

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

PART I SHORT TITLE

These regulations shall be known as the *Simpcw Tkwem7íple7tn Custom Election Code*.

PART II INTERPRETATION

In these Simpcw Tkwem7íple7tn Custom Election Code:

1. **Administrator** means the individual who is appointed as administrator by the Simpcw Council and responsible to the Simpcw Council for proper functioning of the Band and its employees.
2. **Appeal** means an appeal of a decision to either the Appeals Committee or Arbitrator.
3. **Arbitration** is a process where two (2) or more parties, who have been unable to negotiate a solution to a problem, agree to put the matter to an independent neutral individual to provide an answer, and to be bound by that decision.
4. **By-Election** - special election, not held at the time of a general election, to fill a vacancy in Simpcw Council.
5. **Band** means the Simpcw First Nation.
6. **Code** means the Simpcw Custom Election Code.
7. **Council** shall mean Simpcw Council.
8. **Custom Election Code** means the Simpcw Tkwem7íple7tn Custom Election Code (hereinafter referred to as the "Election Code").
9. **Electoral Officer** means an individual appointed by the Simpcw Council to direct and conduct the Simpcw Council Nomination Meeting and the Simpcw Council Elections.
10. **Election** means an election for Simpcw Council held pursuant to these Election Regulations.
11. **Elector** means an individual who is qualified to vote for the Simpcw Council pursuant to the terms and conditions set out in Schedule A hereto.
12. **Family member**, with respects to a person, means
 - (a) the person's spouse or former spouse,
 - (b) a person with whom the person is living, or has lived, in a marriage-like relationship,
 - (c) a parent or guardian of the person's child,
 - (d) a person who lives with, and is related to,
 - i. the person, or
 - ii. a person referred to in any of paragraphs (a) to (c), or
 - (e) the person's child,
 and includes a child who is living with, or whose parent or guardian is, a person referred to in any of paragraphs (a) to (e).
13. **Elector's List** means the list of those Simpcw First Nation members qualified to vote as per Schedule A hereto as of the scheduled date of the election.

POLICY: Simpcw Tíkwen7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

14. **Good Financial Standing** means an individual who has no outstanding debts to the Simpcw First Nation and is not in arrears on any dues or fees owed to the Simpcw First Nation.
15. **Incapable Elector** shall mean an Elector incapable of voting by reason of literacy, blindness, or other physical cause.
16. **Improper Election Practices** shall mean those practices set out in Schedule B hereto.
17. **Kúkwpí7** means Chief.
18. **Ordinarily Resident Off-Reserve** means an individual who is resident off the Reserve for election purposes in the manner set out in Schedule C.
19. **Ordinarily Resident On-Reserve** means an individual who is resident on the Reserve for election purposes in the manner set out in Schedule C.
20. **Polling Station** shall mean the location set aside by the Election Officer for the purposes of in-person voting. The Polling Station shall be a room, or building, set aside, on the date of the Election, for the period of 8 a.m. to 8 p.m., solely for the purposes of the Election. The Polling Station shall have secure entrances and exits and shall be configured in such a manner that only those individuals having a purpose connected directly to the Election shall be permitted to enter.
21. **Primary Residence** means the residence where an individual sleeps overnight on not less than 183 nights in any calendar year and as defined in Schedule C.
22. **Reserve** means Simpcwúl'ecw, or Qelmucúlecw, being those lands set aside for the use and benefit of the Simpcw First Nation.
23. **Scrutineer** means an individual nominated by a candidate in writing to observe on his or her behalf, the election and the counting of the Ballots.
24. **Secwepemcúlecw** means Secwepemc Territory.
25. **Simpcw Council** means the Kúkwpí7 (Chief) and Tíkwenem7í'ple7 (Councilors) elected by members of the Simpcw First Nation pursuant to these Election Code.
26. **Simpcwemc** means the Simpcw people.
27. **Spoiled Ballots** means:
 - (a) a ballot which has been marked with more votes than allowed; or
 - (b) a ballot which does not have the initial of the Electoral Officer; or
 - (c) a ballot with any mark(s) which is not an "X" or "V"; or
 - (d) a ballot which has not been marked clearly to identify the individual voted for; or
 - (e) a ballot that has been marked "DISALLOWED" by the Electoral Officer and signed by the Elector.
28. **Standing for Office** shall mean an individual who has been duly nominated is qualified for the office of either Kúkwpí7 or Tíkwenem7í'ple7.

POLICY: Simpcw Tkwem7i'ple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

29. **Term of Office** shall mean the time during which Kúkwpí7 and/or Tkwem7i'ple7 shall hold office and shall mean, firstly, the initial term of office being the period of time commencing 12 a.m. June 1 in the year of election and continuing to and including 11:59 p.m. May 31 in the 3rd year thereafter; secondly in the event of a vacancy during the term of office, the period of time Kúkwpí7 or Tkwem7i'ple7 is elected, or otherwise appointed, to fill a vacancy in office during the initial term of office.
30. **Tkwem7i'ple7tn** means Governance.
31. **Tkwem7i'ple7** means Councillor.

PART III - COMPOSITION OF SIMPCW COUNCIL

1. The Simpcw Council shall have a total of seven (7) members, consisting of one (1) Kúkwpí7 and six (6) Tkwem7i'ple7. The Kúkwpí7 and five (5) Tkwem7i'ple7 shall be electors Ordinarily Resident On-Reserve. One (1) Tkwem7i'ple7 shall be an elector Ordinarily Resident Off-Reserve, but, being Ordinarily Resident Off-Reserve, having as his or her primary residence within 150 Kilometers of the Simpcw Office on Simpcw First Nation Reserve. See Schedule C for Residency Guidelines.
2. The Kúkwpí7 and five (5) Tkwem7i'ple7 Ordinarily On-Reserve shall be elected by the highest number of votes cast for those offices, held in accordance with the Election Code.
3. The Tkwem7i'ple7 Ordinarily Resident Off-Reserve shall be elected by the highest number of votes cast for that office in accordance with the Election Code.
4. Ordinarily Resident Off-Reserve Simpcw Council member will provide representation for off-reserve registered members.
5. All candidates for Simpcw Council shall meet the qualifications for office set out in Schedule D.

PART VI - TERM OF OFFICE

The term of office of Kúkwpí7 and Tkwem7i'ple7 shall commence 12 a.m., June 1st in the year of the election and continue to and including 11:59 p.m., May 31st in the third year thereafter.

PART VII - QUALIFICATION FOR OFFICE AND DISQUALIFICATION FROM OFFICE

1. In order to qualify for office an individual must be:

- a) An individual qualified as an Elector.
- b) In the case of a Kúkwpí7, only an Elector who has been ordinarily resident on the reserve for a full six (6) months prior to the date of the nomination meeting.
- c) In the case of an off-reserve Tkwem7i'ple7, an Elector who has been ordinarily resident off the reserve for a full six (6) months prior to the date of the nomination meeting.
- d) In the case of an on-reserve Tkwem7i'ple7, only an Elector who has been ordinarily resident on the reserve for a full six (6) months prior to the date of the nomination meeting.
- e) Must a member of the Simpcwemc.
- f) An individual who is not disqualified by:

POLICY: Simpcw Tkwem7i'ple7n Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

- i. within 20 years of the date of an election, having been convicted of a *Criminal Code of Canada* offense by indictment; or
- ii. within three (3) years of the date of the election, having been convicted of a *Criminal Code of Canada* offense by summary judgment.
- g) The currently employed Administrator/Band Manager is ineligible from running/nomination for Simpcw Council; unless a leave of absence is approved by Simpcw Council.
- h) A Simpcw Council member disqualified from completing a term in office is ineligible as a candidate for any open offices for Council occurring during that term of office, but may stand as a candidate in the next regularly scheduled election provided he/she is duly nominated and meets all eligibility requirements of the Simpcw Custom Election Regulations
- i) An individual qualified for office may be nominated and run for both the office of Kúkwpi7 and Tkwem7i'ple7.
- j) A candidate standing for office as Kúkwpi7 may also stand for office as Tkwem7i'ple7 provided such candidate declares, at the time of the nomination, that he or she is so standing for office and that he or she will accept the office of Tkwem7i'ple7 in the event that he or she is not elected as Kúkwpi7.
- k) An individual who is in Good Financial Standing.

2. DISQUALIFICATION FROM CONTINUING TO HOLD OFFICE

- a) A Simpcw Council member who, while holding office, is convicted of an offense under the *Criminal Code of Canada* will be disqualified from completing his or her term.
- b) A Simpcw Council member missing two (2) consecutive meetings may be disqualified from completing his or her term in office by a 2/3 majority vote of the Simpcw Council, and the individual subject to such disqualification will not be entitled to vote in this regard.
- c) A Simpcw Council member who ceases to be Ordinarily Resident for the office for which he or she was elected will be disqualified to complete his or her term of office.
- d) A Kúkwpi7 who ceases to be Ordinarily Resident on Reserve will be disqualified to complete his or her term of office.
- e) A Simpcw Council member who fails to adhere to the *Roles and Responsibilities of Simpcw Council* as set out herein may be disqualified from completing his or her term in office by a 2/3 majority vote of the Simpcw Council, and the individual subject to such disqualification will not be entitled to vote in this regard.
- f) A Simpcw Council member who ceases to be in Good Financial Standing (see PART II Section 10 Page 5) as defined in these Election Regulations may be disqualified from completing his or her term in office by a 2/3 vote of the Simpcw Council, and the individual subject to such disqualification will not be entitled to vote in this regard.
- g) A Simpcw Council member taking legal action against Simpcw First Nation will be temporarily disqualified from continuing to hold office, continuing from the date the action is filed until the date the case is heard, the decision provided, and all appeals are exhausted.
- h) All of the above noted shall be by a 2/3 majority vote of the Simpcw Council to be disqualified from completing the term in office.

PART VI - APPEAL FROM DISQUALIFICATION FOR CONTINUING TO HOLD OFFICE

- a) Simpcw Council shall appoint an Arbitrator to hear matters concerning Simpcw Council within 30 days of the date of Election.

POLICY: Simpcw Tíkwen7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

- b) If an Arbitrator has not been appointed within the time set out in Section 1, the Administrator shall appoint an Arbitrator as soon as possible.
- c) Simpcw Council is charged with the responsibility of determining whether or not a Kúkwpí7 or Tíkwenem7í'ple7 is disqualified from continuing to hold office.
- d) In the event Simpcw Council determines that an individual is disqualified from continuing to hold office as Kúkwpí7 or Tíkwenem7í'ple7, Simpcw Council will so notify this individual, in writing, within two (2) days of such determination.
- e) The Simpcw Council member whose office has been determined disqualified or in the case of illness or incapacity of such Simpcw Council member, a Simpcw Council member acting on his or her behalf, may appeal the Council's decision by filing a notice of appeal together with the supporting documents and a security deposit of One Hundred Dollars (\$100.00), with the Arbitrator within ten (10) days of receiving notice of the decision.
- f) The Simpcw Council member who has been determined by Simpcw Council disqualified from continuing to hold office shall pay, if unsuccessful, 50% of the expenses of the cost of the Arbitrator incurred in the appeal process.
- g) Where no Arbitrator has been appointed, an appeal shall be filed with the Administrator who shall upon receipt request Simpcw Council to Appoint an Arbitrator.
- h) The Arbitrator, may, at his or her discretion, give directions for:
 - i. fixing the date, time and place for hearing the appeal(s);
 - ii. designating the method of taking evidence, either by sworn declaration or written testimony, or both;
 - iii. designating what individuals are to be notified and how they are to be served; and
 - iv. dealing with any matter or other thing not otherwise provided for in this section.
- i) A copy of the notice of appeal and any documents relied upon by Simpcw Council or other individuals, shall be delivered to the Simpcw Council member who has been determined disqualified from continuing to hold office.
- j) The notice of appeal and supporting documentation shall be delivered to the Arbitrator at least 14 days prior to the hearing.
- k) The Simpcw Council member who has been disqualified from continuing to hold office may file a written reply to the Arbitrator at least four (4) days prior to the hearing.
- l) The Arbitrator will issue a written decision together with reasons in every appeal.
- m) If the Appellant is appealing the decision of the Simpcw Council, the Arbitrator may:
 - i. confirm the determination of Simpcw Council and declare the office vacant; or
 - ii. reverse the decision of Simpcw Council and declare the Simpcw Council member qualified for continuing to hold office.
- n) The Arbitrator shall provide a copy of the decision to the Administrator and to any party to an appeal.
- o) The Arbitrator's decision shall be posted in the Simpcw Administration Building.
- p) The decision of the Arbitrator is final and not subject to appeal.

PART VIII - ELECTORAL OFFICER

1. The Administrator shall identify two or three potential candidates for the position of Electoral Officer by December 15th of the year preceding the Election.
2. The Electoral Officer shall be appointed by a majority vote of Simpcw Council at the 1st scheduled Simpcw Council meeting in the month of January during an Election year.

POLICY: Simpcw Tíkwenem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

3. The Electoral Officer shall not be a qualified Elector as set out in Schedule A.
4. An individual nominated for the office of either Kúkwpí7 or Tíkwenem7í'ple7, or the immediate family of such an individual shall not be eligible to be an Electoral Officer.
5. The Electoral Officer will be appointed for a three (3) year term.
6. In the event that an Electoral Officer is disqualified after being appointed, a replacement Electoral Officer shall be appointed by a majority vote of the then Simpcw Council, forthwith upon the Electoral Officer becoming disqualified. The criteria and process for disqualification of the Electoral Officer are described in Schedule N.

PART IX - NOMINATION PROCEDURES

1. To allow adequate time for potential candidates to complete all qualification requirements for nominations, the administrator will post a notice of pre-nomination procedures at the band administration office, on the band's website, and in the band's newsletter, and make all pre-nomination forms available upon request, no later than December 1st of the year preceding an election year.
2. Criminal Records Check. All individuals who are seeking to accept nominations for Kúkwpí7 and/or Tíkwenem7í'ple7 must provide, to the Electoral Officer, prior to or on the date of Nominations, a duly completed Security Clearance Authorization Form set out in Schedule F, together with a current successful criminal records check which establishes to the satisfaction of the Electoral Officer, that he or she is not disqualified from running for Simpcw Council by virtue of the requirements of these Election Regulations, and, specifically as set out in Schedule D hereto.
3. Other Materials. All individuals who are seeking to accept Nominations for Kúkwpí7 and/or Tíkwenem7í'ple7 must provide, to the Electoral Officer, prior to or on the date of Nominations, other evidence as reasonably required by the Electoral Officer, which establishes to the satisfaction of the Electoral Officer, that he or she is not otherwise disqualified from running for Simpcw Council by virtue of the requirements of these Election Regulations, and, specifically as set out in Schedule D.
4. All individuals who are seeking to accept nominations for Kúkwpí7 and/or Tíkwenem7í'ple7, including those individuals who are proposed and seconded from the floor, must provide, to the Electoral Officer, prior to or on the date of or at the time of the Nomination Meeting, the following:
 - a. Completed Candidate Intention Form - Schedule G,
 - b. Nomination Form,
 - c. the Security Clearance Authorization Form, and
 - d. Good Financial Standing Form.
5. Any individual who has not complied with Part IX, Nomination Procedures, will not be eligible to accept a nomination for Kúkwpí7 and/or TKwenem7í'ple.

PART X - NOMINATION MEETING

1. The Nomination Meeting will be held the 1st Sunday in the month of March during an Election year between the hours of 1:00 p.m. and 3:00 p.m.

POLICY: Simpcw Tkwenem7i'ple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

2. The Electoral Officer shall post a notice of the Nomination Meeting for the sole purpose of nominating candidates for Kúkwpi7 and/or TKwenem7i'ple7. Such notice shall be posted in one (1) or more conspicuous places on the 3rd Friday in January during an Election year.
3. The Electoral Officer will declare the meeting open for receiving nominations, and any individual who is qualified Elector may propose or second a nomination of an individual duly qualified to serve as Kúkwpi7 or TKwenem7i'ple7.
4. An individual who is not proposed or seconded shall not be nominated to serve as Kúkwpi7 or TKwenem7i'ple
5. If the number of qualified individuals nominated to serve, as Kúkwpi7 or TKwenem7i'ple7 does not exceed the number of offices being contested, the Electoral Officer shall declare the individuals who are so nominated, duly elected.
6. Should an individual, duly qualified to serve as Kúkwpi7 or TKwenem7i'ple7, be unable to attend the Nomination Meeting, such an individual may submit a Candidate Intent Form addressed to the "ELECTORAL OFFICER" and indicate his or her willingness to accept nomination for either the office of Kúkwpi7 or TKwenem7i'ple7. In order to stand for election this individual must be proposed and seconded from the floor.
7. The Electoral Officer shall select the members of the Appeals Board by random draw (see Part X).
8. The Electoral Officer shall call to the floor and request that a motion be made and seconded to effect closure of the nomination meeting.
9. In the event of more than the required number of individuals being nominated for the office of Kúkwpi7 and TKwenem7i'ple, the Electoral Officer shall declare that a poll shall be held and shall announce the time and place where such poll shall be taken. Candidates wishing to withdraw from the election must submit a written statement to that effect to the Electoral Officer no later than forty-eight (48) hours after the close of nominations. If they do not withdraw in this manner their names will be included on the Election Ballot. This rule is to provide the Electoral Officer enough time to print and send mail-in ballots package to off-reserve Electors.

PART XI - ELIGIBLE ELECTORS

Eligible Electors are those individuals who meet the qualifications set out in Schedule A.

PART XII - ELECTORS LIST

1. The Electoral Officer shall assemble the electors' list setting out the names in alphabetical order, of all electors who will be eligible to vote on the date of Election (the "Electors") (the "Electors List").
2. The Electoral Officer shall post one (1) or more copies of the Electors List in these locations: Chinook Cove Subdivision, Band Administration office, Coal Creek Subdivision, North Chu Chua, Barriere Post Office, in the community of the Simpcw on January 31 during the year of Election.
3. Any discrepancies found regarding the Elector's List, may be addressed by a written submission to the Electoral Officer prior to the Nomination meeting.
4. The Electors List shall be further reviewed and approved by the Electors present at the Nomination Meeting. Any further disputes with the Electoral list may be referred to the Appeals Board if a request is submitted in writing to the Appeals Board within ten (10) working days after the Nomination Meeting by the individual(s) affected by the decision. After this time frame, the

POLICY: Simpcw Tíkwen7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

Electoral Officer will have discretion, in consultation with the Appeals Board, to modify the Electors List based on the time available to have an amended list in place by the date of the Election.

5. Once all appeals have been heard and determined, the Electors List shall then be considered completed and declared final. The approved Electors List shall be posted with the Election Notice.

PART XIII - PRE-ELECTION PROCEDURES

1. The Electoral Officer will establish polling stations, as set out in Schedule H, sufficient in number, to permit ready access by Electors Ordinarily Residents On-Reserve.
2. The Electoral Officer shall prepare ballots setting out:
 - a) The full given name of the candidates nominated for the office of Kúkwpí7, in alphabetical order by surname; and
 - b) The full given name of the candidates nominated for the office of Tíkwenem7í'ple7, in alphabetical order by surname.
3. Where two (2) or more candidates have the same name, the Electoral Officer will add to the ballots such information as is necessary to distinguish between those candidates, including a candidate's commonly used nickname.
4. The Electoral Officer will cause there to be issue two (2) separate ballots, one (1) for the office of Kúkwpí7 and one (1) for the office of Tíkwenem7í'ple7.
5. The Electoral Officer will, prior to opening the polls, supply each polling station with:
 - a) Ballot boxes for each of the officers of Kúkwpí7 and for Tíkwenem7í'ple7;
 - b) A sufficient number of voting booths for the Electors to mark their ballots in privacy;
 - c) Ballot marking instruments;
 - d) Voting instructions at each polling station;
 - e) The final Electors List; and
 - f) Any other equipment necessary to conduct the polling.

PART XIV - MAIL-IN BALLOTS

1. An Elector who is Ordinarily Resident On-Reserve and who is unable to vote in person on the date of Election may, request a mail-in ballot package from the Electoral Officer no later than ten (10) working days prior to the scheduled date of the Election.
2. The Electoral Office will provide all known off-reserve Electors with a mail-in ballot package, on condition that the Electoral Officer has the correct mailing address of the off-reserve Electors at least ten (10) working days prior to the scheduled date of the election. In the case of post-secondary students living temporarily off-reserve, the Education Manager will provide the Electoral Officer with their temporary off-reserve addresses immediately after the Nomination Meeting.
3. Mail-in ballots will be mailed to off-reserve Electors no later than thirty (30) days prior to the scheduled date of the Election.
4. The Electoral Officer will mail to every Elector who is not Ordinarily Resident On-Reserve and to every Elector whose request to vote by mail-in ballot has been received, a mail-in ballot package consisting of:
 - a) The Notice of Election;
 - b) A ballot or ballots initialed on the back by the Electoral Officer;

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

- c) An inner postage-paid return envelope marked “ballot” for insertion of the completed ballot;
 - d) An Elector Declaration Form in the form set out in Schedule I; and
 - e) The letter of instruction regarding voting by mail-in ballot will include;
 - i) A statement advising Electors they may vote in-person on the day of the election if they return their mail-in ballot to the Electoral Officer at the polling station or swear a written declaration before the Electoral Officer or a justice of the peace or notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot; and
 - ii) A list of the names of any candidates who were acclaimed.
5. An Elector who is not Ordinarily Resident On-Reserve and who has not received a mail-in ballot package may request a mail-in ballot package from the Electoral Officer no later than 10 working days prior to the date of Election.
 6. Upon receipt of request for a mail-in ballot package pursuant to paragraph 5, the Electoral Officer will mail or deliver a mail-in ballot package to the Elector whose name appears on this request for a mail-in ballot package.
 7. The Electoral Officer shall indicate on the Electors List that a ballot has been provided to each Elector to whom a mail-in ballot package was mailed or otherwise provided and keep a record of the date on which, and the addresses to which, each mail-in ballot package was mailed or otherwise provided and keep a record of the date on which, and the addresses to which, each mail-in ballot package was mailed or otherwise provided.
 8. An Elector shall vote by mail-in ballot by:
 - a) Placing an “X” or “v” that clearly indicates the Elector’s choice;
 - b) Folding the ballot in a manner that conceals the name of the candidates or any marks, but exposes the Electoral Officers initials on the back;
 - c) Placing the ballot in the inner envelopes and sealing the envelope;
 - d) Completing the Elector Declaration in the form attached as Schedule I in the presence of a witness who is at least eighteen (18) years of age;
 - e) Placing the inner envelope and the completed, signed, and witnessed Elector Declaration Form in the postage-paid envelope; and
 - f) Delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of polls on the day of the Election.
 9. A witness, referred to in paragraph 8, will sign the Witness Declaration Form set out in Schedule I (1).
 10. Where an Elector is incapable of voting in the manner set out in Part XV, Mail-in Ballots, paragraph 8, by reason of illiteracy, blindness, or other physical cause (the “Incapable Elector”), the Elector may enlist the assistance of another individual to mark the ballot and complete and sign the Declaration Form set out in Schedule I (2).
 11. The individual assisting the Incapable Elector, referred to in paragraph 10, shall sign the Declaration Form set out in Schedule I (2), in the presence of a witness who is 18 years of age.
 12. A witness, referred to in paragraph 11, shall sign the Declaration Form set out in Schedule I (3).
 13. The Electoral Officer may, at his/her discretion, personally transport a mail-in ballot package to any Elector on reserve who, due to age, illness or infirmity cannot attend the Polling Place to vote. Upon

POLICY: Simpcw Tíkwen7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

reaching the location of the Elector in question, the Electoral Officer will conduct a secret ballot vote for that Elector in the presence of at least one (1) witness. In this event, the Electoral Officer must leave the Polling Place under the management of a duly-appointed Deputy Electoral Officer and, upon returning to the Polling Place, the Electoral Officer shall place the marked ballots thus collected into the appropriate ballot boxes.

14. Mail-in ballots that are not received by the Electoral Officer before the close of polls on the date of the Election shall not be counted.

PART XV - ELECTION POLL

- Whenever a poll is to be taken the Electoral Officer will cause to be posted the date and location such poll will be taken, in these locations:
 - Chinook Cove,
 - Simpcw Administration Office,
 - Coal Creek,
 - Upper Chu Chua,
 - Barriere Post Office, and
 - in the community of the Simpcw.
- The Election year will be the year in which the terms of office of the Simpcw Council expire.
- The date and time of the election will be as follows:
 - Where there is no candidate nominated for both the office of Kúkwpí7 and Tíkwenem7í'ple7 the poll to elect the Kúkwpí7 and Tíkwenem7í'ple7 will be held on the 4th Sunday in the month of April between the hours of 9:00 a.m. and 8:00 p.m.; or
 - Where there are candidates nominated for both the office of Kúkwpí7 and TKwenem7í'ple the poll:
 - To elect Kúkwpí7 will be held on the 2nd Sunday in the month of April between the hours of 9:00 a.m. and 8:00 p.m.; and
 - To elect TK'wenem7í'ple7 will be held on the 1st Sunday of the month of May between the hours of 9:00 a.m. and 8:00 p.m.
- The Electoral Officer will verify that each ballot box is empty before voting begins.
- The Electoral Officer will for the purpose of voting and the presence of that individual's name on the Electors List. The factors to be used by the Electoral Officer in determining the identity of an Elector are: name, birth date, Indian Status card number, other picture ID and/or witnesses present who can corroborate the individual's identity.
- Once satisfied of the identity of an individual, the Electoral Officer will provide the Elector with a ballot, will initial the ballot, and will place in the proper column of the Electors List, a mark opposite the name of the Elector receiving the ballot.
- The Electoral Officer, when requested to do so, shall explain the method of voting to an elector.
- Each Elector, upon receiving a ballot paper will:
 - Proceed to the compartment provided for marking ballots;

POLICY: Simpcw Tkwem7i'ple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

- Mark his or her ballot by placing an “X” or “v” opposite the name of, no more than, one (1) candidate for Kúkwpí7 and no more candidates for TKwenem7i'ple than there are offices of Tkwem7i'ple7 being contested in the election;
 - Then fold the ballot paper so as to conceal the names of the candidates and the marks on the face of the paper but to expose the initials of the Electoral Officer; and
 - deliver the ballot paper to the Electoral Officer.
- The Electoral officer will, without unfolding the ballot paper, verify the initials and at once deposit the ballot into the ballot box in the presence of the Elector and of all other individuals entitled to be present at the Polling Station.
 - Except as otherwise provided by these Election Regulations, while any Elector is in the compartment for the purpose of marking the ballot paper no other individual will be allowed in the same compartment or be in any position from which to see the manner in which the Elector marks the ballot paper.
 - An “Incapable Elector” may enlist the assistance of the Electoral Officer who shall assist such Elector by marking his for her ballot paper in the manner directed by such Elector in the presence of the Scrutineer(s) of the candidates in the Polling Station and of no other individuals, and such ballots in the ballot box.
 - The Electoral Officer will state on the Electors List opposite the name of such Elector in the column for remarks the fact that he or she marked the ballot paper at the request of the Elector and the reasons therefore.
 - An Elector who has inadvertently dealt with the ballot in such a manner that it cannot be conveniently used shall immediately return it to the Electoral Officer who shall provide to such an Elector a replacement ballot paper, and the Electoral Officer shall write the word “CANCELLED” upon the spoiled ballot paper, which shall be deposited in the ballot box.
 - Every Elector who is inside the Polling Station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.
 - Immediately after the close of the polls the Electoral Officer will in the presence of such of the candidates or their Scrutineers as may be present open the ballot box(es) and:
 - Examine the ballot papers and reject all ballot papers,
 - Which have not been initialed by the Electoral Officer; or
 - Upon which anything appears by which the Elector can be identified.
 - Declare a ballot paper on which an Elector has placed an “X” or “v” beside the name of more candidates for one (1) office than are being elected to be void as regards all the candidates for such office; and
 - Take notes of any objections made by any candidate or his or her agent to any ballot paper found in the ballot box and decide any question arising out of the objection; and number such objection 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.
 - Immediately after the completion of the counting of the votes the Electoral Officer will publicly declare to the elected candidate or candidates having the highest number of votes.
 - In the event a candidate is standing for the office of Kúkwpí7 and the office of Tkwem7i'ple7, votes received for the office of Kúkwpí7 will not be counted as votes towards the office of Tkwem7i'ple7.

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

- There will be a single recount of ballots where votes for any two (2) or more candidates for the same office are within five (5) votes of each other, only as to those two (2) or more candidates, provided, however, should such recount place any of these two (2) candidates within five (5) votes of any other candidate, there will be a second recount for those two (2) candidates. The results of this recount, and any necessary second recount, will be definitive and conclusive.
- The Electoral Officer will prepare a statement signed by himself or herself showing the total number of votes cast for each candidate, the number of rejected ballots and the name of the candidates duly declared elected and will post a copy of this statement in these locations: chinook cove, main band office, coal creek, upper Chu Chua, Barriere Post Office, in the community of the Simpcúíecw .
- One (1) copy of such statement shall be forwarded to the AANCRegional Office of the Department of Indian and Northern Affairs for information only.

Tie-Breaker

- In the event two (2) or more candidates, after recount mandated by these Election Regulations, have an equal number of votes, the Electoral Officer will cast a vote in the following manner:
 - The Deputy Electoral Officer will place the names of the candidates having the same number of votes on one piece of paper each, which will be placed in a separate ballot box.
 - Without looking at those pieces of paper, the Electoral Officer will draw a single piece of paper.
 - The first name drawn will be declared as the successful Candidate.
 - After a tie-breaker draw has occurred the Electoral Officer will write on the back of the piece of paper of the winning candidate "Elected" and place the Electoral Officers initials.
 - Pieces of paper used in a tie-breaker draw must be sealed in an envelope and kept with ballots from the election.

PART XVI - SCRUTINEERS

1. Each candidate may designate only one, Scrutineer for each polling station.
2. Scrutineers will not indicate for whom, he or she is a Scrutineer. Scutineers will, clearly, identify themselves by wearing a name tag, that he or she is a Scrutineer.
3. The Scrutineer will not, in any way, attempt to influence the Electors.
4. Any Scrutineer who attempts to influence Electors will be removed from the polling station and will not, be entitled to re-enter any polling station.
5. Candidates or their Scrutineers will not display partisan Election information within 200 meters of the polling station.

PART XVII - DISPOSITION OF BALLOT PAPERS

Once all offices open for election have been duly filled in accordance with these Election Regulations, the Electoral Officer will deposit all ballot papers along with any pieces of paper from a tie-breaker draw in a sealed envelope and deposit to a safety deposit box, in the name of the Simpcw First Nation, at the financial institution where the Simpcw First Nation conducts its day-to-day business affairs. If no appeal has been submitted to the Appeals Board on or before the expiry of 90 days from the date of the election, the Electoral Officer will destroy the ballot papers and make a declaration that they have been destroyed.

PART XVIII - ELECTION APPEAL PROCESS

1. The Election Appeal Process is to be implemented for Election or By-Election purposes only.

POLICY: Simpcw Tíkwen7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

2. Contraventions of the following are the basis for an Appeal:
 - a) improper Custom Election Code practice(s), as set out in Schedule B;
 - b) violation(s) of the Custom Election Code;
 - c) ineligibility of a candidate has been determined; or
 - d) ballot(s) improperly interpreted by the Electoral Officer.
3. An Appeal must be hand delivered, within two (2) days after an Election, to the Simpcw First Nation Executive Assistant to Chief and Council. The Appeal must be accompanied by the following items or will not be accepted:
 - a) completed Appeal form, as set out in Schedule K,
 - b) supporting documents, and
 - c) sum of One Hundred Dollars (\$100.00), non-refundable, in the form of cash, bank draft or money order made payable to the Simpcw First Nation.
4. Once accepted the Appeal will be immediately forwarded to the Electoral Officer.
5. Within two (2) days of the receipt of the Appeal, the Electoral Officer will contact the Appeal Board to resolve the Appeal.
6. The Appeal Board will proceed with an Appeal Hearing, to be held within four (4) business days of the Appeal having been received by the Electoral Officer.
7. All individuals involved in an Appeal will be notified of the Appeal hearing date.
8. Within two (2) days of the hearing date, the Respondent(s) must hand deliver to the Simpcw First Nation Executive Assistant to Chief and Council, any supporting documents relating to the Appeal.
9. At the Appeal Hearing, the Complainant(s) is/are entitled to present their case and the Respondent(s) is/are entitled to make full answer and defense.
10. The Appeal Board shall hear any and all relevant evidence brought forward by the Complainant(s) and the Respondent(s).
11. The Appeal Board will make one of the following decisions within two (2) days of the Appeal Hearing:
 - a) **Deny the Appeal** based on the evidence presented;
 - b) **Accept the Appeal and to allow the Election to stand**, based on the evidence presented would not have affected the results of the Election; or
 - c) **Accept the Appeal and disqualify such candidate(s)** benefiting from improper election practices.
12. Decision(s) of the Appeal Board will be final.

PART XIX - APPEALS BOARD

1. The Appeals Board will consist of five (5) Eligible Electors.
2. The Appeals Board will be established, and be empowered, from the time of appointment and continuing until the appointment for the Appeals Board for the next ensuing term of office.
3. An individual nominated for the office of either Kúkwpi7 or Tíkwenem7i'ple7, will not be eligible to be a member of the Appeals Board.
4. The ten (10) eligible Electors whose names will be put forward to the Electoral Officer to participate on the Appeals Board. These names will be provided to the Electoral Officer by January 31st of the Election Year.

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

5. Immediately prior to the closing of the Nomination Meeting, but after the nomination for candidates, the Electoral Officer shall:
 - a) place the names of the individuals who have been selected to participate on the Appeals Board, then qualified, on separate pieces of paper into a receptacle;
 - b) without looking at those pieces of paper the Electoral Officer shall draw five (5) names; and
 - c) the individuals whose names appear on the pieces of paper shall constitute the Appeals Board.
6. In the event individuals selected to the Appeals Board by the Electoral Officer are further disqualified, or unable to act due to conflict of interest the Electoral Officer will select further individuals to replace those members who are disqualified or unable to act, and those five (5) individuals will then constitute the Appeals Board.
7. The Appeals Board shall hear all appeals pertaining to Elections and By-Elections for the term of office for which they were appointed, and, specifically the following:
 - a) Disputes regarding ballots;
 - b) Qualification for office;
 - c) Whether an individual is, or is not, an eligible Elector;
 - d) Election appeals; or
 - e) By-election appeals;

And the decision of the majority of the Appeals Board will be considered final.

PART XX - PERMANENT VACANCY

1. The office of Kúkwpi7 or Tkwem7í'ple7 becomes permanently vacant when,
 - a) The individual who holds that office dies;
 - b) The individual who holds that office resigns in writing from office of his or her own accord;
 - c) The individual who holds that office has been unable to perform the functions of his or her office for more than three (3) months due to illness or other incapacity;
 - d) The individual who holds that office is determined to be disqualified from continuing in office in accordance with Part VII, Disqualification from Continuing in Office, of these Election Regulations, and, that determination is final;
 - e) The individual is removed by decision of the Appeals Board made in accordance with Part XVIII, Election Appeal Process, of these Election Regulations;
 - f) The individual is dismissed from office by decision of Council made in accordance with Appendix F, Simpcw Council Discipline Policy, of the Simpcw Roles and Responsibility Manual; or
 - g) The individual who holds that office is otherwise unable to fulfill the terms of office.
2. A registered letter shall be sent to the individual who has been removed from office setting out the grounds for removal and advising them of the effective date of removal and requiring them to immediately return all Simpcw property including keys. An individual who has been so removed from office shall be ineligible to be nominated for office on Simpcw Council during the term of office of that Simpcw Council.
3. Should a permanent vacancy occur in years one (1) or two (2) of Council's term within the Simpcw First Nation for Tkwem7í'ple7, the same Council shall immediately declare the next eligible candidate having received the highest number of votes in the Election for Tkwem7í'ple7 as the next individual to hold office in Simpcw Council. Further permanent vacancies are then filled by by-

POLICY: Simpcw Tkwem7i'ple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

elections. An office will not be filled until the office is declared by a motion of Council to be permanently vacant.

4. Should the office of Kúkwpi7 be permanently vacated during year three (3) of his/her term of office, then a Kúkwpi7 shall be selected by the majority of Simpcw Council and that individual shall continue to hold the office of Kúkwpi7 during the term of office of this Simpcw Council.
5. In the event of candidate disqualification, the Electoral Officer will declare the next eligible candidate having received the highest number of votes in the Election for Tkwem7i'ple7. If no such eligible candidate exists for Tkwem7i'ple7, the Electoral Officer will declare a By-Election.
6. In the event the candidate disqualification is for the office of Kúkwpi7, the Electoral Officer will declare a By-Election.

Temporary Vacancy

7. The office of Kúkwpi7 or Tkwem7i'ple7 is temporarily vacant when:
 - a) An individual has been suspended from Council in accordance with Appendix F, Simpcw Council Discipline Policy, of the *Simpcw Roles and Responsibilities Manual*;
 - b) An individual has been determined by Simpcw Council to be disqualified from continuing to hold office and that determination has not been made final by the ruling of the arbitration; or
 - c) An individual has been elected as Kúkwpi7 or Tkwem7i'ple7 and the result of that individual being so elected is subject of an appeal to the Appeals Board.
8. Should the office of Kúkwpi7 be vacant for more than 30 days Simpcw Council shall, by majority vote, select from the Tkwem7i'ple7, an individual to temporarily fill the office of Kúkwpi7 and that individual shall hold that office until the office of Kúkwpi7 is filled by a By-Election.
9. Should the office of Tkwem7i'ple7 be temporarily vacant that position shall be left vacant until the position is filled or the vacancy becomes a permanent vacancy.

PART XXI - BY-ELECTION

1. The procedures for holding a By-Election and the qualifications of those participating will be as follows:
 - a) The specific date of the Nomination Meeting and the By-Election will be determined by a majority vote of Council;
 - b) The Nomination Meeting for the office of Tkwem7i'ple7 shall be held no less than twenty (20) but no more than thirty (30) days after a permanent vacancy is determined subject to Part XX, Permanent Vacancy, Paragraph 4;
 - c) The Nomination Meeting for the office of Kúkwpi7 shall be held no less than fifteen (15) days but no more than twenty (20) days after a permanent vacancy is determined subject to Part XX, Permanent Vacancy, Paragraph 5;
 - d) In the event of vacancy for Kúkwpi7 and Tkwem7i'ple7 during the usual term of office of Simpcw Council an individual cannot run for both the office of Kúkwpi7 and the office of Tkwem7i'ple7. The By-Election to fill the office of Kúkwpi7 or Tkwem7i'ple7 will be held on the dates and times as follows:
 - i) The By-Election poll shall be held at least fifteen (15) days, but not more than twenty (20) days following the Nomination Meeting;

POLICY: Simpcw Tkwem7i'ple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

- ii) The Election will be held between the hours of 9:00 am to 8:00 pm;
- iii) The Electoral Officer will on or before the expiry of three (3) working days following the Nomination Meeting forward mail-in ballots to Electors who are not Ordinarily On-Reserve
- iv) On-Reserve Electors may request from the Electoral Officer a mail-in ballot at least ten (10) working days prior to the scheduled date of the Election; and
- v) Mail-in ballots that are not received by the Electoral Officer before the close of polls on the date of the By-Election will not be counted; and
- i) The Electoral Officer may, at his/her discretion, personally transport a mail-in ballot package to any Elector on reserve who cannot attend the Polling Place to vote. Once reaching the incapable Elector, the Electoral Officer will conduct a secret ballot vote in the presence of at least one (1) witness. In this event, the Electoral Officer will leave the Polling Place under the management of a duly-appointed Deputy Electoral Officer and will place the marked ballot collected into the appropriate ballot box.

By-Election Appeals

2. Any candidate or Elector may appeal the result as set out in Part XIX, Election Appeals, and Part XIX, Election Appeal.

PART XXII - ASSUMPTION OF OFFICE

The elected Kúkwpi7 and Tkwem7i'ple7 shall assume their office and responsibilities 12:00 am, June 1 of the election year. They shall, immediately prior to assuming their office, swear the Oath of Office attached as Schedule J hereto.

PART XXIII - ROLES AND RESPONSIBILITIES

Kúkwpi7 and Tkwem7i'ple7 shall, at all times, fulfill the roles and responsibilities attached as Schedule K and the *Simpcw Roles and Responsibilities Manual*.

PART XXIV - UNFORESEEN EVENTS

Chief and Council have the authority to resolve events unforeseen by these regulations.

PART XXX - AMENDMENT OF SIMPCW CUSTOM ELECTION CODE BY REFERENDUM

The Simpcw Custom Election Code will not be amended except by Special Resolution of Eligible Electors voting at a referendum conducted in accordance with Simpcw Referendum Code.

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

Schedule A
ELECTOR QUALIFICATIONS

An Elector is determined to meet all of the following requirements:

1. An individual who is registered on the Simpcw Electors List on the date of the Election;
2. An individual who will have reached his or her 18th birthday on the date of the Election; and
3. The Electoral Officer has the authority to keep an individual's name on the Electors list based on the following factors; name, birth dates, Indian Status card number, other picture ID and/or witnesses who can corroborate the individual's identity.

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

**Schedule B
IMPROPER ELECTION PRACTICES**

Vote Buying

1. An Elector or Candidate organization must not pay, give, lend or bribe an Elector to vote for or against a particular candidate; or
2. An Elector must not accept inducement:
 - a) to vote or refrain from voting;
 - b) to vote or refrain from voting for or against a particular candidate; or
 - c) as a reward for having voted or refrained from voting as described in paragraph (a) or (b).

Intimidation

3. An organization must not intimidate an individual for any of the following purposes:
 - a) To persuade or compel an individual to vote or refrain from voting;
 - b) To persuade or compel an individual to vote or refrain from voting for or against a particular candidate; or
 - c) To punish an individual for having voted or refrained from voting as described in paragraph (a) or (b).
4. An individual or organization must not, by abduction, duress or fraudulent means, do any of the following:
 - a) Impede, prevent or otherwise interfere with an individual's right to vote;
 - b) Compel, persuade or otherwise cause an individual to vote or refrain from voting; or
 - c) Compel, persuade or otherwise cause an individual to vote or refrain from voting for a particular candidate.

Corrupt Voting

5. An individual who does any of the following commits an Improper Election Practice:
 - a) Votes in an election when not entitled to do so;
 - b) Votes more than once in an election;
 - c) Applies for more than one (1) alternative absentee voting package;
 - d) Fails to mark a ballot in accordance with the directions of the Incapable Elector being assisted; or
 - e) Obtains a ballot in the name of another individual, whether the name is of a living or dead individual or of a fictitious individual.

Offences in Relation to Ballots and Other Election Materials

6. An individual or organization who does any of the following without authority under the Custom Election Code commits an Improper Election Practice:
 - a) Supplies a ballot to an individual or organization;
 - b) Prints or reproduces a ballot or a paper that is capable of being used as a ballot;
 - c) Takes a ballot out of a place where voting proceedings are being conducted;
 - d) Places in a ballot box, anything other than a ballot; or
 - e) Destroys, takes, opens or produces an unofficial ballot, mail-in ballot, certification envelope, voting book or ballot box.

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

Consequences

7. An individual or organization who commits an Improper Election Practice under Section D (1) is liable to one or more of the following penalties:
 - a) If an individual, subject to a prohibition for a period not longer than seven (7) years and not less than six (6) years from holding office as a member of the Simpcw Council;
 - b) A prohibition for a period of no longer than seven (7) years and not less than six (6) years from voting in an election for a member of the Simpcw Council;
 - c) If an organization, all members of that organization are subject to a prohibition for a period not longer than seven (7) years and not less than six (6) years from holding office as a member of the Simpcw Council;
 - d) If an organization, all members of that organization are subject to a prohibition for a period not longer than seven (7) years and not less than six (6) years from voting in an election for a member of the Simpcw Council.

POLICY: Simpcw Tk'wem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

Schedule C
RESIDENCY GUIDELINES

Ordinarily Resident for the Purposes of Simpcw Elections

1. An Elector whose primary residence is on the reserve is considered ordinarily resident for the Simpcw Election purposes,
2. An Elector whose primary residence is off the Reserve for educational, training reasons, a seasonal type job and intends to resume his or her primary residence On Reserve upon completion.

Primary Residency:

3. A home may be considered your primary residence if:
 - a) You occupy the residence for the major portion (minimum 183 nights) of the year;
 - b) It is in a location relatively convenient to your principal place of employment;
 - c) It is the address of record for federal income tax reporting, voter registration, occupational licensing, where your mail goes;
 - d) It possesses the physical characteristics necessary to accommodate your immediate dependent family.

Primary Residency can be verified with minimum three of the following:

4. Valid BC Drivers' Licence or British Columbia Identification Card and Current vehicle registration insurance;
5. Copy of Canada Revenue Agency (CRA) income tax return with proof of filing or Notice of Assessment;
6. Proof of home ownership, Residential Rental Contract or Certificate of Possession (CP);
7. Current Financial Institution Statement and Installment loan contract from a bank or other financial institution;
8. Paycheck stub;
9. All of the above must include a civic address and must be dated not more than six (6) months prior to the date of Nomination Meeting.

POLICY: Simpcw Tíkwen7í'ple7n Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

Schedule D
QUALIFICATION FOR OFFICE AND DISQUALIFICATION FROM OFFICE

1. In order to qualify for office an individual must be:

- a) An individual qualified as an Elector.
- b) In the case of a Kúkwpí7, only a qualified candidate who has been ordinarily resident on the reserve for a full six (6) months prior to the date of the nomination meeting.
- c) In the case of an off-reserve Tíkwenem7í'ple7, only a qualified candidate who has been ordinarily resident off the reserve for a full six (6) months prior to the date of the nomination meeting.
- d) In the case of an on-reserve Tíkwenem7í'ple7, only a qualified candidate who has been ordinarily resident on the reserve for a full six (6) months prior to the date of the nomination meeting.
- e) Must be a registered member of the Simpcw.
- f) An individual who is not disqualified by:
 - i. Within 20 years of the date of an election, having been convicted of a Criminal Canada offense by indictment; or
 - ii. Within five (5) years of the date of the election, having been convicted of a Criminal Code of Canada offense by summary judgement.
- g) An individual qualified for office may be nominated and run for both the office of Kúkwpí7 and Tíkwenem7í'ple7.
- h) A candidate standing for office as Kúkwpí7 may also stand for office as Tíkwenem7í'ple7 provided such candidate declares, at the time of the nomination, that he or she is so standing for office and that he or she will accept the office of Tíkwenem7í'ple7 in the event that he or she is not elected as Kúkwpí7.
- i) An individual who is confirmed, by the Administrator, to be in Good Financial Standing. (See Schedule J).
- j) Remit a non-refundable payment in the amount of \$200.00 to the Electoral Officer prior to the end of the Nomination Meeting.

2. Disqualification from Office

- a) A Simpcw Council member who, while holding office, is convicted of an offense under the Criminal Code of Canada will be disqualified from completing his or her term.
- b) A Simpcw Council member who ceases to be Ordinarily Resident for the office they were elected will be disqualified from complete the remainder of the term.
- c) A candidate will be disqualified from nomination if their Criminal Record Check does not comply with the *Simpcw First Nation Human Resource Policy*
- d) The Administrator is disqualified from the nomination of office; with the exception of:
 - i. a leave of absence is approved.
 - ii. Or a formal resignation has been received prior to the Election date.
- e) A Simpcw Council member disqualified from completing a term in office is ineligible as a candidate for any open offices for Council occurring during that term of office and may not stand as a candidate for two (2) consecutive Election terms.
- f) A Simpcw Council member who ceases to be in Good Financial Standing, will be given ten (10) business days to resolve the debt.
- g) Absent from two (2) consecutive meetings of Council without valid reason, such as work and/or family responsibility.

POLICY: Simpcw Tíkwen7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

**Schedule E
SECURITY CLEARANCE AUTHORIZATION FORM**

Given Name (s): _____

Alias (s): _____

Date of Birth: _____

Status Card Registry Number: _____

I hereby authorize the Simpcw First Nation to receive the Criminal Records Check from the Royal Canadian Mounted Police (RCMP) or any other police force to carry out a Criminal Records Check and provide the resulting information to the Electoral Officer.

I agree to pay for any fees for the said Criminal Records Check and agree to be fingerprinted if this is required to confirm the Criminal Records Check. Costs associated with the fingerprinting will also be at my expense (If the Criminal Record Check indicates that “record may or may not exist”, fingerprinting is required to be completed to verify the Criminal Record Check).

I understand that if the fingerprints are required to verify the Criminal Records Check that it can take up to 90 days for results; and that it is/will be my responsibility to get this done well in advance of the date of the Nomination Meeting.

I understand that the results of the Criminal Records Check will be used by the Electoral Officer and the Appeals Committee to determine whether I am eligible to run as candidate for Kúkwpí7 and/or Tíkwenem7i’ple7.

I agree to abide by the decision of the Electoral Officer and Appeals Committee on my candidacy and recognize their decision as final in accordance with the Elections Regulations.

Date

Signature

Witness

POLICY: Simpcw Tkwem7i'ple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

Schedule F

CANDIDATE INTENTION FORM

I hereby declare my intention to run as candidate for the office of:

- Kúkwi7
- Tkwem7i'ple7 (on Reserve)
- Tkwem7i'ple7 (off Reserve)

In the Elections for Kúkwi7 and Tkwem7i'ple7 of the Simpcwemc set for the _____ day of _____, _____.

Given Name (s): _____

Alias (s): _____

Date of Birth: _____

Status Card Registry: _____

I enclose the following documentation:

- Nomination Form
- Security Clearance Authorization Form (Criminal Records Check) (Schedule F)
- Good Financial Standing Approval Form (Schedule J)

I hereby authorize the Electoral Officer to adhere to the policies of the Election Regulations and ensure that I am a candidate in Good Financial Standing with the Simpcwemc.

I hereby authorize the Electoral Officer to investigate and verify my eligibility as established in the Election Regulations, to be a candidate for an office on Simpcwemc.

I agree to abide by all terms and conditions of the Election Regulations and recognize the Electoral Officer and Appeals Committee as the final authority on decisions related to the elections.

Date

Signature of Candidate

Witness

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

**Schedule G
ELECTOR DECLARATION FORM**

In the matter of the election of the Simpcw First Nation, held according to the Election Regulations, I,
 _____ (printed name) solemnly declare that:

1. I am a registered member of Simpcw First Nation.
2. My band number is _____ and my date of birth is _____.
3. My current mailing address is:

4. I am 18 years of age as of the date of Elections.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

Date

Signature of Elector

Witness

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

Schedule G (1)
WITNESS DECLARATION FORM

I, _____ (printed name), of _____ (city),
_____ (province/state) do solemnly declare that:

1. I was personally present and saw the attached instrument duly signed and executed by _____ (name of elector).
2. The instrument was executed at _____ (city, province/state).
3. I know _____ (name of elector) and that he or she is the age of 18 years.
4. I am the subscribing witness to the instrument and am of the age of 18 years.

Signature of Witness

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

Schedule G (2)
ELECTOR DECLARATION FORM OF PERSON ASSISTING
AN INCAPABLE ELECTOR

In the matter of the election of the Simpcw First Nation, held according to the Election Regulations, I, _____ (printed name) solemnly declare that:

1. I am a registered member of Simpcw First Nation.
2. My band number is _____ and my date of birth is _____.
3. My current mailing address is:

4. I am 18 years of age as at the date of Elections.
5. I have been advised by _____, (print name of Elector) that he or she is incapable of voting by reason of illiteracy, blindness, or other physical causes and that he or she is, for that reason, an Incapable Elector.
6. The Incapable Elector has advised me and I believe the following is true:
 - (a) The Incapable Elector is a registered member of the Simpcw First Nation.
 - (b) The Incapable Elector's Band number is _____ and the Incapable Elector's date of birth is _____.
 - (c) The Incapable Elector's current mailing address is:

 - (d) The Incapable Elector is 18 years of age as at the date of Elections.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

Date

Signature of Elector

Witness

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

Schedule G (3)
WITNESS DECLARATION FORM OF INCAPABLE ELECTOR

I, _____ (printed name), of _____ (city), _____ (province/state) do solemnly declare that:

1. I was personally present and saw the attached instrument duly signed and executed by _____ (name of person assisting the Incapable Elector).
2. The instrument was executed by _____ (name of person assisting the Incapable Elector) in the presence of _____ (the Incapable Elector).
3. I know _____ (name of Incapable Elector) and that he or she is of the full age of 18 years.
4. I know _____ (name of person assisting the Incapable Elector) and that he or she is of the age of 18 years.
5. I am the subscribing witness to the instrument and am of the age of 18 years.

Signature of Witness

POLICY: Simpcw Tíkwen7í'ple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

**Schedule H
TIME LINE**

1. Notice of Pre-Nominations

- Criminal Record Check – To be completed by December/January.

2. Election Year

- The year that the regular terms of office of Kúkwpí7 and Tíkwenem7i'ple7 expire, being the 3rd year after the Election (2009, 2012, 2015, 2018, 2021, 2024, 2027, etc.).

3. Nomination Meeting

- The Nomination Meeting will be held the 1st Sunday of March between the hours of 1 p.m. and 3 p.m.
- Notice of Meeting will be posted on the 3rd Friday of January.

4. Appointment of Electoral Officer

- Electoral Officer will be appointed at the 1st scheduled Simpcw Council meeting in January during the Election year.

5. Electors List

- Electors List will be posted on or by January 31 in one (1) or more conspicuous places.

6. Withdrawal from Election

- 48 hours after Nomination Meeting.

7. Mail-In Ballots

- Ordinarily Resident On-Reserve individuals may request a mail-in ballot not later than 10 working days prior to the scheduled date of the election.
- All Ordinarily Resident Off-Reserve Electors are entitled to receive a mail-in ballot, on condition that the Electoral Officer has correct mailing addresses for off-reserve Electors no later than 10 working days prior to the scheduled date of the election.
- Mail-in ballots for Ordinarily Resident Off-Reserve Electors are mailed not later than 30 days prior to the scheduled date of the election.
- If an Ordinarily Resident Off-Reserve individual has not received a mail-in ballot, he/she may request a mail-in ballot not later than 10 working days before the scheduled date of Election.

8. Date and Time of Election

- Where there is no candidate nominated for both the office of Kúkwpí7 and Tíkwenem7i'ple7 the Election will be held the 4th Sunday of April between the hours of 8 a.m. and 8 p.m.
- Where there is a candidate nominated for both the office of Kúkwpí7 and Tíkwenem7i'ple7 the poll:
 - (a) to elect Kúkwpí7 shall be held on the 2nd Sunday of April between the hours of 8 a.m. and 8 p.m.; and
 - (b) to elect Tíkwenem7i'ple7 shall be held on the 3rd Sunday of May between the hours of 8 a.m. and 8 p.m.

9. Term Of Office

- Commences 12 a.m. June 1 to and including 11:59 p.m. May 31 in the 3rd year thereafter.

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

10. Appeals Board

- If selected as a candidate for the Appeals Board and wish to withdraw, must do so five (5) days prior to Nomination Meeting.

11. Appeals

- May lodge an appeal 14 days after date of Election (in event this date falls on a Saturday or Sunday, to file the appeal the next business day):
 - a) When the date of Election is scheduled for the 1st Sunday in April, may lodge an appeal on or before April 15th; or
 - b) When the date of Election is scheduled for the 4th Sunday in April, may lodge an appeal on or before May 10th.
- Within seven (7) days after receipt of an appeal, Electoral Officer to call the Appeals Board on or before May 17.
- Within 21 days of receipt of complaint, Hearing to be held on or before May 31, if sufficient grounds for an appeal.
- Not less than 14 days before Hearing, notification sent to candidate(s) and complainant.
- Not less than seven (7) days before Hearing, candidate(s) may respond to complaint.
- Appeals Board decision to be given within seven (7) days of Hearing, on or before June 7.

12. By-Election

- Nomination Meeting no less than 20 but no more than 30 days after a permanent vacancy is determined.
- Polling day at least 35 days, but not more than 40 days, following Nomination Meeting.

13. Candidates Forum

- To be held the last Sunday in the month of March.

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

Schedule I
DISQUALIFICATION OF ELECTORAL OFFICER

1. The Electoral Officer may be disqualified for the following reasons:
 - a) Failing to carry out procedures prescribed in the Simpcw First Nation Custom Election Code;
 - b) Disregarding the confidentiality of personal information about candidates;
 - c) Behavior that would bring the credibility of the Simpcw First Nation electoral process into disrepute;
 - d) Falsification of election results;
 - e) Providing inaccurate information to the Simpcw First Nation Administrator or to Chief and Council regarding the Electoral Officer’s qualifications as an Electoral Officer;

Inability to carry out the Simpcw electoral process due to serious health problems, lack of transportation or personal disability. Breach of contract terms.

2. The process for disqualifying the Electoral Officer is as follows:
 - a) The Electoral Officer may be disqualified by a unanimous vote of Chief and Council. The decision of Council in this matter is final and not subject to further appeals.
 - b) In the event that the Electoral Officer is disqualified by Chief and Council, a new Electoral Officer must be appointed by a majority vote of Chief and Council within 5 working days, and the newly-appointed Electoral Officer may re-schedule the election to allow time for all election requirements to be met in a timely fashion.
 - c) After the Appeals Board is Established, concerns about the Electoral Officer may be submitted in writing to the Appeals Board, and the Appeals Board may decide by a 2/3 majority vote to disqualify the Electoral Officer. The decision of the Appeals Board in this matter is final and not subject to further appeals.
 - d) In the event that the Electoral Officer is disqualified by the Appeals Board, a new Electoral Officer must be appointed by a majority vote of Chief and Council within 5 working days, and the newly-appointed Electoral Officer may re-schedule the election to allow time for all election requirements to be met in a timely fashion.

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

**Schedule J
CANDIDATES FINANCIAL STANDING**

In accordance with Part II, Section 10 and Schedule D of the *Simpcw Custom Election Regulations*, to be nominated for a position on Simpcw Council, a candidate must be in good financial standing with Simpcw First Nation.

This requires certification by the Simpcw First Nation Finance Department.

Name of Candidate: _____
 Band Number of Candidate: _____
 Address of Candidate: _____

Financial Standing (check **ONE** only)

Meets the requirements of the *Simpcw Custom Election Regulations*.

Does **not** meet the requirements of the *Simpcw Custom Election Regulations*.

Certified as correct:

 Signatures

 Position (Representative of the Simpcw First Nation Finance Department)

 Date

Receipt by Electoral Officer:

 Signature

 Date

POLICY: Simpcw Tkwm7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

**Schedule K
APPEAL FORM**

A. Identification of the Appellant:

Full Name:	
Address:	
Telephone:	
E-mail:	
Simpcw Registration number	691

B. Date election &/or by-election was held: _____

C. Basis for the Appeal (check all that apply):

- Improper Election Practices
 - Vote Buying
 - Intimidation
 - Corrupt Voting
 - Offences in relation to ballots and other election materials
- Violations of the Simpcw Custom Election Code (insert Part # of Code below)
 - Part _____
- Ineligibility of a candidate
- Ballots properly interpreted by the Electoral Officer

D. I am Filing an Appeal For The Following Reason(s):

Incident(s): _____

Person who caused the problem: _____

Date(s) and time(s) of incident(s): _____

Location of incident(s): _____

Witness(es) to the incident(s): _____

What signed witness statements and other documents have you attached in support?

E. What solution would you like to this appeal? _____

Signature of Appellant:
Date:

OFFICE USE ONLY			
Date Received:		Staff Signature	
		Name	
\$100 Fee:		Title	Executive Assistant
ELECTORAL OFFICER USE ONLY			
Date Received:		Signature	
		Name	
		Title	Electoral Officer
Appeal Hearing Date:			
Appeal Verdict:	<input type="checkbox"/> Deny the Appeal	<input type="checkbox"/> Accept the Appeal & allow the Election to stand	<input type="checkbox"/> Accept the Appeal and disqualify such candidate(s)

POLICY: Simpcw Tkwenem7i'ple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

POLICY AMENDMENT TRACKING		
Date of Amendment	Description of Amendment	Date of Amendment Approval
December 8, 2014	<p>Community recommendations for amendments:</p> <ul style="list-style-type: none"> - Part II Interpretation - Definitions added: Appeal, Code and Family Member. - Part III Composition of Council, the following point added: Off-reserve Council member will provide representation for off-reserve registered voters. - Part IV Appeal from Disqualification for Continuing to Hold Office (NEW SECTION): to allow for a fair procedural process when a Council member is disqualified from continuing to hold office. - Part VIII Electoral Officer: will be appointed for a three (3) year term. - Part IX Nomination Procedures: Good Financial Standing Form – has been added as Schedule J. - Part IX Nomination Meeting: Time change of Nomination Meeting to 1 – 3 p.m., instead of 1 – 6 p.m. - Part XVIII Election Appeal Process: For Election or By-Election process only. - Reduce the time period to submit an appeal from 14 days to 2 days. - Complete Appeal Form (Schedule K) and include supporting documents in filing an appeal. - Reduce the time period from 7 days to 2 days that the Electoral Officer will contact the Appeals Board after receipt of Appeal. - Reduce the time period from 21 days to 4 days that the Appeals Board will proceed with Appeal Hearing after receipt of Appeal. - Reduce the time period from 7 days to 2 days of the Hearing Date to remit supporting documentation by the Respondent(s) and Candidate(s). - Part XX Permanent Vacancy: <ul style="list-style-type: none"> ▪ In the event of candidate disqualification, the Electoral Officer will declare the next eligible candidate having received the highest number of votes in the Election for Tkwenem7i'ple7. If no such eligible candidate exists for Tkwenem7i'ple7, 	April 12, 2015

POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

	<p>the Electoral Officer will declare a By-Election.</p> <ul style="list-style-type: none"> ▪ In the event the candidate disqualification is for the office of Kukwpi7, the Electoral Officer will declare a By-Election. ▪ Schedule B – Improper Election Practices: the following section was added, Consequences: <ul style="list-style-type: none"> – If an individual, subject to a prohibition for a period not longer than seven (7) years and not less than six (6) years from holding office as a member of the Simpcw Council; – A prohibition for a period of no longer than seven (7) years and not less than six (6) years from voting in an election for a member of the Simpcw Council; – If an organization, all members of that organization are subject to a prohibition for a period not longer than seven (7) years and not less than six (6) years from holding office as a member of the Simpcw Council; – If an organization, all members of that organization are subject to a prohibition for a period not longer than seven (7) years and not less than six (6) years from voting in an election for a member of the Simpcw Council. <p>- Schedule D Qualification for Office and Disqualification from Office:</p> <ul style="list-style-type: none"> ▪ A candidate will be disqualified from nomination if their Criminal Record Check does not comply with the <i>Simpcw Human Resource Policy</i>. ▪ A Simpcw Council member disqualified from completing a term in office is ineligible as a candidate for any open offices for Council occurring during that term of office and may not stand as a candidate for <u>two (2) consecutive Election terms</u>. 	
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POLICY: Simpcw Tkwem7íple7tn Custom Election Regulations	Effective Date: September 6, 2011
RENAME: Simpcw Custom Election Code	Revision Date: December 8, 2014
	Revision Approval Date: April 12, 2015

	<ul style="list-style-type: none"> ▪ Remit a non-refundable payment in the amount of \$200.00 to the Electoral Officer prior to the end of the Nomination Meeting. ▪ A Simpcw Council member, who ceases to be in Good Financial Standing while in office, will be given ten (10) business days to resolve the debt. <ul style="list-style-type: none"> - Removal of Schedule: Characteristics of a Polling Station. This has been included within the section titled, 'Election Poll'. - Removal of Schedule: Process to Determine Disqualification for Continuing to Hold Office. This process has been added to the Simpcw Roles and Responsibilities Manual. - Removal of Schedule: Oath of Office. This has been added to the Simpcw Roles and Responsibilities Manual. - Removal of Schedule: Roles and Responsibilities of Simpcw Council. There is a separate document to address the roles and responsibilities - Simpcw Roles and Responsibilities Manual. - Removal of Schedule: Simpcw Territory Map. - Addition of Schedule I – Disqualification of Electoral Officer. - Addition of Schedule J – Candidates Financial Standing form. - Addition of Schedule K – Appeal Form. 	
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