



ISKUT BAND
CUSTOM ELECTION CODE

Approved March 29, 2019

Amended September 11, 2023



Preamble

The Iskut Band Council Custom Election Code was approved by membership and came into full force and effect on March 29, 2019.

In Canada, the election of the Chief and Council in First Nation communities can be conducted in one of five ways:

- (1) under section 74 of the *Indian Act* and the *Indian Band Election Regulations*;
- (2) under the *First Nations Election Act*;
- (3) according to local electoral system based on community values, customs and traditions;
- (4) treaty; or
- (5) self-governing agreement.

often referred to as a “**custom code**”.

The Iskut Band conducts elections for Chief and Council by way of “custom code”, outside of the *Indian Act* and the *Indian Band Election Regulations* and the *First Nations Elections Act*. The Iskut Band has the ultimate authority over selection method for its leaders, as well as the proper protocol and conduct of its members of Council.

This Iskut Band Custom Election Code builds upon and expands on the previous Iskut Band election rules and regulations in order to provide broader involvement of Iskut Members in the Iskut electoral system and to provide more clarity with respect to the roles, obligations and conduct of Chief and Council.

This code was developed after consideration of the following:

- Discussion with Iskut Band Members;
- Discussion with Iskut Band Staff;
- Discussions with Department of Indigenous Services Canada staff;
- Other First Nation Election Codes;
- The *Corbière Decision*; and
- The British Columbia *Recall and Initiative Act*.

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WHEREAS:

- A. Iskut Band wish to make a Code governing elections of the Iskut Band.
- B. The Government of Canada recognizes the inherent right of self-government as an existing Aboriginal Right under section 35 of the *Constitution Act*, 1982.
- C. The inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institution of Iskut Band.
- D. Iskut Chief and Council elections will be Membership-driven.
- E. Iskut Chief and Council will make decisions collectively, in the best interests of Iskut Band.
- F. Iskut Band has a government that is to be locally run.
- G. Iskut Band has elected to adopt this custom election code to govern its Chief and Council elections.

THEREFORE Iskut Band membership has reviewed and enacts this Iskut Election Code for the benefit of all Iskut Band Members.

1. Interpretation

1.1 Capitalized terms have the meanings ascribed to them in the definitions outlined in Appendix 1

1.2 This Code has the following attached Appendices:

- a) Appendix 1 - Definitions
- b) Appendix 2 – Code of Ethics and Conduct for Iskut Band Council
- c) Appendix 3 – Chief and Council Code Oath of Office
- d) Appendix 4 –Candidate Declaration Form
- e) Appendix 5 – Voters’ List Form
- f) Appendix 6 – Application to Vote by Proxy for Code Amendments

2. Duties of Chief and Council

2.1 Duties and responsibilities of the Iskut Band Council include, but are not limited to the following:

- a) to act in the best interest of all Iskut Band Members, honestly, impartially and in good faith.

- b) to act in accordance with decisions made by the collective Iskut Band Council, not as an individual.
- c) to reasonably and dutifully consider direction that is given through methods including, but not limited to:
 - i) formal planning processes; and
 - ii) resolutions at Iskut Band Member meetings.
- d) to ensure programs and services are provided to meet the priorities and needs of the Iskut Band Members.
- e) to ensure that the Iskut Band develops policies that are fair, equitable and effective.
- f) to ensure Iskut Band resources and assets are responsibly managed for the benefit of all Iskut Band Members.
- g) to promote effective communications and engagement with all Iskut Band Members.
- h) to conduct themselves with a high degree of professionalism.
- i) to act in accordance with their fiduciary obligations to Iskut membership to the highest standards of care.
- j) to actively support activities associated with the portfolios for which they are appointed.
- k) to act in accordance with the Election Code including but not limited to the Code of Ethics and Conduct for Iskut Band Council attached to this Code as Appendix 2 and swear the Chief and Council Oath of Office attached to this Code as Appendix 3.
- l) to attend and participate in meetings held in the community.
- m) to ensure that the Electoral Commission has adequate financial and administrative support to carry out its obligations under this Code.
- n) to ensure they are adequately prepared and meaningfully participate in Council meetings.
- o) to ensure they regularly attend Council meetings in-person and miss no more than two (2) consecutive meetings without the consent of the rest of Council.

3. Composition of Chief and Council

3.1 The Iskut Band Council will be composed of:

- a) one (1) Chief who is Ordinarily Resident on one of the Iskut Band Reserves;
- b) three (3) Councillors who are Ordinarily Resident on one of the Iskut Band Reserves; and

- c) two (2) additional Councillors, who may be Ordinarily Resident on or off one of the Iskut Band Reserves
- 3.2 To avoid any Conflict of Interest, no more than one (1) Immediate Family Member will serve on Council at one time.
- 4. Chief and Council Term of Office**
- 4.1 The term of office for each of the Chief and Councillors begins on the day after the Regular Election and ends the day of the next Regular Election, every four (4) years.
- 4.2 The Iskut Band will conduct Elections for Chief and Councillors in the following manner:
 - a) In 2023, the Regular Election of Chief of Iskut Band will be held on January 15, 2024, or as near to January 15, 2024 as possible and every Regular Election of the Chief of Iskut Band thereafter will be held in the second week of November, or as near to the second week of November as is possible, every four (4) years commencing in 2027; and
 - b) the Regular Election of Councillors of the Iskut Band will be held in the second week of October, or as near to the second week of October as is possible, every four (4) years commencing in 2025.
- 5. Composition of the Electoral Commission**
- 5.1 The Electoral Commission is established as an independent institution of the Iskut Band with authority over, and responsibility for implementing this Code.
- 5.2 The initial Electoral Commission will be appointed by the Council at least four months before the Regular Election of Chief of Iskut Band is held on January 15, 2024.
- 5.3 The term for the Electoral Commission appointments is three years, subject to section 5.4.
- 5.4 Where the end of the term for an existing Electoral Commission falls on the year of a Regular Election, the new Electoral Commission will be appointed by the Band Council at least four (4) months before the Regular Election.
- 5.5 Where the end of the term of an existing Electoral Commission falls on the year that is not the year of a Regular Election, the new Electoral Commission will be appointed by the Band Council one (1) week before the end of term of the previous Electoral Commission.
- 5.6 A member of the Electoral Commission may serve in no more than two consecutive appointments.
- 5.7 The Electoral Commission is composed of minimum of three (3) and a maximum of five (5) individuals of which there must be the following:
 - a) One Elder who is also a Member of the Iskut Band;

- b) A person who:
 - i) is not a Member of the Iskut Band;
 - ii) is over 18 years of age;
 - iii) does not have a criminal record, unless the charges relate to the exercise and protection of rights recognized and affirmed under section 35 of the *Constitution Act, 1982*; and
 - iv) does not have an actual or perceived Conflict of Interest in the outcome of the election;
 - c) One Youth who is a Member of the Iskut Band; and
 - d) A Member of the Iskut Band who is a Ordinarily Resident on Iskut IR No. 6.
- 5.8 Collectively, the Electoral Commission must have:
- a) experience in governance;
 - b) legal experience;
 - c) an understanding of Iskut tradition and customs; and
 - d) connection to the Iskut community.
- 5.9 The outgoing Electoral Commission will be responsible for making recommendations to the Council for the appointment of the next Electoral Commission.
- 5.10 Council will appoint each Electoral Commission in accordance with the outgoing Electoral Commission's recommendations if:
- a) no Conflicts of Interest exist; and
 - b) no other issues exist that would not be in the best interests of Iskut Membership.
- 5.11 The Electoral Commission will select a chair of the Electoral Commission during the first meeting. The Chair will be selected by a majority vote of members of the Electoral Commission present at the meeting.
- 5.12 The following are excluded from the Electoral Commission:
- a) a member of the outgoing Council, and
 - b) a Candidate for the Council in the upcoming Election.

5.13 In the absence of qualified candidates for appointment to the Electoral Commission that meet the criteria set out in sub-section 5.7, the Electoral Commission may recommend other individuals to Council, provided the recommendations meet the requirements under sub-section 5.8.

6. Duties of Electoral Commission

6.1 The purpose of the Electoral Commission is to perform the following duties and exercise the following powers:

- a) hire the Electoral Officer;
- b) determine the date of the Regular Election or By-Election;
- c) work with the Iskut Band Office to compile, preserve, and maintain the Voters' List;
- d) consider issues relevant to the practical administration of the Election Code, including issues identified by Iskut members;
- 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 relevant information on each election conducted by the Iskut Band;
- g) oversee the development of, and amendments to, this Code and the Electoral Commission terms of reference, including consultation with Iskut members on the development of, and amendments to, this Code;
- h) develop and deliver to Iskut members non-partisan information regarding each Election; and
- i) perform any additional duties or exercise any additional powers assigned to the Electoral Commission
 - i) in this Code or any other Iskut law, code or bylaw, or
 - ii) by Council, by band council resolution.
- j) supervise and administer all complaints and appeals in accordance with this this Code.

6.2 The Electoral Commission members will be paid an honorarium in accordance with the Iskut Honorarium Policy as it may be drafted from time to time.

6.3 On or before April 30 of each calendar year, the Electoral Commission will report to Council on its activities and expenditures of funds received by it under this Code.

7. Removal of Electoral Commission

7.1 A member of the Electoral Commission will be removed if:

- i) they become a Candidate in the upcoming election;
- ii) a Conflict of Interest arises during their term and, despite the Conflict of Interest, the member continues to participate in the applicable circumstance; or
- iii) they are convicted of an indictable offence, unless the charges relate to the exercise and protection of rights recognized and affirmed under section 35 of the *Constitution Act, 1982*;

7.2 In the event of a vacancy on the Electoral Commission:

- i) within thirty (30) days of removal, the Electoral Commission will provide recommendations to Council for an eligible replacement of the vacant position; and
- ii) Council will appoint the recommended individual unless the individual is ineligible for any reason or the appointment would not be in the best interests of Iskut Membership.

8. Electoral Officer

8.1 The Electoral Commission will appoint an Electoral Officer not less than 75 days before the date selected by the Electoral Commission as the date on which the Regular Election will be held.

8.2 The Electoral Officer may serve more than one appointment.

8.3 The Electoral Officer must not be an Iskut Band Member, salaried employee of Iskut or holder of other contracts of services with Iskut and must be free of any Conflicts of Interest.

8.4 The Electoral Officer will establish an election file and place in this file copies of all documentation associated with the Election. That file will remain open until the appeal period of thirty (30) days has expired. The file will then be closed and kept at the Iskut Band Office.

8.5 The Electoral Officer may appoint Deputy Electoral Officers and interpreters as they deem necessary and will document the details of this in the election file.

8.6 The Electoral Officer will oversee and ensure the proper administration of each Election conducted by the Iskut Band that is efficient, fair, transparent and in accordance with this Code and other applicable laws.

9. Pre-Nomination Procedure

9.1 The Electoral Commission will post the Nomination Notice in the Iskut Band Office, the Iskut Band website and at least one of the following:

- i) Iskut Band social media channels;
- ii) mail-outs;
- iii) radio; or
- iv) in the public places on Iskut Band Reserves.

9.2 The Nomination Notice will contain and set out:

- a) the location and hours at which the Electoral Officer will receive nominations, including information to observe virtually, with the time for receiving nominations to be at least two (2) hours long, and will remain open if Eligible Voters are present at the poll prior to the end of the two hour period;
- b) the number of positions open for election;
- c) the requirements under section 10.8 of this Code to accept a Nomination;
- d) whether any Eligible Voter may vote in-person or by Electronic Voting; and
- e) a copy of this Code.

10. Nomination Eligibility and Procedure

10.1 Eligible Electors may nominate or second multiple Putative Candidates, provided that the individual they are nominating or seconding is eligible to be a Candidate, in the following ways:

- a) orally, in-person before the Electoral Officer; or
- b) by selecting another Member to act as their proxy in-person by filling out the form attached as Appendix 6

on the Nomination Day, at the time and location set out in the Nomination Notice.

10.2 No Member may hold more than three (3) proxy votes on Nomination Day.

10.3 Putative Candidates may accept or decline their nomination on Nomination Day:

- a) orally, in-person before the Electoral Officer on the Nomination Day, at the time and location set out in the Nomination Notice; or

- b) by providing an acceptance to any potential Nomination in writing to the Electoral Officer prior to Nomination Day.
- 10.4 Where a Putative Candidate receives more than one written nomination for the same office, the additional nomination(s) shall be considered an additional endorsement of the original nomination, and be sufficient to deem a proposal seconded.
- 10.5 On the day following the Nomination Day, the Electoral Officer will post in a visible public area of the Iskut Band Office, the Iskut Band website and in other visible place(s) on the reserve, such places to be determined by the Electoral Commission, a list of the Putative Candidates, their nominators and seconders and the offices for which the Putative Candidates are nominated.
- 10.6 Prior to the close of Nomination Day, the Electoral Officer shall, request each Putative Candidate to accept or decline their Nomination.
- 10.7 If a Putative Candidate is unable to attend in-person on Nomination Day and does not provide prior written acceptance to the Electoral Officer under 10.3b) above, their nomination will be deemed declined.
- 10.8 After receiving notification and if accepted, each Putative Candidate must, within seven (7) days, excluding any statutory holidays, submit to the Electoral Officer in writing the Candidacy Confirmation, containing the following:
- a) a written confirmation that the Putative Candidate will run in the Election;
 - b) a statement of which office the Putative Candidate will be seeking, where the Putative Candidate has been nominated for both the office of Chief and the office of Councillor and which position of Councillor pursuant to sub-section 3.1;
 - c) a declaration whether the Putative Candidate is Ordinarily Resident on one of the Iskut Band Reserves
 - d) a signed declaration that the Putative Candidate will meet all the obligations as a Candidate under this Code, in the form attached as Appendix 4;
 - e) a personal statement and biography of no more than 500 words explaining why the Putative Candidate is running for office; and
 - f) a declaration that the Putative Candidate has applied to have a criminal record check completed at least two weeks prior to the Regular Election or their nomination will be disqualified.
- after which each Putative Candidate is confirmed a Candidate in the Election.
- 10.9 The Candidacy Confirmation may be submitted by mail, facsimile transmission, or in person but must be received by the Electoral Officer before the deadline.

- 10.10 If the Electoral Officer is unable to contact the Putative Candidate within seven (7) days, or if the Candidacy Confirmation is not received by the Electoral Officer before each deadline specified in sub-section 10.8, the nomination is void.
- 10.11 A Candidate may run for the position of Chief or Councillor, but not both.
- 10.12 A sitting Councillor may run for the position of Chief but must resign their seat as Councillor if elected as Chief.
- 10.13 Any Candidate may withdraw their Candidacy Confirmation at any time after confirming their candidacy to the Electoral Commission under sub-section 10.8, by providing the Electoral Commission with a written withdrawal of their candidacy, signed in the presence of a witness, after which the Electoral Commission will notify the Electoral Officer of the withdrawal and the Electoral Officer will update the list of Candidates accordingly.

11. Post-Nomination Procedure

- 11.1 If the number of Candidates does not exceed the number of positions open, the Electoral Officer will declare such Candidates elected by acclamation subject to the following:
- a) taking of the Oath of Office, as indicated in section 20; and
 - b) receiving a criminal record check that is free of:
 - i) any convictions for criminal indictable offences, unless the charges relate to the exercise and protection of rights recognized and affirmed under section 35 of the *Constitution Act, 1982*; and
 - ii) any civil court judgements or criminal convictions in respect of any matter involving assault, theft or fraud.
- 11.2 If the number of Candidates exceeds the number of positions open for election, the Electoral Officer will announce the date of the Election and the date of the All Candidates Meeting.
- 11.3 The Election will be thirty (30) days, or as close to thirty (30) days as possible, following the Confirmation of Candidates.
- 11.4 The All Candidates Meeting will occur fourteen (14) days, or as close to fourteen (14) days as possible, prior to the Election.
- 11.5 The Electoral Commission will, at least seven (7) days prior to the All Candidates Meeting, post the notice for the All Candidates Meeting Notice which will contain:
- a) names and biographies of the Candidates; and
 - b) date, time and location of the All Candidates Meeting.

- 11.6 The Electoral Commission will, not less than thirty (30) days prior to the date scheduled for the Election, post the notice for the Election (the “**Election Notice**”) which will contain:
- a) names and biographies of the Candidate; and
 - b) date, time and location of the Election.
- 11.7 The Election Notice and All Candidates Meeting Notice will be posted in the Iskut Band Office and in any other manner as deemed necessary or advisable by the Electoral Commission.
- 11.8 The Electoral Commission will work with the Iskut Band Office to prepare the Voters’ List in the form attached as Appendix 5 and provide it to the Electoral Officer no later than thirty (30) days before the Election. The Voters’ List will contain:
- a) the full name of each Eligible Elector registered to vote in the Election; and
 - b) a column for notations as required under this Code.
- 11.9 The Electoral Officer will establish at least one (1) Polling Station on each Iskut Band Reserve.
- 11.10 The Electoral Officer and/or the Deputy Electoral Officer will have ballot papers prepared and place on the ballot papers the full and complete names, listed in alphabetical order, of all the Candidates for Chief or for Councillors.
- 11.11 The Electoral Commission will obtain:
- a) sufficient ballot boxes;
 - b) a sufficient number of ballot papers for the purpose of the Election;
 - c) instruments for marking ballots;
 - d) a sufficient number of directions-for-voting as may be required; and
 - e) all other equipment as necessary to establish and equip the voting methods and locations.
- 11.12 The Electoral Commission will oversee the construction or erection of polling booths at the Polling Station set out in the notice, and the polling booths will be such that the privacy of the Voter is maintained.
- 11.13 The Electoral Commission will, where requested and, in the opinion of the Electoral Officer, is reasonably required, appoint an Interpreter for all Voters who are unable to read, or are unable because of blindness, language barriers or other cause, to vote in a manner prescribed by section 14.
- 11.14 The Interpreter will assist the Voters described in sub-section 11.13 in the manner approved by the Electoral Officer and in the presence of the Electoral Officer.

11.15 The Electoral Officer will then mark on the Voters' List in the notations column that the Eligible Elector requested and/or was assisted by the Interpreter.

12. Advanced Polling

12.1 Advanced polling, when required, may be ordered as part of special instructions given to the Electoral Officer upon their appointment by Chief and Council.

12.2 Advanced polling will take place as follows:

- a) the advanced poll will be held no less than seven (7) days prior to Election, but not before the All Candidates Meeting;
- b) the advanced poll will be completed by Electronic Voting and otherwise will follow all procedures prescribed for the regular poll,
- c) All ballots from the advanced poll will be kept in a sealed box and the sealed box will only be opened and the ballots therein counted during the ballot count for the Regular Election; and
- d) The advanced polls will be open from 8:00 am until 8:00 pm, unless otherwise determined at the discretion of the Electoral Officer.

13. Electronic Voting

13.1 The Electoral Commission may allow for Electronic Voting.

13.2 When Electronic Voting is available for an Election the following will apply:

- a) Any Voter may vote by Electronic Voting;
- b) Electronic Voting will be confidential and by secret ballot;
- c) Electronic Voting will be available up to and no later than the close of the polls;
- d) The Electoral Commission will ensure or cause the Electoral Officer to ensure that instructions for Electronic Voting are clearly provided on all notices, the Electronic Voting Platform landing page, and available for distribution upon request to Voters.

13.3 The Electronic Voting Platform will have, at a minimum, the following protocols:

- a) Ability to verify each Voter, including a digital signature, form of personal identification, registry number (status card number), and date of birth.
- b) Electoral Commission may make additional policies specific to Electronic Voting pursuant to and in accordance with this Code.

Processing and counting of Electronic Ballots

13.4 After the close of the polls, the Electoral Officer will add the Electronic Voting results to the results of the physical polls and will make a declaration certifying the recorded number of Electronic Votes.

14. Voting at Polling Station

14.1 The Electoral Officer, with such appointed Deputy Electoral Officers if any, will be in attendance at the time and place as is set out in the Election Notice.

14.2 The Electoral Officer must strike or mark each Voter's name on the Voter List as they receive their ballot.

14.3 The Electoral Officer will, immediately before the commencement of the poll, open the ballot box(es) and call such persons as may be present to witness that it is empty. They will then lock the box to prevent it from being opened and will place it in view for the reception of the ballots and the box will not be unlocked during the time that the Polling Station is open for voting.

14.4 The Electoral Officer will hold the Polling Station booth(s) open from 8:00 am to 8:00 pm on the date of the Election, after which time the, Electoral Officer will declare the polls closed.

14.5 The Electoral Officer, and their Deputy Electoral Officer(s), will maintain order at all times in the Polling Station and may cause to be removed any person who anyway interferes, disrupts or attempts to influence the orderly conduct of the poll.

14.6 Persons presenting themselves for the purpose of voting will, upon being confirmed by the Electoral Officer or one of their Deputy Electoral Officer(s) as an Eligible Elector, be given a ballot for the election of a Chief and/or for the election of Councillors, upon which to register their votes.

14.7 When requested, the Electoral Officer or their Deputy Electoral Officer(s) will explain the voting procedure to the Eligible Elector.

14.8 The Electoral Officer or Deputy Electoral Officer(s) will initial each ballot upon giving it to the Eligible Elector.

14.9 Every Eligible Elector voting at the Polling Station, after receiving the ballot, will:

- a) proceed directly to the place provided for marking the ballot;
- b) mark their ballot by placing an "X" or other mark that clearly indicates the Voter's choice, in the space provided on each ballot; and
- c) immediately return to the Electoral Officer or their Deputy Electoral Officer(s) to deposit their completed ballot into the ballot box.

- 14.10 While any Voter is in the Polling Station booth, no other person, except as provided in sub-section 11.13, will be allowed in the same booth or be in any position from where they can see how the person is voting.
- 14.11 If the Voter requests that the Electoral Officer mark their ballot for them, the Electoral Officer must have another person witness that the ballot is being marked according to the Voter's choices.
- 14.12 The Electoral Officer or a Deputy Electoral Officer, will note upon the Voters' List any irregularity in connection with voting and will specifically note on the Voters' List any ballots marked by the Electoral Officer or their Deputy Electoral Officer(s), but will not note the Candidate(s) for whom the ballot was cast.
- 14.13 The Electoral Officer must then mark on the Voters' List, in the notation column for the Elector, that they were requested to mark that ballot for that Voter.
- 14.14 A Voter who has inadvertently dealt with their ballot paper(s) in such a manner inconsistent with sub-section 14.9 that it cannot be used to vote, return it to the Electoral Officer or a Deputy Electoral Officer who will write the word "cancelled" upon the ballot paper(s) and preserve it as a Cancelled Ballot. A new ballot will be issued to the Voter.
- 14.15 A Eligible Elector forfeits their right to vote in the Election where they have received a ballot and:
- a) left the Polling Station without delivering the same ballots as received to the Electoral Officer or a Deputy Electoral Officer in the manner provided for in sub-section 14.9; or
 - b) refused to vote,
- after which the Electoral Officer or a Deputy Electoral Officer will make an entry in the Voters' List in the notation column for the Eligible Elector noting that they received the ballots and declined to vote. If this Eligible Elector returns their ballot after having left the Polling Station, the Electoral Officer or the Deputy Electoral Officer will write "declined" upon the ballot paper and preserve it as a Declined Ballot.
- 14.16 Any person who is a Member of the Iskut Band and over the age of eighteen (18) years, but whose name does not appear on the Voters' List, may present identification or other evidence of membership to be verified by the Electoral Officer or a Deputy Electoral Officer at the Polling Station, and if the Electoral Officer or Deputy Electoral Officer is satisfied that the person is eligible to vote pursuant to this Code, the person will be added to the Voters' List and allowed to vote at the Polling Station.
- 14.17 Every Eligible Elector who is inside the Polling Station at 8:00 pm will be entitled to vote before the poll is closed.

15. Campaigning

- 15.1 No Candidate, or person acting on behalf of a Candidate, may Campaign:

- a) inside the Polling Station or within 10 meters of the Polling Station;
 - b) on the day of the Election; or
 - c) in the twenty-four (24) hours prior to the Election.
- 15.2 For greater certainty, sub-section 15.1 does not include encouraging Iskut Band Members to vote in the Election.
- 16. Election Tabulation**
- 16.1 Immediately following the close of the poll, the Electoral Officer will, in the presence of such Candidates or their Agents, and any Eligible Electors as may be present, open the ballot box or boxes and examine the ballots and deem it a Rejected Ballot if it:
- a) is not initialed by the Electoral Officer or a Deputy Electoral Officer;
 - b) has more votes than there are vacancies for that position (either for Chief or for Councillors);
 - c) has any marks by which the Voter can be identified;
 - d) does not give a clear indication of the Voter's preference; and
 - e) does not meet the requirements to be included in the final count.
- 16.2 The Electoral Officer will record the reason for rejecting the ballot and will mark the back of the Rejected Ballot with following:
- a) the number on the ballot corresponding to the reason why the ballot has been rejected in accordance with those reasons provided for in sub-section 16.1;
 - b) "rejected"; and
 - c) the initials of the Electoral Officer.
- 16.3 The Electoral Commission will review the Rejected Ballots and confirm whether the Rejected Ballots meet the criteria set out in sub-section 16.1.
- 16.4 If the Electoral Commission determines that any of the Rejected Ballots do not meet the criteria set out in sub-section 16.1, then those ballots will be included in the final count.
- 16.5 All Rejected Ballots will be preserved until fourteen (14) days after the Election for the purposes of any appeals in accordance with section 17.
- 16.6 Any Eligible Elector may appeal to the Electoral Commission in writing to have any of the ballots found in the ballot box disallowed for one or more of the following reasons:

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- a) the person who submitted the ballot in question was not an Eligible Elector at the time of voting;
 - b) an Eligible Elector submitted more than one ballot; or
 - c) an Eligible Elector did not have the requisite knowledge with respect to the effects of the voting process.
- 16.7 The Electoral Commission will take note of any objections made by any Eligible Elector to any of the ballots found in the ballot box and decide any questions arising out of the objection.
- 16.8 The Electoral Commission will record such objections and determine whether to allow or disallow a ballot in consideration of the objection presented by the Eligible Elector in sub-section 16.6. The ballot will be marked on the back with:
- a) a number corresponding to the record of objections;
 - b) “allow” or “disallow”, as the case may be; and
 - c) the initials of two members of the Electoral Commission.
- 16.9 The Electoral Officer will count the votes given for each Candidate from the ballots that have not been marked as “rejected” or “disallowed” and make a written statement of:
- a) the number of votes given to each Candidate;
 - b) the number of ballots rejected and/or disallowed; and
 - c) the number of spoiled ballots.
- 16.10 The written statement prepared in accordance with sub-section 16.9 will then be signed by the Electoral Officer.
- 16.11 For greater certainty, any ballot that contains marks for less than the required number of Candidates will be considered valid and must be counted.
- 16.12 After completing tabulation, the Electoral Officer will announce:
- a) the name of the Candidate who is Ordinarily Resident on one of the Iskut Band Reserves that received the highest number of votes for the position of Chief;
 - b) the names of the three Candidate(s) who are Ordinarily Resident on one of the Iskut Band Reserves that received the highest number of votes for the position of Councillor;
 - c) the names of the two Candidates who received the highest number of votes, other than the Candidates in b) above for the position of Councillor,

and publicly declare the Candidates elected.

- 16.13 Following the announcement, the Electoral Officer will post the written statement prepared in accordance with sub-sections 16.9 and 16.10 at the Iskut Band Office and other public places as deemed necessary by the Electoral Officer.
- 16.14 The Electoral Officer will place all the ballot papers in an envelope, seal it, sign it and provide it to the Electoral Commission to keep in a safe place for fourteen (14) days. After fourteen (14) days, provided that there are no appeals, the ballots may be destroyed in front of a witness.
- 16.15 Following the Election announcement, the Electoral Officer will complete and sign an election report, in triplicate, which will contain:
- a) a list of all Candidates for Chief and/or Councillor;
 - b) a copy of the final Voters' List with notations;
 - c) the number of ballots cast;
 - d) the number of votes for each Candidate;
 - e) the number of assisted or interpreted Voters;
 - f) the number of Cancelled ballots;
 - g) the number of Declined ballots; and
 - h) the number of Rejected and/or disallowed ballots.
- 16.16 The Electoral Officer will provide one copy of their election report at the Iskut Band Office and forward one copy each to:
- a) British Columbia Regional Office of Indigenous Services Canada; and
 - b) the Electoral Commission.
- 16.17 In the event of a tie vote for Chief, or for the Councillor position receiving the fewest votes, the following will take place:
- a) a recount will be held by the Electoral Officer within 24 hours of the Election, in the presence of all of the affected Candidates or a person chosen by the individual Candidate to attend on their behalf; and
 - b) the results will be final.

- 16.18 If, following a recount as set out in sub-section 16.17 is complete and the vote remains tied, the Candidates that are tied will take part in a By-Election within seven (7) days following the original date of the Election to determine the winner.
- 16.19 The By-Election will be conducted in a similar manner provided for in the procedures set out for an Iskut Band Regular Election in this Code.

17. Complaints and Appeals of Election Results

- 17.1 The Electoral Commission will supervise and administer all Election appeals and complaints pertaining to the real or perceived violation of the Code of Conduct and Ethics of Iskut Band Chief and/or Council, in accordance with the provisions of this Code.

Complaints and Appeals Procedure

- 17.2 A Candidate, or any Voter, may within fourteen (14) days of the Election, appeal the Election if they have grounds for believing that there was an error or violation of process that might have affected the outcome of the Election.
- 17.3 Any Notice of Appeal of an Iskut Band Election must be submitted in writing to the Electoral Commission, and must contain details including applicable evidence.
- 17.4 The Notice of Appeal will be sent by registered mail to the Electoral Commission, c/o the Iskut Band Office.
- 17.5 This Notice of Appeal must be received at the Band Office within fourteen (14) days of the Election.
- 17.6 Where a Notice of Appeal is received by the Electoral Commission pursuant to this Code:
- a) The Electoral Commission will, within seven (7) days of the end of the fourteen (14) day appeal period, forward a copy of each Notice of Appeal received together with supporting documents by registered mail to the Candidate who is subject to the appeal and to the Electoral Officer.
 - b) The Candidate or the Electoral Officer may, within fourteen (14) days of the receipt of the Notice of Appeal(s), forward to the Electoral Commission, by registered mail, a written response to the Notice of Appeal, together with any supporting documentation.
 - c) The Electoral Commission may conduct or authorize such further investigation into the Notice of Appeal as it deems appropriate and necessary.
- 17.7 After a review of all of the evidence that it has received, the Electoral Commission will, within fourteen (14) days:

- a) deny the appeal on the grounds that the evidence presented did not reveal an infraction of this Code, or on the grounds that an infraction of this Code was revealed but the infraction did not affect the result of the Election; or
 - b) confirm the appeal, and direct that a new By-Election be called for the positions affected. This By-Election will take the place as soon as possible and will be conducted pursuant to the provisions of this Code. The Electoral Commission will, if necessary, give instructions to the Election Officer on how the problems identified in the appeal can be corrected.
- 17.8 Iskut Band will indemnify and save harmless the Electoral Commission for any legal fees resulting from any challenge to the decisions made under the appeal suffered by Iskut Band, except in the instance of gross negligence or misconduct.
- 17.9 All ballots will be destroyed following the close of the appeal period or after a decision has been made by the Electoral Commission.
- 18. Vacancies on Council**
- 18.1 A Chief or Councillor's position on the Iskut Band Council may become vacant under the following circumstances, while in office:
- a) The Chief or Councillor refuses to take the Oath of Office described at Article 20;
 - b) The Chief or Councillor misses two (2) consecutive regular Council meetings without prior authorization from a quorum of Council;
 - c) the Chief or Councillor is convicted of an indictable offence, unless the charges relate to the exercise and protection of Aboriginal rights and title;
 - d) The Chief changes their residence so that they are no longer Ordinarily Resident on one of Iskut Band's reserves during the term of office;
 - e) A Councillor changes their residence so that they are no longer Ordinarily Resident on one of Iskut Band's reserves during their term of office causing the number of Councillors Ordinarily Resident on one of the Iskut Band's reserves to fall below three;
 - f) The Chief or Councillor resigns their office;
 - g) A sitting Councillor is elected to the office of the Chief;
 - h) The Chief or Councillor dies;
 - i) The Chief or Councillor is declared medically incapable by a medical professional;
 - j) The Chief or Councillor is removed from their position following an appeal under section 17;

- k) The Chief or Councillor has been removed from their position in accordance with section 19; or
 - l) Following a community-led Vote of Non-Confidence in accordance with sub-section 19.1.
- 18.2 If vacancy occurs on the Iskut Band Council, and there is more than six (6) months remaining in the Chief or Councillor's term of office, a By-Election must be held in accordance with the provisions of this Code to fill the vacant position.
- 18.3 A vacancy on the Iskut Band Council must be filled within sixty (60) days of the Chief or Councillor's official departure date.
- 18.4 A person filling such a vacancy will, subject to the provisions of this Code, serve until the four (4) year term of the member they replace would have expired.
- 18.5 If, because of an appeal there is a By-Election, the four (4) year term of the newly elected Council members will be deemed to have commenced the day following the date of the Regular Election.

19. Removal of Sitting Chief or Councillor

Vote of Non-Confidence

- 19.1 A Chief or Councillor may be removed through a community Vote of Non-Confidence.
- 19.2 To begin the process of a Vote of Non-Confidence, an Eligible Elector must submit a petition for a Vote of Non-Confidence to the Electoral Commission containing:
- a) detailed reasons for removal with supporting evidence, as applicable; and
 - b) signatures of at least 67%, rounded to the nearest whole number, of Eligible Electors in support of a Vote of Non-Confidence.
- 19.3 Upon receipt of the petition, the Electoral Commission will, within seven (7) days, post a notice of the petition and whether the Vote of Non-Confidence passed, in the Iskut Band Office, on the Iskut Band website and at least one of the following:
- a) Iskut Band social media channels;
 - b) mail-outs;
 - c) radio; or
 - d) in the public places on Iskut Band Reserves.
- 19.4 If the Vote of Non-Confidence passed, the Chief or Councillor will be removed from their position immediately following the notice posted by the Electoral Commission and the position will be deemed vacant.

Complaints

- 19.5 Any Eligible Elector may launch a written Complaint against the Chief or a Councillor if they have grounds for believing that there was a violation of the Code of Ethics and Conduct in Appendix 1 of this Code or that the Respondent has not upheld their duties as outlined in section 2 of this Code.
- 19.6 The Complaint must be made to the Electoral Commission and contain the following:
- a) The name of the Iskut Band Chief or Councillor;
 - b) The name and residential address of the applicant;
 - c) the applicable provision of the Code that the Respondent has allegedly breached;
 - d) A statement, not exceeding 350 words, setting out why, in the opinion of the applicants, the removal of the Respondent is warranted;
 - e) supporting evidence, including documentary and affidavit evidence, where applicable;
 - f) A solemn declaration from each applicant stating that they are not disqualified under this Code from making the application; and
 - g) Any other information that may be prescribed by the Council.
- 19.7 The Electoral Commission will provide a copy of the Complaint to the Respondent and provide the Respondent with an opportunity to respond.
- 19.8 Where the Complaint is alleging that the Chief and/or Councillor has engaged in an activity listed under section 10.2 of the Code of Conduct:
- a) the Respondent will be suspended, with pay, from their position pending an independent investigation;
 - b) The Electoral Commission will appoint, within twenty-one (21) days of receiving the Application, an independent third party investigator, who has the requisite knowledge and experience of the subject matter of the Complaint in order to meaningfully assess the Complaint, to conduct an Investigation of the alleged conduct and produce a Report with findings on a balance of probabilities and recommendations;
 - c) the Investigation and the Report will be confidential; and
 - d) all meetings, discussions and deliberations regarding the investigation and decision by Council must be made in-camera to protect the identity of all individuals involved.
- 19.9 The Electoral Commission may request Additional Materials regarding the Complaint, including but not limited to:

- i) further written documentation beyond the statement provided for in sub-section 19.6;
- ii) signed statements from witnesses; and
- iii) other information at the discretion of the Council/Electoral Commission.

19.10 After reviewing the Complaint, the Additional Materials, and the Report (if applicable), The Electoral Commission will may a recommendation to the Council to do any of the following:

- a) decline to remove the Chief and/or Councillor;
- b) issue a written warning to the Chief and/or Councillor;
- c) remove the Chief and/or Councillor; and
- d) for Complaints under this section 19.8, disqualify the Chief and/or Councillor from running in an election for up to 10 years.

19.11 The Council, except for the Respondent, will review the Complaint, the Additional Materials, the Report and the Electoral Commission’s recommendation and choose to do any of the following actions outlined in sub-section 19.10 through BCR.

19.12 The Council will review provide notice of its decision with supporting reasons to:

- a) the individual(s) who submitted the Complaint;
- b) the Respondent; and
- c) the Iskut Band Members.

19.13 Where the Council does not follow the recommendation of the Electoral Commission, the Council will provide reasons for its decision not to follow the recommendation.

20. Oath of Office

20.1 An Oath of Office, is attached to this Code as Appendix 3, will be sworn by each newly elected Chief and Councillor at the Oath Ceremony, in-person within fourteen (14) days of the Election.

21. Amendments

21.1 Any proposed changes to this Code must be presented to Iskut Band Council for review and consideration.

21.2 If upon review of the proposed changes, Iskut Band Council supports the amendments, they will sign a Band Council Resolution declaring that the amendments are ready for the review of the Members during a thirty (30) day period for review.

- 21.3 Notice of the thirty (30) day period for review by the Members will be given by way of:
- a) posted notice in the Iskut Band Office; and
 - b) posted notice in public places, at the discretion of Iskut Band Council.
- 21.4 The notice given in accordance with sub-section 21.3 will include:
- a) date, time, and location for the meeting where the vote will be taken;
 - b) summary of the proposed changes to the Code;
 - c) information about how Members can view the full Code; and
 - d) any other information as deemed necessary by the Iskut Band Council.
- 21.5 The updated Code will be made available to the Members in the following ways:
- a) posted in full in the Iskut Band Office; and
 - b) posted in full on the Iskut Band website.
- 21.6 Any Eligible Elector may request a copy of the updated Code in the following ways:
- a) printed and available for pick-up at the Iskut Band Office; and
 - b) printed and sent by mail at the request of the Iskut Band Member.
- 21.7 For the Code to take effect, a meeting of the Eligible Electors must be held and a vote by secret ballot must be taken at that meeting.
- 21.8 Any Eligible Elector who is not able to attend the meeting in-person may select another Member to act as their proxy by filling out the form attached as Appendix 6.
- 21.9 No Member may hold more than three (3) proxy votes.
- 21.10 The proposed changes will be considered “accepted” where a Majority of those who participate in the vote agree to the proposed changes.
- 21.11 Quorum for any amendment to this Code will consist of a minimum of one hundred (100) Eligible Electors who are not members of the Council.
- 21.12 The Iskut Band Council will appoint a Ratification Officer to oversee the vote conducted at the meeting held in accordance with sub-section 21.7.
- 21.13 Notice of the meeting held in accordance with sub-section 21.7 will be posted in the Iskut Band Office and other public places, as deemed necessary by the Ratification Officer at least fourteen (14) days prior to the meeting.

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- 21.14 The Iskut Band Council may approve, by Band Council Resolution, any minor amendments to this Code (including typographical errors, punctuation, etc.), procedures (including the Oath of Office and procedural rules for meeting of the Iskut Band Council), forms, and other administrative rules for the better administration of this Code. For greater certainty, a vote of Eligible Electors is not required for the approval of procedures or administrative tools to support the administration of this Code.

APPENDIX 1

Defined Terms

1. Definitions

1.1 In this Code the following terms will have the following meaning:

- a) **“Additional Materials”** means the information or evidence that may need to be provided upon request to assist in substantiating a Complaint under sub-section 19.9.
- b) **“Agent”** means an individual appointed by a Candidate to oversee the conduct of the Election to ensure fairness of process.
- c) **“All Candidates Meeting”** means a meeting called for the purpose of providing Eligible Electors with an opportunity to hear each Candidate present on their platform, which may be held virtually.
- d) **“By-Election”** means an Election that is held for the purpose of filling a vacancy in the Council or for the purpose of resolving a tie vote.
- e) **“Campaign”** means to advocate for the selection of a particular Candidate in the Election.
- f) **“Cancelled Ballots”** means a ballot that is spoiled due to a procedural error or ambiguity, or not completed in accordance with sub-section 14.9.
- g) **“Candidacy Confirmation”** has the meaning ascribed in sub-section 10.8.
- h) **“Candidate”** means a person who:
 - i) is an Eligible Elector;
 - ii) has been an Iskut Band Member for a period of not less than 6 months immediately preceding the day on which the Nomination Day is held;
 - iii) has been nominated to be a Candidate pursuant to the provisions of this Code;
 - iv) has provided a Canadian criminal record check showing no indictable offense convictions within the last 10 years, or any charge of fraud, assault of any kind or any crime of financial impropriety at any time, notwithstanding any charge that relates to the exercise and protection of Aboriginal rights and title, prior to the Confirmation of Candidates; and
 - v) has not been disqualified from running in the Election.
- i) **“Chief”** means the individual elected to the office of the Chief of Iskut Band, in accordance with this Code.
- j) **“Code”** means this Iskut Band Custom Election Code.

- k) **“Code of Conduct”** means the Code of Ethics and Conduct for the Iskut Band Council attached at Appendix 2
- l) **“Complaint”** means a complaint made against a current Chief or Councillor for an alleged violation of the Code of Ethics and Conduct or that the Chief or Councillor has not upheld their duties under this Code made in accordance with section 19.
- m) **“Confirmation of Candidates”** means the list of Candidates finalized by the Electoral Commission following completion of Nomination Day procedures.
- n) **“Conflict of Interest”** includes a situation where the Chief or a Councillor and/or his or her Immediate Family stands to (actual) or appears to (perceived) stand to gain in a financial, proprietary or other similar manner from a decision of Council, but does not include situations where the interests of the member of Council in question are common interests shared by all members of Iskut.
- o) **“Councillor”** means an individual elected to the office of Councillor of Iskut Band, in accordance with this Code.
- p) **“Deputy Electoral Officer”** means a person or persons, who i) is not an Iskut Band Member, and ii) is appointed by the Electoral Officer to assist him/her in the Election process.
- q) **“Declined Ballot”** means a ballot that is not completed by the Eligible Elector as they have declined to vote for any Candidate that will be marked as such in accordance with subsection 14.15.
- r) **“Elder”** means an Iskut Band Member who is sixty (65) years of age or older.
- s) **“Election”** means any Iskut Band Regular Election or By-Election held pursuant to the provisions of this Code.
- t) **“Election Notice”** means the notice posted in accordance with section 11.6.
- u) **“Electoral Commission”** means the independent institution of the Iskut Band with authority over, and responsibility for, the Elections conducted by the Iskut Band.
- v) **“Electoral Officer”** means the person appointed by the Iskut Band Council before each Election who will have the responsibility for conducting the Nomination Day and the Election.
- w) **“Electronic Voting Platform”** means computer software that directs a computer to perform and monitor the required tasks for a person to either register to vote or vote in an Election using an electronic device, such as a computer or mobile phone;
- x) **“Electronic Voting”** means the process of voting in an Election through use of an Electronic Voting Platform;

- y) **“Eligible Elector”** means a person who:
 - i) is a Member of the Iskut Band; and
 - ii) is the full age of eighteen (18) years or older on or before the day on which the Nomination Day is held.
- z) **“Immediate Family”** means spouses, parents, siblings, and grandparents, including step-parents, step-siblings, step-grandparents, adoptive parents, adoptive siblings, and adoptive grandparents.
- aa) **“Interpreter”** means an individual selected by Electoral Commission to assist Iskut members with translating electoral information for those unable to vote for the reasons set out in sub-section 11.13.
- bb) **“Investigation”** means an investigation into a Complaint completed by a third-party investigator in accordance with sub-section 19.8b).
- cc) **“Iskut Band Council”** or **“Council”** means the body composed of those persons elected pursuant to this Code to represent the interests of Iskut Band, composed of the Chief and Councillors.
- dd) **“Iskut Band Member”** or **“Member”** means a person whose name appears on the list of registered Members for the Iskut Band and who has a Status Number associated with the Iskut Band.
- ee) **“Iskut Band Reserves”** means the reserve lands set aside for the use and benefit of the Iskut Band and its members, including:
 - i) Stikine River Indian Reserve No. 7;
 - ii) Kluachon Lake Indian Reserve No. 1; and
 - iii) Iskut Indian Reserve No. 6.
- ff) **“Majority”** means 50% + 1 of votes cast.
- gg) **“Nomination Day”** means the last day, no later than forty-five (45) days prior to the Election, on which Eligible Electors may orally nominate a Putative Candidate or provide a Nomination Package to the Electoral Officer.
- hh) **“Nomination Notice”** means the notice by the Electoral Officer of the Nomination Day in accordance with section 8.
- ii) **“Nomination Package”** has the meaning ascribed in sub-section 10.1b).

- jj) **“Notice of Appeal”** means the written appeal submitted to the Electoral Commission following an election in accordance with sub-section 17.3.
- kk) **“Oath Ceremony”** means the formal ceremony held to swear in newly elected members of Chief and Council in which they will sign their Oath of Office, which will be held within 48 hours of the completion of the Election.
- ll) **“Ordinarily Resident”** means the location of an individual’s primary residence, recognizing that a person can only be Ordinarily Resident in one place at one time, and a person is ordinarily resident in that place until another place of ordinary residence is acquired. Ordinarily Resident will be determined by the facts in each case, and without limiting the foregoing, some of the factors that can be considered are:
 - i) the place the person normally eats and sleeps;
 - ii) the place the person receives personal mail;
 - iii) the residence of the person’s Immediate Family; and
 - iv) the place of employment of the person, and if the person is absent from the reserve, the reason for being absent.
- mm) **“Polling Station”** means a building, hall or room, which is selected to be the site for voting to take place and can also mean an electronic voting procedure for voting.
- nn) **“Putative Candidate”** means an individual who is eligible to be a Candidate and is nominated in accordance with section **Error! Reference source not found.**, but has not yet confirmed their candidacy with the Electoral Officer;
- oo) **“Ratification Officer”** mean the individual appointed to oversee the conduct of a vote to amend this Code.
- pp) **“Regular Election”** means an Election that is held in accordance with this Code that is not a By-Election.
- qq) **“Rejected Ballots”** means the ballots that are rejected for reasons outlined in sub-section 16.1.
- rr) **“Report”** means the report completed by the third-party investigator following their Investigation into the alleged conduct of a Complaint in accordance with sub-section 19.8b).
- ss) **“Respondent”** means the Chief of Councillor subject to a Complaint in accordance with section 19.
- tt) **“Vote of Non-Confidence”** means a community-led initiative to remove a currently sitting Chief or Councillor for reprehensible actions or inactions that do not promote the best

interests of Iskut Band, membership and the community, supported by a Majority of Eligible Electors.

- uu) **“Voter”** means any Eligible Elector that has participated in an Election, either by Electronic Voting, or at a Polling Station.
- vv) **“Voters’ List”** means the list of Iskut Band Members who will be Eligible Electors at the time of the Election that is used by the Electoral Officer to note any remarks or irregularities in the voting process for Eligible Electors including as required by this Code.
- ww) **“Youth”** means an Iskut Band Member who is thirty (30) years old or younger.

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APPENDIX 2:

Code of Ethics and Conduct for the Iskut Band Council

Code of Ethics, Conduct for the Iskut Band Council

1. Purpose

- 1.1. The Council Members (“**Council Members**”), representing Iskut Band (“**Iskut**”) must follow certain standards of behavior, as leaders of the members of Iskut Band (“**Membership**”). By taking the Oath of Office, the Council agrees to comply with this Code of Ethics and Conduct (“**Code of Conduct**”), and the disciplinary policy for breaches of this Code.

2. Interpretation

- 2.1. Any terms not defined in this Code of Conduct have the same meaning as the Iskut Custom Election Code.

3. General Conduct

- 3.1. The Iskut Band Council (“**Council**”) is required to set an example of good conduct, citizenship and unity within the community. The Council Members will, at all times in the carrying out of their duties on the Council:
 - (a) serve the Membership to the best of their ability;
 - (b) act conscientiously, competently, loyally and honestly; and
 - (c) protect the best interests of the Iskut Band.
- 3.2. The Council Members will abide by all by-laws, rules, policies and regulations of Iskut, and all laws and regulations of the Province of British Columbia and the Government of Canada, unless acting in the furtherance of the protection of rights recognized and affirmed under section 35 of the *Constitution Act, 1982* (“**Aboriginal Rights**”).
- 3.3. The Council Members will devote the necessary time and effort in order to properly carry out the roles and responsibilities of Council.
- 3.4. The Council Members will not engage in any act or activity that would bring Iskut or any of its programs into disrepute.
- 3.5. The Council Members will act in accordance with decisions made by the collective Iskut Band Council for the benefit of all Members and the Iskut Band.
- 3.6. The Council Members will not directly or indirectly interfere with any service delivery processes and decisions of the various programs delivered by Iskut, and in particular, a specific client or family receiving services under such programs.
- 3.7. The Council Members should demonstrate active involvement in the community, such as attending community events, program activities, department open houses, Tahltan Nation events and other such activities.
- 3.8. The Council Members are expected to be courteous, polite, respectful, and approachable to all Members.
- 3.9. The Council Members will work to ensure that the integrity and dignity of Iskut and all of its programs are maintained at all times in the community.
- 3.10. The Council Members will be honest and forthright in dealings with Members.

- 3.11. The Council Members will not use their position on Council for personal gain or profit or for the personal gain or profit for friends and family.

4. Accountability

- 4.1. The Council is accountable to the Membership for the performance of its duties and obligations.
- 4.2. The Council Members are accountable for their conduct in accordance with this Code of Conduct.

5. Conduct at Council Meetings

- 5.1. In performing their leadership duties, the Council Members are expected to attend every regularly scheduled meeting and, in no event, is to miss more than two (2) consecutive regularly scheduled meetings, unless given prior permission by Council.
- 5.2. The Council Members are expected to participate fully in discussions and work toward achieving consensus on matters before the Council Members.
- 5.3. The Council Members will be honest, courteous, respectful and forthright in all dealings with fellow Council Members including:
- (a) refraining from insults, name-calling, or otherwise inappropriate language;
 - (b) refraining from interrupting other Council Members when they are speaking;
 - (c) refrain from engaging in a dispute, altercation or quarrel with a Member addressing a matter before the Council Members; and
 - (d) engaging in productive discussion with other Council Members in the sharing of thoughts, opinions, or ideas.

6. Authority

- 6.1. No Council Member has authority over another.
- 6.2. Only the Council as a whole has the authority to act on behalf of Iskut. For greater certainty, Council Members may vote to delegate certain procedural responsibilities to and individual Council Member or employee, so long as the final decision on behalf of the Iskut Band remains with the Council.

7. Communication

- 7.1. The Council must follow principles of transparency, honesty, and accountability in its communication to Membership.
- 7.2. Communication to Membership must be:
- (a) approved by vote of Council Members; and
 - (b) addressed from the Chief and/or the Council.

- 7.3. The Council Members must be able to communicate using a variety of accepted set of tools and technologies, or be willing to learn how to operate them.
- 7.4. The Council must endeavor to read, consider and respond to communication addressed to Iskut or the Council in a timely manner.

8. Confidentiality

- 8.1. The Council Members must treat all Council business as confidential.
- 8.2. The Council Members will not disclose personal information about Members and employees to any person except in accordance with applicable privacy laws.
- 8.3. The Council Members will not use any confidential information of Membership of Iskut to secure a personal financial or other benefit, directly or indirectly.

9. Conflict of Interest

- 9.1. The Council Members must avoid Conflicts of Interests upon taking office.
- 9.2. The Council Members will not, directly or indirectly, accept a fee, gift or benefit over a value of three hundred dollars (\$300) in connection with the performance of their duties unless as a result of protocol, in which case it will be disclosed at a duly convened Council meeting.
- 9.3. If a Council Member may be in a Conflict of Interest:
 - (a) the Council Member must declare the Conflict of Interest at the earliest duly convened Council meeting;
 - (b) the Conflict of Interest must be recorded in the minutes of the Council meeting;
 - (c) the Council Member must remove themselves from discussions relating to the Conflict of Interest; and
 - (d) the Council Member must not vote on any matters in relation to the Conflict of Interest.

10. Criminal Behavior

- 10.1. The Council Members must not engage in any illegal activities and should immediately notify the Council and resign from their position if they are charged and convicted of any offense under the *Criminal Code of Canada*, unless it is related to Aboriginal Rights, or the Council specifically waives the requirement of such resignation.
- 10.2. Participation in acts of fraud, arson, theft, drug trafficking, assault, sexual assault, or murder prior to or during office that have not resulted in a charge or conviction under the *Criminal Code of Canada* may be grounds for an investigation and removal in accordance with the Code.

APPENDIX 3:

Chief and Council Oath of Office

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Chief and Council Oath of Office

I, _____ [name] **DO SOLEMNLY SWEAR** that I will:

- (a) uphold and comply with this Code, the Code of Ethics and Conduct, and all laws and policies of Iskut Band;
- (b) fulfil the duties and responsibilities of my office under this Code, the Code of Ethics and Conduct, and all laws and policies of Iskut Band;
- (c) carry out the duties of my office faithfully, honestly, impartially and to the best of my abilities;
- (d) keep confidential, both during and after my term of office, any matter or information which, under this Code, the laws of the Iskut Band, or the policies of the Iskut Band is considered confidential; and
- (e) always act in the best interests of Iskut Band and the Members in carrying out my duties.

Name of Chief or Councillor: _____

Signature: _____

Date: _____

Name of Witness: _____

Signature: _____

Date: _____

APPENDIX 4

Candidate Declaration Form



Candidate Declaration Form

I, _____ [name] **DO SOLEMNLY SWEAR** that I:

- (a) have been an Iskut Band Member for a period of not less than 6 months immediately preceding the day on which the Nomination Day was held;
- (b) will provide a Canadian criminal record check showing no indictable offense convictions within the last 10 years, or any charge of fraud, assault of any kind or any crime of financial impropriety at any time, notwithstanding any charge that relates to the exercise and protection of Aboriginal rights and title, prior to the Confirmation of Candidates;
- (c) have not been disqualified from running in the Election; and
- (d) will comply with the Iskut Custom Election Code in my responsibilities as a Candidate.

Name of Candidate: _____

Signature: _____

Date: _____

Name of Witness: _____

Signature: _____

Date: _____

APPENDIX 5

Voters' List Form

The Voters' List must be prepared by the Electoral Commission in accordance with the Iskut Custom Election Code and provided to the Electoral Officer. The Electoral Officer must use the Voters' List to carry out its obligations and notation requirements in accordance with the Iskut Custom Election Code.

<u>Full Name</u>	<u>Address</u>	<u>Notations</u>
Voters' List Notation Requirements		Section
where an Eligible Elector relies on the Interpreter		section 11.13
ballots marked by the Electoral Officer or Deputy Electoral Officer upon request by an Eligible Elector		section 14.11
Cancelled Ballots		section 14.14
Declined Ballots		section 14.15

APPENDIX 6:

Application to Vote By Proxy for Code Amendments

APPLICATION TO VOTE BY PROXY FOR CODE AMENDMENTS AND NOMINATION MEETINGS

Name of applicant [first/last]: _____
Address: _____

Name of proxy [first/last]: _____
Address: _____

Topic of vote: _____
Date of vote: _____

I, _____ do hereby appoint
_____ to vote on my behalf for the reason that I will be unable to
participate during the hours fixed for voting.

I, the person named above as the applicant, hereby declare that the information given above is true and
that I have not appointed any other proxy, nor authorized any Candidate to appoint a proxy for me at
this election, and to the best of my knowledge, my name appears on the Voters' List.

I acknowledge that this proxy will be acted upon unless revoked by me in writing or by my attendance at
the vote.

Declared at _____ [address], the _____ [day] of _____ [month], _____
[year].

Signature of applicant

Signature of Witness

Consent of Proxy Voter

I, the person named above as the voting proxy, am on the Voters' List for the Iskut Band. I do hereby
accept such appointment and declare that the number of appointments that I have received does not
exceed those allowed for in the Iskut Band Custom Election Code.

Declared at _____ [address], the _____ [day] of _____ [month], _____
[year].

Signature of applicant

Signature of Witness

