

**SPECIAL REPORT:**

**NATIVE VOTE 2004**  
**ELECTION PROTECTION PROJECT**



**NATIONAL CONGRESS OF AMERICAN INDIANS**  
**DC NATIVE AMERICAN BAR ASSOCIATION**

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**NCAI/NABA DC**  
**NATIVE VOTE 2004: ELECTION PROTECTION PROJECT**

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## **EXECUTIVE SUMMARY**

The Native Vote Election Protection Project (NV-EPP) was the legal component of the non-partisan Native Vote 2005 election project. It was a joint effort between the National Congress of American Indians and the DC Native American Bar Association with the assistance of the Native American Rights Fund.

### **GOALS**

The primary goals of the NV-EPP were to ensure: that each state's voting rules were fair before the day of the election; that on Election Day every Native voter who was eligible to vote was able to cast their vote and have their vote counted; and, to serve as the voters' advocates on Election Day.

### **PROGRAM STRUCTURE**

NV-EPP was fully engaged and present in eleven (11) states: Alaska, Arizona, Colorado, Michigan, Minnesota, Montana, New Mexico, North Dakota, Oklahoma, Washington, and Wisconsin. In addition, we had a small presence or coordinating role in Idaho, Oregon, and South Dakota. Altogether we estimate 400-500 volunteers participated in the NV-EPP.

Each state had a State Coordinator who usually appointed a Local Lead for each Native community within the state. The NV-EPP State Coordinators met with the state election officials before the election to help resolve ambiguous voting rules (such as whether or not Tribal IDs were acceptable forms of ID for voting purposes), and recruited hundreds of volunteers to sit inside the polling precincts on election day to provide voter assistance ("poll watching/monitoring").

While monitoring the polling precincts on Election Day, NV-EPP poll watchers assisted thousands of Native and non-Native voters. Monitors kept track of problems or "incidents" witnessed on NV-EPP incident sheets (see APPENDICES), monitored the number of voters, and noted what was working and what was not working for Native communities.

### **EMPOWERMENT OF VOTERS**

One of the primary goals of the NV-EPP program was to empower Native voters with knowledge about the electoral process and their voting rights. For example, Minnesota recorded very few Election Day incidents, largely because voters were so prepared they asserted their own rights and often did not need assistance. Minnesota voters were observed correcting election officials about forms of ID which are acceptable for voting, about absentee ballot rules, and other rules that helped ensure eligible voters were able to vote on Election Day. Minnesota was a shining example of how smoothly Election Day can be, when the community is informed and knows their rights.

### **INCIDENTS OBSERVED**

**Registration Issues.** Of the over 300 official "incidents" recorded on Election Day by the NV-EPP poll watchers (with hundreds more unrecorded) nearly 60% dealt solely with basic voter

Registration issues.<sup>1</sup> Often the voter could not find their correct precinct, thought they had registered to vote but did not appear on the rolls, or had moved since last registering. Not surprisingly, the two states with election-day voter registration, Wisconsin and Minnesota, experienced almost no Registration incidents.

**Recommendation:** Each Tribe should carefully consider efforts to pass election-day voter registration legislation in their state. For, example, on the Fond du Lac reservation in Minnesota, over 1/3 of Native voters who voted registered to vote on Election Day.

**Absentee Ballots.** Next to Registration issues, absentee ballot issues were the second most prevalent problem experienced by Native voters. In many reported incidents, voters often requested an absentee ballot but never received it, and then experienced trouble being allowed to vote in person on Election Day. In some states, such as Alaska, election officials placed insufficient postage on the absentee ballots. Over 65% of calls on Election Day from Alaskan voters to the Election Protection hotline were complaints regarding absentee ballots that were never received.

In other reported incidents, voters who did not recall ever requesting an absentee ballot, but who were marked as such on the voter rolls, experienced trouble in being allowed to vote on Election Day. In particular, this was a problem for native voters in New Mexico. This raises concerns about third parties submitting absentee ballot requests without a voter's permission.

**Recommendation:** Tribes should work with the states to ensure that there is an emergency absentee voting system in place to address these problems. Alaska allows voters to fax in their absentee votes. South Dakota allows individuals who have requested an absentee ballot to vote regularly on Election Day, overriding their absentee ballot, and then throws out their absentee ballot if it shows up.

**Voter Suppression.** Allegations of voter intimidation and fraud garnered the most attention and there were some very public occurrences during the November elections. For example, during early voting in South Dakota, Senator Daschle filed a lawsuit against the Thune campaign based on reports that Thune's non-Indian volunteers were following cars of Indian voters and writing down their license plate numbers. In Red Lake, Minnesota, Tribal Police were forced to eject a partisan poll-watcher based on his on-going intimidation of poll workers, poll watchers and voters, disrupting the voting process at the polling precinct.

However, while dramatic and upsetting, intentional voter intimidation incidents only made up a small percentage of overall incidents reported. The more prevalent suppression incidents were the smaller cultural or cross-community misunderstandings present in the many Native precincts that did not have Native election judges or poll workers.

In addition, many of the non-local partisan poll-watchers created intimidation problems by their mere presence. However, it was sometimes difficult for our local NV-EPP non-partisan volunteers to monitor partisan activity as many states have more restrictive rules on non-partisan poll watchers (often inadvertently forcing many local non-partisan volunteers to choose a political party for Election Day.)

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<sup>1</sup> We estimate that this percentage is actually much higher, as voters with incorrect information regarding their polling place were so frequent that many poll-monitors did not record the encounter as an incident.

**Recommendation:** Tribes should work aggressively to recruit Native volunteers from their communities, on and off the Reservations, to serve as election judges and poll workers in local, state and national elections. As part of their Get Out the Vote efforts, Tribes should encourage tribal members to volunteer as non-partisan poll monitors as well. States need to pass rules which ensure non-partisan poll watchers are not subject to more restrictive requirements than partisan poll watchers.

***Discriminatory Election Laws.*** In addition to Election Day problems, several states still have a number of restrictive rules in place and laws which disproportionately affect our Native communities. For example, until NV-EPP helped file suit, the Minnesota Secretary of State was attempting to enforce discriminatory Tribal ID rules. In addition, Minnesota still has a rule on the books allowing towns of under 500 to open polls at 10:00am instead of 7:00am. This disproportionately affected many of our native communities in Minnesota as many Native communities have fewer than 500 residents.

**Recommendation:** Tribes should work with state election officials to ensure that Tribal IDs are an accepted form of identification for voting on Election Day. Tribes and Native communities should ensure that Election Protection projects exist in their communities.

## SUMMARY

In general voters, volunteers, and tribal leaders all seem to believe the NV-EPP effort was helpful for their communities and voters. Next steps include following up with changes that need to be made in state election laws, and ensuring that the infrastructure we have put in place is still available for the next election cycle.

**SPECIAL REPORT:**  
**NATIVE VOTE 2004: ELECTION PROTECTION PROJECT**

**I. PURPOSE**

The Native Vote Election Protection Project (NV-EPP),<sup>2</sup> a joint effort between the National Congress of American Indians and the DC Native American Bar Association, with the assistance of the Native American Rights Fund. The NV-EPP was the non-partisan legal component of the Native Vote 2004 project.

The primary goals of the NV-EPP were to ensure that each state's voting rules were fair for Native Voters, that every Native voter who was eligible to vote was able to vote and have their vote fairly counted, and to provide general voting legal assistance to voters in our Native communities.

**CATALYST FOR PROGRAM**

In recent years, the Native American vote has become more and more active. The Native Vote has been credited with determining the outcome of many elections, including Senator Maria Cantwell in Washington, Senator Tim Johnson and Representative Stephanie Herseth in South Dakota, and Governor Janet Napolitano in Arizona, to name a few.

With increased voter turnout has come increased awareness of disenfranchisement issues. In particular, the NV-EPP was concerned with problems observed in South Dakota being experienced throughout Indian Country Restrictive State Election Laws, Poorly Prepared/Culturally Insensitive Election Officials, Misinformed voters, and Purposeful Voter Intimidation/Confusion.

**BUILDING INFRASTRUCTURE**

In addition, as disenfranchisement issues have garnered more public attention, and as elections have been decided by smaller and smaller margins, numerous organizations and political parties have sent lawyers and poll-watchers into Indian Country before and on Election Day. However, outside attorneys arriving into Indian Country on Election Day has caused a number of obvious problems.

NV-EPP sought to recruit and train our Native and tribal attorneys, as well as community volunteers, to assist Native voters on Election Day. The goal was to train individuals more familiar with the community, the local poll workers and election officials, and with Indian Country in general. In addition, by training local community members, we hoped to build knowledge within our communities and to set up our own internal infrastructure to operate for future elections.

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<sup>2</sup> This project was a joint effort between the National Congress of American Indians and the DC Native American Bar Association, with the assistance of the Native American Rights Fund. Nationally we joined forces with the Lawyers Committee for Civil Rights Under the Law, which served as the umbrella organization for national non-partisan "Election Protection" efforts. NV-EPP served as the Native portion of their national effort. In each state, many organizations joined forces, but special thanks go to the Oklahoma Indian Bar Association, Washington State Indian Bar Association, University of Montana Law School, NARF-Alaska, Arizona Bar Indian Law Section, and the Little Traverse Bay Band of Odawa Indians.

## **II. NV-EPP PROGRAM STRUCTURE**

### **STRUCTURE**

While Election Protection efforts were already active in some communities, 2004 was the first concerted effort at a national coordinated Election Protection effort for all of Indian Country.

The Lawyers' Committee for Civil Rights Under the Law coordinated national non-partisan election protection efforts and established the Election Protection Coalition. Numerous minority organizations, such as the NAACP and La Raza, ran their local election protection programs under this umbrella. NV-EPP was a part of this non-partisan coalition, and was responsible for all Native communities, urban and reservation.

Within our structure, the DC Native American Bar Association members, in coordination with the National Congress of American Indians and the Native American Rights Fund, served as the national coordinators. A State Coordinator was appointed for each state, and often state coordinators appointed local leads for each Native community within their states. Native bar associations and law schools often took the lead in each state.

The national umbrella organization, the Lawyers Committee, was responsible for providing the legal materials and legal training. The NV-EPP project was responsible for recruiting volunteers, designing the deployment strategies, and conducting communications with State election officials, Tribes, and voters.

### **PARTICIPATING STATES**

In the end, the NV-EPP project was active in 13 states: Alaska, Arizona, Colorado, Michigan, Minnesota, Montana, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Washington, and Wisconsin. The level of presence ranged from comprehensive coverage on nearly all reservations in states like Minnesota, to a sole NV-EPP representative available by phone for emergencies in states such as Oregon where voters mailed in ballots.

The excellent dedication and organizational skills of the NV-EPP State Coordinators are really what made the program happen this past year. The Coordinators were:

NATIONAL, Heather Dawn Thompson; ALASKA, Natalie Landreth; ARIZONA, Amy Locklear, Jonadev Chauduri; COLORADO, Jennifer Harvey Weddle; MICHIGAN, Su Lantz, Allie Moldanado, Valeri Biro; MINNESOTA, Judy Hanks; MONTANA, Eli Parker; NORTH DAKOTA, Wenona Singel; NEW MEXICO, Heather Whiteman RunsHim; OKLAHOMA, Dana Jim, Arvo Q. Mikkanen, O. Joseph Williams; OREGON, Cyndi Starke; WASHINGTON, Gabe Galanda; WISCONSIN, Brian Pierson.

The factors considered in choosing the states who participated in the inaugural NV-EPP program were: the size of the Native population; the concentration of the Native population; history of electoral problems or racial tensions; anticipated heavy partisan activity; races of special import to Indian Country; and ability to recruit a state coordinator and volunteers.

For example, Arizona and New Mexico were important to the Native community because of their large native populations and concerns over voter suppression because of heavy partisan activity due to the tight Presidential race in these states. But many other non-partisan organizations were active in these states as well, and in the end only a small NV-EPP presence was needed.

On the other end of the spectrum little partisan activity was expected in North Dakota and Oklahoma, but both are important states in Indian Country and have strong Native legal structures. Therefore, NV-EPP volunteers were largely the only legal assistance presence in Indian Country in these states.

**NV-EPP VOLUNTEER DEPLOYMENT STRATEGIES**

<u>STATE</u>	<u>DEPLOYMENT STRATEGY</u>
<b>ALASKA</b>	<p>It was decided that the villages were too remote to try and deploy attorneys to each of them. Therefore we trained volunteers to man an 800 phone line in Anchorage. (Space was donated by NARF-Alaska.) The Alaska team instead conducted an extensive radio promotion effort of the election rules and the 800 number.</p> <p>In addition, the national Election Protection Coalition routed all of their Alaska calls to our NV-EPP Alaska call center. Approximately 20 lawyers and others volunteered to man the Alaska 800 election day hotline.</p>
<b>ARIZONA</b>	<p>Legal election protection efforts were highly organized in Arizona by other non-partisan organizations and partisan groups. Since there was heavy coverage by other organizations in urban communities and on most reservations, NV-EPP focused on communities just outside of reservations which still had large Native populations.</p> <p>In all, about 20 volunteers, focused on rural areas in Navajo, Coconino, Yavapai counties. The Indian Law section of the Arizona State Bar Association was instrumental in organizing NV-EPP in Arizona.</p>
<b>COLORADO</b>	<p>Colorado has two reservations and large off-reservation Native populations, and the Colorado Indian Bar Association was already active early in the process with the Secretary of State and a non-partisan election task force organized by the Colorado Lawyers' Committee. Therefore, the concerns of the Native community were raised early on in the election cycle. Colorado was a good example of how early coordination with all parties and non-partisan organizations can help prevent much election day confusion.</p>
<b>MICHIGAN</b>	<p>Michigan has both isolated and rural reservations and reservations near major urban centers. It was decided to try and provide NV-EPP assistance within each reservation, with priority given to those near urban centers who might experience heavier partisan activity and voter suppression. In the end volunteers were deployed to most reservations in some capacity.</p>

**NATIVE VOTE 2004: ELECTION PROTECTION PROJECT**

<u>STATE</u>	<u>DEPLOYMENT STRATEGY</u>
	<p>The Little Traverse Bay Band of Odawa Indians played an integral leadership role in organizing the NV-EPP effort in Michigan. Michigan tribes were more reluctant to participate and assist than most other states. Michigan was one of the only states where the NV-EPP coordinators were not attorneys, Su Lantz and Valeri Biro, and it was very successful. While it is important that the Coordinators have an attorney working closely to help with legal questions, Michigan demonstrated that a successful program only needs a good, dedicated organizer.</p>
<b>MINNESOTA</b>	<p>The Minnesota Get Out The Vote effort was very well organized on nearly every reservation in Minnesota. The NV-EPP tapped into that organization and provided legal training to GOTV volunteers and attorneys. Minnesota does not allow non-partisan poll monitors inside the polling precincts, so legal advisors were available by phone and on most reservations. In addition, an arrangement was made with the Independence Party of Minnesota to give NV-EPP permission to enter the polls under their title if it became necessary. Minnesota experienced a number of issues, and it was difficult to monitor from outside of the polls.</p> <p>In addition to election day deployment, much activity took place in Minnesota before the election. NV-EPP was integral in initiating a lawsuit against the state of Minnesota to ensure Tribal ID cards could be used for voter identification on election day.</p> <p>The Minnesota Indian Bar was active, but did not take a leadership role in Minnesota like most native bar associations did in the other states. Minnesota was probably the best example of a strong GOTV and strong EP effort that were both well integrated and streamlined. The state leader for both programs was the same person, Judy Hanks.</p>
<b>MONTANA</b>	<p>Montana has several large reservations, many with a history of election and race issues. It was decided to deploy volunteers to all Montana reservations with a special emphasis on communities with a history of problems, such as Lake County.</p> <p>Native law students and professors at the University of Montana School of Law organized the Indian attorneys and volunteers in the state. The Indian Law Resource Center also assisted in recruiting and providing volunteers.</p>
<b>NORTH DAKOTA</b>	<p>North Dakota does not have a history of electoral problems or voter intimidation. However, because of its proximity to South Dakota, there was some concern that activities there might spill over into North Dakota. In addition, North Dakota does not technically allow non-partisan poll-watchers (a rule that needs to be changed). However, North Dakota wanted to capitalize on this opportunity to</p>

**NATIVE VOTE 2004: ELECTION PROTECTION PROJECT**

<u>STATE</u>	<u>DEPLOYMENT STRATEGY</u>
	<p>raise awareness within its communities about potential voting problems.</p> <p>Native professors and students from the University of North Dakota School of Law organized and trained the lawyers and volunteers to serve as poll monitors/voter advocates on election day.</p>
<b>NEW MEXICO</b>	<p>New Mexico experienced many of the same issues as Arizona. Legal election protection efforts were highly organized in by other non-partisan organizations and partisan groups. Many Pueblos also asked that no volunteers be sent to their communities because of the religious observation of the Day of the Dead which fell on Election Day.</p> <p>In addition, New Mexico requires that all poll monitors stationed inside of the polls be registered voters in that county and that they register their name with the SOS's office several weeks in advance. NV-EPP, therefore, was limited in the number of volunteers they could send into monitor and the locations. Volunteers were sent to their own communities, and non-registered volunteers were sent to monitor outside the polls. It was determined that the monitors inside the polls were much more helpful to voters and much more effective. In the end, approximately 35 volunteers helped advocate for Native voters on Election Day.</p>
<b>OKLAHOMA</b>	<p>Oklahoma's Native communities are not concentrated, but instead broadly dispersed throughout the state. Therefore, it is almost impossible to target specific communities or poll locations as having disproportionate members of the Native community. In addition, unique to all of the states in the NV-EPP project, Oklahoma does not allow any poll watchers inside of the polling precincts. Therefore, the Oklahoma team decided to focus on a very public radio and publicity campaign before election day. This strategy helped get the word out about election rules beforehand, since our volunteers would not be able to be there on election day.</p> <p>On the day of the election, Oklahoma NV-EPP provided their own 800 hotline, and volunteers roamed areas which had a history of problem or were considered possibilities for issues and made themselves available to voters who called in with problems. The Oklahoma Indian Bar Association took the lead in organizing NV-EPP.</p>
<b>OREGON</b>	<p>Oregon does not have voting at polls on election day. All voting is conducted by mail. Therefore no election day deployment of poll watchers or voter advocates was needed. Instead we appointed a State Coordinator to assist with any pre-election questions or problems. In the end the only real problem experienced in Oregon was a voter registration issues whereby voter registration cards sent to the DMV were being lost or not being turned over to the Secretary of States office.</p>

<u>STATE</u>	<u>DEPLOYMENT STRATEGY</u>
<b>SOUTH DAKOTA</b>	<p>Because of the intensity of the political races in South Dakota this past year, there was heavy partisan and non-partisan deployment of volunteers. As such, NV-EPP decided not to deploy more volunteers in South Dakota, but instead make contact with pre-existing non-partisan election protection organizations in South Dakota. As such, we did not have our own State Coordinator or volunteers, but simply coordinated with pre-existing organizations.</p>
<b>WASHINGTON</b>	<p>With over 20 reservation communities, Washington had much territory to cover. The Northwest Indian Bar Association tapped its extensive network of attorneys and volunteers and recruited many tribal attorneys and local students in each community.</p> <p>Washington had one of the best legal volunteer infrastructures in place for Election Day, with nearly 100 volunteers from all over the state. Priority was placed in communities with active anti-Tribal organizations and communities with a history of tensions.</p>
<b>WISCONSIN</b>	<p>Most Wisconsin tribes felt they did not need to participate in the NV-EPP project. Wisconsin has election-day voter registration which eliminates most election day problems, the Tribes have many tribal members running the state and federal election process (which is another of our recommendations) and have not experienced a history of voter suppression activities.</p> <p>Wisconsin is a good example of how the majority of election problems can be eliminated with just a few rule changes. In the end about half of the Tribes participated. The Indian Bar Section of the Wisconsin State Bar Association was very active in organizing the state.</p>

**WHAT WORKED IN ORGANIZING A NV-EPP EFFORT**

- Coordinate closely with the local Native non-partisan GOTV efforts. (Minnesota)
- Meet with outside stakeholders early in the process such as the Secretary of State’s office (Colorado), local election officials (North Dakota), and both political parties (Colorado).
- Meet with Tribes early, before they get inundated with election requests and issues. (Minnesota)
- Tap many sources for volunteers, including the state’s native bar association (Washington & Oklahoma), local law schools (Montana), and outside law firms if necessary (Michigan).
- Take the extra time to meet any state registration requirements that are necessary to ensure poll-monitors can be inside the polling precincts on Election Day. (New Mexico)
- Set up a central coordinating conference room or “war room” for Election Day (Alaska & Oklahoma).
- Anticipate other Tribes and organizations efforts and needs so we are not duplicating efforts or providing services where not needed. (Arizona)

### III. RESULTS & INCIDENTS

#### POSITIVE RESULTS

By most measures, NV-EPP was a success. The project educated voters about their rights and the voting rules, assisted Tribes and native communities in participating in the electoral decisions in their states, and helped protect voters' rights on Election Day. In general, the project strongly believes more voters were able to cast their ballot and have it fairly counted than if there had been no program. Some examples of additional accomplishments include:

***Empowerment of Voters.*** One of the primary goals of the NV-EPP program was to empower Native voters with knowledge about the electoral process and their voting rights. For example, Minnesota recorded very few Election Day incidents, largely because voters were so prepared they asserted their own rights and often did not need assistance. Minnesota voters were observed correcting election officials about forms of ID which are acceptable for voting, about absentee ballot rules, and other rules that helped ensure eligible voters were able to vote on Election Day. Minnesota was a shining example of how smoothly Election Day can be, when the community is informed and knows their rights.

***Acceptance of Tribal IDs.*** Due to the hard work of the State Coordinators, every state participating in the NV-EPP eventually accepted Tribal IDs as a form of acceptable voter identification on Election Day. Some states like Alaska and Oklahoma were very agreeable from the beginning. Colorado issued a temporary order to all county clerks to accept Tribal IDs, and the Colorado NV-EPP team is in the process of helping the state amend their statutes to ensure the change is permanent. Other states, however, took much more convincing. Michigan did not issue a letter accepting Tribal IDs until just a few days before the election. And, unfortunately, NV-EPP had to join forces with the ACLU and file a lawsuit against Minnesota in order to win acceptance of Tribal IDs.

#### INCIDENTS & PROBLEMS OBSERVED

***Nearly 60% of Incidents From Registration Issues.*** During election season certain types of electoral problems often garner much media attention, such as voter intimidation and language barriers. While those problems did clearly exist for Indian Country, we were surprised to find that nearly 60% of all our incidents reported had to do with basic voter registration.

***Registration Issues.*** Of the over 300 official "incidents" recorded on Election Day by the NV-EPP poll watchers (with hundreds more unrecorded) nearly 60% dealt solely with basic voter Registration issues.<sup>3</sup> Often the voter could not find their correct precinct, thought they had registered to vote but did not appear on the rolls, or had moved since last registering. Not surprisingly, the two states with election-day voter registration, Wisconsin and Minnesota, experienced almost no Registration incidents.

**Recommendation:** Each Tribe should carefully consider efforts to pass election-day voter registration legislation in their state. For example, over 1/3 of Native voters who voted in

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<sup>3</sup> We estimate that this percentage is actually much higher, as voters with incorrect information regarding their polling place were so frequent that many poll-monitors did not record the encounter as an incident.

2004 on the Fond du Lac reservation in Minnesota registered to vote on Election Day. However, Wisconsin gives a friendly warning that other staffing and resource problems arise with election-day voter registration of which states need to be aware.

**NUMERICAL SUMMARY OF ALL INCIDENTS REPORTED BY STATE BY TYPE**

State	Registration	Poll Judge	Poll Watcher	Voting Machine	Prov. Ballots	Abs. Ballots	Intimid.	Misc.	Sub total
Alaska	3					13	1	3	20
Arizona	5	2			2			1	10
Colorado									
Michigan	65	6		18	1	4		14	108
Minnesota							2		2
Montana	66	4	1	4	2	2	1	1	81
New Mexico	10	2		2	3			3	20
North Dakota									
Oklahoma								2	2
South Dakota	1	5	1				2	1	10
Washington	32	3	1	5	6	17	2	5	71
Wisconsin		1				1		1	3
<b>TOTAL</b>	<b>182 (57%)</b>	<b>22</b>	<b>3</b>	<b>29 (9%)</b>	<b>14</b>	<b>37 (12%)</b>	<b>8</b>	<b>27 (8%)</b>	<b>326</b>

**Absentee Ballots.** Next to Registration issues, absentee ballot issues were the second most prevalent problem experienced by Native voters. In many reported incidents, voters often requested an absentee ballot but never received it, and then experienced trouble being allowed to vote in person on Election Day. In some states, such as Alaska, election officials placed insufficient postage on the absentee ballots. Over 65% of calls on Election Day from Alaskan voters to the Election Protection hotline were complaints regarding absentee ballots that were never received.

In other reported incidents, voters who did not recall ever requesting an absentee ballot, but who were marked as such on the voter rolls, experienced trouble in being allowed to vote on Election Day. In particular, this was a problem for native voters in New Mexico. This raises concerns about third parties submitting absentee ballot requests without a voter's permission.

**Recommendation:** Tribes should work with the states to ensure that there is an emergency absentee voting system in place to address these problems. Alaska allows voters to fax in their absentee votes. South Dakota allows individuals who have requested an absentee ballot to vote regularly on Election Day, overriding their absentee ballot, and then throw out their absentee ballot if it shows up.

**Voter Suppression.** Allegations of voter intimidation and fraud garnered the most attention and there were some very public occurrences during the November elections. For example, during early voting in South Dakota, Senator Daschle filed a lawsuit against the Thune campaign based on reports that Thune's non-Indian volunteers were following cars of Indian voters and writing down their license plate numbers. In Red Lake, Minnesota, Tribal Police were forced to eject a partisan

poll-watcher based on his on-going intimidation of poll workers, poll watchers and voters, disrupting the voting process at the polling precinct.

However, while dramatic and upsetting, intentional voter intimidation incidents only made up a small percentage of overall incidents reported. The more prevalent suppression incidents were the smaller cultural or cross-community misunderstandings present in the many Native precincts that did not have Native election judges or poll workers.

In addition, many of the non-local partisan poll-watchers created intimidation problems by their mere presence. However, it was sometimes difficult for our local NV-EPP non-partisan volunteers to monitor partisan activity as many states have more restrictive rules on non-partisan poll watchers (often inadvertently forcing many local non-partisan volunteers to choose a political party for Election Day.)

**Recommendation:** Tribes should work aggressively to recruit Native volunteers from their communities, on and off the Reservations, to serve as election judges and poll workers in local, state and national elections. As part of their Get Out the Vote efforts, Tribes should encourage tribal members to volunteer as non-partisan poll monitors as well. States need to pass rules which ensure non-partisan poll watchers are not subject to more restrictive requirements than partisan poll watchers.

***Discriminatory Election Laws.*** In addition to Election Day problems, several states still have a number of restrictive rules in place and laws which disproportionately affect our Native communities. For example, until NV-EPP helped file suit, the Minnesota Secretary of State was attempting to enforce discriminatory Tribal ID rules. In addition, Minnesota still has a rule on the books allowing towns of under 500 to open polls at 10:00am instead of 7:00am. This disproportionately affected many of our native communities in Minnesota as many Native communities have fewer than 500 residents.

**Recommendation:** Tribes should work with state election officials to ensure that Tribal IDs are an accepted form of identification for voting on Election Day.

#### **IV. RECOMMENDATIONS**

- As part of Get Out the Vote efforts, also encourage tribal members to volunteer as (a) official state Election Day poll judges and (b) non-partisan/election-protection poll monitors.
- Consider efforts to pass same-day/Election Day voter registration legislation in your state.
- Work with states to ensure that Tribal IDs are permanently accepted forms of Election Day identification.
- Work with the states to ensure that there is an back-up absentee voting system in place.
- Work with the states to ensure non-partisan poll watchers are not subject to more difficult requirements than partisan poll watchers.

## **APPENDICES**

**Native Vote 2004 State Coordinators**

**FORMS: Example of Blank Incident Report Forms**

**TABLE: Numerical Summary of All Incident Reports, by State by Type**

**SYNOPSIS OF INCIDENTS: A Synopsis of Some Incident Reports, by Category Type**

**EXAMPLES: Select Examples of Poll Watchers' Complete Incident Reports (Montana & South Dakota)**

**LIST: List of All Incidents Reported, by State, by Type**

**NEWS ARTICLES: Selected Election News Articles from Around Indian Country**

**APPENDIX**

**NATIVE VOTE 2004 STATE COORDINATORS**

**NATIVE VOTE 2004 STATE COORDINATORS**

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**APPENDIX**

**FORMS: BLANK INCIDENT REPORT FORMS**

## TYPES OF INCIDENTS TO REPORT

### UNREGISTERED VOTERS

- If someone is certain they registered to vote but they are not on the voting roll, get their information (Name, contact info, where they think they registered, with what organization). There have been allegations of organizations destroying voter registration cards.

### PROVISIONAL BALLOTS

- Keep track of the reason why each provisional ballot was cast. And, if voters were not offered one.

### IDS

- Requests for ID where not required by state law
- Acceptable forms of ID being rejected (especially Tribal IDs)
- Keep track of Native voters who could not vote because they didn't have acceptable ID (Especially **keep track of voters with Tribal ID issues**) and whether provisional ballots are being offered

### LACK OF NEEDED ASSISTANCE

- Translation services (including bilingual voting materials) not being provided (in required areas)
- Any issues related to voters who need assistance (such as the disabled or language minorities)

### PARTISAN POLL MONITORS

- Selective challenges by poll monitors that appear based on race, ethnicity, or other demographic variables
- Random challenges by poll monitors not based on any justifiable rationale
- Intimidation of voters by loud challenges or argumentative discussions

### SYSTEMIC PROBLEMS

- Faulty machines or unusually long lines at polling places
- Polling places opening late or closing early
- Insufficient number of ballots or provisional ballots

### VOTERS BEING TURNED AWAY

- Voters denied the right to vote and told they were “purged” from the voter rolls
- Selective questioning regarding felon status/voters denied because of being an ex-felon
- Voters without acceptable ID
- Voters who are at the wrong precinct and are not assisted with finding their correct precinct
- Voters being turned away without being offered a provisional ballot

### POSSIBLE VOTER SUPPRESSION TACTICS/INAPPROPRIATE BEHAVIOR

- Any remarks, slurs, or other obvious bias against voters by election officials, poll monitors, or other voters based on race, religion, color, ethnicity or country of origin
- Misinformation campaigns, consisting either of fliers, posters, telephone calls, or radio ads giving the wrong date of Election Day or giving false info about voter requirements
- Announcements by party officials that a ballot security program will be in force on election day and voters can expect close scrutiny, challenges, and questions about eligibility
- Poll monitors with cameras and videocameras, ostensibly to catch acts of voter fraud on film
- Poll monitors in uniform, or with badges, armbands, or side arms
- Any individuals inappropriately approaching or confusing voters on their way into vote
- Any unusual law enforcement presence or activity at or in the vicinity of the polling place



Native Vote 2004

POLL WATCHER QUESTIONNAIRE/TALLY SHEET

GENERAL INFORMATION

YOUR NAME: \_\_\_\_\_
STATE: \_\_\_\_\_
POLLING SITE NAME: \_\_\_\_\_
TIME AT POLLING SITE: \_\_\_\_\_

YOUR PHONE #: \_\_\_\_\_
COUNTY: \_\_\_\_\_
PRECINCT NUMBER: \_\_\_\_\_

PRECINCT QUESTIONS

- (1) (a) Did the Polling Place open on time? YES NO (b) Did it close on time? YES NO
(2) Number of official election judges present: \_\_\_\_\_
(3) Number of poll-watchers present: Republican: \_\_\_\_\_ Democrat: \_\_\_\_\_ Other: \_\_\_\_\_
(4) Is there immediate access to a central office to verify status of individual voter? YES NO
(5) Do poll workers provide voters in wrong precinct directions to correct precinct? YES NO
(6) Are provisional ballots available? YES NO

BILINGUAL ASSISTANCE CHECKLIST

If Native language assistance is legally required in your county (see listing below), please fill this section out.

MI, MN, WA, WI: No Native language assistance is required. AK: Wade Hampton Census Area; Northwest Arctic Borough; Bethel Census Area; Nome Census Area; Lake and Peninsula Borough; Yukon-Koyukuk Census Area; Dillingham Census Area; North Slope Borough; Skagway-Hoonah-Angoon Census Area; Aleutians West Census Area; Valdez-Cordova Census Area; Southeast Fairbanks Census Area; Kenai Peninsula Borough; Denali Borough. AZ: Apache; Navajo; Coconino; Graham, Gila, Pinal, Pima, Maricopa, Yuma. CO: Montezuma, La Plata. MT: Big Horn, Rosebud. NV: Elko, Humboldt, White Pine, Lyon, Nye. NM: McKinley, Cibola, San Juan, Sandoval, Rio Arriba, Socorro, Taos; Bernalillo, Valencia, Santa Fe, Catron. ND: Richland, Sargent. OK: Adair.

- (1) Are there bilingual poll workers present? YES NO
(2) Any signs or badges indicating availability of bilingual poll workers? YES NO
(3) Are sample bilingual ballots displayed? YES NO
If so, Where? \_\_\_\_\_ How many? \_\_\_\_\_
(4) Are bilingual voting instruction cards or informational cards available? YES NO
If so, Where? \_\_\_\_\_ How many? \_\_\_\_\_
(5) Are voters who need assistance permitted an assister of their choice? YES NO

MAIL IN – ALL questionnaires and ALL incident reports – WED NOV 3
NARF c/o Voting Rights Project
1712 N Street, NW Washington, DC 20036

Native Vote 2004

**POLL WATCHER QUESTIONNAIRE/TALLY SHEET**

**YOUR TALLY SHEET FOR ELECTION DAY OBSERVATIONS**

\*Use the **INCIDENT REPORT SHEET** to elaborate or explain where needed/indicated.

<b>NUMBER OF VOTERS WHO...</b>	<b>NATIVE AMERICAN</b>	<b>CAUCASIAN</b>	<b>OTHER</b>
<b>Voted</b>			
<b>Were asked for an ID</b> <i>(if every voter is asked, just indicate such)</i>			
<b>Had no ID</b> Did not have an accepted form of ID <i>(please note Tribal ID issues)</i>			
<b>Not on voter list</b> <i>(get the voter's information/where they registered)</i>			
<b>At wrong polling precinct</b> <i>(what was done to help)</i>			
<b>Challenged by a Partisan Poll Monitor</b> <i>(indicate reason given by challenger)</i>			
<b>Voted by a Provisional Ballot</b> <i>(indicate reason for provisional ballot)</i>			
<b>Not allowed to vote /left without voting</b> <i>(indicate reason why)</i>			

**MAIL IN – ALL questionnaires and ALL incident reports – WED NOV 3**  
**NARF c/o Voting Rights Project**  
**1712 N Street, NW Washington, DC 20036**

**APPENDIX:**

**TABLE: NUMERICAL SUMMARY OF ALL INCIDENTS**  
**REPORTED BY STATE BY TYPE**

**TABLE: NUMERICAL SUMMARY OF ALL INCIDENTS REPORTED BY STATE  
BY TYPE**

<b>State</b>	<b>Registra tion</b>	<b>Poll Judge</b>	<b>Poll Watcher</b>	<b>Voting Machine</b>	<b>Prov. Ballots</b>	<b>Abs. Ballots</b>	<b>Intimid.</b>	<b>Misc.</b>	<b>Sub total</b>
<b>Alaska</b>	3					13	1	3	<b>20</b>
<b>Arizona</b>	5	2			2			1	<b>10</b>
<b>Colorado</b>									
<b>Michigan</b>	65	6		18	1	4		14	<b>108</b>
<b>Minnesota</b>							2		<b>2</b>
<b>Montana</b>	66	4	1	4	2	2	1	1	<b>81</b>
<b>New Mexico</b>	10	2		2	3			3	<b>20</b>
<b>North Dakota</b>									
<b>Oklahoma</b>								2	<b>2</b>
<b>South Dakota</b>	1	5	1				2	1	<b>10</b>
<b>Washington</b>	32	3	1	5	6	17	2	5	<b>71</b>
<b>Wisconsin</b>		1				1		1	<b>3</b>
<b>TOTAL</b>	<b>182 (57%)</b>	<b>22</b>	<b>3</b>	<b>29 (9%)</b>	<b>14</b>	<b>37 (12%)</b>	<b>8</b>	<b>27 (8%)</b>	<b>326</b>

**\*\*\*DRAFT\*\***

**NATIVE VOTE 2004: ELECTION PROTECTION PROJECT**

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**APPENDIX**

**SYNOPSIS OF INCIDENTS: A SYNOPSIS OF SOME INCIDENTS,  
BY CATEGORY TYPE**

## **SYNOPSIS OF INCIDENTS: A SYNOPSIS OF SOME INCIDENTS, BY CATEGORY TYPE**

### **I. INCIDENT TYPE: REGISTRATION**

**Total:** 179

The majority of these included the voter being unaware of their correct polling place, the voter having incorrect data on their registration card, the voter incorrectly being left off the rolls, the voter being purged/labeled inactive on the rolls for a lapse in voting over a period of time, the voter claiming registration with a certain entity and finding their registration cards had not been received.

#### **Examples:**

- A voter was not registered, not asked for ID, and told the exit door was “over there” **MI**
- One voter claimed that the SoS website gave her the wrong polling place but would not sign an affidavit to report the problem. **MI**
- When people were not on the rolls, the election officials would ask them where they lived then send them to other precincts without calling the clerk (4 incidents). **MI**
- Female voted provisional b/c the precinct she had registered in was too far away. **SD**
- A voter’s name was taken off the role instead of his deceased wife’s name. **WA**

### **II. INCIDENT TYPE: POLL WORKER/WATCHER**

**Total:** 22/3

The majority included various officials improvising in a nonpartisan way to aid the disabled and the elderly to vote. Several incidents involved the questioning of Native Vote 2004 poll workers/watchers and their right to be in the polling place or wear their shirts. Finally, there were several incidents of standoffish or “snotty” poll workers/officials who spoke/acted rudely towards Natives, young people, and Native Vote 2004 workers.

#### **Examples:**

- County clerk appeared at polling location with Bush campaign sticker on car. **MI**
- Township clerk went through rolls and selected a number of properly registered voters to challenge. A Caucasian, registered to vote for 15 years and who had last voted in 2002, was challenged and eventually allowed to vote. **MI**
- Poll worker was running absentee ballots through the machine while people were waiting in long lines at the end of the night to vote. **MI**
- Republican precinct worker would tap the Republican part of the ballot when explaining the ballot. **MI**

- Provisional election judge was talking about his post election party that he was throwing for the Republican Party. He took phone calls about it during the voting. **MT**
- Poll worker was assisting a man who appeared to be intoxicated. Man accused the worker of telling him who to vote for and left saying he would call the police. **NM**
- Poll workers made no attempt to find out if a voter was registered elsewhere and voter walked out. Poll watcher chased after her and her name was found on the list. **SD**
- Several poll workers made comments on how everybody should have to speak English in order to vote, or were questioning people based on their speech patterns. **WA**

### **III. INCIDENT TYPE: MACHINE**

**Total: 29**

The majority of these incidents included machines consistently rejecting ballots, machines jamming and/or breaking down and long lines at the polls. There were also several incidents of elderly people feeling uncomfortable using the electronic machines and preferring to vote provisional instead. Also, there were incidents of polling hours not being posted.

#### **Examples:**

- Voter placed her ballot in the Accu vote machine but it was rejected b/c a mark was not erased enough. After two tries, the election worker pushed the override button and told the voter “now its fine”. The poll watcher questioned whether the ballot would be counted, and when told yes, the watcher asked if this was true. This incident had happened before to her and she was given the option of either getting a new ballot or overriding her vote. **MI**
- Roving election officials explain that the ballots were not printed properly which explained why the optical scan was so difficult to use. **MI**
- 5 ballots were jammed in the machine and were saved to see how many were counted. All but one had been counted but it was impossible to tell which one. A call was made to the county and the ruling was to note that one vote did not process thus making the machine count 507 and the poll books 508. **MI**
- The precinct only had the minimum number of voting machines. **MI**
- The precinct was uniformly checking the IDs of all voters even though law did not require it. **MI**
- Precincts 21 and 25 were at the same location but 21 opened at 7 am and 25 opened at noon. Those arriving before noon for precinct 25 were told to come back later. **MT**
- Provisional ballots were secured in a plastic, unlocked box and left unsupervised as the provisional judge walked around. The names on the ballots were visible through the plastic and envelopes were placed unsealed into the box. **MT**
- At least one voter did not push the cast button to qualify their vote. Also, machine allows voter to vote more than once at least two voters are found with

double permits. Both machines are turned off at 11.13 am. By 3 p.m., no official from the Clerk's office has shown up. **NM**

**IV. INCIDENT TYPE: BALLOT (PROVISIONAL/ABSENTEE)**

**Total:** 14/24

Many of these incidents involved voters who sent in/were unable to send in absentee ballots and thus voted provisionally.

**Examples:**

- The enormous size of the absentee ballots makes them hard to fold and pass through the machine. The excessive folding caused the machine to continue rejecting the ballots. **MI**
- Election officials' instructions to voters did not include offering a provisional ballot. After being approached by Native Vote, the officials offered the provisional ballots. **MT**
- Native voters were not as consistently offered provisional ballots as White voters were. **MT**
- 83 of 113 provisional ballots used in Tulalip 15 were given to tribal members. **WA**

**V. INCIDENT TYPE: VOTER INTIMIDATION**

**Total:** 34

**Examples:**

- Man taking photographs of voters was not asked to stop or leave. **MI**
- Female went to go vote and was told by three men that she could not vote there, but instead had to "go vote on the reservation". **WA**
- Two hecklers asked to leave, sitting outside polls making remarks to voters. **WA**
- A poll watcher photographed 4 Native voters at least two of whom cast provisional ballots. Poll watcher also questioned officials on how many provisional ballots had been given out. **WA**

**VI. INCIDENT TYPE: MISCELLANEOUS**

**Total:** 27

**Examples:**

- Native Vote poll watcher Rhonda Swaney was asked by provisional judge to assist a voter with a vision disability. A complaint was filed with the election administrator that the voter had asked for assistance and the poll watcher had interfered. **MT**
- Three intoxicated men were denied the right to vote. **SD**
- IDs were being asked for by two poll workers until they were informed that IDs were not required in order for a person to vote. **WA**
- Two people tried to prove that absentee voters could in fact vote twice. Received ballots but did not vote. **WI**

**APPENDIX**

**EXAMPLES: SELECT EXAMPLES OF POLL WATCHERS'  
COMPLETE INCIDENT REPORTS (MONTANA & SOUTH DAKOTA)**

**EXAMPLES: SELECT EXAMPLES OF POLL WATCHERS' COMPLETE INCIDENT REPORTS (MONTANA & SOUTH DAKOTA)**

*These samples are not representative of all incident reports.  
These are examples of the more extreme problems experienced.*

**MONTANA**

State: Montana

County: Rosebud

Site Name: Tribal

Precinct: 15

Incident:

“If not on the precinct register, voters were given a number to call to confirm that they were registered, without being offered a provisional ballot. I spoke to one man who had been turned away and explained his right to fill out a provisional ballot but he declined and left. I spoke to the election judges and they showed me their instructions, which did not include offering a provisional ballot. I showed them the Montana Code dealing with provisional ballots. We called the county election administration and she said it was useless to file a provisional ballot if they were in the wrong precinct or weren't registered. She said that they found out that after confirming two people's registrations (after having turned them away) those individuals returned to vote. I explained that the point of the provisional ballot was to prevent having to call someone back [to vote] after they had been confirmed. She and the [election] judge agreed to do all confirming [of voter eligibility] while [potential voters] waited. They also started offering provisional ballots.

I also called the 1-866-OUR-VOTE hotline, talked with a worker from Native Vote who called to confirm my reading of the Montana statute [on provisional ballots] with the Secretary of State.”

MONTANA

State: Montana

County: Lake

Site Name: Polson, Linderman

Precinct: 2-7, 16, 18

Incident:

“After observing at the polling places in both Polson and Ronan (?) (Lake County, Montana) I observed the following:

-General resistance to Native Vote Poll Watcher by the Lake County Election Administrator and a few of the election judges. Most were friendly [though] and wanted to do a good job.

-Subtle discrimination occurred in the case of Native voters. They were not offered friendly, helpful explanations; were seldom invited to register or re-register when they should have been; were not as consistently offered provisional ballots. Some were asked to stand aside if they didn't appear on the precinct roles and left there (standing) while non-Indians behind them in line were assisted. They were subtly treated as second-class citizens. Several became frustrated and left without voting.

-There were also problems with long lines and too few voting booths per some precincts. These people were not allowed to vote in an empty booth for another precinct but had to stand in line for up to 45 minutes. Some left in frustration.”

MONTANA

State: Montana

County: Missoula

Site Name: Frenchtown F.D.-Evaro

Precinct: 39-42

Incident:

“40-50 year old Indian female forgot her ID. Left to go home and get it. She returned and VOTED! [*Emphasis is the poll watcher’s*]

Final thoughts:

-My presence made a difference. After the first issue, the officials just said, “Phone line busy, sorry we can’t help”. After the 2<sup>nd</sup> [issue], I got involved and made calls. I did the same following the 3<sup>rd</sup>. After that, officials knew I would act if they did not. They resolved issues after that.

-I tried 1-866-OUR-VOTE twice. The first time they told me they could not help/did not know [the answer to my question]. The second time they told me they would call me back and never did.

-A worker at the Montana Command Center did help.”

SOUTH DAKOTA

State: South Dakota

County: Todd

Site Name: St. Francis

Precinct: unknown

Incident:

“Most of the day went smoothly but there were a few noted problems. First, within five minutes a partisan poll watcher approached us about our shirts and asked that they be removed because he knew what we (NARF) stood for. [It was an] obvious intimidation tactic.

All day long the male election judge pronounced words (names) without any articulation and commonly mixed up first, middle, and last names. Every poll watcher had problems hearing and asked him to speak louder and clearer. By the ending hours, the judge became snotty and made obvious remarks and body language [exhibiting] his disgust that we [the poll watchers] couldn't hear him. He never made an effort to change.

Regarding incidents with voters we have a couple. First, three men entered intoxicated and were denied the right to vote. Also, a Native female entered and the male judge couldn't find her name on the list, so she walked out (they made no attempt to call to see if she was [registered] elsewhere). As a partisan poll watcher chased after her [to try to remedy the situation], the Native [election] judge found her on the list.

When younger voters (18-25) entered, the judge took longer to find names on the list and seemed less hurried to get them to vote. Also, in general the judges were very slow and not aware of what was happening as people walked in. Also, a team member and I sat at the end of the table and other poll watchers seemed to address us as girls, forgetting that an African-American male was sitting with us as well.”

SOUTH DAKOTA

State: South Dakota

County: Todd

Site Name: Parmelee

Precinct: unknown

Incident:

“Three issues come to mind while poll-watching on the Rosebud Indian Reservation:

1) Gender issues: More female Native members were confused with where to vote and [had problems with their names being omitted] on the voter precinct list. They were assisted adequately by the panel of poll officials, with phone calls made to determine precinct eligibility and directions given to poll locations. Some women’s names were never found on any list. My read on some of the confusion [is that it] stemmed from prior registration to tribal elections [that was] construed as adequate to vote in the national election.

As a female, intimidation tactics ensued when I was singled out as my two fellow male poll watcher team members stepped away momentarily. I was approached by one partisan poll watcher from D.C. and informed [by him] to remove or cover up my T-shirt bearing a Native American Rights Fund logo. His rationale was that the three orange shirts with the same logo would be intimidating. For lack of a better option, I complied. When the two male team members returned, we requested advice from one of the Native poll watchers sent by a Rosebud organization. On her call, we stayed without displaying the shirts for the remainder of the election poll hours.

2) Race Issues: The overall racial distribution for the Parmelee precinct poll watchers included: At the front two tables, 3-4 white Republicans (3 male, 1 female), 2 white Democrats (1 male, 1 female) and 1 Native independent woman. My group of independent poll watchers were all whites (1 female, 2 males) located behind the tables in a corner of the room.

I found a general consensus that tribal members found the gathering of whites intimidating and the election atmosphere tense at times. At two different times throughout the day the partisan poll watcher’s from both parties made a request for our group to leave the polling building at Parmelee. Both party member representatives looked together through the South Dakota Election Day Precinct Manual to find a legal statute to have us removed. With enough space and approval from the poll judges, we were allowed to watch.

At one point, both partisan poll watching tables were asked to further distance themselves from the election process.

3) Bureaucracy Issues (Federal vs. State vs. Tribal authority): A social/political hierarchy (basic power struggle) became evident immediately when entering the Parmelee polling building. Both parties’ partisan poll watchers tried to establish total control over the proceedings. They joined forces against the local poll judges, voters and other poll watchers to intimidate them.

Our group of poll watchers was treated poorly with angry stares and intimidation tactics. Underhandedly, one of the partisan poll watchers tried to read what we had recorded on our tally sheets. The other party’s partisan poll watcher just plain treated us

like sh\*t, or anyone else who got in her way for that matter. This poll watcher even antagonized the Dept. of Justice team and as a result, they returned to observe the closing moments at the polls to check up on [this person's] antics. Our tribal organization poll watcher concurred that [the poll watcher noted above] disrupted proceedings all day long.

A showdown took place between the partisan poll watchers of both parties and a Native poll watcher from the South Dakota Governor's office. At 5:30 p.m., this Native poll watcher was told to move over by the rest, after he had stood quietly by one of the doors since morning. He responded by stepping outdoors and returned later to position himself in a distant corner.

In conclusion, the partisan, self-serving interest groups (non-local) were intimidating and antagonistic. There were major gender, racial and political issues and discrepancies at the Parmelee Precinct on the Rosebud Indian reservation in South Dakota.”

*\*Note: Names have been withheld for privacy and anecdotes have been edited slightly for clarity as indicated by [ ] notation.*

**APPENDIX**

**TABLE: All Incidents Reported, by State by Type**

**TABLE: ALL INCIDENTS REPORTED, BY STATE BY TYPE**

STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
AZ	<p>Student asked for polling location. Called 866-OUR-VOTE. (Coconino, #25)</p> <p>Student was told she could not vote in Coconino county because she was registered in Maricopa. She had registered on campus but never received info card on new address. She eventually voted by provisional ballot. (Coconino, 25).</p> <p>One Navajo was registered at Indian Wells but showed up at Holbrook and was told she would not receive any assistance from her chapter or tribe because she wasn't registered to vote there. She went to Indian Wells. (Holbrook)</p> <p>Voter was not on the list. (Yavapai #54)</p> <p>Voter lived at the RV park next door but was told to go to the polling place downtown. (Yavapai #54)</p>	<p>Two Navajo ladies were not given any real assistance when they arrived at the wrong voting station. They had to drive 45 miles to their new polling site. (Holbrook)</p> <p>Native Vote was approached by the "election inspector" who asked them to show a letter of introduction from a supervisor. After they contacted the supervisor who reiterated the state statutes and Native Vote was allowed to continue their activity. (Yavapai, #54)</p>		<p>Provisional Student requested a provisional ballot to vote only for President, precinct worker told him it would not be counted. Student attempted to vote in Coconino County but was registered in Maricopa. (Coconino, #25)</p> <p>When asked how many provisional ballots were used, the inspector and Marshall asserted that 84 were used mainly if a voter moved within 29 days or did not re-register in time or if they requested mail ballots and had not mailed them in time. (Coconino, #15)</p>	<p>"Magic Marker" bled through the pages. (Navajo, #5)</p>

NATIVE VOTE 2004: ELECTION PROTECTION PROJECT

STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
MI	<p>Woman had been sent to the wrong precinct. She was directed to the correct one. (Emmet County, Precinct1)</p> <p>A man was asked to vote by provisional ballot after his name did not appear on the voter roll. The man had apparently moved out of the state and then back in after his original registration and had never re-registered. He refused the provisional ballot and walked away without voting. (Emmet County)</p> <p>Young man did not appear on the voter roll. He was directed to his correct precinct. (Emmet County)</p> <p>Woman came in to vote and was told that she was not on the voter roll. After going out to her car, she showed her voter registration card and driver's license. She was given a new application to vote and after she filled it out was allowed to vote regularly. (Emmet County, McKinley Township)</p> <p>Woman needed to re-register, but was still allowed to vote by regular ballot. (Emmet County, McKinley Township)</p>	<p>Election inspector helped a voter with a writing disability fill out the application to vote. (Menominee County, Harris)</p> <p>Election workers have worked all day w/one ½-hr breaks for lunch and they could not be more professional or pleasant. (Isabella County, West Intermediate School #3)</p> <p>County clerk appeared at polling location with Bush/Cheney campaign sticker on car. (Bear Creek)</p> <p>Township clerk went through voter rolls and selected a number of properly registered voters to challenge. At 8am, a Caucasian registered voter for 15 yrs who had last voted in 2002 was challenged and eventually allowed to vote. (Emmet County, Cross Village)</p> <p>Poll worker was running absentee ballots through the machine, while</p>	<p>Electronic Scanner jammed. (Emmet County, Precinct 1)</p> <p>Ballot scanning machine was jamming throughout the entire day. (Emmet County, McKinley Township)</p> <p>Voter ballot rejected by machine. Resubmitted with the help of a clerk, accepted. (Baraga, L'Anse Township)</p> <p>Voter ballot rejected by machine. Resubmitted with the help of a clerk, accepted. (Baraga, L'Anse Township)</p> <p>Voter ballot rejected by machine. Resubmitted with the help of a clerk, accepted. (Baraga, L'Anse Township)</p> <p>Voter ballot rejected by machine. Resubmitted with the help of a clerk, accepted. (Baraga, L'Anse Township)</p> <p>Voter ballot rejected by machine. Resubmitted with the help of a clerk, accepted. (Baraga, L'Anse Township)</p> <p>Voter ballot rejected by machine. Resubmitted with the help of a clerk, accepted. (Baraga, L'Anse Township)</p>	<p>Provisional Couple came in to vote, but were registered in Marquette County. They were told that a provisional ballot would not help them, so they left without voting. (Emmet County, McKinley Township)</p> <p>Absentee Voter was told she had to take her absentee ballot to the clerk. She was not allowed to surrender it here. (Isabella County, West Intermediate School #3)</p> <p>Absentee ballots in privacy envelopes went through without getting name checked off on carbon list. Election official said they'd get accounted for. (Emmet County, Harbor Springs)</p> <p>Problems with absentee ballots going through the counting machine. The enormous size of the ballots seems to have made the</p>	<p>An elderly voter requested his daughter's assistance and was permitted (Emmet County)</p> <p>Voter brought in son to show him what the voting process was like for Civics class. (Emmet County, Harbor Springs)</p> <p>Woman brought in a student and misinformed them on the role of the challenger. Steps have been taken to ensure this misinformation is not propagated in the school system. (Emmet County, Harbor Springs)</p> <p>Person with a Bush/Cheney button standing outside was asked to remove his button. (Emmet County, Friendship 008)</p> <p>Native vote shirt was challenged. The worker said that it was fine because of no partisan endorsement. (Isabella County, Chippewa Township #2)</p>

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STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	<p>Man came into the wrong precinct and was sent to his correct one. (Emmet County, McKinley Township)</p> <p>Voter's registration was not on registered voter roll but was on file. Was allowed to vote regular ballot. (Baraga, L'Anse Township)</p> <p>Voter registered, but had no received voter registration card. Was allowed to vote regularly. (Baraga, L'Anse Township)</p> <p>Three voters were observed who were not on the list issued from Lansing. Applicant records were on site and reviewed and confirmed to be valid registered voters. (Baraga, L'Anse Township)</p> <p>Voter believed he had registered and had completed all necessary paperwork. He was given a ballot. (Baraga, L'Anse Township)</p> <p>Voter believed he had registered although he wasn't on the rolls. He was given a regular ballot. (Baraga, L'Anse Township)</p> <p>Voter not registered but allowed to vote. (Baraga, L'Anse</p>	<p>people were waiting in long lines to vote regularly at the end of the night (Emmet County)</p> <p>Republican precinct worker would tap the Republican part of the ballot when explaining the ballot (Emmet County, Springvale Township)</p>	<p>machine. Resubmitted with the help of a clerk, accepted. (Baraga, L'Anse Township)</p> <p>The ballot box was opened numerous times throughout voting period. The machine was jammed. (Baraga, L'Anse Township)</p> <p>Voter placed her ballot in the Accu vote machine and it was rejected because a mark was not erased enough. After two tries, the election worker pressed the override button and told the voter that "now it's fine."</p> <p>Poll watcher questioned whether the ballot would be counted, and the election official said yes. Poll watcher questions whether this is correct because this happened before to her and was given the option of either getting a new ballot or overriding her vote. (Baraga, L'Anse Township)</p> <p>Roving election official explained that ballots were not printed properly which explained by</p>	<p>ballots awkward to fold. The excessive folding caused the counting machines to reject the ballots. This particular precinct took care of the situation—all votes eventually got counted. (Emmet County, Harbor Springs)</p> <p>Misc. Ballot Issues Person went back and filled in the circles on the ballot because he/she had put an x instead of filling in the circle. (Emmet County, Precinct 1)</p> <p>Two voters turned in spoiled ballots and were given new ones to use. (Emmet County)</p> <p>Native voter had trouble with ballot. Election official helped issue a new ballot and helped her fill it out correctly. (Isabella County, West Intermediate School #3)</p>	

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STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	<p>Township)</p> <p>Voter not registered and was not asked for ID, was told the exit door was “over there.” (Baraga, L’Anse Township)</p> <p>Voter walked away assuming she couldn’t vote because her name was not on the rolls. (Baraga, L’Anse Township)</p> <p>Voter registered by mail twice and received no card either time. Called in late September and was told to go vote as the information was there, but had to cast a provisional ballot. (Baraga, Barage Village)</p> <p>Voter claimed the Secretary of State website directed her to the wrong polling place. When asked to fill out an affidavit about the problem, she refused and said she would email the Secretary of State instead. (Menominee County, Harris)</p> <p>Voter built a new house across the township line and therefore was referred to correct polling precinct. (Menominee County, Harris)</p> <p>Voter claims to have been registered and</p>		<p>the optical scam was so difficult to use. (Menominee County, Harris)</p> <p>At 756pm, election workers discovered a discrepancy of the number of votes on the machine and on the paper records. The correct number was confirmed. (Menominee County, Harris)</p> <p>Some ballots wouldn’t go through so election official darkened some circles, and one went through after 9 tries. Election official showed others how to duplicate the ballots so they would be counted. (Emmet County, Harbor Springs)</p> <p>Voting machine broke down before the polls opened. Technician was called, and it was fixed before the polls opened. (Emmet County, Bear Creek Township #3)</p> <p>Voting machine broke down at 8:00am. A technician came and fixed it. The</p>		

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	<p>voted provisional ballot but it was confirmed she was not on the list. (Menominee County, Harris)</p> <p>Voter was not on the local rolls, but when the election inspector called the county clerk, it was confirmed that the voter was in fact registered. (Menominee County, Harris)</p> <p>Voter at wrong precinct, directed to the correct one. (Menominee County, Harris)</p> <p>Voter claimed to have been switched to this precinct but was not on the list. She left to check if she was registered elsewhere. (Menominee County, Harris)</p> <p>Voter couldn't be confirmed at polling station, and told to try a different precinct based on information where she lived. (Menominee County, Harris)</p> <p>Voter redirected to correct precinct. (Menominee County, Harris)</p> <p>Voter was not found on the list, but said he registered on the last day and was allowed to vote. (Menominee County, Harris)</p>		<p>person who was voting on the machine was given a new ballot. (Emmet County, Bear Creek Township #2)</p> <p>Two punch ballot machines were put out of service for ½ hour and a few minutes, respectively after voters had placed the write-in stickers on the machine or on the paper with the candidates, respectively. (Isabella County, Chippewa Township #1)</p> <p>One machine had a ballot from the second precinct placed in it causing the machine to be shutdown immediately. (Isabella County, Chippewa Township #1)</p> <p>Voter had trouble placing the ballot inside of the machine. Two poll workers responded with one helping the voter and the other observing. (Isabella County, Chippewa Township #2)</p> <p>5 ballots were</p>		

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	<p>Voter registered one day too late and couldn't get his absentee ballot in time. (Menominee County, Harris)</p> <p>Voter redirected to correct precinct. (Menominee County, Harris)</p> <p>Voter redirected to correct precinct, but was given a change of address for next time because she no longer lived with her husband. (Menominee County, Harris)</p> <p>Voter voted a normal ballot even though he was not registered because he had the same name and address as his father (and had voted for him in 2000). (Menominee County, Harris)</p> <p>Voter claims to have registered at the health center two months ago. Given a provisional ballot. (Menominee County, Harris)</p> <p>Voter thought he had registered to vote by filling out forms for educational loads. Local clerk registered him for next time. (Menominee County, Harris)</p> <p>Roving election official explained that the two</p>		<p>jammed in the machine and were saved to see how many were counted. Only one of the ballots had not been counted, but it was impossible to tell which one. A call was made to the county and ruling was to note that one vote did not process due to a paper jam, thus making the machine county 507, but the poll book having 508 votes. (Emmet County, Friendship 008)</p> <p>Polling Stations</p> <p>People started arriving at 635am and continued in a steady stream all day. Election workers explained the new procedures using the paper ballot very well. No provisional ballots were used. 15 people redirected to correct precincts. Everything went smoothly. (Emmet County, Little Traverse</p>		

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STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	<p>biggest reasons for people being turned away across the county were 1) late registration and 2) truckers who had lost their Michigan driver's licenses (for drunk driving) and had gotten new Wisconsin ones with Wisconsin addresses. (Menominee County, Harris)</p> <p>Voter thought she had voted by getting her driver's license. Clerk explained MI's cut-off date for late registration and registered her for future elections. (Menominee County, Harris)</p> <p>Voter directed to correct precinct. (Isabella County, West Intermediate School #3)</p> <p>Voter had the wrong birth date on her voter registration. Election official called Secretary of State and was confirmed. Allowed to vote. (Isabella County, West Intermediate School #3)</p> <p>Voter was challenged for having the wrong address on her voter registration. Showed ID and was allowed to vote. (Isabella County, West Intermediate School #3)</p> <p>Voter is not on list, shows registration card.</p>		<p>Township #9)</p> <p>There were complaints of long lines (consistently recorded as 40 mins). Precinct only had the minimum number of voting machines. (Isabella County, West Intermediate School #3)</p> <p>Several voters reported lines of over an hour, but people are not turning away. (Isabella County, West Intermediate School #3)</p> <p>Precinct was uniformly checking IDs of all voters (not required by state law). (Carp Lake)</p> <p>Ran out of Current Applications. Old ones were used. County was notified. (Emmet County, Harbor Springs)</p> <p>Poll hours were not posted, but once pointed out a sign was posted. (Emmet County, Carp Lake)</p> <p>Poll hours were not posted, and once this was pointed</p>		

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	<p>It is confirmed he is in fact on the list and is allowed to vote. (Isabella County, West Intermediate School #3)</p> <p>Voter who had moved was not sure where they were registered, and where to go after their move. Native Vote poll watched aided them and instructed them where to go. (Isabella County, West Intermediate School #3)</p> <p>Voter registered too late for the election. (Isabella County, West Intermediate School #3)</p> <p>Voter not on list but registered to vote in a class. Filled out provisional ballot. (Isabella County, West Intermediate School #3)</p> <p>Voter not on list. Filled out challenge ballot info. (Isabella County, West Intermediate School #3)</p> <p>When people were not on the rolls, the election officials would ask them where they lived and would send them to other precincts without calling the clerk. Approximately 4 incidents this afternoon. (Isabella County, West Intermediate School #3)</p> <p>Voter registered in August but is not on list.</p>		<p>out it was corrected. (Emmet County, Bliss)</p>		

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STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	<p>(Marister Township/Little River Band)</p> <p>Voter not on list. Given a provisional ballot. (Emmet County, Harbor Springs City #18)</p> <p>Voter directed to correct precinct. (Emmet County, Harbor Springs City #18)</p> <p>Voter directed to correct precinct. (Emmet County, Harbor Springs City #18)</p> <p>Voter directed to correct precinct. (Emmet County, Harbor Springs City #18)</p> <p>Voter directed to correct precinct. (Emmet County, Harbor Springs City #18)</p> <p>Voter directed to correct precinct. (Emmet County, Harbor Springs City #18)</p> <p>Voter directed to correct precinct. (Emmet County, Harbor Springs City #18)</p> <p>Voter directed to correct precinct. (Emmet County, Harbor Springs City #18)</p> <p>Voter was not registered and was turned away. (Emmet County, Harbor Springs City #18)</p> <p>Voter was directed to correct precinct. (Emmet County, Harbor Springs)</p>				

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	<p>Voter was directed to correct precinct. (Emmet County, Harbor Springs)</p> <p>Voter had been sent to the wrong precinct. He was directed to the correct precinct. (Emmet County, Harbor Springs)</p> <p>Voter asked poll worker to check for his name on the list before he filled out the application. (Emmet County, Harbor Springs)</p> <p>Voter did not know her correct precinct because of address change. She was taken to talk to county clerk. (Emmet County, Harbor Springs)</p> <p>Voter changed address within the last two weeks. Directed to correct place to vote. (Emmet County, Harbor Springs)</p> <p>Voter asked poll worker to check for husband's name to see where he needed to vote. (Emmet County, Harbor Springs)</p> <p>Voter not on list. Election official went to talk to her. (Emmet County, Harbor Springs) Voter was at the wrong precinct, and may or may not have been directed to his correct</p>				

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	<p>precinct. (Emmet County, Harbor Springs)</p> <p>An older native woman registered at the last minute with the tribe. Her information was checked with all of the lists and she could not be found. She was not allowed to vote, but did register to vote for the next elections. (Isabella County, Chippewa Township #1)</p> <p>A voter was given the run around at several voting locations. She was misinformed at several places as to where to vote before being sent to the right location. (Isabella County, Chippewa Township #2)</p> <p>Tonya Jackson was not on the registration list, but was on the main book. She was given an affidavit to sign and was allowed to vote by regular ballot. (Isabella County – Chippewa Township #2)</p> <p>Voter was sent to Redmond Township to vote, but was sent back. It was an error in address, which was corrected and voter was able to vote by regular ballot. (Emmet County, Friendship 008)</p> <p>Two Pleasantview voters</p>				

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	<p>were refused the vote after precinct checked with the city clerk. It was suggested that they vote by provisional ballot and that they rebut the claim that they are not registered the following day with the SOS office. (Emmet County, Friendship 008)</p> <p>Voter not on the roll, and after calling city clerk it was suggested that they go home and get voter registration and voting by provisional ballot with a follow-up with the SOS office the following day. (Emmet, Friendship 008)</p>				
<p><b>MT</b></p>	<p>Voter's change of address was not updated. (Bighorn #21)</p> <p>Voter was not found on the rolls, but workers remembered he voted on the primaries and they called the clerk and found out he was registered. (Glacier, BABB)</p> <p>Voter listed as inactive and given a regular ballot but had to fill out a new registration card. Voter claimed to be registered, same time as husband. (Lake County, Arlee #22)</p> <p>Voter listed as inactive but claimed to have registered. Given ballot.</p>	<p>Blind voter was helped by someone reading the candidates names. (Glacier, BABB)</p> <p>Two officials took a ballot to a disabled woman. (Glacier, BABB)</p> <p>Election administrator did not give all the names of the precinct polling places when asked. She was very unfriendly and would not talk calmly. (Lake County, Polson)</p> <p>Provisional election judge was talking</p>	<p>Polling Stations</p> <p>Precincts 21 and 25 were at the same location. 21 opened at 7am, but 25 opened at noon. Voters showed up at 25 before noon and were asked to return later. (Bighorn #21/#25)</p> <p>Lines were often too long (45 min waits), and there were too few voting booths. People left in frustration. (Lake County, Polson and Linderman, #2, 3, 4, 5, 6, 7, 16, 18).</p> <p>Problems with the</p>	<p>Provisional Ballots</p> <p>Election officials' instructions to voters who were not on the rolls did not include offering a provisional ballot. After being approached by Native Vote, the officials offered provisional ballots. (Rosebud #15)</p> <p>Native voters were not as consistently offered provisional ballots as white voters. (Lake County, Polson and Linderman, #2, 3, 4, 5, 6, 7, 16, 18).</p> <p>Absentee Ballots</p>	<p><u>Man taking photographs of voters was not asked to stop or leave. (Lake County, Polson)</u></p> <p><b>Mark Jette in MT tried 1800OURVOTE twice. The first time they couldn't help/did not know and the second they said they would call back and never did. (Missoula County, Frenchtown #39, 40, 41, 42)</b></p> <p>Poll Watcher</p> <p>Native Vote poll watcher Rhonda</p>

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	<p>(Lake County, Arlee #22)</p> <p>Native voter tuned away with no ID but came back later with tribal ID and was allowed to vote. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. Claimed to have voted last election. (Lake County, Arlee #22)</p> <p>Voter had spoiled ballot. Given a new number. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. (Lake County, Arlee #22)</p> <p>Voter registered in a different precinct. Directed to the correct one. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. (Lake County, Arlee #22)</p>	<p>about his post election party that he is throwing for the Republican Party. He was taking phone calls about it during voting. (Lake County, Polson)</p>	<p>way provisional ballots were handled. They were not secured in plastic unlocked boxes, and left as the provisional judge walked around. People could read information on front of ballot through box. Also, envelopes were not sealed. (Lake County, Polson, #2, 3, 4, 5, 6, 7, 16, 18)</p> <p>Provisional ballots were stored in a clear box that is unlocked and sometime unmonitored. The names on the ballots were visible through the side of the box. Unsealed envelopes were placed in the boxes. (Lake County, Polson)</p>	<p>Signed up for an absentee ballot but didn't receive one. Voted provisional ballot. (Lake County, St. Ignatius #11)</p> <p>Voter brought her absentee ballot in to be amended under the supervision of a poll official. Was re-sealed and submitted. (Missoula County, Frenchtown #39, 40, 41, 42)</p>	<p>Swaney was asked by provisional judge to assist a voter with a vision disability. Complaint was filed with the election administrator that the voter had asked for assistance and the poll watcher had interfered. (Lake County, Polson #4)</p>

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	<p>Voter listed as inactive, then registered, allowed to vote. Claimed to have voted last time. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. (Lake County, Arlee #22)</p> <p>Voter had void ballot. Was given a new ballot. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. (Lake County, Arlee #22)</p> <p>Voter changed address, but not on registry. Allowed to vote. (Lake County, Arlee #22)</p> <p>Voter changed address, but not on registry. Allowed to vote. (Lake County, Arlee #22)</p> <p>Voter turned away without ID. (Lake County, Arlee #22)</p> <p>Voter was registered at another precinct but came to avoid long lines at correct precinct. (Lake County, Arlee #22)</p> <p>Voter listed as inactive,</p>				

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	<p>then registered, allowed to vote. (Lake County, Arlee #22)</p> <p>Voter had no ID, was sent to get car registration. Allowed to vote. (Lake County, Arlee #22)</p> <p>Voter changed address, but not on registry. Allowed to vote. (Lake County, Arlee #22)</p> <p>Voter changed address, but not on registry. Allowed to vote. (Lake County, Arlee #22)</p> <p>Voter changed address, but not on registry. Allowed to vote. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. (Lake County, Arlee #22)</p> <p>Old man had no ID— sent someone else to get ID. (Lake County, Arlee #22)</p> <p>Voter changed address, but not on registry. Allowed to vote. (Lake County, Arlee #22)</p> <p>Voter changed address, but not on registry. Allowed to vote. (Lake County, Arlee #22)</p> <p>Voter went to wrong precinct. Sent to correct one. (Lake County,</p>				

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	<p>Arlee #22)</p> <p>Voter registered in Texas, did not vote. (Lake County, Arlee #22)</p> <p>Voter had no record of voting since 1988 and was ineligible to vote. Was offered provisional ballot, but declined because she could not go to the clerk and recorders office in the next 24 hours. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. (Lake County, Arlee #22)</p> <p>Voter was at the wrong precinct. Was directed to the correct precinct. (Lake County, Arlee #22)</p> <p>Voter registered but was not on the rolls. Given a provisional ballot. (Lake County, Arlee #22)</p> <p>Husband and wife registered years ago but we no longer in registry. Turned away. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed to vote. (Lake County, Arlee #22)</p> <p>Voter listed as inactive, then registered, allowed</p>				

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	<p>to vote. (Lake County, Arlee #22)</p> <p>Voter claimed to have registered with DMV but was not on the voting roll. Given a provisional ballot. Provisional judge followed up with DMV and determined that the registration was unconfirmed. (Lake County, St. Ignatius #11)</p> <p>Voter registered the same time as brother but was not on the voter roll (while the brother was). Given a provisional ballot. (Lake County, Arlee #22)</p> <p>Voter did not appear on the rolls and claimed to have registered at the DMV. Did not have time to fill out a provisional ballot or confirm his registration with the DMV because he had to get to work. (Lake County, Polson #4)</p> <p>Voter was register elsewhere but was allowed to vote provisional. (Lake County)</p> <p>Voter was given a provisional ballot when he was not on the list. Claims to have registered in 1995 and voted since. (Lake</p>				

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	<p>County)</p> <p>Did not have ID, but was given a provisional ballot. (Lake County)</p> <p>Voter registered in 1996 but was purged because she didn't vote again or re-register. Claimed to have called to check if she was still registered and was told she was. Did not want to vote provisionally. (Lake County, Polson)</p> <p>Voter didn't have ID or bank statement. Judge would have let him show his check, but his address didn't match registration list. (Lake County, Polson)</p> <p>Voter recently moved and therefore was not on the roster. Was given the choice of going to correct precinct or filling out a provisional ballot. Voter left without filling anything out. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter was assigned to the wrong precinct and was given a ballot for the correct precinct (because it also voted at this location). (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter forgot his billfold, but officials told him his vehicle registration</p>				

NATIVE VOTE 2004: ELECTION PROTECTION PROJECT

STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	<p>would suffice. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter requested and received a change of address card. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter was no found on list, but has always voted at the particular polling station. He said that maybe because he registered at SkC, his polling station changed. The local number was constantly busy. The Montana Hotline hung up. Voter left and said he would return. Native Vote eventually found out which precinct he was registered in, but the voter did not return. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter requested which precinct his girlfriend was registered to vote in. He said he would tell her. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter claimed to have always voted at this polling station, but was not the list. County clerk office confirmed she was not registered so she couldn't vote. (Missoula County, Frenchtown #39, 40, 41, 42)</p>				

NATIVE VOTE 2004: ELECTION PROTECTION PROJECT

STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	<p>Voter thought he had registered but called both Missoula and Lake County clerk offices and they said no. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter was registered in Glacier County and didn't vote absentee because he didn't know how. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter with muscular degeneration asked officials if his wife could help fill out and sign for him. Officials agreed. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter was at the wrong precinct. Given change of address card, asked to go there, vote, and give them address card. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter was at the wrong precinct. Given change of address card, asked to go there, vote, and give them address card. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter was at the wrong precinct. Given change of address card, asked to go there, vote, and give</p>				

**NATIVE VOTE 2004: ELECTION PROTECTION PROJECT**

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STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	<p>them address card. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter did not have ID, was given a provisional ballot. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter was on the list with her prior married name. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter was at the wrong precinct. Given change of address card, asked to go there, vote, and give them address card. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter was registered at a different precinct but won't have time to go there. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Voter at wrong precinct and was directed to the correct one. (Missoula County, Frenchtown #39, 40, 41, 42)</p> <p>Individual claimed to have registered, but was not on the registration list and the Clerk &amp; Recorder's Office did not have a record of it on file. Although offered another registration form, she left the polls.</p>				

NATIVE VOTE 2004: ELECTION PROTECTION PROJECT

STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	(Blaine, #8)				
NM	<p><b>McKinley, #35</b> Voter registered with husband but only the husband is on the list.</p> <p>Another voter not on the list.</p> <p>Voter told that his registration has expired, but Registrar's Office called to say he could do a provisional ballot.</p> <p>Voter registered approx. 2 months ago but no record of registration.</p> <p>Voter registered with girlfriend, but only GF is on the list.</p> <p>Voter tried to vote but knew she was registered elsewhere.</p> <p>3 voters directed to correct station.</p> <p>Man wanted to vote, not registered.</p> <p>Native gentleman registered in Rock Springs but does not have time to make it to the poll.</p> <p>Voter claims to have registered at Walmart in Gallup, NM but was not</p>	<p>Poll worker was assisting a gentleman who appeared to be intoxicated. The gentleman accused the worker of telling him who to vote for and left saying he would call the police. (McKinley, #35)</p> <p>Voter did not have a phone number and was not on the register rolls. (McKinley, #35)</p>	<p>Complete voting machine mishap: at least one voter did not push the cast button to qualify their vote. Also, machine allows voter to vote twice (at least two voters are found with double permits). So both machines are turned off at 11:13am. By 3pm, no official from Clerk's Office has show up. (McKinley, #35)</p> <p>Voting machines not working properly and took 15 mins to get them working. During this time, three people left without voting. (McKinley, #28)</p>	<p>PROVISIONAL</p> <p>Voter claimed she was purged from the NM list and therefore filled out a provisional ballot. However, she admitted to moving to CA where she is also registered to vote. (McKinley, #35)</p> <p>Voter registered in Bernallio County but was unable to reach Bernallio County so was given a provisional ballot. (McKinley, #35)</p> <p>Voter voted provisional ballot because he was registered in AZ. (McKinley, #35)</p>	<p>Native voter asked politely to remove partisan pin -- he refused. (McKinley, #35)</p> <p>Two individuals who appeared to be mentally-handicapped could not communicate their names, not could the person who brought them in. (McKinley, #35)</p> <p>Native Vote 2004 was not allowed 50 ft outside the building perimeter. (McKinley, #30)</p>

NATIVE VOTE 2004: ELECTION PROTECTION PROJECT

STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	on the register. Given a provisional ballot and affidavit.				
OK					930am-1015am: Steady traffic but no lines in precinct. (Cherokee, #12)
SD	Female voted provisional because the voting precinct she was registered at was too far away. (Charles Mix, 5)	<p>Election judge became snotty and annoyed because of poll worker's hearing problems. (Todd County)</p> <p>Poll workers made no attempt to find out if a voter was registered elsewhere and voter walked out. Poll watcher chased after her, and her name was found on the list. (Todd County)</p> <p>Judge took longer to look for names young people. (Todd County)</p> <p>Judges seemed to be really slow. (Todd County)</p>			<p>Three intoxicated men were denied the right to vote. (Todd County)</p> <p>POLL WATCHER Republican poll watcher asked group to remove their shirts. (Todd County)</p>
WA	<p>Woman stated that she had filled out a change of address from Bellingham to Toppenish approximately 2 months back, but she did not appear on the voter rolls. She was asked to vote by provisional ballot. (Toppenish)</p> <p>Native woman was not on the list because she</p>	<p>Several poll workers were making comments on how everybody should have to speak English in order to vote or they were questioning people based upon their speech patterns. (Tulalip 1-5)</p> <p>Native voter was</p>	<p>Native female left electronic booth prior to completing ballot. The vote was cancelled. (Toppenish)</p> <p>Voters were confused because the ballot in the general election was a different method than WA State's new</p>	<p>PROVISIONAL Questioning of voters that did not vote in all of the races. (Tulalip 1-5)</p> <p>83 of 113 provisional ballots used in Tulalip 1-5 were given to tribal members. Along with the 103 provisional ballots cast, there were 795</p>	<p>Two cars with political messages on their cars (bumper stickers and signs) were asked to move their vehicles to more than 300 feet away from the building. (Kitsap County - Precinct 460)</p> <p>IDs were being asked for by two</p>

NATIVE VOTE 2004: ELECTION PROTECTION PROJECT

STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	<p>had checked another precinct. Was given a provisional ballot. (Kitsap)</p> <p>Native man had not registered on time, given a provisional ballot and a registration form. (Kitsap)</p> <p>White man didn't have a change of address card; given a provisional ballot. (Kitsap)</p> <p>White man registered, but was not on the poll list. Given a provisional ballot (Kitsap)</p> <p>Asian woman registered, but maybe too late because not on list. Given a provisional ballot. (Kitsap)</p> <p>At least three voters said that they had registered before the deadline, but their names were not on the list. (Suquamish, 460)</p> <p>Voter registration cards had different addresses for polling places that were not correct. Voters were not notified of the recent change. (Suquamish. 460)</p> <p>Voter got married and needed a name change and change of address. (Toppenish)</p> <p>Voter got divorced and</p>	<p>treated in a "snobbish" manner and asked to go to a different polling precinct by a worker. Details in report. (Mason, 128/129)</p> <p>Poll worker asked voter to remove "I-892" button and cover up "November 2" bumper stickers across chest who promptly complied and continued voting. (Yakima, 5012)</p>	<p>primary system where multiple ballots are used, one for each part, unlike the general election ballot. (Suquamish, 460)</p> <p>Voter did not know how to vote on the new machines and may have cast her vote by accident, but there was no way of verifying if it had actually worked. (Toppenish)</p> <p>Older male did not want to use the machines, so he filled out a provisional ballot. (Toppenish H.S., Yakima)</p> <p>Two elderly females opted to vote provisional ballot because they could not "deal" with the machines. (Wapato)</p>	<p>machine votes and 105 absentee ballot dropoffs. (Tulalip 1-5)</p> <p>Provisional ballots given to people who had not voted in a long time. (Kitsap County)</p> <p>The number of unregistered or voters not on the rolls made provisional ballot estimates just under 10%. (Suquamish, 460)</p> <p>Young man wanted to vote on the machines, but was to vote by ballot. He filled out the necessary provisional ballot. (Toppenish H.S., Yakima)</p> <p>20 provisional ballots out of 146 total ballots at Skokomish/Potlat h.</p> <p>ABSENTEE Caucasian female requested absentee ballot and never received one. Was suggested that she go to the polling place and attempt to vote by provisional ballot. (Toppenish)</p>	<p>poll workers until they were informed that IDs were not required in order for a person to vote. (Tulalip 1-5)</p> <p>Some confusion over the name of a polling place. Named "Suquamish Congregational Church" on the mailers, but the sign outside says "Suquamish United Church of Christ." (Suquamish, 460)</p> <p>No cell phones were allowed in the voting room because they affect the electronic machines. (Toppenish)</p> <p>Blue Volvo with sign parked too close. (Deming)</p> <p><b>VOTER INTIMIDATION</b> Female went to go vote and was told by three men that she could not vote there, but instead had to "go vote on the reservation." (Zillah)</p> <p>Two hecklers asked to leave, sitting outside polls making remarks to</p>

NATIVE VOTE 2004: ELECTION PROTECTION PROJECT

STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	<p>needed a name change. (Toppenish)</p> <p>Voter's name was removed from role instead of his deceased wife's. Given provisional ballot. (Skokomish/Potlatch, 128/126)</p> <p>Voter registered too late (X2). Given provisional ballot. (Skokomish/Potlatch, 128/126)</p> <p>Three non-Native voters not on list. One Native voter not on list. (Skokomish/Potlatch, 128/126)</p> <p>Voter's name did not appear on the list, so she was told to vote provisional. When she went to start, a poll worker found her on the list by her maiden name, and she was subsequently cleared to vote on the machine. (Toppenish)</p> <p>Two sisters registered in August but they weren't on the list so they voted provisional. (Toppenish)</p> <p>Male voter arrived at the wrong precinct and was directed to the correct one. (Toppenish)</p> <p>Voter claims to not be on list. Voted</p>			<p>Native male showed up at polls to vote and was told that he was registered as an absentee voter. The man does not recall requesting for an absentee ballot. He was turned away without being allowed to vote through provisional ballot. (Toppenish)</p> <p>Native male requested absentee ballot and never received one. Was suggested that she go to the polling place and attempt to vote by provisional ballot. (Toppenish)</p> <p>Native female requested an absentee ballot and was never sent one. Instead, she was sent a primary ballot that arrived on November 1. Was suggested that she go to a polling place and attempt to vote by provisional ballot.</p> <p>Native male requested absentee ballot and never received one. Was able to vote through provisional ballot at polling</p>	<p>voters. (Wapato)</p> <p>POLL WATCHER Photographed 4 Native voters at least two of whom cast provisional ballots. Poll watcher also questioned officials on how many provisional ballots had been given out. (Skokomish/Potlatch.)</p>

NATIVE VOTE 2004: ELECTION PROTECTION PROJECT

STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
	<p>provisional. (Deming)</p> <p>Voter registered in Bellingham, voted provisional. (Deming)</p> <p>Elder male voter not on list for new registration. Father and brother were on the list for the same address. (Deming)</p> <p>Voter previously registered in another precinct, voted provisional. (Deming)</p> <p>Voter has tried to update change of address. Voted provisional. (Deming)</p> <p>Voter not on list, voted provisional. (Deming)</p> <p>Voter ended up at wrong precinct, but voted provisional because right precinct was too far away. (Deming)</p> <p>Voter in wrong precinct, voter provisional. (Deming)</p> <p>Voter did not change their address on registration. Voted provisional. (Deming)</p>			<p>place. (Toppenish)</p> <p>Native woman lost her absentee ballot and was allowed to vote by provisional ballot. (Kitsap County)</p> <p>Caucasian woman requested an absentee ballot, but one never arrived. She was allowed to vote by provisional ballot. (Kitsap County)</p> <p>A woman and her son were given a provisional ballot because the absentee ballots they had requested never arrived. (Kitsap County)</p> <p>A woman did not realize that she was an absentee voter. She was allowed to vote by provisional ballot. (Kitsap County)</p> <p>Many absentee ballots did not get mailed in on time. (Suquamish, 460)</p> <p>Ballot did not arrive on time. (Skokomish/Potlatch, 128/126)</p> <p>WI voter may not have received absentee</p>	

NATIVE VOTE 2004: ELECTION PROTECTION PROJECT

STATE	VOTER REGISTRATION	POLL WORKERS	MACHINE /PRECINCT	BALLOTS	MISCELLANEOUS
				ballot...but not sure if he requested one. (Skokomish/Potlatch, 128/126)  Requested absentee ballot but voted provisional. (Deming)  Two voters send absentee ballot, but voted provisional. (Deming)	
WI		A young female was asked to wait for the chief judge before voting, but the judge was out. The woman left without voting after the judge did not appear in a short time. (Burnett County)		ABSENTEE A native voter in Mason County, Washington claimed that he was registered to vote in Wisconsin and had never received the absentee ballot that he had requested.	2 People tried to prove that absentee voters could in fact vote again. Received ballots, but did not vote. (Burnett County)

**\*\*\*DRAFT\*\***

**NATIVE VOTE 2004: ELECTION PROTECTION PROJECT**

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**APPENDIX**

**NEWS ARTICLES: SELECTED ELECTION ARTICLES**  
**FROM AROUND INDIAN COUNTRY**

**NEWS ARTICLES: SELECTED ELECTION ARTICLES**  
**FROM AROUND INDIAN COUNTRY**

**State's native voters face challenges**

[http://www.helenair.com/articles/2004/11/03/montana/a11110304\\_01.txt](http://www.helenair.com/articles/2004/11/03/montana/a11110304_01.txt)

By JODI RAVE - Missoulian - 11/03/04

RONAN — They lost a Native voter. “He’s large. He’s really dark. And he has a really booming voice,” said Ruth Quequesah, a volunteer vote coordinator on the Flathead Indian Reservation who has worked for months to register voters and get them to the polls Tuesday. Quequesah felt the citizen of the Confederated Salish and Kootenai Tribes was treated unfairly at the polls because he was Native. And when an election judge in Polson failed to offer him a provisional ballot, the man left the polling place upset. He never did return to vote.

It was just the sort of situation Get-Out-the-Vote volunteers hoped to avoid. And it was the reason students at the University of Montana’s Indian Law Clinic canvassed Montana’s seven reservations on Election Day with nearly 50 lawyers and student volunteers.

A volunteer assigned to the Polson site was traveling between polls when the tribal citizen failed to present proper identification.

The Indian Law Clinic students’ effort to protect Native voters was part of a national plan organized by the Native American Bar Association and the National Congress of American Indians, said Eli Parker of the Indian Law Clinic. The three most common barriers preventing Native people from voting are restrictive state election laws, poorly prepared election officials and misinformed voters.

Native voters received increased attention from political candidates this fall, particularly in tight elections. And considerable effort went into making sure their votes were counted.

On Election Day, U.S. District Judge Lawrence Piersol issued a restraining order against Republican poll workers who were charged with intimidating Native voters on South Dakota’s Yankton Reservation.

Sen. Tom Daschle, D-S.D., was counting on the Native vote in his race against Republican John Thune.

“The Flathead Reservation isn’t as contentious as other reservations,” said Rhonda Swaney of the Indian Law Clinic. “We’re a smaller problem than other reservations. We’re not as visible.”

Yet Quequesah and Anita Big Springs, a coordinator with Native Action, a nonprofit Get-

Out-the-Vote organization, could rattle off a list of tribal citizens who met “antagonistic” election judges on Tuesday.

In Lake County, with 22 precincts and 88 election judges, there are less than a handful of Native judges although tribal members make up nearly 25 percent of the population.

If the ratio was balanced, there would be at least one Native election judge in every precinct, said Big Springs. She said complaints to the Lake County election administrator have fallen on deaf ears.

But that hasn’t stopped poll watchers from taking a seat at precincts to put Native people at ease, said Big Springs. “Through this process, we’ve made major inroads.”

Months of registering voters and getting them to the polls paid off. In Lake County, which encompasses most of the Flathead Reservation, some 2,200 new voters were registered. Quequesah and Big Springs said their 60 volunteers alone registered about half those new voters since September.

## **Rumors of vote buying continue**

<http://www.rapidcityjournal.com/articles/2004/11/02/news/local/news002.txt>

By Kevin Woster, Journal Staff Writer

The Tripp County auditor and her deputy have charged a Republican poll watcher with being disruptive at a satellite voting station on Rosebud Indian Reservation, a charge the man denies.

In addition, Auditor Kathleen Flakus said in a signed statement sent to reporters Monday that she heard Republican poll watcher Paul Brenner of Burke, Va., tell voters coming to the station last week that they could be paid \$10 to vote.

Brenner presents a different version of the incident in his own affidavit, also sent Monday to the Journal. He claims to have found evidence of vote buying on the Rosebud Reservation on behalf of Democrats.

Brenner said he was discussing the issue with voters who said they expected to be paid for their vote, as well as a driver who said she sometimes had to split the money she received for hauling voters to the polls with some of those voters.

It is the most recent round of a back-and-forth battle over unsubstantiated charges that Indian voters are illegally being paid or offered payment by Democratic interests for their votes on the Rosebud and Pine Ridge reservations. Despite strong assertions, Brenner and other Republican poll watchers have so far produced little beyond second-hand stories about vote buying.

“I have people who have heard conversations about vote buying and have heard people ask where they get their vote money,” Craig Engle, a Washington, D.C., lawyer volunteering for Republicans, said Monday. “They’re paying vote haulers, in cash, per person, for every voter they bring to the polls. This cash-per-person system is actually the same system they are using to pass out money to the voters.”

Engle, however, said he didn’t have proof of that.

And a spokesman for the Four Directions Committee, a nonprofit organization working to increase reservation voter registration and turnout, said Monday that the charges by Engle and other Republicans are unproven and untrue. Even worse, they are probably based on rumors started by Republican volunteers themselves, Four Directions Executive Director Bret Healy said.

“It’s their guys spreading rumors, then, when they bounce back, reporting them as fact,” Healy said. “It’s their people doing this. It’s outrageous. This is just out and out bull(expletive).”

Healy, a former executive director of the state Democratic Party, said Four Directions

does take people to the polls and pays drivers for those deliveries, which is legal. But it doesn't pay for votes, he said.

"That's just baloney," he said.

Along with Flakus, deputy auditor Marie Condon signed a statement saying that Brenner had spoken in a "loud and disruptive manner" and that he had been "intimidating and disrespectful." Four Directions employee Marian Rabago also signed a statement saying that Brenner was disruptive and intimidating toward her and voters at the station and that she also heard him tell voters that they could get paid by Four Directions and Democratic U.S. Sen. Tom Daschle.

Rumors about vote buying have been sweeping Indian Country. Bruce Whalen, a member of the Oglala Sioux Tribe running for the state Legislature on the Republican ticket, sent a letter to tribal President John Yellow Bird Steele alleging the vote buying and urging Steele to stop it.

Republican state vice chairman Elli Schwiesow said tribal people have stopped at the Republican office in Pine Ridge to ask for money for their vote.

"We've had people burst through our door and demand money. We'll ask what candidate, and they'll say Democrat," she said.

Despite the rumors, Fall River County officials, who handle Shannon County ballots, haven't found any proof. State's Attorney Lance Russell said he had heard disturbing stories but had no evidence to prove them.

Contact Kevin Woster at 394-8413 or [kevin.woster@rapidcityjournal.com](mailto:kevin.woster@rapidcityjournal.com)

## **Red Lake Nation ejects Republican poll watcher**

<http://www.indianz.com/News/2004/005151.asp>

Wednesday, November 3, 2004

The Red Lake Nation in northern Minnesota ejected a Republican poll watcher from the reservation on Tuesday after officials accused him of being disruptive.

The reservation is normally closed to outsiders and, in the past, no poll watchers have come to observe the election. That changed this year when at least three Republicans and one Democrat visited the four precincts on the reservation.

At one precinct, a Republican poll watcher was accused of disorderly conduct. "He was looking over their shoulders. He was selecting people at random and he was interfering with the election judge," Donna White Feather, the co-chair of the tribe's political education committee, told Indianz.Com.

White Feather was not a witness to the incident. But she works at the tribal office and was present when complaints came in.

"As soon as we knew there was poll watchers we got on it," she said.

White Feather said an election judge called the tribal police to seek the removal of the person. The police chief confirmed that the man was escorted off the reservation. Attempts to contact the man, identified by the chief as John Magnuson, were not successful and the Minnesota Republican Party did not return a request for comment.

Floyd Jourdain Jr., the tribe's chairman, said the poll watchers were intimidating. "It seems like a deliberate attempt to dissuade or deter voters from getting the right to vote," he told The Minneapolis Star Tribune.

The paper reported that Magnuson is an attorney from the Washington, D.C., area. He told the paper he didn't stop anyone from voting. Local officials said the tribe's election judges were following the law.

## **Native communities achieve record turnout**

<http://www.indiancountrynews.com/kerry.html>

by Paul DeMain

Reserve, Wisconsin (NFIC)

If you were to sum things up, it might be the unprecedented push to turn out the American Indian vote throughout the Nation. Despite the failure to win Indian Country's most-favored candidate for President, Senator John Kerry, Native nations can still claim victories in get-out-the-vote efforts, defeating anti-gambling or negative propositions at the ballot and in electing more local politicians of their choice.

This is what we know from a round-up of news from around the country for national, regional and tribal elections conducted on November 2, as of November 4th. With over 120 million votes cast nationwide, Bush gained victory after Kerry conceded contested Ohio to Bush on the morning of November 3rd, giving Bush 274 of the 270 electoral votes he needed to win the race, Bush added another 5 electoral votes by the evening with the addition of New Mexico. The popular vote was 59,269,410 (Bush) to 55,738,671 (Kerry) as of the afternoon of Nov. 4th, with only Iowa still too close to call.

### Arizona

On Arizona's Salt River Reservation, bus caravans took members to early voting sites, and a local grass-roots organization put together Native-POLL-Ooza!, an Election Day concert to show the voting bloc of urban Indians. Both candidates courted the Native vote, but there was more visible support for Democratic hopeful John Kerry, according to tribal leaders.

Regi Nordgulen, 20, a sophomore at Haskell Indian Nations University in Lawrence, Kan., used her semester break to help register Arizona Natives.

"I didn't hear the big push for the Native vote in 2000," she said. "This year I came across many groups, including those in Indian communities like Fort McDowell, registering people to vote."

It wasn't until 1948, in a landmark court case brought by two Fort McDowell tribal members, that American Indians won the right to vote in Arizona.

### California

California voters resoundingly rejected two ballot initiatives that would have expanded slot machines and Indian casino proposals. Governor Schwarzenegger spent an unprecedented amount of money and political capital successfully battling two casino expansion efforts that would have undercut profit-sharing pacts he negotiated with some tribes.

Proposition 68, which could have ended tribes' monopoly on gambling by allowing slot machines at card rooms and race tracks, was rejected by 84 percent of voters with 99 percent of precincts reporting. Proposition 70 would have taxed Indian casinos but would have allowed them to operate more slot machines. It had only 24 percent support with 99 percent of precincts reporting. It was defeated 7.6 million votes to 1.5 million.

The measure would have authorized the governor to negotiate tribal compact amendments requiring tribes to pay 25 percent of revenues to a government fund.

A proposition that would have granted 99-year gaming compacts to tribes and removed limits on the number of machines and types of games on Indian land, Proposition 70, was defeated as well, 6.8 million to 2.2.

#### Minnesota

“I see a lot of ‘Native Americans for Kerry-Edwards’ buttons,” said George Goggeye, chairman of the Leech Lake Band in Minnesota. “I don’t see any George Bush ones. If they’re here, they’re in the closet.”

In Red Lake, on the Red Lake Ojibwe Reservation, a Republican challenger was ejected by tribal police after complaints that he was approaching voters and intimidating judges. The GOP said both challengers raised legitimate questions about voters.

In Red Lake, police Capt. Dwayne Dow said the Republican challenger wasn’t following the rules for conduct in precincts, and the chief judge asked that he be removed.

“It just became intimidating in there,” Dow said.

“What this amounts to is a concerted effort to bully a challenger who’s upholding the law,” said Eric Bearse, who was coordinating the GOP’s effort on voting challenges. He said judges were vouching for voters, in some cases even voters they didn’t know, he said.

Bearse said the Duluth challenger raised a question when one person vouched for nine women, “at least one of which didn’t know her own address.” He said the challenge was reasonable.

Minnesota allows voters to register at the polls if they have proper identification, proof of address, or a registered voter in that precinct who will vouch for them.

#### Montana

At the Rockey Boy’s Agency in Montana, challenger John “Chance” Houle has unseated Alvin Windy Boy Sr. as chairman of the Rocky Boy’s Chippewa-Cree Reservation.

Houle garnered 727 votes compared to Windy Boy’s 515.

Voters on November also chose four at-large members of the tribal business committee, which governs the reservation. Brian “Kelly” Eagleman, Kenny Writing Bird, Donovan Stump and incumbent Raymond “Jake” Parker Jr. were elected to the committee. Losing the race were Harlan Gopher Baker, Ricky Morsette, Tim Koop and Janice (Raining Bird) Meyers.

Incumbent Democrat Linda McCulloch won her race for a second four-year term as state superintendent of public instruction Tuesday, defeating Republican challenger Bob Anderson.

With 99 percent of the precincts reporting Nov 5, McCulloch had 234,798 votes to Anderson’s 175,356, a 57 percent to 43 percent margin. Both candidates trumpeted better education for American Indians, statewide health insurance for education staff and higher teacher pay as priorities.

#### Nebraska

A state legislature’s casino gambling plan was soundly rejected, another proposal was too close to call early Nov. 4.

Amendment 3, the Legislature's plan which proposed to legalize two casinos in the state, lost with 65 percent of voters against it. Two key portions of a four-part package of initiatives to legalize casinos as well as 4,900 video poker and slot machines also lost. Initiative 417, a constitutional change to legalize casinos with initiatives, lost 49 percent to 51 percent.

Initiative 420, a law change calling for two casinos in Omaha and the slot machines across the state lost as well. The state's four tribes watched with interest. Approval of casino gambling would open the door for them to contract with the state to run casinos on their reservation land.

Lincoln Sen. DiAnna Schimek has worked for years to allow gambling on the reservations. She was the main proponent of Amendment 3, the Legislature's casino-gambling plan which was rejected by 65 percent of voters.

"I'm not personally disappointed," Schimek said. "I think the people wanted to vote on this issue and we gave it to them. My big disappointment is the tribes."

There are four federally recognized tribes in Nebraska that could have been allowed to pursue casinos should voters have approved. The Santee Sioux and Winnebago currently operate bingo-style casinos in Nebraska, while the Omaha and Ponca have nothing. Both the Winnebago and Omaha tribes have experience running casinos in Iowa, which legalized casino gambling in 1989.

"I'm a little surprised and disappointed with the outcome," said Ponca Tribal Chairman Mark Peniska. Santee Tribal Chairman Roger Trudell said he was numb following defeat of the two gambling proposals.

The Santee will continue to run its Ohiya Casino in Nebraska near the South Dakota border, about 180 miles northwest of Omaha, Trudell said. The tribe had wanted to expand the casino, which has operated since 1996, to offer Las Vegas-style games. Trudell blamed defeat on confusion among voters and not enough of an effort to educate people about what the proposals would do.

### New Mexico

Albuquerque voters approved a \$52 million road-fund bond that includes \$8.7 million to build a road through the Petroglyphs National Monument, a site Natives consider sacred. Voters had defeated a similar bond in October 2003.

Voters at Santo Domingo Pueblo lined up late into the evening to vote after Gov. Sisto Quintana closed the polls for most of the day for the tribe to observe All Soul's Day. The Albuquerque Journal reported Quintana closed the polls 30 minutes after they opened and told Sandoval County officials and three U.S. Department of Justice observers the Pueblo – and the polls – would be closed for All Souls Day. The polls reopened about 5 p.m. at the Pueblo, which has 748 registered voters, most of them Democrats.

### New York, New York

Barry Snyder was elected president of the Seneca Nation November 2, beating two other candidates in a race that focused largely on the future of the nation's casinos. Snyder defeated Cyrus Schindler and Robert Jones with 52 percent of the vote. Snyder had said the annuity elderly Seneca members receive from casino profits has been too low and said he favored replacing the non-Senecas currently running the casinos with Seneca

members. Schindler, who was president when the Senecas reached an agreement with New York state to open casinos, leaned toward keeping the nation on its present course.

Snyder won against Schindler in a Seneca Party primary by a vote of 549 to 487. Schindler then formed a new political party, the Seneca Alliance. Jones joined the race as a third-party candidate on an antigambling platform. Snyder replaces outgoing president Rickey Armstrong.

Seneca presidents are allowed to serve only two years at a time and the presidency must alternate between the Cattaraugus and Allegany reservations. About 4,200 members of the Seneca Nation were eligible to vote in the November 2nd election.

#### North Dakota

A tribal judge in Belcourt, North Dakota on Nov. 1 overruled the Turtle Mountain Band of Chippewa chairman's attempt to suspend the tribal election. Special Judge Shirley Cain's order came after a hearing in Turtle Mountain Tribal Court. Questions about the election surfaced after Leon Morin, the outgoing tribal chairman, issued an order Oct. 29 suspending the tribal election. Morin said he had not expected the voting to stop, but felt he had to oppose the candidacy of Ron Peltier, who is running for chairman. Peltier was one of the top two finishers in the tribe's October primary, but a court battle erupted over his candidacy. The dispute was whether an amendment passed in the primary would bar Peltier from the ballot because he was convicted of a misdemeanor involving the improper use of tribal money about 20 years ago.

#### Oklahoma

In Oklahoma voters approved a tribal gaming measure that would give the state some authority over any profits from Oklahoma's more than 80 tribal casinos, while expanding tribal gambling options and permitting three of Oklahoma's struggling horse racing tracks to offer the same electronic games allowed at tribal casinos. Officials estimate the lottery will raise \$150 million a year for public education and the gaming measure will raise about \$70 million.

The tribal gaming issue, which was supported by large Indian tribes and horse breeders, will allow tribal casinos to offer games whose legal status under federal gaming laws has been unclear.

It prohibits dice games, roulette wheels, house-banked card games and sports betting – the types of gambling usually associated with Las Vegas and Indian casinos in other states but long absent from those in Oklahoma. It also provides \$225,000 a year to treat gambling addiction.

The tribal gaming measure will permit tribes to enhance the kinds of games they can offer while sharing revenues with the state, said Chief Chad Smith of the Cherokee Nation.

"We're very pleased," Smith said. "It gives us the tools to develop a host of jobs and contribute to Oklahoma's education."

Some smaller tribes criticized tribal compacts connected to the gaming measure that delivers some regulatory authority and gaming revenue to the state. But Smith said the agreements will permit the tribes to expand their operations and make them more attractive to the public. "We believe that by exercising our sovereignty, we've come up with a mutually beneficial agreement," Smith said.

The compacts must still be approved by the U.S. Bureau of Indian Affairs, Smith said. He said he expects expanded gaming operations to get underway next spring.

Republican Sen. Jim Inhofe has asked for an investigation into Cherokee Chief Chad Smith's role in campaigning for U.S. Rep. Brad Carson in his race for a U.S. Senate seat.

In a letter to U.S. Sen. John McCain, R-Ariz., the chairman of the Senate Committee on Commerce, Science and Transportation, Inhofe said he has heard reports that voters are being intimidated by members of the Cherokee Nation. Inhofe says "partisan campaign materials have been enclosed in the paychecks of Cherokee Nation tribal and federal employees. Employees have been forced to participate in campaign meetings and events...during the workday."

Muskogee Daily Phoenix & Times-Democrat reported that Inhofe requested McCain's committee and the Indian Affairs Subcommittee investigate the incident.

Carson, a democrat, and Republican Tom Coburn, a physician in Muskogee, were vying for a U.S. Senate seat being vacated by Republican Sen. Don Nickles. Smith denied the allegations. "All this appears to be is patent intimidation of the Cherokee Nation standing up to Coburn over his anti-Indian views," Smith said.

Earlier in the campaign, Coburn questioned how Cherokees measured their members' degree of Indian blood and called treaties made with tribes "primitive" agreements. The venomous battle for the seat of retiring GOP Sen. Don Nickles ended with former three-term Rep. Tom Coburn defeating Democratic Rep. Brad Carson.

Coburn said his opponent "overreached" in television ads bringing up a 14-year-old lawsuit containing charges the Muskogee obstetrician sterilized a woman without her permission.

The Republican benefited from the popularity of President Bush, who swept to victory in Oklahoma with almost a 2-to-1 margin over Democrat John Kerry.

### South Dakota

Cecelia Fire Thunder was elected president of the Oglala Sioux Tribe, the first woman chosen to lead the tribe on the Pine Ridge Reservation in southwest South Dakota.

Unofficial results Nov. 3 showed her with 2,222 votes to 1,711 for Russell Means. Alex White Plume had an 859-vote margin over Eileen Janis for tribal vice president.

Also on the Pine Ridge Reservation and elsewhere, there were Republican allegations of vote-buying by the Four Directions Committee, which bills itself as a nonpartisan group trying to increase American Indian voting. Four Directions has accused Republicans of harassing its election workers.

As an example of vote buying, the Republican party provided to The Associated Press a copy of two affidavits signed by Paul Brenner, who said he lives in Virginia and is in South Dakota as a volunteer election monitor. Brenner stated he talked with people on the Rosebud Reservation who indicated that Four Directions and Sen. Tom Daschle's re-election campaign had been paying people to vote.

On Oct. 28, while seated next to a Daschle poll watcher and New York lawyer Greg Lembrich, two women asked when they would get paid, according to one of the affidavits.

Brenner stated another incident happened Oct. 29 and involved a woman who was taking people to the polls.

“I told (her) I had heard that the Daschle campaign office in Rosebud was offering a better deal to vote haulers than Four Directions, because they paid \$10 per voter, plus a free meal at the Rosebud Casino after 12 voters. She said she already knew that and was also getting paid by the Daschle campaign office,” Brenner wrote.

Glodt said other Republican poll watchers and voters have offered similar stories and the party was working with authorities to get affidavits.

Just before the election, a U.S. attorney entered the fray over a Pine Ridge Tribal Court ruling about on reservation poll watchers. U.S. Attorney James McMahon said a tribal judge has no authority to keep Republicans from watching voting on the Pine Ridge Reservation. The developments was prompted by the Four Directions Committee getting a temporary restraining order October 29 against the state GOP and Ryan Knutson, a former GOP employee.

The restraining order states that Knutson is not allowed near the polls and Republicans are prevented from videotaping its workers or having any contact with them. McMahon said October 30 that anyone who tried to carry out the order would be subject to violating federal law. “It would be my interpretation of that order that it does not comply with the law, and I have let it be known to law enforcement that they should not be enforcing any order on the reservation which purports to keep the Republican Party away from the polls,” he said.

Oglala Sioux tribal Judge Marina Fast Horse signed the order without telling Knutson or the party about it ahead of time and scheduled a hearing for Nov. 12.

Four Directions, which calls itself a nonpartisan group trying to increase American Indian voting, accused Knutson of intimidating its workers on October 27 at Pine Ridge by videotaping them on private property.

A federal judge later granted Democratic Sen. Tom Daschle’s request to limit the activities of Republican poll watchers after he accused the GOP of intimidating Indian voters.

The ruling prohibited Republican poll watchers from following American Indian voters out of polling places. They are also barred from taking down the license plate numbers of American Indians’ vehicles. David Jordan, a volunteer Daschle poll watcher, testified that he spent Nov. 1 at Lake Andes, a town heavily populated by Yankton Sioux, and saw GOP observers follow early Indian voters out of the polls and write down their license plate numbers. “They did it pretty much every time” an Indian voted, Jordan said. On cross-examination, Jordan said none of the observers kept anyone from voting, spoke to any voters or wore clothing bearing Thune’s name.

Joel C. Mandelman, a lawyer from Arlington, Va., testified that he was hired by the Republican National Senatorial Committee to monitor the voting because of worries about fraud.

Mandelman testified he wrote down the license plate numbers of six or seven vehicles used to take Indians to the Charles Mix County courthouse to vote early. Mandelman said he and another GOP lawyer went out of their way to avoid intimidating voters: “Nobody was intimidated by anything. They all voted.”

Although Republicans outnumber Democrats by 47,000 statewide, many counties with large American Indian populations are predominantly Democratic. For instance,

registered Democrats outnumber Republicans in Shannon County, home of the Pine Ridge Indian Reservation, by a margin of nearly 11-1.

In addition to lawyers for both major political parties, several polling places in South Dakota have federal observers on hand to watch for violations under the federal Voting Rights Act of 1965. The South Dakota counties involved all have high Indian populations: Bennett, Buffalo Corson, Dewey, Jackson, Mellette, Shannon, Todd, Tripp and Ziebach.

### Wisconsin

In Wisconsin a record Native turnout helped give Kerry the state with a slight lead of 12,686 votes. The Native vote might be reflected in the high turn-out in Menominee County, with contiguous boundaries with the Menominee Nation where Kerry led 1,412, to 288 for Bush, or 83 percent of the vote.

The Menominee Nation had the added pleasure of seeing votes in Kenosha County leading 56 percent in favor of an off-reservation casino proposal by the tribe with 70 percent of the vote counted as of press time. Supporters of the casino say it would bring thousands of jobs and millions of dollars to the area, while opponents have contended the jobs would be low paying and the move would take a big chunk of prime land off local tax rolls.

The Menominee Nation submitted an application earlier this year to hold the 223-acre Dairyland property in tribal trust. After a review process that can take months or years, the U.S Bureau of Indian Affairs will make a recommendation to Gov. Jim Doyle, who has the ultimate say. The proposal calls for a large casino and entertainment complex employing more than 3,000 and a payroll of \$138 million a year.

On the Lac Courte Oreilles Reservation, an estimated 1,200 tribal voters, along with a record turnout on the Bad River (800 voters) and Red Cliff Ojibwe Reservations (400) helped re-elect Democratic state representative, Gary Sherman, in a highly contested contest against a former Democratic legislator. Sherman won by a margin of 900 votes out of 30,622 cast. Independent candidate Eugene Bigboy, Sr., a member of the Bad River Chippewa, received 156 votes.

### Washington

Washington voters rejected an initiative to allow more non-Indian gambling, in spite of pledging to dedicate the tax revenue to property tax relief. I-892 would have allowed 18,000 new electronic slot machines in casinos, bars, restaurants and bowling alleys. A 35 percent tax on the machines would have paid for property tax relief. The measure failed Nov. 2 as 61 percent of voters opposed it with 98 percent of precincts reporting.

I-892 created a political showdown between casino-owning tribes, which now have exclusive rights to offer electronic slot machines, and non-tribal casinos yearning for a piece of that action. Casino-owning tribes in Washington state spent nearly \$6 million campaigning against the initiative with a barrage of television and radio ads. Nearly all the money came from the tribes, but the opposition effort was backed by a broad coalition of civic, religious and community leaders.

Voters also approved a measure blocking the federal government from sending radioactive waste from other states to Hanford nuclear site until waste already there is cleaned up.

Lawyer Jim Johnson succeeded in his second run for the state's highest court, beating state Appeals Court Judge Mary Kay Becker for the Supreme Court's only open seat. Johnson held a 53 percent to 47 percent edge early Nov. 4 with 92 percent of precincts reporting. The two were competing to replace retiring Justice Faith Ireland.

Becker and Johnson each won just more than 22 percent of the vote in a six-candidate primary. Johnson narrowly lost a Supreme Court race to Mary Fairhurst two years ago. As a lawyer, he has handled nearly 100 cases before state and federal appeals courts, including the U.S. Supreme Court. He has represented groups challenging Endangered Species Act protection for chinook salmon and landowners trying to limit tribal shellfish harvest.

Various Associated Press and other wire stories contributed to this article

**American Indians in Southwest rush to vote** © Indian Country Today

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Posted: November 02, 2004 by: Brenda Norrell / Indian Country Today

ALBUQUERQUE, N.M. - American Indians turned out in record numbers to vote in the Southwest, following intense campaign efforts by both Kerry and Bush in Arizona and New Mexico.

Rallying with Democrats at the Sheraton Old Town in Albuquerque, Charmaine Jackson John, Navajo, was among the first to arrive when the polls opened on Election Day and was eager for a change for the better for Indian country.

John said she came out to support Kerry because of his promises to uphold sovereignty and create an Indian Affairs office in the White House.

“Kerry has a plan to help Indian country and is advocating for American Indians,” said John, among about 1,000 at the rally.

Voter turnout was so heavy on the Navajo Nation that Apache County sites in Arizona were running out of ballots by noon. Thousands of complaints about voting problems were pouring into watchdog groups in Arizona.

In Phoenix, American Indian bands performed for an Election Day concert, Native Poll-Ozza, aimed at getting Native people out to vote at Phoenix Indian School Park. The bands included Freddy Fender, Clan/destine, Keith Secola, Ethnic De Generation, Casper, DJ Abel and Red Feather.

With Democrat and Republican campaign headquarters on the Navajo Nation, and punk rockers Blackfire urging Navajos to vote, a record number of Navajos headed to the polls.

Navajo Council Speaker Lawrence Morgan urged Navajos to get out and vote. “The Navajo people are an essential voting block, not only in the state of Arizona or the Four Corners area, but throughout the country. We are a large voting block that has the means to make a difference,” Morgan said.

The Navajo Nation authorized administrative leave for all tribal employees on Election Day.

Navajo Speaker Morgan, President Joe Shirley Jr., and acting Chief Justice Lorene B. Ferguson signed the proclamation to allow employees the day off so that they would be able to vote and get as many Navajo people to the polls as possible.

“It may be difficult for some people who have to drive long distances to vote in one election and then drive again to vote in the other,” Speaker Morgan said, describing the separate process for state and tribal elections.

“Calling the entire day off will allow for a maximum amount of people to participate in this important democratic event.”

Morgan encouraged parents to involve their families in this process and discuss the election and the important issues in communities.

“In recent times, voter turnout has been increasingly lower. Teach your children and family the importance of voting by engaging in this important civic duty as a family and as a community.

“As I remind you that democracy is not only a single event, but a process, I encourage you to become more informed about the issues that affect your lives and the lives of the Navajo people.”

Morgan said the Navajo Nation is currently involved in the redistricting process that is going on in the state of Arizona. “Our participation in this election will affect our representation for many years to come. We need to get out in full force and make sure that our voices are heard.”

He said the Navajo Nation, through the Intergovernmental Relations Committee, advocated before the Arizona Redistricting Commission, for the rights of Navajos to be represented by individuals they believe would serve and protect the interests of the Navajo people.

Morgan said the Navajo Nation is very serious about the Navajo people’s participation in the political systems in the state and federal election. The Council aligned the Navajo elections with the nationwide elections and extended the hours polls were open to 6 a.m. to 7 p.m. The Navajo Nation Transit System provided free shuttle services on Election Day at centralized locations.

The Salt River Pima Maricopa Indian Community created a new approach to mobilize voters and bused voters to the polls early on Saturday. Tribal members and employees enjoyed live music, food and entertainment.

“Voting has always been a social event for tribes. While voting by mail is convenient, it removes the social component,” said Sheila Morago, executive director of the Arizona Indian Gaming Association, who has played a central organizing roll in the Native Vote 04 efforts.

“Early vote at the poll events combine the best of both worlds - the opportunity to turn out voters early - and keep them involved in the process.

“Traditional polling doesn’t capture the Native Vote,” Morago said. She predicted with over 150,000 American Indian voters in Arizona, the Native Vote would make the difference.