



PUBLIC NOTICE OF DRAFT ELECTION ORDINANCE

Pursuant to Resolution No. 2011-076, "Enacting a Public Review and Input Process for Tribal Ordinances," **PUBLIC NOTICE IS HEREBY GIVEN** that the Pueblo of Isleta Tribal Council has determined that the draft Election Ordinance ("Ordinance") is ready for public review and input.

The Election Ordinance proposes to:

- create rules and procedures for conducting general and special elections; and
- provide for Early Voting for general and special elections

The draft Ordinance may be downloaded, free of charge, from the official Pueblo of Isleta website at <https://www.isletapueblo.com/government/tribal-council/> or you may request a copy via telephone at 505-869-9746. However, a copy will be mailed to each Pueblo of Isleta Head of Household.

Your input on the draft Ordinance is important. Please provide your input in writing to:

Tribal Council Office
RE: "Draft Pueblo of Isleta Election Ordinance"
P.O. Box 1270
Isleta, NM 87022

You may also submit your comments electronically to:

poitribalcouncil@gmail.com

You may also hand-deliver your comments to the Tribal Council office, drop box located at the Tribal Services Complex on September 23, 2020 from 9:00a.m. to 4:00p.m. Comments will be time-stamped and compiled by Tribal Council staff.

The public comment period will end at close of business on **September 23, 2020**.



PUEBLO OF ISLETA ELECTION ORDINANCE

ARTICLE I: GENERAL PROVISIONS

§ 1. Purpose.

The purpose of this Election Ordinance (hereinafter “Ordinance”) is to establish rules and procedures for use by the Pueblo of Isleta for the conduct of Pueblo of Isleta tribal elections that are fair, impartial, and transparent, and that ensure the sanctity of the ballot and the right to vote.

§ 2. Authority.

This Ordinance is enacted pursuant to the Tribal Council’s authorities conveyed by Articles V, VI, and VIII of the Pueblo of Isleta Tribal Constitution.

§ 3. Scope.

This Ordinance shall apply to all Pueblo of Isleta General Elections and Special Elections prescribed in Article VI and Article VIII of the Constitution.

ARTICLE II: VOTER ELIGIBILITY AND REGISTRATION

§ 1. Voter Eligibility.

Any enrolled member of the Pueblo of Isleta aged eighteen (18) years or more on the date of election shall be eligible to vote in a general election, provided that he or she has registered to vote in accordance with the provisions of Article II, § 2 of this Ordinance. Eligible voters for special elections are those members of the Pueblo who registered to vote in the last preceding general election.

§ 2. Voter Registration.

- A. The Tribal Council shall designate a registration place at a public location within the Pueblo and, during the hours of 8:00 a.m. to 7:00 p.m. on the last consecutive Saturday and Sunday of October, shall register eligible voters of the Pueblo to vote in the general election.
- B. For special elections, the Tribal Council shall designate a date and registration place at a public location within the Pueblo, and during the hours of 8:00 a.m. to 7:00 p.m., shall re-register eligible voters, at least ten (10) days before the special election day.

- C. 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 the registration.
- D. A list of eligible voters shall be provided by the Pueblo of Isleta Census/Enrollment Department.

ARTICLE III: ELIGIBILITY OF CANDIDATES, DECLARATION OF CANDIDACY, AND NOMINATION OF CANDIDATES

§ 1. Eligibility of Candidates.

- A. Any eligible member shall register his or her candidacy for the position of Governor or Tribal Council with the Tribal Council Secretary ten (10) days prior to registration and nomination date for general and special elections, in accordance with Article III, § 2 of this Ordinance.
- B. No persons shall run for both positions during the same election.

§ 2. Declaration of Candidacy.

- A. Any candidate wishing to register his or her candidacy must file a Declaration of Candidacy Form with the Tribal Council Secretary ten (10) days prior to the registration and nomination date for general and special elections. Such Declaration of Candidacy Form shall be signed and dated by the candidate wishing to run for the office and shall state under oath that such candidate meets the qualifications for the office for which the Form is submitted. The Declaration of Candidacy Form shall be in a form and content approved by the Tribal Council.
- B. Following the close of the candidate declaration deadline, the Tribal Council shall examine the Declaration of Candidacy Form for each candidate and shall determine whether each candidate meets the qualifications set forth in the Form. Upon such determination, the Tribal Council shall post a Notice of Forthcoming Registration and Candidate Nomination as prescribed in Article IV, § 3 of this Ordinance.

§ 3. Nominations of Candidates.

A. General Election:

- 1) At the time he or she registers, each eligible voter shall cast a secret ballot, nominating an eligible candidate as a final candidate for Governor and one different nomination for Tribal Council member in the general election.
- 2) Any ballot cast nominating a person who has not declared their candidacy shall be deemed invalid.

- 3) The two (2) eligible persons receiving the greatest number of votes shall be certified by the Tribal Council Secretary as the only final candidates for the office of Governor, and the top fourteen (14) persons receiving the greatest number of votes shall be certified by the Tribal Council Secretary as the only final candidates for the seven (7) positions for Tribal Council members in the general election.

B. Special Election:

- 1) At the time he or she re-registers, each eligible voter shall cast a secret ballot, nominating an eligible candidate as a final candidate for the vacant office or offices being voted on.
- 2) Any ballot cast nominating a person who has not declared their candidacy shall be deemed invalid.
- 3) The three candidates receiving the greatest number of votes shall be certified by the Tribal Council Secretary as the only final candidates for the vacant office or offices being voted on.

ARTICLE IV: GENERAL ELECTION PROVISIONS

§ 1. Election Dates.

A general election shall be held on the Saturday following Thanksgiving of each even numbered year for the purpose of electing a Governor and Tribal Council members.

§ 2. Early Voting.

- A. Early voting is defined as casting a ballot prior to Election Day at the designated polling place and depositing the voted ballot in the voting machine or ballot box at such polling place.
- B. The Tribal Council may conduct early voting for a general election. If early voting is conducted, it shall be conducted in the same manner and procedures set forth in Sections 3-7 of this Article, except that dates, times and locations may be modified by the Tribal Council.
- C. The Tribal Council shall determine such dates, times and polling place for early voting, not less than thirty (30) days prior to election day.
- D. Any person who has voted an early ballot shall not be permitted to vote in person on the election day for which he or she has cast an early ballot.

§ 3. Posting of Forthcoming General Election.

Not less than ten (10) days preceding the date of the general election, the Tribal Council 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 Tribal Council.

§ 4. Ballots.

- A. Ballots shall be printed in the form approved by the Tribal Council.
- B. Ballots shall be generated by the Tribal Council in sufficient quantity to assure that each voter whose name appears in the List of Registered Voters may receive a ballot.
- C. Names of candidates for each position being voted on shall be listed in alphabetical order by candidate first name. The Tribal Council shall determine the exact name of the candidate as it shall appear on the ballot.
- D. The Tribal Council Secretary shall be responsible to account for all ballots and other election materials.

§ 5. Polling Place.

- A. By the month of October of each general election year, the Tribal Council shall designate the location of the election polling place.
- B. The polling place shall be open between the hours of 8:00 a.m. and 7:00 p.m. on election day for the general election.
- C. No person shall be allowed to campaign within 100 feet of the building where and when the election is in progress. Neither will any loitering be permitted in the polling place during voting hours. It shall be the duty of the Tribal Council Secretary and Polling Clerks at the polling place to obtain such assistance as may be required to maintain order about the building during the progress of the election.

§ 6. Results of Election.

- A. The Tribal Council Secretary, with the assistance of such Poll Clerks as the Secretary may require and the Tribal Council may provide, shall count and record the votes at the polling place immediately following the closing of the polling place on any election day, and shall immediately certify the results of the election. All marked and unmarked ballots will be turned over to the Tribal Council immediately following the vote count.

- B. For general elections, the candidate receiving the greatest number of votes for the position of Governor shall be certified by the Tribal Council Secretary as the winning candidate. Of the votes for Tribal Council members, the top seven (7) candidates receiving the greatest number of votes shall constitute the Tribal Council and shall be certified by the Tribal Council Secretary as the winning candidates.
- C. Upon certification of the winning candidates, the Tribal Council Secretary shall announce the results of the election. Election results shall be posted no later than one (1) day following Election Day.

§ 7. Contesting an Election Result.

A. Request for Recount.

- 1) Any final candidate may file with the incumbent Tribal Council a challenge of the correctness of the announced results of the election and request a recount of the ballots. The request shall specify the candidate and justification for the request.
- 2) The request for a recount must be in writing, signed, and received by the incumbent Tribal Council by noon on the Monday following the election. Untimely challenges for a recount shall not be considered.
- 3) Upon receipt of the written request for recount the incumbent Tribal Council shall proceed to conduct a recount of votes in the challenged election within twenty-four (24) hours' receipt of the written request.

B. Tie Vote.

In the event the incumbent Tribal Council determines a tie vote in any general election, the incumbent Tribal Council shall decide the winner by lot no later than ten (10) days following the election date.

ARTICLE VI: SPECIAL ELECTION PROVISIONS

§ 1. When Conducted.

- A. Special elections to fill vacancies created by the death, resignation, removal or incapacity of any elected officer of the Pueblo not filled by succession, as provided by the Pueblo of Isleta Tribal Constitution, Art. VIII, §5, shall be held.
- B. In the event of the death, resignation, removal or incapacity of any member of the Tribal Council, the position may be declared vacant by the Tribal Council and filled for the remainder of the unexpired term by an eligible member of the Pueblo by special election to the position thus vacated.

- C. In the event of the death, resignation, removal or incapacity of the President of the Tribal Council, the office may be declared vacant by the Tribal Council, and the Vice-President shall thereupon assume the Presidency. The office of Vice-President may be declared vacant by the Tribal Council and filled at a special election as hereinafter provided.
- D. In the event of the death, resignation, removal or incapacity of the Vice-President of the Tribal Council, the office may be declared vacant by the Tribal Council and it shall be filled at a special election to be called by the Tribal 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.
- E. In the event of death, resignation, removal or incapacity of both the President and the Vice-President of the Tribal Council, the Tribal Council may declare the offices vacant and they shall be filled at a special election to be called and held by the Tribal Council within thirty (30) days following the date upon which such vacancies are declared.

§ 2. Election Dates.

Special elections shall be held within thirty (30) days following the date upon which such vacancies are declared. Tribal Council shall designate the date of the special election.

§ 3. Early Voting.

- A. Early voting is defined as casting a ballot prior to the Special Election Day at the designated polling place and depositing the voted ballot in the voting machine or ballot box at such polling place.
- B. The Tribal Council may conduct early voting for special elections. If early voting is conducted, it shall be conducted in the same manner and procedures set forth in Sections 4-8 of this Article, except that dates, times and locations may be modified by the Tribal Council.
- C. The Tribal Council shall determine such dates, times and polling place for early voting, not less than fifteen (15) days prior to the special election day.
- D. Any person who has voted an early ballot shall not be permitted to vote in person on the election day for which he or she has cast an early ballot.

§ 4. Posting of Forthcoming Special Election.

Not less than ten (10) days preceding the date of the special election, the Tribal Council shall post, in one or more public places, an announcement of the forthcoming special election,

including a list of the candidates whose names will appear on the ballot and the location of the polling place designated by the Tribal Council.

§ 5. Ballots.

- A. Ballots shall be printed in the form approved by the Tribal Council.
- B. Ballots shall be generated by the Tribal Council in sufficient quantity to assure that each voter whose name appears in the List of Registered Voters may receive a ballot.
- C. Names of candidates for each position being voted on shall be listed in alphabetical order by candidate first name. The Tribal Council shall determine the exact name of the candidate as it shall appear on the ballot.
- D. The Tribal Council Secretary shall be responsible to account for all ballots and other election materials.

§ 6. Polling Place.

- A. The Tribal Council shall designate the location of the special election polling place.
- B. The polling place shall be open between the hours of 8:00 a.m. and 7:00 p.m. on the special election day.
- C. No person shall be allowed to campaign within 100 feet of the building where and when the election is in progress. Neither will any loitering be permitted in the polling place during voting hours. It shall be the duty of the Tribal Council Secretary and Polling Clerks at the polling place to obtain such assistance as may be required to maintain order about the building during the progress of the election.

§ 7. Results of Special Election.

- A. The Tribal Council Secretary, with the assistance of such Poll Clerks as the Tribal Council Secretary may require and the Tribal Council may provide, shall count and record the votes at the polling place immediately following the closing of the polling place on any special election day, and shall immediately certify the results of the special election. All marked and unmarked ballots will be turned over to the Tribal Council immediately following the vote count.
- B. For special elections, the candidate receiving the greatest number of votes for the position shall be certified by the Tribal Council Secretary as the winning candidate.
- C. Upon certification of the winning candidate, the Tribal Council Secretary shall announce the results of the special election. Special election results shall be posted no later than one (1) day following the Special Election Day.

§ 8. Contesting a Special Election.

A. Request for Recount.

- 1) Any final candidate may file with the incumbent Tribal Council a challenge of the correctness of the announced results of the election and request a recount of the ballots. The request shall specify the candidate and justification for the request.
- 2) The request for a recount must be in writing, signed, and received by the incumbent Tribal Council by noon on the Monday following the special election. Untimely challenges for a recount shall not be considered.
- 3) Upon receipt of the written request for recount the incumbent Tribal Council shall proceed to conduct a recount of votes in the challenged special election within twenty-four (24) hours' receipt of the written request.

B. Tie Vote.

In the event the incumbent Tribal Council determines a tie vote in any special election, the incumbent Tribal Council shall decide the winner by lot no later than ten (10) days following the election date.

ARTICLE VII: RECALL ELECTION OF ANY ELECTED OFFICER

§ 1. When Conducted.

Notwithstanding Article VII, Section 2 of the Pueblo of Isleta Tribal Constitution, an elected officer of the Pueblo may be recalled by petition of the people without being removed by Tribal Council.

§ 2. Date of Recall Election.

The Tribal 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 based on malfeasance or gross neglect of duty in office that is signed by at least twenty-five percent (25%) of the voters registered to vote in the last preceding general election.

§ 2. Eligible Voters.

The eligible voters in such a recall election shall be those members of the Pueblo who registered to vote in the last preceding general election.

§ 3. Results of Recall Election.

If the 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. If the office is declared vacant, the Tribal Council shall then conduct a special election, in conformance with Article VI of this Ordinance.

ARTICLE VII: RESOLUTION OF ELECTION CONTROVERSIES AND DISPUTES

All general and special election controversies and disputes shall be decided by the incumbent Tribal Council.

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