



OFFICE OF NAVAJO NATION HUMAN RIGHTS COMMISSION

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San Juan County Utah Voting Rights Issues.

St. Michaels, Navajo Nation (Ariz) – Navajo Nation Human Rights Commission is diligently working with Navajo citizens on the Utah side of the Navajo Nation on two issues. The first one is the ongoing litigation on redistricting the San Juan County Commission seats and San Juan County School District board seats. The second issue is the 2014 mail-in ballots imposed on all voters in San Juan County and specifically the negative impacts on Navajo voters.

In 2011, the Navajo Nation Human Rights Commission presented proposal to redistrict the San Juan County commission seats; however, in November 2011 the county commission by vote of 2 in favor and 1 opposed offered to submit two redistricting plans to a judge. However, Navajo Nation Human Rights Commission later learned that the San Juan County Commission construed the submission of the redistricting plans to the court as its actual adoption of the redistricting map proposed by San Juan County staff.

Leonard Gorman, Executive Director for the Navajo Nation Human Rights Commission, said, “It was disturbing, and continues to be shocking, to learn through the court documents that when I presented the Navajo Nation’s redistricting plan to the San Juan Commission and the decision was to refer two maps to a judge that was in fact when the county commission adopted its redistricting map and the maps were never sent to the judge.”

Since January 2012, the Navajo Nation has been in litigation over the redistricting of San Juan County commission and school board. In March 2015, the Navajo Nation presented a settlement offer to San Juan County after the U.S. federal district court judge dismissed San Juan County’s request to dismiss Navajo’s lawsuit. The settlement offer assures that Navajo voters can elect two candidates of choice for the three county commissioners and three candidates of choice for the five school board members.

Gorman further states, “Navajo voters in San Juan County deserve and have the right, in accordance with the 1965 Voting Rights Act, to elect candidates of their choice, which was obviously repressed by the county commission going on three decades. As a protected class of citizens, Navajos can increase their ability to elect candidates that make the majority in the county commission and school board, based on the 2010 U.S. census.” Citizens must call on the county commission to settle the lawsuit with the Navajo Nation in order to reduce expenditure of limited resources for the county.

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As another effort to repress Navajo voting strength, San Juan County employed mail-in ballots for the 2014 primary and general elections. While generally the citizens of San Juan County express concerns that mail-in ballots were not good for the county voters, Gorman said “the mail-in ballots disparately impacted Navajo voters in San Juan County.” The Navajo Nation Human Rights Commission recently visited most of the chapters that extend onto the Utah side of the Navajo Nation. Several disturbing information have surfaced as they directly impact Navajo voters:

1. The US post offices on the Navajo Nation often do not date stamp envelopes at their locations. While Navajos may have deposited their election ballots at their local post offices such as Aneth, Montezuma Creek, Navajo Mountain, the envelopes are date stamped on different dates other than the day the envelop was deposited and at an entirely different location. As an example, while the Navajo Nation Human Rights Commission was assured at Montezuma Creek post office by the postmaster date stamps will be place on envelops at Montezuma Creek before it's sent off, with that assurance the NNHRC sent a postcard to the Navajo Nation Human Rights office but it was date stamped at Provo, Utah, not Montezuma Creek. In addition, many Navajo voters appear to have considered the ballots junk mail because often times advertisers make their envelops look like an official ballot.
2. Language assistance was sporadic and often not accommodated. In accordance with the 1965 Voting Rights Act, voters that do not speak and read English must be assisted in their language of their choice to understand the ballot. San Juan County is a section two county; this means the United States Department of Justice oversees the county's responsibility to provide Navajo language assistance to Navajo voters during county elections. When instituting the mail-in ballots, San Juan County stated that it will reduce the cost of providing language assistance to Navajo voters because families and relatives will provide the needed assistance to their grandparents. However, San Juan County ballots had several technical amendments to the Utah constitution, for which Navajos had difficulty translating the amendments from English to Navajo.
3. Navajos showed up at the polling places on Election Day. There is strong indication that many Navajo voters were not properly informed that San Juan County changed its voting method from voting at polling places to mail-in ballots. It was reported to the Navajo Nation Human Rights Commission that several Navajo voters arrived at the Navajo Mountain chapter house and waited for San Juan County poll workers to arrive. With the closure of polling places Navajo voters would need to travel to San Juan County Clerk's office in Monticello, UT to drop off their ballots or receive language assistance, knowing it would take several hours for Navajo voters to travel to Monticello.

These are only a few examples of the disparate impacts on Navajo voters during the 2014 San Juan County primary and general elections. Navajo Utah Commission and several chapters passed resolutions opposing the mail-in ballots yet the county pressed to implement the voting method that lessen the voting strength of Navajo voters.

The Navajo Nation Human Rights Commission has a Memorandum of Understanding with the United States Department of Justice. Under this MOU, the Navajo Nation

Human Rights Commission is working with the USDOJ voting rights section to visit the Navajo Nation in August 2015. “It is very clear,” says Gorman, “that Navajo voters cannot be disenfranchised again during the 2016 elections.” If successfully settled, Navajos would vote in two candidates of their choice for the county commission and three candidates of their choice for the county school board. Doing away with the mail-in ballot will eliminate the vast confusion with US mail system; continue to receive Navajo language assistance at the polling places.

For more information on the efforts of the Navajo Nation Human Rights Commission contact the NNHRC at 928-871-7436 or visit the NNHRC website at www.nnhrc.navajonsn.gov.

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