

TSQ'ESSEN' ELECTION CODE



**Canim Lake Band
Box 1030
100 Mile House, B.C.
V0K 2E0**

**Copyright January 14, 2006
Amended April 10, 2018**

No copy of the Tsq'escen' Election Code is permitted in whole or in part without written authorization from a designate of the Canim Lake Band Council.

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BACKGROUND

- A) The Canim Lake Band, known to neighbouring First Nations as the Tsq'escen' Peoples, have traditional territories that range far beyond the allotted reserves known as Canim Lake I.R. No. 1, the main reserve located approximately 35 kilometres east of 100 Mile House; Canim Lake I.R. No. 2, known as Halfway Reserve located approximately 20 kilometres east of 100 Mile House; Canim Lake I.R. No. 3, located approximately 3 kilometres north of Halfway Reserve; Canim Lake I.R. No. 4, located on the south east shore of Lac La Hache; and Canim Lake I.R. No. 5 & 6, located on the north eastern shores of Canim Lake.
- B) The Tsq'escen' Peoples are a member of the Secwepemc Nation.
- C) The Tsq'escen' Peoples hold the belief that Land is held communally. The Tsq'escen' Peoples keep the community open to sharing for all members who return either on a periodic or permanent basis. The Tsq'escen' Peoples who reside on reserve honour and respect all their relations who reside off-reserve.
- D) The Canim Lake Band has approximately 556 band members of which 453 reside On-reserve and approximately 103 reside Off-reserve.
- E) The Canim Lake Band is recognized as a Band pursuant to the *Indian Act*.
- F) Sometime prior to 1980, the Canim Lake Band made the decision to hold elections pursuant to Band custom and adopted the *Canim Lake Band Elections Act*.
- G) On June 3, 2004, following an election for two councilors, the Electoral Officer noted that there was no amendment clause attached to the *Canim Lake Band Elections Act*.
- H) The Band Governance Officer at Indian and Northern Affairs Canada researched the Canim Lake Band Election records and was not able to locate a copy of the *Canim Lake Band Elections Act* on file.
- I) On October 13, 2004 at an annual general meeting a Record of Decision was accepted by the membership to make the following provisions:
- a. revise the *Act* in order to incorporate provisions for a procedure to give an equal right to vote in band elections to Canim Lake Band Members who reside off-reserve; and
 - b. incorporate an amendment, appeal, and recall and dismissal procedure to deal with the electoral process.
- J) Flowing from several expressed concerns to the election committee it is understood that duties, responsibilities, and benefits of Council Members will be addressed in a separate governance and finance policy guideline manual. The procedure for establishing these policies will be determined by convening a Band Council and membership meeting to accept a Record of Decision to strike a committee and initiate the process of outlining policies and provisions of a Governance and Finance Policy Manual.

- K) It was agreed to change the name of the custom code from the *Canim Lake Band Elections Act* to the *Tsq'escen' Election Code*.
- L) The Council and members are of view that ratifying the *Tsq'escen' Election Code* is in the best interests of the Band as it reflects their own customs and values.
- M) On December 8, 2005 at the Annual General Meeting (the "AGM") a record of decision was accepted to ratify the *Tsq'escen' Election Code* by simple majority vote in a code referendum process (the "Record of Decision").
- N) The Record of Decision set the election code referendum process for the period between December 8, 2005 and December 14, 2005 (the "Code Referendum").
- O) On December 14, 2005 after the close of the Code Referendum the *Tsq'escen' Election Code* was accepted by simple majority of votes cast by members. The results were as follows
- (a) Total votes cast: 131;
 - (b) Yes vote: 104;
 - (c) No vote: 18;
 - (d) Spoiled ballots: 9.
- P) No written appeal objecting to the Record of Decision was filed with the Band Council by January 9, 2006.
- Q) No written appeal objecting to the Code Referendum to ratify the *Tsq'escen' Election Code* was filed with the Band Council by January 13, 2006.

THEREFORE BE IT RESOLVED THAT:

INTERPRETATION

1. The following definitions apply to this Code:

"Appeals Committee" means the body of five volunteers elected prior to the Nomination Meeting to review and make decisions concerning petitions for recall and dismissal from office and election appeals.

"Appellant" means a Voter who submits an appeal in accordance with this Code with respect to the election.

"Arbitration" means a hearing held for the purpose of reviewing documentary evidence and handing down a decision to settle any dispute arising under this Code.

"Band" means the Canim Lake Band.

“Band Administration Office” means the location of the administrative office of the Canim Lake Band.

“Band Council Resolution” means any written record of decision approved by a quorum of Council.

“Band Member” means a person registered on the Canim Lake Band Membership List.

“Band Membership List” means the list of Band Members maintained by the Membership Clerk.

“By-election” means a special election to fill a position that has become vacant or in an election where it is not possible to determine the successful candidate due to candidates receiving the same number of votes, i.e. a tie vote.

“Candidate” means a person who:

- (a) is at least 18 years of age on the day on which the Election is held;
- (b) is a Band Member;
- (c) has been nominated to be a Candidate pursuant to the provisions of this Code; and
- (d) has signed an authorization form allowing the Canim Lake Band to make any necessary deductions from payments owing to the Candidate to recover any outstanding debts owed to the Canim Lake Band.

“Candidate Withdrawal Form” means a written notice of withdrawal of candidacy for the office as Council Member.

“Code” means the Tsq’escen’ Election Code.

“Code Amendment Petition” means a petition outlined in the provision of this Code.

“Code Amendment Referendum” means a process by which the Band Membership holds a secret ballot process in order to amend the Code.

“Code of Responsibilities and Ethics” means the duties outlined in this Code.

“Council” means the Chief and Council composed of those members elected pursuant to this Code.

“Council Member” means a Chief or Councilor of the Canim Lake Band.

“Deputy Electoral Officer” means any person appointed by a Band Council Resolution for the purposes of an election to assist the Electoral Officer in the election process; or to conduct the election in the absence of the Electoral Officer in the event of illness, or death, or any other reason whereby the Electoral Officer is not able to conduct the election process.

“Election” means a Band general election or by-election held pursuant to the provisions of this Code.

“Elections Committee” means a committee comprised of Band Members qualified to be Voters.

“Election Date” means the date fixed for an election to be held pursuant this Code.

“Electoral Officer” means a person, appointed by a Band Council Resolution before each election, who will have the responsibility for conducting the Nomination Meeting, the Election and post-election procedures as set out in this Code.

“Electoral Officers” means the Electoral Officer and the Deputy Electoral Officer.

“Mail-in Ballot” means a ballot mailed or delivered in accordance with this Code.

“Mail-in Nomination” means a ballot mailed or delivered in accordance with this Code.

”Membership Clerk” means the band officer responsible for maintaining the Band Membership List.

“Nomination Meeting” is the meeting at which persons come forward to nominate and second candidates for an election.

“Notice To Decline the Nomination” means a notice in the form appended to this Code.

“Oath” means an affirmation appended to this Code.

“Off-Reserve Voter” means a Voter that is ordinarily resident off-reserve and has a principal residence off-reserve.

“Ordinarily Resident On-Reserve” refers to the residential status of a Voter who is considered to have his or her ordinary residence on the reserve of the Band. A Voter can only be ordinarily resident in one place at one time, and a Voter is ordinarily resident in that place until another place of ordinary residence is acquired. Whether a Voter is ordinarily resident shall be determined by the facts in each case, and without limiting the forgoing, some of the factors that can be considered are:

- (a) where the Voter has his or her principal residence and carries out a normal routine, such as eating, sleeping, receiving visitors and guests;
- (b) where the Voter receives utility bills and personal mail;
- (c) where the Voter has his or her place of employment;
- (d) why the person is absent from the reserve; and
- (e) whether the Voter’s level of attachment to the community is strong in the long term by participating in community events as demonstrated by attending celebrations, funerals, visiting, and remaining in contact with the community.

“Polling Station” means a building, hall or room which is selected to be the site for voting to take place.

“Rejected Ballots” are those ballots that have been improperly marked and/or defaced by a Voter which are left out the tally of valid ballots cast during the counting of the votes.

“Temporarily Absent” means Ordinarily Resident On-Reserve although absent from the reserve temporarily for education, medical or temporary employment reasons.

“Voter” means a person who:

- (a) is registered on the Band Membership List; and
- (b) is at least 18 years of age on or before the Election Date.

“Voter Declaration Form” means a document that sets out or provides for:

- (a) the name of a Voter;
- (b) the Band Membership or registry number of the Voter, and if the Voter does not have a Band Membership or registry number, the date of birth of the Voter; and
- (c) the name, address and telephone number of a witness to the signature of the Voter.

“Voters List” means the list of Band Members eligible to vote at an Election.

CHIEF AND COUNCIL

Council Composition and Size

- 2. The Council of the Band shall consist of one Chief and four Councilors.

Duties of Council

- 3. The authority, duties and responsibilities of Council are based upon the practices of the Band and are set out in such governing policies and codes as established from time-to-time.

Increase in Size of Council

- 4. The size of Council will automatically increase to reflect changes in the Band Membership List and to anticipate future growth as follows:
 - (a) six Councilors for 600 members;
 - (b) eight Councilors for 800 members; or
 - (c) ten Councilors for 1000 members,

as confirmed by the Band Membership accepted by Band Council Resolution.

Mode of Election for Chief and Councilors

- 5. The office of Chief and the office(s) of Councilors shall be filled by an Election held in accordance with this Code.

Candidate Eligibility

- 6. In order to be eligible as a Candidate for the office of Chief, the Candidate must be:
 - (a) a Member of the Canim Lake Band;
 - (b) a Voter; and

- (c) reside within 60 kilometres of the Band Administration Office of Canim Lake I.R. No. 1 during his or her term of office.

7. In order to be eligible as a Candidate for the position of Councilor the Candidate must be:
- (a) a Member of the Canim Lake Band;
 - (b) a Voter; and
 - (c) be Ordinarily Resident On-Reserve;
 - (d) except one (1) Candidate who may reside within 60 kilometres of the Band Administration Office of Canim Lake I.R. No.1 during his or her term of office.

Terms of Office

8. The term of office for the Chief and Council shall end 4 years from the Election Date subject to a continuation set out in this Code.
9. The Election Date shall be set for the last Saturday of the month in which the term of the Council Member ends.

Staggered Terms of Office

10. The office of Council shall be staggered as follows:
- (a) the Chief will serve a four (4) year term; and
 - (b) fifty percent (50%) of the Councillor positions will expire every two (2) years.
11. In the first election held under this Code:
- (a) the Chief will serve a four (4) year term;
 - (b) the two (2) remaining Councillors elected under the previous Code will serve the remainder of their four (4) year term;
 - (c) the three (3) Councillors who receive the highest number of votes will serve a term of four (4) years; and
 - (d) the Councillor who receives the fourth (4th) highest number of votes will serve a term of two (2) years.
12. When the number of Councillors to be elected increases under section 4, the term of the added Councillor shall be determined so the staggered terms established under section 10, under which fifty percent (50%) of the Councillor's positions are subject to election every two (2) years, are maintained.

Continuation of the Term of Office of a Council Member

13. The continuation of a term of office for a Council Member shall not exceed **60 days**; save and except for the following circumstances:
- (a) In the event of a By-election for the office of Chief, the continuance in the term of office for subsequent Election for 2 Council Members shall not exceed **30 days**;
 - (b) In the event of a postal strike the continuation shall not exceed the length of the postal strike;
 - (c) In the event of an election appeal the continuation shall not exceed the length of the appeal process; and/or

- (d) In the event of community grief and bereavement resulting from the passing away of community members the continuation shall not exceed 30 days.

Transition Term of Office

14. An outgoing Council Member shall continue to perform his or her duties on Council in the following circumstances:
- (a) during the 30 day transition period following an Election; or
 - (b) during any election appeal period.

Transition for Current Council

15. As the Election deadline has lapsed due to the time needed to develop this Code, the officers elected to Council shall serve the remainder of their offices as follows:
- (a) The Chief declared elected on April 1, 2001 shall serve as a Council Member until March 18, 2006;
 - (b) The 2 Council Members declared elected on September 1, 2001 shall serve as Council Members until May 27, 2006; and
 - (c) The 2 Council Members elected on June 2003 as confirmed in the record of decision at the annual general meeting on October 13, 2004 shall serve until the last Saturday in March 2007.

Vacancy

16. The office of Chief or Councilor shall be declared vacant upon any of the following occurrences:
- (a) The Council Member misses three (3) consecutive regularly scheduled meetings without reasonable excuse and authorization from a quorum of Council;
 - (b) The Council Member, of his or her own accord, provides a written resignation to the Council;
 - (c) The Council Member has been unable to perform the functions of his or her office for more than six months due to illness or other incapacity;
 - (d) The Council Member was removed from office in accordance with the Recall and Dismissal provisions of this Code;
 - (e) The officer elected as Chief, during his or her term of office, ceases to be ordinarily resident within 60 kilometers from the Band Administration Office located at Canim Lake I.R. No. 1; or
 - (f) The officer elected as a Councilor, during his or her term of office, ceases to be Ordinarily Resident On-Reserve.

By-election Process

17. Upon a vacancy of a Council Member, the Council shall fix the date of a By-election and appoint an Electoral Officer to oversee the By-election.
18. No By-election shall be held if less than six months remain in the term of the Council Member whose office has become vacant.

19. No elected Council Member is eligible to be a Candidate in any By-election and any such Council Member who wishes to be a Candidate in any By-election must resign from Council prior to the Nomination Meeting for the By-election.
20. Any By-election shall be called by Council within **14 days** from the date on which the office of Chief or a Councilor is declared vacant.
21. The rules and procedures of this Code shall apply to By-elections.

By-election Term of Office

22. The Candidate elected as a Council Member in a By-election shall hold office for the remainder of the original term of the Chief or Councilor that he or she is elected to replace.

PRE-NOMINATION PROCEDURE

Electoral Officer

23. The Electoral Officer shall conduct elections for the office of Chief or Councilor of the Canim Lake Band in accordance with this Code.
24. The Council will appoint an Electoral Officer who:
 - (a) has attained the age of 18 years of age;
 - (b) has experience in the conduct of elections or has received training necessary to conduct elections; and
 - (c) is a member of the Canim Lake Band.
25. The Council will appoint a non-member if no Band member accepts the office of Electoral Officer.

Responsibility of Electoral Officer

26. The Electoral Officer shall be responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures established by this Code.

Election Log

27. The Electoral Officer shall maintain an election log to record all actions, events and activities for the Election during their appointment period.

Appointment of Electoral Officers

28. The Council shall appoint the Electoral Officers and fix an Election Date by Band Council Resolution not less than **60 days** before the expiration of their term of office. The Band Council Resolution shall also describe the type of election (e.g. general Election or By-election), and any special instructions.

Appointment by Elections Committee

29. If the Electoral Officers have not been appointed within the time set out in section 28 of this Code, the Electoral Officers shall be appointed by an Elections Committee prior to the end of term for the Council. In the event an Elections Committee is not struck, the Band Administrator shall appoint the Electoral Officer.

Vacancy of Electoral Officer

30. In the event that the Electoral Officer resigns or cannot fulfill his or her duties the appointed Deputy Electoral Officer shall perform the duties of the Electoral Officer and will be deemed the Electoral Officer as confirmed by Band Administrator.

Oath of Office

31. The Electoral Officers and Interpreter shall swear an Oath of Office form set out in the appendix to this Code.

Direction of Deputies and Interpreters

32. The Electoral Officer shall direct the election duties of the Deputy Electoral Officer and any Interpreter.
33. The Deputy Electoral Officer shall have such powers as described in this Code as well as those powers delegated to them by the Electoral Officer.
34. The Electoral Officer may appoint an Interpreter to interpret this Code to any Voter that speaks Secwepemc as a first language and/or to provide assistance to any Voter who encounters a barrier due to literacy.
35. The Deputy Electoral Officer or an Interpreter shall not be a member of Council nor a Candidate in the election.

VOTERS LIST

Preparation of Voters List

36. At least **60 days** before the Election Date, the Electoral Officer shall obtain the names of all Members who will have attained the age of 18 as of the Election Date.
37. At least **60 days** before Election Date, the Electoral Officer shall prepare a Voters List containing the names of all of the Voters in alphabetical order.

Voter Addresses

38. At least **60 days** prior to the Election Date, the Membership Clerk shall provide the Electoral Officer with the last known addresses, if any, of all Voters who are not

Ordinarily Resident On-Reserve.

39. Off-Reserve Voters or Temporarily Absent Voters are responsible for providing the Membership Clerk with current contact addresses.

Use of Addresses

40. The contact address of a Voter shall only be used by the Electoral Officers for purposes of providing notices, Mail-in Ballots or other documents to Voters who are entitled to receive them under this Code.

Disclosure of Voter Addresses to Candidates

41. The contact addresses for Off-Reserve Voters shall not be disclosed to a Candidate by the Electoral Officer without a signed consent from the Off-Reserve Voter.
42. A Candidate for the office of Chief or Councilor may obtain from the Electoral Officer a list of the names and the addresses of Voters who have consented to have their addresses released to the Candidates for the sole purpose of forwarding campaign information.

Posting of Voters List

43. The Electoral Officer shall post the Voters List in a public area of the Band Administration Office, community bulletin boards and in other conspicuous places on the reserve, as may be determined by the Electoral Officer, at least **60 days** prior to Election Date.

Confirmation of Name of a Voter

44. On request by any Voter, the Electoral Officer or Deputy Electoral Officer shall confirm whether the name of the Voter is on the Voters List.

Revision to Voters List

45. The Electoral Officer shall revise the Voters List upon considering information, representations or documentary proof which demonstrates that:
- (a) the name of an Voter has been omitted from the list;
 - (b) the name of an Voter is incorrectly set out in the list; or
 - (c) the name of a person not qualified to vote is included in the list.
46. Any person whose name does not appear on the Voters List shall be entitled to vote on the Election Day, provided he or she presents documentary proof to the Electoral Officer that demonstrates his or her eligibility as a Voter.

NOMINATIONS

Nomination Meeting

47. The Nomination Meeting shall be held at least **30 days** before the Election Date.

Notice of Nomination Meeting

48. At least **30 days** prior to the Nomination Meeting, the Electoral Officer shall:
- (a) post a notice of the date, time, and location of the Nomination Meeting in a public area of the Band Administration Office, community bulletin boards and in other conspicuous places on the reserve, as may be determined by the Electoral Officer; and
 - (b) mail a Nomination Meeting package to every Off-Reserve Voter.

Mail-out to Off-Reserve Voters

49. At least **30 days** before the Nomination Meeting, the Electoral Officer shall mail to every Off-Reserve Voter, a package consisting of the following:
- (a) a signed nomination ballot;
 - (b) a postage paid return envelope, pre-addressed to the Electoral Officer; a second envelope marked "nomination ballot";
 - (c) a Voter Declaration form;
 - (d) instructions regarding nominating by Mail-in Nomination form;
 - (e) date, time, and place of Nomination Meeting should the Voter choose to nominate in person;
 - (f) a Notice to Decline The Nomination form if nominated in the event that the Voter declines to be a Candidate; and
 - (g) the date, time, and place of the Election.

Convening Nomination Meeting

50. The Electoral Officer is responsible for managing and conducting the Nomination Meeting.
51. At the place posted the Nomination Meeting shall start at 7:00 p.m., at which time the Electoral Officer shall declare the Nomination Meeting open for the purpose of:
- (a) electing Members of the Appeals Committee;
 - (b) nominating and seconding Candidates; and
 - (c) receiving the nomination of Candidates for the office of Chief or Councilor.
52. The Electoral Officer shall make the following statements at the Nomination Meeting:
- (a) the meeting is a sober event;
 - (b) any Voter or person who is under the influence of drugs or alcohol will be requested to leave the Nomination Meeting; and
 - (c) any Voter under the influence of drugs or alcohol will be disentitled to nominate, second, or vote at the Nomination Meeting.

Appointment of Appeals Committee

53. The Appeals Committee shall be appointed as the first order of business at the Nomination Meeting. The Electoral Officer shall request names of 5 volunteers from eligible Voters to serve as the Appeals Committee. If there are more than 5 eligible volunteers the selection of the Appeals Committee shall take place by secret ballot.

Mail-in Nominations

54. Any Off-Reserve Voter may nominate a member to serve as the Chief or Councilor by delivering or mailing a completed Nomination Ballot form and a Voter Declaration form to the Electoral Officer before the time set for the Nomination Meeting.
55. Mail-in Nominations that are not received by the Electoral Officer before 4:30 p.m. on the day set for the Nomination Meeting are deemed void.

Notice to Decline the Nomination

56. Any Voter may decline a nomination in advance of the Nomination meeting by delivering to the Electoral Officer a written Notice To Decline The Nomination form prior to 4:30 p.m. on the day set for the Nomination Meeting.
57. Any written Notice to Decline the Nomination shall be completed, dated, and signed in the presence a witness who is at least 18 years of age and such notice shall be attached to the Voter Declaration form.

Announcement of Mail-in Nominations

58. Immediately following the opening of the Nomination Meeting, the Electoral Officer shall read aloud each Mail-in Nomination that has been received in accordance with this Code.

Nominating Candidates

59. A Voter may nominate or second no more than
- (a) one eligible candidate for the office of Chief; and
 - (b) two eligible candidates for the office of Councilor.
60. A Mail-in Nomination shall be seconded by a Voter present at the Nomination Meeting.

Confirming of Nominated Candidates

61. The Electoral Officer shall record the name of the Candidate, the names of the nominator and Voter who seconded the nomination; and confirm to the Voters in attendance at the Nomination Meeting that the Candidate is eligible to be elected to the office of Chief or Councilor of the Band.

Acclamation

62. At the end of the Nomination Meeting, the Electoral Officer shall make the following announcements orally and in writing:
- (a) if only one Candidate has been nominated for the office of Chief, declare that Candidate to be elected; and
 - (b) if the number of Candidates nominated for the office of Councilors does not exceed the number to be elected, declare those Candidates to be elected.

Announcing Nominees

63. Where the number of Candidates nominated exceeds available offices for election as Chief or Councilors, the Electoral Officer shall announce the nominees, the office to be filled, and that an Election will be held.

Duration of Nomination Meeting

64. The Nomination Meeting shall remain open for at least two hours or until such time as all nominations from Voters then present have been received whichever shall occur last, and thereafter the Nomination Meeting may be closed at the discretion of the Electoral Officer.

Maintaining Order and Security

65. The Electoral Officer or Deputy Electoral Officer shall maintain order at all times during the Nomination Meeting or in the Polling Station and may request that any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the Nomination Meeting or the Polling Station to leave the Nomination Meet or Polling Station.
66. If a person does not comply with the request of the Electoral Officer to leave the Nomination Meeting or the Polling Station, the Electoral Officer shall arrange for RCMP or a Band Bylaw Enforcement Officer whose duties shall include removing any person who in any way interferes with, disrupts, or attempts to influence the orderly conduct of the Nomination Meeting or Polling Station, including persons who appear to be under the influence of drugs or alcohol.

PRE-ELECTION PROCEDURE

Nomination Notice

67. Within **4 days** following the Nomination Meeting, the Electoral Officer shall post a list of the names of nominees, who nominated and seconded the motion for the Candidate, and a list of the offices for which each Candidate seeks election in a public area of the Band Administration Office, community bulletin boards and in other conspicuous places on the reserve, as may be determined by the Electoral Officer.

Acclamation

68. Within **4 days** following the Nomination Meeting where the office of Chief or offices of Councilor are filled by acclamation the Electoral Officer shall post a notice in a public area of the Band Administration Office, community bulletin boards and in other conspicuous places on the reserve; and mail to every Voter who does not reside on the reserve a notice that sets out the names of the persons who have been acclaimed and declare that an Election will not be held for that position.

Notice of the Election

69. Without delay and at least within **4 days** from the date of the Nomination Meeting where an office is not filled by acclamation, the Electoral Officer shall post a notice of Election in a public area of the Band Administration Office, community bulletin boards, and in other conspicuous places on the reserve, as may be determined by the Electoral Officer, that contains the following information:
- (a) Election Date;
 - (b) time at which the polling station will open and close;
 - (c) location of the polling station;
 - (d) time and location for counting the votes; and
 - (e) a statement of the location where the Voters List is posted for public viewing.

Withdrawal of a Candidate

70. Any Candidate who has been nominated may withdraw their nomination provided a Notice To Withdraw My Candidacy form is completed and received by the Electoral Officer within **3 days** of the Nomination Meeting.

Mail-in Ballot Package

71. The Electoral Officer shall, at least **24 days** prior to the Election Date, mail to every Off-Reserve Voter, a Mail-in Ballot package consisting of:
- (a) a ballot initialed on the back by the Electoral Officer;
 - (b) an inner postage-paid return envelope which is pre-addressed to the Electoral Officer;
 - (c) a second inner envelope marked "Election Ballot" for insertion of the completed ballot;
 - (d) a Voter Declaration form which shall set out:
 - i) the name of the Voter;
 - ii) the Band Membership number and date of birth of the Voter; and
 - iii) the name, address and telephone number of the witness to the signature of the Voter;
 - (e) the Polling Notice for Election pursuant to this Code; and
 - (f) a letter of instruction regarding voting by Mail-in Ballot which shall also include:
 - i) a statement advising Voters that they may vote in person at the polling station on the Election Date if they return their Mail-in Ballot to the Electoral Officer at the polling station or swear a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the Mail-in Ballot; and

- ii) a list of the names of any Candidates who were acclaimed.

Requesting Mail-in Package

72. Any Off-Reserve Voter or Voter who is Temporarily Absent and not able to vote in person on the Election Date may request a Mail-in Ballot package at least **14 days** prior to the Election Date from the Electoral Officer. Upon confirmation of the Voter, the Electoral Officer shall mail or deliver a Mail-in Ballot package to the Voter.

Recording Mail-in Ballots

73. The Electoral Officer shall indicate on the Voters List that an election ballot has been provided to each Voter to whom a Mail-in Ballot was mailed or otherwise provided.

Mail-in Vote

74. A Voter shall vote by Mail-in Ballot by:
- (a) marking "X" or any other mark that clearly indicates the Voter's choice, but does not identify the Voter opposite the name of the Candidate for the office of Chief or Councilor chosen by the Voter;
 - (b) folding the ballot in a manner so as to conceal the names of the Candidates or any marks, but exposes the initials of the Electoral Officer 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 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 envelope before the close of polls on the day of the election.
75. Mail-in Ballots not received by the Electoral Officer before the close of polls on the Election Date shall not be counted, shall be stamped on its receipt date, shall be initialed by the Electoral Officer, and shall be declared null and void.

Ballots

76. The Electoral Officer shall prepare ballot papers setting out the names of the Candidates nominated for election as Chief or Councilor, in alphabetical order by surname. Where two or more Candidates have the same name, the Electoral Officer shall add to the ballots additional information such as the birth date and commonly used nickname as necessary to distinguish between those candidates.

Polling Station

77. The Electoral Officer shall establish one polling station on the reserve.

Equipment for the Election

78. Before the polling station is open the Electoral Officer shall supply the polling station

with:

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

ELECTION POLL

Polling Hours

79. The polling station shall be open from 9:00 a.m. until 6:00 p.m. on the Election Date.

Advance Poll

80. An advance poll shall be conducted in accordance with the procedures outlined in this Code on the Sunday prior to the Election Date between the hours of 2:00 p.m. and 5:00 p.m.
81. Advance polls shall be placed in a sealed ballot box to be opened by the Electoral Officer for tabulation on the Election Date following the close of the polls.

Verification of the Ballots Box

82. Immediately before the commencement of the poll the Electoral Officer or Deputy Electoral Officer shall commence the following procedure:
- (a) open the ballot box and call such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness;
 - (b) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
 - (c) place the ballot box in public view for reception of the ballots.

Secrecy

83. Voting shall be by secret ballot.

No Proxy or Electronic Votes

84. No Voter may vote by proxy or authorize another person to vote on his or her behalf.
85. No Voter may vote by electronic mail, telephone, or facsimile and any Voter Declaration form or Mail-in Voting Ballot which has been forwarded electronically shall be declared null and void.

Voting Procedure

86. Upon arrival at the polling station each Voter shall place his or her signature next to his or her name on the Voters List in the presence of Electoral Officer or Deputy Electoral Officer.
87. If the Voter has signed the Voters List the Electoral Officer or Deputy Electoral Officer shall place his or her initials on the ballot and provide this ballot to the Voter.
88. In the proper column of the Voters List the Electoral Officer or Deputy Electoral Officer shall place his or her initials next to the name of every Voter receiving a ballot paper.

First Voters

89. The Deputy Electoral Officer or Interpreter shall vote first in the Election if they are eligible Voters.

Off-Reserve Voters who vote in person

90. In any case where an eligible Voter has received a Mail-in Ballot, but has chosen to vote in person, the Voter may obtain a ballot at a polling station under the following conditions:
 - (a) either the Voter must return the unmarked Mail-in Ballot to the Electoral Officer or Deputy Electoral Officer; or
 - (b) provide a written affirmation confirming the Voter has lost the Mail-in Ballot, and swear a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the Mail-in Ballot.
91. In any case where the Electoral Officer has received a marked Mail-in Ballot from a Voter who has chosen to vote in person the Electoral Officer or Deputy Electoral Officer shall retrieve the Voter Declaration Form Accompanying the Mail-in Ballot and mark the Mail-in Ballot void.

Explanation of Voting Procedure

92. Upon request by a Voter the Electoral Officer or Deputy Electoral Officer shall explain the method of voting to the Voter.

Voting Procedure

93. After receiving a ballot, a Voter shall complete the following procedure:
 - (a) proceed immediately to the voting compartment provided for marking ballots;
 - (b) mark the ballot by placing an "X" or any other mark immediately to the right of the name of the Candidate or Candidates of his or her choice, without identifying the name of the Voter;
 - (c) fold the ballot in manner that conceals the names of the Candidates and any marks, but exposes the initials of the Electoral Officer or Deputy Electoral

- Officer on the back; and
- (d) deposit the unopened ballot into the ballot box in the presence of the Electoral Officer or Deputy Electoral Officer.

Accommodation of Disability

94. Where necessary and when required due to blindness or infirmity the Electoral Officer, while in the presence of another Band Member chosen by the Voter as a witness, shall mark the ballot according to the instructions of the Voter, complete the Voter Declaration form and Attestation of a Witness Assisting a Voter after which both the Electoral Officer and the witness shall sign both forms prior to depositing the ballot into the ballot box.
95. A witness referred to in section 94 of this Code shall attest that the Voter is the person whose name is set out in the form and that the ballot was marked according to the directions of the Voter.
96. The Electoral Officer or Deputy Electoral Officer shall note on the Voters List opposite the name of such Voter the fact that the ballot paper was marked by him or her at the request of the Voter and state the reason for this voting accommodation.

Spoiled ballot

97. Any Voter who has spoiled the ballot by inadvertently dealing with it in such a manner that it cannot be conveniently used shall return it to the Electoral Officer or Deputy Electoral Officer and shall be entitled to obtain one other ballot paper on one occasion only.
98. The Electoral Officer or Deputy Electoral Officer shall make a notation beside the name of the Voter, write the word "cancelled" upon the spoiled ballot paper and preserve it.

Forfeiture of the right to vote

99. Any Voter who has received ballots and who leaves the polling place without delivering the ballot to the Electoral Officer or a Deputy Electoral Officer in the manner provided, or who after receiving the ballot, refuses to vote, shall forfeit the right to vote at the Election.
100. The Electoral Officer or Deputy Electoral Officer shall make an entry in the Voters List in the column for remarks opposite the name of such Voter who has forfeited the right to vote to show that such person received the ballots and declined to vote, and the Electoral Officer or Deputy Electoral Officer shall mark upon the face of the ballots the word "declined" and all ballots so marked shall be preserved.

Closing of the Polling Station

101. Every Voter who is inside the polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

Maintenance of Order

102. The Electoral Officer may appoint and direct security monitors to maintain order in the polling station.
103. The Electoral Officer shall advise any Voter under the influence of drugs or alcohol that they are disentitled from voting so long as they remain under the influence.
104. The Electoral Officer shall request any Voter under the influence of drugs or alcohol to leave the Polling Station.
105. The Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in anyway interferes, disrupts or attempts to influence the orderly conduct of the poll.
106. On the Election Date, the Electoral Officer shall maintain order to ensure that no person shall enter the premises or the area surrounding the polling station to undertake the following conduct:
 - (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 Voter in marking his or her ballot; or
 - (c) attempt to obtain information as how a Voter is about to vote or has voted.

COUNTING THE VOTES

Opening Mail-in Ballots

107. Immediately following the close of the poll the Electoral Officer or Deputy Electoral Officer shall, in the presence of any Candidates open each envelope containing a Mail-in Ballot that was received before the close of the polls and, without unfolding the ballot reject any ballot under the following conditions:
 - (a) the ballot was not accompanied by a Voter Declaration form, or the Voter Declaration form is not signed or witnessed;
 - (b) the Voter Declaration form does not contain information that matches that particular Voter on the Voters List;
 - (c) the name of the Voter set out in the Voter Declaration Form is not on the Voters List;
 - (d) the Voters List shows that the Voter has already voted in person;
 - (e) the initials of the Electoral Officer are missing on the ballot;
 - (f) the ballot shows no Voter preference;
 - (g) there are more votes than officer vacancies; or
 - (h) the ballot contains a mark by which the Voter can be identified.
108. The Electoral Officer or Deputy Electoral Officer shall attach a note to each rejected ballot that outlines the reason for rejection and make a record in the election log.

109. If the Electoral Officer is certain all Voter requirements set out in section 74 have been completed the Electoral Officer shall place a mark on the Voters List opposite the name of the Voter set out in the Voter Declaration Form, and deposit the ballot in the ballot box.
110. Any vote cast for a deceased or withdrawn Candidate shall be initialed by the Electoral Officer and declared null and void.

Counting the Ballots

111. The Electoral Officer or Deputy Electoral Officer shall supply a tally sheet to the Deputy Electoral Officer and all persons present and any person who requests their own tally sheet to keep track of the votes being read aloud.
112. 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.
113. A Deputy Electoral Officer shall mark a tally sheet in accordance with the names being called out under section 112 of this Code for the purpose of arriving at the total number of votes cast for each Candidate.

Ballots not Counted

114. In examination of the ballots, the Electoral Officer or Deputy Electoral Officer shall reject any ballots under any of the following conditions:
 - (a) the initials of the Electoral Officer are missing;
 - (b) the ballot shows no clear intention of Voter preference;
 - (c) there are more votes than officer vacancies; or
 - (d) the ballot contains a mark by which the Voter can be identified.
115. The Electoral Officer or Deputy Electoral Officer shall attach a note to each rejected ballot that outlines the reason for rejection and make a record in the election log.
116. Subject to review on recount or on an election appeal, the Electoral Officer or Deputy Electoral Officer shall record in the election log any objections made by any Candidate to any of the ballots found in the ballot box and decide any questions arising out of the objection.
117. The Electoral Officer or Deputy Electoral Officer shall enumerate objections to ballots raised pursuant to section 116 and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed" and initial the ballot paper.
118. After tabulating of the ballots on the Election Date the Electoral Officer shall make a written election record of the number of ballots counted for each Candidate and the number of rejected ballots; after which the written election record shall be signed by the Electoral Officers and anyone else who is present and wishes to sign it.

Tie Vote

119. If it is not possible to determine the successful Candidate(s) for the office of Chief or Councilor(s) position due to an equal number of votes being cast (i.e. tie vote), the Electoral Officer shall immediately conduct a recount in the presence the Candidates.
120. If the recount fails to determine a successful Candidate, the Electoral Officer shall set the date for a By-election to be held within **7 days** for the Candidates who received an equal number of votes.

POST-ELECTION PROCEDURES

Announcement

121. After tabulation of the ballots, the Electoral Officer shall announce the names of the Candidates that received the highest number of votes and publicly declare these Candidates elected.
122. Following the Election announcement the Electoral Officer shall complete and sign an election report which shall contain the following information:
 - (a) a list of all Candidates;
 - (b) number of ballots cast;
 - (c) number of votes for each Candidate;
 - (d) number of assisted or interpreted Voters;
 - (e) number of spoiled ballots; and
 - (f) number of rejected ballots.
123. Within **3 days** after completion of the counting of the votes, the Electoral Officer shall undertake to:
 - (a) sign and post, in at least one conspicuous place on the reserve, the election report prepared in accordance with section 122; and
 - (b) mail a copy of the election report to every Voter of the Band who does not reside on the reserve; and
 - (c) place a copy of the election report in the election log.
124. Upon expiry of the **30 day** appeal period the Electoral Officer shall forward a copy of the election report to the Band administrator.

Retention of Ballots and Other Election Material

125. The Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain these ballots and all materials in connection with the election.
126. All sealed envelopes containing the election ballots and polling materials shall be retained for **33 days** from Election Date or until a decision on an appeal is rendered, whichever date is later.

Destruction of the election ballots

127. The Electoral Officer shall, without examining the contents of the sealed envelopes, destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of the sealed envelopes containing the election ballots and polling materials.

APPEALS COMMITTEE

Composition of the Appeals Committee

128. The Appeals Committee shall be appointed at the Nomination Meeting.
129. Prior to conducting the nomination process at the Nomination Meeting the Electoral Officer shall request names of 5 volunteers from eligible Voters to serve as the Appeals Committee. If there are more than 5 eligible volunteers the selection of the Appeals Committee shall take place by secret ballot.
130. Each member selected for the Appeals Committee shall:
- (a) abide by all provisions of his Code;
 - (b) swear an Oath of Office form;
 - (c) adhere to the Code of Responsibilities and Ethics; and
 - (d) conduct themselves in accordance with the principles of natural law and administrative fairness.
131. The Appeals Committee shall be comprised of 5 volunteers who are eligible voters and who are present at the Nomination Meeting.

Alternate Members of Appeals Committee

132. Following the election of 5 Members of the Appeals Committee the Electoral Officer shall draw up a list of at least 3 additional alternate persons to serve on the committee in any case where a member of the Appeals Committee is not able to serve.
133. Each volunteer selected for the Appeals Committee shall swear an Oath of Office form as set out in the appendix of this Code.

Notice of an Election Appeal

134. The Electoral Officer shall receive and notify members of the Appeals Committee in the event of any complaint or appeal of an Election within the **30 day** appeal period following an Election.
135. Upon receipt of an election appeal, any Appeals Committee member who is an immediate family member of any appellant or Candidate, or who may be reasonably apprehended to have a bias or conflict in connection with the appeal, shall excuse themselves from the Appeals Committee.

Conflict of Interest

136. Once an election appeal has been filed, the Electoral Officer shall inform the Appeals Committee of any follow-up written notice alleging that a member of the Appeals Committee has a conflict of interest and has not voluntarily excused themselves from serving on the Appeals Committee.
137. A member of the Appeals Committee shall step down at the request of the Electoral Officer following any written notice.

Alternate Appeals Committee member

138. The remaining members of the Appeals Committee shall select alternate committee members as required to attain 5 from the list of 3 alternate members.
139. Following final adjudication arising from an election appeal the Appeals Committee shall revert to the original committee members appointed at the Nomination Meeting, and the alternate committee member shall step aside.

Functions

140. The Appeals Committee shall supervise and administer all election appeals and petitions for the recall and dismissal of a Council Member from office in accordance with the provisions of this Code.
141. Three members of the Appeals Committee shall form a quorum in order to adjudicate any appeal or petition filed in accordance with the provisions of this Code.

APPEAL PROCESS

Timing

142. Within **30 days** from the Election Date a Candidate or Voter may submit a written notice of appeal to the Appeals Committee.

Grounds for Appeals

143. The appeal submitted must sufficiently outline one or more of the following occurrences:
- (a) the person declared elected was not qualified to be a Candidate;
 - (b) there was a violation of this Code in the conduct of the Election that might have affected the result of the Election; or
 - (c) there was corrupt or fraudulent practice in relation to the Election.

Submission

144. Any appeal submitted to the Appeals Committee shall comply with the following procedure:
- (a) must be in writing;
 - (b) must set out in an affirmation sworn before the Electoral Officer stating all relevant facts substantiating the grounds for the appeal; and
 - (c) must be accompanied by any supporting documentation.

Procedure

145. Upon receipt of an election appeal, the Appeals Committee shall adhere to the following procedural outline:
- (a) in the case where the appeal is submitted in accordance with section 144, forward a copy together with supporting documents by registered mail or hand delivered to the Electoral Officer and to each Candidate of the Election; or
 - (b) in the case where the appeal is not submitted in accordance with section 144, inform the appellant(s) in writing that the appeal will not receive further consideration.

Response to the Allegations

146. Any Candidate or the Electoral Officer shall deliver to the Appeals Committee a written response to any appeal allegations, together with any supporting documentation, within **5 days** of the receipt of the appeal(s).

Investigation

147. If the material filed in any complaint or appeal is not adequate for deciding the validity of the Election the Appeals Committee may conduct such further investigation as deemed necessary to determine the source and truth of the matter.

Decision

148. After a review of all of the evidence submitted, the Appeals Committee shall rule that either:
- (a) the evidence presented was not sufficiently substantive to determine that:
 - i) a violation of this Code has taken place that might have affected the result of the Election;
 - ii) the person declared elected was not qualified to be a Candidate; or
 - iii) there was a corrupt or fraudulent practice in relation to the Election that might have affected its results,
 and therefore the Appeals Committee dismisses the appeal; or
 - (b) that all evidence and information gathered allows for the reasonable conclusion that the following event has occurred:
 - i) a violation of this Code has taken place that might have affected the result of the Election;
 - ii) the person declared elected was not qualified to be a Candidate; or

iii) there was a corrupt or fraudulent practice in relation to the Election that might have affected its results, and therefore, the Appeals Committee upholds the appeal by setting aside the Election of one or more offices of Council Members.

149. The decision of the Appeals Committee made pursuant to section 148 of this Code shall be posted in a public area of the Band Administration Office, community bulletin boards and other conspicuous places on the reserve as may be determined by the Electoral Officer and published in a community newsletter and mailed to all Off-Reserve Voters.
150. The decision of the Appeals Committee is final.

CODE OF RESPONSIBILITIES AND ETHICS

151. Electoral Officers, Council Members, and Members of the Appeals Committee each have the following duties:
- (a) to uphold the Code and abide by the legal framework, its rules, and regulations;
 - (b) to use public office facilities to fulfill the terms of office, and not for personal or partisan benefit;
 - (c) to remain neutral and professional in the conduct of their duties of office, which includes not providing any preferential treatment or expressing support or opposition for any candidate;
 - (d) to refrain from accepting anything of value (money, offers of employment, gifts, travel, etc.) in exchange for preferential treatment or access to a public official or private information;
 - (e) to refrain from discriminating against anyone because of race, religion, sex, age or handicap;
 - (f) to refrain from pressuring or intimidating other officials or personnel to favor a certain candidate; and
 - (g) to avoid any conflict of interest, or the perception of conflict of interest, by abstaining from decision making where there is a personal or private interest in the matter.

RECALL AND DISMISSAL PROCESS

Dismissal of a Council Member

152. The office of a Council Member shall be declared vacant and the Council Member dismissed if he or she is convicted and sentenced for any indictable offence during their term of office.
153. Any Council Member who has been dismissed under section 152 of this Code is not eligible as a Candidate in any future election unless a special resolution is passed at a special membership meeting.

154. There is no appeal from the provision of this Code to dismiss a Council Member pursuant to section 152.
155. The Council shall deliver a notice of the decision in person unless this process is not available, in which case the written notice of the dismissal of a Council Member made under section 152 shall be sent by double registered mail to the Council Member whose office has been declared vacant.

Recall and Dismissal of a Council Member

156. The office of a Council Member shall be declared vacant under the provisions of this Code if a petition for recall and dismissal of a Council Member is signed by a least 51% percent of eligible Voters. The petition must contain the signature, full name, and address of each eligible Voter who signs the petition, and the representative(s) of the petitioners, including the contact information. The representative(s) must be eligible Voters.
157. Within **5 days** from the date of receipt of notice of a petition pursuant to section 156 of this Code the matter shall be placed on an agenda for a regular meeting of Council.
158. Within **5 days** of receipt of the petition under section 156 of this Code, the Council shall notify, in writing and by registered mail, the representative(s) of the petitioners and the officer of Council who is the subject of the petition of the date and time at which a meeting of the Council will be held to review the petition.
159. The officer of Council who is the subject of the petition under section 156 as well as the representative(s) of the petitioners shall be allowed to provide a submission at the meeting of Council at which the petition is being reviewed.
160. The Council shall have the power to require the production of any evidence and the attendance of any witnesses at the meeting to review any petition pursuant to section 156.
161. Within **5 days** of the meeting of Council at which the petition under section 156 is reviewed, the Council shall by Band Council Resolution declare either:
 - (a) the petition pursuant to section 156 shall be allowed to stand as satisfying section 156 and declare the Council position of the member of Council who is subject of the petition to be vacant; or
 - (b) the petition under section 156 shall be dismissed for failure of the petitioners to satisfy section 156.
162. The Council shall deliver a notice of the decision in person unless this process is not available, in which case the written notice of the decision made under section 161 shall be sent by double registered mail to the representative(s) of the petitioners and to the Councilor who is the subject of the petition.
163. Where a petition under section 156 has been dismissed under section 161, of this Code, the representative(s) of the petitioner may appeal the dismissal to the Appeals Committee.

164. Where an office of a Council Member has been declared vacant under section 161 of this Code, the Council Member may appeal the decision of the Council to the Appeals Committee.
165. The Council shall have the power to suspend from duties on the Council any Council Member who is the subject of a petition under section 156 while the review process of the Appeals Committee is underway.
166. The Appeals Committee shall schedule an Arbitration which must take place within **30 days** from the date on which the appeal was submitted.
167. The Appeals Committee shall send a written notice of the Arbitration by registered mail to Council, the representative(s) of the petitioners and the officer of Council who is the subject of the petition pursuant to section 156.
168. The written notice described in section 167 of this Code shall set out:
 - (a) the nature of the Arbitration and all related particulars;
 - (b) the date, time and location of the Arbitration; and
 - (c) a statement that the representative(s) of the petitioners, any Council Member or the Council Member who is the subject of the petition pursuant to section 156 may make an appeal to the Appeals Committee at the Arbitration which may include the presentation of documents and testimonials by witnesses.
169. The Appeals Committee shall conduct an Arbitration at the time and place set out in the notice pursuant to section 170 of this Code.
170. Within **5 days** of the day on which the Arbitration of a petition for recall and dismissal of a Councilor was held, the Appeals Committee shall rule as follows:
 - (a) that the petition pursuant to section 156 shall be allowed to stand as satisfying section 156 and declare the Council position of the member of Council who is subject of the petition to be vacant; or
 - (b) that the petition under section 156 shall be dismissed.
171. The Appeals Committee shall send, by registered mail, a written notice of their decision made under section 170 of this Code to Council, the representative(s) of the petitioners and the Council Member who is the subject of the petition for recall and dismissal from office.
172. The decision of the Appeals Committee made under section 170 of this Code is final.
173. Any Council Member who has been dismissed under section 156 of this Code is disqualified as a Candidate in the next Election.

CODE AMENDMENT PROCEDURE

Process for amendments

174. The process for developing and ratifying amendments to this Code may be initiated by:
- (a) a Band Council Resolution passed by a quorum of Council; or
 - (b) a Code Amendment Petition presented to Council, and signed by at least 51% of all eligible Voters which sets out a summary of the proposed amendments to this Code.

Notice to Voters

175. Upon receipt of a Code Amendment Petition in accordance with section 174 of this Code, the 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 Band Administration Office; and
 - (c) a description of the amendment process.
176. The notice provided for in section 175 of this Code shall be:
- (a) published in the community newsletter mailed or delivered to Band Members;
 - (b) posted in a public area of the Band Administration Office, community bulletin boards and in other conspicuous places on the reserve; and
 - (c) mailed or delivered by separate written notice to all Off-reserve Voters.

Time for written comments

177. Within **14 days** of publication of the notice outlined in section 175 of this Code, Voters on the Band Membership List may provide written comments to Council concerning the proposed amendments to the Code.
178. Following receipt of comments concerning the proposed amendments pursuant to section 177 of this Code, Council shall review comments and make any revisions as to form and clarity they deem necessary for required amendment(s) to this Code.

Approval of Amendment(s)

179. The Council shall submit the final proposal for amendment(s) to the Code at a special general meeting where a record of decision shall authorize a Code Amendment Referendum process.
180. The Code shall be amended if the majority of the votes cast in a Code Amendment Referendum are counted in favour of the proposed amendment(s) to the Code.

Appeal Period for Amendments to the Code

181. The amendments to the Code shall become effective if no written challenge to the ballot count of the referendum is received within **30 days**.

Administrative Forms

182. The Band Council may approve, by Band Council Resolution, any amendments to the forms attached in the appendix in order that the forms meet the standard of best practices.

Appendices For Forms

Appendix A – Pre-Nomination

Form A	Polling Notice for Chief
Form B	Nomination Meeting Notice for Chief
Form C	Instructions for Mail-in Nominations for Chief
Form D	Mail-in Nomination for Chief
Form E	Polling Notice for Councilors
Form F	Nomination Meeting Notice for Councilors
Form G	Instructions for Mail-in Nominations for Councilors
Form H	Mail-in Nomination Band for Councilors
Form I	Voter Declaration Form for Mail-in Nomination Ballot
Form J	Notice to Decline the Nomination
Form K	Consent to Disclose Address to Candidates
Form L	Notice to Withdraw Candidacy

Appendix B - Pre-Election

Form M	Instructions for Mail-in Voting for Chief
Form N	Mail-in Voting Ballot for Chief
Form O	Instructions for Mail-in Voting for Councilors
Form P	Mail-in Voting Ballot for Councilors
Form Q	Voter Declaration Form for Mail-in Voting Ballot

Appendix C – Election Day

Form R	Notice of an Empty Ballot Box
Form S	Attestation of a Witness Assisting a Voter

Appendix D - Post-Election

Form T Notice of Destruction of Ballot Papers

Form U Election Report

Appendix E - Oaths

Form V Electoral Officer Oath

Form W Appeals Committee Oath

Form X Chief and Council Oath of Office