

SQUAMISH INDIAN BAND ELECTION REGULATIONS

Regulations Governing Indian Band Elections

SHORT TITLE

1. These Regulations may be cited as the Band Election Regulations.

INTERPRETATIONS

2. In these Regulations,

"**ELECTORAL OFFICER**" means any person appointed by the General Membership.

"**DEPUTY ELECTORAL OFFICER**" means any person appointed by the Electoral Officer for the purposes of an election.

"**ELECTION**" means a Band election held pursuant to the provisions of these Regulations.

"**ELECTOR**" means a person who;

- (a) is registered on the Band List;
- (b) is of the full age of 18 years, and;
- (c) is not disqualified from voting at Band elections.

3. Definition of "**RESIDENCE**" for the purposes of determining the eligibility of voters.

The following rules apply to the interpretation of the words "**ORDINARILY RESIDENT**" in respect of all matters pertaining to the right of an elector to vote in an election:

- (a) subject to the other provisions of this section, the question as to where a person is or was ordinarily resident at any material time or during any material period shall be determined by reference to all the facts of the case;

3. (b) the place of ordinary residence of a person is generally, that place which has always been, or which he has adopted as, the place of his habitation or home, whereto, when away therefrom, he intends to return and, specifically, where a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is where that person sleeps;

- (c) a person can have one place of ordinary residence only, and he shall retain such place of ordinary residence until another is acquired;

- (d) temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence.

NOMINATION MEETING

4. (1) When an election is to be held, the Electoral Officer shall post a notice, in the form prescribed, of a meeting of the electors for the purpose of nominating candidates for election; such notice shall be posted in one or more conspicuous places in each electoral section at least thirty (30) days prior to the date of the proposed nominations meeting and at least thirty (30) clear days prior to the date set for the election.

4. (2) At the time and place specified in the notice, the Electoral Officer shall declare the meeting open for the purpose of receiving nominations, and any person who is an elector may propose or second

the nomination of any duly qualified person to serve as a Councillor, and the meeting shall remain open for not less than two (2) hours after commencement when, if the number of persons nominated to serve on the Band Council does not exceed the requisite number, the Electoral Officer shall declare the persons so nominated to be duly elected.

- (3) The Electoral Officer shall not close the nomination meeting until such business as he considers may properly be brought before it has been disposed of.
- (4) In the event of more than the required number of persons being nominated for Councillors, the Electoral Officer shall declare that a poll will be held and shall name the time and the place where such poll shall be taken.
- (5) Whenever a poll is to be taken, the Electoral Officer shall, without any unreasonable delay after the nomination, cause to be posted in one or more conspicuous places within the electoral section, a notice to that effect in the form prescribed.

**MANNER IN WHICH VOTING
SHALL BE CARRIED OUT**

- 5. (1) The Electoral Officer shall prepare a Voter's List containing the names in alphabetical order, of all electors.
- (2) The Electoral Officer shall post one or more copies of the Voter's List in the Band Office and another copy to be posted in the Cultural Centre (Squamish, B.C.).

5. (3) Any elector may apply to have the Voter's List revised on the ground that the name of an elector is incorrectly set out therein or the name of a person not qualified to vote is included therein.

(4) If the Electoral Officer is satisfied that a list should be corrected, he shall make the necessary correction therein.

(5) Ballot papers shall be prepared in the prescribed form containing the names of the candidates for Councillors, which names shall be listed on the ballot papers in alphabetical order.

(6) Any candidate who has been nominated may withdraw at any time after his nomination, but not later than forty-eight (48) hours before the time of the opening of the poll, by filing with the Electoral Officer, a written withdrawal of his nomination, signed by himself in the presence of the Electoral Officer, a Justice of the Peace, a Notary Public, or a Commissioner for Taking Oaths, and any votes cast for any such candidate shall be null and void.

(7) The Electoral Officer shall procure or cause to be procured, as many ballot boxes as there are polling places, and shall cause to be prepared a sufficient number of ballot papers for the purpose of the election.

(8) The Electoral Officer shall, before the poll is open, cause to be delivered to his Deputy, the ballot papers, materials for marking the ballot papers, and a sufficient number of directions-of-voting as may be prescribed.

(9) The Electoral Officer or his Deputy shall provide a compartment at each polling place where the electors can mark their ballot papers free from observation, and he may appoint a constable to maintain order at such polling place.

5. (10) The poll shall be kept open from 9 o'clock (standard time) in the forenoon until 6 o'clock (standard time) in the afternoon of

the same day but where it appears to the Electoral Officer that it would be inconvenient to the electors to have the poll close at 6 o'clock, he may order that it be kept open until not later than 8 o'clock (standard time) of the afternoon of the same day.

THE POLL

- (11) A candidate shall be entitled to not more than two (2) agents in a polling place at any one time.
 - (12) Voting at all elections shall be by ballot in the manner set forth in Section 6.
 - (13) The Electoral Officer or his Deputy shall, immediately before the commencement of the poll, open the ballot box and call such persons as may be present to witness that it is empty; he shall then lock and properly seal the box to prevent it being opened without breaking the seal and shall place it in view for the reception of the ballots, and the seal shall not be broken nor the box unlocked during the time appointed for taking the poll.
 - (14) If a member of the Band is in one area where he/she does not reside and wishes to vote from that area, he/she can vote, only if the Scrutineer phones the area the voter is from and a Scrutineer scratches the voter off the Voter's list where the voter is from.
 - (15) At the request of any candidate or his agent or any elector, an oath or affirmation in the form prescribed as to his rights to vote shall be administered to any person tendering his vote at any election.
6. (1) Where a person presents himself for the purpose of voting, the Electoral Officer or his Deputy shall, if satisfied that the name of such person is entered on the Voter's List at the polling place, provide him with a ballot paper on which to register his vote.
- (2) The Electoral Officer or his Deputy shall cause to be placed in the proper column of the Voter's List a mark opposite the name of every voter receiving a ballot paper.
- (3) No person who has refused to take the oath or affirmation referred to in subsection 5(15) when requested to do so, shall receive a ballot paper or be permitted to vote.
- (4) The Electoral Officer or his Deputy may and when requested to do so shall explain the mode of voting to a voter.
- (5) Each person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper by placing a cross opposite the name of the candidate or candidates for whom he desires to vote; he shall then fold the ballot paper so as to conceal the names of the candidates and the marks on the face of the paper.
- (6) While any voter is in the compartment for the purpose of marking his ballot paper, no other person shall, except as provided in sub-section 6(7), be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his ballot paper.
6. (7) The Electoral Officer or his Deputy, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the

manner prescribed by subsection 6(5), shall assist such voter by marking his ballot paper in the manner directed by the voter in the presence of the agents of the candidates in the polling place and no other person and place such ballot in the ballot box.

Electoral Officer or his Deputy, shall in the presence of such of the candidates or their agents as may be present, open the ballot box and;

(a) examine the ballot papers and reject all ballot papers:

(i) that have not been supplied by him;

(ii) by which votes have been given for more candidates than are to be elected, or;

(iii) upon which anything appears by which the voter can be identified but no word, letter or marks written or made or omitted to be written or made by the Electoral Officer or his Deputy on a ballot paper shall void it or warrant its rejection.

(8) The Electoral Officer or his Deputy shall state in the Voter's List in the column for remarks opposite the name of such elector the fact that the ballot paper was marked by him at the request of the voter and the reasons therefor.

(9) A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the Electoral Officer or his Deputy, be entitled to obtain another ballot paper, and the Electoral Officer or his Deputy shall thereupon write the word "**CANCELLED**" upon the spoiled ballot paper and preserve it.

(b) declare a ballot paper containing the names of candidates for more than one office, on which votes are given for more candidates for any office that are to be elected, to be void as regards all the candidates for such office; but such ballot paper shall be good as regard the votes for any other offices in respect of which the voter has not voted for more candidates than are to be elected.

(10) Any person who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the Electoral Officer or his Deputy, in the manner provided, or if, after receiving the ballot paper, refuse to vote, shall forfeit his right to vote at the election, and the Electoral Officer or his Deputy shall make an entry in the Voter's list in the column for remarks opposite the name of such person to show that such person received the ballot paper and declined to vote, and the Electoral Officer or his Deputy shall mark upon the face of the ballot paper the word "**DECLINED**", and all ballot papers so marked, shall be preserved.

(c) subject to review on recount or on an election appeal, take note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide any question arising out of the objection;

(11) An Elector whose name does not appear on the Voter's list may vote at an election if the Electoral Officer or his Deputy is satisfied that such person is qualified to vote.

(d) number such objection and place a corresponding number no the back of the ballot paper with the word "**ALLOWED**" OR "**DISALLOWED**" as the case may be, with his initials.

(e) count the votes given for each candidate from the ballot papers not rejected and make a written statement of the number of votes given to each candidate and the number of ballot papers rejected and not counted by him, which statement shall then be signed by him and such other persons authorized to be present as may desire to sign the statement.

7.

6. (12) Every elector who is inside the polling place at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

7. Immediately after the close of the poll, the

- 8. Immediately after the completion of the counting of the votes, the Electoral Officer shall publicly declare to be elected the candidate or candidates having the highest number of votes, and he shall also post in some conspicuous place a statement signed by him showing the number of votes cast for each candidate.
 - (a) there was corrupt practice in connection with the election;
 - (b) there was a violation of the Act or these Regulations that might have affected the result of the election, or;
 - (c) a person nominated to be a candidate in the election was ineligible to be a candidate;
- 9. Where it appears that one or more candidates have an equal number of votes, the Electoral Officer shall give a casting vote for one or more of such candidates, but the Electoral Officer shall not otherwise be entitled to vote.

- 10. (1) The Electoral Officer shall prepare a statement in duplicate showing the total number of votes cast for each candidate, the number of rejected ballots and the names of the candidates duly declared elected.
 - (2) One copy of such statement shall be forwarded to the Agency office.
 - (3) The statement shall be signed by the Electoral Officer and such of the candidates or their agents as are present and desire to sign it.
- (2) Where an appeal is received by the Council pursuant to subsection 12(1), the Council shall, within seven (7) days of the receipt of the appeal, forward a copy of the appeal together with all supporting documents by registered mail to the Electoral Officer and to each candidate in the electoral section.
- (3) Any candidate may, within fourteen (14) days of the receipt of the copy of the appeal, forward to the Council by registered mail, a written answer to the particulars set out in the appeal together with any supporting documents relating thereto, duly verified by affidavit.

DISPOSITION OF BALLOT PAPERS

11. The Electoral Officer shall deposit all ballot papers in sealed envelopes with the Superintendent, who shall retain them in his possession for eight (8) weeks, in the presence of two (2) witnesses, who shall make a declaration, that they witnessed the destruction of those papers.

- 13. (1) The Band Council may, if the material that has been filed is not adequate for deciding the validity of the election complained of, conduct such further investigation into the matter as it deems necessary, in such manner as it deems expedient.
- (2) Such investigation may be held by the Band Council or any person designated by the Band Council for that purpose.

ELECTION APPEALS

- 12. (1) Within thirty (30) days after an election any candidate, at the election, or any elector who gave or tendered his vote at the election who has reasonable grounds for believing that:
 - (3) Where the Band Council designates a person to hold such an investigation, that person shall submit a detailed report of the investigation to the Band Council for its consideration.

SECURITY OF VOTING

14. Where it appears that;

- (a) there was corrupt practice in connection with an election;
- (b) there was a violation of the Act or these Regulations that might have affected the result of an election, or;
- (c) a person nominated to be candidate in an election, was ineligible to be a candidate,

the Band Council shall report to the Band Membership accordingly.

15. (1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper or obtain or attempt to obtain at the polling place, information as to how a voter is about to vote or has voted.

16. The Band Council may make such orders and issue such instruction as it may deem necessary from time to time for the effective administration of these Regulations.

17. Such forms as are required for the purpose of these Regulations shall be as prescribed by the Band Council.

