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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
COUNTY OF YELLOWSTONE

WESTERN NATIVE VOICE, Montana)	Consolidated Case No. DV 21-0451
Native Vote, Blackfeet Nation, Confederated)	
Salish and Kootenai Tribes, Fort Belknap)	Judge Michael G. Moses
Indian Community, and Northern Cheyenne)	
Tribe,)	AFFIDAVIT OF COUNCILMAN
Plaintiffs,)	LANE SPOTTED ELK IN SUPPORT
)	OF PLAINTIFFS' MOTION FOR
v.)	PRELIMINARY INJUNCTION
)	
Christi Jacobsen, in her official capacity as)	
Montana Secretary of State,)	
)	
Defendant.)	
)	
)	

I, Lane Spotted Elk, affirm that:

1. I am an elected member of the Tribal Council of the Northern Cheyenne Tribe of the Northern Cheyenne Reservation, a plaintiff in this case. I submit this affidavit in opposition to HB 530 and HB 176.

2. I have lived in Montana for 32 years. I am a member of the Northern Cheyenne Tribe. I have been on the Tribal Council (which is the Tribe's legislative body) since 2018.

3. The Northern Cheyenne Tribe is a federally recognized tribe with approximately 12,266 enrolled members with approximately 6,012 members living on the Northern Cheyenne Reservation. The reservation is located in southeastern Montana and covers approximately 440,000 acres. The reservation is intersected by Rosebud and Big Horn counties. Approximately two-thirds of Reservation residents are 18 years old or older.

4. Most houses on the Northern Cheyenne Reservation do not receive mail delivery. As a consequence, members rely on P.O. boxes to send and receive mail. Often, tribal members share P.O. boxes because there is a fee associated with the boxes, because there may not be enough boxes to service the entire population, and because members often cannot regularly pick up their own mail and must depend on others to pick up and deliver their mail for them.

5. Distance to post offices varies among members. Some members can live within a mile of the post office while others live up to 20 miles from the post office. However, even when a post office is "close" travel to the post office may still be difficult for members that lack access to a vehicle, especially given the harsh weather on the Northern Cheyenne Reservation.

6. Snow is present 8 months of the year on the Northern Cheyenne Reservation. Snow, ice, and mud can make travelling difficult or roads impassable.

7. The Northern Cheyenne Reservation has a poverty rate of approximately 30%. The median household income in 2019 was much less than the national median income of

\$68,703. Given the extreme poverty, members cannot always afford a tank of gas and instead may choose to spend limited funds on necessities such as food or heating.

8. Lack of access to a vehicle, or shared vehicles is also very common on the Northern Cheyenne Reservation. One vehicle is often responsible for getting many members of a household to and from work or school, to all social engagements, all doctor's appointments, and all errands including mail runs. Dependable vehicles that can manage difficult road conditions are even rarer, making a working vehicle in the election month of November especially difficult to come by.

9. There is an extreme housing shortage on the reservation, with many family, friends, and acquaintances sharing homes. Overcrowding is extremely common and there is a lengthy waitlist for housing. It is not uncommon to have upwards of 10 people sharing a home.

10. Due to poverty, road conditions, lack of vehicle access, cultural norms, necessity, and convenience, picking up and dropping off mail for family, neighbors, friends, acquaintances, and friends of friends is common on the Northern Cheyenne Reservation. Crowded living conditions facilitate the picking up and dropping off of mail by one person for many people at once.

11. Native Americans who are enrolled members of the Northern Cheyenne Tribe have voted in Montana elections through the collection and conveyance of their ballots to their local county election offices by organizations such as Western Native Voice. The Northern Cheyenne Tribe seeks to vindicate its own rights, rights afforded to its members, and protect the Northern Cheyenne Tribe's political power.

12. Northern Cheyenne does not conduct Get Out the Vote efforts and instead relies on organizations such as Western Native Voice to register voters and pick up and return ballots

of community members on the reservation. The tribe authorizes Western Native Voice to conduct registration and GOTV on the reservation. It is Northern Cheyenne's understanding that WNV employees drive Northern Cheyenne members to register on Election Day and conduct ballot pick up and drop off on the reservation.

13. Northern Cheyenne members are particularly reliant on rides to county seats to register on Election Day because Northern Cheyenne members are located, on average, just over 50 miles one-way from the county seats. This extraordinary burden makes it difficult for Northern Cheyenne members to register.

14. Currently the voter registration rate on the Northern Cheyenne Reservation is 66.1%.

15. Indeed, opportunities to register to vote are limited on the Northern Cheyenne Reservation. For example, in the 2020 election Rosebud County conducted a satellite voting center that allowed for registration on the Northern Cheyenne reservation at Lame Deer for a total of three days: 10/14, 10/21, and 10/28.

16. There is no Election Day registration currently available on the Northern Cheyenne reservation. On Election Day, unregistered voters travel to the county seat to register often with the assistance of organizations such as Western Native Voice. HB 176's ban on Election Day registration would therefore harm Northern Cheyenne members.

17. Likewise, HB 530's prohibition on organizational ballot collection like that conducted by WNV would diminish Northern Cheyenne tribal members' opportunities to register and drop off ballots.

18. HB 530 and HB 176 make participation in elections by Northern Cheyenne members substantially more difficult. These laws also disproportionately burden Native

American voters compared to non-Native voters due to inequities in mail delivery service, access to post offices and post office boxes, distance to county seats, and increased burdens on Native voters due to disproportionate rates of poverty and lack of vehicle access. Because of the disproportionate barriers placed on Northern Cheyenne voters by HB 530 and HB 176 the Northern Cheyenne Tribe's attempts to vote are more likely to be unsuccessful and Northern Cheyenne's political power and ability to advocate for Northern Cheyenne needs would be reduced by these laws' suppressive effects. The Northern Cheyenne Tribe would also be denied full participation in the federal system through its diminished political power.

Signed: Lane Spotted Elk
Lane Spotted Elk, Tribal Council Member

Date: 1/7/2022

State of Montana County of Rosebud This instrument was signed or
acknowledged before me on 1/7/2022 by Lane Spotted Elk (Name of signer)

Mariah Walkslast (Notary Signature) [Affix seal/stamp to the left or below]

