GABRIELINO/TONGVA NATION ELECTION ACT of 2007
JULY 15, 2007
Amended September 12, 2026
Revision 11

SECTION 1. AUTHORITY
The Gabrielino/Tongva Nation Election Act of 2007 is hereby enacted by the Gabrielino/Tongva Nation Peo'tskome under authority delegated by Article V, Section 2(I), of the Constitution of the Gabrielino/Tongva Nation.

SECTION 2. PURPOSE
The purpose of the Election Act is to establish procedures for fair elections and to insure the secrecy and sanctity of the ballot.

SECTION 3. DEFINITIONS

CITIZEN – Is any person of Gabrielino/Tongva heritage that has applied and been approved by the Gabrielino/Tongva Nation Citizenship Department/Board through the Citizenship process in accordance with the Constitution of the Gabrielino/Tongva Nation and the Gabrielino/Tongva Nation Citizenship Act of 2009.

CONSTITUTION – The Constitution of the Gabrielino/Tongva Nation, as ratified on February 17, 2007, and amended thereto.

DATES OF EVENTS – In determining the date of any event pertaining to elections, which date is fixed by this ordinance as occurring a certain number of days before or after an election, neither the day of an Election nor the day of the event shall be counted.

ELECTION BOARD – The Election Board shall have the overall responsibility to conduct all elections for the Tribe.

ELECTION NOTICE – The Election Board shall issue the official notice that an election will be held on a specific date at least one hundred forty (140) days before the election of the Peo'tskome and at least ninety (90) days before elections on referendums as provided in Article XIII (d) of the Constitution. The notice shall consist of posting of information concerning date, time, and place of the election.

PEO'TSKOME – The elected governing council of the Gabrielino/Tongva Nation established by Article IV, of the Gabrielino/Tongva Nation Constitution.

POLLING OFFICIAL – Shall be a Gabrielino/Tongva Nation Citizen in good standing, as defined in the Constitution and eighteen (18) years of age or older.

REGISTERED VOTER – A Gabrielino/Tongva Nation Citizen who is eighteen (18) years of age or older on the date of the election and has registered to vote in Nation elections, shall have the right to vote.

SPECIAL ELECTION – Any election other than the regularly scheduled Peo'tskome election.

SECTION 4. ELECTION OFFICIALS AND DUTIES

A. The Peo'tskome shall appoint, by majority vote, an Election Board to serve at the discretion of the Peo'tskome, on alternating election cycles. No Citizen may run for Peo'tskome while serving on the Election Board.

B. The Election Board shall have overall responsibility to conduct all elections in accordance to the Constitution of the Gabrielino/Tongva Nation and this law.

   It is not the mission or the responsibility of the Election Board to interpret the Constitution or the Election Act. Interpreting the law is beyond their purview. If there is a question, concern, or discrepancy, the Election Board shall seek clarification through the sitting Supreme Court of the Gabrielino/Tongva Nation or the Peo'tskome if there is no sitting Supreme Court.

C. Election Board: The Election Board shall consist of a Chairperson, a Vice-Chairperson, and a Secretary/Clerk, a Sergeant-at-Arms and 3 members at large. The Chairperson of the Election Board shall chair all meetings of the Election Board. On election days, a third party approved by the Peo'tskome may act as an observer at the poll(s). Alternates will be added at the discretion of the Election Board.

D. Maintaining the Election Process:

   1. The positions of Chairperson, Vice-Chairperson, Secretary/Clerk, and Sergeant-at-Arms shall alternate and be chosen by the Election Board Members as the first item on their agenda at the first Election Board meeting called for, pertaining to a regularly scheduled Peo'tskome Election. These positions shall be held until the next regularly scheduled Peo'tskome Election or the vacancy of the position. Excludes all elections, polling, and voting, other than a regularly scheduled Peo'tskome Election.

   2. An "Election Board Policies and Procedures" manual shall be attached to the Election Act and incorporated as part of this law by December 31, 2021, and take effect on the same date. This is to ensure that should the Election Board for any reason be vacated by all Board Members, that a new Election Board, with no experience, be able to continue the Election Process with the efficiency and the integrity expected of the Election Board.

E. Duties of the Election Board shall include, but not limited to:

   1. Publication of Election Notice: At least one hundred forty (140) days before the date of any election of members of the Peo'tskome or at least ninety (90) days before the date of any election of Supreme Court Justices or on referendums. A public notice of calling of the election shall be made by the Peo'tskome and notices shall be posted at the Nation Government Offices and on the Nation's website. The Election Board will also cause to be mailed a Notice to all

Citizens of the Nation who are or will be eighteen (18) years of age or older on the date of the election.

2. Election Supplies: The Election Board shall arrange for all election supplies, including the printing of ballots, and for the printing or other reproduction of tally lists, lists of Registered Voters, and shall arrange for the delivery of the same to the polling place before the opening of the polls.

3. Rulings of Eligibility of Candidates: The Election Board shall have the authority to rule upon the eligibility of the candidates. Disputes of the candidate's qualifications shall be referred to the Election Board. In the event that the Election Board cannot decide, the final decision shall be made by the Peo'tskome.

F. All Election Board Members must be Gabrielino/Tongva Nation Citizens.

1. It is the intent of the 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 Election Board at one time. No more than one (1) set of family members may sit on the Election Board at one time.

   For the purposes of this Section, a family member shall be defined pursuant to the Gabrielino/Tongva Nation Constitution, Article IV, Section 4.

SECTION 5. VOTER QUALIFICATIONS

A. Nation Voters: In accordance with the Constitution, Article XII, Section 1 - All Citizens of the Gabrielino/Tongva Nation who are eighteen (18) years of age or over on the date of the election of the Gabrielino/Tongva Nation and have registered to vote in Nation elections, shall have the right to vote.

B. Absentee Voters: Any Voter who is or will be eighteen (18) years of age or over on the date of the election of the Gabrielino/Tongva Nation and will not be present to vote in person on the date, place, or time determined for the election. Absentee Voters must follow the process set forth in Section 8 below to register as an Absentee Voter.

C. Registering to Vote: Ninety five (95) Days prior to a Peo'tskome election day (postmarked) will be the last day to register to vote. Forty five (45) days prior to an Initiative and Referendum Election Day (postmarked) will be the last day to register to vote. Registering to vote for a Peo'tskome Proposed Amendment Vote to the constitution may be held on the day of the vote.

   A "Voter Registration Form" shall be sent to all Citizens that are or will be eighteen (18) years of age or older on the date of the election, that are not registered. Citizens may, at any time, ask for a Voter Registration Form from the Tribal

Administration Office. The Tribal Administration Office will make Voter Registrations Forms available at the General Meetings. In both cases, the Tribal Administration Office will be in adherence with the election cycle.

A Citizen that has registered to vote, shall be considered registered, until such time as the Citizen has a change of address or a change to their name.

It is the responsibility of the Citizen to notify the Citizenship Department/Board of any changes in their address or changes to their name. Failure to notify the Nation of these changes will cause the Citizen to be removed from the Registered Voter List until they re-register by filling out the Voter Registration Form.

D. Maintaining Voter Registration Requests: The Voter Registration Form causing a Citizen to have "Registered Voter" status shall be turned over to and maintained by the Citizenship Department/Board after the election process is complete and such form shall be placed in the permanent file of record for said Citizen.

SECTION 6. BALLOTS

A. Form of the Ballot: The Election Board shall determine the form of the ballot.

B. Number of Ballots: Numbered ballots shall be supplied by the Election Board to the polling place in sufficient quantity to assure each Voter whose name appears in the "Official List of Registered Voters" may receive a ballot. The Election Board shall establish a process for the tracking, the numbering and the securing of official ballots.

C. Delivery and Receipt of Ballots: The Chairperson of the Election Board shall cause to be delivered to the polling place the printed blank ballots and other election materials including ballot box, with a lock, and fitted with one opening, and no more, of sufficient size to admit a single folded ballot. The key to the lock shall be given to the Chairperson of the polling place. The Secretary/Clerk of the polling place shall count all ballots delivered to him/her and shall be responsible for an account of all ballots and other election materials until delivered to the Chairperson of the Election Board as provided in Section 11 of this Act.

SECTION 7. VOTING LIST, CANDIDATE PAMPHLET & LISTING OF CANDIDATES

A. Preparation and Delivery of the Official List of Registered Voters: The Citizenship Department/Board shall cause to be delivered an Official List of Registered Voters to the Election Board. On the day of the election, prior to the voting, the Secretary/Clerk of the Election Board shall maintain such list at the polling place(s). The Official List of Registered Voters shall be returned immediately to the Chairperson of the Peo'tskome after the results of the election has been announced.

B. Candidate Pamphlet: The Election Board will develop an official candidate pamphlet of all candidates' information. The official candidate's pamphlet will be

mailed by the Election Board at one time not less than forty (40) days before election day to the Official List of Registered Voters.

C. Listing of Candidates: The listing of candidate's names on the ballot shall be random drawing by the Chairperson of the Election Board.

SECTION 8. ABSENTEE VOTING

The Election Board shall issue Absentee Ballots for Peo'tskome elections.

A. Basis for providing and issuing Absentee Ballots: All Registered Voters that are or will be eighteen (18) years of age or older on the date of the election that live outside of the state or outside reasonable driving distance from the polling place or expects to be on the date of the election, absent for any reason from the vicinity of the polling place, and those that wish to receive an Absentee Ballot for all elections, except for Referendum Elections that require voting to be done at the polling place with Registered Voters that are present, shall request pursuant to subsection "B" below, to be placed on the list to receive an Absentee Ballot.

   Note: Requesting an Absentee Ballot shall cause Permanent Absentee Voter status to the Registered Voter making the request. If you wish to be removed from Permanent Absentee Voter status, you must re-register. You may drop your Absentee Ballot at the polling place on any given election that supplies Absentee Ballots.

B. Manner of requesting Absentee Ballots: The Election Board shall send out the "Voter Absentee Ballot Application Form" to all Registered Voters that are or will be eighteen (18) years of age or older on the date of the election, that have not applied for "Absentee Voter" status, during the process for each election, with the exception of Referendum Elections that require voting to be done at the polling place with Registered Voters that are present.

   All Registered Voters that are or will be eighteen (18) years of age or older on the date of the election, requesting an absentee ballot shall cause the "Voter Absentee Ballot Application Form" to be received by the Election Board at the official Gabrielino/Tongva Nation Election Board Office, not less than forty five (45) days before election day so as to allow sufficient time for ballots to be supplied and returned by the election date.

   All Registered Voters eighteen (18) years of age or older can request to be put on or removed from "Absentee Voter" status at anytime, whether there is an election or not, by requesting the proper forms, individually and in writing. Upon receipt of a valid request, the Election Board shall forward to the Citizen all necessary forms and instructions.

C. Maintaining the Absentee Ballot Requests: The Election Board Secretary/Clerk shall maintain a file of all requests for absentee ballots received during an election with the date of receipt stamped thereon. Further, the file shall show the names

and addresses of all persons to whom absentee ballots are mailed including the date of mailing.

Voter Absentee Ballot Application Forms causing a Citizen to have “Absentee Voter” status shall be turned over to and maintain by the Citizenship Department/ Board after the election process is complete and such form shall be placed in the permanent file of record for said Citizen.

It is the responsibility of the Citizen to notify the Citizenship Department/Board of any changes in their address or changes to their name. Failure to notify the Nation of these changes will cause the Citizen to be removed from the Absentee Voter List until they re-register by filling out the Voter Absentee Ballot Application Form.

D. Issuing of Absentee Ballots: Absentee ballots shall be mailed to those Registered Voters that have requested an absentee ballot not less than forty (40) days before election day so as to allow sufficient time for ballots to be supplied and returned by the election date. Each such ballot shall be marked with the words “Absentee Ballot” and bear the date of issuance.

In conjunction with issuing an absentee ballot, the Election Board shall immediately mark its records accordingly, so that the individual shall not receive a second ballot at the polling place for the stated election.

E. Execution and Return of Ballots: The voter shall:

1. Mark such ballot as instructed, and
2. Place the ballot in the provided official envelope marked “Absentee Ballot.”
3. Seal and mail the envelope to the Gabrielino/Tongva Nation Election Board.

ANY ABSENTEE BALLOT NOT PROPERLY SUBMITTED IN ACCORDANCE WITH THESE INSTRUCTIONS FOR ABSENTEE BALLOTING SHALL NOT BE COUNTED.

F. Receipt of Absentee Ballot: Absentee Ballots shall be received up until one day before the election date. If any outside entities, such as the U.S. Postal Service, changes its schedule of mail delivery or in the event of a holiday, before the one day receiving date the nearest day available shall be the last day for receiving absentee ballot. Absentee Ballots received after the last day before the election shall not be counted. The absentee ballots shall remain in a locked box at the Gabrielino/Tongva Nation Election Board Office until the day of the election, at which time at least 2 representatives of the Election Board shall personally transport it to the canvas site where it shall be delivered immediately, still locked, to the polling place.

G. All requests for an absentee ballot will be sent by U.S. Mail.

H. Absentee Ballots that are hand carried to the polling place will be accepted until the closing of the polls and must be hand carried by the specific Voter for whom the ballot was originally issued. Proper identification with picture ID is required.

SECTION 9. DUTIES OF POLL OFFICIALS AND VOTERS ON ELECTION DAY

A. The duties of the Chairperson, Vice-Chairperson, and Secretary/Clerk, of the Election Board, in the conduct of the balloting shall be as follows:

1. The Chairperson shall be the judge of the polling place election officials. The Chairperson shall be responsible for all arrangements, including availability of ballots and other election materials necessary to conduct balloting at the designated polling place. The Chairperson shall also provide sufficient private booths or other places for the Voters to mark their ballots in secrecy.

2. The polling place election officials shall be present at the designated polling place on election day in time to permit voting to begin when the polls open and shall remain until the polls close, all ballots have been counted, the tally properly recorded and reported and the ballots turned over for delivery as provided in this ordinance.

3. Before the balloting begins, a majority of the Election Board shall open and inspect the ballot box to determine that it is empty. The ballot box shall then be locked and shall remain locked until time to count the ballots.

B. After opening the polling place, each Voter upon presenting himself/herself to vote, shall announce to the officials his/her name and his/her mark witnessed by two election officials. Each Voter must sign the poll book before he/she may receive a ballot. The polling officials will then determine if the Voter's name appears on the "Official List of Registered Voters". Upon determination of the Voter's eligibility, the polling officials shall issue a ballot to the Voter. Proper identification with picture ID is required.

Upon receipt of a ballot, the Voter shall retire to one of the private voting booths or other designated place and therein mark his/her ballot in secrecy.

1. Only one person shall occupy a voting booth at one time except as provided elsewhere in this section. The Voter must mark and deposit his/her ballot before leaving the polling place. The Voter shall mark his/her ballot with either an "X" or check mark using the instrument provided by the election officials. Either mark, to be valid, must be identifiable within the appropriate square or place on the ballot for which it is intended.

2. After the ballot is so marked, the Voter shall fold the ballot or ballots so that the printed sides are completely concealed and deposit the folded ballot in the ballot box.

3. When any Voter presents himself/herself for a ballot and states that he/she because of physical disability or infirmity, is unable to mark his/her ballot, one of the election officials shall cause such Voter to be sworn after the following:

"Do you solemnly affirm that you are unable to mark your ballot for voting because of a physical disability or infirmity?"

Should the Voter so qualify himself/herself, in the absence of a family member or Voter designated assistant, a polling official shall be provided to give the Voter such assistance as he/she needs, but in all such instances, the Voter must state without suggestions from such officials, the way he/she wishes to vote, and in no instance shall a polling official or assistant by word, action or expression, attempt to influence the Voter as to how he/she should vote.

Such assistance shall be given in privacy and all persons other than the election officials shall be kept sufficiently distant so that they will not hear or know how such informed Voter voted.

C. The Election Board shall determine the opening and closing time of the poll. The poll shall remain open a minimum of 5 hours. The Election Board Shall determine the poll closing time. Any person waiting in line to vote at closing time will be permitted to vote, but those presenting themselves after the hour of closing of the polls will not be permitted to vote.

SECTION 10. HANDLING SPECIAL CIRCUMSTANCES

A. Spoiled Ballot: Should any elector spoil his/her ballot in his/her effort to vote, he/she shall fold and return the ballot to the election officials. Election officials shall deposit the spoiled ballot in a special "spoiled ballot" box. The election officials shall then provide such elector with another ballot in the same manner that the first one was provided. The election officials shall record the issuance of a "Duplicate of Spoiled Ballot" on a tally sheet prepared by the Election Board specifically for such purposes.

B. Alternates for Polling Officials: Should an election official of the polling place become ill or have an unforeseen emergency arise, the Chairperson of the Election Board shall be notified immediately so that an alternate may be prepared to assume the responsibilities of the vacated position.

C. Electioneering and Loitering: No person shall be allowed to electioneer within one hundred (100) yards of the polling place where and when the election is in progress. Nor shall any loitering be permitted in the polling place during voting hours. It shall be the duty of the Sergeant-at-Arms to ensure that no electioneering or loitering occurs at the polling place.

SECTION 11. CANVASS OF ELECTION RESULTS

The Election Board shall count and record the votes as soon as the polls close and immediately notify the Chairperson of the Peo'tskome of the results. All marked, unmarked, spoiled and Absentee Ballots will be turned over to the Chairperson of the Election Board within eighteen (18) hours of the closing of the polls. The election Chairperson will issue a signed receipt for the ballots and have the ballots locked in the Gabrielino/Tongva Nation Reserve Office or other Nation depository. The ballots shall be available for inspection under the supervision of the Peo'tskome and in accordance with Article XV of the Constitution and the Nation Open Records Act. Any claim of Voter fraud is to be reported to the Election Board and they shall investigate.

A. Poll Observers: Each candidate for a position on the Peo'tskome is entitled to choose one person to observe on his/her behalf, the counting of ballots. In elections to vote on referendums, the Election Board may designate (2) observers for the polling place to observe the counting of the ballots; one to represent each side of the question under consideration. No observer shall in any way interfere or hinder the election officials in exercising their responsibility.

B. Counting the Ballots at the Polling Place: The counting of the ballots shall take place in public view on election day. Immediately after closing the polls, the election officials shall count the votes cast, in the following manner: the Chairperson, in the presence of the Election Board and Poll Observer shall unlock the locked box containing the executed ballots. As the ballots are opened, the Chairperson shall verbally announce the choice or choices indicated on the ballot. The Vice-Chairperson and Secretary/Clerk shall separately record such information on tally sheets provided for such purposes.

C. Certification of the Voting Results: Upon completion of the tally, the Chairperson shall execute a certification of the voting results and post a copy of such notice. If the number of votes cast in the ballot box is found to exceed the number of names on the "Official List of Registered Voters", the fact shall be noted on tally sheets by the Secretary/Clerk.

D. Preparation for Counting Absentee Ballots: After the receipt of the absentee ballots, as in Section 8(C), the Election Board Chairperson, the Secretary/Clerk and at least one polling official shall count the ballots. The sealed envelopes shall then be dropped into the official ballot box and remain there until the actual count of all absentee ballots is started.

   Any ballots not properly submitted in accordance with the instructions in Section 8 for absentee balloting will not be counted, but shall be noted.

E. Counting Absentee Ballots: When everything is in readiness the Chairperson of the Election Board shall open the absentee ballot box, after which the count shall be made in the manner set forth in Section 11(B).

F. Announcing Results of Election: Immediately upon completion of the count of the Polling Place ballots and absentee ballots, the Chairperson of the Election Board, shall convey to the Peo'tskome the results of the voting. The winning candidates

for the Peo'tskome shall be determined by popular vote. Popular vote reflects the largest percentage of votes.

G. Return of Election Materials: The marked ballots, all unused ballots, the tally sheets, and the original of the certificates of results shall be placed in the ballot boxes. The boxes shall be locked and delivered by the Chairperson and Sergeant-at-Arms of the Election Board to the Gabrielino/Tongva Nation Government Offices, with the Chairperson of the Election Board retaining the keys. On the next business day following the Election, the Chairperson of the Election Board shall deliver the keys to the Nation Reserve Office or Nation Depository. The Official List of Registered Voters shall be returned immediately to the Chairperson of the Peo'tskome after the results of the election have been announced.

H. Improperly Marked Ballots: Should a portion of a ballot be improperly marked, it shall not exclude from the tally that part which is correctly executed. Any ballot on which the intent of the Voter cannot be determined, then that ballot shall be preserved and filed with the other ballots for safekeeping with the notation placed on the face of the ballot indicating it was not counted. The Rules of the Day will also reflect the Canvass of Election Results.

SECTION 12. CONTESTS OF ELECTION RESULTS

A. Requests for Recounts: Any qualified Voter of the Gabrielino/Tongva Nation may, within five (5) business days from the date of the election, file with the Chairperson of the Election Board in writing a challenge of the correctness of the announced results of the election and request a recount of the ballots. The request shall specify the candidate or position on behalf of which the request is being filed.

The request for a recount must be in writing with reason given, signed and must be accompanied by a $100.00 (one hundred dollar Cash, Certified Check, etc.) recount fee. If the requestor is successful in the recount, i.e., the candidate or position on behalf of which the request was filed is determined the winner at the end of the recount, he/she shall have returned to him/her any amount above actual costs involved in the recount. If the recount is unsuccessful in regard to the requestor, i.e., the candidate or position on behalf of which the request was filed is not determined the winner at the end of the recount, the requestor forfeits the full recount fee.

Upon receipt of the request for recount and the recount fee, the Election Board shall proceed to conduct a recount of the votes in the challenged contest. No challenge shall be considered that is not made within the time provided for that purpose. Poll observers are allowed to be present at all recount occasions.

B. Recount: The Recount will take place five (5) business days from the date of contest request.

C. Protest Not Involving Recounts: Any qualified Voter of the Gabrielino/Tongva Nation may within five (5) business days from the date of the election, file with the

Chairperson of the Election Board a protest or challenge concerning any aspect of the election. Such protest or challenge must be made in writing and signed by the protestor. The Chairperson of the Election Board will respond in writing to such proper protest or challenges within ten (10) business days closing of the protest period. Decisions made by the Election Board may be appealed to the Gabrielino/ Tongva Nation Supreme Court.

SECTION 13. TYPES OF ELECTIONS

A. Peo'tskome Elections:

1. Election Date: The first elections of the Peo'tskome shall occur in accordance with Article IV Section 4 of the Constitution. Subsequent elections to the Peo'tskome shall occur every two (2) years after the initial election.

2. Term of Office shall be a period of six (6) years and until a successor is duly elected and installed. Each member of the Peo'tskome shall be eligible to serve unlimited terms by re-election.

3. Eligibility:
   A. Must have citizenship in the Gabrielino/Tongva Nation for a minimum of six (6) consecutive years prior to the election;
   B. Must be twenty-five (25) years of age or older;
   C. Must not have been convicted of any felony or crime involving moral turpitude;
   D. Must not have served as a council member or a member of the governing body of another band, faction, or tribe at any time within 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 at any time within fifteen (15) years prior to the election; and
   G. Must not have brought a lawsuit in opposition to the Gabrielino/Tongva Nation at any time within fifteen (15) years prior to the election.

Note: Multiple family members may run for the Peo'tskome, but only two (2) family members may serve on the Peo'tskome together. There will be no refunds of fees.

4. Filing for Office: A qualified Citizen seeking election as a member of the Peo'tskome must personally file written notice, and a non-refundable filing fee of **$100.00**, which shall be filed with the Election Board. Filing fee shall be used for election expenses. The Election Board shall determine the deadline date for filing.

   The Citizen shall also fill out and turn in to the Citizenship Department/Board a genealogical tree for review and comparison to existing Peo'tskome Members and a non-refundable fee of **$200.00** by the deadline date for filing of their "Intent to Run". This fee shall be used for a background check and any funds

remaining from the background check shall be returned to the election board for election expenses. Background checks shall be done by the Enrollment Officer. This fee shall not be waived.

The Enrollment Officer will generate a report on the findings to the Election Board. The timeline for this report will be determined by the background check process, not the Election Board, and may not be available before the candidate pamphlet is scheduled to go out. This report will be turned over to the Election Board within five (5) days of the final background check being received and if, for any reason, any of the background checks have not come back before the date of the polling, the Election Board will consider the person(s) that the background check(s) have not been received by, as a disqualification to the candidate's eligibility.

The genealogical tree and the background check shall be filed in the Citizen's permanent record. All fees totaled for eligibility are **$300.00**. **There will be no refunds of fees after the election process has started.**

5. Testing Eligibility of Candidate: The Election Board shall promptly review all filings from any Citizen to the Peo'tskome, whether challenged or not, to test the eligibility of each Citizen to be a candidate. If the Election Board determines that a Citizen is not eligible to be a candidate, the Election Board shall notify such person that this candidacy is being challenged, giving the reasons for the challenge, and that unless satisfactory proof of eligibility is furnished within five (5) business days after notification, he/she shall be declared ineligible to be a candidate. The decision on eligibility made by the Election Board may be appealed to the Gabrielino/Tongva Nation District Court.

6. Challenge of Candidate: Any qualified Voter may challenge the eligibility of any person to be a candidate by filing with the Election Board, a written statement setting forth the grounds for the challenge. The challenge must be filed within fourteen (14) days of the posting of the list of candidates.

   The Election Board shall notify within three (3) business days the would-be candidates in writing stating the basis for the challenge and shall request that that person to furnish satisfactory proof that he/she is eligible to be a candidate for the position he/she seeks within ten (10) days.

   The Election Board shall rule on each challenge and notify such person in writing of the reasons for its decision. Notification shall be given by certified mail, return receipt requested.

7. Appeal to Nation District Court: Any person who is aggrieved by order of the Election Board, may appeal that decision to the Gabrielino/Tongva Nation District Court who shall determine the matter expeditiously before all other matters on its docket excepting criminal cases. The court shall expedite the determination of appealed cases prior to the date established for receipt of request for Absentee Ballots.

B. Peo'tskome Proposed Amendments to the Constitution:

All Peo'tskome proposed Constitution Amendments shall be conducted in accordance with Article XI of the Constitution and this election law.

Proposed amendments to the Constitution brought forth through a Peo'tskome Proposed Constitution Amendment Vote, 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 this law.

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

   The Peo'tskome may appoint a subcommittee to the Peo'tskome, for the purpose of drafting the proposed amendments, as per Article V, Section 2(l).

   Each proposed amendment is to be written exactly how it shall appear in the Constitution if the proposed amendment is approved.

   The Election Board shall conduct the Peo'tskome Proposed Constitution Amendment Vote by and in compliance with Article XI of the Constitution and this election law.

2. Notice of a Peo'tskome Proposed Constitution Amendment Vote: A written notice calling for a vote of the proposed amendments, what the proposed amendments are, and an explanation on why the Peo'tskome thinks the amendments are needed, shall be created in conjunction with the Peo'tskome and the Election Board, with final approval by the Peo'tskome.

   The notice of the Peo'tskome Proposed Constitution Amendment Vote shall be posted at the Nation's government office, on the Nation's website, and mailed to all Citizens of the Nation who are or will be 18 years of age or older on the date of the election. Such posting and mailing of the notice shall occur at least 90 days prior to the date of the election.

3. Eligibility: All Registered Voters of the Gabrielino/Tongva Nation eighteen (18) years of age and older on the date of the election and who are in attendance, are eligible to participate in the election.

4. Ballots: The Election Board shall cause to be prepared ballots for the vote on the Peo'tskome Proposed Constitution Amendments. The ballots shall include the ballot title and the following language:

   Article, Section, Subsection or Paragraph, or any applicable designation.

The proposed change in the language as it will appear in the Constitution, if the proposed amendment is approved.

Shall the proposed amendment, to Article _____, Section _____ (etc.) be approved?

Followed by the words “Yes” and “No”, one above the other, each preceded by an empty square. A “Yes” vote is a vote in favor of the proposed amendment, and a “No” vote is a vote against the proposed amendment.

The ballot shall not reflect partiality in its composition or contain any argument for or against the proposed amendment.

5. Voting: All Registered Voters of the Gabrielino/Tongva Nation who are in attendance on the date, place and time declared for the Peo’tskome Proposed Constitution Amendment Vote may vote on the proposed amendments. No absentee ballots will be accepted for Peo’tskome Proposed Constitution Amendment Vote.

   Before voting begins, the Election Board shall open and inspect the ballot box to determine that it is empty. The ballot box shall be locked and shall remain locked until time to count the ballots.

   After opening the voting, each Registered Voter, upon presenting himself/herself to vote, shall announce to the officials his/her name and his/her mark witnessed by two election officials. Each Voter must sign the poll book before he/she may receive a ballot. The polling officials will then determine if the Voter’s name appears on the Official List of Registered Voters. Upon determination of the Voter’s eligibility, the polling officials shall issue a ballot to the Voter.

   Upon receipt of a ballot, the Voter shall mark his/her ballot in secrecy and deposit it into the ballot box.

   Once each and every eligible Voter has been allowed to vote, voting on the proposed amendments by the Peo’tskome will be closed. The Chairperson of the Election Board will make a statement to those assembled for the purpose of voting in the Referendum Election its intent to close the voting. Upon receipt of no opposition, the voting shall be closed.

6. Counting the Ballots: Immediately after closing the vote, the election officials shall count the votes cast, in the following manner: The Chairperson, in the presence of the Election Board shall unlock the locked box containing the executed ballots. As the ballots are opened, the Chairperson shall verbally announce the choice indicated on the ballot. The Vice-Chairperson and Secretary shall separately record such information on the tally sheets provided for such purposes.

Upon completion of the tally, the Election Board Chairperson shall convey to the Peo'tskome the results of the voting. The Peo'tskome shall immediately notify those Citizens of the results. An amendment will be deemed to have passed if 2/3 (two thirds) of the Registered Voters who participated in the Peo'tskome Proposed Constitution Amendment Vote, vote "Yes".

7. Certification of Peo'tskome Proposed Constitution Amendment Vote results: the Chairperson of the Election Board shall cause to be prepared a certification of the election results. A copy of the certification will be posted at the Nation government offices and on the Nation website.

   Return of Election Materials: The marked ballots, all unused ballots, the tally sheets, and the original of the certificate of results shall be placed in the ballot boxes. The boxes shall be locked and delivered by the Chairperson and Sergeant-at-Arms of the Election Board to the Gabrielino/Tongva Nation Government Offices, with the Chairperson of the Election Board retaining the keys. On the next business day following the Election, the Chairperson of the Election Board shall deliver the keys to the Nation Reserve Office or Nation Depository.

8. Improperly Marked Ballots: Should a portion of a ballot be marked, it shall not exclude from the tally that part which is correctly executed. Any ballot on which the intent of the Voter cannot be determined; that ballot shall be preserved and filed with the other ballots for safekeeping with the notation on the face of the ballot indicating it was not counted.

C. Initiative and Referendum Elections:

All elections on referendum issues, shall be conducted in accordance with Article XIII of the Constitution and this election law.

1. Gabrielino/Tongva Nation Citizens shall have the right to call special Referendum Elections. Referendum Election issues shall be submitted to the Peo'tskome in accordance with Article XIII (a) of the Constitution.

   The Election Board shall certify the Referendum Election issue, as to content and compliance with Article XIII of the Constitution and this election law.

2. Notice of a Referendum Election: All notices shall be prepared in accordance with the Section 4D(1) of this law. Notice of the Referendum Election shall be posted at the Nation's government office, on the Nation's website, and mailed to all Citizens of the Nation who are or will be 18 years of age or older on the date of the election. Such posting and mailing of the notice shall occur at least 90 days prior to the date of the election.

3. Ballots:

a. Initiative and Referendum: The Election Board shall cause to be prepared ballots for elections on referendum issues. The ballots shall include the ballot title and the following language:

Shall the proposed act or ordinance, known as _____ be approved?

Followed by the words "Yes" and "No", one above the other, each preceded by an empty square.

The ballot title shall contain language which clearly states that a "Yes" vote is a vote in favor of the referendum, and a "No" vote is a vote against the referendum. The ballot titles shall not reflect partiality in its composition or contain any argument for or against the measure.

b. Constitution Amendments: The Election Board shall cause to be prepared ballots for the vote on the Citizen Proposed Constitution Amendments. The ballots shall include the ballot title and the following language:

Article, Section, Subsection or Paragraph, or any applicable designation.

The proposed change in the language as it will appear in the Constitution, if the proposed amendment is approved.

Shall the proposed amendment, to Article _____, Section _____ (etc.) be approved?

Followed by the words "Yes" and "No", one above the other, each preceded by an empty square. A "Yes" vote is a vote in favor of the proposed amendment, and a "No" vote is a vote against the proposed amendment.

The ballot shall not reflect partiality in its composition or contain any argument for or against the proposed amendment.

4. Voting: All Registered Voters of the Gabrielino/Tongva Nation eighteen (18) years of age and older on the date of the election and who are in attendance on the date, place, and time declared for the Referendum Election may vote on the issue. No absentee ballots will be accepted for Referendum Elections.

Before voting begins, the Election Board shall open and inspect the ballot box to determine that it is empty. The ballot box shall be locked and shall remain locked until time to count the ballots.

After opening the voting, each eligible Voter, upon presenting himself/herself to vote, shall announce to the officials his/her name and his/her mark witnessed by two election officials. Each Voter must sign the poll book before he/she may receive a ballot. The polling officials will then determine if the Voter's name

appears on the Official List of Registered Voters. Upon determination of the Voter's eligibility, the polling officials shall issue a ballot to the Voter.

Upon receipt of a ballot, the Voter shall mark his/her ballot in secrecy and deposit it into the ballot box.

Once each and every eligible Voter has been allowed to vote, voting on the referendum issue will be closed. The Chairperson of the Election Board will make a statement to those assembled for the purpose of voting in the Referendum Election its intent to close the voting. Upon receipt of no opposition, the voting shall be closed.

5. Counting the Ballots: Immediately after closing the vote, the election officials shall count the votes cast, in the following manner: The Chairperson, in the presence of the Election Board shall unlock the locked box containing the executed ballots. As the ballots are opened, the Chairperson shall verbally announce the choice indicated on the ballot. The Vice-Chairperson and Secretary shall separately record such information on the tally sheets provided for such purposes.

   Upon completion of the tally, the Election Board Chairperson shall convey to the Peo'tskome the results of the voting. The Peo'tskome shall immediately notify those Citizens of the results. A referendum will be deemed to have passed if 2/3 (two thirds) of the eligible Voters who participated in the Referendum Election vote "Yes".

   If the referendum is an Amendment to the Constitution, the referendum will have passed if two-thirds (2/3) of the Registered Voters of the Gabrielino/ Tongva Nation Citizenship vote "Yes".

6. Certification of Referendum Election results: the Chairperson of the Election Board shall cause to be prepared a certification of the election results. A copy of the certification will be posted at the Nation government offices and on the Nation website.

   Return of Election Materials: The marked ballots, all unused ballots, the tally sheets, and the original of the certificate of results shall be placed in the ballot boxes. The boxes shall be locked and delivered by the Chairperson and Sergeant-at-Arms of the Election Board to the Gabrielino/Tongva Nation Government Offices, with the Chairperson of the Election Board retaining the keys. On the next business day following the Election, the Chairperson of the Election Board shall deliver the keys to the Nation Reserve Office or Nation Depository.

7. Improperly Marked Ballots: Should a portion of a ballot be marked, it shall not exclude from the tally that part which is correctly executed. Any ballot on which the intent of the Voter cannot be determined; that ballot shall be preserved and

filed with the other ballots for safekeeping with the notation on the face of the ballot indicating it was not counted.

D. Peo'tskome Vacancies, Recall, Removal, and/or Lack of Interest/Involvement:

1. Vacancies: If a position on the Peo'tskome has been vacated, whether it is by death, resignation, removal, recall, or forfeiture, it shall be filled by one of the following procedures:
   a. An appointment shall take place if the vacancy term consists of less than one (1) year.
   b. If the unexpired term is for one (1) year or more, the position on the Peo'tskome shall be filled by a special election of the Registered Voters, pursuant to Section13 A.

2. Recall: Upon receipt of a petition, which is signed, by at least 33% of the Nation's Registered Voters for the recall of an elected official(s), the Peo'tskome shall call for and hold a meeting within seven (7) days to review and declare the petition valid.

   a. The recall petition must state the grounds for the recall. Grounds for recalling an elected official are:

      1) Violation(s) of the grievance act;
      2) Conviction of a crime of moral turpitude in any court of competent jurisdiction;
      3) Conviction of a crime against the Nation;
      4) Gross negligence; and
      5) Misuse of Nation funds.

   If the petition is declared valid, the Peo'tskome shall call for and hold a meeting of the Registered Voters to vote on the recall. The recall election shall be held within ninety (90) days from the date that the petition for recall is declared valid.

   The elected official(s) who is the subject of the recall petition shall be given a written statement of the charges against him/her and all documentation presented with the recall petition and/or reviewed by the Peo'tskome in reviewing the recall petition. The written statement and documentation shall be presented at least ten (10) days prior to the meeting of the Registered Voters to vote on the recall.

   The official(s) being recalled shall have the right to appear before the Registered Voters and present verbal and/or written documentation in his or her defense. The official(s) may, at his/her expense, be accompanied by and/or represented by an attorney or advocate who may assist the official(s) and answer questions on behalf of the official(s). No member of the Peo'tskome shall preside over the meeting at which his/her recall is being considered.

A secret ballot shall be taken, and a two thirds (2/3) vote of the Registered Voters shall be required to recall the official. The vote shall be the final determination on the recall issue.

3. Removal: Any elected official of the Gabrielino/Tongva Nation who, during the term for which he/she is elected, is convicted of any felony or crime of moral turpitude in any court of competent jurisdiction, shall automatically forfeit his/her office effective on the date of his/her conviction.

4. Lack of Interest/Involvement: If a special circumstance occurs where there are no candidates for a Regularly Scheduled Peo'tskome Election or for a Special Election for a Peo'tskome Vacancy or there are not enough candidates to cover all open seats for either type of election listed here, the election timeline will be allowed to continue through the election process. Any vacant seat will stand vacant until the next Regularly Scheduled Peo'tskome Election and added to the ballot thereto.

SECTION 14. DISPOSAL OF ELECTION MATERIALS

The Voter Registration Form causing a Citizen to have "Registered Voter" status and/ or the Voter Absentee Ballot Application Forms that cause a Citizen to be on "Absentee Voter" status shall be turned over immediately following an election, to the Citizenship Department/Board and placed in the individual Citizen's permanent file.

The Official List of Registered Voters, shall be given to the Chairperson of the Peo'tskome immediately following the close of the election, where it will be entered into the Official Record of the Nation with a motion, at the next Peo'tskome meeting.

After the delivery of the Election Materials, the tally sheets, the original of the certificates of results, shall be removed from the ballot box at the next Peo'tskome meeting, and together with all reports, and copies of the Minutes of the election process shall be entered into the Official Record of the Nation with a motion.

SECTION 15. AMENDMENTS

This act, or any section therein, may be amended by a duly called meeting in accordance with the referendum process set forth in Section 13 above.

SECTION 16. SEVERABILITY

Should any part of this Act be determined to be unconstitutional by a court of competent jurisdiction, then and in that event, the remainder of this Act shall continue to be given full force and effect and shall survive such determination.

Certification

We, the undersigned, as duly elected officials of the Gabrielino/Tongva Nation, do hereby certify that the foregoing act was enacted by the Peo'tskome at a lawfully

called meeting on April 1, 2023, by a vote of 6 for, 0 against, and 0 abstaining. See Resolution #04012023-001.

Attest:

Ed White
Peo'tskome Secretary

Sandonne Goad
Peo'tskome Chairperson