



QUECHAN INDIAN TRIBE
Ft. Yuma Indian Reservation
Office of Tribal Administration

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February 7, 2017

NOTICE REGARDING STATUS OF CERTIFICATION OF ELECTION

The Constitution and By-Laws of the Quechan Indian Tribe establishes that it shall be the duty of the Council to see that all elections for tribal office are held in strict conformity to the provisions of the constitution. The Quechan Tribal Council cannot legally certify the results of the election until the process is finalized. As a result, the terms of the Incumbent Councilmembers shall continue until at least three (3) councilmen have been elected then certified by the Tribal Council. The terms of the successors shall begin and end as if they had been elected in December of the previous year.

The Quechan Tribal Council found the Election Board to be in violation of Quechan Election Laws and removed the board by resolution R-259-16, duly certified on December 13, 2016 with a vote of 4 For, 1 Abstained, 1 Against. The Marshal read aloud on the record of the Special Meeting, a statement titled Disqualified Candidates. Two Candidates were disqualified due to failing to submit to application process to qualify as a candidate named on the official ballot. The Marshal further stated for the record that a Contest Statement was prepared by the Election Board, however they did not issue it to the Contester(s).

Upon removal, a petition was filed by one of the disqualified Candidates ("Proponent") On December 23, 2016 with the Tribal Council Secretary to veto the resolution R-259-16 (Council action removing the Election Board) and R-258-16 (Council action approving a General Welfare Distribution to the adult members of the Tribe). The petition contained 111 signatures. In the process of research and verification, the Enrollment Department can attest to the facts that 103 of those signatures submitted are valid enrolled Quechan members.

The Quechan Tribal Council called a Special meeting to be held on Friday, December 30, 2016 to accept the petition filed, and to act on suspending the resolutions challenged. However due to five (5) Quechan Tribal members removing their names from the petition, the petition did not meet the required 100 signatures to enact the process of veto. Therefore, the Special Meeting was cancelled. The proponent of the petition was notified of the cancellation of the meeting before the end of the business day, and came into the Secretary's office to visually confirm the removal of the names.

The proponent of the petition did not agree with the process by which the names were removed, therefore he pleaded his matter before the Quechan Tribal Council on January 3, 2017 following the Regular Meeting agenda. The Quechan Tribal Council acted to accept the petition by recognizing three (3) of the five (5) names removed due to requiring initial and date when striking out name. The vote was a split tie of 3 For, 3 Against and the President broke the tie voting for the acceptance of names that were not initialed.

After accepting the veto petition, R-259-16 was suspended by a new resolution R-2-17. Therefore the Election Board could not be removed until the end of a successful veto election; in favor of the proponent. The new resolution was certified by a vote of 3 For, 3 Against, the President broke the tie by voting to suspend the resolution R-259-16. A question from the floor with regards to the time frame for letters of interest for the Election Board to be submitted, be re-opened or remain closed. Then there was a motion to close the period to accept letters submitted in interest of appointment to the Election Board that would conduct the Veto Election. The Council voted unanimously 6 for. Resolution R-258-16 remains on the petition on the question of sustaining such veto, and shall be forthwith suspended according to the process of popular veto prescribed in the Constitution and By-laws of the Quechan Indian Tribe. During the meeting, the proponent obtained the original petition (legal document) from the Tribal Council Secretary and circulated it amongst the adult members of the Tribe; the additional signatures executed were not researched and verified by the Enrollment Department. To date, the Proponent has not returned the original petition to the Secretary.

On January 11, 2017 the Election Board was reinstated to finalize the election for certification by the Tribal Council. Clerk II submitted a letter on January 4, 2017 declining the opportunity to return to the position on the Election Board.

Since the return of the Election Board, they qualified the two (2) candidates that were previously disqualified for failing to properly submit their application prior to the election. Further, the Election Board has determined the contest statement to be "null and void"; however they had already initiated the alternative contest procedure by responding to the statement filed by the contestor(s). The contest was filed in a timely manner, meeting the deadline to contest as outlined in the Election Ordinance QT-3-74 with revisions. The Election Board has implied that the contest was presented by the contestor(s) to the Tribal Council on December 13, 2016. The Council did not hear, or base the decision of the Elections Board removal with regards to the contest filed.

On January 19, 2017 an email from the Election Board Judge was submitted to state that the Judge would not be returning to the Election Board effective on the same day at 12:00 noon. In accordance with the Election Ordinance, the method of removal of an Election Board member is by majority vote of the Tribal Council, any member of the Election Board may be removed by reason of conviction of a felony or by failing to uphold the duties of his position on the board. The Council will have to take formal action to remove any member of the board.

The Election Board has the duty of conducting the Veto Election in the regular manner. If a majority of the adult members of the Tribe shall vote to sustain such veto, the resolution so vetoed shall thereafter

have not force or effect. The Proponent and at least 100 adult members have exercised the power to object with the resolution that removed the Election Board for failing to uphold their duties, and objects to the General Welfare Distribution payment to the adult members of the Quechan Tribe on December 19, 2016. Upon presenting his petition, the proponent failed to correct the number of the second resolution named on the petition should have been identified as R-259-16 instead of R-258-16.

Furthermore, on January 20, 2017 three (3) candidates that were on the ballot in the December 5, 2016 Election came into the Quechan Tribal Chambers to perform a unofficial " Swearing In" in order to officially take their seats on the Quechan Tribal Council. An official swearing in shall be scheduled once the results of the election have been finalized, and certified by the Quechan Tribal Council pursuant to the election laws prescribed in the Constitution and By-Laws of the Quechan Tribe, Ordinance QT-3-74 with revised amendments, the Standard Operating Procedure with revisions, and Resolution R-58-88.

On this date, February 7, 2017 the Quechan Tribal Council shall move to approve a resolution to rescind the action to suspend R-259-16 based on the lack of proponent properly filing the petition for a popular veto in accordance with the Constitution and By-Laws of the Quechan Indian Tribe. Upon the appointment of a new Election Board the Quechan Tribal Council approves to uphold the Alternative Contest Procedure as prescribed in the Election Ordinance QT-3-74 with revised amendments, the procedure will continue from December 13, 2016; the date that the response was made for the contest.

Respectfully,


MIKE JACKSON, SR., PRESIDENT
QUECHAN INDIAN TRIBE


MICHAEL JACK, VICE PRESIDENT
QUECHAN INDIAN TRIBE