



PUEBLO OF LAGUNA COUNCIL

Resolution No. 10-16

Re: Adopting Technical Corrections to the Election Code (2015), Title III, Chapter 1, specifically located in Sections 3-1-2, 3-1-4, 3-1-12 and between Sections 3-1-9 and 3-1-10

At a duly called meeting of the Pueblo of Laguna Council held on the 6th day of February 2016, the following resolution was adopted:

WHEREAS, the Pueblo of Laguna (“Pueblo”) is a federally recognized Indian Tribe with all the inherent sovereign governing powers; and

WHEREAS, pursuant to Article IV, Section 2(e) of the Pueblo of Laguna Constitution, the Pueblo of Laguna Council (Council) as the governing body of the Pueblo has authority “to establish and enforce ordinances governing the conduct and civil relations of residents of the Pueblo and providing for maintenance of law and order and the administration of justice within the lands of the Pueblo;” and

WHEREAS, pursuant to Article IV, Section 2(p) of the Pueblo of Laguna Constitution, the Council as the governing body of the Pueblo has authority “to regulate the conduct of Pueblo elections;” and

WHEREAS, Article VII, Section 1 of the Constitution requires that the Council “enact an election ordinance, consistent with [the] Constitution” and “setting forth procedures to be followed in conducting each of the various types of Pueblo elections called for under [the] Constitution;” and

WHEREAS, the Council enacted the Pueblo of Laguna Election Code (2015) on December 12, 2015, by Resolution No. 73-15, which repealed and superseded all prior Election Ordinances; and

WHEREAS, the Government Affairs Office discovered several erroneous citations to Pueblo law in the Election Code (2015), which when corrected will improve clarity; and

WHEREAS, the technical correction of citation errors are not “amendments to the law” that require vetting under the Legislative Process Policy.

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby waives the requirements of the Legislative Process Policy and approves technical corrections of references to Pueblo law in Section 3-1-2, Section 3-1-4, Section 3-1-12, and between Sections 3-1-9 and 3-

1-10 in Pueblo of Laguna Election Code (2015), Title III, Chapter 1, which shall be effective immediately.

Virgil Siow
Governor

Loren P. Maria S.
Council Member

Sean J. Smith
Council Member

ATTEST:

Frank Berno Jr.
Pueblo Secretary

CERTIFICATION

The foregoing resolution was enacted upon by the Pueblo of Laguna Council on the 6th day of February 2016, by a vote of 20 for and 0 opposed, at a duly called meeting at which a quorum of the Council was present.

Virgil Siow
Governor

ATTEST:

Frank Berno Jr.
Pueblo Secretary

CHAPTER 1. - PUEBLO OF LAGUNA ELECTION CODE (2015)

Statement of Authority.

In accordance with Article IV, Section 2(e) of the Pueblo of Laguna Constitution ("Constitution") of 2012, which gives the Laguna Pueblo Council ("Pueblo Council") power to establish and enforce ordinances governing the conduct and civil relations of residents of Laguna, which will provide maintenance of law and order and administration of justice; and in accordance with Article IV, Section 2(p), which gives the Pueblo Council the power to regulate the conduct of Pueblo Elections; and in accordance with Article VII, Section 1, which requires that the Pueblo Council enact an ordinance setting forth procedures for Pueblo Elections that are conducted objectively and fairly by the Laguna Election Board; the Pueblo Council has enacted this Election Ordinance to give the eligible voters of Laguna laws by which to place faith in their right to fair, honest, and objective elections.

In accordance with Article V, Section 4 of the Constitution, which states that any ordinances shall be periodically updated as necessary, this Election Ordinance is hereby amended and is consistent with all applicable provisions of the Constitution and shall be the established policy and procedures for all elections of Officers and Village Representatives of the Pueblo of Laguna.

Section 3-1-1 Definitions.

Absentee Ballot- A ballot submitted in advance of an election by a voter who is unable to be present at the polls.

Arbitrary and Capricious- Acting in an unreasonable manner; showing an absence of rational connection between the facts found and the choice made; clear error of judgment; an action not based upon consideration of relevant factors, an abuse of discretion or otherwise not in accordance with law, or an action taken without observance of procedure required by law.

Campaigning – to work in an organized and active way toward obtaining a political goal or to be elected for any elected position within the Pueblo of Laguna.

For Cause- for just reason, violation of this Election Code, or for moral turpitude.

General Election- a general election is an election in which the Governor, Secretary, Treasurer and Interpreter, and Staff Officer positions are chosen. The term is used to refer to elections held in even numbered years, as distinguished from odd numbered years, called mid-term elections.

Household-a house and its occupants regarded as a unit.

Immediate Family- natural and/or legally defined spouse, mother, father, sister, brother, child, and individuals who cohabit in the same residence regardless of relation. (Refers to Section 3-1-7(F)(2))

Mid-Term Election- a Pueblo of Laguna election that occurs in odd numbered years.

Moral Turpitude-a crime where the perpetrator has committed a reprehensible act with knowledge and intent. Violent crimes of moral turpitude include crimes with a presence of unjustified violence or unnecessary endangerment of human life, and include murder, voluntary manslaughter, rape/sexual assault, spousal abuse, child abuse, incest, kidnapping, robbery, aggravated assault, aggravated battery and animal fighting. Property crimes of moral turpitude are crimes involving malicious or intentional destruction of property because of the presence of criminal intent, and includes crimes such as burglary, embezzlement, extortion, blackmail, theft, bribery, obtaining property under false pretenses, forgery, larceny, receiving or transporting stolen goods, conspiracy, and any crime in which fraud is an ingredient. Moral turpitude also includes any attempt or acting as an accessory to a crime if that crime involved moral turpitude. A crime shall be deemed a crime of moral turpitude if it resulted in a lawful requirement to register as a Sex Offender pursuant to any state, tribal, or federal Sex Offender Notification and Registration Act.

Secret Ballot- A secret ballot is a voting method in which a voter's choices in an election are anonymous.

Written notice- Notices used to communicate rights and responsibilities to an interested party. Notices in writing are called written notices.

Section 3-1-2. Staff Officer Terms.

Pursuant to Article III, Section 2 of the Pueblo of Laguna 2012 Constitution, any male member of the Pueblo who is qualified to hold office according to traditional standards shall be eligible to be a Staff Officer. Every Staff Officer is a cane-bearing official, and, in accordance with the Constitution, Article VII, Section 4, no cane bearing official may serve in a cane bearing capacity for more than two consecutive terms of two (2) calendar years.

Section 3-1-3. Secret balloting.

The election of Governor, Secretary, Treasurer, Interpreter, First Lieutenant Governor, Second Lieutenant Governor, Head Fiscale, First Fiscale, and Second Fiscale by the eligible voters of the Pueblo of Laguna shall be by secret ballot.

Section 3-1-4. - Absentee voting.

The Laguna Election Board ("Election Board") shall:

- A.** Notify every eligible voter of their right to request an absentee ballot. See section 3-1-9(E) for timeline.
- B.** Mail such ballots to eligible voters, using the United States Postal Service at least thirty (30) days prior to Election Day.
- C.** Notify all absentee voters that ballots must be returned on or before election day, either by mail or in person to the Office of the Secretary at the Pueblo of Laguna Tribal Building in the Village of Old Laguna, up to close of polls on election day.

Section 3-1-5. Election Day.

In accordance with the Constitution, Article VII, Sections 6 and 7 the Pueblo of Laguna ("Laguna") Election Day shall be the third Monday of December of each even-numbered year, unless such Monday is a legal holiday, in which case the election shall be held on the succeeding Tuesday. Even-numbered year elections shall be known as general elections and odd-numbered year elections shall be known as midterm elections. In all elections, War Captains shall be elected at the installation ceremony. In general and midterm elections, the installation ceremony shall take place no later than January 6th.

Section 3-1-6. - Eligible voters.

- A. Any regularly enrolled Laguna member who is age eighteen (18) years or older shall have the right to vote in all Laguna elections in accordance with the Constitution, Article VII, Section 2 and except as provided in section 3-1-16 of this title, which limits the election of War Captains to the male regular membership of the Pueblo.
- B. The Pueblo Secretary shall maintain a current list of eligible voters at all times.

Section 3-1-7. - Laguna Election Board.

- A. *Purpose.* The purpose of the Laguna Election Board ("Election Board") shall be to ensure that all Laguna elections are conducted objectively and fairly, in accordance with the Constitution, Article VII, Section 1(f) and this title.

For purposes of coordination and oversight, the Election Board shall come under the supervision of the Office of the Secretary. The Office of the Secretary shall provide the Election Board with Administrative support and other services. The Election Board shall submit an annual report of its activities to the Office of the Secretary and the Pueblo Council. Notwithstanding the foregoing, this section shall not be construed as limiting the Election Board's powers and duties under this Election Code.

- B. *Duties.* The Election Board's duties shall include, but not be limited to; keeping the Laguna Pueblo Council ("Pueblo Council") informed of deadlines, informing the staff officers on matters related to village nominations, screening nominees, voter outreach, managing all aspects of printed ballots and all other duties as stated in this chapter and the Constitution to the efficient administration of all general and midterm elections. In general election years, the Election Board shall also state, in writing, a complete schedule of election activities and submit the schedule to all Pueblo Council members prior to the nomination of any candidates.
- C. The Election Board shall hire Poll Workers. A poll worker works under the direction of the Election Board, and may perform the following essential job functions:
 - 1. Set up and prepare election equipment;
 - 2. Maintain election equipment security throughout the election period;
 - 3. Thoroughly review and complete all election forms;

4. Post prescribed election materials inside and outside of polling location;
5. Qualify voters through the use of identification and poll lists;
6. Assist voters during the voting process by explaining equipment usage;
7. Close the polling location at the end of the voting period;
8. Three (3) poll workers shall be hired for each polling location at a rate of pay currently provided to Election Board members;
9. Poll workers shall be present and compensated for one (1) training session prior to Election Day;
10. Poll workers shall adhere to all rules and regulations pertaining to ballot tallies, transporting and maintaining the integrity of ballots and election materials, and voter problems and disputes, as set forth in the training session; and
11. The poll workers shall be required to attend mandatory training, and may return all designated election supplies to the drop off location on Election Day.

D. *Meetings.* Meetings may be called by any member for any matter reasonably related to Laguna Pueblo election business. Notice must be given within a reasonable time, either by telephone, electronic mail or letter.

E. *Members and terms.* The Election Board shall consist of five (5) regular members, and one alternate, who are selected by the Pueblo Council from nominations submitted by village representatives to the Pueblo Council. The alternate is not a participant until one of the five regular board seats should become vacant. The alternate shall immediately fill the vacant position. The Pueblo Council shall then fill the alternative position within thirty (30) days. The Board members shall serve no more than two consecutive four-year terms, which shall be staggered. Upon implementation of this section, at a Pueblo Council meeting duly called for this purpose, two (2) members plus the alternate shall be elected to a two year term, and three (3) members shall be elected to a four year term. Thereafter, all board members vacancies shall be filled as selected every other year by Council, and shall serve for a term of four (4) years, or until their successors have been appointed.

F. *Conflicts of interest.*

1. Any Election Board member who becomes a candidate in any Laguna election where his or her name would appear on a printed ballot shall be ineligible to serve on the Election Board. The Election Board member becomes immediately ineligible at the time when the board member submits a Declaration of Candidacy Form.
2. Any Election Board member who is a household or an immediate family member to any candidate on a printed ballot shall not count votes for that office.

G. *Resignation or removal.* Other than as indicated in F, above, a board member may resign at any time, upon written notice, in a reasonable amount of time to the board and the Pueblo Council. A board member may be removed for cause by consensus of the board or Pueblo Council. In the event that a member of the Election Board resigns because of candidacy, death, or for any other reason, or is removed for cause, the alternate shall immediately fill the vacated position, and the Pueblo Council shall select another individual to serve within thirty (30) days.

- H. Compensation.** Election Board members shall be compensated hourly for all business associated with Laguna elections at a rate of committee pay as set by the Pueblo Council, per Council Policy.
- I. Screening of nominees for Pueblo offices.** The Election Board shall have the duty to screen nominees in the following ways: Upon receipt of the names of the nominees for elective office, the Election Board shall make inquiry of each nominee to determine whether she or he has the requisite qualifications to hold the specified office. In accordance with Article VII, Sections 3 and 5 of the Constitution, the following inquiries shall be made of nominees:
1. Whether nominees for staff officer or village representative are qualified to hold office according to traditional standards; and whether such nominees have been convicted of a misdemeanor involving moral turpitude or any felony by a court of competent jurisdiction (Article VII, Section 3).
 2. Whether the Governor, First Lieutenant Governor, Second Lieutenant Governor, Head Fiscale, First Fiscale and Second Fiscale physically reside in their respective village jurisdictions on the Laguna Pueblo at the time of election or will do so within a reasonable time thereafter (Article VII, Section 5).
 3. Whether the Pueblo of Laguna Secretary, Interpreter, Treasurer and village representatives reside on the lands of the Pueblo of Laguna at the time of election or will do so within a reasonable time thereafter (Article VII, Section 5).
- J. Reasonable time to establish residency.** In accordance with the Constitution, Article VII, Section 5, the Pueblo Council has determined that a reasonable time to establish residency by Pueblo Council members shall be three (3) months after January 1st.

Section 3-1-8. - Election resolution.

Prior to each election, in general and midterm elections, and no later than the first Monday in May of each election year, and in accordance with the Constitution, Article VII, Section 1, the Election Board shall submit to the Pueblo Council for adoption, an election resolution which shall govern the conduct and scope of the Laguna election for that year. The resolution shall include, but not be limited to the following:

- A. The number of village representatives to be elected from each village, in accordance with Article VII, Section 7 of the Constitution.
- B. Offices for which an election will be held that year.
- C. Time, place and manner of voting.
- D. Any other matters relating to the election, which are consistent with the Constitution or this title.

Section 3-1-9. - Election process. (General Election Only)

- A. *Polling locations.* Polling locations shall be opened at each of the six (6) villages and at the Laguna Rainbow Center.

1. Polling locations shall be open for eligible voters to cast ballots from 7:00 a.m. to 7:00 p.m.
- B. *Campaigning.* In keeping with the principles of the Pueblo of Laguna customs and traditions, campaigning for or by any candidates for any office is prohibited.
- C. *Nomination of candidates.* Each village has two (2) opportunities to ensure that a nominee of their choice appears on the printed ballots for the offices of Governor, staff officer, Secretary, Treasurer and Interpreter. All names transmitted by the staff officer to the Election Board shall be submitted to the Office of the Secretary before any deadlines.
 1. *First round of nominations.*
 - a. On or before the second Monday of July of the general election year, the Election Board shall send a written notice request to the staff officer of each village to hold a meeting, and thereby nominate candidates no later than the last Friday of July. The notification from the Election Board to the staff officers shall include the information in subsection 3-1-7(B) of this title. The Election Board shall also forward a first round nomination form to be completed by the respective staff officers.
 - b. The respective staff officers shall transmit the names, current mailing addresses, and phone numbers, if possible, of the nominees selected by each village to the Election Board via Office of the Secretary no later than the first Friday in August. Each village's staff officer shall make every effort to contact the nominee of the village's choice prior to submitting the list of nominees to the Election Board.
 - c. The Election Board shall send out a declaration of candidacy form to all stated nominees by United States Postal Service certified mail, return receipt requested, by the second Friday in August to the list of nominees. Any nominee wishing to accept or decline his or her nomination must do so within five (5) days of receipt of the declaration of candidacy. If a nominee fails to return his or her declaration of candidacy before the deadline, she or he shall have declined the nomination by default.
 - d. Declaration of candidacy forms may be returned in person to the Office of the Secretary at the Laguna Tribal Building, in the Village of Old Laguna before the five-day deadline or postmarked before the five-day deadline, and sent to the Pueblo of Laguna Office of the Secretary, P.O. Box 194, Laguna, NM 87026.
 - e. If a person is nominated for more than one (1) office in the first round of nominations, that person shall declare his or her candidacy for one (1) office only, except when a person is nominated simultaneously for Governor and staff officer, that individual shall be permitted to accept both nominations. All other nominations shall be forfeited by default if the nominee fails to decline those offices in writing, and the staff officer of the village from which the forfeited nominations originated shall be notified by telephone within twenty-four (24) hours and by written notice on the same day, by the Election Board.

2. *Declared candidate list.* The Election Board shall immediately prepare and forward a list of all declared candidates to the staff officer of each village prior to the second round of nominations by the third Wednesday in August.
3. *Second round of nominations.* If, due to declinations in the first round of nominations, any village has been unsuccessful in naming a candidate for any office that would appear on the printed ballot for that year, the village shall have a second opportunity to nominate candidates for those offices. The second round of nominations shall be limited to offices which the villages' first round nominees declined.
 - a. Nominees who have filed a declaration of candidacy with the Election Board for the offices of Governor, Secretary, Treasurer, Interpreter, or staff officer in the first round of nominations shall be ineligible to accept a nomination for any office in the second round of nominations, except when a person is nominated for Governor in the first round, that person may be eligible to be nominated simultaneously for staff officer in the second round, or except when a person is nominated for staff officer in the first round, that person may be eligible to be nominated simultaneously for Governor in the second round.
 - b. The names of all second round nominees must be transmitted by the respective staff officers to the Election Board by way of the Office of the Secretary, which shall issue a receipt of acceptance, by the last Friday in August.
 - c. A person nominated for more than one (1) office in the second round of nominations shall declare his or her candidacy for one (1) office only, except when a person is nominated simultaneously for Governor and staff officer, that individual shall be permitted to accept both nominations.
 - d. The Election Board shall send out a declaration of candidacy form to all nominees by the second Tuesday of September, such notice shall be by certified mail, return receipt requested. Any nominee wishing to accept or decline his or her nomination must do so before the fourth Friday in September. If a nominee fails to return his or her declaration of candidacy form before the deadline, she or he shall have declined the nomination by default.
 - e. Declaration of candidacy forms may be returned in person to the Office of the Secretary at the Laguna Tribal Building, in the Village of Old Laguna before the fourth Friday in September or postmarked before the fourth Friday in September, and sent to the Pueblo of Laguna Office of the Secretary, P.O. Box 194, Laguna, NM 87026.
 - f. Once the second round nominees have submitted declaration of candidacy forms, nominations shall cease.
4. *Notice of ineligibility to hold office or question of residency.* Upon discovery that any nominee is unqualified to hold office because of a conviction of a misdemeanor involving moral turpitude or a felony, or for any other reason consistent with this section and the Constitution, the nominee shall be notified by certified mail, return receipt requested, within five (5) calendar days of receipt of such information. The nominee has ten (10) business days to file a complaint with the Election Board

regarding disqualification or ineligibility. The respective staff officer of the village shall also be notified by certified mail, return receipt requested, and another nominee shall be selected at the village's discretion in a time and manner consistent with this chapter. If any nominee, for whatever reason and prior to the end of the nomination process, states that she or he cannot meet the residency requirement, the Election Board shall notify the respective staff officer by certified mail, return receipt requested, and another nominee shall be selected at the village's discretion in a time and manner consistent with this chapter.

5. *Screening of village representatives.* The Election Board shall send screening forms after nominations cease, to all elected village representatives no later than January 5th of each election year. Village representatives will be required to return the completed forms at the deadline set by the Election Board.
- D.** *Candidate screening process.* Election Board shall commence the screening process, as outlined in Section 3-1-7(I). Screening forms shall be sent to all candidates with deadlines set by the Election Board. Any candidate who wishes his or her name to appear on the printed ballot must adhere to all deadlines set by the Election Board.
- E.** *Certification by Council.* After the screening process, the Election Board shall present a list of the nominees to the Pueblo Council no later than the first Friday in October for certification that the list is a true and correct record of names to be placed on the ballots. Upon certification of the list of nominees, the Election Board shall cause to be printed, a number of ballots corresponding to the number of eligible voters. The Election Board shall then notify every eligible voter of their right to request an absentee ballot.
- F.** *Form of ballot.*
1. Ballots shall only bear the names of screened and eligible candidates for the offices of Governor, Secretary, Treasurer and Interpreter. The names of the candidates shall be listed alphabetically, under the offices for which they were nominated, according to the first letter of the candidate's last name. When more than one (1) candidate has the same last name, the alphabetical listing shall include the first letter of the candidate's first name. A box shall be placed opposite the name of each candidate wherein the voter may indicate his or her choice by marking an "X" in the appropriate box.
 2. Ballots shall also list the six (6) Villages of Laguna, Paguete, Paraje-Casa Blanca, Seama, Encinal and Mesita. The name of the screened and eligible staff officer candidates from each village shall be entered opposite the name of the village from which they were elected, followed by a box where the voter may indicate his or her choice by marking an "X".
- G.** *Invalid vote.* Eligible voters shall vote for only one (1) candidate for each office on the ballot. If, on any ballot, a voter places a mark for more than one (1) candidate in the category for the same office, that vote shall be considered as void. All other votes cast for one (1) candidate in each category on the same ballot shall be counted. If a voter writes in a candidate on a pre-printed ballot, the write in candidate shall not be considered a candidate, but the remaining ballot shall be deemed valid.
- H.** *Ballot integrity and counting.* The Election Board shall use its discretion when deciding whether to use paper ballots or voting machines at the polling locations.

1. When any paper ballots are received at any polling location, or by mail they shall be stored in a locked ballot box and kept, at all times, in a location that is secure and under the custody and control of the Office of the Secretary, a trained poll worker, or an Election Board member.
 2. Prior to close of polls on election day, and at the Election Board's discretion, the Election Board may count absentee ballots only.
 3. Poll workers at each polling location shall make preliminary tallies of all votes prior to transporting election materials back to the Laguna Tribal Building after close of polls. Election Board members shall receive and log all returned materials prior to releasing poll workers. The Election Board shall commence confirming the tallies provided by poll workers from each polling location. Official counts shall be made by the Election Board.
 4. When counting paper ballots, necessary steps shall first be taken to ensure the authenticity of each ballot. Each and every ballot shall be counted twice by two (2) different people to ensure accuracy. A third person shall count the ballots if an identical number has not been achieved by counting twice.
 5. The Election Board shall automatically recount the vote when the number of vote returns for an office in a general election indicates that the margin between two candidates or more receiving the greatest number of votes for the office is less than 25 votes.
- I. *Validation of election results.* On the day following Election Day, the Election Board shall present the results of the election, and a certification of a recount vote, if applicable, to the Pueblo Council for certification. Each successful candidate shall be notified of the election results, and the results shall be made public thereafter. In the event of a tie for any office between two (2) or more candidates, the Election Board shall inform the Pueblo Council, and the Pueblo Council shall determine the election winner by one coin toss.

Section 3-1-10. - Election by plurality.

The candidate receiving the largest number of votes for each office, or by coin toss pursuant to Section 3-1-9(I), shall be the presumptive winner, pending certification of the results by the Pueblo Council.

Section 3-1-11. - Staff officers.

The nomination and the election of the village Staff Officer occurs within the villages prior to the general election. The elected Staff Officer will not assume that seat if another person from that village is elected Governor. The Governor-elect shall be the staff officer for the village where he resides. The remaining five (5) staff officers on the ballot shall assume the following positions in descending order based upon the number of votes received, with the First Lieutenant Governor being the candidate receiving the largest number of votes and Second Fiscale being the candidate receiving the least number of votes:

- A. First Lieutenant Governor;

- B. Second Lieutenant Governor;
- C. Head Fiscale;
- D. First Fiscale;
- E. Second Fiscale.

Section 3-1-12. - Election disputes.

A. *Pre-election disputes.*

1. Commensurate with the Election Board's purpose and to avoid conflicts of interest with any candidate on the ballot, all pre-election disputes shall be settled under the sole authority of the Election Board. Any decision made by the Election Board shall be final.
2. Complaints may be filed by a nominee with the Election Board at P.O. Box 194, Laguna, NM 87026, or in person at the Office of the Secretary, Laguna Tribal Building, in the Village of Old Laguna. All complaints shall contain the name, address, telephone number of the complainant and reasons set forth for the complaint. The complaint must also set forth the remedy the complainant seeks.
3. In accordance with the Constitution, Article V, Section 4, it is hereby specified that Laguna Tribal Court review is unavailable to complainants unless the complainant can show that the actions by the Election Board were arbitrary and capricious.
4. The Election Board shall convene, upon receipt of a complaint, call witnesses, and take testimony by the complainant, and to take any other action as it deems necessary in order to reach a fair and prompt decision. For complaints filed after the second round of nominations and village elections, all Election Board hearing dates must be held no later than the second Friday in October. The Election Board must issue a ruling no later than the following Wednesday in October. All complaint processes must be complete by the fourth Friday in October, when the Pueblo Council certifies the ballot. First round complaints need to be completed prior to the second round nominations.

B. *Postelection disputes.*

1. Within seventy-two (72) hours of the posting of the election results, any eligible voter or candidate may file a written complaint contesting the election results with the Election Board at P.O. Box 194, Laguna, NM 87026, or in person at the Office of the Secretary at the Laguna Tribal Building, in the Village of Old Laguna. All complaints shall contain the name, address, telephone number of the complainant and reasons set forth for the complaint. A voter may file a complaint based on ethics and alleged violations of this code during or after the voting and counting process. If the complainant believes that a violation of this Election Code has occurred, the complaint must state the specific acts committed by the person or entity named in the complaint, along with a reference to the section of this Election Code alleged to have been violated, if known. The complaint must include the dates and/ or the period of time in which the alleged violation(s) occurred. The complaint must list all

documents and other materials that are relevant to the complaint, and that are within the complainant's knowledge, including their location, if known.

2. Upon receipt of any written complaints related to the election results, the Election Board shall immediately conduct a preliminary investigation into the merits of the complaint, including, but not limited to a recount of the votes for the office in question. Upon conclusion of the preliminary investigation, the outcome reached by the Election Board shall be presented to the Pueblo Council no later than December 23rd. The Pueblo Council shall have the power to take testimony and to take any other action as it deems necessary to reach a fair and prompt decision in the matter. All decisions of the Pueblo Council regarding post-election disputes shall be in writing and shall be final.
3. In accordance with the Constitution, Article V, Section 4, it is hereby specified that the Pueblo Court review is unavailable to complainants unless the complainant can show that the actions by the Election Board and/or the Pueblo Council were arbitrary and capricious. All hearings must be filed, heard and ruled upon by the Pueblo Court no later than December 22nd.
4. *Post-election matters.* Any and all post-election matters related to the Constitution Article VII, Sections 3 and 5, and Section 3-1-12B of this title and matters related to any elected official's qualifications to serve on the Pueblo Council shall be under the sole authority of the Pueblo Council. Post-election matters are any issues arising after the January Installation ceremony.

Section 3-1-13. Declinations and Vacancies.

- A. In the event that an elected Secretary, Treasurer or Interpreter declines his or her office at the installation ceremony, the Pueblo members in attendance shall come to a consensus of whether to accept the declination. If the declination is accepted, the Pueblo members in attendance shall also come to a consensus of whether to allow the candidate with the second highest number of votes to be installed in the office that was vacated or whether the office should be filled by holding a special election. Declinations or post-election vacancies by any elected officials after the installation ceremony shall be under the sole jurisdiction of the Pueblo Council.
- B. For vacancies in the Secretary, Treasurer and Interpreter positions during the term, but after installation, those candidates who were on the ballot for the offices of Secretary, Treasurer and Interpreter who were not successful in the general election, may be considered by the Pueblo Council to fill the positions. The first to be considered is the candidate with the 2nd highest vote in the last election, with the remaining candidates to be considered in descending order based on the number of votes attained in the last election. If no prior candidate is available, eligible or willing to accept the vacant position, the Election Board shall hold a special election pursuant to Section 3-1-14, below.
- C. *Staff officers.* In accordance with the Constitution, Article VI, Section 7, in the event of a vacancy in any staff officer position, the person appointed to fill the vacancy shall not assume the office vacated but shall become the Second Fiscale. The other staff officers shall move one (1) position forward in the order of precedence as shown by the listing in the Constitution, Article III, Section 2 and section 3-1-11 of this title.

Section 3-1-14. - Special election.

A. *Secretary, Treasurer or Interpreter.*

1. Those candidates who were on the ballot for the offices of Secretary, Treasurer and Interpreter, who were not successful in the general election, may be candidates in the special election for the office vacated. The village(s) that nominated the declined Secretary, Treasurer or Interpreter may nominate a new candidate for the vacated office.
2. In the event there was one (1) candidate for any office, nominations shall be conducted for the vacant offices in the same manner stated in subsection 3-1-9(C) of this title. Nomination deadlines shall be established at the Election Board's discretion with reasonable notice to the villages and to the nominee. There shall be no second round nominations for Secretary, Treasurer or Interpreter in a special election.
3. The special election shall take place within forty-five (45) days of the date of the installation ceremony or when the office became vacated.
4. The Pueblo Council shall enact a special election resolution. The resolution shall include, but be not limited to the following:
 - a. Offices for which an election will be held that year.
 - b. Time, place and manner of voting.
 - c. Any other matters relating to the election, which are consistent with the Constitution or this title.
5. In the event of a tie for any office between two (2) or more candidates, the Election Board shall inform the Pueblo Council, and the Pueblo Council shall flip a coin to determine the winning candidate by one coin toss.
6. The Governor shall appoint a substitute to serve in the vacant position of Secretary, Treasurer or Interpreter until the special election is completed and the installation ceremony is held.

- B. *Installation ceremony.*** As soon as possible, and at the discretion of the Pueblo Council, after the certification of the results of the special election, installation ceremonies shall take place for any and all newly elected officers.

Section 3-1-15. - War Captains.

In accordance with the Constitution, Article VIII, Section 3, the Pueblo of Laguna shall have, as customary officers, a War Captain, a First Lieutenant of War, and a Second Lieutenant of War who shall be elected and installed in the customary manner by the male membership present at the installation ceremony held in both general and midterm elections.

Section 3-1-16. - Female membership participation.

In accordance with the Pueblo of Laguna 1996 Referendum, female members may be nominated and elected for Treasurer, Secretary, Interpreter and village representative; provided, that a village may not have two female members serving as representatives at the same time. Subject to village

discretion, female members may be permitted to nominate candidates for all offices, except War Captain.

Section 3-1-17. - Posting of Code.

In accordance with the Constitution Article V, Section 4, upon adoption by Pueblo Council, this title shall be publicly posted, by the Secretary, in each village and at the Laguna Rainbow Center and shall be available for inspection and perusal at the Laguna Tribal Building.

Section 3-1-18. - Amendment.

This title may be amended by a majority vote of the Pueblo Council, at a meeting called in whole or in-part for that purpose, where a quorum of the Pueblo Council is present.

TITLE III HISTORY

Title III, Chapter 1, Elections, was enacted by Ordinance No. 005 and was amended by Ordinance No. 005 on April 16, 2002. Ordinance No. 005 was further amended by Resolution No. 12-02 on May 21, 2002. Ordinance No. 005 was repealed and replaced on July 7, 2006.

The Laguna Amended Election Ordinance (2008), adopted by Resolution No. 28-08 and enacted on June 3, 2008, repealed and superseded all prior Election Ordinances.

Ordinance No. 005 reads as follows:

Amended Ordinance No. 005 (April 16, 2002) reads as follows:

WHEREAS, Article VII of the Constitution of the Pueblo of Laguna adopted June 6, 1984, requires that the Tribal Council enact an ordinance setting forth the procedure for conducting Pueblo Elections; and

WHEREAS, it is the intention of the Tribal Council to enact an amended Election Ordinance which is consistent with the provisions of the Pueblo Constitution.

NOW, THEREFORE, BE IT ORDAINED by the Tribal Council of the Pueblo of Laguna that the following Election Ordinance be established procedures for all subsequent elections of officers and selecting Village Representatives of the Pueblo. [TEXT OF ORDINANCE]

Resolution No. 12-02 reads as follows:

WHEREAS, the Laguna Tribal Council enacted the Pueblo of Laguna Election Ordinance, Ordinance No. 005 amended on April 16, 2002 as authorized by Article VII of the Pueblo of Laguna Constitution; and

WHEREAS, Section 5 of the Pueblo of Laguna Ordinance requires the Tribal Council to enact an Election Resolution prior to each election which, in conjunction with the Election Ordinance, is to govern the conduct and scope of the Pueblo elections.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council that, in conjunction with the Pueblo of Laguna Election Ordinance, the following Election Resolution pertaining to the conduct of the 2002 Pueblo Election be enacted: [TEXT OF RESOLUTION]

Ordinance No. 005 (2006 replacement) reads as follows:

WHEREAS, Article VII of the Constitution of the Pueblo of Laguna adopted June 6, 1984, requires that the Tribal Council enact an ordinance setting forth the procedure for conducting Pueblo Elections; and

WHEREAS, it is the intention of the Tribal Council to enact an amended Election Ordinance which is consistent with the provisions of the Pueblo Constitution.

NOW, THEREFORE, BE IT ORDAINED by the Tribal Council of the Pueblo of Laguna that the following Election Ordinance be established procedures for all subsequent elections of officers and Village Representatives of the Pueblo. [TEXT OF ORDINANCE]

Resolution 28-08 reads as follows:

WHEREAS Article IV, Section 2(e) of the Pueblo of Laguna Constitution (1984) ("Constitution") gives power to the Pueblo of Laguna Pueblo Council to establish and enforce ordinances governing the conduct and civil relations of the residents of the Pueblo; and

WHEREAS Article VII, Section 1 of the Constitution requires that the Pueblo of Laguna Pueblo Council enact an election ordinance, consistent with the Constitution and setting forth procedures to be followed in conducting each of the various types of Pueblo elections called for under the Constitution; and

WHEREAS the Pueblo of Laguna Pueblo Council enacted the Pueblo of Laguna Election Ordinance No. 005 amended on July 7, 2006, by Resolution No. 34-06; and

WHEREAS Article V, Section 4 of the Constitution requires that any ordinances of the Pueblo of Laguna shall be periodically updated as necessary;

NOW, THEREFORE BE IT RESOLVED that the Pueblo of Laguna Pueblo Council hereby approves and adopts the Pueblo of Laguna Election Ordinance, No. 005, as amended on this third (3rd) day of June 2008. The Pueblo of Laguna Pueblo Council acknowledges that this Election Ordinance has been amended to ensure that all Laguna Elections are conducted objectively and fairly, as required by Article VII, Section 1(f) of the Constitution. This Amended Election Ordinance shall supersede all previous Pueblo of Laguna Election Ordinances and shall dictate the official policy and procedures to be used in all Laguna elections. [TEXT OF LAGUNA AMENDED ELECTION ORDINANCE (2008)]