

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Judgment in Contest of 2011 General Election for Tohono O'odham Nation Chairperson  
and Vice Chairperson)**

**LEGISLATIVE ORDER NO. 11-221**

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 (20) days after the filing of the contest statement for the sole purpose of hearing**  
20 **the contest on the grounds of misconduct on the part of the Election Board or any**  
21 **member thereof, and of deciding the issue raised in the contest on those grounds**  
22 **only." (Uniform Election Ordinance, Article VIII, Section 5); and**

23 **WHEREAS, the Nation's 2011 general election was held on May 28, 2011; and**

24 **WHEREAS, on May 31, 2011 five contest statements alleging Election Board misconduct within the**  
25 **Chukut Kuk District were filed with the Election Board and were forwarded to**  
26 **the Legislative Council Secretary; and**

27 **WHEREAS, on June 1, 2011, the Legislative Council Secretary delivered written notice to the**  
28 **Election Board, requiring the Board to file an answer to the contest statements with**  
29 **the Secretary within five days (Uniform Election Ordinance, Article VIII, Section 5); and**

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

1 **WHEREAS, attorneys for the eligible voters filing contests ("contestors") and the Election Board**  
2 **("contestee") both received copies of the contest statements and responses; and**

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

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

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

13 **WHEREAS, Vice Chairwoman Nuñez subsequently resigned her office, and the Council by**  
14 **Legislative Order No. 11-215 elected Representative Edward Manuel as contest hearing**  
15 **chairperson and accordingly amended the Election Contest Hearing Procedures,**  
16 **which were provided to the parties' attorneys with copies of Legislative Order No. 11-**  
17 **215; and**

18 **WHEREAS, in accordance with the Election Contest Hearing Procedures, the contestors and**  
19 **contestee each provided a list of all hearing evidence and witnesses to the other party**  
20 **at least 24 hours before the contest hearing; and**

21 **WHEREAS, during the contest hearing, the contestors and contestee were represented by**  
22 **attorneys and were given the opportunity to appear; to make opening statements; to**  
23 **call, question, and cross-examine witnesses; to present evidence; to make objections;**  
24 **to present and argue motions; and to make closing statements; and**

25 **WHEREAS, after hearing the proofs and allegations of the parties, the hearing chairman ordered**  
26 **a vote to determine whether or not the election results contested should be certified**  
27 **or set aside based upon the proof or lack of proof of misconduct on the part of the**  
28 **Election Board or any member thereof.**

29 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that the 2011**  
30 **general election results for the offices of Tohono O'odham Nation chairperson and**  
31 **vice chairperson are certified.**

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**(Judgment in Contest of 2011 General Election for Tohono O'odham Nation Chairperson and Vice Chairperson)**

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1 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 16<sup>TH</sup> day of**  
2 **JUNE, 2011 at a meeting at which a quorum was present with a vote of 2,203.70 CERTIFIED; 391.80**  
3 **SET ASIDE; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 of Article**  
4 **V; Section 1 of Article VI; subsection 1 (a) and 1(l) of Article VI; and Section 7 of Article X of the**  
5 **Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January**  
6 **18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on**  
7 **March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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10 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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13 **Verlon M. Jose, Legislative Chairman**

14  
15 16 day of June, 2011

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17 **ATTEST:**

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20 **Evonne Wilson, Legislative Secretary**

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22 16 day of June, 2011

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ACTION: JUDGMENT IN CONTEST OF 2011 GENERAL ELECTION FOR TOHONO O'ODHAM NATION  
CHAIRPERSON AND VICE CHAIRPERSON

DATE: JUNE 16, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	CERTIFIED	SET ASIDE	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 Stephens)	79.50	X		
	2. FREDERICK JOSE (Phyllis Cachora)	79.50	X		
<b>SAN XAVIER</b> 204.7	1. VACANT ( )	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>2,203.70</b>	<b>391.80</b>	<b>[01]</b>