



AHOUSAHT
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ELECTION REGULATION

WHERE AS:	Ahousaht Council by motion at an Annual General meeting of Ahousaht general membership at Maaqtusiis were directed to revise and adopt new election regulations
WHERE AS:	Ahousaht general membership passed a motion at Ahousaht Annual General meeting held on February 19 th & 20 th 2000, to adopt this document entitled “ Ahousaht Election Regulations and Procedures” and to process it for implementation as soon as possible;
WHERE AS:	The elected Chief and Council act as both representative 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.

This document may be referred to as Ahousaht Election Regulations:

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

Section 1 Definitions

Ahousaht Council	Means that body of individuals elected pursuant to 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 that; <ul style="list-style-type: none">i. Is the full age of eighteen (18) years or older on the day of the election;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 Ahousaht Election Regulations andiv. Has not been found to have violated Ahousaht Election Regulationsv. Has not been convicted of an indictable offence within the five (5) 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 Ahousaht Council;vi. Has not been convicted of an summary offence within two (2) 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 Ahousaht Council;vii. Has not been convicted or participated in circle sentence as the offender in the last three (3) years preceding the nomination meeting.
Candidates Agent	A person appointed by the candidate to act as his/her representative at the polling station and to observe the voting process and the counting of the votes.
Chief Councillor	The person that Ahousaht membership elected by for this position;
Councillor	A duly elected member of Ahousaht Council.
Deputy Chief	The Councillor chosen by the twelve (12) elected Councillors from amongst themselves and shall reside in Maaqtusiis throughout his/her term of office
Deputy Electoral Officer	A person appointed by the Electoral Officer to assist him/her in the election process
Elector	Means an individual that; <ul style="list-style-type: none">i. Is a registered member of Ahousaht; andii. Is the full age of eighteen (18) years on or before the day on which the election is held.

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Election	Means a general election or a by election of Ahousaht Council held pursuant to the provisions of these Ahousaht Election Regulations
Elector Officer	Means a person appointed by Ahousaht Council who will be responsible for conducting the nomination meeting and the election
Ha'wilth	A hereditary Chief of Ahousaht Nation
Maaqtusiis	Formerly known as Marktosis, means a village of Ahousaht Nation members located on Flores Island British Columbia
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	A Councillor that is not ordinarily a resident of of Maaqtusiis and is elected to represent all Ahousaht members
Polling Station	Means a building, hall or room selected as the site for voting to take place for an election
Quorum	is the number of Councillors required to be present for a meeting of Ahousaht Council to take place, five 5)
Resident Council	a Councillor that is ordinarily resident and is elected to represent all Ahousaht members Ahousaht
Voter Declaration	a document that sets out or provides for; <ol style="list-style-type: none">i. The name of the Electorii. The membership or registry number of the Elector or, if the Elector does not have a membership or registry number, his date of birth and;iii. 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 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 forty five (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 election or By-Election) and any special instructions.
- 2.3 The Electoral Officer shall appoint one or more Deputy Electoral Officers and interpreters as he/she 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 in the administration office of Ahousaht 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.
- 2.6 The Electoral Officer shall, at least twenty eight (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 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 station
 - iii. If applicable the date, time and location of advance polling stations

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- 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/her address release to the Candidates
- vii. The location where voters list and copy of these Regulation will be available for review by Electors;
- viii. Description of the process involved for Ahousaht residents to obtain a mail-in ballot package

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 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 Appendix #2
- iv. The Candidate Acceptance form 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 Elector 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 forty eight (48) hours prior to the time set for the nomination meeting;
 - ii. Orally at the nomination meeting
- 3.3 When nominating a Candidate, an Elector must indicate whether he/she is nominating the Candidate for the position of Chief Councillor or Councillor
- No Elector shall nominate a Candidate for Chief Councillor if he/she has nominated that same Candidate for that position of Councillor
- 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

- 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 Election Regulations, the Electoral Officer shall disqualify the Candidate, and any votes cast in his/her favour shall not be counted.

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;
 - 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. Non-violently, without intimidating opposing Candidates, opposition supporters or the media, and without the use of language inciting their won 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 seven (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 Ahousaht administration shall not work on any campaign material or campaign for any Candidates during work hours
- 5.6 Ahousaht administration is non-partisan; therefor only one designated bulletin board inside and outside of the administration office will be allotted for posting campaign literature
- 5.7 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 Candidate regarding the Candidates' anticipated contribution to the community if elected onto Ahousaht Council. During this meeting, each Candidates shall be provided a maximum of five, minutes to address the Electors after each

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questions regarding various matters within Ahousaht Council's jurisdiction may be asked.

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

5.9 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 do 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 Candidates Acceptance Declaration form.)
- 6.3 The Electoral Officer or 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;
 - 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 Maaqtusiis
- 6.4 The Electoral Officer or Deputy Electoral Officer shall, on the day following the nomination meeting post a polling notice as per Appendix #7; setting out times, places and dates for voting. Such notice shall be posted in 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 twenty-one (21) days before the day on which the election is to be held.
- 6.6 The Electoral Officer shall no later than twenty- one (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:
- i. A ballot initialed on the back by the Electoral Officer;
 - ii. The voter declaration which shall set out:
 - a. The name of the Elector
 - b. The membership number and date of birth of the Elector
 - c. The name, address and telephone number of the witness to the signature of the Elector
 - iii. An postage-paid return envelope, pre-addressed to the Electoral Officer
 - iv. A copy of the polling notice which contains the information on polling stations Appendix #7

- v. A letter of instruction regarding voting by mail-in ballot Appendix #8 which shall include
 - a) 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. An elector can 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
 - b) Instructions on how to complete and return the ballots as well as the deadline for receipt by the Electoral Officer
 - c) A list of names of any Candidates who were acclaimed

6.7 Mail-In Ballots

A) An Elector may vote my mail-in ballot as per the steps outlined in appendix eight (8).

B) Where an elector is unable to vote 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 section (B) 6.8 shall attest to the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form

- i.

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

E)

6.8

An Advance Polling station may be held at the discretion of Ahousaht Council in Port Alberni, Nanaimo, Victoria and at Maaqtusiis, The Advance Poll station shall be held at least five (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(s). The Electoral Officer shall place in a safekeeping the ballot boxes which shall not be unsealed until the close of the polling station in Maaqtusiis on the day of 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

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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 Deputy Electoral Officer shall construct or erect polling booths at the polling station set out in the polling notice. The polling booths shall be arranged so that the voter's privacy is maintained while he/she marks the ballot.
- 6.11 The Electoral Officer or Deputy Electoral Officer shall where necessary and when requested to do appoint an interpreter who will be a member of Ahousaht to assist voter who are unable to vote in the usual manner because of a disability or inability to read
- 6.12 Neither the Electoral Officer nor any Deputy Electoral Officer shall be allowed to vote in the election

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 all times set out in the polling notice
- 7.2 The Electoral Officer or 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/she 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 in the election file.
- 7.3 The polling stations shall open at 8:00 am and close at 8:00 pm
- 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 An Elector shall cast his/her vote at the polling station closest to his or her ordinary residence, as determined by the Electoral Officer
- 7.7
- I. Each person wishing to vote shall present picture identification, along with his Ahousaht membership number, to the Electoral Officer or Deputy Electoral Officer
 - II. Once the Electoral Officer or a Deputy Electoral Officer is satisfied that the person is an eligible Elector he/she shall place his initials on the back of each ballot to and give them to the Elector.
 - III. The Electoral Officer or Deputy Electoral Officer will note on the voters list that the Elector has received ballots
 - IV. Where an Elector is unable to cast his/her vote at the polling station nearest his/her residence, the Electoral Officer or Deputy Electoral Officer may allow that Elector to cast his/her vote at another polling station after following these steps:
 - a) Contacting the Deputy Electoral Officer at the polling station where the Elector would normally cast his/her vote and confirming that the Elector has not already voted;

- b) Instructing the Electoral Officer or Deputy Electoral Officer at the polling station where the Elector would normally cast his/her 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 ballots by placing an X (or other mark) that clearly indicates the Electors choice in the space provided on the ballot opposite the name of the Candidate, and shall then deposit the ballots in the ballot box.
- 7.9
- 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
- 7.11 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/her right to vote at the election. The Electoral Officer or Deputy Electoral Officer shall make an entry in the votes list, in the column for remarks opposite the name of such person, to show that such person received ballots and declined to vote—in which case the Electoral Officer or Deputy Electoral Officer shall mark upon the face of the ballots the word "DECLINED" and the ballots so marked shall be preserved
- 7.12 Any person who is a member of Ahousaht over the age of 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 Deputy Electoral Officer is satisfied that the person is eligible to vote pursuant to this Ahousaht Election Regulations, the person shall 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.
- 7.13 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

Section 8

Election Tabulation

- 8.1 Immediately following the close of the polling stations, the Electoral Officer or a Deputy Electoral Office 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 mail-in ballots that was received before the close of the polls and without unfolding the ballot
- I. Reject the ballot if:
 - a) It is not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed
 - b) The vote declaration form does not contain a date of birth or membership number that matches the information contained for that Elector on the voters list
 - c) The voters list shows that the Elector has already voted
 - II. 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 the Advance Polls and examine the ballots therein
- 8.4
- I. The Electoral Officer or Deputy Electoral Officer shall reject a ballot that
 - a) Does not contain the initials of the Electoral Officer or those of the Deputy Electoral Officer
 - b) Does not give clear indication of the Elector’s choice
 - c) Contains more votes than there are positions available for election; or
 - d) Contains any markings by which the Elector can be identified
 - II. All rejected ballots shall be so marked and preserved separate from the other ballots until after the appeal period lapses.
- 8.5
- I. The Electoral Officer or 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
 - a) The number of votes each Candidate received
 - b) The number of ballots cast

c) The number of ballots rejected

- II. The Electoral Officer or Deputy Electoral Officer shall verify the contents of the summary with all person present, who may also sign the summary

8.6

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 is a candidate, and excluding the candidate declared elected to the Chief Councillor position
- III. Declare elected to the position of resident Councillor the top eight (8) candidates ordinarily resident of Maaqtusiis whose names appear on the list
- IV. Declare elected to the position of non-resident Councillor the top four (4) candidates who are not ordinarily resident of Maaqtusiis whose names appear on the list
- V. The Electoral Officer shall make available to all Candidates and agents the summary prepared in accordance with subsection 8.6

8.7

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

8.8

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
- V. The number of rejected ballots

8.9

The Electoral Officer shall:

- I. Forward one copy of the election report to Ahousaht Executive Director
- II. Upon request, mail a copy of the election report to all Electors who do not reside in Maaqtusiis

8.10

In the event of a tie vote between more than one Candidate for Chief Councillor the Electoral Officer shall recount the ballots within twenty-four (24) hours of the election. The recount shall be conducted in the presence of all of the affected Candidates or a person chosen by the individual Candidate to attend on

his/her behalf. If a tie still exists after the recount, the elected 12 Councillors shall meet in the next five (5) working days and cast a vote by secret ballot.

8.11 If a tie remains for the 12th Councillor Position the elected 11 Councillors and Chief Councillor shall meet in the next five (5) working days and cast vote by secret ballot for only the candidates having an equal number of votes for the 12th seat

8.12 Within thirty (30) days of the election, and prior to the swearing ceremony, the Chief Councillor shall establish his residence in Maaqtusiis

8.13 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 Hawiik and community members, no later than thirty (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.

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, at least twenty-one (21) years of age, are of good character and reputation, do not have a vested interest in the outcome of the election. Ahousaht
- 9.2 The Appeal Board shall supervise and administer all election appeals in accordance with the provisions of Ahousaht Election Regulations
- 9.3 The Appeal Board shall supervise and administer, investigate and decide upon election appeals.
- 9.4 The Appeal Board shall receive an honorarium for services provided plus travel expenses as necessary.
- 9.5 Any Candidate or Elector may, within twenty-one (21) days of the date of the election, launch an appeal, if he/she has reasonable grounds to believe that there was an error or a violation of Ahousaht Election Regulations.
- 9.6
- I. An appeal of an election must be submitted by affidavit in written format containing details of the alleged error or violation of Ahousaht Election Regulations
 - II. The appeal shall be delivered to the Appeal Board, in care of Ahousaht Administration office, along with a deposit in the form of a money order or certified cheque for One Hundred fifty dollars (\$150.00) made in favour of Ahousaht
 - III. The deposit shall be
 - a. Returned to the appellant if the appeal is upheld
 - b. 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 appeal is dismissed
- I. 9.7 Where appeals are received by the Appeal Board The Appeal Board shall, within seven (7) 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

- II. Within seven (7) days of receiving the appeal documents, Candidates or 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, the Appeal Board shall:

- I. Deny the appeal on the grounds that the evidence presented did not reveal a violation of Ahousaht Election Regulations, or on the grounds that the violation that was revealed did not affect the results of the election
- II. Uphold the appeal and call for a new election for the positions affected. The new election shall be conducted pursuant to the provisions of Ahousaht Election Regulations. The Appeal Board shall, if necessary give instruction to the Electoral Officer to correct and prevent the problems identified in the appeal from re-occurring

9.9

The Appeal Board shall notify the appellant of the decision and make this Information available to Ahousaht Electors

Section 10

The position of Chief or Councillor position becoming vacant

10.1

- I. A Chief Councillor or Councillor position of Ahousaht Council shall become vacant if
 - a) The Chief Councillor or Councillor misses three (3) consecutive regular Ahousaht Council meetings without authorization from quorum of Ahousaht Council
 - b) The Chief Councillor or Councillor in question is convicted of an indictable offense since his/her election (excluding conviction of an offense committed in the exercise of an aboriginal right as determined by Ahousaht Council)
 - c) The Chief Councillor or Councillor has been found to have violated Ahousaht Oath of Office or Code of Ethics
 - d) The Chief Councillor ceases to be resident at Maaqtusiis
 - e) The Chief Councillor or Councillor passes on or become incapable or carrying out the duties of his/her office
 - f) The Chief Councillor or Councillor provides Ahousaht Council with a written resignation
 - g) A Chief Councillor 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
- II Where a Chief Councillor or Councillor has been charged with an indictable offence Ahousaht Council may by resolution, suspend the Chief Councillor or Councillor in question or request his/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. The Councillor(s) in question must be present at the meeting

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

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- 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 more than twelve (12) months remaining in the Council's term of office, the Candidate for the vacant position who had the greatest number of votes from the election, who was not elected at the time, shall be offered the vacant position.
- 10.6 If there is less than twelve (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.

Section 11

Special Provisions

11.1

Each newly elected Candidate shall take an oath to abide by Ahousaht Council Code of Ethics (Appendix # 4) Ahousaht

11.2

The elected Candidates shall sign the Acceptance form included in Ahousaht Council Code of Ethics. This signed copy shall be kept in the care of Ahousaht Executive Director

11.3

Section 12

Term of Office

- 12.1 The term of office for Ahousaht Council shall be four years from the date of the election
- 12.2 Where the Chief Councillor position becomes vacant and there are more than twelve (12) months remaining in the existing Council's term of office, one of the following will take place, in order:
- I. The Deputy Chief Councillor would become the Chief Councillor
 - II. The current Council will choose amongst themselves a Chief Councillor
 - 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 Ahousaht Election Regulations, hold office for the remaining council's term
 - IV. The Council appoint a Chief Councillor based on the experience
 - V. A by-election shall be held, the date of which must be no later than ninety (90) days from the date on which the position became vacant
- 12.3
- I. Where a resident or non resident Councillor position becomes vacant and there are more than twelve (12) months remaining in the existing Ahousaht Council's term of office, Ahousaht Council shall offer the position to the next Candidate 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. Should that Candidate decline, then the next Candidate with the second highest number of votes is offered the position, and so on.
 - II. A person filling such a vacancy shall be subject to the provisions of Ahousaht Election Regulations, hold office for the remaining council's term
- 12.4 Council, upon Election shall vote by secret ballot to select a Deputy Chief Councillor.

Section 13

Amendments to Ahousaht Election Regulations

13.1

Ahousaht Council shall initiate a review of Ahousaht Election Regulations as follows

- I. A general membership meeting shall be held for the purposes of hearing recommendations and suggestions from Ahousaht membership concerning amendments to 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 Ahousaht website at least fourteen (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 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 twenty-one (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 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 vote by mail
- III. Should the majority of the votes cast be in favor of the amendment, Ahousaht Council will then amend Ahousaht Election Regulations accordingly and pass a resolution giving effect to the amendments
- IV. Amendments shall be effective upon the passing of 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 subsection 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, and Election Poll or an Amendment Vote is postponed in accordance with these rules, notice of this postponement provided at least three (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 Ahousaht
(Print name)

Membership #: _____, hereby nominate of Ahousaht

Name of Nominee and Membership Number

For the position of Chief Councillor _____ OR Councillor _____

Signature	Telephone number
Print Name & Membership #	Date

Secunder:

Signature	Telephone number
Print Name & Membership #	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 the nominator and the seconder must complete the Mail-in Nomination declaration included in this package and both must be members of Ahousaht 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 Ahousaht, held according to Ahousaht Election Regulations, I
_____ solemnly declare that:

1. I am a member of Ahousaht
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 eighteen (18) years of age No ____ Yes ____
5. I do not know of any reason why I would be disqualified from nomination at this election.
No ____ 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 _____

(name)

(municipality)

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

Signature of Witness

Address

City

Province

Postal Code

Phone () _____

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 an 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 continued 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 up to a total of twelve (12)

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

Candidate G	161
-------------	-----

Candidate B	225
-------------	-----

Candidate H	149
-------------	-----

Candidate C	200
-------------	-----

Candidate C from Chiefs 100

Candidate I Non-Resident	66
--------------------------	----

Candidate B from Chiefs’ Ballot 200

Candidate D	189
-------------	-----

Candidate J	77
-------------	----

Candidate C from Chiefs’ ballot 189

Candidate E	170
-------------	-----

Candidate K Non-Resident	88
--------------------------	----

Candidate F	160
-------------	-----

Candidate L	50
-------------	----

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 or behaviour and integrity that is required of the Chief Councillor or Councillor in the carrying out of his/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
Section Two:	Confidentiality
Section Three:	Conflict of Interest
Section Four:	Breach of Ethics

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 Ahousaht members, 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 and conducting Ahousaht business to the best of their ability an 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, Ahousaht General Meetings, Special Meetings and other Ahousaht business , 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
- Shall maintain a positive, cooperative and constructive attitude in dealing with fellow Councillors, employees , members and will work as team members toward the betterment of Ahousaht and
- Shall respect and support Resolutions passed by Council and Ahousaht membership at Annual General Meetings and

Ahousaht Election Regulation

- 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 Ahousaht and will formally report back to Council and membership on the proceedings of these meetings
- Shall uphold commitments made with other First Nation organizations and government agencies
- Shall uphold contracts of service and contracts for-service approved by the past Chief and Council
- 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 (12) 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 of Ahousaht's financial responsibilities 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 Council.
- Amendments to 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 the Council, and further that a quorum of Council has approved the changes.

SECTION TWO: CONFIDENTIALITY

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 equal
- Ahousaht Chief and Council shall keep confidential all information relating to Ahousaht business, operations, human resources and similar
- Each elected member of Chief and Council shall sign and 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, step child, ward or legally adopted child
- Father in-law or mother in-law (including common law)
- Grandmother or grandfather

Chief Councillor and Councillors:

- Upon their becoming aware of a potential or existing conflict of interest the Chief Councillor or Councillor must immediately inform the other Councillors
- Or any member of their immediate family 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
- 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 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 business, or as authorized by approved by Ahousaht.
- 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 may participate in discussions or but not vote on resolution that will directly or indirectly affect the operation and services of his/her program

SECTION FOUR: BREACH OF ETHICS

Any member of Ahousaht Council who breaches this code of ethics will be subject to discipline by the other members of 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 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 Ahousaht Code of Ethics

I understand and comprehend the terms and conditions expressed in Ahousaht Council Code of Ethics Document and undertake to respect and abide by the conditions expressed herein.

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

Councillors Name	Date
Councillor's Signature	Witness Name and Signature

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 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 Ahousaht Council to disclose, or unless required by law, or I am duly authorized by a client of 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 or conduct or confidentiality.

Signature

Signature

Chief Councillor's name

Witness Name

Date

Date

Signature

Signature

Councillor's name

Witness Name

Date

Date

Appendix 5 Candidates Acceptance and Declaration Form

I, _____, of Ahousaht, membership # _____ (Print Full legal name)

Hereby, accept my nomination as a Candidate for Chief Councillor / Councillor (circle one) at the election of Ahousaht 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 Ahousaht and have been so for at least one year

I am at least 18 years of age

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 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 meeting of Ahousaht Council, in Maaqtusiis, as scheduled and ill make every effort to ensure my availability to attend an emergency meeting and sub-committee meetings as required.

By signing below I attest that I do not know of any reason why I would be disqualified from being a Chief or Councillor

Signature

Date

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.

Appendix 6

Voter Declaration Accompanying in the Mail-in Ballot

In the matter of the election of Ahousaht, held according to Ahousaht Election Regulations I,
_____ solemnly declare that:

- a) I am a member of Ahousaht
- b) My membership number 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

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. 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.

Signature of Elector

Date

Print name

Witness Declaration

Declared before me _____ at the location: _____
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 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) am until eight o'clock (8:00) pm 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____

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 Chief Councillor and 12 Councillors of Ahousaht 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 for Chief Councillor
2. On the ballot for Councillor, mark an X in the box immediately to the right of the name of the Candidates of your choice. You may vote for up to (12) Councillors, resident and non-resident
3. Fold the ballots in the same way as you received it, so that the Electoral Officer's initial 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 drip 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 the 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