

Roy

H I G H B A R  
E L E C T I O N P O L I C Y  
E F F E C T I V E 1 9 9 4

amendments - page 11  
in accordance with  
page 10 #9

PART ONE

DEFINITIONS

1. "Appeal Board" means
  - a) an appeal committee, appointed by the membership prior to the election and consisting of the Electoral Officer, band solicitor (if the band has one), and two elders recognized for their ability to render fair judgement(s), whose sole purpose is to respond to election Appeals.
2. "Band" means the High Bar Band.
3. "Band Council" means the Chief and Council elected by members of the High Bar Band under these Procedures.
4. "Election" means a band election for Chief and/or Councillor(s), held under the terms of these Procedures.
5. "Elector" means a person who
  - a: is a registered member of the High Bar Band
  - b: is eighteen years of age or older, at the date of the nomination meeting.
6. "Electoral Officer" means
  - a: a neutral non band member
  - b: recommended by the Band Council and
  - c: approved by the membership at a general members' meeting to direct and conduct nominations and elections in accordance with these procedures.
7. "Election Assistant" means
  - a: a non band member recommended by the Band Council and
  - b: approved by the membership at a general members' meeting to assist the Electoral Officer.
8. "Spoiled Ballot" means
  - a: a ballot on which there are more votes than candidates, to be elected; and/or
  - b: a ballot which has not been supplied by the Electoral Officer or Assistant; and/or
  - c: a ballot which has not been clearly marked to identify the person voted for; and/or
  - d: a ballot that has been marked "void" by the Electoral Officer or Assistant and signed by the voter.
10. "Voters List" is an alphabetical list of all eligible electors which has been prepared by the Band Office.
11. Majority approval is fifty one percent of the Band membership eighteen (18) years of age or older at the time of the vote.
12. Special Resolution means a Band Council Resolution that must be passed by a majority of band members.
13. Majority approval for a Special Resolution is fifty-one percent of the Band membership eighteen (18) years of age or older at the time of the vote.
14. Quorum mean the number that must be present for a meeting to pass a binding decision.
15. Quorum for the Chief and Council meetings shall be three (3) members of the Council.
16. Quorum for general members's meeting shall be three council and ten band members.

## PART TWO

### SIZE OF COUNCIL

### TERM OF OFFICE

1. The Band Council shall consist of a total of four members. One Chief and three councillors.
2. In the month of June, in the time and place to be decided by the Membership one chief and three councillors shall be elected. The Chief and the one councillor with the highest number of votes shall be elected to hold office for a four year term. If two councillors tie for number of votes a by-election will be held. The other two councillors elected shall be elected to hold office for a two year term. There after all positions will be elected to a four year term.
3. When an existing band council deems it necessary for the good government of the band to increase the number of councillors, it shall present a special resolution to this effect to the membership for band membership approval.
4. To be selected for Chief or Council positions, candidates are
  - a: to be a member of the High Bar Band and
  - b: be nominated to that office and
  - c: not have a current criminal record and
  - d: have demonstrated the capacity for leadership, honesty and commitment
  - e: have the experience to deal with complex issues
5. Candidates running for office of Chief and Council will have their names place on a separate ballot and will be selected by a majority vote of the electors casting ballots.

## PART THREE

### ASSUMING OFFICE

1. For regular elections, the successful candidates shall assume office on the third Monday following the election.
2. For a by-election held for the purpose of filling a vacant position, the successful candidate shall assume office the day after the election.
3. A swearing in ceremony will take place on the Saturday of the week that responsibility for office was assumed.
4. Each newly elected Council member will be inducted into office by taking a oath to be true to his/her position and to the High Bar community and that he/she will work in a responsible manner and in the best interest of the band members.
5. A respected elder of the community will conduct the swearing in ceremony and oversee the signing of the Oath of Office.

## PART FOUR

### ELECTORAL OFFICER

1. The appointment of the Electoral Officer and Assistant shall be approved by the members at a General Members's Meeting.
2. Letters of appointment shall be issued (after section 1 above is carried out) and signed by the Chief.
3. A Electoral Officer and Assistant shall be appointed for each election.
4. The Electoral Officer or Assistant shall not be a member of the High Bar Band.

## PART FIVE

### NOMINATIONS

1. Nominations are to be held one week prior to the date set for election.
2. The band office shall post a Notice of Nomination Meeting (SCHEDULE ONE,) seven days prior to the proposed meeting. Such notices are to be posted in one or more visible places. The band office shall mail out notice of nomination meeting to the last address of all band members not currently residing in the High Bar Community.
3. Attached to the notice of Nomination Meeting, shall be instructions on the procedure to follow for written nomination papers. (SEE SCHEDULE TWO)
4. Any person who is an elector of the Band, unless otherwise prohibited by virtue of these procedures, is eligible to be nominated for office.
5. Any person who is an elector of the Band may propose the nomination of any duly qualified person to serve as Chief or Councillor. (See SCHEDULE THREE)
6. No one person may nominate more that one candidate for the office of Chief, nor may they nominate more candidates than there are positions for the office of council.
7. All written nomination papers are to be read out at the Nomination Meeting by the Electoral Officer.
8. All eligible person(s) nominated for office, can decline their nomination at the time it is made, or by written notice to the Electoral Officer up to forty-eight (48) hours before the time of the election . Sample of declination form is attached as SCHEDULE FOUR.
9. An eligible elector can only be nominated for one position. If written nomination is received for an eligible elector for the office of Chief and Councillor; the person so nominated must, in accordance with Clause 8, above, decline his or her nomination for one of the positions. If such notice is not provided, it will be assumed that the person does not want to run for either position and shall be struck from the list of candidates for both positions.
10. The nomination meeting shall remain open for a minimum of two hours and a maximum of four hours and shall remain open until declared closed by the Electoral Officer.

11. Prior to closing the Nomination Meeting, if the number of persons nominated to serve on the Band Council does not exceed the number of positions to be filled, the Electoral Officer shall declare the persons to be nominated as elected by acclamation.
12. If at the Nomination Meeting the positions are filled by acclamation, the Elector Officer shall conduct a vote by ballot or show of hands to determine which of the three councillors shall hold office for the four year term.
13. When a poll is to be held, the Electoral Officer shall post, within three work days after the Nomination Meeting, a Notice of Election (SCHEDULE FIVE). Notices are to be posted in the same manner as the notices for Nomination Meeting. A list of all those persons nominated is also to be posted with the Notices, and duly amended after Clause eight of this Section has been completed.

## PART SIX

### PREPARING FOR THE POLL

1. The band office shall ensure that a Voters List is prepared, prior to the Nomination Meeting, so that all participants and candidates can be verified as eligible electors of the Band. The Voters List will be posted with the Notice of Election and a copy of the Voters List will be provided to the Electoral Officer.
2. The Voters List is to be prepared as per SCHEDULE SIX.
3. The Electoral Officer may revise the list if it is found that
  - a: the name of an eligible elector has been omitted from the list.
  - b: the name of an elector is incorrect.
  - c: the name of a person not eligible to vote has been included on the list.
4. Ballots for the Chief and ballots for the Councillors shall be separate ballots.
5. The listing of candidates on the ballot shall be done in alphabetical order of surname of the candidate as it appears on the band list. Ballots are to follow the format as per SCHEDULE SEVEN. The Electoral Officer must ensure that there are a sufficient number of ballots available for the election.
6. The Electoral Officer must insure that there are sufficient ballot boxes available for the election.
7. The Electoral Officer shall make sure that there is a place available at the polling station where electors can mark their ballot in privacy and free from observation.

## PART SEVEN

### THE POLL

1. The poll shall remain open from 1:00 pm to 4:00 pm local time on the day of the election.
2. The ballot box(es) are to be closed and sealed by the Electoral Officer, in the presence of the first elector attending to the poll, but prior to that elector casting his/her ballot. The Electoral Officer, Election Assistant and the elector will then sign a statement (SCHEDULE EIGHT) certifying that the ballot box(es) were empty prior to being sealed. The ballot box(es) will not be opened, under any circumstances, until after the poll has closed and the count is to begin.
3. The Electoral Officer or Assistant, if satisfied that the name of the voter is on the Voters list, shall provide the voter with a ballot paper(s).
4. An elector whose name does not appear on the Voters List may vote at an election, providing that the Electoral Officer is satisfied that such person is eligible to vote and that the voter completes a Declaration. See (SCHEDULE NINE).
5. The Electoral Officer or Assistant shall initial the back of the ballot prior to giving eh ballot(s) to the voter.
6. Pencils are to be provided in each polling area and used to mark off the ballot(s).
7. The Electoral Officer or Assistant shall check off, on the Voters List, the names of each voter receiving a ballot(s).
8. Each person receiving a ballot shall go to the area provided and mark the ballot with an "X" beside the name of the candidate(s) for whom he/she desires to vote for. The voter shall then fold the ballot paper so as to conceal the name and marks on the ballot(s), but so as to expose the initial of the Electoral Officer or Assistant. Upon leaving the voting area, the voter shall take the ballot to the Electoral Office or Assistant and have the initial verified before the ballot is deposited into the ballot box(es).
9. While any voter is in the voting area, no other person shall be allowed in the same area or be in a position to see how a ballot is being marked, with the exception of the following Section 10.
10. The Electoral Officer or Assistant, at the request of a voter who is
  - a: unable to read
  - b: incapacitated by blindness
  - c: or any other handicapshall assist the voter in the marking of his/her ballot. In the privacy of the voting area, the ballot is to be completed as directed by the voter. Under no circumstance will the Electoral Officer or the Assistant offer an opinion or suggestion as to who the voter should vote for. Upon completion of the ballot, such ballots(s) are to be deposited immediately into the ballot box(es) in the presence of the voter.
11. For all voters receiving assistance as per Section 10, above the Electoral Officer or Assistant, in the "Remarks" column of the Voters List shall indicate that the voter received assistance and the reason why.

12. A voter who has accidentally dealt with his/her ballot in such a manner as to render it useless, may return it to the Electoral Officer or Assistant and then be entitled to receive a new ballot(s). The Electoral Officer or Assistant shall staple the spoiled ballot(s) closed so that any markings on the face of the ballot cannot be seen; write the word "VOID" on the ballot and have it signed by the voter. The Electoral Officer or Assistant shall retain the voided ballot and in the "Remarks" column of the Voter List, indicate that a second ballot was issued and why.
13. At precisely 4:00 p.m at the close of the poll, the Electoral Officer shall lock the doors to the polling place. Any elector who is in the polling place at this time shall be entitled to vote.
14. The Electoral Officer shall keep order at the polling place, shall regulate the number of electors admitted at any one time and may exclude a person not entitled, permitted or required by the Procedures to be present, or who in the opinion of the Electoral Officer is under the influence of drugs or alcohol.
15. On the day of the election, in or near the polling place, it shall be unlawful to carry on political activity.
16. An eligible voter who is not able to attend the poll due to Education or Medical reasons, may be eligible to vote by telephone. The eligible voter must contact the Electoral Officer, who, with the approval of the Election Approval Committee can mark the ballot as described in section 10 part seven of these regulations. The complete ballot(s) will be deposited into the ballot box(es) in the presence of the Election Appeal Committee.
17. For all votes conducted in this manner, the Electoral Officer in the "Remarks" column of the Voters List shall indicate that the voter, voted by telephone and why.

## PART EIGHT

### THE COUNT

1. Only the following persons may be present after the polls have closed and the count is to begin:
  - a: Electoral Officer
  - b: Election Assistant
  - c: Candidates
  - d: Existing Chief and Council
  - e: any other person(s) authorized by the Electoral Officer to be present.
2. Immediately after the close of the poll, the Electoral Officer shall open the ballot box(es) and:
  - a: examine each ballot individually to determine the votes given to each candidate. The Electoral Officer shall read out the names of each candidate receiving a vote and the Assistant shall record the number of votes, given to each candidate, as read, on a tally sheet (SCHEDULE TEN).
  - b: prior to reading out the names of the candidates(s) receiving a vote, the Electoral Officer shall examine each ballot to ensure that
    - 1) the ballot is one which has been supplied by the Electoral Officer or Assistant.
    - 2) there has not been more votes given on the ballot than there are candidates to be elected.
    - 3) the ballot is unused or is to be rejected for uncertainty (not clearly marked to identify the person voted for).

- c: ballots are to be counted on which less votes have been given , then there are candidates to be elected.
  - d: for ballots which have been spoiled or rejected, the Electoral Officer shall indicate on the back of the ballot that such ballot has been "disallowed" and the reason why.
3. Once all the ballots have been counted, the Assistant shall count out the number of votes given to each candidate and place the results in the appropriate space, sign the Tally Sheet and pass the Sheet to the Electoral Officer.
  4. Immediately after the completion of Section 3, above, the Electoral Officer shall publicly declare to be elected the candidate or candidates having the highest number of votes and shall then post in some conspicuous place a statement signed by the Electoral Officer listing the successful candidates and the number of votes cast for each candidate.
  5. Where two or more candidates have an equal number of votes ( a tie) the Electoral Officer shall have a recount. If, after the recount, there is still a tie, the Electoral Officer shall advise the candidates of the tie. If neither candidate wishes to withdraw their name, the Electoral Officer shall call a by-election. The by-election shall be held no later than seven days after the date of the election in which the tie occurred.
  6. The Electoral Officer shall prepare the Results of the Poll (SCHEDULE ELEVEN), showing the total number of votes cast for each candidate, the number of rejected ballots, and the names of persons declared to be duly elected. Copies of this statement are to be posted in the Band Office.

## PART NINE

### RETENTION OF DOCUMENTS

1. The Band Office shall be responsible for the retention of the Ballots, Voters List, Affidavits and all other documents pertaining to the Election.
2. Ballots may be destroyed within three weeks following the election if no appeal against the election has been lodged. All other documents shall be retained for four years.
3. Election documents are to be destroyed by burning or shredding.

## PART TEN

### APPEALS

1. Ten or more eligible electors (who voted in the election) who have reasonable grounds for believing that:
  - a: there was corrupt practise in connection with the election, or
  - b: there was a violation of these procedures that might have affected the outcome of the election

may lodge an appeal within five (5) days following the election by forwarding to the Appeal Board particulars thereof, duly verified by an Affidavit.



2. When an appeal is received by the Appeal Board, the Board shall, within one day of the receipt of the appeal, forward a copy of the appeal (along with any supporting documents)
  - a: by mail, or
  - b: by hand delivery
 to the Electoral Officer and to each candidate in the election.
3. Any candidate, or the Elector Officer, may within five days of the receipt of a copy of the appeal, forward to the Appeal Board a written response to the appeal, together with any pertinent documentation.
4. The Appeal Board may conduct such investigation into the subject of the appeal as may be necessary in order to conclude the appeal as expeditiously as possible, and render their decision within fifteen days of receipt of the appeal.
5. If the Appeal Board concludes that
  - a: there was a corrupt practise in connection with the election
  - b: there was a violation of these regulations that might have affected the outcome of the election
 then the Appeal Board shall forward their decision in writing to the Electoral Officer, to each candidate in the election, the Appellants indicating the reason for their decision and that a new election is to be held.
6. If the Appeal Board disallows the appeal then such decision with the reason why, is to be forwarded to the Electoral Officer, the candidates and the Appellants.
7. Where an appeal has been lodged in respect of an individual Chief or Councillor, that Chief or Councillor
  - a: shall not perform any of the duties of that office or receive any benefits there from until the Appeal Board has reached a formal decision on the appeal.
8. The decisions of the Appeal Board shall be final.

## PART ELEVEN

### VACANCIES

1. The office of Chief or Councillor becomes vacant when
  - a: the person who holds that office dies or resigns
  - b: the person who holds that office has been absent from three consecutive regular meetings of Council, without valid reasons acceptable by the council
  - c: the person who holds an office is found guilty and convicted in a court of law of an indictable offence
  - d: the person who holds office ceases to be a member of the Band
  - e: a vote of non-confidence has been passed by a majority of band members eligible to vote.
  - f: misuse of band funds, band assets or misuse of the power of their office has occurred.
2. Where a Chief or Councillor position becomes vacant more than six months before the date when a regular election would ordinarily be held for that Chief or Council position, the Band Council shall declare that a by-election be held, at once to fill the vacant position(s).

3. Where a Chief or Councillor position becomes vacant with less than six months remaining to the date when a regular election would ordinarily be held for that Chief or Councillor position, the Band Council shall at the next general Band meeting obtain approval from the membership present to temporarily fill the vacancies.

## PART TWELVE

### BAND COUNCIL MEETINGS

1. The Band Council shall hold regular monthly meetings, on dates to be established by the Council.
2. The first regular meeting of the Council must take place within five working days following the effective date of the term of office.
3. A quorum of the Council shall consist of a minimum of three Council Members.
4. No official business of the Band may be conducted until a quorum of the Council is present and the meeting formally called to order.
5. The Chief shall chair all Council meetings, in the absence of the Chief the Deputy Chief shall chair the Council Meeting. The Chair shall only vote to break a tie.
6. The Council shall appoint one Councillor to be a Deputy Chief to act in the absence of the elected Chief.
7. If the Chief is not available for a Council Meeting, it will be decided by the quorum, if the duly scheduled meeting is to be cancelled.
8. All regular monthly meetings of Council shall be open to the Band members and no Band Member shall be excluded except for improper conduct;
  - a: with the exception of in-camera sessions where, it is the opinion of the Council, it is in the best interest of the Band to exclude general Band Members or anyone other than the elected officers from the meeting for a specific agenda item.
9. The Band Council shall hold a minimum of six General Band Members' Meetings per year. Such meetings will be held to discuss/disclose
  - a: the Band's annual audit report
  - b: the Band's annual budget
  - c: a review or vote on major activities impacting the band
  - d: a vote on applications for membership to the Band
  - e: any other items as determined by the council
  - f: and other items as submitted by a member(s)
10. Notice of these meetings (**SCHEDULE TWELVE**) are to be posted, or mailed (last known address) to Band Members along with an agenda, at least six days prior to the meeting date.

PART THIRTEEN

AMENDMENTS

1. These Band Election Procedures may be amended only with the approval of a majority of the electors in attendance at General Band Members' Meeting, called in accordance with Part Twelve, Section 9 of these procedures.
2. All amendments shall form part of these Procedures and receive proper Certification as set out in Part Fourteen.

PART FOURTEEN

CERTIFICATION

1. This is to certify that these Band Election Procedures have been approved by a majority of the Band's electorate in attendance at a General Members' Meeting held on \_\_\_\_\_, 1994 and that the Minutes to that meeting are attached as Schedule Thirteen,

AND THAT these procedures were adopted by a formal motion of Council at the Band Council Meeting held on \_\_\_\_\_ 1994.

DATE: \_\_\_\_\_ CHIEF \_\_\_\_\_

COUNCILLOR \_\_\_\_\_

COUNCILLOR \_\_\_\_\_

COUNCILLOR \_\_\_\_\_

WITNESS \_\_\_\_\_

SCHEDULE ONE

NOTICE  
FOR A  
NOMINATION MEETING

Notice is hereby given that a meeting of the electors of High  
Bar Band will be held at \_\_\_\_\_  
on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, from  
\_\_\_\_\_ pm to \_\_\_\_\_ pm for the purpose of  
nominating candidates for a Chief and \_\_\_\_\_ councillors  
for the High Bar Band.

\_\_\_\_\_  
Electoral Officer

\_\_\_\_\_  
Date

## SCHEDULE TWO

### Instructions for the Filing of Written Nomination Papers

1. Any candidate may be nominated by written nominations rather than by verbal nomination.
2. Written nomination papers are to be given to the Electoral Officer anytime between the date on which the Nomination Notices have been posted and the close of the Nomination Meeting.
3. A nomination paper shall state the full name of the candidate and shall contain a statement that the candidate and the nominator are electors of the Band. The nominations paper must also state the position the candidate is being nominated for and be signed by the nominator.
4. The number of nominations can not exceed the number of positions to be elected.
5. At the opening of the Nomination Meeting, the Electoral Officer will read aloud the names of all candidates and their nominator for which written nominations have been received.
6. **SEE SCHEDULE THREE FOR AN EXAMPLE**

HIGH BAR BAND

NOMINATION PAPER

1. That I, \_\_\_\_\_  
(name of nominator)  
an elector of the High Bar Band, hereby nominate  
\_\_\_\_\_ for the position of  
(name of candidate)  
\_\_\_\_\_ and that he/she is  
(Chief or Councillor)  
an elector of the Band.

\_\_\_\_\_  
(Signature of Nominator)

\_\_\_\_\_  
(Date)

SCHEDULE FOUR

SAMPLE

WRITTEN DECLINATION

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I, \_\_\_\_\_, hereby decline my  
(name of candidate)  
nomination for \_\_\_\_\_ for the High Bar Band for  
(Chief or Councillor)  
for the Election which is been held on \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

Witnessed By:

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

SCHEDULE FIVE

NOTICE  
OF AN  
ELECTION  
TO BE HELD

Notice is hereby given to the electors of the High Bar Band that a poll will be held for the election of a Chief and \_\_\_\_\_ Councillors for the Band.

The poll will be held on \_\_\_\_\_, the \_\_\_\_\_ day of  
(day of the week) (date)  
\_\_\_\_\_, 19\_\_\_\_.  
(month) (year)

The poll will open at \_\_\_\_\_ pm and close at \_\_\_\_\_  
(time of opening) (time  
\_\_\_\_\_ pm.  
of closing)

The poll will be located at \_\_\_\_\_  
(address of building)

\_\_\_\_\_  
Electoral Officer

\_\_\_\_\_  
Date





SCHEDULE SEVEN

SAMPLE  
BALLOTS

(X) CHIEF  
MARK ONE ONLY


(X) COUNCILLORS  
MARK \_\_\_\_\_ ONLY


SCHEDULE EIGHT

Certification That the Ballot Box Was Empty

\_\_\_\_\_  
(Date of Election)

HIGH BAR BAND

We hereby certify that the ballot box was empty prior to  
it being locked and sealed.

\_\_\_\_\_  
Electoral Officer

\_\_\_\_\_  
Electoral Assistant

\_\_\_\_\_  
Band Witness

SCHEDULE NINE

DECLARATION OF VOTER  
OMITTED FROM VOTE'S LIST

I, \_\_\_\_\_ do solemnly swear that:  
(name of voter)

- a. I have not voted before at this election;
- b. I am of the full age of \_\_\_\_\_ years or older;
- c. I am a member of the High Bar Band;
- d. I am an eligible elector to the High Bar Band.

Dated at \_\_\_\_\_, B.C. this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of Voter

\_\_\_\_\_  
Electoral Officer Signature

SCHEDULE TEN

TALLY SHEET

NAME	25	50	75	100	Total Votes

Count Team Signature:

1. \_\_\_\_\_

2. \_\_\_\_\_

Valid Ballots: \_\_\_\_\_

Spoiled Ballots: \_\_\_\_\_

SCHEDULE ELEVEN

Results of the Poll

I hereby declare the following persons elected for Chief and Council as a result of the election held on \_\_\_\_\_, 19\_\_\_\_.

CHIEF: \_\_\_\_\_

COUNCILLORS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Number of votes for each candidate were as follows:

Name	Number
Chief _____	_____
_____	_____
_____	_____

Councillors: _____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Was there a recount? \_\_\_\_\_

Ballots	CHIEF	Councillor
a) Printed		
b) Cast & Counted		
c) Cast & Spoiled		
d) Number Voided		
e) Left over/unused		
TOTAL of bcde=to a		

SCHEDULE TWELVE

NOTICE  
OF A  
GENERAL MEMBERS  
MEETING

Notice that a meeting of all general band members has been  
schedule for \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
(day of week) (month) (year)  
at \_\_\_\_\_ at the \_\_\_\_\_.  
(time) (meeting place)

Some of the items to be presented/discussed are:

1:

2:

3:

4:

Please contact \_\_\_\_\_ if you want to add any  
thing to the agenda.

\_\_\_\_\_  
Chief or Band Manager

