

NESKONLITH CUSTOM ELECTION REGULATION

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PART 1 – REPEAL AND REPLACEMENT

1. Amending the Neskonlith Indian band Custom Election Regulations December 2, 1996, as amended on January 25, 2007.

PART 2 –EFFECTIVE DATE

2. This code is effective as of July 28, 2014.

PART 3 - INTERPRETATION

3. In this code

“Assistant to the Electoral Officer” means one or more persons appointed by the Chief Electoral Officer for the purposes of an election to assist him or her in the conduct of the election process.

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

“band member” means a registered member of the Neskonlith Indian band.

“band” means the Neskonlith Indian Band.

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

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

“candidate” means a band member who:

- (a) has been nominated to be a candidate for chief or council pursuant to the provisions of this code;
- (b) resides within 50 kilometers of the Reserves;
- (c) is at least 18 years of age on the day on which the nomination meeting is held;
- (d) is available full-time to serve as chief or council member Monday to Friday during band working hours and such other times as may be required;
- (e) demonstrates through the provision of a resume within 48 hours of accepting a nomination, which shall be available for viewing by any elector at the Neskonlith band

office until the day of the election, a combination of education and/or experience required to hold a council sector on a full-time basis;

- (f) at the time of nomination, if the candidate is employed, they shall agree to resign from any employment, self-employment, including employment with the band or a related body upon being sworn in to office;
- (g) has not been declared mentally incompetent under federal or provincial law;
- (h) does not owe any monies to the band or its related bodies which have not been discharged; and
- (i) authorizes the band to perform a criminal record check;
- (j) has not previously been removed from office or employment with the band due to a contravention of the Neskonlith Indian Band Financial Administration Law;
- (k) has not been terminated for just cause related to theft or fraud from the band or its related bodies; and
- (l) has not been convicted of an indictable offence, or an offence relating to family violence or I have been convicted of an indictable offense or offence relating to family violence but have demonstrated to the satisfaction of a quorum of Council that I have been rehabilitated.

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

“Code of Ethics” means guidelines, general rules of behaviour and standards established in accordance with Appendix A of this code, which govern the conduct of candidates running for office and their supporters relating to their participation in the electoral process.

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

“Director of Operations” means most senior management position within the Neskonlith Indian Band administration.

“corrupt practices” means bribery, direct or indirect, or providing a financial or material incentive to an elector in exchange for a vote.

“council” means the body composed of those persons selected pursuant to this code.

“councillor” means a duly elected member of the Council of Neskonlith Indian Band.

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

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

“elector” means a person who:

- (a) is a member of the band; and

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

“employee” means a member of the management or staff that the Neskonlith Indian band has hired on a term or indefinite contract of services, whether oral or written.

“mail-in ballot” means a ballot mailed or delivered in accordance with section 94 of this code.

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

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

“oath” means a solemn affirmation.

“ordinarily resident on the reserve” refers to the residential status of an elector who is considered to have his or her ordinary residence on the reserve. A person’s ordinary residence can be described as:

- (a) the place the person normally eats and sleeps;
- (b) the place the person receives mail;
- (c) a place in proximity to the person’s place of employment.

A person can only be ordinarily resident in one place at one time, and a person is ordinarily resident in that place until another place of ordinary residence is acquired.

A person may also be temporarily absent from a place of ordinary residence for education, medical or temporary employment reasons.

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

“public voters list” means the list of names of members eligible to vote in an election which is publicly posted and contains no additional private information;

“related body” means:

- (a) any agency of the band,
- (b) any corporation in which the band has a material interest or that is controlled by the band,
- (c) any partnership in which the band or another related body of the band is a partner, or
- (d) a trust of the band.

“rejected ballots” means those ballots that have been improperly marked and/or defaced by elector(s), or mail-in ballots which are received after the posted deadline, which are not included in the tally of valid ballots cast during the counting of the votes.

“Reserve” means Neskonlith 1, Neskonlith 2, and Switsemalph 3.

“Salmon Arm candidate” means a band member who:

- (a) is ordinarily resident on Switsemalph 3;
- (b) declares at the time of nomination that he or she is running as the Salmon Arm candidate;
- (c) has been nominated to be a candidate for council pursuant to the provisions of this code;
- (d) is at least 18 years of age on the day on which the nomination meeting is held;
- (e) demonstrates through the provision of a resume within 48 hours of accepting a nomination, which shall be available for viewing by any elector at the Neskonlith band office until the day of the election, a combination of education and/or experience required to hold a council sector on a full-time basis;
- (f) at the time of nomination, if the candidate is employed, they shall agree to resign from any employment, self-employment, including employment with the band or a related body upon being sworn in to office;
- (g) is available full-time to serve as council member from Monday to Friday during band working hours and such other times as may be required;
- (h) has not been declared mentally incompetent under federal or provincial law;
- (i) does not owe any monies to the band or its related bodies which have not been discharged; and
- (j) authorizes the band to perform a criminal record check;
- (k) has not previously been removed from office or employment with the band due to a contravention of the Neskonlith Indian Band Financial Administration Law;
- (l) has not been terminated for just cause related to theft or fraud from the band or its related bodies; and
- (m) has not been convicted of an indictable offence, or an offence relating to family violence or I have been convicted of an indictable offense or offence relating to family violence but have demonstrated to the satisfaction of a quorum of Council that I have been rehabilitated.

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

- (a) the name of the elector;
- (b) the band membership or registry number of the elector or, the date of birth of the elector;
and
- (c) the name, address and telephone number of a witness to the signature of the elector.

“voters list” means the list of members eligible to vote in an election which is not publicly posted and which sets out the name, band number and date of birth of each eligible voter.

PART 4 - THE COUNCIL

Composition and Size

4. The council shall consist of one chief and five councillors.

Salmon Arm Councillor

5. One council position shall be open only to a Salmon Arm candidate who, upon nomination, signs a declaration and provides proof to the Electoral Officer within 48 hours that they are ordinarily resident on Switsemalph 3 Reserve.
6. If no qualified member is nominated to run as the Salmon Arm candidate, the position shall be open to any candidate residing within fifty kilometers of the Reserves.

Mode of Election for Chief and Councillors

7. Chief and councillors shall be elected by a vote held in accordance with this code.

Term of Office

8. The term of office for the position of chief and councillors shall be four years.
9. The term of office for newly elected chief and councillors shall commence the day following the election as soon as all newly elected council members have sworn the oath of office under section 153.
10. Subject to any vacancy arising under this code, the term of office for newly elected chief and councillors expires when newly elected council swear their oaths of office.
11. The successful candidate in a by-election shall hold office for the remainder of the original term of office of the chief or councillor whom he or she is elected to replace.
12. If a person who is declared disqualified from office as a result of an election appeal, the successful replacement candidate with the next highest amount of votes who agrees to accept the position shall swear the oath of office under section 153, and he or she shall assume the unexpired part of the term of the disqualified individual.

Vacancy

13. A chief or councillor position is automatically deemed to be vacant if:
 - (a) the chief or councillor fails to sign
 - (b) the oath of office within 30 days of being elected;
 - (c) the chief or councillor resigns in writing, by way of letter to the council, from office of his or her own accord;

- (d) the chief or councillor misses three consecutive council meetings without excuse by a quorum of council;
- (e) the chief or councillor has been unable to perform the functions of his or her office for more than three months due to illness or other incapacity;
- (f) the chief or councillor dies;
- (g) the chief or councillor is removed from office in accordance with section 23; or
- (h) the chief or councillor is convicted of a criminal offence not related to the exercise of Aboriginal title and rights while in office.

14. A quorum of council shall confirm a vacancy under section 13 by band council resolution within 30 days of the circumstances giving rise to the vacancy.

PART 5 - CODE OF ETHICS

15. Candidates that choose to campaign shall do so in accordance to the following:

- (a) according to the rules and regulations established in this code and pursuant to the Code of Ethics;
- (b) without coercion or vote-buying;
- (c) respecting the right and freedom of other candidates to organize and campaign;
- (d) respecting the rights of voters to obtain information from a variety of sources;
- (e) ethically, focusing on political issues and candidate platforms;
- (f) non-violently, without intimidating opposing candidates or opposition supporters;
- (g) respecting the electoral officials and not interfering with the performance of their duties; and
- (h) accepting and complying with the official election results and the final decision of the Appeals Adjudicator.

16. If a candidate is a council member he or she shall not campaign while on council business and shall not use the resources of the Band or a related body to campaign.

17. If a candidate is a board member or official or employee of the band or a related body the candidate shall not use the resources of the Band or a related body to campaign.

18. Every person is guilty of an offence and commits a corrupt election practice who, during an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting for a particular candidate, or during an election period, accepts or agrees to accept a bribe that is offered.

19. Every person is guilty of an offence and commits a corrupt election practice who, by intimidation or duress, compels a person to vote or refrain from voting for a particular candidate in an election, or by any pretence or contrivance, induces a person to vote or refrain from voting for a particular candidate in an election.

PART 6 - REMOVAL OF COUNCIL MEMBERS FROM OFFICE

- 20.** The chief or a councillor may be disciplined by a quorum of council, including through verbal warning, written warning, and suspension without honoraria for a period of up to two weeks.
- 21.** A written record of any disciplinary action taken in section 20 shall be placed in the council member's file.
- 22.** A council member may be removed from office and be prevented from running for office for the subsequent election, if he or she:
- (a) violates this code, his or her oath of office or the Code of Ethics;
 - (b) fails to maintain a standard of conduct expected of a member of council in the Code of Conduct;
 - (c) fails to comply with the Financial Administration Law, governance policy or any other law, by-law, code or regulation of the band in a manner which causes serious harm to the band or a band member;
 - (d) fails to carry out his or her duties of office in a manner which causes serious harm to the band or a band member;
 - (e) as a candidate, committed a corrupt election practice under sections 18 or 19;
 - (f) accepts or offers a bribe, forges a council document or otherwise acts dishonestly in his or her role;
 - (g) is negligent in failing to ensure the safety and protection of the community members assets and causes the band or a member serious harm;
 - (h) abuses his or her office such that the conduct negatively affects the dignity and integrity of the community or of council;
 - (i) encourages others to commit any of the above acts or omissions; or
 - (j) engages in such other conduct as may be determined by council to be of such a serious nature that the removal is necessary and appropriate.

Procedure for Removal

- 23.** Proceedings to declare a person ineligible to continue to hold the office of chief or councillor shall be initiated by:
- (a) any elector submitting to the council, or Director of Operations, a petition on which shall appear:
 - i) the ground pursuant to section 22 on which removal of a chief or councillor is sought;
 - ii) the evidence in support of the petition;

- iii) the signature of the petitioner; and
 - iv) the signatures of at least 10% of all eligible electors of the band in support of the petition;
 - v) a payment of \$500.00 by certified cheque made out to the Neskonlith Indian Band and submitted to the Director of Operations.
- (b) a majority of council members passing a band council resolution setting out:
- i) the ground(s) pursuant to section 22 on which removal of a chief or councillor is sought;
 - ii) the evidence in support of the resolution; and
 - iii) the signatures of all council members who voted for the removal.

24. On receipt of a petition pursuant to subsection 23(a), council shall:

- (a) refer the matter to the Complaints Adjudicator where a quorum of council determines that this is the appropriate due to conflicts of interest among council members or other concerns about community safety; or,
- (b) place the matter on an agenda for a regular meeting of council within five working days from the date of receipt of the petition.

25. If council proceeds under section 24(b), council shall, within five working days of receipt of the petition under subsection 23(a), notify, in writing, the petitioner and the council member who is the subject of the petition of the date and time at which a meeting of council will be held to review the petition.

26. The council member who is the subject of the petition as well as the petitioner shall be allowed to provide a submission at the meeting of council at which the petition is being reviewed.

27. Council shall have the power to require the production of any evidence and the attendance of any witnesses at the meeting to review the petition.

28. Council shall, within five working days of the meeting of council at which the petition was reviewed, by band council resolution:

- (a) declare that there is insufficient evidence to support a recommendation for removal from office and dismiss the petition;
- (b) declare that the information in the petition is not substantiated and dismiss the petition;
or
- (c) declare that the council position held by the council member who the subject of the petition to be vacant.

29. Council shall deliver by email, by hand or by registered mail, a written notice of the decision made under section 28(b) to the petitioner(s) and the council member who is the subject of the petition.

30. Where a petition has been dismissed under subsection 28(a), the petitioner(s) may appeal

the dismissal to the Complaints Adjudicator.

- 31.** Where the position of a council member has been declared vacant under subsection 28(c), the council member may appeal the decision of council to the Complaints Adjudicator.
- 32.** Council shall have the power to suspend from office the council member (with honoraria) who is the subject of the petition for removal during the review and appeals process.
- 33.** Upon receipt of an appeal under section 30 or 31, the Complaints Adjudicator shall:
 - (a) determine that the grounds put forth in the appeal are unsubstantiated, and dismiss the appeal;
 - (b) determine that the appeal is valid and there is sufficient grounds and evidence to reverse the decision of council; or
 - (c) schedule a review hearing, which shall take place within twenty days from the date on which the appeal was submitted to the Complaints Adjudicator.
- 34.** In the case where the appeal has been dismissed under subsection 33(a), the Complaints Adjudicator shall inform the appellant in writing and provide a rationale.
- 35.** In the case where the appeal has been upheld under subsection 33(b), the Complaints Adjudicator shall inform the appellant, council and the council member who is the subject of the petition for removal.
- 36.** In the case where the Complaints Adjudicator schedules a review hearing under subsection 33(c), the Complaints Adjudicator shall send a notice of the hearing in writing to council, the appellant and the council member who is the subject of the petition for removal.
- 37.** The written notice described in section 36 shall set out:
 - (a) the nature of the hearing and all related particulars;
 - (b) the date, time and location of the hearing; and
 - (c) a statement that the appellant, any member of council or the council member who is the subject of the petition for removal may, at the hearing, make a presentation to the Complaints Adjudicator, which may include the presentation of documents and testimonial by witnesses.
- 38.** The Complaints Adjudicator shall conduct a hearing at the time and place set out in the notice provided under section 36.
- 39.** Within five days of the day on which the hearing under section 33(c) was held, the Complaints and Appeal Adjudicator shall rule:
 - (a) In the case where the subject of the hearing was the appeal by a council member whose council position was declared vacant under section 24(b) of the code,

- i) that the decision of council to declare the council position vacant was justified and shall stand; or
 - ii) that the decision of council to declare the council position vacant was not justified and order that the council member regain his or her position.
- (b) In the case where the subject of the hearing was the appeal under section 24(a) of a dismissal by council of a petition for removal:
- i) that the decision of council to dismiss the petition was justified and shall stand; or
 - ii) that the decision of council to dismiss the petition was not justified and declare the council position of the council member who is the subject of the petition to be vacant.
- 40.** The Complaints Adjudicator shall send, by hand or by registered mail, a written notice of the ruling made under section 39 to council, the appellant and the council member who is the subject of the petition for removal.
- 41.** The decision of the Complaints Adjudicator made under section 39 is final and binding upon all parties.

By-election

- 42.** In the event that the office of chief or councillor becomes vacant after the appeals period for the election has expired, a majority of the remaining council members may direct that:
- (a) a by-election be held; or,
 - (b) the vacant chief or council seat be filled by the candidate with the next highest number of votes in the election who accepts the position.
- 43.** If there are no vacancies on council, quorum shall be four.
- 44.** If, as a result of vacancy or suspension of a member of council, four or five council members remain, quorum shall be three until the vacancy is filled.
- 45.** No sitting council member is eligible to be a candidate in a by-election. If a council member wishes to be a candidate in a by-election, he or she shall resign his or her council position in writing to the Director of Operations prior to the nomination meeting for the by-election.
- 46.** A resignation in writing provided to the Director of Operations by a councillor is binding upon the councillor.
- 47.** Except as expressly provided otherwise in this code, the rules and procedures in this code shall apply to by-elections.

PART 7 - PRE-NOMINATION PROCEDURE

Appointment of a Chief Electoral Officer

- 48.** The Chief Electoral Officer shall be appointed by a band council resolution not less than 100 days before an election is scheduled to be held.
- 49.** The band council resolution for the appointment of the Chief Electoral Officer shall contain his or her full name and address, the date of the election, the type of election which is to be conducted (general election or by-election), the amount of remuneration, as well as any special instructions.
- 50.** If a Chief Electoral Officer has not been appointed within the time set out in section 48, the Chief Electoral Officer shall be appointed by the Chief as soon as possible.
- 51.** The Chief Electoral Officer shall be a person who:
 - (a) is not a member of the band;
 - (b) has no vested interest in the outcome of the election;
 - (c) is at least 19 years of age;
 - (d) accepts the position in writing; and
 - (e) has experience in the conduct of elections or has received appropriate training.

Chief Electoral Officer Oath of Office

- 52.** The Chief Electoral Officer shall swear an oath to uphold their offices in accordance with this code as set out in Appendix B.

Chief Electoral Officer Responsibilities and Ethics

- 53.** The Chief Electoral Officer may make such orders and issue such instructions consistent with the provisions of this code as he or she may deem necessary for the effective administration of the election.
- 54.** The Chief Electoral Officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in this code.

Voters List

- 55.** At least 80 days before the day on which an election is to be held, the Membership Clerk shall prepare a voters list containing the names of all of the electors who have attained the age of 18 years on the date on which the election is to be held in alphabetical order, along with their band number, date of birth, and address, and give the list to the Chief Electoral Officer.
- 56.** At least 80 days before the day on which an election is to be held, the Membership shall

also prepare a public voter's list containing only the names of the electors in alphabetical order and shall give the list to the Chief Electoral Officer.

57. Electors are responsible for providing the Membership Clerk with their current addresses.
58. An elector's address and personal information shall be used by the Chief Electoral Officer only for the purpose of providing notices or other election documents to electors who are entitled to receive them under this code.
59. Except for the purposes noted in section 57, the Chief Electoral Officer shall not disclose an elector's address without the consent of the elector.
60. The Chief Electoral Officer shall post a copy of the public voters list containing only the names of the voters in a public area of the band administration building and in such other conspicuous places on the reserve as may be determined by the Chief Electoral Officer, no later than 50 days prior to the date on which the election is to be held.
61. On request, the Chief Electoral Officer or Assistant to the Electoral Officer shall confirm whether the name of a person is on the voters list.
62. The Chief Electoral Officer shall revise the voters list upon presentation of documentary evidence at least fourteen days prior to the election which demonstrates that:
 - (a) the name of an elector has been omitted from the voters list;
 - (b) the name of an elector is incorrectly set out on the voters list; or
 - (c) the name of a person not qualified to vote is included on the voters list.
63. After consideration of all information and representations relating to amendments of the voters list, the Chief Electoral Officer shall add or delete names from the voters list based on whether persons qualify as electors.
64. The decision of the Chief Electoral Officer under section 63 is final and is not subject to appeal.

Appointment of Assistant to the Electoral Officer

65. One or more Assistants to the Electoral Officer may be appointed by the Director of Operations and authorized by the Electoral Officer to carry out any duties relevant to the election.
66. The Assistant to the Electoral Officer may be a band member, but may not be a candidate and may not vote in the election.
67. The Assistant to the Electoral Officer shall have such powers as delegated to the Assistant to the Electoral Officer by the Chief Electoral Officer.
68. The Assistant to the Electoral Officer shall swear an oath of office as set out in Appendix B.

PART 8 - THE NOMINATION PROCESS

Notice of Nomination Meeting

- 69.** The Chief Electoral Officer shall, at least 30 days before the date on which the nomination meeting is to be held, post a notice of nomination meeting in at least one conspicuous place on Neskonlith 2 reserve, and any social media sites as approved by council.
- 70.** The Chief Electoral Officer shall, at least 30 days before the date on which the nomination meeting is to be held, mail a notice of the nomination meeting and election to every elector who does not ordinarily reside on the reserve in respect of whom the Chief Electoral Officer has been provided with an address.
- 71.** A notice of a nomination meeting shall include:
- (a) the date, time, duration and location of the nomination meeting;
 - (b) the date on which the election will be held and the location of each polling place;
 - (c) the name and phone number of the Chief Electoral Officer;
 - (d) a description of the manner in which an elector can nominate a candidate, or second the nomination of a candidate;
 - (e) a description of eligibility requirements for nomination, including for the nomination of the Salmon Arm candidate; and
 - (f) a description of the requirements to accept a nomination.
- 72.** The Chief Electoral Officer shall record the names of the electors to whom a notice of the nomination meeting was mailed, the addresses of those electors, and the date on which the notices were mailed.

Eligibility to Nominate

- 73.** In order to be entitled to nominate a candidate at an election, an elector shall, on the day of the nomination meeting:
- (a) be physically present at the nomination meeting;
 - (b) be at least 18 years of age; and
 - (c) be included on the voters list.
- 74.** Any elector may propose or second the nomination of any qualified person to serve as the chief or councillor verbally at the nomination meeting.

Nomination Meeting

- 75.** The nomination meeting shall be held at least 50 days prior to the date on which the election is to be held.
- 76.** At the time and place set for the nomination meeting, the Chief Electoral Officer shall

declare the nomination meeting open for the purpose of receiving the nomination of candidates for the available chief and council positions.

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

Duration

78. The nomination meeting shall remain open for two hours.

Maintaining Order and Security

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

Nomination Procedure

80. The Chief Electoral Officer shall record the name of the candidate and whether they have been nominated for chief or council or as the Salmon Arm candidate, and shall record the nominator and the seconder.

81. A candidate shall be nominated by an eligible voter and seconded by an eligible voter.

82. Any elector may nominate no more than one eligible person for chief and one eligible person for a council position.

83. At the end of the nomination meeting, the Chief Electoral Officer shall:

(a) if the number of eligible persons nominated to serve as chief or councillors does not exceed the number to be elected, subject to confirmation of eligibility and execution of oath of office, declare those persons to be elected; and

(b) where more than the required number of persons are nominated for election as chief or councillors, announce that an election will be held.

84. Within 48 hours of the nomination meeting, the Chief Electoral Officer shall post in at least two conspicuous places on the reserve a list of nominees, their nominators and seconders.

PART 9 – CANDIDACY

85. Only electors who meet the requirements of a candidate as set out in this code may be nominated as a candidate.

86. The Director of Operations shall provide a debtor's list setting out the members of the band over the age of 18 who have an outstanding debt which is in arrears to the band or its related bodies to the Electoral Officer at least one day prior to the nomination meeting.

87. Chief Electoral Officer shall verify that a nominee is not listed on the debtor's list and shall not permit the nominee to execute the confirmation of eligibility under section 89 if they are on the list.
88. No person shall accept candidacy in an election if that person is not eligible to be a candidate in accordance with this code.
89. A nominee shall sign a confirmation of eligibility to be nominated, in person and in the form of Appendix C, prior to the close of the nomination meeting or their nomination will be declared invalid by the Chief Electoral Officer.
90. A nominee shall pay a \$200.00 fee in cash or by way of certified cheque made out to the Neskonlith Indian Band within 24 hours of being nominated or their nomination will be declared invalid by the Chief Electoral Officer.
91. The nomination fee in section 90 will be retained by the Neskonlith Indian Band and will be returned to the candidate if they do not withdraw prior to the close of the election polls.
92. Subject to section 94, if the candidate withdraws prior to the close of the election polls the nomination fee will not be returned.

Withdrawal

93. A candidate may withdraw his or her candidacy within 72 hours of the date on which the nomination meeting was held by submitting a witnessed and signed written withdrawal of nomination to the Chief Electoral Officer.
94. A candidate who dies before the close of the polls shall be considered to have withdrawn his or her candidacy and the nomination fee will be returned to the candidate's estate.

PART 10 - PRE-ELECTION PROCEDURE

Acclamation

95. Where the offices are filled by acclamation:
 - (a) the Chief Electoral Officer shall post in at least one conspicuous place on Neskonlith 2 reserve and Switsemalph 3 reserve a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held; and
 - (b) sections 96 through 117 shall not apply.

Ballots

96. The Chief Electoral Officer shall prepare ballot papers setting out the names of the candidates nominated for the position of chief, for the position of council or the position of the Salmon Arm candidate in the election, in alphabetical order by surname.

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

Notice of the Election

98. A general election shall be held in January on the fourth Thursday of the month.
99. The Chief Electoral Officer shall, within seven days after the day on which the nomination meeting was held, post a notice of election in at least one conspicuous place on the Neskonlith 2 reserve and Switsemalph 3 reserve and on social media sites as approved by council.
100. The notice shall include:
- (a) the date of the election;
 - (b) the times at which the polling station(s) will open and close;
 - (c) the location of the polling stations;
 - (d) the time and location of the counting of the votes; and
 - (e) a statement that the public voters list is posted and its location.

Mail-in Ballots

101. The chief electoral officer shall, at least forty days prior to the date on which the election is to be held, mail to every elector who is not ordinarily resident on the reserve and to every elector whose application to vote by mail-in ballot has been received, a mail-in ballot package consisting of:
- (a) a ballot initialled on the back by the chief electoral officer;
 - (b) an inner postage-paid return envelope, pre-addressed to the chief electoral officer;
 - (c) a second inner envelope marked "ballot" for insertion of the completed ballot;
 - (d) an voter declaration form which shall set out:
 - i) the name of the elector;
 - ii) the membership number and date of birth of the elector; and
 - iii) the name, address and telephone number of the witness to the signature of the elector;
 - (e) the notice of election set out in section 98; and
 - (f) a letter of instruction regarding voting by mail-in ballot which shall also include:
 - i) a statement advising electors that they may vote in person at any polling station on the day of the election if they return their mail-in ballot to the chief electoral officer at the polling station or swear a written declaration before the chief electoral officer,

a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot; and

ii) a list of the names of any candidates who were acclaimed.

- 102.** An elector who is ordinarily resident on the reserve and who is unable to vote in person on election day may, at least twenty days prior to the date on which the election is to be held, request a mail-in ballot package from the chief electoral officer.
- 103.** An elector not residing on the reserve who has not received a mail-in ballot package may, not later than twenty days prior to the date on which the election is to be held, request a mail-in ballot package from the chief electoral officer.
- 104.** Upon receipt of a request for a mail-in ballot package under section 102 or 103, the chief electoral officer shall mail or deliver a mail-in ballot package described in section 101 to the elector whose name appears on the application.
- 105.** The chief electoral officer shall indicate on the voters list that a ballot has been provided to each elector to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each mail-in ballot was mailed or otherwise provided.
- 106.** An elector shall vote by mail-in ballot by:
- (a) placing an "X" or other mark that clearly indicates the elector's choice but does not identify the elector opposite the name of the candidate or candidates for whom he or she desires to vote;
 - (b) folding the ballot in a manner that conceals the names of the candidates or any marks, but exposes the chief electoral officer's initials on the back;
 - (c) placing the ballot in the inner envelope and sealing the envelope;
 - (d) completing and signing the voter declaration form in the presence of a witness who is at least nineteen years of age;
 - (e) placing the inner envelope and the completed, signed and witnessed voter declaration form in the postage-paid envelope; and
 - (f) delivering, mailing or otherwise ensuring receipt by the chief electoral officer of the envelope before the close of polls on the day of the election.
- 107.** Where an elector is unable to vote in the manner set out in section 106, the elector may enlist the assistance of a witness to mark the ballot and complete and sign the voter declaration form in accordance with that section.
- 108.** A witness referred to in section 107 shall attest to:
- (a) the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; or
 - (b) the fact that the elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the elector.

109. Mail-in ballots that are not received by the chief electoral officer before the close of polls on the day of the election shall not be counted.

Equipment for the Election

110. The Chief Electoral Officer shall, before the polling stations are open, supply each polling station with:

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

Polling Stations

111. The Chief Electoral Officer will establish at least one polling station on the Neskonlith 2 reserve and one polling station on the Switsemalph 3 reserve.

112. The Chief Electoral Officer shall provide a voting compartment in the polling station where electors can mark their ballots free from observation.

PART 11 - ELECTION DAY

Candidate's Scrutineer

113. A candidate shall be entitled to not more than two scrutineers in a polling station at any one time.

114. A candidate's scrutineer shall present a letter of authorization to the Chief Electoral Officer or the Assistant to the Electoral Officer, signed by the candidate, in order to be permitted to remain in the polling station.

Polling Hours

115. The polling station at Switsemalph 3 reserve shall be open from 8 a.m. until 7 p.m. local time on the day of the election.

116. The polling station at Neskonlith 2 reserve shall be open from 8 a.m. until 8 p.m. local time on the day of the election.

Verification of the Ballot Box

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

Secrecy and Security

- 118.** Voting shall be by secret ballot.
- 119.** No elector may vote by proxy or authorize another person to vote on his or her behalf.
- 120.** The Chief Electoral Officer or Assistant to the Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.
- 121.** No person shall, on the day the election is held, on the premises of the polling station which includes the parking lot area:
- (a) distribute any election-related printed materials except such materials as may be distributed by the Chief Electoral Officer or Assistant to the Electoral Officer for the purpose of conducting the election;
 - (b) attempt to interfere with or influence any elector in marking his or her ballot; or
 - (c) attempt to obtain information as to how an elector is about to vote or has voted.

Voting Procedure

- 122.** Each person, on arriving at the polling station, shall give his or her name to the Chief Electoral Officer or Assistant to the Electoral Officer and shall show government-issued identification.
- 123.** The Chief Electoral Officer or Assistant to the Electoral Officer shall, if the person's name is set out in the voters list, place his or her initials on the ballot and provide them to the elector.
- 124.** The Chief Electoral Officer or Assistant to the Electoral Officer shall cause to be placed in the proper column of the voters list a mark opposite the name of every person receiving a ballot paper.
- 125.** The Chief Electoral Officer or Assistant to the Electoral Officer shall, when requested to do so, explain the method of voting to the elector.
- 126.** An elector to whom a mail-in ballot was mailed or provided under section 101, 102, or 103

may obtain a ballot and vote in person at a polling place if:

- (a) the elector returns the mail-in ballot to the chief electoral officer or Assistant to the Electoral Officer; or
- (b) where the elector has lost the mail-in ballot, the elector provides the chief electoral officer or Assistant to the Electoral Officer with a written affirmation that the elector has lost the mail-in ballot, signed by the elector in the presence of the chief electoral officer, Assistant to the Electoral Officer, a justice of the peace, a notary public or a commissioner for oaths.

127. After receiving a ballot, an elector shall:

- (a) immediately proceed to the compartment provided for marking ballots;
- (b) mark the ballot by placing an "X" that clearly indicates the elector's choice but does not identify the elector opposite the name of the candidate or candidates for whom he or she desires to vote;
- (c) fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the Chief Electoral Officer's initials; and
- (d) deliver the ballot to the Chief Electoral Officer or Assistant to the Electoral Officer.

128. On receipt of a completed ballot, the Chief Electoral Officer or Assistant to the Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and the elector shall deposit it in the ballot box in the presence of the elector and any other persons entitled to be present at the polling station.

129. While an elector is in the compartment for the purpose of marking his or her ballot paper, no other person shall, except as provided in section 130, be allowed in the same compartment or be in any position from which he or she can see the manner in which the elector marks his or her ballot paper.

Voting Irregularities

130. At the request of any elector who is unable to vote in the manner set out in the voting procedures, the Chief Electoral Officer or Assistant to the Electoral Officer shall assist that elector by marking his or her ballot in the manner directed by the elector in the presence of another individual selected by the elector as a witness and shall place the ballot in the ballot box.

131. The Chief Electoral Officer or Assistant to the Electoral Officer shall note on the voters list opposite the name of an elector requiring assistance the fact that the ballot paper was marked by him or her at the request of the elector and the reasons therefore.

132. Any person who, after receiving a ballot, refuses to vote, shall forfeit his or her right to vote at the election, and the Chief Electoral Officer or Assistant to the Electoral Officer shall make an entry in the voters list in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote.

Closing of the Polling Station

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

PART 12 - COUNTING OF THE VOTES

Opening Mail-in Ballots

- 134.** The chief electoral officer shall record the date a mail-in ballot is received and shall, as soon as practicable, deposit the mail-in ballots unopened in a secure and locked location in the Band administration office or the chief electoral officer's offices until the day of the election.
- 135.** At the time published in the notice prepared under section 101 for the counting of the votes, the chief electoral officer or Assistant to the Electoral Officer shall, in the presence of any candidates or their agents who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot,
- (a) reject the ballot if:
 - (b) it was not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed,
 - (c) the voter declaration form does not contain a date of birth or a Band number that matches the information contained for that elector on the voters list;
 - (d) the name of the elector set out in the voter declaration form is not on the voters list; or
 - (e) the voters list shows that the elector has already voted.
 - (f) in any other case, place a mark on the voters list opposite the name of the elector set out in the voter declaration form, and deposit the ballot in a ballot box.

Counting the Ballots

- 136.** All ballots cast at the Switsemalph 3 polling station shall be transported to the Neskonlith 2 polling station and deposited in the Neskonlith 2 ballot box before any ballots may be counted.
- 137.** The chief electoral officer or Assistant to the Electoral Officer shall supply other Assistant to the Electoral Officers and all persons present and who so request with a tally sheet to keep their own tally of the votes.
- 138.** Immediately after the mail-in ballots and Switsemalph 3 ballots have been deposited in the ballot box, the chief electoral officer or Assistant to the Electoral Officer shall, in the presence of any electors, candidates or their agents who are present, open all ballot boxes and examine each ballot.
- 139.** The Chief Electoral Officer or Assistant to the Electoral Officer shall call out the names of

the candidates for whom the votes were cast on all valid ballots.

140. An Assistant to the Electoral Officer shall verify the name marked on the ballot and mark a tally sheet in accordance with the names being called out under section 139 for the purpose of arriving at the total number of votes cast for each candidate.
141. In the event that an elector raises an objection to the tally immediately after the ballots are counted, the votes shall be recounted by the Chief Electoral Officer and verified by the Assistant to the Electoral Officer.

Ballots Not Counted

142. In examining the ballots, the Chief Electoral Officer or Assistant to the Electoral Officer shall reject any ballots that:
 - (a) do not contain the initials of the Chief Electoral Officer or Assistant to the Electoral Officer;
 - (b) do not give a clear indication of the elector's intention;
 - (c) contain more votes than there are candidates to be elected; or
 - (d) contain a mark by which the voter can be identified.
143. The Chief Electoral Officer or Assistant to the Electoral Officer shall attach a note to each ballot rejected which outlines the reason for rejection.
144. Subject to review on recount or on an election appeal, the Chief Electoral Officer or Assistant to the Electoral Officer shall take a note of any objections made by any candidate or his or her agent to any of the ballots found in the ballot box and decide any questions arising out of the objection.
145. The Chief Electoral Officer or Assistant to the Electoral Officer shall number objections to ballots raised pursuant to section 144 and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with his or her initials.

Tie

146. If it is not possible to determine the successful candidate(s) due to an equal number of votes being cast (i.e., tie vote), the Chief Electoral Officer shall immediately conduct a recount.
147. If the recount results in a second tie and fails to determine a successful candidate, the Chief Electoral Officer shall cast ballots in order to break the tie. The Chief Electoral Officer shall place the names of the candidates having the same number of votes on an unused ballot and place each in a receptacle. Without looking, he or she shall draw as many papers as there are positions available. The candidate(s) whose name(s) appear on the pieces of paper the Chief Electoral Officer has drawn from the receptacle shall constitute the candidate(s) for whom the Chief Electoral Officer shall cast a vote.

PART 13 - POST-ELECTION PROCEDURES

Announcement

- 148.** After completing the counting of the votes and establishing the successful candidates, the Chief Electoral Officer shall declare to be elected the candidate or candidates having the highest number of votes.
- 149.** Following the declaration of elected candidates made pursuant to section 148 the Chief Electoral Officer shall complete and sign an election report which shall contain:
- (a) the names of all candidates;
 - (b) the number of ballots cast for each; and
 - (c) the number of rejected ballots.
- 150.** Within four days after completion of the counting of the votes, the Chief Electoral Officer shall:
- (a) sign and post, in at least one conspicuous places on the Neskonlith 2 reserve and Switsemalph 3 reserve, the election report prepared in accordance with section 149;
 - (b) forward a copy of the election report to the Director of Operations, and
 - (c) forward a copy of the election report to Aboriginal Affairs and Northern Development Canada.

Retention of Ballots and Other Election Material

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

Chief and Councillor Oath of Office

- 153.** A candidate who has been elected chief or councillor shall swear an oath of office with a commissioner of oaths the day following the election, or as soon as practicable after a by-election in form provided in Appendix C.
- 154.** No person elected as chief or councillor shall be permitted to assume office until they have sworn and filed with the Director of Operations the oath of office required under section 153.
- 155.** If a person elected as chief or councillor fails to file the sworn oath of office with the Chief

Electoral Officer within 30 days of being elected, the Chief Electoral Officer shall declare the office vacant and shall declare to be elected the candidate with the next highest number of votes who accepts the position.

- 156.** The Chief Electoral Officer shall give notice in writing to the elected candidate whose office is declared vacant under section 155, and to the elected chief and council.

PART 14 - COMPLAINTS ADJUDICATOR

- 157.** If a Complaints Adjudicator has not been appointed, then at least fifty (50) days before the date on which the election is to be held, the council shall select a Complaints Adjudicator as soon as practicable in accordance with section 158.
- 158.** The Complaints Adjudicator shall be an individual who is a practising member of the British Columbia legal profession (a lawyer or a judge) who has not previously acted for the band except as a Complaints Adjudicator.
- 159.** The term of office for the Complaints Adjudicator shall be from their appointment under section 157, until resignation or removal by a quorum of council.
- 160.** The Complaints Adjudicator shall execute an oath of office to:
- (a) abide by the rules and regulations established in this code;
 - (b) remain neutral and professional in the conduct of the duties of his or her office, and refrain from providing any preferential treatment;
 - (c) not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment;
 - (d) not discriminate against anyone because of race, religion, sex, age or handicap; and,
 - (e) avoid conflicts of interest, or the appearance of conflicts of interest, by withdrawing from the Complaints and Appeal Adjudicator if the member has a personal or private interest in the matter at issue.
- 161.** The Complaints Adjudicator shall accept his or her appointment by forwarding a letter of acceptance to the council or the Director of Operations.

Functions

- 162.** The Complaints and Appeal Adjudicator shall supervise and administer, in accordance with the provisions of this code:
- (a) all election appeals; and
 - (b) all removals of a council member from office.

PART 15 - APPEAL MECHANISM

Timing

- 163.** A candidate or an elector may, within ten days from the date on which the election was held, submit an election appeal in writing to the Director of Operations.

Grounds for Appeals

- 164.** An election appeal submitted pursuant to section 163 shall sufficiently outline one or more of the following:
- (a) that the person declared elected was not qualified to be a candidate;
 - (b) that there was a violation of this code that might have affected the result of the election; or
 - (c) that there was corrupt or fraudulent practice in relation to the election.

Submission

- 165.** An election appeal shall be in writing, signed, include the facts substantiating the grounds for the appeal, and be accompanied by any supporting documentation and include a \$500.00 deposit in cash or by certified cheque payable the Neskonlith Indian band and provided to the Director of Operations.

Procedure

- 166.** Upon receipt of an election appeal, the Director of Operations will forward the appeal to the Complaints Adjudicator who shall:
- (a) in the case where the appeal is submitted in accordance with section 165, forward a copy together with supporting documents by hand or by registered mail to the Chief Electoral Officer and to each candidate at the election; or
 - (b) in the case where the election appeal is not submitted in accordance with section 165, inform the appellant(s) in writing that the appeal will not receive further consideration.

Response to the Allegations

- 167.** Any candidate or the Chief Electoral Officer may, within fourteen days of the receipt of the appeal(s), forward to the Complaints Adjudicator by hand or by registered mail a written response to the election appeal allegations, together with any supporting documentation.

Investigation

- 168.** The Complaints Adjudicator may, if the material that has been filed is not adequate for deciding the validity of the election complained of, conduct such further investigation into the matter as the Complaints Adjudicator deems necessary.

Decision

- 169.** After a review of all of the evidence that it has received, the Complaints Adjudicator shall rule:
- (a) that the evidence presented was not sufficiently substantive to determine that:
 - i) a violation of this code has taken place that might have affected the result of the election;
 - ii) the person declared elected was not qualified to be a candidate; or
 - iii) there was a corrupt or fraudulent practice in relation to the election that might have affected its results,and dismiss the appeal in which case the \$500.00 deposit submitted by the appellant shall be retained by the band; or
 - (b) that all evidence and information gathered allows for the reasonable conclusion that:
 - i) a violation of this code has taken place that might have affected the result of the election;
 - ii) the person declared elected was not qualified to be a candidate; or
 - iii) there was a corrupt or fraudulent practice in relation to the election that might have affected its results,and uphold the appeal by setting aside the election of one or more council members, in which case the \$500.00 deposit submitted by the appellant shall be returned to the appellant.
- 170.** The decision of the Complaints and Appeal Adjudicator made pursuant to section 169 shall be posted in at least one conspicuous place on the Neskonlith 2 reserve and Switsemalph 3 reserve.
- 171.** The decision of the Complaints and Appeal Adjudicator is final and not subject to appeal.

PART 16 – AMENDMENTS

- 172.** Minor amendments to correct errors or omissions in this code may be made by a quorum of Council.
- 173.** No substantive amendments may be made to this code within six months of an election.
- 174.** Substantive amendments may be initiated by:
- (a) the signature of at least 10% of all eligible electors of the band in support of the petition; or,
 - (b) a band council resolution.
- 175.** Upon receipt of an amendment proposal in accordance with section 174 council shall prepare a notice that sets out:

- (a) a summary of the proposed amendments to this code;
 - (b) a statement that the full copy of the proposed amendments can be obtained at the band administration office; and
 - (c) a description of the amendment process.
- 176.** The notice provided for in section 175 shall be posted in at least one conspicuous places on Neskonlith 2 reserve and Switsemalph 3 reserve.
- 177.** Electors may, within 30 days of publication of the notice outlined in section 175, provide comments concerning the proposed amendments in writing to council.
- 178.** Following receipt of comments concerning the proposed amendments pursuant to section 177 the council shall review the comments and make such changes to the proposed amendments as they deem necessary in order to arrive at a final amendment proposal.
- 179.** At least 42 days prior to a vote on the final amendment proposal, the Director of Operations shall mail-out a ballot to all electors and maintain a record of the names and addresses of those sent a mail-out ballot and the date they were mailed.
- 180.** The council shall present the final amendment proposal to be voted upon at a community meeting at a date and time set by the Director of Operations.
- 181.** A quorum for a community meeting to vote on an amendment to this code shall be a minimum of fifty electors voting by way of a combination of in-person and mail-in ballots.
- 182.** Should the majority of members attending the community meeting or voting by mail-in ballot vote in favour of the proposed amendments, council shall by resolution amend the code accordingly.

APPENDIX A
NESKONLITH COUNCIL CODE OF CONDUCT

- 1.** As a band councillor of the Neskonlith Indian band, I hereby agree to become familiar with the band laws and policies. I agree to fulfill my delegated duties to the best of my abilities, and abide by the policies of the band. I hereby also agree to abide by the following Code of Conduct.
- 2.** I will carry out the duties of my position conscientiously, loyally, and honestly, remembering that my primary work task is to serve the band and members.
- 3.** In my actions and words, I will promote and uphold the integrity and dignity of the Neskonlith band and its policies, programs, government and staff.
- 4.** I will not give out official or confidential information acquired on the job unless the release of such information has been authorized by the council.
- 5.** I will use information obtained while carrying out my delegated duties for the intended purpose only and not for my own personal gain or interests.
- 6.** If my private interests constitute an actual or perceived conflict of interest, I will declare this to the council and Director of Operations who will direct and advise in which manner this may be addressed.
- 7.** I will be prompt, courteous, and temperate in the performance of my duties and responsibilities.
- 8.** I will find ways of doing my work more efficiently, effectively, and economically.
- 9.** I will maintain a positive attitude in dealing with band employees, band members, general public and council.
- 10.** Within my areas of responsibility, I will recommend changes of policy, priorities, or procedures, when I believe that such changes would help to meet the objectives of the Neskonlith Indian band.
- 11.** I will conduct myself in a manner that will bring credit to me and the Neskonlith band.
- 12.** I will show respect for the authority and jurisdictional structures of the council and administration.
- 13.** I will continually work towards self-improvement and professional development, through self-evaluation, and availing myself of available literature, upgrading and training, when opportunities arise.
- 14.** I will attend all meetings, workshops, conferences in their entirety, assigned to me as an official delegate of the band, and will formally report back to the band council and membership as required.

- 15. I will be courteous and polite towards other staff members and the general public.
- 16. I will not hold paid employment while on Council.
- 17. I will use equipment, property, or supplies which are owned or rented by the band for authorized purposes only, will use such equipment with care, and will report any maintenance required to an appropriate staff member.
- 18. I will refuse fees, gifts, or other tangibles offered to me in reward for duties performed by virtue of my position except in compliance with the Conflict of Interest Regulation attached as an Appendix to the Financial Administration Law.
- 19. As a councillor, I will not criticize other councillors, band employees or the policies of the band Council or individual departments. If I feel changes would be advisable, I will provide constructive suggestions and/or recommendations through proper procedures and seek to make the workplace as harmonious as possible.
- 20. I will attempt to communicate openly with other councillors, and seek to settle any internal differences in a respectful cooperative and constructive manner.
- 21. I will uphold community expectations of leadership in maintaining personal wellness.

Read, understood and acknowledged:

(Signature of Chief/Councillor)

(For the Neskonlith Indian band)

Dated this _____ day of _____, 20__.

**APPENDIX B
CHIEF ELECTORAL OFFICER/ ASSISTANT TO THE ELECTORAL OFFICER OATH**

As the Chief Electoral Officer/ Assistant to the Electoral Officer for the Neskonlith Indian band, I hereby agree to fulfill my duties to the best of my abilities and agree that I will:

1. Uphold and abide by the rules and regulations established in the Custom Election Code and pursuant to the Code of Ethics;
2. remain neutral and professional in the conduct of the duties of my office, and refrain from providing any preferential treatment or expressing support for or opposition to any candidate;
3. not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information;
4. not discriminate against anyone because of race, religion, sex, age or handicap;
5. use public office facilities to fulfill the terms of my office, and not for personal or partisan benefit;
6. not pressure or intimidate other officials or personnel to favour a certain candidate; and
7. avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where the I have a personal or private interest in the matter at issue.

Read, understood and acknowledged:

(Signature of Chief Electoral Officer)

(For the Neskonlith Indian band)

Dated this _____ day of _____, 20____.

**APPENDIX C
OATH OF NOMINATED PERSONS**

DECLARATION:

Sworn before a Notary Public or a duly appointed Commissioner for taking oaths.

I, _____(print name) have been nominated for Council. I do solemnly swear (or affirm) that:

1. I am a member of the Neskonlith Band.
2. I am, or will be, at least 18 years old on the day of the election.
3. I do not owe any overdue monies to the band or its related bodies which have not been discharged.
4. I have no contract or interest in any contract with the Band, directly or indirectly, from which I receive or could receive financial gain.

OR

I have a contract or interest in a contract with the Band from which I receive or could receive financial gain and I have duly declared this interest to the Electoral Officer or will declare this interest within five (5) working days of having been nominated.

5. I live within 50 kilometers of the reserve.

OR

I have declared that I am running as the Salmon Arm candidate and I am ordinarily resident on the Switsemalph 3 reserve.

6. I have not been convicted of an indictable offence, or an offence relating to family violence or I have been convicted of an indictable offense or offence relating to family violence but have demonstrated to the satisfaction of Council that I have been rehabilitated.
7. I have not been convicted of a sexual assault or child molestation offence.
8. I have not been declared mentally incompetent under the Indian Act or any federal or provincial law within the last five years.
9. I will provide a resume within 48 hours of accepting nomination, which may be made available for viewing by any elector at the Neskonlith band office until the day of the election, and which demonstrates a combination of education and/or experience required to hold a council sector on a full-time basis.

- 10. I agree to resign from any employment, self-employment, including employment with the band or a related body upon being sworn in to office.
- 11. Upon being sworn into office, I will be available full-time to serve as council member from Monday to Friday during band working hours and such other times as may be required.
- 12. I agree that I will authorize the Band to perform a criminal record check if I am elected.
- 13. I have not previously been removed from office or employment with the band due to a contravention of the Neskonalith Indian Band Financial Administration Law;
- 14. I have never been terminated for just cause related to theft or fraud from the band or its related bodies.

_____(signature of nominee) at
_____, this _____ day of _____, 20_____.

Signature of Commissioner for taking oaths or Notary Public of British Columbia.

**APPENDIX D
NOTICE OF NOMINATION OF CANDIDATES**

Notice is hereby given that a meeting of the Electors of the Neskonlith Indian Band will be held at _____ on _____, the _____ day of _____, 20____, from _____ o'clock until _____ o'clock of the same day for the purpose of nominating candidates for election to the Council of the Neskonlith Indian Band.

A copy of the Voter's List is posted in the following places:

1. _____
2. _____
3. _____

All candidates must acknowledge, either in writing or orally to the Electoral Officer at the nomination meeting that they are willing to run for office. If no such acknowledgement can be obtained, the nomination shall not stand.

It is the personal responsibility of each Elector to ensure that the Band's Membership Clerk has their current and correct mailing address. The Membership Clerk must be informed in writing of any address changes or errors in its records.

Given under my hand at _____, this _____ day of _____, 20____.

Electoral Officer

Address

Telephone number

Fax number

**APPENDIX E
VOTER DECLARATION TO ACCOMPANY
MAIL-IN BALLOTS**

I, _____(print name), swear or affirm that:

1. I am a member of the Neskonlith Indian Band,
2. I will be 18 years of age or older on the upcoming election day,
3. I know of no reason why I am ineligible to vote for a candidate for Chief and for Council.

Sworn on the _____day of _____, 20____, in
_____(name of town or city and province).

Signature of Elector

Signature of witness

Name of witness

**APPENDIX F
NOTICE OF POLL**

Notice is hereby given to the Electors of the Neskonlith Indian Band that a poll will be held for the election of Chief and five Councillor positions. One of the five Councillor positions is reserved for a member who is representative in Salmon Arm and ordinarily resident on Switsemalph 3 reserve.

The poll will be open on the _____ day of _____, 20____, from the hour of 8 o'clock in the morning until 8 o'clock in the evening at _____ and _____

A copy of the Voter's List is posted in the following places:

1. _____
2. _____
3. _____

I will attend at Neskonlith 2 on the _____ day of _____, 20____ immediately after the close of the poll to count the votes and declare the result of the election.

Ballots will be mailed to all Electors who live off-Reserve. It is the personal responsibility of each Elector to ensure that the Band's Membership Clerk has their current and correct mailing address and is informed in writing of any address changes, or errors in its records.

Electors can vote only once, either in person at one of the on-Reserve polls or through a mail-in ballot.

Given under my hand at _____, this _____ day of _____, 20____.

Electoral Officer

Address

Telephone number

Fax number

**APPENDIX G
BALLOT**

CHOICE(S) TO BE MARKED "X" OR BY CHECK MARK "✓".

Election of Council for the Neskonlith Indian Band this _____ day of _____, 20____.

FOR CHIEF

One to be Elected. Mark Only One

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

FOR COUNCILLOR

Four to be elected

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

FOR SALMON ARM REPRESENTATIVE COUNCILLOR

One to be elected. Must be ordinarily resident on Switsemalph 3 reserve.

1. _____
2. _____
3. _____
4. _____
5. _____

**APPENDIX H
WITNESS STATEMENT**

I do solemnly declare that, prior to the sealing of the ballot box for the 20____ election of Neskonalith Band Councillor(s), I inspected the ballot box and am satisfied that it was completely empty.

Witness (print name): _____

Signature: _____

Date: _____

**APPENDIX I
OATH OF ENTITLEMENT TO VOTE**

To be administered by the Electoral Officer or Assistant to the Electoral Officer when an Elector asks to be added to the Voters List.

Do you swear (or solemnly affirm):

1. That you are a member of the Neskonlith Indian Band;
2. That you are of the full age of eighteen (18) years;
3. That you are legally entitled to vote at this election; and
4. That you have not voted before in this election;

I do: _____

Electoral Officer/ Assistant to the Electoral Officer (circle which applies)

Signature Of Elector

Name of Elector (Printed)

Address of Elector

Telephone Number of Elector

**APPENDIX J
ELECTORAL OFFICER STATEMENT**

1. Election for Council positions: _____

2. Total number of votes cast: _____

3. Total votes cast for:

(Number	of	(Candidate)
(Number	of	(Candidate)
(Number	of	(Candidate)
(Number	of	(Candidate)
(Number	of	(Candidate)

5. Total number of ballots rejected and/or cancelled: _____

6. Name(s) of candidate(s) elected and ranked in order of votes received:

**APPENDIX K
DECLARATION OF DESTRUCTION OF BALLOTS**

1. Date of election: _____

2. Position to be filled: Chief and Councillor(s).

3. Names of candidates elected:

I, _____, was present when Electoral Officer _____, destroyed all ballots cast in the above noted election, and that this event took place at retained for 45 days from the date on which the election was held or until a decision on an election appeal was rendered, whichever date was later.

Name

Date

Signature

**APPENDIX L
OATH OF CHIEF AND COUNCILLORS**

DECLARATION:

Sworn before the Neskonlith Indian Band Electoral Officer, a Notary Public or a duly appointed Commissioner for taking oaths.

I, do solemnly swear (or affirm) that:

1. I am a Neskonlith Band Member possessing in law the qualifications for holding office.
2. I will faithfully perform the duties of my office in a fair and equitable manner and in the best interests of all Band Members.
3. I will at all time during my term of office comply with the Neskonlith Indian Band Chief & Council Governance Policy, Council Code of Ethics, Code of Conduct and Accountability Policy and all Neskonlith laws and policies.

Sworn on the _____ day of _____, 20____, in
_____(name of town or city and province).

Signature of Chief or Councillor

Signature of Electoral Officer, or Commissioner for taking oaths,
or Notary Public for British Columbia (circle which applies).