

# **Native American Voting Practices in New Mexico: How Do We Promote an Inclusive Democracy in the COVID-19 Era?**



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## OVERVIEW

The spread of COVID-19 has fundamentally changed the accessibility and safety of voting for tribal communities in New Mexico. This study aims to identify barriers confronting Native American voters during the pandemic, determine what information/support would encourage Native American voter participation and recommend strategies to ensure voting systems are accessible in future elections.

Drawing on research from Native American advocacy organizations nationwide, this report will explain current obstacles to voting experienced by tribal communities and how the COVID-19 pandemic threatens to further disenfranchise Native American voters.

This risk is evident in data on Native American voter participation in New Mexico, which reveals that voter turnout has dropped in Native American precincts. This study also analyzes voting method data to demonstrate how Native American voters are responding to the pandemic with increased use of absentee ballots.

To understand this issue on the ground, we surveyed members of tribal communities across the state. Native American voters in New Mexico shared their voting experiences and identified barriers to voting for the 2020 primary election. Native American voters also told us what can be done to promote political participation and accessible elections in their communities. In laying out these responses, this study can inform voter education and outreach efforts.

Both survey responses and voter participation data indicate that more Native American voters are using absentee ballots. To ensure that this shift does not lead to voter suppression, we consulted county clerks and election officials in states that conduct all-mail elections and have significant Native American populations (Utah, Colorado, Washington and Oregon). Based on their guidance, this report presents a list of best practices that would allow absentee voting structures to be inclusive of Native American voters in New Mexico.

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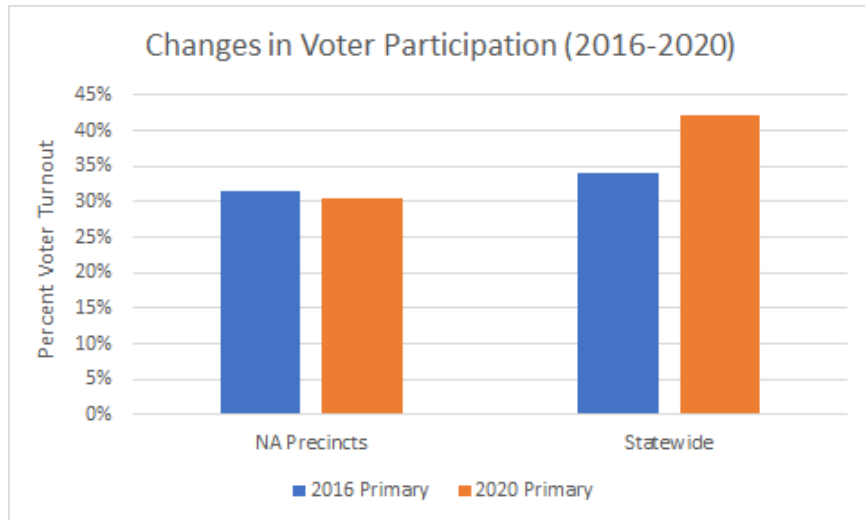
# HOW THE PANDEMIC MAY **DISENFRANCHISE** NATIVE AMERICAN VOTERS

Severe outbreaks of COVID-19 on tribal lands have compounded a long list of barriers that confront Native American voters. Experts from the Native American Rights Fund and Native American Voting Rights Coalition anticipate that voting with absentee ballots may be the safest voting method but will have an adverse effect on Native American participation.<sup>1</sup> They highlight unique challenges that voting by mail presents for tribal communities:

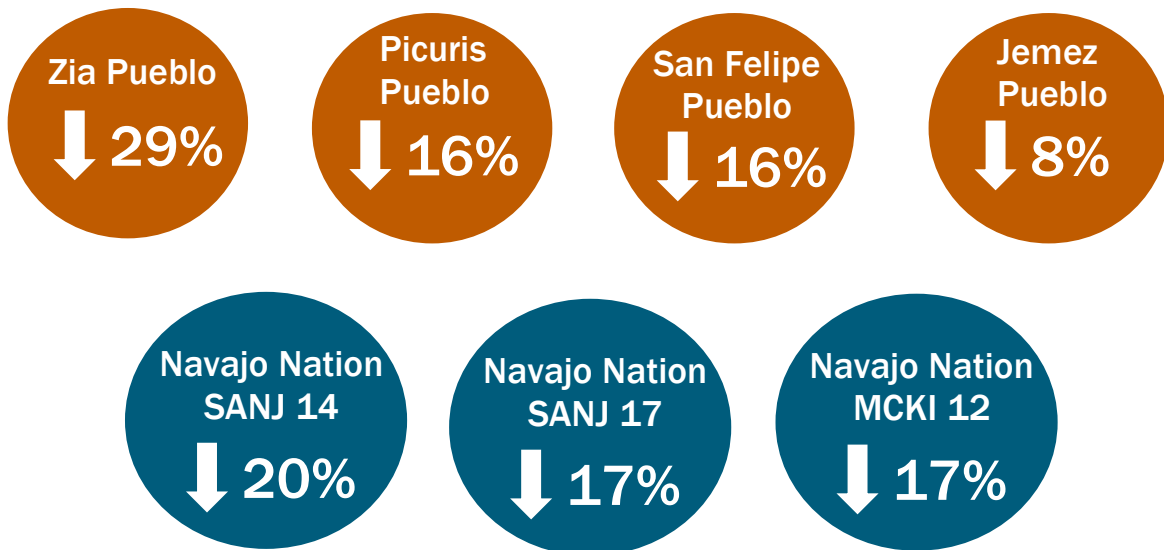
- Many homes on tribal lands have non-conforming addresses. It may be difficult for the postal service to recognize and provide these addresses home delivery of absentee ballots. For example, a tribal residence may not have a city-style address, but instead a descriptive address such as, “1 Mile East of Sanostee Day School.”
- Post offices serving Native American precincts frequently require users to drive a distance. This, coupled with limited hours of operation, results in accessibility issues.
- Sharing of P.O. boxes may create delays for the delivery of voter materials (i.e. absentee application form) to the appropriate voter.
- The current structure of the postal service has slow deliveries and pick-ups on reservations in rural areas making it difficult for Native American voters to meet absentee ballot deadlines.
- Increased voting by mail will lead to the closure of polling stations on tribal lands. Because most people in Native communities vote in person, fewer in-person polling stations would likely lead to a drop in voter turnout.
- Literacy and language barriers: Without in-person interpretation, ballots may be illegible to Native American voters.
- Rejection of ballots due to failed signature matching.
- Lack of broadband access means eligible voters won't be able to register or request absentee ballots remotely.

# DATA ON NATIVE AMERICAN VOTER PARTICIPATION

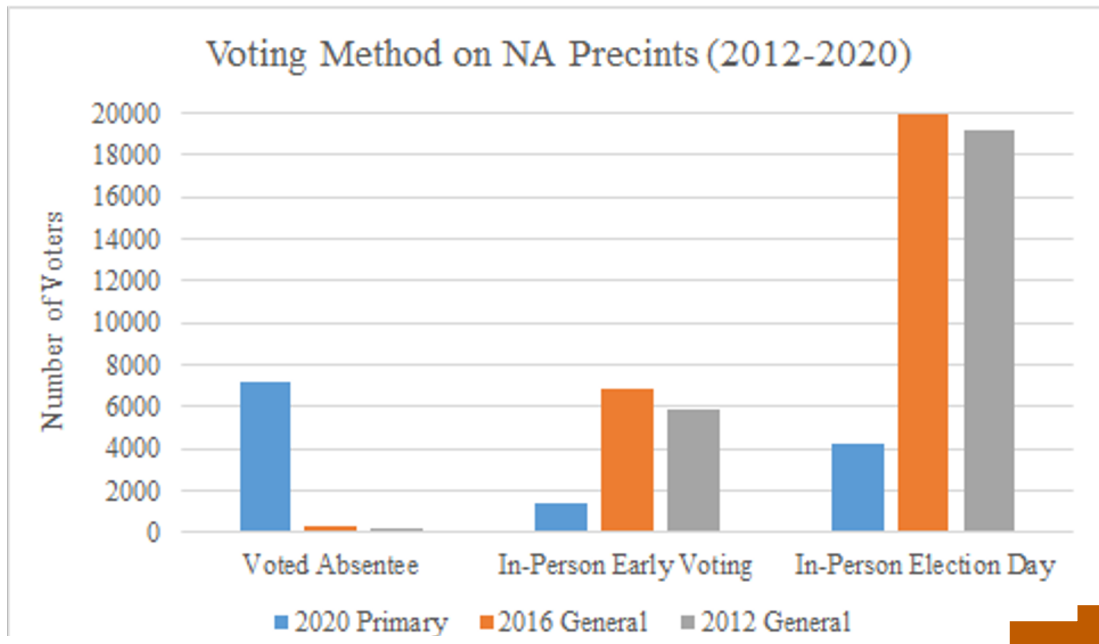
From the 2016 primary to the 2020 primary, voter turnout on Native American precincts in New Mexico **dropped by nearly 1 percent**.<sup>2</sup> While increased absentee voting in New Mexico to reduce spread of COVID-19 has significantly improved statewide voter participation with turnout up 7.96%, it has had a negative impact on Native American participation.<sup>3</sup>



Voter turnout plummeted in several precincts. This may indicate that polling stations were closed in the 2020 primary election and/or these locations were particularly severely impacted by COVID-19.



## Voting Method



**Fewer voters in tribal precincts are voting in-person on Election Day.** In the 2016 general election, 44% of voters voted in person on Election Day, and in the 2020 primary only 33% used this method to vote. In hard numbers that means in the 2016 general election, 19,903 voters voted in person on Election Day, and in the 2020 primary only 4,222 voters voted in person on Election Day.

**More voters in tribal precincts are voting with an absentee ballot.** Only 1% of voters in NA precincts voted with absentee ballots in the 2016 general election. This climbed significantly in the 2020 primary to 56% of voters. In other words, 264 voters voted absentee in the 2016 general election, and 7,174 voters used an absentee ballot to vote in the 2020 primary.<sup>4</sup>

This clear shift toward using absentee ballots may be a reflection of two changes in the COVID-19 era. First, there are reports that some in-person polling stations were closed which would make in-person voting less convenient. Second, the increase in absentee ballot use may reflect concerns about the spread of COVID-19 in tribal communities.

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# **SURVEYING NATIVE AMERICAN VOTERS**

To hear from Native American voters in New Mexico about their experiences in the 2020 primary election, we conducted a phonebank survey. From July 30, 2020, to August 4, 2020, we collected 24 responses.<sup>5</sup> Due to this limited number of responses, this survey cannot be used to generalize the experiences of all Native American voters. A copy of the survey is in the appendix. Respondents came from the following tribal backgrounds:

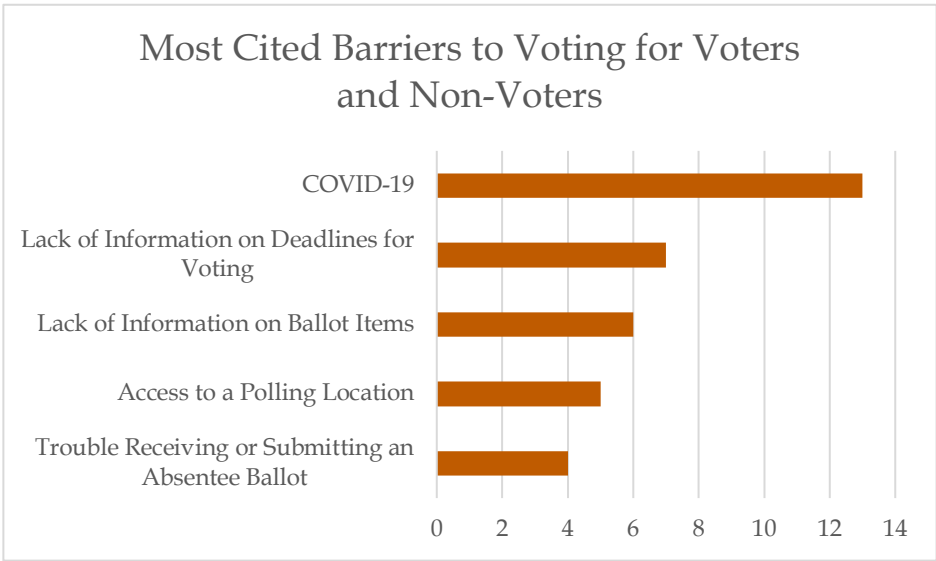
<b>Tribal Affiliation</b>	<b>Number of Respondents</b>
Navajo Nation	11
Mescalero Apache	2
Pueblo of Isleta	2
Pueblo of Laguna	2
Other Tribe	2
Jicarilla Apache	1
Kewa/Santo Domingo	1
Ohkay Owingeh	1
Pueblo of Acoma	1
Pueblo of Jemez	1

## **Native American Identified Barriers to Voting**

COVID-19 presents the most significant barrier identified by Native American voters to election accessibility in 2020, with 54% of respondents saying COVID-19 affected their decision to vote or their voting experience in the 2020 primary.

**“I was hospitalized at that time”**

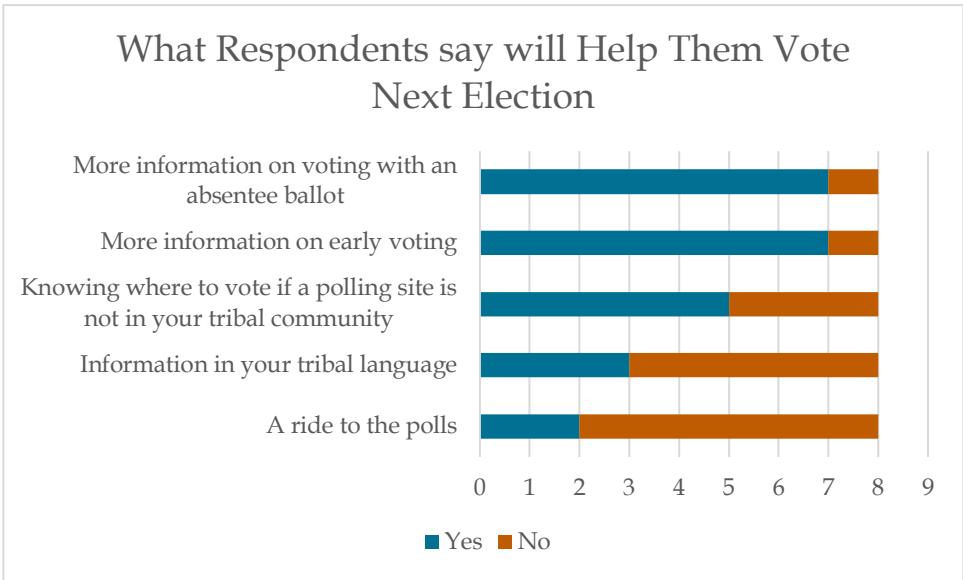
**-Voter from Isleta Pueblo**



The three most cited barriers to voting for respondents who did not vote in the 2020 primary election were COVID-19, lack of information on deadlines for voting, and **trouble receiving or submitting an absentee ballot**. This may suggest that absentee voting was inaccessible to some Native Americans in New Mexico for the 2020 primary.

**Feedback for Voter Education**

The survey also included questions to determine what information Native American voters need to vote more effectively and how they would like that information delivered to them. Participants who said they did not vote in the 2020 primary were asked: “Would any of the following help you to vote on or by Tuesday November 3<sup>rd</sup>?”





For Native American voters to have the resources necessary to participate in the 2020 general election, they must be informed of **absentee ballot and early voting procedures and deadlines and know where to vote in-person.**

Survey respondents also indicated how they would like to receive information. Based on their feedback, local television and social media (particularly, Facebook) are the best platforms to reach Native American voters. Additionally, 88% of respondents said they would subscribe to a news outlet for Native Americans if it were made available. **A Native American news outlet free of cost would be a strong tool to communicate voting information to tribal communities.**

## Willingness to Use COVID-19 Safe Voting Strategies

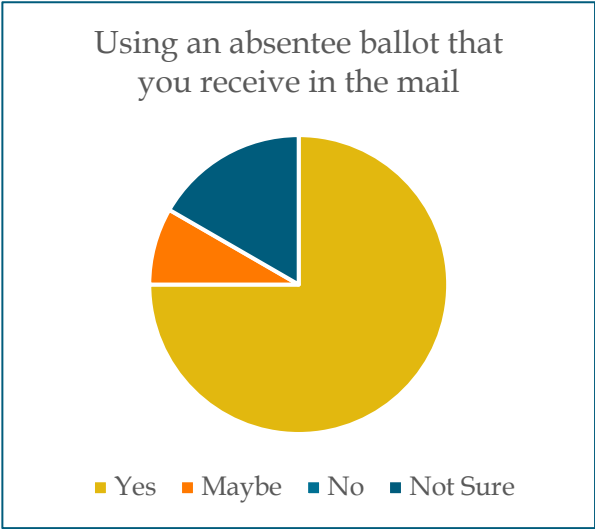
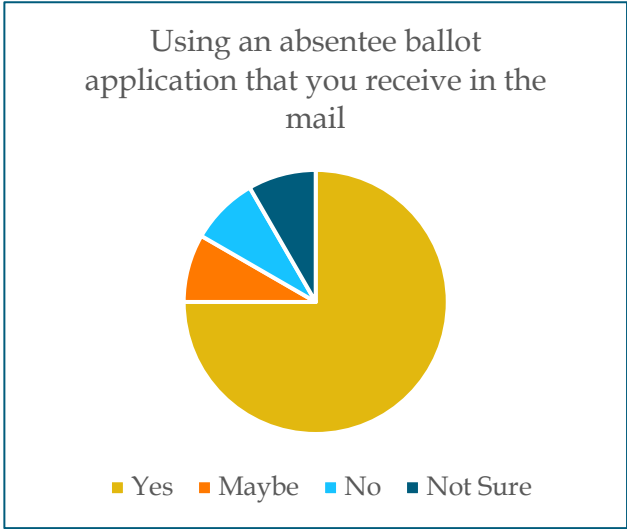
For the purpose of this report, “COVID-19 safe voting strategies” refers to voting mechanisms for voters to cast their ballot while abiding by New Mexico public safety mandates to reduce crowding, maintain social distance and wear face masks.<sup>6</sup> We tested participant willingness to use four different COVID-19 safe voting strategies by asking respondents: “Would you use any of the following methods to vote in the next election if they were made available?”

1. Receiving an **absentee ballot application form in the mail**
2. Receiving an **absentee ballot in the mail**
3. A **drop box** where you could come by and drop off your ballot any time on or before Election Day
4. **Curbside voting.** You could travel to a polling station and vote from outside the polling station or in your vehicle with the assistance of a poll worker.

**“I like  
absentee”**

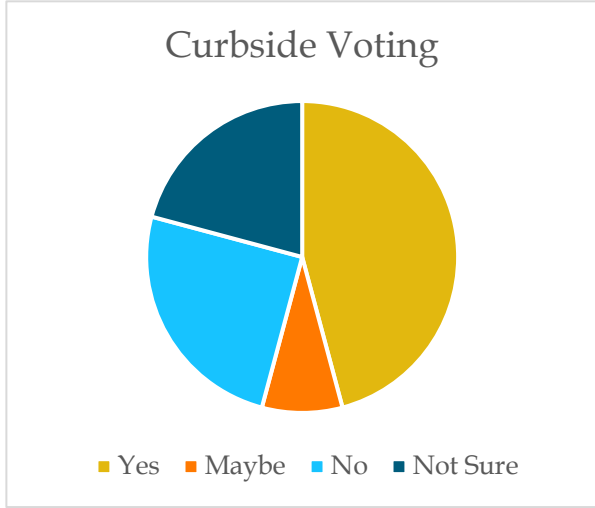
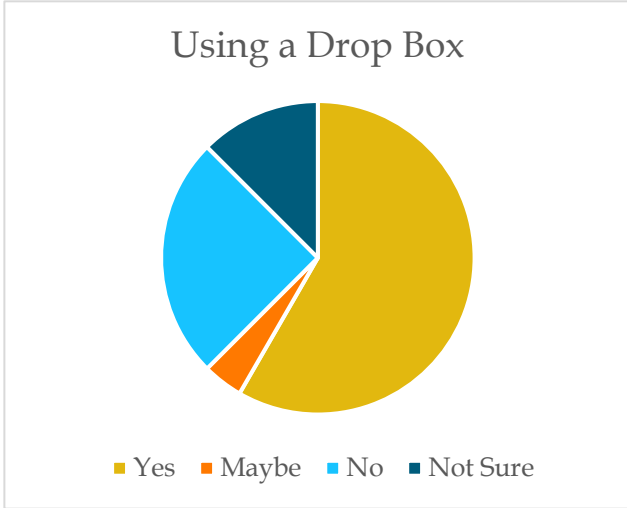
**-Voter from Navajo Nation**

Survey respondents generally supported COVID-19 safe voting strategies to vote in the next election if they were made available. For example, 75% said they would use a by-mail absentee ballot application and by-mail absentee ballot if it were made available in the next election.



Nearly all respondents expressed a strong willingness to utilize COVID-19 safe voting strategies in the next election. 18 said they would use by-mail absentee ballot applications and by-mail absentee ballots.

When asked about drop boxes, 14 said “yes” they would use a drop box. Curbside voting is slightly less popular with 11 “yes” (would use) responses and 6 “no” (would not use) responses.



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## BEST PRACTICES

This list of best practices is based on the strategies other states use to encourage voting by mail among their tribal communities. In blue states like Oregon, Washington and Colorado, and in red states like Utah, voting by mail has become a nonpartisan and popular voting method, particularly during the pandemic. Based on interviews with county clerks, elections officials and tribal liaisons in all these states, the following best practices are recommended to make voting absentee accessible to Native American voters for future elections. While New Mexico has made progress in some areas, others require attention and action from state policy makers and elected officials. These structures must be sustained to protect Native American voting rights.

01

### Mandate that every Tribal Administration building have a drop box

In Oregon and Colorado, drop boxes are key to by-mail voter participation. Colorado had 329 drop boxes statewide for the 2020 primary election (June 30). Election results from the 2020 primary reveal that around 93% of voters voted by-mail and 75% of by-mail ballots were casted using a drop box. Some states have been known to use CARES Act funds to pay for drop boxes.<sup>7</sup>

02

### Legislation that recognizes non-conforming addresses

Washington's policy to accept non-conforming addresses states:

*"a person can list any recognizable place they consider to be a home ... Federally recognized tribes in Washington are able to designate tribal government buildings to serve as residential addresses for registrants living in that land."*<sup>8</sup>

In Utah, GIS technology is used to develop "plus codes" (coordinates) that Native American voters use as their address for voting materials.<sup>9</sup>

03

Provide audio recordings that translate and explain ballot items in tribal languages.

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**04**

**Provide pre-paid postage on all by-mail voting materials**

By reducing the cost for by-mail voter registration, absentee ballot applications and absentee ballots, Native American voters that experience economic challenges will be enabled to vote.

**05**

**Count all ballots that are postmarked on or before Election Day**

Allow for postmarks on Election Day to be counted up to five days afterward, so there is sufficient time for absentee ballots from rural areas to be delivered for counting.

**06**

**Voter education must include information about absentee ballot procedures and deadlines, information about their post office's delivery and turnaround times, and the location of drop boxes and in-person voting sites.**

**07**

**Encourage strong relationships and communication between state election officials, county clerks, tribal leadership and local post offices.**

A plan must be put in place for local post offices to deliver and pick-up ballots from tribal residences on reservations.

**08**

**In-person polling stations must remain open on Tribal lands.**

In-person polling stations are necessary to provide oral interpretation to Native American voters. States with all-mail elections may still have in-person voting stations available. In Colorado, if a tribal government requests a polling station, the county clerk is obligated to provide one.<sup>10</sup>

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## **CONCLUSION: WHAT NEW MEXICO NEEDS TO DO**

With less than 100 days until the 2020 general election, this is an urgent call for action. New Mexico's leadership has taken several commendable steps to promote safe and accessible elections, but Native American voting rights will not be upheld unless the best practices outlined above are implemented and maintained.

On tribal lands in New Mexico where COVID-19 death rates are 19 times that of all other populations combined, Native American voters are experiencing new and detrimental barriers to election accessibility.<sup>11</sup> A nearly 1% drop in Native American voter turnout in New Mexico for the 2020 primary is evidence that voting from tribal communities has become harder. Without imminent action from policy makers and elected officials to implement the best practices outlined above, Native American voters in New Mexico will face disenfranchisement in future elections. This message was eloquently put by a voter from Isleta Pueblo who said:

**“We will not let them forget about us”**

Data on voter participation in Native American precincts reveals that voters are shifting to absentee ballots. We have also heard from Native American voters that they are willing to take advantage of COVID-19 safe strategies to vote in the 2020 general election, including utilizing by-mail absentee ballot applications, by-mail absentee ballots and drop boxes. For these reasons, infrastructure for absentee voting is critical toward ensuring accessible elections during the COVID-19 pandemic.

In addition to our recommendations for absentee voting support, our analysis indicates that in-person polling stations must remain available on tribal lands. The most significant drops in voter turnout took place in Native American precincts where there were reports of polling station closures. One survey respondent from Navajo Nation explained that the polling station in her community was closed on Election Day for the 2020 primary and the only other polling station nearby was 16 miles away. She expressed her belief that this distance and the cost associated with commuting 16 miles to a voting station deterred members of her community from participating in the 2020 primary.

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Based on the results of our analysis and survey, and the advice we gathered from election officials in other states, Common Cause New Mexico believes that the following action steps are necessary for future elections to be safe and accessible to Native American voters in New Mexico:

- Drop boxes must be made available and convenient in every Native American precinct.
- Voter education and outreach efforts with language appropriate materials to inform Native American voters of absentee ballot request and absentee ballot submission deadlines and procedures, early voting deadlines and procedures and the location of drop boxes and in-person polling sites within and nearby to each tribal community.
- Every Native American precinct must have a fully equipped in-person polling station that supplies every voter a ballot and oral interpretation services if needed.
- Amendments to voting policies which allow voters on tribal lands to use the address of Tribal Administration buildings in their precinct as accepted addresses on voter registration forms, absentee ballot request forms and absentee ballots.
- Election officials, county clerks and post offices must coordinate a plan to ensure efficient delivery and pick-up of absentee ballots to the appropriate voters on tribal lands.

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## ENDNOTES

1. "Vote by Mail in Native American Communities: Challenges." *Native American Rights Fund* < <https://www.narf.org/vote-by-mail/> >  
"Voting Barriers Encountered by Native Americans in Arizona, New Mexico, Nevada and South Dakota." *The Native American Voting Rights Coalition* (January 2018) < <https://www.narf.org/wordpress/wp-content/uploads/2018/01/2017NAVRCsurvey-summary.pdf> >
2. Native American precincts were taken from the list generated by the Native American Voting Rights Task Force with the New Mexico Office of the Secretary of State. Because the Fort Sill Apache Tribe does not have a population recognized by the census, precinct LUNA 2 was excluded for the purpose of data analysis on voter turnout. <<https://www.sos.state.nm.us/voting-and-elections/native-american-election-information-program/native-american-precincts-in-new-mexico/>>
3. All data on Native American voter participation was sourced from the New Mexico Office of the Secretary of State. Voter turnout was calculated by dividing the total voter participation in all Native American precincts by the total number of registered voters in all Native American precincts.
4. All data on voting methods used by voters on Native American precincts was sourced from the New Mexico Office of the Secretary of State.
5. The survey was conducted via phone interviews carried out by a team of volunteers. In total, 775 calls were made from July 30, 2020 to August 4, 2020. The call list consisted of a random sample of 2500 individuals representing all Native American precincts in New Mexico. Due to the low number of responses, our survey results are inconclusive and cannot be used to generalize the experiences of all Native American voters in New Mexico.
6. The four COVID-19 voting strategies referred to in our survey were drawn from a report written by the Native American Rights Fund and the recommendations of election officials from states with all-mail elections and significant tribal populations.
7. Interview with Judd Choate, Elections Director at the Colorado Office of the Secretary of State (July 16, 2020).  
Email correspondence with Ruth Miles, Tribal Liaison at the Oregon Office of the Secretary of State (July 6, 2020).

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8. Email correspondence with Victoria Donahue, Vote Washington Management Analyst with the Washington Office of the Secretary of State.

Senate Bill 5079. Chapter 6, Laws of 2019. 66<sup>th</sup> Legislature, 2019 Regular Session. "Native Americans - Voting" (Effective: July 28, 2019)

9. Interview with Justin Lee, Elections Director with Utah's Lt. Governors Office (July 15, 2020).
10. States that use all-mail elections may still have in-person voting stations. In Utah and Colorado, in-person voting stations are still available. For example, Denver has 50 in-person voting stations and Colorado's legislature passed a new policy in 2019, which requires all county clerks to put a polling station in tribal communities where reservation governments have requested one.
11. Kaplan, Elise; Davis, Theresa. "Huge disparity in COVID-19 death rates for Native Americans in NM." *Albuquerque Journal* (May 31, 2020).



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## RESOURCES:

Email correspondence with Ruth Miles, Tribal Liaison at the Oregon Office of the Secretary of State (July 6, 2020).

Email correspondence with Victoria Donahue, Vote Washington Management Analyst with the Washington Office of the Secretary of State.

Interview with Judd Choate, Elections Director at the Colorado Office of the Secretary of State (July 16, 2020).

Interview with Justin Lee, Elections Director with Utah's Lt. Governors Office (July 15, 2020).

Kaplan, Elise; Davis, Theresa. "Huge disparity in COVID-19 death rates for Native Americans in NM." *Albuquerque Journal* (May 31, 2020).

Senate Bill 5079. Chapter 6, Laws of 2019. 66<sup>th</sup> Washington Legislature, 2019 Regular Session. "Native Americans - Voting" (Effective: July 28, 2019)

"Voting Barriers Encountered by Native Americans in Arizona, New Mexico, Nevada and South Dakota." *The Native American Voting Rights Coalition* (January 2018) <<https://www.narf.org/wordpress/wp-content/uploads/2018/01/2017NAVRCsurvey-summary.pdf>>

"Vote by Mail in Native American Communities: Challenges." *Native American Rights Fund* <<https://www.narf.org/vote-by-mail/>>

Viersema, Alisa. "Experts worry push for 2020 mail voting could leave Native American voters behind: Struggles with mail access, internet and language barriers could be amplified." *ABC News* (May 7, 2020) <<https://abcnews.go.com/Politics/experts-worry-push-2020-mail-voting-leave-native/story?id=70411683>>

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# APPENDIX

## Survey:

### Script:

Hello, may I speak to \_\_\_\_\_ ?

My name is \_\_\_\_\_ and I am a volunteer with Common Cause New Mexico. We are talking to Native American voters about our 2020 Primary Election held back in June, and conducting a brief survey about what voting was like for you in light of the public health crisis. Do you have a few minutes for a quick survey?

(Yes) Great, thank you. (No) Thank you, have a good day.

Common Cause New Mexico is a nonpartisan nonprofit organization that works to create open, honest and accountable government serving the public interest. In New Mexico, we have a Native American led program dedicated to Native American social justice issues. We are not calling on behalf of a candidate or campaign today. We are calling to inform our strategy and support Native American voters in the general election and beyond. All responses are confidential.

May we confirm that you are Native American and usually vote at a precinct or polling site within a tribal community in New Mexico?

Would you like to share your tribal affiliation so that our survey assures we are interviewing tribal members.

Did you vote in the 2020 primary election?

### Questions:

1. Did you vote in the 2020 primary election?

[If the respondent replies “no”]

(1A): Did any of the following barriers affect your decision to vote?

- a. COVID-19
- b. Lack of information on ballot items
- c. Lack of information on deadlines for voting
- d. Access to a polling location
- e. Trouble receiving or submitting an absentee ballot

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(1B): Would any of the following help you to vote on or by Tuesday November 3rd?

- a. More information about early voting procedures and deadlines?
- b. More information about absentee voting procedures and deadlines?
- c. Knowing where to vote if a polling site is not in your community
- d. A ride to a polling location
- e. Information in your language

[If the respondent replies “yes”]

(1C): What method did you use to vote (absentee ballot, in-person early voting, in-person on Election Day)?

(1D): What is your preferred voting method (absentee ballot, in-person early voting, in-person on Election Day)?

(1E): Did any of the following barriers affect your voting experience in the 2020 primary?

- a. COVID-19
- b. Lack of available polling stations within your tribal community
- c. Trouble receiving or submitting an absentee ballot
- d. Lack of information on ballot items
- e. Lack of information on deadlines for voting

2. Would you use any of the following methods to vote in the next election if they were made available? (YES / NO / MAYBE / NOT SURE)
  - a. Receiving an absentee ballot application in the mail.
  - b. Receiving an absentee ballot in the mail.
  - c. A drop box where you could come by and drop off your ballot any time on or before Election Day.
  - d. Curbside voting. You could travel to a polling station and vote from outside the polling station or in your vehicle with the assistance of a poll worker.
3. Where do you get the majority of important information?
4. If there was a local news outlet for Native Americans would you subscribe to it?

We appreciate your participation in our survey. If you'd like more information please call our Native American Voting Rights Organizer, Amber Carrillo at 505.301.2487, or email at [ambercarrillonm@gmail.com](mailto:ambercarrillonm@gmail.com) and check out our Website at [commoncause.org](http://commoncause.org)

Thank you for your time and have a great day!