

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Judgment in Contest of 2015 General Election for Sif Oidak District Chairperson and Vice-Chairperson)**

**LEGISLATIVE ORDER NO. 15-219**

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,** Article IX of 12 T.O.C. Chapter 1 - Elections, establishes the procedure for "any  
11 eligible voter of the Nation" to contest an election upon specific grounds,  
12 including "for misconduct on the part of any district election board or of the  
13 Board, or any member thereof" (12 T.O.C. Chapter 1 - Elections, Section 1901(A));  
14 and

15 **WHEREAS,** when "a contest statement is filed with the Board alleging misconduct on the  
16 part of the Board or any member thereof," the Legislative Council has  
17 jurisdiction to hear the contest (Elections, Section 1904); and

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

23 **WHEREAS,** on May 23, 2015, the Election Board conducted the Nation's 2015 general  
24 election, including the election for the Sif Oidak District chairperson and vice-  
25 chairperson, and the Board posted its certificates of election results on May 24,  
26 2015; and

27 **WHEREAS,** on May 29, 2015, the Election Board delivered to the Legislative Council  
28 secretary a contest statement filed by Nation's voters ("contestors") alleging  
29 Election Board misconduct during the May 23, 2015 general election for the Sif  
30 Oidak District chairperson and vice-chairperson; and

31 **WHEREAS,** on May 29, 2015, the Legislative Council secretary provided written notice  
32 requiring the Election Board ("contestee") to file an answer to the contest  
33 statement with the secretary within five days of receipt (Elections, Section  
34 1905(A)); and

1 WHEREAS, on June 2, 2015, the Legislative Council secretary provided both parties with  
2 written notice of the contest hearing date, time, and location and with copies of  
3 the Council's Election Contest Hearing Procedures; and

4 WHEREAS, on June 3, 2015, the Election Board filed with the Council secretary and provided  
5 to the contestors a written answer to the contest statement; and

6 WHEREAS, the contestors and contestee disclosed to each other and filed with the Council  
7 secretary exhibits and witness lists prior to the hearing; and

8 WHEREAS, during the June 8, 2015 contest hearing, the contestors and contestee were  
9 represented by legal counsel and were given the opportunity to appear, testify,  
10 make opening statements, to call, question, and cross-examine witnesses,  
11 present evidence, make objections, make closing statements, and otherwise  
12 participate in the hearing; and

13 WHEREAS, at the conclusion of the hearing the presiding officer ordered a vote to  
14 determine whether the election results contested should be certified or set aside  
15 in accordance with 12 T.O.C. Chapter 1.

16 NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that the May  
17 23, 2015 general election results for the offices of Sif Oidak District chairperson  
18 and vice-chairperson are CERTIFIED.

19 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 08<sup>TH</sup> day of  
20 JUNE, 2015 at a meeting at which a quorum was present with a vote of 2,282.35 CERTIFIED;  
21 644.55 SET ASIDE; and [03] ABSENT, pursuant to the powers vested in the Council by Article V,  
22 Section 1; Article VI, Section 1; Article VI, subsections 1(a), 1(g), and 1(l); and Article X, Section 7  
23 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on  
24 January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs  
25 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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28 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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30   
31 Timothy Joaquin, Legislative Chairman

32  
33 10 day of June, 2015  
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37 ATTEST:

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40 Evonne Wilson, Legislative Secretary

41 10 day of June, 2015  
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**ACTION: JUDGMENT IN CONTEST OF 2015 GENERAL ELECTION FOR SIF Oidak DISTRICT CHAIRPERSON AND VICE-CHAIRPERSON**

**DATE: JUNE 08, 2015**

| DISTRICT                     | LEGISLATIVE REPRESENTATIVES                                  | # OF VOTES     | CERTIFIED       | SET ASIDE     | ABSENT      |
|------------------------------|--|----------------|-----------------|---------------|-------------|
| <b>SIF Oidak<br/>224.2</b>   | 1. LUCINDA ALLEN<br>(Nicholas Jose)                          | 112.1          | X               |               |             |
|                              | 2. MARY LOPEZ<br>( )   | 112.1          | X               |               |             |
| <b>SELLS<br/>502.0</b>       | 1. ARTHUR WILSON<br>(Ophelia Patten)                         | 251.0          |                 | X             |             |
|                              | 2. BARBARA HAVIER<br>(Beverly Rivas)                         | 251.0          | X               |               |             |
| <b>SCHUK TOAK<br/>174.2</b>  | 1. ANTHONY J. RIOS<br>( )                                    | 87.1           | X               |               | X           |
|                              | 2. QUINTIN C. LOPEZ<br>(John Fendenheim)                     | 87.1           | X               |               |             |
| <b>SAN XAVIER<br/>224.2</b>  | 1. HILARION CAMPUS<br>(Daniel L.A. Preston III)              | 112.1          | X               |               | X           |
|                              | 2. RACHEAL VILSON-STONER<br>(Olivia Villegas-Liston)         | 112.1          | X               |               |             |
| <b>SAN LUCY<br/>219.6</b>    | 1. DIANA MANUEL<br>(Gloria Ramirez)                          | 109.8          | X               |               |             |
|                              | 2. JANA MONTANA<br>( )                                       | 109.8          | X               |               |             |
| <b>PISINEMO<br/>210.6</b>    | 1. CHESTER ANTONE<br>(Tony Murrietta)                        | 105.3          | X               |               |             |
|                              | 2. EDWARD MANUEL, SR.<br>( )                                 | 105.3          |                 | X             |             |
| <b>HICKIWAN<br/>196.9</b>    | 1. LOUIS R. LOPEZ<br>( )                                     | 98.45          | X               |               |             |
|                              | 2. SANDRA ORTEGA<br>(Manuel Osequeda, Jr.)                   | 98.45          | X               |               |             |
| <b>GU VO<br/>241.0</b>       | 1. GRACE MANUEL<br>(Floyd Flores)                            | 120.5          | X               |               |             |
|                              | 2. PAMELA ANGHILL (Absent)<br>(Jeffery Antone, Sr.)(Present) | 120.5          | X               |               | X           |
| <b>GU ACHI<br/>257.3</b>     | 1. TIMOTHY L. JOAQUIN<br>( )                                 | 128.65         |                 | X             |             |
|                              | 2. LORETTA LEWIS<br>(Louis Johnson)                          | 128.65         | X               |               |             |
| <b>CHUKUT KUK<br/>319.2</b>  | 1. ETHEL GARCIA<br>(Marlakay C. Henry)                       | 159.6          | X               |               |             |
|                              | 2. BILLMAN LOPEZ<br>( )                                      | 159.6          |                 | X             |             |
| <b>BABOQUIVARI<br/>357.7</b> | 1. FRANCES MIGUEL<br>(Roberta Harvey)                        | 178.85         | X               |               |             |
|                              | 2. VERNON J. SMITH<br>(Gloria Zazueta)                       | 178.85         | X               |               |             |
| <b>TOTAL</b>                 |  | <b>2,926.9</b> | <b>2,282.35</b> | <b>644.55</b> | <b>[03]</b> |