

United States Senate

WASHINGTON, DC 20510

May 13, 2025

The Honorable Doug Burgum
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Burgum:

We write to express our serious concern over the impact of the Administration's March 25 Executive Order 14248 "Preserving and Protecting the Integrity of American Elections" on Native communities. As former Governor of North Dakota, and now as Secretary of the Interior, you must appreciate that Indian Country faces voting challenges unique to the rest of the country, including remote locations, limited resources, and a legacy of legal discrimination.¹ Unfortunately, both this Executive Order, and the related *Safeguard American Voter Eligibility (SAVE) Act* (H.R. 22) recently passed by the House of Representatives, would represent the largest steps backwards for Native American voting rights in many decades. We urge you to ensure that the federal government meets its trust responsibility to safeguard Native American voting rights and to engage in Tribal consultation on any new policies that impact the Native vote.

Enactment of new voter registration policies under the Executive Order and the *SAVE Act* would lead to mass disenfranchisement of eligible Native voters and further depress the Native vote.² For example, both the Executive Order and the *SAVE Act* include a requirement for voters to provide documentary proof of citizenship when registering or re-registering to vote. Tribal IDs generally lack place of birth information required by the legislation, and the vast majority of these IDs lack the specific U.S. citizenship documentation required by the Executive Order.³ And the *SAVE Act*'s in-person requirement would exacerbate existing barriers, such as requiring IDs that list residential

¹ Native American Rights Fund, *Obstacles at Every Turn: Barriers to Political Participation Faced by Native American Voters*, (Apr. 28, 2025) https://vote.narf.org/wp-content/uploads/2020/06/obstacles_at_every_turn.pdf

² From 2012 – 2022, voter participation on Tribal lands averaged 11 percentage points [lower?] than other parts of the states studied. Chelsea Jones and Coryn Grange, *Voting on Tribal Lands*, Brennan Center for Justice (Nov. 19, 2024), available at <https://www.brennancenter.org/our-work/research-reports/voting-tribal-lands>.

³ The disenfranchising effect caused by the proposed requirements in the Executive Order and the *SAVE Act* has already been seen in Arizona, where voters on Tribal lands have been among those most impacted by the state's similar enacted proof of citizenship law. Kae Petrin and Jen Fifield, *Who are the Arizona voters without proof of citizenship? They may surprise you*, Votebeat Arizona (Dec. 13, 2024), available at <https://www.votebeat.org/arizona/2024/12/13/arizona-voter-citizenship-proof-law-shows-groups-struggling-to-provide-it/>

mailing addresses,⁴ by forcing many Native voters to travel great distances, including costly flights or multi-hour drives, to reach their local elections office or polling place.⁵

What's more, under the Executive Order, the Attorney General is directed to take action against states with laws that accept absentee or mail-in ballots received after Election Day. This directive will have a disproportionate impact on Native communities, given the remote locations of many Native communities, along with a general lack of infrastructure and transportation access. As a result, Native voters often must rely on vote-by-mail systems to cast their ballots, but extremely long distances and unpredictable weather can result in mail delays that impact the arrival times of ballots. For example, in states like Alaska, which is home to 229 federally recognized Tribes, voters must rely on mail-in ballots due to the lack of local polling sites in Native villages, the majority of which are not on the road system; in fact, the nearest polling site might be hundreds of miles away by plane or boat. So, it is standard practice for many states to allow ballots to be counted for several days following the federal election as long as they were postmarked before or on election day.⁶ Of note, no state allows hand-delivered ballots to be returned after Election Day. If the Executive Order's provision were enforced, it risks further disenfranchisement of Native voters in states like Alaska, North Dakota, Oregon, and California that accept absentee or mail-in ballots postmarked by the day before Election Day.⁷

As Secretary of the Interior, you have a special moral and legal responsibility to uphold our nation's trust and treaty obligations. If implemented, the sweeping federal mandates included in the Executive Order and the *SAVE Act* would disenfranchise eligible Native voters who are following state laws. We encourage your active engagement with the White House and the Department of Justice to ensure that Native communities are able to exercise the franchise fully and have their voices heard at the ballot box.

Thank you for your attention to this matter and we welcome the opportunity to further discuss these concerns with you.

⁴ Native American Rights Fund, *Disconnected Democracy: The Impact of Mail Service on Native American Voter Registration and Mail Balloting*, (Apr. 9, 2025)

[/https://narf.org/wordpress/wp-content/uploads/2024/08/disconnected-democracy.pdf](https://narf.org/wordpress/wp-content/uploads/2024/08/disconnected-democracy.pdf) (documenting that voters living on Tribal lands often have non-traditional (P.O. box) or non-existent addressing systems that create barriers to accessing IDs that list residential mailing addresses)).

⁵ Native American Rights Fund, *The SAVE Act would hurt Native voters*, (Apr. 9, 2025) <https://narf.org/save-act-hurts-native-voters/>

⁶ Currently, 17 states, plus Guam, Puerto Rico, the Virgin Islands, and the District of Columbia will accept and count a mailed-in ballot if it is postmarked before or on Election Day. The National Conference of State Legislatures, *Table 11: Receipt and Postmark Deadlines for Absentee/Mail Ballots*, (Apr. 28, 2025)

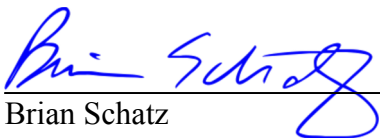
<https://www.ncsl.org/elections-and-campaigns/table-11-receipt-and-postmark-deadlines-for-absentee-mail-ballots>

⁷ Office of the Secretary of State, State of North Dakota. *Absentee Voting*.
<https://www.sos.nd.gov/elections/voter/voting-north-dakota/how-do-i-vote/absentee-voting>

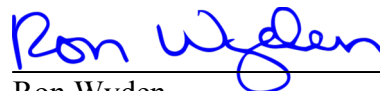
Sincerely,



Alex Padilla
United States Senator
Ranking Member, Committee
on Rules and Administration



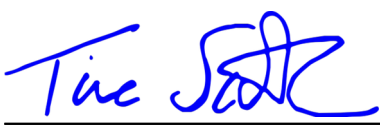
Brian Schatz
United States Senator
Vice Chairman, Committee
on Indian Affairs



Ron Wyden
United States Senator



Catherine Cortez Masto
United States Senator



Tina Smith
United States Senator



Jeffrey A. Merkley
United States Senator



Elizabeth Warren
United States Senator



Mazie K. Hirono
United States Senator



Chris Van Hollen
United States Senator



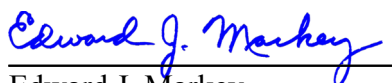
Kirsten Gillibrand
United States Senator



Tim Kaine
United States Senator



Jacky Rosen
United States Senator



Edward J. Markey
United States Senator



Amy Klobuchar
United States Senator