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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 TIFFANY L. (HAYES) AGUAYO, et
11 al.,

12 Plaintiffs,

13 v.

14 SALLY JEWELL, et al.,

15 Defendants.

**DECLARATION OF
KING FREEMAN**

16
17 I, KING FREEMAN hereby state as follows:

18 1. I am over the age of eighteen, and I am competent to testify as follows:

19 2. I have been a tribal member of the Pala Band of Mission Indians
20 recognized by Bureau of Indian Affairs since the 1950's. My enrollment number is
21 146.

22 3. I served on the Band's Executive Committee as Secretary/Treasurer,
23 Vice-Chair and as Band's Chairman.

24 4. I have reviewed Assistant Secretary Washburn's June 12, 2013 decision
25 and the documents attached to this declaration as Exhibit A.

26 5. The Assistant Secretary made a finding of fact that the Band used the
27 terms "elections and meetings" interchangeably and assumed it was the Band's
28

1 custom and tradition to hold meetings or elections to adopt governing documents.

2 This is incorrect.

3 6. After adopting the Articles of Association and Amendment No. 1, it was
4 our custom and tradition that when there were to be major amendments contemplated
5 to the Articles of Association, the Band always held a referendum election where all
6 eligible voters had the right to vote by ballot. This was done when Amendment No. 2
7 (which substantially amended Articles 3, 4, 7, and 8 of the Articles of Association)
8 and were individually voted upon in a duly called balloted referendum election by all
9 eligible voting members on June 6, 1973. Because Amendment No. 2 made
10 substantial changes to the Band's governing document, a referendum election was
11 held wherein the entire eligible voting members of the Band were furnished with the
12 proposed amendments and allowed to vote by ballot as signed by myself as Chairman
13 of the Band on October 10, 1973.

14 7. The Bill of Rights (Article 10 provision and Article 11 which was
15 required to be renumbered from 10 to 11) was adopted by vote at a General Council
16 meeting after the June 6, 1973 election. This was because the Bureau of Indian
17 Affairs required and insisted that the Band have the Bill of Rights provision in our
18 Articles of Association. We then took that business up at the General Council
19 meeting and ratified the Bill of Rights provision. The amendment to include the Bill
20 of Rights provision had to be done as an administrative correction.

21 8. Amendment No. 3 to the Articles of Association which required
22 a quorum to do business at the General Council meetings was ratified at a
23 duly called referendum election because it modified the Articles of Association, the
24 Band's governing document. I signed that Certification as Chairman on behalf of the
25 Band.

26 9. It is not the Band's custom and tradition to use the terms "elections" and
27 "meetings" interchangeably. After the initial adoption of the Articles of Association
28 and Amendment No. 1 which related to the Certification of the Roll for a one-year

1 period after the Bureau of Indian Affairs had approved the Band's Articles of
2 Association, we, on the Executive Committee, were all well aware of the difference
3 of amending our governing document by voting at "meetings" and voting in
4 referendum "elections," the importance of providing the entire Band with proposed
5 amendments, and providing all eligible voters the right to vote for changes to our
6 governing document was and is our custom and tradition.

7 10. In fact, the terms "meetings" and "elections" are also clearly set out in
8 both the Articles of Association and the 1997 Constitution which were submitted to
9 the Bureau of Indian Affairs for its approval.

10 11. I was Vice-Chairman in 1997 and signed Resolution No. 97-36 that
11 certified that a General Council meeting was held to submit the 1997 Constitution to
12 the Bureau of Indian Affairs for approval and was not meant to replace a future
13 referendum election.

14 12. Both the Articles of Association and the 1997 Constitution submitted
15 to the Bureau of Indian Affairs for agency approval contain provisions for absentee
16 ballot voting. When a tribal "election" is held, ballots are sent to all eligible voters
17 including those who reside off the reservation, and who then can then return their
18 ballots by mail. This is important because many eligible tribal member voters reside
19 off the reservation and are unable to attend General Council meetings.

20 13. I have reviewed page 14 of the Assistant Secretary's decision wherein he
21 states that Resolution 97-36 and states: "WHEREAS, on November 22, 1994 the Pala
22 General Council in the General Election of the Tribe voted to revise the Pala Tribal
23 Articles of Association into the Pala Tribal Constitution." (Emphasis added.) This
24 resolution to revise the Articles of Association into the Constitution is not a
25 resolution certifying a referendum election to adopt the language in the 1997
26 Constitution. Indeed the language of the Constitution was being discussed and
27 revised for another two-years.

28 ///

1 14. I have reviewed the meeting minutes of the General Council Meeting
2 held on November 12, 1997 as attached to my declaration. This was only a tribal
3 "announcement" and no vote was taken at this General Council meeting.

4 15. I have reviewed the meeting minutes of the Special General Council
5 Meeting held on November 19, 1997 attached to my declaration. During that period
6 the Pala Band's Executive Committee had been working on revising the Articles of
7 Association and at the same time we were working on drafting a Constitution over a
8 two year period as reflected in the meeting minutes.

9 16. However, at the time we voted to submit the Revised 1997 Constitution
10 to the Bureau of Indian Affairs in November 1997, it was a draft and the Band as a
11 whole had not been provided a copy of the proposed Constitution and a referendum
12 election had not been held to adopt the provisions. 27-members did not comprise the
13 majority of the tribal members eligible to vote in a new constitutional election as
14 required by our election ordinance and by our custom and tradition.

15 17. The November 19, 1997 Special General Council's meeting votes
16 referred to in Resolution No. 97-36 were to submit the proposed revised Constitution
17 to the Bureau of Indian Affairs for approval before holding a referendum election.

18 18. Although I signed the majority of the documents regarding the
19 Amendments to the Band's governing document, the Articles of Association, and
20 Resolution No. 97-36 referred to in the Assistant Secretary's decision, I was not
21 contacted by representatives of the Bureau of Indian Affairs Southern California
22 Agency, Pacific Regional Office nor the Office of the Assistant Secretary to make any
23 reasonable inquiry as to whether the Pala Band Executive Committee considered
24 voting in general council meetings as equivalent to voting in referendum elections.
25 We did not.

26 19. Had any one from the Bureau of Indian Affairs contacted me, I would
27 have obtained the proper documentation in support of my recollection and would
28 have provided the BIA with the attached documentation and explained that the Band

1 actually had a custom and tradition of utilizing referendum elections when adopting
2 substantial changes to the Articles of Association; that the Executive Committee
3 knew the difference between meetings and elections and required a referendum
4 "election" to take place because elections would allow all eligible tribal members the
5 right to vote on the substantial changes made in the Band's governing document. A
6 referendum election to adopt the 1997 Constitution never took place.

7 20. The term "duly called" election meant that the Executive Committee was
8 required to follow notice procedures which gave tribal members the right to vote on
9 substantial changes in the governing document. The term "election" in Article IX of
10 the 1997 Constitution submitted to the Bureau of Indian Affairs for its approval
11 meant referendum election where the eligible voting members of the Pala Band,
12 including absentee ballot voters, would have been mailed a copy of the proposed
13 Constitution and would have been allowed to vote whether to adopt the 1997
14 Constitution as the Band's governing document to replace the Articles of Association.
15 According to custom and tradition, the 1997 Constitution would have had to be sent
16 to the entire voting membership.

17 21. There has always been an election ordinance that specifies how elections
18 are to be held.

19 22. I continue to be active in attending General Council meetings. To my
20 knowledge the Executive Committee's 2005 and 2009 Revised enrollment ordinances
21 were not provided to the Band's eligible voting membership for their approval.

22 I declare under penalty of perjury pursuant to the laws of the State of California
23 that the foregoing is true and correct.

24 DATED: June 17, 2013


KING FREEMAN

EXHIBIT A

9. Approval. These Articles of Association shall be in effect after they receive the approval of the Commissioner of Indian Affairs and the present Tribal Business Committee shall within thirty (30) days after his approval cause an election of officers to be held in accordance with the terms of these Articles of Association.
10. Bill of Rights. (8) The protection guaranteed to persons by Title II of the Civil Rights Act of 1968 (92 Stat. 71) against action of a tribe in exercising its power of self-government, shall apply to the Pala Band of Mission Indians.
11. Amendment. (9) These Articles of Association may be amended by a majority vote of the General Council and such amendment shall be in effect upon the approval of the Commissioner of Indian Affairs.

CERTIFICATE OF ADOPTION

We, the undersigned, duly elected Tribal Business Committee of the Pala Band of Mission Indians, do hereby certify that the foregoing ARTICLES OF ASSOCIATION were adopted by a vote of 21 for and 0 against at a duly called general tribal meeting convened on the 15th day of August 1968, at the Pala Community Hall, Pala Reservation, California

PALA TRIBAL BUSINESS COMMITTEE

s/Josephine Jackson
Josephine Jackson, Spokesman

s/Julia Calao
Julia Calao, Member

s/Catherine Trujillo
Catherine Trujillo, Member

Robert Lavato, Member

s/Silvero Chavez
Silvero Chavez, Member

8. As Revised by Amendment No. 2, approved March 11, 1974.
9. As Revised by Amendment No. 2, approved March 11, 1974.

ARTICLES OF ASSOCIATION
OF THE
PALA BAND OF MISSION INDIANS, CALIFORNIA

AMENDMENT NO. 1

Section 2, Membership, of the Pala Articles of Association shall be amended by elimination of sub-section B, in its entirety as follows and sub-section C shall then be known as sub-section B.

"B. The tribal membership roll shall be completed within six (6) months after the approval of this document and a period of one year shall then be allowed for making any such correction to the roll. The membership roll shall then be submitted to the Secretary of the Interior for his approval."

CERTIFICATION

We, the undersigned, duly elected officers of the Pala Executive Committee, do hereby certify that the foregoing amendment to the Pala Articles of Association was ratified by the General Council by a vote of 27 for and 0 against in accordance with Section 10, of the Articles of Association, at a duly called general meeting on Sunday, March 19, 1961, 1 p.m., at the Pala Mission Hall, Pala Reservation, California.

S/Robert Lavato
Robert Lavato, Chairman

S/Irma Jackson
Irma Jackson, Secretary-Treasurer

Approved: JUL 3 1961

S/Fred H. Massey
Commissioner of Indian Affairs

PALA BAND OF MISSION INDIANS
Pala Reservation, California

Amendment No. 2

BE IT RESOLVED by the General Council of the Pala Band of Mission Indians at a duly called meeting on June of 6 1973, at the Pala Tribal Hall, Pala Reservation, California, for the purpose of considering tribal business, and

WHEREAS, the members of the Pala Band adopted Articles of Association at a duly called general meeting on August 15, 1959, and

WHEREAS, the members of the Pala Band of Mission Indians are desirous of further amending their Articles of Association, as follows:

Article 3. Governing Body

Amend this section in entirety and Article will read:

"The governing body of the Band shall be the General Council which shall consist of all adult members eighteen (18) years of age or older. In addition, there shall be elected an Executive Committee consisting of a Chairman, a Vice-Chairman a Secretary and a Treasurer, and two adult members of the Band who shall have the administrative powers and duties hereinafter described."

Article 4. Elections

First sentence to be amended in part as follows:

"Any member of the Band eighteen (18) years of age or older shall have the right to vote, but must be twenty-one (21) years of age to hold office.

Last sentence to read as follows:

"All officers shall be elected for a term of one year, or until their successors are duly elected and qualified, except for the Secretary, his or her term will be for two years".

Article 7. Meetings

This section will be amended in entirety and shall read as follows:

"The General Council shall be convened in a regular meeting once a each month of each year by the Executive Committee. Special General Council meetings may be called by the Executive Committee or by a petition signed by ten (10) percent of the voters. A meeting of the General Council shall not be valid unless there shall be present at least 30 voters and no business shall be conducted in the absence of a quorum.

All General Council meetings to be recognized shall be publicly noticed for fourteen (14) days.

The Executive Committee shall meet each Wednesday of each month on dates to be specified by it. Special meetings of which shall be convened on call of the Chairman or majority of the Committee members. A quorum shall consist of five (5) members and no business shall be conducted in the absence of a quorum.

Article 8. Officers

Section C - Secretary: This section to read as follows:

"He shall keep the minutes of both the General Council meetings and meetings of the Executive Committee. He shall certify the enactment of all ordinances or resolutions of both the Executive Committee and the General Council. He shall attend to the giving of all notices required by this document. He shall also receive on behalf of the Executive Committee all petitions provided for in this document. Copies of all minutes, resolutions or other enactments shall be submitted to the Commissioner through the field office as soon after their enactment as possible".

Section D - Treasurer

"He shall have care and custody of all valuables for the Band and deposit all money in approved depository. He shall disburse all funds as ordered by the General Council by check to be co-signed by the Chairman. He shall maintain financial accounts, receipts and records which shall be available for inspection by officers of the General Council and representatives of the Commissioner of Indian Affairs.

Article 10. Bill of Rights

Insertion of new paragraph to read as follows:

"The protection guaranteed to persons by Title II of the Civil Rights Act of 1968 (82 Stat. 71) against action of a tribe in exercising its power of self-government, shall apply to the Pala Band of Mission Indians".

Article 11. Amendment


Change of article number from Article 10 to Article 11.

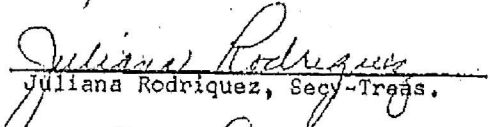
October 10, 1973

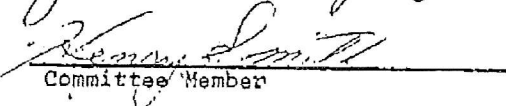
TO WHOM IT MAY CONCERN:

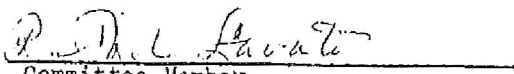
This is to certify that a draft of the Articles of Association with the proposed amendments was furnished each voter at the referendum election held on June 6, 1973, and all voters were aware of the amendments as shown in Amendment No. 2 and the vote was on that basis.




King Freeman, Chairman


Juliana Rodriguez, Secy-Treas.


Committee Member


Committee Member

APPROVAL

That portion of Amendment No. 2 to the Articles of Association of the Pala Band of Mission Indians referred to as "Article 10. Bill of Rights" and "Article 11. Amendment," adopted by the Pala Band of Mission Indians while in general council on August 15, 1973, is hereby approved, it being understood that all other proposals in the proposed Amendment No. 2 were duly adopted at a general council of the Pala Band of Mission Indians held June 6, 1973, and approved by the Assistant to the Secretary of the Interior on November 27, 1973.

Commissioner of Indian Affairs

Date:

MAY 11 1974

Barrow
Say with
White

NOV 27 1973

WASH. DC

→ KING J. FREEDMAN, CHAIRMAN
PALA BAND OF MISSION INDIANS
PALA, CALIFORNIA ~~XXXX~~ 92059

IN VIEW OF CERTIFICATES OF RESULTS OF ELECTION, THE
AMENDMENTS OF ARTICLES 3, 4, 7 AND 8 OF THE ARTICLES
OF ASSOCIATION OF THE PALA BAND OF MISSION INDIANS,
CALIFORNIA, ADOPTED JUNE 6, 1973, ARE HEREBY APPROVED
PURSUANT TO ARTICLE 10 OF THAT DOCUMENT. NO ACTION
IS TAKEN WITH RESPECT TO PROPOSED AMENDMENT ITEMS
NUMBERS 10 AND 11 BECAUSE ~~WE HAVE NO EVIDENCE~~ WE HAVE
NO EVIDENCE OF THE VOTE CAST FOR AND AGAINST THEIR
ADOPTION.

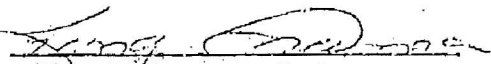
(Sgd) Marvin L. Franklin

Assistant to the

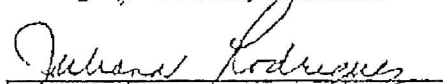
SECRETARY OF THE INTERIOR

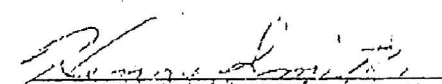
CERTIFICATION

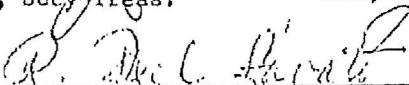
We, the undersigned, duly elected officers of the Pala Executive Committee do hereby certify that the foregoing amendments to the Pala Articles of Association were ratified by the General Council by a vote of 10 "for" and 0 "against" in accordance with Section 10 of the Articles of Association, at a duly called general meeting held on June 6, 1973 at the Pala Community Hall, Pala California.


King J. Freeman, Chairman

Bernyce Ponchetti, V-Chairman


Juliana Rodriguez, Secy-Treas.


Henry Smith, Jr., Comm. Member


Robert (Mel) Lavato, Jr.,
Committee Member

RESULTS OF THE VOTING

ARTICLE OF ASSOCIATION RESULTS

June 6, 1973

ARTICLE 3 - GOVERNING BODY

Change from twenty-one (21) years to eighteen (18) years and secretary-treasurer to secretary and a treasurer.

VOTE COUNT: 63 YES 48 NO

ARTICLE 4 - ELECTIONS

Change right to vote from twenty-one (21) to eighteen (18) years and secretary will be elected for two (2) year term instead of one.

VOTE COUNT: 65 YES 42 NO

ARTICLE 7 - MEETINGS

Change in meetings to once a month for general meetings. Committee once a week (each Wednesday) and quorum change from twenty (20) to thirty (30) members.

VOTE COUNT: 78 YES 30 NO

ARTICLE 8 - OFFICERS

Secretary and treasurer shall be two (2) officers instead of one (1).

VOTE COUNT: 93 YES 18 NO

CABLE T.V.

77 YES

40 NO

LAUNDROMAT

90 YES

28 NO

TRADING POST/
SNACK BAR

80 YES

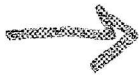
34 NO

ELECTION COMMITTEE:

Cecelia Trujillo
Dominga P. Kirkland
Lucille Diaz
Josephine Jackson
Thomas Calac
Marian Arenas

This is to certify that at a regularly called general council meeting of the Pala Band of Mission Indians held at Pala, California, on August 15, 1973, a vote was taken on the question of the adoption or the rejection of the items enumerated as "Article 10, Bill of Rights" and "Article 11, Amendment" in proposed Amendment No. 2 to the Articles of Association of the Pala Band of Mission Indians; that there were eligible voting members present in excess of the required number and that the two items were adopted by a vote of 26 for and 0 against; that no vote was taken on the adoption or rejection of these two items when the remaining items incorporated into Proposed Amendment No. 2 were adopted at a general council meeting of the Pala Band of Mission Indians held on June 6, 1973.

Dated this 17 day of December, A. D. 1973.



Chairman, Pala Band of Mission Indians

Lee Ann Hayes
Secretary, Pala Band of
Mission Indians

ARTICLES OF ASSOCIATION
OF THE
PALA BAND OF MISSION INDIANS, CALIFORNIA

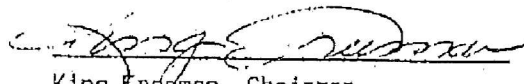
AMENDMENT NO. 3

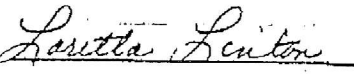
Article 7, Meetings, of the Pala Articles of Association Second Sentence, shall be amended as follows:

"A meeting of the ^{General} Council shall not be valid unless there shall be present at least 25 voters and no business shall be conducted in the absence of a quorum."


CERTIFICATION

We, the undersigned, duly elected officers of the Pala Executive Committee, do hereby certify that the foregoing amendment of the Pala Articles of Association was ratified by the General Council by a vote of 59 for and 26 against in accordance with Section 10, at a duly called Referendum Election on, November 16, 1976, at the Pala Tribal Hall, Pala Reservation, California


King Freeman, Chairman


Loretta Linton, Secretary

I hereby approve Amendment No. 3 by the Authority delegated to the Area Director by 10 BIA M 3.
Approved: OCT 2 1980


Area Director

General Council Meeting
November 12, 1997

Members Present: 38

Quorum Present: Yes

Call to Order by Chairman Smith.

Agenda Items:

#1. Approval of Agenda.

Motion By: Debora Smith

Second By: Nora Scott

Motion to approve agenda.

Yes: 26 No: 0 Abstain: 12

Action Instructions: Set agenda.

#2. Tribal Announcements.

a) Special General Council Meeting, November 19, 1997, on Articles of Association and Assignment Ordinance.

Motion By:

Second By:

Motion to

Yes: No: Abstain:

Action Instructions: Send out agenda.

#3. Minutes of General Council, October 08, 1997.

Motion By: Debora Smith

Second By: LeeAnn Hayes

Motion to approve minutes of General Council October 08, 1997 as read.

Yes: 30 No: 0 Abstain: 8

Action Instructions: File minutes.

#4. Lilac Road.

For years the Tribe has been trying to get Lilac Road straightened and paved. The County Department of Public Works has been telling the Tribe that it would be done soon. The

Special General Council Meeting
November 19, 1997

Members Present: 36

Quorum Present: Yes

Call to Order by Chairman Smith.

Agenda Item's,

#1. Approval of Agenda.

Motion By: Ronald Riggs

Second By: Daniel Ayala

Motion to approve agenda.

Yes: 21 No: 0 Abstain: 15

Action Instructions: Set agenda.

#2. Resolution 97-35, Wells Fargo Bank, as Agent.

This resolution would allow Wells Fargo Bank, N.A. or its successors to act as investors until such time as the Pala Band may change or terminate the relationship.

Motion By: Gail Scott

Second By: Clifford Diaz

Motion to approve.

Yes: 24 No: 2 Abstain: 10

Action Instructions: Sign resolution and send.

#3. Change Tribes Articles of Association to Constitution.

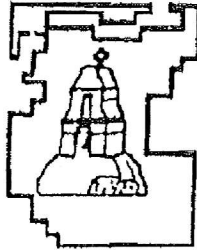
Because the Articles of Association of the Tribe need to be updated and revised the Executive Committee is recommending that they (Articles) be changed to a Constitution.

The Executive Committee has been working on the Constitution for the past two (2) years and feels that what we are presenting to the General Council is something that will work for the Tribe.

Motion By: Clifford Diaz

Second By: Gail Scott

Motion to approve Constitution.



**Pala Band of
Mission Indians**

P.O. Box 50
Pala, California 92059-0050
(760) 742-3784

TRIBAL OPERATIONS

Reso No. 1

Date Rec'd 12/8/97

Initials NR

SCA-PL-06-98

Resolution 97-36

Tribal Constitution

WHEREAS, the Pala Band of Mission Indians is a federally recognized Tribe with the inherent powers and duties to regulate the territory of the Tribe and the activities and transactions occurring within the exterior boundaries of the Pala Indian Reservation; and

WHEREAS, on November 22, 1994 the Pala General Council in the General Election of the Tribe voted to revise the Pala Tribal Articles of Association into the Pala Tribal Constitution,

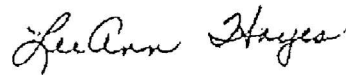
NOW THEREFORE BE IT RESOLVED, that effective the twelfth day of November 1997 the Pala Band of Mission Indians, exercising our inherent rights as a sovereign, federally-recognized Tribe, do hereby adopt the Pala Tribal Constitution to supersede the Articles of Association which were approved by the Commissioner, Bureau of Indian Affairs, on March 7, 1969.

CERTIFICATION

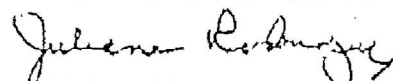
This is to certify that the above resolution was passed at a duly call meeting of the Pala Band of Mission Indians General Council held on the 19 day of November, 1997, by a vote of 27 "For", 0 "Against" with a quorum present said resolution not having been rescinded or amended in any way.


Robert H. Smith, Chairman


Stanley H. McGarr, Secretary


LeeAnn Hayes, Committee

→ 
King Freeman, Vice-Chairman


Juliana Rodriguez, Treasurer


Marcus Mojado, Committee

B. (1) The Executive Committee shall keep the membership roll current at all times by striking there from the names of persons who have relinquished in writing their membership in the Band and of deceased members upon receipt of a death certificate or other evidence of death, and by adding the names of children born to members who meet the membership requirements.

3. Governing Body. (2) The governing body of the Band shall be the General Council which shall consist of all adult members eighteen (18) years of age or older. In addition, there shall be elected an Executive Committee consisting of a Chairman, a Vice-Chairman, a Secretary, a Treasurer, and two adult members of the Band who shall have the administrative powers and duties hereinafter described.

4. Elections. (3) Any member of the Band eighteen (18) years of age or older shall have the right to vote, but must be twenty-one (21) years of age to hold office. All elections of officers shall be by secret ballot. Nominations for positions of the Executive Committee shall be made at a general council meeting called for that sole purpose, and all nominees certified as voters by the Executive Committee shall have their names placed on the ballot. All nominations, and elections, whether for officers or by way of a referendum, shall be conducted in accordance with an ordinance or ordinances adopted by the governing

1. As Revised by Amendment No. 1, approved July 3, 1981.
2. As Revised by Amendment No. 2, approved November 27, 1973.
3. As Revised by Amendment No. 2, approved November 27, 1973.

body which shall provide for the dates thereof, for polling places, election committees and their duties, absentee balloting, and any other necessary requirements. (4) All officers shall be elected for a term of one (1) year, or until their successors are duly elected and qualified, except for the Secretary, his or her term will be for two (2) years.

5. Vacancies and Recall. If an officer shall die, resign, be found guilty of a felony in any State or Federal court or be recalled for any other cause from his office, a vacancy in the office shall be automatically created. Such vacancy shall be filled by the General Council at its next meeting and such replacement shall serve the unexpired remainder of the term of office.

Upon receipt of a petition signed by 20 percent of the voters calling for the recall of an officer, the Executive Committee shall examine the petition and if it is properly signed by a sufficient number of voters, the committee shall hold a recall election within thirty (30) days after receipt of the petition. A majority of those voting in such recall election shall govern, provided that at least 30 percent of those eligible to vote shall vote in the election.

6. Powers of the General Council and Executive Committee.

A. General Council. Subject to any limitations imposed by the applicable statutes of the United States or the State of California, the General Council shall have the following legislative powers but their enumeration shall not be considered as depriving the Band of

ARTICLE IV - ELECTIONS

Section 1. ESTABLISHMENT OF ELECTION ORDINANCE

→ All nominations and elections shall be conducted in accordance with an election ordinance adopted by the General Council or the Executive Committee as delegated. Said ordinance shall establish the following: polling places, establishment of the election committee and its duties, absentee ballots and other requirements as needed.

Section 2. VOTING

Any member of the Pala Band eighteen years of age or older shall have the right to vote in all tribal elections or General Council Meetings.

ARTICLE V - EXECUTIVE COMMITTEE

Section 1. COMPOSITION

There shall be elected an Executive Committee consisting of a Chairman, a Vice-Chairman, a Secretary and a Treasurer, and two adult members of the Pala Band.

Section 2. QUALIFICATIONS

- A To be elected to serve on the Executive Committee a member of the Pala Band must be twenty-one (21) years of older before being nominated to run for office.
- B Before the names of a person who has been nominated can be put on that ballot, that person must complete a form provided by the Executive Committee and certify under penalty of perjury that he/she has not been convicted of a felony or any other criminal offense included above. The Executive Committee will verify that there has been no such conviction(s). The General Council may make an exception for vehicle related felony traffic offenses or for offenses which occurred more than ten years earlier.
- C. Procedures will be contained in the Band's Election Ordinance.

Section 3. ELECTION

All elections of Executive Committee members shall be by secret ballot. Nominations shall be made at a general council meeting called for that sole purpose, and all eligible nominees certified as voters by the Election Committee shall have their names placed on the ballot.

ARTICLE VIII - SEVERABILITY

If any provision of this constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE IX - AMENDMENTS AND EFFECTIVE DATE

Section. 1 EFFECTIVE DATE

This Constitution shall become effective immediately after its approval by a majority vote of the voters voting in a duly-called elections at which this Constitution is approved by the Bureau of Indian Affairs.

Section 2. FUTURE AMENDMENTS

This Constitution may be amended by a two-thirds ($2/3$) vote of the voting members of the Pala Band at an election duly-called for this purpose in which not less than half of the eligible members of the Pala Band cast their ballots.