

SNUNEYMUXW FIRST
NATION



ELECTORAL CODE
(2007)

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PREAMBLE

WHEREAS the people of the Snuneymuxw First Nation were created by *Xaals*, Our Creator, as a self-governing people and nation; and,

WHEREAS the people of the Snuneymuxw First Nation have existing aboriginal and treaty rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982*; and,

WHEREAS the Minister of Indian Affairs and Northern Development has the authority to repeal Order in Council P.C. 781 dated May 18, 1953, to the extent that it applies to the Snuneymuxw First Nation. This order was made pursuant to section 74 (1) of the *Indian Act*, the effect of which was to bring the Snuneymuxw First Nation into the *Indian Act* electoral system; and,

WHEREAS the people of the Snuneymuxw First Nation have written and ratified the Snuneymuxw First Nation Electoral Code.

OBJECT OF CODE

The object of this code is to define the electoral system of the Snuneymuxw First Nation, including the electoral and political rights of Snuneymuxw First Nation citizens, and the organization of the Snuneymuxw First Nation Chief and Council government.

In the event of judicial review, this Code should be interpreted so as to provide to the electors of the Snuneymuxw First Nation the greatest opportunity to exercise their right to vote in Snuneymuxw First Nation elections and referendums.

PART 1 TITLE

1.1 This Code may be cited as the *Snuneymuxw First Nation Electoral Code(2007)* (the "Code").

PART 2 INTERPRETATION

In this Code:

2.1 "Appeal Tribunal" means the body appointed in accordance with sections 14.7 and 14.8 of this Code.

2.2 "Chief" means the person that has been elected pursuant to this code to the Office of Chief of the Snuneymuxw First Nation and who, in their capacity as an elected representative of the Snuneymuxw First Nation (here and after referred to as

SFN) citizenship, is the primary spokesperson of the SFN Chief and Council and the preeminent political leader of the SFN Chief and Council.

2.3 "Complaint and Appeal Board" means the body of persons appointed in accordance with section 14.1 of this Code.

2.4 "Complaint Tribunal" means the body appointed in accordance with sections 14.7 and 14.8 of this Code.

2.5 "Councillor" means a person that has been elected to the Office of Councillor of the SFN pursuant to this code and who, in their capacity as an elected representative of the SFN citizenship, is one of the members of the SFN Chief and Council.

2.6 "Deputy Electoral Officer" means a person appointed by the Electoral Officer pursuant to section 3.12 of this code.

2.7 "Election Day" means the day that the SFN Chief and Council has declared through a Band Council Resolution as the date of an election to be held in accordance with this code. This day will always fall on a Saturday and, except in exceptional circumstances, take place on or before the first Saturday in December.

2.8 "Elector" means a person who meets the criteria established under Part 8 of this code.

2.9 "Electoral Officer" means the individual(s) appointed by the SFN Government pursuant to sections 3.1-3.3 of this code.

2.10 "Full General Election" means an election conducted pursuant to Part 7 this Code.

2.11 "Inaugural Election" means the first election conducted pursuant to this Code.

2.12 "ordinarily resident within the SFN Candidacy Area" Whether a person is "ordinarily resident" within the SFN Candidacy Area shall be determined by the facts in each case, and includes, but is not limited to consideration of:

- a) the place the person normally eats and sleeps;
- b) the place the person receives personal mail;
- c) the residence of the person's immediate family;
- d) the place of employment of the person, and if the person is absent from the SFN Candidacy Area, the reason for being absent; and,
- e) that a person can only be ordinarily resident in one place at one time, and a person is ordinarily resident in that place until another place of ordinary residence is acquired.

In relation to an election, the question of whether a person is "ordinarily resident" will be determined by the Electoral Officer after considering the facts in (a) - (e) directly above.

In relation to the ongoing requirement for Chief and Council to remain "ordinarily resident", Council may make this determination after considering the facts in (a) - (e) directly above.

2.13 "Regular Election" means an election conducted pursuant to section 5.3 of this Code.

2.14 "Regular Meeting" means a regular meeting of the SFN Chief and Council.

2.15 "Snuneymuxw First Nation Member" means a person who is registered on the SFN Membership List. In the event that the SFN enacts a new membership code through section 10 of the *Indian Act* the new membership code will determine who a SFN member is for the purposes of this electoral Code.

2.16 "SFN Candidacy Area" means the SFN Candidacy Area as defined by the map attached as appendix A.

2.17 "Special Election" means an election conducted pursuant to section 6.2 of this Code.

2.18 "Special Meeting" means a Special Meeting of the SFN Chief and Council.

2.19 Where there is a reference to a number of days between two events, in calculating that number of days the day on which the first event happens is excluded and the day on which the second event happens is included.

2.20 Words in the singular include the plural and words in the plural include the singular.

PART 3 ELECTORAL OFFICER

Appointment

3.1 The Electoral Officer shall be appointed by the SFN Government through the execution of a Band Council Resolution;

- a) not less than three months before the next scheduled election; or,
- b) as otherwise may be required under this Code;

3.2 The SFN Chief and Council will appoint an individual to the office of Electoral Officer that:

- a) is not a member or citizen of the SFN; and,
- b) has no vested interest in the outcome of SFN elections; and,
- c) is at least 18 years of age; and,
- d) has experience in the conduct of elections.

3.3 The Electoral Officer must sign an oath of office and confidentiality and accept the appointment by forwarding a letter of acceptance to the SFN Chief and Council.

Pre-Electoral Process

3.4 The Electoral Officer is responsible for managing and executing all pre-electoral process procedures including;

- a) publication and distribution of the official notices of electoral processes;
- b) production of an initial Voters List;

Management of the Nomination Process;

3.5 The Electoral Officer is responsible for managing and conducting the candidate nomination process including;

- a) presiding over the nomination meeting and process or appointing a qualified and independent deputy or designate to preside over the meeting;
- b) declaring acclaimed candidates; and/or,
- c) declaration of a poll.

Polling and Counting Process

3.6 The Electoral Officer will be responsible for managing and executing all aspects of the election process including;

- a) production of election documents and materials such as ballot papers, declaration forms, oaths of office, etc.;
- b) management of voting process;
- c) management of counting and recounting processes;
- d) production, publication, and distribution of electoral results.

Complaint and Appeal Process

3.7 The Electoral Officer will cooperate fully with the Complaint and Appeal Board, and any Complaint Tribunal or Appeal Tribunal, as may be required.

Dissolution of Chief and Council Process

3.8 The Electoral Officer will;

- a) manage any Part 7 petition process and assist any petitioning party in the execution of their petition; and,
- b) manage any Part 7 referendum process.

Safekeeping of Electoral Materials

3.9 The Electoral Officer will be responsible for ensuring the safekeeping of electoral documents for reference in any Complaint and Appeal Board process, submitting electoral documents to the SFN Chief and Council for archival purposes, and the destruction of ballot papers upon the expiry of the Complaint and Appeal period or the resolution of any outstanding complaints or appeals.

Incapacity or Death of Electoral Officer

3.10 In the event that the Electoral Officer becomes incapacitated or dies during their term of office, an existing Deputy Electoral Officer will be chosen by the SFN Chief and Council, through a Band Council Resolution, to undertake the duties of

the Electoral Officer. In the absence of an existing Deputy Electoral Officer, the SFN Chief and Council, to protect the integrity of the electoral process, will appoint a new Electoral Officer.

Dismissal of the Electoral Officer

3.11 Chief and Council may by Band Council Resolution terminate the services of an appointed Electoral Officer if the Officer is not in compliance with his or her oath of office.

In the event that Council dismisses an Electoral Officer under this section,

- (a) Council shall appoint a new Electoral Officer as soon as possible in accordance with this Code,
- (b) Council or the Administrator shall notify the candidates as well as all voters in writing, within 48 hours of the decision and, where possible, shall include the name of the replacement Electoral Officer and the Officer's mailing address and phone number, and
- (c) Chief and Council may, if necessary, designate a new Election Day in accordance with this Code with any necessary modifications in timing to accommodate the appointment of the new Electoral Officer.

Deputy Electoral Officers

3.12 The Electoral Officer is responsible for appointing any deputy Electoral Officers that may be needed to assist the Electoral Officer in the conduct of the electoral processes. The appointment will be guided by the same criteria and procedures established in sections 3.2 and 3.3 of this Code.

3.13 Deputy Electoral Officers are authorized to carry out the duties of the Electoral Officer when directed to do so by the Electoral Officer.

PART 4 SNUNEYMUXW FIRST NATION GOVERNMENT

4.1 The SFN Chief and Council are elected to office as a body of political representatives of the citizens of the Snuneymuxw First Nation.

Office of Chief

4.2 There shall be one (1) Chief of the Snuneymuxw First Nation.

4.3 The Office of Chief shall be elected by a majority vote.

Candidacy for Office of Chief

4.4 Subject to sections 4.10-4.14, a candidate for the Office of Chief must;

- a) be an eligible elector as defined in Part 8 of this Code;
- b) be ordinarily resident within the SFN Candidacy Area as described in Appendix A; and
- c) if successfully elected, unless otherwise approved by Council, continue to reside within the SFN Candidacy Area during his or her term of office.

Term of Office for the Office of Chief

4.5 Subject to other provisions of this Code, the term of the Office of Chief shall be four (4) years.

Office of Councillor

4.6 There shall be ten (10) Councillors of the Snuneymuxw First Nation.

4.7 The Offices of Councillor shall be elected by a plurality of the vote.

Candidacy for Office of Councillor

4.8 Except as provided under sections 4.10-4.14, a candidate for the Office of Councillor must:

- a) be an eligible elector as defined in Part 8 of this code;
- b) be ordinarily resident within the SFN Candidacy Area as described in Appendix A; and
- c) if successfully elected, unless otherwise approved by Council, continue to reside within the SFN Candidacy Area during his or her term of office.

Term of Office for Councillor

4.9 Subject to other provisions of this Code, the term of Office of a Councillor shall be four (4) years.

Limitations on Holding Office

4.10 Persons holding the following SFN positions shall not be a candidate for the Office of Chief or the Office of Councillor in SFN elections. This includes but is not limited to:

- a) the SFN Chief and Council Secretary;
- b) the Band Manager;
- c) the Financial Officer; and,
- d) a person employed by the SFN who reports to, and is under the direct supervision of, the SFN Chief or an SFN Councillor or the SFN Chief and Council.

Conduct Related to Candidacy Rights

4.11 Any individual is not eligible to be a candidate for the Office of Chief or the Office of Councillor for a period of five (5) years if that individual, in connection with an election, has been:

- (a) Found guilty by a Court of competent jurisdiction of any offenses relating to the following or
- (b) Found by a qualified independent official appointed by Council to have engaged in any of the following practices:

Corrupt practices, bribery, accepting a bribe, dishonesty or malfeasance.

4.12 A person who has been found guilty of a criminal offence is not eligible to be a candidate for the Office of Chief or the Office of Councillor in an SFN election for

a period extending from the date of conviction to 5 years after completion of a sentence, unless officially pardoned.

4.13 Any individual that was found to have vacated their Office through subsections 6.1 (b)-(g) of this Code, shall not be eligible to be a candidate in the special election to fill that vacancy.

4.14 Notwithstanding section 4.12 or section 6.1 (c), any individual that has been found guilty of an offence for actions undertaken on behalf of the SFN for the purpose of protecting, enhancing, or exercising SFN aboriginal or treaty rights shall not be ineligible to be a candidate in SFN elections or for holding the Office of Chief or the Office of Councillor, for this cause alone.

PART 5 ELECTORAL TIMING

5.1 SFN elections shall be staggered for the purpose of promoting governance continuity and the maintenance of government experience.

Inaugural and Full General Elections

5.2 In the Inaugural Election conducted under the authority of this code, and for any Full General Election invoked by either the SFN Chief and Council or a Referendum in accordance with Part 7 of this Code, there shall be elected;

- a) one (1) Chief to a four (4) year term;
- b) five (5) Councillors (with the five highest vote-count) to a four (4) year term;
and,
- c) five (5) Councillors (with the next five highest vote-count) to a two (2) year term.

Regular Elections

5.3 Subsequent to an Inaugural or a Full General Election, the SFN shall have Regular Elections every two (2) years in anticipation of the expiry of the terms of office of a portion of the SFN Chief and Council.

5.4 For greater certainty, the term of office for Councillors in Regular Elections shall be four (4) years.

Electoral Timing System

5.5 The following example may be used to illustrate the timing of future elections:

Election 2002 (Inaugural Election)

One Chief — to a four-year term (term expires in 2006)

Five Councillors — to a four-year term (term expires in 2006)

Five Councillors — to a two-year term (term expires in 2004)

Election 2004 (Regular Election)

Five Councillors — to a four-year term (term expires in 2008)

Election 2006 (Regular Election)

One Chief — to a four-year term (term expires in 2010)

Five Councillors — to a four-year term (term expires in 2010)

And so on

If, by example, and for greater certainty, in the year 2007, Chief and Council or the Membership invoke a Full General Election through a Part 7 process, all Offices of Chief and Council would be vacated and a Full General Election would be held.

Election 2007 (Full General Election)

One Chief — to a four-year term (term expires in 2011)

Five Councillors — to a four-year term (term expires in 2011)

Five Councillors — to a two-year term (term expires in 2009)

Election 2009 (Regular Election)

Five Councillors — to a four-year term (term expires in 2013)

And so on

PART 6 VACANCY OF OFFICE

6.1 The Office of Chief or Councillor becomes vacant when a person who holds that Office:

- a) dies;
- b) resigns in writing from their office;
- c) is convicted of a criminal offence;
- d) is guilty of a corrupt practice, bribery, accepting a bribe, dishonesty or malfeasance, in connection with an election;
- e) ceases to qualify as a candidate by virtue of the candidacy criteria in Part 4 of this code;
- f) fails to attend three (3) consecutive Regular Meetings of Chief and Council without being reasonably excused from attendance by a quorum of the SFN Government; or,
- g) is otherwise unable to fulfill the terms of office.

Declaration of Vacancy of Office

6.2 A 2/3 majority vote of SFN Chief and Council is required to declare an Office vacant pursuant to section 6 of this Code.

Special Election

6.3 Unless otherwise decided by Council, where the Office of Chief or Councillor becomes vacant more than six (6) months before the date when another election would ordinarily be held a special election shall be held in accordance with these procedures to fill that vacancy or vacancies. For greater certainty, Council may decide to leave a vacant seat open for budgetary reasons, to honour a Councilor who has died or for any other legitimate reason.

Term of Office through Special Elections

6.4 Any person elected to Office through a special election, shall only hold office for the remainder of the term of the vacant office being filled.

PART 7 INVOKING A FULL GENERAL ELECTION

7.1 The purpose of this Part is to allow for, in extraordinary circumstances, the dissolution of the SFN Chief and Council in its entirety and invoking a Full General Election on a day other than one scheduled for a Regular Election. Under this Part, this process can be invoked by either the Chief and Council itself or by the SFN Membership.

SFN Chief and Council May Vote for Dissolution

7.2 The SFN Chief and Council shall as soon as practicable call a Full General Election for the Office of Chief and all Offices of Councillor

- a) eight (8) of the eleven (11) members of the SFN Chief and Council vote in support of a motion to call a Full General Election of the SFN Chief and Council at a special meeting of the SFN Chief and Council; or,
- b) an affirmative membership referendum occurs in accordance with sections 7.8-7.14 of this Code to call a Full General Election.

Dissolution Vote by SFN Chief and Council

7.3 The Chief or a Councillor may declare at a Regular Meeting of the SFN Chief and Council that a Special Meeting of the SFN Chief and Council take place for the sole and express purpose of voting to invoke a Full General Election.

7.4 The special meeting must be at least fourteen (14) days after the request, and not longer than twenty one (21) days after the declaration.

7.5 All members of the SFN Chief and Council must receive written notice of the Special Meeting. This notice will contain:

- a) the Special Meeting date, time and place;
- b) the reasons for declaring that a Special Meeting occur to vote on the question of invoking a Full General Election of the SFN Chief and Council;
- c) the proposed date for the Full General Election; and,
- d) the names of the Chief and/or Councillor(s) requesting the special meeting.

7.6 At the Special Meeting a vote will be held whereby each of the Chief and Councillors verbally indicate their vote in turn by stating "yes" or "no" to the question of invoking a Full General Election.

7.7 The vote will only be successful if eight (8) of the eleven (11) members of the SFN Chief and Council state "yes" to the question of invoking a Full General Election.

Membership Petition and Referendum

7.8 A referendum shall be invoked by a petition of Snuneymuxw First Nation electors if the petition indicates thirty-five (35) percent of the electors wish to hold a referendum for the purpose of invoking a Full General Election.

7.9 A Full General Election will be held if the referendum results indicate that two-thirds of the eligible electors are in support of a Full General Election being held.

Petition

7.10 The petition must be conducted in a fair, transparent, and open manner by the petitioning party.

7.11 The petition process must be completed within seven (7) consecutive days, to be determined by the Electoral Officer. Council must either appoint and pay for a new Electoral Officer or continue the services of the Electoral Officer from the most recent election to carry out all of the necessary duties relating to the petition.

7.12 To be successful, the petition must contain at least thirty-five (35) percent of the signatures of the eligible voters as of the last election process.

Referendum

7.13 If the Electoral Officer ascertains that the petitioning process is successful, the Electoral Officer shall post notice of a referendum to call a Full General Election of the SFN Government. This notice will contain the date, time, and place of the Referendum, and a copy of the successful petition. The Referendum will be conducted in accordance with the general guidelines provided in this code for the conduct of elections, with the exception that only those electors who were eligible to vote during the last election process, are eligible to vote in the Referendum.

7.14 The Referendum to call a Full General Election will only be successful if two-thirds of the eligible electors vote in the affirmative to invoke a Full General Election.

PART 8 ELECTOR'S QUALIFICATIONS

8.1 To be eligible to vote in a SFN Chief and Council Election, an individual must:

- a) have their name registered on the SFN Membership List; and,
- b) be 18 years of age or older on the election date.

PART 9 NOMINATION PROCESS

9.1 The Electoral Officer shall post notice of a nomination meeting, and mail notice of a nomination meeting and nomination forms to non-resident members, that states which Offices of Chief and Council are open to nomination not later than thirty (30) days prior to the Nomination Meeting.

Nomination Meeting

9.2 The nomination meeting will be held at an accessible location on a date to be determined by the Electoral Officer in accordance with this Code.

9.3 The meeting will commence for the purposes of nominations at 6:00 pm (PST) and be declared closed for nominations at 9:00 pm (PST).

To Be Nominated by Two Electors

9.4 An individual will be declared nominated if electors of the Snuneymuxw First Nation move and second that the individual be nominated for the Office of Chief or the Office of Councillor.

9.5 An individual may be nominated for both the Office of Chief and the Officer of Councillor but two separate nominations are required, each by a different mover and seconder.

9.6 Candidates may be nominated by mail-in nominations but these mail-in nominations must follow the requirements set out in this Code and must be received by the Electoral Officer no later than 4:30 p.m (PST) on the day of the Nomination Meeting.

Limitation on Number of Nominations any Elector may make.

9.7 Each Elector may nominate or second no more than:

- a) one (1) eligible person for the Office of Chief; and
- b) the number of eligible persons equivalent to the vacancies for the Office of Council.

9.8 In the case of a Special Election each Elector may only nominate or second no more than the number of eligible persons equivalent to the vacancies in the Special Election.

Accepting Candidacy

9.9 To become a candidate, nominees must submit the following to the Electoral Officer no later than 4:30 p.m. (PST) on the third day following the day of the Nomination Meeting:

- a) a criminal record check;
- b) a completed and signed Candidacy Acceptance form.

9.10 Unless otherwise set out in the Regulations, the Candidacy Acceptance form must include the following:

- a) The full legal name fo the candidate;
- b) The way the canadidate would like their name to appear on the ballot;
- c) A criminal record check;
- d) The address where the candidate is ordinarily resident;
- e) The phone number for the candidate and an alternate contact phone number;
- f) An indication of whether the candidate is running for the Officer of Chief or Councillor or both; and
- g) The signature of the candidate.

9.11 No person shall accept candidacy in a SFN Chief and Council election if that person is not eligible to be a candidate in accordance with this Code.

Withdrawal

9.12 Candidates may withdraw as a candidate up to the close of polls on Election Day by submitting the Candidacy Withdrawal form (Appendix ____) to the Electoral Officer and any votes cast in favour of a withdrawn candidate shall not be counted.

- (a) Where a candidate withdraws prior to the printing of the ballots, the Electoral Officer shall remove their name from the ballots.
- (b) Where a candidate withdraws after the printing of the ballots, their name will appear on the ballot but the Electoral Officer will post notices that this candidate has withdrawn.

PART 10 ELECTION BY ACCLAMATION

10.1 If the number of persons nominated does not exceed the number of vacancies at the end of the nomination meeting and the nominees accept their candidacy in accordance with section 9.8 of this Code, the Electoral Officer shall declare such persons elected by acclamation.

PART 11 GRANTING OF POLL

11.1 If the number of candidates exceeds the number of vacancies, the Electoral Officer will declare that an election will be held on the designated date. The date of the election shall be at least thirty-five (35) days after the nomination meeting.

11.2 Upon the expiry of the section 9.9 acceptance of candidacy period, the Electoral Officer shall post a notice in a conspicuous public place, setting out the time and place and date for voting and also mail the notice, mail-in ballots with pre-stamped return envelopes, and other electoral materials to non-resident members. This notice shall be posted, and the mail-out conducted, not less than thirty (30) days prior to the date scheduled for the election.

PART 12 ELECTORAL CAMPAIGN

12.1 Chief and Council Election Campaigns are to be conducted in an open, fair, and transparent manner.

12.2 Chief and Council Election Campaigns will have at least one Candidates Forum or Debate organized and facilitated by the Electoral Officer or his or here Deputy or designated. This Forum or Debate must be held between fourteen (14) and twenty-one (21) days before the Election Day.

12.3 The Electoral Officer shall ensure that a notice for the Candidates Forum or Debate is;

- (a) Mailed to off Reserve electors for which an address is available,
- (b) Hand delivered to the homes of On Reserve Electors, and

(c) Mailed or hand delivered to the homes of all Candidates at least 7 days prior to the Candidates Forum or Debate by the Elections Office under the supervision of the Electoral Officer.

12.4 In order to create a fair opportunity for each Candidate to have campaign literature distributed to Electors regardless of the financial or other resources of the Candidate, the Electoral Officer will facilitate Candidate communications with the electorate through a coordinated mail-out of Candidates' campaign literature. The Electoral Officer is responsible for:

- (a) Notifying the Candidates of the deadline for campaign literature to be sent to the Electoral Officer or a Deputy or location specified by the Electoral Officer;
- (b) Distributing to all Electors for whom the Electoral Officer has a mailing address, all campaign literature received prior to the deadline from any Candidate;
- (c) Ensuring that the campaign literature is mailed out prior to the date on which mail-in ballot packages are mailed to Off-Reserve Electors.

12.5 The Electoral Officer bears no responsibility for distributing campaign literature that is not delivered to the specified address or is not delivered prior to the posted deadline.

PART 13 VOTING, COUNTING, AND REPORTING

13.1 The Electoral Officer shall ensure that all preliminary procedures are conducted and all materials required for conducting a vote are provided.

13.2 Voting for Chief and Council elections shall be conducted by secret ballot.

13.3 Each elector may vote only once in an election.

13.4 All off-reserve electors have the right to vote in SFN Chief and Council elections through a mail-in ballot or in person.

13.5 On Reserve voters who are unable to vote in person on Election Day have the right to request a mail-in ballot and may have their ballot delivered by mail or by somebody on their behalf to the polling station or lock-box at the election office.

13.6 The results of the vote shall be posted in a conspicuous public place and mailed to all non-resident members for which a correct address has been provided to the Electoral Officer..

13.7 If a tie results in any election, a public recount will be conducted as soon as practicable.

13.8 If a tie remains after a recount, the tie shall be resolved at the inaugural meeting of the newly-elected Chief and Council. Each member of Chief and Council shall have one vote to cast by secret ballot for the purpose of breaking the tie.

PART 14 COMPLAINTS AND APPEALS

Complaint and Appeal Board

14.1 The Complaint and Appeal Board shall be comprised of seven (7) persons appointed by the SFN Chief and Council not less than three months before the next scheduled election date.

14.2 The SFN Chief and Council will appoint the Complaint and Appeal Board and a Chairman by execution of a Band Council Resolution.

14.3 The members of the Complaint and Appeal Board must execute an oath of office and accept their appointment by forwarding a letter of acceptance to the SFN Chief and Council.

14.4 The SFN Chief and Council will appoint individuals to the Complaint and Appeal Board that:

- a) are at least 18 years of age;
- b) have experience in the conduct of elections and complaint and appeal processes; and,
- c) possess an understanding of the principles of natural justice.

14.5 The Complaint and Appeal Board members shall remain in office for seven (7) days after the expiry of the notice of electoral complaint and appeal period or until any outstanding election complaint or appeal has been resolved with finality by the Electoral Appeal Board.

Complaint and Appeal Tribunals

14.6 Upon receipt of a complaint or an appeal, the Electoral Officer shall convene a meeting of the Complaint and Appeal Board and inform the Board of the details of the Appeal or Complaint. The meeting may be by telephone conference call or in person.

14.7 At this meeting, upon reviewing the complaint or appeal, the Chairman shall appoint two (2) members of the Complaint and Appeal Board to a Complaint Tribunal or an Appeal Tribunal, as the case may be, to investigate and hold hearings if required, and to issue decisions to resolve the complaint or appeal. The Chairman of the Complaint and Appeal Board shall always serve as the Chairman of the Complaint or Appeal Tribunal.

14.8 In selecting members of the Complaint Tribunal or Appeal Tribunal, the Complaint and Appeal Board will not, to the extent practicable, appoint to the

Complaint Tribunal or Appeal Tribunal persons who have, or may be reasonably apprehended to have a bias or conflict in connection with the complaint or appeal.

14.9 The SFN Administration is authorized to pay reasonable honoraria, travel and meeting costs to the Complaint and Appeal Board or Tribunal Members.

PART 15 AMENDMENT

15.1 Proposed amendments to this Code must be presented in written form to the SFN Chief and Council which shall post the proposed amendments in a conspicuous location, and mail the proposed changes to all SFN non-resident Electors.

15.2 There shall be a forty-five (45) day review period for the Electors to consider the proposed amendments.

15.3 Any Elector may comment on the proposed amendments, in writing, to the SFN Chief and Council within the forty-five (45) day period. . Any written comments must include:

- (a) the name, address and signature of the Elector,
- (b) a processing fee of \$20,
- (c) the specific paragraph number of the proposed amendment on which the Elector is commenting,
- (d) specific comments about the proposed amendment, any reasons why the Elector feels it is a problem, and any proposal to change the wording to improve it, and
- (e) a statement of whether or not the Elector believes the issue is so important that it should go to a full referendum of Snuneymuxw members.

15.4 Any written comments under section 15.3 must be received at the Band Office within the 45 day period. Comments received after 45 days will not be considered in deciding whether a referendum is necessary, even if they have been mailed and post-marked during the 45 day period.

15.5 If no written comments are received in which an Elector is requesting a referendum under 15.3(e) above, then the proposed amendments must be approved by the SFN Chief and Council within 60 days.

15.6 If at least one written comment is received in which an Elector is requesting a referendum under 15.3(e) above, then to take effect, an Amendment Referendum must be held where fifty (50) percent plus one of the Electors who cast a ballot in the referendum agree to the proposed amendments.

15.7 The Amendment Referendum will be conducted in accordance with the general procedures provided in this Code for the conduct of elections.

15.8 Amendments approved at least six (6) months prior to the next scheduled election shall come into force immediately upon being ratified by the SFN Government or through an Amendment Referendum.

15.9 Amendments approved within six (6) months of the next scheduled election shall not come into force until the conclusion of that election process.

PART 16 REGULATIONS

16.1 The SFN Chief and Council may make Regulations in relation to the:

- a) Remuneration of: Electoral Officers, Deputy Electoral Officers, Complaint and Appeal Board members, Complaint Tribunal members, Appeal Tribunal members, and any other electoral staff;
- b) Nomination procedures;
- c) Preliminary procedures to elections;
- d) Advance Vote procedures;
- e) Voting procedures;
- f) Mail-in Voting procedures;
- g) Counting of votes procedures; and,
- h) Complaint and Appeal procedures.

16.2 The SFN Chief and Council may make Regulations, to govern Chief and Council procedures.

16.3 The SFN Chief and Council may make Amendments to the Regulations.

16.4 The Regulations and any Amendments to the Regulations will not supercede, and cannot contradict or in any way change this Code.

16.5 In the event of a conflict between the Regulations and this Code, this Code shall prevail.

PART 17 LIABILITY

17.1 The Snuneymuxw First Nation or its members shall not be liable for any claims, losses or damages resulting from the deletion or addition of an individual's name to the SFN Voters List.

PART 18 SEVERABILITY

18.1 If any part of this Code is declared to be invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the validity or enforceability of any other part of this Code.

PART 19 COMING INTO FORCE

19.1 This Code shall come into force on the date the Minister of Indian Affairs and Northern Development repeals *Order in Council P.C. 781*, to the extent that it applies to the Snuneymuxw First Nation (previously known as the Nanaimo Indian Band), and recognizes the effect of this Code. Any amendments to this Code shall come into force immediately after ratification in an accordance with Part 15 of this Code.

APPENDIX A
SFN ELECTORAL CODE (2007)
SFN Candidacy Area



