

# **Saik'uz First Nation**

## **ELECTION CODE**



October 30, 2017

Amended in accordance with a Plebiscite held on  
December 3, 2024.

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**APPENDICES**

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## 1.0 PREAMBLE AND TITLE

- 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.
- 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 We therefore set forth here the custom election code for the election of Band Council of Saik'uz First Nation.
- 1.4 This document is hereby declared by us and will be cited as the **Saik'uz First Nation Election Code**.
- 1.5 The Saik'uz First Nation Election Code dated October 30, 2017 was amended by vote of the members of Saik'uz First Nation on December 3, 2024.
- 1.6 Any custom election code or regulation in force in respect of Saik'uz First Nation that pre-dates this Saik'uz First Nation Election Code is hereby repealed and shall no longer be of any force or effect in respect of Saik'uz First Nation.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 the Saik'uz First Nation Election Code:

<b><i>Accelerated Election</i></b>	means an Election under Part 11.0.
<b><i>Appeal</i></b>	means an appeal of an Election under Part 6.0.
<b><i>Appellant</i></b>	means an individual who submits an Appeal of an Election in accordance with Part 6.0.
<b><i>Band Council</i></b>	means the body composed of the duly elected and sworn in Chief and Councilors of Saik'uz First Nation.
<b><i>Band Council Code of Conduct</i></b>	means the Band Council Code of Conduct adopted by Band Council pursuant to section 4.3.1.
<b><i>Band Member</i></b>	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.

<b><i>Band Membership Clerk</i></b>	means the employee of Saik'uz First Nation who is responsible for maintaining: 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 b) a record of the last known addresses of all Electors.
<b><i>Board Member</i></b>	means a member of the Complaint and Appeal Board.
<b><i>By-Election</i></b>	means an Election under Part 10.0.
<b><i>Candidate</i></b>	means an eligible person nominated for the office of the Chief or a Councilor in an Election in accordance with Part 7.0.
<b><i>Candidate's Agent</i></b>	means a representative of a Candidate, who may be present at a Polling Station or a recount and may act as an interpreter for the Candidate for reasons of language, hearing impairments, sight restrictions or illiteracy.
<b><i>Chief</i></b>	means the Candidate who is elected and swears the oath of office pursuant to this Code to hold the office of Chief of Saik'uz First Nation.
<b><i>Code</i></b>	means the Saik'uz First Nation Election Code, exclusive of Appendices.
<b><i>Complaint and Appeal Board</i></b>	means the body appointed by a Band Council Resolution in accordance with Part 5.0.
<b><i>Corrupt Practice</i></b>	means: a) offering a bribe, or accepting or agreeing to accept a bribe; b) compelling, persuading or otherwise inducing a person to vote or not vote, or to vote or not vote for a specific Candidate; c) harassing or intimidating a Candidate, a Candidate's Agent, an Elector, an Electoral Officer or a Deputy Electoral Officer; d) making fraudulent statements or representations; or e) engaging in any other conduct intended to unfairly influence the outcome of an Election.
<b><i>Councilor</i></b>	means an Elder Councilor, Off-Reserve Councilor or a Councilor at Large.
<b><i>Councilor at Large</i></b>	means a Candidate who is elected and swears the oath of office pursuant to this Code to hold the office of Councilor at Large.
<b><i>Decision</i></b>	means a final and binding decision of the Complaint and Appeal Board.
<b><i>Deputy Electoral Officer</i></b>	means a person appointed pursuant to this Code for the purposes of assisting the Electoral Officer.
<b><i>Elder Councilor</i></b>	means the Candidate who is elected and swears the oath of office pursuant to this Code to hold the office of Elder Councilor.
<b><i>Election</i></b>	means a General Election, By-Election or Accelerated Election.

<b><i>Election Date</i></b>	means the date an Election is to be held as set by Band Council Resolution in accordance with this Code.
<b><i>Elector</i></b>	means a person who is: <ul style="list-style-type: none"> <li>a) at least eighteen (18) years of age on the Election Date; and</li> <li>b) a Band Member.</li> </ul>
<b><i>Electoral Officer</i></b>	means the person appointed as Electoral Officer pursuant to this Code for an Election.
<b><i>General Election</i></b>	means an Election under Part 7.0.
<b><i>Mail-in Ballot</i></b>	means a ballot mailed or delivered in accordance with Part 8.0.
<b><i>Nomination Meeting</i></b>	means the meeting held in accordance with this Code at which nominations for Candidates in an Election are discussed.
<b><i>Off-Reserve Councilor</i></b>	means the Candidate who is elected and swears the oath of office pursuant to this Code to hold the office of Off-Reserve Councilor.
<b><i>Petition</i></b>	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.
<b><i>Petitioner</i></b>	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).
<b><i>Plebiscite</i></b>	means a community vote where Electors may decide in favour of or against a question put forward by Band Council or through another process set out in Saik'uz First Nation policy, including proposed amendments to this Code.
<b><i>Polling Station</i></b>	means a building, hall or room that is selected by the Electoral Officer to be a site for voting in an Election.
<b><i>Published</i></b>	means posted <ul style="list-style-type: none"> <li>a) at the Saik'uz First Nation office;</li> <li>b) on the Saik'uz First Nation website;</li> <li>c) on Saik'uz First Nation social media; and</li> <li>d) in the Saik'uz First Nation newsletter.</li> </ul>
<b><i>Rejected Ballots</i></b>	means 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.
<b><i>Reserve</i></b>	means the tracts of land, the legal title to which is vested in His Majesty, which have been set apart by His Majesty for the use and benefit of Saik'uz First Nation.
<b><i>Saik'uz Employee</i></b>	means a person employed by the Saik'uz First Nation government or any entity

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	that is owned or controlled, directly or indirectly, by the Saik'uz First Nation government.
<b><i>Voter Declaration Form</i></b>	means a document that sets out or provides for: <ul style="list-style-type: none"> <li>a) the name, address and telephone number of the Elector;</li> <li>b) the Band membership or registry number of the Elector; and</li> <li>c) the name, address and telephone number of the witness to the signature of the Elector.</li> </ul>
<b><i>Voters List</i></b>	means the list of Electors eligible to vote in an Election prepared pursuant to Part 8.0.

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### **3.0 BAND COUNCIL**

#### **Composition, Size and Quorum**

**3.1** Band Council shall consist of one (1) Chief and six (6) Councilors of whom:

- a) subject to section 3.9.2, one (1) is the Elder Councilor;
- b) subject to section 3.9.4, one (1) is the Off-Reserve Councilor; and
- c) subject to section 3.9.2 and 3.9.4, four (4) are Councilors at Large.

**3.2** Subject to section 11.1.1, quorum shall be four (4).

#### **Term of Office for the Band Council**

**3.3** Subject to section 3.9, the term of office of a member of Band Council shall end when the person elected to replace them takes office.

**3.4** Councilors at Large whose offices are the subject of the same General Election shall be replaced by the newly elected Councilors at Large starting with the sitting Councilor at Large who received the lower number of votes when elected.

**3.5** [Repealed]

**3.6** [Repealed]

**3.7** [Repealed]

**3.8** [Repealed]

**3.9** The successful Candidate in a By-Election shall hold office for the remainder of the original



term of office of the Chief or Councilor whose office had become vacant pursuant to this Code.

### **Elder Councilor**

- 3.9.1** Candidates for the office of Elder Councilor must be at least sixty (60) years of age on the day on which the Nomination Meeting is held.
- 3.9.2** If there is no eligible Candidate for the office of Elder Councilor in an Election where such office is to be elected, an additional Councilor at Large office shall be elected in that Election.

### **Off-Reserve Councilor**

- 3.9.3** Candidates for the office of Off-Reserve Councilor may reside outside Saik'uz Traditional Territory.
- 3.9.4** If there is no eligible Candidate for the office of Off-Reserve Councilor in an Election where such office is to be elected, an additional Councilor at Large office shall be elected in that Election.

### **Meetings**

- 3.10** The first meeting of Band Council after a General Election shall be held no later than twenty (20) days after the final declaration of the Election results. The Chief shall give notice to each member of 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 Band Council or the affairs of Saik'uz First Nation.
- 3.11** [Repealed]
- 3.12** The Chief or a quorum of Band Council can summon a special meeting of Band Council upon providing, where practicable, twenty-four (24) hours' notice to members of Band Council.
- 3.13** The Executive Assistant to Band Council shall notify each member of Band Council of the date, time and location of any special meeting.

### **Standing or Special Committees**

- 3.14** Band Council may from time to time, by a Band Council Resolution clearly indicating the terms of reference to be followed, appoint a standing or special committee of a minimum of five (5) members for any matter(s) of interest to Saik'uz First Nation. The majority of the members of the standing or special committee shall make a quorum.
- 3.15** Standing or special committees are temporary in nature and will not exist past the term of

office of any members of the Band Council that appointed the standing or special committee. All newly elected Band Councils have the option of appointing standing or special committees.

**3.16** A standing or special committee must, in relation to the duties entrusted to it:

- a) report to Band Council from time to time and as often as the interests of Saik'uz First Nation may require;
- b) recommend all action required by Band Council that the standing or special committee deems necessary and expedient; and
- c) consider and provide a written report to Band Council.

**3.17** A special meeting of a standing or special committee may be called at the request of

- a) the chairman of the committee or, in the absence of the chairman, the Chief, or
- b) a quorum of the committee.

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

## **4.0 VACANCIES AND REMOVAL FROM OFFICE**

### **Vacancies**

**4.1** The office of the Chief or a Councilor becomes vacant when:

- a) a sitting Chief or Councilor resigns in writing from office on his or her own accord;
- b) a sitting Chief or Councilor dies; or
- c) the office is declared vacant or deemed to have been declared vacant in accordance with this Code.

**4.2** [REPEALED]

### **Removal from Office**

**4.3** The Chief or a Councilor may be removed from office by the Complaint and Appeal Board if he or she:

- a) violates this Code, his or her oath of office or the Band Council Code of Conduct;
- b) fails to attend three (3) consecutive regular meetings of the Band Council without being excused from attendance by a quorum of the Band Council;
- c) [repealed];
- d) has been convicted of an indictable offence;

- e) accepts or offers a bribe, forges a Band Council document or otherwise acts dishonestly in his or her office;
- f) is negligent in failing to ensure the safety and protection of Saik'uz First Nation community members or property;
- g) abuses his or her office such that the conduct negatively affects the dignity and integrity of the Saik'uz First Nation community or of Band Council;
- h) encourages others to engage in any of the conduct described in this section;
- i) engages in such other conduct as shall be determined by the Complaint and Appeal Board to be of such a serious nature that the removal is necessary and appropriate; or
- 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.

**4.3.1** Band Council shall adopt a Band 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** Proceedings to remove the Chief or a Councilor from office may be initiated by:

- a) any Elector submitting to the Complaint and Appeal Board a Petition that includes:
  - i) the grounds pursuant to section 4.3 on which removal of the Chief or a Councilor is sought;
  - ii) the facts and evidence in support of the grounds identified pursuant to section 4.4(a)(i);
  - iii) the signature of the Elector;
  - iv) an email address for the purpose of providing notice pursuant to Part 5.0; and
  - v) the signatures of not less than twenty-five (25) percent of all Electors confirming that they support the Petition; or,
- b) Band Council, pursuant to a Band Council Resolution, submitting to the Complaint and Appeal Board a Petition that includes:
  - i) the grounds pursuant to section 4.3 on which removal of the Chief or a Councilor is sought;
  - ii) the facts and evidence in support of the grounds identified pursuant to section 4.4(b)(i); and
  - iii) the signature of all Band Council members who voted for the 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 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, 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 office of the Chief or 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 the 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 is allowed and the office of the Chief or a Councilor who is the subject of the Petition is declared to be vacant; or
- b) that the Petition is dismissed.

**4.7** If the office of the Chief or a Councilor is declared vacant in a Decision on a Petition, the Chief or 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 COMPLAINT AND APPEAL BOARD**

### **Composition**

**5.1** At least thirty (30) days before the Election Date for a General Election, Band Council shall:

- a) appoint five (5) Board Members in accordance with this Code; and
- b) prepare a list of seven (7) additional potential Board Members, five (5) of whom will be Band Members and two (2) of whom will not be Band Members.

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

- a) two (2) of whom will be Elders of Saik'uz First Nation;
- b) two (2) of whom will be Electors who are not Elders; and
- c) another individual (who may or may not be a Band Member) who is familiar with the general election processes in First Nations communities.

**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.

**5.4** Upon receipt of a Petition or an Appeal, a Board Member must excuse themselves from the Complaint and Appeal Board if the Board Member has a conflict of interest, or may be reasonably apprehended to have a bias or conflict of interest, in connection with the Petition or Appeal.

**5.4.1** A Board Member who has a family relationship with

- a) in the case of a Petition, the member of Band Council who is the subject of the Petition, or
- b) in the case of an Appeal, a Candidate in the Election subject to the Appeal,

shall be deemed to have a conflict of interest only if the person identified in subsection (a) or (b) is that Board Member’s

- i) child,
- ii) parent,
- iii) spouse,
- iv) sibling,
- v) grandparent, or
- vi) grandchild.

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

**5.6** The Board Members will swear an oath of office and accept their appointment under section 5.1(a) or 5.5 by forwarding a letter of acceptance to Band Council within five (5) working days of the appointment.

**5.6.1** The oath of office shall be sworn before the Electoral Officer as follows:

- a) to perform the duties of their office faithfully, impartially and to the best of their abilities;
- b) to comply with this Code;
- c) to avoid a conflict of interest; and
- d) to act in the best interest of 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 other than by reason of a Board Member excusing themselves pursuant to section 5.4, 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** The Complaint and Appeal Board shall issue Decisions in accordance with the provisions of this Code for:

- a) all Appeals; and
- b) all Petitions.

### **Procedures for an Appeal**

**5.8** Within three (3) days of the submission of an Appeal in accordance with this Code, the Complaint and Appeal Board shall:

- 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) accept the Appeal and schedule a hearing of the Appeal, which must take place within seven (7) days from the date on which the Appeal 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, Electoral Officer and Band Council:

- 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.

**5.10** 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) determine the date, time and location of the hearing;
- 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.

### **Procedures for a Petition**

**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 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 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 Petitioner, Band Council and any potential participant.

**5.15** The Complaint and Appeal Board shall conduct the hearing of a Petition in accordance with the notice provided under section 5.14(d), or as otherwise determined by the Complaint and Appeal Board.

### **Decisions**

**5.16** Within five (5) days after the hearing of a Petition or an Appeal is completed, the Complaint and Appeal Board shall issue a Decision in accordance with section 4.6 or section 6.5.

**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 unless the Complaint and Appeal Board directs otherwise.

**5.18** Within thirty (30) days of issuing a Decision 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 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 unless the Complaint and Appeal Board directs otherwise.

**5.19** A Decision is final and binding.

## **Additional procedures**

**5.20** The Complaint and Appeal Board 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.

## **6.0 APPEALS**

### **Timing**

**6.1** A Candidate or an Elector may, within four (4) days of the provisional declaration of the Election results pursuant to section 9.38, submit an 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** An Appeal must sufficiently outline one (1) or more of the following occurrences:

- a) the person provisionally declared elected was not qualified to be a Candidate;
- b) there was a violation of this Code in the conduct of the Election that may have affected the outcome of the Election; or
- c) there was Corrupt Practice in relation to the Election.

### **Submission**

**6.3** An Appeal must:

- 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 under section 6.2, accompanied by any supporting documentation;
- b) provide an email address for the purpose of providing notice pursuant to Part 5.0; and
- c) be accompanied by a deposit in the amount of \$100.00.

**6.3.1** The deposit referred to in 6.3(c) 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** An Appeal shall be decided by the Complaint and Appeal Board pursuant to the procedures set out in Part 5.0.

### **Decision on Appeal**

**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) that all evidence and information gathered did not allow for the reasonable conclusion that:
  - i) the person provisionally declared elected was not qualified to be a Candidate;
  - ii) there was a violation of this Code in the conduct of the Election that may have affected the outcome of the Election; or
  - iii) there was a Corrupt Practice in relation to the Election,and dismiss the Appeal and declare the Election outcome valid; or
- b) that all evidence and information gathered allowed for the reasonable conclusion that:
  - i) the person provisionally declared elected was not qualified to be a Candidate;
  - ii) there was a violation of this Code in the conduct of the Election that may have affected the outcome of the Election; or
  - iii) there was a Corrupt Practice in relation to the Election,and uphold the Appeal.

**6.6** Where an Appeal is upheld pursuant to section 6.5(b), the Complaint and Appeal Board shall include in its Decision:

- a) a declaration that:
  - i) the Election for one or more Band Council offices is invalid and directing that another Election for that office or offices 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.

**6.7** If an Appeal is upheld and a Candidate has been found to have

- a) violated this Code in such a way that the outcome of an Election may have been affected, or
- b) engaged in a Corrupt Practice,

the Candidate will be disqualified from being a Candidate in an Election for ten (10) years commencing from date of the Decision.

## **7.0 THE ELECTION**

### **General Election Date**

- 7.1** The initial General Election for the office of Chief shall be held on March 27, 2019; a General Election for the office of Chief shall be held no later than March 31 in every fourth year thereafter.
- 7.2** The initial Election for the offices of four (4) Councilors at Large shall be held on March 27, 2019 and on March 25, 2021 for the offices of two (2) Councilors at Large; a General Election for the offices of two (2) Councilors at Large shall be held no later than March 31 in every second year thereafter with the offices to be elected being those of the two Councilors at Large whose terms of office began first.
- 7.3** The initial General Election for the offices of Elder Councilor and Off-Reserve Councilor shall be held on March 27, 2025; a General Election for the offices of Elder Councilor and Off-Reserve Councilor shall be held no later than March 31 in every fourth year thereafter.
- 7.3.1** Band Council shall, no later than one hundred and fifty (150) days prior to the end of the current term of office of the Chief or a Councilor, establish the Election Date for a General Election through a Band Council Resolution. The one hundred and fifty (150) days includes weekends and holidays.

### **Eligibility to Vote**

- 7.4** In order to be eligible to vote at an Election, a person must, on the Election Date, be an Elector.

### **Eligibility to Nominate**

- 7.5** In order to be eligible to nominate a person to be a Candidate in an Election, a person must, on the day of the Nomination Meeting, be an Elector.
- 7.6** Any Elector may nominate any person eligible to be a Candidate pursuant to this Code for the office of the Chief or a Councilor by filling out and signing a Candidate's nomination form.
- 7.7** [Repealed]
- 7.8** [Repealed]

### **Candidacy**

- 7.9** To be eligible to be a Candidate in an Election, a person must:
  - a) be at least eighteen (18) years of age on the day on which the Nomination Meeting is held;
  - b) be a Band Member;

- c) have completed appropriate governance training;
- d) have not been convicted of:
  - i) any civil judgment or criminal conviction involving theft, fraud, bribery or misuse of property,
  - ii) an indictable offence involving sexual assault or assault against any individual under the age of 18,
  - iii) any indictable offence in the ten (10) years preceding the Nomination Meeting, unless granted pardon or the conviction was directly related to the exercise of asserted or recognized Aboriginal rights or title, or
  - iv) an impaired driving offence in the ten (10) years preceding the Nomination Meeting; and
- e) not be disqualified from being a Candidate as a result of a Decision.

**7.10** No person shall accept a nomination to be a Candidate in an Election if that person is not eligible to be a Candidate for the office for which the person has been nominated.

**7.11** A person may only be a Candidate for one (1) office in any Election.

**7.12** A person nominated to be a Candidate for more than one office in an Election must declare which office he or she intends to seek, if any.

**7.13** Every person nominated to be a Candidate is required to provide a candidacy fee pursuant to section 7.20.

**7.14** To be a Candidate for the position of Chief, a person must hold past experience of at least one term as Chief or Councilor.

**7.15** All Candidates must have a reliable method of transportation in order to attend Band Council meetings and conduct Band Council business as required.

**7.16** [Repealed]

**7.17** Each person nominated to be a Candidate who wishes to accept the nomination shall provide to the Electoral Officer a nomination package consisting of the following:

- a) a nomination form signed by two Band Members endorsing the nomination;
- b) a signed declaration that
  - i. accepts the nomination;
  - ii. confirms their eligibility to be a Candidate;
  - iii. confirms they agree to submit to drug and alcohol testing prior to swearing the oath of office and assuming office, if elected; and
  - iv. confirms that they have a reliable method of transportation;
- c) a receipt for the candidate fee pursuant to section 7.20;

- d) an email address for the purpose of providing notice pursuant to Part 5.0; and
- e) a criminal record check dated not more than three (3) months prior to the Nomination Meeting.

**7.18** If a person nominated to be a Candidate does not provide the documents required by section 7.16 in accordance with section 8.43, that person will not be declared a Candidate in the Election pursuant to section 8.50.

**7.19** [Repealed]

**7.20** 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, and any requirements under section 3.10.1 or section 3.10.2 as applicable, 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.

### **Candidate Fee**

**7.21** Every person who wishes to accept a nomination to be a Candidate in an Election must provide a candidacy fee of \$250.00 for Chief and \$100.00 for Councilor. 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 fee will be refunded if the Candidate receives more than five (5) percent of the total votes cast for the relevant office at the Election. For those Candidate(s) who do not receive this number of votes, Saik'uz First Nation will retain the fee(s).

### **Withdrawal**

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

**7.23** A Candidate who dies before the close of the polls shall be considered to have withdrawn his or her candidacy and the Candidate fee will be returned to the estate of the Candidate.

**7.24** Subject to section 7.23, a Candidate who withdraws his or her candidacy after submitting the candidate fee and before the Election Date forfeits the candidate fee.

### **Code of Ethics**

**7.25** In campaigning, all Candidates must act:

- a) according to this Code;
- b) without coercion or vote buying;
- c) respecting the rights and freedom of other Candidates to organize and campaign, and to reach out to voters with their messages;
- d) respecting the rights of voters to obtain information from a variety of sources or

- attend political rallies;
- e) ethically, focusing on political issues and Candidate platforms, instead of engaging in libel or slander;
- f) nonviolently, without intimidating opposing Candidate(s), opposition supporters or the media, and without the use of language inciting their own supporters to violence;
- g) respecting the freedom of the local press and community radio to cover the campaign and to express opinions on the campaigns;
- h) respecting the Electoral Officer and Deputy Electoral Officers and not interfering with the performance of their duties; and
- i) accepting and complying with the official Election outcome and any Decision or direction of the Complaint and Appeal Board.

**7.26** A Candidate is prohibited from directly or indirectly engaging in a Corrupt Practice.

#### **Saik'uz Employee as a Candidate**

**7.27** Before accepting a nomination to be a Candidate, a Saik'uz Employee must give notice in writing to their employer of the employee's intention to accept the nomination.

**7.28** A Saik'uz Employee must not

- a) use any resources of their employer for their Election campaign, or
- b) campaign while at work.

## **8.0 THE ELECTION PROCESS**

### **Pre-Nomination Procedure**

#### **Appointment of Electoral Officer**

**8.1** Band Council shall, no later than one hundred and fifty (150) days prior to the end of the current term of office of the Chief or a Councilor, appoint an Electoral Officer through a Band Council Resolution, except in the case of an Accelerated Election when the appointment of the Electoral Officer shall be governed by section 11.2. The one hundred and fifty (150) days includes weekends and holidays.

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

**8.3** If an Electoral Officer has not been appointed within the time set out in section 8.1, the Electoral Officer shall be appointed by the Saik'uz First Nation General Manager as soon as

possible.

- 8.4** To be eligible to be appointed to the office of Electoral Officer a person must:
- a) not be a Band Member;
  - b) have no vested interest in the outcome of the Election;
  - c) be at least twenty-one (21) years of age;
  - d) have experience in the conduct of elections; and
  - e) have received appropriate training in the conduct of elections.
- 8.5** If the Electoral Officer cannot fulfill his or her duties, an existing Deputy Electoral Officer will be chosen by Band Council, through a Band Council Resolution, to undertake the duties of the Electoral Officer. In the absence of an existing Deputy Electoral Officer who meets the eligibility requirements under section 8.4, the Band Council shall appoint a new Electoral Officer.
- 8.6** The Electoral Officer shall provide Band Council with a list of appointed Deputy Electoral Officers who are trained and have experience in the conduct of elections.

#### **Electoral Officer Oath of Office**

- 8.7** The Electoral Officer must swear an oath of office to uphold the office of the Electoral Officer in accordance with this Code and to ensure impartiality. This oath must be signed, witnessed and received by the Saik'uz First Nation General Manager within five (5) working days of the Electoral Officer being appointed.
- 8.7.1** For greater certainty, an Electoral Officer cannot be a Candidate in the Election nor nominate a Candidate for the Election.

#### **Responsibilities and Ethics**

- 8.8** The Electoral Officer must:
- a) uphold this Code and abide by this 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) remain neutral and professional in the conduct of the duties of their 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 favour a certain Candidate(s);
- h) avoid conflicts of interest, or the perception of conflicts of interest, by abstaining from decision making where the Electoral Officer has 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.

**8.8.1** The Electoral Officer may make such orders and issue such instructions, consistent with the provisions of this Code, as he or she may deem necessary for the effective administration of an Election.

### **Voters List**

**8.9** At least one hundred and twenty (120) days before the Election Date, the Electoral Officer shall obtain from the Band Membership Clerk the names of all Electors, the band membership number of each Elector and the date of birth of each Elector.

**8.10** The Band Membership Clerk shall, at least one hundred and twenty (120) days before the Election Date, provide the Electoral Officer with the last known addresses on record, if any, of all Electors.

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

**8.12** An Elector's address shall be used by the Electoral Officer only for the purposes of providing that Elector with notices, Mail-in Ballots or any other documents the Elector is entitled to receive under this Code.

**8.13** Except for the purposes set out in this Code, the address of an Elector shall not be disclosed by the Electoral Officer without the consent of the Elector.

**8.14** A Candidate may obtain from the Electoral Officer a list of the names and the addresses of Electors who have consented in writing to have their addresses released to the Candidates.

**8.15** At least ninety (90) days before the Election Date, the Electoral Officer shall prepare a Voters List containing the names of all of the Electors in alphabetical order.

**8.16** The Electoral Officer shall ensure that, no later than eighty (80) days prior to the Election Date, the Voters List containing only the names of the Electors is Published.

**8.17** On request, the Electoral Officer or a Deputy Electoral Officer shall confirm whether the name of a person is on the Voters List.

- 8.18** The Electoral Officer shall revise the Voters List upon presentation of documentary proof in accordance with this Code that demonstrates that:
- a) the name of an Elector has been omitted from the list;
  - b) the name of an Elector is incorrectly set out in the list; or
  - c) the name of a person not qualified to vote is included in the list.
- 8.19** An Elector, or a person acting on his or her behalf, may, no later than two (2) days prior to the Election Date, demonstrate that the name of an Elector has been omitted from or incorrectly set out in the Voters List by presenting in writing to the Electoral Officer and Band Membership Clerk that the Elector:
- a) is entitled to have his or her name entered on the list of Band Members; and
  - b) will be at least eighteen (18) years of age on the Election Date.
- 8.20** No later than fourteen (14) days prior to the Election Date, a person may demonstrate that the name of a person not qualified to vote has been included in the Voters List by presenting in writing to the Electoral Officer evidence that the person:
- a) is neither on the list of Band Members nor entitled to have his or her name entered on the list of Band Members; or
  - b) will not be eighteen (18) years of age on the Election Date.
- 8.21** Where the Electoral Officer believes or has information that a person whose name is on the Voters List is not qualified to vote, the Electoral Officer shall give written notice to that person at least ten (10) days prior to the Election Date.
- 8.22** The notice given under section 8.21 shall include the reasons for seeking removal of a name from the Voters List and any supporting documents, and shall provide notice that any written reply must be provided to the Electoral Officer no later than four (4) days prior to the Election Date.
- 8.23** After consideration of all information, and representations relating to amendments to the Voters List received by the Electoral Officer no later than four (4) days prior to the Election Date, the Electoral Officer shall amend the Voters List based on whether persons qualify as Electors.
- 8.24** Any Elector whose name does not appear on the 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, 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 Deputy Electoral Officers and Interpreters**

- 8.26** The Electoral Officer shall appoint a minimum of two (2) Deputy Electoral Officers and such



interpreters as he or she deems necessary for the conduct of the Election, who will work under his or her direction. All Deputy Electoral Officers appointed must be approved through Band Council Resolution.

**8.27** The Deputy Electoral Officers shall have such powers as described in this Code as well as those powers of the Electoral Officer as are delegated to them by the Electoral Officer. A Deputy Electoral Officer's term of office ends when all newly elected members of Band Council take office pursuant to this Code and all post-election procedures under Part 9.0 are complete.

**8.28** A Deputy Electoral Officer shall not be a member of Band Council, a Candidate or a Candidate's Agent.

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

- a) uphold this Code and abide by this Code and all the laws of, and applicable to, Saik'uz First Nation;
- b) fulfill the duties and responsibilities of their office under this Code;
- c) remain neutral and professional in the conduct of the duties of their 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 conflicts of interests, or the perception of conflicts of interests, by abstaining from decision making where the Deputy Electoral Officer has 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.

**8.30** [Repealed]

## **The Nomination Process**

### **Notice of Nomination Meeting and Mail-in Procedures**

**8.31** The Electoral Officer shall ensure that, at least thirty (30) days before the date on which the Nomination Meeting is to be held, notice of the Nomination Meeting is Published.

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

**8.33** A notice of a Nomination Meeting shall include:

- a) the date, time, duration and location of the Nomination Meeting;
- b) the Election Date and the location of each Polling Station;
- c) the name and phone number of the Electoral Officer;
- d) the statement that any Elector may nominate an eligible person to be a Candidate by filling out and signing that person's nomination form;
- e) the statement that, if the Elector wants to receive information from Candidates, the Elector can agree to have his or her address released to the Candidates.

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

### **Nomination Meeting**

**8.35** The Nomination Meeting shall be held at least forty-two (42) days prior to the Election Date.

**8.36** At the time and place set for the Nomination Meeting, the Electoral Officer shall declare the Nomination Meeting open for the purpose of discussing the nomination of persons to be Candidates for the available offices.

**8.37** The Electoral Officer is responsible for managing and conducting the Nomination Meeting.

**8.38** Immediately following the opening of the Nomination Meeting, the Electoral Officer shall read aloud all nomination packages received by the Election Officer.

### **Duration of Nomination Meeting**

**8.39** The Nomination Meeting shall remain open for at least three (3) hours.

### **Maintaining Order and Security**

**8.40** The Electoral Officer shall maintain order at all times during the Nomination Meeting and may remove any person who, in the opinion of the Electoral Officer, is disrupting or otherwise interfering with the proceedings.

**8.41** There is zero tolerance for any individual who is physically or verbally abusive at a Nomination Meeting, exhibits disruptive behaviour or is under the influence of drugs and/or alcohol. The Electoral Officer may 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 and reschedule it to the

following day.

**8.42** Only Band Members are eligible to participate in a Nomination Meeting, except as provided for in this Code.

### **Nomination Procedure**

**8.43** Nomination packages must be received by the Electoral Officer by 6 p.m. on the third working day following the Nomination Meeting in person, via mail, or via email.

**8.44** The Electoral Officer shall ensure the names of the persons nominated as Candidates, and their nominators are recorded.

**8.45** [Repealed]

**8.46** [Repealed]

**8.47** Any Elector may nominate no more than:

- a) one (1) eligible person for the office of Chief;
- b) one (1) eligible person for the office of Elder Councilor;
- c) one (1) eligible person for the office of Off-Reserve Councilor; and
- d) two eligible persons for the office of Councilor at Large.

**8.48** After 6 p.m. on the third working day following the Nomination Meeting, the Electoral Officer shall:

- a) if only one (1) eligible person has been nominated to be a Candidate for the office of the Chief, declare that person to be elected as the Chief;
- b) if only one (1) eligible person has been nominated to be a Candidate for the office of Elder Councilor, declare that person to be elected as the Elder Councilor;
- c) if only one (1) eligible person has been nominated to be a Candidate for the office of Off-Reserve Councilor, declare that person to be elected as the Off-Reserve Councilor;
- d) if no eligible person has been nominated to be a Candidate for the office of Elder Councilor, announce that an additional Councilor at Large office is to be elected;
- e) if no eligible person has been nominated to be a Candidate for the office of Off-Reserve Councilor, announce that an additional Councilor at Large office is to be elected;
- f) if the number of eligible persons nominated to be Candidates for the office of Councilor at Large does not exceed the number of offices to be elected, including any additional Councilor at Large office to be elected under subsection (d) or (e), declare those persons to be elected as Councilors at Large; and
- g) where the number of eligible persons nominated as Candidates for an office exceeds the number of vacancies for that office, announce that an Election will be held for that office.

**8.49** Should a situation occur, such as a natural disaster or a power outage that would prevent the Nomination Meeting from being held in the planned location, the Nomination Meeting may be relocated to an alternate site on Reserve. However, should an emergency be declared within the community, the Nomination Meeting may be postponed until a later date. The Electoral Officer shall ensure that a notice of the rescheduling of any Nomination Meeting is Published.

**8.50** On the fourth working day following the Nomination Meeting, the Electoral Officer shall ensure a list of persons declared to be Candidates in an Election, and the office for which each person is a Candidate, is Published.

## **Pre-Election Procedure**

### **Acclamation**

**8.51** Where the office of member of Band Council is filled by acclamation, the Electoral Officer shall ensure that a notice is Published that sets out the name of the person who has been acclaimed and states that an Election will not be held for that office.

### **Ballots**

**8.52** The Electoral Officer shall prepare ballot papers setting out, in separate portions of the ballot, as applicable:

- a) the names of the Candidates for the office of Chief, in alphabetical order by surname;
- b) the names of the Candidates for the office of Elder Councilor, in alphabetical order by surname;
- c) the names of the Candidates for the office of Off-Reserve Councilor, in alphabetical order by surname; and
- d) the names of the Candidates for the office of Councilor at Large, in alphabetical order by surname.

**8.53** Where two (2) or more Candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those Candidates. The ballot may, at the request of the Candidate, include a commonly used nickname.

### **Notice of Election**

**8.54** [Repealed]

**8.55** The Electoral Officer shall, within three (3) days from the day on which the Candidates in an Election are declared pursuant to section 8.50, ensure that a notice of Election is Published.

**8.56** The notice shall include:

- a) the Election Date;
- b) how Electors may vote in the Election;

- c) the name of each Candidate, in alphabetical order by surname, and the office for which he or she is a Candidate;
- d) the times at which the Polling Station(s) will open and close;
- e) the location(s) of the Polling Station(s);
- f) the time and location of the counting of the votes; and
- g) a statement that the Voters List is posted for public viewing and its location.

### **Mail-in Ballots**

**8.57** The Electoral Officer shall, at least thirty-five (35) days prior to the Election Date, mail to every Elector who is not ordinarily resident on Reserve at the last known address on record with the Band Membership Clerk, a Mail-in Ballot package consisting of:

- a) a ballot initialed on the back by the Electoral Officer;
- b) a postage-paid return envelope, pre-addressed to the Electoral Officer;
- c) an inner envelope marked for insertion of the completed Mail-in Ballot;
- d) a Voter Declaration Form;
- e) the notice of Election; and
- f) a letter of instruction regarding voting by Mail-in Ballot, including a statement advising Electors that they may vote in person at any Polling Station on the Election Date if they return their Mail-in Ballot to the Electoral Officer or Deputy Electoral Officer at the Polling Station or swear a written declaration before the Electoral Officer, a Deputy Electoral Officer, a justice of the peace, notary public or commissioner for oaths that they have lost the Mail-in Ballot.

**8.58** An Elector who is ordinarily resident on Reserve and who is unable to vote in person on the Election Date may, at least ten (10) days prior to the Election Date, request a Mail-in Ballot package from the Electoral Officer.

**8.59** An Elector who is not ordinarily resident on Reserve who has not received a Mail-in Ballot package may, not later than ten (10) days prior to the Election Date, request a Mail-in Ballot package from the Electoral Officer.

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

**8.61** The Electoral Officer shall indicate on the Voters List each Elector to whom a Mail-in Ballot was mailed or otherwise provided and keep a record of the date on which, and the addresses to which, each Mail-in Ballot was mailed or otherwise provided.

**8.62** An Elector shall vote by Mail-in Ballot by:

- a) placing an X or other mark that clearly indicates the Elector's choice but does not identify the Elector;
- b) folding the ballot so as to conceal the names of the Candidates or any marks, but

- expose the Electoral Officer initials on the back;
- c) placing the ballot in the inner envelope and sealing the envelope;
- d) completing and signing the Voter Declaration Form in the presence of a witness who is at least eighteen (18) years of age;
- e) placing the inner envelope and the completed, signed and witnessed Voter Declaration Form in the postage-paid envelope; and
- f) delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the postage-paid envelope before the close of polls on the Election Day.

**8.63** Where an Elector is unable to vote in the manner set out in section 8.62, the Elector may enlist the assistance of another person, who is at least eighteen (18) years of age, to mark the ballot and complete and sign the Voter Declaration Form in accordance with that section.

**8.64** A witness who is at least eighteen (18) years of age shall, on the Voter Declaration Form, attest to:

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

**8.65** Mail-in Ballots that are received by the Electoral Officer after the close of polls on the Election Day shall not be counted.

### **Equipment for the Election**

**8.66** The Electoral Officer shall, before the Polling Station(s) are open, supply each Polling Station with:

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

### **Polling Stations**

**8.67** The Electoral Officer will establish at least one (1) Polling Station.

**8.68** The Electoral Officer shall provide a voting compartment in each Polling Station where Electors can mark their ballots free from observation and the Electoral Officer may appoint security to

maintain order in the Polling Station(s).

### **Electronic Voting**

**8.69** Elections must include an option for Electors to vote electronically.

**8.70** Band Council may prescribe rules for the conduct of electronic voting, including:

- a) how an Elector may vote by electronic voting,
- b) the administration of electronic voting, and
- c) the counting and tallying of votes cast by electronic voting.

**8.71** The Electoral Officer must ensure that electronic voting is secure.

## **9 ELECTION DAY**

### **Electoral Officer and Deputies**

**9.1** The Electoral Officer shall not be allowed to vote in the Election, other than to break a tie pursuant to section 9.37. Deputy Electoral Officers are allowed to vote in the Election.

### **Candidate's Agent**

**9.2** A Candidate shall be entitled to not more than two (2) Candidate's Agents in each Polling Station at any one time.

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

**9.3.1** Only Band Members are eligible to act as a Candidate's Agent.

### **Polling Hours**

**9.4** Polling Station(s) shall be open 9:00 AM until 8:00 PM local time on the Election Date.

### **Verification of the Ballot Box**

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

- a) open the ballot box and call such persons as may be present to witness that it is empty;
- b) complete a written statement that the ballot box is empty, verified by a witness;

- c) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
- d) place the ballot box in public view for the reception of the ballots.

### **Secrecy and Security**

**9.6** Voting shall be by secret ballot.

**9.7** No Elector may vote by proxy or authorize another person to vote on his or her behalf other than as set out in section 8.63 or section 9.19.

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

**9.9** On the Election Date, no person shall, on the premises of the Polling Station(s):

- a) distribute any 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;
- b) attempt to interfere with or influence any Elector in marking his or her ballot; or
- c) attempt to obtain information as to how an Elector is about to vote or has voted.

### **Voting Procedure**

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

**9.11** The Electoral Officer or Deputy Electoral Officer shall, if the name is set out in the Voters List, place his or her initials on a ballot and provide the ballot to the Elector.

**9.12** The Electoral Officer or Deputy Electoral Officer shall cause to be placed on the Voters List a mark opposite the name of every person receiving a ballot.

**9.13** An Elector to whom a Mail-in Ballot package was mailed or provided may obtain a ballot and vote in person at a Polling Station if:

- a) the Elector returns the Mail-in Ballot to the Electoral Officer or Deputy Electoral Officer; or
- b) where the Elector has lost the Mail-in Ballot, the Elector provides the Electoral Officer or Deputy Electoral Officer with a written declaration that the Elector has lost the Mail-in Ballot, sworn by the 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** The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the Elector.



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

**9.16** After receiving a ballot, an Elector shall:

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

**9.17** On receipt of a completed ballot, the Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the Elector and any other persons entitled to be present at the Polling Station.

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

### **Voting Irregularities**

**9.19** At the request of any Elector who is unable to vote in the manner set out in section 9.16, the Electoral Officer or Deputy Electoral Officer shall assist that Elector by

- a) marking the Elector's ballot in the manner directed by the Elector in the presence of another Elector selected by the Elector as a witness, and
- b) placing the ballot in the ballot box.

**9.20** The Electoral Officer or Deputy Electoral Officer shall note on the Voters List opposite the name of the Elector the fact that the ballot was marked by the Electoral Officer or Deputy Electoral Officer under section 9.19 at the request of the Elector and the reasons therefore and record the name of the witness.

**9.21** An Elector who has inadvertently dealt with his or her ballot in such a manner that it cannot be conveniently used shall, on one (1) occasion only, upon returning the ballot to the Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot. The Electoral Officer or Deputy Electoral Officer shall write the word "spoiled" upon the spoiled ballot and preserve it pursuant to sections 9.41 and 9.42.

**9.22** Any person who has received a ballot and who leaves a Polling Station without delivering the ballot to the Electoral Officer or a Deputy Electoral Officer, or after receiving the ballot, refuses

to vote, shall forfeit his or her right to vote at the Election. The Electoral Officer or Deputy Electoral Officer shall then make an entry in the Voters List in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote. If the person returns the ballot to the Electoral Officer or Deputy Electoral Officer, the Electoral Officer or Deputy Electoral Officer shall mark upon the face of the ballot the word “declined” and preserve the ballot pursuant to sections 9.41 and 9.42.

### **Closing of Polling Station(s)**

**9.23** Every Elector who is inside 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** At the time stated 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 Candidate’s Agents who are present, open each envelope containing a Mail-in Ballot that was received before the close of the polls and, without unfolding the ballot:

- a) reject the ballot if:
  - i) it is not accompanied by a Voter Declaration Form, or the Voter Declaration Form is not completed or witnessed as required by this Code;
  - ii) the Voter Declaration Form does not contain a date of birth or a band membership number that matches the information contained for that Elector on the Voters List;
  - iii) the name of the Elector set out in the Voter Declaration Form is not on the Voters List; or
  - iv) the Voters List shows that the Elector has already voted in person or electronically, and
- b) in any other case, place a mark on the Voters List opposite the name of the Elector set out in the Voter Declaration Form, and deposit the ballot in a ballot box.

#### **Counting the Votes**

**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** Immediately after the Mail-in Ballots have been deposited in the ballot box, the Electoral Officer or a Deputy Electoral Officer shall, in the presence of any Candidates and/or Candidate’s Agents who are present, open all ballot boxes and examine each ballot.

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

**9.28** A Deputy Electoral Officer shall mark a tally sheet in accordance with the names being called out.

**9.28.1** The Electoral Officer must, in a timely manner, combine the results of the counting of ballots deposited in ballot boxes and electronic ballots in relation to each Candidate in the Election for the purpose of arriving at the total number of votes cast for each Candidate.

### **Ballots not Counted**

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

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

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

**9.31** The Electoral Officer or Deputy Electoral Officer shall take a note of any objections made by any Candidate or Candidate's Agent to any of the ballots found in the ballot box and decide any questions arising out of the objection, subject to review on recount or an Appeal.

**9.32** The Electoral Officer or a Deputy Electoral Officer shall number the objections to ballots raised pursuant to section 9.31 and place a corresponding number on the back of the ballot with the word "allowed" or "disallowed," as the case may be, with his or her initials.

### **Other Polling Stations**

**9.33** Immediately upon completion of the counting of the votes at a Polling Station other than the Polling Station where the Electoral Officer is present, the Deputy Electoral Officer(s) shall transmit the results from that Polling Station to the Electoral Officer.

### **Tie**

**9.34** If it is not possible to determine a successful Candidate due to an equal number of votes being cast for an office in the Election, the Electoral Officer shall, subject to section 9.35, establish a time and location for the conduct of a recount of votes and shall publicly announce this time and location in the presence of all those present in the Polling Station.

**9.35** A recount must be conducted within twenty-four (24) hours of the close of polls on Election

Day, in the presence of the Candidates and Candidate's Agents who wish to attend.

**9.36** At the time and location announced pursuant to section 9.34, the Electoral Officer will conduct a recount of the votes pursuant to sections 9.25 through 9.32 of this Code.

**9.37** In the event of a tie on a recount conducted pursuant to section 9.36, the Electoral Officer shall:

- a) place the name of each Candidate having the same number of votes on a paper and place each paper in a receptacle;
- b) without looking, draw as many papers as there are offices available; and
- c) cast a vote for the Candidate(s) whose name appear on the piece(s) of paper the Electoral Officer has drawn from the receptacle.

## **Post-Election Process**

### **Declaration**

**9.38** Immediately after completing the counting of the votes, including any recount, the Electoral Officer shall provisionally declare

- a) the number of votes received by each Candidate;
- b) the Candidate for the office of Chief who received the highest number of votes as elected to the office of Chief;
- c) the Candidate for the office of Elder Councilor who received the highest number of votes as elected to the office of Elder Councilor;
- d) the Candidate for the office of Off-Reserve Councilor who received the highest number of votes as elected to the office of Off-Reserve Councilor; and
- e) the Candidates for the Councilor at Large offices who received the highest number of votes, up to the number of Councilor at Large offices to be elected, as elected to the office of Councilor at Large.

**9.38.1** If no Appeal has been submitted by the time for submitting an Appeal pursuant to section 6.1, the Electoral Officer shall declare the results provisionally declared under section 9.38 as the final Election results.

**9.38.2** Where an Appeal has been submitted pursuant to section 6.1, the Electoral Officer shall proceed as directed in the Decision issued in the Appeal and declare the final Election results accordingly.

**9.39** Immediately following the declaration of the final Election results pursuant to section 9.38.1 or section 9.38.2, the Electoral Officer shall complete and sign an Election report which shall contain:

- a) the names of all Candidates;

- b) the number of ballots cast for each Candidate;
- c) the number of Rejected Ballots;
- d) the name of the Candidates declared elected and the offices to which they were elected; and
- e) the Election Date.

**9.40** Within four (4) days following the declaration of the final Election results pursuant to section 9.38.1 or 9.38.2, the Electoral Officer shall:

- a) ensure that the Election report is Published;
- b) forward a copy of the Election report to the Saik'uz First Nation General Manager and the Complaint and Appeal Board; and
- c) forward a copy of the Election report to the British Columbia regional office of Indigenous Services Canada.

**9.40.1** A Candidate shall not be elected for the purposes of this Code until that Candidate is finally declared to be elected pursuant to section 9.38.1 or 9.38.2.

#### **Retention of Ballots and Other Election Material**

**9.41** The Electoral Officer shall retain, in a secured cabinet, all documents used in connection with the conduct of the Election, including:

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

**9.42** All documents retained pursuant to section 9.41 shall be retained for forty-five (45) days from the Election Date or until a Decision on an Appeal is 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 the documents in the presence of two (2) witnesses who shall make a declaration that they witnessed the destruction of those documents.

#### **Chief and Councilor Oath of Office**

**9.43** At the earliest possible opportunity, each Candidate who has been elected to the office 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** Each Candidate who has been elected to the office 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** Subject to section 9.47, a Candidate who has been elected to the office of the Chief or a Councilor shall, within ten (10) days after the declaration of the final Election results pursuant to section 9.38.1 or 9.38.2, swear an oath of office 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 to:

- a) uphold and comply with this Code, the Band Council Code of Conduct and all laws and policies of Saik'uz First Nation;
- b) fulfill the duties and responsibilities of his or her office under this Code, the Band Council Code of Conduct and all laws and policies of Saik'uz First Nation;
- c) carry out his or her duties faithfully, honestly, impartially and to the best of his or her abilities;
- d) keep confidential, both during and after his or her term of office, any matter or information which is considered confidential under this Code or the laws and policies of Saik'uz First Nation; and
- e) always act in the best interests of Saik'uz First Nation in carrying out his or her duties.

**9.45.1A** Candidate who has been elected to the office 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** Where a Candidate elected to the office of the Chief or a Councilor cannot, due to illness or other valid reason, swear the oath of office within the time prescribed in section 9.45, he or she or an Elector acting on his or her behalf may file a request with the Electoral Officer for an extension of the time to swear the oath of office.

**9.47** The Electoral Officer receiving a request pursuant to section 9.46 shall determine whether the circumstances justify an extension and shall provide the 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 and cannot exceed 30 days.

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

**9.49** If a Candidate elected to the office of the Chief or a Councilor fails to swear the oath of office on or before the time prescribed in section 9.45, or the time specified by the Electoral Officer pursuant to section 9.47, the Electoral Officer shall declare the office to which that Candidate was elected vacant.

**9.50** [Repealed]

**9.51** [Repealed]

### **Chief and Councilor residency requirement**

**9.52** Subject to section 9.54, if a person elected to the office of Chief or Councilor does not reside in Saik'uz Traditional Territory on the day they are finally declared to be elected, they must relocate to Saik'uz Traditional Territory and provide the Electoral Officer with proof of residence within ninety (90) days of the declaration of final Election results.

**9.53** If a person fails to comply with section 9.52, their office on Band Council shall be deemed to have been declared vacant within ninety (90) days of the declaration of final Election results.

**9.54** Sections 9.52 and 9.53 do not apply to a person elected as Off-Reserve Councilor.

### **Saik'uz Employee elected as Chief or Councilor**

**9.55** If a Saik'uz Employee is elected to the office of Chief or Councilor, the Saik'uz Employee must submit a written resignation from their position as a Saik'uz Employee within thirty (30) days of the declaration of final Election results.

**9.56** If a Saik'uz Employee fails to provide the Electoral Officer, within thirty (30) days of the declaration of final Election results, with proof that they have resigned from their employment position, the Electoral Officer shall declare the Band Council office to which the Saik'uz Employee was elected vacant.

### **Vacancy period**

**9.57** The Electoral Officer shall give notice in writing to an elected Candidate whose office is declared vacant under section 9.49 or section 9.56, or deemed vacant under section 9.53, and to Band Council.

**9.58** If a Band Council office becomes vacant within 90 days of the declaration of final Election results in an Election in which that office was filled,

- a) the Candidate with the next highest number of votes for that office will be deemed to have won the office; and
- b) the Electoral Officer must update the Election report and ensure the updated report is Published and forwarded in accordance with section 9.40.

**9.59** If there is no other Candidate to fill the office under section 9.58, a By-Election shall be held.

## **10.0 BY-ELECTION**

**10.1** Unless otherwise provided in this Code, if the office of the Chief or a Councilor becomes vacant,

a By-Election may be held for the vacant office.

**10.2** 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 office has become vacant.

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

**10.2.2** Where a By-Election for the office of a Councilor at Large, and a General Election for the offices of Councilors at Large, are held at the same time,

- a) the Candidates for the office of a Councilor at Large who receive the highest number of votes, up to the number of Councilor at Large offices to be elected in that General Election, will be elected in the General Election, and
- b) the Candidate for the office of a Councilor at Large receiving the next highest number of votes will be elected in the By-Election.

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

**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 ACCELERATED ELECTION**

**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.

**11.1.1** 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** At least fifty (50) days before the date set for an Accelerated Election, the Band Council will appoint an Electoral Officer by a duly signed Band Council Resolution. The Electoral Officer will acquire from the Band Membership Clerk the list prepared for the last General Election of Electors and each Elector's last known address on record with the Band Membership Clerk.

**11.3** The Electoral Officer will ensure the notice of the Nomination Meeting and the Voters List is



Published at least ten (10) days before the Nomination Meeting.

**11.4 [Repealed]**

**11.5** The Nomination Meeting shall be held no later than thirty (30) days before the date of the Election.

**11.6** Where a Candidate withdraws less than thirty (30) days before the Election, the Candidate's name shall remain on the Mail-in Ballot due to the timeliness of the process.

**11.7** Except as otherwise provided for in this Code, 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 an Accelerated Election in the same manner as for a General Election.

## **12.0 AMENDMENTS**

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

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

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

**12.3** Band Council must ensure that any notice prepared pursuant to section 12.2 is Published.

**12.4** Electors may, within fourteen (14) days of posting of the notice, provide comments concerning the proposed amendments in writing to Band Council.

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

**12.6** Band Council shall submit the final amendment proposal to a vote at a Plebiscite.

**12.7** Should the majority of the votes cast at a Plebiscite be in favour of the proposed amendments being made to the Code, Band Council shall amend the Code accordingly.

**12.8** Elections held under the amended Code shall take place no sooner than one hundred (100) days from the Plebiscite.

### **13.0 PLEBISCITES**

**13.1** All Plebiscites must follow the rules, provisions, regulations and procedures for an Election as set out and prescribed in this Code, with any necessary changes and so far as applicable.



APPENDIX A  
**Saik'uz First Nation**  
Band Council  
**OATH OF OFFICE**

We, the newly elected Band 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 offices 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 and abide by all Saik'uz First Nation 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, and 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, in which case we will notify the Operations Manager or Chief in advance.

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

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



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 )



APPENDIX C  
**Saik'uz First Nation**  
Complaint and 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;

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

avoid a conflict of interest; and

act in the best interest of the Band.



APPENDIX D  
**Saik'uz First Nation**  
Nomination Form

We, the undersigned Electors of Saik'uz First Nation, hereby nominate: \_\_\_\_\_  
Candidate Name

**For the for the office of (circle one)**

**Chief**

**Councilor at Large**

**Elder Councilor**

**Off-Reserve Councilor**

\_\_\_\_\_  
Candidate's Email Address and/or Phone Number

---

**Nominator #1**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Status Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Address

---

**Nominator #2**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Status Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Address

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APPENDIX E **Saik'uz First  
Nation**  
Candidate Declaration Form

I, \_\_\_\_\_ hereby accept my nomination in the  
upcoming Saik'uz First Nation Election for the office of **(select 1)**

- Chief
- Councilor at Large
- Elder Councilor
- Off-Reserve Councilor

I declare that:

1. I am eligible to be a Candidate as set out in the Saik'uz First Nation Election Code.
2. I have completed appropriate governance training;
3. I have provided a criminal record check dated not more than three (3) months prior to the Nomination Meeting;
4. If I am elected and prior to swearing the oath of office I will submit to drug and alcohol testing; and
5. I have a reliable method of transportation.

I enclose a receipt for the candidate fee (\$250 for Chief, \$100 for Councilor).

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

\_\_\_\_\_  
Signature of Nominee

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Email Address of Nominee

\_\_\_\_\_  
Name of Witness (please print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





## APPENDIX G

# Saik'uz First Nation

## Mail-in Voting Instructions & Declaration

Dear Elector of the Saik'uz First Nation,

A General 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 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 Notice of Election;
- b) a ballot, initialed by the Electoral Officer;
- c) a ballot envelope;
- d) a copy of the Voter Declaration Form; and
- e) a postage-paid envelope addressed to the Electoral Officer.

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

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. On the portion of the ballot dealing with the election of Elder Councilor (if applicable), mark an "X" in the box next to the name of the candidate of your choice for Elder Councilor. You must choose only one candidate for Elder Councilor.
3. On the portion of the ballot dealing with the election of Off-Reserve Councilor (if applicable), mark an "X" in the box next to the name of the candidate of your choice for Off-Reserve Councilor. You must choose only one candidate for Off-Reserve Councilor.
4. On the portion of the ballot for the election of Councilors at Large, mark an "X" in the boxes next to the names of the candidates of your choice for the office of Councilor at Large. You may choose as many candidates as there are Councilor at Large offices to be filled in the Election.
5. 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.
6. Place the ballot in the ballot envelope and seal the envelope.
7. Complete the Voter Declaration 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.
8. Place both the sealed ballot envelope and the completed Voter Declaration Form inside the postage-paid and pre-addressed envelope, and seal the envelope.
9. 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

**VOTER DECLARATION  
FORM**

*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**

I attest that:

- a) the person completing and signing this form is the person whose name is set out in this form; or
- b) that the enclosed ballot was marked according to the directions of the person whose name is set out in this form.

X \_\_\_\_\_

Signature of Elector

\_\_\_\_\_

Date

\_\_\_\_\_

Band number of Elector

\_\_\_\_\_

Date of birth of Elector

\_\_\_\_\_

Telephone Number of Elector

\_\_\_\_\_

Address of Elector

\_\_\_\_\_

\_\_\_\_\_

Name of witness

\_\_\_\_\_

Signature of witness

\_\_\_\_\_

Telephone Number of witness

\_\_\_\_\_

Address of Witness