

# Congress of the United States

Washington, DC 20510

April 26, 2023

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Roselyn Tso  
Director  
Indian Health Service  
U.S. Department of Health and Human Services  
200 Independence Ave  
Washington, DC 20201

Dear President Biden and Director Tso,

We write to urge the Indian Health Service (IHS) to choose an IHS facility in New Mexico to pilot a voter registration site by the end of 2023, per the President’s recent announcement.<sup>1</sup> On March 7, 2021, President Biden signed an “Executive Order on Promoting Access to Voting”.<sup>2</sup> This executive order issued on the 56<sup>th</sup> anniversary of Bloody Sunday, established a Native American Voting Rights Steering Group.<sup>3</sup> The Executive Order charged the Steering Group with studying “best practices for protecting voting rights of Native Americans”.<sup>4</sup> Two years later, the Administration announced that the IHS would designate five of its facilities as voter registration sites by the end of 2023.<sup>5</sup>

Despite years of progress, state and local laws still hinder accessibility for American Indian and Alaskan Native (AI/AN) voters, and their struggle to protect their rights as U.S. citizens continues to this day. The New Mexican delegations strives to ensure AI/AN communities and Tribal Nations have a voice in Congress. The United States did not grant AI/ANs citizenship until Congress acted in 1924, after which point the federal government allowed states to decide whether or not to guarantee AI/ANs the right to vote. The Voting Rights Act of 1965 outlawed many discriminatory practices that denied equal access to the ballot based on race. However, the Supreme Court severely gutted the Voting Rights Act in 2013, leaving AI/ANs to face unique and ongoing challenges when exercising their right to vote. The United States must act to ensure Tribal Nations and AI/AN communities have a voice at the ballot box.

Even as minority voter registration and turnout reach record highs, when compared to historical trends, AI/AN rates still fall well below those of white voters in nearly every state. Over one million (34%) AI/AN voters are not registered to vote—as compared to 26.5% of white voters.<sup>6</sup> Among registered

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<sup>1</sup> [1] The White House. (2023). *FACT SHEET: The Biden-Harris Administration Continues to Promote Access to Voting*. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/05/fact-sheet-the-biden-harris-administration-continues-to-promote-access-to-voting/>

<sup>2</sup> *Executive Order on Promoting Access to Voting*. (2021, March 7). The White House. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> The White House. (2023). *FACT SHEET: The Biden-Harris Administration Continues to Promote Access to Voting*. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/05/fact-sheet-the-biden-harris-administration-continues-to-promote-access-to-voting/>

<sup>6</sup> Wang, T. (2012). *Ensuring access to the ballot for American Indians & Alaska natives - demos*. <https://www.demos.org/sites/default/files/publications/IHS%20Report-Demos.pdf>

voters, the turnout rate among AI/ANs is up to 10 percentage points lower than the rate of other racial and ethnic groups.<sup>7</sup>

The persistent gaps in AI/AN voter registration and turnout is no accident, as systemic barriers and ongoing voter suppression efforts persist. Many rural AI/AN voters have to travel hours to register to vote or cast their ballot.<sup>8</sup> Voter registration sites, ballot drop boxes, and polling sites are not located on Tribal lands, Tribal lands are often subdivided into multiple precincts for voting purposes, and there is unequal access to online registration and vote-by-mail opportunities. Too many voting centers do not provide the language assistance required by Section 203 of the Voting Rights Act, barring many elders and Native language speakers from fully exercising their right to vote. In addition, many states require voters to show a photo ID with a residential address or will reject Tribal IDs for voting purposes. This presents yet another barrier for AI/ANs, as many of those who live on Tribal lands have Tribal IDs.

Moreover, many AI/AN households have non-traditional addresses and rely on individual or shared P.O. boxes to receive their mail. This is an obstacle both for candidates, whose candidacy has been questioned in the past for using signatures with P.O. boxes listed, and for voters, whose reliance on P.O. boxes has caused them to be listed in the wrong precinct, causing their ballots to be thrown out, or preventing them from registering to vote or casting a ballot altogether. State bans or limitations on ballot collection disproportionately impact AI/AN voters, many of which do not have access to transportation to turn in their ballots at the nearest vote center. In addition, limits on the number of ballots an individual can collect and return adversely impact multi-generational AI/AN households.

AI/ANs should not have to work as hard as they do to exercise their fundamental right to vote. Today, we have a significant opportunity to reduce the registration barriers that AI/AN voters face by providing voter registration services at federal agencies and offices most utilized by Native communities – the very top among them, the IHS. As a trusted provider of critical healthcare services for AI/ANs, the IHS is well-situated to provide trusted and impactful voter registration services. The Consolidated Appropriations Act of 2023 included report language directing the IHS to implement civic engagement pilot programs, we applaud the Biden Administration’s commitment to piloting high-quality voter registration services to patients across five IHS facilities by the end 2023 to promote access to voting in Indian Country.<sup>9</sup>

New Mexico is home to 23 Tribes and Pueblos and approximately 263,615 AI/ANs, which represents about 12.4% of the state’s population.<sup>10</sup> The IHS Navajo and Albuquerque Areas serve an estimated user population of over 330,000 through a system of nine hospitals, 16 health centers, and 20 field clinics. Many of these users are not registered to vote and would be able to take advantage of the opportunity to register alongside their routine visits to the IHS Albuquerque and Navajo Area facilities and 638 facilities.

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<sup>7</sup> *National Congress of American Indians Increase in American Indian and Alaska Native US Populations = 1 million AI/AN People 1.9 Key Issues that Bring Native People to the Ballot Box 4 Native US Representatives 61% 39%*. (1990). [https://www.ncai.org/initiatives/campaigns/NCAI\\_NativeVoteInfographic.pdf](https://www.ncai.org/initiatives/campaigns/NCAI_NativeVoteInfographic.pdf)

<sup>8</sup> Native American Rights Fund. (2020). *Obstacles At Every Turn: Barriers to Political Participation Faced By Native American Voters*. [https://vote.narf.org/wp-content/uploads/2020/06/obstacles\\_at\\_every\\_turn.pdf](https://vote.narf.org/wp-content/uploads/2020/06/obstacles_at_every_turn.pdf)

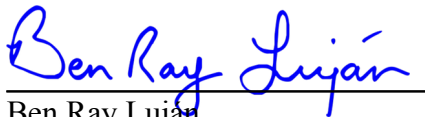
<sup>9</sup> The White House. (2023). *FACT SHEET: The Biden-Harris Administration Continues to Promote Access to Voting*. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/05/fact-sheet-the-biden-harris-administration-continues-to-promote-access-to-voting/>

<sup>10</sup> US Census Bureau. (2021, August 12). *Race and Ethnicity in the United States: 2010 Census and 2020 Census*. Census.gov. <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html>

In addition, the New Mexico Secretary of State's office is especially receptive to adding designated voter registration sites under the National Voting Registration Act (NVRA), ensuring an efficient process for IHS designations in the state. New Mexico's Secretary of State Maggie Toulouse Oliver recently worked with Southwest Indian Polytechnic Institute, a Bureau of Indian Education funded school, to provide students and community members the opportunity to register to vote through NVRA designation. This has created a model for partnership between the New Mexico Secretary of State's Office and the IHS Albuquerque or Navajo Area facilities in the state.

We strongly urge you to continue with the Biden Administration's voter rights expansion initiatives by establishing at least one of the proposed IHS voter registration sites in the IHS Albuquerque or Navajo Area facilities in New Mexico before the end of 2023.

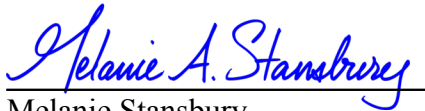
Sincerely,



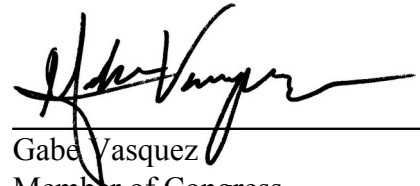
Ben Ray Lujan  
United States Senator




Martin Heinrich  
United States Senator



Melanie Stansbury  
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