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Settlement Announced in *Navajo Nation Human Rights Commission v. San Juan County*

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SALT LAKE CITY, UT — The parties to the *Navajo Nation Human Rights Commission v. San Juan County* have reached a positive settlement agreement regarding plaintiffs' claims that San Juan County did not provide effective language assistance to Navajo-speaking voters and that Navajo voters had unequal voting opportunities in the County. On Thursday, February 22, the Judge signed the Order requesting that the Court keep jurisdiction over the case giving it the ability to enforce the agreement going forward.

In the settlement agreement, the County has agreed to implement various measures aimed at providing meaningful and effective language assistance and to create equal opportunities for Navajo voters. These measures will begin during the 2018 elections and will include:

- Providing in-person voter assistance, including in the Navajo language, at several locations on the Navajo reservation during the 28 days before every election.
- Maintaining three polling places on the Navajo reservation for Election Day voting, which will include Navajo language assistance
- Taking various steps to ensure quality interpretation of election information and materials into the Navajo language.

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

In this case, the plaintiffs—the Navajo Nation Human Rights Commission and several individual members of the Navajo Nation—filed suit in early 2016 over San Juan County’s decision to switch to a vote-by-mail system and offer in-person voting in only one place located in the majority-white section of the County.

The lawsuit claimed the county did not provide effective language assistance to the region’s many Navajo-speaking voters, resulting in unequal voting opportunities to Navajo voters, violating the federal Voting Rights Act and the United States Constitution. 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 (18 percent) also speaking English “less than ‘very well.’”

“Navajo voting rights is very important, especially in the counties on the Navajo Nation,” said Leonard Gorman, Executive Director of the Navajo Nation Human Rights Commission. “The settlement with San Juan County to improve access to polling places and language assistance is a good place to start when working on the needs of the Navajo voters. We view the settlement as merely the bottom line from which the county has committed to work with the Navajo people.”

According to Laughlin McDonald, the Director Emeritus of the ACLU Voting Rights Project, “[t]his settlement is not only extremely important for Navajo residents but for American Indians in general who have experienced a long history of discrimination in voting.”

“I speak for the whole DLA Piper team when I say we are proud to help Navajo voters gain easier access to the polls,” said Raymond Williams, partner at DLA Piper LLP (US). “The ability to vote is one some Americans may take for granted. For years, Navajo voters – many of whom live in remote areas and do not speak English – have been fighting for the same ability. With this settlement, they are one step closer.”

“Native American voters deserve equal access to the ballot box, yet for too long they have faced discriminatory roadblocks that deny them from participating in the political process in clear violation of the Voting Rights Act,” said Ezra Rosenberg, Co-Director of the Voting Rights Project at the Lawyers’ Committee for Civil Rights Under Law. “The settlement we are announcing today will bring about much-needed reform in San Juan County and ensure that Native voters are given an equal opportunity to exercise their right to participate in the electoral process and have their voices heard.”

Plaintiffs were represented by the Lawyers’ Committee for Civil Rights Under Law, the ACLU of Utah, the ACLU Voting Rights Project, attorney Maya Kane, and from the firm of DLA Piper, Raymond Williams, Lauren Wilchek, Nicole Orjiakor, Patrick Castaneda, Brenna Kelly, Harrison Carpenter, and Jae Kim.

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For more information, contact Jason Stevenson, ACLU of Utah’s Strategic Communications Manager, at (617) 290-8188 (cell), or email, at jstevenson@acluutah.org

See previous press releases

Voting Rights Lawsuit Over Navajo Voting Rights in San Juan County to Advance to Trial
September 12, 2017

<https://www.aclu.org/news/voting-rights-lawsuit-over-navajo-voting-rights-san-juan-county-advance-trial>

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