

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Scheduling Election Contest Hearing for June 14-16, 2011, Adopting Election Contest**  
**Hearing Procedures, and Electing Hearing Chairperson)**

LEGISLATIVE ORDER NO. 11-213

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation provides that the "Council shall enact**  
2 **an election ordinance . . . which shall prescribe the qualifications of candidates, the**  
3 **registration requirements for voting and such other rules and procedures necessary**  
4 **to the orderly conduct of elections, including but not limited to procedures for**  
5 **validation of petitions and the settlement of any and all election disputes."**  
6 **(Constitution, Article X, Section 7); and**
- 7 **WHEREAS, the "decision of the Tohono O'odham Council in all election matters, including the**  
8 **eligibility and qualifications of candidates, shall be final." (Constitution, Article X,**  
9 **Section 7); and**
- 10 **WHEREAS, Article VIII of the Uniform Election Ordinance, Ordinance No. 03-86, establishes the**  
11 **procedure for "any eligible voter of the nation" to contest an election upon specific**  
12 **grounds, including "for misconduct on the part of any District Election Board or of the**  
13 **Election Board, or any member thereof" (Uniform Election Ordinance, Article VIII,**  
14 **Section 1.A.); and**
- 15 **WHEREAS, when "a contest statement [is] based on allegations of misconduct on the part of the**  
16 **Election Board or any member thereof," the Legislative Council has jurisdiction to**  
17 **hear the contest (Uniform Election Ordinance, Article VIII, Section 5); and**
- 18 **WHEREAS, the Uniform Election Ordinance further provides that the "council will meet within**  
19 **twenty days after the filing of the contest statement for the sole purpose of hearing the**  
20 **contest on the grounds of misconduct on the part of the Election Board or any member**  
21 **thereof, and of deciding the issue raised in the contest on those grounds only."**  
22 **(Uniform Election Ordinance, Article VIII, Section 5); and**
- 23 **WHEREAS, the Council is not required to, but "may nominate and elect from the floor a Chairman**  
24 **of the Election Contest who shall preside over the meeting for the purpose of**  
25 **maintaining order and discipline." (Uniform Election Ordinance, Article VIII, Section**  
26 **5); and**
- 27 **WHEREAS, the Nation's 2011 general election was held on May 28, 2011; and**
- 28 **WHEREAS, on May 31, 2011 five contest statements alleging Election Board misconduct within the**  
29 **Chukut Kuk District were filed with the Election Board and were forwarded to the**  
30 **Legislative Council Secretary; and**

1 **WHEREAS, on June 6, 2011, the Election Board filed with the Council Secretary written responses**  
2 **to each contest statement, including a motion to dismiss the statement filed by the**  
3 **Chukut Kuk District; and**

4 **WHEREAS, the "Tohono O'odham Council and the district council of each district shall meet**  
5 **within twenty (20) days after the Election Board has posted its Certificate of Election**  
6 **Results and each shall respectively issue a Certificate of Election to the person who**  
7 **received the highest number of votes for each office on the council; provided, however,**  
8 **that if an election contest statement is filed within the time period allowed, then no**  
9 **Certificate of Election shall be issued for the contested office or seat until after such**  
10 **election contest." (Uniform Election Ordinance, Article VII, Section 6.N.); and**

11 **WHEREAS, the Legislative Council is also required to issue a certificate of election to successful**  
12 **candidates for the offices of chairperson and vice chairperson of the Tohono O'odham**  
13 **Nation (Uniform Election Ordinance, Article VII, Section 6.N.); and**

14 **WHEREAS, the Legislative Council is scheduled to issue certificates of election on June 17, 2011**  
15 **but cannot proceed until after it issues its judgment in any valid election contests**  
16 **before the Council; and**

17 **WHEREAS, because the contest statements and responses raise common issues of law and fact**  
18 **arising from the conduct of the 2011 general election within the Chukut Kuk District,**  
19 **the contests will be most effectively addressed in a consolidated hearing; and**

20 **WHEREAS, the Legislative Rules Committee has reviewed the contest statements, responses, and**  
21 **motion to dismiss, and recommends setting a consolidated election contest hearing**  
22 **for June 14-16, 2011; and**

23 **WHEREAS, in accordance with the Council's constitutional authority to "establish rules and**  
24 **procedures to regulate all meetings of the Tohono O'odham Council" the Legislative**  
25 **Rules Committee recommends the adoption of "Election Contest Hearing Procedures"**  
26 **dated June 2011, which is incorporated by this reference, to govern the Council's**  
27 **consolidated election contest hearing.**

28 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it**

- 29 (1) **sets a consolidated hearing on election contests filed by eligible voters of the**  
30 **Chukut Kuk District for June 14-16, 2011 in Legislative Council chambers in Sells,**  
31 **Arizona; and**  
32 (2) **adopts the "Election Contest Hearing Procedures" to govern the June 14-16, 2011**  
33 **hearing; and**

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**(Scheduling Election Contest Hearing for June 14-16, 2011, Adopting Election Contest Hearing Procedures, and Electing Hearing Chairperson)**

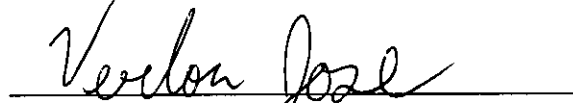
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(3) elects Vice Chairwoman Felicia Nuñez as the chairperson for the June 14-16, 2011 hearing.

The foregoing Order was passed by the Tohono O'odham Legislative Council on the 09<sup>TH</sup> day of JUNE, 2011 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 of Article V; Section 1 of Article VI; subsection 1 (a) and 1(l) of Article VI; and Section 7 of Article X of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

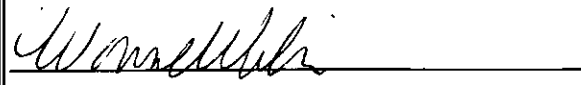
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

9 day of June, 2011

ATTEST:



Evonne Wilson, Legislative Secretary

9 day of June, 2011

**ACTION: SCHEDULING ELECTION CONTEST HEARING FOR JUNE 14-16, 2011, ADOPTING ELECTION CONTEST HEARING PROCEDURES, AND ELECTING HEARING CHAIRPERSON**

**MOVED: COUNCILWOMAN MICHELLE ORTEGA**

**SECOND: COUNCILWOMAN EVELYN JUAN MANUEL**

**DATE: JUNE 09, 2011**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF Oidak</b> 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ( )	99.35	X			
<b>SELLS</b> 449.6	1. KIMBERLY MULL ( )	224.80	X			
	2. EVELYN B. JUAN MANUEL ( )	224.80	X			
<b>SCHUK TOAK</b> 159.0	1. FRANCES B. CONDE (Stanley Stephans)	79.50	X			
	2. FREDERICK JOSE (Phyllis Cachora)	79.50	X			
<b>SAN XAVIER</b> 204.7	1. FELICIA NUÑEZ ( )	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
<b>SAN LUCY</b> 187.1	1. LORRAINE EILER ( )	93.55	X			X
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO</b> 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
<b>HICKIWAN</b> 174.5	1. MICHELLE ORTEGA ( )	87.25	X			
	2. SANDRA ORTEGA ( )	87.25	X			
<b>GU VO</b> 206.3	1. GRACE MANUEL ( )	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
<b>GU ACHI</b> 230.1	1. TIMOTHY L. JOAQUIN ( )	115.05	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	115.05	X			
<b>CHUKUT KUK</b> 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ( )	138.50	X			
<b>BABOQUIVARI</b> 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
<b>TOTAL</b>		<b>2,595.50</b>	<b>2,595.50</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>