

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Granting Voter Registration Appeal)**

**LEGISLATIVE ORDER NO. 09-263**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation provides that "All members of the**  
2 **Tohono O'odham Nation who have reached the age of eighteen (18) years prior to the**  
3 **election date shall have the right to vote, provided they comply with any and all**  
4 **ordinances regulating elections authorized by this constitution.(Constitution, Article**  
5 **X, Section 1); and**

6 **WHEREAS, Article X, Section 7 of the Constitution further provides that the "Council shall enact**  
7 **an election ordinance . . . which shall prescribe the qualifications of candidates, the**  
8 **registration requirements for voting and such other rules and procedures necessary**  
9 **to the orderly conduct of elections, including but not limited to procedures for**  
10 **validation of petitions and the settlement of any and all election disputes."; and**

11 **WHEREAS, the Uniform Election Ordinance, Ordinance No.03-86, provides a voter registration**  
12 **process and also provides a right to appeal the denial of registration as follows:**

13 **Any member of the Nation whose name has been removed from the Official List**  
14 **of Registered Voters or whose name has been omitted in error, or whose name,**  
15 **for other reasons, has not been added to such list by action of a district council**  
16 **after registering in accordance with Section 1 above, may appeal to the Tohono**  
17 **O'odham Council for listing at least fifteen (15) days prior to the general, primary**  
18 **or special election. The Tohono O'odham Council shall, if necessary, call a**  
19 **special meeting to decide such appeals. If the Council should decide that the**  
20 **appellant is a qualified voter, it shall order that the appellant's name be placed**  
21 **on the list. The decision of the Council shall be final.**

22 **(Election Ordinance, Article III, Sections 1 and 2); and**

23 **WHEREAS, Juan Zazueta ("Appellant") has appealed the Baboquivari District's denial of his July**  
24 **1, 2007 voter registration application; and**

25 **WHEREAS, by Legislative Order No. 09-262, the Legislative Council adopted a Voter Registration**  
26 **Appeal Hearing Procedure and set a special session on May 14, 2009 to hear the**  
27 **Appellant's appeal; and**

28 **WHEREAS, the Voter Registration Appeal Hearing Procedure, Legislative Order No. 09-262, and**  
29 **notice of the May 14, 2009 hearing were sent to the Appellant, Baboquivari District,**  
30 **Elections Office, and Enrollment Office; and**

31 **WHEREAS, the Legislative Council Vice Chairperson also personally spoke with the Appellant,**  
32 **Baboquivari District, Elections Office, and Enrollment Office and confirmed their**  
33 **receipt of the appeal notice and supporting documents; and**

1 WHEREAS, the Baboquivari District was also provided with copies of all the documents and  
2 messages that the Appellant delivered to the Legislative Council, including his appeal  
3 statement, voter registration forms, correspondence, and a Baboquivari District  
4 resolution; and

5 WHEREAS, during the voter registration appeal hearing, the Appellant and District were given the  
6 opportunity to appear, give opening statements and closing arguments, call and  
7 question all witnesses, present documents, and testify.

8 NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it  
9 hereby determines that Juan Zazueta is a qualified voter based on his July 1, 2007 voter  
10 registration application and the Election Board is directed to place his name on the  
11 Official List of Registered Voters effective August 25, 2007.

12 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 14<sup>TH</sup>. Day of  
13 MAY, 2009 at a meeting at which a quorum was present with a vote of 2,534.5 FOR;-0- AGAINST; -0-  
14 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 and 7 of  
15 Article X of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham  
16 Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs  
17 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

18  
19 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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21   
22  
23 Verlon M. Jose, Legislative Chairman

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25 14<sup>th</sup> day of May, 2009  
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29 ATTEST:

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33 Evonne Wilson, Legislative Secretary

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35 14 day of May, 2009.  
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ACTION: GRANTING VOTER REGISTRATION APPEAL

MOVED: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: MAY 14, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
<b>CHUKUT KUK</b> 264.8	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			X
<b>GU ACHI</b> 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
<b>GU VO</b> 199.2	1. GRACE MANUEL ( )	99.60	X			
	2. RAYMOND VICTOR ( )	99.60	X			
<b>HICKIWAN</b> 172.0	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA (Louie Lopez)	86.00	X			
<b>PISINEMO</b> 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> 181.1	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			X
<b>SCHUK TOAK</b> 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> 444.7	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> 194.4	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,534.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>

\*\*PASSED VOTES