

# Native Vote – Election Protection Project

## 2016 Election Report



Indian Legal Clinic  
Sandra Day O'Connor College of Law  
Arizona State University  
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# ARIZONA NATIVE VOTE – ELECTION PROTECTION PROJECT

## 2016 FINAL REPORT

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## INTRODUCTION

Native Americans did not have the right to vote in Arizona until 1948, when the Arizona Supreme Court overturned a long-standing ban excluding Native Americans from voting.<sup>1</sup> Arizona continued to prevent Native Americans from voting and participating in elections until 1970, when English literacy tests were outlawed.<sup>2</sup> Since then, Native Americans in Arizona have faced difficulties voting in Arizona.<sup>3</sup> The most recent assaults on the right to vote include the Arizona voter identification law, which resulted in a sharp decrease in Native voters in 2006, and the Arizona ballot collection law that passed in 2016, which makes ballot collection a felony. The Indian Legal Clinic established the Arizona Native Vote – Election Protection Project in 2008 to protect the voting rights of Tribal members and to ensure access to the ballot.

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

Initiated by the National Congress of American Indians (NCAI), Native Vote is a national non-partisan campaign that aims to ensure that every American Indian and Alaska Native exercises his or her right to vote in federal and state elections. Since 2004, Native Vote has been working in conjunction with Tribes and local communities to turn out record numbers of American Indian and Alaska Native voters in national and state elections. Arizona Native Vote is a local branch of NCAI's national Native Vote, dedicated to protecting the rights of Native voters throughout Arizona. Arizona Native Vote consists of two prongs: Get Out the Vote (GOTV) and Election Protection. Arizona Native Vote works to register voters through registration drives and by coordinating efforts with national Native Vote GOTV campaigns. Travis Lane at the Inter Tribal Council of Arizona (ITCA) serves as the state coordinator for the GOTV portion of Arizona Native Vote.

In 2008, ITCA, the Arizona Indian Gaming Association, and the ASU Indian Legal Clinic (Clinic) established the Arizona Native Vote – Election Protection Project (Project) in response to voter disparities as a result of the voter identification law passed in 2004. The group discussed the need to aid Native voters and established a framework to address voter issues.

The primary goal of the Project is to create a voter protection plan based on the needs of Arizona Tribal communities. The plan for 2016 included addressing tribal ID issues identified as barriers to voting during the 2012 General Election, providing voter education and assistance to Tribes and Tribal organizations who requested it, stationing trained volunteers at polling locations in Indian Country, and continuing a hotline staffed by knowledgeable attorneys and law students to respond to challenges faced by individuals trying to vote.

### Project Framework

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 the strategy to address voter issues on Election Day. Outreach efforts are made to local

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<sup>1</sup> *Harrison v. Laveen*, 67 Ariz. 337 (1948).

<sup>2</sup> *Oregon v. Mitchell*, 400 U.S. 112 (1970).

<sup>3</sup> See generally, Patty Ferguson-Bohnee, *The History of Indian Voting Rights in Arizona: Overcoming Decades of Voter Suppression*, 47 ARIZ. ST. L. J. 1099 (2015).

counties, Tribes, Native organizations and students. The Clinic coordinates with NCAI, ITCA, and the National Election Protection Coalition to obtain and create training materials.<sup>4</sup> The Clinic identifies polling locations in Arizona Indian Country, recruits volunteers, trains volunteers, and assigns volunteers to polling sites. ITCA secured 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 Project was developed to ensure access to the polls and to prevent voter disenfranchisement. The primary goals of the Election Protection 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 in order to protect Native Americans from voter intimidation and disenfranchisement; and
- Collect data illustrating voting obstacles.

### **2016 Volunteers**

During the 2016 election cycle, the Project recruited eighty (80) volunteers. Volunteers worked together to answer any legal questions regarding voting rights and are separated into four (4) categories:

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

Eight (8) people worked at the legal command center. These volunteers manned the hotline during the Presidential Preference Election, Primary Election day and General Election, answering questions from both voters and Native Vote volunteers stationed at the polling locations. Six (6) on-call volunteers, primarily Tribal general counsel, were available on Election Day to address any legal issues encountered at their respective reservations. Legal mobile volunteers were comprised of two (2) volunteers, with at least one lawyer per group. These teams traveled from precinct to precinct as directed by the legal command center. In total, Native Vote sent out sixty-six (66) legal mobile and field volunteers to twenty-two (22) polling locations spanning seven (7) counties and thirteen (13) reservations in Arizona.

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<sup>4</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).

## **Project Partners**

### *National Congress of American Indians*

NCAI was founded in 1944 as a result of termination and assimilation policies that the United States forced upon Tribal governments in contradiction of their treaty rights and status as sovereigns. NCAI is the oldest and largest national organization representing Tribal governments. NCAI works on behalf of Tribes to ensure rights of Tribes and of Tribal members. NCAI spearheads a 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 trainings on election law violations and election protection and provides training materials, trouble-shooting scenarios, and materials for volunteers.

### *Indian Legal Clinic*

The Clinic is part of the Indian Legal Program at the Arizona State University Sandra Day O'Connor College of Law. 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 students, Rosemary Avila and Ally Von Seggern, led the 2016 Project effort.

### *Inter Tribal Council of Arizona*

ITCA was established in 1952 as a non-profit corporation to address issues in Indian communities such as voting rights. During the 2002 Election, ITCA engaged in extensive GOTV efforts throughout Arizona. ITCA has a long-standing commitment to protecting the rights of Native American voters in Arizona and has organized GOTV efforts throughout Arizona during Elections. 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 non-profit organization comprised of Arizona attorneys, 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 the State of Arizona on Election Day.



## 2016 ELECTION PROTECTION REPORT

In 2016, the Clinic added a research component to the 2016 Native Vote – Election Protection Project.<sup>6</sup> Students conducted research on in-person early voting access under Section 2 of the Voting Rights Act, compliance with the language minority provisions under Section 203 of the Voting Rights Act, types of Tribal IDs available to Arizona tribal members, and information provided to voters about using Tribal IDs to vote. In addition, the students collected voter turnout data, provisional ballot data, and conducted a survey to obtain data about the research questions.<sup>7</sup> Findings were presented to the Inter-Tribal Council of Arizona, the Native American Voting Rights Coalition, and the Arizona State Committee of the U.S. Commission on Civil Rights.

This report contains a discussion of the 2016 election protection plan, a summary of the election protection data from the 2016 statewide elections, a summary of provisional ballot and voter turnout data, as well as the research results regarding early voting access in Arizona Tribal communities, Section 203 language access, and Tribal IDs.

### 2016 Election Protection Plan

During the 2014 General Election, Tribal communities across Arizona experienced many problems with early voting, precinct assignments, voter identification, and equipment problems.<sup>8</sup> After discussing the 2012 and 2014 issues with the Inter-Tribal Council of Arizona, the 2016 election protection plan identified key issues that could be addressed prior to the 2016 General Election. These included voter registration education and assistance, voter education, creation of training materials, and assistance with early voting requests. The plan also included identification of all polling locations in Indian Country and recruitment and training of election day volunteers.

During the 2016 elections, the Clinic operated the Native Vote hotline and recorded incidents from the Presidential Preference and Primary Elections. For the General Election, the Clinic operated the hotline and trained and assigned election protection volunteers to areas in Indian Country.

### *Gila River Address Issue*

During the 2012 General Election, tribal members voting on the Gila River Indian Reservation were turned away from the polls due to IDs failing to match the address on the voter rolls. Tribal members on the Gila River Reservation within Pinal County do not have traditional addresses assigned to them. From discussions with Pinal County, the Clinic learned that voters at Gila River

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<sup>6</sup> Six students participated in a two-semester course on the Native Vote – Election Protection Project during the 2016-2017 academic year. Several students continued working on the project and finalizing the report during 2017-2018 academic year when as students in the Indian Legal Clinic. The students who participated in the research course include Brian Curley-Chambers, Candace French, Dylan Raintree, Allyson Von Seggern, Rani Williams, and Tyson Yazzie. Indian Legal Clinic students Solveig Parsons, Sarah Crawford, and Torey Dolan also assisted in finalizing the report.

<sup>7</sup> The Clinic obtained data through contact with Arizona Tribes and counties through phone calls and email correspondence. The Clinic submitted requests, under the Freedom of Information Act, to counties that did not respond to initial inquiries for data. Students also consulted county election websites, and county social media sites. Finally, the Clinic drafted the *2016 General Election Survey*. Fourteen of the fifteen counties competed and returned the survey.

<sup>8</sup> See 2014 Native Vote – Election Protection Final Report, 5-7 (on file with the Indian Legal Clinic).



were assigned their precinct address as their residential address. This meant that no voter's ID would match the residential address on the voter roll.

The Clinic conducted research on how other counties in Arizona treat non-traditional addresses and how they interpret "reasonable match." Apache, Coconino, and Navajo Counties create addresses for their voter system, but they realize that these addresses will not match what a voter has on their ID. These counties realize that an exact match is not required by law and provide flexibility so that voters are not disenfranchised because a computer system cannot accommodate where they live. For example, one-third of Coconino County voters do not have situs descriptions. Since on-reservation voters lack street addresses, the County assigns an address for the voter system. Since the voter registration database does not allow descriptive addresses, the voter is assigned an address in the database identifying that the house lacks a street number, but identifying the precinct.

The Clinic and the Lawyer's Committee contacted Pinal County to request that Pinal County take an approach similar to other rural counties and supported the Gila River Indian Community's request to resolve this issue with Pinal County. The Community sent a letter and met with the Pinal County several times to discuss the challenges and the need to change the interpretation of "reasonable match" in order for voters to cast a regular ballot. The County agreed to a broader interpretation, and included information in its training materials for poll workers.

#### *Voter Registration*

The Plan also included voter registration issues identified by the Salt River Pima Maricopa Indian Community and the Pascua Yaqui Tribe. The Clinic participated in registration drives, when requested by Tribes and organizations, including a drive on campus during National Voter Registration Day, to register voters as well as to update and check their voting addresses and early ballot preferences. One of the issues raised by Tribes pre-2016 is that tribal members, primarily elders, were upset that they were on the Permanent Early Voting List (PEVL). Although the law requires that a voter must request to be added or removed to the PEVL in writing, Maricopa County informed the Salt River Pima Maricopa Indian Community that the voters who did not check the box identifying their preference on the voter registration form were automatically defaulted to the PEVL. They further instructed the Community that voters would have to reregister to change the voting preference. The Clinic prepared a template that voters could use to request a change in the PEVL status.

#### **Election Day Data**

The Native Vote – Election Protection Project trained volunteers to respond to issues in real time. In addition to assisting voters, volunteers prepared reports identifying voter issues. This report contains data from the 2016 Presidential Preference Election, the Primary Election, and the General Election. In total, Native Vote received 183 incident reports. There were 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. This is an increase from the 122 incident reports received during the 2012 General Election.

For the Presidential Preference Election and the Primary Election, data was collected through the Native Vote hotline. For the General Election, the data was collected through the Project's field

volunteers, legal mobile volunteers, and the hotline. Reoccurring issues identified during the 2016 election cycle are:

- Voters turned away without being offered a provisional ballot;
- Voters dropped from the rolls or placed in the wrong precinct;
- Lack of adequate accessibility for disabled or elderly voters;
- Lack of education on voter processes and protocols;
- Lack of poll worker training;
- Machine malfunction;
- Address issues/Voter ID issues;
- Voter confusion; and
- Voter Intimidation.

### **Incident Reports by Type**

In order to assess the common themes across incident reports, the Clinic assigned each incident report one or more of the following designations for each election: voter registration, voter identification, voter intimidation and electioneering, polling location, misinformation, technical, timing, accessibility, and voter confusion. Some incidents fall under more than one category. Thus, in the following analysis, some incidents will be double-counted, because they crossed two or more issues. A description of each incident and its designation is included in Appendix I.

Native Vote identified 132 polling locations on or near Tribal lands. The incident data collected by the Project is limited to information received on the hotline, and data collected from volunteers located at the twenty-two polling locations and thirteen reservations with volunteers.

#### **Voter Registration**

Incidents qualifying as voter registration issues include instances of voters not being on the voting 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. In the Presidential Preference Election, there were ten (10) incidents related to voter registration, in the Primary Election there were no calls to hotline regarding this issue, and in the General Election there were forty-two (42) incidents. In total, there were fifty-two (52) reported incidents related to voter registration issues.

***Presidential Preference Election.*** In Arizona, about a third of registered voters are independent. In state primary elections, voters who are not registered with a recognized political party can select which ballot type s/he would like to vote. However, the Presidential Preference Election is a closed election, and independent voters must change their voter registration in order to participate in this election. This causes confusion. In the Presidential Preference Election, of the ten (10) incidents related to voter registration six (6) calls specifically pertained to voters inquiring about the requirements to vote in a Presidential Preference Election. Many voters thought that they were being unlawfully turned away because they were not affiliated with a party. One voter in Maricopa County verified her voter registration the night before the election but was told that she could not vote because she was not “on the appropriate roster.”

***General Election.*** Native Vote received reports of eight (8) Native American voters who were listed as “dropped” from the voter rolls. At least another eight (8) voters faced problems that were

either caused or likely caused by address issues. The issue of dropped voters spanned Navajo, Graham, Gila, and Maricopa Counties. For example, a voter went to San Carlos precinct and was told he was not registered there, but was told to go try Peridot. Peridot also told him he was not registered there. The Voter Activation network (VAN) showed him as “dropped” within thirty (30) days prior to the election. He was advised to ask the precinct to look on the inactive list. If he was not on the inactive list, he was told to ask for a provisional ballot. When he went back in, he was told he could not vote and the worker told him he could not get a provisional ballot. The volunteer offered to go in with him to get a provisional ballot, but the voter wanted to move on. He did not vote.

A volunteer called the hotline to report that the Hondah precinct in Navajo County was turning voters away and telling them that they had to vote in a different precinct. According to the inspector, it was because either there was an issue with the addresses matching so the County had dropped the voters from the rolls, or people registered at the Arizona Motor Vehicle Division (MVD), and the MVD was not completing registrations.

A voter at Komatke precinct in Maricopa County reported that she was told by poll workers that she was not on the voter roll, yet her voter registration card indicated she was at the right precinct. The voter explained that she had received voting information with an incorrect spelling of her last name. She called the registrar to correct the spelling, but the County’s second mailing to her also contained the incorrect spelling. She called again and received a third voter registration card with the correct spelling. She tried all spellings at the polls, but was given a provisional ballot. She mentioned that she received early ballots to the first two incorrect spellings of her name, but she did not complete them. The field volunteer reported another voter at this precinct also received voting information with an incorrect spelling.

### **Voter Identification**

Voter ID issues include voters not having sufficient ID, valid ID being rejected, or ID addresses not matching the address on the voter roll. In the Presidential Preference Election, there were zero incidents related to voter identification, in the Primary Election there was one (1) incident, and during the General Election there were nine (9) incidents related to voter identification.

***Primary Election.*** A voter reported that a polling location in Apache County was not checking identification.

***General Election.*** Nine (9) incident reports stemmed from issues with voter identification. Of these incident reports, three (3) related to address issues.

There was a report that Bylas precinct in Graham County denied ballots to some voters due to lack of ID. As the San Carlos polling location in Gila County, several voters were denied ballots for lack of ID. The voters were told they needed a voter registration card. The hotline called the on-call attorney for the San Carlos Apache Tribe and asked him to call the county elections office. To resolve this issue, the on-call attorney advised the county officials of the problem and requested that the poll workers appropriately apply the ID requirements.

There was at least one incident regarding physical and mailing addresses. Poll workers gave a voter at Honda precinct in Maricopa County a provisional ballot because the rolls had the voter's physical address, and her identification had her P.O. Box. The voter rolls should have both the physical and mailing addresses, especially for voters who live in Indian Country who do not receive mail at their homes.

### **Voter Intimidation and Electioneering**

Voter Intimidation and Electioneering is a combined category. Voter intimidation includes incidents where voters were intimidated, harassed, or made uncomfortable while voting due to the actions of another. Electioneering incidents include those involving improper campaigning within the 75-foot zone. In the Presidential Preference and Primary Election, there were no incidents of voter intimidation or electioneering reported.

**General Election.** Native Vote received four (4) reports documenting voter intimidation or electioneering. A field volunteer reported campaigning efforts for a school board candidate at the San Carlos polling precinct. At Guadalupe in Maricopa County, a field volunteer reported that an individual was removed from the polling location for taking pictures of a blind voter who was receiving assistance. A field volunteer also reported a Border Patrol van outside of the Guadalupe precinct polling site that stayed for approximately five (5) minutes.

### **Polling Location**

This category includes issues relating to voters trying to determine their polling location, voters being told they are at the wrong polling location or being redirected to another polling location, or issues where a specific polling location is not following the law properly or consistently giving voters misinformation.

**Presidential Preference Election.** During the Presidential Preference Election, Maricopa County significantly reduced polling locations, resulting in only sixty (60) polling locations being open on election day. While none of the five reservation locations were closed, the Guadalupe precinct was closed for Pascua Yaqui voters. Four (4) voters called to inquire about polling locations.

**Primary Election.** During the Primary Election, two (2) voters called to inquire about their polling location.

**General Election.** During the General Election, there were forty-one (41) incidents relating to polling locations. Of these, thirteen (13) voters either tried to vote out-of-precinct or inquired as to whether their vote would be counted out-of-precinct. For example, a voter registered in Navajo County was located in Phoenix on Election Day and could not make it back to Navajo before the polls closed. He called the hotline to see if he could vote in Phoenix. Another voter in Scottsdale was registered in Graham County and called to see if he could vote provisionally in Maricopa County. Four (4) of the reports dealt with address issues affecting at least six (6) voters.

The Maricopa County polling location in Komatke, serving the Gila River Indian Community, experienced issues with precinct assignments. Voters who live in District 6 were assigned to vote in District 7. This was an ongoing issue from the General Election in 2012. The hotline directed

the voters to the correct precinct. Voters left District 6 without voting and some said they were not going to District 7 to vote.

Voters on the San Carlos Apache Reservation were sent back and forth between the polling location at the Housing Authority in Peridot in Graham County and the polling location at Rice Gym in San Carlos in Gila County, with each precinct telling voters that they were not registered in that precinct and not offering them a provisional ballot. Voters were confused with voter centers, and the location of their polling place. This affected at minimum nine (9) identified voters.

### **Misinformation**

Misinformation incidents include voters being told something that is incorrect by the poll workers or poll workers turning voters away from the polls without offering them a provisional ballot or advising them of their right to vote provisionally. During the Presidential Preference Election, there were three (3) incidents of misinformation, two (2) in the Primary Election, and sixteen (16) in the General Election. There were twenty-one (21) incidents of misinformation total.

***Presidential Preference Election.*** In the Presidential Preference Election, three (3) voters were turned away from the polls without being given an opportunity to cast a provisional ballot.

***Primary Election.*** During the Primary Election, a voter called stating that she was given the wrong ballot inconsistent with her party affiliation. When she informed the poll worker of the error, the poll worker refused to give her the proper ballot.

***General Election.*** During the General Election, there were sixteen (16) reported incidents of misinformation. One voter tried to drop off his early ballot and the poll workers would not let him. A field volunteer reported that poll workers were not informing voters that there were two sides to the ballot at the Whiteriver polling location in Navajo County. Multiple voters called the hotline about being denied the right to vote even a provisional ballot, in violation of the Help America Vote Act.

### **Technical**

Incidents involving technical issues primarily have to do with malfunctioning voting equipment or insufficient training of poll workers on how to operate the equipment. There were a total of eight (8) reports affecting multiple voters.

***Primary Election.*** During the Primary Election, Native Vote received a report of technical issues from a voter who called stating that she was not able to vote at 6 am because of technical issues. The polling location was not able to issue ballots. The voter reported that two other people left without voting and there were no paper ballots to vote. The voter was unable to return to the polls and ultimately did not cast a ballot. It is unclear how many voters were affected by this delay.

***General Election.*** Native Vote received seven (7) reports documenting technical issues that impacted voting. At Hondah in Navajo County, a volunteer called Navajo County Elections with concerns regarding machines running out of ballots. The volunteer reported that someone brought ballots over from Pinetop precinct, but that those ballots included issues not relevant to the Hondah

voters. Another Navajo County voter reported machine malfunctions and said that the workers were not offering express ballots. The voter had to wait for over an hour to cast her ballot.

Some poll workers had little experience or training using the technology at the precincts. An Apache County voter said an interpreter working the polls on Primary Election Day had difficulties using the polling tablets, which caused delays. Poll workers told the voter their training was insufficient and attempted to figure out how to work the tablets. Voters were delayed while they waited for volunteers to fix tablet issues.

### **Timing – Poll Hours and Long Lines**

**Primary Election.** During the Primary Election, a voter in Apache County reported the polling location was not open at 6 am when the voter arrived. The County Recorder confirmed that the polling location was not open and ready for voters. The County had to send people to the polling location to figure out the issues.

**General Election.** Native Vote received five (5) reports documenting time issues other than those caused by technical delays. For example, a voter reported a one-and-a-half (1 1/2) hour wait time to vote at Pecos Senior Center in Maricopa County, despite a prior settlement that stated the County would guarantee waits no longer than half an hour. Another report documented an incorrect closing time on the San Carlos Indian Reservation in Gila County. A field volunteer reported the polls closed three minutes early. Eight (8) voters arrived at the same time the Marshall called the time. He cut them off in line saying that, according to his clock, they were late. The voters referenced their cell phones showing a couple minutes left. All voters remained in line behind the Marshall. The Marshall finally allowed each voter a chance to vote. The polls closed at 6:57 pm and the last voter in line left the polling place at 8:03 pm.

### **Accessibility**

Incidents of accessibility include polling locations that are not compliant with the Americans with Disabilities Act, did not make temporary available, as well as incidents where voters could not physically reach the polling location.

**Presidential Preference.** During the Presidential Preference Election, a voter reported going to several polling locations in Maricopa County but not being able to vote due to long lines. The voter stated that his disability prevented him from standing for a significant period of time, and no other options were offered to him. He did not vote due to no accommodations being available to him.

**Primary.** In the Primary Election, there were three (3) incidents related to accessibility. One voter called because she took her elderly parents to vote at the Steamboat Chapter House in Apache County, but there were no accessible parking spots and the conditions of the parking lot made it difficult to get into the building. The voter reported that not only were her parents unable to vote because they could not safely exit the vehicle and enter into the building, but the voter also observed a van of elders trying to access the building but could not make it across the parking lot with their canes and walkers so they also left without voting. Two (2) incidents pertained to



transportation, where a voter in Apache County and a voter in Pinal County were looking for transportation to their respective polling locations.

***General Election.*** During the General Election, there were two (2) reported incidents of inaccessible polling locations. Two (2) elderly voters at the precinct located at the White River Unified School District Administration building, within Navajo County, had problems accessing the building because there were two steps and no ramp access at the entrance of the building. It took the assistance of other voters to safely enter and exit the building. An elderly voter in a wheelchair had trouble accessing the voting entrance. When the man exited, he wheeled backwards, and a man was there to pick up the back of the wheelchair and ease him to the bottom of the step. Another voter using a walker required the assistance of three people to enter and leave the precinct.

### **Voter Confusion**

Voter confusion encompasses incidents where voters were unaware of their rights, confused about voting procedures or rules, or were unsure of their voter registration status or polling location. When voters called to inquire about their voter registration status or polling location, the Project documented it as voter confusion. In the Presidential Preference Election, there were twenty-two (22) instances of voter confusion, two (2) in the Primary Election, and thirty-nine (39) in the General Election.

***Presidential Preference.*** During the Presidential Preference Election, there were twenty-two (22) instances of voter confusion. Most calls pertained to voter confusion about eligibility to vote in the Presidential Preference Election because many were unaware that you had to be registered with a political party. Other voters called to ask about the location of their polling place.

***Primary Election.*** During the Primary Election, two (2) voters called to inquire about their polling locations.

***General Election.*** During the General Election, there were thirty-nine (39) incidents of voter confusion. Voters regularly called to verify their voter registration or to check their assigned precinct. Five (5) voters were specifically outside of their registered county on election day and unable to vote. One voter asked if she could submit her ballot in Pima County on the Tohono O'odham Nation Reservation when she was registered to vote in Apache County. Another voter was in Scottsdale on election day and wanted to know if he could vote provisionally in Maricopa County.

### Provisional Ballots

After the 2016 Election, the Clinic submitted Freedom of Information Act (FOIA) requests to Arizona counties for their records related to provisional and conditional provisional ballots in the 2016 General Election. Fourteen (14) counties responded with data. However, only nine (9) counties provided a breakdown delineating the reasons why they rejected ballots. Approximately 23% of the provisional ballots cast were not counted. The biggest reason for rejecting provisional ballots related to voter registration (68%). Other issues include voters who voted at the wrong precinct, and voters who fail to produce ID. Some provisional ballots were also rejected for lack of signature. Below is a summary of the data; the complete record of findings is available in Appendix II.

<b>Total Provisional Ballots Received</b>	100,098
Total Counted	77,281
Total Rejected and Not Counted	22,817
<b>Reasons for Provisional Ballot Rejection</b>	
Voter Not Registered to Vote	11,266
Registration After Deadline	3,278
Voting at Incorrect Precinct	3,559
Issues Related to Early Voting	770
Lack of Identification	521
Cancelled Registration	521

## Voter Turnout

The Clinic also calculated voter turnout for on-reservation voters. As noted in the table below, several factors limited the precision of the count, including the use of superprecincts and the lack of polling places on some reservations. Notwithstanding these constraints, the data demonstrates that voter turnout remains an issue on reservations across Arizona, with half of the Tribal reservations evidencing turnout below fifty percent (50%). Tables detailing all of the on-reservation polling place data is available in Appendix III.

Tribe	Voters Registered	Ballots Cast	Percentage
Ak-Chin Indian Community	410	234	57.07%
Cocopah Tribe*	966	597	61.80%
Colorado River Indian Tribes	5,107	3,319	64.99%
Ft. McDowell Yavapai Nation	551	252	45.74%
Gila River Indian Community	4,427	2,099	47.41%
Havasupai Tribe	129	38	29.46%
Hopi Tribe**	9,346	5,293	56.63%
Hualapai	617	241	39.06%
Navajo Nation**	74,482	40,731	54.69%
Pascua Yaqui Tribe	1,951	974	49.92%
Quechan Tribe*	3,646	2,529	69.36%
Salt River Pima-Maricopa Indian Community	3,581	1,802	50.32%
San Carlos Apache Tribe***	2,377	1,175	49.43%
Tohono O'odham	5,604	3,317	59.19%
Tonto Apache Tribe*	1,747	1,437	82.26%
White Mountain Apache Tribe****	13,119	8,320	63.42%
* Off Reservation Voting ** Navajo County includes a superprecinct with Navajo Nation and Hopi Tribe. *** Incomplete Count **** Navajo County and Gila County reports the total of superprecincts so current numbers are inflated.			

## EARLY VOTING ON INDIAN RESERVATIONS

### Barriers to Early Voting for Native Americans in Arizona

There are two ways to vote early in Arizona, one is by mail and the other is at an in-person early voting location. Native Americans do not have equal access to early voting in Arizona. Isolating conditions such as language, socio-economic conditions, distance to the polls, lack of home mail delivery, lack of transportation, poorly paved roads, lack of public transportation, and lack of in-person early voting locations impact Native Americans' ability to participate in early voting.

Early voting by mail is not simple for Native American voters. Native Americans are less likely to have mail delivered to their homes, especially when living on tribal lands.<sup>9</sup> Non-Hispanic whites are 350% more likely to have mail delivered to their homes than Native Americans in Arizona.<sup>10</sup> On-reservation residents often rely on post office boxes that may be a 45-minute to 2-hour drive away.<sup>11</sup> The difficulties accessing mail make voting by mail difficult because traveling to the P.O. box to pick up your ballot and then returning it can be an all-day task. Without a car, it may be impossible. Voting an early ballot by mail on-reservation is largely unreliable; thus, early voting by mail is not as accessible for Native Americans living on reservation as it is for off-reservation voters.

Additionally, socioeconomic conditions create challenges for Native American voters seeking to vote in person. Native Americans in Arizona are impoverished at a rate of 35.7% compared to the national rate of 26.8% of Native Americans nationally.<sup>12</sup> Non-Hispanic whites in Arizona experience poverty at a rate of 10.9%. Native Americans are also more likely to work multiple jobs, not have reliable transportation, and lack adequate childcare resources.<sup>13</sup> Rural on-reservation voters also face the issue of distance to available early voting locations which can turn voting into an endeavor that takes hours as opposed to minutes it can take for off-reservation voters. Additionally, Native Americans are less likely to be able to afford the transportation. This means that Native Americans are less likely to be able to afford transportation to be able to travel to the polls and it can make taking the time off to travel to vote an economic barrier.

These barriers are exacerbated by the fact that reservation communities often do not have the same access to in-person early voting as off reservation. Some Tribes do not have in-person early voting on the reservation and when they do they are often open for fewer days and fewer hours than offered off reservation in person early voting. Without reliable mail and in person polling locations, early voting then becomes difficult.

Further, Native language speakers cannot effectively participate in early voting by mail. In 2016, nine counties were required to provide language assistance. However, it is unclear what measures were taken to provide language assistance to Native American language speakers by mail, if at all.

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<sup>9</sup> *Democratic Nat'l Comm. v. Reagan*, 904 F.3d 686, 754 (9th Cir. 2018) (Thomas dissent), *reh'g en banc granted*, 911 F.3d 942 (9th Cir. 2019)

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Poverty Rate, MAP AZ Dashboard (2019), *available at* <https://mapazdashboard.arizona.edu/health-social-well-being/poverty-rate/poverty-rate> (last visited Sep 20, 2019).

<sup>13</sup> *DNC v. Reagan*, 904 F.3d at 704.

Thus, the lack of in-person early voting locations, coupled with the lack of effective assistance by mail deprives Native Americans of equal opportunities to participate in early voting as compared to off-reservation, nonIndian voters.

### **The Right to Early Vote in Arizona**

The Voting Rights Act (VRA) passed in 1965 in order to enforce the rights guaranteed by the Fifteenth Amendment. Section 2 of the VRA prohibits practices and policies that deny or abridge a U.S. citizen's right to vote based on race, color, or language minority group. Section 2 prohibits any voting practice that affords voters in a protected class "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."<sup>14</sup> Early voting is one of the ways that states and counties can ensure equal opportunity in voting. However, early voting is not always easy for Native American voters.

Under Arizona law, early voting shall be provided for any election called pursuant to state law and any qualified voter may vote by early ballot.<sup>15</sup> For the 2016 General Election, all fifteen Arizona counties offered early voting. Under Arizona law, early voting begins no earlier than twenty-seven days before an election.<sup>16</sup> During the 2016 General Election, the early voting period began on October 12, 2016, and ended on or before November 7, 2016, depending on the county.<sup>17</sup>

Currently, twenty-two (22) Tribal nations and twenty (20) reservations are situated within the boundaries of Arizona.<sup>18</sup> Tribal land holdings constitute 27.7% of the total land base of the Arizona.<sup>19</sup> The Tribal communities located within Arizona vary in culture, language, and history. Some communities such as the Salt River Pima-Maricopa Indian Community are located near major metropolitan areas, while others are located in rural locations. For example, the Havasupai Tribe is located at the bottom of the Grand Canyon in a community that visitors and residents can only access by helicopter or hiking. Thus, the opportunities and barriers to equal access to early voting vary significantly by Tribe.

### **Early Voting in Indian Country Data**

The Clinic compiled data from surveys sent to each county elections department and recorder's office, phone calls with county elections departments and recorder's offices, Freedom of Information Act requests, and county websites. Appendix IV provides the early voting opportunities offered by each county in Arizona. Specifically, the report outlines the number of early voting locations in the county, the availability of early voting locations on each reservation versus locations off-reservation, and the distances reservation voters had to travel to access their nearest polling places compared to off-reservation voters.

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<sup>14</sup> 52 U.S.C. § 10301(b) (Westlaw through Pub. L. No. 115-90).

<sup>15</sup> ARIZ. REV. STAT. ANN. § 16-541(A) (2017).

<sup>16</sup> ARIZ. REV. STAT. ANN. § 16-542(C) (2017).

<sup>17</sup> *Apache Cty. Early Voting*, APACHE CTY. ARIZ. (July 21, 2016), available at <http://www.co.apache.az.us/apache-county-early-voting/> [<https://web.archive.org/web/20160731031441/http://www.co.apache.az.us/apache-county-early-voting/>].

<sup>18</sup> The San Juan Southern Paiute do not have a reservation. The Pueblo of Zuni's off-reservation trust land is not residential.

<sup>19</sup> *Forest Serv. Nat'l Res. Guide to Am. Indian and Alaska Native Rel.: App. D*, FS-600 (Apr. 1997), <https://www.fs.fed.us/people/tribal/Tribexd.pdf>.

Based on the data gathered for the 2016 General Election by the Clinic, most Arizona counties are not providing early voting polling locations to voters residing on Tribal reservations comparable to early voting locations outside of Indian Country; however a few do provide early voting at the same rate it provides to off-reservation voters. There were eighty-nine (89) total early voting locations for the 2016 General Election. Twenty-three (23) of those were located on-reservation, and sixty-six (66) were located off-reservation. Voters residing on reservations are required to travel longer distances to early voting locations than non-reservation voters. For example, voters from reservations with large land bases such as the Navajo Nation and Tohono O’odham Indian Reservations, are often required to drive more than sixty (60) miles to the closest permanent early voting site. Reservation voters from remote locations are required to travel from remoted locations to vote if they miss the one-day early voting opportunity offered by the county. Reservation voters also have limited locations and time periods to participate in early voting. For example, most of the counties offer early voting from mid-October until the Friday prior to Election Day which is roughly three weeks, while most reservation voters are limited to approximately one to three days of early voting.

Further research is needed to understand the basis of early voting decisions and whether one-day early voting locations are publicized. Early voting access has improved in some areas, but Tribes and counties can communicate with each other better on how to improve current access issues. The research suggests that Tribal communities aspiring to bring early voting opportunities onto the reservation establish and maintain working relationships with the county recorder offices and participate in Native American voting initiatives such as those offered by the Inter Tribal Council of Arizona.

## Early Voting by Tribe

### Navajo Nation

The Navajo Nation is the largest reservation in the United States, and the reservation boundaries are within Apache, Coconino, and Navajo County.

Apache County is the sixth largest county in the United States, and the longest county in the country, comprising over 11,218 square miles.<sup>20</sup> According to the Apache County, “two-thirds of the population, and over one-half of the land area is comprised of the Navajo Nation.”<sup>21</sup> Apache County offered two (2) early voting locations on the Navajo Nation.<sup>22</sup> However, the northern part of the county does not have any in-person early voting locations. Voters in Teec Nos Pos, for example, must travel ninety-five (95) miles one way, over an hour and a half, to reach the closest early voting location in Chinle. Dennehotso to Chinle are also long drives, over seventy-seven (77) miles each way, approximately one hour and twenty minutes. The recorder’s office offers in-

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<sup>20</sup> Welcome to Apache County, Apache County website, available at <https://www.co.apache.az.us/home-page/>; Census Bureau, Quick Facts Apache County, AZ, available at <https://www.census.gov/quickfacts/apachecountyarizona>.

<sup>21</sup> Welcome to Apache County, Apache County website, available at <https://www.co.apache.az.us/home-page/>

<sup>22</sup> Apache Cnty. Early Voting, Apache County, AZ (July 21, 2016), <http://www.co.apache.az.us/apache-county-early-voting/> [<https://web.archive.org/web/20160731031441/http://www.co.apache.az.us/apache-county-early-voting/>]; Survey response from Apache Cnty. to the Indian Legal Clinic (2016) (on file with the Indian Legal Clinic.).



person early voting in St. Johns, requiring off-reservation voters in Eager and Springerville to travel approximately thirty (30) miles to participate in in-person early voting.

Coconino County is the second largest county in the United States comprising 18,661 square miles, and 16.4% of the total land base in Arizona. In 2016, Coconino County offered two (2) early voting locations on the reservation, one in Tuba City for the entire early voting period, including a Saturday morning, and three mornings in Leupp.<sup>23</sup> The County offered six (6) early voting locations off-reservation for the entire early voting period. While the Page early voting location is located only a few miles from the Lechee Chapter, other voters on the Navajo Reservation must travel over sixty (60) miles one way to participate in early voting. Many voters on the Navajo Nation had to travel further than off-reservation voters to access early voting.

Navajo County provided four (4) early voting locations on the Navajo Nation.<sup>24</sup> Two (2) of those locations operated for only one day, for a total of fifteen hours. In Kayenta, early voting was offered the entire early voting period at the Justice of the Peace, as well as two (2) days at the Bashas shopping center. There was also one day of early voting offered at Pinon Bashas and Dilkon Bashas. Early voting locations in Show Low and Holbrook were open for the entire early voting period. Navajo voters in some parts of the Navajo Reservation had to travel considerable distances to access early voting and did not have the same access to early voting as other residents of Navajo County.

### **Hopi Tribe**

The Hopi Reservation is located within Coconino County and Navajo County. There are two villages in Coconino County, with the majority of the Reservation located in Navajo County.

Coconino County did not provide any early voting locations on the Hopi Reservation. However, Hopi voters who reside in the Villages of Upper and Lower Moenkopi, are located only several miles from Tuba City.

Navajo County provided an early voting location on the Hopi Reservation at Circle M Store in Polacca on October 28, 2016 for seven hours. An on-reservation voter from Kykotmsovi Village would have to travel 22 miles to access the early voting location. Off-reservation voters had two early polling locations in Show Low and Holbrook that were open the entire early voting period.

### **San Juan Southern Paiute**

The San Juan Southern Paiute Tribe is located within the boundaries of the Navajo Nation Reservation in Apache, Coconino and Navajo Counties, with an office in Tuba City. Their members in Arizona reside in and around the communities of Hidden Springs, Rough Rock, Willow Springs, Tuba City and Cow Springs on the Navajo Reservation. Coconino County offered two (2) early voting locations on the Navajo Reservation, including a location in Tuba City for the entire early voting period as well as a Saturday morning early voting opportunity. This location served the San Juan Southern Paiute Tribal members in Willow Springs and Tuba City, is only

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<sup>23</sup> Early Voting Sites for the 2016 Elections (2016) (on file with the Indian Legal Clinic).

<sup>24</sup> Navajo Cty. Early Voting Sites 2016 Nov. 8th Gen. Election, Navajo County, AZ (Aug. 21, 2016), *available at* <https://web.archive.org/web/20160821145652/http://www.navajocountyaz.gov:80/Departments/Elections/Votr-Information/Early-Voting-Sites>.

twenty (20) miles) from Hidden Springs, and is approximately thirty (30) miles from Cow Springs. Rough Rock is approximately thirty (30) miles to Chinle in Apache County.

### **Kaibab Paiute Tribe**

The Kaibab Paiute Reservation is located in Coconino County and Mohave County. The Coconino County portion of the Kaibab Paiute Reservation does not have any residents. Mohave County provided three in-person early voting locations for the entire early voting period. The closest early polling locations for the Kaibab Paiute in Mohave County was located in Bullhead City, Arizona 285 miles away. This required a five to seven hour trip around the Grand Canyon to at the closest in-person early voting location.

### **Havasupai Tribe**

The Havasupai Reservation is located in Coconino County at the bottom of the Grand Canyon. The County provided an in-person early voting location for one day in “middle of the village” described as “where the community gathers.”<sup>25</sup> Havasupai Tribal leaders expressed that there was not a need for an additional day of early voting. Traveling in and out of the reservation requires a helicopter, horse, or a journey by foot so it is difficult for voters to travel to off-reservation early polling locations to vote in person.

### **Hualapai Indian Tribe**

The Hualapai Indian Reservation is located in Mohave, Yavapai, and Coconino Counties. Reservation residents primarily live in and near Peach Springs in Mohave County. Mohave County did not provide any early in-person early voting locations on the Hualapai Reservation. The closest early voting location to the Reservation was in Kingman, Arizona, which is forty-seven (47) miles from Peach Springs.

### **Fort Mojave Indian Tribe**

The Fort Mojave Reservation is located Mohave County. Mohave County did not provide any in-person early voting locations on the Fort Mojave Reservation. The Tribe is located in Needles, Arizona, approximately nine (9) miles away from the closest in person early voting location in Bullhead City.

### **Yavapai-Prescott Indian Tribe**

The Yavapai-Prescott Indian Tribe is located within Yavapai County. Yavapai County did not provide in-person early voting on the Reservation; however, early voting was offered the entire early voting period in Prescott.<sup>26</sup> The early voting location was approximately one mile from the Tribal headquarters.

### **Yavapai Apache Nation**

The Yavapai Apache Nation is located in Yavapai County. The County provided an early voting polling location at the Yavapai Apache Community Center in Camp Verde.

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<sup>25</sup> Telephone Interview with Havasupai representatives, Havasupai Tribe (Oct. 17, 2016).

<sup>26</sup> Early Voting: Frequently Asked Questions, Yavapai Cty. Elections Voter Registration, *available at* <http://www.yavapai.us/electionsvr/early-voting> (last visited Feb. 6, 2017).

### **Tonto Apache Tribe**

The Tonto Apache Reservation is located on eighty-five (85) acres near Payson in Gila County. Gila County did not provide an in person early polling location on the Tonto Apache Reservation. However, the Reservation is located a little over a mile from the Recorder's Office in Payson, and this location was open the entire early voting period.

### **White Mountain Apache Tribe**

The White Mountain Apache Tribe is located on the Fort Apache Reservation in Gila, Navajo, and Apache Counties. The Reservation comprises 1.6 million acres.

Gila County provided one special early voting location on the Fort Apache reservation, which was open only for one day for a total of four hour at Canyon Day Jr. High School.<sup>27</sup> Some reservation voters would need to travel approximately twenty-seven (27) miles in order to cast an early ballot in-person on the reservation polling location.

Navajo County provided one early voting location on the Fort Apache Reservation in the town of Whiteriver, the most populated White Mountain Apache community. This location was open only for one day, for seven (7) hours. While this location was accessible to voters in Whiteriver, on-reservation voters living in McNary would have to travel twenty-two (22) miles to Whiteriver in the middle of the week to access that polling location. Off-reservation, early voting locations in Show Low and Holbrook were open the entire early voting period.

Apache County did not provide early voting opportunities on the Fort Apache Reservation. White Mountain Apache voters who live in McNary had to travel sixty (60) miles one way to participate in early voting, twice the distance of voters from the off-reservation towns of Springerville and Eagar.

### **San Carlos Apache Tribe**

The San Carlos Apache Reservation is comprised of 1.8 million acres of land within Gila, Pinal, and Graham Counties. No one lives on the Pinal County portion of the Reservation.

Graham County provided one early voting location in Bylas on the San Carlos Apache Reservation, which was open for one day for four (4) hours total. Within the reservation, voters from Gilson Wash and Peridot had to travel thirty (30) miles and twenty-three (23) miles respectively to reach the early voting location in Bylas. Off-reservation voters traveled eight (8) to seventeen (17) miles to the early voting location in Safford, which was open the entire early voting period.

Gila County offered one early voting location on-reservation in San Carlos for the San Carlos precinct. This location was open for a total of four (4) hours. Two early voting locations, Payson and Globe, offered early voting the entire early voting period. Globe is about twenty (20) miles from San Carlos.

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<sup>27</sup> Gila County, Early Voting, (Nov. 6, 2016).

### **Colorado River Indian Tribe**

The Colorado River Indian Tribe's Reservation is located in La Paz County in Arizona, as well as California. La Paz County offered two (2) early voting locations on the Colorado River Indian Reservation in Parker and Poston. Most of the Tribe's on-reservation population resides in or near Parker, the most populated community, and Poston. The early voting location in Parker was open the entire early voting period, providing access to tribal voters the entire early voting period.

### **Fort McDowell Yavapai Nation**

The Fort McDowell Yavapai Nation Reservation is located in Maricopa County. Maricopa County did not offer any in-person early voting on the Fort McDowell reservation. The closest in person early voting location is twenty-three (23) miles one way from the Fort McDowell Reservation in Fountain Hills. Maricopa County had twenty-five (25) off-reservation early voting locations open for nearly the entire early voting period.

### **Salt River Pima Maricopa Indian Community**

The Salt River Pima-Maricopa Indian Community Reservation is within Maricopa County. Maricopa County did not provide an early voting location on the Salt River Pima Maricopa Indian Reservation. Tribal members could early vote in the city of Mesa, approximately seven (7) to eight (8) miles away, or the City of Scottsdale, approximately four (4) miles away.

### **Tohono O'odham Nation**

The Tohono O'odham Nation Reservation comprises 11,243 square miles in Pima, Pinal, and Maricopa Counties and has eleven (11) districts.

Pima County provided four (4) early voting locations on the Tohono O'odham Reservation. One location was open for five days, two locations were open for two days, and one location was open for one day. Each of these locations were open during business hours during the work week for seven or eight hours a day. Three (3) off-reservation early voting locations were offered for the entire early voting period, while two (2) were offered most of the period, and one was offered one week. Three (3) of the off-reservation early voting locations offered emergency voting for voters to access early voting after the early voting period and before the election.

Pinal County did not provide any early voting locations on the Tohono O'odham Reservation. Voters in the most populated Tohono O'odham town in Pinal County, Chuichu, had to travel approximately twelve (12) miles away to vote in person in Casa Grande, Arizona.

Maricopa County did not provide any on reservation in-person early voting opportunities on the Tohono O'odham Reservation. A voter living on that portion of the Tohono O'odham Reservation had to travel 116 miles one way to access in-person early voting.

### **Pascua Yaqui Tribe**

The Pascua Yaqui Tribe's Reservation is located in Pima County and the Tribe has other villages in Pima, Pinal, and Maricopa Counties, including the tribal community in Guadalupe, Arizona. Pima County provided an early voting location on the Pascua Yaqui Reservation. That location was open for four (4) days during the early voting period and was open for eight (8) hours each day.

In Maricopa County, there were no early voting opportunities in the Town of Guadalupe. The nearest early voting location was six (6) miles away in Tempe, Arizona.

### **Quechan Tribe**

The Quechan Reservation is located in Yuma County, Arizona and in California. Although the County did not provide an early voting location on the Quechan Reservation in Arizona, the in-person early polling location was three (3) miles from the reservation at the Recorder's Office. Yuma County provided one early voting location in Yuma that was open the entire early voting period.

### **Cocopah Tribe**

The Cocopah Reservation is located in Yuma County. Although Yuma County did not provide an early voting location on the Cocopah Reservation, there was one early voting location in the county and it was located ten (10) to twelve (12) miles from the Reservation.

### **Ak-Chin Indian Community**

The Ak-Chin Indian Reservation is located in Pinal County. Pinal County did not provide an early voting location on the Ak-Chin Indian Reservation. The nearest in-person polling location was approximately twenty-four (24) miles away in Casa Grande. Pinal County had three early voting locations open for the entire early voting period.

### **Gila River Indian Community**

The Gila River Indian Community Reservation is located primarily within Pinal County with a portion of the reservation located in Maricopa County.

Pinal County provided one day of early voting on the Gila River Indian Community Reservation in response to a request from Governor Stephen Lewis. The location was located in Sacaton at the Community's Governance Center.

Maricopa County did not have any early voting locations on the Gila River Indian Reservation. The closest early voting location for Reservation residents was located South Mountain Community College, about fifteen (15) miles from the District 6 Service Center.

## TRIBAL IDENTIFICATION CARDS

Under Arizona law, the Secretary of State (Secretary) or the Secretary's designee is the chief state election officer.<sup>53</sup> According to Section 16-452(A) of the Arizona Revised Statutes, after consulting with the Arizona counties' board of supervisors, the Secretary of State must set forth and adopt an instructions and procedures manual for the conduct of elections. The Governor and Attorney General must approve the manual.<sup>54</sup>

Section 16-579(A)(1)(a) of the Arizona Revised Statutes allows a qualified elector to produce a "tribal enrollment card or other form of tribal identification" to an election official at an election. According to the Manual, an elector who provides an acceptable form of identification – either from List 1 (one form of identification containing photograph, name, and address), List 2 (two forms of identification without a photograph but containing name and address), or List 3 (two forms of identification, one of which contains a photograph, and one of which contains a name and address) – must be provided a regular ballot.<sup>55</sup> If an elector does not provide sufficient proof of identification (ID), which is from either of the lists, then the poll worker provides the elector with a conditional provisional ballot. The Manual includes "tribal enrollment card or other form of tribal identification" in all three Lists.<sup>56</sup> The Manual states that an ID is valid unless shown on its face that it has expired.

The types of IDs acceptable at the polls was expanded as a result of a settlement agreement reached in litigation filed by Tribes challenging Arizona's voter ID law. Acceptable forms of Tribal ID include, but are not limited to documents issued a Tribe, Nation, Community, Band Tribal subdivision or Bureau of Indian Affairs including, (1) a Tribal ID or enrollment card; (2) a Certificate of Indian Blood; (3) a Tribal voter ID card (for use in Tribal elections); (4) a home site lease, permit, or allotment; and (5) a grazing permit or allotment.

The Elections' Manual also contains a separate provision for Native American electors. If an elector, who identifies himself or herself as a member of a federally-recognized Tribe, does not provide an acceptable proof of ID under either of the three lists, he or she is to be provided a provisional ballot if he or she presents one form of Tribal ID containing the name of the elector. If the Native American elector is unable to produce an acceptable form of ID under this provision, then he or she must vote with a conditional provisional ballot.<sup>57</sup>

While Tribal IDs are listed in the materials that can be used to obtain a regular ballot, it is unclear if any counties share with voters that they may vote provisionally with a Tribal ID that lacks a photo and/or an address. While some counties train their poll workers to accept Tribal IDs that

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<sup>53</sup> ARIZ. REV. STAT. ANN. § 16-142 (2017).

<sup>54</sup> *Elections Procedures Manual*, ARIZ. SEC'Y OF STATE (June 2014), [https://azsos.gov/sites/default/files/election\\_procedure\\_manual\\_2014.pdf](https://azsos.gov/sites/default/files/election_procedure_manual_2014.pdf).

<sup>55</sup> *Id.* at 144.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 145.



lack a photo and/or an address, it is unclear how many counties train their poll workers on this option.

Nearly all Tribes in Arizona issue a Tribal ID card that has the Tribal member's photo and full name. However, Tribes differ on whether they include the Tribal member's address, whether the identification card expires, and whether there is a fee associated with obtaining a card.

Review of the Arizona statutes and the Manual suggest that in order for federally recognized Tribal members to vote with their Tribal ID cards, Tribal governments should consider making Tribal enrollment/identification cards available which contain a name, a photograph, and an address to vote in state and federal elections. In 2011, the Navajo Nation started offering photo IDs.<sup>58</sup> However, the IDs are only issued in one location, and not many Navajo citizens have taken advantage of the new IDs. Below is a summary of Tribal IDs issued by Arizona Tribes. Notwithstanding, most Tribes issue some form of documentation that can be used to obtain a provisional ballot.

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<sup>58</sup> Noel Lyn Smith, First Tribal ID cards issued, Navajo Times (Nov. 17, 2011).

<b>Tribe:</b>	<b><u>Tribal ID?</u></b>	<b><u>Photo?</u></b>	<b><u>Full Name?</u></b>	<b><u>Address?</u></b>	<b><u>Does the Card Expire?</u></b>	<b><u>Fees and Relative Access</u></b>
Ak-Chin Indian Community	Yes	Yes	Yes	Yes	No	First card is free, \$5.00 replacement fee
Cocopah Indian Tribe	Yes	Yes	Yes	Yes	Yes, every two years.	First card is free, but renewals and replacements cost \$10.00
Colorado River Indian Tribes	Yes	Yes	Yes	Yes	No	Free
Fort Mojave Indian Tribe	Yes	Yes	Yes	Yes	Yes	First card is free, including if cardholder renews before expiration date; otherwise \$5.00 fee
Quechan Indian Tribe	Yes	Yes	Yes	Yes	Yes, every 4 years. (Possible change to previous 8 year expiration)	\$15 for Adults and \$10 for Seniors
Gila River Indian Community	Yes	Yes	Yes	No	No	\$8.00 fee
Havasupai Tribe	Yes	Yes	Yes	No	Yes, every two years	First card is free, \$10.00 replacement fee
Hopi Tribe	Yes	Yes	Yes	No	Yes, every two years	First card is free, \$15.00 replacement fee

Hualapai Indian Tribe	Yes	Yes	Unknown	Unknown	Yes	First card is free, replacement fee is \$10.00
Kaibab Paiute	Yes	Yes	Yes	Yes	No	None
Navajo Nation Certificate of Indian Blood	Yes	No	Yes	No	No	None On 8 ½ x 11 sheet of paper
Navajo Nation Enhanced Card <sup>59</sup>	Yes	Yes	Yes	Yes	Yes, every four years	\$17.00 fee
Pascua Yaqui ID Card	Yes	Yes	Yes	Yes	Yes, every four years	First card is free, otherwise \$5.00 fee for first replacement and \$10.00 fee for subsequent replacements
Pascua Yaqui Enhanced Card (MOU with U.S. Customs Enforcement)	Yes	Yes	Yes	Yes	Yes, every eight years	\$30.00 fee for adults, \$20.00 fee for minors
Salt River Pima-Maricopa Indian Community	Yes	Yes	Yes	Yes	No	No fees
San Carlos Apache Tribe	Yes	Yes	Yes	Yes	Yes, every ten years	\$15.60 fee
San Juan Southern Paiute	No	----- ---	----- --	-----	-----	-----
Tohono O'odham	Yes	Yes	Yes	No	No	First card is free, \$10.00 replacement fee

<sup>59</sup> There are several security features on the card including a holographic seal of the Navajo Nation and a machine-readable zone, which contains the cardholder's personal information in a format that can be scanned by border agents to cross into Canada and Mexico. Though this card is available to Navajo Nation members, many do not opt-in to this option. Many members use their Certificate of Degree of Indian Blood as a form of federal identification.

Tonto Apache	Yes	Yes	Yes	Yes	No	First card is free, \$10.00 replacement fee
White Mountain Apache Tribe	Yes	Yes	Yes	Mailing address only	No	First card is free, \$5.00 replacement fee
Yavapai-Apache Nation	Yes	Yes	Yes	Yes	No	One free card per year
Yavapai Prescott Indian Tribe	Unknown, declined to answer	----- ---	----- --	-----	-----	-----

## SECTION 203 OF THE VOTING RIGHTS ACT

In 1975, Congress found that language barriers posed a significant roadblock to the political process for Native Americans, Alaska Natives, Asian Americans, and Spanish-speaking citizens. Consequently, Congress amended the VRA to broaden the scope of voter protection to include these groups as “language minorities” under Section 203 of the VRA.<sup>60</sup> Specifically, Section 203 mandates “[w]henver any State or political subdivision [covered by the section] provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.”<sup>61</sup>

Section 203 imposes an affirmative duty on covered jurisdictions to translate all voting materials into the covered minority language. Section 203 employs a two-part formula to determine which jurisdictions and what minority languages Section 203 covers. First, the limited English proficient voters of a single language minority group must (1) number more than 10,000, (2) comprise more than five percent (5%) of all voters in the jurisdiction, or (3) comprise more than five percent (5%) of all American Indians of one language group living on one reservation, hereinafter the “Reservation Trigger.”<sup>62</sup> Second, the illiteracy rate of the limited English proficient voters’ must exceed the national illiteracy rate.<sup>63</sup> The formula employs data provided by the American Community Survey (“ACS”), which the Census Bureau gathers every five (5) years.<sup>64</sup>

After a jurisdiction is determined to be subject to Section 203, that jurisdiction is required to take reasonable steps to ensure that all voting materials are designed to effectively inform the language minority group of every aspect of the voting process.<sup>65</sup> All voting materials means “registration and voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots...”<sup>66</sup> For Native American languages that are historically unwritten, all information should be orally conveyed. Specifically the federal regulations require “general announcements, publicity, and assistance... in oral form.”<sup>67</sup> It is the duty of the covered jurisdiction to determine the number of Native “helpers” to provide effective language assistance.<sup>68</sup> An exacting translation is necessary, and it is the duty of the jurisdiction to determine which form or dialects will be most effective.<sup>69</sup> Finally, Section 203 coverage applies to the “primary and General Elections, bond elections and referenda, and to elections of each municipality, school district or special purpose district within the designated jurisdiction.”<sup>70</sup>

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<sup>60</sup> See generally Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, H.R. REP. 109-478, 9, 2006 (quoting H.R. REP. NO. 94-196, at 7, 16 (1975)).

<sup>61</sup> 52 U.S.C. § 10503(c) (2012) (Westlaw through Pub. L. No. 115-90).

<sup>62</sup> 52 U.S.C. § 10503(b)(2)(A).

<sup>63</sup> 52 U.S.C. § 10503(b)(2)(A)(ii).

<sup>64</sup> 52 U.S.C. § 10503(b)(2)(A).

<sup>65</sup> Purpose; standards for measuring compliance, 28 C.F.R. §§ 55.2(b)(1), (2) (2018).

<sup>66</sup> Statutory requirements, 28 C.F.R. § 55.3 (2018).

<sup>67</sup> Language used for oral assistance and publicity, 28 C.F.R. §55.13 (2018); see also Oral assistance and publicity, §55.20 (2018).

<sup>68</sup> Oral assistance and publicity, 28 C.F.R. §55.20 (2018).

<sup>69</sup> Determining the exact language, General, 28 C.F.R §55.11 (2018).

<sup>70</sup> Types of elections covered, 28 C.F.R §55.10 (2018).

This section identifies which Arizona Counties must provide language assistance to Native American voters, and details the steps Arizona Counties took to fulfill their legal obligations for language assistance in the 2016 Election.

During the 2016 election cycle, Section 203 required nine of the fifteen counties to provide language assistance to Native American voters on eight reservations: the Navajo language in Apache, Coconino, and Navajo Counties; the Pueblo language in Apache County; the Hopi language in Coconino and Navajo Counties; the Yuman language in Coconino, Mohave, Yavapai, and Yuma County; the O’odham language in Maricopa, Pima, and Pinal Counties; and the Yaqui language in Pima County.<sup>71</sup> The table below breaks down the covered languages and the reservations that triggered Section 203 during the 2016 Election.

<b>2011 Census Bureau Section 203 Determinations As Used During the 2016 Election</b>		
<b>County</b>	<b>Language</b>	<b>Reservation Trigger</b>
<b>Apache</b>	Navajo	Navajo Reservation
	Pueblo	Zuni Reservation and Off-Reservation Trust Land
<b>Coconino</b>	Yuma	Havasupai Reservation
	Hopi	Hopi Reservation
	Yuma	Hualapai Indian Reservation
	Navajo	Navajo Reservation
<b>Maricopa</b>	Tohono O’odham	Tohono O’odham Reservation
<b>Mohave</b>	Yuma	Hualapai Indian Reservation
<b>Navajo</b>	Hopi	Hopi Reservation
	Navajo	Navajo Nation
<b>Pima</b>	Yaqui	Pascua Yaqui Reservation
	Tohono O’odham	Tohono O’odham Reservation
<b>Pinal</b>	Tohono O’odham	Tohono O’odham Reservation
<b>Yavapai</b>	Yuma	Hualapai Reservation
<b>Yuma</b>	Yuma	Cocopah Reservation

Section 203 requires “any State or political subdivision” to provide voting assistance “or other materials . . . in the language of the applicable minority group as well as in the English Language.”<sup>74</sup> A county “that contains all or part of an Indian reservation, [where] more than 5 percent of the

<sup>71</sup> Voting Rights Act Amendments of 2006, Determinations Under Section 203, 76 Fed. Reg. 198, 63603 (Oct. 13, 2011).

<sup>74</sup> 52 U.S.C. § 10503(c) (Westlaw through Pub. L. No. 115-90).



American Indian citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient must provide language assistance.<sup>75</sup> In Arizona all Native American language assistance determinations came as a result of this Reservation Trigger.<sup>76</sup> Counties are responsible for deciding whether languages covered by Section 203 should be classified as written and adjusts their language assistance obligations accordingly.<sup>77</sup> Counties in Arizona covered for Native American languages classify the language group in their jurisdiction as historically unwritten.

Under Section 203, all election material provided in the English language must also be provided in the covered minority language.<sup>78</sup> While all materials do not have to be written for historically unwritten languages, this does not release covered jurisdictions from their obligations. In the District of Arizona, the United States Department of Justice filed a complaint against the “State of Arizona, members of the Apache County Board of Supervisors, a majority of whom are Navajo, and the members of the Navajo County Board of Supervisors, two of five of whom are also Navajo for failing to provide oral instructions, assistance, or other information relating to registration and voting in the Navajo language.”<sup>79</sup> Pursuant to the resulting consent decree, the Counties had to develop a Navajo Language Election Information Program. The purpose of the consent decree was to ensure the dissemination of election-related information.<sup>80</sup> The consent decree was to remain in effect for four years with a possible two year extension upon review.<sup>81</sup>

The consent decree imposed a number of requirements on the Counties, including mandates to obtain assistance from the Navajo Nation Election Administration (NNEA), employ two elections outreach workers, increase the number of available Navajo-speaking deputy registrars, disseminate election information through public service announcements on the radio, plan presentations with appropriate audio and visual aids, and ensure bilingual assistance at polling locations.<sup>82</sup> Many of these requirements involved the creation of written translations for outreach worker and registrar training.<sup>83</sup> Although the consent decree is no longer in effect, Apache, Navajo, and Coconino continue utilizing many of the language assistance tools and practices developed during that time.

The NNEA plays a significant ongoing role in ensuring that Navajo voters have access to language assistance. The NNEA works with eleven (11) counties in three (3) states – including Apache, Navajo, and Coconino Counties – to supply translated election material in both written and recorded Navajo language.<sup>84</sup> The NNEA’s biggest success was the compilation of Navajo language glossary (Navajo Glossary) for poll workers and outreach workers.<sup>85</sup> The Navajo

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<sup>75</sup> 52 U.S.C. § 10503(c).

<sup>76</sup> 52 U.S.C. § 10503(b)(2)(A)(III).

<sup>77</sup> Language used for written material, 28 C.F.R. §55.12(c) (2018); *see also* Purpose; standards for measuring compliance, 28 C.F.R. §55.2(c).

<sup>78</sup> 52 U.S.C. § 10503(c).

<sup>79</sup> Consent Decree, *U.S. v. Ariz.*, CIV 88-1989 PHX EHC at 18 (D. Ct. Ariz. 1989) (on file with author) [hereinafter Consent Decree].

<sup>80</sup> *Id.* at 5.

<sup>81</sup> *Id.* at 24.

<sup>82</sup> *Id.* at 4-17.

<sup>83</sup> *Id.* at 4-17.

<sup>84</sup> *Id.*

<sup>85</sup> Telephone Interview with Kimmeth Yazzie, Program and Project Specialist, Navajo Nation Election Admin. (Sept. 23, 2016) [hereinafter Telephone Interview with Kimmeth Yazzie].

Glossary incorporates differences in the Eastern and Western Navajo dialects.<sup>86</sup> The NNEA also distributes additional poll worker tools, including translated ballots and other election materials and extensive audio recordings in the Navajo language.<sup>87</sup> Along with translated words, the NNEA also implements the use of symbols and graphics for visual aid.<sup>88</sup> The NNEA conducts monthly meetings with Counties – including Apache, Navajo, and Coconino Counties – as a means of continuing engagement and collaboration.<sup>89</sup>

More recently in *Navajo Nation Human Rights Commission v. San Juan County*, the District of Utah issued a decision where it discussed that a County has two major obligations when implementing the requirements of equal access to voting.<sup>90</sup> First, a county must provide material and assistance in a way designed to allow members of the language minority group to be effectively informed of and participate effectively in voting-connected activities.<sup>91</sup> Second, an affected jurisdiction should take all reasonable steps to achieve that goal.<sup>92</sup> Moreover, the Court said the Attorney General’s determination of when a jurisdiction falls below the effectiveness standard is instructive.<sup>93</sup> The reasonable effectiveness standard under Section 203 is not one of perfection, rather it is something akin to substantial compliance.<sup>94</sup>

Pursuant to Section 203, language assistance provided to historically unwritten language groups require “oral instructions, assistance, or other information relating to registration and voting.”<sup>95</sup> Both Section 203 and its accompanying regulations limit a jurisdiction’s obligation for “historically unwritten” languages to oral language assistance.<sup>96</sup> However, in *Nick et. al. v. Bethel et. al.*, the court recognized that effective assistance could include a written sample ballot.<sup>97</sup> Furthermore, counties must create and implement systems designed to deliver “substantially equivalent information regarding voter registration and election.”<sup>98</sup> In Alaska, the court required certain written materials, suggesting that a county’s decision to classify a language as unwritten is not the end of the analysis on provision of written translations.<sup>99</sup>

After a jurisdiction is determined to be governed by Section 203, that jurisdiction is required to take all reasonable steps to ensure that all voting materials is designed to effectively inform the language minority group of every aspect of the voting process.<sup>100</sup> In assessing compliance, the

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<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> 215 F.Supp.3d 1201, 1221 (D. Ct. Utah 2016).

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> 52 U.S.C. § 10503(c) (Westlaw through Pub. L. No. 115-90).

<sup>96</sup> 52 U.S.C. § 10503(c); *see also* 28 C.F.R. 55.12(c) (2018).

<sup>97</sup> *See* Court Order at 4-5, *Nick et. al. v. Bethel et. al.*, (Case No. 3:07-cv-0098) TMB (D. Alaska 2008).

<sup>98</sup> Transcript of Status Conference at 6, *Toyukak v. Treadwell*, No. 3:13-cv-137-SLG (D. Alaska Sept. 3, 2014) (on file with author).

<sup>99</sup> *See* Court Order, *Nick, et al.*, No. 3:07-cv-0098-TMB, at 4-5, 10 (D. Alaska July 30, 2008) (requiring county to provide a sample written ballot and a glossary in the Yup’ik language).

<sup>100</sup> Purpose; standards for measuring compliance, 28 C.F.R. §55.2(b)(1) (2018).

federal regulations denote that compliance “is best measured by results.”<sup>101</sup> Collaboration between Counties and Tribes constitutes a factor weighing in favor of compliance.<sup>102</sup>

Most Counties in Arizona provided varying forms of language assistance including Native American poll workers, poll worker training, bilingual poll workers, employment of translators, language glossary development, collaboration with Tribes, language outreach workers, ballot preparation, audio recordings of translations, reservation radio announcements, and information drives on reservations.<sup>103</sup>

Out of the nine (9) counties Section 203 covered in 2016, only Navajo County delivered translations of voter registration information and ballot process information.<sup>104</sup> Apache County,<sup>105</sup> Coconino County<sup>106</sup>, Maricopa County, Pima County, and Pinal County provided translations of information regarding aspects of the ballot process, largely in the form of the early voting ballot, General Election ballot, General Election information, and voter instructions.<sup>107</sup> Mohave County and Yavapai County provided no voter registration or ballot translations.<sup>108</sup> To the best of the Clinic’s knowledge, Yuma County did not provide any election translations.<sup>109</sup>

Coconino County has part of the Havasupai, Hopi, Hualapai, and Navajo reservations within its boundary, and each reservation triggered Section 203 coverage. The County in some capacity worked with all Tribes except for the Hualapai Tribe because no one resides on the Coconino County part of the Hualapai Reservation.<sup>110</sup> Maricopa County has the Tohono O’odham Nation Reservation within its exterior boundaries, which triggered Section 203 coverage.

## Apache County

Three tribes are located within Apache County – Navajo, White Mountain Apache and Zuni. The Navajo and Zuni Reservations triggered Section 203 coverage. Apache County worked with the Navajo Nation but had no obligation to provide assistance to the Zuni Tribe, because no Zuni Tribal members reside on the ceremonial lands that triggered Section 203.<sup>111</sup> The Navajo Nation

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<sup>101</sup> Standards and proof of compliance, 28 C.F.R. §55.16 (2018).

<sup>102</sup> *Id.* (stating that “[a] jurisdiction is more likely to achieve compliance with these requirements if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group”).

<sup>103</sup> The data obtained only looked at what the county recorder or election offices do to comply with Section 203. Student researchers did not review data regarding voter registration materials at the Department of Motor Vehicles and public agencies under the Motor Voter Act.

<sup>104</sup> See Navajo Cty. Response to General Election Survey (2016); see generally Consent Decree, *U.S. v. Ariz.*, CIV 88-1989 PHX EHC (D. Ariz. 1989).

<sup>105</sup> See Apache Cty. Response to General Election Survey (2016).

<sup>106</sup> See Coconino Cty. Response to General Election Survey (2016).

<sup>107</sup> See Maricopa Cty. Response to General Election Survey (2016); Pima Cty. Response to General Election Survey (2016); Pinal Cty. Response to General Election Survey (2016).

<sup>108</sup> See generally Mohave Cty. Response to General Election Survey (2016); Yavapai Cty. Response to General Election Survey (2016). Yuma County did not respond to General Election Survey *but see* Telephone Interview with Mary F. Martinez (the County Election Assistant said neither Cocopah nor Quechan receive any language assistance).

<sup>109</sup> *Id.*

<sup>110</sup> See Coconino Cty. Survey Response.

<sup>111</sup> See Daniel McCool & James Thomas Tucker, *The Most Fundamental Right Contrasting Perspectives on the Voting Rights Act* 287 (2012).

Reservation and Off-Reservation Trust Land and the Zuni Reservation and Off-Reservation Trust Land triggered Section 203 coverage.

### Navajo Nation Language Assistance

Apache County provided language assistance in Navajo through outreach workers, poll worker training, translation services, and collaboration with the Navajo Nation Elections Administration (“NNEA”).<sup>112</sup> They also collaborated to provide Navajo language options on ADA compliant touch screens.<sup>113</sup>

The County provided translations of the voting instructions and the general election ballot.<sup>114</sup> The County implemented both written translations and audio translations but did not specify what material is provided in written form or as recorded oral translations.<sup>115</sup> Audio translations are distributed to all polling locations on a CD-ROMs.<sup>116</sup> The County assigned translators to all polling locations.<sup>117</sup> The County also prepared and translated ballots prior to October 12, 2016 for early voting in the general election.<sup>118</sup> Translators are selected “[t]hrough the poll workers elections process.”<sup>119</sup> In addition to translators, the County provided “ADA compliant Touch Screen[s]” but it is not clear whether the technology conveyed written or oral translations.<sup>120</sup>

Apache County employed two outreach workers in the County Elections Department.<sup>121</sup> Apache County reported that it trained its poll workers to be aware of Native American languages that are subject to the translation requirements.<sup>122</sup> The County reported that it reached out to Tribes in the County regarding language services and that the Navajo language was the only requested response.<sup>123</sup> The County also reported that the Navajo Nation contacted the County to request language services.<sup>124</sup>

### Coconino County

Coconino County has five (5) federally recognized Indian tribes within its borders: the Havasupai Tribe, the Hualapai Tribe, the Hopi Tribe, the Kaibab Band of Paiute Indians, and the Navajo Nation. The Havasupai Reservation, the Hualapai Indian Reservation, the Hopi Reservation, and the Navajo Nation Reservation triggered Section 203 coverage. Therefore, Coconino County must provide language assistance in Navajo, Hopi, and the Yuma language group.

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<sup>112</sup> See Apache Cty. Survey Response.

<sup>113</sup> *Id.*; Telephone Interview with Angela Romero, Elections Director, Apache Cty. (Sept. 26, 2016).

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

### General Language Assistance

Coconino County reported that it provided language assistance in all three covered languages.<sup>125</sup> The County employs bilingual poll workers, translators, and recorded oral translations to provide language assistance at polling locations on the Navajo, Hopi and Havasupai Reservations.<sup>126</sup> The County reported that “the voters that need the language assistance do not read these languages” ... and that “[t]he only people that read and write the three languages are people that are bilingual.”<sup>127</sup> The County finds that the radio, and Chapter and Tribal meetings are the County’s preferred methods of outreach.<sup>128</sup>

The County employs two Navajo speaking Native American Outreach employees.<sup>129</sup> The Havasupai Tribe assists the County to “find poll workers that live in Supai Village that can assist the elderly voters.”<sup>130</sup> The County outreach workers coordinate with tribes to find translators for Havasupai, Hopi, and the Navajo Nation.<sup>131</sup> The County trains all poll workers to be aware of Native American languages that are subject to translation requirements within the County.<sup>132</sup> The County translates general election information, voting instructions, and the general election ballot.<sup>133</sup> These translations are provided through bilingual poll workers, translators at polling locations, and as oral audio recordings.<sup>134</sup> Ballots were prepared and translated prior to October 12, 2016 for early voting in the general election.<sup>135</sup>

### Hopi Language Assistance

County outreach workers met on a regular basis with the Hopi Election Commission and with Karen Shupla, the Hopi Elections Office’s Tribal Registrar.<sup>136</sup> Ms. Shupla attends the County poll worker training sessions.<sup>137</sup> The County utilized radio broadcasts as one strategy to disseminate information to voters, although the broadcast signal does not reach all parts of the Hopi Reservation.<sup>138</sup> Coconino County workers also attended tribal meetings and conducted voter registration drives.<sup>139</sup> During registration drives, the County distributed translated material such as ballot information, various voting dates and deadlines, and other informational materials.<sup>140</sup>

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<sup>125</sup> Coconino Cty. Survey Response.

<sup>126</sup> *Id.*

<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> Telephone Interview with Karen Shupla, Tribal Registrar, Elections Off., Hopi Tribe (Oct. 17, 2016).

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

The County provided translators at its polling place(s) on the Hopi Reservation.<sup>141</sup> It also gave CD-ROMs containing the ballot translation in the Hopi language to the Moenkopi polling location and Tribal Offices.<sup>142</sup> Finally, the Native American outreach employees worked with the Tribe to identify bilingual poll workers.<sup>143</sup>

The geographical locations and separated villages presented a challenge, as they required translations distinct to each village's dialect.<sup>144</sup> Some Hopi villages refuse to vote in tribal and non-tribal elections because they choose not to recognize a Western-style democracy.<sup>145</sup>

### Navajo Language Assistance

The NNEA has established a productive partnership with Coconino County and met monthly prior to the 2016 election cycle to discuss election issues.<sup>146</sup> Coconino County provided a satellite office in Tuba City to assist voter access to elections during election season.<sup>147</sup> The County also attends tribal chapter meetings, flea markets, other events, and also provides voting information on local tribal radio stations.<sup>148</sup>

The County said it ensured that Native American Outreach employees vetted translators before assigning them to polling places on the Navajo Reservation.<sup>149</sup> It also gave the Chapter Houses and Tribal Offices CD-ROMs with Navajo ballot translations.<sup>150</sup>

Coconino County's Native American Outreach employees are bilingual English-Navajo speakers.<sup>151</sup> Coconino County employees conduct outreach and community education.<sup>152</sup>

### Yuma Language Assistance

Coconino County does not provide any written translations in Yuma.<sup>153</sup> Yuma is a language group that includes Pai languages such as Hualapai and Havasupai.<sup>154</sup> The County reported difficulty locating an appropriate individual or entity to work with for Yuma language translation.<sup>155</sup>

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<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> *Id.* (It is not clear whether the entire Village or individuals from a Hopi Village abstain from voting).

<sup>146</sup> Telephone Interview with Kimmeth Yazzie.

<sup>147</sup> Telephone Interview with Donna Casner, Chief Deputy Recorder, Coconino Cty. Elections (Jan. 20, 2017) [hereinafter Telephone Interview with Donna Casner].

<sup>148</sup> *Id.*

<sup>149</sup> Coconino Cty. Response.

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> Telephone Interview with Kimmeth Yazzie.

<sup>153</sup> Coconino Cty. Survey Response.

<sup>154</sup> LYLE CAMPBELL, AMERICAN INDIAN LANGUAGES: THE HISTORICAL LINGUISTICS OF NATIVE AMERICA 127 (2000 copy. 1997).

<sup>155</sup> Telephone Interview with Donna Casner.

The County did not report any language assistance for the Hualapai Reservation, but it is not required to provide language assistance because there are no residents on the Hualapai portion of the Reservation in Coconino County.<sup>156</sup>

The language services Coconino County provided to the Havasupai Reservation is complex. The County outreach included posting election information on posters at Navajo Chapter Houses, Tribal offices, and around the Havasupai Village.<sup>157</sup> The County reported that the Havasupai Tribe declined language assistance but agreed to help the County to recruit residents of Havasupai Village as poll workers who could “assist the elderly voters.”<sup>158</sup> The two County outreach workers and the Havasupai Tribe worked together to find bilingual poll workers.<sup>159</sup> It is unclear if the bilingual poll workers created a translation of the ballot or election material prior to the election.

Coconino County provided significant language assistance for voters on the Hopi and Navajo Reservations. The evidence suggests that the County provides substantive language assistance to voters on both the Navajo and Hopi Reservations, and provides limited assistance to voters on the Havasupai Reservation based on the input from the Tribe.

### [Gila County](#)

Gila County has three (3) federally recognized Indian tribes within its borders: the White Mountain Apache Tribe, the Tonto Apache Tribe, and the San Carlos Apache Tribe. In the 2016 election cycle, Section 203 did not require Gila County to provide any tribes within the County.

Prior to 2011, however, Section 203 determinations required Gila County to provide language assistance to Apache speakers on the San Carlos Apache Reservation. In 2011, San Carlos Apache lost coverage under Section 203. Despite the lack of required language coverage, the County has continued to employ an outreach worker and provide some language assistance in the Apache language.

### [Apache Language Assistance](#)

The County provides verbal language assistance and some translated signage.<sup>160</sup> The County employs an outreach worker that closely aided both the White Mountain Apache and San Carlos Apache Reservations.<sup>161</sup> The current outreach worker is a member of the San Carlos Apache Tribe.<sup>162</sup> The outreach worker posts voting information within Apache communities in Gila County, conducts events to reach young voters, and attends elder luncheons and candidate rallies.<sup>163</sup> The outreach worker also assisted the County in preparing an Apache glossary for translators.<sup>164</sup> Finally, the outreach worker informed Apache speakers of the election and voting

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<sup>156</sup> Coconino Cty. Survey Response.

<sup>157</sup> *Id.*

<sup>158</sup> *Id.*

<sup>159</sup> *Id.*

<sup>160</sup> Gila Cty. Response to General Election Survey (2016).

<sup>161</sup> Telephone Interview with Marlo Cassador, Elections Dep’t, Gila Cty. (Oct. 3, 2016).

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

process in the Apache language in hopes of recruiting Apache speakers as poll workers for Election Day.<sup>165</sup>

Gila County assigned translators approved by the Voter Outreach Coordinator and bilingual poll workers at the polling places in Carrizo, Canyon Day, and San Carlos.<sup>166</sup> They are able to translate the voter registration information, voter identification information, general election information, early voting information, voting instructions, and the general election ballot.<sup>167</sup> The County translated the ballots prior to October 12, 2016 for early voting in the general election.<sup>168</sup> The County reported that it did not contact Tribes regarding language assistance, nor was it contacted by any Tribes in the County regarding language assistance.<sup>169</sup>

### Graham County

Graham County has two (2) federally recognized Indian tribes within its borders: the San Carlos Apache Tribe and the White Mountain Apache Tribe. Graham County is not subject to Section 203 for any Native American language.

Prior to 2011, the Director of the Census determined that Section 203 required Graham County to provide language assistance to Apache speakers. However, San Carlos Apache lost coverage after 2011. Despite this change, the County has continued to provide some language assistance in the Apache language.

### Apache Language Assistance

The County conducted outreach to the San Carlos Apache Tribe and coordinated events with the Tribe to recruit translators for Election Day.<sup>170</sup> While the County has no special protocol for providing translators, outreach and community participation ensures poll workers on the San Carlos Apache Reservation are Apache speakers. The County stated that because the Apache language is an oral language, there was no need for written translations.<sup>171</sup> The County did not prepare nor translate any ballots for early voting in the general elections because Section 203 did not apply.<sup>172</sup> The County did not reach out to Tribes to offer language assistance, nor did it receive any requests from Tribes regarding language assistance.<sup>173</sup> The County has only implemented informal strategies, but does not provide formal translators.<sup>174</sup> However, the County reported that poll workers are bilingual and able to assist with translations when needed.<sup>175</sup>

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<sup>165</sup> *Id.*

<sup>166</sup> Gila Cty. Survey Response.

<sup>167</sup> *Id.*

<sup>168</sup> *Id.*

<sup>169</sup> *Id.*

<sup>170</sup> Telephone Interview with Graham Cty. Elections (Oct. 2, 2016).

<sup>171</sup> *Id.*

<sup>172</sup> Graham Cty. Response to General Election Survey (2016).

<sup>173</sup> *Id.*

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*



## Greenlee County

Greenlee County has no federally recognized Indian tribe within its borders. In Greenlee County, Section 203 language assistance does not cover any indigenous languages. Therefore, the County does not provide language assistance in any Native American languages.<sup>176</sup>

## La Paz County

La Paz County has one federally recognized Indian tribe within its borders: the Colorado River Indian Tribe. In La Paz County, the Section 203 language assistance requirement does not cover the Colorado River Indian Tribe. La Paz County did not respond to the General Election Survey, and to the Clinic's knowledge, the County does not translate or provide any assistance in any Native American language.

## Maricopa County

Maricopa County has four (4) federally recognized Indian tribes within its borders: the Fort McDowell Yavapai Nation, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, and the Tohono O'odham Nation. The Tohono O'odham Reservation triggered Section 203 coverage, although there are three (3) O'odham Tribes in Maricopa County.

### Tohono O'Odham Language Assistance

Maricopa County only provided oral translations of the voting instructions and the ballot in the O'odham language, the Kaka Village Community Center in the Hickiwan precinct was the only location that received the material.<sup>177</sup> The Tohono O'odham Nation is the only tribe that the County proactively assisted per the Nation's request.<sup>178</sup> The County noted the translation process required an elaborate and informational restructuring of the English version due to the cultural and linguistic differences.<sup>179</sup> Thus, the translation process is necessarily complex to ensure the Tohono O'odham voters have all voting information and receive adequate information.<sup>180</sup>

The Maricopa County recorder's website provides a glossary of voting terms in the O'odham language.<sup>181</sup> According to the Maricopa County Department of Elections, it only translated the ballot and voting instructions in oral form because the O'odham language is traditionally an oral language, and it was not feasible to translate all of the election information that Section 203

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<sup>176</sup> Greenlee Cty. Response to General Election Survey (2016).

<sup>177</sup> Maricopa Cty. Survey Response.

<sup>178</sup> *Id.*, question 11 at 2.

<sup>179</sup> Telephone Interview with Karen Osborne, Dir. of Elections, Maricopa Cty. (Sept. 23, 2016) [hereinafter Telephone Interview with Karen Osborne].

<sup>180</sup> *Id.*

<sup>181</sup> *Maricopa County Elections Department Tohono O'Odham Election Terminology Glossary*, MARICOPA CTY. RECORDER'S OFF., <https://recorder.maricopa.gov/pdf/TohonoGlossary2010.pdf> (last visited Feb. 19, 2018) (created in collaboration between Maricopa County and the Tohono O'Odham Nation).

mandates.<sup>182</sup> The County did prepare and translate ballots prior to October 12, 2016, for early voting in the general election.<sup>183</sup>

Mary Fontes, Federal Compliance Officer for Maricopa County, provided information regarding the extent to which Maricopa complies with Section 203 for Native American languages.<sup>184</sup> Maricopa County provided on-site translators at the Gila Bend polling site just north of the Tohono O’odham Reservation in an effort to better provide assistance to Tohono O’odham speakers on Election Day.<sup>185</sup> The County also provided translators at the Kaka Village Community Center in the Hickiwan precinct.<sup>186</sup> In the past, the O’odham translators were provided at Ft. McDowell Yavapai Nation, Gila River Indian Community, and Salt River Pima-Maricopa Indian Community.<sup>187</sup> The County also provided the option to call a translator, employed bilingual board workers, and utilized O’odham language “trouble shooters.”<sup>188</sup> Ms. Fontes also said Linda Weeden, Deputy Elections Director of Maricopa County, reached out to areas known to request language assistance.<sup>189</sup> The County indicated that only the Tohono O’odham Nation responded.<sup>190</sup> The County have discontinued its efforts to identify locations on other reservations that previously expressed a need for bilingual translators.<sup>191</sup> The Recorder’s Office selects translators based on their proficiency, and often Tribal Government officials make recommendations.<sup>192</sup> The County also recruits individuals who participate in the Tohono O’odham Studies Program at the Tohono O’odham Community College.<sup>193</sup>

Maricopa County actively attempts to comply with the requirements of Section 203, because the County provided language assistance in the O’odham language for the reservation that triggered coverage. The County determined the O’odham language to be a traditionally unwritten language, so it provided primarily oral assistance via a translation of the ballot via CD-ROMs., a compilation of publically available glossary of terms, as well as hiring translators and other staff who could provide personalized assistance to voters on Election Day. The County did not provide a written translation of the following; registration information, voter ID information, early voter information, general election information, voting instructions, the early vote ballot, the general election ballot, nor the election department website.

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<sup>182</sup> Telephone Interview with Karen Osborne.

<sup>183</sup> Maricopa Cty. Survey Response; *see also* Telephone Interview with Karen Osborne (stating she believed that the CD of the ballot translation was available for early voting).

<sup>184</sup> Telephone Interview with Mary Fontes, Fed. Compliance Officer (Sept. 26, 2016) [hereinafter Telephone Interview with Mary Fontes].

<sup>185</sup> *Id.*

<sup>186</sup> Maricopa Cty. Survey Response.

<sup>187</sup> Telephone with Mary Fontes.

<sup>188</sup> *Id.*

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

<sup>191</sup> Telephone Interview with Mary Fontes, *supra* note 212.

<sup>192</sup> *Id.*

<sup>193</sup> *Id.*

## Mohave County

Mohave County has three (3) federally recognized Indian tribes located within its borders: the Fort Mojave Indian Tribe, the Hualapai Tribe, and the Kaibab Band of Paiute Indians. The Hualapai Reservation triggered Section 203 coverage for the Yuma language. Mohave County did not provide language assistance during the 2016 Election.

### Yuma Language Assistance

Mohave County received a letter from the United States Department of Justice notifying the County of its legal obligations under Section 203. The County reached out to all three (3) tribes within its jurisdiction between 2012 and 2014.<sup>194</sup> The County reported that no tribes received assistance, as too few speakers of the language remained to begin the translation process.<sup>195</sup> Allen Tempert, Elections Director said that Yuma was a “dying language.”<sup>196</sup> The County also stated that the Census determination of covered languages is too vague in describing which language group actually requires assistance.<sup>197</sup> Thus, the County concluded that language assistance was unnecessary.<sup>198</sup>

Mohave County failed to provide any language assistance in the Yuma language for the Hualapai Reservation, which triggered Section 203 coverage.

## Navajo County

Navajo County has three (3) federally recognized Indian tribes within its borders: the Hopi Tribe, the Navajo Nation, and the White Mountain Apache Tribe. In Navajo County, Section 203 language assistance covers the Hopi and Navajo languages. The Hopi Reservation and the Navajo Reservation triggered Section 203 coverage.

### Hopi Language Assistance

Initially, an official from the Navajo County Elections Department refused to answer questions regarding language assistance and Section 203 compliance.<sup>199</sup> Subsequently, the County confirmed that it provides language assistance to Hopi language speakers.<sup>200</sup> Navajo County reported that it provides written translations, bilingual poll workers, recorded oral translations and translators at polling locations.<sup>201</sup> It also provides translations for voter registration information, voter ID information, general election information, information on early voting, voting

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<sup>194</sup> Mohave Cty. Response, *supra* note 105; Telephone Interview with Allen Tempert (reporting that the County sent a letter to the Hualapai Tribe and did not receive a response).

<sup>195</sup> *Id.*

<sup>196</sup> *Id.*

<sup>197</sup> *Id.*

<sup>198</sup> Mohave Cty. Survey Response; *see also* Telephone Interview with Allen Tempert (Mohave County noted that the Hualapai, Kaibab Paiute, and Fort Mohave Indians answered similarly in that it was not necessary to provide language assistance translators at the polling locations, and the County felt confident the Tribal members are fluent in English).

<sup>199</sup> Telephone Interview with Blain, Election Dep’t, Navajo Cty. (Sept. 16, 2016).

<sup>200</sup> Navajo Cty. Survey Response.

<sup>201</sup> *Id.*

instructions, the early voting ballot, and the general election ballot.<sup>202</sup> The County prepared and translated ballots prior to October 12, 2016 for early voting in the general election.<sup>203</sup>

### Navajo Language Assistance

Navajo County provides language assistance to Navajo language speakers.<sup>204</sup> Navajo County reported that it provides written translations, bilingual poll workers, recorded oral translations and translators at polling locations.<sup>205</sup> As noted earlier, NNEA collaborates with counties to develop a variety of tools for poll workers to assist Navajo speaking voters.<sup>206</sup> The County provides translations for voter registration information, voter registration information, voter ID information, general election information, information on early voting, voting information, voting instructions, the early voting ballot, and the general election ballot.<sup>207</sup> The County also reported that it has “Express Vote Machines” with English, Spanish, and Navajo language options.<sup>208</sup>

### Pima County

Pima County has two (2) federally recognized Indian tribes within its borders: the Pascua Yaqui Tribe and the Tohono O’Odham Nation. In Pima County, Section 203 language assistance covers the Tohono O’odham and Yaqui languages. The Tohono O’Odham Reservation and Pascua Yaqui Reservation triggered Section 203 coverage. While Pima County provided language assistance to the Tohono O’odham, it determined that Pascua Yaqui did not require language assistance under Section 203.

### Tohono O’odham Language Assistance

Pima County maintains a longtime relationship with a Tohono O’odham translator to record oral translations of the ballot onto CD-ROMs.<sup>209</sup> The Tohono O’odham Nation approved pre-election recordings produced by the County, and the County asked for the Nation’s recommendations for other translators.<sup>210</sup> The County provided copies to all polling locations on the Tohono O’odham Reservation.<sup>211</sup> Pima County also sought bilingual poll workers from the Tohono O’odham community, but it does not translate the O’odham language into written form.<sup>212</sup> The County translates voter identification information, general election information, voting instructions, and the general election ballot.<sup>213</sup> The ballot is only available via a recorded oral translation but was

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<sup>202</sup> *Id.*

<sup>203</sup> *Id.*

<sup>204</sup> *Id.*

<sup>205</sup> *Id.*

<sup>206</sup> *See generally* Telephone Interview with Kimmeth Yazzie; Navajo Cty. Survey Response.

<sup>207</sup> Navajo Cty. Survey Response.

<sup>208</sup> *Id.*

<sup>209</sup> Pima Cty. Response, *supra* note 104; Telephone Interview with Sarah, Permanent Staff Member, Pima Cty. Elections Dep’t (Sept. 19, 2016).

<sup>210</sup> *See* Pima Cty. Survey Response.

<sup>211</sup> Telephone Interview with Sarah.

<sup>212</sup> Pima Cty. Survey Response.

<sup>213</sup> *Id.*

not prepared and translated prior to October 12, 2016 for early voting in the general election.<sup>214</sup> Pima County posts Tohono O’odham tribal members at polling sites on the Tohono O’odham Reservation.<sup>215</sup> If the poll worker cannot adequately assist with a voter’s translation needs, the poll worker is instructed to call the Elections Office and personnel attempt to link the call with a person that can assist.<sup>216</sup>

### Yaqui Language Assistance

The County reported that it only provided translations in the O’odham language.<sup>217</sup> The election department said the County reached out to the Yaqui speaking community and determined that a substantial portion of the Pascua Yaqui Tribe speak Spanish or English.<sup>218</sup> The County did not specify with whom they spoke or how they determined what language Pascua Yaqui tribal members speak.<sup>219</sup>

Pima County’s position that the Pasqua Yaqui Reservation does not require language assistance is likely insufficient, because according to census determinations there are enough Yaqui speakers to warrant language assistance.

### Pinal County

Pinal County has four (4) federally recognized Indian tribes within its borders: the Ak-Chin Indian Community, the Gila River Indian Community, the San Carlos Apache Tribe, and the Tohono O’Odham Nation. In Pinal County, Section 203 language assistance covers the Tohono O’odham language. The Tohono O’odham Reservation triggered Section 203 coverage.

### Tohono O’Odham Language Assistance

There is only one precinct located on the Tohono O’odham Reservation in Pinal County. During the 2016 election cycle, the Chuichu polling site, located on the northern part of the Tohono O’odham Reservation, had bilingual poll workers assisting voters on Election Day.<sup>220</sup> Pinal County hired individuals from the Gila River Indian Community and Tohono O’odham community to work as bilingual poll workers at five additional locations.<sup>221</sup> Bilingual poll workers translate General Election Information and the General Election Ballot.<sup>222</sup> The County hired bilingual translators prior to October 12, 2016 for early voting in the general election.<sup>223</sup> The County Elections Director said the United States Department of Justice has not issued notices of

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<sup>214</sup> *Id.*

<sup>215</sup> Telephone Interview with Sarah.

<sup>216</sup> *See* Pima Cty. Survey Response.

<sup>217</sup> *Id.*

<sup>218</sup> *Id.*; Telephone Interview with Sarah.

<sup>219</sup> *Id.*

<sup>220</sup> Telephone Interview with Michelle Forney, Elections Director, Pinal County (Sept. 26, 2016).

<sup>221</sup> Pinal Cty. Survey Response.

<sup>222</sup> *Id.*

<sup>223</sup> *Id.*

noncompliance in recent years and the Elections Department keeps an open door policy allowing the Tohono O’odham Nation to bring forward any concerns.<sup>224</sup>

According to the County, the Nation did not request any language assistance from the County.<sup>225</sup> The Pinal County Elections Director said the department is open to listening to tribes on any voting issues.<sup>226</sup> However, the County also reported that they did not reach out to Tribes to see whether they required assistance.<sup>227</sup>

Pinal County provided some language assistance on the reservation that triggered coverage. The County staffed the six polling locations on both the Tohono O’odham Reservation and Gila River Indian Community Reservation with bilingual poll workers who were available to translate ballots. However, the County did not provide a standardized translation of the ballot in either oral or written form. They also did not offer language assistance for early voting. Thus, the County took some steps to address the language needs of voters on the triggering reservation, Tohono O’odham, and provided additional assistance on the Gila River Indian Reservation, but not all election information was translated into the O’odham language.

### Santa Cruz County

In Santa Cruz County, Section 203 language assistance does not cover any indigenous languages. There are no federally recognized tribes within the boundaries of Santa Cruz County.

### Yavapai County

In Yavapai County, Section 203 language assistance covers the Yuma language. Yavapai County has three (3) federally recognized Indian tribes within its borders: the Hualapai Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe. The Hualapai Reservation triggered Section 203 coverage simply because a portion of the reservation is within Yavapai County. It is unclear whether any Hualapai voters live on the portion of the reservation that is within the County. According to the US Census, most of the 1,353 tribal members residing on the reservation are concentrated in Peach Springs Arizona.<sup>228</sup> The other large portion of tribal members live off the reservation.<sup>229</sup> Yavapai County made no effort to comply with the requirements of Section 203 during the 2016 Election; however, there is strong likelihood that it had not duty to comply if there were no Hualapai language speakers living on the Reservation.<sup>230</sup>

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<sup>224</sup> *Id.*

<sup>225</sup> *Id.*

<sup>226</sup> *Id.*; Telephone Interview with Michelle Forney.

<sup>227</sup> Pinal Cty. Survey Response.

<sup>228</sup> HUALAPAI TRIBE, <http://hualapai-nsn.gov/about-2/> (last visited April 08, 2018).

<sup>229</sup> *Id.*

<sup>230</sup> *See generally* Yavapai Cty. Response, *supra* note 105.

### Yuma Language Assistance

The County did not provide assistance in any form in the Yuma language.<sup>231</sup> The Hualapai reservation triggered Section 203 coverage, but the County explained that all non-English speaking groups have integrated.<sup>232</sup> Yavapai County made no effort to comply with Section 203.

### Yuma County

Yuma County has two (2) federally recognized Indian tribes within its borders: the Quechan Indian Tribe and the Cocopah Indian Tribe. In Yuma County, Section 203 language assistance covers the Yuma language. The Cocopah Reservation triggered Section 203 coverage.

### Yuma Language Assistance

Yuma County did not provide any language assistance under Section 203. Yuma County Recorder's Office said only English and Spanish are available over the phone to any voter that calls for assistance.<sup>233</sup> Yuma County said it has had difficulty complying with Section 203 due to the current state of the Tribe's language.<sup>234</sup> County Elections Service officials stated the Cocopah language is traditionally an oral language so audio recordings provide the most efficient way to implement Cocopah language assistance.<sup>235</sup> The Elections Services Office, the County's elections department, reached out to the Cocopah Tribe, prior to the 2016 Election in an effort to record oral translations of the ballot.<sup>236</sup> According to the County, Cocopah tribal members responded by saying that the language is a dying language.<sup>237</sup> As a result, calls received by the County's election office requesting translations are referred to the Cocopah Tribe.<sup>238</sup> Elections Services did not specify who at the Tribe told the County that Cocopah is a dying language, nor did the County identify which department it contacted.<sup>239</sup>

The Cocopah Elections Committee confirmed that many tribal members do not speak the Cocopah language, but that the Tribe still provides translators at tribal elections.<sup>240</sup> The Elections Committee does not believe there is a demand for county-wide translations or that it was necessary to post Cocopah translators county-wide.<sup>241</sup> The Cocopah Reservation triggered Section 203, but the uncertainty regarding which individuals need translations have created an obstacle for Yuma County.

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<sup>231</sup> *Id.*

<sup>232</sup> Telephone Interview with Les Bowen, Elections Office Technician, Yavapai County (Fall 2016, *Confirmed and Re-interviewed* April 17, 2018).

<sup>233</sup> Telephone Interview with Ashley, Off. Assistant, Yuma Cty. Recorder's Off. (Sept. 16, 2016).

<sup>234</sup> *Id.*

<sup>235</sup> *Id.*

<sup>236</sup> Telephone Interview with Mary F. Martinez, Election Assistant, Yuma Cty. Elections Serv. (Sept. 16, 2016).

<sup>237</sup> *Id.*

<sup>238</sup> *Id.*

<sup>239</sup> *Id.*

<sup>240</sup> Telephone Interview with June Stillings, Chairwoman, Elections Committee, Cocopah Indian Tribe (Nov. 4, 2016).

<sup>241</sup> *Id.*

Yuma County did provide any language assistance to the Cocopah Tribe in 2016. However, the County did attempt translation efforts with the Tribe but discontinued because the County believed the language was either a dying language or because the County said undisclosed individuals alleged that the Tribe does not need language assistance. On the other hand, the Cocopah Indian Tribe utilizes its own translators at Tribal elections.

### Summary of 203 language assistance

In summary, some counties provided two or more language assistance interventions for Native American voters. These resources or tools were mainly at the disposal of the poll worker, and made available so language assistance may be provided to the voter. Other counties only provided one resource or at the bare minimum, the County ensured an untrained bilingual poll worker was at polling locations on reservation. Moreover, some Counties failed to provide translations in all languages covered by Section 203. Three counties failed to comply with Section 203 requirements at all, giving two reasons why no language assistance was provided. Those reasons include: 1) the Tribe has integrated/assimilated into the surrounding English-speaking community, and 2) the Tribe's language is a dying language. Thus, the three Counties determined that the Tribes no longer required language assistance despite the federal requirement.

The law only requires historically unwritten languages receive oral assistance or material. The United States Department of Justice's enforcement standards require historically unwritten language assistance and material "be provided in a way designed to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities).<sup>242</sup> The Alaska District Court reasoned that assisting speakers of historically unwritten languages may nonetheless require print translations, including "some election-related materials . . . such as sample ballots, to provide 'effective' language assistance, as required by federal regulations implementing VRA."<sup>243</sup> This case suggests that the efficacy of language assistance for voters may override the exception for historically unwritten languages.

Some Arizona Counties attempted to provide effective language assistance under Section 203. However, many Counties made minimal efforts to contact Tribes and did not attempt to comply with federal law. Arizona Tribes should review the language assistance provided to its voters to determine if effective assistance is provided to Native American language speakers in their communities.

On November 22, 2016, the Census Bureau updated the Federal Register with new Section 203 coverage determinations.<sup>244</sup> Under the new Section 203 language determinations, only two Native American languages must be translated: Apache and Navajo.<sup>245</sup> The table below provides the updated 2016 Section 203 covered languages and the reservations that triggered Section 203.

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<sup>242</sup> 28 C.F.R. § 55.2(b)(1) (2018).

<sup>243</sup> Court Order, Nick, et al. v. Bethel, et al., (Case No. 3:07-cv-0098) TMB at 4-5 (D. Alaska 2008)



<b>December 5, 2016 Section 203 Determinations</b>		
<b>County</b>	<b>Language</b>	<b>Reservation Trigger</b>
<b>Apache</b>	Navajo	Navajo Nation
<b>Coconino</b>	Navajo	Navajo Nation
<b>Gila</b>	Apache	San Carlos Reservation
<b>Graham</b>	Apache	San Carlos Reservation
<b>Navajo</b>	Navajo	Navajo Nation
<b>Pinal</b>	Apache	San Carlos Reservation

## CONCLUSIONS AND RECOMENDATIONS

- Tribes who lost Section 203 coverage should work directly with their Counties to address any language translation issues or requests.
- Tribes should request language assistance if it is needed even if Section 203 of the Voting Rights Act does not require language assistance.
- Tribes should assess whether language assistance provided by the Counties is effective.
- Tribes should recommend early voting locations to Counties instead of relying on the County to decide the locations.
- Tribes should consider providing transportation to the polls on Election Day, in order to address the difficulties voters face in traveling to voting locations.
- Tribes should encourage Tribal members to serve as poll workers at polling locations on the reservation during the election. Tribal members working at the polls with proper poll worker education will be beneficial to the Tribe.
- Each Tribe should appoint at least one attorney from its legal department for the Arizona Native Vote – Election Protection Project .
- Tribes may wish to consider conducting Tribal elections the same day as state and federal elections to improve voter turnout.
- Counties should institute super precincts on all on-reservation polling sites in order to address the issue of voters travelling to incorrect polling locations and to eliminate the rejection of out-of-precinct ballots.
- Tribes should work with the County to gather precinct data and locations so adequate notice is provided to Tribal members about their voting day locations.
- Arizona should allow same-day registration to alleviate rejection of provisional ballots filed by unregistered voters.
- Arizona should allow non-partisan observers in the polls.
- Tribes should work with counties to ensure that Counties are training poll workers on nontraditional addresses and acceptable Tribal IDs.
- Counties and advocacy groups should provide education on registering for the Presidential Preference Election to Native American voters.
- Tribes should pay attention to new laws which impact voting at the polls or closing polling locations.
- Tribes should educate lawmakers on the hurdles to voting by mail.

County	Presidential Preference Election Day Incident Reports
Maricopa	Voter called because she did not receive her early ballot in the mail and she despite being on the permanent early voter list. She went to the recorder's office and was told that she was not eligible to receive a ballot.
Maricopa	Voter wanted to know if voting by early ballot if she had to wait in line.
Maricopa	Caller from Maricopa County has voter card reading "party not designated." The hotline volunteer informed the caller that you have to have a party designation in order to participate in the Presidential Preference.
Maricopa	Voter said she was turned away at the polling location because her voter registration stated "no party designation." Hotline volunteer informed caller that for the Presidential Preference she has to be a part of a party to participate.
Maricopa	Voter called to verify whether her elderly parents are registered to vote and to confirm their assigned polling location. Parents are visiting in Phoenix, but reside in Navajo County.
Maricopa	Voter called Native Vote Hotline to look up and see if he was registered.
Maricopa	Caller wanted to know about the status of her registration and the closest polling location.
Maricopa	Voter called to inquire about whether his registration was active.
Maricopa	Voter called Native Vote hotline to look up and see if he was registered.
Maricopa	Caller was seeking confirmation of whether they are registered to vote with a party.
Maricopa	Voter called to check voter registration and polling location.
Maricopa	Voter called in to determine if he was still registered to vote.
Maricopa	Caller called to verify whether she was registered to vote and affiliated with a party.
Maricopa	Caller called to confirm whether she was registered in AZ. She moved from NM last year and updated her driver's license this year.
Maricopa	Voter was unsure where her voting location is. She said she usually receives information in the mail, and she didn't receive any information about polling locations this time.
Maricopa / Navajo	Caller said her parents were denied voting. They used their driver's licenses where address is on Navajo Reservation.

Navajo / Apache	Voter called stating he was denied voting today in Navajo County at the Kayenta Polling location.
Pima	Caller called to check registration status in Pima County.
Pima	Voter wanted to know where her polling location was.
Pima	Voter wanted to know polling location for boyfriend.
Pima	Early voter did not use her ballot.
Pinal	Voter called because he was not on voter rolls in D4 polling location on Gila River Indian Reservation in Pinal County so the poll workers offered him a provisional ballot. He was concerned that he was offered a provisional ballot instead of a regular ballot.
Unknown	Called, said that the poll worker was denying her a ballot. She stated that she knew she had an active registration because she looked up her information online the night before. She stated that she showed the poll worker her tribal ID and they denied her a ballot. The poll worker stated that she was not on the appropriate roster and that was the reason they denied her.
Unknown	Voter wanted to know the nearest polling location to her address.
Unknown	Voter wanted to know if he could vote as a Green Party member.
Unknown	Voter called and has a disability. He votes in Maricopa County, but the lines are long, and he cannot stand longer than 15 minutes.
Unknown	Voter did not know where to go vote. She remembered registering in Ft. Apache sometime before, but moved to Phoenix and now lives in Tucson. She changed her driver's license in Maricopa County, in Phoenix, and thought she changed her voter's registration as well. However, she stated that she did not remember receiving confirmation that she changed her voter's registration and did not have a voter's registration card. She has her new driver's license.
Unknown	Voter called to make sure that only voters registered to a party could vote in the Presidential Preference.
Unknown	Voter wanted to verify that she was registered to vote in the election. She registered to vote when she obtained her identification card.

County	Primary Election Day Incident Reports
Apache	<p>Voter brought her elderly disabled parents to vote at Precinct # 74 (Steamboat Chapter House) but found there were no designated handicap parking spots and the condition of the parking lot made it difficult to get to the building to vote.</p> <p>The two disabled parents did not vote because they could not exit the vehicle and access the building safely. Voter also observed a van of elderly community members who tried to access the building but returned to their van without voting because of the difficulty of crossing the parking lot with canes and walkers.</p>
Apache	Voter inquired about transportation to polls. Apache County does provide transportation to polls and voter was given this information.
Apache	Voter arrived at the polling location at 6 A.M. and was unable to vote because of technical issues. Two other voters were present and left without voting. There were no paper ballots available. Voter was unable to return to the polls and ultimately did not cast a ballot.
Apache	Voter was incorrectly given a Republican ballot and when she asked the poll worker for a Democratic ballot she was denied one.
Apache	Voter said poll workers were not asking for any form of identification before issuing ballots.
Apache	Voter said an interpreter working the polls had difficulties using the polling tablets, which caused delays. Volunteers said the training they received the week prior was insufficient and attempted to figure out how to work the tablets. Voters were delayed while they waited for volunteers to fix tablet issues.
Apache	Voter arrived to the polls at 6 A.M. and found that no poll workers were available.
Maricopa	Voter inquired about her polling location. Unknown if location information was found for voter.
Mohave	Voter inquired about her polling location. Location was found via the Secretary of State's website.
Pinal	Voter inquired about transportation to polls.

County	Polling Location	General Election Day Incident Reports
<b>Apache</b>		
Apache	St. Michael's Chapter House	Hotline provided correct polling location for a voter.
Apache	Ganado	Voter cast an early ballot via mail and received mail on Friday stating there was a problem with her ballot. She thought it was saying that she did not vote for the ballot propositions. The SOS website identified that her ballot was returned to the county. Hotline volunteer told her that if she wanted to be sure, she could always vote a provisional ballot at her polling location.
Apache	Klagatoh	Machines malfunctioning. Poll workers tried calling Apache County and could not get in touch with anyone. Hotline called an on-call attorney to check on the situation.
Apache	Unknown	Voter asked a field volunteer on the Tohono O'odham Nation in Pima County to know if she could submit her early voting ballot in Pima County when she is registered in Apache County. The field volunteer called the hotline. A hotline volunteer informed the voter that her vote would only count if her early vote was dropped off in Apache County.
<b>Coconino</b>		
Coconino	Coalmine	Voter residing in Mesa, Arizona called to verify her registration. Hotline volunteer verified that she was registered at the Coalmine Precinct. Volunteer advised her that her only option to vote was to go to her registered precinct.
Coconino	Unknown	Voter called to ask whether she could vote in Phoenix, even though she was registered in Tuba City, Arizona. Hotline volunteer attempted to verify registration, but the voter declined to provide further information.
<b>Gila</b>		
Gila	San Carlos	A candidate had two minors handing out bottled water and flyers with the school board candidate's name on it. Volunteer reported the activity to a poll worker. Poll worker stopped the activity.
Gila	San Carlos	The polls closed three minutes early. It was reported that the polls opened three minutes early. Eight voters arrived at the same time the Marshall called the time. He cut them off in line saying that, according to his clock, they were late. The voters pulled out their cell phone showing a couple minutes left. All voters remained in line behind the Marshall anyway. The Marshall did end up allowing each voter a chance to vote. The polls closed at 6:57 P.M. and last voter in line left at 8:03 P.M.

Gila	San Carlos	Voter left due to long lines. The line was at the 75-foot line.
Gila	San Carlos	Voter brought in his early ballot, but the ballot machine was not working. Voter stayed until the machine could be rebooted.
Gila	San Carlos	Voter complained that only last names of each candidate were on the ballot.
Gila	San Carlos	Voter tried to vote out of precinct at Peridot precinct in Graham County even though he knew his correct location, because he did not want to drive to his polling precinct.
Gila	San Carlos	Voter was denied a ballot. The voter had a registration confirmation number through servicearizona.com. A hotline volunteer could not find her in either the V.A.N. or the Secretary of State website. The volunteer advised she request a provisional ballot.
Gila	San Carlos	Voter in Peridot was told she was not registered and was not offered a provisional ballot. Hotline checked her registration and she was registered in San Carlos. The database showed that she had been dropped from the rolls. Voter had her tribal I.D. Volunteer told her to vote a provisional ballot in San Carlos. However, voter declined to do so because she did not have transportation.
<b>Graham</b>		
Graham	Bylas	Field volunteer reported that several voters were denied ballots for lack of I.D. Voters were told that they needed a voter registration card. The on-call attorney for the San Carlos Apache reservation was notified. He was asked to call the county elections office.
Graham	Bylas	Voter tried to vote but was told that she had already voted by early ballot. Voter said she never votes early. She said there is another person with her name who lives out of town and that maybe the county mixed them up.
Graham	Bylas	Voter went to wrong polling location.
Graham	Peridot	Voter tried to vote at a precinct located at San Carlos Housing Authority but was sent to Peridot. Peridot said she was not registered there either. The voter called hotline. The Arizona Secretary of State website showed her active at San Carlos.

Graham	Peridot	Voter went to San Carlos and was told he could not vote and was told to go to Peridot. Peridot also told him he was not registered there. He called the hotline. The Arizona Secretary of State did not show him as registered. The V.A.N. showed him as dropped. He was advised to ask the precinct to look on the inactive list. If he was not on the inactive list, he was told to ask for a provisional ballot. When he went back in, he was told he could not vote and the worker told him he could not get a provisional ballot. The volunteer offered to go in with him to get a provisional ballot, but the voter wanted to move on. He did not vote.
Graham	Peridot	Voter could not be found in the database. Volunteer advised him to vote a provisional ballot.
Graham	Peridot	There was no sign at the old Peridot precinct location directing voters to the new location in Peridot. Many voters complained of going to the wrong address.
Graham	Peridot	Voter faced problem with registration.
Graham	Peridot	Hotline volunteer confirmed a voter's registration.
Graham	Unknown	Voter needed to know their polling location. Volunteer successfully assisted.
Graham	Unknown	Voter located in Scottsdale was registered in Graham County and wanted to know if he could vote provisionally in Maricopa County.
<b>Maricopa</b>		
Maricopa	Echo	Voter called to check his registration and V.A.N. showed that he was "dropped" from the rolls. He was advised that he should vote a provisional ballot.
Maricopa	Guadalupe	Voter had moved and her address did not match her Tribal I.D. Poll worker was helpful and informed her about proper I.D.
Maricopa	Guadalupe	Polling Precinct signs were not visible from the street. Poll watcher moved signs near street at mid-morning.
Maricopa	Guadalupe	U.S. Border Patrol Vans were spotted in the parking lot. They stayed for approximately five (5) minutes.
Maricopa	Guadalupe	Two voters in need of assistance complained of another voter taking pictures of them. The voter taking pictures was removed from the premises.
Maricopa	Guadalupe	Field volunteers assisted six (6) voters with registration verification. Only four (4) were registered.
Maricopa	Guadalupe	Field volunteers assisted two (2) voters in verifying that the state received their ballot. Both were counted.



Maricopa	Guadalupe	Field volunteers assisted four (4) voters verify their precinct location. Three (3) voters were at their correct precinct, one (1) was not.
Maricopa	Guadalupe	Field volunteers assisted three (3) voters with inquiries about dropping off multiple ballots for family members.
Maricopa	Guadalupe	Field volunteers assisted five (5) voters with general ballot inquiries.
Maricopa	Guadalupe	Hotline volunteer looked up voter's name but could not find his full name. It appeared that he was not registered to vote.
Maricopa	Honda	Voter called to find out his polling place. Hotline volunteer verified where he was assigned and provided him with the precinct information.
Maricopa	Honda	Voter wanted to know if she was registered. V.A.N. indicated that she was on the inactive list. She had moved to a new address and her ID indicated her updated address. She was advised by hotline to go to the new polling location and vote a provisional ballot.
Maricopa	Honda	Voter had recently moved to the precinct. Voter was listed as dropped and was not listed at Honda. Volunteer advised voter to vote at old precinct and show tribal I.D.
Maricopa	Honda	Voter called the hotline to check if he was registered. Hotline volunteer confirmed his that he was on the inactive list. Volunteer advised him that voting would put him back on the active list and that he should be able to vote a regular ballot.
Maricopa	Honda	Voter tried to drop off his ballot but the poll worker would not allow him to put his ballot in the box. The Voter was registered in Navajo County (Whiteriver). He reported that the rude poll workers were "old white people who acted like they did not want to be there."
Maricopa	Honda	Voter was told that her address did not match and was given a regular provisional ballot, which she voted. Her I.D. had a P.O. Box and rolls had physical address. Rolls should have both P.O. and physical address. We confirmed that her voter record address did match her I.D. and told her that she should go back inside and ask them to disregard the provisional ballot and give her a regular one.

Maricopa	Honda	Voter wanted to know his registration status and his voting location. The V.A.N. indicated that he was “unregistered”. On the Secretary of State’s website, he is listed as a mismatch. The hotline volunteer gave the voter the Secretary of State’s phone number.
Maricopa	Honda	Voter called the hotline to confirm whether he could early vote and whether Salt River had an early voting location. Hotline volunteer successfully assisted him.
Maricopa	Honda	Field volunteer called the hotline to verify voter’s precinct location. The voter was told that Honda was the incorrect polling location and gave her an address near Paiute Park. The Hotline located her polling location per her I.D. address, which was at Tonalea School.
Maricopa	Honda	Field volunteer called the hotline to inquire about campaigning sign rules. Hotline volunteer told him that electioneering signs are not allowed within the 75-foot line.
Maricopa	Honda	Voter called the hotline and asked if he was registered to vote. Hotline volunteer looked up voter and told him he was registered to vote at Honda. Volunteer reminded voter of I.D. requirement and poll closing time.
Maricopa	Komatke	Voter received voting information with an incorrect spelling of her last name. She called the registrar to correct the spelling. The second mailing also contained the incorrect spelling. She called again and received a third voter I.D. card with the correct spelling. The voter I.D. card indicated she was at the right precinct. Poll workers told her that her name is not on the list. She tried all spellings, but was given a provisional ballot. She mentioned that she received early ballots to the first two incorrect spellings of her name, but she did not fill them out.
Maricopa	Komatke	Field volunteer reported a voter received voting information with an incorrect spelling. Called the hotline, but could not find her on the V.A.N. at all.
Maricopa	Komatke	Field volunteer and hotline volunteer checked and verified voter’s registration and polling location.
Maricopa	Komatke	Tribal police officer was parked in the parking lot of the polling place for about an hour. Poll workers were complaining.
Maricopa	Komatke	Voters who lived and had always voted in District 6 were told that their polling precinct was District 7. Voters were very

		<p>upset. Gila River had addressed this issue with the county after the previous election. However, the polling locations still had not been adjusted. Voters were leaving District 6 without voting and some were not going to District 7 to vote.</p>
Maricopa	Komatke	<p>Voter was given a provisional ballot because her ID address did not match her voting address. Field volunteer and hotline volunteer worked with voter to determine whether voter had any other I.D. with her voting address. They advised voter that her provisional ballot would count once her signature was verified. They also advised that voter should update her voting address to match her current mailing and I.D. address as soon as possible.</p>
Maricopa	Komatke	<p>Voter sought assistance from field volunteer. She was not registered on the registration roll or online. Field volunteer called the hotline. Hotline volunteer could not find anyone with her name registered in Maricopa County, although they did find two people with that name registered outside the county. Field volunteer confirmed that voter lived in Maricopa County. Voter submitted a provisional ballot.</p>
Maricopa	Komatke	<p>Voter called to verify where she was registered. Hotline volunteer verified the voter's registration location</p>

Maricopa	Komatke	Voter reported poll staff being very unhelpful and racist. The poll staff could not locate the voter on the active rolls. The voter had not voted in a few years, but was sure this was his polling location. A field volunteer escorted the voter to find out whether he was on the inactive list. The poll workers said they did not have access to the inactive list. He was listed as “dropped” in the V.A.N. Hotlines advised the voter to go back in the polls and request a provisional ballot. The voter returned to the polls accompanied by a field volunteer and received a provisional ballot after requesting it several times.
Maricopa	Lehi	It was extremely dark outside the polling entrance. Many voters were using their flashlights on their phones to find the entrance.
Maricopa	Pecos Senior Center	Field volunteer reported an hour to hour-and-a-half wait to vote, despite previous settlement agreement that stated voters would not have to wait longer than 30 minutes to vote.
Maricopa	Pecos Senior Center	Field volunteer reported that the voting machine is right next to the door close to people waiting to vote, such that people could potentially see the ballots.
Maricopa	Pee-Posh Community Service Center	Voter asked field volunteer if she could vote in Arizona if she had recently moved to Arizona from California, and did not re-register in Arizona.
Maricopa	Pee-Posh Community Service Center	Two voters did not vote because the precinct workers were unable to determine where they were registered. A field volunteer offered to assist, but the pair said the precinct worker already tried and failed. They did not want to devote any more time. They were very frustrated.

Maricopa	Pee-Posh Community Service Center	Voter asked a field volunteer if he could vote without his tribal, state, or federal I.D. The field volunteer explained that he could vote with a conditional provisional ballot, but he would need to return to a verification center with ID verification within the next week. The voter said he would not be able to do that, and left without voting.
Maricopa	Unknown	Voter called the hotline to see if he was registered to vote. Hotline volunteers found that voter had been “dropped.” Volunteers advised voter that they believed he was dropped because he had not voted within the past eight years.
Maricopa	Unknown	Voter on the permanent early voting list (P.E.V.L.) called the hotline on November 1, 2016 to report that she had not received her ballot. The Record’s site said that it was mailed on October 31, 2016. The volunteer told her that she could go to any early voting location to vote as long as she did not turn in her mailed ballot.
Maricopa	Unknown	Voter was listed as inactive even though she voted in the last election. She said her I.D. has a different address than where she is registered, but that she had other documents that will allow her to vote at her polling precinct.
Maricopa	Unknown	Voter called the hotline to ask if she could vote in Coconino County where her tribe was and where she was currently located. Voter was registered in Maricopa and had a mail-in ballot but had left it at home. Hotline volunteer advised voter that she had to vote in the county where she was registered. Volunteer explained that she could drop off her ballot at any precinct in Maricopa County or vote at the precinct where she was registered.
Maricopa	Unknown	Voter called hotline to ask where she should vote. She had moved from Glendale to Phoenix and had updated her driver’s license but not her registration. Hotline volunteer advised voter of her new polling location and advised that she should vote at new polling location and update her address.

<b>Mohave</b>		
Mohave	Unknown	Voter called to verify his registration.
<b>Navajo</b>		
Navajo	Hondah	A field volunteer called the hotline to report that he heard Hondah was turning people away and telling them that they had to vote in a different precinct. Though the voters were residents of Hondah home sites, they were not allowed to vote, and some had been dropped from the rolls. According to the inspector, it was because either there was an issue with the addresses matching and so the county dropped them from the rolls, or people registered at the DMV and the DMV was not completing registrations.
Navajo	Hondah	A field volunteer reported that a voter was registered but not on the rolls. A provisional ballot was provided to the voter.
Navajo	Hondah	Field volunteer reported polling location ran low on ballots. They got more ballots from Pinetop, but the Pinetop ballots included issues not relevant to Hondah voters.
Navajo	Kayenta	Voter was given directions to Kayenta polling place.
Navajo	Red Butte	Voter wanted to know if she could vote somewhere other than Red Butte at Navajo, where she is registered. Hotline volunteer told her that she could vote anywhere in Navajo county, but not outside the county.
Navajo	Red Butte	Hotline volunteer checked and verified early voter's ballot was received by county.
Navajo	Whiteriver	Field volunteer submitted two reports of voters complaining that poll workers did not tell them there were two sides to the ballot and they were not able to complete their ballots. Hotline volunteer advised field volunteer to speak with poll workers.
Navajo	Whiteriver	Elderly voter in a wheelchair had trouble accessing the voting center entrance because there were two steps and no ramp access. When the man exited he wheeled backwards. A bystander assisted him by picking up the back of the wheelchair and easing him to the ground.
Navajo	Whiteriver	Due to the lack of ramp access, voter with a walker required the assistance of three bystanders to enter and leave the precinct.
Navajo	Whiteriver	A field volunteer reported that a voter was denied a ballot. The voter said that his address and name did not match the rolls. The volunteer offered to help him and his wife, but he declined. He did not want to pursue getting a ballot and left without voting.
Navajo	Whiteriver	Field volunteer reported that there was only one way in and one way out of the parking lot, and there were traffic issues.

Navajo	Whiteriver	Voter called the hotline to inquire about her voting location. The hotline volunteer successfully assisted her.
Navajo	Unknown	Voter registered in Navajo County but was located in Phoenix and could not make it back to Navajo before the polls closed. He called the hotline to ask if he could vote in Phoenix.
Navajo	Unknown	Voter reported machinery malfunction in Navajo County and said that the workers were not offering “express ballots.” Voter had to wait for over an hour to cast her ballot. Native Vote referred incident to an on-call attorney for follow-up.
Navajo	Unknown	Voter wanted to check where she was registered. Hotline volunteer checked V.A.N. and informed her she was registered in Rough Rock. She reported that she now lived in Window Rock but would drive to her polling place. She said she heard of the hotline through KTNN and liked the service, but wished she had earlier notice.
Navajo	Unknown	Voter wanted to know if she could vote in Maricopa County instead of Navajo County where she is registered. Hotline volunteer let her know that she can vote at any precinct in Navajo County, but her ballot would not count if she voted in Maricopa County.
<b>Pima</b>		
Pima	Pascua Yaqui Tribal Center	Voters were given provisional ballots for being registered as an early voter. However, no one was turned away.
Pima	Pascua Yaqui Tribal Center	Two (2) voters turned away for incorrect polling location, staff directed them to the correct polling location.
Pima	Sells District Office Conference Room	Voter was wearing a gun within the 75-foot line. The voter left before he could be approached.
Pima	Sells District Office Conference Room	Field volunteers received several questions such as: <ul style="list-style-type: none"> <li>○ Is an I.D. required to drop off an early ballot? Must it be inside the yellow envelope?</li> <li>○ Can I vote here if I am registered in another county?</li> <li>○ Can I take my child inside the polling location?</li> <li>○ Can I leave blanks on my ballot?</li> <li>○ How do I change my polling place for future elections?</li> <li>○ Are you making sure “illegals” do not vote?</li> </ul>
Pima	Unknown	Voter called to ask where she could vote. Voter was registered in Pima County, but was currently located in Pinal County. The voter

		wanted to know if she could vote at Gila River Indian Community in Pinal County. Hotline volunteer told her it would not count.
<b>Pinal</b>		
Pinal	Casa Blanca	Field volunteer reported two (2) voters were not offered a provisional ballot when their names did not appear on the roll. One voter chose to return home to retrieve his early ballot. The other declined to return to the polling place to request a provisional ballot, saying she should return later. The volunteer did not see either voter return.
Pinal	Casa Blanca	Field volunteer reported voter with a felony prior did not vote. Field volunteer advised that her rights should have been automatically restored with completion of probation and encouraged her to register for the next election.
Pinal	Casa Blanca	Field volunteer reported one voter had moved into precinct and changed her address at the DMV, but the Secretary of State website did not reflect this change. The voter went to her old precinct to vote.
Pinal	Casa Blanca	Field volunteer reported one voter had not moved, but her precinct location had changed. Poll workers directed him to new precinct.
Pinal	Casa Blanca	Field volunteer reported dismantling of the polling place (removal of signs) began shortly before closing at 7 p.m., but no voters showed up after that process began.
Pinal	Queen Creek	Voter called hotline to see if son was registered and to locate his precinct. Could not locate his records, but found the corresponding precinct to their Queen Creek address and advised them that he should at least get a provisional ballot.
Pinal	Sacaton	<p>Voter was denied a ballot and was not given a reason at the poll. Upon looking up her information, the hotline discovered that it may be a couple of different reasons:</p> <p>(1) If she is on the rolls, the V.A.N. shows her voter status as “applicant” and her address as last updated on 10/28/16 so the voter may not be registered.</p> <p>(2) If she is not on the rolls, but address does not match, the voter’s addresses reasonably matched so she should get a regular ballot.</p> <p>Hotline volunteer advised she go back inside the poll to ask why she was denied a ballot.</p>



Pinal	Sells	Voter needed to know their polling location. Hotline volunteer successfully assisted.
Pinal	Unknown	Voter needed to verify registration. His registration was found to be inactive, but hotline volunteer advised him that voting again would return his status to active.
<b>Unknown County</b>		
Unknown	Unknown	Voter called to see if her ballot was counted. Hotline volunteer looked at V.A.N. and confirmed it was received by the county.
Unknown	Unknown	Voter called to find out if she was registered. Hotline volunteer looked her up in the V.A.N. and did not see her. Volunteer then looked her up on the S.O.S. website, which indicated there may be a mismatch and recommended calling them to get the matter resolved. Volunteer gave voter the number and told her to call back if she had any more problems.
Unknown	Unknown	Voter asked her polling place was. Volunteer looked her up in the V.A.N. and told her the polling location.
Unknown	Unknown	Voter registered in New Mexico wanted to know if he could vote in Arizona.

**Appendix II  
Provisional Ballots**

STATE GRAND TOTALS		
<b>Total Provisional Ballots</b>	100,098	
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	77,281
	Total Not Counted:	22,817
<b>On Reservation</b>	Total Cast:	541
	Total Counted:	529
	Total Not Counted:	12
<b>Off Reservation</b>	Total Cast:	3,520
	Total Counted:	3,480
	Total Not Counted:	40
<b>Total Conditional Provisional Ballots</b>	83	
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	27
	Total Not Counted:	46
<b>On Reservation</b>	Total Cast:	7
	Total Counted:	0
	Total Not Counted:	7
<b>Off Reservation</b>	Total Cast:	3
	Total Counted:	0
	Total Not Counted:	3

## Appendix II Provisional Ballots

<b>Name of County</b>	<b>Apache County</b>	
<b>Person Providing Information</b>	Student researcher received general provisional ballot report from county that does not distinguish on reservation or off reservation.	
<b>Total Provisional Ballots</b>	2,018	
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	1,492
	Total Not Counted:	526
<b>Total Conditional Provisional Ballots</b>	County did not distinguish between conditional provisional and the regular provisional ballots.	

### **Reasons Rejected:**

Early ballot 3  
 Empty envelope 2  
 Illegible 1  
 Incomplete 13  
 Not registered 286  
 Not signed 10  
 Voted early ballot 78  
 Voted in wrong voting area 122  
 Voted multiple ballots 1  
 Wrong jurisdiction 10

## Appendix II Provisional Ballots

<b>Name of County</b>	<b>Cochise County</b>	
<b>Person Providing Information</b>	Data obtained from Martha L. Rodriguez, Interim Director for County Elections & Special Districts. <sup>1</sup>	
<b>Total Provisional Ballots</b>	1,817	
	Total Counted:	1,633
	Total Not Counted:	184
<b>Total Conditional Provisional Ballots</b>	3	
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	0
	Total Not Counted:	3

### **Reasons rejected:**

Ballot went through DS200 8

Spoiled envelope 4

No information 1

Voted an early ballot 14

Not registered 149

No I.D. provided 2

Blank ballots 6

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<sup>1</sup> E-mail from Martha L. Rodriguez, Interim Director, Cochise County Elections & Special Districts, to Student Researcher (Feb. 24, 2017) (sent with attachments containing county-wide data concerning provisional ballots) (e-mail and documents on file with ASU's Indian Legal Clinic).

**Appendix II  
Provisional Ballots**

<b>Name of County</b>	<b>Coconino County</b>	
<b>Person Providing Information</b>	Data obtained from Coconino election results webpage.	
<b>Total Provisional Ballots</b>	4,061	
<b>On Reservation</b>	Total Cast:	541
	Total Counted:	529
	Total Not Counted:	12
<b>Off Reservation</b>	Total Cast:	3,520
	Total Counted:	3,480
	Total Not Counted:	40
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	4,009
	Total Not Counted:	52
<b>Total Conditional Provisional Ballots</b>	Data not available.e	

**Reasons rejected:**

Not Provided

## Appendix II Provisional Ballots

Name of County	Gila County	
Person Providing Information	Data obtained from Gila County Elections Department website.	
Total Provisional Ballots	1,490	
On Reservation	Total Cast:	Information not available
	Total Counted:	73
	Total Not Counted:	Information not available
Off Reservation	Total Cast:	Information not available
	Total Counted:	1,257
	Total Not Counted:	Information not available
Option if they cannot provide by on or off reservation:	Total Counted:	1,330
	Total Not Counted:	160
Total Conditional Provisional Ballots	0	

### **Rejection Reasons:**

Early Ballot/Multiple Ballots 13

Empty Affidavit 2

Incomplete Affidavit 1

No Identification or Insufficient Identification 14

No Signature 2

Not Registered 72

Wrong Precinct/Jurisdiction 56

## Appendix II Provisional Ballots

Name of County	Graham County	
Person Providing Information	Data obtained from Graham County through Freedom of Information Act (“FOIA”) request. <sup>2</sup>	
Total Provisional Ballots	194	
On Reservation	Total Cast:	3
	Total Counted:	1 <sub>3</sub>
	Total Not Counted:	2
Off Reservation	Total Cast:	191
	Total Counted:	136
	Total Not Counted:	55
Total Conditional Provisional Ballots	2	
On Reservation	Total Cast:	1
	Total Counted:	0
	Total Not Counted:	1
Off Reservation	Total Cast:	1
	Total Counted:	0
	Total Not Counted:	1

### **Reasons rejected:**

Not Provided

<sup>2</sup> Response from Graham County to ASU’s Indian Legal Clinic, Voting Statistics from 2016 General Elections (on file with author).

<sup>3</sup> County responded “1” to FOIA questionnaire, but the attached raw data indicated that 2 votes were counted. A clerical error likely accounts for the discrepancy.

**Appendix II  
Provisional Ballots**

<b>Name of County</b>	<b>Greenlee County</b>	
<b>Person Providing Information</b>	Data obtained from General Election official results found on county recorders webpage.	
<b>Total Provisional Ballots</b>	150	
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	148
	Total Not Counted:	2
<b>Total Conditional Provisional Ballots</b>	22	
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	22
	Total Not Counted:	0

**Reasons rejected:**

Not Provided



## Appendix II Provisional Ballots

Name of County	La Paz County	
Person Providing Information	Data obtained from Kevin Scholl, La Paz Elections Director.	
Total Provisional Ballots	379	
On Reservation	Total Cast:	175
	Total Counted:	161
	Total Not Counted:	14
Off Reservation	Total Cast:	204
	Total Counted:	164
	Total Not Counted:	40
Option if they cannot provide by on or off reservation:	Total Counted:	325
	Total Not Counted:	54
Total Conditional Provisional Ballots	1	
Option if they cannot provide by on or off reservation:	Total Counted:	0
	Total Not Counted:	1

### **Reasons rejected:**

Voted early ballot 4  
 Incomplete ballot form 2  
 Missing ballot 1  
 Registered after cut-off 4  
 No signature 1  
 Not registered 21  
 Illegible 1  
 Wrong precinct 20

## Appendix II Provisional Ballots

<b>Name of County</b>	<b>Maricopa County</b>	
<b>Person Providing Information</b>	Ray from Maricopa County Elections.	
<b>Total Provisional Ballots</b>	52,173	
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	36,923
	Total Not Counted:	15,250

### **Reasons rejected:**

Not registered 8,594

Incomplete info on provisional form 863

Not eligible for this election (registered too late) 2,901

Early ballot sent and returned 388

Wrong polling place 2,197

Insufficient I.D. after Election Day 307

## Appendix II Provisional Ballots

<b>Name of County</b>	<b>Mohave County</b>	
<b>Person Providing Information</b>	Data obtained from Kristi Blair, Mohave County Recorder.	
<b>Total Provisional Ballots</b>	4,088	
<b>On Reservation</b>	Total Cast:	47
	Total Counted:	36
	Total Not Counted:	11
<b>Off Reservation</b>	Total Cast:	4,048
	Total Counted:	3,654
	Total Not Counted:	387
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	3,690
	Total Not Counted:	398
<b>Total Conditional Provisional Ballots</b>	Data not available.	

### **Rejection Reasons:**

Not Registered  
Voted Early Ballot  
Wrong Precinct  
Incomplete or unsigned ballot

## Appendix II Provisional Ballots

Name of County	Navajo County	
Person Providing Information	Data obtained from County Official, and information available on County webpage. <sup>4</sup>	
Total Provisional Ballots	1,115	
On Reservation	Total Cast:	804
	Total Counted:	253
	Total Not Counted:	551
Off Reservation	Total Cast:	311
	Total Counted:	128
	Total Not Counted:	183
Total Conditional Provisional Ballots	8	
On Reservation	Total Cast:	6
	Total Counted:	0
	Total Not Counted:	6
Off Reservation	Total Cast:	2
	Total Counted:	0
	Total Not Counted:	2

### **Reasons rejected:**

Voted early ballot 75

I.D. not provided 8

Not registered 649

Incomplete 2

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<sup>4</sup>E-mail from Linnie Bielefeldt, Vote Registration Coordinator, Navajo County Recorder's Office, to Student Researcher (Feb. 22, 2017) (sent with attachments containing county-wide data concerning provisional ballots) (on file with ASU's Indian Legal Clinic); see also Navajo County, Election, Election Results Archive 2016, *SOVC Complete Official*, (Nov. 21, 2016, 9:06 AM)

<http://www.navajocountyaz.gov/Departments/Elections/Election-Results>.

## Appendix II Provisional Ballots

<b>Name of County</b>	<b>Pima County</b>	
<b>Person Providing Information</b>	Data obtained from Pima County elections results webpage.	
<b>Total Provisional Ballots</b>	21,333	
<b>On Reservation</b>	Total Cast:	565
	Total Counted:	
	Total Not Counted:	
<b>Off Reservation</b>	Total Cast:	
	Total Counted:	
	Total Not Counted:	
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	18,110
	Total Not Counted:	3,223
<b>Total Conditional Provisional Ballots</b>	44	
<b>Option if they cannot provide by on or off reservation:</b>	Total Counted:	5
	Total Not Counted:	39

### **Reasons rejected:**

Could not confirm identity 6  
 Provisional not signed 62  
 Registered after cut-off date 373  
 Registration cancelled 521  
 Voted early ballot 168  
 Voted multiple ballots 30  
 Voted in wrong area 1,150  
 Voter not registered 792

## Appendix II Provisional Ballots

Name of County	Pinal County	
Person Providing Information	Data obtained from county webpage and official canvass results.	
Total Provisional Ballots	8,444	
On Reservation	Total Cast:	200
	Total Counted:	173
	Total Not Counted:	27
Off Reservation	Total Cast:	8,244
	Total Counted:	7,285
	Total Not Counted:	956
Option if they cannot provide by on or off reservation:	Total Counted:	7,461
	Total Not Counted:	983
Total Conditional Provisional Ballots	Data not available.	

### **Reasons rejected:**

Not registered  
 Voted in wrong precinct  
 Voted early ballot  
 Incomplete  
 No signature  
 No I.D. Provided  
 Voted wrong ballot  
 Void

**Appendix II  
Provisional Ballots**

<b>Name of County</b>	<b>Santa Cruz County</b>
<b>Person Providing Information</b>	Data was obtained from the county website and the published election canvass.
<b>Total Provisional Ballots</b>	Not reported.
<b>Total Conditional Provisional Ballots</b>	Not reported.

## Appendix II Provisional Ballots

Name of County	Yavapai County	
Person Providing Information	Data obtained through a public data request to Les Bowen, Yavapai County Elections, and official results at county elections webpage.	
Total Provisional Ballots	1,399	
On Reservation	Total Cast:	243
	Total Counted:	117
	Total Not Counted:	126
Off Reservation	Total Cast:	1,156
	Total Counted:	531
	Total Not Counted:	625
Option if they cannot provide by on or off reservation:	Total Counted:	648
	Total Not Counted:	751
Total Conditional Provisional Ballots <sup>5</sup>	3	
Option if they cannot provide by on or off reservation:	Total Counted:	0
	Total Not Counted:	3

### **Reasons rejected:**

Already voted 27  
 Incomplete ballot form 6  
 4 not eligible 4  
 3 no I.D. provided 3  
 4 no signature  
 703 not registered 703  
 4 wrong jurisdiction 4

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<sup>5</sup> See survey response from Yavapai County (on file with ILC).



## Appendix II Provisional Ballots

Name of County	Yuma County	
Person Providing Information	Data obtained from e-mails with County Officials and Election Results available at County Webpage. <sup>6</sup>	
Total Provisional Ballots	1,437	
On Reservation	Total Cast:	22
	Total Counted:	Data not available.
	Total Not Counted:	Data not available.
Off Reservation	Total Cast:	972
	Total Counted:	Data not available.
	Total Not Counted:	Data not available.
Option if they cannot provide by on or off reservation:	Total Counted:	994
	Total Not Counted:	443
Total Conditional Provisional Ballots	0 <sup>7</sup>	

### **Reasons rejected:**

Voted an early ballot  
 I.D. not provided  
 Illegible  
 Incomplete  
 Not registered  
 Registered after the cut-off date.

<sup>6</sup> E-mail from Lori Aguilar, Voter registration Coordinator, Yuma County, to Student Researcher (March 22, 2017) (e-mail on file with ASU's Indian Legal Clinic); *see also* Yuma County Election Results Archive, 11/08/06 General Election Statement of Vote Cast, (Nov. 18, 2016, 3:18 PM)

<http://www.yumacountyaz.gov/government/election-services/election-results-archive>.

<sup>7</sup> E-mail from Lori Aguilar, Voter Registration Coordinator, Yuma County, to Student Researcher (March 22, 2017) (Stating one reason for rejecting ballots included failure to provide identification, and that "Conditional Provisionals – mean the voter did not have any identification to present to the poll worker on Election day") (e-mail on file with ASU's Indian Legal Clinic); but see Yuma County Election Results Archive, 11/08/06 General Election Statement of Vote Cast, (Archived Election data does not separately distinguish any conditional ballots apart from total reported provisional ballots) (Nov. 18, 2016, 3:18 PM)

<http://www.yumacountyaz.gov/government/election-services/election-results-archive>.

Appendix 2016 Voter Turnout					
Tribe	Polling Location	County	Registered Voters	Ballots Cast	Voter Turnout
Navajo	#03 - Canyon De Chelly, Chinle Community Center; US Hwy 191, Chinle, AZ 86503	Apache	3664	1750	47.76
Navajo	#05 - Chinle, Chinle Community Center; US Hwy 191, Chinle, AZ 86503	Apache	1850	884	47.78
Navajo	#10 - Cornfields, Cornfields Chapter House; 8 miles S. of Burnside Junction N15, Ganado, AZ 86505	Apache	726	425	58.54
Navajo	#11 - Cottonwood, Cottonwood Senior Center; Rt. 4 Cottonwood Chapter premises, Chinle, AZ 86503	Apache	1372	736	53.64
Navajo	#13 - Dennehotso, Dennehotso Chapter House; 1/2 mile SW of Dennehotso School, Dennehotso, AZ 86535	Apache	1037	526	50.72
Navajo	#19 - Fort Defiance, Fort Defiance Chapter House; Navajo Route 112, Fort Defiance, AZ 86504	Apache	2769	1786	64.5
Navajo	#22 - Ganado N., Ganado Uni. School District (Fieldhouse); Hwy 264, Ganado, AZ 86505	Apache	755	401	53.11
Navajo	#23 - Ganado S., Ganado Chapter House; Chapter Dr. Hwy 264, Ganado, AZ 85936	Apache	1201	625	52.04
Navajo	#27 - Houck, Houck Chapter House; Exit 348, Houck, AZ 86506	Apache	1101	609	55.31
Navajo	#29 - Kinlichee, Kinlichee Chapter House; 8 miles E. of Ganado, 27 Miles W. of W/R, Kinlichee, AZ	Apache	988	636	64.37
Navajo	#31 - Klagetoh, Klagetoh Chapter House; 15 miles S. of State Hwy 264 on Hwy 191, Ganado, AZ 86505	Apache	854	499	58.43
Navajo	#33 - Lukachukai, Lukachukai Chapter House; 1/2 mile S. of N12 Mile Post 1, Lukachukai, AZ 86507	Apache	1785	875	49.02
Navajo	#35 - Lupton, Tsesiani Multipurpose Bldg; I-40 Exit 357 Rt 12, Lupton, AZ	Apache	663	358	54
Navajo	#39 - Many Farms, Many Farms Senior Center; Hwy 191 W. of N. Route 59, Many Farms, AZ 86538	Apache	1824	876	48.03

**Appendix  
2016 Voter Turnout**

<b>Tribe</b>	<b>Polling Location</b>	<b>County</b>	<b>Registered Voters</b>	<b>Ballots Cast</b>	<b>Voter Turnout</b>
Navajo	#41 - Mexican Water, Mexican Water Chapter House; Hwy 160-County Road 5056, Mexican Water, AZ	Apache	244	109	44.67
Navajo	#43 - Nazlini, Nazlini Senior Center; 500 Yards N. of the Nazlini Chapter House within Chapter compound, Nazlini, AZ 86540	Apache	1047	539	51.48
Navajo	#46 - Oak Springs, Oak Springs Chapter House; 8 miles N. of Lupton, Ch & I-40, Exit 357, 11 miles N. on N-12, Window Rock, AZ 86515	Apache	465	289	62.15
Navajo	#48 - Puerco E., Nahata Dziil Commission Governance; Red Sand View Drive, Sanders, AZ 86512; and #49 - Puerco W., Nahata Dziil Commission Governance; Red Sand View Drive, Sanders, AZ 86512	Apache	1418	810	57.12
Navajo	#51 - Red Mesa, Red Mesa School Conference Room; Hwy 160 Mile Post 448, Red Mesa, AZ 86514	Apache	390	133	34.1
Navajo	#52 - Red Valley, Christian Reform Church; Rt. N-13, N. of Red Valley Trading Post, Red Valley, AZ 86544	Apache	883	411	46.55
Navajo	#54 - Rock Point, Rock Point Senior Center; Hwy 191, Rock Point, AZ 86545	Apache	1331	664	49.89
Navajo	#56 - Rough Rock, Rough Rock Chapter House; Hwy 8066, Chinle, AZ 86503	Apache	844	443	52.49
Navajo	#58 - Round Rock, Round Rock Chapter House; 1/2 Mile E. of Junction 191, Round Rock, AZ 86547	Apache	944	487	51.59
Navajo	#65 - St. Michaels, St. Michaels Chapter House; Hwy 264 Across HIS Building, St. Michaels, AZ	Apache	1919	1127	58.73
Navajo	#67 - Sawmill, Sawmill Chapter House; Mile Post 14 on N-7 (Across from Sawmill Primary School), Sawmill, AZ	Apache	698	456	65.33
Navajo	#74 - Steamboat, Steamboat Chapter House; Hwy 264, Mile Post 426, Steamboat, AZ	Apache	1264	731	57.83

**Appendix  
2016 Voter Turnout**

<b>Tribe</b>	<b>Polling Location</b>	<b>County</b>	<b>Registered Voters</b>	<b>Ballots Cast</b>	<b>Voter Turnout</b>
Navajo	#76 - Sweetwater, Sweetwater Chapter House; 14 miles S. of Red Mesa Store, Teec Nos Pos, AZ 86514	Apache	772	357	46.24
Navajo	#78 - Tachee, Blue Gap/Tachee Chapter House; Blue Gap, AZ 86520	Apache	647	304	46.99
Navajo	#80 - Teec Noc Pos, Teec Nos Pos Chapter House; Hwy 160 BIA School Rd #N5114, Teec Nos Pos, AZ 86514	Apache	873	418	47.88
Navajo	#84 - Wheatfields, Tsaile, Wheatfields Chapter House; Rt. 12 & Rt. 64 - 8 miles S. on Rt. 12, Tsaile, AZ 86556	Apache	1538	847	55.07
Navajo	#86 - Wide Ruins, Wide Ruins School Gym; 18 miles N. of I-40 Hwy 191, Chambers, AZ 86502	Apache	735	416	56.6
Navajo	#88 - Window Rock, Navajo Nation Museum; Hwy 264 and Postal Loop Rd, Window Rock, AZ 86515	Apache	1718	990	57.63
White Mountain Apache	#37 - McNary, McNary Community Center- 103 South Caddy St., McNary, AZ 85930	Apache	188	90	47.87
Havasupai	#60 - Havasupai, Havasupai Tribe New Building; Supai Village, AZ	Coconino	129	38	29.46
Hopi	#70 - Moenkopi, Upper Moenkopi Community Center; Upper Moenkopi Village	Coconino	463	174	37.58
Navajo	#42 - Bodaway, Bodaway Chapter House; E. of Trading Post	Coconino	1058	673	63.61
Navajo	#43 - Cameron, Cameron Senior Citizen Center	Coconino	977	632	64.69
Navajo	#47 - Coppermine, Coppermine Chapter House; 22 miles S. of Page	Coconino	522	346	66.28
Navajo	#48 - Coalmine, Coalmine Chapter House; 16 miles SE of Tuba City; 15.5 miles E. on Hwy 264	Coconino	298	211	70.81
Navajo	#61 - Inscription House, Inscription House Chapter House; 5 miles N. Hwy 98 on N-16	Coconino	634	420	66.25
Navajo	#65 - Kaibeto, Kaibeto Senior Citizen Center; 1/2 mile E. of Hwy 98, Kaibeto, AZ	Coconino	1283	740	57.68

**Appendix  
2016 Voter Turnout**

<b>Tribe</b>	<b>Polling Location</b>	<b>County</b>	<b>Registered Voters</b>	<b>Ballots Cast</b>	<b>Voter Turnout</b>
Navajo	#67 - Lechee, Lechee Chapter; R-20 Coppermine Rd., Lechee, AZ 86040	Coconino	999	546	54.65
Navajo	#69 - Leupp, Leupp Chapter House; Leupp, AZ 86035	Coconino	1323	782	59.11
Navajo	#71 - Navajo Mountain, Community Arizona Warehouse; 5 miles S. of Chapter House	Coconino	133	89	66.92
Navajo	#88 - Tolani Lake, Tolani Lake Chapter House; Tolani Lake	Coconino	445	300	67.42
Navajo	#90 - Tonalea, Tonalea Senior Citizen Center; 1/2 mile Route N-21 off Hwy 160, Tonalea	Coconino	1816	1119	61.62
Navajo	#93 - Tuba City NE, Tuba City Jr High School; E. Fir St.	Coconino	1141	588	51.53
Navajo	#94 - Tuba City NW, Tuba City Primary School; Maple St.	Coconino	748	409	54.68
Navajo	#95 - Tuba City S., Tuba City High School; 67 Warrior Dr.	Coconino	3645	1877	51.5
San Carlos Apache	#410 - San Carlos, Rice Gym; Mohave Ave. & Yavapai St, San Carlos	Gila	2377	1175	49.43
Tonto Apache	#205 - Payson No. 2, St. Philip's Catholic Church; 511 S St. Phillips Street, Payson, AZ	Gila	1747	1437	82.26
White Mountain Apache	#400 - Canyon Day, Canyon Day Jr. High School; 4621 S. 9th Street, Cedar Creek, AZ 85941	Gila	555	352	63.42
White Mountain Apache	#405 - Carrizo, Assembly of God Church; 124 V10 Rd Show Low, AZ 85901	Gila	56	36	64.29
San Carlos Apache	#11 - Bylas, Robert Olivar Sr. Learning Center; Hwy 70 Bylas AZ 85530	Graham	Data not reported.	Data not reported.	Data not reported.
San Carlos Apache	#16 - Peridot, San Carlos Recreation & Wildlife Conf. Room; Hwy 70 Peridot AZ 85542	Graham	Data not reported.	Data not reported.	Data not reported.
Colorado River Indian Tribes	#51 - Parker, United Methodist Church; 1300 Ocotillo Ave., Parker, AZ 85344	La Paz	3012	1861	61.79
Colorado River Indian Tribes	#52 - Poston, La Pera Elementary School; 19121 Tahbo Rd., Poston, AZ	La Paz	361	212	58.73

**Appendix  
2016 Voter Turnout**

<b>Tribe</b>	<b>Polling Location</b>	<b>County</b>	<b>Registered Voters</b>	<b>Ballots Cast</b>	<b>Voter Turnout</b>
Colorado River Indian Tribes	#54 - Upriver; La Paz County Boating Safety and Training Center, 8484 Riverside Dr., Parker AZ.	La Paz	1734	1246	71.86
Fort McDowell Yavapai Nation	#0231 - Fort McDowell; Fort McDowell Indian Comm Rec Ctr - 16402 N. McDowell Rd. AZ 85264	Maricopa	551	252	45.74
Gila River Indian Community	#0340 - Komatke, Dist 6 Community Service Center; 5230 W. St. Johns Road, Laveen, AZ 85339	Maricopa	762	347	45.54
Gila River Indian Community	#0478 - Pee Posh, Dist 7 Community Svc Ctr (CONV); 8201 W. Baseline Rd Laveen AZ 85339	Maricopa	356	168	47.19
Salt River Pima Maricopa Indian Community	#0305 - Honda, Salt River Pima Community Center; 10000 E McDowell Rd., Scottsdale, AZ 85256	Maricopa	3581	1802	50.32
Pascua Yaqui Tribe	#0273- Guadalupe, El Tianguis Mercado; 9201 S. Avienda Del Yaqui, Tempe, AZ 85283	Maricopa	3006	1597	53.13
Salt River Pima Maricopa Indian Community	#0354 - Lehi, Lehi School (near but OFF RESERVATION); 2555 N. Stapley Dr. Mesa, AZ 85203	Maricopa	2474	1655	66.9
Tohono O'odham nation	#0290 - Hickiwan, Kaka Village Community Center; 1 Kaka Village, Gila Bend, AZ 85333	Maricopa	49	37	75.51
Tohono O'odham nation	#0549 - San Lucy, San Lucy Dist Admin Bldg.; 1216 N 307th Ave Gila Bend AZ 85337	Maricopa	159	82	51.57
Tohono O'odham	#0249 - Gila Bend, Gila Bend Town Hall; 644 W. Pima St., Gila Bend, AZ 85337	Maricopa	801	481	60.05
Salt River Pima Maricopa Indian Community	#0315- Indian Springs, Mesa Education Center (near but OFF RESERVATION); 855 W. 8th Ave., Mesa, AZ 85210	Maricopa	4602	2588	56.24

**Appendix  
2016 Voter Turnout**

<b>Tribe</b>	<b>Polling Location</b>	<b>County</b>	<b>Registered Voters</b>	<b>Ballots Cast</b>	<b>Voter Turnout</b>
Fort Mojave	#212 - Mohave Valley; RiverPointe Southern Baptist Church, 1421 E. Commercial St. Mohave Valley, AZ 86440; First Baptist Church, 5360 Calle Valle Vista, Ft. Mohave, AZ; Mohave Valley Assembly of God, 10138 Mountain View Rd. Mohave Valley, AZ	Mohave	12402	8432	67.99
Fort Mojave	#222 - Topock, Golden Shores Fire Department; 12950 Oatman Hwy, Topock, AZ 86436	Mohave	1269	858	67.61
Hualapai	#224 - Peach Springs, Peach Springs Elementary School; 403 Diamond Creek Rd, Peach Springs, AZ 86434	Mohave	617	241	39.06
Kaibab-Paiute	#223 - Moccasin; Colorado City Community Center (near but OFF RESERVATION), 45 W Johnson Ave, Colorado City, AZ; Colorado City Town Hall, 25 S Central St., Colorado City, AZ	Mohave	151	71	47.02
Hopi and Navajo (Contains a Superprecinct)	#4- Black Buttes; Hopi LDS Church, State Rt 264, mile Marker 394, Polacca, AZ 86042; Kykotsmovi Community Center, 100 Main St., Kykotsmovi, AZ; Sipaulovi Yuth and Elderly Building, Across from Second Mesa Day School, Sipaulovi, AZ; Birdsprings, Little singer School, Rt on IR71N 5 miles to Little Singer School, South of Birdsprings Chapter House; Dilkon, Dilkon Chapter House; Teesto, Teesto Chapter House	Navajo	8883	5119	58.15

**Appendix  
2016 Voter Turnout**

<b>Tribe</b>	<b>Polling Location</b>	<b>County</b>	<b>Registered Voters</b>	<b>Ballots Cast</b>	<b>Voter Turnout</b>
Navajo (Superprecinct)	#1- Red Butte- Black Mesa Chapter House, 21 Miles N of Pinon Bashas on Rt. 8066; Chilchinbeto, Chilchinbeto Chapter house; Forest Lake, Forest Lake Chapter House; Kayenta, Kayenta Chapter House, US Hwy 163; Low Mountain, Low Mountain Chapter House; Pinon, Pinon Chapter House; Shonto, Shonto Chapter House; Whippoorwill Springs, Whippoorwill Springs Chapter House	Navajo	12200	6026	49.39
Navajo (Superprecinct)	#2 Painted Desert- Greasewood, Greasewood Chapter House (Meeting Room), Greasewood, AZ; Whitecone, Whitecone Chapter House	Navajo	1547	895	57.85
Navajo (Superprecinct)	#6 Stone Butte- Stone Butte Chapter House, 17 miles N of Hopi Cultural Center	Navajo	778	354	45.5
Navajo (Superprecinct)	#5 Cedar Valley- Indian Wells, Indian Wells Chapter House, Indian Wells, AZ; Jeddito, Jeddito Chapter House, 1 mile east of Holbrook Junction	Navajo	1974	1144	57.95
Navajo	#78 - Tachee - Blue Gap, Whippoorwill Springs Chapter House	Apache	647	304	46.99
White Mountain Apache (Superprecinct)	#14 Sunrise - Cibecue, Cibecue Complex, 6 West 3rd Street, Cibecue, AZ; Hon-Dah, R.V. Park, 1 Hwy 73 (SR260 & ST 73); Whiteriver USD Admin., 963 N. Chief Avenue, Whiteriver, AZ	Navajo	12320	7842	63.65
Pascua Yaqui Tribe	#110 - Pascua Yaqui Tribe Council Chambers; 7474 S. Camino de Oeste	Pima	1951	974	49.92
Tohono O'odham Nation	#003 - Schuk Toak District Office; Highway 86, Mile Post 126.5	Pima	280	189	67.5
Tohono O'odham Nation	#004 - Sells District Office; Arizona Hwy 86 and Mile Post 112	Pima	1299	713	54.89



Tohono O’odham Nation	#071 - Chukut Kuk District; Federal Route 2, Vamori Village	Pima	185	129	69.73
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**Appendix  
2016 Voter Turnout**

<b>Tribe</b>	<b>Polling Location</b>	<b>County</b>	<b>Registered Voters</b>	<b>Ballots Cast</b>	<b>Voter Turnout</b>
Tohono O'odham Nation	#076 - Baboquivari District Office; Federal Route 19 & Federal Route 10	Pima	392	256	65.31
Tohono O'odham Nation	#135 - Pisinemo District; W. Highway 86, Route 21	Pima	208	174	83.65
Tohono O'odham Nation	#136 - Hickiwan District; Indian Route 34, Vaya Chin Village- Kiohod Tonlik Ki	Pima	196	106	54.08
Tohono O'odham Nation	#137 - Gu Vo District Office Compound; Indian Route 1, Mile Post 19, Gu Vo Village - Gu Vo District Compound Conference Room	Pima	180	108	60
Tohono O'odham Nation	#138 - Gu Achi District; Santa Rosa Community, Santa Rosa Multipurpose Building	Pima	592	344	58.11
Tohono O'odham Nation	#236 - San Xavier District; 2018 W. San Xavier Road, San Xavier District Center	Pima	1038	574	55.3
Ak-Chin Indian Community	#77 - Ak Chin Community, Ak-Chin Service Center; 48227 W. Farrell Road, Maricopa, AZ 85139	Pinal	410	234	57.07
Gila River Indian Community	#29 - Sacaton, Sacaton District #3 Service Center; Church and Canal Street, Sacaton, AZ 85147	Pinal	998	458	45.89
Gila River Indian Community	#60 - Blackwater, Blackwater District #1 Service Center; 1060 W. Blackwater School Rd., Coolidge, AZ 85128	Pinal	657	362	55.1
Gila River Indian Community	#61 - Santan, District #4 Service Center; 1510 W. Sesame (San Tan Rd.), Sacaton, AZ 85147	Pinal	801	374	46.69
Gila River Indian Community	#62 - Casa Blanca, District #5 Veterans Memorial Building; 3500 W. Casa Blanca Road, Sacaton, AZ 85147	Pinal	853	390	45.72
Tohono O'odham Nation	#53 - Chui Chu, Chui Chu Senior Center; Federal Route 15 & St. Augustine St., 85122	Pinal	225	124	55.11
Yavapai-Apache	Camp Verde United Methodist Church; 480 S 1st St. Camp Verde, AZ 86322	Yavapai	Data not reported.	Data not reported.	Data not reported.

**Appendix  
2016 Voter Turnout**

<b>Tribe</b>	<b>Polling Location</b>	<b>County</b>	<b>Registered Voters</b>	<b>Ballots Cast</b>	<b>Voter Turnout</b>
Yavapai-Prescott	Yavapai College; 1100 E. Sheldon Street, Prescott, AZ	Yavapai	Data not reported.	Data not reported.	Data not reported.
Yavapai-Prescott	Prescott Community Center; 1280 E Rosser St, Prescott, AZ 86301	Yavapai	Data not reported.	Data not reported.	Data not reported.
Yavapai-Prescott	Clark Memorial Clubhouse; 19 N Ninth St., Clarkdale, AZ	Yavapai	Data not reported.	Data not reported.	Data not reported.
Fort Yuma-Quechan (Off-Reservation Vote Center)	#8- Yuma County Food Bank; 2404 S. Engler Ave. (24th & Engler), Yuma, AZ 85365	Yuma	1100	833	75.73
Fort Yuma-Quechan (Off-Reservation Vote Center)	#15- Gila Ridge High School; 7150 E. 24th Street, Yuma, AZ 85365	Yuma	2546	1696	66.61
Cocopah (Off-Reservation Vote Center)	#27- Somerton Library; 240 Canal Street, Somerton, AZ	Yuma	966	597	61.8

<b>Appendix 2016 Voter Turnout</b>				
<b>Voter Turnout by Tribe</b>				
<b>Tribe</b>	<b>VAP</b>	<b>Registered Voters</b>	<b>Ballots Cast</b>	<b>Voter Turnout</b>
Ak-Chin Indian Community	863	410	234	57.07%
Cocopah Tribe	1004	966	597	61.80%
Colorado River Indian Tribes	7321	5107	3319	64.99%
Fort McDowell Yavapai Nation	747	551	252	45.74%
Fort Mojave Tribe	1345	Data not reported.	Data not reported.	Data not reported.
Gila River Indian Community	8613	4427	2099	47.41%
Havasupai Tribe	13	129	38	29.46%
Hopi Tribe	6425	9346	5293	56.63%
Hualapai Tribe	982	617	241	39.06%
Kaibab-Paiute Tribe	199	Data not reported.	Data not reported.	Data not reported.
Navajo Nation	67252	70487	37972	53.87%
Pascua Yaqui Tribe	2438	4957	2571	51.87%
Quechan Tribe	916	3646	2529	69.36%
Salt River Pima-Maricopa Indian Community	5638	3581	1802	50.32%
San Carlos Apache Tribe	6632	2377	1175	49.43%
San Juan Southern Paiute	N/A	Data not reported.	Data not reported.	Data not reported.
Tohono O'odham Nation	7355	5604	3317	59.19%
Tonto Apache Tribe	95	1747	1437	82.26%
White Mountain Apache Tribe	9,948	13119	8320	63.42%
Yavapai-Apache Nation	622	Data not reported.	Data not reported.	Data not reported.
Yavapai-Prescott Tribe	247	Data not reported.	Data not reported.	Data not reported.

\*Voting Age Population (VAP) is based on Reservation Census Data obtained from the US Census Bureau (2013-2017 ACS Survey 5-year Estimates) except that the Navajo Nation Reservation VAP is based on 2010 Census Data to obtain the Arizona portion of the Reservation. Note that Native Americans are a hard-to-count population and are often undercounted, and even more so during the American Community Survey process.

**Appendix IV**  
**Early Voting Locations by County**

County	Early Voting Location	Reservations	Operation Dates and Operating Hours	Total Days Open	Total Hours Open	Average Distance to Communities in Miles		Additional Comments
Coconino	Coconino County Elections Office Flagstaff, AZ	Off Reservation	October 12, 2016-November 4, 2016 Monday-Friday 8:00 am- 5:00 pm Saturday, October 22; 8:00 am-12:00 pm October 29 8:00 am-12:00 pm October 31- November 3; 8:00 am-7:00 pm	10	300	Williams Winona Tolani Lake* Tonalea* Forest lakes	33 15 61 100 157	All Precincts can vote at this location.
	Tuba City Elections Office Tuba City, AZ	On Reservation-Navajo and Hopi	October 12, 2016 - November 4, 2016 Monday - Friday 8:00 am - 5:00 pm Daylight Savings Time Extended early voting hours: Saturday, October 29 (8:00 am – 12:00 pm Arizona Time 9:00 am – 1:00 pm Daylight Savings Time)	6	78	Cameron Tonalea Gray Mountain Coppermine Leupp Hotevilla Shongopovi	26 25 35 53 102 47 61	Early Voting location for the following precincts: Bodaway 42, Cameron 43, Coppermine 47, Coalmine 48, Inscription House 61, Kaibeto 65, Lechee 67, Leupp 69, Moenkopi 70, Navajo Mountain 71, Tolani Lake 88, Tonalea 90, Tuba City Northeast 93, Tuba City Northwest 94 & Tuba City South 95
	Williams City Hall Williams, AZ	Off Reservation	October 12, 2016 - November 3, 2016 Monday- Thursday 7:30 am- 6:00 pm	4	41.20	Kaibab Estates Parks Red lake	23 16 11	Early Voting location for the following precincts: Kaibab North 64, Kaibab West 66, Parks 79, Williams Northside 98 & Williams Southside 99
	Sedona City Hall Sedona, AZ	Off Reservation	October 12, 2016 - November 3, 2016 Monday- Thursday 7:30 am- 6:00 pm	4	41.20	Sedona	4	Early Voting location for the following precincts: Sedona North 82 & Sedona South 83
	Page City Hall Page, AZ	Off Reservation-Borders the Navajo Reservation	October 12, 2016 - November 3, 2016 Monday -Thursday 7:30 am- 6:00 pm	4	41.20	Lechee* Kaibeto * Navajo Mountain* Inscription House	5 36 5 55	Early Voting location for the following precincts: Page Central 72, Page East 73, Page South 74, Page West 75, Lechee 67, Bodaway 42, Coppermine 47, Inscription House 61, Kaibeto 65 & Navajo Mountain 71

	Fredonia City Hall Fredonia, AZ	Off Reservation	October 12, 2016 - November 3, 2016 Monday-Thursday 7:30 am-5:30 pm	4	40	Fredonia North Rim	0.3 73	Early Voting location for the following precincts: Fredonia 58
	Grand Canyon Schools Superintendent's Office Grand Canyon, AZ	Off Reservation	October 12, 2016 - November 3, 2016 Monday-Thursday 6:00 am-4:30 pm	4	40	Tusayan	7	Early Voting location for the following precincts: Grand Canyon 59 & Tusayan 97
	Leupp Chapter House Leupp, AZ	On Reservation-Navajo	October 24, 25 and 27 only 8:00 am – 12:00 pm Arizona Time 9:00 am – 1:00 pm Daylight Savings Time	3	12	Tolani Lake*	16	Early Voting location for the following precincts: Leupp 69 & Tolani Lake 88
	Village of Havasupai, AZ	On Reservation-Havasupai	October 12, 2016 only	1	(-)	Havasupai Village*	0.2	This information was not advertised in Country's election materials
Gila	Gila County Recorder's Office Globe, AZ	Off Reservation	October 12, 2016-November 4, 2016 8:00 am-5:00 pm	18	162	Claypool Winkelman Cutter* Carrizo* San Carlos* Young	6 36 8 61 20 67	
	Gila County Recorder's Office Payson, AZ	Off Reservation	October 12, 2016-November 4, 2016 8:00 am-5:00 pm (closed 12 pm-1pm daily)	18	144	Star Valley Gisela Young Carrizo* San Carlos*	5 18 59 112 102	
	Canyon Day Jr. High School	On Reservation-White Mountain Apache	October 19, 2016 10:00 am-2:00 pm (Special Early Voting Location)	1	4	Carrizo*	26	Early Voting location for the following precincts: Canyon Day and Carrizo
	Town Hall Winkelman, AZ	Off Reservation	October 18, 2016 10:00 am-2:00 pm (Special Early Voting Location)	1	4	Winkelman	1	Early Voting location for the following precincts: Copper Basin
	Roosevelt Baptist Church	Off Reservation	October 20, 2016 9:00 am-11:00 am (Special Early Voting Location)	1	2	Roosevelt	9	Early Voting location for the following precincts: Roosevelt
	Tonto basin Chamber of Commerce	Off Reservation	October 20, 2016 1:00 pm-3:00 pm (Special Early Voting Location)	1	2	Tonto Basin	1	Early Voting location for the following precincts: Tonto Basin

	First Baptist Church of Pine	Off Reservation	October 25, 2016 10:00 am-2:00 pm (Special Early Voting Location)	1	4	Strawberry	3	Early Voting location for the following precincts: Pine-Strawberry
	San Carlos Public Library San Carlos, AZ	On Reservation- San Carlos	October 26, 2016 10:00 am-2:00 pm (Special Early Voting Location)	1	4	"Beverly Hills"	111	Early Voting location for the following precincts: San Carlos
	Pleasant Valley Community Center	Off Reservation	October 27, 2016 10:00 am-2:00 pm	1	4	Young Pleasant Valley	148 1	Early Voting location for the following precincts: Young
<b>Graham</b>	Graham County Recorder's Office Safford, AZ	Off Reservation	October 12, 2016 –November 4, 2016 8:00 am- 5:00 pm	18	162	San Jose Eden Bylas* Gilson Wash* Peridot*	8 17 33 64 57	Early Voting location for all precincts
	Robert Olivar Sr. Learning Center Bylas, AZ	On Reservation- San Carlos	November 1, 2016 9:00 am- 1:00 pm	1	4	Gilson Wash* Peridot*	30 19	
<b>Greenlee</b>	Greenlee County Recorder's Office Clifton, AZ	Off Reservation	October 12, 2016-November 4, 2016 8:00 am- 5:00 pm	18	162			This is the sole early voting site for Greenlee County.
<b>La Paz</b>	Unknown Off Reservation site		Unknown			(-)	(-)	(-)
	Poston, AZ	On Reservation- CRIT	(-)			Parker* Poston*	15 1	(-)
	County Recorder's Office Parker, AZ	On Reservation- CRIT	October 12- November 4, 2016 Monday-Thursday 7:00am- 6:00pm Closed Fridays except for October 28 and November 4 from 8:00am-5:00pm	16	172	Poston* Parker*	15 1	(-)
	Recorder's/Election Office Phoenix, AZ	Off Reservation	October 12, 2016 –November 4, 2016 Monday-Friday 8:00 am- 5:00 pm Saturday, October 22 & 29; 8:00 am – 5:00 pm	20	180	(-)	(-)	(-)
	Recorder's/Elections Office Javelina, 222 East Mesa, AZ	Off Reservation	October 12, 2016 –November 4, 2016 Monday-Friday 8:00 am- 5:00 pm Saturday, October 22 & 29; 8:00 am — 5:00 pm	20	180	(-)	(-)	(-)

Recorder's/Elections Office 111 South 3rd Avenue, Phoenix, AZ		Off Reservation	October 12, 2016 –November 4, 2016 Monday-Friday 8:00 am- 5:00 pm Saturday, October 22 & 29; 8:00 am – 5:00 pm	20	180	(-)	(-)	(-)
Avondale City Clerk's Office 11465 W Civic Center Dr. Avondale, AZ		Off Reservation	October 12, 2016 –November 3, 2016 Monday-Thursday 7:00 am- 6:00 pm Saturday, Oct 22, 10:00 am – 3:00 pm Saturday, Oct 29, 10:00 am – 3:00 pm	16	164	(-)	(-)	(-)
Ability 360 Center W. Washington St. Phoenix, AZ	5025	Off Reservation	October 12, 2016 –November 3, 2016 Monday-Thursday 7:00 am- 6:00 pm	14	154	(-)	(-)	(-)
Carefree Town Clerk's Office 8 Sundial Circle Carefree, AZ		Off Reservation	October 12, 2016 –November 3, 2016 Monday-Friday 8:00 am- 4:30 pm	14	116.2	(-)	(-)	(-)
Cave Creek Clerk's Office Cave Creek Rd. AZ	37622 N. Cave Creek,	Off Reservation	October 12, 2016 –November 3, 2016 Monday-Thursday 7:00 am- 5:00 pm	14	140	(-)	(-)	(-)
Chandler City Clerk's Office 175 S. Arizona Ave Chandler, AZ		Off Reservation	October 17, 2016 –November 4, 2016 Monday-Friday 8:00 am- 5:00 pm	15	126	(-)	(-)	(-)
El Mirage City Clerk's Office 12145 NW Grand Ave. El Mirage, AZ		Off Reservation	October 12, 2016 –November 4, 2016 Monday-Friday 8:00 am- 5:00 pm	15	126	(-)	(-)	(-)
Fountain Hills Clerk's Office Ave. Fountain Hills, AZ	16705 E	Off Reservation	October 12, 2016 –November 3, 2016 Monday-Thursday 7:00 am- 6:00 pm	14	154	(-)	(-)	(-)



**Maricopa**

Gila Bend Town Clerk's Office 644 W Pima St. Gila Bend, AZ	Off Reservation	October 17, 2016 –November 4, 2016 Monday-Friday 8:00 am- 4:00 pm	15	120	(-)	(-)	(-)
Gilbert Municipal Center 50 E Civic Center Dr. Gilbert, AZ	Off Reservation	October 12, 2016 –November 3, 2016 Monday-Thursday 7:00 am- 6:00 pm	14	154	(-)	(-)	(-)
Glendale-Ability 360 Center 6829 N 57th Ave. Glendale, AZ	Off Reservation	October 17, 2016 –November 4, 2016 Monday-Friday 8:00 am- 5:00 pm	15	135	(-)	(-)	(-)
Litchfield Park City Clerk's Office 214 W. Wigwam Boulevard, Litchfield Park, AZ	Off Reservation	October 17, 2016 –November 4, 2016 Monday-Friday 8:00 am- 5:00 pm	15	135	(-)	(-)	(-)
Maryvale-Cartwright School District 3401 N. 67th Ave AZ	Phoenix, Off Reservation	October 17, 2016 –November 4, 2016 Monday-Friday 8:00 am- 5:00 pm	15	135	(-)	(-)	(-)
Mesa City Clerk's Office 20 E Main St. Mesa, AZ	Off Reservation	October 12, 2016 –November 3, 2016 Monday-Thursday 7:00 am- 6:00 pm	14	154	(-)	(-)	(-)
Phoenix City Hall 200 W Washington St, 15th Floor, Phoenix, AZ	Off Reservation	October 12, 2016 –November 4, 2016 Monday-Friday 8:00 am- 5:00 pm	18	162	(-)	(-)	(-)
Scottsdale City Hall/Election's Office 3939 N Drinkwater Blvd. Scottsdale, AZ	Off Reservation	October 12, 2016 –November 4, 2016 Monday-Friday 9:00 am- 5:00 pm	18	144	(-)	(-)	(-)

South Mountain Community Center Rd.	212 E Alta Vista Phoenix, AZ	Off Reservation	October 17, 2016 –November 4, 2016 Monday-Friday 10:00 am- 6:00 pm Friday, November 4; 10:00 am- 5:00 pm Saturday, October 22; 10:00 am- 4:00 pm Saturday, October 29; 10:00 am -4:00 pm	16	432	(-)	(-)	(-)
Surprise City Clerk's Office 16000 N Civic Center Plaza, Surprise, AZ		Off Reservation	October 12, 2016 –November 4, 2016 Monday-Friday 8:00 am- 5:00 pm Saturday, October 22, 10:00 am – 3:00 pm Saturday, October 29, 10:00 am – 3:00 pm	21	399	(-)	(-)	(-)
Tempe-ASU 330 E. University Dr. Tempe, AZ		Off Reservation	October 12, 2016 –November 4, 2016 Monday - Wednesday, 10:00 am – 6:00 pm Thursday- Friday, 10:00 am – 5:00 pm	18	270	(-)	(-)	(-)
Tempe Public Library 3500 S Rural Rd, AZ	Tempe,	Off Reservation	October 12, 2016 –November 4, 2016 Monday - Wednesday, 10:00 am – 6:00 pm Thursday- Friday, 10:00 am – 5:00 pm	18	270	(-)	(-)	(-)
Wickenburg Town Clerk's Office 155 N Tegner St, Wickenburg, AZ		Off Reservation	October 17, 2016 –November 3, 2016 Monday-Thursday 7:00 am- 6:00 pm	12	132	(-)	(-)	(-)
Youngtown Town Clerk's Office 12030 N. Clubhouse Square, Youngtown, AZ		Off Reservation	October 12, 2016 –November 4, 2016 Monday-Friday 8:00 am- 4:00 pm	18	144	(-)	(-)	(-)

Mohave	Kathryn Heidenreich Senior Center Kingman, AZ	Off Reservation	October 12, 2016-November 4, 2016 Monday-Friday 9:00 am-5:00 pm	18	144	Wikieup Valentine Fort Mohave* Peach Springs Kaibab Indian Reservation*	54 39 47 48 291	
	Mohave County Library in Bullhead City, AZ	Off Reservation	October 12, 2016-November 4, 2016 Monday-Friday 9:00 am-4:00 pm October 29, 2016 from 10:00 am – 3:00 pm November 1, 2016 & November 3, 2016 from 9:00 am-7:00 pm	18	396	Oatman Yucca Fort Mohave* Peach Springs Kaibab Indian Reservation*	24 57 7 88 285	
	Mohave County Library Havasut City, AZ	Off Reservation	October 12, 2016 -November 4, 2016 Monday - Friday 9:00 am - 5:00 pm October 29 , 2016 10:00 am -3:00 pm November 1, 2016 & November 3, 2016 9:00 am - 7:00 pm	18	414	Yucca Signal Fort Mohave* Peach Spring Kaibab Indian Reservation*	36 71 47 110 336	
Navajo	Bashas, at the Pinon Shopping Center Pinon, AZ	On Reservation- Navajo	October 12, 2016 10:00 am - 6:00 pm	1	8	Low Mountain*	20	
	Bashas, at Kayenta Shopping Center Kayenta, AZ	On Reservation- Navajo	October 14, 2016 & October 21, 2016 10:00 am- 6:00 om	2	16	Chilchinbito* Tsegi*	25 29	
	Bashas, Dikon Shopping Center Pinon, AZ	On Reservation- Navajo	October 26, 2016 11:00 am-6:00 pm	1	7	Indian Wells* White Cone*	13 47	
	Kayenta Justice of the Peace Office Kayenta, AZ	On Reservation- Navajo	October 12- November 4 Monday-Friday 8:00 am-5:00 pm	18	162	Chilchinbito* Tsegi*	23 12	
	White River Social Service Building White River, AZ	On Reservation- White Mountain Apache	October 19, 2016 11:00 am-6:00 pm	1	7	McNary*	31	
	Circle M Store Polacca, AZ	Off Reservation- Hopi	October 28, 2016 11:00 am-6:00 pm	1	7	Walpi* Keams Canyon*	2 5	
	Navajo County Recorder's Office Low, AZ	Off Reservation	October 12, 2016 -November 4, 2016 Monday-Wednesday 8:00 am-5:00 pm	12	108	Pinetop-Lakeside McNary* Chilchinbito*	11 29 198	

	County Recorder's Office Holbrook, AZ	Off Reservation	October 12, 2016- November 4, 2016 Monday-Friday 8:00 am- 5:00 pm	18	162	Winslow Whiteriver Chilchinbito*	35 66 155	
Pima	County Recorder's Main Office Tucson, AZ	Off Reservation	October 12, 2016-November 4, 2016 Monday-Friday 8:00 am-5:00 pm Emergency Voting: Saturday, November 5, 2016 9:00 am-2:00 pm Monday, November 7, 2016 8:00 am-5:00 pm	20	460	Tortolita Marana Sahuarita Pascua Yaqui* San Rafael* Pisinemo*	13 23 20 13 81 109	
	County Recorder's East Side Annex Office Tucson, AZ	Off Reservation	October 12, 2016- November 4, 2016 Monday-Friday 8:00 am- 5:00 pm Emergency Voting: Saturday, November 5, 2016 9:00 am- 2:00 pm Monday, November 7, 2016 8:00 am-5:00 pm	20	460	Pacua Yaqui* Tortolita Sahuarita San Rafael* Pisinemo*	23 22 26 88 116	
	County Recorder's South Side Annex Office Tucson, AZ	Off Reservation	October 12, 2016 –November 4, 2016 Monday-Friday 8:00 am-5:00 pm Emergency Voting: Saturday, November 5, 2016 9:00 am – 2:00 pm Monday, November 7, 2016 8:00 am – 5:00 pm	20	460	Pacua Yaqui* Tortolita Sahuarita San Rafael* Pisinemo*	21 23 8 88 152	
	Ascension Lutheran Church and School Tucson, AZ	Off Reservation	October 17, 2016-November 4, 2016 Monday-Friday 9:00 am-4:30 pm	15	109.5	Pacua Yaqui* Tortolita Sahuarita San Rafael* Pisinemo*	22 5 31 90 118	
	Sahuarita Town Hall Sahuarita, AZ	Off Reservation	October 17, 2016-November 4, 2016 Monday-Friday 9:00 am-4:30 pm	15	109.5	Green Valley Helvetia	9 25	
	U of A Campus Tucson, AZ	Off Reservation	October 17, 2016-November 4, 2016 Monday-Friday 9:00 am-5:00 pm	15	120	Sahuarita Tortolita Pisinemo*	22 13 110	
	Salazar-Ajo Library Ajo, AZ	Off Reservation	October 31, 2016-November 4, 2016 Monday-Friday 9:00 am-5:00 pm	5	40	Why* Pisinemo*	11 47	

	Pascua Yaqui Tribe Radio Station Tucson, AZ	On Reservation- Pascua Yaqui	October 31, 2016 – November 1, 2016 & November 3, - November 4, 2016 9:00 am- 5:00 pm CLOSED November 2, 2016	4	32	Wellness Center * Casino Del Sol*	16 15	
	Tohono O’odham High School State Rt 86 Mile Marker 74	On Reservation- Tohono O'odham	October 24, 2016- October 25, 2016 9:00 am- 4:00 pm	2	14	Pisinemo * Why*	14 22	
	Gu Achi District Santa Rosa Multi-Purpose Building	On Reservation- Tohono O'odham	October 26, 2016 9:00 am- 4:00 pm	1	7	Ali Molina* Topawa* Why	41 42 52	
	San Xavier District Center	On Reservation- Tohono O'odham	October 27, 2016- October 28, 2016 9:00 am- 4:00 pm	2	14	Ali Molina* West Pima Mine Rd*	53 12	
	Legislative Chambers Sells, AZ	On Reservation- Tohono O'odham	October 31, 2016- November 4, 2016 9:00 am- 4:00 pm	5	35	Ali Molina* Topawa* Why	7 9 61	
<b>Pinal</b>	Voter Registration Office in Florence, AZ	Off Reservation	October 11, 2016 - November 3, 2016 Monday – Friday 8:00 am- 5:00 pm	18	162	Coolidge Randolph Sacaton*	11 15 24	
	Pinal County Recorder’s Office in Apache Junction, AZ	Off Reservation	October 11, 2016- November 3, 2016 Monday – Friday 8:00 am- 4:30 pm	18	149.4	Gold Canyon Queen Valley	8 23	
	Pinal County Recorder’s Office in Casa Grande, AZ	Off Reservation	October 11, 2016- November 3, 2016 Monday – Friday 8:00 am- 4:30 pm	18	149.4	Arizona Sacaton* Picacho	4 14 22	
	GRIC Governance Center in AZ	On Reservation- Gila River Indian Community	November 3, 2016 9:00 am-4:00 pm	1	7	Blackwater* Bapchule*	13 10	
<b>Santa Cruz</b>	Santa Cruz County Recorder’s Office Nogales, AZ	Off Reservation	October 12, 2016-November 4, 2016 Monday – Friday 8:00 am- 5:00 pm	18	162	Sonoita Canelo	33 50	
	Santa Cruz County Public Works Department Rio Rico, AZ	Off Reservation	October 22, 2016 2:00 pm- 5:00 pm	1	3	Tubac Amado Ruby	15 21 58	

Santa Cruz	Tubac Community Center	Off Reservation	October 22, 2016 9:00 am- 12:00 pm	1	3	Rio Rico Sonoita	9.8 48	
	Patagonia Town Hall	Off Reservation	October 29, 2016 9:00 am- 12:00 pm	1	3	Harshaw Rio Rico Amado	8 27 42	
	Sonoita Firehouse	Off Reservation	October 29, 2016 2:00 pm- 5:00 pm	1	3	Elgin Canelo Harshaw	9 17 20	
Yavapai	1015 Fair St., Room 228 Prescott, AZ	Off Reservation	October 12, 2016-November 4, 2016 Monday – Friday 8:00 am- 5:00 pm	18	162	YPIT Govt. Offices Drake Congress Bagdad Camp Verde*	3 36 44 63 43	
	10 S. 6th St Cottonwood, AZ	Off Reservation	October 12, 2016-November 4, 2016 Monday – Friday 8:00 am- 5:00 pm	18	162	Camp Verde* Drake Congress	18 63 91	
	Yavapai-Apache Nation Community Center Camp Verde, AZ	On Reservation- Yavapai-Apache Nation	Unknown			Y-AN Housing Authority*	8	
Yuma	Yuma County Recorder's Office AZ Yuma,	Off Reservation	October 12, 2016- November 6, 2016 Monday-Friday and varying weekends 8:00 am- 5:00 pm	19	81	Cocopah Reservation* Quechan Reservation* Fortuna Foothills Palomas	15 5 12	

## 2016 GENERAL ELECTION SURVEY

Thank you for your participation in this survey. Please provide information for the following questions by **November 28, 2016**. Attach a separate page if additional space is needed. If you have any questions, please contact Patty Ferguson-Bohnee at [pafergus@asu.edu](mailto:pafergus@asu.edu) or the Indian Legal Clinic at (480) 727-0420 or [indianlegalclinic@asu.edu](mailto:indianlegalclinic@asu.edu). Thank you.

1. What County is participating in this survey?

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2. Does the County provide any election materials in languages other than English and Spanish? Please respond even if the County is not required to provide language coverage under federal law.

☐ YES      ☐ NO

If **Yes**, please provide a list of other languages:

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If **No**, please explain why:

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3. Has the County translated any voting materials in any indigenous language in compliance with Section 203 of the Voting Rights Act? 28 C.F.R. § 55.4.

☐ YES      ☐ NO

If **yes**, **how** is it translated? Check all that apply.

☐ Written Translation

☐ Bilingual poll workers

☐ Translator Provided at Polling Locations

If selected, which polling locations?

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☐ Recorded Oral Translation

☐ Other

Please Explain:

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If **yes**, **what** is translated? Check all that apply

- ☐ Voter Registration Information
- ☐ Voter Identification Information
- ☐ General Election Information
- ☐ Information on Early Voting
- ☐ Voting Instructions
- ☐ Early Voting Ballot
- ☐ General Election Ballot
- ☐ Elections Department Website
- ☐ Other, Please Explain:

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4. Were ballots prepared and translated prior to October 12, 2016 for early voting in the general election?
- ☐ YES      ☐ NO

If **no**, please explain why:

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5. Are poll workers trained to be aware of Native American languages that are subject to the translation requirements, if covered, under Section 203 of the Voting Rights Act? 28 C.F.R. § 55.4.
- ☐ YES      ☐ NO

If **No**, why?

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6. What is the County's protocol if a Tribal voter needs language assistance at a polling location?

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7. Were there/Will there be translators at polling locations during early voting and the November 8, 2016 general election?
- ☐ YES      ☐ NO



If no, are alternative methods used?

☐ YES      ☐ NO

If yes, check all that apply

☐ Audio

☐ Calls to Translators

☐ Other \_\_\_\_\_

8. How are translators selected?

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9. How does the County make translators available?

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10. Are there language outreach workers in the County Elections Department?

☐ YES      ☐ NO

If **yes**, please provide their contact information.

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11. Has the County reached out to Tribes in the County to request language translation assistance?

☐ YES      ☐ NO

If Yes, what was the response given by each Tribe:

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12. Have any of the Tribes in the County contacted the County Elections Department to request language assistance for voters on Election Day?

☐ YES      ☐ NO

If Yes, what was the response given by the County to each Tribe:

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13. What materials does the County send to voters regarding voter identification?

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14. Does that information include the acceptable forms of tribal identification for Native Americans and that a tribal voter shall be issued a provisional ballot upon presenting one form of tribal identification with the voter's name? A.R.S. § 16-579(A) and SOS Manual, Chapter 10.

☐ YES      ☐ NO

Please Explain:

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15. Are poll workers trained on the identification requirement for Native American voters? A.R.S. § 16-579(A) and SOS Manual, Chapter 10.

☐ YES      ☐ NO

16. Does the County have early voting polling locations for the November 8, 2016 general election?

☐ YES      ☐ NO

If **yes**, how many and where are the polling locations? How long is each polling location open?

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17. Are there **early voting polling locations** on each reservation in the County for the November 8, 2016 general election?

☐ YES      ☐ NO

If **yes**, how many and where are the polling locations? For each site, please identify the dates and hours for each polling location.

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18. How many **polling locations** will be located within each reservation in the County for the November 8, 2016 general election?

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19. Which polling precincts are located on Indian reservations in the County for the November 8, 2016 general election?

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