

## **AGREEMENT GOVERNING ELECTION PROCEDURES FOR SPRING 2007 ELECTIONS FOR THE GABRIELINO-TONGVA TRIBE**

1. The election will be conducted by the CPA firm of Talley & Co. ("Talley"). Talley will receive all votes cast, tabulate election results, and then certify and publish these results.
  - a. Talley will at all times work independently and secretly, and without the knowledge or acquiescence of the Tribal Administrative Offices or the current Tribal Council.
  - b. However, Talley may inquire from time to time at the Tribal Administrative Offices, with Barbara Garcia, if information is needed.
  - c. Talley will maintain records of all of its activities, to allow any nominee to examine Talley's procedures and methodology, if a challenge is mounted after the election.
2. This Agreement sets forth the election procedures and methodology that Talley will employ. The signature below of the Tribal Administrative Offices indicates that the procedures and methodology that Talley plans to employ comply with the Tribal Election Ordinance and are satisfactory to the Tribal Administrative Offices.
3. Talley will receive and hold in confidence membership lists from the Tribal Administration Office. The tribal membership will be broken down into lists of: (i) Class B adults who are at least age 18 on May 4, 2007; (ii) Class C adults; (iii) Class B minors who are not yet age 18 on May 4, 2007; and (iv) Class C minors. There are not yet any Class A tribal members.
4. Only Class B adults and Class C adults shall be entitled to vote and only their votes will be counted. Any other ballots cast will be kept by Talley but not counted.
  - a. Talley will receive all absentee ballots directly by mail. Any absentee ballots mistakenly sent to the Tribal Administrative Office will be forwarded to Talley.
  - b. The ballot box will be available at the Tribal Barbeque on April 21, 2007, where tribal members may vote early.

5. Talley will be responsible for checking each ballot cast against the Tribe's membership lists to establish its validity.
  - a. Ballots will be in the form attached as **Exhibit "A."**
  - b. Ballots will not be numbered or otherwise registered. It is possible that a voter may attempt to vote more than once, or that non-voters will attempt to vote.
  - c. Talley shall compare each marked ballot received against the Tribe's membership lists of Class B and Class C adults. Talley will compare address and date of birth information filled in by the voter to establish the identity of the voter.
  - d. If the identity of the voter is established and the ballot's declaration under penalty of perjury is signed, then Talley shall count the vote cast. If not, Talley shall not count the vote, but shall keep the marked ballot.
  - e. If the identity of the voter is established and the ballot's declaration under penalty of perjury is signed, but Talley has already tabulated a ballot from that same voter, then Talley shall compare the two ballots. Votes for candidates that are consistent will be counted; votes for candidates that are inconsistent will be disregarded.
6. Voting shall open on the earlier of: (i) the date ballot materials are mailed to tribal members; or (ii) the date ballot materials are made available for download on the Tribe's website.
7. Voting shall close on May 7, 2007. Talley shall count votes postmarked on or before May 7, but received as late as end of business on May 12, 2007.
8. Talley shall tabulate all valid ballots and all valid votes, and shall certify final election results on or before May 20, 2007.
  - a. The tabulated results will be certified for each Tribal Council office, and adoption of the Constitution. The tabulated results will be certified for (i) votes cast by Class B adults; (ii) votes cast by Class C adults; and (iii) total valid votes cast. Percentages shall also be calculated.
  - b. The tabulated results will be certified for the total number of ballots validly cast by Class B adults and Class C adults.
  - c. The tabulated results will be certified for the (i) total number of ballots received by Talley, whether or not valid; and (ii) total number of duplicate ballots; and (iii)

total number of ballots otherwise not counted. These results will separately list Class B adults, Class C adults and percentages.

9. Once the ballots are tabulated and the election results certified by Talley, the Tribal Administration Office will publish the certified results.

- a. Talley will email the certified results in a PDF file to the Tribal Administrative Office and to the Tribe's webmaster. The results will be immediately posted on the Tribe's website.

**APPROVED AND ACCEPTED:**

**GABRIELINO-TONGVA TRIBE,  
A California Indian Tribe historically known  
as San Gabriel Band of Mission Indians**

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By Barbara Garcia, Tribal Administrator

Very truly yours,

**TALLEY & COMPANY, An Accountancy  
Corporation**

  
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By Troy Abercrombie