



# NAVAJO NATION DEPARTMENT OF JUSTICE

## OFFICE OF THE ATTORNEY GENERAL

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### FOR IMMEDIATE RELEASE

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### NAVAJO NATION FILES SECOND SUIT AGAINST APACHE COUNTY TO PROTECT NAVAJO VOTING RIGHTS

**WINDOW ROCK, NAVAJO NATION** – Thursday, November 14, 2024 – After learning about Apache County’s delay in processing early ballots, the Navajo Nation Department of Justice filed a second lawsuit against Apache County related to the 2024 general election on Tuesday. The first suit was filed on Election Day to give Navajo voters in Apache County an additional 2 hours to vote after ballot printers at most Apache County polling locations failed. This second suit has been filed to give Navajo voters additional time to cure inconsistent signatures on their early ballots.

This year, voters had until 5 p.m. on Sunday, November 10, to cure inconsistent signatures on their early ballots. Late Saturday, November 9, the Navajo Nation Department of Justice learned that Apache County halted the processing of early ballots from November 6 to November 8. The Navajo Nation Department of Justice also learned that at least 143 Navajo voters had inconsistent signatures on their early ballots that needed to be cured. As of 5:20 p.m. on Saturday, November 9, Apache County still had 900 early ballots left to process.

With the early ballot cure period ending on November 10, Apache County had approximately 48 hours to notify, at a minimum, 143 Navajo voters with inconsistent signatures *and* allow them sufficient time to cure their signatures by calling or driving to the Apache County Recorder’s Office in St. Johns, AZ. Forty-eight hours was not enough time to give Navajo voters reasonable and meaningful notice and an opportunity to cure their inconsistent signatures for a myriad of reasons, including the inconsistent cellular and internet service on the Navajo Reservation, high usage of P.O. boxes, and the long driving distance to St. Johns, AZ.

In addition to Apache County’s delays in processing early ballots, it was difficult to reach the Apache County Recorder’s Office during the week of the 2024 general election. Attorney General Ethel Branch, an Apache County voter, experienced this firsthand when she deposited her early ballot in an early ballot dropbox on Friday, November 1. “By mid-afternoon on November 9, the Arizona Secretary of State’s website said my ballot still had not been received by Apache County

and I had to call Apache County multiple times that day just to get confirmation that my ballot was received and would be counted,” she stated. Thanks to the outreach efforts of volunteers on Sunday, November 10, approximately 21 voters were able to cure their early ballots. However, approximately 40 of these voters also reported not being notified of their inconsistent signatures by Apache County.

In an effort to give Navajo voters sufficient time to cure their inconsistent signatures, the Navajo Nation filed an amicus brief, i.e. “friend of the court” brief, in *American Civil Liberties Union of Arizona; League of United Latin American Citizens-Arizona v. Stephen Richer, et al* on Sunday, November 10. This case was filed in the Arizona Supreme Court to extend the ballot curing period past November 10 state-wide due to the over 250,000 early ballots cast state-wide that had yet to be processed as of Friday, November 8. The Arizona Supreme Court declined to extend the early ballot curing period past November 10.

Because the Arizona Supreme Court declined to extend the ballot curing period state-wide in their Monday ruling, the Navajo Nation decided to file its own suit against Apache County to extend the ballot curing period only in Apache County. The Navajo Nation filed this suit on Tuesday, November 12, seeking a temporary restraining order preventing Apache County from certifying the results of the 2024 general election until Navajo voters have reasonable and meaningful notice and an opportunity to cure their inconsistent signatures on their early ballots.

“Apache County’s delay in processing early ballots disenfranchised Navajo voters and that is unacceptable. I am hopeful for a positive outcome in the Nation’s suit against Apache County,” said Crystalyne Curley, Speaker for the 25<sup>th</sup> Navajo Nation Council. “Attorney General Ethel Branch added, “We will continue to hold Apache County accountable for any disenfranchisement of Navajo voters. The Navajo voice and vote matter and should be counted.”

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