

DZAWADA'ENUXW FIRST NATION

ELECTION CODE 2011

Ratified on: September 13, 2011

at a duly convened General Meeting

[Amended on: March 3, 2015 at a duly convened Council Meeting]

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PART 1 -PREAMBLE & TITLE

- 1 This code shall be called the Dzawada'enuxw First Nation Custom Election Code.
- 2 The Dzawada'enuxw First Nation (the "DFN") is one of four original Musgamagw Dzawada' enuxw Tribal Council members.
- 3 The purpose of the Dzawada'enuxw First Nation Custom Election Code is to ensure that all eligible voters have an equal opportunity to participate in the election of the Dzawada' enuxw council and council Chair, and that elections are conducted in a fair and orderly manner.

PART 2 -COMING INTO FORCE

2. This code comes into force upon it being approved by the majority of the DFN membership in attendance at a General Meeting, and shall replace the Tsawataineuk First Nation Election Regulations dated July 2005.

PART 3 -INTERPRETATION

3. In this code

"appellant" means an individual who submits an appeal in accordance with this code with respect to an election.

"by-election" means a special election to fill a position on the council that has become vacant.

"candidate" means a first nation member who:

- a. is at least 19 years of age on the day on which the nomination meeting is held;
- b. is a member of the DFN;
- c. and has been nominated to be a candidate pursuant to the provisions of this code.

"Code of Ethics" means guidelines, general rules of behaviour and standards set out in section 22 and Appendix "A" of this code, which govern the conduct of candidates running for office and of elected council members holding office.

- "Complaints and Appeal Board"** means the body appointed by a council resolution in accordance with section 168 of this code to review and make decisions concerning petitions for removal from office and election appeals.
- "corrupt practices"** means bribery direct or indirect, or providing a financial or material incentive to an elector in exchange for a vote.
- "council"** means the body composed of those persons selected pursuant to this code.
- "Custom Election code"** means the leadership selection system; a defined process of selecting the council and council Chair as determined by the DFN membership.
- "deputy electoral officer"** means any person appointed by the electoral officer for the purposes of an election to assist him or her in the conduct of the election process.
- "Dzawada'enuxw"** means the Dzawada'enuxw First Nation (the "DFN").
- "Elder and Youth Roles and Responsibilities"** are those roles and responsibilities as set out in Appendix "F".
- "election"** means a general election or by-election for councillors or council Chair of the DFN held pursuant to the provisions of this code.
- "electoral officer"** means a person, appointed by a council resolution before each election, who has the responsibility for conducting the nomination meeting, the election and post-election procedures.
- "elector"** means a person who:
- a. is a member of the DFN; and
 - b. is at least 19 years of age on the day on which the election is held.
- "Dzawada'enuxw Administrator"** means the person hired by the council to oversee all DFN normal administrative operations.
- "Dzawada'enuxw Registration Administrator"** means the DFN employee or contractor responsible for maintaining the mailing addresses of the DFN membership list.
- "mail-in ballot"** means a ballot mailed or delivered in accordance with sections 111 to 120 of this code.
- "Manager"** means an employee of the Nation whose job functions include supervising other employees of the Nation;
- "member"** means a member of the Dzawada'enuxw First Nation;
- "Member Guidelines and Regulations"** are those guidelines and regulations as set out in Appendix "D".
- "Nation"** means the Dzawada'enuxw First Nation (the "DFN");
- "nomination meeting"** means the meeting at which electors nominate and second candidates for election.

"non-resident" refers to the residential status of a candidate that has a full time residence off of a DFN reserve.

"oath" means a solemn affirmation; as per Appendix B for council and council Chair, Appendix C for the Electoral Officer and Deputy Electoral Officer; and Appendix F for the Complaints and Appeal Board

"platform" means a one-page summary of the policies that a candidate intends to implement if elected to office;

"polling station" means a building, hall or room which is selected as the site at which voting takes place.

"resident" refers to the residential status of an "on reserve" candidate who is considered to have his or her residence on Gwa-ye-e reserve. A person's residence is interpreted by the following rules:

- a. a residence is the place a person normally eats and sleeps;
- b. a person can only be resident in one place at one time, and a person is resident in that place until another place of residence is acquired.
- c. a person must be resident on the Gwa-ye-e reserve for a minimum of one (1) year prior to the elections.

"Register of Electors" means a list maintained in accordance with this code of DFN members eligible to vote in DFN elections.

"Registrar" means the Officer of the Department of Indian Affairs responsible for the DFN membership list.

"rejected ballots" means those ballots that have been improperly marked and/or defaced by elector(s) which are not included in the tally of valid ballots cast during the counting of the votes.

"reserve" means a tract of land, that have been set apart for the use and benefit of the DFN and includes all designated lands.

"voter declaration form" means a document that sets out, or provides for:

- a. the name and signature of the elector;
- b. the DFN membership or registry number of the elector or, if the elector does not have a DFN membership or registry number, the date of birth of the elector; and
- c. the name, address and telephone number of a witness to the signature of the elector.

PART 4 - THE COUNCIL

Composition and Size [amended March 3, 2015]

4. The council shall consist of one Chair and 4 councillors.
 - a. the Office of resident councillor, for which there is one position;
 - b. the Office of councillors, for which there are 3 positions; and
 - c. the Office of Chair, for which there is one position.

Mode of Election for Chair and Councillors

5. The Chair and councillors shall be elected by a vote held in accordance with this code.

Term of Office

6. The term of office for the position of Chair and councillors shall be 3 years; subject to this Code and any vacancies under it.
7. The term of office may, under mitigating circumstances, be continued beyond 3 years if such continuation is not opposed by the votes of more than 50% of the members of council. This continuation shall not exceed 60 days.

Election and Term of Chair [Dates are examples only]

8. The first nomination meeting for the election of Chair shall take place on [Friday, June 24], 2011.
9. Subject to this code, subsequent nomination meetings for the election of Chair shall take place on the last Friday in [June] every three years beginning in the year, 2014.
10. The first election of Chair under this code shall take place on [Friday, August 12], 2011.
11. Subject to this code, subsequent elections of Chair shall take place on the second Friday in [August] every three years beginning in the year, 2014.
12. The term of office for a Chair elected under this code shall commence at 12:01 am on the [Monday] following his or her election and, subject to any vacancy arising under this code, shall expire at midnight on the [Sunday] following the next election of Chair.

Election and Term of Councillors

13. The first nomination meeting for the election of councillors shall take place on [Friday June 24], 2011.

14. Subject to this code, subsequent nominations meetings for the election of councillors shall take place on the last Friday in [June] every three years beginning in the year 2014.
15. The first election of councillors under this code shall take place on Friday [August 24], 2011.
16. Subject to this code, subsequent elections of councillors shall take place on the second Friday in [August] every three years beginning in the year 2014.
17. The term of office for councillor elected under this code shall commence at 12:01am on the Monday following his or her election and, subject to any vacancy arising under this code, shall expire at midnight on the Sunday following the election three years later.

Term of Office for By-elections and Appeals

18. The successful candidate in a by-election shall hold office for the remainder of the original term of office of the Chair or councillor whom he or she is elected to replace.
19. If there is an appeal and/or by-election for the chair position only; the elected councillors shall choose an interim chair amongst the resident councillors until such a time that a chair has been officially declared.
20. If there is an appeal of one or more councillor positions, the elected councillor(s) shall remain on council until such time as the results of the appeal have been officially declared.
21. In the event that a successful appeal results in a new general election, the term of the newly elected council shall commence on the date all elected council members swear the oath of office and expire on the date set out in sections 12 and 17.

Vacancy

23. A Chair or councillor position on the council may become vacant if, while in office:
 - a. the Chair or councillor resigns in writing from office of his or her own accord;
 - b. the Chair or councillor has been unable to perform the functions of his or her office for more than six months due to illness or other incapacity;
 - d. the Chair or councillor is removed from office in accordance with this code; or
 - e. the Chair or councillor dies

PART 5 - ELECTION CODE OF ETHICS

23. Candidates must campaign:
 - a. according to the rules and regulations established in this code and pursuant to the Code of Ethics;
 - b. without coercion or vote-buying;
 - c. respecting the right and freedom of other parties to organize and campaign;
 - d. respecting the rights of voters to obtain information from a variety of sources and to attend political rallies;
 - e. ethically, focusing on political issues and candidate platforms, instead of conducting smear campaigns or ones of rumour and innuendo;
 - f. non-violently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
 - g. respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
 - h. respecting the electoral officials and not interfering with the performance of their duties; and
 - i. accepting and complying with the official election results and the final decision of the Complaints and Appeal Board.
24. Every person is guilty of an offence who, during an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate, or during an election period, accepts or agrees to accept a bribe that is offered.
25. Every person is guilty of an offence who, by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election, or by any pretence or plotting, persuades a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election.

PART 6 - REGISTER OF ELECTORS*Register of Electors*

26. The Dzawada'enuxw Registration Administrator shall maintain a register of Dzawada'enuxw First Nation members who are qualified as electors, to be known as the Register of Electors. A review of the Register of Electors shall be conducted no less than 60 days prior to each election, but no more than once a year.
27. Every effort shall be made to notify all eligible DFN members for the purpose of registration.
28. It is the responsibility of the DFN membership to inform the Dzawada'enuxw Registration Administrator of correct addresses.
29. The Register of Electors shall contain, for each elector who is included in it, his or her surname, given names, sex, date of birth, civic address, mailing address, email address and any other information that may be necessary.
30. The Register of Electors must also contain, for each elector, a unique, randomly generated identifier that is assigned by the Dzawada' enuxw Registration Administrator.
31. The Dzawada'enuxw Registration Administrator shall, before including a new elector in the Register of Electors, send the elector the Dzawada' enuxw Registration Administrator's information relating to him or her and ask if he or she wishes to be included in the Register of Electors.

Inclusion is Optional

32. Inclusion in the Register of Electors is at the option of the DFN member.

Contents of Lists of Electors

33. The lists of electors shall set out each DFN member's surname, given names, civic address and mailing address, and the identifier that is assigned to the elector by the Dzawada'enuxw Registration Administrator and shall be arranged in the form established by the Dzawada'enuxw Registration Administrator according to the civic addresses of the electors or, if that is not appropriate, in alphabetical order by their surnames.

Updating the Register

34. The Register of Electors shall be updated from
 - a. information that electors have given the Dzawada'enuxw Registration Administrator, and

- b. information that the Dzawada'enuxw Registration Administrator considers reliable and necessary for updating the surname, given names, sex, date of birth, civic address and mailing address of electors included in the Register of Electors including information that comes from any other reliable source, such as an immediate family member.

Information in Respect of Deceased Individuals

35. For the purpose of updating the Register of Electors, upon receiving information of deceased members from the Registrar, the Dzawada'enuxw Registration Administrator shall update the Register of Electors.

Duty of Electoral Officer

36. During the election period, the electoral officer shall provide the Dzawada'enuxw Registration Administrator with new information to update the Register of Electors from the information that he or she obtains under this code.

Listing Requests

37. Any person may at any time request the Dzawada'enuxw Registration Administrator to include him or her in the Register of Electors, by providing
 - a. his or her surname, given names, sex, date of birth, civic address and mailing address;
 - b. satisfactory proof of identity; and
 - c. a signed statement that he or she is eligible as an elector under this code.

Corrections

38. An elector may give the Dzawada'enuxw Registration Administrator changes to the information in the Register of Electors relating to the elector, and the Dzawada'enuxw Registration Administrator shall make the necessary corrections to the Register of Electors.

Verification

39. The Dzawada'enuxw Registration Administrator may at any time
 - a. contact an elector to verify the Dzawada'enuxw Registration Administrator's information relating to him or her; and
 - b. request the elector to confirm, correct or complete the information within 60 days of mailing the request.

Deletion of Names

40. The Dzawada'enuxw Registration Administrator shall delete from the Register of Electors the name of any person who:
- a. is deceased;
 - b. is not an elector; or
 - c. requests in writing to have his or her name deleted.

Deletion of Name - Discretionary

41. The Dzawada' enuxw Registration Administrator may delete from the Register of Electors the name of any person who fails to comply with a request referred to in section 39, within the 60 days.

Access to Personal Information

42. At the written request of an elector, the Dzawada'enuxw Registration Administrator shall send the elector all the information in the Dzawada' enuxw Registration Administrator's possession relating to him or her.

Disallowed

43. No person shall:
- a. knowingly make a false or misleading statement, orally or in writing, relating to their qualification as an elector or relating to any other information referred to in section 37;
 - b. knowingly make a false or misleading statement, orally or in writing, relating to another person's qualification as an elector, to the surname, given names, sex, civic address or mailing address of that person, or to the identifier assigned to that person by the Dzawada'enuxw Registration Administrator, for the purpose of having that person's name deleted from the Register of Electors;
 - c. request the listing in the Register of Electors of the name of a person who is not qualified as an elector, knowing that the person is not so qualified;
 - d. knowingly use personal information that is obtained from the Register of Electors except as follows:
 - i. to enable candidates to communicate with electors in accordance with this code; and
 - ii. for the purpose of elections or referendums.

PART 7 -PRE-NOMINATION PROCEDURE*Appointment of an Electoral Officer*

44. The electoral officer shall be appointed by a council resolution not less than 90 days before the expiration of the council's term of office.
45. The council resolution for the appointment of the electoral officer shall contain his or her full name and address, the date of the election, the type of election which is to be conducted (general election or by-election), as well as any special instructions.
46. In absence of a council resolution as set out in section 45, the electoral officer shall be appointed by the Dzawada' enuxw Administrator.
47. The electoral officer must be a person who:
 - a. is not a member of the DFN;
 - b. has no vested interest in the outcome of the election;
 - c. is at least 21 years of age; and
 - d. has experience in the conduct of elections or has received appropriate training.
48. In the event that the electoral officer cannot fulfill his or her duties, an existing deputy electoral officer shall be appointed by a council resolution, to undertake the duties of the electoral officer. In the absence of an existing deputy electoral officer, the council shall appoint a new electoral officer.

Oath of Office

49. The electoral officer must swear an oath to uphold the office in accordance with this code in the form set out in Appendix "C".

Appointment of Deputies and Interpreters

50. The electoral officer shall appoint deputies and interpreters as he or she deems necessary, who shall work under his or her direction.
51. The deputy electoral officer shall have such powers as described in this code as well as those powers of the electoral officer as delegated to the deputy by the electoral officer.
52. A deputy electoral officer shall not be a band member, and therefore will not be eligible to vote in the election.
53. Every deputy electoral officer must swear an oath to uphold the office in accordance with this code in the form set out in Appendix "C". The electoral officer may make such orders and issue

such instructions consistent with the provisions of this code as he or she may deem necessary for the effective administration of the election.

Responsibilities and Ethics

The electoral officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in this code.

Registered Voters List

54. At least 79 days before the day on which an election is to be held, the electoral officer shall obtain the names, DFN membership numbers and dates of birth of all DFN members who will have attained the age of 19 years on the date on which the election is to be held.
55. The Dzawada'enuxw Registration Administrator shall, no later than 79 days before the date on which the election is to be held, provide the electoral officer with the last known addresses, if any, of all registered electors who do not reside on the reserve.
56. An elector's address shall be used by the electoral officer only for the purpose of providing notices, mail-in ballots or other election documents to electors who are entitled to receive them under this code.
57. Except for the purposes noted in the preceding section, the electoral officer shall not disclose an elector's address without the consent of the elector.
58. A candidate for election as Chair or councillor may obtain from the electoral officer a list of the names and addresses of electors who have consented to have their addresses disclosed to candidates.
59. At least 79 days before the day on which an election is to be held, the electoral officer shall prepare a registered voters list containing the names of all of the electors in alphabetical order.
60. The electoral officer shall post the registered voters list in a public area of the DFN administration building and in such other conspicuous places on the Gwa-ye'e Reserve as may be determined by the electoral officer, no later than 72 days prior to the date on which the election is to be held.
61. On request, the electoral officer or deputy electoral officer shall confirm whether the name of a person is on the voters list.
62. The electoral officer shall revise the registered voters list upon presentation of documentary evidence which demonstrates that:
 - a. the name of an elector has been omitted from the registered voters list;
 - b. the name of an elector is incorrectly set out in the registered voters list; or
 - c. the name of a person not qualified to vote is included in the registered voters list.

63. A person, or an elector acting on his behalf, may, no later than 2 days prior to the date on which an election is to be held, demonstrate that the name of an elector has been omitted from or incorrectly set out in the voters list by presenting in writing to the electoral officer evidence from the Dzawada' enuxw Registration Administrator or the Registrar that the elector:
- a. is entitled to have his name entered on the DFN list;
 - b. will be at least 19 years of age on the date on which the election is to be held; and
 - c. is qualified to vote in DFN elections as per this code.
64. A person may demonstrate that the name of a person not qualified to vote has been included in the voters list by presenting in writing to the electoral officer evidence that the person:
- a. is neither on the DFN list nor entitled to have his name entered on the DFN list;
 - b. will not be at least 19 years of age on the date on which the election is to be held; or
 - c. is not qualified to vote in DFN elections.
65. Where the electoral officer believes or has information that a person whose name is on the registered voters list is not an elector, or where, in accordance with the preceding section, an elector demonstrates to the electoral officer that the name of a person not qualified to vote appears on the voters list, the electoral officer shall give written notice to the person whose eligibility is challenged at least 10 days prior to the date on which the election is to be held, or as soon as practicable after that time.
66. The notice given under the preceding section shall include the reasons for seeking the removal of the name from the voters list and any supporting documents, and shall provide notice that a written reply may be sent to the electoral officer, which must be received as soon as practicable and no later than the day before the date on which the election is to be held.
67. After consideration of all information and representations relating to amendments of the registered voters list, the electoral officer shall add or delete names from the voters list based on whether persons qualify as electors.
68. The decision of the electoral officer under the preceding section is final and is not subject to appeal.
69. A person whose name does not appear on the registered voters list shall be entitled to vote on election day, provided he or she presents documentary proof to the electoral officer demonstrating his or her qualifications as an elector to the electoral officer's satisfaction.

PART 8 -THE NOMINATION PROCESS*Notice of Nomination Meeting and Mail-in Procedures*

70. The electoral officer shall, at least 30 days before the date on which the nomination meeting is to be held, post a notice of nomination meeting in at least one conspicuous place on the Gwa-Yee reserve.
71. The electoral officer shall, at least 30 days before the date on which the nomination meeting is to be held, mail a notice of the nomination meeting and a voter declaration form to every elector who does not reside on the reserve in respect of whom the electoral officer has been provided with, or has been able to obtain, an address.
72. Anyone nominating an eligible candidate must first get a signed declaration by the eligible candidate stating that they agree to run for office of council, which must be provided with the mailed in nominations or at the nominations meeting.
73. A notice of a nomination meeting shall include:
- a. the date, time, duration and location of the nomination meeting;
 - b. the date on which the election will be held and the location of each polling place;
 - c. the name and phone number of the electoral officer;
 - d. the statement that any voter may vote by mail-in ballot;
 - e. a copy of the declaration form for a nominee stating that they agree to run for office of council.
 - f. a description of the manner in which an elector can nominate a candidate, or second the nomination of a candidate; and
 - g. the statement that, if the elector wants to receive information from candidates, the elector can agree to have his or her address released to the candidates.
74. The electoral officer shall record the names of the electors to whom a notice of the nomination meeting was mailed, the addresses of those electors, and the date on which the notices were mailed.

Eligibility to Nominate

75. In order to be entitled to nominate a candidate at an election, an elector must, on the day of the nomination meeting:
- a. be at least 19 years of age; and
 - b. be included on the registered voters list.
76. Subject to section 79, any elector may propose or second the nomination of any qualified person to serve as the Chair or councillor:

- a. by delivering or mailing a written nomination and a completed, signed and witnessed voter declaration form to the electoral officer before the time set for the nomination meeting; or
- b. orally, at the nomination meeting.

Nomination Meeting

77. The nomination meeting shall be held at least 42 days prior to the date on which the election is to be held.
78. At the time and place set for the nomination meeting, the electoral officer shall declare the nomination meeting open for the purpose of receiving the nomination of candidates for the available council positions.
79. The electoral officer is responsible for managing and conducting the nomination meeting.
80. Immediately following the opening of the nomination meeting, the electoral officer shall read aloud all written nominations and secondments that have been received by mail or delivered in accordance with subsection 80(a).

Duration

81. The nomination meeting shall remain open for at least 3 hours.

Maintaining Order and Security

82. The electoral officer shall maintain order at all times during the nomination meeting and may cause to be removed any person who, in his or her opinion, is disrupting or otherwise interfering with the proceedings.

Nomination Procedure

83. Mailed nominations that are not received by the electoral officer before the time set for the nomination meeting are void.
84. The electoral officer shall record the name of the candidate, the nominator and the seconder and confirm to those present at the meeting that the proposed candidate is eligible to be elected to the position of Chair or councillor of the first nation.
85. A person present at a nomination meeting who is eligible to do so may second the nomination of any person nominated in writing.
86. Where the same person receives two written nominations for the same office, the second nomination shall constitute a secondment of the first nomination.

87. Any elector may nominate or second no more than:
- a. one eligible person for the office of Chair; and
 - b. the number of eligible persons equivalent to the vacancies for the office of councillor.
88. At the end of the nomination meeting, the electoral officer shall:
- a. if only one person has been nominated for election as Chair, declare that person to be elected;
 - b. if the number of persons nominated to serve as councillors does not exceed the number to be elected, declare those persons to be elected; and
 - c. where more than the required number of persons are nominated for election as Chair or councillors, announce that an election will be held.
89. On the day following the nomination meeting, the electoral officer shall post in at least one conspicuous place on the reserve a list of nominees as well as on a secure DFN website, their nominators and seconders and the offices for which they are nominated.

PART 9 - CANDIDACY [amended March 3, 2015]

90. Only electors who meet the requirements of a candidate as set out in this code may be nominated as a candidate.
91. An unsuccessful candidate for Chair may be a candidate for the Office of councillor in a subsequent election; for greater clarity, a candidate may not run for the Office of councillor and council Chair simultaneously.
92. Any elector:
- a. who is resident on the Gwa-Yee Reserve or any other Dzawada'enuxw Reserve, shall be eligible to be nominated for the position of Office of resident councillor;
 - b. whether resident or non-resident on the Gwa-Yee Reserve or any other Dzawada'enuxw Reserve, shall be eligible to be nominated for the position of Office of councillor; and
 - c. who is resident on the Gwa-Yee Reserve or any other Dzawada'enuxw Reserve, shall be eligible to be nominated for the position of Office of Chair.
93. Any Elector shall be ineligible to run for or hold any Office of council if:
- a. they fail to provide a criminal record check within seventy two (72) hours of being nominated;
 - b. they have been convicted of an indictable offence under the Criminal Code of Canada within the 5 year period prior to the election date;
 - c. they have been convicted of an indictable offence under the Criminal Code of Canada during their tenure on Council; or
 - d. they are a Manager at any time during their tenure on Council starting one (1) month after their election date.
94. Filing of documents for nominations
- (1) A nominee accepting the nomination shall file the following documents to the electoral officer within 72 hours of the nomination meeting, or notice of nomination by the electoral officer, in the case of a nominee not in attendance at the nomination meeting:
- a. a notice of acceptance of nomination at the nomination meeting
 - b. a criminal record check;
 - c. a sworn declaration confirming the following:
 - i. that he or she has read and understood the Code of Conduct and the Council Oath of Office and if elected, he or she will abide by them
 - ii. that he or she will participate in an all-Candidates forum prior to the election;

iii. that he or she will submit a summary of his or her election platform to the Electoral Officer prior to the all-Candidates forum.

(2) A nominee who fails to file the documents in accordance with this section shall not be a candidate in the election and his or her name shall not appear on the election ballot.

95. No person shall accept candidacy in an election if that person is not eligible to be a candidate in accordance with this code.

Withdrawal

96. A candidate may withdraw their candidacy only under extreme circumstances.

PART 10 – PRE-ELECTION PROCEDURE*Acclamation*

97. Where the Office of Chair and all Offices of councillors are filled by acclamation:
- a. the electoral officer shall post in at least one conspicuous place on the Gwa-Yee Reserve, and mail to every elector who does not reside on the reserve, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held; and
 - b. sections 98 through 106 shall not apply.

Ballots

98. The electoral officer shall prepare ballot papers setting out:
- a. the names of candidates nominated for election as Chair, in alphabetical order by surname; and
 - b. the names of the candidates nominated for election as councilors, in alphabetical order by surname.
99. Where two or more candidates have the same name, the electoral officer shall add to the ballots such additional information as necessary to distinguish between those candidates. The ballot may, at the request of the candidate, include a candidate's commonly used nickname.

Notice of the Election

100. The election should be held at least 42 days after the day on which the nomination meeting was held.
101. The electoral officer shall, within 3 days after the day on which the nomination meeting was held, post a notice of election in at least one conspicuous place on the reserve as well as on the DFN website.
102. The notice shall include:
- a. the date of the election;
 - b. the times at which the polling station(s) will open and close;
 - c. the location of the polling station(s);
 - d. the time and location of the counting of the votes; and
 - e. a statement that the voters list is posted in public viewing and its location.

Advance Poll

103. An advance poll for persons unable to vote on the election date shall be held seven (07) days prior to the election date.
104. On the advance poll date the electoral officer shall go to obtain the votes from electors who, for reasons of ill health or disability, will be unable to vote on the election date. Off-reserve electors may not participate in an advance poll.
105. The electoral officer shall be accompanied by one other person to obtain votes as set out in Section 104 The ballots obtained are to be put in individual envelopes, sealed and signed by the electoral officer. These ballots will be retained by the electoral officer prior to the close of poll on the election date.
106. The advance poll and the election poll will be open from 9:00 A.M. to 8:00 P.M. at a location to be determined by council.

Mail-in Ballots

107. A post office box will be set up for the purposes of mail in ballots for each election.
108. The electoral officer shall, at least 35 days prior to the date on which the election is to be held, mail to every elector who is not resident on Reserve and for whom a valid postal address is known, and to every elector whose application to vote by mail-in ballot has been received, a mail-in ballot package consisting of:
 - a. a ballot initialed on the back by the 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 which shall set out:
 - i. the name of the elector;
 - ii. the membership number and/or date of birth of the elector; and
 - iii. the name, address and telephone number of the witness to the signature of the elector;
 - e. the notice of election set out in section 101; and
 - f. a letter of instruction regarding voting by mail-in ballot which shall also include:
 - i. a statement advising electors that they may vote in person at a polling station the day of the election if they return their mail-in ballot to the electoral officer at the polling station or swear a written declaration before the electoral officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot; and

- ii. a list of the name of any candidates who were acclaimed.
109. An elector who is resident on Reserve and who is unable to vote in person on election day may, at least 10 days prior to the date on which the election is to be held, request a mail-in ballot package from the electoral officer.
110. An elector not residing on Reserve who has not received a mail-in ballot package may, not later than 10 days prior to the date on which the election is to be held, request the mail-in ballot package from the electoral officer.
111. Upon receipt of a request for a mail-in ballot package under section 109 or 110, the electoral officer shall mail or deliver a mail-in ballot package described in section 108 to the elector whose name appears on the application.
112. The electoral officer shall indicate on the voters list that a ballot has been provided to each elector to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and address to which, each mail-in ballot was mailed or otherwise provided.
113. An elector shall vote by mail-in ballot by:
- a. placing an “X” or other mark that clearly indicates the elector’s choice but does not identify the elector opposite the name of the candidate or candidates for whom he or she desires to vote;
 - b. folding the ballot in a manner that conceals the names of the candidates or any marks, but exposes the electoral officer’s initials on the back;
 - c. placing the ballot in the inner envelope and sealing the envelope;
 - d. completing and signing the voter declaration form in the presence of a witness who is at least 19 years of age;
 - e. placing the inner envelope and the completed, signed and witnessed voter declaration form in the postage-paid envelope; and
 - f. delivering, mailing or otherwise ensuring receipt by the electoral officer of the envelope before the close of polls on the day of the election.
114. Where an elector is unable to vote in the manner set out in the preceding section, the elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that section.
115. A witness referred to in the preceding section shall attest to:
- a. the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; or
 - b. the fact that the elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the elector.
116. Mail-in ballots that are not received by the electoral officer before the close of polls on the day of the election shall not be counted.

Equipment for the Election

117. The electoral officer shall, before the polling station is open, supply the polling station with:
- a. sufficient ballot boxes;
 - b. a sufficient number of ballots;
 - c. a sufficient number of voting compartments enabling electors to mark their ballots free from observation;
 - d. instruments for marking the ballots;
 - e. a sufficient number of voting instructions as may be required;
 - f. all other equipment necessary to establish and equip the voting locations; and
 - g. the final voters list.

Polling

118. The electoral officer will establish at least one polling station on the Gwa-Yee Reserve.
119. The electoral officer shall provide a voting compartment in the polling station where electors can mark their ballots free from observation and the electoral officer may appoint security to maintain order in the polling station.

PART 11 -ELECTION DAY*Electoral Officer*

Subject to section 154 of this Code, the electoral officer or deputy electoral officers shall not be allowed to vote in the election

Candidate's Scrutineer

120. A candidate shall be entitled to not more than two scrutineers in the polling station at anyone time.
121. A candidate's scrutineer must present a letter of authorization to the electoral officer or the deputy electoral officer, signed by the candidate, in order to be permitted to remain in the polling station.

Polling Hours

122. The polling station shall be open from 9 a.m. until 8 p.m. local time on the day of the election.

Verification of the Ballot Box

123. The electoral officer and the deputy electoral officer shall, immediately before the commencement of the poll;
 - a. open the ballot box and call such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness;
 - b. lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
 - c. place the ballot box in public view for the reception of ballots.

Secrecy and Security

124. Voting shall be by secret ballot.
125. No elector may vote by proxy or authorize another person to vote on his or her behalf.
126. The electoral officer or deputy electoral officer 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.
127. No person shall, on the day the election is held, on the premises of the polling station:

- a. distribute any election-related printed materials except such materials as may be distributed by the electoral officer or deputy electoral officer for the purpose of conducting the election;
- b. attempt to interfere with or influence any elector in marking his ballot; or
- c. attempt to obtain information as to how an elector is about to vote or has voted.

Voting Procedure

128. Each person, on arriving at the polling station, shall give his or her name to the electoral officer or deputy electoral officer.
129. The electoral officer or deputy electoral officer shall, if the person's name is set out in the voters list, place his or her initials on both the ballot for Chair and the ballot for councillor and provide them to the elector.
130. The electoral officer or deputy electoral officer shall cause to be placed in the proper column of the voters list a mark opposite the name of every person receiving a ballot paper.
131. An elector to whom a mail-in ballot was mailed or provided under section 108, 109 or 111 may obtain a ballot and vote in person at a polling place if:
 - a. the elector returns the mail-in ballot to the electoral officer or deputy electoral officer;
 - b. or where the elector has lost the mail-in ballot, the elector provides the electoral officer or deputy electoral officer with a written affirmation that the elector has lost the mail-in ballot, signed by the elector in the presence of the electoral officer, deputy electoral officer, a justice of the peace, a notary public or a commissioner for oaths.
132. The electoral officer or deputy electoral officer shall, when requested to do so, explain the method of voting to the elector.
133. After receiving a ballot, an elector shall:
 - a. immediately proceed to the compartment provided for marking ballots;
 - b. mark the ballot by placing an "X" or other mark that clearly indicates the elector's choice but does not identify the elector opposite the name of the candidate or candidates for whom he or she desires to vote;
 - c. fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the initials on the back; and
 - d. deliver the ballot to the electoral officer or deputy electoral officer.
134. On receipt of a completed ballot, the electoral officer or deputy electoral officer shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the elector and any other persons entitled to be present at the polling station.

135. While an elector is in the compartment for the purpose of marking his or her ballot paper, no other person shall, except as provided in section 136, be allowed in the same compartment or be in any position from which he or she can see the manner in which the elector marks his or her ballot paper.

Voting Irregularities

136. At the request of any elector who is unable to vote in the manner set out in section 138, the electoral officer or deputy electoral officer shall assist that elector by marking his or her ballot in the manner directed by the elector in the presence of another elector selected by the elector as a witness and shall place the ballot in the ballot box.
137. The electoral officer or deputy electoral officer shall note on the voters list opposite the name of an elector requiring assistance, as set out in section 136, the fact that the ballot paper was marked by him or her at the request of the elector and the reasons therefore.
138. An elector who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the electoral officer or deputy electoral officer, be entitled to obtain another ballot paper. The electoral officer or deputy electoral officer shall write the word "cancelled" upon the spoiled ballot paper and preserve it.
139. Any person who has received a ballot and who leaves the polling place without delivering the same to the electoral officer or a deputy electoral officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit his or her right to vote at the election, and the electoral officer or deputy electoral officer 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 a ballot and declined to vote, and the electoral officer or deputy electoral officer shall mark upon the face of the ballot the word "declined" and all ballots so marked shall be preserved.

Closing of the Polling Station

140. Every elector who is inside the polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

PART 12 -COUNTING OF THE VOTES***Opening Mail-in Ballots***

141. At the time published in the notice prepared under section 105 for the counting of the votes, the electoral officer or deputy electoral officer shall, in the presence of any candidates or their scrutineers who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot.
- a. reject the ballot if:
 - i. it was not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed;
 - ii. the voter declaration form does not contain a date of birth or a first nation number that matches the information contained for that elector on the voters list;
 - iii. the name of the elector set out in the voter declaration form is not on the voters list; or
 - iv. the voters list shows that the elector has already voted.
 - b. in any other case, place a mark on the voters list opposite the name of the elector set out in the voter declaration form, and deposit the ballot in a ballot box.

Counting the Ballots

142. The electoral officer or deputy electoral officers shall supply other deputy electoral officers and all persons present and who so request with a tally sheet to keep their own tally of the votes.
143. Immediately after the mail-in ballots have been deposited in the ballot box under subsection 146(b), the electoral officer or deputy electoral officer shall, in the presence of any candidates or their scrutineers who are present, open all ballot boxes and examine each ballot.
144. The electoral officer or deputy electoral officer shall call out the names of the candidates for whom the votes were cast on all valid ballots.
145. A deputy electoral officer shall mark a tally sheet in accordance with the names being called out under the preceding section, for the purpose of arriving at the total number of votes cast for each candidate.

Ballots Not Counted

146. In examining the ballots, the electoral officer or deputy electoral officer must reject any ballots that:
- a. do not contain the initials of the electoral officer or deputy electoral officer;
 - b. do not give a clear indication of the elector's intention;

- c. contain more votes than there are candidates to be elected; or
 - d. contain a mark by which the voter can be identified.
147. The electoral officer or deputy electoral officer shall attach a note to each ballot rejected which outlines the reason for rejection.
148. Subject to review on recount or on an election appeal, the electoral officer or deputy electoral officer shall take a note of any objections made by any candidate or his or her scrutineer to any of the ballots found in the ballot box and decide any questions arising out of the objection.
149. The electoral officer or deputy electoral officer shall number objections to ballots raised pursuant to the preceding section 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 or her initials.

Tie

150. If it is not possible to determine the successful candidate(s) for either a Chair or councillor position due to an equal number of votes being cast (i.e., tie vote), the electoral officer shall establish a time for the conduct of a recount and publicly announce this time in the presence of all those present in the polling station.
151. A recount conducted pursuant to the preceding section must take place within 24 hours of the announcement by the electoral officer made pursuant to the preceding section, in the presence the candidates and their scrutineers who wish to attend.
152. At the time established pursuant to section 150, the electoral officer shall conduct a recount of the valid ballots.
153. If there is any tie between the 1st, 2nd or 3rd highest votes for councillors, these people will be declared winners.
154. If the recount fails to determine a successful candidate, the electoral officer shall cast ballots in order to break the tie. The electoral officer shall place the names of the candidates having the same number of votes on a paper and place each in a receptacle. Without looking, he shall draw as many papers as there are positions available. The candidate(s) whose name(s) appear on the pieces of paper the electoral officer has drawn from the receptacle shall constitute the candidate(s) for whom the electoral officer shall cast a vote.

PART 13 -POST-ELECTION PROCEDURES*Announcement*

155. After completing the counting of the votes and establishing the successful candidates, the electoral officer shall declare to be elected the candidates or candidates having the highest number of votes.
156. Following the declaration of elected candidates made pursuant to the preceding section, the electoral officer shall complete and sign an election report which shall contain:
 - a. the names of all candidates;
 - b. the number of ballots cast for each; and
 - c. the number of rejected ballots.
157. Within 4 days after completion of the counting of the votes, the electoral officer shall:
 - a. sign and post, in at least one conspicuous place on the reserve, the election report prepared in accordance with the preceding section;
 - b. mail a copy of the election report to every elector of the first nation who does not reside on the reserve; and
 - c. forward a copy of the election report to the first nation administrator.

Retention of Ballots and Other Election Material

158. The electoral officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain these ballots and all materials in connection with the election.
159. All ballots and materials retained in accordance with the preceding section shall be retained for 45 days from the date on which the election was 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 the council, destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

Chair and Councillor Oath of Office

160. A candidate who has been elected Chair or councillor shall, within 5 days of the electoral officer's declaration under section 156 or notice under section 97 of this code, swear an oath of office before the community at a celebration ceremony in the Kingcome bighouse, and file it with the electoral officer..
161. Where a candidate elected as Chair or councillor cannot, due to illness or other valid reason, swear the oath of office within the time prescribed in the preceding section, may provide a signed oath of office in the form set out in Appendix "B" to the electoral office.

162. No person elected as Chair or councillor shall be permitted to assume office until they have sworn and filed with the electoral officer the oath of office required under section 160.

PART 14 - COMPLAINTS AND APPEAL BOARD*Composition*

163. The Complaints and Appeal Board shall be composed of three people who:
- a. are at least 19 years of age;
 - b. are not members of the DFN;
 - c. have no vested interest in the outcome of the election;
 - d. are knowledgeable about election procedures; and
 - e. understand the principles of natural justice.
164. At least 100 days before the date on which the election is to be held, the council shall:
- a. select the members of the Complaints and Appeal Board in accordance with the preceding section; and
 - b. draw a list of 10 additional potential members.
165. The term of office of the Complaints and Appeal Board shall be from its appointment under the preceding section until the day on which the council selects another Complaints and Appeal Board in accordance with this code.
166. Upon receipt of an election appeal in accordance with section 175, any Complaints and Appeal Board member who is immediate family of any appellant or candidate, or who may be reasonably believed to have a bias or conflict in connection with the appeal, shall excuse themselves from the Board.
167. The remaining members of the Complaints and Appeal Board will select additional members as required to attain three from the list of potential members drawn by the first nation council in accordance with subsection 164(b).
168. Each member of the Complaints and Appeal Board shall execute an oath of office in the form set out in Appendix "F" and accept his or her appointment by forwarding a letter of acceptance to the council.

Functions

169. The Complaints and Appeal Board shall supervise and administer, III accordance with the provisions of this code:
- a. all election appeals; and
 - b. all petitions for the removal of a councillor and/or council Chair from Office.

PART 15 - APPEAL MECHANISM*Timing*

170. A candidate or an elector may, within 30 days from the date on which the election was held, submit an appeal to the Complaints and Appeal Board.

Grounds for Appeal

171. An appeal submitted pursuant to the preceding section must sufficiently outline one or more of the following:
- a. that the person declared elected was not qualified to be a candidate;
 - b. that there was a violation of this code in the conduct of the election that might have affected the result of the election; or
 - c. that there was corrupt or fraudulent practice in relation to the election.

Submission

172. An appeal submitted to the Complaints and Appeal Board must:
- a. be in writing and set out in an affidavit sworn before a notary public or duly appointed commissioner for taking oaths the facts substantiating the grounds for the appeal accompanied by any supporting documentation; and
 - b. be accompanied by a deposit in the amount of (\$1 00).

Procedure

173. Upon receipt of an election appeal, the Complaints and Appeal Board shall:
- a. in the case where the appeal is submitted in accordance with section 172, forward a copy together with supporting documents by registered mail to the electoral officer and to each candidate at the election; or
 - b. in the case where the appeal is not submitted in accordance with section 172, inform the appeUant(s) in writing that the appeal will not receive further consideration.

Response to the Allegations

174. Any candidate or the electoral officer may, within 14 days of the receipt of the appeal(s), forward to the Complaints and Appeal Board by registered mail a written response to the appeal allegations, together with any supporting documentation.

Investigation

175. The Complaints and Appeal Board may, if the material that has been filed is not adequate for deciding the validity of the election complained of, conduct such further investigation into the matter as the Board deems necessary.

Decision

176. After a review of all of the evidence that it has received, the Complaints and Appeal Board shall rule:
- a. that the evidence presented was not sufficiently substantive to determine that:
 - i. a violation of this code has taken place that might have affected the result of the election;
 - ii. the person declared elected was not qualified to be a candidate; or
 - iii. there was a corrupt or fraudulent practice in relation to the election that might have affected its results, and dismiss the appeal; or
 - b. that all evidence and information gathered allows for the reasonable conclusion that:
 - i. a violation of this code has taken place that might have affected the result of the election;
 - ii. the person declared elected was not qualified to be a candidate; or
 - iii. there was a corrupt or fraudulent practice in relation to the election that might have affected its results, and uphold the appeal by setting aside the election of one or more council members.
177. The decision of the Complaints and Appeal Board made pursuant to the preceding section shall be:
- a. published in the community's newsletter, which is mailed to first nation members, or in a separate written notice delivered or mailed to all first nation members; and
 - b. posted in at least one conspicuous place on the Gwa-Yee Reserve.
178. The decision of the Complaints and Appeal Board is final and not subject to appeal.

PART 16 -REMOVAL OF COUNCIL MEMBERS FROM OFFICE

179. The Chair or a councillor may be removed from Office and be prevented from running for office for 6 years if he or she:
- a. violates this code, his or her oath of office or the Code of Ethics;
 - b. fails to attend three consecutive regular meetings of council without being reasonably excused from attendance by a quorum of the council;
 - c. fails to maintain a standard of conduct expected of a member of council;
 - d. has been convicted of an indictable offence since his or her election, other than an offence committed in the furtherance of aboriginal title and rights;
 - e. accepts or offers a bribe, forges a council document or otherwise acts dishonestly in his or her role;
 - f. is negligent in failing to ensure the safety and protection of the community's members and property;
 - g. abuses his or her office such that the conduct brings the community or council into disrepute;
 - h. encourages others to commit any of the above acts or omissions; or
 - i. engages in such other conduct as may be determined by council to be of such a serious nature that the removal is necessary and appropriate.

Procedure

180. Proceedings to declare a person ineligible to continue to hold the Office of Chair or councillor shall be initiated by:
- a. any elector submitting to the Complaints and Appeal Board a petition on which shall appear:
 - i. the ground pursuant to the preceding section on which removal of a Chair or councillor is sought;
 - ii. the evidence in support of the petition;
 - iii. the signature of the petitioner;
 - iv. the signatures of at least 25% of all eligible electors of the first nation in support of the petition; and
 - v. a non-refundable filing fee of \$50;

- b. a majority of council passing a council resolution and submitting a petition to the Complaints and Appeal Board on which shall appear:
 - i. the ground pursuant to the preceding section on which removal of a Chair or councillor is sought;
 - ii. the evidence in support of the resolution; and
 - iii. the signatures of all council members who voted for the removal.
- 181. On receipt of a petition, the Complaints and Appeal Board shall verify that the petition complies with subsection 180(a). If the petition does not comply, the Complaints and Appeal Board shall so notify the petitioner(s).
- 182. In a case where the petition complies with subsection 185(a), the Complaints and Appeal Board shall:
 - a. determine that the grounds put forth in the petition are either frivolous III nature or unsubstantiated, and dismiss the petition; or
 - b. schedule a review hearing, which shall take place within 20 days from the date on which the petition was submitted to the board.
- 183. In a case where the petition has been dismissed under the preceding section, the Complaints and Appeal Board shall so inform the petitioner(s) in writing and provide a rationale.
- 184. In a case where the Complaints and Appeal Board schedules a hearing under subsection 180(b), the Board shall send a written notice of the hearing by registered mail to council, the petitioner(s) and the Councillor who is the subject of the petition for removal.
- 185. The written notice described in the preceding section shall set out:
 - a. the nature of the hearing and all related particulars;
 - b. the date, time and location of the hearing; and
 - c. a statement that the petitioner(s), any member of council including the councillor who is the subject of the petition for removal may, at the hearing, make a presentation to the Board, which may include the presentation of documents and testimony by witnesses.
- 186. The Complaints and Appeal Board shall conduct a hearing at the time and place set out in the notice provided under section 184.
- 187. Within 5 days of the day on which the hearing under the preceding section IS held, the Complaints and Appeal Board shall rule:
 - a. that the petition shall be allowed to stand, and declare the council position of the member of council who is the subject of the petition to be vacant; or
 - b. that the petition is dismissed.
- 188. The Complaints and Appeal Board shall send, by registered mail, a written notice of the ruling made under the preceding section to council, the petitioner(s) and the council member who is the

subject of the petition for removal; or where necessary, or where the opportunity exists, a hand delivered notice is acceptable.

189. The decision of the Complaints and Appeal Board made under section 187 is final and binding upon all parties.
190. If the council position is declared vacant under subsection 187(a), the Chair or councillor removed from office shall be disqualified from being a candidate for (6) six years commencing on the date of the Board's ruling.

By-election

191. Unless otherwise provided in this code, in the event that the office of Chair or councillor becomes vacant, a by-election shall be held within 90 days after the date on which the position is declared vacant.
192. No by-election shall be held if there are less than 6 months remaining in the term of the council member whose office has become vacant, except where a by-election is necessary to have sufficient council members to maintain a quorum.
193. No sitting council member is eligible to be a candidate in a by-election. If a council member wishes to be a candidate in a by-election, he must resign his council position prior to the nomination meeting for the by-election.
194. Except as expressly provided otherwise in this code, the rules and procedures in this code shall apply to by-elections.

PART 17 -AMENDMENTS

195. The process for development and passage of amendments to this code may be initiated by:
 - a. a petition presented to council, signed by at least 25% of all eligible electors and setting out the specific area in this code proposed for amendment; or
 - b. a council resolution.
196. Upon receipt of an amendment proposal in accordance with the preceding section, council shall prepare a notice that sets out:
 - a. a summary of the proposed amendments to this code;
 - b. a statement that the full copy of the proposed amendments can be obtained at the DFN administration office; and
 - c. a description of the amendment process.
197. The notice provided for in the preceding section shall be:
 - a. published in the community newsletter delivered or mailed to DFN electors, or by separate notice delivered or mailed to all DFN electors; and
 - b. posted in at least one conspicuous place on the Gwa-Y ee Reserve.
198. Electors may, within 14 days of publication of the notice outlined III section 197, provide comments concerning the proposed amendments in writing to council.
199. Following receipt of comments concerning the proposed amendments pursuant to the preceding section, the council shall review the comments and make such changes to the proposed amendments as they deem necessary in order to arrive at a final amendment proposal.
200. Elections held under the amended code shall take place no sooner than 100 days from it being passed.

APPENDIX A

Dzawada'enuxw First Nation Election Code

CODE OF ETHICS AND CONDUCT FOR ELECTED
CHAIRMAN AND COUNCILLORS

The Code of Ethics and Conduct is intended to be a guideline for general conduct, and it is expected that it will be respected by all members of Council.

1. The primary responsibility for all members of Council shall be to serve all members of the Dzawada'enuxw First Nation.
2. The members of Council shall at all times refrain from undertaking illegal acts, including trafficking in drugs and/or alcohol.
3. The members of Council shall treat all members of the DFN with fairness and equality when conducting the business of the DFN.
4. The members of Council shall speak, act and deal respectfully and in a dignified manner with each other, employees and community members, always being mindful of one's individual rights and sensibilities; for example not using foul or abusive language with another Councillor, employee or community member.
5. The members of Council shall maintain at all times the integrity and dignity of the Council and all its programs and employees.
6. The members of Council shall conform at all times to the authority and jurisdictional structures of the Council.
7. The members of Council shall be honest and forthright in their dealings with fellow Councillors, employees and community members.
8. The members of Council shall utilize their time and the DFN finances in the most effective and efficient manner possible.
9. The members of Council shall maintain as confidential all DFN business which the Council determines is confidential, for as long as the Council determines it to be so.
10. The members of Council shall recognize that their relationships with fellow Councillors and employees are privileged and must not be exploited for private advantage.
11. The members of Council shall not issue public statements as being the Council's "opinion" without having the prior approval from the Council of the DFN.
12. The members of Council shall not publicly criticize employees or the policies of the DFN council.
13. The members Council shall avoid conflict of interest situations.

The members of Council shall promote traditional cultural values.

APPENDIX B

Dzawada'enuxw First Nation Election Code

OATH OF OFFICE

For:

COUNCIL CHAIR AND COUNCILLORS STATEMENT OF OATH:

As a member of the Council acting on behalf of the Dzawada'enuxw First Nation, I agree to uphold the attached Code of Ethics and Conduct as well as the Code of Ethics as set out in the Dzawada'enuxw First Nation Election Code and the policies as set out in the DFN Council Policy Manual and DFN Personnel Policies.

I, _____ do hereby swear that, as a newly elected representative of the Dzawada'enuxw First Nation holding the position of Chair __ or Councillor __, I will do my utmost to carry out the duties of my office conscientiously, loyally and honestly.

I will work to the best of my ability. I will maintain confidentiality in the matters entrusted to me by the council, remembering that my primary duty is to serve the Membership of the Dzawada'enuxw First Nation.

These things I do solemnly swear to uphold, throughout my term of elected office as Chair or Councillor of the Dzawada'enuxw First Nation.

Signature

Date

Print Name

Signature of Witness

Date

Print Name

APPENDIX C

Dzawada'enuxw First Nation Election Code

OATH OF OFFICE

For:**ELECTORAL OFFICER / DEPUTY ELECTORAL OFFICER****STATEMENT OF OATH; As Sworn to the DFN Council:**

The electoral officer *I* deputy electoral officer is responsible for managing and executing all preelectoral, electoral and post-electoral processes and procedures included in this code. As the electoral officer *I* deputy electoral officer:

I agree to:

- a. uphold and abide by the rules and regulations established in this code and pursuant to the Code of Ethics;
- b. remain neutral and professional in the conduct of the duties of my office, and refrain from providing any preferential treatment or expressing support for or opposition to any candidate;
- c. not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or nonpublic information;
- d. not discriminate against anyone because of race, religion, sex, age or handicap;
- e. use public office facilities to fulfill the terms of my office, and not for personal or partisan benefit;
- f. not pressure or intimidate other officials or personnel to favour a certain candidate; and
- g. avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where I may have a personal or private interest in the matter at issue.

I do hereby solemnly swear to fulfill to the best of my ability the duties of my position with the Dzawada'enuxw First Nation. I acknowledge that I have a responsibility, first and foremost, to the Dzawada'enuxw First Nation. I agree to fulfill my obligations and responsibilities in accordance with the Dzawada'enuxw First Nation Election Code.

Signature

Date

Print Name

Signature of Witness

Date

Print Name

APPENDIX D

Dzawada'enuxw First Nation Election Code

GUIDELINES AND REGULATIONS FOR THE DFN MEMBERS

All Dzawada'enuxw First Nation (DFN) Members have a responsibility to the Dzawada'enuxw First Nation. It is very important for DFN Members to carry out the following responsibilities:

- a. Nominate the best people for the position of Chair and councillors and or family representatives to speak for them.
- b. Vote for the people of choice that have the ability, knowledge and an ethic of fairness in making decisions.
- c. Attend DFN meetings to keep updated and properly informed of DFN matters
- d. Make the Governing Body and Administration accountable in a constructive way, for decisions they have made or actions they have taken which are of concern.
- e. Members shall bring concerns to the attention of their family representative and then the DFN Governing Body, either as a delegate or individual. A summary of the concern and response will be forwarded to the family representative if the concern was brought to the attention of the Council as opposed to the family representative.
- f. Be willing to participate in a meaningful and productive manner at the community level and ask questions and bring solutions.
- g. Read minutes of the DFN meetings, newsletters and financial statements.
- h. Keep the office informed of current addresses, phone numbers and / or emails or DFN members.

This is the foundation of future leadership.

APPENDIX E

Dzawada'enuxw First Nation Election Code

ELDERS & YOUTH ROLES AND RESPONSIBILITIES

Elders mean any DFN member of 55 years of age and older; male or female.

Youth means any DFN member of 19 to 30 years of age; male or female.

Elders / Youth Representatives to Attend DFN Meetings

The Dzawada'enuxw First Nation (DFN) Elders / Youth living in Gwa-ye-e village, who normally attend the elders/youth meetings that are held, are invited to attend and participate in an advisory capacity at the DFN Council meetings.

One Elder / Youth is invited to each session on a rotational basis.

If the Elder / Youth are unable to attend a meeting they should contact the next Elder / Youth on the list to attend the meeting.

A list will be distributed to each of the Elders / Youth outlining the dates of the meeting and the names of the Elders attending each meeting.

The Elder / Youth will be paid an Honorarium for attending their scheduled meetings.

Elder Representative at MTTC Meetings:

From time to time the DFN shall appoint an elder to represent the DFN at the Musgamagw Dzawada'enuxw Tribal Council level. This will be done on a rotational basis depending on the interest by the Elders.

If the representative is unable to attend a meeting (s) he / she will appoint another DFN Elder as his / her alternate.

The DFN representative will be paid an honorarium to attend the MTTC meetings by the MTTC.

Rules of Conduct:

As a representative, the Elder / Youth are required to abide by the DFN policies.

APPENDIX F

Dzawada'enuxw First Nation Election Code

OATH OF OFFICE

For:

COMPLAINTS AND APPEAL BOARD STATEMENT OF OATH

As Sworn to the DFN Council:

The Complaints and Appeal Board is responsible for managing and executing all election appeals and all petitions for the removal of a council member from office.

I agree to:

- a) uphold and abides by the rules and regulations established in Dzawada'enuxw First Nation Election Code.
- b) remain neutral and professional in the conduct of the duties of my office, and refrain from providing any preferential treatment or expressing support for or opposition to any candidate;
- c) not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information;
- d) not discriminate against anyone because of race, religion, sex, age or handicap;
- e) use public office facilities to fulfill the terms of my office, and not for personal or partisan benefit;
- f) not pressure or intimidate other board members; and
- g) avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where I may have a personal or private interest in the matter at issue.

I do hereby solemnly swear to fulfill to the best of my ability the duties of my position with the Dzawada'enuxw First Nation. I acknowledge that I have a responsibility, first and foremost, to the Dzawada'enuxw First Nation. I agree to fulfill my obligations and responsibilities in accordance with Dzawada'enuxw First Nation Election Code.

Signature

Date

Print Name

Signature of Witness

Date

Print Name