

No ease of tension: Election irregularities trouble the San Juan County special election

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Election irregularities trouble the San Juan County special election. Early vote tallies indicate that voters in San Juan County may have rejected a controversial ballot proposal to create a change of government study committee. But, with hundreds of provisional ballots reportedly uncounted, the fate of Proposal 10 remains too close to call. The timing of the proposal to create a committee tasked with studying alternatives to the county's three-seat commission was contentious, coming soon after a historic change in the county's representation. Elections held in 2018 resulted in two of the three commission seats going to members of the Navajo Nation. The election of Kenneth Maryboy and Willie Grayeyes also ended the long-standing Republican majority on the commission.

The new majority is widely viewed as the result of new voting districts, drawn after a federal judge ruled in late 2017 that the then-existing commissioner and school board district boundaries were unconstitutionally drawn to disenfranchise the county's Navajo population.

The vast majority of Navajo residents were placed within one voting district, virtually ensuring voting blocks leaned towards a white majority on the San Juan County Commission. The precinct boundaries were redrawn after the court decision was handed down—but not to everyone's liking.

Blanding Mayor Joe Lyman was one of a group of San Juan County residents to circulate a petition putting the possible change of government on the ballot. In the new commission boundaries, the city of Blanding is split between multiple districts. Monticello Mayor Tim Young also supported the petition. Proposal 10 would have launched a one-year study of the county's form of government, similar to Grand County's Change of Government Study Committee. Supporters of the initiative claimed that they believe expanding the number of commissioners would increase government accountability.

Lyman has said publicly that he's long advocated for making a five-member commission, denying that the proposal has any connection with the 2018 election results.

That argument didn't carry much weight with supporters of the new commission and, if the preliminary results of the ballot proposal are accurate, it may not have swayed voters either.

"San Juan County has a long history of undermining voters, particularly Navajo voters," Navajo Nation President Joseph Nez said in a statement. "Last year, members of the Navajo Nation were elected to fill two of three commissioner positions for the first time in San Juan County's history. Proposition 10 aims to undermine the outcome of that election and the voices of voters."

ELECTIONEERING CONCERNS

Political tensions in the county have continued to run high, as the proposal was considered amidst the fallout from lawsuits, contentious town hall meetings and reported incidents of electioneering.

The American Civil Liberties Union (ACLU) of Utah stationed monitoring teams at every polling place in San Juan County for the first time this year.



The group settled a voting rights lawsuit with the county in 2018. As part of the legal settlement, San Juan County agreed to provide language assistance for Navajo-speaking voters and work with the Navajo Nation Human Rights Commission. The group is ensuring that the county is following the terms of the agreement and that all election law is being followed.

“It’s a huge county and very rural, so it’s a bit of a logistical challenge,” said Niki Venugopal, ACLU of Utah voting rights coordinator, “but it’s important, especially in a county where there has been a long history of voter discrimination.”

Venugopal reported a great deal of enthusiasm and energy among voters, with some voters hitchhiking to the polls in order to have their voices heard.

However, monitors also witnessed some troubling irregularities during early voting.

On Oct. 22, the ACLU of Utah reported that election monitors had witnessed copies of a newspaper editorial written by Lyman were made available to voters inside multiple polling stations.

The editorial by Lyman addressed the Proposal 10 issue and urged voters to approve the change of government study.

As reported by the Salt Lake Tribune, San Juan County Clerk John David Nielson admitted to reporters that he personally placed copies of the letter within polling places.

The reports that a county official provided partisan information at an election place left John Mejia, legal director of the ACLU of Utah “incredulous.”

“We are demanding answers on how this happened and how the county plans to respond,” said Mejia in a statement.

“There have been recent reports of electioneering taking place to influence the outcome of the election — this needs to stop and offenders must be held accountable,” added President Nez.

Electioneering is defined as an attempt to influence voters within or near a polling place. Under Utah law, electioneering is punishable by up to a year in jail and a \$2,500 fine for “any oral, printed or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue.”

The ACLU of Utah also noted that the county had missed legally-mandated deadlines, aired required Navajo-language radio ads late, did not publicly post Navajo-language descriptions of the election until after early voting had begun, and mailed ballots to some voters well before the official window for mail-in balloting began.

“While we’re glad that county stopped the practice as soon as we made them aware it was inappropriate, we’re reviewing how the election was carried out and see how we can ensure issues get addressed before the next election,” Venugopal said.

This isn’t the first time Nielson has faced criticism. In 2019, a federal judge rebuked Nielson for backdating documents outside of his legal authority to remove Willie Grayeyes, one of the Navajo candidates, from the ballot. Grayeyes ultimately won the election after being put back on the ballot. Nielson could have faced legal charges stemming from the incident, but then-Grand County Attorney Andrew Fitzgerald declined to prosecute. Fitzgerald said that no criminal statute or election code directly applied to the incident. The attorney believed the issue to be more with a lack of professional knowledge than ill-intent on the part of the clerk.

According to a 2018 survey by the ACLU of Utah, many county clerks in the state have wrong and misleading information about voting on their websites—or no details about elections or voting at all. As of election day, the San Juan County website still displayed links to a local newspaper’s opinion columns alongside information on the special election.