

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Affirming 2023 General Election Postponement to July 22, 2023)**

**RESOLUTION NO. 23-200**

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

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

12 **WHEREAS,** "a general election may be postponed for up to one month when such  
13 postponement is necessary in the opinion of the Council" (12 T.O.C. Chapter 1 -  
14 Elections, Section 1802); and

15 **WHEREAS,** 12 T.O.C. Chapter 1 - Elections, establishes the procedure for "[a]ny eligible voter  
16 of the Nation" to contest an election upon specific grounds, including "[f]or  
17 misconduct on the part of any district election board or of the [Election] Board, or  
18 any member thereof" (12 T.O.C. Chapter 1 - Elections, Section 1901(A)); and

19 **WHEREAS,** when "a contest statement is filed with the [Election] Board alleging misconduct  
20 on the part of the Board or any member thereof," the Legislative Council has  
21 jurisdiction to hear the contest (Elections, Section 1904); and

22 **WHEREAS,** on April 29, 2023, the Election Board conducted the Nation's 2023 primary  
23 election, including the election for the offices of the chairperson and vice  
24 chairperson of the Tohono O'odham Nation, and the Board posted its certificates  
25 of election results on April 29, 2023; and

26 **WHEREAS,** the Election Board subsequently delivered to the Legislative Council secretary  
27 contest statements filed by Nation's voters alleging Election Board misconduct  
28 during the Nation's 2023 primary election for the offices of chairperson and vice  
29 chairperson of the Tohono O'odham Nation; and

30 **WHEREAS,** on May 16, 2023, the Legislative Council held an election contest hearing in  
31 accordance with the Nation's Elections law and the Legislative Council's Election  
32 Contest Hearing Procedures; and

RESOLUTION NO. 23-200

(Affirming 2023 General Election Postponement to July 22, 2023)

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1 WHEREAS, at the conclusion of the Legislative Council's election contest hearing, the  
2 Legislative Council, by Legislative Order No. 23-155, set aside the April 29, 2023  
3 primary election results for the offices of chairperson and vice chairperson of the  
4 Tohono O'odham Nation, set a special primary election for June 24, 2023, and  
5 postponed the 2023 general election until July 22, 2023; and

6 WHEREAS, the Rules Committee recommends affirming the postponement of the 2023  
7 general election until July 22, 2023.

8 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that,  
9 notwithstanding any contrary provisions of 12 T.O.C. Chapter 1 - Elections,  
10 including Section 1802, it affirms the postponement of the 2023 general election  
11 until July 22, 2023.

12 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 25<sup>TH</sup>  
13 day of MAY, 2023 at a meeting at which a quorum was present with a vote of 2,069.5 FOR;  
14 877.8 AGAINST; -0- NOT VOTING; and 270.7 [06] ABSENT, pursuant to the powers vested in the  
15 Council by, Article V, Section 1; Article VI, Section 1; Article VI, subsection 1(a), subsection 1(g),  
16 and subsection 1(l); and Article X, Section 7 of the Constitution of the Tohono O'odham Nation,  
17 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy  
18 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the  
19 Act of June 18, 1934 (48 Stat.984).

20  
21 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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24   
25 Alberta J. Ray, Legislative Vice Chairwoman

26  
27 26 day of May, 2023  
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31 ATTEST:

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34 Evonne Wilson, Legislative Secretary

35 26 day of May, 2023  
36  
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38 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
39 O'odham Nation on the 26 day of May, 2023 at 4:23 o'clock, P.m.,  
40 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
41 effective upon his approval or upon his failure to either approve or disapprove it within 48  
42 hours of submittal.  
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
\_\_\_\_\_  
Alberta J. Ray, Legislative Vice Chairwoman

APPROVED

on the 30 day of May, 2023


DISAPPROVED

at 7:55 o'clock, P.m.

  
\_\_\_\_\_  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 30 day of

May, 2023, at 3:13 o'clock, P.m.

  
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Evonne Wilson, Legislative Secretary

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ACTION: AFFIRMING 2023 GENERAL ELECTION POSTPONEMENT TO JULY 22, 2023

MOVED: COUNCILWOMAN TERESA F. DONAHUE

SECOND: COUNCILWOMAN MARY LOPEZ

DATE: MAY 25, 2023

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8		X		
SELLS 556.5	1. ARTHUR WILSON (Shelia Espino)	278.25	X			
	2. EVELYN JUAN MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX ( )	121.3	X			X
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9		X		X
	2. ROGER MANUEL ( <i>Absent</i> ) (Christina Andrews) ( <i>Present</i> )	121.9		X		
PISINEMO 232.7	1. MARIETTA MARTIN ( )	116.35		X		X
	2. EDWARD D. MANUEL (Monica Morgan)	116.35		X		
HICKIWAN 216.6	1. LOUIS R. LOPEZ ( )	108.3	X			X
	2. DELMAM. GARCIA ( )	108.3	X			
GU VO 270.7	1. GRACE MANUEL ( )	135.35				X
	2. CYNTHIA SAAVEDRA ( <i>Absent</i> ) (Dallas Lewis) ( <i>Present</i> )	135.35				X
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ( )	139.25		X		
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25		X		
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE ( <i>Absent</i> ) (Francine Schooling) ( <i>Present</i> )	194.45	X			
TOTAL		3,218.0	2,069.5	877.8	-0-	270.7 [06]