

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting Special Rules for Appeal to the Legislative Council of District
Council Schedule of Representatives)

LEGISLATIVE ORDER NO. 95-133

WHEREAS, certain members of the Tohono O'odham Nation residing in the San Lucy District have appealed the action of the San Lucy District Council regarding its voting constituencies and its District Council Schedule of Representatives; and

WHEREAS, the appeal has been brought to the Legislative Council under the provisions of the Uniform Election Ordinance, Article VI, Section 3 (B) entitled "Number of Representatives"; and

WHEREAS, the Legislative Council has set March 27, 1995 for a hearing on the matter to be held at San Lucy District; and

WHEREAS, it is necessary to adopt rules to govern the appeal to the Legislative Council in order to assure a fair and timely hearing and to provide for due process of law to all parties; and

WHEREAS, these Special Rules for Appeal to the Legislative Council of District Council Schedule of Representatives have been reviewed and recommended for approval by the Rules Committee of the Legislative Council.

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NOW, THEREFORE, BE IT ORDERED that the following Special Rules are hereby
adopted.

**SPECIAL RULES FOR APPEAL TO THE LEGISLATIVE COUNCIL
OF DISTRICT COUNCIL SCHEDULE OF REPRESENTATIVES**

A. AUTHORITY FOR APPEAL

A District's Schedule of Representatives to the District Council
may be appealed to the Legislative Council under the authority of
the Uniform Election Ordinance, Article VI, Section 3 (B), which
states in part:

... Any village or any community constituting a separate
voting constituency in a district, or any member of the
nation residing in a district, may appeal such district's
schedule to the Tohono O'odham Council at least sixty (60)
days prior to the election. The Tohono O'odham Council
shall, if necessary, call a special meeting to decide such
appeals, and its decision shall be final.

B. DOCUMENTATION

1. Statement of Appeal. The person making the appeal

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(hereafter "Appellant"), shall prepare a written statement of the basis for the appeal, including the following:

- a. Statement of the action taken by the District Council and include the written resolution from the District.
- b. Appellant's argument why the Schedule of Representatives should be changed or not be changed.
- c. Name and address of the appellant.
- d. Any documentation available to explain the background for the appeal.

C. PRELIMINARY PROCEDURES

1. Initiating the Appeal. The appeal shall be initiated by the Appellant by presenting or mailing the written Statement of Appeal to the Chairperson of the Legislative Council at least sixty (60) days prior to the general election.
2. Preliminary Consideration. The Chairperson of the Legislative Council shall, within two (2) days, refer the appeal to the Rules Committee for investigation.
3. Rules Committee. The Rules Committee may request a

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meeting with the Appellant and/or District Chairperson to clarify issues, if necessary. The Rules Committee shall consult with the Election Board.

4. Setting a Hearing. The Chairperson of the Legislative Council, in consultation with the Rules Committee, shall recommend a date, time and place for a hearing of the Legislative Council to consider the appeal. The Legislative Council shall set the date for the hearing.

5. Notice. The Secretary of the Legislative Council shall provide written notice to the Appellant and the District Council of the date and time of the hearing, together with a copy of these Special Rules for the hearing.

D. HEARING PROCEDURES

1. Hearing. The Legislative Council shall hold a hearing on the date and at the time designated.

2. Presiding Officer. The Presiding Officer shall be the Chairperson of the Legislative Council or, in his or her absence, the Vice Chairperson of the Legislative Council.

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3. Statement of the Appellant. The Appellant may make an opening statement, not to exceed 30 minutes, in support of the written Statement of Appeal.
4. Statement of the District Council. A representative of the District Council may make an opening statement, not to exceed 30 minutes, in support of the District Council action.
5. Questions by Council Members. At the end of each statement, the Presiding Officer shall call on Council members for questions.
6. Statements by Community Members. The Presiding Officer shall open the floor to statements by community members. It shall be in the discretion of the Presiding Officer to decide on any limitation of the number of speakers or the length of time allotted to each person.
7. Deliberation by Council. The Legislative Council will make its decision at the hearing. The Presiding Officer shall have discretion to call the Council into closed session to deliberate on any matter.

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8. Decision. The Presiding Officer shall announce the decision of the Legislative Council. The decision of the Legislative Council shall be final.

9. Notice of Decision. The Secretary of the Legislative Council shall provide a copy of the written decision of the Legislative Council to the Appellant, the Chairperson the District Council, and the Chairperson of the Election Board within five (5) working days after the decision.

The foregoing Order was passed by the Tohono O'Odham Legislative Council on the 22ND, day of March, 1995 at a meeting at which a quorum was present with a vote of 1,665.0 FOR; -0- AGAINST; -0- NOT VOTING; and [08] ABSENT, pursuant to the powers vested in the Council by Section I(d) 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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


for Alex J. Ramon, Legislative Chairman

24 day of March, 1995

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ATTEST:

Frances Antone

Frances Antone, Legislative Secretary

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ACTION: ADOPTING SPECIAL RULES FOR APPEAL TO THE LEGISLATIVE COUNCIL OF DISTRICT COUNCIL
SCHEDULE OF REPRESENTATIVES

Moved: COUNCILWOMAN MARY ANN ANTONE

SECOND: COUNCILMAN MANUEL OSEQUEDA

DATE: MARCH 22, 1995

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0	X			X
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5	X			X
	2. KENNETH J. ANTONE ()	56.5	X			
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ()	67.5	X			
	2. DENNIS RAMON ()	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			X
	2. EDWARD KISTO (Idella Stanley)	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0	X			X
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ()	49.0				X
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0				X
GU VO 124.0	1. EMILIO LEWIS ()	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			X
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0	X			
	2. LLOYD FRANCISCO ()	68.0				
CHUKUT KUK 178.0	1. MARILYN FRANCISCO	89.0	X			
	2. KENNETH WILLIAMS ()	89.0	X			X
TOTAL		1,763.0	1,665.0	-0-	-0-	98.0

****PASSED VOTES**