



RESOLUTION # 2014-3

TITLE: To Support Amendments to the Voting Rights Act

WHEREAS, the National Native American Bar Association (“NNABA”) works to promote issues important to the Native American community and to improve professional opportunities for Native American lawyers, we do hereby establish and submit the following resolution; and

WHEREAS, NNABA was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors and law students, and NNABA strives to be a leader on social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, NNABA represents over 2,500 American Indian, Alaska Native and Hawaiian Native attorneys throughout the United States; and

WHEREAS, NNABA chapters organize election protection efforts to ensure that all voters have the right to participate in the elections process; and

WHEREAS, as a result of actions to prevent minorities from voting, the United States passed the Voting Rights Act of 1965 to enforce the voting protections in the Fourteenth and Fifteenth Amendments of the United States Constitution; and

WHEREAS, prior to the enactment of the Voting Rights Act and its amendments, many Native Americans were prevented from voting or holding office through the use of poll taxes, literacy tests, and intimidation. Subsequent to the passage of the Voting Rights Act, there have been numerous lawsuits in Indian Country to protect Native American voting rights. The Voting Rights Act has improved voter registration and voter turnout in Indian Country, and has improved the ability of Native Americans to elect candidates of their choice; and

WHEREAS, the Voting Rights Act includes expiring provisions that have been reauthorized five times, most recently in 2006; and

WHEREAS, s part of the 2006 reauthorization process, Congress obtained evidence that Native Americans continue to be disenfranchised by voting schemes, ineffective language assistance, and polling place discrimination. Native Americans still face voting obstacles, including voter suppression efforts, Voter ID requirements, lack of sufficient language translations, and efforts to challenge Native American candidates. Further, there are a number of



Native American communities that continue to lack equal access to the ballot, including tribal communities in Montana, Arizona, Alaska, South Dakota; and

WHEREAS, Section 5 of the Voting Rights requires preclearance of voting changes by covered jurisdictions (jurisdictions with a history of restricting minority voting rights) prior to the implementation of the voting change. Preclearance has improved the ability of minorities and Native Americans to vote and to elect candidates of choice; and

WHEREAS, as of 2006, the following jurisdictions with significant Native American populations were subject to Section 5 preclearance requirements: Arizona, Alaska, and Todd and Shannon Counties in South Dakota; and

WHEREAS, in *Shelby County v. Holder*, 570 U.S. ____ (2013), the United States Supreme Court invalidated Section 4(b) of the Voting Rights Act, the coverage formula for jurisdictions subject to Section 5 preclearance, finding that the coverage formula was outdated and not responsive to current needs; and

WHEREAS, improved voter protections are needed to prevent voter suppression efforts, to ensure that Native American voters have equal access to the ballot, and to ensure that Native American ballot translations are available prior to elections. The coverage formula under Section 4(b) of the Voting Rights Act needs to be updated to require jurisdictions that impede Native Americans from voting are subject to preclearance under Section 5 of the Voting Rights Act.

NOW THEREFORE BE IT RESOLVED, that the National Native American Bar Association calls upon Congress to update the coverage formula to ensure that jurisdictions that impede Native American voting rights are subject to the preclearance provisions of Section 5 of the Voting Rights Act.

BE IT FURTHER RESOLVED, that the National Native American Bar Association calls upon Congress to pass laws that improve access to the ballot, such as requiring consultation with tribal governments on polling place locations, ensuring that there are early voting locations on the reservations in states that require early voting, and recognizing tribal IDs as valid IDs for voter registration and in-person voting.

BE IT FINALLY RESOLVED, that the National Native American Bar Association calls upon the Department of Justice to file actions when Native American voters are discriminated against in the voting process, and to send federal observers to Indian Country to document voting problems and discrimination.



NATIONAL
NATIVE AMERICAN
BAR ASSOCIATION
CERTIFICATION

The foregoing resolution was adopted by the membership at the Annual Meeting of the National Native American Bar Association, on Wednesday, April 9, 2014, with a quorum present.

Mary Smith

Mary Smith, President