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NCAI NEWS

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NCAI Files Lawsuit Against Minnesota Secretary of State on Use of Tribal ID Cards for Voting

State Would Deny Thousands Of American Indians the Right to Vote

The National Congress of American Indians and the Minnesota ACLU combined with American Indian plaintiffs today to file a groundbreaking lawsuit against the State of Minnesota for discriminating against American Indian voters by denying them the right to vote using tribal-government-issued ID cards.

As many as 32,000 American Indians in Minnesota live off-reservation in the greater St. Paul/Minneapolis area, and many have only a tribal identification card. The Secretary of State has ruled that Minnesota law requires her to accept tribal ID cards for voting only if the person lives on an Indian reservation. In addition, the Secretary is requiring that tribal ID's must have not only a name and photo, but also an address and a signature. The Secretary will accept student ID's and military ID's when combined with a utility bill, even if they don't have address and signature. However, American Indian voters will not be allowed to use tribal ID cards in combination with a utility bill. The Minnesota Secretary of State has the power to authorize any form of ID to be used for voting, but has allowed the use of tribal ID's only under these extremely limited circumstances. The lawsuit is filed under the Equal Protection Clause of the U.S. Constitution and the Help America Vote Act of 2002, and asks the Federal District Court to end the discriminatory rules and order that tribal ID cards may be used in the same manner as other forms of identification.

NCAI President Tex G. Hall said the lawsuit seeks justice and equal opportunity for Native voters. He said this is an equal protection challenge based on the U.S. Constitution and the Help America Vote Act. "What the state has said is basically if you leave the reservation, you lose the right to vote," Hall said. "Requiring more stringent rules for one group of people, and limiting their ability to vote if they decide to move, violates federal law and the United States Constitution. We are saddened that the Secretary of State in Minnesota refuses to use her discretion to comply with federal law and ensure that American Indians get the opportunity to vote," Hall said.

"Until it was repealed in 1960, the Minnesota Constitution denied Native Americans the right to vote unless they moved away from their reservations, denied their heritage, and were declared "civilized." In an ironic turn of events, today the State of Minnesota is reversing tactics and is trapping Natives on their reservations if they want to exercise their right to vote," Hall said.