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# **GWA'SALA - 'NAKWAXDA'XW HI'LI'GAM COMMUNITY TRUSTEE ELECTION CODE**

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*Initial Membership Vote: June 26, 2025*

# Table of Contents

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- 1. INTRODUCTION .....4**
  - EFFECTIVE DATE .....4
  - DEFINITIONS AND INTERPRETATION .....4
- 2. VARIANCES OR ALLOWANCES FOR EMERGENCIES .....6**
- 3. GENERAL ELECTION AND COMMUNITY TRUSTEE INFORMATION.....6**
  - TERM OF OFFICE AND COMMENCEMENT AND END OF TERM .....6
  - FIRST OFFICIAL TRUSTEE MEETING .....7
  - COMMUNITY TRUSTEE SIZE.....7
  - TERM OF OFFICE.....7
  - PARTIAL TERM OF OFFICE .....7
  - EXTENSION OF TERM OF OFFICE IN EMERGENCIES .....8
- 4. TIMING OF ELECTIONS .....8**
  - STAGGERED ELECTIONS .....8
- 5. ELIGIBILITY OF VOTERS .....8**
- 6. ELIGIBILITY OF CANDIDATES .....8**
- 7. APPOINTMENT OF ELECTORAL OFFICER / ASSISTANT .....9**
- 8. VOTERS LIST AND CONTACT ADDRESSES.....9**
- 9. NOTICE OF NOMINATION SESSION .....10**
- 10. NOMINATION SESSION .....10**
- 11. CANDIDATE ACCEPTANCE & DECLARATION FORM AND BIOGRAPHICAL PROFILE .....11**
- 12. ACCLAMATION .....12**
- 13. CANDIDATE WITHDRAWAL .....12**
- 14. DECLARATION OF ELECTION .....12**
- 15. NOTICE OF ELECTION .....12**
- 16. BALLOT PREPARATION.....13**
- 17. VOTING BY PROXY .....13**
- 18. ELECTRONIC VOTING .....14**
- 19. VOTING PROCEDURES.....15**
- 20. QUORUM AND VALIDITY .....17**
- 21. CLOSE OF THE POLL / COUNTING OF VOTES.....17**
  - CLOSE OF THE POLL .....17

RECOUNT PROCEDURE ..... 18

TIE VOTE PROCEDURE..... 18

**22. ELECTED CANDIDATES..... 18**

    NOTICE OF OUTCOME..... 19

**23. DISPOSITION OF BALLOTS..... 19**

**24. ELECTION APPEALS ..... 19**

**25. VACANCIES / REMOVAL FROM HI'LI'GAM ..... 21**

**26. AMENDMENTS..... 22**

**27. POSTPONEMENT OF NOMINATION SESSION, COMMUNITY TRUSTEE ELECTION OR AMENDMENT VOTE ..... 22**

**28. APPENDIX 'A – CONSENT TO ACT AS A TRUSTEE ..... 23**

**29. APPENDIX 'B' – CONFLICT OF INTEREST POLICY ..... 24**

**30. APPENDIX 'C' – CODE OF ETHICS POLICY ..... 26**

**31. APPENDIX 'D' – CANDIDATE NOMINATION & ACCEPTANCE FORM ..... 27**

**32. APPENDIX 'E' – PROXY VOTE FORM ..... 28**

## 1. INTRODUCTION

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### EFFECTIVE DATE

- 1.1 This Community Trustee Election Code is the first election code developed to direct the process for electing Community Trustees as permitted under Section 12 of the Trust Agreement, with Amendments to March 3, 2017. It may be amended from time to time, in accordance with the Amendment provisions set out below.

### DEFINITIONS AND INTERPRETATION

- 1.2 In this Community Trustee Election Code:

<b>Appeals Committee</b>	The Appeals Committee consisting of three (3) non-partisan individuals who will review any appeal related to the Election, appointed under subsection 24.3.
<b>Amendment Vote</b>	A vote held in accordance with the Rules to seek community approval for amendments to the Community Trustee Election Code.
<b>Band Member or Member</b>	A person as defined in the Band's Membership Code in force from time to time. If the Code is not in force, Member means a member as defined in the <i>Indian Act</i> .
<b>Candidate</b>	A nominee who has satisfied the requirements for inclusion on the ballot pursuant to the Community Trustee Election Code.
<b>Candidate Acceptance &amp; Declaration Form</b>	The document which confirms a nominee's acceptance of the nomination and confirms his or her eligibility to run for the position of Community Trustee in accordance with the Community Trustee Election Code.
<b>Council / Councillors</b>	The governing body of GNN elected pursuant to the Custom Election Code, comprised of a Chief Councillor and 8 Councillors (Collectively, the "Councillors").
<b>Day</b>	Unless otherwise explicitly stated means calendar day.
<b>Election</b>	An Election held according to the Community Trustee Election Code.
<b>Electoral Assistant</b>	A person appointed by the Trustees to assist the Electoral Officer (typically the Band Membership Clerk).
<b>Electoral Officer</b>	The person appointed by the Trustees for the purposes of administering an Election or Amendment Vote in accordance with the Community Trustee Election Code.

<b>Electronic Voting</b>	Casting a ballot via the internet or other electronic means using an Electronic Voting Platform.
<b>Electronic Voting Platform</b>	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.
<b>Good Financial Standing</b>	A person who is not behind, and has been paying any arrears at the agreed upon rate for the previous twelve (12) months, or in default on their payments to GNN or GNN Entities.
<b>GNN or Band</b>	Gwa'sala-'Nakwaxda'xw Nations, including the <i>Indian Act</i> Bands.
<b>Hi'li'gam or Trust Agreement</b>	The Gwa'sala-'Nakwaxda'xw Trust Agreement with amendments to March 3, 2017.
<b>Immediate Family</b>	A person's parents, spouse, child(ren), sibling(s) and grandparents.
<b>Nominee</b>	An elector who is nominated and seconded by the Nomination Deadline in accordance with the Community Trustee Election Code.
<b>Nomination Deadline</b>	The assigned deadline for nominating eligible persons for an election.
<b>Nomination Form</b>	The document on which Voters unable to attend the Nomination Session in person may nominate eligible persons.
<b>Nomination Session</b>	A session held in accordance with the Community Trustee Election Code for the purpose of nominating eligible persons for an election.
<b>Notice of Amendment Vote</b>	The notice provided in accordance with the Community Trustee Election Code, which includes information related to an upcoming Amendment Vote.
<b>Notice of an Election</b>	The notice provided in accordance with the Community Trustee Election Code, which includes information related to an upcoming Election.
<b>Poll</b>	The casting and recording of votes in accordance with the Community Trustee Election Code.
<b>Polling Site</b>	The location of the Poll where voting takes place.
<b>Reserve</b>	Tsulquate Indian Reserve #4.
<b>Scrutineer</b>	Is an individual appointed in writing by the Electoral Officer to observe voting and counting procedures during an Election.
<b>Trustees</b>	There shall be no fewer than eight (8) and no more than fourteen (14) Trustees in office which consists of three (3) categories:

- a) Ten (10) Councillor Trustees who are Trustees by virtue of their election to Council;
- b) Two (2) Community Trustees who are Members eligible to vote at General Band Meetings who are not currently sitting on Council; and
- c) Two (2) Independent Trustees who are not Band Members and are appointed by Complementary Resolutions of Council and the remaining Trustees.

**Voter** A GNN Member who is at least 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**

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- 2.1 The Electoral Officer may make reasonable variances or allowances to the provisions of this Community Trustee 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 sessions, 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 COMMUNITY TRUSTEE INFORMATION**

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### **TERM OF OFFICE AND COMMENCEMENT AND END OF TERM**

- 3.1 The term of office for Community Trustees is subject to the provisions of the Trust Agreement, which at the time of this Community Trustee Election Code being affected was two (2) years.

- 3.2 The Election for Community Trustees shall be held in June at the time of the Hi'li'gam Annual General Meeting in the year their term of office expires.
- 3.3 Two (2) Community Trustees are to be appointed: where possible one Gwa'sala representative and one 'Nakwaxda'xw representative.
- 3.4 Prior to taking office after an election the elected Community Trustees must sign a Consent to Act as a Trustee which is attached as Appendix "A".
- 3.5 The term of office for Community Trustees commences for each successfully elected candidate immediately after the Electoral Officer publicly declares the results of the Election under subsections 12.1 21.4, or 22.2; and
- 3.6 Subject to any vacancy arising under these Regulations or any removal as Community Trustee in accordance with these Regulations, the term of office for each Community Trustee expires upon the Electoral Officer publicly declaring the Community Trustees in the next Election.

#### **FIRST OFFICIAL TRUSTEE MEETING**

- 3.7 The Community Trustees elected pursuant to the Community Trustee Election Code shall formally take office at the Trustees first meeting after the Electoral Officer publicly declares the results. Notice of the first meeting shall be provided to all Trustees, including each newly elected Community Trustee.
- 3.8 At the first official meeting, any Community Trustee who has not yet done so, shall execute the Consent to Act as a Trustee and sign the Conflict of Interest and Code of Ethics Policies, attached as **Appendices 'A', 'B', and 'C'**, respectively.

#### **COMMUNITY TRUSTEE SIZE**

- 3.9 The maximum number of Community Trustees shall be two (2), with one Community Trustee representing the Gwa'sala and one Community Trustee representing the 'Nakwaxda'xw.

#### **TERM OF OFFICE**

- 3.10 The term of office is approximately two (2) years.

#### **PARTIAL TERM OF OFFICE**

- 3.11 If a Candidate is elected as a Community Trustee but is unable to fulfill their full term, the candidate with the next highest vote, representing the same part of the Nation (either Gwa'sala or 'Nakwaxda'xw), in the most recent election shall be offered the position for the remainder of the term associated with the Community Trustee position. This process will continue until a new Community Trustee is appointed.

**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 the Community Trustees shall be extended until the next Election is concluded.

**4. TIMING OF ELECTIONS**

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**STAGGERED ELECTIONS**

- 4.1 There will be no staggering of elections, the two (2) Community Trustees will be voted on together.

**5. ELIGIBILITY OF VOTERS**

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

**6. ELIGIBILITY OF CANDIDATES**

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- 6.1 A Candidate for the office of Community Trustee must:
- (a) Have been validly nominated to be a Candidate pursuant to the Community Trustee Election Code;
  - (b) Be the full age of Eighteen (18) years or older on the day on which the Election is held;
  - (c) Be a registered member of GNN;
  - (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) Not be bankrupt or convicted of an indictable offence of fraud, or any offence involving the Trust Property or the exercise of his or her responsibilities as a Trustee;
  - (f) Not be declared by a Court to be mentally incompetent;
  - (g) Must provide a Criminal Record Check at the Nomination Session;
  - (h) Be in Good Financial Standing with GNN and GNN entities.
  - (i) Have signed the Candidate Acceptance and Declaration Form attached as **Appendix 'D'**;

- (j) Have been a registered Band Member for a period of at least twelve (12) months immediately preceding the Election;
- (k) Provide a one-page biographical profile confirming his or her educational and professional qualifications and other experience as well as a photo of the Candidate for inclusion on the ballot; and
- (l) Not be a Councillor of the Band.

## **7. APPOINTMENT OF ELECTORAL OFFICER / ASSISTANT**

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- 7.1 The Trustees shall appoint an Electoral Officer at least ninety (90) days prior to an Election.
- 7.2 An Electoral Assistant shall be appointed by the Trustees 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, the Trustees 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 Trustees, 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**

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- 8.1 The Band Membership Clerk shall provide the Electoral Officer, within seven (7) 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 eighteen (18) years of age on the date of the Election.
- 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 Voters received during the course of the Election.
- 8.4 Prior to the posting of the Notice of Nomination Session, 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 GNN 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 The Electoral Officer or the Electoral Assistant may require another GNN member attend to verify the Voters identity.
- 8.8 If the Electoral Officer is satisfied, and based on a reasonable assessment, that the Voters List should be corrected, then the Electoral Officer shall make the necessary correction.
- 8.9 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 SESSION**

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- 9.1 When an Election is to be held, the Electoral Officer shall post a Notice of Nomination Session pursuant to the Community Trustee Election Code.
- 9.2 The Notice of Nomination Session shall contain, at a minimum, the following information:
  - (a) The date, time, duration and location on the Reserve of where to nominate candidates;
  - (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 Session shall be posted:
  - (a) At least fifteen (15) days prior to the date of the Nomination Deadline; 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.

**10. NOMINATION SESSION**

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- 10.1 A Nomination Session for an Election shall be held on the Reserve at least twenty-two (22) 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 Session.
- 10.2 At the scheduled time, the Electoral Officer shall declare the Nomination Session open for the purpose of receiving nominations, and shall manage and conduct the meeting.

- 10.3 All Voters present at the Nomination Session shall sign the record of attendance.
- 10.4 The Electoral Officer shall keep the Nomination Session 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 Session 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 Session shall not stand.
- 10.8 Prior to the close of the Nomination Session, 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 Session.

## **11. CANDIDATE ACCEPTANCE & DECLARATION FORM AND BIOGRAPHICAL PROFILE**

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- 11.1 No later than forty-eight (48) hours after the close of the Nomination Session, the Electoral Officer will attempt to notify each Nominee and hand deliver 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) Criminal Record Check;
  - (c) Provide the biographical profile with photo of the Candidate for inclusion on the ballot;
  - (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 Community Trustee Candidates.
- 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 the Community Trustee 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 Ballot. If there is not time, the name of the disqualified candidate will remain on the Ballot but votes for that candidate will not be counted.

**12. ACCLAMATION**

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- 12.1 In the event that there are only as many Candidates for Community Trustee positions as there are vacancies, recognizing the intent that one Community Trustee represents the Gwa'sala and one Community Trustee represents the 'Nakwaxda'xw, and who satisfy the requirements of section 11, the Electoral Officer shall declare those Candidates to be duly elected by acclamation.

**13. CANDIDATE WITHDRAWAL**

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- 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. Notice of any withdrawals received by the Electoral Officer will be posted at the Polling Site.

**14. DECLARATION OF ELECTION**

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- 14.1 If more than the minimum required number of Nominees have satisfied the requirements and are confirmed as Candidates for the Community Trustee 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**

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- 15.1 A Notice of Election shall be posted as soon as possible following the close of the Nomination Session and at least twenty-one (21) 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 Community Trustee;
- (c) The Candidates' biographical profiles;
- (d) The name and contact information for the Electoral Officer;
- (e) The address of the GNN Website; and
- (f) The electronic voting information.

15.3 A Notice of Election shall be posted in the following locations:

- (a) In one or more noticeable places on the Reserve, including the Band Administration Office; and
- (b) Any other location that the Electoral Officer deems appropriate.

## 16. BALLOT PREPARATION

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16.1 Ballots shall be prepared by the Electoral Officer and shall list the names of Candidates for Community Trustee on the Ballot, in alphabetical order (last name, given name) and based on which part of GNN the Community Trustee will represent.

## 17. VOTING BY PROXY

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- 17.1 The Electoral Officer shall accept proxy votes on behalf of the Hi'li'gam. 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 Members 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**

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18.1 The Electoral Officer will offer an Electronic Voting Platform to ensure that all GNN Voters have an opportunity to vote.

18.2 The Electoral Officer shall 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 Community Trustee Election 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 Poll;
- (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 Poll; and
- (k) 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 Poll;
- (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 Poll 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 The Electoral Officer shall delete and wipe all data from the on-line election platform once the Election and all appeals have been completed.

## **19. VOTING PROCEDURES**

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- 19.1 The Electoral Officer shall procure the necessary ballot boxes.
- 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 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 noon – 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 and will confirm the Scrutineers to the Trustees three (3) days in advance of the Poll.
- 19.10 Voting at all Community Trustee Elections shall be by secret ballot in the manner set forth in the Community Trustee 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 Electoral Assistant.
- 19.12 Where a Voter attends the Poll for the purposes of voting, the Electoral Officer or Electoral 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 and current address.
- 19.14 The Electoral Officer or Electoral 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 Electoral 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 Electoral 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 Electoral Assistant, shall be permitted to accompany the Voter in the voting booth if he/she requests 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 Electoral Assistant, be entitled to obtain another ballot, and the Electoral Officer or Electoral 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 Electoral 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 Electoral 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. QUORUM AND VALIDITY**

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- 20.1 At the time the Vote is scheduled to close the Electoral Officer will advise the Trust Chair if a quorum of Members, being 25% of all Members of the Band eligible to vote, was achieved. If quorum was not achieved the ballots will not be counted and will be destroyed by the Electoral Officer.

## **21. CLOSE OF THE POLL / COUNTING OF VOTES**

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### **CLOSE OF THE POLL**

- 21.1 The Electoral Officer or Electoral 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 Electoral 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**

- 21.2 Where it appears that the difference in the number of votes cast between Candidates is three (3) 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**

- 21.3 Where it appears that among the top three (3) Candidates who have received votes, two or more Candidates have an equal number of votes, the Electoral Officer shall immediately conduct a recount of the valid ballots. If a tie persists after the recount, the Electoral Officer shall determine the rankings for each tied position in sequential order by:
- (a) Writing each tied Candidates' names on a blank piece of paper for the specific tied position;
  - (b) Instructing the Electoral Assistant to fold and place the papers for that position into an empty ballot box; and
  - (c) Drawing one of the papers for that position.
- 21.4 The Candidate whose name is drawn for a specific tied position by the Electoral Officer shall be ranked higher. This process shall be repeated for each remaining tied position until all rankings are determined.

## **22. ELECTED CANDIDATES**

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- 22.1 After an Election, the Candidates running for Community Trustee positions, one for the Gwa'sala and one for the 'Nakwaxda'xw, with the highest number of votes in their favour shall be declared Community Trustees.

**NOTICE OF OUTCOME**

- 22.2 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 the Community Trustee 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.

**23. DISPOSITION OF BALLOTS**

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

**24. ELECTION APPEALS**

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- 24.1 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 the Community Trustee Election Code that might have affected the outcome of the Election; or
  - (c) A Candidate declared elected was:
    - (i) Not nominated in accordance with the Community Trustee Election Code; or
    - (ii) Not qualified to be a Candidate.
- 24.2 An appeal is filed by forwarding the grounds and particulars of the appeal, in an affidavit, either by registered mail or in person, in a sealed envelope to the Trust Chair of the Hi'li'gam. An appeal fee of \$200.00 (two hundred dollars) must accompany the appeal.
- 24.3 The Appeals Committee shall be appointed by the Trust Chair at least ten (10) days before the Election. The Appeals Committee shall be comprised of three (3) community resource people that are not Band Members, and one of whom has legal or elections experience. The Appeals Committee shall designate one of its members as the chairperson.
- 24.4 No member of the Appeals Committee will be from the Immediate Family of any Candidate.
- 24.5 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 the Community Trustee Election Code.

- 24.6 When an appeal is received by the Trust Chair, 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.
- 24.7 The Chairperson of the Appeals Committee shall work with the Trust Chair 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.
- 24.8 The Appeals Committee shall determine whether the appeal notice is valid and if it has been submitted in accordance subsections 24.1 and 24.2 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.
- 24.9 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.
- 24.10 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 appointed as a Community Trustee pending resolution of the appeal. The other elected Community Trustee shall be appointed and shall execute a Consent to Act as Trustee.
- 24.11 Any Candidate and/or the Electoral Officer may, within ten (10) days of receipt of the notice confirming a valid appeal under subsection 24.8, deliver to the Trust Chair, by registered mail or in person, a sworn affidavit in response to the particulars set out in the appeal, with any supporting documents.
- 24.12 Any Candidate who is the subject of a valid appeal may request a hearing, which will be scheduled by the Appeals Committee.
- 24.13 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.
- 24.14 Where the Appeals Committee designates an independent fact-finder to assist in an investigation, that person shall submit a report of the outcome of the investigation to the Appeals Committee for consideration.
- 24.15 The Appeals Committee must provide its decision in writing within fourteen (14) days of receiving the appeal.

- 24.16 The Appeals Committee may direct the Trust Chair to set aside the election of a Community Trustee 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 the Community Trustee 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 the Community Trustee Election Code.
- 24.17 If the Appeals Committee allows an appeal, it may:
- (a) Set aside the Election and order that a new 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 the Community Trustee Election Code that promotes fair, efficient and orderly administration and governance of the Hi'li'gam.
- 24.18 If the Appeals Committee orders that another Election be held, the Community Trustees in office immediately before the Election will remain in effect until the conclusion of the subsequent Election.
- 24.19 If the Appeals Committee decides that there was no violation of the Community Trustee Election Code as alleged in the appeal, it shall dismiss the appeal.
- 24.20 The decision of the Appeals Committee is final.

## **25. VACANCIES / REMOVAL FROM HI'LI'GAM**

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- 25.1 A Community Trustee shall serve until:
- (a) The Trustee's term expires;
  - (b) The Trustee dies;
  - (c) The Trustee is declared an Underperforming Trustee as defined under subsection 1(x) and released under subsection 10(d) of the Trust Agreement respectively;
  - (d) The Trustee resigns;
  - (e) The Trustee is bankrupt or is convicted of an indictable offence of fraud, or any offence involving the Trust Property or the exercise of his or her responsibilities as a Trustee;
  - (f) The Trustee is declared by a Court to be mentally incompetent;

- (g) The Trustee fails to disclose his or her interest in a material contract under subsections 15(a) or 15(b) or votes on any resolution contrary to subsection 15(c) of the Trust Agreement respectively;
- (h) The Trustee ceases to live on Band Reserve lands, but only if the majority of other Trustees vote to terminate for that reason;
- (i) Is unable to perform his/her duties of office for three (3) or more months due to illness or other incapacity; or
- (j) Is convicted of a criminal offence.

25.2 In the event of a vacancy for a Community Trustee position, the procedure in subsection 3.11 shall be followed.

## **26. AMENDMENTS**

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- 26.1 The Community Trustee Election Code may be added to, repealed or otherwise amended by the Trustees.
- 26.2 The Trustees on their own accord, or after considering suggested amendments submitted by the membership, may consider amendments to the Community Trustee Election Code.
- 26.3 Proposed amendments to the Community Trustee Election Code shall be communicated to membership.
- 26.4 Administrative amendments to the Community Trustee Election Code, aimed at increasing clarity and operational efficiency, may be made by the Trustees without requiring membership approval. However, substantive changes shall require membership approval. All amendments requiring membership approval will take place concurrently with Annual General Meetings or Program Votes.

## **27. POSTPONEMENT OF NOMINATION SESSION, COMMUNITY TRUSTEE ELECTION OR AMENDMENT VOTE**

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

28. APPENDIX 'A – CONSENT TO ACT AS A TRUSTEE

I, \_\_\_\_\_, hereby accept my appointment as a Community Trustee of the Gwa'sala-'Nakwaxda'xw Hi'li'gam, for a term of two (2) years, as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I have received, reviewed and initialed a copy of the Trust Agreement initially dated as of the 10<sup>th</sup> day of June, 2008 between the Gwa'sala-'Nakwaxda'xw Band and the Trustees, with amendments March 3, 2017 (the "Trust Agreement").

I confirm that when I attend a duly called Trust meeting or carry out Trust business, I am serving solely as a Community Trustee, and not in any other capacity.

I promise to abide by the provisions of the Trust Agreement.

I am not disqualified from holding office as a Community Trustee by the operation of any part of Section 12 of the Trust Agreement. If I subsequently become disqualified, I will forthwith provide notice of my disqualification to the remaining Trustees.

I promise that I will keep confidential all Trust related discussions and information, except where otherwise required by the terms of the Trust Agreement or by law.

Residential Address:

Home Telephone:

Home Fax:

Cell Phone:

E-Mail Address:

Signed before me in \_\_\_\_\_ )
in the Province of British Columbia as of \_\_\_\_\_ )
the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. )
)
)
)

\_\_\_\_\_  
Trustee Signature

\_\_\_\_\_  
Witness

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**29. APPENDIX 'B' – CONFLICT OF INTEREST POLICY**

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Subparagraph 15(a) of the Hi'li'gam Agreement indicates that a Trustee who:

- i) is a party to a material contract or proposed material contract of the Trustees entered into or to be entered into in accordance with this Hi'li'gam Agreement, or
- ii) is a director or an officer of or has a material interest in or close connection to any person who is a party to a material contract or proposed material contractor of the Trustees entered into or to be entered into in accordance with this Hi'li'gam Agreement,

shall disclose in writing to the Trustees or request to have entered into the minutes of a meeting or meetings of Trustees the nature and extent of his interest.

The disclosure required of a Trustee shall be made:

- i) At the meeting at which a proposed contract is first considered by the Trustees;
- ii) If the Trustee was not then interested in a proposed contract, at the first meeting after he becomes so interested;
- iii) If the Trustee becomes interested after a contract is made, at the first meeting after he becomes so interested; or
- iv) If a person who is interested in a contract later becomes a Trustee, at the first meeting after he becomes a Trustee.

A Trustee described in subparagraph 15(a) above shall not vote on any resolution to approve the contract and shall be absent from discussions concerning the subject matter giving rise to the conflict of interest.

For purposes of this paragraph, a general notice to the Trustees by a Trustee declaring that he is a director or officer of or has a material interest in or close connection to a person and is to be regarded as interested in any contract made with that person is a sufficient declaration of interest in relation to any contract so made.

A material contract involving this Hi'li'gam Agreement between the Trustees and one or more of the Trustees, or between the Trustees and a company or organization of which one or more of the Trustees is a partner, shareholder, director or officer, or in which one or more of the Trustees has a material interest, is neither void nor voidable by reason of that relationship or by reason only that a Trustee with an interest in the contract is present at or is counted to determine the presence of a quorum at a meeting of Trustees that authorized the contract if the Trustee disclosed his interest as required above and the contract was approved by the Trustees and is reasonable and fair to members of the Band at the time it was approved.

***I hereby agree to comply with the provisions of this Conflict of Interest Policy while I serve as a Trustee of the Hi'li'gam.***

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**30. APPENDIX 'C' – CODE OF ETHICS POLICY**

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**Trustees of the Hi'li'gam shall:**

- Act in a transparent manner representing the best interest of the Band;
- Represent the best interests of the Band;
- Not speak against nor undermine Hi'li'gam Committee solidarity once a Committee decision has been made;
- Commit enough time and energy to attend all Hi'li'gam Committee meetings and the entirety of each meeting; avoid missing meetings or parts of meetings for personal business; or advise the Trust Chair in advance of any meeting that will be missed, with reasoning provided;
- Positively and constructively contribute to discussion and decision making in a courteous and respectful manner;
- Be prepared for meetings, including reading pre-circulated material in advance of the meetings;
- Not attempt to exercise individual authority of undue influence over members;
- Adhere to Hi'li'gam Committee policies and sign off annually on the Hi'li'gam's Code of Ethics; and
- Not disclose the Band's or the Hi'li'gam's confidential information.

**Compliance Measures**

Where a Trustee does not comply with the Code of Ethics Policy, s/he may be subject to such appropriate measures as may be determined by a quorum of the Trustees and in accordance with the Trust Agreement.

***I hereby agree to comply with the provisions of the Code of Ethics Policy while I serve as Trustee of the Hi'li'gam.***

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date



32. APPENDIX 'E' – PROXY VOTE FORM

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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 a ***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.