

HOMALCO FIRST NATION



CUSTOM ELECTION CODE

Ratified August 29, 2020

HOMALCO CUSTOM ELECTION CODE

July 17, 2020

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Governing Principles

The Homalco People are aboriginal people of Canada as recognized and affirmed in section 35 of the Constitution Act of 1982 and have used, occupied and governed its traditional territory, including the lands reserved for Indians under section 91(24) of the Constitution Act of 1867, and as such have an inherent right to self-government. Accordingly, the Homalco People as represented by the Homalco First Nation, are exercising their fundamental right to self-government by the enactment of this Custom Election Code

PART 1 – Preliminary Matters

1.0 Title

- 1.1 The title of this enactment is the Homalco First Nation Custom Election Code (the “WATERMARK HCEC”)

2.0 Definitions

- 2.1 This Definition Section is included to define specific terms included in the HCEC:

“**Administrator**” means the person appointed by Council to be the administrator of the Homalco First Nation;

“**Appeal Board**” means the three people appointed by the present Council by Homalco Council Resolution (formerly known as a Band Council Resolution). The Appeal Board shall be composed of the following:

- (a) Three people who are not members of Homalco First Nation, who are of good character and reputation, and who do not have a Vested Interest in the outcome of the Election of Homalco First Nation.
- (b) One member of the Appeal Board must be a Solicitor licensed to practice in the Province of British Columbia and who is not in a Conflict of Interest as defined by Chapter 1, section 1.1 of the Professional Code of Conduct of the Law Society of British Columbia;

The Appeal Board shall hold office until the next Election at which time a new Appeal Board shall be appointed;

“**Attendant**” means a person present to provide personal service to an elder or physically challenged person, but is not to be the substantive decision-maker for such elder or physically challenged person;

“**Business Day**” means normal office hours, being between 9:00 a.m. and 4:00 p.m., Monday through Friday save and except statutory holidays which fall between Monday and Friday;

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

“**Candidate**” means a Member of the Homalco First Nation who:



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- (a) is at least 18 years of age on the day on which the Election is held;
- (b) is a Member of the Homalco First Nation living on or off-reserve;
- (c) is eligible to be a Candidate in accordance with section 8.1 of the HCEC; and
- (d) has been nominated to be a Candidate in accordance with Section 13.0 of the HCEC;

“Chairperson” means the Chief or Councillor responsible for chairing a Council Meeting or Members Meeting in accordance with Section 37.0 of the HCEC;

“Chief” means the person elected to the office of Chief pursuant to the HCEC;

“Clear Days” means the number of days between two events, where there is a reference to a number of clear days or “at least” a number of days between two events. In calculating that number of days, the following applies:

- (a) the days on which the event or events happen are excluded;
- (b) the days following the first event or events are included, including Saturdays, Sundays and holidays;

“Confidential Information” means and includes all information obtained by Council Members as a result of their elected position, which includes but is not limited to the following:

- (a) the governing and operational information of the Homalco First Nation;
- (b) employee and independent contractor information;
- (c) Member information;
- (d) planned and/or existing agreements that have not been deemed public by the Council, including any background discussions or negotiations between the parties to a planned or existing agreement; and
- (e) any and all discussions, communications, correspondence and legal memoranda or opinions between Council and their legal counsel;

“Conflict of Interest” in accordance with the Homalco Governance Policy Manual and in particular, with reference to the Homalco electoral process, arises where a Council Member, officer, employee, committee member, contractor or agent of the Homalco First Nation has an interest that is;

- (a) real, potential or perceived;
- (b) direct or indirect;
- (c) personal or financial; and which



- (d) competes or has the potential to compete or is perceived to compete with:
- (i) the interests of the Homalco First Nation; or
 - (ii) the objective exercise of the affected person's powers, duties, functions or responsibilities; or
 - (iii) the democratic rights of Homalco members

"Contact Address" means the mailing address of an Elector on the Electors' List;

"Corrupt Practice" means bribery direct or indirect, fraud or fraudulent behavior or otherwise providing a financial or material incentive to an Elector in exchange for a vote;

"Council" means the body composed of those persons elected pursuant to the HCEC and includes the elected Chief and the elected Councillors or any successor elected persons under the HCEC who form or may form the government of the Homalco First Nation;

"Councillor" means those persons elected to the office of Councillor pursuant to the HCEC;

"Council Meeting" means a duly convened meeting of Council held pursuant to the procedures set out and described in Sections 29.0, 32.0 to 41.0 of the HCEC and includes Regular Council Meetings and Special Council Meetings;

"Council Member" means the duly elected Chief and Councillors of the Homalco First Nation under the HCEC;

"Council Resolution" (also known as a "BCR") means a written record of a decision or decisions made by a majority of the Council at a duly convened meeting of the Council;

"Custom Election Code" (HCEC) means a specifically designed set of rules governing the Election of Chief and Councillors by vote of the Electors;

"Deputy Electoral Officer" means any person appointed by the Electoral Officer for the purposes of an Election of the Council to assist such Officer in the conduct of an Election held in accordance with the HCEC ;

"Election" means a general election or By-election of the Council held pursuant to the HCEC;

"Elector" means a person who:

- (a) is a Member of the Homalco First Nation; and
- (b) is at least 18 years of age on the day on which the Election is held;

"Electoral Officer" (E.O.) means a person appointed at a Council Meeting and authorized by Council Resolution before each Election, which person has the responsibility for conducting the Election process in accordance with the HCEC;



“Electors’ List” means the list of Electors who are eligible to vote in an Election;

“Elder” means a Member of Homalco First Nation who is at least 60 years of age;

“Emergency Situation” means an unforeseeable event that poses a serious risk to the safety, health and well-being of Members, invitees, agents or employees and any other person or persons residing or conducting business on lands over which the Homalco First Nation has jurisdiction, which includes but is not limited to natural disasters, contagious diseases and other unforeseeable events.

“Family Member” means a Member’s spouse, dependent child or children, or dependent child or children of the spouse;

“Fraudulent Practice” means the action or an instance of deceiving an Elector in order to obtain their vote;

“General Members Meeting” means a general meeting of the Members and the Council (also known as Community Meetings) as set out and described in section 31.2 of the HCEC;

“Good Standing” means a Member who has no financial arrears with the Homalco First Nation or, if arrears exist, has had, for at least three (3) months in advance of the Nomination Meeting, a signed repayment agreement with the Homalco First Nation and is fulfilling the Member’s commitments in the repayment agreement;

“HFN Governance Policy Manual” means the Governance Policy Manual of the Homalco First Nation approved by Council on October 29, 2018;

“Homalco First Nation” means the Homalco First Nation and its Members;

“Incapacity” means an individual who has been determined to be mentally incapable by a court or other proper authority or who has been determined to be mentally incapable of handling their own affairs in a written opinion of two physicians;

“Mail-in Ballot” means a ballot mailed or delivered in accordance with Section 17.0 of the HCEC;

“Member” means an individual whose name appears on the Membership List;

“Members Meeting” means a meeting of the Members and Council held in accordance with Section 31.0, 36.0, 39.3 to 39.6, and 41.0 to of the HCEC and includes General Members Meetings (also known as Community Meetings) and Special Members Meetings;

“Membership Clerk” means an employee of the Homalco First Nation whose duty and responsibility it is to maintain the current mailing addresses of the Members on the Membership List and the Contact Address of the Electors on the Electors’ List;

“Membership List” means the list maintained at the administration office of the Homalco First Nation and at the registry offices of Indigenous Services, Government of Canada, or any successor registry or registrar office, branch or department of the Government of Canada that contains the names of all Members;



“Minutes” means a written record of a Council Meeting or a Members Meeting which is to be kept secure in a Minutes of Council Meetings Book or a Minutes of Members Meetings Book as set out and described in Section 39.0 of the HCEC;

“Nomination Meeting” means the meeting at which eligible Electors nominate Candidates for the Election pursuant to the HCEC;

“Physically Challenged Person” means a person with a physical disability;

“Poll” means the process of voting in an Election held in accordance with the HCEC;

“Polling Station” means a building, hall or room which is selected as the site where voting takes place during the Election;

“Quorum” means a majority of Council present at a duly convened Council Meeting as set out and described in section 33.2 of the HCEC;

“Registrar” means the officer of the Indigenous Services, Government of Canada, or its successor representative of the office, branch or department of the Government of Canada, including its successor representative of the office, branch or department of the Homalco First Nation, that is responsible for the Membership List;

“Regular Council Meeting” means a regularly and duly convened meeting of the Council held as set out and described in section 29.2 of the HCEC;

“Rejected Ballot” means those ballots, including Mail-in Ballots, that have been improperly marked and/or defaced by Elector(s) which are not included in the tally of valid ballots cast during the counting of the votes;

“Scrutineer” means a person who scrutinizes or examines the conduct and result of the Election and is the Representative or Agent of a Candidate;

“Secret Ballot” means a system of secret voting by ballot;

“Secretary” means the individual appointed by the Council whose role and responsibilities are set out and described in section 38.0 of the HCEC;

“Security” means a person(s) appointed by the Electoral Officer to maintain order at the Polling Station during an Election held in accordance with the HCEC;

“Special Council Meeting” means a duly convened meeting of Council called by a majority of the Council to consider any matter of an emergent or urgent nature as described in section 29.10 of the HCEC;

“Special Members Meeting” means a meeting of the Members and Council duly convened under section 31.3 of the HCEC;



“Voter Declaration Accompanying the Mail-In Ballot (Appendix L)” means the document that sets out and contains the following information for verification purposes:

- (a) the name of the Elector;
- (b) the Membership or registry number of the Elector or, if the Elector does not have a Homalco First Nation membership or registry number, the date of birth of the Elector; and
- (c) the name, address and telephone number of a Witness to the signature of the Elector;

“Voting Compartment” means a space or area separated by partitions designated specifically for people to privately fill in their ballots;

“Vested Interest” means and includes a personal stake or involvement in an undertaking or state of affairs especially one which has an expectation of a financial gain and/or an interest in lands or trust recognized as belonging to, or having a legal or equitable obligation in relation to, a particular person, group of persons or entity;

“Witness” means an individual who is at least eighteen (18) years of age and has capacity.

PART 2 – Custom Election Rules and Procedures

This Act establishes the rules and procedures for conducting Homalco First Nation Custom Elections.

3.0 Composition of Council

- 3.1 Homalco First Nation Council shall consist of four (4) Councillors and one (1) Chief, provided that the total Membership of the Homalco First Nation consists of five hundred (500) or less Members.
- 3.2 Should the total Membership exceed five hundred (500) Members, the Council may increase the Council size to six (6) Councillors and one (1) Chief.
- 3.3 The size of Council shall not exceed six (6) Councillors and one (1) Chief.

4.0 Election of Council Process

- 4.1 Elections after the date the HCEC comes into force and effect shall be held in accordance with this Section 4.0 of the HCEC.
- 4.2 The offices of the Council shall be determined by a Secret Ballot vote of the Electors in the Election.
- 4.3 Voting shall be in person, by Mail-in Ballot or Council may by Council Resolution approve electronic voting for any Election provided:
 - (a) the electronic voting software is provided by a reputable electronic voting software company which guarantees total secrecy wherein individual voter choices shall be encrypted in such a way as to ensure total voter anonymity;



- (b) any possibility of an Elector voting both electronically and in person or by Mail-in Ballot is eliminated; and
- (c) Council, by Council Resolution, approves rules and procedures governing electronic voting, including rules and procedures regarding electronic voting packages and incorporating results from electronic voting into the Election results.

4.4 By-elections shall be held on the date set by the Electoral Officer in accordance with Section 27.0 of the HCEC as authorized by a Council Resolution of the Council.

5.0 Term of Office

5.1 The term of office for the Council shall be four (4) years, save and except the First Election after the HCEC comes into force and effect as set out under section 5.2 of the HCEC.

5.2 For the first Election held under the HCEC, the Chief's position will be for a term of four (4) years, the two (2) Councillors receiving the highest number of votes shall also hold office for four (4) years and the remaining two Councillors shall hold office for two (2) years.

5.3 The term of office for the Chief shall be for a term of four (4) years and the term of office for Councillors shall be staggered into four-year terms, with Elections held for two (2) of the four (4) positions every two (2) years.

5.4 The term of office for the Council commences on the date on which the Electoral Officer publicly declares the results of the Election in accordance with section 19.8 of the HCEC.

5.5 In the event the Council wish to change the date of the Election, the Council may by Council Resolution shorten their term of office so that the Election is changed to a more suitable time of year but such Council Resolution must be unanimously passed.

5.6 Under no circumstances shall Council extend their term of office except when:

- (a) there is an Election Appeal pertaining to the validity of a completed election, then the present Council shall hold office until the Appeal Board makes its decision; or
- (b) there is an Emergency Situation and the Council determines an extension of the Council's term of office is required in response to the Emergency Situation in accordance with the procedure set out in Part 7 of the HCEC. The term of such extension shall be no more than 6 months.

5.7 Any vacancies of the of Chief or Councillor shall be governed by Section 25.0 of the HCEC.

6.0 First Election

6.1 The first Election for the Council after the date the HCEC comes into force and effect shall be held no later than March 31, 2021.

6.2 The Council in office on the date the HCEC comes into force and effect shall continue in office until



the first Election for Council.

7.0 Eligibility of Electors

7.1 In order to be entitled to vote in an Election, a person must be an Elector as defined in Section 2.0 of the HCEC.

8.0 Eligibility of Candidates

8.1 Any Candidate for the office of Council must:

- (a) qualify as an Elector and be at least 18 years of age on the date of the Election;
- (b) be nominated for that office in accordance with the procedures set out in Section 13.0 of the HCEC;
- (c) be a Member of Homalco First Nation;
- (d) adhere to the Homalco First Nation Candidates Campaign Policy (Appendix AD);
- (e) agree in writing to attend at least three (3) orientation workshops if elected to Council and participate in annual skills training post-election (Appendix X);
- (f) agree to hold themselves accountable for their adherence to the Oath of Office and the Homalco Governance Policy Manual; and
- (g) adhere to the requirement set out and described in section 13.11 of the HCEC.

8.2 A person may only be a Candidate for one of the offices of Chief or Councilor in any Election.

8.3 A person who has been elected to Council as a Chief or Councilor and has completed the length of term as set out in section 5.3 of the HCEC may be nominated as a Candidate for an additional term of office.

9.0 Appointment of Electoral Officer, Deputy Electoral Officers and Appeal Board

9.1 Council shall, by Council Resolution, appoint an Electoral Officer and Appeal Board at least ninety (90) Clear Days prior to the date on which the Election is to be held.

9.2 If an Electoral Officer and Appeal Board have not been appointed within the time set out in section 9.1 of the HCEC the Electoral Officer and Appeal Board shall be appointed by the Administrator no later than eighty (80) Clear Days prior to the date on which the Election is to be held .

9.3 Deputy Electoral Officer(s) shall be appointed by the Electoral Officer within fourteen (14) Clear Days of the appointment of the Electoral Officer and shall work under the direction of the Electoral Officer.



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- 9.4 Deputy Electoral Officer(s) shall have such powers as described in this Section 9.0 of the HCEC and, in addition, those powers as may be or have been delegated to such Deputy Electoral Officer(s) by the Electoral Officer.
- 9.5 Deputy Electoral Officer(s) shall not be a Council Member or a Candidate in an Election under the HCEC.
- 9.6 The Electoral Officer shall not be a Member of Homalco First Nation or holder of other contracts of services with Homalco First Nation or otherwise have a Vested Interest or be in a Conflict of Interest.
- 9.7 The Electoral Officer, Deputy Electoral Officer(s) and Appeal Board shall swear or affirm an Oath of Office before a duly appointed Commissioner of Affidavits, Notary Public, lawyer or Justice of the Peace swearing or affirming to:
- (a) uphold and comply with the HCEC and all Homalco First Nation laws, bylaws, regulations, policies and procedures;
 - (b) fulfill the duties and responsibilities of their office under the HCEC;
 - (c) carry out their duties faithfully, honestly, impartially and to the best of their abilities;
 - (d) always act in good faith and in the best interests of Homalco First Nation in carrying out their duties and responsibilities of office; and
 - (e) keep confidential, both during and after their term of office, any matter or information which, under the HCEC or Homalco First Nation laws, bylaws, regulations or policies, is deemed or considered confidential.
- 9.8 The Electoral Officer may make such order and issue such instructions consistent with the provisions of this Section 9.0 of the HCEC as he or she may from time to time deem necessary for the effective administration of the Election.
- 9.9 The Appeal Board shall consist of three (3) people appointed by the Council and authorized by Council Resolution prior to each Election.
- 9.10 The Appeal Board shall be composed of three (3) people who are not Members of Homalco First Nation, who are of good character and reputation, and who do not have a Vested Interest in the outcome of the Election of Homalco First Nation.
- 9.11 One member of the Appeal Board must be a solicitor licensed to practice law in the Province of British Columbia, who is not in a position of Conflict of Interest and who has familiarity with Indigenous affairs and issues.
- 9.12 The Appeal Board's mandate is to oversee any request of review of the Election process and/or the removal of a Council Member from office.
- 9.13 The term will be for the duration of the Election process and continues until the next Appeal Board is appointed.



- 9.14 Any vacancy in the Appeal Board will be filled by an appointee of the Council as authorized by Council Resolution.
- 9.15 The Council shall draw a list of four additional potential members for the Appeal Board in case an Appeal Board member has a Vested Interest or is in a position of Conflict of Interest.

10.0 Contact Addresses for Electors

- 10.1 The Membership Clerk shall, within seven (7) Clear Days of the Electoral Officer assuming office, provide the Electoral Officer with the names and Contact Addresses of the Electors contained in the Electors' List.
- 10.2 The Contact Address shall be used only for the purposes of providing notices, Mail-in Ballots or other documents to Electors who are entitled to receive them in accordance with this Section 10.0 of the HCEC. Except for these purposes, the Contact Address shall not be disclosed by the Electoral Officer to Members, the general public or third parties without the written consent of the Elector.
- 10.3 An Elector shall be responsible for providing the Membership Clerk or the Electoral Officer with their current Contact Address.
- 10.4 A document shall be considered properly provided to the Elector if it was mailed or delivered to the Contact Address of the Elector.

11.0 Electors' List

- 11.1 The Electoral Officer shall prepare an Electors' List within thirty (30) Clear Days of assuming office. The Electors' List will be the official record of Electors for the next Election.
- 11.2 No later than sixty (60) Clear Days prior to the date on which the Election is to be held, the Electoral Officer shall post the Electors' List:
- (a) in a public area of the Homalco First Nation administration building; and
 - (b) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Electoral Officer.
- 11.3 Where the Electoral Officer has received a request from an Elector to have the Electors' List provided to such Elector, the Electoral Officer shall provide the Elector with a copy of the Electors' List.
- 11.4 The Electors' List shall contain no personal information, including date of birth, address, or Indian Status number.
- 11.5 A person or a representative of a person whose name does not appear or does not correctly appear on the Electors' List and who may be eligible to be an Elector may, at least ten (10) Clear Days prior to the date on which the Election is to be held, apply in writing to the Electoral Officer to have such person's name added to the Electors' List.



- 11.6 An application made in accordance with section 11.5 of the HCEC shall set out the reasons why the person's name should be added to the Electors' List, together with any documents supporting the application.
- 11.7 Any Elector on the Electors' List may make an application to support or object to the adding of an Elector or for the removal of an Elector from the Electoral List and such application shall set out the reasons why a person's name should be either added to or removed from the Electors' List, together with any documents supporting the application, which application must be received by the Electoral Officer no later than twenty-five (25) Clear Days prior to the date on which the Election is to be held.
- 11.8 Where the Electoral Officer believes or has information that a person whose name is on the Electors' List is not an Elector or where an Elector applies in writing to the Electoral Officer to have another person's name removed from the Electors' List because that person does not qualify as an Elector, the Electoral Officer shall give written notice to the person described in section 11.5 of the HCEC or the Elector described in section 11.7 of the HCEC whose eligibility is being challenged at least fifteen (15) Clear Days prior to the date on which the Election is to be held.
- 11.9 The Electoral Officer shall add or delete names on the Electors' List based on whether such person or Elector qualifies as an Elector having taken into consideration the relevant facts, circumstances and representations made in connection with the eligibility of the person described in section 11.5 of the HCEC or the Elector being challenged as described in section 11.7 of the HCEC.
- 11.10 The Electoral Officer shall give a person whose name has been added to or deleted from the Electors' List written notice of the decision at least seven (7) Clear Days prior to the date on which the Election is to be held.
- 11.11 The decision of the Electoral Officer under section 11.9 of the HCEC must take into consideration the purpose of the HCEC, the submissions of the parties, past practices and decisions and the potential impact of the decision on the Homalco First Nation and its Members and, in such event, the decision of the Electoral Officer shall be final.
- 11.12 The Electoral Officer shall, at least five (5) Clear Days prior to the date on which the Election is to be held, post a final Electors' List:
- (a) in a public area of the Homalco First Nation administration building;
 - (b) on an official Homalco First Nation website and other social media platform sites;
 - (c) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Electoral Officer.
- 11.13 A person whose name appears on the Electors' List shall be entitled to vote on Election day.

12.0 Notice of Nomination Meeting and Entitlement to Vote by Mail-in Ballot

- 12.1 At least seventy-two (72) Clear Days prior to the date on which the Election are to be held, the Electoral Officer shall mail a notice of the Nomination Meeting to the Contact Address of Electors



on the Electors' List advising of the Nomination Meeting and setting out the conditions for nominating a Candidate by mail or in-person, and for voting in the Election by Mail-in Ballot or in-person.

12.2 The notice described in section 12.1 of the HCEC (the "Notice of the Nomination Meeting") shall include:

- (a) The date of such Notice;
- (b) the date, time and location of the Nomination Meeting and a statement that Electors may attend and nominate Candidates (Appendix D);
- (c) a description of the manner in which an Elector can nominate a Candidate or second the nomination of a Candidate (Appendices D, E, F & G);
- (d) notification that a copy of the HCEC can be obtained at the Homalco First Nation administration building;
- (e) the places where copies of the Electors' List shall be posted;
- (f) a statement that all Electors may vote in-person or by Mail-in Ballot;
- (g) a statement that all Electors will be mailed a Mail-in Ballot package;
- (h) the date on which the Election will be held and the location of each Polling Station;
- (i) the statement that, if the Elector wants to receive information from Candidates, the Elector can agree to have their Contact Address released to the Candidates and, in such event, the Elector shall sign a consent and release form by Elector to Candidates to such effect (Appendix D); and
- (j) the business address, telephone and email address of the Electoral Officer.

12.3 The Electoral Officer shall, at least thirty-five (35) Clear Days prior to the date on which the Election is to be held, mail to every Elector for whom a Contact Address is available a Mail-in Ballot package consisting of:

- (a) ballots initialed on the back by the Electoral Officer (Appendices P & Q);
- (b) an inner postage-paid return envelope that is pre-addressed to the Electoral Officer;
- (c) a second inner envelope, marked "For Ballots Only", for insertion of the completed ballots;
- (d) a Voter Declaration Accompanying the Mail-In Ballot (Appendix L) which shall set out:
 - i. the name of the Elector;
 - ii. the membership number of the Elector; and



- iii. the name, address and telephone number of the Witness to the signature of the Elector.
 - (e) a letter of instruction regarding voting by Mail-in Ballots (Appendix M); and
 - (f) a statement identifying the location of all Polling Stations, advising the Elector that they may vote in person at any Polling Station on the day of the Election, or by Mail-in Ballot, or electronically if a provision for electronic voting has been established by the Council.
- 12.4 Any Elector who has not been sent a Mail-in Ballot package in accordance with section 12.3 of the HCEC may, at least fifteen (15) Clear Days prior to the date on which the Election is to be held, request a Mail-in Ballot package.
- 12.5 An Elector requesting a Mail-in Ballot package shall provide the Electoral Officer with a current mailing address and, upon receipt of such current mailing address, the Electoral Officer shall forthwith mail the requested Mail-in Ballot package to such Elector.

13.0 Nomination Process

- 13.1 The Nomination Meeting shall be held at least forty-two (42) Clear Days prior to the date on which the Election is to be held.
- 13.2 The Electoral Officer shall post the Notice of the Nomination Meeting:
- (a) in a public area of the Homalco First Nation administration building;
 - (b) on an official Homalco First Nation website and other social media platform sites;
 - (c) in a mail-out to the Contact Address of Electors on the Electors' List; and
 - (d) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Electoral Officer.
- 13.3 The Notice of the Nomination Meeting shall include all the requirements of section 12.2 of the HCEC.
- 13.4 At the time and place specified in the Notice of the Nomination Meeting, the Electoral Officer shall declare the Nomination Meeting open for the purpose of receiving nominations for qualified Candidates to serve as Chief or Councillor.
- 13.5 The Nomination Meeting shall remain open for two (2) hours.
- 13.6 Any person who is an Elector may propose or second a nomination of any qualified Candidate to serve as Chief or Councillor.
- 13.7 If only one qualified Candidate is nominated for the office of Chief, the Electoral Officer shall declare that Candidate to be elected by acclamation subject to section 13.11 of the HCEC.



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- 13.8 Where the number of qualified Candidates nominated for the office of Councillor does not exceed the number of positions available, the Electoral Officer shall declare such Candidates to be elected by acclamation subject to section 13.11 of the HCEC.
- 13.9 Where more than the required numbers of persons are nominated for the offices of Chief or Councillor as set out and described in section 3.1 and 3.2 of the HCEC, the Electoral Officer shall declare that a Poll will be held.
- 13.10 Within forty-eight (48) hours of the close of the Nomination Meeting, the Electoral Officer shall post an interim list of Candidates and the offices for which each Candidate is nominated:
- (a) in a public area of the Homalco First Nation administration building;
 - (b) on an official Homalco First Nation website and other social media platform sites;
 - (c) in a mail-out to the Contact Address of Electors on the Electors' List; and
 - (d) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Electoral Officer.
- 13.11 Upon the close of the Nomination Meeting, the Electoral Officer shall contact and provide each Candidate with a Notice to Candidates of Nomination at a Homalco First Nation Nomination Meeting (Appendix H) and require each Candidate to sign or obtain the following documents:
- (a) a Certificate of Acceptance and Qualification by the Candidate confirming the eligibility of the Candidate and the Candidate's acceptance of the Nomination (Appendix W);
 - (b) an Authorization for Criminal Record Check (Appendix Y);
 - (c) completed the Candidates Ballot Information form (Appendix AA); and
 - (d) the posting or payment of a non-refundable fee of:
 - i. one hundred (\$100.00) dollars for the position of Chief, as sworn to in Appendix W; or
 - ii. fifty (\$50.00) dollars for the position of Councillor, as sworn to in Appendix W.
- 13.12 If the fee payment described in section 13.11(d) of the HCEC takes the form of a certified cheque or money order, such instrument shall be made payable to Homalco First Nation, attention to the Electoral Officer.
- 13.13 The Electoral Officer shall place the fee payment described in section 13.11(d) of the HCEC in a special bank account for the purposes of offsetting Election costs.
- 13.14 A Candidate may file the documents described in section 13.11 (a) to (c) by mail, email, facsimile or in-person with the Electoral Officer and pay the appropriate non-refundable fee required under section 13.11(d) of the HCEC by mail, electronic transfer or in-person with the Electoral Office.



13.15 Any Candidate who fails to file the documents and the fee payment described in section 13.11 of the HCEC with the Electoral Officer within seven (7) Clear Days of being contacted by the Electoral Officer under section 13.11 of the HCEC shall have their name removed as a Candidate.

13.16 Should a Candidate wish to withdraw, such Candidate shall complete the Candidate Withdrawal Form (Appendix I) within six (6) Clear Days of being contacted by the Electoral Officer under section 13.11 of the HCEC.

13.17 Candidates may withdraw at any time prior to the close of Polls and any votes cast for such Candidate shall not be counted.

14.0 Notice of Final List of Candidates

14.1 The final list of Candidates shall be composed of the Candidates who have complied with Section 13.0 of the HCEC.

14.2 The Electoral Officer shall, no earlier than the eight (8) Clear Days after the date of the Nomination Meeting and no later than thirty-five (35) Clear Days prior to the date on which the Election is to be held, post the final list of Candidates and the offices for which each Candidate is nominated:

- (a) in a public area of the Homalco First Nation administration building;
- (b) on an official Homalco First Nation website and other social media platform sites;
- (c) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Electoral Officer.

15.0 Notice of Polls

15.1 Whenever a Poll is required, the Electoral Officer shall post a Polling Notice (Appendix K) at least thirty-five (35) Clear Days prior to the date on which the Election is to be held:

- (a) in a public area of the Homalco First Nation administration building;
- (b) on an official Homalco First Nation website and other social media platform sites;
- (c) in a mail-out to the Contact Address of Electors on the Electors' List; and
- (d) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Electoral Officer.

15.2 The Polling Notice described in section 15.1 of the HCEC shall include:

- (a) the date of the Election;
- (b) the time the Polling Stations will be open and closed;
- (c) the location of the Polling Station(s);



- (d) the time and location of the counting of the votes; and
- (e) a statement that the Electors' List is posted in a public area of the Homalco First Nation administration building.

15.3 All Electors will be mailed a Mail-in Ballot package from the Electoral Officer within the timeframe specified in section 12.3 of the HCEC.

16.0 Preparation of Ballots

16.1 The Electoral Officer shall prepare ballots setting out (Appendices P & Q):

- (a) the names of the Candidates nominated for the office of Chief in alphabetical order; and
- (b) the names of the Candidates nominated for the office of Councillor in alphabetical order.

16.2 The ballot may, at the request of the Candidate, include a Candidate's commonly used nickname.

16.3 The ballot shall indicate that the Elector shall clearly mark the ballot with an "X" or otherwise clearly indicate the Elector's choice in the appropriate space opposite the name of the Candidate.

17.0 Voting by Mail-in Ballot

17.1 An Elector who chooses to vote by way of Mail-in Ballot shall vote by:

- (a) clearly marking the ballot with an "X" or otherwise clearly indicating the Elector's choice in the appropriate space opposite the name of the Candidate;
- (b) folding the ballot in a manner so as to conceal their choices and reveals the Electoral Officer's initials on the back;
- (c) placing the ballot in the inner envelope marked "For Ballots Only" and sealing the envelope;
- (d) completing and signing the Voter Declaration Accompanying the Mail-In Ballot (Appendix L) Form in the presence of a Witness;
- (e) placing the inner envelope and the completed, signed and witnessed such Voter Declaration in the postage-paid, return envelope pre-addressed to the Electoral Officer; and
- (f) delivering to or otherwise ensuring receipt of the envelope by the Electoral Officer before 8:00p.m., being time at which Polls close on the day of the Election.

17.2 Mail-in Ballots that are not received by the Electoral Officer before the time at which the Polls close on the day of the Election (8:00 p.m.) shall not be counted.

17.3 In the event that the Mail-in Ballot is not received before 8:00 p.m. on the day of the Election, the Electoral Officer must nonetheless record the date of receipt of such Mail-in Ballot and retain the



Mail-in Ballot and the envelope containing the Mail-in Ballot for the purposes of recording such late delivery in the Electoral Officer's Report (Appendix U).

17.4 An Elector to whom a Mail-in Ballot was mailed or delivered may vote in person at a Polling Station.

18.0 Voting at a Polling Station

18.1 There shall be one (1) Polling Station on reserve or other lands of the Homalco First Nation.

18.2 The Council may, at their discretion as authorized by Council Resolution, establish another Polling Station at a location selected by Council if it is deemed or considered to be in the best interest of the Homalco First Nation.

18.3 The Polling Station shall be open from nine o'clock (9:00 a.m.) in the morning until eight o'clock (8:00 p.m.) in the evening on the day on which the Election is to be held.

18.4 The Electoral Officer shall, before the Polling Station is open, supply the Polling Station with:

- (a) ballot boxes with locks and/or seals;
- (b) a sufficient number of ballots;
- (c) the final Electors' List;
- (d) the necessary materials for marking ballots; and
- (e) a ballot tally sheet to identify the number of confirmed votes and the number of Rejected Ballots.

18.5 The Electoral Officer shall provide sufficient Voting Compartments in the Polling Station where the Electors can mark their ballots in secret and free from observation and the Electoral Officer may appoint Security to maintain order at the Polling Station.

18.6 Where a Candidate wishes to authorize a Scrutineer, such Candidate shall provide a letter of authorization to the Electoral Officer or Deputy Electoral Officer on or before the opening of the Polling Station in which the Candidate names the Scrutineer.

18.7 The Electoral Officer and Deputy Electoral Officer shall immediately before the commencement of the Poll:

- (a) open the ballot box(s) and, in the presence of any Scrutineers, Witnesses, appointed Security or other Deputy Electoral Officers present, confirm that it is empty and the two (2) Witnesses shall sign a statement to that effect;
- (b) lock and properly seal the ballot box(s) in a manner preventing it from being opened without breaking the seal; and
- (c) place the ballot box(s) in public view for the reception of the ballots.



- 18.8 Each Elector attending at a Polling Station for the purpose of voting shall present to the Electoral Officer or Deputy Electoral Officer officially recognized picture identification issued by Homalco First Nation, Federal or Provincial government verifying that the Elector is an Elector on the final Electors' List.
- 18.9 Where a possible Elector does not have identification as described in section 18.8 of the HCEC , such Elector shall be deemed to be properly identified if one (1) eligible Elector on the Electors' List signs a sworn declaration in the presence of the Electoral Officer or Deputy Electoral Officer, verifying and recording the identity of the possible Elector (Appendix AE) or, if the Elector is known by the Electoral Officer or by one (1) of the Deputy Electoral Officers then such Elector shall be allowed to vote provided, however, that such Officer must verify and record in writing that such Elector was known to the Officer.
- 18.10 Where a person is properly identified as an Elector, such Elector shall sign the sign-in sheet presented by the Electoral Officer or Deputy Electoral Officer.
- 18.11 Upon signing the sign-in sheet, the Elector shall receive a ballot initialed by the Electoral Officer or Deputy Electoral Officer.
- 18.12 The Electoral Officer or Deputy Electoral Officer shall place in the proper column of the Electors' List a mark, or other written indication, opposite the name of every Elector receiving a ballot.
- 18.13 The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the Elector.
- 18.14 Voting at all Elections shall be by Secret Ballot.
- 18.15 No Elector may vote by proxy or authorize another person to vote on that Elector's behalf at an Election.
- 18.16 Notwithstanding sections 18.14 and 18.15 of this HCEC, any Elector who requires assistance may request that the Electoral Officer or a Deputy Electoral Officer mark the ballot for such Elector in that Elector's presence for the Candidates of the Elector's choice and such act shall be recorded in writing by such Officer as prescribed in section 18.17 of the HCEC.
- 18.17 In the event that an Elector votes in the manner described in section 18.16 of the HCEC, the Electoral Officer or Deputy Electoral Officer shall note on the Electors' List in the column for remarks opposite the name of such Elector the fact that the ballot was marked by the Electoral Officer or Deputy Electoral Officer in the presence of the Elector and the reasons therefore.
- 18.18 Except as in the manner provided for in section 18.16 of the HCEC, the Electoral Officer or Deputy Electoral Officer shall ensure the Elector's privacy while in the Voting Compartment.
- 18.19 Upon receiving the ballot, each Elector shall:
- (a) immediately proceed to the Voting Compartment and clearly place an "X" or otherwise clearly indicate the Elector's choice in the appropriate space opposite the name of the Candidates of the Elector's choice;



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- (b) fold the ballot to conceal their choice in such a manner that only reveals the initials of the Electoral Officer or Deputy Electoral Officer;
 - (c) without unfolding the ballot, have the Electoral Officer or Deputy Electoral Officer verify that such Officers initials are revealed on the ballot; and
 - (d) each Elector shall at once deposit the ballot into the ballot box in the presence of the Electoral Officer or Deputy Electoral Officer and any Scrutineers present in the Polling Station.
- 18.20 An Elector who inadvertently spoils a ballot may return it to the Electoral Officer or Deputy Electoral Officer in order to obtain another ballot, and the Electoral Officer or Deputy Electoral Officer shall write the word "Cancelled" upon the spoiled ballot, deposit it in an envelope for cancelled and declined ballots and provide the Elector with a new ballot initialed by the Electoral Officer or Deputy Electoral Officer.
- 18.21 An Elector who has received a ballot and subsequently decides not to vote must return the ballot to the Electoral Officer or Deputy Electoral Officer, who shall boldly mark the word "Declined" on the face of the ballot and deposit such ballot in an envelope for cancelled and declined ballots.
- 18.22 An Elector forfeits a right to vote at the Election after being provided a ballot by the Electoral Officer or Deputy Electoral Officer if such Elector leaves the Polling Station without delivering the ballot to the Electoral Officer or the Deputy Electoral Officer.
- 18.23 Any person delivering a completed Mail-in-Ballot package on the day of the Election on behalf of another Elector must complete and sign a Declaration of Persons Delivering Mail-in-Ballot Package (Appendix R).
- 18.24 Any Elector who is inside the Polling Station at the time fixed for closing the Polling Station shall be entitled to vote.
- 18.25 Each Candidate shall be entitled to have a maximum of two (2) Scrutineers at a Polling Station at any given time.
- 18.26 Except for the Electoral Officer, Deputy Electoral Officer and/or appointed Security or Scrutineers, no one other than Electors who are in the process of voting or, in the case of an Elder or Physically Challenged Person, the Attendant with such individuals are permitted to be inside the Polling Station.
- 18.27 While on the premises of the Polling Station, no person shall on the day of the Election:
- (a) distribute any Election related printed materials except such materials as the Electoral Officer or Deputy Electoral Officer may distribute for the purpose of conducting the Election;
 - (b) attempt to interfere with or influence any Elector in marking a ballot; or
 - (c) attempt to obtain information from an Elector as to how the Elector is about to vote or has voted.



18.28 The Electoral Officer may request duly appointed Security to remove any person from the Polling Station who is in violation of section 18.27 of the HCEC.

19.0 Procedures for the Close of Polls and Counting of the Ballots

19.1 Immediately after the close of the Polls, the Electoral Officer and Deputy Electoral Officers shall, in the presence of the Candidates, Scrutineers and voters who choose to be present, open each envelope containing a Mail-in Ballot that was received before the close of the Polls:

- (a) without unfolding the ballot, set aside the ballot if:
 - i. it was not accompanied by a Voter Declaration Accompanying the Mail-In Ballot (Appendix L) or such Voter Declaration is not signed or witnessed,
 - ii. the name of the person set out in such Voter Declaration is not on the Electors' List,
 - iii. the Electors' List shows that the Elector has already voted, or
 - iv. such Voter's Declaration does not contain information that matches the information contained on the Elector's List for that Elector; and
- (b) without unfolding the ballot, deposit all remaining ballots in the ballot box(s) and place a mark on the final Electors' List opposite the name of the Elector.

19.2 Immediately after all valid Mail-in Ballots have been deposited in the ballot box(s), the Electoral Officer shall call for two (2) Witnesses to inspect the ballot box(s) and seals to insure they have not been tampered with and each Witness shall sign a document attesting to the Security of the ballot box(s).

19.3 After the two (2) Witnesses have confirmed that ballot box(s) have not been tampered with, the Electoral Officer shall open the ballot box(s) and examine the ballots.

19.4 The Electoral Officer shall reject all ballots that:

- (a) have not been initialed by the Electoral Officer or Deputy Electoral Officer;
- (b) contain more votes than the maximum number of Candidates to be elected;
- (c) are marked in such a way that the Elector can be identified; or
- (d) are marked in such a way that the Elector's choice cannot clearly or unambiguously be determined.

19.5 Any Rejected Ballot not placed in the ballot box shall not be counted as a vote cast.

19.6 The Electoral Officer shall report in writing the reasons for rejection of each ballot and attach that report to the Rejected Ballot.



19.7 The Electoral Officer shall:

- (a) show the ballots to be counted to any Scrutineers present, if requested to do so;
- (b) count the votes given for each Candidate from the ballots not rejected; and
- (c) at the conclusion of the counting of the ballots, complete and sign a ballot tally sheet setting out the number of confirmed votes for each Candidate and the number of Rejected Ballots.

19.8 Immediately after the completion of the counting of the votes, the Electoral Officer shall publicly declare:

- (a) the Candidate for Chief with the highest number of votes to be elected; and
- (b) the four (4) Candidates for Councillor with the highest number of votes to be elected.

19.9 The Electoral Officer shall ,within two (2) Clear Days from the date on which the Election is held, complete and sign a written statement showing the number of votes cast for each Candidate and the number of Rejected Ballots (Appendix U) and post such statement:

- (a) in a public area of the Homalco First Nation administration building;
- (b) on an official Homalco First Nation website and other social media platform sites;
- (c) in a mail-out to the Contact Address of Electors on the Electors' List; and
- (d) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Electoral Officer.

20.0 In the Event of a Tie

20.1 In the event of an Election result where there is a tie, an automatic recount will take place within twenty-four (24) hours.

20.2 If after the recount there is still a tie, the names of all Candidates for Chief or Councillor having the same number of votes will be put into a receptacle and the Electoral Officer will draw as many of those names as there are positions available. The Candidate(s) whose name(s) appear on the piece(s) of paper that the Electoral Officer has drawn from the receptacle shall be elected to the office of the position(s).

21.0 Disposal of Ballots

21.1 The Electoral Officer shall deposit the ballots used in the voting process, including the cancelled and Rejected Ballots in a sealed envelope and retain it for one hundred and twenty (120) Clear Days after the date on which the Election is held or, in the case of an appeal, until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by the Council or by order of the court, destroy the ballots in the presence of two (2) Witnesses.



22.0 Oath of Office

22.1 A Candidate who has been elected Chief or Councillor shall swear or affirm an Oath of Office (Appendix V) before a duly appointed Commissioner for Taking Oaths, Notary Public, lawyer or Justice of the Peace within the jurisdiction of British Columbia, swearing to:

- (a) uphold and comply with the HCEC and Homalco First Nation laws, bylaws, regulations, policies and procedures;
- (b) fulfill the duties and responsibilities of their office under the HCEC and all Homalco First Nation laws, bylaws, regulations, policies and procedures;
- (c) carry out their duties faithfully, honestly, impartially and to the best of their abilities while in office;
- (d) keep confidential, both during and after their term of office, any matter or information which is deemed or considered Confidential Information by the Council. No Councillor shall be permitted to use Confidential Information for personal gain or otherwise while in office or at any time after such elected person leaves or retires from office for whatsoever reason. Nor shall it be permitted for a Councillor to provide or release any Confidential Information acquired as a result of their elected position, unless Council has expressly provided written consent or permission to do so; and
- (e) always act in good faith and in the best interests of Homalco First Nation in carrying out their duties and responsibilities of office;
- (f) uphold and advance the reputation of the Homalco First Nation.

22.2 Any elected person who contravenes section 22.1 shall be deemed to have breached their Oath of Office.

22.3 No person elected as Chief or Councillor shall be permitted to assume office until such person has sworn or affirmed the Oath of Office as required under section 22.1 of the HCEC and has filed the Oath of Office with the Electoral Officer within seven (7) Clear Days after being declared elected.

22.4 Subject to section 22.5 of the HCEC, if a person elected as Chief or Councillor fails to file the sworn or affirmed Oath of Office in accordance with section 22.3 of the HCEC, the Electoral Officer shall declare the office vacant.

22.5 Where a Candidate elected as Chief or Councillor cannot because of illness, Incapacity or other valid reason file the sworn or affirmed Oath of Office within the time prescribed in section 22.3 of the HCEC, such elected Candidate or an Elector acting on such Candidate's behalf, may file a petition with the Electoral Officer for an extension of the time to swear or affirm the Oath of Office.

22.6 Where a petition for an extension has been filed in accordance with section 22.5 of the HCEC, the Electoral Officer shall determine whether the circumstances justify an extension of the time to swear or affirm the Oath of Office and shall provide the Candidate making the request written notice of such decision having taken into consideration the purpose of the HCEC, the petition described in



section 22.5 of the HCEC, the past practices and decisions the of the Electoral Officer and the potential impact of that decision on the Homalco First Nation and its Members.

- 22.7 The Electoral Officer shall give written notice to the Candidate elected as Chief or Councillor whose office is being declared vacant in accordance with section 22.4 of the HCEC.
- 22.8 A Candidate elected as Chief or Councillor whose office is declared vacant as a result of the Electoral Officer's decision made in accordance with sections 22.4 to section 22.7 of the HCEC may appeal the decision by filing a notice of appeal together with supporting documents and a non-refundable filing fee of seventy-five dollars (\$75) with the Appeal Board within fifteen (15) Clear Days from the date the written notice of the Electoral Officer's decision was delivered to the affected Candidate.
- 22.9 Where an appeal has been filed in accordance with section 22.8 of the HCEC, no action shall be taken to fill the vacant office unless and until the Appeal Board's decision formally confirms or rejects such declared vacancy.
- 22.10 The proceedings and procedures for appeals shall be governed by Section 26.0 of the HCEC unless otherwise expressly provided for under this Section 22.0 of the HCEC.

PART 3 – Election Appeals, Removal from Office and Vacancies

23.0 Election Appeals

- 23.1 Any Candidate or Elector may file a notice of appeal with the Appeal Board, requesting that the Election of the Chief or a Councillor be declared invalid based on one or more of the following grounds:
- (a) the person declared elected was not qualified to be a Candidate in the Election according to the rules and procedures set out in the HCEC;
 - (b) there was a violation of a provision of the HCEC, including but expressly not limited to the conduct of the Election or the Election process, whether by:
 - i. the Candidate,
 - ii. the Electoral Office or Deputy Electoral Office;
 - iii. a person attending on behalf of an Elder or Physically Challenged Person; or
 - iv. an Elector that has or may have affected the result of the Election; or
 - (c) there was Corrupt Practice or Fraudulent Practice as defined in the HCEC.
- 23.2 Every notice of appeal filed in accordance with section 23.1 of the HCEC shall be filed with the Appeal Board within fifteen (15) Clear Days from the date upon which the Candidate was declared elected.



- 23.3 Every notice of appeal filed in accordance with section 23.1 of the HCEC shall set out in an affidavit sworn or affirmed before a Commissioner for Taking Oaths, Notary Public, lawyer or Justice of the Peace duly appointed within the jurisdiction of British Columbia:
- (a) the facts upon which the appeal is based;
 - (b) the grounds for declaring the Election of the Chief or Councillor to be invalid; and
 - (c) supporting documentation substantiating the grounds for appeal.
- 23.4 The proceedings and procedures for appeals shall be governed by Section 26.0 of the HCEC unless otherwise expressly provided for under this Section 23.0 of the HCEC.
- 23.5 The Appeal Board shall make a decision having regard to the purpose of the HCEC, the submissions of the affected Candidate, past practices and decisions and the potential impact of the decision on the Homalco First Nation and its Members.

24.0 Removal from Office of Council Members

- 24.1 A Council Member may be removed from office based on one or more of the following grounds:
- (a) the affected Council Member has violated the provisions of section 22.1 (Oath of Office) of the HCEC and/or the Homalco Governance Manual;
 - (b) the affected Council Member has been removed by petition of thirty (30%) or more of the Electors; or
 - (c) the affected Council Member has been convicted of an indictable offence in Canada or a felony in the United States since the Election and all appeals have been determined.
- 24.2 A Council Member may only be removed from office pursuant to section 24.1(a) and (c) by majority vote of the Council at a duly convened meeting of the Council.
- 24.3 Proceedings to remove a Council Member may be commenced by a petition filed with the Appeal Board and signed by thirty percent (30%) or more of the Electors as determined on the date the petition is filed and such a petition shall only be filed if the petitioning Elector(s) meet the following pre-conditions:
- (a) the petitioning Elector(s) must, prior to seeking to obtain a signed petition from other Electors, meet with the Appeal Board in order to satisfy the Appeal Board that there are sufficient facts, circumstances and grounds upon which a petition can be filed; and
 - (b) in the event that the Appeal Board is satisfied that that there may be sufficient facts, circumstances and grounds for a petition to be filed, the petitioning Elector(s) must obtain the necessary number of Elector signatures, using the prescribed Petition Form (Appendix Z);



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- 24.4 The petition, as described in section 24.3(b) of this HCEC, shall set out the facts, circumstances and grounds with supporting documentation substantiating the petition for removal of the Council Member from office.
- 24.5 The petitioning Elector(s) shall obtain the petition, as described in section 24.3(b), absent duress, the exercise of undue pressure or influence or without the use of coercion of any kind whatsoever.
- 24.6 Upon obtaining the required number of Elector signatures, as described in section 24.3 of this HCEC, the petitioning Elector(s) shall file the petition with the Appeal Board together with a fee of one hundred and twenty five (\$125.00) dollars payable to Homalco First Nation, which fee shall be used to off-set the costs incurred for such petition proceedings.

25.0 Vacancies

25.1 The office of Chief or Councillor shall become vacant:

(a) when the person who holds that office:

- i. dies;
- ii. resigns from office;
- iii. has had their office declared vacant by the Electoral Officer under section 22.4 of the HCEC;
- iv. has had their Election to office declared invalid by the Appeal Board under Section 23.0 of the HCEC; or
- v. has been removed from office in accordance with Section 24.0 of the HCEC.

(b) if the person:

- i. has been unable to perform the functions of office for more than six (6) months due to illness or incapacity; or
- ii. has missed three (3) consecutive Council Meetings or Members Meetings, or a combination thereof, within a twelve (12) month period without an honest and fair reason ("sufficient reason").

25.2 The Council shall determine whether an office of Chief or Councillor has become vacant under section 25.1(a) or section 25.1(b) of the HCEC and shall ensure the Administrator gives written notice of the Council's decision to the affected Council Member.

25.3 A Council Member who will be absent from a Council Meeting shall inform the Chief and/or the Administrator in writing in accordance with paragraph (e) of Appendix V entitled "Oath of Office" as to the reason for such Council Member's absence at least one (1) Clear Day prior to the date of the Council Meeting or Members Meeting or within two (2) Clear Days following such Council Member's absence the Council Meeting or Members Meeting.



- 25.4 The Council shall determine whether there is sufficient reason for a Council Member's absence from a Council Meeting or a Members Meeting by a majority vote of the Council Members present at a duly convened Council Meeting following the Council Meeting or Members Meeting the Council Member failed to attend.
- 25.5 The decision of the Council in sections 25.2 and 25.4 of the HCEC shall be recorded in the Minutes of the Council Meeting.
- 25.6 The Council Member whose absence from a Council Meeting or Members Meeting is being decided upon shall be deemed in Conflict of Interest and shall not participate or be present at the Council Meeting during the time at which a decision set out and described in section 25.4 of the HCEC occurs.
- 25.7 A Council Member whose absence has been determined by the Council to be without sufficient reason under section 25.4 of the HCEC shall be notified in writing by the Administrator.
- 25.8 Failure to notify a Council Member pursuant to section 25.7 of the HCEC shall not invalidate Council's decision on whether sufficient reason exists for the absence.
- 25.9 A Council Member who has been determine by the Council to have been absent without sufficient reason may appeal the Council's decision by filing a notice of appeal together with supporting documents with the Appeal Board within fifteen (15) Clear Days of the date notice of the decision was sent under section 25.7 of the HCEC.
- 25.10 Where a Council Member's office has been declared vacant pursuant to sections 25.1 and 25.2 of the HCEC such Council Member, or an Elector acting on the affected Council Member's behalf where the Council Member is unable due to illness or incapacity, may appeal the Council's decision by filing a notice of appeal together with supporting documents with the Appeal Board within fifteen (15) Clear Days of the date notice of the decision by the Council was sent under section 25.2 of the HCEC.
- 25.11 Where an appeal has been filed under Section 25.0 of the HCEC, no further action shall be taken until and unless the Appeal Board determines that the decision of the Council is to be upheld or overturned.
- 25.12 The proceedings and procedures for appeals shall be governed by Section 26.0 of the HCEC unless otherwise expressly provided for under this Section 25.0 of the HCEC.

PART 4 - Procedure for Appeals and Petitions before the Appeal Board

26.0 Procedure on Petitions, Election Appeals and all Other Appeals

- 26.1 The non-refundable filing fee for an appeal or petition described in Sections 22.0 to 25.0 of the HCEC shall be one hundred and twenty-five (\$125.00) dollars, which shall be delivered to the Administrator for deposit.
- 26.2 Upon receipt of the required non-refundable filing fee, the Administrator shall forward the petition or notice of appeal and all supporting documents to the Appeal Board.



- 26.3 The Appeal Board may, at their discretion, give directions and/or orders for:
- (a) fixing the date, time and place for the hearing of the petition or notice of appeal;
 - (b) designating the method of taking evidence by sworn declaration or written testimony, or both;
 - (c) designating what persons are to be notified and how they are to be served;
 - (d) make a determination as described in section 26.12; or
 - (e) dealing with such other procedural appeal matters as may be deemed necessary under this Section 26.0 of the HCEC; and
 - (f) make such orders as may be deemed necessary in respect to the subject-matter of the appeal and the parties thereto.
- 26.4 A copy of the notice of appeal or petition and any other supporting documentation relied upon by the appealing or petitioning party shall be delivered to the Council, the affected Candidate, the affected eligible Elector, or the affected Council Member within the timeframes pursuant to section 26.6 of the HCEC for an appeal and pursuant to section 26.7 of the HCEC for a petition.
- 26.5 The notice of appeal or petition shall set out the facts, circumstances and grounds for the appeal or petition with supporting documentation substantiating the appeal or petition.
- 26.6 In the case of an appeal to a decision of:
- (a) the Electoral Officer, the notice of appeal and supporting documentation shall be delivered to the Council and the Electoral Officer at least fourteen (14) Clear Days prior to the date of the hearing and a written reply by the affected party to the Electoral Officer may be delivered seven (7) Clear Days prior to the date of the hearing;
 - (b) the Council, the notice of appeal and supporting documentation shall be delivered to the Council and the affected Council Member at least fourteen (14) Clear Days prior to the date of the hearing and a written reply by the affected party to the notice of appeal by the Council may be delivered seven (7) Clear Days prior to the date of the hearing.
- 26.7 Where the Appeal Board has received a petition that meets the requirements set out in sections 24.3 to 24.5 of the HCEC, the Appeal Board shall:
- (a) deliver the petition to the affected Council Member within seven (7) Clear Days from the date of filing of the petition; and
 - (b) notify the affected Council Member of the timeline for the filing of a written response, being fourteen (14) Clear Days from the date of delivery of the petition to such affected Council Member;
- 26.8 In the case of a petition, as described in Section 24 of the HCEC, the Appeal Board shall:



- (a) within seven (7) Clear Days of receipt of a filed written response from the affected Council Member, make written recommendations as to the merits of the petition and written response as set out in sections 24.4 and 26.7(b) of this HCEC, taking into consideration the purpose of the HCEC, the past practices and decisions relating to the removal of a Council Member from office, and the potential impact of a decision on the petition on the Homalco First Nation and its Members; and
 - (b) within seven (7) Clear Days of its written recommendations, notify the Electors that a Special Members Meeting would take place within thirty (30) Clear Days for Electors to vote, by way of Secret Ballot, on the filed petition and whether the affected Council Member should be removed from the office of Chief or Councillor. .
- 26.9 Notice by the Appeal Board for the Special Members Meeting referred to in section 26.8(b) of the HCEC to vote on the removal of the affected Council Member by way of Secret Ballot shall include:
- (a) the date, place, time and location of the Special Members Meeting;
 - (b) the agenda and the information to be dealt with at the Special Members Meeting;
 - (c) a statement as to the importance of attending in person at the Special Members Meeting and of the decisions being made at the Special Members Meeting.
- 26.10 Unless otherwise provided in this Section 26.0 of the HCEC, the rules and procedures for General or Special Members Meetings under Section 31.0 of the HCEC shall apply.
- 26.11 The decision of the Electors present and voting at the Special Members Meeting shall be final.
- 26.12 In exceptional circumstances, at an appeal hearing or a Special Members Meeting, parties may make oral representations, submit documents filed with the notice of appeal or petition or call witnesses if deemed necessary by a party to the appeal.
- 26.13 A witness shall not be required to disclose the names of the Candidate or elected Council Member that such witness voted for in the Election.
- 26.14 In the case of an appeal the Appeal Board may:
- (a) dismiss the appeal;
 - (b) uphold the appeal;
 - (c) make a declaration or order;
 - (d) render a decision that there was a violation to the HCEC but that no action be taken if the violation did not affect the outcome of the Election; or
 - (e) make such directions, recommendations or orders as may be deemed necessary in the applicable circumstances.



26.15 Unless otherwise provided in this HCEC, the Appeal Board shall issue a written decision together with the reasons for the Appeal Board's decision to Council and any party to the petition or appeal within seven (7) Clear Days of the conclusion of the hearing.

26.16 The Appeal Board's decision shall be posted:

- (a) in a public area of the Homalco First Nation administration building;
- (b) on an official Homalco First Nation website and other social media platform sites,
- (c) published in the Homalco First Nation Newsletter;
- (d) in a mail-out to the Contact Address of Electors on the Electors' List; and
- (e) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Council.

26.17 The proceedings and procedures for appeals under section 26.6 of this HCEC and petitions under section 26.7 of this HCEC shall be governed by this Section 26.0 of the HCEC unless otherwise expressly provided for under the applicable sections of the HCEC.

26.18 The decision of the Appeal Board is final.

PART 5 – By-Elections and Amendments

27.0 By-elections and Filling Vacant Council Member Positions

27.1 Unless otherwise provided in this section, in the event that the office of Chief becomes vacant a By-election shall be held within ninety (90) Clear Days on a date set by the Electoral Officer in accordance with this Section 27.0 of the HCEC.

27.2 Unless otherwise provided in this section, in the event that the office of a Councillor(s) becomes vacant within six (6) months of the date of the Election or at any time thereafter within that elected term of Council subject to section 27.3 of the HCEC, the Candidate with the next highest vote count shall hold that office.

27.3 No By-election shall be held if there are less than nine (9) months remaining in the term of office of a Council Member whose office has become vacant.

27.4 If a Councillor wishes to be a Candidate in a By-election for the office of Chief, such Councillor shall resign from Council at least forty-five (45) Clear Days after the office of Chief became vacant.

27.5 The successful Candidate in the By-election for the office of Chief shall hold office for the remainder of the original term of the Chief whom such Candidate has been elected to replace.

27.6 Unless otherwise expressly provided for in the HCEC, the rules and procedures for the Election of Council set out in Section 4.0 of the HCEC shall apply to By-elections.



28.0 Amendments to the Homalco First Nation Custom Election Code

- 28.1 The HCEC may be amended, repealed or rescinded only as authorized by the Electors of the Homalco First Nation and confirmed by Council Resolution.
- 28.2 Any proposed changes to the HCEC must be presented to Council and Council, or a designated employee of Homalco First Nation duly authorized by Council Resolution, shall:
- (a) mail the proposed changes to all Electors and record the date of mailing thereof;
 - (b) posted in a public area of the Homalco First Nation administration building and other public places on Homalco First Nation lands
 - (c) post the proposed changes on the Homalco First Nation website and social media;
 - (d) place the proposed changes in the Newsletter;
 - (e) email the proposed changes to all Electors whose email is on file with Homalco First Nation; and
 - (f) provide the Electors thirty (30) Clear Days to consider the proposed changes.
- 28.3 Any Electors who wants to challenge the proposed changes must do so in writing to the Council within the thirty (30) Clear Days from the date the proposed changes were delivered to the Electors.
- 28.4 Where a challenge is received by Council, Council must hold a General Members Meeting of the Electors. before the proposed changes may take force and effect.
- 28.5 The notice set out and described in section 28.2 of the HCEC in regard to the General Members Meeting must be posted at least fourteen (14) days before the General Meeting:
- (a) in a public area of the Homalco First Nation administration building;
 - (b) on an official Homalco First Nation website and other social media platform sites;
 - (c) in a mail-out to the Contact Address of Electors on the Electors' List; and
 - (d) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Council.
- 28.6 At the General Members Meeting, the Electoral Officer shall hold a vote by Secret Ballot to approve or reject the proposed changes set out and described in section 28.2 of the HCEC.
- 28.7 Where fifty (50%) percent plus one (1) of Electors who voted by Secret Ballot under this Section 28.0 of the HCEC to approve the proposed changes set out and described in section 28.2 of the HCEC, the Council shall approve of the proposed changes and such proposed changes shall take force and effect on the date of the Council Resolution.



- 28.8 In the event that fifty (50%) percent plus one (1) of Electors who voted by Secret Ballot under this Section 28.0 of the HCEC, vote to reject the proposed changes to the Code, Council shall not approve of the proposed changes.
- 28.9 Where no challenge is received by Council within thirty (30) Clear Days from the date the proposed changes were provided to the Electors by notice set out and described in section 28.2 of the HCEC, the Council shall approve the proposed changes to the HCEC by Council Resolution and such proposed changes shall take force and effect on the date of the Council Resolution.

PART 6 – Council Meetings, Members Meetings and Council Procedures

29.0 Regular Council Meetings and Special Council Meetings

- 29.1 The first Council Meeting shall take place within seven (7) Clear Days after the Oath of Office has been sworn and filed by a Quorum of Council Members.
- 29.2 After the first Regular Council Meeting held under section 29.1 of the HCEC, Council shall hold an Regular Council Meeting at least once in each calendar month on such days and at such times and in such places as may be necessary to carry out Council's duties and responsibilities.
- 29.3 Council, in conjunction with the Administrator, shall prepare an agenda for each Regular Council Meeting and the agenda shall include:
- (a) a list of items to be discussed;
 - (b) reports to be presented, approved or discussed;
 - (c) Minutes of Council Meetings or Minutes of Members Meetings to be discussed, approved or amended;
 - (d) Council Resolutions to be discussed, approved and executed, or amended/rejected;
 - (e) Homalco First Nation laws, bylaws, regulations, policies and procedures to be considered, enacted, amended, repealed or rescinded; and
 - (f) such other matters that are or may be deemed or considered necessary to bring to the attention of Council.
- 29.4 The Council shall approve the agenda for the Regular Council Meeting at least five (5) Business Days prior to the date scheduled of such Meeting.
- 29.5 The Administrator shall post a notice in a public area of the Homalco First Nation administration building and other public places on Homalco First Nation lands setting out the day, time, place and agenda of the upcoming Regular Council Meeting at least five (5) Business Days before the Regular Council Meeting is scheduled to take place.



- 29.6 The Administrator shall provide each Council Member with a copy of the notice of the upcoming Regular Council Meeting, the agenda for the Regular Council Meeting, the minutes from the previous Council Meeting and any background information and material at least five (5) Business Days before the Regular Council Meeting is scheduled to take place.
- 29.7 Any Elector may, by written request to the Administrator at least four (4) Clear Days before a Regular Council Meeting, ask that a matter be placed on the agenda of the Regular Council Meeting.
- 29.8 The Council may, in the exercise of the Council's discretion, determining whether the matter described in section 29.7 of the HCEC is or is not to be placed on the agenda of the Regular Council Meeting and the Council shall inform the Administrator of such decision within twenty-four (24) hours of making such decision and such decision shall be duly recorded in writing in the Minute Book of the Council as set out and described in section 39.1 of the HCEC.
- 29.9 Where a request has been made under section 29.7 of the HCEC the Administrator shall, within twenty-four (24) hours of receiving the decision of Council, notify the Elector the matter:
- (a) is placed on the agenda, and such notification shall be in person, by telephone or by written notice of the date, time and place where the matter will be considered by Council and shall provide the Elector with an opportunity to address the matter at the Regular Council Meeting.
 - (b) is not placed on the agenda and such notification shall be in writing as to why the matter was not placed on the agenda.
- 29.10 The Chief may, with the approval of a majority of the Councillors, call a Special Council Meeting to consider any matter of an emergent or urgent nature. If the Chief receives a request from a majority of the Councillors to call a Special Council Meeting, the Chief shall be required to call such Special Council Meeting.
- 29.11 The Administrator shall, as soon as practicable, inform each Council Member in person, by telephone or by written notice of the date, time, place and subject matter of the Special Council Meeting.
- 29.12 Where the Administrator has used all reasonable efforts to inform Council Members of the Special Council Meeting, the Council Members present may hold the Special Council Meeting, notwithstanding the failure of a Council Member to receive the required notice, provided there is a Quorum of Council.
- 29.13 Except where a Special Council Meeting is required to address a matter of an urgent nature, all Council Meetings shall take place on reserve or other lands of the Homalco First Nation.



29.14 A Council Member may participate in a Council Meeting by telephone or other electronic means of communications which permit all persons in the meeting to hear each other and, in such case, each Council Member shall be deemed to be present at the Council Meeting.

30.0 Order of Business

30.1 Unless otherwise determined by Council, the order of business at each Regular Council Meeting shall be as follows:

- (a) call to order and opening by Chairperson;
- (b) acceptance of agenda;
- (c) readings of, correction to and adoption of Minutes of previous Council Meeting;
- (d) completion of unfinished business from previous Council Meeting;
- (e) presentation and reading of correspondence and petitions;
- (f) presentation of financial reports;
- (g) consideration of other reports;
- (h) consideration of resolutions;
- (i) consideration of Homalco First Nation laws, bylaws, regulations, policies and procedures;
- (j) discussion of any new business; and
- (k) adjournment.

31.0 General Members Meetings (also known as Community Meetings) and Special Members Meetings

31.1 Members Meetings shall either be General Members Meetings or Special Members Meetings.

31.2 A General Members Meeting may be held quarterly but shall, in any event, be held at least once every twelve (12) months in a calendar year.

31.3 A Special Members Meeting shall be held:

- (a) where called by Council Resolution;
- (b) upon request set out in a petition signed by forty (40) Electors and the petition has been presented to Council and the Administrator of the Homalco First Nation; or
- (c) as required under this Section 31.0 of the HCEC.

31.4 The date, time and place for a Members Meeting shall be determined by Council.



- 31.5 If a General Members Meeting is not held within the twelve (12) month period in each calendar year, the Administrator shall set the date, time and place for the General Members Meeting.
- 31.6 Notice of the date, time, place and subject matter of the General Members Meeting shall be provided to each Council Member and posted by the Administrator at least ten (10) Business Days before the Members Meeting:
- (a) in a public area of the Homalco First Nation administration building;
 - (b) on an official Homalco First Nation website and other social media platform sites;
 - (c) in a mail-out to the Contact Address of Electors on the Electors' List; and
 - (d) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Council.
- 31.7 If a Special Members Meeting has not been called by Council within seven (7) Business Days of the receipt of a petition calling for a Special Members Meeting, the Administrator shall set the date, time and place for the Special Members Meeting, being at least ten (10) Business Days before the Special Members Meeting.
- 31.8 All Members Meetings shall take place on reserve or other lands of the Homalco First Nation.
- 32.0 Conflict of Interest**
- 32.1 Council Members shall avoid a Conflict of Interest or the appearance of a Conflict of Interest and shall not be involved in any transaction or matter where they are in a Conflict of Interest, appear to be in a Conflict of Interest or there is an apprehension of a Conflict of Interest.
- 32.2 A Council Member's Conflict of Interest may arise from personal or financial interests, including but not limited to the personal or financial interests of a Council Member's Family Member.
- 32.3 For greater certainty, situations in which a Conflict of Interest may arise are to be guided by section 5 (pages 5 to 13) of the Code of Conduct provision in the HFN Governing Policy Manual.
- 32.4 If a Council Member believes that they are or may be in a Conflict of Interest, such Council Member must disclose the nature and extent of the Conflict of Interest to the Council as soon as the Council Member becomes aware or learns of the Conflict of Interest, whether or not the transaction, decision or matter in question has already been decided or concluded.
- 32.5 If a Council Member is in doubt as to whether they are or may be in a Conflict of Interest, such Council Member must disclose the issue to the Council and request the Council to make a decision on whether there is a Conflict of Interest.
- 32.6 After declaring a Council Member is in a Conflict of Interest, such Council Member must leave any part of a Council Meeting where the circumstances in which that person has a Conflict of Interest are being discussed or voted on.



- 32.7 The Minutes of a Council Meeting must record the person's disclosure under section 32.4 or section 32.5 of the HCEC and record the Council Member's absence from the Council Meeting when the circumstances in which the person has a Conflict of Interest were being discussed or voted on.
- 32.8 A Council Member must not influence or attempt to influence in any way before, during or after a Council Meeting any discussion or vote on any decision respecting the circumstances in which the Council Member has a Conflict of Interest.
- 32.9 A Council Member is not permitted to have access or attempt to access any information related to the discussion or voting results on any decision of the Council at a Council Meet respecting the circumstances in which the Council Member has a Conflict of Interest.
- 32.10 If a Council Member has reason to believe that another Council Member is or may be in a Conflict of Interest, such Council Member may request clarification of the circumstances at a Council Meeting.
- 32.11 If, as a result of a request for clarification under section 32.10 of the HCEC, a Council Member is alleged to have a Conflict of Interest and the affected Council Member does not acknowledge the Conflict of Interest and take the actions required by Council, the Council must decide whether the affected Council Member is in a Conflict of Interest position.
- 32.12 The Minutes of the Council Meeting must record any determination made under section 32.9 of the HCEC.
- 32.13 If the Council determines that a Council Member has a Conflict of Interest, an apparent Conflict of Interest or there is an apprehension of a Conflict of Interest circumstance, the affected Council Member must comply with the procedures set out and described in sections 32.6 to 32.9 of HCEC.
- 32.14 The Council may, by Council Resolution, approve a transaction, decision or matter that is the subject of a Conflict of Interest where:
- (a) the Council Member has complied with this Section 32.0 of the HCEC; and
 - (b) the Council has determined that the transaction, decision or matter is fair and reasonable and in the best interests of the Homalco First Nation.

33.0 Quorum

- 33.1 A Quorum is required to conduct official Council business.
- 33.2 A Quorum consists of three (3) of the five (5) Council Members being present at a Council Meeting under section 3.1 of the HCEC or consists of five (5) of the seven (7) Council Members being present at a Council Meeting under section 3.2 of the HCEC.
- 33.3 In the event of a vacancy on Council under Section 25.0 of the HCEC, a Quorum shall be a majority of Council Members in office.



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- 33.4 Quorum must be obtained within thirty (30) minutes of a regularly scheduled meeting time of a Council Meeting.
- 33.5 At Special Council Meeting, Council may extend the time beyond the requirements under section 33.4 of the HCEC.
- 33.6 Where Council is unable to obtain a Quorum under section 33.4 or section 33.5 of the HCEC, Council may adjourn and reschedule the Council Meeting or continue the Council Meeting to discuss issues and make recommendations but the Council must not make any decisions that require a Quorum of Council Members to be present.
- 33.7 Any recommendations from a Council Meeting where a Quorum is not present must be tabled for consideration and decision-making by Council at the next Council Meeting.
- 33.8 The Chief or Councillor acting as Chairperson of a Council Meeting shall be counted in determining a Quorum, unless otherwise precluded due to a Conflict of Interest under Section 32.0 of the HCEC.
- 33.9 Where the Administrator (or other designate) of the Homalco First Nation acts as Chairperson, such person shall not be counted in determining a Quorum.
- 33.10 Where, as a result of a Conflict of Interest, a Quorum of Council cannot be established, then a majority of Council Members who do not have a Conflict of Interest shall constitute a Quorum for determining the matter under consideration.
- 33.11 Where a Quorum of Council cannot be established due to a Conflict of Interest, then the matter at issue shall be brought before a General Members Meeting.
- 33.12 Notice of a General Members Meeting called for the purpose set out and described in section 33.10 shall be provided at least seven (7) Clear Days before the General Members Meeting and shall include;
- (a) the date, time and place of the General Members Meeting;
 - (b) a summary of the proposed matter or issue and the Conflict of Interest to be considered at the meeting;
 - (c) notification that a full copy of the matter or issue and Conflict of Interest can be obtained from the Administrator at the administration offices of the Homalco First Nation; and
 - (d) a statement that a determination of how to proceed on the proposed transaction will be made by a majority vote of Electors present at the General Members Meeting.
- 33.13 Notice of the General Members Meeting required under section 33.11 of the HCEC shall be posted:
- (a) in a public area of the Homalco First Nation administration building;
 - (b) on an official Homalco First Nation website and other social media platform sites;



- (c) published in the Homalco First Nation Newsletter;
- (d) in a mail-out to the Contact Address of Electors on the Electors' List; and
- (e) any other conspicuous place or places on Homalco First Nation reserve lands and other Homalco First Nation lands, as may be determined by the Council.

33.14 At the General Members Meeting, Council shall provide a summary report on the matter at issue and the Conflict of Interest and provide the Members with an opportunity to ask questions and provide comments prior to the taking of a vote by Secret Ballot.

33.15 A decision at the General Members Meeting shall be by majority vote and shall be final and not subject to appeal.

34.0 Attendance of Council Members at Meetings

34.1 Council Members shall attend all Council Meetings and Members Meetings unless the Council Member provides sufficient reason for being absent in writing to the Council.

34.2 A Council Member who will be absent from a Council Meeting shall inform the Chief and/or the Administrator in writing in accordance with paragraph (e) of Appendix V entitled "Oath of Office" as to the reason for such Council Member's absence at least one (1) Clear Day prior to the date of the Council Meeting or Members Meeting or within two (2) Clear Days following such Council Member's absence from the Council Meeting or Members Meeting.

34.3 Where notification under section 34.2 of the HCEC is given to the Administrator of the Homalco First Nation, the Chief and/or Administrator shall inform the other Council Members of the absence and reasons for the absence.

34.4 If the Council Member is absent from a Members Meeting the Chairperson shall, if requested by an Elector, inform the meeting of the general reason for such Council Member's absence and ensure due consideration to the right of privacy of the absent Council Member.

35.0 Voting of Council at a Council Meeting

35.1 Council must have a Quorum when making a decision on matters brought before the Council and such decision requires a majority vote of Council Members present at the Council Meeting or the Special Council Meeting.

35.2 In the event of a tie vote, the Chief or Councillor acting as Chairperson shall be entitled to vote unless otherwise precluded from voting due to a Conflict of Interest under Section 32.0 of the HCEC.

35.3 Where a person other than the Chief or a Councillor acts as Chairperson, the Chairperson shall not be entitled to vote.

35.4 Where a Council Member is precluded from voting due to a Conflict of Interest under Section 32.0 of the HCEC, such Council Member shall disclose the reason for the Conflict of Interest and leave the room prior to any discussion on the question.



- 35.5 A Council Member participating in a Council Meeting as set out and described in section 29.14 of the HCEC is deemed to be present at a Council Meeting and may vote.
- 35.6 All Council Members shall vote either in favour of or against a matter being considered by the Council. No abstentions are permitted on a vote.
- 35.7 The results of the vote shall be recorded in the Minutes of the Council Meeting by the Secretary.

36.0 Attendance at Meetings

- 36.1 Council Meetings shall be open to Members subject to sections 36.3 to 36.6 of this HCEC.
- 36.2 Non-members may attend all or part of a Council Meeting if invited in writing by Council or where permitted by a vote of the Council Members present.
- 36.3 Members and non-members shall not be permitted to be in attendance at a closed or *in camera* Council Meeting or when Confidential Information is being discussed.
- 36.4 The Chairperson may request that a Member, other than a Council Member, leave a Council Meeting where the Chairperson deems the conduct of the person is improper or is otherwise disruptive.
- 36.5 Members, other than Council Members, whose attendance is permitted at a Council Meeting, shall attend only as observers. To participate as an observer, a Member must:
- (a) Make a written request to the Administrator within five (5) Business Days' notice;
 - (b) Complete the Council's Governance Orientation; and
 - (c) Sign an Observer Agreement.
- 36.6 Any Member who attends a Council Meeting may only address the Council if their matter is on the agenda or if they receive permission from the Chairperson.
- 36.6 Council Members present may, by vote, determine that a Council Meeting is closed where Confidential Information is discussed or other community interests require a closed or *in camera* session at or during the course of a Council Meeting.
- 36.7 Only Members, non-member spouses (including common-law spouses), and employees of Homalco First Nation whose attendance has been requested by Council are permitted to attend a Members Meeting unless otherwise permitted by Council.
- 36.8 Council may, at a Council Meeting prior to a Members Meeting, by vote of the Council Members present, determine that it is in the best interest of Homalco First Nation that only Members and/or employees of Homalco First Nation, whose attendance is requested by Council, be permitted to attend a Members Meeting.



36.9 Where Council determines a Members Meeting is only open to Members and/or employees of Homalco First Nation under section 36.7 of the HCEC, the decision of Council shall be set out in the notice of the Members Meeting.

37.0 Chairperson

37.1 Unless otherwise provided in the HCEC, the Chief is the Chairperson of all Council Meetings and Members Meetings.

37.2 If the Chief is unable to chair a meeting or is absent from the community, it is the responsibility of the Chief to ensure that another Council Member has agreed in writing to fulfill the role of Chairperson at such Council Meeting.

37.3 If the Chief is unable to chair more than three (3) Council meetings or Membership meetings, Council shall review the position of Chairperson and may appoint a new Chairperson, which appointment shall be confirmed by Council Resolution.

37.4 The Chairperson is responsible for the following:

- (a) Call the meeting to order;
- (b) Maintain order and ensure adherence to all Council Meeting policies and procedures;
- (c) Reporting of all tasks/activities undertaken that arise from current and past Council Meetings;
- (d) Decide all questions of procedure, subject to an appeal to those Council Members present;
- (e) Ensure Minutes of Council and Members Meetings are circulated to the Council Members;
- (f) Ensure Minutes of previous Council and Members Meetings are approved in principle within ten (10) days of such Meeting(s) and are provided to the Administrator for internal administrative purposes;
- (g) Call meetings to close and adjourn Council Meetings.

37.5 A Council Member may appeal the decision of a Chairperson on points of procedure and all such appeals shall be decided by a majority vote of the Council Members present.

37.6 In addition to serving as Chairperson, the Chief may participate in discussions at Council Meetings but may only vote in the event of a tie.

38.0 Secretary

38.1 Council shall appoint a Secretary.

38.2 The Secretary shall attend all Council meetings and Membership meetings and shall, without limiting the generality of the following, undertake the following duties and responsibilities:



- (a) take attendance of Council Members present;
- (b) record minutes of the Council meeting or Membership meeting;
- (c) record decisions and votes; and
- (d) carry out such further duties as may be required or deemed necessary by Council.

39.0 Minutes of Meetings

- 39.1 The Minutes of Council Meetings shall be legibly recorded in writing by the Secretary in the record or minute book of Council ("Council Minute Book").
- 39.2 The Minutes of a Council Meeting are to be adopted by Council at a duly convened Council Meeting.
- 39.3 The Minutes of Members Meetings shall be legibly recorded by the Secretary in the record or minute book of any General or Special Members Meeting ("Members Meeting Minute Book").
- 39.4 The Minutes of Members Meetings are not required to be adopted by Council or signed by the Council Members.
- 39.5 Council shall ensure the Minutes of Council Meetings and the Minutes of Members Meetings contain, at a minimum, the following information:
- (a) the time and date of the Council Meeting or Members Meeting;
 - (b) a list of those present and absent from the Council Meeting or Members Meeting;
 - (c) the date of approval of the Minutes from the previous Council Meeting or Members Meeting;
 - (d) references or follows-up on tasks discussed or prioritized at previous Council Meetings or Members Meetings;
 - (e) summarizes discussions and/or Committee Reports, consistent with approved agenda;
 - (f) identifies items requiring further attention and/or action;
 - (g) tables items for the next Council Meeting or Members Meeting as determined at the particular Meeting.
- 39.6 The Administrator shall retain the electronic recordings of Members Meetings in a secure location.
- 39.7 Any Member may, during Business Hours, inspect the Minutes of any Council Meeting and any Members Meeting.

40.0 Council Resolutions

- 40.1 Council Resolutions may be presented and considered at Council Meetings.



- 40.2 The Chairperson shall present and read each proposed Council Resolution and, upon the Council Resolution being moved by one (1) Council Member and seconded (2nd) by another Council Member, such proposed Council Resolution shall be open to discussion.
- 40.3 The Chairperson shall call for a vote upon completion of the discussion on the proposed Council Resolution.
- 40.4 Unless otherwise specified in the Council Resolution, the Council Resolution shall come into force and effect on the date the Council Resolution was passed.
- 40.5 A Council Resolution shall not be deemed invalid only by reason of a refusal or omission of a Council Member to sign a passed Council Resolution.
- 40.6 The Administrator shall cause a copy of all passed Council Resolutions to be recorded and maintained in chronological order in a Council Resolution Book.
- 40.7 A passed Council Resolution may be amended or rescinded by a subsequent passed Council Resolution, which:
- (a) specifically rescinds or amends the earlier Council Resolution; or
 - (b) deals with the same matter in a different or contradictory way.
- 40.8 Where two (2) passed Council Resolutions deal with the same matter in a contradictory way, the earlier Council Resolution or parts of the earlier Council Resolution affected by the later Council Resolution shall be deemed amended to the extent necessary to resolve the contradiction.

41.0 Adjournments

- 41.1 Meetings shall be adjourned by motion moved by one (1) Council Member and seconded (2nd) by another Council Member and approved by a vote of the Council Members present.
- 41.2 A Council Meeting shall be deemed adjourned where there is no longer a Quorum.

PART 7 – Cancellation and Postponement an Election Due to Emergency Situation

42.0 Extension of Term

- 42.1 The Council may extend the term of office of the Council in response to an Emergency Situation, by Council Resolution, if the Council determines the extension is necessary to prevent, mitigate, or control a situation that puts at risk the life, health and wellbeing of Members.
- 42.2 The term of office of the Council must not be extended under section 42.1 of the HCEC by more than six (6) months and must not be extended more than twice.

43.0 Measure to be Taken



43.1 Where the Council has decided to extend the term of office of the Council under section 42.1 of the HCEC, the Council must either:

- (a) cancel the Election in accordance with Section 44 of the HCEC; or
- (b) postpone the Election in accordance with Section 45 of the HCEC.

44.0 Cancellation of Election

44.1 Where an Election is cancelled under section 43.1(a) of the HCEC, the Council must on the day on which it decides to extend the term of office of the Council call a new election for a day that is no more than thirty (30) Clear Days before the day on which the extended term ends.

44.2 Where an Election is cancelled under section 43.1(a) of the HCEC, the Electoral Officer must destroy the following:

- (a) all election documents that contain personal information; and
- (b) all mail-in ballot packages that they or any Deputy Electoral Officer has received.

45.0 Postponement of Election

45.1 Where an Election is postponed under section 43.1(b) of the HCEC, the Council must on the day on which it decides to extend term of office of the Council fix a new day for the Election that is no more than 30 days before the day on which the extended term ends.

45.2 Where an Election is postponed under section 43.1(b) of the HCEC, the Electoral Officer must retain any envelope that contains a mail-in ballot.



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Appendix A

Electoral Officer's Timeline

(Relevant sections of the *Homalco First Nation Custom Election Code* are indicated in brackets next to certain activities)

76 DAYS PRIOR TO ELECTION DAY

Date: _____

- Appoint Deputy Electoral Officers (DEOs)(s. 9.3 of the HCEC)
- Determine if the Homalco First Nation controls its membership under Section 10 of the *Indian Act*, or if the Membership List is maintained by Indigenous Services Canada under Section 11 of the *Indian Act*, and obtain the Electors' List from the appropriate source
- Obtain the names and last known addresses of Members who will have attained the age of eighteen (18) as of the date of the Election
- Arrange for accommodations for the Nomination Meeting and Polling Station(s)

**60 AND 72 DAYS PRIOR TO ELECTION DAY OR
30 DAYS PRIOR TO THE NOMINATION MEETING**

Date: _____

- Post the *Notice of Nomination Meeting* (s. 12.1, s. 12.2 and 13.2 of the HCEC) and the *Electors' List* (s. 11.2 and s. 11.11 of the HCEC)
- Update the *Mail-Out Control Sheet* (Appendix C)

BETWEEN 72 DAYS AND 42 DAYS PRIOR TO ELECTION DAY

Dates: _____

- Receive *Mail-in Voter Declaration to Nominate Candidates* and *Mail-in Nomination Forms* (Appendices E & F)
- Begin completing the *In-person Nomination Forms* to be used at the Nomination Meeting (Appendix G)
- Prepare list of Electors who have consented to having their Contact Address released to Candidates (s. 12.2 (i) of the HCEC)
- Prepare candidate packages for the Nomination Meeting (s. 12.2 of the HCEC)
- Meet with your DEOs to discuss the Nomination Meeting



BETWEEN 42 DAYS AND 37 DAYS BEFORE ELECTION DAY

Dates: _____

- Contact all nominated Candidates (s. 13.11 of HCEC)
- Have them complete the *In-person Nomination Form* (Appendix G)
- Prepare the *Electoral Officer's Nomination Meeting Report* (Appendix J)
- Receive written *Candidate Withdrawal Forms* (Appendix I)
- Begin printing ballots on the thirty-sixth (36th) day prior to Election Day (omitting the names of those who have withdrawn) (s. 16 of the HCEC)

AT LEAST 35 DAYS PRIOR TO ELECTION

Date: _____

- Prepare and post *Polling Notice* (S. 15.0 of the HCEC)
- Prepare and send *Mail-in Ballot Packages* (s. 12.3 of the HCEC)
- Update *Mail Out Control Sheet* (Appendix C)

ELECTION DAY

Date: _____

- Arrive at the Polling Station at least one (1) hour prior to opening of the Polling Station to set things up.
- Open the Poll at 9 a.m. and close it at 8 p.m. (s. 18.3 of the HCEC)

AT THE TIME DESIGNATED FOR COUNTING

Date: _____ **Time:** _____

- Open Mail-in Ballot envelopes and verify *Voter Declaration Accompanying the Mail-in Ballot* (Appendix L)
- Place accepted Mail-in Ballots in the ballot box
- Open the ballot box, count the Ballots and declare who has been elected as Chief and who has been elected as Councillor (s. 19.1 – 19.8 of the HCEC)
- Prepare and distribute the *Statement of the Votes* (Appendix T)



Appendix B

Appointment of Deputy Electoral Officer

I, _____, duly appointed Electoral Officer for the election of the Homalco First Nation,
(Name of Electoral Officer)

to be held on the ____ day of _____, 20____, do hereby appoint, pursuant to the
Homalco First Nation Custom Election Code, the following person to act as Deputy Electoral Officer:

Name: _____ Address: _____

Dated at _____ this ____ day of _____, 20____.
(Municipality/First Nation)

Signature of Electoral Officer

To be completed by the Deputy Electoral Officer:

I, _____, accept the office of Deputy Electoral Officer for Homalco First Nation and solemnly swear to:

- (a) uphold and comply with the *Homalco First Nation Custom Election Code* and all Homalco First Nation laws, bylaws, regulations, policies and procedures;
- (b) fulfill the duties and responsibilities of their office under the *Homalco First Nation Custom Election Code*;
- (c) carry out their duties faithfully, honestly, impartially and to the best of my abilities;
- (d) always act in the best interests of Homalco First Nation in carrying out my duties; and
- (e) keep confidential, both during and after their term of office, any matter or information which, under the *Homalco First Nation Custom Election Code* or Homalco First Nation laws, bylaws, regulations or policies, is considered Confidential Information.

SWORN TO BEFORE ME at the city of _____ }
 _____ }
 in the province of _____ }
 this ____ day of _____, 20____ } _____
 _____ }
 _____ } Signature of Electoral Officer

(Commissioner for Taking Affidavits for the Province of British Columbia or a Justice of the Peace or a Notary Public)



Appendix C

MAIL-OUT CONTROL SHEET

BAND #	NAME	BIRTHDATE	ADDRESS	CITY	PROV.	P.C.	NOM PKG	BALLOT PACKAGE	COMMENTS



Appendix D

Notice of Nomination Meeting

Notice is hereby given that a meeting of the Electors of Homalco First Nation will be held at the _____ on _____, the ___ day of _____, 20___, beginning at ___ o'clock and lasting for two (2) hours, for the purpose of nominating Candidates for the positions of Chief or Council on the Homalco First Nation Council, for the next ensuing term.

There are four (4) Councillor positions and one (1) position for Chief available. The election will be held at the _____ on _____, the ___ day of _____, 20___.

Please note that any Elector may nominate Candidates by using a Mail-in Nomination Form Meeting OR by nominating Candidates orally at the Nomination Meeting. You can either hand deliver or mail-in a Mail-in Voter Declaration to Nominate Candidates Form to the Electoral Officer before the time set for the Nomination, which must be completed, signed and Witnessed. Mailed nominations not received by the Electoral Officer before the time set for Nomination Meeting are void.

Given under my hand at _____, this ___ day of _____, 20___.
(Municipality/First Nation)

Signature of Electoral Officer

Printed Name of Electoral Officer

Address of Electoral Officer

Phone Number of Electoral Officer

-----X-----X-----
If you wish to have your name and Contact Address released to any Candidate at this Election for the purpose of sending you campaign literature, please check the statement below, print and sign your name, detach this form at the perforated line and return the bottom portion to the Electoral Officer.

I authorize my name and address be released to any Candidate at this Election.

Print Name Date of Birth Signature Date Signed



Appendix E

Mail-in Voter Declaration to Nominate Candidates

In the matter of the Election of Homalco First Nation, held according to the *Homalco First Nation Custom Election Code*,

I, _____ solemnly declare that:
(Please print your name)

1. I am a Member of Homalco First Nation.
2. My band number is _____ and my date of birth is _____.
3. My current mailing address is: _____.
4. I am at least eighteen (18) years of age on or before the date of the Election.
5. I do not know of any reason why I would be disqualified from voting at this election.

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 or affirmation. I understand that it is an offence to make a false statement in this declaration.

Signature of Elector

Date

Witness Declaration – (to be filled out by any person who is at least eighteen (18) years old)

Declared before me _____ at _____
(Name) (Municipality/First Nation)

this _____ day of _____ 20____
(Month) (Year)

Signature of Witness

Address

City Province Postal Code

Telephone number of Witness: () _____



Appendix F

Mail-In Nomination Form

I, _____, with Band # _____
(Please print name)

of the _____ hereby nominates:
(Name of First Nation)

(Name of Nominee)

of the _____ for the position of _____
(Name of First Nation) (Choose Chief or Councillor)

Signature of Elector

Date Signed

Address of Elector

Telephone number (____) _____

It is important that your telephone number be included above in case the Electoral Officer needs to contact you for clarification regarding the name of the individual that you are nominating.



Appendix G

In-person Nomination Form

Name of First Nation

Date Nomination Meeting Held

I nominate _____

For the position of Chief _____ Councillor _____

NOMINATOR

My name is _____ Band # _____

Signature _____

Phone Number _____

SECONDER

I hereby second the nomination

My name is _____ Band # _____

Signature _____

Phone Number _____



Appendix H

Notice to Candidates of Nomination at a Homalco First Nation Nomination Meeting

Date: _____

Subject: Election of the Homalco First Nation Chief and Councillors

Dear Candidate:

According to section 13.11 of the *Homalco First Nation Custom Election Code (HCEC)*, I must inform you that on _____, at the Nomination Meeting held at the _____, you were nominated as a Candidate for the position of _____ (*Chief or Councillor*) for the Election to be held on _____.

If you choose to accept the nomination you must:

- (a) complete the Certificate of Acceptance and Qualification (Appendix W);
- (b) complete the Candidates Ballot Information form (Appendix Z);
- (c) submit the deposit fee of \$50 for the position of Councillor or \$100 for the position of Chief, to be paid by way of cash, certified cheque or money order;
- (d) agree to comply with the campaign policies of Homalco First Nation;
- (e) complete the Agreement to Attend Three (3) Orientation Workshops (Appendix X); and
- (f) complete the Authorization for Criminal Records Check (Appendix Y).

All the above must be received by the Electoral Officer no later than _____.

If you choose **not** to accept this nomination, according to section 13.17 of the HCEC, you must submit to the Electoral Officer a *Candidate's Withdrawal Form* (copy attached), signed by yourself, either in my presence or the presence of a Justice of the Peace, a Notary Public, lawyer or a Commissioner for taking Oaths, which must be received by the Electoral Officer no later than _____.

Each Candidate is allowed to have **no more than two (2) Scrutineers** at any one time inside the Polling Station to observe the proceedings on Election Day. You may appoint more than two (2) Scrutineers provided only two are present at the Polling Station at any one time. Please advise the Electoral Officer in writing or by phone of the names of your Scrutineers prior to Election Day.

In the event of a tie vote, Section 20.0 of the HCEC requires the Electoral Officer to conduct an automatic recount of the ballots within 24 hours. If after the recount there is still a tie, the Electoral Officer will break this tie by placing the names of all Candidates having an equal number of votes in a hat. The first name chosen out of the hat will constitute the Candidate elected to the office of Chief or Councillor.

If you have any questions concerning the election process, please do not hesitate to contact the Electoral Officer at the address and/or telephone number appearing at the bottom of this letter.

Yours truly,



Appendix I

Candidate's Withdrawal Form

I, _____, band # _____, hereby withdraw my name as a Candidate for
(Name)

Chief / Councillor (circle one) at the Election being held for Homalco First Nation on the _ day of
_____, 20__.

SWORN TO BEFORE ME at the city of _____ }
_____ }
in the province of _____ }
this _____ day of _____, 20__ }
_____ }

Signature of Electoral Officer

(Commissioner for Taking Affidavits for the
Province of British Columbia or a Justice of the
Peace or a Notary Public)

**BE ADVISED THAT ONCE THE ELECTORAL OFFICER RECEIVES THIS FORM SIGNED AND SWORN, YOUR
WITHDRAWAL IS FINAL AND THEREFORE IRREVOCABLE.**



Appendix J

Electoral Officer's Nomination Meeting Report

1. Name of First Nation: _____
2. Band number: _____
3. District/Region: _____
4. Total number of Homalco First Nation members: _____
5. The Homalco First Nation Council is composed of one Chief and four (4) Councillors.
6. The notice of Nomination Meeting was:
 - (a) Posted on the ____ day of _____, 20 ____, at the following locations:

 - (b) Mailed to _____ (#) off-reserve Electors during the period from the ____ day of _____ to the ____ day of _____, 20 ____.
7. The Nomination Meeting was held on the ____ day of _____, 20 ____, at _____, from _____ to _____.
(Location)
8. Nominations for Chief

Candidate's Name and Band Number	Candidate's Address	Nominator's Name and Band Number	Seconder's Name and Band Number



9. Nominations for Councillor

Candidate's Name and Band Number	Candidate's Address	Nominator's Name and Band Number	Secunder's Name and Band Number



HOMALCO CUSTOM ELECTION CODE - JULY 17, 2020

- 10. The following Candidates have been declared elected by acclamation pursuant to section 13.8 and 13.9 of the *Homalco First Nation Custom Election Code*:

To the office of Chief:

Name: _____

To the office of Councillor:

Name: _____

Name: _____

Name: _____

Name: _____

- 11. I declare that a Poll will be held for the office(s) of: ____ Chief and ____ Councillors on the __ day of _____, 20__.
- 12. As Electoral Officer, I declare that all information contained in this report of the Nomination Meeting is true to the best of my knowledge. I have carefully and diligently performed all the duties required of me by the *Homalco First Nation Custom Election Code* in respect to this Nomination Meeting.

Signature of the Electoral Officer

Date



Appendix K

Polling Notice

Notice is hereby given to the Electors of Homalco First Nation that a Poll will be held to elect ___ Chief and ___ Councillors on _____ the ___ day of _____, 20___, from nine o'clock (9:00) a.m. until eight o'clock (8:00) p.m. at the following location(s):

The votes will be counted at _____ on the _____ day of _____, 20___.

The results will be declared immediately following the count.

Given under my hand at _____ this ___ day of _____, 20___.
(Municipality/First Nation)

Signature of the Electoral Officer

Date

If you have any questions, please call the Electoral Officer at () _____.



Appendix L

Voter Declaration Accompanying the Mail-in Ballot

This declaration must be signed by you and a witness who is at least 18 years old and returned to the Electoral Officer with your completed ballot, or your vote will not be counted.

In the matter of the election of Homalco First Nation, held according to the *Homalco First Nation Custom Election Code*,

I, _____ solemnly declare that:
(Please print your name)

1. I am a member of the _____ Band of Indians.

2. My band number is _____ and/or my date of birth is _____ / _____ / _____
(Day) (Month) (Year)

3. My current mailing address is: _____

4. I am at least 18 years of age on or before the date of the Election.

5. I do not know of any reason why I would be disqualified from voting at this election.

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 an offence to make a false statement in this declaration.

 Signature of Elector

 Date

Witness Declaration – (to be filled out by any person who is at least 18 years old)

Declared before me _____ at _____
(Name) (Municipality/First Nation)

this _____ day of _____ 20_____.
(Month)

 Signature of Witness

 Printed Name of Witness

 Address

City Province Postal Code Telephone #



Appendix M

Instructions for Mail-In Voting

Dear Elector:

As per the attached *Polling Notice*, an election for ___ Chief and ___ Councillors of Homalco First Nation is currently underway.

As a member of Homalco First Nation, you are entitled to vote, provided you will be at least 18 years of age on the date of the election. To assist you in casting a vote, please find enclosed a mail-in voting package consisting of:

- a ballot for the position of Chief with the Electoral Officer's initials on the back
- a ballot for the position of Councillor with the Electoral Officer's initials on the back
- an outer, postage-paid pre-addressed return envelope
- a second inner envelope marked with the word **"FOR BALLOTS ONLY"**
- a *Voter Declaration Accompanying the Mail-in Ballot*

Carefully follow the steps below to ensure that your ballot is valid and will not be rejected.

1. **On the ballot for Chief:**

Mark an "X" in the box immediately to the right of the name of the Candidate of your choice. You must choose only one Candidate.

2. **On the ballot for Councillor:**

Mark an "X" in the box immediately to the right of the names of the Candidates of your choice. You may vote for up to four (4) Councillors.

3. Fold the ballots in the same way as you received it, so that the Electoral Officer's initials on the back are visible.

4. Place the ballots back into the envelope marked **"FOR BALLOTS ONLY"**, and seal the envelope.

5. Complete the *Voter Declaration Accompanying the Mail-in Ballot* form. Both you and a witness, who is at least 18 years of age, must sign it.

6. In the larger postage paid pre-addressed outer envelope, place the completed and signed *Voter Declaration Accompanying the Mail-in Ballot* and the sealed envelope marked **"FOR BALLOTS ONLY"**

7. Seal and drop the return envelope in the mail as soon as possible. It must be received by the Electoral Officer no later than 8 p.m. the day prior to the Election day. Note that ballots received



HOMALCO CUSTOM ELECTION CODE - JULY 17, 2020

after the close of the Poll on _____, 20 ____ will not be counted. You may also hand deliver it to the Electoral Officer on election day up to 8:00 P.M.

IN ORDER FOR YOUR BALLOTS TO BE COUNTED, THEY MUST BR ACCOMPANIED BY A COMPLETED VOTER DECLARATION FORM, WHICH IS TO BE SIGNED BY YOU AND A WITNESS.

Although you have received this mail-in voting package, you may choose to vote on Election Day in person at the Polling Station whose location(s) are/is indicated on the *Polling Notice*. If you so choose, your Mail-in Ballot will not be counted.

If you have any questions, please do not hesitate to contact me at (____) ____ - _____

Yours truly,

Electoral Officer



Appendix N

Witness Declaration at the Opening of the Poll

In the matter of the Election of Homalco First Nation

I, _____, hereby declare that on the ___ day of _____, 20__
(Print Name)

I did witness that the ballot box(es) was/were empty before being properly sealed and locked. I am confident that the box(es) cannot be opened without the seals being broken.

Signature of Witness

Signature of Electoral Officer or
Deputy Electoral Officer



Appendix O

Instructions for Voting

1. Place an **X** in the space beside the name of the Candidate or Candidates of your choice.
2. Do not place any other mark on the ballot.
3. Do not vote for more than **one** Candidate for Chief and not more than **FOUR (4)** Candidates for Councillor.
4. When you have finished, fold the ballot so that the initials on the back can be seen (without showing how you voted), and hand the ballot to the Electoral Officer or the Deputy Electoral Officer.
5. If you make a mistake, return your ballot to the Electoral Officer, who will give you another ballot (once only).



Appendix P

Homalco First Nation Custom Election

BALLOT FOR CHIEF

(SAMPLE BALLOT FOR CHIEF)

<p>HOMALCO FIRST NATION ELECTION <u>BALLOT FOR CHIEF</u></p> <hr/> <p><i>(Date of Election)</i></p> <p><u>1</u> TO BE ELECTED</p> <p>MARK YOUR BALLOT WITH AN <u>X</u> IN THE CIRCLE TO THE RIGHT OF THE CANDIDATE OF YOUR CHOICE</p>	
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>



Appendix Q

Homalco First Nation Custom Election

BALLOT FOR COUNCILLORS

(SAMPLE BALLOT FOR COUNCILLORS)

**HOMALCO FIRST NATION ELECTION
BALLOT FOR COUNCILLORS**

(Date of Election)

4 TO BE ELECTED

**MARK YOUR BALLOT WITH AN X IN THE CIRCLE TO THE
RIGHT OF THE CANDIDATES OF YOUR CHOICE**

	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>



Appendix R

Declaration of Persons Delivering Mail-in Ballots

TO BE COMPLETED BY THE PERSON DELIVERING MAIL-IN BALLOTS

In the matter of the Election for Homalco First Nation, held according to the *Homalco First Nation Custom Election Code*,

I, _____, solemnly declare that:
(Print Name)

1. My current mailing address is: _____

2. My current telephone number is: _____

3. I am delivering a Mail-in Ballot(s) on behalf of the following Elector(s):

4. This/these ballot(s) have come into my possession honestly and I was authorized by the above named Elector(s) to deliver their Mail-in Ballot(s). I did not offer to the Elector(s), nor was I offered inducement for delivering this/these ballot(s).

5. To the best of my knowledge, information and belief, this/these ballot(s) have not been opened or otherwise tampered with while in my care.

Date

Signature

TO BE COMPLETED BY THE ELECTORAL OFFICER OR DEPUTY ELECTORAL OFFICER

Sworn before me _____ at _____
(Print Name) (Municipality/First Nation)

this _____ day of _____, 20 ____.

Signature

Please verify the identification provided by the person delivering Mail-in Ballot(s) and confirm this verification by checking the box



Appendix S
Record of Objections

# *	Reason(s) for objection	Name of person making the objection	Decision of the Electoral Officer

* Indicate the number of the objection on the back of the ballot.



Appendix T

Statement of the Votes

Band Number	Name of First Nation	Date of Election
-------------	----------------------	------------------

To be completed by the Electoral Officer after the counting of the votes. The numbers on the Statement of the Votes submitted by Deputy Electoral Officers from other Polling Stations if applicable must be included in the numbers provided on this report. **Ensure that the form is signed and witnessed.**

A copy of this statement must be sent to the Regional Office of Indigenous Services Canada no later than TWO (2) days following the Election.

Name of Candidate for Chief	Total Votes Received

Number of valid ballots cast for Chief: _____

Number of Rejected Ballots for Chief: _____



Statement of the Votes

Name of Candidate for Councillor	Total Votes Received



Statement of the Votes

Elected Candidates

To the Office of Chief: _____

To the Office of Councillor:

Name: _____

Name: _____

Name: _____

Name: _____

This count was diligently conducted in accordance with the *Homalco First Nation Custom Election Code*.

Signature of Electoral Officer

Signature of Witness

Date: _____



Appendix U

Electoral Officer's Report

1. Name of First Nation: _____
2. Band Number: _____
3. Date of Election: _____
4. District/Region: _____
5. Type of Election (General or By-election): _____
6. Date of last General Election (month/year): _____
7. Total number of Homalco First Nation members: _____
8. Total number of Electors
 - (a) On-reserve: _____
 - (b) Off-reserve: _____
9. The Homalco First Nation Council is composed of one (1) Chief and four (4) Councillors.
 Ministerial Order: YES _____ NO _____
10. The *Notice of Nomination Meeting* was:
 - (a) Posted on the _____ day of _____, 20____, at the following locations:
 - (b) Mailed to _____ (#) off-reserve Electors during the period from the ____ day of _____ to the _____ day of _____, 20____.
11. The Nomination Meeting was held on the ____ day of _____, 20 ____, at _____, from _____ to _____. (Location)
12. The *Polling Notice* was posted on the ____ day of _____, 20____, at the following locations:

13. (a) Total number of Mail-in Ballot packages sent to off-reserve Electors: _____
 (b) Total number of Mail-in Ballot packages sent to Electors residing on the reserve: _____
14. The Poll was held on the__ day of _____, 20 ____, at the following locations:



15. Mail-in Ballots

		For Chief	For Councillor
A)	Total number of Mail-in Ballot packages sent (includes second or third packages sent to the same Elector as well as those sent by DEOs)		
B)	Total number of Mail-in Ballot packages returned as undeliverable		
C)	Total number of Mail-in Ballots returned by the Elector who voted in person at the Polling Station		
D)	Total number of Mail-in Ballots rejected and not placed in the ballot box (during the opening of the envelopes)		
E)	Total number of Mail-in Ballots deposited in the ballot box		
F)	Mail-in Ballot discrepancy (A - B - C - D - E)		

16. Ballot Reconciliation

		For Chief	For Councillor
A)	Number of valid ballots cast		
B)	Number of ballots cast and rejected		
C)	Number of ballots spoiled (never placed in the ballot box)		
D)	Number of unused ballots		
E)	Total number of Mail-in Ballot packages returned as undeliverable (same as 15 B)		
F)	Total number of Mail-in Ballots returned by the Elector who voted in person at the Polling Station (same as 15 C)		
G)	Number of Mail-in Ballots rejected before being placed in the ballot box (same as 15 D)		
H)	Total provided at 15 F (Mail-in Ballot discrepancy)		
I)	Total number of ballots (A + B + C + D + E + F + G + H)		



J)	Total number of ballots printed <i>(Should equal totals at I above)</i>		
----	--	--	--

17. Please complete all four columns below:

Band Number	Name of Candidate for Chief	Mailing Address	Total Votes Received

18. Number of Rejected Ballots for Chief: _____

19. Please complete all four columns below:

Band Number	Name of Candidate for Councillor	Mailing Address	Total Votes Received

20. Number of Rejected Ballots for Councillor: _____

21. Number of Member/Elector identification and verification declarations of eligible Electors

Band Number	Name of Eligible Voter	Mailing Address	Elector's sworn declaration attached (Yes or No)



--	--	--	--

22. The following Candidates have been publicly declared elected:

(a) To the Office of Chief:

Name: _____

(b) To the Office of Councillor:

Name: _____ Name: _____

Name: _____ Name: _____

Name: _____ Name: _____

Name: _____ Name: _____

23. The Term of Office commences on the _____ day of _____, 20

24. Additional Comments: _____

25. Declaration

I, _____, appointed to the position of Electoral Officer on the ____ day of _____, 20__, for the Homalco First Nation, declare that the Polling Station(s) was kept open between the hours of 9:00 a.m. and 8:00 p.m. (local time), and that I have correctly counted the votes cast for each Candidate and have performed all other duties required of me by the *Homalco First Nation Custom Election Code*. I further declare that a copy of the *Statement of the Votes* will be posted at each place where the *Polling Notice* was posted.

(Signature)

(Date)



Appendix V

**HFN Government
OATH OF OFFICE**

I, _____, a representative of the HFN Council, declare that I have read, understood and agree to comply with the HFN Council Governance Policy Manual, and that in carrying out my duties as a member of HFN Council, I will:

1. Do my best to carry out my responsibilities respectfully, efficiently, and effectively according to HFN values and beliefs (e.g. pek yet's quiye gun¹, and naut'sa mawt²);
2. Work with Councillors, HFN employees and members in a positive, problem-solving and collaborative manner;
3. Remember that my primary duty is to serve the best interests of members and future generations;
4. Adhere to, and support the policies, values, and decisions of HFN Council, including conducting myself at all times in a manner that will bring credit to the HFN;
5. Continually work towards self-improvement and development through self-evaluation, traditional teachings, and the current educational system;
6. Act as a community development resource and political guide for all members to help advance and resolve issues; and
7. Respect the decisions of HFN Council and members if I do not uphold and fulfil my responsibilities.

I understand and agree that I am subject to dismissal as a Council Member should I not adhere to this oath of office.

SWORN TO BEFORE ME at the city of _____ }
 _____ }
 in the province of _____ }
 this _____ day of _____, 20____ } _____
 _____ } Signature of Council Member
 _____ }

(Commissioner for Taking Affidavits for the Province of British Columbia, a Justice of the Peace or a Notary Public)

¹ Having humility firstly, followed by prayers for family, then self.

² We are all one and interconnected.



APPENDIX W

HOMALCO FIRST NATION GENERAL ELECTION __

CERTIFICATE OF ACCEPTANCE AND QUALIFICATION

I, _____, being nominated as _____ for the Homalco
(Chief or Councilor)

First Nation, do hereby accept the nomination for _____ and solemnly
(Chief or Councilor)

declare that:

1. That I am a Homalco First Nation member
2. That I am at least 18 years old on or before election day;
3. That I am in Good Standing with the Homalco First Nation
4. I have not filed for Bankruptcy or I have been discharged as a bankrupt for at least 2 years.
5. I am not mentally or physically incapable of holding office
6. I have not been convicted of theft, fraud or bribery in any jurisdiction
7. I have not been convicted of an indictable offense involving sexual assault or assault against an individual during the last 10 years.
8. I have not been convicted of any other indictable offense in the previous 10 years unless the conviction was concerning the exercising of an Aboriginal Right, Interest or Title.
9. I have never been removed from an elected office
10. I have not been found to have committed an offense under the Homalco First Nation Custom Election Code or under any similar code.
11. I am not now or will not in the future use illegal drugs or sell or assist in the selling illegal drugs.
12. I agree to attend at least three (3) orientation workshops if I am elected.
13. I enclose herewith my non-refundable deposit in the amount of \$50.00 for council or \$100 for Chief.

SWORN TO BEFORE ME at the city of _____ }
 _____ }
 in the province of _____ }
 this _____ day of _____, 20____ }
 _____ }
 _____ }

Signature of Nominee

(Commissioner for Taking Affidavits for the Province of British or a Justice of the Peace or a Notary Public)



APPENDIX X

AGREEMENT TO ATTEND THREE (3) ORIENTATION WORKSHOPS

I, _____, having been nominated as a Chief or Councillor of Homalco
First Nation, do hereby agree :

- (a) that if I am elected to office I will attend at least three (3) orientation workshops;
and
- (b) That if I am elected to office I will participate in annual skills training post-election.

Signature of Nominee

Date Signed: _____



Appendix Y

HOMALCO FIRST NATION GENERAL ELECTION ___

AUTHORIZATION FOR CRIMINAL RECORDS SEARCH

I, _____, residing at _____ and
(print your full name) (complete address)

born on the ___ day of _____, 20___, hereby authorize Homalco First Nation, its Chief and Council, the Administrator, or the Electoral Officer to obtain a Criminal Records search from any Canadian or USA Police Service.

I further consent to a search of all records and information available at the time the search is conducted, including non-conviction information, charges before the courts, findings of guilt or conviction and court orders registered in my name in the National Repository of Criminal Records available to the police service.

Signed this ___ day of _____, 20___
at _____ in the Province of British Columbia.

Signature of Candidate

Signature of Witness



APPENDIX Z

HOMALCO FIRST NATION

PETITION FORM FOR REMOVAL OF A COUNCIL MEMBER

	DATE	PRINT NAME	SIGNATURE	BAND NUMBER	Acknowledges having read Petition Evidence (Yes or No)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

BY SIGNING THIS PETITION, I CERTIFY THAT I HAVE SIGNED THIS DOCUMENT OF MY OWN FREE WILL AND WITHOUT COERCION OF ANY KIND AFTER HAVING SEEN THE EVIDENCE ATTACHED TO THIS PETITION.

**** ATTACH EVIDENCE WITH THIS PETITION FORM ****



APPENDIX AA

HOMALCO FIRST NATION

CANDIDATE'S BALLOT INFORMATION

I, _____, having been nominated as Chief or Councillor for the Homalco First Nation at a Nomination Meeting held on the ___ day of _____, 20___, do hereby request that my name be shown on the ballot as:

(print Surname)

(print First Name and/or Nickname)

(signature of Candidate)

My current mailing address is:

Phone Number: _____

Email: _____

Provide this form for the Electoral Officer BY NO LATER THAN the ___ day of _____, 20___, at the Homalco First Nation administrative building or by email to _____.



APPENDIX AB

HOMALCO FIRST NATION GENERAL ELECTION ___

OATH OF OFFICE FOR THE ELECTORAL OFFICER

I, _____, accept the office of Electoral Officer for Homalco First Nation and solemnly swear to:

- (a) uphold and comply with *Homalco First Nation Custom Election Code* and all Homalco First Nation laws, bylaws, regulations, policies and procedures;
- (b) fulfill the duties and responsibilities of the Electoral Officer under *Homalco First Nation Custom Election Code*;
- (c) carry out my duties faithfully, honestly, impartially and to the best of my abilities;
- (d) always act in the best interests of Homalco First Nation in carrying out my duties; and
- (e) keep confidential, both during and after my term of office, any matter or information which, under the *Homalco First Nation Custom Election Code* or Homalco First Nation laws, bylaws, regulations or policies, is considered Confidential Information as defined in the *Homalco First Nation Election Code*.

SWORN TO BEFORE ME at the city of _____ }
 _____ }
 in the province of _____ }
 this _____ day of _____, 20____ }
 _____ }
 _____ }

Signature of Electoral Officer

(Commissioner for Taking Affidavits for the Province of British or a Justice of the Peace or a Notary Public)



APPENDIX AC

HOMALCO FIRST NATION GENERAL ELECTION __

**CERTIFICATE OF OPENING OF BALLOT BOXE(S)
CHIEF AND COUNCIL ELECTION _____, 20__**

This is to certify that we were present at 8:00 p.m. on the ____ day of _____, 20__ at the closing of the Polls. We certify that no one was permitted to vote after the closure, except those persons who were in the Polling Station at closure. We further certify that we examined the ballot box(s) prior to opening of the ballot box(s). The ballot box(s) were sealed and there was no evidence of tampering of any kind. The ballot box(s) were opened in our presence and all ballots within the ballot box(s) were removed and counted.

Signed by Two (2) Witnesses:

X _____

Signature of Witness

Date: _____

Time: _____

(Print Name)

(Address)

X _____

Signature of Witness

Date: _____

Time: _____

(Print Name)

(Address)



Appendix AD

Homalco First Nation

Candidates Campaign Policy

Candidates in a General or By-Election may campaign to the Electors as per the following:

1. all poster, sign, letter to voters etc. must be approved by the Electoral Officer. Campaign material will be email to the E.O., who will issue an approval number which must be placed in the lower right-hand corner of the material.
2. The posters, signs, letters, etc. must not be offensive, inappropriate or anything that may bring the election or the process of the election into disrepute. The E.O. must reject any campaign material that does not comply with this policy.
3. If the candidate is employed by the Homalco First Nation or its subsidiaries or institutions, the candidate may not use Homalco's computers, photo copiers, email address, telephone's, fax machines or any other Homalco assets to campaign.
4. Brochures, poster, etc. may be delivered at the Candidates cost to all on-reserve Electors.
5. Campaign material may be included in the Homalco First Nation community newsletter in every issue up to the date of the Election.
6. In the event the Candidate wishes to mail brochures, posters, etc. to off-reserve Electors, such Candidate must do so utilizing the following procedure to comply with all privacy laws:
 - a. Prepare the poster or brochure and have it approved by the E.O.
 - b. The E.O. will advise the Candidate on the number of off-reserve Electors for which a Contact Address is available.
 - c. Photocopy the Candidates material and place such materials in individual envelopes and seal the envelopes.
 - d. Place the appropriate postage stamps on each envelope.
 - e. Pay \$25 to the Homalco First Nation and obtain a receipt.
 - f. Deliver the envelopes and receipts to the E.O. who will affix address labels to the envelopes and mail the campaign materials.
 - g. The above must be delivered to the E.O. by no later than _____

Rules Pertaining to Campaign Materials:

1. Posters and Brochures:
 - a. Shall no exceed 8 ½' x 11' and may be printed on both sides.
 - b. Posters and brochures may be in colour or black and white.
2. Signs:
 - a. All signage must be no larger than 2' x 3' and cannot be placed within 150 feet of any Homalco First Nation facility.



Appendix AE

Homalco First Nation

Member Verification of Eligible Elector

This declaration confirms the identity of an eligible Elector on the Electors' List by you, being an Elector on such Electors' List, under section 18.9 of the Homalco First Nation Custom Election Code (HCEC).

In the matter of the Election, held in accordance with the HCEC, I, _____, solemnly declare that:

1. I am a Member of the Homalco First Nation.
2. My Member/Band Number is _____ and my date of birth is
____/____/____
3. My current mailing address is _____
_____.
4. I am at least 18 years of age.
5. I personally know and can confirm the identity of _____, being a Member of the Homalco First Nation, a person of at least 18 years of age and a person eligible to vote and be listed as an Elector in the Electors' List.

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 an offence to make a false statement in the declaration.

Signature of Elector

Date

