

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Election Contest Hearing Procedures)

LEGISLATIVE ORDER NO. 23-154

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

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

10 **WHEREAS,** 12 T.O.C. Chapter 1 - Elections establishes the procedure for "any eligible voter of
11 the Nation" to contest an election upon specific grounds, including "for
12 misconduct on the part of any district election board or of the Board, or any
13 member thereof" (Elections, Section 1901(A)); and

14 **WHEREAS,** when a contest statement alleges Board misconduct, the Legislative Council has
15 jurisdiction to hear the contest (Elections, Section 1904); and

16 **WHEREAS,** in accordance with the Council's constitutional authority to "establish rules and
17 procedures to regulate all meetings of the Tohono O'odham Council" the
18 Legislative Council adopted amended Election Contest Hearing Procedures to
19 govern contests to the Nation's 2015 general election (Constitution, Article VI,
20 Section 1(a); Legislative Order No. 15-130); and


21 **WHEREAS,** the Legislative Rules Committee recommends that the Council update the
22 Procedures by adopting the "Election Contest Hearing Procedures May 2023
23 Amendments," which are incorporated by this reference.

24 **NOW, THEREFORE, BE IT ORDERED** by the Tohono O'odham Legislative Council that it adopts
25 the Election Contest Hearing Procedures May 2023 Amendments; provided that
26 no other business shall be conducted during election contest hearings, which
27 shall be open to the public and shall be broadcast on the Nation's radio station.

28 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 03RD day of
29 MAY, 2023 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST;
30 -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article V,
31 Section 1; Article VI, subsections 1(a), 1(g), 1(l) and Article X, Section 7 of the Constitution of the
32 Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and
33 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,
34 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joannum, Legislative Chairman
5 day of May, 2023

ATTEST:



Evonne Wilson, Legislative Secretary
5 day of May, 2023

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ACTION: AMENDING ELECTION CONTEST HEARING PROCEDURES

MOVED: COUNCILWOMAN MARLAKAY HENRY

SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: MAY 03, 2023

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (<i>ABSENT</i>) (Ann M. Garcia) (<i>PRESENT</i>)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON (<i>ABSENT</i>) (Sheila Espino) (<i>PRESENT</i>)	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Wilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			X
	2. EDWARD D. MANUAL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. DELMAM. GARCIA ()	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (<i>ABSENT</i>) (Cornelius Antone) (<i>PRESENT</i>)	175.8	X			X
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. EHANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	3,218.0	-0-	-0-	[02]