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ATTORNEYS FOR PLAINTIFFS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

**NAVAJO NATION, a federally recognized
Indian tribe, LORENA ATENE,
TOMMY ROCK, HARRISON
(HUTCHINS) HUDGINS, WILFRED
JONES, ELSIE BILLIE, and HERMAN
FARLEY.**

Plaintiffs,

VS.

SAN JUAN COUNTY, a Utah governmental sub-division; **BRUCE ADAMS**, San Juan County Commissioner / Commission Chair; **PHIL LYMAN**, San Juan County Commissioner; **KENNETH MARYBOY**, San Juan County Commissioner; and **NORMAN L. JOHNSON**, San Juan County Clerk / Auditor,

Defendants.

**PLAINTIFFS' MEMORANDUM
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION (Doc. # 15)**

Case No. 2:12-CV-00039

Judge David Sam

PLAINTIFFS, NAVAJO NATION, a federally recognized Indian tribe, LORENA ATENE, TOMMY ROCK, HARRISON (HUTCHINS) HUDGINS, WILFRED JONES, ELSIE BILLIE, and HERMAN FARLEY, by and through counsel, Brian M. Barnard and Stewart Gollan of the Utah Legal Clinic, as Cooperating Attorneys for the Utah Civil Rights and Liberties Foundation, Inc., and D. Harrison Tsosie, Attorney General of the Navajo Nation Department of Justice, having moved this Court to issue a Preliminary Injunction (Doc. # 15), now submit this Memorandum in support of that motion.

PRELIMINARY STATEMENT

This 42 U.S.C. § 1983 action seeks injunctive and declaratory relief to achieve a fair and lawful redistricting of the county Commission Districts in San Juan County. Plaintiffs seek declaratory, equitable, and injunctive relief for improper interference with their constitutional rights. Plaintiffs seek declaratory relief as to the unconstitutionality of Defendants' current district apportionment map (the "Map"). The Map impermissibly infringes on individual Plaintiffs' rights under the Equal Protection Clause of the Fourteenth Amendment because the Commission Districts are not substantially equal in population. The Map impairs the voting rights of minorities in violation of § 2 of the Voting Rights Act, 42 U.S.C. § 1973.

At this time, Plaintiffs are only seeking a preliminary injunction with respect to their claim under the Equal Protection Clause of the Fourteenth Amendment.

Plaintiffs seek immediate injunctive relief because of the imminent beginning of the election process for San Juan County Commissioners.

STATEMENT OF FACTS

Parties

1. PLAINTIFF NAVAJO NATION is a federally recognized Indian tribe whose reservation lands are located in the states of New Mexico, Arizona, and Utah. Decl. of Leonard Gorman ("Gorman Decl.") ¶ 4 (Doc. # 8).

2. PLAINTIFF LORENA ATENE is an adult citizen and resident of San Juan County. She is a member of the Navajo Nation, is registered to vote in San Juan County, and lives in Navajo Mountain, Utah (in the Navajo Mountain chapter precinct). She is a voter in Commission District # 1. Decl. of Lorena Atene ("Atene Decl.") ¶¶ 1, 2, 4, 5, 7 - 9 (Doc. # 9).

3. PLAINTIFF TOMMY ROCK is an adult citizen and resident of San Juan County. He is a member of the Navajo Nation, is registered to vote in San Juan County, and lives in Oljato, Utah (in the Oljato chapter precinct). He is a voter in Commission District # 1. Decl. of Tommy Rock ("Rock Decl.") ¶¶ 1, 2, 4, 5, 7 - 9 (Doc. # 14).

4. PLAINTIFF HARRISON (HUTCHINS) HUDGINS is an adult citizen and resident of San Juan County. He is a member of the Navajo Nation, is registered to vote in San Juan County, and lives in Westwater, Utah (in the Blanding Precinct). He is a voter in Commission District # 2. Decl. of Harrison (Hutchins) Hudgins ("Hudgins Decl.") ¶¶ 1, 2, 4, 5, 7 - 9 (Doc. # 12).

5. PLAINTIFF WILFRED JONES is an adult citizen and resident of San Juan County. He is a member of the Navajo Nation, is registered to vote in San Juan County, and lives in Red

Mesa, Utah (in the Montezuma Creek Precinct). He is a voter in Commission District # 3.

Decl. of Wilfred Jones ("Jones Decl.") ¶ 1, 2, 4, 5, 7 - 9 (Doc. # 13).

6. PLAINTIFF ELSIE BILLIE is an adult citizen and resident of San Juan County. She is a member of the Navajo Nation, is registered to vote in San Juan County, and lives in Aneth, Utah (in the Aneth Chapter Precinct). She is a voter in Commission District # 3. Decl. of Elsie Billie ("Billie Decl.") ¶¶ 1, 2, 4, 5, 7 - 9 (Doc. # 10).

7. PLAINTIFF HERMAN FARLEY is an adult citizen and resident of San Juan County. He is a member of the Navajo Nation, is registered to vote in San Juan County, and lives in Red Mesa, Utah (in the Red Mesa Chapter Precinct). He is a voter in Commission District # 3. Decl. of Herman Farley ("Farley Decl.") ¶¶ 1, 2, 4, 5, 7 - 9 (Doc. # 11).

8. DEFENDANT SAN JUAN COUNTY is a governmental sub-division of the State of Utah. It governs the geographical area in southeastern Utah known as San Juan County. It operates pursuant to powers granted by the State of Utah. Complt, ¶ 13 (Doc. # 2).

9. DEFENDANT BRUCE ADAMS is a duly elected and serving Commissioner / Commission Chair of San Juan County. He is charged with the executive duties and responsibilities to act on behalf of that county. Those duties include creating districts for the elections of the San Juan County Commission. Complt, ¶ 14.

10. DEFENDANT PHIL LYMAN is a duly elected and serving Commissioner of San Juan County. He is charged with the executive duties and responsibilities to act on behalf of that county. Those duties include creating districts for the elections of the San Juan County Commission. Complt, ¶ 15.

11. DEFENDANT KENNETH MARYBOY is a duly elected and serving Commissioner of San Juan County. He is charged with the executive duties and responsibilities to act on behalf of that county. Those duties include creating districts for the elections of the San Juan County Commission. Complt, ¶ 16.

12. DEFENDANT NORMAN L. JOHNSON is the duly elected and serving County Clerk/Auditor of San Juan County. He is charged with the executive duties and responsibilities to administer elections in San Juan County and for San Juan County Commissioners. He is charged with the responsibility of administering the Utah State election code and ensuring that elections within San Juan County are conducted in a fair and lawful manner. Complt, ¶ 17.

13. As a county commissioner, each defendant commissioner is responsible for acting to redistrict the county, faithfully executing the laws of the State of Utah and upholding the United States Constitution. Complt, ¶ 18.

OPERATIVE FACTS

History of San Juan County's Commission Districts

14. San Juan County, Utah, was sued by the United States Department of Justice in two separate lawsuits in 1983. Those lawsuits were brought to protect the voting rights of members of the Navajo Nation in San Juan County. United States of America v. San Juan County, et al., Case No. C-83-1286W, United States District Court for the District of Utah; United States of America v. San Juan County, et al., Case No. C-83-1287, United States District Court for the District of Utah. Those lawsuits resulted in Agreed Settlements and Court Orders against San Juan County. Gorman Decl. ¶ 13.

15. United States of America v. San Juan County, et al., Case No. C-83-1286W resulted in an Agreed Settlement and Court Order (entered 04/04/1984) that required San Juan County to change the method by which it elected its three county commissioners from an at-large method to a three-district method. That case resulted in the creation of three commission districts within San Juan County, with one commissioner being elected from each of those three districts. Gorman Decl. ¶14.

16. A three Commission District apportionment map (the "Map") was created in 1984. A copy of that Map is attached hereto, marked Exhibit "A" and incorporated herein by reference. Gorman Decl. ¶15.

17. The Map was drawn using data from the 1980 United States census. Gorman Decl. ¶18; Exhibit "D."

18. Every 10 years, the United States Census Bureau conducts a census throughout the United States pursuant to Article I, § 2 of the United States Constitution. Gorman Decl. ¶16.

19. Members of the Navajo Nation are Native Americans recognized as ethnic minorities by the United States Census Bureau. Gorman Decl. ¶12.

20. The Map was created by San Juan County officials pursuant to San Juan County Resolution 1984-1, adopted February 6, 1984 (Exhibit "B" attached), the San Juan County election held November 6, 1984, and the Final Adopted Optional Plan of General County (Modified) Form of County Government (Exhibit "C" attached). Gorman Decl. ¶19.

Current Status of San Juan County's Commission Districts

21. The Map has not been changed since 1984. San Juan County has not been re-districted for the purpose of county commission elections since 1984. Gorman Decl. ¶20.
22. In the 30+ years since the 1980 United States census, the population of San Juan County has grown and changed. The population within each of the three County Commission Districts has also changed. During that period of time, the population of the San Juan County has shifted in both location and demographics. Gorman Decl. ¶21; Atene Decl. ¶15; Rock Decl. ¶15; Hudgins Decl. ¶15; Jones Decl. ¶15; Billie Decl. ¶15; Farley Decl. ¶15.
23. The United States Census Bureau conducted a census in 2010 and collected census information in San Juan County, Utah. The 2010 census information is available online from the United States Census Bureau at <http://2010.census.gov/2010census/popmap/ipmtext.php?fl=49>. Gorman Decl. ¶16, ¶17.
24. Data from the 2010 census shows that the populations of the three current Commission Districts vary substantially due to population growth and shifts in the decades following the 1980 census. Gorman Decl. ¶22; Exhibit “D.”
25. Today, the three current Commission Districts are not equal in population. Gorman Decl. ¶23; Exhibit “D.”
26. The population in San Juan County, Utah, in 1980 was 12, 253. U.S. Census Bureau website: <http://www.census.gov/population/cencounts/ut190090.txt>; Gorman Decl. ¶24.
27. The 2010 census analysis shows that San Juan County has a total population of 14,746, of which 7,431 identify as Native American (50.4% of the population of the County). U.S. Census Bureau website: <http://quickfacts.census.gov/qfd/states/49/49037.html>; Gorman Decl. ¶24; see Exhibit “D.”

San Juan County Commission District Population Calculations

28. The San Juan County Commission held a meeting on November 14, 2011, at Monticello, Utah. As part of that meeting, County Clerk/Auditor Norman L. Johnson made a public presentation with regard to the status of the three (3) San Juan County Commission Districts. Among other items, he discussed whether San Juan County should change those Districts in light of population changes. He stated that he and County staff members had studied the issue on behalf of the County. Gorman Decl. ¶26.

29. At the November 14th meeting, County Clerk/Auditor Johnson handed out eight pages of information showing and supporting San Juan County Commission's analysis of the current population of the three (3) Commission Districts and addressing the question of re-districting. That eight page hand-out is attached hereto and incorporated herein by reference as Exhibit "D." Gorman Decl. ¶27.

30. Johnson stated that the County analysis was based on data from the 2010 U.S. Census. According to the County analysis:

- a. San Juan County Commission District # 1 of the current Map today has a population of 5,374 people (36.4% of the county).
- b. San Juan County Commission District # 2 of the current Map today has a population of 4,557 people (30.9% of the county).
- c. San Juan County Commission District # 3 of the current Map today has a population of 4,815 people (32.7% of the county).

Exhibit "D," pp. 1-2; Gorman Decl. ¶28.

Leonard Gorman's Calculations of San Juan County Commission District Population

31. Leonard Gorman, a resident of Window Rock, Arizona, is an employee of the Navajo Nation. He serves as Executive Director of the Navajo Nation Human Rights Commission, which advocates for the improvement of election districting in areas where the Navajo Nation is located. His job duties include reviewing and protecting the voting rights of Navajo Nation members in San Juan County, Utah. Gorman Decl. ¶¶ 1, 3, 5, 6, 7.

32. Mr. Gorman personally analyzed the 2010 U.S. Census data regarding San Juan County and the population of the three Commission Districts. According to his analysis:

- a. Commission District # 1 of the current Map encompasses 5,347 people and is 29.96% Native American.
- b. Commission District # 2 of the current Map encompasses 4,550 people and is 29.91% Native American.
- c. Commission District # 3 of the current Map encompasses 4,849 people and is 92.8% Native American.

Gorman Decl. ¶ 29.

Deviation from Ideal District

33. Based on the 2010 Census, the ideal population for each of the three (3) San Juan County Commission Districts is 4,915. Gorman Decl. ¶ 30.

34. As the Commission Districts are currently configured, and based upon the data used by the San Juan County officials and their analysis (as described in ¶¶ 29 - 30 *supra*; Exhibit “D”),

- a. Commission District # 1 deviates from the ideal population by 9.34%
[$5374 - 4915 = 459 / 4915 = 9.34\%$].
- b. Commission District # 2 deviates from the ideal population by negative -7.28%
[$4557 - 4915 = -358 / 4915 = -7.28\%$].
- c. Commission District # 3 deviates from the ideal population by negative -2%
[$4815 - 4915 = -100 / 4915 = -2\%$].

Gorman Decl. ¶ 31.

Plaintiffs' Rights

- 35. The Navajo Nation has reservation lands in County Commission Districts # 1 and # 3 of San Juan County, and has fee lands in District # 2 of San Juan County. Gorman Decl. ¶9.
- 36. Members of the Navajo Nation reside in all three Commission Districts of San Juan County. Gorman Decl. ¶10.
- 37. Members of the Navajo Nation who reside in the State of Utah and in San Juan County are eligible to vote and are registered to vote as citizens of the United States and Utah. Gorman Decl. ¶11; Atene Decl. ¶6; Rock Decl. ¶6; Hudgins Decl. ¶6; Jones Decl. ¶6; Billie Decl. ¶6; Farley Decl. ¶6.
- 38. Since mid-Summer 2010, Leonard Gorman, on behalf of the Navajo Nation Human Rights Commission, and others, on behalf of the Navajo Nation, have been in contact with San Juan County, the three (3) County Commissioners Bruce Adams, Phil Lyman, and Kenneth Maryboy, and the County Clerk/Auditor Normal L. Johnson. Gorman Decl. ¶32.

39. Leonard Gorman has been in communication with the defendant County officials because they are charged with the duties and responsibilities to apportion San Juan County for elections, to administer elections in San Juan County, to administer the Utah State election code and to ensure that elections within San Juan County are conducted in a fair, constitutional, and lawful manner. Gorman Decl. ¶33.

40. Leonard Gorman has informed those officials that the current Map violates the Equal Protection Clause of the Fourteenth Amendment which requires that electoral districts have substantially equal populations to provide each citizen with an equal vote (the "one-person, one-vote" principle). Gorman Decl. ¶34.

41. The Navajo Nation, on behalf of Navajos in San Juan County, demanded that the San Juan County officials re-apportion the County and re-draw the district Map to take account of the 2010 census data. Gorman Decl. ¶36.

42. The Navajo Nation has explained to the Defendant San Juan County officials that, using the United States Supreme Court's prescribed calculation method, the population variance between the current districts in San Juan County is at least 16.22%. According to the County figures, the deviation of District # 1 (9.34%) plus the deviation of Commission District # 2 (-7.28%) equals a total deviation of 16.62%. Gorman Decl. ¶37.

43. The Navajo Nation has explained to the Defendant San Juan County officials that the population deviations mean that Navajos residing in San Juan County have less opportunity than other citizens to participate in the political process and to elect representatives of their choice. Gorman Decl. ¶38.

44. Leonard Gorman prepared a Proposed Map to redistrict the three San Juan County

Commission Districts. To prepare that map, he used a software program called "Maptitude for Redistricting 6.0" created by Caliper Corporation. That program contains 2010 data from the U.S. Census Bureau (<http://2010.census.gov/2010census/popmap/ipmtext.php?fl=49>) regarding San Juan County, Utah. The Proposed Map is attached hereto, marked Exhibit "E" and incorporated herein by reference. Gorman Decl. ¶45.

45. The Proposed Map would create three equal County Commission Districts in San Juan County, Utah. Each proposed new Commission District would have a population of ~4,915. Gorman Decl. ¶47.

46. The San Juan County officials were presented with a copy of the Proposed Map on September 12, 2011 and were urged to adopt it. Gorman Decl. ¶48.

47. The individual Plaintiffs are concerned about the constitutionality and fairness of San Juan County Commissioner elections. Atene Decl. ¶10; Rock Decl. ¶10; Hudgins Decl. ¶10; Jones Decl. ¶10; Billie Decl. ¶10; Farley Decl. ¶10.

48. The votes of Plaintiffs or individuals living in San Juan County Commission District # 1 (1 of 5,347) are not equal to the votes of people living and voting in San Juan County Commission District # 2 (1 of 4,550). Atene Decl. ¶22; Rock Decl. ¶22.

49. By using and continuing to use the current Map, San Juan County officials have deprived the Plaintiffs and other members of the Navajo Nation of rights guaranteed by the Fourteenth Amendment of the United States Constitution and of rights guaranteed by the Voting Rights Act. Atene Decl. ¶24; Rock Decl. ¶24; Hudgins ¶24; Jones Decl. ¶24; Billie Decl. ¶24; Farley ¶24.

50. Elections for San Juan County Commissioners are scheduled to be held in November 2012. Candidates for those elections must register during March 9 -15, 2012. Gorman Decl. ¶39, ¶40.

51. Plaintiffs want San Juan County to be reapportioned based on the 2010 census as far in advance of the upcoming November 2012 elections as possible because any further elections using the Map will violate the Plaintiffs' constitutional rights. Gorman Decl. ¶41, ¶42; Atene Decl. ¶25, ¶27; Rock Decl. ¶25, ¶27; Hudgins Decl. ¶25, ¶27; Jones Decl. ¶25, ¶27; Billie Decl. ¶25, ¶27; Farley Decl. ¶25, ¶27.

52. Without the intervention of this Court, Plaintiffs fear that redistricting of San Juan County will not occur in sufficient time before the November 2012 elections. Gorman Decl. ¶43; Atene Decl. ¶28; Rock Decl. ¶28; Hudgins Decl. ¶28; Jones Decl. ¶28; Billie Decl. ¶28; Farley Decl. ¶28.

53. Plaintiffs seek an immediate Court order preventing San Juan County from holding any further elections using the current Map. Atene Decl. ¶29; Rock Decl. ¶29; Hudgins Decl. ¶29; Jones Decl. ¶29; Billie Decl. ¶29; Farley Decl. ¶29.

54. Plaintiffs seek a Court order requiring San Juan County officials to re-apportion and re-district San Juan County for County Commission elections using 2010 census tract information and to create and use a new map that protects the constitutional rights of all citizens of San Juan County and is in compliance with the Voting Rights Act of 1965. Atene Decl. ¶30; Rock Decl. ¶30; Hudgins Decl. ¶30; Jones Decl. ¶30; Billie Decl. ¶30; Farley Decl. ¶30.

ARGUMENT

ALL FOUR (4) ELEMENTS FOR A PRELIMINARY INJUNCTION ARE SATISFIED

Standards for Issuance of a Preliminary Injunction.

A party requesting a preliminary injunction must establish that: (1) there is a substantial likelihood of success on the merits; (2) the party will suffer irreparable injury unless the injunction issues; (3) the threatened injury outweighs whatever damage the proposed injunction may cause the opposing party; and, (4) the injunction, if issued, would not be adverse to the public interest. RoDa Drilling Co. v. Siegal, 552 F.3d 1203, 1208 (10th Cir. 2009); Schrier v. Univ. of Co., 427 F.3d 1253, 1258 (10th Cir. 2005); ULBA v. Leavitt, 256 F.3d 1061, 1066 (10th Cir. 2001); Fed. R. Civ. Pro. 65. In this case, a preliminary injunction is both necessary and appropriate. Each requisite element is satisfied.

Plaintiffs Have a High Likelihood of Prevailing on the Merits of their Equal Protection Claim.

In discussing the exact burden this first element places on plaintiffs, the Tenth Circuit has noted that “[i]t is only necessary that plaintiffs establish a reasonable probability of success, and not an ‘overwhelming’ likelihood of success, in order for a preliminary injunction to issue.” Atchison, Topeka & Santa Fe Ry. Co. v. Lennen, 640 F.2d 255, 261 (10th Cir. 1981); *accord* Southern Utah Wilderness Alliance v. Thompson, 811 F.Supp. 635, 641 (D. Utah 1993) (where the moving party has met the last three requirements for a preliminary injunction, the moving party “need only show a fair ground for litigation”) (*quoting* Seneca-Cayuga Tribe v. State of

Oklahoma, 874 F.2d 709, 716 (10th Cir. 1989)). The Plaintiffs at bar have much more than just a “fair ground for litigation.”

The Plaintiffs have a high likelihood of prevailing on the merits of their Equal Protection claim because the maximum population deviation for the Commission Districts in San Juan County is much greater than ten percent (>10%). The United States Supreme Court has held that under the Equal Protection Clause of the Fourteenth Amendment, a state legislative apportionment scheme with a maximum population deviation exceeding 10% “creates a *prima facie* case of discrimination and therefore must be justified by the State.” Brown v. Thomson, 462 U.S. 835, 842-43 (1983); Voinovich v. Quilter, 507 U.S. 146, 161 (1993). The Plaintiffs have established that the population variance among San Juan County’s Commission Districts is much greater than ten (>10%) percent. *See ¶34, ¶43 supra.*

At a November 14, 2011 meeting of the San Juan County Commission, County Clerk/Auditor Norman Johnson presented the County’s analysis of the current population of the three (3) Commission Districts. Exhibit “D” attached. That analysis, based on data from the 2010 U.S. Census, showed:

- Commission District # 1 of the current Map today has a population of **5,374** people (36.4% of county).
- Commission District # 2 of the current Map today has a population of **4,557** people (30.9% of county).
- Commission District # 3 of the current Map today has a population of **4,815** people (32.7% of county).

Exhibit "D" attached, pp. 1-2.

Based on the 2010 Census, the ideal population for each of the three (3) San Juan County Commission Districts is now 4,915. ($14,746 / 3 = 4,915$).

Based upon the San Juan County analysis:

- Commission District # 1 deviates from the ideal population by 9.34 %.
[$5374 - 4915 = 459 / 4915 = 9.34\%$].
- Commission District # 2 deviates from the ideal population by *negative* -7.28 %.
[$4557 - 4915 = -358 / 4915 = -7.28\%$].
- Commission District # 3 deviates from the ideal population by *negative* -2 %.
[$4815 - 4915 = -100 / 4915 = -2\%$].

The greatest population variance between the current Commission Districts is 16.62 %.

The deviation of Commission District # 1 (9.34 %) plus Commission District # 2 (-7.28 %) totals 16.62 %.

The current apportionment of the three (3) Commission Districts and the current Map are *prima facie* discriminatory. Therefore, the burden shifts as to showing the constitutionality of the apportionment under the Equal Protection Clause, the one-person one-vote rule. The Defendants now bear the burden of showing that the Map "may reasonably be said to advance [a] rational state policy" and that the population disparities do not exceed constitutional limits. Brown, 462 U.S. at 843 (*quoting Mahan v. Howell*, 410 U.S. 315, 328 (1973)). Plaintiffs submit that San Juan County and the Defendants can not do so. There is no rational government policy that justifies using a Map based on census data that is over 30 years old. There is no rational

government policy that justifies conducting elections using such mal-apportioned Commission Districts. The Defendants cannot rebut the *prima facie* unconstitutionality of the >10% population variance. Plaintiffs thus have a high likelihood of prevailing on the merits of their Equal Protection claim.

Plaintiffs are Suffering and Will Continue to Suffer Irreparable Harm Unless the Preliminary Injunction Issues.

The right to vote is one of the most fundamental rights under the United States Constitution. *See Reynolds v. Sims*, 377 U.S. 533, 554 (1964); *Harman v. Forssenius*, 380 U.S. 528, 537 (1965). The right to vote is entitled to special constitutional protection because “[t]he right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. . . . [T]he right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil rights.” *Reynolds*, 377 U.S. at 555, 562; *accord Wesberry v. Sanders*, 376 U.S. 1, 17 (1964) (“[o]ther rights, even the most basic, are illusory if the right to vote is undermined.”). An irreparable injury exists where “the court would be unable to grant an effective monetary remedy.” *Dominion Video Satellite, Inc. v. EchoStar Satellite Corp.*, 269 F.3d 1149, 1156 (10th Cir. 2001). The injury in this case is the dilution of the Plaintiffs’ votes; given the fundamental nature of the right to vote, monetary remedies would be inadequate if Plaintiffs are forced to vote for San Juan County Commissioners according to the current Map in the upcoming 2012 election.

The Current and Threatened Injury to Plaintiffs Outweighs Whatever Damage the Proposed Injunction Might Cause Defendants.

The continuing and threatened injury to Plaintiffs outweighs any damage that an injunction might cause Defendants. The potential “harm” to Defendants in issuing an injunction would be the expense and administrative process in re-drawing the Map so that it complies with constitutional and United States Supreme Court mandates. That is not some new or unexpected expense and burden. Reapportionment is a duty that legislative bodies routinely undertake. San Juan County should have re-apportioned the Commission District since 1983. Requiring San Juan County to now do its administrative duty can not be considered “harm” to the County. Additionally, administrative convenience is insufficient to justify a government practice that impinge on a fundamental right. *See Taylor v. Louisiana*, 419 U.S. 522, 535 (1975). Thus, the continued violation of the election process and the dilution of Plaintiffs’ votes far outweighs the inconvenience that would result from entering an injunction forcing the Defendants to do their duty and to re-draw the Map before holding any further county commission elections.

Issuance of a Preliminary Injunction is in the Public Interest

The public has a broad interest in the integrity of governmental elections. Subjecting the voters of San Juan County to a voting system that is unconstitutional and uses an inequitably apportioned map is adverse to the public interest. Thus, an injunction prohibiting further elections under the unfair system is squarely in line with the public interest.

CONCLUSION

The four (4) required elements for the issuance of a preliminary injunction are satisfied in this case, therefore Plaintiffs request that this Court grant them immediate injunctive relief.

NO BOND / SECURITY SHOULD BE REQUIRED

Federal Rule of Civil Procedure 65 permits a trial court to require no bond prior to the issuance of a preliminary injunction where the non-moving party failed to demonstrate any potential injury. A trial court has wide discretion in the manner of requiring security, and if there is an absence of proof showing the likelihood of harm, no bond is necessary. Continental Oil Co. v. Frontier Refining Co., 338 F.2d 780, 782 (10th Cir. 1964); *accord* Doctor's Assoc's., Inc. v. Stuart, 85 F.3d 975, 985 (2d Cir. 1996); *see also* West Virginia Highlands Conservancy v. Island Creek Coal Co., 441 F.2d 232, 236 (4th Cir. 1971) (holding that a nominal bond of \$100 was sufficient where defendant failed to show it would suffer more than negligible harm as a result of having to delay timber cutting until the issues raised in the litigation could be decided).

The potential “harm” to Defendants in issuing an injunction would be the expense and administrative process in re-drawing the Map so that it complies with constitutional and United States Supreme Court mandates. That is not some new or unexpected expense and burden. Reapportionment is a duty that legislative bodies routinely undertake. San Juan County should have re-apportioned the Commission District since 1983. Requiring San Juan County to now do its administrative duty can not be considered “harm” to the County.

Plaintiffs suggest that since, at most, Defendants will suffer only administrative inconvenience by the issuance of the injunction sought herein, that no security or nominal security in the amount of one dollar (\$1.00) be required.

RELIEF REQUESTED

WHEREFORE, Plaintiffs seek and are entitled to immediate injunctive relief as follows:

1. Defendants should be enjoined from holding any further County Commission elections using the current Commission Districts as set forth in the Map.
2. Defendants should be ordered to reapportion the County and re-draw the County Commission Districts using information from the 2010 United States Census and in compliance with statutory, Constitutional and United States Supreme Court mandates.
3. No bond should be required for the issuance of this preliminary injunction.
4. For such other and further immediate equitable relief as the court deems just and proper.

DATED THIS 12th DAY OF JANUARY 2012.

ATTORNEYS FOR PLAINTIFFS

UTAH LEGAL CLINIC
Attorneys for Plaintiffs

/s/ Brian M. Barnard

BRIAN M. BARNARD
STEWART GOLLAN

D. HARRISON TSOSIE
ATTORNEY GENERAL
NAVAJO NATION
DEPARTMENT OF JUSTICE

EXHIBITS

EXHIBIT “A”

CURRENT MAP OF SAN JUAN COUNTY
THREE (3) COUNTY COMMISSION DISTRICTS
WITH 2010 CENSUS FIGURES

EXHIBIT “B”

SAN JUAN COUNTY RESOLUTION 1984-1
(ADOPTED FEBRUARY 6, 1984)

EXHIBIT “C”

FINAL ADOPTED OPTIONAL PLAN OF GENERAL COUNTY (MODIFIED) FORM OF
COUNTY GOVERNMENT
(ADOPTED NOVEMBER 26, 1984)

EXHIBIT “D”

SAN JUAN COUNTY PRESENTATION OF NOVEMBER 14, 2011 (8 pages)
RE: THREE (3) COUNTY COMMISSION DISTRICTS and
ANALYSIS AND APPLICATION OF 2010 CENSUS FIGURES

EXHIBIT “E”

PLAINTIFFS’ PROPOSED MAP OF SAN JUAN COUNTY
THREE (3) COUNTY COMMISSION DISTRICTS
WITH 2010 CENSUS FIGURES

EXHIBITS

EXHIBIT "A"

CURRENT MAP OF SAN JUAN COUNTY
THREE (3) COUNTY COMMISSION DISTRICTS
WITH 2010 CENSUS FIGURES

EXHIBIT "B"

SAN JUAN COUNTY RESOLUTION 1984-1
(ADOPTED FEBRUARY 6, 1984)

EXHIBIT "C"

FINAL ADOPTED OPTIONAL PLAN OF GENERAL COUNTY (MODIFIED) FORM OF
COUNTY GOVERNMENT
(ADOPTED NOVEMBER 26, 1984)

EXHIBIT "D"

SAN JUAN COUNTY PRESENTATION OF NOVEMBER 14, 2011 (8 pages)
RE: THREE (3) COUNTY COMMISSION DISTRICTS and
ANALYSIS AND APPLICATION OF 2010 CENSUS FIGURES

EXHIBIT "E"

PLAINTIFFS' PROPOSED MAP OF SAN JUAN COUNTY
THREE (3) COUNTY COMMISSION DISTRICTS
WITH 2010 CENSUS FIGURES

EXHIBIT “A”

CURRENT MAP OF SAN JUAN COUNTY
THREE (3) COUNTY COMMISSION DISTRICTS
WITH 2010 CENSUS FIGURES

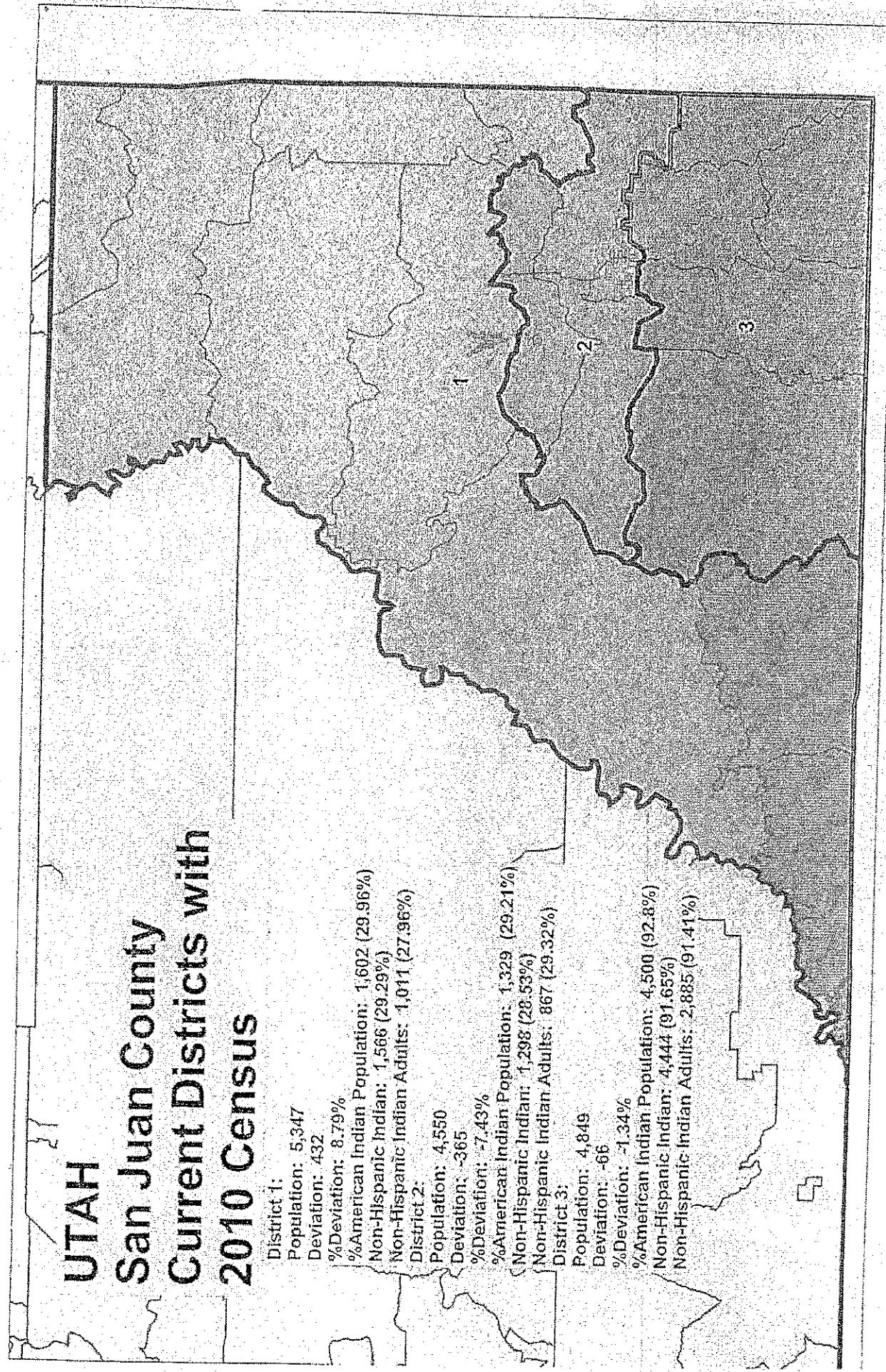


EXHIBIT “B”

SAN JUAN COUNTY RESOLUTION 1984-1
(ADOPTED FEBRUARY 6, 1984)

RESOLUTION NO. 1984-1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, UTAH, EXPRESSING THE BOARDS INTENT TO APPROVE AN OPTIONAL PLAN OF COUNTY GOVERNMENT, DESCRIBING SAME, AND FIXING THE TIMES AND PLACES FOR HOLDING A SERIES OF PUBLIC HEARINGS THEREON.

WHEREAS, San Juan County, Utah is empowered by the provisions of Chapter 35a of Title 17, Utah Code Annotated 1953, as amended, to initiate proceedings for the adoption of an optional plan for COUNTY government, and

WHEREAS, the Board of County Commissioners of San Juan County, Utah, hereafter BOARD desires upon its own motion pursuant to Section 17-35a-3 Utah Code Annotated 1953, as amended, to initiate said proceedings, and to give notice of its intention to adopt an optional form of County Government described hereafter, as required by law, and to designate the times and places for public hearings thereon within San Juan County, Utah.

NOW THEREFORE, be it resolved by the BOARD of County Commissioner of San Juan County, Utah as follows:

1. That the BOARD on its own motion intends to approve the General County (MODIFIED) form of County Government for San Juan County, Utah, as the same appears and is more fully set forth in three (3) full and complete copies of the plan on file in the County Clerks Office and available there for public inspection and copying.

2. That public hearings on the proposed plan shall be held at the following times and places:

<u>AREA</u>	<u>MEETING PLACE</u>	<u>DATE AND TIME OF MEETING</u>
La Sal & Spanish Valley	La Sal Elem. School	April 10, 7:00 p.m.
Monticello	High School Auditorium	April 11, 7:00 p.m.
Ucolo, Cedar Point & Eastland	Eastland LDS Church	April 12, 7:00 p.m.
Blanding	High School Auditorium	April 13, 7:00 p.m.
Aneth	Aneth Chapter House	April 18, 7:00 p.m.
Montezuma Creek	High School Auditorium	April 17, 8:30 p.m.
Red Mesa	Chapter House	April 17, 6:00 p.m.
Bluff	Community Center	April 19, 6:00 p.m.
Mexican Hat	Halchita Elem. School	April 19, 8:30 p.m.
Oljato	Chapter House	April 20, 6:00 p.m.
Monument Valley	High School Auditorium	April 20, 8:30 p.m.
Navajo Mountain	Chapter House	April 21, 2:00 p.m.
Halls Crossing	Bunkhouse	April 21, 5:00 p.m.

3. That after the conclusion of the last hearing and within six months of the date of this Resolution the BOARD shall either:

- a. Approve the optional plan, or
- b. Amend the optional plan and approve it as amended, or
- c. Reject the optional plan

4. That if the plan, either in its original form or as amended, is approved then the BOARD shall cause the approved proposed optional plan to be submitted to the voters and this County as required by Section 17-35a-6, Utah Code Annotated, 1953, as amended, for their approval or rejection at the next general election to be held on November 6, 1984.

5. This resolution shall take effect immediately upon

its passing and approval by the Board of County Commissioners
of San Juan County, Utah, this 6th day of January, 1984.

BOARD OF COUNTY COMMISSIONERS
of SAN JUAN COUNTY, UTAH

Voted: Yes Commissioner Block,

Voted: Yes Commissioner Bailey,

Voted: Yes Commissioner Shum,

ATTEST:

Mark Queen
San Juan County Clerk

EXHIBIT “C”

FINAL ADOPTED OPTIONAL PLAN OF GENERAL COUNTY (MODIFIED) FORM OF
COUNTY GOVERNMENT
(ADOPTED NOVEMBER 26, 1984)

FINAL ADOPTED OPTIONAL PLAN OF
GENERAL COUNTY (MODIFIED) FORM OF
COUNTY GOVERNMENT

The following optional plan of County Government was approved by the electorate as the new form of County Government in San Juan County, Utah, pursuant to an Election held on the 6th day of November, 1984.

The structural form of County Government adopted is known as the General County (Modified) Form and shall retain without change or modification, all existing incorporated cities and towns, special taxing districts, public authorities, county service areas, and other local public entities functioning within the boundaries of San Juan County, Utah.

The County remains vested with all powers and duties vested in Counties by general law.

The Governing body of the County shall be a County Commission and shall be composed of three members who shall be elected from individual districts. The proposed districts shall be as follows:

COMMISSIONER DISTRICT I: Beginning at North East Corner of San Juan County, Utah, thence South along the State Line between Utah and Colorado to where it intersects a line between Townships 37 South and 38 South, SLB&M; thence West along the Township line to where it intersects with a line between Ranges 24 East and 25 East; thence North along the Range line to where it intersects with a line between Townships 35 South and 36 South, SLB&M; thence West along Township line to where it intersects with a line between Ranges 16 East and 17 East; thence South along the Range line to where it intersects with a line between Townships 38 South and 39 South; thence West along Township line to where it intersects with a line between Ranges 15 East and 16 East, thence South along the Range line to where it intersects the Southwest Corner of Section 18, Township 43 South, Range 16 East;

(Dist. I cont.)

thence East to the Northeast Corner of Section 24, Township 43 South, Range 16 East; thence South to the intersection of the State Line between Utah and Arizona; thence West along the State Line to the Southwest Corner of San Juan County; thence Northeasterly along San Juan County Line to the Northwest Corner of San Juan County; thence East along the San Juan County Line to point of beginning.

COMMISSIONER DISTRICT II: Beginning at the Northeast Corner of Section 34, Township 39 South, Range 26 East, SLB&M, which point is a boundary corner of the Navajo Indian Reservation that lies on the State Line between Utah and Colorado; thence Northwesterly along the Navajo Indian Reservation Line to its intersection with the Southwest Corner of Section 33, Township 38 South, Range 23 East, SLB&M; thence West along the line between Townships 38 South and 39 South to where it intersects with a line between Ranges 16 East and 17 East; thence North on the Range line to where it intersects with the line between Townships 35 South and 36 South; thence East on the Township line to where it intersects with a line between Ranges 24 East and 25 East; thence South on the Range line to where it intersects with a line between Townships 37 South and 38 South; thence East along the Township line to where it intersects with the State Line between Utah and Colorado; thence South along the State Line to the point of beginning.

COMMISSIONER DISTRICT III: Beginning at the Southeast corner of the State of Utah; thence North along the State Line between Utah and Colorado to its intersection with the Northeast Corner of Section 31, Township 39 South, Range 26 East, SLB&M; thence Northwesterly along the Navajo Indian Reservation Line to its intersection with the Southwest Corner of Section 33, Township 38 South, Range 23 East, SLB&M; thence West along the line between Townships 38 South and 39 South, to where it intersects with a line between Ranges 15 East and 16 East; thence South along the Range line to the intersection with the Southwest Corner of Section 18, Township 43 South, Range 16 East, SLB&M; thence East to the Northeast corner of Section 24, Township 34 South, Range 16 East, SLB&M; thence South to the intersection with the State Line between Utah and Arizona; thence East along the State Line to the point of beginning.

The qualifications for persons to be elected to the County Commission shall be the same as those for County Commissioners but shall include one additional requirement, to wit. That in order to be a candidate and to hold office,

each member must reside within the District from which he is elected. All other officers and employees, elected or appointed of County Government, their terms of office, authority and method of election shall remain the same as provided by the Laws of the State of Utah.

The term of office for all County Commission Members shall be four years. The election of Commission Members shall be staggered so that the two Commission Members for District II and District III shall be elected at the General Election to be held in 1986, to fill the vacancies of those commissioners whose term of office expire that year and one Commission Member for District I shall be elected at the General Election to be held in 1988, to fill the vacancy of the Commissioner whose term expires that year.

Commission Members shall have all the same powers, authority, privileges, duties, liabilities, and obligations as present Commissioners have under present and existing law and/or additions or deletions properly made thereto.

The grounds for and method of removal of Commission Members shall be the same as for the removal of County Commissioners as provided by the Laws of the State of Utah.

Procedures for filling vacancies on the Commission shall be the same as provided by the Laws of the State of Utah, for the filling of vacancies in the office of County Commissioner as provided under the Laws of the State of Utah.

The compensation for Commission Members shall be at the same rate as for County Commissioners as provided for by the Laws of the State of Utah. The method of changing any such compensation shall be the same as is prescribed for

changing the compensation of County Commissioners under the Laws of the State of Utah.

The only changes contemplated by this adopted optional plan are that the Commissioners only shall be elected from Districts and that the former 2 year office for County Commissioner shall be changed to a four year term.

The foregoing adopted plan was submitted to the Voters of San Juan County at the General Election held on November 6th, 1984 and approved by a vote of 2068 in favor and 1170 opposed.

DATED this 26th day of November, 1984.

SAN JUAN COUNTY COMMISSIONERS:


Calvin Black Chairman

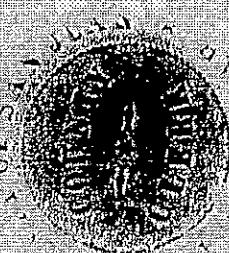

Dennis L. Saine


Clerk
Gail D. Johnson


Robert Low

I hereby certify that the foregoing document is true and correct as to the final adopted optional plan of general county (modified) form of county government for San Juan County, State of Utah.

WITNESS my hand and seal of this office this 26th day of November, 1984.



Gail D. Johnson, San Juan County
Clerk

EXHIBIT “D”

SAN JUAN COUNTY PRESENTATION OF NOVEMBER 14, 2011 (8 pages)
RE: THREE (3) COUNTY COMMISSION DISTRICTS and
ANALYSIS AND APPLICATION OF 2010 CENSUS FIGURES

**SAN JUAN COUNTY
POPULATION CHANGES**

PRECINCTS	1984	1990	2000	2,010
1 Bluff	847	906	982	1,117
2 Montezuma Creek	1223	993	1325	1,208
3 Aneth	991	1051	1313	1,294
4 Cedar Point	53	219	88	45
5 Ucolo	249	103	259	268
6 La Sal	454	269	477	639
7 Spanish Valley	69	63	193	527
8 North Monticello	613	567	644	636
9 South Monticello	955	767	921	1,085
10 NW Blanding	1289	889	1130	1,283
11 SW Blanding	897	1009	717	582
12 Mexican Hat	495	777	985	638
13 Ojato	906	1339	1441	1,136
14 Navajo Mountain	338	400	484	421
15 Halls Crossing	60	134	126	28
16 Red Mesa	435	461	388	553
17 SE Blanding	935	1043	1148	1,497
18 NE Blanding	789	827	924	955
19 Central Monticello	655	559	691	589
20 White Mesa		245	277	240
	12,253	12,621	14,413	14,746

368 1792 333

District Population

District 1	4352	4420	5224	5374
District 2	3910	4013	4196	4557
District 3	3991	4188	4993	4815

San Juan County
Population by Voting Precincts
Based on 2010 Census Blocks

Precincts	Intersecting Census Blocks	Refine Census Blocks	Final Adjustment
1 Bluff	1,200	1,128	1,117
2 Montezuma Creek	1,405	1,220	1,208
3 Aneth	1,451	1,307	1,294
4 Cedar Point	61	46	45
5 Ucolo	355	271	268
6 La Sal	663	645	639
7 Spanish Valley	609	533	527
8 North Monticello	1,223	642	636
9 South Monticello	1,604	1,096	1,085
10 NW Blanding	1,502	1,296	1,283
11 SW Blanding	767	588	582
12 Mexican Hat	871	704	638
13 Ojato	1,298	1,198	1,136
14 Navajo Mountain	436	426	421
15 Halls Crossing	44	28	28
16 Red Mesa	577	564	558
17 SE Blanding	1,824	1,515	1,497
18 NE Blanding	1,717	965	955
19 Central Monticello	921	595	589
20 White Mesa	273	243	240
	18,801	15,010	14,746

STATUS WITHOUT CHANGE

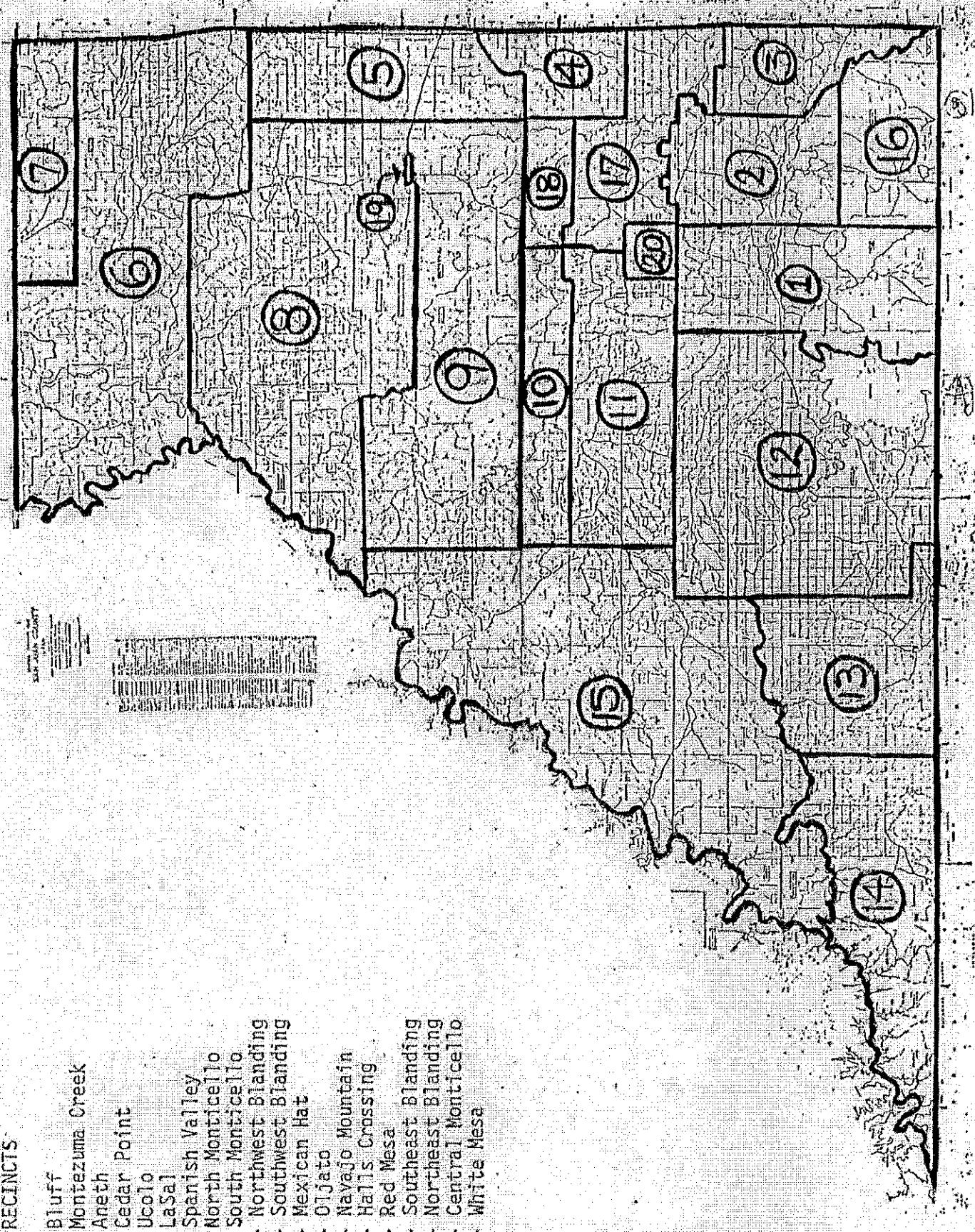
Precinct	Population	District 1	District 2	District 3
1 Bluff	1,117			1117
2 Montezuma Creek	1,208			1208
3 Aneth	1,294			1294
4 Cedar Point	45	45		
5 Ucolo	268	268		
6 La Sal	639	639		
7 Spanish Valley	527	527		
8 North Monticello	636	636		
9 South Monticello	1,085	1,085		
10 NW Blanding	1,283		1,283	
11 SW Blanding	582		582	
12 Mexican Hat	638			638
13 Ojato	1,136	1,136		
14 Navajo Mountain	421	421		
15 Halls Crossing	28	28		
16 Red Mesa	558			558
17 SE Blanding	1,497		1,497	
18 NE Blanding	955		955	
19 Central Monticello	589	589		
20 White Mesa	240		240	
	14,746	5,374	4,557	4,815

4,915	36.44%	30.90%	32.65%
33.33%	3.11	2.43	0.68

(2)

SAN JUAN COUNTY, UTAH
VOTING PRECINCTS

No. 1 - Bluff
No. 2 - Montezuma Creek
No. 3 - Aneth
No. 4 - Cedar Point
No. 5 - Ucolo
No. 6 - LaSal
No. 7 - Spanish Valley
No. 8 - North Monticello
No. 9 - South Monticello
No. 10 - Northwest Blanding
No. 11 - Southwest Blanding
No. 12 - Mexican Hat
No. 13 - Oljato
No. 14 - Navajo Mountain
No. 15 - Halls Crossing
No. 16 - Red Mesa
No. 17 - Southeast Blanding
No. 18 - Northeast Blanding
No. 19 - Central Monticello
No. 20 - White Mesa



**ELECTION RESULTS FOR SAN JUAN COUNTY
General Election November 6, 1984**

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Total	Percent			
PROPOSITIONS																									
#1 Tangible Personal Property Tax Exemption	For	71	86	67	8	27	41	6	93	126	169	106	49	151	76	30	39	119	137	117	5	1,537	47	14	
	Against	86	89	49	7	76	56	25	162	183	193	162	38	81	56	10	16	99	116	126	169	24	1,758	53	3
#2 Legislative Sessions: Amendments	For	97	103	96	7	59	42	8	162	193	223	167	43	161	82	25	46	199	183	175	11	2,095	65	13	
	Against	44	56	12	6	39	51	19	91	111	117	93	38	53	56	10	16	99	116	126	169	15	1,108	35	4
#3 Judicial Article Revision	For	72	93	71	3	40	46	9	102	127	124	127	41	144	65	22	44	159	146	141	13	1,662	54	9	
	Against	59	61	38	9	50	43	20	134	164	133	127	46	68	74	12	17	128	102	124	15	1,426	46	8	
#4 State School Fund Amendments	For	90	114	83	7	43	52	14	143	185	239	166	52	199	95	26	40	176	176	182	16	2,164	66	14	
	Against	60	49	22	6	48	39	14	104	106	104	94	46	26	45	10	22	115	78	96	14	1,096	34	4	
#5 Right-to-Bear-Arms Amendment	For	95	112	72	10	82	73	20	189	232	296	192	41	164	86	29	44	224	217	200	14	2,462	71	16	
	Against	67	62	34	6	18	32	11	72	86	78	84	48	61	51	11	17	86	57	88	17	988	29	8	
INITIATIVE PROPOSAL A Cable T.V. Decency Act																									
For	50	68	44	7	49	30	7	101	111	178	165	28	315	60	5	33	162	145	141	8	1,555	45	8		
Against	104	117	57	10	48	68	24	160	206	200	113	61	112	61	36	35	149	128	147	23	1,888	55	9		
COMMISSION DISTRICTING PROPOSAL																									
Yes	95	110	97	13	56	57	15	126	163	229	183	55	167	53	28	71	185	180	161	17	2,008	64	13		
No	52	62	27	2	19	31	13	116	135	110	82	39	59	68	8	27	101	67	108	5	1,116	36	4		
No. of Persons Voting	214	231	201	19	108	108	32	284	355	406	293	120	281	145	44	142	324	291	314	33	3,945				
No. of Persons Registered	328	349	360	21	128	140	40	377	445	528	415	206	417	198	52	295	464	380	455	51	5,849				
# PRECINCT																									
1	Bluff																								
2	Montezuma Creek																								
3	Aneth																								
4	Cedar Point																								
5	Uco																								
6	La Sel																								
7	Spanish Valley																								
8	North Monticello																								
9	South Monticello																								
10	North West Blanding																								
11	South West Blanding																								
12	Mexican Hat																								
13	Olathe																								
14	Navajo Mountain																								
15	Balls Crossing																								
16	Red Mesa																								
17	South East Blanding																								
18	Central Monticello																								
19	White Mesa																								

PRECINCT

1 Bluff
2 Montezuma Creek
3 Aneth
4 Cedar Point
5 Uco
6 La Sel
7 Spanish Valley
8 North Monticello
9 South Monticello
10 North West Blanding
11 South West Blanding
12 Mexican Hat
13 Olathe
14 Navajo Mountain
15 Balls Crossing
16 Red Mesa
17 South East Blanding
18 Central Monticello
19 White Mesa

I hereby certify that the foregoing is a full, true, and correct transcript of the returns of the General Election held in San Juan County, State of Utah, on November 6, 1984.

Don Q. Johnson
Don Q. Johnson
San Juan Co. Clerk

(4)

**Proposition No. 3
JUDICIAL ARTICLE REVISION**

Article VIII of the State Constitution is repealed and reenacted and
Sections 1 and 2, be amended to provide a judicial article which
gives the authority and jurisdiction of the Supreme Court and District
Courts to establish other courts as necessary including
courts with nonlawyer judges; establishes a judicial council for
selection of the courts; establishes the qualifications and selection process
for judges; establishes a judicial conduct commission to review complaints
against judges; establishes elected public prosecutors; organizes and charities
and provides an effective date of July 1, 1995.

FOR **AGAINST**

Initiative Proposal A

CABLE T. V. DECENCY ACT

a law be adopted in the criminal code dealing with cable television
which defines, indecent material and makes the distribution of
obscene material over cable television a Class A misdemeanor for
or a moral public nuisance for a cable television distribution

FOR **AGAINST**

SHALL San Juan County adopt an optional form of County Government to take effect beginning in
1986 whereby one Commissioner is elected for a 4 year term from each of 3 commission districts
consisting of the following areas:
COMMISSION DISTRICT I: Includes the areas referred to as, Spanish Valley, La Sal, Ute, Cedar
Point, North, Central and South Monticello, Halls Crossing, Hite, Ojai, Monument Valley, and
Navajo Mountain
COMMISSION DISTRICT II: Includes the areas referred to as, Blaidding City and surrounding area
including White Mesa.
COMMISSION DISTRICT III: Includes the areas referred to as, Arnett, Montejuma Creek, Hatch, Red
Mesa, Bluff, Mexican Hat, Hatchita, and Todaahadekan.

FOR ADOPTION **AGAINST ADOPTION**

San Juan County
Population by Voting Precincts
Based on 2010 Census Blocks

Precincts	Intersecting Census Blocks	Refine Census Blocks	Final Adjustment
1 Bluff	1,200	1,128	1,117
2 Montezuma Creek	1,405	1,220	1,208
3 Aneth	1,451	1,307	1,294
4 Cedar Point	61	46	45
5 Ucolo	355	271	268
6 La Sal	663	645	639
7 Spanish Valley	609	533	527
8 North Monticello	1,223	642	636
9 South Monticello	1,604	1,096	1,085
10 NW Blanding	1,502	1,296	1,283
11 SW Blanding	767	588	582
12 Mexican Hat	871	704	638
13 Ojato	1,298	1,198	1,136
14 Navajo Mountain	436	426	421
15 Halls Crossing	44	28	28
16 Red Mesa	577	564	558
17 SE Blanding	1,824	1,515	1,497
18 NE Blanding	1,717	965	955
19 Central Monticello	921	595	589
20 White Mesa	273	243	240
	18,801	15,010	14,746

County Clerk Recommendation - November 14, 2011

Precinct	Population	District 1	District 2	District 3
1 Bluff	1,117			1117
2 Montezuma Creek	1,208			1208
3 Aneth	1,294			1294
4 Cedar Point	45		45	
5 Ucolo	268		268	
6 La Sal	639	639		
7 Spanish Valley	627	627		
8 North Monticello	636	636		
9 South Monticello	1,085	1,085		
10 NW Blanding	1,283		1,283	
11 SW Blanding	582		582	
12 Mexican Hat	638			638
13 Ojato	1,136	1,136		
14 Navajo Mountain	421	421		
15 Halls Crossing	28	28		
16 Red Mesa	558			558
17 SE Blanding	1,497		1,497	
18 NE Blanding	955		955	
19 Central Monticello	589	589		
20 White Mesa	240		240	
	14,746	5,061	4,870	4,815

4.915	34.32%	33.03%	32.65%
33.33%	<0.99	>0.3	>0.68

(7)

SAN JUAN COUNTY, UTAH
VOTING PRECINCTS

NO. 1 - Blanding

No. 2 - Monte Vista Creek

No. 3 - Aneth

No. 4 - Cedar Bottom

No. 5 - Uccello

No. 6 - LaSal

No. 7 - Spanish Valley

No. 8 - North Monticello

No. 9 - South Monticello

No. 10 - Northwest Blanding

No. 11 - Southwest Blanding

No. 12 - Mexican Hat

No. 13 - Ojato

No. 14 - Navajo Mountain

No. 15 - Halls Crossing

No. 16 - Red Mesa

No. 17 - Southeast Blanding

No. 18 - Northeast Blanding

No. 19 - Central Monticello

No. 20 - White Mesa

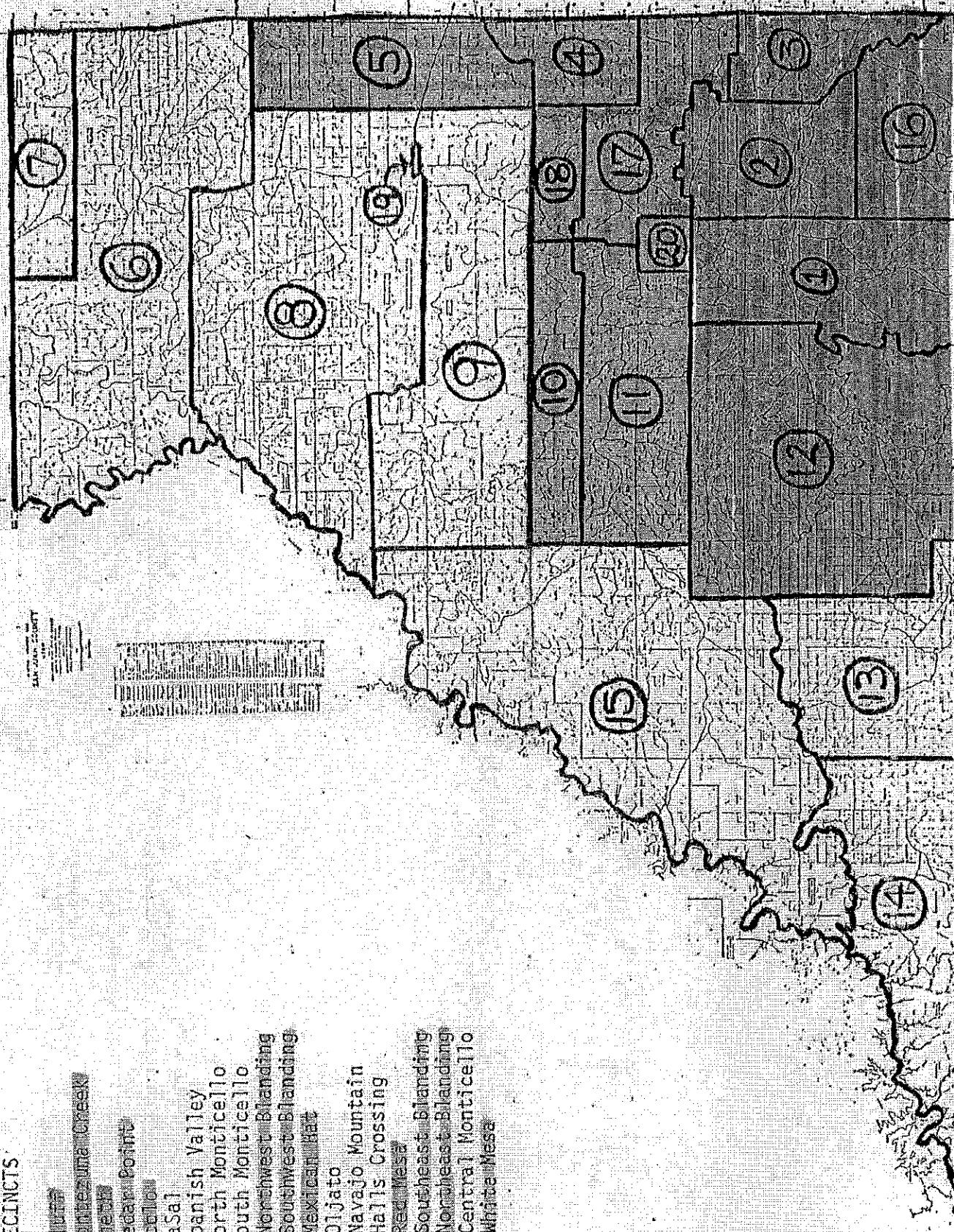


EXHIBIT “E”

PLAINTIFFS’ PROPOSED MAP OF SAN JUAN COUNTY
THREE (3) COUNTY COMMISSION DISTRICTS
WITH 2010 CENSUS FIGURES

