

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Setting May 14, 2009 Special Session to Hear Voter Registration Appeal)**

**LEGISLATIVE ORDER NO. 09-262**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation 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." (Constitution, Article**  
5 **X, Section 1); and**

6 **WHEREAS, Article X, Section 7 of the Constitution further provides that the "Council shall enact**  
7 **an election ordinance . . . which shall prescribe the qualifications of candidates, the**  
8 **registration requirements for voting and such other rules and procedures necessary**  
9 **to the orderly conduct of elections, including but not limited to procedures for**  
10 **validation of petitions and the settlement of any and all election disputes."; and**

11 **WHEREAS, the Uniform Election Ordinance, Ordinance No.03-86, provides a voter registration**  
12 **process and also provides a right to appeal the denial of registration as follows:**

13 **Any member of the Nation whose name has been removed from the Official List of**  
14 **Registered Voters or whose name has been omitted in error, or whose name, for other**  
15 **reasons, has not been added to such list by action of a district council after registering**  
16 **in accordance with Section 1 above, may appeal to the Tohono O'odham Council for**  
17 **listing at least fifteen (15) days prior to the general, primary or special election. The**  
18 **Tohono O'odham Council shall, if necessary, call a special meeting to decide such**  
19 **appeals. If the Council should decide that the appellant is a qualified voter, it shall**  
20 **order that the appellant's name be placed on the list. The decision of the Council shall**  
21 **be final.**

22 **(Election Ordinance, Article III, Sections 1 and 2); and**

23 **WHEREAS, Juan Zazueta has appealed the Baboquivari District's denial of his July 1, 2007 voter**  
24 **registration application; and**

25 **WHEREAS, the Legislative Rules Committee has reviewed Mr. Zazueta's appeal and recommends**  
26 **that the Legislative Council hear his appeal during a special session on May 14, 2009**  
27 **beginning at 1:30 p.m.**

28 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it**  
29 **hereby sets a special session for May 14, 2009 beginning at 1:30 p.m. to hear the voter**  
30 **registration appeal of Juan Zazueta.**

31 **BE IT FURTHER ORDERED that the following rules shall apply to the May 14, 2009 voter registration**  
32 **appeal hearing.**

**Voter Registration Appeal Hearing Procedure**

- 1           **(1) The Legislative Council Chairperson, or in the Chairperson's absence, the Vice**  
2           **Chairperson shall preside and rule on the admissibility of any evidence and any**  
3           **procedural questions not addressed in the Legislative Rules. The Legislative**  
4           **Rules shall apply to the extent they do not conflict with this Procedure.**
- 5           **(2) For his or her appeal to be heard, the petitioner must:**
  - 6           **(a) be personally present at the appeal hearing;**
  - 7           **(b) present valid proof of enrollment;**
  - 8           **(c) present a completed voter registration form; and**
  - 9           **(d) allege in plain language that his name has been omitted from the Official**  
10           **List of Registered Voters in error, or his name, for other reasons, has not**  
11           **been added to the List by action of a district council after registering in**  
12           **accordance with the Election Ordinance.**
- 13           **(3) The petitioner and District shall be responsible for obtaining the presence of any**  
14           **witnesses that may be necessary to decide the appeal. In addition, the presiding**  
15           **officer shall be responsible for obtaining the presence of a Baboquivari District**  
16           **official with knowledge of the voter registration in question, one or more**  
17           **members of the Enrollment Committee, Elections Office staff or a member of the**  
18           **Election Board.**
- 19           **(4) At the beginning the of hearing, the petitioner may make an opening statement,**  
20           **followed by the District. Opening statements shall not exceed 10 minutes each.**
- 21           **(5) After opening statements the petitioner may testify, present documents and**  
22           **other evidence, and call and question witnesses, including District officials. The**  
23           **District may question any witness the petitioner calls.**
- 24           **(6) When the petitioner is done presenting his case, the District chairperson or**  
25           **chairperson's designee may testify, present documents and other evidence, and**  
26           **call and question witnesses, including the petitioner. The petitioner may**  
27           **question any witness the District calls.**
- 28           **(7) The person presenting a document as evidence must provide the Legislative**  
29           **Secretary with 26 copies. Legislative Council representatives shall not be called**  
30           **as witnesses.**
- 31           **(8) A member of the Enrollment Committee shall be present and be prepared to**  
32           **verify whether the petitioner is an enrolled member of the Nation and to verify**  
33           **the petitioner's age. The presiding officer may call and allow Council**

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representatives the opportunity to question an Enrollment Committee member and any other witness who is necessary to decide the appeal.

(9) Council representatives may be recognized by the presiding officer and may only ask questions directly relevant to the petitioner's eligibility to vote.

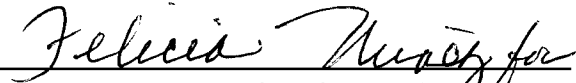
(10) Council debate shall not be permitted during the hearing.

(11) After all witnesses and evidence have been presented the Petitioner may make a closing statement, followed by the District. Closing statements shall not exceed 10 minutes each.

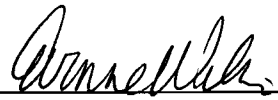
(12) After hearing and reviewing all relevant evidence the Council shall determine by roll call vote whether the petitioner's name will be added to the Official List of Registered Voters. If the name is to be added, the Council's decision shall be transmitted to the Election Board on the same calendar day as the decision.

The foregoing Order was passed by the Tohono O'odham Legislative Council on the 11<sup>TH</sup> Day of MAY, 2009 at a meeting at which a quorum was present with a vote of 2,335.3 FOR; -0- AGAINST; -0- NOT VOTING; and 199.2 [08] ABSENT, pursuant to the powers vested in the Council by 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

  
Verlon M. Jose, Legislative Chairman  
12<sup>th</sup> day of May, 2009

ATTEST:

  
Evonne Wilson, Legislative Secretary  
14<sup>th</sup> day of May, 2009.

ACTION: SETTING MAY 14, 2009 SPECIAL SESSION TO HEAR VOTER REGISTRATION APPEAL

MOVED: COUNCILWOMAN MARY LOPEZ

SECOND: COUNCILWOMAN MICHELLE ORTEGA

DATE: MAY 11, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>316.9</b>	1. FRANCES MIGUEL) ( <i>Absent</i> ) (Roberta Harvey) ( <i>Present</i> )	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			X
<b>CHUKUT KUK</b> <b>264.8</b>	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			X
<b>GU ACHI</b> <b>227.9</b>	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
<b>GU VO</b> <b>199.2</b>	1. GRACE MANUEL ( )	99.60				X
	2. RAYMOND VICTOR ( )	99.60				X
<b>HICKIWAN</b> <b>172.0</b>	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA (Louie Lopez)	86.00	X			
<b>PISINEMO</b> <b>182.4</b>	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			X
<b>SAN LUCY</b> <b>181.1</b>	1. LORRAINE EILER ( )	90.55	X			X
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> <b>196.5</b>	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			X
<b>SCHUK TOAK</b> <b>154.6</b>	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			X
<b>SELLS</b> <b>444.7</b>	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> <b>194.4</b>	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,335.3</b>	<b>-0-</b>	<b>-0-</b>	<b>199.2</b> <b>[08]</b>

\*\*PASSED VOTES