

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Judgment in Contest of Initiative INT-01-14, "Dissolution of the Hia Ced District" Election)**

LEGISLATIVE ORDER NO. 15-158

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation provides that the "Council shall
2 enact an election ordinance . . . which shall prescribe the qualifications of
3 candidates, the registration requirements for voting and such other rules and
4 procedures necessary to the orderly conduct of elections, including but not
5 limited to procedures for validation of petitions and the settlement of any and
6 all election disputes." (Constitution, Article X, Section 7); and

7 **WHEREAS,** the "decision of the Tohono O'odham Council in all election matters, including
8 the eligibility and qualifications of candidates, shall be final." (Constitution,
9 Article X, Section 7); and

10 **WHEREAS,** 12 T.O.C. Chapter 1 – Elections, Article IX establishes the procedure for settling
11 election disputes by providing "any eligible voter of the Nation" with the
12 opportunity to contest an election upon specific grounds, including misconduct
13 on the part of the Election Board (Elections, Section 1901); and

14 **WHEREAS,** the Legislative Council is vested with jurisdiction over election contests alleging
15 Election Board misconduct (Elections, Section 1905 Alternative Contest
16 Procedure); and

17 **WHEREAS,** Elections, Section 1905(B) provides that the "Council will meet within 20 days
18 after the receipt of the answer for the sole purpose of hearing the contest on the
19 grounds of misconduct on the part of the Board or any member thereof, and
20 shall decide the issue(s) raised in the contest statement on those grounds only.";
21 and

22 **WHEREAS,** on April 25, 2015 the Election Board conducted an election for Initiative INT-01-
23 14, "Dissolution of the Hia Ced District" and issued a certificate of election
24 results recording 1346 "yes" votes for the Initiative and 1209 "no" votes against
25 the Initiative, which included 15 votes for the Initiative and 149 votes against the
26 Initiative that were cast by voters registered in the Hia-Ced District; and

27 **WHEREAS,** on May 1, 2015, the Election Board delivered to the Legislative Council secretary
28 three contest statements filed by Nation's voters from the Hia-Ced District
29 ("contestors") alleging Election Board misconduct in the Initiative INT-01-14,
30 "Dissolution of the Hia Ced District" election; and

31 **WHEREAS,** on May 2, 2015 the Legislative Council secretary provided a written notice
32 requiring the Election Board ("contestee") to file an answer to the contest
33 statements (Elections, Section 1905(A)); and
34

1 **WHEREAS, on May 5, 2015 by Legislative Order No. 15-130 the Legislative Council adopted**
2 **amended Election Contest Hearing Procedures, and on the same date the**
3 **Council secretary provided the contestors and contestee written notice of the**
4 **hearing time, date, and location, and copies of the Hearing Procedures; and**

5 **WHEREAS, on May 6, 2015, the Election Board filed with the Council secretary and provided**
6 **to the contestors a written answer to the contest statement; and**

7 **WHEREAS, on May 8, 2015 the contestors and contestee each filed their disclosures with the**
8 **secretary and the contestee filed a written Motion for Partial Summary**
9 **Judgment; and**

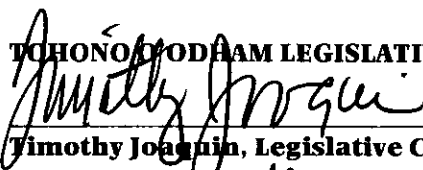
10 **WHEREAS, at the beginning of the hearing, the contestee's written Motion for Partial**
11 **Summary Judgment was denied; and**

12 **WHEREAS, during the contest hearing, the contestors and contestee were given the**
13 **opportunity to appear, testify, make opening statements, to call, question, and**
14 **cross-examine witnesses, present evidence, make objections, make closing**
15 **statements, and otherwise participate in the hearing; and**

16 **WHEREAS, at the conclusion of the hearing the presiding officer ordered a vote to**
17 **determine whether the Initiative INT-01-14 election results should be certified**
18 **or set aside based upon the proof or lack of proof of misconduct on the part of**
19 **the Election Board or any member thereof.**

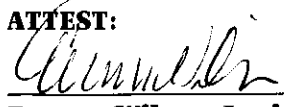
20 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that the April**
21 **25, 2015 election results for Initiative INT-01-14, "Dissolution of the Hia Ced**
22 **District" election are CERTIFIED.**

23 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 11TH day of**
24 **MAY, 2015 at a meeting at which a quorum was present with a vote of 2,207.25 CERTIFIED;**
25 **719.65 SET ASIDE; and [01] ABSENT, pursuant to the powers vested in the Council by Article V,**
26 **Section 1; Article VI, Section 1; Article VI, subsections 1(a), 1(g), and 1(l); and Article X, Section 7**
27 **of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on**
28 **January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
29 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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32 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**
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34 _____
35 Timothy Joaquin, Legislative Chairman
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37 15 day of May, 2015
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ATTEST:



Evonne Wilson, Legislative Secretary

15 day of May, 2015

ACTION: JUDGMENT IN CONTEST OF INITIATIVE INT-01-14, "DISSOLUTION OF THE HIA CED DISTRICT" ELECTION

DATE: MAY 11, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	CERTIFIED	SET ASIDE	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X		
	2. MARY LOPEZ ()	112.1	X		
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0		X	
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X		
SCHUK TOAK 174.2	1. ANTHONY J. RIOS ()	87.1	X		X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X		
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston III)	112.1	X		
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1	X		
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X		
	2. JANA MONTANA ()	109.8	X		
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3		X	
	2. EDWARD MANUEL, SR. ()	105.3		X	
HICKIWAN 196.9	1. LOUIS R. LOPEZ ()	98.45		X	
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X		
HIA CED 19.6	1. PATRICK ANDREWS (Janice E. Paul)	9.8	X		
	2. VIRGINIA GARCIA ()	9.8	X		
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X		
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X		
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X		
	2. LORETTA LEWIS (Louis Johnson)	128.65	X		
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X		
	2. BILLMAN LOPEZ ()	159.6		X	
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X		
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X		
TOTAL		2,926.9	2,207.25	719.65	[01]