

# United States Senate

WASHINGTON, DC 20510

May 16, 2018

The Honorable Jeff Sessions  
Attorney General  
United States Department of Justice  
950 Pennsylvania Ave, NW  
Washington, D.C. 20530

The Honorable Tracy Toulou  
Director  
Office of Tribal Justice  
United States Department of Justice  
950 Pennsylvania Ave, NW  
Washington, D.C. 20530

Dear Attorney General Sessions and Director Toulou:

We write to request more information on how the Department of Justice is working to protect the voting rights of Native Americans and to ensure that sufficient progress is being made to establish satellite voting locations on tribal lands ahead of the upcoming federal elections.

Native American communities, especially in rural areas, face significant barriers to casting a ballot. In some areas of the country, some tribal communities lack a post office or internet access, which may require in-person registration and voting. Reports indicate that some tribal members must travel over 100 miles round-trip to vote or register. We find these undue burdens to voting to be unacceptable. We are not alone. Recent federal court filings by the Department of Justice likewise conclude that burdens such as these are contrary to the Voting Rights Act.

In recent years, the Department worked to improve access to the polls for Native American communities. On May 21, 2015, the Department of Justice proposed its own solution to this problem of Native voting obstacles: the *Tribal Equal Access to Voting Act of 2015*. The Department's proposal required states or localities whose territory includes an "Indian reservation, an Alaska Native village, or other tribal lands" to place at least one polling place in a venue selected by the tribal government.

More recently, in October 2016, the Department filed a Statement of Interest in *Sanchez v. Cegavske*, a case where the U.S. District Court for the District of Nevada found that the state violated the *Voting Rights Act* by decreasing the number of opportunities for Native Americans to vote. There again, the Department tackled the issue of facially neutral voting laws that disproportionately burdened minority voters. Noting that accessible in-person early voting and in-person voter registration are more than just a mere convenience, the Department rebuffed attempts to whittle down the protections afforded by the Voting Rights Act. As a result, the U.S. District Court preliminarily ordered the state to establish in-person satellite offices for the purposes of voting on tribal land.

We support the Department's interest in protecting the voting rights of Native Americans and respectfully request answers to the following questions by June 5, 2018.

1. What steps has the Department taken to work with Nevada regarding enforcement of the *Voting Rights Act* and compliance with the district court's injunction in *Sanchez v. Cegavske* concerning the establishment of satellite voting locations?
2. What measures are being taken by the Department of Justice to track, investigate, and take action against states that pass and implement laws that may violate the Voting Rights Act with respect to Native American voters?
3. Has the Department identified other Native American communities outside of Nevada that have similar obstacles to voting? Will the Department take necessary steps to ensure those identified communities have satellite voting locations in 2018?
4. Does the Department stand behind the underlying principles of the *Tribal Equal Access to Voting Act*, namely that Native Americans be provided meaningful access to the political process through the placement of polling locations selected by Indian Tribes?

We strongly urge the Department to continue its work to ensure compliance with the *Voting Rights Act* in all states and tribal communities, especially where underserved populations face barriers to voting. The 2018 election is only 175 days away, and primary voting has already begun. Time is of the essence to ensure that satellite voting locations are established and that proactive measures are taken to protect the voting rights of Native Americans.

Thank you for your prompt attention to this request.

Sincerely,



Amy Klobuchar  
United States Senator



Tom Udall  
United States Senator



Catherine Cortez Masto  
United States Senator



Jon Tester  
United States Senator



Heidi Heitkamp  
United States Senator