

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Tabling Final Decision on Voter Eligibility Petitions Until Legislative Council Determines
that Petitioners are Entitled to Appeal Under Election Ordinance, Adopts Hearing
Procedures and Sets Voter Eligibility Appeal Hearings)**

LEGISLATIVE ORDER NO. 03-207

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

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

11 **WHEREAS, on May 5, 2003 the Legislative Council reviewed a resolution ("Restructuring**
12 **Resolution") that would substantially restructure the Nation's elections laws in an**
13 **effort to register certain members of the Nation to vote before the 2003 General**
14 **Election; and**

15 **WHEREAS, the Council voted to table the restructuring proposals embodied in the Restructuring**
16 **Resolution for six months to allow adequate time to review and consider "the**
17 **potential legal, social, and political impacts of the sweeping election law changes the**
18 **Restructuring Resolution proposes" (Legislative Order No. 03-197); and**

19 **WHEREAS, the Council likewise denied the petitions of fifty-four individuals who were**
20 **requesting to vote for the Nation's Chairman and Vice Chairman in the 2003 General**
21 **Election on grounds that the petitioners did not allege that they have registered for**
22 **listing as required or that they attempted to do so not less than sixty (60) days prior**
23 **to the General Election as mandated by Article III, Section 1 of the Election Ordinance;**
24 **and**

25 **WHEREAS, the Legislative Council has received additional petitions from individuals requesting**
26 **that the Council added their names to the Official List of Registered Voters; and**

27 **WHEREAS, while the Council is vested with the power to enact election laws, the Council is not**
28 **empowered to hear voter eligibility appeals or grant the power to vote unless the**
29 **registration requirements of Article III, Section 1 of the Election Ordinance are first**
30 **met; and**

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(Tabling Final Decision on Voter Eligibility Petitions Until Legislative Council Determines that Petitioners are Entitled to Appeal Under Election Ordinance, Adopts Hearing Procedures and Sets Voter Eligibility Appeal Hearings)

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1 **WHEREAS, the Legislative Council currently lacks adequate information to determine whether**
2 **the petitioners have satisfied the eligibility or registration requirements of the**
3 **Election Ordinance and has no existing procedure for conducting voter eligibility**
4 **appeal hearings; and**

5 **WHEREAS, as only eighteen days remain before the 2003 General Election, there is inadequate**
6 **time before the General Election to conduct a preliminary investigation to determine**
7 **whether the petitioners are eligible for an appeal to the Council, draft and adopt**
8 **hearing procedures, properly notify all petitioners (the majority of whom reside in**
9 **Mexico) and notify necessary hearing witnesses; and**

10 **WHEREAS, any petitioners who are eligible for and succeed in appeals to the Council will be**
11 **placed on the Official List of Registered Voters and thereafter be eligible to vote in**
12 **future elections in accordance with the Nation's elections laws.**

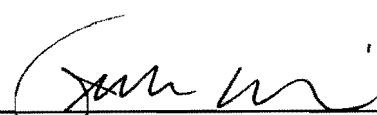
13 **NOW, THEREFORE, BE IT ORDERED that the Tohono O'odham Legislative Council hereby**
14 **tables a final decision on any pending voter eligibility petitions until the Legislative**
15 **Council determines that petitioners are entitled to appeal under Article III, Section**
16 **2 of the Election Ordinance, adopts hearing procedures, and sets voter eligibility**
17 **appeal hearings.**

18 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 06TH Day of**
19 **MAY, 2003 at a meeting at which a quorum was present with a vote of 1,752.75 FOR; 485.05 AGAINST;**
20 **179.7 NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 7 of**
21 **Article X of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
22 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
23 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**
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26 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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30 **Rita A. Martinez, Legislative Chairwoman**

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33 **ATTEST:**

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37 **Jullanna Saraficio, Acting Legislative Secretary**
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ACTION: TABLING FINAL DECISION ON VOTER ELIGIBILITY PETITIONS UNTIL LEGISLATIVE COUNCIL DETERMINES THAT PETITIONERS ARE ENTITLED TO APPEAL UNDER ELECTION ORDINANCE, ADOPTS HEARING PROCEDURES AND SETS VOTER ELIGIBILITY APPEAL HEARINGS

MOVED: COUNCILWOMAN EVELYN JUAN

SECOND: COUNCILWOMAN MARY FLORES

DATE: MAY 06, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05		X		
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. JEROME JOAQUIN ()	115.35	X			X
GU VO 188.3	1. FERN SALCIDO ()	94.15		X		
	2. EMILIO LEWIS** (Michael Flores)	94.15		X		
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			X
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35			X	
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ()	80.35		X		
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35			X	
	2. DENNIS RAMON ()	92.35		X		
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF ODAK 184.7	1. ISIDRO LOPEZ (Nicholas Jose)	92.35	X			
	2. RITA MARTINEZ ()	92.35	X			X
TOTAL		2,417.5	1,752.75	485.05	179.7	[04]

****PASSED VOTES**