



# CHIHENE NDE NATION OF NEW MEXICO

Manuel P. Sanchez  
Chairman

## Memorandum

TO: Chihene Nde Nation of NM Elections Committee

FROM: Paul “Pablo” A. Martinez, Chairman of Elections Committee

DATE: April 11, 2024

RE: *Elections Process and Rules*

Pursuant to our approved Tribal Constitution of the Chihene Nde Nation of New Mexico, the following are the constitutional provisions concerning elections:

### **ARTICLE V- ELECTIONS AND TERMS OF OFFICE:**

#### **Section 1- Tribal Council Elections:**

The Tribal Council elections will be held at the Annual Gathering and/or Meeting of the General Assembly the Summer Tribal Gathering of the even numbered year. All elected officials of the Tribal Council must be elected as prescribed below:

- A. Elected officials (Officers, Elders and Members-at-Large) shall be elected for two-year terms.
- B. Elected officials (Officers, Elders and Members-at-Large) cannot hold more than one position in the Tribal Council.

#### **Section 2- Election by Acclamation:**

When only one candidate has announced his or her candidacy for elected office (Officers, Elders and Members-at-Large) to fill a vacancy on the Tribal Council, the sole candidate shall be deemed elected by acclamation and so certified.

#### **Section 3- Candidates for Elected Office:**

All candidates who announce their candidacy for an elected position (Officers, Elders and Members-at-Large) may submit a brief biography and describe their qualifications for office. Candidates should bring strong leadership and ethical values to benefit the Band and further the goals of the Chihene Nde people.

- A. All elected officials (Officers, Elders and Members-at-Large) will be elected as terms expire or as applicable. The Tribal Council Chair or, in the event of his/her absence, the next officer in line will order special elections, when required under these Bylaws in order to replace, recall, or to fill any vacancies.
- B. The procedures for Tribal Council elections, including eligibility requirements, will be prescribed and provided for by an Election Committee adopted by the Tribal Council of the Chihene Nde Nation of New Mexico and governed by the Election Committee.
- C. All voting at the Tribal Council elections will be conducted by a secret ballot system overseen by the Election Committee. During the Annual Gathering Meeting, there shall be no voting by proxy.
- D. Installation of elected officials (Officers, Elders and Members-at-Large) shall be performed immediately after an election is certified by the Election Committee.
- E. All eligible members of the Chihene Nde Nation of New Mexico eighteen (18) years of age or older are entitled to vote in any election of the Tribal Council.

**Section 4- Eligibility for Elected Office:**

- A. A member of the Chihene Nde Nation of New Mexico who is eighteen (18) years or older is eligible to run for an elected office.
- B. A member of the Chihene Nde Nation of New Mexico who has not been convicted of a felony in the last ten (10) years, and has served his/her sentence and has shown proof of rehabilitation is eligible to run for an elected office. Those barred from elected office include individuals convicted of murder, rape, child molestation, or embezzlement.

**Section 5- Vacancies:**

The following shall transpire in the event of a vacancy on the Tribal Council:

- A. The Tribal Council Chair will appoint an interim officer. The appointment must be ratified by the Tribal Council.
- B. The appointed officer will serve the remaining term of office until the next regular scheduled election held at the Annual Gathering on the even numbered year.
- C. Members wishing to be appointed to a vacancy must submit a letter of interest to the Tribal Council outlining his or her qualifications and reasons as to why he or she would like to serve. Vacancies to Member-at-Large positions retain state jurisdiction requirements as defined by Article III, Section 3.

**Section 6- Election Committee:**

- A. The Tribal Council will appoint an Election Committee of at least six (6) members of the Chihene Nde Nation of New Mexico. The Election Committee will verify eligible voters, will oversee elections, certify elections, and will settle election disputes.

- B. The term for an appointed Election Committee member shall be two (2) years from the date of such an appointment by the Tribal Council.
- C. A member of the Election Committee must be eighteen (18) years or older. The Tribal Council shall describe in writing the ethical responsibilities and duties of the Election Committee. Members wishing to serve on the Elections Committee must submit a letter of interest to the Tribal Council. The Tribal Council may require this Committee to sign an Affidavit of Due Diligence and Oath of Office.
- D. All allegations of impropriety of the Election Committee must be submitted in writing to the Tribal Council. A detailed account of impropriety shall disclose alleged violations, names of witnesses, and all evidence supporting accusations. These challenges must be presented to the Assembly. If there is merit to complaints, the Tribal Council may recall and hold new elections at the Annual Gathering. Elections Committee is appointed by the Chair and are either appointed or reappointed at the beginning of the term of office. Chair or Tribal Council may remove members, who committed any improprieties while serving in the official capacity of the Election Committee.

**Recommended Process Approved by Tribal Council in January 2024:**

This is the recommended process that was approved by the Tribal Council in April 2024 and consistent with our present Constitution:

I. Eligibility of Candidates:

- A. Approved members of the Tribe over the age of 18.
- B. No felony convictions in the past 10 years.
- C. Candidates must submit “brief biography and describe his/her qualifications for office. Candidates should bring strong leadership and ethical values to benefit the Band and further the goals of the Chihene Nde people”.
- D. Must be enrolled and approved member by the Chihene Nde Nation of NM Tribal Council, possession of an Enrollment Membership Card and Enrollment Number.

II. Procedures for Elections:

- A. Elections will be by secret ballot.
- B. No proxy voting allowed.
- C. Absentee voting is not feasible at this time, since there are no funds available.
- D. All eligible members must have their Tribal Enrollment Number and possession of their Enrollment Membership Card present to vote.

III. Process for Elections:

- A. Committee needs to have a list of all eligible members certified by the Tribal Council prior to the election. This means that all members of the Tribe needed to be approved by Tribal Council at the April 2024 Board of Director Meeting or if a

Special Meeting is called by the Chairman and Tribal Council prior to the elections to approve members. The Membership Committee must provide up dated list by the day of the elections.

B. The facility must have an isolated area for voting to take place.

C. No campaigning will be allowed in the voting area.

D. Candidates must declare their candidacy at least 30 days prior to election in order to be placed on the ballot.

E. If a candidate fails to be placed on the ballot, he/she will be considered a “write in candidate”.

F. Elections will open at 3:00 pm and close at 5:00 pm. This will allow ample time for voting to take place given that our membership is less than 400 members at this time.

G. Elections Committee will coordinate a schedule for Elections Committee members to a work shifts or may decide to all work simultaneously.

H. Elections Committee will produce a ballot with all declared candidates that announced within the 30 day rule. The Committee member will verify eligibility of voter on the approved membership list. The Committee member will give the voter a ballot. There will be at least two booths for voter to review and vote.

I. Voter will place ballot into a designated voting box that will be kept locked.

J. All members of Elections Committee present prior to 3:00 pm on Elections day will witness and verify that the Voting Ballot Box is empty prior to the official opening of the elections. Box will be locked by Chair of the Elections witnessed by Committee. Only the Chairman of said Committee will have the key and will only be opened by Committee when counting of voting ballot commence.

K. Ballot Box will be supervised at all times by a member of the Elections Committee.

L. Each Committee member will sign an affidavit of due diligence and compliance to protect the integrity of the Tribe and sanctity of the Elections Process. Election Committee members should not be candidates for any elected office.

M. Once Elections are officially closed the Elections Committee will close all access or be sequestered to a private room with the ballot box. All Elections Committee members will be present. The count will be recorded by minutes declaring: date, time, persons present and when box was opened.

N. Elections Committee will count number of ballots and compare with the sign in roster of voters and eligibility list.

O. Each Campaign may elect to have one (1) witness during the counting and verification of the ballot. It is recommended that if a campaign is consolidated by a block or coalition that that block or coalition select one (1) person to represent or witness to avoid chaos or confusion during the counting process. This witness must be approved by the Chairman of the Elections Committee.

P. Blank ballots cannot be counted or second guessed. It will be place it a separate file and so noted with explanation that vote was not casted or left blank.

Q. Once final tally is counted, the time, certification and closing will be recorded. The Chairman of the Elections Committee will make public announcement of the winners.

R. If there are any ties, there will be a need for a run off election the following morning. Winners of the elections will be based on majority vote.

### III. Absentee Ballots:

It is recommended that this process not take place at this particular time. It is not feasible and will cause problems and questions of voting irregularities. As Chairman of this Committee, I cannot guarantee or certify an absentee ballot due to lack of resources, such as cost of printing and mailing an absentee ballot, how and who will be responsible for supervising or monitoring the ballots prior to the elections. This is a tremendous burden on volunteer members. We don't have a tribal office set up and the registered agent does not wish to take on this responsibility due to all of the contentious problems in the past.

I recommend that we keep this process simple, but at the same time we can all guarantee that this process is transparent and fair to all. Those that care enough about the Tribal Organization should be present to vote.

### IV. Swearing in Ceremony:

- A. This should be done at the beginning of the Tribal Council meeting.
- B. Tribal Council should ask a respected elder, member, judge or our Spiritual Leader to conduct the swearing in ceremony. This process should be approved by the Elders and Council.

The final report must be approved at our Tribal Council Meeting after April 7, 2024.