

**Re Cstélnec Secwépemc Tíkweníple7tn
2017 ADAMS LAKE CUSTOMS
ELECTION REGULATIONS**

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SEPTEMBER 28, 2017, AS THERE WILL BE LIMITED COPIES.**

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ADAMS LAKE INDIAN BAND – VISION STATEMENT

“Re Tqeltkúkwpí7 tntels ne7élye ne tmicw es yecwemínte re kwselktkn-kt, re cúkúíten-kt, re xqweqwlúteń-kt retmicw-kt re tkwemíple7ten-kt, re stselxmém-kt, re pellsúten-kt ell re keknuctn-kt”

Welmé7 yews, welmé7 yews. Me7 tsyecwemínste es le7s r stsyem-kt n7élye ne tmicw,es yecwestsút-kt, es sxystém r ekultn-kt tikumíte7, es tselxestsút-kt ell es sxystwécw-kt tel7éliye te pyin.

“Our Creator placed us on this land to take care of our people, our land, our language, our customs, our knowledge, our culture, our title, to be ours forever and ever. Ensuring that we live in a safe, healthy, self-sufficient community where cultural values and identity are consistently valued promoted and embraced by all.”

RATIFICATION OF ALIB CUSTOM ELECTION REGULATIONS

This Election Regulations has been ratified by the Adams Lake Indian Band at a duly convened Band Council meeting, This _____ Day of _____, 2017

And is effective _____, 2017

Chief _____

Councillor _____

Councillor _____

Councillor _____

Councillor _____

Councillor _____

1. ADAMS LAKE SECWPEMC ELECTION Regulations

Will Change with a new BCR

PART 1: DEFINITIONS

Terms as defined within the Adams Lake Custom Regulation

ALIB	Means the band of Indians described “as the Adams Lake Indian Band IR#1 to IR#7” within the meaning of the Indian Act, ILS.C. 1985, c. 1-5.
Band Council	Means the Chief and Councillors elected according to the ALIB Election Regulations
By-Election	Means a special election held to fill a position on Band Council that has become vacant.
Campaign	Means a candidate who may choose to campaign in compliance with the ALIB Custom Election Regulations and Campaign Code of Ethics.
Candidate	Means an ALIB Elector who is eligible to be nominated as a candidate in an election.
Certified Professional(s)	Appointed to deal with election appeals and with the Regulations Committee to deal with Election Petition; can be a Justice of the Peace, Notary Republic, Election Company, Articling Aboriginal Law Student, Mediator or arbitrator.
Confidential	Means been entrusted with private, and restricted information, during term and thereafter.
Conflict of Interest	A situation in which a person is in a position to derive personal/ or financial gain from actions or decisions made in their official elected term.
Corrupt Practice	A fraudulent activity, especially an attempt to when an Executive Director is rig an election or while in office includes bribery, threats, intimidation
Council Approved Designate	Person chosen by Band Council to carry out the duties and responsibilities when Executive Director is unavailable.
*Criminal Offense	Action which is considered wrong and can punishable by law.
Deputy Electoral Officer	Person appointed by the Electoral Officer to act as a Deputy Electoral Officer
Designated Place	the ALIB administration building(s), IR#4 & #6 and Health Centre #4.
Election	An ALIB election held for the number of persons required to fill the Band Council pursuant to the provisions of these Regulations.
Election Date	The date set for the election of ALIB Band Council.

2017 ADAMS LAKE CUSTOM ELECTION REGULATIONS

Elector	An ALIB elector is eighteen years of age or older and is registered as a member of ALIB.
*Elector's List	A list of names , birthdate, and addresses of all registered electors on and off reserve to be used for the sole purpose of the election.
Electoral Officer	A person appointed by the ALIB Band Council to govern an election
Elector's Declaration	The official form the Elector is required to complete to verify eligibility to vote.
Employee of Band	A person employed by ALIB.
Executive Director	The most senior management /administrative position within ALIB
*Fraudulent Practice	An intentional deception made for personal or financial gain
Immediate Family	A person's Mother, Father, brothers, sisters, spouse, sons, daughters
Immoral Conduct	Violating moral principles; not conforming to the patterns of conduct usually accepted or established as consistent with principles of personal and social ethics.
*With Reason	Proper notice is given for absence from Band Council meeting/General Band Meeting/Regulations Committee meeting.
Mail-In Ballot	A ballot that is provided by the Electoral Officer to an off-reserve elector or an elector who is unable to vote on election day or the Advance Poll
Mediator	A neutral person who is knowledgeable and accountable. One who can negotiate positively for both sides of an issue in order to reach an agreement.
Oath of Office	Means the Oath of Office for Band Council, Electoral Officer and Regulations Committee as set out in Appendix "A" "D" & "F" .
Outstanding Financial Debt	Not having an Outstanding Debt owed to ALIB
Petition	Means a petition signed 50% + 1 or 60% of electors to remove Band Council member(s) from office.
Polling Station	Means a building, selected as the site for the Election.
Quorum	Means a majority of elected Band Council (4); Regulations Committee (3)
Rules	Means the Adams Lake Customs Election Regulations as amended

	from time to time and having been adopted by ALIB Electors.
Scrutineer	Means an Elector chosen by a Candidate to observe the Election.
Secwepemc Ancestry	Means a registered ALIB Elector who is descended of the Secwepemc.
Sxwetsmellp/Switsemaliph 6	Means the Sxwetsmellp Indian Reserve No. 6 that is commonly known and referred to as Gleneden/Pierres Point.
*Switsemaliph councilor	An elector who grew up and lived, and currently resides at Switsemaliph IR #6 who will be designate as counselor with the most votes from Switsemaliph through an election or by -election
Witness	Means a elector or other person 18 years of age or older who can witness and verify forms

PART 2: ADAMS LAKE INDIAN BAND RESERVES

2.1 Means the Band of Indians described as the Adams Lake Indian Band meaning of the Indian Act, ILS.C1985, c.1-5

2.2 Adams Lake Indian reserve lands include:

Hustalen No. 1	= Cstélen No. 1
Squaam No. 2	= Sq7em No. 2
Toops No. 3	= Tegwúps No. 3
Sahhaltkum No. 4	= Sexqeltqín No. 4
Stequmwhulpa No. 5	= Stequmwhulpa No. 5
Switsemaliph No. 6	= Sxwetsméllp No. 6
Switsemaliph No. 7	= Sxwetsméllp No. 7

PART 3: ELECTION OF BAND COUNCIL

- 3.1 The Adams Lake Indian Band Council will consist of a Chief and five (5) Councillors, with at least one (1) Council member from Switsemalph #6, based on receiving highest votes of those running for that position.
- 3.2 If there is no candidate from Switsemalph #6 then all candidates will be from Chase.
- 3.3 Elections for the Band Council will be held every three (3) years on the last Saturday in February.
- 3.4 The office of the Band Council will be determined by Electors in a secret ballot vote.
- 3.5 By-Elections will be held on the date set by the Electoral Officer in accordance with Part 27.

PART 4: TERM OF OFFICE

- 4.1 The term of office for Band Council will be for three (3) years.
- 4.2 The Band Council elected will commence office on the Monday following the Election at 12:01 am and will expire at midnight on the Sunday following a new Election.

PART 5: TERM OF OFFICE FOR BY-ELECTION AND APPEALS

- 5.1 The successful candidate in a By-Election will hold office for the remainder of the original term of office of the Band Council whom he/she is elected to replace.

PART 6: ELIGIBILITY OF ELECTORS

- 6.1 On or before the date set for the Election and in order to be eligible to vote the Elector must:
 - a) Have attained the age of 18.
 - b) Be registered or eligible to be on the ALIB membership list.

PART 7: ELIGIBILITY OF CANDIDATES

- 7.1 Any Candidate seeking Election for the office of ALIB Band Council must:
 - a) Be registered on the ALIB membership list with Secwepemc Ancestry;
 - b) Have attained the age of 18 as of the election date;
 - c) Not be charged or convicted of a Criminal Offense, have cleared a Royal Canadian Mounted Police Information check. (Appendix C);
 - d) Be a resident within 65-kilometer radius of any ALIB IR#1 to #7 except for 3.1;
 - e) Not have an outstanding financial debt owing to ALIB;
 - f) Be prepared to pay a non-refundable two-hundred fifty (\$250) dollar nomination fee, which must be paid before the close of the nomination meeting.
- 7.2 A candidate may be nominated for only one position, either for Chief or Councillor in any election.

PART 8: APPOINTMENT OF ELECTORAL OFFICER

- 8.1 The Electoral Officer will be appointed by Band Council Resolution at a duly convened Band Council meeting, **(120 days)** prior to an election.
- 8.2 If an Electoral Officer has not been appointed within the time set out in Section 8.1, the Electoral Officer will be appointed by the Executive Director or Council approved designate.
- 8.3 The Electoral Officer will sign a contract outlining remuneration, responsibilities, final report, including planning, organizing and attending the Candidates forum.
- 8.4 The Electoral Officer will appoint the Deputy Electoral Officer within fourteen (14) days
- 8.5 The Deputy Electoral Officer will work under the direction of the electoral officer. At no time will the Deputy Electoral Officer take on full responsibilities Electoral Officer duties.
- 8.6 The Electoral Officer, Deputy Electoral Officer will not be a member of Band Council, or a Candidate, ALIB elector, or Salaried employees with ALIB.
- 8.7 Every Electoral Officer, Deputy Electoral Officer will swear an "Oath of Office" before a duly appointed Commissioner, before assuming their position.
- 8.8 The Electoral Officer will assist administration in keeping statistics on the number of Mail-In-Ballots, Advance Poll and Election Day Poll.
- 8.9 The Electoral Officer will provide a summary of recommendations for improving the effectiveness of the Regulation process; within 30 days following the Election.
- 8.10 The Electoral Officer will report to the Executive Director or Council approved designate.

PART 9: REGULATIONS COMMITTEE

- 9.1 The Roles and Responsibilities of the Regulations Committee are outlined in "Appendix E".
- 9.2 The Regulations Committee will be appointed and consist of: two (2) non-staff ALIB Electors, two (2) non-staff ALIB Elders and one (1) non ALIB Certified Professional.
- 9.3 The major role of the Regulation Committee is to review petitions that are submitted.
- 9.4 The process of handing petitions is to determine if the petition is reasonable, warrants mediation or should be dismissed.
- 9.5 If the petition is reasonable and can be handled by mediation, then a mediation process will be followed as per Part 24.6, Step 3
- 9.6 If a petition is determined reasonable then the regulations committee will review all the facts and determine whether to dismiss or proceed to a recall election.
- 9.7 If a petition proceeds to a recall election then a recall election will be called of which 50% plus 1 or 60% of the total number of voters in the recall election will determine whether there is By-Election.

PART 10: CONTACT ADDRESSES

- 10.1 The Executive Director or Council approved designate will provide the official ALIB Elector's list to the Electoral Officer within seven (7) days of the Electoral Officer being appointed.
- 10.2 Except for the purpose of an Election, the Elector's contact address will not be disclosed by the Electoral Officer without the consent of the Elector.

- 10.3 Electors will be responsible for providing current contact address to ALIB; the Membership Clerk will make a call out for current addresses through the newsletter and website in the 3rd week of November before an Election and immediately in the event of a By-Election.
- 10.4 A document will be considered properly provided to an Elector, if it was mailed to the Elector's current address
- 10.5 Electors List will be posted at the ALIB Administration Buildings IR #4 & #6, the ALIB Health Centre #4 and on ALIB website to allow electors a timeframe to make changes

PART 11: ELECTOR'S LIST

- 11.1 A list of eligible Elector's names, birthdates, addresses, on and off reserve to be used for the sole purpose of the election.
- 11.2 A person whose name does not appear or does not correctly appear on the Elector's List will provide a voter's declaration to the Membership clerk.
- 11.3 Where the Electoral Officer has received information that an Elector whose name is on the Elector's List is being challenged. Electoral Officer will verify the Elector's membership with the Membership Clerk, and then notify the elector.
- 11.4 Challenges to the Electors list will be verified and if necessary, be amended by the ALIB Membership Clerk, which is final and not subject to an appeal.
- 11.5 The Electoral Officer will initial and post a final Elector's list at least five (5) days prior to the Election date, in the ALIB administration buildings IR#4 & # 6 Health Centre #4.

PART 12: NOTICE OF NOMINATION MEETING

- 12.1 On or before the second Saturday in November prior to the Election Date, the Electoral Officer will publish a notice advising of the Nomination and election date in the ALIB administration building #4 & #6 and Health Centre #4, in the ALIB newsletter and on the website.
- 12.2 The notice of the nomination meeting will include:
 - a) the date, time and location of the nomination meeting;
 - b) notification that a copy of the ALIB Custom Election Regulations may be obtained at the ALIB administration building # 4 & #6 and Health Centre #4;
 - c) criteria for Candidate's eligibility as per Part 7;
 - d) the Electoral Officer's business address, telephone, email and facsimile number;
 - e) the date and signature of the Electoral Officer;
 - f) information on how electors may vote.

PART 13: NOMINATION PROCESS

- 13.1 The nomination meeting will be held on the second Saturday in January.
- 13.2 The ALIB Custom Election Regulations Part 7 & Part 13 will be read prior to excepting Nominations.
- 13.3 At the time and place specified in the notice of the nomination meeting, the Electoral

Officer will declare the nomination meeting open for the purpose of receiving nominations.

- 13.4 The nomination meeting will remain open for two (2) hours.
- 13.5 Any eligible Elector who is present at the nomination meeting may nominate or second a nomination of any qualified Candidate to serve as Chief or as a Councillor.
- 13.6 If only one qualified Candidate is nominated for the office of Chief by the close of the nomination meeting, the Electoral Officer will declare that Candidate Chief by acclamation.
- 13.7 Where the number of qualified candidates nominated for the office of band council does not exceed the number of positioning available, the electoral officer will declare such candidate's councilors by acclamation
- 13.8 In the event that more than the required number of Candidates is nominated for the offices of Chief or Councillor, the Electoral Officer will declare that an Election will be held.
- 13.9 Upon the close of nomination meeting, the Electoral Officer will verify the Candidate's eligibility based on Part 7; and Candidates will:
 - (a) Accept or Decline of the nomination;
 - (b) Provide their eligibility as a Candidate;
 - (c) Provide a RCMP receipt or letter will be accepted until the original RCMP detachment: Police Information Check is available; will have 7 days to provide
 - (d) Have up to 7 days to provide a letter of financial standing from ALIB finance department, confirming no debt owing to ALIB:
 - (e) Pay Two-hundred fifty (\$250) payable to ALIB; via cheque, cash or money order. A Receipt will be given.
 - (f) A candidate may withdraw his/her name from the election by written notice to the electoral officer
- 13.10 The Electoral Officer will:
 - a) Post the list of candidates and the positions for which they are nominated in a public place of the ALIB Administration Building # 4 & #6 and Health Centre #4; and in the newsletter and website.
 - b) Candidates who fail to turn in all required documentation by the allotted time will have their name removed and the Electoral Officer will repost the new list of candidates
- 13.11 Candidates must attend the ALIB Candidate's forum, which is planned and organized by the Electoral Officer.

PART 14: ELECTION CODE OF ETHICS

- 14.1 Candidates or Electors will:
 - a) Respect the rights of all Electors;
 - b) Campaign in accordance to the ALIB Custom Election Regulations;
 - c) Respects the Rights and Freedom of other Candidates;
 - d) Not participate in corrupt and fraudulent practice in relation to the election;
 - e) Intimidate, disrupt or disrespect other Candidates or Electors;

- f) Respect the freedom of the press to cover the campaign;
- g) Not interfere with the Election process.

14.2 The Electoral Officer will request appointed Security to remove any person(s) from the polling station who is in violation of Section 14.1.

PART 15: NOTICE OF ADVANCED AND ELECTION POLL

15.1 The Electoral Officer, by the second (2nd) week in January, will post:

- a) notice of the election date at the ALIB administration building #4 & #6 and Health Centre #4, website and newsletter.
- b) the advance polling station in Sxwetsmellp#6 will be open from 10am to 4pm
- c) the polling station IR#4 will be open from 8am to 8pm

PART 16: PREPARATION OF BALLOTS

16.1 The Electoral Officer will prepare ballots setting out:

- a) the names of the Candidates nominated as Chief in alphabetical order starting with surnames.
- b) The names of the Candidates for Election as Councillors in alphabetical order, starting with surnames.

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

16.3 The ballot will indicate that the Elector is to signify his/or her choice of Candidate(s) by clearly marking an "X" or a check mark "✓" in the appropriate space opposite the name of the Candidate(s).

PART 17: VOTING BY MAIL-IN BALLOT PACKAGE

17.1 All Electors who live off reserve will be sent a mail in ballot package.

17.2 Any Elector unable to vote in person, may request a mail in ballot package to the Electoral Officer by providing their mailing address.

17.3 The Electoral Officer will send out the mail-in ballot package on the third (3rd) Monday in December.

17.4 The mail-in ballot package, will include:

- a) A letter of instruction on how to vote by mail-in ballot;
- b) The final list of candidates and the office for which they are nominated;
- c) A statement of the Election Date and location
- d) The option that the Elector may vote in person on the day of the election if they return their mail-in ballot package to the Electoral Officer;
- e) An envelope marked "Elector's Declaration" and a form, which must be completed with:
 - i. the Electors Name
 - ii. the Electors ALIB Membership number

- iii. the Electors address and telephone number
 - iv. the name, address and telephone number of the witness to the signature of the elector
 - f) A Mail-in ballot initialed on the back by the Electoral Officer;
 - g) An envelope marked "ballot" for insertion of the completed mail-in ballot and;
 - h) A pre-paid return envelope, pre-addressed to the Electoral Officer.
- 17.5 An Elector will vote by mail-in ballot by:
- a) Clearly marking the ballot with an "X" or a check mark ✓ in the appropriate space opposite the name of the Candidates of his /her choice;
 - b) Folding the ballot in a manner so as to conceal their choices but exposing the Electoral Officers initials on the back;
 - c) Placing the ballot in the envelope marked "ballot" and sealing the envelope;
 - d) Completing and signing the Elector's declaration form in the presence of a witness who is at least eighteen (18) years of age;
 - e) Placing the envelope and the completed, signed and witnessed declaration form in the postage paid, return envelope pre-addressed to the Electoral Officer;
 - f) A completed Mail in Ballot must be returned by mail to the Electoral Officer; it cannot be electronically or hand delivered to the Electoral Officer;
 - g) ensuring that their Mail-in ballots are received at the Electoral Officer's mailing address by 6pm Friday before Election Day.
- 17.6 The Electoral Officer must send all mail-in ballot packages sent by the first Friday in January.
- 17.7 All mail-in ballots received by the Electoral Officer must be kept in a safe, and secured manner to be counted on election day.

PART 18: VOTING AT A POLLING STATION

- 18.1 The Advance Poll shall be held on the third (3rd) Saturday of February at Sxwetsmellp IR#6.
- 18.2 The Advance Poll will be open from 10:00am to 4:00 pm.
- (a) All Advance Poll ballots will be kept in a safe, sealed, and initialed ballot box to be counted on Election day.
- 18.3 On the Election Date the polling station will be open from 8:00am to 8:00pm.
- 18.4 The Electoral Officer will, before the polling station is open, supply the polling station with:
- a) locking wooden ballot boxes with secure tape that contain Electoral Officer initials across the opening;
 - b) a sufficient number of ballots;
 - c) the final Elector's List;
 - d) the necessary materials for marking ballots and;
 - e) a ballot tally sheet to identify the number of confirmed votes.

- 18.5 The Electoral Officer will provide a voting compartment in the Polling Station where the Electors can mark their ballots privately.
- 18.6 A Candidate who wishes to appoint a Scrutineer must provide a letter to the Electoral Officer at least forty-eight (48) hours prior to Advance Poll and the Election Date.
- 18.7 Each Candidate will be entitled to have one scrutineer at the polling station at any one time.
- 18.8 The Electoral Officer and Deputy Electoral Officer will immediately before the commencement of the poll:
- a) open the ballot box and, in the presence of any Scrutineers, appointed Security and Deputy Electoral Officer present, confirm that the ballot box is empty;
 - b) the Electoral Officer will complete a written statement, along with signatures from 2 witnesses, which confirms that the ballot box was empty;
 - c) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal;
 - d) place the ballot box in public view for the reception of the ballots;
 - e) at no time will the ballot box(es) be left unattended.
- 18.9 Each Elector presenting him or herself at the polling station for the purpose of voting will provide to the Electoral Officer their current photo identification; which may include: Valid Driver's License, BC Identification, Status Card, Passport.
- 18.10 Where an Elector does not have photo identification they shall provide a signed declaration to the Electoral Officer confirming their identity. (Appendix "B")
- 18.11 Where an Elector is properly identified as an eligible Elector, the Electoral Officer will draw a line through the Elector's name in the proper column of the Elector's list to indicate the issuance of a ballot to the Elector.
- 18.12 The Electoral Officer will place his/her initial beside the Elector's name once the ballot has been returned and deposited in the ballot box.
- 18.13 Upon request, the Electoral Officer or Deputy Electoral Officer will explain the method of voting to the Elector.
- 18.14 No Elector may vote by proxy or authorize another person to vote on his/her behalf.
- 18.15 An Elector who requires assistance may request that the Electoral Officer or Deputy Electoral Officer mark the ballot for them in their presence, this will be noted opposite the name of the elector.
- 18.16 Upon receiving the ballot, each Elector will:
- a) immediately proceed to the voting compartment and clearly place an "X" or a check mark "✓" in the appropriate space opposite the name of the Candidate(s) of their choice;
 - b) fold the ballot, to conceal their choice and exposes the initials of the Electoral Officer and deposit the ballot into the ballot box; if X or ✓ outside the appropriate space the Electoral Officer determines the validity of the vote.

- 18.17 An Elector who inadvertently spoils his/her ballot may return it to the Electoral Officer to obtain another ballot. The Electoral Officer will write the word "spoiled" upon the ballot, deposit the ballot in an envelope marked spoiled and rejected ballots and provide the Elector with a new ballot.
- 18.18 An Elector who has received a ballot at the polling station and subsequently decides not to vote, the Electoral Officer will mark the word "Rejected" on the the ballot and deposit it in an envelope for "Spoiled" and "Rejected" ballots.
- 18.19 An Elector forfeits his/her right to vote at the Election after being provided a ballot by the Electoral Officer if that Elector leaves the polling station without delivering the ballot to the Electoral Officer. The Electoral Officer must document the reason beside the Elector's name.
- 18.20 Any Elector who is inside the polling station at the time fixed for closing is entitled to vote.
- 18.21 Except for the Electoral Officer, Deputy Electoral Officer, appointed Security or Scrutineer(s), no Electors, persons are permitted to remain inside the polling station.
- 18.22 The Electoral Officer will ensure that the Advance Poll and Polling station ballot box remains locked and secured with a seal with his/her initials across the seal and the ballot box is kept in a secure location until the official count is conducted.

PART 19: PROCEDURES FOR CLOSE OF POLLS & COUNT OF BALLOTS

- 19.1 Once the polling station has been officially closed by the Electoral Officer, he/she will call for a 10-minute break before the official ballot count commences.
- 19.2 The Electoral Officer will appoint two (2) official counters from ALIB Electors and The Deputy Electoral Officer will be the third (3rd) official counter.
- 19.3 Immediately after the break, the Electoral Officer will in the presence of: The Deputy Electoral Officer, Scrutineer(s), Candidates, and any Electors present to witness the breaking of the seal to the Mail-in ballot envelopes.
 - a) the Electoral Officer will count the number of mail-in ballots
- 19.4 The Electoral Officer will open the declaration envelope contained within the mail-in ballot package that was received and without unfolding the mail-in ballot:
 - a) the Electoral Officer will set aside any rejected mail-in ballot(s) and explain reason for the rejection of the mail in ballot(s) if:
 - i. it was not accompanied by an Elector's declaration form or the Elector's declaration form is not signed by both the Elector and a Witness;
 - ii. the name of the Elector as set out within the Elector's declaration form is not on the Elector's List;
 - iii. the Elector's List shows that the Elector has already voted.
 - b) deposit all remaining valid mail-in ballots into the ballot box and with a different colored pen draw a line through the name of the Elector and place his/her initial beside the Electors name.

- 19.5 Immediately after the break, all valid mail-in ballots and advance ballots have been deposited in the main ballot box, the Electoral Officer will open the ballot box and examine the ballots and reject all ballots that:
- a) have not been initialed by the Electoral Officer;
 - b) contain more votes than are 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 is not clear.
- 19.6 Spoiled, rejected or forfeited ballots will not be counted as a vote cast.
- 19.7 For any rejected, spoiled, forfeited ballots, the Electoral Officer will report the reasons on the ballot.
- 19.8 The Electoral Officer will:
- a) show the ballots to be counted, in the presence of Scrutineers;
 - b) count the votes given for each Candidate.
 - c) complete and sign all original ballot tally sheets
- 19.9 Following the completion of the counting of the votes, the Electoral Officer will publicly declare:
- a) the Candidate for Chief with the highest number of votes is elected;
 - b) the candidate from Sxwetsmellp 6 who receives the greatest number of votes will be elected to Band Council, notwithstanding that he/she did not receive the highest number of votes of any candidate in the election;
 - c) The candidates with the highest number of votes will be elected as Council.
- 19.10 The Electoral Officer will:
- a) on Monday following the election will post a signed written statement showing the number of votes cast for each Candidate; and
 - b) the election results will be posted at ALIB Administration buildings #4 & #6, Health Centre #4, ALIB newsletter and website.

PART 20: TIES

- 20.1 Where an Election results in a tie vote, the tie will be decided on Election night. The Electoral Officer will put names of the candidates who are tied in votes into a receptacle to break the tie. The candidate (s) whose name is drawn is declared to office. This method will be used for the position of Chief or Councillor.

PART 21: DISPOSAL OF BALLOTS

- 21.1 The Electoral Officer will keep all ballots in a sealed envelope and retain for one-hundred eighty (180) days after the date of the Election. After the allotted time, the Electoral Officer will, unless directed otherwise by Band Council, destroy the ballots in the presence of two witnesses who have signed a declaration.

PART 22: OATH OF OFFICE

22.1 The swearing-in ceremony and the signing of Oath of Office will be held within 1 week from the new Band Council taking office.

- a) Where a Candidate elected as Band Council cannot because of illness or other valid reason swear the Oath of Office within the time prescribed can request an extension.

PART 23: ELECTION APPEAL

23.1 Any Candidate or Elector may file a notice of Election appeal; written notice must be given to the Electoral Officer who then notifies the Executive Director or Council approved designate, and Chief and Council. An appeal will be based on one or more of the following:

- a) the Candidate declared elected to Band Council was not a qualified as outlined in Part 7:
- b) the Candidate declared elected was not nominated as outlined in Part 13:
- c) there was a violation in the conduct of the Election process that affected the result of the Election: or
- d) there was corrupt or fraudulent practice such as bribery, threats, or intimidation in relation to the Election.

23.2 Every notice of Election appeal must be filed with the Electoral Officer within 10 days of The Election:

- a) The Electoral Officer must immediately present the original Election appeal along with the non-refundable fee of three hundred (\$300) to the Executive Director or Council approved designate.
- b) The Executive Director must immediately deliver the Election Appeal to the and Certified Professionals.
- c) The Executive Director; will then notify the membership that an Election appeal has been received.

23.3 Every Election appeal will set out facts in an affidavit sworn before a duly appointed commissioner for taking oaths, and will be accompanied by supporting documents.

23.4 Upon confirmed deposit of the required non-refundable fee the Executive Director or Council approved designate will immediately forward the notice of Election appeal, with supporting documents to the Certified Professionals.

23.5 The Certified Professionals will:

- a) determine if the election appeal has validity based on the ALIB Custom Election Regulation.
- b) If the Election appeal has validity then;
 - i. Evidence may be taken by sworn declaration or written testimony of all parties.

- ii. Determine what parties are involved and how they are to be notified and professionally served.
 - iii. All parties subject to an appeal against him/her must receive all information of the appeal and be given an opportunity to hear and address the appeal.
 - iv. After 3 attempts to professionally contact all parties involved, without response, the appeal will proceed.
- 23.6 The Certified Professionals will issue a written decision within ten (10) days of receiving the election appeal.
- 23.7 Election appeal proceedings will be kept secure in the Administration building at IR#4. These records will be destroyed after the Election term.
- 23.8 The decision of the Certified Professional will be final.
- a) If the decision renders a vacancy, within 6 months of an election the Candidate who received the next highest votes in the Election will fill the vacancy;
 - b) if the vacancy results in the removal of a Switsmalph #6 Candidate; then Section 3.1 & 3.2 will be in effect.
- 23.9 The Certified Professionals will provide a copy of the decision to Band Council, Executive Director or Council approved designate and to all parties' subject to the Election appeal
- 23.10 The Certified Professional's decision will be:
- a) posted at the ALIB administration buildings #4 & #6, Health Centre #4, in the ALIB newsletter and website.

PART 24: BAND COUNCIL PETITION

- 24.1 A petition to remove a Band Council member must be of a serious violation; examples are but not limited to: criminal charges or convictions, corrupt or fraudulent (financial or personal gain) practice, physical or sexual abuse.
- 24.2 More than one Band Council member may be removed from office on one or more of the following grounds:
- a) he/she has committed a serious violation
- 24.3 Proceedings to remove Band Council member(s) will have one (1) petition for each Band Council member; the petition will be hand delivered to the Executive Director or Council approved designate. Each petition must include the following Administrative requirements:
- a) Signatures of (25) (40) eligible electors, not including the petitioner or ALIB electors who are Band Employees.
 - b) ALIB Electors who sign a petition, must provide a phone number so the Executive Director or Council Approved Designate can follow up to ensure that there is full understanding and support of the petition.
 - c) An Affidavit substantiating the facts sworn before a duly appointed commissioner for taking Oaths.
 - d) A \$300 non-refundable fee
 - e) The Executive Director will decide if the petition meets the Administrative requirements.

- f) If administrative requirements are met the Executive Director or Council approved designate, will notify Chief and Council.
 - g) If administrative requirements are not met then the petition is dismissed.
- 24.4 Once a Petition satisfies the Administration requirements, the Regulations Committee will be Appointed as per Appendix "E"
- a) The Executive Director or Council approved designate must immediately deliver the date stamped Petition to the Regulations Committee.
- 24.5 Upon receipt of a petition, the Regulations Committee will:
- a) Notify the membership that a Petition(s) has been received.
 - b) Determine if the petition is reasonable to proceed with mediation, recall election or dismissed.
 - a) If the petition warrants mediation, then the process of mediation will take place as follows:
 - i. Restorative Justice
 - ii. If (A) is not agreed to, Parties involved have 5 days to agree on a mediator.
 - iii. If the Parties involved cannot decide on a mediator after 5 days, then the Regulations Committee will appoint an approved mediator.
 - iv. Regulations Committee sets the budget, time, place and duration for the mediation.
 - v. If mediation does not resolve the dispute then no further action will be taken by the Regulations Committee
 - vi. If mediation is not an option, the Regulations Committee will recommend a recall election.
- 24.6 Recall Election
- 1) An Electoral Officer will oversee a Recall election
 - 2) If the Petition is a serious violation and mediation is not an option, the Regulations Committee will:
 - i. Determine the parties involved and decide how they are to be notified and professionally served.
 - ii. Set the date(s) and time and place for hearing the petition
 - iii. Take the evidence by sworn declaration or written testimony from all parties involved
 - iv. Forward a budget to Chief & Council for approval
 - v. Once all evidence is heard, the Regulations Committee can recommend a Recall Election.
 - vi. A recall election is a Yes or No vote; the Electors will vote by secret ballot to decide if the Band Council member remains or is removed from office.
- 24.7 A recall election will be called of which 50% +1 or 60% of the total number of Electors voting in the recall election will determine the removal of Band Council member under petition.

1. If the recall election does not reach the required percentage, then the petition is dismissed.
 2. If the recall election reaches the required percentage, then the position becomes vacant,
 3. When a recall election removes a Band Council member and the position becomes vacant then; if within 6 months of an Election, a Band Council is removed from office, the candidate who receives the highest number of votes will be invited by the Electoral officer to assume office. If the candidate is no longer interest then the next successive candidate will receive an invitation. If both candidates decline the invitation the electoral officer will notify the band council to call a by-election
- 24.8 Following Band Council removal from office, the Regulations Committee will impose a penalty, for 1-2 terms or indefinitely depending on the degree of the violation.

PART 25 VACANCY OF BAND COUNCIL

- 25.1 The office of Chief or Councillor will become vacant when the person who holds that office:
- (a) dies;
 - (b) resigns from office;
 - (d) has been removed from office by petition process; if within 6 months of an Election, a Band Council is removed from office, the candidate who receives the highest number of votes will be invited by the Electoral officer to assume office. If the candidate is no longer interest then the next successive candidate will receive an invitation. If both candidates decline the invitation the Electoral Officer will notify the band council to call a by-election
 - (e) has been unable to perform the duties of his or her office for more than 45 days due to illness or other incapacity;
 - (f) has missed three (3) Council or General Band Meetings, or a combination thereof, within twelve (12) consecutive months, without valid reason determined by Chief and Council.

PART 26: BY-ELECTIONS

- 26.1 In the event that the office of Band Council becomes vacant, part Part 25 will come into effect; if 6 months has elapsed then By-Election will be held within sixty (60) days on a date set by the Executive Director or Council approved designate.
- 26.2 A By-Election will not be held if there are less than six (6) months remaining in the term of Band Council except where a By-Election is necessary to have a quorum of Band Council.
- 26.3 If a Councillor wishes to be a Candidate for Chief in a By-Election, he or she must resign

- from Band Council fourteen (14) days prior to the date of nomination for the By-Election.
- 26.4 In the event of 27.3 where the Band Council seat becomes vacant, the By-Election will include all vacant seats
- 26.5 The successful Candidate(s) in the By-Election will hold office for the remainder of the original 3-year term.

PART 27: AMENDMENTS OF ALIB CUSTOMS ELECTION REGULATIONS:

- 27.1 Amendments to the Election Regulations will be initiated by one of the following:
- a) The Electoral Officer recommends amendments to the ALIB Custom Election Regulations
 - b) An amendment letter requesting amendments, signed by not less than 10 ALIB Electors, submitted to the Executive Director or Council approved designate and Band Council
 - c) upon receiving 28.1 (a) or (b) the Band Council will strike an Elections Committee comprised of 3-5 Electors within 15 days.
 - d) The Election Committee will begin the amendment process immediately.
- 27.2 The ALIB Custom Election Regulations amendment process will be as follows:
- a) Election committee reviews and makes revisions to the ALIB Custom Election Regulations
 - b) Election committee will present the amended draft regulations to Band Council to authorize distribution to the community.
 - c) The first presentation of the draft regulations will be presented at a General Band Meeting 2-7 day after they have been tabled to Band Council.
 - d) The election committee will review and implement relevant recommendations after the first draft and table to Band Council who will decide if the Election Regulations require legal review
 - e) If applicable, the election committee will implement changes from the legal review and present the 2nd draft regulations to Band Council.
 - f) The ALIB Custom Election Regulations final draft will be endorsed by membership vote at the final presentation and will be ratified by Band Council Resolution at their next duly convened Band Council meeting.
 - a) The Band council will forward the Final Amended Custom Election Regulations to INAC for information.

Appendices:

APPENDIX "A": OATH OF OFFICE – ALIB BAND COUNCIL

I (Insert name) tuxwtuxwtsín-ke ne7élye es wi7stn r skektsémc 7e s7elkst ne s7wéne 7e t7kwemíple7-kp ell me7 ts7kélne7stn xwexwéy7 r swet 7e Cstélnec. Tá7e mé7 t7c7wetén re qelmúcw es kekelé7nme e tsúntseses e pell s7wéne 7ek swet.

S7slewt-ke ne7élye ne s7etéqsts re 7qel7kúkwpí7.

I, _____, do swear that:

1. I am an Adams Lake Indian Band Cstelne7/Sxwetsmellp member with Secwepemc Ancestry.
2. I will perform the duties of my office with dignity, respect, and honesty.
3. I will always take into consideration the best interests of all Adams Lake Indian Band members
4. I will adhere to all applicable ALIB Regulations, By-Laws, Policies, and Chief and Council Terms and Reference.
5. I will adhere to the Adams Lake Indian Band Community Vision.
6. I will not engage in corrupt, fraudulent or immoral practices.
7. I will promote unity within Cstelne7/Sxwetsmellp and throughout the Secwepemc Nation.
8. I will encourage the use of Secwepemc7sin and Secwepemc traditions.
9. I will maintain confidentiality of information entrusted to me, during my term and thereafter.

SWORN at or near the Adams Lake Indian Band)	
Chase, BC on _____, 20____)	
)	
_____)	_____
A Commissioner for taking Affidavits)	Chief/Councillor
for the Province of British Columbia)	

APPENDIX “B”: VOTERS DECLARATION FOR: MAIL-IN BALLOT, ADVANCE POLL, & POLLING STATION

I, _____, (print name), do swear that:

1. I am a registered Adams Lake Indian Band member.
2. I am/will have attained the age of 18 on the upcoming Election day.
3. I am eligible to be included on the ALIB Electors list

Sworn on the _____ day of _____, 20____ in the city or town of _____, Province of _____.

Signature of Elector

Print Name- Electoral Officer

Band Membership #

Signature - Electoral Officer

Signature of Elector

Elector’s Address and Telephone Number

Signature of Witness (at least 18 years of age)

Print Witness Name

APPENDIX "C": RCMP Detachment: Police information Check

DRAFT

APPENDIX "D": OATH OF ELECTORAL OFFICER; DEPUTY ELECTORAL OFFICER;

I, _____do solemnly swear that I will fulfill the position in a professional manner, that I will adhere to the Adams Lake Band Custom Election Regulations

SWORN at the Adams Lake Indian Band)
Chase, BC on _____, 20____)
_____in the Province of BC)
)
this ____day of _____, 20__)
) Name-Electoral/Deputy Officer
)
_____)
A Commissioner for taking Affidavits within) Signature
British Columbia)
)
) Date
)

APPENDIX “E”: REGULATIONS COMMITTEE TERMS OF REFERENCE

1. Regulation Committee consist of two (2) non-staff ALIB Elders and one (1) non-ALIB Certified Professional and two non-staff (2) ALIB Electors.
2. The Regulations committee will be appointed following the elections for the remainder of Band Council term
3. Regulations Committee selection is as follows:
 - a) Band Council and Executive Director or Council approved designate will appoint the Certified Professionals at a duly convened Band Council meeting
 - b) Band Council will send an expression of interest to ALIB Electors.
 - c) Interested ALIB Electors will submit a resume, a letter expressing their interest
 - d) Based on resume and letter, the non-ALIB certified professional will appoint the four (4) ALIB Electors to the Regulations Committee. In the selection, the following criteria will be considered, geographical representation, education and work experience.
 - e) Elected Band Council and Regulation Committee applicants will disclose direct conflict of interest to the non-ALIB certified professional prior to the Regulation Committee selection.
 - f) An acceptance letter, and a Band Council Resolution will be provided upon successful selection
 - g) If there is no interest from ALIB Electors, another expression of interest will be by Band Council invitation.
4. Eligibility of Regulations Committee:
 - a) Must be registered on the ALIB Electors list.
 - b) Must be familiar with all ALIB Regulations, By-laws and Policies
 - c) Be a resident within 65-kilometer radius of any ALIB reserve
 - d) Must provide a letter stating no outstanding financial debt owing to ALIB, signed by the ALIB Certified Financial Officer
 - e) Will not assume duty until he/she has sworn an Oath of Office for Regulations Committee (Appendix F)
 - f) Be committed to attend all hearings in person
 - g) The entire Regulations Committee must hear all evidence from all parties involved in the petition (“he who decides must hear”)
5. The Regulations Committee cannot be:
 - (a) A member of Band Council, an ALIB Band Employee, or an immediate family member to a Band Council member
6. The Regulations Committee will sign an Oath of Confidentiality as per Committee policy
 - a) Keep confidential, both during and after their term, any matter or information which is considered confidential;
 - b) file the Oath of Confidentiality in the Administration office #4

- 7 The Regulations committee will be guided by the ALIB Election Regulations to govern their proceedings and:
- a) Appointing a Chairperson for the committee.
 - b) Must render their decision in writing within thirty (30) days of receiving any notice of a petition.
 - c) Upon completion of the proceedings, the committee will provide a final report
 - d) A qualified recording secretary or person having equivalent experience will take records of all Regulation committee meetings.
 - e) If quorum is not met, no meeting will take place.
8. In the event that a Regulations Committee member resigns, is removed, or is unable to act, the remaining committee members will carry out the duties. If there are more than three vacancies and quorum is not met on the Regulations Committee then a new Regulation Committee will be appointed by the Certified Professional.
- The new Regulations Committee will address the petition(s) in its entirety which includes a new 30-day deadline.
- A Regulation Committee member resignation will be accepted by letter and documented in the minutes.
- 9 An Regulation Committee member vacancy occurs when a Committee member:
- a) Breach of Oath of Office for Regulations Committee Appendix F;
 - b) Absent from a committee meeting without reason as determined by the Regulations Committee.
 - c) Ineligibility in Part 4 of Regulations Committee Terms of Reference
 - d) Dies
 - e) Has committed a serious violation: ie: a corrupt or fraudulent practice
 - f) Has been convicted or charged with a Criminal Offense
- 10 The Regulation Committee will receive an honorarium during their term; they will be paid \$20/hour, plus travel up to maximum \$30.
11. Certified Professional rate:

APPENDIX "F": OATH OF OFFICE FOR REGULATIONS COMMITTEE

I _____, as a Regulations Committee/Certified Professional do swear that:

- a) I am a registered Adams Lake Indian Band Elector/Certified Professional
- b) I will comply with the ALIB Custom Election Regulations in a professional manner.
- c) I will carry out my duties diligently, honestly and with fairness.
- d) I will maintain confidentiality of information entrusted to me, during my term and thereafter.
- e) I will always act in the best interests of all ALIB membership in carrying out my duties.
- f) I will encourage a unified and cohesive approach within the Regulations Committee.
- g) I will disclose all Conflict of Interests, both personal or business interests

Regulation Committee Member Name _____

Regulation Committee Member Signature _____

Witness by Certified Professional _____

Date: _____