

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting and Codifying Amendments to Uniform Election Ordinance)

RESOLUTION NO. 13-328

1 **WHEREAS, the Legislative Council is vested with “all of the legislative powers vested in the Tohono**
2 **O’odham” and is expressly vested with the power to “enact laws and ordinances for**
3 **conducting and regulating elections” (Constitution of the Tohono O’odham Nation,**
4 **Article V, Section 1; Article VI, Section 1; and subsection 1(g)); and**

5 **WHEREAS, pursuant to Article X, Section 7, of the Constitution**

6 **The Tohono O’odham Council shall enact an election ordinance which shall**
7 **prescribe rules for the apportionment of representatives to each district council**
8 **when elections of such representatives are from communities within the district**
9 **and not from the district at large, and for the setting and holding of primary**
10 **elections for the offices of chairman and vice chairman of the Tohono O’odham**
11 **[Nation] and of the district council, and which shall prescribe the qualifications of**
12 **candidates, the registration requirements for voting and such other rules and**
13 **procedures necessary to the orderly conduct of elections, including but not limited**
14 **to procedures for validation of petitions and the settlement of any and all election**
15 **disputes. The decision of the Tohono O’odham Council in all election matters,**
16 **including the eligibility and qualifications of candidates, shall be final.**

17 **; and**

18 **WHEREAS, the Legislative Council has exercised its constitutional authority to enact election laws**
19 **by adopting the Nation’s Uniform Election Ordinance, Ordinance No. 03-86, which is**
20 **compiled at 12 Tohono O’odham Code Chapter 1; and**

21 **WHEREAS, over several years, the Rules Committee in coordination with the Nation’s Election**
22 **Board drafted significant amendments to the Uniform Election Ordinance to**
23 **prescribe qualifications for candidates, simplify and improve voter registration**
24 **procedures, protect and promote the right to vote by setting deadlines for processing**
25 **voter registration applications, support members’ ability to transfer voter**
26 **registrations, provide greater access to absentee voting, provide a process for filling**
27 **vacancies in elective offices to ensure the Nation’s members are fully represented at**
28 **the district and national levels of government, implement automated tabulation of**
29 **votes and eliminate hand-written ballots, and to make additional amendments in the**
30 **best interest of the Nation and its members; and**

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1 **WHEREAS, the draft amendments were distributed throughout the Nation and presented at**
2 **numerous public hearings, resulting in more than 100 written and oral public**
3 **comments; and**

4 **WHEREAS, the Rules Committee fully reviewed all comments and incorporated additional**
5 **revisions into a redrafted Uniform Election Ordinance which was approved by the**
6 **Legislative Council on November 26, 2012, was subsequently vetoed on December 3,**
7 **2012, and the veto was not overridden by the required two-thirds majority vote**
8 **(Resolution No. 12-467 and Resolution No. 12-473); and**

9 **WHEREAS, on December 5, 2012 the Rules Committee presented to the Legislative Council a**
10 **modified draft of the Uniform Election Ordinance amendments, which failed by**
11 **Resolution No. 12-484; and**

12 **WHEREAS, the Legislative Council has since enacted several amendments to the Uniform Election**
13 **Ordinance including automated tabulation provisions approved by Resolution No. 12-**
14 **504, removal upon accusation amendments approved by Resolution No. 13-170, and**
15 **judicial resignation amendments approved by Resolution No. 13-171; and**

16 **WHEREAS, the comprehensive Uniform Election Ordinance amendments that were previously**
17 **distributed to the public have been edited to reflect those amendments which the**
18 **Legislative Council has already approved; and**

19 **WHEREAS, the comprehensive amendments also have been edited to remove provisions creating**
20 **a voter registration process for national elections and to remove the proposed**
21 **procedure for appointing the Nation's vice-chairperson in the event of a vacancy; and**

22 **WHEREAS, based on extensive Council debate, the Rules Committee is drafting a separate**
23 **referendum measure that, if it is approved by the Nation's voters, would disqualify**
24 **individuals with felony convictions from becoming candidates for certain offices;**
25 **because the felony disqualification provisions would be decided by the voters rather**
26 **than the Legislative Council, they have been removed from the comprehensive**
27 **amendments draft; and**

28 **WHEREAS, the resulting draft amendments to the Uniform Election Ordinance would be codified**
29 **as 12 Tohono O'odham Code, Chapter 1 - Elections, are dated August 2013, and are**
30 **incorporated by this reference.**

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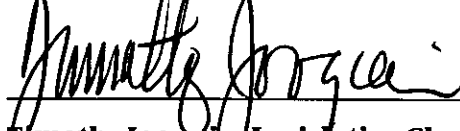
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NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council amends the Uniform Election Ordinance and adopts as an ordinance of the Tohono O'odham Nation, 12 Tohono O'odham Code, Chapter 1 – Elections as dated for reference August 2013.


The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH Day of AUGUST, 2013 at a meeting at which a quorum was present with a vote of 1,542.4 FOR; 1,404.1 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article V, Section 1 and 2; Article VI, Section 1(g); Article X, Section 7; Article XIII; Article XIV; and Article XV 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



Timothy Joaquin, Legislative Chairman
15 day of August, 2013

ATTEST:



Evonne Wilson, Legislative Secretary
15 day of August, 2013.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15 day of August, 2013 at 1:32 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



Timothy Joaquin, Legislative Chairman

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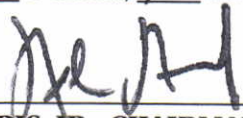
1 **APPROVED**

on the 19th day of August, 2013

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3 **DISAPPROVED**

at 1:32 o'clock, P.M.

EXCEEDED 48 HOURS

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7 _____
8 **NED NORRIS, JR., CHAIRMAN**
9 **TOHONO O'ODHAM NATION**

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13 **Returned to the Legislative Secretary on the 19 day of**
14 August, 2013, at 2:23 o'clock, P.M.

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18 **Evonne Wilson, Legislative Secretary**

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ACTION: ADOPTING AND CODIFYING AMENDMENTS TO UNIFORM ELECTION ORDINANCE

MOVED: COUNCILWOMAN LORRAINE EILER

SECOND: COUNCILWOMAN MARY LOPEZ

DATE: AUGUST 13, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (<i>Absent</i>) (Nicholas Jose) (<i>Present</i>)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Kimberly Mull)	251.0		X		X
	2. BARBARA HAVIER ()	251.0		X		
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1		X		
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1		X		X
SAN XAVIER 224.2	1. HILARION CAMPUS ()	112.1	X			
	2. ADAM ANDREWS (Rachel Vilson-Stoner)	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 (Michelle Ortega)	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
HIA CED 19.6	1. LORRAINE EILER (Jolene Garcia)	9.8	X			
	2. MICHAEL FLORES ()	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			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 (Robertta Harvey)	178.85		X		
	2. VERNON J. SMITH (Gloria Zazueta)	178.85		X		
TOTAL		2,946.5	1,542.4	1,404.1	-0-	[03]