



CUSTOM ELECTION REGULATIONS

Revised 2024

X

Chief Electoral Officer

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PART 1 – AMENDMENT

1. Amending the *ᑭᐱᑭᐱ Custom Election Regulations 2022* is as per BCR 981-90-748 dated June 30, 2021

PART 2 –EFFECTIVE DATE

1. This amendment is effective upon a positive majority vote by eligible ᑭᐱᑭᐱ band members who are the electorate, as of March 19, 2024.

PART 3 - INTERPRETATION

1. In these regulations:

“ᑭᐱᑭᐱ Band” is a recognized sec. 10 band as per the Indian Act of Canada.

“ᑭᐱᑭᐱ band member” means an individual who is registered to ᑭᐱᑭᐱ according to the Indian Act.

“ᑭᐱᑭᐱ Community” is the community within the ᑭᐱᑭᐱ reserve lands as documented with the ᑭᐱᑭᐱ Land Code, including infrastructure, social and physical located

“ᑭᐱᑭᐱ Band Council” mean the duly elected representatives that comprise the political leadership on behalf of the ᑭᐱᑭᐱ band membership and ᑭᐱᑭᐱ community.

“ᑭᐱᑭᐱᑭᐱ” means the general membership of the ᑭᐱᑭᐱ Band.

“Appellant” means an individual who submits an appeal in accordance with these regulations.

“Band Council Resolution” means a resolution passed by the majority of sitting Band Council.

“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, includes all days of the week, excluding statutory holidays.

“Candidate” means a ᑭᐱᑭᐱ 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. has been a registered member of the band for a period of at least two years preceding the nomination meeting;
- d. If an employee of ᑭᐱᑭᐱ is elected, they will provide two weeks notice of resignation from employment.
- d. 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,
- e. Has lived within those perimeters for a period of at least six months preceding the nomination meeting.

“Code of Ethics” means the guidelines, general rules and standards for behaviour established in accordance with Part 4 and included in Appendix A of these regulations.

“Chief” means the ʔaąam Band Council member with the most votes, either in direct election by electorate and is recognized as the head council member—nasu?kin—of the ʔaąam Band Council.

“Chief Administrative Officer” means most senior management position within the ʔaąam Administration, referred to here within as the CAO.

“Chief Administrative Officer Designate” means an individual ʔaąam staff member who is tasked with carrying out duties usually held by the Chief Administrative Officer.

“Chief Electoral Officer” means a person, appointed by a Band Council Resolution, 50 days before each election, who has the responsibility for conducting all procedures related to an election or by-election as directed within these regulations.

“Corrupt practices” refers to interference with the ‘free, prior and informed consent’ of the electorate, in general and individual electors and is detailed in Part 11.7.1-7 of these regulations.

“Council” means the representative body composed of those persons elected by ʔaąam electorate pursuant to these regulations.

“Councillor” means a duly elected member of the Council of ʔaąam.

“Criminal Record Check” is defined according to the RCMP Canadian Policy Information Centre (CPIC). An Enhanced and/or certified and/or vulnerable sector Check is requested from the USA and state of residence as well as from elected officials within Canadian borders.

“Dependent” means, a person who relies upon a ʔaąam band member such as:

- a. the band members’ spouse;
- b. a person under the age of majority, for whom the ʔaąam band member or the ʔaąam band members’ spouse is a parent or acting in a parental capacity;
- c. a person for whom the ʔaąam band member or the ʔaąam band members’ spouse is acting as guardian; or
- d. A person, other than an employee, who is financially dependent upon the ʔaąam band member or the ʔaąam band members’ spouse.

“Deputy Electoral Officer” means the person appointed by the Chief Electoral Officer for the purposes of an election to assist in the conduct and successful completion of the election process according to these regulations.

“Election” means a general election of the ʔaąam band held pursuant to the provisions of these regulations. A general election shall be held on the fourth Wednesday in October.

“Election Complaints and Appeal Board” means the body appointed by a Band Council Resolution in accordance with this code.

“Elector” means a person who:

- a. is a member of the ᑭᓄᓂᓂᓂ; and
- b. is 18 years of age or older on the day on which the election is held.

“Electorate” means the collective of ᑭᓄᓂᓂᓂ who are entitled, eligible and registered to vote.

“Employee” means an individual who the ᑭᓄᓂᓂᓂ 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 those 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 these regulations.

“Membership Clerk” means the ᑭᓄᓂᓂᓂ employee responsible for maintaining the ᑭᓄᓂᓂᓂ membership list.

“Nomination meeting” means the meeting at which ᑭᓄᓂᓂᓂ electorate come forward to nominate and second, candidates for election.

“Oath of office” means a solemn affirmation to be in service to the ᑭᓄᓂᓂᓂ as per these regulations

“On line voting” means an electronic ballot process in accordance with and inclusive of these regulations.

“Phone-in ballot” means a ballot marked in accordance with these regulations.

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

“ᑭᓄᓂᓂᓂ” refers to the ᑭᓄᓂᓂᓂ determined values and principles as set out in ka knitwitiyala-ᑭᓄᓂᓂᓂ Strategic Plan.

“Regulations” means this ᑭᓄᓂᓂᓂ Custom Election Code set out herein (insert date of code here).

“Rejected ballots” means those ballots that have been improperly marked by the elector, and/or a defaced ballot which are not included in the tally of valid ballots cast during the counting of the votes.

“Scrutineers” are those band members witnessing the counting of ballots on behalf of a candidate.

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

“Technology” means the use of computer software to enable ʔaḡam band member participation and engagement for the purposes of governance and administration including election processes here within.

“Timeline” means the time and process necessary to successfully carry out these regulations beginning at minimum 100 days from the Election Day.

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

“Virtual Meetings” means, meetings held on line through a meeting platform including band members participation and nomination meetings.

“Voter Information Form” means a document that informs the Voters List:

- a. the name of the elector;
- b. the ʔaḡam membership or registry number of the elector,
- c. the date of birth of the elector; and

“Voters List” means the list of ʔaḡam band members eligible to vote in an election.

PART 4 - CODE OF ETHICS

1. The ʔaḡam Custom Election Code process is guided by an adherence to the Code of Ethics accepted by Chief and Council and noted in Appendix A.
2. The Code of Ethics governs and informs the conduct of candidates and their supporters, specifically relating to their participation in the electoral process, including activity in person, and mediated through technology on behalf of, or in representing ʔaḡamnik and the interests of the ʔaḡam band membership at large.
3. It is the expressed expectation of the ʔaḡamnik that all those involved in the election process including the ʔaḡam electorate, and those acting on behalf of ʔaḡam, will do their upmost to ensure a fair and transparent election process, and govern themselves according to the intentions set out in the Code of Ethics for the duration of election processes documented within these regulations.
4. Ǫanikitǵi as noted within the ʔaḡam Strategic Plan, sets out guidance agreed upon by ʔaḡamnik. Applied within these regulations, Ǫanikitǵi supports the prevention of corrupt election practices including the coercive influence upon the electorate.
5. The electorate are encouraged to share direct links to the official ʔaḡam band website, in order to share notices noted in these regulations in their social networks.

PART 5 – ELECTION CODE REGULATION AMENDMENT

1. 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.
2. When an amendment process has been determined to proceed, an amendment process will include:
 - a. ?aqam Band member involvement
 - b. Occur in a timely manner to ensure uptake and application of these regulations in upcoming election following processes provided below.
 - c. Will result in an amendment proposal that will include:
 - i. A list of proposed changes and reasons for changes
 - ii. Suggested recommendations
 - iii. A detailed amendment process undertaken.
3. Upon receipt of an amendment proposal, the sitting Band Council shall direct the CAO to 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 ?aqam band administration office;
 - c. a description of the amendment process; and
 - d. The date and time formal comments are to be submitted for consideration of the proposed amendments 14 days from the posted notice as per section 5 below.
4. The notice provided for in section 3 above shall be:
 - a. published in the ?aqam band monthly newsletter;
 - b. the ?aqam band website;
 - c. ?aqam band preferred social media; and
 - d. Posted in each of the band administration buildings, including the daycare, school, health centre, band office, store and Culture centre.
5. ?aqamnik electorate may provide comments concerning the proposed amendments in writing to Council via the CAO or CAO designate, by the end of the 14 days since the publication of the notice.
6. Following receipt of comments concerning the proposed amendments the Council shall review the comments and revise proposed amendments as they deem necessary in order to arrive at a final amendment proposal.
 - a. CAO or their designate will compile the comments for use by Council
 - b. A special meeting of ?aqam Chief and Council will be called within 7 days of receipt of the comments to review the proposal in full.
7. The council shall present the final amendment proposal within 30 days, to a band meeting at a date and time set by the Chief Administrative Officer.

8. Should the majority of band members attending the band meeting vote in favour of the proposed amendments, Council shall by resolution amend the code accordingly.
9. Elections held under the newly accepted amended code shall take place no sooner than 100 days from the date the final amendment proposal is accepted by ᐱᐱᐱ band members at a Band meeting.

PART 6– THE ᐱᐱᐱ BAND COUNCIL

1. Composition and Size

1. The council shall consist of one chief and four councillors voted into office by the ᐱᐱᐱ band electorate according to these regulations.

2. Mode of Election for Chief and Councillors

1. A general election shall be held on the fourth Wednesday in October.
2. Elections are held every two (2) years to ensure overlapping terms of office
3. Eligible voters shall indicate a vote for the chief and then two councillor positions during the first election.
 - a. Election years beginning in 2024, 2028, 2032, 2036...
4. The remaining two councillor positions will be elected two years thereafter.
 - a. Election years beginning in 2022, 2026, 2030, 2034, 2038...

3. Term of Office

1. The term of office for all newly elected Chief and Councillors shall commence on the first council meeting in November following the election, and
 - a. all newly elected Band Council members shall swear the oath of office and
 - b. The Band Council as a whole shall sign their Code of Ethics.
2. The term of office for each of the positions as Chief and Councillors shall be four years.
3. Over-lapping terms are intentional for the continuity and progress of the ᐱᐱᐱ administration in supporting the vision and self development of the band and community of ᐱᐱᐱ.
4. Subject to any vacancy arising under these regulations, the term of office for newly elected Chief and Councillors expires four years after commencement, with exception of:
 - a. 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 they are elected to replace.
5. If a person is declared ineligible to hold office as a result of an election appeal, the successful replacement candidate shall assume the unexpired part of the term of the ineligible individual.

4. Vacancy

1. A Chief or Councillor position on the council may become vacant if, while in office:
 - a. the Chief or Councillor resign by way of letter delivered in person or email attachment, to the Chief Administrative Officer, stating they are unable to fulfill the term of office;

- b. the Chief or Councillor has been unable to perform the functions of his or her office for more than six months due to documented illness or other incapacity AND the remain Council deems it necessary to remove the member;
 - c. the Chief or Councillor dies;
 - d. the Chief or Council member is removed from office in accordance with Part 15 and “Removal of Council Members from Office” within Appendix 4.
2. A documented vacancy starts the By-Election Process as per Part 7

Part 7- BY-ELECTION PROCESS

1. These regulations shall apply to all aspects of the by-election process with varied timelines.
2. In the event that the office of chief or councillor becomes vacant prior to a regular election, a by-election shall be held within 90 days after the date on which the position is declared vacant.
 - a. Timelines for process will be modified to ensure prompt election to fill the vacant seat.
3. 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
 - a. Except where a by-election is necessary for the Council to maintain quorum.
4. No sitting Council member is eligible to be a candidate in a by-election.
 - a. 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 Administrative Operating Officer prior to the nomination meeting for the by-election.
5. A resignation in writing provided to the Chief Administrative Officer by a councillor is binding upon the councillor.
6. A “Removal from Office” result is binding upon the member of council investigated according to these regulations.

PART 8- NOTICE of ELECTION

1. Regular Election

1. Within the first quarter of an Election Year, the Chief Administrative Officer or their designate shall post notice on the ʔaḡam website that:
 - a. It is an election year
 - b. The date of the election (4th Wednesday of October)
 - c. Which Council position the election is for; and
 - d. A reminder to the electorate to fill in, sign and submit their Voter Information Form.
2. 45 days before the Election Date (4th Wednesday of October) the Chief Electoral Officer will post public notice of an election:
 - a. on the official ʔaḡam website;
 - b. ʔaḡam preferred social media;
 - c. ʔaḡam newsletter; and

- d. Paper notices posted in the ʔaąam administrative buildings including:
 - i. the band office;
 - ii. the health centre;
 - iii. the daycare;
 - iv. the school; and
 - v. other Ktunaxa Nation Council affiliated offices that are willing to post notices.
3. The Notice of Election will include the following information:
- a. Date of the Election
 - b. Date and time of the Nomination Meeting
 - c. Location of Nomination Meeting
 - d. Statements on method of voting: on line; in person and telephone.
 - e. Location of Polling Stations
 - f. Time and location of the counting of the votes.

2. By-election

1. In the case of a By-election, the Chief Administrative Officer or their designate, shall post notice that:
 - a. A By-election is warranted
 - b. The Date for the By-election
 - i. Within 90 days of the vacancy of the position, unless there is less than three months remaining in the term and there is no threat to quorum of Council
 1. If there is threat to quorum, a by election is called regardless of time remaining in the term.
 - c. Includes the time line of the By-election process.

PART 9: THE ELECTORATE

1. Voter Information

1. All eligible voters are required to complete a Voter Information Form within an election year.
2. The Voter Information form provides the Membership Clerk with necessary information to ensure that all eligible voters are registered and that contact information is up to date, including:
 - a. the name of the elector;
 - b. the ʔaąam membership or registry number of the elector,
 - c. the date of birth of the elector;
 - d. the name, address, telephone number, email address of the elector; and
 - e. is signed by the elector.
3. It is the responsibility of the eligible voters to ensure they have appropriate and accurate identification documents including Status Card, or BC ID for use in the voting process.
4. It is the responsibility of the eligible voters to ensure their contact information is communicated to the Membership Clerk.
 - a. Providing the Membership clerk with their current address will ensure that voting packages can be sent to all ʔaąam electorate.

- i. This enables the UN Declaration on the Rights of Indigenous Peoples' principle of "free, prior and informed consent" noted in Article 3
5. An elector's address and personal information shall **only** be used by the Chief Electoral Officer for the purpose of the election, such as:
 - a. providing voter packages;
 - b. election notices;
 - c. mail-in ballots; or
 - d. delivering other election related documents to electors who are entitled to receive them under these regulations.
6. The Chief Electoral Officer shall not disclose an elector's address for any reason and under any circumstances unrelated to the election process.
 - a. If a Chief Electoral Officer is requested such information, they will defer the request directly to the CAO or their delegate.

2. Voters' List

1. The Membership Clerk shall prepare a preliminary voters list of the ʔaąam electorate, in alphabetical order. The list includes the following information:
 - a. The names of band members eligible to vote
 - b. Band membership numbers for those eligible to vote
 - c. Date of birth of those who will be 18 as of the date of election.
2. The preliminary Voters List will be given to the Chief Electoral Officer in their orientation package and no later than 45 days before the date of the Election.
3. The Chief Electoral Officer shall amend the preliminary Voters List, to names only.
4. No later than 40 days prior to the election date, the Chief Electoral Officer will post the "Names Only" Voters List for review by the ʔaąam electorate:
 - a. on the official ʔaąam website;
 - b. Paper notices posted in the ʔaąam administrative buildings including:
 - i. the band office;
 - ii. the health centre;
 - iii. the daycare;
 - iv. the school; and
 - v. in a public area of the band administration building

3. Amendments to the Voters' List

1. The CAO or their designate shall bring the proposed Voters List to the next immediate band meeting within the Election Process, for brief review.
 - a. Should any revisions be brought forth at this band meeting, the CAO or their designate will communicate these to the Chief Electoral Officer.
2. An electorate or a designated person acting on their behalf, may, in writing to the Chief Electoral Officer, no later than 30 days prior to the date on which an election is to be held (4th Wednesday of October), demonstrate that the name of an elector:

- a. has been omitted from; or
 - b. has been incorrectly set out on the Voters List.
- 3. A person may demonstrate that the name of a person not eligible 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 18 years of age or older on the date on which the election is to be held; or
 - c. is not eligible to vote in elections.
- 4. The Chief Electoral Officer shall revise the Voters List only upon the positive confirmation and documentation with the Membership Clerk.
- 5. No more than 15 days prior to the Election Day, the Chief Electoral Officer will seek confirmation from the Membership Clerk that the elector in question:
 - a. is entitled to have his or her name entered on the voters list;
 - b. corrected spelling of the name of said elector, including;
 - i. confirmation of electors' birth date; and
 - ii. confirmation of the electors' band membership
 - c. will be 18 years of age or older on the date on which the election is to be held; and
 - d. is eligible to vote in the election.
- 6. The Chief Electoral Officer shall then provide a proposed FINAL Voters List for verification by the Membership Clerk and CAO.
 - a. Once verified, this FINAL Voters List is NOT subject to APPEAL.
- 7. The FINAL Voters List is then posted for review for 7 days prior to the date of Election with notice that:
 - a. It is available to public viewing
 - b. The locations it is posted.

PART 10 –PRE-ELECTION PROCEDURES

Step 1. ELECTION COMPLAINTS and APPEALS BOARD

It is the Election Complaints and Appeals Board whose duty it is to review and make decisions concerning petitions directly related to election appeals.

A. Board Composition

1. The Election Complaints and Appeals Board shall be composed of three individuals who:
 - a. are not the Chief Electoral Officer, Deputy Electoral Officer or polling clerk;
 - b. are not ?aqam Band members;
 - i. are not married to or immediate family members
 - ii. have no vested interest in the election outcome.
 - iii. Are trusted and known to the ?aqam band
 - iv. are not eligible voters;
 - c. are not ?aqam Band employees; and,
 - d. are at least 21 years of age.

2. All members of the Election Complaints and Appeals Board shall possess a reasonable knowledge of the principles of administrative fairness.

B. Process for Appointment

1. The Election Complaints and Appeals Board is an ad hoc committee whose time line is 50 days before the Election Date and 50 days after an election.
2. In the case of a By Election, the most recent Election Complaints and Appeals Board maybe recalled to service.
3. The sitting ʔaqam Band Council shall select the members of the Elections Complaints and Appeals Board from a generated list reviewed in Council meeting not later than **June** of the election year.
4. The Chief Administrative Officer or their delegate will issue a letter requesting their services with the time line, and a copy of these regulations for their review.
5. Each member of the Election Complaints and Appeals Board shall accept his or her appointment by forwarding a letter of acceptance to the Chief Administrative Officer or designated staff member, within 7 days of their letter of request.
6. The Election Complaints and Appeals Board is appointed, by BCR, (50) days before (August--, 20--) the date (October --, 20--) on which the election is to be held.
7. Each member of the Election Complaints and Appeals Board who accepts appointment shall execute an oath of office to:
 - a. abide by the rules and expectations established in these regulations;
 - i. Be familiar with these regulations.
 - b. remain neutral and professional in the conduct of their duties of 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, gender, age or ability; and,
 - e. avoid conflicts of interest, or the appearance of conflicts of interest, by withdrawing from the Election Complaints and Appeals Board if the member has a personal or private interest in the matter at issue.

C. Functions

1. The Elections Complaints and Appeals Board shall administer Part 14 Election Appeals Process and Mechanisms—of these regulations.
2. The Elections Complaints and Appeals Board shall conduct its duties according to ʔaqam Chief and Council policies and procedures, specifically meetings. Appendix 3.

Step 2. CHIEF ELECTORAL OFFICER

A. Appointment of a Chief Electoral Officer

1. A Call Out for interested and qualified individuals will commence at minimum 100 days prior to the election day with statement of interest sent to the CAO to bring to Council's attention .
2. The Chief Electoral Officer shall be appointed by a Band Council Resolution not less than 60 days before Election day, (4th Wednesday of October).
3. 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.
4. If a Chief Electoral Officer has not been appointed within the time set out in this section, the Chief Electoral Officer shall be appointed by the Chief Administrative Officer as soon this oversight is noted.
 - a. This oversight must be document by Chief and Council in writing within the minutes of the next immediate Chief and Council meeting.
5. The Chief Electoral Officer must be a person who:
 - a. is not a member of the ᑭᓴᓄᓄ 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.
 - e. Not immediate family/relative of an ᑭᓴᓄᓄ band member or is an ᑭᓴᓄᓄ band employee.
6. In the By Election, the Chief Electoral Officer presiding over the most recent election, may upon positive and respectful completion of the election, be recalled to service.

B. Chief Electoral Officer Oath of Office

1. The Chief Electoral Officer must swear an oath of office (Appendix B) to uphold their offices in accordance with these regulations.

C. Chief Electoral Officer Responsibilities and Ethics

1. The Chief Electoral Officer is responsible for ensuring that all pre-electoral, electoral and post-electoral processes and procedures included in these regulations are carried out accordingly, with consideration for timing, transparency and accountability.
2. 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 geographical location, residence, 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.
3. Chief Electoral Officer must document a conflict of interest and provide to the CAO, in writing, such a conflict.
 4. 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.
 - a. In such situations, these will be documented and reported to the CAO for review.
 5. 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.
 - a. The issue shall be brought to the CAO and recorded.
 - b. A BCR amendment will be issued.
 6. In the absence of a Deputy Electoral Officer, the sitting ʔaąam Band Council shall appoint a new Chief Electoral Officer.

D. Appointment of Deputies and Polling Clerks

1. The Chief Electoral Officer is expected to appoint one Deputy Electoral Officer.
2. 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.
 - b. Thereby the Deputy Electoral Officer must be a person who:
 - i. is not a member of the ʔaąam band;
 - ii. has no vested interest in the outcome of the election;
 - iii. is at least 21 years of age; and
 - iv. has experience in the conduct of elections or has received appropriate training.
 - v. Not immediate family/relative of ʔaąam band member or band employee
3. The Chief Electoral Officer is expected to appoint at minimum two polling clerks.
 - c. Polling Clerks will be required for duty the day of the election as well as any days leading up to the election in support of the Chief Electoral Officer duties.

4. Polling clerks shall not be a member of council or a candidate in the election.
5. The 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 ʔaᓃam band;
 - 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, ʔaᓃam band law or policy, is considered confidential; and
 - e. always act in the best interests of the ʔaᓃam band in carrying out his or her duties.

Step 3. THE NOMINATION PROCESS

1. The nomination meeting shall be held at least 14 days prior to the date on which the election is to be held (4th Wednesday of October) and be accessible to all ʔaᓃam band members regardless of residency, for participation.

A. Eligibility to Nominate

1. In order to be eligible 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 on the day of election;
 - b. on the ʔaᓃam band voters list; and
 - c. be present at the nomination meeting
 - i. If the nomination meeting is held ‘virtual’, a nominee must be able to sign in to technology and be on camera for nomination.
 - ii. Be free of any and all intoxicants including alcohol, mind altering prescription drugs and non-prescription drugs.
 - iii. Govern themselves according to the Code of Ethics and expectations found within these regulations.
2. Any elector who is present at the nomination meeting may propose or second the nomination of any other eligible person to serve as the chief or councillor.

B. Notice of Nomination Meeting, Virtual, Phone-in and Mail-in Procedures

1. 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:
 - a. on the official ʔaᓃam website;
 - b. Paper notices posted in the ʔaᓃam administrative buildings including:
 - i. the band office;
 - ii. the health centre;
 - iii. the language & culture building;
 - iv. the daycare;
 - v. the school; and
 - vi. in a public area of the band administration building, and
 - c. mail to the electorate whose voter Information form has been received, such notice.

2. A notice of a nomination meeting shall include:
 - a. the date, the time (in MDT), the duration and location of the nomination meeting, including what on line platform is used to ensure all band members regardless of residency, can participate;
 - b. a description of the manner in which an elector can nominate a candidate, or second the nomination of a candidate; and
 - c. the date on which the election will be held and the location of each polling place;
 - d. the name and phone number of the Chief Electoral Officer;
 - e. the statement that any voter may vote by mail-in ballot;
 - f. the statement that any voter may vote on line
 - g. the statement that any voter may vote by phone-in ballot.
3. The Chief Electoral Officer shall keep record of the names and address of the electorate to whom a notice of the nomination meeting was mailed, the date on which the notices were mailed and if any are returned.

C. Nomination Meeting

1. The nomination meeting shall be held at least 14 days prior to the date on which the election is to be held which is the 4th Wednesday of October.
 - a. at the time (MDT) and place/platform for the nomination meeting, set out in the notice of Nomination meeting.
2. Part 4 Code of Ethics of these regulations shall guide the conduct of everyone in attendance at the Nomination Meeting.
3. The Chief Electoral Officer is responsible for managing and conducting the nomination meeting, ensuring that the electorate can participate including an on line access.
4. 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 including being under the influence of unknown substances.
5. The Chief Electoral Officer is responsible to ensure that written minutes are taken of the nomination meeting.
6. The Chief Electoral Officer shall declare the nomination meeting open for the purpose of receiving the nomination of candidates for the available council positions according to Part 6.2.3a and Part 6.2.4.a;
7. The nomination meeting shall remain open for at least 45minutes.

D. Nomination Procedure

1. An elector must be present at the nomination meeting to be nominated.
2. An elector must be an eligible voter to be nominated

3. An elector must be nominated by an eligible voter and seconded by an eligible voter to be considered a candidate.
 - a. An elector cannot nominate nor second their own nomination.
4. Nomination must state the position of the Nomination:
 - a. Nomination for Chief only in election years
5. Only one elector from an immediate family, as defined in these regulations, may be nominated at a nomination meeting.
 - a. If they are participating on line, they must have camera on for the duration of the meeting and make arrangements in advance of the meeting to ensure their participation.
6. The Chief Electoral Officer will ask the nominee if they accept the nomination.
 - a. If the nominee accepts the nomination, the response to the meeting is “YES”.
 - b. If the nominee declines the nomination, the response is “NO”.

The response is official and final. There are no appeals.
7. Any elector may nominate or second no more than the number equivalent to the vacancies for said election, depending upon election year. See Part 6.2.3.a. and Part 6.2.4.a to confirm vacancies.
8. The Chief Electoral Officer shall:
 - a. record the name of the candidate;
 - b. Record the name of the nominator and the seconder;
 - c. The nominee response to nomination in the affirmative or declined;
 - d. confirm to all those present at the meeting that the proposed candidate is eligible to be a candidate for election to Council in upcoming election.
9. At the end of the nomination meeting, the Chief Electoral Officer shall:
 - a. review the number of persons nominated to be candidates in the upcoming election:
 - i. If the number of Candidates does not exceed the number to be elected, declare those persons to be elected; and
 - ii. When more candidates than the vacant Council members positions requires, the Chief Electoral Officer shall formally announce that an election will be held. A nominee shall sign the following documents at the end of the nomination meeting:
 - a. a notice of acceptance of nomination; and
 - b. a sworn declaration confirming their eligibility as a candidate.
10. By noon, the day following the nomination meeting, the Chief Electoral Officer shall:
 - a. Post:
 - i. a dated official list of candidates, their nominators and seconders; and
 - ii. An official notice of the All Candidates meeting including:
 1. Time, duration, location and on line platform access
 - b. on the official ʔaqam website;
 - c. Paper notices posted in the ʔaqam administrative buildings including:

- i. the band office;
- ii. the health centre;
- iii. the daycare;
- iv. the school; and
- v. in a public area of the band administration building.

thus making a reasonable efforts to notify all eligible voters.

Withdrawal of Nomination

1. 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.
 - a. The Chief Electoral Officer will immediately issue a statement of withdrawal and revise the official list of candidates; and
 - b. The candidate cannot appeal or rescind their decision.
2. A candidate who dies before the close of the polls shall be considered to have withdrawn his or her candidacy.

Acclamation

1. Where the vacancy of Council 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:
 - i. the names of the persons who have been acclaimed; and
 - ii. states that an election will not be held; and
 - iii. Part 11 of these regulations shall not apply.

Step 4. CANDIDACY

A. The Candidate

1. 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 ʔaᑭam Code of Ethics (appendix A);
 - b. without coercion or vote-buying ;
 - c. respecting the right and freedom of other candidates;
 - d. respecting the rights and freedoms of eligible voters to obtain information from a variety of sources;
 - e. ethically, focusing on political issues and candidate platforms;
 - f. non-violently, without intimidating opposing party candidates, opposition supporters or social media;
 - g. respecting the electoral officials and not interfering with the performance of their duties;
 - h. accepting and complying with the official election results; and
 - i. in the case of appeal, accepting the final decision of the Election Complaints and Appeal Board.
 - j. make all reasonable effort to attend the all candidates forum.

2. A candidate for election 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.
 - a. Given the role and responsibility of the Council, this is to prevent:
 - i. any potential real or perceived conflict of interest or
 - ii. Monetary gain from decisions made by Council to Council as a whole, or any one member.
3. Candidates personal contact information will not be shared by the Chief Electoral Officer without prior consent and will only be shared with electorate upon request.

B. Notice of All Candidates Forum

1. 7 days prior to the All Candidates Forum, the Chief Electoral Officer shall:
 - a. Post a dated, official notice of the All Candidates meeting including:
 - i. Time in MDT
 - ii. Duration of the forum
 - iii. location and on line platform access
 - iv. contact information to direct questions for candidates prior to the forum
 - b. on the official ᑭᓄᓂ website; and
 - c. Paper notices posted in the ᑭᓄᓂ administrative buildings including:
 - i. the band office;
 - ii. the health centre;
 - iii. the daycare;
 - iv. the school; and
 - v. in a public area of the band administration building.

thus making a reasonable efforts to notify all eligible voters.

B. All Candidates Forum

1. An all candidates forum shall be set no more than 7 days after the nomination meeting.
2. Part 4 Code of Ethics of these regulations shall guide the conduct of everyone in attendance at the All Candidates Forum.
3. 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 including being under the influence of unknown substances.
4. The Chief Electoral Officer shall facilitate and moderate the all candidates forum.
5. Each candidate will be given no more than 10 minutes to speak at the beginning of the forum. The floor will then be open to the electorate to ask questions of the candidates.
6. Electorate is encouraged to submit questions for the candidates ahead of the meeting, to the Chief Electoral Officer up until noon of the date of the all candidates meeting.
7. No elector shall have the floor for more than five minutes, in asking questions for all candidates.

8. The All Candidates Forum must be no more than 2 hours start to finish.

Step 5 PREPARING FOR ELECTION DAY

A. All Ballots

1. The Chief Electoral Officer shall prepare the ballot papers setting out:
 - a. the position the election is for, as per Part 6.2.3.a and Part 6.2.4.a, of these regulations; and
 - b. The names of the candidates nominated for election, in alphabetical order by surname.
 - i. 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.
 - ii. The ballot may, at the request of the candidate, include a candidate's commonly used nickname.
2. The Chief Electoral Officer will determine if a virtual polling station is feasible and make arrangements with the Chief Administrative Officer to ensure an on line option is available for Election Day.

B. Mail-in Ballots

1. An elector must request for a mail-in ballot from the Chief Electoral Officer at least 40 days prior to the date upon which the election is to be held.
 - a. The request can be by telephone, written letter or an email
 - b. They must ensure they have a current Voter Information Form on file with the Membership Clerk.
2. The Chief Electoral Officer shall, at least 13 days prior to the date on which the Regular 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. Notice of Election as per Part 8.
 - b. a ballot initialled on the back by the Chief Electoral Officer;
 - c. an inner postage-paid return envelope, pre-addressed to the Chief Electoral Officer;
 - d. a second inner envelope marked "ballot" for insertion of the completed ballot;
 - e. 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
 - ii) 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
 - f. a list of the names of any candidates who were acclaimed.
3. The Chief Electoral Officer shall record on the Official voters list, to whom a mail in ballot was mailed or otherwise provided; the date on which, and the address to which, each mail-in ballot was mailed or otherwise provided.

C. Phone-in Ballots

1. An elector may choose to vote by phone-in ballot.
2. 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.

PART 11 - ELECTION DAY

1. Candidate's Agent

1. A candidate shall be entitled to not more than two scrutineers in the polling station at any one time.
2. A candidate's scrutineer must present to the Chief Electoral Officer or the Deputy Electoral Officer, a letter signed by the candidate, as authorization, in order to be permitted to remain in the polling station.

2. Equipment for the Election

1. 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.

3. Verification of the Ballot Box

1. The Chief 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.

4. Polling Stations

1. The Chief Electoral Officer will establish at least one polling station on the reserve.
2. 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.

5. Polling Hours

1. The polling station shall be open from 8 a.m. until 8 p.m. MDT on the day of the election.
 - a. Including the telephone lines

- b. Including the on line voting system.

6. Secrecy and Security

1. Voting shall be by secret ballot.
2. No elector may vote by proxy or authorize another person to vote on his or her behalf, unless a documented impairment is recognized and official designation is provided.
 - a. An elector with any disability that inhibits their ability to follow the voting procedure below, may have a support person assist them in voting.
3. 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.
4. No person shall, on the day the election is held, on the premises of the polling station:
 - a. Be under the influence of alcohol or non-prescription drugs;
 - b. 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;
 - c. attempt to interfere with or influence any elector in marking his or her ballot; or
 - d. attempt to obtain information as to how an elector is about to vote or has voted.

7. Corruption within the Election Process

1. Corrupt practices refers to interference with the ‘free, prior and informed consent’ of the electorate, in general and individual electors to:
 - a. vote, or
 - b. to refrain from voting, or
 - c. to vote for a particular candidate, or
 - d. refrain from voting for a particular candidate through:
 - a. bribery direct or indirect;
 - b. providing a financial or material incentive to an elector in exchange for a vote;
 - c. encouragement of block voting;
 - d. suggesting representation of specific demographics or special interests;
 - e. and encouraging electorate not to vote for all open positions.
2. During an election period, corrupt practices include:
 - a. acceptance of or
 - b. agreement to accept a bribe that is offered.
3. During an election period, action direct or indirect that result in intimidation or creates duress which:
 - i. compels an elector to vote or
 - ii. refrain from voting.
4. During an election period, action direct or indirect that results in intimidation or creates duress which influences an elector:
 - iii. to vote or
 - iv. refrain from votingfor a particular candidate in an election.

5. OR by any pretence or contrivance, induces an electorate:
 - i. to vote or
 - ii. refrain from voting.
6. OR by any pretence or contrivance, induces an electorate:
 - v. to vote or
 - vi. refrain from voting
 for a particular candidate in an election.
7. Should a candidate or their supporter be found to violate this guidance, that candidate will not proceed with their candidacy, regardless of whether they were made aware of behaviours on their behalf or not.
 - a. The person found in violation will be unable to run for office for 2 elections
 - b. The candidate will be unable to run for office for 2 elections.

8. Voting Procedure

A. In Person

1. Each person, on arriving at the polling station, shall give his or her name to the Chief Electoral Officer or Deputy Electoral Officer.
 - a. Electorate will present their ID, either Status Card with picture or BC Drivers License or BC ID with picture.
2. The Chief Electoral Officer or Deputy Electoral Officer shall:
 - a. determine if the person's name is set out in the voter's list.
 - b. 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.
 - c. Mark the Voters list opposite the name of every person receiving a ballot paper.
3. The Chief Electoral Officer or Deputy Electoral Officer shall, when requested to do so by the elector, explain the method of voting to the elector.
4. 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.
5. 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 12.6.2.a. above, 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.
6. 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.

B. Vote by Mail

1. An elector shall vote by mail-in ballot by:
 - a. Marking the ballot by placing an “X” or other mark that clearly indicates the elector's choice
 - i. does not make any marking to identify the elector opposite the name of the candidate or candidates for whom he or she desires to vote;
 - b. fold the ballot in a manner that exposes the Chief Electoral Officer’s initials only;
 - c. placing the ballot in the inner envelope provided and seals the envelope;
 - d. completes and signs the envelope
 - e. placing the inner envelope 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.
2. 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.
3. If an elector to whom a mail-in ballot was mailed or provided, votes in person at a polling place or votes by phone, any mail-in ballot received from the elector shall be marked as a rejected ballot by the Chief Electoral Officer or Deputy Electoral Officer.

C. Vote by Phone-In

1. The Polling Clerks for Phone-In Ballots shall confirm elector information and shall mark on the Voters List, opposite the name of the person who proceeds to place a vote by phone-in ballot procedures;
 - a. the Verifiers for Phone-In Ballots shall then transfer the elector’s call to the Chief Electoral Officer;
 - b. the Chief Electoral Officer shall:
 - i. confirm the electorate information
 - ii. mark the voters list opposite the name of electorate who placed a vote by phone-in ballot.
 - iii. in confidence, mark the ballot according to the elector’s wishes
 - iv. place the ballot on the ballot box
4. 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.

D. On line Voting

Where ever and whenever possible, if this mode of voting is utilized, it will have unique procedures inherent to its software package which will be included as an amendment.

- a. Sitting council as advised by the Chief Administrative Officer and the Chief Electoral Officer will include issue a statement to inform the electorate of this election specific option until formally adopted.
- b. The Chief Electoral Officer will include in their Notice of Election, if and when this option is available to the electorate.

9. Voting Irregularities

1. 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.
 - a. The Chief Electoral Officer or Deputy Electoral Officer shall note on the voters list opposite the name of an elector requiring assistance, the fact that the ballot paper was marked by him or her at the request of the elector; and
 - b. the reasons therefore.
2. An elector who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used shall:
 - a. on one occasion only, upon returning it to the Chief Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot paper.
 - b. The Chief Electoral Officer or Deputy Electoral Officer shall write the word “rejected” upon the spoiled ballot paper and preserve it.
3. Any person who has received a ballot and who:
 - a. leaves the polling place without delivering the same to the Chief Electoral Officer or a Deputy Electoral Officer in the manner provided; or
 - b. after receiving a ballot, refuses to vote shall forfeit his or her right to vote at the election.
4. 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.

10. Closing of the Polling Station

1. Every elector who is inside the polling station at 8pm MDT, who has not yet voted, shall be entitled to vote before the poll is officially closed.

PART 12 POST ELECTION PROCEDURES

1. All ballots regardless of form, shall be counted together and the electorate shall be marked as ‘voted’ on the official Voters List.
2. 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.

1. Opening Mail-in Ballots

1. The Chief Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or scrutineers, 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, will
 - (a) Accept the ballot if:
 - i. the elector named is on the Voters List; and
 - ii. immediately deposit the ballot into the ballot box.

(b)Reject the ballot if:

- i. the Voters List shows that the elector has already voted by an other mode;
and
- ii. note the reason for the rejection of the ballot as per Part 13.4.1a-e.

2. On line Ballots

1. If on line voting was available in said election, the ballots shall be added to the final vote count.
 - a. Electorate who vote on line shall be marked off the Voters List as voted by the Chief Electoral Officer.

3. Counting the Ballots

1. 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.
2. 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 according to the Voting Procedures Part 7.A.4.a and b of these regulations including on line ballots if and when available.
3. The Chief Electoral Officer or Deputy Electoral Officer shall call out the names of the candidates for whom votes were cast on all valid ballots.
4. A Deputy Electoral Officer shall verify the name marked on the ballot and mark a tally sheet in accordance to the name called out for the purpose of arriving at the total number of votes cast for each candidate.
5. 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.

4. Ballots Not Counted

1. 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; and/or
 - (b) do not give a clear indication of the elector's intention; and/or
 - (c) contain more votes than there are candidates to be elected; or
 - (d) contain a mark by which the voter can be identified.
2. The Chief Electoral Officer or Deputy Electoral Officer shall attach a note to each ballot rejected which outlines the reason for rejection.

5. Vote Results

1. The Chief Electoral Officer shall upon completion of counting the voting, state the official tally beginning with the person named, with the most votes in descending order. If there is a tie of votes but also a corresponding number of seats available, the tie is accepted.

A. Tie

1. If it is not possible to determine the successful candidate(s) due to an equal number of votes being cast (i.e., tie vote) for open position, the Chief Electoral Officer shall immediately conduct a recount in the presence of all those present in the polling station.
 - a. A recount must take place by the Chief Electoral Officer according to the procedure within Part 13.3.3 and Part 13.3.4;
2. If the recount results in a tie vote, then the Chief Electoral Officer shall place the names of the candidates having the same number of votes on unused ballots.
 - a. The sitting Council Members as well as 6 Band Members in attendance will be randomly selected by:
 - i. Placing their names in a receptacle and without looking, the Chief Electoral Officer shall select 6 names.
 - b. They will then vote between the candidates tied. The candidate whose name receives the most votes shall be named elected.
3. Should a tie continue at this point, then the Chief Electoral Officer will cast ballots and place named ballots for those involved in the tie, in a receptacle.
 - a. Without looking, he or she shall draw as many papers as there are positions available.
 - b. The candidate whose name appears on the ballot drawn, shall be named elected.

B. Retention of Ballots and Other Election Material

1. All materials related to the election are subject to investigation related to an Election Compliant and Appeal.
2. 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 for 50 days from the date on which the election was held.
3. The Chief Electoral Officer shall, unless directed otherwise by the council, destroy all election material in their possession, in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

6. Announcement

1. 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, in descending order.
2. Following the declaration of elected candidates 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.
3. Within four days after completion of the counting of the votes, the Chief Electoral Officer shall:
- a. sign and post, the election report prepared in accordance with Part 13.6.2.
 - i. on the official ᐃᓄᓂ website; and
 - ii. ensure paper notices are posted in the ᐃᓄᓂ administrative buildings including:
 - 1. the band office;
 - 2. the health centre;
 - 3. the daycare;
 - 4. the school; and
 - 5. in a public area of the band administration building.
 - b. forward a copy of the election report to the Chief Administrative Officer, and
 - c. forward a copy of the election report to Indigenous Services Canada.

7. Elected Chief and Councillor Oath of Office

1. A candidate who has been elected to position of chief or councillor shall swear an oath of office at the first Council meeting in November following the election, as soon as practicable after a by-election to:
 - a. always act in the best interests of the ᐃᓄᓂᓂᓂ as a band, in its entirety, in carrying out their duties and decision making.
 - b. uphold and comply with these regulations, the ᐃᓄᓂ Code of Ethics and all laws of the community including the adherence to qanikitçi;
 - c. fulfill the duties and responsibilities of Council office under these regulations, the Code of Ethics and all laws of the community;
 - d. carry out his or her duties faithfully, honestly, impartially and to the best of their abilities;
 - e. keep confidential, both during and after completion of their term of office, any matter or information which, under these regulations, the laws of the community or policy, is considered confidential.
2. 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 they will or an elector acting on their behalf may file a petition with the Chief Electoral Officer for an extension of the time to swear the oath of office.
3. The Chief Electoral Officer receiving a petition shall determine whether the circumstances justify an extension and shall provide the candidate making the request and sitting Chief and Council, written notice of the decision, and where applicable, the extension period.
4. 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 required oath of office.
5. 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.

6. The Chief Electoral Officer shall give notice in writing to the elected candidate whose office is declared vacant and to the elected chief and council.
7. Unless the vacancy occurring results in a situation where the band council can no longer form a quorum, the position shall remain vacant until such time as a by-election is called by council.

PART 13 ELECTION APPEAL PROCESS

A. Timing

1. A candidate or an elector may, within seven (7) days from the date on which the election was held, submit an appeal in writing to the Elections Complaints and Appeal Board via the Chief Administrative Officer, or their designate.

B. Grounds for Appeals

1. An appeal submitted 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.

C. Submission

1. An appeal submitted to the Elections 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.

D. Procedure of the Election Complaints and Appeal Board

1. The Chief Administrative Officer shall inform the Elections Complaints and Appeal Board of a filed appeal.
2. The Election Complaints and Appeal Board may first review documentation over email to determine if a meeting is required.
3. Upon review of an election appeal, the Elections Complaints and Appeal Board shall first:
 - a. in the case where the appeal is submitted in accordance with Part 14.B.1.a-c, forward a copy together with supporting documents including these regulations, 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 Part 14.B.1 a-c inform the appellant(s) in writing that the appeal will not receive further consideration with reason.
4. The Complaints and Appeal Board may, if the material that has been filed is not adequate for deciding the validity of the complaint, conduct further investigation into the matter such as the board deems necessary.

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

E. Decision

1. After a review of all of the evidence that it has received, the Elections 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, as per Part 12.7.1-7 of these regulations.and uphold the appeal by setting aside the election results specific to the appeal.
2. The decision of the Election Complaints and Appeal Board made regarding said request for appeal, pursuant to these regulations shall be:
 - a. published in the community's newsletter; and
 - b. posted in at least one conspicuous place on the reserve.
3. The decision of the Complaints and Appeal Board is final and not subject to appeal.

PART 14 REMOVAL OF COUNCIL MEMBERS FROM OFFICE

1. The chief or a councillor may be removed from office and be prevented from running for office for 8 years/two terms according to Appendix D of these regulations.
2. A By-Election is called as per Part 7 of these regulations, should a Removal of Council Member from Office be warranted after the application of Appendix D.

APPENDICES

Until such a time as the ʔaᑭam Band Administration has its Governance policies in place, the following Appendices will be held here on record and for use in the circumstances that require them, related to the Election and function of Chief and Council as political leadership of the ʔaᑭam band and according to the ʔaᑭam Custom Election

APPENDIX A

OATH OF OFFICE

ELECTED:

Home Tel:

(Other) Tel:

ADDRESS:

CITY:

PROVINCE:

POSTAL CODE:

OATH:

I _____ do hereby swear before the people of ᑭᐱᑭᐱᑭ that:

- (a) I will uphold and comply with the ᑭᐱᑭᐱᑭ Band Custom Election code, the Code of Ethics and all laws of the community;
- (b) I will fulfill the duties and responsibilities of my office under this code, the Code of Ethics and all laws of the community;
- (c) I will carry out my duties faithfully, honestly, impartially and to the best of my abilities;
- (d) I will keep confidential, both during and after my term of office, any matter or information which, under this code, the laws of the community or policy, is considered confidential; and
- (e) I will always act in the best interests of the community in carrying out my duties.

I swear this oath in the presence of _____ on the __ th day of 202__.

Name _____
Councillor

Date _____

Name _____
Witness

Date _____

APPENDIX B

ᑭᐱᑦᐱᑦ CODE OF ETHICS Approved by Council on September 17, 2019

THE UNDERSIGNED ᑭᐱᑦᐱᑦ COUNCIL MEMBER(S) DO HEREBY PROMISE TO CONDUCT THEMSELVES AS PER THE FOLLOWING CODE OF ETHICS AND ACCEPT THAT BREACHING OF THIS PROMISE WILL BE CAUSE FOR TERMINATION OF THEIR POSITION ON COUNCIL PURSUANT TO THE ST. MARY'S INDIAN BAND ELECTION REGULATIONS.

- a) *to promote integrity, trustworthiness, and impartiality of Chief and Council as a whole, as well as an individual Chief/Council Member*
- b) *to recognize, avoid and deal with conflict of interest situations*
- c) *to act in the best interest of the Band Membership as a whole*

Ethical Duties of the Chief and Council

1.1 Duty of Honesty

Individual Council Members must act honestly and in good faith to give his/her undivided loyalty to the ᑭᐱᑦᐱᑦ Band Chief and Council.

ᑭᐱᑦᐱᑦ Chief and Council must act in good faith and honestly to ᑭᐱᑦᐱᑦ Membership.

1.2 Duty of Informed Decision Making

All Council Members must act in a diligent manner, keeping him/herself informed about policies, business, politics, past and current affairs of the Band, as well as adequate familiarity with their respective portfolios. Council Members shall not knowingly exclude or prevent another Council Member from receiving information.

1.3 Duty to Maintain Confidentiality

All Council Members have a duty to ensure that information obtained as a result of serving on Band Council is held in confidence and is divulged only when legally required.

1.4 Duty of Prudence

All Council Members must act carefully and cautiously, trying to foresee the probable consequences of each proposed course of action. In particular, Council Members shall not take it upon themselves to individually reprimand a staff person. All staff related issues must be dealt with in accordance with the policies set by the Chief and Council. All other issues must be brought to the attention of Chief and Council, as a whole, or quorum of the Chief and Council, to be dealt with at a Chief and Council meeting.

1.5 Duty to Support Band Staff

On behalf of Band Membership, Council shall support all decisions made collectively and shall support Band Staff when implementing those decisions made in accordance to Council's direction.

1.6 Duty of Accountability to the Band Membership

All Council Members must ensure that the Band Members are adequately informed of Band programs, services, and activities. As such, Chief and Council Members shall attend:

- a) all general Band Meetings - No Council Member shall miss more than three (3) consecutive community meetings without justifiable cause)
- b) respective Committee/Board meetings relative to their portfolios, and
- c) all Chief and Council meetings - No Council Member shall miss more than (3) consecutive Chief and Council meetings without justifiable cause)

1.7 Duty of Efficient Governance

All Chief and Council Members must adhere to the principle of good governance in particular to the following:

- a) Governance is not management
- b) Chief and Council shall speak with one voice, all decisions are made collectively

2.1 Declaration of Conflict of Interest

A Chief/Council Member is required to fully disclose any conflict of interest at a Council Meeting prior to discussion of the business at hand. After making a declaration of conflict of interest, a Chief/Council Member:

- a) shall not take part in the discussion of the matter and is not entitled to vote on any question with respect to this matter, or,
- b) shall not take part in that portion of the meeting during which the matter is under discussion by leaving the meeting immediately, and,
- c) shall not attempt in any way, whether before, during, or after the meeting, to influence the voting on any question with respect to the matter

2.2 Recording the Conflict of Interest

When a conflict of interest is declared by a Council Member, the person recording the minutes of the meeting shall record the Council Member's declaration, the reasons given for it, the time of the Council Member's departure from the meeting room, and if applicable, the time of the Council Member's return.

3. Breach of Code of Ethics

Members of Council, who commit a substantial violation as determined by the rest of Council of this code of Ethics without justifiable cause, may be subject to discipline as imposed by a decision

of Council. A substantial violation means any act that endangers a person, willfully endangers property, or is a direct violation of an ʔaḡam Law. The types of discipline may include, but are not limited to, the following:

- a) May be brought before the Language Authority for discussion
- b) Termination

This procedure is intended as a guideline only. Action could start at any point in the process, including immediate termination of the member’s position.

4. Grievance

It is the policy of ʔaḡam that everyone receives fair and equitable treatment at all times. However, in spite of this intent, it is recognized that situations may arise where a Chief or Councillor may be dissatisfied with the decision made by Council. Such dissatisfaction may be called grievance. In such cases a Council Member may adopt the following procedure:

- a) Communication with the Band Council to discuss the grievance and attempt to resolve it.
- b) If the problem remains unresolved, the Council may bring the issue before the Language Authority. The decision of the Language Authority will be documented in writing, and a copy given to the Council Members for consideration.

5. Amendment Process

Amendments to this Code of Ethics must be made by way of a motion and ratified by quorum of Council.

Signed and agreed to this _____ day of _____, 20__.

Councillor

Councillor

Councillor

Councillor

Chief

APPENDIX C

Chief and Council Policies and Procedures

1. Meetings

1. The first meeting of the Council including newly elected members, shall be held not later than 30 days after its election.
 - a. At this first Council meeting, newly elected members shall swear their oath of office as per Part 13.7.1-7 of the ʔaḡam Custom Election Regulations
 - b. At this Council meeting the ʔaḡam CODE OF ETHICS document will be re-affirmed, signed and dated with the whole COUNCIL acknowledging it is a new council and term.
2. Council meetings shall thereafter be held on such days and at such times as may be necessary for the business of the Council and its role in the administration of ʔaḡam band.
3. The Chief Administrative Officer shall notify each member of the council of the day, hour and place of each meeting of the council.
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 and recorded in writing and Council minutes.

2. Quorum

1. A majority (3) of the whole (5) of elected Council shall constitute a quorum, (3/5).
2. If no quorum is present within 30 minutes after the time appointed for the meeting:
 - a. The Chief Administrative Officer shall call the roll and take the names of the members of Council then present.
 - i. Recognize those whose absence is authorized and recorded
 - ii. Take note of those whose absence is not recorded in minutes.
 - b. Council shall stand adjourned until the next meeting.

3. Council Meeting Proceedings

1. The Chief Council member shall be the Chairperson presiding at meetings of Council.
2. Upon a quorum being present, the Chairperson shall call the meeting to order.
3. In the absence of the Chief, a Chairperson shall be chosen by a majority of the Councillors present.
4. The Chairperson shall maintain order and decide all questions of procedure.
5. The order of business at each regular meeting of the Council shall be in accordance with the adopted agenda.
 - a. The agenda is developed by the Chief Administrative Officer in consultation with Council members.
6. When any Council member desires to speak, he or she shall address his or her remarks to the Chairperson and focus his or her address to the question then before the meeting.

7. In the event of more than one Council member desiring to speak at one time, the Chairperson shall determine who is entitled to speak.
8. 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.
9. 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.
10. All questions before the council shall be decided by majority vote of the councillors present.
11. 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.
12. 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.
13. A member of the council who refuses to vote shall be deemed to vote in the affirmative.
14. 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:
 - a. for improper conduct; or
 - b. if the Chairperson directs that the meeting shall be closed and moved to in camera discussions due to:
 - i. personal matters about an identifiable individual, including band employees;
 - ii. confidential business information;
 - iii. employee negotiations including disciplinary matters;
 - iv. litigation or potential litigation, including matters before administrative tribunals, affecting the band; and
 - v. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
15. The chairperson may expel or exclude from any meeting any person who causes a disturbance, including through abusive or threatening behaviour, at the meeting.

4. Resolutions

1. 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, discussion and decision.
2. 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.
3. After a resolution has been placed before the meeting by the Chairperson, it shall be deemed to be in the possession of the Council.

- a. A resolution may be withdrawn by consent of the majority of the Council members present with reason noted.

5. Committees

1. The council may appoint committees on any matters as the interests of the band may require:
 - a. ad hoc committees
 - b. Special committees
2. 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;
 - e. Economic Development;
 - f. Health and Social Well Being; and
 - g. Language and Culture
3. A majority of the members of a committee shall be a quorum.
4. The general duties of standing and special committees are:
 - i. 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
 - ii. To consider and report upon all matters referred to them by the council and/or by the chief of the band.
 - iii. To report to the Band membership at a general band meeting from time to time or as directed by Council.
5. 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.

Appendix D

PART 14- REMOVAL OF COUNCIL MEMBERS FROM OFFICE

1. The chief or a councillor may be removed from office and be prevented from running for office for 8 years/two terms if they:
 - a. violate the:
 - i. ʔaqam Custom Election Regulations; and/or
 - ii. his or her oath of office; and/or
 - iii. the ʔaqam Code of Ethics;
 - b. fail to attend three consecutive regular meetings of council without being preauthorized by a quorum of the council;
 - c. fail to maintain a standard of conduct expected of a member of council;
 - d. fail to comply with any law, by-law, code or regulation of the ʔaqam Band Administration;
 - e. fail to carry out his or her duties of office including active participation and attendance of assigned committees;
 - f. have been convicted of an indictable offence since their election;
 - g. As a candidate, committed a corrupt election practice under Part 12.7.1-7.
 - h. accept or offer a bribe;
 - i. forge a council document; or
 - j. otherwise act dishonestly in their role as duly elected representatives of ʔaqam;
 - k. are negligent in failing to ensure the safety and protection of the ʔaqam band, its' its' assets and its' membership;
 - l. abuse their office such that the conduct negatively affects the dignity and integrity of the band, and/or of its' Council and/or the reserve community;
 - m. encourage others to commit any of the above acts or omissions; or
 - n. Engage in such other conduct as may be determined by council to be of such a serious nature that the removal is necessary and appropriate.

A. Procedure

1. 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 written petition on which shall appear:
 - i.the ground pursuant to Part 15.1 above, upon 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.
 - OR
 - b. a majority of sitting Council Members passing a band council resolution setting out:
 - i.the ground(s) pursuant to Part 15.1 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.

2. 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.

B. Written Petitions

1. The written petition and evidence shall be sent to the Chief Administrative Officer, addressed to Chief and Council, signed and dated received, and receipt provided to the petitioner.
2. Upon receipt of a petition from the Chief Administrative Officer, or their designate, 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.
3. Within five days of receipt of the petition Council will direct the Chief Administrative Officer to 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.
4. 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.
5. 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.
6. Within five days of the meeting of council at which the petition was reviewed, Council shall, by Band Council Resolution:
 - i. declare that there is insufficient evidence to support a recommendation for removal from office and notify the petitioner(s) accordingly; or
 - ii. declare that the council position held by the council member who the subject of the petition to be vacant; or
 - iii. Refer the matter for final decision to a vote of the majority of members who attend a special band meeting to be held within 14 days of the Council meeting at which the petition was reviewed.
7. Council shall deliver by hand or by registered mail, a written notice of the decision made under Part 15.1.7. To the petitioner(s) and the council member who is the subject of the petition.

B. Appeals

1. Where a petition has been dismissed under Part 15.B.6.a. the petitioner(s) may appeal the dismissal to the Language Authority as per the ᐃᓄᓄᓄ Chief and Council Code of Ethics (Appendix C) Part 4.
2. Where the position of a council member has been declared vacant under Part 6.4 of the , ᐃᓄᓄᓄ Custom Election Regulations, confirmed by Part 15.B.6.b. ,the Council member may appeal the decision of council to the Language Authority as per the ᐃᓄᓄᓄ Chief and Council Code of Ethics (Appendix C) Part 4.
3. Upon receipt of an appeal, the Language Authority shall:

- a. determine that the grounds put forth in the appeal are unsubstantiated, and dismiss the appeal; or
 - b. determine that the appeal is valid and there is sufficient grounds and evidence to reverse the decision of council; and
 - c. Schedule a review hearing, which must take place within 20 days from the date on which the appeal was submitted to the Language Authority.
4. In the case where the appeal has been dismissed under Part 15.B.3.a, the Language Authority shall inform the appellant in writing and provide a rationale.
 5. In the case where the appeal has been upheld Part 15.B.3.b, the Language Authority shall inform the appellant, council and the council member who is the subject of the petition for removal.
 6. In the case where the Language Authority schedules a review hearing under Part 15.B.3.c, the Language Authority 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.
 - a. The written notice shall set out:
 - i. the nature of the hearing and all related particulars;
 - ii. the date, time and location of the hearing; and
 - iii. 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.
 7. The Language Authority shall conduct a hearing at the time and place set out in the notice provided.
 8. Within five days of the day on which the hearing was held, the Language Authority 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 Part 6.4 of the ʔaqam Custom Election Regulations:
 - 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 regarding the 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.

9. The Language Authority shall send, by hand or by registered mail, a written notice of the ruling made to council, the appellant and the council member who is the subject of the petition for removal.
10. The decision of the Language Authority is final and binding upon all parties.