

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Granting Appeal of San Lucy District's Adjustment of its Schedule of Representatives)**

LEGISLATIVE ORDER NO. 07-199

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation provides that the Council shall "enact**
2 **an election ordinance which shall prescribe rules for the apportionment of**
3 **representatives to each district council when elections of such representatives are**
4 **from communities within the district and not from the district at large, . . . and such**
5 **other rules and procedures necessary to the orderly conduct of elections, including**
6 **but not limited to procedures for validation of petitions and the settlement of any and**
7 **all election disputes. The decision of the Tohono O'odham Council in all election**
8 **matters, including the eligibility and qualifications of candidates, shall be**
9 **final."(Constitution, Article X, Section 7); and**
- 10 **WHEREAS, the Uniform Election Ordinance ("Election Ordinance") was enacted as Ordinance No.**
11 **03-86 on December 4, 1986; and**
- 12 **WHEREAS, Article VI, Section 3(B) of the Election Ordinance provides that "any community**
13 **constituting a separate voting constituency in a district, or any member of the**
14 **[N]ation residing in a district, may appeal [a] district's schedule [of representatives]**
15 **to the Tohono O'odham Council at least sixty (60) days prior to the election. The**
16 **Tohono O'odham Council shall, if necessary, call a special meeting to decide such**
17 **appeals, and its decision shall be final."; and**
- 18 **WHEREAS, on March 27, 2007, at least 60 days prior to the May 26, 2007 general election, Virginia**
19 **Garcia, on behalf of the Hia-Ced voting constituency, delivered to the Legislative**
20 **Council an appeal of the San Lucy District's adjustment of its schedule of**
21 **representatives to eliminate the Hia-Ced O'odham voting constituency (the "Appeal");**
22 **and**
- 23 **WHEREAS, on March 29, 2007, the Legislative Council adopted the "Rules of Procedure for Appeal**
24 **from District Schedule of Representative Adjustment" ("Rules of Procedure") and set**
25 **a hearing on the Appeal for April 11, 2007 (Legislative Order No. 07-181); and**
- 26 **WHEREAS, on March 30, 2007, the Rules of Procedure, Legislative Order No. 07-181, and the**
27 **Appeal were delivered to the San Lucy District Chairman and the District's attorney;**
28 **and**

1 WHEREAS, on March 30, 2007, the Rules of Procedure and Legislative Order No. 07-181 were also
2 delivered to Appellant Virginia Garcia; and

3 WHEREAS, on April 11, 2007, the Legislative Council convened its hearing on the district schedule
4 appeal, provided both parties with an opportunity to present evidence; testify; call,
5 question, and cross-examine witnesses; make opening statements and closing
6 arguments; present documents in accordance with the Rules of Procedure; and
7 otherwise present the Appeal or defenses to the Appeal.

8 NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it hereby finds
9 the San Lucy District's January 25, 2007 adjustment to its schedule of representatives
10 was invalid; the adjustment is therefore void.

11 BE IT FINALLY ORDERED by the Tohono O'odham Legislative Council that (1) it hereby grants the
12 Appeal from the San Lucy District's January 25, 2007 adjustment of its schedule of
13 representatives and (2) the District's official schedule of representatives shall be the
14 schedule last certified to the Election Board prior to the District's January 25, 2007
15 adjustment.

16 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 11TH. Day of
17 APRIL, 2007 at a meeting at which a quorum was present with a vote of 1,838.15 FOR; 602.65
18 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article
19 VI, Section 1(g), and Article X, Section 7 of the Constitution of the Tohono O'Odham Nation,
20 adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy
21 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act
22 of June 18, 1934 (48 Stat. 984).

23
24 TOHONO O'ODHAM LEGISLATIVE COUNCIL

25
26 
27
28 Verlon M. Jose, Legislative Chairman

29
30 12 day of April, 2007

31
32 ATTEST:

33
34 
35
36 Lucille Lopez, Acting Legislative Secretary

37
38 11 day of April, 2007.
39

ACTION: GRANTING APPEAL OF SAN LUCY DISTRICT'S ADJUSTMENT OF ITS SCHEDULE OF REPRESENTATIVES**DATE: APRIL 11, 2007**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40		X		
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40		X		
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80		X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55		X		
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. SHIRLEY SANTOS-MOLINA ()	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. LORRAINE EILER ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50		X		
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			
TOTAL		2,440.80	1,838.15	602.65	-0-	[01]

**PASSED VOTES