

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Granting Election Board's Motion to Dismiss Sif Oidak District Schedule Appeal)**

**LEGISLATIVE ORDER NO. 05-202**

1 **WHEREAS, Article VI, Section 3(B) of the Election Ordinance provides that a district council may**  
2 **adjust it's schedule of representatives provided it "certif[ies] the adjusted schedule**  
3 **to the Election Board at least ninety (90) days before the general election"; and**

4 **WHEREAS, Article VI, Section 3(B) further provides that "any member of the nation residing in**  
5 **a district, may appeal such a district's schedule to the Tohono O'odham Council at**  
6 **least sixty (60) days prior to the election. The Tohono O'odham Council shall, if**  
7 **necessary, call a special meeting to decide such appeals, and its decision shall be**  
8 **final."; and**

9 **WHEREAS, on March 14, 2001, more than 60 days prior to the Nation's May 28, 2005 General**  
10 **Election, Chuichu community representatives ("Appellants") appealed the proposed**  
11 **adjustment to the Sif Oidak District's schedule of representatives to add one**  
12 **additional Chuichu community representative and, specifically, appealed the**  
13 **Election Board's denial of the proposed adjustment (collectively, "Appeal"); and**

14 **WHEREAS, on April 5, 2005, the Legislative Council adopted Legislative Order No. 05-163, setting**  
15 **a hearing for April 14, 2005 to consider the Appeal and also adopting rules for the**  
16 **conduct of the hearing; and**

17 **WHEREAS, a copy of Legislative Order No. 05-163, the hearing rules, notice of the hearing,**  
18 **Appeal statement and documents, and Sif Oidak District Chairperson's response**  
19 **letter were personally served on the Appellants, Sif Oidak District Chairperson and**  
20 **Election Board Chairperson; and**

21 **WHEREAS, on April 13, 2005 the Election Board, through its counsel Assistant Attorney General**  
22 **Veronica Geronimo, filed a motion to dismiss the Appeal on grounds that (1) the**  
23 **issue is not appealable under the Tohono O'odham Uniform Election Ordinance and**  
24 **(2) the Election Board is barred by the Election Ordinance from adjusting deadlines**  
25 **established by the Election Ordinance and published in the Election Schedule; and**

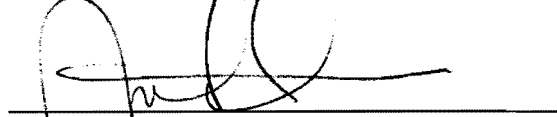
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**WHEREAS, at the district schedule appeal hearing on April 14, 2005, the Election Board, District and Appellants each presented their arguments on the Election Board's motion to dismiss.**

**NOW, THEREFORE, IT IS HEREBY ORDERED by the Tohono O'odham Legislative Council that the Election Board's motion to dismiss the Sif Oidak District schedule appeal is granted and the Appellant's Appeal hereby dismissed.**

**The foregoing Order was passed by the Tohono O'odham Legislative Council on the 14<sup>TH</sup> Day of APRIL, 2005 at a meeting at which a quorum was present with a vote of 2,406.6 FOR; 223.1 AGAINST; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (g) of Article VI and Section 7 of Article X of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



**Isidro Lopez, Legislative Chairman**

**ATTEST:**



**Lucille Lopez, Acting Legislative Secretary**

**ACTION: GRANTING ELECTION BOARD'S MOTION TO DISMISS SIF Oidak DISTRICT SCHEDULE APPEAL**

**DATE: APRIL 14, 2005**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	ABSENT
<b>SIF Oidak</b> <b>192.6</b>	1. ISIDRO LOPEZ (Nicholas Jose)	96.30		X	
	2. DARLENE ANDREW (Rita Martinez)	96.30	X		
<b>SELLS</b> <b>465.6</b>	1. DENNIS E. JOSE ( )	232.80	X		
	2. EVELYN JUAN ( )	232.80	X		
<b>SCHUK TOAK</b> <b>176.1</b>	1. FRANCES B. CONDE ( )	88.05	X		
	2. PHYLLIS JUAN ( )	88.05	X		
<b>SAN XAVIER</b> <b>215.4</b>	1. FELICIA NUÑEZ (Olivia Liston-Villegas)	107.70	X		
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X		
<b>SAN LUCY</b> <b>166.3</b>	1. JOHN W. LAWSON, SR. ( )	83.15	X		X
	2. GLORIA RAMIREZ ( )	83.15	X		
<b>PISINEMO</b> <b>175.4</b>	1. BARBARA SALVICIO ( )	87.70	X		
	2. PATRICIA CRUZ ( )	87.70	X		
<b>HICKIWAN</b> <b>170.3</b>	1. DELMA GARCIA (Mary E. Sam)	85.15	X		
	2. SANDRA ORTEGA ( )	85.15	X		
<b>GU VO</b> <b>191.4</b>	1. RAYMOND VICTOR ( )	95.70	X		
	2. MICHAEL FLORES (Willard Manuel)	95.70	X		
<b>GU ACHI</b> <b>253.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X		
	2. JEROME JOAQUIN (Roberta Picard)	126.80		X	
<b>CHUKUT KUK</b> <b>258.9</b>	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X		X
	2. VERLON M. JOSE (David Garcia)	129.45	X		
<b>BABOQUIVARI</b> <b>364.1</b>	1. FRANCES MIGUEL ( Lucilda Norris-Valenzuela)	182.05	X		
	2. FRANCES G. ANTONE ( )	182.05	X		
<b>TOTAL</b>		<b>2,629.7</b>	<b>2,406.6</b>	<b>223.1</b>	<b>[02]</b>

\*\*PASSED VOTES