



**Nadleh Whut'en First Nation
Election and Referendum Code
October 2022 Draft**

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1. Definitions

In this Code:

“**Administration Building**” means the main administration building known for Nadleh Whut’enne Yah;

“**Appeal Committee**” means the committee appointed under this Code to hear appeals in relation to a Poll or Council removal;

“**Appeal Committee Oath of Office**” means the form set out in Schedule “A” of this Code;

“**Application for Remote Ballot**” means the form set out in Schedule “B” of this Code;

“**BCR**” means a band council resolution, evidenced in writing, passed by a Majority of Council present at a meeting at which quorum is constituted;

“**Business Day**” means a day, other than a Saturday or a Sunday, December 24th to and including January 1st, or a statutory holiday in the province of British Columbia;

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

“**Candidate**” means a person who:

- (a) qualifies as a Voter,
- (b) is nominated in accordance with the procedures set out in this Code,
- (c) is not serving a sentence of imprisonment during the Election period,
- (d) within 10 years prior to their nomination, has not been convicted of:
 - (i) an Indictable Offence, or
 - (ii) a Summary Offence that involves physical or sexual violence toward another person unless a record suspension has been granted for the offence,
- (e) has not been removed or resigned from Council office in the last four years,
- (f) is in Good Financial Standing, and
- (g) complies with all relevant requirements set out in this Code;

“**Chief**” means the Candidate elected to Council as Chief pursuant to this Code;

“**Code**” means this Nadleh Whut’enne First Nation Election and Referendum Code;

“Corrupt or Fraudulent Practice” means, in connection with a Poll, the giving or taking of a bribe, intimidating a Voter, Candidate, or Poll official;

“Council” means all Councillors and includes the Chief unless the context requires otherwise;

“Council Member Oath of Office” means the form set out in Schedule “C” of this Code;

“Councillor” means a Candidate elected to Council as a Councillor pursuant to this Code;

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

“Criminal Record Check” means a name-based criminal record check carried out by the Royal Canadian Mounted Police;

“Deputy Electoral Officer” means a person appointed under this Code to work under the direction of the Electoral Officer;

“Election” means a General Election or a By-Election;

“Electoral Officer Oath of Office” means the form set out in Schedule “D” of this Code;

“Electoral Officer” means a person appointed under this Code to conduct a Poll;

“General Election” means an election of Chief and two Councillors or the election of three Councillors in accordance with the staggered terms of office;

“Good Financial Standing” means does not currently owe money to Nadleh Whut’en or any Nadleh Whut’en Entity without a written agreement that includes a payment plan approved by Nadleh Whut’en’s Senior Financial Officer;

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

“Indictable Offence” means offences that are strictly indictable in the *Criminal Code*, and hybrid offences under the *Criminal Code* where Crown counsel has elected to proceed by indictment;

“Majority” means at least 50% plus 1;

“Members” means all persons who are eligible for membership in Nadleh Whut’en and who are registered on the Membership List;

“Membership Administrator” means the person appointed by the Senior Manager to be the Membership Administrator for Nadleh Whut’en;

“Membership List” means:

- (a) if Indigenous and Northern Affairs Canada (or some successor agency of the Government of Canada) maintains control of the membership of Nadleh

Whut'en, the list of persons maintained by the agency as the membership list for Nadleh Whut'en in accordance with section 8 of the *Indian Act*;

- (b) if Nadleh Whut'en has assumed control of its own membership in accordance with section 10 of the *Indian Act*, the list of persons maintained by Nadleh Whut'en as its membership list; or
- (c) if neither of the foregoing apply, the list identified by Council in a BCR as the "Membership List";

"Nadleh Whut'en" means the Nadleh Whut'en First Nation, a "band" as defined under the *Indian Act*, as represented by Council;

"Nadleh Whut'en Entity" means a corporation, trust, partnership, society, or other legal entity which is controlled or wholly owned by Nadleh Whut'en;

"Nadleh Whut'en Reserve" means all reserves of Nadleh Whut'en within the meaning of the *Indian Act*;

"Nomination Declaration" means the form set out in Schedule "E" of this Code;

"Nomination Meeting" means the meeting held pursuant to section 13 of this Code for the purpose of nominating Candidates for an Election;

"Notice of Acceptance of Nomination" means the form set out in Schedule "F" of this Code;

"Ordinarily Resident" means the place where, in the settled routine of a person's life, that person regularly, normally, or customarily lives;

"Poll" means an Election, Referendum, or By-Election;

"Polling Station" means the polling station designated by the Electoral Officer for a Poll;

"Referendum" means a referendum held pursuant to this Code;

"Senior Financial Officer" means the person appointed by Council to be the senior financial officer of Nadleh Whut'en pursuant to section 19 of the *Nadleh Whut'en Band Financial Administration Law, 2013*;

"Senior Manager" means the person appointed by Council to be the senior manager of Nadleh Whut'en pursuant to section 18(1) of the *Nadleh Whut'en Band Financial Administration Law, 2013*;

"Scrutineer" means a person appointed in writing by a Candidate to observe voting and counting procedures for an Election in accordance with this Code;

"Scrutineer Oath" means the form set out in Schedule "G" of this Code;

"Status Number" means the registration number assigned to those people who are "Indians" for the purposes of the *Indian Act*;

“**Summary Offence**” means offences that are strictly summary offences in the *Criminal Code* or in other legislation, and hybrid offences in the *Criminal Code* or other legislation where Crown counsel has elected to proceed summarily;

“**Voters**” means those persons who are on the Membership List and are at least 18 years of age on the date of the Poll;

“**Voter Declaration Form**” means the form set out in Schedule “H” of this Code; and

“**Voters List**” means an alphabetical list of Voters.

2. Title

- 2.1. This Code will be cited as the “Nadleh Whut’en First Nation Election and Referendum Code”.

3. Coming into Force

- 3.1. This Code will come into force upon issuance of a Ministerial order removing Nadleh Whut’en from the application of section 74 of the *Indian Act*.

4. Interpretation

- 4.1. Wherever the singular, masculine or the term “person” is used in this Code, it will be deemed to include the plural, feminine, body corporate, or other entity where the context so requires.
- 4.2. The headings and sub-headings within this Code are for convenience only, do not form a substantive part of this Code and are not to be used to define, limit, alter, or enlarge the scope or meaning of any other provision of this Code.
- 4.3. When used in this Code, the word “day” or “days” mean calendar days, unless the term “Business Day” is used.
- 4.4. Unless otherwise stated in this Code, if the time for doing something in this Code lands on a day that is not a Business Day, the time for doing that thing will extend to the next Business Day.

5. Purpose and Effect

- 5.1. This Code governs all Elections, Referendums, and By-Elections of Nadleh Whut’en except Referendums that must be carried out pursuant to the *Indian Referendum Regulations*, CRC, c 957.

6. Council Composition

- 6.1. Council will consist of 1 Chief and 5 Councillors.

7. First Election under this Code and Staggered Terms

- 7.1. This section 7 applies only to the first Election held under this Code.
- 7.2. Notwithstanding any other provision in this Code, in order to provide for staggered terms for Council, the first Election held under this Code will be for all 6 Council positions, including Chief.
- 7.3. Notwithstanding subsection 8.1, in order to provide for staggered terms for Council, Council elected in the first Election held under this Code will serve the terms of office set out below:
 - (a) Chief: 4 years;
 - (b) the 2 Councillors who receive the greatest number of votes among those 5 Councillors elected to office: 4 years; and
 - (c) the 3 Councillors who receive the least number of votes among those 5 Councillors elected to office: 2 years.
- 7.4. For greater certainty, subsection 7.3 applies only to the first Election held under this Code and those Council members elected in any subsequent Election will serve for the term set out in subsection 8.1, or as otherwise provided for in this Code.
- 7.5. In the event that 1 of the 2 Councillors who receive the greatest number of votes among those 5 Councillors elected to office is unable to take office, the Councillor who received the greatest number of votes among the 3 Councillors who received the least number of votes among those 5 Councillors elected to office will serve a term of 4 years, and no By-Election will be held.

8. Term of Office and Election Date

- 8.1. The term of office for each member of Council will be 4 years.
- 8.2. The term of office for each member of Council commences when:
 - (a) the Electoral Officer publicly declares that the member of Council is elected under subsection 22.4 or subsection 23.1; or
 - (b) the member of Council is declared to be elected under subsection 14.3 or 14.4; andsubject to any Council removal or vacancy arising under this Code, expires at 11:59 p.m. on the day preceding the next Election for their Council position.
- 8.3. Except in the case of a By-Election, an Election will be held every two years in the first week of April for the members of Council whose terms expire during that year.

- 8.4. Subject to subsection 8.5, the term of office for the person declared elected pursuant to subsection 24.3, or elected in a By-Election, will be deemed to have commenced on the day the person to be replaced was elected.
- 8.5. The term of office for the person elected in a By-Election held due to a tie under subsection 22.6 will be deemed to have commenced on the day that the other members of Council were elected in the preceding Election.

9. Appointment of Electoral Officer, Deputy Electoral Officers and Appeal Committee

- 9.1. Council will, at least 60 days prior to the date on which a Poll is to be held:
 - (a) appoint an Electoral Officer for a term ending upon the later of the expiry of the deadline for submitting a notice of appeal in relation to the Poll under subparagraph 27.5(c), or the conclusion of any appeals that are conducted for the Poll for which the Electoral Officer was appointed;
 - (b) appoint an Appeal Committee for a term ending upon the appointment of a new Appeal Committee for the next Poll; and
 - (c) in the case of a Referendum, determine the question or questions to be asked.
- 9.2. If an Electoral Officer has not been appointed within the time set out in subsection 9.1, the Senior Manager will promptly appoint the Electoral Officer.
- 9.3. The Electoral Officer will:
 - (a) be at least 21 years of age at the time of their appointment;
 - (b) not be a Member or salaried employee of Nadleh Whut'en or hold other contracts for services with Nadleh Whut'en at the time of the Poll; and
 - (c) have experience conducting elections for First Nations.
- 9.4. A Deputy Electoral Officer or Officers will be appointed by the Electoral Officer within 14 days of the appointment of the Electoral Officer and will work under the direction of the Electoral Officer.
- 9.5. The Electoral Officer will have such powers as described in this Code and may delegate any of their powers under this Code to the Deputy Electoral Officer or Officers.
- 9.6. The Electoral Officer may make such orders and issue such instructions consistent with this Code as they may from time to time deem necessary for the effective administration of the Poll.

- 9.7. No Deputy Electoral Officer will be a member of Council or, in the case of an Election, a Candidate in that Election.
- 9.8. All Deputy Electoral Officers will have such powers as described in this Code and those powers of the Electoral Officer as are delegated to them by the Electoral Officer.
- 9.9. The Electoral Officer and every Deputy Electoral Officer will swear and deliver to the Senior Manager before assuming their offices the Electoral Officer Oath of Office before a justice of the peace, notary public, or commissioner for taking oaths.
- 9.10. The Electoral Officer or a Deputy Electoral Officer will be removed from office and promptly replaced by BCR if Council has information sufficient to believe that the person:
 - (a) engaged in a Corrupt or Fraudulent Practice during the Poll in which they were the Electoral Officer or a Deputy Electoral Officer;
 - (b) is unable to fulfill their obligations due to illness, injury, or physical ailment; or
 - (c) breached their obligations under the Electoral Officer Oath of Office.

10. Voter Contact Information

- 10.1. Voters are solely responsible for delivering to the Membership Administrator their current contact information including mailing addresses and e-mail addresses where applicable.
- 10.2. The Membership Administrator will, within 5 days of the appointment of the Electoral Officer, deliver a copy of the Membership List including contact information to the Electoral Officer.
- 10.3. Voter contact information will be used by the Electoral Officer and any Deputy Electoral Officer only for the purposes of providing notices, mail-in ballots, electronic ballots, or other documents to Voters who are entitled to receive them under this Code.
- 10.4. Except for the purposes set out in subsection 10.3, a Voter's contact information will not be disclosed by the Electoral Officer or any Deputy Electoral Officer without the consent of that Voter.
- 10.5. Prior to the expiry of their term the Electoral Officer will provide the Membership Administrator with any updated addresses, email addresses, or other contact information for Voters received during the course of the Poll.

11. Voters List

- 11.1. Within 25 days of their appointment, the Electoral Officer will prepare a Voters List comprised of the names of all Voters as they appear on the Membership List and the Voters List will not include any identifying personal information other than the names of all Voters as they appear on the Membership List.
- 11.2. The Electoral Officer will post the Voters List in a public area of the Administration Building, and publish it electronically, no later than 60 days prior to the date on which the Poll is to be held.
- 11.3. A person whose name does not appear or does not correctly appear on the Voters List may, no later than 30 days prior to the date on which the Poll is to be held, deliver an application in writing to the Electoral Officer to have their name added to, or changed on, the Voters List, which application must include:
 - (a) the reasons why the person's name should be added to, or changed on, the Voters List; and
 - (b) any documents supporting the application.
- 11.4. A Voter who believes a person's name should not be included on the Voters List may, no later than 40 days prior to the date on which the Poll is to be held, deliver an application in writing to the Electoral Officer to have that person's name removed from the Voters List, which application must include:
 - (a) the reasons why that person's name should be removed from the Voters List; and
 - (b) any documents supporting the application.
- 11.5. Where the Electoral Officer has information sufficient to believe that a person whose name is on the Voters List is not a Voter, or where a Voter applies in writing to the Electoral Officer to have another person's name removed from the Voters List because they believe that person does not qualify as a Voter, the Electoral Officer will mail or email notice to the person whose eligibility as a Voter is challenged at least 35 days prior to the date on which the Poll is to be held, which notice must include:
 - (a) the reasons the person's eligibility as a Voter is being challenged;
 - (b) any supporting documents; and
 - (c) notice that a written reply may be delivered to the Electoral Officer no later than 20 days prior to the date on which the Poll is to be held.

- 11.6. A person whose eligibility as a Voter is challenged may, no later than 20 days prior to the date on which the Poll is to be held, deliver a written reply to the Electoral Officer, which reply must include:
 - (a) the reasons why the person is eligible to be a Voter; and
 - (b) any supporting documents.
- 11.7. After consideration of all information and representations relating to amendments to the Voters List, the Electoral Officer will amend names on, add names to, or delete names from the Voters List, based on whether the Electoral Officer determines those persons qualify as Voters, at least 15 days prior to the date on which the Poll is to be held, and the decision of the Electoral Officer will be final and not subject to appeal.
- 11.8. The Electoral Officer will, at least 15 days prior to the date on which the Poll is to be held:
 - (a) mail or email a person whose name has been amended on, added to, or deleted from the Voters List written notice of the decision; and
 - (b) post the decision in a public area of the Administration Building and publish it electronically.
- 11.9. The Electoral Officer will, at least 10 days prior to the date on which the Poll is to be held, post a final Voters List in a public area of the Administration Building and publish it electronically.
- 11.10. Any person whose name does not appear on the final Voters List will not be entitled to vote in the Poll.

12. Notice of Nomination Meeting

- 12.1. This section 12 applies only in the case of an Election.
- 12.2. At least 60 days prior to the date on which the Election is to be held, the Electoral Officer will post notice of the Nomination Meeting in a public area of the Administration Building and publish it electronically which notice will include:
 - (a) the date, time, and place of the Nomination Meeting;
 - (b) notice that a copy of this Code can be obtained at the Administration Building and electronically;
 - (c) the places where copies of the Voters List will be posted;
 - (d) the Council positions open for Election;

- (e) notice that a Voter who cannot attend the Nomination Meeting in-person may nominate an eligible person to be a Candidate in writing by completing a Remote Nomination Form and ensuring that it is delivered to the Electoral Officer prior to the start of the Nomination Meeting;
- (f) the business address, telephone, and email address of the Electoral Officer.

13. Nomination Meeting

- 13.1. The Nomination Meeting will be held on a Nadleh Whut'en Reserve at least 45 days prior to the date on which the Election is to be held.
- 13.2. At the time and place specified in the notice of Nomination Meeting, the Electoral Officer will declare the Nomination Meeting open for the purpose of receiving nominations and explain the rules, processes, and procedure of the Nomination Meeting to those present.
- 13.3. A Voter must be proposed for nomination and have that nomination seconded to be a nominee.
- 13.4. A person may only be a nominee for one of the offices of Chief or Councillor in an Election.
- 13.5. The Nomination Meeting will remain open for 2 hours from when it commenced.
- 13.6. Any Voter may nominate or second a nomination of a Voter to serve as Chief (if the office of Chief is being contested), or Councillor.
- 13.7. In a General Election, any Voter may nominate or second not more than one person to serve as Chief (if the office of Chief is being contested), and up to two persons to serve as Councillors.
- 13.8. In a By-Election, any Voter may propose or second the nomination of not more than one person for each of the vacancies on Council.
- 13.9. After nominating or seconding a nominee, the Voter will sign a Nomination Declaration before the Electoral Officer or a Deputy Electoral Officer, confirming their nomination or seconding of the nominee.
- 13.10. No person will on the day the Nomination Meeting is held on the premises of the Nomination Meeting:
 - (a) distribute any printed materials except such materials as may be distributed by the Electoral Officer or a Deputy Electoral Officer for the purposes of conducting the Nomination Meeting;
 - (b) interfere with or influence, or attempt to interfere with or influence, any Voter in nominating or seconding a nominee; or

(c) disrupt, or attempt to disrupt, the nomination process.

13.11. The Electoral Officer may appoint security to maintain order at the Nomination Meeting.

13.12. The Electoral Officer may request appointed security to remove any person from a Nomination Meeting who is in violation of this Code.

14. Acceptance of Nomination

14.1. The Electoral Officer will promptly deliver a Notice of Acceptance of Nomination to each nominee at the Nomination Meeting.

14.2. To be confirmed as a Candidate a nominee must, within one week of their nomination:

(a) sign and deliver the Notice of Acceptance of Nomination to the Electoral Officer;

(b) deliver a Criminal Record Check to the Electoral Officer; and

(c) deliver a \$100 non-refundable fee to the Electoral Officer.

14.3. If the office of Chief is contested in an Election and there is only one eligible Candidate for the office of Chief, the Electoral Officer will declare that Candidate to be elected.

14.4. Where the number of Candidates for the office of Councillor does not exceed the number of positions being contested, the Electoral Officer will declare such Candidates to be elected.

14.5. In the event that more persons are confirmed as Candidates than the number of positions being contested for the offices of Chief (if the office of Chief is being contested) and/or Councillor, the Electoral Officer will declare that an Election will be held.

14.6. Any nominee or confirmed Candidate may withdraw at any time after the close of the Nomination Meeting by delivering a written withdrawal to the Electoral Officer, signed by that person before the Electoral Officer or a Deputy Electoral Officer, a justice of the peace, notary public, or commissioner for taking oaths, and any votes cast for such person will be null and void.

14.7. If the Electoral Officer determines that any confirmed Candidate is or becomes ineligible to be a Candidate after their name has been added to the list of Candidates, the Electoral Officer will remove that person's name from the list of Candidates and any votes cast for such person will be null and void.

15. Notice of Poll

15.1. The Electoral Officer will, at least 30 days prior to the date on which a Poll is to be held, post a notice in a public area of the Administration Building and publish electronically a notice of Poll which will include:

- (a) notice that a copy of this Code can be obtained at the Administration Building and electronically;
- (b) the places where copies of the Voters List will be posted or published;
- (c) notice that Voters who are Ordinarily Resident on a Nadleh Whut'en Reserve and unable to vote in person on the date of the Poll may vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot, if they, at least 30 days prior to the date on which the Poll is to be held, deliver a completed Application for Remote Ballot to the Electoral Officer to vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot;
- (d) notice that Voters who are not Ordinarily Resident on a Nadleh Whut'en Reserve may vote in person, by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot;
- (e) the business address, telephone, and email address of the Electoral Officer;
- (f) the business address, telephone, and email address of the Chair of the Appeal Committee;
- (g) the date on which the Poll is to be held;
- (h) the date of the notice;
- (i) the time the Polling Station will be open and closed;
- (j) the location of the Polling Station;
- (k) in the case of an Election, the Council positions being contested and the list of Candidates;
- (l) in the case of a Referendum, the question or questions to be asked; and
- (m) a statement that the Voters List and, in the case of an Election, a list of Candidates, are posted in a public area of the Administration Building and published electronically.

16. Mail-in Ballot

16.1. The Electoral Officer will, at least 30 days prior to the date on which the Poll is to be held, mail to every Voter not Ordinarily Resident on a Nadleh Whut'en Reserve and

any Voter Ordinarily Resident on a Nadleh Whut'en Reserve who has requested to vote by mail-in ballot, a mail-in ballot package consisting of:

- (a) a ballot initialed on the back by the Electoral Officer or a Deputy Electoral Officer;
- (b) an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
- (c) a second inner envelope marked "ballot" for insertion of the completed ballot;
- (d) a Voter Declaration Form;
- (e) a letter of instruction regarding voting by mail-in ballot;
- (f) a statement identifying the location of the Polling Station and advising the Voter that they may vote in person at any Polling Station, if they return their mail-in ballot to the Electoral Officer at the Polling Station or swear a written declaration before the Electoral Officer or a Deputy Electoral Officer, a justice of the peace, notary public or commissioner for taking oaths that they have not and will not vote by mail-in ballot; and
- (g) any other information the Electoral Officer considers appropriate.

16.2. Where electronic voting mechanisms are in place, the Electoral Officer will, at least 30 days prior to the date on which the Poll is to be held, mail or email to every Voter not Ordinarily Resident on a Nadleh Whut'en Reserve and any Voter Ordinarily Resident on a Nadleh Whut'en Reserve who has requested to vote electronically, an electronic ballot package consisting of:

- (a) detailed instructions for voting by electronic ballot;
- (b) relevant password(s) for voting by electronic ballot;
- (c) a statement identifying the location of the Polling Station and advising the Voter that they may vote in person at any Polling Station, if they swear a written declaration before the Electoral Officer or a Deputy Electoral Officer, a justice of the peace, notary public or commissioner for taking oaths that they have not and will not vote by electronic ballot; and
- (d) any other information the Electoral Officer considers appropriate.

17. Preparation of Ballots

17.1. The Electoral Officer will prepare ballots setting out:

- (a) in the case of an Election:

- (i) in a year in which the office of Chief is contested, the names of the Candidates for Chief in alphabetical order; and
 - (ii) the names of the Candidates for Councillor in alphabetical order; or
- (b) in the case of a Referendum:
 - (i) the question or questions to be asked; and
 - (ii) the option to select “yes” or “no” for each question.
- 17.2. The ballot will indicate that the Voter is to signify their choice by clearly marking an “X” or “✓” in the appropriate space opposite each selection.
- 17.3. The Electoral Officer or a Deputy Electoral Officer will initial the back of each ballot.
- 17.4. At the request of the Candidate, the ballots may include a Candidate’s commonly used nickname in addition to the Candidate’s legal name.

18. Voting by Mail-in Ballot

- 18.1. Every Voter who is not Ordinarily Resident on a Nadleh Whut’en Reserve is entitled to vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot.
- 18.2. Every Voter who is Ordinarily Resident on a Nadleh Whut’en Reserve may vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot, if they, at least 30 days prior to the date on which the Poll is to be held, deliver a completed Application for Remote Ballot to the Electoral Officer to vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot.
- 18.3. A Voter will vote by mail-in ballot by:
 - (a) clearly marking the ballot with an “X” or “✓” that clearly indicates the Voter’s choice in the appropriate space;
 - (b) folding the ballot to conceal the mark or marks on the face of the paper but exposing the Electoral Officer’s or a Deputy Electoral Officer’s initials on the back;
 - (c) placing the ballot in the inner envelope marked “ballot” and sealing the envelope;
 - (d) completing and signing the Voter Declaration Form before a witness who is at least 18 years of age and who must also sign the Voter Declaration Form;

- (e) placing the inner envelope and the completed, signed, and witnessed Voter Declaration Form in the postage-paid, return envelope, pre-addressed to the Electoral Officer; and
- (f) delivering the envelope to the Electoral Officer before the time at which the polls close on the day of the Poll.

18.4. Mail-in ballots that are not delivered to the Electoral Officer before the time at which the polls close on the day of the Poll will be null and void and not counted.

19. Voting by Electronic Ballot

- 19.1. This section 19 only applies where electronic voting mechanisms are in place.
- 19.2. A Voter will vote by electronic ballot by following the detailed instructions for voting by electronic ballot provided by the Electoral Officer.
- 19.3. Electronic ballots that are not submitted before the time at which the polls open on the day of the Poll will be null and void and not counted.

20. Voting at the Polling Station

- 20.1. The Polling Station will be on a Nadleh Whut'en Reserve and will be open from 9:00 a.m. until 8:00 p.m. on the day on which the Poll is to be held.
- 20.2. The Electoral Officer will, before the Polling Station is open, supply the Polling Station with:
 - (a) a ballot box;
 - (b) a sufficient number of ballots;
 - (c) the final Voters List;
 - (d) an envelope for rejected ballots;
 - (e) the necessary materials for marking ballots;
 - (f) a list of Voters who have voted electronically; and
 - (g) a ballot tally sheet to identify the number of confirmed votes and the number of rejected ballots.
- 20.3. The Electoral Officer will provide a voting compartment inside the Polling Station where the Voters can mark their ballots free from observation.
- 20.4. The Electoral Officer may appoint security to maintain order at the Polling Station.

- 20.5. In the case of an Election, where a Candidate wishes to authorize a Scrutineer, the Candidate will deliver a letter of authorization to the Electoral Officer or a Deputy Electoral Officer on or before the opening of the Polling Station, in which the Candidate names the Scrutineer.
- 20.6. Each Candidate will be entitled to have a maximum of 2 Scrutineers at the Polling Station at any one time. All Scrutineers must sign the Scrutineer Oath before the Electoral Officer or a Deputy Electoral Officer and deliver the signed Scrutineer Oath to the Electoral Officer prior to acting as a Scrutineer.
- 20.7. If, in the opinion of the Electoral Officer, any Scrutineer breaches the Scrutineer Oath, that person will be ineligible:
 - (a) to continue acting as a Scrutineer for the Election in which they are acting as a Scrutineer; and
 - (b) to act as a Scrutineer in any Elections or By-Elections for a period of 6 years from the date of the breach.
- 20.8. The Electoral Officer will, immediately before the commencement of the Poll:
 - (a) open the ballot box and, before any appointed security, Scrutineers, and the Deputy Electoral Officers, confirm that it is empty and complete a written statement to that effect;
 - (b) properly seal the ballot box preventing it from being opened without breaking the seal; and
 - (c) place the ballot box in public view for the reception of the ballots.
- 20.9. Everyone presenting themselves at the Polling Station for the purpose of voting will present to the Electoral Officer or a Deputy Electoral Officer identification issued by the federal government, provincial government, or Nadleh Whut'en.
- 20.10. Where a person does not have appropriate identification described in subsection 20.9, they will be deemed to be properly identified if two Voters sign a declaration before the Electoral Officer or a Deputy Electoral Officer confirming the identity of the person.
- 20.11. Where electronic voting is available, the Electoral Officer will not provide a ballot to the Voter if they have voted electronically.
- 20.12. Where a person is properly identified as a Voter, they will sign the sign-in sheet presented by the Electoral Officer or a Deputy Electoral Officer and list their Status Number on the sign-in sheet.
- 20.13. Upon signing the sign-in sheet the Voter will receive a ballot initialed by the Electoral Officer or a Deputy Electoral Officer.

- 20.14. The Electoral Officer will keep the sign-in sheet confidential.
- 20.15. The Electoral Officer or a Deputy Electoral Officer will place in the proper column of the Voters List a mark opposite the name of every Voter receiving a ballot.
- 20.16. The Electoral Officer or a Deputy Electoral Officer will, when requested to do so, explain the method of voting to the Voter.
- 20.17. Voting at all Polls will be by secret ballot.
- 20.18. No Voter may vote by proxy or authorize another person to vote on their behalf, and no one other than the Voter who is in the process of voting is permitted to be inside the voting compartment, except as provided for in subsection 20.19.
- 20.19. Any Voter who requires voting assistance may request that the Electoral Officer or a Deputy Electoral Officer vote on their behalf in their presence as the Voter directs.
- 20.20. In the event that the Electoral Officer or a Deputy Electoral Officer votes on behalf of a Voter, the Electoral Officer or Deputy Electoral Officer will note on the Voters List in the column for remarks opposite the name of such Voter, the fact that the ballot was marked by them before that Voter, and the reasons for doing so.
- 20.21. Upon receiving the ballot, each Voter will:
 - (a) immediately proceed to the voting compartment and clearly mark the ballot with an "X" or "✓" that clearly indicates the Voter's choice in the appropriate space;
 - (b) fold the ballot to conceal their choice to only expose the initials of the Electoral Officer or a Deputy Electoral Officer; and
 - (c) without unfolding the ballot, have the Electoral Officer or a Deputy Electoral Officer verify their initials and at once deposit the ballot into the ballot box before the Electoral Officer or a Deputy Electoral Officer at the Polling Station.
- 20.22. A Voter who inadvertently spoils their ballot may, on no more than one occasion, return it to the Electoral Officer or a Deputy Electoral Officer in order to obtain another ballot, and the Electoral Officer or the Deputy Electoral Officer will write the word "rejected" upon the spoiled ballot, deposit it in the envelope for rejected ballots, and provide the Voter with a new ballot initialed by the Electoral Officer or a Deputy Electoral Officer.
- 20.23. A Voter who has received a ballot and subsequently decides not to vote must return the ballot to the Electoral Officer or a Deputy Electoral Officer who will mark the word "rejected" on the face of the ballot and deposit it in the envelope for rejected ballots.

20.24. A Voter forfeits their right to vote in a Poll if, after being provided a ballot by the Electoral Officer or a Deputy Electoral Officer:

- (a) that person leaves the Polling Station without delivering the ballot to the Electoral Officer or a Deputy Electoral Officer;
- (b) that person decides not to vote and returns their ballot to the Electoral Officer or a Deputy Electoral Officer; or
- (c) that person spoils their ballot on more than one occasion.

20.25. Any Voter who is inside the Polling Station at the time fixed for closing the Poll will be entitled to vote.

20.26. No person will on the day the Poll is held on the premises of the Polling Station:

- (a) distribute any printed materials except such materials as may be distributed by the Electoral Officer or a Deputy Electoral Officer for the purposes of conducting the Poll;
- (b) interfere with or influence, or attempt to interfere with or influence, any Voter in marking their ballot;
- (c) obtain, or attempt to obtain, information as to how a Voter is about to vote or has voted; or
- (d) disrupt, or attempt to disrupt, the voting process.

20.27. The Electoral Officer may request appointed security to remove any person from the Polling Station who is in violation of this Code.

21. Procedures after the Close of the Polls

21.1. Immediately after the close of the Poll the Electoral Officer will, before the Deputy Electoral Officer(s) and any Scrutineers, open each envelope containing a mail-in ballot that was received before the close of the Poll and, without unfolding the mail-in ballot:

- (a) set aside the mail-in ballot and deposit it in the envelope for rejected ballots if:
 - (i) it is not accompanied by a Voter Declaration Form or the Voter Declaration Form is not signed or witnessed;
 - (ii) the name of the person set out in the Voter Declaration Form is not on the Voters List; or
 - (iii) the Voters List shows that the Voter has already voted; and

- (b) deposit all remaining mail-in ballots in the ballot box and place a mark on the final Voters List next to the name of each Voter who provided a valid mail-in ballot.
- 21.2. Immediately after all remaining mail-in ballots have been deposited in the ballot box pursuant to subparagraph 21.1(b), the Electoral Officer will:
- (a) open the ballot box, unfold, and examine all ballots in the ballot box and reject those ballots that:
 - (i) have not been initialed by the Electoral Officer or a Deputy Electoral Officer;
 - (ii) contain more votes than there are Candidates to be elected or questions to be asked;
 - (iii) are marked in such a way that the Voter can be identified; or
 - (iv) are marked in such a way that the Voter's choice cannot clearly and unambiguously be determined;
 - (b) deposit the rejected ballots in the envelope for rejected ballots; and
 - (c) deposit all remaining ballots back in the ballot box.
- 21.3. Immediately after all remaining ballots have been deposited back in the ballot box pursuant to subparagraph 21.2(c), the Electoral Officer will:
- (a) show the ballots in the ballot box to any Scrutineers present; and
 - (b) count the votes from the ballots in the ballot box.
- 21.4. Immediately after all ballots in the ballot box have been counted pursuant to subparagraph 21.3(b), the Electoral Officer will, where electronic voting mechanisms are in place, count the electronic ballots.
- 21.5. Immediately after the Electoral Officer completes the ballot counts under subparagraph 21.3(b) and, where electronic voting mechanisms are in place, subsection 21.4, the Electoral Officer will complete and sign a ballot tally sheet setting out the number of confirmed in-person, mail-in and, where electronic voting mechanisms are in place, electronic votes, for each Candidate or question asked and the number of rejected ballots.
- 21.6. The Electoral Officer will not count any rejected ballot as a vote cast.
- 21.7. The Electoral Officer will prepare a report in writing setting out the reasons for rejecting each rejected ballot and attach that report to the envelope for rejected ballots.

22. Recounts and Ties

- 22.1. In the case of an Election in which the office of Chief is contested, if the difference in vote totals between the Candidate receiving the highest number of votes for Chief and another Candidate for Chief is 5 votes or less, including a tie, the Electoral Officer will immediately after the completion of the counting of the votes conduct a recount of the votes for Chief.
- 22.2. In the case of an Election, if the difference in vote totals between the Candidate for Councillor receiving the second or third highest number of votes (as applicable) and the Candidate for Councillor receiving the third or fourth highest number of votes (as applicable) is 5 votes or less, including a tie, the Electoral Officer will immediately after the completion of the counting of the votes conduct a recount of the votes for Councillor.
- 22.3. In the case of a Referendum, if the difference in vote totals between “yes” and “no” for any question is 5 votes or less, including a tie, the Electoral Officer will immediately after the completion of counting of the votes conduct a recount of the votes.
- 22.4. Upon completion of a recount, the Electoral Officer will:
 - (a) publicly declare the results of the Poll in accordance with subsection 23.1;
 - (b) prepare, sign, and deliver to Council a written statement in the form described in subsection 23.2; and
 - (c) post a written statement in accordance with subsection 23.3.
- 22.5. In the case of a Referendum if, after a recount, a tie remains for any question, that question will not pass.
- 22.6. In the case of an Election if, after a recount, a tie remains, a By-Election will be held for the Council position(s) that resulted in a tie.
- 22.7. In the case of an Election, where a By-Election is required to break a tie, all the provisions of this Code will apply to the By-Election, provided that:
 - (a) the final Voters List for the By-Election will be the final Voters List from the Election that resulted in the tie;
 - (b) the Candidates for office to be determined in the By-Election will be the Candidates who received an equal number of votes for that office in the Election that resulted in the tie; and
 - (c) the term of office for the successful Candidate in the By-Election will be deemed to have commenced on the same day as the term of office commenced for the other members of Council.

22.8. Subject to any appeal, the results of the recount will be final.

23. Announcing the result of the Poll

23.1. Subject to a recount under section 22.2 or 22.3, promptly upon the completion of the counting of all ballots, the Electoral Officer will publicly declare, before the Deputy Electoral Officer(s), Scrutineers and Candidates and in accordance with this Code, as applicable:

- (a) the Candidate for Chief with the highest number of votes to be elected and the 2 Candidates for Councillor with the highest number of votes to be elected; or
- (b) the 3 Candidates for Councillor with the highest number of votes to be elected; or
- (c) the result of the Referendum.

23.2. Subject to a recount under section 22.2 or 22.3, promptly upon the completion of a Poll and the counting of all ballots, the Electoral Officer will prepare, sign, and deliver to Council a written statement setting out:

- (a) the number of Voters who voted;
- (b) for an Election, the votes cast in favour of each Candidate;
- (c) for a Referendum, the number of votes cast in favour of and against each of the questions put to the Referendum; and
- (d) the number of rejected ballots.

23.3. On the day immediately following the Poll the Electoral Officer will post the written statement referenced in subsection 23.2 in a public area of the Administration Building and publish it electronically.

24. Candidate Requirements after the Close of Polls

24.1. All Candidates elected to Council will swear the Council Member Oath of Office before the Electoral Officer or a Deputy Electoral Officer, a justice of the peace, notary public or commissioner for taking oaths.

24.2. No person elected to Council will be permitted to assume their office until they have:

- (a) sworn and filed the Council Member Oath of Office; and
- (b) complied with all other requirements to assume office set out in this Code and Council Policy.

- 24.3. If a person elected as Chief or Councillor fails to comply with all requirements to assume office as set out in this Code and Council Policy, including obligations set out in Council Policy relating to other employment, within 10 days of the Election, the Electoral Officer will declare the person receiving the next highest number of votes for that Council position to be elected.
- 24.4. If the person receiving the next highest number of votes is unable or unwilling to assume office pursuant to subsection 24.3, Council will call a By-Election to fill the vacant position.

25. Disposal of Ballots

- 25.1. The Electoral Officer will deposit the ballots and the envelope for rejected ballots from the Poll in a sealed envelope and safely and securely retain it for 120 days after the date on which the Poll is held or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by Council, destroy the ballots before two witnesses.

26. The Appeal Committee

- 26.1. The Appeal Committee will consist of 3 persons who are not Members but are Indigenous and have legal or other experience relevant to the work of the Appeal Committee.
- 26.2. The members of the Appeal Committee will swear and deliver to the Senior Manager before assuming their office the Appeal Committee Oath of Office.
- 26.3. The Appeal Committee will be compensated for its work and reimbursed for reasonable expenses and Council will set the rates for compensation of the Appeal Committee at the time Council appoints the Appeal Committee.
- 26.4. Within 10 days of being appointed the Appeal Committee will meet and select a Chair from the persons who make up the Appeal Committee.
- 26.5. The Appeal Committee will strive to operate by consensus, but any decision of the Appeal Committee may be made by Majority vote.
- 26.6. The Appeal Committee may:
- (a) determine the method and timelines for taking evidence from witnesses or producing additional documents relating to the appeal;
 - (b) determine what additional persons, if any, are to be notified of the appeal and how they are to be provided with relevant documents;
 - (c) seek and obtain legal advice as may be reasonably required on any appeal;
and

- (d) determine any relevant matter that is not provided for in this Code.
- 26.7. The Appeal Committee may compel the Electoral Officer or a Deputy Electoral Officer to produce any documents or other information related to the appeal and the Electoral Officer or a Deputy Electoral Officer will cooperate fully with the Appeal Committee in relation to the production of those documents and the conduct of the appeal.
- 26.8. A member of the Appeal Committee will be promptly replaced by BCR if Council has information sufficient to believe that the person:
- (a) engaged in a Corrupt or Fraudulent Practice during the Poll in which they were a member of the Appeal Committee;
 - (b) is unable to fulfill their obligations due to illness, injury, or physical ailment; or
 - (c) breached their obligations under the Appeal Committee Oath of Office.

27. Appeals

- 27.1. All appeals under this Code will be conducted in writing.
- 27.2. In respect of an Election any Voter, including a Candidate for Council, may deliver a notice of appeal in writing to the Senior Manager requesting that the Election of the Chief or a Councillor be declared invalid, based on one or more of the following grounds:
- (a) the person declared elected was not eligible to be a Candidate;
 - (b) the person declared elected was not nominated in accordance with the procedures set out in this Code;
 - (c) there was a violation of a provision of this Code in the conduct of the Election that could reasonably have affected the result of the Election; or
 - (d) there was a Corrupt or Fraudulent Practice in relation to the Election.
- 27.3. In respect of a Referendum, any Voter may deliver a notice of appeal in writing to the Senior Manager requesting that the Referendum be declared invalid, based on one or both of the following grounds:
- (a) there was a violation of a provision of this Code in the conduct of the Referendum that could reasonably have affected the result of the Referendum; or
 - (b) there was a Corrupt or Fraudulent Practice in relation to the Referendum.

- 27.4. In the case of a Council removal, a member of Council who has been removed from office by BCR under section 28 may deliver a notice of appeal in writing to the Senior Manager requesting that the Council removal be declared invalid on the grounds that the Council member's removal was based on an error of fact and such error of fact was instrumental in Council's decision to remove the Council member from office.
- 27.5. Every notice of appeal will:
- (a) set out in an affidavit sworn before a justice of the peace, notary public, or commissioner for taking oaths the facts substantiating the appeal;
 - (b) be accompanied by any supporting documentation; and
 - (c) be delivered to the Senior Manager within 30 days of the date of the Election, Referendum, By-Election, or Council removal together with a filing fee of \$100.
- 27.6. Upon receipt of a notice of appeal, the Senior Manager will promptly deliver the notice of appeal and supporting documentation to the Chair of the Appeal Committee.
- 27.7. Within 10 days of receiving the notice of appeal from the Senior Manager the Chair of the Appeal Committee will deliver a copy of the notice of appeal and supporting documentation to:
- (a) the other members of the Appeal Committee;
 - (b) in the case of a Poll, the Electoral Officer;
 - (c) Council;
 - (d) the persons named in the appeal, if any; and
 - (e) any other person the Chair of the Appeal Committee considers appropriate.
- 27.8. Council and, in the case of an appeal of an Election, the potentially affected Council member(s), may deliver a written reply to the Chair of the Appeal Committee within 10 days of receiving the notice of appeal from the Chair of the Appeal Committee.
- 27.9. No witness will be required to divulge how they voted in a Poll as part of an appeal.
- 27.10. Within 45 days of receiving the notice of appeal from the Senior Manager, the Appeal Committee will confirm or invalidate the Election, Referendum, By-Election, or Council removal and provide written reasons for their decision, which reasons will be:

- (a) posted publicly in the Administration Building and published electronically; and
- (b) mailed to the Electoral Officer, Council, and all parties involved in the appeal.

27.11. If the Appeal Committee invalidates a Referendum under this Code, the next Referendum with respect to that question will be deemed to be the first Referendum.

27.12. The Appeal Committee may, in their discretion, order by whom, to whom, and in what manner costs will be paid.

27.13. If an appeal is successful, the appellant will have their filing fee reimbursed in full.

27.14. Until the Appeal Committee renders their decision in a Council removal appeal under this section, the position on Council will remain vacant.

27.15. The determination of the Appeal Committee is final and not subject to appeal.

28. Removal from Office by BCR and Council Vacancies

28.1. A member of Council will be removed from office by BCR if the member of Council:

- (a) ceases to be eligible to be a member of Council pursuant to this Code;
- (b) has been absent from 3 consecutive duly convened Council meetings without being authorized by Council to do so;
- (c) has had their election into their position on Council successfully appealed; or
- (d) has received three written warnings from Council for breaches of their obligations under the Council Member Oath of Office.

28.2. The office of Chief or Councillor will become vacant when the person who holds that office:

- (a) is removed pursuant to section 28.1;
- (b) dies; or
- (c) resigns from their office by providing Council with a written letter of resignation.

29. By-Elections

29.1. Subject to subsections 24.3, 27.14, and 29.2, in the event, after a recount, a tie occurs in an Election, a member of Council is removed from office or a position on Council becomes vacant, a By-Election will be held.

- 29.2. Subject to subsection 29.6, no By-Election will be held where there are less than 6 months remaining in the term of the Council member or members whose office has become vacant.
- 29.3. A person who is removed or resigns from office is not eligible to seek election in a By-Election for their vacated position.
- 29.4. No sitting Councillor is eligible to be a Candidate for Chief in a By-Election unless they resign from Council prior to the date for nominations in the relevant By-Election.
- 29.5. The procedures for every By-Election, including appeals of By-Elections, will be governed by those for Elections set out under this Code, with any procedural modifications to this Code deemed necessary by the Electoral Officer or, in the case of an appeal, the Appeal Committee.
- 29.6. Where there are more than two vacant Council seats, an Election for all Council positions will be held within 90 days from the date when the third Council seat becomes vacant, even if there are less than 6 months remaining in the terms of the Council members whose offices have become vacant.

30. Delivery

- 30.1. 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 facsimile transmission, upon the sender receiving confirmation of the transmission;
 - (c) if by email, upon receipt by the relevant person; and
 - (d) if by mail, upon receipt by the relevant person.

31. Amendment

- 31.1. All amendments to this Code must be approved by a Majority of Voters voting in a Referendum.

32. Computation of Time

32.1. Unless otherwise stated in this Code, the computation of time in this Code will be in accordance with the *Interpretation Act*, RSC 1985, c I-21, as may be amended or replaced from time to time.

This Code approved by Referendum on the ____ day of _____, 20____, adopted this ____ day of _____, 20____ by Chief and Council of the Nadleh Whut'en First Nation and effective as of the date first written above:

Chief <@>

Councillor <@>

Councillor <@>

Councillor <@>

Councillor <@>

Schedule "B"
Application for Remote Ballot

Unless indicated otherwise capitalized terms used in this Form are as defined in the Nadleh Whut'en First Nation Election and Referendum Code.

Name: _____

Status Number: _____

Mailing address: _____

Telephone number: _____

Email address: _____

I, _____ [*print name*], request that a mail-in ballot package be sent to me, and confirm that:

1. all information I have provided in this Form is correct and accurate;
2. I am on the Membership List;
3. I will be at least 18 years of age on the date of the Election or Referendum; and
4. I submit this request of my own free will and I have not been induced, threatened, or otherwise forced or coerced to sign and submit this Application for Remote Ballot.

Signature

Date

Schedule "C"
Council Member Oath of Office

Unless indicated otherwise capitalized terms used in this Form are as defined in the Nadleh Whut'en First Nation Election and Referendum Code.

I, _____ [*print name*], affirm/swear that:

1. I have not been convicted of an Indictable Offence or a Summary Offence that prohibits me from taking Council office under the Code;
2. I will uphold and comply with the Code and all Council Policy
3. I will support and defend Nadleh Whut'en laws, policies, and values;
4. I will fulfil the duties and responsibilities of my office under the Code and Council Policy;
5. I will faithfully, honestly, impartially, and consistently perform the duties of my office to best of my judgment and ability, remembering that my primary duty is to serve Nadleh Whut'en;
6. I will promote and uphold the integrity and dignity of Nadleh Whut'en and its programs, Members, and employees;
7. I will not allow any private interest to influence my conduct or decision making;
8. I will honor, respect, and support the elders of the Nadleh Whut'en;
9. I will be prompt, courteous, and temperate in the performance of my duties;
10. I will demonstrate and practice honesty, fairness, respect, justice, and objectivity in the performance of my duties;
11. I will not publicly criticize Nadleh Whut'en laws and policies and I will provide constructive criticism or suggestion through the proper channels of law making or amending processes of Nadleh Whut'en;
12. I will respect the authority of Council and other governance structures of Nadleh Whut'en;
13. I will be accountable to the Members and will discharge my duties and responsibilities in a manner becoming my position;
14. I will continually work toward self-improvement and professional development;
15. I will keep confidential, both during and after my term of office, any matter or information which, under the Code or Nadleh Whut'en laws and policies, is considered confidential; and

Schedule "E"
Nomination Declaration

Unless indicated otherwise capitalized terms used in this Form are as defined in the Nadleh Whut'en First Nation Election and Referendum Code.

Name: _____

Status Number: _____

Mailing address: _____

Telephone number: _____

Email address: _____

I, _____ [print name], declare that:

1. all information I have provided in this Form is correct and accurate;
2. I _____ [nominate/second]
_____ [print name] as a Candidate for
_____ [Chief/Councillor];
3. I am on the Membership List;
4. I am on the Voters List;
5. I will be at least 18 years of age on the date of the Election; and
6. I do not know of any reason why I should be disqualified from being a Voter in the Election.

Signature

Electoral Officer or Deputy
Electoral Officer

Date

Date

This Form must be signed before the Electoral Officer or a Deputy Electoral Officer.

Schedule "F"
Notice of Acceptance of Nomination

Unless indicated otherwise capitalized terms used in this Form are as defined in the Nadleh Whut'en First Nation Election and Referendum Code.

Name: _____

Status Number: _____

Mailing address: _____

Telephone number: _____

Email address: _____

I, _____ [*print name*], accept my nomination as
_____ [*Chief/Councillor*], and confirm that:

1. I qualify as a Voter and I was nominated for office in accordance with the procedures set out in the Code;
2. I have not been convicted of an Indictable Offence or a Summary Offence that prohibits me from running for Council office under the Code;
3. I was not removed from and did not resign from Council during the previous Council term;
4. I am in Good Financial Standing; and
5. I do not know of any reason why I should be disqualified from being a Candidate for the office for which I was nominated.

Signature

Electoral Officer

Date

Date

This Form must be signed before the Electoral Officer or a Deputy Electoral Officer.

**Schedule "G"
Scrutineer Oath**

Unless indicated otherwise, capitalized terms used in this Form are as defined in the Nadleh Whut'en First Nation Election and Referendum Code.

I, _____ [*print name*], confirm that in carrying out my duties as an appointed Scrutineer, I will:

1. uphold and comply with the Code;
2. not disrupt the Election process in any way;
3. comply with all directions of the Electoral Officer or a Deputy Electoral Officer;
4. carry out my duties faithfully, honestly, impartially, and to the best of my ability; and
5. keep confidential, both during and after my term of office, any matter or information which, under the Code is considered confidential.

| | |
|-----------|-------------------|
| _____ | _____ |
| Signature | Electoral Officer |
| _____ | _____ |
| Date | Date |

This Form must be signed before the Electoral Officer or a Deputy Electoral Officer.

**Schedule "H"
Voter Declaration Form**

Unless indicated otherwise capitalized terms used in this Form are as defined in the Nadleh Whut'en First Nation Election and Referendum Code.

Name: _____

Status Number: _____

Mailing address: _____

Telephone number: _____

Email address: _____

I, _____ [*print name*], declare that:

1. all information I have provided in this Form is correct and accurate;
2. I am on the Membership List;
3. I will be at least 18 years of age on the date of the Election or Referendum; and
4. I do not know of any reason why I should be disqualified from being a Voter in the Election or Referendum.

Signature

Witness Signature

Date

Witness name

Date

This Form must be signed before a witness who is at least 18 years of age who must also sign this Voter Declaration Form.