



AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC
355 NORTH 300 WEST, SALT LAKE CITY, UT 84103
(801) 521-9862 PHONE • (801) 532-2850 FAX
ACLU@ACLUUTAH.ORG • WWW.ACLUUTAH.ORG

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CONTACT:

John Mejia, Legal Director, ACLU of Utah
(801) 871-0332, jmejia@acluutah.org
[Derrick Robinson, Deputy Communications Director](#)
Lawyers' Committee for Civil Rights Under Law
202-662-8335, drobenson@lawyerscommittee.org

Voting Rights Lawsuit Over Navajo Voting Rights in San Juan County to Advance to Trial

SALT LAKE CITY, UT — Last week, U.S. District Court Judge Jill Parrish issued a decision in *Navajo Nation Human Rights Council v. San Juan County, et al*, allowing the lawsuit to proceed to a trial on the merits of the plaintiffs' claims that San Juan County is not providing effective language assistance to Navajo-speaking voters and is providing unequal voting opportunities to Navajo voters. The plaintiffs, the Navajo Nation Human Rights Council and several individual members of the Navajo Nation, are represented by counsel from DLA Piper, the Lawyers' Committee for Civil Rights Under Law, ACLU of Utah, and the ACLU Voting Rights Project.

In the lawsuit, plaintiffs challenged San Juan County's decision to switch to a mail-only voting system and offer in-person early voting only in the majority white part of the County. After plaintiffs sued in early 2016, the County announced it would reopen a limited number of polling places for election day voting and in future elections. Plaintiffs continue to assert that the County is violating the federal Voting Rights Act and the United States Constitution.

Judge Parrish also granted the plaintiffs' motion to dismiss all of the counterclaims brought by the County and Commissioner Rebecca Benally, vindicating the plaintiffs' assertion that the counterclaims were a distraction and immaterial to the issues at the heart of the lawsuit.

"We consider the judge's ruling an important affirmation of Navajo voters' experiences and concerns with language assistance and voting opportunities in San Juan County," remarked John Mejia, Legal Director of the ACLU of Utah. "These rulings represent an important breakthrough in this case, while giving San Juan County yet another opportunity to implement important improvements to its voting system before the 2018 mid-term elections."

"We brought this lawsuit to ensure that Navajo residents of San Juan County have equal opportunities to participate in the electoral process and will continue the fight to ensure those rights. We're pleased that the Court has ruled that we will have the chance to prove our case in trial," said Ezra Rosenberg, co-director of the Voting Rights Project of the Lawyers' Committee for Civil Rights Under Law.

"While the County made some changes after we filed this suit, the measures taken still fall short of full compliance with the law. We look forward to the opportunity to prevail on the two remaining issues in the case - the Section 2 and Section 203 claims involving the existing election system and the discriminatory

effect they have on Navajo tribal members,” commented Laughlin McDonald, Director Emeritus of the Voting Rights Project at the national ACLU.

“We believe that the County needs to provide improved language assistance for Navajo voters, both at the polls and in informational materials before the election,” said Mejia. “Another goal is for the County to re-establish at least all of the polling places that were in use before the County made the unilateral decision to switch to vote-by-mail in 2014.”

A trial date has not yet been set. The decisions issued on September 7 by Judge Parrish can be found at our website at the following URLs: http://acluutah.org/images/173-MEMORANDUM_DECISION_and_Order_Dismissing_Certain_Claims.pdf and http://acluutah.org/images/174-MEMORANDUM_DECISION_and_Order.pdf.

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