

TI'azt'en Nation
Traditional Leadership Code

(Insert Winning Logo)

Table of Contents

- 1.0 Introduction
- 2.0 Coming Into Force
- 3.0 Definitions
- 4.0 The Council
 - 4.1 Composition and Size
 - 4.2 Meetings
 - 4.3 Order and Proceedings
 - 4.4 Costs of Attending Meetings of Council
 - 4.5 Mode of Election for Chief and Councilors
 - 4.6 Terms of Office
 - 4.7 Election and Term of Chief
 - 4.8 Election and Term of Councilors
 - 4.9 Term of Office for By-Elections and Appeals
 - 4.10 Vacancy
- 5.0 Campaign Code of Ethics
- 6.0 Removal of Council Members from Office
 - 6.1 Procedure
 - 6.2 By-Election
- 7.0 Pre-Nomination Procedure
 - 7.1 Appointment of Chief and Deputy Electoral Officers
 - 7.2 Appointment of Electoral Officer, Scrutineers, and Interpreters
 - 7.3 Oath of Office
 - 7.4 Responsibilities and Ethics
 - 7.5 Dismissal of Chief Electoral Officer
 - 7.6 Voters List
- 8.0 The Nomination Process
 - 8.1 Notice of Nomination Meeting and Mail-In Procedure
 - 8.2 Eligibility to Nominate
 - 8.3 Nomination Meeting
 - 8.4 Duration
 - 8.5 Maintaining Order and Security
 - 8.6 Nomination Procedure
- 9.0 Candidacy
 - 9.1 Candidates for Chief
 - 9.2 Candidates for Resident Councilor
 - 9.3 Candidates for Non-Resident Councilor
 - 9.4 Candidate's Fee
 - 9.2 Withdrawal

- 10.0 Pre-Election Procedure
 - 10.1 Acclamation
 - 10.2 Ballots
 - 10.3 Notice of the Election
 - 10.4 Mail-in Ballots
 - 10.5 Equipment for the Election
 - 10.6 Polling Stations

- 11.0 Election Day
 - 11.1 Chief Electoral Officer
 - 11.2 Candidate's Agent
 - 11.3 Polling Hours
 - 11.4 Verification of the Ballot Box
 - 11.5 Secrecy and Security
 - 11.6 Voting Procedure
 - 11.7 Voting Irregularities
 - 11.8 Closing of the Polling Station

- 12.0 Counting the Votes
 - 12.1 Opening Mail-In Ballots
 - 12.2 Counting the Ballots
 - 12.3 Ballots Not Counted
 - 12.4 Other Polling Stations
 - 12.5 Tie

- 13.0 Post Election Procedures
 - 13.1 Announcement
 - 13.2 Retention of Ballots and other Election Material
 - 13.3 Chief and Councilor Oath of Office

- 14.0 Complaints and Appeal Board
 - 14.1 Composition
 - 14.2 Functions
 - 14.3 Submission
 - 14.4 Authority to Order Costs

- 15.0 Election Appeals
 - 15.1 Timing
 - 15.2 Grounds for Appeals
 - 15.3 Procedure
 - 15.4 Response to the Allegations
 - 15.5 Investigation
 - 15.6 Decision

- 16.0 Amendments

- 17.0 Postponement

1.0 Introduction

1. The Tl'azt'en Nation Traditional Leadership Code, is the document created for the Election Procedures of Tl'azt'en Nation Chief and Council; and includes the involvement and incorporation of:
 - a) Tl'azt'en Nation Chief and Council;
 - b) Election Code Committee members;
 - c) Tl'azt'en Nation communities of Tache, Binche and Dzitl'ainli;
 - d) Dakelh traditional governance practices; and
 - e) The United Nations Declaration on the Rights of Indigenous Peoples

2.0 Coming Into Force

2. This code comes into force upon the:
 - a) Issuance of an order by the Minister of Indian Affairs and Northern Development, which removes Tl'azt'en Nation from the election provisions of the *Indian Act*; and
 - b) The passing of this Code in a Referendum vote to be held in August 2011.

3.0 Definitions

3. In this Code,

"Amendment Vote" means a vote held in accordance with this Code to seek community approval for a specific amendment to be brought to this Code.

"Appellant" means an individual who submits an appeal in accordance with this Code with respect to an election.

"Band" means Tl'azt'en Nation.

"Band Member" means a person whose name appears on the Band Membership list, or who is eligible for Band Membership pursuant to the "**Membership Rules of Tl'azt'en Nation**".

"By-Election" means a special election to fill a position on the Council that has become vacant.

"Campaign Code of Ethics" means guidelines, general rules of behavior and standards established in accordance with section 44 (54) of this Code, which govern the conduct of candidates running for office relating to their participation in the electoral process.

"Candidate" means a registered band member who:

- a) Is at least 21 years of age on the day on which the nomination meeting is held;
- b) Is a registered member of Tl'azt'en Nation; and
- c) A Nominee who has satisfied the requirements for inclusion on the ballot.

"Candidate Acceptance & Declaration Form" means the document, which confirms a

Nominee's acceptance of the nomination and confirms his or her eligibility to run for Council in accordance with this Code.

"Candidate Fee" means a non-refundable fee of \$100.00 dollars paid by the Candidate, payable to Tl'azt'en Nation at the time the Candidate accepts his or her nomination. -OR-

"Candidate Fee" means a non-refundable fee of \$100.00 dollars paid by the Candidate for Councilor, and \$200.00 dollars paid by the Candidate for Chief, payable to Tl'azt'en Nation at the time the Candidate accepts his or her nomination.

"Chief" means the 1 Candidate elected to Council as Chief pursuant to this Code.

"Chief Electoral Officer" means a person, appointed by Band Council Resolution (BCR), before each election; who has the responsibility for conducting the Nomination Meeting, the Election and Post-Election procedures.

"Code" means the leadership selection system set out herein.

"Complaints and Appeal Board" means the body appointed by a Band Council Resolution (BCR) in accordance with section 205 (194) of this code to review and make decisions concerning petitions for removal from office and election appeals.

"Corrupt Practices" means bribery direct or indirect, or providing a financial or material incentive to an elector in exchange for a vote.

"Council" means the governing body elected pursuant to this Code. It shall be comprised of one (1) Chief, seven (7) Resident Councilors and one (1) Non-Resident Councilor, collectively the "Council members".

"Councilor" means the 8 Candidates elected to Council as Councilors pursuant to this Code, (of whom 7 are ordinarily resident On-Reserve and 1 is ordinarily resident Off-Reserve).

"Deputy Chief" means a Councilor chosen by the elected Councilors from amongst themselves.

"Deputy Electoral Officer" means a person appointed by the Electoral Officer for the purposes of an election to assist him in the conduct of the election process.

"Elder" means a band member who is at least 65 years of age.

"Election" means an Election or By-election held pursuant to this Code.

"Electoral Officer" means a person, appointed by the Chief Electoral Officer, before each Election; who has the responsibility for conducting the Voting procedures at a polling station in accordance with this Code.

"Good Financial Standing" means making regular and on-going payments to the Band and its' entities.

"Immediate Family Member" means the grandparents, parents, siblings, spouse, and children of the candidate. (Conflict of Interest)

"Indian Registration Administrator" means the person responsible for maintaining the band members list, and mailing addresses of all members registered on the list.

"Mail-In Ballot" means a ballot mailed or otherwise delivered in accordance with this Code.

"Mail-In Nomination Form" means a nomination form mailed or delivered in accordance with section 2.9, as set out in **Appendix 1**

"Nominee" means an Elector who is nominated and seconded at a (Nomination Meeting) in accordance with this Code.

"Nomination Form" means the document on which Electors unable to attend the (Nomination Meeting) in person may nominate eligible persons.

"Nomination Meeting" means a meeting held in accordance with this Code, for the purpose of nominating eligible persons for an Election.

"Non-Resident Councilor" means a Councilor who has been elected to represent Tl'azt'en Nation members, and are not ordinarily resident in Tache, Binche or Dzitl'ainli.

"Notice of Amendment Vote" means the notice provided in accordance with this Code, which includes information related to an upcoming Amendment Vote.

"Notice of Election" means the notice provided in accordance with this Code, which includes information related to all and upcoming Election procedure.

"Oath" means a solemn affirmation.

"Ordinary Resident" means the one place where an elector where an Elector ordinarily and regularly sleeps except for temporary absences for medical or educational reasons. The words "ordinarily resident " shall be interpreted in accordance with Schedule A.

"Poll" means the casting and recording of votes in accordance with this Code.

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

"Professional Training" means training in the trades, technical, or other vocational studies and Includes apprenticeships and internships.

"Quorum" means the number of councilors required to be present for a duly convened meeting of TN Council to take place, which is **6**.

"Rejected (**Spoilt**) Ballots" means those ballots that have been improperly marked

and/or defaced by elector(s), and not included in the tally of valid ballots cast during the counting of the votes.

"Reserve" means the occupied communities of Tl'azt'en Nation, for the purpose of this Code; and includes Tache, Binche and Dzitl'ainli.

"Resident Councilor" means a councilor who has been elected to represent those members who are ordinarily resident of Tl'azt'en Nation.

"Scrutineer" means a person appointed, in writing, by a Candidate to act as his/her representative at the polling station to observe the voting process and counting procedures during an Election.

"Traditional Knowledge" (Need definition)

"Voter" means an individual who is a registered member of Tl'azten Nation, and is the full age of 18 years on or before the day on which the election is to be held.

"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, if the elector does not have a band membership or registry number, the date of birth of the elector: and c) the name, address and telephone number of a witness to the signature of the elector.

"Voters List" means an alphabetical listing, by surname in chronological order, of Band Members eligible to vote at an Election. The List will include the Chief Electoral Officer's name, address, e-mail, telephone and facsimile numbers.

4.0 The Council

4. The first Election for Council pursuant to this Code shall be called at least **73 days** prior to the expiry of the term of office of the current Council.

4.1 Composition and Size

5. The Council shall consist of one (1) Chief; and eight (8) Councilors: to include four (4) members from Tache, two (2) members from Binche Keyoh, one (1) member from Dzitl'ainli, and one (1) Non-Resident member.

4.2 Meetings

6. The first meeting of the Council shall be held not later than **7 days** after the Election; on a day, hour and place to be stated in a notice given to former and newly Elected members of the Council.
7. At the Swearing-In Ceremony, the elected Chief and all Councilors shall swear and affirm or re-affirm the Oath of Office and sign the Conflict of Interest and Code of Ethics Guidelines. (Attached as Appendices A, B and C, respectively).

8. **Meetings for the newly Elected Council shall be held thereafter, on two (2) consecutive days per month, and at such times as may be determined for the business of the Council; and the well-being of the Nation.**
9. No member of the Council may be absent from meetings of Council for three (3) consecutive meetings without being reasonably excused from attendance by a quorum of the council.
10. The Chief of the Band or a Quorum of the Council may summon a special meeting of the Council upon providing, where practicable, 24 hours notice to members of Council.
11. The Executive Assistant to the Council shall notify each member of the Council of the day, hour and place of each meeting of the Council.

4.3 Order and Proceedings

12. Six (6) Council members shall constitute a Quorum, and two (2) representatives from either: Binche, Dzitlaili or Non-Resident must be present for a **duly convened meeting**.
13. If no Quorum is present within 30 minutes after the time appointed for the meeting, the Executive Assistant shall **record** the names of the members of Council then present; and Council shall stand adjourned until the next meeting.
14. The Chief of the Band shall be the Chairperson at meetings of Council.
15. Upon a quorum being present, the Chairperson shall take the chair and call the meeting to order.
16. In the absence of the Chief, a elected Council member chosen as Deputy Chief shall assume the duties of Chairperson until the Chief's arrival.
17. The Chairperson shall maintain order and decide all questions of procedure.
18. **The order of business at each regular meeting of the Council shall be as follows:**

Day 1:

- a) **Reading, amendments and adoption of Agenda;**
- b) **Reading, amendments and adoption of previous meeting Minutes;**
- e) **Old business;**
- f) **Update from Chief and Councilor's Portfolios**
- g) **Financial Report**

Day 2:

- h) **Manager's Reports**
- i) **Presentations from Visitors, Interest Groups, Band Member and Special committees**
- j) **Adjournment**
19. Each resolution shall be presented or read by the mover, and when duly moved

and seconded and placed before the meeting by the Chairperson, shall be open for consideration.

20. **After a motion has been placed before the Council by the Chairperson, it shall be deemed to be in the possession of the Council, but it may be withdrawn by consent of the quorum of the Council members present.**
21. When any Council member desires to speak, he or she shall address his or her remarks to the Chairperson and confine remarks to the question then before the meeting.
22. **In the event of more than one Council member desiring to speak on the issue, the Chairperson shall create a Speaker's List, to create a point of order.**
23. The Chairperson or any Council member may call a Council member to order while speaking, and the debate shall then be suspended and the Council member shall not speak until the point of order is determined.
24. A Council member may speak only once on a point of order.
25. Any member of the Council may appeal the decision of the Chairperson to the Council and all appeals shall be decided by a majority vote and without debate.
26. All questions before the Council shall be decided by majority vote of the Councilors present.
27. The Chairperson shall not be entitled to vote unless the votes in favor and against the issue are equal, in which case the Chairperson shall cast the deciding vote.
28. Every member present when a question is put forth, shall vote thereon unless the Council excuses him or her or unless he or she is personally interested in the question, in which case he or she shall declare his or her interest, and may excuse themselves or be required to excuse himself or herself by a majority vote of the other Council members.
29. A member of the Council who refuses to vote, and abstains from voting, shall be deemed to vote in the affirmative.
30. Whenever a division of the Council is taken for any purpose, each Council member present and voting shall announce his or her vote upon the question openly and individually to the Council and, when so requested by any member, the Executive Assistant shall record it.
31. Any member of Council may request the question or resolution under discussion to be read for his or her information at any period of the debate, but not so as to interrupt a member who is speaking.
32. The regular meetings of the Council shall be open to members of the Band, and no member shall be excluded from a regular meeting except for improper

conduct.

33. Notwithstanding the previous section, Council may, by motion, adjourn a regular meeting of the Council, and convene an In-Camera meeting of Council where the matter to be discussed is of sufficient sensitivity that confidentiality is required.
34. The Chairperson may expel or exclude from any meeting of Council, any person who causes a disturbance at the meeting.
35. The Council may appoint Special Committees on any matters as the interests of the Band may require.
36. A majority of the members of a committee shall be a quorum.
37. **The Chief of the Band 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 to take part in the discussion but shall not be entitled to vote.**
38. The general duties of Special Committees are:
 - a) To report to the Council from time to time as often as the interests of the band may require, all matters connected with the duties imposed on them and recommend such action by the Council in relation to those duties as they may deem necessary and expedient; and
 - b) To consider, advise and report **to all members**, on all matters referred to them by the Chief and Council of the Band.
39. Special Committee meetings shall be called at the request of the Chairperson or a majority of the committee or, in the absence of the Chairperson, on request by the Chief.
40. The Council may make such rules of procedure as are not inconsistent with this Code in respect of all matters not specifically provided for hereby, as it may deem necessary.

4.4 Costs of Attending Meetings of Council

41. Notwithstanding the provision of honoraria for serving on Council, members of Council are required to **volunteer time on Special Committees and in the community. As necessary, travel, accommodation and meal expenses are covered for by the Department for attending Council portfolio matters outside of their regular Chief and Council meetings, if financially possible.**

4.5 Mode of Election for Chief and Councilors

42. The Chief and Councilors shall be elected by a secret ballot vote, held in accordance with this Code.

4.6 Terms of Office

43. The term of office for the position of Chief and Councilors shall be 4 years.
44. Except with respect to a By-Election held in accordance with **Section 4.9**, the election for Chief and Councilors shall be held on the **first Thursday of June** in the **second** year following the last general election.
45. The term of office for the Chief and Councilors commences when the Chief Electoral Officer declares the results of the Election. Subject to any vacancy arising under this Code, expires at 11:59 PM on the day preceding the next Election.
46. The successful candidate in a By-Election shall hold office for the remainder of the original term of office of the Chief or Councilor whom he or she is elected to replace.
47. In the event that a successful appeal results in a new general election, the term of the newly elected Council shall commence when the Chief Electoral Officer declares the results of the Election, and expires no later than 2 years later.
48. **The Term of Office may, under mitigating circumstances, be continued beyond 4 years if such continuation is not opposed by the quorum of the Council. This continuation shall not exceed 30 days.**

4.7 Election and Term of Chief

49. **The first Nomination Meeting for the position of Chief shall take place 21 days before Election Day, as defined by the calendar years.**
50. **Subject to this Code, subsequent Nomination Meetings for the election of Chief shall take place 21 days before the Election, every four (4) years beginning in the year 2014.**
51. **The first Election of Chief under this Code shall take place on Thursday, June 5, 2014.**
52. **Subject to this Code, subsequent Elections of Chief shall take place on the first Thursday in June, every four years beginning in 2018.**
53. **The term of office for a Chief elected under this Code shall commence at 12:01 am on the Monday following his or her election and, subject to any vacancy arising under this Code, shall expire at midnight on the Sunday following the next election for Chief.**
54. **The former and newly elected Chief must work together for two (2) weeks after the Election, and before the Swearing In Ceremony; for the smooth transition of responsibilities and delegation.**
55. **Where the Chief position becomes vacant and there are more than 12 months remaining in the existing Council's Term of Office:**
 - a) **The chosen Deputy Chief would become the Acting Chief;**

b) A By-Election shall be held, the date of which must be no later than **90 days** from the date on, which the position became vacant.

4.8 Election and Term of Councilors

56. The first Nomination Meeting for the election of two (2) Tache Councilors, one (1) Binche Keyoh Councilor and one (1) Non-Resident Councilor shall take place on **Thursday, May 17, 2012.**
57. Subject to this Code, subsequent Nomination Meetings for the election of Councilors shall take place 21 days before the first Thursday in June every two years beginning in the year **2014.**
58. The first election of Councilors under this Code shall take place on **Thursday, June 7, 2012.**
59. Subject to this Code, subsequent elections of Councilors shall take place on the first Thursday in June, every two years beginning in the year **2012.**
60. The Term of Office for:
 - a) The two (2) candidates for Tache Councilor who receive the most votes in the first Election of Councilors under this Code shall commence at 12:00 AM on the day of the Swearing-In Ceremony.
 - b) The one (1) candidate for Binche Keyoh Councilor who receives the most votes in the first Election of Councilors under this Code shall commence at 12:00 AM on the day of the Swearing-In Ceremony.
 - c) The one (1) candidate for Dzitlanli Councilor who receives the most votes in the first Election of Councilors under this Code shall commence at 12:00 AM on the day of the Swearing-In-Ceremony.
 - d) The one (1) candidate for Non-Resident Councilor who receives the most votes in the first Election of Councilors under this Code shall commence at 12:00 AM on the day of the Swearing-In-Ceremony.
 - e) Subject to any vacancy arising under under this Code, shall expire at midnight on the Sunday following the election of Councilors two (2) years later.
 - f) **In every election thereafter, the term of office for Resident Councilors shall be four years, thus creating a staggered election.**
 - g) A person filling a vacancy shall be subject to the provisions this Code.
61. **The former and newly elected Council must have at least one (1) joint meeting, before the Swearing-In Ceremony.**

4.9 Term of Office for By-Elections and Appeals

62. The successful candidate in a By-Election shall hold office for the remainder of the original term of office of the Chief or Councilor whom he or she is elected to replace.
63. In the event that a successful appeal results in a new general election, the term of the newly elected Council shall commence on the date all elected council

members swear the Oath of Office and expire on the date set out in the preceding section.

64. Where the Chief position becomes vacant and there are more than 12 months remaining in the existing Council's Term of Office:
 - a) The chosen Deputy Chief would become the Acting Chief;
 - b) A By-Election shall be held, the date of which must be no later than **90 days** from the date on, which the position became vacant.

4.10 Vacancy

65. A Chief or Councilor position on the Council may become vacant if, while in office:
 - a) The Chief or Councilor resigns in writing from office of his or her own accord;
 - b) The Chief or Councilor **becomes deceased**;
 - c) The Chief or Councilor is removed from office in accordance with **Section 6.0**
 - d) The Chief or Councilor is unable to fulfill the terms of office.
 - e) **Is unable to perform his or her duties of office for three or more months due to illness or other incapacity;**
 - f) **Is convicted of a criminal offence;**
 - g) **As Chief or Resident Councilor, ceases to maintain ordinary residence on the reserve; or**
 - h) **As Non-Resident Councilor, ceases to maintain ordinary residence off the reserve.**

5.0 Campaign Code of Ethics

66. **Candidates must campaign:**
 - a) According to the rules and regulations established in this Code and pursuant to the Code of Ethics;
 - b) Respecting the right and freedom of other parties to organize and campaign;
 - c) Respecting the rights of voters to obtain information from a variety of sources and to attend political rallies;
 - d) Ethically, focusing on political issues and Candidate platforms, and without coercion, vote buying, smear campaigns or rumor and innuendo;
 - e) Non-violently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
 - f) Respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
 - 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 Complaints and Appeal Board.
67. Every person is in breach of the Campaign Code of Ethics who, during an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate, or during an election period, accepts or agrees to accept a bribe that is offered.

68. Every person is in breach of the Campaign Code of Ethics who, by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election, or by any pretence or contrivance, induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election.

6.0 Removal of Council Members from Office

69. The Chief or a Councilor may be removed from office and be prevented from running for office for up to 6 years if he or she:
- a) Violates this Code, his or her Oath of Office or the Code of Ethics;
 - b) Fails to attend three consecutive regular meetings of Council without being reasonably excused from attendance by a quorum of the Council;
 - c) Fails to maintain a standard of conduct expected of a member of Council;
 - d) Has been convicted of an indictable offence since his or her election, other than an offence committed in the **furtherance of Aboriginal Title and Rights**,
 - e) Accepts or offers a bribe, forges a Council document or otherwise acts dishonestly in his or her role;
 - f) Is negligent in failing to ensure the safety and protection of the community's members and property;
 - g) Abuses his or her office such that the conduct negatively affects the dignity and integrity of the community or of Council;
 - h) Encourages others to commit any of the above acts or omissions; or
 - i) 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.

6.1 Procedure

70. Proceedings to declare a person ineligible to continue to hold the office of Chief or Councilor shall be initiated by:
- a) Any Voter submitting to the Council: a petition in writing and delivered in person or by registered mail to Tl'azt'en Nation Administration on which shall appear:
 - i) The ground pursuant to Section 69 on which removal of a Chief or Councilor is sought;
 - ii) The evidence in support of the petition;
 - iii) The signature of the petitioner;
 - iv) The signatures of at least 40% of all eligible **Voters** of the band in support of the petition; and
 - v) A non-refundable filing fee of **\$100**, payable to Tl'azt'en Nation.
 - b) A majority of Council members passing a Band Council Resolution (BCR) and submitting a petition to the Complaints and Appeal Board on which shall appear:
 - i) The ground pursuant to Section 69 on which removal of a Chief or Councilor is sought;
 - ii) All supporting documentation and evidence in support of the resolution; and

iii) The signatures of all Council members who voted for the removal.

71. On receipt of a petition pursuant to **Subsection 70(a)**, Council shall place the matter on the agenda for the next regular meeting of Council.
72. Within five days of receipt of the petition under Subsection 70(a), Council shall notify, in writing and by registered mail, the petitioner and the Council member who is the subject of the petition of the date and time at which a meeting of Council will be held to review the petition.
73. The Council member who is the subject of the petition as well as the petitioner shall be given the opportunity to provide a submission at the meeting of Council at which the petition is being reviewed.
74. Council may compel the production of evidence and the attendance of witnesses at the meeting to review the petition.
75. Council shall, within five days of the meeting of Council, at which the petition submitted in accordance with Subsection 70(a) was reviewed, by Band Council Resolution (BCR):
 - (a) Declare that there is insufficient evidence to support a decision to remove the Council member from office; or
 - (b) Declare that the Council position held by the Council member who was the subject of the petition to be vacant, and shall specify the length of time that the Chief or Councilor in question is prevented from running for office, up to a maximum of **6 years**.
76. Council shall send, by registered mail, a written notice of the decision made under Section 75 to the petitioner(s) and the Council member who is the subject of the petition.
77. Where a petition has been dismissed under **Subsection 75(a)**, the petitioner(s) may appeal the dismissal to the Complaints and Appeal Board by submitting a written appeal, within 14 days of receipt of Council's notice of decision, to the Complaints and Appeal Board according to the procedure set out in **Section 14.0**.
78. Where the position of a Council member has been declared vacant under **Subsection 75(b)**, the Council member may appeal the decision of Council to the Complaints and Appeal Board by submitting a written appeal, within 14 days of receipt of Council's notice of decision, to the Complaints and Appeal Board according to the procedure set out in **Section 14.0**.
79. Council shall have the power to suspend from office the Council member who is the subject of the petition for removal during the review process.
80. On receipt of a petition, the Complaints and Appeal Board shall verify that the petition complies with **Subsection 75(b)**. If the petition does not comply, the Complaints and Appeal Board shall so notify the petitioner(s).

81. In a case where the petition complies with **Section 75**, the Complaints and Appeal Board shall:
 - (a) Determine that the grounds put forth in the Appeal are either frivolous in nature or unsubstantiated, and dismiss the Appeal;
 - (b) Determine that the Appeal is valid and there is sufficient grounds and evidence to reverse or modify the decision of Council; **and**
 - (c) Schedule a review hearing, which must take place within 20 days from the date on which the appeal was submitted to the Board.
82. In the case where the appeal has been dismissed under **Subsection 81(a)**, the Complaints and Appeal Board shall inform the appellant in writing and provide a rationale.
83. In the case where the appeal has been upheld under subsection 81(b), the Complaints and Appeal Board shall inform the appellant, Council and the Council member who is the subject of the petition for removal.
84. In the case where the Complaints and Appeal Board schedules a review hearing under Subsection 81(c), the board shall send a written notice of the hearing by registered mail to Council, the appellant(s) and the Council member who is the subject of the petition for removal.
85. Upon receipt of a petition under Section 70(b), the Complaints and Appeal Board shall schedule a review hearing, which must take place **within 20 days** from the date on which the petition was submitted to the Board. The Board shall deliver a notice of the hearing to Council and the Council member who is the subject of the petition for removal.
86. The written notice described in Section 84 or 85 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 (if applicable), any member of Council or the Council member who is the subject of the petition for removal may, at the hearing, make a presentation to the board, which may include the presentation of documents and testimonial by witnesses.
87. The Complaints and Appeal Board shall conduct a hearing at the time and place set out in the notice provided under Section 86.
88. Within five (5) days of the day on which the hearing under Section 86 was held, the Complaints and Appeal Board 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 Subsection 70(b) of this 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 to continue in office.

(b) In the case where the subject of the hearing was the appeal under Section 77 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, in which case the board shall specify the length of time that the Chief or Councilor in question is prevented from running for office, up to a maximum of 6 years.

(c) In the case where the subject of the hearing was a petition by Council under section 70(b):

i) That the resolution of Council recommending removal of the Chief or Councilor was justified and declare that Council position to be vacant; or

ii) That the resolution of Council recommending removal of the Chief or Councilor was not justified, and declare that the Chief or Councilor who is the subject of the petition continue to hold office.

89. The Complaints and Appeal Board shall send, by registered mail, a written notice of the ruling made under Section 88 to Council, the appellants (if applicable) and the Council member who is the subject of the petition for removal.
90. The decision of the Complaints and Appeal Board made under Section 88 is final and binding upon all parties.
91. For greater certainty, this Code gives the Complaints and Appeal Board the power to uphold or overturn a decision of Council in relation to removal of Council members, that power includes the authority to modify Council's decision, including the decision as to the length of time that a Chief or Councilor is prevented from running for office.

6.2 By-Election

92. Unless otherwise provided in this Code, in the event that the office of Chief or Councilor becomes vacant, a By-Election shall be held **within 60** days after the date on which the position is declared vacant.
93. **For greater certainty, Council may decide to leave a vacant seat open for budgetary reasons, to honor a Chief or Councilor who has become deceased or for any other legitimate reason.**
94. No By-Election shall be held if there are less than **(12)** months remaining in the term of the Council member whose office has become vacant, except where a By-Election is necessary to have sufficient Council members to maintain a quorum.

95. No Councilor is eligible to be a Candidate in a By-Election held for the position of Chief unless he or she resigns from Council prior to the Nomination Meeting for the By-Election.
96. Except as expressly provided otherwise in this Code, the rules and procedures in this Code shall apply to By-Elections.

7.0 Pre-Nomination Procedure

7.1 Appointment of Chief and Deputy Electoral Officers

97. The Chief Electoral Officer **and Deputy Electoral Officer** shall be nominated by Council, in a Band Council Resolution (BCR), in the January Chief and Council meeting, in the year of a scheduled election.
98. The Band Council Resolution (BCR) for the appointment of the Chief Electoral Officer **and Deputy Electoral Officer** shall contain his or her full name and address, the date of the Election, the type of Election which is to be conducted (general Election or By-Election), as well as any special instructions.
99. The Chief Electoral Officer **and Deputy Electoral Officer** must be persons who:
 - a) Are not a “**registered**” member of **TI’azt’en Nation**;
 - b) Has no vested interest in the outcome of the Election;
 - c) Is at least 21 years of age; and
 - d) Has experience in the conduct of Elections or
 - e) Has received appropriate training.
100. In the event that the Chief Electoral Officer cannot fulfill his or her duties, an existing Deputy Electoral Officer shall be appointed by a Band Council Resolution (BCR), to undertake the duties of the Chief Electoral Officer. In the absence of an existing Deputy Electoral Officer, the Council shall appoint a new **Chief Electoral Officer**.

7.2 Appointment of Electoral Officers, Scrutineers and Interpreters

101. The Chief Electoral Officers shall appoint **Electoral Officers, Scrutineers and Interpreters** as he or she deems necessary, who shall work under his or her direction.
102. The Deputy Electoral Officer shall have such powers as described in this Code as well as those powers of the Chief Electoral Officer as delegated to the Deputy Electoral Officer by **Band Council Resolution (BCR)**.
103. **Electoral Officers, Scrutineers and Interpreters shall not be a member of Council or a candidate in the Election**, nor shall they be related by marriage or be members of the immediate family to any candidate.

104. The Electoral Officers, Scrutineers and Interpreters can vote in the presence of the Chief Electoral Officer at the Advance Polling Station.
105. 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.

7.3 Oath of Office

106. The Chief Electoral Officer, Deputy Electoral Officer, Electoral Officer, Scrutineers, and Interpreters must Swear An Oath to uphold the office in accordance with this Code.
107. All Electoral Officers and officials shall swear an Oath of Office to:
 - a) Uphold and comply with this Code, the Code of Ethics and all the laws of the community;
 - b) Fulfill the duties and responsibilities of his or her office under this Code;
 - c) Carry out his or her duties faithfully, honestly, impartially and to the best of his or her abilities;
 - d) Keep confidential, both during and after his or her term of office, any matter or information which, under this Code, community law or policy, is considered confidential; and
 - e) Always act in the best interests of the community in carrying out his or her duties.

7.4 Responsibilities and Ethics

108. The Chief Electoral Officer shall establish an Election file and place on this file, copies of all documentation associated with the Election. The Election file shall be kept at the administration and accessed by all members of Tl'azt'en Nation.
109. The Chief Electoral Officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in this Code. The Chief Electoral Officer must:
 - a) Uphold and abide by the rules and regulations established in this Code and pursuant to the Code of Ethics;
 - b) Remain neutral and professional in the conduct of the duties of his or her office;
 - c) Refrain from providing any preferential treatment or expressing support for or opposition to any candidate;
 - d) Not accept anything of value in exchange for preferential treatment or access to a public official or non-public information;
 - e) Not discriminate against anyone because of race, religion, sex, age or handicap;
 - f) Use public office facilities to fulfill the terms of his or her office, and not for personal or partisan benefit;
 - g) Not pressure or intimidate other officials or personnel to favor a certain candidate; and

- h) Avoid conflicts of interest, by abstaining from decision-making where the Chief Electoral Officer has a personal or private interest in the matter at issue.
110. The Chief Electoral Officer and the Deputy Electoral Officer shall not be entitled to vote in an Election.

7.5 Dismissal of the Chief Electoral Officer

111. Council may by Band Council Resolution (BCR) terminate the services of a Chief Electoral Officer if the Chief Electoral Officer does not comply with this Code, fails to fulfill his or her duties, or contravenes the Code of Ethics.
112. In the event that Council dismisses a Chief Electoral Officer under this section, Council shall:
- a) Appoint the Deputy Electoral Officer in accordance with this Code;
 - b) Notify the candidates in writing within two working days of the decision;
 - c) Include the name/contact information of the new Deputy Electoral Officer;
 - d) If necessary, designate a new Election Day in accordance with this Code.

7.6 Voters List

113. The Indian Registration Administrator (IRA) shall provide the Chief Electoral Officer, within three (3) days of his or her appointment, with the names, Band Membership numbers, date of birth, and residency status of all Band Members who will be at least 18 years of age on the date of the Nomination Meeting.
114. The Indian Registration Administrator (IRA) shall provide the Chief Electoral Officer, within seven days of his or her appointment, with the names and the last known addresses, if any, of all eligible Voters who do not ordinarily reside on the reserve.
115. After an Election, the Chief Electoral Officer shall provide the Indian Registration Administrator (IRA) with any updated addresses, if any, of all eligible Voters who do not ordinarily reside on the reserve.
116. Voters are responsible for providing the Indian Registration Administrator (IRA) with their current addresses.
117. Subject to Section 114, contact addresses shall only be used for the purposes of providing notices, ballots and other documents to Voters and shall not be disclosed by the Chief Electoral Officer without the consent of an Elector.
118. A candidate for election as Chief or Councilor may obtain from the Chief Electoral Officer a list of the names and addresses of Voters who have consented to have their addresses disclosed to candidates.
119. At least 60 days before the day on which an election is to be held, the Chief Electoral Officer shall prepare a Voters List containing the names of all of the eligible Voters in alphabetical order.

120. **The Voters List will contain a notation next to the names of those Voters who have been ordinarily resident on the Reserve for at least 12 months prior to the date of the Nomination Meeting.**
121. The Chief Electoral Officer shall post the Voters List in a public area of the band administration building, no later **than 50** days prior to the date on which the Election is to be held.
122. The Chief Electoral Officer shall revise the Voters List where it is demonstrated that the name of an eligible Voter is either missing from or incorrectly set out on the list upon presentation of documentary proof. The Chief Electoral Officer shall also delete names from the Voters List where it is demonstrated that the person is not eligible to vote.
123. Any person who is a **registered** member of Tl'azt'en Nation over the age of the eighteen (18) years and whose name does not appear on the Voters List may present picture identification and proof of membership (status card) to the Chief Electoral Officer, and if the Chief Electoral Officer is satisfied that the person is eligible to vote pursuant to this Code, the person shall be added to the Voters List and be permitted to vote.
124. A person, or an Voter acting on his behalf, may, no later **than 2 days** prior to the date on which an Election is to be held, demonstrate that the name of a Voter has been omitted from or incorrectly set out in the Voters List by presenting in writing to the Chief Electoral Officer evidence from the Indian Registration Administrator (IRA) that the Voter:
 - a) Is entitled to have his or her name entered on the band list;
 - b) Will be at least 18 years of age on the date on which the **Nomination Meeting** is to be held; and
 - c) Is qualified to vote in Band Elections.
125. A person may demonstrate that the name of a person not qualified to vote has been included in the Voters List by presenting in writing to the Chief Electoral Officer evidence that the person; no later **than 15 days** before the day on which the Election is to be held, evidence that the person:
 - a) Is neither on the band list nor entitled to have his or her name entered on the band list;
 - b) Will not be at least 18 years of age on the date on which the **Nomination Meeting** is to be held; or
 - c) Is not qualified to vote in band Elections.
126. Where the Chief Electoral Officer believes or has information that a person whose name is on the Voters List is not a Voter, or where, in accordance with Section 125, a Voter demonstrated to the Chief Electoral Officer that the name of a person not qualified to vote appears on the Voters List, the Chief Electoral Officer shall give written notice to the person whose eligibility is challenged at least 10 days prior to the date on which the Election is to held, or as soon as practicable after that time.

127. The notice given under Section 126 shall include the reasons for seeking the removal of the name from the Voters List and any supporting documents, and shall provide notice that a written reply may be sent to the Chief Electoral Officer, which must be received as soon as practicable and no later than 4 days prior to the date on which the Election is to be held.
128. 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 Voters.
129. The decision of the Chief Electoral Officer is final and is not subject to appeal.
130. A person whose name does not appear on the Voters List shall be entitled to vote on Election day, provided he or she presents documentary proof to the Chief Electoral Officer demonstrating his qualifications a Voter to the Chief Electoral Officer's satisfaction.

8.0 The Nomination Process

8.1 Notice of Nomination Meeting and Mail-In Procedures

131. The Chief Electoral Officer shall, at least 14 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 the reserve.
132. The Chief Electoral Officer shall, at least 14 days before the date on which the Nomination Meeting is to be held, mail a Notice of the Nomination Meeting and a Voter Declaration Form to every eligible Voter who does not **ordinarily** reside on the reserve in respect of whom the Chief Electoral Officer has been provided with, or has been able to obtain, an address.
133. 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 **station**;
 - c) The name and phone number of the Chief Electoral Officer;
 - d) The statement that any Voter may vote by Mail-In Ballot;
 - e) A description of the manner in which a Voter can nominate a candidate, or second the nomination of a candidate;
 - f) The statement that, if the Voter wants to receive information from candidates, the Voter can agree to have his or her address released to the candidates.
 - g) A statement that any Voter who wishes to obtain a Mail-in Ballot must complete and sign the application to vote by Mail-in Ballot and return it to the Chief Electoral Officer along with proof of identity. The Chief Electoral Officer must receive the application and proof of identity at least 10 days before the day on which the Election is to be held; and
 - h) **Nomination process for Non-Resident Councilor.**

134. The Chief Electoral Officer shall record the names of the Voters to whom a Notice of the Nomination Meeting was mailed, the addresses of those Voters, and the date on which the notices were mailed.

8.2 Eligibility to Nominate

135. In order to be entitled to nominate and vote in an Election, a person must be, as of the date of the Nomination Meeting:
- a) 18 years of age or older;
 - b) A registered Band Member; and
 - c) On the Voters List.
136. Subject to Section 135, only Voters may **nominate** or second the nomination of any qualified person to serve as the Chief or Councilor:
- a) By delivering or mailing a written nomination and a completed, signed and witnessed Voter Declaration Form to the Chief Electoral Officer before the time set for the Nomination Meeting; or
 - b) In person, at the Nomination Meeting.

8.3 Nomination Meeting

137. If the individual is nominated for the position of Councilor, the Chief Electoral Officer shall indicate whether the nominated Candidate is ordinarily a resident on **reserve** or is not ordinarily a resident on **reserve**.
138. If, at any time during the Election process, the Chief Electoral Officer reasonably determines that a Candidate does not meet the qualifications of a Candidate set out in this Code, the Chief Electoral Officer shall disqualify the Candidate, and any votes cast in his/her favor shall not be counted.
139. The nomination meeting shall be held at least **21 days** prior to the date on which the Election is to be held.
140. 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 Council positions.
141. The Chief Electoral Officer is responsible for managing and conducting the Nomination Meeting.
142. Immediately following the opening of the Nomination Meeting, the Chief Electoral Officer shall read aloud all written nominations that have been received by mail or delivered in accordance with the Mail-In Nomination procedure.

8.4 Duration

143. The Nomination Meeting shall remain open for at least 4 hours, from 1 - 5 PM.

144. Nominations shall cease upon the passing of a motion by the Voters present to close the Nomination Meeting.
145. All Electors at the Nomination Meeting shall sign the record of attendance.

8.5 Maintaining Order and Security

146. 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.

8.6 Nomination Procedure

147. Each nomination must be moved and seconded by a registered band member eligible to vote on the day of the Nomination Meeting.
148. To be nominated, a candidate for Non-Resident Councilor need NOT be present at the Nomination Meeting.
149. Mailed nominations that are not received by the Chief Electoral Officer before the time set for the Nomination Meeting are void.
150. A nomination that has not been seconded prior to the close of the Nomination Meeting shall be void.
151. The Chief Electoral Officer shall record the name of the candidate, the nominator and the seconder and confirm to those present at the meeting that the proposed candidate is eligible to be elected to the position of Chief or Councilor of the Band.
152. Prior to the close of the Nomination Meeting, the Chief Electoral Officer will confirm the eligibility of each Nominee by verifying that his or her name appears on the Voters List.
153. A person present at a Nomination Meeting who is eligible to do so may second the nomination of any person nominated in writing.
154. Mail-In Nominations for Non-Resident Councilor, must be seconded by a Voter in attendance at the Nomination meeting.
155. Where the same person receives two written nominations for the same office, the second nomination shall **become void**.
156. Any Voter may nominate or second no more than:
 - a) One eligible person for the office of Chief; and
 - b) One eligible person to the vacancy for the office of Councilor.
157. At the end of the Nomination Meeting, the Chief Electoral Officer shall:

- a) If only one person has been nominated for Election as Chief, declare that person to be elected;
 - b) If the number of persons nominated to serve as Councilors does not exceed the number to be elected, declare those persons to be elected; and
 - c) Where more than the required number of persons are nominated for election as Chief or Councilors, announce that an Election will be held.
158. On the day following the Nomination Meeting, the Chief Electoral Officer shall post in **the Band Administration office**, a list of nominees, their nominators and seconders and the offices for which they are nominated.

9.0 Candidacy

159. Only Voters who meet the requirements of a candidate as set out in this Code may be nominated as a candidate.
160. No later than 24 hours after the close of the Nomination Meeting, the Chief Electoral Officer will attempt to notify each Nominee and hand deliver, fax or otherwise deliver to each Nominee, the Candidate Acceptance & Declaration Form.
161. If the Chief Electoral Officer is, after making all reasonable inquiries, unable to notify a Nominee of his or her nomination within the required time, that person's name shall be struck from the list of Nominees.

9.1 Candidates for Chief

162. A Candidate for the office of Chief must:
- a) Have been nominated to be a Candidate pursuant to this Code;
 - b) Be the full age of 25 (twenty-five) years or older on or before the day on which the Nomination Meeting is held;
 - c) Be a registered member of Tl'azt'en Nation;
 - d) Not have outstanding criminal charges and, if convicted previously, must have completed the sentence at least five (5) years prior to the date of the Election, unless he/she provides proof of an official pardon;
 - e) Be in Good Financial Standing with the Band and Band entities. A Nominee who is not currently in Good Financial Standing must provide before the date of Election, a written agreement that includes a payment plan approved by the Director of Finance so that he or she is able to demonstrate Good Financial Standing;
 - f) Have signed the Candidate Acceptance & Declaration Form and paid the Candidate's Fee;
 - g) Have been a registered Band Member for a period of at least 24 months immediately preceding the Election;
 - h) Be ordinarily resident on the Reserve and has been for at least 12 (twelve) months prior to the date of the Election;
 - i) Have furthered his or her education through post-secondary studies, or professional training, as confirmed in the sworn Candidate Acceptance and

Declaration Form;

j) Have traditional knowledge, including ability to understand the culture or speak the language;

k) Have a minimum of a Grade 12 diploma; or Adult Dogwood

l) Abstain from Drug and Alcohol use and abuse;

m) Not be an employee of Tl'azt'en Nation;

n) Provide a one-page biographical profile confirming his or her educational and professional qualifications and other experience; and

o) Have not been found to have violated this Code.

9.2 Candidates for Resident Councilor

163. A Candidate for the office of Resident Councilor must:

a) Have been nominated to be a Candidate pursuant to this Code;

b) Be the full age of **21 (twenty-one)** years or older on or before the day on which the Nomination Meeting is held;

c) Be a registered member of Tl'azt'en Nation;

d) Not have outstanding criminal charges and, if convicted previously, must have completed the sentence at least five (5) years prior to the date of the Election, unless he/she provides proof of an official pardon;

e) Be in Good Financial Standing with the Band and Band entities. A Nominee who is not currently in Good Financial Standing must provide before the date of Election, a written agreement that includes a payment plan approved by the Director of Finance so that he or she is able to demonstrate Good Financial Standing;

f) Have signed the Candidate Acceptance & Declaration Form and paid the Candidate's Fee;

g) Have been a registered Band Member for a period of at least 24 months immediately preceding the Election;

h) Be ordinarily resident on the Reserve and has been for at least 12 (twelve) months prior to the date of the Election;

i) Have furthered his or her education through post-secondary studies, or professional training, as confirmed in the sworn Candidate Acceptance and Declaration Form;

j) Have traditional knowledge, including ability to understand the culture or speak the language;

k) Have a minimum of a Grade 12 diploma; or Adult Dogwood

l) Abstain from Drug and Alcohol use and abuse;

m) Not be an employee of Tl'azt'en Nation

n) Provide a one-page biographical profile confirming his or her educational and professional qualifications and other experience; and

o) Have not been found to have violated this Code.

9.3 Candidates for Non-Resident Councilor

164. A Candidate for the office of Non-Resident Councilor must:

a) Have been nominated to be a Candidate pursuant to this Code;

b) Be the full age of **21 (twenty-one)** years or older on or before the day on which the Nomination Meeting is held;

- c) Be a registered member of Tl'azt'en Nation
 - d) Not have outstanding criminal charges and, if convicted previously, must have completed the sentence at least five (5) years prior to the date of the Election, unless he or she provides proof of an official pardon;
 - e) Be in Good Financial Standing with the Band and Band entities. A Nominee who is not currently in Good Financial Standing must provide before the date of Election, a written agreement that includes a payment plan approved by the Director of Finance so that he or she is able to demonstrate Good Financial Standing;
 - f) Have signed the Candidate Acceptance & Declaration Form and paid the Candidate's Fee;
 - g) Have been a registered Band Member for a period of at least 24 months immediately preceding the Election;
 - h) Be ordinarily resident of the Reserve and has been for at least 12 (twelve) months prior to the date of the Election;
 - i) Have furthered his or her education through post-secondary studies, or professional training, as confirmed in the sworn Candidate Acceptance and Declaration Form;
 - j) Have traditional knowledge, including ability to understand the culture or speak the language;**
 - k) Have a minimum of a Grade 12 diploma; or Adult Dogwood**
 - l) Abstain from Drug and Alcohol use and abuse;**
 - m) Not be an employee of Tl'azt'en Nation**
 - n) Provide a one-page biographical profile confirming his or her educational and professional qualifications and other experience; and
 - o) Have not been found to have violated this Code.
165. A person may only be a candidate for one of the offices of Chief or Councilor in any Election.
166. If the nominee is present at the Nomination Meeting, he or she shall sign the following documents:
- a) A notice of Acceptance of Nomination; **and**
 - b) A sworn Declaration confirming their eligibility as a candidate.
 - c) Will participate in an All Candidates Forum prior to the Election;
 - d) Will submit a summary of his or her election platform to the Chief Electoral Officer prior to the All Candidates Forum, and
 - e) Paid the Candidate's Fee
167. Once a Nominee provides a duly executed Candidate Acceptance & Declaration Form, the biographical profile and pays the Candidate's Fee to Tl'azt'en Nation, the Nominee becomes a Candidate and his or her name will be included on the Ballot.
168. Candidate Acceptance & Declaration Form and the biographical profiles are considered filed with the Chief Electoral Officer when they are received at the Band's Administration office, **within 5 days after the Nomination Meeting.**

169. Following the expiration of time for filing the Candidate Acceptance & Declaration Form and biographical profile and payment of the Candidate's Fee, the Chief Electoral Officer will post the list of Candidates for each Council position.
170. An All Candidates Forum must be held no later than seven (7) days before the date on which the Election is to be held, to allow the Voters to question the Candidates regarding the candidates' anticipated contribution to the community if elected to Council.
171. During this meeting, each Candidate shall be provided a maximum of five minutes to address the Voters, after which each Candidate must answer the same question, put forth by Voters in attendance.
172. The All Candidates Forum shall be chaired by a Chief from a neighboring community.
173. No Candidate shall campaign at any of the Polling Stations.
174. Nominees who do not file the Candidate Acceptance & Declaration Form and biographical profiles and pay the Candidate Fee within the prescribed time will be deemed to have declined their nomination.
175. A nominee not present at the Nomination Meeting shall file the documents required, with the Chief Electoral Officer by mail, facsimile transmission or in person.
176. No person shall accept candidacy in an Election if that person is not eligible to be a candidate in accordance with this Code.
177. If at any time prior to the Election, the Chief Electoral Officer determines that a Candidate does not meet the qualifications as set out in this Code, the Chief Electoral Officer shall disqualify the Candidate.

9.4 Candidate's Fee

178. A non-refundable deposit of \$200.00; must be paid within five (5) days by all candidates for the position of Chief.
179. A non-refundable deposit of \$100.00; must be paid within five (5) days by all candidates for the position of Councilor.
180. The deposit shall be in the form of cash, money order, or certified cheque made payable to Tl'azt'en Nation.
181. All funds received as deposits during the Election process, including those funds received as Candidate's Fee, shall be placed in a special account which contains only those funds, and shall be held in trust by the Chief Electoral Officer.

182. A nominee who fails to submit the required documents, and the deposit required under Sections 178 and 179 to the Chief Electoral Officer within five (5) days of the Nomination Meeting shall be removed as a nominee and his name shall not be included on the ballot.

9.5 Withdrawal

183. A candidate may withdraw his candidacy within 5 days of the date on which the Nomination Meeting was held, by submitting a written withdrawal of nomination to the Chief Electoral Officer, signed by the Candidate in the presence of the Chief Electoral Officer.
184. A candidate who withdraws shall forfeit his deposit.
185. Notice of any withdrawals received by the Chief Electoral Officer will be posted at the polling site.
186. A candidate who becomes deceased before the close of the polls shall be considered to have withdrawn his candidacy.

10.0 Pre-Election Procedure

10.1 Acclamation

187. In the event that only one Candidate for Chief satisfies the requirements of this Code, the Chief Electoral Officer shall declare that Candidate to be duly elected by acclamation.
188. In the event that only the required number of Candidates for Resident Councilor satisfies the requirements of this Code, the Chief Electoral Officer shall declare those Candidates to be duly elected by acclamation.
189. In the event that only one Candidate for Non-Resident Councilor satisfies the requirements of this Code, the Chief Electoral Officer shall declare that Candidate to be duly elected by acclamation.
190. For greater certainty, Candidates for the positions of Chief, Resident Councilor and Non-Resident Councilor must meet all the eligibility requirements, prior to the Chief Electoral Officer declaring them to be duly elected by acclamation.
191. Where the office of Chief and all offices of Councilor are filled by acclamation:
- a) The Chief Electoral Officer shall post in at least one conspicuous place on the reserve, and mail to every voter who does not **ordinarily** reside on the reserve, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held; and
 - b) Sections 192 through 251 shall not apply.

10.2 Ballots

192. The Chief Electoral Officer shall prepare ballot papers setting out:
- a) The names of the candidates nominated for election as Chief, in alphabetical order by surname; and
 - b) The names of the candidates nominated for election as Councilors, in alphabetical order by surname.
193. 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 middle name initial or nickname.

10.3 Notice of the Election

194. The election shall be held at least 21 days after the day on which the Nomination Meeting was held.
195. The Chief Electoral Officer shall, within 3 days after the day on which the Nomination Meeting was held, post a notice of Election in at least one conspicuous place on the reserve.
196. The notice shall include:
- a) The date of the Election;
 - b) The times at which the polling station(s) will open and close;
 - c) The location of the polling station(s);
 - d) The time and location of the counting of the votes; and
 - e) A statement that the Voters List is posted for public viewing and its location.

10.4 Mail-In Ballots

197. The Chief Electoral Officer shall, at least **14 days** prior to the date on which the Election is to be held, mail to every Voter who is not ordinarily resident on the reserve and for whom a valid postal address is known, and to every Voter whose application to vote by Mail-In Ballot has been received, a Mail-In Ballot package consisting of:
- a) A ballot initialed 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) A Voter Declaration Form which shall set out:
 - i) The name of the voter;
 - ii) The membership number and date of birth of the Voter; 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 196; and
 - f) A letter of instruction regarding voting by Mail-In Ballot, which shall also

include:

- i) A statement advising Voters 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.
198. A Voter who is ordinarily resident on the reserve and who is unable to vote in person on Election day may, at least 10 days prior to the date on which the Election is to be held, request a Mail-In Ballot package from the Chief Electoral Officer.
199. A Voter not residing on the reserve who has not received a Mail-In Ballot package may, not later than 10 days prior to the date on which the Election is to be held, request a Mail-In Ballot package from the Chief Electoral Officer.
200. Upon receipt of a request for a Mail-In Ballot package, the Chief Electoral Officer shall mail or deliver a Mail-In Ballot package to the Voter who so requests.
201. The Chief Electoral Officer shall indicate on the Voters List that a ballot has been provided to each Voter 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.
202. A Voter shall vote by Mail-In Ballot by:
- a) Placing an "X" or other mark that clearly indicates the Voters choice but does not identify the Voter 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 18 years of age;
 - e) Placing the inner envelope and the completed, signed and witnessed Voter Declaration Form in the postage-paid envelope; and
 - f) Delivering, mailing or otherwise ensuring receipt by the Chief Electoral Officer of the envelope before the close of polls on the day of the Election.
203. Where a Voter is unable to vote in the manner set out in Section 202, the Voter may enlist the assistance of another person to mark the ballot and complete and sign the Voter Declaration Form in accordance with that section.
204. A witness referred to in Section 203 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 Voter is the person whose name is set out in the form and

that the ballot was marked according to the directions of the Voter.

205. 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.

10.5 Equipment for the Election

206. The Chief Electoral Officer shall, before the polling station is open, supply the Polling Station with:

- a) Sufficient ballot boxes;
- b) A sufficient number of ballots;
- c) A sufficient number of voting compartments enabling Voters 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.

10.6 Polling Stations

207. The Chief Electoral Officer will establish at least one polling station on the reserve.
208. The Chief Electoral Officer shall provide a voting compartment in the polling station where Voters can mark their ballots free from observation and the Chief Electoral Officer may appoint security to maintain order in the polling station.

11.0 Election Day

11.1 Chief Electoral Officer

209. Subject to this Code, the Chief Electoral Officer and Deputy Electoral Officer shall not be entitled to vote in the Election.

11.2 Candidate's Agent

210. A candidate shall be entitled to not more than **one agents** in the polling station at any one time.
211. A Candidate's Agent must present a letter of authorization to the Chief Electoral Officer, signed by the candidate, in order to be permitted to remain in the polling station.

11.3 Polling Hours

212. The Polling Station shall be open from **8 AM to 8 PM** local time on the day of the Election.

11.4 Verification of the Ballot Box

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

11.5 Secrecy and Security

214. Voting shall be by secret ballot.
215. No Voter may vote by proxy or authorize another person to vote on his or her behalf.
216. The Chief 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.
217. No person shall, on the day the Election is held, on the premises of the polling station:
- a) Distribute any election-related printed materials except such materials as may be distributed by the Chief Electoral Officer for the purpose of conducting the Election;
 - b) Attempt to interfere with or influence any Voter in marking his or her ballot;
 - c) Attempt to obtain information as to how a Voter is about to vote or has voted.

11.6 Voting Procedure

218. Each person, on arriving at the polling station, shall give his or her name to the Chief Electoral Officer.
219. The Chief Electoral Officer shall, if the person's name is set out in the Voters List, place his initials on both the ballot for Chief and the ballot for Councilor, as **the case may be**, and provide them to the Voter.
220. The Chief 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.
221. A Voter to whom a Mail-In Ballot was mailed or provided, may obtain a ballot and vote in person at a polling place if:
- a) The Voter returns the Mail-In Ballot to the Chief Electoral Officer; or
 - b) Where the Voter has lost the Mail-In Ballot, the Voter provides the Chief Electoral Officer with a written affirmation that the Voter has lost the Mail-In Ballot, signed by the Voter in the presence of the Chief Electoral Officer, a

justice of the peace, a notary public or a commissioner for oaths.

222. The Chief Electoral Officer, when requested to do so, shall explain the method of voting to the Voter.
223. After receiving a ballot, a Voter shall:
 - a) Immediately proceed to the compartment provided for marking ballots;
 - b) Mark the ballot by placing an "X" or other mark that clearly indicates the Voter's choice but does not identify the Voter 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 initials on the back; and
 - d) Deliver the ballot to the Chief Electoral Officer.
224. On receipt of a completed ballot, the Chief Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the Voter and any other persons entitled to be present at the polling station.
225. While a Voter is in the compartment for the purpose of marking his or her ballot, no other person shall, except where provided for, be allowed in the same compartment or be in any position from which he or she can see the manner in which the Voter marks his ballot.

11.7 Voting Irregularities

226. At the request of any Voter who is unable to vote in the manner set out in Section 223, the Chief Electoral Officer shall assist that Voter by marking his or her ballot in the manner directed by the Voter in the presence of another Voter selected by the Voter as a witness and shall place the ballot in the ballot box.
227. The Chief Electoral officer shall note on the Voters List opposite the name of a Voter requiring assistance, the fact that the ballot paper was marked by him or her at the request of the Voter and the reasons therefore.
228. A Voter who has inadvertently dealt with his or her ballot in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the Chief Electoral Officer, be entitled to obtain another ballot. The Chief Electoral Officer shall write the word "cancelled" upon the spoiled ballot and preserve it.
229. Any person who has received a ballot and who leaves the polling place without delivering the same to the Chief Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit his or her right to vote at the Election. The Chief Electoral Officer shall make an entry in the Voters List in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote and the Chief Electoral Officer shall mark upon the face of the ballot the word "declined" and all ballots so marked shall be preserved.

11.8 Closing of the Polling Station

230. Every Voter who is inside the polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

12.0 Counting of the Votes

12.1 Opening Mail-In Ballots

231. At the time published in the notice for the counting of the votes, the Chief 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:

- i) It was not accompanied by a Voter Declaration Form, or the Voter Declaration Form is not signed or witnessed,
- ii) The Voter Declaration Form does not contain a date of birth or a band number that matches the information contained for that Voter on the Voters List;
- iii) The name of the Voter set out in the Voter Declaration Form is not on the Voters List; or
- iv) The Voters List shows that the Voter has already voted.

b) In any other case, place a mark on the Voters List opposite the name of the Voter set out in the Voter Declaration Form, and deposit the ballot in a ballot box.

12.2 Counting the Ballots

232. Immediately following the close of the Polling Stations, the Chief Electoral Officer shall begin counting of the ballots.
234. The Chief Electoral Officer shall supply other Electoral Officers and all persons present and who so request with a tally sheet to keep their own tally of the votes.
235. Immediately after the Mail-In Ballots have been deposited in the ballot box under Subsection 231(b), the Chief Electoral Officer shall, in the presence of any candidates or their agents who are present, open all ballot boxes and examine each ballot.
236. The Chief Electoral Officer shall call out the names of the candidates for whom the votes were cast on all valid ballots.
237. An assigned Electoral Officer shall mark a tally sheet in accordance with the names being called out, for the purpose of arriving at the total number of votes cast for each candidate.

12.3 Ballots not Counted

238. In examining the ballots, the Chief Electoral Officer must reject any ballots that:
- a) Do not contain the initials of the Chief Electoral Officer
 - b) Do not give a clear indication of the Voter'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.
239. The Chief Electoral Officer shall attach a note on each ballot rejected which outlines the reason for rejection.
240. Subject to review on recount or on an Election Appeal, the Chief 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.
241. The Chief Electoral Officer shall number objections to ballots raised pursuant to Section 240 and place a corresponding number on the back of the ballot with the word "allowed" or "disallowed", as the case may be, with his or her initials.

12.4 Other Polling Stations

242. Immediately upon completion of the counting of the ballots at a polling station other than that considered the principal polling station managed by the Chief Electoral Officer, the Electoral Officer shall transmit the results to the Chief Electoral Officer.

12.5 Tie

243. If it is not possible to determine the successful candidate(s) for either a Chief or Councilor position due to an equal number of votes being cast (i.e., tie vote), the Chief Electoral Officer shall **immediately** conduct a recount.
244. A recount conducted pursuant to Section 243 must take place **immediately** by the Chief Electoral Officer, in the presence the candidates and their agents in attendance.
245. At the time established, the Chief Electoral Officer shall conduct a recount of the valid ballots.
246. If the recount fails to determine a successful candidate, the Chief Electoral Officer shall inform the Candidates, and within 24 hours, hold a meeting to have the Candidates decide to:
- a) Have the Chief Electoral Officer cast a ballot in order to break the tie, or
 - i) The Chief Electoral Officer shall place the names of the candidates having the same number of votes and place each in a receptacle. Without looking, he or she shall draw a name from the receptacle. The candidate whose name appears on the pieces of paper the Chief Electoral Officer has

- drawn from the receptacle shall constitute the candidate for whom the Chief Electoral Officer shall cast a vote,
- b) Conduct a Tie Breaker By-Election, or
 - c) A candidate can concede their seat, or
 - d) Other (i.e. a traditional game of Lahal)

13.0 Post Election Procedures

13.1 Announcement

247. After completing the counting of the votes and establishing the successful candidates, the Chief Electoral Officer shall declare to be elected the candidates or candidates having the highest number of votes.
248. Following the declaration of elected candidates made pursuant to Section 247, 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;
 - c) The number of rejected ballots.
 - d) Total number of printed ballots**
249. Within 4 days after completion of the counting of the votes, the Chief Electoral Officer shall:
- a) Sign and post, in at least one conspicuous place on the reserve, the Election Report prepared in accordance with Section 248;
 - b) Mail a copy of the Election Report to every Voter of the band who does not reside on the reserve who request a copy; and
 - c) Forward a copy of the Election Report to the band administrator.

13.2 Retention of Ballots and other Election Material

250. 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.
251. All ballots and materials retained in accordance with Section 250 shall be retained for 45 days from the date on which the Election was held or until a decision on an appeal is rendered, whichever date is later. After which time the Chief Electoral Officer may, unless directed otherwise by the Council, destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

13.3 Chief and Councilor Oath of Office

252. A candidate who has been elected Chief or Councilor shall, within 14 days of the Chief Electoral Officer's declaration under Section 247, **participate in a Swearing In Ceremony in the presence of the community sign an Oath of**

Office, which Oath will include solemnly promising and declaring that he or she will:

- a) Uphold and comply with this Code, the Code of Ethics and all laws of the community;
- b) Fulfill the duties and responsibilities of his or her office under this Code, the Code of Ethics and all laws of the community;
- c) Carry out his or her duties faithfully, honestly, impartially and to the best of his or her abilities;
- d) Keep confidential, both during and after his or her term of office, any matter or information which, under this Code, the laws of the community or policy, is considered confidential; and
- e) Always act in the best interests of the community in carrying out his or her duties.

- 253. Where a candidate elected as Chief or Councilor cannot, due to illness or other valid reason, swear the Oath of Office within the time prescribed in Section 252, he or she or a Voter acting on his or her behalf may file a petition with the Chief Electoral Officer for an extension of the time to swear the Oath of Office.
- 254. The Chief Electoral Officer receiving a petition under Section 253, shall determine whether the circumstances justify an extension and shall provide the candidate making the request written notice of the decision, and where applicable, the extension period.
- 255. No person elected as Chief or Councilor shall be permitted to assume office until they have sworn and filed with the Chief Electoral Officer the Oath of office required under **Section 252**.
- 256. Subject to **Section 252**, if a person elected as Chief or Councilor fails to file the sworn Oath of Office with the Chief Electoral Officer on or before the specified time period, the Chief Electoral Officer shall declare the office vacant.
- 257. The Chief Electoral Officer shall give notice in writing to the elected candidate whose office is declared vacant under **section 256** and to the elected Chief and Council.
- 258. Unless the vacancy occurring under Section 256 results in a situation where the band Council can no longer form a quorum, the position shall remain vacant until such time as a By-Election is called by Council.
- 259. The Swearing In Ceremony shall include:
 - a) Invitation to surrounding First Nation communities to witness the Swearing In Ceremony of the Chief and Council;
 - b) A Potlatch dinner to celebrate the newly elected Chief and Council;
 - c) The passing on of a Traditional blanket from former Council to newly elected Chief and Councilor(s).
 - d) Traditional activities (i.e. Lahal, Dancing & Singing) and other such activities to celebrate the appointment of the newly elected Chief and Council.

14.0 Complaints and Appeal Board

14.1 Composition

260. Level 1 Complaints and Appeal Board shall be composed of three (3) individuals who:
- a) Are members of Chief & Council from surrounding First Nation communities;
 - b) Are at least 18 years of age;
 - c) Have no vested interest in the outcome of the Appeal process;
 - d) Have experience and/or training in the conduct of Elections and Complaint and Appeal processes; and
 - e) Possess an understanding of the principles of natural justice.
261. Level 2 Complaints and Appeal Board shall be composed of eight (8) individuals who:
- a) Are 'Uza'-ne of the four (4) clans of Tl'azt'en Nation;
 - b) Are at least 18 years of age;
 - c) Have no vested interest in the outcome of the Appeal process;
 - d) Have experience and/or training in the conduct of Elections and Complaint and Appeal processes; and
 - e) Possess an understanding of the principles of traditional and natural justice.
262. At the February Chief & Council, in the year of a scheduled Election, Chief and Council shall, **by Band Council Resolution (BCR):**
- a) Select the members of Level 1 and Level 2 Complaints and Appeal Board in accordance with Section 260 and 261; and
 - b) Prepare a list of **5 additional** potential members **who meet the criteria set out in Section 260 and 261.**
263. The Term of Office of the Complaints and Appeal Board shall be from its appointment under Section 262, until the day on which the Council selects another Complaints and Appeal Board in accordance with this Code.
264. Upon receipt of an Election Appeal, any Complaints and Appeal Board member who is immediate family of any appellant or candidate, or who may be reasonably apprehended to have a bias or conflict in connection with the appeal, shall excuse themselves from the board.
265. At the time of the appointment of the Complaints and Appeal Board under **Section 262** and each year thereafter until a new Complaints and Appeal Board is established, Council may establish honoraria for members of the Complaints and Appeal Board. Complaints and Appeal Board members are entitled to reimbursement of **travel and meal** expenses reasonably incurred in carrying out their functions under this Code.
266. Level 2 Honorarium for 'Uza'-ne, to be conducted by Huwal in the Traditional Potlach system of Tl'azt'en Nation.

267. Upon receipt of an Election Appeal, any Complaints and Appeal Board member who is an immediate family member of any appellant or candidate, or who may be reasonably apprehended to have a bias or conflict in connection with the appeal, shall declare their interest.
268. The remaining members of the Complaints and Appeal Board will select additional members as required to attain three from the list of potential members drawn by the Council.
269. Each member of the Complaints and Appeal Board shall execute an Oath of Office and accept his or her appointment by forwarding a letter of acceptance to the Council.

14.2 Functions

270. The Complaints and Appeal Board shall supervise and administer, in accordance with the provisions of this Code:
 - a) All Election Appeals; and
 - b) All petitions and Appeals for the removal of a Council member from office.

14.3 Submission

271. An Appeal submitted to the Complaints and Appeal Board must:
 - a) Be in writing and set out in an Affidavit sworn before a notary public or duly appointed commissioner for taking oaths the facts substantiating the grounds for the appeal accompanied by any supporting documentation; and
 - b) For Level 2 Complaints and Appeal process, be accompanied by a non-refundable deposit in the amount of \$250.00;
 - c) Be delivered in person or by registered mail to Tl'azt'en Nation Administrator; and
 - d) In the case of an appeal submitted pursuant to Section 70, be accompanied by:
 - i) A copy of Council's written notice of decision; and
 - ii) A non-refundable filing fee of \$250.00 in the form of certified cheque or bank draft made payable to Tl'azt'en Nation.

14.4 Authority to order costs

272. The Complaints and Appeal Board may in its discretion order by whom, to whom, and in what manner costs of the appeal or petition shall be paid. If security for costs has been deposited in accordance with this Code, the Complaints and Appeal Board shall make disposition of the security for costs in accordance with its order.

15.0 Election Appeals

15.1 Timing

273. In the case of Election Appeals, a candidate or a Voter may, within **5 days** from the date on which the Election was held, submit a written appeal to the Complaints and Appeal Board.

15.2 Grounds for Appeals

274. An appeal submitted pursuant to **Section 273**, must sufficiently outline one or more of the following:
- a) That the person declared Elected was not qualified to be a candidate;
 - b) That there was in violation of this Code in the conduct of the Election that might have affected the result of the Election; or
 - c) That there was corrupt or fraudulent practice in relation to the Election.

15.3 Procedure

275. Upon receipt of an Election Appeal, the Complaints and Appeal Board shall:
- a) In the case where the appeal is submitted in accordance with Section 274, forward a copy together with supporting documents by registered mail to the Chief Electoral Officer and to each candidate at the Election; or
 - b) In the case where the Appeal is not submitted in accordance with Section 274, inform the appellant(s) in writing that the appeal will not receive further consideration.

15.4 Response to the Allegations

276. Any candidate or the Chief Electoral Officer may, within **10 days** of the receipt of the appeal(s), forward to the Complaints and Appeal Board in person by delivering it to the **TI'azt'en** Nation Administrator, a written response to the appeal allegations, together with any supporting documentation.

15.5 Investigation

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

15.6 Decision

278. After a review of all of the evidence that it has received, the Complaints and Appeal Board shall rule:
- a) That the evidence presented was not sufficiently substantive to determine that:
 - i) A violation of this Code has taken place that might have affected the result of the Election;
 - ii) The person declared Elected was not qualified to be a candidate: or

- iii) There was a corrupt or fraudulent practice in relation to the Election that might have affected its results, and dismiss the appeal; or
 - b) That all evidence and information gathered allows for the reasonable conclusion that:
 - i) A violation of this Code has taken place that might have affected the result of the Election;
 - ii) The person declared elected was not qualified to be a candidate; or
 - iii) There was a corrupt or fraudulent practice in relation to the Election that might have affected its results, and uphold the appeal by setting aside the election of one or more Council members.
279. The decision of the Complaints and Appeal Board made pursuant to **Section 278** shall be:
- a) Published in the community's newsletter, which is mailed to band members, or in a separate written notice delivered or mailed to all band members; and
 - b) Posted in at least one conspicuous place on the reserve.
280. The decision of the Complaints and Appeal Board is final and not subject to appeal.

16.0 Amendments

281. The process for development and passage of Amendments to this Code may be initiated by:
- a) A petition presented to Council, signed by 50% + 1 of all eligible Voters and setting out the specific area in this Code proposed for Amendment; or
 - b) A Band Council Resolution (BCR).**
282. Upon receipt of an Amendment proposal in accordance with Section 281(a), or on passing a Band Council Resolution (BCR) in accordance with section 281(b), 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;
 - c) A description of the Amendment process; and
 - d) The date, time and place of an Amendment Vote.
283. Within three (3) working days of the publication of the notice provided for in section 282, the notice shall be:
- a) Delivered to each household in Tl'azt'en Nation communities;
 - b) Mailed or Emailed to all Voters who are not ordinarily resident on the reserve who request an Amendment Vote package; and
 - c) Posted in at least three (3) conspicuous places on the reserve.

284. Voters may, within 14 days of publication of the notice outlined in section 282, can provide **written** comments concerning the proposed Amendments **in person or by registered mail to Tl'azt'en Nation**. Written comments must include:
- a) The name, address, and signature of the Voter;
 - b) The specific paragraph number of the proposed Amendment on which the Voter wishes to comment;
 - c) If applicable, reasons why the Voter disagrees with the proposed Amendment, and suggested wording which may remedy the problem; and
 - d) A statement of whether or not the Voter believes the issue is so important that the Amendment Vote should go to a full referendum of the Voters.
285. Written comments received after the expiry of the 14 day comment period, or if sent by registered mail, postmarked after the expiry of the 14 day comment period will not be considered.
286. Following receipt of comments concerning the proposed Amendments pursuant to **Section 225**, the Council shall review the comments and make such changes to the proposed Amendment as they deem necessary in order to arrive at a final Amendment proposal.
287. The council shall submit the final Amendment proposal to a Referendum to be conducted in accordance with the Amendment Vote provided in this Code for the conduct of Elections.
288. Should the majority of the votes cast at a Referendum be in favor of the proposed Amendments being brought to this Code, Council shall amend the Code accordingly, **and adopt the finalized amendments by Band Council Resolution (BCR)**.
289. Amendments to the Tl'azt'en Nation Traditional Leadership Code shall take effect **immediately after the passing of a Band Council Resolution**, adopting the finalized amendments.

17.0 Postponement

290. If a death occurs in Tl'azt'en Nation between the date of the posting of the Notice of Nomination Meeting and the date of the Election, it shall be within the discretion of the Chief Electoral Officer to postpone the Nomination Meeting or the Election to the next business day following the funeral or memorial service or to another date deemed appropriate by the Chief Electoral Officer,
291. Where a death occurs in Tl'azt'en Nation within one week of an Amendment Vote, the Council or the Chief Electoral Officer may reschedule the Amendment Vote to the next business day or to another date deemed appropriate.
292. Where a Nomination Meeting, an Election or an Amendment Vote is postponed in accordance with this Code, notice of this postponement shall be provided to members, at least three (3) days prior to the original date for the Nomination Meeting, Election Poll or Amendment Vote shall be deemed to be sufficient.