



TK'EMÚPS te SECWÉPEMC CUSTOM ELECTION REGULATIONS

Be it hereby acknowledged that these are the Custom Election Regulations of the Tk'emlúps te Secwépemc pertaining to the election of Chief and Councilors as approved at a General Band meeting on the fourth (4th) day of November 1981 and amended at a General Band Meeting on the Twenty-third (23rd) day of April, 1985 and further amended at a General Band Meeting held on the twentieth (20th) day of September 1989 and further amended at a Referendum Vote held on the twenty-third (23rd) day of July, 2005 and further amended at a General Band Meeting held on the 28th day of July 2009 and further amended at a Special General Band Meeting held on the 10th to 12th day of May, 2021.

1. TITLE

1. This By-Law may be cited as the Tk'emlúps te Secwépemc Custom Election Regulations Amendment By-law 2009-2021-01.

2. DEFINITIONS BY CUSTOM

1. In this Regulation:

"**Advance Poll**" means a poll taken under section 17;

~~"**Advance Poll Oath**" means the Oath set out in Appendix "K";~~

"**All Candidates Forum**" means a meeting held under section 16 at which all Candidates have an opportunity to address Members publicly;

"**Ballot**" means the paper upon which an Elector marks the Elector's choice of Candidates in an Election as set out in Appendix "J";

"**Band**" means the Tk'emlúps te Secwépemc;

~~"**Band Administration Building**" means the offices of the Band located at #200—355 Yellowhead Hwy., Kamloops, British Columbia~~
330 Chief Alex Thomas Way, Kamloops, British Columbia, V2H 1H1;

"**By-election**" means a special election held under section 23 to fill a position on Council that has become vacant;

"**Candidate**" means a person who has been properly nominated and seconded to stand for the office of Chief or Councillor in an Election;

"**Chief**" means the person elected to the office of Chief under this Regulation during that person's term of office;

"**Corrupt Practice**" means bribery, coercion, assault, battery, or intimidation;

"**Council**" means the governing body of the Band elected under this Regulation;

"**Council Member**" means the Chief or a Councillor;

"**Councillor**" means a person elected to the office of Councillor under this Regulation during that person's term of office;

"**Deliver**" means to send by mail or courier, or to deliver by hand;

"**Deputy Electoral Officer**" means a person appointed by the Electoral Officer under subsection 7(3);

"**Election**" means an election held under this Regulation;

"**Election Report**" means the report set out in Appendix "O";

"**Elector**" means a person who:

- (a) is a Member, and
- (b) is at least eighteen (18) years of age on or before the date of the election;

"**Remote Elector Declaration Form**" means the declaration to be signed by an Elector to nominate eligible persons as Candidates for an Election if that Elector is unable to attend the Nomination Meeting in person, in the form set out in Appendix "H";

"**Electoral Officer**" means a person appointed by Council under subsection 7(1);

"**Electoral Section**" means Tk'emlúps te Secwépemc Reserves Numbers 1, 2, 3, 4 and 5, and any other territorial holdings lawfully under the jurisdiction of the Tk'emlúps te Secwépemc;

"**Electronic Ballot**" means a ballot submitted electronically in accordance with these regulations;

"**Electronic Ballot Data**" means the data collected by the electronic voting mechanisms used for the Election, including, but not limited to, the names and membership numbers of the Electors who submitted an Electronic Ballot and the number of Electronic Ballot votes cast for each Candidate;

"**Electronic Voting Period**" means the time period in which Electronic Ballots may be submitted through the electronic voting mechanisms;

"**Electors List**" means the list of Electors made under subsection 8(2);

"**Emergency Order**" means an order made by Council pursuant to the *TieS Emergency Measures Law and Bylaw*, No. 2021-01.

"**Executive Officer**" means any employee or employees of the Band appointed directly by Chief and Council to manage the operations of the Band and who reports directly to Chief and Council, and his or her designate;

"**Judge**" means a Judge of the Provincial or County Court appointed by Council under subsection 7(1), who agrees to act:

- (a) as a friend of the Band; and
- (b) in all matters brought before the Judge under section 21;

"**Letter of Verification**" means the form set out in Appendix "M";

"**Mail-in Ballot**" means a physical Ballot that is mailed or otherwise delivered in accordance with these rules delivered by the Electoral Officer to a Non-resident Member;

"**Mail-in Remote Nomination Form**" means the document to be used by an Elector to nominate eligible persons as Candidates for an Election if that Elector is unable to attend the Nomination Meeting, in the form set out in Appendix "E";

"**Member**" means a person listed, or entitled to be listed, in the Tk'emlúps te Secwépemc member registry;

"**Membership Clerk**" means the employee of the Band who has responsibility for the membership registry, or their designate;

"**Non-resident Elector**" means an Elector whose Ordinary Residence is not within the Electoral Section;

"**Notice of All Candidates Forum**" means the notice set out in Appendix "G";

"**Notice of Nomination Meeting**" means a notice set out in Appendix "D";

"**Notice of Polls**" means a notice set out in Appendix "I";

“Notice of Remote Election” means a notice of Remote Election in the form set out in Appendix “P”.

"Oath" means a solemn affirmation;

"Oath of Candidate" means the Oath set out in Appendix "B";

"Oath of Elector" means the Oath set out in Appendix "N";

"Oath of Office" means the Oath set out in Appendix "A";

"Ordinary Residence" means the place where, in the settled routine of a person's life, that person regularly and normally returns to eat, sleep and reside;

"Permission To Release Personal Information Form" means the form set out in Appendix "F";

"Polling Day" means the day designated in subsection 18(1) of this Regulation;

"Regulation" means the Tk'emlúps te Secwépemc Custom Election Regulations Amendment By-law 202109-1;

“Remote Ballot” means both Electronic Ballots and Mail-In Ballots;

“Remote Election” means an Election pursuant to section 19.1 during a State of Emergency wherein votes are cast by Remote Ballot only.

“Resident Elector” means an Elector whose Ordinary Residence is within the Electoral Section;

"Scrutineer" means a person appointed by a Candidate to observe voting and Ballot counting proceedings at the Advance Polls and Polling Day;

"Secwépemc Ancestry" means descended by blood from one of the seventeen (17) Secwépemc Indian Bands;

"Sergeant-at-Arms" means a person appointed under subsection 10(3), 16(4) or 18(10) to keep order during the Nomination Meeting, All Candidates Forum, Advance Polls and Polling Day;

~~**"Service Delivery Manager"** means the employee of the Band responsible for the administration of the Band, or their designate;~~

"Tie Breaker Poll" means polls held in accordance with subsection 19(8);

"Tk'emlúps te Secwépemc ~~Daily~~ Information Bulletin" means the internet newsletter published by the Band;

"Tk'emlúps te Secwépemc Website" means the internet website with the URL: www.kibtkemlups.ca;

"Tk'emlúps te Secwépemc ~~Traditional Territory~~ Ancestral Lands" means the ~~traditional-territory~~ ancestral lands of the Tk'emlúps te Secwépemc as set out in Appendix "C", as may be amended from time to time as more information becomes available;

"Verification of the Ballot Box Statement" means the statement set out in Appendix "L".

3. COMPOSITION OF COUNCIL

1. Council must be composed of one (1) Chief and seven (7) Councillors.

4. MEETINGS

1. The first meeting of Council must be held not later than thirty (30) days after its election, on Oa day,

hour and place to be stated in a notice Delivered by the ~~Service Delivery Manager~~Executive Officer to each Council Member.

2. After the first meeting of Council, Council must meet every Tuesday and at such other times as may be necessary for the business of Council or the affairs of the Band.

5. TERM OF OFFICE

1. The term of office for Council Members shall not exceed three (3) years.
2. The term of office for Council Members begins when all elected Candidates have filed a completed Oath of Office in accordance with subsection 6(1).
3. The term of office for Council Members ends when all Candidates elected in a subsequent Election have filed a completed Oath of Office in accordance with subsection 6(1).

6. OATH OF OFFICE

1. Before taking office, Candidates must:

(a) swear the Oath of Office before a:

- (i) Judge of the Supreme Court;
- (ii) Judge;
- (iii) Justice of the Peace;
- (iv) Notary Public; or
- (v) Commissioner for Taking Oaths; and

(b) file the completed Oath of Office with the ~~Service Delivery Manager~~Executive Officer not later than:

- (i) thirty (30) days after Polling Day, or
- (ii) where an appeal under section 21 is made, not later than seven (7) days after a decision is rendered in that appeal

whichever is later.

7. APPOINTMENT AND DUTIES OF ELECTORAL OFFICER

1. At least ~~ninety-one-hundred and twenty~~ (90/120) days before Polling Day, Council must appoint:

- (a) an Electoral Officer; and
- (b) a Judge.

2. The Electoral Officer must:

- (a) not be a Member;
- (b) not be an employee, salaried officer or the holder of a contract for services with the Band;

- (c) have no conflict of interest concerning the outcome of the election; and
 - (d) have training and experience in the conduct of elections.
3. The Electoral Officer may appoint one or more Deputy Electoral Officers, each of whom must:
- (a) not be a Member;
 - (b) not be an employee, salaried officer or the holder of a contract for services with the Band;
 - (c) have no conflict of interest concerning the outcome of the election.
4. The Electoral Officer must carry out the duties of an Electoral Officer in accordance with this Regulation, including:
- (a) appointing and supervising one or more Deputy Electoral Officers;
 - (b) preparing and maintaining the Electors List;
 - (c) registering qualified persons as Electors;
 - (d) providing all notices;
 - (e) ensuring that all Electors have access to the electoral process and polls;
 - (f) arranging and overseeing the Nomination Meeting, Advance Poll and Polling Day;
 - (g) at least two (2) weeks before the Advance Poll, holding an informational workshop for Deputy Electoral Officers and Scrutineers in order to explain electoral procedures including:
 - (i) the roles and responsibilities of Scrutineers and alternates,
 - (ii) Advance Poll and Polling Day procedures,
 - (iii) ~~Mail-in~~Remote Ballot procedures,
 - (iv) Ballot counting procedures, and
 - (v) Ballot re-count procedures; and
 - (h) recording the attendance of Scrutineers.

8. PREPARATION OF ELECTORS LIST

1. At least eighty (~~80~~110) days before Polling Day, the Membership Clerk must provide the Electoral Officer with a complete and up-to-date list of every Member, which includes the following information for each Member:
- (a) full name;
 - (b) membership number;
 - (c) date of birth; and
 - (d) last known mailing address; and
 - ~~(d)(e)~~ last known email address, where available;
2. At least ~~seventy ninety~~ (7090) days before Polling Day, the Electoral Officer must:

- (a) prepare the Electors List;
- (b) certify that the Electors List is correct;
- (c) arrange for copies of the Electors List to be posted:
 - (i) on the Tk'emlúps te Secwépemc ~~Daily~~ Information Bulletin, and
 - (ii) on the Tk'emlúps te Secwépemc Website; and
- (d) Deliver a copy of the Electors List to the ~~Service Delivery Manager~~ Executive Officer.

3. The Electors List must contain:

- (a) an alphabetical list of all Electors;
- (b) the membership number of each Elector;
- (c) the last known mailing address of each Elector; and
- (d) the name, signature, business address, business telephone and fax number, and email address of the Electoral Officer.

4. Not later than fourteen (14) days before Polling Day, a person may apply to the Electoral Officer to have the Electors List corrected, and, if the Electoral Officer is satisfied that there is an error in the Electors List, the Electoral Officer may correct the error.

4.5. After an Election, the Electoral Officer shall provide the Membership Clerk with any updated addresses, email addresses, or other contact information for Electors received during the course of the Election.

9. NOTICE OF NOMINATION MEETING

- 1. A Nomination Meeting must be held at least ~~thirty-fourty-five~~ (30) days before Polling Day.
- 2. At least thirty (30) days before the date set for the Nomination Meeting, the Electoral Officer must:
 - (a) post a Notice of Nomination Meeting on all notice and bulletin boards controlled by Band Administration, including but not limited to the bulletin boards in the Band Administration Building;
 - (b) cause to be published, for at least three (3) consecutive days, a copy of the Notice of Nomination Meeting:
 - (i) in the Tk'emlúps te Secwépemc ~~Daily~~ Information Bulletin,
 - (ii) on the Tk'emlúps te Secwépemc Website, ~~and~~ (iii) in all local newspapers; ~~and~~ (iii)(iv) on all Tk'emlúps te Secwépemc social media pages;
 - (c) cause to be broadcast, at least once on three (3) consecutive days by a local radio or television station, the same information as that contained in the Notice of Nomination Meeting; ~~and~~
 - (d) Deliver to the last known mailing address of every Non-resident Elector:

- (i) a Notice of Nomination Meeting,
- (ii) a ~~Mail-in~~Remote Nomination Form,
- (iii) a ~~an~~ Remote Elector Declaration Form,
- (iv) a Permission To Release Personal Information Form;
- (v) instructions for nominating a person by ~~mail-in~~remote nomination, and
- (vi) a postage-paid return envelope, pre-addressed to the Electoral Officer.

(e) Deliver to the address of every Resident Elector a Notice of Nomination Meeting, and a statement that any Resident Elector may request a Mail-in Nomination package if they are unable to attend the Nomination Meeting; and

~~(e)~~(f) make reasonable efforts to post a Notice of Nomination Meeting at all gas stations located within the Electoral Section.

10. NOMINATION MEETING

1. At the time and place specified in the Notice of Nomination Meeting, the Electoral Officer must declare the Nomination Meeting open for the purpose of receiving nominations.
2. A Nomination Meeting must remain open for not less than two (2) hours.
3. The Electoral Officer may appoint a Sergeant-at-Arms to maintain order at the Nomination Meeting as required and must inform the Sergeant-at-Arms of their duties.
4. Where the Electoral Officer or Deputy Electoral Officer considers that a person is disrupting the Nomination Meeting, the Electoral Officer or Deputy Electoral Officer may instruct the Sergeant-at-Arms to escort that person from the premises, and the Sergeant-at-Arms must remove the person from the premises.
5. At the Nomination Meeting, an Elector may propose or second the nomination of any qualified person to serve as a Chief or Councillor by:
 - (a) Delivering to the Electoral Officer before the close of the Nomination Meeting:
 - (i) a completed and valid ~~Mail-in~~Remote Nomination Form, and
 - (ii) a completed and valid Remote Elector Declaration Form; or
 - (b) orally nominating that person at the Nomination Meeting.
6. An Elector may nominate or second no more than:
 - (a) one (1) person for the office of Chief; and
 - (b) seven (7) persons for the office of Councillor.
7. Upon opening the Nomination Meeting, the Electoral Officer must, in the presence of those present at the Nomination Meeting, open each envelope containing a ~~Mail-in~~Remote Nomination Form and
 - (a) reject the ~~Mail-in~~Remote Nomination Form if:

- (i) it is not accompanied by an Remote Elector Declaration Form,
 - (ii) the Remote Elector Declaration Form is not completed, signed or properly witnessed,
 - (iii) the name of the person on the Remote Elector Declaration Form is not in the Electors List,
 - (iv) the information in the Remote Elector Declaration Form does not match the information in the Electors List; or
- (b) in any other case, call out the name of each person nominated in the Mail-inRemote Nomination Form and declare those persons to be nominated.
8. Where the same person is nominated twice for the same office by mail-inremote nomination, the second nomination is a secondment of the first nomination.
9. At the close of the Nomination Meeting the Electoral Officer must:
- (a) if the number of persons nominated to serve as Councillors is seven (7) or less, declare those persons nominated to be elected, and
 - (b) if only one (1) person has been nominated for the position of Chief, declare that person to be elected; or
 - (c) if:
 - (i) the number of persons nominated to serve as Councillors is greater than seven (7), or
 - (ii) more than one (1) person has been nominated for the position of Chief, announce that an Election will be held.
10. The Electoral Officer must not close the Nomination Meeting until the Electoral Officer considers that all business that may properly be dealt with at the Nomination Meeting has been dealt with.
11. Within 3 days from the date of the Nomination Meeting, the Electoral Officer must post on the notice boards at the Band Administration Building a notice containing:
- (a) the names of the nominees;
 - (b) the names of the nominators and seconders; and
 - (c) the offices for which the nominees were nominated.

11. QUALIFICATIONS OF CANDIDATES

1. In order to be qualified as a Candidate, a person must:
- (a) upon being declared to be a Candidate by the Electoral Officer, swear the Oath of Candidate before the Electoral Officer; and
 - (b) within ~~twenty-seven~~ (207) days of being declared to be a Candidate by the Electoral Officer ath the Nomination Meeting, provide the Electoral Officer with an up-to-date:
 - (i) Criminal Record check,
 - (ii) Bankruptcy check, and
 - (iii) Band Account clearance check

in a form acceptable to the Electoral Officer.

2. If:

- (a) at any time the Electoral Officer reasonably considers that any of the statements sworn to by a person under subsection (1)(a) are untrue, or
- (b) a person does not comply with the requirement in subsection (1)(b)

the Electoral Officer must immediately declare that person ineligible to be a Candidate.

12. WITHDRAWAL OF A CANDIDATE

1. Not later than two (2) hours before the opening of the Advance Poll a Candidate may withdraw from the Election by Delivering to the Electoral Officer a letter stating that they wish to withdraw signed by the Candidate in the presence of:
 - (a) the Electoral Officer;
 - (b) a Justice of the Peace;
 - (c) a Notary Public; or
 - (d) a Commissioner for taking Oaths.
2. Any votes cast for a Candidate who has withdrawn are void.

13. RELEASE OF ELECTOR INFORMATION

1. The Electoral Officer may provide to a Candidate who requests the information the name and last known mailing address of every Non-resident Elector who has delivered a completed Permission To Release Personal Information Form to the Electoral Officer.

14. NOTICE OF POLLS

1. If an Election is to be held, the Electoral Officer must, within ten (10) days after the date set for the Nomination Meeting:
 - (a) post a Notice of Polls on all notice and bulletin boards controlled by Band Administration, including but not limited to the bulletin boards in the Band Administration Building;
 - (b) cause to be published, for at least three (3) consecutive days, a copy of the Notice of Polls:
 - (i) in the Tk'emlúps te Secwépemc Daily Information Bulletin,
 - (ii) on the Tk'emlúps te Secwépemc Website, and
 - (iii) in all local newspapers; and
 - (iii)(iv) on all Tk'emlúps te Secwépemc social media pages;
 - (c) cause to be broadcast, at least once on three (3) consecutive days by a local radio or television station, the same information as that contained in the Notice of Polls;
 - (d) Deliver to the address of every Resident Elector a Notice of Polls and a statement that any Resident Elector may request a Mail-in Ballot package from the Electoral Officer; and

~~(e)~~(c) Make reasonable efforts to post a Notice of Polls at all gas stations located within the Electoral Section.

15. PREPARATION AND MAILING OF BALLOTS

1. Within ten (10) days after the date set for the Nomination Meeting, the Electoral Officer must prepare Ballots which:

- (a) list the Candidates in alphabetical order, and a commonly used nickname may be included at the request of a Candidate; and
- (b) state that the Elector is to indicate the Elector's choice of Candidate by marking the Ballot by placing a cross "X", or other mark that does not identify the Elector, in the appropriate space next to the name of the Candidate of the Elector's choice.

2. Within ten (10) days after the date set for the Nomination Meeting, the Electoral Officer must Deliver to the last known mailing address of every Non-resident Elector, a Remote Ballot Package consisting of:

(a) a Mail-in Ballot package consisting of:

- (i) a Ballot initialed on the back by the Electoral Officer;
- (ii) an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
- (iii) a second inner envelope marked "Ballot" for insertion of the completed Ballot;
- (iv) ~~an~~ Remote Elector Declaration Form; ~~and;~~

~~(b)~~ a letter of instruction regarding voting by Mail-In Ballot a letter of instructions regarding voting by Electronic Ballot;

~~(b)~~(c) a copy of the Notice of Polls;

~~(e)~~(d) a statement advising that the Non-resident Elector may vote in person at any polling station at the Advance Polls or on Polling Day if the Non-resident Elector has not submitted an Electronic Vote and:

- (i) returns the Mail-in Ballot to the Electoral Officer at the polling station, or
- ~~(ii)~~ swears a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that the Mail-in Ballot is lost or destroyed; and

(e) a list of the names of Candidates who were acclaimed.

2.1 A Resident Elector may, at any time up to Polling Day, request a Remote Ballot package from the Electoral Office and the Electoral Officer, upon satisfying him or herself that the individual requesting the Remote Ballot package is the Elector they purport to be, must deliver a Remote Ballot package to any Elector who requests it.

2.2 The Electoral Officer must record on the Electors List all Electors who have been provided with Remote Ballot packages, including their address and the date on which the package was mailed or otherwise delivered.

3. ~~[Moved to 15.1(1)]~~ An Non-resident Elector may vote by Mail-in Ballot by:

- ~~(a) marking the Mail-in Ballot by placing a cross "X", or other mark that does not identify the Elector, in the appropriate space next to the name of the Candidate of the Elector's choice;~~
- ~~(b) folding the Mail-in Ballot in a manner that conceals the names of the Candidates and any marks and exposes the initials of the Electoral Officer;~~
- ~~(c) placing the Mail-in Ballot in the inner envelope marked "Ballot" and sealing that envelope;~~
- ~~(d) completing and signing the Elector Declaration Form in accordance with the instructions on that form;~~
- ~~(e) placing the inner "Ballot" envelope and the completed Elector Declaration Form in the outer postage-paid, return envelope pre-addressed to the Electoral Officer; and~~
- ~~(f) Delivering the completed Mail-in Ballot and Elector Declaration Form to the Electoral Officer before the time at which the polls close on Polling Day.~~

4. ~~[moved to 15.1(2)]~~ A Non-resident Elector who:

- ~~(a) inadvertently spoils a Mail-in Ballot, may obtain another Ballot by Delivering the spoiled Ballot to the Electoral Officer; or~~
- ~~(b) did not receive or loses a Mail-in Ballot, may obtain another Ballot by Delivering to the Electoral Officer a written affirmation, signed by the Elector in the presence of:
 - ~~(i) the Electoral Officer,~~
 - ~~(ii) a Justice of the Peace,~~
 - ~~(iii) a Notary Public, or~~
 - ~~(iv) a Commissioner for Taking Oaths~~~~

~~stating that the Elector did not receive a Mail-in Ballot, or that their Mail-in Ballot is lost or destroyed.~~

5. ~~A Non-resident~~ Any Elector who has received a Remote Ballot package-Elector may vote in person at a polling station, but only if ~~the Non-residentsuch~~ Elector has not submitted an Electronic Ballot and:

- (a) returns their Mail-in Ballot to the Electoral Officer at the polling station, or
- (b) swears a written declaration before:
 - (i) the Electoral Officer,
 - (ii) a Justice of the Peace,
 - (iii) a Notary Public or
 - (iv) a Commissioner for Taking Oaths

that they did not receive a Mail-in Ballot, or that their Mail-in Ballot is lost or destroyed.

6. ~~Mail-in Ballots that are not received by the Electoral Officer before the time at which the polling stations close on Polling Day are void.~~[moved to 15.1(3)]

15.1 VOTING BY MAIL-IN BALLOT

1. An ~~Non-resident~~ Elector may vote by Mail-In Ballot by:
 - (a) marking the Mail-in Ballot by placing a cross "X", or other mark that does not identify the Elector, in the appropriate space next to the name of the Candidate of the Elector's choice;
 - (b) folding the Mail-in Ballot in a manner that conceals the names of the Candidates and any marks and exposes the initials of the Electoral Officer;
 - (c) placing the Mail-in Ballot in the inner envelope marked "Ballot" and sealing that envelope;
 - (d) completing and signing the Remote Elector Declaration Form in accordance with the instructions on that form;
 - (e) placing the inner "Ballot" envelope and the completed Remote Elector Declaration Form in the outer postage-paid, return envelope pre-addressed to the Electoral Officer; and
 - (f) Delivering the completed Mail-in Ballot and Remote Elector Declaration Form to the Electoral Officer before the time at which the polls close on Polling Day.
2. An ~~Non-Resident~~ Elector who:
 - (a) inadvertently spoils a Mail-in Ballot, may obtain another Ballot by Delivering the spoiled Ballot to the Electoral Officer; or
 - (b) did not receive or loses a Mail-in Ballot, may obtain another Ballot by Delivering to the Electoral Officer a written affirmation, signed by the Elector in the presence of:
 - (i) the Electoral Officer,
 - (ii) a Justice of the Peace,
 - (iii) a Notary Public, or
 - (iv) a Commissioner for Taking Oathsstating that the Elector did not receive a Mail-in Ballot, or that their Mail-in Ballot is lost or destroyed.

15.2 VOTING BY ELECTRONIC BALLOT

1. An Elector may vote by Electronic Ballot by following the letter of instruction for how to vote by Electronic Ballot.
2. Electronic Ballots will be only be accepted during the Electronic Voting Period.

16. ALL CANDIDATES FORUM

1. An All Candidates Forum must be held fourteen (14) days before Polling Day.

2. The ~~Service Delivery Manager~~Executive Officer must make all necessary arrangements to hold the All Candidates Forum, including appointing a person who is not a Member to facilitate the All Candidates Forum.
3. At least thirty (30) days before the date set for the All Candidates Forum, the ~~Service Delivery Manager~~Executive Officer must:
 - (a) Deliver a copy of the Notice of All Candidates Forum to each ~~Non-resident~~ Elector;
 - (b) post a Notice of All Candidates Forum on all notice and bulletin boards controlled by Band Administration, including but not limited to the bulletin boards in the Band Administration Building;
 - (c) cause to be published, for at least three (3) consecutive days, a copy of the Notice of All Candidates Forum:
 - (i) in the Tk'emlúps te Secwépemc Daily Information Bulletin,
 - (ii) on the Tk'emlúps te Secwépemc Website, ~~and~~
 - (iii) in all local newspapers; and
 - (iii)(iv) on all Tk'emlúps te Secwépemc social media pages;
 - (d) cause to be broadcast, at least once on the three (3) consecutive days by a local radio or television station, the same information as that contained in the Notice of All Candidates Forum and
 - (d)(e) make reasonable efforts to post a Notice of All Candidates Forum at all gas stations located within the Electoral Section-
4. The ~~Service Delivery Manager~~Executive Officer may appoint a Sergeant-at-Arms to maintain order at the All Candidates Forum as required and must inform the Sergeant-at-Arms of his or her duties.
5. Where the appointee under subsection (1) considers that a person is disrupting the All Candidates Forum, the appointee may instruct the Sergeant-at-Arms to escort the person from the premises, and the Sergeant-at-Arms must remove the person from the premises.
6. At the All Candidates Forum, each Candidate must be allowed to address the All Candidates Forum for a minimum of five (5) minutes and a maximum of:
 - (a) ten (10) minutes for the Candidates for Chief, and
 - (b) seven (7) minutes for the Candidates for Councillor.
7. All Candidates must address the All Candidates Meeting Forum, and, if a Candidate does not address the All Candidates Meeting Forum:
 - (a) the ~~Service Delivery Manager~~Executive Officer must inform the Electoral Officer in writing; and
 - (b) the Electoral Officer must declare the Candidate ineligible to be a Candidate, except where, in the opinion of the Electoral Officer, the Candidate has a reasonable excuse for not addressing at the All Candidates Meeting Forum.

17. ADVANCE POLL

1. An Advance Poll must be held seven (7) days before Polling Day.

2. Except as provided in this section, section 18 applies to the Advance Poll.
3. The Advance Poll must be held at a place other than the Band Administration Office.
4. A Candidate may have one (1) Scrutineer and one (1) alternate at the Advance Poll at any time by Delivering to the Electoral Officer at least twenty (20) days before the Advance Poll a letter signed by the Candidate:
 - (a) naming each Scrutineer or alternate; and
 - (b) authorizing each Scrutineer or alternate to act as a Scrutineer or alternate for the Candidate.
5. Where a Scrutineer or alternate is properly appointed under subsection (4) and attends at the Advance Poll, the Band must pay to the Scrutineer or alternate at the close of the Advance Poll an amount as set out in Schedule "1" to this Regulation.
6. In order to vote at the Advance Poll, an Elector must:
 - (a) ~~be unable to attend to vote on Polling Day; and~~ present to the Electoral Officer or Deputy Electoral Officer:
 - (i) the person's status card; or
 - (ii) the letter of verification to vote signed by the Membership Clerk; or
 - (b) take the ~~Advance Poll~~ Oath of Elector.
7. At the close of the Advance Poll, the Electoral Officer must, in the presence of at least two (2) witnesses,
 - (a) announce the number of Ballots cast and record that number on the Electors List; and
 - (b) secure the ballot boxes.
8. The Electoral Officer must ensure that the ballot boxes used at the Advance Poll are not opened or otherwise tampered with until the close of polls on Polling Day.

An Elector who votes at the Advance Poll may not vote on Polling Day.

17.1 ELECTRONIC VOTING

1. The Electoral Officer shall select an electronic voting mechanism that maintains the integrity of the Election by:
 - (a) enabling the Elector's identity to be verified prior to the Elector casting an Electronic Ballot;
 - (b) preventing Electors that voted at the Advance Poll from submitting an Electronic Ballot;
 - (c) only allowing Electors to submit one Electronic Ballot;
 - (d) tracking which Electors have submitted an Electronic Ballot; and
 - (e) maintaining the secrecy of each Elector's vote.

2. The Electronic Voting Period shall occur after the Advance Poll and prior to Polling Day and the Electoral Officer shall ensure that the Electronic Voting Period does not overlap with the time that polling stations are open for Advance Poll or Polling Day.

18. POLLING DAY

1. Polling Day shall be the second Saturday of November in the year of an Election.
2. On Polling Day, the Electoral Officer must establish at least one polling station.
3. Before the polls open, the Electoral Officer must ensure that:
 - (a) As soon as practicable after the close of the Electronic Voting Period, the Electoral Officer or Deputy Electoral Officer shall, in the presence of two witnesses, download and save the Electronic Ballot data, and update the Electors List to show which Electors have already voted by Electronic Ballot; and
 - ~~(a)~~(b) each polling station has:
 - (i) a ballot box;
 - (ii) sufficient voting compartments to ensure the secrecy of voting;
 - (iii) a sufficient supply of Ballots;
 - (iv) sufficient materials for marking the Ballots;
 - (v) an Electors List, updated to show which Electors have already voted at Advance Polling or by Electronic Ballot;
 - (vi) all other materials and supplies necessary to the operation of the polling stations; and
 - (vii) conspicuously posted directions to the polling stations.
4. The polling stations must be open between the hours of eight o'clock (8:00 a.m.) in the morning and eight o'clock (8:00 p.m.) in the evening of Polling Day.
5. A Candidate may have up to ~~two-one~~ (21) Scrutineers and ~~two-one~~ (21) alternates at each polling station on Polling Day at any time by Delivering to the Electoral Officer at least twenty (20) days before the Advance Poll a letter signed by the Candidate:
 - (a) naming each Scrutineer or alternate; and
 - (b) authorizing each Scrutineer or alternate to act as a Scrutineer or alternate for the Candidate.
6. Where a Scrutineer or alternate is properly appointed under subsection (5) and attends at a poll on Polling Day, the Band must pay to the Scrutineer or alternate immediately following the declaration of elected Candidates an amount as set out in Schedule "I" to this Regulation.
7. Immediately before the opening of the polling station, the Electoral Officer or the Deputy Electoral Officer must, in the presence of at least two (2) witnesses:
 - (a) open each ballot box;
 - (b) confirm that it is empty;
 - (c) seal the box to prevent it from being opened without breaking the seal;

- (d) place it in view for the reception of the Ballots; and
 - (e) require each witness to sign the Witness to Ballot Box Sealing Statement.
8. The sealed ballot box must not be opened or otherwise tampered with until the close of polls.
9. Voting must be by secret Ballot and each person in attendance at a polling station or at the counting of the votes must maintain, and aid in maintaining, the secrecy of voting.
10. On Polling Day, no person shall, in the vicinity of a polling station:
- (a) interfere with, or attempt to interfere with, an Elector while that Elector is marking a Ballot;
 - (b) obtain, or attempt to obtain, information as to how an Elector is about to vote or has voted;
 - (c) distribute any printed materials; or
 - (d) attempt to influence an Elector.
11. The Electoral Officer may appoint a Sergeant-at-Arms to maintain order at a polling station as required and must inform the Sergeant-at-Arms of his or her duties.
12. Where the Electoral Officer or Deputy Electoral Officer considers that a person has contravened a provision of this section, or is interfering with the voting process, the Electoral Officer or Deputy Electoral Officer may instruct the Sergeant-at-Arms to escort that person from the premises, and the Sergeant-at-Arms must remove the person from the premises.
13. The Electoral Officer or Deputy Electoral Officer may make such orders and issue such instructions as may seem necessary from time to time for the effective administration of the polls.
14. In order to be allowed to vote, each person attending at a polling station for the purposes of voting must:
- (a) present to the Electoral Officer or Deputy Electoral Officer:
 - (i) the person's status card; or
 - (ii) a letter of verification to vote signed by the Membership Clerks; or
 - (b) take the Oath of Elector.
15. At the request of a Candidate, Scrutineer, alternate or Elector, the Electoral Officer must require an Elector to take the Oath of Elector.
16. A person whose name does not appear on the Electors List may be entered into the Electors List by the Electoral Officer or Deputy Electoral Officer if the Electoral Officer or Deputy Electoral Officer is satisfied that the person is an Elector.
17. If the Electoral Officer or Deputy Electoral Officer is satisfied that a person is an Elector who has not yet voted in the Election, the Electoral Officer or Deputy Electoral Officer must:
- (a) place their initials on the back of a Ballot;
 - (b) provide the Elector with that Ballot; and
 - (c) place a mark in the proper column opposite the name of the Elector on the Electors List.
18. The Electoral Officer or Deputy Electoral Officer may, and when required to do so, must, explain to an Elector the method of voting.

19. Each Elector receiving a Ballot must:

- (a) immediately proceed to the place provided for marking Ballots;
- (b) mark the Ballot by placing a cross "X", or other mark that does not identify the Elector, in the appropriate space next to the name of the Candidate of the Elector's choice;
- (c) fold the Ballot so as to conceal the names of the Candidates and the marks on the face of the Ballot; and
- (d) deliver the Ballot to the Electoral Officer or Deputy Electoral Officer.

20. Upon receiving a completed Ballot, the Electoral Officer or Deputy Electoral Officer must, without unfolding the Ballot:

- (a) verify the initials on the Ballot; and
- (b) at once deposit the Ballot in the ballot box in the presence of the Elector and any other persons present in the polling station.

21. Except as provided in subsection (22), while an Elector is marking a Ballot, no other person shall be in a position from which that person can see how the Elector marks the Ballot.

22. At the request of an Elector who is unable to vote without assistance, the Electoral Officer or Deputy Electoral Officer must assist an Elector to mark the Ballot as directed by the Elector in the presence of the Scrutineers present at the polling station.

23. If a Ballot is marked in accordance with subsection (22), the Electoral Officer or Deputy Electoral Officer must make a note opposite the name of the Elector on the Electors List indicating that the Ballot was marked by the Electoral Officer or Deputy Electoral Officer at the request of the Elector and the reason.

24. An Elector who is unable to attend a polling station due to a physical condition such as a disability, infirmity, injury or illness may vote at any location if the Elector notifies the Electoral Officer or Deputy Electoral Officer of their inability to attend a polling station at least eight (8) hours before the polls open, provided that:

- (a) the Elector is located within the Electoral Section; or
- (b) the Elector is in a health care facility within the Greater Kamloops Area.

25. An Elector who is incarcerated, but not convicted of a crime, may vote at any location if the Elector notifies the Electoral Officer or Deputy Electoral Officer of their inability to attend a polling station at least eight (8) hours before the polls open, provided that proper arrangements can be made by the Electoral Officer or Deputy Electoral Officer and officials of the institution in which the Elector is incarcerated.

26. If the Electoral Officer or Deputy Electoral Officer receives a request under subsections (24) or (25), the Electoral Officer or Deputy Electoral Officer must:

- (a) make an announcement at the polling station that they are leaving the polling station in order to accommodate a request made under subsection (24) or (25);
- (b) attend at the location of the Elector with two (2) Scrutineers;
- (c) provide the Elector with a Ballot; and

(d) if the Ballot is marked by the Elector, accept the Ballot and deposit it in the ballot box at the polling station, without unfolding it.

27. If an Elector returns a Ballot to the Electoral Officer or Deputy Electoral Officer because it is spoiled, the Electoral Officer or Deputy Electoral Officer must:

- (a) write the word, "cancelled" on the Ballot;
- (b) announce that the Ballot has been spoiled;
- (c) preserve the Ballot; and
- (d) if the Electoral Officer or Deputy Electoral Officer is satisfied that the Ballot was inadvertently spoiled, issue a new Ballot to the Elector.

28. An Elector forfeits the right to vote if, after being provided a Ballot by the Electoral Officer or Deputy Electoral Officer, the Elector:

- (a) leaves the polling station without delivering the Ballot to the Electoral Officer or Deputy Electoral Officer; or
- (b) refuses to vote.

29. If an Elector forfeits the right to vote under subsection (28), the Electoral Officer or Deputy Electoral Officer must:

- (a) record the circumstances on the Electors List;
- (b) if the Ballot is returned,
 - (i) write the word "declined" on the Ballot, and
 - (ii) announce that the Ballot has been declined; and
- (c) preserve the Ballot.

30. Every Elector who is inside the polling station at the time fixed for the close of polls must be allowed to vote before the polls are closed.

19. CLOSE OF POLLS

1. Upon the close of polls, the Electoral Officer must:

- (a) announce the number of Ballots cast, cancelled and declined at the Advance ~~Election~~ Poll and record that number on the Electors List;
- (b) announce the number of ~~Mail-in~~ Remote Ballots received and record that number on the Electors List; and
- (c) announce the number of Ballots cast, cancelled and declined on Polling Day and record that number on the Electors List; and
- ~~(e)~~ (d) announce the number of Electronic Ballots received and record that number on the Electors List.-

2. Upon the close of polls, the Electoral Officer must supply a tally sheet to each:
 - (a) Scrutineer; and
 - (b) person who requests it.
3. Upon the close of polls, the Electoral Officer must, in the presence of the Candidates and Scrutineers, open each postage-paid return envelope that was received before the close of polls _____ and, without opening the envelope containing the Mail-in Ballot,
 - (a) reject the Mail-in Ballot if:
 - (i) it is not accompanied by a Remote Elector Declaration Form,
 - (ii) the Remote Elector Declaration Form is not completed, signed or properly witnessed,
 - (iii) the name of the person on the Remote Elector Declaration Form is not in the Electors List,
 - (iv) the information in the Remote Elector Declaration Form does not match the information in the Electors List,
 - (v) the Electors List shows that the Elector has already voted; or
 - (b) in any other case,
 - (i) place a mark on the Electors List opposite the name of the Elector that appears on the Remote Elector Declaration Form, and
 - (ii) open the envelope containing the Mail-in Ballot, and
 - (iii) without unfolding the Mail-in Ballot, deposit the Mail-in Ballot in a ballot box.
4. Immediately after the Mail-in Ballots have been deposited in a ballot box, the Electoral Officer _____ must, in the presence of the Candidates and Scrutineers:
 - (a) open all ballot boxes and examine each Ballot;
 - (b) reject all Ballots that:
 - (i) have not been initialed by the Electoral Officer or Deputy Electoral Officer,
 - (ii) contain more votes than there are Candidates to be elected,
 - (iii) are marked in such a way that the Elector can be identified, or
 - (iv) are marked in such a way that the Elector's choice of Candidates cannot be unambiguously determined; and
 - (c) in any other case, call out the names of the Candidates for whom the votes were cast on each valid Ballot; and
 - ~~(c)~~(d) call out the Electronic Ballot Data results for each Candidate. -
5. Each Deputy Electoral Officer must mark a tally sheet in accordance with the names being called out by the Electoral Officer.
6. Where it appears that two (2) or more Candidates in last place have an equal number of votes:

- (a) the Electoral Officer must call for an immediate recount; and
 - (b) all available Scrutineers must be present for the recount.
7. If the recount confirms that two (2) or more Candidates in last place have an equal number of votes:
- (a) the Electoral Officer must declare that a Tie Breaker Poll will be held;
 - (b) the Tie Breaker Poll must be held 28 days after the date of the Polling Day; and
 - (c) sections 14, 15, 16, 18, 19 and 20 of this Regulation apply to the Tie Breaker Poll, except:
 - (i) only the names of the Candidates in last place who have an equal number of votes shall appear on the Ballot,
 - (ii) the words "Nomination Meeting" in sections 14 and 15 must be read as "Polling Day",
 - (iii) the words "ten (10) days" in sections 14 and 15 must be read as "five (5) days",
 - (iv) the words "fourteen (14) days" in section 16 must be read as "seven (7) days",
 - (v) subsection 18(1), and
 - (vi) where, in the reasonable opinion of the Electoral Officer, to apply a provision of these sections is impossible or would be unjust.
8. After completing the counting of the votes and establishing the successful Candidates, the Electoral Officer must declare to be elected the Candidates having the highest number of votes.
9. Immediately following the declaration of elected Candidates, the Electoral Officer must complete an Election Report.
10. Within 3 days of the date of Polling Day, the Electoral Officer must:
- (a) Deliver copies of the Election Report to:
 - (i) the Regional Director of Indian Affairs,
 - (ii) the Tk'emlúps te Secwépemc Administration Office Central Filings and Records Department; and
 - (b) post copies of the Election Report on the bulletin boards in the Band Administration Building.

19.1 REMOTE ELECTION DURING STATE OF EMERGENCY

- 1. In the event of an Emergency Order that prevents the ability to conduct in-person Ballot polling at either the Advance Poll or Polling Day, the Electoral Officer may elect for the Election to proceed by way of Remote Election by delivering to all Electors the Notice of Remote Election, and:
 - (a) if the Emergency Order has been made before the Notice of Nomination Meeting has been delivered to the Electors, the Notice of Remote Election shall include the Remote Nomination package and a virtual Nomination Meeting shall be set for a date no sooner than 30 days after the Notice of Remote Election is delivered;
 - (b) if the Emergency Order has been made after the Notice of Nomination Meeting has been delivered but prior to the Nomination Meeting, the Notice of Remote Election shall include:

- (i) an updated Notice of Nomination Meeting either:
 - A. confirming that the Nomination Meeting will proceed virtually on the date and time set out in the original Notice of Nomination Meeting, provided such date is at least 14 days after the date on which the Notice of Remote Election is delivered; or
 - B. rescheduling the Nomination Meeting to the date that is fourteen (14) days after the date set out in the original Notice of Nomination Meeting, at the same time as originally scheduled; and
- (ii) a Remote Nomination package for all Electors who have not previously received one; and
- (c) if the Emergency Order has been made after the Nomination Meeting, the Notice of Remote Election shall include a Notice of Remote Election Polls and a Remote Ballot package for all Electors.

2. In the event of a Remote Election:

- (a) Sections 17 and 18 shall not apply;
- (b) the Electronic Voting Period must begin no sooner than fourteen (14) days after the date on which the Notice of Remote Election has been sent and must be open for no fewer than twenty-one (21) days; and
- (c) Polling Day shall be deemed to be the final day in which the Electronic Ballot Period is open; and
- (d) upon the close of the Electronic Voting Period, the Electoral Officer must, in the presence of two (2) witnesses:
 - (i) download and save the Electronic Ballot Data and update the Electors List to show which Electors have already voted by Electronic Ballot;
 - (ii) open the ballot box, confirm that it is empty, seal the ballot box, and sign the Verification of Ballot Box Statement; and
 - (iii) proceed with the close of polls regulations as set out in section 19 in the virtual presence of the Candidates and/or their Scrutineers.

20. DISPOSAL OF BALLOTS

- 1. The Electoral Officer must:
 - (a) place all Ballots and the Electronic Ballot Data in a sealed box;
 - (b) retain the Ballots and the Electronic Ballot Data in the sealed box in the Electoral Officer's possession; and
 - (c) unless an appeal is made under section 21, destroy the Ballots and the Electronic Ballot Data in the presence of two (2) Scrutineers fifty-six (56) days after Polling Day.
- 2. The Scrutineers who witness the destruction of the Ballots under subsection 1(c) must:
 - (a) make a declaration that they witnessed the destruction; and

- (b) deliver a copy of the declaration to the ~~Service Delivery Manager~~Executive Officer by registered mail.

21. APPEALS AND PROCEDURES TO REMOVE A PERSON FROM OFFICE.

1. The:

- (a) validity of the election of a Council Member; or
- (b) right of a Council Member to hold office

must not be determined except in accordance with this section.

2. A Council Member, or any ten (10) or more Electors, may file a petition with the Judge praying for a declaration that:

(a) the election of a Council Member is invalid because:

- (i) the Election was not conducted in accordance with this Regulation such that the results of the Election may have been affected,
- (ii) the Council Member was not qualified to be a Candidate, or
- (iii) there was a Corrupt Practice in connection with the Election; or,

(b) a Council Member is disqualified from holding office.

3. A petition made under subsection (2) must be supported by affidavit.

4. A petition made under subsection (2) (a) must be filed with the Judge within fifteen (15) days from the date of the Polling Day or the Tie Breaker Poll, as the case may be.

5. A petition made under subsection (2) (b) must be filed with the Judge within thirty (30) days after the petitioner first becomes aware of the alleged grounds of disqualification.

6. If the Judge is satisfied that there are reasonable grounds for supporting the declaration prayed for, the Judge must require the petitioners to deposit the amount of five hundred dollars (\$500.00) with the ~~Service Delivery Manager~~Executive Officer as security for the costs of the Council Member petitioned against.

7. The Judge must hear and determine the matters raised in a petition in a summary manner without formal pleadings.

8. The Judge has the same powers, jurisdiction and authority with respect to the hearing of a petition as if the petition were an ordinary matter within the jurisdiction of the Judge.

9. Affidavits relied upon by the petitioner must be filed with the court and delivered to all parties at least two (2) days prior to any hearing at which the petition is to be used.

10. No party or witness shall be questioned regarding for whom they voted.

11. If a petition is made under subsection (2)(a), the Judge must make a declaration that, based on the evidence before the Judge:

- (a) the election of the Council Member was valid; or

(b) the election of the Council Member was invalid.

12. If a petition is made under subsection (2)(b), the Judge must make a declaration that, based on the evidence before the Judge:

(a) the Council Member is qualified to hold office; or

(b) the Council Member is disqualified from holding office.

13. If it appears to the Judge that the Election was conducted in good faith and in accordance with the principles of this Regulation, the election of a Candidate must not be declared invalid only by reason only of:

(a) an irregularity or noncompliance with these Regulations; or

(b) a mistake in the use of forms or notices,

unless the irregularity, noncompliance or mistake materially affected the result of the election.

14. Subject to subsection (15), the Judge must make an order regarding the costs of the hearing.

15. If the petitioner is successful, the Band must pay the costs of the petitioner, and the Band may recover those costs as directed by the Judge.

16. The Judge must make an order regarding the disposition of the security for costs paid under subsection (6) as the Judge deems just.

17. If a petition contains allegations of Corrupt Practices, that petition may still be heard by the Judge despite the fact that the person who is the subject of that petition files a letter of resignation under subsection 22(1) (b).

22. VACANCIES

1. Where a petition has been filed in regard to a Council Member under subsection 21(2), that Council Member retains all rights and privileges as a Council Member until:

(a) a declaration is made by the Judge that:

(i) the election of the Council Member was invalid, or

(ii) the Council Member is disqualified from holding office;

(b) if the Council Member files a letter of resignation with the ~~Service Delivery Manager~~Executive Officer, the effective date of the resignation specified in the letter of resignation; or

(c) Council passes a resolution stating that:

(i) the election of the Council Member was invalid, or

(ii) the Council Member is disqualified from holding office.

2. The letter of resignation of a Council Member under subsection (1)(b):

(a) must be considered by Council at the first opportunity;

(b) is irrevocable; and

(c) must specify the effective date of the resignation, and is effective from that date.

3. A Candidate who does not file a completed Oath of Office in accordance with subsection 6(1) (b) is disqualified from holding office.
4. If a Council Member to whom subsection 2(b) of the Oath of Candidate applies does not move their Ordinary Residence to within Tk' emlups te Secwépemc ~~Reserve Number 1~~ Ancestral Lands within 90 days of taking office, that Council Member is immediately disqualified from holding office.
5. Council may pass a resolution disqualifying a Council Member from holding office if the Council Member is absent from three (3) consecutive regular Council meetings, unless the absence is:
 - (a) authorized by a resolution of Council, or
 - (b) due to a serious medical condition or incident suffered by:
 - (i) the Council Member, or
 - (ii) a person in the Council Member's immediate family.
6. If:
 - (a) the Judge makes a declaration under subsection (1)(a)(i);
 - (b) Council passes a resolution under subsection (1)(c)(i); or
 - (c) a Candidate is disqualified under subsections (3) or (4)

the Candidate who received the next highest number of votes to the Candidate who was elected with the least number of votes in the Election is elected.
7. If:
 - (a) the Judge makes a declaration under subsection (1)(a)(ii);
 - (b) Council passes a resolution under subsection (1)(c)(ii);
 - (c) a Council Member files a letter of resignation under subsection (1)(b);
 - (d) Council passes a resolution under subsection (5); or
 - (e) a Council Member:
 - (i) dies,
 - (ii) is rendered incompetent, or
 - (iii) for any other reason cannot continue to act as a Council Member

a By-election must be held to fill the office of that Council Member.

23. BY-ELECTIONS

1. When a By-election is required under subsection 22(6), Council must, by resolution, set the date for the By-election, which date must be within ninety (90) days from the date:
 - (a) the Judge makes a declaration under subsection 22(1)(a)(ii);
 - (b) Council passes a resolution under subsection 22(1)(c)(ii);
 - (c) the effective date in a letter of resignation under subsection 22(1)(b);
 - (d) Council passes a resolution under subsection 22(5); or
 - (e) a Council Member:

- (i) dies,
 - (ii) is rendered incompetent, or
 - (iii) for any other reason cannot continue to act as a Council Member.
- 2. A By-election must be held in accordance with this Regulation, except:
 - (a) Council must appoint an Electoral Officer in the resolution made under subsection (1);
 - (b) the Membership Clerk must provide the Electoral Officer with an up-to-date membership list within five (5) days from the date of the resolution made under subsection (1); and
 - (c) the Electoral Officer must prepare and post the Electors List in accordance with this Regulation within five (5) days of receiving the membership list.
- 3. No By-election shall be held if there are less than six (6) months remaining in the term of the Council Member whose office has become vacant, except where a By-election is necessary to have a sufficient number of Council Members to maintain a quorum.
- 4. A Council Member elected in a By-election holds office only for the remaining term of the Council Member whose office they assume.

24. AMENDMENTS

- 1. This Regulation may be amended by a majority of votes at a General Band Meeting providing that:
 - (a) not less than thirty (30) days before the date of the General Band Meeting, a notice of the General Band Meeting is:
 - (i) Delivered to each Elector, and
 - (ii) posted in four (4) conspicuous places in the Electoral Section, including on the notice board at the Band Administration Office;
 - (b) not less ~~that than~~ seven (7) days before the date of the General Band Meeting, a copy of the proposed amendments is Delivered to each Non-resident Elector; and
 - (c) not less ~~that than~~ three (3) days before the date of the General Band Meeting, a copy of the proposed amendments is Delivered to each Elector to whom a copy of the amendments was not Delivered under subsection (b).
- 2. The notice of General Band Meeting under subsection (1) must contain:
 - (a) the time, date and place of the General Band Meeting,
 - (b) a statement of the purpose of the meeting, and
 - (c) a description of the proposed amendments.

25. TRANSITIONAL

- 1. Despite section 5, the term of office for the first Council elected under this Regulation does not begin until the expiry of the term of office of the incumbent Council.

26. VARIANCES DURING STATE OF EMERGENCY

1. In the event that Council has passed an Emergency Order that would otherwise prevent the doing of an act contemplated in these Custom Election Regulations, the Electoral Officer shall have the power to vary any part of these Custom Election Regulations to the minimum extent necessary to comply with the Emergency Order.

HEREBY authorized on behalf of the Tk'emlúps te Secwépemc at Kamloops Indian Reserve Number one (1) on ~~July 28th, 2009.~~ _____, 2021.

Kúkpi7 (Chief): _____

Councillors: _____

SCHEDULE "1"

HONORARIUM RATES FOR SCRUTINEERS AND ALTERNATES

The honorarium rates for Scrutineers and alternates as authorized by subsections 17(5) and 18(6) of this Regulation are as follows:

Year	Rate
2009- 2012	\$100.00
2013 - 2016	\$125.00
2017-2020	\$150.00
2021-2024 <u>2021 and thereafter</u>	\$175.00 <u>TteS minimum hourly rate for first eight (8) hous plus TteS minimum hourly rate X 1.5 for each additional hour worked after eight (8) hours of work</u>
2025 and thereafter	\$200.00

APPENDIX "A"

TK'EMLÚPS te SECWÉPEMC OATH OF OFFICE

Canada:

Province of British Columbia: Aboriginal Territories of the Tk'emlúps te Secwépemc:

Kamloops Indian Reserve Number 1, 2, 3, 4, 5, and any other territorial holdings lawfully under the jurisdiction of the Tk'emlúps Band of Indians.

I, _____, Kukpi7 Chief Elect or Councillor Elect (as the case may be) of the Tk'emlúps te Secwépemc, do declare as follows:

- a. I am Tk'emlúps te Secwépemc possessing in law the qualifications of Kukpi7 (or Councillor, as the case may be).
- b. That I will faithfully perform the legal and fiduciary duties of my office and will not allow any private interests to influence my conduct in public matters.
- c. That I will uphold the policies and laws of our Tk'emlúps te Secwépemc, to preserve and enhance our culture and heritage, to faithfully discharge of my duties in a fair and equitable manner and to involve all Tk'emlúps members in a common effort to improve our lives.
- d. That I will be joining my people throughout Tk'emlúps te Secwépemc territory, British Columbia and Canada for a just settlement of land claims, to overcome racism and discrimination against all people, to achieve for our people our rights to self determination and self reliance and a level of economic opportunity, education, health, and housing equal to that of other members of Canadian society, and I will extend the hand of friendship and cooperation to all like-minded Tk'emlúps te Secwépemc, Secwépemc, Canadians and international organizations in pursuit of these goals.
- e. That I have not, nor will I have while holding office, any voluntary interest, directly or indirectly, in any contract or services connected with the Tk'emlúps te Secwépemc save and except these public utilities and services available to all Band members.
- f. That I have not, by myself or with any other person, knowingly employed any bribery, corruption or intimidation to gain my election.
- g. That I agree to be held accountable and transparent with regards to all communications to and from the membership.

So help me Creator (I affirm).

Signature of Kukpi7 or Councillor

At _____, this ____ day of _____, 20__.

Signature (Notary Public or Commissioner for Taking Oaths)

PROPOSED

APPENDIX "B"

OATH OF CANDIDATE

To be administered by the Electoral Officer. You swear (or solemnly affirm) that:

1. I am an Elector;
2. Either: (circle one)
 - (a) I have my Ordinary Residence within the Tk'emlúps te Secwépemc ~~Reserve Number~~ Ancestral Lands, as shown on Appendix "C"; or
 - (b) I ~~have my Ordinary Residence within Tk'emlúps te Secwépemc Traditional Territory~~ Ancestral Lands and undertake to move my Ordinary Residence to within Tk' emlups te Secwépemc Ancestral Lands ~~Reserve Number~~ within ninety (90) days of Polling Day if I am elected;
3. I am of Secwépemc Ancestry;
4. Either: (circle one)
 - (a) I am a current Council Member; or
 - (b) I am not an employee, salaried officer or the holder of a contract for services with the Band,
 - (c) I am an employee, salaried officer or the holder of a contract for services with the Band but undertake to take an unpaid leave of absence from this date to the date of the Polling Day and resign if elected;
5. I do not have an account with the Band which is more than ninety (90) days outstanding;
6. I do not have an outstanding conviction for an indictable offence for which less than five (5) years has elapsed since the completion of any sentence imposed for that conviction;
7. I have not been declared mentally incompetent by any court; and
8. I am not an undischarged bankrupt.

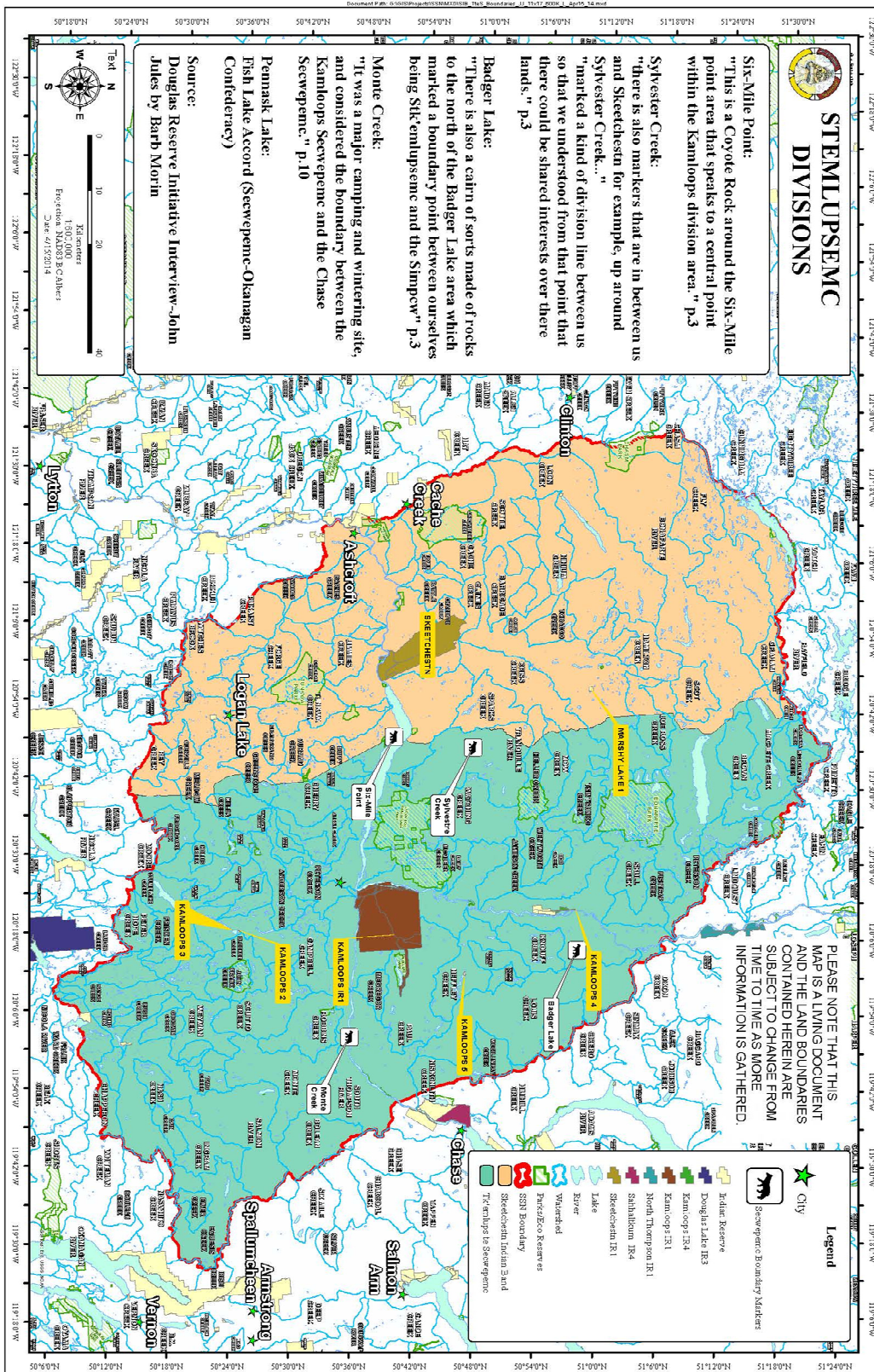
So help me Creator (I affirm).

I make this declaration on the ____ day of _____, 20 ____.

Signature of Elector

Signature of Electoral Officer

TK'EMLÚPS te SECWÉPEMC ~~TRADITIONAL TERRITORY~~ ANCESTRAL LANDS



APPENDIX "D"

NOTICE OF NOMINATION MEETING

Notice is hereby given that a meeting of the electors of the Tk'emlúps te Secwépemc will be held at _____ on the _____ day of _____, 20____, from _____ o'clock until _____ o'clock of the same day for the purpose of nominating candidates for _____ for the Tk' emlups te Secwépemc for the next ensuing term.

A copy of the List of Electors is posted in the Band Administration Building located at ~~#200-355 Yellowhead Highway, CLC, at 345 Yellowhead Highway~~ 330 Chief Alex Thomas Way, Kamloops, B.C. V2H 1H1, and can also be found on the Tk'emlúps te Secwépemc website at: www.KIB.ca/electionstkemlups.ca.

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

ELECTORAL OFFICER

VERIFIED BY THE MEMBERSHIP CLERK

REMOTE MAIL-IN NOMINATION FORM

NAME OF NOMINATING BAND MEMBER: _____

CHIEF

CHOOSE 1 (ONE) ONLY

NAME OF CANDIDATE

COUNCILLORS

CHOOSE UP TO SEVEN (7)

[illegible]

APPENDIX "F"

PERMISSION TO RELEASE PERSONAL INFORMATION FORM

I, _____, hereby give my permission for the Electoral Officer to provide all of the Candidates in this Election with my name and mailing address.

Dated this ____ day of _____, 20__.

Signature of Elector

APPENDIX "G"

NOTICE OF ALL CANDIDATES FORUM

Notice is hereby given that a meeting of the electors of the Tk'emlúps te Secwépemc will be held at _____ on the ____ day of _____, 20____, from _____ o'clock until _____ o'clock of the same day for the purpose of providing the candidates in the election an opportunity to address the membership.

A copy of the list of candidates of is posted in the Band Administration Building located at ~~#200-355-
Yellowhead Highway, CLC, at 345 Yellowhead Highway~~ 330 Chief Alex Thomas Way, Kamloops, British Columbia, V2H 1H1, and can also be found on the Tk'emlúps te Secwépemc website at www.tkemlups.ca.

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

~~SERVICE DELIVERY MANAGER~~EXECUTIVE
OFFICER

VERIFIED BY THE MEMBERSHIP CLERK

APPENDIX "H"

REMOTE ELECTOR DECLARATION FORM

In the matter of the election of the Tk'emlúps te Secwépemc, held according to the Tk'emlúps te Secwépemc Election Regulations, I _____, solemnly declare that:

1. I am a REGISTERED member of the Tk'emlúps Te Secwépemc;
2. My band number is: _____;
3. I currently reside at: _____;
4. As of the date of the Polling Day I will be eighteen (18) years of age or over; and
5. I do not know of any reason why I would be disqualified from voting at this election.

So help me Creator (I affirm).

I make this declaration on the _____ day of _____, 20_____.

Signature of Elector

Declared before me, _____, this _____ day of _____ at _____.

Signature of Witness

Address, telephone number, occupation

This form must be sworn before one of the following:

- Chief or Councillor of an Indian Band or First Nation
- Dentist
- Geoscientist
- Judge
- Lawyer {member of a provincial bar association),
- Magistrate
- Mayor
- Medical Doctor
- Minister of religion authorized under provincial law to perform marriages
- Notary Public
- Optometrist
- Pharmacist
- Police Officer {municipal, provincial, or RCMP)
- Postmaster
- Principal of a primary or secondary school
- Professional Accountant (APA, CA, CGA, CMA, PA, RPA)
- Professional Engineer (P.Eng)
- Senior Administrator in a community college (includes CEGEPs)
- Senior Administrator or teacher in a university
- Social Worker with MSW (Master in Social Work)
- Veterinarian

APPENDIX "I"

NOTICE OF POLLS

Notice is hereby given to the electors of the Tk'emlúps te Secwépemc that a Poll will be held for the elections of _____ of the Band and that the Poll will be open on the _____

_____, day of _____, 20_____,
_____, from the hour of EIGHT (8) o'clock in the morning _____

until EIGHT (8) o'clock in the evening at the following location:

A copy of the List of ~~Electors~~ Candidates is posted in the Band Administration Building located at ~~#200-355-
Yellowhead Highway, CLC, at 345 Yellowhead Highway~~ 330 Chief Alex Thomas Way, Kamloops, B.C. V2H
1H1, and can also be found on the Tk'emlúps te Secwépemc website at: ~~www.KIB.ca/elections~~ www.tkemlups.ca.

And that I will at _____ on _____ day of _____
_____ on the _____ day of _____
_____, 20_____, immediately after the close of the Poll, count the votes and declare the results of the
election.

NOTICE OF ADVANCE POLLS

Notice is hereby given to the electors of the Tk'emlúps te Secwépemc that an Advance Poll will _____

be held on the _____ day of _____, 20_____, from the hour of EIGHT (8) o'clock in the
morning until EIGHT (8) o'clock in the evening at the following location:

~~the _____ day of _____, 20_____, from the hour of ONE (1) o'clock in~~

~~the afternoon until EIGHT (8) o'clock in the evening at the following location:~~

NOTICE OF ELECTRONIC POLLS

Notice is hereby given to the electors of the Tk'emlúps te Secwépemc that the Electronic Voting Period will:

begin on the _____ day of _____, 20____, at _____ Kamloops Local Time; and
end on the _____ day of _____, 20____, at _____ Kamloops Local Time.

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

ELECTORAL OFFICER

VERIFIED BY THE MEMBERSHIP CLERK

APPENDIX "J"

BALLOTS

CHOICE(S) TO BE MARKED "X"

CHIEF

CHOOSE I (ONE) ONLY

NAME OF CANDIDATE	Mark your choice with an "X"

COUNCILLORS

CHOOSE UP TO SEVEN

[illegible]

APPENDIX "K"

~~ADVANCE POLL OATH~~DELETED

I, _____ on this _____ day of _____ do solemnly declare, that I will not be not be able to attend to vote on polling day, Saturday November _____,

_____, because:

~~So help me Creator (I affirm).~~

Signature of Elector

Signature of Witness

~~Name, address and title of Witness~~

~~This form must be sworn before one of the following:~~

- ~~• Notary Public~~
- ~~• Commissioner for taking Oaths~~
- ~~• Electoral Officer~~
- ~~• Deputy Electoral Officer~~

APPENDIX "L"

VERIFICATION OF THE BALLOT BOX STATEMENT

I, _____, do solemnly declare that, prior to the sealing of the ballot boxes for the ____ day of _____, 20__ Election of Tk'emlúps te Secwépemc for Council Members: I **visually and physically** inspected the ballot boxes and am satisfied that they were completely empty of ballots or any other items which would influence the outcome of the Election.

So help me Creator (I affirm).

Signature of Electoral Officer

Signature of Witness

Name and address of Witness

Signature of Witness

Name and address of Witness

APPENDIX "M"

LETTER OF VERIFICATION

I hereby verify that _____, membership number _____

_____, is a person entitled to vote in the
Tk'emlúps te Secwépemc _____

election to be held on the _____ day of _____ day of
_____, 20_____.

Verified by me _____, this _____ day of _____

Signature of Membership Clerk

~~Signature of Membership Clerk~~

Witnessed by me _____, this _____ day of _____

Signature of Witness

~~Signature of Membership Clerk~~

APPENDIX "N"

OATH OF ELECTOR

To be administered by the Electoral Officer.

You swear (or solemnly affirm) that:

- (a) I am legally qualified to vote at this election;
- (b) I am the person referred to as (name) in the List of Electors being used in this election;
- (c) I have not voted before in this election;
- (d) I am full age of eighteen (18) years;
- (e) I am a member of the Tk'emlúps te Secwépemc;
- (f) I have not, directly or indirectly, received any reward or gift, nor do expect to receive anything in respect to the vote for which you now apply.

So help me Creator (I affirm).

I make this declaration on the ____ day of _____, 20__.

Signature of Elector

Signature of Witness (must be a Scrutineer)

Name and address of Witness

APPENDIX "O"

ELECTION REPORT

To be completed by the Electoral Officer.

Name of Candidate:

Number of Ballots cast for the Candidate

Number of Rejected Ballots:

Number of Cancelled Ballots:

Number of Declined Ballots:

Total number of Ballots:

Name of Candidates Elected

Office to which Candidate is elected

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

ELECTORAL OFFICER

WITNESS

WITNESS

WITNESS

WITNESS

WITNESS

APPENDIX “P”

NOTICE OF REMOTE ELECTION

Notice is hereby given to the Electors of the Tk'emlúps te Secwépemc that the _____ (year) Election will be held as a Remote Election under s. 20.1 of the *Tk'emlúps te Secwépemc Custom Election Regulations Amendment By-Law* due to the declaration of a State of Emergency.

Given under my hand at _____ this _____ day of _____, 20

ELECTORAL OFFICER

VERIFIED BY THE MEMBERSHIP CLERK

PROPOSED