

# **Gitxaala Nation Custom Election Code**

**Final Version**

**Amended by Ratification Vote on November 29, 2024**

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## 1.0 Title

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

## 2.0 Definitions

2.1 In this Code:

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

“**Administrator**” means the person responsible for the day-to-day management of the Gitxaala Nation’s administration system;

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

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

“**Candidate**” means a Member who:

- (1) is the full age of eighteen (18) years on or before the day on which the Election is held;
- (2) 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;
- (3) did not have his or her position on the Governing Council declared vacant pursuant to the Council Policy within a four (4) year period immediately preceding the day on which the Election is held; and
- (4) has not been convicted of an offence under the *Criminal Code*, with the exception of a conviction based on actions taken in defence of Gitxaala rights or title, within a four (4) year period of the date of the Election;

“**Candidate Nomination Meeting**” means the meeting held pursuant to section 6.6 of this Code;

“**Candidates’ Forum**” means the forum held pursuant to section 7.4 of this Code;

“**Chief Electoral Officer**” means the person appointed by Council Resolution pursuant to section 5.1 of this Code;

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

“**Council Policy**” means the Gitxaala Nation Governing Council Policy dated September 7, 2021 as may be amended or replaced, from time to time;

**“Council Resolution”** means a resolution of the Governing Council, passed by the majority of the councillors present at a meeting at which a quorum is constituted and evidenced in writing;

**“Criminal Code”** means the *Criminal Code*, RSC 1985, c C-46 as may be amended or replaced, from time to time;

**“Deputy Chief Electoral Officer”** means an Electoral Officer appointed pursuant to section 5.8 of this Code 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 comprising the Chief Electoral Officer and two (2) Electoral Officers;

**“Election File”** means the file established pursuant to section 5.7 of this Code;

**“Elector”** means a Member that is the full age of eighteen (18) years;

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

**“Electoral Officer”** means a person appointed by the Chief Electoral Officer pursuant to section 5.2 of this Code;

**“Electronic Ballot”** means a ballot cast via the internet or other electronic means;

**“Electronic Voting”** or **“Electronic Vote”** means casting an Electronic Ballot using an Electronic Voting Platform;

**“Electronic Voting Platform”** means a secure web-based database with an automatic tracking and numbering system which allows Electors to cast electronic ballots and stores those ballots for verification and counting;

**“General Election”** means the Election held pursuant to section 4.1 of this Code for all positions on the Governing Council 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*;

**“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*;

**“GTMA Office”** means the Gitxaala Territorial Management Agency located in Prince Rupert;

**“Independent Arbitrator”** means the person appointed pursuant to section 5.23 of this Code;

**“Indian Act”** means the *Indian Act*, RSC 1985, c I-5 as may be amended or replaced, from time to time;

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

**“Member”** or **“Members”** means any person whose name is included in the Members List;

**“Members List”** means:

- (a) if Indigenous Service Canada (or some successor agency of the Government of Canada) maintains control of the membership of the Gitxaala Nation, the list of persons maintained by the agency as the membership list for the Gitxaala Nation in accordance with section 8 of the *Indian Act*;
- (b) if the Gitxaala Nation has assumed control of its own membership in accordance with section 10 of the *Indian Act*, the list of persons maintained by the Gitxaala Nation as its membership list; or
- (c) if neither of the foregoing apply, the list identified by the Governing Council in a Council Resolution as the "Members List";

**“Notice of Candidate Nomination Meeting”** means the notice prepared pursuant to section 5.18 of this Code;

**“Notice of Election”** means the notice prepared pursuant to section 5.17 of this Code;

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

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

**“Voters List”** means the list prepared pursuant to section 5.10 of this Code; and

**“Youth Councillor”** is a Councillor who is less than thirty-one (31) years of age on the date of the relevant Election.

### **3.0 The Governing Council**

#### **Composition**

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

- (a) one (1) Chief Councillor;
- (b) one (1) Deputy Chief Councillor;
- (c) one (1) Youth Councillor; and

- (d) four (4) other Councillors.

### Salaries and Evaluations

- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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

- 3.6 The Governing Council shall be elected, pursuant to this Code, by the Electors.
- 3.7 Each Elector will only be able to have one (1) vote counted.
- 3.8 If an Elector has cast an Electronic Ballot vote, the Elector will not be allowed to vote in person.
- 3.9 If an Elector has cast an Electronic Ballot vote and a mail-in ballot, the mail-in ballot will be rejected.
- 3.10 If an Elector has cast a mail-in ballot and voted in person, the mail-in ballot will be rejected.

## Obligations

- 3.11 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.
- 3.12 All members of the Governing Council shall comply with and abide by all applicable laws, bylaws, policies, rules and standards of the Gitxaata Nation.

## Terms of Office

- 3.13 The term of office for each member of the Governing Council shall not exceed three (3) years.
- 3.14 There is no limit to the number of terms of office that a member of the Governing Council may serve, including consecutively, if duly elected pursuant to this Code.

## Vacancy

- 3.15 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) is removed for:
    - (i) missing three (3) consecutive regular Governing Council meetings without written authorization from the Governing Council;
    - (ii) being convicted of an offence under the *Criminal Code*;
    - (iii) being 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;
  - (c) 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
  - (d) dies.
- 3.16 If a situation described in section 3.15 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.
- 3.17 Any member of the Governing Council whose position has been declared vacant in accordance with section 3.15(b) may appeal the decision to the Independent Arbitrator, provided that such appeal is delivered to the Administrator within fourteen (14) days of the date on which the Governing Council's declaration is made.

## 4.0 Election Dates

### Date of General Elections

- 4.1 A General Election shall be held between the third and fourth anniversary of every General Election.
- 4.2 The Governing Council shall by Council Resolution set a date for the General Election at least thirty (30) days prior to the fourth anniversary of the last General Election.

### Date of By-Elections

- 4.3 The Governing Council shall by Council Resolution set a date for a By-Election to fill any vacancy on the Governing Council 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 3.17 of this Code, any decision of the Independent Arbitrator confirming a declaration of the Governing Council that a position on the Governing Council is vacant.
- 4.4 Despite section 4.3, 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 fourth anniversary of the previous General Election; or
  - (b) the Governing Council has by Council 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.
- 4.5 The procedures for every By-Election shall be governed by those of a General Election with any procedural modifications deemed necessary by the Chief Electoral Officer.

## 5.0 Pre-Nomination Process

### Election Board and Chief Electoral Officer

- 5.1 The Governing Council shall by Council Resolution appoint a Chief Electoral Officer at least ninety (90) days prior to the date on which the Election will be held.
- 5.2 The Chief Electoral Officer shall appoint two Electoral Officers at least eighty (80) days prior to the date on which the Election will be held.
- 5.3 Prior to undertaking their respective duties, each Electoral Officer, 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.

- 5.4 Under the direction of the Chief Electoral Officer, the Election Board shall conduct all Elections.
- 5.5 In order to preserve the independence of the office, if a member of the Election Board is a Member, he or she is not entitled to nominate a Candidate, be a Candidate, or vote during the Election in which he or she is serving on the Election Board.
- 5.6 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.
- 5.7 The Chief Electoral Officer shall, for every Election, 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 or until such time as all appeals are settled. The file shall then be kept in the Administration Office until the date of the next General Election at which time, unless otherwise directed by the Governing Council, the Election File and its contents shall be destroyed by the Chief Electoral Officer appointed for that General Election.
- 5.8 The Chief Electoral Officer may appoint a Deputy Chief Electoral Officer from the Electoral Officers comprising the Election Board.

#### Voters List

- 5.9 At least ninety (90) days before the date of the Election, the Administrator shall, to the best of his or her ability, send to the Chief Electoral Officer a list containing the name, date of birth, and last known address of each Member.
- 5.10 At least eighty-five (85) days before the Election, the Chief Electoral Officer shall prepare a Voters List containing the names of all Electors in alphabetical order, and their Assigned Polling Station.
- 5.11 Promptly after preparing the Voters List, the Chief Electoral Officer shall ensure that the Voters List is made available to Members for reviewing at the Administration Office and GTMA Office.
- 5.12 Each Elector is responsible for ensuring that he or she is included on the Voters List and that the information about the Elector on the Voters List is correct.
- 5.13 If an Elector believes a person whose name is on the Voters List is ineligible to vote pursuant to this Code, the Elector may deliver notice to the Chief Electoral Officer at least twenty (20) days before the date of the Election together with any documents supporting his or her position.
- 5.14 The Chief Electoral Officer shall promptly send notice to any person whose name may be subject to removal from the Voters List due to a notice received pursuant to section 5.13 and that person may, at least five (5) days before the date of the Election, deliver a written reply to the Electoral Officer together with any documents supporting his or her position that they are eligible to vote pursuant to this Code.

- 5.15 After reviewing all information delivered pursuant to sections 5.13 and 5.14 (if any), the Chief Electoral Officer shall remove the name of the person whose name may be subject to removal from the Voters List from the Voters List if the Chief Electoral Officer is satisfied that the person is ineligible to vote pursuant to this Code, and promptly send notice to that person relating to the same.
- 5.16 Any Elector whose name does not appear on the Voters List may, at least five (5) days before the date of the Election, deliver evidence of his or her:
- (a) identity,
  - (b) date of birth; and
  - (c) membership in the Gitxaala Nation,
- to the Chief Electoral Officer, and if the Chief Electoral Officer is satisfied that the person is eligible to vote pursuant to this Code, the Chief Electoral Officer shall promptly send notice to that person relating to the same and that person shall be added to the Voters List.

## Notices

- 5.17 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) the availability of Electronic Voting;
  - (f) the procedures for registering and voting electronically;
  - (g) notice that a copy of this 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 GTMA Office; and
  - (h) notice that the Voters List is available for review at the Administration Office and GTMA 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 on the Voters List is correct.

- 5.18 The Chief Electoral Officer shall prepare a Notice of Candidate Nomination Meeting containing:
- (a) the time, date and location of the Candidate Nomination Meeting;
  - (b) the time, date and location of the Candidates' Forum;
  - (c) 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 delivering a completed *Mail-In Candidate Nomination Form* to the Chief Electoral Officer prior to the start of the Candidate Nomination Meeting; and
  - (d) information on how to obtain the *Mail-In Candidate Nomination Form* attached as Appendix 3 to this Code.
- 5.19 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 and GTMA Office, on any website maintained by the Gitxaala Nation, and at other public places as deemed necessary by the Chief Electoral Officer; and
  - (b) send a Notice of Election and Notice of Candidate Nomination Meeting(s) to all Electors.
- 5.20 The Chief Electoral Officer shall ensure that, at the time the Notice of Election and Notice of Candidate Nomination Meeting are posted and sent pursuant to section 5.19, that a copy of this Code is made available for viewing by any Member at the Administration Office and GTMA Office.
- 5.21 The Chief Electoral Officer shall promptly send a copy of this Code to any Member who may so request.

### **Independent Arbitrator**

- 5.22 An Independent Arbitrator shall:
- (a) administer all Election related appeals in accordance with the provisions in this Code; and
  - (b) administer all Governing Council vacancy related appeals in accordance with the provisions in this Code.
- 5.23 At least sixty (60) days prior to the date on which a General Election will be held, the Chief Electoral Officer will provide the Administrator with a list of three (3) arbitrators of the independent association of professional arbitrators and mediators or ADR Institute of Canada to choose between in the case of an election appeal or a removal appeal.

- 5.24 The Independent Arbitrator must not be an employee of the Gitxaala Nation, a Member or a scrutineer for a Candidate.
- 5.25 Prior to undertaking their duties, the Independent Arbitrator shall complete the *Oath of Office for the Independent Arbitrator*, a copy of which is attached as Appendix 4 to this Code.

## **6.0 Nomination Process General**

### **General**

- 6.1 All Candidate nominations shall be proposed and seconded by two different Electors.
- 6.2 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**

- 6.3 An Elector unable to attend the Candidate Nomination Meeting may participate in the Candidate nomination process for that meeting by completing a *Mail-in Candidate Nomination Form*, a copy of which is attached as Appendix 3 to this Code, and ensuring it is delivered to the Chief Electoral Officer prior to the start of the Candidate Nomination Meeting.
- 6.4 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.
- 6.5 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* is delivered to the Chief Electoral Officer prior to the start of the Candidate Nomination Meeting.

### **Candidate Nomination Meeting**

- 6.6 The Chief Electoral Officer shall conduct one (1) Candidate Nomination Meeting, to be held in *Lach Klan*, which must take place at least forty-five (45) days prior to the date of the Election, for all positions on the Governing Council.
- 6.7 Only Members may attend the Candidate Nomination Meeting.
- 6.8 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) delivered 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 request that a motion be made and seconded to effect closure of the Candidate Nomination Meeting.

6.9 Upon the opportunity to bring forward Candidate nominations from the floor, an Elector may, in person or in writing delivered to the Chief Electoral Officer, propose or second a nomination of any Elector eligible to be a Candidate for a position on the Governing Council.

6.10 Upon closure of the receipt of nominations at the Candidate Nomination Meeting:

- (a) if the number of persons nominated for a position on the Governing Council exceeds the number of positions available, the Chief Electoral Officer shall declare that a poll will be held for that position at the time and place identified in the Notice of Election; or
- (b) if the number of persons nominated for a position on the Governing Council does not exceed the number of positions available, the Chief Electoral Officer shall declare that person or those persons elected to that position or those positions, 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

6.11 An Elector duly nominated to be a Candidate may only accept one Candidate nomination for a position on the Governing Council.

6.12 An Elector duly nominated and wishing to be a Candidate in the current Election shall deliver:

- (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 within seven (7) days of the close of the Candidate Nomination Meeting, with failure to do so rendering all nominations of the Elector void.

6.13 The deposit shall be in the form of cash, money order or certified cheque payable to the "Gitxaala Nation" and the Chief Electoral Officer shall promptly, after the deposit is delivered to the Chief Electoral Officer, send a receipt to the Candidate.

6.14 All funds received as deposits during the Election process shall be placed in the general account of the Gitxaala Nation and used to offset expenses related to the Election.

## 7.0 Pre-Election Process

### Candidate Posting and Withdrawals

- 7.1 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 and GTMA Office, on any website maintained by the Gitxaana Nation and any public place he or she deems necessary.
- 7.2 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.
- 7.3 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.

### Candidates' Forum

- 7.4 The Chief Electoral Officer shall conduct one (1) Candidates' Forum, to be held in *Lach Klan*, which must take place within fifteen (15) days of the close of the Candidate Nomination Meeting for Candidates to state their platforms and answer questions from Members.
- 7.5 Only Members may attend the Candidates' Forum.
- 7.6 The Chief Electoral Officer shall chair the Candidates' Forum and is responsible for establishing the format of the Candidates' Forum and corresponding with the Candidates regarding the format of the Candidates' Forum.

### Preparation of Ballots

- 7.7 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.
- 7.8 For a General Election the Chief Electoral Officer shall have a general ballot printed containing:
  - (a) the names of the Candidates for Chief Councillor;
  - (b) the names of the Candidates for the Deputy Chief Councillor;
  - (c) the names of the Candidates for the Youth Councillor; and
  - (d) the names of the Candidates for each of the other four positions of Councillor.

## Mail-In Balloting

- 7.9 The Chief Electoral Officer shall promptly send to each Elector who does not ordinarily reside on Gitxaala Nation Lands or within the municipality of Print Rupert or has otherwise requested from the Chief Electoral Officer, a mail-in ballot the following package:
- (a) a general ballot as identified in section 7.8 of this Code, initialed 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 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.
- 7.10 The Chief Electoral Officer shall keep a record of every Elector to whom a mail-in-ballot package is sent.
- 7.11 Every Elector who receives a mail-in-ballot package and who chooses to vote by this method shall follow the *Mail-in Voting Instructions*.
- 7.12 It is the sole responsibility of an Elector who uses a mail-in-ballot package to ensure the Elector delivers the pre-addressed return envelope enclosing the Elector's sealed ballot envelope and Voter Declaration Form to an Electoral Officer prior to the close of the polling stations on the day of the Election.

## Voting by Electronic Ballot

- 7.13 All Electors may cast their vote by Electronic Voting.
- 7.14 Where the Elector has voted electronically, the Elector shall not be permitted to vote by any other means.
- 7.15 Electronic Voting will be activated on a specific date prior to the opening of the polls and permitted up to and no later than the close of the polls.
- 7.16 The Electronic Voting Platform shall meet the threshold of verification and due diligence required by this Code for mail-in voting.

- 7.17 To cast an Electronic Ballot, the Elector shall complete the following requirements on the Electronic Voting Platform:
- (a) Elector registration;
  - (b) Elector authentication and verification;
  - (c) a declaration of the Elector’s intent and desire to vote electronically;
  - (d) marking their Electronic Ballot;
  - (e) confirming their Electronic Vote; and
  - (f) any other requirements the Chief Electoral Officer deems necessary to facilitate Electronic Voting in accordance with this Code.
- 7.18 At the official close of the electronic poll, the Chief Electoral Officer shall record the tabulated Electronic Vote results.

#### Electronic Voting Minimum Requirements

- 7.19 Electronic Voting must meet the requirements as set out in Appendix 13.

#### Polling Stations

- 7.20 The Chief Electoral Officer shall establish for every Election:
- (a) one polling station in *Lach Klan*;
  - (b) one polling station in the city of Prince Rupert; and
  - (c) any other polling station deemed necessary by the Election Board.
- 7.21 The Election Board may deem necessary one or more polling stations for an Election other than the polling stations identified in section 7.20(a) and (b) of this Code.
- 7.22 The Chief Electoral Officer shall ensure that each 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.
- 7.23 The Chief Electoral Officer shall ensure that each polling station has one Electoral Officer and may appoint one or more Electoral Assistants for the purpose of assisting the Electoral Officer at a polling station.
- 7.24 The Election Board shall ensure that each 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.

- 7.25 Prior to undertaking their duties, each Electoral Assistant and each translator, as referred to in section 7.24, shall complete the *Declaration of Electoral Assistants and Translators*, a copy of which is attached as Appendix 10 to this Code.

### Candidate Scrutineers

- 7.26 Each Candidate may appoint one scrutineer to attend at each polling station for an Election.
- 7.27 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 deliver it to the Chief Electoral Officer at least five (5) days before the Election.

## 8.0 Election Day Process

### In-Person Balloting Process

- 8.1 The Electoral Officer 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.
- 8.2 Each polling station for an Election shall be open from 8:00 a.m. to 8:00 p.m. on the day of the Election.
- 8.3 The Electoral Officer at each of the polling stations for an Election, immediately before the commencement of the vote, shall:
- (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) seal 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.
- 8.4 The Chief Electoral Officer and the Electoral Officer at each 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.
- 8.5 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.

- 8.6 The Electoral Officer or Electoral Assistant shall initial each ballot on the back prior to giving it to the relevant Elector.
- 8.7 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 appropriate; and
  - (c) deposit the ballot(s) in the appropriate ballot box(es) supplied.
- 8.8 While any Elector is in the polling booth marking ballots, no other person, except as provided in section 8.1(c) of this Code, shall be in the same polling booth or in any position from where they can see how the Elector is voting.
- 8.9 Once an Elector has cast their vote, the Elector must immediately leave the polling station.
- 8.10 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 8.1(c) of this Code, but shall not note the Candidate or Candidates for whom a vote was cast.
- 8.11 An Elector who has dealt with his or her ballot in such a manner that it cannot be clearly or conveniently used may, on no more than one occasion, return it to an Electoral Officer who shall write the word "cancelled" upon the ballot, preserve it and provide the Elector with another ballot.
- 8.12 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);
  - (b) on more than one occasion, dealt with his or her ballot in such a manner that it cannot be clearly or conveniently used; or
  - (c) refuses to vote,
- forfeits his or her right to vote in that Election.
- 8.13 If an Elector forfeits his or her right to vote in 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 right to 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.

8.14 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 an Electoral Officer at a polling station, and if the Electoral Officer is satisfied by the evidence presented 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.

8.15 Unless the Elector is otherwise disqualified to vote under this Code, every Elector who is inside a polling station at 8:00 p.m. on Election Day is entitled to vote in the Election.

8.16 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 the Electoral Officer at the other polling station has confirmed with the 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.

### After Close of Polls

8.17 The Electoral Officer, Electoral Assistant(s), present Candidates and scrutineers for Candidates must stay until the end of the tabulation of the ballots and may not communicate with others outside the polling station until the final vote tabulation is announced. All cellular telephones and transmitting devices must be turned over to the Chief Electoral Officer or an Electoral Officer at the close of the polls until the count is complete.

8.18 If a scrutineer for a Candidate does not comply with this Code, they will be prohibited from acting as a scrutineer for a Candidate in all future Elections.

### Verification of Mail-in-Ballots

8.19 Immediately following the close of all polling stations on the day of the Election the Electoral Officer at each polling station shall, in full view of any Electoral Assistant(s), present Candidates and scrutineers for Candidates, open each self-addressed envelope for mail-in balloting that was delivered before the close of the polls and, without opening any enclosed ballot envelope:

(a) reject the mail-in-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

- 8.20 Immediately following the verification of mail-in ballots, the Chief Electoral Officer shall notify the Electoral Officer in Prince Rupert.
- 8.21 Immediately following the Chief Electoral Officer notifying the Electoral Officer in Prince Rupert under section 8.20 of this Code, the Electoral Officer at each polling station shall, in full view of any Electoral Assistant(s), present Candidates and 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 Electoral 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.

- 8.22 Every Electoral Officer tabulating votes shall preserve every ballot that he or she rejects pursuant to section 8.21(a) to 8.21(d).
- 8.23 Immediately following the counting of the ballots in the manner prescribed in section 8.21, the Electoral Officer at Prince Rupert shall communicate the final results of the count tabulated at Prince Rupert 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, Electoral Assistants, Candidates or scrutineers for a Candidate for the Election.
- 8.24 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.
- 8.25 The Chief Electoral Officer shall deposit all ballots in sealed envelopes and preserve all Electronic Ballot files, including those rejected, cancelled, forfeited and unused, and shall place them in the Election File.

### **Announcement of Election Results**

- 8.26 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 ties, announce:
  - (a) the name of the Candidate for Chief Councillor that received the highest number of votes;
  - (b) the name of the Candidate for Deputy Chief Councillor that received the highest number of votes;
  - (c) the name of the Candidate for Youth Councillor that received the highest number of votes; and
  - (d) the names of the Candidates for the Councillor positions having the highest number of votes,

and publicly declare those Candidates elected to the Governing Council.

### **9.0 Post-Election Process**

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

- 9.2 If after a public recount of votes for the Candidates in a 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.
- 9.3 If after a public recount of votes for the Candidates in a 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.
- 9.4 As soon as possible after the Election, the Chief Electoral Officer shall:
- (a) post in the Administration Office and GTMA 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 Indigenous Services Canada and the Gitxaala Nation general manager or administrator.

## 10.0 Appeals Process

### Appeal Procedures Regarding Election Results

- 10.1 Any Elector, including any Candidate, may appeal, in whole or in part, an Election result if he or she has grounds for believing that there was a violation of, or error made under, this Code during the Election process that might reasonably have affected the outcome of the Election.
- 10.2 An appeal of an Election result may be launched by delivering a notice of appeal in writing, containing details of the grounds for appeal, to 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".
- 10.3 All notices of appeal with accompanying deposit must be delivered to the Administration Office within thirty (30) days of the date on which the Election was held.
- 10.4 Where a notice of appeal is filed pursuant to section 10.2, the Administrator will choose the Independent Arbitrator from the list of arbitrators provided by the Electoral Officer in s. 5.23.
- 10.5 If a notice of appeal of an Election result and accompanying deposit is delivered to the Independent Arbitrator pursuant to this Code the Independent Arbitrator shall, promptly upon delivery, send the notice of appeal together with any supporting documents received to each affected Candidate in the Election and to the Chief Electoral Officer.

- 10.6 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, deliver to the Independent Arbitrator a written response to the appeal allegations, together with any supporting documentation.
- 10.7 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 his or her review of an appeal.
- 10.8 For greater certainty, the Independent Arbitrator may conduct or authorize such further investigation into the appeal allegations as he or she deems appropriate and necessary.
- 10.9 After a review of all the evidence that he or she 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 a violation, or an error made under, this Code, or on the ground that a violation, or an error made under, this Code did occur but did not reasonably 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 a violation of, or error made under, this Code that reasonably affected an Election result.
- 10.10 If the Independent Arbitrator grants an appeal and orders a new Election:
- (a) the Election shall, notwithstanding section 4.1 of this Code, take place as soon as reasonably 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 transition period under the Council Policy after the new General Election.
- 10.11 A decision of the Independent Arbitrator is final.
- 10.12 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.
- 10.13 After issuing their decision the Independent Arbitrator shall, if requested by the Chief Electoral Officer, give advice to the Chief Electoral Officer on how any problems identified during the administration of an Election can be corrected.

#### **Appeals of Vacancy Declarations by the Governing Council**

- 10.14 Where a notice of appeal is filed pursuant to section 3.17, the Administrator will choose the Independent Arbitrator from the list of arbitrators provided by the Electoral Officer in s. 5.23.

- 10.15 Upon an appeal under section 3.17 of this Code, the Independent Arbitrator may:
- (a) confirm a Council Resolution declaring that a position on the Governing Council is vacant; or
  - (b) reinstate the person whose position had been declared vacant if the Independent Arbitrator finds that the Council Resolution 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.
- 10.16 Until there is a decision of the Independent Arbitrator with respect to an appeal brought under section 3.17 of this Code, the position on the Governing Council shall remain vacant.
- 10.17 The Independent Arbitrator must send 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 3.17 of this Code.
- 10.18 A decision of the Independent Arbitrator under section 10.14 of this Code must be made within forty-two (42) days after a vacancy is declared by the Governing Council.
- 10.19 A decision of the Independent Arbitrator is final.
- 10.20 A summary of the decision of the Independent Arbitrator shall be published by the Administrator to the Gitxaala Nation website and posted in the Administration Office and GTMA Office within three (3) days of the decision being made.
- 10.21 After issuing their decision the Independent Arbitrator shall, if requested by the Governing Council, give advice to the Governing Council on how any problems identified during the administration of an appeal can be corrected.

## **11.0 Amendment**

- 11.1 Any amendment of this Code shall be initiated by:
- (a) a petition delivered to the Governing Council signed by at least 25% of Electors, specifying the proposed amendment; or
  - (b) a duly passed Council resolution specifying the proposed amendment.
- 11.2 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.
- 11.3 The Governing Council shall, in good faith, consider a proposed amendment delivered in accordance with section 11.1(a) of this Code, make such changes as the Governing Council deems necessary, and arrive at a proposed amendment within fifteen (15) days of such delivery. The Governing Council may seek legal or other advice relating to a proposed amendment delivered in accordance with section 11.1(a) of this Code.

- 11.4 The Governing Council shall set a deadline of at least fifty (50) days after the initiation of any amendment of this Code for receiving written comments from Electors on the proposed amendment.
- 11.5 The Governing Council shall, within twenty (20) days of the initiation of an amendment pursuant to section 11.1 of this code, prepare and send to all Electors a notice of proposed amendment containing:
- (a) the date(s), time(s) and place(s) of the community meeting(s) as provided for in section 11.2;
  - (b) the deadline for receipt of written comments as provided for in section 11.4;
  - (c) a description of the amendment process, as set out in the Code; and
  - (d) notice that a copy of the Code is available to any Elector upon request to the Governing Council and is available for viewing at the Administration Office and GTMA Office.
- 11.6 Any Elector may, within the deadline established under section 11.4, deliver written comments concerning the proposed amendment 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.
- 11.7 The Governing Council shall consider all comments received in accordance with section 11.6 and make such changes to the proposed amendment as they deem necessary to arrive at a final proposed amendment.
- 11.8 The Governing Council shall, within ten (10) days of the closing of the period for receiving written comments. Where amendments are initiated under paragraph 11.1(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.
- 11.9 The Governing Council shall, prepare and send to all Electors a notice of final proposed amendment containing:
- (a) a description of the amendment process, as set out in this Code;
  - (b) notice that a copy of this Code is available to any Elector upon request to the Governing Council and is available for viewing at the Administration Office and GTMA Office; and

- (c) notice that the final amendment proposal shall be adopted at a duly convened meeting of the Governing Council unless a petition is delivered to the Governing Council within twenty (20) days of the distribution of the notice of the final amendment proposal, signed by at least five (5) Electors, requesting an amending referendum.
- 11.10 If a petition is delivered to the Governing Council, signed by at least five (5) Electors, requesting an amending referendum, within the time limit as set out in section 11.9(c), then the Governing Council shall promptly, by Council Resolution, declare an amending referendum.
- 11.11 If an amending referendum is held for a final amendment proposal, this Code is amended as of the day after the referendum if the proposal is approved by a majority of those Electors who vote in the amendment referendum.
- 11.12 If no petition signed by at least five (5) Electors, requesting an amending referendum, is delivered to the Governing Council for a final amendment proposal within the time limit as set out in section 11.9(c), this Code is amended as of the day after the time limit expires.
- 11.13 At the next duly convened meeting of the Governing Council after the amendment of this Code pursuant to sections 11.11 or 11.12, the Governing Council shall pass a Council Resolution recognizing that this Code has been so amended.
- 11.14 If an amendment of this Code pursuant to sections 11.11 or 11.12, occurs after the Chief Electoral Officer has, pursuant to section 5.19, sent out a Notice of Election for a particular Election, then the amendment does not apply to that Election.

## **12.0 General**

### **Notice**

- 12.1 Any notice or communication required to be delivered under this Code shall be deemed to have been delivered:
  - (a) if by hand, upon receipt by the relevant person;
  - (b) if by email, upon receipt by the relevant person;
  - (c) if by facsimile transmission, upon the sender receiving confirmation of the transmission; and
  - (d) if by mail, upon receipt by the relevant person.

### **Computation of Time**

- 12.2 The computation of time in this Code shall be in accordance with the *Interpretation Act*, RSC 1985, c I-21 as may be amended or replaced, from time to time.

### **Amendment to Correct Error**

- 12.3 Governing Council may make an amendment to this Code and its Appendices to correct a grammatical or typographical error or to correct an obvious error or omission that is not of a substantive nature.
- 12.4 An amendment made in accordance with this subsection must not in any way alter the intent of, or a right, duty or power provided for in, this Code.

## 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 requirements 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 comply with and abide by all applicable laws, bylaws, policies, rules and standards of the Gitxaala Nation.
5. 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.
6. I have not, nor will I have, while holding office, any 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.
7. I have not, by myself or any other person knowingly employed any bribery, corruption or intimidation to gain my election.

SWORN TO BEFORE ME at \_\_\_\_\_, )  
 in the Province of British Columbia, the \_\_\_\_\_ )  
 day of \_\_\_\_\_, 20\_\_\_\_. )

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

\_\_\_\_\_  
 Signature of Chief Councillor,  
 Deputy Councillor or Councillor Elect

**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 Members 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.

SWORN TO BEFORE ME at \_\_\_\_\_, )  
in the Province of British Columbia, the \_\_\_\_\_ )  
day of \_\_\_\_\_, 20\_\_\_\_. )

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

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

**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, Councillor or Youth 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 members 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.

SWORN TO BEFORE ME at \_\_\_\_\_, )  
in the Province of British Columbia, the \_\_\_\_\_ )  
day of \_\_\_\_\_, 20\_\_\_\_. )

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

\_\_\_\_\_  
Signature of Independent Arbitrator

## 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, Youth 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, Youth 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 Indian registration 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 in 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 \_\_\_\_\_ at \_\_\_\_\_  
(Print Name) (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, Youth Councillor and Councillors of the Gitxaala Nation is currently underway.

As a member of the 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, Youth 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, Youth 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 Youth Councillor. You must choose only one candidate for this position.
  - 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 delivered to an Electoral Officer no later than 8 p.m. on the date of the election. Mail-in ballots delivered after the close of the poll on Election Day will not be counted.**

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,

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Chief Electoral Officer

## **APPENDIX 9 - POLLING STATION VOTING INSTRUCTIONS**

- 1. On the ballot provided for the positions of Chief Councillor, Deputy Chief Councillor, Youth Councillor and Councillor 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 Youth Councillor. You must choose only one candidate for this position.

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 deposit the ballot in the appropriate ballot box(es) supplied.**

## 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, \_\_\_\_\_ (*Print Name*), solemnly declare that in the performance of my duties as an/a \_\_\_\_\_ (*Electoral Assistant or Translator*), I will do my utmost to serve the members 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 \_\_\_\_\_ at \_\_\_\_\_  
(*Print Name*) (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, Youth 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: \_\_\_\_\_

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)

## APPENDIX 13 – ELECTRONIC VOTING MINIMUM REQUIREMENTS

1. The Electronic Voting Platform must be able to operate across all contemporary digital platforms and across all major operating systems.
2. The Electronic Voting Platform must comply with all Canadian laws governing protection of privacy.
3. The Electronic Voting Platform must be secure and encrypted.
4. The Electronic Voting Platform must have systems to verify and authenticate voter identification using industry standard verification protocols.
5. The Electronic Voting Platform must maintain the secrecy of the Elector’s Electronic Ballot.
6. The Electronic Voting Platform must generate automatic notifications in real-time to the Elector and Chief Electoral Officer of the following activity associated with an Elector using the Electronic Voting Platform, including:
  - (a) failed registration or voting attempts;
  - (b) completed registration;
  - (c) completed voting;
  - (d) system or communication failures, interruptions or lost data; and
  - (e) support requests.
7. The Electronic Voting Platform must generate and provide to the Chief Electoral Officer daily detailed activity reports.
8. The Electronic Voting Platform must prohibit an Elector who has cast an Electronic Ballot from casting another Electronic Ballot.
9. The Chief Electoral Officer must be granted administrative access to the Electronic Voting Platform to view and download data and information necessary to facilitate Electronic Voting, including daily reports and detailed activity reports.
10. The Electronic Voting Platform must update its Voters List in real-time following the successful ballot completion of an Elector by marking the Elector as having ‘voted’ and must notify the Chief Electoral Officer that the Elector has cast their Electronic Ballot.
11. Following the close of the Electronic Voting period the Electronic Voting Platform must tabulate immediately the results of all Electronic Ballots cast.