

**XATŚŪLL ELECTION CODE BOOKLET**

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Unless indicated otherwise, capitalized terms used in this Form are as defined in the Xatsŭll First Nation Custom Election Code.

**Xat'sùll Election Code Timeline**

Days before/after Election Day	Task	Section of Code
<b>100</b>	Electoral Officer appointed	s. 17
	Petition and Appeal Board appointed	s. 154
79	Voters List Created	s. 30
	List of Addresses Provided by Indian Registration Administrator	s. 24
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## **Xatśūll Election Code Summary**

This summary serves as a guide for the Electoral Officer and Chief and Council. However, any discrepancies between this summary and the Code, the Code shall govern.

### **1. Council**

#### **(a) Composition**

The Council will have 1 Kúkwpi7 (Chief) and 4 Councillors elected in a vote held in accordance with the Election Code. Kúkwpi7 and Councillors serve in their role for 4 years.

#### **(b) Election Schedule**

Kúkwpi7 will have their elections in March and two Councillors will have their election in May 2023, 2027, 2031, 2035 etc. Two Councillors will have their elections May 2025, , 2027, 2031, 2035 of them will start in May 2021, and two will start in May 2023.

#### **(c) Vacancy**

The office of Kúkwpi7 or Council can become vacant if they resign in writing; if they have been unable to perform the functions of their office for more than 6 months due to illness or other incapacity; they die; or, they are removed.

#### **(c) By-election**

If the office of Kúkwpi7 or Councillor becomes vacant, a By-election shall be held within 90 days after the date of the vacancy. No By-election will be held if there are less than 6 months remaining in the term, unless there is not enough Council members to maintain quorum.

No sitting Council member is eligible to be a Candidate in a By-election.

### **2. Pre Nomination Procedure**

#### **(a) Appointment of an Electoral Officer**

The Electoral Officer will be appointed by Band Council Resolution (BCR) 100 days before the end of that Council's term of office. If the Electoral Officer has not been appointed within 100 days, they will be appointed by the Band Administrator as soon as possible.

#### **(b) Voters List**

At least 79 days before the Election day, the Electoral Officer shall obtain names, Xatśūll membership numbers and dates of birth of all Xatśūll Members who are at least 18 years old on Election Day from the Indian Registration Administrator and prepare a Voters List. The Indian Registration Administrator shall also provide the Electoral Officer with the last known addresses of the Electors who do not reside on reserve.

The Electoral Officer shall post the Voters List in a public area of the band administration building and other places on the reserve no later than 72 days prior to Election day. On request, the Electoral Officer shall confirm whether the name of a person is on the Voters List and may revise the Voters List as required.

**(a) Petitions and Appeal Board (“Board”)**

At least 100 days before the Election Day, the Council shall select the members of the Board and draw a list of 10 additional potential members. The Board will hold its office from the day of its appointment until the day which Council selects another Board.

The Petitions and Appeals Board will be comprised of three people who are at least 18 years old, are not Xatśúll Members, have no vested interest in the outcome of the Election, are knowledgeable about Election procedures, and understand the principles of natural justice.

The Board shall supervise and administer all Election appeals and all petitions for removal of a Council member from office.

**3. Nomination Process**

**(a) Notice of Nomination Meeting**

30 days before the Nomination Meeting, the Electoral Officer must post or mail out a notice of the Nomination Meeting.

**(b) Eligibility to be Nominated**

To be Nominated as a Candidate, an individual must be on the Voters List, have not been removed from Office in the past 6 years, and not have resigned from their previous term of Office resulting in this By-election.

**(c) Eligibility to Nominate**

Any Elector may propose or second the nomination of any qualified person to serve as Kukwpi7 or Councillor by delivering or mailing a written nomination, orally at the Nomination Meeting or virtually by the process laid out by the Electoral Officer.

An Elector is only able to nominate or second one Candidate for Kukpi7 and the number of eligible persons equivalent to the vacancies of the office of Councillor.

**(d) Nomination Meeting**

The Nomination Meeting shall be held at least 42 days prior to the Election day. Only Xatśúll Members may attend the Nomination Meeting and proof of membership will be required. The Electoral Officer will manage and conduct the Nomination Meeting and will read aloud all written nomination and secondments. The Nomination Meeting will last for at least 3 hours.

**(e) List of Nominees**

On the day after the Nomination Meeting, the Electoral Officer shall post in at least 1 place on the reserve, a list of nominees, their nominators and seconders and the offices they are nominated for.

**4. Candidacy**

**(a) Acceptance of Nomination**

A nominee shall, within 5 days after the Nomination Meeting, file a notice of acceptance and a sworn declaration confirming they understand the Council Code of Conduct, the Council Oath of Office, Declaration of Confidentiality and Council Roles and Responsibilities and will abide by them if elected. If they do not file these documents, their name shall not appear on the Election ballot.

Someone who runs for Kukpi7 in May election can run for Councillor in March election.

**(b) Acclamation**

If someone wins by default, the Electoral Officer shall post on the reserve and mail to every Elector who doesn't live on the reserve, a notice that sets out the names of people who have won by default and states that an Election will not be held. Where an office is filled by default, the term of office begins at 12:01 am the day after the scheduled Election day.

**(c) Withdrawal**

A Candidate may withdraw their candidacy within 5 days of being nominated by submitting a written withdrawal of nomination to the Electoral Officer. A Candidate who dies before the close of polls shall be considered to have withdrawn their candidacy.

**(d) All Candidate Forum (Forum)**

The Forum will be held within 5 days of the Nomination Meeting. Only Xat'sull Members may attend the Forum.

All Candidates must submit a summary of their Election platform to the Band Administrator prior to the Forum. If a Candidate fails to submit a summary, or attend, the Candidate will be removed from the list of Candidates.

**5. Pre-Election Procedure**

**(a) Notice of Election**

The Election shall be held at least 42 days after the Nomination Meeting. The Electoral Officer shall post a notice of Election within 3 days after the Nomination Meeting.

**(b) Requesting to Vote by E-Ballot or Mail-in Ballot**

Any Elector may request to vote by E-ballot or Mail-in Ballot, but only one, at least 14 days before the Election day.

**(c) Mail-in Ballots**

35 days before Election day, the Electoral Officer will mail each Elector who requested, a mail in ballot package.

**(d) Electronic Voting**

If an Elector requests to vote by E-Ballot, the Electoral Officer shall send detailed instructions for voting by E-Ballot; relevant passwords for voting; and any other appropriate information.

**6. Election Day**

**(a) Candidate's Scrutineer**

A Candidate may have up to 2 scrutineers attend a Polling Station. The scrutineer must present a letter that authorizes them, which has been signed by the Candidate, to the Electoral Officer to be allowed to attend the Polling Stations.

**(b) Polling Hours**

Polling Station shall be open from 9 am until 8 pm on the Election Day.

**(c) Secrecy and Security**

Voting will be secret, and no Elector may vote by proxy or authorize another person to vote on their behalf.

The Electoral Officer may remove anyone who interferes, disrupts, or attempts to influence at the Polling Station.

**(d) Closing of the Polling Station**

If an Elector is inside the Polling Station at the time it closes, they shall be entitled to vote.

**7. Counting of the Votes**

**(a) Verification of Mail-in Ballots**

At the close of polls, the Electoral Officer shall open each envelope containing a Mail-in Ballot that was received before the close of polls, in front of the Candidates and scrutineers and either reject or accept the Mail-in Ballot.

**(b) Counting the Ballots**

The Electoral Officer shall supply, those who request, a tally sheet to keep their own tally of the votes. Once the Mail-in Ballots have been deposited in the ballot box, the Electoral Officer shall open all ballot boxes and examine each ballot in front of all those present. The Electoral Officer will then call out the names of the Candidates for whom the votes were cast. The Deputy Electoral Officer will then mark a tally sheet with those names being called for purpose of arriving at total

number of votes cast for each Candidate. After the ballots are counted, the Electoral Officer shall announce the E-Ballot results and tabulate the results.

**(c) Rejected Ballots**

Ballots must be rejected if they don't contain the initial of the Electoral Officer; don't give a clear indication of the Elector's intention; contain more selections than needed; or contain a mark by which the Elector can be identified. If a Ballot is rejected, the Electoral Officer will attach a note explaining why it was rejected. The Electoral Officer shall take note of objections made by Candidates or scrutineers to any of the rejected ballots and questions arising out of the objection. The Electoral Officer shall number objections to ballots raised and place a corresponding number on the back of the ballot paper with "allowed" or "disallowed" with their initials.

**8. Post-Election Procedures**

**(a) Announcement**

After completing the counting and establishing successful Candidates, the Electoral Officer shall declare to be elected the Candidate or Candidates having the highest number of votes. Within 4 days after the completion of the counting of votes, the Electoral Officer shall sign and post the Election report.

**(b) Retention of Ballots and Other Election Materials**

The Electoral Officer shall deposit and retain all ballots and materials in connection with the Election for 45 days from Election Day or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by Council, destroy them in the presence of two witnesses.

**(c) Kukwpi7 and Councillor Oath of Office**

A Candidate who has been elected shall, within 5 days of the Election, swear an Oath of Office in front of someone qualified to take oaths.

**9. Election Appeal Mechanism**

**(a) Timing**

A Candidate or Elector may, within 30 days after the Election, submit an appeal.

**(b) Grounds for Appeals**

An appeal must sufficiently outline either: that the person declared elected was not qualified to be a Candidate; that there was a violation in the conduct of the Election that might have affected the result of the Election; or that there was corrupt or fraudulent practice in relation to the Election.

**(c) Submission**

A submitted appeal must be in writing and set out in an affidavit sworn before a qualified individual, the facts substantiating the grounds for the appeal, supporting documentation and be accompanied by a \$100 deposit.

**10. Removal of Council Members from Office**

**(a) Grounds for removal**

Council may be removed from Office and prevented from running for 6 years if they fail to attend 3 consecutive regular meetings without being excused by quorum of Council, have been convicted of an indictable offence (other than one in the furtherance of Aboriginal rights or Title) since their election, and engage in conduct in breach of their Oath that is serious and cannot be dealt with through internal mechanisms, which results in an a necessary and appropriate removal.

**(b) Procedure**

Proceedings to declare a person ineligible to continue holding office shall be initiated by an Elector submitting to the Board a Petition which includes the ground of removal, the evidence, the signature of the Petitioner, the signatures of at least 25% of all eligible Electors and a non-refundable filing fee of \$50. Proceedings can also be initiated by a majority of Council members passing a BCR and submitting a Petition to the Board which includes the grounds for removal, the evidence, and the signatures of all Council members who voted for the removal.

**11. Amendments**

Development and passage of amendments to this Code may be initiated by a petition presented to Council of 25% of all eligible Electors setting out the specific area proposed for amendment, or a BCR.

Electors may within 14 days of publication of the notice provide comments on the proposed amendments in writing to Council. Following receipt of comments, Council shall review the comments and make such changes as they deem necessary to arrive at a final amendment proposal. Council shall submit the final amendment proposal to a plebiscite (referendum). Should most of the votes cast at a plebiscite favour the proposed amendments, Council shall amend the Code. Elections held under the amended Code shall take place no sooner than 100 days from the plebiscite.



### Electoral Officer Oath of Office

I, \_\_\_\_\_ [*print name*], affirm/swear that in carrying out my duties as the appointed Electoral Officer, or as an appointed Deputy Electoral Officer, I will:

1. uphold and abide by this Code;
2. remain neutral and professional in the conduct of the duties of their office, and refrain from providing any preferential treatment or expressing support for or opposition to any Candidate;
3. 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;
4. not discriminate against anyone because of race, religion, sex, age, or handicap;
5. use public office facilities to fulfill the terms of their office, and not for personal or partisan benefit;
6. not pressure or intimidate other officials or personnel to favour a certain Candidate; and
7. avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where I have a personal or private interest in the matter at issue.

\_\_\_\_\_  
Electoral Officer or Deputy Electoral Officer

### Notice of Nomination Meeting

Date of Notice: \_\_\_\_\_

A meeting of the Electors of Xatsúll will be held on \_\_\_\_\_, between the hours of \_\_\_\_ at \_\_\_\_\_. **<If available, include the method to attend virtually>**

The purpose of the meeting is to nominate Candidates for Xatsúll's Kúkwpi7 and Council for the Election on \_\_\_\_\_.

You must be a Xatsúll Member to attend the Nomination Meeting. Proof of membership will be required to attend. You must be at least 18 years of age as of \_\_\_\_\_ and included on the Voters List to nominate a Candidate at an Election.

You may nominate a Candidate by:

1. by delivering or mailing a written nomination and a completed, signed and witnessed Voter Declaration Form to the Electoral Officer before \_\_\_\_\_,
2. orally, at the Nomination Meeting, or
3. virtually, where the Electoral Officer has provided a procedure for virtual nominations.

The All-Candidates Meeting will take place on \_\_\_\_\_ at \_\_\_\_\_ until \_\_\_\_\_.

The Election will take place on \_\_\_\_\_ at the following location(s):

**<INSERT LOCATIONS HERE>**

Any Elector may vote by Mail-in Ballot or E-Ballot by requesting a Mail-in Ballot or E-Ballot from the Electoral Officer

For additional information relating to the nomination process, please contact the Election Officer:

<name of Electoral Officer>

<phone number of Electoral Officer>

If you would like to receive information from a Candidate, you can agree to have your address released to the Candidate by listing your name and address below:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

**Mail-in Nomination Form**

I, \_\_\_\_\_ [*print name*], being a Xatsúll Member, nominate  
\_\_\_\_\_ [*print name*] (the “Nominee”) for the position of <Kúkwpi7/Councillor>  
on Xatsúll First Nation Council.

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

Indian Registration Number: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Note: An Elector may only nominate or second one person for Kúkwpi7 and a maximum of 4 persons for Councillor.

### Nomination Declaration

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

Indian Registration Number: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

I, \_\_\_\_\_ [print name], declare that:

1. all information I have provided in this Form is correct and accurate;
2. I \_\_\_\_\_ [nominate/second] \_\_\_\_\_ [print name] as a Candidate for \_\_\_\_\_ [Kúkwpi7/Councillor];
3. I am on the Voters List;
4. I will be at least 18 years of age on the date of the Election; and
5. I do not know of any reason why I should be disqualified from being a Voter in the Election.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Electoral Officer or Deputy  
Electoral Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**This Form must be signed before the Electoral Officer or a Deputy Electoral Officer.**

**Notice of Acceptance of Nomination**

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

Indian Registration Number: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

I, \_\_\_\_\_ [*print name*], accept my nomination as  
\_\_\_\_\_ [*Kúkwpí7/Councillor*], and confirm that:

1. I qualify as an Elector and I was nominated for office in accordance with the procedures set out in the Code;
2. I have not been removed from Council in the past 6 years;
3. **If this is a By-election, I did not resign from Council during the previous Council term resulting in this By election;**
4. I do not know of any reason why I should be disqualified from being a Candidate for the office for which I was nominated.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Electoral Officer or Deputy  
Electoral Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**This Form must be signed before the Electoral Officer or a Deputy Electoral Officer.**

### Notice of Election

**Date of Notice:** \_\_\_\_\_

**Date of Election:** \_\_\_\_\_

An All Candidates Meeting will be held on \_\_\_\_\_, between the hours of \_\_\_\_ and \_\_\_\_.

Notice is given to the Electors of Xatśúll that an Election will be held to elect Kúkwpi7 and 4 Councillors on \_\_\_\_\_, between the hours of \_\_\_\_ and \_\_\_\_ at the following location:

The Voters List is posted for public viewing at \_\_\_\_\_.

#### **Voting by Mail-in Ballot or E-Ballot**

Electors who request a Mail-in Ballot or E-ballot from the Electoral Officer may vote by Mail-in Ballot or E-ballot. Electors may request a Mail-In Ballot package or E-Ballot by sending a request to the Electoral Officer at least 14 days before the date of the Election:

**<INSERT ELECTORAL OFFICER ADDRESS HERE>**

**<INSERT ELECTORAL OFFICER PHONE NUMBER HERE>**

Please include the following information:

1. Your name;
2. Your Indian registration number;
3. Whether you would like to vote by Mail-In Ballot or E-Ballot; and
4. If requesting an E-Ballot, your e-mail address.

The deadline for requesting a Mail-in Ballot package is \_\_\_\_\_ and the deadline for requesting an E-ballot is \_\_\_\_\_. Requests after that deadline will not be processed.

Mail-In Ballots must be received by \_\_\_\_\_. Mail-In Ballots received after that time will not be counted.

E-Ballots must be received by \_\_\_\_\_. E-Ballots will not be accepted after that date.

**Application for E-Ballot**

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

Indian Registration  
Number: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

I, \_\_\_\_\_ [*print name*], request that a E-Ballot package  
be sent to me.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Instructions for Mail-in Ballots

In this package you will find:

1. a ballot initialled on the back by the Electoral Officer;
2. an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
3. a second inner envelope marked "ballot" for insertion of the completed ballot;
4. a Voter Declaration Form;
5. the Notice of Election; and
6. instructions for voting by Mail-in Ballot;

You may vote in-person at any Polling Station on the day of the Election if you return your Mail-in Ballot to the Electoral Officer at the Polling Station,

#### Lost Mail-in Ballot

If you have lost your Mail-in Ballot, you may vote in-person by swearing a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking Oaths that you have lost the Mail-in Ballot.

#### Acclaimed Candidates

The following Candidates have been elected by acclamation:

**<INSERT NAMES OF THOSE ACCLAIMED, IF NONE, REMOVE THIS SECTION>**

#### Voting instructions

1. To vote, place an "X" or other mark that clearly indicates your choice opposite the name of the Candidate or Candidates for whom you would like to vote.
2. Fold the ballot in a way that conceals the names of the Candidates or any marks, but shows the Electoral Officer's initials on the back.
3. Place the ballot in the inner envelope and seal the envelope.
4. Complete and sign the Voter Declaration Form in the presence of a witness who is at least 18 years old.
5. Place the inner envelope and the completed, signed and witnessed Voter Declaration Form in the postage-paid envelope.
6. Deliver or mail the envelope to the Electoral Officer before **<time>** on **<date>**.



If you are unable to mark the ballot, you may request the assistance of another person to mark the ballot and complete and sign the Voter Declaration Form in accordance with section 94 of the Code. If you requested the assistance of another person to mark your ballot, the person who witnessed that another person marked your ballot must attest to the following:

1. the fact that the person who completed and signed the Voter Declaration Form is the person whose name is set out in the form; or
2. the fact that you are the person whose name is set out in the form and that the ballot was marked according to your directions.

Mail-in Ballots that are not received by the Electoral Officer before <time> on <date> will not be counted.

If you are using a Mail-in Ballot, it is your sole responsibility to ensure the delivery of the pre-addressed return envelope enclosing your sealed ballot envelope and Voter Declaration Form to an Electoral Officer prior to the close of the polling stations on the day of the Election.

If you use the Mail-in Ballot and also cast a vote in-person on the day of the Election, the Electoral Officer will reject your Mail-in Ballot.

**Voter Declaration Form**

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

Indian Registration Number: \_\_\_\_\_

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

Mailing address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

I, \_\_\_\_\_ [*print name*], declare that:

1. all information I have provided in this Form is correct and accurate;
2. I am on the Voters List; and
3. I do not know of any reason why I should be disqualified from being a Voter in the Election or Referendum.

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number

**This Form must be signed before a witness who is at least 18 years of age who must also sign this Voter Declaration Form.**

**Scrutineer Letter of Authorization**

I, \_\_\_\_\_ [*print name of Candidate*], authorize  
\_\_\_\_\_  
\_\_\_\_\_ [*print name of Scrutineer*] to act as my scrutineer  
in this Election.

I, \_\_\_\_\_ [*print name of scrutineer*], confirm that in  
carrying out my duties as an appointed Scrutineer, I will:

1. uphold and comply with the Code and all Xatsùll Laws and Policies;
2. not disrupt the Election process in any way; and
3. comply with all directions of the Electoral Officer or a Deputy Electoral Office.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Signature of Scrutineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

### Election Tally Sheet

Position:	Tally Marks	Total
Candidate 1		
Candidate 2		
Candidate 3		
Candidate 4		
Candidate 5		
Candidate 6		

Rejected Ballots	Reason for Rejection

Winning Candidate(s):

I, \_\_\_\_\_ [*print name*], certify that the results of the polls are as stated above.

Signature of Election Officer: \_\_\_\_\_

### Electoral Officers Report

Unless indicated otherwise, capitalized terms used in this Form are as defined in the Xat'sùll First Nation Custom Election Code.

12. Name of First Nation: Xat'sùll First Nation
13. Date of Election: \_\_\_\_\_
14. Type of election (General or By-election): \_\_\_\_\_
15. Date of last general election (month/year): \_\_\_\_\_
16. Total number of eligible voters: \_\_\_\_\_
  - a) Total number of Ballots cast: \_\_\_\_\_
  - b) Percentage of Voter participation: \_\_\_\_\_
17. The Notice of Nomination Meeting was:
  - a) Posted on or before the **[INSERT DATE]**, at the following location(s): \_\_\_\_\_, posted electronically to the website (**INSERT URL**), and mailed to the last known residential mailing address of every off-reserve Elector
18. The Elector's list was:
  - a) Posted on or about the **[INSERT DATE]**, at the following location(s): \_\_\_\_\_
19. The Nomination Meeting was held on the **[INSERT DATE]**, at the **[INSERT LOCATION]** from \_\_\_\_\_ to \_\_\_\_\_. All Candidates were provided the required forms, instructions and notices pursuant to the Xat'sùll Election Code.
20. The Notice of Election was:
  - a) Posted on or before the **[insert date]** at the following location(s): \_\_\_\_\_ and posted electronically to **[insert URL]**.
  - b) Mailed to every off-reserve Elector for whom the Nation had addresses for and posted throughout the Election process online and on social media.
21. Mail-in Ballot packages were prepared and mailed pursuant to the Code:
  - a) To every off-reserve elector for whom the Nation had addresses for.
  - b) Mail-in Ballot packages were mailed as requested pursuant to the Code to any Elector who requested one, and in all instances where a Mail-in Ballot package was requested within 10 days of the Election Date, the packages were sent Express Post via Canada Post.

22. An All Candidates Meeting was held pursuant to the Code on **[insert date]** at **[insert location]** between \_\_\_\_\_ and \_\_\_\_\_.

23. The Poll was conducted at the following location:

- a) **Polling Station - [insert date] at [insert location]** from \_\_\_\_\_ to \_\_\_\_\_.
- b) Election results were tabulated immediately following the close of the Poll during open/public proceedings and Candidate Scrutineers were invited to participate and observe the count process directly.
- c) The Official Notice of Election Results was posted at the following location(s): \_\_\_\_\_ and posted electronically to **[insert URL]** immediately following the count of all properly recorded Ballots.

24. Voter Turnout Summary

	<b>Totals</b>
Total Number of Eligible Voters	
Mail-in Ballots Cast	
Ballots Cast at Poll Station	
Total Number of Ballots Cast	
Percentage of Voter Turn Out	

25. Mail-in Ballot Summary:

	<b>Totals</b>
Number of Mail-in Ballots Sent	
Number of Mail-in Ballots Returned	
Percentage of Mail-in Ballots Returned	
Total Mail-in Ballots Rejected	
<small>Rejected Mail-in Ballots consist of submissions without Voter Declaration, or which are substantively incomplete; for example, no Elector signature. These Ballots are not placed in the Ballot Box and do not form part of the Official eligible Ballot tabulations and Results Notice.</small>	

26. Election Results for Office of Councillor/Kúkwpí7

		<b>Totals</b>	
<b>Total Ballots Cast</b>			
<b>Total Ballots Rejected</b>			
	<b>Total</b>		<b>Total</b>
Candidate 1		Candidate 3	
Candidate 2		Candidate 4	

27. Statement of assisted or interpreted voters:

28. The following two [or one] Candidate(s) are publicly declared elected as Kúkwpi7 or Councillor

29. Declaration:

I, \_\_\_\_\_, appointed to the position of Electoral Officer for the Xatšúll First Nation, declare the polling location(s) were kept open between the hours of \_\_\_\_ and \_\_\_\_ (local time), and that I have correctly counted the votes cast for each candidate and have performed to the best of my abilities all duties required of me by the Xatšúll First Nation Election Code.

I further declare that a copy of the Official Count Sheet and Results Declaration was posted at the **[insert location]** and posted electronically to **[insert URL]**

\_\_\_\_\_  
Electoral Officer

Date:

### Council Member Oath of Office

I, \_\_\_\_\_ [*print name*], affirm/swear that:

1. I have not been convicted of an Indictable Offence or a Summary Offence that prohibits me from taking Council office under the Code;
2. I will uphold and comply with the Code and all Xat'sūll Laws and Policies;
3. I will support and defend the Xat'sūll Laws and Policies and values;
4. I will fulfil the duties and responsibilities of my office under the Code and all Xat'sūll Laws and Policies;
5. I will faithfully, honestly, impartially, and consistently perform the duties of my office to best of my judgment and ability, remembering that my primary duty is to serve Xat'sūll;
6. I will promote and uphold the integrity and dignity of Xat'sūll and its programs, Xat'sūll Members and employees;
7. I will not allow any private interest to influence my conduct or decision making;
8. I will honor, respect and support the elders of Xat'sūll;
9. I will be prompt, courteous and temperate in the performance of my duties;
10. I will demonstrate and practice honesty, fairness, respect, justice and objectivity in the performance of my duties;
11. I will not publicly criticize Xat'sūll Laws and Policies and I will provide constructive criticism or suggestion through the proper channels of law making or amending processes;
12. I will respect the authority of Council and other governance structures of Xat'sūll;
13. I will be accountable to Xat'sūll Members and will discharge my duties and responsibilities in a manner becoming my position;
14. I will continually work toward self-improvement and professional development; and
15. I will keep confidential, both during and after my term of office, any matter or information which, under the Code or Xat'sūll Laws and Policies, is considered confidential.



16. I will always act in the best interests of Xatsúll in carrying out my duties;

SWORN (OR AFFIRMED) BEFORE ME at )  
\_\_\_\_\_, in the )  
Province of \_\_\_\_\_, on this \_\_\_ )  
day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_ )

\_\_\_\_\_

) Chief/Councillor

**This Form must be sworn before the Electoral Officer or a Deputy Electoral Officer, a justice of the peace, notary public or commissioner for taking oaths.**

DRAFT

### Appeal Committee Oath of Office

I, \_\_\_\_\_ [*print name*], affirm/swear that in carrying out my duties as an appointed member of the Appeal Committee, I will:

- 1. uphold and comply with the Code and all Xatsùll Laws and Policies;
- 2. fulfil the duties and responsibilities of my office under the Code and all Xatsùll Laws and Policies;
- 3. carry out my duties faithfully, honestly, impartially and to the best of my ability; and
- 4. keep confidential, both during and after my term of office, any matter or information which, under the Code or Xatsùll Laws and Policies, is considered confidential.

SWORN (OR AFFIRMED) BEFORE ME at \_\_\_\_\_ )  
 \_\_\_\_\_, in the )  
 Province of \_\_\_\_\_, on this \_\_\_\_ )  
 day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_) )  
 \_\_\_\_\_) )  
 \_\_\_\_\_) )  
 \_\_\_\_\_) )  
 \_\_\_\_\_) )

Appeal Committee Member

**This Form must be sworn before the Electoral Officer or a Deputy Electoral Officer, a justice of the peace, notary public or commissioner for taking oaths.**

### Petition for Removal

**To:** Kúkwi7 and Council

I, \_\_\_\_\_, being a member and eligible Elector of the Xatśúll First Nation, and all the eligible Electors signing below, making up 25% of eligible Electors in support of the petition, petition Kúkwi7 and Council for the removal of \_\_\_\_\_, as Kúkwi7/Councillor on the grounds that this person:

- failed to attend three consecutive regular meetings of Council without being reasonably excused from attendance by a quorum of the Council;
- has been convicted of an indictable offence since their election, other than an offence committed in the furtherance of aboriginal title and rights; or
- engaged in such other conduct in breach of their Oath of Office that is of such a serious nature and having exhausted internal mechanisms, that removal is necessary and appropriate.

As evidence for the grounds above, I enclose \_\_\_\_\_.

I also enclose a filing fee of \$50.

Signature of petitioner:

The signatures below, including the initial petitioner, represent at least 25% of all eligible Electors.

	Name	Address	Date	Signature
1				
2				
3				
4				
5				
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10				

**Letter of Suspension for Kúkwpi7 or Councillor**

Dear \_\_\_\_\_,

**Re: Suspension**

This letter confirms you are suspended from Council from today until further notice while the Petitions and Appeal Board conducts their review hearing. We discussed this suspension in our meeting on [INSERT DATE].

Your suspension does not mean that we have concluded on the outcome of the Petition before the Petitions and Appeal Board. We will not keep you suspended for longer than is necessary. We can lift the suspension at any time. During your suspension, you will not continue to be paid in your role as Councillor.

Your Oath continues to apply during your suspension. In particular, you are reminded that you must not disclose any confidential information or conduct yourself in any way that would offend the Oath you have sworn.

While you are suspended, you must not carry out any of your Councillor duties, and you should not come into Council chambers unless directed.

If when the Petition is concluded it is determined you must be removed from Council, the office will be declared vacant. If you are not removed, your suspension will be lifted and you may resume your role as a Councillor. You will receive a written notice of the ruling, as indicated in section 180 of the Xat'sùll Election Code.

If you have any queries about this matter or the terms of your suspension, please contact the Band Administrator directly.

Yours truly,

Xat'sùll Chief and Council

cc: Band Administrator

**Petition for Amendment**

**PETITION**

**To:** Kúkwpi7 and Xatśúll First Nation Council

I, \_\_\_\_\_, being a member and eligible Elector of the Xatśúll First Nation, and all the eligible Electors signing below, petition Kúkwpi7 and Xatśúll First Nation Council to amend the Xatśúll Custom Election Code as follows:

<@>

Signature of petitioner:

The signatures below, including the initial petitioner represent at least 25% of all eligible Electors.

	Name	Address	Date	Signature
1				
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