

SAMAHQUAM

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**CUSTOM ELECTION ACT**

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SECOND VERSION APPENDIX H



MAY 2, 2021

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# ELECTION ACT

## 1. DEFINITIONS

For the purpose of this Election Act:

Administrator	means the person who is currently a senior member of the SAMAHQUAM administration.
Aforementioned	means a reference to a previously mention item or person.
Appeal Board	means the Appeal Board appointed under Article 27 of this Act.
Arrears	means a debt owed to SAMAHQUAM upon which no payments of at least \$250.00 or ten percent (10%) of the original amount owing (whichever amount is greater) have been made for twelve consecutive months prior to the election date.
Chief	means the person currently elected as Chief for SAMAHQUAM.
Clear Day	means where there is a reference to a number of clear days or “at least” a number of days between two events. In calculating that number of days, the days on which the events happen are excluded.
Corrupt Election Practice	means any act or omission that contravenes Article 20 of this Act or constitutes the procurement of votes by bribery, intimidation, influence, or any fraudulent evasion of this Act with the intent of securing or preventing the election of one or more candidates.
Corrupt Practice	means fraudulent evasion of any provision of law with the intent of procuring some benefit for themself or some other person.
Council	means the elected members of the Council for SAMAHQUAM.
Councillor	means a current Councillor of the SAMAHQUAM.
Criminal Record Check	means the determination if a person has been charged or convicted of a crime from the jurisdictions in which a nominee has resided for the past three (3) years.
Criminal Rules	means the Criminal Rules of Canada. R.S.C. 1985, c. C-46 as amended from time to time.
Current/ly	means as at the time in question and not necessarily at the time this Act comes into force.
Election	means an election held under this Act and includes a by- election.
Election Act or this Act	means this SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H).

Election Assembly	means a duly convened meeting of the Eligible Voters where the forum may be by way of physical meeting, virtual meeting space, mail-in, and/or voting on-line.
Electoral Officer	means the person appointed in accordance with Article 4.1 of this Act and, if the context permits, a Deputy Electoral Officer appointed in accordance with Article 4.2 of this Act.
Eligible Voter	means all those Members who meet the criteria of Article 8.1 of this Act.
Good Standings	means that a SAMAHQUAM member is not indebted to SAMAHQUAM or its affiliates; or has current agreements in place for repaying a debt to SAMAHQUAM or its affiliates including the return or replacement of assets.
Government	means Governing Bodies representing Municipalities, Provincial, Federal, Tribal Councils and Other Indigenous Nations.
Gross Misconduct	means theft, falsification of records, willful destruction of SAMAHQUAM property, endangering the safety of any Member through incompetence, negligence, under the influence of alcohol or narcotics, disorderly conduct at Election Assemblies, or other public forums. Will also include any conduct that is in contradiction with SAMAHQUAM Laws, By-Laws, or policies.
Inappropriate Influence	means a breach of Article 20 of this Act and shall lead to disqualification as an Eligible Voter and candidate.
Indictable Offence	means those offences of which an individual has been charged under the Criminal Rules of Canada as indictable.
Member	means a person whose name is on the Membership List of the SAMAHQUAM. This will include persons with proof of being adopted into SAMAHQUAM who normally may not qualify for Registered Indian Status under Article 8 of the Indian Act.
Membership List	means the list of Members maintained by Indigenous Services Canada (ISC) and reproduced by the SAMAHQUAM IRA with the inclusion of those persons adopted into SAMAHQUAM as so defined for being a Member.
Official Eligible Voters List	means the Eligible Voters List prepared for an Election by the Electoral Officer in accordance with Article 8 of this Act.
Poll	means poll station/s, polling place (including mail-in and voting on-line), the property on which the poll station is located including parking areas that is or are accessible by Eligible Voters with disabilities

Procurement Process	means implementation of Article 11 of this Act by the Nominees and the Electoral Officer, including completion of Appendix 2 and Appendix 3 to this Act.
Qualified Individual	means, to be an Electoral Officer for SAMAHQUAM, a person who has the knowledge, experience, ability, and authority to conduct elections, including custom elections, for First Nations, and is not a SAMAHQUAM Member, staff member of SAMAHQUAM or its affiliates, a St'at'imc, or directly related to all aforementioned.
SAMAHQUAM Reserve/s	means all or either of the SAMAHQUAM I.R.1, Sachteen I.R.2, Sachteen I.R.2A, QaLaTKu7eM, and Pa'q'ulh.
SCR	means SAMAHQUAM Council Resolution.
Scrutineer	means a person who is appointed by a candidate to observe the Election proceedings.
Sergeant at Arms	means a person or persons appointed by the Electoral Officer to maintain order and peace during an Election.
SNCA	means SAMAHQUAM Nation Constitution Act.
Special Meeting	means a Special Meeting called by the Electoral Officer to determine the recall of Chief and Council resulting from a successful petition or appeal.
Special Poll	means a poll held in accordance with Article 24 of this Act.
Summary Offence	means a criminal act that can be proceeded with summarily, without the right to a jury trial and/or indictment (required for an indictable offence). In Canada referred to as a summary conviction offence.
Third Party Facilitator	means an impartial individual who is not a SAMAHQUAM Member, staff member of SAMAHQUAM or its affiliates, a St'at'imc, or directly related to all aforementioned and has no vested interest in the outcome of a SAMAHQUAM election process.
Urgent Matters	means matters that may jeopardize an election process and are addressed by isolated motions that shall be executed by no less than quorum of Chief and Council, and then formally recognized at the next duly convened Chief and Council Meeting.
Without Just Cause	means having no legitimate reason or having no basis in fact.
Words importing the singular	include the plural and vice versa; and words importing a male person include a female person.

## **2. COMPOSITION OF CHIEF AND COUNCIL**

- 2.1. The Chief and Council shall consist of four (4) Members:
  - 2.1.1. One (1) Chief, and
  - 2.1.2. three (3) Councillors,
  - 2.1.3. With physical addresses being consistent with the terms and conditions of this Act, the SNCA and appendices thereto.
- 2.2. The quorum of the Chief and Council shall be a majority of the Chief and Council.
- 2.3. In the event that the Chief resigns from office, is removed from office, or dies while in office, Council may fill the position for Chief in accordance with Article 5 or 6 of this Act.
- 2.4. Notwithstanding Articles 2.1 and 2.2 of this Act, the number and quorum of Councillors may be changed by SCR. For this change to come into effect, it requires approval of a simple majority of all Eligible Voting Members present at an Election Assembly scheduled within 120 days of the date of the SCR. A quorum for this meeting of Eligible Voters shall be 50% + 1.

## **3. ELIGIBILITY CRITERIA TO HOLD OFFICE OF CHIEF AND COUNCIL**

- 3.1. To hold the position of Chief for SAMAHQUAM, a person must:
  - 3.1.1. Be a Member of SAMAHQUAM for twelve (12) months prior to nomination,
  - 3.1.2. Be at least 25 years of age as of the date of the Election,
  - 3.1.3. Must have been nominated and seconded by Eligible Voters,
  - 3.1.4. Not be convicted of a summary or an indictable offence within a ten (10) year period before the date of the Election,
  - 3.1.5. Not be convicted of an offence involving theft or fraud within ten (10) years of the date of the Election,
  - 3.1.6. Not be convicted for any sexual assault offences within twenty (20) years of the date of the Election,
  - 3.1.7. If convicted of an offence within ten (10) years prior to the date of the Election, the Nominee must disclose the following information to the Electoral Officer:
    - 3.1.7.1. the conviction,
    - 3.1.7.2. Rehabilitation, and
    - 3.1.7.3. Steps taken to reform,
  - 3.1.8. Not be in Arrears on payments of a debt to SAMAHQUAM or to a company that SAMAHQUAM holds interest in,
  - 3.1.9. Not be in a state of bankruptcy for at least two (2) years prior to accepting nomination for election,
  - 3.1.10. Pay a fee of \$250.00,
  - 3.1.11. Sign the Chief/Councillor Qualification Certificate in the form of Appendix 5, including debts owed to SAMAHQUAM, with release for public disclosure,
  - 3.1.12. Sign the Acceptance of Nomination in the form of Appendix 3 of this act, and

- 3.1.13. Provide a Criminal Record Check in accordance with Article 3.5 of this Act.
- 3.2. To hold the position of Councillor for SAMAHQUAM, a person must:
  - 3.2.1. Be a Member of SAMAHQUAM for twelve (12) months prior to nomination,
  - 3.2.2. Be at least 20 years of age as of the date of the Election,
  - 3.2.3. Have been nominated and seconded by Eligible Voters,
  - 3.2.4. Not be convicted of a summary or an indictable offence within a ten (10) year period before the date of the Election,
  - 3.2.5. Not be convicted of an offence involving theft or fraud within ten (10) years of the date of the Election,
  - 3.2.6. Not be convicted for any sexual assault offences within twenty (20) years of the date of the Election,
  - 3.2.7. If convicted of an offence within ten (10) years prior to the date of the Election, the Nominee must disclose the following information to the Electoral Officer:
    - 3.2.7.1. the conviction,
    - 3.2.7.2. Rehabilitation, and
    - 3.2.7.3. Steps taken to reform,
  - 3.2.8. Not be in Arrears on payment of a debt to SAMAHQUAM or to a company that SAMAHQUAM holds interest in,
  - 3.2.9. Not be in a state of bankruptcy at least two (2) years prior to accepting nomination for election,
  - 3.2.10. Pay a fee of \$250.00,
  - 3.2.11. Sign the Chief/Councillor Qualification Certificate in the form of Appendix 5, including debts owed to SAMAHQUAM, with release for public disclosure,
  - 3.2.12. Sign the Acceptance of Nomination in the form of Appendix 3 of this act, and
  - 3.2.13. Provide a Criminal Record Check in accordance with Article 3.5 of this Act.
- 3.3. By signing the Chief/Councillor Qualification Certificate, the Nominee is declaring that they have met all the qualifications for becoming a candidate to run in the election's accordance with this Act.
- 3.4. Should the Electoral Officer discover that any information provided by the Nominee is false, the Electoral Officer shall immediately disqualify the Nominee and include in their report for the election.
- 3.5. All Nominees must obtain a copy of their own Criminal Record Check and present to the Electoral Officer at the time of signing the Chief/Councillor Qualification Certification:
  - 3.5.1. All Criminal Record Checks must be no older than four (4) weeks.
- 3.6. The Electoral Officer shall disqualify a Nominee if:
  - 3.6.1. It is found that they were not eligible to be a candidate, or
  - 3.6.2. They do not submit the required forms in accordance with this Act.



- 3.7. In the event a Nominee is nominated for both Chief and Councillor, they must choose either to accept nomination for the position of Chief or accept nomination for the position of Councillor:
  - 3.7.1. Upon acceptance, the Nominee is automatically declining to run for the other position at the time of signing the Chief/Councillor Qualification Certificate.

## **4. ELECTORAL OFFICERS**

- 4.1. The Chief and Council shall, by way of SCR, no sooner than one hundred-fifty (150) clear days and no later than ninety (90) Clear Days prior to July 24<sup>th</sup> of an Election year, appoint a Qualified Individual as the Electoral Officer for a period of 4 years and/or until the Election of the new Chief and Council is established. The Electoral Officer must not be a SAMAHQUAM Member, staff member of SAMAHQUAM or its affiliates, a St'at'imc, or directly related to all aforementioned.
- 4.2. Deputy Electoral Officer(s) may be appointed by the Electoral Officer and is authorized to carry out the duties of the Electoral Officer and generally assist the Electoral Officer, when directed to do so by the Electoral Officer. The Deputy Electoral Officer(s) must not be a SAMAHQUAM Member, staff member of SAMAHQUAM or its affiliates, a St'at'imc, or directly related to all aforementioned.
- 4.3. The Electoral Officer appointed under Article 4.1 and the Deputy Electoral Officer(s) appointed under Article 4.2 shall:
  - 4.3.1. Submit written acceptance to the Chief and Council and swear an Oath of Office for Electoral Officers in the form attached as Appendix 6, and
  - 4.3.2. Be remunerated at competitive rates, as decided by SCR in form attached as Appendix 1.
- 4.4. The duties of the Electoral Officer shall consist of, and not be limited to:
  - 4.4.1. Preparing the Eligible Voters List pursuant to Article 8 of this Act,
  - 4.4.2. Establishing an Elections file for the Election or By-Election which contains all of the information relevant to the conduct of the Election for that particular position,
  - 4.4.3. Conducting the nominations process in accordance with Article 10 and Article 11 of this Act,
  - 4.4.4. Conducting the election proceedings in accordance with this Act,
  - 4.4.5. Ensuring that all Elections are carried out in accordance with this Act,
  - 4.4.6. Appointing Deputy Electoral Officers as required,
  - 4.4.7. Appointing Poll Clerks, as required,
  - 4.4.8. Conducting the tabulation and counting of the votes,
  - 4.4.9. Arranging for the procurement of appropriate poll stations and booths to ensure secrecy of voting, and
  - 4.4.10. Announcing the results of the election in accordance with this Act.

## 5. CHIEF AND COUNCIL VACANCIES

- 5.1. A Chief or Council position becomes vacant when the person who holds that office:
  - 5.1.1. Resigns,
  - 5.1.2. Loses eligibility status as set out in Article 3 of this Act,
  - 5.1.3. Is convicted of a summary or indictable offence or any theft or fraudulent offence,
  - 5.1.4. Becomes incapacitated to the point where they cannot perform the required duties and such incapacity is confirmed by a declaration signed by a medical doctor qualified to practice medicine in British Columbia,
  - 5.1.5. Is removed by SCR upon determination of the Electoral Officer,
  - 5.1.6. Fails to swear the Oath of Office for Chief and Council as required by Article 26.4 of this Act, or
  - 5.1.7. Dies.
- 5.2. A Council position also becomes vacant when the Appeal Board, in accordance with Article 28 of this Act, upholds an appeal. The vacant position shall be filled in accordance with this Act.
- 5.3. The Chief or any Councillor may be removed from elected office by way of SCR executed by remaining quorum of Chief and Council, declaring that the Chief or Councillor be removed from office on grounds that the Chief or Councillor have been found guilty by appropriate authorities:
  - 5.3.1. Of Gross Misconduct, or Corrupt Practice,
  - 5.3.2. Of committing summary or indictable offences, including misappropriation of SAMAHQUAM funds and/or assets, or other funds and/or assets,
  - 5.3.3. Of corrupting or attempting to corrupt an Election process,
  - 5.3.4. That the information declared in the Chief/Councillor Qualification Certificate in the form of Appendix 5 was found to be false,
  - 5.3.5. For lack of active and clear participation in Chief and Council business as articulated in the SNCA and Appendix G to the SNCA,
  - 5.3.6. For not actively participating in any committee's and/or boards as so assigned by SCR.
  - 5.3.7. To uphold Article 6.6.
- 5.4. The Chief or any Councillor shall be placed on Administrative leave, with pay, if charged with a summary or indictable offence by the appropriate authorities. The procedure described in Article 5.6 or 5.7 shall be immediately implemented.
- 5.5. In the event that a quorum of Chief and Council vote in favor of a SCR declaring that a Chief or Councillor be removed from office under Article 5.3 of this Act, or should the Chief and/or Councillor resign, or the procedure described in Articles 5.6 or 5.7 of this Act shall be immediately implemented.

- 5.6. In the event that the position for Chief is vacated in accordance with this Act, the Electoral Officer shall appoint from the current Council, the Councillor who received the highest number of votes from the most recent Election as Chief to fulfill the remaining term:
- 5.7. In the event that a position for Councillor is vacated in accordance with this Act, or should a Councillor be appointed as Chief, as per Article 5.5 of this Act, the Electoral Officer shall appoint a Candidate as Councillor to fulfill the remaining term:
  - 5.7.1. In the event that a position for Councillor be vacated in accordance with Article 5.1.2. of this Act, then the position shall be filled with the unsuccessful Candidate who ran for Councillor from the most recent Election. This position will first be offered to the unsuccessful Candidate with the highest number of votes.
- 5.8. The Chief and Council may be removed from office by a SAMAHQUAM Eligible Voter's petition (Recall Petition) supported by Eligible Voters in accordance with the following:
  - 5.8.1. An Eligible Voter must submit a notarized petition to the Electoral Officer. The petition must:
    - 5.8.1.1. Request the removal of the Chief and Council,
    - 5.8.1.2. Declare grounds consistent with Article 5.3 of this Act,
    - 5.8.1.3. State the reasons that the Petitioners are requesting the recall together with evidence or proof to confirm justification of the recall, and
    - 5.8.1.4. Obtain signatures from at least 25% of the Eligible Voters,
  - 5.8.2. The Petition must be accompanied with a deposit in the amount of \$500.00 in the form of certified cheque or money order.
  - 5.8.3. The Electoral Officer shall secure the deposit,
  - 5.8.4. The Electoral Officer shall review the petition for validity,
  - 5.8.5. Upon validation in accordance with Article 5.3 of this Act, the Electoral Officer shall call a Special Meeting of Eligible Voters, including Chief and Council within 30 days of validation with notice of meeting provided in writing to all Eligible Voters. The Electoral Officer shall host and chair the Special Meeting as follows:
    - 5.8.5.1. Quorum shall be 50% +1 of the Eligible Voters,
    - 5.8.5.2. Present the Recall Petition together with evidence and or proof relating to the recall provided by the Petitioners, and
    - 5.8.5.3. Chief and Council shall be given full opportunity to defend their actions,
  - 5.8.6. The Electoral Officer shall provide the Chief and Council with copies of the petition and supportive documentation in notice of Special Meeting,
  - 5.8.7. After hearing all the facts relating to the Recall Petition, quorum of the Special Meeting of Eligible Voters shall vote via secret ballot on the petition:
    - 5.8.7.1. A 75% majority vote in favor of the Recall Petition is required to remove the Chief and Council,
  - 5.8.8. In the event that the Recall Petition is defeated, the deposit shall be used to offset the costs of entertaining the petition,
  - 5.8.9. In the event the petition is upheld, Chief and Council business is suspended, and
  - 5.8.10. The Electoral Officer shall return the deposit to the Eligible Voter who filed the petition.

- 5.9. The Electoral Officer shall commence to implement a By-Election in accordance with this Act to fill office for the remainder of the term.
- 5.10. The following steps shall be taken by the Electoral Officer to hold a by-election:
  - 5.10.1. A nomination meeting shall be held within five (5) clear days from the date of the notice sent to the Eligible Voters calling for a by-election in accordance with Article 5.7 of this Act,
  - 5.10.2. Procedures to conduct the Nomination meeting shall be in accordance with Article 11 of this Act, with fifteen (15) clear days for Candidates to campaign,
  - 5.10.3. An All-Candidates meeting held in accordance with Article 13 of this Act,
  - 5.10.4. The procedures for voting on the date of the by-election shall be in accordance with Article 15 through to Article 25 of this Act, and
  - 5.10.5. Current Chief and Council are eligible to be nominated for candidacy to run in the by-election.
- 5.11. Should the Electoral Officer find that the petition is not a valid petition, he or she shall report his or her findings with explanation to the Eligible Voter who submitted the petition and copy to Chief and Council, and the deposit shall be used to offset the costs of validating the petition.

## **6. SUSPENSION OF THE CHIEF OR A COUNCIL MEMBER**

- 6.1. The Chief or a member of Council may be suspended by SCR for breach of Oath of Office.
- 6.2. The severity of the breach must be determined by the Electoral Officer with explanation, recommended suspension, recorded and documented.
- 6.3. Should the duration of a suspension of a Council Member be for three (3) months or more, the unsuccessful Candidate with the highest number of votes from the most recent Election shall be appointed as an Interim Council Member by SCR:
  - 6.3.1. Term of this appointment shall not exceed the amount of time of suspension in accordance with Article 6.2 of this Act.
- 6.4. The Chief may not be suspended for more than 12 (twelve) weeks.
- 6.5. The Chief or a Councillor may be suspended up to two (2) times per term of office.
- 6.6. Should the Electoral Officer determine that the Chief or a Councillor breached the Oath of Office for a third (3) time and is supported by SCR, the following shall be implemented:
  - 6.6.1. The Chief or a Councillor shall be suspended indefinitely in accordance with Article 5.3 of this Act.

## **7. NOMINATION OF CANDIDATES FOR CHIEF OR COUNCILLOR**

- 7.1. Eligible Voters may nominate or second a candidate for Chief:
  - 7.1.1. By delivering, mailing, or emailing (.pdf or .jpeg is accepted) a completed and signed Mail-In Nomination Form in the form of Appendix 8 and a completed

- signed and witnessed Mail-In Voter Declaration to Nominate Form in the form of Appendix 9 to the Electoral Officer before the close of the Nomination Meeting, or
- 7.1.2. Orally, at the Nomination Meeting.
- 7.2. Eligible Voters may nominate or second a candidate for Councillor:
    - 7.2.1. By delivering, mailing, or emailing (.pdf or .jpeg is accepted) a completed and signed Mail-In Nomination Form in the form of Appendix 8 and a completed signed and witnessed Mail-In Voter Declaration to Nominate Form in the form of Appendix 9 to the Electoral Officer before the close of the Nomination Meeting, or
    - 7.2.2. Orally, at the Nomination Meeting.
  - 7.3. Eligible Voters shall only nominate or second up to two (2) nominees per election.
  - 7.4. The Electoral Officer shall accept only the first two (2) nominees that have been nominated or seconded by an Eligible Voter.

## **8. ELIGIBLE VOTERS LIST**

- 8.1. To be eligible to vote in an Election, a person must be:
  - 8.1.1. 18 years of age,
  - 8.1.2. Registered on the SAMAHQUAM Membership list or documented as becoming a SAMAHQUAM Member the Indian Registry Administrator (IRA/Citizenship Clerk) for at least One (1) Year prior to the Election date,
  - 8.1.3. A SAMAHQUAM member in good standing with SAMAHQUAM as of the date of the Notice of Election.
- 8.2. The Electoral Officer shall obtain a list of delinquent SAMAHQUAM Members from the SAMAHQUAM Administration which is supported by SCR.
- 8.3. The Electoral Officer shall prepare the Official Eligible Voters List in accordance with Article 8.1 and 8.2 of this Act.
- 8.4. The Electoral Officer shall obtain the Members' Address list from the SAMAHQUAM Administration.
- 8.5. The Electoral Officer shall post or cause to have posted names only from the Official Eligible Voters List with contact information for the Electoral Officer in public places or forums.
- 8.6. Individuals whose names do not appear on the Official Eligible Voters List will not receive the Notice of Election Package and not be entitled to vote unless they satisfy the Electoral Officer that their name has erroneously been omitted from the Official Eligible Voters List by providing the following:
  - 8.6.1. A copy of a letter of request or application to become a member of SAMAHQUAM dated more that fifteen (15) months prior to the Election date with:
    - 8.6.1.1. A support letter from an appropriate authority of SAMAHQUAM or ISC approving the request or application

to become a SAMAHQUAM Member should membership not be obtained prior to Notice of Election, or

- 8.6.1.2. A signed declaration, witnessed by an Eligible Voter that was present at the time (with the date or approximate date) when the individual was adopted by SAMAHQUAM accompanied with:
  - 8.6.1.2.1. A letter of support in to form of Appendix 27 signed by any two of the following:
    - 8.6.1.2.1.1. Indian Registry Administrator,
    - 8.6.1.2.1.2. Data and Records Manager, and/or
    - 8.6.1.2.1.3. One (1) member of Chief and Council,
- 8.6.2. Meets the criteria for becoming an Eligible Voter in accordance with Article 8.1 and 8.2 of this Act, and
- 8.6.3. Sign a Declaration of Elector's Right to Vote in the form of Appendix 18.

## **9. NOTICE OF NOMINATION PERIOD**

- 9.1. The Electoral Officer must post notices in clearly visible places and send a copy of the notice to all Eligible Voters via express post mail, regular mail, courier, or email. The notice must contain:
  - 9.1.1. The time, duration, and deadlines of the Nomination Period,
  - 9.1.2. The time and place of forum of the Nomination Meeting,
  - 9.1.3. The eligibility criteria for office in accordance with Article 3 of this Act, and
  - 9.1.4. A statement that a copy of this Act may be obtained from the Electoral Officer.
- 9.2. The Notice of Nomination Meeting must be accompanied by a Mail-In Nomination Form in the form of Appendix 8, a self - addressed return envelope and a Mail-In Voter Declaration to Nominate Form in the form of Appendix 9.

## **10. NOMINATION PROCESS**

- 10.1. The Electoral Officer shall declare the Nominations open, chair and will accept nominations and declines thereof until the Nomination Period expires.
- 10.2. The Nomination Period shall expire upon the following:
  - 10.2.1. No sooner than the end of the last clear day of the nomination period, or
  - 10.2.2. In the event a Nomination Meeting is held, the Electoral Officer shall call for nominations three (3) times with no motions of nominations and deem the meeting closed as though it ended at the expiry of the Nomination Period, and
  - 10.2.3. The Electoral Officer declares that the Nomination Period has expired.

## **11. PROCEDURES FOR ACHIEVING CANDIDACY**

- 11.1. Nominees must, no later than thirty-seven (37) clear days prior to the election date:
  - 11.1.1. Submit a signed Chief/Councillor Qualification Certification Form (Appendix 5),

- 11.1.2. Submit a signed Acceptance of Nomination form (Appendix 3) with a Criminal Record Check postmarked no older than forty-three (43) days in the form of Appendix 3:
  - 11.1.2.1. to the Electoral Officer.
- 11.2. The Electoral Officer shall implement the Nomination Process in the form of Appendix 12 by reviewing all submissions to ensure that each nominee qualifies as a candidate to run in the election by:
  - 11.2.1. Documenting all findings including,
  - 11.2.2. Confirming that a nominee qualifies by way of signature, and
  - 11.2.3. Determining that a nominee did not qualify highlighting the purpose by way of signature,
- 11.3. The Electoral Officer shall complete the Nomination Meeting Report in the form of Appendix 12.
  - 11.3.1. Include the announcement of Candidates.

## **12. PROCESS FOR ELEGIBLE CAMPAIGNING**

- 12.1. There shall not be any posted campaign signs on any property where a polling station is located.
- 12.2. No Eligible Voter or Candidate shall publicly, including social media, and wrongfully tarnish the character of, slander a Candidate or Candidates.
- 12.3. Such actions will lead to the removal of the Eligible Voter or Candidate from the Election by the Electoral Officer.

## **13. ALL-CANDIDATES MEETING**

- 13.1. The Electoral Officer shall host, with refreshments, an all-candidates meeting to provide the Eligible Voters with opportunity to enquire on any candidate's platform:
  - 13.1.1. The Eligible Voters may submit their questions to the electoral officer by:
    - 13.1.1.1. Mail prior to the all-candidates meeting,
    - 13.1.1.2. Email prior to or during the all-candidates meeting,
    - 13.1.1.3. Call in during the all-candidates meeting, or
    - 13.1.1.4. Zoom (or similar video platform) during the all-candidates meeting.
- 13.2. The all-candidates meeting shall be held on the fourteenth (14th) Clear Day prior to the date of the Election.
- 13.3. Each candidate will be provided up to 15 minutes to answer Eligible Voters' questions in general.
- 13.4. The all-candidates meeting shall be hosted and chaired by the Electoral Officer.

- 13.5. As host, the Electoral Officer shall ask all Eligible Voters' questions in general format to all-candidates.
- 13.6. As Chair, the Electoral Officer shall set time of adjournment of the all-candidates meeting for efficiency purposes.
- 13.7. The Electoral Officer shall ensure that the all-candidates meeting is recorded and/or documented:
  - 13.7.1. These records may only be utilized by the Appeals Board, and
- 13.8. These records shall be destroyed with the ballots upon the expiry of the Appeal period.
- 13.9. Attendance of candidates at the all-candidates meeting is MANDATORY.

## **14. ELECTION BY ACCLAMATION**

- 14.1. Should the procurement process for candidacy result with one (1) official candidate for the Chief Position and three (3) official candidates for the three (3) council positions, the Electoral officer shall declare an Election by Acclamation:
  - 14.1.1. Supported by the Electoral Officer official report.
- 14.2. Unsuccessful Nominees may authorize the Electoral Officer to disclose why they did not qualify for candidacy.

## **15. NOTICE OF POLL OR ELECTION AND PREPARATION OF BALLOTS**

- 15.1. The Electoral Officer shall declare that an Election poll shall be held if the number of qualified candidates exceeds the number of seats available for Chief and the number of seats for the positions of Councillors.
- 15.2. Except for Special Polls, the Electoral Officer will announce the date, time, and place of where the poll will be held by posting a Notice of Poll in the form of Appendix 13 in public places chosen by the Electoral Officer:
  - 15.2.1. Notice of Poll shall be posted at least thirty-nine (39) Clear Days prior to the Election.
- 15.3. Except for Special Polls, the Electoral Officer shall post the Eligible Voters List and a copy of this Act no less than fifteen (15) Clear Days before the polling day:
  - 15.3.1. On the main bulletin board of the SAMAHQUAM as so determined by the Electoral Officer, and
  - 15.3.2. In Uxwal of the SAMAHQUAM, and
  - 15.3.3. At selected locations (QaLaTKu7eM, Chilliwack, Mission, Vancouver and/or Abbotsford).
- 15.4. The Electoral Officer shall prepare ballots using the sample provided at Appendix 15.



- 15.5. There shall be separate ballots when required, for the Chief position and the Councillor Positions.
- 15.6. The Electoral Officer shall ensure that there are sufficient ballots available in case of spoilage.
- 15.7. The Electoral Officer shall mail an election package to all Eligible Voters no later than thirty-five (35) Clear Days prior to the date of the Election. The package shall include:
  - 15.7.1. A Notice of Poll in the form of Appendix 13,
  - 15.7.2. A Voter Declaration accompanying the Mail-In Ballot in the form of Appendix 14,
  - 15.7.3. Ballots in the form of Appendix 15:
    - 15.7.3.1. Instructions for Mail-In Voting in the form of Appendix 16,
  - 15.7.4. Instructions for voting, including Mail-in, Virtual Voting (online voting platform), and Poll Stations,
  - 15.7.5. An outer postage-paid pre-addressed return envelope, and
  - 15.7.6. A second inner envelope marked with the words "ballots only."

## **16. PREPARING THE POLL STATION**

- 16.1. All polls will be conducted by secret ballot.
- 16.2. Each candidate is entitled to have one (1) Scrutineer present at any given time at any poll station to observe the voting procedures.
- 16.3. Each candidate shall appoint Scrutineers by way of a Notice Appointing Scrutineers in the form of Appendix 17.
- 16.4. Scrutineers may be appointed at any time up to the close of polls on Election Day.
- 16.5. Except for Special Polls, the poll shall take place no sooner than forty (40) Clear Days after the Nomination Process ends.
- 16.6. The Electoral Officer must provide ballot boxes for each poll station:
  - 16.6.1. The ballot boxes must be capable of being sealed to eliminate tampering.
- 16.7. The Electoral Officer shall place poll stations and booths in areas which are easily accessible and where the Eligible Voters can mark their ballots in secrecy without interference:
  - 16.7.1. Pencils or pens and instructions for marking the ballots must be provided in each poll booth.
- 16.8. The Electoral Officer shall place, in all poll booths, Voting Instructions as follows:
  - 16.8.1. To successfully execute your vote, you may only:
    - 16.8.1.1. Mark only the one (1) box (☒) that is directly beside the Candidate you want to vote in as Chief, and

16.8.1.2. Mark only the three (3) boxes (☒) that are directly beside the Candidates you want to vote in for Council.

16.9. The Electoral Officer may retain or appoint the role of Sargent of Arms to a delegate to maintain order at the poll stations.

## **17. OPENING THE POLL**

17.1. Prior to the opening of the poll, the Electoral Officer shall ensure that the ballot box(es) are examined by witnesses who are not candidates or Scrutineers to ensure that the box(es) are empty.

17.2. The box(es) will then be sealed for the duration of the poll. The two (2) witnesses shall view the sealing of the ballot boxes and sign a document confirming the same. The document shall be in the form of Appendix 22.

17.3. The poll stations will be set up at select locations consistent with those locations identified in accordance with Article 15.3 and any other location that may be deemed necessary by the Electoral Officer.

17.4. The poll station(s) will be open from 9:00 am to 8:00 pm

## **18. PROCEDURES FOR VOTING IN PERSON**

18.1. The Electoral Officer shall carry out the following procedures when an individual present themselves to vote:

18.1.1. For the health and safety of all, the Electoral Officer shall enforce all health and safety measures prescribed by pertinent health authorities at all times including:

18.1.1.1. Appropriate screening of all individuals for current pandemics,

18.1.1.2. Deny enter to all individuals having symptoms of current pandemics:  
18.1.1.2.1. Advise the individuals to vote on-line,

18.1.1.3. The enforcement of Social distancing,

18.1.2. Determine voting eligible by verifying that his or her name appears on the Official Eligible Voters List,

18.1.3. Confirm Eligible Voter status by verifying the individual's current photo identification,

18.1.4. Upon verification, issue an official Poll Station Ballot to the Eligible Voter in a manner that will enable secrecy and protect confidentiality:

18.1.4.1. Initial the back of the ballot,

18.1.4.2. Give Voting Instructions for marking the ballot in the form of Appendix 19, and

18.1.4.3. Strike the name of the Eligible Voter from the Official Eligible Voters List upon casting their ballot.

- 18.2. An individual attempting to vote at a Poll Station whose name do not appear on the Official Eligible Voters List must provide the Electoral Officer a signed letter in accordance with Article 8.6.1.2.1. and sign the DECLARATION OF ELECTORS'S RIGHT TO VOTE in the form of Appendix 18, to be granted the right to vote.
- 18.3. An Eligible Voter who wishes to exchange his or her ballot which has been spoiled due to an error, may do so:
  - 18.3.1. The Electoral Officer shall write the word "Cancelled" on the spoiled ballot and deposit it into the ballot box and issue a new ballot to the Eligible Voter.
- 18.4. If an Eligible Voter refuses to vote after receiving a ballot he or she must return the ballot to the Electoral Officer before he or she leaves the poll station:
  - 18.4.1. The Electoral Officer must inform the Eligible Voter that if they decline to vote, their ballot shall be marked "Declined" and deposited into the ballot box,
  - 18.4.2. The Electoral Officer must mark the word "Declined" on the Eligible Voters List beside his or her name:
    - 18.4.2.1. This Eligible Voter shall be deemed to have forfeited his or her right to vote,
    - 18.4.2.2. The Electoral Officer shall immediately inform all other poll stations that the Eligible Voter declined to vote and must be stricken from their Eligible Voters List, and
    - 18.4.2.3. Should the Eligible Voter refuse to return the ballot, the Electoral Officer shall indicate this beside the Eligible Voter's name on the Eligible Voters List.
- 18.5. After marking his or her ballot, the Eligible Voter shall return the folded ballot to the Electoral Officer. The Electoral Officer shall ensure that the returned ballot is the same ballot issued to the Eligible Voter by verifying that the Initials of the Electoral Officer are on the back of the ballot. The Electoral Officer shall then deposit the folded ballot into the ballot box.
- 18.6. Should the Electoral Officer verify that the ballot was not issued by the Electoral Officer, the Electoral Officer shall write "reject" on the non-issued ballot and secure separately:
  - 18.6.1. The Eligible Voter must return the Official Ballot to the Electoral Officer,
  - 18.6.2. The Electoral Officer shall mark the ballot declined and deposit it into the ballot box,
  - 18.6.3. The Electoral Officer shall deny the Eligible Voter the opportunity to vote in the Election, and
  - 18.6.4. The Electoral Officer shall include the verification in the report including the Eligible Voters name for the record.

## **19. PROCEDURES FOR VOTING BY MAIL**

- 19.1. In the event an Eligible Voter loses his or her mail-in ballot, he or she may, at a poll station, complete an Elector's Lost Ballot Declaration in the form of Appendix 20, which will allow the Electoral Officer to issue a replacement ballot.

- 19.2. The Electoral Officer shall, upon verification of received mail-in ballot packages, deposit the sealed ballot envelope into a sealed ballot box marked mail-in ballots until the day of Election at which time the ballots shall be removed from this ballot box following Article 23.2 of this Act.
- 19.3. All mail-in ballots must obtain a postmark dated six (6) business days before the date of the Election.
- 19.4. The Electoral Officer shall declare the mail-in ballot process closed five (5) business days after the Election date.

## **20. VOTING INTEGRITY**

- 20.1. No person shall interfere or attempt to interfere with an Eligible Voter who is in the process of mailing-in or attending a poll station to vote by marking his or her ballot.
- 20.2. No person shall be permitted to obtain or attempt to obtain, in the polling place, any information as to how an Eligible Voter voted.
- 20.3. The Electoral Officer shall keep the poll station and the property clear of people loitering.
- 20.4. Only those people appointed as Scrutineers may be present to observe the Election procedure.
- 20.5. The Scrutineers are subject to all restrictions set out in this Article 20.
- 20.6. The Electoral Officer shall exercise or cause to exercise good practices regarding health and safety, including social distancing to safeguard against health threats and pandemics.
- 20.7. SAMAHQUAM Members, including relatives and or associates are not permitted to advertise or loiter on the Poll Station Property, including the Election Assembly, or in/or on social media space for the entire day of the Election.
- 20.8. In the event that a Candidate is found in breach of article 20.7, the Electoral Officer shall ask, only once, that the Candidate remove themselves immediately from the poll station.
- 20.9. A Candidate who refuses to leave immediately shall be immediately revoke as an eligible Candidate by the Electoral Officer.

## **21. SPECIAL VOTING PROVISIONS**

- 21.1. Eligible Voters with disabilities or who are not able to be in attendance on the day of the Election may request a ballot package. The ballot package may be hand-delivered by the Electoral Officer or his or her Deputy Electoral Officer.

- 21.2. The Electoral Officer or his or her Deputy Electoral Officer, upon request, may retrieve a vote from an Eligible Voter who is unable to attend the polling station prior to the Election date.
- 21.3. The Electoral Officer or a Deputy Electoral Officer may assist an Eligible Voter who is unable to mark his or her ballot as a result of a disability upon request.
- 21.4. The Electoral Officer must indicate on the Official Eligible Voters List if an Eligible Voter was assisted and the reasons for doing so.
- 21.5. When the Electoral Officer is required to retrieve the Eligible Voter's ballot, a Voter Declaration Form in the form of Appendix 14 must be retrieved with the ballot. The Electoral Officer may assist the Eligible Voter with the Voter Declaration Form in the form of Appendix 14.

## **22. CLOSING THE POLLS**

- 22.1. The polls shall close at precisely 8:00 pm PST. All Eligible Voters inside the poll station or the designated line to enter the poll station at closing and who has not voted may do so.

## **23. COUNTING BALLOTS**

- 23.1. At the closure of the poll, two witnesses shall be appointed by the Electoral Officer. The witnesses must verify that only those Eligible Voters, who were in the poll station at closure, were permitted to vote, and these witnesses shall inspect the ballot box(es) prior to their opening. The two witnesses shall certify by signing a Certificate – Opening of Ballot Boxes in the form of Appendix 22 that the seals are intact and there is no evidence of tampering and that all ballots have been removed from the ballot box(es).
- 23.2. Immediately after the witnesses have verified the ballot boxes, the Electoral Officer or Deputy Electoral Officer/s shall, in the presence of all scrutineers who are present, open each envelope containing a mail-in ballot that was received before the close of the Polls and, without unfolding the ballot, reject the ballot if:
  - 23.2.1. It was not accompanied by a Voter Declaration Form in the form of Appendix 14, or the form is not signed or witnessed,
  - 23.2.2. The name of the voter set out in the Voter Declaration Form is not on the Eligible Voters List, or
  - 23.2.3. The Eligible Voters List shows that the Eligible Voter has already voted, or
- 23.3. In any other case, place a mark on the Eligible Voters List opposite the name of the Eligible Voter set out in the Voter Declaration Form, and deposit the ballot in the ballot box.
- 23.4. Once the mail-in ballots have been inserted into the ballot box(es), then the ballot box(es) shall be opened, and the Electoral Officer shall commence the ballot counting procedure. In the event that there are no scrutineers present, the Electoral Officer shall appoint two (2)

witnesses from within the poll station to be present during the ballot count. The ballot count may be conducted in public with Eligible Voters present.

- 23.5. The Electoral Officer or Deputy Electoral Officers shall open the ballot box and examine each ballot and reject those ballots that:
  - 23.5.1. Have not been issued or initialed by the Electoral Officer,
  - 23.5.2. Have been marked with “cancelled” or “declined,”
  - 23.5.3. Contain votes for more than the number of positions available for election and upon rejection marked spoiled by the Electoral Officer, or
  - 23.5.4. Contain a mark that may identify an Eligible Voter and upon rejection marked spoiled by the Electoral Officer.
- 23.6. Ballots that contain votes for less than the number of positions available for election shall be accepted.
- 23.7. The Electoral Officer shall count the ballots and document the results on the Electoral Officer’s Report in the form of Appendix 23 and the Official Statement of Results of Election in the form of Appendix 24.
- 23.8. Subject to Article 23.9, the three (3) candidates for the position of Councillor with the most votes shall be declared elected. The candidate for Chief with the most votes shall be declared elected.
- 23.9. The Electoral Officer shall immediately declare the results of the poll and announce the elected candidates. If, after the ballot count, there is a tie for the position of Chief, the Electoral Officer shall initiate a public recount of the votes for the tied candidates for that position. If, after the ballot count, there is a tie for the last position of Councillor, which makes it impossible for the Electoral Officer to declare that a sufficient number of candidates have been elected to fill the positions of Councillor, the Electoral Officer shall initiate a public recount for the tied candidates for that position.
- 23.10. If there still remains a tie for the Chief position, the Electoral Officer shall:
  - 23.10.1. Coordinate a meeting of the Candidates tied for the position of Chief for them to consider appointing one of them to the Chief position:
    - 23.10.1.1. Should the Candidates who are tied for the position of Chief decide to proceed with a Special Poll, the Electoral Officer shall announce that a Special Poll shall be held for the tied Candidates to fill that position, and
    - 23.10.1.2. The Candidates elected for the three (3) positions of Council shall constitute quorum elected and proceed to fill office,
    - 23.10.1.3. The Special Poll shall take place upon the Electoral Officer’s completion of the current Election,
    - 23.10.1.4. The Special Poll shall determine and elect the successful candidate for the remaining term of office.
- 23.11. If there still remains a tie for the last position of Council, the Electoral Officer shall:

- 23.11.1. Coordinate a meeting of the Candidates tied for the last position of Council for them to consider appointing one of them to the Council position and the other/s will become the immediate runner up/s:
  - 23.11.1.1. Should the candidates who are tied for the last position of Council decide to proceed with a Special Poll, the Electoral Officer shall announce that a Special Poll shall be held to fill that position, and
  - 23.11.1.2. The Candidate elected Chief and the two Candidates elected to fill the two (2) positions of Council shall constitute quorum elected and proceed to fill office,
  - 23.11.1.3. The Special Poll shall take place upon the Electoral Officer's completion of the current Election, and
  - 23.11.1.4. The Special Poll shall determine and elect the successful candidate for the remaining term of office.
- 23.12. The Electoral Officer shall prepare four (4) copies of the Official Statement of Results of Election in the form of Appendix 24 and the Electoral Officer's Report in the form of Appendix 23 and forward four copies of each to the Elected Chief and Council, SAMAHQUAM Administration Office, Department of Indigenous Services Canada (ISC) and/or Crown Indigenous Relations and Northern Affairs Canada and retain the original report.
- 23.13. The Electoral Officer shall immediately post the Official Statement of Results of Election following the count in the same places as the Notice of Poll was posted pursuant to Article 15.3 within three (3) Clear Days of the close of the Election.
- 23.14. At the close of the Election, the Electoral Officer shall prepare and deliver to the out-going Chief and Council and the newly elected Chief and Council, a manual containing the Electoral Officer's Agreement and Appointment, all forms completed in accordance with the Appendices to this Act, the official count sheets, and a copy of the master Eligible Voters List.

## **24. SPECIAL POLL**

- 24.1. A Special Poll shall take place within thirty (30) Clear Days from the date of the original poll should quorum – elect not be achieved. The Electoral Officer will announce the date, place, and time. The Electoral Officer shall post a Notice of the Special Poll and mail the mail-in ballots at least fourteen (14) Clear Days of the initial Election. The Special Poll shall be open from 12:00 noon until 8:00 pm The Electoral Officer shall carry out the Special Poll in accordance with this Act, with all necessary changes required by the circumstances. The Eligible Voters List will not change. In the event of a tie for filling the remaining position on Council, the ballot will contain only the names of those candidates that were tied with the highest number of votes.
- 24.2. In the event the Special Poll results in a tie, the Electoral Officer shall place the name of all tied candidates on separate pieces of paper and place the papers in a box. One piece of

paper shall be drawn by a volunteer from the individuals present who are not Eligible Voters. The candidate whose name appears on the paper drawn shall be the successful candidate.

## **25. DISPOSAL OF ELECTION MATERIALS**

- 25.1. The Electoral Officer shall retain all the ballots in a secure location for at least forty-five (45) Clear Days from the completion of the Election. After this time period, if no formal appeal has been filed, the Electoral Officer may dispose of the ballots in the presence of two witnesses who shall certify that they witnessed the destruction of the ballots by signing a Certificate of Destruction of Ballots in the form of Appendix 25.
- 25.2. In the event of a formal appeal, all ballots and election documents shall be retained by the Electoral Officer for forty-five (45) Clear Days after the adjudication of the Appeal Board and then disposed of in the presence of two witnesses, who shall certify that they witnessed the destruction of the ballots by signing a Certificate of Destruction of Ballots in the form of Appendix 25.

## **26. COMMENCEMENT OF TERM**

- 26.1. The term of office for Chief and Council members shall be four (4) years, with Elections carried out at four-year intervals.
- 26.2. Each term of offices expires on July 31st of the election year.
- 26.3. The term of office commences upon a successful Election of new Chief and Council, and the expiration of the term of the current Chief and Council.
- 26.4. Elected Chief and Council shall sign onto the Oath of Office for Chief and Council in the form of Appendix 26. This swearing in of Chief and Councillors shall take place not later than seven (7) days after the Electoral Officer closes the Election.

## **27. APPEAL BOARD**

- 27.1. The Electoral Officer shall propose an Appeal Board comprised of three (3) non-partisans to any Eligible Voter. The Chief and Council shall appoint the Appeal Board, for a forty-five (45) day term commencing on the closing day of Election, by way of SCR as found in Appendix 2, upon receipt of written acceptance from the Appeal Board members. The Electoral Officer shall post the appointed Appeal Board at the same locations for Notice of Polls not to exceed ninety (90) clear days and no less than Forty-nine (49) clear days prior to the day of the Election.
- 27.2. The Electoral Officer shall:
  - 27.2.1. Secure three (3) people with the following, or similar qualifications to propose as the Appeal Board,
    - 27.2.1.1. With a legal background who works with Indigenous Peoples in Canada,



- 27.2.1.2. With a minimum six (6) months experience working with Indigenous Elections,
  - 27.2.1.3. With a minimum of six (6) months experience managing, addressing, assessing, verifying, and resolving complaints and/or conflicts of interest efficiently and effectively, and
  - 27.2.1.4. With skills for working in teams.
- 27.3. Should no Legal Counsel be appointed to the Appeal Board, the Appeal Board may retain Legal Counsel qualified to practice law in British Columbia, to provide a legal opinion of the Appeal Board's findings regarding an appeal as required, at the cost of SAMAHQUAM, and:
- 27.3.1. Shall not reside on a SAMAHQUAM Reserve,
  - 27.3.2. Shall not have a vested interest in the outcome of an Election, and
  - 27.3.3. Shall not be an employee of SAMAHQUAM or any of SAMAHQUAM affiliates or the Department of Indigenous Services Canada.
- 27.4. The Electoral Officer shall provide Chief and Council with written acceptance of the Appeal Boards Members' appointment.

## **28. APPEAL PROCEDURE**

- 28.1. Within fourteen (14) Clear Days after the close of the Election, any Eligible Voter may appeal the election results on the grounds that:
- 28.1.1. There is legitimate proof that there was Corrupt Practice in connection with the Election, or
  - 28.1.2. There is legitimate proof there was a violation of this Election Act that has affected the outcome of the Election, or
  - 28.1.3. There is legitimate proof that a person that was declared a successful candidate to run in the Election did not qualify.
- 28.2. The Appeal Board shall only accept, assess, and make a decision on all appeals that meet the following criteria:
- 28.2.1. The appeal must be legible and obtain:
    - 28.2.1.1. The Eligible Voters Name,
    - 28.2.1.2. The Eligible Voters Registry Number,
    - 28.2.1.3. The purpose which must state clear and precise intent of the appeal, including references to relevant Articles of this Election Act,
    - 28.2.1.4. Evidence that supports the purpose of the appeal including any necessary affidavits setting out relevant facts, and
    - 28.2.1.5. Signed, dated, and sealed,
  - 28.2.2. Received by registered mail or hand delivered and addressed, c/o SAMAHQUAM Electoral Officer, to the Appeal Board:
    - 28.2.2.1. Post marked by the closing day for appeals,
    - 28.2.2.2. Signed as received by the Electoral Officer by the closing day for appeals, and

- 28.2.2.3. With a deposit of \$250.00 in the form of certified cheque, or money order.
- 28.2.3. Upon formal receipt of an appeal and deposit, the Appeal Board shall authorize the Electoral Officer to issue a receipt for the appeal as proof of filing. Should an appeal be successful, the deposit shall be refunded. If the appeal is not successful, the deposit shall be used to offset costs related to this appeal procedure.
- 28.2.4. The Appeal Board shall, within seven (7) Clear Days of the receipt of an appeal, forward a copy, together with all supporting documents to:
  - 28.2.4.1. The Electoral Officer,
  - 28.2.4.2. Each Candidate in the Election, and
  - 28.2.4.3. The newly elected Chief and Council.
- 28.3. The Electoral Officer or candidates may, within fourteen (14) Clear Days of receipt of the appeal, forward to the Appeal Board a written response, together with any supporting documents.
- 28.4. The Appeal Board may request additional information from the Electoral Officer as required.
- 28.5. Within twenty-one (21) Clear Days of qualifying an appeal, the Appeal Board shall render a decision on the validity of the appeal and the action to be taken as a result which may include:
  - 28.5.1. Call for a special poll for all or some of the positions,
  - 28.5.2. Should amendment of this Election Act be required to host a special poll as a result of an appeal, that the current Chief and Council shall remain in office until the special poll has been successfully executed following the latest Election Act amended in accordance with Article 29 of this Election Act,
  - 28.5.3. A decision that no action to be taken with reports to the appellant, and
  - 28.5.4. Recommendations for amendment to this Election Act to apply to future Elections.
- 28.6. The Appeal Board shall report the decision and recommendations to the Electoral Officer, candidates and the Chief and Council. The decision of the Appeal Board is final. The Electoral Officer shall post the decision of the Appeal Board in the same place as the Notice of Polls.
- 28.7. If the decision of the Appeal Board requires that a Special Poll be held, such Poll shall be implemented in accordance with the provisions of this Election Act, or upon required amendments of this Election Act.

## **29. AMENDMENTS TO ELECTION ACT**

- 29.1. Amendment(s) to this Election Act shall be made pursuant to this Article.
- 29.2. The Electoral Officer shall propose an Ad hoc Committee, with terms of reference, consisting of the Electoral Officer and two (2) eligible voters when amendments of this Election Act are required:

- 29.2.1. The Chief and Council shall establish this committee, including terms of reference and appropriate remuneration by SCR, and
- 29.2.2. The Chief and Council shall dissolve this committee by SCR.
- 29.3. All proposals for amendment to this Election Act shall be presented to Chief and Council with Legal Counsel comments or written support for Chief and Council approval by SCR. All approved amendments shall be:
  - 29.3.1. Posted by the Electoral Officer where accessible and viewed by Eligible Voters, and
  - 29.3.2. Mailed to all Eligible Voters by the Electoral Officer.
- 29.4. An amendment relating to the appendices and Article 1.0 definitions of this Election Act will come into force on the date set out in the SCR.
- 29.5. Eligible Voters retain the right to file a written objection to the amendment.
- 29.6. Receipt of written objections from 25% of SAMAHQUAM Voting Members shall null and void an amendment.
- 29.7. Written objections to amendment of this Act must be legible and contain:
  - 29.7.1. The Eligible Voters Name,
  - 29.7.2. The Eligible Voters Registry Number,
  - 29.7.3. The amendment, and date of the amendment,
  - 29.7.4. Signed, dated, and sealed, and
  - 29.7.5. Received by registered mail or hand delivered and addressed to the Electoral Officer:
    - 29.7.5.1. Post marked no later than thirty (30) days from the date of the amendment.
- 29.8. Should there be no objection under sub-Article 29.6, the amendment shall stand.
- 29.9. The Chief and Council shall not approve any amendments to this Election Act within one (1) year prior to an election.
- 29.10. In the event a legal issue arises regarding this Election Act during an Election Period, including the one (1) year prior to, the Chief and Council shall amend this Election Act by SCR to protect the Election Process. All amendments under this article (29.10) found to be inconsistent with the Election Act by the Electoral Officer shall be null and void. Amendments under this Article (29.10) and findings by the Electoral Officer shall be:
  - 29.10.1. Posted by the Electoral Officer where accessible and viewed by Eligible Voters, and
  - 29.10.2. Mailed to all Eligible Voters by the Electoral Officer.

## **30. LIABILITY**

- 30.1. The SAMAHQUAM, its Members and its employees and officers, including the Leadership, Administrator, the Electoral Officer and Deputy Electoral Officers, shall not be liable for any claims, losses or damages resulting from the inadvertent deletion or addition of an individual's name to the Eligible Voters List or any inadvertent breach of this Election Act.

### **31. SEVERABILITY**

- 31.1. If any part of this Election Act is declared to be invalid or unenforceable by a court of Canada or British Columbia, such invalidity or unenforceability shall not affect the validity or enforceability of any other part of this Election Act.

### **32. COMING INTO FORCE**

- 32.1. This Election Act (SAMAHQUAM Custom Elections Act (SECOND VERSION APPENDIX H)) shall come into force on the ratification date of May 2, 2021 where 50% + 1 of votes cast are in favor of the amendment to the "SAMAHQUAM Indian Band Elections and Referendum Act (APPENDIX H)."



FURTHERMORE, this appointed Electoral Officer shall have the authority to implement the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H), and

FINALLY, this appointment shall be in effect as articulated in Article 4.1. of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H).

---

Quorum is three (3)	
_____	_____
Chief:	Councillor:
_____	_____
Councillor:	Councillor:

**Ratification Date:** \_\_\_\_\_

**APPENDIX 2**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
**(SECOND VERSION APPENDIX H)**

**SAMAHQUAM COUNCIL RESOLUTION (SCR)**

PURPOSE: APPOINTMENT OF APPEAL BOARD FOR ELECTION IN THE YEAR OF  
(e.g., 2021)

LOCATION: \_\_\_\_\_

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

COPIES EXECUTED: Two (2):  
One (1) original for the Electoral Officer, and copied to the Appeal Board, and  
One (1) original for the SAMAHQUAM Records

QUORUM IS THREE (3)

WHEREAS SAMAHQUAM is in an ELECTION YEAR, and

WHEREAS, in accordance with Article 27. of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H), the Chief and Council are to appoint an Appeal Board for a forty-five (45) day term commencing on the closing day of Election.

THEREFORE, the Chief and Council execute this SCR to appoint

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Phone: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

AND FURTHERMORE, this appointed Appeal Board shall have the authority to implement Article 28. of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H), and

FINALLY, this appointment shall expire in accordance with Articles 27. and 28. of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H).

Quorum is three (3)	
_____	_____
Chief:	Councillor:
_____	_____
Councillor:	Councillor:

**Ratification Date:** \_\_\_\_\_



**APPENDIX 3**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**ACCEPTANCE OF NOMINATION**

To the Electoral Officer:

I, \_\_\_\_\_, a Member of the SAMAHQUAM, accept nomination for candidacy to run in the current Election for:

Chief

OR

Councillor

As so nominated by SAMAHQUAM Eligible Voter \_\_\_\_\_, and  
Seconded by SAMAHQUAM Eligible Voter \_\_\_\_\_.

Receipt of Acceptance of Nomination by the Electoral Officer on this \_\_day of \_\_, 20\_\_\_\_.

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

**APPENDIX 4**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**CANDIDATES BALLOT INFORMATION**

I \_\_\_\_\_ having been nominated as **Chief or Councillor** for the  
(Print name) (Circle applicable position)

SAMAHQUAM at a nomination meeting held on \_\_\_\_\_, \_\_\_\_\_.

I hereby request that my name be shown on the ballot as:

\_\_\_\_\_, \_\_\_\_\_  
(Print Surname) (Print First Name and/or Nickname)

\_\_\_\_\_  
(Signature of Candidate)

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

FAX OR EMAIL TO: (BY NO LATER THAN): \_\_\_\_\_

\_\_\_\_\_ - ELECTORAL OFFICER

FAX No. \_\_\_\_\_

EMAIL \_\_\_\_\_

**APPENDIX 5**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**CHIEF OR COUNCILLOR QUALIFICATION/CERTIFICATION**

I, being nominated to run in the current Election for a Chief or Councillor position, do hereby declare that the following is true:

- 1. I meet all of the eligibility requirements as articulated in Article 3. of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H),
- 2. I am and have been a SAMAHQUAM Member for the 12 months prior to being nominated,
- 3. I am at least twenty-five (25) years of age as the date of the Election for the Chief position,
- 4. I am at least 20 years of age as the date of the Election for the Councillor position,
- 5. I have no convictions for summary or indictable offenses within the past 10 (ten) years,
- 6. I have had no convictions for offences involving theft or fraud within the past 10 (ten) years,
- 7. I have had no convictions for any sexual assault offences within the past 20 (twenty) years,
- 8. I am not in arrears on payments of a debt to the SAMAHQUAM or to a company that SAMAHQUAM holds interest in,
- 9. I am not, nor have I been in a state of bankruptcy for the last two (2) years,
- 10. I paid a fee in the amount of \$250.00 to run in the current election, and
- 11. I provided a Criminal Record Check in accordance with Article 3.5 of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H).

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
(location) (day) (month) (year)

\_\_\_\_\_  
Print name of Nominee

\_\_\_\_\_  
Print name of Witness

\_\_\_\_\_  
Signature of Nominee

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

SWORN TO BEFORE ME at \_\_\_\_\_, in the province of \_\_\_\_\_  
\_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_

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

Approved for Candidacy to run in this Election by the Electoral Officer on

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
(day) (month) (year)

\_\_\_\_\_

Signature of Electoral Officer

**APPENDIX 6**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**OATH OF OFFICE FOR ELECTORAL OFFICER**

I, \_\_\_\_\_, accept the appointment of the Electoral Officer and agree to maintain confidentiality during my term.

In the capacity of Electoral Officer, I shall implement and enforce the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H). I shall serve the SAMAHQUAM with complete honesty, while maintaining my impartiality, and integrity throughout the term of my appointment.

In the performance of my duties, I will adhere to the provisions as outlined in the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H) at all times.

I solemnly swear that I will carry out my responsibilities honestly, conscientiously, and to the best of my abilities.

Any violation of this Oath shall render me liable for immediate dismissal from service as the Electoral Officer.

\_\_\_\_\_  
Print name of Appointed Electoral Officer

\_\_\_\_\_  
Signature of Appointed Electoral Officer

SWORN TO BEFORE ME at \_\_\_\_\_, in the province of \_\_\_\_\_  
\_\_\_\_\_  
(location)

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(day) (month) (year)

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

# APPENDIX 7

## SAMAHQUAM CUSTOM ELECTION ACT

(SECOND VERSION APPENDIX H)

### NOTICE OF NOMINATION MEETING

Notice is hereby given that a meeting of the electors of the SAMAHQUAM will be held at \_\_\_\_\_ (location) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, beginning at \_\_\_\_\_AM / PM (circle one) and lasting for at least two hours, for the purpose of nominating candidates for the positions of Chief and Councillors for the SAMAHQUAM, for the next ensuing term. There are \_\_\_\_\_ Councillor positions and one position for Chief available.

The election will be held at the \_\_\_\_\_ on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Eligibility Requirements to be Nominated for Chief or Council A Nominee must:**

1. I meet all of the eligibility requirements as articulated in Article 3. of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H),
2. I am and have been a SAMAHQUAM Member for the 12 months prior to being nominated,
3. I am at least twenty-five (25) years of age as the date of the Election for the Chief position,
4. I am at least twenty (20) years of age as the date of the Election for the Councillor position,
5. I have no convictions for summary or indictable offenses within the past 10 years,
6. I have had no convictions for offences involving theft or fraud within the past twenty (20) years,
7. I have had no convictions for any sexual assault offences within the past 10 years,
8. I am not in arrears on payments of a debt to the SAMAHQUAM or to a company that SAMAHQUAM holds interest in,
9. I am not, nor have I been in a state of bankruptcy for the last two (2) years,
10. I paid a fee in the amount of \$250.00 to run in the current election, and
11. I provided a Criminal Record Check in accordance with Article 3.5 of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H).

SECOND AND RUN AS A CANDIDATE FOR THE POSITION OF **CHIEF OR COUNCIL**. You may nominate candidates by using a mail-in nomination form. You can either deliver or mail-in a written nomination and a completed, signed and witnessed voter declaration form to the electoral officer before the time set for the nomination meeting OR you may nominate candidates orally at the nomination meeting. Mailed nominations not received by the electoral officer before the time set for nomination meeting are void. **Please note that any voter may vote by mail- in ballot.**

**NOTE:**

A copy of the voters list and or the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H) may be obtained from the Electoral Officer or the Band Office.

Given under my hand at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
(Municipality) (Day) (Month) (Year)

\_\_\_\_\_  
Name of Electoral Officer

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

\_\_\_\_\_  
Address of Electoral Officer

Phone #: \_\_\_\_\_

.....

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

**I authorize my name and address be released to any candidate at this election.**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Signature

**APPENDIX 8**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**MAIL IN NOMINATION FORM**

I, \_\_\_\_\_, Status # \_\_\_\_\_  
(Print name of Eligible Voter)

Of the SAMAHQUAM hereby nominate \_\_\_\_\_  
(Print name of Nominee) for the position of:

**Chief**

**OR**

**Councillor**

\_\_\_\_\_  
Print name of Eligible Voter

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

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

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



**APPENDIX 9**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**MAIL-IN VOTER DECLARATION TO NOMINATE**

In the matter of the election of the SAMAHQUAM, held according to the SAMAHQUAM

Election Act I, solemnly declare that: \_\_\_\_\_;  
(Please print your name)

- 1. I am a member of the SAMAHQUAM,
- 2. My status number is \_\_\_\_\_,
- 3. I am at least 18 years of age. My date of birth \_\_\_\_\_,
- 4. I do not know of any reason why I would be disqualified from voting at this election.

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

\_\_\_\_\_  
Signature of Elector

\_\_\_\_\_  
Date

**Witness Declaration**

Declared before me \_\_\_\_\_ at \_\_\_\_\_  
(Print name) (Municipality)

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.  
(Date) (Month) (Year)

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
City Province Postal Code

( \_\_\_\_\_ ) \_\_\_\_\_  
Telephone number of Witness

**APPENDIX 10**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**NOTICE TO CANDIDATES OF NOMINATION AT AN ELECTION**

Date: \_\_\_\_\_

**Subject: Election of the SAMAHQUAM**

Dear Candidate:

According to Article 11.3 of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H), I must inform you that on

\_\_\_\_\_, 20\_\_, at the nomination meeting held at the \_\_\_\_\_, you were nominated as a candidate for the position of **[Chief / Councillor]** (circle one) for the SAMAHQUAM election to be held on \_\_\_\_\_, 20\_\_\_\_\_

If you choose to accept this nomination you must complete the following documents

- (1) the Acceptance of Nomination (2) Chief /Councillor Qualification Certificate (both documents must be sworn before a Commissioner for taking Affidavits, Notary Public, a Justice of the Peace, or the Electoral Officer. (3) Copy of your Criminal Record Check (4) Candidate’s ballot information.

Copies of all required documents are attached.) All documents must be received by

the Electoral Officer by no later than \_\_\_\_\_ .

If you choose **not** to accept this nomination, you must submit to the Electoral Officer a written withdrawal of nomination (copy attached), signed by yourself, either in my presence or the presence of a justice of the peace, a notary public, or a commissioner for oaths.

If you fail to inform me of your withdrawal by \_\_\_\_\_, 20\_\_\_\_, your name will be included on the ballot. However, if you fail to forward the first (3) documents indicated above by

\_\_\_\_\_, I will consider that you have withdrawn, and your name will not be included on the ballot. If you forward the first 3 documents but not the fourth (Candidates Ballot Information) your

name will be shown on the ballot as it appears on the Voters list.

If you accept the nomination and decide prior to the close of polls that you wish to withdraw, you may do so however ballots cast in your favour will not be counted.

Each candidate is allowed to have **no more than one** (1) scrutineer at any one time inside the polling station to observe the proceedings on Election Day. You may appoint more than one scrutineer provided only two are present at the polling station at any one time. Please advise me in writing or by phone of the names of your scrutineers prior to Election Day.

In the event of a tie vote, Article 23.9 of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H) requires the Electoral Officer shall immediately call for a public recount of the ballots for the tied candidates. If after the completion of the Public recount, a tie vote still exists, the Electoral Officer shall adhere to articles 23.10 through to 23.11.1.4.

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

Yours truly,

\_\_\_\_\_  
Electoral Officer – SAMAHQUAM

\_\_\_\_\_  
Phone:

**APPENDIX 11**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

---

**URGENT:**

---

**WRITTEN WITHDRAWAL OF NOMINATION**

FAX TO:           The SAMAHQUAM Electoral Officer FAX NUMBER: \_\_\_\_\_

I, \_\_\_\_\_ a member of SAMAHQUAM, having been nominated as a candidate for **Chief/Council** for SAMAHQUAM, at a nomination meeting held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ A.D., at \_\_\_\_\_ .

I, \_\_\_\_\_ **DO HEREBY WITHDRAW** my name as candidate for the said Office of **Chief/Councillor** for the said SAMAHQUAM.

SWORN TO BEFORE ME at \_\_\_\_\_ in the Province of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
          (day)                   (month)                   (year)

\_\_\_\_\_  
Signature of Nominee

\_\_\_\_\_  
(Commissioner for Taking Affidavits for The Province of British Columbia) or the Electoral Officer, or a Justice of the Peace or a Notary Public

**APPENDIX 12**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**ELECTORAL OFFICERS NOMINATION MEETING REPORT**

- 1. Name of First Nation: SAMAHQUAM 2. Band number: **567**
  
- 3. Total number of band members: \_\_\_\_\_.
  
- 4. The band council is composed of one chief and three (3) councillors.
  
- 5. The notice of nomination meeting was:
  - a) Posted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at the following locations:
  
  - b) Mailed to \_\_\_\_\_(#) off-reserve electors during the period from the \_\_\_\_\_ day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.
  
- 6. The nomination meeting was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_. (Location)

7. Nominations for Chief

<b>Candidates Name and Band Number</b>	<b>Candidates Address</b>	<b>Nominators Name and Band Number</b>	<b>Seconders Name and Band Number</b>

8. Nominations for Councillor

<b>Candidates Name and Band Number</b>	<b>Candidates Address</b>	<b>Nominators Name and Band Number</b>	<b>Seconders Name and Band Number</b>

9. The following candidates have been declared elected by acclamation pursuant to Article 14 of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H):

**To the office of Chief:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**To the office of Councillor:**

Name	Address

10. I declare that a poll will be held for the office(s) of:

One Chief and **three (3)** Councillors

on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

11. As Electoral Officer, I declare that all information contained in this report of the nomination meeting are true to the best of my knowledge and that I have carefully and diligently performed all the duties required of me by the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H) in respect to this nomination meeting.

\_\_\_\_\_  
Signature of the Electoral Officer



**APPENDIX 13**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**NOTICE OF POLL**

Notice is hereby given to the Eligible Voters of the SAMAHQUAM that a poll will be held to elect the Chief and Council of SAMAHQUAM and that such poll will be open on the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, from the hour of 9:00 am local time until

8:00 pm local time at \_\_\_\_\_(describe the polling places if more than

one). That I will count the votes at \_\_\_\_\_(describe the place) on

(day), the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, immediately after the close of the poll and declare the result of the election.

Given under my hand at \_\_\_\_\_  
(location)

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(day) (month) (year)

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

**APPENDIX 14**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

THIS DECLARATION MUST BE SIGNED BY YOU AND A WITNESS AND BE RETURNED TO THE ELECTORAL OFFICER WITH YOUR COMPLETED BALLOT, OR YOUR VOTE WILL NOT BE COUNTED.

---

**Voter Declaration Accompanying the Mail-in Ballot**

---

In the matter of the election of the SAMAHQUAM, held according to the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H), I, \_\_\_\_\_solemnly declare that:

(Please print your name)

- 1. I am a member of the SAMAHQUAM,
- 2. My status number is \_\_\_\_\_,
- 3. My current mailing address is:

\_\_\_\_\_

- 4. I am at least 18 years of age. My dated of birth is: \_\_\_\_\_.
- 5. I do not know of any reason why I would be disqualified from voting at this election,
- 6. I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

\_\_\_\_\_  
Signature of Elector

\_\_\_\_\_  
Date

**Witness Declaration**

Declared before me \_\_\_\_\_ at \_\_\_\_\_ in British Columbia.  
Name Municipality

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(day) (month) (year)

\_\_\_\_\_  
Name of Witness

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

# APPENDIX 15

## SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H)

### Sample Ballots

SAMAHQUAM BALLOT FOR COUNCILLORS			
_____ - 3 TO BE ELECTED			
Please mark your ballot with an X in the circle provided to the right of the candidates' name for your choice of councillors. Please select no more than 2 to be elected.			
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>

Sample

## **APPENDIX 16**

### **SAMAHQUAM CUSTOM ELECTION ACT** (SECOND VERSION APPENDIX H)

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## Instructions for Mail-In Voting

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Dear Elector:

As per the attached *Polling Notice*, an election for chief and three (3) Councillors of the SAMAHQUAM is currently underway.

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

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

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

1. On the ballot for chief:

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

2. On the ballot for Councillor:

Mark an "X" in the box immediately to the right of the names of the candidates of your choice. You may vote for up to three (3) Councillors.

3. Fold the ballots in the same way as you received it, so that the Electoral Officer's initials on the back are visible.
4. Place the ballots back into the envelope marked "Ballot" and seal the envelope.
5. Complete the *Voter Declaration Accompanying the Mail-in Ballot* form. Both you and a witness, who is at least 18 years of age, must sign it.
6. In the larger postage paid pre-addressed outer envelope, place the completed and signed *Voter Declaration Accompanying the Mail-in Ballot* and the sealed envelope marked "Ballot".
7. Seal and drop the return envelope in the mail as soon as possible. It must be received by the Electoral officer no later than 8 pm on Election Day. Note that ballots received after the close of the poll on \_\_\_\_\_, 20\_\_\_\_. will not be counted. You may also hand deliver it to the Electoral Officer.

**In order for your ballots to be counted, they must be accompanied by a completed voter declaration form, signed by you and a witness.**

Although you have received this mail-in voting package, you may choose to vote on Election Day in person at the polling station whose location(s) are/is indicated on the *Polling Notice*. Only one ballot will be counted.

If you have any questions, please do not hesitate to contact me at \_\_\_\_\_

Yours truly,

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

**APPENDIX 17**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**NOTICE APPOINTING SCRUTINEERS**

I, \_\_\_\_\_ being nominated for the position of Chief/Councillor for SAMAHQUAM do hereby appoint the following persons in accordance with Article 15.2 of the SAMAHQUAM Election Act to act as Scrutineers to oversee the election poll on

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Scrutineer

\_\_\_\_\_

Nominee

\_\_\_\_\_

Date

**APPENDIX 18**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**DECLARATION OF ELECTOR'S RIGHT TO VOTE**

In the matter of Article 18.2 of the SAMAHQUAM Election Act, I, \_\_\_\_\_  
solemnly declare that:

1. I am a member of SAMAHQUAM,
2. I am the full age of eighteen (18) years,
3. I have not previously voted at this election,
4. I am not disqualified from voting at SAMAHQUAM 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 offense to make a false statement in this declaration.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Elector

Declared before me at \_\_\_\_\_ in the Province of British Columbia  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I am satisfied that the above-named person has the right to vote based on the above declaration and the representations by the aforesaid person.

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Deputy) Electoral Officer



## **APPENDIX 19**

# **SAMAHQUAM CUSTOM ELECTION ACT**

(SECOND VERSION APPENDIX H)

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## **VOTING INSTRUCTIONS**

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### **ONE (1) PERSON FOR CHIEF TO BE ELECTED**

### **THREE (3) COUNCILLORS TO BE ELECTED**

1. USING AN X MARK ONLY IN THE CIRCLE BESIDE THE NAME OF THE CANDIDATE(S) THAT YOU WISH TO VOTE FOR. (1- FOR CHIEF, 3 FOR COUNCILLORS)
2. IF YOU MAKE A MISTAKE WITH YOUR BALLOT, RETURN IT TO THE ELECTORAL OFFICER WHO WILL GIVE YOU ANOTHER BALLOT.
3. DO NOT MAKE ANY OTHER MARK ON THE BALLOT.
4. DO NOT VOTE FOR ANY MORE CANDIDATES THAN ARE TO BE ELECTED.
5. WHEN YOU ARE DONE, FOLD EACH BALLOT SO THAT THE INITIALS OF THE ELECTORAL OFFICER OR THE DEPUTY ELECTORAL OFFICER CAN BE SEEN (WITHOUT SHOWING HOW YOU VOTED), AND HAND THE BALLOTS TO THE ELECTORAL OFFICER OR THE DEPUTY FOR INSERTION INTO THE BALLOT BOX.
6. PLEASE WATCH THE ELECTORAL OFFICER OR THE DEPUTY INSERT YOUR BALLOTS INTO THE BALLOT BOX.

**APPENDIX 20**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**ELECTOR’S LOST BALLOT DECLARATION**

In the matter of Article 18 of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H), I, solemnly declare that:

- 1. I am a member of the SAMAHQUAM.
- 2. My band number is, \_\_\_\_\_ and my date of birth is \_\_\_\_\_.

**Check where applicable:**

	I have lost the mail-in ballot that was mailed, delivered, or provided to me.
	I have not received the mail-in ballot that was mailed to me.
	I have not used the mail-in ballot that was mailed to me.

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

DECLARED BEFORE ME at \_\_\_\_\_ in the Province of British Columbia,  
 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
           (day)                   (month)                   (year)

\_\_\_\_\_

(Deputy) Electoral Officer

**APPENDIX 21**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

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**CERTIFICATE RE: BALLOT BOX(S)**

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**SAMAHQUAM ELECTION**

This is to certify that we examined the ballot boxes to be used at the Poll held to elect the Chief and Council of SAMAHQUAM on \_\_\_\_\_ and found the ballot boxes to be empty. The ballot boxes were locked and sealed in our presence by the Electoral Officer.

Signed by Witnesses:

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

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

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

**APPENDIX 22**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

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**CERTIFICATE – OPENING OF BALLOT BOXES CHIEF  
AND COUNCIL ELECTION \_\_\_\_\_ , 20**

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This is to certify that we were present at 8:00 pm on \_\_\_\_\_ , 20 \_\_\_\_ at the closing of the polls. We certify that no one was permitted to vote after the closure except those persons who were in the polling station at closure. We further certify that we examined the ballot box(es) prior to opening of same. The ballot box(es) was sealed and there was no evidence of tampering of any kind. The ballot box(es) was opened in our presence and all ballots within the box(es) were removed and counted.

Signed by witnesses:

**Witness Number One:**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Time

\_\_\_\_\_  
\_\_\_\_\_  
Address

**Witness Number Two:**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Time

\_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
(Signature of Electoral Officer)

**APPENDIX 23**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**ELECTORAL OFFICERS REPORT**

1. Name: SAMAHQUAM
2. Band Number: 567
3. Date of Election: \_\_\_\_\_
4. Type of election (General or By-election): \_\_\_\_\_
5. Date of last general election (month/year): \_\_\_\_\_
6. Total number of Eligible Voters: \_\_\_\_\_
7. Total number of Votes Cast: \_\_\_\_\_
8. The SAMAHQUAM is composed of one chief and three (3) councillors.
9. The notice of nomination meeting was:
  - a. Posted on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at the following locations:  
\_\_\_\_\_
  - b. Mailed to \_\_\_\_ (#) off-reserve electors during the period from the \_\_\_\_\_ day of \_\_\_\_\_ to the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_
10. The nomination meeting was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ (Location), from (Time) \_\_\_\_\_ to \_\_\_\_\_.
11. The *Polling Notice* was posted on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at the following locations:
12. Total number of mail-in ballot packages sent to:
  - a. Off-reserve electors: \_\_\_\_\_
  - b. Electors residing on the reserve: \_\_\_\_\_

13. The poll was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at the following locations:

\_\_\_\_\_

14. Mail-in Ballots:

		For Chief	For Councillor
A	Total number of mail-in ballot packages sent (includes second or third packages sent to the same elector as well as those sent by DEOs)		
B	Total number of mail-in packages returned as undeliverable		
C	Total number of mail-in ballots returned by the elector who voted in person at the polling station		
D	Total number of mail-in ballots rejected and not placed in the ballot box (during the opening of the envelopes)		
E	Total number of mail-in ballots deposited in the ballot box		

15. Ballot Reconciliation

		For Chief	For Councillor
A	Number of valid ballots cast		
B	Number of ballots cast and rejected		
C	Number of ballots spoiled (never placed in the ballot box)		
D	Number of unused ballots		
E	Total number of mail-in packages returned as undeliverable (same as 15 B)		
F	Total number of mail-in ballots returned by the elector who voted in person at the polling station. (same as 15 C)		
G	Number of mail-in ballots rejected before being placed in the ballot box (same as 15 D)		
H	Total provided at 15 F (Mail-in ballot discrepancy)		
I	Total number of ballots (A + B + C + D + E + F + G + H)		
J	Total number of ballots printed <b>(Should equal total at I above)</b>		



16. Please complete all three columns below:

<b>Name of Candidate for Chief</b>	<b>Mailing Address</b>	<b>Total Votes Received</b>

17. Number of rejected ballots for chief: \_\_\_\_\_

18. Please complete all three columns below:

<b>Name of Candidate for Councillor</b>	<b>Mailing Address</b>	<b>Total Votes Received</b>

19. Number of rejected ballots for councillor: \_\_\_\_\_

20. The following candidates have been publicly declared elected:

**a. To the Office of Chief:**

Name: \_\_\_\_\_

**b. To the Office of Councillor:**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

21. The term of office commences on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

22. This report is produced in three (3) original copies delivered on the day following the closing of the Election, to the following:

- a. SAMAHQUAM Nation Government,
- b. Indian Services Canada (ISC),
- c. Canada Indigenous Relations & Northern Affairs Canada.

23. Additional Comments:

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**24. Declaration**

I, \_\_\_\_\_, appointed to the position of Electoral Officer on the \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_, for the SAMAHQUAM \_\_\_\_\_ (position), declare that the polling place(s) was kept open between the hours of 9:00 am and 8:00 pm (local time), and that I have correctly counted the votes cast for each candidate and have performed all other duties required of me by the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H). I further declare that a copy of the *Official Statement of Results of Election* will be posted at each place where the *Polling Notice* was posted and will be mailed to the last known address of off-reserve electors.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Address

**APPENDIX 24**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

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**SAMAHQUAM Election**

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**OFFICIAL STATEMENT OF RESULTS OF ELECTION**  
CANDIDATES AND VOTES CAST

<b>CHIEF</b>	<b>VOTES</b>	<b>COMMENTS</b>

- 1. Number of Ballots Cast for Chief: \_\_\_\_\_
- 2. Number of Rejected Ballots for Chief: \_\_\_\_\_

COUNCILLOR	VOTES	COMMENTS

- 1. Number of Ballots Cast for Councillor: \_\_\_\_\_
- 2. Number of Rejected Ballots for Councillor: \_\_\_\_\_

# SAMAHQUAM Election Results

Date: \_\_\_\_\_

## ELECTED CANDIDATES

<b>To the Office of Chief:</b>

<b>To the Office of Councillor:</b>

THE COUNT WAS DILIGENTLY CONDUCTED IN ACCORDANCE WITH THE SAMAHQUAM ELECTION ACT

\_\_\_\_\_  
Electoral Officer – SAMAHQUAM

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**APPENDIX 25**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

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**CERTIFICATE OF DESTRUCTION OF BALLOTS**  
**RESULTING FROM THE ELECTION HELD ON \_\_\_\_\_**

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This is to confirm that we \_\_\_\_\_ were present and hereby certify that we witnessed the Electoral Officer \_\_\_\_\_ destroy all ballots on \_\_\_\_\_ being 90 days after the SAMAHQUAM Election, which was held on \_\_\_\_\_, such destruction being in accordance with Article 24.1 of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_, British Columbia.  
*Day Month Year Location*

**Witness One:**

\_\_\_\_\_  
Witness Name Date

\_\_\_\_\_  
Witness Signature Witness Address

**Witness Two:**

\_\_\_\_\_  
Witness Name Date

\_\_\_\_\_  
Witness Signature Witness Address

**APPENDIX 26**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

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**OATH FOR CHIEF and COUNCILLORS**

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A person who has been elected Chief and Council shall, before taking his office, make the following declaration before a Notary Public, the SAMAHQUAM Electoral Officer or a duly appointed Commissioner for Taking of Oaths and file with the Administrator the completed declaration before officially taking his or her seat on the Chief and Council.

1. Canada:
2. Province of British Columbia:
3. SAMAHQUAM Reserve No. \_\_\_\_\_ and any other lands lawfully under the jurisdiction of the SAMAHQUAM.

I, \_\_\_\_\_ elected as Chief / Councillor of the SAMAHQUAM, do solemnly declare as follows:

1. I am qualified to be a member of the Band Council under Article 3 of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H).
2. That I will faithfully perform the duties of my office and will not allow any private interest to influence my conduct in public matters.
3. That I will uphold the laws of SAMAHQUAM, to preserve and enhance our culture and heritage, to faithfully discharge of my duties in a fair and equitable manner and to involve all Members of SAMAHQUAM willing to participate in a common effort to improve our lives.
4. That I will be joining my people through British Columbia and Canada for a just settlement against all people, to achieve for our people our right to self-determination and self-reliance and a level of economic opportunity, education, health, and housing equal to that of other members of Canadian society; and I will extend the hand of friendship and co-operation to all like-minded Canadians in pursuit of these goals.



- 5. That I have not, nor will I have, while holding office any voluntary interest, directly or indirectly, in any contract or services connected with the SAMAHQUAM; save and exempt those public utilities and services available to all band members.
- 6. That I have not, by myself or any other person knowingly employed any bribery, corruption, or intimidation to gain my election.
- 7. That I have read and signed the '**SAMAHQUAM Rules of Conduct – Chief and Council**'

SWORN TO BEFORE ME at \_\_\_\_\_ in the province of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_  
Signature of Nominee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commissioner for Taking Affidavits for the  
Province of British Columbia or the Electoral Officer  
or a Justice of the Peace.

\_\_\_\_\_  
Date

**APPENDIX 27**  
**SAMAHQUAM CUSTOM ELECTION ACT**  
(SECOND VERSION APPENDIX H)

**LETTER OF SUPPORT FOR “MEMBER” NOT  
APPEARING ON ELIGIBLE VOTERS LIST**

Date: \_\_\_\_\_

In the matter of (members name): \_\_\_\_\_

Date Adopted to SAMAHQUAM: \_\_\_\_\_

We hereby confirm and support that the member named above is indeed an eligible voter of SAMAHQUAM. Adopted and accepted to SAMAHQUAM no less than 15 months prior to this election.

As per Article 8.6.1.2.1.1. of the SAMAHQUAM CUSTOM ELECTION ACT (SECOND VERSION APPENDIX H), any two signatures from the individuals listed below is acceptable.

\_\_\_\_\_  
Indian Registry Administrator

\_\_\_\_\_  
Data and Records Manager

\_\_\_\_\_  
Member of Chief and Council