



Simpcw T'kwem7iple7tn Custom Election Code
January 5, 2024

TABLE OF CONTENTS

PART 1 - SHORT TITLE 4

PART 2 - COMING INTO FORCE 4

PART 3 - INTERPRETATION 4

PART 4 - COMPOSITION OF SIMPCW COUNCIL 7

PART 5 - TERM OF OFFICE..... 7

PART 6 - QUALIFICATIONS TO HAVE STANDING FOR OFFICE 7

PART 7 - DISQUALIFICATION FROM HOLDING OFFICE..... 8

PART 8 - APPEAL FROM DISQUALIFICATION FOR CONTINUING TO HOLD OFFICE..... 9

PART 9 - ELECTORAL OFFICER 10

PART 10 - NOMINATION PROCEDURES 11

PART 11 - NOMINATION MEETING..... 12

Nominations 12

Post-Nomination Procedures..... 13

Appointing Appeals Board..... 14

PART 12 - ELECTORS' LIST 14

PART 13 - PREPARATION OF BALLOTS 14

PART 14 - MAIL-IN BALLOTS..... 15

Contents of Mail-in Ballot Package 15

Voting by Mail-In Ballot..... 16

PART 15 - ELECTRONIC VOTING 17

PART 16 - ELECTION DAY PROCEDURES 17

Date and Time of Election 17

Polling Stations 17

In-Person Voting..... 18

Counting the Ballots..... 19

Tie-Breaker 20

Declaration of Election Result 21

PART 17 - SCRUTINEERS..... 21

PART 18 - DISPOSITION OF BALLOTS 22

PART 19 - ELECTION APPEAL PROCESS 22

PART 20 - APPEALS BOARD 24

PART 21 - VACANCIES	25
Permanent Vacancies	25
Temporary Vacancies	26
PART 22 - BY-ELECTION.....	26
By-Election Nomination Meeting.....	26
By-Election Date and Time	27
By-Election Mail-In Voting	27
By-Election In-Person Voting	27
Counting By-Election Ballots.....	28
Declaration of By-Election Result.....	28
Disposition of By-Election Ballots	28
PART 23 - OATH OF OFFICE	28
PART 24 - ROLES AND RESPONSIBILITIES.....	28
PART 25 - UNFORESEEN EVENTS	28
PART 26 - AMENDMENT OF SIMPCW CUSTOM ELECTION CODE BY REFERENDUM	28
PART 27 - PERIODIC REVIEW.....	28
PART 28 - TIMING.....	29
SCHEDULE A.....	30
SCHEDULE B	32
SCHEDULE C	33
SCHEDULE D.....	35
SCHEDULE E.1	36
SCHEDULE E.2	37
SCHEDULE F.1.....	38
SCHEDULE F.2.....	39
SCHEDULE G.....	40
SCHEDULE H.....	41
SCHEDULE I	42
SCHEDULE J.....	45

PART 1 - SHORT TITLE

1. This Code may be cited as the *Simpcw Tíkwen7iple7tn Custom Election Code*.

PART 2 - COMING INTO FORCE

1. This Code comes into force immediately upon ratification and, upon coming into force, replaces and will supersede all prior versions.

PART 3 - INTERPRETATION

1. In this *Simpcw Tíkwen7iple7tn Custom Election Code*:
 - a) **Administration Office** means the Nation's Administration Office located at 7555 Dunn Lake Road, Barriere, British Columbia, V0E 1E0.
 - b) **Administrator** means the individual who is appointed as administrator by the Simpcw Council and responsible to the Simpcw Council for proper functioning of the Nation and its employees.
 - c) **Appeal** means an appeal of a decision to either the Appeals Board or an Arbitrator.
 - d) **Appeals Board** means the board appointed to hear Appeals under Part 20 of this Code.
 - e) **Arbitration** is a process where two (2) or more parties, who have been unable to negotiate a solution to a problem, agree to put the matter to an independent neutral individual to provide an answer, and to be bound by that decision.
 - f) **Arbitrator** means an independent and impartial third party appointed in accordance with Part 8 of this Code.
 - g) **By-Election** means a special election, not held at the time of a general election, to fill a vacancy in Simpcw Council.
 - h) **By-Election Nomination Meeting** means the meeting held in accordance with Part 22 of this Code for the purpose of nominating Candidates for the offices of Kúkwpí7 and/or Tíkwenem7i'ple7 in the case of a By-Election.
 - i) **Candidate** means an Elector who accepts a nomination for the office of Kúkwpí7 and/or Tíkwenem7i'ple7 in accordance with Part 11 of this Code.
 - j) **Code** means this *Simpcw Tíkwen7iple7tn Custom Election Code*.
 - k) **Election** means a general election for Simpcw Council held pursuant to this Code.

- l) **Election Results Statement** means the statement prepared and signed by the Electoral Officer following the closing of the polls in an Election or By-Election, which shall set out the names of each Candidate, the total number of votes cast for each Candidate, the number of Spoiled Ballots, and the names of the Candidates duly declared elected for Holding Office.
- m) **Election Workers** mean those individuals appointed by the Electoral Officer in accordance with Part 9 of this Code to assist the Electoral Officer as needed during an Election or By-Election.
- n) **Elector** means an individual who is a registered member of the Nation and at least 18 years of age on the date of the Election or By-Election.
- o) **Electoral Officer** means an individual appointed by means of a duly approved resolution of the Simpcw Council to direct and conduct the Election and/or By-Election in accordance with the procedures set out in this Code.
- p) **Electors' List** means the list the names in alphabetical order of all Electors who are eligible to vote in an Election or By-Election.
- q) **Financial Administration Law (FAL)** means the Simpcw First Nation Financial Administration Law, 2021 approved on March 8, 2021, pursuant to section 9 of the *First Nations Fiscal Management Act*, as amended from time to time.
- r) **Good Financial Standing** means having no outstanding debts owed to the Nation and not being in arrears on any dues or fees owed to the Nation.
- s) **Holding Office** means participating as an elected member of the Simpcw Council.
- t) **Holiday** means any day that falls on a weekend or a statutory holiday, unless that day is the date of an Election or By-Election.
- u) **Improper Election Practices** means those practices set out in Schedule A hereto.
- v) **Kúkwpí7** means Chief.
- w) **Nation** means the Simpcw First Nation and is a band within the meaning prescribed in the *Indian Act*.
- x) **Nomination Meeting** means the meeting held in accordance with Part 11 of this Code for the purpose of nominating Candidates for the offices of Kúkwpí7 and/or Tíkwenem7í'ple7 and for selecting the Appeals Board.
- y) **Notice of Election** means a notice that complies with the requirements set out in Part 14 of this Code.

- z) **Off-Reserve Tíkwenem7i'ple7** means a Tíkwenem7i'ple7 who is Ordinarily Resident Off-Reserve.
- aa) **On-Reserve Tíkwenem7i'ple7** means a Tíkwenem7i'ple7 who is Ordinarily Resident On-Reserve.
- bb) **Ordinarily Resident Off-Reserve** means an individual who is not a resident on one of the Reserves for Election purposes in the manner set out in Schedule B.
- cc) **Ordinarily Resident On-Reserve** means an individual who is resident on one of the Reserves for Election purposes in the manner set out in Schedule B.
- dd) **Polling Station** means the location which is designated by the Electoral Officer as the site at which in-person voting takes place during an Election or By-Election.
- ee) **Primary Residence** means the residence where an individual sleeps overnight on not less than 183 nights in any calendar year and as defined in Schedule B.
- ff) **Reserves** means the Nation's reserve lands, and more particularly, Barriere River 3A, Boulder Creek 5, Louis Creek 4, Nekalliston 2, and/or North Thompson 1.
- gg) **Scrutineer** means a person appointed in writing by a Candidate to observe voting and counting procedures under this Code.
- hh) **Simpcw Council** means the sum of all those persons elected pursuant to this Code into the offices of Kúkwpi7 (Chief) and Tíkwenem7i'ple7 (Councillors).
- ii) **Spoiled Ballot** means a ballot that is not included in the tally of the valid ballots cast during the counting of the votes due to one of the following:
 - i. has been marked with more votes than allowed;
 - ii. does not have the initial of the Electoral Officer;
 - iii. is not mark with an "X";
 - iv. has not been marked clearly to identify the individual voted for; or
 - v. has been marked "DISALLOWED" by the Electoral Officer and signed by the Elector.
- jj) **Standing for Office** means that a Candidate is qualified for the office of either Kúkwpi7 or Tíkwenem7i'ple7 in accordance with this Code.
- kk) **Term of Office** has the meaning set out in Part 5 of this Code.
- ll) **Tíkwenem7i'ple7** means Councillor.
- mm) **Voting Compartment** means the dedicated areas within a Polling Station where Elector's mark their ballot(s) for the purposes of voting in an Election or By-Election.

PART 4 - COMPOSITION OF SIMPCW COUNCIL

1. The Simpcw Council shall have a total of eight (8) members, consisting of:
 - a) one (1) Kúkwpi7;
 - b) five (5) On-Reserve T'Kwenem7i'ple7; and
 - c) two (2) Off-Reserve T'Kwenem7i'ple7.
2. The two (2) Off-Reserve T'Kwenem7i'ple7 must have their Primary Residence within 500 Kilometers of the Administration Office.
3. The Kúkwpi7 and seven (7) T'Kwenem7i'ple7 shall be elected by a vote held in accordance with this Code.

PART 5 - TERM OF OFFICE

1. The Term of Office of the Kúkwpi7 and T'Kwenem7i'ple7 shall commence at 12:00 a.m. on June 1st in the year of the Election and shall continue to and including 11:59 p.m. on May 31st in the third year thereafter.
2. In the event of a By-Election, or an appointment to fill a permanent vacancy of the Kúkwpi7, the Term of Office of the newly elected T'Kwenem7i'ple7 or newly appointed Kúkwpi7, shall run from the date of the By-Election/appointment, until 11:59 p.m. on May 31st in the third year following the Election of the governing Simpcw Council.

PART 6 - QUALIFICATIONS TO HAVE STANDING FOR OFFICE

1. In order to have Standing for Office a Candidate must be:
 - a) qualified as an Elector;
 - b) in the case of a Kúkwpi7, Ordinarily Resident On-Reserve for a full six (6) months prior to the date of the Nomination Meeting;
 - c) in the case of an Off-Reserve T'Kwenem7i'ple7, Ordinarily Off-Reserve for a full six (6) months prior to the date of the Nomination Meeting;
 - d) in the case of an On-Reserve T'Kwenem7i'ple7, Ordinarily Resident On-Reserve for a full six (6) months prior to the date of the Nomination Meeting;
 - k) an individual who is in Good Financial Standing.
2. An individual cannot have Standing for Office if:
 - a) they have been convicted of an indictable offence under the *Criminal Code of Canada*, R.S.C., 1988, c. C-46 within twenty (20) years of the date of an Election;
 - b) they have been convicted of a summary offence under the *Criminal Code of Canada*, R.S.C., 1988, c. C-46 within three (3) years of the date of an Election; or

- c) subject to Simpcw Council approving their leave of absence, they are, at the time of the Notice of Nomination, employed as the Administrator.

PART 7 - DISQUALIFICATION FROM HOLDING OFFICE

1. A Simpcw Council member shall be disqualified from Holding Office if:
 - a) they are convicted of an offense under the *Criminal Code of Canada*, R.S.C., 1988, c. C-46;
 - b) in the case of an On-Reserve Tíkwenem7i'ple7, they cease to be Ordinarily Resident On-Reserve;
 - c) in the case of an Off-Reserve Tíkwenem7i'ple7, they cease to be Ordinarily Resident Off-Reserve;
 - d) in the case of a Kúkwpi7, they cease to be Ordinarily Resident On-Reserve.
2. A Simpcw Council member may be disqualified from Holding Office if they:
 - a) fail to attend two (2) consecutive regular meetings of Simpcw Council without the absence being reasonably excused by a majority vote of Simpcw Council;
 - b) violate this Code, their Oath of Office, including failing to adhere to, uphold and implement all laws and policies of the Nation, including the Financial Administration Law and the *Roles and Responsibility Manual*;
 - c) cease to be in Good Financial Standing;
 - d) accepts or offers a bribe, forges a Simpcw Council document or otherwise acts dishonestly in their role;
 - e) uses their office for personal financial gain or for the financial benefit of their family members or friends to the detriment of the Simpcw Council or the Nation as a whole; or
 - f) engages in such other conduct as may be determined by Simpcw Council to be of such a serious nature that the removal is necessary and appropriate.
3. The process for considering the disqualification of a Simpcw Council member from Holding Office under section 2, above, will be pursuant to the Simpcw Discipline Policy. For certainty, any disqualification of a Simpcw Council member under section 2, above, must be by Majority vote of Simpcw Council. Where Simpcw Council votes on whether to disqualify a Simpcw Council member from Holding Office, the individual who is the subject of that vote must recuse themselves from voting.
4. A Simpcw Council member who commences a legal proceeding against the Nation shall be disqualified from Holding Office, from the date the legal proceeding is commenced.
5. In the event Simpcw Council determines that Simpcw Council member is disqualified from Holding Office, Simpcw Council shall notify the disqualified individual, in writing, within two (2) days of such determination.

PART 8 - APPEAL FROM DISQUALIFICATION FOR CONTINUING TO HOLD OFFICE

1. Any Simpcw Council member who has been disqualified from Holding Office by a vote of Simpcw Council pursuant to Part 7 of this Code may Appeal the Simpcw Council's decision by:
 - a) filing a notice of Appeal together with supporting documentation with the Administrator within ten (10) days of receiving written notice of their disqualification from Holding Office; and
 - b) at the time of filing their notice of Appeal, paying a security deposit of One Hundred Dollars (\$100.00) to the Administrator.
2. A Simpcw Council member who has been disqualified from Holding Office may appoint a representative for the purposes of pursuing an Appeal.
3. Upon receipt of a notice of Appeal, along with any supporting documentation, the Administrator shall appoint an Arbitrator for the purpose of hearing the Appeal.
4. Once the Arbitrator has been appointed, the Administrator will forward the notice of Appeal, along with any supporting documents, to the Arbitrator and to Simpcw Council.
5. The Arbitrator may, at their discretion:
 - a) fix the date, time and place for hearing the Appeal(s);
 - b) designate the method of submitting evidence, either by sworn affidavit or oral testimony, or both;
 - c) designate what individuals are to be notified and how they are to be served; and
 - d) deal with any matter or other thing not otherwise provided for in this section.
6. Simpcw Council shall file with the Administrator a response to the notice of Appeal, along with any supporting documentation, at least fourteen (14) days prior to the scheduled hearing date of the Appeal.
7. Upon receipt of Simpcw Council's response to the notice of Appeal, along with any supporting documentation, the Administrator shall forward those documents to the Arbitrator and the Simpcw Council member who has been disqualified from Holding Office.
8. The Simpcw Council member who has been disqualified from Holding Office may file a written reply, along with any supporting documentation, with the Administrator at least four (4) days prior to the scheduled hearing date of the Appeal.
9. Immediately upon receipt of a reply, along with any supporting documentation, the Administrator shall forward those documents to the Arbitrator and to Simpcw Council.
10. In each Appeal, the Arbitrator shall issue a written decision together with reasons within thirty (30) days after the Arbitration hearing is concluded.

11. In issuing their written decision, the Arbitrator may:
 - a) confirm the determination of Simpcw Council to disqualify the Simpcw Council member who brought the Appeal from Holding Office; or
 - b) reverse the decision of Simpcw Council and declare the Simpcw Council member who brought the Appeal qualified for Holding Office.
12. The Arbitrator shall provide a copy of their written decision to the Administrator and to all parties to an Appeal.
13. The Arbitrator's decision shall be posted in the Administration Office.
14. The decision of the Arbitrator is final and is not subject to further Appeal.
15. If an Appeal brought pursuant to this Part is denied, the Simpcw Council member who brought the Appeal shall pay 50% of the Arbitrator's fees and disbursements for that Appeal.

PART 9 - ELECTORAL OFFICER

1. The Electoral Officer shall be appointed by Simpcw Council resolution on the 1st scheduled Simpcw Council meeting in the month of January during an Election year.
2. The Electoral Officer is responsible for overseeing the conduct of the Election and has all the powers necessary to carry out that responsibility. The Electoral Officer may appoint one or more Election Workers.
3. To be eligible to be an Electoral Officer or an Election Worker, a person must:
 - a) not be an Elector;
 - b) not have any familial or business relationship to a Simpcw member;
 - c) be impartial, having no vested interest in the outcome of the Election;
 - d) be at least 21 years of age; and
 - e) have experience in the conduct of elections or have received appropriate training.
4. The Electoral Officer is responsible for managing and executing all processes and procedures provided in this Code. Every Electoral Officer and Election Worker shall swear an oath of office to:
 - a) uphold and comply with this Code;
 - b) fulfill the duties and responsibilities of their office under this Code;
 - c) carry out their duties faithfully, honestly, impartially and to the best of their abilities;
 - d) not accept anything of value, including but not limited to money, offers of employment, gifts, or travel, in exchange for preferential treatment;
 - e) not discriminate against anyone because of race, religion, sex, age, or disability;
 - f) not use public office facilities for personal or partisan benefit;

- g) keep confidential all personal information of every Elector and only use such information as permitted under this Code; and
 - h) not pressure or intimidate other officials or Electors to favour a certain Candidate.
5. The Electoral Officer may make such orders and issue such instructions to any Election Workers consistent with the provisions of this Code as they may deem necessary for the effective administration of the Election or By-Election, as the case may be, and for the maintenance of order and security during a Nomination Meeting, the day of an Election, or the day of a By-Election.
 6. An Electoral Officer or Election Worker may be removed from their office in accordance with Schedule G.
 7. In the event an Electoral Officer is removed from their office, a replacement Electoral Officer shall be appointed by a majority vote of the Simpcw Council, within five (5) days of their removal.
 8. In the event an Election Worker is removed from their office, a replacement Election Worker may be appointed by the Electoral Officer forthwith.

PART 10 - NOMINATION PROCEDURES

1. To allow adequate time for potential Candidates to complete all qualification requirements for nominations, the Administrator shall post a notice of pre-nomination procedures at the Administration Office, on the Nation's website, and in the Nation's newsletter, and shall make all pre nomination forms available upon request, by no later than December 1st of the year preceding an Election year.
2. All Electors who are seeking to accept nominations for Kúkwpi7 and/or TKwenem7i'ple7 must, prior to or on the date of the Nomination Meeting, provide to the Electoral Officer:
 - a) a completed Candidate Intention Form as set out in Schedule C;
 - b) a non-refundable Candidate fee of \$200, in the form of cash, money order, or certified cheque payable to the Nation.
 - c) a completed Good Financial Standing Form as set out in Schedule H;
 - d) a current criminal records check which establishes to the satisfaction of the Electoral Officer, that the Elector is eligible to have Standing for Office by virtue of the requirements of this Code; and
 - e) any other evidence or documentation as reasonably required by the Electoral Officer, which will help to satisfy the Electoral Officer that the Elector is eligible to have Standing for Office by virtue of the requirements of this Code.
3. Any individual who has not complied with this Part shall not be eligible to have Standing for Office and shall be precluded from accepting a nomination for Kúkwpi7 and/or TKwenem7i'ple.

4. All Candidate fees received by the Electoral Officer during the nomination process shall be provided to the Nation.

PART 11 - NOMINATION MEETING

1. The Nomination Meeting shall be held on the 1st Sunday in the month of March during an Election year between the hours of 1:00 p.m. and 3:00 p.m.
2. No later than the 3rd Friday in January of an Election year, the Electoral Officer shall:
 - a) post a notice of Nomination Meeting in a conspicuous public area at the Administration Office, on the Nation's website, and at other conspicuous place(s) on the Reserves; and
 - b) mail or email a notice of Nomination Meeting to the last known address or email address of every Elector.
3. A notice of Nomination Meeting shall include:
 - a) the date and time of the Nomination Meeting;
 - b) the location of the Nomination Meeting;
 - c) the name, email address, and phone number of the Electoral Officer;
 - d) a description of the manner in which an Elector can nominate a Candidate, or second the nomination of a Candidate;
 - e) the place(s) where copies of this Code may be obtained;
 - f) the place(s) where the Electors' List shall be posted;
 - g) confirmation that an Elector may nominate in writing by filling out a Nomination Form (Schedule D); and
 - h) a blank copy of a Nomination Form (Schedule D).

Nominations

4. Nomination (or seconding a nomination) may be done either:
 - a) orally and in-person at the Nomination Meeting; or
 - b) by delivering or mailing a written Nomination Form (Schedule D) in accordance with the notice of Nomination Meeting.
5. Mailed nominations that are not received by the Electoral Officer by the deadline specified in the notice of Nomination Meeting are void.
6. Where a person receives more than one written nomination for the same office, the additional nominations shall be considered a seconding of the original nomination.
7. During the Nomination Meeting, a nomination for Kúkwpi7 or TKwenem7i'ple shall only be approved by the Electoral Officer and made open for acceptance by a potential Candidate when:

- a) the Electoral Officer is satisfied that the potential Candidate has met the requirements of Part 6 of this Code;
 - b) the potential Candidate has been nominated by an Elector in accordance with the notice of Nomination Meeting;
 - c) the potential Candidate's nomination has been seconded by an Elector in accordance with the notice of Nomination Meeting; and
 - d) at least one individual out of the following are present at the Nomination Meeting:
 - i. the potential Candidate who has been nominated;
 - ii. the Elector who submitted the first nomination; or
 - iii. the Elector who seconded the nomination.
8. An Elector who is nominated for the office of Kúkwpi7 or TKwenem7i'ple at the Nomination Meeting may accept their nomination by:
- a) attending the Nomination Meeting and advising the Electoral Officer of their acceptance of the nomination; or
 - b) in the case of an Elector who is unable to attend the Nomination Meeting, by indicating on their Candidate Intention Form (Schedule C) that to they will accept any nomination(s) for the offices they have declared an intention to run for.
9. Once an Elector accepts a nomination, they will become a Candidate.
10. A Candidate may withdraw their candidacy at any time up to the closing of polls on the day of the Election or By-Election by submitting a written withdrawal of nomination to the Electoral Officer; however, the Candidate's name will appear on the Election or By-Election ballot(s) unless the withdrawal is submitted within five (5) days before all mail-in ballot packages are sent out to Electors.
11. A Candidate who dies before the closing of polls on the day of an Election or By-Election shall be considered to have withdrawn their candidacy.

Post-Nomination Procedures

12. If, at the end of Nomination Meeting:
- a) only one person has been nominated for the office of Kúkwpi7; and
 - b) the number of persons nominated for the office of TKwenem7i'ple7 does not exceed the number of offices available,
- then the Electoral Officer shall declare those persons to be elected by acclamation.
13. Where more than the required number of persons are nominated for the office of Kúkwpi7 or TKwenem7i'ple7, the Electoral Officer shall announce that an Election will be held.

14. Where the office of Kúkwpí7 and all offices of Tíkwenem7i'ple7 are filled by acclamation, the Electoral Officer shall:
 - a) post a notice of election by acclamation in at least one conspicuous place at the Administration Office and on the Nation's website; and
 - b) mail or email a notice of election by acclamation to the last known address or email address of every Elector.

Appointing Appeals Board

15. Once the Electoral Officer has received all nominations, the Electoral Officer shall select the members of the Appeals Board in accordance with the procedures set out in Part 20 of this Code.
16. The Nomination Meeting shall be adjourned by way of motion that is made and seconded by two Electors present at the Nomination Meeting.

PART 12 - ELECTORS' LIST

1. By January 15th during the year of an Election, the Administrator shall provide an Electors' List to the Electoral Officer which shall include the following available information for every Elector: name, date of birth, last known address, and email address.
2. By January 31st during the year of an Election, the Electoral Officer shall prepare and post the Electors' List in a public area of the Administration Office, on the Nation's website and in such other conspicuous places on the Reserves as determined by the Electoral Officer. The Electors' List that is posted on the Nation's website shall be redacted in a manner as approved by Simpcw Council so as to protect the personal information of Electors.
3. Each Elector is responsible for ensuring that their full name appears on the Electors' List. A person may present evidence to the Electoral Officer which demonstrates that they ought to be on the Electors' List (or that their name has been incorrectly listed), and upon confirmation from the Administrator, the Electoral Officer shall revise the Electors' List. The Electoral Officer may revise the Electors' List at any time prior to close of the Polling Stations upon direction from the Administrator that an Elector ought to be added to, or a person deleted from, the Electors' List.
4. A person whose name does not appear on the Electors' List will nonetheless be entitled to vote prior to the close of the Polling Stations, provided they present documentary proof to the Electoral Officer demonstrating their qualifications as an Elector to the Electoral Officer's satisfaction.

PART 13 - PREPARATION OF BALLOTS

1. The Electoral Officer shall prepare ballots setting out:

- a) the full name of the Candidates nominated for the office of Kúkwpí7, in alphabetical order by surname; and
 - b) the full name of the Candidates nominated for the office of Tíkwenem7i'ple7, in alphabetical order by surname.
2. Where two (2) or more Candidates have the same full name, the Electoral Officer shall add to the ballots such information as is necessary to distinguish between those Candidates, including a Candidate's commonly used nickname.
 3. The Electoral Officer shall ensure that separate ballots are prepared for the office of Kúkwpí7 and Tíkwenem7i'ple7.

PART 14 - MAIL-IN BALLOTS

Contents of Mail-in Ballot Package

1. At least thirty (30) days prior to the date of the Election, the Electoral Officer shall ensure a mail-in ballot package has been mailed out to every Elector.
2. All mail-in ballot packages shall consist of:
 - a) a Notice of Election;
 - b) ballot(s) initialled on the back by the Electoral Officer;
 - c) an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
 - d) a second inner envelope marked "ballot" for insertion of the completed ballot(s);
 - e) a blank Elector Declaration Form (Schedule E.1);
 - f) a blank Witness Declaration Form (Schedule E.2);
 - g) a blank Elector Declaration Form of Person Assisting an Elector (Schedule F.1);
 - h) a blank Witness Declaration Form for Person Assisting an Elector (Schedule F.2); and
 - i) a letter of instruction regarding voting by mail-in ballot.
3. Without limiting its contents, the letter of instruction regarding voting by mail-in ballot shall include:
 - a) a statement advising Electors that they may vote in person at any Polling Station on the day of the Election if they return their mail-in ballot(s) to the Electoral Officer at the Polling Station and provide the Electoral Officer with a written and signed affirmation that the Elector has not submitted the mail-in ballot, which affirmation shall be signed by the Elector in the presence of the Electoral Officer; and
 - b) a statement advising Electors that they may vote in person at any Polling Station on the day of the Election if they provide the Electoral Officer with a written and signed affirmation that the Elector has lost their mail-in ballot(s).
4. The Notice of Election shall include:
 - a) the date of the Election;

- b) the list of Candidates;
 - c) details for voting in-person at Polling Station(s), including:
 - i. times at which the Polling Station(s) will open and close;
 - ii. the location of the Polling Station(s); and
 - iii. the time and location of the counting of the votes;
 - d) contact information of the Elector Officer; and
 - e) instructions for electronic voting, if applicable.
5. The Electoral Officer shall indicate on the Electors' List:
- a) which Electors the Electoral Officer has mailed or otherwise delivered a mail-in ballot package to;
 - b) the dates on which the mail-in ballot package was mailed or otherwise delivered; and
 - c) the addresses that each mail-in ballot package was mailed or otherwise delivered to.

Voting by Mail-In Ballot

6. An Elector may vote by mail-in ballot by:
- a) placing an "X" that clearly indicates the Elector's choice of Candidate for Kúkwpi7 and Candidates for TKwenem7i'ple;
 - b) folding the mail-in ballot(s) in a manner that conceals the names of the Candidates and/or any marks, but exposes the Electoral Officer's initials on the back of the mail-in ballot(s);
 - c) placing the mail-in ballot(s) in the inner envelopes and sealing the envelope;
 - d) completing the Elector Declaration Form (Schedule E.1) in the presence of a witness who is at least eighteen (18) years of age;
 - e) ensuring the witness completes the Witness Declaration Form (Schedule E.2);
 - f) placing the inner envelope and the completed Elector Declaration Form (Schedule E.1) and Witness Declaration Form (Schedule E.2) in the postage-paid return envelope; and
 - g) mailing, or otherwise delivering the complete postage-paid return envelope to the Electoral Officer so that it is received before the close of polls on the day of the Election.
7. Mail-in ballots that are not received by the Electoral Officer before the close of the Polling Stations on the date of the Election shall not be counted and shall be rejected by the Electoral Officer. It is the sole responsibility of each Elector to ensure that the Electoral Officer receives their mail-in ballot package on time.
8. Where an Elector is unable to complete the mail-in ballot package in the manner set out in section 6, above, due to physical or other challenges, the Elector may enlist the assistance of another person to mark their ballot(s), to complete the Elector Declaration Form, and to mail or deliver the mail-in ballot package in accordance with that section.
9. If a person is called upon to assist an Elector in accordance with paragraph 8, the mail-in ballot package of the Elector who requires assistance must also include the following:

- a) a completed Elector Declaration Form of Person Assisting an Elector (Schedule F.1);
and
- b) a Witness Declaration Form for Person Assisting an Elector (Schedule F.2).

PART 15 - ELECTRONIC VOTING

1. At the discretion of Simpcw Council, electronic voting may be made available for an Election or By-Election.
2. In the event Simpcw Council offers electronic voting for any Election or By-Election, Simpcw Council shall develop an electronic voting policy that will meet the same standards for in-person or mail-in voting, as adapted for electronic voting purposes.

PART 16 - ELECTION DAY PROCEDURES

Date and Time of Election

1. Where only one of either the office of Kúkwpi7 or TKwenem7i'ple7 is contested and has not been filled as the result of an election by acclimation, the Election for that office shall be held on the 4th Sunday in the month of April between the hours of 9:00 a.m. and 8:00 p.m.
2. Where both the offices of Kúkwpi7 and TKwenem7i'ple are contested and no election by acclimation has been declared for either office, the Election:
 - a) to elect Kúkwpi7 shall be held on the 2nd Sunday in the month of April between the hours of 9:00 a.m. and 8:00 p.m.;
 - b) to elect TK'wenem7i'ple7 shall be held on the 1st Sunday in the month of May between the hours of 9:00 a.m. and 8:00 p.m.

Polling Stations

3. The Electoral Officer shall establish at least one Polling Station at the Administration Office.
4. The Electoral Officer shall supply each Polling Station with:
 - a) one ballot box for the office of Kúkwpi7;
 - b) one ballot box for the office of TKwenem7i'ple7;
 - c) a sufficient number of ballots;
 - d) a sufficient number of Voting Compartments for the Electors to mark their ballots in privacy;
 - e) voting instructions for each Voting Compartment;
 - f) instruments for marking the ballots;
 - g) the Electors' List; and
 - h) any other supplies necessary to ensure the Polling Stations are properly equipped.

5. The Electoral Officer shall, immediately before opening the Polling Station(s):
 - a) open the ballot boxes and call the Scrutineers present, or in the event no Scrutineers are present, any Elector, to witness that they are empty;
 - b) complete a written statement that the ballot boxes are empty;
 - c) lock and properly seal the ballot boxes in a manner preventing them from being opened without breaking their seal; and
 - d) place the ballot boxes in public view for the reception of the ballots.
6. Each person, on arriving at the Polling Station(s), shall provide their name and photo identification (with birth date) and/or status card to the Electoral Officer.
7. The Electoral Officer shall, if the person's name is included on the Electors' List:
 - a) place the Electoral Officer's initials on the ballot(s) and provide them to the Elector; and
 - b) place a mark in the proper column of the Electors' List opposite the name of every Elector who receives a ballot.

In-Person Voting

8. An Elector to whom a mail-in ballot was mailed or provided may obtain a ballot(s) and vote in person at a Polling Station if:
 - a) the Elector returns the mail-in ballot to the Electoral Officer;
 - b) the Elector provides the Electoral Officer with a written affirmation that the Elector has not submitted the mail-in ballot, which affirmation shall be signed by the Elector in the presence of the Electoral Officer; or
 - c) the Elector provides the Electoral Officer with a written affirmation that the Elector has lost their mail-in ballot, which affirmation shall be signed by the Elector in the presence of the Electoral Officer.
9. After receiving a ballot(s), an Elector shall:
 - a) proceed to an empty Voting Compartment;
 - b) once at the Voting Compartment, mark their ballot by placing an "X" that clearly indicates the Elector's choice of Candidate for Kúkwpi7 and Candidates for TKwenem7i'ple;
 - c) fold their ballot(s) in a manner that conceals the names of the Candidates and the Elector's votes, but exposes the initials of the Electoral Officer; and
 - d) deliver their completed ballot(s) to the Electoral Officer.
10. The Electoral Officer shall, without unfolding the ballot(s), verify the Electoral Officer's initials and deposit the ballot(s) into the appropriate ballot box in the presence of the Elector.
11. Except as otherwise provided by this Code, only one Elector at a time may attend a Voting Compartment for the purpose of marking their ballot(s). Any attempts by an Elector to view

the manner in which another Elector marks their ballot(s) shall lead to the removal of that Elector from the Polling Station.

12. Where an Elector is unable to vote in the manner set out in in this Part, the Elector may enlist the assistance of the Electoral Officer or an Election Worker to mark their ballot(s). In the event the Electoral Officer or Election Worker assists an Elector in this manner, the Electoral Officer shall make a notation on the Electors' List that such assistance was provided.
13. An Elector who has inadvertently spoiled their ballot(s) shall immediately return the ballot(s) to the Electoral Officer who shall provide to such an Elector a replacement ballot(s). Upon providing the Elector with a replacement ballot(s), the Electoral Officer shall write the word "SPOILED" upon the Spoiled Ballot(s), and shall deposit in the Spoiled Ballot(s) into the appropriate ballot box.
14. Every Elector who is present at the Polling Station at the time fixed for closing the poll shall be entitled to vote notwithstanding the closing time.

Counting the Ballots

15. At the close of the poll, the Electoral Officer shall, in the presence of any Candidates or any Scrutineers who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot,
 - a) reject the mail-in ballot if:
 - i. it was not accompanied by a properly completed, signed, and witnessed Elector Declaration Form (Schedule E.1);
 - ii. it was not accompanied by a properly completed and signed Witness Declaration Form (Schedule E.2);
 - iii. the name and/or date of birth of the Elector set out in the Elector Declaration Form (Schedule E.1) is not on the Electors' List;
 - iv. the Electors' List shows that the Elector has already voted; or
 - v. the mail-in ballot otherwise constitutes a Spoiled Ballot.
 - b) in any other case, place a mark on the Electors' List opposite the name of the Elector set out in the Elector Declaration Form (Schedule E.1), and deposit the mail-in ballot in the appropriate ballot box.
16. Immediately after the mail-in ballots have been deposited in the appropriate ballot box, the Electoral Officer shall, in the presence of any Candidates or their Scrutineers who are present, open all ballot boxes and examine each ballot.
17. The Electoral Officer shall call out the names of the Candidates for whom the votes were cast on all valid ballots.
18. The Electoral Officer shall mark a tally sheet in accordance with the names being called out for the purpose of arriving at the total number of votes cast for each Candidate.

19. In examining each ballot, the Electoral Officer shall reject any ballots that:
 - a) do not contain the initials of an Electoral Officer;
 - b) do not give a clear indication of the Elector's intention;
 - c) contain more votes than the number of Candidates to be elected;
 - d) contain a mark by which the Elector can be identified; or
 - e) otherwise constitutes a Spoiled Ballot.
20. The Electoral Officer shall attach a note to each rejected ballot which outlines the reason for rejection.
21. The Electoral Officer shall take note of any objections made by any Candidate(s) or Scrutineer(s) regarding the validity of any ballot(s) found in the ballot boxes and decide any questions arising out of the objection.
22. The Electoral Officer shall number objections to ballots and place a number on the back of the corresponding ballot with the word "ALLOWED" or "REJECTED", as the case may be, along with the Electoral Officer's initials.
23. If applicable, after counting all physical ballots cast at the Polling Station(s), the Electoral Officer shall count all ballots cast electronically.
24. Where votes for any two (2) or more Candidates running for the same office are within five (5) votes of each other, the Electoral Officer shall conduct a recount of the ballots cast in favour of those two (2) or more Candidates.
25. Should a recount place any of these two (2) or more Candidates within five (5) votes of any other Candidate, the Electoral Officer shall conduct a second recount of the ballots cast in favour of those two (2) or more Candidates.
26. The results of a recount, and any necessary second recount, shall be final.

Tie-Breaker

27. In the event two (2) or more Candidates have an equal number of votes in their favour after the Electoral Officer has conducted a recount in accordance with sections 24-25, above, the Electoral Officer shall:
 - a) place each of the names of those two (2) or more Candidates on separate pieces of paper;
 - b) place each of those pieces of paper in a receptacle;
 - c) without looking, draw as many pieces of paper as positions that are available.
28. The Candidate(s), whose name(s) appear on the piece(s) of paper that the Electoral Officer has drawn in accordance with section 27, above, shall be declared the successful Candidate(s) and the Electoral Officer shall:

- a) write the word "ELECTED" on the back of the piece of paper bearing the winning Candidate's name; and
 - b) initial beside the word "ELECTED".
29. All pieces of paper used in a tie-breaker draw must be sealed in an envelope and kept with the ballots from the Election.

Declaration of Election Result

30. After completing the counting of the ballots and establishing the Candidates who have the highest number of votes, the Electoral Officer shall declare the names of the Candidate(s) who are elected and shall complete and sign an Election Results Statement.
31. Within twelve (12) hours of completing and signing the Election Results Statement, the Electoral Officer shall:
- a) post, in a conspicuous place in a public area at the Administration Office, and in conspicuous places on the Reserves, the Election Results Statement;
 - b) deliver a copy of the Election Results Statement to the Administrator; and
 - c) arrange for the Election Results Statement to be posted on the Nation's website.

PART 17 - SCRUTINEERS

1. Each Candidate shall be entitled to one Scrutineer at each Polling Station at any one time.
2. A letter of authorization, signed by the Candidate, must be provided to the Electoral Officer at or before the opening of the Polling Stations, setting out the persons authorized to act as a Candidate's Scrutineer(s).
3. Scrutineers shall not indicate for whom they are a Scrutineer.
4. Scrutineers shall clearly identify themselves by wearing a name tag that reads "SCRUTINEER".
5. A Scrutineer shall not, in any way, attempt to influence Electors.
6. Any Scrutineer who attempts to influence Electors shall be removed from the Polling Station and shall be disqualified from performing their duties.
7. In the event a Candidate's Scrutineer is disqualified from performing their duties, no replacement Scrutineer will be accepted.

8. Candidates and their Scrutineers shall not display partisan Election information within 200 meters of a Polling Station.
9. The Electoral Officer shall maintain order at all times in the Polling Stations and may cause to be removed any person (including a Scrutineer) who in any way interferes, disrupts, or attempts to influence the orderly conduct of the poll.

PART 18 - DISPOSITION OF BALLOTS

1. Once the Election Results Statement has been posted in accordance with Part 16 of this Code, the Electoral Officer shall:
 - a) place all ballots from the Election or By-Election, along with any pieces of paper from a tie-breaker draw, in a sealed envelope; and
 - b) deposit the envelope in a safety deposit box in the name of the Nation at the financial institution where the Nation conducts its day-to-day business affairs.
2. If no Appeal has been submitted to the Appeals Board on or before the expiry of 90 days from the date of the Election or By-Election, the Electoral Officer shall destroy the ballots from the Election or By-Election, along with any pieces of paper from a tie-breaker draw, and shall confirm in writing to the Administrator that they have been destroyed.

PART 19 - ELECTION APPEAL PROCESS

1. An Appeal to the Appeals Board may be made at any time during an Election or By-Election, but must be made within 10 days after publication of the Election Results Statement.
2. An Elector may submit an Appeal to the Appeals Board regarding:
 - a) a decision that has been made in contravention of this Code; or
 - b) any action that constitutes an Improper Election Practice(s) in accordance with Schedule A.
3. An Appeal must be delivered to the Administrator and shall include the following:
 - a) a completed Appeal Form, as set out in Schedule I;
 - b) any supporting documents; and
 - c) payment of the sum of One Hundred Dollars (\$100.00), non-refundable, in the form of cash, bank draft, or money order made payable to the Nation.
4. Once the Administrator is satisfied that the Appeal meets the requirements of section 3, above, they shall immediately forward the Appeal to the Appeals Board.
5. Upon receipt of an Appeal, the Appeals Board shall forward a copy, together with all supporting documents, to the Electoral Officer and to each Candidate.

6. The Electoral Officer or any Candidate may, within 10 days of the receipt of the Appeal materials, forward to the Appeals Board a written response to the Appeal allegations, together with any supporting documentation.
7. The Appeals Board has the power to:
 - a) examine records and make the inquiries it considers necessary;
 - b) examine and consider any evidence placed before it; and
 - c) schedule a hearing of the Appeal before it, as necessary.
8. If the Appeals Board decides to schedule a hearing of the Appeal, it shall give materially affected persons notice of such hearing, the right to make representations at such hearing, and the right to a written decision.
9. The Appeals Board must issue its decision in an Appeal in writing within 30 days of the Appeal hearing and its decision shall contain reasons outlining its findings.
10. If the Appeals Board is satisfied that the decision that is the subject of the Appeal was made in contravention of this Code, or if the action that is the subject of the Appeal constitutes an Improper Code Practice, it may make a declaration to that effect and may make such further orders as it considers appropriate.
11. Without limiting the generality of section 10, above, the Appeals Board may:
 - a) give directions to the Electoral Officer and order a recount conducted based on those directions;
 - b) confirm the results of an Election or By-Election;
 - c) declare whether an Elector or Candidate has, or continues to have, Standing for Office;
 - d) set aside the results of an Election or By-Election, in whole or in part; or
 - e) order a new Election or By-Election, including an Election or By-Election for one or more positions, and give directions to the Electoral Officer for the conduct of that Election or By-Election;
 - f) declare an Elector who commits an Improper Election Practice as banned from Holding Office for a period of time not to be longer than seven (7) years; or
 - g) declare an Elector who commits an Improper Election Practice as banned from voting in an Election or By-Election for a period of no longer than seven (7) years.
12. The Appeals Board must, on the day it issues its decision in an Appeal, file a copy of the decision with the Administrator and the Administrator must make the decision available to the membership.
13. Decision(s) of the Appeals Board will be final.

PART 20 - APPEALS BOARD

1. The Appeals Board shall consist of five (5) Electors.
2. The Appeals Board shall be established, and be empowered, from the time of its appointment and continuing until the Nomination Meeting for the following Election.
3. A person appointed to the Appeals Board must:
 - a) be an Elector;
 - b) not have nominated or seconded a Candidate in the Nomination Meeting; and
 - c) not be a Candidate in the Election.
4. An Appeals Board member must, prior to appointment, provide an undertaking to discharge the duties and responsibilities of the position in a fair and neutral manner.
5. Immediately prior to the closing of the Nomination Meeting, but after Candidates have been nominated, the Electoral Officer shall:
 - a) ask any Electors who wish to sit on the Appeals Board, and who meet the requirements of section 3, above, to put their names forward as volunteers to participate on the Appeals Board;
 - b) write the names of the individuals who have volunteered to participate on the Appeals Board on separate pieces of paper and place those pieces of paper into a receptacle; and
 - c) without looking at those pieces of paper, the Electoral Officer shall draw five (5) names.
6. The individuals whose names are drawn during the draw set out in section 5, above, shall constitute the Appeals Board.
7. The remaining individuals whose names are not drawn during the draw set out in section 5, above, shall constitute a reserve group of individuals who may be required to act as substitutes for any Appeals Board member who must recuse themselves from a particular Appeal in accordance with section 8, below.
8. If an Appeals Board member is unable to act due to conflict of interest, that individual must recuse themselves from the applicable Appeal. For the purposes of that Appeal, the Electoral Officer shall select a replacement by contacting an individual who volunteered in accordance with section 5, above, and whose name was not drawn at the Nomination Meeting.
9. A decision of the majority of the Appeals Board is deemed to be the decision of the Appeals Board as a whole.

PART 21 - VACANCIES

Permanent Vacancies

1. The office of Kúkwpí7 or Tíkwenem7i'ple7 shall be deemed permanently vacated when the individual Holding Office as Kúkwpí7 or Tíkwenem7i'ple7:
 - a) dies;
 - b) resigns in writing from Holding Office of their own accord;
 - c) has been unable to perform the functions of Kúkwpí7 or Tíkwenem7i'ple7, as the case may be, for more than three (3) months due to illness or other incapacity;
 - d) has temporarily vacated their office for more than three (3) months for any reason;
 - e) is determined to be disqualified from Holding Office in accordance with Part 7 of this Code, and all Appeal routes have been exhausted in accordance with Part 8 of this Code;
 - f) is removed by a decision of the Appeals Board made in accordance with Part 19 of this Code;
 - g) is dismissed from office by decision of the Simpcw Council made in accordance with Appendix F, Simpcw Council Discipline Policy, of the *Roles and Responsibilities Manual*; or
 - h) is otherwise unable to complete their Term of Office.
2. The office of Kúkwpí7 or Tíkwenem7i'ple7 may only be deemed permanently vacated by way of motion made by Simpcw Council.
3. If an individual is deemed to have permanently vacated the office of Kúkwpí7 or Tíkwenem7i'ple7 by reason of any scenario contemplated in 1(c)-(h), Simpcw Council shall send a letter to that individual setting out the grounds for the permanent vacancy and advising them of the effective date of the permanent vacancy.
4. An individual who is deemed to have permanently vacated the office of Kúkwpí7 or Tíkwenem7i'ple7 shall:
 - a) immediately return all Nation property to the Administrator, including all keys; and
 - b) be ineligible to have Standing for Office during the remainder Term of Office.
5. Should an individual be deemed to have permanently vacated the office of Kúkwpí7 or Tíkwenem7i'ple7 more than six (6) months before the end of Simpcw Council's Term of Office, a replacement Tíkwenem7i'ple7 or Kúkwpí7 shall be elected by way of By-Election.
6. Should an individual be deemed to have permanently vacated the office of Tíkwenem7i'ple7 within six (6) months of the end Simpcw Council's Term of Office, no replacement Tíkwenem7i'ple7 shall be elected by way of By-Election, and the Simpcw Council shall operate with one less Tíkwenem7i'ple7.
7. Should an individual be deemed to have permanently vacated the office of Kúkwpí7 within six (6) months of the end Simpcw Council's Term of Office, a Tíkwenem7i'ple7 shall be selected by

the majority of Simpcw Council and appointed as the acting Kúkwpi7 and no By-Election for either Kukwi7 or TÁkwenem7i'ple7 shall take place.

Temporary Vacancies

8. The office of Kúkwpi7 or TÁkwenem7i'ple7 shall be deemed temporarily vacant when the individual Holding Office as Kúkwpi7 or TÁkwenem7i'ple7:
 - a) has gone on leave for personal or medical reasons;
 - b) has been suspended from Simpcw Council in accordance with Appendix F, Simpcw Council Discipline Policy, of the *Roles and Responsibility Manual*;
 - c) is determined to be disqualified from Holding Office in accordance with Part 7 of this Code, and all Appeal routes have not yet been exhausted in accordance with Part 8 of this Code; or
 - d) has been elected as Kúkwpi7 or TÁkwenem7i'ple7 and the result of that individual being so elected is the subject of an Appeal before the Appeals Board for which no decision has been rendered.

9. Should the office of Kúkwpi7 become temporarily vacant, Simpcw Council shall, by majority vote appoint from the TÁkwenem7i'ple7 an individual to temporarily fill the office of Kúkwpi7 until the earlier of the following events takes place:
 - a) the Kúkwpi7 who temporarily vacated their office returns;
 - b) a new Kúkwpi7 is elected by way of By-Election; or
 - c) a TÁkwenem7i'ple7 is appointed in accordance with section 7, above.

10. In the event a TÁkwenem7i'ple7 is appointed to temporarily fill the office of Kúkwpi7 in accordance with section 9, above, Simpcw Council shall operate with one less TÁkwenem7i'ple7 until such time as the temporary appointment ends.

11. Should the office of TÁkwenem7i'ple7 become temporarily vacant, that position shall be left vacant until the earlier of the following events takes place:
 - a) the TÁkwenem7i'ple7 who temporarily vacated their office returns;
 - b) a new TÁkwenem7i'ple7 is elected by way of By-Election; or
 - c) an Election is held.

PART 22 - BY-ELECTION

By-Election Nomination Meeting

1. The specific date of the By-Election Nomination Meeting and the By-Election shall be determined by a majority vote of Simpcw Council.

2. The By-Election Nomination Meeting for a By-Election to fill any office shall be held no less than thirty (30) days, but no more than forty-five (45) days, after the office of T'Kwenem7i'ple7 is deemed to have been permanently vacated in accordance with Part 21 of this Code.
3. The Electoral Officer shall post a notice of By-Election Nomination Meeting on the Nation's website and shall cause a copy of the notice of By-Election Nomination Meeting to be mailed or emailed to the last known address of each Elector at least fifteen (15) of days before the By-Election Nomination Meeting.
4. For the purposes of determining the contents of the notice of By-Election Nomination Meeting, section 3 of Part 11 of this Code shall be read to apply to By-Elections.
5. For the purposes of determining both the procedures for a By-Election Nomination Meeting and the eligibility requirements for Candidates in a By-Election, sections 4-14 and section 16 of Part 11 of this Code shall be read to apply to By-Elections.
6. In the event of a By-Election to fill a permanent vacancy in the offices of both K'ukwpi7 and T'Kwenem7i'ple7, an individual cannot run for both the office of K'ukwpi7 and the office of T'Kwenem7i'ple7.

By-Election Date and Time

7. The By-Election to fill the office of K'ukwpi7 or T'Kwenem7i'ple7 shall be held on the dates and times as follows:
 - a) at least thirty (30) days, but not more than forty-five (45) days, following the By-Election Nomination Meeting; and
 - b) between the hours of 9:00 am to 8:00 pm.

By-Election Mail-In Voting

8. At least twenty (20) days prior to the date of a By-Election, the Electoral Officer shall ensure a mail-in ballot package has been mailed out to every Elector.
9. For the purposes of determining the contents of the mail-in ballot packages and the procedures for submitting a mail-in ballot for a By-Election, sections 2-9 of Part 14 of this Code shall be read to apply to By-Elections.

By-Election In-Person Voting

10. For the purposes of determining the procedures that are to take place on the day of a By-Election, sections 3-14 of Part 16 of this Code shall be read to apply to By-Elections.

Counting By-Election Ballots

11. For the purposes of determining the procedures that are to take place when counting the ballots in a By-Election, sections 15-29 of Part 16 of this Code shall be read to apply to By-Elections.

Declaration of By-Election Result

12. For the purposes of determining the procedures that are to take place when declaring the result of a By-Election, sections 30-31 of Part 16 of this Code shall be read to apply to By-Elections.

Disposition of By-Election Ballots

13. For the purposes of determining the disposition of By-Election Ballots, Part 18 of this Code shall be read to apply to By-Elections.
14. Procedures for an Election shall apply to a By-Election as needed and as approved by Simpcw Council.

PART 23 - OATH OF OFFICE

1. The elected Kúkwpí7 and Tíkwenem7i'ple7 shall immediately prior to commencing their Term of Office, swear the Oath of Office attached as Schedule J hereto.

PART 24 - ROLES AND RESPONSIBILITIES

1. Kúkwpí7 and Tíkwenem7i'ple7 shall, at all times, fulfill the roles and responsibilities set out in this Code, and any applicable Simpcw laws or policies, including but not limited to, the *Roles and Responsibility Manual*.

PART 25 - UNFORESEEN EVENTS

1. Simpcw Council has the authority to make variations to this Code to respond to unforeseen or emergency circumstances.

PART 26 - AMENDMENT OF SIMPCW CUSTOM ELECTION CODE BY REFERENDUM

1. This Code shall not be amended except when approved by a vote at a referendum of Electors in accordance with *Simpcw Referendum Code*. Notwithstanding this Part, Simpcw Council has the ability to approve amendments by council resolution that are non-substantive in nature and for clarity purposes.

PART 27 - PERIODIC REVIEW

1. Simpcw Council shall review this Code every five (5) years, with the first review taking place in 2029. The purpose of the review is to assess the application of this Code to determine whether

the processes described herein are effective, and to assess whether amendments are necessary. Without limiting the scope of the review, the Simpcw Council shall consider the composition of the Simpcw Council to confirm it meets the needs of the Nation's membership. Nothing in this Part shall be interpreted to prevent the Simpcw Council from proposing amendments to this Code in accordance with Part 26 of this Code at any time.

PART 28 - TIMING

1. All references to "day" or "days" in this Code shall be interpreted to mean "calendar days". If a deadline for taking an action lands on a Holiday, then the deadline shall be moved to the next calendar day that is not a Holiday.

SCHEDULE A
IMPROPER ELECTION PRACTICES

Vote Buying

1. No person shall pay, give, lend or bribe an Elector to vote for or against a particular Candidate.
2. An Elector must not accept inducement:
 - a) to vote or refrain from voting;
 - b) to vote or refrain from voting for or against a particular Candidate; or
 - c) as a reward for having voted or refrained from voting as described in paragraphs (a) or (b).

Intimidation

3. No person shall intimidate an Elector for any of the following purposes:
 - a) to persuade or compel an Elector to vote or refrain from voting;
 - b) to persuade or compel an Elector to vote or refrain from voting for or against a particular Candidate; or
 - c) to punish an Elector for having voted or refrained from voting as described in paragraph (a) or (b).
4. No person shall, by abduction, duress or fraudulent means, do any of the following:
 - a) impede, prevent or otherwise interfere with an Elector's right to vote;
 - b) compel, persuade or otherwise cause an Elector to vote or refrain from voting; or
 - c) compel, persuade or otherwise cause an Elector to vote or refrain from voting for a particular Candidate

Corrupt Voting

5. A person who does any of the following commits an Improper Election Practice:
 - a) votes in an Election when not entitled to do so;
 - b) votes more than once in an Election;
 - c) fails to mark a ballot in accordance with the directions of an Elector to which the person is assisting; or
 - d) obtains a ballot in the name of another Elector, whether the name is of a living or dead individual or of a fictitious individual.

Offences in Relation to Ballots and Other Election Materials

6. A person who does any of the following without authority under this Code commits an Improper Election Practice:
- a) supplies a ballot to an individual or organization;
 - b) prints or reproduces a ballot or a paper that is capable of being used as a ballot;
 - c) takes a ballot out of a place where voting proceedings are being conducted;
 - d) places in a ballot box, anything other than a ballot; or
 - e) destroys, takes, opens or produces an unofficial ballot, mail-in ballot, certification envelope, or ballot box.

SCHEDULE B
RESIDENCY GUIDELINES

Ordinarily Resident On-Reserve for the Purposes of Simpcw Elections

1. An Elector whose primary residence is on one of the Reserves is considered Ordinarily Resident On-Reserve for the purposes of this Code.
2. An Elector who is temporary residing off one of the Reserves for educational or training purposes, or for seasonal or temporary employment and who intends to resume their primary residence on one of the Reserves upon completion.

Ordinarily Resident Off-Reserve for the Purposes of Simpcw Elections

3. An Elector whose primary residence is not on one of the Reserves is considered Ordinarily Resident Off-Reserve, subject to section 2, above.

Primary Residency:

4. A home may be considered your primary residence if:
 - a) You occupy the residence for a minimum of 183 nights in the calendar year;
 - b) the residence is in a location relatively convenient to your principal place of employment;
 - c) the residence is listed as your mailing address for federal income tax reporting, voter registration, and/or occupational licensing;
5. Primary Residency can be verified with a minimum of three of the following:
 - a) Valid BC Drivers' Licence or British Columbia Identification Card;
 - b) Current vehicle registration insurance;
 - c) Copy of Canada Revenue Agency (CRA) income tax return with proof of filing or notice of assessment;
 - d) Proof of home ownership, tenancy agreement/lease, or Certificate of Possession (CP);
 - e) Current financial institution account statement;
 - f) Paycheck stub;
6. All of the documents used to verify a person's primary residence must include a civic address and must be dated not more than six (6) months prior to the date of Nomination Meeting or By-Election Nomination Meeting.

**SCHEDULE C
CANDIDATE INTENTION FORM**

I, _____ (printed name), of _____ (city), in the Province/State of _____, hereby declare my intention to run as candidate for the office of:

- Kúkwpi7
- Tǎ́wenem7i'ple7 (on Reserve)
- Tǎ́wenem7i'ple7 (off Reserve)

in the Election for Kúkwpi7 and Tǎ́wenem7i'ple7 of the Simpcw First Nation set for the year _____.

Date of Birth: _____

Status Card Registry: _____

I enclose the following documentation:

- Criminal Records Check
- Good Financial Standing Approval Form

If I am unable to attend the Nomination Meeting, I agree to accept any nomination I receive for the offices I declared my intention to run for:

- Yes
- No

I agree that if I run as a Candidate for both Kúkwpi7 and Tǎ́wenem7i'ple7, I will accept the office of Tǎ́wenem7i'ple7 if I am not elected as Kúkwpi7.

I hereby authorize the Electoral Officer to adhere to the policies of the Code and ensure that I am a Candidate in Good Financial Standing with Simpcw First Nation.

I hereby authorize the Electoral Officer to investigate and verify my eligibility as established in the Code, to be a Candidate as defined in the Code.

I agree to abide by all terms and conditions of the Code and to recognize the Appeals Board as the final authority on decisions related to the elections.

Date: _____

Signature of Candidate:

Signature of Witness:

[Print name]:

**SCHEDULE D
NOMINATION FORM**

I, _____ (printed name), of _____ (city), in the Province/State of _____, state that:

1. I am unable to attend the Nomination Meeting, scheduled for _____ (date).
2. I am nominating _____ (name of potential Candidate) for the office of:

 Kúkwpi7

 Tíkwenem7i'ple7 (on Reserve)

 Tíkwenem7i'ple7 (off Reserve)

I solemnly declare that:

1. My status number is: _____
2. My date of birth is: _____
3. My current mailing address is: _____
4. I am 18 years of age as of the date of Elections.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is a contravention of the *Simpw Tíkwen7iple7tn Custom Election Code* to make a false statement in this declaration.

Date: _____

Signature of Nominator:

Signature of Witness:

[Print name]:

**SCHEDULE E.1
ELECTOR DECLARATION FORM**

In the matter of the Election of the Simpcw First Nation set for: _____, held according to the Code, I, _____ (printed name), of _____ (city), in the Province/State of _____, solemnly declare that:

1. I am a registered member of Simpcw First Nation.
2. My status number is: _____
3. My date of birth is: _____
4. My current mailing address is: _____
5. I am 18 years of age as of the date of Elections.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is a contravention of the *Simpcw Tk'wem7iple7tn Custom Election Code* to make a false statement in this declaration.

Date: _____

Signature of Elector:

Signature of Witness:

[Print name]:

**SCHEDULE E.2
WITNESS DECLARATION FORM**

In the matter of the Election of the Simpcw First Nation set for: _____, held according to the Code, I, _____ (printed name), of _____ (city), in the Province/State of _____, solemnly declare that:

1. I was personally present and witnessed the Elector Declaration Form be duly signed by _____ (name of Elector).
2. The instrument was executed at _____ (city, province/state).
3. I know _____ (name of Elector) and that he or she is 18 years of age.
4. I am 18 years of age.

Date: _____

Signature of Witness:

**SCHEDULE F.1
ELECTOR DECLARATION FORM OF PERSON ASSISTING
AN ELECTOR**

In the matter of the Election of the Simpcw First Nation set for: _____, held according to the Code, I, _____ (printed name), of _____ (city), in the Province/State of _____, solemnly declare that:

1. I am a registered member of Simpcw First Nation.
2. My status number is: _____
3. My date of birth is: _____
4. My current mailing address is: _____
5. I am 18 years of age as of the date of Election.
6. I have been advised by _____ (print name of Elector) that they require assistance in voting.
7. The Elector has advised me, and I believe the following is true:
 - a. The Elector is a registered member of the Simpcw First Nation.
 - b. The Elector's Status number is: _____
 - c. the Elector's date of birth is: _____
 - d. The Elector's current mailing address is: _____
 - e. The Elector is 18 years of age as at the date of Elections.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is a Contravention of the *Simpcw Tk'wem7iple7tn Custom Election Code* to make a false statement in this declaration.

Date: _____

Signature of per assisting Elector:

Signature of Witness:

[Print name]:

**SCHEDULE F.2
WITNESS DECLARATION FORM FOR PERSON
ASSISTING AN ELECTOR**

In the matter of the Election of the Simpcw First Nation set for: _____, held according to the Code, I, _____ (printed name), of _____ (city), in the Province/State of _____, solemnly declare that:

1. I was personally present and witnessed the Electoral Declaration Form of person Assisting an Elector be duly signed by _____ (name of person assisting the Elector).
2. I witnessed _____ (name of person assisting the Elector) duly signed the instrument in the presence of _____ (name of Elector who required assistance).
3. I know _____ (name of Elector who required assistance) and that he or she is 18 years of age.
4. I know _____ (name of person assisting the Elector) and that he or she is 18 years of age.
5. I am 18 years of age.

Date: _____

Signature of Witness:

SCHEDULE G
REMOVAL OF ELECTORAL OFFICER OR ELECTION WORKER

1. The Electoral Officer or Election Worker may be removed from their office for the following reasons:
 - a) Failing to carry out procedures prescribed in the Code;
 - b) Disregarding the confidentiality of personal information about Candidates;
 - c) Behavior that would bring the credibility of the Simpcw First Nation electoral process into disrepute;
 - d) Falsification of Election results;
 - e) Providing inaccurate information to the Simpcw First Nation Administrator or to Simpcw Council regarding the Electoral Officer's qualifications as an Electoral Officer;
 - f) Breaching the terms of any agreement with the Nation; or
 - g) Failing to uphold the oath sworn by the Electoral Officer in accordance with Part 9 of the Code.

2. The process for removing an Electoral Officer or Election Worker is as follows:
 - a) The Electoral Officer or Election Worker may be disqualified by a majority vote of Simpcw Council;
 - b) In the event that the Electoral Officer is removed by Simpcw Council, a new Electoral Officer must be appointed by a majority vote of Chief and Council within five (5) days;
 - c) In the event that an Election Worker is removed by Simpcw Council, the Electoral Officer shall appoint a new Election Worker forthwith.

3. A decision of Simpcw Council to remove an Electoral Officer or Election Worker is final and not subject to further Appeals.

**SCHEDULE H
GOOD FINANCIAL STANDING FORM**

In accordance with Part 6 of the Code, in order to be nominated for a position on Simpcw Council, a candidate must be in good financial standing with Simpcw First Nation.

This requires confirmation in writing by the Simpcw First Nation finance department.

Name of Candidate: _____

Status Number of Candidate: _____

Address of Candidate: _____

Financial Standing (check **ONE** only)

- Meets the requirements of the *Simpcw Tk'wem7iple7tn Custom Election Code*.
- Does **not** meet the requirements of the *Simpcw Tk'wem7iple7tn Custom Election Code*.

Certified as correct:

Signature: _____

Position (Representative of the Simpcw First Nation Finance Department)

Date: _____

Receipt by Electoral Officer:

Signature of Electoral Officer: _____

Date: _____

Other Interested Persons: _____

Date(s) and time(s) of incident(s): _____

Location of incident(s): _____

Witnesses to incident(s): _____

List of signed witness statements or other documents you are attaching in support of your Appeal:

Document Number	Title of Document

E. What relief are you seeking in this Appeal?

Signature of Appellant:
Date:

OFFICE USE ONLY			
Date Received:		Staff Signature	
		Name	
\$100 Fee:		Title	Executive Assistant
ELECTORAL OFFICER USE ONLY			
Date Received:		Signature	
		Name	
		Title	Electoral Officer
Appeal Hearing Date:			
Appeal Verdict:	<input type="checkbox"/> Deny the Appeal	<input type="checkbox"/> Accept the Appeal & allow the Election to stand	<input type="checkbox"/> Accept the Appeal and disqualify such candidate(s)
POLICY AMENDMENT TRACKING			
Date of Amendment	Description of Amendment		Date of Amendment Approval

SCHEDULE J

OATH OF OFFICE

I, _____, hereby declare that I have been elected as a Kukpi7/ Tk'wenem7i'ple7 (Councillor) of the Simpcw First Nation and do declare that:

1. I am of Secwepemc Blood ancestry;
2. I will faithfully perform the duties of my office with dignity and mutual respect for others and strive to earn the respect of others;
3. I will not allow my business, personal or family affairs to influence my decision making and I will always consider the best interests of the community when making a decision;
4. I will uphold the laws of the Band as approved and or learned from any general meetings of the Band Members and from the Secwepemc Elders;
5. I will strive to preserve and enhance our culture and heritage and strive to maintain a proper place for our Band Members in society;
6. I will be disqualified from completing my term if I am or have been convicted or charged with an indictable offence, including fraud, theft, assault or a felony.
7. I will be disqualified from completing my term if I miss two meeting with no sufficient/acceptable reason. This included regular band council meetings and general band meetings. Acceptable reasons include work, death, scheduled holidays, and health.
8. I will promote unity amongst our Band and other Bands. As an elected Band Council member I will fully support unity within our community and throughout our Secwepemc Nation.

Date

Signature

Print Name

Witness

Print Name