



# **XAT'SŪLL FIRST NATION**

**3419 Mountain House Road**

**Williams Lake, BC V2G 5L5**

**Tel. 250-989-2323**

**Fax. 250-989-2300**

## **Xat'sūll Election Code 2024**

**Confirmed by Xat'sūll First Nation Council Resolution dated**

**October 17, 2024**

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## PART 1 - PREAMBLE & TITLE

1. This Code shall be called the Xat'sül First Nation Election Code 2024.

## PART 2 - COMING INTO FORCE

2. This Code comes into force upon the passing of a Council Resolution following a Plebiscite of Xat'sül Electors.

## PART 3 – INTERPRETATION

3. In this Code

**“Administration Office”** means the main office of the Xat'sül First Nation located at 3419 Mountain House Road, Williams Lake, BC, V2G 5L5.

**“All-Candidates Forum”** means a mandatory meeting of all the Candidates in advance of an Election.

**“Appeal Board”** means the body appointed by a Council Resolution in accordance with section 168 of this Code to review and make decisions concerning Election appeals.

**“Appellant”** means an individual who submits an appeal in accordance with this Code with respect to an Election.

**“Arbitrator”** means a member of the Arbitrators Association of British Columbia or similar professional body appointed by the Chief Administrative Officer to participate in the adjudication of an appeal of the results of an Election.

**“By-Election”** means a special Election to fill a position on the Council that has become vacant.

**“Candidate”** means a Xat'sül Member who has fulfilled all the requirements to be a Candidate in an Election, and whose name appears on the Election Ballot.

**“Chief Administrative Officer”** means the senior employee of the Xat'sül First Nation, reporting directly to Council.

**“Code”** means the leadership selection system set out herein.

**“Code of Campaign Ethics”** means guidelines, general rules of behaviour and standards established in accordance with section 86 of this Code, which govern the conduct of Candidates running for office and their supporters relating to their participation in the Electoral process.

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

**“Council”** means the governing body of the Xat’sull First Nation, including the Kukpi’7 and Tkwekw’enmiple7 elected pursuant to this Code.

**“Council Member”** means the Kukpi’7 or a Tkwenmíple7.

**“Council Resolution”** means a resolution passed at a duly convened Council meeting.

**“Deputy Electoral Officer”** means any person appointed by the Electoral Officer for the purposes of an Election to assist them in the conduct of the Election process.

**“Election”** means a General Election or By-Election for Kukpi’7 or for Tkwekw’enmiple7 of the Xat’sull First Nation held pursuant to the provisions of this Code.

**“Election Day”** means the day the Election is held.

**“Elector”** means a person who:

- (a) is a Member of the Xat’sull First Nation; and
- (b) is at least 18 years of age on the day on which the Election is held.

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

**“Electronic Ballot”** means a ballot submitted electronically in accordance with this Code.

**“Electronic Ballot Instructions”** means written instructions as to how to access and complete an Electronic Ballot.

**“General Election”** means an Election held to replace a Kukpi’7 or Tkwenmíple7 at the end of their scheduled term of office.

**“Kukpi’7”** means the person elected to be Kukpi’7 of the Xat’sull First Nation in accordance with the Xat’sull Election Code.<sup>1</sup>

**“Mail-in Ballot”** means a ballot mailed or delivered in accordance with section 100 of this Code.

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<sup>1</sup> Kukpi’7 means Chief in Secwepemctsin (the Secwepemc language).

**“Mail-in Ballot Package”** means the package of materials mailed or delivered to Electors to inform them of the Election and the means of voting in it.

**“Member”** means a registered member of the Xatśúll First Nation at the material time.

**“Membership Registrar”** means the Xatśúll First Nation employee or contractor responsible for maintaining the list of Members and their mailing and email addresses.

**“Nomination Meeting”** means the meeting at which persons come forward to nominate and second Candidates at the Election.

**“Nominee”** means a person who has been nominated for a position on Council but who has not yet fulfilled the requirements to become a Candidate.

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

**“Ordinarily Resident on the Reserve”** means that an individual lives on-reserve and does not maintain a primary residence off-reserve, but may be temporarily off reserve for the purpose of seeking education or obtaining care or services not available on reserve.

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

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

**“Tkwenmíple7”** means a person elected to be a Tkwenmíple7 of the Xatśúll First Nation in accordance with the Xatśúll Election Code.<sup>2</sup>

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

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

**“Voters List”** means the list of Xatśúll Members eligible to vote in an Election.

**“Xatśúll”** means the Xatśúll First Nation, formerly the Soda Creek Indian Band.

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<sup>2</sup> Tkwenmíple7 means Councillor in Secwepemctsin (the Secwepemc language). The plural of Tkwenmíple7 is Tkwekw'enmiple7

**“Xatsūll Election Code”** means the election code of the Xatsūll First Nation in effect at the material time, by whatever name.

**“Xatsūll-Empowered Entity”** means a corporation, board, council, association, society, or other organization that is owned or controlled by Xatsūll or the Northern Shuswap Tribal Council.

## **PART 4 - THE COUNCIL**

### **Eligibility**

4. A person is not eligible to be a Candidate in an Election if they:
  - a. will not be at least 18 years old on the Election Day;
  - b. are currently serving a jail sentence;
  - c. have, within 10 years prior to the Election Day, been convicted of an offence prosecuted by indictment, except for an offence committed in support of Secwepemc title and rights;
  - d. have, within 10 years prior to the Election Day, been convicted of a sexual offence, or an assault against a family member or intimate partner;
  - e. have been determined by a civil or criminal court to have committed theft, fraud or improper appropriation of the funds of Xatsūll or a Xatsūll-Empowered Entity;
  - f. are currently prevented from serving on Council by a decision of the Appeal Board; or
  - g. are overdue in the payment of a debt to Xatsūll or a Xatsūll Empowered Entity unless they are in good standing with respect to a payment plan or other arrangement for repayment approved by an authorized representative of Xatsūll or the relevant Xatsūll- Empowered Entity.

### **Composition and Size**

5. The Council shall consist of one Kukpi’7 and 4 Tkwekw’enmiple7.

### **Meetings**

6. The first meeting of the Council shall be held not later than 5 business days after its Election, on a day, hour and place to be stated in a notice given to each

member of the Council, and meetings shall thereafter be held on such days and at such times as may be necessary for the business of the Council or the affairs of the Xatśúll First Nation.

7. The regular meetings of the Council shall be open to Xatśúll Members as observers and no Member shall be excluded from a regular meeting except for improper conduct.

#### **Mode of Election for Kukpi'7 and Tkwekw'enmiple7**

8. The Kukpi'7 and Tkwekw'enmiple7 shall be elected by a vote held in accordance with this Code.

#### **Term of Office**

9. The term of office for the position of Kukpi'7 and Tkwekw'enmiple7, subject to this Code and any vacancies under it, shall be 4 years.
10. The term of office may, under mitigating circumstances, be continued beyond 4 years if such continuation is not opposed by the votes of more than 50% of the members of Council. This continuation shall not exceed 60 days.

#### **Election and Term of Kukpi'7**

11. The first General Election for Kukpi'7 under this Code shall take place on Tuesday, March 9, 2027. The Nomination Meeting for the Election shall take place on Tuesday, January 19, 2027, and the All-Candidates Forum shall take place on Tuesday, January 26, 2027.
12. Subject to this Code, subsequent General Elections of Kukpi'7 shall take place on the second Tuesday in March every four years beginning in the year, 2031.
13. The term of office for a Kukpi'7 elected under this Code shall commence at 12:01 am on the Monday following their Election and, subject to any vacancy arising under this Code, shall expire at midnight on the Sunday following the next Election of Kukpi'7.
14. The Kukpi'7 in office pursuant to an Election which took place prior to the coming into force of this Code shall continue in office until a new Election for Kukpi'7 takes place in accordance with this Code.

#### **Election and Term of Tkwekw'enmiple7**

15. The first General Election for Tkwekw'enmiple7 under this Code shall take place on Tuesday, June 10, 2025. It shall apply to the two Tkwenmiple7 positions set to expire in May 2025. The Nomination Meeting for the Election shall take place on



Tuesday, April 22, 2025, and the All-Candidates Forum shall take place on Tuesday, April 29, 2025.

16. The second General Election for Tkwekw'enmíple7 under this Code shall take place on Tuesday, June 8, 2027. It shall apply to the two Tkwenmíple7 positions set to expire in May 2027. The Nomination Meeting for the Election shall take place on Tuesday, April 20, 2027, and the All-Candidates Forum shall take place on Tuesday, April 27, 2027.
17. Subject to this Code, subsequent Elections of Tkwekw'enmíple7 shall take place on the second Tuesday in June every two years beginning in the year, 2029.
18. The term of office for a Tkwenmíple7 elected under this Code shall commence at 12:01 am on the Monday following their Election and, subject to any vacancy arising under this Code, shall expire at midnight on the Sunday following the next Election four years later.
19. The Tkwekw'enmíple7 in office pursuant to an Election which took place prior to the coming into force of this Code shall continue in office until a new Election for Tkwekw'enmíple7 takes place in accordance with this Code.

#### **Term of Office for By-Elections and Appeals**

20. The successful Candidate in a By-Election shall hold office for the remainder of the original term of office of the Kukpi'7 or Tkwenmíple7 whom they are elected to replace.
21. In the event that a successful appeal results in a new General Election, the term of the newly elected Council shall commence on the date all elected Council Members swear the Oath of Office and expire on the date set out in sections 13 or 18 of this Code.

#### **Vacancy**

22. A Kukpi'7 or Tkwenmíple7 position on the Council may become vacant if, while in office:
  - a. the Kukpi'7 or Tkwenmíple7 resigns in writing from office of their own accord;
  - b. the Kukpi'7 or Tkwenmíple7 has been unable to perform the functions of their office for more than six months due to illness or other incapacity;
  - c. the Kukpi'7 or Tkwenmíple7 dies; or
  - d. the Kukpi'7 or Tkwenmíple7 is removed from office in accordance with this Code.

## **PART 5 - PRE-NOMINATION PROCEDURE**

### **Appointment of an Electoral Officer and Notice of Election Timetable**

23. The Electoral Officer shall be appointed by a Council Resolution not less than 100 days before the expiration of the Council's term of office.
24. The Council Resolution for the appointment of the Electoral Officer shall contain:
  - a. the Electoral Officer's name, address and contact information;
  - b. the date of the Election and the location and opening hours of the Polling Station(s);
  - c. the type of Election which is to be conducted (General Election or By-Election);
  - d. the positions subject to election (Kukpi'7 or Tkwekw'enmiple7);
  - e. the date, time and place of the Nomination Meeting;
  - f. the date, time and place of the All-Candidates Forum;
  - g. the manner in which Electors may vote in the Election; and
  - h. any special instructions.
25. A Notice of Election Timetable with the above information shall be posted in at least one conspicuous place on each Xat'süll reserve and published on the Xat'süll website.
26. In unexpected and unavoidable circumstances, the Electoral Officer may make changes to the Election Timetable, and shall provide notice of the changes as soon as practicable.
27. If an Electoral Officer has not been appointed within the time set out in section 23, the Electoral Officer shall be appointed by the Chief Administrative Officer as soon as possible.
28. The Electoral Officer must be a person who:
  - a. is not a Member of the Xat'süll First Nation;
  - 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.
29. In the event that the Electoral Officer cannot fulfill their duties, an existing Deputy Electoral Officer shall be appointed by a Council Resolution to undertake the duties of the Electoral Officer. In the absence of an existing Deputy Electoral Officer, the Council shall appoint a new Electoral Officer.

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

30. The Electoral Officer must swear an Oath to uphold the office in accordance with this Code.

### **Responsibilities and Ethics**

31. The Electoral Officer is responsible for managing and executing all pre-Electoral, Electoral and post-Electoral processes and procedures included in this Code. The Electoral Officer must:
- a. uphold and abide by the rules and regulations established in this Code and pursuant to the Code of Ethics;
  - b. 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;
  - c. not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information;
  - d. not discriminate against anyone because of race, religion, sex, age or handicap;
  - e. use public office facilities to fulfill the terms of their 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 Electoral Officer has a personal or private interest in the matter at issue.

### **Voters List**

32. No later than 79 days before the Election Day, the Membership Registrar shall provide the Electoral Officer with the names, membership numbers, dates of birth, and last known mailing and email addresses, where available, of all Members who will have attained the age of 18 years on the Election Day.
33. Electors are responsible for providing the Membership Registrar with their current addresses.
34. An Elector's address shall be used by the Electoral Officer only for the purpose of providing notices, Mail-in Ballots or other Election documents to Electors who are entitled to receive them under this Code.
35. Except for the purposes noted in the preceding section, the Electoral Officer shall not disclose an Elector's address without the consent of the Elector.
36. A Candidate for Election as Kukpi'7 or Tkwenmíple7 may obtain from the Electoral Officer a list of the names and addresses of Electors who have consented to have their addresses disclosed to Candidates.
37. At least 79 days before the day on which an Election is to be held, the Electoral Officer shall prepare a Voters List containing the names of all of the Electors in alphabetical order.
38. The Electoral Officer shall post the Voters List in a public area of the Administration Office and in such other conspicuous places on each Xat'súll reserve as may be determined by the Electoral Officer, no later than 72 days prior to the date on which the Election is to be held.
39. On request, the Electoral Officer or Deputy Electoral Officer shall confirm whether the name of a person is on the Voters List.
40. The Electoral Officer shall revise the Voters List upon presentation of documentary evidence which demonstrates that:
  - a. the name of an Elector has been omitted from the Voters List;
  - b. the name of an Elector is incorrectly set out in the Voters List; or
  - c. the name of a person not qualified to vote is included in the Voters List.

41. A person, or an Elector acting on their behalf, may, no later than 2 days prior to the date on which an Election is to be held, demonstrate that the name of an Elector has been omitted from or incorrectly set out in the Voters List by presenting in writing to the Electoral Officer evidence from the Membership Registrar that the Elector:
  - a. is entitled to have their name entered on the Xatsūll membership list;
  - b. will be at least 18 years of age on the date on which the Election is to be held; and
  - c. is qualified to vote in Xatsūll Elections.
42. A person may demonstrate that the name of a person not qualified to vote has been included in the Voters List by presenting in writing to the Electoral Officer evidence that the person:
  - a. is neither on the Xatsūll membership list nor entitled to have their name entered on the list;
  - b. will not be at least 18 years of age on the date on which the Election is to be held; or
  - c. is not qualified to vote in Xatsūll Elections.
43. Where the Electoral Officer believes or has information that a person whose name is on the Voters List is not an Elector, or where, in accordance with the preceding section, an Elector demonstrates to the Electoral Officer that the name of a person not qualified to vote appears on the Voters List, the Electoral Officer shall give written notice to the person whose eligibility is challenged at least 10 days prior to the date on which the Election is to be held, or as soon as practicable after that time.
44. The notice given under the preceding section shall include the reasons for seeking the removal of the name from the Voters List and any supporting documents, and shall provide notice that a written reply may be sent to the Electoral Officer, which must be received as soon as practicable and no later than the day before the date on which the Election is to be held.
45. After consideration of all information and representations relating to amendments of the Voters List, the Electoral Officer shall add or delete names from the Voters List based on whether persons qualify as Electors.
46. The decision of the Electoral Officer under the preceding section is final and is not subject to appeal.

47. A person whose name does not appear on the Voters List shall be entitled to vote on Election Day, provided they present documentary proof to the Electoral Officer demonstrating their qualifications as an Elector to the Electoral Officer's satisfaction.

### **Appointment of Deputies and Interpreters**

48. The Electoral Officer shall appoint deputies and interpreters as they deem necessary, who shall work under their direction.
49. The Deputy Electoral Officer shall have such powers as described in this Code as well as those powers of the Electoral Officer as delegated to the Deputy by the Electoral Officer.
50. A Deputy Electoral Officer shall not be a member of Council or a Candidate in the Election.
51. The Electoral Officer shall, no later than 7 days before the Election Day, provide the Chief Administrative Officer with the names and contact information of all Deputy Electoral Officers who will be working on the Election.
52. Every Deputy Electoral Officer shall swear an Oath of office to:
- a. uphold and comply with this Code, the Code of Ethics and all the laws of the community;
  - b. fulfill the duties and responsibilities of their office under this Code;
  - c. carry out their duties faithfully, honestly, impartially and to the best of their abilities;
  - d. keep confidential, both during and after their term of office, any matter or information which, under this Code, community law or policy, is considered confidential; and
  - e. always act in the best interests of the community in carrying out their duties.
53. The Electoral Officer may make such orders and issue such instructions consistent with the provisions of this Code as they may deem necessary for the effective administration of the Election.

## **PART 6 - THE NOMINATION PROCESS**

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

54. The Electoral Officer shall, at least 30 days before the date on which the Nomination Meeting is to be held, post a Notice of Nomination Meeting in at least one conspicuous place on each Xat'sül reserve and publish it on the Xat'sül website.
55. The Electoral Officer shall, at least 30 days before the date on which the Nomination Meeting is to be held, mail a Notice of Nomination Meeting and a Voter Declaration Form to every Elector who does not reside on the reserve in respect of whom the Electoral Officer has been provided with, or has been able to obtain, an address.
56. A Notice of Nomination Meeting shall include:
  - a. the date, time, duration and location of the Nomination Meeting;
  - b. the date on which the Election will be held and the location of each Polling Station;
  - c. the name and phone number of the Electoral Officer;
  - d. the statement that any Elector may vote by Mail-in Ballot or Electronic Ballot;
  - e. a description of the manner in which an Elector can nominate a Candidate, or second the nomination of a Candidate; and
  - f. the statement that, if the Elector wants to receive information from Candidates, the Elector can agree to have their address released to the Candidates.
57. The Electoral Officer shall record the names of the Electors to whom a Notice of Nomination Meeting was mailed, the addresses of those Electors, and the date on which the notices were mailed.

### **Eligibility to Nominate**

58. In order to be entitled to nominate a Candidate at an Election, an Elector must, on the day of the Nomination Meeting:
  - a. be at least 18 years of age; and
  - b. be included on the Voters List.
59. Subject to the preceding section, any Elector may propose or second the nomination of any qualified person to serve as the Kukpi'7 or Tkwenmíple7:

- a. by delivering or mailing a written nomination and a completed, signed and witnessed Voter Declaration Form to the Electoral Officer before the time set for the Nomination Meeting; or
- b. orally, at the Nomination Meeting.

### **Nomination Meeting**

- 60. The Nomination Meeting shall be held 49 days prior to the date on which the Election is to be held.
- 61. At the time and place set for the Nomination Meeting, the Electoral Officer shall declare the Nomination Meeting open for the purpose of receiving the nomination of Candidates for the available Council positions.
- 62. The Electoral Officer is responsible for managing and conducting the Nomination Meeting.
- 63. Immediately following the opening of the Nomination Meeting, the Electoral Officer shall read aloud all written nominations and secondments that have been received by mail or delivered in accordance with subsection 59(a).

### **Duration**

- 64. The Nomination Meeting shall remain open for at least 3 hours.

### **Maintaining Order and Security**

- 65. The Electoral Officer shall maintain order at all times during the Nomination Meeting and may cause to be removed any person who, in their opinion, is disrupting or otherwise interfering with the proceedings.

### **Nomination Procedure**

- 66. Mailed nominations that are not received by the Electoral Officer before the time set for the Nomination Meeting are void.
- 67. The Electoral Officer shall record the name of the Candidate, the nominator and the seconder and confirm to those present at the meeting that the proposed Candidate is eligible to be elected to the position of Kukpi'7 or Tkwenmíple7 of the Xatsúll First Nation.
- 68. A person present at a Nomination Meeting who is eligible to do so may second the nomination of any person nominated in writing.



69. Where the same person receives two written nominations for the same office, the second nomination shall constitute a secondment of the first nomination.
70. Any Elector may nominate or second no more than:
  - a. one eligible person for the office of Kukpi'7; and
  - b. the number of eligible persons equivalent to the vacancies for the office of Tkwekw'enmiple7.
71. At the end of the Nomination Meeting, the Electoral Officer shall:
  - a. if only one person has been nominated for election as Kukpi'7, declare that person to be elected;
  - b. if the number of persons nominated to serve as Tkwekw'enmiple7 does not exceed the number to be elected, declare those persons to be elected; and
  - c. where more than the required number of persons are nominated for election as Kukpi'7 or Tkwekw'enmiple7, announce that an Election will be held.
72. On the day following the Nomination Meeting, the Electoral Officer shall post in at least one conspicuous place on each Xat'sũll reserve and publish on the Xat'sũll website a list of Nominees, their nominators and seconders and the offices for which they are nominated.

## **PART 7 – CANDIDACY**

73. Only Electors who meet the requirements of a Candidate as set out in this Code may be nominated as a Candidate.
74. An unsuccessful Candidate for Kukpi'7 may be a Candidate for the office of Tkwenmíple7 in a subsequent Election.
75. (1) A Nominee shall, within 6 days after the end of the Nomination Meeting, file the following documents with the Electoral Officer:
  - a. a notice of acceptance of nomination;
  - b. a sworn declaration confirming that they have read and understood the Council Code of Conduct, the Council Oath of Office, Declaration of Confidentiality and Council Roles and Responsibilities, and if elected, they will abide by them; and

- c. a summary of their Election platform in accordance with guidelines provided by the Chief Administrative Officer.

(2) A Nominee who fails to file the documents in accordance with this section shall not be a Candidate in the Election, and their name shall not appear on the Election Ballot.

76. Summaries of Election platforms may be in written or video format.

77. No person shall accept candidacy in an Election if that person is not eligible to be a Candidate in accordance with this Code.

### **All-Candidates Forum**

78. There shall be an All-Candidates Forum at a date, time and place described in the Notice of Election Timetable. All persons wishing to be a Candidate in the Election must participate in the All-Candidates Forum.

79. A person who does not participate in the All-Candidates Forum shall not be a Candidate in the Election and their name shall not appear on the Election ballot.

80. Participation of Candidates at the All-Candidates Forum shall be in-person.

81. Notwithstanding the preceding section, if a person seeking election cannot participate in the All-Candidates Forum in-person because of unexpected and unavoidable circumstances, they may, by prior arrangement with the Chief Administrative Officer, participate by videoconference.

82. A person who participates in the All-Candidates Forum by videoconference must, as part of their participation in the forum, explain the circumstances that have prevented them from being at the Forum in-person.

83. A person who:

- a. does not participate in the All-Candidates Forum either in-person or by videoconference; or
- b. participates in the All-Candidates Forum by videoconference but does not explain the circumstances that have prevented them from being at the Forum in-person,

shall not be a Candidate in the Election and their name shall not appear on the Election ballot.

### **Withdrawal**

84. A Candidate may withdraw their candidacy within 5 days of the date on which the Nomination Meeting was held by submitting a written withdrawal of nomination to the Electoral Officer.
85. A Candidate who dies before the close of the polls shall be considered to have withdrawn their candidacy.

## **PART 8 – CODE OF CAMPAIGN ETHICS**

86. Candidates must campaign:
  - a. according to the rules and regulations established in this Code and pursuant to the Code of Campaign Ethics;
  - b. without coercion or vote-buying;
  - c. respecting the right and freedom of other parties to organize and campaign;
  - d. respecting the rights of Electors to obtain information from a variety of sources and to attend political rallies;
  - e. ethically, focusing on political issues and Candidate platforms, instead of conducting smear campaigns or ones of rumour and innuendo;
  - f. non-violently, without intimidating opposing party Candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
  - g. respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
  - h. respecting the Electoral officials and not interfering with the performance of their duties; and
  - i. accepting and complying with the official Election results and the final decision of the Appeal Board.
87. Every person is guilty of an offence who, during an Election period, directly or indirectly offers a bribe to influence an Elector to vote or refrain from voting or to vote or refrain from voting for a particular Candidate, or during an Election period, accepts or agrees to accept a bribe that is offered.
88. Every person is guilty of an offence who, by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a particular Candidate in an Election, or by any pretence or contrivance, induces a person to

vote or refrain from voting or to vote or refrain from voting for a particular Candidate in an Election.

## **PART 9 - PRE-ELECTION PROCEDURE**

### **Acclamation**

89. Where the office of Kukpi'7 and all offices of Tkwekw'enmiple7 are filled by acclamation:
- a. the Electoral Officer shall post in at least one conspicuous place on each Xats'ull reserve, publish on the Xats'ull website and mail to every Elector who does not reside on the reserve, a notice that sets out the names of the persons who have been acclaimed and states that an Election will not be held; and
  - b. sections 90 through 152 shall not apply.

### **Ballots**

90. The Electoral Officer shall prepare ballot papers and Electronic Ballots setting out:
- a. the names of the Candidates nominated for election as Kukpi'7, in alphabetical order by surname; and
  - b. the names of the Candidates nominated for election as Tkwekw'enmiple7, in alphabetical order by surname.
91. Where two or more Candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those Candidates. The ballot may, at the request of the Candidate, include a Candidate's commonly used nickname.

### **Notice of Election**

92. The Election shall be held at least 49 days after the day on which the Nomination Meeting was held.
93. The Electoral Officer shall, within 3 days after the day on which the Nomination Meeting was held, post a Notice of Election in at least one conspicuous place on each Xats'ull reserve and on the Xats'ull website.

94. The notice shall include:
- a. the date of the Election;
  - b. the times at which the Polling Station(s) will open and close;
  - c. the location of the Polling Station(s);
  - d. the statement that any voter Elector may vote in-person or by Mail-in Ballot or Electronic Ballot;
  - e. Electronic Balloting Instructions;
  - f. a list of the names of any Candidates who were acclaimed;
  - g. the time and location of the counting of the votes; and
  - h. a statement that the Voters List is posted for public viewing and its location.

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

95. The Electoral Officer shall, at least 35 days prior to the date on which the Election is to be held, mail to every Elector who is not Ordinarily Resident on the Reserve and for whom a valid postal address is known, and to every Elector whose application to vote by Mail-in Ballot has been received a Mail-in Ballot Package consisting of:
- a. a ballot initialled on the back by the Electoral Officer;
  - b. an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
  - c. a second inner envelope marked "ballot" for insertion of the completed ballot;
  - d. a Voter Declaration Form which shall set out:
    - I the name of the Elector;
    - li the membership number and date of birth of the Elector; and
    - lii the name, address and telephone number of the witness to the signature of the Elector;
  - e. the Notice of Election set out in section 94; and
  - f. a letter of instruction regarding voting by Mail-in Ballot which shall also include:

- i. a statement advising Electors that they may vote in person at any Polling Station on the day of the Election if they return their Mail-in Ballot to the Electoral Officer at the Polling Station or swear a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking Oaths that they have lost the Mail-in Ballot; and
  - ii. a list of the names of any Candidates who were acclaimed.
- 96. An Elector who is Ordinarily Resident on the Reserve and who is unable to vote in person on Election Day may, at least 10 days prior to the date on which the Election is to be held, request a Mail-in Ballot Package from the Electoral Officer.
- 97. An Elector not residing on the reserve who has not received a Mail-in Ballot Package may, not later than 10 days prior to the date on which the Election is to be held, request a Mail-in Ballot Package from the Electoral Officer.
- 98. Upon receipt of a request for a Mail-in Ballot Package under section 96 or 97, the Electoral Officer shall mail or deliver a Mail-in Ballot Package described in section 95 to the Elector whose name appears on the application.
- 99. The Electoral Officer shall indicate on the Voters List that a ballot has been provided to each Elector to whom a Mail-in Ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each Mail-in Ballot was mailed or otherwise provided.
- 100. An Elector shall vote by Mail-in Ballot by:
  - a. placing an "X" or other mark that clearly indicates the Elector's choice but does not identify the Elector opposite the name of the Candidate or Candidates for whom they desire to vote;
  - b. folding the ballot in a manner that conceals the names of the Candidates or any marks, but exposes the Electoral Officer's initials on the back;
  - c. placing the ballot in the inner envelope and sealing the envelope;
  - d. completing and signing the Voter Declaration Form in the presence of a witness who is at least 18 years of age;
  - e. placing the inner envelope and the completed, signed and witnessed Voter Declaration Form in the postage-paid envelope; and
  - f. delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of polls on the day of the Election.

101. Where an Elector is unable to vote in the manner set out in the preceding section, the Elector may enlist the assistance of another person to mark the ballot and complete and sign the Voter Declaration Form in accordance with that section.
102. A witness referred to in the preceding section shall attest to:
- a. the fact that the person completing and signing the Voter Declaration Form is the person whose name is set out in the form; or
  - b. the fact that the Elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the Elector.
103. Mail-in Ballots that are not received by the Electoral Officer before the close of polls on the day of the Election shall not be counted.
104. A Mail-in Ballot is deemed to have been received by the Electoral Officer if it has been:
- a. delivered to them or to a Deputy Electoral Officer personally; or
  - b. received in a mailbox or secure receptacle previously identified by the Electoral Officer for the receipt of Election ballots.

### **Voting by Electronic Ballot**

105. The Electoral Officer shall ensure that proper, reliable, user-friendly and secure Electronic Balloting mechanisms are in place for the Election that:
- a. maintain the secrecy of an Elector's vote;
  - b. track whether or not an Elector has voted; and
  - c. include security features to ensure that an Elector's identity is verified prior to casting their vote.
106. An Elector shall vote by Electronic Ballot by following the Electronic Balloting Instructions.
107. Electronic Ballots that are not received by the Electoral Officer one calendar day before Election Day shall not be counted.

### **Equipment for the Election**

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

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

### **Polling Stations**

- 109. The Electoral Officer will establish at least one Polling Station on the Deep Creek reserve.
- 110. The Electoral Officer shall provide a voting compartment in the Polling Station where Electors can mark their ballots free from observation and the Electoral Officer may appoint security to maintain order in the Polling Station.

## **PART 10 - ELECTION DAY**

### **Electoral Officer**

- 111. Subject to section 147 of this Code, the Electoral Officer shall not be allowed to vote in the Election.

### **Candidate's Scrutineer**

- 112. A Candidate shall be entitled to not more than two scrutineers in the Polling Station at any one time.
- 113. A Candidate's scrutineer must present a letter of authorization to the Electoral Officer or the Deputy Electoral Officer, signed by the Candidate, in order to be permitted to remain in the Polling Station.

### **Polling Hours**

- 114. The Polling Station shall be open from 9 a.m. until 8 p.m. local time on the day of the Election.



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

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

### **Secrecy and Security**

116. Voting shall be by secret ballot.
117. No Elector may vote by proxy or authorize another person to vote on their behalf.
118. The 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.
119. No person shall, on the day the Election is held, on the premises of the Polling Station:
- a. distribute any Election-related printed materials except such materials as may be distributed by the Electoral Officer or Deputy Electoral Officer for the purpose of conducting the Election;
  - b. attempt to interfere with or influence any Elector in marking their ballot; or
  - c. attempt to obtain information as to how an Elector is about to vote or has voted.

### **Voting Procedure**

120. Each person, on arriving at the Polling Station, shall give their name to the Electoral Officer or Deputy Electoral Officer.
121. The Electoral Officer or Deputy Electoral Officer shall, if the person's name is set out in the Voters List, place their initials on both the ballot for Kukpi'7 and the ballot for Tkwekw'enmiple7 and provide them to the Elector.

122. The Electoral Officer or Deputy Electoral Officer shall cause to be placed in the proper column of the Voters List a mark opposite the name of every person receiving a ballot paper.
123. An Elector to whom a Mail-in Ballot was mailed or provided under section 95, 96 or 97 may obtain a ballot and vote in person at a Polling Station if:
- a. the Elector returns the Mail-in Ballot to the Electoral Officer or Deputy Electoral Officer; or
  - b. where the Elector has lost the Mail-in Ballot, the Elector provides the Electoral Officer or Deputy Electoral Officer with a written affirmation that the Elector has lost the Mail-in Ballot, signed by the Elector in the presence of the Electoral Officer, Deputy Electoral Officer, a justice of the peace, a notary public or a commissioner for Oaths.
124. The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the Elector.
125. 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 they desire to vote;
  - c. fold the ballot in a manner that conceals the names of the Candidates and any marks, but exposes the initials on the back; and
  - d. deliver the ballot to the Electoral Officer or Deputy Electoral Officer.
126. On receipt of a completed ballot, the Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the Elector and any other persons entitled to be present at the Polling Station.
127. While an Elector is in the compartment for the purpose of marking their ballot paper, no other person shall, except as provided in section 128, be allowed in the same compartment or be in any position from which they can see the manner in which the Elector marks their ballot paper.
128. If an Elector is unable to vote in the manner set out in this Code, the Elector may choose a person to assist them in marking, folding and depositing the ballot in the ballot box as directed by the Elector.

129. The Electoral Officer or Deputy Electoral Officer shall note on the Voters List opposite the name of an Elector requiring assistance, as set out in the preceding section, the fact that the ballot was marked by another person at the request of the Elector, the reasons therefore and the name of the person who marked the ballot.
130. An Elector who has inadvertently dealt with their ballot paper in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot paper. The Electoral Officer or Deputy Electoral Officer shall write the word "cancelled" upon the spoiled ballot paper and preserve it.
131. Any person who has received a ballot and who leaves the Polling Station without delivering the same to the Electoral Officer or a Deputy Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit their right to vote at the Election, and the Electoral Officer or Deputy Electoral Officer shall make an entry in the Voters List in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote, and the Electoral Officer or Deputy Electoral Officer shall mark upon the face of the ballot the word "declined" and all ballots so marked shall be preserved.

### **Closing of the Polling Station**

132. Every Elector who is inside the Polling Station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

## **PART 11 - COUNTING OF THE VOTES**

### **Saving Electronic Ballots**

133. As soon as is practicable after the close of the Poll the Electoral Officer or Deputy Electoral Officer shall, in the presence of any Candidates or their Scrutineer(s) who are present, download and save the Electronic Ballot data.

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

134. At the time published in the notice prepared under section 94 for the counting of the votes, the Electoral Officer or Deputy Electoral Officer shall, in the presence of any Candidates or their 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,
- a. reject and set aside the ballot if:
    - i. it was not accompanied by a Voter Declaration Form, or the Voter Declaration Form is not signed or witnessed;

- ii. the Voter Declaration Form does not contain a date of birth or a Xats'ül membership number that matches the information contained for that Elector on the Voters List;
  - iii. the name of the Elector set out in the Voter Declaration Form is not on the Voters List; or
  - iv. the Voters List shows that the Elector has already voted, and
- b. in any other case, place a mark on the Voters List opposite the name of the Elector set out in the Voter Declaration Form, and deposit the ballot in a ballot box.

### **Counting the Ballots**

135. The Electoral Officer or Deputy Electoral Officer shall supply other Deputy Electoral Officers and all persons present and who so request with a tally sheet to keep their own tally of the votes.
136. Immediately after the Mail-in Ballots have been deposited in the ballot box under subsection 134(b), the Electoral Officer or Deputy Electoral Officer shall, in the presence of any Candidates or their scrutineers who are present, open all ballot boxes and examine each ballot.
137. The Electoral Officer or Deputy Electoral Officer shall call out the names of the Candidates for whom the votes were cast on all valid ballots, including the Electronic Ballots.
138. A Deputy Electoral Officer shall mark a tally sheet in accordance with the names being called out under the preceding section, for the purpose of arriving at the total number of votes cast for each Candidate.

### **Ballots not Counted**

139. In examining the ballots, the Electoral Officer or Deputy Electoral Officer must reject any ballots that:
- a. except for Electronic Ballots, do not contain the initials of the Electoral Officer or Deputy Electoral Officer;
  - b. do not give a clear indication of the Elector's intention;
  - c. contain more votes than there are Candidates to be elected; or
  - d. contain a mark by which the Elector can be identified.

140. The Electoral Officer or Deputy Electoral Officer shall attach a note to each ballot rejected which outlines the reason for rejection.
141. Subject to review on recount or on an Election appeal, the Electoral Officer or Deputy Electoral Officer shall take a note of any objections made by any Candidate or their scrutineer to any of the ballots found in the ballot box and decide any questions arising out of the objection.
142. The Electoral Officer or Deputy Electoral Officer shall number objections to ballots raised pursuant to the preceding section and place a corresponding number on the back of the ballot paper with the word “allowed” or “disallowed”, as the case may be, with their initials.

### **Other Polling Stations**

143. Immediately upon completion of the counting of the ballots at a Polling Station other than that considered the principal Polling Station managed by the Electoral Officer, the Deputy Electoral Officer shall transmit the results to the Electoral Officer.

### **Tie**

144. If it is not possible to determine the successful Candidate(s) for either a Kukpi’7 or Tkwenmíple7 position due to an equal number of votes being cast (i.e., tie vote), the Electoral Officer shall establish a time for the conduct of a recount and publicly announce this time in the presence of all those present in the Polling Station.
145. A recount conducted pursuant to the preceding section must take place within 24 hours of the announcement by the Electoral Officer made pursuant to the preceding section, in the presence the Candidates and their scrutineers who wish to attend.
146. At the time established pursuant to section 144, the Electoral Officer shall conduct a recount of the valid ballots.
147. If the recount fails to determine a successful Candidate, the Electoral Officer shall cast ballots in order to break the tie. The Electoral Officer shall place the names of the Candidates having the same number of votes on a paper and place each in a receptacle. Without looking, the Electoral Officer shall draw as many papers as there are positions available. The Candidate(s) whose name(s) appear on the pieces of paper the Electoral Officer has drawn from the receptacle shall constitute the Candidate(s) for whom the Electoral Officer shall cast a vote.

## **PART 12 - POST-ELECTION PROCEDURES**

### **Announcement**

148. After completing the counting of the votes and establishing the successful Candidates, the Electoral Officer shall declare to be elected the Candidates or Candidates having the highest number of votes.
149. Following the declaration of elected Candidates made pursuant to the preceding section, the 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.
150. Within 4 days after completion of the counting of the votes, the Electoral Officer shall:
  - a. sign and post, in at least one conspicuous place on each Xatśūll reserve and publish on the Xatśūll website, the Election report prepared in accordance with the preceding section;
  - b. mail a copy of the Election report to every Elector who does not reside on the reserve; and
  - c. forward a copy of the Election report to the Chief Administrative Officer.

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

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

### **Kukpi'7 and Tkwenmíple7 Oath of Office**

153. A Candidate who has been elected Kukpi'7 or Tkwenmíple7 shall, within 5 days of the Electoral Officer's declaration under section 148 or notice under section 89 of this Code, swear an Oath of office before either the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking Oaths, swearing to:
- a. uphold and comply with this Code, the Code of Ethics and all laws of the Xatsúll First Nation;
  - b. fulfill the duties and responsibilities of their office under this Code, the Code of Ethics and all laws of the Xatsúll First Nation;
  - c. carry out their duties faithfully, honestly, impartially and to the best of their abilities;
  - d. keep confidential, both during and after their term of office, any matter or information which, under this Code, the laws of the Xatsúll First Nation or policy, is considered confidential; and
  - e. always act in the best interests of the Xatsúll First Nation in carrying out their duties.
154. Where a Candidate elected as Kukpi'7 or Tkwenmíple7 cannot, due to illness or other valid reason, swear the Oath of office within the time prescribed in the preceding section, they or an Elector acting on their behalf may file a petition with the Electoral Officer for an extension of the time to swear the Oath of office.
155. The Electoral Officer receiving a petition under the preceding section shall determine whether the circumstances justify an extension and shall provide the Candidate making the request written notice of the decision, and where applicable, the extension period.
156. No person elected as Kukpi'7 or Tkwenmíple7 shall be permitted to assume office until they have sworn and filed with the Electoral Officer the Oath of office required under section 153.
157. Subject to section 154, if a person elected as Kukpi'7 or Tkwenmíple7 fails to file the sworn Oath of office with the Electoral Officer on or before the specified time period, the Electoral Officer shall declare the office vacant.
158. The Electoral Officer shall give notice in writing to the elected Candidate whose office is declared vacant under the preceding section and to the elected Kukpi'7 and Tkwekw'enmíple7.

159. Unless the vacancy occurring under section 157 results in a situation where the 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 - BY-ELECTIONS**

160. Unless otherwise provided in this Code, in the event that the office of Kukpi'7 or Tkwenmíple7 becomes vacant, a By-Election shall be held within 90 days after the date on which the position is declared vacant.
161. No By-Election shall be held if there are less than 6 months remaining in the term of the Council Member whose office has become vacant, except where a By-Election is necessary to have sufficient Council Members to maintain a quorum.
162. No sitting Council Member is eligible to be a Candidate in a By-Election. If a Council Member wishes to be a Candidate in a By-Election, they must resign their Council position prior to the Nomination Meeting for the By-Election.
163. A person who resigns or is removed from their position on Council before the end of their term of office shall be prohibited from running in a By-Election to fill that position.
164. A Kukpi'7 may not resign and run in a By-Election for a vacant Tkwenmíple7 position.
165. Except as expressly provided otherwise in this Code, the rules and procedures in this Code shall apply to By-Elections.

## **PART 14 - APPEAL BOARD**

### **Composition**

166. The Appeal Board shall be composed of three people who:
- a. are at least 18 years of age;
  - b. are not Members of the Xatsúll First Nation;
  - c. have no vested interest in the outcome of the Election;
  - d. are knowledgeable about Election procedures; and
  - e. understand the principles of natural justice.



167. One member of the Appeal Board shall be a member in good standing of the Arbitrators Association of British Columbia or similar professional organization.
168. At least 100 days before the date on which the Election is to be held, the Council shall:
- a. select the members of the Appeal Board in accordance with the preceding section; and
  - b. draw a list of 10 additional potential members.
169. The term of office of the Appeal Board shall be from its appointment under the preceding section until the day on which the Council selects another Appeal Board in accordance with this Code.
170. Upon receipt of an Election appeal in accordance with sections 174 through 176, any Appeal Board member who is immediate family of any Appellant or Candidate, or who may be reasonably apprehended to have a bias or conflict in connection with the appeal, shall excuse themselves from the board.
171. The remaining members of the Appeal Board will select additional members as required to attain three from the list of potential members drawn by the Council in accordance with subsection 168(b).
172. Each member of the Appeal Board shall execute an Oath of office and accept their appointment by forwarding a letter of acceptance to the Council.

### **Functions**

173. The Appeal Board shall supervise and administer, in accordance with the provisions of this Code, all Election appeals.

## **PART 15 - APPEAL MECHANISM**

### **Timing**

174. A Candidate or an Elector may, within 30 days from the date on which the Election was held, submit an appeal to the Appeal Board.

### **Grounds for Appeals**

175. An appeal submitted pursuant to the preceding section 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 this Code in the conduct of the Election that might have affected the result of the Election; or
- c. that there was corrupt or fraudulent practice in relation to the Election.

### **Submission**

176. An appeal submitted to the Appeal Board must:

- a. 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; and
- b. be accompanied by a deposit in the amount of (\$100).

### **Procedure**

177. Upon receipt of an Election appeal, the Appeal Board shall:

- a. in the case where the appeal is submitted in accordance with sections 174 through 176, forward a copy together with supporting documents by registered mail to the Electoral Officer and to each Candidate at the Election; or
- b. in the case where the appeal is not submitted in accordance with sections 174 through 176, inform the Appellant(s) in writing that the appeal will not receive further consideration.

### **Response to the Allegations**

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

### **Investigation**

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

### **Decision**

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

- a. that the evidence presented was not sufficiently substantive to determine that:
  - i. a violation of this Code has taken place that might have affected the result of the Election;
  - ii. the person declared elected was not qualified to be a Candidate; or
  - iii. there was a corrupt or fraudulent practice in relation to the Election that might have affected its results,

and dismiss the appeal; or

- b. that all evidence and information gathered allows for the reasonable conclusion that:
  - i. a violation of this Code has taken place that might have affected the result of the Election;
  - ii. the person declared elected was not qualified to be a Candidate; or
  - iii. there was a corrupt or fraudulent practice in relation to the Election that might have affected its results,

and uphold the appeal by setting aside the Election of one or more Council Members.

181. The decision of the Appeal Board made pursuant to the preceding section shall be:

- a. published in the community's newsletter which is mailed to Xatsūll Members, or in a separate written notice delivered or mailed to all Xatsūll Members; and
- b. posted in at least one conspicuous place on each Xatsūll reserve and published in the Members Only area of the Xatsūll website.

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

## **PART 16 – AMENDMENTS**

183. The process for development and passage of amendments to this Code may be initiated by:

- a. a petition presented to Council, signed by at least 25% of all eligible Electors and setting out the specific area in this Code proposed for amendment; or

- b. a Council Resolution.
184. Upon receipt of an amendment proposal in accordance with the preceding section, Council shall prepare a notice that sets out:
- a. a summary of the proposed amendments to this Code;
  - b. a statement that the full copy of the proposed amendments can be obtained at the Administration Office; and
  - c. a description of the amendment process.
185. The notice provided for in the preceding section shall be:
- a. published in the community's newsletter, delivered or mailed to Electors, or by separate notice delivered or mailed to all Electors;
  - b. posted in at least one conspicuous place on each Xats'ull reserve; and
  - c. published on the Xats'ull website.
186. Electors may, within 14 days of publication of the notice outlined in section 184, provide comments concerning the proposed amendments in writing to Council.
187. Following receipt of comments concerning the proposed amendments pursuant to the preceding section, the Council shall review the comments and make such changes to the proposed amendments as they deem necessary in order to arrive at a final amendment proposal.
188. The Council shall submit the final amendment proposal to a plebiscite to be conducted in accordance with the Xats'ull First Nation Plebiscite Code.
189. Should the majority of the votes cast at a plebiscite be in favour of the proposed amendments being brought to the Code, Council shall amend the Code accordingly.
190. Elections held under the amended Code shall take place no sooner than 100 days from the plebiscite.

## SCHEDULE A- XATŚŪLL ELECTION TIMETABLE

| Activity  | Days before Election | Range of Dates Kukpi'7 Election                          | Range of Dates Tkwenmíple7 Election                    |
|---|----------------------|--|--|
| Electoral Officer and Appeal Board appointed  | 100                  | November 28- December 4                                  | February 28- March 6                                   |
| Membership Registrar provides Electoral Officer with Voters List and known contact information  | 79                   | December 19-25   | March 21- 27   |
| Voters List posted  | 72                   | December 26- January 1                                   | March 28- April 3                                      |
| Notice of Nomination Meeting posted and mailed to off-reserve Members   | 72                   | December 26- January 1                                   | March 28- April 3                                      |
| <b>Nomination Meeting held</b>  | <b>49</b>            | <b>January 18-24</b>                                     | <b>April 20- 26</b>                                    |
| Last day for Candidates to file Declaration and platform summary  | 43                   | January 24-30  | April 26- May 2  |
| <b>All-Candidates Forum held</b>  | <b>42</b>            | <b>January 25-31</b>                                     | <b>April 27- May 3</b>                                 |
| Electoral Officer posts Notice of Election  | 39                   | January 28- February 3                                   | April 30- May 6  |
| Electoral Officer mails out Mail-in Ballot Packages to off-reserve Members  | 35                   | February 1-7   | May 4- 10  |
| Last day for requesting Mail-in Ballot from Electoral Officer; Electoral Officer notifies people who shouldn't be on the Voters List.   | 10                   | February 26- March 4                                     | May 29- June 4   |
| Last day for requesting a name to be added to the Voters List   | 2                    | March 6-12   | June 6- 12   |
| <b>Election Day</b>   | <b>0</b>             | <b>Second Tuesday in March. (March 8-14)<sup>3</sup></b> | <b>Second Tuesday in June. (June 8-14)<sup>4</sup></b> |
| Electoral Officer posts and mails out to NORORs the Election results  | -4                   | March 12-18  | June 12-18   |
| Deadline for person elected to swear the Oath of Office   | -5                   | March 13-19  | June 13-19   |
| Deadline for filing an Election appeal with Complaints and Appeal Board.  | -30                  | April 7-13   | July 8- 14   |
| Electoral Officer may destroy Election materials. Time extended if there is an appeal. Approximately deadline for Candidates to provide C&A Board with written responses to appeal. | -45                  | April 22-28  | July 23-29   |

<sup>3</sup> The earliest a second Tuesday in March can be is March 8. The latest it can be is March 14.

<sup>4</sup> The earliest a second Tuesday in June can be is June 8. The latest it can be is June 14.

