



CHAPTER 50 ELECTION ORDINANCE

PUEBLO OF ISLETA

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Property Pueblo of Isleta

1 **Election Ordinance Enacted Pursuant to Pueblo of Isleta Council Resolution No. 2020-**
2

3 **ARTICLE 50.0 SHORT TITLE**
4

5 This Chapter shall be known as the Pueblo of Isleta Election Ordinance (hereinafter
6 referred to in this Chapter as this “Ordinance”) and shall be cited to as P.O.I. Election
7 Ordinance, Chapter 50.
8

9 **ARTICLE 50.1 PURPOSE**
10

11 The purpose of this Ordinance is to establish rules and procedures for use by the Pueblo
12 of Isleta for the conduct of Pueblo of Isleta tribal elections that are fair, impartial, and
13 transparent, and that ensure the sanctity of the ballot and the right to vote.
14

15 **ARTICLE 50.2 AUTHORITY**
16

17 This Ordinance is enacted pursuant to the Tribal Council’s authorities conveyed by
18 Articles IV, V, VI, VII and VIII of the Pueblo of Isleta Tribal Constitution.
19

20 **ARTICLE 50.3 SCOPE**
21

22 This Ordinance shall apply to all Pueblo of Isleta General Elections, Recall Elections and
23 Special Elections prescribed in Articles VI, VII and VIII of the Constitution.
24

25 **ARTICLE 50.4 VOTER ELIGIBILITY AND REGISTRATION**
26

27 **§ 50.4.1 Voter Eligibility.**
28

29 Any enrolled member of the Pueblo of Isleta aged eighteen (18) years or more on the date
30 of election shall be eligible to vote in a general election, provided that he or she has
31 registered to vote in accordance with the provisions of § 50.4.2 of this Article. Eligible
32 voters for special elections are those members of the Pueblo who registered to vote in the
33 last preceding general election.
34

35 **§ 50.4.2 Voter Registration.**
36

37 A. The Tribal Council shall designate a registration place at a public location within the
38 Pueblo and, during the hours of 8:00 a.m. to 7:00 p.m. on the last consecutive
39 Saturday and Sunday of October, shall register eligible voters of the Pueblo to vote in
40 the general election.
41

42 B. For special elections, the Tribal Council shall designate a date and registration place
43 at a public location within the Pueblo, and during the hours of 8:00 a.m. to 7:00 p.m.,
44 shall re-register eligible voters, at least ten (10) days before the special election day.
45

- 1 C. An announcement of the forthcoming dates and place of registration shall be posted
2 in one or more public places at least ten (10) days in advance of the registration.
3 D. A list of eligible voters shall be provided by the Pueblo of Isleta Census/Enrollment
4 Department.
5

6 **ARTICLE 50.5 ELIGIBILITY OF CANDIDATES, DECLARATION OF CANDIDACY,**
7 **AND NOMINATION OF CANDIDATES**
8

9 **§ 50.5.1 Eligibility of Candidates.**
10

- 11 A. Any eligible member shall register his or her candidacy for the position of Governor
12 or Tribal Council with the Tribal Council Secretary ten (10) days prior to registration
13 and nomination date for general and special elections, in accordance with § 50.5.2 of
14 this Article.
15
16 B. An enrolled member of the Pueblo of Isleta shall be eligible for election as Governor
17 if they have lived on the lands of the Pueblo continuously for five (5) years
18 immediately preceding their candidacy for office, they have never been convicted of a
19 felony, and they are at least thirty-five (35) years of age at the time of their election.
20
21 C. An enrolled member of the Pueblo of Isleta shall be eligible for election as council
22 member if they have lived on the lands of the Pueblo continuously for five (5) years
23 immediately preceding their election, provided that residence requirements shall not
24 apply to persons otherwise eligible whose absence resulted from military service or
25 attendance at an institution of learning, and they are at least twenty-five (25) years of
26 age at the time of their election.
27
28 D. No persons shall run for both positions during the same election.
29

30 **§ 50.5.2 Declaration of Candidacy.**
31

- 32 A. Any candidate wishing to register his or her candidacy must file a Declaration of
33 Candidacy Form with the Tribal Council Secretary ten (10) days prior to the
34 registration and nomination date for general and special elections. Such Declaration
35 of Candidacy Form shall be signed and dated by the candidate wishing to run for the
36 office and shall state under oath that such candidate meets the qualifications for the
37 office for which the Form is submitted. The Declaration of Candidacy Form shall be
38 in a form and content approved by the Tribal Council.
39
40 B. Following the close of the candidate declaration deadline, the Tribal Council shall
41 examine the Declaration of Candidacy Form for each candidate and shall determine
42 whether each candidate meets the qualifications set forth in the Form. Upon such
43 determination, the Tribal Council shall post a Notice of Forthcoming Registration and
44 Candidate Nomination as prescribed in § 50.4.2 of this Ordinance.
45
46

1 **§ 50.5.3 Nominations of Candidates.**

2
3 A. General Election:

- 4
5 1) At the time he or she registers, each eligible voter shall cast a secret ballot,
6 nominating an eligible candidate as a final candidate for Governor and one
7 different nomination for Tribal Council member in the general election.
8
9 2) Any ballot cast nominating a person who has not declared their candidacy
10 shall be deemed invalid.
11
12 3) The two (2) eligible persons receiving the greatest number of votes shall be
13 certified by the Tribal Council Secretary as the only final candidates for the
14 office of Governor, and the top fourteen (14) persons receiving the greatest
15 number of votes shall be certified by the Tribal Council Secretary as the only
16 final candidates for the seven (7) positions for Tribal Council members in the
17 general election.
18

19 B. Special Election:

- 20
21 1) At the time he or she re-registers, each eligible voter shall cast a secret ballot,
22 nominating an eligible candidate as a final candidate for the vacant office or
23 offices being voted on.
24
25 2) Any ballot cast nominating a person who has not declared their candidacy
26 shall be deemed invalid.
27
28 3) The three (3) candidates receiving the greatest number of votes shall be
29 certified by the Tribal Council Secretary as the only final candidates for the
30 vacant position being voted on.
31

32 **ARTICLE 50.6 GENERAL ELECTION PROVISIONS**

33
34 **§ 50.6.1 Election Dates.**

35
36 A general election shall be held on the Saturday following Thanksgiving of each even
37 numbered year for the purpose of electing a Governor and Tribal Council members.
38

39 **§ 50.6.2 Early Voting.**

- 40
41 A. Early voting is defined as casting a ballot prior to Election Day at the designated
42 polling place and depositing the voted ballot in the voting machine or ballot box at
43 such polling place.
44
45 B. The Tribal Council may conduct early voting for a general election. If early voting is
46 conducted, it shall be conducted in the same manner and procedures set forth in §§

1 50.6.3 through 50.6.8 of this Article, except that dates, times and locations may be
2 modified by the Tribal Council.
3

4 C. The Tribal Council shall determine such dates, times and polling place for early
5 voting, not less than thirty (30) days prior to election day.
6

7 D. Any person who has voted an early ballot shall not be permitted to vote in person on
8 the election day for which he or she has cast an early ballot.
9

10 **§ 50.6.3 Posting of Forthcoming General Election.**
11

12 Not less than ten (10) days preceding the date of the general election, the Tribal Council
13 shall post, in one or more public places, an announcement of the forthcoming election,
14 including a list of the candidates whose names will appear on the ballot and the location
15 of the polling place designated by the Tribal Council.
16

17 **§ 50.6.4 Ballots.**
18

19 A. Ballots shall be printed in the form approved by the Tribal Council.
20

21 B. Ballots shall be generated by the Tribal Council in sufficient quantity to assure that
22 each voter whose name appears in the List of Registered Voters may receive a ballot.
23

24 C. Names of candidates for each position being voted on shall be listed in alphabetical
25 order by candidate first name. The Tribal Council shall determine the exact name of
26 the candidate as it shall appear on the ballot.
27

28 D. The Tribal Council Secretary shall be responsible to account for all ballots and other
29 election materials.
30

31 **§ 50.6.5 Polling Place.**
32

33 A. By the month of October of each general election year, the Tribal Council shall
34 designate the location of the election polling place.
35

36 B. The polling place shall be open between the hours of 8:00 a.m. and 7:00 p.m. on
37 election day for the general election.
38

39 C. No person shall be allowed to campaign within 100 feet of the building where and
40 when the election is in progress. Neither will any loitering be permitted in the polling
41 place during voting hours. It shall be the duty of the Tribal Council Secretary and
42 Polling Clerks at the polling place to obtain such assistance as may be required to
43 maintain order about the building during the progress of the election.
44
45
46

1 **§ 50.6.6 Results of Election.**

- 2
- 3 A. The Tribal Council Secretary, with the assistance of such Poll Clerks as the Secretary
- 4 may require and the Tribal Council may provide, shall count and record the votes at
- 5 the polling place immediately following the closing of the polling place on any
- 6 election day, and shall immediately certify the results of the election. All marked and
- 7 unmarked ballots will be turned over to the Tribal Council immediately following the
- 8 vote count.
- 9
- 10 B. For general elections, the candidate receiving the greatest number of votes for the
- 11 position of Governor shall be certified by the Tribal Council Secretary as the winning
- 12 candidate. Of the votes for Tribal Council members, the top seven (7) candidates
- 13 receiving the greatest number of votes shall constitute the Tribal Council and shall be
- 14 certified by the Tribal Council Secretary as the winning candidates.
- 15
- 16 C. Upon certification of the winning candidates, the Tribal Council Secretary shall
- 17 announce the results of the election. Election results shall be posted no later than one
- 18 (1) day following Election Day.
- 19

20 **§ 50.6.7 Tie Vote.**

21

22 In the event the incumbent Tribal Council determines a tie vote in any general election,

23 the incumbent Tribal Council shall decide the winner by lot no later than ten (10) days

24 following the election date.

25

26 **§ 50.6.8 Contesting an Election Result.**

- 27
- 28 A. Request for Recount.
- 29
- 30 1) Any final candidate may file with the incumbent Tribal Council a challenge of the
- 31 correctness of the announced results of the election and request a recount of the
- 32 ballots. The request shall specify the candidate and justification for the request.
- 33
- 34 2) The request for a recount must be in writing, signed, and received by the
- 35 incumbent Tribal Council by noon on the Monday following the election.
- 36 Untimely challenges for a recount shall not be considered.
- 37
- 38 3) Upon receipt of the written request for recount the incumbent Tribal Council shall
- 39 proceed to conduct a recount of votes in the challenged election within twenty-
- 40 four (24) hours' receipt of the written request.
- 41
- 42
- 43
- 44
- 45
- 46

1 **ARTICLE 50.7 SPECIAL ELECTION PROVISIONS**

2
3 **§ 50.7.1 When Conducted.**

- 4
5 A. Special elections to fill vacancies created by the death, resignation, removal or
6 incapacity of any elected officer of the Pueblo not filled by succession, as provided
7 by the Pueblo of Isleta Tribal Constitution, Art. VIII, §5, shall be held.
8
9 B. In the event of the death, resignation, removal or incapacity of any member of the
10 Tribal Council, the position may be declared vacant by the Tribal Council and filled
11 for the remainder of the unexpired term by an eligible member of the Pueblo by
12 special election to the position thus vacated.
13
14 C. In the event of the death, resignation, removal or incapacity of the President of the
15 Tribal Council, the office may be declared vacant by the Tribal Council, and the
16 Vice-President shall thereupon assume the Presidency. The office of Vice-President
17 may be declared vacant by the Tribal Council and filled at a special election as
18 hereinafter provided.
19
20 D. In the event of the death, resignation, removal or incapacity of the Vice-President of
21 the Tribal Council, the office may be declared vacant by the Tribal Council and it
22 shall be filled at a special election to be called by the Tribal Council and held within
23 thirty (30) days following the date upon which such vacancy is declared. The person
24 so elected shall serve for the remainder of the unexpired term.
25
26 E. In the event of death, resignation, removal or incapacity of both the President and the
27 Vice-President of the Tribal Council, the Tribal Council may declare the offices
28 vacant and they shall be filled at a special election to be called and held by the Tribal
29 Council within thirty (30) days following the date upon which such vacancies are
30 declared.
31

32 **§ 50.7.2 Election Dates.**

33
34 Special elections shall be held within thirty (30) days following the date upon which such
35 vacancies are declared. Tribal Council shall designate the date of the special election.
36

37 **§ 50.7.3 Early Voting.**

- 38
39 A. Early voting is defined as casting a ballot prior to the Special Election Day at the
40 designated polling place and depositing the voted ballot in the voting machine or
41 ballot box at such polling place.
42
43 B. The Tribal Council may conduct early voting for special elections. If early voting is
44 conducted, it shall be conducted in the same manner and procedures set forth in §§
45 50.7.4 through 50.7.9 of this Article, except that dates, times and locations may be
46 modified by the Tribal Council.

1 C. The Tribal Council shall determine such dates, times and polling place for early
2 voting, not less than fifteen (15) days prior to the special election day.

3
4 D. Any person who has voted an early ballot shall not be permitted to vote in person on
5 the election day for which he or she has cast an early ballot.
6

7 **§ 50.7.4 Posting of Forthcoming Special Election.**
8

9 Not less than ten (10) days preceding the date of the special election, the Tribal Council
10 shall post, in one or more public places, an announcement of the forthcoming special
11 election, including a list of the candidates whose names will appear on the ballot and the
12 location of the polling place designated by the Tribal Council.
13

14 **§ 50.7.5 Ballots.**
15

16 A. Ballots shall be printed in the form approved by the Tribal Council.
17

18 B. Ballots shall be generated by the Tribal Council in sufficient quantity to assure that
19 each voter whose name appears in the List of Registered Voters may receive a ballot.
20

21 C. Names of candidates for each position being voted on shall be listed in alphabetical
22 order by candidate first name. The Tribal Council shall determine the exact name of
23 the candidate as it shall appear on the ballot.
24

25 D. The Tribal Council Secretary shall be responsible to account for all ballots and other
26 election materials.
27

28 **§ 50.7.6 Polling Place.**
29

30 A. The Tribal Council shall designate the location of the special election polling place.
31

32 B. The polling place shall be open between the hours of 8:00 a.m. and 7:00 p.m. on the
33 special election day.
34

35 C. No person shall be allowed to campaign within 100 feet of the building where and
36 when the election is in progress. Neither will any loitering be permitted in the
37 polling place during voting hours. It shall be the duty of the Tribal Council Secretary
38 and Polling Clerks at the polling place to obtain such assistance as may be required
39 to maintain order about the building during the progress of the election.
40

41 **§ 50.7.7 Results of Special Election.**
42

43 A. The Tribal Council Secretary, with the assistance of such Poll Clerks as the Tribal
44 Council Secretary may require and the Tribal Council may provide, shall count and
45 record the votes at the polling place immediately following the closing of the polling
46 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.

§ 50.7.8 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.

§ 50.7.9 Contesting Results of 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.

ARTICLE 50.8 RECALL ELECTION OF ANY ELECTED OFFICER

§ 50.8.1 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.

§ 50.8.2 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

1 twenty-five percent (25%) of the voters registered to vote in the last preceding general
2 election.

3
4 **§ 50.8.3 Eligible Voters.**

5
6 The eligible voters in such a recall election shall be those members of the Pueblo who
7 registered to vote in the last preceding general election.
8

9 **§ 50.8.4 Results of Recall Election.**

10
11 If the majority of those voting in such a recall election cast their ballots in favor of such
12 recall, the office shall be declared vacant, provided that not less than fifty percent (50%)
13 of the registered voters of the Pueblo vote in the recall election. If the office is declared
14 vacant, the Tribal Council shall then conduct a special election, in conformance with
15 Article 50.7 of this Ordinance.
16

17 **§ 50.8.5 Tie Vote.**

18
19 In the event the incumbent Tribal Council determines a tie vote in any general election,
20 the incumbent Tribal Council shall decide the winner by lot no later than ten (10) days
21 following the election date.
22

23 **§ 50.8.6 Contesting Results of a Recall Election.**

24
25 A. Request for Recount.

- 26
27 1) Any final candidate may file with the incumbent Tribal Council a challenge of the
28 correctness of the announced results of the election and request a recount of the
29 ballots. The request shall specify the candidate and justification for the request.
30
31 2) The request for a recount must be in writing, signed, and received by the
32 incumbent Tribal Council by noon on the Monday following the election.
33 Untimely challenges for a recount shall not be considered.
34
35 3) Upon receipt of the written request for recount the incumbent Tribal Council shall
36 proceed to conduct a recount of votes in the challenged election within twenty-
37 four (24) hours' receipt of the written request.
38

39 **ARTICLE 50.9 RESOLUTION OF ELECTION CONTROVERSIES AND DISPUTES**

40
41 All general and special election controversies and disputes shall be decided by the
42 incumbent Tribal Council.
43
44
45
46