



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

**( Certification of Three Additional Candidates for the February 1 Primary Election )**

- WHEREAS,** on December 28, 2011, in *Resolution No. 12-2011-241*, the Tribal Council certified candidates for the upcoming 2012 Tribal election; and
- WHEREAS,** after the Tribal Council action, three individuals, Kay Lewis, Rubert Lupe, and Noreen Aday, brought challenges in the Tribal Court, contending that they also should have been certified by the Tribal Council; and
- WHEREAS,** the Tribal Election Commission was ordered to appear and defend against the claims brought by the three contestants in the Tribal Court; and
- WHEREAS,** on January 13, 2012, despite advice to the contrary, the Tribal Court issued orders from the bench to the Election Commission that the three petitioners be placed on the ballot for the upcoming election; and
- WHEREAS,** only the Tribal Council has the authority under the Tribal Constitution and the Tribal Election Code to certify candidates to be placed on the ballot; and
- WHEREAS,** the Tribal Election Commission has, therefore, submitted a letter to the Council requesting immediate review and action concerning certification of Kay Lewis, Rubert Lupe, and Noreen Aday; and
- WHEREAS,** due to the urgency of preparing ballots for the February 1 primary election, the Tribal Council further finds that the certification request needs to be considered and made outside of its regularly scheduled meeting and may be voted on no later than 5:00 P.M. on January 19, 2012, in order to meet the deadline to print in time for the February 1<sup>st</sup> Primary as required by the Election Code; and
- WHEREAS,** the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby certifies following individuals to be added as candidates in the 2012 Tribal Election and for that purpose directs that their names be added to the ballots for the February 1 Primary Election:



Resolution No. 01-2012-09

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 7 initiated the 7 day of 7 2011. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

[Signature]  
Romnie Lupe  
Tribal Chairman

Date Signed

[Initials] TCS Initials

[Signature]  
Timothy Hinton Sr.  
Vice Chairman

01-19-12  
Date Signed

TCS Initials

[Signature]  
Arnold Beach, Sr.  
District I Council Member

Date Signed

[Initials] TCS Initials

[Signature]  
Gregg Henry  
District I Council Member

Date Signed

[Initials] TCS Initials

[Signature]  
Rubert Lupe Sr.  
District II Council Member

01-19-12  
Date Signed

TCS Initials

[Signature]  
Clinton Kessay Jr.  
District II Council Member

Date Signed

[Initials] TCS Initials

[Signature]  
Alvin DeClay, Sr.  
District III Council Member

01-19-12  
Date Signed

TCS Initials

[Signature]  
Kino Torino  
District III Council Member

Date Signed

[Initials] TCS Initials

[Signature]  
Justin Williams  
District IV Council Member

Date Signed

[Initials] TCS Initials

[Signature]  
Cline Griggs  
District IV Council Member

01-19-12  
Date Signed

TCS Initials

[Signature]  
Reno Johnson, Sr.  
District IV Council Member

01-19-12  
Date Signed

TCS Initials

ATTEST:

[Signature]  
Mariddie J. Craig, Tribal Council Secretary

Date Signed

01/19/2012 [Signature]  
5110



# WHITE MOUNTAIN APACHE TRIBE LEGAL DEPARTMENT

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Assistant Tribal Attorney  
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Dear Tribal Council Member:

Attached is a walk-through resolution that requires your immediate attention. This resolution is being circulated on behalf of the Election Commission. The Election Commission prepared this walk-through under protest to comply with Judge Reagan Armstrong's Order requiring that the Commission certify three candidates in addition to those already approved by the Tribal Council in *Resolution No. 12-2011-241*. The Election Commission must know whether this walk-through resolution passes or does not pass by 5:00 p.m. on January 19, 2012 so that they can print ballots in time for the primary election.

If this walk-through resolution does not pass the Election Commission will be required to certify the candidates that were approved by the Tribal Council in *Resolution No 12-2011-241*.

As you know, prior to the January 13, 2012 hearing on the certification of candidates, I submitted a motion to the Tribal Court urging Judge Armstrong against issuing a hearing on the basis that *Resolution No. 12-2011-241* governs, among other reasons.

The Election Code makes clear that the Election Commission is the ultimate authority on all issues pertaining to the Election and its judgment may not be substituted by that of the Tribal Court or any other extension of the White Mountain Apache Tribe, including the Tribal Council. Election Commissioners are duly appointed officers of the Tribe that are responsible for preserving and upholding the impartiality and integrity of the election process. To divert from the process as set forth in the Election Code will not only serve to violate Tribal Law, but will ensure that Primary and General Election results are not certified pursuant to the Election Code. In this scenario, a situation is created under which the validity of the Election may be questioned or challenged by the public.

Respectfully,

Richard J. Palmer, Jr.  
Tribal Attorney

cc: file