

SAN JUAN COUNTY, UTAH
RESOLUTION NO. 2022 - 01

STATEMENT OF OPPOSITION REGARDING UTAH H.B. 371 VOTING REVISIONS

WHEREAS, San Juan County values fair and accessible elections with high voter participation and prioritizes the continuance of fair and accessible elections with high voter turn-out for the benefit of all county residents.

WHEREAS, San Juan County Board of Commissioners is familiar with HB 371 "Voting Revisions", pending in the Utah Legislature.

WHEREAS, HB 371 is sponsored by former San Juan County Commissioner, and current Utah state representative, Phil Lyman.

WHEREAS, HB 371 eliminates voting by mail, restricts locations where ballots can be deposited, and restricts voter registration by prohibiting voter registration drives, among other prohibitions and restrictions that do not serve to benefit voters or protect voting rights in San Juan County.

WHEREAS, in January 2014, then San Juan County Clerk, Norman Johnson, informed the San Juan Commission that the 2014 election in San Juan County would be handled exclusively through mailed-in ballots. The County Clerk explained that the vote by mail method is a simpler, less expensive way to operate elections, and has been shown to dramatically increase voter participation, even among voters in San Juan County. As reported in the January 29, 2014 edition of the *San Juan Record*:

Johnson said he has watched voting trends closely for several years, and feels that moving to mailed-in ballots is the best way to go. "This will be a simpler and cheaper way to conduct voting in the county," said Johnson, who has run elections as the county clerk for the past 14 years. "After closely watching the City of Monticello race last year, I think it is time to move to mailed-in ballots for everyone."

In addition to cutting costs and confusion, Johnson said the move will increase voter participation. "It was interesting to compare the elections in Monticello and Blanding last year," said Johnson. "There was a significantly different turnout for similar races in each community, and I think that mailed-in ballots account for a large amount of the difference." In Monticello, where mailed-in ballots were used to select a new mayor and two positions on the City Council, voter participation was 59 percent. In Blanding, where traditional election-day polls were used to select a new Mayor and two positions on the City Council, voter participation was 29 percent. Smaller precincts have used mailed-in ballots for several years. In addition, Johnson adds that about ten percent of voters already vote by mail.

He cites equipment costs, travel expenses, and ADA concerns as additional reasons in support of the change, adding, "Time and distance are the single biggest factors, both for voters and to administer an election."

WHEREAS, in 2015 San Juan County was a defendant in a lawsuit initiated in the United States District Court for Utah by the Navajo Nation Human Rights Commission and several named plaintiffs, *Navajo Nation Human Rights Commission, et al. v. San Juan County, et al.*, which challenged the voting procedures in San Juan County, specifically with respect to polling places and mail-in ballots and language assistance.

WHEREAS, on February 22, 2018, the Court issued an Order incorporating the terms of the Stipulated Settlement agreement reached between the parties regarding plaintiffs' claims that San Juan County did not provide effective language assistance to Navajo-speaking voters and that Navajo voters had unequal voting opportunities in the County, and further stipulating that the Court would maintain jurisdiction to enforce the terms of the Stipulated Settlement Agreement.

WHEREAS, pursuant to the Court's 2018 Order that subsequent to the 2020 general election the parties shall "meet, in good faith, through designated representatives within 60 days to review the data collected and determine if procedures should be altered or services reduced, increased, or held the same" a Revised Stipulated Settlement was reached in March 2021, which among other provisions, provides for multiple voting places on the Navajo Nation, language assistance at satellite voting locations and voter registration and ballot assistance at the Language Assistance Locations for a minimum of 28 days prior to election day, and data collection and retention of specified information including voter contact at each Language Assistance Location through the 2024 election.

WHEREAS, the San Juan County Board of Commissioners has reviewed HB 371 and has determined that HB 371 makes it more difficult for residents to vote, discriminates against the county's Navajo residents; fails to insure and encourage fair, accessible and high voter participation elections; and violates the spirit, purpose, intent and possibly the mandatory terms of the Revised Stipulated Settlement reached in *Navajo Nation Human Rights Commission, et al. v. San Juan County, et al.*

WHEREAS, HB 371 will make San Juan County elections more expensive and dramatically reduce voter participation.

WHEREAS, HB 371 violates the civil rights of all San Juan County residents.

WHEREAS, HB 371 is not in the best interests of the residents of San Juan County.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: San Juan County hereby opposes the voting revisions contained in HB 371

Section 2: The San Juan County Commission directs the County Administrator to immediately provide a copy of this Resolution to all members of the Utah Legislature.

PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners this 01 day of March 2022.


Those voting aye: Grayeyes, Maryboy

Those voting nay: Adams

Those abstaining:

Absent:

**Board of San Juan County
Commissioners**



Willie Grayeyes, Chairman

ATTEST:



Lyman Duncan, County Clerk/Auditor