

Questions arise over November 5 election

Oct 29, 2019 | 466 views |

by Bill Boyle, San Juan Record Editor

http://sjrnews.com/view/full_story/27676291/article-Questions-arise-over-November-5-election?instance=news_roundup

While the November 5 election features a single question for San Juan County voters, the special election is getting more and more complicated.

The ballot question asks if a committee should be formed to consider a change in the San Juan County form of government. Ballots have been mailed to voters throughout the county.

San Juan County Clerk John David Nielson states that vote-by-mail ballots should have a postmark no later than Monday, November 4 in order to be counted.

In addition, election day polling locations will be open from 7 a.m. to 8 p.m. on Tuesday, November 5 in Montezuma Creek, Monument Valley, Navajo Mountain, and Monticello.

The special election is the result of a petition submitted by five county residents that put the question on the ballot. The petition was certified in July 2019.

The American Civil Liberties Union (ACLU) has expressed concern about the election, suggesting that electioneering may have occurred through the distribution of materials in support of the ballot question at satellite voting offices.

In recent weeks, ACLU of Utah poll monitors spotted documents at polling locations that advocate a position that voters should vote in favor of the ballot proposition. The polling locations are in Bluff, Montezuma Creek and Monument Valley.

The documents include copies of a letter to the Editor in the September 11, 2019 issue of the San Juan Record. The letter was written by Joe B. Lyman.

Lyman is one of the sponsors of the petition that put the question on the ballot. The letter outlined Lyman's support for the ballot question.

Items in the San Juan Record that have outlined opposition to the ballot measure were not distributed at the polling location.

Nielson admits the copies of the letter were distributed on two of the four days the satellite polling locations were open.

"There were lots of questions about the ballot question and what it meant," said Nielson. "This was the only statement that had been released. I could see afterward how it could be viewed, but that was not my intent."

According to a statement from the ACLU, "The presence of such material at a polling location raises serious questions about electioneering, defined as a deliberate attempt inside or nearby a polling location to influence voters to vote for a particular candidate or issue. Such activity is illegal under Utah state code."

John Mejia, Legal Director at the ACLU of Utah, said, "These reports that county officials and representatives appear to have made these materials available and even facilitated their distribution inside polling places have left us incredulous. We are demanding answers on how this happened and how the county plans to respond."

In addition, the ACLU states county officials did not follow all of a strict set of guidelines governing the handling of elections.

The guidelines are part of a 2018 settlement agreement in a lawsuit about the county vote-by-mail system. The lawsuit had argued that the vote-by-mail system could violate the rights of Navajo-speaking voters.

The settlement outlined a series of steps for each election, including working with the Navajo Nation Human Rights Commission and Navajo interpreters to develop materials for voters.

Nielson states that the special election was not approved until July and was immediately outside of the planning guidelines, which outline processes which should begin a full six months before an election.

Nielson said a number of the ballots were mailed from the Pacific Northwest as early as October 2, which is 34 days before the election. The general guideline is for voters to receive ballots 30 days before the election.

As a result, the ACLU said voters may have received ballots before any Navajo-language information about the election was available.

In addition, the ACLU states that the required Navajo-language radio ads were aired more than a week late. And they add that Navajo-language audio tapes describing the election were not available on the county website or at satellite early voting locations when early voting began.

Nielson said that after the election was set, his office had adjusted notifications that had been approved for previous elections and began to work with the interpreters for the audio materials.

Mejia states that San Juan County has been “responsive” to the ACLU concerns, but added, “You can’t turn back time on deadlines.”

Read more: [San Juan Record - Classifieds, Events, Businesses in Monticello, San Juan County, Utah - Questions arise over November 5 election](#)