



Four Directions Requests Secretary Hobbs bring Arizona into Compliance with the Voting Rights Act

August 18, 2020

Media Contact: OJ Semans email: tateota@hotmail.com cell: 605-828-1422

Teec Nos Pos, AZ, Navajo Nation - Four Directions, Inc., a national Native American voting rights organization, is assisting Navajo Nation Members to secure equal access to absentee vote-by-mail from Arizona Secretary of State Katie Hobbs. Four Directions conducted an in-the-field test of mail delivery times and routes by sending memoranda by four different classes of mail from various postal locations across the Navajo Nation.

The resultant data shows that Navajo Nation Members have many fewer days to cast their ballot when they receive it. The data shows that Navajo Nation Members who request an absentee ballot on October 23 (which is their right under Arizona law) will not receive their ballot in time to mark, cast, and mail their ballot back and have it in the possession of the county recorder's office by 7:00 pm on Election Day, November 3, 2020 as required under current Arizona law.

While it takes only one day for certified first-class mail to travel from Scottsdale, AZ to the Maricopa County Recorder's Office in Phoenix, AZ; from St. Johns, AZ to the Apache County Recorder's Office in St. Johns, AZ; from Holbrook, AZ to the Navajo County Recorder's Office in Holbrook, AZ; and from Flagstaff, AZ to the Coconino Recorder's Office in Flagstaff, AZ; data shows that certified mail sent from locations on Navajo Nation take 5 to 6 days to be delivered to the respective county recorder's offices.

Four Directions, Inc. has assembled a legal and expert team to assist Navajo Nation Members in their request of Secretary Hobbs for a simple and costless remedy – accept absentee ballots postmarked on or by Election Day and received by the close of business on the 10th day after the election. Attorney Chris McClure, on behalf of his clients, emailed the attached request to Arizona Secretary Hobbs yesterday.

“We believe that the unequal access to vote-by-mail is an unlawful abridgement of the right to vote of Navajo Nation Members as per Section 2 of the Voting Rights Act. We urge Secretary Hobbs to take immediate action and agree to the relief outlined in the letter from Attorney McClure,” said OJ Semans, Four Directions co-Executive Director.



McCLURE & HARDY

Attorneys at Law



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Sioux Falls, SD 57103 (605) 496-9858

311 Walnut Street,
Yankton, SD 57078 (605) 260-7889

August 17, 2020

Katie Hobbs
Secretary of State
Office of the Secretary of State
1700 W Washington St Fl 7
Phoenix AZ 85007-2808
khobbs@azsos.gov

Via Electronic Mail and U.S. Mail

Re: Vote By Mail Ballots on Navajo Nation

Dear Secretary Hobbs:

This memorandum is provided in response to your public announcement that Voting By Mail (“VBM”) Ballots will only be counted if they are received by 7:00 p.m. on Election Day, November 3, 2020 (“Election Day”). See <https://azsos.gov/votebymail>.

We are requesting that all VBM ballots postmarked or with encoded date information on or before Election Day and received by County election officials by close of business on the 10th day after the election **for the 2020 general election and each and every federal and state primary and general election thereafter** from our Navajo Nation Tribal Member clients and similarly situated Tribal Members for the following reasons:

1. Navajo Nation Tribal Members living on-Reservation in Arizona (“Tribal Members”) have fewer days to cast their ballot if they VBM in comparison to non-Indian voters who utilize the VBM ballot due to slower postal service when compared to affluent areas like Scottsdale, Arizona.

2. Preliminary data from a recent study by Four Directions, Inc. demonstrates that first class mail sent from Pinon, AZ requires 6 days to arrive at the Navajo County Recorder’s Office in Holbrook, AZ; that certified first class mail sent from Teec Nos Pos requires 5 days to arrive at the Apache County Recorder’s Office in St. Johns, AZ; while certified mail sent from Scottsdale, AZ requires only 1 day to arrive at the Maricopa County Recorder’s Office in Phoenix, AZ. The preliminary data shows that the certified mail sent from Teec Nos Pos, AZ traveled from Teec Nos Pos to Albuquerque, NM to Flagstaff, AZ to Phoenix, AZ to St. Johns,

AZ, a total distance of 917 miles – one way. Given that the ballot must be first mailed to the voter, the round-trip distance that the mailed ballot must travel is 1,833 miles. For comparison purposes, the distance from Scottsdale, AZ to Jackson Hole, WY is 916 miles and the distance from Washington, DC to Disney World (Orlando, Florida) is 847 miles. Preliminary data from Four Directions, Inc.'s study is attached as Exhibit 1.

3. A novel coronavirus has killed more than 163,000 Americans and continues to spread throughout the country. Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/us-cases-deaths.html>.

4. Other states across the country have seen the increase in absentee balloting due to COVID19 stretch the capacity of their election officials and the U.S. Postal Service. See Michelle Ye Hee Lee and Jacob Bogage, Postal Service Backlog Sparks Worries that Ballot Delivery Could be Delayed in November, Wash. Post, (July 30, 2020), https://www.washingtonpost.com/politics/postal-service-backlog-sparks-worries-that-ballotdelivery-could-be-delayed-in-november/2020/07/30/cb19f1f4-d1d0-11ea-8d32-1ebf4e9d8e0d_story.html.

5. Tribal Members living on the Arizona portion of the Navajo Nation have more restrictive access to VBM than other non-Indian voters in Arizona.

6. VBM is not a simple or easy task for Tribal Members. In addition to general barriers impeding voting access, VBM adds additional barriers which include lack of home mail delivery, the need for language translation, lack of access to public transportation and lack of access to any vehicle at all, impede VBM. In general, VBM does not have the accessibility for Tribal Members living in tribal communities as it does for voters in urban and suburban areas, especially wealthy suburban areas such as Scottsdale, Arizona.

7. The requirement of VBM ballots to be received – rather than postmarked – on or before Election day, leads to the disenfranchisement of Tribal Members when their overdue ballots are rejected.

8. Our Tribal Member clients and other similarly situated Tribal Members are a protected class of voters under the Voting Rights Act.

The remedy is simple – your Office should compel county election officials to compile all VBM ballots postmarked - or with date information encoded - by or before Election Day and count these postmarked ballots if received within ten (10) days of the 2020 general election (which is November 13, 2020) and for each and every state and federal primary and general election thereafter.

Please provide your response by 1:00 p.m Pacific Daylight Time, August 19, 2020 to me via email at Mcclurechris@gmail.com or litigation will be initiated.

Please contact me at 605-496-9858 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris McClure", written over a horizontal line.

Chris McClure

Attorney for:

Darlene Yazzie, Caroline Begay, Irene Roy, Donna Williams, Leslie Begay, and Alfred McRoye

Exhibit 1

Four Directions, Inc. Preliminary Data



Certified 1st Class: Five Days - Tec Nos Pos to St. Johns, AZ

August 8	10:07 a.m.	Tec Nos Pos Post Office	
	10:10 a.m.	Depart	
	10:20 p.m.	Arrive Albuquerque Post Office	228 miles
August 9	3:41 a.m.	Depart	
August 12	1:48 p.m.	Flagstaff Post Office	320 miles
	8:58 p.m.	Arrive Phoenix Facility	153 miles
August 13	9:31 a.m.	Arrive St. Johns Post Office	215 miles
	10:44 a.m.	Delivery Apache County Recorder	0.5 miles

916.5 Total Miles

Certified 1st Class: One Day – Scottsdale, AZ to Phoenix, AZ

August 5	12:43 p.m.	Scottsdale Post Office	
	5:36 p.m.	Arrived at Phoenix, AZ Distribution Center	
	6:08 p.m.	Departed Phoenix, AZ Distribution Center	
August 6	8:43 p.m.	Delivery Maricopa County Recorder	

Less than 35 miles total

1st Class Mail: Pinon, AZ to Holbrook, AZ

August 4		Mailed from Pinon	
August 10	10:46 a.m.	Delivered to Navajo County Recorder	

Teec Nos Pos, AZ to
Apache County Recorder

USPS Tracking Information

Product Information

See Less

Remove

Tracking Number: 9114901075742902802137

Your item has been delivered and is available at a PO Box at 10:44 am on August 13, 2020 in SAINT JOHNS, AZ 85936.

Status

Delivered

August 13, 2020 at 10:44 am
Delivered, PO Box
SAINT JOHNS, AZ 85936

[Get Updates](#)

Delivered

Text & Email Updates

Tracking History

August 13, 2020, 10:44 am

Delivered, PO Box
SAINT JOHNS, AZ 85936

Your item has been delivered and is available at a PO Box at 10:44 am on August 13, 2020 in SAINT JOHNS, AZ 85936.

August 13, 2020, 9:31 am

Arrived at Post Office
SAINT JOHNS, AZ 85936

August 12, 2020, 8:58 pm

Arrived at USPS Regional Facility
PHOENIX AZ DISTRIBUTION CENTER ANNEX

August 12, 2020, 1:48 pm

Arrived at USPS Facility
FLAGSTAFF, AZ 86004

August 12, 2020

In Transit to Next Facility

August 9, 2020, 3:41 am

Departed USPS Regional Facility
ALBUQUERQUE NM DISTRIBUTION CENTER ANNEX

August 8, 2020, 10:20 pm
Arrived at USPS Regional Facility
ALBUQUERQUE NM DISTRIBUTION CENTER ANNEX

August 8, 2020, 10:10 am
Departed Post Office
TEEC NOS POS, AZ 86514

August 8, 2020, 10:07 am
USPS in possession of item
TEEC NOS POS, AZ 86514

Scottsdale, AZ to
Maricopa County Recorder

USPS Tracking Information

[See Less](#)

[Remove](#)

Tracking Number: EJ098212660US

Scheduled Delivery by

THURSDAY 6 AUGUST 2020 by

10:30am

Status

Delivered

August 6, 2020 at 8:43 am

Delivered, In/At Mailbox

PHOENIX, AZ 85003

[Get Updates](#)

Delivered

Text & Email Updates

Proof of Delivery

Tracking History

August 6, 2020, 8:43 am

Delivered, In/At Mailbox

PHOENIX, AZ 85003

Your item was delivered in or at the mailbox at 8:43 am on August 6, 2020 in PHOENIX, AZ 85003.

August 6, 2020, 8:41 am
Arrived at Post Office
PHOENIX, AZ 85034

August 5, 2020, 6:08 pm
Departed USPS Regional Facility
PHOENIX AZ DISTRIBUTION CENTER

August 5, 2020, 5:36 pm
Arrived at USPS Regional Facility
PHOENIX AZ DISTRIBUTION CENTER

August 5, 2020, 1:56 pm
Arrived at USPS Facility
SCOTTSDALE, AZ 85257

August 5, 2020, 12:43 pm
USPS in possession of item
SCOTTSDALE, AZ 85257

Pinon, AZ to
Navajo County Recorder

Confirmation from
Recorder Michael Sample



Bret healy <brethealysd@gmail.com>


Mail Memorandum

Michael Sample <Michael.Sample@navajocountyaz.gov>
To: "brethealysd@gmail.com" <brethealysd@gmail.com>

Tue, Aug 11, 2020 at 10:29 AM

Received in the Navajo County Recorder's Office 08/10/2020 @ 10:46 A.M.

From: support@navajocountyaz.gov <support@navajocountyaz.gov>
Sent: Tuesday, August 11, 2020 8:27 AM
To: Michael Sample <Michael.Sample@navajocountyaz.gov>
Subject: Message from KM_C654e

 **SKM_C654e20081108260.pdf**
1105K



To: Navajo County Recorder Sample

From: Bret Healy, consultant

brethealysd@gmail.com

Four Directions Native Vote, Inc.

Four Directions, Inc.

Re: Mail delivery time

Date: Aug 4, 2020
Month Day

Memorandum Location Pinon Number 1

This memorandum was sent from Pinon, Arizona by

First Class Mail
Certified Mail
Priority Mail
Priority Mail Express

We ask that you note when (**BOTH DATE & TIME**) this memorandum is delivered to your office.

We are attempting to determine what the mail delivery timeline is so that we can provide specific advice to Native American voters who wish to vote in the 2020 general election on November 3 via the U.S. mail.

We are requesting that this information (Date and Time of Delivery to your office) (Memorandum Number) be provided by email to brethealysd@gmail.com within five (5) business days of receipt of this memorandum.

Thank you in advance for your attention to this matter.

Respectfully submitted.
Bret Healy

8-10-20
10:46