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Body

FLAGSTAFF, Ariz. (AP) - The chairman of the Hopi Tribe has survived a challenge to his job from a predecessor who alleged a felony conviction should have prevented him from being sworn in.

No one challenged Timothy Nuvangyaoma's candidacy as he campaigned for and after he won the election for Hopi chairman. He entered the race despite a provision in the tribe's constitution that prohibits anyone with a felony conviction within 10 years of declaring candidacy from seeking the office, though he openly discussed his struggles with alcoholism.

After Nuvangyaoma was seated in December, his immediate predecessor asked the tribal court to find that Nuvangyaoma improperly was certified as a candidate. Nuvangyaoma pleaded guilty to felony aggravated drunken driving in November 2007, placing him within the timeframe that should have kept him from the chairman's race.

Herman Honanie also filed a similar challenge against the tribe's election board.

Judge Jeremy Brave-Heart ruled in Honanie's case against Nuvangyaoma on Tuesday, saying the case is barred by sovereign immunity because Nuvangyaoma did not act outside his authority as chairman. He also said the court cannot flout avenues for election-related challenges and dismissed the case with prejudice.

"The disruption to Hopi governance would be chaotic," he wrote. "This is exactly why the Hopi Constitution and the election ordinance must be read together to accomplish two purposes: providing mechanisms for challenging candidate certifications, election results, or removing elected officials, but at the same time providing a point of finality."

Nuvangyaoma did not immediately respond to requests for comment at his office and through his attorney.

Honanie's attorney, **John Trebon**, said Brave-Heart's ruling is well-written and reasoned. He said he hadn't spoken to Honanie to determine if he would appeal the constitutional issue.

"I can't help but wonder if the same decision would be made if it was later discovered that the (chairman) was not of Hopi decent!" he wrote in an email. "Would a constitutional challenge be dismissed because the election was completed?"

A decision has not been made in Honanie's case against the election board.