

Arizona Native Vote Election Protection Project 2012: Final Report Compiled by the Indian Legal Clinic at the Sandra Day O'Connor College of Law

The Native Vote campaign is a national non-partisan effort to ensure that every American Indian and Alaska Native exercises his or her right to vote. In Arizona, Native Vote consists of two prongs: Get Out the Vote efforts and Election Protection. The Indian Legal Clinic spearheads the Arizona Native Vote Election Protection Project in collaboration with the Inter Tribal Council of Arizona, the Arizona Indian Gaming Association, and the Native American Bar Association of Arizona. The following is a report regarding the Arizona Native Vote Election Protection Project in 2012. Should you have questions about the report, please contact the Indian Legal Clinic at (480) 727-0420 or indianlegalclinic@asu.edu.

ARIZONA NATIVE VOTE ELECTION PROTECTION PROJECT 2012

FINAL REPORT

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Introduction

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. NCAI is the oldest and largest national organization representing tribal governments. 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 the 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. The Arizona Native Vote GOTV state coordinator is Travis Lane at the Inter Tribal Council of Arizona.

The Arizona Native Vote Election Protection Project was developed in 2008 after a meeting between the Intertribal Council of Arizona, the Arizona Indian Gaming Association and the Indian Legal Clinic to discuss voter disparities in Indian Country as a result of the voter identification law passed in 2004. Past attempts at voter protection efforts were uncoordinated, and national election protection organizations and state political parties had not and were not planning on providing assistance to Arizona's reservation voters. There was a void in Arizona Indian Country. The group decided that Arizona tribes would be better served by a coordinated effort with a specific hotline for Arizona Native voters as opposed to using a national hotline. The Indian Legal Clinic drafted a voter protection plan based on those discussions. The plan included stationing trained volunteers at polls where voting irregularities previously had been reported and creating or hosting a hotline staffed by knowledgeable attorneys to answer on-the-spot challenges to individuals trying to vote. The Clinic consulted Professor Rudy Espino in ASU's Political Science Department, and the Inter Tribal Council of Arizona (ITCA) and the Arizona Indian Gaming Association (AIGA) consulted its member tribes to help identify areas with past problems at the polls. The Clinic recruited ASU Indian Legal Program alumni and members of the Native American Bar Association to serve as pro bono legal advisors in order to respond to Election Day disputes.

The goal of the Election Protection Project is to reduce the number of tribal members turned away from polling sites because of improper identification, language barriers, misinformation regarding voting laws, and voter intimidation tactics.

Because of the Project's success and findings in 2008, the partnership continued at a reduced intensity for the 2010 election cycle and again for the 2012 election cycle. The Election Protection team documented incidents during the 2008 and 2010 elections that inhibited Native

peoples' access to the ballot box. These incidents can be described in the following categories: registration, questionable poll judge behavior, blatant intimidation by police, and voting machine incidents. Based on the documentation of voter intimidation by the Native Vote Election Protection Project at the Guadalupe polling location in 2008 and 2010, the Department of Justice decided to monitor the Guadalupe polling location. This demonstrates how the Election Protection Project complements the GOTV efforts because ensuring voter equality at the polls helps to mobilize Native voter participation in state and federal elections.

Purpose

Native Americans were not allowed to vote in Arizona until 1948, when the Arizona Supreme Court overturned a long standing ban on Indian voting.¹ Arizona's Native Americans continued to be excluded from the ballot until 1970 when English literacy tests were outlawed. Unfortunately, many Native peoples in Arizona continue to experience voting difficulties. Since then, many obstacles have prevented Indians from participating fully in the electoral process. The most recent assault on the Indian right to vote is the Arizona voter identification law, which resulted in a sharp decrease in Indian voters in 2006. The Native Vote Election Protection 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.
- Collect data illustrating voting obstacles.

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 the U.S. Department of Justice, the Secretary of State's office, local counties, and tribes. The Clinic coordinates with the National Congress of American Indians, the ITCA, and the National Election Protection Coalition to obtain and create training materials. The Clinic identifies polling locations in Indian Country, recruits volunteers, trains volunteers, and assigns volunteers to polling sites throughout Arizona Indian Country. AIGA secured a dedicated hotline number for the 2008 – 2012 elections, and ITCA ensures that the number and voter protection materials are provided to all Arizona tribes and tribal media outlets.

The Project has a three-tiered approach to address voter issues on Election Day. Volunteers work together to answer any legal questions regarding voting rights and are separated into three

¹ *Harrison v. Laveen*, 67 Ariz 337 (1948), overturned by *Porter v. Hall*, 34 Ariz 208 (1928)

categories (1) legal mobile volunteers at polling sites; (2) hotline volunteers at AIGA fielding calls from individuals, tribes, and legal mobile volunteers and trouble-shooting problems; and (3) on-call in tribal General Counsel's offices.

PROJECT PARTNERS

The Indian Legal Clinic

The Indian Legal Clinic is part of the Indian Legal Program at the Sandra Day O'Connor College of Law. The Indian Legal Clinic provides law students with an opportunity to participate in real cases dealing with native peoples and Indian issues. The Indian Legal 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 Indian Legal Clinic, serves as the Native Vote – Election Protection Coordinator for the State of Arizona.

The Inter Tribal Council of Arizona

The Inter Tribal Council of Arizona 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 Get Out the Vote (GOTV) efforts throughout Arizona. ITCA has been involved in 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 meet deadlines, create training materials, coordinate conference calls and live in-person training, and to provide information to tribal communities. Travis Lane at ITCA serves as the Native Vote – Get Out the Vote Coordinator for the State of Arizona.

The National Congress of American Indians

The National Congress of American Indians (NCAI) was founded in 1944 as a result of termination and assimilation policies that the United States forced upon the tribal governments in contradiction of their treaty rights and status as sovereigns. 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 partners with the National Election Protection Coalition. The Arizona Election Protection Project falls under the umbrella of the NCAI Native Vote Project, and NCAI provides training materials, trouble-shooting scenarios, and materials such as bumper stickers and T-shirts for Arizona's Native Vote volunteers. NCAI conducts trainings on election law violations and election protection.

The Arizona Indian Gaming Association

The Arizona Indian Gaming Association (AIGA) was established in 1994 by Arizona tribal leaders. AIGA is committed to advancing the lives of Indian peoples – economically, socially, and politically – so that Indian tribes in Arizona can achieve their goal of self-sufficiency. During the 2002 election, AIGA coordinated voter registration efforts on Indian reservations throughout Arizona. In 2008, AIGA established the Election Day Hotline and provided the space for hotline volunteers to answer calls and trouble-shoot problems during the 2008, 2010, and 2012 elections. AIGA provides information regarding the hotline and election protection to its member tribes.

The Native American Bar Association of Arizona

The Native American Bar Association of Arizona, formed in 2007, 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.

2012 Election Protection Data

In 2012, The Clinic identified 131 polling locations in Arizona Indian Country. Arizona Native Vote recruited fifty-five (55) volunteers to assist voters who had problems voting on Election Day.² These individuals volunteered at ten different reservations, at urban polling locations with high Native turnout, and at the Arizona Native Vote Command Center (Command Center or Hotline). Most volunteers served as legal mobile volunteers, where they stood outside of the polls and assisted voters who had problems.

Arizona Native Vote had Election Protection volunteers on the following reservations: Ak-Chin Indian Community, Fort McDowell Yavapai Nation, Gila River Indian Community, Navajo Nation, Pascua Yaqui Tribe, Salt River Pima Maricopa Indian Community, San Carlos Apache Tribe, Tohono O’odham Nation, White Mountain Apache Tribe, and Yavapai-Apache Tribe.

The data is broken into three sections: (1) incidents by type, (2) incidents by tribe, and (3) the types of provisional ballots cast on Election Day by county.

One issue that unfortunately occurred during 2012 is that KTNN, a radio station on the Navajo Reservation, received the wrong hotline number. Therefore, the wrong number was provided to listeners during public service announcements. The outcome is that there were fewer calls from the Navajo Reservation in 2012 than in 2008.

² See Appendix B.

Incident Reports by Type

In total, Arizona Native Vote volunteers filed over 100 reports detailing incidents that occurred on Election Day. A full list of the incident reports can be provided to Tribes upon request.

Common types of incidents included voters not found on the voter rosters; issues relating to provisional ballots, including the failure to issue provisional ballots; lack of voter identification; voter intimidation; problems with early ballot requests, long lines, and inadequate poll worker training; problems with reservation addresses; and voters who left without voting based on some of the aforementioned issues.

This section details the types of incidents that were incurred, ordered by the frequency of their occurrence, and provides examples from Election Day.

Voters Not Found on the Rolls

By far the most common incident that occurred was voters who were turned away from the polls because the poll worker said that they were not on the voter rolls. After being turned away from the polls, many voters either called the Hotline or spoke with an Election Protection volunteer at the polling location. Volunteers documented forty-four (44) incidents of voters being turned away from the polls for allegedly not being on the rolls. Poll workers often turned voters away without determining whether the voter was registered at another location and without offering the voter a provisional ballot as required by the Help America Vote Act. The Help America Vote Act (HAVA), Pub. L. No 107-252, 116 Stat. 1666, was passed in 2002. Section 302 of HAVA requires that election officials notify individuals whose names do not appear on the roster that they have a right to cast a provisional ballot.

At times, the Command Center was either (1) able to confirm that the voter was registered to vote at the precinct in which s/he attempted to vote and successfully sent the voter back into the polls after confirming his or her registration, or (2) sent the voter to the correct polling location. In some instances, the Command Center was also not able to confirm the voter's registration, and the voter was instructed to go back into the polling place and request a provisional ballot.

One fairly typical example occurred at Whiteriver on the White Mountain Apache Reservation. A voter in Whiteriver exited the Whiteriver poll and spoke to Election Protection volunteers because she was denied a ballot. She stated that she voted in Whiteriver during the primary, but now the poll workers told her that she needed to vote in Graham County. She said that she moved to Whiteriver in 2001 from Graham County and registered in Whiteriver in 2001. The Command Center looked up the voter's registration and found that she was supposed to vote at Canyon De Junior High, a few miles down the road. The voter was confused as to why she had to drive down to Canyon De Junior High when she voted at the Whiteriver Unified School District during the primary. The voter then drove to Canyon De Junior High.

This is just one example of voters who were turned away from the polls for not being on the voter list. Some voters were confused by changes in polling locations. In this example, we

believe the voter was ultimately able to vote a regular ballot; however, there were many other instances of voters required to cast a provisional ballot or not casting any ballot at all.

Provisional Ballots

Although voters who believe they are registered to vote in a particular precinct are entitled to a provisional ballot under the Help America Vote Act; many poll workers turned voters away from the polls without offering them a provisional ballot. Election Protection volunteers documented at least eight (8) specific instances of voters being improperly denied a provisional ballot. This is a violation of the Help America Vote Act.

There was also a large number of individuals who were required to complete provisional ballots because they had received and not returned an early ballot by mail.

Voter Identification

Voter ID continues to be an obstacle for many Native voters on Election Day. In addition to Native Vote volunteers educating voters on what types of identification voters needed to the polls for in-person voting, volunteers documented six (6) instances of voters having difficulty voting due to ID issues. Too often, poll workers would turn away voters who did not have proper ID rather than offer them a provisional or conditional provisional ballot. Many voters did not realize that they did not have sufficient ID until they were turned away from the polls and often voters did not have enough time to obtain new ID before the polls closed.

Intimidation

Volunteers documented six (6) instances of potential intimidation at or near the polls. These included police or border patrol presence near the polls.

Before Election Day, Arizona Native Vote was concerned that organizations like True the Vote would deploy volunteers to Indian country to challenge voters' right to vote and that this would intimidate voters. It is important to note that this was not the case on Election Day. No volunteers reported any voters being challenged by other citizens or by partisan poll watchers.

Early Ballots

Volunteers documented five (5) instances of voters who requested an early ballot, but who did not receive it. This complicated a voter's ability to vote because the voter then had to vote a provisional ballot if the voter was identified as an early voter.

An Arizona Native Vote poll observer inside the Guadalupe polling site stated that this was the primary issue in Guadalupe. In addition, there was at least one voter at Whiteriver who was improperly turned away and not given a provisional ballot because the poll worker said the voter had been mailed a ballot.

Long Lines

Long lines on Election Day potentially discouraged voters. Arizona Native Vote Volunteers reported long lines (lasting between one and three hours) in areas such as Camp Verde (Yavapai

Apache Nation), West Mesa (urban Indian community), throughout the Navajo Nation, Whiteriver (White Mountain Apache Tribe), Sells (Tohono O’odham), and Sacaton (Gila River Indian Community).

Poll Worker Training

There were four (4) instances reported by Arizona Native Vote Volunteers of poll workers being poorly trained.

One example of this occurred in the McNary polling site in Apache County on the White Mountain Apache Reservation. There, a voter arrived to vote at 7 A.M., an hour after the poll opened, and complained that the poll workers were disorganized and not trained. She said when she walked in, the workers were not ready for her to vote and she had to wait for the poll workers to get organized before she could vote. She complained that she would now be late for work because it took her almost twenty (20) minutes to vote.

Inactive List

Volunteers documented at least two (2) instances of voters who were not able to vote initially because they were on the inactive list. Arizona Native Vote was able to advise these voters to reenter the poll and cast a provisional ballot in order to reactivate their registrations. The poll workers should have checked the inactive list and should have offered a provisional ballot to any voter on the inactive list.

Registration

Volunteers documented two (2) voters who were unable to vote because they had not updated their voter registration or had not registered at all.

Signature Rosters Incomplete

According to Arizona law, the signature roster must include both the physical and mailing addresses if they are different.³ The residence address is required to place voters in a polling precinct, and the mailing address is used to send official election mail. However, when the mailing address and residence address are different, both should be included on the signature roster. This is especially important in Arizona Indian Country because many reservations do not receive mail at home but may have the residence address on the driver’s license or identification.

One Native Vote volunteer reported that Pinal County only had one set of addresses listed on the voter registration rolls and did not have both mailing and physical addresses as required by Arizona law.

³ When a person registers to vote, the applicant must include the residence address and a mailing address, if different from the residence address, including a post office address, city or town, zip code or other designation used by the registrant for receiving mail. ARIZ. REV. STAT. ANN. § 16-152(A). This information is used to create the signature rosters. ARIZ. REV. STAT. ANN. § 16-168 (B). According to the Secretary of State’s Election Manual, both the mailing address and residence address should be on the signature roster. Ariz. Sec. of State, ELECTION PROCEDURES MANUAL COPPER EDITION (2012) at 141, *available at* http://www.azsos.gov/election/Electronic_Voting_System/manual.pdf.

From the Command Center, a Native Vote Hotline volunteer spoke with Steve Kizer, the Director of Pinal County Elections Department, about this mistake. Steve Kizer said that all rosters have both addresses. However, the volunteer experienced this mistake when voting on Election Day at Precinct 61 Santan in Pinal County. She informed Mr. Kizer that 61 Santan did not have both addresses. The volunteer further reported to Kizer that 29 Sacaton does not have both addresses, and as such, voters are receiving provisional ballots, when they should be issued regular ballots. Kizer said he would check into it and added that voters should verify with the county recorder's office to receive a regular ballot.

Documented Voters Who Left Without Voting

In total there were fifteen (15) people who Arizona Native Vote Election Protection volunteers documented as having tried to vote, but did not cast any type of ballot, regular or provisional, because of one of the above problems. Despite the best efforts of Election Protection Volunteers, these fifteen people were not able to exercise their right to vote despite believing that they were registered and able to vote. These are only the people that Arizona Native Vote was able to document. Unfortunately, the number of people who were denied the right to vote even a provisional ballot is likely much higher than this and is a direct violation of the Help America Vote Act.

Incident Reports by Tribe

The following section addresses incidents by tribe as gathered by volunteers. As mentioned above, there may have been other issues not documented by the volunteers or reported to the Hotline.

Ak-Chin Indian Community

Native Vote volunteers were on-call and assigned to in-person shifts throughout the day at the Ak-Chin Government Center. Volunteers at Ak-Chin did not report any voting incidents.

Fort McDowell Yavapai Nation

At least two volunteers were stationed at the Fort McDowell Recreational Center. Neither reported any incidents.

Gila River Indian Community

According to Arizona law, the voter registration rolls must include both physical and mailing addresses.⁴ The Gila River Indian Community has seven districts location in Pinal and Maricopa Counties. Volunteers were assigned to four precincts at Gila River. One issue impacting voters in Pinal County was the county's noncompliance with the information required on the precinct voting rosters. One Arizona Native Vote volunteer reported that Pinal County had one set of addresses listed on the voter registration rolls and did not have both mailing and residential addresses as required by law. Some voters were turned away or not offered provisional ballots because the addresses did not match for this reason.

From the Command Center, a Native Vote Hotline volunteer spoke with Steve Kizer, the Director of Pinal County Elections Department, about this mistake. Steve Kizer said that all signature rosters have both addresses. The volunteer responded that that was not the case because she had voted earlier in the day at 61 Santan, and the roster there did not have both addresses. The volunteer further reported to Kizer that 29 Sacaton does not have both addresses, and as such, voters are receiving provisional ballots. Kizer said he would check into it and added that voters should verify with the county recorder's office to get a regular ballot.

It is important that both the residential and mailing addresses be listed, especially when there is no physical address where a voter receives mail, so that the voter is not turned away.

Precinct 29: District 3 Service Center (Sacaton, Pinal County)

We received several reports that at least two poll workers at this precinct were confused about the provisional ballot process. This was reported to the County Election Director by the Command Center.

One voter was turned away because she had received an early ballot. The poll workers told her that she needed to go home and retrieve her early ballot, surrender it, and then she could vote.

⁴ *Id.*

Although the voter left to get her early ballot and returned with it, the information that the poll workers provided was wrong. The voter could have voted a provisional ballot, which would have counted as long as her early ballot was never cast. In order to cast a regular ballot, the voter could surrender her early ballot (which she apparently did), but was not required to do so before casting at least a provisional ballot. The voter should have at least been given an option to cast a provisional ballot to ensure that her vote would have counted should she choose not to return with her early ballot.

Another voter was sent home because her address was incorrect on her identification. She was not told that she could vote a provisional ballot. When she returned with another ID, she was told her address was still not correct, and she could vote provisionally. The voter was upset that poll workers did not originally inform her of her right to vote a provisional ballot so she would not have had to make separate trips just to end up voting a provisional ballot.

Another voter had a certified voter registration card and driver's license number, but was turned away at District 3 because she was not registered. The voter stated she did not know her polling location, but she reportedly voted at District 6 in 2010. The Native Vote volunteer contacted the Hotline, and the Command Center could not find her registration. Because the voter had her tribal ID, she went back to receive a provisional ballot and voted.

Similarly, poll workers directed another voter to go to District 5 because she was in the wrong polling place. The voter only had a post office box on her ID, and her physical address was listed as Casa Blanca Road. However, the poll worker said that the address should be West Casa Blanca Road, and that she was in the wrong place. The Native Vote volunteer gave her the Hotline number, and advised the voter to follow up with the Hotline if she had further problems.

One voter was not found on the voting rolls but was offered a provisional ballot.

An Arizona Native Vote volunteer reported that a man with a camera went into the polling site and left approximately twenty (20) minutes later with his camera. The lens cap was off of the camera. No one prohibited him from going into the polling site.

Poll workers told one voter that she was not on the list and did not give her a ballot. After speaking with the Arizona Native Vote volunteer, the volunteer recommended that the voter ask poll workers to check the add-on and inactive lists, and as a last resort to cast a provisional ballot. The voter declined, stating she had to return to work. The volunteer advised her that the polls would close at 7 P.M.

At least five (5) voters arrived at this location expecting to vote, only to discover that they were assigned to vote elsewhere. None were offered a provisional ballot. In speaking with an Arizona Native Vote volunteer, they were directed to the proper polling locations, which were in other districts. Two of the voters were confused to hear about their new polling locations, as they stated that they had previously voted at this location.

After poll workers told another voter that she was not on the voter list, an Arizona Native Vote volunteer called the Command Center. The Hotline volunteer could not find any records of the individual's voter registration. The voter stated that she had paperwork at home regarding her voter registration and would return with that information.

Another voter provided her driver's license number and date of birth and told a Native Vote volunteer that she was not sure if she was registered. The volunteer called the Command Center, which verified her voter registration information. Her precinct was Church and Canal at District 3 Service Center. She voted without any problems.

District 5 Veterans Memorial Building (Casa Blanca, Pinal County)

At least three (3) voters were turned away and not offered provisional ballots at this location.

One voter had specifically requested but was denied a provisional ballot. He told the Native Vote volunteer that he was formerly registered in that Gila River district before moving to Chandler. The voter stated that he received an early ballot in the mail. The volunteer called the Hotline, which helped him locate his current precinct. The voter then left to vote at his proper precinct.

After presenting his identification, a voter was told by a poll worker that he was not registered. Upon hearing this, the Native Vote volunteer asked the voter if he would like to cast a provisional ballot, but the voter declined, leaving the location without voting.

A student voter was registered, but poll workers told her that she needed to vote in District 3 rather than District 5. She had to go to school, but said she went to school near the District 3 precinct. The volunteer offered the Hotline number and informed her of her right to a provisional ballot. She left to go to school, but stated that she was willing to call the Hotline if she incurred any additional problems voting.

One voter, who worked in maintenance for the Ak Chin Indian Community reported that his supervisor requested documentation from his polling location before approving two hours leave from work to vote. The voter stated that he planned to give his employer the "I voted" sticker as proof. He added that he did not care if his employer did not accept the sticker as proof and penalized him by deducting vacation hours, as long as he was able to cast his ballot.

Two voters were not found on the voter rosters, but the poll workers reportedly issued directions to the proper voting location. As the voters left to their proper location, the Native Vote volunteer advised them of their rights to cast a provisional ballot should they incur further problems.

An elderly voter informed the Native Vote volunteer that he voted in the past, but poll workers could not find his name on the voting list. He reported that he was given a voter registration form and told to re-register. The Arizona Native Vote volunteers called the Hotline, which

verified that he was already registered to vote and at the proper polling location. The Hotline volunteer advised the voter that he was likely on the “inactive” list. The voter was urged to return to the poll location, ask workers to check the inactive list, and request a ballot. The voter had trouble walking, so he asked an Arizona Native Vote volunteer to help him walk inside. The volunteer complied. Inside, the voter was found on the inactive list, given a ballot, and successfully cast his vote. The voter reportedly left the building while leaning on the Native Vote volunteer, smiling.

District 6-Komatke (Maricopa County)

One volunteer reported that there was low voter turnout. The volunteer spoke with a community leader, who said they are working hard to educate community members and get them registered leading up to Election Day, but that it was a work in progress.

There were several individuals impacted by the address conversion on the reservation because their addresses did not match. Some voters felt frustrated. One volunteer had to encourage a voter to get a provisional ballot. The person voted, but she did not receive a provisional ballot receipt.

One person was told that they could not vote because the last name did not match. The name actually had a typo. A volunteer called the command center and working with the Maricopa County Compliance Officer, was able to address the issue. Because the name was a typo, the individual was instructed that she should receive a regular ballot and that the poll workers should make a note about the typo at the front of the roster.

District 7-Pee Posh (Maricopa County)

Gila River had recently converted addresses in this area of the community prior to the 2012 election, including changes to street names. Because so many street names were changed in county registrations, voters encountered problems when voting on Election Day because many people had not changed the address on their ID cards to reflect the new address conversion. Because of the conversions, many voters were confused on whether they were registered to vote in District 6 or District 7. Many calls were handled to verify the proper precinct. Some people complained that they live in the same house but are now told that they are at the wrong precinct. The Command Center was in constant contact with the Federal Compliance Officer to troubleshoot the address issue.

Navajo Nation

The Arizona portion of the Navajo Nation has precincts located in three counties. On Election Day, legal mobile volunteers monitored eight polling precincts and the Navajo Nation Legislative Council served as on-call responders to deal with voter issues.

Fort Defiance (Apache County)

A voter got off work about 4 P.M. and drove to Fort Defiance. He got in line for the state election at approximately 4:15 P.M. and stated that it was a very long line at the Fort Defiance

Chapter House. He waited in the long line and finally cast his ballot in the state election. When he was done, he walked out to get in line to vote in the Chapter election for Chapter President, Grazing Committee, etc., but the Navajo Elections Officials would not allow him get in line. The Navajo Elections' Official turned him away because it was after 7 P.M. Because the state lines were so long, the voter was not allowed to vote for his Navajo government.

Tuba City Junior High (Coconino County)

At least two (2) voters arrived at the Tuba City Junior High School to vote but were sent away to another polling location because they were at the wrong polling location. Another such voter arrived at the high school polling site, but had to vote a provisional ballot there.

An individual went to vote at the Tuba City Junior High polling site and was turned away because she was at the wrong location. Poll workers looked up her proper precinct and directed her to the Tuba City Primary School. Overall, that seemed to be the practice for all of the Tuba City polling locations. Voters seemed to be confused as to where their correct polling locations were located.

Tuba City High School (Coconino County)

Both locations had 75-foot signs set up when the Arizona Native Vote volunteers arrived around 6 A.M. The legal mobile volunteers posted their signs outside the 75-foot line. As the volunteers reported to each Tuba City polling location throughout the day, the 75-foot signs were moved further away from the polling door. At the primary school, the sign was removed and placed right in front of the tree where volunteers had posted the Native Vote sign. At the high school, when the volunteers went to move the sign outside of the new 75-foot measurement, the volunteers were asked to move *further* away, "for the safety of the students." The Tuba City polling locations were ground zero for an election between two candidates for Superior Court judge. Both candidates hired staff to be present at all three polling locations in Tuba City. Arizona Native Vote may have been caught up in the aftermath of that activity.

A volunteer for Cathleen Nichols campaign informed the volunteers that her friend was turned away from the Tuba City High School poll without being given a ballot. She relayed that her friend believed she was registered to vote at this location and was neither given a provisional ballot nor referred to another location. The volunteer conveyed that she told her friend to go back in and demand a ballot. The voter was then given a provisional and elected not to contact the Hotline for assistance.

One father asked the Arizona Native Vote volunteers if his son, who attended Arizona State University, could vote in Phoenix even though he is registered at his Tuba City address. The volunteers informed him that his options were to mail in a ballot or vote at the proper precinct under Arizona law. They advised him that his son could drop his ballot off at any polling location within his registered county, but his son could not vote in Phoenix.

Two women approached Arizona Native Vote volunteers and asked for help locating their polling locations. The volunteers explained to the women that there were three locations in Tuba City (Primary School, Junior High School, and High School). The women explained that they usually vote at the High School gymnasium and just wanted to know if the county had changed the location. The volunteers gave the voters the Hotline information to check their polling locations and informed them to phone if they had issues when they went to vote.

Window Rock (Apache County)

A legal mobile volunteer started at Sawmill and ended Election Day at the Navajo Nation Museum in Window Rock. The museum was a new polling site. The volunteer reported that there were long lines and no restrooms at some of the polling places she visited. One woman advocated for better access for the elderly, who may be discouraged from waiting in the long lines.

Pascua Yaqui Tribe

Legal mobile volunteers were assigned to New Pascua in Pima County and Guadalupe in Maricopa County.

New Pascua (Pima County)

Two voters had to leave the polling place and get other documents with their addresses on them because the address on their photo identification did not match the voter roster. They should have been advised of casting a provisional ballot or updating their address with a provisional ballot if their respective addresses had changed.

The Arizona Native Vote poll watcher stated that the main issue at this polling location was that there were a number of voters who signed up for early voting ballots and did not mail them in prior to the Election Day. These voters were coming to the poll without their early ballots. The voters would then have to complete provisional ballots.

Guadalupe (Maricopa County)

Between 7 A.M. and 1 P.M., the Native Vote volunteer observed five (5) Maricopa County Sheriff patrol vehicles driving down the main street by the polling location, which is approximately 100 yards from the polling location building. One of these patrol cars pulled a driver over on the main street, again approximately 100 yards away from the polling location. Two of the patrol cars were traveling together down the main street. This was reported to the Department of Justice.

A woman voter had a Tohono O’odham ID that lacked her address. Poll workers did not allow the woman to cast a regular ballot with only her ID. The Native Vote volunteer informed the voter that she could cast a provisional ballot with her Tribal ID using the Native American provisional. After troubleshooting the problem, it was determined that the voter could cast a regular ballot with a piece of mail that she had in her vehicle.

Another woman reported that her mother was not able to vote in this year's election. Her mother normally votes through the mail because she is on the Permanent Early Voter List. She reported that her mother did not receive a ballot this year. Because her mother is injured, voting in person would have been extremely difficult.

Salt River Pima Maricopa Indian Community

Native vote volunteers were assigned to the two Salt River polling locations. The General Counsel also volunteered and served in an on-call capacity to respond to voting issues

At least two voters had problems voting and were issued provisional ballots.

One voter advised the Arizona Native Vote volunteer that she received a provisional ballot because her name was not on the voter roster. The volunteer called the Hotline, which confirmed that she was at the correct polling location. The volunteer advised the voter to go back in with her voter ID card (which she had just taken out of the car) and ask if she is on the "inactive list" or any other list since she had not voted in a long time. When she came back out she said that they would not check her name again on any list and asked her to go to the provisional ballot line. The poll workers did not even look at her voter ID card. After the voter left, the volunteer called the county to try to find out why the voter was not on the list.

One voter reported that poll workers gave him a provisional ballot because he was sent an early ballot. The voter said that he did not receive an early ballot. The voter declined to contact the Hotline, as he said he was in a rush.

A Native Vote volunteer inside of the polls noted that a big issue was the large number of provisional ballots cast. Salt River voters filled up two of the plastic bins with provisional ballots. There were two main reasons for this. The first is that many voters requested early ballots and then did not mail them or bring them in. All of those voters had to cast a provisional ballot. The second and largest reason for provisional ballots was due to the addresses on their IDs not matching the election records. There were a few people who had to go get additional ID but they all found it and came back to vote. Towards the end of the night there were up to sixteen (16) people waiting to cast a provisional ballot with two workers manning that station. Around 6 P.M. the supervisor came to help with the provisional ballots and to cut down the wait time.

San Carlos Apache Tribe

There are three polling locations on the San Carlos Apache Reservation, located in Gila and Graham Counties. Native Vote volunteers monitored the 410 San Carlos precinct in the morning. Outside counsel served in an on-call capacity to respond to voting issues. The Arizona Native Vote volunteers reported that polling locations for federal and state elections were not clearly marked. They also reported that police were at the tribal elections.

A voter stated that the man in front of him in line was not able to vote. The Arizona Native Vote volunteer did not arrive in time to speak with him.

One man came to vote for the first time but was turned away because he was not registered. He did not know he needed to register beforehand, and he was sure that he had not registered before.

Tohono O'odham Nation

The Tohono O'odham Nation has twelve polling precincts in three counties. One legal mobile volunteer monitored the 004 Sells precinct.

An Arizona Native Vote volunteer noticed that roving border patrol officers were stopping all cars leaving the reservation. When entering into the Tohono O'odham Nation, cars had to slow down but were not stopped. At one point as the volunteer exited the reservation, a drug-sniffing dog was present. The border patrol officers did not specifically act to intimidate with the drug-sniffing dog and their questions (they asked the volunteer if she was a U.S. citizen). The volunteer called the Hotline upon initially observing the roving border patrol, but her cell phone signal faded. The Hotline volunteer later noted that the community was likely used to roaming border patrol, but the volunteer documented these incidents anyway. The volunteer reported that these officers may deter those who are traveling around the reservation to vote.

Precinct 004 Tohono O'odham Nation Legislative Chambers (Sells, Pima County)

An elderly voter was told she was not on the voter roster and directed to go to her usual polling place at Schuk Toak District Headquarters. She said she was only at Sells because she received a sample ballot directing her to come to Sells District. She presented her sample ballot to the Native Vote volunteer, who took a picture of it.⁵ She said that poll workers also saw the sample ballot but still directed her to another precinct. She was not offered a provisional ballot. The Arizona Native Vote volunteer contacted the Command Center to verify her registration. Because the voter lacked an Arizona driver's license or a voter ID card, they could not look up her registration. The volunteers advised the voter to cast a provisional ballot, but because her ride was arriving and she did not want to wait in line again, she declined. She noted that she had waited in line a long time to be turned away.

A voter was not on the precinct register in Sells and was not provided a provisional ballot. He was told that he may be registered in another precinct. The Arizona Native Vote volunteer called the Command Center but was unable to locate his polling place. The volunteer advised him to have the poll worker check the inactive list because he said he had not voted in a while. Because the polls were about to close, he said he was going to go to the other precinct instead of going back into the Sells polling location to request a provisional ballot or to check additional lists.

A voter was told she was not on the voter roster and was directed to another line, which was much longer. Because she did not want to wait, she said she would go home and get her mail-in

⁵ See Appendix A at 1.

ballot. She stated that she decided not to mail in her ballot because it may not arrive on time. She said she was not offered a provisional ballot, which is consistent with other reports. The Arizona Native Vote volunteer offered to verify her polling place by calling the Hotline, but the voter declined, saying she will return with her mail-in ballot.

A voter was not sure he was registered and said the poll workers were unable to assist. The Arizona Native Vote volunteer called the Hotline, which attempted to look him up by his Arizona driver's license number as well as his physical address. His license only had a post office box listed. While the Hotline was researching his information, the voter mentioned that he had about four felonies from the 1980s and did not remember voting since that time. The volunteer advised the voter that he would likely have to petition the court to get his voting rights restored. The Hotline could not find his registration, and as such, the volunteers advised the voter he could cast a provisional ballot, but it will not be counted if he is no longer registered.

One voter stated that she thought her voter registration was originally assigned to Pima County from her old residence in Coconino County. She was given a "PI" ballot or "some other two-letter combination" and wanted to know what that meant. The Arizona Native Vote volunteer advised her that she voted a provisional ballot and pointed out the phone number on her provisional ballot receipt so that she can follow up in ten (10) days to check the status. She said her IDs did not match the old mailing address on the voter roster. She was advised that may be why she received a provisional, but that it should be counted if she is at the proper polling place. She said that the poll workers seemed busy, so she did not feel comfortable asking them questions.

Another voter at Sells was told she was not on the voter roster for this precinct, but she knows she is registered to vote because she last voted in an election when George H.W. Bush ran for president. She said that poll workers attempted to find her correct polling place but could not reach anyone. The volunteer called the Hotline, which successfully located her polling place as the Ajo Federated Church in Ajo. The voter did not appear to have been offered a provisional ballot because she did not know what one was when the Native Vote volunteer asked her.

White Mountain Apache Tribe

There are six polling locations on the White Mountain Apache Reservation. One Election Day, two legal mobile volunteers monitored four precincts.

McNary Elementary School (Apache County)

An Arizona Native Vote volunteer entered the poll at 6:30 A.M., thirty minutes after the polls opened, to drop-off a mail-in ballot. The poll worker asked the volunteer to sign in, but the volunteer explained to the poll worker that he did not need to sign in because he was just dropping off the ballot that was already signed and sealed. The poll workers agreed but asked the volunteer to wait because they were not ready to receive ballots. They said they were running behind and that the volunteer was the first voter to come to the polls. It took them

another five minutes to figure out how to open the black lock box where the volunteer could place the ballot. When the volunteer reentered the poll at 6:51 A.M. to use the restroom, the two poll workers were still trying to figure out how to get the voting machine working. Shortly thereafter someone from Apache County showed up to assist them.

Another voter arrived to vote at approximately 7 A.M. and left at 7:19 A.M. When she left the poll she approached the Arizona Native Vote volunteer and complained that the poll workers were disorganized and not trained. She said when she walked in at 7 A.M., they still were not ready. She complained that she would be late for work now. She said that she votes at this poll every election, but this time the poll workers did not know what to do and were not trained at all. She said it normally goes smoothly. She complained that they only had one voting booth and that people were lined up behind it. She also complained that the voting machine would not take her ballot so she had to put it in the side of the ballot box.

Whiteriver Unified School District (Navajo County)

A number of voters were turned away because their names were not on the list despite having voted at Whiteriver in the past. One such voter was very upset by her experience and did not want to speak with Arizona Native Vote. Instead, her friend filed an incident report on her behalf. The Arizona Native Vote volunteer, through the friend, told the voter that she could return inside to cast a provisional ballot. The voter was too upset to reenter the polling location.

After waiting in the long line, poll workers turned a voter away and told him he was not on the active or inactive voter list. They did not offer him a provisional ballot. The voter told the Arizona Native Vote volunteer that he had not voted in a while. He also said that he was registered in Whiteriver and had not moved. The volunteer told him that he was entitled to at least a provisional ballot if the poll workers could not find him on any of their lists.

The voter asked the volunteer to accompany him into the poll to help him get a provisional ballot because he had been turned away already. The volunteer agreed and walked him past the line to the provisional voting area. At that time, the poll workers kicked the volunteer out of the polling location. They told the volunteer he could not be there unless he had credentials from one of the political parties. The volunteer responded that the voter had a right to choose someone to assist him and he was there to help the voter and make sure he was allowed to cast a provisional ballot. The poll worker said that the volunteer had to leave and that they would help the voter cast a provisional ballot.

By advising the Arizona Native Vote volunteer who was assisting the voter to leave, the poll workers acted wrongfully. A voter can request assistance from any person the voter chooses.

The volunteer left and waited outside for the voter. The voter came out five minutes later and said that he had been denied a ballot again and was not allowed to vote even a provisional ballot. He was frustrated with trying so many times and walked off. The volunteer was not able to get any more information from the voter because he left.

Another voter thought she was supposed to vote at the Whiteriver precinct, but the poll workers turned her away because she was at the wrong precinct. Earlier in the day she had gone to the King Day precinct to vote and the poll workers told her that she was not on the voter roster. She approached the Arizona Native Vote volunteers and asked us to look up her polling location. A volunteer called the Hotline. The Hotline volunteer confirmed that she did have a valid registration and was supposed to vote in the West Whiteriver precinct, which is where she was. The volunteer sent her back into the polling site, and this time the poll workers did find her name on the voter roster, and she was able to vote a regular ballot.

A voter reported that her sister was denied a ballot because the poll workers said she had received a mail-in ballot. She was told that she could not vote in person even though she did not return her mail-in ballot. The voter was not offered a provisional ballot. The Arizona Native Vote volunteer suggested that her sister come back and talk with the volunteers for assistance, because the poll worker was wrong. Her sister never came.

At least three (3) voters incurred problems voting because of voter ID issues. One voter had no identification and was turned away from the poll. He was not offered a conditional provisional ballot. This voter said that his wallet was stolen. The Arizona Native Vote volunteer advised him that he could use a bank statement and utility bills as ID. He said he was going to go home and get some bills and come back to the polls with them. The volunteer did not see the voter again.

Another voter approached the Arizona Native Vote volunteers for assistance after he was denied a ballot because he did not have identification. He explained that his wallet was stolen recently so he did not have his voter card or his driver's license. One volunteer advised the voter that he could go back into the poll and vote a conditional provisional ballot and would have to come back later with ID. The voter went back into the poll, but was denied a conditional provisional ballot.

Here, the poll workers erred because they should have initially offered him a conditional provisional ballot. Subsequently, the voter should not have been denied a conditional provisional ballot upon his request.

A Native Vote volunteer spoke with the voter after he exited the poll the second time. The volunteer asked him whether he had any mail or anything else with his name and address on it. The voter said that he only had his outpatient form for his rehab program. He said it was a tribal rehabilitation program. The form had his address on it. The volunteer told him to go back in and show the poll workers this document and that they must give him a provisional ballot because it qualifies as a tribal ID. The voter went into the poll for a third time and this time he was given a ballot. When he came out, he said he was given a regular ballot.

A voter had her current voter ID card issued by the county with her current address and she also had a photo ID with an old address. The poll workers turned her away because she did not have

a photo ID with a current address. She was not offered a provisional ballot. The Arizona Native Vote volunteer told her that she should go back into the poll and tell them that her ID entitled her to a regular ballot because she can “mix and match” the IDs. She went back into the poll to demand a ballot. The volunteer did not see her come out of the poll because the poll was very busy.

A voter voted in the primary election at Canyon De Junior High and said that she had voted at Canyon De all of her life. However, this election, she went to Canyon De and they said that she had to go to the Whiteriver Unified School District to vote. She came to Whiteriver to cast her ballot but was confused as to why her polling location changed.

Another voter came out to talk with the Arizona Native Vote volunteer after she was denied a ballot. She stated that she voted in Whiteriver during the primary but now the poll workers told her that she needed to vote in Graham County. She said she moved to Whiteriver in 2001 from Graham County and registered in Whiteriver in 2001. Because the County Recorder lost her 2001 registration, she stated that she registered again in Whiteriver in 2002. The volunteer contacted the Hotline, which found that she was registered at Canyon De Junior High. The voter was confused as to why she had to drive down to Canyon De Junior High when she voted at the Whiteriver Unified School District during the primary.

A voter was registered to vote in Peridot, which is on the San Carlos Apache Reservation in Graham County, but she now lives in Whiteriver. She said she did not update her registration when she moved. She said she was turned away from the poll because she is still registered to vote in Graham County. The Arizona Native Vote volunteer told her that she would have to go to Peridot to vote because she did not update her registration. She said that Peridot is 2.5 hours away and she would not be able to make the drive before the polls closed.

Two voters stated that they are both registered to vote in Whiteriver, but the poll worker turned them away and said that they were not on the list. The poll worker did not issue them a provisional ballot. The poll worker told one of the voters that she had been taken off the voter rolls a few years ago. The Arizona Native Vote volunteer called the Hotline, which was also unable to find either voter. The volunteer informed the voters that the Help America Vote Act (HAVA) entitled them to a provisional ballot because they believed that they were registered to vote there. The volunteer sent them back in the polls to vote a provisional ballot. The Hotline volunteer looked them up and found that they each had a criminal history and may have had one or more felonies. The voters came out of the polls and said that they voted provisional ballots.

Many voters at Whiteriver complained about the long lines and slowness of the lines. Many voters complained that there were not enough voting machines and that the voting machines

were not accepting the ballots properly. Voters said they had to stuff the ballots into the sides of the machines. A photo showing the long lines is attached to this report.⁶

A voter walked up to the Arizona Native Vote volunteers to complain because she was helping two elderly voters with walkers and therefore she needed to park in the handicap spot near the poll. However, there were men blocking the road to the poll preventing people from driving close to the polling location. She complained that the people she was assisting could not reach the poll because they could not walk up the hill with their walkers. The volunteer walked down to speak with the individuals navigating traffic and told them that federal law requires disabled people to get accommodations including parking assistance. The individuals navigating traffic said that they worked for the high school nearby and were just trying to make sure that the buses could get in and out. They complained that there were so many cars and so much congestion that the buses could not get through. They said that the county should provide people to come down and regulate traffic because it was getting too congested.

Yavapai-Apache Nation

There are no polling locations on the Yavapai-Apache Reservation. Yavapai-Apache tribal members vote at several off reservation locations. One legal mobile volunteer monitored these precincts.

Camp Verde United Methodist Church (Yavapai County)

The Arizona Native Vote volunteer reported longer lines (about an hour to vote) and parking problems during the lunch hour.

Additionally, the volunteer reported that seniors and disabled individuals had a relatively long walk to the building from parking lots.

There were some reports of periodic problems with voting equipment, lighting, and running out of paper provisional ballots. At all times, the issues were fixed quickly, and voting was not denied. Overall, the polling site was very well run, poll workers were well trained, and the day went well.

According to one poll worker, a Republican poll watcher was reportedly speaking to voters. The Arizona Native Vote volunteer called the Hotline, which contacted the county. The county and the Republican Party took immediate action and threatened to remove the poll watcher. As it turned out, the poll watcher had been innocuously talking to neighbors and friends (it was a very small town), but the poll workers took their jobs very seriously and followed the rules pretty strictly. The poll watcher did not discuss anything political or interfere with voting.

Urban Locations

Legal mobile volunteers monitored two urban polling locations in Maricopa County. According to the U.S. Census, there are over 86,000 Native Americans living in Maricopa County.

⁶ See Appendix A, at 2.

Indian Springs (Maricopa County)

The Arizona Native Vote volunteer reported that the site was not fluid for voters. The site was a school amphitheater with the voting booths and check-in tables situated, principally, parallel to each other between the stage and the front row of seats in curved formation. This created a bottleneck.

The volunteer observed only two individuals questioned, but said she would not characterize the questioning as “challenges.” One set of questioning involved a Hispanic male with a foreign accent. The poll worker asked about his residency in the precinct and length of residency. He smilingly responded to the questions and provided two forms of identification, which were readily accepted by the elderly, male poll worker who had made the inquiry. The questions about residency and length of residency are unnecessary if the voter showed his identification. This can be seen as an intimidation tactic.

The second person that the volunteer observed being asked specific questions was also Hispanic. Questioning appeared to be due to his extremely-youthful appearance about two to three years below voting age; however, his eligibility was adequately established.

Monitors from the U.S. Department of Justice documented all incidents of voters who left without voting.

The volunteer reported that the most significant problems were due to redistricting combined with the high-density, ubiquitous, apartment-dwelling population in this area. Approximately one-third of the voters cast provisional ballots. This was due to voters moving, not notifying the county election office of the change of address, or moving and not updating the address on their drivers’ licenses. There were multiple variations on this theme.

The volunteer observed that a couple of voters had not brought sufficient ID to comply with the ID requirements. Both left and came back with proper ID.

This polling location was not supplied with sufficient provisional ballots. Provisional ballots ran out at 2:50 P.M. but a new supply was delivered by 3:27 P.M. It looked as though provisional ballots would run low again, but a DOJ monitor went to get more ballots so there were no further problems with provisional ballots. The Native Vote volunteer also offered to pick up more provisional ballots.

The only other problem encountered was that there was not an adequate pen supply. The voters took all the pens from the voting booths. Relative to the pen problem, the poll inspector asked the volunteer to make a pen run for him, handing the volunteer \$7.

The ballot counting machine began at zero when the polls opened. It read 578 when the final count was run after the final voter in line at 7:00 P.M. checked in and completed voting. A total of 369 provisional ballots were cast. Quite a few people were on the list of those who received

early ballots; many had never received them. They filed declarations without incident. Many who had received ballots admitted to having misplaced them. After completing an affidavit (very short), they were allowed to proceed.

There were several disabled voters in wheelchairs, one blind voter aided by his spouse, and several elderly who used walkers. The wheelchairs and walkers were not well accommodated by the configuration of the check in and voting area.

Hyphenated names caused a few problems. All voters with hyphenated names were female that the Arizona Native Vote volunteer observer saw.

The volunteer also observed an African American, under 40, female voter be turned away for lack of identification of any type. A DOJ monitor interviewed her as they did all who left.

There were virtually no Native Americans in the morning. Minorities showed up in the afternoon: Native American, African American and Hispanic. By 4:42 P.M., people began to show up in droves; however, the volunteer observed only one agitated person in line. He seemed to believe that the doors would close at 7 P.M. Incidentally, when he checked in, he did not have proper identification. He returned with proper ID, went directly to the table, and was processed like all others.

Despite the provisional ballot problems and the need to explain when they were used to nearly all of the people who needed them (primarily due to identification or moving issues), the volunteer reported that all went well.

Mesa Education Center (Maricopa County)

A few voters complained to the Arizona Native Vote volunteer about the facilities and workers. Specifically, they noted that the space was too small and workers were unorganized and uninformed. One voter spoke with a federal observer who was in the area and who overheard her complaints.

Another voter reported that she registered to vote with Department of Economic Security, but according to Maricopa County Recorder's Office, she is not registered. She stated that she voted in 2008.

Provisional Ballots by County

Because Arizona Native Vote did not cover all of the counties in Arizona, we recognize that any analysis of incidents by each county would be incomplete. Following Election Day, however, Arizona Native Vote gathered data on provisional ballots issued and counted by each county. The Clinic submitted requests to counties for data; however, the Clinic was not successful in obtaining breakdowns of all areas of concern by reservation precinct. The following sections detail the reported results of provisional ballot counts by each county, emphasizing instances of provisional ballots issued at or near high Native American turnout areas. This report includes information about Native American specific precincts when available. Any conditional provisional ballots cast were cast because the voter lacked sufficient ID.

Apache

Total Provisional Ballots	1627
Total Counted	977
Total Not Counted	650

Total Conditional Provisional Ballots	14
Total Counted	13
Total Not Counted	1

Not Counted Provisional Ballots By Reason	
Early Ballot	2
Empty Envelope	25
ID Not Provided	1
Incomplete	4
Not Registered	373
Not Signed	13
Registered After Cutoff Date	40
Voted Early Ballot	11
Voted in Wrong Voting Area	151
Voted Multiple Ballots	4
Total	650

Coconino

Total Provisional Ballots	5,374
Total On Reservation Cast	1091
Total On Reservation Counted	747
Total On Reservation Not Counted	344
Total Off Reservation Cast	4283
Total Off Reservation Counted	3454
Total Off Reservation Not Counted	829

Total Conditional Provisional Ballots Cast	126
Total On Reservation Cast	59
Total On Reservation Counted	10
Total On Reservation Not Counted	49
Total Off Reservation Cast	67
Total Off Reservation Counted	6
Total Off Reservation Not Counted	61

Not Counted Provisional Ballots By Reason	
Not Registered	852
Voted Wrong Precinct	239
Voted Early Ballot	34
Incomplete	9
Outside of County	39
Total	1,173

Gila

Total Provisional Ballots	1,317
Total Counted	1,051
Total Not Counted	266

Total Conditional Provisional Ballots	6
Total Counted	0
Total Not Counted	6

Not Counted Provisional Ballots By Reason	
Early Ballot/Multiple Ballots	15
Empty Affidavit	12
No Identification or Insufficient Identification	7
No Signature	4
Not Registered	178
Wrong Precinct/Jurisdiction	50
Total	266

Graham

Total Provisional Ballots	597
Total Counted	547
Total Not Counted	50

Total Conditional Provisional Ballots	1
Total Counted	0
Total Not Counted	1

Not Counted Provisional Ballots By Reason	
Early Ballot	1
ID Not Provided	1
Incomplete	1
Voted in Wrong Jurisdiction	17
Not Registered	14
Not Signed	3
Registered After Cutoff	3
Total	50

La Paz

Total Provisional Ballots	415
Total Counted	379
Total Not Counted	36

Total Conditional Provisional Ballots	3
Total Counted	2
Total Not Counted	1

Not Counted Provisional Ballots By Reason	
Already Voted	2
No Signature	1
Not Registered	26
Wrong Jurisdiction	1
Wrong Precinct	6
Total	36

Maricopa

Total Provisional Ballots	122,742
Total Counted	99,683
Total Not Counted	23,059

Total Conditional Provisional Ballots	1,499
Total Counted	475
Total Not Counted	1,024

Not Counted Provisional Ballots By Reason	
Not Registered to Vote	7,215
Incomplete Information Given on Provisional Ballot	2,403
Not Eligible to Vote	3,835
Early Ballot was Sent, Returned and Counted	831
Wrong Polling Place	7,529
Signature on Provisional Ballot Did Not Match Signature on Voter Registration Record	4
Insufficient Identification Provided	1,024
No Ballot Enclosed in Envelope	218
Total	23,059

Mohave

Total Provisional Ballots	3591
Total Counted	3108
Total Not Counted	559

Total Conditional Provisional Ballots	4
Total Counted	0
Total Not Counted	4

Not Counted Provisional Ballots By Reason	
Voter Not Registered	250
Voted in Wrong Precinct	275
No ID Provided	4
Ballot and/or Envelope Incomplete or Illegible	11
Ballot Missing from Envelope	1
No Signature	1
Voter Already Voted	16
Challenged Voter	1
Total	559

Navajo

According to a representative from the Navajo County Recorder, the county does not track the number of condition provisional ballots. A Freedom of Information Act request was submitted to the county and no information was available.

Total Provisional Ballots	2,453
Total On Reservation Cast	1114
Total On Reservation Counted	541
Total On Reservation Not Counted	573
Total Off Reservation Cast	1339
Total Off Reservation Counted	1057
Total Off Reservation Not Counted	282

Not Counted Provisional Ballots By Reason	
Early Ballot	3
Empty Envelope	1
No Identification	46
Incomplete	1
Not Registered	573
Voted Early Ballot	12
Voted in Wrong Voting Area	207
Wrong Jurisdiction	1
Total	844

Pima

Total Provisional Ballots	27,610
Total Counted	23,526
Total Not Counted	4,084

Total Conditional Provisional Ballots	116
Total Counted	12
Total Not Counted	104

Not Counted Provisional Ballots By Reason	
Could Not Confirm Identity	38
No Identification Provided	88
Not Signed	65
Registered After Cutoff Date	275
Registration Cancelled	428
Voted Early Ballot	98
Voted Multiple Ballots	24
Voted in Wrong Voting Area	2,212
Voter Not Registered	856
Total	4,084

Pinal

Total Provisional Ballots	7,453
Total Counted	6,224
Total Not Counted	1,124

Total Conditional Provisional Ballots	15
Total Counted	0
Total Not Counted	15

Not Counted Provisional Ballots By Reason	
Voted in Wrong Precinct	38
Voted Early Ballot	88
Incomplete	65
No Signature	275
No ID Provided	428
Felon	98
Void	24
Total	1,214

Yavapai

Total Provisional Ballots	3,981
Total Counted	3,461
Total Not Counted	520

Total Conditional Provisional Ballots	3
Total Counted	0
Total Not Counted	3

Not Counted Provisional Ballots By Reason	
ID Not Provided	3
Illegible	1
Incomplete	6

Not Registered	487
Not Signed	3
Registered After Cutoff Date	16
Voted Early Ballot	13
Total	520

Yuma

Total Provisional Ballots	2,251
Total Counted	2,078
Total Not Counted	173

Total Conditional Provisional Ballots	46
Total Counted	16
Total Not Counted	30

Not Counted Provisional Ballots By Reason	
Early Ballot	7
ID Not Provided	1
Incomplete	48
Not Registered	89
Not Signed	12
Registered After Cutoff Date	3
Voted Early Ballot	8
Voted in Wrong Voting Area	1
Wrong Jurisdiction	4
Total	173

Conclusion and Recommendations

Based on the data collection and observations from volunteers, the following should be addressed to reduce voter problems at the polls.

- Many incidents dealt with voters whose registration addresses were not updated. Because of the new voter identification requirement, addresses must match in order to cast a regular ballot. In the future, GOTV volunteers should include address verification as part of tribal voter registration drives. Even if the voter is already registered, registration drives could include voter verification checks to ensure that a voter's address is properly updated.
- Tribes should advocate for same-day voter registration in Arizona. This would allow those who have moved to be able to re-register on Election Day and vote that same day.
- Volunteers should be trained to have the voter's date of birth, driver's license or voter registration numbers, and address on hand before calling the Hotline. Only with this information may Hotline volunteers effectively research a voter's registration status. When possible, legal mobile volunteers should be trained on mobile applications.
- If a voter is not found on the voter registration rolls, poll workers should be trained to check with the County Recorder to determine the voter's registration status.
- Poll workers should be trained to offer every voter a provisional ballot who believes he or she is registered to vote at that poll.
- Voter ID issues continue to be an obstacle to many Native Americans. Poll workers should be trained to assist voters with locating adequate ID, rather than turning voters away. In addition, Tribal Governments should provide easy access for members to obtain proper Tribal IDs before and on Election Day so that voters without State ID can still vote.
- More volunteers should be available in polling places with high Native American voter turnout, especially in more remote areas.
- Native Vote should meet with county officials to discuss substantive voting issues. This includes ensuring that residential and PO Box addresses are included on the signature roster at each precinct. It also includes conversations with counties about reducing the number of people included on suspense lists.
- Native Vote should do more outreach with tribal news outlets in advance of the election to publish the voter hotline number.
- Tribes should identify tribal in-house counsel who can be designated to be on-call or roam to polling locations.
- Counties should train poll workers to troubleshoot issues with voters and be aware of the Native American provisional ballot rules.
- Poll workers should be trained to fully implement HAVA by offering provisional ballots to all voters who believe they are registered in the precinct.
- Poll workers should be trained to check inactive and suspense lists.

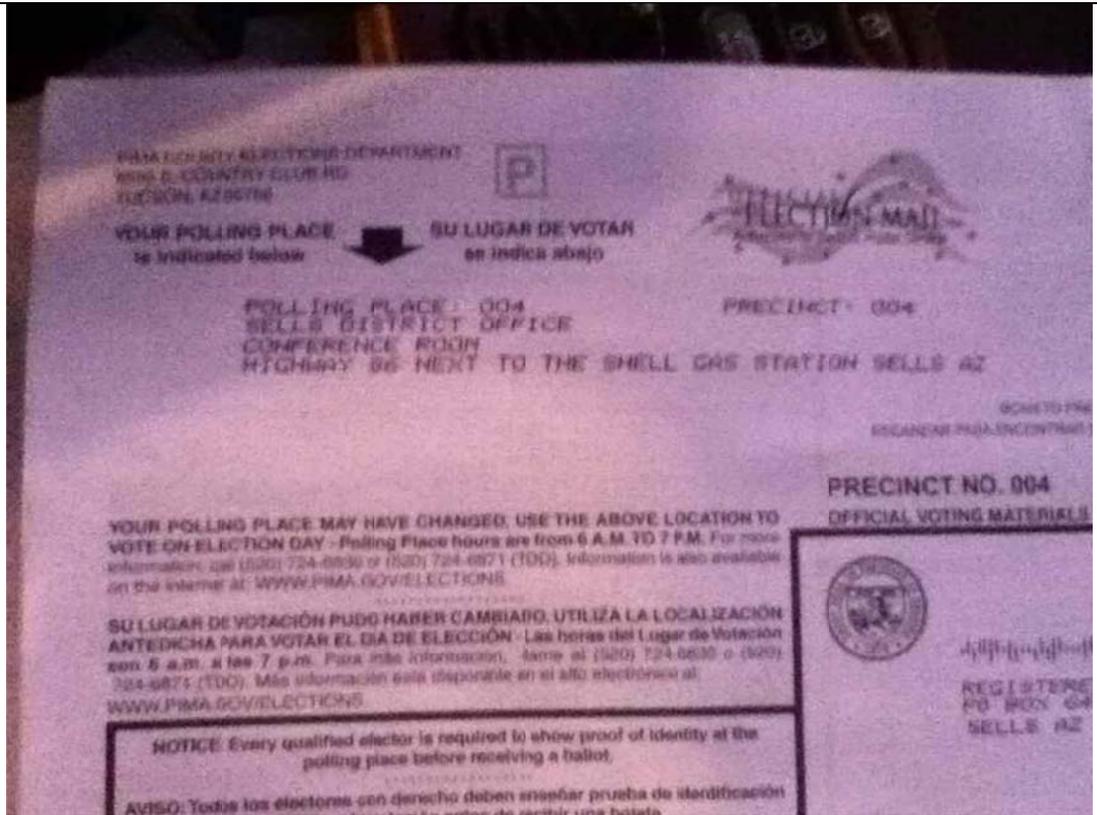
- Precincts should ensure access for disabled voters.
- Poll workers should be trained to not prevent voters from bringing in a person of their choice if the need assistance voting.
- More in-person early voting opportunities should be made available in Indian Country.

The overall impact in the community has been positive. The Indian Legal Clinic recommends that it continue the partnership with ITCA, AIGA, NCAI, and NABA-AZ to provided election protection in state and national elections and develop a voter protection plan for the 2014 election cycle.

Appendix

Appendix A

1. Voter's sample ballot directed her to Sells, but poll workers advised voter to different polling location.



2. Voters at Whiteriver complained of long and slow-moving lines to vote.



Appendix B

Volunteer List	
Name	Affiliation
Alex Bohler	ASU ILP Alumni
Amelia Valenzuela	ASU Law Student
Brian Burke	Ak-Chin Prosecutor
Christopher Martinez	ASU Graduate Student
Colin Bradley	ASU ILP Student
Connie Goudreau	ASU ILP Student
Corey Hinton	Attorney, Akin Gump
Ed Hermes	ASU ILP Student
Emoline Fox	ASU Law School Staff Member
Fernando Almendarez	Attorney City of Phoenix Public Defenders
Fernando Anzaldua	ASU ILP Student
Jack Gilmore	Community Member
Jackie Johnson	Attorney Quarles & Brady LLP
Jacqueline Bisille	ASU ILP Student
James Alling	ASU Graduate Student
Jaynie Parrish	Rock the Vote
Jen Williams	ILC Legal Assistant
Jennifer Giff	Attorney, Salt River Pima Maricopa
Jeremiah Chin	ASU ILP Student
Jessica Solyom	ASU Law Student
Joe Keene	ASU ILP Student
Joey Jimenez	
Judy Dworkin	Attorney, Sacks Tierney
Kate Rosier	Attorney, Assistant General Counsel at Fort McDowell Yavapai
Kenneth Davison	
Kristin McPhie	ASU ILP Student
Lacy Cooper	ASU ILP Student
Leticia Baltazar	Community Member, Pascua Yaqui Tribe
Lily Yan	ASU Law Student
Linda Newsom	
Lucas LaRose	ASU ILP Student
Mandy Cisneros	ASU ILP Alumni
Mariana Kahn	Attorney, Navajo Nation Legislative Council
Michael Munson	
Michael Shiel	Attorney, Salt River Pima Maricopa
Nancy Williams Bonnett	Attorney Pietzsch, Bonnett & Womack, P.A.
Nicole King	Attorney, Salt River Pima Maricopa
Nick Bacon	
Ophelia Begay	

Patty Ferguson-Bohnee	ILC Director/ILP Faculty Director
Pedro Rodriguez	
Pilar Thomas	Attorney, Department of Energy
Roxann Gallagher	Attorney, Sacks Tierney
Ryan McPhie	Attorney
Sally Willett	Attorney
Shifa Allkhatib	ASU Law Student
Stephanie Whisnant	ASU ILP Student
Steve Titla	Attorney, Titla & Parsi
Tahda Ahtone	ASU ILP Student
Tara Houska	ASU ILP Student
Theresa Rosier	Attorney, Salt River Pima Maricopa
Toby Zimbalist	Attorney
Travis Lane	ITCA
Wenona Benally	Attorney