

Committee on House Administration – Subcommittee on Elections
Topic Hearing: “Native American Voting Rights: Exploring Barriers and Solutions”

Remarks for Congressman Ben Ray Luján

February 11, 2020

10:00 am

1310 Longworth House Office Building

Thank you to Chairwoman Lofgren and Ranking Member Davis, Chairwoman Fudge, and Members of the Subcommittee for their efforts to uplift Native voting rights.

I am glad to see the Honorable Doreen McPaul representing the Navajo Nation and Isleta Pueblo Tribal member, Jacqueline De León, here to lend their voices to this critical discussion.

Welcome.

I am proud of what we have accomplished in the 116th Congress to build on the Voting Rights Act with House passage of H.R. 4.

But our work is not finished.

As a nation, we have still not fulfilled commitments to Tribes to work with them on a government-to-government basis to protect Native voting rights.

This is a great injustice -- and one that allows the longstanding disenfranchisement of Native voters to continue.

Throughout our country's history, Native voters have been subject to guardianship, literacy tests, polling taxes, and outright rejection from the ballot box.

In regions across the U.S., these barriers still exist.

My home state of New Mexico has figured prominently in this history. More than 50 years after the ratification of the 14th amendment and 24 years after Native Americans were finally granted their innate right to citizenship and the vote, veteran Miguel Trujillo of Isleta Pueblo was denied his right to participate in our democracy by his county registrar.

Their reason - Mr. Trujillo lived on Tribal land and was classified by the government as an "Indian not taxed."

Mr. Trujillo filed suit and won.

The landmark case *Trujillo v. Garley* granted Native Americans the right to vote regardless of whether they lived on Tribal lands.

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The same year Frank Harrison of the Yavapai Nation challenged Arizona in *Harrison v. Laveen* for the state’s claim that Indians were “mentally incompetent” wards of the government and therefore prohibited from voting.

Mr. Harrison won, again confirming states cannot infringe on Native peoples’ right to vote.

And yet today states continue to restrict Native voting rights.

They print ballots near Native communities in English only, close or move polling places off Tribal lands, and require addresses on I.D.s from voters whose homes do not have physical addresses.

I thank the U.S. House Judiciary Committee for ensuring Native voices were a part of efforts to strengthen the Voting Rights Act.

Committee action proved that Native peoples, particularly those living on Tribal lands, continue to face linguistic, geographic, and legal barriers to voting.

North Dakota Tribes are fighting state voter I.D. laws that Tribal members are unable to comply with because they do not have physical addresses where they live.

Just last week South Dakota legislators rejected a bill that would have allowed Tribal I.D.s to be used for voter registration.

In 2020, this type of disenfranchisement is unacceptable. It is a stain on our federal trust responsibility and our democracy.

The good news is that Tribes and lawmakers are taking action.

Less than a year ago, Washington state and Colorado passed laws that allow Tribes to designate addresses for individuals who do not have physical addresses for voter registration and I.D. purposes.

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Congress has a unique responsibility to legislate here because of the government-to-government relationship the United States has with Tribal Nations.

That is why I introduced the Native American Voting Rights Act with Senator Udall.

The Native American Voting Rights Act allows Tribal governments to collaborate with their state counterparts to ensure Native peoples have access to the ballot box.

It directs states to accept Tribal I.D.s for voter registration or identification purposes, requires precincts to honor requests to place polling locations on Tribal lands, and ensures precincts seek Tribal consent before changing polling locations.

In places that require Native language assistance under the Voting Rights Act, it allows Tribes to determine the forms of assistance.

Tribal governments are empowered to request federal observers when they believe Native voters might be disenfranchised at the polls. It would also create a grant program to build stronger elections infrastructure for Native communities.

This Act is a national priority for Indian Country and has the support of the:

- Native American Voting Rights Coalition,
- Native American Rights Fund,
- National Congress of American Indians,
- Native American Voters Alliance,
- Lakota People's Law Project,
- Tanana Chiefs Conference, and
- More than 45 other national and regional organizations.

I urge my colleagues to support the Native American Voting Rights Act.

Thank you to the Committee and the witnesses for taking part in today's vital discussion.