

Gitxaala Nation Custom Election Code

Final Version

Passed by Referendum on December 15, 2015

Contents

1.0	Title	4
2.0	Code forms Part of the <i>Ayaawk</i>	4
3.0	Definitions	4
4.0	The Governing Council	6
	Composition.....	6
	Salaries and Evaluations	6
	Method of Election	7
	Transition Period after General Election	7
	Terms of Office	7
	Vacancy.....	8
	Meetings.....	9
5.0	Election Dates.....	9
	Date of General Elections	9
	Date of By-Elections.....	9
6.0	Pre-Nomination Process.....	10
	Election Board and Chief Electoral Officer.....	10
	Voters List	11
	Notices	11
	Independent Arbitrator	13
	General	13
	Candidate Nomination by Mail	14
	Candidate Nomination Meetings.....	14
	Candidate Acceptance and Deposit.....	15
	Candidate Posting and Withdrawals.....	16
	Preparation of Ballots	16
	Mail-in Balloting.....	16
	Polling Stations	18
	Candidate Scrutineers.....	18
9.0	Election Day Process	19
	In Person Balloting Process.....	19
	Verification of Mail-in-Ballots	21
	Tabulation of Ballots Generally.....	22
	Announcement of Election Results.....	24
10.0	Post-Election Process	24

11.0 Appeals Process 24
 Appeal Procedures Regarding Election Results 24
 Appeals of Vacancy Declarations by the Governing Council..... 26
12.0 Amendment 27
13.0 General..... 29
APPENDIX 1..... 30
APPENDIX 2..... 31
APPENDIX 3..... 32
APPENDIX 4..... 33
APPENDIX 5..... 34
APPENDIX 6..... 35
APPENDIX 7..... 36
APPENDIX 8..... 37
APPENDIX 9..... 39
APPENDIX 10..... 40
APPENDIX 11..... 41
APPENDIX 12..... 42

1.0 Title

1.1 This Code shall be called the “Gitxaala Nation Custom Election Code”.

2.0 Code forms Part of the *Ayaawk*

2.1 The Gitxaala Nation Custom Election Code forms part of the ayaawk of the Gitxaala Nation upon its adoption by the Gitxaala Nation.

3.0 Definitions

3.1 In this Code:

“**Administration Office**” means the office established to provide administrative support to the Governing Council of the Gitxaala Nation, formerly the band office;

“**Assigned Polling Station**” for an Elector means the polling station that is closest to the last known address of an Elector;

“**Ayaawk**” means the customary law of the Gitxaala Nation;

“**By-Election**” means an Election held to fill a declared vacancy on the Governing Council in accordance with this Code;

“**Candidate**” means a member of the Gitxaala Nation who:

- (1) is the full age of eighteen (18) years on or before the day on which the Election is held;
- (2) has been a member of the Gitxaala Nation for a period of not less than twelve (12) months immediately preceding the day on which the Election is held;
- (3) has been nominated to be a Candidate and the nomination has been seconded and accepted, with deposit made, pursuant to the provisions of this Code; and
- (4) has not have been convicted of an offence that was prosecuted by way of indictment within a five (5) year period of the date of the Election;

“**Chief Electoral Officer**” means the Electoral Officer that is the chair of the Election Board appointed by the Governing Council pursuant to this Code;

“**Code**” means the Gitxaala Nation Custom Election Code;

“Deputy Chief Electoral Officer” means an Electoral Officer appointed by the Chief Electoral Officer to assist and help oversee the Election process, and in the event that the Chief Electoral Officer is unable to fulfill his or her duties, to act in the place of the Chief Electoral Officer for the specific Election in question;

“Election” means a General Election or a By-Election held under this Code;

“Election Board” means the board that is appointed by the Governing Council to conduct the Election, consisting of the Chief Electoral Officer and at least two (2) additional Electoral Officers;

“Elector” means a person who is a member of the Gitxaala Nation and the full age of eighteen (18) years;

“Electoral Assistant” means a person appointed by the Chief Electoral Officer to assist the Electoral Officer(s) at a polling station;

“Electoral Officer” means a person appointed by the Governing Council to be a member of the Election Board;

“General Election” means the Election held during every third year for all Councillor Positions on the Governing Council, including the Chief Councillor and Deputy Chief Councillor, in accordance with this Code;

“Gitxaala Nation” means the aboriginal people of Canada also known as the “Gitxaala” and “Gitxaala First Nation”, and formerly the “Kitkatla Indian Band”, whom are recognized as a “band” within the meaning of the *Indian Act*, R.S.C. 1985, c. I-5, as amended (the “*Indian Act*”);

“Gitxaala Nation Lands” means the Gitxaala Nation “reserve” lands within the meaning of the *Indian Act* and the settlement lands in any Gitxaala Nation treaty with the Crown within the meaning of s. 35 of the *Constitution Act, 1982*;

“Governing Council” means the council composed of those persons chosen pursuant to this Code, also referred to as the “council of the band” within the *Indian Act*;

“Independent Arbitrator” means the person designated pursuant to this Code to hear and decide upon appeals arising under this Code and other matters set out herein;

“Lach Klan” means the Gitxaala Nation village known in English as Kitkatla on Dolphin Island, British Columbia;

“Mail-in-Ballot” means a ballot mailed or delivered in accordance with this Code;

“Sm'algyax” means the traditional language of the Gitxaala Nation; and

“Voter Declaration Form” means a copy of the *Voter Declaration Accompanying the Mail-in Ballot* attached at Appendix 7 to this Code.

4.0 The Governing Council

Composition

4.1 The Gitxaala Nation shall have a Governing Council consisting of seven (7) members:

(a) one (1) Chief Councillor, also referred to as the Chief;

(b) one (1) Deputy Chief Councillor, also referred to as the Deputy Chief;
and

(c) five (5) Councillors.

4.2 The Chief Councillor may delegate any powers of the office of Chief Councillor to the Deputy Chief Councillor at any time and for any purpose.

Salaries and Evaluations

4.3 As proposed by the majority of Gitxaala hereditary leadership at a meeting on November 26, 2009, the starting and maximum annual salary of each member of the Governing Council shall be as follows as of May 1, 2010, such salaries being subject to reduction in accordance with quarterly individual work performance evaluation by an independent third party:

(a) \$100,000 to the Chief Councillor;

(b) \$60,000 to the Deputy Chief Councillor; and

(c) \$36,000 to each Councillor.

4.4 An independent third party with expertise in human resources management, as chosen by the Independent Arbitrator, shall evaluate the individual work performance of the Chief Councillor, Deputy Chief Councillor and each Councillor every three (3) months in accordance with generally accepted employee evaluation criteria (e.g. quality of work, quantity of work, effectiveness, attitude, public relations, supervisory ability, etc.) established by the independent third party after consultation with the Independent Arbitrator.

- 4.5 Within two weeks after each quarterly work performance evaluation the independent third party that has conducted the evaluation shall:
- (a) determine, based on the independent evaluation of the Governing Council member's work performance, whether the Governing Council member's salary shall be maintained or reduced; and
 - (b) notify the Governing Council in writing of the salary determination and the reasons for the determination.
- 4.6 The independent third party responsible for evaluating the individual work performance of each member of the Governing Council may reduce an annual salary to zero.

Method of Election

- 4.7 The Chief Councillor, Deputy Chief Councillor and five (5) Councillors of the Governing Council shall be elected, pursuant to this Code, by the Electors and one of the Councillors will be less than thirty-one years of age on the date of the relevant Election.

Transition Period after General Election

- 4.8 There shall be a fourteen (14) day transition period beginning the day after every General Election, during which time:
- (a) the outgoing Governing Council must meet with the incoming Governing Council to brief them on the affairs of the Governing Council; and
 - (b) each member of the incoming Governing Council must take the *Oath of Chief Councillor, Deputy Chief Councillor and Councillors*, a copy of which is attached to this Code as Appendix 1.

Terms of Office

- 4.9 At the end of the fourteen (14) day transition period that immediately follows every General Election:
- (a) the term of office of every member of the outgoing Governing Council ends; and
 - (b) the term of office of every member of the incoming Governing Council begins.

- 4.10 The term of office for each member of the Governing Council shall not exceed three (3) years plus the fourteen (14) days of a transition period immediately following a General Election.
- 4.11 There is no limit to the number of terms of office that a member of the Governing Council may serve consecutively if duly elected pursuant to this Code.
- 4.12 The term of office for each member of the Governing Council elected through a By-Election shall begin upon taking the *Oath of Chief Councillor, Deputy Chief Councillor and Councillors*, a copy of which is attached to this Code as Appendix 1.

Vacancy

- 4.13 A position on the Governing Council becomes vacant if the member of the Governing Council holding the position:
- (a) resigns from the office in writing;
 - (b) misses three (3) consecutive regular Governing Council meetings without written authorization from the Governing Council;
 - (c) is convicted of an offence under the *Criminal Code*;
 - (d) is in violation of the *Oath of Chief Councillor, Deputy Chief Councillor and Councillors*, a copy of which is attached to this Code as Appendix 1;
 - (e) does not take the *Oath of Chief Councillor, Deputy Chief Councillor and Councillors* prior to the close of the fourteen (14) day transition period that immediately follows every General Election; or
 - (f) dies.
- 4.14 If a situation described in section 4.13 of this Code occurs or is believed to have occurred, a motion must be presented as soon as practical at a duly convened regular meeting of the Governing Council for a resolution outlining the situation and declaring the position to be vacant.
- 4.15 Any member of the Governing Council whose position has been declared vacant in accordance with section 4.13(a) to 4.13(e) may appeal the decision to the Independent Arbitrator, provided that such appeal is received by the Independent Arbitrator within fourteen (14) days of the Governing Council's declaration of vacancy.
- 4.16 If the office of Chief Councillor becomes vacant, the Deputy Chief Councillor shall perform the office of the Chief Councillor until the vacancy is filled.

Meetings

- 4.17 All Governing Council meetings shall be conducted in accordance with the *Indian Band Council Procedure Regulations*, C.R.C. 1978, c. 950, as amended to December 1st, 2009, save and except for the procedures set out therein with respect to the “superintendent”.
- 4.18 The Chief Councillor shall ensure that each member of the Governing Council is notified of the day, hour and place of all Governing Council meetings.

5.0 Election Dates

Date of General Elections

- 5.1 A General Election shall be held between the second and third anniversary of every General Election.
- 5.2 The Governing Council shall by resolution set a date for the General Election after consultation with the Chief Electoral Officer.
- 5.3 Despite sections 5.1 and 5.2, the band council in office when this Code comes into effect shall set by resolution the date of the first General Election held pursuant to this Code, with such Election date to be within ninety (90) days of this Code coming into effect.

Date of By-Elections

- 5.4 The Governing Council shall by resolution set a date for a By-Election to fill any vacancy on the Governing Council after consultation with the Chief Electoral Officer and within thirty (30) days of the later of:
- (a) the Governing Council declaring a position on the Governing Council to be vacant;
or
 - (b) in the event of an appeal under section 4.15 of this Code, any decision of the Independent Arbitrator confirming a Governing Council declaration that a position on the Governing Council is vacant.
- 5.5 Despite section 5.4, no By-Election may be held during a year when a General Election is required if:
- (a) the office to be filled on the Governing Council was vacated during the eight (8) months prior to the third anniversary of the previous General Election; or

(b) the Governing Council has by resolution set a date for the next General Election and that date is within eight (8) months from when the office to be filled was vacated.

5.6 The procedures for every By-Election shall be governed by those of a General Election with procedural modifications as deemed necessary by the Chief Electoral Officer.

6.0 Pre-Nomination Process

Election Board and Chief Electoral Officer

6.1 The Governing Council shall by resolution appoint an Election Board consisting of at least three (3) members, including a Chief Electoral Officer as chair and additional Electoral Officers, not less than ninety (90) days prior to the date on which the Election will be held.

6.2 Despite section 6.1, the band council in office when this Code comes into effect shall by resolution appoint the Election Board not less than eighty (80) days prior to the date on which the first General Election is held pursuant to this Code.

6.3 Prior to undertaking their respective duties, each Electoral Officer appointed by the Governing Council, including the Chief Electoral Officer, shall complete the *Oath of Office for Electoral Officers*, a copy of which is attached as Appendix 2 to this Code.

6.4 Under the direction of the Chief Electoral Officer, the Election Board shall conduct any Election.

6.5 In order to preserve the independence of the office, if a member of the Election Board is a member of the Gitxaala Nation, he or she is not entitled to nominate a Candidate, be a Candidate, or vote during the Election.

6.6 The Chief Electoral Officer shall, in a manner consistent with this Code, determine who is an Elector and who is eligible to be a Candidate prior to the Election.

6.7 The Chief Electoral Officer will establish an Election file and place in it copies of all documentation associated with the Election. The file will remain open until such time as the appeal period of thirty (30) days has expired. The file shall then be closed and kept in the Administration Office.

6.8 The Chief Electoral Officer may appoint a Deputy Chief Electoral Officer from the Electoral Officers comprising the Election Board.

Voters List

- 6.9 A least ninety (90) days before the date of the Election, or at least eighty-five (85) days before the date of the first General Election held pursuant to this Code, the Administration Office shall, to the best of his or her ability, provide the Chief Electoral Officer with a list containing the name, date of birth, and last known address of each Gitxaala Nation member.
- 6.10 The Chief Electoral Officer shall, to the best of his or her ability, prepare a voters list containing the names of all Electors in alphabetical order, and the date of birth of each Elector, and their Assigned Polling Station..
- 6.11 The Chief Electoral Officer shall ensure that the voters list is made available to Electors for reviewing at the Administration Office.
- 6.12 Each Elector is responsible for ensuring that he or she is included on the voters list and that the information about the Elector is correct.
- 6.13 If an Elector believes there is an error on the voters list, the Elector shall notify the Chief Electoral Officer at least ten (10) days in advance of the Election and the Chief Electoral Officer shall correct the voters list if satisfied that there is an error after being presented with evidence of the correct information.
- 6.14 Any Elector whose name does not appear on the voters list may present evidence of his or her
- (a) identity,
 - (b) date of birth, and
 - (c) membership in the Gitxaala Nation
- to the Chief Electoral Officer at least ten (10) days in advance of the Election, and if the Electoral Officer is satisfied that the person is eligible to vote pursuant to this Code, that person shall be added to the voters list and be allowed to vote at the Assigned Polling Station to the extent justified by the evidence presented.

Notices

- 6.15 The Chief Electoral Officer shall prepare a Notice of Election containing:
- (a) the date and time of the Election;
 - (b) the position(s) on the Governing Council open for Election;

- (c) the location of polling stations for the Election;
- (d) the availability of voting by mail-in-ballot for:
 - (i) all Electors who do not ordinarily reside on Gitxaala Nation Lands or within the municipality of Prince Rupert; and
 - (ii) all other Electors who request a mail-in-ballot package from the Chief Electoral Officer;
- (e) notice that a copy of the *Gitxaala Nation Custom Election Code* is available to any Elector upon the Elector's request to the Chief Electoral Officer, and is available for viewing at the Administration Office; and
- (f) notice that the voters list is available for review at the Administration Office, and that each Elector is responsible for ensuring that he or she is included on the voters list and that the information about the Elector is correct.

6.16 The Chief Electoral Officer shall prepare a Notice of a Candidate Nomination Meeting containing:

- (a) the time, date and location of the Candidate Nomination Meeting;
- (b) a statement that prior to the start of any Candidate Nomination Meeting any Elector may propose or second a Candidate nomination for a position for which the Elector is entitled to vote by submitting a completed *Mail-In Candidate Nomination Form* to the Chief Electoral Officer and ensuring receipt thereof prior to the start of the Candidate Nomination Meeting; and
- (c) information on how to obtain the *Mail-In Candidate Nomination Form* attached as Appendix 4 to this Code.

6.17 The Chief Electoral Officer shall, at least seventy-five (75) days prior to an Election date:

- (a) post a Notice of Election, and a Notice of Candidate Nomination Meeting, at the Administration Office, on any website maintained by the Gitxaala Nation, and at other public places as deemed necessary by the Chief Electoral Officer; and
- (b) mail a Notice of Election, , and Notice of Candidate Nomination Meeting(s) to all Electors.

6.18 A copy of this Code shall be made available to any Elector upon the Elector's request to the Chief Electoral Officer, and shall be available for viewing at the Administration

Office.

Independent Arbitrator

- 6.19 The Governing Council shall by resolution instruct a professional arbitration organization of the Governing Council's choosing to appoint an Independent Arbitrator not less than sixty (60) days prior to the date on which a General Election will be held.
- 6.20 Prior to undertaking his/her duties, the Independent Arbitrator appointed by the professional arbitration organization chosen by the Governing Council, shall complete the *Oath of Office for the Independent Arbitrator*, a copy of which is attached as Appendix 4 to this Code.
- 6.21 The Independent Arbitrator must not be an employee or member of the Gitxaala Nation or, for the Election(s) for which he or she is appointed a Candidate for a position on the Governing Council or a scrutineer for a Candidate.
- 6.22 The term of office for the Independent Arbitrator shall be until replacement by the Governing Council prior to the next General Election, during which term the Independent Arbitrator shall:
- (a) administer all Election related appeals in accordance with the provisions in this Code;
 - (b) administer all Governing Council vacancy related appeals in accordance with the provisions in this Code; and
 - (c) select and retain, on behalf of the Gitxaala Nation, an independent third party to carry out the quarterly individual work performance evaluation of Governing Council members and to make associated salary determinations in accordance with the provisions in this Code.

7.0 Nomination Process

General

- 7.1 All Candidate nominations shall be proposed and seconded by two different Electors, both of whom are entitled to vote.
- 7.2 An Elector may nominate or second the nomination of more than one Candidate, but may not nominate or second the nomination of more Candidates than the total number of positions on the Governing Council currently subject to an Election.

Candidate Nomination by Mail

- 7.3 An Elector unable to attend a Candidate Nomination Meeting at which he or she is entitled to make a nomination may participate in the Candidate nomination process for this meeting by completing a *Mail-in Candidate Nomination Form*, a copy of which is attached as Appendix 3 to this Code, and ensuring its receipt by the Chief Electoral Officer prior to the start of the Candidate Nomination Meeting.
- 7.4 The Chief Electoral Officer shall send one or more *Mail-in Candidate Nomination Forms*, a copy of which is attached as Appendix 3 to this Code, to any Elector who so requests.
- 7.5 It is the sole responsibility of an Elector wishing to participate in the Candidate nomination process by mail-in nomination to obtain the required *Mail-In Candidate Nomination Form* from the Chief Electoral Officer and to ensure the completed *Mail-In Candidate Nomination Form* has been received by the Chief Electoral Officer prior to the start of the Candidate Nomination Meeting.

Candidate Nomination Meetings

- 7.6 All Candidate Nomination Meetings must take place at least forty-five (45) days prior to the date of the Election.
- 7.7 The Chief Electoral Officer shall conduct a Candidate Nomination Meeting for nominations for the positions of Chief Councillor, Deputy Chief Councillor, four Councillors and one Councillor who is less than thirty-one (31) years of age on the date of the relevant Election.
- 7.8 All Candidate Nomination Meetings are closed to any Elector that is a member of the Election Board.
- 7.9 At the time and place specified in the Notice of Candidate Nomination Meeting, the Chief Electoral Officer shall:
- (a) declare the meeting open for the purpose of receiving relevant Candidate nominations;
 - (b) announce the acceptance or rejection of any relevant Candidate nomination(s) received in writing prior to the meeting;
 - (c) provide sufficient time for relevant Candidate nominations to be brought forward from the floor; and then
 - (d) close the floor to nominations by calling to the floor and requesting that a motion be made and seconded to effect closure of the Candidate Nomination Meeting.

- 7.10 Upon the opportunity to bring forward Candidate nominations from the floor, an Elector entitled to be present at the meeting may in person or in writing to the Chief Electoral Officer propose or second a nomination of any Elector eligible to be a Candidate for a position that is the subject of the nomination meeting.
- 7.11 Upon closure of the receipt of nominations at a Candidate Nomination Meeting:
- (a) if more than one person has been nominated for a position on the Governing Council that is the subject of the meeting, the Chief Electoral Officer shall declare that a poll will be held at the time and place identified in the Notice of Election; or
 - (b) if only one person has been nominated for a position on the Governing Council that is the subject of the meeting, the Chief Electoral Officer shall declare that person elected subject to the person signing an *Acceptance of Candidate Nomination Form*, a copy of which is attached as Appendix 5 to this Code.

Candidate Acceptance and Deposit

- 7.12 An Elector duly nominated to be a Candidate may only accept one Candidate nomination for a position on the Governing Council.
- 7.13 An Elector duly nominated and wishing to be a Candidate in the current Election shall provide:
- (a) a signed *Acceptance of Candidate Nomination Form*, a copy of which is attached as Appendix 5 to this Code, and
 - (b) a non-refundable deposit of one hundred dollars (\$100.00)
- to the Chief Electoral Officer no later than seven (7) days from the close of the last Candidate Nomination Meeting, with failure to do so rendering all nominations of the Elector void.
- 7.14 If mailed, the deposit and *Acceptance of Candidate Nomination Form* shall be sent by registered mail and shall be accepted only if dated no later than seven (7) days from the close of the last Candidate Nomination Meeting.
- 7.15 The deposit shall be in the form of cash, money order or certified cheque, and the Chief Electoral Officer will give a receipt to the Candidate.
- 7.16 All funds received as deposits during the Election process shall be placed in the general account of the Gitxaala Nation and shall be used to offset expenses related to the Election.

8.0 Pre-Election Process

Candidate Posting and Withdrawals

- 8.1 Within seventy-two (72) hours of the last Candidate Nomination Meeting, the Chief Electoral Officer shall post the names of all Candidates for the current Election in the Administration Office, on any website maintained by the Gitxaala Nation and any public place he or she deems necessary.
- 8.2 The Chief Electoral Officer shall post the Candidate names by the position for which the person is a Candidate and list the Candidate names in alphabetical order by surname.
- 8.3 At any time before the ballots are printed, a Candidate may withdraw by delivering to the Chief Electoral Officer a completed *Withdrawal of Candidate Nomination Form*, a copy of which is attached to this Code as Appendix 6.

Preparation of Ballots

- 8.4 At least thirty-five (35) days before the day on which the Election is held, the Chief Electoral Officer shall have ballots printed with the names of the Candidates for each position that is the subject of the Election listed in alphabetical order by surname.
- 8.5 For a General Election the Chief Electoral Officer shall have a general ballot printed containing
 - (i) the names of the Candidates for Chief Councillor,
 - (ii) the names of the Candidates for the Deputy Chief Councillor, and
 - (iii) the names of the Candidates for the Councillor who is less than thirty-one (31) years of age on the date of the relevant Election; and
 - (iv) the names of the Candidates for each of the other four positions of Councillor.

Mail-in Balloting

- 8.6 At least thirty (30) days before the date of the Election, the Chief Electoral Officer will mail to each Elector who does not ordinarily reside on Gitxaala Nation Lands or within the municipality of Prince Rupert, a mail-in-ballot package consisting of:
 - (a) a general ballot as identified in section 8.5 of this Code, and as initialled on the back by the Chief Electoral Officer;
 - (b) an inner envelope to seal the Elector's ballot in;
 - (c) a copy of a *Voter Declaration Accompanying the Mail-in Ballot* form, a copy of

which is attached as Appendix 7 to this Code;

- (d) an outer postage-paid envelope pre-addressed to the Chief Electoral Officer for enclosing the sealed ballot envelope and the Voter Declaration Form;
- (e) a copy of the *Mail-in Voting Instructions*, a copy of which is attached as Appendix 8 to this Code;
- (f) a Notice of Election; and
- (g) any other information the Chief Electoral Officer considers appropriate.

8.7 Any Elector who ordinarily resides on Gitxaala Nation Lands or within the municipality of Prince Rupert, and who expects to be unable to vote in person on Election Day, may request in writing a mail-in-ballot package from the Chief Electoral Officer on condition the request is received by the Chief Electoral Officer no later than fourteen (14) days before the Election.

8.8 Upon receipt of a written request for a mail-in-ballot package in accordance with section 8.7 of this Code, the Chief Electoral Officer will mail to the Elector a mail-in-ballot package consisting of the contents identified in section 8.6 of this Code.

8.9 The Chief Electoral Officer shall keep a record of every Elector to whom a mail-in-ballot package was sent.

8.10 Every Elector who receives a mail-in-ballot package and who chooses to vote by this method shall:

- (a) mark his or her ballot(s) by placing an “X” or other mark that clearly indicates the Elector’s choice in the space provided on the respective ballot opposite the name of the Candidate or Candidates chosen by the Elector, as is appropriate;
- (b) fold the ballot(s) to conceal the Elector’s mark(s);
- (c) place the ballot(s) in the envelope provided for sealing ballots and seal the envelope;
- (d) complete the Voter Declaration Form before a witness who is 18 years or older and obtain the signature and address of the witness on the declaration;
- (e) place the sealed ballot envelope and the completed Voter Declaration Form in the pre-addressed return envelope and seal the return envelope; and
- (f) ensure the Chief Electoral Officer receives the sealed pre-addressed return envelope by mail no later than the close of polls on Election Day, or that an Electoral Officer is hand delivered the sealed pre-addressed return envelope no

later than the close of polls on Election Day.

- 8.11 It is the sole responsibility of an Elector who uses a mail-in-ballot package to ensure the Chief Electoral Officer receives the pre-addressed return envelope enclosing the Elector's sealed ballot envelope and Voter Declaration Form prior to the close of the polling stations on the day of the Election.
- 8.12 If an Elector uses the mail-in-balloting process and also casts a vote in person on Election Day, the Chief Electoral Officer shall reject the Elector's mail-in-ballot(s).

Polling Stations

- 8.13 The Chief Electoral Officer shall establish for every Election:
- (a) one polling station in the village at *Lach Klan*;
 - (b) one polling station in the city of Prince Rupert; and
 - (c) any other polling station deemed necessary by the Election Board.
- 8.14 The Election Board may deem necessary one or more polling stations for an Election other than the polling stations identified in section 8.13(a) and (b) of this Code.
- 8.15 The Chief Electoral Officer shall ensure that every polling station has sufficient ballots, ballot marking instruments, polling booths and equipment for the relevant Election, and copies of the *Polling Station Voting Instructions* sheet, which is attached as Appendix 9 to this Code.
- 8.16 The Chief Electoral Officer shall ensure that every polling station has at least one Electoral Officer and may appoint one or more Electoral Assistants for the purpose of assisting the Electoral Officer(s) at a polling station.
- 8.17 The Election Board shall ensure that every polling station for an Election has a person who is fluent in both *Sm'algyax* and English available to assist Electors who require or request assistance with the voting process.
- 8.18 Prior to undertaking their duties, each Electoral Assistant and each translator, as referred to in section 8.17, shall complete the *Declaration of Electoral Assistants and Translators*, a copy of which is attached as Appendix 10 to this Code.

Candidate Scrutineers

- 8.19 Each Candidate may appoint one scrutineer to attend at each polling station for an Election.

8.20 Candidates who choose to appoint one or more scrutineers must complete a *Notice Appointing Scrutineer* form, a copy of which is attached as Appendix 11 to this Code, and submit it to the Chief Electoral Officer at least five days (5) before the Election.

9.0 Election Day Process

In Person Balloting Process

9.1 The Electoral Officer(s) at each polling station shall:

- (a) ensure the proper conduct of the Election at the polling station;
- (b) ensure that every polling booth at the station maintains voter privacy; and
- (c) when an Elector is unable to vote in the prescribed manner due to blindness or other physical cause, if requested by the Elector, assist that Elector in casting the chosen vote(s) of the Elector.

9.2 All polling stations for an Election shall be open from 9:00 a.m. to 8:00 p.m. on the Election Day.

9.3 An Electoral Officer at each of the polling stations for an Election shall immediately before the commencement of the vote:

- (a) open the ballot boxes at the polling station;
- (b) call any present Candidate or scrutineer for a Candidate to witness that the ballot box(es) is or are empty;
- (c) lock all boxes to prevent opening during the time that the poll is open; and
- (d) place all ballot boxes in general view for the reception of the ballots.

9.4 The Chief Electoral Officer and the Electoral Officer(s) at a polling station shall maintain order at all times in the polling stations and may cause to be removed any person who in anyway interferes, disrupts or attempts to influence the conduct of the vote.

9.5 An Electoral Officer or Electoral Assistant shall, upon confirming that a person presenting themselves for the purpose of voting is eligible to vote, give the Elector the appropriate ballot(s) upon which to register his or her vote.

9.6 The Electoral Officer or Electoral Assistant shall initial each ballot on the back prior to giving it to the relevant Elector.

9.7 Each Elector, after receiving his or her ballot(s), shall:

- (a) proceed directly to the appropriate polling booth;
 - (b) mark his or her ballot(s) by placing an **X** or other mark in the space provided on each ballot opposite the name of the Candidate or Candidates of choice, as is appropriate; and
 - (c) deposit the ballot(s) in the appropriate ballot box(es) supplied.
- 9.8 While any Elector is in the polling booth marking ballots, no other person, except as provided in section 9.1(c) of this Code, shall be or be allowed in the same polling booth or in any position from where they can see how the Elector is voting.
- 9.9 The Chief Electoral Officer or an Electoral Officer shall note upon the voters list any irregularity in connection with voting, and shall specifically note on the voters list any ballots marked by the Chief Electoral Officer or an Electoral Officer at the request of an Elector pursuant to section 9.1(c) of this Code, but shall not note the Candidate or Candidates for whom a vote was cast.
- 9.10 An Elector who has inadvertently dealt with his or her ballot in such a manner that it cannot be clearly or conveniently used shall return it to an Electoral Officer who shall write the word “cancelled” upon the ballot, preserve it and provide the Elector with another ballot.
- 9.11 Any Elector who has received ballot(s) and then
- (a) leaves the polling station without depositing his or her ballot(s) in the appropriate ballot box(es), or
 - (b) refuses to vote,
- forfeits his or her right to vote at the Election.
- 9.12 If an Elector forfeits his or her right to vote at an Election the Chief Electoral Officer or an Electoral Officer shall:
- (a) make an entry in the voters list in the column for remarks opposite the name of the Elector to show that he or she received the ballot(s) and forfeited his or her vote; and
 - (b) mark upon the face of the Elector’s ballot(s), when available, the word “forfeited” and all ballots so marked shall be preserved.
- 9.13 Any Elector whose name does not appear on the voters list may present evidence of his or her

- (a) identity,
- (b) date of birth, and
- (c) membership in the Gitxaala Nation,

to an Electoral Officer at a polling station, and if the Electoral Officer is satisfied that the person is eligible to vote pursuant to this Code, that person shall be added to the voters list and be allowed to vote at the polling station to the extent justified by the evidence presented.

- 9.14 Every Elector who is inside the polling station at 8:00 p.m. on Election Day is entitled to vote in the Election of that day.
- 9.15 An Elector may vote at a polling station other than his or her Assigned Polling Station, but the Elector shall not receive his or her ballot(s) until an Electoral Officer at the other polling station has confirmed with an Electoral Officer at the Assigned Polling Station that the Elector has not yet voted in the Election and the Electoral Officers shall make a note of the change on the voters list.

Verification of Mail-in-Ballots

- 9.16 Immediately following the close of all polling stations on the day of the Election, the Chief Electoral Officer shall at the polling station in *Lach Klan*, in full view of at least one other Electoral Officer and any present Candidates or scrutineers for Candidates, and with an Electoral Officer from every other polling station present by speakerphone or video link, open each self-addressed envelope for mail-in balloting that was received before the close of the polls and, without opening any enclosed ballot envelope:
- (a) reject the ballot(s) if
 - (i) there is no accompanying Voter Declaration Form, or the Voter Declaration Form is not duly signed or witnessed,
 - (ii) the name of the Elector set out in the Voter Declaration Form is not on the voters list, or
 - (iii) the voters list kept at any polling station shows that the Elector has already voted; and
 - (b) in any other case, place a mark on the voters list opposite the name of the Elector set out in the Voter Declaration Form, and deposit the enclosed sealed ballot envelope(s) in the appropriate ballot box(es).

- 9.17 Immediately following the verification of mail-in-ballots under section 9.16 of this Code,

the Electoral Officer(s) at the polling stations other than the polling station at *Lach Klan* shall, in full view of at least one other Electoral Officer or the present Candidates or scrutineers for Candidates, and with the Chief Electoral Officer and an Electoral Officer from every other polling station present by speakerphone or video link, open each self-addressed envelope for mail-in balloting that was received before the close of the polls and, without opening any enclosed ballot envelope:

(a) reject the ballot(s) if

- (i) there is no accompanying Voter Declaration Form, or the Voter Declaration Form is not duly signed or witnessed,
- (ii) the name of the Elector set out in the Voter Declaration Form is not on the voters list, or
- (iii) the voters list kept at any polling station shows that the Elector has already voted; and

(b) in any other case, place a mark on the voters list opposite the name of the Elector set out in the Voter Declaration Form, and deposit the enclosed sealed ballot envelope(s) in the appropriate ballot box(es).

Tabulation of Ballots Generally

9.18 Immediately following the verification of mail-in ballots, an Electoral Officer at every polling station for an Election shall, in full view of at least one other Electoral Officer and any present Candidates or scrutineers for Candidates, open the ballot box(es) present, examine the ballots, and:

- (a) reject any ballots that are not appropriately initialled on the back;
- (b) reject any ballots that in the Electoral Officer's opinion do not give a clear indication of the voter's preference;
- (c) reject any ballots that have more votes than the appropriate number of votes;
- (d) reject any ballots upon which anything appears by which the voter can be identified;
- (e) subject to review on recount or on an Election appeal, take a note of any objections made by any Candidate or scrutineer for a Candidate to any of the ballots found in the ballot box;

- (f) decide any questions arising out of any such objection;
- (g) number such objections and place a corresponding number on the back of the ballot paper with the word “allowed” or “disallowed” as the case may be, with the Elector Officer’s initials;
- (h) count the votes given for each Candidate from the ballots not rejected; and
- (i) make a written statement of
 - (i) the number of votes given to each Candidate, by position on the Governing Council, and
 - (ii) the number of ballots rejected and not counted by the Electoral Officer, by position on the Governing Council,

which statements shall then be signed by the Electoral Officer and other persons authorized to be present as may desire to sign the same.

- 9.19 Every Electoral Officer tabulating votes pursuant to section 9.18 of this Code shall preserve every ballot that he or she rejects pursuant to section 9.18.
- 9.20 Immediately following the counting of the ballots in the manner prescribed in section 19.18, an Electoral Officer at every polling station other than the polling station at *Lach Klan* shall communicate the final results of the count tabulated at the relevant polling station to the Chief Electoral Officer at the polling station in *Lach Klan*, with the communication being sent and received, whenever possible, by speaker phone and made in the presence of a minimum of two witnesses who are either Electoral Officers, Candidates or scrutineers for a Candidate for the Election.
- 9.21 Immediately following his or her receipt of the final results of the count tabulated at all polling stations for an Election, the Chief Electoral Officer shall tabulate the final Election results by position on the Governing Council.
- 9.22 The Chief Electoral Officer shall deposit all ballots in sealed envelopes, including those rejected, cancelled, forfeited and unused, and will retain them until the later of the expiry of the appeal period of thirty (30) days or the rendering of a decision on an appeal to the Independent Arbitrator, after which time he or she shall, unless directed otherwise by Governing Council, destroy all ballots.

Announcement of Election Results

9.23 Immediately following his or her tabulation of the final Election results by position on the Governing Council, the Chief Electoral Officer shall, subject to any first place ties, announce the name of the Candidate for Chief Councillor that received the highest number of votes, the name of the Candidate for Deputy Chief Councillor that received the highest number of votes and the names of the Candidates for the Councillor positions having the highest number of votes, and publicly declare these Candidates elected to the Governing Council.

10.0 Post-Election Process

10.1 If the counting of votes on the day of an Election results in a first place tie for a position on the Governing Council, the Chief Electoral Officer shall within twenty-four (24) hours hold a public recount of the votes for the Candidates in a first place tie for that position.

10.2 If after a public recount of votes for the Candidates in a first place tie for a position on the Governing Council there still remains a tie for the position, the Chief Electoral Officer shall declare that a By-Election shall be held to fill that position.

10.3 If after a public recount of votes for the Candidates in a first place tie for a position on the Governing Council there is no longer a tie for the position, the results of the recount are final, subject to any successful appeal to the Independent Arbitrator.

10.4 As soon as possible after the Election, the Chief Electoral Officer shall, in this order:

- (a) post in the Administration Office, on any website maintained by the Gitxaala Nation, and at other public places as deemed necessary by the Election Board, a statement signed by the Chief Electoral Officer showing the Election results and the number of votes cast for each Candidate, by position on the Governing Council;
- (b) complete and sign a *Chief Electoral Officer's Report*, a blank copy of which is attached as Appendix 12 to this Code; and
- (c) forward a copy of the completed and signed *Chief Electoral Officer's Report* to the British Columbia Regional Office of Indian and Northern Affairs Canada and the Gitxaala Nation general manager or administrator.

11.0 Appeals Process

Appeal Procedures Regarding Election Results

11.1 Any Elector, including any Candidate, may within thirty (30) days of the date on which the Election was held appeal, in whole or in part, an Election result if he or she has

grounds for believing that there was an error made under, or violation of, this Code during the Election process that might have affected the outcome of the Election.

- 11.2 An appeal of an Election result may be launched by sending a notice of appeal in writing, containing details of the grounds for appeal, by registered mail to the Independent Arbitrator, c/o the Administration Office, along with a deposit in the form of a money order or certified cheque for one hundred dollars (\$100) payable to the Gitxaala Nation.
- 11.3 All notices of appeal with accompanying deposit must be received at the Administration Office within thirty (30) days of the Election in order to be duly commenced.
- 11.4 If a notice of appeal of an Election result and accompanying deposit is received by the Independent Arbitrator pursuant to this Code the Independent Arbitrator shall, upon receipt, forward by registered mail a copy of the notice of appeal together with any supporting documents received to each affected Candidate in the Election and to the Chief Electoral Officer.
- 11.5 Any affected Candidate or the Chief Electoral Officer may, within thirty (30) days of the receipt of the notice of appeal and any supporting documents, forward to the Independent Arbitrator by registered mail a written response to the appeal allegations, together with any supporting documentation.
- 11.6 The Independent Arbitrator shall otherwise use the Rules of Procedure of its organization as needed and may, at its own discretion, secure legal advice and hear evidence, including witnesses, in the course of its review of an appeal.
- 11.7 For greater certainty, the Independent Arbitrator may conduct or authorize such further investigation into the appeal allegations as it deems appropriate and necessary.
- 11.8 After a review of all the evidence that it has received in relation to an appeal the Independent Arbitrator shall:
 - (a) deny the appeal on the ground that the evidence presented did not reveal an error made under, or violation of, this Code, or on the ground that an error made under, or violation of, this Code was revealed but did not affect the result of the Election; or
 - (b) grant the appeal and order a new Election for the positions affected on the Governing Council, on the ground that the evidence presented revealed an error made under, or violation of, this Code, that affected an Election result.
- 11.9 If the Independent Arbitrator grants an appeal and orders a new Election:
 - (a) the Election shall, notwithstanding section 5.1 of this Code, take place as soon as

possible pursuant to the provisions of this Code; and

- (b) where the order applies to every position of the Governing Council, the Governing Council shall remain in office until completion of the fourteen (14) day transition period after the new General Election.

11.10 The Independent Arbitrator shall, if desired, give advice to the Chief Electoral Officer on how any problems identified during the administration of an appeal can be corrected.

11.11 A decision of the Independent Arbitrator is final.

11.12 If the Independent Arbitrator grants an appeal then the deposit accompanying the notice of appeal shall be returned, and if the appeal is denied, the deposit is forfeited to the Gitxaala Nation and shall be used to offset Election or Election appeal expenses.

Appeals of Vacancy Declarations by the Governing Council

11.13 Upon an appeal under section 4.15 of this Code, the Independent Arbitrator may either confirm a Governing Council resolution declaring that a position on the Governing Council is vacant, or reinstate the person whose position had been declared vacant if the Independent Arbitrator finds that:

- (a) the resolution of the Governing Council declaring the position vacant was based on an error of fact and such error of fact was instrumental in determining the outcome of the decision of the Governing Council; or
- (b) in the opinion of the Independent Arbitrator, the Councillor in question did not violate the *Oath of Chief Councillor, Deputy Chief Councillor and Councillors*.

11.14 Until there is a decision of the Independent Arbitrator with respect to an appeal brought under section 4.15 of this Code, the position on the Governing Council shall remain vacant.

11.15 The Independent Arbitrator must provide at least fourteen (14) days written notice to the Governing Council and the person who is the subject of a declaration of vacancy of any hearing for matters relating to an appeal under section 4.16 of this Code.

11.16 A decision of the Independent Arbitrator under section 11.8 of this Code must be made no later than forty-two (42) days after a vacancy is declared by the Governing Council.

11.17 A decision of the Independent Arbitrator for matters related to section 11.1 is final.

11.18 Any decision of the Independent Arbitrator shall be published to the Gitxaala Nation website and posted in the Administration Offices within three days of the decision being

made.

12.0 Amendment

12.1 Any amendment of this Code shall be initiated by:

- (a) a petition presented to the Governing Council, signed by at least 25% of Electors, specifying the proposed amendment; or
- (b) a duly passed resolution of the Governing Council, specifying the proposed amendment

12.2 The Governing Council shall set the day, time and place of one or more community meetings to be held at least twenty-five (25) days and not more than forty-five (45) days after the initiation of any amendment of this Code.

12.3 The Governing Council shall set a deadline of at least fifty-five (55) days after the initiation of any amendment of this Code for receiving written comments from Electors on the proposed amendment.

12.4 The Governing Council shall prepare a notice of proposed amendment containing:

- (a) the proposed amendment(s) to the Code;
- (b) the date(s), time(s) and place(s) of the community meeting(s) as provided for in section 12.2;
- (c) the deadline for receipt of written comments as provided for in section 12.3;
- (d) a description of the amendment process, as set out in the Code; and
- (e) notice that a copy of the *Gitxaala Nation Custom Election Code* is available to any Elector upon request to the Governing Council and is available for viewing at the Administration Office.

12.5 The Governing Council shall, within ten (10) days of the initiation of an amendment, distribute the notice of proposed amendment by:

- (a) mailing a copy to all Electors; and
- (b) posting a copy at the Administration Office, on any website

maintained by the Gitxaala Nation, and at other public places as deemed necessary by the Governing Council.

- 12.6 Any Elector may, within the deadline established under section 12.3, provide written comments concerning the proposed amendments to the Governing Council, such comments to include:
- (a) the name, address and signature of the Elector;
 - (b) the specific paragraph number(s) of the proposed amendment on which the Elector is commenting; and
 - (c) specific comments about the proposed amendment.
- 12.7 The Governing Council shall consider all comments received in accordance with sections 12.2 and 12.6 and make such changes to the proposed amendments as they deem necessary in order to arrive at a final amendment proposal within ten (10) days of the closing of the period for receiving written comments. Where amendments are initiated under paragraph 12.1(a), the final amendment proposal must reflect the spirit and intent of the amendments proposed in the petition, however, if a referendum is initiated, options may be provided that are based on the comments received.
- 12.8 The Governing Council shall prepare a notice of the final amendment proposal containing:
- (a) a copy of the final amendment proposal;
 - (b) a description of the amendment process, as set out in the Code;
 - (c) notice that a copy of the *Gitxaala Nation Custom Election Code* is available to any Elector upon request to the Governing Council and is available for viewing at the Administration Office; and
 - (d) notice that the final amendment proposal shall be adopted at a duly convened meeting of the Governing Council, unless at least one (1) Elector makes a written request to the Governing Council for an amending referendum within twenty (20) days of the distribution of the notice of the final amendment proposal.
- 12.9 The Governing Council shall distribute the final amendment proposal by:
- (a) mailing a copy to all Electors; and
 - (b) posting a copy at the Administration Office, on any website maintained by the Gitxaala Nation, and at other public places as deemed necessary by the Governing Council.

- 12.10 If at least five (1) Elector makes a written request within the time limit as set out in section 12.8(d), then Governing Council shall declare forthwith that an amending referendum shall be held in accordance with the general procedures for an Election as set out in the Code.
- 12.11 If an amendment referendum is held for a final amendment proposal, the Code is amended as of the day after the referendum if the proposal is approved by a simple majority of those Electors who vote in the amendment referendum.
- 12.12 If no written request for an amendment referendum is received by the Governing Council for a final amendment proposal within the time limit as set out in section 12.7(d), the Code is amended as of the day after the time limit expires.
- 12.13 At the next duly convened meeting of the Governing Council after amendment of the Code pursuant to sections 12.11 or 12.12, the Governing Council shall pass a resolution recognizing that the Code has been so amended.
- 12.14 If an amendment of this Code pursuant to sections 12.11 or 12.12 occurs after the Chief Electoral Officer has, pursuant to section 6.19, posted or mailed out a Notice of Election for a particular Election, then the amendment does not apply to that particular Election.

13.0 General

- 13.1 The computation of time in this Code shall be in accordance with the *Interpretation Act*, R.S.C. 1985, c. I-21, as amended to December 1st, 2009.

APPENDIX 1

OATH OF CHIEF COUNCILLOR, DEPUTY CHIEF COUNCILLOR & COUNCILLORS

I, _____, do solemnly take oath and declare as follows:

1. I am eligible to be a member of the Gitxaala Nation Governing Council under the definitions for candidacy in the *Gitxaala Nation Custom Election Code*.
2. I will faithfully perform the duties of my office and will not allow any private interest to influence my conduct in public matters.
3. I will uphold the *ayaawk* of the Gitxaala Nation, preserve and enhance our culture and heritage, and faithfully discharge of my duties in a fair and equitable manner and involve all Members of the Gitxaala Nation willing to participate in a common effort to improve our lives.
4. I will join my people in pursuing just settlement of our inherent rights, our right to self determination and self reliance, a level of economic opportunity, education, health and housing equal to that of other members of Canadian Society, and I will extend the hand of friendship and co-operation to all like-minded Canadians in pursuit of these goals.
5. I have not, nor will I have, while holding office, any voluntary interest, directly or indirectly, in any contract or services connected with the Gitxaala Nation, save and exempt those public utilities and services available to all Gitxaala Nation members.
6. I have not, by myself or any other person, knowingly employed any bribery, corruption or intimidation to gain my election.

*Signature of Chief Councillor,
Deputy Councillor or Councillor Elect*

Sworn to Before Me at _____,)
in the province of British Columbia, this ____ day)
of _____, 20____.)

*(Commissioner for Taking Affidavits for the
Province of British Columbia, an Electoral Officer,
Justice of the Peace, or a Notary Public .)*

APPENDIX 2

OATH OF OFFICE FOR ELECTORAL OFFICERS

I, _____, accept the office of Electoral Officer on the Gitxaala Nation Election Board and agree to maintain confidentiality as is appropriate during my term.

In my capacity as an Electoral Officer, I will do my utmost to serve the residents of the Gitxaala Nation with impartiality, integrity, and honesty.

In the performance of my duties, I will adhere to the provisions as outlined in the *Gitxaala Nation Custom Election Code* and agree that any violation of this Oath shall render me liable to dismissal from service as Electoral Officer.

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

Signature of Electoral Officer

Sworn to Before Me at _____,)
in the province of British Columbia, this ____ day)
of _____, 20____.)

(Commissioner for Taking Affidavits for the
Province of British Columbia, an Electoral Officer,
Justice of the Peace, or a Notary Public.)

APPENDIX 3
MAIL-IN CANDIDATE NOMINATION FORM

I, _____

(Please print name)

of the Gitxaala Nation, hereby nominate _____

(Print name of Nominee)

for the position of _____.

(Chief Councillor, Deputy Chief Councillor or Councillor)

Signature of Elector

Date

() _____

Telephone number

Seconded by: _____

Print name

Signature of Elector Seconding

Telephone number

Date

APPENDIX 4

OATH OF OFFICE FOR INDEPENDENT ARBITRATOR

I, _____, accept office as the Independent Arbitrator designated pursuant to the Gitxaala Nation Custom Election Code, and agree to maintain confidentiality as is appropriate during my term.

In my capacity as Independent Arbitrator, I will do my utmost to serve the residents of the Gitxaala Nation with impartiality, integrity, and honesty, and I will adhere to the provisions as outlined in the *Gitxaala Nation Custom Election Code*.

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

Signature of Independent Arbitrator

Sworn to Before Me at _____,)
in the province of British Columbia, this ____ day)
of _____, 20____.)

*(Commissioner for Taking Affidavits for the
Province of British Columbia, an Electoral Officer,
Justice of the Peace, or a Notary Public.)*

APPENDIX 5
ACCEPTANCE OF CANDIDATE NOMINATION FORM

To the Gitxaala Nation Chief Electoral Officer:

I, _____, being a member of the Gitxaala Nation nominated as a candidate for the position of _____ (specify Chief Councillor, Deputy Chief Councillor or Councillor) of the Gitxaala Nation at a nomination meeting held at _____ (location) on _____, 20____ (date), and being qualified to hold such office under the *Gitxaala Nation Custom Election Code* hereby formally accept such nomination.

Signature of Nominee

Date

(____) _____
Telephone Number

Signature of Witness

Print Name

(____) _____
Telephone Number

APPENDIX 6
WITHDRAWAL OF CANDIDATE NOMINATION FORM

URGENT

To the Gitxaala Nation Chief Electoral Officer:

I, _____, being a candidate for the position of _____ (specify
Chief Councillor, Deputy Chief Councillor or Councillor) in the Election scheduled for _____
20____, hereby formally withdraw my name as candidate for this position.

Signature of Candidate Date

() _____
Telephone Number

Signature of Witness Print Name

() _____
Telephone Number

APPENDIX 7

VOTER DECLARATION ACCOMPANYING THE MAIL-IN BALLOT

In order for your vote to be counted by mail-in ballot this declaration must be completed and signed by you and a witness who is at least 18 years old and be returned to an Electoral Officer with your sealed ballot envelope.

Voter Declaration Accompanying the Mail-in Ballot

In the matter of an Election held by the Gitxaala Nation, held according to the *Gitxaala Nation Custom Election Code*, I, _____, solemnly declare that:

(Please print your name)

1. I am a member of the Gitxaala Nation.
2. I will be at least 18 years of age on or before the date of the upcoming Election.
3. My Band Member number is _____ and my date of birth is _____.
4. My current mailing address is: _____
_____.
5. I do not know of any reason why I would be disqualified from voting at this election.

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

Signature of Elector

Date

Witness Declaration

Declared before me _____ (Print Name) At : _____ (City/Reserve)

Date (m/d/y): _____

Signature _____

Address: _____

Telephone number of Witness: (_____) _____

APPENDIX 8

MAIL-IN VOTING INSTRUCTIONS

Dear Elector of the Gitxaala Nation:

As per the attached *Notice of Election*, an Election of the Chief Councillor, Deputy Chief Councillor and Councillors of the Gitxaala Nation is currently underway.

As a member of this Gitxaala Nation, you are entitled to vote provided you will be at least 18 years of age on or before the date of the Election. To assist you in casting a vote, please find enclosed a mail-in voting package consisting of the following additional items:

- a *Notice of Election*;
- a ballot for casting your vote for the positions of Chief Councillor, Deputy Chief Councillor and Councillors, with the Chief Electoral Officer's initials on the back;
- an inner envelope to seal your ballot(s) in;
- a copy of the form *Voter Declaration Accompanying the Mail-in Ballot*; and
- an outer envelope post-paid and pre-addressed to the Chief Electoral Officer.

Carefully follow these steps to ensure that your vote is validly made:

1. On the ballot provided for the positions of Chief Councillor, Deputy Chief Councillor and Councillors:

Mark an "X" in the box immediately to the right of the name of the candidate of your choice for Chief Councillor. You must choose only one candidate for Chief Councillor.

Mark an "X" in the box immediately to the right of the name of the candidate of your choice for Deputy Chief Councillor. You must choose only one candidate for Deputy Chief Councillor.

Mark an "X" in the box immediately to the right of the name of the candidate of your choice for Councillor who is less than thirty-six (36) years of age on the date of the Election. You must choose only one candidate for this Councillor.

Mark an "X" in the box immediately to the right of the name of the candidates of your choice for Councillor. You must choose up to four candidates for this position.

2. Refold each ballot in the same way as you received it, so that the Chief Electoral Officer's initials on the back are visible.

3. Place each ballot in the inner envelope marked "Ballot(s)" and seal the envelope.
4. Complete the *Voter Declaration Accompanying the Mail-in Ballot* form. Both you and a witness, who is at least 18 years of age, must complete and sign this form in order for your ballot(s) to be counted.
5. Place the sealed inner envelope marked "Ballot(s)" and the completed and signed *Voter Declaration Accompanying the Mail-in Ballot* inside the outer postage paid and pre-addressed envelope, then seal the outer envelope.
6. Mail the postage paid and pre-addressed envelope as soon as possible. This envelope must be received by an Electoral Officer no later than 8 p.m. on Election Day. Mail-in ballots received after the close of the poll on Election Day will not be counted. You may hand deliver the postage paid and pre-addressed envelope to an Electoral Officer on Election Day prior to the close of the poll.

Although you have received this mail-in voting package you may choose to vote on the day of the Election in person at any polling station indicated in the *Notice of Election*. If you choose to vote in person on the day of the Election any mail-in ballot you have submitted will be rejected.

Yours truly,

Chief Electoral Officer

APPENDIX 9

POLLING STATION VOTING INSTRUCTIONS

- 1. On the ballot provided for the positions of Chief Councillor, Deputy Chief Councillor and Councillor who is less than thirty-six (36) years of age on the date of the Election:**

Mark an "X" in the box immediately to the right of the name of the candidate of your choice for Chief Councillor. You must choose only one candidate for Chief Councillor.

Mark an "X" in the box immediately to the right of the name of the candidate of your choice for Deputy Chief Councillor. You must choose only one candidate for Deputy Chief Councillor.

Mark an "X" in the box immediately to the right of the name of the candidate of your choice for Councillor who is less than thirty-six (36) years of age on the date of the Election. You must choose only one candidate for this Councillor.

Mark an "X" in the box immediately to the right of the name of the candidates who of your choice for Councillor. You must choose up to four candidates for this position.

- 2. Refold each ballot in the same way as you received it, so that the Electoral Officer's initials on the back are visible.**
- 3. Proceed to the ballot boxes and hand your ballot(s) to the Electoral Officer present for insertion into the appropriate ballot box(es). Please watch the Electoral Officer insert your ballot(s) into the appropriate ballot box(es).**

APPENDIX 10

DECLARATION OF ELECTORAL ASSISTANTS AND TRANSLATORS

In the matter of an Election held in accordance with the *Gitxaala Nation Custom Election Code*,
I, _____, solemnly declare that in the performance of my duties

(Please print your name)

as an/a _____ (Electoral Assistant or Translator), I will do my
utmost to serve the residents of the Gitxaala Nation with impartiality, integrity, and honesty.

I will adhere to the provisions as outlined in the *Gitxaala Nation Custom Election Code* and agree that any
violation of this declaration shall render me liable to dismissal from my duties.

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

I make this solemn declaration conscientiously and knowing that it has the same force and effect as if made
under oath.

Signature of Electoral Assistant / Translator (please circle one)

Date

Witness Declaration

Declared before me _____ (Print Name) At : _____ (City/Reserve)

Date (m/d/y): _____

Signature _____

Address: _____

Telephone number of Witness: (_____) _____

APPENDIX 11
NOTICE APPOINTING SCRUTINEER

I, _____, being nominated for the position of _____ (specify Chief Councillor, Deputy Chief Councillor or Councillor) for the Gitxaala Nation do hereby appoint the following person, in accordance with the *Gitxaala Nation Custom Election Code*, to act as a Scrutineer on my behalf at the election polling station held at _____ (location) on the _____ day of _____, 20____.

Scrutineer Appointed

Candidate

Date

APPENDIX 12
CHIEF ELECTORAL OFFICER'S REPORT

1. Name of First Nation: Gitxaala Nation
2. Band Number: _____
3. Date of Election: _____
4. District/Region: 9
5. Type of election (General or By-election): _____
6. Date of last general election (month/year): _____
7. Total number of band members: _____
8. (a) Total number of electors on-reserve: _____
(b) Total number of electors off- reserve: _____
9. The band council is composed of one chief, one deputy chief and five (5) councillors.
10. The Notice of Election was:
 - (a) posted on the ____ day of _____, 20____,
at the following locations:
 - (b) mailed to all Electors on the ____ day of _____, 20 ____.
11. The Notice of Candidate Nomination Meetings was:
 - (a) posted on the _____ day of _____, 20____, at the following locations:
 - (b) mailed to the Electors on the ____ day of _____, 20____.
12. The Candidate Nomination Meetings were held at the date, time and location indicated as follows:
13. The total number of mail-in ballot packages sent to:
 - (a) Electors who do not ordinarily reside on Gitxaala Nation Lands or in the city of Prince Rupert was _____; and
 - (b) Electors who do ordinarily reside on Gitxaala Nation Lands or in the city of Prince Rupert and who requested a mail-in ballot package was _____.
14. The poll was held on the _____ day of _____, 20 _____, at the following locations:

15. Mail-in Ballots

A)	Total number of mail-in ballot packages sent (includes second or third packages sent to the same elector as well as those sent by DEOs)	
B)	Total number of mail-in packages returned as	
C)	Total number of mail-in ballots rejected before being placed in the ballot box (during the opening of the envelopes)	
D)	Total number of mail-in ballots deposited in the ballot box	
E)	Mail-in ballot discrepancy	

16. Ballot Reconciliation

A)	Number of valid ballots cast	
B)	Number of ballots cast and rejected	
C)	Number of mail-in ballots rejected before being placed in the ballot box (same as 17 C)	
D)	Number of ballots spoiled (never placed in the ballot box)	
E)	Number of unused ballots	
F)	Total of A through E	
G)	Total provided at 17 E (Mail-in ballot discrepancy)	
H)	Total number of ballots (F + G)	
I)	Total number of ballots printed (Should equal totals at H above)	

17. Please complete a table listing, by position on the Governing Council, the name of each Candidate for the position, the mailing address of each Candidate, and the total votes received by each Candidate.

18. Please complete a table listing, by position on the Governing Council, the number of rejected ballots.

19. The following candidates have been publicly declared elected/ appointed:

(a) To the Office of Chief: _____

(b) To the Office of Deputy Chief: _____

(c) To the Office of Youth Councillor: _____

(d) To the Office of Councillor

Name: _____

Name: _____

Name: _____

Name: _____

22. The term of office commences on _____, 20__

23. Any Additional Comments:

24. Declaration

I, _____, appointed to the position of Electoral Officer on the _____ day of
20__, for the Gitxaala Nation, declare that the polling stations were kept open between the hours of 9:00
a.m. and 8:00 p.m. (local time), and that I have correctly performed all duties required of me by the
Gitxaala Nation Custom Election Code. I further declare that a copy of the Official Statement of Results of the
Election will be posted at each place where the Notice of Election was posted.

(Signature)

_____ (Date)

(Address)