

San Juan County settles Vote By Mail lawsuit

February 27, 2018

San Juan County Register

Link: http://www.sjrnews.com/view/full_story/27547971/article-San-Juan-County-settles-Vote-By-Mail-lawsuit?instance=home_news_1st_right

San Juan County and the American Civil Liberties Union (ACLU) have settled a long-standing lawsuit regarding the county Vote By Mail (VBM) process.

The settlement is the next step to resolve a series of voting rights challenges that were initiated by the Navajo Nation.

In the settlement, San Juan County agreed to a series of steps to ensure all county residents are given the opportunity to vote. The steps are almost identical to the process the county has used since the 2016 election.

San Juan County initiated Vote By Mail in 2014 in an election that triggered the lawsuit. The primary concern seemed to be the confusion caused by VBM and a lack of election day voting locations for those who wished to vote on that day.

Changes were made in the next series of elections to open election-day voting locations in four areas of the county.

Despite the changes, the ACLU continued to pursue the lawsuit, which was scheduled to go to trial this winter before Federal Judge Robert Shelby.

San Juan County officials celebrated the settlement. A press release from the county stated, "We are committed to holding elections that are fair and accessible to all. This is a huge win for San Juan County and our Utah Navajo residents."

County officials also expressed frustration with a costly process that has dragged on for years.

The statement includes, "During the 2016 general election, voter turnout among San Juan County Navajo voters was 69 percent, in comparison to the nationwide voter turnout of 58 percent and 47 percent turnout for Navajo Nation elections.

"Instead of shining the spotlight on this amazing feat, the ACLU chose to sue San Juan County, stating that VBM unconstitutionally hindered Navajo ability to vote.

"What did the lawsuit accomplish? Outside of wasting taxpayer dollars that could have been used to provide services to the county citizens, nothing.

“San Juan County will continue to maintain three on-reservation polling locations for in-person voting; provide English language assistance to Navajo voters; have a Navajo-speaking county employee visit Navajo Chapter Houses to inform them of election information; place ads in the local newspapers informing all county residents of voting procedures; and have the ballot recorded in Navajo on the county website, played on the radio, and distributed to Chapter Houses.

“There is no admission of liability, and VBM is the law in San Juan County. It is important to note that the ACLU asked San Juan County to pay over \$2 million in legal fees, in comparison to San Juan County’s \$100,000 legal bill.”

The final settlement did not ask for attorney fees from either side.

San Juan County Attorney Kendall Laws said, “The increase in voter participation [in the 2016 election] was undoubtedly due to the fact that mail-in-ballots make it easier to vote, especially for the elderly.”

San Juan County was sued by the Navajo Nation in three separate voting rights lawsuits, including the VBM, the Commission Districts, and the School Board Districts.

In January, Judge Shelby signed an order that created new voting districts for the Commission and School Board. Elections are scheduled in November for the eight commission and school board seats.

Attorneys for the Navajo Nation are seeking more than \$3 million in attorney fees for the voting district lawsuits.