

CONSTITUTION
FOR
THE PUEBLO OF ISLETA, NEW MEXICO

PREAMBLE

We, the Indian people of the Pueblo of Isleta, in order to preserve our customs and traditions, to make the government established by the original constitution approved March 27, 1947, more responsive to our needs and, the general welfare, to secure the blessings of liberty to ourselves and our posterity, to provide for our economic and social betterment through cooperative effort, industry and enterprise, to promote security and provide for law and order, do establish this constitution for the Pueblo of Isleta.

ARTICLE I - JURISDICTION

This constitution shall apply within the exterior boundaries of the Isleta Pueblo Grant and within the exterior boundaries of such other lands as are now or may in the future be added by purchase, grant, lease, or otherwise acquired for use by the Pueblo of Isleta. No such lands shall ever be alienated from the pueblo by action of any member of the pueblo.

ARTICLE II - MEMBERSHIP

The following persons shall be members of the Pueblo of Isleta, provided such persons shall not have renounced, or do not hereafter renounce their membership by joining another tribe or pueblo, or otherwise:

Section 1. Persons of one-half (1/2) or more degree of Isleta Indian blood and Isleta parentage shall be members of the Pueblo of Isleta, provided they have not renounced their right to membership.

Sec. 2. All persons of one-half (1/2) or more degree Isleta Indian blood whose names appear on the official census roll maintained by Southern Pueblos Agency, as of January 1, 1970.

Sec. 3. All persons of one-half (1/2) or more degree of Isleta Indian blood born after January 1, 1970.

Sec. 4. Any person of one-half (1/2) or more degree of Indian blood who is hereafter naturalized or adopted in conformity with an appropriate ordinance of the council or according to the laws and traditions of the Pueblo of Isleta.

Sec. 5. No person shall be or become a member of the Pueblo of Isleta who is an enrolled member of any other Indian tribe or pueblo.

Sec. 6. Non-Indians shall never become members of the Pueblo of Isleta.

Sec. 7. The council shall have the power to adopt ordinances, consistent with this constitution, to govern future membership, loss of membership and the adoption or naturalization of members into the Pueblo of Isleta, and to govern the compilation and maintenance of a tribal roll.

Sec. 8. No decree of any non-tribal court purporting to determine membership in the pueblo, paternity or degree of Isleta Indian blood shall be recognized for membership purposes. The council shall have original jurisdiction and sole authority to determine eligibility for enrollment for all tribal purposes except where the membership of an individual is dependent upon an issue of paternity, in which case the courts of the pueblo shall have authority and exclusive jurisdiction.

ARTICLE III - RIGHTS OF MEMBERS

Section 1. The Pueblo of Isleta, in exercising its powers of self-government, shall not:

- (a) Make or enforce any law prohibiting the free exercise of religion; or abridging the freedom of speech, or of the press, or denying the rights of members peaceably to assemble and to petition the council of the pueblo for a redress of grievances;

- (b) Violate the right of all members to be secure in their persons, homes, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or thing to be seized;
- (c) Subject any person for the same offense to be twice put in jeopardy;
- (d) Compel any person in any criminal case to be a witness against himself;
- (e) Take any private property for public use without just compensation;
- (f) Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witness against him, to have compulsory process for obtaining witnesses to his favor, and at his own expense to have the assistance of counsel for his defense;
- (g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishment and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of \$500, or both;
- (h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;.
- (i) Pass any bill of attainder or ex post facto law;
- (j) Enact any ordinances discriminating against individuals specifically named.

Sec. 2. The enumeration in this constitution of certain rights shall not be construed to deny or limit other rights possessed by the people.

ARTICLE IV - EXECUTIVE BRANCH

Section 1. The Executive Branch of the Pueblo of Isleta shall consist of the following-named executive officers:

- (a) Governor
- (b) First Lieutenant Governor
- (c) Second Lieutenant Governor
- (d) Sheriff
- (e) Undersheriff

Sec. 2. The council may establish such other appointive offices and positions as it deems in the best interest of the Pueblo of Isleta.

Sec. 3. No persons shall be eligible for election or appointment to any executive office of the pueblo unless

- (a) He shall be an enrolled member of the Pueblo of Isleta.
- (b) He shall have lived on the lands of the pueblo continuously for not less than five (5) years immediately preceding his candidacy or selection for office.
- (c) He shall never have been convicted of a felony.
- (d) He shall be at least thirty-five (35) years of age at the time of his election or appointment to the offices of governor and first or second lieutenant governor; and he shall be at least twenty-five (25) years of age at the time of his selection or appointment to the offices of Treasurer, sheriff or undersheriff.

Sec. 4. The executive officers shall be paid such compensation as the pueblo council may from time to time establish; provided, however, that the compensation for any executive officer shall not be increased or diminished during his term of office.

Sec. 5. Duties of the Governor: The duties of the governor shall include the following:

- (a) To direct and administer the civil affairs of the pueblo in conformity with applicable ordinances, procedures and policies enacted by the council;
- (b) To represent the pueblo in negotiations and relationships with other governmental agencies, individuals and entities;
- (c) To co-sign with the treasurer all checks authorized by the council to be drawn against the accounts of the pueblo;
- (d) To attend all meetings of the council;
- (e) To supervise and direct all employees of the pueblo government;
- (f) To act as contracting and certifying officer with reference to all contracts, agreements and payment vouchers approved by the council;
- (g) To perform such other duties as are traditionally associated with the office of the governor.

Sec. 6. The first and second lieutenant governors shall function under the direction of the governor and shall assist him in the performance of his duties. They shall attend all meetings of the council.

Sec. 7. Succession. The first lieutenant governor shall assume the governorship in the event of the absence, incapacity, death, resignation or removal of the governor, and the second lieutenant governor shall succeed to the governorship in the event of the absence, incapacity, death, resignation or removal of the governor and the first lieutenant governor. In the event of the absence, incapacity, death, resignation or removal of the governor and the first and the second lieutenant governors, the president of the council shall assume the governorship.

Sec. 8. Sheriff and Undersheriff. The sheriff and undersheriff shall enforce the laws of the pueblo and perform other duties traditionally associated with their offices. They shall be subject to direction by the governor.

ARTICLE V - LEGISLATIVE BRANCH

Section 1. The Legislative Branch of the Pueblo of Isleta shall consist of a council of twelve (12) members, selected as hereinafter provided.

Sec. 2. Subject only to limitations imposed by the laws of the United States and the restrictions established by this constitution; the powers of the council shall include the following:

- (a) To employ legal counsel, the choice of the counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as said approval is required by Federal law.
- (b) To prevent the sale, disposition, lease or encumbrance of Pueblo of Isleta lands or interests in lands or other pueblo assets; to execute leases, contracts and permits, provided that where the leasing, contracts and permits, or encumbering of pueblo land is involved, the approval of the Secretary of the Interior shall be required so long as such approval is required by Federal law.
- (c) To negotiate and enter into agreements with the Federal Government, State and local governments and with the duly recognized governing bodies of other Indian tribes or pueblos, private persons, partnerships, corporations, associations or other private non-profit or profit entities.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates, or Federal projects of interest to or for the benefit of the pueblo prior to the submission of such estimates or projects to the Bureau of the Budget and the Congress.

- (e) To enact ordinances, subject to approval by the Secretary of the Interior, to protect the peace, safety, property, health and general welfare of the members of the Pueblo of Isleta; to provide for the appointment of guardians for minors and mental incompetents; and to provide for the removal or exclusion from the lands of the pueblo of any nonmember whose presence may be found by the council to be injurious to the peace, safety or welfare of the members of the pueblo;
- (f) To levy and collect taxes, fees and assessments on members of the pueblo and, subject to approval by the Secretary of the Interior, upon nonmembers of the pueblo living or doing business on the lands of the pueblo;
- (g) To prescribe and establish necessary rules and regulations for the conduct of pueblo elections in accordance with this constitution;
- (h) To prescribe compensation for the executive officers, employees and members of the council;
- (i) To appropriate such funds as are necessary for the health, safety and general welfare of the pueblo, for other public purposes and per capita payments to members of the pueblo; provided, the amount distributed per capita in any one year shall not exceed one-half of the net income received during the preceding pueblo fiscal year.
- (j) To appoint or authorize such committees, commissions, boards, pueblo chartered organizations or corporations, officials and employees not otherwise provided for in this constitution.
- (k) To regulate trade, inheritance of personal property, land assignments and private dealings in pueblo lands among members within the pueblo.
- (l) To otherwise manage and control the lands and resources of the pueblo for the best interest of the pueblo.

Sec. 3 The term of office of all members of the council shall be two (2) years, coinciding with the term of the governor and other elected officers of the pueblo.

Sec. 4. Any enrolled member of the pueblo aged twenty-five (25) years or over at the time of his appointment, and who has lived continuously on the lands of the pueblo for at least five (5) years immediately preceding his appointment, shall be eligible for membership on the council; provided that residence requirements shall not apply to persons otherwise eligible whose absence resulted from military service or attendance at an institution of learning.

Sec. 5. The council shall designate one of its members as council secretary as hereinafter provided, whose duty it shall be to keep the minutes of all council meetings, maintain the records, files and membership roll of the pueblo, and supervise the conduct of all general and special elections of the pueblo.

Sec. 6. The president of the council, or in his absence or incapacity the vice president, shall preside over meetings of the council.

Sec. 7. The president of the council or in his absence or incapacity the vice-president, shall call meetings of the council at the request of the governor or at the request of any three (3) members of the council.

Sec. 8. Eight members of the council shall constitute a quorum for the transaction of official business, and all issues shall be decided by majority vote of those members present and voting except as otherwise provided in this constitution.

ARTICLE VI - NOMINATIONS, ELECTIONS AND APPOINTMENTS

Section 1. A general election shall be held on December 30 of each even-numbered year for the purpose of electing a governor.

Sec. 2. Any enrolled member of the Pueblo of Isleta aged twenty-one (21) years or more on the date of the election shall be eligible to vote in any general election of the pueblo, provided that he or she has registered to vote.

Sec. 3. The council shall designate a polling place at a public location within the pueblo and, during the hours 8:00 a.m. to 7:00 p.m. on the first consecutive Saturday and Sunday following the first Monday in December of even-numbered years, the council secretary shall register eligible voters of the pueblo to vote in the general election. An announcement of the forthcoming dates and place of registration shall be posted in one or more public places at least ten (10) days in advance of registration.

Sec. 4. At the time he or she registers, each eligible voter shall cast a secret ballot, nominating an eligible enrolled member of the pueblo as a candidate for governor. The three eligible persons receiving the greatest number of votes shall be certified by the council secretary as the only candidates for the office of governor in the next general election of the pueblo.

Sec. 5. Not less than ten (10) days preceding the date of each general election of the pueblo, the council secretary shall post, in one or more public places, an announcement of the forthcoming election, including a list of the candidates whose names will appear on the ballot and the location of the polling place designated by the council.

Sec. 6. Voting shall be by secret ballot, the form of which shall be established by the council.

Sec. 7. The polling place shall be open between the hours of 8:00 a.m. and 7:00 p.m. on election day for any general or special election of the pueblo.

Sec. 8. All elections of the pueblo shall be conducted under the supervision of the council secretary with the assistance of such poll clerks as the secretary may require and the council may provide.

Sec. 9. Immediately following the closing of the polling place on any election day the council secretary, together with the poll clerks and a representative of each candidate or party whose name appeared on the ballot, shall open the ballot box and count the ballots. The council secretary shall thereupon certify the results of the election. At general elections of the pueblo the candidate receiving the greatest number of votes shall be certified as the winning candidate for governor; the candidate receiving the next highest number of votes shall be certified as the newly elected president of the council; and the candidate receiving the third highest number of votes shall be certified as the vice-president of the council.

Sec. 10. On January 1 following any general election of the pueblo the governor-elect shall name four (4) qualified members of the pueblo to be members of the council; and the council president and vice-president-elect shall each name three (3) qualified members of the pueblo to be members of the council.

Sec. 11. The term of office of all executive officers and council members shall be two (2) years, beginning on January 6 following each general election of the pueblo, or immediately upon certification of the winning candidate in any special election held to fill a vacancy.

Sec. 12. At the first council meeting following each general election of the pueblo, the council shall appoint one of its members as council secretary and shall appoint a qualified member of the pueblo as treasurer. The treasurer of the pueblo shall serve at the pleasure of the council and he may be removed from office by majority vote of the council.

Sec. 13. Treasurer. The treasurer shall:

- (a) Keep the financial records of the pueblo and make disbursements from pueblo funds in conformity with the annual budget of the pueblo or at the direction of the council;
- (b) Co-sign with the governor all checks authorized by the council to be drawn against the accounts of the pueblo.

Sec. 14. The offices of first lieutenant governor, second lieutenant governor, sheriff and undersheriff shall be filled by qualified members of the pueblo appointed by the governor-elect following his election to office and prior to his inauguration.

Sec. 15. Any elected or appointed official of the pueblo or council member may resign his office by tendering his written resignation to the council at any regular or special meeting thereof.

Sec. 16. Controversies and disputes growing out of any election of the pueblo shall be decided by the incumbent council of the pueblo.

ARTICLE VII - REMOVAL AND RECALL

Section 1. Any elected or appointed officer of the pueblo and any member of the council who, during the term for which he is elected or appointed, is convicted of a felony, shall thereupon forfeit his office.

Sec. 2. Any elected or appointed executive officer of the pueblo, member or officer of the council, found guilty in any court of a misdemeanor involving misconduct reflecting on the dignity and integrity of the tribal government, or found guilty by the council of malfeasance in office, or gross neglect of duty, may be removed or recalled from office in the following manner:

- (a) The council shall present the accused officer or council member with a written statement of the charges against him and, within ten (10) days thereafter, the council shall hold a hearing at which the accused shall be provided an opportunity to appear and be heard in his own defense.
- (b) Any appointed officer of the pueblo or council member may be removed from office following such hearing by an affirmative vote of not less than two-thirds (2/3) of the full council.
- (c) Any elected officer of the pueblo, including the governor, president, and vice-president of the council shall be removed from office following such hearing if, by an affirmative vote of not less than two-thirds (2/3) of the full council, the council shall vote to hold a referendum election on the question of such recall, and provided that a majority of the registered voters who cast their ballots in the preceding election vote in favor of recall.
- (d) The council shall call and hold a special election for the recall of any elected officer of the pueblo within twenty-five (25) days following receipt of a petition for recall signed by at least twenty-five percent (25%) of the voters registered voting in the last preceding general election of the pueblo. If a majority of those voting in such a recall election cast their ballots in favor of such recall the office shall be declared vacant, provided that not less than fifty percent (50%) of the registered voters of the pueblo vote in the recall election.

ARTICLE VIII - FILLING VACANCIES AND SPECIAL ELECTIONS

Section 1. In the event of the death, resignation, removal or incapacity of any member of the council, the position may be declared vacant by the council and filled for the remainder of the unexpired term by an eligible member of the pueblo appointed by the same officer of the pueblo who made the original appointment to the position thus vacated.

Sec. 2. In the event of the death, resignation, removal or incapacity of the president of the council, the office may be declared vacant by the council, and the vice-president shall thereupon assume the presidency. The office of vice-president may be declared vacant by the council and filled at a special election as hereinafter provided.

Sec. 3. In the event of the death, resignation, removal or incapacity of the vice-president of the council, the office may be declared vacant by the council and it shall be filled at a special election to be called by the council and held within thirty (30) days following the date upon which such vacancy is declared. The person so elected shall serve for the remainder of the unexpired term.

Sec. 4. In the event of the death, resignation, removal or incapacity of both the president and the vice-president of the council, the council may declare the offices vacant and they shall be filled at a special election to be called and held by the council within thirty (30) days following the date upon which such vacancies are declared.

Sec. 5. In the event of a vacancy for any cause in the offices of first lieutenant governor, second lieutenant governor, sheriff or undersheriff, the governor shall select a successor to serve the unexpired term.

Sec. 6. Special elections to fill vacancies created by the death, resignation, removal or incapacity of any elective officer of the pueblo not filled by succession as herein provided shall be conducted under the supervision of the council secretary:

- (a) The eligible voters in such special election shall be those members of the pueblo who registered to vote in the last preceding general election.
- (b) Each such registered voter shall re-register to vote in the special election on a date and at a place to be designated by the council, at least ten (10) days before the special election. At the time such voter re-registers he or she shall, by secret ballot, nominate an eligible member of the pueblo as a candidate for the vacant office or offices. The three (3) nominees receiving the highest number of votes shall be declared the candidates and theirs shall be the only names to appear on the ballot at the special election. If the vacancy is in the office of vice-president of the council, the candidate receiving the highest number of votes shall be declared the winner. If the offices of president and vice-president are both vacant, the candidate receiving the highest number of votes in the special election shall be declared the president of the council and the candidate who receives the next highest number of votes in the special election shall be declared the vice-president of the council.

Sec. 7. In the event of a tie vote in any general or special election of the pueblo the winner shall be decided by lot before the council.

ARTICLE IX - THE JUDICIAL BRANCH

Section 1. The Judicial Branch of the government of the Pueblo of Isleta shall consist of the trial and appellate courts of the pueblo.

Sec. 2. The trial court of the pueblo shall be presided over by one or more judges appointed by the governor with the concurrence of a two-thirds (2/3) majority of the council.

Sec. 3. The number, salary, qualifications and term of office of the judge or judges of the trial court shall be prescribed by ordinance of the council; provided that the salary of any judge shall neither be increased or decreased during the term in office; provided further that no person be a judge who has been convicted of a felony.

Sec. 4 Any judge of the trial court may be removed from office in the same manner and for the same reasons as set forth in Article VII, Section 2(b) with reference to council members and appointed officers of the pueblo.

Sec. 5. The trial court shall have jurisdiction over all criminal and civil causes included in the approved Code of Laws of the Pueblo of Isleta, or otherwise lawfully brought before it. In addition, the trial court shall determine the constitutionality of enactments of the council submitted to the court for review.

Sec. 6. The Council of the Pueblo of Isleta shall constitute the Appellate Court for the Pueblo of Isleta. Appeals shall be granted as a matter of right. The council may delegate its appellate authority to such appeal committee, appellate judge or judges or other appellate body as the council may from time to time establish by ordinance duly enacted by the council. The decisions of the council or delegated appellate body shall be final in all appeal cases.

ARTICLE X - APPROVAL OF ORDINANCES AND RESOLUTIONS

Section 1. Any ordinance, resolution or other enactment of the council which, by the terms of this constitution or in conformity with applicable Federal law, is subject to approval by the Secretary of the Interior, shall be presented to the Superintendent of the Southern Pueblos Agency within ten (10) days following its enactment. The Superintendent shall, within ten (10) days following receipt of such ordinance or resolution, transmit it to the Secretary of the Interior with his recommendation for or against approval. Such enactment shall become effective when approved by the Secretary of the Interior, provided that if the Secretary of the Interior shall not disapprove an enactment of the council within one hundred and twenty (120) days following the date of its receipt by the Superintendent, it shall thereupon become effective.

Sec. 2. All enactments of the council shall show the date of passage and the number of council members voting for and against the enactment, and shall bear the certification of the governor, or president of the council, and the council secretary. Resolutions and ordinances shall bear an identifying number and a title.

ARTICLE XI - REPEAL OF PREVIOUS CONSTITUTION AND SAVING CLAUSE

Section 1. The Constitution of the Pueblo of Isleta approved March 27, 1947, is hereby repealed and superseded by this constitution.

Sec. 2. All ordinances and resolutions heretofore enacted by the Pueblo of Isleta Council shall remain in full force and effect to the extent that they are not inconsistent with this constitution.

ARTICLE XII - RATIFICATION

This constitution, when adopted by a majority of the voters at a special election authorized by the Secretary of the Interior in which at least thirty (30) percent of the pueblo members entitled to vote cast ballots, shall be submitted to the Secretary of the Interior, or his authorized representative, for approval and shall be effective from the date of such approval.

ARTICLE XIII - AMENDMENTS

This constitution may be amended by a majority vote of the members of the pueblo twenty-one (21) years of age or over, voting for that purpose in an election authorized by the Secretary of the Interior or his authorized representative, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior, or his authorized representative. It shall be the duty of the Secretary of the Interior or his authorized representative to authorize an election on any proposed amendment at the request of a majority of the council or upon receipt of a petition signed by at least one-third (1/3) of the voters eligible to vote on said amendment.

PUEBLO OF ISLETA, NEW MEXICO

SPECIAL ELECTION

February 23, 1970

CERTIFICATE OF ADOPTION

Pursuant to an election authorized by the Commissioner of Indian Affairs, under delegated authority, on December 29, 1969, the attached Constitution of the Pueblo of Isleta was submitted for ratification to the qualified voters of the Pueblo of Isleta of New Mexico, and was on February 23, 1970, duly adopted by a vote of 347 for and 29 against, in an election in which at least thirty (30) per cent of the 502 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Date 3-4-70

Keneth L. Taylor
Chairman, Election Board
Pueblo of Isleta, New Mexico

Date 3-4-70

Bart Montoya
Member, Election Board
Pueblo of Isleta, New Mexico

Date 3-4-70

Diego Abaita
Member, Election Board
Pueblo of Isleta, New Mexico

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Area Tribal
Operations



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Southern Pueblos Agency
P. O. Box 1667
Albuquerque, New Mexico 87103

IN REPLY REFER TO:

Superintendent

*Isleta Court
File*

April 15, 1970

Memorandum

To: Area Director
Attention: Tribal Operations

From: Superintendent

Subject: Revised Constitution for the Pueblo of Isleta

Enclosed is a copy of the approved revised Constitution for the Pueblo of Isleta which was mailed to us from the office of the Assistant Secretary of Interior.

A copy of the Constitution has been furnished the Governor of the Isleta Pueblo.

Kenneth L. Payton
Superintendent

Enclosure

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Area Tribal
Operations



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 10 1970

Through: Area Director, Albuquerque, New Mexico 87108

Dear Mr. Payton:

We have received the results of the election held on February 23, 1970, by the qualified voters of the Pueblo of Isleta. The election was called in accordance with an order duly approved on December 29, 1969, which permitted the qualified voters of the pueblo to adopt or reject a proposed revision of the Constitution of the Pueblo of Isleta.

As evidenced by the Certificate of Results of Election, signed by the members of the election board, the proposed revised constitution was duly adopted by the voters.

The Constitution for the Pueblo of Isleta, New Mexico, is hereby approved and returned for delivery to the pueblo.

Sincerely,

Assistant Secretary of the Interior

Mr. Kenneth L. Payton
Superintendent, Southern Pueblos Agency
Albuquerque, New Mexico 87103

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APPROVAL

I, Harrison Loesch, Assistant, Secretary of
the Interior of the United States of America, by virtue of the
authority granted to me by the Act of June 18, 1934 (48 Stat. 984),
as amended, do hereby approve the attached Constitution of the
Pueblo of Isleta, New Mexico.

Approval Recommended: APR - 8 1970

Sidney Carney
Acting Associate Commissioner of Indian Affairs

Harrison Loesch
Assistant Secretary of the Interior

Washington, D. C.

Date: APR 10 1970

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