



GWA'SALA - 'NAKWAXDA'XW NATIONS CUSTOM ELECTION CODE

(Dated for reference September 9, 2021)

Table of Contents

1 INTRODUCTION	4
1.1 EFFECTIVE DATE	4
1.2 DEFINITIONS AND INTERPRETATION	5
2 GENERAL ELECTION AND COUNCIL INFORMATION.....	8
2.2 FIRST OFFICIAL MEETING.....	8
2.3 COUNCIL SIZE AND COMPOSITION	8
2.4 TERM OF OFFICE.....	9
2.5 TERM OF OFFICE AFTER A BY-ELECTION.....	9
2.6 EXTENSION OF TERM OF OFFICE.....	9
3 TIMING OF ELECTIONS.....	9
4 ELIGIBILITY OF VOTERS.....	10
5 ELIGIBILITY OF CANDIDATES.....	10
5.1 CHIEF COUNCILLOR	10
5.2 COUNCILLOR	11
6 APPOINTMENT OF ELECTORAL OFFICE / ASSISTANT.....	12
7 VOTERS LIST AND CONTACT ADDRESSES	12
8 NOTICE OF NOMINATION MEETING	13
9 NOMINATION MEETING.....	14
10 CANDIDATE ACCEPTANCE & DECLARATION FORM AND BIOGRAPHICAL PROFILE.....	14
11 ACCLAMATION	15
12 CANDIDATE WITHDRAWAL.....	16
13 DECLARATION OF ELECTION	16
14 NOTICE OF ELECTION.....	16
15 BALLOT PREPARATION	16
16 VOTING BY PROXY.....	17
17 ELECTRONIC VOTING	17
18 VOTING PROCEDURES	19
19 CLOSE OF THE POLL/ COUNTING OF VOTES	21
19.1 CLOSE OF THE POLL.....	21
19.2 RECOUNT PROCEDURE	21
19.3 TIE VOTE PROCEDURE.....	21

20 ELECTED CANDIDATES 22

 20.1 CHIEF COUNCILLOR 22

 20.2 COUNCILLOR 22

 20.3 NOTICE OF OUTCOME 22

21 DISPOSITION OF BALLOTS 22

22 ELECTION APPEALS 23

23 VACANCIES 25

24 REMOVAL FROM OFFICE 25

25 BY-ELECTIONS 28

26 AMENDMENTS 28

27 POSTPONEMENT OF NOMINATION MEETING, BAND ELECTION OR AMENDMENT VOTE 29

APPENDIX A – OATH OF OFFICE 30

APPENDIX B – CONFLICT OF INTEREST GUIDELINES 31

APPENDIX C – CODE OF ETHICS GUIDELINES 32

APPENDIX D – CANDIDATE NOMINATION & ACCEPTANCE FORM 33

APPENDIX E - PROXY VOTING FORM 33

1. INTRODUCTION

- A. The Gwa'sala and the 'Nakwaxda'xw Nations have lived in our traditional territories on the coast for thousands of years.
- B. Historically, and before the forced relocation and amalgamation of the Nations by the Department of Indian Affairs, the Gwa'sala and the 'Nakwaxda'xw Nations governed ourselves through our own traditional governance systems.
- C. Our identity was maintained through membership in our 'namimā. Each 'namimā was composed of the descendants of the First Ancestors, as well as those who married in, or were adopted. Each 'namimā was governed by our **Xamagame' Gi'gigame'** (The Hereditary Chiefs holding the seats established by the direct descendants of the First Ancestor of each 'namimā) and the **Gi'gigame'** (others of Chiefly rank, but not in the same rank as the Xamagame' Gi'gigame'). Historically these seats were all passed from generation to generation, and the seat holders were groomed from birth to take on the responsibilities of caring for the people, the land, the resources. As opposed to a hierarchical European view on leadership, our chiefs were the servants of their people and lands and committed to their care, and protection.
- D. Despite the attempts of the Indian Act, Residential Schools, and other government forms of colonization and assimilation, our Traditional Leadership system has endured, despite great hardships and harm done to our communities.
- E. The Traditional Leadership has a right and responsibility to make decisions about our traditional territories, resources, and the wellbeing of the people.
- F. This historic and ongoing form of government flows from our Creator and is our inherent right and responsibility as the Gwa'sala-'Nakwaxda'xw Nations, which we exercise, in part, through Traditional Leadership working with the elected Council to make decisions for the betterment of our community.
- G. The Gwa'sala-'Nakwaxda'xw Nations have an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*.
- H. The elected Gwa'sala-'Nakwaxda'xw Chief and Council ("**Council**") acknowledges the authority of Traditional Leadership and the role of the Hamatsa Society and consults with the Traditional Leadership for wisdom and guidance in determining the steps needed to protect our traditional practices, history, language, Elders, 'Ni'nogaad, and all present and future generations.
- I. The Gwa'sala-'Nakwaxda'xw Nations seek to ensure that the role of our Traditional Leadership is restored to prominence, in partnership with the democratically elected Council. The elected Council will work with staff and the Traditional Leadership to have more discussions and set out in

a constitution, amendments to the Election Code or elsewhere, the roles and responsibilities and how we all work together.

EFFECTIVE DATE

- 1.1 This Election Code will supersede all previous election codes and continue Gwa'sala-'Nakwaxda'xw's authority to carry out elections under our own Code and not under the *Indian Act*. It may be amended from time to time, in accordance with the Amendment provisions set out below.

DEFINITIONS AND INTERPRETATION

- 1.2 In this Election Code:

Appeals Committee	The Appeals Committee consisting of three (3) non-partisan individuals who will review any appeal related to the Election, appointed under subsection 23.3.
Amendment Vote	A vote held in accordance with the Rules to seek community approval for amendments to this Election Code.
Band Member	A person whose name appears on the Band Membership List.
By-election	A special election to fill a Council position.
Candidate	A nominee who has satisfied the requirements for inclusion on the ballot pursuant to this Election Code.
Candidate Acceptance & Declaration Form	The document which confirms a nominee's acceptance of the nomination and confirms his or her eligibility to run for Council in accordance with this Election Code.
Chief Councillor	The Candidate elected to Council as Chief Councillor pursuant to this Election Code.
Council	The governing body of GNN elected pursuant to this Election Code, comprised of a Chief Councillor and eight (8) Councillors (Collectively, the "Council Members").
Councillors	The eight (8) Candidates elected to Council as Councillors pursuant this Election Code.
Cultural and	

Professional Training	Experience, education or training or a commitment to learn Gwa'sala and 'Nakwaxda'xw traditions and culture, in the Gwa'sala or 'Nakwala language, governance, administration, the trades, technical, or other vocational studies and includes training from Elders or 'Ni'nogaad, apprenticeships, internships, post-secondary, and other personal or professional development.
Day	Unless otherwise explicitly stated means calendar day.
Election	An Election or By-Election held according to this Election Code.
Electoral Assistant	A person appointed by the Electoral Officer to assist him/her.
Electoral Officer	The person appointed by Council for the purposes of administering an Election, By-Election or Amendment Vote in accordance with this Election Code.
Electronic Voting	Casting a ballot via the internet or other electronic means using an Electronic Voting Platform.
Electronic Voting Platform	A secure web-based database with an automatic tracking and numbering system which allows Electors to cast electronic ballots and stores those ballots for verification and counting by the Electoral Officer and Assistant.
Good Financial Standing	A person who is not behind or in default on their payments for housing to GN.
GNN	Gwa'sala-Nakwaxda'xw Nations, including the <i>Indian Act</i> Bands.
Hamatsa Society	Includes a traditional body whose responsibilities include maintaining peace and good order in the GNN community and enforcing traditional laws and protocols in ways that are consistent with GNN traditional cultural practices.
Immediate Family	A person's parents, spouse, child(ren), sibling(s) and grandparents.
Nominee	An elector who is nominated and seconded at a Nomination Meeting in accordance with this Election Code.
Nomination Form	The document on which Voters unable to attend the Nomination Meeting in person may nominate eligible persons.
Nomination Meeting	A meeting held in accordance with this Election Code for the purpose of nominating eligible persons for an election.
Notice of Amendment	The notice provided in accordance with this Election Code.

Vote	Election Code, which includes information related to an upcoming Amendment Vote.
Notice of an Election	The notice provided in accordance with this Election Code, which includes information related to an upcoming Election.
Poll	The casting and recording of votes in accordance with this Election Code.
Polling Site	The location of the Poll where voting takes place.
Reserve	Tsulquate Indian Reserve #1.
Scrutineer	Is an individual appointed in writing by the Electoral Officer to observe voting and counting procedures during an Election.
Traditional Leadership	Includes the traditional governance systems of the Gwa'sala-'Nakwaxda'xw Nation and includes the Xamagame' Gi'gigame' and the Gi'gigame' and may include matriarchs.
Vice Chief	The individual appointed under section 6 to fill in for or support the Chief Councillor.
Voter	A Gwa'sala-'Nakwaxda'xw Member Band Member who is at least eighteen (18) years old or will be 18 years old by the date of the election.
Voters List	An alphabetical list of Voters eligible to vote in an Election. This list also includes the Electoral Officer's name, business address, email address, business telephone and facsimile number.

2. VARIANCES OR ALLOWANCES FOR EMERGENCIES

2.1 The Electoral Officer may make reasonable variances or allowances to the provisions of this Election Code to deal with emergency situations including health or safety risks, provided that no such measures disadvantage any specific electors or candidates or types of electors or candidates.

- (a) An example of a measure that may disadvantage electors or candidates is a nomination or voting process that is solely on-line if not all electors or candidates have access to computers and the internet.

2.2 Without limiting subsection 2.1, the Electoral Officer may provide options for:

- (a) Electronic Voting,
- (b) Meetings, including nomination meetings, to be held by video, and
- (c) Nominations or voting to be held by a combination of e-nominations, mail-in nominations and other processes.

3. GENERAL ELECTION AND COUNCIL INFORMATION

Term of Office and Commencement and End of Term

- 3.1 Subject to the provisions of this Code, the term of office for Chief and Councillors shall be approximately three (3) years.
- 3.2 Except with respect to a By-election held in accordance with section 26, the Election for Chief and Councillors shall generally be held on the first Wednesday of April in the year their term of office expires.
- 3.3 Prior to taking office after an election, elected candidates must take an oath of office at a swearing-in ceremony. The swearing-in of the Chief and Councillors shall take place at a community event or open Council meeting, preferably within a week and not later than 45 (forty-five) days after being elected.

First Official Council Meeting

- 3.4 The Council elected pursuant to this Election Code shall formally take office at its first meeting after all the Councillors have sworn their oath office, preferably within one week of the Election. Notice of the first meeting shall be provided to all members of Council, including each newly elected member of the Council.
- 3.5 At the first official meeting, any Chief Councillor and each Councillor who has not yet done so, shall swear or affirm the Oath of Office and sign the Conflict of Interest and Code of Ethics Guidelines, attached as **Appendices 'A', 'B', and 'C'**, respectively.
- 3.6 The term of office for Chief and Councillors commences for each successfully elected candidate at the date and time the successful elected candidate has sworn their oath of office after the Electoral Officer publicly declares the results of the Election under subsections 12.1, 12.2, 20.6, 20.7 or 21.3.
- 3.7 Subject to any vacancy arising under these Regulations or any removal from Council in accordance with these Regulations, the term of office for each Chief or Councillor expires upon the Council members in the next Election swearing their oath of office according to subsections 3.3 and 3.4.
- 3.8 The first Election for Council pursuant to this Election Code shall be called at least 30 (thirty) days prior to the expiry of the term of office of the current Council.

COUNCIL SIZE AND COMPOSITION

- 3.9 The Council shall consist of 1 (one) Chief Councillor and 8 (eight) Councillors, one of which Councillors will also be appointed as Vice Chief.

TERM OF OFFICE

3.10 The term of office is approximately 3 (three) years.

TERM OF OFFICE AFTER A BY-ELECTION

3.11 If a Candidate is elected as Chief Councillor or Councillor pursuant to a By-Election, s/he shall hold office for the remainder of the term associated with the Council position s/he was elected to fill.

EXTENSION OF TERM OF OFFICE IN EMERGENCIES

3.12 If it is necessary to delay an Election due to legitimate emergencies such as a major health or safety risk, then the terms of office of those Council members whose positions are up for Election shall be extended until the next Election is concluded.

CARETAKER PERIOD

3.13 To reduce the risk of existing Council making political decisions in relation to the next election or any Council making decisions without a solid mandate from the Members, during the following time periods and situations, the Chief and Council are in a caretaker role only and cannot make any major financial, strategic, legal or policy decisions:

- (a) From the date of the nomination meeting until the new Council are sworn in, the Chief and all Councillors are in a caretaker role;
- (b) During an extension of term of office for an emergency situation, Council is in a caretaker role and may only make decisions necessary to continue operations of Gwa'sala-'Nakwaxda'xw and programs, services and administration; and
- (c) From the time of the election until all of the new Councillors are sworn in, any Councillors who were not re-elected but remain in office are in a caretaker role.

4. TIMING OF ELECTIONS

Staggered Elections

4.1 In order to maintain continuity, elections shall be held every 3 (three) years for a number of 5 (five) or 4 (four) Council positions depending on the number of positions that are up for election in a given year. For greater certainty:

- (a) the election cycle starting in 2021 shall include the Chief Councillor and 4 (four) Councillors;
- (b) the remaining 4 (four) Councillors will be deemed to have a term that expires at the next election in 2022 and will be up for election in April, 2022; and

- (c) in following years, there will be an election for:
- (i) the Chief Councillor and the 4 (four) Councillors elected in the 2021 election, in 2024 and every 3 (three) years following; and
 - (ii) the 4 (four) Councillors elected in the 2022 election, in 2025 and every 3 (three) years following.

5. ELIGIBILITY OF ELECTORS

- 5.1 In order to be entitled to nominate and vote in an Election, a person must be, as of the date of the Nomination Meeting:
- (a) 18 (Eighteen) years of age or older;
 - (b) A registered Band Member; and,
 - (c) On the Voters List.

6. ELIGIBILITY OF CANDIDATES

Councillor

- 6.1 A Candidate for the office of Chief or Councillor must:
- (a) Have been properly nominated to be a Candidate pursuant to this Election Code;
 - (b) Be the full age of 18 (eighteen) years or older on or before the day on which the Election is held;
 - (c) Be a registered Band Member and have been a registered Band Member for a period of at least 12 (twelve) months immediately preceding the Election;
 - (d) Not have outstanding criminal charges and, if convicted previously, must have completed the sentence prior to the date of the Election, unless s/he provide proof of an official pardon;
 - (e) Must provide a Criminal Record Check at the Nomination Meeting or demonstrate they have applied for a Criminal Record Check;
 - (f) Be in Good Financial Standing with GNN and GNN entities.
 - (g) Have signed the Candidate Acceptance and Declaration Form attached as **Appendix 'D'**;
 - (h) In order to be connected to GNN Territory and not to generate significant travel expenses for GNN, live within GNN Territory or the Mount Waddington Regional District;
 - (i) Agree that any travel to Council meetings will be the responsibility of individual, if they live off-reserve;

- (j) Have furthered their personal, Cultural and Professional Training and professional development through post-secondary studies, or other Professional Training or commit to take further training including governance, cultural and related training offered by GNN to Councillors;
- (k) Be nominated for one position on Council, either Chief Councillor or Councillor, not both;
- (l) Provide a one-page biographical profile confirming his or her Cultural and Professional Training, educational and professional qualifications and other experience; and
- (m) Not have violated this Election Code within the last five (5) years.

6.2 A Candidate who is an existing Council Member and wishes to run for the Chief Councillor position must resign their position as a Council Member at the Nomination Meeting.

- (a) In order to be fair to Council members in both parts of the staggered election terms, a Councillor who resigns their Council seat to run for Chief will be on paid leave until the election date unless they are required to vote on a specific Council matter to achieve a quorum.
- (b) The seat of a Council member who resigns to run for Chief will be held open for them pending the election result.

Employees of GNN

6.3 An individual who is an employee or contractor of GNN is eligible to be a Candidate for the office of Chief or Councillor provided that their work does not place them in a conflict with their role as Chief or Councillor if elected.

- (a) A Chief or Councillor cannot be their own boss or work in a conflict of interest situation. If a Candidate is elected and risks being in a position where they are their own boss or in an employment or contracting conflict of interest, they must:
 - (i) resign their elected position;
 - (ii) resign or go on leave from their employment or contracting situation; or
 - (iii) work with Council and administration and follow GNN policies to move or redefine their employment or contract situation to remove any potential conflicts of interest.

Chief Councillor

6.4 A Candidate for the office of Chief Councillor can only let their name stand for one position as Chief Councillor and cannot be a candidate for both a Chief Councillor and Councillor position.

6.5 A Candidate who is an existing Council Member and wishes to run for the Chief Councillor position must resign their position as a Council Member after they have been nominated at the Nomination Meeting.

Vice Chief

- 6.6 Subject to subsection 6.7, Council shall select, by a Council vote, a Councillor to be Vice Chief after each regularly scheduled election, taking into account:
- (a) the Councillors with the highest number of votes in the two most recent elections;
 - (b) expressions of interest from any Council; and
 - (c) the suitability and availability of candidates.
- 6.7 Despite subsection 6.6, Council may appoint a different Councillor as Vice Chief by a Band Council Resolution at any time it is necessary to do so.
- 6.8 The Vice Chief shall stand in for the Chief Councillor when the Chief Councillor is not available or carry out such roles as may be directed by the Chief or Council in accordance with this Code and GNN laws and policies.

7. APPOINTMENT OF ELECTORAL OFFICE / ASSISTANT

- 7.1 The Council shall appoint an Electoral Officer at least ninety (90) days prior to an Election.
- 7.2 An Electoral Assistant shall be appointed by GNN to assist the Electoral Officer and shall work under his or her direction.
- 7.3 The Electoral Officer and the Electoral Assistant shall conduct themselves in an absolutely impartial manner and must resign their positions if there is a conflict of interest in respect of their relationship with any Candidate. In the event of the resignation of the Electoral Officer, Council shall immediately appoint a replacement. In the event of the resignation of the Assistant, the Electoral Officer shall immediately appoint a replacement.
- 7.4 The Electoral Officer and the Electoral Assistant shall not be members of Council, Nominees or Candidates in the Election, nor shall they be related by marriage or be members of the Immediate Family to any Candidate.
- 7.5 For greater certainty, whether a conflict of interest exists in respect of the Electoral Officer, shall be interpreted in accordance with **Appendix 'B'**.
- 7.6 The Electoral Officer shall not be entitled to vote in an Election.

8. VOTERS LIST AND CONTACT ADDRESSES

- 8.1 The Band Membership Clerk shall provide the Electoral Officer, within 7 (seven) days of his or her appointment, with the names, Band Membership number and date of birth of all Band Members who will be at least 18 (eighteen) years of age on the date of the Nomination Meeting.

- 8.2 The Band Membership Clerk shall provide the Electoral Officer, within 7 (seven) days of his or her appointment, with the last known addresses, where available, of those Voters who do not reside on the Reserve.
- 8.3 After an Election, the Electoral Officer shall provide the Band Membership Clerk with any updated addresses for non-resident Voters received during the course of the Election.
- 8.4 Prior to the posting of the Notice of Nomination Meeting, the Electoral Officer shall prepare a Voters List containing the names, in alphabetical order, of all Voters.
- 8.5 The Electoral Officer shall post one or more copies of the Voters List in a noticeable place on the reserve, on the Gwa'sala-'Nakwaxda'xw Nation Website, if possible, and in any other location deemed appropriate by the Electoral Officer.
- 8.6 Any Voter may apply to the Electoral Officer to have the Voters List revised on the grounds that the name of a Voter set out therein is incorrect, or that a Voter name has inadvertently been added or omitted.
- 8.7 If the Electoral Officer is satisfied, on reasonable grounds, that the Voters List should be corrected, then the Electoral Officer shall make the necessary correction.
- 8.8 Neither GNN nor its staff or Members, nor the Electoral Officer shall be liable for any claims, losses or damages resulting from the deletion or addition of an individual's name to the Voters List.

9. NOTICE OF NOMINATION MEETING

- 9.1 When an Election is to be held, the Electoral Officer shall post a Notice of Nomination Meeting pursuant to this Election Code.
- 9.2 The Notice of Nomination Meeting shall contain, at a minimum, the following information:
- (a) The date, time, duration and location on the Reserve of the Nomination Meeting;
 - (b) The name, phone number and any other contact information of the Electoral Officer; and
 - (c) The internet address for the GNN website.
- 9.3 The Notice of Nomination Meeting shall be posted:
- (a) at least fifteen (15) days prior to the date of the Nomination Meeting; and
 - (b) in one or more noticeable places on the Reserve, on the GNN website, Facebook and any other locations that the Electoral Officer deems appropriate.

- 9.4 It is the responsibility of each Voter residing off-Reserve to keep the Electoral Officer informed of his or her address and any change in address.

10. NOMINATION MEETING

- 10.1 A Nomination Meeting for an Election shall be held on the Reserve at least fourteen (14) calendar days before the date of the Election. A Voter may nominate an eligible person in writing by completing a Mail-In Voter Declaration to Nominate Form and a Mail-in Nomination Form and ensuring receipt by the Electoral Officer prior to the start of the Nomination Meeting.
- 10.2 At the scheduled time, the Electoral Officer shall declare the Nomination Meeting open for the purpose of receiving nominations, and shall manage and conduct the meeting.
- 10.3 All Voters present at the Nomination Meeting shall sign the record of attendance.
- 10.4 The Electoral Officer shall keep the Nomination Meeting open for a period of no more than four (4) hours and nominations shall cease at the closing time as directed by the Electoral Officer.
- 10.5 The Electoral Officer shall maintain order at all times during the Nomination Meeting and may cause to have removed any person who, in his or her opinion, is disrupting or otherwise interfering with the proceedings.
- 10.6 Each nomination must be moved by a Voter and seconded by another Voter, but a Voter may not nominate or second him or herself.
- 10.7 A nomination that has not been seconded prior to the closing of the Nomination Meeting shall not stand.
- 10.8 Prior to the close of the Nomination Meeting, the Electoral Officer will confirm the eligibility of each Nominee by verifying that his or her name appears on the Voters List.
- 10.9 The Electoral Officer shall post the list of Nominees as soon as possible after the conclusion of the Nomination Meeting.

11. CANDIDATE ACCEPTANCE & DECLARATION FORM AND BIOGRAPHICAL PROFILE

- 11.1 No later than forty-eight (48) hours after the close of the Nomination Meeting, the Electoral Officer will attempt to notify each Nominee and hand deliver, fax or otherwise deliver to each Nominee, the Candidate Acceptance & Declaration Form.
- 11.2 If the Electoral Officer is, after making all reasonable inquiries, unable to notify a Nominee of his or her nomination within the required forty-eight (48) hours, that person's name shall be struck from the list of Nominees.

- 11.3 Nominees who wish to be considered for candidacy shall:
- (a) Complete in full and have sworn the Candidate Acceptance & Declaration Form;
 - (b) Provide a Criminal Record Check or evidence they have applied for a Criminal Record Check;
 - (c) Provide the biographical profile; and
 - (d) Provide all the information to the Electoral Officer, no later than three (3) days after receiving the Candidate Acceptance & Declaration Form from the Electoral Officer.
- 11.4 Once a Nominee provides a duly executed Candidate Acceptance & Declaration Form and the biographical profile to the Electoral Officer, the Nominee becomes a Candidate and his/her name will be included on the Ballot.
- 11.5 Candidate Acceptance & Declaration Forms and the biographical profiles are considered filed when they are received by the Electoral Officer.
- 11.6 Nominees who do not file the Candidate Acceptance & Declaration Form and biographical profiles within the prescribed time will be deemed to have declined their nomination.
- 11.7 Following the expiration of time for filing the Candidate Acceptance & Declaration Form and biographical profile , the Electoral Officer will post the list of Candidates for each Council position.
- 11.8 If, at any time prior to the Election, the Electoral Officer determines that a Candidate does not meet the qualifications as set out in this Election Code, the Electoral Officer shall disqualify the Candidate.
- (a) If there is time, the Electoral Officer will remove the name of any disqualified candidate from the voting ballots. If there is not time, the name of the disqualified candidate will remain on the ballots but votes for that candidate will not be counted.

12. ACCLAMATION

- 12.1 In the event that only one Candidate for Chief Councillor satisfies the requirements of section 11, the Electoral Officer shall declare the Candidate to be duly elected by acclamation.
- 12.2 In the event that there are only as many Candidates for Councillor positions as there are vacancies, and who satisfy the requirements of section 11, the Electoral Officer shall declare those Candidates to be duly elected by acclamation.

13. CANDIDATE WITHDRAWAL

- 13.1 A Candidate may withdraw at any time after filing his/her Candidate Acceptance & Declaration Form, by filing with the Electoral Officer a written withdrawal of his/her candidacy, signed by the Candidate in the presence of the Electoral Officer or a commissioner for taking oaths, and if said withdrawal is provided after preparation of the Ballots, any votes cast for any such Candidate shall be null and void.
- 13.2 Notice of any withdrawals received by the Electoral Officer will be posted at the Polling Site.

14. DECLARATION OF ELECTION

- 14.1 If more than the minimum required number of Nominees have satisfied the requirements and are confirmed as Candidates for the Chief Councillor or Councillor vacancies, the Electoral Officer shall declare that a Poll(s) will be held and shall state the date, time and location(s).

15. NOTICE OF ELECTION

- 15.1 A Notice of Election shall be posted as soon as possible following the close of the Nomination Meeting and at least fourteen (14) calendar days prior to the date of the Election.
- 15.2 The Notice of Election shall contain, at a minimum, the following information:
- (a) The date, time and location(s) of the Poll(s);
 - (b) The list of Candidate for Chief Councillor and Councillors;
 - (c) The Candidates' biographical profiles;
 - (d) The name and contact information for the Electoral Officer; and
 - (e) The address of the GNN Website.
- 15.3 A Notice of Election shall be posted in the following locations:
- (a) In one or more noticeable places on the Reserve, on the GNN website, Facebook and any other locations that the Electoral Officer deems appropriate; and
 - (b) Any other location that the Electoral Officer deems appropriate.

16. BALLOT PREPARATION

- 16.1 Ballots shall be prepared by the Electoral Officer and shall list the names of Candidates for Chief Councillor on one ballot and Councillors on a separate ballot, in alphabetical order (last name, given name).

17. VOTING BY PROXY

- 17.1 The Electoral Officer is accepting proxy votes on behalf of the Nation. The proxy vote forms will be located at the Band Administration Office and will be in the form set out in **Appendix 'E'** – Proxy Vote Form.
- 17.2 To be eligible to vote by proxy, a member of the Nation must:
- (a) Be in hospital or confinement;
 - (b) Be working in a camp or commercial fishing or similar occupation away from the North Vancouver Island; or
 - (c) Have a severe physical disability.
- 17.3 Proxy Votes are for electors who are ordinarily resident on reserve may be allowed to vote by proxy where they are temporarily away from home for a legitimate reason.
- 17.4 A Member wishing to vote by proxy must fill out the form in **Appendix 'E'**, place the proxy vote form into a sealed envelope and mail it or deliver it to the Electoral Officer or Assistant prior to the Election date.
- 17.5 The Electoral Officer or Assistant will mark down any valid proxy forms received and will verify the name of the nominee on them prior to allowing the nominee to vote by proxy.
- 17.6 The Electoral Officer or the Assistant will collect the proxy votes and place them immediately in the Proxy Voting Box.

18. ELECTRONIC VOTING

- 18.1 Council may request the Electoral Officer to work with a third party service provider selected by Council to offer an Electronic Voting Platform to ensure that all GNN Voters have an opportunity to vote.
- 18.2 If Council determines that an electronic voting option is necessary, the Electoral Officer shall work with Council and the third party service provider to ensure that :
- (a) the secrecy and confidentiality of individual votes is paramount;
 - (b) individual votes remain secret at all times, are encrypted, and remain strictly confidential except in relation to counting by the Electoral Officer in accordance with this Code;
 - (c) the Vote shall be fair and non-biased;
 - (d) the Electronic Voting Platform shall be accessible to all Eligible Voters who have not yet voted to enable them to vote;
 - (e) the integrity of the voting shall be maintained throughout the poll;

- (f) there is certainty that the results of the election reflect the votes cast;
 - (g) Voters shall be treated fairly and consistently;
 - (h) the Electronic Voting Platform meets the threshold of verification and due diligence for mail-in ballots;
 - (i) the Electoral Officer has the sole control over opening the Electronic Voting Platform at the beginning of voting and closing it at the close of the polls;
 - (j) the Electronic Voting Platform has the ability to generate automatic warnings to any Voter who is in the process of voting during the last five (5) minutes before the close of the polls;
 - (k) and
 - (l) the third party service provider confirms and demonstrates that the Electronic Voting Platform is secure, has protection against hacking and other interference, and has a full and frequent automatic back-up system to a mirrored or remote hard drive to ensure that no data is lost in the event of a power failure, hard-drive failure or other systems failure.
- 18.3 The Electronic Voting Platform shall be populated with the confirmed Voters List at least sixty (60) days prior to the vote.
- 18.4 The Voters List shall be a live web-based list.
- 18.5 Once a Voter casts an electronic ballot, their name shall be automatically recorded on the Voters List as having cast their electronic ballot indicating the date, time and location of the vote.
- 18.6 The Electoral Officer shall have complete administrative access to the Electronic Voting Platform to:
- (a) open and close the polls;
 - (b) view and download daily reports and detailed activity reports;
 - (c) modify, update, and view the Voters List at all times; and
 - (d) view, issue and cancel unique reference or tracking numbers.
- 18.7 Automated e-mail notifications shall be generated in real-time to the Eligible Voter and Electoral Officer of all and any activity associated with a Voter's unique reference number using the Electronic Voting Platform, including:
- (a) attempted registration and/or voting;
 - (b) completed Voter registration;
 - (c) completed voting;
 - (d) failed registration and/or vote; and
 - (e) system or communication failures, interruptions or lost data.
- 18.8 Daily detailed activity reports shall be generated and available to the Electoral Officer each day and an inventory of all reports shall be maintained and accessible on the Electronic Voting Platform.
- 18.9 At the close of the poll on the election day, the Electoral Officer shall close access to the Electronic Voting Platform, access the notification summarizing the vote results, and inventory the report to be accessible on the Electronic Voting Platform.

- 18.10 Any Voter who is in the process of voting via the Electronic Voting Platform when the poll is closing, shall receive a notification that they have five (5) minutes to complete their vote or their vote shall be suspended and not count.
- 18.11 If a Voter violates the time limitation, they are in effect ejected from the vote sequence and the poll is closed, and their vote will not count.
- 18.12 After the close of polls on the voting day, the Electoral Officer shall cause the Electronic Voting Platform to seal the electronic ballot box, and the results shall be finalized and a report generated for the Electoral Officer.
- 18.13 After receiving confirmation from the Electoral Officer that the election and all appeals have been completed, the third party service provider shall delete and wipe all data from the election.

19. VOTING PROCEDURES

- 19.1 The Electoral Officer shall procure the necessary ballot boxes, with separate boxes to hold the ballots cast for the Chief Councillor and Councillors positions.
- 19.2 The Electoral Officer or the Assistant shall, immediately before the commencement of the Poll, open the ballot boxes, and call such persons as may be present to witness that they are empty; the Electoral Officer shall then lock and properly seal the boxes to prevent them from being opened without breaking the seals and shall place them in view for the receipt of the ballots and the seals shall not be broken nor the boxes unlocked during the time appointed for taking the Poll.
- 19.3 All Elections shall be held on the Tsulquate Reserve unless prevented by flooding or other emergencies, but may be supplemented by mail-in and electronic voting.
- 19.4 Every person in attendance at the Polling Site or at the counting of the votes shall maintain and aid in maintaining the orderliness and secrecy of the voting.
- 19.5 No person shall interfere or attempt to interfere with a Voter when marking his/her ballot, or obtain or attempt to obtain at the Polling Site information as to how a Voter is about to vote or has voted.
- 19.6 The Electoral Officer shall, before the Poll is open, cause to be delivered to the Polling Site the ballots, materials for marking the ballots, and a sufficient number of directions for voting.
- 19.7 The Electoral Officer or the Assistant shall provide a polling booth at the Polling Site where the Voters can mark their ballots in privacy.
- 19.8 The Poll shall be kept open from 8:00am – 8:00pm of the same day, at which time the doors shall be locked, but those Voters still inside the Polling Site shall be allowed to vote.

- 19.9 The Electoral Officer will select the number of scrutineers as there are vacancies for the vote.
- 19.10 Voting at all Band Elections shall be by secret ballot in the manner set forth in this Election Code.
- 19.11 Voters who attend the Polling Site for the purposes of voting shall sign a register kept by the Electoral Officer or the Assistant.
- 19.12 Where a Voter attends the Poll for the purposes of voting, the Electoral Officer or Assistant shall, if satisfied that the name of such person is entered on the Voters List, provide the Voter with a ballot on which to register his/her vote.
- 19.13 The Electoral Officer may request identification from a Voter for the purpose of confirming his/her identity.
- 19.14 The Electoral Officer or Assistant shall, in the appropriate column of the Voters List, make a mark opposite the name of every Voter receiving a ballot.
- 19.15 The Electoral Officer or Assistant may, and when requested to do so shall, explain the mode of voting to a Voter.
- 19.16 Each Voter receiving a ballot shall:
- (a) Immediately proceed to the voting booth provided for marking ballots;
 - (b) Mark his/her ballot by placing an "X" or other mark that clearly indicates the Voter's choice but does not identify him/her, opposite the names of up to the maximum number of Candidates required to be Elected;
 - (c) Fold the ballot so as to conceal the names of the Candidates and the marks on the face of the ballot; and
 - (d) Deliver the ballot to the Electoral Officer or Assistant, who shall, without unfolding the ballot, deposit the ballot in the proper ballot box in the presence of the Voter and of all other persons entitled to be present at the Polling Site.
- 19.17 While a Voter is in the voting booth for the purpose of marking his/her ballot, no other person shall, be allowed in the same voting booth or be in any position from which the manner in which a Voters marks his/her ballot can be seen.
- 19.18 One person of the Voter's choice, including the Electoral Officer or Assistant, shall be permitted to accompany the Voter in the voting booth if he/she requires physical assistance to vote.
- 19.19 A Voter who has inadvertently dealt with his/her ballot in such a manner that it cannot be conveniently used shall, upon returning it to the Electoral Officer or Assistant, be entitled to obtain another ballot, and the Electoral Officer or Assistant shall write the word "Cancelled" upon the spoiled ballot, preserve it and record the circumstances.

19.20 A Voter who has received a ballot and who leaves the Polling Site without delivering the ballot to the Electoral Officer or Assistant in the manner provided, or if, after receiving the ballot, refuses to vote, shall forfeit his/her right to vote at the Election, and the Electoral Officer or Assistant shall make an entry on the Voters List in the column for remarks opposite the Voters name to show that s/he received the ballot and declined to vote.

20. CLOSE OF THE POLL/ COUNTING OF VOTES

CLOSE OF THE POLL

20.1 The Electoral Officer or Assistant shall, in the presence of any Candidate and the Scrutineers as may be present, open each of the ballot boxes, and examine the ballots and reject any ballot that:

- (a) Has not been supplied by the Electoral Officer or Assistant ;
- (b) Shows more votes than permitted for the office(s) in question;
- (c) Identify the Voter, or
- (d) Has any drawings, words or any other markings, other than the "X" or other such indicator for the vote.
- (e) Take note of any objection made by any Candidate or Scrutineer to any ballot found in a ballot box and decide any questions arising out of the objection;
- (f) Number such objection and place a corresponding number on the back of the ballot with the word "disallowed" with the Electoral Officer's initials; and
- (g) Count the votes given for each Candidate from the ballots not rejected and make a written statement of the number of votes given to each Candidate and the number of ballots rejected and not counted, which shall then be signed by the Electoral Officer and such other persons authorized to be present as may desire to sign the statement.

RECOUNT PROCEDURE

20.2 Where it appears that the difference in the number of votes cast between Candidates is 3 (three) or less, any Candidate may within twenty-four (24) hours of the ballot count, ask the Electoral Officer to conduct a recount of the valid ballots, and the recount will take place as soon as possible.

TIE VOTE PROCEDURE

20.3 Where it appears that two or more Candidates have an equal number of votes, the Electoral Officer shall immediately conduct a recount of the valid ballots.

- 20.4 If after a recount there remains a tie vote between two or more Candidates, there shall be a run-off vote within three (3) working days of the Election for just the tied Candidates.
- 20.5 A new ballot will be prepared with only the names of the Candidates who have equal votes.
- 20.6 The Candidate who wins the run-off vote will be declared the winner by the Electoral Officer.
- 20.7 In the event that two or more Candidates have equal votes after the run-off vote, the decision shall be made by a vote of Council, the Elders Council and the Traditional Leaders, including matriarchs.

21. ELECTED CANDIDATES

CHIEF COUNCILLOR

- 21.1 After an Election where the position of Chief is up for election, the Candidate for Chief Councillor who receives the highest number of votes cast in his/her favour shall be declared the Chief Councillor of the Band.

COUNCILLOR

- 21.2 After an Election, the Candidates running for Councillor positions with the highest number of votes in their favour shall be declared Councillors of the Band.

NOTICE OF OUTCOME

- 21.3 Immediately after the completion of the counting of votes, or as soon as is practicable, the Electoral Officer shall publicly declare to be elected the Candidate(s) having the highest number of votes in accordance with this Election Code, and the Electoral Officer shall also post in a noticeable place on Reserve a statement signed by him/her showing the number of votes cast for each Candidate and if possible publish the statement on the internet.

22. DISPOSITION OF BALLOTS

- 22.1 The Electoral Officer shall deposit all ballots in envelopes, seal the envelopes, and retain them in his/her possession for eight (8) weeks.
- 22.2 At the expiration of the eight-week period, the Electoral Officer shall destroy the ballots.

23. ELECTION APPEALS

- 23.1 Within ten (10) days after an Election, an appeal may be filed in writing by any Candidate or Voter, if they have reasonable grounds to believe that:
- (a) There was corrupt practice in connection with the Election;
 - (b) There was a violation of this Election Code that might have affected the outcome of the Election; or
 - (c) A Candidate declared elected was:
 - (i) Not nominated in accordance with this Election Code; or
 - (ii) Not qualified to be a Candidate.
- 23.2 An appeal is filed by forwarding the grounds and particulars of the appeal, in a sworn or affirmed affidavit, either by registered mail or in person, in a sealed envelope to the Band Manager of the Band.
- (a) An appeal fee of two hundred dollars (\$200.00) must accompany the appeal.
 - (b) The appeal fee will be refunded if the appeal is successful. If the appeal is unsuccessful, the \$200 shall be used to cover the cost of the appeal or donated to the Elders program.
- 23.3 The Appeals Committee shall be appointed by the Band Manager, in consultation with Traditional Leaders and Elders, at least ten (10) days before the Election and before nominations are finalized.
- (a) The Appeals Committee shall be comprised of three (3) resource people that are not Band Members or Band staff, and one of whom has legal or elections experience.
 - (b) The Appeals Committee shall designate one of its members as the chairperson.
- 23.4 No member of the Appeals Committee will be from the immediate family of any Candidate.
- 23.5 The Quorum of the Appeals Committee shall be three (3) members. If quorum exists, the Appeals Committee is authorized to act and carry out its duties under this Election Code.
- 23.6 When an appeal is received by the Band Manager, s/he shall, within two (2) days, deliver the sealed appeal to the Chairperson of the Appeals Committee who will then forward a copy of the appeal to each member of the Appeals Committee.
- 23.7 The Chairperson of the Appeals Committee shall work with the Band Manager to ensure that a recorder is available to attend all meetings. The recorder's duties will include keeping meeting minutes, preparing correspondence and the decision of the Appeals Committee, filing and copying all documentation related to the appeal and upon completion of the appeal, store all the documents in a secure location.

- (a) The Appeals Committee shall consult with legal counsel prior to making any final decisions.
- 23.8 The Appeals Committee shall determine whether the appeal notice is valid and if it has been submitted in accordance subsections 23.1 and 23.2 and once that determination has been made, the Appeals Committee shall advise the Candidate(s), the Electoral Officer and the Electorate, that an appeal has been filed.
- 23.9 If the Appeals Committee determines, without further review or investigation, that the appeal is frivolous or lacks reasonable grounds, the appellant will be informed in writing and no further action needs to be taken by the Appeals Committee.
- 23.10 In the case where the appeal contains grounds that may lead to a conclusion that an elected person was ineligible to be a Candidate, s/he shall not be sworn into office pending resolution of the appeal. All other Candidates shall be sworn into office and considered the elected Council.
- 23.11 Any Candidate and/or the Electoral Officer may, within 14 (fourteen) days of receipt of the notice confirming a valid appeal under subsection 23.8, deliver to the Band Manager by registered mail or in person, a sworn affidavit in response to the particulars set out in the appeal, with any supporting documents.
- 23.12 Any Candidate who is the subject of a valid appeal may request a hearing, which will be scheduled by the Appeals Committee.
- 23.13 The Appeals Committee may, if the material that has been filed is not adequate for deciding the appeal, conduct further investigations into the matter as the Appeals Committee deems necessary, in such manner as it deems expedient and said investigation may be held by the Appeals Committee or by a designated and independent fact-finder.
- 23.14 Where the Appeals Committee designates a person to assist in an investigation, that person shall submit a report of the outcome of the investigation to the Appeals Committee for consideration.
- 23.15 The Appeals Committee must provide its decision in writing within 14 (fourteen) of receiving the appeal.
- 23.16 The Appeals Committee may direct the Band Manager to set aside the election of a Chief Councillor or Councillor if the Appeals Committee is satisfied, after hearing from all interested parties who have stated a wish to participate and who are entitled to participate, and considering the evidence, that:
- (a) There was corrupt practice in relation to the Election;
 - (b) There was a violation of this Election Code that might have affected the result of the Election; or

- (c) A Voter nominated to be a Candidate in the Election was ineligible pursuant to this Election Code.
- 23.17 If the Appeals Committee allows an appeal, it may:
- (a) Set aside the Election and order that a new Election or By-election be called;
 - (b) Disqualify the Candidate who was the subject of the appeal and order that the Candidate with the next highest number of votes replace him/her; or
 - (c) Make any other order to correct the violation of this Election Code that promotes fair, efficient and orderly administration and governance of the Gwa'sala-'Nakwaxda'xw Nation.
- 23.18 If the Appeals Committee orders that another Election be held, the Council in office immediately before the Election will remain in effect until the conclusion of the subsequent Election.
- 23.19 If the Appeals Committee decides that there was no violation of this Election Code as alleged in the appeal, it shall dismiss the appeal.
- 23.20 The decision of the Appeals Committee is final.

24. VACANCIES

- 24.1 The office of the Chief Councillor or Councillor becomes vacant if the person who holds the office:
- (a) Dies;
 - (b) Resigns;
 - (c) Is unable to perform his/her duties of office for 3 (three) or more months due to illness or other incapacity; or
 - (d) Is convicted of a criminal offence.

25. PENALTIES AND REMOVAL FROM OFFICE

- 25.1 A Chief Councillor or Councillor may be penalized or removed from office if s/he:
- (a) Has been absent from 3 (three) Council meetings within a one year period without just compelling cause or prior written authorization from Council;

- (b) Is no longer in Good Financial Standing by failing to make regular and on-going payments to the Band and Band entities; or by being in default of the written agreement and payment plan;
- (c) Fails to uphold the Oath of Office or breaches the Code of Ethics;
- (d) Fails to remove him/herself from a Conflict of Interest situation;
- (e) Accepts or offers a bribe, forges a Council document or otherwise acts dishonestly in his/her role; or
- (f) Encourages others to commit any of the above.

25.2 The Council with the assistance of the Band Manager, will monitor the conduct of its members and attempt to address concerns which may arise in relation to subsection 25.1.

- (a) If there are concerns, a Council member may bring forward a concern in writing to Council and the Band Manager.
- (b) The Council member who is the subject of the complaint or concern will be notified of the complaint or concern and will be asked to refrain from participating in the initial Council meeting where the issue is discussed.
- (c) Council shall initiate any necessary process within one month of receiving a written concern or complaint and complete the process and make a decision within two months.

25.3 If a Council member is found to have violated paragraph 25.1(a) or (b), they shall be suspended by Council or by the Band Manager with no pay for one month.

25.4 If warranted, for other violations under subsection 25.1 or repeated offenses under paragraphs 25.1(a) or (b), Council may initiate a removal process.

- (a) any removal process will require:
 - (i) credible written information setting out the reasons for the proposed removal;
 - (ii) a fair opportunity for the Council member to review and respond to the information and proposed removal; and
 - (iii) Council to consider staged and appropriate remedies which may include warnings, probation, education, apologies, cultural responses or ceremonies, and other measures up to and including removal from Council;
- (b) if, after full review of the information and any responses, comments or information from the Council members, and if agreed by majority vote of Council and confirmed through a Band Council Resolution "BCR", the Council member will be removed; and

- (c) the BCR shall be forwarded to the Band Manager for execution and to arrange a by-election if required under this Election Code.
- 25.5 Removal proceedings may also be commenced by a Petition for Removal signed by at least twenty-five percent (25%) + 1 of the Voters.
- 25.6 A Petition shall be in the form set out in Appendix ____, and set out the facts substantiating the ground for removal of the Chief Councillor or Councillor and shall be accompanied by any supporting documentation and a fee of two hundred dollars (\$200.00).
- (a) If the Petition is successful, the fee of \$200 shall be refunded. If the Petition is unsuccessful, it will be used for the cost of the process or donated to the Elders program.
- 25.7 If a valid petition is received that meets the requirements of this section, Council or the Band Manager, in consultation with hereditary and Traditional Leaders, including matriarchs, shall appoint a Removal Review Committee will then be established comprised of at least two Elders, two Hereditary Chiefs, and two community resource people who are not Band Members, and a recorder.
- 25.8 The Removal Review Committee members shall receive an honoraria payment from the Band Manager in accordance with Gwa'sala-'Nakwaxda'xw policies.
- 25.9 No member of the Removal Review Committee will be from the Immediate Family of the Chief Councillor or Councillor being considered for removal.
- 25.10 The quorum of the Removal Review Committee shall be three (3) members and provided there are three or more members present at a meeting, the Removal Review Committee is authorized to act and carry out its duties under this Election Code.
- 25.11 The Removal Review Committee shall firstly determine whether there are valid grounds within the Petition to proceed. Once the determination has been made, the Removal Review Committee shall deliver a copy of the Petition to Chief and Council.
- 25.12 In the course of considering the Petition, the Removal Review Committee, may, if the material filed is not adequate for deciding whether the Petition is justified, conduct further investigation into the matter as may be deemed necessary, in such a manner as it deems necessary and the investigation may be conducted by the Removal Review Committee or by a designated person.
- 25.13 The Chief Councillor or Councillor, who is the subject of the Petition, may request to be heard by the Removal Review Committee.
- 25.14 Where the Removal Review Committee designates a person to assist in an investigation, that person shall submit a report of the outcome of the investigation to the Removal Review Committee for consideration.

- 25.15 Where the Removal Review Committee is satisfied, after analyzing all the evidence, that removal of the Chief Councillor or Councillor is justified, Council will be so advised by the Removal Review Committee and will resolve by Band Council Resolution that the Chief Councillor or Councillor in question be removed from office.
- 25.16 The decision of the Removal Review Committee shall be made within 30 (thirty) days of their appointment and the decision of the Removal Review Committee is final.
- 25.17 A Chief Councillor or Councillor who is removed from office shall be ineligible to run for Council for the remainder of their current term plus the next election term (three year) terms after removal.

26. BY-ELECTIONS

- 26.1 Subject to subsections 26.2 and 26.3, if a Chief Councillor or Councillor vacates or is removed from office, a By-Election will be held in accordance with this Election Code.
- 26.2 No By-Election shall be held if an election has previously been held within 3 (three) months of the vacancy date. The candidate with the next highest number of votes shall be sworn in.
- 26.3 No By-Election shall be held if there are less than 3 (three) months remaining in the term of the Chief Councillor or Councillor who vacates or is removed from office, except where a By-Election is necessary to have sufficient Council members to maintain quorum.
- 26.4 No Councillor is eligible to be a Candidate in a By-Election held for the position of Chief Councillor unless s/he resigns from Council prior to the Nomination Meeting for the By-Election.

27. AMENDMENTS

- 27.1 This Election Code may be added to, repealed or otherwise amended by following the processes set out in this Election Code.
- 27.2 For minor matters such as correcting typos or cross references or clarifying wording, Council may make revisions by BCR and post or circulate the revisions to the Members.
- 27.3 For urgent matters, that are not minor matters, Council may, no more than one (1) year before the next election, issue a written interpretation or clarification by BCR and post or circulate the revisions to the Members but any such amendment must be brought for a ratification vote by Voters within one year, and preferably at the next election.
- 27.4 For all other amendments to this Code, a ratification vote by Voters is required.

- 27.5 Amendments may be proposed by Council, the Band Manager, or a petition signed by at least 20% of Voters.
- 27.6 For any amendment to take effect after a ratification vote, a majority of Voters who vote in favour must approve the amendment.

28. POSTPONEMENT OF NOMINATION MEETING, BAND ELECTION OR AMENDMENT VOTE

- 28.1 If a death occurs in the Gwa'sala-'Nakwaxda'xw Community between the date of the posting of the Notice of Nomination Meeting and the date of the Election, it shall be within the discretion of Council to postpone the Nomination Meeting or the Election to the next business day following the funeral or memorial service or to another date deemed appropriate by the Electoral Officer.
- 28.2 Where a Nomination Meeting or an Election is postponed in accordance with this Election Code, notice of the postponement provided at least three (3) days prior to the original date of the Nomination Meeting or Election Poll shall be deemed sufficient.

APPENDIX 'A – OATH OF OFFICE

In Gwa'sala-'Nakwaxda'xw Territory, I, _____ (Name of Chief Councillor/Councillor) do solemnly swear or affirm that:

1. I am a member of the Gwa'sala-'Nakwaxda'xw Nations;
2. I shall duly and faithfully and to the best of my skill and knowledge, execute the duties, authority and trust placed in me as a member of the Gwa'sala-'Nakwaxda'xw Council on behalf of the Gwa'sala-'Nakwaxda'xw Nations;
3. I will live a healthy and balanced life and help others to recover from and move away from any drug, alcohol or other addictions or dealing or supplying they may have toward and healthy and balanced life;
4. I have not, by myself or through any other person, knowingly used any bribery, corruption or intimidation to gain my election.
5. I will maintain confidentiality and will not disclose confidential information about Gwa'sala-'Nakwaxda'xw Nations or our Members except as authorized by Council or required by law;
6. I will uphold the laws of our First Nations, including our cultural laws, preserve and enhance our culture and heritage, and involve all Gwa'sala-'Nakwaxda'xw Members willing to participate in a common effort to improve our lives;
7. I will comply with the Election Code and all Gwa'sala-'Nakwaxda'xw Nation laws and policies including the requirements to avoid conflicts of interests;
8. I will work with my people throughout British Columbia and Canada for a just settlement of land claims, to overcome racism and discrimination against all people, to achieve for our people our right to self determination and self reliance and a level of economic opportunity, education, health and housing at least equal to that of other members of Canadian society; and I will extend the hand of friendship and co-operation to all like-minded Canadians in pursuit of these goals.

_____ at Tsulquate this ____ day of _____ 202_.

Signature of Council Member

Signature of Witness of Commissioner for Taking Oaths

APPENDIX 'B' – CONFLICT OF INTEREST GUIDELINES

A conflict of interest is any situation where:

- a) A Chief Councillor or Councillor's personal interest or gain; or
- b) The interest of a close friend, spouse, family member, business associate, corporation or partnership in which a member holds a significant interest, or a person to whom the Chief Councillor or Councillor owes an obligation, could influence the Chief Councillor or Councillor's decisions and impair his/her ability to act in the best interest of the Gwa'sala-'Nakwaxda'xw Nation.

What to do when a Conflict of Interest arises:

Members of the GNN Council must take all reasonable measures to avoid conflicts of interest.

Where a Chief Councillor or Councillor finds him/herself in a conflict of interest situation, real or perceived, that person must immediately disclose the conflict in writing to the GNN Council or a person designated by the GNN Council, such as the Band Manager. It is important to make the disclosure when the conflict first becomes known.

If a Chief Councillor or Councillor is in doubt about whether s/he is or may be in a conflict of interest, s/he shall request advice from the GNN Council or a person designated by the GNN Council.

The GNN Council must immediately consider the conflict of interest situation brought to their attention and review with the Chief Councillor or Councillor at issue how best to resolve the conflict.

The GNN Council will consider any conflict of interest which is declared, and act on the appropriate response to the situation. The response may include:

- Dismissing the alleged conflict of interest in writing;
- Requiring action on the part of the Chief Councillor or Councillor;
- Investigating if deemed necessary; and
- Such other measures as the GNN Council considers appropriate.

I hereby agree to comply with the provisions of these conflict of interest guidelines while I serve as a Chief Councillor or Councillor of the Gwa'sala-'Nakwaxda'xw Nation Council.

Name

Date

Witness

Date

APPENDIX 'C' – CODE OF ETHICS GUIDELINES

Members of the Gwa'sala-'Nakwaxda'xw Nation Council shall:

- Conduct themselves in a manner which reflects the highest standards of integrity, frankness, transparency, accountability and responsibility.
- Act in a truthful and honest manner in all dealings while being aware of the need for compassion and discretion.
- Treat all individuals as equals regardless of their gender, race, age, rank or culture.
- Recognize that Council discussions are privileged and confidential and that Council members must refrain from exploiting such information for personal gain, with the understanding that the decisions of Council meetings are open for public knowledge and scrutiny.

Section 2 – Compliance Measures

Where the Chief Councillor or Councillor does not comply with the Code of Ethics Guidelines, s/he may be subject to such appropriate measures as may be determined by a quorum of the GNN Council and in accordance with this Election Code, including where applicable:

- Requiring an action on the part of the Chief Councillor or Councillor;
- Commencing an investigation if deemed necessary; or
- Other measures the GNN Council considers appropriate.

I hereby agree to comply with the provisions of the Code of Ethics Guidelines while I serve as Chief Councillor or Councillor of the GNN Council.

Name

Date

Witness

Date

APPENDIX 'E' – PROXY VOTE FORM

Member's Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Your reason for using a Proxy Voter is:

(Please indicate which reason by circling the correct letter)

- a) Being in hospital or confinement
- b) Working in a camp, commercial fishing away from the North Vancouver Island
- c) Severe physical disability

You have assigned the following Band Member to represent you at the vote

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Your Signature: _____

Date: _____

Your Witness' Signature: _____

Date: _____

Print Name: _____

Note: Proxy Votes are for electors who are ordinarily resident on reserve may be allowed to vote by proxy where they are temporarily away from home for legitimate reason. Please have the signed copy sent to your Assigned Member.

Note: Directly fax completed proxy to your Assigned Member or Use the Band Office at 250-949-7402 before 4:00 PM Weekdays.