Also Protects Urban Indian Voting Rights

Media Contact: Nedra Darling, OPA-IA Phone: 202-219-4152
For Immediate Release: October 19, 2015
Print PDF

WASHINGTON, D.C. – Assistant Secretary – Indian Affairs Kevin K. Washburn today announced that the Department of the Interior has finalized updates to Bureau of Indian Affairs (BIA) regulations on Secretarial elections for tribal governments that will, among other things, protect the rights of tribal members living away from their communities to vote in these elections. A Secretarial election is a federal election conducted by the Secretary of the Interior for federally recognized tribes under a federal statute or tribal governing document (25 C.F.R. Part 81).

"Though many federal responsibilities concern the lands we hold in trust for tribes and Indian people, more than 55 million acres nationwide, the United States has a moral obligation to preserve connections between Indian people and their tribes that it once sought to destroy," Washburn said. "For the future of Native nations and the health of Indian Country, American Indians in urban areas must work harder to maintain connections with their tribes. One important aspect of that relationship is participation in the civic and political life of their tribal governments. For that reason, our Secretarial election amendments seek to prevent tribal members living in urban areas from being inadvertently disenfranchised in Secretarial elections."

Through the mid-20th century the BIA operated a program to relocate American Indians from their reservations to large urban centers in an attempt to assimilate them and terminate the federal relationship with the tribes. As a result of this program, and broader demographic trends in the United States, roughly three-quarters of American Indians now live in urban areas away from their home reservations. The BIA conducts Secretarial elections for tribes required to have them if one of the following applies:

- A federal law requires a Secretarial election to take an action;
- The tribe's governing document requires a Secretarial election to take an action;
- A federal corporate charter requires a Secretarial approval; or
- The tribe is adopting or amending a federal charter of incorporation, and certain circumstances apply.

Updates to the rule better account for the fact that many tribal members may live far from their reservations or tribal communities by providing that Secretarial elections generally be conducted by mail-out ballots.

The rule addresses the BIA's Part 81 regulations, which govern how the Bureau conducts Secretarial elections, as well as 25 C.F.R. Part 82, which govern how tribal members can petition for a Secretarial election. The rule combines the provisions into one at 25 C.F.R. Part 81, and makes other updates to reflect changes in statutory law. The updates also incorporate deadlines, triggered by a tribe's request for a Secretarial election, within which the BIA must call and hold an election.

The updated rule also clarifies how tribes may remove the requirement to hold a Secretarial election, and encourages tribes to do so in support of tribal self-determination and self-governance.

The rule has been in development for many years. The Department held three consultation sessions with tribal leaders on this proposed rule and provided an extended public comment period which ended on January 16, 2015.

The Assistant Secretary – Indian Affairs oversees the BIA, which is headed by a director who is responsible for managing day-to-day operations through four offices – Indian Services, Justice Services, Trust Services and Field Operations. These offices directly administer or fund tribally based infrastructure, law enforcement, social services, tribal governance, natural and energy resources, and trust management programs for the nation's federally recognized American Indian and Alaska Native tribes and villages through 12 regional offices and 81 agencies.

The Office of Indian Services Division of Tribal Government Services administers the 25 CFR Part 81 regulations. For more information about the BIA Division of Tribal Government Services, visit http://www.indianaffairs.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/index.htm.