STELLAT'EN FIRST NATION

CUSTOM ELECTION CODE

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Consolidated Version

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PART 1 - INTRODUCTION

Definitions

1.1 For all purposes of this Stellat'en First Nation Election Code; any words referring to gender shall include all genders, and the following words and terms shall have the meanings set out below:

"Appeal" means an appeal of an Election under Part 12;

"Appellant" means an individual who submits an Appeal;

"Complaint and Appeal Committee" means the committee established under Part 11;

"Band Administrator" means the person employed as Stellat'en First Nation Band Administrator;

"By-election" means a special election to fill a position on the Council that has become vacant during a Council member's term of office;

"Candidate" means a person declared by the Electoral Officer as standing for election for the office of Chief or Councillor;

"Candidate Declaration" means the declaration that must be signed by every person wishing to become a Candidate, as set out in Part 14;

"Code" means this Stellat'en First Nation Election Code;

"Code of Conduct" means the Stellat'en First Nation code of conduct set out in the Governance Policy;

"Corrupt Practice" means

(a) offering a bribe, or accepting or agreeing to accept a bribe;

(b) compelling, coercing or otherwise forcing a person to vote or not vote, or to vote or not vote for a specific Candidate;

(c) harassing or intimidating a Candidate, a Scrutineer, an Elector, an Electoral Officer or a Electoral Assistant;

(d) making fraudulent statements or representations; or

(e) engaging in any other conduct intended to unfairly influence the outcome of an Election;

"Council" means the body composed of the Chief and Councillors elected pursuant to this Code;

"Council Oath of Office" means the oath of office that must be sworn by Chief and Councillors when elected, as set out in Part 14;

"Council Oath of Confidentiality" means the oath of confidentiality that must be sworn by Chief and Councillors when elected, as set out in Part 14;

"**Criminal Offence**" means as an indictable offence under the under the Criminal Code, R.S.C. 1984, c. C-46, but not including an offence related to the exercise of aboriginal rights or title;

"Directly Related" means related as:

(a) brother or sister,

(b) parent,

(c) child,

(d) spouse,

(e) stepchild,

(f) stepparent,

(g) grandparent,

(h) grandchild,

(i) first cousin,

(j) aunt or uncle,

(k) parent or child in-law,

(l) common-law cohabitant, or

(m) any other family member who resides with the person;

"Elder" means a Member who is 65 years of age or older;

"Election" means a General Election or By-election;

"Election Date" means the date an Election is to be held under this Code;

"Electoral Assistant" means any person appointed by the Electoral Officer for the purposes of an Election to assist the Electoral Officer in the conduct of the election process;

"Electoral Officer" means a person, appointed by a Council resolution before each Election, who has the responsibility for conducting the nomination meeting, the Election and post-Election procedures;

"Election Official" means the Electoral Officer and any Electoral Assistant;

"Election Official Oath of Office" means the oath that must be sworn by the Electoral

Officer and each Electoral Assistant when appointed to their position, as set out in Part 14;

"Elector" means a person who:

(a) is a Member; and

(b) is at least 18 years of age on the Election Date;

"Electors List" means the list of Members eligible to vote in an Election;

"Final Declaration of Election Results" means a final declaration of the results of a General Election by the Electoral Officer under section 9.1 or section 9.2;

"General Election" means an Election held under section 3.1;

"Governance Policy" means the Stellat'en First Nation Governance Policy, as amended from time to time;

"Interpreter" means a person appointed by an Electoral Officer to assist in interpretation matters during the Election period and for Election purposes;

"Mail-in Ballot" means a ballot used to vote in accordance with section 6.6;

"Mail-in Ballot Package" means a package containing a Mail-in Ballot, forms, and instructions for voting in an Election by mail, as set out in section 6.4;

"**Major Criminal Offence**" means any of the following offences under the Criminal Code, R.S.C. 1984, c. C-46:

(a) Part IV, except sections 121.1, 126 to 130 and 140 to 142 [*offences against administration of law and justice*];

(b) Part V except sections 173 to 182 [*sexual offences involving children*];

(c) Sections 219 to 240, 271 to 273.3, and 279 to 286 of Part VIII [*criminal negligence homicide, murder, human trafficking, sexual assault, kidnapping*]; and

(d) Sections 380 to 392, 397, 399, 400, 402.2-405 of Part X [*fraud, falsification of books and documents and identity theft*];

"Member" means a person registered on the Stellat'en First Nation membership list;

"Membership Clerk" means the Stellat'en First Nation staff person responsible for the Stellat'en membership information;

"Newsletter" means any regular or periodic notice sent to all Members;

"Nomination Meeting" means the meeting at which persons can come forward to nominate and second candidates for the Election;

"Nomination Package" means the package of information required to nominate a person

as a Candidate;

"Notice of Election" means the notice described in section 3.32;

"Notice of Nomination Meeting" means the notice described in section 4.3;

"Scrutineer" means a person authorized in writing by a Candidate to observe voting procedures and counting procedures on behalf of that Candidate;

"Stellat'en Employee" means a person employed by the Stellat'en First Nation government or administration, but does not include a person employed by any entity that is owned or controlled, directly or indirectly, by the Stellat'en First Nation government;

"Stellat'en First Nation" means the Stellat'en First Nation Band, also known as the Stella Indian Band, Stella or Stellat'en; and

"Stellat'en First Nation Governance Training" means a governance training program for potential Candidates established and administered by Stellat'en First Nation.

Posting of Notice or Information

1.2 To satisfy a requirement in the Code to post a notice or other information, in addition to any other requirements set out in the applicable section, that notice or other information must be:

(a) headed "Stellat'en First Nation Official Notice",

(b) posted in a conspicuous location accessible to Members at the Stellat'en First Nation administrative office and on the official Stellat'en First Nation website, and

(c) posted until the end, as applicable, of

(i) the time stated in this Code for it to be posted, or

(ii) if no specific time is stated in the Code, the Election Date.

Delivery of Notice or Information

1.3 To satisfy a requirement in the Code to deliver a notice or other information to an individual, that notice or other information must be in writing and delivered

(a) by hand to that individual,

(b) by email to the email address provided by that individual for that purpose,

(c) by mail to the last known address of that individual, or

(d) by facsimile to the last known facsimile number of that individual.

1.4 A notice or other information delivered under section 1.3 is deemed to have been received

(a) on the date on which it was delivered, if delivered by hand,

(b) on the date it was sent, if delivered by email, provided the individual sending the email did not receive notification that the email was undeliverable,

(c) seven days after the date on which it was deposited at a Canada Post office, if delivered by mail, or

(d) on the date on which the sender obtained written confirmation that the facsimile has been transmitted, if delivered by facsimile.

Calculation of Time

1.5 If the time stated for doing something under this Code falls or expires on a holiday, the time is extended to the next day that is not a holiday.

1.6 For the purposes of section 1.5, "holiday" means

(a) Saturday or Sunday,

(b) Good Friday, Easter Monday, National Indigenous Peoples Day, Canada Day, Victoria Day, British Columbia Day, Labour Day, Remembrance Day, Christmas Day, Boxing Day and New Year's Day,

(c) a day set by the Council for the commemoration of significant events in the life of the Stellat'en First Nation, for the celebration of Stellat'en customs, for the observation of Stellat'en cultural events or as a public holiday, and

(d) a day set by Canada or British Columbia, or appointed by proclamation of the Governor General of Canada or the Lieutenant Governor of British Columbia, to be observed as a day of general prayer or mourning, a day of public rejoicing or thanksgiving, a day for celebrating the birthday of the reigning Sovereign or as a public holiday.

PART 2 - THE COUNCIL

Composition and Size

2.1 The composition and size of Council shall be one (1) Chief and four (4) Councillors.

Term of Office

2.2 Subject to section 9.9, the term of office of each Council member shall begin at 11:59 pm ten (10) days after the Final Declaration of Election Results in the General Election.

2.3 The term of office for Council members shall end at 11:59 pm ten (10) days after the Final Declaration of Election Results in the following General Election.

Council Residency Requirement

2.4 Subject to section 2.5 any person who is elected to Council must, at all times during their term in office live at a primary place of residence located

(a) on one of Stellat'en First Nation's reserves; or

(b) within an area defined as Stellat'en First Nation traditional territory.

2.5 If a newly elected Council member does not have a primary place of residence that complies with section 2.4 on the day of the Final Declaration of Election Results, that person shall move their primary place of residence within six (6) months so that the person becomes compliant with section 2.4.

2.6 If a person fails to comply with section 2.5, their office on Council shall be deemed to have become vacant within six (6) months of the Final Declaration of Election Results and may be filled pursuant to section 10.3.

Inauguration Meeting

2.7 Council shall call a meeting of the Members, to be held within 10 days of the Final Declaration of Election Results, to administer the Council Oath of Office and Council Oath of Confidentiality to the newly elected Council members.

2.8 During or before the meeting referred to in section 2.7, all newly elected members of Council shall sign and provide to the Band Administrator, in accordance with the Stellat'en Governance Policy, the Financial Administration Law and this Code, the following:

(a) the Council Oath of Office;

(b) the Council Oath of Confidentiality;

(c) a written disclosure regarding conflicts of interest; and

(d) any other documents required to be signed under Stellat'en law or policy.

PART 3 - PRE-NOMINATION PROCEDURE

General Election Date

3.1 A General Election for the offices of Chief and Councillors shall be held on July 31, 2025, and on the third Thursday of July in every third year thereafter.

Appointment of an Electoral Officer

3.2 The Electoral Officer shall be appointed by Council resolution not less than 90 days before the Election Date. The Council resolution shall contain the person's full name and address, the date of the Election, the type of Election which is to be conducted (General Election or By-election), as well as any special instructions.

3.3 If an Electoral Officer has not been appointed 90 days before an Election Date as set out in section 3.2, the Band Administrator shall appoint an Electoral Officer as soon as possible.

3.4 The Electoral Officer must be a person who:

(a) is not a Member;

(b) has no vested interest in the outcome of the Election;

(c) is at least 21 years of age; and

(d) has experience in the conduct of elections and has received appropriate training.

3.5 The Electoral Officer is responsible for managing and executing all pre-Election, Election and post-Election processes and procedures included in this Code.

3.6 The Electoral Officer may make orders and issue instructions consistent with this Code as they may deem necessary for the effective administration of an Election.

Electoral Assistants and Interpreters

3.7 The Electoral Officer shall appoint one or more Electoral Assistants and Interpreters as the Electoral Officer deems necessary, who shall work under the direction of the Electoral Officer.

3.8 Each Electoral Assistant shall have such powers as described in this Code as well as any powers the Electoral Officer delegates to the Electoral Assistant.

3.9 An Electoral Assistant or Interpreter shall not be a Council member or a Candidate in the Election.

Election Official Ethics and Oath of Office

3.10 Each Election Official must:

(a) uphold and comply with this Code and all the laws and policies of Stellat'en First Nation;

(b) fulfil the duties and responsibilities of their office under this Code;

(c) carry out their duties faithfully, honestly, impartially and to the best of their abilities;

(d) keep confidential, both during and after their term of office, any matter or information which, under this Code, or under Stellat'en First Nation law or policy, is considered confidential;

(e) remain neutral and professional in the conduct of the duties of their office, which includes not providing any preferential treatment or expressing support or opposition for any Candidate(s);

(f) not accept anything of value (money, offers of employment, gifts, travel, etc.) in exchange for preferential treatment or access to nonpublic information;

(g) not discriminate against anyone because of race, religion, sex, age or disability;

(h) use public office facilities to fulfill the terms of office, not for personal or partisan benefit;

(i) not pressure or intimidate other officials or personnel to favor a certain Candidate;

(j) avoid conflicts of interests, or the appearance of conflicts of interests, by abstaining from decision making where the Election Official has a personal or private interest in the matter;

(k) always act in the best interests of Stellat'en First Nation in carrying out their duties.

3.11 Each Election Official must swear the Election Official Oath of Office upon being appointed.

Electors List

3.12 At least 85 days before the Election Date, the Electoral Officer shall obtain from the Membership Clerk the name, date of birth, band number and last known address (if any) of each Elector.

3.13 An Elector's address shall be used by the Electoral Officer only for the purpose of providing notices, Mail-in Ballots or other Election documents to that Elector under this Code.

3.14 The Electoral Officer must not disclose an Elector's address for purposes other than those set out in section 3.13 without the consent of the Elector and shall ensure that the Elector's address or phone number does not appear on the Electors List.

3.15 A Candidate may obtain from the Electoral Officer a list of the names and addresses of Electors who have consented in writing to have their addresses disclosed to Candidates.

3.16 At least 81 days before the Election Date, the Electoral Officer shall prepare and post an Electors List containing the names of all of the Electors in alphabetical order.

3.17 Upon request by a person, the Electoral Officer or an Electoral Assistant shall confirm whether the name of a person is on the Electors List.

Challenges to Electors List

3.18 An Elector or a person acting on behalf of an Elector, may, no later than two (2) days prior to the Election Date, demonstrate that the name of the Elector has been omitted from or incorrectly set out in the Electors List by presenting in writing to the Electoral Officer evidence from the Membership Clerk or other documentary evidence that the Elector:

(a) is entitled to have their name entered on the Stellat'en First Nation membership list; and

(b) will be at least 18 years of age on the Election Date.

3.19 A person may demonstrate that the name of a person not eligible to vote has been included in the Electors List by presenting in writing to the Electoral Officer, no later than ten (10) days prior to the Election Date, evidence that the person:

(a) is neither on the Stellat'en First Nation membership list nor entitled to have their name entered on the Stellat'en First Nation membership list; or

(b) will not be at least 18 years of age on the Election Date .

3.20 Where the Electoral Officer believes, or has information that, a person whose name is on the Electors List is not eligible to vote, the Electoral Officer shall give written notice to that person at least ten (10) days prior to the Election Date .

3.21 The notice given under section 3.20 shall include the reasons for seeking the removal of the name from the Electors List and any supporting documents, and shall state that any written representations must be provided to the Electoral Officer no later than five (5) days before the Election Date.

3.22 After considering all information, and representations relating to amendments of the Electors List received by the Electoral Officer no later than five (5) days prior to the Election Date, the Electoral Officer shall

(a) amend the Electors List based on whether persons are eligible to vote; and

(b) deliver by hand, email or facsimile a notice of the Electoral Officer's decision to any person who presented evidence under section 3.18 or section 3.19 and any person whose name the Electoral Officer decided to add to, or remove from, the Electors List.

3.23 The decision of the Electoral Officer under section 3.22 is not final and is subject to review by the Complaint and Appeal Committee.

3.24 The following persons may within two (2) days of a decision of the Electoral Officer under section 3.22, request a review of that decision by the Complaint and Appeal Committee:

(a) an Elector,

(b) any person who presented evidence under section 3.18 or section 3.19 and any person whose name was added to, or removed from, the Electors List.

3.25 A request under section 3.24 must be in writing and set out the facts substantiating the grounds for the request accompanied by any supporting documentation.

3.26 Upon receipt of a request under section 3.24, the Complaint and Appeal Committee shall

(a) review all information and representations considered by the Electoral Officer in making the Electoral Officer's decision; and

(b) review the request and any supporting documentation.

3.27 Within two (2) days after the receipt of a request under section 3.24, the Complaint and Appeal Committee shall issue a decision

(a) upholding the Electoral Officer's decision, or

(b) directing the Electoral Officer to amend the Electors List.

3.28 The Complaint and Appeal Committee shall notify the following persons as soon as practicable of its decision under section 3.27:

(a) the Electoral Officer;

(b) the person who requested a review under section 3.24; and

(c) any person whose eligibility to be on the Electors List was subject to the review.

3.29 The Electoral Officer shall amend the Electors List as directed in any decision issued under section 3.27(b).

Elector not on Electors List may vote

3.30 An Elector whose name does not appear on the Electors List shall be entitled to vote on the Election Date, provided the Elector presents documentary proof to the Electoral Officer demonstrating the Elector's eligibility to vote, the sufficiency of which shall be determined by the Electoral Officer.

Notice of Election

3.31 The Electoral Officer shall post, and deliver to every Elector for whom the Electoral Officer has been provided an address, a Notice of Election not less than 80 days before the Election Date.

3.32 The Notice of Election shall contain:

(a) the date of the Notice of Election;

(b) the date of the Election, location of polling station(s), and hours the polling station(s) will be open;

(c) if applicable, the timing of electronic voting;

(d) the statement that any Elector may vote by Mail-in Ballot;

(e) instructions on how to request a Mail-in Ballot Package;

(f) the statement that, if the Elector wants to receive information from Candidates, the Elector can agree to have his or her address released to the Candidates by notifying the Electoral Officer in writing; and

(g) the name and contact details of the Electoral Officer.

PART 4 - THE NOMINATION PROCESS

Notice of Nomination Meeting

4.1 The Nomination Meeting shall be held at least 50 days prior to the Election Date.

4.2 The Electoral Officer shall, at least 30 days before the date on which the Nomination Meeting is to be held:

(a) post a Notice of Nomination Meeting; and

(b) deliver a Notice of Nomination Meeting, a nomination form and a Candidate Declaration to every Elector for whom the Electoral Officer has been provided an address.

4.3 A Notice of a Nomination Meeting shall include:

(a) the date, time, duration and location of the Nomination Meeting;

(b) the number and positions for which Candidates may be nominated; and

(c) a description of the nomination process and the Nomination Package.

4.4 The Electoral Officer shall record the names of the Electors to whom a Notice of the Nomination Meeting was delivered, the addresses of those Electors, and the date on which the Notice of Nomination Meeting was delivered.

Eligibility to Nominate

4.5 To be eligible to nominate a person to serve as the Chief or Councillor, a person must be

(a) at least 18 years of age on the day of the Nomination Meeting; and

(b) a Member.

4.6 Any person eligible to nominate a person to serve as the Chief or Councillor under section 4.5 may do so by signing the nomination form of that person either electronically or physically.

Candidate Eligibility

4.7 To be eligible as a Candidate, a person must

(a) be at least eighteen (18) years of age on the Election Date;

(b) be a Member;

(c) have completed the Stellat'en First Nation Governance Training;

(d) not have been convicted of a Criminal Offence during the five years before the Election Date, unless pardoned;

(e) not have been convicted of a Major Criminal Offence, unless pardoned;

(f) not have been declared ineligible to run for office in the Election by a decision of the Complaint and Appeal Committee; and

(g) not have any civil judgment against them involving theft, fraud, bribery or misuse of property.

4.8 A Stellat'en Employee can be a Candidate as long as they are eligible under section 4.7 and can run as a Candidate while carrying out their job duties.

The Nomination Meeting

4.9 The Nomination Meeting shall remain open for at least three (3) hours.

Maintaining Order and Security

4.10 The Electoral Officer is responsible for managing and conducting the Nomination Meeting, and may cause to be removed any person who, in the opinion of the Electoral Officer, is under the influence of an intoxicant, is being disruptive or otherwise interfering with the proceedings.

Nomination Procedure

4.11 At or before the Nomination Meeting, a person who wishes to stand as a Candidate must deliver to the Electoral Officer a Nomination Package consisting of the following:

(a) a nomination form signed electronically or physically by five (5) Electors;

(b) a nomination fee of $100.00 CAD paid by cash or cheque;

(c) a criminal records check dated within 6 months of the Election Date;

(d) a signed Candidate Declaration; and

(e) proof of completion of the Stellat'en First Nation Governance Training.

4.12 At the end of the Nomination Meeting, the Electoral Officer shall review Nomination Packages received for compliance with section 4.11. If the Electoral Officer determines that a Nomination Package is incomplete, the Electoral Officer will notify the relevant person within one (1) business day and request the missing information to be delivered to the Electoral Officer within five (5) business days of the Nomination Meeting.

4.13 At the end of the time specified in section 4.12 for providing missing information, or at the end of the Nomination Meeting if all Nomination Packages received comply with section 4.11, the Electoral Officer shall verify that each person nominated has met all the requirements of a Candidate in section 4.7 and has submitted a complete Nomination Package, and if so, declare that person to be a Candidate in the Election.

4.14 For greater certainty, a person nominated to be a Candidate is not considered a Candidate in an Election until the person is declared a Candidate by the Electoral Officer.

Election by Acclamation

4.15 If only one person is declared as a Candidate for election as Chief, the Electoral Officer will provisionally declare that person to be elected by acclamation.

4.16 If the number of persons declared as Candidates as Councillors does not exceed the number of Councillors to be elected, the Electoral Officer will provisionally declare those persons to be elected by acclamation.

4.17 Where the office of Chief and all offices of Councillor are provisionally filled by acclamation and no Appeal is submitted by the time for submitting an Appeal pursuant to section 12.1:

(a) the Electoral Officer shall post a notice that sets out the names of the persons who have been acclaimed and a statement that an Election will not be held, and

(b) the provisions of Part 6, Part 7 and Part 8 will not apply.

Election announcement

4.18 Where the number of persons declared as Candidates for an office exceeds the number of open positions for that office, the Electoral Officer will

(a) announce that an Election will be held for that office; and

(b) post a list of persons declared to be Candidates and the offices for which each person is a Candidate.

PART 5 - CANDIDACY

Campaign Ethics

5.1 Candidates must campaign:

(a) without coercion or vote-buying;

(b) respecting the right and freedom of other parties to organize and campaign;

(c) respecting the rights of Electors to obtain information from a variety of sources and to attend political rallies;

(d) ethically, focusing on political issues and candidate platforms, instead of conducting smear campaigns or ones of rumor, innuendo and slander;

(e) non-violently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;

(f) respecting the freedom of the press to cover the campaign and to express opinions on the campaign;

(g) respecting the Electoral Officer and any Electoral Assistants and not interfering with the performance of their duties;

(h) accepting and complying with the official election results and any decision of the Complaint and Appeal Committee regarding an Appeal; and

(i) using social media (Facebook, Twitter, Blogs, websites, online forums, etc.), and other mediums in a respectful manner, conducive to constructive debate of issues, treating other candidates with utmost respect in employing such social media.

5.2 Each person wishing to become a Candidate must sign the Candidate Declaration confirming their agreement to comply with section 5.1.

Withdrawal of Candidacy

5.3 A Candidate may withdraw his or her candidacy at any time up to the closing of the polls on the Election Date by submitting a written withdrawal of nomination to the Electoral Officer.

5.4 A Candidate who dies or is catastrophically injured before or up to the closing of the polls on the Election Date shall be considered to have withdrawn his or her candidacy.

5.5 If ballots have already been printed when a Candidate withdraws or is declared ineligible to run for office in the Election by a decision of the Complaint and Appeal Committee, the Candidate's name may appear on the ballot and, if so, the Electoral Officer will ensure that a notice informing Electors that the Candidate has withdrawn or been declared ineligible to run for office is

(a) posted at each polling station and

(b) delivered to every person to whom a Mail-in Ballot Package was mailed or otherwise delivered under section 6.4.

PART 6 - VOTING

Eligibility to Vote

6.1 To be eligible to vote in an Election, a person must be an Elector.

Voting Methods

6.2 Voting in an Election may be done either:

(a) in person;

(b) through an electronic voting platform selected in accordance with this Part;

(c) by request, via Mail-In Ballot.

Voting Ballots

6.3 The Electoral Officer shall prepare ballot papers setting out as applicable:

(a) the names of the Candidates for the office of Chief, in alphabetical order by surname; and

(b) the names of the Candidates for the office of Councillor, in alphabetical order by surname.

Mail-in Ballots

6.4 The Electoral Officer shall, at least 30 days prior to the Election Date, mail or otherwise provide to every Elector who has requested one, a Mail-in Ballot Package consisting of:

(a) a numbered ballot initialed on the back by the Electoral Officer;

(b) a postage-paid return envelope, pre-addressed to the Electoral Officer;

(c) an inner envelope marked “ballot” for insertion of the completed ballot;

(d) a voter declaration form which shall include space for

(i) the name, membership number and date of birth of the Elector,

(ii) the name, address and telephone number of any witness to the signature of the Elector; and

(iii) the name, address and telephone number of any person who assisted the Elector to mark the ballot under section 6.7 and the statement required under section 6.8;

(e) the Notice of Election; and

(f) a letter of instruction regarding voting by Mail-in Ballot; and

(g) a statement advising Electors that they may vote in person at any polling station on the day of the Election if they return their Mail-in Ballot to the Electoral Officer at the polling station, or swear a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the Mail-in Ballot.

6.5 The Electoral Officer shall indicate on the Electors List that a Mail-in Ballot has been provided to each Elector to whom a Mail-in Ballot Package was mailed or otherwise provided and keep a record of the date on which, and the address to which, each Mail-in Ballot Package was mailed or otherwise provided.

6.6 An Elector shall vote by Mail-in Ballot by:

(a) placing an "X" or other mark that clearly indicates the Elector's choice of Candidate but does not identify the voter opposite the name of the candidate or candidates for whom he desires to vote;

(b) folding the ballot in a manner that conceals the names of the Candidates or any marks, but exposes the Electoral Officer's initials on the back;

(c) placing the ballot in the inner envelope and sealing the envelope;

(d) completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;

(e) placing the inner envelope and the completed, signed and witnessed voter declaration form in the return envelope; and

(f) by ensuring receipt by the Electoral Officer of the return envelope before the close of polls on the Election Date.

6.7 Where an Elector is unable to vote in the manner set out in section 6.6, the Elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that section. The person enlisted by the Elector may also assist the Elector to deliver the Mail-in Ballot to the Electoral Officer.

6.8 A person assisting an Elector under section 6.7 shall set out their name in the appropriate place on the voter declaration form and sign the form to attest to the fact that

(a) the Elector is the person whose name is set out in the form as the Elector, and

(b) the ballot was marked according to the directions of the Elector.

6.9 Mail-in Ballots that are not received by the Electoral Officer before the close of polls on the Election Date must not be counted but must be retained in accordance with section 9.5.

6.10 Upon receipt of the return envelope under section 6.6(f) the Electoral Officer must ensure the envelope and its contents are secure at all times, free from any tampering, until the envelope is opened in accordance with section 8.1.

Electronic Voting Platform Requirements

6.11 The electronic voting platform must be approved for use by the Electoral Officer and:

(a) be provided by an independent third party service provider;

(b) use a unique identification process for each Elector;

(c) keep online voting results confidential at all times and encrypt the results in a manner in which they can only be revealed to the Electoral Officer;

(d) generate and provide automated email notifications in real-time to the Electoral Officer upon online voting completion by Electors; and

(e) generate and provide detailed activity reports to the Electoral Officer on a regular basis and upon request.

Online Voting Process

6.12 Prior to the opening of the online polls, the electronic voting platform must be populated with the Electors List.

6.13 Subject to section 6.19 and 6.23, online voting must begin and close at the hour and date specified in the Notice of Election.

6.14 The electronic voting platform must only allow an Elector to vote one (1) time.

6.15 When a person signs into the electronic voting platform to vote the provider of the electronic voting platform must:

(a) Record and provide the Electoral Officer with the Elector's name and the date and time their online ballot is received; and

(b) Place their online ballot in an electronic ballot box.

6.16 Once an Elector has voted online:

(a) the electronic voting platform must not allow a person to vote again electronically using that Elector's unique identification process; and

(b) the Electoral Officer and Electoral Assistant must not allow that Elector to vote in any other manner.

6.17 The Electoral Officer may implement procedures they deem necessary to effectively administer online voting, provided such procedures are not inconsistent with this Code.

6.18 After the close of polls, the electronic voting platform must:

(a) seal the electronic ballot box;

(b) remove the option to vote online;

(c) indicate to the Electoral Officer which Electors have voted electronically; and

(d) provide the online voting results to the Electoral Officer.

6.19 The Electoral Officer may suspend electronic voting if the Electoral Officer considers that the integrity of the voting is at risk.

6.20 Voting may be suspended under section 6.19

(a) to a later time on the same day, or

(b) to a day and time to be set by the Electoral Officer.

6.21 While voting is suspended under section 6.19, the Electoral Officer must make all reasonable efforts to ensure

(a) the electronic ballot box, electronic ballots and other election materials are secured, and

(b) the integrity of the Election is not compromised.

6.22 The Electoral Officer must give notice to persons affected by any suspension of voting under section 6.19.

6.23 The Electoral Officer may extend the hours during which electronic voting shall be open if the Electoral Officer considers that is necessary due to extraordinary circumstances.

6.24 After the close of polls the Electoral Officer shall update the Electors List to mark all Electors who voted electronically.

PART 7 - ELECTION DATE

Election Supplies and Equipment

7.1 The Electoral Officer shall, before a polling station is open, supply the polling station with:

(a) sufficient ballot boxes;

(b) a sufficient number of ballots;

(c) a sufficient number of voting compartments enabling Electors to mark their ballots free from observation;

(d) instruments for marking the ballots;

(e) a sufficient number of voting instructions as may be required;

(f) all other equipment necessary to establish and equip the polling stations; and

(g) the final Electors List.

Polling Station

7.2 The Electoral Officer will establish at least one polling station on the Stellaquo (Stella) Reserve 1, near Fraser Lake, British Columbia.

7.3 Each polling station shall include at least one voting compartment where Electors can mark their ballots free from observation.

7.4 The Electoral Officer may appoint security to maintain order in the polling station.

7.5 An Election Official must be present at all times at each polling station while voting is being conducted.

7.6 Only the following individuals may be present at a polling station while voting is being conducted:

(a) one or more Election Officials;

(b) individuals who are:

(i) present at the voting place to vote,

(ii) assisting an Elector present to vote, or

(iii) in the care of an Elector present to vote;

(c) Interpreters;

(d) one Scrutineer for each Candidate; and

(e) one additional Scrutineer for each Candidate, who is temporarily present at the polling station for the purpose of conveying information to and from the Scrutineer referred to in section 7.6(d)

Scrutineers

7.7 A Candidate shall be entitled to not more than one Scrutineer in a polling station at any one time.

7.8 A Scrutineer must provide to the Electoral Officer or to the Electoral Assistant, at or before the opening of the polling station, a letter of authorization signed by the Candidate.

Polling Hours

7.9 Subject to section 7.10 and 7.13, each polling station shall be open from 8 a.m. until 8 p.m. local time on the Election Date.

7.10 Voting at a polling station may be suspended by the Electoral Officer if the Electoral Officer considers that

(a) the health or safety of persons is at risk, or

(b) the integrity of the voting is at risk.

7.11 Voting may be suspended under section 7.10

(a) to a later time on the same day at the same polling station,

(b) to a later time on the same day at another location not more than 15 kilometers away, or

(c) to a day, time and place to be set by the Electoral Officer.

7.12 While voting is suspended under section 7.10 the Electoral Officer must make all reasonable efforts to ensure

(a) the paper ballot boxes, paper ballots and other Election materials are secured, and

(b) the integrity of the Election is not compromised.

7.13 The Electoral Officer may extend the hours during which a polling station shall be open if the Electoral Officer considers that is necessary due to extraordinary circumstances.

Verification of the Ballot Box

7.14 The Electoral Officer, or an Electoral Assistant, shall immediately before the commencement of the poll:

(a) open the ballot box and call such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness;

(b) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and

(c) place the ballot box in public view for the reception of the ballots.

Secrecy and Security

7.15 Voting shall be by secret ballot.

7.16 No Elector may vote by proxy or authorize another person to vote on his or her behalf, subject to section 7.28.

7.17 The Electoral Officer or Electoral Assistant shall maintain order at all times in the polling station and may cause to be removed any person who is under the influence of an intoxicant or who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.

7.18 No person shall, on the Election Date, on the premises of the polling station:

(a) distribute any Election-related printed materials except such materials as may be distributed by the Electoral Officer or Electoral Assistant for the purpose of conducting the Election;

(b) attempt to interfere with or influence any Elector in marking his or her ballot; or

(c) attempt to obtain information as to how an Elector is about to vote or has voted.

Voting Procedure

7.19 Each person, on arriving at the polling station, shall give his or her name to the Election Official.

7.20 Regardless of whether a person's name appears on the Electors List, each person shall be vouched for as to their identity. Should there be no one who can vouch for the person's identify, the Election Official will request to see personal identification from that person.

7.21 If the person's identity is confirmed and their name appears on the Electors List as showing that they have not previously voted electronically, the Election Official shall place the initials of the Election Official on the ballot and give the ballot to the Elector.

7.22 The Election Official shall cause to be placed in the proper column of the Electors List a mark opposite the name of every person receiving a ballot.

7.23 Any Elector to whom a Mail-in Ballot Package was mailed or provided under section 6.4 may obtain a ballot and vote in person at a polling place if:

(a) the Elector returns the Mail-in Ballot to an Election Official;

(b) where the Elector has lost the Mail-in Ballot, the Elector provides an Election Official with a written affirmation that the Elector has lost the Mail-in Ballot, which affirmation shall be signed by the Elector in the presence of the Election Official, a justice of the peace, a notary public or a commissioner for oaths; or

(c) the Elector mailed in a completed ballot and appears in person at the polling station and requests their Mail-in Ballot be destroyed.

7.24 An Election Official shall, when requested to do so, explain the method of voting to the Elector.

7.25 After receiving a ballot, an Elector shall:

(a) immediately proceed to the voting compartment provided for marking ballots;

(b) mark the ballot by placing an "X" or other mark that clearly indicates the Elector's choice but does not identify the Elector opposite the name of the Candidate or Candidates for whom he/she desires to vote;

(c) fold the ballot in a manner that conceals the names of the Candidates and any marks, but exposes the initials on the back; and

(d) deliver the ballot to an Election Official.

7.26 On receipt of a completed ballot, the Election Official shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the Elector and any other persons entitled to be present at the polling station.

7.27 While an Elector is in the voting compartment for the purpose of marking their ballot, no other person shall, except as provided in section 7.28, be allowed in the same compartment or be in any position from which he/she can see the manner in which the Elector marks their ballot.

Voting Anomalies

7.28 At the request of any Elector who is unable to vote in the manner set out in section 7.25, an Election Official shall assist that Elector by marking their ballot in the manner directed by the Elector in the presence of another Elector, selected by the Elector as a witness, and shall place the ballot in the ballot box.

7.29 An Elector who has inadvertently dealt with their ballot in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to an Election Official, be entitled to obtain another ballot. The Election Official shall write the word "cancelled" upon the spoiled ballot and preserve it.

7.30 Any person who has received a ballot and who leaves the polling place without delivering the same to the Electoral Officer or the Electoral Assistant in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit their right to vote in the Election.

(a) The Electoral Officer or Electoral Assistant shall make an entry in the Electors List in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote or failed to return the ballot.

(b) If the person returns the ballot, the Electoral Officer or Electoral Assistant shall mark upon the face of the returned ballot the word "declined" and all ballots so marked shall be preserved.

Closing of the Polling Station

7.31 Every Elector who is inside the polling station, at the time fixed for closing the poll, shall be entitled to vote before the poll is closed, if they have not already voted.

7.32 The Electoral Officer or Electoral Assistant shall ensure that the doors to the polling station are closed at 8:00 pm on Election Date.

PART 8 - COUNTING OF THE VOTES

Opening Mail-In Ballots

8.1 Upon the closing of the polling station, the Electoral Officer or Electoral Assistant shall, in the presence of any Scrutineers who are present, open each envelope containing a Mail-in Ballot that was received before the close of the polls and, without unfolding the ballot, place it on the table.

8.2 The unfolded Mail-in Ballot shall be rejected if;

(a) it was not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed,

(b) the voter declaration form does not contain a date of birth or a band number that matches the information contained for that Elector on the Electors List;

(c) the name of the Elector set out in the voter declaration form is not on the Electors list; or

(d) the Electors List shows that the Elector has already voted.

8.3 If the conditions in section 8.2 have not been met, the unfolded Mail-in Ballot shall be deemed admissible. A mark shall be placed on the Electors List opposite the name of the Elector as set out in the voter declaration form, and the unfolded Mail-in Ballot shall be placed in the ballot box.

Rejected ballots and invalid votes

8.4 Immediately after the Mail-in Ballots have been deposited in the ballot box under section 8.3, the Electoral Officer or Electoral Assistant shall, in the presence of any Scrutineers who are present, open the ballot box and examine each ballot.

8.5 In examining the ballots, the Electoral Officer must reject any ballots that:

(a) do not contain the initials of the Electoral Officer or Electoral Assistant;

(b) do not give a clear indication of the Elector's intention;

(c) contain more votes than there are Candidates to be elected; or

(d) contain a mark by which the Elector can be identified.

8.6 A Scrutineer may object to the decision of the Electoral Officer to accept or reject a ballot.

8.7 The Electoral Officer shall note any objections made by any Scrutineer under section 8.6 and decide any questions arising out of the objection, including whether to reverse the Electoral Officer's decision to accept or reject a ballot.

8.8 The Electoral Officer or Electoral Assistant shall number objections to ballots made pursuant to section 8.6 and place a corresponding number on the back of the ballot with the

word “allowed” or “disallowed” to indicate whether the objection was allowed or disallowed, as the case may be, with their initials.

8.9 The Electoral Officer or Electoral Assistant shall attach a note to each rejected ballot which outlines the reason for rejection.

8.10 The Electoral Officer shall declare invalid any vote for a Candidate who has withdrawn their candidacy in accordance with section 5.3 or section 5.4, and the Electoral Officer shall note any votes declared invalid for this reason.

Counting the Ballots

8.11 The Electoral Officer or the Electoral Assistant shall supply all persons present and who so request with a tally sheet to keep their own tally of the votes.

8.12 The Electoral Officer or Electoral Assistant shall call out the names of the Candidates for whom valid votes were cast on all accepted ballots.

8.13 Either the Electoral Officer or Electoral Assistant, whoever is not calling out the names of Candidates, shall mark a tally sheet in accordance with the names being called out under section 8.12 for the purpose of arriving at the total number of votes cast for each Candidate.

Combining paper and electronic ballot counts

8.14 The Electoral Officer must, in a timely manner, combine the results of the counting of paper ballots and electronic ballots in relation to each Candidate in the Election.

Automatic Recount

8.15 The Electoral Officer must conduct a recount for any office for which there are five votes or fewer separating the elected Candidate and that Candidate’s closest non-elected rival.

Tie Votes

8.16 If it is not possible to determine the successful Candidate for either a Chief or Councillor position due to an equal number of votes being cast (i.e., tie vote), the Electoral Officer shall establish a time for the conduct of a recount and publicly announce this time in the presence of all those present in the polling station.

8.17 A recount conducted pursuant to section 8.16 must take place within 24 hours of the announcement by the Electoral Officer, in the presence of the Candidates and Scrutineers who wish to attend.

8.18 At the time established for the recount, the Electoral Officer shall conduct a recount of all valid votes cast on all accepted ballots.

8.19 If the recount fails to determine a successful Candidate, the Electoral Officer shall place the names of the Candidates having the same number of votes on a paper and place each in a receptacle. Without looking, the Electoral Officer shall draw as many papers as there are positions available. The Candidate(s) whose name(s) appear on the pieces of paper the Electoral Officer has drawn from the receptacle shall constitute the successful Candidate(s).

Provisional declaration of Election results

8.20 Immediately after completing the counting of the votes and establishing the successful Candidate(s), the Electoral Officer shall provisionally declare:

(a) the Candidate for the office of Chief who received the highest number of votes as elected to the office of Chief; and

(b) the Candidates for the Councillor offices who received the highest number of votes, up to the number of Councillor offices to be elected, as elected to the office of Councillor.

PART 9 - POST-ELECTION PROCEDURES

Election Results Announcement

9.1 If no Appeal has been submitted by the time for submitting any Appeal pursuant to section 12.1 of the results of an Election, the Electoral Officer shall declare any results provisionally declared under section 4.15, section 4.16 and section 8.20 as the final Election results.

9.2 Where an Appeal has been submitted pursuant to section 12.1, the Electoral Officer shall proceed as directed in the decision of the Complaint and Appeal Committee in the Appeal and declare the final Election results accordingly.

9.3 Immediately following the Final Declaration of Election Results, the Electoral Officer shall complete and sign an Election report which shall contain:

(a) the names of all Candidates;

(b) the number of ballots cast for each Candidate;

(c) the number of rejected ballots;

(d) the name of the Candidates declared elected and the offices to which they were elected; and

(e) the Election Date.

9.4 Within four days following the Final Declaration of Election Results pursuant to section 9.1 or section 9.2, the Electoral Officer shall:

(a) sign and post the Election report;

(b) include a copy of the Election report in the next Newsletter; and

(c) forward a copy of the Election report to the Band Administrator and Indigenous Services Canada.

Retention and Destruction of Ballots and Other Election Materials

9.5 The Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain these ballots and all materials used in connection with the Election in a secured location.

9.6 All materials retained pursuant to section 9.5 shall be retained until the later of

(a) forty-five days after the Election Date, or

(b) if an Appeal is submitted in accordance with section 12.1, forty-five days after a decision of the Complaint and Appeal Committee is issued in the Appeal.

9.7 After the expiry of the period specified in 9.6, the Electoral Officer may, unless otherwise directed by the Council or the Complaint and Appeal Committee , destroy all materials

retained pursuant to section 9.5 in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those materials.

Council Oath of Office

9.8 Within 10 days of the Declaration of Final Election Results, a Candidate who has been elected Chief or Councillor shall swear the Council Oath of Office before either the Electoral Officer, a Justice of the Peace, Notary Public or duly appointed commissioner for taking oaths.

9.9 No person elected as Chief or Councillor shall be permitted to assume office until they have filed with the Electoral Officer the sworn Council Oath of Office.

9.10 The Council Oath of Office shall be administered and recited from Part 14 of this Code.

Stellat'en Employee elected

9.11 If a Stellat'en Employee is elected to Council, that Stellat'en Employee will be given a leave of absence from their employment position for one (1) year.

9.12 At the end of the leave of absence, the Stellat'en Employee must either

(a) resign from their position as a Stellat'en Employee, or

(b) resign from their office as Chief or Councillor.

9.13 If a Stellat'en Employee fails to provide the Band Administrator, at the end of the leave of absence, with proof that they have resigned from their employment position or their position on Council, the Complaint and Appeal Committee shall declare vacant the Council office held by that Stellat'en Employee.

PART 10 - BY-ELECTIONS

10.1 Subject to section 10.2 and 10.3, if the office of Chief or a Councillor becomes vacant, a By-election shall be held within ninety days after the position is declared vacant.

10.2 No By-election shall be held if there are less than six months remaining in the term of the Council member whose office has become vacant, except where a By-election is necessary to have sufficient Council members to maintain a quorum.

10.3 If the office of a Councillor becomes vacant within six months of the Final Declaration of Election Results,

(a) the Candidate with the next highest number of votes for the office of Councillor will be deemed to have been elected; and

(b) the Electoral Officer must update the Election report and ensure the updated report is posted, included in the next Newsletter and forwarded in accordance with section 9.4.

10.4 If there is no other Candidate to fill the office under section 10.3, a By-election shall be held.

10.5 A By-election must be held on a date set by Council resolution.

10.6 Between the time that a vacancy on Council occurs that causes it to be impossible for the Council to achieve quorum and the taking of office of a Council member that makes it possible to again achieve quorum, the remaining Council members shall be deemed to constitute quorum for the purposes of taking the steps necessary to conduct a By-election.

10.7 No sitting Council member is eligible to be a Candidate as a Councillor in a By-election.

10.8 If a Council member wishes to be a Candidate in a By-election for Chief, that Council member must resign their Council position upon submitting a Nomination Package

10.9 No more than one (1) sitting Council member may be a Candidate in a By-election for Chief. If more than one sitting Council member wishes to be Candidate for Chief, the first Councillor who is eligible and submits their Nomination Package in accordance with section 4.11 shall be declared a Candidate.

10.10 A Candidate elected in a By-election is only elected to complete the balance of the term of the elected office of the individual they are replacing.

10.11 Except as expressly provided in this Code, as much as is reasonably possible, the rules and procedures in this Code shall apply to By-elections.

PART 11 - COMPLAINT AND APPEAL COMMITTEE

Functions

11.1 The Complaint and Appeal Committee shall supervise and administer, in accordance with the provisions of this Code:

(a) all reviews of a decision of the Electoral Officer under section 3.23; and

(b) all Appeals.

Composition

11.2 Council shall appoint a Complaint and Appeal Committee, which shall consist of:

(a) one Elder representative;

(b) one person who is not a Stellat'en First Nation member and is neutral;

(c) one youth representative 19 to 29 years of age;

(d) one Member at large from the community.

11.3 The term of office of each Complaint and Appeal Committee shall be four years.

11.4 A Complaint and Appeal Committee member may be appointed more than once.

11.5 Each member of the Complaint and Appeal Committee shall accept their appointment by forwarding a letter of acceptance to Council.

11.6 Upon receipt of an Appeal in accordance with section 12.1, any Complaint and Appeal Committee member who is Directly Related to any appellant or Candidate, or who may be reasonably perceived to have a bias or conflict in connection with the Appeal, shall excuse themselves from the Complaint and Appeal Committee.

11.7 If:

(a) a Committee Member fails to accept their appointment pursuant to section 11.5,

(b) a Committee Member excuses themselves pursuant to section 11.6, or

(c) there is a vacancy on the Complaint and Appeal Committee for any other reason,

Council will appoint a replacement member for the purposes of that Appeal or on an ongoing basis as required.

11.8 In appointing additional Complaint and Appeal Committee members under section 11.7, Council shall use reasonable efforts to maintain the composition of the Complaint and Appeal Committee prescribed by section 11.2 but may, if necessary, appoint other neutral persons for the purposes of an Appeal or review to ensure that at least three Complaint and Appeal Committee members are available to administer that Appeal or review.

PART 12 - APPEAL MECHANISM

Timing

12.1 A Candidate or an Elector may, within ten days after a provisional declaration of Election results pursuant to section 4.15, section 4.16 or section 8.20, submit an Appeal to the Complaint and Appeal Committee.

Grounds for Appeals

12.2 An Appeal must sufficiently outline one or more of the following:

(a) that the person provisionally declared elected was not eligible to be a Candidate;

(b) that there was a violation of this Code in the conduct of the Election that might have affected the result of the Election; or

(c) that there was Corrupt Practice in relation to the Election.

Submission

12.3 An Appeal must:

(a) be in writing and set out, in an affidavit sworn before a notary public or duly appointed commissioner for taking oaths, the facts substantiating the grounds for the appeal accompanied by any supporting documentation; and

(b) be accompanied by a deposit in the amount of $100, which amount shall be refunded if the Complaint and Appeal Committee upholds the appeal under section 12.9.

Procedure

12.4 Upon receipt of an Appeal, the Complaint and Appeal Committee shall:

(a) if the Appeal complies with section 12.2 and section 12.3, forward a copy of the Appeal together with supporting documents to the Electoral Officer and to each Candidate at the Election; or

(b) if the Appeal does not comply with section 12.2 and section 12.3, inform the appellant(s) in writing that the Appeal will not receive further consideration.

Response to the Allegations

12.5 Any Candidate or the Electoral Officer may, within 10 days of the receipt of an Appeal by the Complaint and Appeal Committee, forward to the Complaint and Appeal Committee a written response to the Appeal, together with any supporting documentation.

Investigation

12.6 The Complaint and Appeal Committee may conduct such further investigation into an Appeal, including a hearing, as the Complaint and Appeal Committee deems necessary.

12.7 If funds are needed to conduct an investigation that requires legal counsel and is beyond the capacity of the Complaint and Appeal Committee to conduct, Council shall provide such funds as are reasonably necessary to allow the investigation to be completed.

Decision

12.8 Within twenty days after the receipt of an Appeal by the Complaint and Appeal Committee, the Complaint and Appeal Committee shall issue a decision in accordance with section 12.9.

12.9 After a review of all of the evidence that it has received, the Complaint and Appeal Committee may issue a decision

(a) that the evidence presented did NOT allow for the reasonable conclusion that:

(i) the person declared elected was not eligible to be a Candidate;

(ii) a violation of this Code has taken place that might have affected the result of the Election; or

(iii) there was a Corrupt Practice in relation to the Election that might have affected its results,

and dismiss the Appeal; or

(b) that all evidence and information gathered allows for the reasonable conclusion that:

(i) the person declared elected was not eligible to be a Candidate

(ii) a violation of this Code has taken place that might have affected the result of the Election; or

(iii) there was a Corrupt Practice in relation to the Election that might have affected its results,

and uphold the Appeal by setting aside the Election of one or more Council members.

12.10 Where an Appeal is upheld pursuant to section 12.9(b), the Complaint and Appeal Committee shall include in its decision:

(a) a declaration that:

(i) the Election for one or more Council offices is invalid and directing that another Election for that office or offices must be held as soon as practicable; or

(ii) the Election of a Candidate is invalid, and the Candidate with the next highest number of votes is duly elected; and

(b) where appropriate, recommendations to Council and to the Electoral Officer regarding how any error or issue identified in the Appeal can be prevented in future Elections.

12.11 If an Appeal is upheld and a Candidate has been found to have violated this Code in such a way that the outcome of an Election may have been affected, the Complaint and Appeal Committee may disqualify that Candidate from being a Candidate in an Election for up to ten (10) years commencing from date of the decision under 12.9.

12.12 Within thirty days of issuing a decision under 12.9, the Complaint and Appeal Committee shall provide written reasons for the decision.

12.13 The decision and written reasons shall be:

(a) published in the next Newsletter; and

(b) posted.

PART 13 - AMENDMENTS & RATIFICATION

13.1 The process for development and passage of amendments to this Code may be initiated by:

(a) a petition presented to Council, signed by at least 25% of all Members at least 18 years old and setting out the specific area in this Code proposed for amendment; or

(b) a Council resolution.

13.2 Upon receipt of an amendment proposal in accordance with section 13.1, Council shall prepare a notice that sets out:

(a) a summary of the proposed amendments to this Code;

(b) a statement that the full copy of the proposed amendments can be obtained at the Stellat'en First Nation administration office; and

(c) a description of the amendment process.

13.3 The notice provided in section 13.2 shall be:

(a) published in the next Newsletter; and

(b) posted until the day after the community meeting specified in section 13.6.

13.4 Members who are at least 18 years old may, within 14 days of publication of the notice under section 13.3 provide comments concerning the proposed amendments in writing to Council.

13.5 Following receipt of comments concerning the proposed amendments pursuant to section 13.4, Council shall review the comments and make such changes to the proposed amendments as they deem necessary in order to arrive at a final amendment proposal.

13.6 Council shall submit the final amendment proposal to a community meeting.

13.7 Should the majority of the votes cast by the Members who are at least 18 years old at a community meeting be in favour of the final amendment proposal, Council shall amend the Code accordingly.

13.8 Any amendment passed 100 days or more prior to an Election shall be incorporated into the Code and shall govern the Election. Any amendment passed less than 100 days prior to an Election shall not take effect until after the Election.

PART 14 - FORMS

Election Official Oath of Office

As a Stellat'en First Nation Election Official I am responsible for Election processes and procedures under the Stellat'en First Nation Custom Election Code (the Code). As a Stellat'en First Nation Election Official I will:

1. uphold and comply with the Code and all the laws of Stellat'en First Nation;
2. fulfil the duties and responsibilities of my office under the Code;
3. carry out my duties faithfully, honestly, impartially and to the best of my abilities;
4. keep confidential, both during and after my term of office, any matter or information which, under the Code, Stellat'en First Nation law or policy, is considered confidential;
5. remain neutral and professional in the conduct of the duties of my office, which includes not providing any preferential treatment or expressing support or opposition for any Candidate(s);
6. not accept anything of value (money, offers of employment, gifts, travel, etc.) in exchange for preferential treatment or access to nonpublic information;
7. not discriminate against anyone because of race, religion, sex, age or disability;
8. use public office facilities to fulfill the terms of office, not for personal or partisan benefit;
9. not pressure or intimidate other officials or personnel to favor a certain Candidate(s);
10. avoid conflicts of interests, or the appearance of conflicts of interests, by abstaining from decision making where I have a personal or private interest in the matter;
11. always act in the best interests of Stellat'en First Nation in carrying out my duties.

_____ _____

Signature of Election Official Signature and Title of Witness

Council Oath of Office

I, _____(name), elected _____(Chief or Councillor) of Stellat'en First Nation (SFN), do declare as follows:

1. I am a member of the SFN and as such am ready and willing to serve on the Council as _____(Chief or Councillor) for the SFN.
2. To the best of my knowledge I am eligible to serve as a _____(Chief or Councillor) of the SFN pursuant to the Stellat'en Custom Election Code.
3. I will faithfully perform the duties of my office as set out in the SFN Governance Policy and will not allow my private interest to influence my conduct in public matters.
4. I will protect the laws of our First Nation, in order to preserve our culture and heritage.
5. I will faithfully discharge my duties in a fair and equitable manner and involve all willing SFN members to participate in a common effort to improve our lives.
6. I will co-operate with every First Nation throughout British Columbia and Canada for the following goals and objectives:
    - 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 equal to that of other members of Canadian society;

    I will extend the hand of friendship and co-operation to all like-minded Canadians in pursuit of these goals.
7. I have not, directly or indirectly, committed any bribery, corruption or intimidation during my election campaign.
8. I understand that, as a Council member, SFN human resource policies apply to me.
9. I understand that if I am convicted of an indictable offense under the Criminal Code of Canada then I must vacate my position immediately.

_____ _____

Signature of Council member Signature and Title of Witness

Council Oath of Confidentiality

This is to certify that I, _____, as a member of Stellat'en First Nation Council, understand that any personal information (written, verbal or other form) obtained during the performance of my duties of office, must remain confidential. This includes all confidential information about members, clients, families, employees and other associate organizations, as well as any other information otherwise marked or known to be confidential.

I understand that any unauthorized release or carelessness in the handling of this confidential information is considered a breach of my duty to maintain confidentiality.

I further understand that any breach of the duty to maintain confidentiality could be grounds for my removal from office, and/or possible liability in any legal action arising from such breach.

_____ _____

Signature of Council member Signature and Title of Witness

Candidate Declaration

I acknowledge that according to the Stellat'en First Nation Custom Election Code, as a Candidate I must campaign:

1. Without coercion or vote-buying;
2. Respecting the right and freedom of other parties to organize and campaign;
3. Respecting the rights of Electors to obtain information from a variety of sources and to attend political rallies;
4. Ethically, focusing on political issues and candidate platforms, instead of conducting smear campaigns or ones of rumor and innuendo;
5. Non-violently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
6. Respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
7. Using social media (Facebook, Twitter, Blogs, websites, online forums, etc.), use such media in a respectful manner, conducive to constructive debate of issues, treating other candidates with utmost respect in employing such social media.
8. Respecting the Electoral Officer and any Electoral Assistants and not interfering with the performance of their duties; and
9. Accepting and complying with the official election results and the final decision of the Complaint and Appeal Committee.

_____ _____

Signature of Candidate Signature and Title of Witness