

# PASCUA YAQUI TRIBE

RESOLUTION NO. C08-249-21

**RESOLUTION OF THE PASCUA YAQUI TRIBE APPROVING SETTLEMENT AGREEMENT BETWEEN THE PASCUA YAQUI TRIBE AND THE PIMA COUNTY RECORDER'S OFFICE, FOR THE REINSTATMENT OF AN EARLY VOTING SITE ON THE PASCUA YAQUI RESERVATION.**

**WHEREAS**, pursuant to the *Constitution of the Pascua Yaqui Tribe*, Article VI, Section 1(a), the Tribal Council is authorized "to negotiate and to execute contracts and agreements with federal, state and local governments as well as any person;" and

**WHEREAS**, on October 11, 2020, the Tribe commenced an action *Pascua Yaqui v. Rodriguez* (Case No. CV-20-00432-TUC-JAS, U.S. District Court, District of Arizona, Tucson Division), alleging that the Recorder's refusal to establish an early voting location on the Pascua Yaqui Reservation violated Section 2 of the Voting Rights Act and deprived tribal residents of their right to vote under the First and Fourteenth Amendments of the U.S. Constitution, which Defendant denied; and

**WHEREAS**, the Court dismissed the Tribe's Complaint without prejudice and with leave to file an amended complaint by August 31, 2021, dismissed Defendant's Motion to Dismiss without prejudice, with leave to file a new motion if Plaintiff filed an amended complaint, and ordered the parties to confer about further litigation; and

**WHEREAS**, the Attorney General's Office recommended that the matter be settled as it would be wise for the Tribe to do so; and

**WHEREAS**, the parties filed with the Court a Stipulated Order for Dismissal, which the Court granted. The terms of the Agreement and Stipulated Order form part of the basis of the bargain between the parties. In exchange for an Order of Dismissal, the parties stipulated to five terms; and

**WHEREAS**, the parties agreed to the following:

- a. The Recorder agrees to establish an in-person early voting location on the Pascua Yaqui Reservation for every statewide primary and general election taking place between the date of the agreement and December 31, 2024.
- b. The Recorder and the Tribe will work together to identify a suitable and mutually acceptable in-person early voting location by the end of February 2022.

- c. The Recorder will fully staff an early drop box location during the early voting period at the designated in-person early voting location and whenever the early voting location is open.
- d. The Recorder does not currently use unstaffed early ballot drop boxes in the County. In the event that the Recorder implements unstaffed early ballot drop box locations in the County before December 31, 2024, the Recorder will establish an unstaffed early ballot drop box on the Reservation. In that event, the Recorder and the Tribe will work together to identify a suitable and mutually acceptable location.
- e. The Recorder's outreach staff for the Tribe will meet with the Tribe on a quarterly basis in the 12-month period leading up to an election to encourage voter engagement on the Reservation.

**WHEREAS,** the Office of the Attorney General now recommends that the *Settlement Agreement* (a copy of which is attached to this resolution) be approved by the Tribal Council; and

**WHEREAS,** the Tribal Council has reviewed the attached *Settlement Agreement* and finds that entering the agreement promotes the welfare and voting rights of the Yaqui people.

**NOW THEREFORE BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE PASCUA YAQUI TRIBE** that the Tribal Council hereby: 1) approves settling its claim against the Pima County Recorder's Office, 2) authorizes the Tribe's Chairman to sign the Settlement Agreement on behalf of the Tribe, and 3) authorizes the Chairman to take any other necessary and proper action to execute, implement and enforce this Resolution and settlement.

**CERTIFICATION**

**THE FOREGOING RESOLUTION** was on **August 25, 2021** duly adopted by a vote of **ELEVEN** in favor, **ZERO** opposed, and **ZERO** abstained, by the Tribal Council of the Pascua Yaqui Tribe pursuant to authority vested in it by Article VI, Sections 1(a) and (d) of the Constitution of the Pascua Yaqui Tribe, as adopted on January 26, 1988 and approved by the Secretary of Interior on February 8, 1988 pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
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**CHAIRMAN OF THE PASCUA YAQUI TRIBE**

  
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**SECRETARY OF THE PASCUA YAQUI TRIBE**

