



**ST. MARY'S INDIAN BAND**

# **CUSTOM ELECTION REGULATIONS**

**Revised 2016**

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Chief Electoral Officer

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## **PART 1 – AMENDMENT**

1. Amending the *St. Mary's Indian Band Custom Election Regulations revised June 2010*.

## **PART 2 –EFFECTIVE DATE**

2. This amendment is effective as of September 17, 2012.

## **PART 3 - INTERPRETATION**

3. In these regulations

“appellant” means an individual who submits an appeal in accordance with these regulations with respect to an election.

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

“calendar days” when referring to the election schedule, all days are counted, excluding statutory holidays.

“candidate” means a band member who:

- (a) has been nominated to be a candidate pursuant to the provisions of these regulations;
- (b) is at least 18 years of age on the day on which the nomination meeting is held;
- (c) is not an employee of the St. Mary's Indian Band;
- (d) has been a registered member of the band for a period of at least two years preceding the nomination meeting;
- (e) resides within a twenty kilometre radius of the outermost boundaries of lands designated as Kootenay Indian Reserve No.1, Isidore's Ranch No.4, Cassimayook No. 5, Bummers Flats No. 6, or St. Mary's No. 1A; and,
- (f) has lived within those perimeters for a period of at least six months preceding the nomination meeting.

“Code of Ethics” means guidelines, general rules of behaviour and standards established in accordance with section 41 of these regulations, which govern the

conduct of candidates running for office and their supporters relating to their participation in the electoral process.

“Chief Electoral Officer” means a person, appointed by a band council resolution before each election, who has the responsibility for conducting all procedures related to an election or by-election as directed by this code.

“Chief Operating Officer” means most senior management position within the St. Mary’s Indian Band Administration.

“Complaints and Appeal Board” means the body appointed by a band council resolution in accordance with part 14 of this code to review and make decisions concerning petitions for removal from office and election appeals.

“corrupt practices” 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 these regulations.

“councillor” means a duly elected member of the Council of St. Mary’s Indian Band.

“declined ballot” (similar to “rejected ballot”) means those 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.

“dependent” means, in relation to an individual,

- (a) the individual’s spouse,
- (b) a person under the age of majority, in respect of whom the individual or the individual’s spouse is a parent or acting in a parental capacity,
- (c) a person in respect of whom the individual or the individual’s spouse is acting as guardian, or
- (d) a person, other than an employee, who is financially dependent upon the individual or the individual’s spouse.

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

“election” means a general election or by-election of the band held pursuant to the provisions of these regulations.

“elector” means a person who:

(a) is a member of the band; and

(b) is at least 18 years of age on the day on which the election is held.

“employee” means a member of the management or staff that the St. Mary’s Indian Band has hired on a term or indefinite contract of services, whether oral or written.

“immediate family” means father, mother, sister, brother, husband, wife, common-law spouse, son or daughter, including adopted.

“indictable offence” has the same definition as in the Criminal Code of Canada.

“mail-in ballot” means a ballot mailed or delivered in accordance with section 140 of these regulations.

“Membership Clerk” means the band employee responsible for maintaining the band’s membership list.

“nomination meeting” means the meeting at which persons come forward to nominate and second candidates at the election.

“oath” means a solemn affirmation.

“phone-in ballot” means a ballot marked in accordance with section 141 and 142 of these regulations.

“polling station” means a building, hall or room which is selected as the site at which voting takes place.

“regulations” means the custom election system set out herein.

“rejected ballots” means those 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.

“spouse” means, in relation to an individual, a person to whom the individual is married or with whom the individual has lived as a common law partner for at least one (1) year in a marriage-like relationship.

“Verifiers for Phone-In Ballots” means two of the following: the Deputy Elections Officer and the Polling Clerks.

“voter declaration form” means a document that sets out, or provides for:

(a) the name of the elector;

(b) the band membership or registry number of the elector or, the date of birth of the elector; and

(c) the name, address and telephone number of a witness to the signature of the elector.

“voters list” means the list of members eligible to vote in an election.

## **PART 4 - THE COUNCIL**

### **Composition and Size**

1. The Councillors with the most votes will be the Chief Councillor. If the person with the most votes does not wish to hold this position, then the five (5) Councillors will agree among themselves who will hold the Chief Councillor position, of the three (3) recently elected Councillors.
2. The council shall consist of one chief and four councillors.

### **Meetings**

3. The first meeting of the council shall be held not later than 30 days after its election, and meetings shall thereafter be held on such days and at such times as may be necessary for the business of the council or the affairs of the band.
4. No member of the council may be absent from meetings of council for three consecutive meetings without being authorized to do so by the council.
5. The chief of the band or a quorum of the council shall summon a special meeting of the council.
6. The Chief Operating Officer shall notify each member of the council of the day, hour and place of each meeting of the council.

### **Order and Proceedings**

7. A majority of the whole council shall constitute a quorum.
8. If no quorum is present within 30 minutes after the time appointed for the meeting, the Chief Operating Officer shall call the roll and take the names of the members of council then present and council shall stand adjourned until the next meeting.
9. The chief of the band shall be the chairperson presiding at meetings of council.

10. Upon a quorum being present, the chairperson shall take the chair and call the meeting to order.
11. In the absence of the chief, a chairperson shall be chosen by a majority of the councillors present.
12. The chairperson shall maintain order and decide all questions of procedure.
13. The order of business at each regular meeting of the council shall be in accordance with the adopted agenda.
14. Each resolution shall be presented or read by the mover, and when duly moved and seconded and placed before the meeting by the chairperson, shall be open for consideration.
15. After a resolution has been placed before the meeting by the chairperson, it shall be deemed to be in the possession of the council, but it may be withdrawn by consent of the majority of the council members present.
16. When any council member desires to speak, he or she shall address his or her remarks to the chairperson and confine him or herself to the question then before the meeting.
17. In the event of more than one council member desiring to speak at one time, the chairperson shall determine who is entitled to speak.
18. The chairperson or any council member may call a council member to order while speaking, and the debate shall then be suspended and the council member shall not speak until the point of order is determined.
19. Any member of the council may appeal the decision of the chairperson to the council and all appeals shall be decided by a majority vote and without debate.
20. All questions before the council shall be decided by majority vote of the councillors present.
21. The chairperson shall not be entitled to vote unless the votes in favour and against the measure are equal, in which case the chairperson shall cast the deciding vote.
22. Every member present when a question is put shall vote thereon unless the council excuses him or her, or unless he or she has a real or apparent conflict of interest, in which case he or she shall declare his or her interest, and may recuse him or herself or be required to recuse him or herself by a majority vote of the other council members.



23. A member of the council who refuses to vote shall be deemed to vote in the affirmative.
24. Any member may require the question or resolution under discussion to be read for his or her information at any period of the debate, but not so as to interrupt a member who is speaking.
25. The regular meetings of the council shall be open to members of the band, and no member shall be excluded from a regular meeting except for improper conduct or if the Chairperson directs that the meeting shall be closed and moved to in camera discussions due to:
  - a. personal matters about an identifiable individual, including band employees;
  - b. confidential business information;
  - c. employee negotiations including disciplinary matters;
  - d. litigation or potential litigation, including matters before administrative tribunals, affecting the band; and,
  - e. advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
26. The chairperson may expel or exclude from any meeting any person who causes a disturbance, including through abusive or threatening behaviour, at the meeting.
27. The council may allocate specific responsibilities to a council member through appointment to one or more portfolios, including but not limited to:
  - a. housing;
  - b. lands;
  - c. administration;
  - d. education; and,
  - e. economic development.
28. The council may appoint special committees on any matters as the interests of the band may require.
29. A majority of the members of a committee shall be a quorum.

30. The general duties of standing and special committees are:
- a. to report to the council from time to time as often as the interests of the band may require, all matters connected with the duties imposed on them and recommend such action by the council in relation to those duties as they may deem necessary and expedient; and
  - b. to consider and report upon all matters referred to them by the council or by the chief of the band.
  - c. to report to the Band membership at a general band meeting from time to time or as directed by Council.
31. Special meeting of committees shall be called at the request of the chairperson or a majority of the committee or, in the absence of the chairperson, on request of the chief of the band.

### **Mode of Election for Chief and Councillors**

32. Chief and councillors shall be elected by a vote held in accordance with these regulations.

### **Term of Office**

33. The term of office for the position of chief and councillors shall be four years.
34. Elections shall be held every two years to ensure over-lapping terms.
35. Eligible voters shall vote for the chief and two councillor positions during the first election, and the remaining two council positions two years thereafter.
36. The term of office for newly elected chief and councillors shall commence on the first council meeting in November following the election, when all newly elected council members shall swear the oath of office under section 187.
37. Subject to any vacancy arising under these regulations, the term of office for newly elected chief and councillors expires four years after commencement.
38. The successful candidate in a by-election shall hold office for the remainder of the original term of office of the chief or councillor whom he or she is elected to replace.
39. If a person who is declared disqualified from office as a result of an election appeal, the successful replacement candidate shall swear the oath of office under section 186, and he or she shall assume the unexpired part of the term of the disqualified individual.

### **Vacancy**

40. A chief or councillor position on the council may become vacant if, while in office:
  - a. the chief or councillor resigns in writing, by way of letter to the Chief Operating Officer, from office of his or her own accord;
  - b. the chief or councillor has been unable to perform the functions of his or her office for more than six months due to illness or other incapacity;
  - c. the chief or councillor dies;
  - d. the chief or councillor is removed from office in accordance with section 44; or

- e. the chief or councillor is otherwise unable to fulfill the terms of office.

## **PART 5 - CODE OF ETHICS**

- 41. Candidates that choose to campaign must do so in accordance to the following:
  - a. according to the rules and regulations established in these regulations and pursuant to the Code of Ethics;
  - b. without coercion or vote-buying;
  - c. respecting the right and freedom of other parties to organize and campaign;
  - d. respecting the rights of voters to obtain information from a variety of sources and to attend political rallies;
  - e. ethically, focusing on political issues and candidate platforms;
  - f. non-violently, without intimidating opposing party candidates, opposition supporters or the media;
  - g. respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
  - h. respecting the electoral officials and not interfering with the performance of their duties; and
  - i. accepting and complying with the official election results and the final decision of the Complaints and Appeal Board.
- 42. Every person is guilty of an offence and commits a corrupt election practice who, during an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate, or during an election period, accepts or agrees to accept a bribe that is offered.
- 43. Every person is guilty of an offence and commits a corrupt election practice who, by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election, or by any pretence or contrivance, induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election.

## **PART 6 - REMOVAL OF COUNCIL MEMBERS FROM OFFICE**

44. The chief or a councillor may be removed from office and be prevented from running for office for 8 years/two terms if he or she:
- a. violates these regulations, his or her oath of office or the Code of Ethics;
  - b. fails to attend three consecutive regular meetings of council without being reasonably excused from attendance by a quorum of the council;
  - c. fails to maintain a standard of conduct expected of a member of council;
  - d. fails to comply with any law, by-law, code or regulation of the St. Mary's Indian Band.
  - e. fails to carry out his or her duties of office;
  - f. has been convicted of an indictable offence since his or her election;
  - g. as a candidate, committed a corrupt election practice under sections 42 or 43;
  - h. accepts or offers a bribe, forges a council document or otherwise acts dishonestly in his or her role;
  - i. is negligent in failing to ensure the safety and protection of the community's members and assets;
  - j. abuses his or her office such that the conduct negatively affects the dignity and integrity of the community or of council;
  - k. encourages others to commit any of the above acts or omissions; or
  - l. engages in such other conduct as may be determined by council to be of such a serious nature that the removal is necessary and appropriate.

### **Procedure**

45. Proceedings to declare a person ineligible to continue to hold the office of chief or councillor shall be initiated by:
- (a) any elector submitting to the council, or Chief Operating Officer, a petition on which shall appear:
    - i) the ground pursuant to section 44 on which removal of a chief or councillor is sought;

- ii) the evidence in support of the petition;
  - iii) the signature of the petitioner; and
  - iv) the signatures of at least 10% of all eligible electors of the band in support of the petition.
- (b) a majority of council members passing a band council resolution setting out:
- i) the ground(s) pursuant to section 44 on which removal of a chief or councillor is sought;
  - ii) the evidence in support of the resolution; and
  - iii) the signatures of all council members who voted for the removal.
46. On receipt of a petition pursuant to subsection 45(a), council shall place the matter on an agenda for a regular meeting of council within five days from the date of receipt of the petition.
47. Within five days of receipt of the petition under subsection 45(a), council or the Chief Operating Officer shall notify, in writing and by hand or by registered mail, the petitioner and the council member who is the subject of the petition of the date and time at which a meeting of council will be held to review the petition.
48. The council member who is the subject of the petition as well as the petitioner shall be allowed to provide a submission at the meeting of council at which the petition is being reviewed.
49. Council shall have the power to require the production of any evidence and the attendance of any witnesses at the meeting to review the petition.
50. Council shall, within five days of the meeting of council at which the petition was reviewed, by band council resolution:
- (a) declare that there is insufficient evidence to support a recommendation for removal from office and notify the petitioner(s) accordingly; or
  - (b) declare that the council position held by the council member who the subject of the petition to be vacant; or
  - (c) refer the matter for final decision to a vote of the majority of members who attend a special community meeting to be held within 14 days of the council meeting at which the petition was reviewed.

51. Council shall deliver by hand or by registered mail, a written notice of the decision made under section 45(b) to the petitioner(s) and the council member who is the subject of the petition.
52. Where a petition has been dismissed under subsection 50(a), the petitioner(s) may appeal the dismissal to the Complaints and Appeal Board.
53. Where the position of a council member has been declared vacant under subsection 50(b), the council member may appeal the decision of council to the Complaints and Appeal Board.
54. Council shall have the power to suspend from office the council member who is the subject of the petition for removal during the review process.
55. Upon receipt of an appeal under section 45, the Complaints and Appeal Board shall:
  - (a) determine that the grounds put forth in the appeal are unsubstantiated, and dismiss the appeal;
  - (b) determine that the appeal is valid and there is sufficient grounds and evidence to reverse the decision of council; or
  - (c) schedule a review hearing, which must take place within 20 days from the date on which the appeal was submitted to the board.
56. In the case where the appeal has been dismissed under subsection 55 (a), the Complaints and Appeal Board shall inform the appellant in writing and provide a rationale.
57. In the case where the appeal has been upheld under subsection 55 (b), the Complaints and Appeal Board shall inform the appellant, council and the council member who is the subject of the petition for removal.
58. In the case where the Complaints and Appeal Board schedules a review hearing under subsection 55 (c), the board shall send a notice of the hearing by hand or by registered mail to council, the appellant(s) and the council member who is the subject of the petition for removal.
59. The written notice described in section 58 shall set out:
  - (a) the nature of the hearing and all related particulars;
  - (b) the date, time and location of the hearing; and

- (c) a statement that the appellant, any member of council or the council member who is the subject of the petition for removal may, at the hearing, make a presentation to the board, which may include the presentation of documents and testimonial by witnesses.
60. The Complaints and Appeal Board shall conduct a hearing at the time and place set out in the notice provided under section 59.
61. Within five days of the day on which the hearing under section 60 was held, the Complaints and Appeal Board shall rule:
- (a) In the case where the subject of the hearing was the appeal by a council member whose council position was declared vacant under section 50(b) of the code,
    - (i) that the decision of council to declare the council position vacant was justified and shall stand; or
    - (ii) that the decision of council to declare the council position vacant was not justified and order that the council member regain his or her position.
  - (b) In the case where the subject of the hearing was the appeal under section 55(a) of a dismissal by council of a petition for removal:
    - (iii) that the decision of council to dismiss the petition was justified and shall stand; or
    - (iv) that the decision of council to dismiss the petition was not justified and declare the council position of the council member who is the subject of the petition to be vacant.
62. The Complaints and Appeal Board shall send, by hand or by registered mail, a written notice of the ruling made under section 61 to council, the appellant and the council member who is the subject of the petition for removal.
63. The decision of the Complaints and Appeal Board made under section 61 is final and binding upon all parties.

### **By-election**

64. Unless otherwise provided in these regulations, in the event that the office of chief or councillor becomes vacant, a by-election shall be held within 90 days after the date on which the position is declared vacant.



65. No by-election shall be held if there are less than 3 months remaining in the term of the council member whose office has become vacant, except where a by-election is necessary to have sufficient council members to maintain a quorum.
66. No sitting council member is eligible to be a candidate in a by-election. If a council member wishes to be a candidate in a by-election, he or she must resign his or her council position in writing to the Chief Operating Officer prior to the nomination meeting for the by-election.
67. A resignation in writing provided to the Chief Operating Officer by a councillor is binding upon the councillor.
68. Except as expressly provided otherwise in these regulations, the rules and procedures in these regulations shall apply to by-elections.

## **PART 7 - PRE-NOMINATION PROCEDURE**

### **Appointment of a Chief Electoral Officer**

69. The Chief Electoral Officer shall be appointed by a band council resolution not less than 60 days before the expiration of a chief or councillor's term of office, or a by-election is scheduled to be held.
70. The band council resolution for the appointment of the Chief Electoral Officer shall contain his or her full name and address, the date of the election, the type of election which is to be conducted (general election or by-election), as well as any special instructions.
71. If a Chief Electoral Officer has not been appointed within the time set out in section 69, the Chief Electoral Officer shall be appointed by the Chief Operating Officer as soon as possible.
72. The Chief Electoral Officer must be a person who:
  - (a) is not a member of the band;
  - (b) has no vested interest in the outcome of the election;
  - (c) is at least 21 years of age; and
  - (d) has experience in the conduct of elections or has received appropriate training.
73. In the event that the Chief Electoral Officer cannot fulfill his or her duties, the Deputy Electoral Officer shall undertake the duties of the Chief Electoral Officer.

In the absence of a Deputy Electoral Officer, the council shall appoint a new Chief Electoral Officer.

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

74. The Chief Electoral Officer must swear an oath to uphold their offices in accordance with these regulations.

### **Chief Electoral Officer Responsibilities and Ethics**

75. The Chief Electoral Officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in these regulations. The Chief Electoral Officer must:
- (a) uphold and abide by the rules and regulations established in these regulations and pursuant to the Code of Ethics;
  - (b) remain neutral and professional in the conduct of the duties of his or her office, and refrain from providing any preferential treatment or expressing support for or opposition to any candidate;
  - (c) not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information;
  - (d) not discriminate against anyone because of race, religion, sex, age or handicap;
  - (e) use public office facilities to fulfill the terms of his or her office, and not for personal or partisan benefit;
  - (f) not pressure or intimidate other officials or personnel to favour a certain candidate; and
  - (g) avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where the Chief Electoral Officer has a personal or private interest in the matter at issue.

### **Voters List**

76. At least 45 days before the day on which an election is to be held, the Chief Electoral Officer shall obtain the names, band membership numbers and dates of birth of all band members who will have attained the age of 18 years on the date on which the election is to be held, from the Membership Clerk.

77. The Membership clerk shall, no later than 45 days before the date on which the election is to be held, provide the Chief Electoral Officer with the last known addresses, if any, of all electors who do not reside on the reserve.
78. Electors are responsible for providing the Membership clerk with their current addresses.
79. An elector's address and personal information shall be used by the Chief Electoral Officer only for the purpose of providing notices, mail-in ballots or other election documents to electors who are entitled to receive them under these regulations.
80. Except for the purposes noted in section 81, the Chief Electoral Officer shall not disclose an elector's address without the consent of the elector.
81. A candidate for election as chief or councillor may obtain from the Chief Electoral Officer a list of the names and addresses of electors who have consented to have their addresses disclosed to candidates.
82. At least 45 days before the day on which an election is to be held, the Membership Clerk shall prepare a voters list containing the names of all of the electors in alphabetical order, and be given to the Chief Electoral Officer.
83. The Chief Electoral Officer shall post the voters list in a public area of the band administration building and in such other conspicuous places on the reserve as may be determined by the Chief Electoral Officer, no later than 40 days prior to the date on which the election is to be held.
84. On request, the Chief Electoral Officer or Deputy Electoral Officer shall confirm whether the name of a person is on the voters list.
85. The Chief Electoral Officer shall revise the voters list upon presentation of documentary evidence which demonstrates that:
  - (a) the name of an elector has been omitted from the voters list;
  - (b) the name of an elector is incorrectly set out on the voters list; or
  - (c) the name of a person not qualified to vote is included on the voters list.
86. A person, or an elector acting on his or her behalf, may, no later than 14 days prior to the date on which an election is to be held, demonstrate that the name of an elector has been omitted from or incorrectly set out on the voters list by presenting in writing to the Chief Electoral Officer evidence from the Membership clerk that the elector:

- (a) is entitled to have his or her name entered on the voters list;
  - (b) will be at least 18 years of age on the date on which the election is to be held; and
  - (c) is qualified to vote in elections.
87. A person may demonstrate that the name of a person not qualified to vote has been included on the voters list by presenting in writing to the Chief Electoral Officer evidence that the person:
- (a) is neither on the band list nor entitled to have his or her name entered on the band list;
  - (b) will not be at least 18 years of age on the date on which the election is to be held; or
  - (c) is not qualified to vote in elections.
88. Where the Chief Electoral Officer believes or has information that a person whose name is on the voters list is not an elector.
89. After consideration of all information and representations relating to amendments of the voters list, the Chief Electoral Officer shall add or delete names from the voters list based on whether persons qualify as electors.
90. The decision of the Chief Electoral Officer under section 89 is final and is not subject to appeal.

### **Appointment of Deputies and Polling Clerks**

91. The Chief Electoral Officer may appoint one Deputy Electoral Officer.
92. The Chief Electoral Officer may appoint up to two polling clerks.
93. The Deputy Electoral Officer shall have such powers as described in these regulations as well as those powers of the Chief Electoral Officer as delegated to the deputy by the Chief Electoral Officer.
94. A Deputy Electoral Officer and a polling clerk shall not be a member of council or a candidate in the election.
95. Every Chief Operating Officer, Deputy Electoral Officer, and polling clerk shall swear an oath of office to:

- (a) uphold and comply with these regulations, the Code of Ethics and all the laws of the community;
  - (b) fulfill the duties and responsibilities of his or her office under these regulations;
  - (c) carry out his or her duties faithfully, honestly, impartially and to the best of his or her abilities;
  - (d) keep confidential any matter or information which, under these regulations, community law or policy, is considered confidential; and
  - (e) always act in the best interests of the community in carrying out his or her duties.
96. The Chief Electoral Officer may make such orders and issue such instructions consistent with the provisions of these regulations as he or she may deem necessary for the effective administration of the election.

## **PART 8 - THE NOMINATION PROCESS**

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

97. The Chief Electoral Officer shall, at least 30 days before the date on which the nomination meeting is to be held, post a notice of nomination meeting in at least one conspicuous place on the reserve.
98. The Chief Electoral Officer shall, at least 30 days before the date on which the nomination meeting is to be held, mail a notice of the nomination meeting and a voter declaration form to every elector who does not reside on the reserve in respect of whom the Chief Electoral Officer has been provided with, or has been able to obtain, an address.
99. A notice of a nomination meeting shall include:
- (a) the date, time, duration and location of the nomination meeting;
  - (b) the date on which the election will be held and the location of each polling place;
  - (c) the name and phone number of the Chief Electoral Officer;
  - (d) the statement that any voter may vote by mail-in ballot;
  - (e) the statement that any voter may vote by phone-in ballot;

(f) a description of the manner in which an elector can nominate a candidate, or second the nomination of a candidate; and

(g) the statement that, if the elector wants to receive information from candidates, the elector can agree to have his or her or her address released to the candidates.

100. The Chief Electoral Officer shall record the names of the electors to whom a notice of the nomination meeting was mailed, the addresses of those electors, and the date on which the notices were mailed.

### **Eligibility to Nominate**

101. In order to be entitled to nominate a candidate at an election, an elector must, on the day of the nomination meeting:

(a) be at least 18 years of age; and

(b) be included on the voters list.

102. Any elector may propose or second the nomination of any qualified person to serve as the chief or councillor-orally, at the nomination meeting.

### **Nomination Meeting**

103. The nomination meeting shall be held at least 14 days prior to the date on which the election is to be held.

104. At the time and place set for the nomination meeting, the Chief Electoral Officer shall declare the nomination meeting open for the purpose of receiving the nomination of candidates for the available council positions.

105. The Chief Electoral Officer is responsible for managing and conducting the nomination meeting.

106. The Chief Electoral Officer is responsible to ensure that written minutes are taken of the nomination meeting.

### **Duration**

107. The nomination meeting shall remain open for at least 30 minutes.

### **Maintaining Order and Security**

108. The Chief Electoral Officer shall maintain order at all times during the nomination meeting and may cause to be removed any person who, in his or her opinion, is disrupting or otherwise interfering with the proceedings.

### **Nomination Procedure**

109. The Chief Electoral Officer shall record the name of the candidate, the nominator and the seconder and confirm to those present at the meeting that the proposed candidate is eligible to be elected to the position of chief or councillor of the band.
110. A candidate must be nominated by an eligible voter and seconded by an eligible voter.
111. Any elector may nominate or second no more than the number of eligible persons equivalent to the vacancies for as chief or councillor.
112. At the end of the nomination meeting, the Chief Electoral Officer shall:
- (a) if the number of persons nominated to serve as chief or councillors does not exceed the number to be elected, declare those persons to be elected; and
  - (b) where more than the required number of persons are nominated for election as chief or councillors, announce that an election will be held.
113. On the day following the nomination meeting, the Chief Electoral Officer shall post in at least one conspicuous place on the reserve a list of nominees, their nominators and seconders.

### **PART 9 – CANDIDACY**

114. Only electors who meet the requirements of a candidate as set out in these regulations may be nominated as a candidate.
115. Only one person from an immediate family may be nominated at a nomination meeting.
116. Only one person from an immediate family may hold office.
117. A candidate must not be in a position whereby the Band has attributed a Bad Debt allowance on any money owing (i.e.. loan repayment or receivable income to the band (rent)) greater than 120 days after due date, or any historic bad debt still owed.

118. A candidate must be present at the nomination meeting to be nominated, unless they have given written notice of acceptance in advance.

119. A nominee shall sign the following documents:

(a) a notice of acceptance of nomination; and

(b) a sworn declaration confirming their eligibility as a candidate.

120. No person shall accept candidacy in an election if that person is not eligible to be a candidate in accordance with these regulations.

### **All Candidates Forum**

121. An all candidates forum shall be set no more than 10 days after the nomination meeting.

122. The Chief Electoral Officer shall facilitate and moderate the all candidates forum.

123. Each candidate will be given no more than 10 minutes to speak at the all candidates forum. The floor will then be open to eligible voters to ask questions of the candidates. No eligible voter shall have the floor for more than five minutes.

124. All candidates should attend the all candidates forum.

125. The Chief Electoral Officer shall maintain order at all times during the all candidates forum and may cause to be removed any person who, in his or her opinion, is disrupting or otherwise interfering with the proceedings.

### **Withdrawal**

126. A candidate may withdraw his or her candidacy within one day of the date on which the nomination meeting was held by submitting a written withdrawal of nomination to the Chief Electoral Officer.

127. A candidate who dies before the close of the polls shall be considered to have withdrawn his or her candidacy.

## **PART 10 - PRE-ELECTION PROCEDURE**

### **Acclamation**



128. Where the offices are filled by acclamation:

- (a) the Chief Electoral Officer shall post in at least one conspicuous place on the reserve a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held; and
- (b) sections 120 through 181 shall not apply.

### **Ballots**

129. The Chief Electoral Officer shall prepare ballot papers setting out the names of the candidates nominated for election, in alphabetical order by surname.

130. Where two or more candidates have the same name, the Chief Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those candidates. The ballot may, at the request of the candidate, include a candidate's commonly used nickname.

### **Notice of the Election**

131. A general election shall be held on the fourth Wednesday in October.

132. A by-election shall be held within 90 days of a vacancy or deemed vacancy of the position of chief or councillor unless there is less than three months remaining in the term.

133. The Chief Electoral Officer shall, within seven days after the day on which the nomination meeting was held, post a notice of election in at least one conspicuous place on the reserve and making reasonable efforts to notify all eligible voters.

134. The notice shall include:

- (a) the date of the election;
- (b) the times at which the polling station(s) will open and close;
- (c) the location of the polling station(s);
- (d) the time and location of the counting of the votes; and
- (e) a statement that the voters list is posted for public viewing and its location;

- (f) the statement that any voter may vote by mail-in ballot;
- (g) the statement that any voter may vote by phone –in ballot.

### **Mail-in Ballots**

135. An elector must deliver a request for a mail-in ballot package to the Chief Electoral Officer at least 40 days prior to the date upon which the election is to be held.

136. The Chief Electoral Officer shall, at least 35 days prior to the date on which the election is to be held, mail to every elector whose application to vote by mail-in ballot has been received, a mail-in ballot package consisting of:

- (a) a ballot initialled on the back by the Chief Electoral Officer;
- (b) an inner postage-paid return envelope, pre-addressed to the Chief Electoral Officer;
- (c) a second inner envelope marked “ballot” for insertion of the completed ballot;
- (d) an voter declaration form which shall set out:
  - i) the name of the elector;
  - ii) the membership number and date of birth of the elector; and
  - iii) the name, address and telephone number of the witness to the signature of the elector;
- (e) the notice of election set out in section 133; and
- (f) a letter of instruction regarding voting by mail-in ballot which shall also include:
  - i) a statement advising electors 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 Chief Electoral Officer at the polling station or swear a written declaration before the Chief Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot; and
  - ii) a list of the names of any candidates who were acclaimed.

137. The Chief Electoral Officer shall indicate on the voters list that a ballot has been provided to each elector to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each mail-in ballot was mailed or otherwise provided.

138. An elector shall vote by mail-in ballot by:

- (a) placing an "X" or other mark that clearly indicates the elector's choice but does not identify the elector opposite the name of the candidate or candidates for whom he or she desires to vote;
- (b) folding the ballot in a manner that conceals the names of the candidates or any marks, but exposes the Chief Electoral Officer's initials;
- (c) placing the ballot in the inner envelope and sealing the envelope;
- (d) completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;
- (e) placing the inner envelope and the completed, signed and witnessed voter declaration form in the postage-paid envelope; and
- (f) delivering, mailing or otherwise ensuring receipt by the Chief Electoral Officer of the envelope before the close of polls on the day of the election.

139. Where an elector is unable to vote in the manner set out in section 134, the elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that section.

140. A witness referred to in section 134 shall attest to:

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

141. Mail-in ballots that are not received by the Chief Electoral Officer before the close of polls on the day of the election shall not be counted.

### **Phone-in Ballots**

142. An elector may choose to vote by phone-in ballot.

143. An elector shall vote by phone-in ballot by:

- a. calling the Band Administration Office between 8:00 am and 8:00 pm on the day of election; and requesting to vote by phone;
- b. providing his or her name, membership number and date of birth to the Verifiers for Phone-In Ballots when requested to do so;
- c. The Verifiers for Phone-In Ballots shall confirm elector information and shall cause to be placed in the proper column of the voters lists a mark opposite the name of every person who proceeds to place a vote by phone-in ballot procedures;
- d. the Verifiers for Phone-In Ballots shall then transfer the elector to the Chief Electoral Officer;
- e. the Chief Electoral Officer shall, in confidence, mark the ballot according to the elector's wishes and shall place the ballot on the ballot box and shall confirm elector validity and shall cause to be placed in the proper column of the voters lists a mark opposite the name of every person who placed a vote by phone-in ballot procedures.

144. Phone-in ballots that are not received by the Chief Electoral Officer before the close of polls on the day of the election shall not be received or counted.

### **Equipment for the Election**

145. The Chief Electoral Officer shall, before the polling station is open, supply the polling station with:

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

## **Polling Stations**

146. The Chief Electoral Officer will establish at least one polling station on the reserve.
147. The Chief Electoral Officer shall provide a voting compartment in the polling station where electors can mark their ballots free from observation and the Chief Electoral Officer may appoint security to maintain order in the polling station.

## **PART 11 - ELECTION DAY**

### **Candidate's Agent**

148. A candidate shall be entitled to not more than two agents in the polling station at any one time.
149. A candidate's agent must present a letter of authorization to the Chief Electoral Officer or the Deputy Electoral Officer, signed by the candidate, in order to be permitted to remain in the polling station.

### **Polling Hours**

150. The polling station shall be open from 8 a.m. until 8 p.m. local time on the day of the election.

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

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

### **Secrecy and Security**

152. Voting shall be by secret ballot.

153. No elector may vote by proxy or authorize another person to vote on his or her behalf.
154. The Chief Electoral Officer or Deputy Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.
155. 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 Chief Electoral Officer or Deputy Electoral Officer for the purpose of conducting the election;
  - (b) attempt to interfere with or influence any elector in marking his or her ballot; or
  - (c) attempt to obtain information as to how an elector is about to vote or has voted.

### **Voting Procedure**

156. Each person, on arriving at the polling station, shall give his or her name to the Chief Electoral Officer or Deputy Electoral Officer.
157. The Chief Electoral Officer or Deputy Electoral Officer shall, if the person's name is set out in the voters list, place his or her initials on the ballot and provide them to the elector.
158. The Chief Electoral Officer or Deputy Electoral Officer shall cause to be placed in the proper column of the voters list a mark opposite the name of every person receiving a ballot paper.
159. If an elector to whom a mail-in ballot was mailed or provided under section 135, votes in person at a polling place or votes by phone under section 141, any mail-in ballot received from the elector shall be marked as a rejected ballot by the Chief Electoral Officer or Deputy Electoral Officer.
160. The Chief Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the elector.
161. After receiving a ballot, an elector shall:
  - (a) immediately proceed to the compartment provided for marking ballots;

- (b) mark the ballot by placing an “X” or other mark that clearly indicates the elector's choice but does not identify the elector opposite the name of the candidate or candidates for whom he or she desires to vote;
  - (c) fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the Chief Electoral Officer’s initials; and
  - (d) deliver the ballot to the Chief Electoral Officer or Deputy Electoral Officer.
162. On receipt of a completed ballot, the Chief Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and the elector shall deposit it in the ballot box in the presence of the elector and any other persons entitled to be present at the polling station.
163. While an elector is in the compartment for the purpose of marking his or her ballot paper, no other person shall, except as provided in section 163, be allowed in the same compartment or be in any position from which he or she can see the manner in which the elector marks his or her ballot paper.

### **Voting Irregularities**

164. At the request of any elector who is unable to vote in the manner set out in the voting procedures, the Chief Electoral Officer or Deputy Electoral Officer shall assist that elector by marking his or her ballot in the manner directed by the elector in the presence of another elector selected by the elector as a witness and shall place the ballot in the ballot box.
165. The Chief Electoral Officer or Deputy Electoral Officer shall note on the voters list opposite the name of an elector requiring assistance, as set out in section 162, the fact that the ballot paper was marked by him or her at the request of the elector and the reasons therefore.
166. An elector who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the Chief Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot paper. The Chief Electoral Officer or Deputy Electoral Officer shall write the word “rejected” upon the spoiled ballot paper and preserve it.
167. Any person who has received a ballot and who leaves the polling place without delivering the same to the Chief Electoral Officer or a Deputy Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit his or her right to vote at the election, and the Chief Electoral Officer or Deputy Electoral Officer shall make an entry in the voters list in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote.

## **Closing of the Polling Station**

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

## **PART 12 - COUNTING OF THE VOTES**

### **Opening Mail-in Ballots**

169. At the time published in the notice prepared under section 133 for the counting of the votes, the Chief Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their agents who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot,

(a) reject the ballot if:

- i) it was not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed,
- ii) the voter declaration form does not contain a date of birth or a band number that matches the information contained for that elector on the voters list;
- iii) the name of the elector set out in the voter declaration form is not on the voters list; or
- iv) the voters list shows that the elector has already voted.

(b) in any other case, the Chief Electoral Officer or Deputy Electoral Officer shall place a mark on the voters list opposite the name of the elector set out in the voter declaration form, and deposit the ballot in a ballot box.

### **Counting the Ballots**

170. The Chief Electoral Officer or Deputy Electoral Officer shall supply all persons present and who so request with a tally sheet to keep their own tally of the votes.

171. Immediately after the mail-in ballots have been deposited in the ballot box under section 168, the Chief Electoral Officer or Deputy Electoral Officer shall,



in the presence of any candidates or their agents who are present, open all ballot boxes and examine each ballot.

172. The Chief Electoral Officer or Deputy Electoral Officer shall call out the names of the candidates for whom the votes were cast on all valid ballots.
173. A Deputy Electoral Officer shall verify the name marked on the ballot and mark a tally sheet in accordance with the names being called out under section 171 for the purpose of arriving at the total number of votes cast for each candidate.
174. In the event that an elector raises an objection to the tally immediately after the ballots are counted, the votes shall be recounted by the Chief Electoral Officer and verified by the Deputy Electoral Officer.

### **Ballots Not Counted**

175. In examining the ballots, the Chief Electoral Officer or Deputy Electoral Officer must reject any ballots that:
  - (a) do not contain the initials of the Chief Electoral Officer or Deputy Electoral Officer;
  - (b) do not give a clear indication of the elector's intention;
  - (c) contain more votes than there are candidates to be elected; or
  - (d) contain a mark by which the voter can be identified.
176. The Chief Electoral Officer or Deputy Electoral Officer shall attach a note to each ballot rejected which outlines the reason for rejection.
177. Subject to review on recount or on an election appeal, the Chief Electoral Officer or Deputy Electoral Officer shall take a note of any objections made by any candidate or his or her agent to any of the ballots found in the ballot box and decide any questions arising out of the objection.
178. The Chief Electoral Officer or Deputy Electoral Officer shall number objections to ballots raised pursuant to section 175 and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with his or her initials.

### **Tie**

179. If it is not possible to determine the successful candidate(s) due to an equal number of votes being cast (i.e., tie vote), the Chief Electoral Officer shall establish a time for the conduct of a recount and publicly announce this time in the presence of all those present in the polling station.
180. A recount conducted pursuant to section 177 must take place within 24 hours of the announcement by the Chief Electoral Officer made pursuant to section 177, in the presence the candidates and their agents who wish to attend.
181. At the time established pursuant to section 177, the Chief Electoral Officer shall conduct a recount of the valid ballots.
182. If the recount fails to determine a successful candidate, the Chief Electoral Officer shall cast ballots in order to break the tie. The Chief Electoral Officer shall place the names of the candidates having the same number of votes on an unused ballot and place each in a receptacle. Without looking, he or she shall draw as many papers as there are positions available. The candidate(s) whose name(s) appear on the pieces of paper the Chief Electoral Officer has drawn from the receptacle shall constitute the candidate(s) for whom the Chief Electoral Officer shall cast a vote.

## **PART 13 - POST-ELECTION PROCEDURES**

### **Announcement**

183. After completing the counting of the votes and establishing the successful candidates, the Chief Electoral Officer shall declare to be elected the candidate or candidates having the highest number of votes.
184. Following the declaration of elected candidates made pursuant to section 181 the Chief Electoral Officer shall complete and sign an election report which shall contain:
  - (a) the names of all candidates;
  - (b) the number of ballots cast for each; and
  - (c) the number of rejected ballots.
185. Within four days after completion of the counting of the votes, the Chief Electoral Officer shall:
  - (a) sign and post, in at least one conspicuous place on the reserve, the election report prepared in accordance with section 182;

- (b) mail a copy of the election report to every elector of the band who does not reside on the reserve as per section 135; and
- (c) forward a copy of the election report to the Chief Operating Officer, and
- (d) forward a copy of the election report to Aboriginal Affairs and Northern Development Canada.

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

186. The Chief Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain these ballots and all materials in connection with the election.
187. All ballots and materials retained in accordance with section 190 shall be retained for 45 days from the date on which the election was held or until a decision on an appeal is rendered, whichever date is later, after which time the Chief Electoral Officer shall, unless directed otherwise by the council, destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

### **Chief and Councillor Oath of Office**

188. A candidate who has been elected chief or councillor shall swear an oath of office at the first Council meeting in November following the election, or as soon as practicable after a by-election, swearing to:
- (a) uphold and comply with these regulations, the Code of Ethics and all laws of the community;
  - (b) fulfill the duties and responsibilities of his or her office under these regulations, the Code of Ethics and all laws of the community;
  - (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, under these regulations, the laws of the community or policy, is considered confidential; and
  - (e) always act in the best interests of the community in carrying out his or her duties.
189. Where a candidate elected as chief or councillor cannot, due to illness or other valid reason, swear the oath of office within the time prescribed in section 187,

he or she or an elector acting on his or her behalf may file a petition with the Chief Electoral Officer for an extension of the time to swear the oath of office.

190. The Chief Electoral Officer receiving a petition under section 188 shall determine whether the circumstances justify an extension and shall provide the candidate making the request written notice of the decision, and where applicable, the extension period.
191. No person elected as chief or councillor shall be permitted to assume office until they have sworn and filed with the Chief Electoral Officer the oath of office required under section 187.
192. If a person elected as chief or councillor fails to file the sworn oath of office with the Chief Electoral Officer on or before the specified time period, the Chief Electoral Officer shall declare the office vacant.
193. The Chief Electoral Officer shall give notice in writing to the elected candidate whose office is declared vacant under section 191 or 207, and to the elected chief and council.
194. Unless the vacancy occurring under section 207 results in a situation where the band council can no longer form a quorum, the position shall remain vacant until such time as a by-election is called by council.

#### **PART 14 - COMPLAINTS AND APPEAL BOARD** **Composition**

195. If a Complaints and Appeal Board has not been appointed, at least fifty days before the date on which the election is to be held, the band council shall select the members of the Complaints and Appeal Board.
196. The Complaints and Appeal Board shall be composed of three individuals who:
  - (a) are not the Chief Electoral Officer, Deputy Electoral Officer or polling clerk;
  - (b) are not St. Mary's Indian Band members;
  - (c) are not eligible voters;
  - (d) are not St. Mary's Indian Band employees; and,
  - (e) are at least 21 years of age.
197. All members of the Complaints and Appeal Board shall possess a reasonable knowledge of the principles of administrative fairness.

198. The term of office for members of the Complaints and Appeal Board shall be from their appointment under section 193 until resignation by a member or removal by a quorum of Council.
199. Each member of the Complaints and Appeal Board shall execute an oath of office to:
- (a) abide by the rules and regulations established in these regulations;
  - (b) remain neutral and professional in the conduct of the duties of his or her office, and refrain from providing any preferential treatment;
  - (c) not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment;
  - (d) not discriminate against anyone because of race, religion, sex, age or handicap; and,
  - (e) avoid conflicts of interest, or the appearance of conflicts of interest, by withdrawing from the Complaints and Appeal Board if the member has a personal or private interest in the matter at issue.
200. Each member of the Complaints and Appeal Board shall accept his or her appointment by forwarding a letter of acceptance to the council or the Chief Operating Officer.

### **Functions**

201. The Complaints and Appeal Board shall supervise and administer, in accordance with the provisions of these regulations:
- (a) all election appeals; and
  - (b) all petitions for the removal of a council member from office.

## **PART 15 - APPEAL MECHANISM**

### **Timing**

202. A candidate or an elector may, within seven days from the date on which the election was held, submit an appeal in writing to the Complaints and Appeal Board.

### **Grounds for Appeals**

203. An appeal submitted pursuant to section 207 must sufficiently outline one or more of the following:
- (a) that the person declared elected was not qualified to be a candidate;
  - (b) that there was a violation of these regulations that might have affected the result of the election; or
  - (c) that there was corrupt or fraudulent practice in relation to the election.

### **Submission**

204. An appeal submitted to the Complaints and Appeal Board must be in writing and set out in an affidavit sworn before a notary public or duly appointed commissioner for taking oaths the facts substantiating the grounds for the appeal accompanied by any supporting documentation.

### **Procedure**

205. Upon receipt of an election appeal, the Complaints and Appeal Board shall:
- (a) in the case where the appeal is submitted in accordance with section 202, forward a copy together with supporting documents by hand or by registered mail to the Chief Electoral Officer and to each candidate at the election; or
  - (b) in the case where the appeal is not submitted in accordance with section 202, inform the appellant(s) in writing that the appeal will not receive further consideration.

### **Response to the Allegations**

206. Any candidate or the Chief Electoral Officer may, within 14 days of the receipt of the appeal(s), forward to the Complaints and Appeal Board by hand or by registered mail a written response to the appeal allegations, together with any supporting documentation.

### **Investigation**

207. The Complaints and Appeal Board may, if the material that has been filed is not adequate for deciding the validity of the election complained of, conduct such further investigation into the matter as the board deems necessary.

## Decision

208. After a review of all of the evidence that it has received, the Complaints and Appeal Board shall rule:

(a) that the evidence presented was not sufficiently substantive to determine that:

- i) a violation of these regulations has taken place that might have affected the result of the election;
- ii) the person declared elected was not qualified to be a candidate; or
- iii) there was a corrupt or fraudulent practice in relation to the election that might have affected its results,

and dismiss the appeal; or

(b) that all evidence and information gathered allows for the reasonable conclusion that:

- i) a violation of these regulations has taken place that might have affected the result of the election;
- ii) the person declared elected was not qualified to be a candidate; or
- iii) there was a corrupt or fraudulent practice in relation to the election that might have affected its results,

and uphold the appeal by setting aside the election of one or more council members.

209. The decision of the Complaints and Appeal Board made pursuant to section 207 shall be:

(a) published in the community's newsletter; and

(b) posted in at least one conspicuous place on the reserve.

210. The decision of the Complaints and Appeal Board is final and not subject to appeal.

## PART 16 – AMENDMENTS

211. The process for development and passage of amendments to these regulations may be initiated by:
- (a) the signature of at least 10% of all eligible electors of the band in support of the petition; or,
  - (b) a band council resolution.
212. Upon receipt of an amendment proposal in accordance with section 209 council shall prepare a notice that sets out:
- (a) a summary of the proposed amendments to these regulations;
  - (b) a statement that the full copy of the proposed amendments can be obtained at the band administration office; and
  - (c) a description of the amendment process.
213. The notice provided for in section 210 shall be:
- (a) published in the community's newsletter; and
  - (b) posted in at least one conspicuous place on the reserve.
214. Electors may, within 14 days of publication of the notice outlined in section 210, provide comments concerning the proposed amendments in writing to council.
215. Following receipt of comments concerning the proposed amendments pursuant to section 212 the council shall review the comments and make such changes to the proposed amendments as they deem necessary in order to arrive at a final amendment proposal.
216. The council shall present the final amendment proposal at a community meeting at a date and time set by the Chief Operating Officer.
217. Should the majority of members attending the community meeting vote in favour of the proposed amendments, council shall by resolution amend the code accordingly.
218. Elections held under the amended code shall take place no sooner than 100 days from the date the proposed amendments are voted upon by the members at a community meeting.