

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Calling April 07, 2007 Special Election for Initiative No. IN-01-06)**

**DEFEATED**  
**RESOLUTION NO. 07-155**

- 1 **WHEREAS, Article XV of the Constitution of the Tohono O'odham Nation reserves to the Nation's**  
2 **members "the power to independently propose ordinances, resolutions or other**  
3 **legislation affecting the Tohono O'odham Nation" by initiative; and**
- 4 **WHEREAS, Article XII, Section 7 of the Uniform Election Ordinance, Ordinance No.03-86,**  
5 **requires the Election Board to verify that a minimum of 300 registered voters of the**  
6 **Tohono O'odham Nation have signed an initiative petition and that the Board certify**  
7 **such signatures to the Legislative Council; and**
- 8 **WHEREAS, "Any proposed initiative measure shall be presented to the council accompanied by**  
9 **a petition signed by not less than three hundred (300) registered voters of the Tohono**  
10 **O'odham Nation." (Constitution, Article XV); and**
- 11 **WHEREAS, "Upon the filing of a valid initiative petition by the Election Board with the Tohono**  
12 **O'odham Council" the Council "shall either adopt the initiative measure by a**  
13 **majority vote without alteration or shall call for a special election to be held not later**  
14 **than ninety days after the petition was filed with the council" (Election Ordinance**  
15 **Article XII, Section 9(A)); and**
- 16 **WHEREAS, by its letter dated February 28, 2007, the Election Board certified that Initiative**  
17 **Petition No. IN-01-06, entitled**  
18  
19 **("Uniform Election Ordinance, ARTICLE IV - Legislative Branch Section 5-C, Council**  
20 **Representatives and Alternates, Number of Terms; ARTICLE V - Executive Branch**  
21 **Section 3-D, Term of Office and Vacancies number of re-elections; ARTICLE VI -**  
22 **District Councils Section 2-D and 3-D District Chairman and Vice-Chairman Number**  
23 **of Terms, District Representatives and Alternatives, Number of Terms"**  
24  
25 **("Initiative") received a minimum of 300 valid signatures; and**  
26
- 27 **WHEREAS, the Election Board's certification letter notes that "16 pages of the petition have a**  
28 **different petition number" but states that "the petition otherwise meets the**  
29 **requirements of the Election Ordinance"; and**
- 30 **WHEREAS, on March 5, 2007, the Election Board advised the Legislative Council that the 300**  
31 **signatures do not actually appear on Initiative Petition No. IN-01-06 "Petitions for**  
32 **Initiative Measure," but that the 300 signatures were collectively verified from the**  
33 **Initiative petitions together with signatures appearing on separate "Petitions for**  
34 **Referendum," REF-02-06; and**  
35

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1 **WHEREAS, the Election Board has further advised the Legislative Council that the Petitions for**  
2 **Initiative Measure, by themselves, contain less than the 300 signatures required for**  
3 **the Legislative Council to call a special election; and**

4 **WHEREAS, although the Election Board has claimed that the petitions meet the requirements**  
5 **of the Election Ordinance and therefore verified signatures from both the Petitions**  
6 **for Initiative Measure and Petitions for Referendum, the two petition forms are**  
7 **different documents with conflicting text, titles, and numbers; and**

8 **WHEREAS, Election Ordinance Article XII, Section 2 specifies that the body of each initiative**  
9 **petition include the title of the proposed legislation; and**

10 **WHEREAS, the body of the Petitions for Initiative Measure do not include the title of Initiative No.**  
11 **IN-01-06; and**

12 **WHEREAS, in contrast, the body of each "Petition for Referendum" includes the title but not the**  
13 **text of Initiative No. IN-01-06; and**

14 **WHEREAS, Election Ordinance Article XII, Section 2 specifies the form of initiative petitions and**  
15 **requires that each petition's title shall read "Initiative Measure"; and**

16 **WHEREAS, instead, 14 of the petitions containing signatures that were verified by the Election**  
17 **Board read "Petition for Referendum"; and**

18 **WHEREAS, pursuant to Election Ordinance Article XII, Section 3.B., the Election Board is**  
19 **required to assign a number to an initiative petition, "which number shall appear on**  
20 **the face of each copy thereof"; and**

21 **WHEREAS, the face of the documents titled "Petition for Referendum" do not identify Initiative**  
22 **No. "IN-01-06," but are instead numbered "REF-02-06"; and**

23 **WHEREAS, pursuant to Article XII, Section 9(A), of the Election Ordinance, the Legislative Council**  
24 **"shall either adopt the initiative measure by a majority vote without alteration or**  
25 **shall call for a special election to be held not later than ninety days after the petition**  
26 **was filed with the council."**

27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby calls a**  
28 **special election for April 7, 2007 to allow Tohono O'odham Nation members to vote**  
29 **on "Initiative Petition No. IN-01-06, entitled "Uniform Election Ordinance ARTICLE**  
30 **IV - Legislative Branch, Section 5-C Council Representatives and Alternates, Number**  
31 **of Terms.**

32 **BE IT FINALLY RESOLVED that the Tohono O'odham Election Board shall be responsible for**  
33 **conducting the special election in accordance with the laws of the Nation; provided**  
34 **that, solely for purposes of the April 7, 2007 special election on Initiative No. IN-01-06,**

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the deadlines for filing Initiative arguments and analyses as provided in the second sentence of Article XII, Section 11.A. of the Election Ordinance and the first sentence of Article XII, Section 11.B. of the Election Ordinance shall be reduced to permit the filing of such arguments and analyses with the Election Board not later than 5:00 p.m. on March 19, 2007.

The foregoing Resolution was presented to the Tohono O'Odham Legislative Council on the 09<sup>TH</sup> Day of MARCH, 2007 at a meeting at which a quorum was present, and by a vote of 711.35 FOR; 1,729.45 AGAINST; -0- NOT VOTING; and [03] ABSENT, failed to pass because it did not receive a majority of the votes cast as required by Section 2 of Article V of the Constitution of the Tohono O'odham Nation.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
Verlon M. Jose, Chairman

ATTEST:

  
Lucille Lopez, Acting Legislative Secretary

**ACTION: CALLING APRIL 07, 2007 SPECIAL ELECTION FOR INITIATIVE NO. IN-01-06**

**MOVED: COUNCILWOMAN EVELYN JUAN MANUEL**

**SECOND: COUNCILMAN MICHAEL FLORES**

**DATE: MARCH 09, 2007**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>310.8</b>	1. FRANCES MIGUEL <i>(Absent)</i> (Vernon J. Smith) <i>(Present)</i>	155.40		X		
	2. FRANCES G. ANTONE <i>(Absent)</i> (Lucilda J. Valenzuela(Norris)) <i>(Present)</i>	155.40		X		
<b>CHUKUT KUK</b> <b>258.7</b>	1. ETHEL GARCIA ( )	129.35		X		
	2. VERLON M. JOSE (David Garcia)	129.35		X		
<b>GU ACHI</b> <b>221.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80		X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80		X		
<b>GU VO</b> <b>193.1</b>	1. RAYMOND VICTOR ( )	96.55		X		
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
<b>HICKIWAN</b> <b>167.4</b>	1. SHIRLEY SANTOS-MOLINA ( )	83.70		X		
	2. SANDRA ORTEGA ( )	83.70		X		X
<b>PISINEMO</b> <b>171.8</b>	1. BARBARA SALVICIO ( )	85.90		X		
	2. GERALD FAYUANT ( )	85.90		X		
<b>SAN LUCY</b> <b>169.0</b>	1. LORRAINE EILER ( )	84.50		X		
	2. GLORIA RAMIREZ ( )	84.50		X		
<b>SAN XAVIER</b> <b>193.8</b>	1. FELICIA NUÑEZ ( )	96.90	X			X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
<b>SCHUK TOAK</b> <b>146.9</b>	1. FRANCES B. CONDE ( )	73.45		X		
	2. PHYLLIS JUAN ( )	73.45		X		
<b>SELLS</b> <b>421.0</b>	1. MARLENE SARAFICIO-JUAN ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL ( )	210.50	X			
<b>SIF OIDAK</b> <b>186.7</b>	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35		X		X
	2. DARLENE ANDREW (Rita Martinez)	93.35		X		
<b>TOTAL</b>		<b>2,440.80</b>	<b>711.35</b>	<b>1,729.45</b>	<b>-0-</b>	<b>[03]</b>

**\*\*PASSED VOTES**