
REFERENDUM TO AMEND SIMPCW CUSTOM ELECTION CODE:

SUMMARY

After several community engagement sessions in 2018 and 2023, Chief and Council is presenting several amendments to the existing *Simpchw Custom Election Code* (the “**Election Code**”) to the Membership for a referendum vote. Amendments to the Election Code must be approved by way of referendum in accordance with the *Simpchw Referendum Code*. As such, in accordance with the *Simpchw Referendum Code*, by way of a duly ratified BCR, Chief and Council initiated the referendum process and scheduled the vote for February 17, 2023. On this day, Eligible Voters will be asked to vote “YES” or “NO” to the following question: *Do you approve the amended Simpcw Custom Election Code, in the form posted by the Electoral Officer for the purposes of this Referendum, and as approved by Band Council Resolution dated January 5, 2023?*

These proposed amendments are meant to strengthen the Election Code and to add certainty to its application. The major amendments to the Election Code being proposed by Chief and Council are as follows:

- Amending the Election Code to increase the maximum distance that an off-reserve Councillor (T’Kwenem7i’ple7) can live from the Simpcwúlecw Office from 150km to 500km. The purpose of these proposed amendments is to expand the ability for Members residing off-reserve to run for, and to hold a seat on, Simpcw Council.
- Amending the Election Code to add a second off-reserve Councillor (T’Kwenem7i’ple7) seat, which will bring the total number of Councillors (T’Kwenem7i’ple7) to seven (7). The purpose of these proposed amendments is to ensure Simpcw Council can increase in size so that it has more resources to manage the needs of Simpcw’s growing population.
- Amending the Election Code to remove the need for a By-Election in circumstances where the office of a Councillor (T’Kwenem7i’ple7) is permanently vacated on or after September 1st in the third year of Simpcw Council’s term. The purpose of these proposed amendments is to avoid the unnecessary costs and administrative burdens associated with holding a By-Election in an Election year.
- Amending the Election Code to add a provision that requires Simpcw Council to conduct a review of the Election Code at specified times, to ensure the provisions of the Election Code, including the composition of Council, is efficient and effective, and meets the needs of the Simpcw Members.
- Amending the Election Code to explicitly allow for electronic voting during Elections and By-Elections. The purpose of these proposed amendments is to make voting easier for

Members and to add certainty to the electronic voting process during Elections and By-Elections.

- Amending the Election Code to clarify what process is to be followed when the number of candidates nominated to hold office is less than the required number of Councillor seats. The purpose of these proposed amendments is to provide clarity on how the requisite number of Councillor seats are to be filled in these circumstances.
- Amending the Election Code to ensure the Appeal Board is empowered to perform its required functions and to add clarity to the appeal process. The purpose of these proposed amendments is to ensure that an effective appeal process is in place.
- Amending the Election Code to clarify the procedures that must be followed during By-Election. The purpose of these proposed amendments is to add clarity to the procedures that must be followed during a By-Election.

Aside from the above, additional proposed amendments will focus on:

- Correcting any inadvertent errors and all formatting issues contained in the Election Code.
- Updating timelines and deadlines, as deemed necessary.
- Updating and amending the Schedules to the Election Code, as deemed necessary.
- Adding additional defined terms and/or amending existing defined terms, as deemed necessary.
- Addressing scenarios not previously contemplated in the Election Code.
- Amending any other aspects of the Election Code that, in the opinion of Chief and Council, will help to achieve the objective of strengthening the Election Code and adding certainty to its application.

Further and more detailed information regarding the proposed amendments to the Election Code will be offered at the on-reserve community information session that has been scheduled for January 26, 2024, and at the off-reserve community information session that has been scheduled for February 1, 2024.