



**TL'AZT'EN NATION
ELECTION CODE**

Final Draft 2023

2023 Tl'azt'en Nation Election Code Historical Creation and planning:

25 years in establishing this election code.

1. This Draft EC honors past works of many members, leaders, consultants, and lawyers who have helped with past codes.
2. Twenty-five years this code has been discussed, drafted, redrafted and reviewed. But not passed.
3. We have had extensive community engagement and membership engagement.
4. Over the many years a lot of comments and feedback has been collected.
 - 2007 the code was adopted to be revised in accordance with nations recognition of customizing it to meet community requests. First committee was formed.
 - 2010 EC committee was created, and the code submitted never ratified.
 - 2017 EC committee was created, and code never presented or ratified.
 - 2018 code consultation by administration team community by community
 - 2019- 2021 consolidating the codes, gathered information including house-house interviews
 - 2022 draft code under development is over halfway done.
 - 2023 final draft code is developed and completed for ready for presentation for ratification.

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Committee Members: were many and Tl'azt'en Band members that supported the work through the years to ensure the code has reached its completion.

- **This TN EC is only one piece of a larger governance picture leading to self-determination and self-governance.**
- **Good governance is a foundational requirement for a nation's success, diligence, wellness, and prosperity.**

Amelia Stark

This Election code is a legal document that can be challenged in a court of law. It is considered a living document and from time to time will be revisited to ensure it meets the need of the Nations governance.

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Preamble

Tl'azt'en Nation has inherent right to governance and to determine the process in which its leadership is chosen. This inherent right is of historical significance to the present and future of Tl'azt'enne. Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.

1. Tl'azt'en Nation has the inherent right to enact this Custom Elections Code in reflection of customs to ensure:
 - a) Council will fulfill its duties with respect, integrity and fairness to all;
 - b) Governance practice is fair and unbiased;
 - c) Developing governance practice is done by way of open discussion that includes membership inputs;
 - d) Elders are advising decision making and conflict resolutions; and
 - e) The traditional governance of all Tl'azt'enne to work together and uphold equal and fair governance practices.

Purpose

2. This Custom Election Code is a custom election code approved by the members of Tl'azt'en Nation for the election of Chief and Council and for deciding other questions by Referendum vote.

Definitions

3. In this Custom Election Code,

"All-Candidates Forum" means a meeting held at which all Candidates have an opportunity to address Members publicly.

"Amendment" means any Amendment to the Code, proposed, or affirmed, except for an Amendment for grammatical or stylistic errors that do not change the original intent or meaning of the provision to be amended.

"Appeal Board" means a group appointed by Council on the recommendation of the Elders Advisory Group to review and make decisions concerning election appeals and petitions for removal from office.

"Appellant" means a Candidate or Voter who submits an appeal in accordance with this Code.

“Band Council Resolution” means a Band Council Resolution or Chief and Council Resolution passed by a majority (quorum) of the members of Council present at a duly convened meeting of the Tl’azt’en Nation Band Council.

“Band Administration Office” means the main Tl’azt’en Nation administration building.

“Band Members Meeting” are duly convened meetings of the Tl’azt’en Nation to discuss and decide upon Tl’azt’en Nation business (also known as Community Engagement Meetings)

“By-election” means an election held to replace a member of Council who is removed from office or whose position on Council becomes vacant;

“Cancelled Ballot” is a mail-in ballot returned by a Voter that the Voter does not wish to use.

“Candidate” means a Nominee who has satisfied the requirements for inclusion on a ballot.

“Candidate Acceptance Deadline” is the deadline for Nominees to submit all the required documents to stand as a Candidate and shall be 3 days after the close of the Nomination Meeting.

“Chief” means the person elected to the position of Chief in accordance with this Code.

“Code” means this Tl’azt’en Nation Election Code.

“Conflict of Interest” means a situation where a person exercises their power or performs a duty or function of their office, and at the same time knows or ought reasonably to have known that in the exercise of the power or performance of the duty or function there is an opportunity to benefit their personal or private interests.

“Council” means the governing body of Tl’azt’en Nation elected pursuant to this Code and includes the Chief and Councillors.

“Councillors” means a Councillor elected in accordance with this Code.

“Deputy Chief” means the Councillor chosen at the Council Table by Band Council Resolution.

“Deputy Electoral Officer” means any other person appointed by the Electoral Officer to carry out duties during an election.

“Elders Advisory Group” means a group of recognized community Elders, 65 years of age or over, appointed by the Elders of Tl’azt’en Nation in accordance with this Code.

“Election” means an Election held pursuant to this Code and includes a By-election or Referendum where applicable.

“Election Committee” means a group of Members appointed by Council on the recommendation of the Elders Advisory Group in accordance with this Code.

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

"**Electoral Officer**" means the person appointed to carry out and oversee an Election process in accordance with this Code.

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

"**Grade 12 or Equivalent**" means a person has Certificate of Graduation (Dogwood Diploma), School Completion Certificate, General Education Development (GED) Certificate, British Columbia Tradesperson Certificate or Post Secondary Institution Degree.

"**Good Financial Standing**" means the condition of having no arrears or unauthorized debt owing to the Tl'azt'en Nation or any entity owned, controlled, or managed by Tl'azt'en Nation unless:

- a) they have a debt repayment agreement that is entered into at least six (6) months before Election Day; and
- b) they are in good standing in relation to their debt repayment agreement.

"**Immediate Family Member**" means a grandparent, parent, sibling, spouse, or child (biological or by traditional or legal adoption).

"**Indian Registration Administrator**" means the person designated by Tl'azt'en Nation who is responsible for maintaining the Band membership list.

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

"**Member**" means a person whose name appears on the Tl'azt'en Nation Band membership list.

"**Nomination Meeting**" means a meeting held for the purpose of nominating Candidates for an Election.

"**Nomination Period**" means the period during which nominations may be made and received.

"**Nominee**" means a Voter who is nominated and seconded in accordance with this Code.

"**Oath**" includes a solemn affirmation.

"**Ordinarily Resident**" means the place where a member regularly sleeps except for temporary absences for medical, employment or educational reasons.

"**Poll**" means a building, hall, room, or other location where voting in person by ballot takes place and includes an advance Poll.

"**Referendum**" means a referendum held pursuant to this Code.

"**Referendum Day**" means the day a Referendum is held.

"**Referendum Officer**" means the person appointed to carry out and oversee a Referendum process in accordance with this Code.

“Rejected Ballot” means a ballot cast for a Candidate that has withdrawn from the Election or was cast in an improper manner and rejected by the Electoral Officer.

“Removal Request” means a petition for removal or a Band Council Resolution for the removal of a member of Council.

“Reserve” means the reserves of Tache and Dzit’ainli (Middle River).

“Scrutineers” means a member authorized in writing by a Candidate to observe the conduct of voting, registration at the time of voting and counting of the ballots, and to make any complaints, on behalf of the Candidate.

“Spoiled Ballot” is a ballot returned to the Electoral Officer by a Voter who has inadvertently dealt with a ballot in such a manner that the ballot is damaged or does not reflect the Voter’s intention.

“Ti’azt’en Nation” means Nation #617.

“Vicinity” means within 100 kilometres by road.

“Voter” means a Band Member who is at least 18 years of age on the day on which an Election is to be held.

“Voters List” means the official list of names of individuals who are qualified to vote.

1.0 COUNCIL

1.1 Application

4. This Code applies to:

- a) Elections; and
- b) Referendum.

1.2 Council Composition

5. Council shall consist of:

- a) 1 Chief; and
- b) 7 Councillors.
- c) Council shall be elected in accordance with this Code.

6. An Election of Council shall be held in the month of June in every third year beginning in 2024.

1.3 Terms of Office

7. The term of office of a member of Council shall be three years, ending the Sunday after the next Election Day.

8. A term of office of a member of Council shall commence the first Monday after Election Day.

9. The outgoing Council shall make themselves available to provide for transition information over a 30-day period after Election Day including attending a scheduled meeting with the new Council.

1.4 Appointments

10. In advance of calling an Election, Council will meet with the Elders Advisory Group to discuss the appointment of the Electoral Officer, Appeal Board and Election Committee.

1.5 Electoral Officers

11. Council shall by Band Council Resolution appoint a certified Electoral Officer and set an Election Day at least 75 days prior to Election Day. The appointment of the Electoral Officer shall be done in consultation with the Elders Advisory Group.

12. The Electoral Officer shall be responsible for the conduct of an Election under this Code.

13. The Electoral Officer may make such orders and issue such instructions consistent with this Code as they deem necessary for the effective conduct of an Election.
14. The Band Council Resolution appointing the Electoral Officer shall set out the Electoral Officer's full name and address, the date of the Election, the type of Election and any special instructions.
15. The Electoral Officer shall appoint Deputy Electoral Officers, as necessary.
16. Deputy Electoral Officers shall have the powers described in this Code as well as those powers delegated by the Electoral Officer.
17. In the event that the Electoral Officer cannot fulfil their duties, Council shall appoint a replacement Electoral Officer by Band Council Resolution.
18. The Electoral Officer shall:
 - a) not be a member;
 - b) not be an Immediate Family Member of a Member;
 - c) be at least 21 years of age;
 - d) have electoral experience and be certified by ISC in the conduct of Elections;
 - e) submit a Criminal Record Check with no offences in the previous 5 years.
19. The Deputy Electoral Officers shall:
 - a) not be a member of Council;
 - b) not be a Candidate; and
 - c) not be an Immediate Family Member of a Candidate.
20. The Electoral Officer and Deputy Electoral Officers must swear an Oath to:
 - a) uphold and comply with this Code;
 - b) fulfil the duties and responsibilities of their office faithfully, honestly, impartially and to the best of their abilities;
 - c) ensure confidentiality, during and after their term of appointment, regarding any confidential information the Electoral Officer is in receipt of;
 - d) refrain from any conflict of interest, providing any preferential treatment or expressing support for, or opposition to, any Candidate;
 - e) Comply with all Tl'azt'en Nation policies, including the Code of Ethics;

- f) not accept anything of value in exchange for preferential treatment or access to confidential information;
 - g) not discriminate against anyone because of race, religion, sex, age, or handicap; and
 - h) not pressure or influence another Electoral Officer or Deputy Electoral Officer to favour a Candidate.
21. The Electoral Officer shall establish an Election file and place in that file all documentation associated with the Election until the file is destroyed as per s. 173.
22. Following the completion of Election proceedings, including final determination of any Election appeal, the Electoral Officer shall provide Tl'azt'en Nation an Election Report for archival purposes.
23. Council may by Band Council Resolution terminate the services of an Electoral Officer if the Electoral Officer does not comply with this Code or otherwise fails to fulfill their duties.
24. In the event that Council terminates the services of an Electoral Officer, Council shall forthwith notify the Candidates of the name and contact information of the new Electoral Officer.

1.6 Referendum

25. In the case of a Referendum, Council will determine the referendum question or questions to be asked at least 50 days before Referendum Day.
26. Council shall by Band Council Resolution appoint a Referendum Officer and set a Referendum Day at least 50 days prior to Referendum Day. The appointment of the Referendum Officer shall be done in consultation with the Elders Advisory Group.
27. The Electoral Officer shall send out a notice of Referendum 30 days prior to Referendum Day, post a notice of Referendum in the Band Administration Office, on the Nation's Website and any social media pages.
28. The notice of Referendum shall include:
- a) the referendum question(s) and any necessary documents related to the Referendum;
 - b) the date on which the Referendum is to be held;
 - c) the location of the Polls;
 - d) the times at which the Polls will open and close;
 - e) the name and contact information of the Electoral Officer;
 - f) a statement that the Voters list has been posted for public viewing and its location;

- g) the time and location of the counting of the votes;
 - h) a statement saying that Tl'azt'en Nation members off reserve will automatically receive a remote voting package to their last known address. Voters are responsible to ensure their address is up to date with the Nation. Any other member may request a remote Voter package from the Electoral Officer. Remote Voter packages may not be requested less than 14 days prior to Referendum Day;
 - i) instructions regarding how to participate by voting electronically, and
 - j) such other information as the Referendum Officer deems advisable.
29. The Referendum Officer will follow the procedures outlined in this Code for providing notice, mail-in ballots, electronic voting, and Referendum Day Polling Stations for a Referendum.
30. After counting all votes, the Electoral Officer shall declare the results of the Referendum.
31. A referendum question will pass by a vote of 50% plus one. A tie vote shall fail.

1.7 Election Committee

32. On the advice of the Elders Advisory Group, Council shall appoint the Election Committee at least 75 days prior to Election Day.
33. An Election Committee shall be formed and shall be composed of five persons who:
- a) are at least 18 years of age;
 - b) are Band Members; and
 - c) have experience in law, governance, policy, or election procedures.
34. The Election Committee shall have a role to:
- a) support the Electoral Officer where requested,
 - b) advise and suggest actions to the Electoral Officer to ensure the electoral process is in compliance with the Code, and
 - c) steer any Code amendment process if initiated, as per sections 212-221.
35. Should a Conflict of Interest arise with an Election Committee member based on the nomination of a Candidate that is an immediate family member of an Election Committee member, the Election Committee member shall be replaced by Council, on the advice of Elders Advisory Group, within 7 days.
36. The term of office of the Election Committee shall be three years from the date of appointment until the date on which the next committee is formed.

37. Each member of the Election Committee shall accept their appointment by signing and returning a letter of appointment to Council within 5 business days of their appointment.

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2.0 Voters List

2.1 Preparation of Voters List

38. For the purpose of preparing the Voters List, the Indian Registration Administrator shall provide the Electoral Officer at least 72 days before Election Day:
- a) the name, Band membership number, date of birth, and whether a Voter Ordinarily Resides on reserve or off reserve for all Voters, and
 - b) the last known address of all Voters who do not ordinarily reside on a Reserve.
39. The Electoral Officer shall prepare a Voters list setting out the names of all known eligible Voters in alphabetical order.
40. The Electoral Officer shall post a Voters List that includes only the names of the eligible Voters, in the Band Administration Office and in a Band Members only section of the Tl'azt'en Nation's website if available, at least 68 days prior to Election Day.
41. After an Election, the Electoral Officer shall provide the Indian Registration Administrator with any updated addresses of Voters who do not Ordinarily Reside on a Reserve that are known to the Electoral Officer.
42. Voters are deemed responsible for providing the Indian Registration Administrator with their current address.

2.2 Confidentiality of Voters' Addresses

43. No Voter's address shall be disclosed to any person other than the Electoral Officer without the consent of the Voter. The Electoral Officer may provide any addresses obtained to the Indian Registration Administrator.

2.3 Amendment of Voters List

44. The Electoral Officer shall, upon presentation of documentary or other proof satisfactory to the Electoral Officer:
- a) in consultation with the Indian Registration Administrator, add to the Voters List the name of a Voter whose name has been omitted;
 - b) revise the Voters List to correctly set out the name of any Voter that has been incorrectly set out; and
 - c) remove the name of a person who is not an eligible Voter.
45. Where a person's name has been removed from the Voters list under s. 44.c) the Electoral Officer shall as soon as practicable notify that person in writing that:
- a) their name has been removed from the Voters List; and

- b) the reason for removal of their name from the Voters List.
46. A person whose name has been removed from the Voters List may, at any time prior to the close of the polls on Election Day, provide information to the Electoral Officer showing why their name should not have been removed.
47. After considering all information and representations provided under s. 46 the Electoral Officer may:
- a) restore the person's name to the Voters List, or
 - b) confirm the removal of the person's name from the Voters List.
48. The decision of the Electoral Officer under s. 47 is final and not subject to appeal.
49. A person whose name does not appear on the Voters List shall be entitled to vote if that person, prior to the close of polls on the date of the Election, presents documentary proof satisfactory to the Electoral Officer of their eligibility to vote.

2.4 Notifications

50. In addition to the method required for posting any notice or other information provided for in this Code, the Electoral Officer may use or cause to be used such electronic, digital, e mail or social media as the Electoral Officer reasonably believes will enable information to reach a maximum number of Voters.

3.0 Nominations

3.1 Qualifications of Candidates

51. A Candidate must:

- a) if running for Councillor, be at least (21) twenty-one years of age on the day the Election;
- b) if running for Chief, be at least (25) twenty-five years of age on the day the Election;
- c) have been a registered Band Member for at least 24 months immediately preceding the Election;
- d) if born after 1965, have a minimum of a Grade 12 or Equivalent;
- e) not have been convicted of an indictable criminal offence within the 5 years prior to the date of the nomination meeting, unless:
 - i) they have been granted a pardon (including pardons received through a traditional justice process); or
 - ii) the conviction is directly related to a recognized assertion of Aboriginal Rights or Title.
- f) not have a civil court judgement against them or a criminal conviction in respect of any matter involving theft, fraud, or misuse of property within the five (5) years before the date of the nomination meeting; or
- g) be in Good Financial Standing
- h) If they are an employee of the Tl'azt'en Nation, prior to the submission of their Candidate acceptance and declaration forms, either resign or take leave from their position until the Election is complete.
- i) if it is a By-election, not be the person who has resigned, prompting the holding of the By-election;
- j) not have been removed from a position on Council within the five (5) years prior the date of the nomination meeting;
- k) not have been on council for the 3 consecutive full terms immediately prior to this election; and
- l) not have violated this Code.

52. A Candidate for the office of Chief must commit to take office by physically working in community. This would require the Chief to reside in the Vicinity of Tache and relocation would be required within 60 days of taking the Oath of Office.

53. A member of Council may not be an employee or contractor of Tl'azt'en Nation.
54. If at any time prior to the Election, the Electoral Officer determines that a Candidate does not meet the qualifications set out in s. 51, the Electoral Officer shall disqualify the Candidate.

3.2 Notice of Nomination Meeting

55. A Candidate may be nominated only in accordance with this part.
56. No less than 68 days prior to Election Day, the Electoral Officer shall issue a notice of nomination which shall include:
 - a) the date, time duration and location of where the nomination meeting will be held;
 - b) that any Voter who cannot attend the Nomination Meeting in-person may nominate an eligible person in writing by completing a Voter Declaration Form and a Nomination Form and ensuring receipt by the Electoral Officer:
 - i) by mail or by email, prior to the start of the Nomination Meeting, or
 - ii) by hand delivery to the Electoral Officer during the Nomination Meeting;
 - c) the positions for which nominations may be made;
 - d) the procedure by which a Voter may nominate or second the nomination of a Candidate;
 - e) the date on which the Election is to be held;
 - f) that the Voter List is available to be viewed at the Band Administration Office (and the Tl'azt'en Nation Members portal on the Nation Website, when available). A Member may contact the Electoral Officer to ensure they are included in the Voter List;
 - g) the name and contact information of the Electoral Officer;
 - h) a copy of "The Community Guideline for Nominating Candidates for Council" which outlines the documents required to stand as a candidate as well as a set of recommended qualifications for members of Council; and
 - i) such other information as the Electoral Officer deems advisable.
57. The Electoral Officer shall cause the notice of nomination to be:
 - a) posted in the Band Administration Office;
 - b) posted in other common public places on and off Reserve;

- c) posted on the Nation Website and social media platforms; and
 - d) publicized by such other means as the Electoral Officer considers necessary.
58. No less than 68 days prior to Election Day, the Electoral Officer shall mail to those Electors residing off Reserve for whom addresses are known:
- a) the Notice of the Nomination Meeting;
 - b) Voter Declaration form;
 - c) Nomination Form;
 - d) Community Guidelines for Nominating Candidates document; and
 - e) an explanation of how a Voter may participate in the Election, including how to nominate by mail or email.
59. It is the responsibility of each Voter to keep the Electoral Officer informed of their address and email address and any change in address or email address.

3.3 Nomination Meeting

60. A Member may nominate individuals during the nomination period that begins 28 days prior to the nomination meeting and ending with the nomination meeting.
61. A Nomination Meeting for an Election shall be held on the Reserve at least 40 days before the date of the Election.
62. A Voter who cannot attend the Nomination Meeting in-person may nominate an eligible person in writing by completing a Voter Declaration form and a Nomination Form and ensuring receipt by the Electoral Officer:
- a) by mail or email prior to the start of the Nomination Meeting, or
 - b) by hand during the Nomination Meeting.
63. At the scheduled time, the Electoral Officer shall declare the Nomination Meeting open for the purpose of receiving nominations and shall manage and conduct the meeting.
64. The Electoral Officer shall keep the Nomination Meeting open for a period of not less than two hours.
65. The Electoral Officer shall maintain order at all times during the Nomination Meeting and may cause to have removed any person who, in their opinion, is disrupting or otherwise interfering with the proceedings.

66. At the beginning of the Nomination Meeting, the Electoral Officer shall post and read aloud all written nominations that have been received in advance of the nomination meeting as delivered in accordance with this Code.
67. Each nomination must be moved by a Voter and seconded by another Voter in writing, but a Voter may not nominate or second themselves.
68. Mail-in nominations may be either seconded by a Voter in writing or by a Voter in attendance at the Nomination Meeting.
69. A nomination that has not been seconded prior to the close of the Nomination Meeting shall not stand.
70. In the event the same person receives two written nominations for the same position, the electoral officer shall make every effort to contact the nominator regarding the option to change their nomination to a second. If the Electoral Officer is unable to reach the nominator, the nomination will be deemed to be a second to the first nomination.
71. A Nominee may be a Candidate for only one office in any one Election.
72. A Voter may nominate one Candidate for Chief and one Candidate for Councillor and may second one Candidate for Chief and one Candidate Councillor.
73. On the day following the Nomination Meeting, the Electoral Officer shall post in the Band Administration Office, on the Nation's Website and any social media pages, a list of Nominees, their nominators and seconders and the offices for which they are nominated.
74. The Electoral Officer will as soon as practicable following the close of nominations, and no later than 48 hours after the close of the Nomination Meeting, attempt to notify each Nominee that they have been nominated and provide to each Nominee, the Candidate Acceptance and Declaration Form.

3.4 Responsibilities of Nominees

75. Within 3 days of the close of the Nomination Meeting a Nominee shall:
 - a) execute a Candidate Acceptance and Declaration Form accepting their nomination and confirming their eligibility to be a Candidate;
 - b) file the Candidate Acceptance and Declaration Form with the Electoral Officer by electronic transmission or by hand;
 - c) submit a 1-page biographical profile;
 - d) submit a recent criminal record check, meaning received in the 6 months prior to the nomination meeting;
 - e) pay the applicable fee referred to in s. 77 or 78; and

- f) submit a current financial standing letter received from the Tl'azt'en Nations Finance Controller.
76. The Electoral Officer shall submit the 1-page biographical profiles to the Executive Director for distribution.
 77. A Candidate for Chief must pay a non-refundable fee of \$200.00.
 78. A Candidate for Councillor must pay a non-refundable fee of \$100.00.
 79. The fee shall be in the form of cash, money order, certified cheque, or e-transfer.
 80. All fees shall be paid to the Tl'azt'en Nation Finance Office and be used to offset Election costs after all proceedings in the Election and any appeals have been concluded.
 81. If a Nominee provides an executed Candidate Acceptance and Declaration Form, biographical profile, criminal record check, Finance Letter including payment of the applicable fee, all meeting the requirements of this Election Code, the Nominee will be a Candidate and their name will be included on the ballot.
 82. A Nominee who fails to submit the required documents listed in s. 75 above prior to the Candidate Acceptance Deadline will be deemed to have declined the nomination and will not be included on the ballot.
 83. No person shall accept a nomination if that person is knowingly not eligible to be a Candidate.
 84. At the end of the Candidate Acceptance Deadline, the Electoral Officer shall:
 - a) if only one Nominee has been nominated as Candidate for Chief, declare that Nominee to be elected by acclamation;
 - b) if the number of Nominees nominated as a Candidate for an office of Councillor does not exceed the number of Councillors to be elected for that office, declare the Councillor or Councillors, as the case may be, to be elected by acclamation;
 - c) if more than the required number of Nominees is nominated as Candidate for Chief or Councillor, announce that an Election will be held for the offices not filled by acclamation; or
 - d) if any seats on Council remain vacant, a By-Election shall be held under the terms of this Custom Election Code. In this case, a by-election process would begin once the initial election is completed.
 85. For greater certainty, a Candidate must meet all eligibility requirements prior to the Electoral Officer declaring them to be duly elected by acclamation.

86. Once the Candidate Acceptance Deadline has passed, the Electoral Officer shall post in the Band Administration Office, on the Nation's Website and any social media pages, a list of Candidates and the offices for which they are nominated.

3.5 Withdrawal of Candidate

87. A Candidate may withdraw from candidacy by submitting a written notice of withdrawal to the Electoral Officer.
88. Every notice of withdrawal shall be posted at the Polls, the Nation Website, and social media.
89. A Candidate who withdraws shall forfeit the Candidate fee.
90. Any votes cast for a Candidate that withdraws shall be deemed rejected.
91. In the event that withdrawal of one or more Candidates results in an office being uncontested, the Electoral Officer shall declare the remaining Candidate or Candidates, as the case may be, elected by acclamation.
92. In the event that all offices are filled by acclamation the Electoral Officer shall post in the Band Administration Office, the Tl'azt'en Nation website, social media and mail to every Voter who does not ordinarily reside on a reserve, a notice that sets out the names of the persons who have been acclaimed and states that an Election will not be held.
93. A Candidate who is deceased before the close of the Polls shall be deemed to have withdrawn.

3.6 All Candidates Forum

94. An All-Candidates Forum must be held between 21 days and 14 days before the date of the Election.
95. Candidates are requested to attend the All-Candidates forum, whether it be in-person or using remote technology.
96. During the All-Candidates Forum, each Candidate shall have an opportunity to address the Voters, following which the Voters, including other Candidates, may put relevant questions to the Candidates.
97. The All-Candidates Forum shall be chaired by an independent person appointed by the Election Committee, who is not a Band Member, Electoral Officer, Immediate Family Member of any Candidate or Returning Officer.

3.7 Conduct of Candidates during Campaign

98. A Candidate who campaigns is expected to do so:
- a) in accordance with this Code;

- b) respecting the right of other Candidates to organize and campaign;
 - c) respecting the rights of Voters to obtain information from a variety of sources and to attend political events;
 - d) ethically, focusing on political issues and Candidate platforms without coercion, smear campaigns or rumour and innuendo;
 - e) without vote buying;
 - f) non-violently, without intimidating other Candidates, their supporters, or the media, and without the use of language provoking others to violence;
 - g) respecting the freedom of the media to cover the campaign and to express opinions on the campaign;
 - h) respecting the Electoral Officers and not interfering with the performance of their duties; and
 - i) accepting and complying with the declared Election results and any final decision of the Appeal Board.
99. A breach of this Code takes place if any Candidate or anyone associated with their campaign:
- a) directly or indirectly offers a bribe to influence a Voter to vote or refrain from voting;
 - b) directly or indirectly offers a bribe to influence a Voter to vote or refrain from voting for a particular Candidate;
 - c) accepts or agrees to accept a bribe, including financial promises;
 - d) by intimidation or duress, compels a person to vote or refrain from voting; or
 - e) by intimidation or duress, compels a person to vote or refrain from voting for a particular Candidate.
100. No Candidate shall campaign inside a poll or within 100 meters of the polling Station.

4.0 PRE-ELECTION PROCESS

4.1 Notice of Election

101. The Electoral Officer shall, 30 days prior to Election Day, post a notice of Election in the Band Administration Office, on the Nation's Website and any social media pages.
102. The notice of Election shall include:
- a) the offices which will be voted upon;
 - b) the offices filled by acclamation (if any);
 - c) the date on which the Election is to be held;
 - d) the location of the Polls;
 - e) the times at which the Polls will open and close;
 - f) the name and contact information of the Electoral Officer;
 - g) a statement that the Voters list has been posted for public viewing and its location;
 - h) the time and location of the counting of the votes;
 - i) a statement saying that Tl'azt'en Nation members off reserve will automatically receive a remote voting package to their last known address. Voters are responsible to ensure their address is up to date with the Nation. Any other member may request a remote Voter package from the Electoral Officer. Remote Voter packages may not be requested less than 14 days prior to Election Day;
 - j) instructions regarding how to participate by voting electronically, and
 - k) such other information as the Electoral Officer deems advisable.

4.2 Preparation of Ballots

103. The Electoral Officer shall prepare ballot papers listing in alphabetical order, by surname:
- a) on one ballot paper, the Candidates nominated for Chief; and
 - b) on a second ballot paper, the Candidates nominated for Councillor.
104. A Candidate may request to have the name they are commonly known by in brackets next to their legal name.
105. Where two or more Candidates have the same name, the Electoral Officer shall add to the ballot such additional information as may be necessary to distinguish between those

Candidates, which may, without limiting the generality of the foregoing, include a Candidate's middle name, initial or nickname.

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5.0 VOTING

5.1 Electronic Voter Registration and Electronic Voting

106. Registration for electronic voting shall be open a minimum of at least 30 days prior to Election Day and shall close no more than 6 days prior to Election Day and no later than the day prior to Election Day.
107. If the data is available, those registered in the most recent past election, may be deemed registered to vote electronically automatically for the next election. The Electoral Officer shall send email confirmation to each Voter that is automatically registered from the previous election no later than 25 days prior to the election.
108. Electronic Voting shall be open from five days prior to Election Day until the day prior to Election Day.
109. The Electoral Officer shall ensure that a reliable, user-friendly, and secure electronic Voter registration system is in place for the election that:
 - a) allows Voters to register to vote electronically by requiring the Voter to enter a minimum of their birthdate and status card number to automatically match the Voter List;
 - b) should a match be made, the Voter shall enter at minimum an email address where the Voter may be sent a hyperlink to a voting platform; and
 - c) maintains the secrecy of a Voter's information.
110. The Electoral Officer shall ensure that a reliable, user-friendly, and secure electronic voting platform is in place for the election that:
 - a) maintains the secrecy of a Voter's vote;
 - b) tracks whether or not a Voter has voted; and
 - c) includes security features to ensure that a Voter's identity is verified prior to casting their vote.

5.2 Voting by Mail in Ballot or Electronically

111. The Electoral Officer shall, at least 30 days prior to Election Day, mail to the last known address of every Voter who is not Ordinarily Resident on a Reserve and to any other Voter on request, a Remote Voting Package containing:
 - a) both ballot papers initialled on the back of each by the Electoral Officer;
 - b) a postage-paid return envelope, addressed to the Electoral Officer;
 - c) a smaller envelope marked "ballots";

- d) a Voter Declaration Form on which the Voter can set out:
 - i) the name of the Voter;
 - ii) the status card number;
 - iii) the date of birth of the Voter;
 - iv) the Voter's signature; and
 - v) the name, address, telephone number and signature of a witness.
 - e) the notice of Election;
 - f) a letter of instruction for voting by Mail-in Ballot, which shall include a statement advising the Voter that they may vote in person at any Poll on the day of the Election if they return their Mail-in Ballot to the Electoral Officer at the Poll or swear a written declaration before the Electoral Officer;
 - g) a letter of instruction regarding voting electronically; and
 - h) a list of any Candidates who were acclaimed (if any).
112. A Voter who is Ordinarily Resident on a Reserve and is unable to vote at a Poll on the day on which an Election is to be held, may, not less than 14 days prior to the day on which the Election is to be held, request a Remote Voting Package from the Electoral Officer.
113. A Voter not Ordinarily Resident on a Reserve who has not received a Remote Voting Package may, not less than 14 days prior to the day on which the Election is to be held, request a Remote Voting Package from the Electoral Officer.
114. Upon receipt of a request for a Remote Voting Package, the Electoral Officer shall mail or cause to be delivered a Remote Voting Package to the Voter within 2 business days.
115. The Electoral Officer shall indicate on the Voters List that a Remote Voting Package has been provided to each Voter to whom a Remote Voting Package was mailed or otherwise provided and shall keep a record of the date on which, and the address to which, each Remote Voting Package was mailed or otherwise provided.
116. A Voter who votes by Mail-in Ballot shall:
- a) place an "X" or other mark that clearly indicates the Voters choice but does not identify the Voter opposite the name of the Candidate for Chief and opposite the name of the Candidate for Councillor for whom the Voter desires to vote;
 - b) fold the ballots in a manner that conceals the names of the Candidates or any marks, but exposes the Electoral Officer's initials on the backs of the ballots;
 - c) place the ballots in the inner "ballot" envelope and seal the inner envelope;

- d) complete and sign the Voter Declaration Form in the presence of a witness, who is at least 18 years of age;
 - e) record the name, address, and telephone number of the witness;
 - f) obtain the signature of the witness;
 - g) place the inner envelope and the completed, signed and witnessed Voter Declaration Form in the postage-paid return envelope; and
 - h) mail or otherwise deliver or cause to be delivered, the return envelope to the Electoral Officer or a Deputy Electoral Officer at a Poll.
117. A Voter who votes electronically shall:
- a) register to vote electronically on the online portal made available by the Electoral Officer or an individual/company contracted to provide such an online portal;
 - b) the Voter shall at minimum enter their birthdate and status card number to confirm the Voter is on the Tl'azt'en Voter list;
 - c) should a match be made, the Voter must enter at minimum their email address where the Voter may be sent a hyperlink to a voting platform; and
 - d) once the Voter receives an email from the voting platform inviting them to vote, the Voter shall vote electronically by following the instructions regarding voting electronically.
118. Where a Voter is unable to complete their mail-in ballot independently, the Voter may receive assistance from another person to mark the ballot and to complete and sign the Voter Declaration Form in accordance with this code.
- 5.3 Rejection of Mail-In Ballot**
119. A Mail-in Ballot that is not received by the Electoral Officer or by a Deputy Electoral Officer at a Poll prior to the close of Polls on the day of the Election shall not be counted.
- 5.4 Voting at a Poll or Advance Poll**
120. Voting shall be by secret ballot.
121. The Electoral Officer will establish a Poll in Tache, Fort St. James, and Prince George.
122. Council may establish other Polls at other locations and/or advanced Polls as they deem necessary. Council shall execute a BCR regarding any other locations and/or advanced polls at the time the Electoral Officer is appointed.
123. Should an advanced Poll be implemented, it shall be held between 5 – 10 days prior to Election Day.

124. Voting at advanced Polls shall be conducted with such variations as are necessary in accordance with this Code, provided that ballots cast at an advance Poll:
 - a) will be retained in the secure custody of the Electoral Officer; and
 - b) will not be counted until after the close of Polls on the day of the Election.
125. Any Poll not presided over by the Electoral Officer shall be presided over by Deputy Electoral Officers appointed by the Electoral Officer.
126. The Electoral Officer shall, before a Poll is open, supply each Poll with:
 - a) one ballot box for the ballots cast for the office of Chief;
 - b) one ballot box for the ballots cast for the offices of Councillor;
 - c) a sufficient number of ballots;
 - d) a sufficient number of instruments for marking the ballots;
 - e) voting compartment to protect the privacy of Voters marking a ballot;
 - f) any other materials the Electoral Officer considers necessary; and
 - g) the final Voters List.
127. At each Poll, the Electoral Officer shall provide a voting compartment where Voters can mark their ballots without being observed.
128. Each Poll shall be open from 8 AM to 8 PM local time on Election Day.
129. The Electoral Officer shall, immediately before the opening of a Poll:
 - a) open each ballot box and call such persons as may be present to witness that it is empty;
 - b) complete a written statement verified by a witness that each ballot box is empty;
 - c) lock or properly seal each ballot box in a manner that prevents it from being opened without breaking the seal; and
 - d) place each ballot box in plain view for the deposit of ballots.
130. No Voter may vote by proxy or otherwise authorize another person to vote on their behalf.
131. The Electoral Officer shall maintain order at all times in the Poll and may remove or cause to be removed any person who interferes with or disrupts the orderly conduct of the Poll.

132. The Electoral Officer may appoint security officials to maintain order in the Poll if they deem it necessary.
133. At a poll on Election Day, no person shall:
 - a) distribute any Election-related materials except such materials as may be distributed by an Electoral Officer for the purpose of conducting the Election;
 - b) attempt to interfere with or influence any Voter in marking their ballot; or
 - c) attempt to obtain information as to how a Voter is about to vote or has voted.
134. Each person, on presenting themselves to vote at a Poll, shall provide one piece of photo identification that includes their name and birthdate to the Electoral Officer.
135. If the person presenting themselves lacks sufficient identification, another Member listed on the Voter List may vouch for that individual by completing a Declaration of Identity.
136. The Electoral Officer shall, if the person's name is on the Voters List, initial the ballot for Chief and the ballot for Councillors and provide the ballots to the Voter.
137. The Electoral Officer shall have the voter sign the Voter List in the appropriate column opposite the Voter's name indicating that they have received a ballot.
138. An Electoral Officer shall on request explain the procedure for voting to a Voter.
139. After receiving a ballot, a Voter shall:
 - a) immediately proceed to the compartment provided for marking ballots;
 - b) mark each 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 for whom the Voter intends to vote;
 - c) fold each ballot in a manner that conceals the names of the Candidates and any mark, but exposes the Electoral Officers initials on the back; and
 - d) place the completed ballot in the ballot box.
140. While a Voter is in the compartment for the purpose of marking a ballot, no other person shall, except were provided for in this Code, be in the same compartment or be in any position from which they are able to see the manner in which the Voter marks the ballot.

5.5 Voting in Person by a Mail-In Ballot Recipient

141. Notwithstanding that a Voter was mailed or provided a Mail-in Ballot, the Voter may vote in person at a Poll if:
 - a) the Voter returns the Mail-in Ballot to the Electoral Officer;

- b) the Voter provides the Electoral Officer with a signed statement that the Voter has lost the Mail-in Ballot; or
- c) the Voter advises the Electoral Officer that the Voter wishes to cancel their Mail-in Ballot and vote at the Poll.

142. A Mail-in Ballot that is received from a Voter under s. 141.a) shall be marked "cancelled" and not counted.

143. A Mail-in Ballot received from a Voter who votes under s. 141.b) or 141.c) shall not be counted.

5.6 Special Assistance at a Poll

144. At the request of a Voter who by reason of physical, visual, or mental disability or educational disadvantage is unable to vote in the manner set out in this Code, the Voter may be assisted by another person selected by the Voter.

- a) Voters that have mobility disabilities and can not attend a polling station can have the electoral officer go to the voter and the electoral officer will take their ballot, ensure it is secure and put into the ballot box.

145. The Electoral Officer shall note on the Voters List opposite the name of a Voter receiving assistance that the Voter had received assistance to vote, and the details of the assistance provided.

5.7 Ballot Damaged or Declined

146. A Voter who has unintentionally dealt with a ballot in such a manner that the ballot is damaged or does not reflect the Voter's intention may, on one occasion only, return the ballot to the Electoral Officer and cast another ballot.

147. The Electoral Officer shall write the word "spoiled" upon the first ballot received and retain the ballot.

148. Any Voter who receives a ballot and leaves a Poll without delivering the ballot to the Electoral Officer, or after receiving a ballot, refuses to vote, shall be deemed not to have voted and the Electoral Officer shall make an entry on the Voters list opposite the name of a Voter showing that the Voter received a ballot and declined to vote.

149. If the Electoral Officer receives a ballot referred to in s. 148 the Electoral Officer shall mark upon the face of the ballot the word "spoiled" and any ballot so marked shall be retained in the election file.

5.8 Close of a Poll

150. Every Voter who is in line to vote at the Poll at the time fixed for closing the Poll shall be entitled to vote before the Poll is closed.

5.9 Scrutineers

151. A Candidate shall be entitled to have one Scrutineer at a Poll at any one time.
152. A Scrutineer must be a member.
153. A Scrutineer may observe the conduct of voting, registration at the time of voting and counting of the ballots on behalf of the Candidate but may not otherwise take part in the conduct of the Poll.
154. A Scrutineer must present a Scrutineer Appointment Form to the Electoral Officer at the Poll, signed by the Candidate, in order to be permitted to remain at the Poll.
155. A Scrutineer shall not be a Candidate or a member of Council.

6.0 POST ELECTION

6.1 Counting of Ballots

156. As soon as reasonably possible following the close of the Polls, the Electoral Officer shall count the ballots.
157. The procedure for counting of ballots at any Poll other than the Poll attended by the Electoral Officer shall be as set out herein provided that the Electoral Officer counting the ballots at such other Poll shall transmit the results of the count to the Electoral Officer immediately following counting of the ballots at that Poll.
158. Any Members may attend and observe the counting of the ballots.
159. The Electoral Officer shall open each mail-in ballot return envelope that was received before the close of the Polls and, without opening the ballots envelope:
- a) reject the ballots if:
 - i) the ballot envelope is not accompanied by a Voter Declaration Form;
 - ii) the Voter Declaration Form is not signed or witnessed;
 - iii) the Voter Declaration Form does not contain a date of birth or a Status Card number that matches the information for that Voter on the Voters List;
 - iv) the name of the Voter set out in the Voter Declaration Form is not on the Voters List; or
 - v) the Voter has voted at a Poll or electronically.
 - b) in every other case, place a mark on the Voters List opposite the name of the Voter set out in the Voter Declaration Form, open the ballot envelope and without opening the ballot, deposit the ballot in a ballot box.
160. Immediately after all Mail-in Ballots have been deposited in the ballot box the Electoral Officer shall, in the presence of any Candidates or their Scrutineers who are present, open all ballot boxes and examine each ballot.
161. The Electoral Officer must reject any ballot that:
- a) does not have the initials of the Electoral Officer;
 - b) does not clearly show the Voter's intention;
 - c) shows more votes than there are Candidates to be elected; or
 - d) shows any mark by which the Voter can be identified.

162. The Electoral Officer shall attach a note on each rejected ballot that states the reason the ballot was rejected.
163. The Electoral Officer shall call out the name of the Candidate for whom each vote was cast on each valid ballot.
164. One or more appointed individuals shall mark on a tally sheet each vote cast for each Candidate.
165. The Electoral Officer shall supply any other person present who so requests with a tally sheet to keep a tally of the votes.
166. The Electoral Officer shall note in writing any objection made by a Candidate or their Scrutineer to any ballot and decide any question arising out of the objection.
167. The Electoral Officer shall number objections to ballots raised pursuant to s. 166 and place a note with a corresponding number on the back of the ballot with the word "allowed" or "disallowed", as the case may be, with their initials.

6.2 Declaration of Elected Candidates

168. After counting all votes, the Electoral Officer shall declare to be elected to the position of Chief, the Candidate having the highest number of votes.
169. After counting all votes, the Electoral Officer shall declare to be elected to Council the top seven (7) Candidates who received the highest number of votes.
170. Following the declaration of elected Candidates, the Electoral Officer shall complete and sign a Statement of the Vote which shall set out:
 - a) the names of all Candidates;
 - b) the number of valid ballots cast for each election;
 - c) the number of ballots cast for each Candidate;
 - d) the number of rejected ballots;
 - e) the number of Spoiled Ballots;
 - f) the number of Cancelled Ballots;
 - g) the number of unused ballots; and
 - h) the total number of printed ballots.
171. No later than the day immediately following the counting of votes, the Electoral Officer shall:

- a) sign and post, in the Band Administration Office, the Statement of the Vote prepared in accordance with s. 170; and
- b) forward a copy of the Statement of the Vote to the Election Committee and Executive Director to post on the Tl'azt'en Nation's Website and social media.

6.3 Disposition of Ballots

- 172. The Electoral Officer shall retain all ballot papers in sealed envelopes, including those rejected, spoiled, cancelled and unused, and shall retain these ballots in a secure place until they are destroyed in accordance with s. 173.
- 173. All ballots retained in accordance with s. 172 shall be retained for 45 days from Election Day or until a final decision on any appeal is rendered, whichever is later, after which time the Electoral Officer may destroy the ballots in the presence of two witnesses who shall sign a declaration that they witnessed the destruction of the ballots.
- 174. The Electoral Officer shall send a copy of the declaration to destroy ballots to the Election Committee and Executive Director within 5 days of destroying the ballots.

6.4 Tie Vote

- 175. If the Electoral Officer cannot determine a successful Candidate due to an equal number of votes being cast in favour of two or more Candidates, the Electoral Officer must immediately recount the ballots in the presence of the persons present at the Poll.
- 176. If the recount fails to determine an elected Candidate, the Electoral Officer shall inform the Candidates and shall determine the elected Candidate by drawing names in accordance with the procedure set out in s. 177.
- 177. The Electoral Officer shall:
 - a) record the names of the Candidates having the same number of votes on separate but equal pieces of paper;
 - b) place the pieces of paper in a solid container;
 - c) without looking in the receptacle, draw one piece of paper from the container; and
 - d) declare that the Candidate whose name appears on the paper is elected.

7.0 VACANCIES, APPEALS AND REMOVAL

7.1 Council Vacancies

178. A Chief or Councillor office is vacant if, while in office:
- a) a Chief or Councillor resigns;
 - b) a Chief or Councillor is deceased;
 - c) a Chief or Councillor is unable to perform their duties for three or more consecutive months due to illness or other incapacity;
 - d) a Chief or Councillor is convicted of an indictable criminal offence; or
 - e) a Chief or Councillor is removed from office pursuant to s. 209.a);
179. Vacancies from Council will be documented by Band Council Resolution.
180. Where the office of Chief or a Councillor becomes vacant for a period of time, that is 6 months or more before the end of the Chief or Councillor's term of office:
- a) a By-election shall be initiated by Council within 14 days of a vacancy; and
 - b) the Deputy Chief shall serve as acting Chief until a Candidate is declared elected as Chief.
181. The Candidate elected in a By-election shall hold office for the remainder of the vacant term.
182. Council may seek to leave an office vacant for more than 6 months before the end of the term by bringing such a recommendation to a Band Members Meeting or Emergency Members Meeting for membership approval.
183. In a By-election for the office of Chief, a Councillor who becomes a Candidate by submitting their acceptance documents, must take a leave of absence from Council and, if elected to Chief, surrender their role on Council. A separate By-election would be held for the vacant Councillor position.

7.2 Appeal Board

184. At least 75 days prior to Election Day, on the advice of the Elders Advisory Group, Council shall pass a Band Council Resolution confirming the appointments of:
- a) the members of the Appeal Board; and
 - b) a list of at least five alternate members of the Appeal Board who meet the criteria set out in s. 185.

185. The Appeal Board shall be composed of three persons who:
- a) are at least 18 years of age; and
 - b) have experience or training in the conduct of dispute resolution, administrative appeals, or mediation.
186. The term of office of the Appeal Board shall be from the date of appointment until a new Appeal Board is appointed prior to the next general Election.
187. The Executive Director shall post notice of accepted appointments to the Appeal Board in at least one visible place at the Band Administration Offices, the Nation Website, and social media platforms.
188. The Appeal Board shall decide, in accordance with this Code, all appeals against an Election or Referendum, including an appeal against a decision of an Electoral Officer or Deputy Electoral Officer.

7.3 Appeals

189. A Candidate or a Voter may, within fourteen days after Election Day, submit an appeal claiming that:
- a) a Candidate declared elected was not qualified to be a Candidate;
 - b) there was a violation of this Code in the conduct of the Election or Referendum that might have affected the result of the Election or Referendum; or
 - c) there was a corrupt or fraudulent practice in relation to the Election or Referendum that might have affected the result of the Election or Referendum.
190. An appeal must:
- a) be in writing;
 - b) be set out in a document that is witnessed by at least one Member;
 - c) set out the grounds for the appeal and the alleged facts supporting the grounds for appeal;
 - d) include any supporting documentation;
 - e) be accompanied by a non-refundable fee in the amount of \$50.00 payable to Tl'azt'en Nation Finance Office; and
 - f) be delivered in person, by registered mail or by email as a signed PDF to the Executive Director, who will forward the appeal to the Appeal Board.

191. Upon receipt of an appeal, any Appeal Board member who is an Immediate Family Member of an Appellant, a Candidate or an Electoral Officer named in the appeal, or who may be reasonably apprehended to have a bias or conflict of interest in connection with the appeal, shall excuse themselves from the Appeal Board and Council shall appoint an alternative member from the list established under s. 184.b).
192. Appeals that do not comply with s. 190 of this Code will be deemed invalid and dismissed by the Appeal Board.
193. Upon receipt of an appeal, the Appeal Board shall forward a copy of the appeal documents together with any supporting documents by registered mail, email or in person to the Electoral Officer and to any Candidate named in the appeal.
194. Any Candidate named in an appeal, a Deputy Electoral Officer named in the appeal, or the Electoral Officer may, within ten days of the receipt of the appeal, provide to the Appeal Board by registered mail, email or in person, a written response to the appeal allegations, together with any supporting documentation.
195. After a review of the record and any response received the Appeal Board may rule:
- a) that the evidence presented was not sufficient to prove on a balance of probabilities that:
 - i) a Candidate declared elected was not qualified to be a Candidate;
 - ii) there was a violation of this Code that might have affected the result of the Election; or
 - iii) there was a corrupt or fraudulent practice in relation to the Election that might have affected the result of the Election.and dismiss the appeal, or
 - b) that the evidence presented was sufficient to conclude on a balance of probabilities that:
 - i) a Candidate declared elected was not qualified to be a Candidate;
 - ii) there was a violation of this Code that might have affected the result of the Election; or
 - iii) there was a corrupt or fraudulent practice in relation to the Election that might have affected the result of the Election.and allow the appeal.
196. Where the Appeal Board allows an appeal, the Appeal Board may:

- a) where the Candidate declared elected was not qualified to be a Candidate, set aside the election of that Candidate, and declare that the Candidate with the next highest number of votes is elected or where there is no other Candidate, that a By-election be held; or
 - b) direct that a new Election be held.
197. Where appropriate, the Appeal Board shall make recommendations to Tl'azt'en Nation and to the Electoral Officer as to how any problem identified in the appeal can be prevented in future elections.
198. The decision of the Appeal Board shall be:
- a) provided to the Appellant, the Electoral Officer and any Candidate named in the appeal; and
 - b) posted in at least one visible place at the Band Administration Office, the Nation's Website, and social media platforms.
199. The decision of the Appeal Board is final and not subject to appeal, except for judicial review under the *Federal Courts Act*, R.S.C., 1985, c. F-7.
200. Nothing in this Code is intended to provide jurisdiction on the Appeal Board to:
- a) consider or determine any matter involving allegation of criminal conduct; or
 - b) conduct any investigation beyond what is provided for in this Code.

7.4 Removal of a Council Member from Office

201. The Chief or a Councillor may be removed from office and be prevented from running for office for 5 years if they:
- a) violate this code, their oath of office, Code of Conduct, or the Code of Ethics;
 - b) ceases to meet the requirements of a Candidate per s. 51.
 - c) for Chief, ceases to maintain residency as required by s. 52.
 - d) fail to attend three consecutive regular meetings of Council without being reasonably excused from attendance by a quorum of Council;
 - e) accepts or offers a bribe, forges a Council document, or otherwise acts dishonestly in their role;
 - f) is negligent in failing to ensure the safety and protection of the community's members and property;

- g) uses their office for personal financial gain or for the financial benefit of members of their family to the detriment of the Council or the band as a whole;
- h) abuses their office such that the conduct negatively affects the dignity and integrity of the community or of council;
- i) encourages others to commit any of the above acts or omissions; or
- j) engages in such other conduct as may be determined by the Appeal Board to be of such a serious nature that the removal is necessary and appropriate.

7.5 Procedure

202. Proceedings to remove Council members from their office shall be initiated by a Removal Request:

- a) any Voter submitting to the Appeal Board a petition on which shall appear:
 - i) the ground pursuant to s. 201 on which removal of a Chief or Councillor is sought;
 - ii) the evidence in support of the petition;
 - iii) the signature of the petitioner; and
 - iv) the signatures of at least 15 percent of all eligible Voters in support of the petition.
- b) Council members passing a Band Council Resolution to the Appeal Board on which shall appear:
 - i) the ground pursuant to s. 201 on which removal of a Chief or Councillor is sought;
 - ii) the evidence in support of the Band Council Resolution; and
 - iii) the signatures of all Council members who voted for the removal.

203. On receipt of a Removal Request, the Appeal Board shall verify that the Removal Request complies with s. 201. If the Removal Request does not comply, the Appeal Board shall so notify the petitioner(s).

204. In a case where the Removal Request complies with s. 201, the Appeal Board shall:

- a) determine that the grounds put forth in the Removal Request are either unsupported in nature or unproven, and dismiss the petition; or
- b) schedule a review hearing, which shall take place within 20 days from the date on which the Removal Request was submitted to the board.

205. In a case where the Removal Request has been dismissed under subs. 204.a), the Appeal Board shall so inform the petitioner(s) in writing and provide a rationale.
206. In a case where the Appeal Board schedules a hearing under subs. 204.b), the board shall send a written notice of the hearing by email or registered mail to council, the petitioner(s) and the Council member who is the subject of the Removal Request. Board shall also post the Notice in the Band Administration Office, on the Nation's Website and any social media pages.
207. The written notice described in s. 206 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 petitioner(s), any member of Council or the Council member who is the subject of the Removal Request may, at the hearing, make a presentation to the Appeal Board, which may include the presentation of documents and testimony by witnesses.
208. The Appeal Board shall conduct a hearing at the time and place set out in the notice provided under s. 206. For transparency purposes, such hearing shall be viewable online for membership to observe the process.
209. Within 5 days of the day on which the hearing is held, the Appeal Board shall rule:
- a) that the Removal Request shall be allowed to stand, and declare the Council position of the member of Council who is the subject of the petition to be vacant; or
 - b) that the Removal Request is dismissed.
210. The Appeal Board shall send, by email or registered mail, a written notice of the ruling to council, the petitioner(s) and the Council member who is the subject of the Removal Request. The Appeal Board shall also post the notice in the Band Administration Office, on the Nation's Website and any social media pages.
211. The decision of the Appeal Board is final and binding upon all parties.

8.0 AMENDMENT

8.1 Process for Amendment

212. An Amendment of this Code may be proposed by:
- a) a petition presented to Council, signed by at least 15 percent of all Voters describing the proposed Amendment;
 - b) a member's motion that is passed at a Band Member Meeting; or
 - c) a Band Council Resolution.
213. Upon receiving an Amendment proposal, Council will appoint a Referendum Officer to conduct the Amendment process with the Election Committee.
214. The Referendum Officer shall issue a notice prepared by the Election Committee that sets out:
- a) a summary of the proposed Amendment;
 - b) a statement that a copy of the proposed Amendment can be obtained at the Band Administration Office and the Nation Website;
 - c) a description of the Amendment process; and
 - d) the date, time, and place of a Referendum on the Amendment.
215. The notice issued under s. 214 shall be:
- a) posted in the Band Administration Office, the Nation Website, and social media platforms; and
 - b) mailed to the last known address of every Voter who does not ordinarily reside on a Reserve.
216. A Voter may, within 30 days of publication of the notice under s. 214, provide to the Election Committee written comments regarding a proposed Amendment.
217. Comments provided under s. 216 must include the name of the Voter.
218. The Election Committee shall give full and fair consideration to any comments in drafting a final Amendment proposal or withdrawing a proposal.
219. The Election Committee shall submit the proposed Amendment to a Referendum conducted in accordance with this Code.

220. If the majority of the votes cast are in favour of the proposed Amendment, Council shall amend the Code accordingly and adopt the Amendment by Band Council Resolution within 60 days of the Referendum.
221. An Amendment shall take effect at a time set out in the Band Council Resolution adopting the Amendment.

8.2 Postponement of Election Events

222. If a death occurs in TI'azt'en Nation which, in the opinion of the Electoral Officer might affect the Election, the Electoral Officer may, with the advice of the Election Committee or Executive Director, postpone the date on which the Election, Nomination Meeting or All-Candidate Forum are to be held, provided that such postponement shall not exceed seven days.
223. If a natural disaster occurs in TI'azt'en Nation territory which in the opinion of the Electoral Officer might affect the Election, the Electoral Officer may, with the advice of the Election Committee or Executive Director, postpone the date on which the Election, Nomination Meeting or All-Candidate Forum are to be held.
224. Where an Election is postponed, notice of the postponement shall be provided to Members as soon and by such means as is reasonably possible.

8.3 Calculation of Time

225. Days in this Code shall be calendar days unless the term business day is used.

8.4 Coming Into Force

226. This Code repeals and replaces the TI'azt'en Nation Traditional Leadership Code and any and all previous election Codes, including any written document or oral statement regarding the conduct of TI'azt'en Nations' Elections for Chief and Council.
227. This Code comes into force upon the calling of the next election after passing of this Code in a Referendum.