

117TH CONGRESS
1ST SESSION

H. R. 5008

To protect the voting rights of Native American and Alaska Native voters.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 13, 2021

Ms. DAVIDS of Kansas (for herself and Mr. COLE) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect the voting rights of Native American and Alaska Native voters.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Frank Harrison, Eliza-
5 beth Peratrovich, and Miguel Trujillo Native American
6 Voting Rights Act of 2021”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) The Constitution explicitly and implicitly
2 grants Congress broad general powers to legislate on
3 issues relating to Indian Tribes, powers consistently
4 described as plenary and exclusive. These powers
5 arise from the grant of authority in the Indian Com-
6 merce Clause and through legislative matters arising
7 under the Treaty Clause.

8 (2) The Federal Government is responsible for
9 upholding the obligations to which the Federal Gov-
10 ernment has agreed through treaties, legislation, and
11 executive orders, referred to as the Federal trust re-
12 sponsibility toward Indian Tribes and their mem-
13 bers.

14 (3) The Supreme Court has repeatedly relied on
15 the nature of this “government to government” rela-
16 tionship between the United States and sovereign
17 Indian Tribes for congressional authority to enact
18 “legislation that singles out Indians for particular
19 and special treatment”. *Morton v. Mancari*, 417
20 U.S. 535, 554–555 (1974).

21 (4) Legislation removing barriers to Native
22 American voting is vital for the fulfillment of Con-
23 gress’ “unique obligation” toward Indians, particu-
24 larly ensuring that Native American voters are fully
25 included as “qualified members of the modern body

1 politic”. Board of County Comm’rs v. Seber, 318
2 U.S. 705, 715 (1943).

3 (5) Under the Elections Clause of article I, sec-
4 tion 4 of the Constitution, Congress has additional
5 power to regulate any election conducted to select
6 Members of Congress. Taken together, the Indian
7 Commerce Clause and the Election Clause give Con-
8 gress broad authority to enact legislation to safe-
9 guard the voting rights of Native American voters.

10 (6) Despite Congress’ decision to grant Native
11 Americans Federal citizenship, and with it the pro-
12 tections of the Fifteenth Amendment, with passage
13 of the Act of June 2, 1924 (Chapter 233; 43 Stat.
14 253) (commonly known as the “Indian Citizenship
15 Act of 1924”), States continued to deploy distinct
16 methods for disenfranchising Indians by enacting
17 statutes to exclude from voter rolls Indians living on
18 Indian lands, requiring that Indians first terminate
19 their relationship with their Indian Tribe, restricting
20 the right to vote on account of a Tribal member’s
21 “guardianship” status, and imposing literacy tests.

22 (7) Barriers to voter access for Native Ameri-
23 cans persist today, and such barriers range from ob-
24 structing voter access to vote dilution and inten-
25 tional malapportionment of electoral districts.

1 (8) The Native American Voting Rights Coalition's nine field hearings in Indian Country and
2 four-State survey of voter discrimination revealed a
3 number of additional obstacles that Native Americans must overcome in some States, including—

4 (A) a lack of accessible registration and
5 polling sites, either due to conditions such as
6 geography, lack of paved roads, the absence of
7 reliable and affordable broadband connectivity,
8 and restrictions on the time, place, and manner
9 that eligible people can register and vote, including unequal opportunities for absentee,
10 early, mail-in, and in-person voting;

11 (B) nontraditional or nonexistent addresses
12 for residents on Indian reservations, lack of residential mail delivery and pick up, reliance on
13 distant post offices with abbreviated operating
14 hours for mail services, insufficient housing
15 units, overcrowded homes, and high incidence of
16 housing insecurity and homelessness, lack of access to vehicles, and disproportionate poverty
17 which make voter registration, acquisition and
18 dropping off of mail-in ballots, receipt of voting
19 information and materials, and securing required identification difficult, if not impossible;

1 (C) inadequate language assistance for
2 Tribal members, including lack of outreach and
3 publicity, the failure to provide complete, accu-
4 rate, and uniform translations of all voting ma-
5 terials in the relevant Native language, and an
6 insufficient number of trained bilingual poll
7 workers; and

8 (D) voter identification laws that discrimi-
9 nate against Native Americans.

10 (9) The Department of Justice and courts also
11 recognized that some jurisdictions have been unre-
12 sponsive to reasonable requests from federally recog-
13 nized Indian Tribes for more accessible voter reg-
14 istration sites and in-person voting locations.

15 (10) According to the National Congress of
16 American Indians, there is a wide gap between the
17 voter registration and turnout rates of eligible Amer-
18 ican Indians and Alaska Natives and the voter reg-
19 istration and turnout rates of non-Hispanic White
20 and other racial and ethnic groups.

21 (11) Despite these obstacles, the Native-Amer-
22 ican vote continues to play a significant role in Fed-
23 eral, State, and local elections.

24 (12) In Alaska, New Mexico, Oklahoma, and
25 South Dakota, Native Americans, American Indians,

1 and Alaska Natives comprise approximately 10 per-
2 cent or more of the voting population.

3 (13) The Native-American vote also holds great
4 potential, with over 1,000,000 voters who are eligible
5 to vote, but are not registered to vote.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to fulfill the Federal Government’s trust re-
8 sponsibility to protect and promote Native-Ameri-
9 cans’ exercise of their constitutionally guaranteed
10 right to vote, including the right to register to vote
11 and the ability to access all mechanisms for voting;

12 (2) to establish Tribal administrative review
13 procedures for a specific subset of State actions that
14 have been used to restrict access to the polls on In-
15 dian lands;

16 (3) to expand voter registration under the Na-
17 tional Voter Registration Act of 1993 (52 U.S.C.
18 20501 et seq.) to cover Federal facilities;

19 (4) to afford equal treatment to forms of identi-
20 fication unique to Indian Tribes and their members;

21 (5) to ensure American Indians and Alaska Na-
22 tives experiencing homelessness, housing insecurity,
23 or lacking residential mail pickup and delivery can
24 pool resources to pick up and return ballots;

1 (6) to clarify the obligations of States and polit-
2 ical subdivisions regarding the provision of trans-
3 lated voting materials for American Indians and
4 Alaska Natives under section 203 of the Voting
5 Rights Act of 1965 (52 U.S.C. 10503);

6 (7) to provide Tribal leaders with a direct path-
7 way to request Federal election observers and to
8 allow public access to the reports of those election
9 observers;

10 (8) to study the prevalence of nontraditional or
11 nonexistent mailing addresses in Native communities
12 and identify solutions to voter access that arise from
13 the lack of an address; and

14 (9) to direct the Department of Justice to con-
15 sult on an annual basis with Indian Tribes on issues
16 related to voting.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) ATTORNEY GENERAL.—The term “Attorney
20 General” means the United States Attorney General.

21 (2) INDIAN.—The term “Indian” has the mean-
22 ing given the term in section 4 of the Indian Self-
23 Determination and Education Assistance Act (25
24 U.S.C. 5304).

1 (3) INDIAN LANDS.—The term “Indian lands”
2 includes—

3 (A) Indian country as defined under sec-
4 tion 1151 of title 18, United States Code;

5 (B) any land in Alaska owned, pursuant to
6 the Alaska Native Claims Settlement Act (43
7 U.S.C. 1601 et seq.), by an Indian Tribe that
8 is a Native village (as defined in section 3 of
9 that Act (43 U.S.C. 1602)) or by a Village Cor-
10 poration that is associated with an Indian Tribe
11 (as defined in section 3 of that Act (43 U.S.C.
12 1602));

13 (C) any land on which the seat of the Trib-
14 al government is located; and

15 (D) any land that is part or all of a Tribal
16 designated statistical area associated with an
17 Indian Tribe, or is part or all of an Alaska Na-
18 tive village statistical area associated with an
19 Indian Tribe, as defined by the Census Bureau
20 for the purposes of the most recent decennial
21 census.

22 (4) INDIAN TRIBE.—The term “Indian Tribe”
23 means the recognized governing body of any Indian
24 or Alaska Native Tribe, band, nation, pueblo, village,
25 community, component band, or component reserva-

1 tion, individually identified (including parentheti-
2 cally) in the list published most recently as of the
3 date of enactment of this Act pursuant to section
4 104 of the Federally Recognized Indian Tribe List
5 Act of 1994 (25 U.S.C. 5131).

6 (5) POLLING PLACE.—The term “polling place”
7 means any location where a ballot is cast in elections
8 for Federal office, and includes a voter center, poll,
9 polling location, or polling place, depending on the
10 State nomenclature.

11 **SEC. 4. ESTABLISHMENT OF A NATIVE AMERICAN VOTING**
12 **TASK FORCE GRANT PROGRAM.**

13 (a) IN GENERAL.—The United States Election As-
14 sistance Commission (referred to in this section as the
15 “Commission”) shall establish and administer, in coordi-
16 nation with the Department of the Interior, a Native
17 American voting task force grant program, through which
18 the Commission shall provide financial assistance to eligi-
19 ble applicants to enable those eligible applicants to estab-
20 lish and operate a Native American Voting Task Force
21 in each State with a federally recognized Indian Tribe.

22 (b) PURPOSES.—The purposes of the Native Amer-
23 ican voting task force grant program are to—

24 (1) increase voter outreach, education, registra-
25 tion, and turnout in Native American communities;

1 (2) increase access to the ballot for Native
2 American communities, including additional satellite,
3 early voting, and absentee voting locations;

4 (3) streamline and reduce inconsistencies in the
5 voting process for Native Americans;

6 (4) provide, in the community's dominant lan-
7 guage, educational materials and classes on Indian
8 lands about candidacy filing;

9 (5) train and educate State and local employ-
10 ees, including poll workers, about—

11 (A) the language assistance and voter as-
12 sistance requirements under sections 203 and
13 208 of the Voting Rights Act of 1965 (52
14 U.S.C. 10503; 10508);

15 (B) voter identification laws as affected by
16 section 8 of this Act; and

17 (C) the requirements of Tribes, States, and
18 precincts established under this Act;

19 (6) identify model programs and best practices
20 for providing language assistance to Native Amer-
21 ican communities;

22 (7) provide nonpartisan poll watchers on elec-
23 tion day in Native American communities;

24 (8) participate in and evaluate future redis-
25 tricting efforts;

1 (9) address issues of internet connectivity as it
2 relates to voter registration and ballot access in Na-
3 tive American communities;

4 (10) work with Indian Tribes, States, and the
5 Federal Government to establish mailing addresses
6 that comply with applicable State and Federal re-
7 quirements for receipt of voting information and ma-
8 terials; and

9 (11) facilitate collaboration between local elec-
10 tion officials, Native American communities, and
11 Tribal elections offices.

12 (c) ELIGIBLE APPLICANT.—The term “eligible appli-
13 cant” means—

14 (1) an Indian Tribe;

15 (2) a Secretary of State of a State, or another
16 official of a State entity responsible for overseeing
17 elections; or

18 (3) a consortium of the entities described in
19 paragraphs (1) and (2).

20 (d) APPLICATION AND SELECTION PROCESS.—

21 (1) IN GENERAL.—The Commission, in coordi-
22 nation with the Department of the Interior and fol-
23 lowing consultation with Indian Tribes about the im-
24 plementation of the Native American voting task
25 force grant program, shall establish guidelines for

1 the process by which eligible applicants will submit
2 applications.

3 (2) APPLICATIONS.—Each eligible applicant de-
4 siring a grant under this section shall submit an ap-
5 plication, according to the process established under
6 paragraph (1), and at such time, in such manner,
7 and containing such information as the Commission
8 may require. Such application shall include—

9 (A) a certification that the applicant is an
10 eligible applicant;

11 (B) a proposed work plan addressing how
12 the eligible applicant will establish and admin-
13 ister a Native American Voting Task Force
14 that achieves the purposes described in sub-
15 section (b);

16 (C) if the eligible applicant is a consortium
17 as described in subsection (c)(3), a description
18 of the proposed division of responsibilities be-
19 tween the participating entities;

20 (D) an explanation of the time period that
21 the proposed Native American Voting Task
22 Force will cover, which shall be a time period
23 that is not more than 3 years; and

24 (E) the goals that the eligible applicant de-
25 sires to achieve with the grant funds.

1 (e) USES OF FUNDS.—A grantee receiving funds
2 under this section shall use such funds to carry out one
3 or more of the activities described in subsection (b),
4 through the grantee’s Native American Voting Task
5 Force.

6 (f) REPORTS.—

7 (1) REPORT TO THE COMMISSION.—

8 (A) IN GENERAL.—Not later than 1 year
9 after the date on which an eligible applicant re-
10 ceives grant funds under this section, and annu-
11 ally thereafter for the duration of the grant,
12 each eligible applicant shall prepare and submit
13 a written report to the Commission describing
14 the eligible applicant’s progress in achieving the
15 goals outlined in the application under sub-
16 section (d)(2).

17 (B) RESPONSE.—Not later than 30 days
18 after the date on which the Commission receives
19 the report described in paragraph (1), the Com-
20 mission will provide feedback, comments, and
21 input to the eligible applicant in response to
22 such report.

23 (2) REPORT TO CONGRESS.—Not later than 1
24 year after the date of enactment of this Act, and an-
25 nually thereafter, the Commission shall prepare and

1 submit a report to the Committee on Indian Affairs
2 of the Senate and Committee on Natural Resources
3 of the House of Representatives containing the re-
4 sults of the reports described under paragraph (1).

5 (g) RELATIONSHIP WITH OTHER LAWS.—Nothing in
6 this section reduces State or local obligations provided for
7 by the Voting Rights Act of 1965 (52 U.S.C. 10301 et
8 seq.), the National Voter Registration Act of 1993 (52
9 U.S.C. 20501 et seq.), the Help America Vote Act of 2002
10 (52 U.S.C. 20901 et seq.), or any other Federal law or
11 regulation related to voting or the electoral process.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$10,000,000 for each of fiscal years 2022 through 2037.

15 **SEC. 5. VOTER REGISTRATION SITES AT INDIAN SERVICE**
16 **PROVIDERS AND ON INDIAN LANDS.**

17 Section 7(a) of the National Voter Registration Act
18 of 1993 (52 U.S.C. 20506(a)) is amended—

19 (1) in paragraph (2)—

20 (A) in subparagraph (A), by striking
21 “and” after the semicolon;

22 (B) in subparagraph (B), by striking the
23 period at the end and inserting a semicolon;
24 and

25 (C) by adding at the end the following:

1 “(C) any Federal facility or federally fund-
2 ed facility that is primarily engaged in pro-
3 viding services to an Indian Tribe; and

4 “(D) not less than one Federal facility or
5 federally funded facility that is located within
6 the Indian lands of an Indian Tribe, as applica-
7 ble, (which may be the Federal facility or feder-
8 ally funded facility described in subparagraph
9 (C)).”; and

10 (2) by adding at the end the following:

11 “(8) Where practicable, each Federal agency
12 that operates a Federal facility or a federally funded
13 facility that is a designated voter registration agency
14 in accordance with subparagraph (C) or (D) of para-
15 graph (2) shall designate one or more special days
16 per year at a centralized location within the bound-
17 aries of the Indian lands of each applicable Indian
18 Tribe for the purpose of informing members of the
19 Indian Tribe of the timing, registration require-
20 ments, and voting procedures in elections for Fed-
21 eral office, at no cost to the Indian Tribe.”.

22 **SEC. 6. ACCESSIBLE TRIBAL DESIGNATED POLLING SITES.**

23 (a) IN GENERAL.—

24 (1) DESIGNATION OF STATE OFFICER.—Each
25 of the several States whose territory contains all or

1 part of an Indian Tribe's Indian lands shall des-
2 ignate an officer within that State who will be re-
3 sponsible for compliance with the provisions of this
4 section and who shall periodically consult with the
5 Indian Tribes located wholly or partially within that
6 State regarding compliance with the provisions of
7 this section and coordination between the State and
8 Tribal government. The State shall provide written
9 notice to each such Indian Tribe of the officer so
10 designated.

11 (2) PROVISION OF POLLING PLACES.—For each
12 Indian Tribe that satisfies the obligations of sub-
13 section (c), and for each election for a Federal offi-
14 cial or State official that is held 180 days or later
15 after the date on which the Indian Tribe initially
16 satisfies such obligations, any State or political sub-
17 division whose territory contains all or part of an In-
18 dian Tribe's Indian lands—

19 (A) shall provide a minimum of one polling
20 place in each precinct in which there are eligible
21 voters who reside on Indian lands, in a location
22 selected by the Indian Tribe and at no cost to
23 the Indian Tribe, regardless of the population
24 or number of registered voters residing on In-
25 dian lands;

1 (B) shall not reduce the number of polling
2 locations on Indian lands based on population
3 numbers;

4 (C) shall provide, at no cost to the Indian
5 Tribe, additional polling places in locations on
6 Indian lands selected by an Indian Tribe and
7 requested under subsection (c) if, based on the
8 totality of circumstances described in subsection
9 (b), it is shown that not providing those addi-
10 tional polling places would result in members of
11 the Indian Tribe and living on Indian lands or
12 other individuals residing on the Indian Tribe's
13 Indian lands having less opportunity to vote
14 than eligible voters in that State or political
15 subdivision who are not members of an Indian
16 Tribe or do not reside on Indian lands;

17 (D) shall, at each polling place located on
18 Indian lands and at no cost to the Indian Tribe,
19 make voting machines, tabulation machines, of-
20 ficial receptacles designated for the return of
21 completed absentee ballots, ballots, provisional
22 ballots, and other voting materials available to
23 the same or greater extent that such equipment
24 and materials are made available at other poll-

1 ing places in the State or political subdivision
2 that are not located on Indian lands;

3 (E) shall, at each polling place located on
4 Indian lands, conduct the election using the
5 same voting procedures that are used at other
6 polling places in the State or political subdivi-
7 sion that are not located on Indian lands, or
8 other voting procedures that provide greater ac-
9 cess for voters;

10 (F) shall, at each polling place located on
11 Indian lands and at no cost to the Indian Tribe,
12 make voter registration available during the pe-
13 riod the polling place is open to the maximum
14 extent allowable under State law;

15 (G) shall, at each polling place located on
16 Indian lands, provide training, compensation,
17 and other benefits to election officials and poll
18 workers at no cost to the Indian Tribe and, at
19 a minimum, to the same or greater extent that
20 such training, compensation, and benefits are
21 provided to election officials and poll workers at
22 other polling places in the State or political
23 subdivision that are not located on Indian
24 lands;

1 (H) shall, in all cases, provide the Indian
2 Tribe an opportunity to designate election offi-
3 cials and poll workers to staff polling places
4 within the Indian lands of the applicable Indian
5 Tribe on every day that the polling places will
6 be open;

7 (I) shall allow for any eligible voting mem-
8 ber of the Indian Tribe or any eligible voting
9 individual residing on Indian lands to vote early
10 or in person at any polling place on Indian
11 lands, regardless of that member or individual's
12 residence or residential address, and shall not
13 reject the ballot of any such member or indi-
14 vidual on the grounds that the ballot was cast
15 at the wrong polling place; and

16 (J) may fulfill the State's obligations
17 under subparagraphs (A) and (C) by relocating
18 existing polling places, by creating new polling
19 places, or both.

20 (b) **EQUITABLE OPPORTUNITIES TO VOTE.—**

21 (1) **IN GENERAL.—**When assessing the opportu-
22 nities to vote provided to members of an Indian
23 Tribe and to other eligible voters in the State resid-
24 ing on Indian lands in order to determine the num-
25 ber of additional polling places (if any) that a State

1 or political subdivision must provide in accordance
2 with subsection (a)(2)(C), the State, political sub-
3 division, or any court applying this section, shall
4 consider the totality of circumstances of—

5 (A) the number of voting-age citizens as-
6 signed to each polling place;

7 (B) the distances that voters must travel
8 to reach the polling places;

9 (C) the time that voters must spend trav-
10 eling to reach the polling places, including
11 under inclement weather conditions;

12 (D) the modes of transportation, if any,
13 that are regularly and broadly available to vot-
14 ers to use to reach the polling places;

15 (E) the existence of and access to frequent
16 and reliable public transportation to the polling
17 places;

18 (F) the length of lines and time voters
19 waited to cast a ballot in previous elections; and

20 (G) any other factor relevant to effec-
21 tuating the aim of achieving equal voting oppor-
22 tunity for individuals living on Indian lands.

23 (2) ABSENCE OF FACTORS.—When assessing
24 the opportunities to vote in accordance with para-
25 graph (1), the State, political subdivision, or court

1 shall ensure that each factor described in paragraph
2 (1) is considered regardless of whether any one fac-
3 tor would lead to a determination not to provide ad-
4 ditional polling places under subsection (a)(2)(C).

5 (c) FORM; PROVISION OF FORM; OBLIGATIONS OF
6 THE INDIAN TRIBE.—

7 (1) FORM.—The Attorney General shall estab-
8 lish the form described in this subsection through
9 which an Indian Tribe can fulfill its obligations
10 under this subsection.

11 (2) PROVISION OF FORM.—Each State or polit-
12 ical subdivision whose territory contains all or part
13 of an Indian Tribe's Indian lands—

14 (A) shall provide the form established
15 under paragraph (1) to each applicable Indian
16 Tribe not less than 30 days prior to the dead-
17 line set by the State or political subdivision for
18 completion of the obligations under this sub-
19 section (which deadline shall be not less than
20 30 days prior to a Federal election) whereby an
21 Indian Tribe can fulfill its obligations under
22 this subsection by providing the information de-
23 scribed in paragraph (3) on that form and sub-
24 mitting the form back to the applicable State or
25 political subdivision by such deadline;

1 (B) shall not edit the form established
2 under paragraph (1) or apply any additional ob-
3 ligations on the Indian Tribe with respect to
4 this section; and

5 (C) shall cooperate in good faith with the
6 efforts of the Indian Tribe to satisfy the re-
7 quirements of this subsection.

8 (3) OBLIGATIONS OF THE INDIAN TRIBE.—The
9 requirements for a State and political subdivision
10 under subsection (a)(2) shall apply with respect to
11 an Indian Tribe once an Indian Tribe meets the fol-
12 lowing obligations by completing the form specified
13 in paragraph (1):

14 (A) The Indian Tribe specifies the number
15 and locations of requested polling places, early
16 voting locations, and ballot drop boxes to be
17 provided on the Indian lands of that Indian
18 Tribe.

19 (B) The Indian Tribe certifies that
20 curbside voting will be available for any facili-
21 ties that lack accessible entrances and exits in
22 accordance with Federal and State law.

23 (C) The Indian Tribe certifies that the In-
24 dian Tribe will ensure that each such requested
25 polling place will be open and available to all el-

1 eligible voters who reside in the precinct or other
2 geographic area assigned to such polling place,
3 regardless of whether such eligible voters are
4 members of the Indian Tribe or of any other
5 Indian Tribe.

6 (D) The Indian Tribe requests that the
7 State or political subdivision shall designate
8 election officials and poll workers to staff such
9 requested polling places, or certifies that the In-
10 dian Tribe will designate election officials and
11 poll workers to staff such polling places on
12 every day that the polling places will be open.

13 (E) The Indian Tribe may request that the
14 State or political subdivision provide absentee
15 ballots without requiring an excuse, an absentee
16 ballot request, or residential address to all eligi-
17 ble voters who reside in the precinct or other
18 geographic area assigned to such polling place,
19 regardless of whether such eligible voters are
20 members of the Indian Tribe or of any other
21 Indian Tribe.

22 (4) ESTABLISHED POLLING PLACES.—Once a
23 polling place is established under subsection
24 (a)(2)(A) or subsection (a)(2)(C) the Tribe need not
25 fill out the form designated under paragraph (1)

1 again unless or until that Indian Tribe requests
2 modifications to the requests specified in the most
3 recent form under paragraph (1).

4 (5) OPT OUT.—At any time that is 60 days or
5 more before the date of an election, an Indian Tribe
6 that previously has satisfied the obligations of para-
7 graph (3) may notify the State or political subdivi-
8 sion that the Indian Tribe intends to opt out of the
9 standing obligation for one or more polling places
10 that were established in accordance with subsection
11 (a)(2)(A) or subsection (a)(2)(C) for a particular
12 election or for all future elections. A Tribe may opt
13 back in at any time.

14 (d) FEDERAL POLLING SITES.—Each State shall
15 designate as voter polling facilities any of the facilities
16 identified in accordance with subparagraph (C) or (D) of
17 section 7(a)(2) of the National Voter Registration Act of
18 1993 (52 U.S.C. 20506(a)(2)), at no cost to the Indian
19 Tribe, provided that the facility meets the requirements
20 of Federal and State law as applied to other polling places
21 within the State or political subdivision. The applicable
22 agency of the Federal Government shall ensure that such
23 designated facilities are made available as polling places.

24 (e) MAIL-IN BALLOTING.—In States or political sub-
25 divisions that permit absentee or mail-in balloting, the fol-

1 lowing shall apply with respect to an election for Federal
2 office:

3 (1) For each ballot cast by a member of an In-
4 dian Tribe living on Indian lands, all postage shall
5 be prepaid by the Federal Government and each bal-
6 lot postmarked the day the ballot is received at a
7 postal facility located on Indian lands.

8 (2) An Indian Tribe may designate at least one
9 building per precinct as a ballot pickup and collec-
10 tion location (referred to in this section as a “trib-
11 ally designated buildings”) at no cost to the Indian
12 Tribe. The applicable State or political subdivision
13 shall collect and timely deposit all ballots from each
14 tribally designated building.

15 (3) At the applicable Tribe’s request, the State
16 or political subdivision shall provide mail-in and ab-
17 sentee ballots to each registered voter residing on
18 Indian lands in the State or political subdivision
19 without requiring a residential address, a mail-in or
20 absentee ballot request, or an excuse for a mail-in or
21 absentee ballot.

22 (4) The address of a tribally designated build-
23 ing may serve as the residential address and mailing
24 address for voters living on Indian lands if the trib-

1 ally designated building is in the same precinct as
2 that voter.

3 (5) If there is no tribally designated building
4 within the precinct of a voter residing on Indian
5 lands (including if the tribally designated building is
6 on Indian lands but not in the same precinct as the
7 voter), the voter may—

8 (A) use another tribally designated build-
9 ing within the Indian lands where the voter is
10 located; or

11 (B) use such tribally designated building
12 as a mailing address and may separately des-
13 ignate the voter's appropriate precinct through
14 a description of the voter's address, as specified
15 in section 9428.4(a)(2) of title 11, Code of Fed-
16 eral Regulations.

17 (6) In the case of a State or political subdivi-
18 sion that is a covered State or political subdivision
19 under section 203 of the Voting Rights Act of 1965
20 (52 U.S.C. 10503), that State or political subdivi-
21 sion shall provide absentee or mail-in voting mate-
22 rials with respect to an election for Federal office in
23 the language of the applicable minority group as well
24 as in the English language, bilingual election voting
25 assistance, and written translations of all voting ma-

1 materials in the language of the applicable minority
2 group, as required by section 203 of the Voting
3 Rights Act of 1965 (52 U.S.C. 10503), as amended
4 by this Act.

5 (7) A State or political division shall make rea-
6 sonable efforts to contact a voter who resides within
7 Indian lands located within its jurisdiction and offer
8 such voter a reasonable opportunity to cure any de-
9 fect in an absentee ballot issued to and completed
10 and returned by the voter, or appearing on or per-
11 taining to the materials provided for the purpose of
12 returning the absentee ballot, if State law would oth-
13 erwise require the absentee ballot to be rejected due
14 to such defect and the defect does not compromise
15 ballot secrecy or involve a lack of witness or assist-
16 ant signature, where such signature is mandated by
17 State law.

18 (8) In a State or political subdivision that does
19 not permit absentee or mail-in balloting for all eligi-
20 ble voters in the State or political subdivision, that
21 State or political subdivision shall nonetheless pro-
22 vide for absentee or mail-in balloting for voters who
23 reside on Indian lands consistent with this section if
24 the State, political subdivision, or any court applying
25 this section determines that the totality of cir-

1 cumstances described in subsection (b) warrants es-
2 tablishment of absentee or mail-in balloting for vot-
3 ers who reside on Indian lands located within the ju-
4 risdiction of the State or political subdivision.

5 (f) **BALLOT DROP BOXES.**—Each State shall—

6 (1) provide not less than one ballot drop box for
7 each precinct on Indian lands, at no cost to the In-
8 dian Tribe, at either the tribally designated building
9 under subsection (e)(2) or an alternative site se-
10 lected by the applicable Indian Tribe; and

11 (2) provide additional drop boxes at either the
12 tribally designated building under subsection (e)(2)
13 or an alternative site selected by the applicable In-
14 dian Tribe if the State or political subdivision deter-
15 mines that additional ballot drop boxes should be
16 provided based on the criteria considered under the
17 totality of circumstances enumerated under sub-
18 section (b).

19 (g) **EARLY VOTING.**—

20 (1) **EARLY VOTING LOCATIONS.**—In a State or
21 political subdivision that permits early voting in an
22 election for Federal office, that State or political
23 subdivision shall provide not less than one early vot-
24 ing location for each precinct on Indian lands, at no
25 cost to the Indian Tribe, at a site selected by the ap-

1 plicable Indian Tribe, to allow individuals living on
2 Indian lands to vote during an early voting period in
3 the same manner as early voting is allowed on such
4 date in the rest of the State or precinct. Additional
5 early voting sites shall be determined based on the
6 criteria considered under the totality of circum-
7 stances described in subsection (b).

8 (2) LENGTH OF PERIOD.—In a State or polit-
9 ical subdivision that permits early voting in an elec-
10 tion for Federal office, that State or political sub-
11 division shall provide an early voting period with re-
12 spect to that election that shall consist of a period
13 of consecutive days (including weekends) which be-
14 gins on the 15th day before the date of the election
15 (or, at the option of the State or political subdivi-
16 sion, on a day prior to the 15th day before the date
17 of the election) and ends on the date of the election
18 for all locations on Indian Lands.

19 (3) MINIMUM EARLY VOTING REQUIRE-
20 MENTS.—Each polling place that allows voting dur-
21 ing an early voting period under this subsection
22 shall—

23 (A) allow such voting for no less than 10
24 hours on each day;

1 (B) have uniform hours each day for which
2 such voting occurs; and

3 (C) allow such voting to be held for some
4 period of time prior to 9:00 a.m. (local time)
5 and some period of time after 5:00 p.m. (local
6 time).

7 (4) BALLOT PROCESSING AND SCANNING RE-
8 QUIREMENTS.—

9 (A) IN GENERAL.—To the greatest extent
10 practicable, ballots cast during the early voting
11 period in an election for federal office at voting
12 locations and drop boxes on Indian lands shall
13 be processed and scanned for tabulation in ad-
14 vance of the close of polls on election day.

15 (B) LIMITATION.—Nothing in this sub-
16 section shall be construed to permit a State or
17 political subdivision to tabulate and count bal-
18 lots in an election for Federal office before the
19 closing of the polls on the date of the election.

20 (h) PROVISIONAL BALLOTS.—

21 (1) IN GENERAL.—In addition to the require-
22 ments under section 302(a) of the Help America
23 Vote Act of 2002 (52 U.S.C. 21082(a)), for each
24 State or political subdivision that provides voters
25 provisional ballots, challenge ballots, or affidavit bal-

1 lots under the State’s applicable law governing the
2 voting processes for those voters whose eligibility to
3 vote is determined to be uncertain by election offi-
4 cials, election officials shall—

5 (A) provide clear written instructions indi-
6 cating the reason the voter was given a provi-
7 sional ballot, the information or documents the
8 voter needs to prove eligibility, the location at
9 which the voter must appear to submit these
10 materials or alternative methods, including
11 email or facsimile, that the voter may use to
12 submit these materials, and the deadline for
13 submitting these materials;

14 (B) permit any voter who votes provision-
15 ally at any polling place on Indian lands to ap-
16 pear at any polling place or at the central loca-
17 tion for the election board to submit the docu-
18 mentation or information to prove eligibility;

19 (C) permit any voter who votes provision-
20 ally at any polling place to submit the required
21 information or documentation via email or fac-
22 simile, if the voter prefers to use such methods
23 as an alternative to appearing in person to sub-
24 mit the required information or documentation
25 to prove eligibility;

1 (D) notify the voter on whether the voter's
2 provisional ballot was counted or rejected by
3 telephone, email, or postal mail, or any other
4 available method, including notifying the voter
5 of any online tracking website if State law pro-
6 vides for such a mechanism; and

7 (E) provide the reason for rejection if the
8 voter's provisional ballot was rejected after the
9 voter provided the required information or doc-
10 umentation on eligibility.

11 (2) DUTIES OF ELECTION OFFICIALS.—A State
12 or political subdivision described in paragraph (1)
13 shall ensure in each case in which a provisional bal-
14 lot is cast, that election officials—

15 (A) request and collect the voter's email
16 address, if the voter has one, and transmit any
17 written instructions issued to the voter in per-
18 son to the voter via email; and

19 (B) provide a verbal translation of any
20 written instructions to the voter.

21 (i) ENFORCEMENT.—

22 (1) ATTORNEY GENERAL.—The Attorney Gen-
23 eral may bring a civil action in an appropriate dis-
24 trict court for such declaratory or injunctive relief as
25 is necessary to carry out this section.

1 (2) PRIVATE RIGHT OF ACTION.—

2 (A) A person or Indian Tribe who is ag-
3 grievied by a violation of this section may pro-
4 vide written notice of the violation to the chief
5 election official of the State involved.

6 (B) An aggrieved person or Indian Tribe
7 may bring a civil action in an appropriate dis-
8 trict court for declaratory or injunctive relief
9 with respect to a violation of this section, if—

10 (i) that person or Indian Tribe pro-
11 vides the notice described in subparagraph
12 (A); and

13 (ii)(I) in the case of a violation that
14 occurs more than 120 days before the date
15 of an election for Federal office, the viola-
16 tion remains and 90 days or more have
17 passed since the date on which the chief
18 election official of the State receives the
19 notice under subparagraph (A); or

20 (II) in the case of a violation that
21 occurs 120 days or less but more than
22 30 days before the date of an election
23 for Federal office, the violation re-
24 mains and 20 days or more have
25 passed since the date on which the

1 chief election official of the State re-
2 ceives the notice under subparagraph
3 (A).

4 (C) In the case of a violation of this sec-
5 tion that occurs 30 days or less before the date
6 of an election for Federal office, an aggrieved
7 person or Indian Tribe may bring a civil action
8 in an appropriate district court for declaratory
9 or injunctive relief with respect to the violation
10 without providing notice to the chief election of-
11 ficial of the State under subparagraph (A).

12 (3) RULE OF CONSTRUCTION.—Nothing in this
13 section shall be construed to prevent a State or po-
14 litical subdivision from providing additional polling
15 places or early voting locations on Indian lands.

16 **SEC. 7. PROCEDURES FOR REMOVAL OF POLLING PLACES**
17 **AND VOTER REGISTRATION SITES ON INDIAN**
18 **LANDS.**

19 (a) ACTIONS REQUIRING TRIBAL ADMINISTRATIVE
20 REVIEW.—No State or political subdivision may carry out
21 any of the following activities in an election for Federal
22 office unless the requirements of subsection (b) have been
23 met:

24 (1) Eliminating polling places or voter registra-
25 tion sites on the Indian lands of an Indian Tribe.

1 (2) Moving or consolidating a polling place or
2 voter registration site on the Indian lands of an In-
3 dian Tribe to a location 1 mile or further from the
4 existing location of the polling place or voter reg-
5 istration site.

6 (3) Moving or consolidating a polling place on
7 the Indian lands of an Indian Tribe to a location
8 across a river, lake, mountain, or other natural
9 boundary such that it increases travel time for a
10 voter, regardless of distance.

11 (4) Eliminating in-person voting on the Indian
12 lands of an Indian Tribe by designating an Indian
13 reservation as a permanent absentee voting location,
14 unless the Indian Tribe requests such a designation
15 and has not later requested that the designation as
16 a permanent absentee voting location be reversed.

17 (5) Removing an early voting location or other-
18 wise diminishing early voting opportunities on In-
19 dian lands.

20 (6) Removing a ballot drop box or otherwise di-
21 minishing ballot drop boxes on Indian lands.

22 (7) Decreasing the number of days or hours
23 that an in-person or early voting polling place is
24 open on Indian lands only or changing the dates of

1 in-person or early voting only on the Indian lands of
2 an Indian Tribe.

3 (b) TRIBAL ADMINISTRATIVE REVIEW.—

4 (1) IN GENERAL.—The requirements of this
5 subsection have been met if—

6 (A) the impacted Indian Tribe submits to
7 the Attorney General the Indian Tribe’s written
8 consent to the proposed activity described in
9 subsection (a);

10 (B) the State or political subdivision, after
11 consultation with the impacted Indian Tribe
12 and after attempting to have the impacted In-
13 dian Tribe give consent as described in sub-
14 paragraph (A), institutes an action in the
15 United States District Court for the District of
16 Columbia for a declaratory judgment, and a de-
17 claratory judgment is issued based upon affirm-
18 ative evidence provided by the State or political
19 subdivision, that conclusively establishes that
20 the specified activity described in subsection (a)
21 proposed by the State or political subdivision
22 neither has the purpose nor will have the effect
23 of denying or abridging the right to vote on ac-
24 count of race or color, membership in an Indian

1 Tribe, or membership in a language minority
2 group; or

3 (C) the chief legal officer or other appro-
4 priate official of such State or political subdivi-
5 sion, after consultation with the impacted In-
6 dian Tribe and after attempting to have the im-
7 pacted Indian Tribe give consent as described
8 in subparagraph (A), submits a request to carry
9 out the specified activity described in subsection
10 (a) to the Attorney General and the Attorney
11 General affirmatively approves the specified ac-
12 tivity.

13 (2) NO LIMITATION ON FUTURE ACTIONS.—

14 (A) NO BAR TO SUBSEQUENT ACTION.—
15 Neither an affirmative indication by the Attor-
16 ney General that no objection will be made, nor
17 the Attorney General's failure to object, nor a
18 declaratory judgment entered under this sec-
19 tion, nor a written consent issued under para-
20 graph (1)(A) shall bar a subsequent action to
21 enjoin enforcement of an activity described in
22 subsection (a).

23 (B) REEXAMINATION.—The Attorney Gen-
24 eral reserves the right to reexamine any submis-
25 sion under paragraph (1)(C) if additional rel-

1 evant information comes to the Attorney Gen-
2 eral's attention.

3 (C) DISTRICT COURT.—Any action under
4 this section shall be heard and determined by a
5 district court of 3 judges in accordance with the
6 provisions of section 2284 of title 28, United
7 States Code, and any appeal shall lie to the Su-
8 preme Court.

9 **SEC. 8. TRIBAL VOTER IDENTIFICATION.**

10 (a) TRIBAL IDENTIFICATION.—If a State or political
11 subdivision requires an individual to present identification
12 for the purposes of voting or registering to vote in an elec-
13 tion for Federal office, an identification card issued by a
14 federally recognized Indian Tribe, the Bureau of Indian
15 Affairs, the Indian Health Service, or any other Tribal or
16 Federal agency issuing identification cards to eligible In-
17 dian voters shall be treated as a valid form of identifica-
18 tion for such purposes.

19 (b) ONLINE REGISTRATION.—If a State or political
20 subdivision requires an identification card for an indi-
21 vidual to register to vote online or to vote online, that
22 State or political subdivision shall annually consult with
23 an Indian Tribe to determine whether a tribal identifica-
24 tion can feasibly be used to register to vote online or vote
25 online.

1 (c) LIMITATION ON REQUIRING MULTIPLE FORMS
2 OF IDENTIFICATION.—If a State or political subdivision
3 requires an individual to present more than one form of
4 identification for the purposes of voting or registering to
5 vote in an election for Federal office, or for registering
6 to vote online or to vote online, that State or political sub-
7 division shall not require any member of an Indian Tribe
8 to provide more than one form of identification if the
9 member provides orally or in writing that the member does
10 not possess more than one form of identification.

11 **SEC. 9. PERMITTING VOTERS TO DESIGNATE OTHER PER-**
12 **SON TO RETURN BALLOT.**

13 Each State or political subdivision—

14 (1) shall permit family members (including ex-
15 tended family such as cousins, grandchildren, and
16 relations through marriage), caregivers, tribal assist-
17 ance providers, or household members to return a
18 sealed ballot of a voter that resides on Indian lands
19 to a post office on Tribal lands, a ballot drop box
20 location in a State or political subdivision that pro-
21 vides ballot drop boxes, a tribally designated build-
22 ing under section 6(e)(2), or an election office, so
23 long as the person designated to return the ballot or
24 ballots on behalf of another voter does not receive
25 any form of compensation based on the number of

1 ballots that the person has returned and no indi-
2 vidual, group, or organization provides compensation
3 on this basis;

4 (2) may not put any limit on how many voted
5 and sealed absentee ballots any designated person
6 can return to the post office, ballot drop box loca-
7 tion, tribally designated building, or election office
8 under paragraph (1); and

9 (3) shall permit, at a minimum, any family
10 member (including extended family such as cousins,
11 grandchildren, and relations through marriage),
12 caregiver, tribal assistance provider, or household
13 member, including the voter, to return voter reg-
14 istration applications, absentee ballot applications,
15 or absentee ballots to ballot drop box locations in a
16 State or political subdivision that provides ballot
17 drop boxes for these purposes.

18 **SEC. 10. BILINGUAL ELECTION REQUIREMENTS.**

19 Section 203 of the Voting Rights Act of 1965 (52
20 U.S.C. 10503) is amended—

21 (1) in subsection (b)(3)(C), by striking “1990”
22 and inserting “most recent”; and

23 (2) by striking subsection (e) and inserting the
24 following:

1 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
2 GUAGE OF A MINORITY GROUP.—

3 “(1) IN GENERAL.—Whenever any State or po-
4 litical subdivision subject to the prohibition of sub-
5 section (b), provides any registration or voting no-
6 tices, forms, instructions, assistance, or other mate-
7 rials or information relating to the electoral process,
8 including ballots, it shall provide them in the lan-
9 guage of the applicable minority group as well as in
10 the English language.

11 “(2) EXCEPTIONS.—

12 “(A) In the case of a minority group that
13 is not American Indian or Alaska Native and
14 the language of that minority group is oral or
15 unwritten, the State or political subdivision
16 shall only be required to furnish, in the covered
17 language, oral instructions, assistance, trans-
18 lation of voting materials, or other information
19 relating to registration and voting.

20 “(B) In the case of a minority group that
21 is American Indian or Alaska Native, the State
22 or political subdivision shall only be required to
23 furnish in the covered language oral instruc-
24 tions, assistance, or other information relating
25 to registration and voting, including all voting

1 materials, if the Indian Tribe of that minority
2 group has certified that the language of the ap-
3 plicable American Indian or Alaska Native lan-
4 guage is presently unwritten or the Indian
5 Tribe does not want written translations in the
6 minority language.

7 “(3) WRITTEN TRANSLATIONS FOR ELECTION
8 WORKERS.—Notwithstanding paragraph (2), the
9 State or political division may be required to provide
10 written translations of voting materials, with the
11 consent of any applicable Indian Tribe, to election
12 workers to ensure that the translations from English
13 to the language of a minority group are complete,
14 accurate, and uniform.”.

15 **SEC. 11. FEDERAL OBSERVERS TO PROTECT TRIBAL VOT-**
16 **ING RIGHTS.**

17 (a) AMENDMENT TO THE VOTING RIGHTS ACT OF
18 1965.—Section 8(a) of the Voting Rights Act of 1965 (52
19 U.S.C. 10305(a)) is amended—

20 (1) in paragraph (1), by striking “or” after the
21 semicolon;

22 (2) in paragraph (2)(B), by adding “or” after
23 the semicolon; and

24 (3) by inserting after paragraph (2) the fol-
25 lowing:

1 “(3) the Attorney General has received a writ-
2 ten complaint from an Indian Tribe that efforts to
3 deny or abridge the right to vote under the color of
4 law on account of race or color, membership in an
5 Indian Tribe, or in contravention of the guarantees
6 set forth in section 4(f)(2), are likely to occur;”.

7 (b) PUBLICLY AVAILABLE REPORTS.—The Attorney
8 General shall make publicly available the reports of a Fed-
9 eral election observer appointed pursuant to section
10 (8)(a)(3) of the Voting Rights Act of 1965 (52 U.S.C.
11 10305(a)(3)), as added by subsection (a), not later than
12 6 months after the date that such reports are submitted
13 to the Attorney General, except that any personally identi-
14 fiable information relating to a voter or the substance of
15 the voter’s ballot shall not be made public.

16 **SEC. 12. TRIBAL JURISDICTION.**

17 (a) IN GENERAL.—Tribal law enforcement have the
18 right to exercise their inherent authority to detain and or
19 remove any non-Indian, not affiliated with the State, its
20 political subdivision, or the Federal Government, from In-
21 dian lands for intimidating, harassing, or otherwise imped-
22 ing the ability of people to vote or of the State and its
23 political subdivisions to conduct an election.

24 (b) CIVIL ACTION BY ATTORNEY GENERAL FOR RE-
25 LIEF.—Whenever any person has engaged or there are

1 reasonable grounds to believe that any person is about to
2 engage in any act or practice prohibited by this section,
3 the Attorney General may institute for the United States,
4 or in the name of the United States, an action for preven-
5 tive relief, including an application for a temporary or per-
6 manent injunction, restraining order, or other order, and
7 including an order directed to the State and State or local
8 election officials to require them to permit persons to vote
9 and to count such votes.

10 **SEC. 13. TRIBAL VOTING CONSULTATION.**

11 The Attorney General shall consult annually with In-
12 dian Tribes regarding issues related to voting in elections
13 for Federal office.

14 **SEC. 14. ATTORNEYS' FEES, EXPERT FEES, AND LITIGATION**
15 **EXPENSES.**

16 In a civil action under this Act, the court shall award
17 the prevailing party, other than the United States, reason-
18 able attorney fees, including litigation expenses, reason-
19 able expert fees, and costs.

20 **SEC. 15. GAO STUDY AND REPORT.**

21 The Comptroller General shall study the prevalence
22 of nontraditional or nonexistent mailing addresses among
23 Indians, those who are members of Indian Tribes, and
24 those residing on Indian lands and identify alternatives
25 to remove barriers to voter registration, receipt of voter

1 information and materials, and receipt of ballots. The
2 Comptroller General shall report the results of that study
3 to Congress not later than 1 year after the date of enact-
4 ment of this Act.

5 **SEC. 16. UNITED STATES POSTAL SERVICE CONSULTATION.**

6 The Postmaster General shall consult with Indian
7 Tribes, on an annual basis, regarding issues relating to
8 the United States Postal Service that present barriers to
9 voting for eligible voters living on Indian lands.

10 **SEC. 17. SEVERABILITY; RELATIONSHIP TO OTHER LAWS;**
11 **TRIBAL SOVEREIGN IMMUNITY.**

12 (a) SEVERABILITY.—If any provision of this Act, or
13 the application of such a provision to any person, entity,
14 or circumstance, is held to be invalid, the remaining provi-
15 sions of this Act and the application of all provisions of
16 this Act to any other person, entity, or circumstance shall
17 not be affected by the invalidity.

18 (b) RELATIONSHIP TO OTHER LAWS.—Nothing in
19 this Act shall invalidate, or limit the rights, remedies, or
20 procedures available under, or supersede, restrict, or limit
21 the application of, the Voting Rights Act of 1965 (52
22 U.S.C. 10301 et seq.), the National Voter Registration
23 Act of 1993 (52 U.S.C. 20501 et seq.), the Help America
24 Vote Act of 2002 (52 U.S.C. 20901 et seq.), or any other
25 Federal law or regulation related to voting or the electoral

1 process. Notwithstanding any other provision of law, these
2 provisions shall be applicable within the State of Maine.

3 (c) TRIBAL SOVEREIGN IMMUNITY.—Nothing in this
4 Act shall be construed as—

5 (1) affecting, modifying, diminishing, or other-
6 wise impairing the sovereign immunity from suit en-
7 joyed by an Indian Tribe; or

8 (2) authorizing or requiring the termination of
9 any existing trust responsibility of the United States
10 with respect to Indian people.

11 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as may be necessary to carry out this Act.

○