

Saik'uz First Nation

ELECTION CODE



October 30, 2017

[Amended \[DATE\]](#)

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1.0 ~~1.0~~ PREAMBLE AND TITLE

1.1 ~~1.1~~ We, the people of Saik'uz First Nation by virtue of our inherent right and traditional

freedom to regulate our own internal affairs, do hereby adopt and declare these provisions as our election rules, provisions, regulations and procedures, as recognized by ~~subsection~~section 2(1) of the *Indian Act*, RSC 1985, c I-5.

1.2 ~~1.2~~ Whereas Saik'uz First Nation recognizes the value and contributions of all its members,

whether they reside on or off reserve, and the rights of all members to vote in Saik'uz First Nation elections.

1.3 ~~1.3~~ We therefore set forth here the ~~Custom Election Code of Saik'uz First Nation as to~~custom election code for the

election of Chief and Council, ~~and the Council Procedures constituting the Custom Election Code~~ of Saik'uz First Nation.

1.4 ~~1.4~~ These election rules, provisions, regulations and procedures are This document is hereby declared by us

and will be cited as the Saik'uz First Nation Election Code.

~~1.5 This Code will come into force upon registration of an order made by the Minister of Indian Affairs and Northern Development proclaiming the removal of the Saik'uz First Nation from the election provisions of the Indian Act, sections 74, 75, 76, 77, 78 and 79~~

1.5 ~~1.6~~ And whereas ~~this Custom~~the Saik'uz First Nation Election Code dated October 30, 2017 was ~~discussed~~amended by vote of the members of Saik'uz First Nation on [DATE].

~~Nation and approved by their vote on [date to be inserted following approval].~~

1.6 ~~1.7~~ Any custom election code or regulation in force in respect of Saik'uz First Nation that pre-

dates this ~~code~~Saik'uz First Nation Election Code is hereby repealed and shall no longer be of any force or effect in respect of Saik'uz First Nation.

~~2.0 DEFINITIONS~~

~~For the purpose of this Election Code:~~

Appellant means an individual who submits an appeal in accordance with Section 10 of this

	code with respect to the election.
<i>Band Council</i>	means the body composed of those persons selected pursuant to this Election Code.
<i>Band Member</i>	means a person who is listed on the Saik'uz First Nation membership list as compiled and maintained from time to time by Indigenous and Northern Affairs Canada (INAC) or its successors.
<i>Band Membership Clerk</i>	refers to the person who is responsible for maintaining the Band Membership list.
<i>By-Election</i>	means a special election held pursuant to this Election Code anytime during the current tenure of a Band Council for the purpose of filling a vacant position or loss of quorum in the office of the Chief or a Councilor prior to the end of the term of office for that Councilor or the Chief.
<i>Candidate's Agent</i>	means a representative of a Candidate that may also act as an interpreter for reasons of language, hearing impairments, sight restrictions or illiteracy.
<i>Election Code</i>	means the rules, provisions, regulations and procedures as set out and prescribed in this code for the conduct of an election of the Saik'uz First Nation.
<i>Candidate</i>	means a person who: <ul style="list-style-type: none"> • is at least eighteen (18) years of age on or before the day on which the nomination meeting is held; • is listed on the Saik'uz First Nation membership list as maintained and compiled from time to time by Indigenous and Northern Affairs Canada (INAC) or its successors; • has been nominated to be a candidate pursuant to the provisions of this code; • has not been convicted of an indictable offence, a corrupt practice, a breach of trust or an offence relating to an election for a minimum of ten years preceding the day of the election.
<i>Chief</i>	means the eligible Elector who is elected pursuant to this Election Code to hold office of the Chief of Saik'uz First Nation.
<i>Code of Ethics</i>	means guidelines, general rules of behavior and standards established in accordance with section 5.0 of this code, which govern the conduct of candidates running for office and their supporters relating to their participation in the electoral process.
<i>Complaint and Appeal Board</i>	means a body appointed by a Band Council Resolution in accordance with section 5.0 of this code to review and make decisions concerning petitions for removal from office and election appeals.
<i>Corrupt Practice</i>	means any wrongful act or omission committed, undertaken or carried out by a person in connection with this Election Code including bribery, harassment, intimidation, or any other wrongful act which could reasonably influence the

~~outcome of an Election.~~

Councilor

~~means the eligible Elector who is elected pursuant to this Election Code to hold office of a Councilor of the Band Council.~~

Council

~~means the duly elected Chief and Councilors in Band Council.~~

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<i>Deputy Electoral Officer</i>	(also referred to as the “deputy”) means the person appointed by the Electoral Officer and approved by Band Council for the purposes of an election to assist him or her in the election process.
<i>Election</i>	means a band general election or By Election held pursuant to the provisions of this code.
<i>Election Date</i>	means the date for an Election as selected by the Band Council according to section 7.0 of this Election Code.
<i>Elector</i>	means a person who: <ul style="list-style-type: none"> • has attained the age of eighteen (18) years of age on or before the day on which the election is held; • is living on or off reserve; and • is listed on the Saik’uz First Nation membership list as compiled and maintained from time to time Indigenous and Northern Affairs Canada (INAC) or its successors.
<i>Electoral Officer</i>	means the person appointed by a Band Council Resolution before each election, who will have the responsibility for conducting the pre-election, election and post-election procedures as well as the nomination meeting.
<i>Electorate</i>	means all the Electors on the Elector’s List.
<i>Indictable Offense</i>	Indictable offences are the most serious offences under the Criminal Code and they come with more serious punishments. Examples of this type of offence are theft over \$ 5000.00, assault or murder.
<i>Mail-in Application</i>	means the form of application for an Elector to obtain a Mail-In-Ballot. The Mail-in Application will require that the applicant for a Mail-In-Ballot include on the application: their legal name and mailing address (including postal code) together with the membership number and date of birth of the Elector; and other relevant information as requested by the Electoral Officer for purposes of identification.
<i>Mail-in Ballots</i>	means a ballot mailed or delivered in accordance with section 8.0 of this Election Code.
<i>Malfeasance</i>	means the wrongdoing or unlawful misconduct by the Electoral Officer or in the office of Chief or Councilor.
<i>Nomination Meeting</i>	means the meeting held in accordance with this Election Code at which persons come forward to nominate and second candidates at an election or do so by mail.
<i>Oath</i>	means a solemn affirmation.
<i>Polling Station</i>	means a building, hall or room which is selected to be the site for voting to take place. Principal Location(s) determined by the Electoral Officer for posting nomination and election results.

<i>Referendum</i>	means a special election wherein the Electors may decide in favour of or against a question deemed by the Chief, a Councilor or a Candidate of extraordinary importance to the Saik'uz First Nation; including the adoption or amendments to this Election Code.
<i>Rejected ballots</i>	are those ballots that have been improperly marked and/or spoiled by an elector and are consequently left out of the tally of valid ballots during the counting of votes.
<i>Reserve</i>	means the tract of land, the legal title to which is vested in Her Majesty, which has been set apart by Her Majesty for the use and benefit of the Saik'uz First Nation.
<i>Resident</i>	refers to the residential status of an elector who is considered to have his ordinary residence on the reserve. Residence can be described as follows: <ul style="list-style-type: none"> • the place a person normally eats and sleeps; • the place the person receives mail;

2.0 DEFINITIONS

For the purpose of the Saik'uz First Nation Election Code:

- the residence of the person's immediate family;
- a place in proximity to the place of employment of the person.

A person can only be a resident in one place at one time. A person is considered to be a resident in that place until another place of residence is acquired. One may also be temporarily absent from a place of ordinary residence for education, medical or term contract employment reasons.

<u>Accelerated Election</u>	<u>means an Election under Part 11.0.</u>
<u>Appeal</u>	<u>means an appeal of an Election under Part 6.0.</u>
<u>Appellant</u>	<u>means an individual who submits an Appeal of an Election in accordance with Part 6.0.</u>
<u>Band Council</u>	<u>means the body composed of the duly elected and sworn in Chief and Councilors of Saik'uz First Nation.</u>
<u>Band Member</u>	<u>means a person listed on the Saik'uz First Nation membership list as compiled and maintained from time to time pursuant to the <i>Indian Act</i>, RSC 1985, c I-5.</u>
<u>Band Membership Clerk</u>	<u>means the employee of Saik'uz First Nation who is responsible for maintaining:</u> <ol style="list-style-type: none"> <u>a) the Saik'uz First Nation membership list as compiled and maintained from time to time pursuant to the <i>Indian Act</i>, RSC 1985, c I-5; and</u> <u>b) the last known address of all Electors.</u>

<u>Board Member</u>	<u>means a member of the Complaint and Appeal Board.</u>
<u>By-Election</u>	<u>means an Election under Part 10.0.</u>
<u>Candidate</u>	<u>means an eligible person nominated for the position of the Chief or a Councilor in an Election in accordance with Part 7.0.</u>
<u>Candidate's Agent</u>	<u>means a representative of a Candidate that may also act as an interpreter for reasons of language, hearing impairments, sight restrictions or illiteracy.</u>
<u>Chief</u>	<u>means the Candidate who is elected and sworn in pursuant to this Code to hold the position of Chief of Saik'uz First Nation.</u>
<u>Code</u>	<u>means the Saik'uz First Nation Election Code, exclusive of Appendices.</u>
<u>Chief and Council Code of Conduct</u>	<u>means the Chief and Council Code of Conduct adopted by Band Council pursuant to section 4.3.1.</u>
<u>Complaint and Appeal Board</u>	<u>means the body appointed by a Band Council Resolution in accordance with Part 5.0.</u>
<u>Corrupt Practice</u>	<u>means:</u> <ol style="list-style-type: none"> <u>a) offering a bribe, or accepting or agreeing to accept a bribe;</u> <u>b) compelling, persuading or otherwise inducing a person to vote or not vote, or to vote or not vote for a specific Candidate;</u> <u>c) harassing or intimidating a Candidate, a Candidate's Agent, an Elector, an Electoral Officer or a Deputy Electoral Officer;</u> <u>d) making fraudulent statements or representations; or</u> <u>e) engaging in similar conduct intended to unfairly influence the outcome of an Election.</u>
<u>Councilor</u>	<u>means the eligible Candidate who is elected and sworn in pursuant to this Code to hold the position of a Councilor of the Band Council.</u>
<u>Decision</u>	<u>means a final and binding decision of the Complaint and Appeal Board.</u>
<u>Deputy Electoral Officer</u>	<u>means a person appointed pursuant to this Code for the purposes of assisting the Electoral Officer.</u>
<u>Election</u>	<u>means a General Election, By-Election or Accelerated Election.</u>
<u>Election Date</u>	<u>means the date an Election is held as set by Band Council Resolution in accordance with this Code.</u>
<u>Elector</u>	<u>means a person who:</u> <ol style="list-style-type: none"> <u>a) is at least eighteen (18) years of age on or before the Election Date; and</u> <u>b) is a Band Member.</u>
<u>Electoral Officer</u>	<u>means the person appointed pursuant to this Code before each Election, who will have the responsibility for conducting the Nomination Meeting.</u>

	<u>pre-Election, Election and post-Election procedures pursuant to this Code.</u>
<u>General Election</u>	<u>means an Election under Part 7.0.</u>
<u>Mail-in Ballot</u>	<u>means a ballot mailed or delivered in accordance with Part 8.0.</u>
<u>Nomination Meeting</u>	<u>means the meeting held in accordance with this Code at which persons are nominated to be Candidates in an Election.</u>
<u>Petition</u>	<u>means a petition to commence proceedings for the removal of the Chief or one (1) or more Councilors from office pursuant to section 4.4.</u>
<u>Petitioner</u>	<u>means, in relation to a Petition, the Elector who submitted a Petition pursuant to section 4.4(a), or the Member(s) of Band Council who voted in favour of a Band Council Resolution pursuant to section 4.4(b).</u>
<u>Plebiscite</u>	<u>means a community vote where Electors may decide in favour of or against proposed amendments to this Code.</u>
<u>Polling Station</u>	<u>means a building, hall or room that is selected by the Electoral Officer to be a site for voting in an Election.</u>
<u>Principal Location</u>	<u>means one (1) or more conspicuous public areas on Reserve likely to be frequented by Electors, to be determined, as the case may be, by:</u> <ul style="list-style-type: none"> <u>a) the Electoral Officer, in the exercise of his or her functions and duties under this Code;</u> <u>b) the Complaint and Appeal Board, in the exercise of its functions and duties under this Code; or</u> <u>c) the Band Council, in the exercise of its functions and duties under this Code.</u>
<u>Rejected Ballots</u>	<u>means voting ballots that have been improperly marked and/or spoiled and are consequently left out of the tally of valid ballots during the counting of votes.</u>
<u>Reserve</u>	<u>means the tracts of land, the legal title to which is vested in His Majesty, which has been set apart by His Majesty for the use and benefit of Saik'uz First Nation.</u>
<u>Voter Declaration Form</u>	means a document that sets out or provides for: <ul style="list-style-type: none"> <u>a) the name, address and telephone number of the Elector;</u> <u>b) the Band membership or registry number of the Elector; and</u> <u>c) the name, address and telephone number of the witness to the signature of the Elector</u> on the Voter Declaration Form.
<u>Voters List</u>	<u>means the list of Electors eligible to vote in an Election prepared pursuant to Part 8.0.</u>

**~~Voter's List or
Elector's List~~**

~~means the list of the Electors eligible to vote in an Election, as prepared by the Band Membership Clerk for the Electoral Officer in accordance with this Election Code Section 7.0~~

3.0 ~~3.0~~ THE COUNCIL

Composition, Size and Quorum

3.1 ~~3.1~~ The Band Council ~~of Saik'uz First Nation~~ shall consist of one (1) Chief and four (4) Councilors.

3.2 ~~3.2~~ Quorum shall be three (3).

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Term of Office for the Band Council

3.3 ~~3.3~~ The term of office for the position of Chief shall be for a period not exceeding four (4) years.

3.4 ~~3.4~~ The initial term of office for the position of two (2) Councilors shall be for a period not exceeding four (4) years for the two ~~candidates~~ (2) Candidates who receive the most votes.

3.5 ~~3.5~~ The initial term of office for the position of two (2) Councilors shall be for a period not exceeding two (2) years for the two ~~candidates~~ (2) Candidates who receive the next highest votes.

3.6 ~~3.6~~ After the initial term of office for Councilors as provided in ~~3.3~~ ~~and sections~~ 3.4 and 3.5 above, Councilors shall be elected for a term of office for a period not exceeding four (4) years with two (2) Councilors being elected every two (2) years.

~~3.7 Band Council shall through a duly signed Band Council Resolution, establish the date on~~
3.7 ~~which the election is to be held~~ Band Council shall, no later than one hundred ~~and twenty~~ (120) days prior to the end of the current term of office of the Chief or a Councilor through a duly signed Band Council Resolution, establish the Election Date for a General Election. The one hundred and twenty ~~days~~ (120) days includes weekends and ~~statutory~~ holidays.

3.8 ~~3.8~~ ~~The~~ Subject to sections 3.10 and 9.47, the newly elected and sworn in Chief and/or Councilors will assume official duties of their office no later than ~~ten~~ (10) days ~~from the election date or a By-election, as the case may be. The previous Chief and/or Councilors~~ after the final declaration of the Election, pursuant to section 9.38.1. The Chief and/or Councilor(s) in office at the time of the Election whose position was the subject of the Election will continue to hold office until the ~~installation of the new Band Council members~~ newly elected Chief and/or Councilor(s) have taken office in accordance with this Code or the position is declared vacant.

3.9 ~~3.9~~ The successful ~~candidate in a By-election~~ Candidate in a By-Election shall hold office for the remainder of the original ~~term of~~ office of the Chief or Councilor ~~whom he/she is elected to replace~~ whose position had become vacant pursuant to this Code.

3.10 ~~3.10~~ In the event ~~of an appeal, the newly elected council will not assume office until a decision is rendered by an~~ Appeal is submitted to the Complaint and Appeal Board. ~~The~~ within the time limit prescribed in section 6.1, the Chief and Councilors in office at the time of the ~~election~~ Election shall continue to hold office until:

- a) a Decision is issued on the Appeal;
- b) where applicable, any new Election directed by the Complaint and Appeal Board has concluded, including any Appeal; and
- c) ~~-the newly elected council is able to take office~~ Chief and/or Councilors have taken office in accordance with this Code.

Meetings

3.11 ~~3.11~~ The first meeting of ~~the~~ Band Council after a General Election shall be held no later than ten (10) days after ~~it has assumed office. The~~ the newly elected Chief and/or Councilors have assumed office pursuant to this Code. The Chief shall give notice to each ~~newly elected~~ member of ~~the~~ Band Council advising them of: the date, time and location of the first meeting. Subsequent meetings shall be held on established dates and times as deemed necessary for the business of ~~the~~ Band Council or the affairs of ~~the~~ Saik'uz First Nation.

3.12 ~~3.12~~ No member of ~~a~~ Band Council may be absent for more than three (3) consecutive Band Council meetings without being authorized to do so by ~~the~~ a quorum of Band Council.

3.13 ~~3.13~~ The Chief ~~of the Band~~ or a quorum of Band Council can summon a special meeting of ~~the~~

Band Council upon providing, where practicable, twenty-four (24) hours' notice to members of Band Council.

3.14 ~~3.14~~—The ~~secretary to the~~Executive Assistant to Band Council of Saik'uz First Nation shall notify each member of ~~the~~ Band Council of the date, time and location of the special meeting.

Standing or Special Committees

3.15 ~~3.15~~ ~~The~~Band Council may from time to time appoint a standing or special committee for special topics of a minimum of five (5) members for any matter(s) of interest to ~~the~~ Band Saik'uz First Nation. The majority of the members of the standing or special committee shall make a quorum.

3.16 ~~3.16~~—Standing or special committees are temporary in nature and will not exist past the term of ~~the existing~~office of any members of the Band Council that appointed the ~~members~~standing or special committee. All newly elected ~~councils~~Band Councils have the option of appointing standing or special committees. Standing or special committees must be appointed by a Band Council Resolution, ~~which~~ clearly ~~indicates~~indicating the terms of reference to be followed.

3.17 ~~3.17~~—The general duties of a standing or special committee are, in relation to the duties entrusted to it:

- a) ~~to~~ report to ~~the~~ Band Council from time to time and as often as the interests of ~~the~~ Band Saik'uz First Nation may require ~~on all matters connected with the duties entrusted;~~
- b) ~~to them respectively. Also,~~ to recommend all action required by ~~the~~ Band Council ~~in relation thereto that they deem~~that the standing or special committee deems necessary and expedient; and
- c) ~~to~~ consider and provide a written report to Band Council of all matters referred to ~~them by the Chief and/or Band Council~~the special or standing committee.

3.18 ~~3.18~~—Special meetings of committees may be called at the request of the chairman, or a quorum of the committee or, in the absence of the chairman, on request of the Chief ~~of the Band Council~~.

3.19 ~~3.19~~—The authority of a standing or special committee is advisory only and duties assigned to the committee must be ~~done~~carried out in accordance with ~~existing~~the Band Council Resolution that appointed the standing or special committee and Saik'uz First Nation laws and policies.

4.0 ~~4.0~~—VACANCIES AND REMOVAL FROM OFFICE

Vacancies

4.1 ~~4.1~~ ~~A~~The position of the Chief or a Councilor ~~position on the Band Council~~ becomes vacant when, ~~while in office~~:

- a) ~~a)~~ ~~the~~ sitting Chief or Councilor resigns in writing from office on his or her own accord;
- b) ~~b)~~ ~~the~~ a sitting Chief or Councilor dies; or
- c) ~~c)~~ the position of the Chief or of a Councilor is ~~convicted of an indictable offence~~ declared vacant in accordance with this Code.

4.2 [REPEALED]

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~~4.2 The Chief and Council are required to hold a by election if quorum no longer exists. The process for accelerated elections should be followed to ensure continuity in leadership.~~

Removal ~~of Council Members~~ from Office

4.3 ~~4.3~~ The Chief or a Councilor ~~or Candidates~~ may be removed from office if he ~~/~~ or she:

- a) ~~a)~~ violates this ~~code~~Code, his or her oath of office or the ~~code of ethics~~Chief and Council Code of Conduct;
- b) ~~b)~~ fails to attend three (3) consecutive regular meetings of the Band Council without being reasonably excused from attendance by a quorum of the Band Council;
- ~~c) fails to maintain a standard of conduct expected of a member of Band Council;~~
- c) [repealed];
- d) ~~d)~~ has been convicted of an indictable offence;
- e) ~~e)~~ accepts or offers a bribe, forges a Band Council document or otherwise ~~acted~~acts dishonestly in his ~~role~~or her office;
- f) ~~f)~~ ~~was~~is negligent in failing to ensure the safety and protection of ~~the~~Saik'uz First Nation community members ~~and~~or property;
- g) ~~g)~~ abuses his ~~/~~ or her office such that the conduct negatively affected the dignity and integrity of the Saik'uz First Nation community or of ~~the~~ Band Council;
- h) ~~h)~~ encourages others to ~~commit~~engage in any of the ~~above~~conduct described in this section;
- i) ~~i) does~~engages in such other conduct as shall be determined by the ~~Appeals and Complaint~~ and Appeal Board to be of such a serious nature that the removal is necessary and appropriate; or
- j) ~~j)~~ has been unable to perform the functions of his or her office for more than six (6) months due to illness or other incapacity; ~~or;~~
- ~~k) is unable to fulfill the terms of office.~~

4.3.1 Within sixty (60) days of the vote of Band Members at a Plebiscite approving this Code, pursuant to Part 12.0, Band Council shall adopt a Chief and Council Code of Conduct to set out the manner in which members of Band Council are expected to conduct themselves in carrying out their duties and exercising their powers.

Procedure

4.4 ~~4.4~~ ~~Proceeding to declare a person ineligible to continue to hold the office of~~ Proceedings to remove the Chief or a Councilor from office may be initiated by Petition to the Complaint and Appeal Board by:

- a) ~~a)~~ any ~~elector~~Elector submitting to the Complaint and Appeal Board a ~~petition~~Petition on which shall ~~appear and~~ include;

- i) ~~ii)~~ the grounds pursuant to section 4.3 ~~of this code~~ on which removal of ~~a~~the Chief or a Councilor is sought;
 - ii) ~~iii)~~ the facts and evidence in support of the ~~petition~~removal grounds identified in section 4.4(a)(i);
 - iii) ~~iii)~~ the signature of the ~~petitioner~~Petitioner;
 - iv) an email address for the purpose of providing notice pursuant to Part 5.0; and
 - v) ~~iv)~~ the signatures of not less than twenty-five (25%) percent of all eligible ~~electors of the Band~~Electors in support of the ~~petition~~Petition; ~~and/or~~,
- b) ~~b)~~ Aa majority of ~~the~~ Band Council members ~~passing~~, who are present at a duly convened meeting of Band Council at which the question of removal of the Chief or a Councilor is addressed, voting in favour of a Band Council Resolution to submit a Petition for removal, and
- submitting a ~~petition~~Petition to the Complaint and Appeal Board on which shall ~~appear~~include:

- i) ~~ii)~~ the groundgrounds pursuant to section 4.3 ~~of this code~~ on which removal of ~~at~~the Chief or a Councilor is sought;
- ii) ~~iii)~~ the facts and evidence in support of the ~~resolution~~grounds identified in section 4.4(b)(i); and
- iii) ~~iii)~~ the signature of all Band Council members who voted for the ~~removal~~Band Council Resolution approving the Petition.

4.5 Subject to section 4.5.1, a Petition submitted to the Complaint and Appeal Board pursuant to section 4.4 shall be supervised, administered and decided by the Complaint and Appeal Board pursuant to the procedures set out in Part 5.0.

4.5.1 Where a Petition is submitted on the basis that the Chief or a Councilor has been convicted of an indictable offence pursuant to section 4.3(d), the Complaint and Appeal Board shall take steps to confirm whether such a conviction has taken place and, if so, shall without conducting a hearing issue a Decision declaring the position of the Chief or a Councilor who is the subject of the Petition to be vacant.

Decision on Petition

4.6 Where a Petition has been accepted by the Complaint and Appeal Board and a hearing on a Petition has been held pursuant to the procedures set out in Part 5.0, the Complaint and Appeal Board shall issue a Decision on the Petition as follows:

- a) that the Petition shall be allowed and the position of the Chief or a Councilor who is the subject of the Petition is declared to be vacant; or
- b) that the Petition shall be dismissed.
- ~~c) A Band Council Member being convicted of a criminal offence and/or incarcerated for aforementioned criminal offence results in automatic removal from office and does not require 25% of the signatures of all eligible electors.~~

4.7 If the position of the Chief or a Councilor is declared vacant in a Decision on a Petition brought under Part 4.0, the Chief or a Councilor who was the subject of the Petition will be disqualified from being a Candidate in an Election for ten (10) years commencing on the date of the Decision.

5.0 ~~5.0~~ COMPLAINT AND APPEAL BOARD

Composition

5.1 ~~5.1~~ At least thirty (30) days before the ~~date on which the election is to be held,~~ the Election Date for a General Election, Band Council shall:

- a) ~~a)~~ select five (5) members of the Complaint and Appeal Board in accordance with this ~~code~~Code; and
- b) ~~b)~~ prepare a list of seven (7) additional potential members, five (5) of whom will be Band ~~members~~Members and two (2) of whom will not be Band

~~members~~Members.

5.2 ~~5.2~~ The Complaint and Appeal Board shall be composed of five ~~people~~(5) Board Members:

- a) ~~a)~~ two (2) of whom will be Elders of ~~the Band-Saik'uz First Nation;~~
- b) ~~b)~~ two (2) of whom will be ~~Band Members~~Electors who are not Elders ~~at least 18 years of age, who are eligible to vote in the election;~~ and
- c) ~~c)~~ another individual (may or may not be a Band ~~member~~Member) who is familiar with the ~~election process set out in a community election code and possesses an understanding of legal process of elections on a reserve~~general election processes in First Nations communities.

5.3 ~~5.3~~ The term of office of the Complaint and Appeal Board shall be from its appointment to the day on which the Band Council selects another Complaint and Appeal Board in accordance with this ~~code~~Code.

~~5.4 Upon receipt of an election appeal, a Complaint and Appeal Board member who is~~

5.4 Upon receipt of a Petition or an Appeal, a Board Member who is considered to be a conflict of interest with any ~~appellant or candidate~~Petitioner, Appellant or individual who is the subject of a Petition or Appeal, or who may be reasonably apprehended to have a bias or conflict in connection with the ~~appeal~~Petition or Appeal, shall excuse ~~themselves~~themselves from the ~~board~~Complaint and Appeal Board.

~~5.5 The remaining members of the Complaint and Appeal Board will select additional members~~

5.5 In the event that a Board Member has excused himself pursuant to section 5.4, the remaining Board Members will, for purposes of the Petition of Appeal in question, select additional member(s) as required to attain five (5) ~~people~~Board Members from the list of potential members ~~drawn~~prepared by the Band Council pursuant to section 5.1(b).

5.6 ~~5.6~~—The ~~members of the Complaint and Appeal~~ Board Members will swear an oath of office and accept their appointment by forwarding a letter of acceptance to the Band Council within five

(5)

working days of the appointment.

5.6.1 The ~~Oath of Office~~oath of office shall be sworn before the Electoral Officer as follows:

- a) ~~a)~~ to perform the duties of their office faithfully, impartially and to the best of their abilities;
- b) ~~b)~~ to comply with ~~the rules and procedures contained in~~ this Code;
- c) ~~c)~~ to avoid a conflict of interest, ~~or~~ the appearance of a conflict of interest; and
- d) ~~d)~~ to act in the best interest of ~~the Band~~Saik'uz First Nation.

5.6.2 If a Board Member fails to swear an oath of office or accept their appointment pursuant to section 5.6, or if there is a vacancy on the Complaint and Appeal Board, the Band Council shall select a new Board Member from the list of potential members prepared by the Band Council pursuant to section 5.1(b).

Functions

5.7 ~~5.7~~ The Complaint and Appeal Board shall supervise ~~and~~, administer, and issue Decisions in accordance with the provisions of this ~~code~~Code for:

- a) ~~a)~~ all ~~election appeals~~Election Appeals; and
- b) ~~b)~~ ~~petitions~~all Petitions for the removal of ~~a Band Council member~~the Chief or a Councillor from office.

Procedures

~~5.8 On receipt of a petition or appeal of an election, the Complaint and Appeal Board shall verify that the petition or appeal complies with section 4.4 of this code. If the petition or appeal does not comply, the Complaint and Appeal Board shall so notify the petitioner(s) within 30 days.~~

5.8 ~~5.9~~ In the case where the petition or appeal compliesWithin three (3) days of the submission of an Appeal in accordance with this Code, the Complaint and Appeal Board shall:

- ~~a) determine if the grounds put forth in the petition or appeal is either frivolous in nature or unsubstantiated, and dismiss the petition;~~
- a) issue a Decision that the Appeal is dismissed because it fails to comply with the requirements of sections 6.1, 6.2 and 6.3; or
- b) ~~b)~~ accept the Appeal and schedule a ~~review~~ hearing of the Appeal, which must take place within ~~twentyseven~~ (207) days from the date on which the ~~petition or appeal was submitted to the Complaint and Appeal Board~~was accepted.

5.9 Where an Appeal is dismissed pursuant to section 5.8(a), the Complaint and Appeal Board will provide to the Appellant, Chief Electoral Officer and Band Council:

- a) notice of the Decision, on the date the Decision is issued; and
- b) ~~5.10 In the case where the petition or appeal has been dismissed under subsection~~

~~5.9 (a), the Complaint and Appeal Board shall inform the petitioner(s) or appellant(s) in writing and provide a rationale~~written reasons for the Decision, within thirty (30) days of the date the Decision is issued.

~~5.11 In the case where the Complaint and Appeal Board schedules a hearing under subsection 5.9 (b), the board shall send a written notice of the hearing by registered mail to the Band Council, the petitioner(s), the electoral officer and the Band Council member who is the subject of the petition for removal or the election appeal.~~

~~5.12 The written notice described in section 5.11 of this election code shall set out;~~
a) the nature of the hearing and all related particulars;

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5.10 Where an Appeal is accepted pursuant to section 5.8(b), the Complaint and Appeal Board shall as soon as practicable and in any event no later than two (2) days after the Appeal is accepted:

- a) ~~b)~~ determine the date, time and location of the hearing; ~~and~~
- ~~c) a statement that the petitioner, any member of the Band Council or the Council member who is the subject of the petition for removal or the electoral officer may, at the hearing, make a presentation to the Complaint and Appeal Board, which may include the presentation of documents and testimonial by witnesses.~~
- b) determine which Candidate or Candidates should be permitted to participate in the hearing;
- c) determine any other relevant details with respect to the conduct of the hearing, as it deems appropriate; and
- d) provide written notice of the hearing by email to the Appellant, Band Council, the Electoral Officer and any Candidate(s) permitted to participate in the hearing.

5.11 The Complaint and Appeal Board shall conduct the hearing of an Appeal in accordance with the notice provided under section 5.10(d), or as otherwise determined by the Complaint and Appeal Board.

5.12 Within seven (7) days of the submission of a Petition in accordance with this Code, the Complaint and Appeal Board shall:

- a) issue a Decision that the Petition is dismissed because it fails to comply with the requirements of section 4.4; or
- b) accept the Petition and schedule a hearing of the Petition, which must take place within twenty (20) days from the date on which the Petition was accepted.

5.13 Where a Petition is dismissed pursuant to section 5.12(a) the Complaint and Appeal Board will provide to the to the Petitioner:

- a) notice of the Decision, on the date the Decision is issued; and
- b) written reasons for the Decision, within thirty (30) days of the date the Decision is issued.

5.14 Where a Petition is accepted pursuant to section 5.12(b), the Complaint and Appeal Board shall, as soon as practicable and in any event no later than seven (7) days after the Petition is accepted:

- a) determine the date, time and location of the hearing;
- b) determine who should be permitted to be a participant in the hearing;
- c) determine any other relevant details with respect to the conduct of the hearing, as it deems appropriate; and
- d) provide written notice of the hearing by email to the Petitioner and Band Council.

5.15 ~~5.13~~ The Complaint and Appeal Board shall conduct ~~at the~~ hearing ~~at the time and place set out in~~ of a Petition in accordance with the notice provided under section ~~5.12 of this~~

~~code~~ 5.14(d), or as otherwise determined by the Complaint and Appeal Board.

5.16 ~~5.14~~ Within five (5) days ~~of the day on which the~~ after a hearing ~~was held~~ of a Petition or an Appeal is completed, the Complaint and Appeals Board shall issue a Decision in accordance with this Code.

5.17 A Decision issued pursuant to section 5.16 shall be:

- a) sent to all participants in the hearing;
- b) sent to Band Council;
- c) in the case of an Appeal, sent to the Electoral Officer;
- d) published in the Saik'us First Nation newsletter, or in a separate written notice, delivered or mailed to all Electors at the last known address on record with the Band Membership Clerk; and
- e) posted in at least one (1) Principal Location.

5.18 Within thirty (30) days of issuing a Decision on a Petition or an Appeal pursuant to section 5.16, the Complaint and Appeal Board shall provide written reasons for the Decision.

5.18.1 Reasons issued pursuant to section 5.18 shall ~~rule~~ be:

- a) sent to all participants in the hearing;
- b) sent to Band Council;
- c) in the case of an Appeal, sent to the Electoral Officer;
- d) published in the Saik'uz First Nation newsletter, or in a separate written notice, delivered or mailed to all Electors at the last known address on record with the Band Membership Clerk; and
- e) posted in at least one (1) Principal Location.

5.19 A Decision is final and binding.

- ~~a) that the petition shall be allowed to stand and declare the Band Council position of the member of Council who is the subject of the petition to be "vacant"; or~~
- ~~b) that the petition shall be dismissed; or~~
- ~~c) if the hearing was in regard to an appeal arising from an election:
 - ~~i) deny the appeal on the grounds that the evidence presented did not confirm an error or violation of this Code, or~~
 - ~~ii) deny the appeal on the grounds than an error or violation of the Code was confirmed but an error or violation did not affect the result of the election, or~~
 - ~~iii) uphold the appeal, and direct that a new election be held or that another candidate be declared elected as the case may be, and~~
 - ~~iv) where appropriate, make recommendations to the First Nation and to the Electoral Officer as how any problem in the appeal can be prevented in future~~~~

~~elections.~~

5.20 ~~5.15~~—The Complaint and Appeal Board ~~shall send, by registered mail, a written notice of the ruling made under this code to Council, the petitioner(s) and the Council member who is the subject of the petition for removal.~~may establish its own procedures, consistent with the provisions of this Code, as the Complaint and Appeal Board deems necessary for the effective conduct of a Petition or an Appeal.

~~5.16 The decision of the Complaint and Appeal Board made under this code is final and binding upon all parties.~~

~~5.17 If the Council position is declared vacant under this code, the Chief or Councilor in question will be disqualified from being a candidate for ten (10) years commencing on the date of the ruling made pursuant to this code.~~

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6.0 APPEAL MECHANISM

6.0 APPEALS

Timing

- 6.1 ~~6.1~~ A ~~candidate~~Candidate or an ~~elector~~Elector may, within ~~30~~four (4) days ~~from the date on which the election was held~~of the provisional declaration of the elected Candidates pursuant to section 9.38, submit an ~~appeal~~Appeal to the Complaint and Appeal Board and shall provide a copy of the Appeal to the Electoral Officer and Band Council.

Grounds for Appeals

- 6.2 ~~6.2~~ ~~The appeal~~An Appeal must be submitted to the Complaint and Appeal Board and sufficiently outline one (1) or more of the following occurrences:
- a) ~~a)~~ the person provisionally declared elected was not qualified to be a ~~candidate~~Candidate; ~~or~~
 - b) ~~b)~~ there was a violation of this ~~code~~Code in the conduct of the ~~election~~Election that may have affected the ~~result~~outcome of the ~~election~~Election; or
 - c) ~~c)~~ there was ~~corrupt or fraudulent practice~~Corrupt Practice in relation to the ~~election~~Election.

Submission

6.3 ~~6.3~~ ~~An appeal submitted to the Complaint and~~ An Appeal Board must:

- a) ~~a)~~ be in writing and set out in an affidavit, sworn before a notary public or duly appointed commissioner for taking oaths, the facts substantiating the grounds for the ~~appeal~~ Appeal under section 6.2, accompanied by any supporting documentation; ~~and~~
- b) provide an email address for the purpose of providing notice pursuant to Part 5.0;
and
- c) ~~b)~~ be accompanied by a ~~non-refundable~~ deposit in the amount of \$100.00; ~~however the~~
~~amount shall be refunded if the Appeal Committee finds for the appellant.~~

6.3.1 The deposit referred to in 6.3(b) will be refunded if the Appeal is upheld and is otherwise not refundable unless so ordered by the Complaint and Appeal Board.

Procedure

- ~~6.4~~ ~~Within fourteen (14) days of the receipt of the appeal documentation, the Complaint and Appeal Board shall:~~
- ~~a)~~ ~~in the case where the appeal is accepted, forward a copy of the appeal together with supporting documents by registered mail to the Electoral Officer and to each candidate at the election; or~~
 - ~~b)~~ ~~in the case where the appeal is not accepted, inform the appellant(s) in writing that the appeal will not receive further consideration.~~

Response to the Allegations

~~6.5~~ ~~Any candidate or the Electoral Officer may, within 14 days of the receipt of an appeal, forward to the Complaint and Appeal Board by registered mail a written response to the appeal allegations, together with any supporting documentation.~~

Investigation

6.4 An Appeal shall be decided by the Complaint and Appeal Board pursuant to the procedures set out in Part 5.0.

~~6.6 The Complaint and Appeal Board may, if the material that has been filed is not adequate for deciding the validity of the election complained of, conduct further investigation into the matter as deemed necessary.~~

Decision on Appeal

~~6.7 After a review of all of the evidence that it has received, the Complaint and Appeal Board shall rule:~~

6.5 Where an Appeal has been accepted and a hearing on an Appeal has been held pursuant to the procedures set out in Part 5.0, the Complaint and Appeal Board shall issue a Decision on the Appeal as follows:

- a) ~~a)~~ that the evidence presented ~~was not sufficiently substantive to determine~~did not establish that:
- i) ~~i)~~ a violation of this ~~code has taken place~~Code that may have affected; ~~the result~~outcome of the ~~election~~Election has occurred;
 - ii) ~~ii)~~ the person provisionally declared elected was not qualified to be a ~~candidate~~Candidate; or
 - ~~iii) there was a corrupt or fraudulent practice in relation to the election that may have affected its results,~~
 - iii) a Corrupt Practice occurred that may have affected the outcome of the Election,

and dismiss the ~~appeal~~Appeal and declare the Election outcome valid; or

- b) ~~b)~~ that all evidence and information gathered allows for the reasonable conclusion that:
- i) ~~i)~~ a violation of this ~~code~~Code has taken place that ~~might~~may have affected; ~~the result~~outcome of the ~~election~~Election;
 - ii) ~~ii)~~ the person provisionally declared elected was not qualified to be a ~~candidate~~Candidate; or
 - ~~iii) there was a corrupt or fraudulent practice in relation to the election that might have affected its results,~~
 - iii) a Corrupt Practice occurred that may have affected the outcome of the Election,

and uphold the ~~appeal by setting aside the election of one or more Band Council members~~Appeal.

~~6.8 The decision of the Complaint and Appeal Board shall be:~~

- ~~a) sent to the appellant as well as the Electoral Officer;~~

- ~~b) published in the community's newsletter, which is mailed to Band members, or in a separate written notice delivered or mailed to all Band members; and~~
- ~~c) posted in at the principal location on the reserve.~~

6.6 Where an Appeal has been upheld pursuant to section 6.6(b), the Complaint and Appeal Board shall include in its Decision:

a) a declaration that:

- i) the Election for the position of Chief or a Councilor(s), or both, is invalid and directing that another Election for the position of Chief or a Councilor(s), or both, must be held as soon as practicable; or
- ii) the Election of a Candidate is invalid, and the Candidate with the next highest number of votes is duly elected; and

b) where appropriate, recommendations to Band Council and to the Electoral Officer regarding how any error or issue identified in the Appeal can be prevented in future Elections.

~~6.9 The decision of the Complaint and Appeal Board is final and not subject to appeal.~~

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6.7 If an Appeal is upheld under this Code and a Candidate has been found to have violated this Code in such a way that the outcome of an Election may have been affected, the Candidate will be disqualified from being a Candidate in an Election for ten (10) years commencing from date of the Decision.

7.0 ~~7.0~~ THE ELECTION

General Election Date

7.1 ~~7.1~~ The initial General Election date for Chief shall be held on ~~Monday~~ March 27, 2019; a General Election for one (1) Chief and shall be held every four (4) Councilors years thereafter.

~~7.2 An Election will be held on March 25, 2021 for two (2) Councilor positions.~~

~~7.3 Council will be sworn into office within the first week in April.~~

7.2 The initial Election for four (4) Councilor positions will be held on March 27, 2019 and on March 25, 2021 for two (2) Councilor positions; a General Election for two (2) Councilor positions will be held every two (2) years thereafter.

7.3 [repealed]

Eligibility to Vote

7.4 ~~7.4~~ In order to be entitled eligible to vote at an ~~election, an elector~~ Election, a person must, on the Election ~~Day:~~ Date, be an Elector.

- ~~a) be at least 18 years of age;~~
- ~~b) be included or entitled to be included on the voter's list.~~

Eligibility to Nominate

7.5 ~~7.5~~ In order to be entitled eligible to nominate a ~~candidate at an election, an elector~~ person to be a Candidate in an Election, a person must, on the day of the Nomination Meeting, be an Elector.

~~of the nomination meeting:~~

- ~~a) be at least 18 years of age;~~
- ~~b) be included or entitled to be included on the voter's list.~~

7.6 ~~7.6~~ Any elector Elector may propose or second the nomination of any ~~qualified person to serve as~~ person eligible to be a Candidate pursuant to this Code for the position of the Chief or a Councilor:

- a) a) by delivering or by mailing a written nomination and a completed, signed and witnessed ~~voter declaration form~~ Voter Declaration Form to the Electoral Officer before the time set for the ~~nomination meeting~~ Nomination Meeting; or

b) ~~b)~~ orally, at the ~~nomination meeting~~ Nomination Meeting.

7.7

- a) ~~a)~~ one eligible person for the office position of Chief, pursuant to section 7.13, where an Election includes a vacancy for the position of the Chief; and
- b) ~~b)~~ the number of eligible persons for the position of Councilor that is equivalent to the number of vacancies for the office position of Councilor in an Election.

Candidacy

7.8 To be eligible to be a Candidate in an Election, a person must:

- a) be at least eighteen (18) years of age on or before the day on which the Nomination Meeting is held;
- b) be a Band Member;
- c) have not, in the ten (10) years prior to the Election Date, been convicted of an indictable offence or an offence relating to an election;
- d) have not, in the ten (10) years prior to the Election Date, been removed from office in a Decision under Part 4; and
- e) have not, in the ten (10) years prior to the Election Date, in a Decision on an Appeal under Part 6, been found to have:
- i) violated this Code in such a way that the outcome of an Election may have been affected; or
 - ii) engaged in a Corrupt Practice.

7.9 ~~7.8~~ No person shall accept ~~candidacy in an election~~ a nomination to be a Candidate in an Election if that person is not eligible to be a ~~candidate in accordance with this code (refer to "Definitions" of this code for~~ Candidate) for the position for which the person has been nominated.

~~7.9 Only electors who meet the requirements of a candidate as set out in this code may be nominated as a candidate.~~

7.10 ~~7.10~~—A person may only be a ~~candidate~~Candidate for one (1) of the ~~offices~~positions of Chief or a Councilor in any ~~election~~Election.

7.11 ~~7.11~~—A person nominated ~~as a candidate~~to be a Candidate for both the ~~office~~position of Chief and the ~~office~~position of a Councilor must declare which ~~office~~position he/ or she intends to seek ~~(, if any).~~

7.12 ~~7.12~~—Every person nominated to be a Candidate is ~~subject~~required to provide a candidacy fee ~~of \$250.00 for Chief and \$100.00 for Councilor to be considered a candidate. This fee to be paid to the First Nation and a receipt issued. The fee will be refunded in full if the candidate receives more than 5% of the total vote.~~pursuant to section 7.20.

7.13 ~~7.13 Candidates for the position of Chief~~A person must hold past experience of at least one term as ~~a~~the Chief or a Councilor for Saik'uz First Nation in order to be nominated ~~as a candidate~~to be a Candidate for the position of Chief.

7.14 ~~7.14~~—All ~~candidates~~Candidates must have a reliable method of transportation in order to attend Band Council meetings and conduct Band Council business as required.

7.15 ~~7.15~~—It is mandatory for all ~~nominees~~persons nominated to be a Candidate to sign a declaration stating that if they are elected they will submit to drug and alcohol testing prior to swearing the oath of office and assuming an elected position.

7.16 ~~7.16~~—To be considered a ~~candidate, the nominee~~Candidate in an Election, each person nominated to be a Candidate shall sign and submit to the Electoral Officer the following documents by ~~6 pm, 6:00 PM~~ on the third working day following the ~~nomination meeting~~Nomination Meeting:

- a) ~~a)~~ a notice of acceptance of nomination for the position of the Chief or a Councilor; and
- b) ~~b)~~ a sworn declaration confirming their eligibility ~~as to be a candidate~~Candidate; and
- c) ~~c)~~ submit—the receipt for the candidate fee ~~of \$250.00 or \$100.00 as required by cash or certified cheque made payable to Saik'uz First Nation; and~~pursuant to section 7.20;
- d) an email address for the purpose of providing notice pursuant to Part 5.0;
- e) ~~d)~~ a statement that the ~~candidate~~Candidate confirms that he/ or she has a reliable method of transportation; and
- f) ~~e)~~ a declaration to agree to submit to drug and alcohol testing prior to assuming office, if elected.

~~7.17 If the signed notice of acceptance, sworn declaration, the candidate fee receipt, statement of reliable transportation or driver's abstract and the declaration to submit to drug and alcohol testing are not given to the electoral officer by 6 p.m. on the third working day following the nomination meeting, the person nominated will not be a candidate.~~

7.17 If the documents in section 7.16 are not received by the Electoral Officer by the deadline prescribed in section 7.16, the person nominated to be a Candidate will not be declared a Candidate in the Election, pursuant to section 8.50.1.

7.18 ~~7.18~~ A criminal record check dated not more than three (3) months prior to the ~~day the election is to be held~~ Election Date is required from all ~~candidates~~ persons nominated as Candidates and shall be provided to the Electoral Officer prior to the ~~day of the election~~ Election Date. Failure to provide the criminal record check as required will result in votes cast in that ~~candidate's~~ Candidate's name not being counted after the close of the poll on ~~election day~~ the Election Date.

7.19 The Electoral Officer shall verify that a person nominated to be a Candidate has met all the requirements of a Candidate in Part 7.0 before declaring that person to be a Candidate in an Election. For greater certainty, a person nominated to be a Candidate is not considered a Candidate in an Election until the person is declared a Candidate by the Electoral Officer pursuant to section 8.50.1.

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~~7.19 A nominee not present at the nomination meeting shall file the documents required under section 7.15 with the Electoral Officer by mail or in person by the prescribed deadline.~~

Candidate Fee

7.20 ~~7.20~~ Every person nominated to be a Candidate in an Election is required to provide a candidacy fee of \$250.00 for Chief and \$100.00 for Councilor to be considered a Candidate. This fee is to be paid by cash or certified cheque made payable to Saik'uz First Nation and a receipt will be issued. The receipt from ~~the~~ Saik'uz First Nation for the ~~candidate's~~ Candidate's fee must be provided to the Electoral Officer. The fee will be returned to all ~~candidates~~ Candidate(s) who received a number of votes that is more than five (5%) percent of the total ballots cast at the ~~election~~ Election. For those ~~candidates~~ Candidate(s) who did not receive this number of votes ~~the~~, Saik'uz First Nation will retain the fee-(s).

Withdrawal

7.21 ~~7.21~~—A ~~candidate~~ Candidate may withdraw his or her candidacy within three (3) working days of the date on which the ~~nomination meeting~~ Nomination Meeting was held by submitting a written withdrawal of nomination to the Electoral Officer.

7.22 ~~7.22~~—A ~~candidate~~ Candidate who dies before the close of the polls shall be considered to have withdrawn his/ or her candidacy and the ~~candidate~~ Candidate fee will be returned to the estate of the ~~candidate~~ Candidate.

7.23 ~~7.23~~—A ~~candidate~~ Candidate who withdraws his or her candidacy after submitting the candidate fee and before the Election ~~date~~ Date forfeits the candidate fee.

Code of Ethics

7.24 ~~7.24~~ In campaigning, all Candidates ~~may campaign~~ must act:

- a) ~~a)~~ according to the rules ~~and regulations established in the legal framework in~~ this Code;
- b) ~~b)~~ without coercion or vote buying;
- c) ~~c)~~ respecting the rights and freedom of other parties to organize and campaign, and to reach out to voters with their messages;
- d) ~~d)~~ respecting the rights of voters to obtain information from a variety of sources or attend political rallies;
- e) ~~e)~~ ethically, focusing on political issues and ~~candidate~~ Candidate platforms, instead of engaging in libel or slander;
- f) ~~f)~~ nonviolently, without intimidating opposing party ~~candidates~~ Candidate(s), opposition supporters or the media, and without the use of language inciting their own supporters to violence;
- g) ~~g)~~ respecting the freedom of the local press and community radio to cover the

campaign and to express opinions on the campaigns;

- h) ~~h)~~ respecting the ~~electoral officials~~ Electoral Officer and Deputy Electoral Officer and not interfering with the performance of their

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duties; and

- i) ~~i) accepting and complying with the official election results and the final decision~~ Election outcome and any Decision or direction of the Complaint and Appeal Board.

7.25 A Candidate is prohibited from directly or indirectly engaging in a Corrupt Practice at any time after the Nomination Meeting and before the close of polls on the day of the Election.

~~7.25 A candidate engages in corrupt practice when, during an election period, he/she directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate, or during an election period, accepts or agrees to accept a bribe that is offered.~~

~~7.26 A candidate engages in corrupt practice, if by intimidation or duress, he/she compels a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate at an election; or by any pretense or contrivance, induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate at an election.~~

8.0 ~~8.0~~ **THE ELECTION PROCESS-**

Pre-Nomination Procedure

Appointment of an Electoral Officer

8.1 ~~8.1~~ The Electoral Officer shall be appointed by ~~the~~ Band Council through a Band Council Resolution no less than one hundred and fifty (150) days before the expiration of the term of office of those members of Band Council ~~members~~ whose positions will be up for ~~election~~ Election, except in the case of an Accelerated Election under Part 11.0, in which case the appointment of the Electoral Officer shall be governed by section 11.2.

8.2 ~~8.2~~ The Band Council Resolution for the appointment of the Electoral Officer shall contain his/ or her full name, the ~~desired date of election,~~ Election Date and the type of ~~election, which is~~ Election to be conducted, as well as any special instructions. The Electoral Officer's term of office ends when the newly elected Chief and Councilors take office pursuant to this Code and all post-election procedures under Part 9.0 are complete.

8.3 ~~8.3~~ If an Electoral Officer has not been appointed within the time set out in section 8.1 ~~of this~~ code, the Electoral Officer shall be appointed by the ~~Community Services Director~~ Saik'uz First Nation General Manager as soon as possible.

8.4 ~~8.4~~ ~~The~~ Band Council will appoint an individual to the office of Electoral Officer that:

- a) ~~a)~~ is not a ~~member of the First Nation~~ Band Member;
- b) ~~b)~~ has no vested interest in the outcome of the ~~elections~~ Election;
- c) ~~c)~~ is at least twenty-one (21) years of age; ~~and~~
- d) ~~d)~~ has experience in the conduct of elections; ~~and has received appropriate training.~~
- e) has received appropriate training in the conduct of elections.

8.5 ~~8.5~~ In the event that the Electoral Officer cannot fulfill his ~~/~~ or her duties, an existing Deputy Electoral Officer will be chosen by ~~the Chief and~~ Band Council, through a Band Council Resolution,

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to undertake the duties of the Electoral Officer. In the absence of an existing Deputy Electoral Officer, ~~the~~ Band Council shall appoint a new Electoral Officer.

8.6 ~~8.6~~ The Electoral Officer shall provide ~~the~~ Band Council with a list of appointed Deputy Electoral Officers who are trained and have knowledge of the election process. A minimum of two (2) Deputy Electoral Officers will be appointed by the Electoral Officer and approved through Band Council Resolution.

Electoral Officer Oath of Office

8.7 ~~8.7~~ The Electoral Officer must ~~sign~~swear an oath ~~(see Appendix B)~~of office to uphold the office of the Electoral Officer in accordance with this ~~code~~Code and to ensure impartiality. This oath must be signed, witnessed and received by the ~~Community Services Director~~Saik'uz First Nation General Manager within five (5) working days of being appointed by the Band Council. An Electoral Officer cannot be a ~~candidate~~Candidate in the ~~election~~Election nor nominate or second a ~~candidate during the election process~~Candidate for the Election.

Responsibilities and Ethics

8.8 ~~8.8~~ The Electoral Officer is responsible for ~~the~~ managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in this ~~code~~Code. The Electoral Officer must:

- a) ~~a)~~ uphold the ~~code~~Code and abide by the ~~legal framework, its rules and regulations~~Code and all laws of and applicable to Saik'uz First Nation;
- b) fulfill the duties and responsibilities of their office under this Code;
- c) ~~b)~~ remain neutral and professional in the conduct of the duties of office, which includes not providing any preferential treatment or expressing support or opposition for any ~~candidate~~Candidate(s);
- d) ~~e)~~ not accept anything of value (money, offers of employment, gifts, travel, etc.) in exchange for preferential treatment or access to nonpublic information;
- e) ~~d)~~ not discriminate against anyone because of race, religion, sex, age or disability;
- f) ~~e)~~ use public office facilities to fulfill the terms of office, not for personal or partisan benefit;
- g) ~~f)~~ not pressure or intimidate other officials or personnel to ~~favor~~favour a certain ~~candidate~~Candidate(s);
- h) ~~g)~~ avoid conflict of interests, or the perception of conflict of interests, by abstaining from

decision making where there is a personal or private interest in the matter;

- i) carry out their duties faithfully, honestly, impartially and to the best of their abilities;
- j) keep confidential, both during and after their term of office, any matter or

information which, under this Code or Saik'uz First Nation laws or policies, is considered confidential; and

k) always act in the best interests of Saik'uz First Nation in carrying out their duties.

~~Voter's~~Voters List

8.9 ~~8.9~~—At least one hundred and twenty (120) days before the ~~day on which an election is to be held~~Election Date, the Electoral Officer shall obtain from the Band Membership Clerk the names of all ~~Band members who will have attained the age of eighteen (18) on the date on which the election is to be held~~Electors, the band membership number of each Elector and date of birth of each ~~elector~~Elector.

8.10 ~~8.10~~—The Band Membership Clerk shall, no later than one hundred and twenty (120) days prior to the ~~date on which the election is to be held~~Election Date, provide the Electoral Officer with the last known addresses on record, if any, of all Electors.

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~~known addresses, if any, of all electors who do not reside on the reserve.~~

8.11 ~~8.11~~—Electors will be responsible for providing the Band Membership Clerk with their current ~~contact~~ addresses.

8.12 ~~8.12~~—The ~~contact~~ address for each Elector shall be used only for purposes of providing Electors with notices, ~~mail-in ballots or~~ Mail-in Ballots or any other documents ~~to electors who are~~ an Elector is entitled to receive ~~them~~ under this ~~code~~ Code.

8.13 ~~8.13~~—Except for ~~these~~ those purposes set out in this Code, the contact address shall not be disclosed by the Electoral Officer without the consent of the ~~elector~~ Electors.

8.14 ~~8.14~~—A ~~candidate for election as Chief or Councilor~~ Candidate may obtain from the Electoral Officer a list of the names and the addresses of ~~electors~~ Electors who have consented in writing to have their addresses released to the ~~candidates~~ Candidates.

8.15 ~~8.15~~—At least ninety (90) days before the ~~day on which an election is to be held~~ Election Date, the Electoral Officer shall prepare a ~~voters list~~ Voters List containing the names of all of the ~~electors~~ Electors in alphabetical order.

8.16 ~~8.16~~—The Electoral Officer shall post the ~~voters list~~ Voters List containing only the names of the ~~electors~~ Electors in a public area of the Band Saik'uz First Nation administration building and in ~~other conspicuous places on the reserve~~ at least one (1) other Principal Location, as may be determined by the Electoral Officer, no later than eighty (80) days prior to the ~~date on which the election is to be held~~ Election Date.

8.17 ~~8.17~~—On request, the Electoral Officer or Deputy Electoral Officer shall confirm whether the name of a person is on the ~~voter's list~~ Voters List.

8.18 ~~8.18~~—The Electoral Officer shall revise the ~~voter's list~~ Voters List upon presentation of documentary proof which demonstrates that:

- a) ~~a)~~ the name of an ~~elector~~ Electors has been omitted from the list;
- b) ~~b)~~ the name of an ~~elector~~ Electors is incorrectly set out in the list; or
- c) ~~c)~~ the name of a person not qualified to vote is included in the list.

8.19 ~~8.19~~—A person, or an ~~elector~~ Electors acting on his or her behalf, may, no later than two (2) days prior to the ~~date of the election~~ Election Date, demonstrate that the name of an ~~elector~~ Electors has been omitted from or incorrectly set in the ~~voters list~~ Voters List. An individual must present in writing to the Electoral Officer and Band Membership Clerk that the ~~elector~~ Electors:

- a) ~~a)~~ is entitled to have his or her name entered on the ~~Band~~ list of Band Members; and
- b) ~~b)~~ will be at least eighteen (18) years of age on the ~~date on which the election is to be held~~ Election Date.

8.20 ~~8.20~~—A person may demonstrate that the name of a person not qualified to vote has been included in the ~~voters list~~ Voters List by presenting in writing to the Electoral Officer

evidence that the person³:

a) ~~a)~~ is neither on the ~~Band~~ list of Band Members nor entitled to have his or her name entered on the list of Band Members

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~~list~~; or

b) ~~b)~~ will not be eighteen (18) years of age on the ~~date on which the election is to be held~~: Election Date.

8.21 ~~8.21~~—Where the Electoral Officer believes or has information that a person whose name is on the ~~voter's list~~Voters List is not an ~~elector~~Elector, or where an ~~elector~~Elector demonstrates to the Electoral Officer that the name of a person not qualified to vote ~~appears on the voters list~~ in accordance with ~~section 7.0~~this Code appears on the Voters List, the Electoral Officer shall give written notice to the person whose eligibility is challenged at least ten (10) days prior to the ~~date on which the election is to be held~~Election Date.

8.22 ~~8.22~~—The notice given under section 8.21 shall include the reasons for seeking removal of a name from the ~~voters list~~Voters List and any supporting documents, and shall provide notice that a written reply may be sent to the Electoral Officer, which must be received no later than four (4) days prior to the ~~date on which the election is to be held~~Election Date.

8.23 ~~8.23~~—After consideration of all information and representations relating to amendments to the ~~voter's list~~Voters List, the Electoral Officer shall add or delete names to the ~~voter's list~~Voters List based on whether persons qualify as ~~electors~~Electors.

~~8.24 The decision of the Electoral Officer under section 8.23 is final and is not subject to appeal.~~

8.24 ~~8.25~~—Any ~~person~~Elector whose name does not appear on the ~~voters list~~Voters List shall be entitled to vote on Election Day, provided he or she presents documentary proof to the Electoral Officer demonstrating his or her qualifications as an ~~elector as per section 7.0~~Elector pursuant to this Code, the sufficiency of which shall be determined by the Electoral Officer.

8.25 The decision of the Electoral Officer under sections 8.23 and 8.24 is final and is not subject to Appeal.

Appointment of ~~Deputies~~Deputy Electoral Officers and Interpreters

8.26 ~~8.26~~—The Electoral Officer shall appoint ~~deputies~~Deputy Electoral Officers and interpreters as he ~~/ or~~ she deems necessary for the conduct of the Election, who will work under his ~~/ or~~ her direction. The Electoral Officer may appoint an interpreter for the purposes of assisting electors whose first language is not English or experience vision or literacy problems. All Deputy Electoral Officers appointed must be ~~sanctioned~~approved through Band Council Resolution pursuant to section 8.6.

8.27 ~~8.27~~—The Deputy Electoral Officers shall have such powers as described in this ~~code~~Code as well as those powers of the Electoral Officer as are delegated to them by the Electoral Officer. ~~The term of a~~ Deputy Electoral ~~Officer~~Officer's term of office ends ~~once when~~ the newly elected Chief and ~~Council Assumes office and all post-election~~Councilors take office pursuant to this Code and all post-election procedures under Part 9.0 are complete.

8.28 ~~8.28~~—A Deputy Electoral Officer shall not be a member of ~~the~~ Band Council ~~or a candidate in~~

~~the election~~, a Candidate or a Candidate's Agent.

8.29 ~~8.29~~ Every Deputy Electoral Officer shall swear an oath of office to:

- a) ~~a)~~ uphold this Code and comply with this ~~code~~Code and all the laws of ~~the community~~and applicable to Saik'uz First Nation;
- b) ~~b)~~ fulfill the duties and responsibilities of their office under this ~~code~~Code;
- c) remain neutral and professional in the conduct of the duties of office, which includes not providing any preferential treatment or expressing support or opposition for any Candidate(s);
- d) not accept anything of value (money, offers of employment, gifts, travel, etc.) in exchange for preferential treatment or access to nonpublic information;
- e) not discriminate against anyone because of race, religion, sex, age or disability;
- f) use public office facilities to fulfill the terms of office, not for personal or partisan benefit;
- g) not pressure or intimidate other officials or personnel to favor a certain Candidate(s);
- h) avoid conflict of interests, or the perception of conflict of interests, by abstaining from decision making where there is a personal or private interest in the matter;
- i) ~~e)~~ carry out their duties faithfully, honestly, impartially and to the best of their abilities~~;~~;
- j) ~~d)~~ keep confidential, both during and after their term of office, any matter or

information which, under this ~~code, community law or policy~~ Code or Saik'uz First Nation laws or policies, is considered confidential; and

k) e) always act in the best interests of ~~the community~~ Saik'uz First Nation in carrying out their duties.

8.30 ~~8.30~~—The Electoral Officer may make such order and issue such instructions, consistent with the provisions of this ~~code~~ Code, as he/ or she may deem necessary for the effective administration of an ~~election~~ Election.

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The Nomination Process

Notice of Nomination Meeting and Mail-in Procedures

8.31 ~~8.31~~—The Electoral Officer shall, at least thirty (30) days before the date on which the ~~nomination meeting~~Nomination Meeting is to be held, post a notice of ~~nomination meeting~~Nomination Meeting in at least one ~~conspicuous place on the reserve~~(1) Principal Location.

8.32 ~~8.32~~—The Electoral Officer shall, at least thirty (30) days before the date on which the ~~nomination meeting~~Nomination Meeting is to be held, mail a notice of the ~~nomination meeting and a voter declaration form~~Nomination Meeting and a Voter Declaration Form to every ~~elector~~Elector who does not reside on the ~~reserve~~Reserve at ~~the~~their last known address on record with the Band Membership Clerk.

8.33 ~~8.33~~—A notice of a ~~nomination meeting~~Nomination Meeting shall include:

- a) ~~a)~~ the date, time, duration and location of the ~~nomination meeting~~Nomination Meeting;
- b) ~~b)~~ the ~~date on which the election will be held~~Election Date and the location of each ~~polling place~~Polling Station;
- c) ~~c)~~ the name and phone number of the Electoral Officer;
- d) ~~d)~~ the statement that any ~~voter may vote by mail in ballot~~Elector may nominate an eligible person to be a Candidate in person or by mail; ~~and~~
- e) ~~e)~~ a description of the manner in which an ~~elector~~Elector can, in person or by mail, nominate a ~~candidate~~Candidate, or second the nomination of a ~~candidate~~Candidate and the deadline by which nominations submitted by mail must be received; and
- f) ~~f)~~ the statement that, if the ~~elector~~Elector wants to receive information from ~~candidates~~Candidates, the ~~elector~~Elector can agree to have his or her address released to the ~~candidates~~Candidates.

8.34 ~~8.34~~—The Electoral Officer shall record the names of ~~electors~~Electors to whom a notice of the ~~nomination meeting~~Nomination Meeting was mailed, the addresses ~~of those electors~~,where the notices were mailed and the date on which the notices were mailed.

Nomination Meeting

8.35 ~~8.35~~—The ~~nomination meeting~~Nomination Meeting shall be held at least forty-two (42) days prior to the ~~date on which the election is to be held~~Election Date.

8.36 ~~8.36~~—At the time and place set for the ~~nomination meeting~~Nomination Meeting, the Electoral Officer shall declare the ~~nomination meeting~~Nomination Meeting open for the purpose of receiving the nomination of ~~candidates~~persons to be Candidates for the available ~~Chief and/or Council~~ positions of the Chief or a Councilor, or both.

8.37 ~~8.37~~—The Electoral Officer is responsible for managing and conducting the ~~nomination meeting~~Nomination Meeting.

8.38 ~~8.38~~—Immediately following the opening of the ~~nomination meeting~~Nomination Meeting, the Electoral Officer shall read aloud all written nominations and seconded nominations that have been received by mail~~in~~.

Duration of Nomination Meeting

8.39 ~~8.39~~—The ~~nomination meeting~~Nomination Meeting shall remain open for at least three (3) hours.

Maintaining Order and Security

8.40 ~~8.40~~—The Electoral Officer shall maintain order at all times during the ~~nomination meeting~~Nomination Meeting and may be required to remove any person who, in his ~~or~~ her opinion, is disrupting or otherwise interfering with the proceedings.

8.41 ~~8.41~~—There is zero tolerance for any individual who is physically or verbally abusive at a ~~nomination meeting~~Nomination Meeting, exhibits disruptive behaviour or is under the influence of drugs and/or alcohol. The Electoral Officer will procure the assistance of the Vanderhoof Police Department if required to remove any individual from the premises. Should the incident be too disruptive, the Electoral Officer has the authority to end the ~~nomination meeting~~Nomination Meeting and reschedule it to the following day.

8.42 ~~8.42~~—Only ~~Saik'uz First Nation band members~~Band Members are eligible to participate in ~~nomination meetings~~a Nomination Meeting or act as a ~~candidate's agent~~Candidate's Agent, except as provided for in this Code.

Nomination Procedure

8.43 ~~8.43~~—Mailed nominations are void if they are not received by the Electoral Officer before the deadline ~~or specified in the notice of the Nomination Meeting, pursuant to section 8.33, or where no deadline has been specified, before the~~ established time set for commencement of the ~~nomination meeting~~Nomination Meeting.

8.44 ~~8.44~~—The Electoral Officer shall ensure the names of the ~~candidate~~persons nominated as Candidates, the nominator and the seconder are recorded. The Electoral Officer shall confirm at the ~~nomination meeting~~Nomination Meeting that the proposed ~~candidate~~Candidate is eligible to be elected to the position of the Chief or a Councilor of ~~the~~ Band Council.

8.45 ~~8.45 A person present at a nomination meeting who is eligible to do so~~An Elector at a Nomination Meeting may second the nomination of any person nominated in writing.

8.46 ~~8.46~~—Where the same person receives two (2) written nominations to be a Candidate for the same ~~office~~position, the second nomination shall constitute a seconder toward the first

nomination.

8.47 ~~8.47~~ Any ~~elector~~Elector may nominate or second no more than:

- a) ~~a)~~ one (1) eligible person for the ~~office~~position of Chief; and
- b) ~~b)~~ the number of eligible persons equivalent to the vacancies for the ~~office~~position of Councilor.

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8.48 ~~8.48~~—At the end of the ~~nomination meeting~~Nomination Meeting, the Electoral Officer shall:

- a) ~~a)~~ if only one (1) eligible person has been nominated ~~for election as to be a Candidate for the position of the~~ Chief, declare that person to be elected as the Chief;
- b) ~~b)~~ if the number of eligible persons nominated to ~~serve as Councilors be~~ Candidates for the position of Councilor does not exceed the number of positions to be elected as a Councilor, declare those persons to be elected as a Councilor; and/or
- c) ~~c)~~ where more than the ~~required numbers of persons are nominated for election as Chief or Councilors~~ number of eligible persons nominated as Candidates for the position of the Chief or a Councilor exceeds the number of vacant positions in an Election for position of the Chief or a Councilor, or both, announce that an ~~election~~Election will be held for the position of Chief or a Councilor, or both.

8.49 ~~8.49~~—Should a situation occur such as a natural disaster or a power outage that would prevent the ~~nomination meeting form~~Nomination Meeting from being held in the planned location, the meeting may be relocated to an alternate site ~~in the community on Reserve~~. However, should an emergency be declared within the community, the ~~nomination meeting~~Nomination Meeting may be postponed until a later date. The Electoral Officer shall ensure that a notice of the rescheduling of any ~~nomination meeting~~Nomination Meeting will appear in the ~~community flyers and the~~Saik'us First Nation newsletter and on the Saik'uz First Nation website.

8.50 ~~8.50~~—On the day following the ~~nomination meeting~~Nomination Meeting, the Electoral Officer shall post in at least one ~~principal location on the reserve~~(1) Principal Location a list of ~~nominees~~persons nominated to be a Candidate, their nominators and seconders and the ~~offices~~position for which they are nominated.

8.50.1 On the day following the deadline prescribed in section 7.16, the Electoral Officer shall post in at least one (1) Principal Location a list of each person declared to be a Candidate in an Election and the position for which he or she is a Candidate.

Pre-Election Procedure

Acclamation

8.51 ~~8.51~~—Where the ~~office~~position of Chief and/or all ~~offices~~positions of Councilor are filled by acclamation;

- a) ~~a)~~ the Electoral Officer shall post in at least one ~~conspicuous place on the reserve~~(1) Principal Location, and mail to every ~~elector~~Elector who does not reside on ~~the reserve~~Reserve at the last known address on record with the Band Membership Clerk, a notice that sets out the names of the persons who have been acclaimed and states that an ~~election~~Election will not be held for that position.
- b) ~~b)~~ ~~in~~ the event of acclamation of the ~~councilor~~Councilor positions the Electoral Officer, where required under this Code, shall proceed with an

~~election~~Election to determine which ~~councilors~~Councilors, based on the number of votes per ~~candidate~~Candidate, will serve a four (4) year term and which will serve a two (2) year term.

Ballots

8.52 ~~8.52~~—The Electoral Officer shall prepare ballot papers setting out:

- a) ~~a)~~ the names of the ~~candidates nominated for election as~~Candidates for the position of Chief, in alphabetical order by surname; and
- b) ~~b)~~ the names of ~~the candidates nominated for election as~~Candidates for the position of Councilor, in alphabetical order by surname.

8.53 ~~8.53~~—Where two (2) or more ~~candidates~~Candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those ~~candidates~~.

Candidates.

The ballot may, at the request of the ~~candidate~~Candidate, include a commonly used nickname.

Notice of the Election

8.54 ~~8.54~~—The ~~election~~Election Date shall be ~~held~~ at least forty-two (42) days from the day on which the ~~nomination meeting~~Nomination Meeting was held.

8.55 ~~8.55~~—The Electoral Officer shall, within three (3) days from the day on which the ~~nomination meeting was held~~Candidates in an Election are declared pursuant to section 8.50.1, post a notice of ~~election~~Election in at least one ~~conspicuous place on the reserve~~(1) Principal Location.

8.56 ~~8.56~~—The notice shall include:

- a) ~~a)~~ the ~~date of the election~~Election Date;
- b) ~~b)~~ the name of each Candidate, in alphabetical order by surname, and the position for which he or she is a Candidate;
- c) ~~b)~~ the times at which the ~~polling stations~~Polling Station(s) will open and close;
- d) ~~e)~~ the location(s) of the ~~polling~~Polling Station(s);
- e) ~~e)~~ the time and location of the counting of the votes; and
- f) ~~e)~~ a statement that the ~~voters list~~Voters List is posted for public viewing and its location.

Mail-in Ballots

8.57 ~~8.57~~—The Electoral Officer shall, at least thirty-five (35) days prior to the ~~date on which the election is to be held~~Election Date, mail to every ~~elector~~Elector who is not ordinarily resident on ~~the reserve~~Reserve at the last known address; ~~a mail-in ballot on record with the Band Membership Clerk, a Mail-in Ballot~~ package consisting of:

- a) ~~a)~~ ballots relevant to the ~~election~~Election initialed on the back by the Electoral Officer;
- b) ~~b)~~ an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
- c) ~~e)~~ a second inner envelope marked for insertion of the completed ~~ballots~~Mail-in Ballots;
- d) ~~e)~~ a ~~voter declaration form~~Voter Declaration Form which shall set out:
 - i) ~~i)~~ the name of the ~~elector~~Elector;
 - ii) ~~ii)~~ the membership number and date of birth of the ~~elector~~Elector; and
 - iii) ~~iii) a voter declaration form~~ Voter Declaration Form to be witnessed, certifying the identity and signature of the ~~elector~~Elector.
- e) ~~e)~~ the notice of ~~election~~Election; and
- f) ~~f)~~ a letter of instruction regarding voting by ~~mail-in ballot~~Mail-in Ballot which

shall also include:

- i) a statement advising ~~electors~~Electors that they may vote in person at any ~~polling station~~Polling Station on the ~~day of the election~~Election Date if they return their ~~mail-in ballots~~Mail-in Ballots to the Electoral Officer at the ~~polling station~~Polling Station or swear a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the ~~mail-in ballots~~Mail-in Ballots.

8.58 ~~8.58~~—An ~~elector~~Elector who is ordinarily resident on ~~the reserve~~Reserve and who is unable to vote in person on the Election Date

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~~election day~~ may, at least ten (10) days prior to the ~~date on which the election is to be held~~ Election Date, request a ~~mail-in ballot~~ Mail-in Ballot package from the Electoral Officer.

8.59 ~~8.59~~—An ~~elector~~ Elector not residing on the ~~reserve~~ Reserve who has not received a ~~mail-in ballot~~ Mail-in Ballot package may, not later than ten (10) days prior to the ~~date on which the election is to be held~~ Election Date, request a ~~ballot~~ Mail-in Ballot package from the Electoral Officer.

8.60 ~~8.60~~—Upon receipt of a request for a ~~mail-in ballot~~ Mail-in Ballot package, the Electoral Officer shall mail or deliver a ~~mail-in ballot~~ Mail-in Ballot package to the ~~elector~~ Elector.

8.61 ~~8.61~~—The Electoral Officer shall indicate on the ~~voters list~~ Voters List that ballots have been provided to each ~~elector~~ Elector to whom the ~~mail-in ballots~~ Mail-in Ballots were mailed or otherwise provided to and keep a record of the date on which, and the addresses to which, each ~~mail-in ballot~~ Mail-in Ballot was mailed or otherwise provided.

8.62 ~~8.62~~ An ~~elector~~ An Elector shall vote by ~~mail-in ballot~~ Mail-in Ballot by:

- a) ~~placing an X or other mark that clearly indicates the elector's~~ Electors choice but does not identify the ~~elector~~ Elector;
- b) ~~placing an X or other mark that clearly indicates the elector's~~ Electors choice but does not identify the ~~elector~~ Elector;
- c) ~~placing an X or other mark that clearly indicates the elector's~~ Electors choice but does not identify the ~~elector~~ Elector;
- d) ~~placing an X or other mark that clearly indicates the elector's~~ Electors choice but does not identify the ~~elector~~ Elector;
- e) ~~placing an X or other mark that clearly indicates the elector's~~ Electors choice but does not identify the ~~elector~~ Elector;
- f) ~~placing an X or other mark that clearly indicates the elector's~~ Electors choice but does not identify the ~~elector~~ Elector;

8.63 ~~8.63~~—Where an ~~elector~~ Elector is unable to vote pursuant to section 8.62, the ~~elector~~ Elector may enlist the assistance of another person, who is at least eighteen (18) years of age and is not the witness to the Elector's Voter Declaration Form, to mark the ballot and complete and sign the ~~voter declaration form~~ Voter Declaration Form in accordance with that section.

8.64 ~~8.64~~—A witness ~~shall~~ who is at least eighteen (18) years of age shall, on the Voter

Declaration Form, attest to:

- a) ~~a)~~ the fact that the person completing and signing the ~~voter declaration form~~
is the Voter Declaration Form is the person whose name is set out in the Voter Declaration Form; or
~~person whose name is set out in the form; or~~
- b) ~~b)~~ the fact that the ~~elector~~Elector is the person whose name is set out in the ~~form~~Voter Declaration Form and that the ballot was marked according to the directions of the ~~elector~~Elector.

8.65 ~~8.65~~ Mail-in ~~ballots~~Ballots that are not received by the Electoral Officer before the close of polls on

the day of the ~~election~~Election shall not be counted.

Equipment for the Election

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8.66 ~~8.66~~—The Electoral Officer shall, before the ~~polling station is~~Polling Station(s) are open, supply the ~~polling station~~Polling Station(s) with:

- a) ~~a)~~ sufficient ballot boxes;
 - b) ~~b)~~ a sufficient number of ballots;
 - c) ~~c)~~ a sufficient number of voting compartments enabling electors to mark their ballots free from observation;
 - d) ~~d)~~ instruments for marking;
 - e) ~~e)~~ a sufficient number of voting instructions as may be required;
 - f) ~~f)~~ all other equipment as necessary to establish and equip the voting locations;
- and
- g) ~~g)~~ the final ~~voters list~~Voters List.

Polling Stations

8.67 ~~8.67~~ The Electoral Officer will establish at least one ~~polling station on the reserve~~(1) Polling Station in at least (1) Principal Location.

8.68 ~~8.68~~ The Electoral Officer shall provide a voting compartment in the ~~polling station~~Polling Station(s) where

Electors ~~electors~~ can mark their ballots free from observation and the Electoral Officer may appoint security to maintain order in the ~~polling station~~Polling Station(s).

9.0 ~~9.0~~ ELECTION DAY

Electoral Officer and Deputies

9.1 ~~9.1~~ The Electoral Officer shall not be allowed to vote in the ~~election unless to break a tie~~

Election, but in the event of a tie the Electoral Officer is permitted to draw a tie-breaker vote to determine for which Candidate the tie-braker vote is counted, pursuant to section 9.37.

Deputy Electoral Officers are allowed to cast a vote in the Election.

Candidate's Agent

9.2 ~~9.2~~ A ~~candidate~~Candidate shall be entitled to not more than two ~~agents~~(2) Candidate's Agents in the ~~polling station~~Polling Station(s) at any one time.

9.3 ~~9.3~~ ~~An agent~~ A Candidate's Agent must present a letter of authorization to the Electoral Officer or the Deputy Electoral Officer, signed by the ~~candidate~~ Candidate, in order to be permitted to remain in the ~~polling station~~ Polling Station(s).

Polling Hours

9.4 ~~9.4~~ ~~The polling station~~ Polling Station(s) shall be open ~~9 a.m.~~ 9:00 AM until ~~8 p.m.~~ 8:00 PM local time on the day ~~of the election~~ Election is held.

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Verification of the ~~Ballets~~Ballot Box

9.5 ~~9.5~~—The Electoral Officer or a Deputy Electoral Officer shall, immediately before the commencement of the poll~~;~~:

- a) ~~1)~~ open the ballot box and call such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness;
- b) ~~2)~~ lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
- c) ~~3)~~ place the ballot box in public view for the reception of the ballots.

Secrecy and Security

9.6 ~~9.6~~—Voting shall be by secret ballot.

9.7 ~~9.7~~ No ~~elector~~Elector may vote by proxy or authorize another person to vote on his or her behalf.

9.8 ~~9.8~~ The Electoral Officer or Deputy Electoral Officer shall maintain order at all times in the Polling Station(s) ~~polling station~~ and may cause to be removed any person who in anyway interferes, disrupts or attempts to influence the orderly conduct of the ~~poll~~Election.

9.9 ~~9.9~~ ~~No~~On the Election Date, no person shall, ~~on the day the election is held~~, on the premises of the ~~polling station~~Polling Station(s):

- a) ~~1)~~ distribute any ~~election~~Election related printed materials except such materials as may be distributed by the Electoral Officer or Deputy Electoral Officer for the purpose of conducting the ~~election~~Election;
- b) ~~2)~~ attempt to interfere with or influence any ~~elector~~Elector in marking his or her ballot; or
- c) ~~3)~~ attempt to obtain information as to how an ~~elector~~Elector is about to vote or has voted.

Voting Procedure

9.10

~~9.10~~ Each person, on arriving at ~~the polling station~~ Polling Station, shall give his or her name to the Electoral Officer or Deputy Electoral Officer.

9.11
~~9.11~~ The Electoral Officer or Deputy Electoral Officer shall, if the name is set out in the ~~voters~~ Voters List, place his or her initials on both the ballots and provide them to the ~~elector~~ Elector.

9.12
~~9.12~~ The Electoral Officer or Deputy Electoral Officer shall cause to be placed in the proper column of the ~~voters list~~ Voters List a mark opposite the name of every person receiving ballots.

9.13
~~9.13~~ An ~~elector~~ Elector to whom ~~mail-in ballot~~ Mail-in Ballots package was mailed or provided may obtain ballots and vote in person at a ~~polling place~~ Polling Station if:

- a) ~~the~~ the ~~elector~~ Elector returns the ~~mail-in ballots~~ Mail-in Ballots to the Electoral Officer or Deputy Electoral Officer; or

b) ~~b)~~ where the ~~elector~~Elector has lost the ~~mail-in ballots~~Mail-in Ballots, the ~~elector~~Elector provides the Electoral Officer or Deputy Electoral Officer with a written affirmation that the ~~elector~~Elector has lost the ~~mail-in ballots~~Mail-in Ballot, signed by the ~~elector~~Elector in the presence of the Electoral Officer, Deputy Electoral Officer, a justice of the peace, a notary public or a commissioner for oaths.

9.14 ~~9.14~~—The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the ~~elector~~Elector.

9.15 ~~9.15~~ The Electoral Officer, when requested to do so, may appoint an interpreter for reasons of language, hearing impairments, sight restrictions or illiteracy.

9.16 ~~9.16~~ After receiving the ballots, an ~~elector~~Elector shall:

- a) ~~a)~~ immediately proceed to the compartment provided for marking ballots;
- b) ~~b)~~ mark the ballots by placing an X or other mark that clearly indicates the ~~elector's~~Elector's choice but does not identify the ~~elector~~Elector opposite the name of the ~~candidate or candidates~~Candidate or Candidates for whom he or she desires to vote;
- c) ~~c)~~ fold the ballots in a manner that conceals the names of the ~~candidates~~Candidates and any marks, but exposes the initials on the back; and
- d) ~~d)~~ deliver the ballots to the Electoral Officer or Deputy Electoral Officer.

9.17 ~~9.17~~ On receipt of a completed ballot, the Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballots, verify the initials placed on them by the Electoral Officer and deposit it in the ballot box in the presence of the ~~elector~~Elector and any other persons entitled to be present at the ~~polling station~~Polling Station(s).

9.18 ~~9.18~~ While an ~~elector~~Elector is in the compartment for the purpose of marking his ~~/ or~~ or her ballot paper, no other person ~~shall~~, except as provided in ~~section~~sections 9.19 and 9.20, shall be allowed in the same compartment or be in any position from which he ~~/ or~~ or she can see the manner in which the ~~elector~~Elector marks his ballot paper.

Voting Irregularities

9.19 ~~9.19~~ At the request of any ~~elector~~Elector who is unable to vote in the manner set out in section 9.16 ~~of~~ this code, the Electoral Officer or Deputy Electoral Officer shall assist that ~~elector~~Elector by marking his ~~/ or~~ or her ballot in the manner directed by the ~~elector~~Elector in the presence of another ~~elector~~Elector selected by the ~~elector~~Elector as a witness and place the ballot in

the ballot box.

9.20 ~~9.20~~ The Electoral Officer or Deputy Electoral Officer shall note on the ~~voters list~~ Voters List opposite the name of such ~~elector~~ Elector the fact that the ballot paper was marked by him ~~or~~ or her at the request of the ~~elector~~ Elector and the reasons therefore and record the ~~names~~ name of the witness.

9.21 ~~9.21~~ An ~~elector~~ Elector who has inadvertently dealt with his ~~or~~ or her ballot paper in such a manner that it cannot be conveniently used shall, on one (1) occasion only, upon returning ~~it~~ the ballot paper to the Electoral

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Officer or Deputy Electoral Officer, be entitled to obtain another ballot paper. The Electoral Officer or Deputy Electoral Officer shall write the word "spoiled" upon the spoiled ballot paper and preserve it pursuant to sections 9.41 and 9.42.

9.22

9.22 Any person who has received ballots and who leaves ~~the polling place~~ a Polling Station without delivering the same to the Electoral Officer or a Deputy Electoral Officer in the manner provided, or after receiving the ballots, refuses to vote, shall forfeit his or her right to vote at the ~~election~~ Election. The Electoral Officer or Deputy Electoral Officer shall then make an entry in the ~~voters list~~ Voters List in the column for remarks opposite the name of such person to show that such person received the ballots and declined to vote. The Electoral Officer or Deputy Electoral Officer shall mark upon the face of the ballots the word "declined", and preserve these ballots pursuant to sections 9.41 and 9.42.

Closing of ~~the~~ Polling Station(s)

9.23

9.23 Every ~~elector~~ Elector who is inside ~~the polling station~~ a Polling Station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

Counting the Votes

Opening Mail-in Ballots

9.24 ~~9.24~~ At the time published in the notice prepared in accordance with section 8.56 for the counting of the votes, the Electoral Officer or a Deputy Electoral Officer shall, in the presence of any ~~candidates or their agents~~ Candidates or Candidate's Agents who are present, open each envelope containing a ~~mail-in ballot~~ Mail-in Ballot that was received before the close of the polls and, without unfolding the ballot,;

- a) a) reject the ballot if:
- i) i) ~~it was not accompanied by a voter declaration form: or the voter declaration~~ Voter Declaration Form, or the Voter Declaration Form is not completed or witnessed as required by this Code; form is not witnessed by a commissioner of oaths;
 - ii) ii) ~~the voter declaration form~~ Voter Declaration Form does not contain a date of birth or a ~~Band~~ band membership number that matches the information contained for that ~~elector~~ Elector on the ~~voters list~~ Voters List;
 - iii) iii) ~~the name of the elector~~ Elector set out in the ~~voter declaration form~~ Voter Declaration Form is not on the ~~voters list~~ Voters List; or
 - iv) iv) the ~~voters list~~ Voters List shows that the ~~elector~~ Elector has already

voted in person;~~or~~ Or,

- b) ~~b)~~ in any other case, place a mark on the ~~voters list~~Voters List opposite the name of the ~~elector~~Elector set out in the ~~voter declaration form~~Voter Declaration Form, and deposit the ballot in a ballot box.

Counting the ~~Ballots~~Votes

9.25 ~~9.25~~—The Electoral Officer or a Deputy Electoral Officer shall supply other Deputy Electoral Officers and all persons present and who so request with a tally sheet to keep their own tally of the votes.

9.26 ~~9.26~~—Immediately after the ~~mail-in ballots~~Mail-in Ballots have been deposited in the ballot box, the Electoral

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Officer or a Deputy Electoral Officer shall, in the presence of any ~~candidates or their agents~~ Candidates and/or Candidate's Agents who are present, open all ballot boxes and examine each ballot.

9.27 ~~9.27~~—The Electoral Officer or Deputy Electoral Officer shall call out the names of the ~~candidates~~ Candidates for whom the votes were cast on all valid ballots.

9.28 ~~9.28~~—A Deputy Electoral Officer shall mark a tally sheet in accordance with the names being called out of the ~~candidates~~ Candidates for the purpose of arriving at the total number of votes cast for each ~~candidate~~ Candidate.

Ballots not Counted

9.29 ~~9.29~~—In examining the ballots, the Electoral Officer or a Deputy Electoral Officer must reject any ballots that:

- a) ~~a)~~ do not contain the initials of the Electoral Officer or Deputy Electoral Officer;
- b) ~~b)~~ do not give a clear indication of the intention of the ~~voter~~ Elector;
- c) ~~c)~~ contain more votes than there are candidates to be elected; or
- d) ~~d)~~ ~~or~~ contain a mark by which the ~~voter~~ Elector can be identified.

9.30 ~~9.30~~—The Electoral Officer or a Deputy Electoral Officer shall attach a note to each ~~ballot rejected~~ Rejected Ballot which outlines the reason for rejection.

9.31 ~~9.31~~—Subject to review on recount or ~~on an election appeal~~ an Appeal, the Electoral Officer or Deputy Electoral Officer shall take a note of any objections made by any ~~candidate or his agent~~ Candidate or Candidate's Agent to any of the ballots found in the ballot box and decide any questions arising out of the objection.

9.32 ~~9.32~~—The Electoral Officer or a Deputy Electoral Officer shall tally the number of objections to ballots raised and place a corresponding number on the back of the ballot paper with the word “allowed” or “disallowed,” as the case may be, with his ~~/~~ or her initials.

Other Polling Stations

9.33 ~~9.33~~ Immediately upon completion of the counting of the ~~ballots at a polling station~~ votes at a Polling Station other than that considered the principal ~~polling station managed by~~ Polling Station, defined as that Polling Station where the Electoral Officer is present, the Deputy ~~electoral~~ Electoral Officer(s) shall transmit the results to the Electoral Officer.

Tie

9.34 ~~9.34~~ If it is not possible to determine a successful ~~candidate~~ Candidate for either ~~a~~ the Chief or a Councilor, or both, position due to an equal number of votes being cast (~~i.e., tie vote~~) for a position in the Election, the Electoral Officer shall establish a time and location for the conduct of a recount of votes and shall publicly announce this time and location of

the recount in the presence of all those present in the ~~polling station~~Polling Station.

9.35 ~~9.35~~ A recount ~~conducted~~ must be conducted within twenty-four (24) hours of the announcement by the Electoral Officer~~close of polls on Election Day~~, in the presence the ~~candidates and their agents~~Candidates and Candidate's Agents who wish to attend.

9.36 ~~9.36~~ At the time ~~established~~and location announced in section 9.34 the Electoral Officer will conduct a recount of the ~~valid ballots~~votes pursuant to sections 9.25 through 9.32 of this Code.

9.37 ~~9.37~~ In the event of a tie the Electoral Officer shall break the tie by placing the names of the ~~candidates~~Candidates having the same number of votes on a paper and place each in a receptacle. Without looking, ~~he~~the Electoral Officer shall draw as many papers as there are positions available. The ~~candidate~~Candidate(s) whose name appears on the ~~pieces~~piece(s) of paper the Electoral Officer has drawn from the receptacle shall constitute the ~~candidates~~Candidate for whom the ~~Electoral Officer shall cast a tie-breaker~~ vote is counted.

Post-Election Process

Declaration

Announcement

9.38 ~~9.38~~ ~~After~~Immediately after completing the counting of the votes ~~and establishing the successful candidates~~, the Electoral Officer shall provisionally declare to be elected the ~~candidates or candidates~~Candidate having the highest number of votes for each position that was the subject of the Election.

9.38.1 Subject to section 9.38.2, after the time for submitting an Appeal pursuant to section 6.1 has passed, the Electoral Officer shall declare the final Election results as follows:

- a) the number of votes received by each Candidate;
- b) the Candidate for the position of Chief who received the highest number of votes as elected to the position of Chief; and
- c) the Candidates for the position of Councilor who received the highest number of votes, up to the number of Councilor positions to be elected, as elected to the position of Councilor.

9.38.2 Where an Appeal has been submitted pursuant to section 6.1, the Electoral Officer shall proceed as directed in the Decision of the Complaint and Appeal Board issued in the Appeal.

9.39 ~~9.39~~ ~~Following~~Immediately following the declaration of ~~elected candidates~~the final Election results in section 9.38.1, the Electoral Officer shall complete and sign an ~~election~~Election report which shall contain:

- a) a) the names of all candidatesCandidates;
- b) b) the number of ballots cast for each Candidate;

- c) ~~e)~~ the number of ~~rejected ballots~~Rejected Ballots;
- d) ~~d)~~ the name of the ~~candidates~~Candidates declared elected and the positions to which they were elected; and
- e) ~~e)~~ the ~~date the election was held~~Election Date.

9.40 ~~9.40~~—Within four (4) days ~~of the counting of the votes~~following the declaration of the final Election results in section 9.38.1, the Electoral Officer shall:

- a) ~~a)~~ sign and post, ~~at principal locations, the election~~in at least one (1) Principal Location, the Election report prepared in accordance with this ~~code~~Code;
- b) ~~b)~~ mail a copy of the ~~election~~Election report to every ~~elector~~Elector of the Band who does not reside on ~~the reserve~~Reserve;
- c) ~~c)~~ forward a copy of the ~~election~~Election report to the ~~Band administrator~~Saik'uz First Nation General Manager and the Complaint and Appeal Board; and
- d) ~~d)~~ forward a copy of the ~~election~~Election report to the British Columbia regional office of ~~the Indigenous and Northern Affairs~~Services Canada.

Retention of Ballots and Other Election Material

9.41 ~~9.41~~—The Electoral Officer shall ~~deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain, in a secured cabinet, these ballots and all materials~~all documents used in connection with the ~~election.~~conduct of the Election, including:

- a) all ballot papers in sealed envelopes;
- b) Rejected Ballots;
- c) spoiled or unused ballots;
- d) the Voters List; and
- e) tally sheets.

9.42 ~~9.42~~ All ~~ballots and materials such as voter's list, spoiled ballots, and tally sheets~~documents retained ~~in accordance with this code~~pursuant to section 9.41 shall be retained for forty-five (45) days from the ~~date on which the election was held~~Election Date or until a ~~decision~~Decision on an ~~appeal~~Appeal is ~~rendered~~issued, whichever date is later, after which time the Electoral Officer may, unless otherwise directed by the Band Council or the Complaint and Appeal Board, destroy them in the presence of two (2) witnesses who shall make a declaration that they witnessed the destruction of those ~~papers~~ documents.

Chief and Councilor Oath of Office

9.43 ~~9.43~~—At the earliest possible opportunity, each Candidate who has been elected ~~members of council~~to the position of the Chief or a Councilor must attend one (1) or more opportunities to learn about their roles and responsibilities, and to learn the fundamentals of First Nations governance.

9.44 ~~9.44~~—Each ~~candidate~~Candidate who has been elected to the position of the Chief or a Councilor will have one (1) Elder to sign and bear witness the Candidate's fulfillment of the requirement set out in section 9.43.

9.45 ~~9.45~~—~~A candidate~~Subject to section 9.47, a Candidate who has been elected to the position of the Chief or a Councilor shall, within ten (10) days ~~of the electoral declaration~~after the declaration of the final Election results pursuant to section 9.38.1, swear an oath of office ~~(see Appendix A)~~at a public meeting open to Band Members and before the Electoral Officer, a justice of the peace, a notary public or a duly appointed commissioner for taking oaths, ~~and at a public meeting for membership, swearing~~ to:

- a) a) uphold and comply with this code, the ~~code~~Code of ~~ethics~~Ethics and all laws of the community and policies of Saik'uz First Nation;
- b) b) fulfill the duties and responsibilities of his/ or her office under this ~~code~~Code, the ~~code~~Code of ~~ethics~~Ethics and all laws of the community and policies of Saik'uz First Nation;

- c) ~~e)~~ carry out his/ or her duties faithfully, honestly, impartially and to the best of his/ or her abilities;
- d) ~~e)~~ keep confidential, both during and after his/ or her term of office, any matter or information which, under this ~~code~~Code, the laws ~~of the community or policy~~or policies of Saik'uz First Nation, is considered confidential; and
- e) ~~e)~~ always act in the best interests of ~~the community~~Saik'uz First Nation in carrying out his/ or her duties.

9.45.1 A Candidate who has been elected to the position of the Chief or a Councilor shall file the oath of office sworn in accordance with section 9.45 with the Electoral Officer within two (2) days of swearing the oath of office.

9.46 ~~9.46~~—Where a ~~candidate~~Candidate elected ~~as~~to the position of the Chief or a Councilor cannot, due to illness or other valid reason, swear the oath of office within the time prescribed in ~~this code~~section 9.45, he/ or she or an ~~elector~~Elector acting on his or her behalf may file a ~~petition~~request with the Electoral Officer for an extension of the time to swear the oath of office.

9.47 ~~9.47~~—The Electoral Officer receiving a ~~petition~~request pursuant to section 9.46 shall determine whether the circumstances justify an extension and shall provide the ~~candidate~~Candidate making the request written notice of the

decision, and where applicable, the extension period. The extension period shall be determined by the Electoral Officer.

~~9.48 No person elected as Chief or Councilor shall be permitted to assume their office until they have sworn and filed with the Electoral Officer the oath of office.~~

9.48 A Candidate elected to the position of the Chief or a Councilor shall take office upon the swearing of the oath of office. No Candidate elected to the position of the Chief or a Councilor shall be permitted to take office on Band Council until he or she has sworn and filed with the Electoral Officer the oath of office.

9.49 ~~9.49~~ If a personCandidate elected ~~as~~to the position of the Chief or a Councilor fails to fileswear the ~~sworn~~-oath of office ~~with the~~ Electoral Officer on or before the specified time period prescribed in section 9.45, or the time period specified by the Electoral Officer pursuant to section 9.47, the Electoral Officer shall declare the position of the Chief or Councilor ~~office~~-vacant.

9.50 ~~9.50~~—The Electoral Officer shall give notice in writing to the elected ~~candidate~~Candidate whose officeposition is declared vacant and to ~~the elected Chief and~~Band Council.

~~9.51 Unless the vacancy occurring results in a situation where the Band Council can no longer form a quorum, the position shall remain vacant until such time as a by-election is called by Band Council.~~

9.51 The position of Chief or a Councilor declared vacant pursuant to section 9.49 shall remain vacant until such time as a By-Election is called by Band Council pursuant to Part 10.0 of this Code.

10.0 ~~10.0~~ **BY-ELECTION**

10.1 ~~10.1~~—Unless otherwise provided in this ~~election code~~Code, in the event that the officeposition of the Chief or a Councilor becomes vacant, a ~~By-election~~By-Election may be held for the vacant position.

10.2 ~~10.2 No By-election~~Subject to section 11.1, no By-Election shall be held if there are less than three (3) months remaining in the term of office of the Band Council member whose officeposition has become vacant, ~~except where a By-election is necessary to have sufficient Band Council members to maintain a quorum.~~

10.2.1 If there is a vacant position on Band Council and there are more than three (3) months remaining in the term of office of the Band Council member whose position has become vacant, but there are less than three (3) months remaining before a General Election for other positions on Band Council, the By-Election for the vacant position must be held at the same time as the General Election.

10.2.2 Where a By-Election for the position of a Councilor and General Election for the position of two (2) Councilors are held at the same time, the two (2) Candidates for the position of a Councilor who receive the highest number of votes will be elected in the General Election, and the Candidate for the position of a Councilor receiving the next highest number of votes will be elected in the By-Election.

10.3 ~~10.3~~ ~~No sitting Band Council member is eligible to be a candidate in a By-election~~ Candidate in a By-Election. If a Band Council member wishes to be a ~~candidate in a By-election~~ Candidate in a By-Election, he or she must resign his or her current Band Council position prior to the ~~nomination meeting~~ Nomination Meeting for the ~~By-election~~ By-Election.

~~10.4 Except as expressly provided otherwise, the rules and procedures in this election code shall apply to By-elections.~~

10.4 As much as is reasonably possible, Band Council and the Electoral Officer will exercise their powers, duties and functions under this Code in respect of a By-Election in the same manner as for a General Election.

11.0 ~~11.0~~ **ACCELERATED ELECTIONS**

11.1 Where there are not a sufficient number of Band Council members in office to achieve quorum, an Accelerated Election shall be held to fill all vacant seats.

~~11.1 The Band Council may hold an accelerated election if quorum of the Band Council is no longer able to attain quorum.~~

11.1.1 Between the time that a vacancy on Band Council occurs that causes it to be impossible for the Band Council to achieve quorum and the taking of office of a Band Council member that makes it possible to again achieve quorum, the remaining members of the Band Council shall be deemed to constitute quorum for the purposes of taking the steps necessary to conduct an Accelerated Election.

11.2 ~~11.2 For~~ At least fifty (50) days before the date set for an Accelerated Elections Election, the Band Council will set the Election Date and appoint an Electoral Officer ~~at least 50 days before the election date~~ by a duly signed Band Council Resolution. The Electoral Officer will acquire from the Band Membership Clerk the

list of ~~electors from the~~ Electors and each Elector's last known address ~~already~~ on record with the Band Membership Clerk prepared for the last ~~election~~ General Election.

11.3 ~~11.3~~—The Electoral Officer will post the notice of ~~nomination meeting at least 10 days before the nomination meeting and the list of electors~~ the Nomination Meeting and the Voters List in at least one ~~conspicuous place in the community and:~~ (1) Principal Location at least ten (10) days before the Nomination Meeting.

11.4 ~~11.4~~—The Electoral Officer shall ~~also~~ publish the notice of ~~nomination meeting in a newspaper with the largest circulation among members~~ Nomination Meeting in the Saik'uz First Nation newsletter, or in a separate written notice, delivered or mailed to all Electors at the last known address on record with the Band Membership Clerk.

11.5 ~~11.5~~—The ~~nomination meeting~~ Nomination Meeting should be held no later than thirty (30) days before the date of the ~~election~~ Election.

11.6 ~~11.6~~—Where a ~~candidate~~ Candidate withdraws less than thirty (30) days before the ~~election~~ Election, the ~~candidate's~~ Candidate's name shall remain on the mail out ballot due to the timeliness of the process.

~~11.7 The Electoral Officer shall follow the same procedures as indicated in section 8.57 in preparing the mail in ballots however with accelerated timelines.~~

11.7 Except as otherwise provided for in this Code, as much as is reasonably possible, the Electoral Officer will conduct an Accelerated Election in the same manner as a General Election.

12.0 ~~12.0~~ **AMENDMENTS**

12.1 ~~12.1~~—The process for development and passage of amendments to this ~~code~~ Code, which does not include Appendices, may be initiated by:

- a) ~~a)~~ ~~a petition presented to the~~ an amendment proposal submitted to Band Council, signed by a simple majority (50 % plus 1) of all eligible ~~electors~~ Electors setting out the specific area in this ~~code~~ Code proposed for amendment; ~~and/or~~
- b) ~~b)~~ a Band Council Resolution.

12.2 ~~12.2~~—Upon receipt of an amendment proposal or the passing of a Band Council Resolution pursuant to section 12.1, the Band Council shall prepare a notice that sets out:

- a) ~~a)~~ a summary of the proposed amendments to this ~~code~~ Code;
- b) ~~b)~~ a statement that the full copy of the proposed amendments can be obtained at the ~~Band~~ Saik'uz First Nation administration office; and
- c) ~~c)~~ a description of the amendment process.

12.3 ~~12.3~~—The notice prepared pursuant to section 12.2 shall be:

- a) ~~a)~~ published in the ~~community's~~ Saik'uz First Nation newsletter, or in a

separate written notice, delivered or mailed to ~~Band electors, or by separate notice delivered or mailed to all Band electors~~ all Electors at the last known address on record with the Band Membership Clerk; and

b) b) posted in at least one ~~conspicuous place on the reserve~~ (1) Principal Location.

12.4 ~~12.4 Band electors~~ Electors may, within fourteen (14) days of publication of the notice, provide comments

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concerning the proposed amendments in writing to ~~the~~ Band Council.

12.5 ~~12.5~~—Following receipt of comments concerning the proposed amendments, ~~the~~ Band Council shall review comments and may make any changes to the proposed amendments, ~~as they deem necessary~~ that it deems appropriate in order to arrive at a final amendment proposal.

12.6 ~~12.6~~ ~~The~~ Band Council shall submit the final amendment proposal to a ~~community plebiscite~~ vote at a Plebiscite.

12.7 ~~12.7~~—Should the majority of the votes cast at a ~~plebiscite~~ Plebiscite be in favour of the proposed amendments being brought to the ~~code~~ Code, ~~the~~ Band Council shall amend the ~~code~~ Code accordingly.

12.8 ~~12.8~~—Elections held under the amended ~~code~~ Code shall take place no sooner than one hundred (100) days from the ~~community plebiscite~~ Plebiscite.

APPENDIX A
Saik'uz First Nation
Chief & Council

OATH OF OFFICE



APPENDIX A
Saik'uz First Nation

Chief & Council

OATH OF OFFICE

We, the newly elected Chief and Council, do hereby swear that as elected officials of Saik'uz First Nation, we will do our very best to carry out the duties of our positions honestly and conscientiously and to the best of our abilities, remembering that our primary function is to serve the community as a whole.

We hereby agree to familiarize ourselves with all band government policies and to abide by these policies and regulations. We also agree to adhere to the following terms of this Oath of Office:

We will promote and maintain at all times, in our actions and words, the integrity of Saik'uz First Nation and its' programs, government, staff and members.

We will be prompt and conscientious in the performance of our duties.

We will take initiative to find ways of fulfilling our duties effectively and economically.

We will maintain a positive, cooperative attitude in dealing with fellow Councilors, Employees, and Band Members and will work as a team towards the betterment of the Band.

We will conduct ourselves, at all times, in a manner which will bring credit to the Band Council and the membership which will enhance our community.

We will continue to work towards self-improvement and professional development through training, workshops and materials.

We will attend all Band Council meetings and all other meetings and workshops, punctually and unless there is a valid reason for lateness or absence we will notify the Operations Manager or Chief in advance.

Chief and Council will work together in a respectful, constructive manner and shall respect and support all resolutions passed by Council.

We will not use the information obtained as a result of our elected positions for personal gain or allow personal interests to compete with those of Council.

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APPENDIX B
Saik'uz First Nation
Electoral Officer
OATH OF OFFICE



APPENDIX B
Saik'uz First Nation
Electoral Officer
OATH OF OFFICE

I, _____ hereby accept the office of Electoral Officer of the Saik'uz First Nation. I do solemnly swear (or affirm) that I will carry out my responsibilities as Electoral Officer in accordance with the Saik'uz First Nation Custom Election Code impartially, honestly, conscientiously, and to the best of my abilities.

~~SWORN BEFORE ME at _____)~~

~~British Columbia, on the _____ day of _____)~~
~~_____ -20) Signature of Electoral Officer~~

~~)
A commissioner for taking affidavits for British Columbia)~~

SWORN BEFORE ME at _____)

British Columbia, on the _____ day of _____)
_____ 20 _____) Signature of Electoral Officer

_____)
A commissioner for taking affidavits for British Columbia)

~~APPENDIX C~~
~~Saik'uz First Nation~~
~~Complaint & Appeal Board~~

~~OATH OF OFFICE~~



APPENDIX C
Saik'uz First Nation
Complaint & Appeal Board

OATH OF OFFICE

We, the newly appointed members of the Complaint and Appeal Board do hereby swear to:

perform the duties of the Board, faithfully, impartially and to the best of our abilities and;

to comply with the rules and procedures contained in the Saik'uz First Nation Election Code and;

to avoid a conflict of interest, or the appearance of a conflict of interest; and

to act in the best interest of the Band.



APPENDIX D

~~APPENDIX D~~

~~Saik'uz First Nation~~
~~Nomination Form~~

Saik'uz First Nation

Nomination Form

	<u>6</u>	<u>1</u>	<u>5</u>	
--	----------	----------	----------	--

I, _____, a member of Saik'uz First Nation, hereby nominate
 for the position of _____ of
 _____ for the position of _____ of
 Saik'uz First Nation in the upcoming [**circle one**] By-election / General Election.

--	--	--	--	--	--	--

Signature

Member number

Date

Date of birth

Telephone number

	<u>6</u>	<u>1</u>	<u>5</u>	
<u>Signature</u>	<u>Member number</u>			
<u>Date</u>	<u>Date of birth</u>			
<u>Telephone number</u>				

Address

Address

I, _____, a member of Saik'uz First Nation, hereby second the
~~nomination of for the position of~~ of
nomination of _____ for the position of _____ of
Saik'uz First Nation in the upcoming **[circle one]** By-election / General Election.

Signature

Member number

||| ||| ||| ||| ||| ||| |

Date

Date of birth

Telephone number

Address

	<u>6</u>	<u>1</u>	<u>5</u>
<u>Signature</u>	<u>Member number</u>		
<u>Date</u>	<u>Date of birth</u>		
<u>Telephone number</u>	<u>Address</u>		

	<u>6</u>	<u>1</u>	<u>5</u>
--	----------	----------	----------



APPENDIX E

~~APPENDIX E~~

~~Saik'uz First Nation
Candidate Declaration Form~~

~~(Chief position)~~

Saik'uz First Nation

Candidate Declaration Form

(Chief position)

I, _____, [**circle one**] Accept / Decline the nomination for the
_____ position of Chief in the upcoming Saik'uz First Nation Election.

I declare that I have held at least one term (2 years) as a Councilor and I am eligible to be a
_____ candidate as set out in 7.8 thru 7.18 of the Saik'uz First Nation Election Code.

If I am elected and prior to swearing the oath of office I declare that I will:

1. ~~1.~~ submit to drug and alcohol testing; and _____

2. ~~2.~~ provide a criminal record check dated not more than three
months
_____ before Election Day. _____

I am submitting the candidate fee of \$100 and a statement that the candidate confirms that I
_____ have a reliable method of transportation or by providing my driver's abstract as proof of my
valid BC driver's license.

I make this solemn declaration conscientiously and believing it to be true.

~~Signature of Nominee~~ ~~Signature of Electoral Officer~~

Signature of Nominee

Signature of Electoral Officer

Date

Date



APPENDIX F

~~APPENDIX F~~

~~Saik'uz First Nation
Candidate Declaration Form~~

~~(Councilor position)~~

Saik'uz First Nation

Candidate Declaration Form

(Councilor position)

I, _____, [circle one] Accept / Decline the nomination for the
_____ position of Councilor in the upcoming Saik'uz First Nation Election.

I declare that I am eligible to be a candidate as set out in 7.8 thru 7.18 of the Saik'uz First
_____ Nation Election Code.

If I am elected and prior to swearing the oath of office I declare that I will:

1. ~~1.~~ submit to drug and alcohol testing; and _____

2. ~~2.~~ provide a criminal record check dated not more than three
months
_____ before Election Day.

I am submitting the candidate fee of \$100 and a statement that the candidate confirms that I
_____ have a reliable method of transportation or by providing my driver's abstract as proof of my
valid BC driver's license.

I make this solemn declaration conscientiously and believing it to be true.

~~Signature of Nominee~~ ~~Signature of Electoral Officer~~

Signature of Nominee

Signature of Electoral Officer

Date

Date

APPENDIX G

Saik'uz First Nation

Mail-in Voting Instructions & Declaration

Dear Elector of the Saik'uz First



APPENDIX G

Saik'uz First Nation

Mail-in Voting Instructions & Declaration

Dear Elector of the Saik'uz First Nation,

A General Council Election for the Saik'uz First Nation is currently underway. As a member of the Saik'uz First Nation who will be 18 years or older as of Election Day, you are entitled to vote in the General Council Election. Included in this package are the following items to permit you to cast your vote in the election by mail-in ballot:

- a) ~~a)~~ a Notice of Election;
- b) ~~b)~~ a ballot, initialed by the Electoral Officer;
- c) ~~c)~~ a ballot envelope;
- d) ~~d)~~ a copy of the Declaration of Identity form; and
- e) ~~e)~~ a postage-paid envelope addressed to the Electoral Officer.

 In order to vote by mail-in ballot, you must do the following:

1. ~~1.~~ On the portion of the ballot dealing with the election of Chief, mark an "X" in the box next to the name of the candidate of your choice for Chief of the Saik'uz First Nation. You must choose only one candidate for Chief.
2. ~~2.~~ On the portion of the ballot for the election of Councilors, mark an "X" in the four boxes next to the name of the four candidates of your choice for the office position of Councilor of the Saik'uz First Nation. If this is an election for two council positions then only mark two boxes.
3. ~~3.~~ Refold the ballot in the same way as you received it, so that the Electoral Officer's initials on the back of the ballots are visible.
4. ~~4.~~ Place the ballot in the ballot envelope and seal the envelope.
5. ~~5.~~ Complete the Declaration of Identity form and sign it in the presence of a witness who is at least 18 years of age, who must complete the "witness" section of the form.
6. ~~6.~~ Place both the sealed ballot envelope and the completed Declaration of Identity

inside the postage-paid

and pre-addressed envelope, and seal the envelope.

7. ~~7.~~ Mail the postage-paid and pre-addressed envelope. Do this as soon as possible as your ballot must be

received by the Electoral Officer no later than 8 p.m. on Election Day. Mail-in ballots received after this time will not be counted. If you are not confident that your ballot will arrive in time, you may wish to send it by courier or deliver it to the Electoral Officer personally.

Although you have received this mail-in voting package, you may choose to vote on the day of the election in person at any polling station indicated on the Notice of Election. If you choose to vote in person on the day of the election, any mail-in ballot you may have submitted will be rejected.

Yours truly,

[Name of Electoral Officer]
Electoral Officer for the Saik'uz First Nation

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DECLARATION OF IDENTITY

In order for your vote to be counted by mail-in ballot, this declaration must be completed and signed by you and a witness who is at least 18 years old, and must be returned to the Electoral Officer with your sealed ballot envelope.

In the matter of an election held by the Saik'uz First Nation, held according to the Saik'uz First Nation Custom Election Code,

I have read and understood the mail-in package sent to me. In marking the Ballot, I have voted freely and without compulsion or undue influence of anyone.

I, _____, solemnly declare that I am a member of the Saik'uz First Nation and I will be at least 18 years of age on or before the date of the upcoming election. I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath.

ELECTOR

WITNESS

✕

~~Signature of Elector Declared before me at (city, province)~~

<u>ELECTOR</u>		<u>WITNESS</u>	
<u>X</u>			
<u>Signature of Elector</u>		<u>Declared before me at (city, province)</u>	
<u>Date</u>		<u>on (date)</u>	
<u>Band number of Elector</u>		<u>Name of witness</u>	
<u>Date of birth of Elector</u>		<u>Signature of witness</u>	
<u>Telephone Number of Elector</u>		<u>Telephone Number of witness</u>	
<u>Address of Elector</u>		<u>Address of Witness</u>	

~~Band number of Elector~~

~~Name of witness~~

Date of birth of Elector

Signature of witness

Telephone Number of Elector

Telephone Number of witness

Address of Elector

Address of Witness

APPENDIX H

Saik'uz First Nation Procedures for Removal of Council Member from Office

Procedure

~~Proceeding to declare a person ineligible to continue to hold the office of Chief or Councilor may be initiated by:~~

- ~~a) any elector submitting to the Complaint and Appeal Board a petition on which shall appear and include;
 - ~~i) the grounds pursuant to section 4.3 of this code on which removal of a Chief or Councilor is sought;~~
 - ~~ii) the evidence in support of the petition;~~
 - ~~iii) the signature of the petitioner;~~
 - ~~iv) the signatures of not less than 25% of all eligible electors of the Band in support of the petition; or~~~~
- ~~b) A majority of the Band Council members passing a Band Council Resolution and submitting a petition to the Complaint and Appeal Board on which shall appear;
 - ~~i) the ground pursuant to section 4.3 of this code on which removal of a Chief or Councilor is sought;~~
 - ~~ii) the evidence in support of the resolution; and~~
 - ~~iii) the signature of all Band Council members who voted for the removal.~~~~
- ~~c) A Band Council Member being convicted of a criminal offence and/or incarcerated results in automatic removal from office and does not require 25% of the signatures of all eligible electors.~~

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Summary report: Litera Compare for Word 11.7.0.54 Document comparison done on 10/1/2024 5:26:43 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: nd://1417-2458-3950/1/SFN Election Code Oct 31 2017.pdf	
Modified DMS: nd://1391-8745-0638/10/SFN Election Code - Draft Proposed Amendments.docx	
Changes:	
<u>Add</u>	1635
Delete	1610
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	49
Table Delete	15
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	3309