

# STS'AILES



## CUSTOM ELECTION CODE

October 7<sup>th</sup>, 2016

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## Definitions

This section of definitions is included to define specific terms included in the Sts'ailes Custom Election Code (SCEC).

**“Appeal Board”** means the three people appointed by the present Chief and Council by Band Council Resolution consisting of a respected Sts'ailes Elder, a member of Sts'ailes and one other respected non-Sts'ailes First Nation person to oversee any requests for review of the election process and removal of office.

**“Appellant”** means an individual who submits an appeal in accordance with this custom election code with respect to an election.

**“Assertion of Aboriginal Rights”** means the validity of the assertion of Aboriginal Rights as defined by the Appeal Board.

**“Attendant”** means a person present to provide personal service to an elderly or physically challenged person.

**“Band Council Resolution (BCR)”** means a record of a Sts'ailes Council decision made by a majority of the Councillors of Sts'ailes at a meeting of the council duly convened. BCRs are required to initiate, authorize or approve numerous transactions under the Indian Act. They are Sts'ailes' means of providing instructions, approvals, and decisions to Indigenous and Northern Affairs Canada (INAC).

**“By-election”** means a special election held to fill a position on the council that has become vacant.

**“Candidate/nominee”** means a member of Sts'ailes who:

- (a) is at least 18 years of age on the day on which the election is held;
- (b) is a member of Sts'ailes living on-reserve or off-reserve; and
- (c) has been nominated to be a Candidate pursuant to the provisions of this custom election code.

**“Conflict of Interest”** arises where a councillor, officer, employee, committee member, contractor or agent of the band has an interest that is;

- (a) real, potential or perceived,
- (b) direct or indirect, and
- (c) personal or financial,

and which

- (d) competes, or appears to compete, with
  - (i) the interests of the band, or
  - (ii) the objective exercise of the individual's powers, duties, functions or responsibilities.

**“Corrupt Practice”** means bribery direct or indirect or providing a financial or material incentive to an Elector in exchange for a vote.

**“Council”** means the body composed of those persons selected pursuant to this custom election code.

**“Custom Election Code”** means a specifically designed set of rules for the selection by vote of Candidates for a position set out herein.

**“Deputy Electoral Officer”** means any person appointed by the Electoral Officer for the purposes of an election to assist him or her in the conduct of the election process.

**“Disposition”** means making arrangements for repaying deposits.

**“Election”** means a general election or by-election of Sts’ailes held pursuant to the provisions of this custom election code.

**“Elector”** means a person who:

- (a) is a member of Sts’ailes; and
- (b) is at least 18 years of age on the day on which the election is held.

**“Electoral Officer”** means a person, appointed by the present Chief and Council by a Band Council Resolution before each election, who has the responsibility for conducting the Nomination Meeting, the election and post-election procedures.

**“Electors’ List”** means the list of members of Sts’ailes eligible to vote in an election.

**“Family Member”** means a member’s spouse, dependent children, or dependent children of the spouse.

**“Fraudulent Practice”** means the action or an instance of deceiving an Elector in order to obtain their vote.

**“Mail-in Ballot”** means a ballot mailed or delivered in accordance with section 14 of this custom election code.

**“Membership Clerk”** means the Sts’ailes employee responsible for maintaining the mailing addresses of the Membership List.

**“Nomination Meeting”** means the meeting at which eligible Electors come forward to nominate and second Candidates for the election.

**“Not Ordinarily Resident”** means a member of Sts’ailes who does not usually live on the reserve.

**“Oath”** means a solemn affirmation.

**“Ordinarily Resident on the reserve”** refers to the residential status of an Elector who is considered to have their ordinary residence on the reserve. A person can only be ordinarily resident in one place at one time. A person may also be temporarily absent from a place of ordinary residence for education, medical or temporary employment reasons.

**“Ordinary Residence”** means:

- (a) The place the person normally eats and sleeps;
- (b) The place the person receives mail;
- (c) The residence of the person’s immediate family; or
- (d) A place in proximity to the person’s place of employment.

**“Physically challenged person”** means a person with a physical disability.

**“Polling Station”** means a building, hall or room which is selected as the site where voting takes place during an election.

**“Quorum”** means a minimum of five (5) council members that must be present at a duly convened meeting to make the proceedings/decisions of a meeting legally valid.

**“Registrar”** means the officer of the Indigenous and Northern Affairs Canada (INAC) responsible for the Sts’ailes Membership List.

**“Rejected ballots”** means those ballots (including Mail-in Ballots) that have been improperly marked and/or defaced by Elector(s) which are not included in the tally of valid ballots cast during the counting of the votes.

**“Respected Elder”** means a member of Sts’ailes who is at least 60 years of age.

**“Secret Ballot”** means a system of secret voting.

**“Security”** means a person(s) appointed by the Electoral Officer to maintain order at the Polling Station.

**“Scrutineer”** means a person who scrutinizes or examines the conduct and result of a ballot.

**“Voter Declaration Accompanying the Mail-In Ballot (Appendix L)”** means the document that sets out, or provides for:

- (a) The name of the Elector;
- (b) The Sts’ailes membership or registry number of the Elector or, if the Elector does not have a Sts’ailes membership or registry number, the date of birth of the Elector; and
- (c) The name, address and telephone number of a witness to the signature of the Elector.

**“Voting compartments”** means a space/area separated by partitions designated specifically for people to privately fill in their ballots.

## **PART 1 - Sts’ailes Custom Elections**

**This Act establishes the rules and procedures for conducting Sts’ailes Custom Elections.**

### **1.0 Election of Council**

1.1 Sts’ailes Council shall consist of nine (9) Councillors and one (1) Chief.

1.2 The offices of Chief and Council shall be determined by a vote by secret ballot of Electors in an election.

1.3 Elections after the date this custom election code comes into force shall be held in accordance with this Part.

1.4 By-elections shall be held on the date set by the Electoral Officer in accordance with section 23, subject to Chief and Council decision depending on quorum requirements.

## **2.0 First Election**

2.1 The first election for council after the date this custom election code comes into force shall be held on the third (3<sup>rd</sup>) Thursday of March in accordance with section 2.2 and 3.2

2.2 The council in office on the date this custom election code comes into force shall continue in office until the first election for council on the third (3<sup>rd</sup>) Thursday of March in accordance with sections 2.1 and 3.2 as per this custom election code.

## **3.0 Term of Office**

3.1 The term of office for Chief and Council shall be three (3) years.

3.2 Except with respect to a by-election held in accordance with section 23 the election for Chief and Council shall be held on the third (3<sup>rd</sup>) Thursday of March in the year their term of office expires.

3.3 The term of office for Chief and Council commences when the Electoral Officer publicly declares the results of the election under section 16.6.

## **4.0 Eligibility of Electors**

4.1 In order to be entitled to vote in an election, a person must, as of the date of the election:

- (a) have attained the age of eighteen (18); and
- (b) be an Elector.

## **5.0 Eligibility of Candidates**

5.1 Any Candidate for the office of Chief or Councillor must:

- (a) qualify as an Elector;
- (b) be nominated for that office, in accordance with the procedures set out in this Part; and
- (c) A Candidate for Chief must be a member of Sts'ailes.
- (d) A Candidate for council must be a member of Sts'ailes.

5.2 A person may only be a Candidate for one of the offices of Chief or Councillor in any election.

## **6.0 Appointment of Electoral Officer, Deputy Electoral Officers and Appeal Board**

6.1 Council by Band Council Resolution shall, at least ninety (90) days prior to the date on which the election is to be held appoint an Electoral Officer and Appeal Board.

6.2 If an Electoral Officer and Appeal Board have not been appointed within the time set out in section 6.1, the Electoral Officer and Appeal Board shall be appointed by the Chief Administrative Officer (CAO) as soon as possible.

- 6.3 Deputy Electoral Officer(s) shall be appointed by the Electoral Officer within fourteen (14) days of the appointment of the Electoral Officer and shall work under the direction of the Electoral Officer.
- 6.4 Deputy Electoral Officer(s) shall have such powers as described in this Part and those powers as are delegated to them by the Electoral Officer.
- 6.5 Deputy Electoral Officer(s) shall not be a member of council or a Candidate in an election.
- 6.6 The Electoral Officer shall not be a member of Sts'ailes or holder of other contracts of services with Sts'ailes.
- 6.7 The Electoral Officer, Deputy Electoral Officer(s) and Appeal Board shall swear an Oath of Office before a duly appointed commissioner for swearing oaths of office, swearing to:
- (a) uphold and comply with this Custom Election Code and all Sts'ailes laws, bylaws, regulations, policies and procedures;
  - (b) fulfill the duties and responsibilities of their office under this Custom Election Code;
  - (c) carry out their duties faithfully, honestly, impartially and to the best of their abilities;
  - (d) always act in the best interests of Sts'ailes in carrying out their duties; and
  - (e) keep confidential, both during and after their term of office, any matter or information which, under this Custom Election Code or Sts'ailes laws, bylaws, regulations or policies, is considered confidential (see section 18.1).
- 6.8 The Electoral Officer may make such order and issue such instructions consistent with the provisions of this Part as he or she may from time to time deem necessary for the effective administration of the election.
- 6.9 The Appeal Board shall consist of three people appointed by the Chief and Council by Band Council Resolution prior to each election.
- (a) The Appeal Board's mandate is to oversee any request of review of the election process and/or removal of office.
  - (b) The term will be for the duration of the election process and until the next Appeal Board is appointed.
  - (c) Any vacancy in the Appeal Board will be appointed by the Chief and Council by Band Council Resolution.
  - (d) Draw a list of four additional potential members in cases of conflict of interest.
- 6.10 The Appeal Board shall consist of a respected Sts'ailes elder, a member of Sts'ailes and one other respected non-Sts'ailes First Nation person.

## **7.0 Contact Addresses**

- 7.1 The Membership Clerk shall, within seven (7) days of the Electoral Officer assuming office, provide the Electoral Officer with the names and contact addresses of members of Sts'ailes who will have attained the age of eighteen (18) as of the date of the election.
- 7.2 The contact address shall take the form of a mailing address.



- 7.3 The contact address shall be used only for the purposes of providing notices, mail-in ballots or other documents to Electors who are entitled to receive them under this Part. Except for these purposes, the contact address shall not be disclosed by the Electoral Officer without the consent of the Elector.
- 7.4 Electors shall be responsible for providing the Membership Clerk or the Electoral Officer with current contact addresses.
- 7.5 A document shall be considered properly provided if it was mailed or delivered to the contact address of the Elector.

## **8.0 Electors' List**

- 8.1 The Electoral Officer shall prepare an Electors' List within thirty (30) days of assuming office. The Electors' List will be the official record of Electors for the next election.
- 8.2 The Electoral Officer shall post the Electors' List in a public area of the Sts'ailes administration building and in other conspicuous place or places on Sts'ailes lands, as may be determined by the Electoral Officer, no later than sixty (60) days prior to the date on which the election is to be held. The Electors' List referred to in this section shall contain no personal information such as date of birth or Certificate of Indian Status number.
- 8.3 A person whose name does not appear or does not correctly appear on the Electors' List and who believes he or she is eligible to be an Elector, or an Elector acting on his or her behalf, may no later than thirty-two (32) days prior to the date on which the election is to be held, apply in writing to the Electoral Officer to have his or her name added to the Electors' List.
- 8.4 The application made under section 8.3 shall set out the reasons why the person's name should be added to the Electors' List, together with any documents supporting the application.
- 8.5 Where the Electoral Officer believes or has information that a person whose name is on the Electors' List is not an Elector, or where an Elector applies in writing to the Electoral Officer to have another person's name removed from the Electors' List because that person does not qualify as an Elector, the Electoral Officer shall give written notice to the person whose eligibility is challenged at least twenty (20) days prior to the date on which the election is to be held.
- 8.6 The application by an Elector made under section 8.5 shall set out the reasons why a person's name should be removed from the Electors' List together with any documents supporting the application and must be received by the Electoral Officer no later than twenty-eight (28) days prior to the date on which the election is to be held.
- 8.7 The notice given under section 8.5 shall include the reasons for seeking removal of a name from the Electors List and any supporting documents and shall provide notice that a written reply may be sent to the Electoral Officer which must be received no later than ten (10) days prior to the date on which the election is to be held.

- 8.8 After consideration of all information and representations relating to amendments to the Electors' List the Electoral Officer shall add or delete names to the Electors' List based on whether persons qualify as Electors.
- 8.9 The Electoral Officer shall give a person whose name has been added to or deleted from the Electors' List written notice of the decision at least five (5) days prior to the date on which the election is to be held.
- 8.10 The decision of the Electoral Officer under section 8.8 is final and not subject to appeal.
- 8.11 The Electoral Officer shall, at least five (5) days prior to the date on which the election is to be held, post a final Electors' List in a public area of the Sts'ailes administration building and in other conspicuous place or places on Sts'ailes lands as may be determined by the Electoral Officer.
- 8.12 A person whose name does not appear on the Electors' 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 to the Electoral Officer's satisfaction.

#### **9.0 Notice of Nomination Meeting and Entitlement to Vote by Mail-in Ballot**

- 9.1 At least seventy-two (72) days prior to the date on which the election is to be held, the Electoral Officer shall forward to Electors at their contact address (both on and off-reserve Electors) a notice advising of the Nomination Meeting and setting out the conditions for voting by Mail-in Ballot.
- 9.2 The notice shall include:
- (a) the date, time and location of the Nomination Meeting and a statement that Electors may attend and nominate Candidates; (Appendix D)
  - (b) a description of the manner in which an Elector can nominate a Candidate, or second the nomination of a Candidate. (Appendices D, E, F & G)
  - (c) notification that a copy of this custom election code can be obtained at the Sts'ailes administration building;
  - (d) the places where copies of the Electors' List shall be posted;
  - (e) a statement that Electors ordinarily resident on Sts'ailes lands who are unable to vote in person on the date of the election may at least fifteen (15) days prior to the date on which the election is to be held, apply to the Electoral Officer to vote by Mail-in Ballot;
  - (f) a statement that Electors who are not ordinarily resident on Sts'ailes lands are entitled to vote by Mail-in Ballot and that a Mail-in Ballot will be sent to them;
  - (g) the date on which the election will be held and the location of each polling place;
  - (h) 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;
  - (i) the business address, telephone and facsimile number of the Electoral Officer; and
  - (j) the date of the notice.
- 9.3 Any Elector who is ordinarily resident in Sts'ailes and who is unable to vote in person on the date on which the election is to be held may, at least fifteen (15) days prior to the date on which the election is to be held, apply to the Electoral Officer to vote by Mail-in Ballot.

- 9.4 Any Elector who is not ordinarily resident in Sts'ailes and who has not been sent a Mail-in Ballot package in accordance with Section 9.6 may, at least fifteen (15) days prior to the date on which the election is to be held, apply to the Electoral Officer to vote by Mail-in Ballot.
- 9.5 An Elector requesting a Mail-in Ballot package shall provide the Electoral Officer with a current mailing address.
- 9.6 The Electoral Officer shall, at least thirty-five (35) days prior to the date on which the election is to be held, mail to every Elector who is not ordinarily resident on Sts'ailes lands and to every Elector who is ordinarily resident on Sts'ailes lands whose application to vote by Mail-in Ballot has been received, a Mail-in Ballot package consisting of:
- (a) ballots initialed on the back by the Electoral Officer (Appendices P&Q);
  - (b) an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
  - (c) a second inner envelope marked "ballot" for insertion of the completed ballots;
  - (d) a Mail-in Voter Declaration Form (Appendix L) which shall set out:
    - i) the name of the Elector;
    - ii) the membership number of the Elector; and
    - iii) the name, address and telephone number of the witness to the signature of the Elector.
    - iv) the Voter Declaration Forms (Appendix L) will be individually numbered to discourage fraud.
  - (e) a letter of instruction regarding voting by Mail-in Ballots (Appendix M); and
  - (f) a statement identifying the location of all polling places, advising the Elector that they may vote in person at any Polling Station on the day of the election 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 (Appendix R).
- 9.7 Upon receipt of an application to vote by Mail-in Ballot under subsections 9.3 and 9.4, the Electoral Officer shall mail a Mail-in Ballot package described in section 9.6 to the Elector whose name appears on the application.

## **10.0 Nomination Process**

- 10.1 The Nomination Meeting shall be held at least forty-two (42) days prior to the date on which the election is to be held.
- 10.2 The Electoral Officer shall post Notice of the Nomination Meeting in a public area of the Sts'ailes administration building and other conspicuous places on Sts'ailes lands as may be determined by the Electoral Officer. Notice of Nomination Meeting will be mailed to off-reserve Electors and will be posted on Sts'ailes website.
- 10.3 The Notice of the Nomination Meeting shall include all provisions of section 9.2.
- 10.4 At the time and place specified in the Notice of Nomination Meeting, the Electoral Officer shall declare the Nomination Meeting open for the purpose of receiving nominations.

- 10.5 The Nomination Meeting shall remain open for three (3) hours.
- 10.6 Any person who is an Elector may propose or second a nomination of any qualified Candidate to serve as Chief or Councillor.
- 10.7 If only one qualified Candidate is nominated for the office of Chief, the Electoral Officer shall declare that Candidate to be elected by acclamation subject to section 10.13.
- 10.8 Where the number of qualified Candidates nominated for the office of Councillor does not exceed the number of positions available, the Electoral Officer shall declare such Candidates to be elected by acclamation subject to section 10.13.
- 10.9 In the event that more than the required numbers of persons are nominated for the offices of Chief and Council, the Electoral Officer shall declare that a poll will be held.
- 10.10 Within forty-eight (48) hours of the close of the nominations, the Electoral Officer shall post in a public area of the Sts'ailes administration building and in other conspicuous place or places on Sts'ailes lands as may be determined by the Electoral Officer, an interim list of nominees and the offices for which they are nominated:
- (a) Should a nominated Candidate wish to withdraw, he/she shall complete the Candidate Withdrawal Form (Appendix I) within six days of the Nomination Meeting.
- 10.11 Upon the close of nominations the Electoral Officer shall contact each person nominated and require him or her to sign the following documents:
- (a) a Notice to Candidates of Nomination at a Sts'ailes Election (Appendix H);
  - (b) a sworn declaration confirming their eligibility as a Candidate; and
  - (c) a non-refundable fee of \$50.00 must be posted by all Candidates for the position of Chief.
  - (d) a non-refundable fee of \$30.00 must be posted by all Candidates for the position of Councillor.
  - (e) if the fee takes the form of a certified cheque or money order, the instrument shall be made payable to Sts'ailes; and
  - (f) all funds received as fees during the election process shall be placed in a special bank account that contains only those funds. The funds shall be transferred to Sts'ailes to offset election costs.
- 10.12 A nominee may file the documents and appropriate non-refundable fee required under section 10.11 with the Electoral Officer by mail, facsimile or in person.
- 10.13 Any nominee who fails to file the documents and pay the appropriate non-refundable fee required under section 10.11 with the Electoral Officer within seven (7) calendar days of the Nomination Meeting shall have their name removed as a nominee.

#### **11.0 Notice of Final List of Candidates**

- 11.1 The final list of Candidates shall be composed of nominees who have complied with section 10 of this Part.

- 11.2 The Electoral Officer shall, no earlier than the eighth (8) day after the date of the Nomination Meeting and no later than thirty-five (35) days prior to the date on which the election is to be held:
- (a) post the final list of Candidates and the offices for which they are nominated in a public area of the Sts'ailes administration building and in other conspicuous place or places on Sts'ailes lands, as may be determined by the Electoral Officer; and
  - (b) mail the list of Candidates and the offices for which they are nominated to Electors, or deliver in a separate written notice to Electors.

## **12.0 Notice of Polls**

12.1 Whenever a poll is required, the Electoral Officer shall, at least thirty-five (35) days prior to the date on which the election is to be held, post a notice of polls in a public area of the Sts'ailes administration building and in other conspicuous place or places on Sts'ailes lands as may be determined by the Electoral Officer. The notice shall be mailed to off-reserve Electors.

- 12.2 The notice of polls (Appendix K) shall include:
- (a) the date of the election;
  - (b) the time the Polling Stations will be open and closed;
  - (c) the location of the Polling Station(s)
  - (d) any Elector may request a mail-in voting package from the Electoral Officer within a specified timeframe.
  - (e) the time and location of the counting of the votes and the Candidates' names; and
  - (f) a statement that the Electors' List is posted in a public area of the Sts'ailes administration building.

## **13.0 Preparation of Ballots**

- 13.1 The Electoral Officer shall prepare ballots setting out (Sample Appendices P&Q):
- (a) the names of the Candidates nominated for election as Chief in alphabetical order; and
  - (b) the names of the Candidates nominated for election as Councillors in alphabetical order.
- 13.2 The ballot may, at the request of the Candidate, include a Candidate's commonly used nickname.
- 13.3 The ballot shall indicate that the Elector shall clearly mark the ballot with an "X" in the appropriate space opposite the name of the Candidates of his or her choice to signify his or her choice of Candidate(s) by clearly marking an "X" in the appropriate space opposite the name of the Candidate(s).
- 13.4 The ballot shall clearly mention the rule, "IMPORTANT: YOU MUST MARK THE BALLOT WITH AN "X" OTHERWISE YOUR VOTE WILL NOT COUNT."

## **14.0 Voting by Mail-in Ballot**

- 14.1 An Elector shall vote by Mail-in Ballot by:

- (a) clearly marking the ballot with an “X” in the appropriate space opposite the name of the Candidates of his or her choice (IMPORTANT: YOU MUST MARK THE BALLOT WITH AN “X” OTHERWISE YOUR VOTE WILL NOT COUNT.);
- (b) folding the ballot in a manner so as to conceal their choices, but exposing the Electoral Officer’s initials on the back;
- (c) placing the ballot in the inner envelope marked “ballot” and sealing the envelope;
- (d) completing and signing the Elector 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 declaration form in the postage-paid, return envelope pre-addressed to the Electoral Officer; and
- (f) delivering to, or otherwise ensuring receipt of the envelope by, the Electoral Officer before the time at which polls close on the day of the election.

14.2 Mail-in ballots that are not received by the Electoral Officer before the time at which the polls close on the day of the election shall not be counted.

14.3 An Elector to whom a Mail-in Ballot was mailed or delivered may 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 affirmation of loss signed by the Elector in the presence of either the Electoral Officer, Deputy Electoral Officer, Justice of the Peace, Notary Public or Commissioner for Taking Oaths (Appendix R).

## **15.0 Voting at a Polling Station**

15.1 The Polling Station shall be open from eight o’clock (8:00) in the morning until eight o’clock (8:00) in the evening on the day on which the election is to be held.

15.2 The Electoral Officer shall, before the Polling Station is open, supply the Polling Station with:

- (a) ballot boxes with locks and/or seals;
- (b) a sufficient number of ballots;
- (c) the final Electors’ List;
- (d) the necessary materials for marking ballots; and
- (e) a ballot tally sheet to identify the number of confirmed votes and the number of rejected ballots.

15.3 The Electoral Officer shall provide sufficient voting compartments in the Polling Station where the Electors can mark their ballots free from observation and the Electoral Officer may appoint security to maintain order at the Polling Station.

15.4 Where a Candidate wishes to authorize a scrutineer he or she shall provide a letter of authorization to the Electoral Officer or Deputy Electoral Officer on or before the opening of the Polling Station, in which the Candidate names the scrutineer.

15.5 The Electoral Officer and Deputy Electoral Officer shall immediately before the commencement of the poll:

- (a) open the ballot box and, in the presence of any scrutineers, appointed security or other Deputy Electoral Officers present, confirm that it is empty and complete a written statement to that effect;
  - (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 the reception of the ballots.
- 15.6 Each person presenting themselves at a Polling Station for the purpose of voting shall present to the Electoral Officer or Deputy Electoral Officer identification issued by Sts'ailes, federal or provincial government if requested.
- 15.7 Where a person does not have identification described in section 15.6 he or she shall be deemed to be properly identified if one eligible Elector on the Electors' List sign a sworn declaration in the presence of the Electoral Officer or Deputy Electoral Officer, confirming the identity of the person.
- 15.8 Where a person is properly identified as an Elector, he or she shall sign the sign-in sheet presented by the Electoral Officer or Deputy Electoral Officer.
- 15.9 Upon signing the sign-in sheet, the Elector shall receive a ballot initialed by the Electoral Officer or Deputy Electoral Officer.
- 15.10 The Electoral Officer or Deputy Electoral Officer shall place in the proper column of the Electors' List, a mark opposite the name of every Elector receiving a ballot.
- 15.11 The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the Elector.
- 15.12 Voting at all elections shall be by secret ballot.
- 15.13 No Elector may vote by proxy or authorize another person to vote on his or her behalf.
- 15.14 Notwithstanding section 15.13 and 15.17, any Elector who requires assistance may request that the Electoral Officer or a Deputy Electoral Officer mark the ballot for him or her in his or her presence for Candidates of the Elector's choice.
- 15.15 In the event that an Elector votes in the manner described in section 15.14, the Electoral Officer or Deputy Electoral Officer shall note on the Electors' List in the column for remarks opposite the name of such Elector, the fact that the ballot was marked by him or her in the presence of the Elector and the reasons therefore.
- 15.16 Except as in the manner provided in section 15.14, the Electoral Officer or Deputy Electoral Officer shall ensure the Elector's privacy while in the voting compartment.
- 15.17 Upon receiving the ballot, each Elector shall:
  - (a) immediately proceed to the voting compartment and clearly place an "X" in the appropriate space opposite the name of the Candidates of his or her choice;

- (b) The ballot shall clearly mention the rule: IMPORTANT: YOU MUST MARK THE BALLOT WITH AN "X" OTHERWISE YOUR VOTE WILL NOT COUNT.
  - (c) fold the ballot, so as to conceal his or her choice in such a manner that only exposes the initials of the Electoral Officer or Deputy Electoral Officer; and
  - (d) without unfolding the ballot, have the Electoral Officer or Deputy Electoral Officer verify his or her initials and at once deposit the ballot into the ballot box in the presence of the Electoral Officer or Deputy Electoral Officer and any scrutineers present in the Polling Station.
- 15.18 An Elector who inadvertently spoils his or her ballot may return it to the Electoral Officer or Deputy Electoral Officer in order to obtain another ballot, and the Electoral Officer or Deputy Electoral Officer shall write the word "cancelled" upon the spoiled ballot, deposit it in an envelope for cancelled and declined ballots and provide the Elector with a new ballot initialed by the Electoral Officer or Deputy Electoral Officer.
- 15.19 An Elector who has received a ballot and subsequently decides not to vote, must return the ballot to the Electoral Officer or Deputy Electoral Officer, who shall boldly mark the word "declined" on the face of the ballot and deposit it in an envelope for cancelled and declined ballots.
- 15.20 An Elector forfeits his or her right to vote at the election after being provided a ballot by the Electoral Officer or Deputy Electoral Officer if that person leaves the Polling Station without delivering the ballot to the Electoral Officer or the Deputy Electoral Officer.
- 15.21 Any person delivering a completed Mail-in-Ballot package on polling day on behalf of another Elector must complete and sign a Declaration of Persons Delivering Mail-in-Ballot Packages (Appendix S).
- 15.22 Any Elector who is inside the Polling Station at the time fixed for closing the poll shall be entitled to vote.
- 15.23 Each Candidate shall be entitled to have two (2) scrutineers at a Polling Station at any one time.
- 15.24 Except for the Electoral Officer, Deputy Electoral Officer, appointed security or scrutineers, no one other than Electors who are in the process of voting, or in the case of an elderly or physically challenged person, their attendant, are permitted to be inside the Polling Station.
- 15.25 No person shall, on the day the election is held, on the premises of the Polling Station:
- (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.
- 15.26 The Electoral Officer may request appointed security to remove any person from the Polling Station who is in violation of section 15.25.



## **16.0 Procedures for the Close of Polls**

- 16.1 Immediately after the close of the polls, the security shall secure the doors and the Electoral Officer and Deputy Electoral Officers shall in the presence of the Candidates and scrutineers who choose to be present, open each envelope containing a Mail-in Ballot that was received before the close of the polls and without unfolding the ballot:
- (a) set aside the ballot if:
    - i) it was not accompanied by a voter declaration form or the voter declaration form is not signed or witnessed; or
    - ii) the name of the person set out in the voter declaration form is not on the Electors' List; or
    - iii) the Electors' List shows that the Elector has already voted; or
    - iv) the voter's declaration form does not contain information that matches the information contained on the Elector's list for that Elector; and
  - (b) deposit all remaining ballots in the ballot box and place a mark on the final Electors' List opposite the name of the Elector.
- 16.2 Immediately after all valid Mail-in Ballots have been deposited in the ballot box, the Electoral Officer shall open the ballot box and examine the ballots and reject all ballots that:
- (a) have not been initialed by the Electoral Officer or Deputy Electoral Officer;
  - (b) contain more votes than the maximum number of Candidates to be elected;
  - (c) are marked in such a way that the Elector can be identified; or
  - (d) are marked in such a way that the Elector's choice cannot clearly or unambiguously be determined.
  - (e) are not marked with an "X" opposite the name of the Candidates of his or her choice.
- 16.3 Any rejected ballot not placed in the ballot box shall not be counted as a vote cast.
- 16.4 The Electoral Officer shall report in writing the reasons for rejection of each ballot and attach that report to the rejected ballot.
- 16.5 The Electoral Officer shall:
- (a) show the ballots to be counted to any scrutineers present;
  - (b) count the votes given for each Candidate from the ballots not rejected; and
  - (c) at the conclusion of the count complete and sign a ballot tally sheet setting out the number of confirmed votes for each Candidate and the number of rejected ballots.
- 16.6 Immediately after the completion of the counting of the votes, the Electoral Officer shall publicly declare:
- (a) the Candidate for Chief with the highest number of votes to be elected; and
  - (b) the nine (9) Candidates for Councillor with the highest number of votes to be elected.
- 16.7 The Electoral Officer shall:
- (a) within three (3) days of the date on which the election is held post in a public area of the Sts'ailes administration building and in other conspicuous place or places on Sts'ailes Lands, as may be determined by the Electoral Officer, a written statement signed by the Electoral Officer (Appendix U), showing the number of votes cast for each Candidate and the number of rejected ballots; and

- (b) mail a written statement (Appendix U) to Electors off-reserve showing the number of votes cast for each Candidate and the number of rejected ballots.
- (c) In the event of an election result where there is a tie, an automatic recount will take place within 24 hours.
- (d) If after the recount there is still a tie, the names of all Candidates with the same number of votes will be put into a hat and the Electoral Officer will draw as many of those names as there are positions available. The Candidate(s) whose name(s) appear on the piece(s) of paper the Electoral Officer has drawn from the hat shall be elected to that or those position(s).

## **17.0 Disposal of Ballots**

- 17.1 The Electoral Officer shall deposit the ballots used in the voting and the cancelled and rejected ballots in a sealed envelope and retain it for one hundred and twenty (120) days after the date on which the election is held or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by the council, destroy them in the presence of two witnesses.

## **18.0 Oath of Office**

- 18.1 A Candidate who has been elected Chief or Councillor shall swear an Oath of Office (Appendix W) before a duly appointed Commissioner for Taking Oaths, swearing to:
- (a) uphold and comply with this Custom Election Code and Sts'ailes laws, bylaws, regulations, policies and procedures;
  - (b) fulfill the duties and responsibilities of his or her office under this Custom Election Code and all Sts'ailes laws, bylaws, regulations, policies and procedures;
  - (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; and
  - (e) always act in the best interests of Sts'ailes in carrying out his or her duties.
- 18.2 No person elected as Chief or Councillor shall be permitted to assume his or her office until he or she has sworn and filed with the Commissioner for Taking Oaths as required under section 18.1.
- 18.3 Subject to section 18.4, if a person elected as Chief or Councillor fails to file the sworn Oath of Office with the Commissioner for Taking Oaths within seven (7) days after being declared elected the Electoral Officer shall declare the office vacant.
- 18.4 Where a Candidate elected as Chief or Councillor cannot because of illness or other valid reason file the sworn Oath of Office within the time prescribed in section 18.3 he or she, or an Elector acting on his or her behalf, may file a petition with the Electoral Officer for an extension of the time to swear the Oath of Office. The Electoral Officer shall determine whether the circumstances justify an extension of the time to swear the Oath of Office and shall provide the Candidate making the request written notice of the decision together with reasons.

- 18.5 The Electoral Officer shall give notice in writing to the Candidate elected as Chief or Councillor whose office is declared vacant under section 18.3
- 18.6 A Candidate elected as Chief or Councillor whose office is declared vacant as a result of the Electoral Officer's decision made under section 18.3 may appeal the decision by filing a notice of appeal together with supporting documents and a non-refundable filing fee of seventy-five dollars (\$75) with the Appeal Board within fifteen (15) days of the date notice of the Electoral Officer's decision was sent.
- 18.7 Where an appeal has been filed under section 18.6 no further action shall be called unless the Appeal Board's decision confirms the vacancy.

## **19.0 Election Appeals**

- 19.1 Any Candidate or Elector may file a notice of appeal with the Appeal Board, requesting that the election of the Chief or a Councillor be declared invalid, based on one or more of the following grounds:
- (a) The person declared elected was not qualified to be a Candidate in the election according to the rules and procedures set out in this Part;
  - (b) There was a violation of any provision of this Part 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.
- 19.2 Every notice of appeal shall be filed with the Appeal Board within thirty (30) days from the date upon which the council member was declared elected.
- 19.3 Every notice of appeal shall set out in an affidavit sworn before a notary public or duly appointed commissioner for taking oaths the facts substantiating the grounds for declaring the election of the Chief or Councillor to be invalid and shall be accompanied by any supporting documentation.

## **20.0 Removal from Office of Council Members**

- 20.1 A council member may be removed from office on one or more of the following grounds:
- (a) He or she has violated the provisions of this custom election code as decided by the Appeals Board;
  - (b) He or she has breached his or her oath of office; or
  - (c) has been convicted of an indictable offence in Canada or a felony in the United States since his or her election and all appeals are completed, provided that conviction of an offence relating to the assertion or exercise of Aboriginal Rights or Title shall be deemed not to be a conviction for the purposes of this section; or
  - (d) Removal from office could also result from unanimous Band Council Resolution.
- 20.2 Proceedings to remove a council member shall be commenced by a petition filed with the Appeal Board and signed by thirty percent (30%) or more of the Electors determined as of the date the petition is filed.

20.3 The petition referred to in section 20.2 shall also set out the facts substantiating the grounds for removal from office of a Chief or Councillor and shall be accompanied by any supporting documentation.

20.4 In any case, the council member who is the object of the removal procedures shall be given an opportunity to respond to the allegations put forth against him or her.

## **21.0 Vacancies**

21.1 The office of Chief or Councillor shall become vacant when the person who holds that office:

- (a) dies;
- (b) resigns from office;
- (c) has his or her election declared invalid by the Appeal Board and no other person has been declared by the Appeal Board as duly elected; or
- (d) has been removed from office by declaration of the Appeal Board.

21.2 The office of Chief or Councillor shall become vacant if the person:

- (a) has been unable to perform the functions of his or her office for more than six (6) months due to illness or other incapacity; or
- (b) has missed three (3) consecutive council or general band meetings, which may include a combination thereof, within a period of twelve (12) months, without just cause.

21.3 Whether just cause exists for a council member missing a meeting shall be determined after each absence by a majority vote of other council members present at a council meeting. The decision shall be recorded in the minutes of that meeting.

21.4 The council member whose absence from a meeting is being considered shall be deemed in conflict of interest and shall leave the duly convened meeting prior to any debate on the question. He or she should not be counted in determining whether there is a quorum, nor participate in the vote determining whether the absence was with just cause.

21.5 The council member who missed three (3) consecutive meetings shall be notified in writing by the Chief Administrative Officer whether his or her absence has been determined under section 21.3 to be without just cause. The failure to notify a council member shall not invalidate council's decision on whether just cause for the absence exists.

21.6 The council shall determine whether an office of Chief or Councillor becomes vacant under section 21.2 and shall give written notice to the council member affected.

21.7 The council member whose office has been declared vacant under section 21.2, or in the case of illness or incapacity of the council member, an Elector acting on his or her behalf, may appeal the council's decision by filing a notice of appeal together with supporting documents with the Appeal Board within fifteen (15) days of the date notice of the decision was sent.

21.8 Where an appeal has been filed under section 21.7 no further action shall be called unless the Appeal Board's decision confirms the vacancy.

**22.0 Procedure on Petitions for Removal from Office and Appeals from Declaration of Vacancy**

- 22.1 In the case of a petition for the removal of a council member(s) or an election appeal, the non-refundable filing fee shall be seventy-five dollars (\$75) for each appeal.
- 22.2 In the case of an appeal resulting from the decision of the council or the Electoral Officer that an office is vacant, the non-refundable filing fee (\$75) shall be deposited with the Finance Manager.
- 22.3 Upon receipt of the required non-refundable filing fee, the Chief Administrative Officer shall forward the appeal or petition and all supporting documents to the Appeal Board.
- 22.4 The Appeal Board may, at their discretion, give directions for:
- (a) fixing the date, time and place for the hearing of the petition or appeal;
  - (b) designating the method of taking evidence, either by sworn declaration or written testimony, or both;
  - (c) designating what persons are to be notified and how they are to be served; and
  - (d) dealing with any appeal process matter or other thing not otherwise provided for in this section.
- 22.5 A copy of the notice of appeal or petition and any other supporting documentation relied upon shall be delivered to the council member whose election is being appealed or the council member whose removal is sought or the person whose office is being declared vacant.
- 22.6 In the case of an appeal under section 18.6 or section 19 the notice of appeal and supporting documentation shall be delivered to the Electoral Officer at least fourteen (14) days prior to the date of the hearing.
- 22.7 The council member whose election is being appealed, the council in an appeal under section 21.7, or the Electoral Officer in an appeal under section 18.6 or section 19, as the case may be, may file a written reply with the Appeal Board at least four (4) days prior to the date of the hearing or upon request of the Appeal Board.
- 22.8 Parties at the hearing may make any representations, present any document or call any witness they deem necessary and is relevant to the case under review. No witness shall be required to divulge whom he or she voted for in the election.
- 22.9 The Appeal Board shall issue a written decision to council together with reasons in every appeal or petition within seven (7) days of the conclusion of the hearing(s).
- 22.10 In the case of an election appeal under section 19 the Appeal Board may:
- (a) dismiss the appeal;
  - (b) uphold the appeal and to order a new election or a by-election for some of the positions;
  - (c) render a decision that there was a violation to the custom election code but that no action be taken since it did not affect the outcome of the election; or
  - (d) make any recommendations as it deems necessary for future elections.

- 22.11 If a position is declared vacant by the Appeal Board following an election appeal, the Candidate who received the highest number of votes among those who were not elected during that election shall be elected to council. Within three (3) days of the Appeal Board declaration, the newly elected Candidate shall swear the Oath of Office in accordance with section 18.1 in order to take office.
- 22.12 In an appeal of the decision of the Electoral Officer under section 18.6 the Appeal Board may:
- (a) confirm the decision of the Electoral Officer and declare the office vacant; or
  - (b) reverse the decision of the Electoral Officer and allow the Candidate elected as Chief or Councillor a specified time within which to sign the Oath of Office.
- 22.13 In an appeal of the decision of the council under section 21.7, the Appeal Board may:
- (a) confirm the decision of the council and declare the office vacant; or
  - (b) reverse the decision of the council and declare the council member entitled to remain in office.
- 22.14 If the petition is for removal of a council member under section 20 the Appeal Board may:
- (a) confirm the council member will remain in their office; or
  - (b) remove the council member from office and declare the office vacant.
- 22.15 The Appeal Board may in their discretion order by whom, to whom and in what manner costs shall be paid to offset reasonable costs for the election appeal (ie. frivolous appeals and corrupt practices). The Appeal Board shall make disposition of the security for costs for administrative purposes only.
- 22.16 The Appeal Board shall provide a copy of the decision to the council and to any party to an appeal or petition.
- 22.17 The Appeal Board's decision shall be:
- (a) delivered or mailed to Electors; and
  - (b) posted in a public area of the Sts'ailes administration building and other public places on Sts'ailes lands.
- 22.18 The decision of the Appeal Board is final and not subject to appeal.

### **23.0 By-elections**

- 23.1 Unless otherwise provided in this section, in the event that the office of Chief becomes vacant, a by-election shall be held within ninety (90) days on a date set by the Electoral Officer.
- 23.2 Unless otherwise provided in this section, in the event that the office of a Councillor(s) becomes vacant the Candidate with the next highest vote count shall hold that office.
- 23.3 No by-election shall be held if there are less than nine (9) months remaining in the term of Chief whose office has become vacant.

- 23.4 If a council member wishes to be a Candidate in a by-election for the office of Chief, he or she must resign from council prior to the date for nominations in the by-election.
- 23.5 The successful Candidate in the by-election for the office of Chief shall hold office for the remainder of the original term of the Chief whom he or she is elected to replace.
- 23.6 Except as expressly provided otherwise in this code, the rules and procedures in this Part shall apply to by-elections.

#### **24.0 Amendments to the Sts'ailes Custom Election Code**

This custom election code may be amended or repealed only by a subsequent code made by Sts'ailes.

- 24.1 Before amending or repealing this custom election code, council shall hold at least two (2) membership meetings that are open to all members to consider the proposed amendment or repeal.
- 24.2 Notwithstanding section 24.1, council may make non-substantive amendments to this custom election code.
- 24.3 Council shall at least ten (10) business days in advance of the membership meetings provide notice to members.
- 24.4 The notice required under section 24.3 shall include:
- (a) The date, time and place of the membership meeting;
  - (b) A summary of the proposed amendments or reasons for proposed repeal of this custom election code; and
  - (c) Notification that a full copy of the custom election code and proposed amendments can be obtained by members at the Sts'ailes administration building.
- 24.5 Notice shall be provided to members by:
- (a) publication in the Sts'ailes newsletter
  - (b) posting of the notice in a public area of the Sts'ailes administration building and
  - (c) publication on the Sts'ailes website.
- 24.6 Copies of this custom election code and proposed amendments shall be made available to members attending the membership meeting.
- 24.7 At the membership meeting, council or its designate shall explain the purpose and provisions of the proposed amendments or reasons for repeal of this custom election code and members may ask questions and provide comments.
- 24.8 After the two (2) membership meetings, council shall consider the comments received from members, the needs of Sts'ailes and other relevant matters, and shall prepare a final draft of proposed amendments or the proposed repeal of this custom election code.

- 24.9 Proposed amendments or proposed repeal of this custom election code will be considered for enactment at a membership meeting to be held within forty-five (45) days of the last membership meeting held under section 24.1.
- 24.10 Notice to members of the membership meeting where the proposed amendments or proposed repeal of this custom election code will be considered for enactment shall be provided at least ten (10) business days in advance of the membership meeting in accordance with section 24.5.
- 24.11 The notice for the membership meeting where the proposed amendments or proposed repeal of this custom election code will be considered for enactment shall include:
- (a) the date, time and place of the membership meeting;
  - (b) a summary of the proposed amendments or reasons for proposed repeal of this custom election code;
  - (c) notification that a full copy of the custom election code and proposed amendments can be obtained by members at the Sts'ailes administration building; and
  - (d) a statement that there will be a vote by secret ballot of the Electors present at the membership meeting to make a decision on whether or not to enact the proposed amendments or repeal of the custom election code.
- 24.12 At the membership meeting, the purpose of the proposed amendments or the reasons for proposed repeal of this custom election code shall be explained to the members present at the meeting, and members shall be entitled to ask questions and provide comments.
- 24.13 Upon completion of discussion the Electors, including council members, present at the membership meeting shall vote by secret ballot on the proposed amendments or the proposed repeal of this custom election code.
- 24.14 Every member who is eighteen (18) years of age or over, whether or not resident on Sts'ailes reserve land, is eligible to vote on whether to approve the proposed amendment or proposed repeal.
- 24.15 The proposed amendments or the proposed repeal of this custom election code shall be deemed enacted if a majority of Electors voting at the membership meeting approves the proposed amendments or the proposed repeal.
- 24.16 The decision at the membership meeting shall be recorded in the minutes of the membership meeting.
- 24.17 A copy of any approved amendments to this custom election code or repeal of this custom election code shall be sent without delay to the Minister of Indigenous and Northern Affairs Canada (INAC) and to the Attorney General of British Columbia.

## **PART II – Council Procedures and Meetings**

### **25.0 Meetings of Council**

- 25.1 The first council meeting shall be held on the first Tuesday after the Oath of Office has been sworn and filed by a quorum of council members.



- 25.2 After the first council meeting held under section 25.1 council shall hold regular council meetings on such days and at such times and places as may be necessary to carry out their responsibilities, provided that council shall meet at least once every month.
- 25.3 Council, in conjunction with the Chief Administrative Officer, shall prepare an agenda for each council meeting. The agenda shall include a list of items to be discussed, reports to be presented, resolutions and Sts'ailes laws, bylaws, regulations, policies and procedures to be considered.
- 25.4 The Chief Administrative Officer shall post a notice setting out the day, time, place and agenda of council meetings. The notice shall be posted in a public area of the Sts'ailes administration building at least four (4) working days before the meeting.
- 25.5 The Chief Administrative Officer shall provide each council member with a copy of the notice of the meeting, agenda, minutes of the previous regular council meeting and any background material at least four (4) working days before the meeting.
- 25.6 Any Elector may, by written request to the Chief Administrative Officer at least two (2) working days before a council meeting, ask that a matter be placed on the agenda of the meeting.
- 25.7 If the requested matter is placed on the agenda, the Chief Administrative Officer shall by telephone, in person or by written reply, advise the Elector of the date, time and place where the matter will be considered by council and shall provide the Elector with an opportunity to address the matter at the council meeting.
- 25.8 If the requested matter is not placed on the agenda, the Chief Administrative Officer shall notify the Elector in writing of the reason why the matter was not placed on the agenda.
- 25.9 The Chief or majority of council members may call a special council meeting to consider any matter of an urgent nature.
- 25.10 The Chief Administrative Officer shall, as soon as practicable, advise each council member in person, by telephone or by written notice, of the date, time, place and subject matter of the special council meeting.
- 25.11 Where the Chief Administrative Officer has used all reasonable efforts to notify council members of the special council meeting, the council members present may hold the special council meeting notwithstanding the failure of a council member to receive the required notice.
- 25.12 Except where a special council meeting is required to address an emergency, all council meetings shall take place on Sts'ailes lands.
- 25.13 A council member may participate in a council meeting by means of telephone or other communications facilities which permit all persons in the meeting to hear each other and in such case shall be deemed to be present at the meeting.

## **26.0 Order of Business**

- 26.1 Unless otherwise determined by council, the order of business at each council meeting other than a special council meeting held under section 25.9 shall be as follows:
- (a) call to order and opening by chairperson;
  - (b) acceptance of agenda;
  - (c) readings of, correction to and adoption of minutes of previous council meeting;
  - (d) completion of unfinished business from previous council meeting;
  - (e) presentation and reading of correspondence and petitions;
  - (f) presentation of financial reports;
  - (g) consideration of other reports;
  - (h) consideration of resolutions;
  - (i) consideration of Sts'ailes laws, bylaws, regulations, policies and procedures;
  - (j) discussion of any new business; and
  - (k) adjournment.

## **27.0 General Band Meetings**

- 27.1 Membership meetings shall either be general band meetings or special band meetings.
- 27.2 A general band meeting shall be held at least once every six (6) months.
- 27.3 A special band meeting shall be held:
- (a) where called by resolution; or
  - (b) upon request set out in a petition signed by forty (40) Electors, presented to council and the Chief Administrative Officer or
  - (c) as required under this Part.
- 27.4 The date, time and place for a general band meeting or a special band meeting shall be determined by council.
- 27.5 If a general band meeting is not held within the six (6) month period, or if a special band meeting has not been called by council within seven (7) days of the receipt of a petition calling for a special band meeting, the Chief Administrative Officer shall set the date, time and place for the general band meeting.
- 27.6 Notice of the date, time, place and subject matter of the general band meeting shall be provided to each council member and posted by the Chief Administrative Officer in a public area of the Sts'ailes administration building, at least five (5) days before the meeting.
- 27.7 All general band meetings shall take place on Sts'ailes lands.

## **28.0 Conflict of Interest**

- 28.1 Council members shall avoid a conflict of interest or the appearance of a conflict of interest and shall not be involved in any transaction or matter where they are in a conflict of interest or appear to be in a conflict of interest.

- 28.2 A conflict of interest arises where a council member has an interest in a transaction or matter under consideration by council that is:
- (a) real, potential, or perceived;
  - (b) direct or indirect;
  - (c) personal or financial; and,
  - (d) competes, or appears to compete, with
    - (i) the interests of the Band; or,
    - (ii) the objective exercise of the council member's powers, duties, functions, or responsibilities.
- 28.3 A Council member's personal or financial interests include the personal or financial interests of a council member's family member.
- 28.4 If a council member believes that they are/may be in a conflict of interest, the council member must disclose the nature and extent of the conflict of interest to the council as soon as the council member learns of the conflict of interest, whether or not the transaction, decision or matter in question has already been decided or concluded.
- 28.5 If a council member is in doubt as to whether they are in a conflict of interest, that person must disclose the issue to the council and request the council to make a decision on whether there is a conflict of interest.
- 28.6 After declaring a conflict of interest, the council member must leave any part of a council meeting where the circumstances in which that person has a conflict of interest are being discussed or voted on.
- 28.7 The minutes of a council meeting must record the person's disclosure under section 28.4 or 28.6 and note the council member's absence from the meeting when the circumstances in which the person has a conflict of interest were being discussed or voted on.
- 28.8 A council member must not influence or attempt to influence in any way before, during or after a council meeting any discussion or vote on any decision respecting the circumstances in which the person has a conflict of interest.
- 28.9 If a council member has reason to believe that another council member is or may be in a conflict of interest the council member may request clarification of the circumstances at a council meeting.
- 28.10 If, as a result of a clarification discussion under section 28.9, a council member is alleged to have a conflict of interest and the council member does not acknowledge the conflict of interest and take the actions required, the council must determine whether the council member has a conflict of interest.
- 28.11 The minutes of the council meeting must record any determination made under section 28.10.
- 28.12 If the council determines under section 28.11 that a council member has a conflict of interest or an apparent conflict of interest, the council member must comply with sections 28.6 – 28.8.

- 28.13 The council may, by resolution, approve a transaction, decision or matter that is the subject of a conflict of interest where:
- (a) the council member has complied with this Part; and
  - (b) the council has determined that the transaction, decision or matter is fair and reasonable.

## **29.0 Quorum**

- 29.1 A quorum is required for all council meetings.
- 29.3 In the event of a vacancy on council, quorum shall be a majority of council members in office.
- 29.4 If no quorum is present within one (1) hour after the time appointed for the council meeting, the Executive Secretary shall take the names of the council members then present and council shall adjourn until the next meeting.
- 29.5 The Chief or Councillor acting as chairperson of a council meeting shall be counted in determining quorum unless precluded by conflict of interest rules
- 29.6 Where the Chief Administrative Officer (or other designate) acts as chairperson, he or she shall not be counted in determining quorum
- 29.7 Where, as a result of a conflict of interest, a quorum of council cannot be established, then four (4) council members shall constitute a quorum for determining the matter under consideration.
- 29.8 Where a quorum of council can never be established because of a conflict of interest, these procedures shall apply to determine the matter or issue:
- (a) The matter shall be brought before a general band meeting
  - (b) notice of the general band meeting shall be provided at least seven (7) days before the meeting and shall include;
  - (c) the date, time and place of the general band meeting;
  - (d) a summary of the proposed transaction and the conflict of interest to be considered at the meeting;
  - (e) notification that a full copy of the transaction and conflict of interest can be obtained at the Sts'ailes administration building; and
  - (f) a statement that a determination of how to proceed on the proposed transaction will be made by a vote of Electors present at the general band meeting
- 29.9 Notice of the general band meeting required under section 29.8 shall be provided by;
- (a) Publication in the Sts'ailes Newsletter mailed to Electors, or by separate written notice delivered or mailed to Electors; and
  - (b) posting of the notice in a public area of the Sts'ailes administration building and on other places on Sts'ailes lands; and
  - (c) Posting to the Sts'ailes website.
- 29.10 At the general band meeting, council shall explain the report on the transaction and conflict of interest and members may ask questions and provide comments.

### **30.0 Attendance of Council Members at Meetings**

- 30.1 Council members shall attend all council and general band meetings unless they have just cause for being absent.
- 30.2 A council member shall notify council at a council meeting or notify the Chief Administrative Officer of any anticipated absence and the reasons for such absence.
- 30.3 Where notification under section 30.2 is given to the Chief Administrative Officer, the Chief Administrative Officer shall inform the other council members of the absence and reasons.
- 30.4 If the council member is absent from a general band meeting, the chairperson shall, if requested by an Elector, inform the meeting of the reason for the council member's absence.

### **31.0 Voting**

- 31.1 All matters before council for decision require a quorum and shall be decided by a majority vote of council members present.
- 31.2 In the event of a tie vote the Chief or Councillor acting as chairperson shall be entitled to vote, unless precluded from voting because of a conflict of interest.
- 31.3 Where a person other than the Chief or a council member acts as chairperson, the chairperson shall not be entitled to vote.
- 31.4 Where a council member is precluded from voting under conflict of interest rules they shall disclose the reason for the conflict of interest and leave the room prior to any discussion on the question.
- 31.5 A council member participating in a council meeting under section 25.13 is deemed to be present at a council meeting and may vote.
- 31.6 All council members shall vote either in favour of, or against a matter being considered. No abstentions are permitted on a vote.
- 31.7 The results of the vote shall be recorded in the minutes by the secretary.

### **32.0 Attendance at Meetings**

- 32.1 Council meetings shall be open to members. Non-members may attend all or part of a council meeting where permitted by a vote of council members present.
- 32.2 The chairperson may request that a person, other than a council member, leave a council meeting where the chairperson deems his or her conduct is improper.
- 32.3 Persons, other than council members, whose attendance is permitted at a council meeting, shall attend only as observers, and may only address the council if their matter is on the agenda or if he or she receives permission from the chairperson.

- 32.4 Council members present may, by vote, determine that a council meeting is closed where confidential information is discussed or other community interests require a closed meeting.
- 32.5 Council may, at a council meeting prior to a general band meeting, by vote of council members present, determine that in the community interest a general band meeting shall only be open to members and to employees of Sts' ailes whose attendance is requested by council to inform the membership on a specific matter.
- 32.6 Unless otherwise permitted by council, only members, non-member spouses (including common-law spouses), and employees of Sts' ailes whose attendance is requested by council may attend general band meetings.
- 32.7 Where council determines a general band meeting is only open to members and employees of Sts' ailes requested to present information at the meeting, this shall be set out in the notice of the general band meeting.

### **33.0 Chairperson**

- 33.1 Unless otherwise provided in this custom election code the Chief is the chairperson of all meetings.
- 33.2 In the absence of the Chief from a meeting, the Councillors present shall, by vote, select a chairperson from amongst themselves, or appoint another manager or staff person as chairperson.
- 33.3 At the time appointed for the meeting, the chairperson shall take the chair and call the meeting to order.
- 33.4 The chairperson shall maintain order and decide all questions of procedure, subject to an appeal to those council members present.
- 33.5 A council member may appeal the decision of a chairperson on points of procedure, and all such appeals shall be decided by a vote of council members present.

### **34.0 Secretary**

- 34.1 Council shall appoint a secretary.
- 34.2 The secretary shall attend all council and membership meetings and shall, without limiting the generality of the following:
- (a) take attendance of council members present;
  - (b) record minutes of the meeting;
  - (c) record decisions and votes; and
  - (d) carry out such further duties as required by council.

### **35.0 Minutes of Meetings**

- 35.1 The minutes of council meetings shall be legibly recorded by the secretary in a council meeting minute book.
- 35.2 The minutes of a council meeting are to be adopted by council at a duly convened council meeting.
- 35.3 The minutes of general band meetings shall be legibly recorded by the secretary in a membership meeting minute book.
- 35.4 The minutes of General Band Meetings do not have to be adopted by Council or signed by members of Council.
- 35.5 The Chief Administrative Officer shall retain the electronic recordings of General Band Meetings in a secure place.
- 35.6 Any Sts'ailes member may, at any reasonable time, inspect the minutes of any open meeting.

### **36.0 Resolutions**

- 36.1 Resolutions may be presented and considered at Council Meetings.
- 36.2 The chairperson shall present and read each proposed resolution and, upon the resolution being moved by one Council Member and seconded by another Council Member shall open discussion on the resolution.
- 36.3 The chairperson shall call for a vote upon completion of discussion on the proposed resolution.
- 36.4 Unless otherwise specified in the resolution, the resolution shall come into effect on the date the resolution was passed.
- 36.5 No passed resolution shall be deemed invalid only by reason of a refusal or omission of a Council Member to sign a passed resolution.
- 36.6 The Chief Administrative Officer shall cause a copy of all passed resolutions to be recorded and maintained in chronological order.
- 36.7 A passed resolution may be amended or rescinded by a subsequent passed resolution, which:
  - (a) specifically rescinds or amends the earlier resolution; or
  - (b) deals with the same matter in a different or contradictory way.
- 36.8 Where two passed resolutions deal with the same matter in a contradictory way, the earlier resolution, or parts of the earlier resolution affected shall be deemed amended to the extent necessary to resolve the contradiction.

**37.0 Adjournments**

- 37.1 Meetings shall be adjourned by motion moved by one council member and seconded by another council member and approved by a vote of council members present.
- 37.2 A meeting shall be deemed adjourned where there is no longer a quorum.



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## Appendix A

### Electoral Officer's Timeline

(Relevant sections of the *Sts'ailes Custom Election Code* are indicated in brackets next to certain activities)

#### 76 DAYS PRIOR TO ELECTION DAY

Date: \_\_\_\_\_

- Appoint Deputy Electoral Officers (DEOs)(6.3)
- Determine if the First Nation controls its membership under Section 10 of the *Indian Act*, or if the Membership List is maintained by INAC under Section 11, and obtain the Electors' List from the appropriate source
- Obtain the names and last known addresses of members who will have attained the age of eighteen (18) as of the date of the Election (7.0)
- Arrange for accommodations for the Nomination Meeting and Polling Station(s)

#### 60 AND 72 DAYS PRIOR TO ELECTION DAY OR 30 DAYS PRIOR TO THE NOMINATION MEETING

Date: \_\_\_\_\_

- Post the *Notice of Nomination Meeting* (9.1) and the *Electors' List* (8.2)
- Send nomination mail-out to Electors residing both on and off-reserve (9.1)
- Update the *Mail-Out Control Sheet* (Appendix C)

#### BETWEEN 72 DAYS AND 42 DAYS PRIOR TO ELECTION DAY

Dates: \_\_\_\_\_

- Receive voter declarations and nomination forms through the mail (Appendices E & F)
- Begin completing the *In-person Nomination Forms* to be used at the Nomination Meeting (Appendix G)
- Prepare list of off-reserve Electors who have consented to having their names released to Candidates (9.2 (h))
- Prepare Candidate Packages for the Nomination Meeting (9.0)
- Meet with your DEOs to discuss the Nomination Meeting

**BETWEEN 42 DAYS AND 37 DAYS BEFORE ELECTION DAY**

**Dates:** \_\_\_\_\_

- Contact all nominated Candidates not present at the Nomination Meeting. (10.11)
- Have them complete the *In-person Nomination Form*
- Prepare the *Electoral Officer's Nomination Meeting Report* (Appendix J)
- Receive written Candidate Withdrawal Forms (Appendix I)
- Begin printing ballots on the thirty-sixth (36<sup>th</sup>) day prior to Election Day (omitting the names of those who have withdrawn) (13.1 – 13.4)

**AT LEAST 35 DAYS PRIOR TO ELECTION**

**Date:** \_\_\_\_\_

- Prepare and post *Polling Notice* (12.0)
- Prepare and send Mail-in Ballot Packages (9.6)
- Update *Mail Out Control Sheet* (Appendix C)

**ELECTION DAY**

**Date:** \_\_\_\_\_

- Arrive at the Polling Station at least one (1) hour prior to opening to set things up.
- Open the Poll at 8 a.m. and close it at 8 p.m. (15.0)

**AT THE TIME DESIGNATED FOR COUNTING**

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

- Open Mail-in Ballot Envelopes and verify Voter Declaration Accompanying the Mail-in Ballot Forms (Appendix L)
- Place accepted Mail-in Ballots in the Ballot Box
- Open the Ballot Box and count the Ballots (16.2 – 16.6)
- Prepare and distribute the *Statement of the Votes* (Appendix U)

**WITHIN 3 DAYS AFTER THE COUNT**

**Date:** \_\_\_\_\_

- Post and mail to off-reserve Electors the *Statement of the Votes* (Appendix U)
- Fax a copy of the *Statement of the Votes* to the Regional or District Manager of INAC

**14 DAYS AFTER THE ELECTION**

**Date:** \_\_\_\_\_

- Prepare the *Electoral Officer's Report* and submit it to the Regional or District Manager of INAC along with other election materials (Appendix V)

**Appendix B**

**Appointment of Deputy Electoral Officer**

I, \_\_\_\_\_, duly appointed Electoral Officer for the election  
(Name of Electoral Officer)

of Sts'ailes, to be held on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, do

hereby appoint, pursuant to the *Sts'ailes Custom Election Code*, the following person to act as

Deputy Electoral Officer:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.  
(Municipality/First Nation)

\_\_\_\_\_  
Signature of Electoral Officer

**To be completed by the Deputy Electoral Officer:**

I agree to diligently carry out my duties in accordance with the *Sts'ailes Custom Election Code* and the *Indian Act*.

\_\_\_\_\_  
Signature of Deputy Electoral Officer



## Appendix D

### Notice of Nomination Meeting

Notice is hereby given that a meeting of the Electors of Sts'ailes will be held at the \_\_\_\_\_ on \_\_\_\_\_, the \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, beginning at \_\_\_\_ o'clock \_\_\_\_ and lasting for three (3) hours, for the purpose of nominating Candidates for the positions of Chief and Council on the Band Council of Sts'ailes, for the next ensuing term. There are nine (9) Councillor Positions and one (1) Position for Chief available. The election will be held at the \_\_\_\_\_ on \_\_\_\_\_, the \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Please note that any Elector may nominate Candidates by using a Mail-in Nomination Form. You can either deliver or mail-in a written nomination and a completed, signed and witnessed Mail-in Voter Declaration to Nominate Candidates form to the Electoral Officer before the time set for the Nomination Meeting OR you may nominate Candidates orally at the Nomination Meeting. Mailed nominations not received by the Electoral Officer before the time set for Nomination Meeting are void. Also note that any Elector may vote by Mail-in Ballot.

Given under my hand at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.  
(Municipality/First Nation)

\_\_\_\_\_  
Signature of Electoral Officer

\_\_\_\_\_

\_\_\_\_\_  
(Name and address of Electoral Officer) Phone #: \_\_\_\_\_

-----X-----X-----

If you wish to have your name and address released to any Candidate at this election for the purpose of sending you campaign literature, please check the statement below, print and sign your name, detach this form at the perforated line and return the bottom portion to the Electoral Officer.

**I authorize my name and address be released to any Candidate at this Election.**

\_\_\_\_\_  
Print Name Date of Birth Signature

**Appendix E**

**Mail-in Voter Declaration to Nominate Candidates**

In the matter of the Election of Sts'ailes, held according to the *Sts'ailes Custom Election Code*,  
I, \_\_\_\_\_ solemnly declare that:  
(Please print your name)

1. I am a member of the \_\_\_\_\_ Band of Indians
2. My band number is \_\_\_\_\_ and/or my date of birth is \_\_\_\_\_ .
3. My current mailing address is:  
\_\_\_\_\_
4. I am at least eighteen (18) years of age
5. I do not know of any reason why I would be disqualified from voting at this 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. I understand that it is an offence to make a false statement in this declaration.

\_\_\_\_\_  
Signature of Elector

\_\_\_\_\_  
Date

**Witness Declaration – (to be filled out by any person who is at least eighteen (18) years old)**

Declared before me \_\_\_\_\_ at \_\_\_\_\_  
(Name) (Municipality/First Nation)

this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.  
(Month) (Year)

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
City Province Postal Code

( ) \_\_\_\_\_  
Telephone number of Witness



**Appendix F**

**Mail-In Nomination Form**

I, \_\_\_\_\_, Band # \_\_\_\_\_  
(Please print name)

of the \_\_\_\_\_ hereby nominate:  
(Name of First Nation)

\_\_\_\_\_  
(Name of Nominee)

of the \_\_\_\_\_  
(Name of First Nation)

for the position of \_\_\_\_\_.  
(Chief or Councillor)

\_\_\_\_\_  
Signature of Elector

\_\_\_\_\_  
Date

Telephone number (    ) \_\_\_\_\_

***It is important that your telephone number be included above in case the Electoral Officer needs to contact you for clarification regarding the name of the individual that you are nominating.***

**Appendix G**

**In-person Nomination Form**

\_\_\_\_\_  
*Name of First Nation*

\_\_\_\_\_  
*Date Nomination Meeting Held*

I nominate \_\_\_\_\_

For the position of Chief \_\_\_\_\_ Councillor \_\_\_\_\_

**NOMINATOR**

My name is \_\_\_\_\_ Band # \_\_\_\_\_

Signature \_\_\_\_\_

Phone Number \_\_\_\_\_

**SECONDER**

I hereby second the nomination

My name is \_\_\_\_\_ Band # \_\_\_\_\_

Signature \_\_\_\_\_

Phone Number \_\_\_\_\_

**CANDIDATE**

I accept the nomination and my Information Package.

I want my name to appear on the ballot as:

\_\_\_\_\_  
Surname Given Names (nick names)

\_\_\_\_\_  
Signature Phone Number Band Number

\_\_\_\_\_  
Address

**Appendix H**

**Notice to Candidates of Nomination at a Sts' ailes Election**

Date: \_\_\_\_\_

**Subject: Election of Sts' ailes**

Dear Candidate:

According to Section 10.11 of the *Sts' ailes Custom Election Code (SCEC)*, I must inform you that on \_\_\_\_\_, at the Nomination Meeting held at the \_\_\_\_\_, you were nominated as a Candidate for the position of [Chief / Councillor] for the Band Election to be held on \_\_\_\_\_.

If you choose **not** to accept this nomination, according to Section 10.11 (SCEC), you must submit to the Electoral Officer a Candidate's Withdrawal Form (copy attached), signed by yourself, either in my presence or the presence of a Justice of the Peace, a Notary Public or a Commissioner for Oaths.

Each Candidate is allowed to have **no more than two (2)** Scrutineers at any one time inside the Polling Station to observe the proceedings on Election Day. You may appoint more than two (2) Scrutineers provided only two are present at the Polling Station at any one time. Please advise me in writing or by phone of the names of your Scrutineers prior to Election Day.

In the event of a tie vote, Section 17 of the SCEC requires the Electoral Officer to conduct an automatic recount of the ballots within 24 hours. If after the recount there is still a tie, I intend to break this tie by placing the names of all Candidates having an equal number of votes in a hat. The first name chosen out of the hat will constitute the Candidate for whom I will vote.

If you have any questions concerning the election process, please do not hesitate to contact me at the address and/or telephone number appearing at the bottom of this letter.

Yours truly,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

( ) \_\_\_\_\_

**Appendix I**

**Candidate's Withdrawal Form**

I, \_\_\_\_\_, band # \_\_\_\_\_, hereby withdraw  
(Name)

my name as a Candidate for Chief / Councillor (circle one) at the Election being

held on Sts'ailes on \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Witnessed by:

\_\_\_\_\_  
(Print name of Witness)

\_\_\_\_\_  
(Signature of Witness)

**Note:** The witness must be either the Electoral Officer, a Justice of the Peace, a Notary Public or a Commissioner for Oaths.

**BE ADVISED THAT ONCE THE ELECTORAL OFFICER RECEIVES THIS FORM SIGNED AND WITNESSED, YOUR WITHDRAWAL IS FINAL AND THEREFORE IRREVOCABLE.**

**Appendix J**

**Electoral Officer's Nomination Meeting Report**

1. Name of First Nation: \_\_\_\_\_ 2. Band number: \_\_\_\_\_

3. District/Region: \_\_\_\_\_ 4. Total number of Sts'ailes members: \_\_\_\_\_

5. The Sts'ailes Council is composed of one Chief and nine (9) Councillors.

6. The notice of Nomination Meeting was:

a) Posted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the following locations:

\_\_\_\_\_

\_\_\_\_\_

b) Mailed to \_\_\_\_\_ (#) off-reserve Electors during the period from the \_\_\_\_\_ day  
of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

7. The Nomination Meeting was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_.  
(Location)

**8. Nominations for Chief**

<b>Candidate's Name and Band Number</b>	<b>Candidate's Address</b>	<b>Nominator's Name and Band Number</b>	<b>Seconder's Name and Band Number</b>

**9. Nominations for Councillor**

Candidate’s Name and Band Number	Candidate’s Address	Nominator’s Name and Band Number	Seconder’s Name and Band Number

10. The following Candidates have been declared elected by acclamation pursuant to section 10.7 and 10.8 of the *Sts’ailes Custom Election Code*:

**To the office of Chief:**

Name: \_\_\_\_\_

**To the office of Councillor:**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

11. I declare that a poll will be held for the office(s) of: One (1) Chief and nine (9) Councillors  
on the \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

12. As Electoral Officer, I declare that all information contained in this report of the Nomination Meeting is true to the best of my knowledge. I have carefully and diligently performed all the duties required of me by the *Sts'ailes Custom Election Code* in respect to this Nomination Meeting.

\_\_\_\_\_  
Signature of the Electoral Officer

**Appendix K**

**Polling Notice**

Notice is hereby given to the Electors of Sts'ailes that a poll will be held to elect a Chief and \_\_\_\_\_ Councillors on \_\_\_\_\_ the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,

from eight o'clock (8:00) a.m. until eight o'clock (8:00) p.m. at the following location(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The votes will be counted at \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

The results will be declared immediately following the count.

Given under my hand at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.  
(Municipality/First Nation)

\_\_\_\_\_  
Signature of the Electoral Officer

If you have any questions, please call the Electoral Officer at (\_\_\_\_) \_\_\_\_\_.



**Appendix L**

**Voter Declaration Accompanying the Mail-in Ballot**

**This declaration must be signed by you and a witness, who is at least 18 years old, and returned to the Electoral Officer with your completed ballot, or your vote will not be counted.**

In the matter of the election of Sts'ailes, held according to the *Sts'ailes Custom Election Code*,

I, \_\_\_\_\_ solemnly declare that:  
(Please print your name)

1. I am a member of the \_\_\_\_\_ Band of Indians.
2. My band number is \_\_\_\_\_ and/or my date of birth is \_\_\_\_/\_\_\_\_/\_\_\_\_  
(Day) (Month) (Year)
3. My current mailing address is: \_\_\_\_\_  
\_\_\_\_\_

4. I am at least 18 years of age.

5. I do not know of any reason why I would be disqualified from voting at this 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. I understand that it is an offence to make a false statement in this declaration.

\_\_\_\_\_  
Signature of Elector

\_\_\_\_\_  
Date

**Witness Declaration – (to be filled out by any person who is at least 18 years old)**

Declared before me \_\_\_\_\_ at \_\_\_\_\_  
(Name) (Municipality/First Nation)

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.  
(Month)

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
City Province Postal Code ( ) Telephone #

Voter Declaration Form # \_\_\_\_: \_\_\_\_\_

## Appendix M

### Instructions for Mail-In Voting

Dear Elector:

As per the attached *Polling Notice*, an election for one (1) Chief and nine (9) Councillors of Sts'ailes is currently underway.

As a member of Sts'ailes, you are entitled to vote, provided you will be at least 18 years of age on the date of the election. To assist you in casting a vote, please find enclosed a mail-in voting package consisting of:

- a ballot for the position of Chief with the Electoral Officer's initials on the back
- a ballot for the position of Councillor with the Electoral Officer's initials on the back
- an outer, postage-paid pre-addressed return envelope
- a second inner envelope marked with the word "ballot"
- a *Voter Declaration Accompanying the Mail-in Ballot*

**Carefully follow the steps below to ensure that your ballot is valid and will not be rejected.**

**1. On the ballot for Chief:**

Mark an "X" in the box immediately to the right of the name of the Candidate of your choice. You must choose only one Candidate.

**2. On the ballot for Councillor:**

Mark an "X" in the box immediately to the right of the names of the Candidates of your choice. You may vote for up to nine (9) Councillors.

3. Fold the ballots in the same way as you received it, so that the Electoral Officer's initials on the back are visible.

4. Place the ballots back into the envelope marked "Ballot", and seal the envelope.

5. Complete the *Voter Declaration Accompanying the Mail-in Ballot* form. Both you and a witness, who is at least 18 years of age, must sign it.

6. In the larger postage paid pre-addressed outer envelope, place the completed and signed *Voter Declaration Accompanying the Mail-in Ballot* and the sealed envelope marked "Ballot".
7. Seal and drop the return envelope in the mail as soon as possible. It must be received by the Electoral Officer no later than 8 p.m. on Election Day. Note that ballots received after the close of the poll on \_\_\_\_\_, 20 \_\_\_\_ will not be counted. You may also hand deliver it to the Electoral Officer.

**In order for your ballots to be counted, they must be accompanied by a completed voter declaration form, which is to be signed by you and a witness.**

Although you have received this mail-in voting package, you may choose to vote on Election Day in person at the Polling Station whose location(s) are/is indicated on the *Polling Notice*. If you so choose, your Mail-in Ballot will not be counted.

If you have any questions, please do not hesitate to contact me at (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_

Yours truly,

---

Electoral Officer

**Appendix N**

**Witness Declaration at the Opening of the Poll**

In the matter of the Election of Sts'ailes:

I \_\_\_\_\_ hereby declare that on the \_\_\_\_ day  
(Print Name)

of \_\_\_\_\_, 20 \_\_\_\_\_, I did witness that the ballot box (es) was/were empty before  
it/they was/were properly sealed and locked. I am confident that the box (es) cannot be opened  
without the seals being broken.

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

\_\_\_\_\_  
Signature of Electoral Officer or  
Deputy Electoral Officer

## Appendix O

### Instructions for Voting

1. Place an **X** in the space beside the name of the Candidate or Candidates of your choice.
2. Do not place any other mark on the ballot.
3. Do not vote for more than **one** Candidate for Chief and not more than **nine** Candidates for Councillor.
4. When you have finished, fold the ballot so that the initials on the back can be seen (without showing how you voted), and hand the ballot to the Electoral Officer or the Deputy Electoral Officer.
5. If you make a mistake, return your ballot to the Electoral Officer, who will give you another ballot (once only).

**IMPORTANT: YOU MUST MARK THE BALLOT WITH AN "X", OTHERWISE YOUR VOTE WILL NOT COUNT.**

**Sts'ailes Custom Election**

**(Sample)**

**BALLOT FOR CHIEF**

---

(Date of Election)

Use the pencil or pen provided to mark your ballot.

**IMPORTANT: YOU MUST MARK THE BALLOT WITH AN "X" OTHERWISE YOUR VOTE WILL NOT COUNT.**

**CHOOSE ONLY ONE (1)**


Appendix Q

**Sts'ailes Custom Election**

**(Sample)**

**BALLOT FOR COUNCILLORS**

---

(Date of Election)

Use the pencil or pen provided to mark your ballot.

**IMPORTANT:**

- **YOU MUST MARK THE BALLOT WITH AN "X" OTHERWISE YOUR VOTE WILL NOT COUNT.**

**CHOOSE UP TO NINE (9)**

Name	On or Off Reserve

**Appendix R**

**Declaration of Lost, Misplaced or Unused Mail-in Ballot**  
(Section 14.3 (b) of the *Sts'ailes Custom Election Code*)

**TO BE COMPLETED BY THE ELECTOR**

In the matter of the election for Sts'ailes, held according to the

*Sts'ailes Custom Election Code*, I \_\_\_\_\_  
(Print Name)

solemnly declare that:

1. I am a member of Sts'ailes.
2. My band number is \_\_\_\_\_ and my date of birth is \_\_\_\_\_.

**Check where applicable**

3. \_\_\_\_\_ I have lost the Mail-in Ballot that was mailed, delivered or provided to me.
4. \_\_\_\_\_ I have not received the Mail-in Ballot that was mailed to me.
5. \_\_\_\_\_ I have not used the Mail-in Ballot that was mailed to me.

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. I understand that it is an offence to make a false statement in this declaration.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Elector

**To be completed by the Electoral Officer, Deputy Electoral Officer, a Justice of the Peace, a Notary Public or a Commissioner for Oaths.**

Declared before me \_\_\_\_\_ at \_\_\_\_\_  
(Print Name) (Municipality/First Nation)

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Signature



**Appendix S**

**Declaration of Persons Delivering Mail-in Ballots**

***TO BE COMPLETED BY THE PERSON DELIVERING MAIL-IN BALLOTS***

In the matter of the Election for Sts' ailes, held according to the *Sts' ailes Custom Election Code*,

I \_\_\_\_\_ solemnly declare that:  
(Print Name)

1. My current mailing address is:  
\_\_\_\_\_

2. My current telephone number is:  
\_\_\_\_\_

3. I am delivering a Mail-in Ballot(s) on behalf of the following Elector(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. This/these ballot(s) have come into my possession honestly and I was authorized by the above named Elector(s) to deliver their Mail-in Ballot(s). I did not offer to the Elector(s), nor as I offered inducement for delivering this/these ballot(s).

5. To the best of my knowledge, information and belief, this/these ballot(s) have not been opened or otherwise tampered with while in my care.

\_\_\_\_\_ Date \_\_\_\_\_ Signature

***TO BE COMPLETED BY THE ELECTORAL OFFICER OR DEPUTY ELECTORAL OFFICER***

Sworn before me \_\_\_\_\_ at \_\_\_\_\_  
(Print Name) (Municipality/First Nation)

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_ Signature

Please verify the identification provided by the person delivering Mail-in Ballot(s) and confirm this verification by checking the box

Appendix T

Record of Objections

# *	Reason(s) for objection	Name of person making the objection	Decision of the Electoral Officer

\* Indicate the number of the objection on the back of the ballot.

**Appendix U**

**Statement of the Votes**

\_\_\_\_\_

Band Number

\_\_\_\_\_

Name of First Nation

\_\_\_\_\_

Date of Election

To be completed by the Electoral Officer after the counting of the votes. The numbers on the Statement of the Votes submitted by Deputy Electoral Officers from other polling stations must be included in the numbers provided on this report. **Ensure that the form is signed and witnessed.**

**A copy of this statement must be sent to the Regional Office of Indigenous and Northern Affairs Canada (INAC) no later than TWO (2) days following the Election.**

Name of Candidate for Chief	Total Votes Received

Number of valid ballots cast for Chief: \_\_\_\_\_

Number of rejected ballots for Chief: \_\_\_\_\_

Statement of the Votes (page 2)

<b>Name of Candidate for Councillor</b>	<b>Total Votes Received</b>

Statement of the Votes (page 3)

Name of Candidate for Councillor	Total Votes Received

Number of valid ballots cast for Councillor: \_\_\_\_\_

Number of rejected ballots for Councillor: \_\_\_\_\_

**Statement of the Votes (page 4)**

***Elected Candidates***

**To the Office of Chief:** \_\_\_\_\_

**To the Office of Councillor:**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

This count was diligently conducted in accordance with the *Sts'ailes Custom Election Code*.

\_\_\_\_\_  
Signature of Electoral Officer

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

**Appendix V**

**Electoral Officer's Report**

1. Name of First Nation: \_\_\_\_\_
2. Band Number: \_\_\_\_\_
3. Date of Election: \_\_\_\_\_
4. District/Region: \_\_\_\_\_
5. Type of Election (General or By-election): \_\_\_\_\_
6. Date of last General Election (month/year): \_\_\_\_\_
7. Total number of Sts'ailes members: \_\_\_\_\_
8. Total number of Electors (a) On-reserve: \_\_\_\_\_ (b) Off-reserve: \_\_\_\_\_
9. The Sts'ailes Council is composed of one (1) Chief and nine (9) Councillors.  
Ministerial Order: YES \_\_\_\_\_ NO \_\_\_\_\_
10. The *Notice of Nomination Meeting* was:
  - a) Posted on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at the following locations:
  - b) Mailed to \_\_\_\_\_ (#) off-reserve Electors during the period from the \_\_\_\_\_ day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.
11. The Nomination Meeting was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_.  
(Location)
12. The *Polling Notice* was posted on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at the following locations:  
\_\_\_\_\_
13. (a) Total number of Mail-in Ballot packages sent to off-reserve Electors: \_\_\_\_\_  
(b) Total number of Mail-in Ballot packages sent to Electors residing on the reserve: \_\_\_\_\_
14. The Poll was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at the following locations:  
\_\_\_\_\_

**15. Mail-in Ballots**

		<b>For Chief</b>	<b>For Councillor</b>
A)	Total number of Mail-in Ballot packages sent (includes second or third packages sent to the same Elector as well as those sent by DEOs)		
B)	Total number of Mail-in Ballot packages returned as undeliverable		
C)	Total number of Mail-in Ballots returned by the Elector who voted in person at the Polling Station		
D)	Total number of Mail-in Ballots rejected and not placed in the ballot box (during the opening of the envelopes)		
E)	Total number of Mail-in Ballots deposited in the ballot box		
F)	Mail-in Ballot discrepancy (A - B - C - D - E)		

**16. Ballot Reconciliation**

		<b>For Chief</b>	<b>For Councillor</b>
A)	Number of valid ballots cast		
B)	Number of ballots cast and rejected		
C)	Number of ballots spoiled (never placed in the ballot box)		
D)	Number of unused ballots		
E)	Total number of Mail-in Ballot packages returned as undeliverable (same as 15 B)		
F)	Total number of Mail-in Ballots returned by the Elector who voted in person at the Polling Station (same as 15 C)		
G)	Number of Mail-in Ballots rejected before being placed in the ballot box (same as 15 D)		
H)	Total provided at 15 F (Mail-in Ballot discrepancy)		
I)	Total number of ballots (A + B + C + D + E + F + G + H)		



J)	Total number of ballots printed <i>(Should equal totals at I above)</i>		
----	--	--	--

17. Please complete all four columns below:

Band Number	Name of Candidate for Chief	Mailing Address	Total Votes Received

18. Number of rejected ballots for Chief: \_\_\_\_\_

19. Please complete all four columns below:

Band Number	Name of Candidate for Councillor	Mailing Address	Total Votes Received

20. Number of rejected ballots for Councillor: \_\_\_\_\_

21. The following Candidates have been publicly declared elected:

(a) To the Office of Chief:

Name: \_\_\_\_\_

(a) To the Office of Councillor:

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_

22. The Term of Office commences on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

23. Additional Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**24. Declaration**

I, \_\_\_\_\_, appointed to the position of Electoral Officer on the day of \_\_\_\_\_, 20\_\_\_\_, for the \_\_\_\_\_ First Nation, declare that the polling place(s) was kept open between the hours of 8:00 a.m. and 8:00 p.m. (local time), and that I have correctly counted the votes cast for each Candidate and have performed all other duties required of me by the *Sts'ailes Custom Election Code*. I further declare that a copy of the *Statement of the Votes* will be posted at each place where the *Polling Notice* was posted and will be mailed to the last known address of off-reserve Electors.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
\_\_\_\_\_  
(Address)

**A copy of this report must be sent to the Regional Office of Indigenous and Northern Affairs Canada (INAC) no later than fourteen (14) days following the election.**



# Sts'ailes



## OATH OF OFFICE

As an Elected Council Member of Sts'ailes I do sincerely swear that I will:

- (a) uphold and comply with the Sts'ailes Custom Election Code, Sts'ailes laws, bylaws, regulations, policies and procedures;
- (b) fulfill the duties and responsibilities of my office under the Sts'ailes Custom Election Code and all Sts'ailes laws, bylaws, regulations, policies and procedures;
- (c) carry out my duties faithfully, honestly, impartially and to the best of my abilities;
- (d) keep confidential, both during and after my term of office, any matter or information which is considered confidential; and
- (e) always act in the best interests of Sts'ailes in carrying out my duties.

So help me Ch'ichell S'i:ya'm.

---

Council Member

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Commissioner for Taking Oaths

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Date