

Iskut First Nation Band Council Election Regulations

Title

1. These Regulations may be called the *Iskut First Nations Band Council Election Regulations*.

Definitions

1. In these Regulations,
 - “**Act**” means *Indian Act*;
 - “**candidate**” means a candidate for election;
 - “**election**” means a general election for the office of chief and / or for the office Councillor(s), or a by-election for any one or more of those offices, as the case requires;
 - “**eligible voter**” means a person who:
 - a) Is a registered member of the Iskut Band;
 - b) Is at least eighteen (18) years of age; and
 - c) Is not disqualified from voting at band elections.
 - “**electoral officer**” means a person contracted by the Iskut First nation to conduct the election;
 - “**eligible nominator**” means a person who:
 - a) Is a registered member of the Iskut Band;
 - b) Is at least eighteen (18) years of age;
 - c) Is an ordinary resident on the Iskut Band Reserve and has physically resided on the reserve for the six (6) consecutive months immediately prior to the election date; and
 - d) Is not disqualified from participating in band elections.
 - “**eligible nominee**” means a person who:
 - a) Is a registered member of the Iskut Band;
 - b) Is at least eighteen (18) years of age; and
 - c) Is an ordinary resident on the Iskut Band Reserve and has physically resided on the reserve for the six (6) consecutive months immediately prior to the election date; and
 - d) Is not disqualified from participating in band elections.
 - “**elector**” means a person who is eligible to vote in an election in accordance with the Regulations;

Ordinary Residence

1. For the purposes of this Regulation, the following applies as to the interpretation of the words “ordinary residence” in respect to all matters pertaining to the right of an elector to nominate or be nominated in an election.
2. Subject to other provisions of this Regulation, the question as to where a person is ordinarily resident six (6) consecutive months prior to the election date shall be determined by all facts of the case, including:
 1. The ordinary residence of a person is generally the place which has always been, or which s/he has adopted a, the place of his/ her home, a place where s/he usually sleeps and intends to return to when absent from. The place of ordinary residence is a place where a person sleeps a majority of the time.
 2. A person may have only one (1) ordinary residence and it shall be maintained as such until another is acquired.
 3. Temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence provided that the person is:
 - a) Attending a post-secondary institution;
 - b) Receiving medical treatment prescribed by a physician
 4. “Vacancy” means the office of chief of councillor is vacant if the person that holds that office:
 - is convicted of an indictable offense;
 - resigns his/her office;
 - dies; or
 - is declared medically incapable by a medical professional

Nomination Meeting

1. When an election is to be held, the electoral officer shall post notices in all public buildings and places in the electoral section, no less than 12 days prior to the election.
2. The notice shall include date, time and place of the election.
3. At the specified time, date and place of the election, the electoral officer shall declare the meeting open for the purpose of receiving nominations.
4. No person may be candidate for chief or councillor of the Iskut Band unless his/her nomination is moved and seconded by persons who are themselves eligible to be nominated.
5. Persons must be present to accept their nomination, unless prior arrangements have been made with the electoral officer and the nominee has provided the electoral officer with a written letter of acceptance prior to the opening of the nomination meeting.
6. Upon acceptance of the nomination, the candidate must submit to a criminal records check.
7. The nominations shall cease upon electors moving and seconding a motion to cease nominations and majority of those in attendance vote in favour.
8. If the nominees do not exceed the number of required seats for council, then the electoral officer shall declare the nominated persons duly elected provided that they meet the criteria for council members.
9. In the event that more than the required number of persons is nominated for council the then electoral officer shall declare that a poll will be held and shall announce the date, time and place of the poll.
10. Whenever a poll is declared, the electoral officer shall post the names of all nominees and the date, time and place of the poll, in all public places within the electoral section, on the day following the nominations.

Voting Preparations

1. The electoral officer shall prepare the voters' list and post it in all public places within the electoral section.
2. Any elector may apply to the electoral officer to have the voters' list revised in the event that an eligible voter's name is incorrect or has been omitted.
3. The electoral officer may revise the list if they are satisfied that corrections are needed.
4. Any candidate may withdraw from the election by providing the electoral officer with a signed written statement of withdrawal no less than 48 hours prior to the opening of the polls and all votes cast for that candidate shall be declared null and void.
5. The electoral officer shall prepare and initial a sufficient number of ballot papers for the purpose of the election.
6. The electoral officer shall provide a compartment at the polling places where the electors can mark their ballot papers free from observation.
7. The polling station should be opened at 9:00 a.m. and remain open until 8:00 p.m. of the same day, at which time the electoral officer shall declare the polls closed.
8. When the electoral officer shall immediately prior to the opening of the polls, call witnesses to verify that the ballot box is empty, the electoral officer shall then close, lock and properly seal the box to prevent it from being opened until the appointed time.

The Polling Station

1. The electoral officer shall confirm a person is eligible to vote and is on the voters' list prior to providing him or her with a ballot paper.
2. The electoral officer must strike or mark each voter's name on the list as s/he receives the ballot papers.
3. No person who is declared ineligible to vote by the electoral officer shall receive a ballot paper.
4. When requested, the electoral officer shall explain the voting procedure to the voter.
5. The voters, upon receiving the ballot paper, shall go to the compartment, place a mark opposite their choice of candidate(s), fold the ballot in half and deposit it in the ballot box.
6. While a voter is in the voting compartment, no other persons shall be in the compartment with the voter, or in any position from which they can see the voter mark his/her ballot, unless specifically requested to provide the voter with assistance.
7. If a voter requests assistance in marking his/her ballot, then the electoral officer shall provide that assistance.

8. If the voter requests that the electoral officer mark his/her ballot for him or her, the electoral officer must have another person witness that the ballot is being marked according to the voter's choice.
9. The electoral officer must then mark on the voter's list, opposite the voter's name, that they were requested to mark that ballot for that voter.
10. A voter who has inadvertently spoiled his/her ballot and gives the ballot to the electoral officer may receive a new ballot paper, provided that the ballot has not been put into the ballot box.
11. Any person who takes or receives a ballot paper and leaves the polling station forfeits his/her right to vote in the election. If this person returns to the polling station with the ballot, and has marked a selection on that ballot, the electoral officer shall write the word "Declined" on the ballot and preserve it. The electoral officer shall then mark the words "Refused to Vote" opposite the voter's name on the voter's list.
12. Any voter whose name is not on the voter's list at the election can cast a ballot provided that the electoral officer is satisfied that they are eligible to vote.
13. Every voter who is at the polling station at closing time shall be entitled to vote before the poll is closed.

Closing Polls and Counting Ballots

1. Immediately upon the closing of the polling station and in the presence of candidates or other witnesses, the electoral officer shall open the ballot box.
2. The electoral officer then examines all ballots and rejects all ballots that:
 - a. Were not supplied by them;
 - b. Have more than the required number of candidates marked; or
 - c. Have not been marked in any way.
3. Any ballot that contains marks for less than the required number of candidates shall be considered valid and must be counted.
4. Subject to review on recount or an election appeal, take note of any objection made by the candidate or their agent to any ballot paper found in the ballot box and decide any question that may arise out of the objection.
5. Number all such objections and place a corresponding number on the back of each ballot that is in question with the words "allowed" or "disallowed" with the candidate's initials.
6. Count the votes given for each candidate from ballot paper that are not rejected and make a written statement stating the number of votes for each candidate, number of spoiled ballots, then sign and date the bottom of the statement and ask if any one else who is present to sign the same.
7. Immediately upon completion of the counting of the votes, the electoral officer shall publicly declare the elected candidates, beginning with the candidate who has the highest number of votes and also post a notice in all public places that has the names of all candidates and the number of votes for each candidate and sign and date the notice.
8. Where there is a tie between two candidates, and there is only one seat, then the electoral officer shall cast the deciding vote, otherwise the electoral officer shall not be entitled to vote.

Disposition of the Ballot Papers

1. The electoral officer shall place all the ballot papers in an envelope, seal it, sign it and keep in a safe place for three (3) months, provided that there are no appeals then the ballots may be destroyed in front of a witness.

Election Appeals

1. Any voter or candidate has thirty (30) days after the election to file a notice of appeal with the electoral officer.
2. A notice of appeal may be tendered if a candidate or a person who voted in the election has reasonable grounds to believe that:
 - There was corrupt practise in connection with the election;
 - There was a violation of these regulations that may affect the results of the election ; or
 - A person nominated to be a candidate is ineligible to be a candidate.
3. When the electoral officer receives an appeal, they will investigate the matter and notify the party of the findings.

4. If the party is not satisfied with the electoral officer's findings and provides other information that suggests the election was not valid then the electoral officer and the party shall agree upon a neutral mediator to investigate the matter further
5. Any decision reached by the mediator shall be declared final.

Special Election

1. Where the office of the Chief or Councillor(s) becomes vacant three (3) or more months prior to a scheduled election date, a special election shall be held in accordance with these Regulations.