

SNUNEYMUXW FIRST NATION



Electoral Regulations (2011)

AMENDMENTS MADE TO AUGUST 22, 2011

PREAMBLE

1.0 These regulations are made pursuant to Part 16 of the Snuneymuxw First Nation Electoral Code (2001). In the event of a conflict between these regulations and the Code, the Code shall prevail.

SHORT TITLE

2.0 These regulations may be cited as the Snuneymuxw First Nation Electoral Regulations (2001).

INTERPRETATION

In these regulations:

3.1 “Advance Vote” means a vote by the Electors conducted according to the Snuneymuxw First Nation Electoral Code (2001) held seven (7) days prior to the Election Day.

3.2 “Appeal Tribunal” means the body appointed in accordance with sections 14.7 and 14.8 of the Snuneymuxw First Nation Electoral Code (2001).

3.3 “Code” means the Snuneymuxw First Nation Electoral Code (2001).

3.4 “Complaint and Appeal Board” means the body of persons appointed in accordance with section 14.1 of the Snuneymuxw First Nation Electoral Code (2001).

3.5 “Complaint Tribunal” means the body appointed in accordance with sections 14.7 and 14.8 of the Snuneymuxw First Nation Electoral Code (2001).

3.6 “Deputy Electoral Officer” means a person appointed by the Electoral Officer pursuant to section 3.12 of the Snuneymuxw First Nation Electoral Code (2001).

3.7 “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 the Snuneymuxw First Nation Electoral Code (2001). This day will always fall on a Saturday and be within fourteen (14) days of the expiry of the relevant term of office.

3.8 “Elector” means a person who meets the criteria established under Part 8 of the Snuneymuxw First Nation Electoral Code (2001).

3.9 “Electoral Officer” means the individual(s) appointed by the SFN Chief and Council pursuant to sections 3.1 - 3.3 of the Snuneymuxw First Nation Electoral Code (2001).

3.10 “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.

3.11 “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.

3.12 “SFN Candidacy Area” means the SFN Candidacy Area as defined by the map attached as appendix A to the Snuneymuxw First Nation Electoral Code (2001).

3.13 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.

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

REMUNERATION OF ELECTORAL STAFF

4.0 Remuneration for the Electoral Officer and any Deputy Electoral Officers will be set by the SFN Chief and Council at the time of appointment,

NOMINATION REGULATIONS

Nominee to make declaration to become candidate

5.0 Every candidate must complete the Candidacy Acceptance Form (Appendix A) and present it to the Electoral Officer by 4:30 PM (PST) on the third day following the day of the nomination meeting.

Nominee to prove eligibility

5.1 It is the responsibility of each nominee to present evidence of their eligibility to be a candidate to the Electoral Officer to ensure qualification for candidacy by completing the Candidacy Eligibility Form (Appendix B)

Formalization of candidacies

5.2 The Electoral Officer will post a list that outlines the accepted candidates.

Withdrawal of candidates

5.3 A candidate may withdraw from an election up to 4:30 PM (PST) on the third day following the day of the Nomination Meeting by completing the Candidacy Withdrawal Form (Appendix C) that may be obtained from the Electoral Officer.

Mail-in nominations

5.4 The Electoral Officer will provide to non-resident Electors, and any other Electors that may request, Nomination and Seconding forms so that these Electors may nominate and second candidates.

5.5 Any Mail-In Nominations must be received by the Electoral Officer, in properly executed form, prior to the Nomination Meeting.

PRELIMINARY PROCEDURES REGULATIONS

Appointment of Electoral Officer

- 6.1 a) SFN Chief and Council shall, not less than 3 months prior to the Election Day, appoint the Electoral Officer by resolution at a duly convened meeting of SFN Chief and Council.
- b) SFN Chief and Council may, in its sole discretion, appoint a Deputy Electoral Officer who will report to and assist the Electoral Officer.
- c) Not less than one week prior to the date set for the meeting at which the SFN Chief and Council will appoint the Electoral Officer, SFN Chief and Council will cause to be posted in the SFN Office a notice stating:
- (i) the date of the meeting at which SFN Chief and Council will appoint the Electoral Officer, and
 - (ii) that SFN members are entitled to attend that meeting.

Removal of Electoral Officer

6.2 SFN Chief and Council may by resolution remove an Electoral Officer or a Deputy Electoral Officer at any time if a majority of the Chief and Councillors are of the opinion that the continued appointment of that Electoral Officer or the Deputy Electoral Officer could place the fairness or proper conduct of the Election at risk.

6.3 If the SFN Chief and Council removes an Electoral Officer in accordance with section 6.2, SFN Chief and Council may appoint a new Electoral Officer by resolution at any time and without following the notice requirement set out in section 6.1(c).

Duties of the Electoral Officer

6.4 The Electoral Officer, in consultation with the SFN Chief and Council, will:

- a) designate the place of the voting station;
- b) prepare sufficient ballots which will be uniform in size, appearance, quality and weight;
- c) obtain a sufficient number of ballot boxes;
- d) provide a voting booth at the voting station where the Voter can mark the ballots free from observation;
- e) provide a sufficient number of lead pencils for marking the ballots;
- f) ensure that samples of the ballots are posted or available for examination by Voters at the voting station;
- g) ensure that a Commissioner for Taking Oaths or Notary Public will be available as required; and
- h) keep appropriate records of the election proceedings in order to ensure that the Snuneymuxw First Nation Complaint and Appeal Board can conduct a full review of the election if requested to do so.

6.5 SFN Chief and Council will ensure that the Electoral Officer has adequate staff and resources to conduct a fair election.

ADVANCE VOTE REGULATIONS

7.1 An Advance Vote will be conducted, subject to sections 2.1 and 13.4 of the Snuneymuxw First Nation Electoral Code (2001) and to the extent as may be applicable, in the same manner as the Vote on Election Day. The purpose of the Advance Vote is to allow Electors that chose to be present on the day of the Advance Vote, and that do not expect to be able to be present on Election Day, to participate in the election.

7.2 Immediately after the close of an Advance Vote, the Electoral Officer; in front of those persons who may be present, will:

7.2.1 properly seal the ballot box and place his or her signature on the seal in front of a witness; and

7.2.2 ensure that the witness executes a Statement of Witness form (Appendix D).

7.3 The Electoral Officer will execute a Declaration of Electoral Officer form (Appendix E).

7.4 The Electoral Officer will retain custody of the ballot box and ensure that the ballot box remains sealed and is not opened until such time as the ballots are counted after the close of the Vote on Election Day.

Voting procedures

8.1 The Electoral Officer with such appointed deputies as he deems necessary shall be in attendance at the time and place as is set out in the notice of poll.

8.2 The Electoral Officer shall immediately before the commencement of the poll open the ballot box(es) and call such persons as may be present to witness that it is empty; he shall then lock the box to prevent it from being opened and shall place it in view for the reception of the ballots and the box shall not be unlocked during the time appointed for taking the poll.

8.3 The Electoral Officer shall hold the polling booth open from 9:00 a.m. to 8:00 p.m. (PST)

8.4 The Electoral Officer and his deputies shall maintain order at all times in the polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.

8.5 Persons presenting themselves for the purpose of voting shall, upon being confirmed by the Electoral Officer or one of his deputies as an Elector, and ensuring that the individual has not voted at the Advance Vote or by Mail-In Ballot, be given two (2) ballots, each of a different colour, one colour for the election of the Chief and one for the election of Councillors, upon which to register his/her votes.

8.6 The Electoral Officer, or a deputy, shall initial each ballot upon giving it to the Elector.

8.7 Each Elector, after receiving the ballots, shall proceed directly to the place provided for marking ballots and shall mark his or her ballots by placing an "X" or other mark that clearly indicates the Electors choice in the space provided on each ballot opposite the name of the candidate, and shall then

deposit the ballots in the ballot box supplied. While any Elector is in the place provided for marking ballots, no other person, except as provided in section 8.13, shall be allowed in the same compartment or be in any position from where they can see how the Elector is voting.

8.8 The Electoral Officer, or a deputy, 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 Electoral Officer or the deputy at the request of an Elector pursuant to section 8.13 of these regulations, but shall not note the candidate for whom the ballot was cast.

8.9 A voter who has inadvertently dealt with his ballot paper(s) in such a manner that it cannot be conveniently used; shall, return it to the Electoral Officer or a deputy who shall write the word "cancelled" upon the ballot paper(s) and preserve it, and provide the voter with another ballot.

8.10 Any person who has received ballots and who leaves the polling place without delivering the same to the Electoral Officer or a deputy in the manner provided, or after receiving the ballots, refuses to vote, shall forfeit his right to vote at the election, and the Electoral Officer or a deputy shall make an entry in the voters list in the column for remarks opposite the name of such person to show that such person received the ballots and declined to vote, in which case the Electoral Officer or the deputy shall mark upon the face of the ballots the word "declined" and all ballots so marked shall be preserved.

8.11 Any person who is a Band member over the age of 18 years, but whose name does not appear on the Voters List, may present identification and evidence of membership to be verified by the Electoral Officer or a deputy, and if the Electoral Officer or the deputy is satisfied that the person is eligible to vote pursuant to the Snuneymuxw First Nation Electoral Code (2001), the person shall be added to the Voters List and allowed to vote at the polling station.

8.12 Every Elector who is inside the polling place at 8:00 PM (PST) shall be entitled to vote before the poll is closed.

8.13 If requested by a Voter who:

- a) is not able to read;
- b) is incapacitated by blindness or other physical cause; or
- c) requires assistance for any other reason;

the Electoral Officer will assist that Voter by marking his or her ballot as directed by the Voter and the Electoral Officer will immediately fold and deposit it into the ballot box.

8.14 In the circumstances described in section 8.13, the Electoral Officer, after assisting the Voter, will make an entry on the Voters List opposite the name of the Voter indicating that the ballot was marked by the Electoral Officer at the request of the Voter and the reason for the Voter's request.

MAIL-IN VOTING REGULATIONS

9.1 The Electoral Officer will send, as soon as is practicably possible, but in no case later than thirty (30) days prior to the date scheduled for the election, a mail-in package to each Elector who:

- a) is on the Voters List; and
- b) is not ordinarily resident on an SFN Reserve, or is ordinarily resident on an SFN Reserve but

informs the Electoral Officer that due to a planned absence, or for medical reasons, the Elector will not be able to vote in person.

9.2 An Elector who returns the mail-in ballot forfeits the right to cast a vote in person.

9.3 The Electoral Officer will prepare the mail-in package which will include:

- a) a copy of the Declaration of Voter form (Appendix F); and,
- b) an envelope to seal the ballots in and a second envelope pre-addressed to the Electoral Officer to enclose the declaration and the envelope with the sealed ballots.

9.4 The Electoral Officer will include in the mail-in package:

- a) ballots with the initials of the Electoral Officer affixed to the back so that the initials are visible when the ballot is folded; and
- b) a letter of instructions from the Electoral Officer

and will seal the mail-in package.

9.5 The Electoral Officer will place on the Voters List a mark opposite the name of every Elector to whom a mail-in package has been sent.

9.6 Every Elector who receives a mail-in package and who chooses to vote by this method will:

- a) mark the ballots by placing a cross (“X”) or other mark that clearly indicates the Electors choice in the space provided on each ballot opposite the name of the candidate;
- b) fold the ballots to conceal the mark and to expose the initials on the back of the ballots;
- c) place the ballots in the envelope and seal the envelope;
- d) complete and sign the declaration before a witness, and obtain the signature and address of the witness on the declaration;
- d) place the completed declaration and the envelope with the sealed ballots in the return envelope and seal the return envelope; and
- e) make arrangements for delivery or mailing of the sealed return envelope to the Electoral Officer at the address specified on the return envelope so that it will be received by the Electoral Officer prior to the Election Day.

9.7 The Electoral Officer, upon receiving a return envelope prior to the Election Day and upon ensuring that the Elector has not voted in an Advance Vote, will, in the full view of at least two other persons present, place on the Voters List a line through the name of the Voter indicating that the Voter as sent in a mail-in return envelope. If the Voter has voted in an Advance Vote, the return envelope will not be opened and the return envelope will be marked as “NOT COUNTED”. The ballots will be recorded as spoiled.

9.8 On the Election Day and prior to the Electoral Officer declaring the poll closed, the Electoral Officer, in the full view of at least two other persons present, will open each return envelope and determine if the declaration is enclosed and properly executed; and

9.8.1 if the declaration is enclosed and properly executed, the Electoral Officer will open the envelope

containing the ballots and without unfolding the ballots or in any way disclosing the mark made by the Voter verify his or her initials. If the ballots appear to be the same one mailed to the Voter, the Electoral Officer will tear off the perforated strip, if any, and deposit the ballots in a ballot box and place a line through the name of the Voter on the Voters List; or

9.8.2 if no declaration is enclosed or if the declaration is not properly executed, the Electoral Officer will make an entry on the Voters List opposite the name of the Voter that no declaration was enclosed or that the declaration was not properly executed. The Electoral Officer will mark the envelope with the sealed ballots as “IMPROPER MAIL-IN BALLOTS” and place a line through the name of the Voter on the Voters List and will not open the envelope with the sealed ballots or deposit the ballots in the ballot box. The ballots will be recorded as spoiled.

9.9 For those Voters set out in section 9.1, the Electoral Officer will make enquiries to determine the current address of the Voter and shall send the mail-in package to that address, or the Voter's last known address, as circumstances may require. If no address can be ascertained, or no confirmation of receipt is obtained, the Electoral Officer will record this information on the Voters List opposite the name of that Voter, and the Election Vote shall be held notwithstanding the failure to send or deliver mail-in packages.

9.10 Electors may receive replacements for lost or spoiled mail-in materials or ballots by:

- a) informing the Electoral Officer that all or part of the mail-in package provided has been lost or spoiled;
- b) returning any relevant material or ballots still in their possession to the Electoral Officer in sufficient time for the Electoral Officer to provide replacements;
- c) providing a Statutory Declaration sworn in front of a Justice of the Peace, Notary Public, or Commissioner for Oaths to the Electoral Officer stating that the materials or ballots have been lost or spoiled.

COUNTING OF BALLOTS REGULATIONS

10.1 Immediately following the close of the poll, the Electoral Officer shall, in the presence of such candidates or their agents, and any Electors as may be present, open the ballot box or boxes and:

- a) examine the ballots and reject any that are not initialed by the Electoral Officer or a deputy, or any other ballots that, in the Electoral Officer's opinion, do not give a clear indication of the voter's preference. If any of the ballots have more votes than there are vacancies for that position, that ballot shall be rejected. All rejected ballot papers shall be preserved;
- b) reject any ballot papers upon which anything appears by which the voter can be identified;
- c) subject to review on recount or on an election appeal, take a note of any objections made by any candidate or his agent to any of the ballots found in the ballot box and decide any questions arising out of the objection;
- d) 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 his initials;
- e) count the votes given for each candidate from the ballots not rejected and make a written statement of the number of votes given to each candidate and of the number of ballots rejected and not counted by him, which statement shall be then signed by him and other persons authorized to be present as may desire to sign the same.

10.2 After tabulation, the Electoral Officer shall announce the names of the candidates that received the highest number of votes and publicly declare these candidates elected.

10.3 Following the announcement, the Electoral Officer shall post in some conspicuous place a statement signed by him showing the number of votes cast for each candidate.

10.4 Following the election announcement, the Electoral Officer shall complete and sign an election report (Appendix G), in triplicate, which shall contain:

- a) a list of all candidates;
- b) the number of ballots cast;
- c) the number of votes for each candidate;
- d) the number of assisted or interpreted voters;
- e) the number of spoiled ballots; and,
- f) the number of rejected ballots.

10.5 The Electoral Officer shall forward:

- a) one copy to the SFN Manager/Administrator,
- b) one copy to the Region, Department of Indian Affairs; and,
- c) one copy to each SFN Elector.

10.6 In the event of a tie vote for Chief, or for the successful Councillor position receiving the fewest votes, the following shall take place:

- a) A recount shall be held by the Electoral Officer within 24 hours of the election, in the presence of all of the affected candidates or a person chosen by the individual candidate to attend on their behalf.
- b) The results of the recount shall be final, subject to a successful appeal.
- c) If a tie remains after the recount, a special vote shall be held by Chief and Council in accordance with section 13.8 of the Snuneymuxw First Nation Electoral Code (2001) to break the tie.

COMPLAINT AND APPEAL REGULATIONS

11.1 Any candidate, or any Elector, may, up to thirty (30) days after the close of the polls, appeal the results of an election or file a complaint if he or she has grounds for believing that there was an error or violation of the Snuneymuxw First Nation Electoral Code (2001) during the election process that affected the outcome of the election.

11.2 A complaint or an appeal shall be initiated in the following manner:

- a) Notice of appeal in writing, containing details verified by affidavit, shall be sent by registered mail to the Complaint and Appeal Board, c/o the Electoral Officer, along with a deposit in the form of a money order or certified cheque for one hundred dollars (\$100) in favour of the SFN.
- b) This notice of complaint or appeal and the deposit must be received by the Electoral Officer no later than thirty (30) days after the close of the polls.
- c) If the complaint or appeal is upheld, the deposit will be returned, or if the complaint or appeal is set aside or denied, the deposit is forfeited to the SFN, and the deposit shall be used to offset election or complaint and appeal expenses.

11.3 Pursuant to section 14.7 of the Snuneymuxw First Nation Electoral Code (2001) a Complaint Tribunal or Appeal Tribunal shall conduct any investigation or review in accordance with the principles of natural justice

11.4 Where complaints or appeals are received by a Tribunal pursuant to the Snuneymuxw First Nation Electoral Code (2001):

- a) The Tribunal shall within seven days of the end of the thirty (30) day period described in section 11.1, forward a copy of all appeals received together with supporting documents by registered mail to each candidate in the election and to the Electoral Officer, and to the SFN Chief and Council.
- b) Any candidate or the Electoral Officer may within 14 days of the receipt of the appeal(s), forward to the Tribunal by registered mail a written response to the appeal allegations, together with any supporting documentation.
- c) The Tribunal may conduct or authorize such further investigation into the appeal allegations as it deems appropriate and necessary.

11.5 a) Upon receipt of a complaint or appeal from the Tribunal, the SFN Chief and Council shall designate a member of SFN staff to be the Information Officer for the purposes of the complaint or appeal.

b) The Information Officer shall be responsible for providing the Tribunal or any candidate in a timely way with any information in SFN's possession concerning the election to which the Tribunal or the candidate is entitled.

c) The Information Officer may be assisted by other SFN staff as may be reasonably required by the Information Officer in order to fulfill his or her duties as Information Officer.

11.6 After a review of all of the evidence that it has received the Tribunal shall within thirty (30) days of the expiry of the section 11.1 Complaint and Appeal Period:

- a) deny the complaint or appeal on the grounds that the evidence presented did not reveal an error or a violation of the Snuneymuxw First Nation Electoral Code (2001), or on the grounds that the error or violation was revealed but the error or violation did not affect the result of the election; or,
- b) uphold the complaint or appeal, by vacating any affected positions and invoking a special election to all the vacated positions. This special election shall take place as soon as practicable and shall be conducted pursuant to the provisions of the Snuneymuxw First Nation Electoral Code (2001); or,
- c) provide for any other remedy that it deems appropriate.

11.7 a) If the Tribunal has, with reasonable diligence, attempted to conclude its review of the evidence and render a decision within the thirty (30) days of the expiry of the section 11.1 Complaint and Appeal Period but is unable to render a decision within that time, the Tribunal may, not less than 10 days prior to the date for rendering its decision, submit a request to the Electoral Officer requesting additional time of not more than thirty (30) days to conclude its review of the evidence and render a decision.

b) The request referred to in paragraph (a) shall state:

- (i) the amount of additional time requested; and
 - (ii) the reason why the Tribunal is unable to reach a decision within the initial thirty (30) day period.
- c) Provided that the Electoral Officer is satisfied that the Tribunal has attempted with reasonable diligence to conclude its review of the evidence and render a decision within the initial thirty (30) day period but is unable to do so, the Electoral Officer shall extend the deadline for the Tribunal to render its decision by not more than thirty (30) days.

REGULATIONS IN RELATION TO PETITION CONDUCTED UNDER S. 7.8 - S. 7.12 OF THE SNUNEYMUXW FIRST NATION ELECTORAL CODE (2001)

12.0 In order to hold a petitioning process, a member must:

- a) give notice to the Electoral Officer that they wish to undertake a petition. This notice would outline their reasons for this request.
- b) Make a deposit in the amount of four hundred (400) dollars to the Electoral Officer. This deposit will only be refunded if the petitioning process and the referendum process are successful. If the process is unsuccessful, the Electoral Officer will use the deposit to offset the costs of the petitioning and/or referendum process.
 - i) The deposit shall be in the form of cash, money order, or certified cheque, and a receipt for the deposit shall be given to the candidate by the Electoral Officer or a Deputy Electoral Officer.
 - ii) If by certified cheque or money order, the deposit shall be made out to the SFN.

12.1 All funds received as deposits during the election process shall be placed in a special bank account which contains only those funds. These funds shall be held in trust by the Electoral Officer in this account until the final results of the election are known, including the outcome of any appeals, and then paid out according to the provisions of these regulations.

12.2 The petition must clearly outline the reasons that the petitioning party is seeking a Full General Election Referendum. The petition must also provide space for the date, full name, address, phone number, the Indian Status number, and signature of the SFN Elector.

CANDIDATE'S AGENTS AT THE POLLS

13.0 At each polling station, in addition to the Electoral Officer and/or the Deputy Electoral Officer, no persons other than

- (a) a candidate; and,
- (b) an agent of a candidate;

shall remain in the room where the votes are given for a period longer than the period necessary to enable him to vote during the time in which the poll remains open.

13.1 There shall be no campaigning by any candidates or Electors while the polls are open on Election Day or the day of the Advance Vote.

SNUNEYMUXW FIRST NATION Oath of Office for Electoral Officers

I, _____, accept the office of Electoral Officer and agree to maintain confidentiality during my term.

In the capacity of Electoral Officer, I will do my utmost to serve the electors and membership of the Snuneymuxw First Nation with impartiality, integrity, and honesty.

In the performance of my duties, I will adhere to the provisions as outlined in the Snuneymuxw First Nation Electoral Code (2007) and the Snuneymuxw First Nation Electoral Regulations (2011). Any violation of this oath shall render me liable to dismissal from service as Electoral Officer.

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

Electoral Officer (print name)

Signature

Commissioner for Oaths (print name)

Signature

Date

Location (city or town)

SNUNEYMUXW FIRST NATION

Appointment of Deputy Electoral Officer

I, _____, Electoral Officer for the Snuneymuxw First Nation, appoint

_____ to act as my Deputy Electoral Officer in carrying out my duties in accordance with the Snuneymuxw First Nation Electoral Code (2007) and the Snuneymuxw First Nation Electoral Regulations (2011).

Signature of Electoral Officer

Date

I, _____ agree to act as a Deputy Electoral Officer and promise to carry out all assigned duties to the best of my abilities and in accordance with the Snuneymuxw First Nation Electoral Code and the Snuneymuxw First Nation Electoral Regulations.

Deputy Electoral Officer (print name)

Signature

Date

Location (city or town)

SNUNEYMUXW FIRST NATION

Notice of Nomination Meeting for Councillors

A meeting of the electors of the Snuneymuxw First Nation will be held at the SFN Administration Building, 668 Centre Street, Nanaimo, British Columbia, on _____ between the hours of ____ and _____.

The purpose of the meeting is to nominate candidates for five (5) councillors for the next four-year term, commencing _____.

You must be a registered Snuneymuxw member and 18 years or older as of _____ (the date of the election) in order to nominate, to be a candidate, or to vote.

- Candidates must be ordinarily resident within the SFN Candidacy Area.
- You may nominate in person at the meeting or by mailing or delivering nomination forms to the Electoral Officer. **Mail-in nominations (including those that are hand-delivered) must include the signed and witnessed Voter Declaration Form.**
- Mail-in nomination forms must be received in the post office by _____. Hand-delivered (to the SFN Office) nomination forms must be received by the Electoral Officer before the close of the nomination meeting at **9:00 p.m.** in order to be valid.

The election will be held at the SFN Administration Building, 668 Centre Street, Nanaimo, between the hours of 9:00 a.m. and 8:00 p.m. on _____ . Any elector may vote in person or by mail-in ballot.

Given under my hand this ____ day of _____, 20____.

_____, Electoral Officer

Address

Address

Phone, Email

Signature of Electoral Officer

IMPORTANT NOTICE

- Nominees with a criminal conviction within the past five (5) years are not eligible to hold office.
- If you are nominated on _____, **you will have three (3) days until 4:30 p.m. on _____** to submit a Candidacy Acceptance Form to the Electoral Officer (Section 9.9 SFN Electoral Code). Nominees who fail to meet this deadline cannot be a candidate in the election. Copies of the SFN Electoral Code are available at the SFN Administration Office. **Candidacy Acceptance Form are available from the Electoral Officer.**
- The term is expiring for _____councillors.
- The following councillors will continue in their positions until _____

SNUNEYMUXW FIRST NATION Mail-in Nomination Form for Councillors

I, _____, band # _____ of the
Snuneymuxw First Nation, hereby nominate _____ for the position of
Councillor.

Signature of Elector

This declaration must be signed by you and a witness who is at least 18 years old.

VOTER DECLARATION FOR COUNCILLOR

In the matter of the election of the Snuneymuxw First Nation, held according to the SFN Electoral Code (2007), I, _____, solemnly declare that:
(please print your name)

1. I am a member of the Snuneymuxw First Nation.
2. My band number is _____ and my date of birth is _____
3. My current mailing address is: _____
_____ Phone number: _____
4. I am at least 18 years of age.
5. I do not know of any reason why I would be disqualified from voting at this election.

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

_____ Date _____
Signature of Elector

Witness Declaration

Declared before me _____ at _____
(print name of witness) (town or city)

this _____ day of _____ 20 _____.
(date) (month)

Signature of witness phone number of witness

mailing address of witness

SNUNEYMUXW FIRST NATION CANDIDACY ACCEPTANCE FORM—COUNCILLOR

At the nomination meeting held on _____, you were nominated for the position of COUNCILLOR for the election to be held on _____. **If you wish to be a candidate, you must complete this form and submit it to the Electoral Officer no later than _____ on _____, 2011.**

I, _____, accept the nomination to be a candidate for the position of Councillor in the election of _____, and solemnly declare that I have not been convicted of, or engaged in, corrupt practices, bribery, accepting a bribe, dishonesty, or malfeasance within the past five years.

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 Candidate

Date

Legal name of candidate

Your name as it should appear on the ballot

Address where you are normally resident

Phone number and alternate contact, email address if available

THIS MUST BE RECEIVED BY THE ELECTORAL OFFICER BY _____ p.m. ON _____, 2011. NOMINEES WHO FAIL TO MEET THIS DEADLINE CANNOT BE CANDIDATES IN THE ELECTION.

_____, Electoral Officer
Post Office Box _____,
Address
Phone: _____
email: _____

Completed forms may be dropped off at the SFN Administration Office at 668 Centre Street, Nanaimo, BC. Please ensure your forms and the required criminal record check are enclosed in a sealed envelope if you leave them at the office.

SNUNEYMUXW FIRST NATION DECLARATION OF ELIGIBILITY OF CANDIDATE

I, _____
(please print name)

Membership number _____

Residing at _____

DO SWEAR AND DECLARE:

1. As of the date of the election, I am or will be at least 18 years of age.
2. I am ordinarily resident in the SFN Candidacy Area.
3. I am a registered member of the Snuneymuxw First Nation.
4. I am not otherwise excluded from candidacy by provisions of the Snuneymuxw First Nation Electoral Code (2007).

Signature of Candidate

SWORN BEFORE ME in the _____ of _____

in the Province of British Columbia this _____ day of _____, 20____.

Justice of the Peace, Notary Public, Commissioner of Oaths, etc.

THIS SIGNED AND SWORN FORM MUST BE RECEIVED BY THE ELECTORAL OFFICER BY ____ ON _____, 20__ . NOMINEES WHO FAIL TO MEET THIS DEADLINE CANNOT BE CANDIDATES IN THE ELECTION.

_____, Electoral Officer
Post Office Box _____,
Address _____
Phone: _____
email: _____

Completed forms may be dropped off at the SFN Administration Office at 668 Centre Street, Nanaimo, BC. Please ensure your forms and the required criminal record check are enclosed in a sealed envelope if you leave them at the office.

SNUNEYMUXW FIRST NATION CANDIDATE WITHDRAWAL FORM

I, (print name) _____, band # _____, hereby
withdraw my name as a candidate for Councillor at the election being held by the Snuneymuxw First
Nation on _____.

Signature

Date

WITNESSED BY:

Print name of witness

Signature of witness

If a candidate withdraws before the ballots are printed, his/her name will not appear on the ballot, but if the candidate withdraws after ballots are printed, then their name will be on the ballot but votes for them will not be counted. After notifying the Electoral Officer, candidates may either mail this form or drop it off at the SFN Administration Office at 668 Centre Street, Nanaimo, BC.

_____, Electoral Officer
Post Office Box _____, Station A
Nanaimo, BC V9R
Phone: _____
email: _____

Snuneymuxw First Nation

NOTICE OF POLL

Notice is hereby given to the electors of the Snuneymuxw First Nation that a poll will be held to elect five (5) Councillors for a term of four (4) years.

The poll will be held at the SFN Administration Building, 668 Centre Street, Nanaimo, BC, on _____, and will be open from the hours of _____ a.m. to _____ p.m. Any elector may vote in person or by mail-in ballot.

- ◆ An All-Candidates Forum will be held on _____, between the hours of _____ and _____ at the SFN Administration Building, 668 Centre Street, in Nanaimo, BC.
- ◆ Registered SFN members who are at least 18 years old as of the date of the election are eligible to vote.
- ◆ There will not be an advance poll.
- ◆ Mail-in ballot packages will be sent to electors living away from the reserve. On-reserve residents that will be away on voting day may obtain a mail-in ballot package by contacting the Electoral Officer.
- ◆ Any elector may vote in person or by mail-in ballot.
- ◆ An eligible voter may be a candidate for both the offices of Chief and Councillor. A candidate elected for both will vacate one seat and leave it to the person with the next highest number of votes.
- ◆ Nominees with a criminal conviction within the past five years are not eligible to hold office.
- ◆ The term is expiring for the following five (5) Councillors:
- ◆ The following Councillors will continue in their positions until _____:

I will count the votes at the Administration Building after the close of the poll at 8:00 p.m. on 3 December 2011, and will declare the results immediately following the count.

Given under my hand at _____, BC, on _____, 20__.

Electoral Officer

Snuneymuxw First Nation

REMINDER TO CANDIDATES

ALL-CANDIDATES FORUM

Candidates in the election set for _____, are invited to participate in the All-Candidates Forum.

The Forum will take place on _____ between the hours of _____ and _____ at the SFN Administration Building at 668 Centre Street in Nanaimo.

Candidates will be given three (3) minutes to make a presentation followed by an open question period and a one-minute summation by each candidate. Attendance is optional. Please contact the Electoral Officer if you would like more information.

Copies of the SFN Electoral Code (2007) and Regulations (2011) are available at the SFN Administration Office.

Maggie M. Paquet, Electoral Officer
PO Box _____
Nanaimo, BC V9R ____
Ph: _____
email: _____

Snuneymuxw First Nation

VOTER DECLARATION TO ACCOMPANY MAIL-IN BALLOT

This declaration must be signed by you and a witness who is at least 18 years old and be returned to the Electoral Officer with your completed mail-in ballot, or your vote will NOT be counted.

In the matter of the election of the Snuneymuxw First Nation, held according to the SFN Electoral Code (2007)

I, _____, solemnly declare that:
(please print your name)

1. I am a member of the Snuneymuxw First Nation.
2. My band number is _____ and my date of birth is _____.
3. My current mailing address is: _____
_____ Phone number: _____.
4. I am at least 18 years of age.
5. I do not know of any reason why I would be disqualified from voting at this election.

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

I understand that it is an offence to make a false statement in this declaration.

_____ Date _____

Signature of Elector

Witness Declaration

Declared before me _____ at _____
(print name of witness) (town or city)

this _____ day of _____ 20_____.
(date) (month)

Signature of witness

phone number of witness

mailing address of witness

Snuneymuxw First Nation

Instructions for Voting by Mail

Dear Elector,

As per the enclosed Notice of Poll, an election for five (5) Councillors of the Snuneymuxw First Nation is currently under way.

As a registered member of this First Nation, you are entitled to vote if you will be at least 18 years of age on the date of the election (____ date ____). To assist you in casting your vote, please find enclosed a mail-in voting package consisting of:

- a ballot for the position of Councillor with the Electoral Officer's initials on the back
- a pre-stamped, pre-addressed return envelope
- a second inner envelope marked with the words "BALLOT ONLY"
- a Voter Declaration to Accompany the Mail-in Ballot

Carefully follow the steps below to ensure that your ballot is valid and will not be rejected.

1. On the ballot for Councillor, mark an X in the space immediately to the right of the names of the candidates of your choice. You may vote for up to five (5) councillors.
2. **Fold the ballot so that the Electoral Officer's initials on the back are visible.**
3. **Place the ballot into the envelope marked "BALLOT ONLY" and seal the envelope.**
4. **Complete the Voter Declaration to Accompany the Mail-in Ballot form.**
5. In the larger, pre-stamped and addressed return envelope, place the completed and signed Voter Declaration to Accompany the Mail-in Ballot form, and the sealed "BALLOT ONLY" envelope.
6. Put the return envelope in the mail as soon as possible. It must be received by the Electoral Officer no later than the close of the post office the Friday before election day. Alternatively, it can be handed to the Electoral Officer or Deputy Electoral Officer at the polling place on election day before the close of the poll at 8:00 p.m. If a person other than the elector hands in a ballot package, they must sign a statement that they are doing so on behalf of the elector and with the elector's permission.

Although you have received this mail-in voting package, you may choose to vote on election day in person at the polling station in the SFN Administration Building (668 Centre Street in Nanaimo). If you vote in person, you may return your unused mail-in ballot to the Electoral Officer, or sign a statement saying it has been lost, and your mail-in ballot will not be counted.

If you have any questions, please contact me by phone or by email.

Electoral Officer

Snuneymuxw First Nation REPORT OF ELECTION RESULTS

Certification by Electoral Officer

CANADA)

)

PROVINCE OF BRITISH COLUMBIA)

I, _____, Electoral Officer for the Snuneymuxw First Nation, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was personally present at the SFN Administration Building at 668 Centre Street in Nanaimo, BC, on 3 December 2011, when members of the Snuneymuxw First Nation voted in an election in accordance with the SFN Electoral Code (2007) and Regulations (2011).
2. A true copy of the Notice of Poll is attached as “Exhibit 1” to this Declaration.
3. In accordance with the SFN Electoral Code (2007), the Notice of Poll was posted at least thirty-five (35) days prior to the election day.
4. The voting procedure was conducted in accordance with the SFN Electoral Code (2007) and Regulations (2011).
5. The results of the election are as follows:
 - a. The names of the electors appeared on the voters list prepared pursuant to section _____ of the SFN Electoral Code (2007), and the number of electors who were entitled to cast a vote was _____
 - b. _____ ballots were cast in the election
 - c. _____ ballots were rejected in accordance with the SFN Electoral Regulations (2011)
 - d. _____ ballots were deemed to be spoiled in accordance with the SFN Electoral Regulations (2011) and were not counted in b. above.
6. The following candidates were elected to the Office of Councillor:
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the Canada Evidence Act.

Signed by Electoral Officer

DECLARED BEFORE ME at the City of Nanaimo in the Province of British Columbia this ____ day of _____.

A Commissioner for Taking Oaths in and for the Province of British Columbia

(print name of Commissioner)
My commission expires _____

**SNUNEYMUXW FIRST NATION
Witness Declaration at the Opening of the Poll**

In the matter of the election of the Snuneymuxw First Nation:

I, _____ hereby declare that on the _____ of 20__.
(Print Name)

at 9:00 a.m., I did witness that the ballot box was empty before it was properly sealed.

I am confident that the box cannot be opened without the seals being broken.

Signature of Witness

Signature of Electoral Officer

Electoral Officer's Nomination Meeting Speaking Notes

- Introduce yourself and your DEO.
- State the time and declare the nomination meeting to be open.
- State the closing time of the meeting (minimum duration is 3 hours)
- Explain that you are now receiving nominations for the position councillor, and say that there are five (5) councillor positions available.
- State the date of the election.
- State that, as required by the Snuneymuxw First Nation Electoral Code (2007) and Regulations (2011), you have mailed a *Notice of Nomination Meeting* to all off-reserve electors (as well as to some on-reserve electors who requested them because they will not be able to attend in person on election day), whose names and addresses were provided to you by the band administration, informing them of the nomination meeting and acquainting them with the nomination process.
- State the nominations that you have received through the mail and have accepted. Write those names up on the white board (or flip chart). Explain that if you received more than one mail-in nomination for a person, you will use a second one to be the seconder of that person's nomination. Do not discuss any nominations you may have rejected.
- Explain the nomination process and how those wishing to put forth a nomination or to second a nomination can proceed.
- Explain that, once a candidate has been nominated and seconded, you will call him or her forward (if present) to complete the candidates' forms. If not present, you will contact that person right away and take the forms to them for signature, or rejection.
- Explain how you will use the white board/flip chart [nominee name, name of nominator, name of seconder].
- Explain how nominated candidates can withdraw. [If you choose not to accept this nomination, you must submit to the Electoral Officer a written withdrawal of candidacy (copy attached), signed by yourself and a witness.
If you fail to inform me of your withdrawal by _____ 2011, I will consider that you have accepted the nomination and your name will be included on the ballot. If you choose to withdraw after this date, you may do so up to the closing of the polls on election day, and the ballots cast in your favour will not then be counted.]
- Explain how a tie is broken in the event that two or more candidates receive the same number of votes at the election. [Cite the section(s) in the electoral code and regulations.]

Snuneymuxw First Nation In-person Nomination Form

Nomination meeting held on _____ 2011 at _____

I nominate _____
 For the position of Councillor

NOMINATOR

My name is _____ Band # _____
 Signature _____
 Phone Number _____

SECONDER

I hereby second the nomination

My name is _____ Band # _____
 Signature _____
 Phone Number _____

CANDIDATE

I accept the nomination and my Information Package.

I want my name to appear on the ballot as:

Last name (please print) _____ Given Names (or nicknames) _____

Signature _____ Band Number _____

Address _____

Phone number, email address (if available) _____

SNUNEYMUXW FIRST NATION Declaration of Lost, Misplaced, or Unused Mail-in Ballot

TO BE COMPLETED BY THE ELECTOR

In the matter of the election for the Snuneymuxw First Nation, held according to the Snuneymuxw First Nation Electoral Code (2007) and Snuneymuxw First Nation Electoral Regulations (2011),

I, _____ solemnly declare that:
(Print Name)

1. I am a member of the Snuneymuxw First Nation.
2. My band number is _____ and my date of birth is _____

Check where applicable

3. _____ I have lost the mail-in ballot that was mailed, delivered or provided to me.
4. _____ I have not received the mail-in ballot that was mailed to me.
5. _____ I have not used the mail-in ballot that was mailed to me.

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.

Date

Signature of Elector

To be completed by the Electoral Officer, Deputy Electoral Officer, a Justice of the Peace, a Notary Public, or a Commissioner for Oaths.

Declared before me _____ at _____
(Print Name) (Municipality)

this _____ day of _____ 2011.

Signature

(Type of Authority: EO, DEO, JP, NP, CO)

Declaration of Person Delivering Mail-in Ballot(s)

TO BE COMPLETED BY THE PERSON DELIVERING MAIL-IN BALLOT(S)

In the matter of the election for the Snuneymuxw First Nation, held according to the Snuneymuxw First Nation Electoral Code (2007) and Electoral Regulations (2011):

I _____ solemnly declare that:
(Print Name)

1. My current mailing address is: _____

2. My current telephone number is:

3. I am delivering a mail-in ballot(s) on behalf of the following elector(s):

4. This/these ballot(s) have come into my possession honestly and I was authorized by the above named elector(s) to deliver their mail-in ballot(s). I did not offer to the elector(s), nor was I offered inducement for delivering this/these ballot(s).

5. To the best of my knowledge, information, and belief, this/these ballot(s) have not been opened or otherwise tampered with while in my care.

Date

Signature

TO BE COMPLETED BY THE ELECTORAL OFFICER OR DEPUTY ELECTORAL OFFICER

Sworn before me _____ at _____
(Print Name) (Municipality)
this _____ day of _____, 20__ .

Signature

Please verify the identification provided by the person delivering mail-in ballot(s) and confirm this verification by checking the box at the right.

RECORD OF OBJECTIONS
Snuneymuxw First Nation Election 3 December 2011

#	Reason(s) for objection	Name of person making objection	Decision of Electoral Officer
1			
2			
3			
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24			

Snuneymuxw First Nation Electoral Officer's Nomination Meeting Report

1. Name of First Nation: _____ 2. Band number: _____ 3. District/Region: British Columbia (Pacific)
4. Total number of band members: _____ (_____) eligible voters [according to list, but includes deceased & unknown])
5. The band council is composed of one (1) chief and ten (10) councillors; **this election is for five (5) councillors.**
6. The notice of nomination meeting was:
 - a) Posted on the ____ day of _____, 2011, at the following locations: _____
 - b) Mailed to ____ off- (and ____ on-) reserve electors during the period from the ____ day of ____ to the ____ day of _____, 2011.
7. The nomination meeting was held on the ____ day of _____, 2011, at _____, between the hours of ____ and ____ p.m.

8. Nominations for Councillor

Candidate's name & #	Candidate's address and phone number	Nominator's name & band #	Seconded's name & band #

9. No candidates have been declared elected by acclamation pursuant to subsection 10.1 of the Snuneymuxw First Nation Electoral Code (2007) and SFN Electoral Regulations (2011), for the office of Councillor.
10. I declare that a poll will be held for the offices of five (5) Councillors on _____.
11. As Electoral Officer, I declare that all information contained in this report of the nomination meeting are true to the best of my knowledge. I have carefully and diligently performed all the duties required of me by the Snuneymuxw First Nation Electoral Code (2007) and SFN Electoral Regulations (2011) in respect to this nomination meeting.

Electoral Officer,