

Navajos make deal with San Juan County to end voting-rights lawsuit

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A federal lawsuit saying San Juan County does not provide equal voting opportunities to Navajos has been settled less than a month before it was to go to trial.

The two sides filed a joint motion Tuesday that listed the settlement's terms — which include language assistance for Navajos at the polls — and asked U.S. District Judge Jill Parrish to dismiss the suit. The bench trial was to begin March 16.

The measures will be in place for the 2018 elections.

The ACLU of Utah says that according to the 2016 U.S. Census, 4,314 of the 10,275 adult citizen residents of San Juan County speak a language other than English or Spanish — primarily Navajo — with 766 of these residents, or 18 percent, also speaking English less than “very well.” “This settlement is a significant victory for voting rights in San Juan County because it improves access and assistance to Navajo voters,” said John Mejia, legal director of the ACLU of Utah, one of the organizations representing the plaintiffs. “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 Navajo Human Rights Commission and seven members of the Navajo Nation sued in February 2016, saying San Juan County had violated the federal Voting Rights Act by closing polling places ahead of the 2014 election and moving toward a mail-only voting system, hindering their ability to vote.

Leonard Gorman, executive director of the Human Rights Commission, said improving access to polling places and language assistance is “a good place to start.”

He added, “We view the settlement as merely the bottom line from which the county has committed to work with the Navajo people.”

San Juan County had initially denied the allegations and filed a counterclaim against the plaintiffs, saying the suit was based on fabricated claims; it sought a declaration that its voting procedures comply with the Voting Rights Act and the Constitution. Parrish threw out the counterclaim in September.

In the settlement, the county agrees to maintain three primary and general Election Day polling places on or near the Navajo Reservation and to open three satellite offices for in-person voter assistance in the four weeks preceding each of those elections. Each of these election locations will have at least one person providing language assistance to Navajos.

San Juan County and its clerk auditor, who runs elections, also will employ a Navajo liaison in the six months leading to any election to educate voters about voter registration, polling locations and hours of operation, filing requirements for local offices and deadlines, mail-in ballots, and early voting.

Beginning 30 days before every election, according to the agreement, the county will place Navajo language ads on the radio and run newspaper notices that include election information. A Navajo recording of the ballot will be hosted on the county's website, played on the radio and distributed to Navajo chapter houses.

San Juan County "basically agreed to to continue to do what it has been doing all along," according to Jesse Trentadue, one of its attorneys. He added that the county commissioners and the clerk auditor are committed to mail-in ballots.

"During the 2016 general election, the voter turnout among San Juan County's Navajo voters was 69 percent, compared to the nationwide voter turnout of 58 percent," Trentadue said. "The increase in voter participation was undoubtedly due to the fact that mail-in-ballots make it easier to vote, especially for the elderly who may not have transportation to the polls, and those who are away at school, work out of state or are in the military."

The county did not admit wrongdoing in the settlement.

The settlement comes a couple of months after a federal judge in another case adopted new voting district boundaries in San Juan County.

On Dec. 21, U.S. District Judge Robert Shelby issued a ruling that gives Navajos a significant majority of voters in two of three commission districts and three of five school board districts. The judge ordered the new boundaries be used in special elections for all commission and school board seats in November.

The ruling came in a lawsuit filed in January 2012 by the Navajo Nation, which sought the redrawing of voting districts to reflect the 2010 U.S. Census. San Juan County is appealing the decision to the 10th U.S. Circuit Court of Appeals in Denver.

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