

WASHINGTON, DC
OFFICE

Wendy Helgemo
whelgemo@bigfirelaw.com

NEBRASKA OFFICES

1404 Fort Crook Road South
Bellevue, NE 68005
531-466-8725
info@bigfirelaw.com

601 Buffalo Trail
Suite 100
Winnebago, NE 68071
402-878-4383

Sheila Corbine
scorbine@bigfirelaw.com



TRIBAL GOVERNMENT ACCESS TO THE BALLOT BOX — CLIENT ALERT

TO: TRIBAL CLIENTS
FROM: BIG FIRE LAW & POLICY GROUP
DATE: SEPTEMBER 14, 2020
RE: ELECTION/VOTING UPDATE

2020 has been a year full of terrible surprises. What shouldn't surprise us is the presidential election which comes around every four years. As the Original People of the United States, Indian Country needs to make their voices heard. In fact, they should roar. The upcoming election is in the news a lot, not only because of the state of our politics but also issues surrounding the pandemic and the postal service. It is time to pay attention.

I. NOVEMBER 3 IS THE GENERAL ELECTION

This year poses more challenges to access to the ballot box in Indian Country than usual. In addition to rural remoteness for many Native communities, in March, the World Health Organization declared COVID-19 a pandemic. To stop the spread of infection, much of the world stopped as people went into quarantine. As doctors learned more about the disease, people were advised to wash their hands, wear face coverings over their nose and mouth and maintain a distance of six feet from others. These precautionary public health measures effectively put a stop to large gatherings and limiting contact with the public. Essentially in person political campaigning stopped and just about every kind of gathering – including the Democratic National Convention and, to some extent, the Republican National Convention – went virtual to keep people safe.

With election day quickly approaching, election officials throughout the country are adjusting to the pandemic conditions. Polling places are being adjusted to comport with hygiene and physical distancing guidelines from the Centers for Disease Control and Prevention. Some cities are preparing football stadiums and basketball arenas to be polling places that can handle and space out large numbers of voters. More states are allowing early voting and vote by mail. Some states are exclusively vote by mail. To date, those states are California, Utah, Hawaii, Colorado, Oregon and Washington.

“Voter Fraud” is an attempt to defraud the election system. It can include voting by a person who is ineligible to vote, impersonating a voter, fraudulent voter registration, duplicate voting and ballot stuffing.

“Voter Suppression” is a measure that makes it harder for a person to exercise their right to vote. It can include restrictive voter ID laws, creating long distances to polling places, voter intimidation and purging voter rolls.

II. WHAT’S HAPPENING AT THE UNITED STATES POSTAL SERVICE?

You may have seen a lot in the news lately about the U.S. Postal Service. Many citizens and communities rely on the postal service for getting medication, paychecks and, depending on their state, even voting ballots. Some Native American communities have been concerned about being able to vote if they do not have a permanent address.

The U.S. Postal Service is one of the oldest federal services in the country established within the executive branch to bind the nation through delivery of communication for society and commerce. In fact, its roots are within the U.S. Constitution. It is one of the largest employers in the country. It has been a reliable vehicle for military personnel to stay connected and exercise their right to vote.

Recently, changes were made at the U.S. Postal Service that became the subject of scrutiny by Congress and the American people. Described as cost cutting measures, sorting machinery and collection boxes were removed from postal facilities and overtime was eliminated. The mail was actually delayed by 8-10 percent. After public concern and criticism, the postal service will not be making any changes until after the November 3 election.

III. WHAT YOU CAN DO THIS ELECTION

1. Same things we always do:
 - Make a plan to get the polls. Before work, after work, lunch hour?
 - For early voting, make a plan to get to the polls or drop off your ballot.
 - Get registered to vote. Be sure to check your registration, change of address.
 - Check on your relatives and make sure they are registered and vote.

2. New things you can do:
 - Request a mail in ballot. Check the deadline to request a ballot for your state.
 - Mail in your ballot. Check the deadline for your state. Does it need to be received or postmarked by election day? Plan accordingly and allow enough time for delivery.
 - Vote early in person. Avoid the crowds on election day.
 - Be a poll worker on election day. Make sure there are enough workers to ensure the polls run smoothly.
 - Be a poll watcher on election day. Make sure everyone has an opportunity to vote.

3. Things Your Tribe Can Do:
 - Engage state and county officials to ensure tribal members have access to the ballot box whether it is a local polling place or a drop box.
 - Demand drop boxes at sites on the reservation.
 - Establish a ballot collection system.
 - Recruit poll workers for election day.
 - Recruit poll watchers for election day.
 - Communicate voting information to tribal members through the tribe's website, newsletter and social media.
4. Things Your Congressional Delegation Can Do:
 - Ensure the postal service is working with adequate resources, staff and equipment.
 - Encourage local officials to make sure your tribe has a polling place.
 - Encourage local officials to place ballot drop boxes on the reservation.

IV. RESOURCES

- ❖ Check the requirements for your state (Secretary of State) for:
 - Registration
 - Early voting
 - Polling place location
 - Voting hours
 - Accommodations for disabilities
 - Identification
 - Postmark for mail in ballot
 - Voting by mail
- ❖ State Links:
 - California - <https://www.sos.ca.gov/>
 - South Dakota - <https://sdsos.gov/elections-voting/>
 - Iowa - <https://sos.iowa.gov/>
 - Kansas - <https://sos.ks.gov/>
 - Michigan - <https://www.michigan.gov/sos/0,4670,7-127-1633-49313--,00.html>
 - Nebraska - <https://sos.nebraska.gov/>
 - New York - <https://www.elections.ny.gov/>
 - North Dakota - <https://vote.nd.gov/PortalList.aspx>
 - Washington - <https://www.sos.wa.gov/elections/>
 - Wisconsin - <https://myvote.wi.gov/en-us/>
- ❖ A Voting Guide
 - Vote411 – League of Women Voters (nonpartisan)
<https://www.vote411.org/>
- ❖ National Conference of State Legislatures
 - State Laws Governing Early Voting
<https://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx>
 - Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options
<https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>

- State Responses to Coronavirus and Elections
<https://www.ncsl.org/research/elections-and-campaigns/the-canvass-april-2020.aspx>

❖ U.S. Postal Service
Election Mail

<https://about.usps.com/what/government-services/election-mail/>

❖ American Civil Liberties Union
American Indian Voting

<https://www.aclu.org/issues/voting-rights/fighting-voter-suppression/american-indian-voting>

❖ Native American Rights Fund
Native American Voting Rights

<https://vote.narf.org/>

V. PROBLEMS VOTING/ELECTION DAY

If you run into problems, check your local, county or state government to see if there is a hotline to make complaints. Problems may include:

- Broken equipment
- Long lines
- Not enough workers
- Run out of ballots
- Intimidation by law enforcement
- Intimidation by poll watchers
- Not open/Opens late

Be sure to include the who, what, why, how, when of the incident.

Get Out and Vote!

If you have questions or concerns about the upcoming election and your tribal members, please contact your Big Fire attorney.

**Wendy Helgemo
Sheila Corbine
Leonika Charging
Nicole Ducheneaux**

whelgemo@bigfirelaw.com
scorbine@bigfirelaw.com
lcharging@bigfirelaw.com
nducheneaux@bigfirelaw.com

www.bigfirelaw.com

TRIBAL ADVOCACY WITH INTEGRITY