

Lawsuit over vote-by-mail in San Juan Co. is settled

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SALT LAKE CITY — A federal lawsuit over vote-by-mail in Utah's largest sized county has been settled. In a court filing obtained by FOX 13 on Tuesday night, San Juan County announced it has reached a settlement with the Navajo Nation Human Rights Commission, backed by the ACLU of Utah.

"San Juan County basically agreed to continue to do what it has been doing all along, even before it was sued by the ACLU," Jesse Trentadue, an attorney representing San Juan County, told FOX 13.

Under the terms of the deal, San Juan County agreed to:

- Keep three polling places open on or close to the Navajo Nation for primary and general elections through 2020.
- Provide Navajo to English translation services for voters.
- Continue to employ a Navajo liaison to educate voters on election issues.
- Run ads in Navajo on a local radio station providing election-related info.
- Provide training to poll workers on how to provide effective assistance to Navajo voters.
- Have an audio version of ballot information in Navajo.
- Collect data on who utilizes these services.

"It is further stipulated, understood, and agreed that this settlement is a compromise of a disputed claim and, therefore, is not to be considered or construed as an admission of liability on the part of San Juan County," the court filing states.

The ACLU of Utah, which is representing the Navajo Nation Human Rights Commission, called the settlement a victory.

"This settlement is a significant victory for voting rights in San Juan County because it improves access and assistance to Navajo voters," John Mejia, Legal Director of the ACLU of Utah, said in a statement.

"Adding early, in-person voting, and language assistance at locations inside the Navajo Nation, where vehicle transportation and mail delivery is often slow and unreliable, will give residents improved access to the ballot box."

The proposed settlement is an abrupt end to a long-running lawsuit over voting rights in the Four Corners area. The lawsuit was filed after San Juan County shifted, like much of the state, to a vote-by-mail system. Supporters argue it helped increase voter turnout and made it more convenient for voters to participate in elections without having to staff so many polling places on Election Day.

However, the ACLU said in San Juan County said a reduced number of polling places burdened Navajo voters, who, because of the geographic distance, often have to drive hours to vote. Navajo is also an unwritten language making vote-by-mail much more difficult.

In September, U.S. District Court Judge Jill Parrish refused to dismiss the Navajo Nation Human Rights Commission's lawsuit, but also rejected some of their claims. That apparently prompted a new round of settlement talks.

The ruling comes ahead of a federal court-ordered special election in 2018. In that case, U.S. District Court Judge Robert Shelby ruled San Juan County gerrymandered commission and school board districts to reduce the racial majority of Native Americans. He accepted new maps drawn and ordered elections this year. San Juan County has appealed that ruling.

Press release: <http://www.acluutah.org/newsroom/item/1418-settlement-announced-in-navajo-nation-human-rights-commission-v-san-juan-county>