

Statement: Rhonda Whiting, Chair, Western Native Voice Board of Directors, to the U.S. Senate Rules Committee

The history of Native American voting is the story of a group of U.S. citizens who were compelled to be incorporated into the nation and then given the rights of citizens in a haphazard, disjointed manner over many decades. It is the story of a group of U.S. citizens who were then unlawfully denied the right to vote through illegal means. It is a history of civil rights denied even as the country demanded military service and levied taxes on Native American citizens. And the story of the right to vote being denied to Indian people is a story still unfolding in 2014.

The Indian Citizenship Act of 1924 granted citizenship at the federal level to Native Americans. In many states, however, the civil rights, including voting, of the new citizens were often abridged or even denied. The New Deal brought the Indian Reorganization Act (1934), which recognized the legitimacy of tribal governments and permitted limited self-rule. Yet it did not solve the issue of access to the polls. The landmark Voting Rights Act of 1965 created a solid legal platform to expand minority voting rights and is the legal basis for securing access to the polls for Native American citizens. However, as subsequent amendments to the Act as well as the series of lawsuits based upon the Act needed to compel elected officials and election administrators to grant voting rights to Natives demonstrate, it is evident that achieving full and unfettered access to the polls for all citizens has a long way to go.

I speak to the Committee today with the purpose of proposing practical solutions that will alleviate some of the problems that keep Native Americans from exercising their right to vote.

First of all, expansion of access to registration modes will enable and facilitate voting. In-take of voting registration forms by government offices and educational facilities, for example, at Indian Health Service clinics and tribal colleges, will be a practical method for capturing voter registration forms. Plainly the federal government has a wide range of options in directing government offices to facilitate voter registration in the course of conducting other business.

In 2014, electronic registration options that are secure, safe, and verifiable are desirable, particularly for younger voters who are use to conducting business on-line. Creating a federal standard for electronic voting is critical for modernizing the voting process.

Another issue of access is the distance involved for some Natives, and other rural voters, to travel to vote. In Montana, with election services based in county seats that are considerable distances from Native communities, some Indians have to travel in excess of 100 miles to vote. It is hard to overstate the burden imposed on Native American citizens by having to travel long distances to cast their vote. The remote location of many Indian communities, coupled with the way elections are conducted, limit the ability of the Native American citizen to partake in their own government. Placing satellite early voting locations in Native communities will alleviate this barrier.

It is important to emphasize the significant economic burden that falls on some Native American citizens in these remote communities. Many members of these communities have limited

economic resources and the costs imposed on them by travel to the polling place functionally prevent them from voting. It is salient that these travel costs are not borne by the average voter in the United States, most of whom vote near their place of residence. The creation of a federal satellite early voting standard will rectify this problem.

The experience in Montana is that same-day registration expands access to the polls for many citizens with busy lives and demanding careers. The use of same-day registration by college students, working mothers, busy professionals, and U.S. service members strongly indicates that it should be a basic part of election administration. Native Americans have also benefited from same-day registration.

Same-day registration in Montana has also helped to lessen the deleterious effects of other aspects of the electoral system for Natives, who overwhelmingly support it. Sadly, same day registration is under attack in Montana in the guise of a 2014 ballot measure that will roll back Montana's common-sense approach to election management. Recognizing the value and utility of same-day registration on the federal level will be invaluable to expanding Native access to the polls.

Finally, simplifying the voting process and providing federal resources and authority to educate citizens on their rights and responsibilities will be invaluable in engaging Native American citizens in the civic process. Many Native Americans are, I am sad to say, skeptical about the motivations of the federal government given past history and current conditions. A sincere, robust program for citizen education and engagement has the potential to transform the relationship between the government and historically dis-enfranchised Indian communities.

Members of the Senate Rules Committee, you have the power to create laws that will secure and protect voting rights for Native American citizens and all citizens. I ask that you do so. Pass legislation that expands access to voting before Election Day. Make laws that evenly allocate resources, modernize elections and allow electronic registration options. Give the full force and power of federal law to same-day registration, vote-by-mail, and early voting.

These are all practical, proven solutions to problems in voting. I respectfully ask the Committee to create legislation that will make them a reality.

In closing, I need to emphasize that the right to cast a vote is the most fundamental right for a citizen in a democracy. For this right to be abridged or limited in any way harms both the substance and the spirit of our great democracy. And no words ever spoken could more true than "injustice anywhere is a threat to justice everywhere." So I ask you all that, when you consider making the law just for Native American citizens, think also of the rights of your own children and of the kind of nation you want to see them inherit.

Thank you.

Rhonda Whiting
Chair, Western Native Voice Board of Directors

June 20, 2014