

# TEACHERS GUIDE



EVERY  
NATIVE  
VOTE  
COUNTS



NATIONAL INDIAN EDUCATION ASSOCIATION



National  
Congress of  
American  
Indians

# TEACHERS GUIDE: EVERY NATIVE VOTE COUNTS

A TEACHING TOOL TO REVITALIZE CIVIC ENGAGEMENT AMONG NATIVE PEOPLES

## CIVICALLY INFORMED YOUTH ARE CIVICALLY ENGAGED YOUTH!

Every four years, almost half a million Native young people turn 18 and become eligible to vote. This provides an opportunity to engage almost one in ten Native people as new voters. Educating Native young people is critical to revitalizing civic engagement in Native communities.

NCAI originally developed this Native-specific tool as a supplement for Rock the Vote's "Democracy Class." The Rock the Vote 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.

In 2014, the teacher's guide has been expanded as a standalone product with a series of lessons plans that can assist teachers in engaging younger students in civic education. These lesson plans are available at [NativeVote.org](http://NativeVote.org) and are designed to assist teachers in meeting common core objectives.

This guide 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](http://www.NativeVote.org) or email [nativevote@gmail.com](mailto:nativevote@gmail.com).

## I. HISTORY OF THE NATIVE VOTE

Most people think that American Indians and Alaska Natives were given the right to vote in 1924. However, it **was not until 1970** that major restrictions facing American Indian and Alaska Native voters were struck down in every state with the Voting Rights Act, ensuring Native people could participate as voters in state and national elections.

### TRIVIA QUESTION:

*When were American Indians and Alaska Natives given the right to vote?*

**1970**

In 1924, President Coolidge signed the Indian Citizenship Act into law, extending citizenship rights to a significant number of American Indians and Alaska Natives who had become US citizens by other means—such as serving in the military or denouncing their tribal status and affiliations. But, not all the states removed limits on American Indian voters.

It was not until **1948**, in *Trujillo v. Garley*, that the United States District Court of New Mexico struck down limitations in the New Mexico Constitution that prevented American Indians living on the reservation from voting. This case compelled New Mexico, which was one of the last hold-out states, to remove voting restrictions affecting American Indians living on reservations. However, Native people in Maine did not receive the right to vote in national elections until 1954 and did not have that right in state elections until 1967. Native people in Colorado facing literacy test requirements were some of the last to be enfranchised by the passage of the 1970 Voting Rights Act, which prohibited these sorts of voter eligibility requirements in 20 states.

The National Congress of American Indians (NCAI), 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. Yet, to this day, reports from individual voters, tribes, and voter protection organizations show Native people being denied the right to vote in some places.

Recent data suggests that **over 1,000,000 eligible American Indians and Alaska Natives are not registered to vote**<sup>1</sup>—this represents 34 percent of the total Native population over 18. 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

While you will not find exact language in the US Constitution that states that citizens have the “right to vote,” the Privileges and Immunities Clause of Article Four and the 14th Amendment (specifically the Equal Protection Clause) **serve as the basis for all federal voting rights laws** and prohibit specific limitations and discrimination in voting. The US Constitution also sets out the rules by which the US President and Congress are elected. For example, the election of members to the US House of Representatives is described in Article I, Section 2, Clause 1:

*“The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.”*

As is clear here, **states determine individual voter eligibility** or “Qualifications” except where there are further amendments to the US Constitution (such as the 14th, 15th, 19th, and 24th Amendments or the Voting Rights Act of 1965) that limit states’ authority over voter eligibility and elections in order to protect individuals or

### TRIVIA QUESTION:

*What percentage of American Indians and Alaska Natives over the age of 18 are registered to vote?*

**66% compared to 74% of non-Hispanic Whites**

groups in the name of democracy.

While this information is important overall in voting rights history, it is particularly important for understanding Native vote efforts

as 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 tenuous.

## 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 drafted to speak out against US policies of termination which intended to assimilate Indian tribes into mainstream American society.

The document begins:

#### READ:

##### Excerpt from *The Declaration of Indian Purpose*

*“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 and American Indian and Alaska Native people pre-date 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 as 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.

One of the first and most frequently cited examples is from the Commerce Clause of the US Constitution, which 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 nature of tribal-federal agreements has changed, the federal government still negotiates contracts and compacts to this day and 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.

The unique political status of Native peoples is important in the context of voting rights 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 have some authority that may increase Native voter registration and participation (e.g., providing community polling locations, issuing tribal identification cards and allowing same-day registration for their citizens).

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## IV. NATIVE VOTING OPTIONS

**Tribal ID’s:** In many states, tribal ID’s can be used by Native people to register to vote and as proof of identity when casting a ballot. These include Alabama, Arizona, Georgia, Idaho, Michigan, Mississippi, Montana, North Carolina, North Dakota, Oklahoma, South Dakota, Utah, Washington, and Wisconsin. There needs to be more information provided to poll workers 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 and Minnesota, 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 residents, 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 article from Indian Country Today 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 article from Indian Country Today for more information.**

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## 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. Again in 2012, Senator John Tester was re-elected by a narrow margin with help from the Native Vote. Senator Tester acknowledged before the election that his success would be built on turnout on Montana's Indian reservations and Native voters rewarded the Senator for his close engagement with tribal nations.
- ☑ 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 with ensuring 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.

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### TRIVIA QUESTION:

*What percentage of American Indians and Alaska Natives are under the age of 25?*  
**42% nationally**

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- ☑ In 2012, The Native Vote made a key difference in the North Dakota Senate race. Senator-elect Heidi Heitkamp's victory was won by 2,994 votes. Her net vote gain in the three counties with reservations and high Native population was 4,282.

### Native youth: **YOU** are important!

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

And, we have witnessed a boom (like the post-war baby boom) 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 nearly 1 in 10 Native people. These young people are finishing school, preparing for college, holding community leadership position, or seeking 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.

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### TRIVIA QUESTION:

*What percentage of the US population is American Indian or Alaska Native?*  
**Over 5 million; 1.7%**

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**Interesting Fact!** Some states have larger American Indian and Alaska Native youth populations than others. One of the most striking is **South Dakota**, which has a very young Native population. 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.**  
**Other videos are**  
**at [NativeVote.org](http://NativeVote.org)**

mental 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.

### 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

## TRIVIA QUESTION:

*What percentage of American Indians and Alaska Natives are under the age of 18?*

**30% nationally; over 40% in some states**

## CONSIDER ADDING:

*Sample Issues for Discussion Section of Democracy Class Curriculum*

## ENDNOTES

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

Age Distribution, AIAN compared to Total US

