

Ahousaht Election Regulations

MOLINA'S
COPY

AHOUSAHT ELECTION REGULATIONS

WHEREAS:	<i>The Ahousaht Council by a motion at an Annual General Meeting of the Ahousaht General Membership at Maaqtusiis were directed to revise and adopt new election regulations;</i>
WHEREAS:	<i>The Ahousaht General Membership passed a motion at the Ahousaht Annual General Meeting, held on February 19 and 20, 2000, to adopt this document entitled "Ahousaht Election Regulations and Procedures" and to process it for implementation as soon as possible;</i>
WHEREAS:	<i>The elected Chief and Council act as both representatives of the Community and role models for its members. These individuals are entrusted to make decisions and provide leadership to improve the well being of the community as a whole. To this end, they must exercise positive values and morals in their actions, both professional and personal. Recognizing their direct responsibility in electing Chief and Council, Ahousaht Electors will strive to ensure that the Candidates for whom they vote have and will reflect the moral standards the community expects of its leadership.</i>

This document may be referred to as the Ahousaht Election Regulations:

NOTE: The masculine and the feminine gender are used interchangeably throughout this document without bias, in the interest of simplicity and ease in reading.

Ahousaht Election Regulations

Table of Contents	
Section 1: Definitions	2
Section 2: Pre-Nomination Procedure.....	5
Section 3: Nomination Eligibility	7
Section 4: Nomination Meeting.....	8
Section 5: Campaign Period	10
Section 6: Pre-election Procedures.....	11
Section 7: Election Poll	16
Section 8: Election Tabulation.....	20
Section 9: Election Appeals	24
Section 10: Chief or Councillors' position becoming vacant.....	26
Section 11: Special Provisions	27
Section 12: Term of Office.....	27
Section 13: Amendments to the <i>Ahousaht Election Regulations</i>	30
Section 14: Postponement of Nomination Meeting, Band Election or Amendment Vote	
Appendices: Appendix 1: Mail in Nomination Form	Appendix 2: Declaration Accompanying the Mail in Nomination or Seconder Form
Appendix 3: Sample Ballot for Council	
Appendix 4: Ahousaht Council, Code of Ethics	
Appendix 5: Candidates Acceptance and Declaration Form	
Appendix 6: Voters Declaration form accompanying Mail in Ballot	
Appendix 7: Polling Notice	
Appendix 8: Instructions for Mail in ballot	
Appendix 9: Sample Ballot for Chief Councillor	
Appendix 10: Sample Biography	

Ahousaht Election Regulations

Section 1

Definitions

Ahousaht
"Ahousaht
Council"

Means Ahousaht First Nation
Means that body of individuals elected pursuant to the *Ahousaht Election Regulations*. It shall be composed of a Chief Councillor, eight resident Councillors and four non-resident Councillors.

"Candidate"

Means a registered member of Ahousaht who:

- i) is the full age of eighteen (18) years or older on the day on which the nomination meeting is held;
- ii) has been a registered member of Ahousaht for a period of not less than twelve (12) months immediately preceding the day on which the nomination meeting is held;
- iii) has been nominated to be a Candidate pursuant to the provisions of the *Ahousaht Election Regulations*; and
- iv) Has not been found to have violated the *Ahousaht Election Regulations*.
- v) has not been convicted of an indictable offence within the five years preceding the nomination meeting unless such offence has been deemed by the electoral officer to have been committed in the exercise of an aboriginal right; as determined by the Ahousaht Council;
- vi) has not been convicted of an summary offence within the two years preceding the nomination meeting unless such offence has been deemed by the electoral officer to have been committed in the exercise of an aboriginal right; as determined by the Ahousaht Council;
- vii) has not been convicted or participated in circle sentence as the offender in the last three years preceding the nomination meeting.

Candidate's
Agent

A person appointed by the candidate to act as his/he representative at the polling station and to observe the voting process and the counting of the votes.

Ahousaht Election Regulations

“Chief Councillor”	Means the person elected to this position who: <ul style="list-style-type: none">i) is responsible for implementing the <i>Ahousaht Council Terms of Reference</i> and encourages the Ahousaht Council to work as a team; andii) Is ordinarily a resident of Maaqtusiis throughout his term of office
“Councillor”	Means a duly elected member of the Ahousaht Council and, unless otherwise specified, includes both resident and non-resident Councillor positions.
Deputy Chief	Means a resident Councilor chosen by the 12 elected Councillors from amongst themselves and shall remain a resident of Maaqtusiis throughout his term of office.
“Deputy Electoral Officer ”	Means a person appointed by the Electoral Officer to assist him or her in the election process.
“Elector”	Means an individual who: <ul style="list-style-type: none">i) is a registered member of Ahousaht; andii) is the full age of 18 years on or before the day on which the election is held.
“Election”	Means a general election or by-election of the Ahousaht Council held pursuant to the provisions of these <i>Ahousaht Election Regulations</i> .
“Electoral Officer”	Means a person appointed by the Ahousaht Council who will be responsible for conducting the nomination meeting and the election.
Ha’wiith “Maaqtusiis”	A hereditary chief of the Ahousaht Nation Formerly known as <i>Marktosis</i> , means the village of Ahousaht nation members located on Flores Island British Columbia
“Mail-in ballot”	Means a ballot mailed or delivered in accordance with subsection 6.6.
“Mail-in Nomination form”	Means a nomination form mailed or delivered in accordance with section 2.9, as set out in Appendix 1.
“Non-resident Councillor”	Means a Councillor who has been elected to represent those Ahousaht members who are not ordinarily resident of Maaqtusiis on the Ahousaht Council.

Ahousaht Election Regulations

“Polling station”	Means a building, hall or room selected as the site for voting to take place for an election.
Quorum	Means the number or Councillors required to be present for a meeting of Ahousaht council to take place, which is 5.
“Resident Councillor”	Means a Councillor who has been elected to represent those Ahousaht members who are ordinarily resident of Maaqtusiis on the Ahousaht Council.
“Voter declaration form”	Means a document that sets out or provides for: <ul style="list-style-type: none">i) the name of the Elector;ii) the membership or registry number of the Elector or, if the Elector does not have a membership or registry number, his date of birth; andiii) the name, address and telephone number of a witness to the signature of the Elector.

Section 2

Pre-Nomination Procedure

- 2.1 The Electoral Officer shall be appointed by Ahousaht Council Resolution (ACR) not less than thirty 30 days before the date selected by the Ahousaht Council as the date on which the nomination meeting will be held. In the case of a general election, the nomination meeting shall be held at least 45 days prior to the end of the term of the current Ahousaht Council.
- 2.2 The ACR shall contain the Electoral Officer's full name, the date and time for the nomination meeting, the type of election to be conducted (general or by-election) and any special instructions.
- 2.3 The Electoral Officer shall appoint one or more Deputy Electoral Officers and interpreters as he deems necessary and shall document the details of this on the election file.
- 2.4 The Electoral Officer shall establish an election file and place on this file copies of all documentation associated with the election. The election file shall be kept at the administration office of the Ahousaht First Nation and accessed only by members of the Appeal Board.
- 2.5 The Electoral Officer shall prepare a voters list containing the names of all eligible Electors in alphabetical order by surname.

Ahousaht Election Regulations

- 2.6 The Electoral Officer shall, at least 28 days before the date on which a nomination meeting is to be held, post a notice of the nomination meeting in conspicuous places in the community.
- 2.7 The Electoral Officer shall revise the voters list where it is demonstrated that the name of an elector is either missing from or incorrectly set out on the list upon presentation of documentary proof. The Electoral Officer shall also delete names from the voters list where it is demonstrated that the person is not eligible to vote.
- 2.8 The notice of the nomination meeting shall contain:
- i) the date, time, duration and location of the nomination meeting;
 - ii) the date on which the election will be held and the location of each polling place;
 - iii) if applicable the date, time and location of advance polling stations
 - iv) the name and telephone number of the Electoral Officer;
 - v) a description of the manner in which an Elector can nominate or second the nomination of a Candidate;
 - vi) the statement that, if the Elector wants to receive information from the Candidates, the Elector can agree to have his or her address released to the Candidates;
 - vii) the location where the voters list and a copy of these Regulations will be available for review by Electors; and
 - viii) description of the process involved for Ahousaht residents to obtain a mail-in ballot package.

Ahousaht Election Regulations

2.9

The Electoral Officer shall obtain the most current list containing the names and addresses of Electors who are not ordinarily resident of Maaqtusiis from the Ahousaht administration office, and shall mail a nomination package to every Elector whose mailing address appears on the list. The nomination package shall contain:

- i) the notice of the nomination meeting;
- ii) the Mail-in Nomination form at Appendix 1;
- iii) the Nominator Declaration form at Appendix 2;
- iv) the Candidate Acceptance form at Appendix 5
- v) an instruction sheet which describes the manner in which an Elector can nominate and second the nomination of a Candidate through the mail, and contains the deadline by which the Electoral Officer must be in receipt of the Mail-in Nomination form;
- vi) An inner postage-paid return envelope pre-addressed to the Electoral Officer.

Section 3

Nomination Eligibility

3.1

Only Electors may nominate or second a nomination of a Candidate.

3.2

An Elector can nominate or second the nomination of a Candidate by:

- i) completing a Mail-in Nomination form and a Nominator Declaration form and ensuring receipt by the Electoral Officer no later than 48 hours prior to the time set for the nomination meeting; or
- ii) orally at the nomination meeting.

3.3

- a) When nominating a Candidate, an Elector must indicate whether he is nominating the Candidate for the position of Chief Councillor or Councillor.
- b) No Elector shall nominate a Candidate for Chief Councillor if he has nominated that same Candidate for the position of Councillor.
- c) An Elector may nominate up to the same number of Candidates as there are positions available for election.

3.4

To be nominated, a Candidate need **not** be present at the nomination meeting.

Ahousaht Election Regulations

Section 4

Nomination Meeting

- 4.1 At the time and place advertised for the nomination meeting, as indicated in the notice of nomination meeting, the Electoral Officer shall declare the nomination meeting open for the purpose of receiving the nomination of Candidates for the positions advertised.
- 4.2 Immediately following the opening of the nomination meeting, the Electoral Officer shall read aloud all written nominations and secondments that have been received by mail or delivered in accordance with paragraph 3.2(i)
- 4.3 The Electoral Officer shall keep the meeting open for a minimum of two hours or until such time as all nominations from Electors present have been received, whichever shall last occur, and thereafter the meeting may be closed at the discretion of the Electoral Officer.
- 4.4 The Electoral Officer shall maintain order at all times during the nomination meeting and may cause to be removed any person who, in his/her opinion, is disrupting or otherwise interfering with the meeting.
- 4.5 Upon receiving a nomination, the Electoral Officer shall record:
- i) the name of the Candidate;
 - ii) the name of the nominator; and
 - iii) the name of the member who seconds the nomination,
- and confirm to the meeting that the nominated individual is eligible to be a Candidate; or if they are not eligible, provide the reason for the Candidate being ineligible. (I.E. Does not meet criteria of the Candidate's Acceptance & Declaration Form.)
- 4.6 If the individual is nominated for the position of Councillor, the Electoral Officer shall indicate whether the nominated Candidate is ordinarily a resident of Maaqtusiis or is not ordinarily a resident of Maaqtusiis.

Ahousaht Election Regulations

4.7 All nominated Candidates must submit, within seventy-two (72) hours of the close of the nomination meeting, to the Electoral Officer, a Candidate's Acceptance and Declaration form as per Appendix 5 (via fax, hand delivery or electronically) stating that he/she accepts the nomination and that he/she is eligible to be a Candidate as defined in these Regulations and remit a fee of \$150.00 payable to the Ahousaht Administration by money order, electronic bank transfer or certified cheque. Any nominated individual who fails to submit the Acceptance and Declaration or the fee, or proof of the fee payment, shall not be a Candidate at the election.

4.8 If, at any time during the election process, the Electoral Officer reasonably determines that a Candidate does not meet the qualifications of a Candidate set out in these Regulations, the Electoral Officer shall disqualify the Candidate, and any votes cast in his/her favour shall not be counted.

Ahousaht Election Regulations

Section 5

Campaign Period

- 5.1 Each Candidate if he/she chooses to shall campaign:
- i) according to the rules and regulations established in the legal framework;
 - ii) respecting the rights and freedoms of other parties to organize and campaign, and to reach out to voters with their messages;
 - iii) respecting the Electoral Officer and Deputy Electoral Officer(s) and not interfering with the performance of their duties; and
 - iv) respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
 - v) respecting the rights of voters to obtain information from a variety of sources and to attend political rallies;
 - vi) ethically, focusing on political issues and Candidate platforms, and without coercion, vote buying, smear campaigns or rumor and innuendo;
 - vii) nonviolently, without intimidating opposing Candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
 - viii) accepting and complying with the official election results and the final decisions of the designated appeal board.
- 5.2 Each Candidate that accepts nomination must, within 7 days after acceptance, provide the Electoral Officer with a biography that shall be shared with Electors who so request.
- 5.3 Each Candidate shall not spend more than five hundred dollars (\$500.00) on his/her total campaign materials and all other campaign expenses.
- 5.4 Each Candidate must submit, on the day preceding the election, to the Electoral Officer, a financial report outlining all costs incurred for his/her campaign, which must include all receipts.
- 5.5 Employees of the Ahousaht Administration shall not work on any campaign material or campaign for any Candidates during work hours.
- 5.5 Ahousaht Administration is non-partisan; therefore only one designated bulletin board inside and outside of the administration

Ahousaht Election Regulations

office will be allotted for the posting of campaign literature.

5.6 An all Candidates meeting may be held no later than seven (7) days before the date on which the election is to be held, to allow the Electors to question the Candidates regarding the Candidates' anticipated contribution to the community if elected onto the Ahousaht Council. During this meeting, each Candidate shall be provided a maximum of five, minutes to address the Electors after which questions regarding various matters within the Ahousaht Council's jurisdiction may be asked.

5.7 The Candidates meeting shall not be chaired by the Electoral Officer or a Candidate.

5.8 No Candidate shall campaign or attempt to influence how an Elector is to vote at any time during the twenty-four (24) hours immediately before the opening of the polling station. Candidates who violate this subsection may have their election overturned on appeal.

Section 6 Pre-election Procedures

6.1 If the number of Candidates nominated exceeds the number of positions open for election, the Electoral Officer will announce the date of the election, which shall be at least twenty-eight (28) days from the nomination meeting.

6.2 At the close of the nomination meeting, if the number of Candidates nominated does not exceed the number of positions available for election, the Electoral Officer shall declare the nominated Candidates elected by acclamation. (If the Candidate meets the criteria of the Candidate Acceptance & Declaration form.)

6.3 The Electoral Officer or the Deputy Electoral Officer shall prepare ballots setting out

- i) the names of the Candidates nominated for election as Chief Councillor, in alphabetical order by surname; and
- ii) The names of the Candidates nominated for election as Councillor in alphabetical order by surname.

The term "non-resident" shall be placed next to the names of those Candidates for Councillor who are not ordinarily residents of

Ahousaht Election Regulations

Maaqtusiis to indicate that they are seeking the position of non-resident Councillor.

- 6.4 The Electoral Officer or the Deputy Electoral Officer shall, on the day following the nomination meeting, post a polling notice as per Appendix 7, setting out the times, places and dates for voting. Such notice shall be posted in the Ahousaht administration office and other conspicuous places as deemed necessary by the Electoral Officer.
- 6.5 An Elector who wishes to vote by mail-in ballot shall make a request in writing to the Electoral Officer no later than 10 days before the day on which the election is to be held.

Ahousaht Election Regulations

6.6

The Electoral Officer shall, no later than 21 days prior to the date on which the election will be held, mail to every Elector who has made a request to vote by mail in ballot, an election package consisting of:

- a) a ballot initialed on the back by the Electoral Officer;
- b) the voter declaration which shall set out:
 - i) the name of the Elector;
 - ii) the membership number and date of birth of the Elector; and
 - iii) the name, address and telephone number of the witness to the signature of the Elector;
- c) an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
- d) a copy of the polling notice which contains the information on polling stations (Appendix 7); and
- e) a letter of instruction regarding voting by mail in ballot (Appendix 8) which shall include:
 - i) a statement advising Electors that they may vote in person at any polling station on the day of election if they return their mail-in ballot to the Electoral Officer at the polling station or swear a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot;
 - ii) instructions on how to complete and return the ballots as well as the deadline for receipt by the Electoral Officer; and
 - iii) a list of the names of any Candidates who were acclaimed.

Ahousaht Election Regulations

6.7

Mail-in Ballots:

a) An Elector may vote by mail-in ballot by

(i) marking the ballot by placing a cross, check mark or other mark, that clearly indicates the elector's choice but does not identify the elector, opposite the name of the candidate or candidates for whom he or she desires to vote;

(ii) folding the ballot in a manner that conceals the names of the candidates and any marks but exposes the Electoral Officer's initials on the back;

(iii) placing the ballot in the inner envelope and sealing that envelope;

(iv) completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;

(v) placing the inner envelope and the completed voter declaration form in the outer envelope; and

(vi) delivering or mailing the mail-in ballot to the electoral officer before the time at which the polls close on the day of the election.

b) Where an elector is unable to vote in the manner set out in subsection (a), the Elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that subsection.

c) A witness referred to in subsection (b) shall attest to

i) the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; or

ii) where the Elector enlisted the assistance of another person under subsection 6, the fact that the elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the Elector.

d) An Elector who inadvertently spoils a mail-in ballot may obtain another ballot by returning the spoiled ballot to the Electoral Officer.

Ahousaht Election Regulations

e) An Elector who loses a mail-in ballot may obtain another ballot by delivering to the Electoral Officer a written affirmation that the Elector has lost or misplaced the mail-in ballot, signed by the Elector in the presence of the Electoral Officer, Deputy Electoral Officer, a justice of the peace, a notary of the public or a commissioner of oaths.

6.8 An Advance Polling station may be held at the discretion of the Ahousaht Council in Port Alberni, Nanaimo, Victoria and at Maaqtusiis. The Advance shall be held at least 5 days prior to the election day in accordance with the same procedures as for election day. All ballot boxes used at the Advance Poll shall be sealed by the Electoral Officer at the close of the Advance Poll. The Electoral Officer shall place in safekeeping the ballot boxes, which shall not be unsealed until the close of the polling station in Maatqusiis on the day of the election.

6.9 Ahousaht shall provide all the material necessary to conduct the election at the reasonable request of the Electoral Officer. The Electoral Officer or the Deputy Electoral Officer shall obtain sufficient ballot boxes, a sufficient number of ballot papers, instruments for marking ballots, sufficient copies of directions for voting and all other equipment as necessary to establish and equip the voting locations for the purpose of the election.

6.10 The Electoral Officer or a Deputy Electoral Officer shall construct or erect polling booths at the polling stations set out in the polling notice. The polling booths shall be arranged so that the voter's privacy is maintained while he or she marks the ballots.

6.11 The Electoral Officer or a Deputy Electoral Officer shall, where necessary and when requested to do so, appoint an interpreter, who will be a member of the Ahousaht First Nation, to assist voters who are unable to vote in the usual manner because of a disability or an inability to read.

6.12 Neither the Electoral Officer nor any Deputy Electoral Officer shall be allowed to vote in the election

Ahousaht Election Regulations

Section 7

Election Poll

- 7.1 The Electoral Officer and any Deputy Electoral Officer as deemed necessary by the Electoral Officer shall be in attendance at the polling station at the time set out in the polling notice.
- 7.2 The Electoral Officer or a Deputy Electoral Officer shall, immediately before the commencement of the poll, open the ballot boxes and call such persons as may be present to witness that they are empty; he shall then lock the boxes to prevent them from being opened and shall place them in view for the receipt of the ballots and the boxes shall not be unlocked during the time appointed for taking the poll. The Electoral Officer or the Deputy Electoral Officer shall note the names of those people present as witnesses and include this in the election file.
- 7.3 The polling stations shall open at 8:00 a.m. and close at 8:00 p.m.
- 7.4 The Electoral Officer and Deputy Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in anyway interferes, disrupts or attempts to influence the orderly conduct of the poll.
- 7.5 All Candidates shall be entitled to two (2) agents at a polling station at any one time.
- 7.6 Subject to paragraph 7.7(d), an Elector shall cast his vote at the polling station closest to his or her ordinary residence, as determined by the Electoral Officer.

Ahousaht Election Regulations

7.7

- a) Each person wishing to vote shall present picture identification, along with his Ahousaht membership number, to the Electoral Officer or Deputy Electoral Officer.
- b) Once the Electoral Officer or a Deputy Electoral Officer is satisfied that the person is an eligible Elector he shall place his initials on the back of each ballot and give them to the Elector.
- c) The Electoral Officer or Deputy Electoral Officer will note on the voters list that the Elector has received ballots.
- d) Where an Elector is unable to cast his vote at the polling station nearest his residence, the Electoral Officer or a Deputy Electoral Officer may allow that Elector to cast his vote at another polling station after following these steps:
 - i) contacting the Deputy Electoral Officer at the polling station where the Elector would normally cast his vote and confirming that the Elector has not already voted; and
 - ii) instructing the Electoral Officer or Deputy Electoral Officer at the polling station where the Elector would normally cast his vote to mark on the voters list the location of the particular polling station where the Elector is voting.

7.8

Each Elector, after receiving the ballots, shall proceed directly to the polling booth and shall mark his/her ballot(s) by placing an X (or other mark) that clearly indicates the Elector's choice in the space provided on the ballot opposite the name of the Candidate, and shall then deposit the ballots in the ballot box. While any Elector is in the polling booth marking his/her ballot, no other person, except as provided in subsection 7.9, shall be allowed in the same compartment or be in any position where he/she can see how the Elector is voting.

7.9

At the request of any voter who is unable to vote in the manner set out in subsection 7.8, the Electoral Officer or Deputy Electoral Officer shall assist that voter in the presence of an interpreter appointed in accordance with subsection 6.9, and shall place the ballot in the box.

Ahousaht Election Regulations

- 7.10 The Electoral Officer or a Deputy Electoral Officer shall note upon the voters list any irregularity in connection with voting, and shall make a notation on the voters list, next to those Electors whose ballots have been marked by the Electoral Officer or the Deputy Electoral Officer at the Elector's request pursuant to subsection 7.9, so indicating.
- 7.11 An Elector to whom mail-in ballot was mailed or provided under section 6.7 may obtain a ballot and vote in person at the polling station if;
- a) The Elector returns the mail-in ballot to the Electoral Officer or Deputy Electoral Officer; or
 - b) where the Elector has lost the mail-in ballot, the Elector provides the Electoral Officer or Deputy Electoral Officer with a written affirmation that the Elector has lost or misplaced the mail-in ballot, signed by the Elector in the presence of the Electoral Officer, Deputy Electoral Officer, a Justice of the Peace, a Notary Public or Commissioner for Oaths.
- 7.12 An Elector who inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall return it to the Electoral Officer or a Deputy Electoral Officer who shall write the word "CANCELLED" upon the ballot paper, preserve it, provide that Elector with another ballot, and make a notation on the voters list next to the Elector's name to this effect.
- 7.13 Any person who has received ballots and who leaves the polling station without delivering the ballots to the Electoral Officer or a Deputy Electoral Officer, or after receiving the ballots, refuses to vote, shall forfeit his right to vote at the election. The Electoral Officer or a Deputy Electoral Officer shall make an entry in the voters list, in the column for remarks opposite the name of such person, to show that such person received the ballots and declined to vote--in which case the Electoral Officer or the Deputy Electoral Officer shall mark upon the face of the ballots the word "DECLINED", and all ballots so marked shall be preserved.
- 7.14 Any person who is a member of the Ahousaht over the age of the eighteen (18) years and whose name does not appear on the voters list may present picture identification and proof of membership (status card) to the Electoral Officer or the Deputy Electoral Officer, and if the Electoral Officer or the Deputy Electoral Officer is satisfied that the person is eligible to vote pursuant to this *Ahousaht Election Regulations*, the person shall

Ahousaht Election Regulations

be added to the voters list and be permitted to vote. The Electoral Officer or a Deputy Electoral Officer must ensure that the person has not voted at any other polling station before providing that individual with ballots.

7.15

Every Elector who is inside the polling station at the time the station is to close shall be entitled to vote before the poll is closed.

Ahousaht Election Regulations

Section 8

Election Tabulation

- 8.1 Immediately following the close of the polling stations, the Electoral Officer or a Deputy Electoral Officer shall, in the presence of any Candidate or their agent or an Elector appointed by the Electoral Officer to be an observer, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot,
- a) reject the ballot if:
 - i) it is not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed;
 - ii) the voter declaration form does not contain a date of birth or membership number that matches the information contained for that Elector on the voters list; or
 - iii) the voters list shows that the Elector has already voted; or
 - b) in any other case, place a mark on the voters list opposite the name of the Elector set out in the voter declaration form and deposit the ballots in the ballot boxes.
- 8.2 All rejected ballots shall be marked "VOID" and be preserved separate from other ballots, until after the appeal period lapses.
- 8.3. Immediately following the verification of the mail-in ballots, the Electoral Officer or Deputy Electoral Officer shall, in the presence of such Candidates or their agents and any Electors as may be present, open the ballot boxes, including those used at that Advance Polls and examine the ballots therein.
- 8.4
- a) The Electoral Officer or Deputy Electoral Officer shall reject a ballot that
 - i) does not contain the initials of the Electoral Officer or those of the Deputy Electoral Officer;
 - ii) does not give a clear indication of the Elector's choice
 - iii) contains more votes than there are positions available for election; or
 - iv) contains any markings by which the Elector can be identified.
 - b) All rejected ballots shall be so marked and preserved separate

Ahousaht Election Regulations

from other ballots until after the appeal period lapses.

8.5

- a) Any Candidate or Candidate's agent may raise an objection as to the validity of a ballot found in the box.
- b) The Electoral Officer or Deputy Electoral Officer shall note any objection raised and decide any questions arising out of the objection.
- c) Each objection shall be numbered consecutively and the number shall be marked on the ballot subject to that objection, and that ballot shall then be marked "allowed" or "disallowed" as the case may be, and be initialed again by the Electoral Officer or a Deputy Electoral Officer.

8.6

- a) The Electoral Officer or a Deputy Electoral Officer, at each polling station, shall count the votes given for each Candidate from the ballots not rejected and shall prepare and sign a written summary that states:
 - i) the number of votes each Candidate received;
 - ii) the number of ballots cast;
 - iii) the number of ballots rejected.
- b) The Electoral Officer or Deputy Electoral Officer shall verify the contents of the summary with all persons present, who may also sign the summary.

8.7

Should there be more than one polling station held the same day as the election after counting the ballots, the Deputy Electoral Officer overseeing the polling stations other than at Maaqtusiis shall telephone the final results of the count tabulated at these stations to the Electoral Officer. Such telephone call shall be made, wherever possible, by speaker phone and made in the presence of a minimum of two (2) witnesses, who are either Electors or agents of the Candidates.

Ahousaht Election Regulations

8.8

After the votes have been counted, the Electoral Officer shall:

i) Declare elected to the position of Chief Councillor the candidate having the highest number of votes;

ii) Prepare a list of the names of each candidate in order of the number of votes obtained from highest to lowest, regardless of the position for which he/she was a candidate, and excluding the candidate declared elected to the Chief Councillor position and further excluding any candidate for Chief Councillor who has not indicated a willingness to accept a position of Councillor on the Candidate's Acceptance and Declaration form (Appendix 5);

iii) Declare elected to the position of resident Councillor the top eight candidates ordinarily resident of Maaqtusiis whose names appear on the list;

iv) Declare elected to the position of non-resident Councillor the top four candidates who are not ordinarily resident of Maaqtusiis whose names appear on the list.

The Electoral Officer shall make available to all Candidates and agents the summary prepared in accordance with subsection 8.6.

8.9

Following the announcement, the Electoral Officer shall post the written summary prepared in accordance with subsection 8.6 in a conspicuous places in the Ahousaht Administration offices and the Ahousaht website: www.ahousaht.com.

8.10

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

- i) a list of all Candidates;
- ii) the number of ballots cast for each;
- iii) the number of Electors who were assisted in marking their ballot.
- iv) the number of spoiled ballots; and
- v) the number of rejected ballots.

8.11

The Electoral Officer shall:

- i) forward one copy of the election report to the Ahousaht Administrator;
- ii) mail a copy of the election report to all Electors who do not reside in Maaqtusiis and who request a copy

Ahousaht Election Regulations

- 8.12 In the event that more than one Candidate for Chief Councillor has the highest number of votes cast or more than one Candidate for Councillor has the same number of votes cast, which if only one Candidate had this number of votes, he would be declared elected, the Electoral Officer shall recount the ballots within 24 hours of the election. The recount shall be conducted in the presence of all the affected Candidates or a person chosen by the individual Candidate to attend on his behalf, the results of which shall be final, subject to a successful appeal.
- 8.13 If a tie remains for any Councillor position the elected 11 Councillors and Chief Councillor shall meet in the next 5 working days and cast a vote by secret ballot for only the candidates having an equal number of votes for the 12th seat.
- 8.14 Within 30 days of the election, and prior to the swearing in ceremony, the Chief Councillor shall establish his residence at Maaqtusiis.
- 8.15 The elected Council shall sign the *Code of Ethics* at the first regular council meeting.
The Swearing in ceremony of the elected Candidates shall take place in the presence of the Ha'wiih and community members, no later than 30 days after the date of election or immediately after completion of all appeal decisions; which ensures that all present are witness to the new council's commitment.

Ahousaht Election Regulations

Section 9

Election Appeals

- 9.1 The outgoing Ahousaht Council, by resolution, shall appoint an Appeal Board prior to the end of the term of office and before the election process begins. The Appeal Board shall be comprised of three people who are not members of Ahousaht, are at least 21 years of age, are of good character and reputation, do not have a vested interest in the outcome of the election, and are familiar with the procedures of the *Ahousaht Election Regulations*.
- 9.2 The Appeal Board shall supervise and administer all election appeals in accordance with the provisions of the *Ahousaht Election Regulations*.
- 9.3 The Appeal Board shall review, administer, investigate and decide upon election appeals.
- 9.4 The Appeal Board shall receive remuneration for services provided including travel expenses should travel be necessary.
- 9.5 Any Candidate or Elector may, within twenty-one (21) days of the date of the election, launch an appeal, if he or she has reasonable grounds to believe that there was an error or a violation of the *Ahousaht Election Regulations* committed during the election process that might have affected the outcome of the election.
- 9.6
- a) An appeal of an election must be submitted by affidavit in written format containing details of the alleged error or violation of the *Ahousaht Election Regulations*.
 - b) The appeal shall be delivered to the Appeal Board, in care of the Ahousaht administration office, along with a deposit in the form of a money order or a certified cheque for \$150 made in favor of Ahousaht.
 - c) The deposit shall be
 - i) returned to the appellant if the appeal is upheld; or
 - ii) forfeited to Ahousaht, where it shall be used to offset election or election appeal expenses and will be deposited into the general revenue of Ahousaht if the

Ahousaht Election Regulations

appeal is dismissed.

9.7 Where appeals are received by the Appeal Board pursuant to *subsection 9.6*

- a) The Appeal Board shall, within seven days of the end of the appeal period described in subsection 9.5, forward a copy of all appeals received and all supporting documentation to each Candidate at the election and to the Electoral Officer;
- b) Within seven (7) days of receiving the appeal documents, Candidates or the Electoral Officer may deliver to the Appeal Board a written response to any allegation, attaching any supporting documents.

9.8 In a closed meeting to review all the evidence received, the Appeal Board shall:

- 1) deny the appeal on the grounds that the evidence presented did not reveal a violation of the *Ahousaht Election Regulations*, or on the grounds that the violation that was revealed did not affect the results of the election; or

- 2) uphold the appeal and call for a new election for the position(s) affected. The new election shall be conducted pursuant to the provisions of the *Ahousaht Election Regulations*. The Appeal Board shall, if necessary, give instructions to the Electoral Officer to correct and prevent the problems identified in the appeal from re-occurring

- 3) Where it appears that a procedural error has resulted in a candidate being declared elected who should not have, declare elected a candidate who rightfully should have been so declared.

9.9 The Appeal Board shall notify the appellant of the decision and make this information available to Ahousaht Electors through postings, mail-outs and newsletter/paper articles.

Ahousaht Election Regulations

Section 10

The position of Chief or Councillor position becoming vacant

10.1

- a) A Chief Councillor or Councillor position on the Ahousaht Council shall become vacant if, while in office,
- i) the Chief Councillor or Councillor misses three (3) consecutive regular Ahousaht council meetings without authorization from quorum of the Ahousaht Council;
 - ii) the Chief Councillor or Councillor in question is convicted of an indictable offense since his/her election ;(excluding convictions of an offense committed in the exercise of an aboriginal right as determined by the Ahousaht Council;
 - iii) the Chief Councillor or Councillor has been found to have violated the *Ahousaht Election Regulations*, his or her Oath of Office or the Code of Ethics;
 - iv) it has been established that the Chief Councillor or Councillor was ineligible to be a Candidate in the election;
 - v) the Chief Councillor ceases to be resident at Maaqtusiis;
 - vi) the Chief Councillor or Councillor passes on or becomes incapable of carrying out the duties of his office; or
 - vii) the Chief Councillor or Councillor provides the Ahousaht Council with a written resignation.
 - viii) A councillor or Chief Councillor may be removed from Council by a 'Vote of non-confidence', if the council deems the Councillor or Chief Councillor in question is not fulfilling their commitment as an elected body in accordance with his/her duties
- b) Where a Chief Councillor or Councillor has been charged with an indictable offence, the Ahousaht Council may, by resolution, suspend the member in question or request his or her resignation.

10.2

If a situation described in paragraph 10.1, occurs, a motion must be passed at a duly convened regular Ahousaht Council meeting at which quorum is present, declaring the position vacant pursuant to subsection 10.1 herein. The Councillor(s) in question must be present at the meeting.

Thereafter, an Ahousaht Council Resolution outlining the situation and declaring the position to be vacant must be signed by a quorum of the Council.

Ahousaht Election Regulations

10.3 If a member of Council's position has been declared vacant under section 10.2, he/she may appeal such decision to the Appeal Board, who shall render a final and binding decision.

10.4 If the position is declared vacant pursuant to subsection 10.1, the individual whose position has been declared vacant will be disqualified from being a Candidate in the next election.

10.5 If there is less than 12 months remaining in the Council's term of office, the Candidate for the position declared vacant who had the greatest number of votes** at the last election but who was not declared elected at the time shall be offered the position declared vacant in accordance with subsection 10.1. **The 9th resident seat or the 5th non-resident seat.

10.6 If there is less than 12 months remaining in the Council's term of office and a seat becomes vacant, Council may, by consensus, choose to leave such vacancy as is, especially if the current Council is operating sufficiently and quorum is still able to be formed. (Which is 5)

Section 11 Special Provisions

11.1 Each newly elected Candidate shall take an oath to abide by the *Ahousaht Council Code of Ethics* (Appendix 4) pursuant to subsection 8.15 of the *Ahousaht Election Regulations*.

11.2 The elected Candidates shall sign the Acceptance form included in the *Ahousaht Council Code of Ethics*. The signed copy shall be kept in the care of the Ahousaht Administrator.

11.3 Within 30 days of the completed Election, the newly elected Council shall attend a mandatory one-week in house training; which shall be located off site.

Section 12 Term of Office

12.1 The term of office for the Ahousaht Council shall be four years from the date of the election.

12.2 Where the **Chief Councilor position** becomes vacant and there

Ahousaht Election Regulations

are **more** than 12 months remaining in the existing Council's term of office;

- i) The chosen Deputy Chief Councillor would become the Acting Chief Councillor; otherwise
- ii) The current Council will choose amongst themselves a Chief Councillor, otherwise
- iii) The current Council shall offer the position to the Candidate for Chief Councillor who had the highest number of votes at the last election, but who was not declared elected at the time. A person filling such a vacancy shall be subject to the provisions of the *Ahousaht Election Regulations*, hold office for the remaining council's term; otherwise
- iv) the Ha'wiih will appoint a Chief Councillor based on experience; otherwise
- v) a by-election shall be held, the date of which must be no later than 90 days from the date on which the position became vacant.

12.3-

a) Where a resident Councillor position becomes vacant and there are **more** than 12 months remaining in the existing Ahousaht Council's term of office, Ahousaht Council shall offer the position to the next three Candidates consecutively for resident Councillor who had the highest number of votes at the last election, but who was not declared elected at the time until the position is filled.

A person filling such a vacancy shall be subject to the provisions of the *Ahousaht Election Regulations*, hold office for the remaining council's term; otherwise

b) i) If the first three Candidates with the next highest number of votes decline the vacant seat; the Ha'wiih (Hereditary Chiefs) shall appoint a Chief Councillor or Councillor based on experience otherwise

ii) If the appointed candidate declines, a by-election shall be held, the date of which must be no later than 90 days from the date on which the position became vacant.

12.4

a) Where a non-resident Councillor position becomes vacant and there are **more** than 12 months remaining in the existing Ahousaht Council's term of office, Ahousaht Council shall offer the position to the next three Candidates consecutively for non-resident Councillor who had the highest number of votes at the

Ahousaht Election Regulations

last election, but who was not declared elected at the time until the position is filled.

A person filling such a vacancy shall be subject to the provisions of the *Ahousaht Election Regulations*, hold office for the remaining Council's term.

b) i) If the first three Candidates with the next highest number of votes decline the vacant seat; the Ha'wiih (Hereditary Chiefs) shall appoint a Chief Councillor or Councillor based on experience; otherwise,

ii) If the appointed candidate declines, a by-election shall be held, the date of which must be no later than 90 days from the date on which the position became vacant.

12.5

Council, upon Election, shall vote by secret ballot to select a Deputy Chief, who shall act on behalf of the Chief in his/her absence or inability to act, and shall be present and have an office within the Administration office and shall reside in Maaqtusiis during his/her term as Deputy Chief.

Ahousaht Election Regulations

Section 13

Amendments to the *Ahousaht Election Regulations*

13.1

At least once during its mandate, the Ahousaht Council shall initiate a review of the Ahousaht Election Regulations as follows:

- i) A general membership meeting shall be held for the purposes of hearing recommendations and suggestions from the Ahousaht membership concerning amendments to the Ahousaht Election Regulations.
- ii) Council shall appoint a presiding officer for the meeting
- iii) The presiding officer shall post a notice of this meeting in a conspicuous place within the community and on the Ahousaht website at least 14 business days prior to the meeting.
- iv) The presiding officer shall preside over the general membership meeting and ensure that proceedings are recorded.
- v) As soon as practicable after the meeting, the presiding officer shall provide a meeting report to Council which may include recommendations for changes to the Ahousaht Election Regulations.
- vi) Council shall review the report and, if deemed necessary or appropriate, prepare or cause to be prepared an amendment proposal.
- vii) Council shall instruct the presiding officer to convene a general membership meeting at which the amendment proposal will be discussed.
- viii) The presiding officer shall, at least 21 days prior to the day on which the meeting is to be held, post in at least one conspicuous place within the community, and send to all non-resident electors whose address is known, the amendment proposal and a notice of the date, time and place of the general membership meeting
- ix) At the meeting, the presiding officer shall put forth a motion to: submit the proposed amendment to a ratification vote; amend the proposed amendment; or cease the review process
- x) The presiding officer shall take a vote on each motion
- xi) The motion having received the highest number of votes shall be the deciding motion.

13.2

- (i) Should the deciding motion be that the amendment proposal be submitted to a ratification vote, as soon as practicable following the meeting, Council shall appoint a ratification officer for the conduct of the vote.
- ii) The ratification process shall provide for electors to tender a

Ahousaht Election Regulations

vote by mail

iii) Should the majority of the votes cast be in favour of the amendment, the Ahousaht Council will then amend the Ahousaht Election Regulations accordingly and pass a resolution giving effect to the amendments.

iv) Amendments shall be effective upon the passing of the Ahousaht Council Resolution giving effect to the amendments.

v) No ratification process shall be commenced if it will overlap with the next regularly scheduled election process.

13.3

Should the deciding motion be that the amendment proposal shall be further amended, as soon as practicable following the meeting, Council shall begin work on developing another amendment proposal, which shall be treated in accordance with subsections 13.1 and 13.2

Section 14

Postponement of Nomination Meeting, Band Election or Amendment Vote

14.1

If a death occurs in the community of Ahousaht between the date of the posting of the Notice of Nomination Meeting and the date of the Election, it shall be within the discretion of the Electoral Officer to postpone the Nomination Meeting or the Election to the next business day following the funeral or memorial service or to another date deemed appropriate by the Electoral Officer.

14.2

Where a death occurs in the community of Ahousaht within one week of an Amendment Vote, the Council or the Electoral Officer may reschedule the Amendment Vote to the next business day or to another date deemed appropriate

14.3

Where a Nomination Meeting, an Election Poll or an Amendment Vote is postponed in accordance with these Rules, notice of this postponement provided at least 3 days prior to the original date for the Nomination Meeting, Election Poll or Amendment Vote shall be deemed to be sufficient.

Appendix 1 Mail in Nomination Form

I, _____ a member of the Ahousaht First Nation,
 (Please print name)
 membership # _____, hereby nominate of the Ahousaht First Nation

 (Name of nominee)
 Of Ahousaht First Nation

For the position of Chief Councillor _____ or Councillor _____

Signature of Elector	Telephone Number
Print Name	Date

Secunder:

Signature of Secunder	Telephone Number
Print Name	Date

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

2. To be a valid nomination both the nominator and the secunder must complete the Mail-in Nomination declaration included in this package and both must be members of the Ahousaht First Nation and of age to vote.

****This declaration must be signed by you and a witness and be returned to the Electoral Officer with your completed ballot, or your nomination will not be counted.**

Appendix 2

Declaration Accompanying the Mail-in Nomination or Secunder Form

In the matter of the election of the Ahousaht First Nation, held according to the *Ahousaht Election Regulations*, I, _____ solemnly declare that:
(Please print your name)

1. I am a member of the Ahousaht First Nation
2. My membership number is _____ and my date of birth is (m) __ (d) __ (y) __
3. My current mailing address is:

4. I am at least 18 years of age. YES NO

5. I do not know of any reason why I would be disqualified from nominating at this election. NO
If YES , attach letter of reason.

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 _____

(municipality)

(name)

This _____ day of _____ 20_____
(Date) (Month) (Year)

Signature of Witness

Address

City

Province

Postal Code

() _____
Telephone number of Witness

Appendix 3: Sample Ballot for Chief Councillor

SELECT ONE CANDIDATE BY MARKING AN "X" IN THE BOX NEXT TO THE CANDIDATES NAME.

(If one chooses to run for Chief Councillor and/or Councillor their name will appear on two ballots and if running for Chief and the candidate is not elected and checked YES on the declaration form to accept a seat as a Councillor, if the number of votes a candidate receives allows one to be a Councillor, they may be sworn in as a Councillor.

Candidate A	250
-------------	-----

(elected chief due to highest votes)

Candidate B	200
-------------	-----

***eligible to be a Councillor if in top 12

highest votes for chief and Councillors.)**

Candidate C	189
Candidate D	100
Candidate E	50

Appendix 3: Sample Ballot for Councillor

SELECT A MAXIMUM OF TWELVE (12) CANDIDATES BY MARKING AN "X" IN THE BOX NEXT TO THE CANDIDATES NAME. YOU MAY VOTE FOR ANY COMBINATION OF RESIDENT AND NON-RESIDENT CANDIDATES

Candidate A (Non-resident)	250	Candidate G	161
Candidate B	225	Candidate H	149
Candidate C (Non-resident)	200	Candidate C from chiefs	100
Candidate B from chiefs	200	Candidate I (Non-resident)	66
Candidate D	189	Candidate J	77
Candidate C from chiefs	189	Candidate K (Non-resident)	88
Candidate E	170	Candidate L	50
Candidate F	160		

This is a sample; of the 12 elected Councillors would be if the a chief Candidate accepted a seat as a Councillor.

Appendix 4

AHOUSAHT COUNCIL CODE OF ETHICS

Ethics refers to a Chief's councillors or Councillor's moral principles, values and personal characteristics and relates to such descriptive standards of behaviour as to fairness, impartiality, equality, professionalism, honesty, trustworthiness, confidentiality and respectfulness.

Code of Ethics is defined as the acceptable standards of behaviour and integrity that is required of the Chief Councillor or Councillor in the carrying out of his or her duties and responsibilities as a Chief or Councillor.

Table of Contents: This Code of Ethics is divided into Four (4) Sections:

Section One:	Code of Conduct	pg 38 - 40
Section Two:	Confidentiality	pg 41
Section Three:	Conflict of Interest	pg 42 - 43
Section Four:	Breach of Ethics:	pg 44

Signature Forms:

- Acceptance of Terms of Ahousaht Council Code of Ethics
- Oath of Conduct and Confidentiality

SECTION ONE: CODE OF CONDUCT

The Chief Councillor and Councillors;

- shall promote and maintain at all times, in their actions and words, the integrity and dignity of the Ahousaht First Nation members, its Administration, programs, government, and employees and;
- shall conduct themselves in a professional and reasonable manner which will bring credit to themselves, the Council, Administration and the membership and;
- shall be prompt and conscientious in the performance of their duties as a member of Ahousaht Council, including participating in Council meetings to the best of their ability and familiarizing themselves with the policies of any committee they are appointed, and;
- shall use initiative to find ways of fulfilling their duties effectively and economically and;
- shall attend all Council meetings and Ahousaht Annual General Meetings, unless there is a valid reason for absence or lateness, in which case the Councillor shall contact the Chief Councillor or in his absence, another Councillor, in advance of the meeting and; (re due to illness or injury)
- shall maintain a positive, cooperative and constructive attitude in dealing with fellow Councillors, Ahousaht Administration employees, Ahousaht members and will work as team members toward the betterment of Ahousaht and;
- shall respect and support Resolutions passed by Council (at Council meetings) and the Ahousaht membership at Annual General Meetings and;
- shall continually work towards self-improvement and professional development through available training, workshops and materials.
- shall attend all other meetings, workshops, conferences, etc. assigned as official delegates of the Ahousaht First Nation and will formally report back to Council and membership on the proceedings of these meetings.
- shall uphold formal commitments made with other First Nation organizations and government agencies.

- shall uphold formal contracts of service and contracts for-service approved by the past Council. (unless such contracts are to be terminated for just cause)
- Councillors holding a port-folio who are absent for three (3) consecutive committee meetings or more than one-third (1/3) of all meetings in a twelve month calendar period, without valid reasons, shall be subject to release from the port-folio as determined by the consensus of the Council

Chief and Councillors absent from three (3) consecutive meetings of Council or more than one-third (1/3) of meetings in a twelve month calendar period without a valid reason shall be subject to release from their elected position as determined by the consensus of the Council.

- shall only give out official and/or confidential information acquired as a result of their elected positions when the release of such information has been authorized by the Council.

shall not discuss/disclose in-camera business outside of Council.

- shall be current on all personal financial responsibilities with Ahousaht First Nation and other organizations, while holding the position of Chief or Councillor.
- shall not speak on behalf of Council to Ahousaht members or outside Organizations without the authorization of the Council.
- shall not speak on unilateral decisions prior to Ahousaht Annual General Meetings.
- Amendments to the Ahousaht Council Code of Ethics shall not occur unless the changes have been the subject of presentation and discussion at a meeting of the band membership and of the council, and further that a quorum of council has approved the changes.

SECTION TWO: CONFIDENTIALITY

The Chief Councillor and Councillors shall adhere to:

- All information that is acquired as a result of their duties and responsibilities in the position of Chief Councillor or Councillor shall be treated as confidential.
- Any information that becomes known by reason of any association with the Ahousaht elected Chief and Council, except such matters as may be required to communicate in order to properly carry out the duties, or unless required by law, or duly authorized by an employee or a client of Ahousaht administration, shall be kept confidential.
- Each elected member of Chief and Council shall sign an Oath of Conduct and Confidentiality.
- Breaches of confidentiality shall be subject to disciplinary action by the majority of the Council, which may include release from Council duties and suspension or expulsion as a member of council.

SECTION THREE: CONFLICT OF INTEREST

Definition of Immediate Family:

- father, mother (natural, step or common-law), or foster parent
- brother or sister
- spouse (including common-law spouse)
- natural child, stepchild, ward or legally adopted child
- father-in-law or mother-in-law (including common-law)
- grandmother or grandfather

The Chief Councillor and Councillors:

- Upon their becoming aware of a potential or existing conflict of interest the councillor or chief councillor must immediately inform the other councillors
- or any member of their immediate family (as defined herein), shall not be allowed to benefit from contracts, agreements or other undertakings that are associated with Ahousaht unless such awards are through open and fair competitions. (note 1)
- shall not take part in discussions or vote on resolutions that would directly benefit himself, herself or any member of their immediate family.
- shall not use information obtained as a result of their position on Council for personal gain.
- shall not be a member of a hiring selection committee where an Immediate Family Member has applied for the position.
- shall not directly or indirectly use, or allow the use of Ahousaht equipment, vehicles or property for anything other than official Ahousaht Administration business, or as authorized by approved Ahousaht Administration Policy.
- A Councillor who is also an employee of Ahousaht Administration shall not hold the Portfolio for Personnel or the Program in which the Councillor is employed.
- A Councillor, who is also an employee of Ahousaht, shall not use their position of Councillor to influence Administration for personal benefit.

- A Councillor, who is also an employee of Ahousaht Administration, may participate in discussions or but not vote on resolutions that will directly or indirectly affect the operation and services of her or his program
(Unless they are required to vote to ensure quorum)

- A Councillor, who is also an employee of Ahousaht Administration, may participate in discussions and/or provide a written or verbal report, but not vote on resolutions or be present during the voting, relating to
(Unless they are required to vote to ensure quorum)
 - Personnel issues to include:
 - hiring and selection of employees (unless the employee/Council Member is a Program Manager, or where Council Members who are not employees, are not available)
 - personnel policies
 - termination of employment / lay-off
 - employee wages, salaries and benefits
 - employee discipline, suspension and dismissal

- shall not be a part of a discussion, or participate on a committee, where discussions on the allocation of Houses or property may benefit him or her or any member of their Immediate Family.

Note 1: Ahousaht members if qualified have right of first refusal in a bid process and than other first nations.

SECTION FOUR: BREACH OF ETHICS

Any member of the Ahousaht Council who breaches this code of ethics will be subject to discipline by the other members of the Ahousaht council. Such discipline may be in the form of a verbal warning, formal letter of reprimand, suspension with or without Council member honorarium, involuntary termination from their elected position or a request for resignation.

The level of discipline shall be determined by the majority of those Council members not in a conflict of interest except in the case of suspension, involuntary termination and the request for resignation in which case as determined by the consensus of the Council.

**ACCEPTANCE OF TERMS OF
AHOUSAHT COUNCIL
CODE OF ETHICS**

TO: AHOUSAHT COUNCIL and ADMINISTRATION

FROM: _____

DATE: _____

This confirms that I have received and examined a copy of the AHOUSAHT CODE OF ETHICS revised to June ____, 2007

I understand and comprehend the terms and conditions expressed in the AHOUSAHT COUNCIL CODE OF ETHICS document and undertake to respect and abide by the conditions expressed therein.

Chief Councillor's Name	Date
Chief Councillor's Signature	Witness

Print name

Councillor's Name	Date
Councillor's Signature	Witness

Print Name

OATH OF CONDUCT and CONFIDENTIALITY

I, _____, do hereby declare and affirm that I will loyally, to the best of my capabilities carry out my duties as an elected member of the Ahousaht Council.

Any confidential information that may be known to me by reason of any association with the elected Ahousaht Council, except such matters as I may be required to communicate, in order to properly carry out my duties am authorized by the Ahoushat Council to disclose, or unless required by law, or I am duly authorized by a client of the Ahousaht Council office shall be kept confidential.

I understand that disciplinary action by the majority of the elected Council may occur as a result of any breach of conduct or confidentiality.

Signature	Signature
Chief Councillor Name	Witness Name
Date	Date
Signature	Signature
Councillor Name	Witness Name
Date	Date

Appendix 5

Candidates Acceptance and Declaration Form

I, _____, of Ahousaht First Nation, membership # _____
(full legal name)
hereby, accept my nomination as a Candidate for **Chief Councillor / Councillor (circle one)**
at the election of the Ahousaht First Nation to be held on (m) __ (d) __, 200__ and I agree to
pay Ahousaht Administration an acceptance fee of \$150.00 within 72 hours of my acceptance
by a certified cheque or money order.

I further solemnly declare that, I am a member of the Ahousaht First Nation and have been so
for at least one year;

I am at least 18 years of age and;

I have not been convicted of an indictable in the last five years, or if so, I believe such offence
to have been committed in the exercise of an Aboriginal Right; as determined by the Ahousaht
Council.

I have not been convicted of a summary offence in the last two years, or if so, I believe such
offence to have been committed in the exercise of an Aboriginal Right; as determined by the
Ahousaht Council.

I have not been convicted nor participated in circle sentencing in the last three years;

If elected, I am committed to attending the regularly scheduled meetings of the Ahousaht
Council, in Maaqtusiis, held on the second Tuesday of every month, and I will make every
effort to ensure my availability to attend an emergency meeting and at least four sub-
committee meetings per month; and

If requested, I am willing to fill in a vacant seat

I do not know of any reason why I would be disqualified from being a Candidate at this
election. **NO** If **YES** , attach a letter of reason.

(Signature)

(Date)

Witnessed by:

(Print name of Witness)

(Signature of Witness)

**Note: The witness must be either the Electoral Officer, a Justice of the Peace, a
Notary Public or a Commissioner for Oaths with a valid stamp.**

For Candidates for Chief Councillor only:

Should the number of votes you receive not allow for your election as **Chief Councillor**, but
are enough for you to be declared elected to a Councillor position you may choose to accept a
Councillor position. Check here if you accept **Yes** **No**

Appendix 6

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 Ahousaht First Nation, held according to the *Ahousaht Election*

Regulations I, _____ solemnly declare that:
(Please print your name)

a) I am a member of the Ahousaht First Nation

b) My membership number is _____ and my date of birth
is _____

c) My current mailing address is:

d) I am at least 18 years of age YES NO

e) I do not know of any reason why I would be disqualified from voting at this election;
If YES, state reason why; (attach letter of reason) NO

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

Print name

Witness Declaration

Declared before me _____ @ _____
(Print Name) (Municipality)

This _____ day of _____ 20_____.
(Date) (Month) (Year)

Signature of Witness

Address

City

Province

Postal Code

() ____ - ____ Telephone number of Witness

Appendix 7

Polling Notice

Notice is hereby given to the Electors of Ahousaht First Nation that a poll will be held to elect a Chief Councillor and 12 Councillors on the ____ day of _____, 20 ____.

From eight o'clock (8:00) a.m. until eight o'clock (8:00) p.m. at the

following location(s):

The votes will be counted at _____ at _____ on the ____ day of _____, 20 ____.

The results will be declared immediately following the count.

Given under my hand at _____ this ____ day of _____, 20____.
(Municipality)

Signature of the Electoral Officer

If you have any questions, please call the Electoral Officer at (____) ____ - ____.

Appendix 8

Instructions for Mail in Voting

Dear Ahousaht Elector:

As per the attached *Polling Notice*, an election for a Chief Councillor and 12 Councillors of the Ahousaht First Nation is currently underway.

As a member of Ahousaht, 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 Councillor 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 Councillor:

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:

- **An Ahousaht member may be run for Chief Councillor and Councillor**
- **and one may vote for a candidate for Chief or Councillor**
- **For if a candidate does not get the highest number of votes for Chief Councillor and if they are within the top 12 candidates with the highest number of votes for Councillor they have a choice to accept a seat as a Councillor.** (pending residency; non-residency)

3. 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 **(12)** Councillors, resident and non-resident. (Registered Ahousaht members)

4. Fold the ballots in the same way as you received it, so that the Electoral Officer's initials on the back are visible.

5. Place the ballots back into the envelope marked "Ballot", and seal the envelope.

6. 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.

7. 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".
8. 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 prior to 8:00 pm on election day.

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 (250) ____-____

With Respect,

Electoral Officer