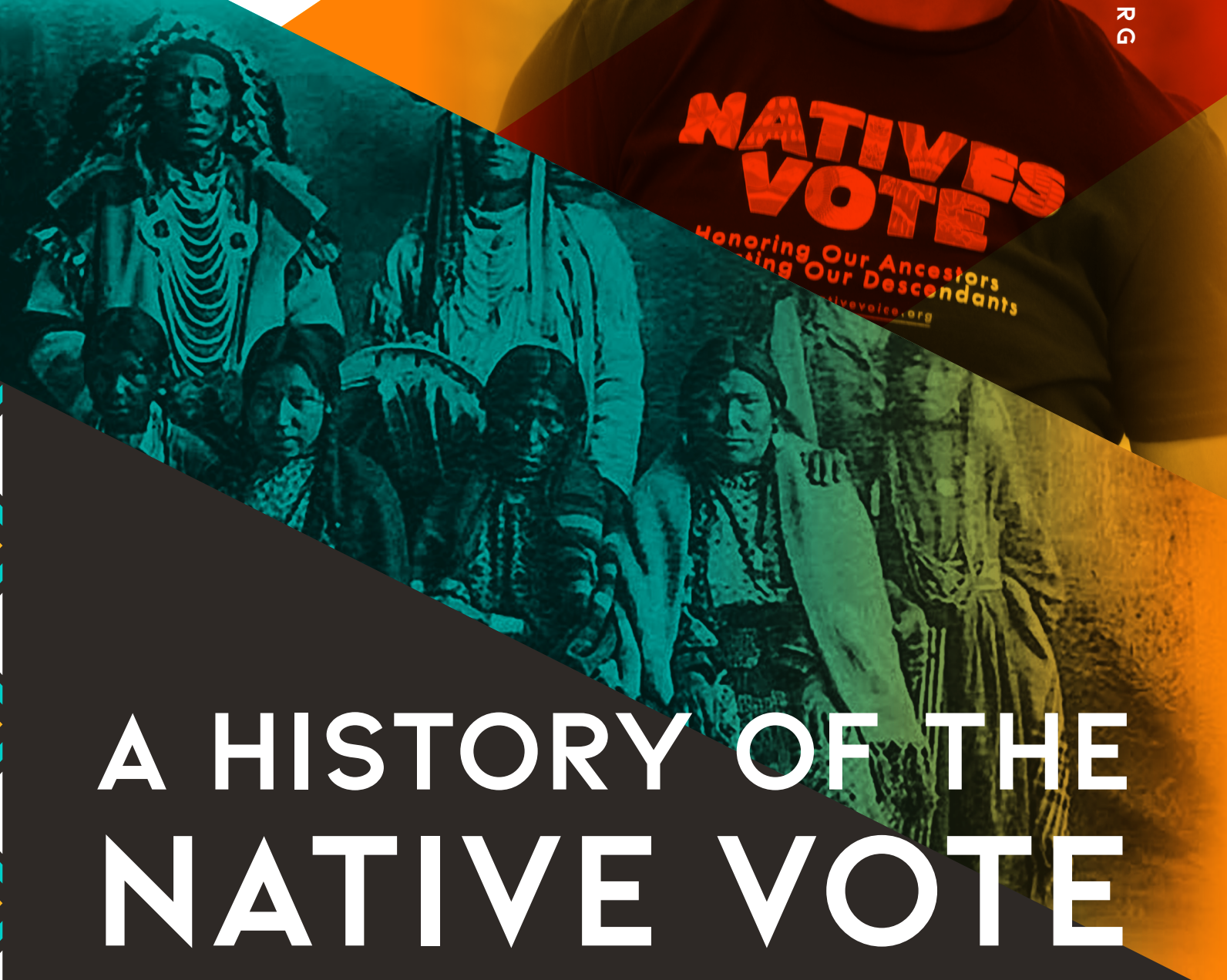




**WESTERN  
NATIVE VOICE**

NATIVES • LEADING • NATIONS

WWW.WESTERNNATIVEVOICE.ORG



# A HISTORY OF THE NATIVE VOTE



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**Voting Problems?**

Western Native Voice is here to help you get your voice heard! Having trouble registering? Need to find your nearest polling location?

**CONTACT US AT (406)-869-1938.**



## ABOUT WNV

# Natives Leading Nations

Established in 2011, Western Native Voice (WNV) is a non-profit, non-partisan organization working to increase Native American participation and engagement in voting and self-determination.

We work to nurture and empower new native leaders and impact policies affecting Native Americans through community organizing, education, leadership, and advocacy.

### OUR PURPOSE

We strive to inspire Native leadership so that our communities flourish.

### OUR MISSION

To foster positive social change in our communities through leadership development, education, engagement, and public policy advocacy.

### OUR VISION

Engaging Native Americans in building political and personal power to address local community challenges.

We support and encourage Native community members to step up and be a voice for their families and communities through the civic engagement process and public policies that affect their lives and well-being.

We strive for a world absent of discrimination and inequality, where every human has equal access to safety and success.

**“Empowerment begins with engagement; by championing the voices of Native communities, we pave a path towards a world where equality reigns, opportunities abound, and every individual thrives without barriers.”**

- RONNIE JO HORSE  
Executive Director, WNV Staff



## A TIMELINE OF NATIVE AMERICAN RIGHTS

Native Americans have a long history of fighting for their voting rights as U.S. citizens.

To the right you'll find a timeline of important milestones in this fight. Read on for a more in depth look at each important event.

### DID YOU KNOW?

- » 108,095 Natives have voted in the last 10 elections
- » Turnout among Native voters has increased by over 25% the last 3 elections
- » The legislature in Montana has one of the largest American Indian Caucuses in the country
- » Many Native American tribes had sophisticated, popularly based, and well-developed methods of organizing their societies very similar to the structure of government we have now
- » Benjamin Franklin, James Madison, James Monroe, and Thomas Jefferson all visited the Iroquois and were knowledgeable about their governmental structure.

### MONTANA STATEHOOD

Montana begins with Native Americans considered “under guardianship” and not allowed citizenship.

1889

1924

### THE SNYDER ACT

This Act is passed and grants Native Americans birthright citizenship, but leaves voting rights up to individual states.

### LAST STATE JOINS

Maine becomes the last state to give Natives the right to vote with a 1954 equal rights referendum.

### VOTING RIGHTS ACT

The VRA is passed, a landmark piece of Civil Rights legislation prohibiting racial discrimination in voting.

1954

1964

1965

1975

### 24TH AMENDMENT

The 24th amendment to the Constitution is passed, outlawing poll taxes as a federal voting requirement.

### VRA AMENDMENT

An amendment to the VRA is passed that gives tribes the right to have bilingual materials for elections.



## From Montana Statehood to 1924

Montana did not get off to a good start when it comes to Native voting rights. Despite Montana tribes pre-dating the state itself, the state legislature passed a law stating that only taxpayers on city/county tax rolls could vote.

Furthermore, in 1911 The Montana legislature declared “anyone living on an Indian or Military reservation who had not previously acquired residency in a Montana county before moving to a reservation would not be regarded as a Montana Resident”.

To get around the Constitutional protections afforded to all US citizens, Native Americans were considered under “guardianship” and defined as persons of “disability”. As such, they were not even regarded as citizens.





## The Snyder Act and Native American Citizenship

Native Americans were considered part of the infamous Dred Scott decision of 1857. As such, they were not granted citizenship under the 14th Amendment. The reasoning behind this was that Native Americans were under the jurisdiction of Tribal Citizenship Laws. Many government officials also felt that Natives should be assimilated into American's culture before being granted citizenship.

This all changed in 1924 when the Snyder Act was introduced and signed into law by President Coolidge. It officially gave Native Americans they birthright citizenship they deserved. It unfortunately still did not give Natives a right to vote, but it was a start down a rocky path to full representation.

### VOTER SUPPRESSION

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The Constitution left it up to the states to decide who has the right to vote. Due to this, it took a full 40 years for all 50 states to eventually give Native Americans that right. Maine and Arizona were the very last two states to pass this in the late 1940s.

Even after achieving the right to vote, vote suppression continued. Natives still faced oppression in the form of poll taxes, literacy test, and more. Often, Tribal elders didn't understand the language on the ballots of early elections.

1924: THE SNYDER ACT





# 1964: 24TH AMENDMENT

## The 24th Amendment to the Constitution is Passed

On January 23, 1964, the government passed the 24th Amendment to the U.S. Constitution. This amendment outlawed the poll tax as a voting requirement in federal elections. A citizen's right to vote could no longer be hinged on their ability to pay any tax.

**“The right of citizens of the United States to vote in any primary or other election for President or Vice President for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.**

- 24TH AMENDMENT TO THE U.S. CONSTITUTION, SECTION I







## The Voting Rights Act of 1965

On August 6, 1965 President Lyndon B. Johnson signed the Voting Rights Act into law. This landmark piece of Civil Rights legislation prohibited racial discrimination in voting. It reaffirmed and added voting protections to end Jim Crow voter restriction laws and:

- » Outlawed discriminatory voting practices, including literacy tests
- » Provided for the appointment of federal examiners that had the power to register qualified citizens to vote
- » Included the idea of preclearance, meaning any potential voting law changes of specific areas that had a history of voting discrimination must first meet the approval of the U.S. Department of Justice

### AMENDMENT TO SECTION 2

An amendment to the Voting Rights Act was passed in 1975 to further protect language minorities. It gave tribal communities the right to have bilingual materials at election offices and polling locations. It also allowed federal observers to be placed at polling sites to ensure legal voting procedures, as well as a regulatory “standard” to prohibit discriminatory practices.

### SHELBY V. HOLDER

In 2013, this case questioned the constitutionality of preclearance in specific areas. In a 5-4 vote, the court struck down and gutted this part of Voting Rights Act legislation. The law no longer placed the burden of proof on government officials to prove that changes they were seeking were not discriminatory.



# A Look Back at Landmark Montana Voting Rights Lawsuits Through the Years

## 1986: WINDY BOY V. BIG HORN COUNTY

This case was brought forth by Janine Windy Boy and challenged at-large elections for the County Commission of Big Horn County, Montana. It was alleged that Big Horn County's elections were unfair to the citizens of the Crow and Northern Cheyenne tribes and violated Sec. 2. of Voting Rights Act.

A federal district judge ruled in favor of Windy Boy and ordered the reorganization of the county and school districts into single member districts or zones with Indian majorities in one commissioner district and two school board districts or zones.

## SIMILAR CASES

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- » **2000-2005:** Voting Rights litigation covered issues of at-large elections in school districts and counties and the redistricting of legislative districts.
- » **2000:** Alden v. Board of County Commissioners of Rosebud County, MT & Matt v. Ronan School District 30. Northern Cheyenne, Salish, and Kootenai Tribes filed suit in U.S. District Court. The suit claimed county and school district diluted voting strength. A judge subsequently ruled new boundaries be created for 2000 Rosebud County Commissioner election with a cancellation of primary and special general election for commissioner race. Ronan School District drew new boundaries and two Native Americans were then elected to the school board.
  - » **2002:** Blackfeet and Salish Kootenai Tribes, with the help of the ACLU, filed complaint to the federal district court for dilution of their Native voting strength by failing to organize both nation's Indian Majority Districts through redistricting procedures. These lawsuits would lead to the 2003 Montana legislative redistricting plan which sought the relief from the lawsuits and created majority Indian districts in both Glacier and Lake County.



FUTURE VOTER

WESTERN  
NATIVE VOICE



## 2012: WANDERING MEDICINE V. MCCULLOCH

Crow, Northern Cheyenne, and Ft. Belknap filed a lawsuit against the Secretary of State saying voters on their reservations were at a disadvantage because of the distance they had to travel to polling stations. It was settled in June of 2014 and satellite officers were established in these locations twice a week through Election Day.

## 2020: WESTERN NATIVE VOICE V. STAPLETON

This lawsuit called into question the constitutionality of 2018's Ballot Interference Protection Act. The BIPA put limits on ballots being collected by groups like Western Native Voice, levying fines for collecting more than six ballots in primary and general elections. WNV had collected 555 ballots in the 2020 general election (more than 17 per organizer).

A temporary restraining order was issued on May 20. Then on July 7, the court granted a preliminary injunction against the law.

## 2021: WESTERN NATIVE VOICE V. JACOBSEN

**May 2021:** The litigation of Western Native Voice v. Jacobsen was filed. In January 2022, an injunction was filed. The injunction asked the court to prevent HB 176 and HB 530 from going into law until it decided the voter suppression case. In April 2022, the injunction was granted.

**May 2022:** The MT Secretary of State appealed the 13th Judicial District Court ruling to suspend the April 2022 preliminary injunction that prevented HB 176, which eliminates the same-day registration option for voters, and SB 169, which alters identification needed to register, from taking effect in the current election cycle. The MT Supreme Court reversed its decision from a month prior on May 17, 2022, allowing the state to eliminate same-day registration and restrict voter ID requirements in 2022.

**July 2022:** The Yellowstone County District Court considered the state's motion for summary judgment on all counts of all plaintiff's complaints and a cross-motion for summary judgment from some non-tribal plaintiffs. While the court granted the plaintiff's cross-motion for partial summary judgment, it denied every single one of the Secretary of State's motions for summary judgment, finding that contested issues of fact required further consideration.

**March 2024:** The MT Supreme Court ruled in favor of a collection of Native American organizations and tribes, holding that two state laws that hinder Native American participation in the state's electoral process violate the fundamental right to vote under the state Constitution. The case was consolidated with a challenge by the Montana Democratic Party and various youth voting organizations.

# What Are Our Voting Rights Now?

- » You **can** vote in Montana if you are:
  - 18+ years old on or before the next election
  - A citizen of the United States
  - A Montana resident for at least 30 days
  - A convicted felon not currently institutionalized
- » You **cannot** vote in Montana if you:
  - Are a convicted felon serving in a penal institution
  - Have been judged in a court of law to be of unsound mind
- » **Homeless residents are eligible to vote.** You can use your physical location, geographic coordinates, Google Plus Codes, etc.



## Be Prepared on Election Day!

Before voting, you must present one of the following forms of identification. You may choose to provide either **one item from Option A**, or a **combination of one item from both Option B and Option C**.

### OPTION A

- » Montana Driver's License
- » Montana State ID
- » Military ID
- » Tribal ID with photo
- » United States Passport
- » Montana Concealed Carry Permit

### OPTION B

- » Current utility bill
- » Bank statement
- » Paycheck
- » Government check
- » Other government document that shows both name and address



### OPTION C

- » Photo identification with your name, including but not limited to a school district or postsecondary education photo identification.

If you run into any problems or have questions on Election Day, call the Election Protection Hotline: **1-866-OUR-VOTE** (1-866-687-8683). You may also call WNV for assistance at **406-869-1938**.

# Where Are Our Voting Rights Now?

- » We now have Native leadership in the state of Montana (see page 15)
  - ⦿ **State Representatives:** Windy Boy, Running Wolf, Weatherwax, Jr., Hawk, Stewart-Peregoy, Smith, Knudsen
  - ⦿ **State Senators:** Webber, Fox, Morigeau, Small
- » We now have Native leadership in the federal government
  - ⦿ **Secretary of the Interior:** Deb Haaland (Laguna Pueblo)
  - ⦿ **Representatives:** Tom Cole (Chickasaw), Mark Mullen (Cherokee), Sharice Davids (Ho-Chunk), Yvette Herrell (Cherokee)



REGISTER HERE

[westernnativevoice.org/voter-registration](https://westernnativevoice.org/voter-registration)

## GET REGISTERED

Make sure your voice is heard! Visit our website to the right to get started on your registration or scan the QR code above.

## No Vote Left Behind.

Voting has a massive impact on your everyday life as a Native American. When you vote, your voice can be heard on the following:

- » Healthcare & Medicine Costs
- » Elderly Services
- » Medicaid/Medicare
- » Food Programs
- » Education
- » Transportation
- » Head Start Programs
- » ...and so much more!

## THE IMPACT OUR VOICE HAS MADE

Still think voting doesn't matter? Think again. Your voice can create change!

Here are just a few instances from recent years where the Native American voter has had an impact on important results in Montana politics.

- » **2018:** Senator Tester trailed by about 3,000 votes on election night. Then overnight a majority of the Native voter precincts were counted. Tester then claimed victory by just over 1,800 votes as a result.
- » **2016:** Steve Bullock and Mike Cooney both won their re-election by just over 2,000 votes. Native voters played a large part in their successful campaigns.
- » **2014:** Native voters had a large role in protecting Election Day voter registration when it was on the ballot this year.
- » **2012:** Senator Tester handedly won re-election by 18,000 votes. Tester spent a lot of time meeting with Native Americans on and off reservations during his campaign. They ended up being a key difference in him winning re-election.



# 2023 MONTANA AMERICAN INDIAN CAUCUS



**MIKE FOX (D)**  
Senate District 16



**DONAVAN HAWK (D)**  
House District 76



**RHONDA KNUDSEN (R)**  
House District 34



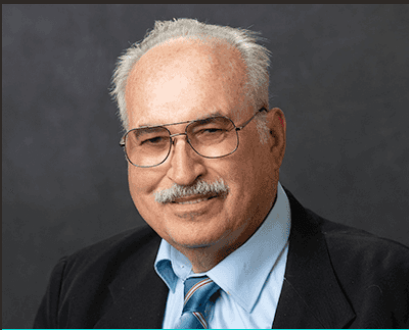
**SHANE MORIGEAU (D)**  
Senate District 48



**TYSON RUNNING WOLF (D)**  
House District 16



**JASON SMALL (R)**  
Senate District 21



**FRANK SMITH (D)**  
House District 31



**SHARON STEWART-PEREGOY (D)**  
House District 42



**MARVIN WEATHERWAX, JR. (D)**  
House District 15



**SUSAN WEBBER (D)**  
Senate District 8



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**JONATHAN WINDY BOY (D)**  
House District 32



1215 24th St W, Billings, MT 59101

**Help WNV inspire Native leaderships so that our communities *flourish*.**

**WANT TO JOIN US? SIGN UP TODAY!**

-  [westernnativevoice.org/join](https://westernnativevoice.org/join)
-  (406) 869-1938
-  [info@westernnativevoice.org](mailto:info@westernnativevoice.org)



SCAN TO JOIN