



shíshálh Nation

Election and Referendum Law

April 15, 2019

TABLE OF CONTENTS

1.	Definitions.....	3
2.	Title.....	6
3.	Repeal of Recall Law.....	6
4.	Interpretation	6
5.	Purpose and Effect.....	6
6.	Term of Office and Election Date.....	7
7.	Appointment of Electoral Officer, Deputy Electoral Officers and Arbitrator.....	7
8.	Voter Contact Information.....	9
9.	Voters' List.....	9
10.	Preparation of Ballots	11
11.	Notice of Election, Referendum or By-Election.....	11
12.	Nomination Process for Elections.....	14
13.	All-Candidates Meeting	17
14.	Notice of Polls.....	17
15.	Voting by Mail-in Ballot	18
16.	Voting by Electronic Ballot.....	19
17.	Voting at a Polling Station	19
18.	Procedures after the Close of the Polls	23
19.	Recounts and Ties.....	25
20.	Candidate Requirements after the Close of Polls.....	26
21.	Disposal of Ballots.....	27
22.	Appeals	27
23.	Removal from Office by Council Resolution and Council Vacancies.....	29
24.	Council Removal by Referendum.....	30
25.	By-Elections.....	32
26.	Delivery	32
27.	Amendment.....	32
28.	Computation of Time	32

1. Definitions

“**Act**” means the *Sechelt Indian Band Self-Government Act*, SC 1986, c 27, as may be amended or replaced from time to time;

“**Administration Building**” means the main administration building for the shíshálh Nation government;

“**Advance Poll**” means a poll for the casting of ballots by Voters voting before an Election, Referendum or By-Election;

“**All-Candidates Meeting**” means the meeting held pursuant to section 13 of this Law for the purpose of the candidates presenting their platforms to Members;

“**Application for Remote Ballot**” means the form approved by Council resolution as the Application for Remote Ballot for the purposes of this Law;

“**Arbitrator**” means an independent third party with experience acting as an arbitrator and appointed under this Law to hear appeals in relation to an Election, By-Election, Referendum or Council removal;

“**Arbitrator Oath of Office**” means the form approved by Council resolution as the Arbitrator Oath of Office for the purposes of this Law;

“**Business Day**” means a day, other than a Saturday or a Sunday, shíshálh Nation Self-Government Day, December 24th to and including January 1st, or a statutory holiday in the province of British Columbia;

“**By-Election**” means a by-election held in accordance with this Law;

“**Candidate Package**” means a package containing:

- (a) an updated resume;
- (b) a list of relevant experience and training; and
- (c) a statement, not exceeding 500 words, setting out the candidate’s reasons for running for Council;

“**Chief**” means the candidate elected to Council as Chief pursuant to the Constitution and this Law;

“**Chief Administrative Officer**” means the person appointed by Council to be the Chief Administrative Officer for shíshálh Nation;

“**Constitution**” means the shíshálh Nation Constitution;

“Corrupt or Fraudulent Practice” means, in connection with an Election, Referendum or By-Election, the giving or taking of a bribe, intimidating a Voter, candidate or Election, Referendum or By-Election official, or engaging in any other conduct that is defined as a corrupt or fraudulent practice under a shíshálh Nation Law;

“Council” means the collective of the shíshálh Nation Chief and Council members elected pursuant to the Constitution and this Law;

“Council Oath of Office” means the form approved by Council resolution as the Council Oath of Office for the purposes of this Law;

“Councillor” means a candidate elected to Council as a Councillor pursuant to the Constitution and this Law;

“Criminal Record Check” means a name-based criminal record check carried out by the Royal Canadian Mounted Police;

“Deputy Electoral Officer” means a person appointed under this Law to work under the direction of the Electoral Officer;

“Election” means the process by which the Voters elect Council;

“Electoral Oath of Office” means the form approved by Council resolution as the Electoral Oath of Office for the purposes of this Law;

“Electoral Officer” means a person appointed under this Law to conduct an Election, Referendum or By-Election;

“Indictable Offence” means offences that are strictly indictable in the *Criminal Code*, RSC 1985, c C-46, as may be amended or replaced from time to time, and hybrid offences under the *Criminal Code of Canada* where Crown counsel has elected to proceed by indictment;

“Law” means this shíshálh Nation Election and Referendum Law;

“Majority” means at least 50% plus 1;

“Members” means all persons who are eligible for membership in the shíshálh Nation and who are registered on the shíshálh Nation Membership List maintained by shíshálh Nation pursuant to the Constitution;

“Membership Administrator” means the person appointed by the Chief Administrator Officer to be the Membership Administrator for shíshálh Nation;

“Membership List” means the list of Members maintained pursuant to the Constitution;

“Membership Number” means the unique number assigned to each Member by shíshálh Nation;

“Nomination Declaration” means the form approved by Council resolution as the Nomination Declaration for the purposes of this Law;

“Nomination Meeting” means the meeting held pursuant to section 12 of this Law for the purpose of nominating candidates for an Election or By-Election;

“Notice of Acceptance of Nomination” means the form approved by Council resolution as the Notice of Acceptance of Nomination for the purposes of this Law;

“Ordinarily Resident” means the place where, in the settled routine of a person’s life, that person regularly, normally or customarily lives;

“Polling Station” means the polling station(s) designated by the Electoral Officer for an Election, Referendum or By-Election;

“Referendum” means a referendum held pursuant to the Constitution and this Law;

“Scrutineer” means a person appointed in writing by a candidate to observe voting and counting procedures for an Election in accordance with this Law;

“Scrutineer Oath” means the form approved by Council resolution as the Scrutineer Oath for the purposes of this Law;

“Sechelt Lands” means:

- (a) lands transferred to shíshálh Nation under section 23 of the Act;
and
- (b) lands that are declared by the Governor in Council and the Lieutenant Governor in Council of British Columbia to be Sechelt lands for the purposes of the Act;

“shíshálh Entity” means a corporation, trust, partnership, society or other legal entity which is controlled or wholly owned by the shíshálh Nation;

“shíshálh Nation” means the Sechelt Indian Band recognized under section 5(1) of the Act;

“shíshálh Nation Laws” means the duly passed laws and policies of the shíshálh Nation;

“shíshálh Nation Self-Government Day” means October 9th of each year or, if that date falls on a weekend or another statutory holiday, the Friday preceding or Monday following October 9th, as determined by Council;

“Summary Offence” means offences that are strictly summary offences in the *Criminal Code of Canada* or in other legislation, and hybrid offences in the *Criminal Code*, RSC

1985, c C-46, as may be amended or replaced from time to time, or other legislation where Crown counsel has elected to proceed summarily;

“**Voters**” means those persons who are on the Membership List and are at least 18 years of age on the date of an Election, Referendum or By-Election;

“**Voter Declaration Form**” means the form approved by Council resolution as the Voter Declaration Form for the purposes of this Law; and

“**Voters’ List**” means an alphabetical list of Voters that includes the name, business address, e-mail address, business telephone and facsimile number of the Electoral Officer and the location of the polling station(s).

2. Title

- (1) This Law will be cited as the “shíshálh Nation Election and Referendum Law”.

3. Repeal of Recall Law

- (1) The Sechelt Indian Band Council Recall Law No. August 10, 2007 is hereby repealed and replaced by this Law.

4. Interpretation

- (1) Wherever the singular, masculine or the term "person" is used in this Law, it will be deemed to include the plural, feminine, body corporate, or other entity where the context so requires.
- (2) The headings and sub-headings within this Law are for convenience only, do not form a substantive part of this Law and are not to be used to define, limit, alter or enlarge the scope or meaning of any other provision of this Law.
- (3) When used in this Law, the word “day” or “days” mean calendar days unless the term “Business Day” is used.
- (4) Unless otherwise stated in this Law, if the time for doing something in this Law lands on a Saturday or a Sunday, shíshálh Nation Self-Government Day, December 24th to and including January 1st, or a statutory holiday in the province of British Columbia, the time for doing that thing will extend to the next Business Day.

5. Purpose and Effect

- (1) The Constitution and this Law govern all Elections, Referendums and By-Elections of the shíshálh Nation.

- (2) Where a conflict exists between this Law and the Constitution, to the extent of any conflict, the Constitution will prevail.

6. Term of Office and Election Date

- (1) The term of office for Council will be 3 years.
- (2) The term of office for Council commences when the Electoral Officer publicly declares the results of the Election under subsection 18(9) or subparagraph 19(4)(a) and, subject to any Council removal or vacancy arising under the Constitution or this Law, expires at 11:59 p.m. on the day preceding the next Election.
- (3) Except in the case of a By-Election, an Election will be held on the third Saturday of February in the year the term of office for Council expires.
- (4) Subject to subsection 6(5), the term of office for the person declared elected pursuant to subsection 20(3), or elected in a By-Election, will be deemed to have commenced on the day the person to be replaced was elected.
- (5) The term of office for the person elected in a By-Election held due to a tie under subsection 19(6) will be deemed to have commenced on the day that the other members of Council were elected.

7. Appointment of Electoral Officer, Deputy Electoral Officers and Arbitrator

- (1) Council will, at least 90 days prior to the date on which an Election, Referendum or By-Election is to be held:
 - (a) appoint an Electoral Officer for a term ending upon the expiry of the deadline for submitting a notice of appeal in relation to the Election, Referendum or By-Election under subparagraph 22(5)(c);
 - (b) appoint an Arbitrator for a term ending upon the appointment of a new Arbitrator for the next Election, Referendum or By-Election;
and
 - (c) in the case of a Referendum, determine the question or questions to be asked.
- (2) If an Electoral Officer and/or an Arbitrator have not been appointed within the time set out in subsection 7(1), the Chief Administrative Officer will promptly appoint the Electoral Officer and/or Arbitrator.
- (3) The Electoral Officer and Arbitrator will not be Members, members of Council or salaried employees of shishálh Nation or hold other contracts

for services with shíshálh Nation at the time of the Election, Referendum or By-Election.

- (4) No Deputy Electoral Officer will be a member of Council or, in the case of an Election, a candidate in that Election.
- (5) A Deputy Electoral Officer or Officers will be appointed by the Electoral Officer within 14 days of the appointment of the Electoral Officer and will work under the direction of the Electoral Officer.
- (6) The Electoral Officer will have such powers as described in this Law and the Constitution and may delegate any of his or her powers under this Law or the Constitution to the Deputy Electoral Officer or Officers.
- (7) All Deputy Electoral Officers will have such powers as described in this Law and those powers of the Electoral Officer as are delegated to them by the Electoral Officer.
- (8) The Electoral Officer and every Deputy Electoral Officer will swear, and file with the Chief Administrative Officer before assuming their offices, the Electoral Oath of Office before a justice of the peace, notary public or commissioner for swearing oaths of office.
- (9) The Arbitrator will swear, and file with the Chief Administrative Officer before assuming his or her office, the Arbitrator Oath of Office before a justice of the peace, notary public or commissioner for swearing oaths of office.
- (10) The Electoral Officer may make such orders and issue such instructions consistent with the Constitution and this Law as he or she may from time to time deem necessary for the effective administration of the Election, Referendum or By-Election.
- (11) The Electoral Officer, a Deputy Electoral Officer or the Arbitrator may be removed from office and replaced by Council resolution if Council has information sufficient to believe that the person:
 - (a) engaged in a Corrupt or Fraudulent Practice during the Election, Referendum or By-Election in which he or she was the Electoral Officer, a Deputy Electoral Officer or Arbitrator;
 - (b) in the case of the Electoral Officer or a Deputy Electoral Officer, breached his or her obligations under the Electoral Oath of Office; or
 - (c) in the case of the Arbitrator, breached his or her obligations under the Arbitrator Oath of Office.

8. Voter Contact Information

- (1) Voters will be solely responsible for delivering to the Membership Administrator their current contact information, including mailing addresses and e-mail addresses for those Voters who have an e-mail address.
- (2) The Membership Administrator will, within 5 days of the appointment of the Electoral Officer, deliver a copy of the Membership List to the Electoral Officer.
- (3) Voter contact information will be used by the Electoral Officer and any Deputy Electoral Officer only for the purposes of providing notices, mail-in ballots, electronic ballots or other documents to Voters who are entitled to receive them under this Law.
- (4) Except for the purposes set out in subsection 8(3), a Voter's contact information will not be disclosed by the Electoral Officer or any Deputy Electoral Officer without the consent of that Voter.

9. Voters' List

- (1) Within 25 days of his or her appointment, the Electoral Officer will prepare a Voters' List comprised of the names of all Voters.
- (2) The Electoral Officer will post the Voters' List in a public area of the Administration Building, and publish it electronically, no later than 60 days prior to the date on which the Election, Referendum or By-Election is to be held.
- (3) A person whose name does not appear, or does not correctly appear, on the Voters' List may, no later than 30 days prior to the date on which the Election, Referendum or By-Election is to be held, deliver an application in writing to the Electoral Officer to have his or her name added to, or changed on, the Voters' List, which application must include:
 - (a) the reasons why the person's name should be added to, or changed on, the Voters' List; and
 - (b) any documents supporting the application.
- (4) A Voter who believes a person's name should not be included on the Voters' List may, no later than 40 days prior to the date on which the Election, Referendum or By-Election is to be held, deliver an application in writing to the Electoral Officer to have that person's name removed from the Voters' List, which application must include:

- (a) the reasons why that person's name should be removed from the Voters' List; and
 - (b) any documents supporting the application.
- (5) Where the Electoral Officer has information sufficient to believe that a person whose name is on the Voters' List is not a Voter, or where a Voter applies in writing to the Electoral Officer to have another person's name removed from the Voters' List because that person does not qualify as a Voter, the Electoral Officer will mail or email notice to the person whose eligibility as a Voter is challenged at least 35 days prior to the date on which the Election, Referendum or By-Election is to be held, which notice must include:
 - (a) the reasons the person's eligibility as a Voter is being challenged;
 - (b) any supporting documents; and
 - (c) notice that a written reply may be delivered to the Electoral Officer no later than 20 days prior to the date on which the Election, Referendum or By-Election is to be held.
- (6) A person whose eligibility as a Voter is challenged may, no later than 20 days prior to the date on which the Election, Referendum or By-Election is to be held, deliver a written reply to the Electoral Officer, which reply must include:
 - (a) the reasons why the person is eligible to be a Voter; and
 - (b) any supporting documents.
- (7) After consideration of all information and representations relating to amendments to the Voters' List, the Electoral Officer will amend names on, add names to or delete names from the Voters' List, based on whether the Electoral Officer determines those persons qualify as Voters, at least 15 days prior to the date on which the Election, Referendum or By-Election is to be held and the decision of the Electoral Officer will be final and not subject to appeal.
- (8) The Electoral Officer will, at least 15 days prior to the date on which the Election, Referendum or By-Election is to be held:
 - (a) mail or email a person whose name has been amended on, added to or deleted from the Voters' List written notice of the decision; and
 - (b) post the decision in a public area of the Administration Building and publish it electronically.

- (9) The Electoral Officer will, at least 10 days prior to the date on which the Election, Referendum or By-Election is to be held, post a final Voters' List in a public area of the Administration Building and publish it electronically.
- (10) Any person whose name does not appear on the final Voters' List will not be entitled to vote in the Election, Referendum or By-Election.

10. Preparation of Ballots

- (1) The Electoral Officer will prepare ballots setting out:
 - (a) in the case of an Election or By-Election:
 - (i) the names of the candidates nominated for Chief in alphabetical order; and
 - (ii) the names of the candidates nominated for Councillor in alphabetical order; and
 - (b) in the case of a Referendum:
 - (i) the question or questions to be asked; and
 - (ii) the option to select "yes" or "no" for each question.
- (2) In the case of an Election or By-Election, the ballot may, at the request of the candidate, include a candidate's commonly used nickname in addition to the candidate's legal name.
- (3) The ballot will indicate that the Voter is to signify his or her choice by clearly marking an "X" or "✓" in the appropriate space opposite each selection.
- (4) The Electoral Officer or a Deputy Electoral Officer will initial the back of each ballot.

11. Notice of Election, Referendum or By-Election

- (1) At least 60 days prior to the date on which the Election, Referendum or By-Election is to be held, the Electoral Officer will post in a public area of the Administration Building, publish electronically and mail or email to Voters at their contact addresses or e-mail addresses a notice, which notice will include:
 - (a) notice that a copy of the Constitution and this Law can be obtained at the Administration Building and electronically;

- (b) the places where copies of the Voters' List will be posted or published;
 - (c) notice that Voters who are Ordinarily Resident on Sechelt Lands and unable to vote in person due to disability on the date of the Election, Referendum or By-Election may vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot, if they, at least 30 days prior to the date on which the Election, Referendum or By-Election is to be held, deliver a completed Application for Remote Ballot to the Electoral Officer to vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot;
 - (d) notice that Voters who are not Ordinarily Resident on Sechelt Lands are entitled to vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot, if they, at least 30 days prior to the date on which the Election, Referendum or By-Election is to be held, deliver a completed Application for Remote Ballot to the Electoral Officer to vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot;
 - (e) the business address, telephone and email address of the Electoral Officer;
 - (f) the business address, telephone and email address of the Arbitrator;
 - (g) the date on which the Election, Referendum or By-Election is to be held;
 - (h) the date of the Advance Poll;
 - (i) the date of the notice;
 - (j) in the case of an Election, the date, time and location of the Nomination Meeting and a statement that Voters may attend and nominate candidates at the Nomination Meeting; and
 - (k) in the case of a Referendum, the question or questions to be asked.
- (2) Every Voter who is not Ordinarily Resident on Sechelt Lands is entitled to vote by mail-in or, where electronic voting mechanisms are in place, electronic ballot, if they, at least 30 days prior to the date on which the Election, Referendum or By-Election is to be held, deliver a completed Application for Remote Ballot to the Electoral Officer to vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot.

- (3) Every Voter who is Ordinarily Resident on Sechelt Lands and who is unable to vote in person due to disability on the date of the Election, Referendum or By-Election may vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot, if they, at least 30 days prior to the date on which the Election, Referendum or By-Election is to be held, deliver a completed Application for Remote Ballot to the Electoral Officer to vote by mail-in ballot or, where electronic voting mechanisms are in place, electronic ballot.
- (4) The Electoral Officer will, at least 20 days prior to the date on which the Election, Referendum or By-Election is to be held, mail to every Voter who has requested to vote by mail-in ballot, and is eligible to vote by mail-in ballot pursuant to subsections 11(2) or 11(3), a mail-in ballot package consisting of:
 - (a) a ballot initialed on the back by the Electoral Officer or a Deputy Electoral Officer;
 - (b) an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
 - (c) a second inner envelope marked "ballot" for insertion of the completed ballot;
 - (d) a Voter Declaration Form;
 - (e) a letter of instruction regarding voting by mail-in ballot;
 - (f) a statement identifying the location of all Polling Stations and advising the Voter that he or she may vote in person at any Polling Station, including the Advance Poll, if he or she returns his or her mail-in ballot to the Electoral Officer at the Polling Station or swears a written declaration before the Electoral Officer or a Deputy Electoral Officer, a justice of the peace, notary public or commissioner for taking oaths that he or she has not and will not vote by mail-in ballot; and
 - (g) any other information the Electoral Officer considers appropriate.
- (5) Where electronic voting mechanisms are in place, the Electoral Officer will, at least 20 days prior to the date on which the Election, Referendum or By-Election is to be held, mail or email to every Voter who has requested to vote by electronic ballot, and is eligible to vote by electronic ballot pursuant to subsections 11(2) or 11(3), an electronic ballot package consisting of:
 - (a) detailed instructions for voting by electronic ballot;

- (b) relevant password(s) for voting by electronic ballot;
- (c) a statement identifying the location of all Polling Stations and advising the Voter that he or she may vote in person at any Polling Station, including the Advance Poll, if he or she swears a written declaration before the Electoral Officer or a Deputy Electoral Officer, a justice of the peace, notary public or commissioner for taking oaths that he or she has not and will not vote by electronic ballot; and
- (d) any other information the Electoral Officer considers appropriate.

12. Nomination Process for Elections

- (1) This section 12 applies only in the case of an Election or By-Election.
- (2) To qualify as a candidate for the office of Chief or Councillor, a person must:
 - (a) qualify as a Voter;
 - (b) be nominated for that office in accordance with the procedures set out in the Constitution and this Law;
 - (c) not be currently serving a jail sentence;
 - (d) not have been convicted of a Indictable Offence, or a Summary Offence that involves physical or sexual violence toward another person, within 10 years prior to his or her nomination, except where a Summary Offence conviction involving physical violence against another person was an act of civil disobedience in support of Aboriginal rights or title of the shíshálh Nation, organized or approved by Council, or where a record suspension for a Summary Offence has been granted;
 - (e) not have been removed or resigned from office during the previous term;
 - (f) not be overdue in the payment of a debt to the shíshálh Nation or any shíshálh Entity without a payment plan or other arrangement for repayment approved by an authorized representative of shíshálh Nation or the relevant shíshálh Entity; and
 - (g) comply with all relevant requirements set out in the Constitution and this Law.
- (3) A person may only be a candidate for one of the office of Chief or Councillor in any Election or By-Election.

- (4) The Nomination Meeting will be held on Sechelt Lands at least 45 days prior to the date on which the Election or By-Election is to be held.
- (5) At least 60 days prior to the date on which the Election or By-Election is to be held, the Electoral Officer will post notice of the Nomination Meeting and All-Candidates Meeting in a public area of the Administration Building and publish it electronically.
- (6) The notice of the Nomination Meeting and All-Candidates Meeting will include:
 - (a) the date, time and place of the Nomination Meeting;
 - (b) the date, time and place of the All-Candidates Meeting;
 - (c) notification that a copy of the Constitution and this Law can be obtained at the Administration Building and electronically;
 - (d) the places where copies of the Voters' List will be posted; and
 - (e) the business address, telephone and email address of the Electoral Officer.
- (7) At the time and place specified in the notice of the Nomination Meeting and All Candidates Meeting, the Electoral Officer will declare the Nomination Meeting open for the purpose of receiving nominations.
- (8) A Voter must be physically present at the Nomination Meeting to be eligible for nomination as a candidate.
- (9) The Nomination Meeting will remain open for 2 hours from when it commenced.
- (10) Any Voter may propose or second a nomination of any qualified candidate to serve as Chief or Councillor.
- (11) No Voter may nominate or second more than two persons to serve as Chief and no more than two persons to serve as Councillors in an Election and, in the case of a By-Election, any Voter may propose or second the nomination of not more than two persons for each of the vacancies on Council.
- (12) After nominating or seconding a candidate, the Voter will sign a Nomination Declaration in the presence of the Electoral Officer or Deputy Electoral Officer, confirming his or her nomination or seconding of the candidate.

- (13) The Electoral Officer will promptly deliver a Notice of Acceptance of Nomination to each person nominated at the Nomination Meeting and each person nominated will, if he or she accepts the nomination and is eligible to be a candidate:
 - (a) sign the Notice of Acceptance of Nomination in the presence of the Electoral Officer;
 - (b) deliver the signed Notice of Acceptance of Nomination to the Electoral Officer prior to the close of the Nomination Meeting; and
 - (c) deliver a Criminal Record Check to the Electoral Officer prior to the date of the Advance Poll.

- (14) Any person nominated who fails to:
 - (a) sign and deliver his or her Notice of Acceptance of Nomination to the Electoral Officer in accordance with subsection 12(13);
 - (b) deliver his or her Candidate Package to the Electoral Officer in accordance with subsection 13(1); or
 - (c) deliver a Criminal Record Check to the Electoral Officer prior to the date of the Advance Poll in accordance with subsection 12(13);

will not be eligible to be a candidate in the Election or By-Election and the Electoral Officer will not add his or her name to the list of candidates.

- (15) If only one eligible candidate is nominated for the office of Chief, the Electoral Officer will declare that candidate to be elected.

- (16) Where the number of eligible candidates nominated for the office of Councillor does not exceed the number of positions available, the Electoral Officer will declare such candidates to be elected.

- (17) In the event that more than the required numbers of persons are nominated for the offices of Chief and/or Councillor, the Electoral Officer will declare that an Election or By-Election, as applicable, will be held.

- (18) Within 2 days the close of the Nomination Meeting, the Electoral Officer will post in a public area of the Administration Building, and publish electronically, a list of candidates and the offices for which they are nominated.

- (19) Any person nominated may withdraw at any time after the close of the Nomination Meeting, but no later than 2 days before the time of the opening of the Advance Poll, by delivering a written withdrawal of his or her nomination to the Electoral Officer, signed by himself or herself in the

presence of the Electoral Officer, a justice of the peace, a notary public, or a commissioner for oaths, and any votes cast for such person will be null and void.

- (20) If the Electoral Officer determines that any person nominated is, or becomes, ineligible to be a candidate after his or her name has been added to the list of candidates, the Electoral Officer will remove that person's name from the list of candidates and any votes cast for such person will be null and void.
- (21) The Electoral Officer will, no earlier than the 8th day after the date of the Nomination Meeting and no later than 35 days prior to the date on which the Election is to be held:
 - (a) post the final list of candidates and the offices for which they are nominated in a public area of the Administration Building; and
 - (b) publish electronically, or mail to Voters, the final list of candidates and the offices for which they are nominated.

13. All-Candidates Meeting

- (1) Within 5 days of the close of the Nomination Meeting each candidate will deliver to the Electoral Officer a complete Candidate Package.
- (2) The All-Candidates Meeting will be held on Sechelt Lands within 15 days of the close of the Nomination Meeting and only Members may attend the All-Candidates Meeting.
- (3) The Electoral Officer will ensure that every Member attending the All-Candidates Meeting is provided with a copy of each candidate's Candidate Package.
- (4) At the time and place specified in the notice of the Nomination Meeting and All-Candidates Meeting, the Electoral Officer will declare the All-Candidates Meeting open.
- (5) The Chief Electoral Officer will chair the All-Candidates Meeting and is responsible for determining the format for the All-Candidates Meeting and communicating with the candidates regarding the format for the All-Candidates Meeting.

14. Notice of Polls

- (1) The Electoral Officer will, at least 30 days prior to the date on which the Election, Referendum or By-Election is to be held, post a notice of polls in a public area of the Administration Building and publish it electronically.

- (2) The notice of polls will include:
 - (a) the date of the Election, Referendum or By-Election;
 - (b) the date of the Advance Poll;
 - (c) the time the Polling Stations will be open and closed;
 - (d) the locations of the Polling Stations;
 - (e) in the case of a Referendum, the question or questions to be asked; and
 - (f) a statement that the Voters' List and, in the case of an Election, a list of candidates, are posted in a public area of the Administration Building and published electronically.

15. Voting by Mail-in Ballot

- (1) A Voter will vote by mail-in ballot by:
 - (a) clearly marking the ballot with an "X" or "✓" that clearly indicates the Voter's choice in the appropriate space;
 - (b) folding the ballot in a manner so as to conceal the mark or marks on the face of the paper but exposing the Electoral Officer's or a Deputy Electoral Officer's initials on the back;
 - (c) placing the ballot in the inner envelope marked "ballot" and sealing the envelope;
 - (d) completing and signing the Voter Declaration Form in the presence of a witness who is at least 18 years of age and who must also sign the Voter Declaration Form;
 - (e) placing the inner envelope and the completed, signed and witnessed Voter Declaration Form in the postage-paid, return envelope, pre-addressed to the Electoral Officer; and
 - (f) delivering the envelope to the Electoral Officer before the time at which the polls close on the day of the Election, Referendum or By-Election.
- (2) Mail-in ballots that are not delivered to the Electoral Officer before the time at which the polls close on the day of the Election, Referendum or By-Election will not be counted.

- (3) A Voter to whom a mail-in ballot was mailed may vote in person at a Polling Station if:
 - (a) the Voter delivers the mail-in ballot to the Electoral Officer or a Deputy Electoral Officer; or
 - (b) where the Voter does not have the mail-in ballot with him or her, the Voter delivers to the Electoral Officer or a Deputy Electoral Officer a sworn written declaration that that he or she has not and will not vote by mail-in ballot, signed in the presence of either the Electoral Officer, a Deputy Electoral Officer, justice of the peace, notary public or commissioner for taking oaths.

16. Voting by Electronic Ballot

- (1) This section 16 only applies where electronic voting mechanisms are in place.
- (2) A Voter will vote by electronic ballot by following the detailed instructions for voting by electronic ballot provided pursuant to subsection 11(5).
- (3) Electronic ballots that are not submitted before the time at which the polls close on the day of the Election, Referendum or By-Election will not be counted.
- (4) A Voter to whom an electronic ballot was mailed may vote in person at a Polling Station if he or she delivers to the Electoral Officer or a Deputy Electoral Officer a sworn written declaration that he or she has not and will not vote by electronic ballot, signed in the presence of either the Electoral Officer, a Deputy Electoral Officer, justice of the peace, notary public or commissioner for taking oaths.

17. Voting at a Polling Station

- (1) The Polling Station(s) will be on Sechelt Lands and will be open from 9:00 a.m. until 8:00 p.m. on the day on which the Election, Referendum or By-Election is to be held.
- (2) For every Election, Referendum or By-Election an Advance Poll will be held on Sechelt Lands and the Polling Station for an Advance Poll will be open on the Sunday before the day of the Election, Referendum or By-Election from 2:00 p.m. until 6:00 p.m.
- (3) The Electoral Officer will, before the Polling Station(s) is open, supply the Polling Station(s) with:
 - (a) ballot boxes;

- (b) a sufficient number of ballots;
 - (c) the final Voters' List;
 - (d) an envelope for rejected ballots;
 - (e) the necessary materials for marking ballots; and
 - (f) a ballot tally sheet to identify the number of confirmed votes and the number of rejected ballots.
- (4) The Electoral Officer will provide a voting compartment inside the Polling Station(s) where the Voters can mark their ballots free from observation.
- (5) The Electoral Officer may appoint security to maintain order at the Polling Station(s).
- (6) In the case of an Election, where a candidate wishes to authorize a Scrutineer, the candidate will deliver a letter of authorization to the Electoral Officer or a Deputy Electoral Officer on or before the opening of the Polling Station(s), in which the candidate names the Scrutineer.
- (7) Each candidate will be entitled to have a maximum of 2 Scrutineers at a Polling Station at any one time and all Scrutineers must sign the Scrutineer Oath prior to acting as a Scrutineer.
- (8) If, in the opinion of the Electoral Officer, any Scrutineer breaches the Scrutineer Oath, that person will be ineligible:
- (a) to continue acting as a Scrutineer for the Election or By-Election in which they are acting as a Scrutineer; and
 - (b) to act as a Scrutineer in any Elections or By-Elections for a period of 6 years from the date of the breach.
- (9) The Electoral Officer will, immediately before the commencement of the Election, Referendum or By-Election:
- (a) open the ballot box and, in the presence of any appointed security, Scrutineers and the Deputy Electoral Officers, confirm that it is empty and complete a written statement to that effect;
 - (b) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
 - (c) place the ballot box in public view for the reception of the ballots.

- (10) After an Advance Poll, the Electoral Officer will remove all ballots from the ballot box and place the ballots in a securely locked location within the Administration Building.
- (11) Everyone presenting themselves at a Polling Station for the purpose of voting will present to the Electoral Officer or a Deputy Electoral Officer identification issued by the federal or provincial government or by shíshálh Nation.
- (12) Where a person does not have appropriate identification described in subsection 17(11), he or she will be deemed to be properly identified if two Voters sign a sworn declaration in the presence of the Electoral Officer or a Deputy Electoral Officer, confirming the identity of the person.
- (13) Where a person is properly identified as a Voter, he or she will sign the sign-in sheet presented by the Electoral Officer or a Deputy Electoral Officer and list his or her Membership Number on the sign-in sheet.
- (14) Upon signing the sign-in sheet, the Voter will receive a ballot initialed by the Electoral Officer or a Deputy Electoral Officer.
- (15) The Electoral Officer will keep the sign-in sheet confidential.
- (16) The Electoral Officer or a Deputy Electoral Officer will place in the proper column of the Voters' List, a mark opposite the name of every Voter receiving a ballot.
- (17) The Electoral Officer or a Deputy Electoral Officer will, when requested to do so, explain the method of voting to the Voter.
- (18) Voting at all Elections, Referendums and By-Elections will be by secret ballot.
- (19) No Voter may vote by proxy or authorize another person to vote on his or her behalf, and no one other than the Voter who is in the process of voting is permitted to be inside the voting compartment, except as provided for in subsection 17(20).
- (20) Any Voter who requires voting assistance may request that the Electoral Officer or a Deputy Electoral Officer vote on his or her behalf in his or her presence as the Voter directs.
- (21) In the event that the Electoral Officer or a Deputy Electoral Officer votes on behalf of a Voter, the Electoral Officer or Deputy Electoral Officer will note on the Voters' List in the column for remarks opposite the name of such Voter, the fact that the ballot was marked by him or her in the presence of that Voter and the reasons therefore.

- (22) Upon receiving the ballot, each Voter will:
- (a) immediately proceed to the voting compartment and clearly mark the ballot with an "X" or "✓" that clearly indicates the Voter's choice in the appropriate space;
 - (b) fold the ballot so as to conceal his or her choice in such a manner that only exposes the initials of the Electoral Officer or a Deputy Electoral Officer; and
 - (c) without unfolding the ballot, have the Electoral Officer or a Deputy Electoral Officer verify his or her initials and at once deposit the ballot into the ballot box in the presence of the Electoral Officer or a Deputy Electoral Officer at the Polling Station.
- (23) A Voter who inadvertently spoils his or her ballot may, on no more than one occasion, return it to the Electoral Officer or a Deputy Electoral Officer in order to obtain another ballot, and the Electoral Officer or the Deputy Electoral Officer, as the case may be, will write the word "rejected" upon the spoiled ballot, deposit it in the envelope for rejected ballots and provide the Voter with a new ballot initialed by the Electoral Officer or a Deputy Electoral Officer.
- (24) A Voter who has received a ballot and subsequently decides not to vote must return the ballot to the Electoral Officer or a Deputy Electoral Officer, who will mark the word "rejected" on the face of the ballot and deposit it in the envelope for rejected ballots.
- (25) A Voter forfeits his or her right to vote in an Election, Referendum or By-Election if, after being provided a ballot by the Electoral Officer or a Deputy Electoral Officer:
- (a) that person leaves a Polling Station without delivering the ballot to the Electoral Officer or a Deputy Electoral Officer;
 - (b) that person decides not to vote and returns his or her ballot to the Electoral Officer or a Deputy Electoral Officer; or
 - (c) that person spoils his or her ballot on more than one occasion.
- (26) Any Voter who is inside a Polling Station at the time fixed for closing the Election, Referendum or By-Election will be entitled to vote.
- (27) No person will, on the day the Election, Referendum, By-Election or Advance Poll is held, on the premises of a Polling Station:
- (a) distribute any printed materials except such materials as may be distributed by the Electoral Officer or a Deputy Electoral Officer for

the purposes of conducting the Election, Referendum or By-Election;

- (b) interfere with or influence, or attempt to interfere with or influence, any Voter in marking his or her ballot;
 - (c) obtain, or attempt to obtain, information as to how a Voter is about to vote or has voted; or
 - (d) disrupt, or attempt to disrupt, the voting process.
- (28) The Electoral Officer may request appointed security to remove any person from a Polling Station who is in violation of this Law.

18. Procedures after the Close of the Polls

- (1) Immediately after the close of the Election, Referendum or By-Election the Electoral Officer will, in the presence of the Deputy Electoral Officer(s) and any Scrutineers, open each envelope containing a mail-in ballot that was received before the close of the Election, Referendum or By-Election and, without unfolding the mail-in ballot:
- (a) set aside the mail-in ballot and deposit it in the envelope for rejected ballots if:
 - (i) it is not accompanied by a Voter Declaration Form or the Voter Declaration Form is not signed or witnessed;
 - (ii) the name of the person set out in the Voter Declaration Form is not on the Voters' List; or
 - (iii) the Voters' List shows that the Voter has already voted; and
 - (b) deposit all remaining mail-in ballots in the ballot box and place a mark on the final Voters' List next to the name of each Voter who provided a valid mail-in ballot.
- (2) Immediately after all remaining mail-in ballots have been deposited in the ballot box pursuant to subsection 18(1)(b), the Electoral Officer will deposit all Advance Poll ballots referenced in subsection 17(10) in the ballot box.
- (3) Immediately after all remaining mail-in ballots have been deposited in the ballot box pursuant to subsection 18(1)(b), and all Advance Poll ballots have been deposited in the ballot box pursuant to subsection 18(2), the Electoral Officer will:
- (a) open the ballot box, unfold and examine all ballots in the ballot box and reject those ballots that:

- (i) have not been initialed by the Electoral Officer or a Deputy Electoral Officer;
 - (ii) contain more votes than there are candidates to be elected or questions to be asked;
 - (iii) are marked in such a way that the Voter can be identified; or
 - (iv) are marked in such a way that the Voter's choice cannot clearly and unambiguously be determined;
 - (b) deposit the rejected ballots in the envelope for rejected ballots; and
 - (c) deposit all remaining ballots back in the ballot box.
- (4) Immediately after all remaining ballots have been deposited back in the ballot box pursuant to subparagraph 18(3)(c), the Electoral Officer will:
- (a) show the ballots in the ballot box to any Scrutineers present; and
 - (b) count the votes from the ballots in the ballot box.
- (5) Immediately after all ballots in the ballot box have been counted pursuant to subparagraph 18(4)(b), the Electoral Officer will, where electronic voting mechanisms are in place, count the electronic ballots;
- (6) Immediately after the Electoral Officer completes the ballot counts under subparagraph 18(4)(b) and, where electronic voting mechanisms are in place, subsection 18(5), the Electoral Officer will complete and sign a ballot tally sheet setting out the number of confirmed in-person, mail-in and, where electronic voting mechanisms are in place, electronic votes for each candidate or question asked and the number of rejected ballots.
- (7) The Electoral Officer will not count any rejected ballot as a vote cast.
- (8) The Electoral Officer will prepare a report in writing setting out the reasons for rejecting each rejected ballot and attach that report to the envelope for rejected ballots.
- (9) Subject to a recount under section 19, promptly upon the completion of the counting of all ballots, the Electoral Officer will publicly declare, in the presence of the Deputy Electoral Officer(s), Scrutineers and candidates and in accordance with the Constitution and this Law, as applicable:
- (a) the candidate for Chief with the highest number of votes to be elected; and

- (b) the 4 candidates for Councillor with the highest number of votes to be elected; or
 - (c) the result of the Referendum.
- (10) Subject to a recount under section 19, promptly upon the completion of an Election, Referendum or By-Election and the counting of all ballots, the Electoral Officer will prepare, sign and deliver to Council a written statement setting out:
- (a) the number of Voters who voted;
 - (b) for an Election, the votes cast in favour of each candidate;
 - (c) for a Referendum, the number of votes cast in favour of and against each of the questions put to the Referendum; and
 - (d) the number of rejected ballots.
- (11) On the day immediately following the Election, Referendum or By-Election the Electoral Officer will post the written statement referenced in subsection 18(10) in a public area of the Administration Building and publish it electronically.

19. Recounts and Ties

- (1) In the case of an Election or By-Election, if the difference in vote totals between the candidate receiving the highest number of votes for Chief and another candidate for Chief is 5 votes or less, including a tie, the Electoral Officer will immediately after the completion of the counting of the votes conduct a recount of the votes for Chief.
- (2) In the case of an Election or By-Election, if the difference in vote totals between the candidate for Councillor receiving the fourth highest number of votes and another candidate for Councillor is 5 votes or less, including a tie, the Electoral Officer will immediately after the completion of the counting of the votes conduct a recount of the votes for Councillors.
- (3) In the case of a Referendum, if the difference in vote totals between “yes” and “no” for any question is 5 votes or less, including a tie, the Electoral Officer will immediately after the completion of counting of the votes conduct a recount of the votes.
- (4) Upon completion of a recount, the Electoral Officer will:
 - (a) publicly declare the results of the Election, Referendum or By-Election in accordance with subsection 18(9);

- (b) prepare, sign and deliver to Council a written statement in the form described in subsection 18(10); and
 - (c) post a written statement in accordance with subsection 18(11).
- (5) In the case of a Referendum if, after a recount, a tie remains for any question, that question will not pass.
- (6) In the case of an Election or By-Election if, after a recount, a tie remains, a By-Election will be held for the Council position(s) that resulted in a tie.
- (7) In the case of an Election or By-Election, where a By-Election is required to break a tie, all the provisions of this Law will apply to the By-Election, provided that:
- (a) the final Voters' List for the By-Election will be the final Voters' List from the Election or By-Election that resulted in the tie;
 - (b) the candidates for office to be determined in the By-Election will be the candidates who received an equal number of votes for that office in the Election or By-Election that resulted in the tie; and
 - (c) the term of office for the successful candidate in the By-Election will be deemed to have commenced on the same day as the term of office commenced for the other members of Council.
- (8) Subject to any appeal, the results of the recount will be final.

20. Candidate Requirements after the Close of Polls

- (1) All candidates elected to Council will swear the Council Oath of Office before a justice of the peace, notary public or commissioner for taking oaths.
- (2) No person elected to Council will be permitted to assume his or her office until he or she has:
- (a) sworn and filed the Council Oath of Office; and
 - (b) complied with all other requirements to assume office as set out in the Constitution and this Law.
- (3) If a person elected as Chief or Councillor fails to comply with all requirements to assume office as set out in the Constitution and this Law within 10 days of the Election or By-Election, the Electoral Officer will declare the person receiving the next highest number of votes to be elected.

- (4) If the person receiving the next highest number of votes is unable or unwilling to assume office pursuant to subsection 20(3), Council will call a By-Election to fill the vacant post.

21. Disposal of Ballots

- (1) The Electoral Officer will deposit the ballots and the envelope for rejected ballots from the Election, Referendum or By-Election in a sealed envelope and retain it for 120 days after the date on which the Election, Referendum or By-Election is held or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by Council, destroy them in the presence of two witnesses.

22. Appeals

- (1) All appeals under this Law will be conducted in writing.
- (2) In respect of an Election or By-Election, any Voter, including a candidate for Council, may deliver a notice of appeal in writing to the Chief Administrative Officer requesting that the Election or By-Election of the Chief or a Councillor be declared invalid, based on one or more of the following grounds:
 - (a) the person declared elected was not eligible to be a candidate;
 - (b) the person declared elected was not nominated in accordance with the procedures set out in the Constitution and this Law;
 - (c) there was a violation of a provision of the Constitution or this Law in the conduct of the Election or By-Election that might have affected the result of the Election or By-Election; or
 - (d) there was a Corrupt or Fraudulent Practice in relation to the Election or By-Election.
- (3) In respect of a Referendum, any Voter may deliver a notice of appeal in writing to the Chief Administrative Officer requesting that the Referendum be declared invalid, based on one or both of the following grounds:
 - (a) there was a violation of a provision of the Constitution or this Law in the conduct of the Referendum that might have affected the result of the Referendum; or
 - (b) there was a Corrupt or Fraudulent Practice in relation to the Referendum.

- (4) In the case of a Council removal, a member of Council who has been removed from office by Council resolution under section 23 may deliver a notice of appeal in writing to the Chief Administrative Officer requesting that the Council removal be declared invalid on the grounds that the Council member's removal was based on an error of fact and such error of fact was instrumental in Council's decision to remove the Council member from office.
- (5) Every notice of appeal will:
 - (a) set out in an affidavit sworn before a notary public or commissioner for taking oaths the facts substantiating the appeal;
 - (b) be accompanied by any supporting documentation; and
 - (c) be delivered to the Chief Administrative Officer within 30 days from the date of the Election, Referendum or By-Election together with a filing fee of \$250.00.
- (6) Upon receipt of a notice of appeal, the Chief Administrative Officer will promptly deliver the notice of appeal and supporting documentation to the Arbitrator.
- (7) Within 10 days of receiving the notice of appeal from the Chief Administrative Officer, the Arbitrator will deliver a copy of the notice of appeal and supporting documentation to:
 - (a) in the case of an Election, Referendum or By-Election, the Chief Electoral Officer;
 - (b) Council;
 - (c) the persons named in the appeal, if any; and
 - (d) any other person the Arbitrator considers appropriate.
- (8) Council and, in the case of an appeal of an Election or By-Election, the potentially affected Council member(s), may deliver a written reply to the Arbitrator within 10 days of receiving the notice of appeal from the Arbitrator.
- (9) The Arbitrator may determine:
 - (a) the method and timelines for taking evidence from witnesses or producing additional documents relating to the appeal;
 - (b) what additional persons, if any, are to be notified of the appeal and how they are to be provided with relevant documents; and

- (c) any relevant matter that is not provided for in this Law.
- (10) The Arbitrator may compel the Electoral Officer or a Deputy Electoral Officer to produce any documents or other information related to the appeal and the Electoral Officer or a Deputy Electoral Officer will cooperate fully with the Arbitrator in relation to the production of those documents and the conduct of the appeal.
- (11) No witness will be required to divulge how he or she voted in an Election, Referendum or By-Election as part of an appeal.
- (12) Within 45 days of receiving the notice of appeal from the Chief Administrative Officer, the Arbitrator will confirm or invalidate the Election, Referendum, By-Election or Council removal and provide written reasons for his or her decision, which reasons will be:
 - (a) posted publicly in the Administration Building and published electronically; and
 - (b) mailed to the Chief Electoral Officer, Council and all parties involved in the appeal.
- (13) If the Arbitrator invalidates a Referendum under this law, the next Referendum with respect to that question will be deemed to be the first Referendum.
- (14) The Arbitrator may, in his or her discretion, order by whom, to whom and in what manner costs will be paid.
- (15) In the event that an appeal is successful, the appellant will have his or her filing fee reimbursed in full.
- (16) Until the Arbitrator renders his or her decision in a Council removal appeal under this section, the position on Council will remain vacant.
- (17) The determination of the Arbitrator is final and not subject to appeal.

23. Removal from Office by Council Resolution and Council Vacancies

- (1) A member of Council will be removed from office by Council resolution if Council has information sufficient to believe that the person:
 - (a) during his or her term in office, was convicted of a Indictable Offence, or a Summary Offence that involves physical or sexual violence toward another person, within 10 years prior to his or her nomination, except where a Summary Offence conviction involving physical violence against another person was an act of civil disobedience in support of Aboriginal rights or title of the shíshálh

- Nation, organized or approved by Council, and except where a record suspension has been granted for a Summary Offence;
- (b) has been absent from 3 consecutive duly convened Council meetings without being authorized by Council to do so;
 - (c) authorized an expenditure, loan, borrowing, guarantee, indemnity or investment contrary to the Constitution;
 - (d) has become overdue in the payment of a debt to the shíshálh Nation or any shíshálh Entity without a payment plan or other arrangement for repayment approved by an authorized representative of shíshálh Nation or the relevant shíshálh Entity;
 - (e) engaged in a Corrupt or Fraudulent Practice during the Election in which he or she was elected to Council; or
 - (f) breached his or her obligations under the Council Oath of Office.
- (2) The office of Chief or Councillor will become vacant when the person who holds that office:
- (a) dies; or
 - (b) resigns from his or her office.

24. Council Removal by Referendum

- (1) Any Voter may deliver an application in writing to the Chief Administrative Officer, together with a filing fee of \$250.00, requesting that a Referendum for the removal of a Council member be held, if the Voter believes that a Council member has breached his or her obligations under the Constitution or this Law, which application must include:
- (a) the name of the Council member the Referendum is sought in respect of;
 - (b) the name and address of the Voter;
 - (c) a statement, not exceeding 500 words, setting out how, in the opinion of the Voter, the Council member has breached his or her obligations under the Constitution or this Law; and
 - (d) any documents supporting the application.
- (2) Upon receipt of an application under subsection 24(1), the Chief Administrative Officer will promptly deliver the application to the Arbitrator.

- (3) The Arbitrator will deliver notice to Council and the Council member named in an application submitted under subsection 24(1) within 5 days of receiving the application, which notice must include:
 - (a) the statement submitted with the application setting out how, in the opinion of the Voter, the Council member has breached his or her obligations under the Constitution or this Law;
 - (b) any documents supporting the application; and
 - (c) notice that the Council member named in the application may deliver a written reply to the Arbitrator within 15 days of receipt of the Arbitrator's notice.
- (4) A Council member named in an application submitted under subsection 24(1) may, within 15 days of receiving the Arbitrator's notice, deliver a written reply to the Arbitrator, which reply must include:
 - (a) the reasons, not exceeding 500 words, why the application should not be accepted; and
 - (b) any supporting documents.
- (5) After considering the application submitted under subsection 24(1), and the reply, if any, submitted under subsection 24(4), the Arbitrator will:
 - (a) if the Arbitrator determines that the Voter's application is *bona fide*, made in good faith and is not frivolous, promptly inform Council and Council will call a Referendum, pursuant to the process for Referendums in the Constitution and this Law, to determine the question of whether or not the Council member should be removed from office; or
 - (b) if the Arbitrator determines that the Voter's application is not *bona fide*, not made in good faith or is frivolous, promptly mail or email notice to the person who submitted the application, the Council member named in the application and Council that the Voter's application has been rejected and the reasons for its rejection.
- (6) If a Majority of Voters voting in the Referendum held pursuant to subparagraph 24(5)(a) assent to the removal of the Council member, the Council member will be removed from office.
- (7) In the event that the Arbitrator determines that the Voter's application is *bona fide*, made in good faith and is not frivolous, the Voter will have his or her filing fee reimbursed in full.

25. By-Elections

- (1) Subject to subsections 19(3), 22(16) and 25(2), in the event, after a recount, a tie occurs in an Election or By-Election, a member of Council is removed from office or a position on Council becomes vacant, a By-Election will be held.
- (2) Subject to subsection 25(6), no By-Election will be held where there are less than 6 months remaining in the term of the Council member or members whose office has become vacant.
- (3) A person who is removed or resigns from office is not eligible to seek election in a By-Election for his or her vacated position.
- (4) No sitting Council member is eligible to be a candidate for Chief in a By-Election unless he or she resigns from Council prior to the date for nominations in the By-Election.
- (5) The procedures for every By-Election, including appeals of By-Elections, will be governed by those for Elections set out under the Constitution and this Law, with any procedural modifications to this Law deemed necessary by the Electoral Officer or, in the case of an appeal, the Arbitrator.
- (6) Where there are more than two vacant Council seats, an Election for all Council positions will be held within 90 days from the date when the third Council seat becomes vacant, even if there are less than 6 months remaining in the terms of the Council members whose offices have become vacant.

26. Delivery

- (1) Any notice or communication required to be delivered under this Law will be deemed to have been delivered upon receipt by the relevant person.
- (2) Any notice or communication required to be mailed or emailed under this Law will be deemed to have been mailed or emailed on the date it was put in the mail or emailed to the relevant person.

27. Amendment

- (1) All amendments to this Law must be approved by a Majority of Voters voting in a Referendum.

28. Computation of Time

- (1) Unless otherwise stated in this Law, the computation of time in this Law will be in accordance with the *Interpretation Act*, RSC 1985, c I-21, as may be amended or replaced from time to time.

This Law approved by Referendum on the ____ day of _____, 2019, adopted this ____ day of _____, 2019 by Chief and Council of the shíshálh Nation and effective as of the date first written above:

hiwus Warren Paull

Councillor Alvina Paul

Councillor Selina August.

Councillor Corey August

Councillor Keith Julius