

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

WHEREAS, the White Mountain Apache Tribal Executive Building was destroyed by fire on or about December 7, 1993; and

WHEREAS, the fire also destroyed the original nomination petitions submitted by numerous candidates required for the Tribal Council primary and general election scheduled for February and April, 1994, respectively; and

WHEREAS, there is no reasonable means of reconstructing the contents of the destroyed nomination petitions within a reasonable time in order to meet the required deadlines for the election procedure; and

WHEREAS, it appeared that the number of signatures on the destroyed nomination petitions had far exceeded the minimum number required by the Tribal Constitution; and

WHEREAS, on December 10, 1993, 19 of the 22 persons then known to be actively seeking nomination for Tribal office met in the White Mountain Apache Tribal Council Chambers, and there, by roll call, agreed unanimously, that it should be presumed that those petitions already submitted on behalf of those seeking nomination contained the requisite number of valid signatures to meet the nomination requirements, to wit:

5 percent of the eligible voters from the district for which the potential nominees are seeking office, and 5 percent of all eligible voters for those seeking the office of tribal chairman and tribal vice chairman; and

WHEREAS, the Election Commission has determined that it will recommend to the current White Mountain Apache Tribal Council that the above nomination petition requirements have been met as to those candidates who submitted original nomination petitions to the Election Commission or members thereof; and

WHEREAS, the White Mountain Apache Tribal Council agrees with the recommendation of the Election Commission under these emergency conditions that the presumption of validity should apply as described in this resolution.

BE IT RESOLVED by the Tribal Council that for those persons whose original nomination petitions were destroyed by the fire, it shall

be presumed that they have met the signature requirements as set forth above.

BE IT FURTHER RESOLVED by the Tribal Council that Election Commission Rule No. 01-93, adopted by that body on December 10, 1993, is hereby approved and ratified by the Council.

BE IT FURTHER RESOLVED by the Tribal Council that the Election Commission and its members, in both their official and individual capacities, shall not be subject to suit or otherwise held liable in any way for their roles in approving or implementing Election Commission Rule No. 01-93.

The foregoing resolution was on December 15, 1993, duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribal Constitution, including Article IV, Sections 1(a), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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JAN 7 1994
FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA

George
Chairman of the Tribal Council

Virginia M. Dalton
Secretary of the Tribal Council

WHITE MOUNTAIN APACHE TRIBAL
ELECTION COMMISSION

I. Introduction

This rule shall be limited in its application to the Tribal Council election process for the primary election of February 2, 1994 and the Tribal General Election of April 6, 1994.


The rule is necessitated by the destruction of nomination petitions in the fire which destroyed the Tribal Executive Building on or about December 7, 1993. It is supported by the fact that the number of signatures on the destroyed nomination petitions appeared to greatly exceed the minimum number required by the Tribal Constitution.

II. Effect

The nomination petitions submitted to the Tribal Council Secretary, but destroyed by fire, shall be presumed to have contained the requisite number of valid signatures. This rule is applicable to those persons listed in Attachment A to Tribal Council Resolution 12-93-342.

III. Authority

The forgoing rule was on December 10, 1993, duly adopted by a vote of seven for and zero against by the Tribal Election Commission, pursuant to the authority vested in it by the White Mountain Apache Government Code, including Article 2 and Sections 3.2.1 B and 3.2.1 G, and by the Constitution of the White Mountain Apache Tribe, including Article IV, Section 1(s) and (u), of the Constitution of the Tribe, ratified by the Tribe on September 30, 1993, and approved by the Secretary of the interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal
Elections Commission

ATTACHMENT A

The individuals, beside whose names an asterisk (*) appears, and Ross Susan, shall be presumed by the Tribal Election Commission and the Tribal Council of the White Mountain Apache Tribe to have submitted petitions to the Council Secretary that were validly signed by at least 5% of the resident voters eligible to vote for that candidate for the purposes of satisfying the requirements to be a candidate for the 1994 Tribal Council primary and general election.

Each person named below has agreed, in a roll call vote, to be bound by these terms and waives his or her right to challenge this presumption. In addition, no person may challenge the nomination of persons who filed nomination petitions, but whose petitions were destroyed in the fire, on the grounds that the candidate did not submit nomination petitions containing the necessary number of valid signatures. Further, no person may challenge a candidate's nomination petition on the grounds that the petitions do or may contain signatures of persons who had previously signed petitions which were destroyed in the fire.

*Chairman Ronnie Lupe
*Raymond Endfield, Jr.
*Philip R. Stago, Jr.

*Vice Chairman Lafe Altaha
*Kino Kane
*Herbert Tate

*Harley Janeway
*Marjorie Grimes
*Judy DeHose
Billy Duryea, Jr.

*Gertie Lupe
Romeo Dazen
Reagan Armstrong
*Alvino Hawkins, Sr.

*Johnny Endfield
*Yvonna Redsteer
Monical Cromwell
*Marvin Ethelbah
Lloyd Susan