

Metlakatla First Nation Election Code

(version February 19, 2019)



Metlakatla First Nation Election Code

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1. DEFINITIONS

"Acclamation" means when the number of Candidates nominated for any office are equal to or less than the number of seats available, and are subsequently elected to the office.

"Administrative Office" (formerly Band Office) means the office established to provide administrative support to the Governing Council of the Metlakatla First Nation, and in this instance refers specifically to the Office of the most senior executive manager;

"Candidate" means a member of the Metlakatla First Nation who:

- a) Is the full age of eighteen (18) years on or before the day on which the Election is held;
- b) Is an eligible Voter registered in the Official Voters List.
- c) Has been a member of the Metlakatla First Nation for a period of not less than twelve (12) months immediately preceding the day on which the Election is held;
- d) Has been nominated to be a Candidate and the nomination has been seconded pursuant to the provisions of this Code; and
- e) Is ordinarily a resident of the Metlakatla Traditional Territory and has resided on the Traditional Territory for a continuous period of six months immediately preceding the nomination meeting;

But does not include an individual who:

- f) Is the subject of an application for bankruptcy that is yet to be discharged; or
- g) Has been convicted of a Criminal Offence ;

"Chief Electoral Officer" means an Electoral Officer who has been appointed by Governing Council Band Council Resolution as the Chief Electoral Officer;

"Code" means this *Metlakatla First Nation Election Code*.

"Criminal Offence" means a conviction for an indictable offence or an offence punishable upon summary conviction but does not include an offence for which someone received a conditional or absolute discharge and does not apply to any activities authorized by the Governing Council for the protection of Metlakatla Aboriginal rights or title;

"Deputy Electoral Officer" or "DEO" means an Electoral Officer appointed by the Chief Electoral Officer to assist and help oversee the Election process, and in the event that the Chief Electoral Officer is unable to fulfill his or her duties, to act in the place of the Chief Electoral Officer in accordance and pursuant to this Code;

"Elder" means a member of the Metlakatla First Nation who is sixty (60) years of age or over;

"Election" means a General Election or a By-Election held under this Code;

"Electoral Clerk" means a person identified by the Administrative Office, and duly appointed by the Chief Electoral Officer to assist specifically with the creation of the Official Metlakatla First Nation Voters List, Voter residential mailing lists and contact information, and generally assist the Chief Electoral Officer with administrative tasks and

duties as may be required to effectively conclude the Election; and shall take direction solely from the Chief Electoral Officer;

"Election Official" means in the singular the Chief Electoral Officer or Deputy Electoral Officer; and in the plural any combination of Chief Electoral Officer and/or Deputy Electoral Officers;

"Electronic Voting" means casting a ballot via the internet or other electronic means using an Electronic Voting Platform;

"Electronic Voting Platform" means a secure web-based database with an automatic tracking and numbering system which allows Voters to cast electronic ballots and stores those ballots for verification and counting by the Chief Electoral Officer;

"General Election" means an Election held every four (4) years, in accordance with the provisions of this Code, for all Councillor positions on the Governing Council, including the Chief Councillor;

"Governing Council" means the body composed of those persons elected pursuant to this Code, also referred to as the Band Council and, subject to this Code, shall consist of a Chief Councillor and six (6) Councillors;

"Mail-in Ballot" means a ballot mailed or delivered in accordance with this Code;

"Metlakatla First Nation Lands" means the Metlakatla Indian Reserve lands as set out in **Appendix "A"**, or in the event a Treaty has been concluded, the settlement lands of the Final Agreement;

"Metlakatla Justice Tribunal" means the tribunal established pursuant to this Code and confirmed by Council on June 12, 2013, to hear and decide upon appeals arising under this Code and other matters as may be determined from time to time;

"Polling Station" means a building, hall or room which is selected to be the site for the voting to take place;

"Regulations" means additional Election procedures that have been developed pursuant to this Code and approved by Band Council Resolution of the Governing Council. For greater clarity, in the event of a disagreement or conflict between this Code and any Regulation, the Code shall be deemed paramount and shall take effect;

"Traditional Territory" means all of the traditional lands of the Metlakatla First Nation set out in the map in **Appendix "B"**;

"Voter" means a person who is:

- (a) A member of the Metlakatla First Nation;
- (b) Registered as an eligible Voter on the Official Metlakatla First Nation Voters List; and

(c) The full age of eighteen (18) years on or before the day on which the Election is held; and

"Voters List" means the official list of eligible Voters pursuant to and in accordance with this Code.

2. GOVERNING COUNCIL POSITIONS AND TERMS OF OFFICE

2.1 Subject to any necessary by-elections, resignations or removals under this Code, there shall be a Governing Council consisting of a Chief Councillor, and at least four (4), and up to six (6) Councillors.

(a) The initial Council shall consist of six (6) Councillors but the number of Councillors may end up being reduced to a minimum of four (4) at any time during the Term due to circumstances outlined in this Code and the Governing Council shall continue to govern despite the removal or resignation of up to two (2) Councillors.

2.2 Except in the case of by-elections in accordance with this Code, the Chief Councillor of the Metlakatla First Nation shall be elected at the same time as other members of the Governing Council, during a General Election.

2.3 Due to the importance of preserving Metlakatla history and culture, the necessity to ensure that all Governing Council members are close to the community and keep informed about community issues and priorities, and the lack of funding for travel, three (3) elected Councillor, other than the Chief Councillor, must reside on Metlakatla First Nation Lands and three (3) Councillor, other than the Chief Councillor, must reside off Metlakatla First Nation Lands but within the Traditional Territory.

2.4 Residency within the Traditional Territory is a requirement to be an eligible Candidate for the Governing Council, and the Chief Councillor and all Councillors must maintain their residence within the Traditional Territory.

2.5 Subject to by-elections or dismissal under this Code and subject to subsection 1.7 [swearing of oaths], the Term of Office of the Governing Council shall be four (4) years, but any member of the Governing Council may serve additional Terms if so elected.

(a) Every member of the Governing Council is deemed to have resigned at one minute before midnight on the last day of their Term.

2.6 The Term of Office of a member of the Governing Council who is elected by way of a By-Election, or deemed elected under subsection 2.9 shall correspond with the mandate and the remainder of the term of the individual member of the Governing Council to whose seat he or she has been elected.

2.7 No Governing Council member shall be permitted to assume elected Office until they have sworn the Oath of Office as set out in **Appendix "C"** which shall be conducted at a public meeting within fourteen (14) days of the Election and filed with the Electoral Officer to form part of the official election record.

2.8 Any elected official who fails to fulfill any obligations, declarations or requirements pursuant to and in accordance with this Code, shall be deemed to have forfeited and resigned their seat on

Council.

- 2.9 In order to prevent high costs for by-elections that may occur soon after a General Election, if an elected Governing Council member is deemed to have resigned and thereby forfeits their seat under subsection 2.8 during the first six (6) months of their Term, the Candidate who ran in the election for that seat for that area (either on Metlakatla First Nation Lands or off of Metlakatla First Nation Lands but within the Territory), shall be deemed elected to that seat and the Chief or Manager shall notify that Candidate in writing as soon as possible and ask if they accept the seat.
- (a) If the Candidate with the next highest number of votes is no longer eligible or declines to accept the seat, the Chief or Manager shall notify the Candidate with the next highest number of seats and ask them if they are still eligible and still wish to accept the seat and, if so, and the Candidate confirms in writing, that Candidate shall be deemed to be elected to that seat.

3. RESIDENCE REQUIREMENTS

- 3.1 These provisions of subsections 3.2 through 3.7 determine a person's residence for the purposes of this Code. The determination of where a person resides for the purposes of this Code shall be determined by the specific facts in each case.
- 3.2 A person is a resident of the place where the individual lives and to which, whenever absent, the individual intends to return.
- 3.3 A person may only be resident in only one place.
- 3.4 A person does not cease being a resident of a place by leaving the place for temporary purposes only.
- 3.5 Upon request, a person must provide documentary evidence of residence, satisfactory to the Chief Electoral Officer or the Electoral Officer.
- 3.6 Notwithstanding the residency requirements, if the Chief Councillor or an elected Councillor changes residence during his or her elected term but will continue to be a resident in the Traditional Territory, he or she may continue as Councillor for the remainder of his or her term.
- 3.7 If the Chief Councillor or a Councillor changes residence during his or her term and will no longer be a resident in the Traditional Territory, they are deemed to have forfeited and resigned their Office immediately; and, subject to subsection 2.9 and Part 4, a by-election must be held in accordance with this Code to fill the seat left vacant by this deemed resignation.

4. TIMING AND ELECTION DATES

Date of General Elections

- 4.1 A General Election shall be held every four (4) years in accordance with this Code.
- 4.2 In any year in which a General Election of the Governing Council is required to be held under the Code, the Election shall be set by the Governing Council, in consultation with the Chief Electoral

Officer, but:

- (a) the date of the first General Election held pursuant to this Code shall be set in a timely manner and for a reasonable date by the Band Council in office when this Code comes into effect; and
- (b) the date for each subsequent General Election shall be no later than sixty (60) days after the fourth anniversary date of the previous election.

Date of By-Election

- 4.3 Except for deemed elections under subsection 2.9 [during the first six (6) months after an election], in the event that one or more Governing Council members cease to be eligible or resign or are removed from Office,
- (a) if the Governing Council member that ceased to be eligible, resigned or was removed from Office was the Chief Councillor, the remaining member of the Governing Council shall appoint a Deputy Chief by Resolution within thirty (30) days and the Deputy Chief shall carry out the duties of the Chief;
 - (b) if a quorum of at least four (4) Councillors remain in Office, the remaining members of the Governing Council may decide at their sole discretion whether or not to call a By-Election to fill the vacant seats before the next General Election; but
 - (c) if the number of Councillors remaining is less four (4), Council must call a By-Election.
- 4.4 A vacancy for which a By-Election is being held must be filled by an individual with the same residency status as the incumbent.

5. REGULATIONS, CHIEF ELECTORAL OFFICER, AND NOTIFICATION

Regulations

- 5.1 The Governing Council may make Regulations in relation to:
- (a) Updating and Amending Appendices,
 - (b) Membership List and Voter List Management,
 - (c) Electronic Voting (including new and emerging technologies),
 - (d) Additional Polling Stations,
 - (e) Reconciling Inconsistencies and making Minor Language Corrections in this Code,
 - (f) Referendums (not including amendment of this Code),
 - (g) Election Procedures, Form and Documents,
 - (h) Campaigning,
 - (i) Mail in Ballot Provisions, including for non-Canadian resident Voters,
 - (j) Appointment of Justice Tribunal in accordance with the Justice Tribunal terms of reference,
 - (k) Voter Verification, and
 - (l) Any related matter.
- 5.2 The Governing Council may make amendments to the Regulations.
- 5.3 The Regulations and any amendments shall not supersede, and shall not contradict or in any way make significant changes to the Code.
- 5.4 In the event of any conflict between the Regulations and Code, the Code shall always be deemed paramount and prevail.

- 5.5 The Chief Electoral Officer shall be appointed by Council Resolution no later than 130 days prior to the scheduled Election Day.
- 5.6 The Governing Council in consultation with the Chief Electoral Officer shall determine and set all other Election activities related dates, times and locations in a manner consistent with this Code.
- 5.7 In order to preserve the independence of the office, the Chief Electoral Officer shall not be a member of the Metlakatla First Nation.
- 5.8 The Chief Electoral Officer shall, in a manner consistent with this Code, determine, prepare and continually update an official Voter List which states in writing, who is a Voter and who is eligible to be a Candidate prior to the Election.
- 5.9 The Chief Electoral Officer shall appoint Deputy Electoral Officers or Election Officials.
- 5.10 The Chief Electoral Officer will establish an Election file and place on it copies of all documentation associated with the Election. The file will remain open until such time as the appeal period of thirty (30) days has expired. The file shall then be closed and kept in the Administration Office.

Notification and Notices

- 5.11 The Chief Electoral Officer shall post a Notice of Nomination Meeting and Election in the Administration Office, on the Metlakatla website and other public places as deemed necessary by the Chief Electoral Officer. This notice shall be posted not less than one hundred (100) days prior to the date scheduled for the Election.
- 5.12 The Notice of nomination meeting and Election shall contain:
- (a) The time, date and location of the nomination meetings;
 - (b) The time, date of the Election and the location of the polling stations;
 - (c) A statement that, subject to the provisions of this Code, any Voter may vote by mail-in ballot by submitting a request in writing to the Chief Electoral Officer no later than fourteen (14) days prior to the Election;
 - (d) The position or positions open for Election; and
 - (e) A statement that any Voter may put forth a maximum of three (3) nominations in writing prior to the start of the nomination meeting in accordance with subsection 6.8 - referred to as a "Written Nomination Form" set out in **Appendix "D"**.
- 5.13 The following information shall be made available, upon request to the Chief Electoral Officer, or may be viewed at the Metlakatla Administration Office, or on the Metlakatla website:
- (a) The Voters List, or a public version of the Voters List which includes the names of all eligible Voters but not their addresses or phone numbers;
 - (b) A copy of this Code;
 - (c) A copy of the Regulations made pursuant to this Code; and
 - (d) A copy of the Written Nomination Form.
- 5.14 The Chief Electoral Officer shall mail, to the last known residential mailing address of record to every Voter for whom a mailing address is provided, the Notice of Nomination Meeting and

Written Nomination Form not less than one-hundred (100) days prior to the date scheduled for the Election.

6. NOMINATION PROCEDURES

- 6.1 The nomination meeting must take place at least seventy-five (75) days prior to the date of the Election, and subject to subsections 6.2 and 6.3, only Voters who are present at the nomination meeting may nominate Candidates for the Election.
- 6.2 A Voter unable to attend the nomination meeting may nominate a Candidate for the Election by completing mail-in nomination forms that have been approved by the Chief Electoral Officer and ensuring receipt by the Chief Electoral Officer prior to the start of the nomination meeting.
- 6.3 The Chief Electoral Officer shall mail nomination forms to Voters pursuant to subsection 5.14.
- 6.4 It is the sole responsibility of a Voter wishing to nominate a Candidate to obtain the mail-in nomination forms, to duly complete them and to ensure such forms have been received by the Chief Electoral Officer prior to the start of the nomination meeting.
- 6.5 All nominated Candidates must reside within the traditional territory of the Metlakatla First Nation and:
 - (a) Be present at the meeting and accept their nomination verbally;
 - (b) Have given written authorization to the nominator to let their name stand; or
 - (c) Have given their written and signed authorization to the Chief Electoral Officer to let their name stand prior to the close of the Nomination Meeting.
- 6.6 Only Voters who meet the eligibility requirements as set out in this Code may be nominated as a Candidate.
- 6.7 A Candidate may run for either Chief Councillor or Councillor, but not for both, and must complete the following additional requirements and provide the originals of these documents to the Chief Electoral Officer at least seven (7) days in advance of the Nomination Meeting so the Chief Electoral Office can determine eligibility:
 - (a) Declaration of their eligibility to hold Office pursuant to this Code, referred to as "Written Declaration of Eligibility" set out in **Appendix "E"**;
 - (b) Complete a Criminal Record search report at their own expense (not more than 6 months old);
 - (c) Must provide an affidavit or declaration sworn or affirmed before a Notary at their own expense or before the Metlakatla membership clerk stating that:
 - (i) they have reviewed, understand, and shall execute the "Oath of Office" requirements in accordance with and pursuant to this Code;
 - (ii) they have reviewed, understand, and shall comply with the various policies, procedures and regulations requirements governing the Metlakatla First Nation; and
 - (iii) they are not presently in Bankruptcy proceedings and they have not been discharged from Bankruptcy within the last seven (7) years..
- 6.8 Each Voter may nominate or second a maximum of three (3) Candidates (1 off-reserve, 1 on-Reserve and 1 for Chief), but may not nominate or second more Candidates than the number of

seats available for election.

- 6.9 All Candidates who accept nomination for the position of Chief Councillor or Councillor must provide to the Chief Electoral Officer no later than forty-eight (48) hours after the close of the nomination meeting:
- (a) a non-refundable deposit of one hundred dollars (\$100.00); and
 - (b) a completed and signed Acceptance of Candidacy form as set out in **Appendix “J”**.
- 6.10 The deposit shall be in the form of cash, money order or bank draft and the Chief Electoral Officer will give a receipt to the Candidate.
- 6.11 All funds received as deposits during the Election process shall be placed in the General Account of the Metlakatla First Nation funds will be used to offset expenses related to the Election.
- 6.12 Any nominated Candidate who was not properly nominated or who fails to meet the requirements under this section 6 within forty-eight (48) hours of the close of the nomination meeting shall be deemed to have declined their nomination and the Chief Electoral Officer will not place their name on the final list of Candidates.
- 6.13 The Chief Electoral Officer shall post the names of all duly nominated and eligible Candidates in the Metlakatla First Nation Administration Office, on the Metlakatla website and any public place deemed necessary, within seventy-two (72) hours of the nomination meeting.

7. WITHDRAWAL AND CONDUCT OF CANDIDATE OR AGENT

- 7.1 At any time before the ballots are printed, a Candidate may withdraw by delivering a signed withdrawal in the prescribed form to the Chief Electoral Officer and, if time permits, the Chief Electoral Officer shall remove the name of each withdrawn Candidate from the list of Candidates and from the ballots.
- 7.2 Every Candidate and Candidate agent must comply with any regulations governing the conduct of Candidates.
- 7.3 All election signs or materials posted in or on any polling station, Metlakatla Governing or Development Corporation property must be removed at least forty-eight (48) hours prior to the election date and the Chief Electoral Officer or Electoral Assistant have the authority to remove any signs or materials that are in violation of this subsection.
- (a) The Chief Electoral Officer or Electoral Assistant will make note of any person violating these provisions.
- 7.4 Candidates are not permitted to loiter near any polling station, or communicate with Voters while the polling stations are open, and with the exception of entering the polling station for the purpose of voting, shall remain at least 50 meters from any polling station at all times.
- 7.5 This section 7 is not intended to prevent the Metlakatla First Nation or Governing Council members from providing general information about the time and location of voting to the membership.

8. PRE-ELECTION PROCEDURES, MAIL-IN BALLOTS AND E-VOTING OPTION

- 8.1 At least one hundred and twenty (120) days before the date of the Election in accordance and pursuant to the Code, the Administration Office shall provide the Chief Electoral Officer with a list of the names and last known addresses of all eligible Voters.
- 8.2 The Chief Electoral Officer shall prepare following Election documents within seventy-two (72) hours of the nomination meeting:
- (a) Notice of Polls (Polling Station Locations);
 - (b) Notice of Final List of Candidates; and
 - (c) An updated Voters List.

Preparation of Ballots and Mail-in Ballot Package

- 8.3 At least sixty-five (65) days before the day on which the Election is held, the Chief Electoral Officer shall have the ballots printed. Each of the ballots shall contain the names of the Candidates for Chief Councillor, the names of the Candidates for Councillor residing on Metlakatla First Nation Lands, and the names of the Candidates for Councillor not residing on Metlakatla First Nation lands but residing within the Traditional Territory.
- (a) Each Office up for Election shall have separate Ballots,
 - (b) Ballots shall be printed on different color paper,
 - (c) Ballots shall be generally created and formatted the same,
 - (d) Candidates' Names shall be list in ascending alphabetical order (A-Z) based on surname, and
 - (e) Candidates' Names shall be printed in this manner on the Ballot: Surname, First Name with alias or nicknames following in brackets.
- 8.4 At least sixty (60) days before the date of the Election, the Chief Electoral Officer will mail to each Voter residing in Canada but who does not ordinarily reside on Metlakatla First Nation Lands or within the municipal boundaries of Prince Rupert, and for whom the Administration Office has an address, a mail-in ballot package consisting of:
- (a) The most recent official list of the Candidates;
 - (b) A copy of a Voter declaration form;
 - (c) The ballot(s), with the initials of the Chief Electoral Officer on the back;
 - (d) An envelope to seal the ballot in and a second postage-paid envelope pre- addressed to the Chief Electoral Officer to enclose the sealed envelope;
 - (e) A letter of instruction; and
 - (f) Any other information the Chief Electoral Officer considers appropriate.
- 8.5 A Voter who resides in Prince Rupert or on Metlakatla First Nation Lands and who will be unable to vote in person on Election day may request a mail-in ballot package from the Chief Electoral Officer. Such request must be received by the Chief Electoral Officer no later than fourteen (14) days before the Election.
- 8.6 It is the responsibility of each Voter to ensure that the Administration Office has their correct mailing address.
- 8.7 A Voter who is not resident of Canada may request, in writing, a mail-in ballot package from the

Chief Electoral Officer. Such request must be received by the Chief Electoral Officer no later than fourteen (14) days before the Election.

- 8.8 It is the sole responsibility of a Voter to request a mail-in package pursuant to subsections 8.5 or 8.6, to ensure the return package is received by the Chief Electoral Officer prior to the close of the polling stations on Election day.
- 8.9 Upon receipt of a request for a mail-in ballot package in accordance with subsections 8.5 or 8.6, the Chief Electoral Officer will mail a mail-in ballot package to the Voter.
- 8.10 The Chief Electoral Officer will place on the Voters list a mark opposite the name of every Voter to whom a mail-in package was sent.
- 8.11 If a Voter returns the mail-in ballot and also casts a vote in person, the mail-in ballot from that Voter shall be cancelled by the Chief Electoral Officer and shall not be counted.
- 8.12 Every Voter who receives a mail-in package and who chooses to vote by this method will:
- (a) Mark his/her ballots by placing an X or other mark that clearly indicates the Voter's choice in the space provided on the ballot opposite the name of the Candidate or Candidates selected by the Voter;
 - (b) Fold the ballots to conceal the marks and to expose the initials on the back of the ballot;
 - (c) Place the ballot in the envelope and seal the envelope;
 - (d) Complete and sign the Voter declaration form, before a witness who is 18 years or older and obtain the signature and address of the witness on the declaration;
 - (e) Place the completed declaration and the sealed envelope containing the ballot in the return envelope and seal the return envelope; and
 - (f) Ensure receipt by the Chief Electoral Officer no later than the close of the polls on Election day.
- 8.13 An Voter may vote for up to three (3) Candidates for Councillor resident on Metlakatla First Nation Lands, for up to three (3) Candidates for Councillor not resident on Metlakatla First Nation Lands but resident within the Traditional Territory, and for no more than one (1) Candidate who is running for Chief Councillor.

Electronic Voting Option

- 8.14 Council may request the Chief Electoral Officer to work with a third party service provider selected by Council to offer an Electronic Voting Platform to ensure that all Metlakatla Voters have an opportunity to vote.
- 8.15 If Council determines that an electronic voting option is necessary, the Chief Electoral Officer shall work with Council and the third party service provider to ensure that :
- (a) the secrecy and confidentiality of individual votes is paramount;
 - (b) individual votes remain secret at all times, are encrypted, and remain strictly confidential except in relation to counting by the Chief Electoral Officer in accordance with this Code;
 - (c) the Vote shall be fair and non-biased;
 - (d) the Electronic Voting Platform shall be accessible to all Eligible Voters;
 - (e) the integrity of the voting shall be maintained throughout the poll;
 - (f) there is certainty that the results of the election reflect the votes cast;

- (g) Voters shall be treated fairly and consistently;
- (h) the Electronic Voting Platform meets the threshold of verification and due diligence for mail-in ballots;
- (i) the Chief Electoral Officer has the sole control over opening the Electronic Voting Platform at the beginning of voting and closing it at the close of the polls;
- (j) the Electronic Voting Platform has the ability to generate automatic warnings to any Voter who is in the process of voting during the last five (5) minutes before the close of the polls;
- (k) and
- (l) the third party service provider confirms and demonstrates that the Electronic Voting Platform is secure, has protection against hacking and other interference, and has a full and frequent automatic back-up system to a mirrored or remote hard drive to ensure that no data is lost in the event of a power failure, hard-drive failure or other systems failure.

8.16 The Electronic Voting Platform shall be populated with the confirmed Voters List at least sixty (60) days prior to the vote.

8.17 The Voters List shall be a live web-based list.

8.18 Once a Voter casts an electronic ballot, their name shall be automatically recorded on the Voters List as having cast their electronic ballot indicating the date, time and location of the vote.

8.19 The Chief Electoral Officer shall have complete administrative access to the Electronic Voting Platform to:

- (a) open and close the polls;
- (b) view and download daily reports and detailed activity reports;
- (c) modify, update, and view the Voters List at all times; and
- (d) view, issue and cancel unique reference or tracking numbers.

8.20 Automated e-mail notifications shall be generated in real-time to the Eligible Voter and Chief Electoral Officer of all and any activity associated with a Voter's unique reference number using the Electronic Voting Platform, including:

- (a) attempted registration and/or voting;
- (b) completed voter registration;
- (c) completed voting;
- (d) failed registration and/or vote; and
- (e) system or communication failures, interruptions or lost data.

8.21 Daily detailed activity reports shall be generated and available to the Chief Electoral Officer each day and an inventory of all reports shall be maintained and accessible on the Electronic Voting Platform.

8.22 At the close of the poll on the election day, the Chief Electoral Officer shall close access to the Electronic Voting Platform, access the notification summarizing the vote results, and inventory the report to be accessible on the Electronic Voting Platform.

8.23 Any Voter who is in the process of voting via the Electronic Voting Platform when the poll is closing, shall receive a notification that they have five (5) minutes to complete their vote or their vote shall be suspended and not count.

8.24 If a Voter violates the time limitation, they are in effect ejected from the vote sequence and the poll is closed, and their vote will not count.

8.25 After the close of polls on the voting day, the Chief Electoral Officer shall cause the Electronic Voting Platform to seal the electronic ballot box, and the results shall be finalized and a report generated for the Chief Electoral Officer.

8.26 After receiving confirmation from the Chief Electoral Officer that the election and all appeals have been completed, the third party service provider shall delete and wipe all data from the election.

Polling Stations

8.27 There will be established one (1) polling station on the Metlakatla First Nation Lands and one (1) additional polling station, the location of which to be determined the Chief Electoral Officer in consultation with the Administrative Office.

8.28 Other polling stations may be established under Regulation.

8.29 There will be at all times at least one Electoral official (either the Chief Electoral Officer or Deputy Electoral Officer) in attendance and directly handling Ballots and overseeing each polling station.

8.30 The Electoral Clerk may assist the Election Official in determining if a Voter's name appears on the Voters list.

8.31 The Chief Electoral Officer must provide a sufficient number of ballots for the purpose of the Election, pens, pencils or instruments for marking, a sufficient number of "directions-for-voting" as may be required, and all other equipment as necessary to establish and equip each polling station.

8.32 The Chief Electoral Officer shall construct polling booths at the locations set out in the notice, and the polling booths shall be such that the privacy of the voter is maintained.

8.33 The Chief Electoral Officer, where necessary and when requested, will appoint an interpreter or assistant to assist Voters who are unable to speak or read English or who have disabilities that limit their ability to mark a ballot on their own.

8.34 The interpreter shall provide assistance to, and if requested, mark a ballot as directed by a Voter who is unable to vote on their own in the prescribed manner.

9. ACCLAMATION AND APPOINTMENT

9.1 After making a final determination in regards to which nominated individuals are eligible Candidates, the Chief Electoral Officer must immediately declare a Candidate elected by acclamation, subject to the provisions of assuming Office pursuant to and in accordance with this Code, in an Election if:

- (a) In the case of the Chief Councillor, only one Candidate has been nominated;

- (b) In the case of the Candidates residing on Metlakatla First Nation Lands, when three (3) or less Candidates have been nominated;
- (c) In the case of Candidates not residing on Metlakatla First Nation Lands but residing in the Traditional Territory, when three (3) or less Candidates have been nominated; or

9.2 In the case of a By-Election, after making a final determination in regards to which nominated individuals are eligible Candidates, the Chief Electoral Officer must immediately declare a Candidate elected if there is only one Candidate nominated to fill the vacancy.

9.3 As soon as feasible after making a declaration under subsections 9.1 or 9.2, the Chief Electoral Officer must certify each Candidate elected by acclamation, and have the Candidate complete "Oath of Office" requirements pursuant to and in accordance with subsection 2.7.

10. POLLING STATIONS

10.1 The Chief Electoral Officer or the Deputy Electoral Officer acting as the Chief Electoral Officer shall not be allowed to vote in the Election, but may be required to break a tie as set out in subsection 12.12.

10.2 Election Officials shall, immediately before the commencement of the vote, open the ballot box(es) and call the Candidates or the Candidate representatives present to witness that it is empty; he or she will then seal the box to prevent it from being opened and will place it in view for the reception of the ballots as set out in **Appendix "G"**. The box will not be unsealed during the time the poll is open.

10.3 The Chief Electoral Officer shall keep the polling booths open from 9:00 a.m. to 8:00 p.m.

10.4 Election Officials shall maintain order at all times in the polling stations and may cause to be removed any person who in anyway interferes, disrupts or attempts to influence the conduct of the vote.

10.5 Each Candidate shall be entitled to one agent in a polling station.

10.6 If Candidates wish to appoint agents, candidates must supply the names of their agents to the Chief Electoral Officer, in writing, at least five (5) days before the Election in accordance with the form set out in **Appendix "M"**.

10.7 Persons presenting themselves for the purpose of voting shall, upon being confirmed that they are eligible to vote by one of the Election Officials, be given one ballot upon which to register their vote.

10.8 The Election Official shall initial each ballot upon giving it to the Voter.

10.9 Each Voter, after receiving the ballots, shall proceed directly to the polling booth and shall mark his/her ballots by placing an X or other mark that clearly indicates the Voter's choice in the space provided on each ballot opposite the name of the Candidate, and shall then deposit the ballots in the ballot box supplied. While any Voter is in the polling booth marking ballots, no other person, except as provided in subsection 8.34 [Interpreters] shall be allowed in the same compartment or

be in any position from where they can see how the Voter is voting.

10.10 The Election Official shall note upon the voters list any irregularity in connection with voting, and shall specifically note on the voters list any ballots marked by the Election Officials at the request of a Voter pursuant to subsection 8.34, but shall not note the Candidate from whom the ballot was cast.

10.11 A Voter who has inadvertently dealt with his/her ballot paper in such a manner that it cannot be conveniently used shall return it to the Election Official who shall write the word "cancelled" upon the ballot paper, preserve it and provide the voter with another ballot.

10.12 Any person who has received ballots and who leaves the polling station without delivering the same to the Election Official in the manner provided, or after receiving the ballots, refused to vote, shall forfeit his/her right to vote at the Election, and the Election Official shall make an entry in the voters list in the column for remarks opposite the name of such person to show that such person received the ballots and declined to vote; in which case, the Election Official shall mark upon the face of the ballot(s) the word "declined and all ballots so marked shall be preserved.

10.13 Any person who is a member of the Metlakatla First Nation, over the age of eighteen (18) years, but whose name does not appear on the voters list, may present identification, evidence of membership, and complete and Voter Declaration set out in **Appendix "F"** to be verified by the Election Official and if the Election Official is satisfied that the person is eligible to vote pursuant to this Code, that person shall be added to the voters list and be allowed to vote at the polling station.

10.14 Every Voter who is inside the polling station at 8:00 p.m. shall be entitled to vote.

11. VERIFICATION OF MAIL-IN BALLOTS

11.1 Mail-in Ballots may be processed at any time after 5:00 PM (local time) by Election Officials during the regular polling station hours.

11.2 The Chief Electoral Officer shall take the mail-in Ballots and shall, in full view of at least one other Election Official and any Candidates Agents who are present, open each ballot containing a mail-in ballot that was received before the close of the polls and without unfolding the ballot:

- (a) Reject the ballot if:
 - (i) It was not accompanied by a voter declaration form;
 - (ii) the voter declaration form is not signed or witnessed;
 - (iii) The name of the Voter set out in the voter declaration form is not on the voters list; or
 - (iv) The voters list shows that the Voter has already voted; or
- (b) In any other case, place a mark on the voters list opposite the name of the Voter set out in the voter declaration form, and deposit the ballot in the ballot box.

12. ELECTION TABULATION

12.1 Immediately following the verification of mail-in ballots and the close of the polling stations, the Chief Electoral Officer shall in consultation the Election Officials at other polling stations,

determine the best and most appropriate course of action for counting the Ballots and tabulating election results.

12.2 Election Officials shall seal the ballot boxes after the vote is concluded, verify that fact as set out in **Appendix “H”** and arrange to collect all ballot boxes in one location;

- (a) Arrange the room in which ballots are to be counted so that those MFN Members and Candidate Agents who wish to do so and other persons permitted to do so may watch the count without interfering with the ballots or the count; and
- (b) Verify those present are MFN Members and Candidate Agent or others who are permitted to be present, unless any person is excluded by the Chief Electoral Officer under subsection 12.3.

12.3 The Chief Electoral Officer may exclude or direct the exclusion from the place where ballots are counted a person or persons whose activities interfere with the efficient and accurate counting of ballots.

12.4 The Chief Electoral Officer shall:

- (a) Break the seal on the ballot boxes and empty the ballot boxes of all Ballots, and verify that fact as set out in **Appendix “I”** and arrange immediately to undertake the count and election tabulation of results;
- (b) Examine the ballots and reject any that are not initialed by the Election Official, or any other ballots that, in his or her opinion, do not give a clear indication of the voter's preference. If any of the ballots have more votes than there are vacancies for that position, that ballot shall be rejected. All rejected ballots will be preserved;
- (c) Reject any ballot papers upon which anything appears by which the voter can be identified;
- (d) Subject to review on recount or on an Election appeal, take a note of any objections made by any Candidate or his agent to any of the ballots found in the ballot box and decide any questions arising out of the objection;
- (e) Number such objections and place a corresponding number on the back of the ballot paper with the word allowed or disallowed as the case may be, with his or her initials; and
- (f) Count the votes given for each Candidate from the ballots not rejected and make a written statement of the number of votes given to each Candidate and of the number of ballots rejected and not counted by him or her, which statements shall then be signed by him/her and other persons authorized to be present as may desire to sign the same.

12.5 If there has been electronic voting, the Chief Electoral Officer shall produce a final print-out or report of the voting results from the Electronic Voting Platform and add the results to the vote counts.

12.6 After tabulation of the valid votes from all sources, the Chief Electoral Officer shall announce:

- (a) the name of the Candidate for Chief Councillor that received the highest number of votes;
- (b) the names of the three Candidates for Council resident on Metlakatla First Nation Lands having the highest number of votes; and
- (c) the three Candidates for Council not resident on Metlakatla First Nation Lands but resident within the Traditional Territory having the highest number of votes;

and publicly declare these Candidates elected, subject to the provisions of assuming Office pursuant to and in accordance with this Code.

12.7 Following the announcement, the Chief Electoral Officer shall post in the Administration Office and in some public place a statement signed by him or her showing the number of votes cast for each Candidate.

12.8 Following the announcement, the Chief Electoral Officer shall complete and sign an Election report, in triplicate, which shall contain:

- (a) A list of all the Candidates;
- (b) The number of ballots cast;
- (c) The number of votes cast for each Candidate;
- (d) The number of assisted or interpreted voters;
- (e) The number of spoiled ballots; and
- (f) The number of rejected ballots.

12.9 The Chief Electoral Officer shall forward:

- (a) One copy to the British Columbia Regional Office of the Department of Indian Affairs; and
- (b) One copy to the Metlakatla First Nation Manager/Administrator.

12.10 In the event of a tie vote, the following shall take place:

- (a) The Chief Electoral Officer shall hold a recount within twenty-four (24) hours of the completion of the first count, in the presence of all the affected Candidates or a person chosen by the individual Candidate to attend on his or her behalf. For added clarity the recount shall be undertaken at Chief Electoral Officer's discretion, regardless of the ability of affected Candidate or Candidates agent's ability to attend.

12.11 The results of the recount shall be final, subject to a successful appeal to the Metlakatla Tribunal.

12.12 If a tie still results after a recount, the Chief Electoral Officer shall decide the result by placing names of the tied Candidates on separate pieces of paper of equal size and subsequently placing these pieces of paper in a hat or similarly suitable container, and then randomly drawing one piece of paper from the hat or container. The Candidate whose name appears on the paper drawn shall be the successful Candidate.

12.13 The Chief Electoral Officer shall ensure that results of the Election are posted immediately and pursuant to the Code and Regulations.

13. APPEALS PROCESS

The Metlakatla Justice Tribunal

13.1 The Metlakatla Justice Tribunal shall, among other things, supervise and administer all Election appeals, in accordance with the provisions established in this Code and the terms of reference for the Justice Tribunal which are set out in **Appendix "L"**.

Appeal Procedures

13.2 Any Candidate or any Voter may, within thirty (30) days of the date on which the Election was held, appeal the Election if he or she has grounds for believing that there was an error or

violation of this Code during the Election process that might have affected the outcome of the Election.

13.3 An appeal of a General Election or By-Election may be launched in the following manner:

- (a) A Notice of appeal in writing shall be submitted in the prescribed form contained in **Appendix “K”**;
- (b) The Notice shall contain details verified by and duly and properly prepared affidavit at the appellants cost, and shall be sent by registered mail to the Chair of the Metlakatla Justice Tribunal, c/o the Administration Office, along with a deposit in the form of a money order or certified cheque for one hundred dollars (\$100) payable to the Metlakatla First Nation; and

13.4 This notice of appeal and the deposit must be received at the Administrative Office within thirty (30) days of the Election. If the appeal is upheld, the deposit will be returned, and if the appeal is denied, the deposit is forfeited to the Metlakatla First Nation and it shall be used to offset Election or Election appeal expenses.

13.5 Where appeals of a General Election are received by the Metlakatla Justice Tribunal pursuant to this Code:

- (a) The Metlakatla Justice Tribunal shall, within seven days of the end of the thirty (30) day period described in subsection 13.4, forward a copy of all appeals received together with supporting documents by registered mail to each Candidate in the Election and to the Chief Electoral Officer;

13.6 Any Candidate or the Chief Electoral Officer may, within thirty (30) days of the receipt of the appeal(s), forward to the Metlakatla Justice Tribunal by registered mail a written response to the appeal allegations, together with any supporting documentation;

13.7 The Metlakatla Justice Tribunal may conduct or authorize such further investigation into the appeal allegations as it deems appropriate and necessary.

13.8 After a review of all the evidence that it has received, the Metlakatla Justice Tribunal shall:

- (a) Deny the appeal on the grounds that the evidence presented did not reveal an infraction of this Code, or on the grounds that an infraction of this Code was revealed but the infraction did not affect the result of the Election; or
- (b) Uphold the appeal and call for a new Election for the positions affected. Any such new Election shall take place as soon as possible and shall be conducted pursuant to the provisions of this Code.

13.9 The Administration Office shall at its discretion, following any appeal process and/or decision of the Metlakatla Justice Tribunal, make recommendations based on the outcome of said appeal to the Governing Council with a view to improving election related procedures, regulations and processes in general.

13.10 The Metlakatla Justice Tribunal shall render its final decision on any appeal within sixty (60) days of the end of the appeal period and provide written reasons, and should the Metlakatla Justice Tribunal fail to render its final decision within the sixty (60) days of the end of the appeal period, the appeal will have been deemed to have failed and is rejected.

13.11 Pursuant to and in accordance with this Code the decision of the Metlakatla Justice Tribunal is final.

14. VACANCY

14.1 A Councillor position becomes vacant if the Councillor occupying the position no longer meets the residency requirements for the position to which he or she was elected, or if a Councillor is deceased.

14.2 A Councilor's position on the Governing Council may become vacant if, while in office:

- (a) The Councillor in question missed three (3) consecutive regular Governing Council meetings without written authorization from the Governing Council;
- (b) The Councillor in question is convicted of an offense under the Criminal Code; or
- (c) The Councillor is in violation of the Metlakatla Code of Conduct.

14.3 If a situation described in section 14.2 occurs, a motion must be presented at a duly convened regular Governing Council meeting called for the position of the Councillor in question to become vacant. Thereafter, a Governing Council Resolution outlining the situation and declaring the position to be vacant must be signed by a quorum of the Governing Council. If the position is declared vacant, the Councillor in question must resign and will be disqualified from being a Candidate at the next Election.

14.4 A Councillor whose position has been declared vacant in accordance with subsection 14.3 may appeal the decision to the Metlakatla Justice Tribunal, provided that such appeal is received by the Chair of the Metlakatla Justice Tribunal within fourteen (14) days of declaration of vacancy.

14.5 The Metlakatla Justice Tribunal may call for evidence or may call a meeting or hearing and after having fairly considered all information may either:

- (a) confirm the decision on the Governing Council and declare the position vacant, or
- (b) reinstate the Councillor if the Metlakatla Justice Tribunal finds that:
 - (i) The decision of the Governing Council was based on an error of fact and such error of fact was instrumental in determining the outcome of the decision of the Governing Council; or
 - (ii) In the opinion of the Metlakatla Justice Tribunal, the Councillor in question did not violate the Metlakatla Code of Conduct.

14.6 Until there is a decision of the Metlakatla Justice Tribunal, the Councillor position shall remain vacant.

14.7 The Metlakatla Justice Tribunal must provide at least fourteen (14) days written notice to the Governing Council and the Councillor concerned, of any hearing for matters referred to in subsection 14.5.

14.8 A decision of the Metlakatla Justice Tribunal for matters related to subsection 14.5 must be made no later than thirty (30) days after a vacancy is declared by the Governing Council.

14.9 A decision of the Metlakatla Justice Tribunal for matters related to subsection 14.5 is final.

15. SPECIAL PROVISIONS

15.1 Each elected Councillor shall take an Oath of Office prior to taking Office.

15.2 Each elected Councillor must abide by the Laws, By-Laws, Codes and Policies of the Metlakatla First Nation, and will declare an "Oath of Office" to this effect pursuant to and in accordance with subsection 1.7

16. AMENDMENTS

16.1 Significant amendments to this Code must be approved in a Referendum by a simple majority of those eligible Voters who vote in the Referendum.

16.2 Subject to subsections 5.1 and 16.1, the Governing Council may make regulations correct editing, grammatical or typographical errors.

16.3 Subject to subsections 5.1 to 5.4, the Governing Council may approve, by Governing Council Resolution, any procedural matters or processes (including the Oath of Office and procedural rules for meetings of Governing Council), forms, and other administrative rules for the better administration of this Code.

17. RATIFICATION

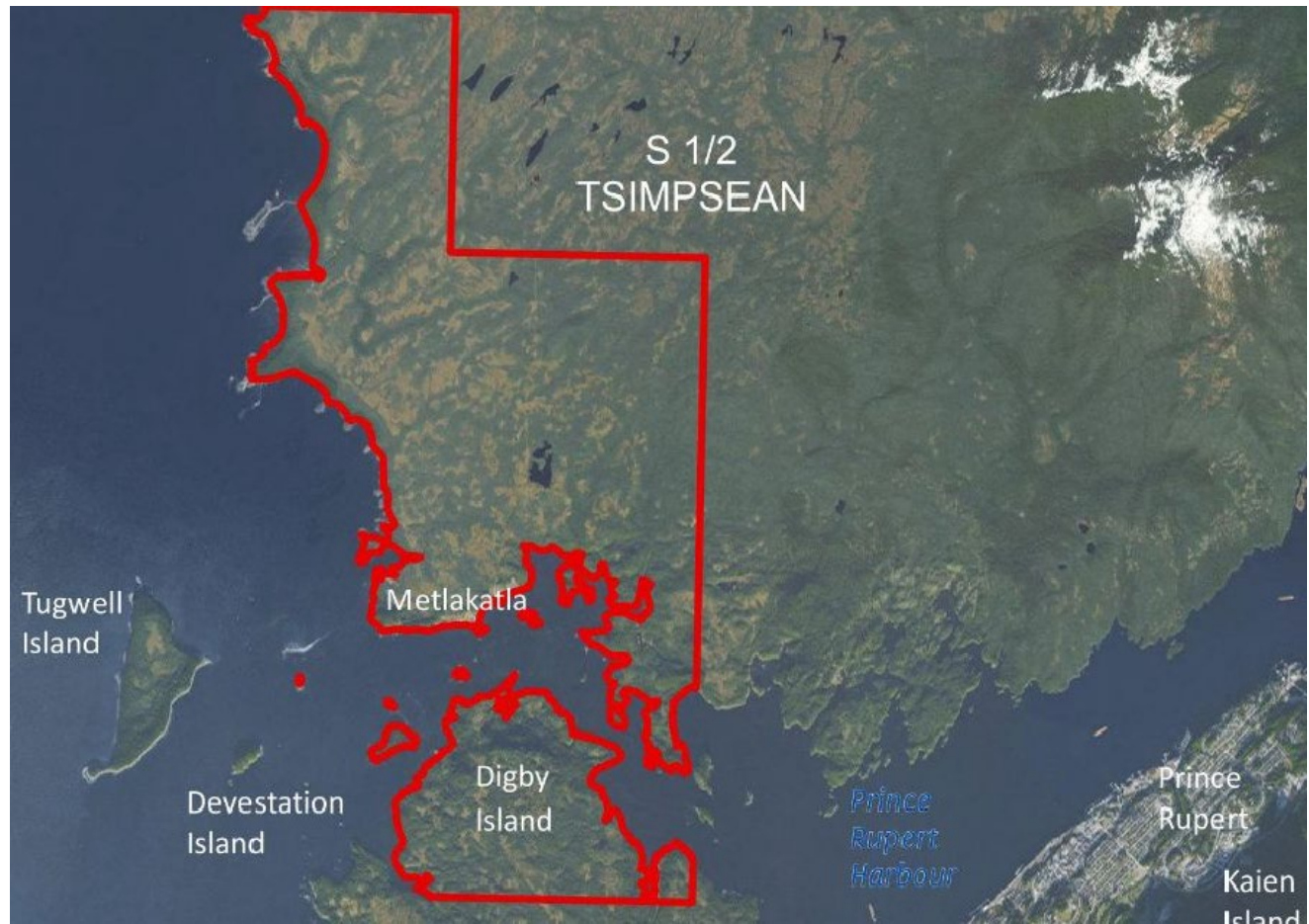
17.1 The Ratification of this Code and any significant amendments to it must be approved in a referendum by a simple majority (50% + 1) of those eligible Voters who vote in the referendum vote.

LIST OF APPENDICES

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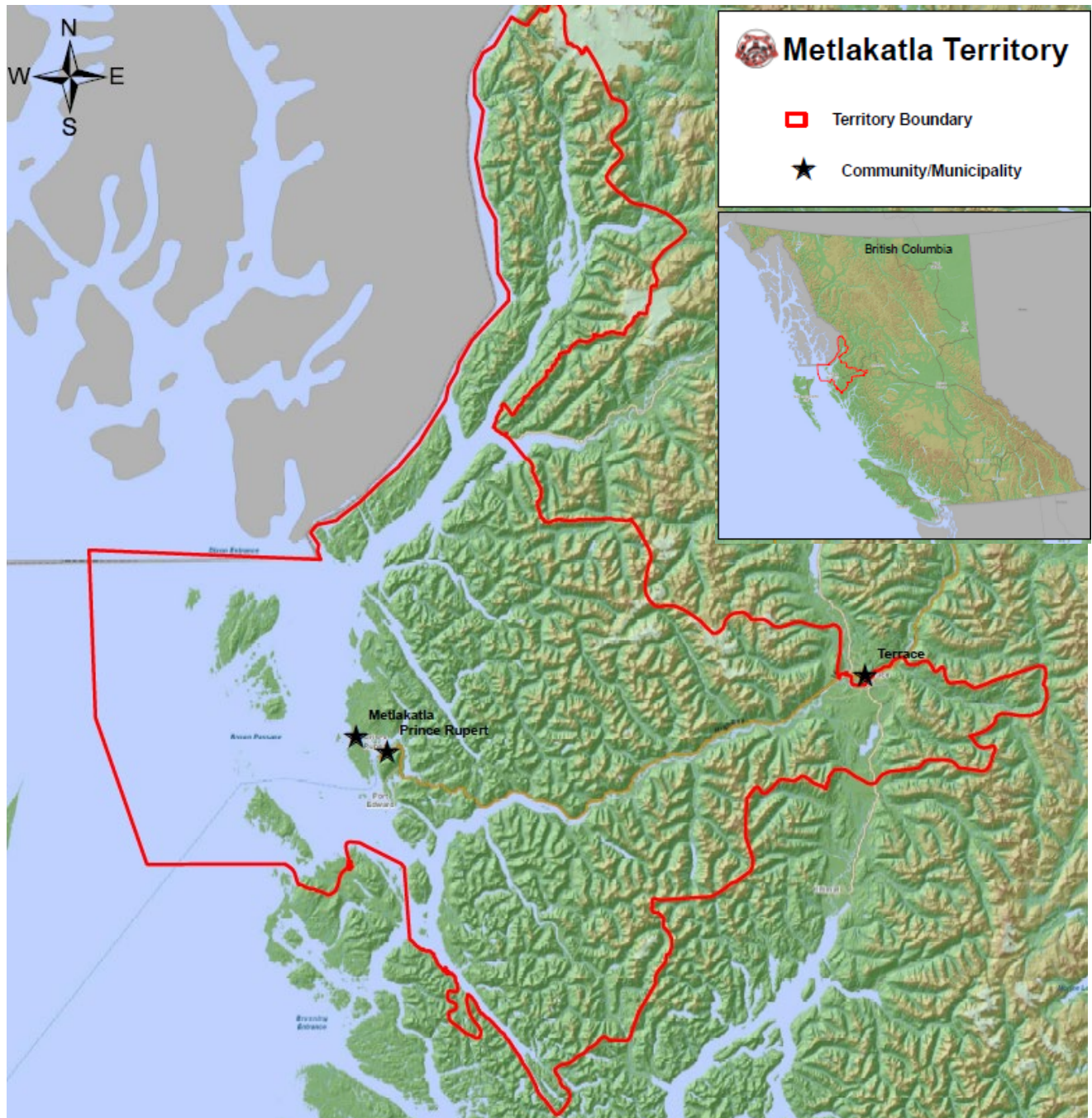
APPENDIX “A”: METLAKATLA FIRST NATION LANDS (RESERVES)

Metlakatla First Nation Reserve Land – S 1/2 Tsimpsean



This map is subject to change

APPENDIX “B”: (MAP) TRADITIONAL TERRITORY



This map is subject to change

APPENDIX “C”: OATH OF OFFICE

Metlakatla First Nation Oath of Office

I, _____, a duly elected member of the Metlakatla First Nation, declared that, in carrying out my duties as a _____, I will:

- Respect and support the governing principles as outlined in the Constitution of the Metlakatla First Nation.
- Respect and support the B-Laws, Election Code, Code of Ethics, Code of Conduct, Polices and decisions of the Council and membership.
- Exercise the powers of my office and fulfill my responsibilities in good faith and in the best interest of all members.
- Exercise these responsibilities, at all times, with due diligence, care, and skill in a reasonable and prudent manner.
- Keep confidential all information that I learn about clients, personnel and any other matters determined by council to be matters of confidence.
- Conduct myself in the spirit of cooperation and respect for the collective decisions of the Council and to set aside my personal self-interest for the best interests of the Council.
- Immediately declare any conflict of interest that may come to my attention.
- Immediately resign my position as a Councillor in the event that I, or my colleagues in the Council, have concluded that I have breached my “oath of Office”.
- Shall immediately cease to hold the position in the event of a conviction of an indictable offence as outlined in the Criminal Code of Canada- this is not intended to cover activities or offences of a non-violent nature related to the defense of Aboriginal Rights and Title.
- Shall not speak on behalf of Metlakatla or make decisions or commitments without a unified body (one voice).

Oath of Office and Confidentiality

Respect for confidentiality is the cornerstone of trust and confidence as well as the legislated obligation. Council members must at all times respect the confidentiality of any members or clients and/or circumstances that might identify members or clients.

Similarly, all matters dealt with by Council during in-camera meetings related to personnel must be held in strictest confidence. Confidentiality means Councillors may not refer such to anyone including immediate family members. The duty of confidentiality continues indefinitely after the Councillors leave the Council.

As a member of Council, I swear to uphold the Oath of Office and Confidentiality on the ____ day of _____

Signed name:

Date:

Witness:

Date:

APPENDIX “D”: WRITTEN NOMINATION FORM

MFN Nomination/ Second Declaration Form

NOMINATION/SECOND DECLARATION

I, _____ (*print name*) swear and affirm that I am a registered Voter of the Metlakatla First Nation pursuant to the *Metlakatla First Nation Election Code*, at the address listed below and understand the nature of the vote and that I make this declaration freely and without compulsion, AND WITH REGARD TO THIS ELECTION I make the following Nomination(s) and/or Second(s) below:

Name of Candidate	Nominate/ Second for <u>Position of...</u>
1.	Nominate/ Second (<i>circle</i>) for <u>Chief</u>
2.	Nominate/ Second (<i>circle</i>) for <u>on-Reserve Council</u>
3.	Nominate/ Second (<i>circle</i>) for <u>in-Territory Council</u>

This section to be completed at the nomination meeting by the person making the declaration to nominate or second a nomination for candidates.

Last Name:	
First Name:	Middle Initial:
Date of Birth (<i>dd/mm/yyyy</i>)	Registry Number:
Phone Number:	On-Reserve: Yes _____ / No _____
E-mail:	
Signature:	Date:

APPENDIX “E”: WRITTEN DECLARATION OF ELIGIBILITY

***Must be provided to the Chief Electoral Officer at least
7 days in advance of the nomination meeting (subsection 6.7)***

I, _____ DO SOLEMNLY SWEAR
AND AFFIRM THAT HAVING BEEN PROPERLY NOMINATED FOR THE OFFICE OF
METLAKATLA FIRST NATION
GOVERNING COUNCIL ON _____, 20____, FOR THE GENERAL ELECTION TO BE
HELD ON _____, 20__ , THAT:

- I AM A VOTER AND REGISTERED MEMBER OF THE METLAKATLA FIRST NATION;
- I AM AT LEAST 18 YEARS OF AGE;
- I RESIDE WITHIN THE TRADITIONAL TERRITORY OF THE METLAKATLA FIRST NATION;
- I AM TO THE BEST OF MY KNOWLEDGE ELIGIBLE TO BE NOMINATED FOR THE
POSITION OF CHIEF OR COUNCILLOR IN THE UPCOMING METLAKATLA FIRST
NATION ELECTION;
- I DO NOT KNOW OF ANY REASON THAT WOULD CAUSE ME TO BE DISQUALIFIED
FROM BEING NOMINATED AS A CANDIDATE IN METLAKATLA FIRST NATION OR
FROM HOLDING OFFICE ON THE METLAKATLA FIRST NATION GOVERNING
COUNCIL FOR THE POSITION FOR WHICH I HAVE BEEN NOMINATED; AND
- I SHALL SATISFY ANY OTHER REQUESTS AND/OR DIRECTION SET OUT IN THE
ELECTION CODE OR BY THE ELECTORAL OFFICER NECESSARY TO CONFIRM MY
CANDIDACY.

I UNDERSTAND AND CONFIRM THAT BY SIGNING **BELOW** THAT ALL THE INFORMATION
CONTAINED HERE IS TRUE, AND THAT PROVIDING FALSE OR MISLEADING INFORMATION
MAY BE PUNISHABLE UNDER THE METLAKATLA FIRST NATION ELECTION CODE AND MAY
RESULT IN MY REMOVAL AS A CANDIDATE IN THIS ELECTION,

Candidate's Name: _____	Candidate's Signature: _____
Address: _____	Date: _____
_____	Phone: _____
E-Mail: _____	

APPENDIX “F”: VOTER DECLARATION

Metlakatla First Nation Voter Declaration Form

YOU MUST COMPLETE THIS FORM IN ITS ENTIRETY- INCOMPLETE FORMS MAY NOT BE ACCEPTED,

VOTER DECLARATION

I solemnly declare that I am an eligible Voter of the Metlakatla First Nation pursuant to the customary Election Regulations of the *Metlakatla First Nation Election Code*, at the address listed below and that I am at least 18 years of age.

Last Name: _____

First Name: _____

Middle Initial: _____

Date of Birth (dd/mm/yyyy): _____

Registry Number: _____

Street Address: _____

City/Town: _____

On-Reserve: ____ YES / ____ NO

Province: _____

Postal Code: _____

Phone Number: _____

Email: _____

X .

Date: _____

Voter Signature

WITNESS DECLARATION

I swear and affirm that I have witnessed the signature above.

Last Name: _____

First Name: _____

Middle Initial: _____

Street Address: _____

City/Town: _____

Province: _____

Postal Code: _____

Phone: _____

Email: _____

X .

Date: _____

Witness Signature

APPENDIX “G”: DECLARATION -BALLOT BOX- OPENING POLLS

**Metlakatla First Nation Election
Empty Ballot Box Declaration - Regular Poll**

Date: _____

This document declares and confirms that the parties below examined the Ballot Box to be used at the Regular Poll located at _____ to elect Candidates in the 20__ Metlakatla First Nation Election.

The Ballot Box was inspected and found to be empty at the opening of the scheduled Regular Poll at: _____ (time) on the date set out above and then was immediately closed and sealed in our presence by the Electoral Officer.

Witnesses:

1. _____
Print Full Legal Name Signature of Witness

2. _____
Print Full Legal Name Signature of Witness

Also signed and declared by the Electoral Officer:

Print Name of Electoral Officer Signature of Electoral Officer

Please remit completed form to the Chief Electoral Officer Contact details inserted here:

APPENDIX “H”: DECLARATION - BALLOT BOX - CLOSE OF POLLS

Metlakatla First Nation Election Sealed Ballot Box Declaration - Regular Polls

Date: _____

This document declares and confirms that the parties below examined the Ballot Box used at the Regular Poll located at _____ to elect Candidates in the 20____ Metlakatla First Nation Election at: _____ (*insert time*) on the date listed above.

The Ballot Box was inspected and found to be properly sealed by the Electoral Officer immediately following the close of the scheduled Regular Poll and no one was permitted to vote after the close of the Regular Poll.

Witnesses:

- | | |
|-----------------------|----------------------|
| 1. _____ | _____ |
| Print Full Legal Name | Signature of Witness |
| 2. _____ | _____ |
| Print Full Legal Name | Signature of Witness |

Also signed and declared by the Electoral Officer

_____	_____
Print Name of Electoral Officer	Signature of Electoral Officer

Please remit completed form to the Chief Electoral Officer Contact details inserted here:

APPENDIX “I”: DECLARATION - BALLOT BOX - OPENING FOR COUNT

Opening Ballot Boxes for Official Count

Date: _____

This document declares and confirms that the parties below examined the Ballot Box used at the Regular Poll located at _____ to elect Candidates in the 20____ Metlakatla First Nation Election immediately following the close of the Regular Poll at: _____ (*insert time*) on the date listed above.

The Ballot Box was inspected and found to be properly sealed, with no evidence of tampering, and no one was permitted to vote after the close of the Poll.

We further declare that the Ballot Box as then opened in our presence and ALL the Ballots were removed by the Electoral Officer and that we were allowed to inspect and confirm that ALL ballots were removed from the Regular Poll Ballot Box.

The Electoral Officer then prepared for counting ALL the Ballots, and at no time were the Ballots left unattended by the Electoral Officer.

Witnesses:

- | | |
|-----------------------|----------------------|
| 1. _____ | _____ |
| Print Full Legal Name | Signature of Witness |
| 2. _____ | _____ |
| Print Full Legal Name | Signature of Witness |

Also signed and declared by the Electoral Officer

_____	_____
Print Name of Electoral Officer	Signature of Electoral Officer

Please remit completed form to the Chief Electoral Officer Contact details inserted here:

APPENDIX “J”: ACCEPTANCE OF CANDIDACY

***Must be provided to the Chief Electoral Officer no later than
48 hours after the nomination meeting (subsection 6.9)***

I, _____ DO SOLEMNLY SWEAR
AND AFFIRM THAT I AM A CANDIDATE FOR THE OFFICE OF METLAKATLA FIRST NATION
GOVERNING COUNCIL ON _____, 20____, AND THAT:

- I AM A REGISTERED MEMBER OF THE METLAKATLA FIRST NATION;
- I AM AT LEAST 18 YEARS OF AGE;
- I RESIDE WITHIN THE TRADITIONAL TERRITORY OF THE METLAKATLA FIRST NATION;
- I AM ELIGIBLE FOR THE POSITION OF CHIEF OR COUNCILLOR FOR METLAKATLA FIRST NATION;
- I DO NOT KNOW OF ANY REASON THAT WOULD CAUSE ME TO BE DISQUALIFIED FROM BEING NOMINATED AS A CANDIDATE IN METLAKATLA FIRST NATION OR FROM HOLDING OFFICE ON THE METLAKATLA FIRST NATION GOVERNING COUNCIL FOR THE POSITION FOR WHICH I HAVE BEEN NOMINATED;
- I SHALL SATISFY ANY OTHER REQUESTS AND/OR DIRECTION OF THE METLAKATLA LAWS, CODES AND POLICIES TO CONFIRM MY CANDIDACY; AND FINALLY THAT,
- I DO HEREBY ACCEPT THE NOMINATION FOR THE POSITION OF:

(CIRCLE ONLY ONE)

CHIEF COUNCILLOR

COUNCILLOR

I UNDERSTAND AND CONFIRM THAT BY SIGNING **BELOW** THAT ALL THE INFORMATION CONTAINED HERE IS TRUE, AND THAT PROVIDING FALSE OR MISLEADING INFORMATION MAY BE PUNISHABLE UNDER THE METLAKATLA FIRST NATION ELECTION CODE AND MAY RESULT IN MY REMOVAL AS A CANDIDATE IN THIS ELECTION,

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____,
_____.

(SIGNATURE OF PERSON AUTHORIZED TO ADMINISTER OATHS)



NOTARY PUBLIC



METLAKATLA MEMBERSHIP CLERK

(SEAL REQUIRED)

The information on this form is required by the Election Code, and must be filed with the Electoral Officer within the time limit to have a candidate's name placed on the ballot.

APPENDIX “K”: APPEAL SUBMISSION FORM

Metlakatla First Nation Election Appeals Form

Any Candidate or any Voter may, within thirty (30) days of the date on which the Election was held, appeal the Election if he or she has grounds for believing that there was an error or violation of this Code during the Election process that might have affected the outcome of the Election. The Notice shall contain details verified by and duly and properly prepared affidavit at the appellants cost, and shall be sent by registered mail to the Chair of the Metlakatla Justice Tribunal, c/o the Administration Office, along with a deposit in the form of a money order or certified cheque for one hundred dollars (\$100) payable to the Metlakatla First Nation. This notice of appeal and the deposit must be received at the Administrative office within thirty (30) days of the Election. If the appeal is upheld, the deposit will be returned, and if the appeal is denied, the deposit is forfeited to the Metlakatla First Nation and it shall be used to offset Election or Election appeal expenses.

DATE OF ELECTION: _____

PROVIDE NARRATIVE ON WHY YOU ARE APPEALING THE RESULTS OF THE ELECTION
(AND REFERENCE THE SECTIONS OF THE CODE AND SPECIFIC FACTS)

VOTER DECLARATION

I solemnly declare that I am a member of the Metlakatla First Nation pursuant to the *Metlakatla First Nation Election Code*, at the address listed below and that I am at least 18 years of age.

APPELLANT'S NAME (PRINT)

APPELLANT'S SIGNATURE

ADDRESS: _____

PAYMENT RECEIVED: YES / NO

RECEIPT NO, ISSUED: _____

AMOUNT PAYMENT: \$100.00

CANDIDATE'S DOB: _____

METLAKATLA ADMINISTRATION SIGNATURE: _____

DATE: _____

APPENDIX “L”: METLAKATLA JUSTICE TRIBUNAL TERMS OF REFERENCE

Log onto member portal of Metlakatla website or request copy from administration

APPENDIX “M”: APPOINTMENT OF CANDIDATE’S AGENT

Date: _____

Candidates in the Metlakatla First Nation Election may appoint One (1) Candidate’s Agent to act as an observer at any regular polling station, and attend during the counting of ballots following the close of the Polls

Please complete this form:

I, _____, a Candidate in the Metlakatla First Nation Election do hereby appoint the following person as my Agent:

1. _____
Print Full Legal Name
2. [*Only if more than one polling station*] _____
Print Full Legal Name

In signing below, all parties agree to and shall defer to any directions, decisions and rulings made by the Electoral Officer, and shall not interfere in any manner whatsoever, during the Polls and counting procedures.

Candidate Signature

Candidate Agent’s Signature

Candidate Agent’s Signature

Also signed and declared by the Electoral Officer

Electoral Officer

Print Name

Please remit completed form to the Chief Electoral Officer at the contact details inserted here:

APPENDIX “N”: LOST BALLOT DECLARATION

Lost Ballot Declaration

Date: _____

I, _____, do solemnly swear and declare that I have either lost or never received the Mail-In Ballot provided to me pursuant to the *Metlakatla First Nation Election Code*, by the Electoral Officer; and further declare that I have NOT ALREADY VOTED by Mail-In Ballot or e-voting.

I make this declaration with full understanding that a false declaration may be punishable pursuant to the *Metlakatla First Nation Election Code*.

Signature of
Individual

Signature of Witness

Individual's eMail: _

Address: _____

Phone: _____

Cell: _____

Also signed and declared by the Electoral Officer

Electoral Officer Signature

Print Name

Please remit completed form to the Chief Electoral Officer at the contact details inserted here:

