

Inconvenient Voting: Native Americans and The Costs of Early Voting

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ACADEMIC ABSTRACT

Proponents claim that the convenience of early voting increases voter turnout by reducing the time and effort to vote through expanded opportunities for participation beyond “traditional” in-person voting at polling places on election day. Yet, anecdotal evidence suggests that reforms intended to make the voting process easier do not have the same effect throughout the electorate. Instead, early voting is likely to exacerbate the lack of ability to meaningfully participate in the electoral process for those particularly vulnerable to the costs of voting. Fundamentally, early voting requires access to postal services to receive and return an early ballot by-mail, as well as the ability to travel to an early in-person voting site. The irregular mail delivery operations and long traveling distances common throughout Indian Country suggests that systems of early voting lack viability on reservation lands. This research asks how the costs of voting for Native Americans affects their participation in systems of early voting. To investigate this relationship, I elucidate the social, economic, cultural, political, and geographic factors that render political participation more difficult for Native Americans. By comparing voter turnout in the 2012 and 2016 presidential elections among reservation voters on the Navajo Nation to non-reservation voters in Apache, Navajo, and Coconino counties in Arizona, I find that reservation voters prefer to vote in-person on election day while non-reservation voters prefer to vote early. I also find that early voting turnout among reservation voters increased between 2012 and 2016, however, further analysis demonstrated that turnout was higher in reservation precincts with greater access to postal services. These findings illuminate our knowledge of the convenience of early voting and add to our specific understanding of the factors that affect Native American political participation.

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GENERAL AUDIENCE ABSTRACT

Early voting has become a popular alternative to the civic tradition of voting in-person at polling places on election day. During the 2016 presidential election, millions of American voters cast their ballots early, either by-mail or at early voting sites. These expanded opportunities for participation allow voters to avoid the hassle of large crowds and restrictive hours at the polls. Proponents claim that by making the voting process easier, early voting also increases voter turnout, yet anecdotal evidence suggests that the convenience of early voting is not enjoyed equally by all voters. Instead, Native American voters are at a likely disadvantage with regard to early voting due to the irregular mail delivery operations and long traveling distances common on reservation lands. Of course, access to mail and transportation are required to vote by-mail and early in-person. This research asks how the costs of voting for Native Americans affects their participation in systems of early voting. To investigate this question, I examine the costs of voting and voter turnout for reservation voters on the Navajo Nation compared to non-reservation voters in Apache, Navajo, and Coconino counties in Arizona. I find that political participation manifests differently for both groups; reservation voters prefer to vote in-person on election day and non-reservation voters prefer to vote early. Although it was significantly higher among non-reservation voters, early voting turnout increased among reservation voters between the 2012 and 2016 presidential elections. However, further analysis demonstrated that turnout is affected by proximity to post offices or other postal service providers. These findings suggest that Native American political participation is made more difficult by social, economic, cultural, political, and geographic barriers and that reforms to make the voting process easier do not reduce these costs of voting.

DEDICATION

This thesis is dedicated to Peter Porter, Rudolph Johnson, Frank Harrison, and Harry Austin, and all others who have followed in their footsteps to preserve the right to vote for Native Americans.

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Good day. My name is Jason Chavez. I am from the San Miguel Village in the Chukut Kuk District of the Tohono O'odham Nation. My father's name is Gary Chavez. My mother's name is Lupe Marquez. My paternal grandfather's name is Dana Chavez (late). My paternal grandmother's name is Corinne Chavez. My grandparents on my mother's side are Ramon and Nancy (late) Marquez. I am a student at Virginia Tech where I study political science.

Growing up, I was taught the importance of introducing myself along with my family because I represent them and they represent me. These are the people who watched me take my first steps, taught me my first words. Without them, I wouldn't be sharing these words with you.

The inspiration for this project grew out my experiences as an elections official in the Pima County Recorder's Office several years ago. Since then, so many people have helped me find my voice and this work would be incomplete without acknowledgment of their contributions.

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— Jason N. Chavez

A NOTE ON TERMINOLOGY

Throughout this thesis I use the term *Native American* interchangeably with *Native*, *Indian*, or *Indigenous*. When referring to individuals collectively, I sometimes use the terms: *tribes*, *tribal communities*, or *tribal nations*. The physical or abstract places occupied by more than one cultural identity are referred to as *Indian Country*. Terms such as *Native American* and *Indian* are historically problematic vestiges of the settler-colonial project. Indeed, these generalizations are also reflections of political titles that have evolved over time through the administrative actions of the federal government. Nevertheless, they are heavily used within the academic literature and the language of federal, state, and tribal governments. Whenever possible, I will use the cultural name of the Peoples being referenced. Perhaps, scholar and activist Suzan Harjo (Cheyenne & Hodulgee Muscogee) said it best: “All terms are wrong so use them interchangeably ...Call us whatever you want. Just don’t call us names.”

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Chapter I: Convenience Voting

The right to vote in free and fair elections is a sacred and fundamental principle of American democracy. Indeed, it is so venerated that it is safeguarded by more constitutional amendments than any other right for citizens of the United States. Yet, for many American voters, participation in the franchise is neither free nor fair. Arbitrary barriers, tactics of suppression and discrimination, and the hassle of voting in-person at crowded polling places on election day renders the voting process inconvenient and costly. In the last fifty-five years, federal legislation has sought to prohibit racial discrimination in voting (e.g., Voting Rights Act) and to make the voting process easier (e.g., National Voter Registration Act; Help America Vote Act). Recently, a number of states have also adopted systems of early voting as another method of easing participation. Known also as convenience voting, these systems are purported to reduce the costs of voting and to increase voter turnout by allowing eligible voters to cast their ballots in advance of the official election date, either in-person or by-mail. Despite these efforts to expand access to the ballot, early voting exacerbates a lack of ability to meaningfully participate in the electoral process for those particularly vulnerable to the costs of voting.

Native Americans were the last to obtain the right to vote and, today, many are burdened by unique challenges that limit their ability to successfully register, vote, and run for office. The barriers that disproportionately affect them, including registration requirements, voter identification laws, and language obstacles have been well-documented by tribal leaders, voting rights advocates, and academics. Most recently, in 2019, these factors of disenfranchisement were voiced to the US House Subcommittee on Elections at separate field hearings in Arizona and North Dakota. These hearings were

organized, in part, to evaluate the status of voting rights for American voters in the post-*Shelby County vs. Holder* (2013) era of elections administration.¹ At a hearing in Phoenix, Arizona, tribal leaders recounted the challenges “[that] foster voter and tribal member distrust and disenfranchisement in the voting process and perpetuate a lack of interest and motivation to vote in elections.”² One of those challenges includes the departure from traditional in-person voting at polling places on election day in favor of early in-person voting and voting-by-mail. Early voting, according to President Jonathan Nez of the Navajo Nation, presents “a significant hurdle for individuals [Native Americans] in exercising their right to vote.”³

The ability to exercise their right to vote is relatively new compared to other minority groups in the United States, where participation in the franchise is reserved for citizens. Native Americans were not entitled to that status after Congress excluded them from the citizenship clause of the Fourteenth Amendment in 1866. At that time, Senator Jacob Howard of Michigan opined: “I am not yet prepared to pass a sweeping act of naturalization by which all the Indian savages, wild or tame, belonging to a tribal nation, are to become my fellow-citizens and go to the polls with me.”⁴ Even after President Calvin Coolidge authorized the Indian Citizenship Act of 1924, Native Americans struggled to achieve full access to the ballot until the Voting Rights Act was amended in the mid-1970s. Since then, the factors that continue to undermine their right to register, vote, and run for

¹ U.S. House of Representatives Subcommittee on Elections, “Report on Voting Rights and Elections Administration in the United States of America,” 116th Congress, <https://cha.house.gov/report-voting-rights-and-election-administration-united-states-america>, Accessed January 21, 2020: 1-2.

² *Voting Rights and Elections Administration in Arizona: Hearing Before the Subcommittee on Elections*, 116th Congress (2019), (Written testimony of Governor Stephen Roe Lewis: 3).

³ *Voting Rights and Elections Administration in Arizona: Hearing Before the Subcommittee on Elections*, 116th Congress (2019), (Written testimony of President Jonathan Nez: 3).

⁴ *The Congressional Globe* 36, no. 4 (1866): 2895.

office have been studied extensively by academics, including the discriminatory application of voting rules and procedures; number and location of polling places; voter identification requirements; minority language assistance; and vote dilution through at-large and malapportioned districts.⁵ Political science research, however, has largely failed specifically to consider how the popular movement towards early voting introduces additional costs of voting and limits access to ballot for Native American voters throughout Indian Country.

This thesis asks how the costs of voting for Native Americans affects their participation in systems of early voting. Rather than attempting to study voting behavior across culturally, politically, and geographically diverse tribal nations throughout Indian Country, an in-depth examination of political participation on the Navajo Nation allows for a sharper understanding of the relationship between the costs of voting and voter turnout. Although the Navajo Nation spans portions of Arizona, New Mexico, and Utah, most of the reservation is located across Apache, Navajo, and Coconino counties in Arizona. By comparing and contrasting the costs of voting, and early voter turnout between *reservation voters* on the Navajo Nation and *non-reservation voters* in Apache, Navajo, and Coconino counties, this thesis will illuminate our specific understanding of the convenience of early voting for Native American voters.

Arizona is the ideal setting for this analysis for three reasons. First, Arizona has one of the largest Native American populations in the United States and they account for about 6 percent of the state's total voting eligible population.⁶ At the same time, Native Americans

⁵ Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote*, (New York: Cambridge University Press, 2007), 72-74; 47.

⁶ Native Vote, "Every Native Vote Counts Brochure," National Congress of American Indians, Published August 2019, <http://www.nativevote.org/wp-content/uploads/2019/08/Native-Vote-FastFacts-8-2019.pdf>, Accessed January 24, 2020.

vote at significantly lower rates compared to non-Hispanic white voters.⁷ Second, Arizona has a long history of anti-Indian discrimination and voter suppression. As such, Apache, Navajo, and Coconino counties were some of the first jurisdictions covered under the federal preclearance formula of the 1965 Voting Rights Act.⁸ They are still covered under Section 203 of the VRA and required to provide language assistance services to Native American voters. Third, voting-by-mail has become the preferred method of participation for approximately 80 percent of registered voters in Arizona.⁹ However, the Navajo Nation, like most reservations, does not have an addressing program and, as a result, mail is not delivered to reservation residents at their homes. These factors make political participation more costly for reservation voters and likely contribute to low early voting turnout.

Political scientists generally use the rational choice model to evaluate the costs of voting and to measure turnout. This model posits that participation is decided after voters calculate the perceived time and effort required to vote against the expected benefits derived from voting.¹⁰ By that logic, efforts to lower the costs of voting through expanded early voting opportunities should yield greater voter turnout.¹¹ The rational choice approach, however, fails to account for unequal access to the basic resources necessary for participation. Instead, the resource-based theory of political participation is a more practical framework for this analysis. It proposes that voter turnout is sensitive to access to

⁷ Indian Legal Clinic at Arizona State University, “2016 Election Report,” Native Vote – Election Protection Project, Published March 6, 2018, <https://law.asu.edu/sites/default/files/pdf/2016-native-vote-election-protection-report.pdf>, Accessed April 2, 2020: 16.

⁸ Navajo Nation vs. Hobbs, No. 3:18-cv-08329 (D. Ariz. 2018): 16.

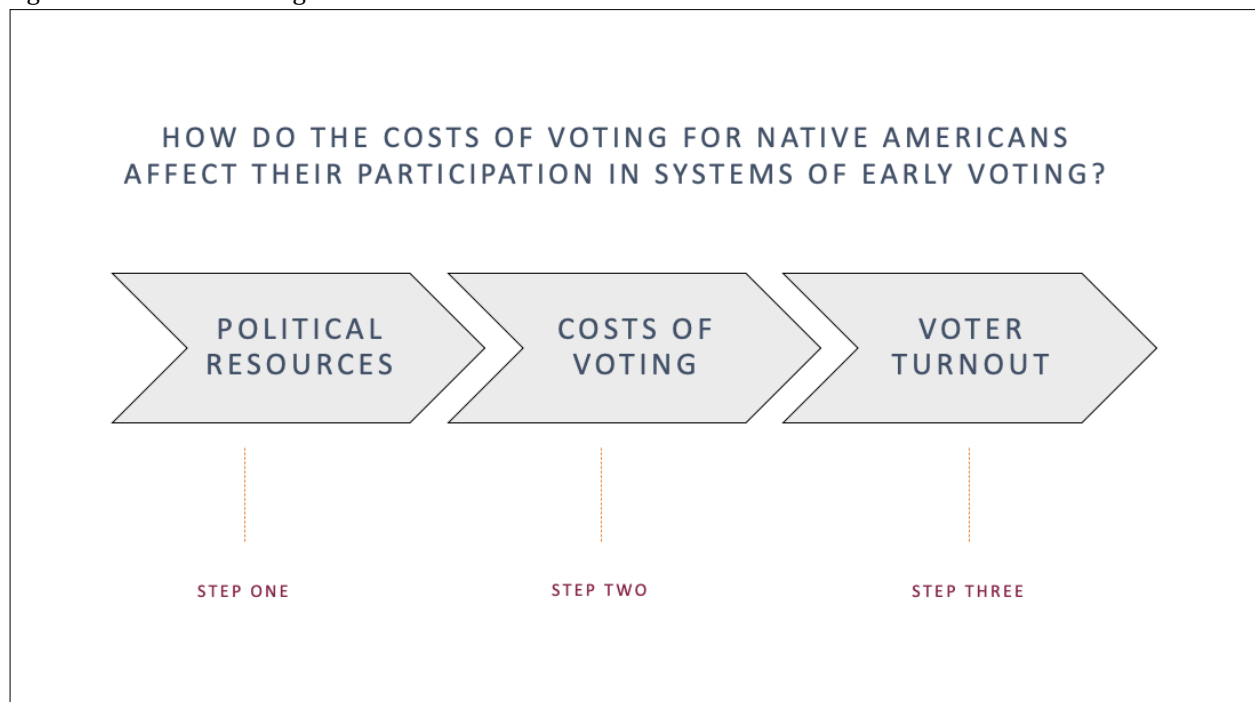
⁹ Citizens Clean Elections Commission, “Early Voting,” *Arizona Clean Elections*, 2019, <https://www.azcleanelections.gov/how-to-vote/early-voting/ballot-by-mail/>, Accessed October 25, 2019.

¹⁰ Anthony Downs, *An Economic Theory of Democracy* (Harper, 1957, see esp. chap. 3, “The Basic Logic of Voting.”)

¹¹ Paul Gronke, Eva Galanes-Rosenbaum, Peter A. Miller, and Daniel Toffey, “Convenience Voting,” *The Annual Review of Political Science* 11 (2008): 437-455.

political resources such as time, money, and civic skills.¹² According to Brady et al., these resources are informed by socioeconomic characteristics and those with greater access to them are better positioned to absorb the costs of voting.¹³ In the case of voting-by-mail, voters must be able to also access postal services in order to receive and return their early ballot in a timely manner. Although most non-reservation voters might have their mail delivered to their residence, because most reservation voters do not have traditional addresses (i.e., street names and house numbers), they are required to travel long distances to collect their mail at post offices or trading posts.

Figure 1.1: Research Design



¹² Henry E. Brady, Sidney Verba, and Kay Lehman Schlozman, "Beyond SES: A Resource Model of Political Participation," *American Political Science Review* 89, no. 2 (1995): 271-294.

¹³ Ibid.

Therefore, I argue that instead of making the voting process easier for both groups, early voting is likely to widen the turnout gap between reservation and non-reservation voters. For reservation voters, I expect voter turnout to remain consistently low as the purported convenience of early voting is not likely to mitigate their already high costs of voting related to the general voting process (i.e., registration and voting). On the other hand, early voting is an easier and more convenient method of participation for non-reservation voters and their turnout is likely to increase. In doing so, the early voter turnout gap between both groups expands from election-to-election.

This thesis is organized into five chapters and, in this first chapter, I review the academic literature relevant to early voting, the costs of voting, and Native American political participation. The literature suggests that despite its purported convenience, early voting has had little effect on voter turnout. Very few scholars, however, have examined the efficacy of early voting on reservation lands, yet anecdotal evidence advances the notion that early voting, and specifically voting-by-mail, might actually disadvantage Native American voters in ways that it does not for the broader electorate. Therefore, in the second chapter, I use population statistics to elucidate access to political resources for reservation voters on the Navajo Nation and for non-reservation voters in Apache, Navajo, and Coconino counties. For reservation voters, their disparate socioeconomic statistics suggest that political participation is likely to be more sensitive to the costs of voting.

Chapter three demonstrates that reservation voters are subject to higher costs of voting compared to non-reservation voters by examining areas related to ballot access, elections administration and the costs of early voting. These areas make the voting process more difficult for Native American voters. Accessibility costs include barriers such as

financial limitations, distance to vote, and ballot translations. Administrative costs include obstacles related to their multi-layered citizenship and residence in state and tribal localities. Both accessibility and administrative costs require reservation voters to expend a greater amount of time and effort to participate in the overall voting process; however, they also exacerbate the costs of early voting, and, specifically, voting-by-mail which requires access to postal services. Using publicly available information from the United States Postal Service (USPS), I identify and map the location of all post offices and mail retailers on the Navajo Nation and in Apache, Navajo, and Coconino counties. This illustrates and confirms the barriers to voting-by-mail for reservation voters.

Thus, in chapter four, I turn to investigate the relationship between access to political resources, the costs of voting, and early voter turnout among reservation and non-reservation voters. Using countywide turnout statistics from the 2012 and 2016 presidential elections, I find that reservation voters have significantly lower early voter turnout rates compared to non-reservation voters. To understand this relationship further, I examine reservation voter turnout in the 2012 and 2016 presidential elections, as well as in the 2014 and 2018 midterm elections. Here, I find higher early voter turnout in reservation precincts with greater access to post offices or USPS retailers compared to more rural reservation precincts. Finally, in chapter five, I discuss what these findings mean for our broader understanding of the convenience of early voting and for the costs of voting for Native Americans. This thesis not only underscores the need for state, county, and tribal governments to work collaboratively to ensure that Native Americans, as citizens of the United States, are afforded equal opportunities to participate in the electoral process,

but is incredibly timely given the uncertainty surrounding the upcoming 2020 presidential election.

As of this writing, the global community is in the midst of a pandemic that has abruptly halted daily routines and activities. Throughout the world, the novel coronavirus (“COVID-19”) has shuttered schools, shops, restaurants, places of worship, and other public gathering spaces. In the United States, more than 40 percent of the population has been ordered to stay at home in an effort to slow the spread of the virus.¹⁴ It has also raised questions for the democratic process given that thirteen states have already rescheduled their primary elections for later in the season.¹⁵ To protect the integrity of the November election, some are calling for the federal government to assist states with transitioning to all-mail elections in order to “[make] voting easy and widely accessible in a time of social distancing.”¹⁶ This blind rush to embrace voting-by-mail is oriented around the notion that early voting is a “practical fix” for all voters.¹⁷ This perspective, however, neglects to consider the tremendous barriers faced by Native American voters throughout Indian Country and reiterates the need to broaden our understanding of the efficacy of early voting.

Early Voting

Early in-person voting and voting-by-mail have emerged as popular alternatives to traditional in-person voting at polling places on election day and have significantly

¹⁴ Alicia Lee, “These states have implemented stay-at-home orders. Here’s what that means for you,” *CNN*, Published March 24, 2020, <https://www.cnn.com/2020/03/23/us/coronavirus-which-states-stay-at-home-order-trnd/index.html>, Accessed March 24, 2020.

¹⁵ Christina A. Cassidy, “Election limbo as coronavirus outbreak upends US primaries,” *Associated Press*, Published March 21, 2020, <https://apnews.com/5ca82f2fd0b4df4ee7633c6deb20d997>, Accessed March 24, 2020.

¹⁶ The New York Times Editorial Board, “The 2020 Election Won’t Look Like Any We’ve Seen Before,” *The New York Times*, Published March 21, 2020, <https://nyti.ms/396gqOL>, Accessed March 23, 2020.

¹⁷ *Ibid.*

redefined the nature of political participation for the newest generation of American voters. As methods of convenience voting, they allow eligible voters to cast their ballots “no-excuse” in advance of the official election date either in-person at an authorized location or by-mail; thereby avoiding the long lines and restrictive hours at the polls. According to the National Conference of State Legislatures, thirty-nine states and the District of Columbia currently offer early in-person voting, whereas, thirty-three states offer some form of voting-by-mail and five states conduct their elections entirely by-mail.¹⁸ A recent *New York Times* opinion praised the proliferation of early voting systems for signaling the end of “old-fashioned” polling place voting and expanding access to otherwise inconvenienced voters.¹⁹

Early voting advocates postulate that by expanding the number of opportunities for participation, voting-by-mail lowers the costs of voting, encourages voter turnout and broadens the electorate. Indeed, a cursory glance at vote-by-mail statistics lends support to this argument. In Arizona, a majority of voters are signed up automatically to vote-by-mail and during the 2018 midterm elections more voters cast their ballots by-mail than by all other voting methods combined in the midterm elections four years earlier.²⁰ Academic research, on the other hand, demonstrates that whatever convenience early voting elicits does little to stimulate turnout. Yet, these findings are based upon a narrow disposition concerning whose costs are lowered and whose turnout is measured. Native American

¹⁸ “Absentee and Early Voting,” National Conference of State Legislatures, Published January 15, 2020, ncsl.org/research/elections-and-campaigns/absentee-and-early-voting/aspx, Accessed February 13, 2020.

¹⁹ Tina Rosenberg, “Opinion: The End of the Polling Booth,” *The New York Times*, Published June 11, 2019, [nytimes.com/2019/06/11/opinion/the-end-of-the-polling-booth.html](https://www.nytimes.com/2019/06/11/opinion/the-end-of-the-polling-booth.html), Accessed February 13, 2020.

²⁰ Howard Fischer, “Arizona’s early voter turnout surpasses total ballots cast in 2014 midterms,” *Capital Media Services*, Published November 06, 2018, <https://tucson.com/news/local/Arizona-s-early-voter-turnout-surpasses-total-ballots-cast-in/article.html>, Accessed January 24, 2020.

voters are largely overlooked in these studies and their unique barriers to the ballot and low turnout are not likely to benefit from the purported convenience of early voting.

In their study of voter turnout over a twenty-four year period, Gronke et al. found little support for the claim that voting-by-mail increased turnout. Instead, they concluded that increased participation prior to 2007 was limited to the 2004 presidential election and then only in the state of Oregon; a state that has had all-mail elections since 1998.²¹ Their findings are consistent with other studies, such as that by Dyck and Gimpel, who also suggested that the availability of convenience voting turns would-be election day voters into early voters.²² In other words, rather than creating new voters, early voting seemingly produces a substitution effect among frequent voters; whom Karp and Banducci found to be highly educated, partisan, and politically active in their communities.²³ Thus, absent an alternative option, an early voter would most likely still decide to vote at their designated election day polling place. The substitution effect also raises normative concerns regarding the role of early voting in changing the demographic composition of the electorate.

The Costs of Early Voting

If early voting is indeed a more convenient method of participation, why does it not seem to invite greater participation throughout the entire electorate? According to Mary Fitzgerald, it is because the time and effort to sustain mobilization efforts throughout the early voting period have become too costly for political parties and campaigns to target

²¹ Paul Gronke, Eva Galanes-Rosenbaum and Peter A. Miller, "Early Voting and Turnout," *PS: Political Science and Politics* 40, no. 4 (2007): 643.

²² Joshua J. Dyck and James G. Gimpel, "Distance, Turnout, and the Convenience of Voting," *Social Science Quarterly* 86, no. 3 (2005): 531-548.

²³ Jeffrey A. Karp and Susan A. Banducci, "Absentee Voting, Mobilization, and Participation," *American Politics Research* 29, no. 2 (2001): 183-195.

non-frequent voters.²⁴ Traditionally, get-out-the-vote efforts have been focused on directing voters to the polls on one day (i.e., election day), however, early voting expands the number of active voting days to anywhere between two weeks to twenty-eight days before the official election date, depending on the jurisdiction. Additionally, voter concerns surrounding the legitimacy of early voting may also discourage participation. In his analysis of data from the Survey of the Performance of American Elections (SPAEE), Charles Stewart found that less than half of voters were confident that their vote-by-mail ballot was counted as cast.²⁵ Thus, these “hidden costs of voting” thrive on fears about rampant voter fraud; despite little supportive evidence.²⁶

The initial costs of voting are generally regarded as the time and effort required to register to vote and to successfully cast a ballot. As such, Li et al. developed the “Cost of Voting Index” for measuring the costs of voting.²⁷ Their index is organized around seven issue-areas: voter registration deadlines, registration restrictions, registration drive restrictions, pre-registration laws, voting inconvenience (i.e., availability of early voting, time to vote, and the number of polling stations), voter identification laws, and poll hours. While the Cost of Voting Index is useful for investigating the costs of voting in each state, according to Blais et al., most voters do not believe the act of voting to be a costly endeavor.²⁸ In their survey of registered voters, most respondents believed that the time and effort spent becoming an informed voter, and then actually voting were not prohibitive

²⁴ Mary Fitzgerald, “Greater Convenience But Not Greater Turnout,” *American Politics Research* 33, no. 6 (2005): 844.

²⁵ Charles Stewart III, “Adding Up the Costs and Benefits of Voting by Mail,” *Election Law Journal* 10, no. 3 (2011): 300.

²⁶ Ibid.

²⁷ Quan Li, Michael J. Pomantell, and Scot Schraufnagel, “Cost of Voting in the American States,” *Election Law Journal* 17, no. 3 (2017): 236.

²⁸ André Blais, Jean-Francois Daoust, Ruth Dassonneville, and Gabrielle Péloquin-Skulski, “What is the Cost of Voting?,” *Electoral Studies* 59 (2019): 147.

costs.²⁹ More importantly, Blais et al. found that those who did believe voting to be costly were also less likely to participate in an election.³⁰ In other words, the mere perception that the voting process is costly is enough to dissuade turnout.

Perception also matters with regard to the administration of early voting. Tarr and Benenson note that early voting operations done in conjunction with in-person polling place voting on election day presents high financial costs to county and state governments.³¹ These expenses include the cost of paying personnel to staff polling places and to verify early ballots, which are estimated to require three to four times more labor to process.³² Government spending is a regular concern for the public and for cash-strapped government agencies and the financial costs, along with its dismal effects on turnout, make early voting an easy target. However, early voting cutbacks are not always done equitably. Elliott Fullmer studied the scaling back of early voting operations as a cost-saving solution and found that early in-person sites were distributed disproportionately among racial demographics during the 2008 and 2012 presidential elections.³³ That is, majority African-American counties were provided fewer in-person sites compared to heavily Anglo, well-educated counties. In a similar study, Russell Weaver concluded that African-American voters used early in-person voting opportunities at significantly higher rates compared to their Anglo counterparts.³⁴ Fullmer and Weaver's respective research advances two important points: First, racial discrimination is likely to influence the administration of

²⁹ Ibid.

³⁰ 150.

³¹ Dave Tarr and Bob Benenson, *Elections A-Z*, 4th ed., (Thousand Oaks: CQ Press, 2012), 5.

³² 4.

³³ Elliott B. Fullmer, "The Site Gap: Racial Inequalities in Early Voting Access," *American Politics Research* 43, no. 2 (2015): 291.

³⁴ Russell Weaver, "The Racial Context of Convenience Voting Cutbacks: Early Voting in Ohio During the 2008 and 2012 U.S. Presidential Elections," *Sage* (2015): 11.

early voting by counties and states, and, second, racial minorities are more likely to vote early. Nevertheless, these studies, along with all other aforementioned studies, neglect to specifically consider the role of Native American voters.

Native Americans and Voting

In *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote*, McCool et al. noted that a majority of voting studies often disregard Native Americans altogether or include them as “others” within their datasets.³⁵ The literature points to three possible reasons for their absence within academic research. First, Schroedel and Hart claimed that, among scholars, there is seemingly broad consensus that issues of ballot access, or “first-generation barriers,” are no longer an obstacle for voters in the United States today.³⁶ The suggestion being that federal legislation, such as the Voting Rights Act of 1965 and its subsequent amendments, remedied ballot access problems and introduced racial equality at the polls. Consequently, this misguided assumption has turned the attention of the academy to studying “second-generation barriers” such as vote dilution and voter suppression. Second, high mobility rates, transiency, geography, language barriers, and the historical mistrust of government often contribute to data collection difficulties in Indian Country. According to Carol Chiago Lujan, these are the same challenges that often exclude Native Americans from the enumeration processes of the United States Census Bureau.³⁷ Third, historically racist attitudes towards Native Americans have, at best, afforded them second-class status in many realms within contemporary American society. As such, state

³⁵ Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote*, (New York: Cambridge University Press, 2007), xi.

³⁶ Jean Schroedel and Ryan Hart, “Vote Dilution and Suppression in Indian Country,” *Studies in American Political Development* 29 (2015): 1.

³⁷ Carol Chiago Lujan, “American Indians and Alaska Natives Count: The US Census Bureau’s Efforts to Enumerate the Native Population,” *The American Indian Quarterly* 38, no. 3 (2014): 327.

and county officials may not see a political advantage in directing their attention and resources to tribal communities.³⁸ Likewise, this perspective may also inform why mainstream academic resources have not been adequately applied to the study of Native American political participation.

Despite a lack of academic research, the disparate conditions throughout much of Indian Country advances the notion that the costs of voting are higher for Native Americans in ways they are not for other voters. Anecdotal evidence intimates that the purported convenience of voting-by-mail lacks viability on reservation lands; namely, because of the irregular mail delivery operations of the United States Postal Service (USPS). On many large rural reservations, mail is often delivered to shared post office (PO) boxes typically located in far-away places and infrequently checked. As a result, Native American voters have fewer days to receive, mark, and return their early ballots by-mail compared to urban voters, for example. According to Jean Schroedel, early ballots belonging to Native voters are frequently disqualified for issues that could have been easily corrected during in-person voting or by replacing spoiled mail-in ballots.³⁹ In other words, Native American voters simply do not possess an adequate amount of time to successfully cast their ballots by-mail.

Income and poverty statistics are also telling of the means voters have available to become informed members of the electorate. According the National Congress of American Indians, nearly 25 percent of Native Americans are living in poverty and 14 percent lack access to electricity, compared to the national averages of 13 percent and 1 percent,

³⁸ Jeff Cornassel and Richard C. Witmer II, *Forced Federalism: Contemporary Challenges to Indigenous Nationhood*, (Norman: University of Oklahoma Press, 2008), 41.

³⁹ Jean Schroedel, "An Evaluation of Factors Affecting Indian Voting in Three Montana Counties," Expert Witness Report in *Wandering Medicine v. McCulloch* (2014).

respectively.⁴⁰ Additionally, many tribal communities lack the basic internet access or telecommunications infrastructure necessary to receive important election information. Emily Donnellan found that approximately 85 percent of Native Americans residing on rural reservations do not have access to fixed broadband services.⁴¹ In South Dakota, the Pine Ridge Indian Reservation is frequently cited as one of the most impoverished communities in the United States and, according to Donnellan, the unemployment rate there ranges between 80 percent and 90 percent.⁴² Considering that, in 2014, the average cost of an internet subscription was between \$34.99 and \$69.99, per month, per household, it is doubtful that most Pine Ridge residents could afford internet service should it be made available.⁴³ Consequently, socioeconomic conditions render the voting process more costly for Native Americans.

Access to services is another factor that is likely to limit political participation for Native Americans, including the traveling distance required to vote at early voting sites or at polling places on election day. According to Haspel and Knotts, the distance between a voter's residence and the location of their polling place significantly influences their decision to vote in an election.⁴⁴ That is, greater traveling distances increase the likelihood that voters will abstain from an election. While the study by Haspel and Knotts focused on the distance costs for voters in Atlanta, Georgia – one of the largest cities in the country – it provides valuable insight into the decision-making processes of all other voters when

⁴⁰ NCAI Policy Research Center, "Demographic Profile of Indian Country," *National Congress of American Indians*, 2012, http://www.ncai.org/policy-research-center/research-data/II_2012_November_Demographic_Profile_-_Copy.pdf, Accessed August 24, 2019.

⁴¹ Emily S. Donnellan, "No Connection: The Issue of Internet of the Reservation," *American Indian Law Journal* 5, no. 2 (2017): 349.

⁴² 351.

⁴³ Ibid.

⁴⁴ Moshe Haspel and H. Gibbs Knotts, "Location, Location, Location: Precinct Placement and the Costs of Voting," *The Journal of Politics* 67, no. 2 (2005).

traveling distance is also a factor. For voters on the Navajo Nation, the costs of travel are, perhaps, an especially significant burden. Stephanie Woodard noted in her book *Apartheid: The Native American Struggle for Self-Determination and Inclusion* that some voters on the Navajo Nation must travel upwards of four-hundred miles roundtrip to cast a ballot at their assigned polling place.⁴⁵ This suggests that, other than highly motivated voters, the average voter may be more inclined not to participate when the cost of voting is so high.

While mainstream scholarship has largely focused on second-generation barriers to the ballot (i.e., vote dilution and voter suppression), it is evident that first-generation barriers (i.e., basic access to the ballot) continue to undermine the ability of Native American voters to successfully participate in the franchise. Although early voting is purported to make the voting process easier, the irregular mail delivery service, limited access to the internet, and long traveling distances required to access services on reservation lands are likely to make participation more difficult for Native voters. Additionally, voting-by-mail places the burden on voters with limited proficiency in the English language to seek out ballot translation or other language assistance services.⁴⁶ Beyond these resource costs, legislative barriers enacted by states also increase the cost of voting. South Dakota is sometimes referred to as the “Mississippi of the North,” due to its long history of denying voting rights to Native Americans.⁴⁷ Laughlin McDonald offered a

⁴⁵ Stephanie Woodard, *Apartheid: The Native American Struggle for Self-Determination and Inclusion* (New York: IG Publishing, 2018), 45.

⁴⁶ James Thomas Tucker, Natalie A. Landreth, and Erin Dougherty Lynch, “Why Should I Go Vote Without Understanding What I Am Going to Vote For?” The Impact of First Generation Barriers on Alaska Natives,” *Michigan Journal of Race and Law* 22, no. 2 (2017): 327-382.

⁴⁷ Jean Reith Schroedel, Joey Torres, Andrea Walters and Joseph Dietrich, “The Voting Rights Act’s Pre-Clearance Provisions: The Experience of Native Americans in South Dakota,” *American Indian Culture and Research Journal* 41, no. 4 (2017): 1.

lengthy assessment of the many barriers codified by the South Dakota State Legislature in the book *American Indians and The Fight For Equal Voting Rights*. These laws included denying voter registration to those on government assistance, banning polling places on reservations, and limiting voting to state residents only.⁴⁸ Codified disenfranchisement is certainly not exclusive to South Dakota, and has been used to limit or exclude Native American political participation in almost every state with a significant Native American population.⁴⁹ Thus, the rules of elections also make the voting process more costly.

The Gap Identified

Proponents maintain that early voting lowers the costs of voting and increases voter turnout by making the voting process more convenient. Academic research, on the other hand, demonstrates that most voters do not perceive the act of voting to be a costly endeavor and that whatever convenience is introduced by early voting has little effect on overall turnout. At the same time, much of the literature does not consider race as a factor, and among the scholarship that has, the conclusions have been markedly different. Notwithstanding these insights, Native Americans have been largely left out of voting studies by mainstream academics despite anecdotal evidence, along with social, economic, and political forces, which advances the theory that early voting hardly makes casting a ballot any easier, but, instead, introduces additional costs of voting for Native Americans. Moreover, their absence from scholarly investigations is also concerning in that many jurisdictions have begun to expand their early voting operations without fully understanding the implications for Native American voters. Thus, rather than finding ways

⁴⁸ Laughlin McDonald, *American Indians and the Fight for Equal Voting Rights*, (Norman: University of Oklahoma Press, 2010), 253.

⁴⁹ 46.

to make the voting process more convenient for all voters, elections officials maintain the status quo; some voters enjoy lowered costs while others (e.g. Native Americans) experience higher costs of voting.

Because the Native American voting bloc is, perhaps, perceived to be proportionally insignificant, it might also be that finding ways to lower the costs of voting for the broader electorate is viewed as a more worthwhile endeavor. However, Native Americans have been credited with influencing the outcome of several high profile elections. Former senatorial candidate Heidi Heitkamp (D-ND) once told reporters “all roads to Washington, D.C. go through Indian Country.”⁵⁰ Indeed, Senator Lisa Murkowski (R-AK), Senator Jon Tester (D-MT), and Governor Janet Napolitano (D-AZ) are but a few of the many current and former elected beneficiaries of the Native vote.⁵¹ Currently, candidates for the 2020 Democratic presidential nomination are campaigning to this prized voting bloc in swing states such as Arizona, Florida, and Wisconsin. The respective campaigns of Senators Bernie Sanders (D-VT) and Elizabeth Warren (D-MA), and former Secretary of Housing and Urban Development, Julián Castro (D-TX), have all released robust plans aimed at strengthening the nation-to-nation relationship between tribes and the federal government. Thus, in 2020, the Native American voting bloc is poised to play an important role in shaping the future and direction of American domestic politics. Elucidating the costs that affect their participation in light of the increasing movement towards early voting not

⁵⁰ Levi Rickert, “Trump Panders to Native American Voters in North Dakota,” *Native News Online*, Published September 09, 2018, <http://nativenewsonline.net/currents/trump-panders-for-native-american-votes-in-north-dakota/>, Accessed January 13, 2020.

⁵¹ Native Vote, “Every Native Vote Counts Brochure,” National Congress of American Indians, Published August 2019, <http://www.nativevote.org/wp-content/uploads/2019/08/Native-Vote-FastFacts-8-2019.pdf>, Accessed January 24, 2020.

only fills the voids in our knowledge of voting behavior, but invites us to ensure that democratic elections are indeed free and fair for all voters.

Chapter II: Political Resources

The political status of Native Americans has waxed and waned throughout the history of the United States from extermination and relocation to assimilation and self-determination. Renowned Indigenous scholar Vine Deloria, Jr. once wrote, “American Indians are unique in the world in that they are the only aboriginal peoples still practicing a form of self-government in the midst of a wholly new and modern civilization that has been transported to their lands.”⁵² Indeed, Native Americans have adopted many of these transported institutions in order to perpetuate themselves and, today, 574 tribal nations are recognized as sovereign entities by the United States with the power to form their own governments, make and enforce laws, and determine their own membership, among others. Established by the Treaty of Bosque Redondo in 1868, the Navajo Nation is the largest federally recognized tribe in the United States. Larger than 10 of the 50 states, the reservation land-base spans across portions of three states with the majority in Arizona’s Apache, Navajo, and Coconino counties.⁵³ As dual-citizens, tribal members are entitled to the rights and benefits of federal and tribal citizenship, including the right to vote. The successful exercise of that right, however, is dependent upon several factors, including access to political resources.

The resource-based theory of political participation suggests that political resources facilitate participation by stimulating civic skills, political knowledge, and political engagement.⁵⁴ Informed by education-, income-, and poverty-levels, political resources are

⁵² Vine Deloria, Jr. and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty*, (Austin: University of Texas Press, 1984), 2.

⁵³ “History of the Navajo Nation,” Official Site of the Navajo Nation, <https://www.navajo-nsn.gov/history.html>, Accessed January 21, 2020.

⁵⁴ Brady et al., (1995).

more likely to be accessible to the socioeconomically advantaged, who are better positioned to absorb the costs of voting.⁵⁵ Based on this model, political resources should be less accessible to Native American voters due to the depressed socioeconomic conditions present in many reservation communities. Indeed, Schroedel et al. note that “every variable that works against voting participation is present in reservation populations.”⁵⁶ However, given their extraconstitutional status as members of distinct self-governing nations, it is, perhaps, appropriate to also expand the definition of political resources. Sociocultural factors such as cultural identity, discrimination, and tribal-state power structures, in addition to socioeconomic status, may help to better explain the psychological forces behind the decision to vote. Together, sociocultural and socioeconomic factors are likely to be more powerful predictors of political participation among reservation voters on the Navajo Nation.

To inform our understanding of the variables that encourage civic skills and political participation, in this chapter I use population statistics from the United States Census Bureau (USCB) and agencies of the Navajo Nation to determine education-, income-, and poverty-levels for both reservation and non-reservation voters. Based on the resource-based theory, the lower socioeconomic status of reservation voters suggests that they have fewer opportunities to nurture civic skills and develop political interest compared to non-reservation voters. Reservation voters are also burdened by the traumatic legacy of government-sponsored efforts designed to “kill the Indian, save the man.”⁵⁷ To

⁵⁵ Ibid.

⁵⁶ Jean Schroedel, Melissa Rogers, Joseph Dietrich, Savannah Johnston, Aaron Berg, Working Paper - “Assessing the Efficacy of Early Voting Access on Indian Reservations: Evidence from a Natural Experiment in Nevada,” (2017): 4.

⁵⁷ Richard H. Pratt, “On the Education of Native Americans,” 1892, Speech at the National Conference on Charities and Corrections, <http://historymatters.gmu.edu/d/4929>. Accessed December 13, 2019.

demonstrate how this complex history influences contemporary political participation among reservation voters, I briefly examine their shifting political status from the era of removal and relocation, to persons under guardianship, and through the state's resistance to enfranchisement. This history, coupled with more recent tactics of suppression and discrimination, reinforces the alienation of Native Americans from the larger body politic and contributes to the notion that their participation is neither valued nor wanted. These sociocultural factors also discourage political participation among reservation voters by instilling in them a lower sense of political efficacy and a lack of political trust in county and state government.

Socioeconomic Factors

Socioeconomic status functions as a political resource by informing the “free time” (i.e., time not spent working multiple jobs, caring for family members, etc.) that an individual has to participate in citizen politics.⁵⁸ Those with greater years of formal education tend to also have higher incomes and are provided with more opportunities to be involved in institutional settings that nurture civic skills and promote political and non-political participation.⁵⁹ Population estimates relating to education, income, and poverty, along with data on race and ethnicity, are reported by geographic region in the American Community Survey (ACS). The ACS is used by the US Census Bureau to supplement the population statistics traditionally only included within the decennial census. The most recent countywide population estimates for Apache, Navajo, and Coconino counties in Arizona are reflected in Table 2.1 below. These figures include both reservation and non-

⁵⁸ Brady et al., (1995): 274.

⁵⁹ 275.

reservation residents and are also contrasted with estimates for the total population of Arizona, as well as the national population.

Coconino County has the largest population and is the most affluent of the three counties with a median household income of \$57,616 and 35.6 percent of county residents with a college degree; likely influenced by the presence of Northern Arizona University, the third largest university in the state, in Flagstaff. Additionally, the job opportunities created by the millions of tourists that visit the Grand Canyon each year likely contribute to a poverty rate in Coconino County that is closer to the national average; 15.9 percent and 11.8 percent, respectively.⁶⁰ Coconino County has the second-most federally designated reservation land of any county in the US, including portions of the Navajo Nation, the Hopi Indian Reservation, the Hualapai Indian Reservation, the Kaibab Indian Reservation and the entirety of the Havasupai Indian Reservation. Despite all this, Coconino County is overwhelming White, 65.7 percent, compared to the 27.6 percent of county residents that identify as American Indian or Alaska Native.

Table 2.1: ACS Population Statistics

Population		Race & Ethnicity			Education		Income & Poverty	
Jurisdiction	Total Pop.	AI/AN*	White	Hispanic or Latino	High School Diploma	Bachelor's (at least)	Med. Household Income	Percentage Poverty
Apache	71,718	74.9%	22.4%	6.4%	79.6%	11.7%	\$32,963	37.3%
Navajo	110,445	45.6%	41.7%	11.5%	82.8%	15.8%	\$40,054	28.5%
Coconino	142,854	27.6%	65.7%	14.3%	89.6%	35.6%	\$57,616	15.9%
Arizona State	7,278,717	5.3%	82.8%	31.6%	86.8%	28.9%	\$56,213	14.0%
National	328,239,523	1.3%	76.5%	18.3%	87.7%	31.5%	\$60,293	11.8%

*AI/AN = American Indian or Alaska Native

Source: "American Community Survey (ACS)," Census.gov, United States Census Bureau, Published July 1, 2019, <https://www.census.gov/programs-surveys/acs>.

⁶⁰ Jessica Semega, Melissa Kollar, John Creamer, and Abinash Mohanty, "Income and Poverty in the United States: 2018," United States Census Bureau, Published September 10, 2019, <https://www.census.gov/library/publications/2019/demo/p60-266.html>, Accessed February 14, 2020.

On the other hand, in Navajo County, the racial demographics are much more balanced between White residents (41.7 percent) and American Indian/Alaska Native residents (45.6 percent). The smallest of the three counties geographically, Navajo County includes parts of the Fort Apache Indian Reservation, the Hopi Indian Reservation, and the Navajo Nation. The population difference between Coconino and Navajo counties is only about 32,000 residents, however, at 28.5 percent, the poverty rate in Navajo County is nearly double that in Coconino County, and, about half as many college educated residents, as well.

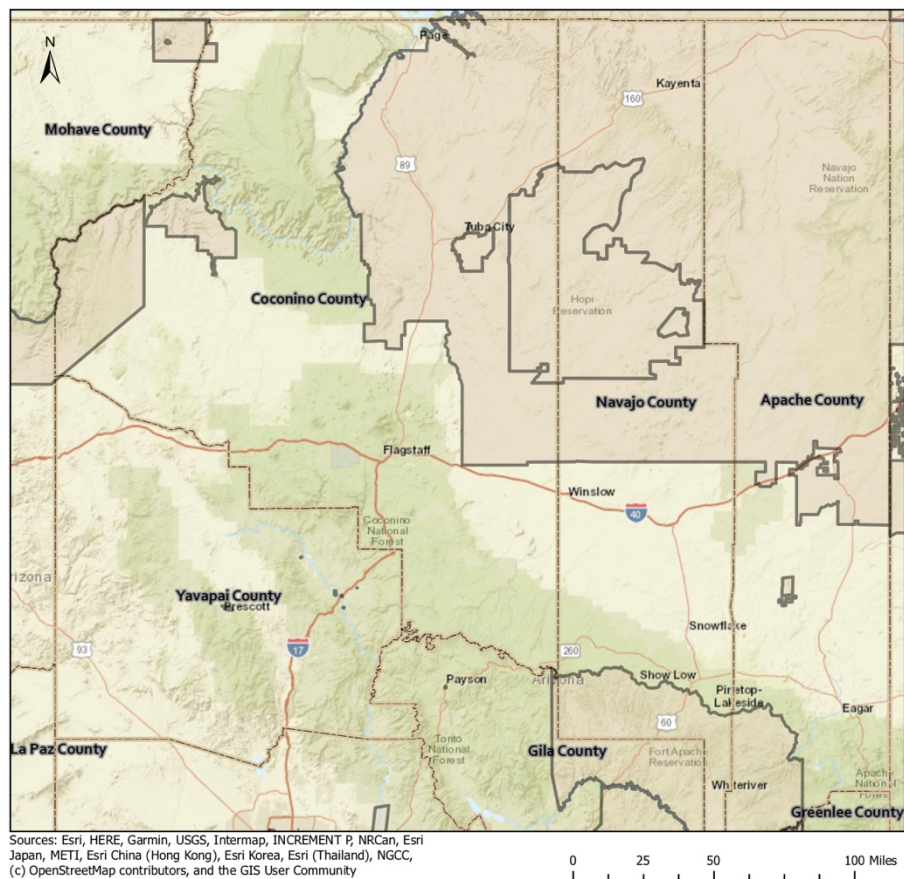
Apache County is the northeastern-most county in the state and has the most federally designated reservation land in the country; about 68 percent of its total land area.⁶¹ Perhaps, owing to the presence of portions of the Fort Apache Indian Reservation, the Navajo Nation, and land-holdings of the Zuni Pueblo, 74.9 percent of county residents identify as American Indian/Alaska Native, compared to just 22.4 percent that identify as White. Although Apache County has the smallest population, it has the highest percentage of residents living in poverty (37.3 percent), the lowest median household income (\$32,963), and the fewest college educated residents (11.7 percent) of all three counties. Thus, it seems that, in each county, the socioeconomic statistics become more extreme as the percentage of White residents decreases and the percentage of Native American residents increases.

While the population statistics reported by the American Community Survey provide valuable insights into the socioeconomic factors that characterize each county, they do not allow for the type of micro-level analysis necessary to distinguish between

⁶¹ “Official Website of Apache County, Arizona,” Apache County, AZ, Accessed March 25, 2020, <https://www.co.apache.az.us/home-page/>.

reservation and non-reservation residents; especially since reservations often span multiple counties (Figure 2.2). Unlike the decennial census, the ACS estimates are broadly reported by geographic region rather than at the community-level. Moreover, some of the literature discussed in the previous chapter raised concerns about the methods used by the Census Bureau to enumerate Native Americans living on reservations. As such, these statistics may not entirely capture the political resources accessible to reservation voters; however, population statistics published by the Navajo Nation may offer additional insights into the socioeconomic status of reservation voters.

Figure 2.2: Federal Indian Reservation Boundaries



The Navajo Nation is divided into five *agencies*, each with smaller sub-governmental *chapters* with responsibility over local affairs. Four of the five agencies have chapters located in Arizona: Fort Defiance Agency, Central Agency, Western Agency, and the Northern Agency. The fifth, Eastern Agency, is situated entirely within the state of New Mexico. Approximately 63 of the Nation's 110 chapters are located entirely or partially within the state of Arizona and, according to the Navajo Division of Health, this accounts for about 59 percent of the entire reservation's population, or 101,835 individuals.⁶² The reservation's estimated income and poverty levels are more dire than the county-level statistics reported by the American Community Survey, although, they most closely resemble the statistics for Apache County. According to the Arizona Rural Policy Institute (ARPI), the median household income on the Navajo Nation is \$27,389 with approximately 32 percent of the population earning less than \$15,000 annually.⁶³

The reservation population is also more than twice as likely to rely on government assistance programs such as the Supplemental Nutrition Assistance Program (SNAP), or "food stamps," than the statewide population; 22 percent compared to 10 percent, respectively.⁶⁴ Only 7 percent of tribal members have a college degree and the ARPI estimates that the percentage of reservation residents living in poverty is more than three times the national poverty rate at approximately 38 percent.⁶⁵ Thus, based on the socioeconomic factors that characterize both the county and reservation populations, albeit

⁶² Navajo Division of Health, "Navajo Population Profile – 2010 U.S. Census," Published December 2013, <https://www.nec.navajo-nsn.gov/Portals/0/Reports/NN2010PopulationProfile.pdf>, Accessed January 25, 2020.

⁶³ Arizona Rural Policy Institute and Northern Arizona University, "Demographic Analysis of the Navajo Nation Using 2010 Census and 2010 American Community Survey Estimates," Navajo Nation Department of Planning & Development, gotr.azgovernor.gov/sites/default/files/navajo-nation_0.pdf, Accessed January 25, 2020: 30.

⁶⁴ 31.

⁶⁵ 34; 59.

imperfectly, reservation voters are more likely to have access to fewer political resources compared to non-reservation voters.

As previously mentioned, socioeconomic characteristics are valuable predictors of political participation; however, by only examining education, income and poverty, we neglect to account for larger factors that may also influence the decision to vote. That decision is informed by political resources such as an individual's faith and trust in government, along with a sense of civic duty and membership in the body politic. For Native Americans, their status in the body politic has shifted and evolved throughout American history as part of efforts to transform "wild Indians" into something akin to a "household pet."⁶⁶ Enfranchisement was a product of that transformation, as demonstrated in a political cartoon by Thomas Nast published in 1880. It depicts Native American men wearing war bonnets and animal skins, crowded around a ballot box and looking on with bewilderment as a white man in a three-piece suit demonstrates its purpose. The caption below reads, "The cheapest and quickest way of civilizing them."⁶⁷ Thus, the political resources available to reservation voters on the Navajo Nation can also be contextualized around these and other sociocultural factors.

Sociocultural Factors

Like many Indigenous Peoples during the nineteenth century, the Navajo (Diné) People were victims of failed government policies designed to eradicate their cultural identity; for example, the Vanishing Red Man Policy called for Indians to conform to the

⁶⁶ Vine Deloria, Jr., *Custer Died For Your Sins: An Indian Manifesto*, (Norman: University of Oklahoma Press, 1988), 9.

⁶⁷ Thomas Nast, "Give the Natives a Chance, Mr. Carl. The Quickest and Cheapest Way of Civilizing Them," political cartoon in *Harper's Weekly*, Vol. XXIV, Published March 13, 1880: 173.

“white man’s ways,’ peaceably if they will, forcibly if they must.”⁶⁸ Between 1863 and 1868, the US Army led, in part, by frontier legend Kit Carson, used scorched earth tactics to round up over 10,000 Navajos, who were then led on a 450-mile forced march to eastern New Mexico.⁶⁹ After the “Long Walk,” interned Navajo and Mescalero Apaches were confined to the Bosque Redondo Indian Reservation where they were forbidden from practicing their cultural ceremonies. Poor living conditions and rampant outbreaks of smallpox claimed the lives of approximately one-third of those at Bosque Redondo until survivors were allowed to return to their homelands after the US government established the Navajo Indian Reservation in 1868.⁷⁰

The legacy of the Long Walk, according to some scholars, has scarred contemporary Navajo identity much in the same way that the Trail of Tears has done for the peoples of the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations.⁷¹ Indeed, generational trauma also likely contributes to a lack of trust in the government which, concerning political participation, is particularly noteworthy. For reservation voters, mistrust in the government, perhaps, also derives from the extraordinary measures aimed at excluding them from the larger civic and political life of the state.

More than fifty years after the Navajo returned to their traditional homelands, federal citizenship was extended to Native Americans with the authorization of the Indian Citizenship Act of 1924. In theory, this should have also entitled Native Americans to the

⁶⁸ T.J. Morgan, “Fifty-Eighth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior - 1889,” Government Printing Office, Digitized by J. Willard Marriott Library, University of Utah, Created March 24, 2014, <https://collections.lib.utah.edu/ark:/87278/s6q55kb5>, Accessed December 12, 2019.

⁶⁹ John Burnett, “The Navajo Nation’s Own ‘Trail of Tears,’” *NPR*, Published June 15, 2005, npr.org/2005/06/15/4703136/the-navajo-nation-s-own-trail-of-tears, Accessed March 07, 2020.

⁷⁰ “History of the Navajo Nation,” Official Site of the Navajo Nation, <https://www.navajo-nsn.gov/history.html>, Accessed January 21, 2020.

⁷¹ Thomas J. Csordas, “Ritual Healing and the Politics of Identity in Contemporary Navajo Society,” *American Ethnologist* 26, no. 1 (1999): 4.

franchise, however, in *Porter vs. Hall* (Ariz. 1928), the Arizona Supreme Court held that the precedent established in the landmark case *Cherokee Nation vs. Georgia* (1831) by the US Supreme Court disqualified them from voting.⁷² In *Cherokee Nation*, Chief Justice John Marshall described Native Americans as existing in a state of pupilage, incapable of managing their own affairs, and, thus, their relationship to the United States resembled that of a “ward to his guardian.”⁷³ Since Arizona law in the 1920s prohibited “persons under guardianship, *non compos mentis*, or insane” from voting, the Court ruled in *Porter vs. Hall* that Native Americans did not meet the state’s minimum qualifications for voter registration.⁷⁴ This misapplication of the doctrine of guardianship resulted in the continued disenfranchisement of Native Americans in Arizona for the next twenty years.⁷⁵

During that time, the United States entered World War II and thousands of Native Americans from Arizona fought in Europe and in the Pacific; among them, Iwo Jima flag-raiser Ira Hayes and many of the Navajo and Hopi Code Talkers. Once they returned home, however, they could not participate in the democratic process they had fought to preserve. In 1948, Frank Harrison and Harry Austin of the Fort McDowell Yavapai Nation filed a suit to overturn the *Porter* decision. Recognizing their “advancements” since the 1920s, the Arizona Supreme Court agreed to overturn their previous ruling and granted Native Americans the right to vote in *Harrison vs. Laveen* (Ariz. 1948).⁷⁶

At the time, Native Americans were the largest minority group in Arizona and their participation at the polls threatened to disrupt the political status quo. To limit their ability

⁷² Patty Ferguson-Bohnee, “The History of Indian Voting Rights in Arizona: Overcoming Decades of Voter Suppression,” *Arizona State Law Journal* 47 (2015): 1108-1109.

⁷³ *Cherokee Nation vs. Georgia*, 30 U.S. 2, (1831).

⁷⁴ *Porter vs. Hall*, 34 Ariz. 308 (Ariz. 1928).

⁷⁵ Ferguson-Bohnee: 1109.

⁷⁶ *Harrison vs. Laveen*, 67 Ariz. 337 (Ariz. 1948).

to meaningfully participate, the state moved to require prospective voters to demonstrate their English language proficiency by reciting the US Constitution and writing their name in English.⁷⁷ Around the time of the *Harrison* ruling, an estimated 80 to 90 percent of Native Americans in Arizona were illiterate and unable to vote due to literacy requirements.⁷⁸ McCool et al. note that literacy tests were especially effective at disqualifying voters on the Navajo Nation, where English was rarely spoken through the mid-twentieth century.⁷⁹

Literacy tests, poll taxes, and other methods of disenfranchisement were also used against African Americans in the Jim Crow South and after images of state troopers beating voting rights demonstrators in Selma, Alabama were broadcast around the world, President Lyndon Johnson called on Congress to pass legislation to “overcome the crippling legacy of bigotry and injustice.”⁸⁰ Later that year, the Voting Rights of 1965 was authorized and included the Section 5 “preclearance provision,” requiring jurisdictions that had used a “test or device” as a precondition to voting, and, had less than 50 percent turnout in the previous presidential election, to have changes to their voting laws approved (precleared) by the Department of Justice.⁸¹

As a result of its history of anti-Indian discrimination, the state of Arizona was subject to federal preclearance and their use of literacy tests were suspended temporarily. Section 4(a) of the Voting Rights Act, however, allowed covered jurisdictions to “bailout” of preclearance if they could demonstrate non-discriminatory intent. Using this provision, in 1966, the State of Arizona, along with Apache, Navajo, and Coconino counties filed to

⁷⁷ Ferguson-Bohnee: 1112.

⁷⁸ James Thomas Tucker, Rodolfo Espino, Tara Brite, Shannon Conley, Ben Horowitz, Zak Walter and Shon Zelman, “Voting Rights in Arizona: 1982-2006,” *Review of Law and Social Justice* 17, no. 2 (2008): 285

⁷⁹ McCool et al., 2007: 19.

⁸⁰ Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1965. Volume I, entry 187: 281-287. Washington, D.C.: Government Printing Office, 1966.

⁸¹ McCool et al., 23.

reinstate their use of literacy tests. In the case *Apache County vs. United States* (1966), the US District Court for the District of Columbia found that their incidents of discrimination were “few in number,” and removed the three heavily populated Native American counties and the state from federal preclearance.⁸² Shortly thereafter, the state resumed its use of literacy tests, disenfranchising nearly half of the voting-age population on the Navajo Nation.⁸³ As such, Native Americans in Arizona did not obtain full-access to the ballot until amendments to the Voting Rights Act in 1975 updated the preclearance formula to, once again, include Arizona and permanently ban the use of literacy tests.

History demonstrates that regarding Native American voting rights, the state of Arizona has been less than accommodating. In almost every instance, Native Americans have had to rely on litigation to protect their rights to register, vote, and run for office. In *Shirley vs. Apache County* (1973), for example, the Arizona Supreme Court had to force Apache County to seat Tom Shirley, a duly elected resident of the Navajo Nation, on their Board of Supervisors.⁸⁴ In *Klahr vs. Williams* (1972), the state was accused of using legislative reapportionment plans to dilute the strength of Navajo voters by “packing” them into a single legislative district.⁸⁵ Likewise, Apache County attempted to justify its racially gerrymandered districts in *Goodluck vs. Apache County* (1975) by claiming that Indians are not US citizens because the Indian Citizenship Act of 1924 was unconstitutional.⁸⁶ These first- and second-generation barriers are likely to deter political participation among Native Americans not only by rendering the voting process more challenging, but also by

⁸² *Apache County vs. United States of America*, 256 F. Supp. 903 (D.D.C. 1966): 909.

⁸³ *McCool et al.*: 19.

⁸⁴ *Ferguson-Bohnee*: 1116; *Shirley v. Apache Cty.*, 513 P.2d 939, 941 (Ariz.1973).

⁸⁵ *Ferguson-Bohnee*: 1118; *Klahr v. Williams*, 339 F. Supp. 922, 924 (D. Ariz. 1972).

⁸⁶ *Goodluck vs. Apache County*, 417 F. Supp. 14 (D. Ariz. 1975).

suggesting that their participation is neither valued nor wanted. This is particularly evident with regard to systems of convenience voting, where the movement to expand early voting opportunities is based on maximizing access to the ballot for certain voters; namely, non-reservation voters, for whom, early voting has become the preferred method of participation. At the same time, reservation voters, already burdened by first-generation barriers to the ballot, possess fewer political resources to absorb the high costs of early voting.

Indeed, unequal access to early voting opportunities brought the Navajo Nation to sue the state's chief elections officer as well as Apache, Navajo, and Coconino counties after the 2018 midterm elections. In *Navajo Nation vs. Hobbs* (2019), attorneys for the tribe argued that: county elections officials denied the tribe's requests for early in-person sites on the reservation; failed to provide ballot translation assistance to reservation voters; and, did not allow voters additional time to correct ("cure") signature discrepancies on early ballots.⁸⁷ The complaint stated that these suppressive efforts "had, and will continue to have, a significant disparate impact on the Navajo Nation Tribal Member's voting power."⁸⁸ In an interview with a local newspaper, a representative from the Apache County Recorder's Office responded to the lawsuit saying: "We treat everybody the same and offer them the opportunity to vote."⁸⁹ The assumption that all voters are "the same," however, fails to consider the larger factors that disadvantage Native Americans from participating in the political process.

⁸⁷ *Navajo Nation vs. Hobbs*, No. 3:18-cv-08329 (D. Ariz. 2018).

⁸⁸ 4.

⁸⁹ Dustin Gardiner, "Navajo Nation alleges elections officials discriminated against tribe's voters," *AZCentral.com*, Published November 28, 2018, <https://amp.azcentral.com/story/news/politics/arizona/2018/11/21/navajo-nation-alleges-elections-officials-discriminated-against-voters-apache-coconino-navajo-county/2083209002/>, Accessed March 29, 2020.

The resource-based theory suggests that political participation is informed by access to political resources and reservation voters on the Navajo Nation are endowed with fewer resources due to their dire socioeconomic status compared to non-reservation voters in Apache, Navajo, and Coconino counties. Furthermore, the traumatic legacy of removal and relocation, combined with more recent tactics of suppression and discrimination, reinforce and shape a sense of political apathy by suggesting that Native Americans occupy a separate and distinct space from the larger body politic. Taken together, socioeconomic and sociocultural factors are likely to make political participation more difficult for reservation voters by ill-positioning them to absorb the second step in the voting calculus: the costs of voting.

Chapter III: The Costs of Voting

In 2018, a record 2.4 million registered voters in Arizona voted in the November midterm election, and, of them, more than 1.5 million cast their ballots early at in-person locations or by-mail.⁹⁰ However, Dale Smith, a member of the Navajo Nation, did not cast a ballot in that election. Smith, for whom English is a second language, is one of many reservation voters that requires language assistance and early voting sites are his preferred setting to receive voting instructions and ballot translation in the Navajo language – a historically unwritten language. Less crowded than election day polling places, early voting sites offer voters more time to study and mark their ballots in a relaxed environment. In 2018, the closest early voting site to Smith’s residence in Kayenta, Arizona was open for a total of 10 hours throughout the entire 27-day early voting period. On the other hand, the early voting site located off of the reservation in Holbrook, a 346 mile roundtrip from Kayenta, was open for a total of 162 hours. According to Smith, the limited opportunities to vote early in-person on the reservation, plus the financial burden of traveling to Holbrook, were reasons enough not to vote in that election.⁹¹

Joyce Nez, also a member of the Navajo Nation, received her early ballot in the mail for the 2018 midterm and promptly voted and returned it to the Apache County Recorder’s Office. Unbeknownst to her at the time, elections officials rejected her ballot because she failed to properly complete the early ballot affidavit form.⁹² Each county in Arizona has their own standards for “curing” ballot deficiencies, and voters in other counties (e.g.,

⁹⁰ State of Arizona, “State of Arizona Official Canvass – 2018 General Election – Nov. 06, 2018,” AZSos.gov, Published November 30, 2018, Accessed April 1, 2020, <https://azsos.gov/sites/default/files/2018%201203%20Signed%20Official%20Statewide%20Canvass.pdf>.

⁹¹ Navajo Nation vs. Hobbs (2018), 3:18-cv-08329 (D. Arizona), Exhibit 3 – Declaration of Dale Smith, 8-9.

⁹² Navajo Nation vs. Hobbs (2018), Exhibit 1 – Declaration of Joyce Nez, 3.

Maricopa and Pima counties) were informed and provided the opportunity to remedy errors (e.g., missing or mismatched signatures) in time to have their ballots counted. In 2018, more than 100 early ballots cast by members of the Navajo Nation, including Nez, were disqualified due to incomplete ballot affidavits.⁹³

Tribal member Bonnie Tsosie also did not have an equal opportunity to vote early in that election. Like most reservation voters, Tsosie does not have mail delivered to her residence in Sweetwater, Arizona but instead collects her mail at a PO box located 35 miles away. Although the time and effort required to vote-by-mail is costly, for Tsosie, the burden of traveling to an early in-person voting site is much greater. In 2018, the closest early voting sites to Sweetwater were 66 miles away in Chinle, 100 miles away in Fort Defiance, and 198 miles away in St. Johns. Instead, Tsosie chose not to vote at all.⁹⁴

Dale Smith, Joyce Nez, and Bonnie Tsosie were three of the six individuals named in *Navajo Nation vs. Hobbs* (2018) and their stories illustrate some of the unique barriers that render the voting process more costly for reservation voters. Early in-person voting and voting-by-mail are meant to reduce these inconveniences, but since they do not exist for non-reservation voters, early voting is likely to increase the voter turnout gap between the two groups.

The previous chapter demonstrated how socioeconomic and sociocultural factors facilitate political participation by nurturing civic skills, political knowledge, and political engagement and how the disparate political resources available to reservation voters leaves them more vulnerable to the costs of voting compared to non-reservation voters. In this chapter, I examine the costs of elections administration, access to the ballot, and

⁹³ Navajo Nation vs. Hobbs, 19.

⁹⁴ Navajo Nation vs. Hobbs (2018), Exhibit 6 – Declaration of Bonnie Tsosie, 17.

voting-by-mail that limit the ability of reservation voters to successfully participate in an election. The first cost-area deals with administrative costs, including the rules of elections. Reservation voters are subject to multiple sets of confusing and, at times, contradictory rules due to their multi-layered residence and citizenship status. Accordingly, they must be cognizant of the specific requirements for each jurisdiction. In the second cost-area, access to registration and voting opportunities are limited by transportation and language barriers. Although there are certainly other barriers that affect ballot access (e.g., voter identification laws), transportation and language factor prominently in regard to reservation voters on the Navajo Nation due to the reservation's geographic size and the strength of the Navajo culture.

Finally, in the third cost-area, I assess the time and effort required to access postal services, a fundamental requirement of voting-by-mail, for reservation and non-reservation voters. This cost-area is, perhaps, the most consequential given the increasing popularity of voting-by-mail among Arizona voters. Indeed, political campaigns and organizations often encourage voting-by-mail to ensure voter participation. The Democratic Party of Arizona likens it to an "insurance policy for voting" in that it protects against last minute inconveniences that might otherwise lead to abstentions.⁹⁵ Like most insurance policies, however, the cost of insurance premiums colour participation and the administrative costs, access costs, as well as the costs of voting-by-mail are likely no different.

Administrative Costs of Voting

There are three methods of participation available to voters in the Grand Canyon State: early in-person voting, early voting by-mail, and traditional in-person voting at

⁹⁵ Arizona Democratic Party, "Permanent Early Voting List," AZDems.org, <https://www.azdem.org/pevl/>, Accessed January 24, 2020.

polling places on election day. In Arizona, the administration of early voting is the primary responsibility of county recorders and the early voting period begins approximately twenty-seven days before the official date of an election. On that date, early ballots are mailed to voters and early in-person voting may commence at locations authorized by the county recorder.⁹⁶ At least one day of early in-person voting is offered in all fifteen counties, with some counties operating their early voting sites for the entire early voting period, including the weekends, and others limiting early in-person voting to a couple of hours over the course of a few days. In remarks to the House Subcommittee on Elections in 2019, Doreen McPaul, Attorney General of the Navajo Nation, testified that the discrepancies between each county's administration of early voting sites often "has the practical effect of providing more resources to one community [non-reservation voters] over another [reservation voters]."⁹⁷ This is, perhaps, a result of the political boundaries that divide the sovereign Navajo Nation into three separate counties in Arizona with different early voting opportunities in each. The significance of these differences can be demonstrated by assessing their consequences for reservation voters.

County and state boundaries were often drawn without taking into consideration existing reservations and tribal communities, and, most tribes, including the Navajo Nation, have their own jurisdictional boundaries within their borders. Approximately 63 of the Nation's 110 chapters are located entirely or mostly within Arizona; some chapters span several counties within the state and others span multiple states. Since elections are administered at the county-level, some reservation voters must navigate through at least

⁹⁶ A.R.S. § 16-541 (2020).

⁹⁷ *Native American Voting Rights: Exploring Barriers and Solutions: Hearing before the Subcommittee on Elections*, 116th Congress (2020), (Written testimony of Navajo Nation Attorney General Doreen McPaul: 8).

five separate layers of rules due to their multi-layered residence in a chapter, agency, community or town, county, and state in order to successfully participate. Table 3.1 illustrates some of the chapters where over-lapping tribal, county, and state boundaries are particularly notable. The 1301 residents of the Teec Nos Pos Chapter, for example, could live in Apache County, Arizona; San Juan County, New Mexico; or San Juan County, Utah. West of Teec Nos Pos, the Dennehotso Chapter's population is spread out across Apache and Navajo counties in Arizona, and San Juan County, Utah. Similarly, the boundaries of Navajo, Coconino and San Juan (UT) counties overlap with the boundaries of the Navajo Mountain Chapter.

Table 3.1: Selected Navajo Nation Chapters

Chapter	Agency	County(s)	State(s)	Pop.
Teec Nos Pos	Northern	Apache/San Juan	AZ/NM/UT	1301
Dennehotso	Western	Apache/San Juan/Navajo	AZ/UT	1462
Navajo Mountain	Western	Navajo/Coconino/San Juan	AZ/UT	542

Source: "Navajo Population Profile," Navajo Nation Division of Health, December 2013, navajochapters.org/npp.pdf.

Additionally, reservation voters are subject to the rules of tribal elections. Although they are conducted independently, elections on the Navajo Nation are held on the same date as county, state, and federal elections. For tribal elections, individuals register to vote based on their chapter residence and voting usually takes place at chapter houses turned polling places. For county, state, and federal elections, voter registration is based upon county residence and voters are assigned to specific voting precincts. However, the boundaries of tribal chapters and county precincts do not always align with one another, and because of this, some voters must travel to multiple locations on election day to

participate in tribal elections and consolidated county, state, and federal elections. President Jonathan Nez addressed this problem in his remarks to the House Subcommittee on Elections:

...Cameron Chapter is not located in one county precinct, but is divided between several precincts. A resident of Cameron Chapter may be in the Bodaway-Gap Precinct of Coconino County. If the individual works in Tuba City, the individual would have to take time off work to vote at her Chapter House (26 miles) and then drive to the precinct location in Bodaway Gap (34 miles), for a trip total of 60 miles.⁹⁸

Along with the confusing rules of tribal and state elections, contradictory state rules render political participation costly for reservation voters. Under Section IV, Clause I of the US Constitution, states have the power to prescribe the “Times, Places, and Manner of holding elections” and because the Navajo Nation spans parts of three states, reservation voters must be cognizant of the rules that apply to their specific state of residence. Here, the rules regarding early voting by-mail are particularly noteworthy. Aside from early in-person voting and election day voting, in Arizona, any registered voter may request to vote their ballot by-mail. Also known as “postal voting,” voting-by-mail has been offered in Arizona for over twenty-five years and, today, voters may request to vote their ballots by-mail on an election-by-election basis or by signing up for the Permanent Early Voting List.⁹⁹ Instituted by the state legislature in 2007, the Permanent Early Voting List (PEVL) allows voters to sign up to automatically receive their ballots by-mail for every election in which they are eligible to participate; approximately 80 percent of registered voters in Arizona are “PEVL voters.”¹⁰⁰ Early ballots are mailed to voters by their county recorder at the start

⁹⁸ *Voting Rights and Elections Administration in Arizona: Hearing Before the Subcommittee on Elections*, 116th Congress (2019), (Written testimony of President Jonathan Nez, 5).

⁹⁹ *Navajo Nation vs. Hobbs* (2018), 3:18-cv-08329 (D. Arizona), 13.

¹⁰⁰ Citizens Clean Elections Commission, 2019.

of the early voting period (twenty-seven days before the official election date) and must be in the possession of elections officials by the closing of polls (7:00pm) on election day.¹⁰¹ These rules, however, are different from other states, such as neighboring New Mexico and Utah, which include portions of the Navajo Nation.

In New Mexico, voters may submit an application to vote “absentee by-mail” in the event they are unable to vote in-person at their polling place on election day.¹⁰² The earliest date ballots are mailed is twenty-eight days before the official election and ballots must be returned by 7:00pm on election day.¹⁰³ Utah, on the other hand, is one of five states that conduct their elections entirely by-mail. Ballots are mailed to voters approximately three weeks before election day and, unlike Arizona and New Mexico, ballots postmarked before, but received after election day, may still be accepted for tabulation.¹⁰⁴ These contradictory rules of elections render political participation costly by increasing voter confusion, and owing to their extra-constitutional status, reservation voters are subject to multiple sets of elections rules at the state, county, and tribal levels.

Comparatively, non-reservation voters must only abide by the election rules for their county of residence. At the same time, shared media markets that broadcast election information across state lines may exacerbate voter confusion among both reservation and non-reservation voters. The tribal newspaper, *The Navajo Times*, regularly publishes public service announcements and non-tribal election information for Navajo citizens in all three states. However, the onus falls on the voter to distinguish between the election rules and information of particular relevance to them. Rather than being independent from the other

¹⁰¹ A.R.S. § 16-558.01 (2020).

¹⁰² N.M.S. § 1-6-4 (2019).

¹⁰³ N.M.S. § 1-6-5F (2019).

¹⁰⁴ Utah Code § 20A-3-306(2)(b)(i) (2020).

costs, the administrative costs of voting also affect access to the ballot for reservation voters by limiting their ability to obtain language assistance services.

Access Costs of Voting – Language Barriers

Under the language minority provisions outlined in Section 203 of the Voting Rights Act, Native Americans are considered a “protected class” and are entitled to receive “any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots” in their traditional languages.¹⁰⁵ On the Navajo Nation, more than 70 percent of households speak a language other than English, and over 18 percent of individuals older than the age of five speak English “less than very well.”¹⁰⁶ As covered jurisdictions, Apache, Navajo, and Coconino counties are required to provide language assistance to voters on the Navajo Nation in the Navajo language, a historically unwritten language.¹⁰⁷ To comply with their Section 203 requirements, most counties employ bilingual poll workers and outreach workers to provide in-person oral translations or to record radio announcements for broadcast on reservation stations.¹⁰⁸ However, a recent report by the Indian Legal Clinic at Arizona State University noted that, during the 2016 presidential election, only Navajo County translated voter registration information and ballot content information for reservation voters, while Apache and Coconino counties provided translations of ballot content only.¹⁰⁹

¹⁰⁵ “Language Minority Provisions of the Voting Rights Act,” U.S. Department of Justice, Updated February 18, 2020, <https://www.justice.gov/crt/about-language-minority-voting-rights#coverage>, Accessed March 08, 2020.

¹⁰⁶ Arizona Rural Policy Institute and Northern Arizona University, 19.

¹⁰⁷ Apache County is also required to provide language assistance to the Zuni Reservation; Navajo County to the Hopi Reservation; and, Coconino County to the Havasupai, Hualapai, and Hopi reservations.

¹⁰⁸ Indian Legal Clinic at Arizona State University, “2016 Election Report,” Native Vote – Election Protection Project, Published March 6, 2018, <https://law.asu.edu/sites/default/files/pdf/2016-native-vote-election-protection-report.pdf>, Accessed April 2, 2020: 34.

¹⁰⁹ Indian Legal Clinic at Arizona State University, 35-37; 42-43

In contrast, Bernalillo County, New Mexico supplies written and oral translations of all elections materials to Navajo speakers within their jurisdiction. The county also provides a glossary of common election terms in the Navajo language to help facilitate in-person translations between poll workers and voters (Figure 3.2). However, written translations of words and phrases from English to Navajo is difficult due to the “extreme complexity” of the Navajo language. Native American filmmaker Billy Luther points out that “Navajo is a tonal language, with four separate tones for pronouncing vowels: low, high, rising, and falling. Two words with different meanings may have the same pronunciation, using different tones.”¹¹⁰ Thus, the only method of adequately conveying the meaning of elections information in the Navajo language may be through oral translations.

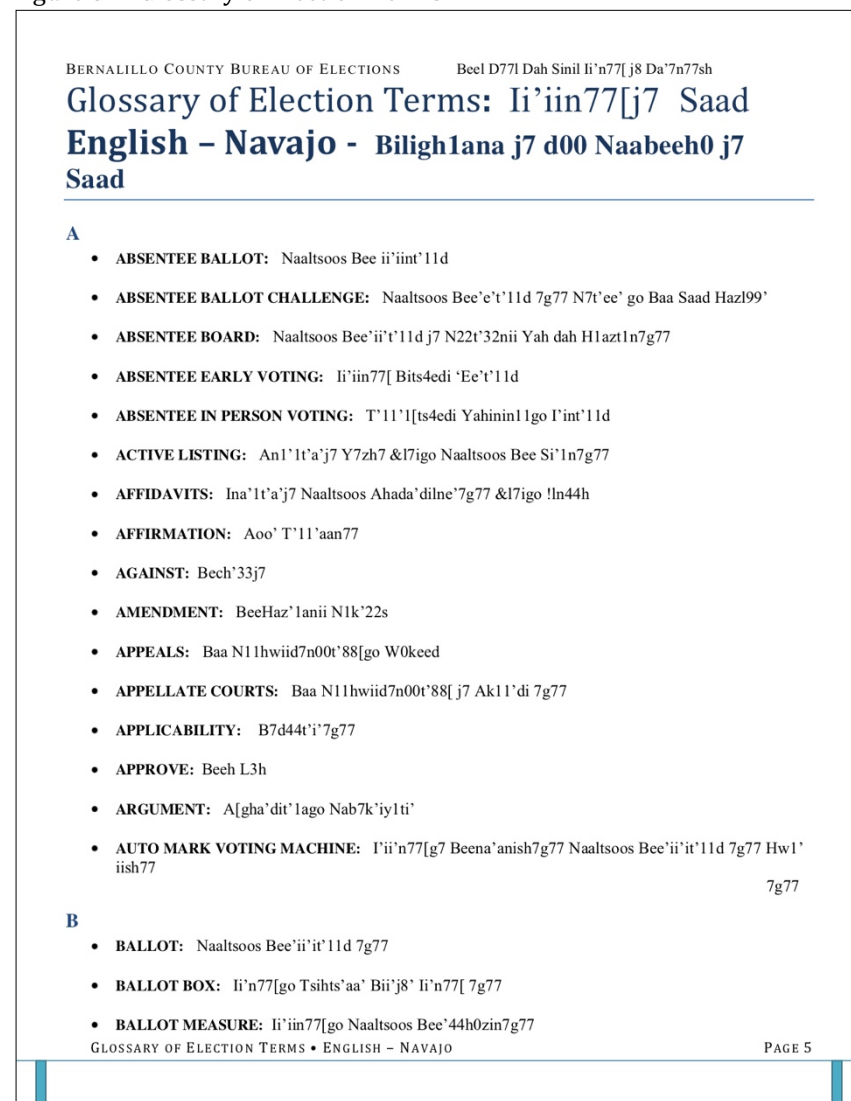
Since mail-in ballots cannot be appropriately translated in the Navajo language, early voting increases the cost of obtaining language assistance for reservation voters. According to the testimony of President Nez, instructions are not provided to voters for how to receive language assistance from the counties.¹¹¹ Coconino County provides language assistance over the phone, however, Nez noted that this service is not widely known to the public; instead, voters “just have to know to call the County.”¹¹² Without the ability to participate fully in early voting by-mail, reservation voters requiring language assistance must vote in-person at their assigned polling place on election day or travel to an early in-person voting site. However, the financial costs of transportation and the long-traveling distances to vote further constrain access to the ballot for reservation voters.

¹¹⁰ Billy Luther, “Miss Navajo,” Independent Lens, <https://www.pbs.org/independentlens/missnavajo/language.html>, Accessed May 20, 2020.

¹¹¹ *Voting Rights and Elections Administration in Arizona*, (Written testimony of President Jonathan Nez: 3).

¹¹² Ibid, 3-4.

Figure 3.2: Glossary of Election Terms



Bernalillo County Bureau of Elections, "Navajo Language Assistance," Bernalillo County, NM, <https://www.bernco.gov/uploads/files/NAEIPTerminology.pdf>.

Access Costs of Voting – Distance and Transportation Barriers

The Navajo Nation's population of approximately 173,667 residents are spread out across the geographically isolated reservation equal in size to the state of West Virginia.¹¹³ Due to the remote location of many reservation communities, residents must travel long distances to access basic services and to vote, and, in some cases, reservation residents

¹¹³ Navajo Division of Health, 13.

must travel over 100 miles to register to vote.¹¹⁴ A journey such as this is not only time-consuming but also dangerous; nearly 80 percent of reservation roads are unpaved and often impassable during bad weather.¹¹⁵ Likewise, motor-vehicle crashes are the leading cause of unintentional injury deaths on the Navajo Nation.¹¹⁶ Travel constraints are exacerbated further by the financial cost of owning and maintaining a vehicle. As mentioned in the previous chapter, approximately 38 percent of reservation residents live in poverty.¹¹⁷ Vehicle ownership on the reservation is limited to about one in ten families, and without public transportation options, most residents rely on friends or family to provide transportation.¹¹⁸

Regardless of the voting method, the time and effort required to access the ballot are prohibitive barriers to participation for all voters. Early voting by-mail is purported to reduce these costs of voting by making the voting process more convenient. Recall that, in Arizona, early ballots are mailed approximately twenty-seven days prior to the official election date for those who had previously requested an early ballot or are signed up as permanent early voters. According to the mail delivery standards of the United States Postal Service (USPS), mail is typically delivered between one or three business days after its shipping date and is not considered “delayed” until after five or more business days.¹¹⁹ Assuming that it takes three days to receive, and three more days to return, early voters have about fifteen business days to study and mark their ballots; an inordinate length of

¹¹⁴ *Voting Rights and Elections Administration in Arizona*, (Written testimony of President Jonathan Nez: 3).

¹¹⁵ Patty Ferguson-Bohnee, “Early Voting, Satellite Elections Office & Mail-In Ballots,” Presentation at the First Nations Voting Rights Conference, Salt Lake City, UT, September 26, 2019.

¹¹⁶ Navajo Division of Health, 2013: 48.

¹¹⁷ Arizona Rural Policy Institute and Northern Arizona University, 34.

¹¹⁸ *Voting Rights and Elections Administration in Arizona*, (Written testimony of President Jonathan Nez: 5).

¹¹⁹ “Mail and Shipping Services,” United States Postal Service, <https://www.usps.com/ship/mail-shipping-services.htm>, Accessed February 14, 2020.

time compared to one day of polling place voting. The convenience of voting-by-mail, however, is not shared equally throughout the electorate. Rather than making the voting process easier, this method of early voting widens the ballot access gap between reservation and non-reservation voters.

Costs of Voting-by-Mail

Access to postal services (i.e., post offices, retailers, and other mail delivery systems) is a fundamental requirement of voting-by-mail. For most voters that receive at-home mail delivery, either to a residential “roadside” mailbox or to cluster boxes, voting-by-mail may be an especially convenient method of participation; the only “cost” being, perhaps, a walk to the mailbox at the end of the driveway. For reservation voters, however, accessing mail is much more complex process and the irregular mail delivery operations on the Navajo Nation frustrates voting-by-mail. Leonard Gorman, Executive Director of the Navajo Nation Human Rights Commission, explained the problem with voting-by-mail in a recent interview on the popular radio program, *Native America Calling*: “The vehicle used to transport ballots is very antiquated. It doesn’t travel directly from point A to point B; it meanders around a lot... In a metropolitan area, the mail system is much easier, it’s a lot faster, it’s a lot more comfortable. But, when you come on to the Navajo Nation, it’s very, very frustrating.”¹²⁰

Voting-by-Mail is, perhaps, so frustrating for reservation voters on the Navajo Nation because most lack traditional street addresses and, thus, do not receive at-home mail delivery. According to Alex Gulotta, State Director of All Voting is Local, only 26

¹²⁰ Tara Gatewood, interview with Leonard Gorman, “Securing Voting Rights for 2020,” *Native America Calling*, podcast audio, August 08, 2019, <https://www.nativeamericacalling.com/Thursday-august-8-2019-securing-voting-rights-for-2020/>, Accessed February 25, 2020.

percent of Native Americans in Arizona reside along a USPS postal route, compared to 96 percent of non-Natives.¹²¹ Rather than receiving mail at their residence, instead, letters and packages are typically delivered to post office (PO) boxes or marked as “general delivery” and sent to USPS retailers (e.g., trading posts, chapter houses, etc.). Journalist Stephanie Woodard noted that these providers often have unique hours and deadlines which restrict access to mail to certain times and days of the week.¹²² Already burdened by financial limitations, reservation voters must bear the additional expense of renting PO boxes. To alleviate this cost, multiple families will often share a single box, however, local postmasters have, at times, cancelled mail service due to overcrowding.¹²³ Traveling distance and financial barriers also limit the ability of reservation voters to vote by-mail since most can only afford to collect their mail once every few weeks.¹²⁴

The administration of early voting also makes the voting process more costly for reservation voters. In 2016, the Arizona State Legislature authorized H.B. 2023, which made it a felony violation to knowingly collect voted or unvoted early ballots from other voters, with certain exceptions for family members, household members, or caregivers.¹²⁵ Voting rights advocates decried this ban on “ballot harvesting,” claiming that it was designed to limit the collection and transportation of early ballots to elections officials by community organizations. Tribal leaders argue that the law places specific hardships on Native American voters in two main ways. First, reservation voters, as already mentioned, face undue barriers to access postal services and, as such, it is more convenient for one

¹²¹ *Voting Rights and Elections Administration in Arizona: Hearing Before the Subcommittee on Elections*, 116th Congress (2019), (Written testimony of Alex Gulotta, pp. 64).

¹²² Woodard, 2018: 74.

¹²³ *Voting Rights and Elections Administration in Arizona*, (Written testimony of President Jonathan Nez, pp. 10).

¹²⁴ U.S. House of Representatives Subcommittee on Elections: 103.

¹²⁵ House Bill 2023, Sess. of 2016 (Ariz. 2016), <https://www.azleg.gov/legtext/52leg/2r/bills/hb2023h.pdf>.

family member or friend to collect or transport mail for multiple people at a single time. Second, the definition of “family member,” as prescribed in the language of the bill, is based on a western-centric understanding of “family” that ignores other forms of kinship and clan relations that are central to Indigenous identities. Thus, the time and effort required to access postal services are seemingly exacerbated by the administrative and accessibility costs of voting borne by reservation voters in ways they are not for non-reservation voters.

Access to Postal Services

To further elucidate the specific costs of voting-by-mail, I use publicly accessible information from the USPS website to identify and map the locations of all post offices and retail-service providers on the Navajo Nation and in Apache, Navajo, and Coconino counties, respectively (Figure 3.2). In doing so, I am able to also distinguish between those primarily servicing reservation voters and those servicing non-reservation voters.

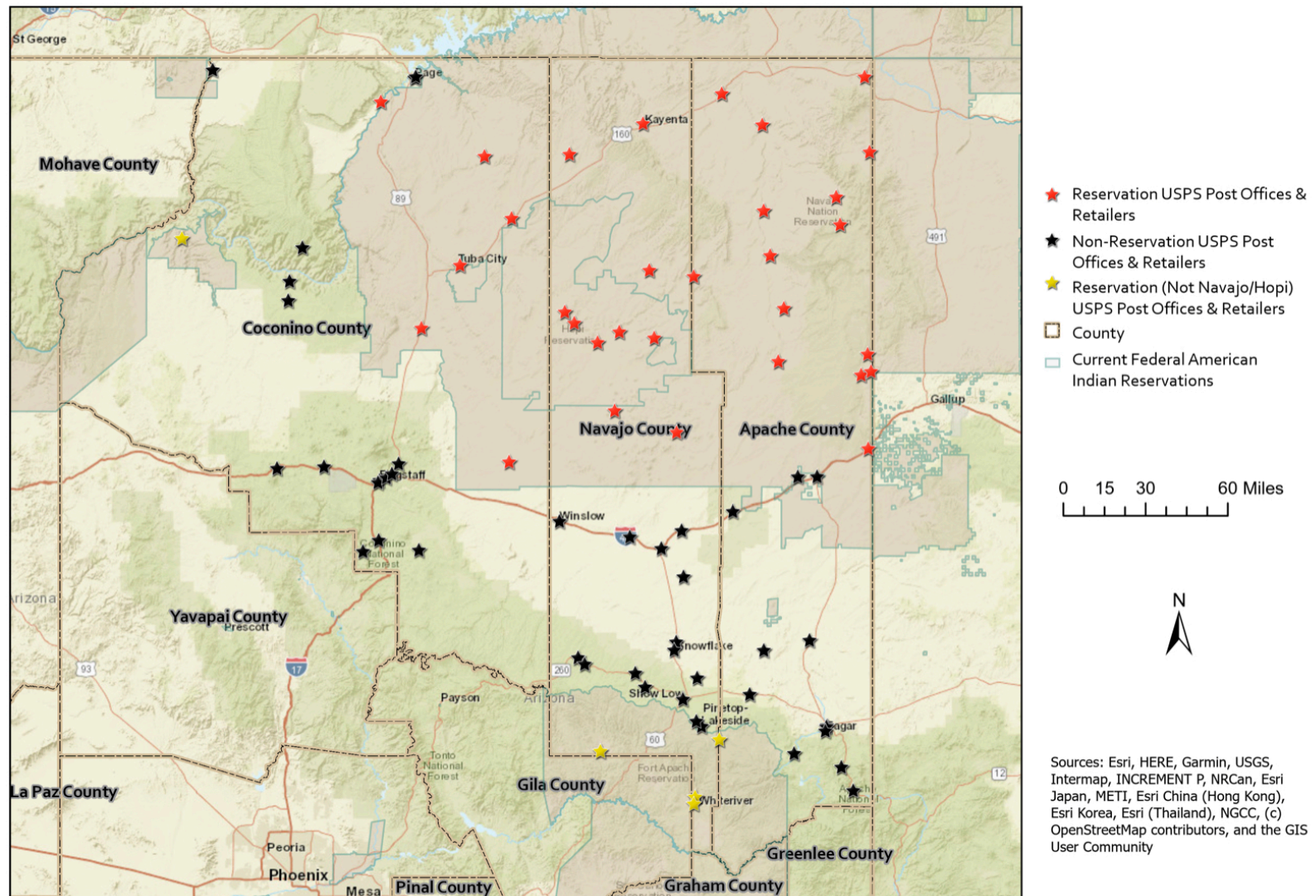
Approximately 32 postal service providers were identified within the borders of the Navajo Nation in Arizona and are those most likely used by reservation voters to receive and return their early ballots by-mail, including 5 located on the Hopi Indian Reservation, which is encompassed by the Navajo Nation. Apache County had the most locations (15), followed by Navajo County (10), with Coconino County having the fewest number of postal services (7). These 32 locations are responsible for providing mail services to approximately 60 percent, or 104,157 persons, of the Navajo Nation’s population that resides within Arizona; about 1 postal service provider for every 3,255 residents. Conversely, approximately 44 postal services are most likely to be primarily used by non-reservation voters: Apache County (12); Navajo County (15); Coconino County (17). Additionally, 5 postal service providers are located on reservations other than the Hopi

Reservation and Navajo Nation across all three counties. Since they are not likely to be used by either reservation voters on the Navajo Nation or non-reservation voters in each county, they are excluded from this analysis.

Two important insights can be gleaned from this accounting of reservation and non-reservation postal services in each county. First, expectedly, most postal services are concentrated in and around highly populated areas off of the Navajo Nation such as near Flagstaff, Show Low, and Springerville. Flagstaff, for example, has 5 postal service providers within a 10-mile radius, while Window Rock, the capital of the Navajo Nation, only has 2 postal service providers for the same distance. Since most non-reservation voters are likely to have physical addresses, reside along USPS postal routes, and have mail delivered to their residence, their greater access to postal services is, perhaps, an added convenience. On the other hand, the majority of reservation voters do not receive at-home mail delivery but are provided with fewer postal service locations to receive and return their early ballots by-mail.

Figure 3.3: USPS Postal Services

USPS Postal Services



Second, the hours of operation vary between reservation and non-reservation postal service providers (Tables 3.4 and 3.5). On the Navajo Nation, for example, the Fort Defiance Post Office opens at 830am and closes at 1pm during the week. Located about 4 miles north of Window Rock, Fort Defiance is a high-trafficked area with several public services, including offices of the Bureau of Indian Affairs and Indian Health Service complex. Almost 200 miles to the west, on the other end of the reservation, the USPS retailer in Tonalea has similar hours; opening at 8am and closing at 12pm. For reservation voters, these restrictive hours limit mail access to certain times of the day and confuse the overall vote-by-mail process. On the other hand, except for a few rural locations, most non-reservation postal service providers maintain, or closely abide by, regular business hours (i.e., M-F/8am-5pm). The post office in St. Johns, the Apache County seat, is open from 830am to 4pm during the week and, in Coconino County, the post office located at the South Rim of the Grand Canyon opens at 930am and closes at 3pm. Thus, non-reservation voters, for the most part, enjoy the benefit of access to postal services with consistent operating hours.

Table 3.4: Reservation Postal Service Hours (Selected Locations)

County	Type	Location	Hours
Apache	Post Office	Fort Defiance, AZ	MF 830am-1pm
Navajo	Post Office	Second Mesa, AZ	MF 1030am-230pm
Coconino	Retailer	Tonalea, AZ	MF 8am-12pm

Table 3.5: Non-Reservation Postal Service Hours (Selected Locations)

County	Type	Location	Hours
Apache	Post Office	St. Johns, AZ	MF 830am-4pm
Navajo	Post Office	Taylor, AZ	MF 830am-430pm
Coconino	Post Office	Grand Canyon, AZ	MF 930am-3pm

As a solution to the costs of voting, proponents maintain that voting-by-mail expands access to the ballot by making the voting process more convenient. In reality, this method of early voting widens the access-gap between reservation and non-reservation voters. Already burdened by financial barriers, distance, transportation, voter confusion, multi-layered residence, and other costs of voting, reservation voters must expend a greater amount of time and effort to receive, vote, and return their early ballots by-mail in a timely manner due to the irregular mail delivery operations and limited availability of postal services on the Navajo Nation. Additionally, since the implementation of the Permanent Early Voting List in 2007, voting-by-mail has become the preferred method of participation among a majority of voters in Arizona, and, as a result, there is less demand for in-person voting opportunities. In a 2018 memorandum to the US Commission on Civil Rights, the Arizona Advisory Committee noted that because of the popularity of voting-by-mail, there were over 200 fewer polling locations statewide ahead of the 2016 presidential election.¹²⁶ Indeed, the movement away from polling place voting and towards voting-by-mail may also render the voting process *more costly* for reservation voters, and other minority language speaking voters, by making it more difficult to obtain language assistance services.

¹²⁶ Arizona Advisory Committee, “Voting Rights in Arizona,” United States Commission on Civil Rights, July 15, 2018, <https://www.usccr.gov/pubs/2018/07-25-AZ-Voting-Rights.pdf>.

Although this analysis provides critical insights, it is not a complete accounting of the entirety of postal services likely used by reservation voters. Because the Navajo Nation extends beyond Arizona's borders and into western New Mexico and southern Utah, some reservation voters may collect their mail in another state. Likewise, those living near the exterior boundaries of the Navajo Nation may find it more convenient to access postal services in border towns such as Holbrook or Winslow. Nevertheless, for at least a majority of reservation voters, there are a limited number of post offices and USPS retailers accessible on the Navajo Nation in Arizona. Consequently, reservation voters face greater obstacles to voting-by-mail than to vote in-person at polling places on election day compared to non-reservation voters. To understand how these costs of voting influence political participation, I turn to investigate early voter turnout for both reservation and non-reservation voters, respectively.

Chapter IV: Political Participation

At the 2004 Democratic National Convention in Boston, Massachusetts, Arizona Governor Janet Napolitano told party delegates: “Without the Native Americans, I wouldn’t be standing here today.”¹²⁷ Notwithstanding the hyperbole, Napolitano’s comment had an air of truth about it. Two years earlier, in 2002, the gubernatorial race in Arizona between Napolitano and Republican congressman Matt Salmon had been characterized by *The New York Times* as “unexpectedly competitive.”¹²⁸ In Arizona, a state whose favorite sons include Barry “Mr. Conservative” Goldwater and John McCain, voters tend to be more supportive of Republican candidates. In fact, George W. Bush comfortably carried the state with a six-point margin of victory in the 2000 presidential election.¹²⁹ Yet, in the final weeks before the 2002 election, polls showed Napolitano and Salmon locked in a dead heat.¹³⁰ President Bush flew to Phoenix to rally his Republican base on behalf of Salmon, and former President Bill Clinton traveled to Tucson to drum up support for Napolitano ahead of the November 5th election. After polls closed on election night, the race for governor was too close to call with un-reported results from rural precincts and Arizona voters went to bed without a clear winner.¹³¹ After over a week of processing early ballots and verifying results, on November 20th, Janet Napolitano was declared governor-elect with

¹²⁷ Daniel Kraker, “Tribes turn out to vote,” *High Country News*, Published August 16, 2004, <https://www.hcn.org/issues/280/14932>, Accessed April 15, 2020.

¹²⁸ Michael Janofsky, “In Arizona, a race fueled by fiscal fumes,” *The New York Times*, Published September 20, 2002, <https://www.nytimes.com/2002/09/20/us/in-arizona-a-race-fueled-by-fiscal-fumes.html>, Accessed April 15, 2020.

¹²⁹ State of Arizona, “2000 General Election Official Canvass,” Arizona Secretary of State’s Office, Published November 27, 2000, <https://apps.azsos.gov/election/2000/General/Canvass2000GE.pdf>.

¹³⁰ Real Clear Politics, “Polling on 2002 Key Governor’s Races – Arizona,” https://www.realclearpolitics.com/NEW_POLLS/polls-GOVERNOR_02.html, Accessed April 15, 2020.

¹³¹ Paul Davenport, “Salmon, Napolitano locked in tight race,” *The Associated Press*, Published November 06, 2002, https://azdailysun.com/salmon-napolitano-locked-in-tight-race/article_55765953-de2d-5d52-8873-499ca823cde2.html, Accessed April 15, 2020.

a less than one-percent margin of victory.¹³² Political pundits and journalists were quick to point out, however, that Napolitano's narrow electoral success could not have happened without the aid of record turnout on the Navajo Nation and the state's other 21 Indian reservations in that election.

Factors That Stimulate Political Participation

In Arizona, and in other places, Native American voters have had a significant hand in electing both Republican and Democratic candidates to public office. In turn, some political candidates have begun targeting their campaign messaging to Native voters. OJ Semans, co-director of Four Directions, a Native American voting rights advocacy group, said: "It's like somebody figured out we're here."¹³³ In August 2019, Four Directions hosted the first-ever presidential candidates forum with the sole purpose of discussing issues of importance to Indian Country. Eleven presidential candidates attended the forum in Sioux City, Iowa and laid out their plans to uphold treaty rights, respect tribal sovereignty, and address the suicide epidemic and Missing and Murdered Indigenous Women and Girls crisis that have both devastated Indian Country.¹³⁴ If political candidates turn their attention to the issues that matter most to tribal communities, then political participation among Native Americans is likely to increase accordingly.

At the same time, others have argued that Native Americans have increased incentives to participate in the US political process as members of distinct, self-governing nations. According to political scientists Jeff Corntassel and Richard Witmer, issues relating

¹³² State of Arizona, "2002 General Election Official Canvass," Arizona Secretary of State's Office, Published November 25, 2002, <https://apps.azsos.gov/election/2002/General/Canvass2002GE.pdf>.

¹³³ McCool et al., 177.

¹³⁴ Native American Rights Fund, "Native American Presidential Forum August 19-20," narf.org, Published August 15, 2019, <https://www.narf.org/frank-lamere-presidential-forum/>, Accessed April 19, 2020.

to gaming and self-determination are far more important to Native voters than a candidate's political party affiliation.¹³⁵ Indeed, ballot propositions related to Indian gaming were the driving forces behind high turnout among Native Americans that affected the outcome of the 2002 Arizona gubernatorial election. That year, Arizona tribes spent more than \$21.2 million in support of the Indian Gaming Preservation and Self-Reliance Act, or Proposition 202.¹³⁶ On election day, Native voters, many of whom lean Democratic, turned out in droves to support the initiative and subsequently provided Janet Napolitano with enough votes to win the governor's race. Securing the passage of Prop. 202 and delivering a victory for Napolitano, however, came at a high price for Native Americans since it is more costly for them to vote in elections.

Native Americans must expend a great deal of time and effort to navigate complex social, economic, cultural, geographic and political barriers to successfully participate in the US political process. For reservation voters on the Navajo Nation, voting is an activity that requires plenty of advance planning. A resident of the Navajo Mountain Chapter once noted: "You do not set out across the parched desert and rugged mountains of Monument Valley [in Navajo County, Arizona] without tuning up your vehicle, filling the tank, checking the tires, stocking up on food and water, and making certain you have enough money for emergencies."¹³⁷ Early voting is purported to reduce some of these burdens, however, reservation voters must go to great lengths to vote early in-person or by-mail. Absent equal opportunities to participate, reservation voters are likely to have consistently low levels of early voting turnout, while turnout among non-reservation voters, with greater resources

¹³⁵ Corntassel and Witmer, 2008: 87-88.

¹³⁶ The Campaign Finance Institute, "Arizonans for Fair Gaming & Indian Self-Reliance," FollowTheMoney.org, <https://www.followthemoney.org/entity-details?eid=17445364&default=ballotcom>, Accessed April 15, 2020.

¹³⁷ Woodard, 2018: 75.

and fewer costs, is likely to increase from election-to-election, thus, widening the voter turnout gap between the two groups.

Political Participation

This chapter examines the extent to which access to political resources and the costs of voting affect political participation for both reservation and non-reservation voters, respectively. As outlined in chapter two, the resource-based theory maintains that voters with greater access to political resources are better positioned to absorb the costs of voting.¹³⁸ Comprised of socioeconomic and sociocultural factors, political resources are likely to be less accessible to reservation voters because of their disparate education-, income-, and poverty-levels, along with their marred relationship with the state. Additionally, the costs that make their voting process more difficult compared to non-reservation voters include financial limitations, language barriers, lack of transportation, long distances to register and to vote, irregular mail delivery, and the rules of elections. Since the purported convenience of early voting does not reduce these costs of voting for reservation voters, their early voting turnout is likely to remain flat, while, on the other hand, early voting turnout among non-reservation voters is likely to increase from election-to-election.

To investigate voter turnout, I use election results from the 2012 and 2016 presidential elections from Apache, Navajo, and Coconino counties to analyze voter registration and turnout statistics. The previous chapter discussed how discrepancies between the boundaries of tribal chapters and county precincts likely limits the ability of reservation voters to successfully participate in both tribal and county-state-federal

¹³⁸ Brady et al. (1995).

elections. However, since only members of the Navajo Nation are eligible to participate in tribal elections, here, I use voter turnout in county precincts to make comparisons between both reservation and non-reservation voters. Fortunately, county precinct boundaries in all three counties follow reservation-county borders. That is, no voting precinct is split between the Navajo Nation and county lands; simplifying the process of distinguishing between both groups of voters. Thus, the term *Reservation Precincts* is used to describe precincts located on the Navajo Nation in all three counties. *Non-Reservation Precincts* refer to precincts located on non-tribal lands in Apache, Navajo, and Coconino counties. Although many of the barriers discussed thus far are shared by other Native American voters throughout Indian Country, this investigation has only considered those relating to reservation voters on the Navajo Nation. Therefore, voting precincts located on reservations other than the Navajo Nation are excluded from this analysis (e.g., Fort Apache Indian Res., Hopi Res., Hualapai Res.).

History demonstrates that presidential election years yield higher voter turnout compared to “midterm” election years. Since the Permanent Early Voting List was instituted by the Arizona legislature in 2007, there have only been three presidential elections in the United States: in 2008, 2012, and 2016. In 2008, the PEVL was still in its infancy and it is quite possible that at the time many voters were unaware of its existence or were skeptical of its credibility – recall that research suggests voters are concerned that voting-by-mail somehow increases voter fraud.¹³⁹ Since then, voting-by-mail has become normalized as an alternative method of participation in Arizona and approximately 80

¹³⁹ Stewart (2011).

percent of registered voters statewide are enrolled on the PEVL today.¹⁴⁰ Therefore, the presidential elections in 2012 and 2016 are the most appropriate to draw comparisons between election day turnout and early voting turnout for reservation and non-reservation voters, respectively.

Arizona counties report turnout statistics at the precinct-level in the official canvass of election results. The canvass details the total number of registered voters, and the total number of ballots cast by type (e.g., early ballots, electronic ballots, provisional/conditional ballots) in each voting precinct. Political scientists generally calculate turnout using the voting eligible population; however, as noted in chapter two, population statistics relating to Native Americans are often misleading due to the long-standing challenges faced by the US Census Bureau. Unique challenges such as high mobility rates, transiency, low trust in government, language barriers, and the geographic isolation of many reservations make enumerating Native Americans difficult.¹⁴¹ Therefore, I deduce voter turnout based on the total number of registered voters included in the canvass for each voting precinct in a given election. *Election Day Turnout* is determined based on the total number of ballots cast in-person at polling places on election day (e.g., touchscreen, provisional, conditional) divided by the total number of registered voters in a given precinct. Similarly, *Early Voting Turnout* is determined by dividing the total number of early ballots cast (early in-person and by-mail) by the total number of registered voters in a given precinct.

2012 General Election

Ahead of the 2012 presidential election, there were approximately 165,752 registered voters eligible to vote across Apache, Navajo, and Coconino counties. Of them,

¹⁴⁰ Citizens Clean Elections Commission, 2019.

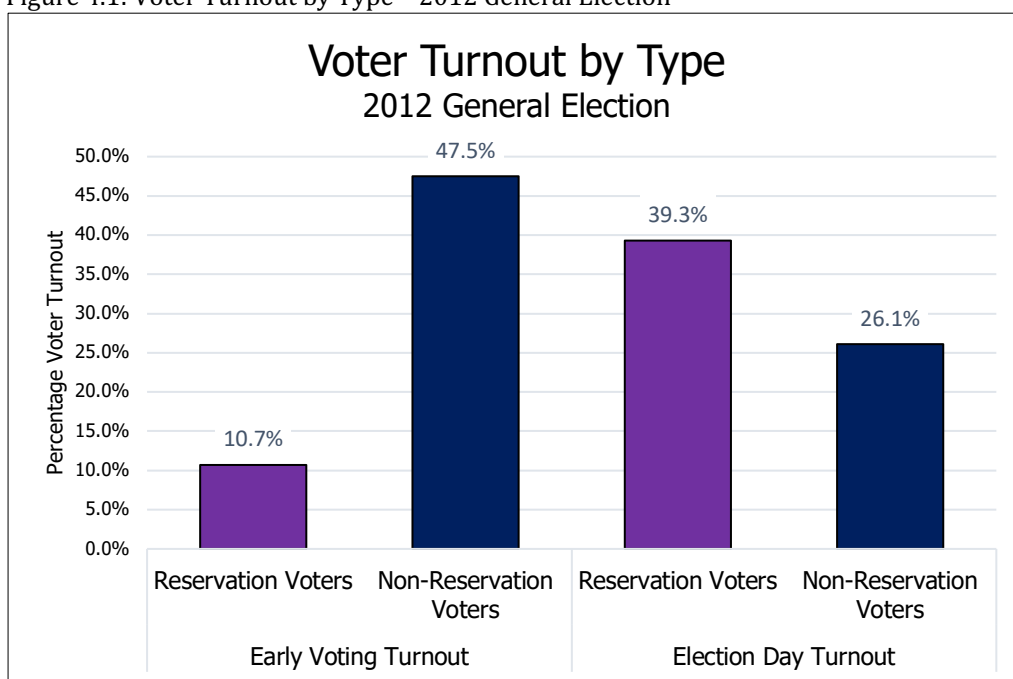
¹⁴¹ Chiago Lujan (2014).

reservation voters accounted for approximately 40.2 percent of all registered voters. They comprised the majority of registered voters only in Apache County, a majority American Indian/Alaska Native county, while in Navajo County, reservation voters accounted for about 34 percent of all voters. Coconino County has the smallest share of the Navajo Nation within its boundaries and reservation voters made up about 20 percent of that county's registered voters. However, voter turnout among reservation voters was highest there at approximately 50.0 percent, followed by 48.4 percent in Apache County, and 47.5 percent in Navajo County. Between voting in-person on election day and early voting, a greater percentage of reservation voters cast their ballots at the polls on election day in all three counties; approximately 39.3 percent. In fact, all 66 reservation precincts reported higher election day turnout compared to early voting turnout. Most notably, only 10.7 percent of all reservation voters voted early in the 2012 election.

Comparatively, non-reservation voters accounted for approximately 59.8 percent of all registered voters in 2012. Across all three counties, voter turnout among non-reservation voters was significantly higher than reservation voter turnout. Despite having the smallest percentage of non-reservation voters, voter turnout in Apache County's non-reservation precincts totaled 79.4 percent in 2012 – the highest of all three counties. In Coconino County, non-reservation voter turnout was 73.6 percent, followed by 72.2 percent in Navajo County. Unlike reservation voters, almost twice as many non-reservation voters voted early in-person or by-mail than at the polls on election day; 47.5 percent and 26.1 percent, respectively. Out of 97 non-reservation precincts, all but 13 reported higher

early voting turnout than election day turnout.¹⁴² It is worth noting, however, that some of the non-reservation precincts with higher election day turnout included rural areas where access to mail is also limited. In Coconino County, for example, Precinct 059 encompasses parts of the Grand Canyon.¹⁴³ Thus, it may have been that non-reservation voters in these precincts preferred to vote in-person on election day because of the costs associated with traveling to vote early in-person or by-mail.

Figure 4.1: Voter Turnout by Type – 2012 General Election



Nevertheless, in the 2012 presidential election, traditional in-person voting at polling places on election day was more popular among reservation voters, while non-reservation voters, by and large, preferred the convenience of early voting. Figure 4.1

¹⁴² In Navajo County, non-reservation precincts with higher election day turnout in 2012 were: PCT005 – Cibique; PCT006 – Clay Springs; PCT014 – East Holbrook; PCT015 – West Holbrook; PCT021 – South Joseph City; PCT029 – Pinedale; PCT043 – West Snowflake; PCT047 – East Taylor; PCT052 – South Winslow. In Coconino County, non-reservation precincts with higher election day turnout were: PCT058 – Fredonia; PCT059 – Grand Canyon; PCT072 – Page Central; PCT074 – Page South.

¹⁴³ This part of Coconino County is so rural that in the adjacent precinct, Precinct 060, elections officials deliver ballots and voting supplies by helicopter to the Havasupai village located at the bottom of the Grand Canyon.

illustrates early voting turnout and election day turnout from all three counties combined for both reservation voters and non-reservation voters, respectively. It demonstrates the early voting turnout was higher among non-reservation voters and election day turnout was higher among reservation voters. The early voting turnout gap between both groups was 36.8 percentage points while the election day turnout gap was 13.2 percentage points in the 2012 election. Only five years after the institution of the Permanent Early Voting List, voting-by-mail was still a relatively new option for both reservation and non-reservation voters in 2012. Therefore, I expect that by the presidential election of 2016, the early voting turnout gap will have expanded with a greater number of non-reservation voters switching to more convenient voting systems compared to reservation voters, who are likely to favor the less-costly method of voting in-person on election day.

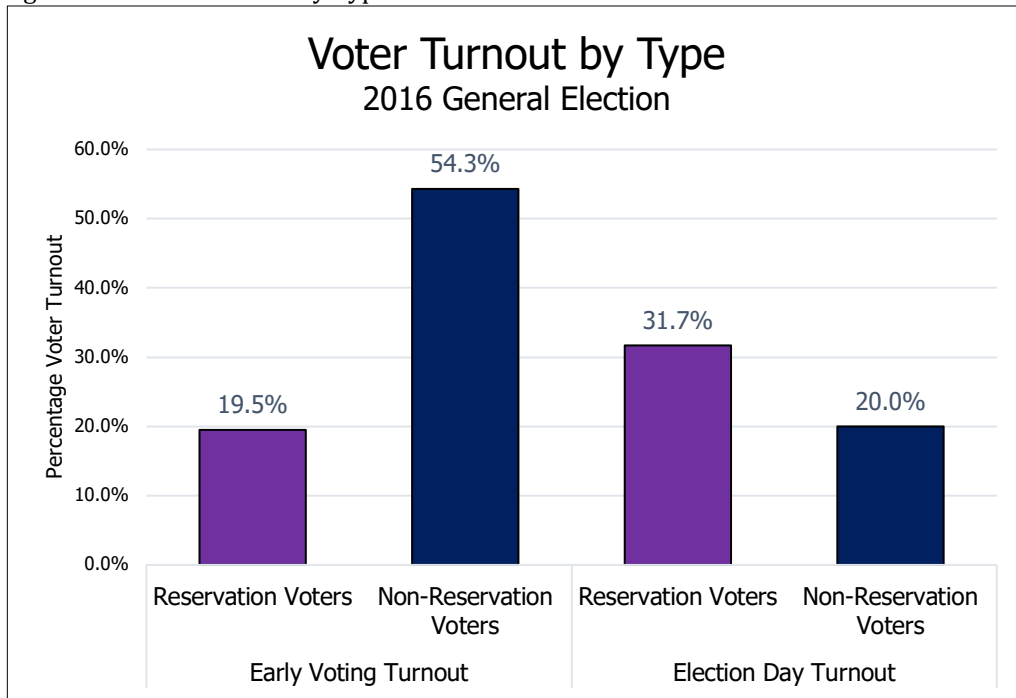
2016 General Election

The total number of registered voters in all three counties ahead of the 2016 presidential election was 171,443. Despite an increase of over 5,000 voters from the last presidential election, the split between reservation and non-reservation voters in 2016 remained about the same as it had in 2012. In 2016, reservation voters on the Navajo Nation accounted for approximately 40.6 percent of all voters. Consistent with their participation in 2012, reservation voter turnout in the 2016 election was highest in Coconino County at 53.7 percent, followed by 50.8 percent in Navajo County. Reservation voter turnout was lowest in Apache County at 50.4 percent. Likewise, voting in-person on election day remained the dominant method of participation among reservation voters, although, election day turnout in 2016 was 7.6 percentage points lower than it had been four years earlier; 31.7 percent and 39.3 percent, respectively. This is accompanied by a

significant increase in early voting turnout among reservation voters from only 10.7 percent in 2012 to 19.5 percent in 2016. Still, in all but one reservation precinct, Precinct 019 – Fort Defiance, election day voter turnout was higher than early voting turnout. Since Fort Defiance is a rather high trafficked area near the tribal capital in Apache County, higher early voting turnout in that precinct may be explained by other factors such as shorter distances to vote early in-person and greater access to postal services. I investigate the relationship between access and early voting turnout among reservation voters later in this chapter.

In the 2016 presidential election, non-reservation voters comprised approximately 59.4 percent of all registered voters. As in 2012, voter turnout among non-reservation voters was much higher than reservation voter turnout. In Apache County, non-reservation voter turnout was approximately 78.2 percent, followed by 75.0 percent in Navajo County, and 73.3 percent in Coconino County. Similarly, early in-person voting and voting-by-mail remained more popular among non-reservation voters in 2016. Early voting turnout was 34.3 percentage points higher than election day turnout among non-reservation voters in that election; 54.3 percent and 20.0 percent, respectively. Four years earlier, there were 13 non-reservation precincts that had more election day voters than early voters. In the 2016 presidential election, early voting turnout was higher than election day turnout in all 74 non-reservation precincts.

Figure 4.2: Voter Turnout by Type – 2016 General Election



In the 2016 presidential election, reservation and non-reservation voters had turnout rates similar to the 2012 election. In both elections, more reservation voters cast their ballots in-person at polling places on election day than voted early, and more non-reservation voters voted early than on election day. Compared to 2012, however, the early voter turnout gap in 2016 did not widen contrary to what was predicted (Figure 4.2). Instead, the turnout gap between reservation and non-reservation voters decreased from 36.8 percentage points in 2012 to 34.8 percentage points in 2016. Future research should consider the statistical significance of these findings. This departure from expectations is explained by a greater percentage of reservation voters participating early in-person or by-mail in this election than had done so previously; although, as previously mentioned, early voting was less popular than election day voting in all but one reservation precinct.

At the same time, the election day turnout gap between both groups also narrowed as predicted from 13.2 percentage points in 2012 to 11.7 percentage points in 2016. This is

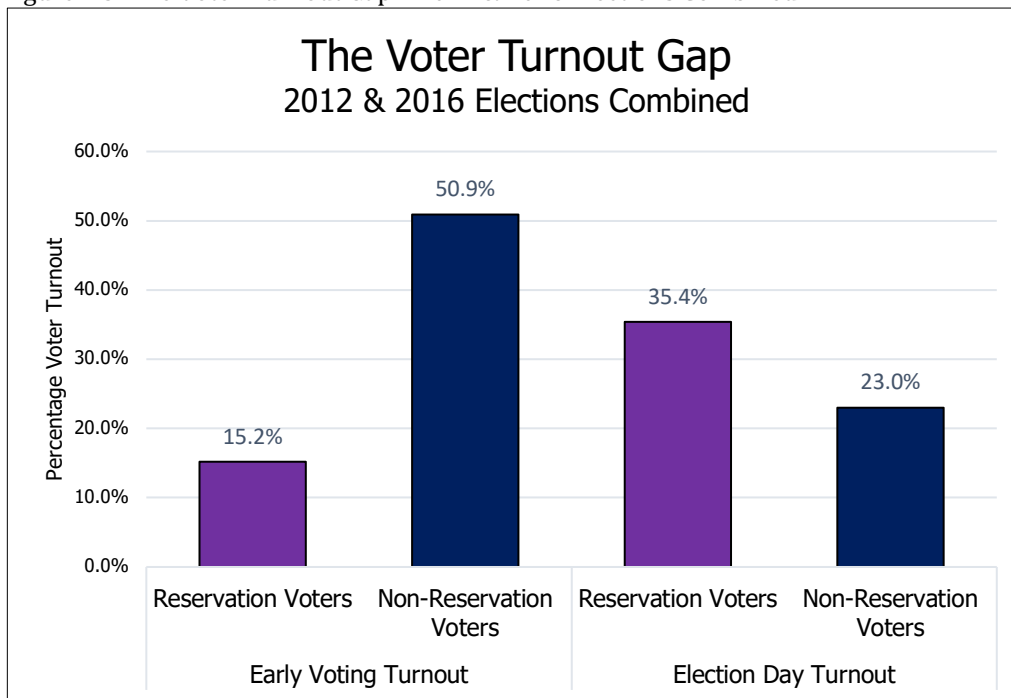
explained by the movement among non-reservation voters away from election day voting in favor of early voting; In 2012, 26.1 percent voted on election day and 47.5 percent voted early. In 2016, 20.0 percent of non-reservation voters voted on election day and 54.3 percent voted early. Nevertheless, voter turnout statistics from the 2012 and 2016 presidential elections demonstrates that electoral participation manifests differently for reservation and non-reservation voters. To understand this further, in the next section I combine voter turnout from both elections to illustrate the overall voter turnout gap between reservation and non-reservation voters.

The Turnout Gap

The voter turnout gap between reservation voters and non-reservation voters is illustrated in Figure 4.3. This bar graph reflects the percentage of registered voters in reservation and non-reservation precincts that voted at their polling place on election day or that voted early in-person or by-mail during the 2012 and 2016 presidential elections. First, recall that in both elections and in all three counties, a greater percentage of reservation voters cast their ballots on election day than did non-reservation voters. Out of a combined total of 116 reservation precincts (66 in 2012; 50 in 2016), all but one reservation precinct on the Navajo Nation reported higher election day turnout compared to early voting turnout. At the same time, out of a combined 171 non-reservation precincts (97 in 2012; 74 in 2016), only 13 non-reservation precincts during the 2012 election reported higher election day turnout. While reservation voters continued to favor voting in-person on election day, non-reservation voters began moving towards the more convenient alternatives (i.e., early in-person voting and voting-by-mail). Thus, the election

day turnout gap between reservation and non-reservation voters is relatively narrow at a difference of only 12.4 percentage points.

Figure 4.3: The Voter Turnout Gap – 2012 & 2016 Elections Combined



Second, early voting turnout was lower among reservation voters compared to non-reservation voters all three counties during the 2012 and 2016 presidential elections. The voting precinct in Fort Defiance was the only reservation precinct to report higher early voting turnout than election day turnout. Within that precinct, however, the turnout gap was extremely narrow; 29.5 percent cast their ballots at the polls on election day and 31.2 percent voted early. A difference of 1.7 percentage points is not entirely significant in and of itself. Yet, the closeness in turnout underscores a movement – albeit marginally – towards early voting among reservation voters. Non-reservation voters, on the other hand, are much more willing to participate in early voting systems. By the 2016 election, early voting was more popular than election day voting among non-reservation voters, including those in rural non-reservation precincts. Although there is evidence to suggest it is closing,

the early voting turnout gap between reservation and non-reservation voters is quite significant at a difference of 35.7 percentage points.

The Convenience Gap

It is, perhaps, not surprising that early voting turnout among non-reservation voters increased from 47.5 percent in 2012 to 54.3 percent in 2016. Non-reservation voters are endowed with greater access to political resources and lower costs of voting. In addition to the likelihood that they reside along USPS postal routes, non-reservation voters are also more proximate to post offices and postal service providers. The combination of these factors better positions non-reservation voters to benefit from the convenience of early voting. At the same time, reservation voters are burdened with fewer political resources, higher costs of voting, and less access to postal services, thus rendering early voting an impractical method of participation. Yet, between 2012 and 2016, early voting turnout among reservation voters increased by 8.8 percentage points; two points higher than the increase among non-reservation voters. So, then, what is driving early voting turnout among reservation voters?

To take this analysis one step further, I evaluate early voting turnout trends in reservation precincts with varied access to postal services which are, of course, necessary to receive and return an early ballot by-mail. As outlined in chapter three, reservation voters face greater challenges to vote-by-mail, in part, because 1) mail is not delivered to homes on the Navajo Nation, and 2) there are long traveling distances to collect mail at reservation postal service providers. It has already been established that there are fewer postal services available to reservation voters compared to non-reservation voters in all three counties. However, access to postal services also varies among voters. That is, some

reservation voters have greater access to these resources than others. Therefore, in this section, I investigate whether greater convenience (i.e., access to postal services) translates to greater early voting turnout.

To this end, based on the locations of reservation postal service providers illustrated in chapter three, I identified three reservation precincts with the greatest access to postal services and three reservation precincts with the lowest access (Figure 4.4). Because this is a much more focused investigation compared to the previous analyses, I am able to use turnout statistics from the 2014 and 2018 midterm elections, in addition to the 2012 and 2016 presidential elections to assess whether greater access to postal services equals higher early voting turnout.¹⁴⁴ Thus, I expect that early voting turnout will be lower in reservation precincts with the least access to postal services.

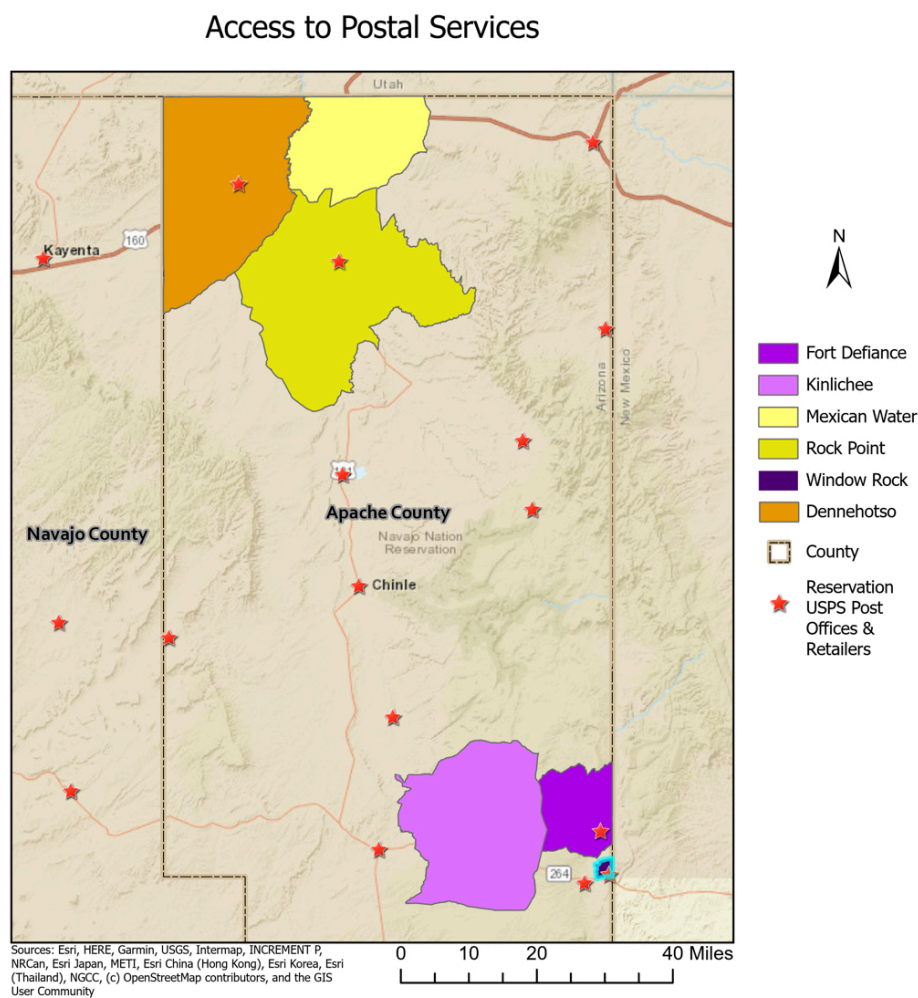
Located in a remote section of northwestern Apache County, Precincts 013 – Dennehotso, 041 – Mexican Water, and 054 – Rock Point are among some of the reservation precincts with the *least access* to postal services. Voters in these precincts do not receive at-home mail delivery and must travel to post offices or postal service providers to collect their mail. However, there are only two USPS postal services providers located within their shared 870.7 square miles of land, neither of which are actual post offices.¹⁴⁵ On the other hand, reservation voters in Precincts 019 – Fort Defiance, 029 – Kinlichee, and 088 – Window Rock have, perhaps, the *greatest access* to postal services.

¹⁴⁴ Midterm election results were not previously examined because early voting totals were not reported by one county in their official canvass of results. Information requests were not returned prior to that county's implementation of modified operations in response to COVID-19. Since early voting totals from the midterm elections are available for the county in which these six precincts are located, I am able to include them in this analysis.

¹⁴⁵ In Dennehotso, mail is collected at PO Boxes located in the Dennehotso Market. However, the boxes are only accessible from 8am – 5pm, Monday through Friday. In Rock Point, mail is collected at the Rock Point Trading Post and the PO Boxes are only accessible from 8am – 4pm, Monday through Friday.

Like voters in the aforementioned precincts, voters in Fort Defiance, Kinlichee, and Window Rock also do not receive mail delivered to their residences, but in these precincts, there are three US Post Offices within their shared 363.2 square miles of land and an additional Post Office to the west of Kinlichee in Ganado, Arizona.¹⁴⁶

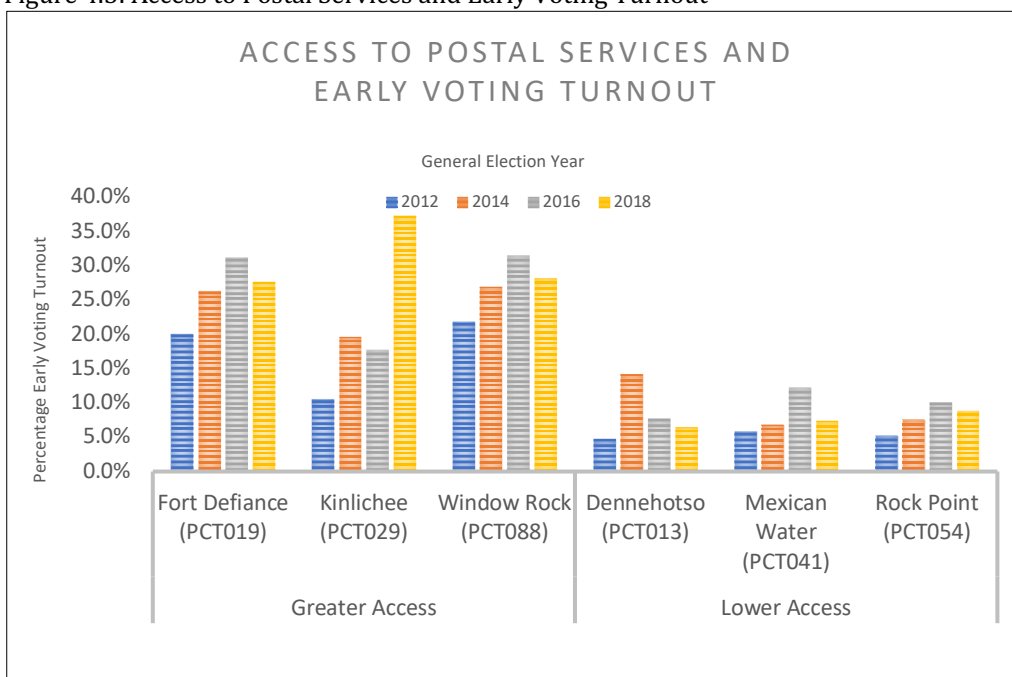
Figure 4.4: Access to Postal Services



¹⁴⁶ The Post Offices in Fort Defiance and Window Rock are open from 8am – 5pm, Monday through Friday and the Post Offices in Ganado and St. Michaels close at 430pm during the week. The PO Box lobbies in all four locations are also accessible on Saturdays.

Figure 4.5 illustrates the effect of access to postal services on early voting turnout. Logic suggests that early voting turnout would be sensitive to access to postal services and, indeed, that appears to be the case for reservation voters on the Navajo Nation. In reservation precincts with greater access to postal services, early voter turnout never fell below 10 percent in all four elections (turnout in the Kinlichee Precinct was approximately 10.6 in the 2012 presidential election). In Fort Defiance and Window Rock, early voting turnout gradually increased in the first three elections and then fell slightly in the 2018 general election. In Kinlichee, turnout decreased from 19.6 percent in the 2014 general election to 17.8 percent in 2016. Yet, two years later, early voting turnout in Kinlichee peaked at 37.3 percent.

Figure 4.5: Access to Postal Services and Early Voting Turnout



Conversely, the percentage of reservation voters that voted early in all four elections was significantly smaller in precincts with lower access to postal services. Of the three precincts, Dennehotso had the highest early voting turnout at 14.2 percent in the 2014

midterm election. Interestingly, this precinct also had the lowest turnout at 4.8 percent just two years earlier during the 2012 presidential election. Like Fort Defiance and Window Rock, turnout in Mexican Water and Rock Point gradually increased between the first three elections and then decreased in 2018. Although, this may be somewhat expected given that turnout is typically lower in non-presidential years; as was the case in 2018.

Nevertheless, because the official election canvasses do not differentiate between the two methods of early voting, it is difficult to say whether increased turnout in these precincts is directly attributable to a greater use of voting-by-mail alone. This analysis also does not account for additional factors that might explain greater turnout in some precincts and lower turnout in others. For instance, employment levels could be higher in Window Rock, the seat of tribal government, and voters there, as well as in nearby Fort Defiance, may be more likely to own vehicles thus allowing them the ability to check their mail more frequently or to travel to an early voting site.

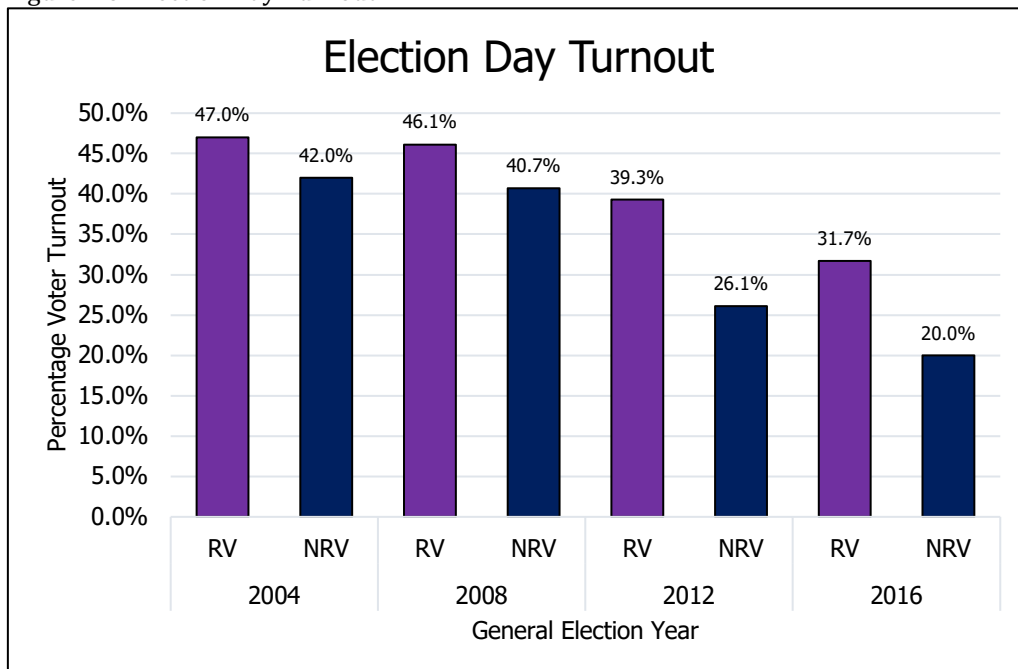
The Election Day Gap

Taken together, these findings demonstrate that political participation manifests differently for both groups of voters; reservation voters prefer to vote in-person at the polls on election day and non-reservation voters prefer to vote early, either in-person or by-mail. This begs the question: are these different preferences simply a manifestation of the institution of the Permanent Early Voting List? Indeed, turnout statistics from 2012 and 2016 underscore a movement among both reservation and non-reservation voters away from voting in-person on election day and towards early voting. To understand how the institution (and normalization) of the PEVL changed political participation among both

groups, I turn to briefly examine election day turnout from the 2004 and 2008 presidential elections, in addition to 2012 and 2016.

After expanding the number of presidential elections to also include turnout from 2004 and 2008, it remains that election day turnout was higher among reservation voters compared to non-reservation voters. The difference in turnout was smallest in 2004 at 5.0 percentage points (reservation voters – 47 percent; non-reservation voters – 42 percent) and largest in 2012 at 13.2 percentage points (reservation voters – 39.3 percent; non-reservation voters – 26.1 percent). As illustrated by Figure 4.6, since 2004 there has been a steady decline in election day turnout for both groups. From 2004 to 2016, turnout decreased 15.3 percentage points among reservation voters and 22 percentage points among non-reservation voters.

Figure 4.6: Election Day Turnout



These findings are also a textbook example of the substitution effect produced early voting. As mentioned in chapter one, early voting changes the voting landscape by creating

a substitution effect whereby would-be election day voters take advantage of alternative, more convenient methods of participation. The downward trend in election day turnout corresponds with increased early voting turnout among reservation voters (10.7 percent in 2012, 19.5 percent in 2016) and non-reservation voters (47.5 percent in 2012, 54.3 percent in 2016). Still, it is quite remarkable that even before the implementation of the PEVL in 2007, election day turnout was greater among reservation voters. So, what explains the preference for traditional in-person voting on election day over early voting?

A common criticism of early voting systems is that they cannot replicate the civic ritual of casting a ballot with friends and neighbors at the polls on election day. Some voters may be willing to forfeit these social rewards for the sake of convenience, yet, as the previous section demonstrated, the convenience of early voting is not equally distributed throughout the electorate. At the same time, there is a strong cultural tradition associated with voting on election day on the Navajo Nation. President Jonathan Nez pointed out to the US House Subcommittee on Elections in 2019 that “[Election Day] is a time for the community to gather. Food is provided to voters who take the day to sit and talk with each other. For some people voting is the only time they see certain members of their community. This gathering for in-person voting is an incentive for people to vote on the Navajo Nation.”¹⁴⁷ Thus, it may be that there are greater benefits derived from voting in-person on election day for reservation voters.

Nevertheless, these findings demonstrate that voting at the polls on election day more popular among reservation voters and early voting is preferred among non-reservation voters. Turnout statistics from 2004 to 2016 show that election day turnout

¹⁴⁷ *Voting Rights and Election Administration in Arizona: Hearing Before the Subcommittee on Elections* (Written testimony of President Jonathan Nez: 3).

has steadily declined among both groups. This also corresponds with an increase in early voting turnout for both between the 2012 and 2016 presidential elections. Although early voting turnout is increasing among reservation voters, turnout varies depending on access to postal services. Reservation precincts with a greater ability to receive and return an early ballot by mail have higher early voting turnout compared to those reservation precincts with less access to postal services. Yet, early voting turnout among reservation voters is still much lower compared to non-reservation voters. Thus, this analysis suggests that the early voting methods designed to make political participation more convenient do not have the same effect throughout the electorate.

Chapter V: Inconvenient Voting

Voting in Indian Country is not a simple task. Native Americans must overcome a whole host of barriers above and beyond those faced by other American voters to successfully participate in the US political process. Unique challenges related to extreme poverty and geographic isolation increase the amount of time and effort to vote in tribal communities and tactics of suppression and discrimination affect the desire of Native Americans to participate in a government that is hostile towards them. In Alaska, for example, the closure of polling places in some Alaska Native villages forced voters to travel by plane in order to cast their ballots.¹⁴⁸ In Nevada, some residents of the Pyramid Lake and Walker River Paiute reservations had to travel upwards of three-hundred miles to vote until a federal court ordered state officials to establish polling sites on the reservations.¹⁴⁹ In North Dakota, thousands of Native Americans were disenfranchised after the state legislature authorized a bill requiring a physical residential address (i.e., street and house number) to vote.¹⁵⁰

Native Americans have also borne the burden of reforms intended to make the voting process easier. In 2014, San Juan County, Utah eliminated in-person polling places and adopted all-mail elections. San Juan County encompasses the northern-edge of the Navajo Nation and Navajo residents comprise approximately 52 percent of the county's

¹⁴⁸ *Native American Voting Rights: Exploring Barriers and Solutions: Hearing before the Subcommittee on Elections*, 116th Congress (2020), (Written testimony of Patty Ferguson-Bohnee: 10).

¹⁴⁹ Diane Thao, "Record-breaking early voting brings people of all ages to the polling place," NBC News 4, Published November 5, 2016, <https://mynews4.com/news/local/record-breaking-early-voting-brings-people-of-all-ages-to-the-polling-place>, Accessed April 25, 2020.

¹⁵⁰ Camila Domonoske, "Many Native IDs Won't Be Accepted At North Dakota Polling Places," *NPR*, Published October 13, 2018, <https://www.npr.org/2018/10/13/657125819/many-native-ids-wont-be-accepted-at-north-dakota-polling-places>, Accessed April 25, 2020.

population.¹⁵¹ While Navajo voters had previously been able to receive language assistance at all nine county polling places, the transition to mail-in ballots resulted in there being only one location at the other end of the county in Blanding, Utah to receive ballot translations.¹⁵² In remarks to the House Subcommittee on Elections, Doreen McPaul, attorney general of the Navajo Nation, said: “Due to the size of the county, the lack of roads connecting all parts of the county to each other, some Navajo voters have to drive into Arizona and then back to Utah in order to get to Blanding. This trip is approximately 180 miles one way, and up to nine hours round trip.”¹⁵³ After two years of litigation, a settlement was reached in the case *Navajo Nation Human Rights Commission vs. San Juan County* (2016) and the County agreed to re-open polling places on the Navajo Nation in time for the 2018 midterm elections.¹⁵⁴ This case, as well as the other examples, demonstrates some of the unique costs of voting that render political participation more challenging for Native Americans than for other voters.

Key Findings

This research asks how the costs of voting for Native Americans affect their participation in systems of early voting. Proponents claim that the convenience of early voting reduces the costs of voting and increases voter turnout. The previous chapter investigated that notion by comparing voter turnout rates between reservation voters on the Navajo Nation and non-reservation voters in Apache, Navajo, and Coconino counties. This analysis produced several key findings. First, in both the 2012 and 2016 presidential

¹⁵¹ *Native American Voting Rights: Exploring Barriers and Solutions: Hearing before the Subcommittee on Elections*, 116th Congress (2020), (Written testimony of Navajo Nation Attorney General Doreen McPaul: 3).

¹⁵² *Native American Voting Rights: Exploring Barriers and Solutions: Hearing before the Subcommittee on Elections*, 116th Congress (2020), (Written testimony of Navajo Nation Attorney General Doreen McPaul: 6).

¹⁵³ 7.

¹⁵⁴ *Ibid.*

elections, more reservation voters cast their ballots in-person at polling places on election day than the number of reservation voters that voted early. In 2012, election day turnout was higher in all reservation precincts and, four years later, in 2016, only one reservation precinct reported higher early voting turnout. Meanwhile, in both elections, more non-reservation voters voted early than at the polls on election day. In 2012, election turnout was higher in a handful of non-reservation precincts, but by 2016 all non-reservation precincts reported higher early voting turnout. This tells us that both groups have different participation preferences; reservation voters prefer to vote on election day and non-reservation voters prefer to vote early.

Second, the voter turnout gap between reservation voters and non-reservation voters is narrower than expected. Given that reservation voters face high costs to access postal services and to travel to an early voting site, I expected that their early voting turnout would stay flat from election to election while turnout among non-reservation voters would increase, thus widening the gap. However, in the 2012 presidential election, the early voting turnout gap between both groups was 36.8 percentage points, and in 2016, it was smaller at 34.8 percentage points.¹⁵⁵ This suggests that despite irregular mail delivery and long traveling distances on the Navajo Nation, early voting turnout is increasing among reservation voters.

Third, early voting turnout among reservation voters varied between precincts with different levels of access to postal services. That is, early voting turnout was higher in reservation precincts with greater access to the services necessary to receive and return an early ballot by-mail than in reservation precincts with less access to postal services. This

¹⁵⁵ The statistical significance of these results has not been considered in this research.

tells us that the convenience of early voting is dependent on access to the two resources fundamental to its design: mail (to vote-by-mail) and the ability to travel (to vote early in-person). It also demonstrates that reforms designed to make the voting process easier do not produce the same effect throughout the electorate. Additionally, these findings have broader, more concerning, implications for our understanding of the convenience of early voting given that disparate access to postal services and long traveling distances are not unique to the Navajo Nation, but are shared costs throughout much of Indian Country.

In this final chapter, I elucidate how the costs of voting are likely to affect political participation in systems of early voting for Native Americans beyond the Navajo Nation. The “nexus of distance and poverty” combined with tactics of suppression and discrimination resulted in early voting’s failed mitigation of the costs of voting for reservation voters on the Navajo Nation.¹⁵⁶ This chapter demonstrates how these costs are shared by voters throughout Indian Country, thus adding to our collective understanding of Native American political participation. Indeed, investigating why citizens participate in politics is a fundamental component of political science research. Brady et al. suggest, however, that it is more appropriate to invert the question and ask why *don’t* people participate.¹⁵⁷ A possible explanation is, simply, because they can’t. Despite its purported convenience, early voting requires access to certain resources that are absent or hard to obtain on reservation lands. In other words, can Native Americans vote early?

Access to Mail in Indian Country

First, the convenience of early voting is dependent on access to postal services to receive and return an early ballot by-mail. Within the area of the Navajo Nation located in

¹⁵⁶ Woodard, 2018: 83.

¹⁵⁷ Brady et al. (1995): 271.

Arizona, I identified approximately 32 postal services providers, including 5 on the Hopi Reservation. These are the most likely locations where reservation voters regularly receive and send mail via the USPS. Comparatively, there are approximately 44 postal service providers located off of the reservation in Apache, Navajo, and Coconino counties. However, these non-reservation postal services are in addition to the likelihood that non-reservation voters receive mail at the residences. Throughout most of Indian Country, the US Postal Service does not deliver mail to reservation residents at their homes due, in part, to the lack of residential addresses. A recent report by the House Subcommittee on Elections noted that “many of the homes are not marked with house numbers, and many of the streets lack signage. Even if the government has an address listed for a residence, it may have never been communicated to the homeowner.”¹⁵⁸

As mentioned in chapter three, in Arizona, 26 percent of Native Americans reside along a US postal route, compared to 96 percent of non-Natives.¹⁵⁹ In southern Arizona, the Tohono O’odham Nation is the second largest reservation in the United States equal in size to the state of Connecticut.¹⁶⁰ Patty Ferguson-Bohnee, director of the Indian Legal Clinic at Arizona State University, testified to members of Congress that: “[t]here is no home delivery on the Tohono O’odham Nation, where there are 1,900 post office boxes and some cluster boxes...Residents come to the post office every two or three weeks to get their mail.

¹⁵⁸ U.S. House of Representatives Subcommittee on Elections, “Report on Voting Rights and Elections Administration in the United States of America,” 96.

¹⁵⁹ *Voting Rights and Elections Administration in Arizona: Hearing Before the Subcommittee on Elections*, (Written testimony of Alex Gulotta, pp. 64).

¹⁶⁰ Tohono O’odham Nation, “About the Tohono O’odham Nation,” www.tonation-nsn.gov, <http://www.tonation-nsn.gov/about-tohono-oodham-nation/>, Accessed April 26, 2020.

Due to transportation, the condition of roads, and health issues, some go to the post office only once per month.”¹⁶¹

In the same way, voting-by-mail does not reduce the costs of obtaining language assistance. Recall that on the Navajo Nation, approximately 70 percent of households speak a language other than English.¹⁶² Although Apache, Navajo, and Coconino counties are covered jurisdictions under Section 203 of the Voting Rights Act, translating voting materials from English to Navajo is difficult since the Navajo language is historically unwritten. More importantly, how do you translate something for which there is no word? The technical language of ballot propositions and constitutional amendments often doesn’t fit within Indigenous languages and can be difficult even for the average English-speaking voter to comprehend.

In Alaska, elections officials are required by Section 203 of the Voting Rights Act to translate voting materials from English into Yup’ik and Gwich’in.¹⁶³ In 2016, federal observers visited 19 Alaska Native villages and found that no sample ballots had been translated for voters.¹⁶⁴ This came on the heels *Toyukak vs. Treadwell* (2015), a well-documented case involving Alaska’s “half-hearted” efforts to comply with their Section 203 mandate.¹⁶⁵ Journalist Stephanie Woodard noted:

A ballot measure about parental consent for minors’ abortions had been mistranslated for Natives as requiring parental permission to become pregnant. “Absentee voting” was rendered as the equivalent of “voting for a long time.” About one mistranslation, a state worker emailed, “What the heck, it’s a similar word and hope that it goes right over their heads!”¹⁶⁶

¹⁶¹ *Native American Voting Rights: Exploring Barriers and Solutions: Hearing before the Subcommittee on Elections*, (Written testimony of Patty Ferguson-Bohnee: 9).

¹⁶² Arizona Rural Policy Institute and Northern Arizona University, 19.


¹⁶³ U.S. House of Representatives Subcommittee on Elections, 107-08.

¹⁶⁴ *Ibid.*

¹⁶⁵ Woodard, 92.

¹⁶⁶ 92-93.

Figure 5.1: 2016 General Election Yup'ik Language Sample Ballot

 Alaska-mi cucuklircuun kalikaq Cucuklirpagaaraq November-aami November 8, 2016	
Ayuqucirtuun: Cucukellren waten imirru uutun: ●	
Nunarpamteñi (United States-aami) Atanerkaq Vice President-aarka/Atanrem Tunglirkaa (Cucuklia ataucimek)	Alerquutngurcugngalria No. 1 Alerquutngurcugngalrim imirikaan yuk pfd-nyugluni cucukliryaurecugngaciqaa
<input type="radio"/> Castle, Darrell L. Bradley, Scott N.	Alaska Constitution
<input type="radio"/> Clinton, Hillary Kaine, Tim	Democrat
<input type="radio"/> De La Fuente, Roque "Rocky" Steinberg, Michael	Non Affiliated
<input type="radio"/> Johnson, Gary Weld, Bill	Libertarian
<input type="radio"/> Stein, Jill Baraka, Ajamu	Green
<input type="radio"/> Trump, Donald J. Pence, Michael R.	Republican
<input type="radio"/>	
Igaucimanriinguum cucukullerpet ataa wawet igausuq.	
United States Senator-aarka (Cucuklia ataucimek)	Alerquutngurcugngalria No. 2 STATE-AMUN AKILNGUQSAURCECUGNGALUKI COLLEGE-AALRIIT ELITNAULLERREGGNUN AKILIUTEKAATNEK NAVRALLRITNEK
<input type="radio"/> Craig, Breck A.	Non Affiliated
<input type="radio"/> Gianoutsos, Ted	Non Affiliated
<input type="radio"/> Metcalfe, Ray	Democrat
<input type="radio"/> Miller, Joe	Libertarian
<input type="radio"/> Murkowski, Lisa	Republican
<input type="radio"/> Stock, Margaret	Non Affiliated
<input type="radio"/>	
Igaucimanriinguum cucukullerpet ataa wawet igausuq.	
United States Representative-aarka (Cucuklia ataucimek)	Alerquutngurcugngalria No. 2
<input type="radio"/> Lindbeck, Steve	Democrat
<input type="radio"/> McDermott, Jim C.	Libertarian
<input type="radio"/> Souphanavong, Bernie	Non Affiliated
<input type="radio"/> Young, Don	Republican
Igaucimanriinguum cucukullerpet ataa wawet igausuq.	
Qanercetaarviit Quyinaratni/Supreme Court-ami	
Cucqista Bolger Una-qaa cucqista Joel H. Bolger Supreme Court-ami cucqistenguurli qulni alirakuni?	
<input type="radio"/> Aa-ang <input type="radio"/> Qang'a	
Cucqista Maassen Una-qaa cucqista Peter J. Maassen Supreme Court-ami cucqistenguurli qulni alirakuni?	
<input type="radio"/> Aa-ang <input type="radio"/> Qang'a	

Alaska Division of Elections, Central Yup'ik Archives,
<http://www.elections.alaska.gov/election/2016/General/SampleBallots/Central%20Yup'ik-HD37-JD4.pdf>.

Section 203 enforcement is the primary responsibility of the US Department of Justice, however, the number of cases filed varies from administration to administration; no Native American voting rights cases were filed during George W. Bush's two-terms.¹⁶⁷ Consequently, the onus often falls on tribes to seek relief from federal courts. Patty Ferguson-Bohnee noted that Section 203 cases can cost upwards of one-million dollars per case.¹⁶⁸ For Native Americans, obtaining language assistance is costly in terms of the time and effort that is required to vote. This is exacerbated by consolidated elections which

¹⁶⁷ McCool et al., 38.

¹⁶⁸ U.S. House of Representatives Subcommittee on Elections, 83.

increase the number of offices and/or ballot measures to vote on and, in turn, increases the overall length of a ballot. Translating the complicated text of a ballot could take hours depending on its length and less crowded in-person early voting sites offers a more relaxed environment for voters to study and mark their ballots.

Distance Costs in Indian Country

Second, the convenience of early voting is dependent on the ability to travel to an early voting site. Research by political scientists Haspel and Knotts demonstrates that the decision to vote is highly sensitive to the location of a voter's polling place.¹⁶⁹ Some voters on the Navajo Nation are required to travel upwards of 100 miles to their nearest early voting site. Ferguson-Bohnee stated that: "Early voting opportunities with polling locations hours away effectively amount to no access to in-person early voting in light of the practical effects of requiring voters to travel such distances."¹⁷⁰ In an analysis of the barriers to early voting following the 2016 general election, the Indian Legal Clinic found that the costs associated with traveling to an early voting site resulted in fewer voting opportunities for Native Americans compared to non-Natives. On the Navajo Nation, their report notes that: "Voters in Teec Nos Pos, for example, must travel ninety-five (95) miles one way, over an hour and a half, to reach the closest early voting location in Chinle. Dennehotso to Chinle are also long drives, over seventy-seven (77) miles each way, approximately one hour and twenty minutes."¹⁷¹

¹⁶⁹ Haspel and Knotts (2005).

¹⁷⁰ *Native American Voting Rights: Exploring Barriers and Solutions: Hearing before the Subcommittee on Elections*, (Written testimony of Patty Ferguson-Bohnee: 10).

¹⁷¹ Indian Legal Clinic at Arizona State University, "2016 Election Report," Native Vote – Election Protection Project, Published March 6, 2018, <https://law.asu.edu/sites/default/files/pdf/2016-native-vote-election-protection-report.pdf>, Accessed April 2, 2020: 19.

Indeed, traveling to an early voting site, and to access mail, is also exacerbated by infrastructure barriers. Of the Navajo Nation's 10,000 miles of road, approximately 86 percent is unpaved and prone to flooding during bad weather.¹⁷² Across Indian Country, there are approximately 104,000 miles of Indian Reservation Roads (IRR), 65 percent of which are gravel.¹⁷³ Something such as a flat tire or bad weather could easily thwart plans to vote for those fortunate enough to have access to transportation; on the Navajo Nation, vehicle ownership is limited to one in ten families.¹⁷⁴ Venturing long distances on mostly dirt roads is also dangerous given that car crashes are the leading cause of unintentional injury deaths on the Navajo Nation.¹⁷⁵ In fact, Native Americans die from car crashes at a rate 229 percent higher than other Americans.¹⁷⁶

Political Resources in Indian Country

Early voting does not mitigate the high costs of long traveling distances nor the costs of accessing mail for many Native Americans. Instead, at each step of the voting process, Native Americans must navigate complex social, economic, cultural, geographic, and political barriers to successfully participate in an election. Socioeconomic status, according to the resource-based model, is a valuable predictor of political participation in that it informs civic skills and stimulates political interest.¹⁷⁷ Based on these factors alone, Native Americans are poised to have lower voter turnout compared to other demographic groups due to their disparate socioeconomic status; for example, on the Navajo Nation,

¹⁷² *Native American Voting Rights: Exploring Barriers and Solutions*: (Written testimony of Patty Ferguson-Bohnee: 8).

¹⁷³ National Congress of American Indians, "Indian Country Demographics," [ncai.org](http://www.ncai.org/about-tribes/demographics), <http://www.ncai.org/about-tribes/demographics>, Accessed April 26, 2020.

¹⁷⁴ *Voting Rights and Elections Administration in Arizona*, (Written testimony of President Jonathan Nez: 5).

¹⁷⁵ Navajo Division of Health: 48.

¹⁷⁶ National Congress of American Indians, Accessed 2020.

¹⁷⁷ Brady et al. (1995).

approximately 38 percent of the population lives in poverty.¹⁷⁸ In North Dakota, the poverty rate for the Spirit Lake Tribe is approximately 47.5 percent.¹⁷⁹ In Oglala Lakota County, South Dakota, which encompasses the Pine Ridge Indian Reservation, the poverty rate is approximately 54.0 percent.¹⁸⁰ For a more nuanced understanding of the factors that inform Native American political participation, it is important to also consider sociocultural factors, such as cultural identity and discrimination.

Historical Mistrust in Indian Country

Sociocultural factors shape and inform political efficacy, or one's attitude towards government and their sense of belonging in the body politic. With regard to voters on the Navajo Nation, perhaps, the most important factor to consider is the intergenerational trauma deriving from the nineteenth century "Indian Wars" and subsequent forced removal and relocation of Navajos. In the 1860s, the US Army operated under orders to "kill every...Navajo Indian who is large enough to bear arms."¹⁸¹ Frontiersman Kit Carson coordinated the roundup of the remaining Navajos and instructed them to: "Go to Bosque Redondo [internment camp] or we will pursue you and destroy you. We will not make peace with you on any terms" (author's emphasis).¹⁸² Thousands died on the Long Walk to and while interred at Bosque Redondo. Political scientist Dan McCool argued: "To Anglos, the Long Walk may seem like old history, but to the Navajos, it is not the past, but part of

¹⁷⁸ Arizona Rural Policy Institute and Northern Arizona University, 39.

¹⁷⁹ U.S. House of Representatives Subcommittee on Elections, 64.

¹⁸⁰ United States Census Bureau, "Oglala Lakota County, South Dakota – Income and Poverty," census.gov, <https://www.census.gov/quickfacts/oglalalakotacountysouthdakota>, Accessed April 26, 2020.

¹⁸¹ Daniel McCool, "Historical Discrimination and Sequence of Events," Expert Witness Report in *Navajo Nation vs. San Juan County, UT* (2015): 10.

¹⁸² McCool, 21.

their being, and still has a direct impact on their attitudes towards Anglos and their governments.”¹⁸³

Indeed, more recent hostility is likely to also shape political attitudes among Native Americans, and specifically, among reservation voters on the Navajo Nation. A few generations ago, some businesses throughout the American Southwest hung signs that read “No Indians or Dogs Allowed.”¹⁸⁴ According to anthropologist David Brugge, these racist attitudes are still prevalent in reservation border towns and especially in those surrounding the Navajo Nation.¹⁸⁵ In Farmington, New Mexico, on the eastern edge of the Navajo Nation, a disturbing rite of passage among white teenagers in the 1970s involved beating and torturing sleeping Navajos. A 2005 report by the US Commission on Civil Rights referred to Farmington as “the Selma, Alabama of the Southwest.”¹⁸⁶ Recently, there has been a resurgence in these assaults known as “Injun rollin’.”¹⁸⁷ Similarly, in April 2020, law enforcement agents in Page, Arizona arrested a 34 year old man on terrorism charges after he urged his social media followers to use lethal force against Navajos – warning that they were all “100% infected” with coronavirus.¹⁸⁸

Unfortunately, these experiences are common throughout Indian Country. “Custer’s Last Stand” at the Battle of Little Bighorn (Greasy Grass) took place to the west of the present-day Pine Ridge Indian Reservation; the same area where approximately 350

¹⁸³ 24.

¹⁸⁴ 46.

¹⁸⁵ David Brugge, *The Navajo-Hopi Land Dispute: An American Tragedy*, University of New Mexico Press, 1994: 252.

¹⁸⁶ New Mexico Advisory Committee, “The Farmington Report: Civil Rights for Native Americans 30 Years Later,” United States Commission on Civil Rights, Published November 2005, https://www.usccr.gov/pubs/docs/122705_FarmingtonReport.pdf, Accessed April 24, 2020.

¹⁸⁷ Evelyn Nieves, “In Navajo country, racism rides again,” *Salon.com*, Published September 02, 2006, <https://www.salon.com/2006/09/02/navajo/>, Accessed April 24, 2020.

¹⁸⁸ The Associated Press, “Page man arrested for urging killings of Navajo over virus,” *Salt Lake Tribune*, Updated April 08, 2020, <https://www.sltrib.com/news/2020/04/08/page-man-arrested-urging/>, Accessed April 24, 2020.

Lakota were massacred by the US Seventh Cavalry in 1890. Political scientist Jean Schroedel writes, “While whites honor Custer’s memory, Lakota remember relatives dying in the snow at Wounded Knee... This is the history that continues to shape white-Sioux interactions and serves as a backdrop to conflicts over voting.”¹⁸⁹

A 2017 study conducted by *NPR*, the Robert Wood Johnson Foundation, and the Harvard School of Public Health found that approximately 10 percent of Native Americans have been “personally discriminated against when trying to vote.”¹⁹⁰ Likewise, in a separate study by the Native American Voting Rights Coalition, hostility and voter intimidation were among the barriers to political participation for Native Americans in Arizona.¹⁹¹ Together, intergenerational trauma and institutional racism negatively affect political efficacy among Native Americans. A member of the Tohono O’odham Nation was recently quoted saying, “You recognize the state doesn’t give a shit. You recognize the county doesn’t give a shit. Well, guess what? The voters don’t give a shit.”¹⁹²

Unequal Access in Indian Country

In the post-*Shelby County vs. Holder* (2013) era of elections administration, Arizona is no longer required to consider the disparate impact of their decisions for Native American voters. Approximately 320 polling places have been shuttered in almost every

¹⁸⁹ Jean Schroedel, “Voting in Indian Country: The View from the Trenches,” Philadelphia: University of Pennsylvania Press, Forthcoming 2020: 123-124.

¹⁹⁰ National Public Radio, the Robert Wood Johnson Foundation and Harvard T.H. Chan School of Public Health, “Discrimination in America: Experiences and Views of Native Americans,” *NPR.org*, Published November 2017, <https://www.npr.org/documents/2017/nov/NPR-discrimination-native-americans-final.pdf>, Accessed April 25, 2020: 8.

¹⁹¹ Native American Voting Rights Coalition, “Voting Barriers Encountered by Native Americans in Arizona, New Mexico, Nevada, and South Dakota,” Published January 2018, <https://vote.narf.org/wp-content/uploads/2018/10/2017NAVRCsurvey-full.pdf>, Accessed January 21, 2020.

¹⁹² Tim Murphy, “4,000 Square Miles. One Post Office. Why It’s So Hard to Vote in Arizona’s Indian Country,” *Mother Jones*, Published October 2018, <https://www.motherjones.com/politics/2018/10/4000-square-miles-one-post-office-why-its-so-hard-to-vote-in-arizonas-indian-country/>, Accessed April 26, 2020.

Arizona county since the *Shelby* ruling.¹⁹³ This is, perhaps, likely in response to the growing popularity of early voting among Arizona voters which places less-demand on election day operations for counties. The findings from this research demonstrates, however, that reservation voters prefer in-person voting on election day to early voting. Since the costs that frustrate political participation for reservation voters on the Navajo Nation are common throughout Indian Country, it is likely that these findings may be applicable to other Native American voters as well.

In a recent national poll, 61 percent of registered voters “strongly supported” equal access for Native Americans living on Indian reservations to vote in federal, state, and local elections.¹⁹⁴ Responding to the poll, OJ Semans, co-director of Four Directions said: “What we’re asking is not greater. What we’re asking is righteous and fair. What we’re asking is honoring our treaties. If America heard this and they heard the atrocities...how these treaties were violated, they would say ‘that’s wrong.’ Just like when we asked them ‘do you believe we should have equality...’ they agreed with us. There are people out there that agree with us... we are not alone.”¹⁹⁵

In an effort to improve ballot access in Indian Country, in March 2019, the Native American Voting Rights Act (H.R. 1964) was introduced in the US House of Representatives with seventy-five co-sponsors, including three of the four Native Americans serving in the 116th Congress; Tom Cole (R-OK), Sharice Davids (D-KS), and Deb Haaland (D-NM).¹⁹⁶ Among its many provisions, the bill seeks to address some of the barriers that frustrate the

¹⁹³ U.S. House of Representatives Subcommittee on Elections, 103.

¹⁹⁴ PCI – August 2019, “Online Sample of 1,054 voters fielded 8/16/19-8/18/19,” Margin of Error \pm 3.4%.

¹⁹⁵ OJ Semans, speech at “Frank LaMere Native American Presidential Forum 2019 Day I Part 2,” August 19, 2019, Sioux City, Iowa, at 45:20-50:42, <https://vimeo.com/354709089>.

¹⁹⁶ Rep. Markwayne Mullen (R-OK) is the fourth Native American serving in the 116th Congress.

early voting process for Native American voters in three key ways. First, states with federally-recognized tribes would be required to provide at least one early voting site on reservation lands at a location determined by the tribe. Second, states would be prohibited from requiring reservation voters to submit a mail-in ballot application and states would have to allow tribes to use tribal government buildings as ballot pickup and collection locations. Third, a “tribal preclearance” provision would be instituted whereby states must receive approval to move reservation polling places more than one-mile away from their current locations or across a river, lake, mountain, or other natural boundary. Preclearance would also apply to the removal of an early voting site or the reduction to the number of days and hours of in-person early voting on reservations.¹⁹⁷ The Native American Voting Rights Act, if passed, would make progress towards removing the barriers to political participation for Native Americans.¹⁹⁸

Further Implications

This research demonstrates a relationship between the high costs of voting and low early voting turnout among reservation voters on the Navajo Nation compared to low costs and high turnout among non-reservation voters in Apache, Navajo, and Coconino counties. These findings are especially significant to our understanding of Native American political participation since the costs that affect reservation voters are found throughout much of Indian Country. Indeed, absent equal opportunities to participate in the US political process, Native American are denied access to the promise of democracy. This also has

¹⁹⁷ U.S. Congress, House, Native American Voting Rights Act of 2019, HR 1692, 116th Cong., introduced in House March 12, 2019, <https://www.congress.gov/bill/116th-congress/house-bill/1694/text?q=%7B%22search%22%3A%5B%22H.+R.+83%22%5D%7D&r=62&s=1>.

¹⁹⁸ The NAVRA is currently awaiting action by the House Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

important normative and empirical implications as well. First, the costs that affect political participation among Native Americans undermine their right to elect candidates of their choice. In San Juan County, Utah, Navajo residents comprise a majority of the population, however, until 2018, they had never held a political majority on the three-member county commission.¹⁹⁹ This victory came after a federal court ordered polling places re-opened on the area of the county located on the Navajo Nation.²⁰⁰

Similarly, the finding that a greater percentage of reservation voters participated in-person at polling places on election day compared the percentage that voted early has important implications for the administration of elections. In Arizona, there were fewer polling places available for in-person voting on election day in 2016 than there had been in previous elections.²⁰¹ This further limits access to the ballot for Native Americans, who are already burdened by high costs of voting. Additionally, the factors that make political participation costly extend to the entirety of the voting process (i.e., registration and voting). Since voter registration data is used to create master jury wheels, the inability of Native Americans to register to vote produces un-representative jury venires. This is highly concerning for the rights of Native American criminal defendants. Camille Fenton argues in her aptly titled essay, this has the practical effect of Native Americans being judged by a “a jury of someone else’s peers.”²⁰²

Furthermore, Native American political participation has important consequences for the federal government’s trust responsibility. For tribal governments, participation in

¹⁹⁹ *Native American Voting Rights: Exploring Barriers and Solutions* (Written testimony of Doreen McPaul: 3-6).

²⁰⁰ *Ibid.*

²⁰¹ Arizona Advisory Committee, 2018.

²⁰² Camille Fenton, “A Jury of Someone Else’s Peers: The Severe Underrepresentation of Native Americans from the Western Division of South Dakota’s Jury Selection Process,” *Texas Journal on Civil Liberties & Civil Rights* 24, no. 1 (2018): 119-155.

the US political process is essential to economic development, obtaining federal and state funds, making education improvements, and much more.²⁰³ On this subject, however, there are two conflicting schools of thought. First, McCool et al. observe that: “Many Indian people still believe that voting... will lead to the demise of tribal sovereignty; that participation in nontribal government implies a preference for nontribal government, or at least tacit consent to be governed from outside the reservation.”²⁰⁴ On the other hand, as Indigenous journalist Ruth Hopkins points out: “Some Natives don’t vote because they say it’s the colonial system that’s the problem & they aren’t wrong – but I’m politically active because the system does impact our communities directly – so I vote to mitigate damage & protect our interests, treaty rights, the land, & our future.”²⁰⁵ Nevertheless, these findings demonstrate that the barriers to participation increase the amount of time and effort required to vote on reservation lands and reforms to lower the costs of voting have very little viability on reservation lands.

Research Limitations

Advocates maintain that by reducing the costs of voting and making the voting process more convenient, early voting is likely to increase turnout. Yet, early voting compounds the high costs of voting already borne by Native American voters including: voter confusion; geographic isolation; language barriers; and access to postal services. Extreme poverty and historical mistrust in government exacerbate these costs. And while these findings contribute to our understanding of the convenience of early voting on reservation lands, there are important limitations that should be considered going forward.

²⁰³ Laughlin McDonald, 2010: 259.

²⁰⁴ McCool et al., 194.

²⁰⁵ Ruth Hopkins, Twitter Post, December 08, 2019, 7:15 PM, https://twitter.com/RuthH_Hopkins/status/1203830556661673986?s=20.

First, this analysis does not consider the racial composition of reservation and non-reservation voters. Approximately seven out of ten Native Americans do not reside on reservation lands, according to the Urban Indian Health Commission.²⁰⁶ Of the Navajo Nation's membership, nine percent reside in reservation border towns.²⁰⁷ Future research should take steps to measure voter turnout between Native American and non-Native voters. Additionally, the elections canvasses used to determine voter turnout do not distinguish between the types of early voting methods. That is, mail-in ballots and ballots cast at in-person early voting sites are included together and listed as "early voter turnout" in the canvass reports. While reservation voters face high costs to participate in both systems, future research should attempt to measure turnout in individual systems along with their statistical significance.

Third, this research identified the locations of postal service providers on the Navajo Nation, however, it is not a complete accounting of the total number of postal services available to reservation voters. Likewise, Arizona permits voters to drop their early ballots off at the polls on election day.²⁰⁸ Future research should attempt to examine the percentage of reservation voters that returned their ballots by-mail versus the percentage dropped off at polling places. Fourth, this research does not control for the effect of shared election dates on reservation turnout. Tribal elections held alongside federal, state, and local elections are likely to invite greater participation among reservation voters and future research should take steps to evaluate voter turnout in single government elections, such

²⁰⁶ Urban Indian Health Commission, "Invisible Tribes: Urban Indians and Their Health in a Changing World," United States Census Bureau, Published 2007, <https://www2.census.gov/cac/nac/meetings/2015-10-13/invisible-tribes.pdf>, Accessed April 27, 2020.

²⁰⁷ Navajo Division of Health, 21.

²⁰⁸ A.R.S. § 16-548 (2020).

as a primary election or special election. This would further inform our understanding of the costs specifically related to participation in the US political process for Native American voters.

Despite their high costs of voting, many Native Americans feel they have a larger responsibility to vote in elections. Perhaps, to hold the federal government accountable to its trust responsibilities or maybe because they comprise a significant voting bloc. It might also be that voting is a way to honor the sacrifices of those that fought for Native American suffrage. Every summer in Arizona, Native Americans gather to celebrate their right to vote on July 15th, the anniversary of the Arizona Supreme Court's ruling in *Harrison vs. Laveen* (1948). The grassroots organization Indivisible Tohono regularly distributes stickers and buttons during voter registration drives that read, "My ancestors could not vote. I will."²⁰⁹ Indeed, the last group to obtain that right, many Native Americans take pride in their civic responsibility to vote in elections. Native Vote, a campaign of the National Congress of American Indians, summed up the significance of political participation in a recent ad campaign:

The Native Peoples of this country have always shared a connection to its land, to its waters, to its spirit. We shared the responsibility of protecting it and we stand united in that commitment. We stood united in the face of adversity and adapted to serve the land in new ways. We stood united when we were told to move on; that our voices did not count. We fought and continue to fight for change. We continue to make our voices heard because we are still here. Our traditions are still strong. Our voice is vote and every Native vote counts.²¹⁰

²⁰⁹ Indivisible Tohono (@indivisibletohono), "My ancestors could not vote. I will. #OodhamVote," Facebook, October 12, 2018,

<https://www.facebook.com/indivisibletohono/photos/a.1135003076622897/1791139274342604/?type=3>.

²¹⁰ Jacob Daniel Broussard, "Every Native Vote Counts," National Congress of American Indians, September 25, 2018, video, 1:16, https://youtu.be/Li2pH_0LdeU.

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Appendix A

Reservation Postal Services

County	Location	Address
Apache	Many Farms	100 Highway 191 Many Farms, AZ 86538-1701
Apache	Chinle	500 Highway 191 Chinle, AZ 86503-1799
Apache	Blue Gap	350 State Route 4 Blue Gap, AZ 86520-1700
Apache	Rock Point	400 Highway 191 Rock Point, AZ 86545-1700
Apache	Tsaile	1 Circle Drive Tsaile, AZ 86556-9998
Apache	Lukachukai	700 Highway 191 Lukachukai, AZ 86501-1715
Apache	Teec Nos Pos	100 State Highway 191 Teec Nos Pos, AZ 86514-9990
Apache	Red Valley	325 Highway 191 Red Valley, AZ 86544-1700
Apache	Nazlini	19 State Highway 27 Nazlini, AZ 86540-1000
Apache	Ganado	191 State Highway 264 Ganado, AZ 86505-9998
Apache	Window Rock	264 Window Rock Loop Rd Window Rock, AZ 86515-9998
Apache	St. Michael's	343 Highway 264 St. Michael's, AZ 86511-9998
Apache	Fort Defiance	400 State Highway 12 Fort Defiance, AZ 86504-1705
Apache	Lupton	357 Route 12 Lupton, AZ 86508-1001
Apache	Dennehotso	416 State Highway 160 Dennehotso, AZ 86535-1000
Navajo	Kayenta	391 Highway 163 Kayenta, AZ 86033-9997
Navajo	Shonto	101 Shonto Canyon Dr. Shonto, AZ 86504-9997
Navajo	Pinon	500 State Route 4 Pinon, AZ 86510-1700
Navajo	Indian Wells	17 Highway 77 Indian Wells, AZ 86031-9997
Navajo	Teesto	Teesto Chapter House HC Box B Winslow, AZ 86047-9408
Coconino	Kaibeto	333 State Route 21 Kaibeto, AZ 86053-9997
Coconino	Tonalea	343 Highway 160 Tonalea, AZ 86044-9997
Coconino	Marble Canyon	540 US Highway 89A Marble Canyon, AZ 86036-9997
Coconino	Tuba City	1 Warrior Drive Tuba City, AZ 86045-5000
Coconino	Cameron	465 Highway 89 Cameron, AZ 86020-9995
Coconino	Cameron	497 Highway 89 Cameron, AZ 86020-9996
Coconino	Leupp	HC 61 Box 5000 Winslow, AZ 86047-9341
Navajo	*Keams Canyon	403 State Route 264 Keams Canyon, AZ 86034
Navajo	*Polacca	392 State Route 264 Polacca, AZ 86092-9997
Navajo	*Second Mesa	383 Highway 264 Second Mesa, AZ 86043-9997
Navajo	*Kykotsmovi Village	113 Main St. Kykotsmovi, AZ 86039-9997
Navajo	*Hotevilla	3 Main St. Hotevilla, AZ 86030-9997

*Located on the Hopi Reservation

Appendix B

Non-Reservation Postal Services

County	Location	Address
Apache	Sanders	100 Highway 191 Sanders, AZ 85612-9990
Apache	Chambers	800 Highway 191 Chambers, AZ 86502-1702
Apache	St. John's	840 W Cleveland St. St. John's, AZ 85936-9900
Apache	Concho	37001 State Highway 61 Concho, AZ 85924-9997
Apache	Vernon	1688 Apache County Rd. 3140 Vernon, AZ 85940-9997
Apache	Springerville	5 E. Main St. Springerville, AZ 85936-5100
Apache	Springerville	203 S. Mountain Ave. Springerville, AZ 85938-5100
Apache	Eagar	113 W. Central Ave Eagar, AZ 85925-9719
Apache	Greer	76 N Main St. Greer, AZ 85927-9802
Apache	Nutrioso	1 County Rd. 2013 Nutrioso, AZ 85932-9900
Apache	Alpine	42631 Highway 191 Alpine, AZ 85920-5300
Apache	Petrified Forest	1 Park Rd. Petrified Forest Natl. Park, AZ 86028-9997
Navajo	Sun Valley	8611 5th St. Sun Valley, AZ 86029
Navajo	Holbrook	100 W. Erie St. Holbrook, AZ 86025-9998
Navajo	Woodruff	6435 W 1st St Woodruff, AZ 85942-9997
Navajo	Joseph City	4592 W. Main St. Joseph City, AZ 86032-9997
Navajo	Winslow	223 N Williamson Ave Winslow, AZ 86047-9998
Navajo	Snowflake	761 S. 1st St. W. Snowflake, AZ 85937-9998
Navajo	Taylor	25 S. Main St. Taylor, AZ 85939-9997
Navajo	Show Low	1785 Edmonds Cir. Show Low, AZ 85901-9997
Navajo	Clay Springs	4995 Gardenia Clay Springs, AZ 85923-9997
Navajo	Pinedale	1224 Pinedale Rd. Pinedale, AZ 85934-9997
Navajo	Show Low	191 W. Deuce of Clubs Show Low, AZ 85901-9998
Navajo	Heber	3410 Buckskin Canyon Rd. Heber, AZ 85928-9800
Navajo	Overgaard	2821 State Highway 260 Overgaard, AZ 85933-9997
Navajo	Pinetop	712 E. White Mountain Blvd. Pinetop, AZ 85935-7067
Navajo	Lakeside	1815 W. Jackson Lane Lakeside, AZ 85829-7300
Coconino	Page	44 6th Ave Page, AZ 86040-7500
Coconino	Page	101 W. Glenn St. Page, AZ 86040-9800
Coconino	Grand Canyon	236 Highway 64 Grand Canyon, AZ 86023-9997
Coconino	Grand Canyon	100 Mather Business Ctr. Grand Canyon, AZ 86023-5000
Coconino	North Rim	6225 N. Highway 67 North Rim, AZ 86052-9901
Coconino	Fredonia	85 N. Main St. Fredonia, AZ 86022-9998

Non-Reservation Postal Services Cont.

County	Location	Address
Coconino	Williams	120 S. 1st St. Williams, AZ 86046-9998
Coconino	Parks	518 N. Parks Rd. Parks, AZ 86018-9997
Coconino	Munds Park	50 W. Pinewood Blvd. Munds Park, AZ 86017-9997
Coconino	Sedona	190 W. State Route 89A Sedona, AZ 86336-9998
Coconino	Mormon Lake	1 Mormon Lake Rd. Mormon Lake, AZ 86038-9997
Coconino	Flagstaff	9001 N. US Highway 89 Flagstaff, AZ 86004-8616
Coconino	Flagstaff	104 N. Agassiz St. Flagstaff, AZ 86001-9998
Coconino	Flagstaff	1014 S. Beaver St. Flagstaff, AZ 86011-9800
Coconino	Flagstaff	2400 N. Postal Blvd. Flagstaff, AZ 86004-9998
Coconino	Flagstaff	4910 N. US Highway 89 Flagstaff, AZ 86004-2846

Other Reservation Postal Services

County	Location	Address
Navajo	Whiteriver	1025 S. Cheif Ave Whiteriver, AZ 85941-9997
Navajo	Fort Apache	1015 Officers Row Fort Apache, AZ 85926-5300
Navajo	Cibecue	221 S. Cooley Rd. Cibecue, AZ 85911-5800
Coconino	Supai	100 Main St. Supai, AZ 86435-1100
Apache	McNary	14 Cady St. McNary, AZ 85930-9997