



COMMUNITY UPDATE /

Notice of Referendum to Amend the Iskut Custom Election Code

Meeting and Vote: Community Hall, September 11, 2023, 6:30 pm

COUNCIL'S MESSAGE

Over the past number of months, Iskut Band Council with the assistance of their legal counsel, Clark Wilson LLP, have been working together to revise the Iskut Custom Election Code.

On July 31 2023, Council passed a Band Council Resolution approving the changes made to the Code. This now triggers the next step which is a 30 day community review period, which will be followed by a community vote to approve or deny the amendments to the Code. We will post a notice of the location, date and time of the referendum vote in the near future and in accordance with the requirements of the Code. This decision is to be made by the community to ensure Iskut community input is provided and members have an opportunity to have their voices heard.

Below is an overview of the key changes made to the Code. In addition to this summary, copies of the revised Code, as well as a document tracking the changes made from the previous version are available to all members at their request.

COMMUNITY PARTICIPATION

Over the next month, Iskut will be hosting a number of information sessions in different forums to ensure that all community members have an opportunity to ask questions about the changes and gain a better understanding of why each change was made. At the close of the community consultation process, there will be a vote to approve the amendments to the Election Code. Please do not hesitate to reach out with any questions. It is of the utmost importance that Iskut members have all the information they need to make a fully informed decision regarding the changes to the Election Code.

CHANGES TO THE ELECTION CODE

1. Duties of Chief and Council

Minor amendments were made to the Duties of Chief and Council to further clarify their responsibilities, including:

- a) Requirement to act honestly, impartially and in good faith.

- b) Act in accordance with decisions made by the collective Iskut Band Council, not as an individual.
- c) Act in accordance with the revised Code of Ethics and Conduct and to swear the Chief and Council Oath of Office.

2. Composition of Chief and Council

The composition of Chief and Council was amended to clarify the positions in regard to residency requirements. This was done by adding the following composition:

- a) One Chief who is Ordinarily Resident on one of the Iskut Band Reserves.
- b) Three Councillors who are Ordinarily Resident on one of the Iskut Band Reserves.
- c) Two Additional Councillors (can be Ordinarily Resident or off-reserve depending on nominations and votes, not restrictive).

One of our central goals was ensuring that Chief and Council is representative of the entire community and not acting in the best interests of select few.

3. Creation of the Electoral Commission

The Electoral Commission was created to provide for a diverse, qualified and prepared group to assist with the administration of an Election. Creating the Electoral Commission with a specific set of skills provides the necessary tools to ensure that they monitor and conduct a fair and well-established election process. The Electoral Commission requirements provisions include:

- a) Provisions added stating the Electoral Commission is established as an independent institution of the Iskut Band with authority over, and responsibility for, the elections and referendums conducted by the Iskut Band.
- b) Added that the Electoral Commission as a whole must have experience in governance, legal experience, understanding of Iskut traditions and customs and connection to the Iskut community.
- c) Comprising the Electoral Commission to ensure a diverse and representative team.

The members of the Electoral Commission will be awarded Honorariums for their participation on the Commission in accordance with the Iskut Honorarium policy.

4. Duties of Electoral Commission

Many of the roles and responsibilities of the Electoral Officer have been reassigned to the Electoral Commission. The Electoral Officer's role includes monitoring and overseeing the Election Day itself, while the Electoral Commission will maintain ongoing participation in the process. With the increased responsibilities for the Electoral Commission, we also wanted to be certain to ensure that the Electoral Commission is properly qualified as mentioned above. The following duties were added or revised for the Electoral Commission:

- a) Hire the Electoral Officer.
- b) Determine the date for a Regular Election or Special Election.
- c) Compile, preserve, and maintain the Voters' List.
- d) Consider issues relevant to the practical administration of elections and referendums conducted by the Iskut Band, including issues identified by Iskut members, and appeals of election results and breaches of the Code of Conduct.
- e) Work with the Electoral Officer to secure the locations and equipment necessary or desirable for voting operations during elections and referendums conducted by the Iskut Band.
- f) Report to Council on each election conducted by the Iskut Band.
- g) Oversee the development of, and amendments to, this Code and the commission terms of reference, including consultation with Iskut members on the development of, and amendments to, the Election Code.
- h) Develop and deliver to Iskut members non-partisan information regarding each Election.

5. Electoral Officer

As mentioned above, a number of the responsibilities of the Electoral Officer have now been delegated to the Electoral Commission. The main responsibility of the Electoral Officer is to oversee and ensure the proper administration of each Election and ensuring the Election is completed in accordance with the Code. Amendments to this section include:

- a) Clarifying that the Electoral Officer cannot be a salaried employee of Iskut or holder of other contracts of services with Iskut, in addition to the previous provision that they must not be an Iskut Band Member, to limit any conflict of interest.
- b) Stating the Electoral Officer's key responsibility to oversee and ensure the proper administration of each Election conducted by the Iskut Band that is efficient, fair, transparent and in accordance with the Code and Iskut Laws.

6. Nomination Procedure

Eligible Electors may now nominate or second Putative Candidates (meaning candidates that are nominated but have not yet confirmed the nomination) in the following ways:

- a) orally before the Electoral Officer on Nomination Day, at the location and during the time period set out in the Nomination Notice; or
- b) by selecting another member to act as their proxy in person, if they are unable to attend on Nomination Day.

Prior to the close of Nomination Day, the Electoral Officer shall request each Putative Candidate to accept or decline their nomination. If the nominee is unable to attend in-person on Nomination Day and does

not provide the Electoral Officer with prior written acceptance, then their nomination will be deemed declined.

After accepting the Nomination, within 7 days of the Nomination Day, the Candidate will provide the Electoral Officer with a Candidacy Confirmation, which will include:

- a) a written confirmation;
- b) a statement of which office they will be seeking (i.e. Chief or Councillor);
- c) a personal statement as to why they are running for office; and
- d) a declaration that the Candidate will meet all the obligations as a Candidate under the Election Code.

Once this has all been submitted, the individual will officially be a Candidate for the upcoming election.

7. Removal of Mail-In Voting

Mail-In Voting has been removed from this Election Code. In its place remains electronic voting, or in-person voting to reduce the administrative burden on the Electoral Commission and Electoral Officer.

8. Removal of Chief or Councillor

The proposed amendments provide a clear and cohesive process for investigating complaints of a Chief or Councillor, as well as a process for their subsequent removal, if necessary. This section now contains greater procedural fairness and can ensure that any decisions to remove the Chief or Councillor are done in an organized and clear manner to provide predictability and consistency in the process. The removal processes include:

- a) vote of non-confidence of at least 67% (rounded to the nearest whole number) of electors; and
- b) following an independent investigation and complaint process.

9. Schedules

- a) Code of Ethics and Conduct for the Iskut Band Council
 - i. Revised to clarify that Chief and Council must serve the Membership to the best of their ability, act conscientiously, competently loyally and honestly, and protect the best interest of the Iskut Band.
 - ii. Chief and Council will abide by all by-laws, rules, policies and regulations of Iskut, in addition to all laws and regulations of British Columbia and Canada.
 - iii. Council will be accountable to Membership for the performance of its duties and obligations.
 - iv. Ensures that their conduct at Council meetings is honest, courteous and respectful to all members of Chief and Council and participation is diligent.

- v. Communications are transparent and honest.
 - vi. No Council member has authority over another and they act on behalf of Iskut Membership.
 - vii. Conflict of Interests are disclosed and rectified.
- b) Certain Criminal Behavior Prohibited
- i. certain criminal behavior, whether conducted during or prior to holding office, can be subject to an independent investigation process and warrant removal
- c) Candidate Declaration Form
- i. Added for Nomination Eligibility.
- d) Voters List Form
- i. Added for ease of reference for the Electoral Commission.

We are proud of the work that has been completed to date and are excited to share these updates with you now. We thank you for taking the time to review this update and we look forward to seeing you at the upcoming community vote to approve the Election Code.

Yours truly,

Chief Marie Quock