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IN THE COURT OF APPEALS  
SAN JUAN SOUTHERN PAIUTE TRIBAL COURT  
IN AND FOR THE SAN JUAN SOUTHERN PAIUTE TRIBE

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MICHAEL KING,

Petitioner/Appellant,

vs.

SAN JUAN SOUTHERN PAIUTE  
ELECTION BOARD,

Respondent/Appellee.

Ct. App. Case No. AC23-0522-04

**ORDER RE BRIEFING AND ELECTION  
STAY**

Petitioner/Appellant Michael King filed a challenge in the trial court to his disqualification as a candidate in the election scheduled for May 6, 2023. The Election Board denied his candidacy because he had been recalled from office within the past five years. He challenged that decision in the trial court. The trial court dismissed his challenge based on his failure to challenge the 5-year ban when it was imposed.

King timely appealed. This Court has serious concerns with the lawfulness of the 5-year ban given that the plain language of Article IX of the Tribe's constitution appears to limit the 5-year ban to removal from office, not recall from office. Accordingly, IT IS HEREBY ORDERED Respondent/Appellee Election Board shall file and serve on or before June 9, 2023, a brief addressing the 5-year ban issue raised by King in his notice of appeal, why King should be disqualified from

running for office, and whether King waived his right to now challenge the 5-year ban. In the meantime, this Court hereby STAYS any rescheduled election from the May 6, 2023 election pending resolution of this 5-year ban issue. No rescheduled election shall occur until this Court makes a final ruling on this appeal.

IT IS SO ORDERED.

Date: 5/24/2023

*Thomas Weathers*

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Thomas Eagle Weathers  
Justice of the Court of Appeals