



# NAVAJO NATION DEPARTMENT OF JUSTICE

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### FOR IMMEDIATE RELEASE

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## NAVAJO NATION SUES ARIZONA OFFICIALS TO PROTECT THE VOTING RIGHTS OF NAVAJO TRIBAL MEMBERS

**WINDOW ROCK, NAVAJO NATION** — Attorney General Ethel Branch announced today that on Tuesday, November 20, 2018, the Navajo Nation filed a lawsuit in the Federal District Court of Arizona against Arizona Secretary of State Michele Reagan and the County Recorders and Election Directors of Apache, Coconino, and Navajo Counties. The Navajo Nation sued to protect the constitutional and statutory rights of its members, namely their right to vote and to have their votes be counted in the 2018 Election. The Navajo Nation alleged that Navajo voters have unequal access to voting and were denied “equal protection under the law” during the November 6 Election. Specifically, Navajo voters have fewer opportunities to register to vote and participate in early voting.

This lack of access to voting impermissibly hinders the ability of Navajo citizens to participate in the electoral process. In-person early voting is especially important for Navajo citizens who cannot quickly access their mail or who need language assistance before casting their ballots. This disparity is illustrated by Navajo citizens who must drive more than 130 miles roundtrip to an early voting location – a greater distance than the drive between Phoenix and Flagstaff. “Navajo voters should have equal access to all aspects of voting. This lawsuit is an important step to preserve the voting rights of Navajo people,” said Attorney General Branch. She stated that the County officials ignored the unique challenges of voting on the Navajo Reservation, which include slow mail service and great distance between voting sites, and the County officials’ actions in effect disenfranchised hundreds of Navajo Nation members.

As part of the lawsuit, the Navajo Nation filed a motion for a temporary restraining order and request for a preliminary injunction in order to ensure Navajo voters have the same, or similar, opportunity to cure their early ballots in the November 6th election as other Arizona voters. A lawsuit filed by the Republican Party in state court revealed that Navajo voters did not have the same opportunities to cure their ballots as other Arizona voters. Because the Navajo Nation wants its members’ votes to count before Arizona certifies the results of the 2018 Election, the Navajo Nation sought emergency injunctive relief requesting the District Court to restrain the County officials from rejecting early ballots cast by Navajo Nation members in the Election and to restrain

the County officials from certifying any election results until all Navajo Nation members' early ballots are counted.

“Navajo voters know our history of being denied the right to vote. We know our history of being denied access to the political process. We know how we have been treated unfairly in the past; however, we will not let these injustices continue. That is why this lawsuit matters. We have to assert the rights we have previously been denied,” said President Russell Begaye.

Prior to the 2018 election, the Nation requested that all three counties provide additional access to in-person voter registration and in-person early voting to ensure that Navajo people would have the same access to voting as other Arizona citizens. The counties denied the request.

As a result of these actions Navajo voters have suffered.

President Begaye stated that the County officials' actions of not opening additional early voting sites and not notifying Navajo Nation members of problems with their early ballots “effectively denied Navajo Nation members of their fundamental right to vote, and this injustice cannot happen.”

LoRenzo Bates, Speaker of the 23rd Navajo Nation Council, agrees that the Nation should continue to advance the voting rights of Navajo people. “The counties should view this lawsuit as an opportunity to have a dialogue with the Navajo Nation and work toward resolving voting issues for our Navajo people. Through this lawsuit we hope to further advance the voting rights for all voters at the county level,” said Speaker Bates.

Four Directions, a national Native American voting rights advocacy group, worked with the Nation and its members to organize Get-Out-the-Vote and voter protection efforts on the Nation during the election, and will be assisting with these litigation efforts.

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