

THE CONSTITUTION OF THE GABRIELINO/TONGVA NATION

Ratified February 17, 2007
Amended February 22, 2020



PREAMBLE

We, the people of the Gabrielino/Tongva Nation, indigenous to the Los Angeles Basin including the four channel islands, under the guidance of our Creator and in reverence of our Ancestors, in order to exercise our inalienable right of self-governance, to protect tribal lands, to promote unity, to establish justice, to secure for ourselves and for future generations our inherent, fundamental rights, to preserve our heritage, to promote our Nation's and its Citizen's health care, social, cultural, educational, economic, and political progress under the inherent sovereign authority of our Nation, to ensure our self-determination, and to promote our self-preservation, self-sufficiency, and self-reliance, ratify this Constitution of the Gabrielino/Tongva Nation.

ARTICLE I

(Nation Name, Government-to-Government relationship and Jurisdiction)

SECTION 1.

We are the Tongva people. We have inhabited, since time immemorial, the region we call Tovangar, known today as the Los Angeles Basin. Our natural, ancestral boundaries are from the Santa Susanna Mountains to the North, Aliso Creek to the South, the San Bernardino Mountains to the East, and the Pacific Ocean to the West, including the four channel islands of Santa Catalina, San Clemente, Santa Barbara, and San Nicolas.

During the period of forced enclosure and servitude in the San Gabriel Mission, the Mission Era, the Spanish imposed upon us the name "Gabrieleño" which also has been spelled and is currently referred to as Gabrielino.

The State of California has also referred to this Nation as the San Gabriel Band of Mission Indians.

We hereby incorporate our ancestral and Mission names. The legal name of the Nation shall, hereafter, be known as the Gabrielino/Tongva Nation.

SECTION 2.

The flag, seal, and motto of the Gabrielino/Tongva Nation shall be set by law.

SECTION 3.

The Gabrielino/Tongva Nation reserves the right to conduct government-to-government relations through Treaties, Compacts, or other legally binding agreements.

SECTION 4.

The political and judicial jurisdiction of the Gabrielino/Tongva Nation shall extend to all lands owned, leased, and hereinafter acquired, leased, or held in trust for the Gabrielino/Tongva Nation subject to relevant Treaties, Compacts, or laws. The Gabrielino/Tongva Nation may assign lands to its Citizens or transfer lands to a legal entity as set by law.

ARTICLE II
(Supremacy of the Constitution)

SECTION 1.

This Constitution is the Supreme Law of the Gabrielino/Tongva Nation.

SECTION 2.

All laws lawfully passed pursuant to the terms of the Constitution are binding upon all Citizens of the Gabrielino/Tongva Nation and any individual, group, company, or entity who does business with or comes within the jurisdiction of the Gabrielino/Tongva Nation as provided in Article I Section 4.

SECTION 3.

Elected officials are bound by this Constitution in performing all duties including enacting law in compliance thereto.

SECTION 4.

Judges of the Gabrielino/Tongva Nation Courts are bound by the Constitution in performing all duties including interpretation and enforcement of all laws passed pursuant thereto.

SECTION 5.

Any Gabrielino/Tongva Nation law that conflicts with this Constitution is null and void.

ARTICLE III
(Citizenship)

SECTION 1.

All Citizens of the Gabrielino/Tongva Nation shall be of Gabrielino/Tongva genealogical heritage.

SECTION 2.

The Peo'tskome of the Gabrielino/Tongva Nation shall pass a law creating a Department of Citizenship. The Department shall provide those applying for citizenship in the Gabrielino/Tongva Nation with the laws and requirements for obtaining citizenship.

The Department of Citizenship shall accept applications for citizenship and make determinations regarding sufficiency of proof pursuant to the Constitution and the laws of the Gabrielino/Tongva Nation.

Determinations regarding citizenship may be appealed to the Gabrielino/Tongva Nation Courts.

SECTION 3.

To establish citizenship in the Gabrielino/Tongva Nation, an applicant must produce any of the following foundation documents which (1) list applicant's name or the name of applicant's lineal ancestor(s) and (2) indicate status of applicant or applicant's lineal ancestor as a Gabrielino, Tongva, San Gabriel Mission Indian, or another name meaning the same thereto:

- A. Federal Court Documents
- B. United States Government Documents
- C. California Indian Judgment Rolls
- D. United States Census Rolls
- E. Mission Records after 1849
- F. Historical Documents

In the event foundation records cannot be produced which show proof of lineal descent, applicant shall be entitled to citizenship if applicant provides proof of lateral descent to a person listed on any of the foundation documents listed above, provided the person listed was indicated to be a Gabrielino, Tongva, San Gabriel Mission Indian, or another name meaning the same.

The Gabrielino/Tongva Nation shall maintain an archive of historical records for Gabrielino/Tongva Nation Citizen review and copy, in compliance with Article XV.

SECTION 4.

The Department of Citizenship shall create a Roll of Citizens who meet the criteria for citizenship in the Gabrielino/Tongva Nation set forth in the Constitution.

The Department of Citizenship shall add the names of Citizens to the Roll of Citizenship.

Each Citizen of the Gabrielino/Tongva Nation shall be assigned an identification document.

SECTION 5.

Following ratification of the Roll of Citizens by the eligible voters of the Gabrielino/Tongva Nation at an election called for that specific purpose, citizenship in the Gabrielino/Tongva Nation shall automatically confer to all lineal descendants of those listed on the Roll of Citizenship upon birth; proof of direct descendancy; and/or submission of birth certificates, death certificates, or other official or recognized evidence which show proof of direct descendancy.

SECTION 6.

A Citizen of the Gabrielino/Tongva Nation shall not have that citizenship revoked.

SECTION 7.

Recognizing the right of any person to freely associate with the Gabrielino/Tongva Nation, a person may voluntarily relinquish citizenship in the Gabrielino/Tongva Nation by submitting an affidavit to the Peo'tskome verifying that person's desire to relinquish citizenship in the Gabrielino/Tongva Nation.

Such affidavit must be signed in the presence of two (2) witnesses who are Citizens of the Gabrielino/Tongva Nation and notarized.

SECTION 8.

Any person that relinquishes citizenship shall be permitted to re-apply for said citizenship.

SECTION 9.

Any minor whose citizenship is relinquished by a parent or legal guardian shall have the right to petition for automatic reinstatement of citizenship upon reaching the age of eighteen (18), or upon emancipation.

SECTION 10.

Citizenship in the Gabrielino/Tongva Nation cannot be conferred upon enrolled members of another Native American Nation. In the event membership in another Native American Nation is discovered, a Gabrielino/Tongva Nation Citizen shall relinquish citizenship in either the Gabrielino/Tongva Nation or all other Native American Nations.

Individuals who relinquish citizenship in the Gabrielino/Tongva Nation shall be permitted to regain citizenship in the event of relinquishment of citizenship in all other Native American Nations and re-submittal of a citizenship application.

SECTION 11.

Citizenship in the Gabrielino/Tongva Nation is not the same as registration or

authorization to vote in any Gabrielino/Tongva Nation election.

ARTICLE IV
The Peo'tskome (Governing Council)

The Peo'tskome is the elected governing council of the Gabrielino/Tongva Nation.

The Peo'tskome shall pass and enact a law creating the requirements for eligibility to run for election and serve as a member of the Gabrielino/Tongva Nation Peo'tskome. These requirements shall include, but are not be limited to:

- A. Must have citizenship in the tribe at a minimum of six (6) years prior to the election, further defined and enacted by law;
- B. Must be twenty-five (25) years of age or older;
- C. Have not been convicted of any felony or crimes of moral turpitude;
- D. Must not have served as a council member or a member of the governing body of another band, faction, or tribe ten (10) years prior to the election;
- E. Must be in good standing;
- F. Must not have been a witness in opposition to the Gabrielino/Tongva Nation during a lawsuit fifteen (15) years prior to the election;
- G. Must not have brought a lawsuit in opposition to the Gabrielino/Tongva Nation fifteen (15) years prior to the election; and
- H. Must comply with, but not limited to the Indian Gaming Regulatory Act, Title 25, and California State gaming laws.

SECTION 1.

The Peo'tskome of the Gabrielino/Tongva Nation shall consist of nine (9) Citizens of the Gabrielino/Tongva Nation. The term of office for each member of the Peo'tskome of the Gabrielino/Tongva Nation shall be six (6) years. Peo'tskome members shall, at stated times, receive for their services a compensation.

SECTION 2.

The Peo'tskome shall be selected in at large elections open to all eligible voters and shall represent all the Citizens of the Gabrielino/Tongva Nation.

Elections for the Peo'tskome shall be staggered so as to avoid every Peo'tskome position being elected at the same time; to ensure continuity of the Gabrielino/Tongva Nation Government; and to avoid wholesale change in the Gabrielino/Tongva Nation's governmental structure.

Every two (2) years, starting with 2007, there shall be an election, in accordance with the Constitution and law, to elect three (3) members of the Peo'tskome.

SECTION 3.

The Inaugural Peo'tskome shall consist of the existing six (6) Gabrielino/Tongva Nation Tribal Council members who shall serve out the remainder of the terms they had previously been elected to.

Prior to December 31, 2007, three (3) additional Peo'tskome members shall be elected. Subsequent elections for representatives to the Gabrielino/Tongva Nation Peo'tskome shall be held every two (2) years.

SECTION 4.

It is the intent of this Constitution that no one (1) family gains control of the Peo'tskome.

To limit nepotism, no more than two (2) members of a family may be seated on the Peo'tskome at one time. No more than one (1) set of family members may sit on the Peo'tskome at one time.

For the purposes of this Constitution, a family can be made up of the following: traditional marriages, common law marriages, civil unions, half relatives, in-laws, adoptive family members, step relatives, and foster families, of Gabrielino/Tongva heritage only.

For the purposes of this Section, family member shall include: spouse, child, parent, sibling, grandchild, grandparent, great grandchild, great grandparent, great great grandchild, great great grandparent, great great great grandchild, great great great grandparent, great great great great grandchild, great great great great grandparent, niece, nephew, aunt, uncle, grand niece, grand nephew, grand aunt, grand uncle, great grand niece, great grand nephew, great grand aunt, great grand uncle, great great grand niece, great great grand nephew, great great grand aunt, great great grand uncle, great great great grand niece, great great great grand nephew, great great great grand aunt, great great great grand uncle, first cousin, first cousin once removed, first cousin twice removed, first cousin three times removed, first cousin four times removed, second cousin, second cousin once removed, second cousin twice removed, second cousin three times removed, third cousin, third cousin once removed, third cousin twice removed, fourth cousin, fourth cousin once

removed, fifth cousin.

SECTION 5.

The duly elected representatives of the Peo'tskome shall appoint a Chair from amongst the eligible Peo'tskome representatives upon installation of the Peo'tskome members elected in the most recent regularly scheduled General Election.

A member of the Peo'tskome shall have served two (2) years on the Peo'tskome in order to be eligible for appointment to the position of Chair.

SECTION 6.

The Chair of the Peo'tskome, unless unable or in situations described herein, shall preside over all meetings of the Peo'tskome and shall serve as spokesperson for the Gabrielino/Tongva Nation in all official or governmental situations.

This includes but is not limited to communications or negotiations with heads-of-state, contract execution pursuant to the terms of this Constitution, and all ceremonial situations.

SECTION 7.

The duly elected representatives of the Peo'tskome shall appoint a Vice Chair from amongst the eligible Peo'tskome representatives upon installation of the Peo'tskome members elected in the most recent regularly scheduled General Election.

A member of the Peo'tskome shall have served two (2) years on the Peo'tskome in order to be eligible for appointment to the position of Vice Chair.

The Vice Chair shall assume the powers and duties of the Chair for the remaining portion of the term to which the Chair had been appointed in the case of the absence of the Chair due to death, resignation, removal, or inability to discharge the power and duties of the said office.

Vacancies in the office of the Vice Chair shall be filled by the Peo'tskome in the manner described above.

SECTION 8.

The duly elected representatives of the Peo'tskome shall appoint a Secretary from amongst the Peo'tskome representatives upon installation of the Peo'tskome members elected in the most recent regularly scheduled General Election.

The Secretary shall take and keep all minutes of meetings of the

Peo'tskome.

SECTION 9.

A Peo'tskome member shall not pass judgment on any issue in which an immediate family member is the subject of the issue for decision or in which the appearance of impropriety may exist.

For the purposes of this Constitution, a family can be made up of the following: traditional marriages, common law marriages, civil unions, half relatives, in-laws, adoptive family members, step relatives, and foster families, of Gabrielino/Tongva heritage only.

For purposes of this Section, immediate family members shall include spouse, child, parent, sibling, grandparent, grandchild, nephew, niece, 1st aunt, 1st uncle, 1st cousin, stepchild, or stepparent.

SECTION 10.

Peo'tskome members may only be removed upon, conviction of any felony, any crime of moral turpitude, for obtaining personal gain while in office, or any other violation as detailed in the Grievance Process as defined by law.

SECTION 11.

In the case of permanent vacancy on the Peo'tskome, the Peo'tskome shall appoint a Citizen to hold the open position for the remainder of the term provided the remaining term consists of less than one (1) year.

In the event that the remainder of the term is one (1) year or more, a special election in accordance with the law shall be called within ninety (90) days.

ARTICLE V
(Powers and Duties of the Peo'tskome)

SECTION 1.

The Peo'tskome shall have the power to propose, discuss, draft, and vote on all bills applicable within the jurisdiction of the Gabrielino/Tongva Nation. Bills that are passed by the majority of the Peo'tskome shall be law.

All actions of the Peo'tskome must be conducted at a lawfully held meeting of the Peo'tskome pursuant to procedures that are not in conflict with this Article.

A quorum of five (5) Peo'tskome members must be present to conduct a lawful meeting, notwithstanding issues that may require six (6).

SECTION 2.

The Peo'tskome shall have the following powers subject to the checks and balances of the other branches of the Gabrielino/Tongva Nation Government, this Constitution, and those imposed by federal statutes, or by the Constitution of the United States.

To make all laws necessary and proper for the benefit of the Gabrielino/Tongva Nation, including but not limited to the following:

- A. To borrow money on behalf of the Gabrielino/Tongva Nation and to pledge or assign future Gabrielino/Tongva Nation income as security for such loans.
- B. To collect and expend any Gabrielino/Tongva Nation funds within the exclusive control of the Gabrielino/Tongva Nation and to recommend the expenditure of any other funds the Gabrielino/Tongva Nation is permitted to expend.
- C. To purchase in the name of the Gabrielino/Tongva Nation any land or other property the Peo'tskome may deem beneficial to the Gabrielino/Tongva Nation or its Citizens.
- D. To enforce the protection of the property, wildlife, cultural, and natural resources of the Gabrielino/Tongva Nation.
- E. To assess license fees or taxes upon members and non-members doing business with or obtaining special privileges from the Gabrielino/Tongva Nation.
- F. To negotiate or enter into Treaties, Compacts, Contracts, or other Agreements with other governments or other parties on behalf of the Gabrielino/Tongva Nation.
- G. To employ legal counsel, the choice of counsel, and fixing of fees.
- H. To prevent or enter into the sale, disposition, lease, or encumbrance of Gabrielino/Tongva Nation lands, interests in lands, or other Gabrielino/Tongva National assets.
- I. To promulgate and enforce laws governing the conduct of Citizens of the Gabrielino/Tongva Nation.
- J. To promulgate and enforce laws governing the lands and property of the Gabrielino/Tongva Nation.
- K. To establish an approved annual budget for the Gabrielino/Tongva Nation.

- L. To create subordinate bodies or committees and delegate its authority for the benefit of the Gabrielino/Tongva Nation.
- M. To take any lawful actions deemed necessary to protect the interests of the Gabrielino/Tongva Nation subject to the provisions of the Constitution.
- N. To exclude from the restricted land of the Gabrielino/Tongva Nation persons not legally entitled to reside therein, under laws which shall be subject to the approval of the Commissioner of Indian Affairs or its authorized representative.

SECTION 3.

Citizens of the Gabrielino/Tongva Nation may enforce the Constitution against the Peo'tskome pursuant to Article X.

SECTION 4.

Any rights and powers, heretofore, vested in the Gabrielino/Tongva Nation, but not expressly referred to in this Constitution, shall not be abridged, but may be exercised by the Citizens of the Gabrielino/Tongva Nation through the adoption of appropriate amendments to this Constitution.

ARTICLE VI
(General Meetings of the Gabrielino/Tongva Nation)

SECTION 1.

The Gabrielino/Tongva Nation shall hold not less than four (4) general meetings of the Gabrielino/Tongva Nation Citizens in the calendar year. The calendar year is January 1st through December 31st.

SECTION 2.

General meetings shall be called by the Peo'tskome. The Peo'tskome shall determine and approve the agenda for the general meetings. Only items listed as agenda items on the notice for the general meeting shall be discussed or acted upon by the Citizens of the Gabrielino/Tongva Nation.

SECTION 3.

Citizens may submit issues for inclusion on the General Meeting agenda to the Peo'tskome. Submissions shall be in writing and submitted to the Peo'tskome prior to approval of the agenda for the general meeting.

SECTION 4.

Notices for all general meetings shall be (1) published on the Gabrielino/

Tongva Nation's website and, (2) postmarked and mailed no less than thirty (30) days prior to the day of the general meeting. Notices shall include the following information:

- A. Date and time of the general meeting.
- B. Location of the general meeting.
- C. Agenda items for the general meeting.
- D. Any other information the Peo'tskome deems necessary.

SECTION 5.

Only Citizens of the Gabrielino/Tongva Nation, their spouses, and their children may attend general meetings of the Gabrielino/Tongva Nation. All non-citizens, except those listed above, and guests must be invited by the Peo'tskome in order to attend a general meeting.

SECTION 6.

Only Citizens of the Gabrielino/Tongva Nation may take part in discussions and/or business of the Gabrielino/Tongva Nation, unless permission has been granted by the Peo'tskome.

SECTION 7.

The Peo'tskome of the Gabrielino/Tongva Nation shall pass a law creating the procedures to govern the conducting of general meetings. The Chair of the Peo'tskome shall preside over all general meetings unless such authority has been conferred to another member of the Peo'tskome.

SECTION 8.

The order of business of all general meetings shall be as follows:

- A. Call to Order
- B. Invocation
- C. Roll Call of Peo'tskome
- D. Reading of minutes of last general meeting
- E. Reports of committees and officers
- F. Unfinished Business
- G. New Business
- H. Citizen Comment

I. Adjournment

ARTICLE VII
(Judiciary)

SECTION 1.

The judicial power of the Gabrielino/Tongva Nation shall be vested in the Gabrielino/Tongva Nation Supreme Court and the underlying Gabrielino/Tongva Nation District Court. Until such time as the Gabrielino/Tongva Nation Citizens shall establish a court system, the current procedural rules shall apply. The Gabrielino/Tongva Nation, hereby, waives sovereign immunity to its Citizens, limited to bringing actions pursuant to the language of this Constitution.

SECTION 2.

Except as provided for in this Constitution, it shall be the duty of the Peo'tskome to provide, through necessary laws, the jurisdiction, and the rules of procedure for the Gabrielino/Tongva Nation Courts.

SECTION 3.

The judges of both the Gabrielino/Tongva Nation Supreme Court and the Gabrielino/Tongva Nation District Court shall, at stated times, receive for their services a compensation.

SECTION 4.

The Supreme Court of the Gabrielino/Tongva Nation shall consist of three (3) Justices elected by the Citizens. Justices shall be elected for a four (4) year term except as provided herein. Following the initial election of Justices of the Supreme Court, elections shall be held every two (2) years.

SECTION 5.

The terms of the Justices shall be staggered. The Elder Justice seat and a non-Elder Justice seat of the initially elected Supreme Court of the Gabrielino/Tongva Nation shall be up for election two (2) years immediately following the initial election. The remaining non-Elder seat shall be open for election the following election.

SECTION 6.

Two (2) Supreme Court Justices at all times shall hold licenses to practice law in any state of the United States. One Supreme Court Justice shall be elected from the Gabrielino/Tongva Nation Elders.

For purposes of this Section, a Gabrielino/Tongva Nation Elder shall be defined as a Citizen who has reached the age of sixty-five (65)

years. The Elder does not need to be licensed to practice law.

The two (2) non-Elder Supreme Court Justices shall, at all times, hold licenses to practice law in any state of the United States.

SECTION 7.

The District Court of the Gabrielino/Tongva Nation shall consist of at least one (1) judge. The term of office for District Court Judge(s) shall be three (3) years.

SECTION 8.

The Peo'tskome shall appoint District Court Judge(s). The Peo'tskome shall nominate qualified individuals with a license to practice law in any state of the United States to serve as a District Court Judge. A majority of the Peo'tskome, at a meeting called specifically to address the issue, shall be necessary to confirm the appointment.

SECTION 9.

The District Court Judge shall comply with precedent set by the Gabrielino/Tongva Nation Supreme Court and shall not overturn the Gabrielino/Tongva Nation Supreme Court decisions.

SECTION 10.

Judges may only be removed pursuant to the Grievance Process as detailed by law.

SECTION 11.

In the event of removal or resignation of a Supreme Court Justice or a District Court Judge, the Peo'tskome shall appoint a replacement, provided that the remaining term of office consists of less than one (1) year. In the event that the remainder of the term is one year (1) or more, a special election, in accordance with the law, shall be called within ninety (90) days.

ARTICLE VIII **(Voting Rights)**

The Right of Citizens of the Gabrielino/Tongva Nation to vote shall not be denied or abridged. All Citizens eighteen (18) years of age and older, who have registered to vote in the Gabrielino/Tongva Nation elections, shall be eligible to vote in any election of the citizenship of the Gabrielino/Tongva Nation.

The Gabrielino/Tongva Nation Citizens shall be able to vote in all the Gabrielino/Tongva Nation elections called by their governmental officials pursuant to the rules set out in Article XII and XIII of this Constitution and

applicable law.

ARTICLE IX
(Bill of Rights)

SECTION 1.

Pursuant to the Federal Indian Civil Rights Act of 1968 (82 Stat. 77, codified at 25 U.S.C. § 1302) and all valid amendments thereof, the Gabrielino/Tongva Nation, in exercising its powers of self-governance, shall not:

- A. Make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble, and to petition for a redress of grievances.
- B. Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.
- C. Subject any person to any criminal penalty or otherwise subject any person for the same offense to be twice put in jeopardy.
- D. Compel any person in any criminal case to be witness against himself/herself.
- E. Take any private property for public use without just compensation.
- F. Subject any person to any criminal proceedings, or otherwise deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him/her, to have compulsory process for obtaining witnesses in his/her favor, and at his/her own expense, to have the assistance of counsel for his/her defense.
- G. Subject any person to any criminal proceedings, or otherwise require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one (1) year or a fine of \$5,000, or both.
- H. Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law. Tribal citizenship, or any right or privilege of tribal citizenship cannot be deprived without such protections.
- I. Pass any bill of attainder or ex post facto law.

J. Subject any person to any criminal proceedings, or otherwise deny to any person accused of an offense punishable by imprisonment, the right, upon request, to a trial by jury of not less than six (6) persons.

SECTION 2.

The Gabrielino/Tongva Nation shall not:

- A. Deny any Citizen the right to review tribal records specified in Article XV of this Constitution.
- B. Compel any Citizen in any case in front of the Gabrielino/Tongva Nation Courts to be a witness against his/her spouse.
- C. Discriminate against any individual based upon gender, sexual orientation, age, or religion.

ARTICLE X
(Enforcement of Constitution)

SECTION 1.

In order to enforce this Constitution, Citizens of the Gabrielino/Tongva Nation shall have the right to bring causes of action against the Gabrielino/Tongva Nation or Gabrielino/Tongva Nation Officials in the Gabrielino/Tongva Nation Courts, or in the event the Gabrielino/Tongva Nation Courts have not been established, by following procedures previously set forth.

Subsequent to final determinations by the Gabrielino/Tongva Nation Supreme Court, Citizens of the Gabrielino/Tongva Nation may bring actions in Federal Court limited to violations of Article IX of this Constitution, including issues of citizenship or other matters that may be deemed internal tribal matters.

ARTICLE XI
(Amendments to the Constitution)

The period of duration of this Constitution shall be perpetual and the Constitution may only be amended as detailed in Article XI and Article XIII.

SECTION 1.

The Peo'tskome, whenever a majority shall deem it necessary, shall propose Amendments to this Constitution.

SECTION 2.

Amendments to this Constitution shall be valid, for all intents and

purposes, when ratified by two thirds (2/3) of the registered voters of the citizenship of the Gabrielino/Tongva Nation at an election called for and held in accordance with the law.

ARTICLE XII **(Elections)**

SECTION 1.

All Citizens of the Gabrielino/Tongva Nation, who are eighteen (18) years of age or older on the date of the election and have registered to vote in the Gabrielino/Tongva Nation elections, shall have the right to vote.

SECTION 2.

All Gabrielino/Tongva Nation elections shall be held in accordance with the law.

SECTION 3.

Law(s) governing all elections of the Gabrielino/Tongva Nation shall be enacted and shall contain the following minimum requirements:

- A. The establishment of a Gabrielino/Tongva Nation Election Committee.
- B. The rules for nominations and candidate qualifications.
- C. The rules for calling elections.
- D. The form of the ballot.
- E. The establishment of absentee voting procedures and polling places.
- F. The handling and counting of the ballots.
- G. Any other appropriate matters.

SECTION 4.

All elections shall be by secret ballot.

ARTICLE XIII **(Referendum Elections)**

The Gabrielino/Tongva Nation Citizens shall have the right to call special referendum elections in accordance with the referendum process set forth in law and under the following:

- A. Presentation to the Peo'tskome of a document entitled Referendum Election Issue (Petition), including the issue to be voted upon, with the names of over thirty three (33%) percent of the Gabrielino/Tongva

Nation's registered voters signed thereto. Each page of signatures must comply with the language stated above.

- B. The Petition must be certified in accordance with law.
- C. Any Gabrielino/Tongva Nation Citizen or any Gabrielino/Tongva Nation Official may challenge the Petition in the Gabrielino/Tongva Nation Courts or in the event the Gabrielino/Tongva Nation Courts have not been established, through the Peo'tskome.
- D. Upon certification of the Petition, the Peo'tskome shall call an election for the issue or issues within ninety (90) days.
- E. An issue shall be passed upon approval by a majority of voters who participate in an election under this article and in compliance with the law, unless the issue is an amendment to this Constitution. All issues passed shall become law.
- F. Issues must comply with the Constitution unless they are amendments to the Constitution.
- G. Amendments to the Constitution brought forth through the referendum process shall require the ratification of two thirds (2/3) of the registered voters of the citizenship of the Gabrielino/Tongva Nation.

ARTICLE XIV
(Ratification of the Constitution)

SECTION 1.

Adoption of this Constitution requires a majority of the registered voters of the Gabrielino/Tongva Nation vote in favor of ratification in an election called for this purpose.

ARTICLE XV
(The Gabrielino/Tongva Nation Records)

SECTION 1.

Definition of the Gabrielino/Tongva Nation Records:

- A. The Gabrielino/Tongva Nation records shall include documents of all kinds and any other form of record keeping which result from the operation of the Gabrielino/Tongva Nation government. Except as otherwise specifically provided by ordinance, the Gabrielino/Tongva Nation records shall include, but are not limited to, the following:
 - 1. Records of the Peo'tskome or General Citizenship meetings and any action taken therein.

2. All financial records.
 3. Records of court proceedings and any court decisions or orders involving the Gabrielino/Tongva Nation, EXCLUDING confidential proceedings such as juvenile and family law matters in which the Gabrielino/Tongva Nation is an intervening party or witness.
 4. All correspondence, memoranda, and any other documents or other form of records produced by the Gabrielino/Tongva Nation officers or their agents while holding office and during the performance of their duties.
 5. Enrollment documents and the Roll of Citizens.
 6. The Gabrielino/Tongva Nation Citizenship mailing list.
- B. All Gabrielino/Tongva Nation records shall be the exclusive property of the Gabrielino/Tongva Nation.
 - C. The Peo'tskome may, by resolution, designate the form in which records shall be kept.
 - D. The current Gabrielino/Tongva Nation records shall be preserved in the files of the Gabrielino/Tongva Nation Administration and archived files may be stored and secured in another facility designated by ordinance or resolution of the Peo'tskome.
 - E. The Gabrielino/Tongva Nation records, excluding personnel records and personal files of the Gabrielino/Tongva Nation Citizens, shall be fully accessible for review by Citizens of the Gabrielino/Tongva Nation upon written request and in the presence of an authorized Gabrielino/Tongva Nation official at a secured Gabrielino/Tongva Nation location.
 - F. The Gabrielino/Tongva Nation Citizens shall have the right to review any records containing personal information about themselves, their minor children, or their legal guardians. Said Citizens shall have the right to copy said records.
 - G. A Citizen shall not be allowed to review another Citizen's genealogical records without the written consent of said Citizen.
 - H. In the case of a deceased family member, the surviving descendants of said family member shall be allowed to review and copy the deceased family member's genealogical records. Such review shall be conducted during normal office hours and approval to review such records shall be in accordance with procedures as set by law.
 - I. Under no circumstances shall originals of the Gabrielino/Tongva Nation's Records be removed without subpoena or court order.

J. Certain Gabrielino/Tongva Nation Records may be copied pursuant to law.

SECTION 2.

The Peo'tskome shall pass law(s) governing the use of the Gabrielino/Tongva Nation's Records.

SECTION 3.

The unauthorized review, possession, or use of the Gabrielino/Tongva Nation Records shall be prohibited by law.