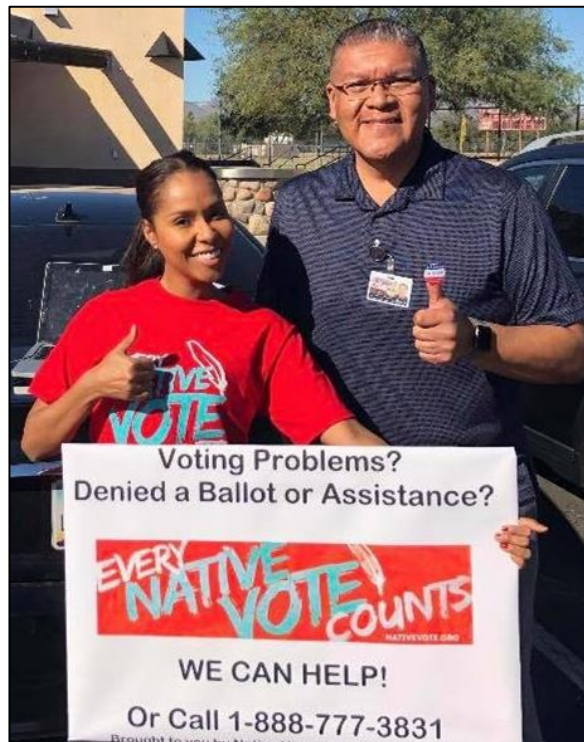
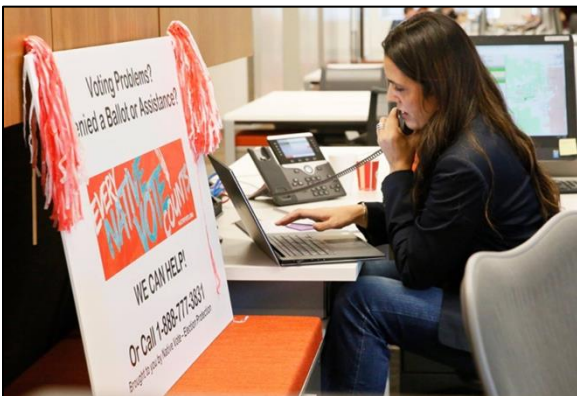
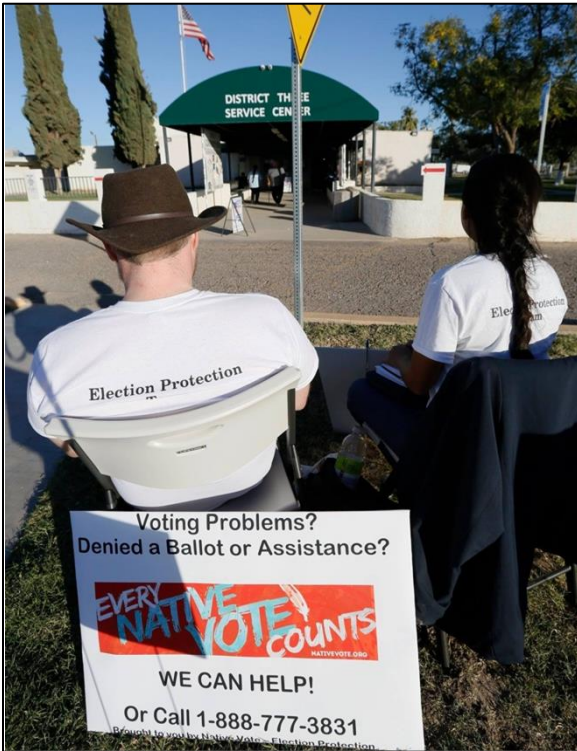


# Arizona Native Vote Election Protection Project 2018 Election Report



Prepared by  
Arizona State University  
Sandra Day O'Connor College of Law  
Indian Legal Clinic  
December 15, 2021

# Contributors<sup>1</sup>

## Table of Contents

<b><i>Introduction</i></b>	<b><i>4</i></b>
<b><i>What is the Arizona Native Vote Election Protection Project?</i></b>	<b><i>4</i></b>
<b><i>Project Framework</i></b>	<b><i>5</i></b>
<b><i>Project History</i></b>	<b><i>5</i></b>
<b><i>Project Partners</i></b>	<b><i>6</i></b>
<b><i>2018 Election Protection Project Report Overview</i></b>	<b><i>7</i></b>
<b>2018 Election Protection Project Plan</b>	<b>7</b>
<b>Voter Registration</b>	<b>8</b>
<b>Tracking Polling Locations</b>	<b>8</b>
Early Voting on Tribal lands	9
Election Day Polling Locations	12
Apache County	12
Coconino County	12
Gila County	12
Graham County	12
La Paz County	12
Maricopa County	12
Mohave County	13
Navajo County	13
Pima County	13
Pinal County	13
Yavapai County	13
Yuma County	13
Polling Location Map	14
	14
<b><i>2018 General Election – Election Protection Program</i></b>	<b><i>15</i></b>
<b>Coordinating Election Protection Efforts</b>	<b>15</b>
<b>2018 Native Vote Election Protection Volunteers</b>	<b>15</b>
<b><i>2018 Election Incidents</i></b>	<b><i>15</i></b>
<b>Categories of Incidents</b>	<b>16</b>

---

<sup>1</sup> This report was prepared under the direction of Clinic Director Patty Ferguson-Bohnee, with assistance from Fall 2018 student attorneys Jessie Big Knife, Christina Andrews, Ana Laurel, Meredith Duarte-Gaylord, Spring 2020 student attorneys Blair Tarman-Toner and Irvin Williams, and student attorney and current Native Vote Fellow Torey Dolan.

Polling Location	16
Voter Identification	16
Voter Registration	16
Voter Confusion and Misinformation	16
Technical	17
<b>Hotline Intakes</b>	<b>17</b>
<b>Incident Reports</b>	<b>18</b>
Navajo Nation	18
Pascua Yaqui Tribe	19
Salt River Pima Maricopa Indian Community	20
Gila River Indian Community	20
Kaibab Paiute Tribe	21
Tohono O’odham Nation	21
Ak-Chin Indian Community	21
<b><i>2018 Election Litigation</i></b>	<b><i>21</i></b>
<b>Arizona Advocacy Network v. Maricopa County</b>	<b>22</b>
<b>Maricopa County Republican Party v. Reagan</b>	<b>23</b>
<b>Navajo Nation v. Reagan</b>	<b>24</b>
<b><i>2018 Native Vote Turnout</i></b>	<b><i>26</i></b>
<b><i>Conclusions and Recommendations</i></b>	<b><i>27</i></b>

## Appendices

### Appendix I: Incident Reports

### Appendix II: Hotline Intakes

### Appendix III: 2018 Native Vote Turnout

### Appendix IV: Early Ballots Cast versus Ballots Cast at the Polls

### Appendix V: In-Person Early Voting Data

## Introduction

The road to the ballot box for Native Americans in Arizona has never been simple or straight forward. After the Indian Citizenship Act of 1924, Arizona election officials prevented Native Americans from voting by interpreting Arizona law to justify excluding Native Americans from the electorate.<sup>2</sup> Native Americans in Arizona could not vote until the Arizona Supreme Court overturned the longstanding ban in 1948.<sup>3</sup> Even then voting was not easy. Arizona then instituted literacy tests which prevented Native Americans from participating in the electorate until such tests were banned in 1970.<sup>4</sup> Today, Native Americans in Arizona face obstacles accessing the polls because of inherent barriers unique to those living on Tribal lands, burdensome election laws, racism, and neglect on the part of election administrators to ensure that there is equal access to elections.

Arizona formerly was subject to the preclearance provisions of the Voting Rights Act, in part due to its long history of discrimination against Native Americans. After the Supreme Court struck down the preclearance formula in 2013,<sup>5</sup> Native American voters have been left with little recourse to quell the tide of burdensome and confusing election laws and policy decisions made by local officials and the Arizona legislature.

Considering the burdensome and unique needs of Native Americans in Arizona, the Native Vote Election Protection Project seeks to identify potential issues prior to election day, train and maintain a network of volunteers to respond to incidents on election day, and collect data on barriers to voting for Native Americans in Arizona.

## What is the Arizona Native Vote Election Protection Project?

Nationally, Native Vote is a nonpartisan campaign initiated by the National Congress of the American Indians (NCAI) to ensure that every American Indian and Alaskan Native can exercise his or her right to vote in federal and state elections. Since 2004, Native Vote has been working alongside Tribes and local communities to turnout record numbers of American Indians and Alaskan Natives in national and state elections.

The Arizona Native Vote effort was founded in 2008 in response to the disparities in Arizona's voter identification law passed in 2004. The Inter Tribal Council of Arizona (ITCA), the Arizona Indian Gaming Association, and the Arizona State University Indian Legal Clinic (Clinic) coordinated the effort. Arizona Native Vote is a local branch of NCAI's national effort dedicated specifically to the needs of Native voters throughout Arizona through two specific efforts: a "Get Out the Vote" (GOTV) campaign coordinated by ITCA, and the Election Protection effort overseen by the Arizona State University Indian Legal Clinic (Clinic).

Working together, Tribes identified a need for an Arizona-based team to respond to election day issues in real time. The Clinic's goal in coordinating the Election Protection Project each election

---

<sup>2</sup> *Porter v. Hall*, 271 P. 411(1928).

<sup>3</sup> *Harrison v. Laveen*, 196 P.2d 456 (1948).

<sup>4</sup> *Oregon v Mitchell*, 400 U.S. 112 (1970).

<sup>5</sup> *Shelby County v. Holder*, 570 U.S. 529 (2013).

year is to reduce the number of Tribal members turned away from polling sites because of improper identification, language barriers, misinformation regarding voting laws, misapplication of the law, voter intimidation tactics, among other issues that Native American voters face when attempting to vote in state and federal elections.

## Project Framework

Each election cycle the Clinic works with its partners to develop a voter protection plan in advance of the election. The voter protection plan outlines the strategy for addressing potential issues prior to the election and a strategy to address voter issues on Election Day. The Clinic formulates its plan in part based on past election issues as well as on changes in the law that may lead to new issues. Outreach efforts are made to Arizona counties to stay informed of any changes in election administration or procedure, Arizona Tribes to ensure that the Clinic stays informed of the needs of the community, and local Native organizations and students to volunteer in Election Protection efforts. The Clinic coordinates with NCAI, ITCA, and the National Election Protection Coalition<sup>6</sup> to obtain and create training materials. ITCA provides a dedicated hotline number, and the Clinic and ITCA ensure that the hotline number and voter protection materials are provided to all Arizona Tribes and Tribal media outlets.

The primary goals of the Project are threefold:

- Identify and address potential voter issues prior to Election Day;
- Train and maintain a dedicated and reliable network of volunteers to respond to voting incidents on Election Day to protect Native Americans from voter intimidation and disenfranchisement; and
- Collect data illustrating voting obstacles.

## Project History

Since 2008, the Native Vote - Election Protection Project has worked to address issues faced by Native American voters and has continued to grow in its capacity to assist voters. In 2008, the Project recruited fifty-three (53) volunteers, assigned to polling locations on twelve (12) reservations and several off-reservation locations. Issues identified during the 2008 election cycle included lack of voter registration, failure to issue provisional ballots under the Help America Vote Act, voter identification issues, nonstandard address issues, intimidation, lack of language assistance, and polling locations not issuing ballots. The Clinic was able to work with the Apache County Attorneys' Office to request that a polling location remained opened for an additional hour.

In 2010, there was a much smaller field program of only fourteen (16) volunteers during the midterm elections. The most egregious issue reported was voter intimidation at the polling location in the Pascua Yaqui community of Guadalupe. The polling location was located next to

---

<sup>6</sup> National Election Protection is a national non-partisan coalition led by the Lawyers' Committee for Civil Rights Under Law. It runs a national hotline, comprehensive voter protection field programs across the country and provides Americans with comprehensive voter information and advice on how they can make sure their vote is counted. Additional information about Election Protection is available at [866ourvote.org](http://866ourvote.org).



the police station and resulted in numerous incidents of police intimidation, including pulling over voters next to the polling location and numerous officers within the 75-foot zone.

In 2012, the Native Vote – Election Protection Project recruited fifty-five (55) volunteers to assist voters and received 100 reported incidents. The common types of incidents included: voters not found on the voter rolls, issues related to provisional ballots, failure to issue provisional ballots, lack of voter identification, voter intimidation, problems with early ballot requests, long lines, and inadequate poll worker training, problems with reservation addresses, and voters who were unable to vote altogether.<sup>7</sup>

In 2014, the Native Vote Election Protection Project recruited forty-one (41) volunteers stationed at seventeen (17) different polling locations across nine (9) different Tribal communities.<sup>8</sup> The Native Vote Election Protection Project received forty-eight (48) reports of incidents.<sup>9</sup>

In 2016, the Native Vote Election Protection Project recruited eighty (80) volunteers and received thirty-eight (38) incidents reported during the Presidential Preference Election, ten (10) incidents reported during the Primary Election, and 135 incidents reported during the General Election.

The Clinic determined that one way to address systemic voting issues impacting Native American voters is to document incidents, conduct independent research, provide voter data to the Tribes, and assist with education efforts when requested. Between the 2016 and 2018 election, the Clinic students made presentations to Tribal leaders regarding the data and research from the 2016 Native Vote – Election Protection Report. Clinic students also testified at two field hearings held by the Native American Voting Rights Coalition and submitted the 2016 Report to the United States Commission on Civil Rights' Arizona State Advisory Committee.<sup>10</sup>

## Project Partners

### National Congress of American Indians

NCAI is the oldest and largest national organization representing Tribal governments. It was founded in 1944 in response to federal policies focused on terminating Tribal governments and assimilating Tribal people that threatened treaty rights and sovereignty. NCAI works on behalf of Tribes to ensure the rights of Tribes and of Tribal members. NCAI spearheads the national Native Vote project, which includes coordination of Get Out the Vote and Election Protection efforts across the country. NCAI also partners with the National Election Protection Coalition. NCAI conducts election workshops as well as provides materials, trouble-shooting scenarios, and materials for volunteers.

---

<sup>7</sup> 2012 ILC Report, page 5.

<sup>8</sup> 2014 ILC Report, page 5.

<sup>9</sup> *Id.*

<sup>10</sup> *Desert Southwest Field Hearing at ASU College of Law*, Native American Voting Rights Coalition (Jan. 11, 2018) (statements of Brian Curley Chambers, Solveig Parsons & Rani Williams). *Field Hearing in Tuba City, Arizona*, Native American Voting Rights Coalition (April 25, 2018) (statement of Brian Curley Chambers).

### **Indian Legal Clinic**

The Clinic is part of the Indian Legal Program at the Sandra Day O'Connor College of Law at Arizona State University. The Clinic provides law students with an opportunity to participate in real cases dealing with Native peoples and Indian law issues. The Clinic serves both Indian Country and the nation's urban Indian populations by providing high quality legal services, with attention to the special legal and cultural needs of Native peoples. The Clinic works with its partners to identify voting issues and to train Election Protection volunteers. Patty Ferguson-Bohnee, the Director of the Clinic, serves as the Arizona Native Vote – Election Protection Project Coordinator. Clinic student Torey Dolan served as the student lead for the 2018 Project Effort.

### **Inter Tribal Council of Arizona**

ITCA was established in 1952 as a non-profit corporation to address issues in Indian Communities. ITCA has a long-standing commitment to protecting the rights of Native American voters in Arizona and has organized GOTV efforts throughout Arizona during each election cycle. ITCA coordinates with local, state, and Tribal officials to increase voter participation and to conduct voter education. ITCA and the Clinic work together to create training materials, coordinate conference calls and live in-person trainings, and to provide voter education information to Tribal communities. Travis Lane at ITCA serves as the Arizona Native Vote Get Out the Vote Coordinator.

### **Native American Bar Association of Arizona**

The Native American Bar Association of Arizona (NABA-AZ) was founded in 2007 and is a nonprofit organization of Arizona attorneys, law students, Tribal court advocates, and judges. NABA-AZ approved the Arizona Native Vote – Election Protection Project as a service project for the organization. NABA-AZ members serve as Election Protection volunteers across Arizona.

## **2018 Election Protection Project Report Overview**

This report includes several components. First, this report discusses the 2018 Election Protection Plan. Second, the report sets forth the various components of the 2018 General Election–Election Protection Program's research efforts including research on early voting and polling locations. Third, the report describes incidents that were reported during the 2018 election. Fourth, this report discusses the lawsuits that were filed as a result of the 2018 election. Finally, the report analyzes the Native Vote turnout in the 2018 election.

## **2018 Election Protection Plan**

The 2018 Election Protection Plan outlines the Clinic's efforts to address incidents identified in previous elections and provides a detailed analysis of the Clinic's findings from research on polling locations on Tribal lands. To prepare for 2018, the Clinic identified the following key issues faced by Arizona Tribal voters during the 2016 Election:

- Voters turned away from the polls without being offered a provisional ballot;
- Voters dropped from the rolls or placed in the wrong precinct;
- Lack of adequate accessibility measures for voters with disabilities or elderly voters;

- Lack of education on voter processes and protocols;
- Lack of poll worker training;
- Machine malfunctions;
- Address issues/Voter ID issues;
- Voter confusion; and
- Voter intimidation.

After discussing the issues with the Inter Tribal Council of Arizona, the 2018 Election Protection Plan identified key issues that could be addressed prior to the 2018 General Election. In addition to coordinating election protection volunteers and the Native Vote hotline, the Clinic worked on several efforts to address issues identified in 2016. Because Arizona is no longer covered by Section 5 preclearance under the Voting Rights Act, the Clinic created an interactive map of each polling location in Indian Country to easily identify polling locations and determine any closures. Additionally, in light of low voter registration, voters being purged from the rolls, precinct-based voting requirements, and voter confusion, the Clinic worked with Tribes and ITCA on voter registration efforts.

### Voter Registration

Based on the Inter Tribal Council of Arizona's data indicating low rates of voter registration among Native Americans in Arizona, the Clinic assisted in three efforts to increase voter registration among Native Americans. On National Voter Registration Day, the Clinic stationed six (6) Indian Legal Clinic students in four (4) areas designated to assist eligible voters with voter registration. These four (4) areas included the Salt River Pima Maricopa Indian Community, the Gila River Indian Community, Arizona State University – American Indian Studies Department, and the Pascua Yaqui Tribal Administrative Office in Guadalupe, Arizona. Ultimately, Clinic students assisted (30) voters with registration or checking/updating their voter registration. Additionally, the Clinic students visited two American Indian Studies classes at ASU to register voters. Lastly, the Clinic worked in partnership with the ASU Native American Law Students Association to register voters on Indigenous Peoples' Day at the law school.

### Tracking Polling Locations

Prior to 2013, Arizona was subject to the preclearance provisions of the Voting Rights Act which provided that no change in voting procedure could take place until approved by the federal government.<sup>11</sup> After the Supreme Court struck down the preclearance formula, Arizona was no longer required to seek approval from the federal government in making changes to election procedure.

In Arizona, each county determines the number and locations of in-person election day polling locations and whether it will offer a precinct-based system (where voters must vote at their designated precinct in order for their ballot to count), a vote-center/super-precinct model (where voters can vote at any location in the county), or a hybrid model (where some locations are open

---

<sup>11</sup> *Shelby County v. Holder*, 570 U.S. 529 (2013).



to anyone in the county and others are assigned to voters).<sup>12</sup> Twelve (12) of Arizona's fifteen (15) counties include Tribal lands. Of those twelve (12) counties, four (4) counties utilize a vote-center/super precinct model (Navajo County, Graham County, Yavapai County, and Yuma County). Three counties use a hybrid vote-center/precinct-based voting model (Coconino County, Maricopa County, and Gila County). The remaining five counties (Mohave County, La Paz County, Apache County, and Pinal County) use precinct-based polling locations.

Counties may also opt to offer more than one in-person early voting locations, where voters can cast a ballot before election day.<sup>13</sup> Access to in-person polling locations is critical to ensuring that Native voters can cast ballots and have their votes counted. Most reservation voters lack the convenience of at-home mail delivery, reliable mail delivery, or reliable transportation to get the mail. Thus, voting by mail is not a viable option for voters on Tribal lands. Further, Native voters frequently need language assistance when voting, and Navajo and Apache language speakers have the right to voting assistance in those languages.<sup>14</sup> These languages are traditionally unwritten so assistance must be oral; this type of language assistance is not readily available when voting by mail. In 2016 the Section 203 language determinations were revised reducing the amount of coverage for Arizona's Tribes. The number of covered languages decreased from six languages across nine counties and nine reservations to two languages and two reservations. This likely does not reflect the need for minority language assistance in Arizona and rather likely reflects the severe undercount of Native communities in the American Community Survey.<sup>15</sup>

The Clinic tracked in-person early voting both on and off Tribal lands as well as the hours of availability.<sup>16</sup> The Clinic also tracked the changes to election day polling locations on Tribal lands between 2016 and 2018.

### Early Voting on Tribal Lands

Tribal Communities in Arizona did not have equal or equitable access to in-person early voting in 2018. In Arizona, approximately 27% of the land within the state is Tribal land. There are twenty-two (22) federally recognized Tribes in the state of Arizona. Of the 110 in-person Early voting sites, fifteen (15) polling locations were in Tribal communities and thirteen (13) of those were specifically on Tribal land.<sup>17</sup> Seven (7) Tribes in Arizona had access to in-person early voting in their respective communities.<sup>18</sup> The Navajo Nation, San Carlos Apache Tribe, the Tohono O'odham Nation, and the White Mountain Apache Tribe were the only Tribes to have in-person early voting locations on their Tribal land.<sup>19</sup> The Pascua Yaqui Tribe's community located in the Town of Guadalupe in Maricopa County and Colorado River Indian Tribes had access to off-

---

<sup>12</sup> ARIZ. REV. STAT. § 16-411 (B)(3-4); ELECTION SERV. DIV., OFF. SEC'Y STATE, DEP'T STATE, ARIZONA ELECTION PROCEDURES MANUAL 1, 8; 231-33 (2014).

<sup>13</sup> ARIZ. REV. STAT. § 16-246(C); ARIZ. REV. STAT. § 16-542(A).

<sup>14</sup> Voting Rights Act Amendments of 2006, Determinations Under Section 203, 81 FR 87532 (December 5, 2016).

<sup>15</sup> Torey Dolan, *Voting in Our Voices*, Arizona Attorney Magazine (July 2020), available at <https://www.azattorneymag-digital.com/azattorneymag/20200708/MobilePagedReplica.action?pm=1&folio=72#pg75>.

<sup>16</sup> Appendix V.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

Reservation in-person early voting. However, neither Tribe had early voting locations on Tribal lands.

From 2016 to 2018, at least three reservations lost in-person early voting locations. In 2018, the Pima County Recorder's Office closed the in-person early voting location on the Pascua Yaqui Reservation and four in-person early voting locations on the Tohono O'odham Reservation but kept one location at Sells. Pinal County provided a limited in-person early voting opportunity on the Gila River Indian Community Reservation in 2016 but did not offer in-person early voting in 2018.

Ten (10) of the fifteen (15) in-person early voting locations on Tribal lands or in Tribal communities were open for ten (10) hours or less. In comparison, thirty-five (35) off-Reservation early voting polling locations were open for 100 hours or more.<sup>20</sup> Many early voting locations surpassed 150 hours of in-person early voting. However, only two (2) in-person early voting locations on Tribal lands surpassed 100 hours, the Tuba City Elections Office and the Chinle Voter Outreach Office, both on Navajo Reservation. The Tuba City early voting location also serves the Hopi Tribe and the San Juan Southern Paiute Tribe. The other early voting location serving a Tribal community that surpassed 100 hours served was the La Paz County Recorder's Office in Parker, Arizona within Colorado River Indian Tribe's "Indian Country."<sup>21</sup>

However, most voters on Arizona's Indian Reservations did not have equitable access to in-person early voting. For example, Navajo County offered a total of four (4) hours of in-person early voting on the Hopi Reservation compared to 162 hours of in-person early voting offered off Reservation in Holbrook.<sup>22</sup>

---

<sup>20</sup> *Id.*

<sup>21</sup> Indian Country is defined as all land within the limits of any Indian Reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-ways running through the Reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. 18 U.S.C. § 1151.

<sup>22</sup> Appendix V.

### In-Person Early Voting Locations Chart

Tribes with in-person Early Voting on Tribal lands.	Tribes with in-person Early Voting in Tribal community.	Tribes without any in-person Early Voting.
Navajo Nation (Apache, Navajo, and Coconino Counties)	Pascua Yaqui Tribe (Maricopa County only; none on the Pascua Yaqui Reservation in Pima County)	Ak Chin-Indian Community (Pinal County)
San Carlos Apache Tribe (Gila County only)	Colorado River Indian Tribe (La Paz County)	Cocopah Indian Tribe (Yuma County)
White Mountain Apache Tribe (Gila and Navajo Counties)		Fort McDowell Yavapai Nation (Maricopa County)
Tohono O'odham Nation (Pima County only)		Fort Mojave Indian Tribe (Mohave County)
Hopi Tribe (Navajo County only)		Fort Yuma Quechan Tribe (Yuma County)
		Gila River Indian Community (Pinal and Maricopa Counties)
		Havasupai Tribe (Coconino County)
		Hualapai Tribe (Mohave and Coconino Counties)
		Kaibab Band of Paiute Indians (Mohave and Coconino Counties)
		Salt River Pima Maricopa Indian Community (Maricopa County)
		Tonto Apache Tribe (Gila County)
		Yavapai-Apache Tribe (Yavapai County)
		Yavapai-Prescott Indian Tribe (Yavapai County)

### Election Day Polling Locations

The Indian Legal Clinic tracked changes in Election Day polling locations impacting Tribal communities between 2016 and 2018. In general, there was not significant changes to polling locations in Arizona's Tribal communities. There was one closure of election day polling locations on Indian reservations, one closure of a polling location that was closest to a reservation, 6 changes to polling locations less than ten minutes from the previous locations on reservation lands, one consolidation, and two additions of vote centers in Tribal communities. These subsections below describe changes to polling locations near Tribal lands as well as those on Tribal lands.

#### *Apache County*

In Apache County, on-reservation polling locations remained unchanged. One precinct, Precinct 49, was combined with Precinct 48. The physical location of the polling place remained the same at Nahata Dziil Commission Governance building on the Navajo Reservation. This change did not impact voters in Precinct 49.

#### *Coconino County*

In Coconino County, most of the polling locations remained the same from 2016 to 2018. Four (4) polling locations moved, and one (1) vote center was added. These changes affected voters on the Navajo and Hopi Reservations. First, Precinct 72 (Page Central) moved from the Page Public Safety Building to the City of Page Townhouse, less than a mile away. Second, Precinct 73 (East Page) moved from Page City Hall to Page CAVIT School, about .4 miles and an eight-minute walk away. Third, Precinct 74 (Page South) moved from the Page Public Safety Building to Faith Bible School 1.6 miles away, twenty-four (24) minutes by foot and four (4) minutes by car.

Additionally, Precinct 70 moved from Tuba City High School to the Upper Moenkopi Community Center on the Hopi Reservation. However, Tuba City High School became a designated vote center so all registered voters in the county were able to vote at this location. Thus, this change increased opportunities for Navajo and Hopi voters.

#### *Gila County*

There was one change in Gila County impacting the Tonto Apache Tribe. In 2016, the St. Phillip's Catholic Church served as a polling location. In 2018, there was a new polling location at the First Payson Church of the Nazarene, a ten-minute drive from the previous location.

#### *Graham County*

There was no change in polling locations between 2016 and 2018 in Graham County affecting reservation voters.

#### *La Paz County*

There was no change in polling locations between 2016 and 2018 in La Paz County affecting reservation voters.

#### *Maricopa County*

There was no change in polling locations between 2016 and 2018 in Maricopa County affecting reservation voters. The Guadalupe polling precinct, which is a Pascua Yaqui Tribal community,

became a vote center in the 2018 election, meaning that any voter in the county could cast a ballot at that location.

#### *Mohave County*

In Mohave County between 2016 and 2018, seven of the thirteen polling locations identified as on or near Tribal lands remained the same. The Hualapai Tribe's polling location remained the same.

For the Kaibab-Paiute Tribe, there was no on-reservation polling location in 2016 or 2018 despite requests from the Tribe for an on-reservation polling location. Mohave County denied the Tribe's requests for a polling location in 2016 and 2018. In 2018, the County responded that the Tribe's request was made too late and that the Tribal facility did not comply with the Americans with Disabilities Act. In 2016, the closest polling locations were the North Canyon Justice Court and the Mohave Community College. In 2018, the North Canyon Justice Court, ten miles from the Reservation's western border, was closed. The remaining polling location, the Mohave Community College in Colorado City is 21.5 miles away from the center of the Kaibab Paiute Reservation and 12 miles away from its most western border.

#### *Navajo County*

Polling locations in Navajo County are "super precincts," meaning any voter in the county can cast a ballot at any polling location within the county. If a person votes within his/her super precinct, the voter can cast a paper ballot. If the voter is outside his/her super precinct, the voter uses an express vote machine to cast a ballot. Between 2016 and 2018, there was one change affecting the Navajo Reservation: the polling location at the Navajo Department of Transportation in Dilkon moved to the Dilkon Chapter House, about 1.2 miles away.

#### *Pima County*

There was no change in election day polling locations between 2016 and 2018 in Pima County affecting reservation voters.

#### *Pinal County*

There was no change in polling locations between 2016 and 2018 in Pinal County affecting reservation voters.

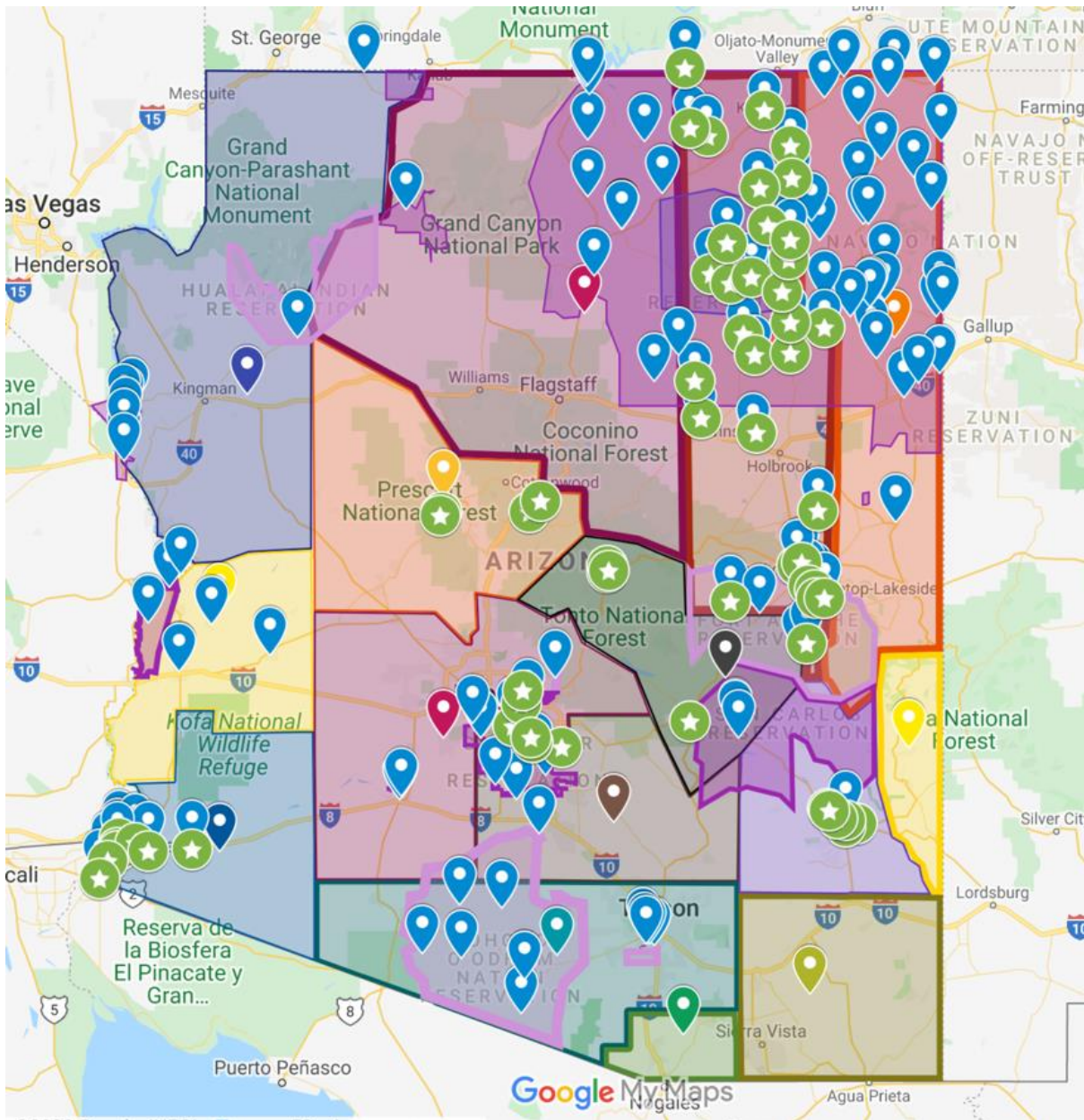
#### *Yavapai County*

In Yavapai County between 2016 and 2018, the polling location on the Yavapai Apache Nation Reservation closed. In 2016, there was a polling location at the Yavapai Nation Community Center. In 2018, the nearest polling location for reservation voters was the Camp Verde Library located about six (6) miles away from the Yavapai Apache Nation Reservation.

#### *Yuma County*

In Yuma County, between 2016 and 2018 there were no on-reservation polling locations for the Fort Yuma-Quechan and Cocopah Reservations.





Polling Location Map

In 2018, the Indian Legal Clinic created an interactive Google Map that included all polling locations on or near Indian land. The Clinic shared this map to the election to inform voters living on or near Tribal lands of the nearest polling locations. On Election Day, the Election Protection Hotline used this tool to inform voters of their polling location, the nearest vote center or super precinct based on their location during the call. The map design included four layers: polling locations (blue points), vote centers/super precincts (green stars), county boundaries (varying colors for each county), and reservation boundaries (purple).



## 2018 General Election – Election Protection Program

The 2018 Election Protection Program included the hotline and field program on the day of the General Election. The Clinic also coordinated with other Election Protection organizations.

### Coordinating Election Protection Efforts

Prior to the 2018 General Election, the Clinic held several training sessions for Election Protection volunteers. In addition to training the Native Vote – Election Protection Volunteers, the Clinic also traveled to Chinle, Arizona on the Navajo Nation Reservation several days prior to the 2018 General Election to provide voter protection training to a group of Navajo citizens recruited by Four Directions to assist voters on Election Day. This three-hour training included simulations in both the English and Navajo language.

In 2018, the Clinic also coordinated with the Arizona Chapter of All Voting is Local and the Arizona Advocacy Network on Election Day response planning. On Election Day, the Clinic space at the Sandra Day O'Connor College of Law hosted nonpartisan election protection organizations so that all election teams could work together if there was a systemic issue that needed to be addressed. This collaboration was useful when field volunteers of both the Native Vote Election Protection Project and National Election Protection reported that vote centers in Maricopa County were not issuing ballots to voters.

### 2018 Native Vote Election Protection Volunteers

During the 2018 election cycle, the Clinic recruited fifty-nine (59) volunteers. Volunteers worked together to answer any legal questions regarding voting rights and were separated into four (4) categories:

- legal mobile volunteers traveling to polling sites within an identified region;
- field volunteers stationed at polling locations;
- hotline volunteers fielding calls and trouble-shooting problems called in from voters, Tribes, and volunteers; and
- on-call volunteers in Tribal general counsel offices.

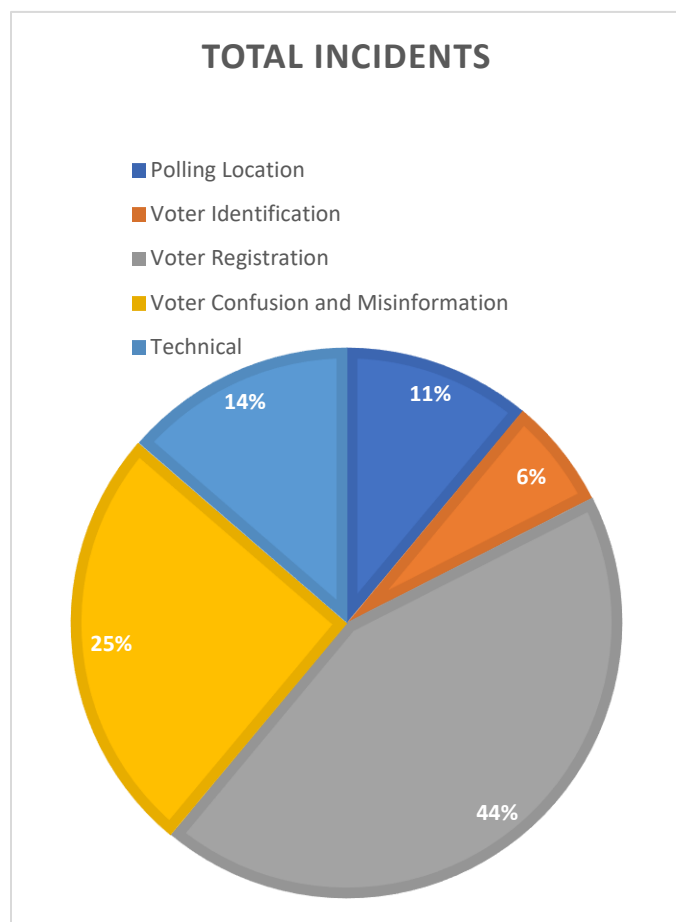
In total, Native Vote dispatched forty-two (42) field volunteers to locations in Tribal communities, seven (7) legal mobile volunteers that visited multiple polling locations, and had three (3) on-call attorneys in Tribal communities at the ready to accept calls and handle legal issues. The Native Vote – Election Protection Project had a physical presence at twenty-two (22) polling locations spanning seven (7) counties and thirteen (13) Reservations in Arizona. The Command Center included seven (7) people at the Indian Legal Clinic to answer hotline calls.

### 2018 Election Incidents

The Native Vote – Election Protection Project received 180 calls, forty-eight (48) incidents reported from the field, and seventy-one (71) calls from voters either reporting an issue or requesting information (such as checking voter registration or checking their polling locations). Incidents are categorized both by their source and by their type.

Incidents were either observed in the field or reported through the hotline. Hotline intakes are incidents or issues reported to the Native Vote hotline volunteers because a voter or a field volunteer called the hotline for assistance. Field incidents are those that happen in the field and were observed and recorded by a Native Vote field volunteer. Incidents are categorized into one or more of the following categories: polling location, voter identification, voter registration, voter confusion, misinformation, and technical.

### Categories of Incidents



#### *Polling Location*

Polling location incidents include issues relating to voters trying to determine their polling locations, voters being told they are at the wrong polling location, voters being redirected to alternative polling locations, or issues where a specific polling location is not following the law or procedure properly. In total there were seventeen (17) incidents reported related to polling locations with nine (9) incidents being reported from the field and eight (8) incidents being reported to the hotline.

#### *Voter Identification*

Voter ID issues include voters not having sufficient ID, valid ID being rejected, or ID addresses not matching the addresses on the voter roll. In total there were ten (10) incidents reported related to voter ID issues. Four (4) incidents were reported to the hotline and six (6) were reported from the field.

#### *Voter Registration*

Voter registration incidents include instances of voters not being on the voter rolls, being dropped from the voter rolls, being moved to inactive or suspense lists, or incidents where a voter's registration was not up to date. It also includes instances of voters checking their voter registration. In total, there were sixty-seven (67) incidents related to voter registration between field reports and hotline intakes. Of those, fifteen (15) were voters calling the hotline to check their voter registration and twenty-two (22) were voter registration incidents recorded in the field.

#### *Voter Confusion and Misinformation*

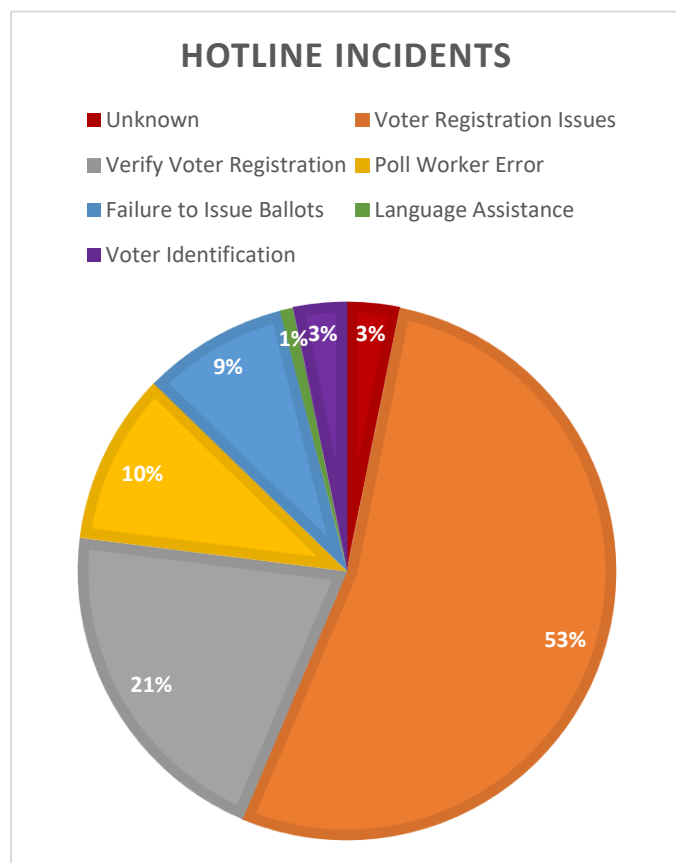
Voter confusion and misinformation include incidents where voters expressed confusion or incidents where poll workers or election administrators gave voters incorrect information. In total, one (1) voter reported confusion to a field volunteer and thirty-eight (38) reported that they were

given misinformation. Eleven (11) reports of misinformation were reported through the hotline and twenty-seven (27) were reported to field volunteers.

#### Technical

Technical issues primarily consist of issues with election equipment such as check in machines, voting machines and ballot printers, or the failure to provide language assistance as required by Section 203 of the Voting Rights Act. There were in total thirty-one (21) reports of technical issues. Nine (9) technical issues were reported to the hotline and twelve (12) incidents of technical issues were recorded by field volunteers.

### Hotline Intakes



In total, the hotline volunteers retained notes on seventy-one (71) hotline calls. Of those, four (4) were identified as the issue being “unknown.” Among the remaining sixty-seven (67) intakes, fifty-two percent (52%) were related to voter registration issues, approximately thirty-five (35) calls. Twenty-six (26) voters called to check their voter registration. The next largest categories of calls were related to poll worker errors resulting in confusion or misinformation amounting to thirteen (13) calls. Eleven (11) calls pertained to failure to issue ballots. This includes voters being wrongly turned away, wrongly given a provisional ballot, or told that they could not vote at all in violation of the Help America Vote Act. One (1) call pertained to lack of language assistance as mandated by Section 203 of the Voting Rights Act. Of the four (4) calls related to voter ID issues, three (3) calls reported that poll

workers rejected lawful identification and two (2) specifically reported poll workers rejected their Tribal ID as a valid form of identification.

Maricopa County made up the largest number of Hotline callers. Eighteen (18) voters, or twenty-six percent (26%) of the hotline calls were placed from Maricopa County. Seventeen (17) calls were placed from an unknown location. Ten (10) calls were placed from Coconino County, nine (9) from Navajo County, and eight (8) from Pinal County.

More than 20% of the total calls were placed from Navajo, Coconino, and Apache Counties where the Navajo Nation Reservation is located. Additionally, 30% of the voters identified themselves as Navajo, and fifteen (15) identified as Gila River.

The hotline data indicates that voter registration and polling location verification continue to be obstacles or cause confusion for Tribal voters. Additional difficulties arise because most Arizona counties, except Maricopa County, lack a method by which a voter can confirm their voter registration or polling location. The Arizona Department of Transportation website requires that the voter have an Arizona driver's license and that the voter used that license to register in order to verify their voter registration status.

A breakdown of the hotline intakes can be found in Appendix II.

### Incident Reports

Incident reports are detailed reports recorded by volunteers; primarily by those stationed outside of polling locations on Tribal lands. In total, there were forty-three (43) incident reports documented by field volunteers documenting fifty-nine (59) incidents. Some volunteers completed one incident form per voter and others filled out incident forms to report systemic issues observed that impacted multiple voters.

Many incidents overlap in category. There were six (6) incident reports related to voter identification issues, nineteen (19) related to lack of poll worker errors including providing bad information, twenty-two (22) reports identified voter registration issues, twelve (12) reported related to technical issues, nine (9) incident reports related to polling locations, one incident of voter confusion and one incident report of intimidation. A breakdown of incident reports can be found in Appendix I.

#### Navajo Nation

For the Navajo Nation, volunteers submitted sixteen (16) incidents were reported, eight of which occurred in Apache County.

Among the reported incidents, one voter reported confusion about the State and Tribal elections, another voter reported poor lighting in the polling location making it difficult to read the ballot, and another reported a rude poll worker being difficult with an elder who was hard of hearing.

Two issues recorded in multiple field reports highlighted issues with early ballots and voter rolls. With respect to early ballots, some poll workers incorrectly denied voters the right to drop off early ballots. In one instance, a voter brought her early ballot to the polling location at the Window Rock Museum and the poll workers refused to allow the voter to drop off her early ballot. Instead, the poll workers required her to complete a new ballot but refused to let her look at her completed early ballot when filling out the new one. She had completed her early ballot with the assistance of her son, who helped her understand the material. When the poll workers forced her to complete a new ballot, she had difficulty voting because her son was not there to help her. Another voter received (and voted) an early ballot but received a subsequent letter stating that he had not voted.

He showed up to the polls on election day, but the poll workers would not issue him a provisional ballot despite the letter he received.

Voter roll issues arose in two forms: either voters were told they were not listed on the rolls, or voters were sent back and forth between polling locations. One voter was told she could not vote because she had not voted in several years, another voter was told that s/he was not registered, and a third voter was unable to find his name on the check in machine.

Voters with nontraditional addresses continue to face challenges when voting on Election Day because of confusion over precinct placement. In Apache County, which requires voters to cast a ballot in their precinct for their vote to be counted, some voters were bounced back and forth between polling locations. The poll workers at Fort Defiance told a voter that she was not on the rolls and redirected her to Window Rock. When she arrived at Window Rock, the poll workers told her that she needed to vote at Fort Defiance. Another voter went to St. Michael's to vote in the primary, and he voted a provisional ballot. During the General Election, the voter claimed his name was on the St. Michael's roll, but he was sent to Window Rock to vote. A separate voter similarly went to St. Michael's to vote in the primary and was told she was registered to vote at Window Rock. She re-registered so she could vote at St. Michaels (where she lives), and on the day of the General Election she was sent to Window Rock to vote.

Voters across the Navajo Nation continued to experience issues and confusion with the voter roll. In Navajo County, one voter reported that he had not voted since 2015 (when he voted in Chinle) and in 2018 when he went to vote he was told that he could not vote. Another field volunteer reported that voters were reported that they were removed from the voter rolls and that the polling location did not have enough provisional ballots.

#### Pascua Yaqui Tribe

The Pascua Yaqui Tribe has a Reservation in Pima County and several communities of Tribal members in Pima County, Pinal County, and Maricopa County. The largest concentration of off-Reservation voters is in the Town of Guadalupe in Maricopa County. The polling location in Guadalupe was a vote center for the 2018 election, meaning voters registered anywhere in the county could vote there.

There were seven reported field incidents arising at Pascua Yaqui Tribe polling locations, all of which occurred at the Guadalupe polling location in Maricopa County. Five of the field reports stemmed from an error with the ballot printing machines. Because Guadalupe was a vote center, Maricopa County offered out-of-precinct voting by printing ballots on demand as voters checked in to vote. However, poll workers turned voters away for being out-of-precinct. The Arizona Native Vote Election Protection Project called Maricopa County to report the issue and a person at the county's call center erroneously stated that out-of-precinct voters could only drop off ballots at vote centers.

Unfortunately, due to a technical issue and poll workers being unable to reset the printers, voters were turned away without voting. However, voters were not informed about the printer problem. Instead, poll workers instructed the voters that they could not vote there because they were "out of precinct" which led to confusion among voters.

Poll workers wrongly turned some voters away without offering them a ballot. In addition to machines being down, poll workers rejected a voter's Tribal ID. This is problematic because Tribal IDs are a valid form of ID. Poll workers denied another voter a ballot because the voter was "on suspense." Under the Help America Vote Act, the poll workers should have—at a minimum – offered a provisional ballot to both voters.

#### [Salt River Pima Maricopa Indian Community](#)

The Salt River Pima Maricopa Indian Community is located in Maricopa County, but it does not include poll workers from the Tribal community. There were four reported incidents at the Salt River Pima Maricopa Indian Community polling location. One voter was told that she was at the wrong polling location and berated by the poll worker. When offered a provisional ballot by another poll worker, the poll worker made a snide remark. The voter was embarrassed and left. Other voters had to leave the polling location because the digital site books were down, and voters could not check into the polling location. Two other voters reported that they received provisional ballots when they should have received regular ballots. One voter was turned away from the polling location due to the equipment being down and had to ride his bike over a mile away to a vote center.

#### [Gila River Indian Community](#)

The Gila River Indian Community is located in Pinal and Maricopa Counties. On Election Day, the Clinic received eight incident reports from the Maricopa County portion of the Gila River Reservation, and one from Pinal County.

In Maricopa County, many of the issues at the Gila River Indian Community polling locations resulted from technicalities, including those resulting from changes in the addressing system, resulting in confusion or voters being denied ballots. For example, many voters had nonstandard addresses when they registered to vote, and the County changed their addresses in the voter database to be the District 6 Service Center. Many voters were not aware that their addresses were changed in the voter registration database. When the Maricopa County portion of Gila River received new addresses under the addressing system on the Gila River Reservation, voters' addresses no longer match the voter rolls. Two voters reported being denied ballots because the address on the voter roll was inconsistent with their voter ID. After numerous voters encountered this issue, the poll workers began letting people vote. Two voters reported they were assigned new addresses by the post office and were forced to vote a provisional ballot.

Some voters could not use the new check-in kiosk implemented by Maricopa County. Maricopa County changed its check in process, requiring voters to use a kiosk that scanned state driver's licenses but required voters to opt-out of scanning a driver's licenses and use alternative identification. Because they did not have an Arizona Driver's license, two voters could not use the scan feature and could not check in.

Another voter believed that she was registered to vote at District 6, but her voter registration was found in San Carlos.

In Pinal County, a voter was told she was at the wrong polling location and redirected to another polling location.



### Kaibab Paiute Tribe

The Kaibab Paiute Tribe is located in Mohave County and Coconino County. In Mohave County, the poll worker informed a voter that she needed a form of ID that listed her physical address because her ID included a P.O. Box. She was eventually able to convince the poll worker to let her cast a standard ballot. The voter was entitled to a regular ballot because Arizona law provides that voter identification must reasonably match the voter's residence or mailing address in the signature roster or e-poll book.<sup>23</sup> Therefore, poll workers should accept P.O. Boxes as valid addresses on any form of identification.

### Tohono O'odham Nation

The Tohono O'odham Nation spans Pima County, Maricopa County, and Pinal County. There were three reported incidents from the Tohono O'odham Nation, all arising in Pima County.

Voters on the Tohono O'odham Nation regularly experience issues in registering to vote and complying with Arizona's voter ID laws because of non-standard addresses. The Tohono O'odham Reservation does not have an addressing system and voters provide a physical description of the residence and rely on post office boxes for their mailing addresses. Because of the nature of these addressing issues, voters on the reservation are frequently placed in the wrong precinct, are assigned a made-up address, or are placed on a suspense list for incomplete voter registration information.

A number of voters were assigned to the Sells Precinct even though they lived in other parts of the Tohono O'odham Reservation. A voter reported that his driver's license address did not match the voter roll. Pima County issued voter identification listing his polling location as precinct 4 in Sells, Arizona and thus assigned him to the wrong precinct. The county likely assigned him to precinct 4, Sells, Arizona, because many residents of the Tohono O'odham Nation receive mail at the post office in Sells, Arizona, despite living elsewhere on the Nation. He was finally able to vote a standard ballot when he combined his driver's license with a bill. Voters living in Chu Ku Kut District and the Gu Vo District reported similar problems.

### Ak-Chin Indian Community

The Ak-Chin Indian Community is located in Pinal County. There were five (5) reported incidents at Ak-Chin's polling location. One voter went to vote without ID, and she was told she could not vote without ID. Arizona law requires that voters that do not present identification must be offered a conditional provisional ballot and given the opportunity to return within five business days to present identification.<sup>24</sup> She returned with her early ballot. Four individuals believed they were registered to vote but were not on the voter rolls. Two were not offered a provisional ballot. It is unclear whether the others were offered provisional ballots.

## 2018 Election Litigation

The 2018 state and federal elections in Arizona spurred several lawsuits. This section will discuss three pertinent election lawsuits filed against the State of Arizona and its political subdivisions.

---

<sup>23</sup> A.R.S. § 16-579(A)(1)(a).

<sup>24</sup> A.R.S. § 16 – 579(A)(1).

Some critical context for the litigation surrounding the 2018 elections is how competitive Arizona has become in National politics. I

### Arizona Advocacy Network v. Maricopa County

As a result of the machine malfunctions reported in Maricopa County on Election Day, the Arizona Advocacy Network (AZAN) filed a complaint and an application for a temporary restraining order against Maricopa County and its election officials to keep the polls open to replace time lost due to machine malfunctions.<sup>25</sup> The Arizona Republican Party and the Maricopa County Republican Party intervened in the case to oppose keeping the polling locations open.<sup>26</sup>

AZAN, relying on calls to the national hotline, alleged that forty (40) vote centers in Maricopa County failed to open at 6:00 am as well as nine (9) precinct-based polling locations.<sup>27</sup> AZAN further alleged that ballot-on-demand printers were down at vote centers which resulted in voters being redirected to other vote centers that could not print their ballot or voters being turned away entirely.<sup>28</sup> As the prayer for relief, AZAN asked that the courts order that the forty (40) vote centers be open until 9:00 P.M. as opposed to 7:00 P.M. to give voters the opportunity to make up for the time lost due to malfunctioning machines and the polls not being open.<sup>29</sup>

During the day, AZAN, Native Vote, and other organizations informed Maricopa County of the failures to open on time and the closures during the day due to machine malfunctions. Maricopa County defendants argued that the issues raised by the plaintiffs were not timely,<sup>30</sup> the County would be unable to demand that the building locations remain open,<sup>31</sup> that “no one was denied the right to vote”<sup>32</sup>, and that there is “no right to vote immediately”<sup>33</sup> because if anyone was forced to wait twenty (20) minutes or go to another polling location that is a “normal” burden that someone exercising their right to vote can experience.<sup>34</sup> According to the County, “voters were always able to vote today, and the fact that there was a problem at the vote centers does not mean that anyone was deprived the right to vote.”

The Arizona State Republican Party intervened to oppose keeping the polls open “because we believe that the system is best served by clear rules that are understood,”<sup>35</sup> also because the party would not be able to tell its voters to vote thus risking a partisan advantage,<sup>36</sup> and lastly because

---

<sup>25</sup> Complaint and Application for Temporary Restraining Order at 3-4, *Arizona Advocacy Network v. Maricopa County Board of Supervisors*, No. CV2018-013943 (Az. Super Ct. 2018).

<sup>26</sup> Transcript of Proceedings at 15, *Arizona Advocacy Network v. Maricopa County Board of Supervisors*, No. CV2018-013943 (Az. Super Ct. 2018).

<sup>27</sup> Complaint and Application for Temporary Restraining Order at 3, *Arizona Advocacy Network v. Maricopa County Board of Supervisors*, No. CV2018-013943 (Az. Super Ct. 2018).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 5.

<sup>30</sup> Transcript of Proceedings at 12, *Arizona Advocacy Network v. Maricopa County Board of Supervisors*, No. CV2018-013943 (Az. Super Ct. 2018).

<sup>31</sup> *Id.* at 13.

<sup>32</sup> *Id.* at 14

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 15.

<sup>35</sup> *Id.* at 16.

<sup>36</sup> *Id.* at 17.

the remedy would extend beyond the class of voters that were injured as a result of the unopened polls and machine malfunctions.<sup>37</sup>

The Maricopa County Republican Party opposed keeping the polls open because the party “did not identify a widespread impact on voters” and that “fairness” required that polls be closed at 7:00 P.M.<sup>38</sup> The party also argued that it would be “unfair” to keep open only forty (40) vote centers but did not expand upon that point to say how it would be unfair.<sup>39</sup>

During the proceeding Keely Varvel, Maricopa County Chief Deputy Recorder, testified before the court and claimed that all vote centers that went down during the lunch period, but one, were functioning by 2:00 pm.<sup>40</sup>

Ultimately, the court held that the errors were systemic and widespread, however, the “the harm that has been done is not outweighed by the harm that would be done in attempting to remedy the situation.”<sup>41</sup> Oddly, the court noted that the impact on voters “generally affects individuals having blue collar or menial jobs more than it does those of us who are in office work. But that does not outweigh the difficulty in imposing a remedy that is being sought at the present time.”<sup>42</sup>

In this instance, the County was aware of the malfunctions and that the polls were not open the entire voting period. The County chose to oppose the extension of time instead of working with advocacy groups to ensure that all voters could cast a ballot despite the massive failures.

### Maricopa County Republican Party v. Reagan

The Maricopa County Republican Party, Apache County Republican Party, Navajo County Republican Party, and Yuma County Republican Party (collectively “the Parties”) sued Arizona Secretary of State, Michelle Reagan, and each of the fifteen (15) county Recorders (collectively “the election administrators” or “election administrators”). Specifically, the Parties sought declaratory and injunctive relief to require that all election administrators follow the same ballot-curing deadline.<sup>43</sup>

In Arizona, county election officials verify the identity of voters who vote by mail by comparing the signature on the ballot to the signature on the voter roll provided at the time of registration.<sup>44</sup> Arizona election statutes were silent as to when the opportunity to cure ended. The Parties alleged that each county set their own deadline and while some counties ended ballot curing on the evening of the election, Maricopa and Pima Counties were allowing curing to take place within the five (5) days following the election in violation of the equal protection clause of the United States

---

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 18.

<sup>40</sup> *Id.* at 27.

<sup>41</sup> *Id.* at 34.

<sup>42</sup> *Id.*

<sup>43</sup> Verified Complaint for Injunctive and Declaratory Relief at 2, *Yuma County Republican Party, et. al. v. Reagan*, No. CV 2018-013963 (Ariz. Super. 2018).

<sup>44</sup> A.R.S. §16-550 (2018).

Constitution.<sup>45</sup> They alleged the disparities in ballot curing timelines treated voters across Arizona differently depending on the county in which they are registered to vote in a manner inconsistent with the equal protection clause.<sup>46</sup>

Critical context in this suit was the fact that on the day of the election, the United States Senate race between Martha McSally and Krysten Sinema was too close to call.<sup>47</sup> This race was nationally politicized and described as “one of the most closely eyed midterm battles” of the midterm election cycle by the New York Times.<sup>48</sup>

Ultimately, the court held that the defendants had to permit voters to cure their mismatched ballots until 5:00 pm on Wednesday, November 14, 2018.<sup>49</sup>

### Navajo Nation v. Reagan

The Navajo Nation (“the Nation”) filed suit against the Arizona Secretary of State Michelle Regan as well as the election administrators of Apache County, Navajo County, and Coconino County on November 8, 2018.<sup>50</sup> During the *Maricopa County v. Reagan* suit, it was discovered that some counties allowed curing of unsigned ballots, and others did not. As a result of the litigation, the counties agreed to only allow curing of mismatched ballots, which harmed Navajo voters. As a result, the Nation challenged the state and counties’ failure to provide Navajo Voters equal opportunity to cure unsigned ballots under the United States Constitution, the Arizona Constitution, lack of equal access to early voting under Section 2 of the Voting Rights Act, and the lack of language assistance as mandated by Section 203 of the Voting Rights Act.<sup>51</sup>

The Nation pointed to the fact that voters who do not sign their ballots are not given the same opportunity to cure their ballot as voters who return an early ballot with a mismatched signature which is problematic for Navajo voters with limited English proficiency because there was no effort made to translate the signature requirement in the Navajo language.<sup>52</sup> The Nation further pointed to the reality that Navajo voters did not have equal access to in-person early voting

---

<sup>45</sup>Verified Complaint for Injunctive and Declaratory Relief at 4-5, *Yuma County Republican Party, et. al. v. Reagan*, No. CV 2018-013963 (Ariz. Super. 2018).

<sup>46</sup> *Id.*

<sup>47</sup> Yvonne Wignett Sanchez, *Martha McSally and Kyrsten Sinema Locked in Too-Close-to-Call Race for U.S. Senate Seat*, Arizona Republic (Nov. 6, 2018), <https://www.azcentral.com/story/news/politics/elections/2018/11/06/arizona-u-s-senate-election-results-martha-mcsally-kyrsten-sinema/1808933002/>

<sup>48</sup> *Arizona Election Results*, <https://www.nytimes.com/interactive/2018/11/06/us/elections/results-arizona-elections.html>

<sup>49</sup> Minute Entry at 3, *Yuma County Republican Party, et. al. v. Reagan*, No. CV 2018-013963 (Ariz. Super 2018).

<sup>50</sup> Arizona Native Vote – Election Protection Project Director Patty Ferguson-Bohnee represented the Navajo Nation through her position with the law firm of Sacks Tierney. The Indian Legal Clinic took no part in the litigation, Clinic students were not involved, nor was anyone else affiliated with the Arizona Native Vote - Election Protection Project involved in the lawsuit.

<sup>51</sup> First Amended Verified Complaint for Injunctive and Declaratory Relief at 27–33, *Navajo Nation v. Reagan*, No. CV-18-08329-PCT-DWL (D. Ariz. 2018).

<sup>52</sup> *Id.* at 2–4.

opportunities as compared with off-Reservation voters, despite the Nation's requests for in-person early voting.<sup>53</sup>

The lawsuit resulted in a settlement in 2019 with the Secretary of State, Apache County, Coconino County, and Navajo County.

The settlement agreement with the Secretary of State provides that the Secretary would include language in the Arizona Election Procedures Manual to permit the curing of unsigned ballots on par with signed ballots. The Secretary of State also agreed to continue to use certified Navajo translators to coordinate and make available the Navajo language publicity pamphlet prior to the start of the early voting period.<sup>54</sup>

Apache County agreed to provide early voting opportunities for the entire early voting period prior to the General Election on the Navajo Reservation in Fort Defiance and Chinle. The County further agreed to provide early voting for one day a week during the early voting period in Teec Nos Pos and Sanders, both on the Navajo Nation. The County agreed to a voter registration plan and radio/print announcements of election information to be broadcast across the Navajo Nation. The county also agreed provide Navajo interpreters at each polling location trained by the Navajo Nation Human Rights Commission. Finally, Apache County agreed to treat unsigned ballots in the same manner it treats signed ballots – giving the voters equal opportunity to correct the deficiencies.<sup>55</sup>

Coconino County agreed to provide early voting for one full day per week for three weeks prior to the General Election in Leupp, Inscription House, and Cameron Arizona. The County also agreed to provide early voting on Saturdays prior to the General Election in Tuba City and Flagstaff. Coconino County agreed to a voter registration plan and a plan of radio/flyer advertisements. The County also agreed to continue to provide a Navajo language interpretation guide and use trained Navajo interpreters to educate poll workers on how to provide effective language assistance. The County also agreed to treat unsigned ballots in the same manner as signed ballots.<sup>56</sup>

Navajo County agreed to provide in person early voting in Kayenta, Dilkon, and Pinon for two weeks prior to the General Election and to provide two days of early voting in Shonto. Navajo County agreed to use a trained Navajo interpreter to educate poll workers on effective language assistance and that the County agreed to prepare an interpretation guide. The County also agreed to a voter registration plan as well as a radio advertising plan. Navajo County agreed to support language in the Arizona Election Procedures Manual to permit curing of unsigned ballots on par with signed ballots.<sup>57</sup>

---

<sup>53</sup> *Id.* at 5.

<sup>54</sup> Stipulated Dismissal, *Navajo Nation, et al. v. Reagan*, No. CV-18-08329-PCT-DWL (D. Ariz. 2019).

<sup>55</sup> Stipulated Dismissal, *Navajo Nation, et al. v. Reagan*, No. CV-18-08329-PCT-DWL (D. Ariz. 2019).

<sup>56</sup> Stipulated Dismissal, *Navajo Nation, et al. v. Reagan*, No. CV-18-08329-PCT-DWL (D. Ariz. 2019).

<sup>57</sup> Stipulated Dismissal, *Navajo Nation, et al. v. Reagan*, No. CV-18-08329-PCT-DWL (D. Ariz. 2019).

## 2018 Native Vote Turnout

In Arizona, the turnout rate for the 2018 General Election was 64.85% of all registered voters. For Native American precincts, the voter turnout rate was 44%.<sup>58</sup> When coupled with the lower rates of voter registration, this creates an issue of a serious underrepresentation of Native Americans in the electorate. When comparing early votes cast to votes cast at the polls, the data indicates that some Tribal communities strongly prefer to vote in person, such as the Gila River Indian Community where the difference between early votes and election day votes was more than 600.<sup>59</sup> Whereas other Tribes, such as the Salt River Pima Maricopa Indian Community, reservation voters tend to vote early and on the day of the election at roughly the same rate.<sup>60</sup>

However, strong preferences for voting on election day versus early may depend on a myriad of factors such as: access to in person early voting opportunities, access to mail, trust in the mail delivery system, and whether the community hosts Tribal elections on the same day as the state and federal elections or if there are other gatherings on the day of the election.

---

<sup>58</sup> Appendix III.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*



## Conclusions and Recommendations

Overall, most polling locations on reservations remained open providing election day voting opportunities for Tribal voters, but there continues to be unequal access to early voting in Indian Country. Further, Native Americans in Arizona continue to face preventable obstacles when it comes to voting. Issues of non-standard addresses, being dropped from the voter rolls, technical difficulties due to machine malfunctions, and failure of poll workers to follow well-established procedures around provisional ballots and voter identification continue to hinder access to the ballot for Native Americans in Arizona. There are non-legislative remedies that the state, local governments, and Tribal governments can take to ease these burdens.

The following are recommendations for improving voter access and participation for Native American voters.

- Counties must provide equal access to in-person early voting opportunities on Tribal lands in a manner that geographically serves rural and remote voters and is linguistically accessible for minority language speakers.
- Tribes should encourage community members or encourage Tribal employees to serve as poll workers to avoid Tribal IDs or non-standard addresses from causing a barrier to voting.
- Counties should meet with Tribes to ensure that Tribal voters have access to early voting, election day voting, and to determine best practices to recruit Tribal members as poll workers.
- The State of Arizona and respective counties should create a more accessible search tool to look up voter registration based on multiple forms of IDs, not just driver's licenses, for voters to look up their voter registration.
- Online voter registration systems and check-in kiosks should include clear instruction on how to check in with forms of identification that are not drivers' licenses and for voters who lack provide access t
- Poll workers assigned to polling locations on Tribal lands should receive specialty training on nonstandard addresses, Tribal identification, and the nature of co-located Tribal/State/Federal Elections at polling locations to avoid confusion.
- Poll workers should receive better training on the Help America Vote Act and the right to a provisional ballot.
- Counties should treat provisional ballot forms as initial voter registration forms or forms to update voter registration information to ensure that past errors in processing voter registration are remedied and that provisional ballot voters can vote a regular ballot in subsequent elections.

## Appendix I: Incident Reports

<b>Tribal Community</b>	<b>Polling Location</b>	<b>County</b>	<b>Issue</b>	<b>How the Issue was Resolved</b>
Ak-Chin	Ak-Chin	Pinal	Voter could not find early ballot, so s/he voted provisionally.	Provisional ballot.
Ak-Chin	Ak-Chin	Pinal	Voter brought early ballot without an envelope and was told to come back with the envelope. The voter returned and was able to submit the ballot.	
Ak-Chin	Ak-Chin	Pinal	Voter received an early ballot by mail but could not find the ballot to return at the polls to vote in person.	Volunteer assisted in getting the voter a provisional ballot. Volunteer heard from polling staff that others did not receive their early ballots but were offered provisional ballots.
Ak-Chin	Ak-Chin	Pinal	Voter received an early ballot but did not return it, and she came to vote on election day without any form of ID. She was told she could not vote but would have to return with ID. She returned with her early ballot but not an outside envelope. She could not find her wallet or any ID. The poll workers accepted her early ballot.	Offered assistance. Voter should have been offered a conditional provisional ballot if she did not have ID or her early ballot.
Ak-Chin	Ak-Chin	Pinal	Voter was turned away for not being on the voter list.	Volunteer asked the voter if s/he wanted assistance. The voter said s/he was going to look for ID in the car but ultimately left.
Ak-Chin	Ak-Chin	Pinal	Voter was not on the roll or not registered. Voter should have been offered a provisional ballot.	Volunteer offered to call the hotline, the voter took the number and decided to call themselves. It is unclear if the individual voted.
Ak-Chin	Ak-Chin	Pinal	Voter was not registered and was turned away without a ballot.	

Ak-Chin	Ak-Chin	Pinal	Voter was not on the voter roll and not offered a provisional ballot.	Volunteer offered hotline number assistance. Voter declined assistance.
Gila River	District 6 Service Center	Maricopa	Voter said that there were computer issues so the voter had to vote twice.	
Gila River	District 6 Service Center	Maricopa	The County assigned the voter an address at the service center which did not match her voter ID.	<p>The voter was ultimately able to vote after she pointed out to the poll workers that her address did not match because it was the address of the service center.</p> <p>She agreed to re-register after the election. She reported that she was the <b>30th person</b> to have experienced this issue.</p>
Gila River	District 6 Service Center	Maricopa	Address was inconsistent with voter ID.	The volunteer called the hotline on behalf of the voter, and the hotline was able to determine that the voter was at the wrong polling location and gave the voter the correct polling location.
Gila River	District 6 Service Center	Maricopa	Two voters tried to vote but their information did not show up on the computer.	Both voters voted provisionally. Voter had voted provisionally but once the hotline found her voter information she went back into the poll and they found her voter registration with two addresses, so she voted a regular ballot.
Gila River	District 6 Service Center	Maricopa	Voter went to vote at District 6, she thought she would be able to vote there but her voter registration said San Carlos.	If she voted in Maricopa, the ballot would not count because she was registered in another county. She was not able to vote.
Gila River	District 6 Service Center	Maricopa	The voter was assigned a new address (by the post office) so the voter used her utility bill that had a different address than what the post office assigned	Voter was issued a provisional ballot.

			her. She had to vote a provisional ballot.	
Gila River	District 6 Service Center	Maricopa	The voter lives in the same location but was given a new address (by the post office or the county) and the poll workers could not find it in the system.	She filled out a change of address form on the kiosk and was given a provisional ballot. Volunteer informed the voter of how provisional ballots are counted.
Gila River	District 6 Service Center	Maricopa	The terminal check in was not finding the voter's information. The voter tried to manually enter the information. The Volunteer called the hotline, and the hotline found the name in the system. The voter asked to manually enter in the driver's license number but there was no way to enter it. The voter was told for a state issued driver's license the only way to check in with it would be to scan it.	The voter decided to go home and get his voter ID card. The machine still could not find him in the system. The voter was persistent because he knew he was registered to vote and had voted there before. The poll worker tried to scan the barcode on his driver's license again. Eventually, it worked. The poll worker told the voter it may have been because the system was continually updating. Between first contact with the volunteer (12:04 pm), it took the voter 45 minutes to vote (12:50 pm).
Gila River	District 3 Service Center	Pinal	Voter was told that he was at the wrong polling location.	
Kaibab Paiute	Moccasin	Mohave	Voter was told that she needed her physical address because the address on her driver's license did not match her voting address. She was at the correct polling location.	The volunteer told the voter about reasonable matches and then told the voter to go back and try and get a regular ballot. The voter was instructed to call again if she faced any more issues.
Navajo Nation	Kinlichee	Apache	The ballot area was not well lit, and the voter had difficulty reading the ballot.	
Navajo Nation	Kinlichee	Apache	Poll workers in St. Michaels were rude and impatient with hard of hearing elders. The voters felt like the poll workers	Volunteer went inside to address the issue.

			spoke to them in a rude way.	
Navajo Nation	Many Farms	Apache	The poll workers told the voter she was not registered.	The volunteer checked the voter registration and told the voter she was at the correct polling location. The volunteer explained the issue of non-standard addresses to her and instructed her to tell the poll worker and request a regular ballot.
Navajo Nation	Window Rock Museum	Apache	Elder brought in an early ballot to submit it, but the poll workers would not accept it. They made her complete a new ballot. She did not remember everyone she voted for, but they would not let her look at her completed early ballot. She needed to look at it because she relied on her son to understand the material when she completed the early ballot. She was forced to vote without that help.	
Navajo Nation	Window Rock Museum	Apache	Voter had an old address on file.	Poll workers updated the address and allowed her to vote.
Navajo Nation	Window Rock Museum	Apache	Voter was confused because he received mail in-ballot, which he cast, but then received a letter that he had not voted.	Voter went to the polls on election day, but the poll workers would not let him vote. This caused confusion for the voter.
Navajo Nation	Window Rock Museum	Apache	Poll workers were afraid to provide clarity regarding ballot instructions to “vote for no more than 3.”	
Navajo Nation	Window Rock Museum	Apache	One machine would not pull up a voter’s name.	Poll workers kept trying and eventually the machine worked.
Navajo Nation	Window Rock Museum	Apache	Voter was unable to vote at Ft. Defiance. They told her she was not on their rolls, and she needed to vote at Window Rock. She went to Window Rock and the poll workers at Window Rock	Volunteer offered to call the hotline and confirm the voter’s polling location, but she declined saying that the poll workers already confirmed it. Volunteer instructed the voter to call

			told her that she needed to vote at Ft. Defiance.	the hotline if she faced any other issues.
Navajo Nation	Window Rock Museum	Apache	Voter went to St. Michael's for the Primary Election, and they gave him a provisional ballot. He votes at St. Michaels for Tribal elections. His name was on the St. Michael's roll in the morning, but they sent him to Window Rock to vote and he voted a regular ballot.	Volunteer offered to call the hotline to confirm where he registered to vote but he said that he needed to leave to go to work. This may have been confusion between Tribal precincts for Tribal elections and the county precinct for state and federal elections.
Navajo Nation	Window Rock Museum	Apache	During the primaries, the voter went to vote at St. Michaels, but she was told she was registered to vote at Window Rock. She re-registered after the Primary so she could vote at St. Michaels where she lives. During the General Election she went to St. Michaels to vote, and they told her she was not on the voter rolls, so she drove to Window Rock to vote.	Voter ultimately was able to vote but only after driving to Window Rock to do so. She should have been able to vote a provisional ballot at St. Michael's if she lives in the precinct.
Navajo Nation	Unknown	Apache	Voter was told she could not vote because she had not voted in several years.	
Navajo Nation	Unknown	Apache	Voter complained about the effect of having the state election on the same day as the Navajo Nation election and voters having to go to two voting sites.	
Navajo Nation	Lukachukai Chapter House	Navajo	Voter went to Chinle to vote but could not vote. He said he had registered to vote in Chinle in 2015 but he had not voted in an election since that time. He did not have his registration card with him, and he was not offered a provisional ballot.	Volunteer called the hotline, and the hotline advised the voter to cast a provisional ballot.
Navajo Nation	Lukachukai Chapter House	Navajo	Common Issues: Voters reported being removed from the voter lists.	



Navajo Nation	Lukachukai Chapter House	Navajo	Voters were frequently turned away without being offered a provisional ballot.	
Pascua Yaqui	Guadalupe	Maricopa	Poll workers gave the voter a provisional ballot because they said she was out of precinct. However, Guadalupe was a vote center.	Volunteer took an incident report form.
Pascua Yaqui	Guadalupe	Maricopa	Voter was sent away for out of precinct voting.	Volunteer called hotline.
Pascua Yaqui	Guadalupe	Maricopa	People were being turned away at Guadalupe polling location because they could not print the ballots. The Ahwatukee polling location was closed, and voters were directed to go to Guadalupe because Guadalupe was a vote center. Poll workers told voters they could not print out-of-precinct ballots.	The Native Vote command center dispatched supervising attorney Patty Ferguson Bohnie to Guadalupe to investigate. At 8:23 A.M. the County came by and taught the poll workers how to do a "voter override" which they can do to print out-of-precinct ballots since this location was a vote center.

Pascua Yaqui	Guadalupe	Maricopa	Voters were being turned away from Guadalupe, which was a vote center. They failed to offer provisional ballots. It was because the poll workers were not trained on how to do a system override in order to print	The Command Center called Maricopa County and the Department of Justice Office of Civil Rights. The County said that Guadalupe was not a vote center, and it was listed as somewhere where voters could “drop off their ballots” (which is inaccurate). At 8:23 A.M., a representative from the county showed up to teach poll workers how to do a manual override so they could print out of precinct ballots.
Pascua Yaqui	Guadalupe	Maricopa	Voter was told by poll workers that she could not vote there because she was out of precinct.	Volunteer called the hotline.
Pascua Yaqui	Guadalupe	Maricopa	Voter was not in the system, and she was “on suspense.”	Volunteer called the hotline, and the Native Vote command center told the volunteer that the voter could vote provisionally. The voter did not want to vote provisionally and said she was “on suspension.”
Pascua Yaqui	Guadalupe	Maricopa	Voter tried to vote without and ID and was turned away. Maricopa County’s check-in kiosk allowed voters to scan drivers’ licenses to check-in but did not scan other forms of identification. Poll workers were not adequately trained on how to check in voters with other qualifying forms of ID. She returned with her Tribal ID that had an address and photo - the poll workers rejected her Tribal ID.	Volunteer called the hotline. The hotline was overloaded so she left a message. The voter ultimately left without voting.
Salt River	SRPMIC Community Center	Maricopa	Voter was told she was at the wrong polling location. She was embarrassed and felt like the poll worker was harassing her. Then	The volunteer provided the voter with the address to the nearest vote center.

			another poll worker offered her a provisional ballot. The first poll worker then responded with a snide remark. The voter left without voting.	
Salt River	SRPMIC Community Center	Maricopa	Voters were being directed to other polling sites because systems were down and there was no way to check people in to vote.	
Salt River	SRPMIC Community Center	Maricopa	Two voters were given a provisional ballot. They claimed that they were registered to vote and that they were at the correct polling location.	Command center volunteer instructed the election protection volunteer to tell voters to speak to the volunteer if offered a provisional ballot and to check the voter registration.
Tohono O'odham Nation	Sells Precinct	Pima	Driver's license address did not match the voter roll. His voter ID had precinct 4 and he had to get a bill, but it did not match. Due to a nonstandard address, the voter's bill did not match the voter roll.	Volunteer checked his voter registration at azsos.gov and it read that his precinct was unknown. His voter ID said precinct 4. Volunteer told the voter to call the Pima County Recorder.
Tohono O'odham Nation	Sells Precinct	Pima	Voter lives in Chu Ku Kut district and the precinct assigned to him was in Sells, although he had never voted there before.	Volunteer looked up the voter on azsos.gov and confirmed that the polling location was in Sells. He should have been offered a provisional ballot in his correct precinct.
Tohono O'odham Nation	Sells Precinct	Pima	Voter lives in Gu Vo District but has P.O. Box in Sells and was assigned to the Sells voting precinct.	Voter was able to ultimately vote in Sells.

## Appendix II: Hotline Intakes

Tribal Community	County	Issue
Gila River Indian Community	Maricopa	Six (6) people turned away at the District Six Service Center due to nonstandard addresses and precinct assignments.
Gila River Indian Community	Maricopa	Combination of voter ID issue/non-standard address issue / P.O. Box address match was rejected at District Six.
Gila River Indian Community	Maricopa	Voter registration issues at District Six.
Gila River Indian Community	Maricopa	Machine malfunction at District Six.
Gila River Indian Community	Maricopa	Non-standard address issue at District Six.
Gila River Indian Community	Maricopa	Voter information request call from District Seven.
Gila River Indian Community	Maricopa	Voter information request call from District Seven.
Gila River Indian Community	Pinal	Voter information request call from District One.
Gila River Indian Community	Pinal	Voter information request call from District One.
Gila River Indian Community	Pinal	Checked voter registration for voter at District Three.
Gila River Indian Community	Pinal	Voter sent from District Three then to District Five, then District Five told her to go to District Three.
Gila River Indian Community	Pinal	Voter at District Four was told to go to District Five.
Gila River Indian Community	Pinal	Voter sent to wrong poll then turned away from that poll at District Four.
Gila River Indian Community	Pinal	A voter was given the wrong ballot. She was a candidate and was not on the ballot at District Four.
Gila River Indian Community	Unknown	Tribal ID partially rejected/ told they needed another document.
Navajo Nation	Apache	Voter was told s/he was not registered.
Navajo Nation	Coconino	Checked voter registration.
Navajo Nation	Coconino	Checked voter registration
Navajo Nation	Coconino	Checked voter registration and poll.
Navajo Nation	Coconino	Voter ID was rejected because of a nonstandard address.
Navajo Nation	Coconino	Checked voter Registration.
Navajo Nation	Coconino	Checked voter registration.
Navajo Nation	Coconino	Checked voter registration.
Navajo Nation	Coconino	Voter never received early ballot; checked voter registration and polling location.
Navajo Nation	Coconino	Checked voter registration.
Navajo Nation	Navajo	Checked polling location.
Navajo Nation	Navajo	Checked voter registration.
Navajo Nation	Navajo	Elder turned away because s/he had not voted in 3 years, and she was not offered a provisional ballot.

Navajo Nation	Navajo	Lack of language assistance.
Navajo Nation	Navajo	Checked voter registration.
Navajo Nation	Navajo	Nonstandard address issue.
Navajo Nation	Pinal	Voter moved from Maricopa to Pinal and asked if s/he could vote.
Navajo Nation	Unknown	Checked voter registration.
Navajo Nation	Unknown	Checked Polling Location.
Navajo Nation	Yavapai	Checked voter registration
Navajo Nation	Yavapai	Checked voter registration.
Pascua Yaqui Tribe	Maricopa	Tribal ID rejected.
Pascua Yaqui Tribe	Maricopa	Voter forced to vote provisionally.
Pascua Yaqui Tribe	Maricopa	Machine failure.
Pascua Yaqui Tribe	Pima	Checked voter registration.
Pascua Yaqui Tribe	Unknown	Non-standard address/misinformation.
Pascua Yaqui Tribe	Unknown	Checked voter registration.
Salt River Pima Maricopa Indian Community	Maricopa	Voters given provisional ballot.
Salt River Pima Maricopa Indian Community	Maricopa	Checked voter registration.
San Carlos Apache Tribe	Gila	Checked voter registration.
Tohono O'odham Nation	Pima	Voter reported that their state driver's license was pulling up the voter in the check-in system.
White Mountain Apache Tribe	Navajo	Checked voter registration.
Unknown	Maricopa County	Misinformation from Polls
Unknown	Apache	Checked voter registration.
Unknown	Coconino	Checked voter registration
Unknown	Maricopa	Machine failure.
Unknown	Maricopa	Machine failure.
Unknown	Maricopa	Voters were being turned away.
Unknown	Maricopa	Machine failure.
Unknown	Maricopa	Voters turned away.
Unknown	Maricopa County	Machine failure.
Unknown	Navajo	Checked voter registration and polling location.
Unknown	Navajo	Voter was not registered and told s/he could not vote.
Unknown	Pima	Checked voter registration.
Unknown	unknown	Checked voter registration.
Unknown	unknown	Checked voter registration.
Unknown	Unknown	Checked polling location
Unknown	Unknown	Checked voter registration.
Unknown	Unknown	Checked voter registration.
Unknown	Unknown	Checked voter registration.

Unknown	Unknown	Checked voter registration.
Unknown	Unknown	Checked voter registration.
Unknown	Unknown	Checked voter registration.
Unknown	Unknown	Checked voter registration.
Unknown	Unknown	Checked voter registration.
Unknown	Unknown	Checked voter registration.

## Appendix III: 2018 Native Vote Turnout

2018 Native Vote Turnout					
Tribe	Voting Age Population	County	Number of Registered Voters	Ballots Cast in 2018	Turnout for Registered Voters
Navajo Nation	67,252	Coconino, Navajo, and Apache	79,572	38,332	48%
**Hopi Tribe	4,891	Coconino and Navajo	9,230	4,599	50%
Hualapai Tribe	842	Mohave	607	190	31%
Tohono O'odham Nation	6,853	Pinal, Pima, and Maricopa	5,407	2,674	53%
Pascua Yaqui Tribe	2,171	Pima	2,122	823	39%
Salt River Pima Maricopa Indian Community	4,413	Maricopa	3,666	1,462	40%
Gila River Indian Community	7,438	Pinal and Maricopa	3,943	1,224	31%
White Mountain Apache Tribe	8,341	Apache, Gila, and Navajo	22,811	14,204	62%
San Carlos Apache Tribe	6,214	Graham and Gila	4,333	1,726	40%
Havasupai Tribe	319	Coconino	125	42	34%
Ft. McDowell Yavapai Nation	614	Maricopa	568	201	35%
Colorado River Indian Tribe	4,961	La Paz	3,687	1,589	43%
Ak-Chin Indian Community	567	Pinal	411	189	46%

\*Note: This is based on publicly available information. The Voting Age Population is based on the 2010 Census because, although the American Community Survey provides more recent data it reflects a severe undercount of Tribal communities. Furthermore, Tribes that were incorporated into precincts including voters off Tribal lands, or off-Reservation Native Communities, were not included.

\*\* Note: Hopi Tribe data includes Navajo Nation voters due to Hopi/Navajo combined precincts in Navajo County.



## Appendix IV: Early Ballots Cast versus Election Day

Tribe	Early Ballots Cast	Votes at the Polls on Election Day
Ak-Chin Indian Community	52	167
**Cocopah Tribe	180	60
**Colorado River Indian Tribe	696	893
Ft. McDowell Yavapai Nation	56	145
**Ft. Mojave Indian Tribe	5,867	5,627
**Fort Yuma Quechan	894	354
Gila River Indian Community	321	903
Havasupai Tribe	10	32
Hopi Tribe	2,079	2,513
Hualapai Tribe	67	141
Kaibab Band of Paiute Indians	25	45
Navajo Nation	12,827	24,500
Pascua Yaqui Tribe	433	390
Salt River Pima Maricopa Indian Community	732	730
San Carlos Apache Tribe	927	799
Tohono O'odham Nation	1,270	1,404
**Tonto Apache Tribe	608	133
White Mountain Apache Tribe	7,304	5,717
**Yavapai-Apache Nation	4,383	892
**Yavapai-Prescott Tribe	4,028	679

\*Note: This is based on publicly available information and information provided by the counties.

\*\*Some Tribes are placed in precincts with non-Tribal populations such as the Fort Mojave Indian Tribe, Tonto Apache Tribe, the Yavapai-Apache Nation, the Yavapai-Prescott Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, and the Fort Yuma Quechan Tribe.

Votes at the polls includes provisional ballots cast and counted.

For the Pascua Yaqui Tribe, the non-Reservation community of Guadalupe was not included.