

# Spuzzum First Nation

## Custom Election Code

Adopted Nov. 26, 2016

Amended [September ,  
2025]

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## ELECTION CODE

### 1. DEFINITIONS AND INTERPRETATION

1.1. For the purposes of this Election Code:

- (a) “**Administrator**” means the senior member of the administration of SFN.
- (b) “**Administration Office**” means SFN’s administration offices located at 36437 Main Road, Spuzzum, BC.
- (c) “**Appeal**” means an appeal filed by an Eligible Voter pursuant to Section 24 of this Code.
- (d) “**Appeal Board**” means the Appeal Board appointed under Section 24 of this Code.
- (e) “**Appeal Board Oath of Office**” means a sworn statement, in the form attached hereto as Appendix A, by an individual appointed to the Appeal Board in which they agree to serve as a member of the Appeal Board and act in the best interests of SFN and the Members.
- (f) “**Appeal Board Roster**” means the roster of persons that is comprised of persons recommended by Council and persons nominated by Eligible Voters from whom the members of the Appeal Board shall be appointed by Council.
- (g) “**Appellant**” means a person who files an Appeal in respect of an Election under this Code.
- (h) “**Arrears**” means a financial debt owed to SFN by a Member, all or a portion of which has not been repaid by the date on which it was required to be repaid.
- (i) “**Arrears Authorization Form**” means a written agreement, in the form attached hereto as Appendix B, between a Member and SFN that authorizes SFN to withhold or deduct from any funds that are payable to that Member by SFN, in whole or in part, to recover any Arrears, and authorizes SFN to publicly disclose that Member’s Arrears.
- (j) “**Ballot**” means a ballot, in the form attached hereto as Appendix C, prepared for the purpose of recording the Eligible Voters’ votes for Candidates in an Election, or a ballot, in the form determined by the Electoral Officer, prepared for the purpose of recording votes in favour of and opposed to a Referendum.
- (k) “**Business Day**” means a day, other than Saturday or Sunday, on which the Administration Office is open for normal business.
- (l) “**By-Election**” means an election that is held for the purpose of filling a vacancy on Council that arises prior to the scheduled end of the term of the Chief or any Councillor.
- (m) “**Candidacy Fee**” means a fee in the amount of \$100.00 for candidates for Chief and \$50.00 for candidates for Councillor that is payable to SFN by any person who has been nominated, meets the Eligibility Requirements, and wishes to stand for election to Council.
- (n) “**Candidate**” means a person who meets the Eligibility Requirements to run for Council.
- (o) “**Certificate of Destruction of Election Materials**” means a sworn statement, in the form attached hereto as Appendix D, by a witness certifying that they observed the destruction of Ballots and Election-related documents by the Electoral Officer as required by Section 23.2.
- (p) “**Chair**” means the person responsible for chairing a meeting of Council.
- (q) “**Chief**” means the person elected as Chief of SFN, who is also a Councillor.

- (r) “**Code**” means this Custom Election Code of SFN.
- (s) “**Corrupt Practice**” means the fraudulent violation of any law by a person with the intent of procuring some benefit for that person or some other person.
- (t) “**Corrupt Election Practice**” means any act of bribery or intimidation undertaken to procure votes, or any violation of this Code undertaken to benefit a Candidate or disadvantage a Candidate.
- (u) “**Council**” means the elected members of the Council and includes the Chief, unless otherwise indicated.
- (v) “**Councillor**” means a person that was chosen, in accordance with this Code, to hold the position of councillor of the SFN, and actively holds that position.
- (w) “**Criminal Code**” means the Criminal Code of Canada.
- (x) “**Criminal Record Check**” means an “Employment – federal government” type application for disclosure of an individual’s criminal record to SFN, which includes disclosure of convictions, youth information, outstanding charges, and active (non-expired) absolute or conditional discharge information.
- (y) “**Criminal Record Disclosure Form**” means a form, in the form attached hereto as Appendix E, authorizing SFN to disclose a summary of the results of a Candidate’s Criminal Record Check to the Members.
- (z) “**Declaration of Right to Vote**” means a written declaration, in the form attached hereto as Appendix F, by a person sworn in support of their right to vote in an Election where their name does not appear on the Voters List.
- (aa) “**Deputy Electoral Officer**” means a person appointed by the Electoral Officer pursuant to Section 8.4 of this Code to assist the Electoral Officer in carrying out their duties.
- (bb) “**Election**” means an election held under this Code to elect Council and includes a By-Election.
- (cc) “**Electoral Officer**” means the person appointed by Council or the Administrator pursuant to Section 8.1 of this Code to conduct SFN’s Elections, or the person appointed by Council or the Administrator pursuant to Section 25.6 of this Code to conduct a Referendum.
- (dd) “**Electoral Officer’s Report**” means the report, in the form attached hereto as Appendix G, prepared by the Electoral Officer after the close of polls of an Election setting out the valid and invalid Ballots received from all methods of voting.
- (ee) “**Electronic Voting System**” means computer software that directs a computer to perform and monitor the required tasks for an Eligible Voter to either register to vote or vote in an Election using an electronic device, such as a computer or mobile phone.
- (ff) “**Eligibility Requirements**” means the requirements that a person must meet to be eligible to run and be nominated to stand for election to Council, as set out in Section 4.1 of this Code.
- (gg) “**Eligible Voter**” means any Member who has reached 18 years of age as of the date of an Election.
- (hh) “**Good Standing**” means a Member that either does not have Arrears, or has Arrears and has made payments of their Arrears for the preceding nine (9) month period on a repayment schedule determined by Council, acting reasonably.

- (ii) **“Gross Misconduct”** means theft or falsification of records, willful destruction of SFN property, endangering the safety of any Member through willful act, incompetence or negligence, or drunk or disorderly conduct at meetings of Council or other public forums.
- (jj) **“Indian Act”** means the *Indian Act* R.S.C., 1985, c. I-5.
- (kk) **“Indictable Offence”** means those offences for which a person has been charged by way of indictment under the Criminal Code.
- (ll) **“Instructions for Mail-in Voting”** means the list of instructions, in the form attached hereto as Appendix H, informing Eligible Voters of how they may cast their vote in an Election by mail.
- (mm) **“Mail-in Ballot”** means a Ballot submitted by an Eligible Voter to vote in an Election by mail.
- (nn) **“Mail-in Nomination Form”** means a form, in the form attached hereto as Appendix I, submitted by an Eligible Voter to nominate persons to stand for election to Council, and to nominate persons to be considered by Council as members of the Appeal Board.
- (oo) **“Member”** means a person whose name is on the Membership List of the SFN at the relevant time.
- (pp) **“Membership List”** means the list maintained by Indigenous Services Canada under Section 11 of the Indian Act, or the list maintained by SFN under Section 10 of the Indian Act, as applicable.
- (qq) **“Nomination Meeting”** means a meeting held pursuant to Part 10 and Section 11.3 of this Code.
- (rr) **“Nomination Meeting Report”** means the report, in the form attached hereto as Appendix J, prepared by the Electoral Officer and submitted to Council after the close of a Nomination Meeting, listing the persons nominated as Candidates and potential members of the Appeal Board.
- (ss) **“Notice Appointing Scrutineers”** means a notice, in the form attached hereto as Appendix K, filed by a Candidate with the Electoral Officer to appoint one or more Scrutineers.
- (tt) **“Notice of Election”** means a notice, in the form attached hereto as Appendix L, of an SFN Election, or a notice of Referendum, as the case may be, containing the information set out in Section 12.3.
- (uu) **“Notice of Nomination Meeting”** means the notice of a Nomination Meeting containing the information listed in Section 10.5.
- (vv) **“Notice of Withdrawal”** means a written notice, in the form attached hereto as Appendix M, indicating that a Candidate wishes to withdraw their candidacy in an Election.
- (ww) **“Oath of Office for Electoral Officers”** means a sworn statement, in the form attached hereto as Appendix N, by a Qualified Individual in which they agree to serve as an Electoral Officer and act in the best interests of SFN and the Members.
- (xx) **“Oath of Office of Council”** means a sworn statement, in the form attached hereto as Appendix O, by a Member in which they agree, if elected to Council, to serve and act in the best interests of SFN and the Members.
- (yy) **“Official Statement of Results of Election”** means the final results of an Election, in the form attached hereto as Appendix P, showing the total number of Ballots cast for each

Candidate for each position.

- (zz) “**Permanent Residence**” means the place of ordinary residence of a person, which is generally that person's place of habitation or home, notwithstanding a person may be temporarily away from their ordinary residence (for example for education, work or medical reasons), and notwithstanding a person may only have one Permanent Residence at a time.
- (aaa) “**Polling Station**” means a building, hall or room which is selected as the site where voting takes place during an Election.
- (bbb) “**Qualification Certification**” means a form, in the form attached hereto as Appendix Q, signed by a Member indicating that, to the best of their knowledge, they meet all of the Eligibility Requirements for the position for which they wish to stand for election.
- (ccc) “**Qualified Individual**” means a person who has the knowledge, experience, and ability to conduct elections for First Nations.
- (ddd) “**Referendum**” means a general vote by the Eligible Voters on the question of one or more amendments to the Code.
- (eee) “**Removed Member**” means a living person whose name has been removed from the Voters List by the Electoral Officer.
- (fff) “**Reserve**” means any of SFN’s reserves, as that term is defined in the Indian Act.
- (ggg) “**Scrutineer**” means a person appointed by a Candidate to observe the Election proceedings.
- (hhh) “**SFN**” means the Spuzzum First Nation.
- (iii) “**Voter Declaration Form**” means an individually-numbered form, in the form attached hereto as Appendix R, setting out the name and band registration number of the Eligible Voter, and the name, address and telephone number of the witness to the signature of the Eligible Voter.
- (jjj) “**Voters List**” means the list of Eligible Voters prepared for an Election by the Electoral Officer in accordance with Section 9.3.
- (kkk) “**Voters List Amendment Request Form**” means the form attached hereto as Appendix U that is submitted by a person to request that a name be added to, removed from, reinstated to, or corrected on the Voters List.
- (lll) “**Voting Instructions**” means instructions, in the form attached hereto as Appendix S, for how to mark a Ballot to cast a vote at the Polling Station.

1.2. The following rules of interpretation apply to this Code:

- (a) words in the singular include the plural, and words in the plural include the singular;
- (b) if a word or expression is defined, other parts of speech and grammatical forms of the same word or expressions have corresponding meanings;
- (c) the expression “shall” is to be construed as imperative, and the expression “may” is to be construed as permissive;
- (d) unless the context indicates otherwise, “including” means “including, but not limited to”, and “includes” means “includes, but not limited to”;
- (e) the use of the masculine shall be deemed to include the feminine where the context so requires; and

- (f) a reference to an enactment includes any amendment or replacement of it and every regulation made under it.
- 1.3. This Code shall be considered as always speaking and, where a matter or thing is expressed in the present tense, it shall be applied to the circumstances as they arise to give effect to this Code according to its true spirit, intent and meaning.
- 1.4. When calculating the number of days for the purposes of establishing a deadline, the following guidelines shall be used:
  - (a) unless otherwise provided, all calendar days, including weekends and holidays, are included in the calculation of the number of days for completing an act or meeting a deadline;
  - (b) unless otherwise provided, the day on which an act is to be performed or a deadline is to occur is not included in the calculation of the number of days for completing an act or meeting a deadline; and
  - (c) if the Administration Office is closed on a day when a time limit expires, the act may be done on the next day that the Administration Office is open.
- 1.5. Any form, notice, announcement, package, or other form of documentation, with the exception of Mail-in Ballots, that SFN or Council is required to provide to Members or Eligible Voters under this Code may be provided by any means that Council deems appropriate, including electronic means, provided those other means are in addition to delivery by mail, which shall be the minimum requirement.

## **2. GOVERNING BODY**

### **Composition of Council**

- 2.1. The Council shall consist of three members as follows:
  - (a) one Chief; and
  - (b) two Councillors.
- 2.2. If no less than 90 days before an Election the total number of Members exceeds 600, Council may, by resolution, amend this Code to increase the number of Councillors specified in section 2.1(b) by two, or any other even number.
- 2.3. Council may not create a new Councillor position pursuant to section 2.2 less than 90 days before an Election for Councillor positions.
- 2.4. Sections 25.1 through 25.11 do not apply to resolutions made pursuant to section 2.2.
- 2.5. If two or more Councillor positions are created pursuant to section 2.2 more than one year before the next regularly scheduled Election for Councillor positions, the Council shall call a By-Election to fill the newly created positions, which shall be held within 90 days of the resolution that created the newly created positions.
- 2.6. If two or more Councillor positions are created pursuant to section 2.2 less than one year before the next regularly scheduled Election for Councillor positions, such positions will be filled at the next regularly scheduled Election for Councillor positions.
- 2.7. If the number of Councillors has been increased pursuant to section 2.2, Council may, by resolution, reduce the number of Councillors by two or more Councillors, provided the resulting number of Councillors is not less than two, and provided the number of Councillors is not reduced less than one year before the next regularly scheduled Election for Councillor positions.

## **Council Meeting Procedures**

- 2.8. The first meeting of the Council shall be held within ten days of an Election. The Chief shall provide notice of this meeting to all Council members at least one full day before the meeting. Thereafter, the Council shall meet as necessary to conduct the business of Council and SFN.
- 2.9. Any member of Council may schedule a Council meeting on at least 5 Business Days' notice to members of Council.
- 2.10. A Council meeting may be scheduled by the Chief or by a quorum of Council on 24 hours' notice to members of Council.
- 2.11. The quorum for the Council shall be a majority of the Council members. If the number of Council members is an even number, the quorum is one more than half the Council members.
- 2.12. The Chief shall act as Chair of Council meetings. In the absence of the Chief, a member of Council or the Administrator may act as Chair with the consent of the majority of Councillors present.
- 2.13. Upon a quorum being present, the Chair shall call the meeting to order.
- 2.14. The Chair shall maintain order and decide all questions of procedure.
- 2.15. The order of business at each regular meeting of Council shall be:
  - (a) reading, correcting (if required), and adopting the minutes of the previous meeting;
  - (b) addressing unfinished matters from the previous meeting;
  - (c) hearing presentations from Members and visitors;
  - (d) presenting and reading correspondence and petitions;
  - (e) addressing new business;
  - (f) presenting and considering reports of committees, managers and Council members; and
  - (g) adjournment.
- 2.16. Any member of the Council may appeal the decision of the Chair to the Council and all appeals shall be decided by a majority vote and without debate.
- 2.17. All questions before the Council shall be decided by majority vote of the Councillors present.
- 2.18. A member of Council who refuses to vote, or abstains from voting on an issue or question that is before Council shall be deemed to vote in the affirmative, but only if Council has first obtained and discussed such question as a majority of Council considers sufficient, acting reasonably, to permit Council to form a reasoned judgement thereon.
- 2.19. For urgent matters only, or when a formal meeting is not possible, decisions on a matter may be made by a consent resolution signed by a majority of Council members.
- 2.20. The Chair may expel or exclude from any meeting any person who causes a disturbance at a Council meeting.

## **Committees of Council**

- 2.21. The Council may appoint special committees on any matters as the interests of Council or SFN may require.
- 2.22. The Chief shall be an ex officio member of all committees and be entitled to vote at all committee meetings, and other members of the Council may attend meetings of a committee and

may, with the consent of the committee, take part in the discussion but shall not be entitled to vote.

- 2.23. The mandate and general duties of committees are to be defined by Council at the time the committee is formed, but they may be changed by Council at any time.

### **3. COUNCIL MANDATE**

3.1. The general responsibilities of Council include the following:

- (a) fostering progress in the economic development, education, social and recreational life of the SFN community;
- (b) working in the best interests of all Members and working to bring the community together;
- (c) protecting SFN's traditional territory and upholding SFN's Aboriginal rights and title, including SFN's inherent right to self-government;
- (d) becoming familiar with the existing policies, procedures, bylaws and other powers of Council, and using those for the betterment of the SFN community;
- (e) developing policies, procedures, and bylaws, as required, to adequately govern the SFN community;
- (f) cooperating and liaising with the Members and advocating to all levels of government in matters relating to the interests of SFN;
- (g) encouraging community participation in governance issues, including by holding community meetings at least once every three months;
- (h) ensuring that the needs of Members are met, including social and education needs, through committed leadership and the efficient administration of programs and services within SFN jurisdiction, including the administration of all budgets and financial transactions; and
- (i) where appropriate, supporting, encouraging, and empowering Members to address and meet their own needs.

### **4. ELIGIBILITY FOR OFFICE**

4.1. To be eligible to be elected to Council, a person must:

- (a) be a Member;
- (b) be at least 21 years of age as of the date of the Election in which they wish to run;
- (c) not have been convicted of an Indictable Offence, except an Indictable Offence:
  - i. related to the exercise of an Aboriginal right; or
  - ii. for which a pardon has been granted,
- (d) be nominated to stand for election to Council by Eligible Voters pursuant to Section 10 or Section 11.3;
- (e) not owe more than a total of \$2,000.00 in Arrears;
- (f) not have been removed from a Chief or Councillor position pursuant to Section 7.1(b) or Section 7.1(d) within the 10 years immediately preceding the Election in which the person intends to run; and
- (g) be in Good Standing.

(the “**Eligibility Requirements**”).

- 4.2. The Electoral Officer shall assume that a person who has signed and submitted a Qualification Certification meets the Eligibility Requirements unless information to the contrary is brought to the Electoral Officer’s attention.
- 4.3. The Electoral Officer shall disqualify any person from running in an Election who does not meet, or is found not to have met, the Eligibility Requirements.
- 4.4. At least fifteen days prior to an Election, the Electoral Officer shall publicly disclose, through at least one public information source chosen by Council that is accessible to the Members:
  - (a) the details of any Arrears owed by each Candidate in that Election; and
  - (b) a summary of whether each Candidate has or has not been convicted of an Indictable Offence.
- 4.5. Elected Candidates shall swear the SFN Oath of Office at the swearing-in ceremony for Council members, which shall take place no more than seven days after an Election.
- 4.6. No elected Candidate may serve as a Council member until they have sworn the SFN Oath of Office. Any Candidate who refuses to swear the SFN Oath of Office shall be deemed to refuse the position to which they have been elected, and immediately thereafter that position shall be deemed vacant, and a By-Election shall be held to fill that vacancy.

## **5. TERM OF OFFICE**

- 5.1. The term of office for all Council members shall be four years, unless a Council position becomes vacant and must be filled by way of a By-Election, in which case the term of office for the member of Council elected to fill such vacancy shall be the remaining duration of the term of office for the position that became vacant.

## **6. CALLING ELECTIONS**

- 6.1. The first Election under this Code shall be held in June 2026, on a date chosen by Council. Subsequent Elections shall be held on the second Thursday in June in each Election year.

## **7. COUNCIL VACANCIES AND BY-ELECTIONS**

- 7.1. A Council position shall become vacant if the person who holds that position:
  - (a) resigns;
  - (b) is convicted of an Indictable Offence;
  - (c) becomes incapacitated to the point where they cannot perform their required duties and such incapacity is confirmed by a declaration signed by a medical doctor;
  - (d) is removed from office pursuant to Section 7.3: or
  - (e) dies.
- 7.2. A Council position shall also become vacant if the Appeal Board, pursuant to Section 24.23, upholds an Appeal and sets aside the results of the Election that resulted in that Council position being filled.
- 7.3. The Chief or any Councillor may be removed from office if at least two thirds of Council vote in favor of a resolution declaring that the person be removed from office on grounds that the person has:
  - (a) committed illegal or improper appropriation of SFN funds as determined by a court of

- competent jurisdiction;
  - (b) been found guilty of a Corrupt Election Practice as determined by a court of competent jurisdiction;
  - (c) committed Gross Misconduct or breached the SFN Oath of Office in a manner that seriously jeopardizes the reputation of Council or SFN; or
  - (d) missed more than three consecutive Council meetings without Council approval, as recorded in Council meeting minutes.
- 7.4. Prior to Council voting on a resolution as described in Section 7.3, the member of Council who is the subject of the resolution shall be given a copy of the proposed resolution and shall be given at least fourteen days in which to respond to Council, either in writing or in person.
- 7.5. If the position of Chief becomes vacant during the Chief's term, Council may elect from amongst themselves an interim Chief until a By-Election can be held.
- 7.6. In an Election for the position of Chief, if a Councillor is elected to Chief, that Councillor will surrender their role on Council, and a separate By-Election will be held for the resulting vacant Councillor position. For clarity, in an Election where a Councillor runs for the position of Chief and that Councillor is not elected to Chief, that Councillor will resume their position as Councillor.
- 7.7. If a Council position becomes vacant more than one year before the next regularly scheduled Election for such position, and a quorum of Council members can be maintained, the remaining Council members shall call a By-Election to fill the vacancy, which shall be held within 90 days of the vacancy occurring. If a Council position becomes vacant less than one year before the next regularly scheduled Election for such position, and a quorum of Council members can be maintained, such position will be filled at the next regularly scheduled Election for such position.
- 7.8. In the event of vacancies on Council resulting in the Council no longer being able to maintain a quorum, the Administrator shall call a By-Election to fill the vacancies, which shall be held within 90 days of the date on which the vacancies that resulted in a lack of quorum occurred.
- 7.9. A By-Election shall be conducted using the rules set out in this Code for the conduct of Elections.

## **8. ELECTORAL OFFICER**

### **Appointing Electoral Officer**

- 8.1. Council shall, at least 90 days prior to the end of the term of office of a member of Council, or within ten days after a position on Council becomes vacant, appoint a Qualified Individual as Electoral Officer for the Election. If any member of Council intends to be a Candidate in the Election, they must recuse themselves from the decision to appoint the Electoral Officer. If Council fails or is unable to appoint an Electoral Officer, the Administrator shall appoint the Electoral Officer.
- 8.2. The Electoral Officer shall:
- (a) not be a Member;
  - (b) be at least 21 years of age;
  - (c) have no vested interest in the outcome of an Election; and
  - (d) have experience and appropriate training in the conduct of First Nations elections.
- 8.3. The Electoral Officer appointed under Section 8.1 shall submit written acceptance of the

appointment to the Council and swear an Oath of Office for Electoral Officers within ten days of their appointment.

### **Deputy Electoral Officers**

- 8.4. The Electoral Officer may appoint up to three Deputy Electoral Officers who may be authorized to carry out some or all of the duties of the Electoral Officer, as prescribed by the Electoral Officer.
- 8.5. Deputy Electoral Officers must swear an Oath of Office for Electoral Officers within ten days of their appointment.

### **Duties of Electoral Officer**

- 8.6. The Electoral Officer shall ensure all aspects of an Election are conducted in accordance with this Code and generally accepted election practices.
- 8.7. The Electoral Officer shall be empowered to take any action that they deem reasonably necessary to ensure that each Election is conducted in a manner that is fair, open, transparent, and free from Corrupt Practices, Corrupt Election Practices, and any other improper influence or action that would or could reasonably be expected to impact the results of such Election.
- 8.8. The Electoral Officer may seek guidance or pre-approval from the Appeal Board if the Electoral Officer wishes to take any action that deviates from this Code, in accordance with section 8.7. If, after review, the Appeal Board pre-approves of the action proposed or taken by the Electoral Officer, such action shall not constitute grounds for an Appeal.
- 8.9. The Electoral Officer may extend any deadline in this Code by no more than 14 days if the actions required to be taken by such deadline cannot be completed as a result of acts or emergencies beyond the control of the Electoral Officer or Council, including:
  - (a) acts of God;
  - (b) floods, fires, earthquakes, epidemics, pandemics, or explosions;
  - (c) war, invasion, hostilities (whether war is declared or not), terrorist threats or acts, riot, or other civil unrest;
  - (d) government order or law;
  - (e) actions, embargoes, or blockades;
  - (f) action by any governmental authority;
  - (g) national or regional emergency;
  - (h) strikes, labour stoppages or slowdowns, or other industrial disturbances;
  - (i) telecommunication breakdowns, power outages or shortages; and
  - (j) other events beyond the control of the Electoral Officer or Council.

## **9. VOTERS LIST**

### **Maintaining Voters List**

- 9.1. SFN and the Administrator shall cooperate to actively maintain an up-to-date registry of all Eligible Voters based on SFN's Membership List, including all Eligible Voters who do not have their Permanent Residence on Reserve.

### **Preparing Voters List**

- 9.2. At least 80 days prior to an Election, the Administrator shall provide the Electoral Officer with:
  - (a) the names, band registration numbers, and dates of birth of all Members; and
  - (b) the last known address of each Members, if available.
- 9.3. The Electoral Officer shall, at least 75 days prior to an Election, prepare the Voters List consisting of all Eligible Voters based on information obtained from the Administrator.
- 9.4. The Electoral Officer may amend the Voters List if, not less than 40 days before the Election, the Electoral Officer is provided with a complete Voters List Amendment Request Form, and presented with written evidence that demonstrates, to the Electoral Officer's satisfaction, that a name should be added to, removed from, reinstated to, or corrected on the Voters List.
- 9.5. If the Electoral Officer decides to reclassify an Eligible Voter as a Removed Member, the Electoral Officer shall within 15 days of its decision notify the Removed Member of the Electoral Officer's decision and provide the Removed Member with the opportunity to challenge the decision. If the Removed Member wishes to challenge the decision, the Removed Member must submit their challenge in writing to the Electoral Officer within 15 days of receiving notification of the Electoral Officer's decision. The Electoral Officer will review the challenge and provide written notice of their decision to the Removed Member within 5 days of receiving the written challenge from the Removed Member.
- 9.6. The Voters List shall be in alphabetical order and contain the name, band registration number, and date of birth of each Eligible Voter.
- 9.7. In accordance with Section 9.8, the Electoral Officer shall post the Voters List and a copy of this Code at two conspicuous sites on Reserve no less than 70 days before an Election. The Electoral Officer shall update the posted Voters List as soon as reasonably feasible after amendments have been made to the Voters List pursuant to Section 9.4.

### **Confidentiality of Voters List**

- 9.8. Any Voters List posted in a public place or provided to anyone other than the Electoral Officer or the Administrator or their staff shall not contain any information other than the names of Eligible Voters.
- 9.9. All SFN Councillors, Members, employees, agents, staff members, and other representatives, including the Electoral Officer, must maintain the confidentiality of the information used to compile or that is contained in the Voters List, and may not use, distribute, publish, or otherwise share such information in a manner that would constitute a Corrupt Practice, Corrupt Election Practice, or that could reasonably be expected to interfere with the proper conduct of an Election or impact the privacy or personal information of an individual whose name appears on the Voters List. Any person who contravenes this provision may be subject to discipline or other penalties under the terms of applicable SFN laws or policies.

## **10. NOMINATION OF CANDIDATES FOR COUNCIL**

### **Nomination Methods**

- 10.1. Eligible Voters may nominate individuals to:
  - (a) stand for election for Chief or Councillor in an Election; and
  - (b) be added to the roster of persons considered by Council as potential members of the Appeal Board for that Election,

by delivering or mailing a Mail-in Nomination Form to the Electoral Officer or making such a nomination orally at the Nomination Meeting.

- 10.2. An Eligible Voter who wishes to nominate a person for election for Chief or Councillor, or to be considered as a potential member of an Appeal Board, must provide accurate contact information for the person that they wish to nominate. Any nomination that does not include accurate contact information for the person nominated is invalid and will not be considered or included.

### **Notice of Nomination Meeting**

- 10.3. The Electoral Officer shall arrange for a Nomination Meeting to be held at least 40 days prior to an Election.

- 10.4. The Electoral Officer shall, at least 30 days prior to the Nomination Meeting, post the Notice of the Nomination Meeting in conspicuous places on the Reserve chosen by the Electoral Officer, and on the Nation's website, and send a copy of the Notice of Nomination Meeting to all off-Reserve Members (for whom an address is known) via regular mail.

- 10.5. The notice of Nomination Meeting must contain:

- (a) the date, time, place, and duration of the Nomination Meeting;
- (b) a statement that a copy of the Voters List may be obtained from the Administration Office;
- (c) the Eligibility Requirements;
- (d) a statement that any Eligible Voter may nominate individuals to stand for election to Council and nominate individuals to be added to the roster of persons considered by Council as potential members of the Appeal Board, either orally at the Nomination Meeting or by submitting a Mail-in Nomination Form, which can be obtained from the Electoral Officer or from the Administration Office;
- (e) a statement that only Mail-in Nomination Forms received by the Electoral Officer prior to the Nomination Meeting shall be counted; and
- (f) the date, time and place of the Election.

(collectively, the “**Notice of Nomination Meeting**”)

- 10.6. The Notice of Nomination Meeting sent by mail to off-Reserve Members shall include a Mail-in Nomination Form, which shall be accompanied by a statement inviting Eligible Voters to share their contact information with Candidates to receive campaign material.

### **Nomination Meeting Procedures**

- 10.7. Prior to declaring the Nomination Meeting open for nominations, the Electoral Officer shall:

- (a) verify the accuracy of the Voters List with those Eligible Voters present, to the extent possible;
- (b) announce any relevant administrative issues; and
- (c) announce the nominations submitted by Mail-in Nomination Form.

- 10.8. Once the requirements set out in Section 10.7 have been met, the Electoral Officer shall declare that Eligible Voters may submit nominations.

- 10.9. After declaring that nominations may be submitted, the Electoral Officer shall accept and

record nominations for one and a half hours. After one and a half hours have passed, the Nomination Meeting shall close.

- 10.10. Immediately after the close of the Nomination Meeting, the Electoral Officer shall notify each person who is nominated for election for Chief or Councillor, or who is nominated to be considered as a potential member of an Appeal Board, of their nomination. The Electoral Officer may provide such notice personally, by telephone, or by electronic means, but must obtain confirmation from the person so nominated acknowledging their nomination and record such acknowledgement in the Nomination Meeting Report.
- 10.11. The Electoral Officer shall complete the Nomination Meeting Report and submit it to Council no more than five days after the Nomination Meeting.

### **Confirming, Refusing, or Withdrawing Nomination**

- 10.12. A Candidate may only accept the nomination for one Council position.
- 10.13. A Candidate may refuse their nomination by providing written notice to the Electoral Officer, that is signed in the presence of the Electoral Officer, a justice of the peace, a notary public, or commissioner of oaths, not more than eight days after the Nomination Meeting.
- 10.14. Any Candidate who wishes to stand for election must confirm their candidacy by submitting to the Electoral Officer, not more than eight days after the Nomination Meeting, all of the following documents:
- (a) a signed Arrears Authorization Form;
  - (b) a signed Qualification Certification;
  - (c) the Candidate's Criminal Record Check;
  - (d) a signed Criminal Record Disclosure Form;
  - (e) payment of the Candidacy Fee by certified cheque, cash or money order; and
  - (f) a statement, not longer than one page, of their qualifications and reasons for seeking election to Council.
- 10.15. A Candidate who fails to submit any of the documents listed in Section 10.14 by the time required shall be deemed to have withdrawn their candidacy.
- 10.16. The death of a Candidate any time before the Election constitutes the Candidate's withdrawal.
- 10.17. A Candidate who has confirmed their candidacy may withdraw from the Election by submitting a Notice of Withdrawal to the Electoral Officer.
- 10.18. If the Electoral Officer receives a Notice of Withdrawal from a Candidate at least 37 days prior to an Election, that Candidate's Candidacy Fee shall be refunded in full and their name shall not appear on the Ballot for that Election.
- 10.19. If the Electoral Officer receives a Notice of Withdrawal from a Candidate less than 37 days prior to an Election, that Candidate's Candidacy Fee shall not be refunded and their name shall appear on the Ballot for that Election, but any votes cast in their favour shall not be counted and shall be considered invalid. The Electoral Officer shall, time permitting, black out or obliterate such Candidate's name on the Ballots to the extent possible.

## **11. ELECTION BY ACCLAMATION**

- 11.1. After the Nomination Meeting is closed, if only one Candidate has been nominated for the position of Chief, the Electoral Officer shall declare that person to be duly elected, subject to

that Candidate meeting the requirements set out in Section 10.14.

11.2. After the Nomination Meeting is closed, if the number of Candidates nominated for the position of Councillor does not exceed the number of Councillor positions to be filled, the Electoral Officer shall declare those Candidates to be duly elected, subject to those Candidates meeting the requirements set out in Section 10.14.

11.3. If not all positions are filled by acclamation pursuant to Section 11.1 and 11.2, the Electoral Officer shall declare that the Election shall proceed and, if necessary, arrange another Nomination Meeting to accept nominations for any positions for which no nominations were received, which shall occur within fifteen days of the first Nomination Meeting.

## **12. PREPARATION FOR ELECTIONS**

### **Notice of Election**

12.1. The Electoral Officer shall confirm that an Election shall be held if the number of Candidates exceeds the number of positions available for Chief and/or other Councillors.

12.2. At least 70 days prior to an Election, the Electoral Officer shall post a Notice of Election in public places on the Reserve chosen by the Electoral Officer, and on SFN's website.

12.3. A Notice of Election shall include the following information:

- (a) the date of the Election;
- (b) the location of the Polling Station;
- (c) the times at which the polls shall open and close for voting by Mail-In Ballot, at the Polling Station, and by Electronic Voting System;
- (d) the available methods of voting and a statement setting out how to obtain instructions for voting by Mail-in Ballot and Electronic Voting System;
- (e) a statement specifying where the Voters List can be examined;
- (f) the name, telephone number, and email address of the Electoral Officer;
- (g) the time and location of the counting of the ballots; and
- (h) a statement setting out that a copy of this Code can be obtained from the Administration Office.

12.4. Elections shall be by secret ballot, and Eligible Voters may cast their Ballot in an Election by voting in-person at the Polling Station, by Mail-in Ballot, or by Electronic Voting System.

## **13. PREPARATION OF BALLOTS**

13.1. The Electoral Officer shall prepare the Ballots for an Election.

13.2. The Electoral Officer shall list the Candidates' names in alphabetical order on the Ballot.

13.3. The Electoral Officer shall mail a package to all those Eligible Voters living off Reserve for whom addresses are available no later than 30 days prior to the date of the Election. Such package shall include:

- (a) a Notice of Election;
- (b) a Voter Declaration Form;
- (c) a Ballot bearing a unique identifying number;

- (d) instructions for Mail-in Voting;
- (e) an outer postage-paid pre-addressed return envelope; and
- (f) a second inner envelope marked with the words "Ballot Only" bearing the same unique identifying number as the accompanying Ballot.

13.4. The Electoral Officer shall maintain a record of the unique identifying number for each Ballot issued in any Mail-in Ballot package and the Eligible Voter to whom that Ballot was issued.

## **14. CAMPAIGN RULES**

14.1. Candidates must:

- (a) not engage in coercion or vote-buying;
- (b) respect the right and freedom of other parties to organize and campaign;
- (c) respect the right of Eligible Voters to obtain information from a variety of sources and to attend political rallies;
- (d) act ethically, and while campaigning focus on political issues and Candidate platforms;
- (e) not slander other Candidates;
- (f) act non-violently and not incite violence of others while campaigning;
- (g) not intimidate other Candidates, supporters of other Candidates, or the media;
- (h) respect the freedom of the press to cover the Election campaign and to express opinions on the Election campaign;
- (i) respect the Electoral Officer and not interfere with their duties;
- (j) be respectful to all Candidates, Eligible Voters, Council, and any other parties involved in the Election process; and
- (k) not spend more than \$2,500.00 on media and advertising for their campaign, and provide, upon request, receipts to the Electoral Officer for all media and advertising expenses incurred by the Candidate, either directly or indirectly.

14.2. Candidates, or persons acting on behalf of Candidates, must not campaign:

- (a) inside the Polling Station, or within 100 meters of the Polling Station;
- (b) on the day of the Election; or
- (c) within 24 hours of the opening of the Polling Station on Election day.

14.3. The Electoral Officer may remove or cause to be removed, at the Candidates expense, any advertising material posted by a Candidate or persons acting on behalf of a Candidate contrary to Section 14.2.

14.4. For greater certainty, campaigning does not include encouraging Eligible Voters to vote in an Election.

## **15. POLLING STATION**

### **Preparing Polling Station**

15.1. The Electoral Officer shall, at least 75 days prior to an Election, determine the location on Reserve where the Polling Station will be located, which shall be suitable and arranged to ensure the privacy of Eligible Voters as they cast their Ballots.

- 15.2. Before opening the Polling Station, the Electoral Officer shall supply the Polling Station with:
- (a) a Ballot box with locks and/or seals to prevent Ballot tampering;
  - (b) a sufficient number of Ballots;
  - (c) the final Voters List;
  - (d) the necessary materials for marking Ballots; and
  - (e) sufficient polling booths, placed in areas where Eligible Voters can mark their ballots in secrecy without interference.

### **Opening the Polling Station**

- 15.3. Prior to the opening of the poll, the Electoral Officer shall ensure that the Ballot box is examined by a witness who is not a Candidate or Scrutineer, to ensure that the box is empty.
- 15.4. The Electoral Officer shall seal the Ballot box for the duration of the poll. The witness shall view the sealing of the Ballot box and sign a document in the form attached hereto as Appendix T confirming that the Ballot box was empty.
- 15.5. The Electoral Officer shall place the Ballot box in public view for the reception of Ballots.
- 15.6. The Polling Station shall be open from 9:00AM to 8:00PM on the day of the Election.

### **Scrutineers**

- 15.7. Each Candidate is entitled to have two Scrutineers present at any one time at the Polling Station to observe the voting procedures. Each Candidate may appoint Scrutineers by providing the Electoral Officer with a Notice Appointing Scrutineers. Scrutineers may be appointed at any time, but not less than two hours before the close of polls on Election Day.

## **16. PROCEDURES FOR VOTING IN PERSON**

- 16.1. The Electoral Officer or Deputy Electoral Officer shall carry out the following procedures when an individual presents themselves to vote at the Polling Station:
- (a) The Electoral Officer shall verify that the individual is an Eligible Voter by verifying that their name appears on the Voters List.
  - (b) The Electoral Officer may request that an Eligible Voter produce identification if the Electoral Officer deems it necessary.
  - (c) Upon verification, the Electoral Officer shall issue a Ballot and Voting Instructions to the Eligible Voter.
  - (d) The Electoral Officer shall then strike the name of the Eligible Voter from the Voters List.
- 16.2. After receiving a Ballot, the Eligible Voter shall:
- (a) immediately proceed to the compartment provided for marking Ballots;
  - (b) mark the Ballot by placing an "X" or a check mark that clearly indicates the Eligible Voter's choice, but does not identify the Eligible Voter; and
  - (c) fold the Ballot in a manner that conceals their vote and give the Ballot to the Electoral Officer or Deputy Electoral Officer.
- 16.3. Persons whose names do not appear on the Voters List shall not be entitled to vote unless

they can satisfy the Electoral Officer that their name has erroneously been omitted from the Voters List by providing confirmation in writing from the Membership Administrator that they are a Member, demonstrating that they are of at least 18 years of age, and signing a Declaration of Right to Vote.

- 16.4. An Eligible Voter may exchange their Ballot which has been spoiled due to an error. The Electoral Officer shall keep the spoiled Ballot and shall issue a new Ballot. The Electoral Officer shall write the word "Cancelled" on the spoiled Ballot and store it separately.
- 16.5. If an Eligible Voter who receives a Ballot refuses to vote, or leaves the Polling Station without returning their Ballot, they shall be deemed to have forfeited their right to vote in the Election. If this occurs, the Electoral Officer shall mark the word "Declined" on the Voters List beside that Eligible Voter's name. If the Ballot issued to such Eligible Voter is returned, the Electoral Officer shall mark it "Declined" and deposit it in the Ballot box.

## **17. PROCEDURES FOR VOTING BY MAIL**

- 17.1. An Eligible Voter shall vote by Mail-in Ballot by:
- (a) marking the Ballot by placing an "X" or a check mark that clearly indicates the Eligible Voter's choice, but does not identify the Eligible Voter;
  - (b) folding the Ballot so as to conceal their vote;
  - (c) placing the Ballot in the inner envelope marked "Ballot" and sealing the envelope;
  - (d) completing and signing the Voter Declaration Form in the presence of a witness who is at least eighteen years of age, who must also sign that Voter Declaration Form;
  - (e) placing the inner envelope and the completed, signed and witnessed Voter Declaration Form in the postage-paid, return envelope pre-addressed to the Electoral Officer; and
  - (f) delivering to the Electoral Officer, by mail, courier, hand delivery, or by otherwise ensuring receipt of the Mail-in Ballot, before the time at which polls close on the day of the Election.
- 17.2. The Electoral Officer, upon receipt of a Mail-in Ballot from an Eligible Voter, shall deposit it in a locked and sealed box until the day of the Election and shall record on the Voters List that a Mail-in Ballot has been received from that Eligible Voter.
- 17.3. Any Eligible Voter who may be unable to vote in person at an Election may obtain a Mail-in Ballot package under Section 20.1.
- 17.4. All Mail-in Ballots must be received by the Electoral Officer before the close of polls on the day of the Election in order to be placed in a Ballot box.
- 17.5. Any Eligible Voter that was issued a Mail-in Ballot may request a replacement Mail-in Ballot if their issued Mail-in Ballot is damaged or destroyed, was not received, or is otherwise not usable. Such request for a replacement Mail-in Ballot must be received by the Electoral Officer not less than ten days before the day of the Election.

## **18. ELECTRONIC VOTING SYSTEM REQUIREMENTS**

- 18.1. Any Electronic Voting System used in an Election must:
- (a) be provided by an independent third-party service provider;
  - (b) verify the identity of each Eligible Voter;
  - (c) require the completion of a Voter Declaration Form by each Eligible Voter;

- (d) verify the unique identification number for each Eligible Voter;
  - (e) keep Electronic Voting System results secret at all times and encrypt them in a manner that ensures they can never be revealed except to the Electoral Officer and Deputy Electoral Officer;
  - (f) generate and provide automated notifications in real-time to the Electoral Officer and Deputy Electoral Officer of voting completion by Eligible Voters and any incomplete or failed vote or incomplete or failed registration of an Eligible Voter with the Electronic Voting System;
  - (g) receive notifications in real time from the Electoral Officer and Deputy Electoral Officer on the day of Election indicating that an Eligible Voter has voted in person; and
  - (h) generate and provide activity reports to the Electoral Officer and Deputy Electoral Officer on a daily basis and upon request.
- 18.2. Prior to the opening of voting through the Electronic Voting System, the Electronic Voting System must be populated with the Voters List. The Electronic Voting System must allow the Voters List to be updated in real time such that once an Eligible Voter has voted in person they are not permitted to vote electronically.
- 18.3. Any Electronic Voting System must close at the same time as the Polling Station, but may open up to 14 days earlier than when the Polling Station is opened, as determined by Council resolution.
- 18.4. Immediately after an Eligible Voter's vote is recorded in the Electronic Voting System, the provider of the Electronic Voting System must:
- (a) record and provide the Electoral Officer and Deputy Electoral Officer with the person's name, and the date and time their vote has been received; and
  - (b) provide notice to the Eligible Voter that their vote has been received.
- 18.5. Upon receipt of notification under Section 18.4(a), the Electoral Officer shall:
- (a) confirm that the individual who has cast the vote is an Eligible Voter;
  - (b) confirm that the Eligible Voter has not already voted either by the Electronic Voting System, in-person, or by Mail-in Ballot;
  - (c) record the date and time when the vote was received; and
  - (d) mark a line through that Eligible Voter's name on the Voters List.
- 18.6. Once an Eligible Voter has voted either electronically, by Mail-in Ballot, or in person at a Polling Station:
- (a) the Electronic Voting System must not allow the person to vote again; and
  - (b) the Electoral Officer and Deputy Electoral Officer must not allow that Eligible Voter to vote in any other manner except as described in Section 18.7.
- 18.7. If the Electoral Officer and Deputy Electoral Officer are notified of an incomplete or failed vote, or incomplete or failed Eligible Voter's registration as contemplated in Section 18.1(f), the Electoral Officer and Deputy Electoral Officer shall immediately contact that Eligible Voter and provide them with instructions on how to submit a new vote or registration, as the case may be, whether by casting an electronic vote or registration, voting by Mail-in Ballot, or voting in-person.
- 18.8. After the close of polls, an Electronic Voting System must:

- (a) remove the option to vote electronically; and
- (b) provide the electronic voting results to the Electoral Officer and Deputy Electoral Officer, including as a printable summary showing the results of all votes cast electronically.

## **19. VOTING INTEGRITY**

- 19.1. No person shall interfere or attempt to interfere with an Eligible Voter marking their Ballot.
- 19.2. No person shall be permitted to obtain or attempt to obtain, in the Polling Station, any information as to how an Eligible Voter voted.
- 19.3. In addition to the Electoral Officer, Deputy Electoral Officer, and Scrutineers, the only individuals permitted inside the Polling Station on the day of an Election are:
  - (a) Eligible Voters in the process of voting;
  - (b) the attendants of elderly and/or physically disabled Eligible Voters who are in the process of voting; and
  - (c) translators for Eligible Voters that require the assistance of a translator and who are in the process of voting.
- 19.4. The Electoral Officer shall keep the Polling Station clear of people loitering and may remove or cause to be removed any person who violates any provision of this Part 19.
- 19.5. No Candidate, nor any of their agents, may assist any Eligible Voter in casting their Ballot, and any Candidate who does so, or whose agent does so, shall be disqualified from the Election.
- 19.6. No Candidate, nor any of their agents, is permitted to campaign, advertise, or distribute or post any printed materials related to an Election, on the premises of the Polling Station on the day of an Election. The Electoral Officer may remove, or cause to be removed, any poster or other advertising material from the premises of the Polling Station that favors one or more Candidates.
- 19.7. The Scrutineers are subject to all restrictions set out in this Part 19.

## **20. SPECIAL VOTING PROVISIONS**

- 20.1. Eligible Voters with disabilities or who are not able to be in attendance on the day of the Election may request a Mail-in Ballot package from the Electoral Officer or Deputy Electoral Officer. Such requests must be received by the Electoral Officer or Deputy Electoral Officer no less than 45 days prior to the day of the applicable Election.
- 20.2. An Eligible Voter who is unable to mark their Ballot as a result of a disability may request the assistance of the Electoral Officer or a Deputy Electoral Officer, or may be assisted by another person of the Eligible Voter's choosing.
- 20.3. An Eligible Voter requiring translation may request the assistance of a translator provided by the Electoral Officer, or may be assisted by another person of the Eligible Voter's choosing.
- 20.4. The Electoral Officer must indicate on the Voters List if an Eligible Voter was assisted and the reasons for doing so.
- 20.5. An Eligible Voter who has submitted a Mail-in Ballot in respect of an Election may request confirmation from the Electoral Officer, by telephone or electronic means, whether the Electoral Officer has received that Eligible Voter's Mail-in Ballot, and the Electoral Officer shall

inform that Eligible Voter as soon as is reasonably possible, and in any case no later than three days from receipt of such request, of whether they have received that Eligible Voter's Mail-in Ballot.

## **21. CLOSING THE POLLS**

- 21.1. At precisely 8:00PM on the day of an Election, the Electoral Officer shall close the polls. Any Eligible Voter who is inside the Polling Station at closing time and who has not voted, may do so.

## **22. COUNTING BALLOTS**

### **General**

- 22.1. The counting of the Ballots shall be open to all Members and shall take place immediately following the close of the poll.

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

- 22.2. Immediately after the closing of the poll, the Electoral Officer or Deputy Electoral Officer shall, in the presence of all those Members present, open each envelope containing a Mail-in Ballot that was received before the close of the polls and, without unfolding the Ballot:
- (a) reject the Ballot if:
    - i. it was not accompanied by the Voter Declaration Form;
    - ii. the number on the Ballot does not correspond to the name of the Eligible Voter to whom it was issued;
    - iii. the accompanying Voter Declaration Form does not include the Eligible Voter's date of birth or band registration number, or is not signed or witnessed;
    - iv. the name of the person set out in the Voter Declaration Form is not on the Voters List; or
    - v. the Voters List shows that the Eligible Voter has already voted; and
  - (b) in any other case, place a mark on the Voters List opposite the name of the Eligible Voter set out in the Voter Declaration Form, and deposit the Ballot in the Ballot box.
- 22.3. Notwithstanding Section 22.2, the Electoral Officer may open the Mail-in Ballot envelopes at a time other than 8:00PM on the day of an Election, provided that the Electoral Officer has given all Candidates adequate advance notice of their right to have a Scrutineer present on their behalf.

### **Ballot Counting Procedure**

- 22.4. Once the Mail-In Ballots have been inserted into the Ballot box, the Electoral Officer or Deputy Electoral Officer shall insert a printed summary of the Ballots cast by Electronic Voting System into the Ballot box, and the Electoral Officer shall commence the Ballot counting procedure.
- 22.5. The Electoral Officer or Deputy Electoral Officer shall open the Ballot box and examine each Ballot and reject those Ballots that:
- (a) have not been prepared by the Electoral Officer;
  - (b) have been marked with "cancelled" or "declined";
  - (c) contain votes for more than the number of positions available;

- (d) contain a mark that may identify an Eligible Voter; or
  - (e) do not clearly indicate the Eligible Voter's choice(s).
- 22.6. If an Eligible Voter has cast more than one Ballot by any means of voting, only the first Ballot cast by that Eligible Voter, in adherence to the provisions of this Code, shall be counted and any other Ballot subsequently cast shall be considered invalid and shall be rejected by the Electoral Officer. The Electoral Officer shall be empowered to determine when a Ballot was cast based on any information they determine is relevant to the situation, acting reasonably, and the Electoral Officer's determination shall be final, binding, and not subject to review or appeal. If the Electoral Officer determines that it is not possible to ascertain which Ballot was cast first, the Electoral Officer shall determine which Ballot will be counted by the drawing of lots.
- 22.7. Ballots that contain votes for less than the number of positions available shall be accepted.
- 22.8. The Electoral Officer shall count the Ballots, including those votes cast through the Electronic Voting System, and document the results on the Electoral Officer's Report.

### **Reporting Election Results**

- 22.9. Immediately after the Ballots have been counted, the Electoral Officer shall declare the results of the Election and announce the elected Candidates.
- 22.10. After the Ballots have been counted, the Electoral Officer shall initiate a public recount of all the Ballots cast if:
- (a) there is a tie for the position of Chief or for the final Councillor position; or
  - (b) the difference in the number of votes between any two or more Candidates either accounts for less than 2% of the total votes cast, or is less than five votes, whichever is less.
- 22.11. If, after a public recount of Ballots for a position for which there is a tie, the result is still a tie, the Electoral Officer shall break the tie by the drawing of lots.
- 22.12. Once the results of the Election have been finalized, the Electoral Officer shall:
- (a) prepare two copies of the Official Statement of Results of Election and the Electoral Officer's Report and forward one copy of each to Indigenous Services Canada and the other to SFN;
  - (b) immediately post the Official Statement of Results of Election in the same places as the Notice of Election was posted; and
  - (c) within four days after the Election, post a copy of the Official Statement of Results of Election on SFN's website.

## **23. DISPOSAL OF ELECTION MATERIALS**

- 23.1. The Electoral Officer shall retain all of the Ballots and Election-related documents, including the statement submitted by Candidates concerning their qualifications and reasons for running for Council contemplated in Section 10.14(f), in a secure location for at least forty-five days after the completion of the Election.
- 23.2. If no Appeal has been filed in respect of an Election within forty-five days of that Election, the Electoral Officer shall dispose of the Ballots and Election-related documents in the presence of a witness who shall certify that they witnessed the destruction of the Ballots and Election-related documents by signing a Certificate of Destruction of Election Materials.

- 23.3. If an Appeal has been filed in respect of an Election within the time required by Section 24.16, all Ballots and Election-related documents shall be retained until 30 days after the decision of the Appeal Board is issued and then such materials shall be disposed of in accordance with the procedures set out in Section 23.2.

## **24. APPEAL BOARD**

### **Purpose and Powers**

- 24.1. The purpose of the Appeal Board is to adjudicate disputes raised by Eligible Voters concerning the conduct and results of Elections, to support fair, transparent, and democratic Elections, and to give effect to and uphold the purposes of this Code.
- 24.2. The Appeal Board may take whatever actions it deems reasonably necessary to investigate an Appeal, including:
- (a) investigate the Appeal directly; or
  - (b) designate another person to investigate the Appeal and require that person to produce a written report of the Appeal investigation and provide it to the Appeal Board.
- 24.3. The Appeal Board may require a person who has submitted, or is the subject of an Appeal, to provide any supporting evidence or documentation that the Appeal Board requests.

### **Composition**

- 24.4. The members of the Appeal Board shall be appointed by Council from the Appeal Board Roster. If any member of Council is a Candidate in the Election, they must recuse themselves from the decision to appoint the Appeal Board members. If Council fails or is unable to appoint the Appeal Board members, the Administrator shall appoint the Appeal Board members from the Appeal Board Roster.
- 24.5. The Appeal Board must consist of at least three persons, none of which can be Members.
- 24.6. Subject to Section 24.7, each member of the Appeal Board must be any one or more of the following:
- (a) a First Nation chief or councillor, but not a Member;
  - (b) elected and appointed officials (for example, mayor, municipal councillor, member of Parliament/Legislative assembly, senator);
  - (c) Canadian federal, provincial, territorial or municipal government employees;
  - (d) a justice or public safety official (for example, judge, lawyer, magistrate, notary, paralegal, police officer, parole officer);
  - (e) a medical professional (for example, dentist, medical doctor, optometrist, pharmacist, nurse);
  - (f) a social service professional (for example, social worker, social service worker, counsellor);
  - (g) an education professional (for example, teacher, professor, administrator, school board member);
  - (h) a financial professional (for example, accountant, financial advisor, actuary); or
  - (i) a scientific professional (for example, engineer, forester, geoscientist, biologist).
- 24.7. If fewer than three members of the Appeal Board Roster hold any one or more of the

positions enumerated in Section 24.6, Council may appoint, in its discretion, as many individuals to serve on the Appeal Board as is necessary to ensure that at least three individuals are appointed to the Appeal Board, and such individuals may or may not hold any one or more of the positions enumerated in Section 24.6.

- 24.8. If the Appeal Board has three members, the quorum for the Appeal Board shall be two, and if the Appeal Board has more than three members, then quorum shall be one more than 50 percent of the total number of its members.

### **Nomination of Appeal Board Members**

- 24.9. At least 70 days prior to the day of the Election, the Electoral Officer shall send a notice to Members identifying the initial Appeal Board Roster and inviting Eligible Voters to nominate additional people to be added to the Appeal Board Roster by submitting a Mail-in Nomination Form, or by nominating a person at the Nomination Meeting.
- 24.10. Not more than 15 days after the Nomination Meeting, the Electoral Officer shall deliver to the individuals listed on the Appeal Board Roster:
- (a) a notice of their nomination to serve on the Appeal Board; and
  - (b) notice of the Candidates for the Election.
- 24.11. Not more than ten days after receiving notice of their nomination to serve on the Appeal Board, each individual on the Appeal Board Roster shall deliver to the Electoral Officer a declaration of any real or potential conflict of interest that would prevent them from serving on the Appeal Board, including any connection to any Candidate in the Election. Once all of these declarations have been received, the Electoral Officer shall immediately deliver them to Council.
- 24.12. If, as a result of disqualifications due to reported conflicts of interest, there are fewer than three individuals on the Appeal Board Roster, Council may select as many additional individuals to serve on the Appeal Board as is necessary to ensure that it has at least three members.

### **Appointment of Appeal Board Members**

- 24.13. No person may be appointed to the Appeal Board for an Election if they have a real or perceived conflict of interest in respect of the Election, including as a result of a connection to any Candidate for that Election.
- 24.14. Not more than five days after receiving the declarations of conflicts of interest contemplated in Section 24.11, Council shall appoint at least three people from the Appeal Board Roster to serve on the Appeal Board and the Electoral Officer shall notify those individuals of their appointment and request that they confirm acceptance within ten days by submitting a signed copy of the Appeal Board Oath of Office to the Electoral Officer.
- 24.15. If after appointment to the Appeal Board an Appeal Board member forms a real or perceived conflict of interest in respect of an Election, Council may remove that Appeal Board member and select an individual, in its discretion, to serve on the Appeal Board to replace the removed Appeal Board member, and such individual may or may not hold any one or more of the positions enumerated in Section 24.6.

### **Appeal Procedure**

- 24.16. Within 30 days after the day of an Election, any Eligible Voter who voted in that Election, or any Candidate in that Election, may appeal the results of the Election if they have reasonable grounds to believe that:
- (a) there was Corrupt Practice or Corrupt Election Practice in relation to the Election;

- (b) there was a violation of this Code that might have affected the outcome of the Election; or
  - (c) a person nominated to be a Candidate did not meet the Eligibility Requirements.
- 24.17. An Appeal must:
- (a) be in writing and clearly specify the ground for the Appeal, the specific provision of this Code that is alleged to have been contravened, and any supporting documentation;
  - (b) include a deposit of \$100.00, in the form of cash, certified cheque, or money order; and
  - (c) be submitted to the Appeal Board c/o the Administrator by registered mail or hand delivery to the Administration Office.
- 24.18. It is the sole responsibility of the Appellant to provide sufficient and relevant evidence to enable the Appeal Board to adjudicate the Appeal. Appeals that include irrelevant materials, offer insufficient evidence, lack supporting documentation, do not specify the grounds for Appeal, or do not specify the provisions of the Code alleged to have been contravened, may be declined by the Appeal Board.
- 24.19. Upon receipt of an Appeal, the Administrator shall:
- (a) immediately forward a copy of the Appeal to the Appeal Board; and
  - (b) issue a receipt for the Appeal to the Appellant as proof of filing within seven days of receipt.
- 24.20. The Appeal Board shall, within seven days of the receipt of an Appeal, forward a copy, together with all supporting documents to:
- (a) the Electoral Officer,
  - (b) each Candidate in the Election; and
  - (c) Council.
- 24.21. The Electoral Officer and Candidates may, within fourteen days of receipt of an Appeal, forward to the Appeal Board a written response to the Appeal, together with any supporting documents.
- 24.22. The Appeal Board may take such steps as it feels necessary to secure all pertinent facts relating to the Appeal, including obtaining affidavits setting out relevant facts.
- 24.23. Within 60 days of receipt of an Appeal, the Appeal Board shall render a decision on the validity of the Appeal and the action to be taken as a result, which may include:
- (a) upholding the Appeal, and setting aside the result of the Election in whole or in part;
  - (b) acknowledging there was a violation of the Code, but deciding that no action be taken because the outcome of the Election was not affected;
  - (c) making recommendations for amendments to this Code to apply to future Elections; or
  - (d) dismissing the Appeal.
- 24.24. If the Appeal Board sets aside the election of a Candidate, then a By-Election shall be held to fill the position to which that Candidate had been elected.
- 24.25. The Appeal Board shall report their decision and recommendations to the Appellant, the Electoral Officer, all Candidates, and Council.
- 24.26. The decision of the Appeal Board is final.

- 24.27. If the Appeal is upheld, the deposit of \$100.00 shall be refunded to the Appellant within five days of the decision of the Appeal Board. If the Appeal is denied, the deposit is forfeited and shall be used to off-set the costs of the Election and/or Appeal.

## **25. AMENDMENTS TO ELECTION CODE**

- 25.1. Council may propose amendments to this Code by passing a resolution.
- 25.2. Council shall mail notice of any proposed amendments to all Eligible Voters and advise them of their right to file a written response to the proposed amendments, which may include support for, an objection to, or commentary on the proposed amendments. The notice may include such explanations as the Council deems necessary.
- 25.3. Any written responses from Eligible Voters to the proposed amendments must be received by Council no later than 30 days from the date Council mailed the notice.
- 25.4. If Council does not receive any written responses objecting to proposed amendments from Eligible Voters, Council may, by resolution, adopt the proposed amendments.
- 25.5. If any written responses that object to the proposed amendments are received from Eligible Voters in conformance with section 25.3, such amendments must be submitted to a Referendum. Council will determine the date of such Referendum.
- 25.6. When needed, Council shall, at least 90 days prior to the month that the Referendum shall be held, appoint a Qualified Individual as the Electoral Officer. If Council fails to make the appointment, the Administrator shall appoint the Electoral Officer.
- 25.7. The following sections of this Code that apply to Elections also apply to Referendums, and any reference to "Election" in the following sections shall be deemed to also reference "Referendum":
- (a) Section 9.2, which requires the Administrator to provide the Electoral Officer with the names and contact information of all Members at least 80 days prior to a Referendum;
  - (b) Section 9.3, which requires the Electoral Officer to prepare a Voters List at least 75 days prior to a Referendum;
  - (c) Section 9.4, which allows the Electoral Officer to amend the Voters List;
  - (d) Section 9.5, which establishes the process whereby the Electoral Officer can reclassify an Eligible Voter as a Removed Member;
  - (e) Section 9.6, which establishes the order of the names on the Voters List;
  - (f) Section 9.7, which establishes requirements for posting the Voters List and this Code prior to a Referendum;
  - (g) Section 9.8, which states the information that cannot be included on a Voters List posted in a public place;
  - (h) Section 9.9, which establishes requirements for maintaining the confidentiality of information used to compile Voters Lists;
  - (i) Section 12.2, which requires the Electoral Officer to post a Notice of Election in a public place at least 70 days prior to the Referendum;
  - (j) Section 12.3, which establishes the information that must be included on a Notice of Election;
  - (k) Section 12.4, which states that Referendums must be by secret ballot, and establishes how Ballots can be cast;

- (l) Section 13.1, which requires the Electoral Officer to prepare the Ballots for a Referendum;
- (m) Section 13.3, which requires the Electoral Officer to mail a Mail-in Ballot package to Eligible Voters living off Reserve no later than 30 days prior to the date of the Referendum, and specifies what must be included in the Mail-in Ballot package;
- (n) Section 13.4, which requires the Electoral Officer to maintain a list of the unique identifying numbers for each Ballot included in every Mail-in Ballot package;
- (o) Section 15.1, which requires the Electoral Officer to determine the on-Reserve Polling Station location at least 75 days prior to a Referendum;
- (p) Section 15.2, which establishes what the Electoral Officer must supply the Polling Station with prior to its opening;
- (q) Section 15.3, which requires the Electoral Officer, prior to the opening of the poll, to have a witness examine the Ballot box to ensure that it is empty;
- (r) Section 15.4, which requires the Electoral Officer to seal the Ballot box for the duration of the poll, and have a witness affirm that the Ballot box was empty when sealed;
- (s) Section 15.5, which requires the Electoral Officer to place the Ballot box in public view;
- (t) Section 15.6, which states the hours that the Polling Station must be open;
- (u) Section 16.1, which describes the procedure the Electoral Officer must follow when an individual presents themselves to vote at the Polling Station;
- (v) Section 16.2, which describes how an Eligible Voter must cast their Ballot;
- (w) Section 16.3, which establishes the procedure for permitting a person whose names do not appear on the Voters List to vote in a Referendum;
- (x) Section 16.4, which establishes the procedure for exchanging spoiled Ballots;
- (y) Section 16.5, which describes the circumstances under which an Eligible Voter is deemed to have forfeited their right to vote;
- (z) Section 17.1, which describes the procedure for an Eligible Voter to vote by Mail-in Ballot;
- (aa) Section 17.2, which describes how the Electoral Officer must deposit and record all Mail-in Ballots received;
- (bb) Section 17.3, which allows any Eligible Voter unable to vote in person at a Referendum to obtain a Mail-in Ballot package;
- (cc) Section 17.4, which specifies when Mail-in Ballots must be received by the Electoral Officer to be placed in a Ballot box;
- (dd) Section 18.1, which establishes the requirements that must be satisfied for any Electronic Voting System used in a Referendum;
- (ee) Section 18.2, which establishes when the Electronic Voting System must be populated with the Voters List, and Voters List update specifications;
- (ff) Section 18.3, which states how far in advance any Electronic Voting System may open in advance of the Polling Station;
- (gg) Section 18.4, which states what the Electronic Voting System provider must record and provide when an Eligible Voter's vote is cast;

- (hh) Section 18.5, which states what the Electoral Officer must do upon receipt of notice that an Eligible Voter's vote was cast;
- (ii) Section 18.6, which states what the Electronic Voting System cannot allow an Eligible Voter to do once they cast their vote;
- (jj) Section 18.7, which states the procedure an Electoral Officer must follow if they are notified of a failed vote or registration through the Electronic Voting System;
- (kk) Section 18.8, which states what the Electronic Voting System must do at the close of polls;
- (ll) Section 19.1, which prohibits persons from interfering with an Eligible Voter marking their Ballot;
- (mm) Section 19.2, which prohibits persons from obtaining, in the Polling Station, any information as to how an Eligible Voter voted;
- (nn) Section 19.3, which states who is permitted inside the Polling Station on the day of a Referendum;
- (oo) Section 19.4, which provides the Electoral Officer with the authority to remove loiterers or people who violate Part 19 of the Code;
- (pp) Section 20.1, which permits Eligible Voters with disabilities or Eligible Voters who are unable to attend the Referendum in person with the right to request a Mail-in Ballot package;
- (qq) Section 20.2, which permits an Eligible Voter to obtain assistance in marking their Ballot if they are unable to do so as a result of a disability;
- (rr) Section 20.3, which permits an Eligible Voter to obtain the assistance of a translator;
- (ss) Section 20.4, which requires the Electoral Officer to indicate on the Voters List if an Eligible Voter obtained assistance, and the reasons for doing so;
- (tt) Section 20.5, which permits an Eligible Voter to request confirmation of receipt of a Mail-in Ballot from the Electoral Officer, and requires the Electoral Officer to provide such confirmation;
- (uu) Section 21.1, which permits Eligible Voters inside the Polling Station at the closing of the polls to vote if they have not already done so;
- (vv) Section 22.1, which requires the counting of the Ballots to be open to all Members, and to be conducted immediately following the close of the poll;
- (ww) Section 22.2, which establishes the process for validating Mail-in Ballots;
- (xx) Section 22.4, which requires the Electoral Officer to insert a printed summary of the Ballots cast by Electronic Voting System into the Ballot box after the Mail-in Ballots have been inserted into the Ballot box, and before commencing the Ballot count;
- (yy) Sections 22.5(a), (b), (d), and (e), which establish the circumstances under which a Ballot must be rejected;
- (zz) Section 22.6, which establishes the procedure that must be followed if an Eligible Voter casts more than one Ballot by any means of voting;
- (aaa) Section 22.8, which requires the Ballot count to be documented on the Electoral Officer's Report;

- (bbb) Section 22.9, which requires the Electoral Officer to declare the results of the Referendum immediately after the Ballots have been counted, but not including the requirement to announce the elected Candidates;
- (ccc) Section 22.12, which states when and how the Electoral Officer must post the Official Statement of Results of Election, which will be modified to apply to the Referendum;
- (ddd) Section 23.1, which states how long the Electoral Officer must retain the Ballots and Referendum-related documents, but not including Candidate related documents;
- (eee) Section 23.2, which requires the Electoral Officer to dispose of Ballots and Referendum-related documents, in the presence of a witness, if no Appeal has been filed within 45 days;
- (fff) Section 23.3, which requires the Electoral Officer to retain Ballots and Referendum-related documents until 30 days after a decision of the Appeal Board is issued, if applicable;
- (ggg) Section 24.1, which states the purpose of the Appeal Board;
- (hhh) Section 24.2, which permits the Appeal Board to take whatever actions they deem necessary to investigate an Appeal;
- (iii) Section 24.3, which permits the Appeal Board to require an Appellant or respondent of an appeal to provide any supporting evidence or documentation the Appeal Board requires;
- (jjj) Section 24.4, which states that members of the Appeal Board are appointed by Council from the Appeal Board Roster;
- (kkk) Section 24.5, which states the required composition of the Appeal Board;
- (lll) Section 24.8, which states the quorum for the Appeal Board;
- (mmm) Section 24.9, which establishes the Appeal Board Roster nomination process;
- (nnn) Section 24.10(a), which states when Appeal Board Roster nominees are to receive notice of their nomination to the Appeal Board;
- (ooo) Section 24.11, which requires Appeal Board Roster candidates to declare conflicts of interest, but the Candidate related conflict declaration requirements do not apply to Referendums;
- (ppp) Section 24.12, which permits Council to select individuals to serve on the Appeal Board if less than five individuals are on the Appeal Board Roster due to disqualifications;
- (qqq) Section 24.13, which prohibits individuals from being appointed to the Appeal Board for a Referendum if they have a real or perceived conflict of interest with the Referendum, but the Candidate related conflicts do not apply to Referendums;
- (rrr) Section 24.14, which establishes the process whereby Council appoints individuals to serve on the Appeal Board, and the process whereby those individuals accept their appointment;
- (sss) Sections 24.16(a) and (b), which establish the grounds for Appeal of a Referendum;
- (ttt) Section 24.17, which states the form an Appeal must take, the deposit required, and who the Appeal must be submitted to;
- (uuu) Section 24.18, which requires the Appellant to provide sufficient and relevant evidence to enable the Appeal Board to adjudicate the Appeal, and permits the Appeal Board to dismiss an Appeal that lacks sufficient and relevant grounds for Appeal, or

documentation;

- (vvv) Section 24.19, which states the steps the Administrator must take when they receive an Appeal;
  - (www) Sections 24.20(a) and (c), which require the Appeal Board to forward a copy of the Appeal and supporting documentation to the Electoral Officer and Council;
  - (xxx) Section 24.21, which permits the Electoral Officer to provide a written Appeal response to the Appeal Board, but the Candidate related language does not apply to Referendums;
  - (yyy) Section 24.22, which permits the Appeal Board to take steps it feels are necessary to secure facts relating to the Appeal;
  - (zzz) Section 24.23, which requires the Appeal Board to render its decision on the validity of an Appeal within 60 days of receipt of the Appeal, and lists information that may be included in such decision;
  - (aaaa) Section 24.25, which requires the Appeal Board to report their decision to the Appellant, the Electoral Officer, and Council, but the Candidate related language does not apply to Referendums;
  - (bbbb) Section 24.26, which states that a decision of the Appeal Board is final; and
  - (cccc) Section 24.27, which establishes how Appeal deposits are to be refunded or forfeited depending on the Appeal decision.
- 25.8. Amendments submitted to a Referendum of the Eligible Voters shall only be approved if at least 50 percent plus one of the Eligible Voters who participate in the Referendum vote in favour of the amendments.
- 25.9. Provided that no Appeal is submitted in accordance with this Code, the result of the Referendum shall be binding on Council and, within ten days after the Referendum, the results of that Referendum shall be posted:
- (a) in at least two conspicuous places on Reserve; and
  - (b) on SFN's website.
- 25.10. Any amendments approved more than three months prior to an Election shall be effective for that Election. Any amendments approved less than three months prior to an Election shall not come into force until the conclusion of that Election process.
- 25.11. Notice of all amendments must be included in the information provided to Eligible Voters prior to the first the Election in which the amendments shall take effect.
- 25.12. Council may, at any time, make minor amendments to this Code, including changes to spelling, grammar, formatting, tense, and section references, by passing a resolution. Minor amendments are exempt from sections 25.1 through 25.10.

## **26. LIABILITY**

- 26.1. SFN, its Members, and its employees and officers (including the Administrator, the Electoral Officer and Deputy Electoral Officers) shall not be liable for any claims, losses or damages resulting from the inadvertent deletion or addition of an individual's name to the Voters List or any inadvertent breach of this Code.

## **27. SEVERABILITY**

- 27.1. If any part of this Code is declared to be invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the validity or enforceability of any other part of

this Code.

## **28. COMING INTO FORCE**

- 28.1. This Code shall come into force on the date that the Council approves the Code by resolution, subject to the successful ratification of the Code by a vote of the Members.

**APPENDIX A – APPEAL BOARD OATH OF OFFICE**

*Spuzzum First Nation*

Appeal Board Oath of Office

I, \_\_\_\_\_ (print full name) accept the position of Appeal Board member for the Spuzzum First Nation election or referendum scheduled for \_\_\_\_\_ (date)

In my capacity as Appeal Board member, I will:

- do my utmost to serve the members of the Spuzzum First Nation with impartiality, integrity and honesty, without favouritism or bias for or against any candidate;
- respect and maintain the confidentiality of members and their personal information obtained through this position; and
- adhere to and uphold the provisions of the Spuzzum Election Code.

I solemnly swear that I will carry out my responsibilities honestly, conscientiously and to the best of my abilities.

\_\_\_\_\_  
Appeal Board Member

\_\_\_\_\_  
Witness

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

## APPENDIX B – ARREARS AUTHORIZATION FORM

*Spuzzum First Nation*

### Arrears Authorization Form

I, \_\_\_\_\_ (print full name) understand that, in order to stand for election for a Council position of the Spuzzum First Nation, I must authorize the Spuzzum First Nation to:

- withhold or deduct from any funds that are payable to me, in whole or in part, to recover any financial debts I owe to the Spuzzum First Nation; and
- publicly disclose any financial debts that I owe to the Spuzzum First Nation.

By signing this Arrears Authorization Form, I hereby authorize the Spuzzum First Nation to:

- withhold or deduct from any funds that are payable to me, in whole or in part, to recover any financial debts I owe to the Spuzzum First Nation; and
- either directly or through the Electoral Officer, publicly disclose any financial debts that I owe to the Spuzzum First Nation.

I understand the purpose for disclosing this information to the Spuzzum First Nation.

I understand that I can refuse to sign this authorization form, and that by refusing to sign this form I will not be eligible to stand for election for a Council position of the Spuzzum First Nation.

This authorization is effective from the date it is signed.

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

\_\_\_\_\_  
Date

**APPENDIX C – BALLOT TEMPLATE**

*Spuzzum First Nation*

Council Election or Referendum 20\_\_\_\_

<b>CANDIDATE/REFERENDUM OPTION</b>	<b>VOTE</b>

**APPENDIX D – CERTIFICATE OF DESTRUCTION OF ELECTION MATERIALS  
TEMPLATE**

*Spuzzum First Nation*

Certification of Destruction of Ballots

We confirm that on \_\_\_\_\_ (date) (being at least 45 days after the election, or at least 30 days after an appeal ruling is issued, if applicable) we were present and witnessed the destruction of all the ballots and associated election-related documents, including, if applicable, the statements submitted by Candidates concerning their qualifications and reasons for running for Council, of the Spuzzum First Nation election or referendum of \_\_\_\_\_ (election/referendum date).

\_\_\_\_\_  
Print Name of Witness

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

\_\_\_\_\_  
Print Name of Witness

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

## APPENDIX E – CRIMINAL RECORD DISCLOSURE FORM

### *Spuzzum First Nation*

#### Criminal Record Disclosure Form

I, \_\_\_\_\_ (print full name) understand that, in order to stand for election for a Council position of the Spuzzum First Nation, I must authorize the Spuzzum First Nation to:

- disclose to members of the Spuzzum First Nation a summary of the results of my criminal record, which includes information of any of the following that relates to indictable offences and crimes of fraud, theft, or violence:
  - unpardoned adult convictions from the past 10 years;
  - outstanding charges;
  - active (not closed) youth records; and
  - active (non-expired) absolute or conditional discharge information.

By signing this Criminal Record Disclosure Form, I hereby authorize the Spuzzum First Nation to:

- disclose to members of the Spuzzum First Nation a summary of the results of my criminal record, solely for the purpose of informing those members of my criminal record so that they can make an informed decision when voting in a Council election.

I understand:

- the purpose for disclosing my criminal record information to the Spuzzum First Nation;
- that I can refuse to sign this form, and that by refusing to sign this form I will not be eligible to stand for election for a Council position of the Spuzzum First Nation;
- that this Criminal Record Disclosure Form is effective from the date it is signed, and expires 30 days after the election that this form applies, or, if applicable, on the date that the Appeal Board renders its appeal decision on an appeal of the results of the election that this form applies, whichever is later;
- to the fullest extent permitted by applicable law, I hereby irrevocably waive all legal and equitable rights relating to all liabilities, claims, demands, actions, suits, damages, and expenses, including but not limited to claims for infringement of moral rights, libel, defamation, invasion of any rights of privacy (including intrusion upon seclusion, false light, public disclosure of private facts, and misappropriation of name or likeness), violation of rights of personality or publicity, physical or emotional injury or distress, or any similar claim or cause of action in tort, contract or any other legal theory, now known or hereafter known in any jurisdiction throughout the world (collectively, "**Claims**") arising directly or indirectly from the Spuzzum First Nation or any representative of the Spuzzum First Nation's disclosure of my criminal record, and whether resulting in whole or in part by the negligence of the Spuzzum First Nation or any other person, covenant not to make or bring any such Claim against the Spuzzum First Nation or representative of the Spuzzum First Nation, and forever release and discharge the Spuzzum First Nation and representatives of the Spuzzum First Nation from liability under such Claims;
- that the Spuzzum First Nation is relying on this Criminal Record Disclosure Form and will incur significant expense in reliance on this Criminal Record Disclosure Form;
- that this Criminal Record Disclosure Form cannot be modified, in whole or in part; and

- that if this Criminal Record Disclosure Form is terminated or rescinded, it will apply to all disclosures that occurred from the effective date of this Criminal Record Disclosure Form up to and including the date that this Criminal Record Disclosure Form was terminated or rescinded.

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Signature of Candidate

---

Date

**APPENDIX F – DECLARATION OF RIGHT TO VOTE FORM**

*Spuzzum First Nation*

Declaration of Elector’s Right to Vote

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

1. I am a member of the Spuzzum First Nation;
2. I am at least 18 years old;
3. I have not already voted in this election; and
4. I am not disqualified from voting in this election.

I make this declaration believing it to be true and knowing it is the same as if made under oath. I understand that it is an offense to make a false statement in this declaration.

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

\_\_\_\_\_  
Date

Declared before me at \_\_\_\_\_ on \_\_\_\_\_  
Location Date

I am satisfied that this person has the right to vote, based on this declaration and this person's representations.

\_\_\_\_\_  
(Deputy) Electoral Officer

\_\_\_\_\_  
Date

# APPENDIX G – ELECTORAL OFFICER’S REPORT TEMPLATE

*Spuzzum First Nation*

## Electoral Officer’s Report

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

Purpose of the Election: \_\_\_\_\_

The Nomination Meeting was held on: \_\_\_\_\_

Total number of mail-in ballot packages sent to off-reserve electors: \_\_\_\_\_

Total number of mail-in ballot packages sent/given to electors on the reserve: \_\_\_\_\_

The poll was held on \_\_\_\_\_ at \_\_\_\_\_

### Mail-in Ballots

Total number of mail-in ballot packages sent (includes second or third packages sent to the same elector)	
Total number of mail-in packages returned as undeliverable.	
Total number of mail-in ballots returned by the elector who voted in person at the polling station.	
Total number of mail-in ballots rejected before being placed in the ballot box (during the opening of the envelopes).	
Total number of mail-in ballots deposited in the ballot box.	

### Ballot Reconciliation

Number of valid ballots cast.	
Number of ballots cast and rejected.	
Number of ballots spoiled (never placed in the ballot box).	
Number of unused ballots.	
Total number of ballots.	
Total number of ballots printed.	

Names of Candidates for Chief	# Votes

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

Names of Candidates for Councillor	# Votes

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

The following candidates have been publicly declared elected:

1. **To the Office of Chief:**

Name:

2. **To the Office of Councillor:**

Name:

Name:

The term of office commenced on \_\_\_\_\_

Date

**Electoral Officer Declaration**

I, \_\_\_\_\_ (print full name) appointed to the position of Electoral Officer for the Spuzzum First Nation, declare that the polling place was kept open between the hours of 9:00AM and 8:00PM, and that I have correctly counted the votes cast for each candidate and have performed all other duties required of me by the Spuzzum Election Code. I further declare that a copy of the Statement of Results will be posted in accordance with the Spuzzum Election Code.

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

\_\_\_\_\_  
Date

Address of Electoral Officer:

## APPENDIX H – INSTRUCTIONS FOR MAIL-IN VOTING TEMPLATE

### Instructions For Mail-In Voting

Dear Elector:

Every member of the Spuzzum First Nation who is at least 18 years old can vote. In this package there are:

- A Notice of Election
- A Voter Declaration Form
- A ballot bearing a unique identifying number
- These Instructions for mail-in voting.
- A return envelope with my address on it and postage paid.
- A small envelope that says "Ballot Only" bearing the same unique identifying number as the accompanying ballot.

**Carefully follow the steps below so your ballot can be counted.**

**1. If voting for chief:**

Mark an "X" in the box to the right of the name of the person you are voting for for Chief. **You must choose only one candidate.**

**2. If voting for councillor:**

Mark an "X" in the box to the right of the names of the candidates of your choice. **You may vote for up to 2 councillors. You can vote for fewer than 2 but not more than 2.**

**3. If voting in a referendum:**

Mark an "X" in the box to the right of the choice indicating whether you are in favour of or opposed to the referendum. **You must choose only one option.**

4. Put the ballot into the envelope marked "Ballot Only" and seal the envelope.

5. Complete the Voter Declaration Form. **Both you and a witness, who is at least 18 years of age, must sign it.** Any adult can witness it.

6. In the larger envelope (with postage paid), put the completed and signed Voter Declaration Form and the sealed envelope marked "Ballot Only".

7. **Mail the larger envelope back as soon as possible.** It must be received by the Electoral Officer no later than 8 pm on election day ( \_\_\_\_ date \_\_\_\_). You can also give the envelope to the Deputy Electoral Officer ( \_\_\_\_ name \_\_\_\_ ) at the Band Office. **Ballots received after the close of the poll will not be counted.**

**In order for your ballot to be counted, it must be accompanied by a completed voter declaration form, signed by you and a witness. The witness can be any adult (over 18 years of age).**

You can vote in person at the polling station on election day, ( \_\_\_\_ date \_\_\_\_ ) 9:00AM-8:00PM, but you can only vote once.

If you have any questions, please contact me: ( phone number ) or ( e-mail address )

---

Electoral Officer

**APPENDIX I – MAIL-IN NOMINATION FORM**

*Spuzzum First Nation*

**Mail-In Nomination Form**

I, \_\_\_\_\_ of the Spuzzum First Nation  
(Please print name)

Nominate \_\_\_\_\_ for Chief / Councillor / Appeal Board  
(Name of person you are nominating) (circle one)

\_\_\_\_\_ for Chief / Councillor / Appeal Board  
(Name of person you are nominating) (circle one)

\_\_\_\_\_ for Chief / Councillor / Appeal Board  
(Name of person you are nominating) (circle one)

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

Your Status Number OR date of birth \_\_\_\_\_

Telephone number \_\_\_\_\_ \*  
*\*We need your phone number in case the Electoral Officer needs to contact you about the name of the person that you are nominating.*

**WITNESS:** This form **must be signed** by another adult (anyone 18+ years of age)

\_\_\_\_\_  
Name of witness (any adult) Signature of witness

\*\*\* \*\*

Do you want your address given to candidates so that they can send you election material?

Circle one: **YES / NO**

**APPENDIX J – NOMINATION MEETING REPORT TEMPLATE**

*Spuzzum First Nation*

**Nomination Meeting Report**

The nomination meeting was held on \_\_\_\_\_ (date)  
at \_\_\_\_\_ (location)  
from \_\_\_\_\_ to \_\_\_\_\_ (time)

The following eligible candidates were nominated for Chief:

<b>Nominee</b>	<b>Nominator</b>	<b>Secunder</b>

The following eligible candidates were nominated for Councillor:

<b>Nominee</b>	<b>Nominator</b>	<b>Secunder</b>

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

**APPENDIX K – NOTICE APPOINTING SCRUTINEERS FORM**

*Spuzzum First Nation*

**Appointment of Scrutineers**

I, \_\_\_\_\_ (print full name) being a candidate in this election, appoint the following person(s) to act as my scrutineers during the election.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

I understand that:

- No more than 2 of these scrutineers may be present at the polling station at any one time; and
- Scrutineers may only observe the proceedings. They may not talk to voters in the polling station or interfere in any way with the election process or election officials.

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

\_\_\_\_\_  
Date

**APPENDIX L – NOTICE OF ELECTION TEMPLATE**

*Spuzzum First Nation*

[Council Election] OR [Referendum]

\_\_\_\_\_ (Date) \_\_\_\_\_ from 9:00 AM to 8:00 PM  
at the Polling Station at \_\_\_\_\_ (location) \_\_\_\_\_

[Candidates for Chief OR Councillor]:

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

[Referendum Question:] \_\_\_\_\_  
\_\_\_\_\_

All eligible voters (Spuzzum First Nation members 18 years of age or older) can vote in-person, by mail-in ballot, or electronically.

1. To vote in person, eligible voters must cast their ballot at the Polling Station between 9:00 AM and 8:00 PM on the election day.
2. To vote by mail-in ballot, eligible voters must:
  - a. Complete the mail-in ballot package, which will be mailed out no later than 30 days before the election date to eligible voters living off reserve whom have an address on file with Spuzzum First Nation.
  - b. Send the mail-in ballot back to the address specified in the mail-in ballot package, or deliver it in person. Mail-in ballots must be received by the Electoral Officer before 8:00 PM on the election day.
3. To vote electronically, eligible voters must:
  - a. At least 15 days before the election, contact the Electoral Officer and request electronic voting instructions.
  - b. Once in possession of the electronic voting instructions, submit their electronic vote before 8:00PM on the day of the election.

At least 70 days before the election, eligible voters can view a list of all eligible voters at the following locations on the Spuzzum First Nation reserve:

- [State location #1 on reserve]
- [State location #2 on reserve]

On the day of the election after polls close, the Electoral Officer will count the ballots at approximately \_\_\_\_\_ (time) \_\_\_\_\_ at \_\_\_\_\_ (location) \_\_\_\_\_.

If an eligible voter wishes to obtain a copy of the Spuzzum Election Code, please contact the Spuzzum First Nation administrator at [admin@spuzzumnation.com](mailto:admin@spuzzumnation.com) or 604-863-2395.

If you have any questions, please contact the Electoral Officer:

- Electoral Officer Name: \_\_\_\_\_
- Electoral Officer Phone: \_\_\_\_\_
- Electoral Officer Email: \_\_\_\_\_

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

**APPENDIX M – NOTICE OF WITHDRAWAL FORM**

*Spuzzum First Nation*

Candidate's Withdrawal Form

I, \_\_\_\_\_ (print full name) have been nominated for the position of \_\_\_\_\_.

**I withdraw my name as candidate for this position.**

\_\_\_\_\_  
Signature

*SWORN BEFORE ME* at \_\_\_\_\_, British Columbia.

\_\_\_\_\_  
Electoral Officer or Deputy Electoral Officer, or  
Commissioner for Taking Affidavits, or  
a Notary Public, or  
a Justice of the Peace

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

**APPENDIX N – OATH OF OFFICE FOR ELECTORAL OFFICERS**

*Spuzzum First Nation*

Electoral Officer Oath of Office

I, \_\_\_\_\_ (print full name) accept the office of Electoral Officer for the Spuzzum First Nation election scheduled for \_\_\_\_\_ (date).

In my capacity as Electoral Officer, I will:

- do my utmost to serve the members of the Spuzzum First Nation with impartiality, integrity, and honesty;
- respect and maintain the confidentiality of members and their personal information obtained through this Office; and
- adhere to and uphold the provisions of the Spuzzum Election Code.

I solemnly swear that I will carry out my responsibilities honestly, conscientiously, and to the best of my abilities.

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

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**APPENDIX O – OATH OF OFFICE OF COUNCIL**

*Spuzzum First Nation*

Councillor's Oath of Office

I, \_\_\_\_\_ (print full name) duly elected Councillor or the Spuzzum First Nation, hereby declare and solemnly swear that:

1. I will faithfully perform the duties of my office with dignity and respect for others and will strive to earn the respect of others;
2. I will act with an open heart, in the interests of all Band Members and not favour family, friends nor myself over the best interests of our community;
3. I will not act at any time, in any way that could reflect badly on my position, our community or our Nation;
4. I will work with Council to develop policies, procedures, laws and by-laws to effectively govern our community;
5. I will respect and uphold the policies, procedures, laws and by-laws of the Spuzzum First Nation;  
and
6. I will, at all times, use the authority of my position and the trust that has been placed in me, for the betterment of our community and our Nation.

Sworn at Spuzzum on

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

Before Witness

\_\_\_\_\_  
(Spuzzum Elder)

Signed by

\_\_\_\_\_  
(Signature of Councillor)

**APPENDIX P – OFFICAL STATEMENT OF RESULTS OF ELECTION TEMPLATE**

*Spuzzum First Nation*

**Election Results**

\_\_\_\_\_, 20\_\_

Council Election:

For Chief:	Votes Received
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
Spoiled ballots for Chief:	_____

\_\_\_\_\_ was declared elected Chief.

For Councillor:	Votes Received
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
Spoiled ballots for Councillor:	_____

The following were declared elected Councillors :

1. \_\_\_\_\_
2. \_\_\_\_\_

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

\_\_\_\_\_  
Date

**APPENDIX Q – QUALIFICATION CERTIFICATION FORM**

*Spuzzum First Nation*

Qualification Certification Form

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

1. I am a member of Spuzzum First Nation.
2. I am 21 years of age, or will be 21 years of age on the date of the election in which I intend to run.
3. I have not been convicted of an indictable offence, other than an indictable offence:
  - a. related to the exercise of an Aboriginal right; or
  - b. for which a pardon has been granted.
4. I have been nominated to stand for election by one or more eligible voters in the Spuzzum First Nation election.
5. I do not owe a financial debt to the Spuzzum First Nation in an amount more than \$2,000.00.
6. I either:
  - a. do not owe a financial debt to the Spuzzum First Nation; or
  - b. owe a financial debt to the Spuzzum First Nation and have made payments to that financial debt for the nine (9) months preceding my signing of this declaration, on a repayment schedule determined by Spuzzum First Nation Chief and Council.

I make this declaration believing it to be true and knowing it is the same as if made under oath. I understand that it is an offence to make a false statement in this declaration.

\_\_\_\_\_  
Signature of Declarant

\_\_\_\_\_  
Date

**APPENDIX R – VOTER DECLARATION FORM**

*Spuzzum First Nation*

Voter Declaration Accompanying the Mail-in Ballots

Ballot #: \_\_\_\_\_

For the Spuzzum First Nation Election or Referendum.

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

1. I am a member of the Spuzzum First Nation;
2. My status number is \_\_\_\_\_ and my date of birth is \_\_\_\_\_;
3. My current mailing address is: \_\_\_\_\_;
4. I am at least 18 years old;
5. I have not already voted in this election or referendum; and
6. I am not disqualified from voting in this election or referendum.

I make this solemn declaration conscientiously believing it to be true and knowing it is the same as if made under oath. I understand that it is an offence to make a false statement in this declaration.

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

\_\_\_\_\_  
Date

**Witness Declaration**

Declared before me \_\_\_\_\_ at \_\_\_\_\_  
(Full legal name) (Municipality)

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

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

\_\_\_\_\_  
Address

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

## APPENDIX S – VOTING INSTRUCTIONS TEMPLATE

*Spuzzum First Nation*

### **How to Vote**

1. **For Chief**, put an “X” in the box beside the name of the person you are voting for. **Just 1 vote per person.**
2. **For Councillors**, put an “X” in the box beside the names of the people you are voting for. You can vote for up to 2 people. You can vote for fewer if you want, but not more than 2.
3. **For Referendums**, put an “X” in the box beside your choice. **You can only make 1 choice.**

Put an “X” in the box beside the names of the people you are voting for, or the referendum choice you are making. Do not put any other mark on the ballot.

4. **If you make a mistake, give your ballot back to the Electoral Officer and get a new one.**

**APPENDIX T – WITNESS STATEMENT CONFIRMING EMPTY BALLOT BOX  
TEMPLATE**

*Spuzzum First Nation*

Witness Declaration at the Opening of the Poll

I, \_\_\_\_\_ hereby declare that on \_\_\_\_\_, 20\_\_\_\_  
(Print Full Name)

at \_\_\_\_\_ AM, I witnessed that the ballot boxes were empty before being properly sealed. I am

confident that the boxes cannot be opened without the seal being broken.

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

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

**APPENDIX U - VOTERS LIST AMENDMENT REQUEST FORM**

*Spuzzum First Nation*

Voters List Amendment Request Form

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

Name of Person Making Request: \_\_\_\_\_

Requested Amendments:

Add this name to the Voters List: \_\_\_\_\_

*If requesting a name be added, a certified true copy of the Indian status card of the person whose name is proposed to be added must be attached to this form, or the Indian status card must be presented to the Electoral Officer in person for inspection.*

Remove this name from the Voters List: \_\_\_\_\_

*If requesting a name be removed, a rationale must be provided in the space below that clearly explains why that person's name should be removed. If additional space is needed, additional pages can be attached to this form. Supporting documentation may also be provided (e.g. death certificate).*

Reinstate this name to the Voters List: \_\_\_\_\_

*If requesting a name be reinstated, a certified true copy of the Indian status card of the person whose name is proposed to be reinstated must be attached to this form, or the Indian status card must be presented to the Electoral Officer in person for inspection, and a rationale must be provided in the space below that clearly explains why that person's name should be reinstated. If additional space is needed, additional pages can be attached to this form.*

Change this name on the Voters List: \_\_\_\_\_ to \_\_\_\_\_

*If requesting a name change, a certified true copy of the Indian status card of the person whose name is proposed to be changed must be attached to this form, or the Indian status card must be presented to the Electoral Officer in person for inspection, and a rationale must be provided in the space below that clearly explains why that person's name should be changed. Applicable documentation supporting why the person's name should be changed must also be provided (e.g. marriage certificate, divorce order, Certificate of Change of Name).*

Other (provide explanation): \_\_\_\_\_

\_\_\_\_\_

