

2. When did Native Americans in South Dakota become “qualified electors” (i.e., registered voters) for purposes of Article III § 1 petition signature requirements? (Soli)

In 1924, Congress passed the Indian Citizenship Act of 1924, currently codified at 8 U.S.C. § 1401(b), which extended American citizenship to “all non-citizen Indians born within the territorial limits of the United States.” Granting U.S. citizenship, however, did not have the effect of granting universal voting rights to Native Americans. Voting rights were almost completely controlled by the states, not by the federal government. As a result, several states did not allow Native Americans who resided within their borders the right to vote until several years after the passage of the Indian Citizenship Act—South Dakota among them. See *Buckanaga v. Sisseton Ind. Sch. Dist., No. 54-5, S.D.*, 804 F.2d 469 (8th Cir. 1986). Prior to passage of the Indian Citizenship Act of 1924, South Dakota allowed Native Americans a limited right to vote, but only if they severed ties with their tribe, and as determined on a case-by-case basis. See *Bone Shirt v. Hazeltine*, 336 F. Supp. 2d 976 (D.S.D. 2004). South Dakota was one of the last states in the nation officially to grant voting rights to all Indians *Id.* The anti-Indian voting rights statutes remained codified in South Dakota law until 1951. See *id.* Even after receiving the right to vote by law, many Indians were still denied the opportunity to vote because the law prohibited the creation of precincts where Indians could cast their ballots. *Id.*

For a more complete history of voting rights for Native Americans in South Dakota, see *Bone Shirt v. Hazeltine*, 336 F. Supp. 2d 976 (D.S.D. 2004).