

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Setting an August 27, 2011 Re-Election for the Offices of the Chukut Kuk District
Council Representatives and Alternates for the West Villages Community and
Adopting a 2011 Re-Election Schedule)

LEGISLATIVE ORDER NO. 11-274

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the**
2 **authority to "to enact laws and ordinances for conducting and regulating elections**
3 **..." (Constitution, Article VI, Section 1 (g)); and**

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

10 **WHEREAS, Article VIII of the Uniform Election Ordinance, Ordinance No. 03-86, establishes**
11 **procedures 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 **and**

15 **WHEREAS, the Uniform Election Ordinance authorizes the Legislative Council to hear election**
16 **contests alleging misconduct on the part of the Election Board (Uniform Election**
17 **Ordinance, Article VIII, Section 5); and**

18 **WHEREAS, after the May 28, 2011 Nation's general election, five contest statements alleging**
19 **Election Board misconduct within the Chukut Kuk District were filed with the Election**
20 **Board and were forwarded to the Legislative Council Secretary; and**

21 **WHEREAS, the Legislative Council set an election contest hearing for June 14-16, 2011, adopted**
22 **Election Contest Hearing Procedures, elected the chairperson for the election contest**
23 **hearing, and dismissed the Chukut Kuk District's contest statement for lack of**
24 **jurisdiction (Legislative Orders No. 11-213, No. 11-215, No. 11-214); and**

25 **WHEREAS, the Uniform Election Ordinance provides in part that after "hearing the proofs and**
26 **allegations of the parties, the Chairman shall order a vote from the floor on the matter**
27 **of whether or not the election results contested should be certified or set aside by**
28 **reason of the proof or lack of proof of misconduct on the part of the Election Board**
29 **..." (Article VIII, Section 5); and**

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1 **WHEREAS, after hearing the proofs and allegations of the parties, the Legislative Council set aside**
2 **the 2011 general election results for the offices of the Chukut Kuk District Council**
3 **representatives and alternates for the West Villages Community (Legislative Order No.**
4 **11-218); and**

5 **WHEREAS, although the Uniform Election Ordinance does not provide direct guidance regarding**
6 **a subsequent election after the Legislative Council sets aside an election result, the**
7 **Uniform Election Ordinance does authorize the Legislative Council to call special**
8 **elections for a recall, initiative, or referendum and authorizes the Nation's Election**
9 **Board to conduct the special elections in accordance with the relevant portions of the**
10 **Uniform Election Ordinance (Uniform Election Ordinance, Article X, Section 13 and**
11 **Section 15 and Article XII, Section 9 and Section 13); and**

12 **WHEREAS, it is in the best interest of the Nation's members to conduct a re-election for the offices**
13 **of the Chukut Kuk District Council representatives and alternates for the West Villages**
14 **Community as soon as practicable and in accordance with relevant provisions of the**
15 **Nation's Uniform Election Ordinance; and**

16 **WHEREAS, the Legislative Rules Committee recommends an August 27, 2011 re-election date and**
17 **the "2011 Re-Election Schedule" for the offices of the Chukut Kuk District Council**
18 **representatives and alternates for the West Villages Community, which is**
19 **incorporated by this reference.**

20 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it hereby sets**
21 **an August 27, 2011 re-election for the offices of the Chukut Kuk District Council**
22 **representatives and alternates for the West Villages Community and adopts the "2011**
23 **Re-Election Schedule."**

24 **BE IT FINALLY ORDERED by the Tohono O'odham Legislative Council that it authorizes and directs**
25 **the Nation's Election Board to conduct the August 27, 2011 re-election for the offices**
26 **of the Chukut Kuk District Council representatives and alternates for the West Villages**
27 **Community in accordance with the "2011 Re-Election Schedule;" provided that in the**
28 **event of any conflicts between the Uniform Election Ordinance and "2011 Re-Election**
29 **Schedule," the "2011 Re-Election Schedule" will control.**

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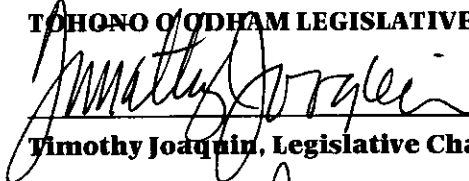
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1 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 24TH day of**
2 **JUNE, 2011 at a meeting at which a quorum was present with a vote of 2,304.90 FOR; 475.70**
3 **AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by**
4 **Section 1 (g) of Article VI and Section 7 of Article X of the Constitution of the Tohono O'odham**
5 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**
6 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16**
7 **of the Act of June 18, 1934 (48 Stat. 984).**

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9 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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11 _____
12 **Timothy Joaquin, Legislative Chairman**

13 29 day of June, 2011

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16 **ATTEST:**

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19 **Evonne Wilson, Legislative Secretary**

20 29 day of June, 2011

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ACTION: SETTING AN AUGUST 27, 2011 RE-ELECTION FOR THE OFFICES OF THE CHUKUT KUK DISTRICT COUNCIL REPRESENTATIVES AND ALTERNATES FOR THE WEST VILLAGES COMMUNITY AND ADOPTING A 2011 RE-ELECTION SCHEDULE

Moved: COUNCILWOMAN MARY LOPEZ

SECOND: COUNCILMAN FREDERICK JOSE

DATE: JUNE 24, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey)(<i>Present</i>)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			X
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN (Rose Johnson Antone)	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			X
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (Angela Ortiz)	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE ()	100.35	X			X
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			X
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS ()	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. CONDE ()	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85		X		
	2. EVELYN B. JUAN MANUEL ()	237.85		X		
SIF Oidak 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,304.90	475.70	-0-	[05]