**SECHELT NATION PROPOSED 2018 CONSTITUTION COMPANION DOCUMENT**

The purpose of the Companion Document is to explain in general terms what the PROPOSED changes to the new shíshálh Constitution mean. This information will assist the membership to understand what changes have been made in the updated Constitution, section-by-section, leading up to a referendum to approve any proposed changes.

**ELECTIONS**

9.1 Election of Council

Based on community engagements, the Constitution will continue to have one Chief and four Council members.

9.2 Term of Office

The Constitution will continue to have the term of office for 3 years.

9.3 Eligibility of Voters

There is no longer a requirement for a member to live here in order to vote. You have to be a shíshálh member and be 18 years of age is the only requirement.

9.4 Eligibility of Candidates

There is no longer a requirement for residency to run for Chief or Council. However, the criteria change is: no arrears owing to the Nation, not convicted of an indictable offense in the last 10 years, and to complete a nomination form outlining why a person wants to run for council and what experience they have.

9.5 Appointment of Electoral Officer, Deputy Electoral Officer and Arbitrator

An Electoral Officer can no longer be a shíshálh member, or an employee of the Nation. This could result in a firm hired to conduct the election at a cost of up to $15,000 per election. The Deputy Electoral Officer can be a shíshálh member. This section also provides for hiring of an Arbitrator in advance to hear any appeals.

9.6 Contact Addresses

There is now mail-in ballots allowed for people who live off the Sunshine Coast or, those who live here, but are physically disabled. It is the responsibility of the member to request a mail in ballot and provide a proper address.

9.7 Voters List

The Membership Clerk is responsible for providing an up-to-date membership list for members over the age of 18 for the Electoral Officer.

Once the list is posted in just the main administration building and on the Nation website, there is a process for disputing people’s names on the list, or adding a voter if eligible.

9.8 Notice of nomination meeting and Entitlement to Vote by Mail-in Ballot

Notice is posted for the date and time and location of the nomination meeting, which will take place 60 days before the Election date. This allows time for people to request a Mail-in Ballot 40 days before an Election.

This section also describes the process of how to vote with a mail-in ballot.

9.9 Nomination Process

The nomination meeting will be held at least 45 days before the Election date.

The new version restricts the number of people a member or voter can nominate to two (2) council and two (2) chief candidates.

Further, a candidate must now complete a nomination form stating that they are eligible to run for office based on the Eligibility of Candidates criteria of the updated constitution.

9.10 Notice of Final List of Candidates

Describes when the Electoral Officer must post the list of Candidates for office

9.11 Notice of Polls

Describes when the Electoral Officer must post the Notice of Advance Poll and Election Poll.

9.12 Preparation of Ballots

Describes how the Electoral Officer will prepare the ballots.

9.13 Voting by Mail-in Ballot

This is a new section that explains how a person is to vote and return the mail-in ballot back to the Electoral Officer and that you need to have someone witness you vote.

9.14 Voting at a Polling Station

There will continue to be an advance poll with the same hours as before.

Each Candidate is allowed two (2) Scrutineers but they have to have a letter of authorization from the Candidate to stay at the polling site.

Voters will have to show identification to the Electoral Officer.

There will be security on call for any disruptions.

This section describes in detail how to vote.

9.15 Procedures for the Close of Polls

We now have a procedure to open the mail-in ballots, with an automatic recount for a difference of five (5) votes between any candidates.

Describes in detail how the Electoral Officer will open mail-in ballots and regular ballots and conduct the counting.

9.16 Ties

Where a tie is determined, this section sets out the rules for holding another Election to break the tie.

*(Not sure why an Arbitrator would hear an appeal about a tie, would not the Electoral Officer determine that through a re-count and declare a tie? Should remove 9.16 (a))*

9.17 Disposal of Ballots

States how the Electoral Officer is to destroy the ballots after 120 days, or after an appeal is completed.

**(Consider adding in a proper procedure for the safe storage of the Ballot Box between the advance poll and the day of elections? The current Constitution has only this section below:)**

Security of Ballot Box. When voting starts the Electoral Officer will call people to witness that the box is empty. The ballot box is then locked and sealed. The seal is not supposed to be broken until it is time to count the votes.

9.19 Oath of Office and Criminal Record Search (note numbering change re: adding in section for ballot box)

Once the Election is completed the elected Chief and Council members must sign an Oath of Office and submit their Criminal Record check. The criminal record check must be applied for within 10 days of the election.

9.20 Election Appeals

Election appeals will be heard by an independent arbitrator up to 30 days after an election. Any member registering an appeal must provide evidence and submit an affidavit along with a filing fee of $75, and if accepted a further $500 appeal cost.

Election appeals will be heard based on that a person was not eligible to be a candidate; or was not properly nominated; or that there was conduct of the election that was not according to the Constitution rules; or that there was evidence of corrupt or fraudulent practice.

9.21 Procedure on Election Appeals, Petitions for Removal from Office and Appeals from Declaration of Vacancy

This section deals with three types of appeals.

The first is an Election appeal as described in the previous section.

The second is an appeal where a Chief or Council position has been declared vacant described in the Vacancies section as a result of illness, or other incapacity, missed three Council meetings within a year or is convicted of an indictable offense. This will cost the individual appealing $500.

The third appeal is where a petition has called for the removal of a Chief, Council member or all members and will cost the petitioners $2,000.

Each of these types of appeals will be heard by an independent arbitrator. The Arbitrator may make a decision based on evidence, or they may schedule a hearing complete with witnesses.

The Arbitrator may confirm the position of the Chief or Council member or may declare a vacancy, or removal from office. The Arbitrator is responsible for making public the results of the decision.

Any further appeal would require court action.

9.22 By-Elections

By-Elections will only be held when there is more than 6 months remaining in the term of office until the next regular Election.

9.23 General

This section describes two situations.

The first is where an employee becomes elected to Council, they must take a leave of absence from their position for the first term. After the first term, the employee position would be vacant.

The second is where a Chief or Council is removed from office that they are now personally liable for costs related to their honorarium, costs for a by-election and is disqualified from running for office for 10 years.

9.24 Removal of Chief or Councilor

This section describes how a Chief or Council member can be disqualified from office, after an election, or during their term of office. It lists reasons beyond the issues set out in “Procedure on Election Appeals, Petitions for Removal from Office and Appeals from Declaration of Vacancy” to include: unauthorized financial approvals; debt owed to any of the Nation’s entities.

Further, it enables a quorum of Council to pass a unanimous resolution that after due consideration find that the Chief or Council member has breached their Oath of Office. The Council may suspend or remove from office a fellow Chief or Council member.

That Chief or Council member could not run in any by-election for that vacancy.

9.25 Vacancies

This section describes how a Chief or Council position may become vacant.