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RESOLUTION OF THE PAPAGO COUNCIL

RES. NO. 59-74

WHEREAS, by Resolution No. 52-74, the Papago Council proposed an Amendment of Article III of the Papago Constitution and By-laws; and

WHEREAS, said proposed Amendment has been submitted to the Secretary of the Interior with a request that the Secretary authorize the calling of a Secretarial election on the adoption of said proposed Amendment in accordance with 25 C.F.R. 52; and

WHEREAS, the Secretary did, on December 6th, 1974 authorize the calling of such Secretarial election; and

WHEREAS, in his authorization to call the Secretarial election the Secretary recommended the Amendment of Section 2 of Article II of the By-laws of the Papago Council which is consistent with the "one-man, one-vote" provisions of the Amendment proposed under Resolution No. 52-74; and

WHEREAS, in his authorization to call the Secretarial election the Secretary further recommended that the proposed Amendment include reference to the Indian Bill of Rights, 25 U.S.C. Sec. 1302, as part of Article VI of the Papago Constitution to include a reference to the provisions of the Indian Bill of Rights; and

WHEREAS, it will take from 40 to 60 days to complete the Secretarial election in accordance with the requirements of 25 C.F.R. 52; and

WHEREAS, such regulations require the appointment of an Election Board consisting of the Superintendent of the Papago Agency, as Officer in Charge, and of two authorized representatives of the Council, to supervise and administer the Secretarial election; and

WHEREAS, the next Tribal elections, according to the existing voting Ordinance (Ordinance No. 45), are scheduled for the Third Saturday in January, 1975; and

WHEREAS, it will be impossible to submit the proposed Amendment for ratification to the voters of the Papago Tribe before the said scheduled election date; and

WHEREAS, said Voting Ordinance specifically authorizes the Papago Council to postpone and re-set said election date, and there is nothing in the Papago Constitution and By-laws which would prohibit such re-scheduling; and

WHEREAS, any election which fails to meet the "one-man, one-vote" requirements contained in the proposed Amendment might be subject to later attack and legal action for failure to meet such requirements; and

WHEREAS, it would be to the best interests of the Papago Tribe that the next Tribal election be postponed until after the voters of the Papago Tribe have had an opportunity to vote on the proposed Amendment so that, if they should ratify such Amendment, the Tribal election could be held in accordance therewith.

NOW, THEREFORE, BE IT RESOLVED that the following Amendment to the Papago Constitution and By-laws be submitted for ratification at a Secretarial election of the qualified voters of the Papago Tribe, to-wit:

AMENDMENT II

ARTICLE III- GOVERNING BODY AND ELECTIONS - of the Constitution and Section 2 of Article II, MEETINGS OF THE BY-laws shall be amended in their entirety to read as follows:

ARTICLE III - GOVERNING BODY AND ELECTIONS

Section 1. The governing body of the Papago Tribe shall be the Papago Council which shall consist of two (2) representatives elected from each of the eleven (11) districts of the reservation and of a chairman and vice-chairman elected by a plurality of votes cast by all qualified voters of the tribe.

Sec. 2. The district representatives to the Papago Council must be qualified voters and residents of, or traditional members from, the district they represent.

(a) At the first election after the effective date of this Amendment, the representative from each district receiving the greatest number of votes shall hold office for four (4) years, and the representative receiving the next-greatest number of votes shall hold office for two (2) years. In all elections called thereafter, each representative shall be elected for a four (4) year term. Elected representatives shall hold their offices until their successors are elected, certified and seated.

(b) Each district shall be entitled to as many votes on the Papago Council (divided by ten) as there are members of the tribe residing in the district. Such votes may be cast by either or both of the district representatives present and voting. In the event two representatives of a district should divide their votes, each shall be entitled to vote one-half (1/2) of the votes his particular district is entitled to cast.

Sec. 3. The chairman and vice-chairman of the Papago Council must be qualified voters over the age of twenty-one (21) years.

(a) Commencing with the first election after the effective date of this amendment, the elected chairman and vice-chairman shall hold office for four (4) years and until their successors have elected, certified and seated.

Sec. 4. The Papago Council shall select from without its membership a secretary and treasurer, and such other officers as may be advisable, who shall serve until replaced at the pleasure of the Papago Council.

Sec. 5. All elections shall be held every other year and in accordance with a uniform election ordinance to be adopted by the Papago Council. The decision of the Papago Council in all election matters, including certification of its members and the eligibility of candidates, shall be final.

Sec. 6. All members of the tribe who have reached their eighteenth (18th) birthday prior to the election date shall have the right to vote in all elections. All elections shall be by secret ballot and the candidates or issue receiving the most votes shall be declared the winner.

#### ARTICLE II- MEETINGS

Sec. 2. No business shall be transacted by the Papago Council unless a quorum is present. A quorum shall exist when the representatives present are entitled to cast a majority of the total votes which all representatives would be entitled to cast. The majority of the votes cast shall govern the actions of the Papago Council.

BE IT FURTHER RESOLVED that the Secretary's suggestion to amend the Papago Constitution to include a reference to individual rights created under the Indian Bill of Rights, 25 U.S.C. Sec. 1302, be referred to the Papago Constitution Committee for consideration and inclusion in a new Papago Constitution.

BE IT FURTHER RESOLVED that the Papago Council does hereby set the Secretarial election on the proposed Amendment for Saturday, the 8th day of February, 1975, and does hereby postpone the forthcoming Tribal elections from the third Saturday in January, 1975, until Saturday, April 26, 1975, and that all present Tribal Officers, including the Chairman, Vice-chairman, Secretary and Treasurer of the Papago Council, and all representatives to the Papago Council and to the District Councils shall hold their offices until their successors shall have been duly elected, certified and seated.

BE IT FURTHER RESOLVED that the following two members of the Papago Council are hereby selected as the authorized representatives of this Council on the Election Board supervising the Secretarial election, to-wit:

Jose Manuel, Jr.  
Frank Pablo

BE IT FURTHER RESOLVED that Mr. William E. Strickland, general counsel to the Papago Council, is hereby instructed to prepare the uniform election ordinance referred to in the proposed Amendment to be presented to this Council for approval and action in the event that the Amendment is ratified by the Papago people.

The foregoing Resolution was duly enacted by the Papago Council on the 6th day of December, 1974, at a meeting at which a quorum was present with a vote of 21 for, 0 against, 1 not voting and 0 absent, pursuant to authority vested in the Papago Council by Sections 4 and 5 of Article III, by Sec. 2(a) (e) (f) and (k) and Sec. 3 of Article IV, and by Article IX of the Constitution and By-laws of the Papago Tribe of Arizona, ratified by the Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of its approval by the Superintendent of the Papago Agency and is subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

*Jacob A. Escalante*

Jacob A. Escalante, Chairman

ATTEST:

*Delma M. Garcia*  
Delma M. Garcia, Secretary

*Joseph M. Lucero*  
Joseph M. Lucero, Superintendent  
Papago Agency

APPROVED:

Dec. 12, 1974