

VOTING ACCESS: SATELLITE AND ALTERNATIVE ELECTION OFFICES

STUDY SUMMARY

OVERVIEW

The State-Tribal Relations Committee (STRC) decided to examine this issue during the 2021-2022 interim driven largely by the amount of attention devoted to House Bill No. 613 during the 2021 legislative session. As introduced, HB 613 (referred to as "The Native American Voting Rights Act") sought to do several things:

The [state-tribal relations] committee shall:

- (1) act as a liaison with tribal governments;
- (2) encourage state-tribal and local government-tribal cooperation...

5-5-229, MCA

- allow tribal governments to designate satellite election office locations within reservation boundaries to provide services equivalent to those provided at the main county election office;
- require notification of polling places located within reservation boundaries;
- modify requirements related to tribal photo identification cards and allow the use of nontraditional addresses; and
- require a place of deposit in any town more than 10 miles from a satellite office.

The bill met resistance in the House State Administration Committee which then devoted over a week of early morning work sessions to revising the bill to focus almost exclusively on the issue of satellite election offices. The amended bill then passed unanimously out of the committee, narrowly passed 2nd reading on the House Floor before ultimately failing 3rd reading 48-51.

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MONTANA LEGISLATIVE SERVICES DIVISION

This short study summary will briefly recap the committee's exploration of this topic; more information is available on the committee webpage: <https://leg.mt.gov/committees/interim/strc/>

WANDERING MEDICINE AND SOS DIRECTIVE 01-2015

In the fall of 2012, tribal members of Northern Cheyenne, Crow, and Fort Belknap filed a complaint in federal district court seeking Rosebud, Big Horn, and Blaine Counties to establish satellite election offices in reservation communities in the run up to the November 2012 state and federal election. The complaint focused on the hardships tribal members faced in voting due to the distance from county election offices and discrimination. To make a long story very short, this ultimately led to a private settlement agreement named for the lead plaintiff in the case, Mark Wandering Medicine, that was signed by the parties in June 2014. The Wandering Medicine Settlement Agreement between the plaintiffs and the counties, requires the establishment of an "alternative election office" in Lame Deer, Crow Agency, and Fort Belknap Agency during the 30-day early voting period.

In October 2015, Secretary of State Linda McCulloch, issued a directive making similar requirements on all Montana counties with reservation territory. Committee staff prepared the table on page 3 comparing the Wandering Medicine Settlement, the SOS Directive, and the final version of HB 613.

WHAT STRC HEARD AND LEARNED

The tribes and counties have been operating under the requirements of Wandering Medicine and the SOS Directive for multiple elections. Operating the required alternative/satellite offices requires early communication and responsiveness as well as some negotiating regarding location and hours. It seems another example of the importance of relationships. The STRC was able to meet with tribal and county representatives at its meetings in Fort Belknap, Fort Peck, Lame Deer, and Crow Agency, and while there was some acknowledgement of occasional miscommunication (often related to staff turnover in the county election office or tribal government) the resounding message to the committee was that the counties and tribes are making it work.

The Office of the Secretary of State (SOS) provided information to the committee at multiple meetings, including [data on the location, hours, and usage of alternative/satellite offices from the June 2022 primary election](#). The SOS compiles information from county election offices both in advance of and following state and federal elections, both primary and general elections. The light use of many of the alternative/satellite offices was acknowledged and both county and tribal officials mentioned the need to do a better job of advertising the availability of services.

	<u>Wandering Medicine Settlement Agreement</u> (applies to Big Horn & Crow; Rosebud & Northern Cheyenne, Blaine & Fort Belknap)	<u>SOS Directive 01-2015</u> (applies to all counties with reservation territory)	<u>HB 613.3, 2021</u> (not enacted)
Terminology	" <u>Alternative</u> election administration office" (AEO)	" <u>Satellite</u> election offices" (SEO)	"Alternative election office" has sequential balloting machine "Satellite election office" does not
County responsibilities	Move election administration office to reservation location (Crow Agency, Lama Deer, and Fort Belknap Agency) two days/week in the 30-day early voting period prior to state and federal elections Main election office closed these two days	Prior to Jan 1, notify tribe that county must receive request for SEO by Jan 31 By January 1, analyze need for SEO in consultation with tribe SEO days and hours during 30 days prior to election to be agreed upon by tribe and county	County and tribe agree on need SEO/AEO days and hours during 30 days prior to election to be agreed upon by tribe and county
Tribal government responsibilities	Send letter to county by Jan 31 indicating available building, room, and tribal contact person.	Work with county on analysis and make request for SEO by Jan 31; request must include available location that meets security and other requirements	Provide/agree to location
Services	In-person late registration and absentee voting	In-person late registration and absentee voting	Equivalent to main election office
Location security, etc.	No charge for use ADA compliant Hard-wired internet Lockable door Indemnification for personal injury	No charge for use ADA compliant Hard-wired internet Lockable door Indemnification for personal injury	No charge for use ADA compliant Hard-wired internet Lockable door Indemnification for personal injury Telephone coverage