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All Versions of the SAVE Act Harm Native Voters

The SAVE Act (S. 128/H.R. 22) and SAVE America Act (S. 1383) would disproportionately harm **Native voters**. Both bills require documentary proof of citizenship (DPOC) at the time of voter registration, and the SAVE America Act would require voters to present documentation again at the time of voting. The SAVE and SAVE America Acts would also require applicants who register to vote by mail to present DPOC in person, essentially eliminating mail voter registration and some voter registration drives. These requirements would impose severe burdens on Tribal citizens that go beyond the barriers created for non-Native individuals.

DOCUMENTATION REQUIREMENTS

The SAVE and SAVE America Acts would prevent states from accepting many Tribal IDs as valid documentation for voter registration and voting, preventing eligible Native Americans from exercising their right to vote. Because state departments of motor vehicles are generally located far from Tribal lands, it can be enormously difficult for Tribal citizens to obtain state-issued identification.¹ For this reason, many use Tribal ID as their primary form of identification.² But under the SAVE and SAVE America Acts, Tribal IDs without a location of birth would be insufficient to prove a voter registration applicant's U.S. citizenship.³

Like most IDs, Tribal IDs simply do not and cannot readily include place of birth information on them. This means that under the SAVE and SAVE America Acts' requirements, many applicants would need to show Tribal ID plus another citizenship document, like a certified birth certificate. But this requirement can also be disproportionately difficult for Native Americans to meet. While unquestionably citizens, **many Native elders who were born at home on Tribal**

¹ See JAMES THOMAS TUCKER, JACQUELINE DE LEÓN, AND DAN MCCOOL, NATIVE AMERICAN RIGHTS FUND, OBSTACLES AT EVERY TURN 73-75 (2020), https://vote.narf.org/wp-content/uploads/2020/06/obstacles_at_every_turn.pdf [hereinafter "NARF REPORT"].

² See *id.*

³ See Indian Citizenship Act of 1924, 43 Stat. 253 (1924).

lands lack a birth certificate altogether,⁴ while others who are unhoused or live in temporary housing or poor conditions have often lost their birth certificate.⁵

Obtaining a delayed or replacement birth certificate can be prohibitively expensive, especially for those residing on reservations where poverty rates are substantially higher than the national average.⁶ It can also require significant travel and long waiting periods.⁷ In Alaska, for example, a new birth certificate costs \$60 and currently takes 1-2 months to process due to a high volume of requests.⁸ In Utah, a certified birth certificate costs \$22, while a delayed birth certificate costs \$62.⁹ In Arizona, the delayed birth certificate process can take about 6 weeks, meaning an eligible applicant could miss the voter registration deadline while waiting to receive their birth certificate.¹⁰

The SAVE America Act also requires voters to show documentation again at the time of voting, and a state could not accept Tribal ID as valid unless it includes the voter's photograph and an expiration date. However, because one does not "expire" from being a Native American tribal member, **Tribal IDs may lack an expiration date,¹¹ meaning that a voter who uses such Tribal ID as their only form of ID would be unable to cast a ballot and have it counted.**

MAIL VOTER REGISTRATION AND REGISTRATION DRIVES

Both the SAVE and SAVE America Acts would require applicants who register to vote by mail to also **provide DPOC *in person* before the voter registration deadline**, essentially eliminating the accessibility and purpose of a mail voter registration system, as well as voter registration drives using paper forms. Importantly, **mail voter registration and voter registration drives are a critical resource for many eligible Native voters who live on Tribal lands astoundingly far from election offices.**¹²

⁴ See NARF REPORT, *supra* note 1 at 74; Aaron Granillo, *Navajos Born at Home Find It Hard to Get Delayed Birth Certificates*, KNAU NEWS (Jul. 18, 2014), <https://www.knau.org/knau-and-arizona-news/2014-07-18/navajos-born-at-home-find-it-hard-to-get-delayed-birth-certificates>

⁵ See NARF REPORT, *supra* note 1 at 74.

⁶ See U.S. Census Bureau, 2020-2024 American Community Survey 5-Year Estimates, S1701.

⁷ See, e.g., State of Alaska, Department of Health, *Vital Records Orders*, <https://health.alaska.gov/en/services/vital-records-orders/>; Utah Department of Health & Human Services, *Office of Vital Records and Statistics Fee Schedule*, <https://vitalrecords.utah.gov/wp-content/uploads/FeeScheduleFY24-TO-BE-APPROVED.pdf>; Gabriel Pietrorazio, *Navajo County Is Seeing a Spike in Birth Certificate Requests as Tribal Members Fear Being Deported*, KJZZ PHOENIX (Feb. 5, 2026), <https://www.kjzz.org/indigenous-affairs/2026-02-05/navajo-county-is-seeing-a-spike-in-birth-certificate-requests-as-tribal-members-fear-being-deported>.

⁸ State of Alaska, Department of Health, *Vital Records Orders*, *supra* note 8.

⁹ See Utah Department of Health & Human Services, *Office of Vital Records and Statistics Fee Schedule*, *supra* note 8.

¹⁰ See Gabriel Pietrorazio, *supra* note 8.

¹¹ See NARF REPORT, *supra* note 1 at 76.

¹² See *id.* at 32-34.





In Alaska, for example, the closest Division of Elections office for some Alaska Natives living in the Aleutian Islands is 1,096 miles away in Anchorage, while in other Alaska Native Villages, the nearest elections office can be hundreds of miles away and reachable only by plane.¹³ Likewise, eligible Native voters living on the Duckwater Reservation in Nevada could be forced to travel 303 miles each way to provide DPOC in person.¹⁴ In Utah, some Navajo residents have to travel up to 200 miles each way over rough terrain to reach the nearest county government services.¹⁵ **These distances make traveling to the election offices to register to vote prohibitively expensive for large swaths of the Native population, meaning that alternative forms of registration are critical but also often inaccessible.**

Even where a state has online voter registration, mail registration and voter registration drives remain crucial because broadband internet is often either nonexistent or too slow on Tribal lands.¹⁶ By ending mail voter registration, the SAVE and SAVE America Acts would make voter registration impossibly time-consuming and cost-prohibitive for many Native Americans.

Given the severe burdens the SAVE Act in all its forms would impose on Native voters, the Native American Rights Fund and Campaign Legal Center urge all members of Congress to oppose these bills.

¹³ See *id.* at 33.

¹⁴ See *id.*

¹⁵ See *id.*

¹⁶ See *id.* at 35; Daniela Mejia, *American Indian and Alaska Natives in Tribal Areas Have Among Lowest Rates of High-Speed Internet Access*, U.S. CENSUS BUREAU (Jun. 18, 2024), <https://www.census.gov/library/stories/2024/06/broadband-access-tribal-areas.html>.

