



WE WAI KAI NATION Election Code

Table of Contents

<i>PART 1 - GENERAL</i>	3
<i>PART 2 – DEFINITIONS</i>	3
<i>PART 3 – CHIEF AND COUNCIL</i>	5
<i>PART 4 – ELECTORAL OFFICIALS</i>	6
<i>PART 5 – PRE-ELECTION PROCEDURES</i>	8
<i>PART 6 – ELECTION DAY PROCEDURES</i>	12
<i>PART 7 – COUNTING THE BALLOTS</i>	15
<i>PART 8 – POST ELECTION PROCEDURES</i>	16
<i>PART 9 – ELECTION APPEAL PROCESS</i>	19
<i>PART 10 - CAMPAIGN RULES AND CODE OF ETHICS</i>	20
<i>PART 11 - VACANCIES AND BY-ELECTIONS</i>	21
<i>PART 12 - REMOVAL OF COUNCIL MEMBERS FROM OFFICE</i>	22
<i>PART 13 – AMENDMENTS</i>	24
<i>PART 14 – TIME</i>	25
<i>SCHEDULE “A”</i>	27
<i>SCHEDULE “B”</i>	28
<i>SCHEDULE “C”</i>	29
<i>SCHEDULE “D”</i>	30
<i>SCHEDULE “E”</i>	31
<i>SCHEDULE “F”</i>	32
<i>SCHEDULE “G”</i>	33
<i>SCHEDULE “H”</i>	34
<i>SCHEDULE “I”</i>	35

PART 1 - GENERAL

Short Title

1.1. This Code may be cited as the We Wai Kai Election Code.

Coming into Force

1.2. This Code comes into force immediately upon ratification and, upon coming into force, replaces and will supersede all prior versions.

PART 2 – DEFINITIONS

Definitions

2.1 For the purpose of the We Wai Kai Election Code:

“**Appeal Request**” means to submit a request to have a decision reviewed pursuant to Part 9;

“**Appellant**” means an individual who submits an Appeal Request in accordance with Part 9 of this Code;

“**Arbitrator**” means an independent and impartial third party who meets the requirements of section 4.7 of this Code;

“**Band**” or “**Nation**” means We Wai Kai Nation, also known as Cape Mudge Indian Band and is a band within the meaning prescribed in the *Indian Act*;

“**By-election**” means a special election to fill a position on Council that has become vacant;

“**Candidate**” means a Citizen who has been nominated pursuant to this Code and named as a candidate to stand for election for a position on Council by the Chief Electoral Officer;

“**Chief Electoral Officer**” means a person appointed by a Council Resolution before each Election who has the responsibility for conducting the election process;

“**Citizen**” means an individual registered on the Citizenship Roll;

“**Citizenship Officer**” means an employee of the Nation who is responsible for maintaining the Citizenship Roll;

“**Citizenship Roll**” means the Nation’s list for We Wai Kai Citizens maintained by the Nation, pursuant to the We Wai Kai Citizenship Code, as amended from time to time;

“**Code of Ethics**” means the campaigning guidelines, general rules of behaviour and standards, established in accordance with Part 10 of this Code;

“**Council**” means the sum of all those persons elected pursuant to this Code into the offices of Chief Councillor and Councillor;

“**Council Resolution**” means a formal motion moved by a member of Council, seconded by another member of Council and approved by a quorum of Council;

“**Deputy Electoral Officer**” means any person appointed by the Chief Electoral Officer to assist in the conduct of the election process;

“**Election**” means a general election, or by-election of the Nation held pursuant to this Code;

“**Election Code**” or “**Code**” means this We Wai Kai Nation Election Code, and any amendments thereto;

“**Election Day**” means the day on which voting takes place at a poll for an Election;

“**Election Report**” means an official report prepared and signed by the Chief Electoral Officer containing the information listed in section 8.1;

“**Election Workers**” means a person appointed by the Chief Electoral Officer to assist with the election process;

“**Elector**” means a person who:

- a) is a Citizen; and
- b) is at least 18 years of age on the Election Day;

“**Elector Declaration Form**” means Schedule K and is a document that sets out, or provides for:

- i. the name of the Elector;
- ii. date of birth of the Elector; and
- iii. the name, address and telephone number of a witness to the signature of the Elector;

“**Electoral Officer**” means the Chief Electoral Officer, the Deputy Electoral Officer and any Election Workers appointed for the Election;

“**Electors List**” means the list of the names in alphabetical order of all Citizens who are eligible to vote in an Election;

“**Executive Director**” means the individual employed by the Nation to hold the principal non-political management position for the Nation;

“**Mail-in Ballot**” means a ballot designed in accordance with Part 5 to record the vote of an Elector who does not vote in person;

“**Majority**” means fifty percent plus one (50% + 1);

“**Nomination Day**” means the last day on which persons may submit nomination papers to the Electoral Officers;

“**Nomination Form**” means a document to record that an Elector has nominated another Elector as a candidate to hold office as either Chief or Councillor, as set out in Schedule J;

“**Notice of Election**” means a notice containing the information listed in section 5.17 of this Code;

“**Oath of Office**” means a solemn affirmation a person takes before undertaking the duties of office;

“**Online**” means any websites or social media accounts owned and regularly maintained by the Nation;

“**Ordinarily Resident**” means the place a person normally eats and sleeps, receives mail, the residence of the person’s immediate family, or a place in proximity to the person’s place of employment, and for certainty, a person can be ordinarily resident in only one place at one time, and may be temporarily absent from a place of ordinary residence for education, medical or temporary employment reasons;

“**Polling Station**” means a place which is designated by the Chief Electoral Officer as the site at which voting takes place on Election Day;

“**Primary Reserve**” means the Cape Mudge Indian Reserve #10, the Quinsam Indian Reserve #12, and any other reserve as directed by Council, from time to time;

“**Rejected Ballot**” means a ballot that is improperly marked or defaced as described in section 7.5, and is not included in the tally of valid ballots cast during the counting of the votes;

“**Scrutineer**” means a person appointed in writing by a Candidate in accordance with Part 6 to observe voting and counting procedures under this Code; and

“**We Wai Kai Traditional Territory**” means the area identified, for purposes of this Election Code, as We Wai Kai Traditional Territory by shading on the Map attached as Schedule “A”.

PART 3 – CHIEF AND COUNCIL

Mode of Election

3.1 Chief and Councillors shall be elected by a vote held in accordance with this Code.

Number of Council Members

3.2 Council shall consist of one (1) Chief, plus one (1) Councillor for every one hundred (100) Citizens to a maximum of eight (8) Councillors.

Eligibility for Council

3.3 To be an eligible Candidate, a person must:

- a) be at least 18 years of age at the time of their nomination;
- b) be a Citizen;
- c) be Ordinarily Resident on We Wai Kai Traditional Territory for at least 6 (six) months immediately preceding the Election;
- d) not owe any monetary debt to the Nation;
- e) not have been convicted of an indictable offence in Canada or a felony in the United States within 10 years prior to their nomination;
- f) not be under a disqualification period imposed by the Arbitrator; and
- g) agree to have a criminal record check prior to the Election Day.

PART 4 – ELECTORAL OFFICIALS

4.1 The Chief Electoral Officer is responsible for overseeing the conduct of the Election and has all the powers necessary to carry out that responsibility.

4.2 To be eligible to be an Electoral Officer, a person must:

- a) not be a Citizen of the Nation;
- b) not have any familial or business relationship to a Citizen;
- c) be impartial, having no vested interest in the outcome of the Election;
- d) be at least 21 years of age; and
- e) have experience in the conduct of elections or have received appropriate training.

4.3 The Electoral Officers are responsible for managing and executing all processes and procedures provided in this Code. Every Electoral Officer will swear an oath of office (Schedule B) to:

- a) uphold and comply with this Code;
- b) fulfill 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) not accept anything of value, including but not limited to money, offers of employment, gifts, or travel, in exchange for preferential treatment;
- e) not discriminate against anyone because of race, religion, sex, age or disability;
- f) not use public office facilities for personal or partisan benefit;
- g) keep confidential all personal information of every Citizen and only use such information as permitted under this Code; and
- h) not pressure or intimidate other officials or Citizens to favor a certain candidate.

- 4.4 At least ninety (90) days prior to the Election Day, the Council shall appoint by Council Resolution a Chief Electoral Officer to carry out the Election.
- 4.5 The Chief Electoral Officer may appoint a Deputy Electoral Officer and one or more Election Workers.
- 4.6 The Chief Electoral Officer may make such orders and issue such instructions to the Deputy Electoral Officer and any Election Workers consistent with the provisions of this Code as they may deem necessary for the effective administration of the Election and for the maintenance of order and security on Nomination Day and Election Day.

Arbitrator

- 4.7 To be eligible to be an Arbitrator, an individual must be:
 - a) independent and impartial with no personal, financial or family interest in the outcome of the dispute; and
 - b) a lawyer, retired judge, arbitrator, mediator or a person with similar qualifications.
- 4.8 Where an Arbitrator is required under this Code, Council or the Executive Director, as the Code requires, will appoint an Arbitrator within seven (7) days of being requested, or of becoming aware, of the need for an Arbitrator.
- 4.9 If appointed, the Arbitrator shall administer all appeals in accordance with the provisions of this Code.

Electors List

- 4.10 At least ninety (90) days before the Election Day, the Citizenship Officer will provide a list to the Chief Electoral Officer containing information from the Citizenship Roll, which includes the following available information for every Elector: name, date of birth, last known address and email address.
- 4.11 At least seventy (70) days prior to the Election Day, the Electoral Officer shall prepare and post the Electors List in a public area of the Nation's administration building, Online and in such other conspicuous places on the Primary Reserves as determined by the Chief Electoral Officer.
- 4.12 Each Citizen who qualifies for the Electors List is responsible for ensuring that their full name appears on the Electors List. A person may present evidence to an Electoral Officer which demonstrates that they ought to be on the Electors List (or their name is incorrect on the Electors List), and upon confirmation from the Citizenship Officer, the Chief Electoral Officer will revise the Electors List. The Electoral Officer shall revise the Electors List at any time prior to close of the Election Day upon direction from the Citizenship Officer that a Citizen ought to be added to or deleted from the Electors List.

- 4.13 A person whose name does not appear on the Electors List shall nonetheless be entitled to vote on the Election Day, provided they present documentary proof to the Electoral Officer demonstrating their qualifications as an Elector to the Electoral Officer's satisfaction.

PART 5 – PRE-ELECTION PROCEDURES

Calling of Election

- 5.1 The Council shall call, by Council Resolution, an Election by declaring the Election Day to be no more than ten (10) days prior to the expiration date of the existing term of Council.

Notice of Nomination Day

- 5.2 The Nomination Day shall be held at least forty-five (45) days prior to the Election Day.

- 5.3 At least seventy-five (75) days prior to the Election Day, the Electoral Officer shall:

- a) post a Notice of Nomination Day (Schedule C) in a conspicuous public area of the Nations administration building, Online and at other conspicuous place(s) on the Primary Reserves; and
- b) mail or email a Notice of Nomination Day to every Elector in respect of whom the Electoral Officer has been provided with, or has been able to obtain, an address.

- 5.4 A Notice of Nomination Day shall include:

- a) the date of the Nomination Day and the Election Day;
- b) the time and place at which the Electoral Officer will receive nominations, with the time for receiving nominations to be at least four (4) hours long and with a closing time not earlier than 9:00 pm;
- c) the name, business or email address and business phone number of the Chief Electoral Officer;
- d) a description of the manner in which an Elector can nominate a candidate, or second the nomination of a candidate;
- e) the place(s) where copies of the Code may be obtained;
- f) the place(s) where the Electors List shall be posted; and
- g) confirmation that an Elector may nominate in writing by filling out a Nomination Form (Schedule J) and an Elector Declaration Form (Schedule K) (both forms to be included).

- 5.5 The Electoral Officer shall record the names of the Electors to whom a notice of the Nomination Day or a Notice Election (as per section 5.16) was mailed or emailed, and the date on which the notices were mailed or emailed.

Nomination Procedures

- 5.6 Any Elector may nominate (or second a nomination of) no more than:

- a) one eligible person for the office of Chief; and
- b) the number of eligible persons equivalent to the vacancies for the office of Councillor.

5.7 Nomination (or seconding a nomination) may be done either:

- a) orally and in-person on Nomination Day, in accordance with the Notice of Nomination; or
- b) by delivering or mailing a written Nomination Form (Schedule J) with a complete Elector Declaration Form (Schedule K), in accordance with the Notice of Nomination.

Mailed nominations that are not received by the Electoral Officer by 9:00 pm on the Nomination Day are void.

5.8 Where a person receives more than one written nomination for the same office, the additional nominations shall be considered a seconding of the original nomination.

5.9 At the end of Nomination Day, if:

- a) only one person has been nominated for election as Chief; and
- b) the number of persons nominated to serve as Councillors does not exceed the number to be elected,

then the Chief Electoral Officer will declare those persons to be elected in accordance with section 5.14. Where more than the required number of persons are nominated for election as Chief or Councillors, the Chief Electoral Officer will announce that an election will be held.

Post Nomination Procedure

5.10 Within forty-eight (48) hours following the Nomination Day, in order to be considered a Candidate running for office, each person nominated must:

- a) submit a notice of acceptance of nomination (Schedule D);
- b) swear a declaration confirming their eligibility as a Candidate (Schedule E) and set out their legal name and the name the Candidate wishes to have on the ballot; and
- c) pay a fee of \$200 to the Electoral Officer, by cash, electronic money transfer, money order, or certified cheque payable to the Nation.

The forms will be provided by the Electoral Officer and may be submitted by email, facsimile transmission, or in person and directed to the Electoral Officer. The Electoral Officer shall keep the original documentation with all other electoral documentation.

5.11 All fees received during the election process shall be distributed by Council to support Elder and youth initiatives.

5.12 If the Electoral Officer is unable to contact the nominated person within forty-eight (48) hours of the Nomination Day, or if the nominated person fails to submit to the Electoral Officer the documents and the deposit required within the timelines, the person shall be

deemed to reject the nomination. If a person was nominated for both the office of Chief and the office of Councillor, that person, when submitting the fee and documents must declare in writing to the Electoral Officer which office they intend to seek.

5.13 If the Chief Electoral Officer is satisfied that:

- a) the nominator and seconder are Electors;
- b) the nominee is eligible to be a Candidate for Council pursuant to section 3.3; and
- c) the nominee has accepted the nomination and paid the fee pursuant to section 5.10,

then the Chief Electoral Officer will name the nominee as a Candidate and include that person on the List of Candidates, or in the case of section 5.9, declare those persons elected.

Election by Acclamation

5.14 Where the office of Chief and all offices of Councillor are filled by acclamation: the Electoral Officer shall post in at least one conspicuous place on each Primary Reserve, Online and mail or email to every Elector who does not reside on the Primary Reserve, a notice that sets out the names of the persons who have been acclaimed and stating that an Election will not be held.

Notice of the Election

5.15 The Election Day will be forty-five (45) days after the Nomination Day.

5.16 The Electoral Officer shall, within three (3) days after the Nomination Day:

- a) post a Notice of Election (Schedule F) in a conspicuous public area of the Nations administration building, Online and at other conspicuous place(s) on the Primary Reserves; and
- b) mail or email a Notice of Election to every Elector in respect of whom the Electoral Officer has been provided with, or has been able to obtain, an address.

5.17 The Notice of Election shall include:

- a) the date of the Election;
- b) the list of Candidates;
- c) details for voting in-person at Polling Station(s), including:
 - i. times at which the Polling Station(s) will open and close;
 - ii. the location of the Polling Station(s);
 - iii. the time and location of the counting of the votes;
- d) instructions for requesting a package to cast a Mail-in Ballot, including a deadline to make such request;
- e) contact information of the Elector Officers to verify contact information on the Electors List; and
- f) instructions for electronic voting, if applicable.

Mail-in Ballots

- 5.18 At least thirty (30) days prior to the Election Day, the Electoral Officer will ensure a Mail-in Ballot package has been mailed out to every Elector who requested a Mail-in Ballot in accordance with section 5.17(d). The package will consist of:
- a) a ballot initialled on the back by the Electoral Officer;
 - b) an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
 - c) a second inner envelope marked “ballot” for insertion of the completed ballot;
 - d) an Elector Declaration Form (Schedule K); and
 - e) a letter of instruction regarding voting by Mail-in Ballot which shall also include: a statement advising Electors that they may vote in person at any Polling Station on the Election Day 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.
- 5.19 The Electoral Officer shall indicate on the Electors List that a ballot has been provided to each Elector to whom a Mail-in Ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each Mail-in Ballot was mailed or otherwise provided.
- 5.20 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;
 - 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 Elector Declaration Form (Schedule K) 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 Elector Declaration Form (Schedule K) in the postage-paid envelope; and
 - f) delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of polls on Election Day.
- 5.21 Where an Elector is unable to vote in the manner set out in section 5.20, the Elector may enlist the assistance of another person to mark the ballot and complete and sign the Elector Declaration Form (Schedule K) in accordance with that section.
- 5.22 A person referred to in section 5.21 shall sign a statement to attest to the fact that:
- a) the person completing and signing the Elector Declaration Form (Schedule K) is the person whose name is set out in the form; or
 - b) the Elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the Elector.
- 5.23 Mail-in Ballots that are not received by the Electoral Officer before the close of polls on the

Election Day shall not be counted. It is the responsibility of the Elector to ensure that the Electoral Officer receives the package on time.

- 5.24 In the event Council offers electronic voting for any Election, Council will develop an electronic policy that will meet the same standards for in-person or mail-in voting, as adapted for electronic voting purposes.

Preparing the Polling Station

- 5.25 The Chief Electoral Officer will establish at least one Polling Station at each of the Primary Reserves.
- 5.26 The Electoral Officer shall prepare ballot papers setting out:
- a) the names of the Candidates nominated for election as Chief in alphabetical order by surname; and
 - b) the names of the Candidates nominated for election as Councillors in alphabetical order by surname.
- 5.27 Where two or more Candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those Candidates. The ballot may, at the written request of a Candidate, include a Candidate's commonly used nickname.
- 5.28 The Electoral Officer shall, before the 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 Electors List.

PART 6 – ELECTION DAY PROCEDURES

Opening the Polls

- 6.1 The Electoral Officer shall, immediately before opening of the polls:
- a) open the ballot box and call the Scrutineers present, or in the event no Scrutineers are present, any Elector, to witness that it is empty and complete a written statement to that effect;
 - 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.

6.2 The Polling Stations shall be open from 8:00 a.m. until 9:00 p.m. local time on the Election Day.

Scrutineers

6.3 Each Candidate shall be entitled to one Scrutineer at each Polling Station at any one time.

6.4 A letter of authorization, signed by the Candidate, must be provided to the Electoral Officer at or before the opening of the Polling Stations, in which the Candidate names the persons authorized to act as their Scrutineer.

Secrecy and Security

6.5 In-person voting shall be by secret ballot only. No Elector may vote by proxy or authorize another person to vote on their behalf.

6.6 The Electoral Officer shall maintain order at all times in the Polling Stations and may cause to be removed any person (including a Scrutineer) who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.

6.7 No person or Candidate shall, on the Election Day, at or near the premises of the Polling Station:

- a) distribute any election-related printed materials except such materials as may be distributed by the Electoral Officer for the purpose of conducting the Election;
- b) attempt to interfere with or influence any Elector in marking their ballot; or
- c) attempt to obtain information as to how an Elector is about to vote or has voted.

Voting Procedure

6.8 Each person, on arriving at the Polling Stations, shall give their name and photo identification to the Electoral Officer.

6.9 The Electoral Officer shall, if the person's name is set out on the Electors List:

- a) place their initials on the ballot(s) and provide them to the Elector; and
- b) place a mark in the proper column of the Electors List opposite the name of every Elector who receives a ballot.

6.10 An Elector to whom a Mail-in Ballot was mailed or provided may obtain a ballot and vote in person at a Polling Station if:

- a) the Elector returns the Mail-in Ballot to the Electoral Officer; or
- b) the Elector provides the Electoral Officer with a written affirmation that the Elector has not submitted the Mail-in Ballot, which affirmation shall be signed by the Elector

in the presence of the Electoral Officer.

- 6.11 After receiving a ballot, an Elector shall:
- a) immediately proceed to the compartment provided for marking ballots;
 - b) mark the ballot by placing an “X” or other mark that clearly indicates the Elector's choice of Candidate;
 - 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 completed ballot to the Electoral Officer.
- 6.12 While an Elector is in the compartment for the purpose of marking their ballot, no other person 18 years or older shall, except as provided in section 6.16, be allowed in the same compartment or be in any position from which they can see the manner in which the Elector marks their ballot.
- 6.13 On receipt of a completed ballot, the Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the Elector.
- 6.14 An Elector who has inadvertently dealt with their ballot paper in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the Electoral Officer, be entitled to obtain another ballot paper. The Electoral Officer shall write the word "cancelled" upon the spoiled ballot paper and preserve it.
- 6.15 Any person who has received a ballot and who leaves the Polling Station without delivering the same to the Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit their right to vote at the Election, and the Electoral Officer 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, and the Electoral Officer shall mark upon the face of the returned ballot the word “declined” and all ballots so marked shall be preserved.

Special Voting Provisions

- 6.16 At the request of any Elector who is unable to vote in the manner set out in section 6.11 the Electoral Officer 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.
- 6.17 The Electoral Officer shall note on the Electors List opposite the name of an Elector requiring assistance, as set out in section 6.16, the fact that the ballot was marked by them at the request of the Elector and the reasons, therefore.

Closing of the Polling Station

- 6.18 Every Elector who is present at the Polling Station at the time fixed for closing the poll shall be entitled to vote notwithstanding the closing time.

Withdrawal

- 6.19 A Candidate may withdraw their candidacy at any time up to the closing of polls on Election Day by submitting a written notice of withdrawal (Schedule G) of nomination to the Electoral Officer; however, the Candidate's name will appear on the ballot unless the withdrawal is submitted within five (5) days of the Election Day. Any Candidate who withdraws will forfeit their deposit upon withdrawal.
- 6.20 A Candidate who dies before the close of the polls shall be considered to have withdrawn their candidacy.

PART 7 – COUNTING THE BALLOTS

- 7.1 At the close of the Polling Station, the Electoral Officer shall, in the presence of any Candidates or their agents 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,
- a) reject the ballot if:
 - i. it was not accompanied by an Elector Declaration Form, or the Elector Declaration Form is not signed or witnessed,
 - ii. the name and/or date of birth of the Elector set out in the Elector Declaration Form is not on the Electors List; or
 - iii. the Electors List shows that the Elector has already voted;
 - b) in any other case, the Electoral Officer shall place a mark on the Electors List opposite the name of the Elector set out in the Elector Declaration Form, and deposit the ballot in a ballot box.
- 7.2 Immediately after the Mail-in Ballots have been deposited in the ballot box, the Electoral Officer shall, in the presence of any Candidates or their agents who are present, open all ballot boxes and examine each ballot.
- 7.3 The Electoral Officer shall call out the names of the Candidates for whom the votes were cast on all valid ballots.
- 7.4 An Electoral Officer shall mark a ballot tally sheet (Schedule H) in accordance with the names being called out for the purpose of arriving at the total number of votes cast for each Candidate.
- 7.5 In examining the ballots, the Electoral Officer must reject any ballots that:
- a) do not contain the initials of an Electoral Officer;
 - b) do not give a clear indication of the Elector's intention;
 - c) contain more votes than the number of Candidates to be elected; or

- d) contain a mark by which the Elector can be identified.
- 7.6 The Electoral Officer shall attach a note to each Rejected Ballot which outlines the reason for rejection.
- 7.7 The Electoral Officer shall take a note of any objections made by any Candidate or their agent to any of the ballots found in the ballot box and decide any questions arising out of the objection.
- 7.8 The Electoral Officer shall number objections to ballots and place a corresponding number on the back of the ballot paper with the word “allowed” or “disallowed”, as the case may be, with their initials.

Other Polling Station

- 7.9 Immediately upon completion of the counting of the ballots, the Electoral Officer at a Polling Station that is not managed by the Chief Electoral Officer, shall transmit the results to the Chief Electoral Officer.

Tie

- 7.10 If it is not possible to determine the successful Candidate(s) for either a Chief or Councillor position due to an equal number of votes being cast (a tie vote), the Chief 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.
- 7.11 A recount conducted pursuant to section 7.10 must take place within twenty-four (24) hours of the announcement by the Chief Electoral Officer in the presence of the Candidates and their agents who wish to attend.
- 7.12 At the time established pursuant to section 7.11 the Electoral Officer shall conduct a recount of the valid ballots in accordance with section 7.4.
- 7.13 If the recount fails to determine a successful Candidate(s), the Electoral Officer shall place each of the names of the Candidates having the same number of votes on a separate piece of paper and place each of the pieces in a receptacle. Without looking, they shall draw as many pieces of paper as positions are available. The Candidate(s), whose name(s) appear on the pieces of paper that the Electoral Officer has drawn from the receptacle, shall be declared the successful Candidate(s).

PART 8 – POST ELECTION PROCEDURES

Declaration of Election Result

- 8.1 After completing the counting of the votes and establishing the Candidates who have the highest number of votes, the Chief Electoral Officer shall declare the names of the Candidate(s) who are elected and sign an Election Report which shall:

- a) name all Candidates;
- b) state the number of ballots cast for each Candidate;
- c) state the number of Rejected Ballots; and
- d) declare the elected Candidates.

8.2 Within twelve (12) hours of signing the Election Report, the Chief Electoral Officer shall:

- a) sign and post, in a conspicuous place in a public area of the Nations administration office, and in conspicuous places on the Primary Reserves, the Election Report;
- b) deliver a copy of the Election Report to the Executive Director; and
- c) arrange for the Election Report to be posted Online.

Retention of Ballots and Other Election Material

8.3 The Chief Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain these materials for fifty-six (56) days from the Election Day or until a decision on an appeal is rendered, whichever date is later, after which time the Chief Electoral Officer shall, unless directed otherwise by the Council, destroy them in the presence of two (2) witnesses who shall make a declaration that they witnessed the destruction of those papers.

Chief and Councillor Oath of Office

8.4 A Candidate who has been elected Chief or Councillor shall, within seven (7) days of the Chief Electoral Officer's declaration and preparation of the Election Report, swear a Chief and Councillor Oath of Office and sign a declaration (Schedule I) before either the Chief Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths, swearing to:

- a) uphold and fulfill the duties and responsibilities of their office under this Code, including the Code of Ethics;
- b) adhere to, uphold and implement all laws and policies of the Nation, including but not limited to, the *We Wai Kai Financial Administration Law, 2023*, as amended from time to time, and any associated policies, including but not limited to a conflict of interest policy, in place from time to time;
- 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, the laws of the community or policy, is considered confidential; and
- e) act always in the best interests of the community in carrying out their duties.

8.5 Where a Candidate elected as Chief or Councillor cannot, due to temporary illness or other valid reason, swear the Oath of Office, they or an Elector acting on their behalf may request in writing to the Chief Electoral Officer for an extension of the time to swear the Oath of Office.

- 8.6 The Chief Electoral Officer upon receiving a written request shall determine whether the circumstances justify an extension and shall provide the Candidate making the request written notice of the decision, and where applicable, the extension period. Only one extension period is permitted and cannot be longer than sixty (60) days.
- 8.7 No person elected as Chief or Councillor shall be permitted to assume office until they have sworn and filed with the Chief Electoral Officer the Oath of Office required under section 8.4.
- 8.8 Subject to section 8.6, if a person elected as Chief or Councillor fails to file the sworn Oath of Office with the Chief Electoral Officer on or before the specified time period, the Chief Electoral Officer shall declare the office vacant and the vacant seat shall go to the next closest Candidate.
- 8.9 The Electoral Officer shall give notice in writing to the elected Candidate whose office is declared vacant under section 8.8 and to the next closest Candidate that they have been elected. Notice will be provided to the Community as an update to the Election Report and posted as per section 8.2.

First Meeting of Council

- 8.10 The first meeting of Council shall be held not later than seven (7) days after its swearing in, on a day, hour and place to be stated in a notice given to each member of Council. At this meeting the following business shall take place:
- a) subject to there being no Appeal Requests; an announcement of the election results and a motion to destroy the election ballots;
 - b) each Council member will sign the We Wai Kai Confidentiality Agreement; and
 - c) any other applicable documents or policies in place whether associated with the *We Wai Kai Financial Administration Law, 2023* or otherwise.

Term of Office

- 8.11 In a general Election, the Council is elected for a term of four (4) years. The term of office will commence on 12:00 a.m. the day after the preceding term of office expires. Any outgoing members of Council will use best efforts to attend a two-week transition period to assist in onboarding and updating the incoming Council members. Any outgoing Council members will be compensated for their time in accordance with applicable remuneration policies of the Nation. For certainty, such outgoing members of Council will have no decision-making powers and will act as advisors to the new Council members.
- 8.12 If elected in a By-election, the successful Candidate shall hold office for the remainder of the original term of office of the Chief or Councillor whom they are elected to replace, and the term will commence on the day the successful Candidate is sworn into office.
- 8.13 The Council in office at the time the Code comes into effect shall remain in office for the remainder of their term.

- 8.14 The term of office may, under mitigating circumstances, be continued beyond the term defined in sections 8.11 and 8.12, if such continuation is approved by a Majority of the votes of the members of Council. Any such continuation shall not exceed sixty (60) days.

PART 9 – ELECTION APPEAL PROCESS

- 9.1 An Elector (including a Candidate) may, within seven (7) days from the Election Day, submit an Appeal Request in writing to the Executive Director.

- 9.2 An Appeal Request must:

- a) sufficiently outline one or more of the following:
 - i. that the person declared elected was not qualified to be a Candidate;
 - ii. that there was a violation of this Code in the conduct of the Election that might have affected the result of the Election; or
 - iii. that there was corrupt or fraudulent practice that may have affected the Election and result.
- b) 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
- c) include a deposit in the amount of \$2,500.00, which amount shall be refunded if the Arbitrator decides in favour of the Appellant.

- 9.3 Where the Appeal Request complies with section 9.2, an Arbitrator will be appointed by the Executive Director in accordance with section 4.8.

- 9.4 Upon receipt of an Appeal Request, the Arbitrator shall forward a copy together with supporting documents by registered mail to the Chief Electoral Officer and to each Candidate at the Election.

Response to the Allegations

- 9.5 The Chief Electoral Officer or any Candidate may, within seven (7) days of the receipt of the Appeal Request, forward to the Arbitrator by registered mail or email a written response to the appeal allegations, together with any supporting documentation.

Investigation

- 9.6 The Arbitrator may, if the material that has been filed is not adequate for deciding the validity of the Appeal Request, conduct such further investigation into the matter as they deem necessary before making decision, including giving each person who supported material the opportunity to be heard.

Decision

- 9.7 No later than thirty (30) days after the appeal is received by the Arbitrator, and after their review of all of the evidence that they received, the Arbitrator shall rule that:
- a) the evidence presented was not sufficiently substantive to determine that:
 - i. a violation of this Code has taken place that might have affected the result of the Election;
 - ii. the person declared elected was not qualified to be a Candidate; or
 - iii. there was a corrupt or fraudulent 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. a violation of this Code has taken place that might have affected the result of the Election;
 - ii. the person declared elected was not qualified to be a Candidate; or
 - iii. there was a corrupt or fraudulent practice in relation to the election that might have affected its results,

and uphold the appeal and make a ruling that may include setting aside the Election or disqualifying a Candidate from holding office. Notice of the ruling with reasons will be provided by the Arbitrator to the Executive Director and relevant Candidates as soon as practicable.
- 9.8 The Executive Director will ensure the decision of the Arbitrator made pursuant to section 9.7 shall be:
- a) published online in a secure site that is only accessible by Citizens; and
 - b) be available for reading at the Nation's administration office, within two (2) days of receipt.
- 9.9 The decision of the Arbitrator is final and not subject to appeal.

PART 10 - CAMPAIGN RULES AND CODE OF ETHICS

- 10.1 Candidates must campaign in accordance with the rules established in this Code and the following Code of Ethics:
- a) refrain from coercion or vote-buying;
 - b) respect the right and freedom of other parties to organize and campaign;
 - c) respect the rights of Electors to obtain information from a variety of sources and to attend political rallies;
 - d) focus on political issues and Candidate platforms and avoid smear campaigns or campaigns of rumour and innuendo;
 - e) no violent behaviour, no intimidating opposing party Candidates, opposition supporters or the media, and no use of language inciting their own supporters to

- violence;
- f) respect the freedom of the press to cover the campaign and to express opinions on the campaign;
- g) respect the other Candidates and do not interfere with their campaigns;
- h) respect and comply with the Electoral Officers and do not interfere with the performance of their duties; and,
- i) accept and comply with the official election results and any final decision of the Arbitrator.

For certainty, a Candidate is in breach of the Code of Ethics if:

- a) during or leading up to the Election Day, directly or indirectly, offers a bribe to influence an Elector to vote or refrain from voting or to vote or refrain from voting for a particular Candidate;
- b) during or leading up to the Election Day, accepts or agrees to accept a bribe that is offered;
- c) by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a particular Candidate in an Election, or by any pretence or contrivance, induces a person to vote or refrain from voting or to vote or refrain from voting for a particular Candidate in an Election; or
- d) takes any other action that constitutes a serious and material breach of the Code of Ethics.

For greater certainty, offering transportation to an Elector to get to a Polling Station is not, in itself, a breach of the Code of Ethics.

- 10.2 In the event a Candidate is determined by Council to have breached the Code of Ethics, that Candidate will be disqualified from running for office, and if applicable, may be subject to an appeal or removal from Council in accordance with this Code.

PART 11 - VACANCIES AND BY-ELECTIONS

Vacancy

11.1 A Chief or Councillor position becomes vacant if, while in office the Chief or Councillor:

- a) resigns in writing from office of their own accord;
- b) has been unable to perform the functions of their office for more than 6 months due to illness or other incapacity, or as per any policies in place from time to time;
- c) is removed from office in accordance with Part 12;
- d) is otherwise unable to fulfill the terms of office; or
- e) dies.

By-elections

11.2 Unless otherwise provided in this Code, in the event that the office of Chief or Councillor becomes vacant, a By-election shall be held within ninety (90) days after the date on which

the position is declared vacant.

- 11.3 No By-election shall be held if there are less than six (6) 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.
- 11.4 No sitting Council member is eligible to be a Candidate in a By-election. If a Council member wishes to be a Candidate in a By-election, they must resign his Council position prior to the Nomination Day for the By-election.
- 11.5 Except as expressly provided otherwise in this Code, the rules and procedures in this Code shall apply to By-elections.

PART 12 - REMOVAL OF COUNCIL MEMBERS FROM OFFICE

Removal from Office

- 12.1 The Chief or a Councillor may be removed from office if they:
 - a) violate this Code, their Oath of Office or Code of Ethics, including failing to adhere to, uphold and implement all laws and policies of the Nation, including the *We Wai Kai Financial Administration Law, 2023* and any associated policies in place from time to time, including but not limited to, a conflict of interest policy;
 - b) fails to attend 3 consecutive regular meetings of Council without the absence being reasonably excused by a quorum of Council;
 - c) is convicted of an offense under the *Criminal Code of Canada*;
 - d) accepts or offers a bribe, forges a Council document or otherwise acts dishonestly in their role;
 - e) is negligent in failing to ensure the safety and protection of the community's members and property;
 - f) uses their office for personal financial gain or for the financial benefit of members of their family or friends to the detriment of the Council or the Nation as a whole;
 - g) abuses their office such that the conduct negatively affects the dignity and integrity of the community or of Council;
 - h) encourages others to commit any of the above acts or omissions; or
 - i) engages in such other conduct as may be determined by Council to be of such a serious nature that the removal is necessary and appropriate.
- 12.2 Proceedings for removal from office of the Chief or a Councillor may be initiated by:
 - a) any Elector submitting to the Executive Director, a written petition which shall include:
 - i. the grounds pursuant to section 12.1 on which removal of a Chief or Councillor is sought;
 - ii. the evidence in support of the petition;
 - iii. the signature of the petitioner;

- iv. the signatures of at least 150 Electors in support of the petition; and
 - v. a filing fee of \$2,500.00; or
- b) a Majority of Council members passing a Council Resolution that includes:
- i. the grounds pursuant to section 12.1 on which removal of a Chief or Councillor is being considered; and
 - ii. the evidence in support of the Council Resolution.

On receipt by the Executive Director of a petition, the Executive Director shall verify that the petition complies with this section 12.2. If the petition does not comply, the Executive Director shall so notify the petitioner(s) within five (5) days.

12.3 Within five (5) days of receiving a Council Resolution or a petition that complies with section 12.2, Council will send written notification to the applicable Council member, providing:

- a) a copy of the petition or Council Resolution, whichever may be the case, with all supporting evidence;
- b) a statement they may submit a response with any supporting evidence, including presenting documents, written submission, or oral testimony by witnesses; and
- c) the time, date and location of a meeting where they may submit their response/present their evidence.

12.4 No more than five (5) days following the meeting in section 12.3, Council will consider all information presented and:

- a) determine that the grounds put forth in the petition are either frivolous in nature or unsubstantiated, and dismiss the petition or in the case of the Council Resolution, decide that the grounds are unsubstantiated; or
- b) find that there was sufficient evidence to determine that the Council member ought to be removed, and declare the seat vacant.

Council shall notify the applicable Council member and if applicable, the petitioner(s), of the determination, with reasons and a rationale, as soon as practicable but no later than two (2) days following the decision being made.

12.5 The Council member who has been removed by Council in accordance with section 12.4 may appeal the Council's decision by filing a notice of appeal together with supporting documents and a payment of \$2,500, to the Executive Director within ten (10) days of receiving the notice of decision.

12.6 Where a notice of appeal complies with section 12.5, an Arbitrator will be appointed by the Executive Director in accordance with section 4.8.

12.7 The Executive Director will forward the notice of appeal and all supporting document to the Arbitrator within two (2) days of being appointed. The Arbitrator will schedule a review

hearing, which shall take place within twenty (20) days from the date on which the notice of appeal was submitted to them. The Arbitrator shall send a written notice of the hearing to Council, the petitioner(s) (if applicable) and the Council member who was removed.

- 12.8 The written notice described in section 12.7 shall set out:
- a) the nature of the hearing and all related particulars;
 - b) the date, time and location of the hearing; and
 - c) a statement that the petitioner(s), any member of Council or the Council member who was removed may, at the hearing, make a presentation to the Arbitrator, which may include the presentation of documents and testimony by witnesses.
- 12.9 The Arbitrator shall conduct a hearing at the time and place set out in the notice provided under section 12.8.
- 12.10 Within five (5) days of the day on which the hearing under section 12.9 is held, the Arbitrator shall:
- a) rule that the decision shall be allowed to stand, and declare the Council position of the member of Council who is the subject of the appeal to be vacant; or
 - b) rule that the decision is dismissed.
- 12.11 The Arbitrator shall send, by registered mail or email, a written notice of the ruling made under section 12.10 to Council, the petitioner(s) (if applicable) and the Council member who is the subject of the removal.
- 12.12 The decision of the Arbitrator made under section 12.10 is final and binding upon all parties. The Arbitrator may award costs. The costs of the arbitration shall in principle be borne by the unsuccessful party.
- 12.13 If the Council position is declared vacant, the Arbitrator may further declare the Chief or Councillor removed from office shall be disqualified from being a Candidate in an Election for a period of up to six (6) years commencing on the date of the Arbitrator ruling.
- 12.14 Any Council member who received a written notification as per section 12.3 will continue in office during the duration of the process, including hearing if applicable, unless Council, by Council Resolution, suspends the Council member. Any suspension will be without remuneration.
- 12.15 Any Council member who is removed from office will be prohibited from running to hold office for a period of eight (8) years following the date of removal.

PART 13 – AMENDMENTS

- 13.1 The process for amending this Code may be initiated by Council Resolution.
- 13.2 Council shall prepare a notice that sets out:

- a) a summary of the proposed amendments to this Code; and
- b) a description of the amendment process.

13.3 The notice provided for in section 13.2 shall be:

- a) published Online and in the community's newsletter that is delivered or mailed to Citizens, or by separate notice delivered or mailed to all Citizens; and
- b) posted in as least one conspicuous place in a public area of the Nation's administration building, and in other conspicuous places on the Primary Reserves.

13.4 Electors may, within seven (7) days of publication of the notice required under section 13.2, provide comments concerning the proposed amendments in writing to Council.

13.5 Following receipt of comments concerning the proposed amendments, the 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 The Council shall submit the final amendment proposal to a vote to be conducted at a special general meeting. Notice of the special general meeting will be provided to all Citizens at least fifteen (15) days in advance of the vote. Such notice will include information on how to vote, which may include virtual participation and/or electronic voting.

13.7 Should the Majority of the votes cast at the vote be in favour of the proposed amendments being brought to the Code, Council shall amend the Code accordingly.

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

13.9 Notwithstanding this Part 13, Council has the ability to approve amendments by Council Resolution that are non-substantive in nature and for clarity purposes.

PART 14 – TIME

14.1 Where there is a reference in this Code to a period of time or number of days:

- a) where the time limited for the doing of an act expires or falls on a Saturday or Sunday or a federal or provincial holiday, the act must be done on the last business day prior to the Saturday or Sunday or federal or provincial holiday; and
- b) Where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded.

SCHEDULE “A”
Map of We Wai Kai Traditional Territory

SCHEDULE “B”
Oath of Office for Electoral Officers

I _____, accept the office of Electoral Officer and agree to maintain confidentiality during my term.

In the capacity of Electoral Officer, I will do my utmost to serve the residents of We Wai Kai First Nation with impartiality, integrity, and honesty.

In the performance of my duties, I will adhere to the provisions as outlined in the We Wai Kai First Nation Election Code. Any violation of this Oath will render me liable to dismissal from service as Electoral Officer.

I solemnly swear to:

- a) uphold and comply with this Code;
- b) fulfill 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) not accept anything of value, including but not limited to money, offers of employment, gifts, or travel, in exchange for preferential treatment;
- e) not discriminate against anyone because of race, religion, sex, age or disability;
- f) not use public office facilities for personal or partisan benefit;
- g) keep confidential all personal information of every Citizen and only use such information as permitted under this Code; and
- h) not pressure or intimidate other officials or Citizens to favor a certain candidate.

Commissioner for Oaths

Signature

Position

Date

**SCHEDULE “C”
Notice of Nomination Day**

Notice is hereby given that on _____, the ____ day of _____, 20____, from _____ until nine o'clock p.m. of the same day at _____, the Electoral Officer will receive nominations for candidates for _____. The Election Day will be held on _____, the ____ day of _____, 20____.

Copies of the Election Code may be obtained at the We Wai Kai First Nation Administration Building located at _____ Quathiaski Cove, B.C. V0P 1N0, or online at: _____.

Nomination Procedures are set out in Part 5 of the We Wai Kai Election Code. An Elector may nominate in writing by filling out a Nomination Form and an Elector Declaration Form.

A copy of the Electors List is posted in the We Wai Kai First Nation Administration Building.

Given under my hand at _____ this ____ day of _____, 20____.

Chief Electoral Officer

Business Address

Business Telephone Number

E-mail Address

SCHEDULE "D"
Notice of Acceptance of Nomination

_____, Membership No. _____

and resident of _____, hereby accept
nomination as candidate in the Election for _____.

Witness

Signature

Date

SCHEDULE “E”
Declaration of Eligibility of Candidates

Legal Name _____

Name on ballot (if different from Legal Name) _____

Membership No. _____

Residing at _____

DO SWEAR AND DECLARE:

1. I am at least 18 years of age at the time of my nomination;
2. I am a Citizen;
3. I am an Ordinarily Resident on We Wai Kai Traditional Territory for at least 6 (six) months immediately preceding the Election;
4. I do not owe any monetary debt to the Nation;
5. I have not been convicted of an indictable offence in Canada or a felony in the United States within 10 years prior to their nomination;
6. I am not under a disqualification period imposed by the Arbitrator; and
7. I agree to have a criminal record check prior to the Election Day.

SWORN BEFORE ME in the _____

of _____, in the

Signature of Candidate

Province of British Columbia, this
____ day of _____

20__.

**SCHEDULE “F”
Notice of Election**

Notice is hereby given to the Electors of We Wai Kai Nation that an Election will take place on [insert date] for the position of [insert].

Electors may vote:

- ⇒ in person by: [insert location, time of the Polling Stations]
- ⇒ online by: [insert instructions] ; or
- ⇒ by mailing in a ballot.

Any Elector who wants a Mail-In Ballot package must make a request to the Electoral Officer no later than: _____ (at least thirty (30) days prior to the Election Day).

The list of Candidates is as follows:

A copy of the Electors List is posted in the We Wai Kai First Nation Administration Building. Please contact the Elector Officer to verify contact information on the Electors List.

Immediately at the close of the polls I will count the votes at: [insert location].

Given under my hand at _____ this ____ day of _____, 20__.

Electoral Officer

Business Address

Business Telephone Number

E-mail Address

SCHEDULE "G"
Notice of Withdrawal

_____, Membership No. _____ and resident of _____, wish to formally withdraw my name as a candidate in the Election for _____.

Witness

Signature

Date

SCHEDULE "H"
Ballot Tally Sheet

_____ declare that at the commencement of the polling, the ballot box was inspected and determined to be empty, as is required by Section 6.1 of the We Wai Kai First Nation Election Code.

Ballot Tally Sheet

FOR THE DISTRICT OF:

Total Ballot Tally per Physical Count _____

Acceptable Ballots: _____

Rejected Ballots: _____

Spoiled Ballots: _____

Unused Ballots: _____

TOTAL BALLOT TALLY: _____

SIGNED: _____

WITNESS: _____

**SCHEDULE “I”
Chief and Councillor Oath of Office and Declaration**

I, _____, do solemnly swear that I accept the office of
_____ for We Wai Kai First Nation.

During my term, I swear to:

- a) uphold and fulfill the duties and responsibilities of their office under the Election Code, including the Code of Ethics;
- b) adhere to, uphold and implement all laws and policies of the Nation, including but not limited to, the *We Wai Kai Financial Administration Law, 2023*, as amended from time to time, and any associated policies, including but not limited to a conflict of interest policy, in place from time to time;
- 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, the laws of the community or policy, is considered confidential; and
- e) act always in the best interests of the community in carrying out their duties.

SWORN BEFORE ME in the _____

of _____, in the

Province of British Columbia, this

____ day of _____

20____.

Commissioner for Oaths

Justice of the Peace, Notary Public, Signature

Office

**SCHEDULE “J”
NOMINATION FORM**

I, _____ (printed name), of _____ (city), in the Province/State of _____, state that:

1. I am unable to attend the Nomination Meeting, scheduled for _____ (date).
2. I am nominating _____ (name of potential Candidate) for the office of: _____ (Chief or Councillor)

I solemnly declare that I am an Elector.

1. My date of birth is: _____
2. I am a registered Citizen of WWK.
3. My current mailing address is: _____
4. I am 18 years of age as of the Election Day.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is a contravention of the *WWK Election Code* to make a false statement in this declaration.

Date: _____

Signature of Nominator:

Signature of Witness:

[Print name]:

**SCHEDULE “K”
ELECTOR DECLARATION FORM**

In the matter of the Election set for: _____, held according to the WWK Election Code, I, _____ (printed name), of _____ (city), in the Province/State of _____, solemnly declare that:

1. I am a registered citizen of We Wai Kai Nation.
2. My date of birth is: _____
3. My current mailing address is: _____
4. I am 18 years of age as of the Election Day.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is a contravention of the *WWK Election Code* to make a false statement in this declaration.

Date: _____

Signature of Elector:

Signature of Witness:

Name:

Telephone #:

Address: