



Rock the Vote Democracy Class Curriculum National Congress of American Indians' Supplement to Rock the NATIVE Vote!

Civically informed youth are civically engaged youth! NCAI has developed this Native specific supplement for [Rock the Vote's "Democracy Class."](#) The class is a one-class-period program that uses video, a classroom discussion and a mock election to teach young people the skills to navigate the elections process and engage as active citizens. Almost 10 percent of Native people (474,649 people) are between the ages of 15-19 so engaging Native young people is critical to building civically engaged Native people.

This curriculum supplement is intended to help educators, tribal youth staff, and tribal leaders teach Native youth about the history and unique importance of Native Vote, the importance of participating in elections that inevitably impact tribal communities, and the reality that every voice and every vote counts. For more information about the Native Vote campaign, visit our website: www.NativeVote.org or email tsmalley@ncai.org.

I. History of the Native Vote

Trivia Question: When were American Indians and Alaska Natives given the right to vote?
(ANSWER: 1970)

Most people think that American Indians and Alaska Natives were given the right to vote in 1924 when President Coolidge signed the Indian Citizenship Act. However, it was **not until 1970, when the Voting Rights Act was passed**, that major restrictions facing American Indians and Alaska Natives voters were removed in every state. . This act ensured that Native people could participate as voters in state and national elections.

The Indian Citizenship Act extended citizenship rights to a significant number of American Indians and Alaska Natives who had become US citizens by other means (for example, serving in the military, or giving up their tribal status and affiliation). But not all the states removed limits on American Indian voters.

In **1948 the *Trujillo v. Garley***, struck down limitations in the New Mexico Constitution that prevented American Indians living on the reservation from voting. This case led New Mexico (one of the last hold-out states) to remove voting restrictions affecting American Indians living on reservations. Native people in Maine did not receive the right to vote in national elections until 1954 or in state elections until 1967. Native people in Colorado facing literacy test requirements were some of the last to be enfranchised in 1970 with the Voting Rights Act, which made these sorts of voter eligibility requirements illegal.

The National Congress of American Indians, which was established in 1944, was involved in the earliest efforts to secure and enforce voter rights for all Native peoples and remains committed to Native Vote today.

Trivia Question: What percentage of American Indians and Alaska Natives over the age of 18 are registered to vote? (ANSWER: only 66 percent compared to 74 percent of non-Hispanic Whites)

Recent data suggests that **over 1,000,000 eligible American Indians and Alaska Natives were not registered to vote in the 2008 elections.**ⁱ – this represents **34 percent of the total Native population over 18.** I think of it this way: if there are three seniors in your class who are American Indian or Alaska Native, one of them is not registered to vote.

II. Voting Rights in the Early US Constitution

Surprisingly, there is no exact language in the US Constitution that says that citizens have the “right to vote.” The US Constitution does, however, set out the rules by which the US President and Congress are elected. The Privileges and Immunities Clause of Article Four and the 14th Amendment, however, **serve as the basis for all federal voting rights laws.** This clause also prohibits specific discrimination in voting. **Overall, states determine individual voter eligibility** or “Qualifications.” however certain amendments to the US Constitution (such as the 14th, 15th, 19th, and 24th Amendments or the Voting Rights Act of 1965) limit states’ authority over voter eligibility and elections. These limits are intended to protect individuals or groups in the name of democracy. American Indian and Alaska Native peoples have a unique political status and relationship with the federal government, whereas **the relationship between tribal governments and state governments** – who oversee elections – can be more problematic.

III. What’s So Different about Native People?: The Unique Political Status of American Indians & Alaska Natives

During the 1961 American Indian Chicago Conference ***The Voice of the American Indian, the Declaration of Indian Purpose*** was created to speak out against US termination policies, enacted to assimilate Indian tribes into mainstream American society.

[Read excerpt from *The Declaration of Indian Purpose*]

The document begins: *“We the Indian People must be governed by principles in a democratic manner with the right to choose our way of life. Since our Indian culture is threatened by the presumption of being absorbed by the American society we believe we have the responsibility of preserving our precious heritage. We believe that Indians must provide the adjustment and thus freely advance with dignity to a better life.”*

Tribal governments are America’s oldest governments. American Indian and Alaska Native people inhabited the land that is now called America long before the founding of the United States and the US Constitution. American Indians and Alaska Natives are not another racial or ethnic group, such as Latinos or African Americans, but have a **unique, sovereign political status, acknowledged in the US Constitution**, various Supreme Court rulings, Executive Orders, Acts of Congress, and other federal policies.

American Indian and Alaska Native tribes have the same government status as states and the federal government. The Commerce Clause of the US Constitution acknowledges Indian tribes alongside states and foreign nations:

“Congress shall have the power to regulate Commerce with foreign nations and among the several states, and with the Indian tribes”.

This clause, also called the Indian Commerce Clause, recognizes Indian tribes’ **authority to self-govern**, which includes the right to:

- Establish their own governing systems,
- Determine who are tribal citizens,
- Tax citizens and others on their lands,
- Protect their borders, and
- Issue and enforce laws – though, just as states are limited, tribes cannot print or issue their own currency or declare war.

All of the land that is today the United States was first Indian land. The **US government signed many treaties** with tribal nations between 1787 and 1871 before, during, and after the Constitution was ratified in the states to secure land and establish relations with Native peoples. While the US no longer enters into treaty negotiations with tribes, the federal government is responsible to uphold the obligations included in treaties, Acts of Congress, and Executive Orders – together, these obligations are referred to as the **federal trust responsibility** towards Indian tribes and their citizens.

Part of this federal trust responsibility is providing health care to tribal citizens through the Indian Health Service and education through the Bureau of Indian Education. Some people “assume” that Native people have access to free health care and education, and do not pay taxes. This is false as American Indians and Alaska Natives pay federal income tax that contributes to paying for health and education services.

In the context of voting rights, the unique political status of Native peoples is important for three reasons:

- 1) Native peoples are often citizens of both their tribal nations and the United States;
- 2) States set voter eligibility requirements and do not have the same trust responsibility to tribes and their citizens as the federal government has; and
- 3) Federally-recognized tribes can help to increase Native voter registration and participation (for example, by providing community polling locations, issuing tribal identification cards and allowing same-day registration for their citizens).

IV. Native Voting Options

Tribal ID's: In many states, tribal ID's can be used by Native people to register and as proof of identity when casting a ballot. These include Alabama, Arizona, Idaho, Georgia, Michigan, Montana, North Dakota, Oklahoma, South Dakota, Utah, Washington, and Wisconsin. Poll workers must be better educated about the use of tribal ID's as some may turn Native voters away because they are not aware of the ID laws.

Early Voting: In some states like South Dakota, voters may have the option for early voting – which means that for a period of time before the election (e.g., 45 days), individuals can register to vote and cast a ballot at a specific location. This helps ease the burden faced by rural or elderly voters, including those living on reservations and tribal lands, who may have to travel large distances to vote, those who have to face challenging weather conditions, or those who may be moving back and forth between communities. However, there are reports that some states are trying to prevent early voting from being offered on reservations. (See <http://indiancountrytodaymedianetwork.com/2012/03/15/ballot-box-breakthrough-in-the-badlands-103079> for a related story)

Pre-Registration for those Under 18: Many states have laws that allow 16 and 17-year-olds to register to vote, ensuring they receive voter materials once they turn 18 in the hopes that this will increase the likelihood young people will participate in elections. This is particularly important for Native people given the young age of the population. (See <http://www.fairvote.org/youth-preregistration-fact-sheet/> for more information)

V. Power of the Native Vote

How many of you think your vote as a Native person matters? Let's talk about the power of the Native Vote.

- In 2006, US Senator John Tester (D-Montana) won his Senate seat over the Republican incumbent candidate by only 3,562 votes. In that election, more than **17,000 voters cast ballots on Montana's seven Indian reservations**. Tester's election shifted the balance of power in the US Senate that year, leading to a new Democratic Senate leadership and committee and legislative terrain.
- In 2010, US Senator Lisa Murkowski (R-Alaska) became the **second person ever** to win a US Senate seat through a write-in campaign, having lost the primary to another

Republican candidate. Murkowski [credits the significant power of the Alaska Native vote](#) for her victory at the polls. She won by over 10,000 write-in votes in the general election – with over 100,000 people total writing in the name Murkowski.

Native Youth: YOU are Important!

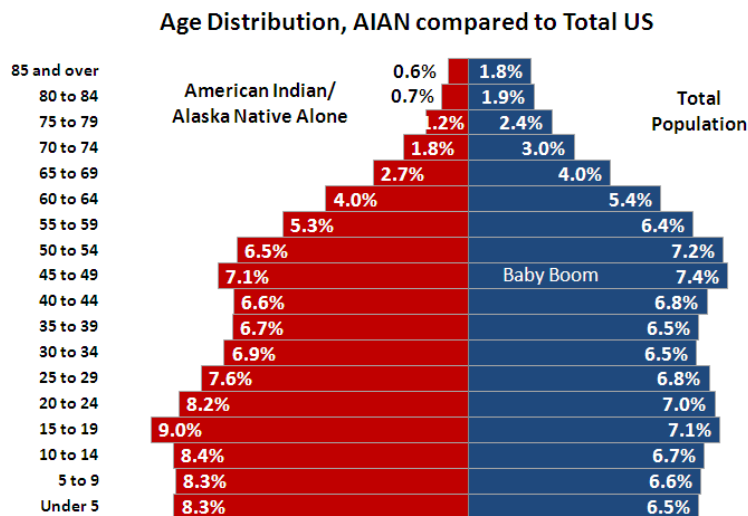
Trivia Question: What percentage of the US population is American Indian or Alaska Native? (Over 5 million; 1.7%)

Trivia Question: What percentage of American Indians and Alaska Natives are under the age of 18? (30% nationally; over 40 percent in some states)

Trivia Question: What percentage of American Indians and Alaska Natives are under the age of 25? (42% nationally)

American Indians and Alaska Natives have the youngest population of any racial/ethnic group in the United States. **42 percent of the total American Indian and Alaska Native population** is under the age of 25.

We have witnessed a significant increase in the number of American Indians and Alaska Natives in the 15-19 age group. This age group is the largest age in the age distribution as displayed below making up over 260,000 Native youth (or nearly 1 in 10). These youth are finishing school, preparing for college, community leadership positions, or employment and are getting ready to vote for the first time — THIS MEANS YOU! Together we can make a difference by registering Native youth to vote.



Interesting Fact! Some states have larger American Indian and Alaska Native youth populations than others. For example, of the 71,817 **American Indians in South Dakota, nearly 40 percent are under 18 years old!!**

What does this mean for Native Youth?

In the next couple of years, even more Native young people will be able to vote and will likely be headed to college or other advanced education and training pathways. Be one of them!!

Tribal sovereignty stands as the legacy of generations of Native people who fought for our rights to self-determine and to participate in American democracy on our own terms. **Exercising your right to vote in tribal, national, state, and local elections honors this legacy** and helps to shape what it means to be Native American today and in the future.

[PLAY: [Chaske Spenser PSA](#) and [That's My People PSA](#)]

[Consider adding in SAMPLE ISSUES FOR DISCUSSION Section of Democracy Class Curriculum]

Key Policy Issues for Indian Country: Border security and public safety; digital communications and infrastructure (e.g., broadband and wireless technologies); educational equity; juvenile justice; public and mental health (e.g., diabetes and suicide prevention); environmental protection and climate change; economic and workforce development; cultural protection and sacred sites; anti-defamation and mascot issues.

Key Legislative Acts: Tribal Law & Order Act; Violence Against Women Act; Indian Health Care Improvement Act

ⁱ US Census Bureau, DataFerrett, Current Population Survey, Voting and Registration, November 2008. Analysis by Demos.