

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Legislative Order No. 11-213, "Scheduling Election Contest Hearing for June
14-16, 2011, Adopting Election Contest Hearing Procedures, and Electing Hearing
Chairperson" and Electing Representative Edward Manuel as Contest Hearing
Chairperson)**

LEGISLATIVE ORDER NO. 11-215

- 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 Council is not required to, but "may nominate and elect from the floor a Chairman**
19 **of the Election Contest who shall preside over the meeting for the purpose of**
20 **maintaining order and discipline." (Uniform Election Ordinance, Article VIII, Section**
21 **5); and**
- 22 **WHEREAS, the Nation's 2011 general election was held on May 28, 2011; and**
- 23 **WHEREAS, on May 31, 2011 five contest statements alleging Election Board misconduct within the**
24 **Chukut Kuk District were filed with the Election Board and were forwarded to the**
25 **Legislative Council Secretary; and**
- 26 **WHEREAS, on June 1, 2011, the Legislative Council Secretary notified the Election Board of its duty**
27 **in accordance with the Uniform Election Ordinance to respond in writing to the**
28 **contest statements within five days; and**
- 29 **WHEREAS, on June 6, 2011, the Election Board filed with the Council Secretary written responses**
30 **to each contest statement, including a motion to dismiss the statement filed by the**
31 **Chukut Kuk District; and**

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1 **WHEREAS, on June 9, 2011 and by Legislative Order No. 11-213, the Legislative Council set an**
2 **election contest hearing for June 14-16, 2011, adopted Election Contest Hearing**
3 **Procedures, and elected Legislative Council Vice Chairwoman Felicia Nuñez as the**
4 **chairperson for the election contest hearing; and**

5 **WHEREAS, on June 9, 2011 and by Legislative Order No. 11-214, the Legislative Council determined**
6 **it lacked jurisdiction to hear the contest statement by Chukut Kuk District and its**
7 **communities; and**

8 **WHEREAS, on the same date, attorneys for the contestants and for the Election Board were given**
9 **notice of the June 14-16, 2011 hearing and were provided with the Election Contest**
10 **Hearing Procedures and with Legislative Orders No. 11-213 and No. 11-214; and**

11 **WHEREAS, effective June 13, 2011 Vice Chairwoman Nuñez resigned her office as a Legislative**
12 **Council representative and Council vice-chairperson, and thereby resigned as the**
13 **election contest hearing chairperson; and**

14 **WHEREAS, the Legislative Council has considered nominations for election contest hearing**
15 **chairperson.**

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

17 **(1) Legislative Council Representative Edward Manuel is elected chairperson for the**
18 **June 14-16, 2011 election contest hearing and shall serve as the presiding officer**
19 **of the hearing;**

20 **(2) Section 1 of the Election Contest Hearing Procedures is amended to read:**

21 **"1. Presiding Officer. Legislative Council Representative Edward Manuel shall**
22 **preside over the election contest hearing and serve as hearing chairperson."; and**

23 **(3) the election of the contest hearing chairperson by this legislative order supersedes**
24 **and replaces the hearing chairperson election made by Legislative Order No. 11-**
25 **213.**

26 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 13TH day of**
27 **JUNE, 2011 at a meeting at which a quorum was present with a vote of 1,868.25 FOR; 552.75**
28 **AGAINST; [01] NOT VOTING; and 174.50[03] ABSENT, pursuant to the powers vested in the Council**
29 **by Section 1 of Article V; Section 1 of Article VI; subsection 1 (a) and 1(l) of Article VI; and Section**
30 **7 of Article X of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
31 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
32 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

13 day of June, 2011

ATTEST:



Evonne Wilson, Legislative Secretary

13 day of June, 2011

ACTION: AMENDING LEGISLATIVE ORDER NO. 11-213, "SCHEDULING ELECTION CONTEST HEARING FOR JUNE 14-16, 2011, ADOPTING ELECTION CONTEST HEARING PROCEDURES, AND ELECTING HEARING CHAIRPERSON" AND ELECTING REPRESENTATIVE EDWARD MANUEL AS CONTEST HEARING CHAIRPERSON

MOVED: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILWOMAN FRANCES G. ANTONE

DATE: JUNE 13, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			X
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY MULL ()	224.80		X		
	2. EVELYN B. JUAN MANUEL ()	224.80		X		
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Stanley Stephans)	79.50	X			
	2. FREDERICK JOSE (Phyllis Cachora)	79.50	X			
SAN XAVIER 204.7	1. VACANT ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25				X
	2. SANDRA ORTEGA ()	87.25				X
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15		X		
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	115.05	X		X	
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	1,868.25	552.75	[01]	174.50 [03]