

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Correcting Clerical Error in Constitution)

RES. NO. 524-86

1 WHEREAS, The qualified voters of the Tohono O'odham Nation did on January 18,  
2 1986, adopt the Constitution of the Tohono O'odham Nation which became  
3 effective on March 6, 1986 upon its approval by the Deputy Assistant  
4 Secretary - Indian Affairs (Operations); and

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6 WHEREAS, Section 5 of article X of the Constitution provides that there shall  
7 be a primary election "for the offices of Chairman and Vice Chairman  
8 of the Tohono O'odham Nation or of Chairman and Vice Chairman of the  
9 district council" if there are more than two (2) sets of candidates  
10 for such offices running in any general election; and

11 WHEREAS, Section 7 of article X of the Constitution directs this Council to  
12 enact an election ordinance which shall prescribe rules and procedures  
13 necessary to the orderly conduct of all elections, including the hold-  
14 ing of the primary elections for the offices described in section 5  
15 and referred to above, but by some clerical error refers to "primary  
16 elections for the offices of Chairman and Vice Chairman of the Tohono  
17 O'odham council and of the District Council," rather than to "primary  
18 elections for the offices of Chairman and Vice Chairman of the Tohono  
19 O'odham Nation and the District Council" as provided in section 5 of  
20 article X; and

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23 WHEREAS, This Council finds and determines that a clerical error was made in  
24 section 7 of article X by referring to the Chairman and Vice Chairman  
25 of the Tohono O'odham Council instead of the Tohono O'odham Nation and  
26 that a substitution therein of the word "Council" for "Nation" is  
27 necessary in order to carry out the clear intention of the framers of  
28 the Constitution and of the people adopting it, and in order (1) to be  
29 consistent with section 5 of article X, which provides for primary  
30 elections for the offices of Chairman and Vice Chairman of the Tohono  
31 O'odham Nation, (2) to be consistent with section 1 of article VII,  
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which provides that the Chairman and Vice Chairman of the Tohono O'odham Nation shall be elected at large by a majority of votes cast by all qualified votes and therefore requires primary elections if there are more than two (2) sets of candidates running for such offices in any given general election, see setion 5 of article X, and (3) to be consistent with section 4 of article V, which provides that the Chairman and Vice Chairman of the Tohono O'odham Council shall be elected from within the Council's own membership and consequently and necessarily without a primary election since the purpose of a primary election is to reduce the number of candidates eligible for election in the subsequent general election.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the foregoing findings and determination, the "Nation" shall be substituted retroactively, nunc pro tunc, instead of the word "Council" and that the pertinent part of section 7 of article X of the Constitution of Tohono O'odham Nation shall read and be construed, as follows: "The Tohono O'odham Council shall enact an election ordinance which shall prescribe rules . . . for the setting and holding of primary elections for the offices of Chairman and Vice Chairman of the Tohono O'odham Nation and of the district council . . ."

BE IT FURTHER RESOLVED that this resolution be referred to the Secretary of the Interior or his authorized representative for his approval or concurrence therein.

The foregoing resolution was passed by the Tohono O'odham Council on the 7th day of November, 1986, at a meeting at which a quorum was present with a vote of 1106.5 for; 137.5 against; 311.0 not voting; and 85.0 absent, pursuant to the powers vested in the Council by Section 1(g) and (1) of Article VI 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).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Toro  
Harriet Toro, Legislative Chairperson  
21<sup>st</sup> day of November, 19 86.

ATTEST:

Ophelia F. Campillo  
Ophelia F. Campillo, Legislative  
Secretary  
21<sup>st</sup> day of November, 19 86.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21<sup>st</sup> day of November, 1986, at 4:52 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Toro  
Harriet Toro, Legislative Chairperson

APPROVED ) on the 25 day of November, 1986, at  
 DISAPPROVED ) 1:45 o'clock, P.M.

Josiah Moore  
JOSIAH MOORE, Chairman  
TOHONO O'ODHAM NATION

Returned to Legislative Secretary on the 26<sup>th</sup> day of November, 19 86,  
at 9:01 o'clock, A.M.

Ophelia F. Campillo  
Ophelia F. Campillo, Legislative  
Secretary

MOVED: JULIA CARRILLO

SUBJECT: CORRECTING CLERICAL ERROR IN CONSTITUTION

SECOND: ROSEMARY LOPEZ

DATE: NOVEMBER 7, 1986

RESOLUTION OR ORDINANCE # 524-86

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 138	1. Elliott Lewis (Eugene F. Jose) 2. Nicholas Jose (Letitia Garcia)	69.0 69.0	X X			
SELLS 257	1. Andrew M. Patricio (Nora Alveraz) 2. Fred Steven, Sr. ( )	128.5 128.5	X X			
SCHUK TOAK 105	1. Joseph Juan ( ) 2. Julia Carrillo (JoAnn Francisco)	52.5 52.5		X	X	
SAN XAVIER 126	1. Yvonne Corella (Austin Nunez) 2. Tony Felix (Carmelita Mattias)	63.0 63.0	X		X	
BABOQUIVARI 241	1. Edward N. Kisto ( ) 2. Kenneth Chico, Sr. (Frances Miguel)	120.5 120.5	X X			
GU ACHI 158	1. Angelo Joaquin, Sr. ( ) 2. Fernando Joaquin ( )	79.0 79.0		X	X	
PISINEMO 116	1. Jerome Antone (Consuela Mendoza) 2. Johnson Jose (Edward Manuel)	58.0 58.0	X		X	
SAN LUCY 85	1. John Reno ( ) 2. Max P. Jose (Dewey Ortega)	42.5 42.5				X X
GU VO 117	1. Virgil Lewis (Roy Montana) 2. Cross Antone (Fern Salcido)	58.5 58.5		X	X	
HICKIWAN 128	1. Henry A. Ramon (Pablo Baptisto) 2. Lloyd Francisco (Eleanor Santos)	64.0 64.0	X X			
CHUKUT KUK 169	1. Rosemary Lopez (Anita C. Clark) 2. Harriet Toro (Marvin J. Thomas)	84.5 84.5	X X			
TOTALS		1640.0	1106.5	137.5	311.0	85.0