

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

LEGISLATIVE ORDER NO. 15-220

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

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

17 **WHEREAS,** the Elections law further 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 (Elections, Section 1905(B)); and

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

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

30 **WHEREAS,** on May 29, 2015, the Legislative Council secretary provided written notice
31 requiring the Election Board ("contestee") to file an answer to the contest
32 statement with the secretary within five days of receipt (Elections, Section
33 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, in accordance with the Election Contest Hearing Procedures, the contestor and
7 contestee each provided a list of hearing evidence and witnesses to the other
8 party on the last business day that was at least 24 hours before the contest
9 hearing was scheduled to convene; and

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

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

18 NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that the May
19 23, 2015 general election results for the offices of Gu Vo District chairperson and
20 vice-chairperson are CERTIFIED.

21 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 09TH day of
22 JUNE, 2015 at a meeting at which a quorum was present with a vote of 2,081.5 CERTIFIED; 845.4
23 SET ASIDE; and [02] ABSENT, pursuant to the powers vested in the Council by Article V, Section
24 1; Article VI, Section 1; Article VI, subsections 1(a), 1(g), and 1(i); and Article X, Section 7 of the
25 Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on
26 January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs
27 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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29 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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31 
32 Timothy Joaquin, Legislative Chairman

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34 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 GU VO DISTRICT CHAIRPERSON AND VICE-CHAIRPERSON

DATE: JUNE 09, 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		
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X		
	2. PAMELA ANGHILL (<i>Absent</i>) (Jeffery Antone, Sr.) (<i>Present</i>)	120.5	X		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	2,081.5	845.4	[02]