

Rachel Appel: Voting rights matter in San Juan County



By Rachel Appel | Special to The Tribune

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It's a 290-mile drive from Salt Lake City to Monticello, the seat of San Juan County in Utah's southeast corner, and the rain followed our car the whole way. As clouds threatened another downpour, we joined the dozens of people converging on the San Juan County Courthouse to attend the May 21 County Commission meeting. Once inside, Leah Farrell, the ACLU of Utah's senior staff attorney and I sat down as the room filled with more than 40 people. Why such keen

interest in the governance of San Juan County? The reasons, as everyone in the room knew, were power and politics.

Last November, San Juan County voters elected two Native Americans, Kenneth Maryboy and Willie Grayeyes, to the three-person County Commission. This result gave the county's majority indigenous population a majority on the commission for the first time. But not everyone welcomed this milestone, or the court-ordered redistricting plan that led to it. After the new commission was seated in January, the monthly commission meetings became acrimonious, with heated exchanges between the commissioners, county staffers and residents.

But this May meeting was different. Commissioner Maryboy called the meeting to order and the commissioners and the staff marched through the agenda. They passed resolutions, listened to public comments and ratified bylaws. The meeting's calmer tone suggested a growing realization that San Juan County governance would now be different. For example, the commission had recently pledged to live-stream all meetings, and hold future meetings outside Monticello, including at sites on the Navajo Nation, which occurred on July 2.

Our May visit to San Juan County was our fourth trip in 10 months. The ACLU of Utah became involved in the county in 2014 when commissioners switched to a mail-only voting system and closed all but one in-person voting location. We informed county officials that these changes would negatively impact Navajo voters, many of whom lack mail service, speak only Navajo, or live hundreds of miles from the county seat. When officials didn't change course, we sued in 2016 on the grounds that a mail-only voting system violated the federal Voting Rights Act. As our lawsuit advanced, we learned that voting discrimination against Native Americans permeates San Juan County's history. For example, in 1972, two Navajo residents filed to be candidates for the commission but were disqualified because the county clerk knowingly failed

to inform them of the requirements. Throughout the 1980s and 1990s, successive clerks purged Navajo voters using arbitrary justifications often overturned by state election officials. In 2012, a commissioner reportedly said that Native Americans should have no voice in public lands management. And last year, a federal court reversed the county's decision to disqualify Greyeyes from the ballot and even bar him from voting in Utah, finding that the process for doing so was invalid. Without changes, it seems that generation-spanning challenges to equal participation by Native Americans in the county's electoral process will continue.

Fortunately, the new leadership and focus of the commission indicates that change can happen. In addition, the ACLU of Utah reached a positive settlement with the county in early 2018 to resolve our mail-in ballot lawsuit. County officials must now provide in-person voter assistance and Navajo language translation services at voting locations before every election, maintain polling places on the Navajo Nation for Election Day voting, and ensure interpretation of election materials in the Navajo language.

While monitoring the settlement agreement, the ACLU of Utah confirmed that last November's election was greatly improved on the Navajo Nation compared to prior elections, when lack of electricity, air conditioning and a ballot shortage caused disruptions. But we also noted several areas needing more attention, including better training for poll workers, consistent interpretation, education about voter IDs, and ballot security.

The ACLU of Utah is committed to ensuring Native American residents of San Juan County — and all Utahns — are treated equally in elections. We will continue working with allies and local leaders such as the Navajo National Human Rights Commission and the Rural Utah Project to protect the fundamental right to vote and participate in our democracy. While change can be hard, all governments are stronger and more effective when they fairly represent the electorate.

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Comments