

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Judgment in Contest of 2011 General Election for Chukut Kuk District Chairperson
and Vice Chairperson)

LEGISLATIVE ORDER NO. 11-219

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

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

10 **WHEREAS, Article VIII of the Uniform Election Ordinance, Ordinance No. 03-86, establishes the**
11 **procedure for "any eligible voter of the nation" to contest an election upon specific**
12 **grounds, including "for misconduct on the part of any District Election Board or of the**
13 **Election Board, or any member thereof" (Uniform Election Ordinance, Article VIII,**
14 **Section 1.A.); and**

15 **WHEREAS, when "a contest statement [is] based on allegations of misconduct on the part of the**
16 **Election Board or any member thereof," the Legislative Council has jurisdiction to**
17 **hear the contest (Uniform Election Ordinance, Article VIII, Section 5); and**

18 **WHEREAS, the Uniform Election Ordinance further provides that the "council will meet within**
19 **twenty (20) days after the filing of the contest statement for the sole purpose of hearing**
20 **the contest on the grounds of misconduct on the part of the Election Board or any**
21 **member thereof, and of deciding the issue raised in the contest on those grounds**
22 **only." (Uniform Election Ordinance, Article VIII, Section 5); and**

23 **WHEREAS, the Nation's 2011 general election was held on May 28, 2011; and**

24 **WHEREAS, on May 31, 2011 five contest statements alleging Election Board misconduct within the**
25 **Chukut Kuk District were filed with the Election Board and were forwarded to the**
26 **Legislative Council Secretary; and**

27 **WHEREAS, on June 1, 2011, the Legislative Council Secretary delivered written notice to the**
28 **Election Board, requiring the Board to file an answer to the contest statements with**
29 **the Secretary within five days (Uniform Election Ordinance, Article VIII, Section 5); and**

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(Judgment in Contest of 2011 General Election for Chukut Kuk District Chairperson and Vice Chairperson)

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1 **WHEREAS, on June 6, 2011, the Election Board filed with the Council Secretary written responses**
2 **to each contest statement, including a motion to dismiss the statement filed by the**
3 **Chukut Kuk District; and**

4 **WHEREAS, attorneys for the eligible voters filing contests (“contestors”) and the Election Board**
5 **(“contestee”) both received copies of the contest statements and responses; and**

6 **WHEREAS, on June 9, 2011 and by Legislative Order No. 11-213, the Legislative Council set an**
7 **election contest hearing for June 14-16, 2011, adopted Election Contest Hearing**
8 **Procedures, and elected Legislative Council Vice Chairwoman Felicia Nuñez as the**
9 **chairperson for the election contest hearing; and**

10 **WHEREAS, on June 9, 2011 and by Legislative Order No. 11-214, the Legislative Council determined**
11 **it lacked jurisdiction to hear the contest statement by Chukut Kuk District and its**
12 **communities; and**

13 **WHEREAS, on the same date, attorneys for the contestants and for contestee were given notice of**
14 **the June 14-16, 2011 hearing, and were provided with the Election Contest Hearing**
15 **Procedures and with Legislative Orders No. 11-213 and No. 11-214; and**

16 **WHEREAS, Vice Chairwoman Nuñez subsequently resigned her office, and the Council by**
17 **Legislative Order No. 11-215 elected Representative Edward Manuel as contest hearing**
18 **chairperson and accordingly amended the Election Contest Hearing Procedures,**
19 **which were provided to the parties’ attorneys with copies of Legislative Order No. 11-**
20 **215; and**

21 **WHEREAS, in accordance with the Election Contest Hearing Procedures, the contestors and**
22 **contestee each provided a list of all hearing evidence and witnesses to the other party**
23 **at least 24 hours before the contest hearing; and**

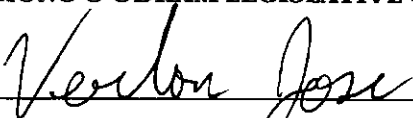
24 **WHEREAS, during the contest hearing, the contestors and contestee were represented by**
25 **attorneys and were given the opportunity to appear; to make opening statements; to**
26 **call, question, and cross-examine witnesses; to present evidence; to make objections;**
27 **to present and argue motions; and to make closing statements; and**

28 **WHEREAS, after hearing the proofs and allegations of the parties, the hearing chairman ordered**
29 **a vote to determine whether or not the election results contested should be certified**
30 **or set aside based upon the proof or lack of proof of misconduct on the part of the**
31 **Election Board or any member thereof.**

1 NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that the 2011
2 general election results for the offices of Chukut Kuk District chairperson and vice
3 chairperson are certified.

4 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 16TH day of
5 JUNE, 2011 at a meeting at which a quorum was present with a vote of 1,926.70CERTIFIED;
6 668.80 SET ASIDE; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 of
7 Article V; Section 1 of Article VI; subsection 1 (a) and 1(l) of Article VI; and Section 7 of Article X of
8 the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on
9 January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs
10 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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17 _____
18 Verlon M. Jose, Legislative Chairman

19 16 day of June, 2011

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22 ATTEST:

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25 Evonne Wilson, Legislative Secretary

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27 16 day of June, 2011
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ACTION: JUDGMENT IN CONTEST OF 2011 GENERAL ELECTION FOR CHUKUT KUK DISTRICT CHAIRPERSON AND VICE CHAIRPERSON

DATE: JUNE 16, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	CERTIFIED	SET ASIDE	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X		
	2. MARY LOPEZ ()	99.35	X		
SELLS 449.6	1. KIMBERLY MULL ()	224.80	X		
	2. EVELYN B. JUAN MANUEL ()	224.80	X		
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Stanley Stephans)	79.50	X		X
	2. FREDERICK JOSE (Phyllis Cachora)	79.50	X		
SAN XAVIER 204.7	1. VACANT ()	102.35		X	
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35		X	
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55		X	X
	2. GLORIA RAMIREZ ()	93.55		X	
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X		
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X		
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X		
	2. SANDRA ORTEGA ()	87.25	X		
GU VO 206.3	1. GRACE MANUEL ()	103.15	X		
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X		
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	115.05	X		
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50		X	
	2. VERLON M. JOSE ()	138.50		X	
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X		
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X		
TOTAL		2,595.50	1,926.70	668.80	[02]