



Resolution No. 04-2006-93

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

(Approving Certification of the General Election Results)

WHEREAS, Article VI of the Tribal Constitution of the White Mountain Apache Tribe requires regular elections to be held for Tribal Council; and

WHEREAS, pursuant to Article VI, Section 8 of the Tribal Constitution, the Tribal Council adopted an Election Ordinance which mandates that a General Election be held on the first Wednesday of April during an election year, established by Article VI, Section 1 of the Tribal Constitution; and

WHEREAS, said General Election was held by the White Mountain Apache Tribe on Wednesday, April 5, 2006, wherein Tribal Council candidates who were certified to the Tribal Council on February 1, 2006, submitted their names to a vote of the people for Chairman, Vice-Chairman and for Council Offices in Districts I, II, III and IV; and

WHEREAS, the Tribal Election Commission has certified to the Tribal Council of the White Mountain Apache Tribe that the General Election is complete and has been carried out in accordance with provisions of the Tribal Constitution and the Election Code of the White Mountain Apache Tribe, and has certified that out of 8,503 eligible voters a total of 5,694 ballots were cast, of which the following number of votes were received by the individuals listed below whose names were on the ballot for the following offices:

OFFICE OF TRIBAL CHAIRMAN

1. Ronnie Lupe	<u>3,003</u>
2. Dallas Massey, Sr.	<u>2,650</u>

OFFICE OF VICE-CHAIRMAN

1. Margaret Baha-Walker	<u>2,803</u>
2. Orlando Carroll	<u>2,793</u>

DISTRICT I: (Cibecue/Oak Creek/Grasshopper)

- | | |
|------------------------|------------|
| 1. Evangeline Gatewood | <u>551</u> |
| 2. Jacob Henry | <u>365</u> |

DISTRICT II: (Carrizo/Forestdale/Cedar Creek)

- | | |
|--------------------------|------------|
| 1. Victoria Brewer | <u>358</u> |
| 2. Gillespie Childs, Jr. | <u>254</u> |

DISTRICT III: (East Fork/Turkey Creek/Seven Mile)

- | | |
|----------------------|------------|
| 1. Kirk Massey, Sr. | <u>664</u> |
| 2. Rovene Nosie, Sr. | <u>504</u> |

DISTRICT IV: (Canyon Day/Whiteriver/North Fork/Hon-Dah/McNary)

- | | |
|-------------------------|--------------|
| 1. Noland Clay | <u>1,701</u> |
| 2. Wayne Colelay | <u>1,576</u> |
| 3. Nathaniel Joe Harvey | <u>1,288</u> |
| 4. Erwin Thompson | <u>1,164</u> |

and

WHEREAS, pursuant to Section 5.5A of the Election Code, an automatic recount of votes cast for Vice-Chairman was held on April 06, 2006, due to a less than one-percent difference between the candidates, and the candidates for said office were invited to attend and witness the recount; and

WHEREAS, the Election Commission has confirmed from the recount for the Vice-Chairman race that Margaret Baha-Walker received the greatest number of votes and has certified her as the elected candidate for Vice-Chairman; and

WHEREAS, a true copy of the Election Commission Certification of Election Results is attached and incorporated by this reference; and

WHEREAS, the Tribal Council concurs with the Certification of the General Election Results presented by the Tribal Election Commission and concludes that the Commission's certification should be affirmed and accepted by the Tribal Council.

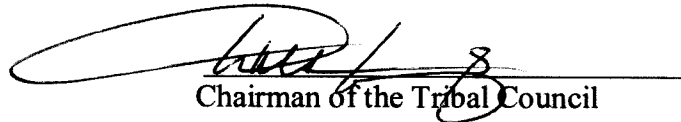
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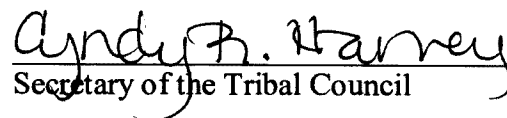
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that pursuant to Chapter 5 of the Tribal Election Code, the Certification of General Election Results submitted by the Tribal Election Commission for the Office of Chairman, Vice-Chairman and Council Representatives for Districts I, II, III and IV are hereby accepted and the attached Certification of General Election Results is hereby incorporated into this resolution by reference.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribal Council positions which were the subject of this election shall be filled as follows:

<u>OFFICE OF THE CHAIRMAN:</u>	Ronnie Lupe
<u>OFFICE OF THE VICE-CHAIRMAN:</u>	Margaret Baha-Walker
<u>DISTRICT I:</u>	Evangeline Gatewood
<u>DISTRICT II:</u>	Victoria Brewer
<u>DISTRICT III:</u>	Kirk Massey, Sr.
<u>DISTRICT IV:</u>	Noland Clay Wayne Colelay, Jr.

The foregoing resolution was on April 6, 2006, duly adopted by a vote of SIX for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (i), (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).


Chairman of the Tribal Council


Secretary of the Tribal Council



WHITE MOUNTAIN APACHE TRIBE

OFFICIAL GENERAL ELECTION RESULTS with RECOUNT

April 5, 2006



Chairman	Cibola	Carrizo	Forestdale	Cedar Creek	East Fork	Seven Mile	Canyon Day	McNary	Whittier/river	Absentee	TOTAL	%
RONNIE LUPE	660	105	31	241	325	178	195	121	1044	103	3003	53.12%
DALLAS MASSEY, SR.	224	45	14	154	274	333	455	39	933	179	2650	46.88%
Vice-Chairman												
MARGARET BAHA-WALKER	261	52	14	168	324	364	451	44	953	172	2803	50.09%
ORLANDO CARROLL	596	96	31	226	272	146	195	115	1009	107	2793	49.91%
Council Member District I												
EVANGELINE GATEWOOD	524									27	551	60.15%
JACOB HENRY	353									12	365	39.85%
Council Member District II												
VICTORIA BREWER		87	30	226						15	358	58.50%
GILLESPIE CHILDS, JR.		58	14	166						16	254	41.50%
Council Member District III												
KIRK MASSEY, SR.					298	317				49	664	56.85%
ROVENE NOSIE, SR.					299	193				12	504	43.15%
Council Member District IV												
NOLAND CLAY							489	49	1067	96	1701	29.69%
WAYNE COLELAY, JR.							381	59	1048	88	1576	27.51%
NATHANIEL JOE HARVEY							186	100	956	46	1288	22.48%
ERWIN THOMPSON							224	82	809	49	1164	20.32%
STATISTICS BY DISTRICT												
DISTRICT I	ELIGIBLE	ACTUAL	% VOTING									
DISTRICT II	1370	936	68.32%									
DISTRICT III	871	624	71.64%									
DISTRICT IV	1563	1182	75.62%									
COMBINED	4699	2952	62.82%									
	8503	5694	66.96%									

CERTIFICATION

We, the undersigned members of the White Mountain Apache Tribal Election Commission, hereby certify the above to be a true and accurate abstract of the number of votes cast for the candidates shown herein for the General Election held on April 5, 2006. We further affirm that the aforementioned election was conducted in accordance with the rules and regulations of the White Mountain Apache Tribe, the Tribal Constitution and the Election Code.

Chairperson: Lueta Little & [Signature] Member: [Signature]
 Member: [Signature] Member: [Signature]
 Member: [Signature] Member: [Signature]

Automated Election Services

7000 Zenith Court NE

Rio Rancho, NM 87144

April 6, 2006

White Mountain Apache Tribe Election Commission
PO BOX 589
Whiteriver, AZ 85941

Dear Election Commission:

The results of the automatic recount show that each candidate for Vice-Chairman picked up an additional vote in the precinct of Whiteriver in District IV. The total ballot count in that precinct also increased by one ballot in the recount versus what was counted on election day. That indicates to me that when the voting machine had a disruption at 6:30 p.m. on election day where two ballots were jammed into the machine one of those ballots did not process at that time. Thanks to the recount the situation was corrected.

The results of the automatic recount also show that Margaret Baha-Walker picked up two additional votes and Orlando Carroll picked one additional vote in the Absentee precinct versus the totals from election day. The total ballot count for the Absentee precinct did not change. However when comparing the original results tape from election day to the results tape from the automatic recount these breakdowns were discovered:

- 1.) In District I Margaret Baha-Walker lost one vote. Orlando Carroll gained one vote.
- 2.) In District III Margaret Baha-Walker gained two votes. There were two less "undervotes" recorded in the recount than on election day.
- 3.) In District IV Margaret Baha-Walker gained one vote. There was one less "undervote" recorded in the recount than on election day.

An undervoted ballot occurs when a ballot is marked for a particular office, but no vote is made in the other office or offices on that same ballot. In some scenarios a voter makes a very dark mark for one office and then not so dark marks for the other races on the same ballot and the voting machine only reads the one race with the darker mark and not the other marks resulting in an undervoted ballot. It is common to find that in recount situations that the very same machine will read the very same ballot, but will actually count all the races on the ballot regardless of the density of the marks. I believe that since the ballot counter indicates that two less undervotes resulted in two additional votes for Baha-Walker in District III of the Absentee precinct and similarly where one less undervote resulted in one additional vote for Baha-Walker in District IV of the Absentee precinct that it proves the above scenario.

Sincerely,



Ray Armijo
Election Director, Automated Election Services