

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Denying Petitions For Lack of Authority Under the Uniform Election Ordinance to  
Order That Petitioner's Names Be Placed on the Official List of Registered Voters)**

**RESOLUTION NO. 03-198**

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

7 **WHEREAS,** Article X, Section 1 of the Nation's Constitution provides that "All members of the  
8 Tohono O'odham Nation who have reached the age of eighteen (18) years prior to the  
9 election date shall have the right to vote, *provided they comply with any and all*  
10 *ordinances regulating elections authorized by this constitution.*"(emphasis added);  
11 and

12 **WHEREAS,** the Council did enact the Uniform Election Ordinance ("Election Ordinance"),  
13 Ordinance No. 03-86, which provides a process for registering voters; and

14 **WHEREAS,** Article III, Section 2 the Election Ordinance also authorizes the Council to decide a  
15 voter eligibility appeal when (1) a member age eighteen or older (2) who has  
16 registered for listing not less than sixty (60) days prior to the general, primary or  
17 special election in accordance with Section 1 of Article III (3) has not been added to  
18 the Official List by district council action as required pursuant to Article III, Section  
19 1; and

20 **WHEREAS,** the Legislative Council has received the attached petitions of fifty-five individuals  
21 ("Petitions") alleging the following:

22  
23 **We, the undersigned, through our signatures below, petition the Tohono**  
24 **O'odham Legislative Council to permit us to vote in the 2003 election for**  
25 **Chairman and Vice Chairman of the Tohono O'odham Nation. We are**  
26 **enrolled members of the Nation, over the age of 18 and we are not members**  
27 **of any District. It is not right that we cannot vote for Chairman and Vice**  
28 **Chairman of the Nation.**

29 **WHEREAS,** the petitioners do not allege that they have registered for listing as required or that  
30 they attempted to do so not less than sixty (60) days prior to the General Election as  
31 mandated by Article III, Section 1 of the Election Ordinance; and

32 **WHEREAS,** while the Legislative Council is vested with the power to enact election laws, the  
33 Council cannot lawfully hear an appeal or grant the power to vote unless the

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**(Denying Petitions For Lack of Authority Under the Uniform Election Ordinance to Order That Petitioner's Names Be Placed on the Official List of Registered Voters)**

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1 registration requirements of Article III, Section 1 of the Election Ordinance are first  
2 met; and

3 WHEREAS, the Legislative Council therefore lacks the authority under Article III, Section 2 to  
4 add the petitioners' names to the Official List of Eligible Voters.

5 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby  
6 denies the Petitions to place the names of fifty-five petitioners on the Official List of  
7 Registered Voters and declare them eligible to vote in the 2003 General Election for  
8 Chairman and Vice Chairman on the grounds that the petitioners have failed to  
9 allege (1) they have registered for listing as required pursuant to Article III, Section  
10 1 of the Election Ordinance or (2) that they attempted to register for listing not less  
11 than sixty (60) days prior to the General Election.

12 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05<sup>TH</sup> Day  
13 of MAY, 2003 at a meeting at which a quorum was present with a vote of 1,464.70 FOR; 657.75  
14 AGAINST; 295.05 NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by  
15 Section 7 of Article X of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono  
16 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
17 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
18 Stat. 984).

19 TOHONO O'ODHAM LEGISLATIVE COUNCIL

20   
21  
22 Rita A. Martinez, Legislative Chairwoman

23  
24 7<sup>th</sup> day of May, 20 03  
25  
26

27 ATTEST:

28   
29  
30 Julianna Saraficio, Acting Legislative Secretary

31  
32 05<sup>th</sup> day of May, 20 03.  
33

34 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham  
35 Nation on the 7<sup>th</sup> day of May, 20 03 at 4:11 o'clock, P.M.,  
36 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
37 upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
38 submittal.


**RESOLUTION NO. 03-198**

**(Denying Petitions For Lack of Authority Under the Uniform Election Ordinance to Order That  
Petitioner's Names Be Placed on the Official List of Registered Voters)**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
Rita A. Martinez, Legislative Chairwoman

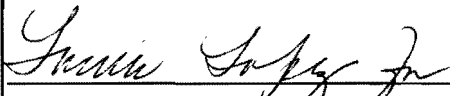
APPROVED on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

DISAPPROVED at \_\_\_\_\_ o'clock, \_\_\_\_ .M.

**EXCEEDED 48 HOURS**  
EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13<sup>th</sup> day of

May, 20 13, at 8:30 o'clock, A.M.

  
Julianna Saraficio, Acting Legislative Secretary

**ACTION: DENYING PETITIONS FOR LACK OF AUTHORITY UNDER THE UNIFORM ELECTION ORDINANCE TO ORDER THAT PETITIONER'S NAMES BE PLACED ON THE OFFICIAL LIST OF REGISTERED VOTERS**

**Moved: COUNCILWOMAN MARY FLORES**

**SECOND: COUNCILWOMAN EVELYN JUAN**

**DATE: MAY 05, 2003**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 317.7	1. FRANCES MIGUEL ( )	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
<b>CHUKUT KUK</b> 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05		X		
<b>GU ACHI</b> 230.7	1. CAMILLUS LOPEZ ( )	115.35	X			
	2. JEROME JOAQUIN ( )	115.35			X	
<b>GU VO</b> 188.3	1. FERN SALCIDO ( )	94.15		X		
	2. EMILIO LEWIS (Michael Flores)	94.15		X		
<b>HICKIWAN</b> 167.3	1. SHIRLEY MOLINA ( )	83.65	X			
	2. SANDRA ORTEGA ( )	83.65	X			
<b>PISINEMO</b> 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35			X	
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
<b>SAN LUCY</b> 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35		X		
	2. GLORIA RAMIREZ ( )	80.35		X		
<b>SAN XAVIER</b> 184.7	1. FELICIA NUÑEZ ** ( )	92.35		X		
	2. DENNIS RAMON ( )	92.35		X		
<b>SCHUK TOAK</b> 144.5	1. MARY FLORES ( )	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
<b>SELLS</b> 416.1	1. DENNIS E. JOSE ( )	208.05	X			
	2. EVELYN JUAN ( )	208.05	X			
<b>SIF OIDAK</b> 184.7	1. ISIDRO LOPEZ (Nicholas Jose)	92.35	X			
	2. RITA MARTINEZ ( )	92.35			X	
<b>TOTAL</b>		<b>2,417.5</b>	<b>1,464.70</b>	<b>657.75</b>	<b>295.05</b>	<b>[01]</b>

**\*\*PASSED VOTES**