2
Went to wrong polling location	2
Didn't receive voter ID	1
ID did not have proper address	1
ID did not have proper address, provisional ballot may not have counted	1
Improperly told not listed and that ID was not valid	1
Trouble getting to polling location	1

Arizona has a strict voter ID requirement for in-person voting, (at least on Election Day<sup>46</sup>), but the state accepts both photo and non-photo forms of ID. The law gives the voter the option to present one of the valid forms of photo ID with name and matching address; two of the valid forms of non-photo ID with name and matching address; or one of the valid forms of photo ID with a *non-matching* address, a U.S. passport or a military ID (both of which lack addresses) and one of the valid forms of non-photo ID with name and matching address. ARIZ. REV. STAT. ANN. § 16-579(A) sets forth these three tiers of IDs and enumerates the valid forms:

1. The elector shall present any of the following:

(a) A valid form of identification that bears the photograph, name and address of the elector that reasonably appear to be the same as the name and address in the precinct register, including an Arizona driver license, an Arizona nonoperating identification license, a tribal enrollment card or other form of tribal identification or a United States federal, state or local government issued identification. Identification is deemed valid unless it can be determined on its face that it has expired.

(b) Two different items that contain the name and address of the elector that reasonably appear to be the same as the name and address in the precinct register, including a utility

---

<sup>46</sup> The statute appears to apply to all in-person voters, but organizations on the ground in Arizona report that the law is not applied during the early voting period, only at polling places on Election Day.

bill, a bank or credit union statement that is dated within ninety days of the date of the election, a valid Arizona vehicle registration, an Arizona vehicle insurance card, an Indian census card, tribal enrollment card or other form of tribal identification, a property tax statement, a recorder's certificate, a voter registration card, a valid United States federal, state or local government issued identification or any mailing that is labeled as "official election material". Identification is deemed valid unless it can be determined on its face that it has expired.

(c) A valid form of identification that bears the photograph, name and address of the elector except that if the address on the identification does not reasonably appear to be the same as the address in the precinct register or the identification is a valid United States military identification card or a valid United States passport and does not bear an address, the identification must be accompanied by one of the items listed in subdivision (b) of this paragraph.

Accordingly, the survey asked voters a series of three questions designed to capture whether they could comply with Arizona's in-person voter ID requirement under either Tier 1, Tier 2 or Tier 3. We cross-tabulated the results to ensure the data accurately portrays who can and cannot fulfill any of those three broad options for voter identification.

**VOTER ID: These are some questions about the forms of ID that you "have." "Have" means you have it on your person or you know where it is and could bring it to vote.**

[Tier #1] Do you have a valid government-issued photo ID card with your current name and address on it? A tribal photo ID counts. \_\_\_ YES \_\_\_ NO

[Tier #2] Do you have any of the following with your current name and address on it?  
[CHECK ALL THAT YOU HAVE]

- Utility bill (A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television.)
- Bank or credit union statement
- Valid Arizona Vehicle Registration
- Indian census card
- Property tax statement for your residence
- Tribal enrollment card or other form of tribal ID
- Arizona vehicle insurance card
- Recorder's Certificate
- Valid federal, state, or local government-issued ID
- A voter registration card issued by the County Recorder
- Any mailing to voter marked "Official Election Material"

[Tier #3] Do you have either of these IDs?

- U.S. Passport
- Military ID



□ Neither

The overwhelming majority of respondents possess a government-issued photo ID with their current name and address on it, as can be seen in Table 32. This is as expected and in the range of national statistics and state-level data that has been introduced in voter ID litigation around the country. Significantly, 93 respondents (15.4%) said they are without government-issued ID. Fortunately, while Arizona has a strict voter ID requirement (you must vote a provisional ballot if you lack valid voter ID), it does permit the use of non-photo IDs.

According to Table 33A, just over 80% of Arizona respondents had two or more forms of valid non-photo ID with a name and address and could satisfy Tier #2 of the voter ID law; almost 20% could not however. Unsurprisingly, given the poverty in these areas, very few people possessed a U.S. passport. Military IDs were infrequently held as well. As can be seen below in Tables 35 and 36, we cross-tabulated the results and found that there were 74 respondents in Arizona who had no form of valid photo ID for Tiers 1 or 3, but 50 of those 74 individuals could prove their identity according to Arizona state law using two forms of non-photo ID on the list. Therefore, only 20 people in the survey could not satisfy the in-person voter ID requirement using any option. Those individuals would be compelled to vote by mail-in or Permanent Early Voting List (PEVL) ballot, and as will be discussed later, there is some mistrust of that process.

This data may make it seem like almost all Native Americans can satisfy the voter ID requirement, but this information is extremely useful in pushing back against any future legislation to convert the law to a strict *photo* ID requirement. A strict photo ID requirement would result in the disenfranchisement of a substantial fraction of the eligible Native American voting population.

The qualitative responses also demonstrate that poll workers do not do an adequate job of explaining the various options to satisfy the ID law. One respondent stated that she “was told [her] ID did not have a current address,” “was not able to vote and was not provided further guidance.” The poll worker should have informed the voter of the non-photo ID alternatives. If her photo ID was otherwise valid, then only one form of valid *non-photo* ID with a current address would have sufficed, and that person could have voted. Another respondent was told s/he could not use his/her tribal ID, but the poll workers did not mention any of the options to supplement that tribal ID with an ID that bears a current address (if that was in fact the reason it was rejected).

**Table 32. Voter ID Tier #1: Possession of Government-Issued Photo ID<sup>47</sup>**

Possession of Government-Issued	YES	NO
Count	512 (84.6%)	93 (15.4%)

<sup>47</sup> Unfortunately, there are 39 responses missing – 39 skipped the question. We have therefore subtracted those non-responses from the denominator for calculating the percentages.

**Table 33. Voter ID Tier #2: Possession of Valid Forms of Non-Photo ID**

<b>FORM OF NON-PHOTO ID</b>	<b>YES</b>	<b>NO</b>
Utility Bill	340 (52.8%)	304 (47.2%)
Bank or credit union statement	311 (48.29%)	333 (51.71%)
Valid Arizona vehicle registration	303 (47.05%)	341 (52.95%)
Indian Census Card	302 (46.89%)	342 (53.11%)
Property tax statement for your residence	63 (9.78%)	581 (90.22%)
Tribal enrollment card or other form of tribal ID	341 (52.95%)	303 (47.05%)
Arizona vehicle insurance card	265 (41.15%)	379 (58.85%)
Recorder’s certificate	41 (6.37%)	603 (93.63%)
Valid federal, state or local government-issued ID	306 (47.52%)	338 (52.48%)
A voter registration card issued by the County Recorder	277 (43.01%)	367 (56.99%)
Any mailing to voter marked “Official Election Material”	117 (18.17%)	527 (81.83%)

**Table 33A. Voter ID Tier #2: For All 644 Respondents, How Many Had at Least 2 and Could Comply Under Tier #2 if Necessary? [N = 644]**

<b>At Least Two Forms of Valid Non-Photo ID?</b>	<b>At Least Two</b>	<b>Less Than Two</b>
	519 (80.59%)	125 (19.41%)

**Table 34. Voter ID Tier #3: Possession of US Passport or Military ID<sup>48</sup> [N = 544]**

<b>POSSESSION OF:</b>	
US Passport	46 (8.46%)
Military ID	12 (2.21%)
Both	1 (0.2%)

<sup>48</sup> 100 people missed Question 18C even though they had filled out other parts of the survey questions on voter ID.

Neither	485 (89.15%)
---------	-----------------

**Table 35. Individuals Lacking Tier #1 and Tier #3 Photo IDs [N = 485]<sup>49</sup>**

Do you have any form of government-issued photo ID for Tier #1 or #3?	Yes	No	Missing
	401 (82.68%)	74 (15.26%)	10 (2.06%)

**Table 36. Voter ID Compliance For Those Lacking Valid Photo ID (i.e. Tier #2)**

Voter ID Compliance For Those Lacking Valid <i>Photo ID</i>	
Yes – 2 or More Forms of Valid Non-Photo ID for Tier #2	50 (67.57%)
No – 1 or 0 Forms of Valid Non-Photo ID for Tier #2	24 (32.43%)

This section on in-person voting ends with questions as to whether the respondents trust that their vote will be counted if they vote at a local polling place on Election Day or at an early voting location on the reservation.

How much trust do you have that your vote will be counted, if you vote in person at a local polling place on Election Day? Please answer even if you haven't used this form of voting.

- Complete trust
- Some trust
- No trust.

How much trust do you have that your vote will be counted, if you vote in person at an early voting location on the reservation? Please answer even if you haven't used this form of voting.

- Complete trust
- Some trust
- No trust.

**Table 37. Trust for Election Day Voting<sup>50</sup>**

Trust that In-Person Vote Will Be Counted	Count	Percentage
Complete Trust	265	42.6%

<sup>49</sup> 10 missing responses.

<sup>50</sup> 22 missing responses.

Some Trust	268	43.1%
No Trust	89	14.3%
<i>Total</i>	622	100%

**Table 38. Trust for Early Voting<sup>51</sup>**

<b>Trust that In-Person Early Vote Will Be Counted</b>	<b>Count</b>	<b>Percentage</b>
Complete Trust	249	40%
Some Trust	268	43%
No Trust	106	17%
<i>Total</i>	623	100%

### Mail-In / Drop-Off Voting

Respondents recorded very low usage of mail-in voting but also very few problems, relatively speaking. One individual, however, did note that her request for a mail-in ballot was denied for the 2016 election because she was in an inactive status. If she was registered, she should have been issued a mail-in absentee ballot.

**ONLY ANSWER IF YOU HAVE EVER TRIED SOME VERSION OF VOTING THAT INVOLVES GETTING A BALLOT THROUGH THE MAIL:** Did you ever experience any of the following problems in requesting, receiving and/or casting your mail-in or drop-off ballot? **[CHECK ALL THAT APPLY.]**

- Ballot never arrived in the mail
- I wasn't able to identify my residential address because it is rural and not easily described.
- Did not understand how to fill out ballot.
- The ballot was not in my primary language and I did not have anyone to translate it for me.
- Made a mistake filling out my ballot and am unsure if my vote was properly recorded
- Damaged ballot in some way and am unsure if my vote was properly recorded
- Did not understand how to return ballot
- A county election official was disrespectful when I tried to return the ballot
- I was unable to mail or drop off my ballot because of a physical disability or illness.
- No problem
- OTHER: \_\_\_\_\_

Include any further description here: \_\_\_\_\_

**Table 39. Problems with Mail-In/Drop-Off Voting**

<b>Type of Problem</b>	<b>Yes</b>	<b>No</b>
I wasn't able to identify my residential address.	3 (3.85%)	75 (96.15%)

<sup>51</sup> 21 missing responses.

Did not understand how to fill out ballot	4 (5.13%)	74 (94.87%)
The ballot was not in my primary language and I did not have anyone to translate it for me.	0 (0%)	78 (100%)
Made a mistake filling out my ballot and am unsure if my vote was properly recorded.	6 (7.69%)	72 (92.31%)
Damaged ballot in some way and am unsure if my vote was properly recorded.	4 (5.13%)	74 (94.87%)
Did not understand how to return my ballot	3 (3.85%)	75 (96.15%)
A county election official was disrespectful when I tried to return the ballot.	3 (3.85%)	75 (96.15%)
I was unable to mail or drop off my ballot because of a physical disability or illness.	2 (2.56%)	76 (97.44%)
No problem	54 (69.23%)	24 (30.77%)
Other	5 (6.41%)	73 (93.59%)

**Table 39A. “Other”**

Problem mailing ballot	2
Ballot rejected as invalid	1
Received ballot but voted in-person instead	1

**Further Explanation**

Ballot didn't arrive at all	1
Didn't have time to vote	1
Misprinted ballot	1
Misprinted ballot AND ballot didn't arrive in time	1
Trouble updating address	1

Some, if not most, of the difficulty with absentee voting for the Native American community stems from the prevalent usage of P.O. boxes instead of home delivery. 474 respondents said they have a P.O. box and do not receive mail at their residential address, whereas only 137 of the respondents received mail at home. These P.O. boxes may be distant from their homes and may even be in a different county. The mean response was 10 miles, but the maximum put down by any respondent was 250 miles. Accordingly, they may not be able or willing to check their mail frequently, because it is intertwined with transportation barriers, including access to a vehicle or other ride and/or the cost of gas.

About a fifth of respondents have no trust in the mail-in PEVL ballot system. There is little incentive to try the mail-in voting process if you do not trust that your ballot will be counted. The rates of trust are lower than those for in-person voting, but these could be worse. A clear majority have complete or some trust that their mailed-in or dropped-off PEVL ballot will be counted.

If you mail your ballot in, how much trust do you have that your vote will be counted? Please answer even if you haven't used this form of voting.

- Complete trust
- Some trust
- No trust.

What about casting a vote by dropping off your early voting (PEVL)<sup>52</sup> ballot (*i.e.* giving it to the county recorder's office), how much trust do you have that your vote will be counted? Please answer even if you haven't used this form of voting.

- Complete trust
- Some trust
- No trust.

**Table 41. Trust in Mail-in Voting<sup>53</sup>**

<b>Trust that Mail-in Ballot Will Be Counted</b>	<b>Count</b>	<b>Percentage</b>
Complete Trust	141	29.2%
Some Trust	234	48.4%
No Trust	108	22.4%
<i>Total</i>	483	100%

**Table 42. Trust in Dropping Off PEVL Ballot**

<b>Trust that Drop-Off PEVL Ballot Will Be Counted</b>	<b>Count</b>	<b>Percentage</b>
Complete Trust	154	31.69%
Some Trust	232	47.74%
No Trust	100	20.58%
<i>Total</i>	486	100%

### **Discrimination and Intimidation**

Finally, the survey asked whether the voter ever experienced discriminatory or intimidating conduct as a Native American registering to vote or casting a ballot. As Table 43 shows, a high number of respondents skipped this question. We do not have an explanation for this. Nevertheless, from the responses we did receive, it is clear that at least this pool of Native American voters did

<sup>52</sup> This is the permanent early voting list (PEVL) ballot. This term is Arizona-specific.

<sup>53</sup> High numbers of people skipped these questions, thinking them inapplicable if they had never voted by mail-in or drop-off voting, despite what the survey said. These questions were missing 161 and 158 responses, respectively.

not experience high rates of discriminatory or intimidating treatment from officials or third parties when registering or voting.

However, those who did answer this question in the affirmative told of some shocking details. As Table 39A illustrates, 20 individuals felt uncomfortable and judged based on their appearance. Two people noted they were “discriminated and mistaken for being Mexican” and were “told to go back to the other side.” Another said “most offices treat you different by gesture, body language. I’ve had this happen many times.” Another respondent said, “Just because of my appearance I felt random persons give me a foul gaze, it made me feel inferior and unwelcome.” Five people said poll workers were disrespectful to them. One respondent said, “Stereotypes of Native Americans ensured rude and disrespectful behavior. I was questioned about the authenticity of my ballot & ID.” Another respondent said the poll worker was “rude because of [her or his] reservation address” and ultimately denied her a ballot because of her lack of a traditional residential address.

A number of these responses recorded discriminatory application of legal requirements because the voter was Native American—at least one individual was improperly told s/he was not listed in the voter rolls and that his/her ID was not valid. The details confirm this is a deeply troubling story—the person writes: “It was a tribal ID and they told me I couldn't use it but I know I could. It was a primary or general election. Was also told I wasn't registered but I was, they entered the name wrong.” In Arizona, a tribal ID is a valid form of voter ID for in-person voting, if it has a name and address, but it can always be used in conjunction with a non-photo ID with an address.

Another individual stated, “you have to speak their language,” suggesting a link between the lack of language assistance at the polling place and the perception of discrimination. Given the fact that 112 respondents or 17.39% stated they only spoke a Native language, it is a bit surprising that the survey did not record higher levels of insurmountable barriers to registration and voting based on language barriers and lack of language assistance or translation.

Finally, and perhaps most distressing, one individual noted that, “All white poll workers kept putting [her or him] at back of the voting line.” Hopefully, this person was ultimately able to vote; there is no indication as to whether s/he was ultimately able to cast a ballot. While these may seem a small set of anecdotes, there may be under-reporting of discriminatory behavior on this survey and/or a selection bias. These anecdotes point to a larger, systemic problem, not just a handful of extreme cases.

Have you ever felt discriminated against or intimidated as a Native American in either *registering* or *voting* in non-tribal (federal, state, and local) elections? \_\_\_ YES \_\_\_ NO

Which? \_\_\_ Registering \_\_\_ Voting; Please explain.

**Table 43. Discrimination or Intimidation**

<b>Discrimination or Intimidation?</b>	<b>Yes</b>
Voting	32 (4.97%)
Registering	10 (1.55%)
Both or Unspecified	16 (2.48%)
Neither	468 (72.67%)
Missing	118 (18.32%)

**Table 43A. Explanation of Discrimination**

Judged based on appearance	15
Didn't feel comfortable	5
Poll worker was disrespectful	5
Felt it wouldn't make a difference	2
Did not receive help for voting	1
ID card never received	1
Improperly told not listed and that ID was not valid	1
No interpreters	1
Not fluent in English	1
Not registered	1
Couldn't vote because didn't have physical address	1
White poll workers kept telling me to go to the back of the line	1

### **Additional Factors Related to Electoral Access and Participation**

The end of the survey asked respondents about a range of demographic information and human capital data that has an impact on electoral access and participation. Access to the Internet has an impact on the effective availability of online voter registration; disability and distance from a polling place has an impact on the ability to vote in person; and distance from a mail pick-up



location, commonly a P.O. Box, has an impact on Native American absentee voting. Educational attainment, poverty, and, as noted in the data above, English language ability all have impacts on Native American registration and turnout, from the ability to understand registration and voting materials, to the ability to afford documentation necessary to vote in Arizona or gas to drive to an early voting site or polling place, if none is located within walking distance. Levels of education and income have a clear impact on the propensity to vote and civic engagement more generally.

**Table 44. Disability<sup>54</sup>**

<b>Do you have a disability that might limit your ability to register or vote without assistance?</b>	<b>Count</b>
Yes	48 (7.61%)
No	583 (92.39%)

**Table 45. Where do you get your mail?<sup>55</sup>**

<b>Where do you get your mail?</b>	<b>Count</b>	<b>Percent</b>
I have a post office box.	474	74.65%
Mail is delivered at home.	137	21.57%
Other	24	3.78%

The survey had a follow-up question asking respondents how far they would have to travel one way to obtain their mail, *e.g.* an absentee ballot mailed to them. For respondents in Arizona, the mean was 10 miles, and the median was 4 miles. The maximum recorded one-way distance to a mail pick-up location was 250 miles.

**Table 46. Access to the Internet<sup>56</sup>**

<b>Do you have easy access to the Internet?</b>	<b>Count</b>
Yes	354 (57.37%)
No	263 (42.63%)

**Table 47. Educational Attainment<sup>57</sup>**

<b>What was the highest level of education that you reached?</b>	<b>Count</b>
Less than 5 <sup>th</sup> grade	17 (2.67%)
5 <sup>th</sup> grade or more but did not graduate from high school	89 (13.97%)

<sup>54</sup> 13 respondents missed this question.

<sup>55</sup> 9 respondents missed this question.

<sup>56</sup> 27 respondents missed this question.

<sup>57</sup> 7 respondents did not record a response to this question.

High school graduate (including GED)	202 (31.71%)
Some college, no degree	188 (29.51%)
Associate's degree	54 (8.48%)
Bachelor's degree	52 (8.16%)
Graduate or professional degree	35 (5.49%)

**Table 48. Main Source of Income<sup>58</sup>**

<b>What is your main source of income?</b>	<b>Count</b>
Attending school / financial aid	61 (9.62%)
Disability income	34 (5.36%)
Employed full-time	198 (31.23%)
Employed part-time	73 (11.51%)
Home maker	9 (1.42%)
Other	22 (3.47%)
Public assistance	62 (9.78%)
Retirement income	79 (12.46%)
Self-employed	56 (8.83%)
Unemployed	40 (6.31%)

**Table 49. Primary Language<sup>59</sup>**

<b>What is your primary language?</b>	<b>Count</b>
English and Native Language(s)	175 (28.18%)
English and Spanish	1 (0.16%)
English Only	331 (53.30%)
Native Language Only	112 (17.75%)
Spanish	2 (0.32%)

## NEW MEXICO

The questions asked in New Mexico were largely the same as those asked in Arizona, except there were no proof of citizenship and voter ID questions, and there were a few terminological changes. One example of this stems from the fact that New Mexico has some counties that offer voting at

<sup>58</sup> 10 respondents did not record a response to this question.

<sup>59</sup> 23 respondents did not record a response to this question.

Voting Convenience Centers (VCCs), where any ballot form in the county can be printed and issued. These VCCs are used instead of, or in addition to, polling places. So, for example, the question on voting method in the New Mexico survey included the following choice: “In-person voting on Election Day at your local polling place or a Voting Convenience Center.” The New Mexico survey also included a question directed to the respondent’s level of trust that a ballot cast at a VCC would ultimately be counted.

Since the surveys are so similar, minus the proof of citizenship and voter ID questions, we have kept the discussion of the results quite lean, in the interest of space and the reader’s time. The survey results are self-evident in many cases and/or inexorably point to policy reforms, which are similar to those indicated by the Arizona survey data.

### Political Engagement

These results were similar to those observed in Arizona. Petition activity and attending political meetings or rallies were the most frequent political activities for the respondents, while a slightly higher percentage of people participated in election campaigns, as compared to Arizona.

**Table 1. Non-Voting Political Activities**

<b>Political Activity</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Attended a Demonstration	78 (12.96%)	524 (87.04)	602 (100%)
Attended a Political Meeting/Rally	213 (35.38%)	389 (64.62%)	602 (100%)
Donated Money/Fundraised	114 (18.94%)	488 (81.06%)	602 (100%)
Election Campaign	152 (25.25%)	450 (74.75%)	602 (100%)
Signed a Petition	294 (48.84%)	308 (51.16%)	602 (100%)
Contacted an Elected Official	127 (21.10%)	475 (78.90%)	602 (100%)

Almost 70% of New Mexico Native American respondents generally participate in non-tribal elections, and 229 of these individuals had last voted in the 2016 general election, as can be seen in Table 3.

**Table 2. Non-Tribal Election Participation Generally<sup>60</sup>**

<b>Do you generally vote in non-tribal elections?</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Count	411	183	594
Percentage	69.19%	30.8%	100%

**Table 3. Last Non-Tribal Election In Which Respondent Voted**

2016 Presidential/General Election	229
Unspecified County Election	29
Unspecified State Election	16
2016 County Election	13
2012 Presidential	8
Unspecified School Board Election	8
I don't know	7
2017 Local	5
2014 midterm elections	3
Likely 2016 Primary	3
2015 County Election	2
2015 School Board	2
2016 School Board	2
2017 School Board	2
2008 Presidential	1
2017 County Election	1
Unspecified City Election	1

A slightly higher percentage of respondents voted in tribal elections (73%).

**Table 4. Tribal Election Participation Generally<sup>61</sup>**

---

<sup>60</sup> 8 missing responses

<sup>61</sup> 13 missing responses

<b>Do you generally vote in tribal elections?</b>	<b>Yes</b>	<b>No</b>	<b>Not Applicable</b>	<b>Total</b>
Count	430	94	65	589
Percentage	73.01%	15.96%	11.04%	100%

**Table 5. Last Tribal Election in Which Respondent Voted**

2016	141
2017	24
2015	18
2014	13
Don't know	9
2010	2
2012	1
1998	1
Unspecified	154

Over three-quarters of survey respondents in New Mexico voted in the 2016 general election, while almost a quarter did not. This demonstrates that the survey universe was somewhat over-representative of registered and active voters but it did capture eligible voters who are not engaged in the democratic process, even in such a well-publicized and contentious race as last year's presidential election. This turnout rate exceeds the national and New Mexico turnout rates and the survey responses were not weighted to make the overall results a more accurate cross-section. Valuable information can still be gleaned from this survey data, even if it somewhat under-represented lower-propensity voters.

**Table 6. Voting in the 2016 Election<sup>62</sup>**

<b>2016 Election Participation</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Count	458	143	601
Percentage	76.21%	23.79%	100%

Again, there was nothing remarkable about the reasons people chose to participate in the 2016 presidential election.

---

<sup>62</sup> 1 missing response.

**Table 7. Reasons for Voting in 2016 Election**

<b>Reason</b>	<b>Yes</b>	<b>No</b>	<b>% Yes</b>
It is my right to vote.	394	208	65.45%
I think my vote can make a difference in my life.	323	279	53.65%
I think my vote can make a difference in laws that will affect all of our lives.	334	268	55.48%
A relative or friend convinced me....	35	567	5.81%
Other	50	552	8.31%

**Table 7A. Responses for “Other” in Table 12**

Strong feeling about candidate	11
To be heard	9
Duty or responsibility to vote	7
Make difference in all lives	7
Feel strongly in general	3
Enjoys voting	2
Make difference in my life	1

The reasons for not voting were also as expected. Fortunately, apathy toward the election does not seem to have been rampant. Only 43 people said they were uninterested or felt a lack of political efficacy. Forty-three individuals stated they did not like the candidates or the campaign issues, which shows they were at least paying attention but they affirmatively rejected the candidates and/or felt the political debates did not engage with the issues they cared about the most.

While it is expected that some fraction of the Native American voting-age population will be too busy with work and family obligations to cast a ballot (35 respondents), it is unfortunate that 30 New Mexico respondents appear to have disenfranchised themselves by not casting an absentee ballot while they were out of town or away from home. Though there is widespread distrust of the absentee/mail-in balloting system, there is obviously a role for community organizations to educate Native American voters about absentee, mail-in voting and how to navigate that process when one relies on a P.O. box, instead of home delivery.

**Table 8. Reasons for Not Voting in 2016 Election**

<b>Reason</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Illness or Disability (Own or Family Member’s)	10	592	602
Out of town or away from home	30	572	602
Forgot to vote	26	576	602
Not interested, felt my vote wouldn’t make a difference	43	559	602
Too busy, due to family, work, or school responsibilities	35	567	602
I did not know where or how to vote	11	591	602

Had trouble getting to the polling place	16	586	602
Didn't like candidates or campaign issues	43	559	602
Didn't feel like I knew enough about the candidates	29	573	602
Didn't receive the absentee ballot I requested	4	598	602
There were problems at the polling place	4	598	602
Other	16	586	602

**Table 8A. "Other"**

Registration problems	4
Didn't like candidates	3
Trouble getting to polling place	2
Didn't know enough about the candidates	1
Ineligible (incarcerated)	1
No ID	1
Too busy	1

The data on trust in government reflects the same rough breakdown as Arizona. Tribal government is the most trusted, and local government is the least trusted. The federal government is more trusted than local government, and state government is more trusted than the federal government. Nearly 20% said they did not trust any of these governments.

**Table 9. Most Trusted Government(s)**

Government	Yes	No
Tribal	334 (55.48%)	268 (44.52%)
Local	117 (19.44%)	485 (80.56%)
State	204 (33.89%)	398 (66.11%)
Federal	165 (27.41%)	437 (72.59%)
None	118 (19.60%)	484 (80.40%)

**Registration**

As was the case in Arizona, Tables 10 through 13 reveal significant deficiencies in outreach to the Native American voting community. Voter registration drives appear to be seldom conducted or only in certain areas such that only 195, or less than a third of respondents, could definitively say there had been such a drive in their community. And 405 individuals said no registration drive ever occurred in their community or they could not recall. Fortunately, 80% of respondents knew where the county election office but 1 in 5 still do not.

National Voter Registration Act (NVRA) compliance is even more abysmal than Arizona's. As can be seen in Tables 12 and 13, less than one third of respondents could recall being offered an opportunity to register to vote at their MVD office, and less than one third of respondents could recall being offered the same at a public assistance agency. New Mexico is considered by Demos to be a "low performing" state on motor voter compliance.<sup>63</sup> The state also rolled out a computer kiosk system at MVD offices, but voters would only be directed to it after they had completed a transaction at the counter. This two-step process led to the denial of voter registration to many driver's license and/or state ID applicants.<sup>64</sup> The state now has a new MVD Tapestry system that integrates a computer interface into the MVD transaction process, but there is little data yet on whether this is improving compliance with the motor voter provision of the NVRA.

As to NVRA Section 7 compliance at public assistance agencies, Project Vote, Demos and the Lawyers' Committee for Civil Rights successfully sued in *Valdez v. Duran* to enforce that provision against the state: "The case was settled in February 2011 after the U.S. District Court ruled that New Mexico's long-standing policy of distributing voter registration forms only to those public assistance clients who affirmatively ask for them violates the National Voter Registration Act. . . The plaintiffs won the appeal on February 21, 2012, confirming the District Court's opinion that public assistance agencies must provide voter registration applications when a client does not decline in writing to receive one."<sup>65</sup> The suit against the New Mexico Human Services Department and MVD resulted in consent decrees with both state agencies, which included reporting requirements:

After Project Vote and partners filed suit in July 2009, the defendants, including the New Mexico Motor Vehicle Divisions (MVD), ultimately settled in July of 2010 and immediately began reporting data to Project Vote. Although the New Mexico Human Services Department (HSD) was included as a defendant in the filing of 2009, they did not settle until early 2011. The agreement with HSD ended in March 2015, but the agency continues to provide monthly reports to Project Vote. The order with the MVD ended in July 2014 and they ceased providing reports until Project Vote and partners sent this letter to the state. Reporting started back up again in October 2015 and continues presently.<sup>66</sup>

Notwithstanding the successful litigation and the resulting consent decree, there are clearly still problems with New Mexico's Section 7 compliance today and the burden of those administrative failures may be most pronounced in rural areas with disproportionately higher rates of poverty and perhaps lower levels political influence.

---

<sup>63</sup> Demos, *Driving the Vote: Are States Complying with the Motor Voter Requirements of the National Voter Registration Act?* (Feb. 5, 2015), at 7, available at [http://www.demos.org/sites/default/files/publications/Driving%20the%20Vote\\_0.pdf](http://www.demos.org/sites/default/files/publications/Driving%20the%20Vote_0.pdf).

<sup>64</sup> *Id.* at 47.

<sup>65</sup> Project Vote, Press Release, available at <http://www.projectvote.org/cases/valdez-v-duran/>.

<sup>66</sup> Project Vote, How Motor Voter Law Helps Improve Voter Registration Rates in New Mexico <http://www.projectvote.org/blog/motor-voter-law-helps-improve-voter-registration-rates-new-mexico/>.



**Table 10. Voter Registration Drives<sup>67</sup>**

<b>Has Anyone Ever Conducted a Voter Registration Drive in Your Community?</b>	<b>Yes</b>	<b>No</b>	<b>I don't know.</b>
Count	195 (32.5%)	166 (27.67%)	239 (39.83%)

**Table 11. Knowledge of Location of County Election Office<sup>68</sup>**

<b>Do you know the location of your county election office?</b>	<b>Yes</b>	<b>No</b>
Count	479 (79.57%)	121 (20.10%)

**Table 12. MVD Registration – National Voter Registration Act Section 5 Compliance<sup>69</sup>**

<b>Have you ever been asked about registering to vote at the local DMV office?</b>	<b>Yes</b>	<b>No</b>	<b>I don't know.</b>
Count	175 (29.12%)	375 (62.4%)	51 (8.49%)

**Table 13. Public Assistance Office Registration – National Voter Registration Act Section 7 Compliance<sup>70</sup>**

<b>Have you ever been asked about registering to vote at the local public assistance office?</b>	<b>Yes</b>	<b>No</b>	<b>I don't know.</b>
Count	171 (28.5%)	374 (62.33%)	55 (9.17%)

The survey next divides the respondents into two groups –registered and unregistered – and asks about method of registration and barriers to registration.

**Table 14. Current Registration Status<sup>71</sup>**

<b>Are you currently registered to vote?</b>	<b>Yes</b>	<b>No</b>	<b>I don't know.</b>
Count	430 (71.43%)	110 (18.27%)	57 (9.47%)

---

<sup>67</sup> 2 missing response.

<sup>68</sup> 2 missing responses.

<sup>69</sup> 1 missing response.

<sup>70</sup> 2 missing responses.

<sup>71</sup> 5 missing responses.

As seen in Table 15, online voter registration, which was implemented in 2016, has not yet caught on in New Mexico. Only 14 out of 430 individuals recorded using the state’s new online voter registration system. Given the recency of this system, it is questionable to ascribe these low numbers for online voter registration usage exclusively to the urban-rural digital divide, as we saw in Arizona with online voter registration since 2002. Nevertheless, the survey results show that, while a majority of respondents (309) had easy access to the internet, 268 did not. In-person registration at a county election office or an on-reservation satellite center, and voter registration drives, seem to be the preferred methods of registration. It is interesting that five times as many New Mexican respondents registered to vote at an on-reservation satellite center as did in Arizona.

**Table 15. Method of Registration for Registered Voters [N = 430]**

<b>METHOD OF REGISTRATION</b>	<b>YES</b>	<b>NO</b>
Online voter registration	14 (3.26%)	416 (96.74%)
Voter registration drive	85 (19.77%)	345 (80.23%)
In person at the county election official’s office	123 (28.60%)	307 (71.40%)
At an on-reservation satellite center	57 (13.26%)	373 (86.74%)
MVD office	13 (3.02%)	417 (96.98%)
Public assistance office	34 (7.91%)	396 (92.09%)
I don’t remember	40 (9.30%)	390 (90.70%)
Other	33 (7.67%)	397 (92.33%)

Though the survey did not capture widespread problems with registering to vote, the most common problems were associated with voters’ distance and remoteness from the place where they needed to register to vote. They had difficulty traveling to the county election office and/or satellite center and they had difficulty describing their residence on the registration form because it is “non-traditional, rural, or remote.”

New Mexico’s registration form contains a section to allow people to describe and depict with a drawing any residence that is not easily identifiable with a USPS-recognized residential address. Perhaps this feature of the registration form needs to be refined and/or explained to ensure new registrants do not struggle on the front end and local election officials do not struggle on the back end when inputting information from the registration form into the statewide voter registration database.

Over 10% of registered individuals explained they had difficulties with understanding the questions on the form; 5% found it hard to communicate with officials in English; and 5% needed help but no one would help them. Ultimately, these individuals made it on to the rolls but it is worth exploring whether the form could be made more intuitive. For every person who successfully makes it on to the rolls, there are likely others with difficulties in understanding the form instructions who do not.

Jurisdictions may not all be complying with Section 203 of the Voting Rights Act and some jurisdictions may not be covered and limited-English-proficient Native American voters in those communities may struggle to fill out an English registration form. The jurisdictions that are covered by Section 203 in New Mexico include: Bernalillo County (Navajo), Cibola County (Navajo), Lincoln County (Apache), McKinley County (Navajo), Otero County (Apache), Rio Arriba County (Navajo), San Juan County (Navajo and Ute), Sandoval County (Navajo), Santa Fe County (Pueblo), and Socorro County (Navajo).<sup>72</sup> One respondent wrote: “They do not help me because I have no schooling and don't speak English.” One Navajo respondent wrote: “County election official should all understand & talk our language, explained ballots & bonds for traditional Navajo people. Election official need to provide sources for traditional grass root elders.” Other respondents identified a lack of community outreach and public education as reasons for non-registration: “Our community members need to be reassured that it's okay to vote.”

**Table 16. Problems in Registration for Registered Voters [N = 430]**

<b>PROBLEMS IN REGISTRATION FOR REGISTERED VOTERS</b>	<b>YES</b>	<b>NO</b>
It was difficult to travel to the place where I registered to vote.	44 (10.23%)	386 (89.77%)
It was hard to identify or describe my residence on the registration form because I live at a non-traditional, rural, or remote residence.	51 (11.86%)	379 (88.14%)
I did not have the required forms of identification.	20 (4.65%)	410 (95.35%)
It was hard to understand the questions on the form.	45 (10.47%)	385 (89.53%)
It was hard to communicate with officials because English is not my primary language.	21 (4.88%)	409 (95.12%)
I needed help but no one would help me.	20 (4.65%)	410 (95.35%)
A county election official refused to give me a voter registration form.	7 (1.63%)	423 (98.37%)
A county election official was disrespectful.	5	425

<sup>72</sup> U.S. Census Bureau, Section 203 Coverage Determinations, *available at* [https://www.census.gov/rdo/pdf/1\\_FRN\\_2016-28969.pdf](https://www.census.gov/rdo/pdf/1_FRN_2016-28969.pdf).

	(1.16%)	(98.84%)
I had computer or Internet problems that prevented me from using online voter registration.	12 (2.79%)	418 (97.21%)
I filled out the voter registration form but didn't get a registration card in the mail.	23 (5.35%)	407 (94.65%)
My voter registration form was rejected.	8 (1.86%)	422 (98.14%)
I don't know or remember	12 (2.79%)	418 (97.21%)
No problem	260 (60.47%)	170 (39.53%)
Other	13 (3.02%)	417 (96.98%)

**Table 16A. "Other"**

Official error in inputting registration information	5
Election official was disrespectful	1
Mail-in ballot not accepted	1
Needed help but no one would	1
Turned into wrong county	1

**Further Explanation**

Language barriers	3
Needed help but no one would	2
Need more community outreach and registration drives	2
County election official was disrespectful	1
Need transportation	1

Almost 20% of unregistered respondents cited a lack of knowledge about where and how to register to vote as the reason they remain unregistered to vote. Others missed the registration deadline and did not want to deal with non-native election officials. There is some alienation from the political process as well, as 46 individuals stated they were either not interested in the election or politics or their vote would not make a difference.

**Table 17. Reasons Individual is Unregistered to Vote [N = 167]**

<b>REASON(S) INDIVIDUAL IS NOT REGISTERED TO VOTE</b>	<b>YES</b>	<b>NO</b>
Did not meet the registration deadline	21	146

	(12.57%)	(87.43%)
Did not know where or how to register	33 (19.76%)	134 (80.24%)
Did not meet the residency requirements/did not live here long enough	1 (0.60%)	166 (99.40%)
Permanent illness or disability	3 (1.80%)	164 (98.20%)
Difficulty with English	2 (1.20%)	165 (98.80%)
Not interested in the election or not involved in politics	29 (17.37%)	138 (82.63%)
My vote would not make a difference	17 (10.18%)	150 (89.82%)
Did not want to deal with non-Native election officials	16 (9.58%)	151 (90.42%)
Other	12 (7.19%)	155 (92.81%)

**Table 17A. “Other”**

No reason	4
Busy working	1
Identity theft	1
Illness	1
Official error in inputting registration information	1
Registration error	1
Residency requirement	1
Transportation issue	1

Only 22 of the unregistered respondents ever tried to register to vote. A number of individuals also missed this question.

**Table 18. Ever Attempted to Register to Vote? [N = 167]**

YES	NO	MISSING
22	94	51

**Table 19. Method of Registration Attempt by Unregistered Individuals [N =167]**

METHOD OF REGISTRATION ATTEMPT	YES	NO
Mail-in registration form	8 (4.79%)	159 (95.21%)
Online voter registration	2	165

	(1.20%)	(98.80%)
Voter registration drive	10 (5.99%)	157 (94.01%)
In person at the county election official's office	8 (4.79%)	159 (95.21%)
At an on-reservation satellite center	4 (2.40%)	163 (97.60%)
MVD office	3 (1.80%)	164 (98.20%)
Public assistance office	6 (3.59%)	161 (96.41%)
I don't remember	7 (4.19%)	160 (95.81%)
Other	3 (1.80%)	164 (98.20%)

**Table 19A. "Other"**

In rehab	1
----------	---

**Table 20. Problems in Registration for Unregistered Voters**

<b>PROBLEMS IN REGISTRATION PREVENTING VOTERS FROM REGISTERING</b>	<b>YES</b>	<b>NO</b>
It was difficult to travel to the place where I registered to vote.	44 (10.23%)	386 (89.77%)
It was hard to identify or describe my residence on the registration form because I live at a non-traditional, rural, or remote residence.	8 (36.36%)	14 (63.64%)
I did not have the required forms of identification.	0 (0%)	22 (100%)
It was hard to understand the questions on the form.	0 (0%)	22 (100%)
It was hard to communicate with officials because English is not my primary language.	0 (0%)	22 (100%)
I needed help but no one would help me.	2 (9.09%)	20 (90.91%)

A county election official refused to give me a voter registration form.	0 (0%)	22 (100%)
A county election official was disrespectful.	1 (4.55%)	21 (95.45%)
I had computer or Internet problems that prevented me from using online voter registration.	0 (0%)	22 (100%)
I filled out the voter registration form but didn't get a registration card in the mail.	6 (27.27%)	16 (72.73%)
My voter registration form was rejected.	1 (4.55%)	21 (95.45%)
No problem	4 (18.18%)	18 (81.82%)
Other	4 (18.18%)	18 (81.82%)

**Table 20A. "Other"**

Hard to understand questions	1
Absent	1
Did not have physical address	1
Difficult to travel	1
Mail-in registration rejected	1
No interest	1
Official error in inputting registration information	1

### Voting Methods

New Mexico's Native American voters prefer in-person voting on Election Day or dropping off their ballot on Election Day. Only 12.13% use any form of voting prior to Election Day including mail-in, drop-off or in-person. Consistent with other results in this survey, only 22 individuals out of 602 reported using mail-in voting.

**Table 21. Method(s) of Voting**

METHOD OF VOTING	YES	NO
In-person voting on Election Day	499 (82.89%)	103 (17.11%)
Election Day voting by dropping off your ballot	63 (10.47%)	539 (89.53%)
Used any form of voting before Election Day (mail-in, drop-off, or in-person)	73 (12.13%)	529 (87.87%)
Mailed in your ballot	22 (3.65%)	580 (96.35%)

Other	12 (1.99%)	590 (98.01%)
-------	---------------	-----------------

**Table 21A. “Other”**

Early voting	5
Never voted	4

Perhaps it is heartening to note such a low frequency of unsuccessful attempts at voting: just 27 people reported this.

**Table 22. Unsuccessful Attempts to Vote<sup>73</sup>**

Unsuccessful Attempts to Vote?	YES	NO
Count	27 (4.49%)	552 (91.69%)

**Table 22A. Explanation for Unsuccessful Attempt**

Not listed in poll books	7
Unable to get to polling place	5
Missed deadline to register	2
Didn't know candidates	1
Mail-in ballot rejected	1
Official error in inputting registration information	1
Registration not up to date	1

New Mexican respondents had a very high knowledge of the location of their polling place. Only 80 out of 584 respondents to this question noted they did not know where their local voting location was.

**Table 23. Knowledge of Location of Polling Place<sup>74</sup>**

Knowledge of Location of Polling Place	YES	NO
Count	504 (86.3%)	80 (13.7%)

<sup>73</sup> 23 people skipped this question.

<sup>74</sup> 18 people skipped this question.



A majority of New Mexico respondents live within 5 miles of their local polling place. Of those who answered this question, only 73 live more than 5 miles away from their polling place, and only 32 live more than 10 miles away.

**Table 24. Distance from Polling Place<sup>75</sup>**

<b>DISTANCE FROM POLLING PLACE</b>	<b>COUNT</b>
Walking distance	5
Less than 1 mile	114
1-5 miles	223
6-10 miles	41
11-15 miles	7
16-20 miles	8
21-25 miles	2
26-30 miles	4
31-35 miles	2
36-40 miles	1
41-45 miles	1
46-50 miles	3
71-75 miles	1
91-95 miles	1
120 miles	1
360 miles	1

With no statewide voter ID law and few other typical voter suppression measures, New Mexico’s Native American voters did not report experiencing high rates of problems casting a ballot in person. Nevertheless, there are certain persistent problems. Transportation barriers hindered efforts to vote for 10% of respondents. Sixty-seven individuals (over 15%) were either told they were at the wrong polling place or they were not on the registered voter list. Only 13 were told they did have the requested voter ID—it is unclear what ID was being lawfully requested. It might have been a municipal election in Albuquerque, Rio Rancho or Clovis, where voter ID is required for municipal elections *only*. Alternatively, federal law requires the state to match first-time, mail-in registrants against the state’s MVD database or the Social Security Administration database. If the registrant matches, no ID need be shown—they are exempt. Otherwise, in non-matching cases, they must present a form of ID at the polls. Only a failure to satisfy this HAVA match for a first-time, mail-in registrant would permit a poll worker to ask for a form of HAVA ID. New Mexico requires voters to put down the full nine digits of an SSN on the state registration form. Only an error in the SSN or input of a name should lead to a situation where someone needs to show ID. Otherwise, poll workers might be erroneously and unlawfully requiring voter ID.

---

<sup>75</sup> If an increment of 5 miles has been omitted, it is because 0 respondents recorded that.

Other respondents noted voter intimidation and that poll workers were disrespectful. One individual noted their polling place ran out of ballots. Given that 123 respondents said they only speak a Native language, it is a bit surprising that more people did not express that they had difficulty casting a ballot due to lack of language assistance or translation. Either they have some level of English fluency or the jurisdictions are complying with Section 203 of the Voting Rights Act and providing adequate language assistance and translated voting materials.

**Table 25. Problems During In-Person Voting**

<b>PROBLEMS DURING IN-PERSON VOTING</b>	<b>YES</b>	<b>NO</b>
I couldn't get to my polling place (weather conditions, lack of transportation, etc.).	43 (10%)	387 (90%)
I was told I was at the wrong polling place.	44 (10.23%)	386 (89.77%)
I didn't have the requested voter ID.	12 (2.79%)	418 (97.21%)
I had a photo ID but I was told it couldn't be used because it didn't have my current address, was expired or had some other issue.	16 (3.72%)	414 (96.28%)
I wasn't on the registered voter list.	23 (5.35%)	407 (94.65%)
I do not speak English well enough to vote and there was no ballot available in my primary language.	11 (2.56%)	419 (97.44%)
I read and speak English, but I had trouble with understanding part of the ballot.	42 (9.77%)	388 (90.23%)
I asked to bring someone into the booth to help me vote but the poll worker denied my request.	9 (2.09%)	421 (97.91%)
A local election official was disrespectful.	10 (2.33%)	420 (97.67%)
Had my right to vote challenged by a member of election board or poll watcher.	9 (2.09%)	421 (97.91%)
I was told to vote a provisional ballot but it wasn't counted.	5 (1.16%)	425 (98.84%)
No problem.	12 (2.79%)	418 (97.21%)
Other	6 (1.40%)	424 (98.60%)

**Table 25A. "Other"**

Official error in inputting registration information	2
Poll watcher intimidation	1
Poll workers were disrespectful	1
Ran out of ballots	1

Too many candidates/issues	1
----------------------------	---

### Further Explanation

Didn't have ID	1
Poll worker tried to influence vote	1
Poll worker was disrespectful	1
Trouble understanding part of the ballot	1
Wait too long	1
Went to wrong polling location	1

Trust in in-person voting on or before Election Day is higher than trust in mail-in or drop-off voting. Respondents seemed slightly more confident in in-person voting than early voting.

**Table 26. Trust in In-Person Voting on Election Day<sup>76</sup>**

<b>Trust that In-Person Vote Will Be Counted</b>	<b>Count</b>	<b>Percentage</b>
Complete Trust	275	47.41%
Some Trust	240	41.38%
No Trust	65	11.2%
<i>Total</i>	580	100%

**Table 27. Trust in Early In-Person Voting<sup>77</sup>**

<b>Trust that Early Vote Will Be Counted</b>	<b>Count</b>	<b>Percentage</b>
Complete Trust	253	43.7%
Some Trust	260	44.9%
No Trust	66	11.4%
<i>Total</i>	579	100%

Given the exceptionally low use of mail-in/drop-off voting for respondents in New Mexico, this question was not particularly instructive. It is notable that two people asserted their absentee ballot never arrived in the mail. Most Native American voters seem to avoid mail-in voting. This alternative to in-person voting is particularly challenging for Native American voters, particularly in rural areas, because many Native voters rely on P.O. boxes. Only 76 people out of 602 respondents stated that they receive their mail at home, while 503 respondents reported they rely on a P.O. box. The average distance between a respondent's residence and their P.O. box was 9

<sup>76</sup> 22 missing responses.

<sup>77</sup> 23 missing responses.

miles. The maximum any respondent recorded was 94 miles. At least for some individuals, mail-in voting is prohibitively difficult, because it is intertwined with transportation barriers and costs. It is likely that the barriers to Native American voters using mail-in voting contributes to the lack of trust in this alternative to in-person voting. As can be seen in Tables 29 and 30, “complete trust” in mail-in and drop-off balloting is substantially lower than trust in the fact that in-person Election Day and early votes will count.

**Table 28. Problems with Mail-In/Drop-Off Voting**

<b>Type of Problem</b>	<b>Yes</b>	<b>No</b>
I wasn't able to identify my residential address.	1 (4.55%)	21 (95.45%)
Did not understand how to fill out ballot	1 (4.55%)	21 (95.45%)
The ballot was not in my primary language and I did not have anyone to translate it for me.	0 (0%)	22 (100%)
Made a mistake filling out my ballot and am unsure if my vote was properly recorded.	2 (9.09%)	20 (90.91%)
Damaged ballot in some way and am unsure if my vote was properly recorded.	2 (9.09%)	20 (90.91%)
Did not understand how to return my ballot	0 (0%)	22 (100%)
A county election official was disrespectful when I tried to return the ballot.	1 (4.55%)	21 (95.45%)
I was unable to mail or drop off my ballot because of a physical disability or illness.	0 (0%)	22 (100%)
No problem	14 (63.64%)	8 (36.36%)
Other	2 (9.09%)	20 (90.91%)

**Table 28A. “Other”**

Ballot never arrived	2
Problem mailing ballot	1
Trouble communicating with local election office	1
Unable to drop off ballot	1

**Table 29. Trust in Mail-In Voting<sup>78</sup>**

<b>Trust that Mail-In Ballot Will Be Counted</b>	<b>Count</b>	<b>Percentage</b>
Complete Trust	96	24.55%
Some Trust	185	47.31%
No Trust	110	28.13%
<i>Total</i>	391	100%

**Table 30. Trust in Drop-Off Balloting<sup>79</sup>**

<b>Trust that Dropped-Off Ballot Will Be Counted</b>	<b>Count</b>	<b>Percentage</b>
Complete Trust	93	23.91%
Some Trust	190	48.84%
No Trust	106	27.25%
<i>Total</i>	389	100%

Finally, though the rates of perceived discrimination and intimidation in New Mexico are low, they do exist. Some respondents felt judged based on their appearance and mistreated by poll workers, particularly if they voted off-reservation. One wrote, “The looks you are given for going to a voting place to me says that I am not welcome. Being ignored and having to ask questions. Unfriendly [people] voting off the reservation.” Another stated, “Most people give snarky remarks just because Native Americans are always thought to be drunk and can never accomplish more.” Other poll workers seem to have unlawfully asked one voter a series of questions about where s/he lived and whether s/he was in fact a bona fide resident of New Mexico “took them a while to believe me in fact then they were asking what gas station was near where I lived and the nearest business site.”

**Table 31. Discrimination or Intimidation**

<b>Discrimination or Intimidation?</b>	<b>Yes</b>
Voting	21 (3.49%)
Registering	6 (1%)
Both or Unspecified	15 (2.49%)

<sup>78</sup> 211 missing responses: again, despite our instructions to survey-takers and respondents, many people who do not have any history of using mail-in voting and do not anticipate doing so in the future skip this question.

<sup>79</sup> 213 missing responses.

Neither	441 (73.26%)
Missing	119 (19.78%)

**Table 31A. Explanation of Discrimination**

Judged based on appearance	4
Poll worker was disrespectful	4
Felt it wouldn't make a difference	3
Trouble updating registration	2
Didn't believe they were who they said they were	1
Don't know if vote is counted	1
Mail-in ballot returned	1
Not fluent in English	1
Not listed	1
People trying to influence vote	1
Told not a tribal member	1
Unexplained citation to Trump	1

**Additional Factors Related to Electoral Access and Participation**

**Table 32. Disability<sup>80</sup>**

Do you have a disability that might limit your ability to register or vote without assistance?	Count
Yes	30 (5.05%)
No	564 (94.94%)

**Table 33. Where do you get your mail?<sup>81</sup>**

Where do you get your mail?	Count	Percent
I have a post office box.	503	84.40%
Mail is delivered at home.	76	12.75%
Other	17	2.85%

<sup>80</sup> 8 respondents missed this question.

<sup>81</sup> 6 respondents missed this question.

The survey had a follow-up question asking respondents how far they would have to travel one way to obtain their mail, *e.g.* an absentee ballot mailed to them. For respondents in New Mexico, the mean was 9 miles, and the median was 3 miles. The maximum recorded one-way distance to a mail pick-up location was 94 miles.

**Table 34. Access to the Internet<sup>82</sup>**

<b>Do you have easy access to the Internet?</b>	<b>Count</b>
Yes	309 (53.55%)
No	268 (46.45%)

**Table 35. Educational Attainment<sup>83</sup>**

<b>What was the highest level of education that you reached?</b>	<b>Count</b>
Less than 5 <sup>th</sup> grade	19 (3.18%)
5 <sup>th</sup> grade or more but did not graduate from high school	67 (11.22%)
High school graduate (including GED)	198 (33.17%)
Some college, no degree	189 (31.66%)
Associate's degree	67 (11.22%)
Bachelor's degree	63 (10.55%)
Graduate or professional degree	16 (2.68%)

**Table 36. Main Source of Income<sup>84</sup>**

<b>What is your main source of income?</b>	<b>Count</b>
Attending school / financial aid	38 (6.34%)
Disability income	46 (7.68%)
Employed full-time	227 (37.90%)
Employed part-time	70 (11.69%)
Home maker	13 (2.17%)
Other	38 (6.34%)
Public assistance	26 (4.34%)
Retirement income	67 (11.19%)
Self-employed	44 (7.35%)
Unemployed	30 (5.01%)

**Table 37. Primary Language<sup>85</sup>**

<b>What is your primary language?</b>	<b>Count</b>
English and Native Language(s)	201 (33.67%)
English Only	273 (45.73%)
Native Language Only	123 (20.60%)

<sup>82</sup> 25 respondents missed this question.

<sup>83</sup> 5 respondents did not record a response to this question.

<sup>84</sup> 3 respondents did not record a response to this question.

<sup>85</sup> 5 respondents did not record a response to this question.