

SUMAS FIRST NATION
ELECTIONS HANDBOOK
AND
REFERENCES



SUMAS FIRST NATION
ELECTION REGULATIONS & PROCEDURES

Final Draft: Jan. 22, 1998

SUMAS ELECTION REGULATIONS & PROCEDURES

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE NO.</u>
1.0 DEFINITIONS	1
2.0 GOVERNING BODY	2
3.0 ELIGIBILITY CRITERIA FOR OFFICE	2
4.0 ELIGIBLE ELECTOR	2
5.0 ELECTORAL OFFICERS	3
6.0 APPEAL BOARD	3
7.0 COUNCIL VACANCIES	4
8.0 VOTERS' LIST	4
9.0 NOTICE OF NOMINATION MEETING	5
10.0 NOMINATION MEETING	5
11.0 ELECTION BY ACCLAMATION	6
12.0 NOTICE OF POLL	6
13.0 PREPARING THE POLL STATION	6
14.0 OPENING THE POLL	7
15.0 PROCEDURES FOR VOTING	7
16.0 VOTING INTEGRITY	8
17.0 SPECIAL VOTING PROVISIONS	8
18.0 CLOSING THE POLLS	9
19.0 COUNTING BALLOTS	9
20.0 SPECIAL POLL	10
21.0 DISPOSAL OF ELECTION MATERIALS	10
22.0 COMMENCEMENT OF TERM	10
23.0 APPEAL PROCEDURE	10
24.0 AMENDING PROVISION	11
25.0 EXTRAORDINARY MEETING	12
26.0 LIABILITY	12
27.0 SEVERABILITY	12
28.0 COMING INTO FORCE	12
APPENDIX 1 - MAP	13
APPENDIX 2 - SAMPLE BALLOT	14
APPENDIX 3 - SAMPLE STATEMENT	15
APPENDIX 4 - OATH	16

1.0 DEFINITIONS

For the purpose of the Sumas Election Regulations and Procedures:

- Chief* means the elected leader for the Sumas First Nation.
- Constable/
Sergeant of Arms* means a person employed by the Sumas First Nation to maintain order and peace during an election poll.
- ✧ *Corrupt Practice* means an intentional act to evade the prohibitions of the law and the custom of the Sumas First Nation or an act of an official to procure some benefit for himself/herself or another person contrary to the duty and rights of others.
- Councillor* means the elected members for the Sumas First Nation Council.
- Electors* means all those individuals on the Sumas First Nation List who have reached the age of 18 and reside in the Traditional Sto:lo Territory (see Appendix 1).
- ✧ *Gross Misconduct* means theft or falsification of records, wilful destruction of the Sumas First Nation's property, or endangering the safety of any Sumas First Nation Member through incompetence or negligence.
- Scrutineer* means a person who is appointed by a candidate to observe the election proceedings.

Words importing the singular include the plural and vice versa; and words importing a male person include a female person.

① MP Recom (2004) Add.
SFN Council
SFN Member

2.0 GOVERNING BODY

- 2.1 The Sumas First Nation Council shall consist of a minimum of four (4) members (one Chief and three Councillors).
- 2.2 The number of councillors will change as the number of Sumas First Nation Members changes. More specifically, when the Sumas First Nation membership reaches 400, one more councillor will be added, making a five member council (one Chief and four Councillors). Thereafter, the council will increase by one for every 200 new members.
- 2.3 The quorum for the Sumas First Nation will be a majority of the Sumas First Nation Council.

3.0 ELIGIBILITY CRITERIA FOR OFFICE

- 3.1 To hold the position of Councillor for the Sumas First Nation a person must:
- (a) be a Sumas First Nation Member; and
 - (b) reside in the Traditional Sto:lo Territory; and
 - (c) be at least 18 years of age.
- 3.2 To hold the position of Chief for the Sumas First Nation a person must:
- (a) be a Sumas First Nation Member; and
 - (b) reside within 30 kilometres of the Sumas Reserve; and
 - (c) be at least 18 years of age.

4.0 ELIGIBLE ELECTOR

- 4.1 To be eligible to vote a person must:
- (a) be a Sumas First Nation Member; and
 - (b) reside in the Traditional Sto:lo Territory; and
 - (c) be at least 18 years of age.

5.0 ELECTORAL OFFICERS

- 5.1 The Sumas First Nation Council shall appoint by a Band Council Resolution (BCR) an Electoral Officer and a Deputy Electoral Officer (Electoral Officers) to carry out the election procedure. The Officer's must be appointed at least 60 days prior to the election date.
- 5.2 The Deputy Electoral Officer is authorized to carry out the duties of the Electoral Officer when directed to do so by the Electoral Officer.
- 5.3 The Electoral Officer's chosen shall:
- (a) not be Sumas First Nation Members; and
 - (b) not have a vested interest in the outcome of a Sumas First Nation election; and
 - (c) be qualified and/or trained either by the Department of Indian Affairs or Sto:lo Nation to conduct elections; and
 - * (d) submit written acceptance to the Sumas Council within 30 days of the election date.

6.0 APPEAL BOARD

- 6.1 For the purpose of resolving election appeals the Sumas Council shall appoint three (3) persons to the Appeal Board for a one year term commencing on the election day. These appointments must be made 10 days prior to the election day.
- 6.2 The Appeal Board shall:
- (a) consist of 3 people; and
 - (b) not be Sumas First Nation Members; and
 - (c) reside in the Traditional Sto:lo territory; and
 - (d) not have a vested interest in the outcome of a Sumas First Nation election; and
 - (e) submit written or verbal acceptance to the Sumas First Nation Council prior to the election date.

7.0 COUNCIL VACANCIES

7.1 A Chief or Councillor position automatically becomes vacant when that person who holds office:

- (a) resigns; or
- (b) loses eligibility status as per section 3 of these regulations;
- (c) is convicted of an indictable offence as defined within the Criminal Code of Canada; or
- (d) becomes mentally ill or incapacitated to the point where they cannot perform the required duties, in which case must be reviewed by two (2) doctors according to the Mental Health Act; or
- (e) fails to make the prescribed declaration as outlined in section 22.3; or
- (f) dies.

7.2 A Chief or Councillor may be removed from office if it is determined that the person who holds office:

- MP Memo
(a) found by whom?*
- (a) was found guilty of gross misconduct or corrupt practice in connection with council or Sumas First Nation business; or
 - (b) missed three (3) consecutive Sumas First Nation meetings without good reason.
- Incl. a definition*

Ten days notice must be given to Sumas First Nation members to attend a meeting specifically to discuss the removal of a council member. Removal of a council member must be supported by 75% of the eligible electors in attendance at the meeting.

7.3 Upon the event of a vacancy a bi-election shall be held within 60 days of the date of the vacancy. The bi-election shall be conducted in the same guidelines as defined in these Sumas Election Regulations and Procedures.

8.0 VOTERS' LIST

8.1 The Electoral Officer shall obtain a voters' list from the Sumas First Nation. The list shall be in alphabetical order and contain the full name of all the eligible elector's of the Sumas First Nation. The voters' list will be reviewed during the nomination meeting and any final adjustments to the list will be made at that time.

9.0 NOTICE OF NOMINATION MEETING

9.1 The Electoral Officer will post notice of the nomination meeting 10 days prior to the meeting. The Electoral Officer must post notices in conspicuous places on the Sumas First Nation. The notice must identify the following:

- (a) date of Nomination Meeting; and
- (b) time and duration of the Nomination Meeting; and
- (c) place of the Nomination Meeting; and
- (d) Sumas First Nation Voters' List.

10.0 NOMINATION MEETING

10.1 After declaring the nomination meeting open the Electoral Officer will only accept nominations for the next two (2) hours.

During the nomination meeting the Electoral Officer shall:

- (a) verify the voters' list with the membership in attendance;
- (b) inform electors that there will be no adjustments to the voters' list in the 48 hour period prior to the opening of the polls;
- (c) read over the rules in the event of a tie;
- (d) announce the members of the appeal board.

10.2 Candidates may only be nominated by an eligible elector of the Sumas First Nation.

10.3 Nominated candidates must be present to accept the nomination. In the event the nominated candidate cannot be present at the meeting the mover or seconder must present a letter of acceptance on their behalf. Candidate nominations must be seconded by another eligible elector of the Sumas First Nation.

10.4 The Electoral Officer shall canvass the nominees for their acceptance during the nomination meeting.

10.5 Candidates may decline their nomination during the meeting.

10.6 Any candidate wishing to withdraw after the nomination meeting must submit a signed letter to the Electoral Officer a minimum of 48 hours prior to the opening of the polls.

10.7 A person may run for both the Chief and Councillor position. If a person wins in both positions he must immediately decide the position he wishes to hold (preferably on the same day as the election poll). The vacancy will be filled by the remaining candidates, the candidate with the next highest number of votes will be declared into office. In the event there are no other candidates a bi-election will be held.

11.0 ELECTION BY ACCLAMATION

11.1 After the nomination meeting is closed, and the number of persons nominated for the position of Chief and or Councillors is less than or equal to the number of seats available then, the Electoral Officer shall declare those persons elected. In the event that vacancies remain in council after the nomination meeting, the Electoral Officer shall arrange another nomination meeting to fill the vacant positions.

12.0 NOTICE OF POLL

12.1 The Electoral Officer shall declare an election poll be held if the number of nominations exceeds the number of seats available for either the Chief or the Councillor's positions.

12.2 The Electoral Officer will announce the dates, time and places of where the polls will be held.

12.3 The poll will take place no sooner than 10 clear days after the nomination meeting. The poll must be conducted prior to the completion of the previous Council's term.

13.0 PREPARING THE POLL STATION

13.1 All polls will be conducted by secret ballot.

13.2 The Electoral Officer is responsible for preparing the ballots. There will be two separate ballots one for the position of Chief and the other for the positions of the Councillors. The Electoral Officer shall ensure that there are sufficient ballots available in case of spoilage. The ballots shall be prepared as shown in the sample in Appendix 2.

- 13.3 Election statements shall be prepared by the Electoral Officer prior to the election. The statement shall be prepared in the format of the sample shown in Appendix 3.
- 13.4 The Electoral Officer must provide a ballot box. The ballot box must be capable of being locked and sealed. Pencils and instructions for marking the ballots must be provided in each voting booth.
- 13.5 The Electoral Officer shall place polling booths in areas which are easily accessible and where the electors can mark their ballots in secrecy without interference.
- 13.6 The Electoral Officer may appoint a constable or sergeant of arms to maintain order at the polling place.

14.0 OPENING THE POLL

- 14.1 Prior to the opening of the poll the Electoral Officer shall ensure that the ballot box is examined by witnesses to ensure that the box is empty.
- 14.2 The box will then be locked, sealed and signed by the witnesses for the duration of the poll.
- 14.3 The polling stations will be set up on the Sumas Reserve preferably at the Sumas First Nation Office.
- 14.4 The polling station will be open from 9:00 a.m. to 7:00 p.m.

15.0 PROCEDURES FOR VOTING

- (a) The Electoral Officer will verify a persons eligibility according to the voters' list.
- (b) The Electoral Officer may request photo identification if unsure of a person's identity.
- (c) Upon being satisfied of a person's eligibility to vote, the Electoral Officer shall issue an initialled ballot to the eligible elector.
- (d) The Electoral Officer shall strike the name of the elector from the voter's list upon casting their ballot.
- (e) Persons not on the voter's list will not be entitled to vote.

- 15.1 The Electoral Officer shall issue the ballot to the elector in a manner that will enable secrecy. Upon issuance of the ballot to the elector the Electoral Officer will give instructions for marking the ballot. The Electoral Officer shall issue the ballots in a manner that will protect confidentiality.
- 15.2 An elector that wishes to exchange their ballot they may do so, the Electoral Officer keeps the spoiled ballot and issues a new ballot. The Electoral Officer must write the word "cancelled" on the spoiled balled and deposit it into the ballot box.
- 15.3 When a voter who received a ballot refuses to vote, or who leaves the polling place without returning his ballot, they will have been deemed to have forfeited their right to vote. When this occurs the Electoral Officer must mark the word "declined" on the voter's list beside that person's name. If the ballot is returned the Electoral Officer must mark it "declined" and deposit it into the ballot box.
- 15.4 After marking their ballot, the elector shall return the folded ballot to the Electoral Officer. The Electoral Officer shall then verify that it is the same ballot issued to the voter and then shall deposit the folded ballot into the ballot box.

16.0 VOTING INTEGRITY

- 16.1 No person shall be allowed to interfere or attempt to interfere with a voter marking his or her ballot.
- 16.2 No person shall be permitted to obtain or attempt to obtain in the polling place any information as to how a person voted.
- 16.3 The electoral officer shall keep the polling station clear of people loitering; only those people appointed as scrutineers may be present to observe the election procedure. The scrutineers are subject to all provisions outlined in section 16.

17.0 SPECIAL VOTING PROVISIONS

- 17.1 If it is determined that an eligible elector is home ridden and unable to attend the polling station the Electoral Officer, upon request, may retrieve a vote from this elector providing he is within the boundaries of the Sumas Reserve.
- 17.2 The Electoral Officers may assist an elector who is unable to mark his ballot as a result of a physical disability or if the elector cannot read.

18.0 CLOSING THE POLLS

18.1 At precisely 7:00 p.m. the polling place shall be promptly closed. Any elector that is inside of the polling station at closing time and who has not voted, may do so.

19.0 COUNTING BALLOTS

19.1 At the close of the polling station, the Electoral Officer shall commence the ballot counting procedure. The Electoral Officer shall appoint witnesses to be present during the ballot count.

19.2 The Electoral Officer shall open the ballot box and examine each ballot and reject those ballots that:

- (a) have not been provided by the Electoral Officer or their Deputy; or
- (b) have been marked with "cancelled" or "declined"; or
- (c) select more than the maximum number of candidates that are required; or
- (d) identifies the elector; or
- (e) are ambiguous so that the intention of the voter cannot be determined by the Electoral Officer.

19.3 Ballots that select less than the number of candidates required will be accepted.

19.4 The Electoral Officer shall count the ballots and document the results on the Election Statement (Appendix 3). Appointed witnesses or candidates present shall sign the Election Statement with the Electoral Officer.

19.5 The candidates with the most votes shall be declared elected.

19.6 The Electoral Officer shall immediately declare the results of the poll and announce the newly elected positions. If after the ballot count there is a tie, the Electoral Officer shall announce the need for a Special Poll. (See section 20.0 "Special Poll")

19.7 The Electoral Officer shall prepare three (3) copies of the Election Statements, and submit one to the Department of Indian & Northern Affairs, two for the Sumas First Nation office.

20.0 SPECIAL POLL

A special poll shall take place one week from the date of the original poll. The Electoral Officer will announce the date, place and time. The duration of this Special Poll will be from 9:00 a.m. until 7:00 p.m. The Electoral Officer shall carry out this Special Poll in accordance to sections 12 through to section 22 of the Sumas Election Regulations. The voters' list will not change. The ballot will contain only the names of those candidates that were tied with the highest number of votes.

- 20.1 In the event of a tie in the Special Poll, the Electoral Officer will break the tie. The Electoral Officer will cast a ballot for each candidate and will have their Deputy Electoral Officer draw from the ballots casted. The name drawn by the Deputy Electoral Officer will be declared into office.

21.0 DISPOSAL OF ELECTION MATERIALS

- 21.1 The Electoral Officer shall retain all of the ballots and relative documents in a secure location for 60 days. After the expiry of 60 days the Electoral Officer may dispose of the election documents.
- 21.2 In the event of an appeal the ballots shall be kept in a secured place until a decision has been rendered by the Appeal Board.

22.0 COMMENCEMENT OF TERM

- 22.1 The term of office for the Chief and Councillor's will be three (3) years.
- 22.2 The term of offices commences May 1 every third year, and the term of the old Council shall end at 12:59 pm on April 30 of that year.
- 22.3 Elected candidates must take an oath at the swearing in ceremony (see Appendix 4). Swearing in of Chief and Councillors shall take place not later than 5 days after the election poll.

23.0 APPEAL PROCEDURE

- 23.1 Within 30 days after an election an eligible elector may appeal the results if it is believed that:
- (a) there was corrupt practice in connection with the election, or

- (b) there was a violation of the Election Procedures of the Sumas First Nation that might have affected the outcome of the election, or
 - (c) a person nominated to be a candidate in the election was ineligible to be a candidate.
- 23.2 All appeals shall be in writing and forwarded to the Appeal Board. The appeal document must contain all particulars and information supporting the appeal. It is the exclusive responsibility of the appellant to provide the relevant evidence.
- 23.3 The Appeal Board shall, within seven (7) days of the receipt of an appeal, forward a copy, together with all supporting documents to:
- (a) the Electoral Officer,
 - (b) each candidate in the election,
 - (c) the Sumas First Nation Council.
- 23.4 Candidates and the Electoral Officers, may within fourteen (14) days of receipt of the appeal forward to the Appeal Board a written response, together with any supporting documents.
- 23.5 The Appeal Board shall take such steps as are necessary to secure all pertinent facts relating to the appeal, including affidavits.
- 23.6 Within 30 days of receipt of an appeal the Appeal Board shall, render a decision on the validity of the appeal. The Appeal Board shall report the decision and or recommendations to the Electoral Officer, candidates and the Sumas First Nation Council. The decision of the Appeal Board is final.
- 23.7 Any recommendations of the Appeal Board which may involve another election shall respect the provisions of this code.
- 23.8 Any costs incurred by resolving an election appeal by the Appeal Board shall be reimbursed by the Sumas First Nation.
- 24.0 AMENDING PROVISION
- 24.1 Amendment proposals shall be in writing and delivered to the Sumas First Nation Council and/or Manager, and must be accompanied by a petition showing support from at least 30% of the eligible electorate of the Sumas First Nation.
- 24.2 The Sumas First Nation Council and/or Manager shall commence amending procedures within 30 days of receiving the written proposal.

24.3 The Sumas Election Regulations may be amended after

- (a) notice is given to the Sumas First Nation members that an amendment has been proposed, and
- (b) consultation with the Sumas First Nation members specifically to discuss the amendment proposal has occurred, no later than 14 days after the notice, and
- (c) support from at least 75% of the eligible electors that participated in a referendum held specifically for that purpose. A referendum shall be held within 30 days of the consultation meeting.

24.4 No amendments will take place 60 days prior to a Sumas election.

25.0 EXTRAORDINARY MEETING

25.1 In the event that an issue arises that is not addressed by these election regulations, the Sumas First Nation Council may, with 10 days notice, call an extraordinary meeting of the Sumas First Nation membership. A minimum 75% support of those eligible electors in attendance at the extraordinary meeting is required to resolve any problems created by this specific issue.

26.0 LIABILITY

26.1 The Sumas First Nation or its members shall not be liable for any claims, losses or damages resulting from the deletion or addition of an individual's name to the Sumas Voters' List.

27.0 SEVERABILITY

27.1 If any part of these rules is declared to be invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the validity or enforceability of any other part of these election regulations.

28.0 COMING INTO FORCE

28.1 These rules shall come into force on the ____ day of _____, 19__, upon ratification by a simple majority of those Sumas First Nation members who have reached the age of 18 and are residents on the Sumas Reserve.

APPENDIX 1

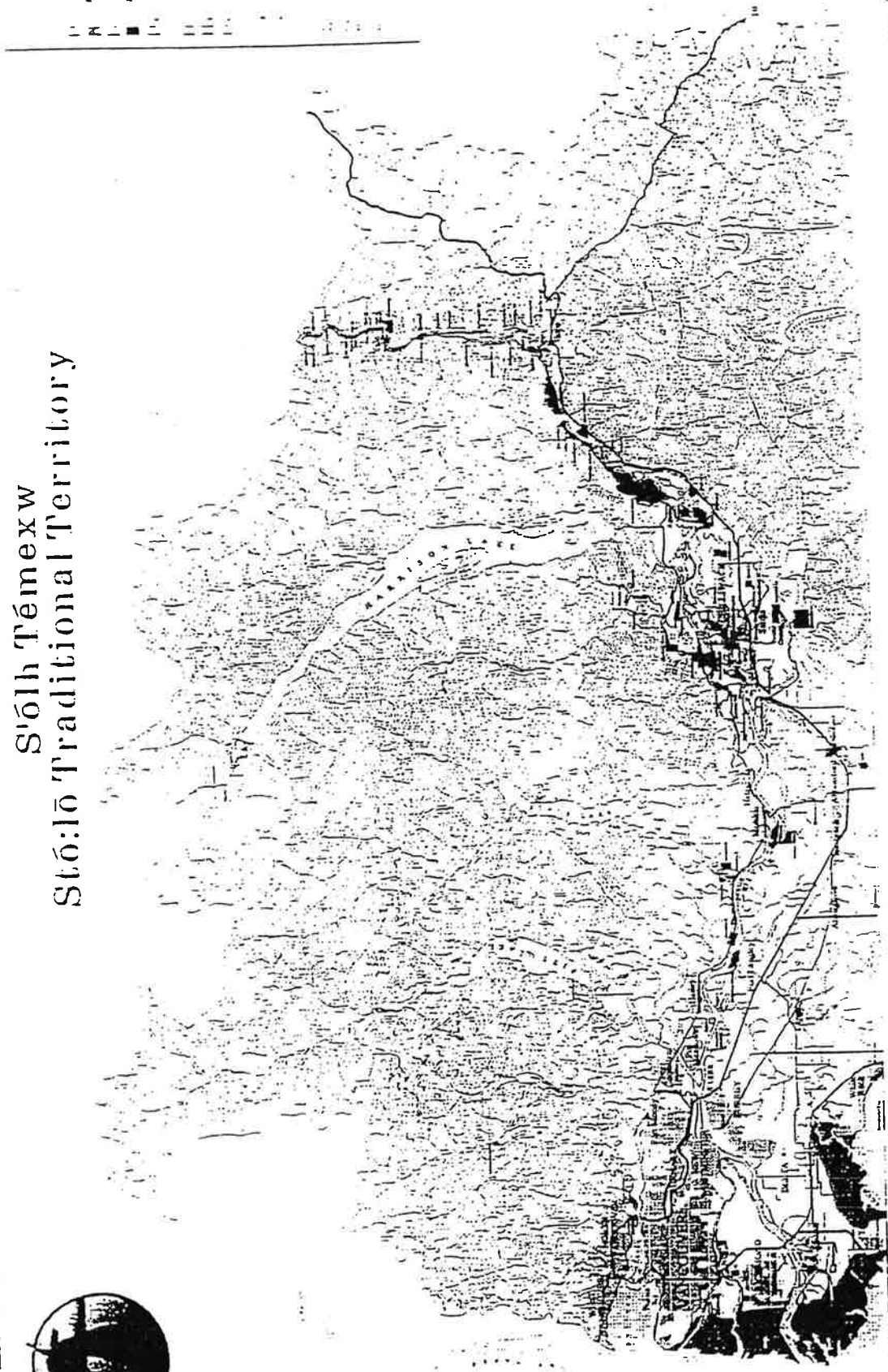
TRADITIONAL STO:LO TERRITORY

(For the purpose of the Sumas Election Regulations & Procedures only.)

3.0 MP Recom.
and Bullett

Map is un-
defined
Need
Clarity.

S'ólh Témexw
Stó:lō Traditional Territory



APPENDIX 2

SAMPLE BALLOTS

<p>BALLOT FOR CHIEF</p> <p>Election Poll held for the Sumas First Nation held on _____, 19__ at the _____ 10:00 a.m. to 7:00 p.m.</p>
<p>Mark ballot by placing an "X" in the box opposite the name of candidate for whom you choose to vote. There is only one (1) Chief to be elected.</p>
<p>Please mark only one (1) box.</p>
<p><input type="checkbox"/> Name of Candidate</p> <p><input type="checkbox"/> Name of Candidate</p>

<p>BALLOT FOR COUNCILLOR</p> <p>Election Poll held for the Sumas First Nation held on _____, 19__ at the _____ 10:00 a.m. to 7:00 p.m.</p>
<p>Mark ballot by placing an "X" in the box opposite the name of candidate for whom you choose to vote. There are _____ Councillors to be elected.</p>
<p>Please mark only _____ boxes.</p>
<p><input type="checkbox"/> Name of Candidate</p> <p><input type="checkbox"/> Name of Candidate</p> <p><input type="checkbox"/> Name of Candidate</p> <p><input type="checkbox"/> Name of Candidate</p>

APPENDIX 3

SAMPLE STATEMENT

SUMAS ELECTION STATEMENT

DATE: _____

Number of eligible electors: _____

Number of electors who voted: _____

Number of ballots prepared: _____

Number of spoiled ballots: _____

Number of rejected ballots: _____

Number of ballots leftover: _____

Ballots cast in favour of:

For Chief:

For Councillors:

Name of Candidate _____

Name of Candidate _____

Name of Candidate _____

Name of Candidate _____

Term of office is effective _____ to _____.

Verified correct by:

Electoral Officer

Witness/Candidate

Witness/Candidate

APPENDIX 4

OATH FOR CHIEF & COUNCILLORS

A person who has been elected Chief or Councillor shall, before officially taking office, make the following declaration before the Chief's Representative of Sto:lo Nation a Notary Public or a duly appointed Commissioner for Taking of Oaths and file with the Sumas First Nation Manager. Below is a sample of the oath for both the Chief and Councillors of the Sumas First Nation.

SUMAS FIRST NATION

Oath for Chief/Councillor

I, (name of candidate), elected Chief/Councillor of the Sumas First Nation, do declare as follows:

1. I am a member of the Sumas First Nation and as such am ready and willing to serve on the Council as Chief/Councillor for the Sumas First Nation.
2. To the best of my knowledge I am qualified to serve as Chief/Councillor of the Sumas First Nation pursuant to the Sumas Election Regulations and Procedures.
3. That I will faithfully perform the duties of my office and will not allow my private interest to influence my conduct in public matters.
4. That I will protect the laws of our First Nation, in order to preserve our culture and heritage; to faithfully discharge my duties in a fair and equitable manner and to involve all willing Sumas Members to participate in a common effort to improve our lives.
5. That I will co-operate with every First Nation throughout British Columbia and Canada for the following goals and objectives: a just settlement of land claims, to overcome racism and discrimination against all people, to achieve for our people our right to self determination and self reliance and a level of economic opportunity, education, health and housing equal to that of other members of Canadian society; and I will extend the hand of friendship and co-operation to all like-minded Canadians in pursuit of these goals.
6. That I have not, directly or indirectly committed any bribery, corruption or intimidation during my election campaign.

Chief/Councillor Signature

at _____ this ____ day of _____, 19__.

Chief's Representative Sto:lo Nation,
Commissioner of Oaths or Notary Public

OATH FOR SFN CHIEF AND COUNCIL

I, _____, Chief/Councillor elected Councillor of the Sumas First Nation (SFN), do declare as follows:

1. I am a member of the SFN and as such am ready and willing to serve on the Council as Chief/Councillor for the SFN.
2. To the best of my knowledge I am qualified to serve as Chief/Councillor of the SFN pursuant to the Sumas Election Regulations and Procedures.
3. That I will faithfully perform the duties of my office and will not allow my private interest to influence my conduct in public matters.
4. That I will protect the laws of our First Nation, in order to preserve our culture and heritage; to faithfully discharge my duties in a fair and equitable manner and to involve all willing Sumas Members to participate in a common effort to improve our lives.
5. That I will co-operate with every First Nation throughout British Columbia and Canada for the following goals and objectives: a just settlement of land claims, to overcome racism and discrimination against all people, to achieve for our people our right to self determination and self reliance and a level of economic opportunity, education, health and housing equal to that of other members of Canadian society; and I will extend the hand of friendship and co-operation to all like-minded Canadians in pursuit of these goals.
6. That I have not, directly or indirectly committed any bribery, corruption or intimidation during my election campaign.

(Signature of Chief/Councillor)

at _____ this ___ day of _____, 19__.

Commissioner for taking Oaths or Chief's Representative of Stó:lō Nation

