



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Recount of 2022 General Election Results for Seat of Vice-Chairman and Certification of Candidate)

- WHEREAS,** Article VI of the Tribal Constitution of the White Mountain Apache Tribe (“Constitution”) requires regular elections to be held for Tribal Council; and
- WHEREAS,** Pursuant to Article VI, Section 8 of the Constitution, the Tribal Council (“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 Constitution; and
- WHEREAS,** The White Mountain Apache Tribe held its 2022 General Election on Wednesday, April 6, 2022, wherein Tribal Council candidates submitted their names to a vote of the people for the offices of Tribal Chairman, Vice-Chairman, and Council Offices in Districts I, II, III, and IV; and
- WHEREAS,** On election night, the votes for the seat of the Vice-Chairman between the two candidates was less than 1%, which triggered an automatic recount pursuant to Section 5.5(A) of the Election Code; and
- WHEREAS,** On election night, the Election Commission conducted a full automatic recount of the ballots in the Vice-Chairman race; and
- WHEREAS,** On the day after the election, pursuant to Resolution No. 04-2022-73 and in accordance with Section 5.4(C) of the Election Code, the Council certified the results of the 2022 General Election, subject to any properly filed request for a recount pursuant to Section 5.5(B) of the Election Code, or a properly filed challenge to the election results made pursuant to Chapter 6 of the Election Code, within five (5) calendar days of after the Election Commission’s certification of the election results; and
- WHEREAS,** Candidate Aubrey Aday, Sr. properly filed a request for a recount of the seat for the Office of Vice-Chairman pursuant to the requirements of the Election Code; and
- WHEREAS,** The Election Commission conducted the requested recount and certified the results of the recount on April 13, 2022; and

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- WHEREAS,** The recount was conducted by the Election Commission’s service provider, Automated Election Systems (“AES”); and
- WHEREAS,** As explained by AES, when ballots are recounted more than one time through a machine, the ink may become smudged and the ballots may become less easily read, and for absentee ballots, sometimes a voter may not fill out a ballot mark from home that can be read by the machine; and
- WHEREAS,** Sometimes absentee ballots which are folded or bent will not be accepted by the machine, which typically does not happen with in-person ballots at polling locations because those ballots are immediately fed into the machine after a voter finishes voting and if there is a problem, the voter will be issued a new ballot to fill out; and
- WHEREAS,** In this election, 7 of the 43 absentee ballots were hand-tallied due to the machine not reading them, both on election night and in both recounts; and
- WHEREAS,** The results of the ballots recounted resulted in candidate Aubrey Aday, Sr. losing two votes (from 2,148 to 2,146) and candidate Jerome Kasey III losing one vote (from 2,163 to 2,162); and
- WHEREAS,** The change in the number of votes for each candidate for the seat of Vice-Chairman during the recount is not statistically significant to effect the outcome of the election and is reasonable under the circumstances; and
- WHEREAS,** The Tribal Election Commission, this day, certified to the Tribal Council that the recount is complete and that it was carried out in accordance with the provisions of the Constitution and the Election Code of the White Mountain Apache Tribe, and that out of 10,296 eligible voters, a total of 4,396 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 office:

Office of the Vice-Chairman

Aubrey Aday, Sr.	2,146 votes
Jerome Kasey III	2,162 votes

- WHEREAS,** A true copy of the Election Commission Certification of the Recount Election Results for the Office of the Vice-Chairman is attached hereto and incorporated by reference; and

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WHEREAS, The Council concurs with the Certification of the Recount Election Results presented by the Tribal Election Commission and concludes that the Commission's Certification should be affirmed and accepted, subject to any properly filed challenge to the election results made pursuant to Chapter 6 of the Election Code within five (5) calendar days after the Election Commission's certification of the election results; and

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Certification of the Recount General Election results submitted by the Tribal Election Commission for the Office of Vice-Chairman is hereby accepted and the attached Certification of the Recount Election results is incorporated herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Office of Vice Chairman position which was the subject of the recount shall be filled, subject to any properly filed challenge to the election results made pursuant to Chapter 6 of the Election Code, within five (5) calendar days of after the Election Commission's certification of the election results, as follows:

Office of the Vice-Chairman

Jerome Kasey III

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on APRIL 14, 2022 duly adopted by a vote of **TEN** for, **ONE** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 4.21.22  4-21-2022
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date