



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WESTERN REGIONAL OFFICE
2600 North Central Avenue
Phoenix, Arizona 85004



Branch of Tribal Government Services

APR 08 2015

Memorandum

To: Superintendent, Salt River Agency

From: Regional Director 

Subject: Pascua Yaqui Tribe-Secretarial Election

On February 25, 2015, the Tribal Council of the Pascua Yaqui Tribe (Tribe) adopted Resolution No. C02-33-15, requesting the Secretary of the Interior to conduct a Secretarial Election to amend the Constitution of the Pascua Yaqui Tribe (Constitution). By memorandum dated March 11, 2015, the request was transmitted from the Salt River Agency.

The request proposed three amendments to the Tribe's Constitution. The proposed changes are to the following:

Amendment A, Article 1, Section 1(g) – Bill of Rights

Amendment B, Article III, Section 1 and Section 2 – Membership in the Pascua Yaqui Tribe

Amendment C, Article XX - Amendments

The Tribe also requested a waiver to the provisions of 25 Code of Federal Regulations (CFR) Part 81.9 (a), to permit off reservation polling places and to 25 CFR Part 81.6 (b)(2), to permit absentee voting. We, along with the Solicitor, determine that these waivers are not necessary. Part 81.6 (d) would apply to the Tribe as the Tribe adopted their Constitution pursuant to the Indian Reorganization Act and would be considered a "reorganized tribe". Part 81.6 (d) would not restrict absentee voting. Part 81.9 (a) prohibits the establishment of a voting district outside of a reservation, but does not prohibit off reservation polling places.

Pursuant to the authority of the Secretary of the Interior and delegated to me under 130 DM 3 and 3 IAM 4, I hereby authorize the Secretarial Election to be conducted for the purpose of amending the Constitution of the Pascua Yaqui Tribe pursuant to 25 CFR Part 81. A copy of Part 81 is attached.

Under 25 CFR Section 81.8 an Election Board is comprised of a Chairman and at least two representatives of the Tribe. You are hereby designated to serve as the Chairman of the Election Board. The Election Board will furnish suitable ballots and supervise the conduct of the

election. It is important that the Election Board Chairman coordinate the election activities with the Tribe as the Board must identify the eligible voters eighteen years and older. Please direct your attention to CFR Sections 81.11; 81.12; 81.13; and 81.14 regarding the need to develop a list of persons eligible and registered to vote and the deadlines entailed. The registration list must be posted at least 20 days prior to the election, which does not include the dates of posting and Election Day. The date of the election will be set by the Chairman of the Election Board, in cooperation with the Tribe, and will not be less than 30 days or more than 60 days from the date for posting notices of the election.

Once an authorization has been granted, no modification, including typographical corrections, deletions or retyping of the authorized version of the proposed amendments of the Constitution will be made. In accordance with 25 CFR 81.5(f), this authorization, unless acted upon within 90 days from the date of issuance, will be null and void.

The following original documents will be submitted to this office for appropriate action as soon as the election process is completed:

- The proposed amendments
- The original completed Certificate of the Results of Election
- The Eligible Voter's List
- The Voters Packet
- Copy of the Ballots
- Written report on the election activities

Please be advised that, if adopted, the amendments of the Constitution and Bylaws will become effective on the date of my approval. I remind you that you must act promptly to decide any protests and forward the results immediately to this office as I have only 45 days from the date of the election to either approve or disapprove the amendments to the Constitution. All protests must be decided within that time.

Attached are the documents pertinent to conducting the Secretarial Election. If there are any questions, please contact Sharlot Johnson, Regional Tribal Operations Officer, or Sophia Torres, Tribal Operations Specialist, at (602) 379-6786.

Attachments