

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing *Amicus Curiae* Brief and Additional Legal Action to Ensure That  
Certificates of Election are Issued and All Candidates Elected in the 2011  
General Election are Seated)**

**RESOLUTION NO. 11-295**

- 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, the Nation's 2011 general election was held on May 28, 2011 and the Election Board**  
11 **issued its certification of election results on May 29, 2011; and**
- 12 **WHEREAS, pursuant to Article VII, Section 6.N. of the Uniform Election Ordinance, district**  
13 **councils are required to issue certificates of election and to seat successful candidates**  
14 **for district offices within 20 days after the Election Board certifies the results of the**  
15 **election (Uniform Election Ordinance, 12 Tohono O'odham Code Chapter 1,**  
16 **<http://www.tolc-nsn.org/docs/Title 12Ch1.pdf>); and**
- 17 **WHEREAS, on June 16, 2011 the Legislative Council issued final judgments in all 2011 general**  
18 **election contests that were filed by eligible voters in accordance with the provisions**  
19 **of Article VIII of the Uniform Election Ordinance (Legislative Orders No. 11-213**  
20 **through 11-221); and**
- 21 **WHEREAS, pursuant to Article VIII, Section 7 of the Uniform Election Ordinance, election results**  
22 **which are uncontested or "the declaration of the election results following an election**  
23 **contest" as provided in Article VIII "shall be final"; and**
- 24 **WHEREAS, although all election contests filed in accordance with the Uniform Election**  
25 **Ordinance have been resolved and all election results are now "final" as a matter of**  
26 **law, two district councils have failed to issue certificates of election and seat**  
27 **candidates elected in the Nation's 2011 general election, which is required by the**  
28 **Uniform Election Ordinance; and**  
29

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1 **WHEREAS, there is an action now pending before the Tohono O'odham Judicial Court in which the**  
2 **plaintiff is petitioning for a writ of mandamus to compel the Chukut Kuk District**  
3 **Council to issue a certificate of election as the Uniform Election Ordinance requires;**  
4 **and**

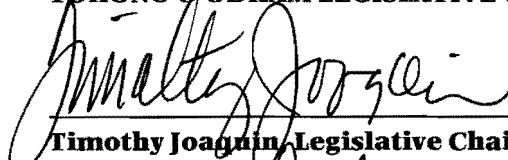
5 **WHEREAS, additional litigation may be necessary to ensure that certificates of election are issued**  
6 **and all candidates elected in the 2011 general election are seated.**

7 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it authorizes**  
8 **the Office of the Attorney General, in coordination with the Legislative Attorney's**  
9 **Office, to file an *amicus curiae* brief and take additional action as necessary, including**  
10 **filing suit in the name of the Nation if warranted, to ensure that certificates of election**  
11 **are issued and all candidates elected in the 2011 general election are seated.**

12 **BE IT FINALLY RESOLVED that, by enacting this resolution, the Tohono O'odham Legislative**  
13 **Council does not support or oppose individual elected officials or candidates-elect,**  
14 **but supports the election process as provided in the Uniform Election Ordinance.**

15 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>th</sup> Day**  
16 **of JULY, 2011 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST;**  
17 **-0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (g) of**  
18 **Article VI and Article X of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**  
19 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
20 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
21 **Stat. 984).**

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23  
24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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26 \_\_\_\_\_  
27 **Timothy Joaquin, Legislative Chairman**  
28  
29 13 day of July, 2011  
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32 **ATTEST:**

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35 \_\_\_\_\_  
36 **Evonne Wilson, Legislative Secretary**

37  
38 13 day of July, 2011  
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of July, 2011 at 2:15 o'clock, P.M., pursuant to the provisions of Section 4 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 13 day of July, 2011

DISAPPROVED

at 2:17 o'clock, P.M.

  
\_\_\_\_\_  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13 day of

July, 2011, at 2:17 o'clock, P.M.

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

**ACTION:** AUTHORIZING *AMICUS CURIAE* BRIEF AND ADDITIONAL LEGAL ACTION TO ENSURE THAT CERTIFICATES OF ELECTION ARE ISSUED AND ALL CANDIDATES ELECTED IN THE 2011 GENERAL ELECTION ARE SEATED

**MOVED:** COUNCILWOMAN EVELYN JUAN MANUEL

**SECOND:** COUNCILMAN ARTHUR WILSON

**DATE:** JULY 13, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
<b>CHUKUT KUK</b> 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ( )	151.10	X			
<b>GU ACHI</b> 244.9	1. TIMOTHY L. JOAQUIN (Rose Johnson Antone)	122.45	X			
	2. CYNTHIA E. MANUEL ( <i>Absent</i> ) (Louis L. Johnson)( <i>Present</i> )	122.45	X			
<b>GU VO</b> 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (Angela Ortiz)	113.35	X			
<b>HICKIWAN</b> 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ( )	93.15	X			X
<b>PISINEMO</b> 200.7	1. CHESTER ANTONE ( )	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
<b>SAN LUCY</b> 204.6	1. LORRAINE EILER ( )	102.30	X			
	2. IANA MONTANA (Gloria Ramirez)	102.30	X			X
<b>SAN XAVIER</b> 215.8	1. HILARION CAMPUS ( )	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
<b>SCHUK TOAK</b> 169.8	1. FRANCES B. CONDE ( )	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
<b>SELLS</b> 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ( )	237.85	X			
<b>SIF OIDAK</b> 211.9	1. NICHOLAS JOSE ( )	105.95	X			
	2. MARY LOPEZ ( )	105.95	X			
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,780.60</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>