

**Congress of the United States**  
Washington, DC 20510

October 4, 2018

The Honorable Jeff Sessions  
Attorney General  
United States Department of Justice  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

The Honorable Tracy Toulou  
Director  
Office of Tribal Justice  
United States Department of Justice  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

Dear Attorney General Sessions and Director Toulou:

We write to request information on how the Department of Justice (“the Department”) is working to safeguard and strengthen voting rights of Native Americans following the *Sanchez v. Cegavske*<sup>1</sup> decision. It is imperative that extra care is given to ensuring Native Americans can exercise their voting rights.

In 2016, members of the Pyramid Lake Paiute Tribe (“PLPT”) and the Walker River Paiute Tribe (“WRPT”) filed a lawsuit against the Nevada Secretary of State and Washoe and Mineral Counties because they had to travel tremendous distances to vote. The Department filed a statement of interest maintaining that the PLPT and WRPT tribes filed a valid voting rights claim, and noted the difficulties that Native American voters face.<sup>2</sup> Ultimately, the United States District Court for the District of Nevada held that the state violated the Voting Rights Act, and ordered the state to provide early in-person voting locations and Election Day in-person voting locations for certain tribes in Nevada.<sup>3</sup> In reaching its decision, the court stated that there “simply is no more essential duty of a . . . government than to provide open, fair elections that are accessible to *all* eligible voters.”<sup>4</sup>

The marginalization of Native American involvement in the electoral process is not a novel issue. Native American communities continue to face multiple barriers in exercising their right to vote, included but not limited to difficulty in registering to vote due to limited registration locations and times, lack of access to early voting sites, extensive travel distances to reach voting

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<sup>1</sup> *Sanchez v. Cegavske*, 214 F.Supp.3d 961 (D.Nev. 2016).

<sup>2</sup> *Sanchez v. Cegavske*, Case No. 3:16-CV-00523 (MMD-WGC), *Statement of Interest of the United States of America* (October 3, 2016).

<sup>3</sup> *Sanchez*, 214 F.Supp.3d 961, 977.

<sup>4</sup> *Id.*

sites, lack of required identification to vote, and the lingering effects of discrimination that remain today.<sup>5</sup>

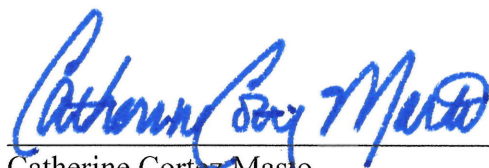
We commend the Department's prior efforts to protect the voting rights of Native Americans, and urge the Department to continue strengthening these rights by ensuring that Native Americans have equal opportunity to participate in the election process.

To aid our understanding of the Department's efforts to protect and strengthen the voting rights of Native Americans, we request that you respond to the following questions in writing before October 18, 2018:

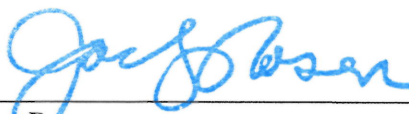
1. Has the Department engaged in any follow up efforts regarding the implementation of settlement agreement<sup>6</sup> between the Pyramid Lake and Walker River Paiute tribes, the Washoe and Mineral counties, and Secretary of State regarding future voting sites?
2. Has the Department taken measures to ensure that other tribes in Nevada and nationwide with similar barriers to voting have access to in-person voting locations for future elections? If so, what measures has the Department taken?
3. Please describe in detail the actions the Department has taken since January 2017 to reduce barriers to voting faced by Native Americans.

cc: Secretary Barbara K. Cegavske, Nevada Secretary of State

Sincerely,



Catherine Cortez Masto  
United States Senator



Jacky Rosen  
Member of Congress

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<sup>5</sup> *Statement of Interest*, *supra* note 2.

<sup>6</sup> <https://www.rgj.com/story/news/politics/2017/03/08/tribal-voting-rights-case-settled-washoe-county-pays-most/98903434/>.