



**NATIVE AMERICAN
RIGHTS FUND**

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March 10, 2026

Hon. Larry Rhoden
Governor of South Dakota
500 East Capitol Avenue
Pierre, SD 57501

Re: Request to Veto Senate Bill 175

Dear Governor Rhoden,

The Native American Rights Fund (NARF) respectfully urges you to veto Senate Bill 175. As written, S.B. 175 would impose unnecessary and harmful barriers to voter registration that will disproportionately burden Native voters and Native communities across South Dakota.

For more than fifty years, NARF has worked to protect the civil and voting rights of Native Americans throughout the United States, including in South Dakota. Through that work, we have repeatedly seen that Native voters face unique structural barriers to participation in the electoral process—barriers rooted in geography, infrastructure, and a long history of exclusion from the political system. Laws that add procedural hurdles to voter registration inevitably fall hardest on communities already facing these challenges.

Although S.B. 175 is framed as an election integrity measure, its real-world impact will be very different for Native voters. For Native people, legislation like this functions as yet another demand that we prove who we are and whether we belong in a democratic system that was imposed on us, not one we created.

Native people did not immigrate here. We did not cross a border. We were here first. Yet once again Native voters are treated as suspect and required to clear additional hurdles simply to exercise a fundamental right.

S.B. 175 would require documentary proof of citizenship in order to register to vote in state and local elections. Many eligible voters—particularly those living in rural areas, elderly voters, voters who have changed their names, and voters with limited access to government services—do not have immediate access to the documents the bill requires. Obtaining those documents can involve time, travel, and

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financial costs that create real barriers to participation.

These burdens are especially acute in Indian Country. Many tribal communities in South Dakota are located far from Department of Public Safety offices or other government facilities where identification documents can be obtained or updated. Transportation barriers, long travel distances, and limited office hours can make obtaining the necessary paperwork difficult even for citizens who are fully eligible to vote. Research examining voting access in South Dakota has repeatedly identified geographic isolation, distance to government services, limited mail delivery, and socioeconomic disparities as significant barriers to political participation for Native voters.

For many years, South Dakota law has allowed eligible voters to register using the last four digits of their Social Security number. This method has been widely relied upon in Indian Country because it is accessible, familiar, and does not impose costs on voters, tribes, or the state. Most people know and remember their Social Security number, and the system has functioned without creating problems for election administrators.

S.B. 175 would effectively eliminate this option in practice, even though it remains referenced elsewhere in state law. As a result, Native voters would lose one of the most accessible and commonly used methods of voter registration. The bill would also render the affidavit failsafe meaningless, leaving many eligible voters with no practical path to register if they cannot immediately produce the documents required by the bill.

The predictable result is that fewer Native voters will be able to register, while tribes and community organizations will be forced to devote scarce resources to addressing barriers created by state law.

These concerns are particularly significant given South Dakota's recent history of failing to provide legally required voter registration opportunities to Native voters.

In *Rosebud Sioux Tribe v. Barnett*, tribal governments, Native voters, and civic organizations brought suit after discovering that South Dakota agencies were routinely failing to provide voter registration services required by the National Voter Registration Act (NVRA). A federal court found that the state had systematically failed to comply with the NVRA's mandate to establish procedures that increase the number of eligible citizens who register to vote. State agencies had failed to provide voter registration services, failed to process voter registration applications in a timely manner, and failed to properly train staff responsible for providing those services.

These failures had real consequences. For example, one Rosebud Sioux voter who completed a voter registration application at a state agency was turned away from the polls in the 2020 election because the state had failed to process her registration. The litigation ultimately resulted in a settlement requiring South Dakota to implement significant reforms to ensure compliance with federal law, including statewide training, oversight, and monitoring of voter registration services.

S.B. 175 risks undermining those efforts. South Dakota has only recently committed—through federal litigation and settlement—to correcting systemic failures that disproportionately harmed Native voters and expanding access to voter registration. Legislation that makes registration more difficult for those same communities risks recreating barriers that federal law and the settlement were designed to eliminate.

The bill must also be understood against the broader historical backdrop of Native voting rights in South Dakota. American Indians were denied U.S. citizenship until 1924, and even after that time

many states—including South Dakota—continued to impose restrictions that effectively prevented Native citizens from voting for decades. South Dakota was among the last states to fully recognize Native voting rights, and the struggle for equal political participation has continued well into the modern era.

Indeed, voting rights litigation has been a recurring feature of South Dakota’s legal landscape. More than two dozen voting rights cases involving Native plaintiffs have been brought in the state, reflecting a long history of disputes over equal access to the political process.

Against this history, policies that add new hurdles to voter registration carry profound consequences. For many Native communities, the right to vote represents not only participation in state governance but also a hard-fought recognition of equal citizenship after generations of exclusion.

S.B. 175 also raises serious concerns for election administration. The bill would take effect immediately during an active election cycle, leaving election officials little time to develop procedures, update voter registration systems, train staff, or educate voters about the new requirements. Implementing major changes to the voter registration process on such short notice risks confusion for voters and administrators alike.

Equally important, S.B. 175 seeks to address a problem that evidence shows is extraordinarily rare. Existing federal and state laws already impose strict penalties for unlawful voting, and election systems contain multiple safeguards to verify voter eligibility. There is no credible evidence that non-citizen voting presents a widespread problem in South Dakota. Barriers to voter registration do more than inconvenience individual voters—they can affect whether entire communities are able to participate in elections and have their voices reflected in the outcome. By contrast, the type of non-citizen voting S.B. 175 purports to address is exceedingly rare and has not been shown to affect election outcomes.

South Dakota has long recognized the importance of ensuring that all eligible citizens—including Native citizens—have a meaningful opportunity to participate in elections. S.B. 175 moves the state in the opposite direction. Rather than strengthening election integrity, the bill risks excluding eligible voters, burdening election officials, and deepening longstanding inequities faced by Native communities.

For these reasons, the Native American Rights Fund respectfully urges you to veto Senate Bill 175.

Thank you for your time and consideration.

Sincerely,



Samantha Blencke
Senior Staff Attorney