



PUEBLO OF ISLETA
P.O. BOX 1270
ISLETA, NM 87022

PUEBLO OF ISLETA

RESOLUTION NO. 2024-090

PUBLIC COMMENT PROCESS FOR THE 2024 ELECTIONS CODE

At a duly called meeting of the Tribal Council of the Pueblo of Isleta, held on August 29, 2024 the following Resolution was passed:

WHEREAS, the Pueblo of Isleta (the “Pueblo”) is a federally recognized Indian Tribe with a written Constitution and inherent powers of self-government;

WHEREAS, the Pueblo is governed by a Governor and Tribal Council made up of elected representatives who act in accordance with the Pueblo of Isleta Tribal Constitution (“Constitution”);

WHEREAS, Article V, Section 2 (e), of the Constitution for the Pueblo of Isleta authorizes the Tribal Council to “enact ordinances to, to protect the peace, safety, property, health, and general welfare of the members of the Pueblo of Isleta;”

WHEREAS, on September 23, 2020 the Tribal Council adopted Resolution 2020-059, the Pueblo of Isleta Election Ordinance (“2020 Elections Code”), which established rules and procedures for use by the Pueblo 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”;

WHEREAS, in administering the special election in March of this year, the Tribal Council recognized deficiencies and ambiguities in the Pueblo’s existing laws;

WHEREAS, the Tribal Council has determined that it is in the best interests of the Pueblo to amend the Pueblo’s elections laws for the administration of the 2024 general election and future elections by:

- clarifying the applicable procedures for general, special, and recall elections;

- creating procedures specific to early voting in order to encourage its use and improve elections access;
- creating opportunity for public oversight of elections through poll watchers;
- creating procedures for elections challenges;
- streamlining elections administration through modernized notice provisions, protocol for electronic voting systems, protocol for voters with disabilities, and limitations to circumstances in which ballots must be tabulated by hand;
- ensuring uniform elections administration by creating an Elections Board to serve in an advisory and administrative capacity to the Tribal Council Secretary;
- improving Tribal Member access to MRGCD, county, state, and federal elections by designating a liaison within the Elections Board to monitor voter access issues in surrounding jurisdictions;
- removing the requirement for candidate drug testing; and

WHEREAS, the Tribal Council has further determined that it is in the best interests of the Pueblo to call for public comment on the enclosed draft amendments to the Pueblo's elections laws to receive feedback and identify any additional changes.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby establishes a public comment period beginning Friday, August 30, 2024 at 8:00 a.m. and ending on Friday, September 13th at 4:30 p.m.;

BE IT FURTHER RESOLVED, hard copies of the Resolution and the draft amendments shall be available at the administrative offices of Tribal Council and the Governor, with electronic versions posted online at the Pueblo of Isleta website;

BE IT FURTHER RESOLVED, only written comments shall be accepted;

BE IT FURTHER RESOLVED, written comments can be submitted in-person at the Tribal Council Office or via email at codecomments@isletapueblo.com;

BE IT FURTHER RESOLVED, written comments received will be reviewed at the Tribal Council meeting on September 19, 2024, unless otherwise scheduled by Tribal Council;

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall supersede any conflicting provisions of past-adopted Resolutions, including the protocol identified within Resolution No. 2015-009, Protocol on Enactment of Ordinances, Codes and Other Law; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption by the Tribal Council and shall remain in effect until otherwise superseded or repealed by Tribal law.

CERTIFICATION

We, the undersigned, do hereby certify that the foregoing Resolution was passed at a duly called Meeting of the Isleta Tribal Council of the Pueblo of Isleta, held on the 29th day of August, 2024, at which a quorum was present, with 7 voting for, 0 opposing, and 0 abstaining.



Ronald Olguin, Tribal Council President:



Max Zuni, Governor:

ATTEST:



Elizabeth Kirk, Tribal Council Secretary

**TITLE 3
ELECTIONS**

**03-01
GENERAL PROVISIONS**

03-01-01. Short Title

This Chapter shall be known as and may be cited as the “Elections Code” of the Pueblo of Isleta.

03-01-02. Definitions

A. The following definitions shall apply to this Chapter:

i. “At-Large Member” of the Election Board means any of the Tribal Member appointees who are not serving as Pueblo of Isleta employee representatives of either the Treasurer’s Office or the Census Department and who are not serving as the Secretary of Tribal Council.

ii. “Ballot” means an official form showing the names of the offices to be filled at the nomination or election and the names of the candidates for consideration.

iii. “Certify” means the process of the Tribal Council Secretary attesting that an action has been taken in compliance with the Pueblo of Isleta Constitution and this Code. Tribal Council need not approve a certification by the Secretary prior to its issuance.

iv. “Day” means calendar day unless otherwise indicated. To calculate days for purposes of this Code: exclude the day of the event that triggers the period; count every day including intermediate Saturdays, Sundays, and legal holidays thereafter; and include the last day of the period.

v. “Incumbent Tribal Council” means the persons holding or acting in the position that is up for election, regardless of whether they are seeking re-election.

vi. “Polling” shall mean the procedure to nominate candidates and to vote in any general, special, or recall election.

03-01-03. General Applicability

A. This Code shall only apply to Tribal elections.

B. Unless explicitly stated otherwise, each provision of this Code shall be generally construed to apply to the following Pueblo of Isleta elections events: general election nominations, special election nominations, general elections, special elections, and recall elections.

03-01-04. Notice Requirements

- A. Posting Locations. All notices required by this Code shall be posted in at least 15 public locations within the Pueblo.
- B. Format. The format and size of notices shall be at the discretion of the Secretary, under the advisement of the Elections Board.
- C. Mailed Notice. Mailed notice shall only be required for notices of polling dates, locations, and elections results, and only to heads of household aged fifty-five years or older and any heads of household living outside of the Pueblo who do not have an email address on file with the Census Department.
- D. Electronic Notice. Notice of polling dates, locations, and elections results shall be provided to Tribal Members electronically by email and text message to the phone number and email address on record with the Census Department. Electronic notice shall also be posted to the Pueblo of Isleta website.
- E. Deadlines to Post.
- i. Notice of a declaration of vacancy requiring a special election shall be posted the day following the Council's declaration.
 - ii. Notice of the dates and locations of polling related to any general or special election shall be posted at least fifteen days prior to the voter registration and nomination event. This notice shall include the dates and locations of each of the registration/nomination event and the election event.
 - iii. Notice of the list of candidates eligible for nomination in any general or special election shall be posted no less than five days prior to the registration/nomination event.
 - iv. Notice of the list of nominated candidates for any general or special election shall be posted by the day after the registration/nomination event; except that for special elections, if the registration and nomination event is held exactly ten days prior to the election date, then notice of nominated candidates must be posted immediately after the polls close. In no instance should notice of nominated candidates be posted fewer than ten days prior to the election day. The notice of nominated candidates shall include the dates and location of the election event, even if the same has already been included in prior notices.
 - v. For any recall election, notice of the dates and locations of polling and the elected official subject to removal shall be posted no less than ten days preceding the date of the election.
 - vi. Notice of elections results shall be posted the day after the election event.

- vii. If election results change due to a recount, notice of the revised results shall be posted the day after the recount is completed.

03-01-05. Ballot Requirements

A. Approved Form. The Tribal Council shall generally establish the form of ballots. Upon Tribal Council's determination of such form, the Secretary is authorized to certify ballots for each polling event.

B. Voting Machine Compatibility. If an electronic voting system is used, ballots shall be in a form compatible with the voting machine certified by the Secretary.

C. Listing of Candidates. The names of candidates for each Office being voted on shall be listed in alphabetical order by candidate first name. The Secretary shall determine how the exact name of each candidate shall appear on the ballot.

D. Quantity. Ballots shall be generated by the Secretary in sufficient quantity to assure that each voter whose name appears in the List of Registered Voters may receive a ballot and to address any ballot errors.

E. Paper Ballot. In elections in which an electronic voting system is used, voters may opt to use a paper ballot that shall be hand counted in lieu of placement into the voting machine. A maximum of fifty paper ballots will be accepted under this subsection per candidate nomination and election, unless the Secretary determines to allow additional paper ballots.

F. Write-In Ballot. A write-in ballot shall be declared invalid and not counted.

03-01-06. Electronic Voting System

A. The Secretary, under the advisement of the Elections Board, may determine to use an electronic voting and tabulation system for any election. If the Secretary does so, the Secretary must certify that the voting machine has been tested and approved by a U.S. Election Assistance Commission accredited laboratory.

B. If a voting machine becomes inoperable during a nomination or election event, an alternative voting machine may be used instead. Where no functional voting machine is available, votes shall be cast by handwriting on the ballot and submitted to poll clerks for entry into the voting machine's locked box. All such ballots shall be hand-counted at the close of the election event.

03-01-07. Leave Provided to Vote

All employers within the exterior boundaries of the Pueblo of Isleta, including any private businesses, the Pueblo of Isleta, the Isleta Resort & Casino, the Isleta Pueblo Housing Authority, and the Isleta Health Center, shall provide employees who are enrolled Tribal Members with two hours of leave on the day of the Pueblo's voter registration/candidate nomination event and on the day of any Pueblo of Isleta election.

03-01-08. Banished Tribal Members

- A. Tribal Members who have been banished by the Pueblo of Isleta shall only be permitted to register and vote in-person if accompanied by Pueblo law enforcement. The banished Tribal Member's time within the Pueblo of Isleta under this section shall be limited to the time actually required to register and vote, and their location shall be limited to the polling site and their travel to and from that site.
- B. It is the responsibility of the banished Tribal Member to make the request to be accompanied by the Isleta Police Department as required under this section.
- C. The Isleta Police Department shall be obligated to accompany the banished Tribal Member as requested under this section.

03-02

ELECTIONS OFFICER AND ELECTIONS BOARD

03-02-01. Tribal Council Secretary as Chief Elections Officer; Powers and Duties

- A. Powers. The Secretary shall serve as Chair of the Elections Board. The Secretary shall have supervisory authority over all elections.
- B. Duties. The Secretary shall have the following duties, which shall be performed under advisement of the Elections Board:
 - i. Certify and maintain the Election Procedures Manual for administration of this Code.
 - ii. Approve all forms and notice templates generated by the Elections Board.
 - iii. Delegate elections tasks to the Elections Board.
 - iv. Certify candidate eligibility determinations of the Tribal Council and candidate withdrawals.
 - v. Certify an electronic voting system prior to its use in any election.
 - vi. Certify voter registration results, candidate nomination results, and elections results.
 - vii. Certify recall petitions.
 - viii. Perform any additional duties as directed under the Constitution or Elections Code.

03-02-02. Elections Board; Purpose

A. Advisory Body. The Elections Board shall serve as an advisory body to the Secretary. As an advisory body, bylaws shall not be required.

B. Secretary retains Sole Authority. The Secretary shall retain sole supervisory and decision-making authority over the Elections Board pursuant to the Secretary's constitutional authority over elections.

03-02-03. Elections Board; Membership Criteria; Term

A. Board Membership. The Elections Board membership shall consist of seven members total:

- i. Tribal Council Secretary, as Elections Board Chair;
- ii. One employee from the Census Department, designated by the Department Director;
- iii. One employee from the Treasurer's Office, designated by the Treasurer;
- iv. Four at-large positions shall be appointed by Tribal Council and filled by Tribal Members, except that one of the at-large positions shall be reserved for a young person between the ages of 18 and 25 years old.

B. Term. Except for the Secretary and the youth at-large position, each board member shall serve until they either withdraw, separate from their employment with the Pueblo if they serve as either the Census Department or Treasurer designee, or are removed from the Board by Tribal Council. The Secretary's term on the Elections Board shall be limited to the Secretary's term in office. The youth at-large position shall be vacated once the appointee reaches the age of 26. Should Tribal Council remove multiple members at one time, the body should strive to retain at least three board members that have served for at least one election cycle.

03-02-04. Elections Board; Powers and Duties; Meetings

A. Powers. The Elections Board is an advisory body without power over the Secretary, except that the Elections Board shall have the authority to seek relief from Tribal Council for any action by the Secretary which the Elections Board deems unlawful, as set out in Sections 03-10-01(B) and 03-10-02(H).

B. Duties. In addition to the duties assigned to the Board for each quarterly meeting described in Section 03-02-04(D), the Board shall:

- i. Review the Elections Procedures Manual with the incoming Secretary within thirty days of the beginning of the Secretary's term.
- ii. Develop forms and notice templates for approval by the Secretary, which include, but are not limited to the following:
 1. Certification of Electronic Voting System.

2. Notice of Vacancy Requiring Special Election.
 3. Declaration of Candidacy Form.
 4. Candidate Withdrawal Form.
 5. Notice of Tribal Council Determination as to Candidate Eligibility - Certified.
 6. Notice of Special Election Voter Registration and Candidate Nomination Date and Polling Place; Election Date and Polling Place.
 7. Notice of General Election Voter Registration and Candidate Nomination Date and Polling Place; Election Date and Polling Place.
 8. Notice of Special Election Re-Registration and Candidate Nomination Results – Certified.
 9. Notice of General Election Voter Registration and Candidate Nomination Results – Certified.
 10. Notice of Special Election Results – Certified.
 11. Notice of General Election Results – Certified.
 12. Notice of Recall Election Results – Certified.
 13. Notice of Election Results after Recount - Certified
 14. Notice of Disorderly Conduct at Polling Site.
 15. Forms to file a Challenge.
 16. Forms to Appeal a Decision on a Challenge.
- iii. Recommend the format and sizing of notices for public posting.
 - iv. Consult with the following Pueblo officials and departments:
 1. Governor: to coordinate use of facilities for elections purposes.
 2. Surveying & Mapping Department: to identify locations within the community to post notices and to coordinate training to operate and access to equipment for printing notice posters, including after business hours.
 3. Treasurer or designee: to complete procurement and acquisition tasks; to develop the annual budget; and to coordinate use of equipment, such as printers, scanners, and letter-folding machines.
 - v. Serve as poll clerks at all elections events, including voter registration, candidate nomination, and elections.
 - vi. Verify eligibility of voters at registration and at elections.
 - vii. Witness and sign electronic voting machine results.

- viii. In the event that paper ballots are requested under Section 03-01-05(E), witness hand counting of paper ballots.
- ix. In the event that a valid recount request is made under Section 03-10-02(D), participate in hand counting of all ballots.
 - x. Hear appeals of the Secretary's decision in challenges concerning Errors and Omissions, in accordance with Section 03-10-02(F)
 - xi. Hear challenges concerning Fraud or Corruption by Officials or Fraud or Corruption by Voter, in accordance with Section 03-10-02(G).
- xii. Appoint one member to monitor voting access issues impacting Pueblo of Isleta Tribal Members' participation in elections in other jurisdictions. This appointee shall hold the title of Elections Access Liaison, who shall:
 - 1. Attend and participate in state Native American Elections Task Force meetings.
 - 2. Consult with the Pueblo of Isleta Governor on polling locations within the Pueblo of Isleta, and submitting timely written requests to the state and counties for polling locations, monitored secured containers, language assistance, and similar requests.
 - 3. Consult with the Pueblos of Isleta Governor on any bills presented in state legislative sessions that restrict voting access.
 - 4. Collaborate with voting organizations as appropriate to expand voting access for Tribal Members.
 - 5. Provide an annual report to the Tribal Council and Governor detailing any access issues impacting Tribal Members' right to vote.
 - 6. Attend and submit comment to State elections redistricting committees.
- xiii. Staff any other tasks as directed by the Secretary, including but not limited to: verifying voter eligibility, preparing and posting notices, and preparing for voter registration and for polling events.
- xiv. Perform any additional duties as directed by the Elections Code or the Secretary.

C. Duties; Limitations.

- i. Except for elections events which shall be staffed by all board members, the Pueblo of Isleta employees who serve on the Board shall not be delegated Board tasks to work on during their ordinary business hours. The Board's administrative tasks should instead be delegated to the at-large members.
- ii. The Pueblo of Isleta employees who serve on the Board shall not be appointed to serve as the Liaison described in Section 03-02-04(B)(xii).
- iii. The at-large members shall not be granted access to the Surveying and Mapping Department for purposes of operating printing equipment after-hours.

- iv. Except in extraordinary circumstances, Elections Board meetings shall be held outside of ordinary business hours.
- D. Meetings. The Board shall meet at least quarterly, with more frequent meetings as determined necessary by the Secretary or to hear a challenge. Meetings of the Board shall be capped at four hours per day. At the discretion of the Secretary, meetings may last multiple days if necessary to complete all requisite tasks.
- E. Each year, by the end of the first quarter, the Board shall meet to:
- i. Review and, if necessary, revise all forms and notice templates.
 - ii. Review and, if necessary, recommend that revisions to the Elections Procedure Manual. Such revisions shall take effect upon their adoption by the Secretary.
 - iii. Identify a Board Member to serve as an Elections Access Liaison, in compliance with Section 03-02-04(B)(xii).
 - iv. Identify one of the Pueblo of Isleta employee representatives on the Board to be responsible for printing notices using Surveying and Mapping Department equipment. Because this printing will occur after hours, this board member shall be provided after-hours access to the Department office where the printer is located. This board member shall coordinate a time during business hours to receive training from Surveying and Mapping Department staff on how to operate their printing equipment.
 - iv. Issue a recommendation to the Secretary as to whether to use an electronic voting system and, if so, identify vendors that would be eligible under the criteria of Section 03-01-06.
 - v. Prepare a form ballot template for submission by the Secretary to Tribal Council for approval.
 - vi. Any other actions deemed necessary by the Secretary.
 - vii. The quarterly deadline for these tasks may be extended as deemed necessary by the Secretary.
- F. Each year, by the end of the second quarter, the Board shall meet with the Governor or his designee and the Treasurer or her designee, to:
- i. Complete procurement and contracting for any necessary vendors, including for voting machines if applicable, and for stamps/postage for bulk mailing. The Elections Board shall ensure that all necessary contracts are in effect for the remainder of the fiscal year, even if no general election will take place that year.
 - ii. Determine the equipment that the Board will require throughout the year, including printers, scanners, and letter-folding machines, and determine whether equipment-sharing with the Treasurer is feasible or if the budget should include equipment costs for the Board;

- iii. Identify appropriate facilities for polling places, to apply to any elections through the third quarter of the subsequent year;
 - iv. Any other actions deemed necessary and appropriate by the Secretary.
 - v. The quarterly deadline for these tasks may be extended as deemed necessary by the Secretary.
- G. Each year, by the end of the third quarter unless an earlier deadline is specified, the Board shall meet to:
- i. By August 31, 2024, in consultation with the Treasurer or her designee, create a budget for the subsequent year. The Treasurer's Office shall submit such budget to the Tribal Council during their annual budget session. Budget requests shall be in the form required by the Treasurer and shall include estimates for Board Member stipends, overtime compensation, administrative costs, and any other additional costs necessary to carry out the duties of the Elections Board.
 - ii. Determine whether additional poll clerks, aside from the Elections Board Members, are necessary at upcoming elections events;
 - iii. Identify whether early voting shall be permitted and, if so, the applicable procedure to apply to any elections through the third quarter of the subsequent year.
 - iv. In consultation with the Surveying and Mapping department, determine posting locations throughout the Pueblo for purposes of public notice.
 - v. Confirm that the Surveying and Mapping Department has provided the necessary training for the Board Member designated under Section 03-02-04(E)(iv) to print notice posters using the Department's equipment. Confirm that the same Board Member has been granted after-hours access to the Surveying and Mapping Department for purposes of printing notices.
 - v. Any other actions deemed necessary by the Secretary.
 - vi. The quarterly deadline for these tasks may be extended as deemed necessary by the Secretary.
- H. Each year, by the end of the fourth quarter, the Board shall meet to:
- i. Provide a report to the Tribal Council regarding any elections carried out during the year, including a report on how the election was administered and a summary of challenges and their outcomes.
 - ii. Review the Elections Code and determine whether revisions are advisable, in which case such revisions shall be presented to the Tribal Council by the Secretary.

- iii. Recommend whether Constitutional amendments relating to elections access are advisable, in which case such amendments shall be presented to the Tribal Council by the Secretary.
- iv. Provide a report to the Tribal Council and Governor on any voting access issues impeding Tribal Member participation in the elections of other jurisdictions.
- v. Any other actions deemed necessary by the Secretary.
- vi. The quarterly deadline for these tasks may be extended as deemed necessary by the Secretary.

03-02-05. Elections Board; Compensation

A. Compensation. Each Board Member shall be compensated at the rate established by the Tribal Council, except for Board Members who are also Pueblo of Isleta employees, who shall be paid either overtime rates or the Board Member compensation rate, whichever is higher, for any hours worked for elections purposes in excess of their ordinary work schedules.

- i. Board members shall be compensated at an hourly rate for participation in quarterly and special meetings, for meetings to hear challenges, and for tasks assigned by the Secretary to prepare for elections or distribute elections results.
- ii. Board members shall be compensated a daily rate for election events, such as polling events, voter registrations, candidate nominations, election day, and any necessary recounts. This rate shall not be less than the hourly rate multiplied by the total number of hours worked each day.
- iii. In addition to the compensation authorized herein, Pueblo of Isleta employees serving on the Elections Board shall also be provided with five days of annual leave after elections are complete.

B. During election events, Board Members shall not be limited to the four-hour cap applicable to meetings. Instead, Board Members shall complete duties as assigned by this Code and by the Secretary each day until the elections event is completed, regardless of the number of hours it takes to do so.

03-02-06. Elections Board; Vacancy

A. Vacancy. In the event of a vacancy of one of the at-large Board Members, the Secretary shall communicate such vacancy to Tribal Council. The vacancy shall be filled by Tribal Council appointment. In the event of the vacancy of the Census Department representative, the Census Department Director shall fill the vacancy, unless the Director position is also vacant, in which case the Governor shall appoint an interim replacement. In the event of the vacancy of the Treasurer's Office representative, the Treasurer shall fill the vacancy, unless the Treasurer position is also vacant, in which case the Tribal Council shall appoint an interim replacement.

B. Emergency Filling of Vacancy. Where a vacancy impedes the Elections Board's ability to carry out registration, candidate nominations, or elections, the Secretary may temporarily fill such

vacancy on an emergency basis, regardless of whether such vacancy is of an at-large member position or of the Census Department Director or of the Treasurer's Office representative. The Secretary may request approval from the Governor to call upon Pueblo of Isleta employees to assist with Elections Board duties and to effectively fill the vacancy until an official appointment by Tribal Council.

03-03 CANDIDATES

03-03-01. Declaration of Candidacy

- A. Candidate declarations shall be due by noon ten days prior to the voter registration and candidate nomination event.
- B. Candidate declarations shall be on the form required by the Secretary and shall include all necessary disclosures, as described in Section 03-03-03.

03-03-02. Candidate Drug Testing – Voluntary Disclosure Repealed

Drug testing shall neither be required nor offered by the Pueblo of Isleta for any candidates running for elected Office.

03-03-03. Mandated Candidate Disclosure - Conflict of Interest

- A. At the time a candidate registers their candidacy, they shall file a statement that they will not have any conflicts of interest if elected. The candidate shall also disclose any potential existing conflicts of interest as well as the actions the candidate will take, if elected, to ensure that an actual conflict will not arise.
- B. For purposes of this section, a conflict of interest means that a candidate, if elected, would likely obtain a personal or economic benefit from their official position that would not otherwise apply to other elected officials or to the general public.

03-03-04. Leave Not Required for Pueblo Employees Running for Office

- A. This section applies to employees of the Pueblo of Isleta, the Isleta Resort & Casino, the Isleta Health Center, and the Isleta Public Housing Authority. In this section the term "employee" refers only to employees of these Pueblo entities.
- B. Any eligible employee may declare their candidacy for an elected office of the Pueblo of Isleta. The employee shall not be required to take leave during their period of candidacy, unless federal regulations applicable to the position require that such leave be taken.
- C. No employee shall be penalized for running for an elected office within the Pueblo. The Pueblo employer shall not reduce the employee's pay, suspend the employee, terminate the employee, alter the employee's duties, or otherwise retaliate against an employee for exercising their right to be a candidate for an elected office within the Pueblo. Notwithstanding this provision:
 - i. Employees are prohibited from campaigning for any candidate, including themselves, during business hours.

ii. Employees are prohibited from using their position of employment for any personal gain, including personal gain relating to their bid for candidacy.

iii. The Pueblo employer may discipline, up to and including through termination, any employee who violates either (C)(i) or (C)(ii) of this subsection.

D. If the employee is not successful in their bid for candidacy, they may resume their position of employment without penalty.

E. Upon conclusion of the election, if the employee is successful in their bid for candidacy, the employee shall be provided with the opportunity to resign. The employee shall not be terminated unless they first decline the opportunity to resign. The employee's position shall not be held open for them while they hold their elected office.

F. Nothing herein shall limit or amend the at-will employment policies of any Pueblo of Isleta entity.

03-03-05. Candidate Eligibility

A. Governor. An enrolled member of the Pueblo of Isleta shall be eligible for election as Governor if:

- i. They have lived on the lands of the Pueblo continuously for five years immediately preceding their candidacy for office; and
- ii. They have never been convicted of a felony; and
- iii. They are at least thirty-five years of age at the time of their election.

B. Tribal Council Member. An enrolled member of the Pueblo of Isleta shall be eligible for election as Council Member if:

- i. They have lived on the lands of the Pueblo continuously for five years immediately preceding their election, provided that this residency requirements shall not apply to persons otherwise eligible whose absence resulted from military service or attendance at an institution of learning; and
- ii. They are at least twenty-five years of age at the time of their election.

C. Eligibility; One Position. No person shall run for both Governor and Tribal Council positions during the same election.

D. Eligibility; Term Limit. Pursuant to the Constitution Title IV, Section 9 and Title V, Section 3, no persons that have served two consecutive full terms shall be eligible to run as a candidate for either Governor or Tribal Council until they have been out of office at least one full term. However, the first term of any person elected after a special election shall not count for purposes of the term limit, as such person will have only served a partial term.

E. Eligibility; Determination of Place of Residency for Candidate. Tribal Council has the discretion to consider a number of factors to determine a person's place of continuous residency

for the purposes of determining candidate eligibility. Factors to consider may include, but shall not be limited to, the following:

- i. The address listed on official documents.
- ii. The address listed on Pueblo of Isleta census records.
- iii. The address provided for Pueblo of Isleta distributions.
- iv. An application for lease on Pueblo of Isleta land.
- v. The person's physical presence within the Pueblo.
- vi. The person's participation in community events and traditional activities, provided that a person's failure to participate in traditional activities shall not be considered grounds for disqualification of residency.
- vii. Periods outside of the Pueblo that have been temporary or transient in nature, such as vacations, daily work, or seasonal work, should not be considered grounds for disqualification of residency.
- viii. Whether the person has been assigned land within the Pueblo and, if so, whether the person routinely maintains the site, whether the person has added permanent improvements (including utility connections) to the site, whether the person maintains personal possessions at the site, whether the person receives mail at the site, and/or whether addressing has been added to the site.

F. Eligibility; Determination of Tribal Council. No later than the day following the candidate declaration due date under Section 03-03-01(A), the Tribal Council shall meet to determine the eligibility of each candidate based on the forgoing requirements. The Secretary shall certify the determination of the Tribal Council and shall post notice of the same at least five days prior to the voter registration and candidate nomination event.

G. Ineligible Candidates; Notice and Opportunity for Hearing. Candidates deemed ineligible by Tribal Council shall be provided with written notice of the Council's decision and an opportunity to be heard in the next regular Tribal Council meeting, unless Tribal Council determines that an earlier special meeting is required. The candidate may bring witnesses and any documentary evidence to demonstrate their eligibility. The Tribal Council shall determine through public vote during the Tribal Council meeting whether the candidate is eligible. In the event the Tribal Council determines a candidate originally deemed ineligible is in fact eligible, the Secretary shall issue an updated notice as soon as is reasonably feasible, but no later than the day prior to the voter registration and candidate nomination event. Tribal Council shall also provide written notice of its decision to the candidate within fourteen days of the hearing.

03-03-06. Candidate Withdrawal or Death

A. Any candidate may voluntarily withdraw their Declaration of Candidacy at any time.

B. To withdraw, a candidate shall complete the Candidate Withdrawal Form, which shall be certified as accepted by the Secretary upon the Secretary's receipt. The Secretary shall immediately inform the Election Board of the withdrawal. The Secretary shall inform Tribal Council of the withdrawal at the next regularly scheduled Tribal Council meeting.

C. Upon a candidate's withdrawal, the Secretary, with the administrative assistance of the Elections Board, shall issue updated notices and ballots if there is sufficient time prior to the subsequent nomination or election date to do so. If there is insufficient time to issue revised notices and ballots, notice of the withdrawal will be posted at the election site and any votes for the withdrawn candidate will be null and void.

D. Upon a candidate's death, the Secretary, with the administrative assistance of the Elections Board, shall issue updated notices and ballots if there is sufficient time prior to the subsequent nomination or election date to do so. If there is insufficient time to issue revised notices and ballots, notice of the death will be posted at the election site and any votes for the deceased candidate will be null and void.

03-04

EARLY VOTING

03-04-01. Early Voting

A. Under the advisement of the Elections Board, the Secretary may conduct early voting for any election.

B. Early voting shall only be permitted for voters that registered in-person during the applicable voter registration and candidate nomination event.

i. For special elections, only voters that registered in the preceding general election and in the special election's re-registration event shall be eligible to participate in early voting.

ii. For recall elections, only voters that registered in the preceding general election shall be eligible to participate in early voting.

C. If early voting is permitted for an election, it shall begin no earlier than ten days prior to the election day and shall end no later than the day before the election date. Dates, locations, and hours of early voting shall be at the discretion of the Secretary, under the advisement of the Elections Board.

D. The Census Department representative of the Elections Board shall staff the early voting station in order to verify voter eligibility and to record the submission of an early voting ballot.

E. Ballots cast under early voting shall be placed in a locked box monitored by the Census Department representative during voting hours. The ballot box shall be secured within the Isleta Police Department outside of voting hours.

F. Any person who has voted by early ballot shall not be permitted to vote in person on the election day for which they have cast an early ballot. In the event that multiple ballots are submitted by the same voter, all of that voter's ballots shall be invalid.

03-05

POLLING PLACES - CONDUCT, SUPERVISION, AND ACCESSIBILITY

03-05-01. Hours of Operation

Polling places for all nominations and elections shall be open between the hours of 8:00 a.m. and 7:00 p.m. All voters present at the polling place and in line to vote at 7:00 p.m. shall be permitted to vote.

03-05-02. Maintenance of Order

A. The Elections Board shall act as poll clerks during all nomination and elections events.

B. Poll clerks shall maintain order and provide instruction to voters.

C. Poll clerks shall enter each voter in the poll books and shall issue ballots.

D. The Secretary shall have supervisory authority over the poll clerks in maintaining order and instructing voters, except that this supervisory authority shall not extend to any disciplinary or other personnel actions against the Pueblo of Isleta employees appointed to the Board. Such Constitutional duty to manage Pueblo of Isleta personnel shall be retained by the Governor

E. The Secretary shall resolve any challenges brought to their attention during voting hours relating to voting machine errors or dysfunction, procedures instituted by the poll clerks, signage at the election site, and forms used by the poll clerks, pursuant to Section 03-10-02(F).

F. The Tribal Sheriff need not be present at a polling place, unless the Governor determines that the Sheriff's presence is necessary to maintain public safety. In such an event, the Sheriff shall be neutral, discrete, and foster a welcoming environment.

G. An Isleta Police Department Officer shall be present at each polling place during voting hours in order to ensure public safety and to remove and/or arrest any person who threatens public safety or otherwise violates the criminal laws of the Pueblo of Isleta. The Isleta Police Department Officer shall be neutral, discrete, and foster a welcoming environment.

H. Electioneering Prohibited. No person shall campaign or discuss candidates within 100 feet of the polling place while registration, nomination, or elections are taking place. The Secretary and poll clerks shall inform the public of their inability to answer any personal questions or to provide opinions about any of the candidates.

I. Disorderly Conduct Prohibited. No photography or recording shall be permitted within 100 feet of the polling place. No harassment, intimidation, or other disorderly conduct shall be permitted within 100 feet of the polling place. No loitering shall be permitted within 100 feet of the polling place. Individuals, including poll watchers, in violation of this section shall be subject to removal and/or arrest by the Isleta Police Department.

03-05-03. Access for Voters with Disabilities

A. Voters with disabilities who are unable to physically walk from their vehicle to the polling place shall receive registration and voting assistance from poll clerks. Voters must park their vehicles at the polling location where the poll clerk will allow them to vote from their vehicle using the procedures defined in this section.

B. Voter Registration. To assist voters with disabilities with registration, poll clerks shall manually retrieve an identification card from a voter in their vehicle. The poll clerk shall bring the voter's identification card to the Census Department representative of the Elections Board at the polling place for purposes of determining the voter's eligibility to register.

C. Candidate Nomination. Upon the determination by the Census Department representative of the Elections Board that the voter is eligible to register, the poll clerk shall bring the registration book to the voter's vehicle for the voter's signature, as well as the nomination ballot. After the voter signs the registration book, the poll clerk shall provide the nomination ballot to the voter, who may cast their candidate nomination through handwritten ballot. The poll clerk shall then bring such handwritten ballot to the voting machine for submission. The poll clerk shall be accompanied by an Isleta Police Department officer.

D. Election. On election day, the poll clerk shall manually retrieve an identification card from a voter in their vehicle. The poll clerk shall bring the voter's identification card to the Census Department representative of the Elections Board at the polling place for purposes of determining the voter's registration status and eligibility to vote. Upon determining that the voter is registered, the poll clerk shall bring the voter registration book to the voter's vehicle for the voter's signature, as well as the election ballot. After the voter signs the registration book, the poll clerk shall provide the election ballot to the voter, who may cast their vote through handwritten ballot. The poll clerk shall then bring such handwritten ballot to the voting machine for submission. The poll clerk shall be accompanied by an Isleta Police Department officer.

03-05-04. Poll Watchers

A. Any registered voter, including candidates, may serve as a poll watcher. No prior notice to the Secretary or Elections Board shall be required. However, no member of the Elections Board or Tribal Council may act as a poll watcher.

B. Poll watchers are permitted to observe the poll clerks and voters during any voter registration, candidate nomination, and elections. Poll watchers shall remain in the area designated by the Elections Board during polling.

C. Poll watchers shall not speak to voters while they are registering or voting.

D. Poll watchers shall not speak to anyone about candidates while at the polling site.

E. Poll watchers are prohibited from filming or taking photography at the polling site and during the vote count.

F. At the close of polling, poll watchers are permitted to observe poll clerks obtain tabulations from electronic voting machines. Poll watchers shall be permitted to be in the room while

electronic voting system results are tallied and to be positioned such that they can monitor the tabulation. Their exact placement at all times shall be at the discretion of the Secretary.

G. In the event of a hand count, including a recount, poll watchers may be permitted to observe the poll clerks engaging in such count, but shall not be permitted to review each individual ballot. Their exact placement at all times shall be at the discretion of the Secretary, who may determine that poll watchers may not be permitted on-site due to space constraints but may be provided remote viewing access, in accordance with Section 03-06-02.

H. Poll watchers are prohibited from interfering with voting or with the poll workers' performance of elections duties, including counting and tallying. Any harassment of a voter or poll clerk shall result in the removal of the poll watcher from the polling location for the remainder of the day.

I. A poll watcher may file any challenge authorized under Section 03-10-01(A).

03-06

Counting and Tallying

03-06-01. Initial Counting and Tallying

A. Electronic Voting System – Counting and Tallying. For all nominations and election events, after the polling places close, results shall be counted by the voting machine and signed by the poll clerks that were present for the tabulation. If an electronic voting machine is used, the voting machine's results shall serve as the primary and official basis for counting and tallying ballots deposited into the voting machine.

B. Paper Ballots – Counting and Tallying. When hand counting ballots is required, poll clerks shall tabulate the ballots and add such count to the certified results of the electronic voting system, with the Secretary certifying the final result. Hand counting paper ballots shall only be required when:

- i. A dysfunctional electronic voting system requires the use of paper ballots.
- ii. Handwritten ballots are submitted through early voting under Section 03-04-01.
- iii. Paper ballots are requested under Section 03-01-05(E).

C. Hand counting results from the electronic voting system shall not be required unless a valid recount challenge is timely made under Section 03-10-02(D).

D. Certification of Results. The Secretary shall certify the results of each nomination event and election. Tribal Council need not approve a certification by the Secretary prior to its public posting.

03-06-02. Recount Method

A. Upon a valid recount challenge submitted according to Section 03-10-02(D), all ballots shall be hand counted by the Secretary and poll clerks.

B. Hand counting for purposes of a recount may, at the Secretary's discretion, take place at a different location than the initial count in order to accommodate the Board's need for additional space. At the Secretary's discretion, poll watchers may be excluded from in-person monitoring of hand recounts, in which case the opportunity for remote or virtual monitoring may be provided if the Secretary has access to the necessary equipment and technology to do so.

03-07

VOTER REGISTRATION AND CANDIDATE NOMINATIONS

03-07-01. Voter Registration Co-Occurs with Candidate Nomination; Location; Date.

A. For all special and general elections, voter registration shall be held on the same day as candidate nomination. Voters shall be eligible to register for a special election only if they registered in the preceding general election.

B. For general elections, the Secretary, under advisement of the Elections Board, shall designate voter registration locations within the Pueblo, which shall be operational during the hours of 8:00 a.m. to 7:00 p.m. on the last consecutive Saturday and Sunday of October.

C. For special elections, the Secretary, under advisement of the Elections Board, shall designate a date and registration place at a public location within the Pueblo, which shall be operational during the hours of 8:00 a.m. to 7:00 p.m., at least ten days prior to the special election date.

D. No Registration Date Prior to Recall Election. No separate voter registration event will take place prior to a recall election, as only those voters who registered in the prior general election are eligible to vote in any recall election.

03-07-02. Voter Registration

A. List of Eligible Voters. Prior to the voter registration and candidate nomination event, the Census Department representative of the Elections Board shall provide the Secretary with the list of Tribal Members who are eligible to register to vote.

i. For general elections, any enrolled member of the Pueblo of Isleta aged 18 years or older on the date of election shall be eligible to register to vote.

ii. For special elections, only those persons who registered to vote in the preceding general election are eligible to register to vote.

03-07-03. Procedure at Voter Registration and Candidate Nomination Event

A. Upon entry at the polling site, each individual shall provide sufficient information to the poll worker to identify themselves as an eligible voter. The poll worker may request the voter's date of birth, address, and Census Enrollment I-number. The poll worker may require photo identification if inadequate information is provided and if the poll worker is unable to identify the voter on the Census Department's list of Tribal Members eligible to register to vote.

B. Upon confirmation by the poll worker that the voter is eligible to register, the voter shall sign the voter eligibility book to confirm and record their registration.

C. The Census Department representative appointed to the Elections Board shall have the authority to determine whether an individual is eligible to register to vote. Such decision is final. No provisional ballots shall be issued to individuals deemed ineligible to vote.

D. All persons that register to vote shall have the opportunity to cast their ballot to nominate candidates on the same day and at the same location as the voter registration event.

03-07-04. Nomination Results Notice – Certified by Secretary.

A. General Elections; Nominated Candidates. In general elections, the two candidates receiving the greatest number of votes for Governor shall be the only final candidates for the Office of Governor. The top 14 persons receiving the greatest number of votes for Tribal Council shall be the only final candidates for the seven positions for Tribal Council. If an electronic voting system is used, the results shall be signed by the poll clerks that were present for the count and certified by the Secretary. Tribal Council need not approve a certification by the Secretary prior to its issuance.

B. Special Elections; Nominated Candidates. In special elections, the three candidates receiving the greatest number of votes shall be the only final candidates. If an electronic voting system is used, the results shall be signed by the poll clerks that were present for the count and certified by the Secretary. Tribal Council need not approve a certification by the Secretary prior to its issuance.

C. Notice. Upon tabulation of nomination ballots, the Secretary shall prepare public notice of the nomination results. The public notice shall list the nominated candidates in alphabetical order for each Office. The public notice shall also include the number of votes each candidate received, including for those candidates that were not nominated. The public notice shall also provide the total number of voters that registered at the nomination election.

D. Deadline to Post Notice. Notice of nomination results shall be posted no later than the day following polling; except that in a special election, if the re-registration and nomination event occurs exactly ten days prior to the special election, the notice of nomination results must be posted the same day as the nomination event.

03-08

CONDUCTING SPECIAL AND GENERAL ELECTIONS

03-08-01. Election Date

A. General 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.

B. Special Election Date. Special elections shall be held within thirty days following the date upon which Tribal Council declares a vacancy pursuant to the Pueblo of Isleta Constitution. The Elections Board shall designate the date of the special election in conformity with this Code.

03-08-02. Elections Procedures

A. List of Registered Voters. Prior to the election, the Census Department representative of the Elections Board shall provide the Secretary with the list of registered voters.

B. Voter Sign-In. Registered voters shall be required to sign-in upon entering the polling location. Only persons already registered to vote shall be permitted entry at the polling site.

C. Eligibility as a Registered Voter. Any dispute as to whether a person attempting to sign-in is in fact a registered voter shall be resolved by the Census Department representative of the Elections Board. Such decision is final. No provisional ballots shall be issued to individuals deemed ineligible to vote by the Census Department.

03-08-03. Election Results – Notice Certified by Secretary.

A. General Election; Winning Candidates. For general elections, the candidate receiving the greatest number of votes for the position of Governor shall be the winning candidate. The top seven candidates for Tribal Council receiving the greatest number of votes shall constitute the Tribal Council. If an electronic voting system is used, the results shall be signed by the poll clerks that were present for the count and thereafter shall be certified by the Secretary. Tribal Council need not approve a certification by the Secretary prior to its issuance.

B. Special Election; Winning Candidate. For special elections, the candidate receiving the greatest number of votes for the position shall be the winning candidate. If an electronic voting system is used, the results shall be signed by the poll clerks that were present for the count and thereafter shall be certified by the Secretary. Tribal Council need not approve a certification by the Secretary prior to its issuance.

C. Notice. Upon tabulation of election ballots, the Secretary shall prepare public notice of the election results. Those elected to Tribal Council shall be listed in alphabetical order. The public notice shall also include the number of votes each nominated candidate received.

D. Deadline to Post Notice. Notice of election results shall be posted no later than the day following the final day of polling.

03-08-04. Tie Vote

In the event of a tie in any election, the incumbent Tribal Council shall decide the winner by lot using a methodology of random chance. The Tribal Council shall do so in the next regularly scheduled Tribal Council meeting occurring after either the deadline for a recount challenge under Section 03-10-02(D), or after a recount is completed, whichever is later. No challenge as to the Tribal Council's determination of the winner of a tie vote determined by lot shall be permitted.

**03-09
RECALL ELECTIONS**

03-09-01. When Conducted

- A. The purpose of a recall election is to determine whether an elected official should be removed from their position in Office.
- B. A recall election shall be held when either:
 - i. Pursuant to Article VII, Sec. 2(a) of the Constitution, the Tribal Council has voted by no less than a two-thirds vote to remove and recall an elected official based on malfeasance in office or gross neglect of duty and thereafter voted by no less than a two-thirds vote to hold a referendum election; or
 - ii. Pursuant to Article VII, Sec. 3 of the Constitution, the requisite number of voters present to Council a petition for recall of an elected officer based on malfeasance in office or gross neglect of duty.

03-09-02. Procedure, Election Dates, Voter Participation Thresholds

- A. Recall Petition; Number of Signatures Required. In order to be certified by the Secretary, a petition by voters for the recall of an elected official shall require the signatures of at least 25% of the voters registered to vote in the preceding general election.
- B. Recall Petition; Certification Procedure. A recall petition shall be filed with the Secretary, who shall present the same to the Elections Board in a special meeting held within ten days of the petition's filing. In the Elections Board meeting, the Census Department representative of the Elections Board shall first verify the names and registration status of voters that signed the petition. Based upon that review, the Elections Board shall recommend that the Secretary certify the recall petition as either sufficient or insufficient to trigger a recall election. If the recall petition is certified by the Secretary as sufficient, a recall election must be held within twenty-five days of the petition's filing with the Secretary. The Elections Board shall immediately identify the polling location and the Secretary shall post notice as soon as is feasible, but no less than ten days prior to the recall election.
- C. Referendum election authorized by Council. Upon the Tribal Council's determination to hold a referendum election after the Council's affirmative vote to remove an elected official, the Secretary shall provide notice to the Elections Board. Within ten days, the Elections Board shall hold a special meeting to identify the polling location and the Secretary shall post notice as soon as is feasible, but no less than ten days prior to the referendum election. The referendum election shall be held within twenty-five days of the Tribal Council's decision.
- D. Voter Participation Threshold. In any recall election, the elected official subject to removal shall only be removed if the following voter participation thresholds are met:
 - i. Not less than 50% percent of the voters registered in the preceding general election vote; and
 - ii. The majority of those voting cast their ballots in favor of removal.

03-09-03. Voting in Recall Election

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

B. Prior to the recall election, the Census Department representative of the Elections Board shall provide to the Secretary the list of voters registered in the last general election. At the election, the Census Department representative shall have the authority to determine whether an individual is eligible to vote. Such decision is final. Only those that are eligible to vote shall cast their ballot at the election. No provisional ballots shall be issued to individuals deemed ineligible to vote by the Census Department representative.

C. No voter registration nor candidate nomination event shall be held for a recall election, as voter registration is determined solely by the preceding general election.

03-09-04. Recall Results Notice – Certified by Secretary.

Upon the tabulation of ballots, but no later than the day following the election, the Secretary shall issue public notice of the results. The public notice shall identify the winning position and the percentage of eligible voters that cast a ballot in the election.

03-10

CHALLENGES; RESOLUTION OF ELECTION CONTROVERSIES AND DISPUTES

03-10-01. Standing

A. Standing. All Tribal Members eligible to register to vote having standing to challenge:

- i. A determination by Tribal Council as to candidate eligibility;
- ii. Election results, including recounts;
- iii. Errors or omissions in notices, forms, or procedures;
- iv. Fraud or corruption by officials;
- v. Voter fraud;

B. Challenge by Elections Board. Any member of the Elections Board may file a challenge with Tribal Council in order to report or seek relief from any action by the Secretary which the Elections Board member believes to be unlawful.

03-10-02. Challenge Procedures

A. Required Contents. A challenge must be submitted in writing on the form published by the Secretary. A challenge must include:

- i. Identifying information of the individual submitting the challenge;
- ii. The basis for the challenge, which must fall within one of the categories provided in Section 03-10-01.

- iii. Justification or basis for the challenge; and
- iv. Requested relief.

B. Receiving Official. Challenges must be signed and submitted in writing to the Secretary, except that challenges by an Elections Board Member against the Secretary shall be signed and submitted in writing to the Tribal Council President.

C. Deadline to Submit Challenge. Unless an earlier deadline is specified in this section, challenges must be submitted by noon of the Tuesday following the election. Untimely challenges shall not be considered.

D. Recount; Immediate Action by the Secretary and Elections Board Required. A recount challenge must be submitted to the Secretary no later than the business day following the election event. A recount challenge shall only be considered by the Secretary if the margin between the two candidates receiving the greatest number of votes for an office is less than 25. A recount challenge based solely on speculation of the dysfunction of an electronic voting system shall not be considered by the Secretary. If the Secretary determines that a recount challenge meets the requirements of this Section, the Elections Board shall immediately begin the recount according to Section 03-06-02. The results of the completed recount shall be final and shall not be subject to appeal.

E. Candidate Eligibility; Determination by Tribal Council. A challenge relating to Tribal Council's determination as to candidate eligibility must be submitted to the Secretary the business day following the Secretary's publication of notice of eligible candidates. If the Secretary determines that a candidate eligibility challenge meets the requirements of this Section, the Secretary shall immediately inform Tribal Council. Tribal Council shall provide written notice to both the challenger and to the relevant candidate and shall provide the opportunity for each to be heard on the challenge at the next regularly scheduled Tribal Council meeting, unless the Tribal Council determines to hold an earlier special meeting. The challenger and the relevant candidate shall be permitted to present witnesses and documents in the hearing, if Council deems such evidence to be relevant to the challenge. The Tribal Council shall make its determination on the challenge through a public vote held during the hearing and shall issue a written decision within fourteen days of the hearing.

F. Errors and Omissions; Determination by Secretary. Any challenges about the contents of notices, forms, poll clerk conduct, or elections procedures shall be submitted directly to the Secretary who shall immediately make a determination as to whether corrections are necessary. The Secretary has authority to amend any notice, form, or procedure or to correct poll clerk conduct. In the event the Secretary amends a notice, the date of the original notice shall be considered the date of posting, not the date of the amended notice.

- i. Challenges under this subsection filed prior to the nomination or election date shall be made within two calendar days of the complained-of action.

ii. Challenges under this subsection related to nomination-day or election-day procedures or signage must be made during polling. The poll clerks shall have forms on-site available for the public to file such challenges.

iii. The initial determination on any Errors and Omissions challenge shall be made by the Secretary, who shall communicate the same orally to the challenger. No written notice of the Secretary's decision on an Errors and Omissions challenge shall be required. If the challenger disagrees with the Secretary's determination, they may file an appeal with the Elections Board. The Elections Board shall hold a hearing as soon as is reasonably feasible on any appeal. Notice of the hearing shall be provided to the party initiating a challenge. The Elections Board shall advise the Secretary as to its recommendation during the hearing. The Secretary shall issue a written decision memorializing the Election Board's decision within five days of the hearing.

iv. The decision of the Elections Board may be appealed to Tribal Council within ten days of the Elections Board hearing date.

v. In hearing an appeal under this subsection, Tribal Council shall provide notice and an opportunity to be heard to the party initiating the challenge as soon as is reasonably feasible after receipt of the written Elections Board decision. The challenger and the entire Elections Board shall be invited to participate in such hearing, along with any witnesses with relevant information. The Tribal Council shall make its determination on the challenge through a public vote held during the hearing and shall issue a written decision within fourteen days of the hearing.

G. Fraud or Corruption by Officials, or Voter Fraud; Determination by Elections Board. Any challenge involving Fraud or Corruption by Officials or Voter Fraud shall be submitted to the Secretary, who shall bring the same to the Elections Board. If the Elections Board determines that the challenge meets the requirements of this Section, it shall hold a hearing as soon as is reasonably feasible; unless the Secretary deems the requested relief to be proper, in which case no hearing shall be required in order for such relief to issue. If a hearing is required, the Elections Board shall provide notice of the hearing and an opportunity to be heard to the party initiating the challenge. The Elections Board shall advise the Secretary as to its recommendation during the hearing. The Secretary shall issue a written decision within five days of the hearing.

i. The decision of the Elections Board and the Secretary may be appealed to Tribal Council within ten days of the Elections Board hearing date.

ii. In hearing an appeal under this subsection, Tribal Council shall provide notice and an opportunity to be heard to the party initiating the challenge as soon as is reasonably feasible after receipt of the written decision from the Elections Board. The challenger and the entire Elections Board shall be invited to participate in such hearing, along with any witnesses with relevant information. The Tribal Council shall make its determination on the challenge through a public vote held during the hearing and shall issue a written decision within fourteen days of the hearing.

H. Challenge by Elections Board Member. Any Elections Board Member may challenge the conduct or decisions of the Secretary as unlawful by filing such challenge with the Tribal Council President within seven days of the complained-of action. Upon receipt of such a challenge, the Tribal Council President shall provide notice to the Secretary and shall schedule a hearing with the Tribal Council as soon as is reasonably feasible. The Secretary and the entire Elections Board shall be invited to participate in such hearing, along with any witnesses with relevant information. The Tribal Council shall make its determination on the challenge during its public meeting to hear the challenge and shall provide such determination in writing to the challenger within fourteen days of the hearing.

I. Final Decision. The decision on any elections challenge by the official designated in this chapter shall be final and shall not be subject to judicial review.

03-11

VOTER RECORDS SYSTEM

03-11-01 Confidentiality of Ballots.

The Secretary and poll workers shall maintain strict confidentiality of used ballots. Information regarding who a voter nominated or voted for shall not be publicly disclosed.

03-11-02 Records Management and Integrity

A. For each election, the Census Department shall be responsible for developing voter lists and signature rosters so that poll clerks may verify voter registration information. Those records shall be maintained by the Census Department during the election period.

B. Upon the Secretary's certification of nomination results, all ballots from the nomination shall be maintained in a sealed box by the Isleta Police Department. The box shall be transported, opened, and/or resealed only upon directive of the Secretary.

C. Upon the Secretary's certification of election results:

i. The voter lists, signature rosters, nomination results, and election results shall be converted into electronic records to be archived by the Secretary.

ii. Hardcopy records of the voter lists, signature rosters, nomination results, and election results should be retained by the Isleta Police Department for safekeeping for a period of at least ninety days. These records shall be maintained in a sealed box, which shall be transported, opened, and/or resealed only upon directive of the Secretary. These records may be destroyed only after ninety days and upon directive of the Secretary.

iii. Ballots from the nomination and the election should be retained by the Isleta Police Department for safekeeping for a period of at least ninety days. These records shall be maintained in a sealed box, which shall be transported, opened, and/or resealed only upon directive of the Secretary. These records may be destroyed only after ninety days and upon directive of the Secretary.