



CHEAM
FIRST NATION

**CUSTOM
ELECTION
CODE**

**ISC DRAFT 8
APRIL 1, 2025**

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Governing Principles

In Canada, the election of the Chief and Council in First Nation communities can be conducted in one of three ways: 1) under Section 74 of the *Indian Act* and the *Indian Band Election Regulations*, 2) under the *First Nations Election Act* or, 3) according to local Electoral system based on community values, customs, and traditions, often referred to as a “Custom Code”.

The Cheam First Nation conducts elections for Chief and Council by way of “Custom Code”, outside of the *Indian Act* and the *Indian Band Election Regulations* and the *First Nations Elections Act*. The Cheam First Nation has the ultimate authority over selection method for its leaders, as well as the proper protocol and conduct of its members of Council.

This Code was developed after consideration of the following:

- Discussion with Cheam First Nation Members,
- Discussion with Cheam First Nation staff,
- Other First Nation Election Codes,
- The *Corbiere* Decision, and
- The British Columbia Recall and Initiative Act.

PART 1 - Preliminary Matters

1 TITLE

- 1.1 The title of this enactment is the Cheam First Nation Custom Election Code (the "WATERMARK CCEC")

2 RECITALS

- 2.1 WHEREAS Cheam Chief and Councillor elections will be community driven.
- 2.2 WHEREAS Cheam First Nation has a government that is to be locally run.
- 2.3 WHEREAS this Code shall be approved upon the duly completion of a community ratification vote, whereby a majority of the Eligible Electors who participate in the ratification vote, approves this Code. Cheam First Nation Chief and Council shall pass a Band Council Resolution recommending the issuance of a Ministerial Order to repeal the order made pursuant to Section 74 of the *Indian Act*, and for Cheam First Nation to conduct its elections under the community election system.
- 2.4 THEREFORE, Cheam First Nation enacts this Cheam First Nation Custom Election Code for the benefit of all Cheam First Nation Members.

3 DEFINITIONS

This Definition Section is included to define specific terms included in the CCEC.

“**Administrator**” refers to the Executive Director, and/or the Chief Administrative Officer for the Cheam First Nation. May be under the title Chief Administrative Officer, Chief Operating Officer, Executive Director, Director of Operations, etc. Hired by the Chief and Council to administer the programs of the Cheam First Nation.

“**Advisory Committee**” means any committee established by the Council to support the work of the Council and the governance of Cheam First Nation.

“All Candidates Meeting” means a meeting called for the purpose of providing Eligible Electors with an opportunity to hear each candidate present their platform.

“Appeal Board” means the three people appointed by the present Council by Cheam Council Resolution (formerly known as a Band Council Resolution). The Appeal Board shall be composed of the following:

- a) Three people who are not members of Cheam First Nation, who are of good character and reputation, and who do not have a Vested Interest in the outcome of the Election of Cheam First Nation; and
- b) One member of the Appeal Board must be a Solicitor licensed to practice law in the Province of British Columbia and who is not in a Conflict of Interest as defined by Chapter 1, section 1.1 of the Professional Code of Conduct of the Law Society of British Columbia.
- c) The Appeal Board shall hold office until the next Election at which time a new Appeal Board shall be appointed.

“Arrears” means a debt owed to the Cheam First Nation upon which no consecutive monthly payments of at least 10 percent (10%) of the balance have been made during the twelve (12) months prior to the election.

“By-election” means an election to fill a vacancy(s) for the Chief or Council position(s). No By-election is to be called if the quorum is maintained, and the vacancy or vacancies occur 3 months or less prior to the end of the term of office.

“Campaign” means to advocate for the selection of a particular candidate in the Election.

“Candidate” means a Member of the Cheam First Nation who:

- a) is at least 18 years of age on the day on which the Nomination meeting is held.
- b) is a Member of the Cheam First Nation living on or off-reserve.
- c) is eligible to be a Candidate in accordance with section 13.1 of the CCEC; and
- d) has been nominated to be a Candidate in accordance with Section 16 of the CCEC.

“CCEC” means Cheam First Nations Custom Election Code.

“Chairperson” means the Chief or Councillor responsible for chairing a Council Meeting or Members Meeting in accordance with Section 8.2 (i) of the CCEC.

“Chief” means the individual elected to the office of the Chief of Cheam First Nation, in accordance with this Code.

“Cheam First Nation Council” or **“Council”** means the body composed of those persons elected pursuant to this Code to represent the interests of Cheam First Nation, composed of the Chief and Councillors.

“Cheam Members”, **“Cheam First Nation Member”**, or **“Member”** means a person who is listed on the Indigenous Services Canada (ISC) Cheam Membership list. Cheam Members registered on the ISC list as Cheam Members hold voting rights in Cheam First Nation leadership elections, are eligible to access Nation provided programs and services, and hold rights related to the use of lands and resources present within the territory.

“Cheam First Nation Reserves” means the reserve lands set aside for the use and benefit of the Cheam First Nation and its Members, including: Cheam IR1 which includes the main reserve on the south side of the highway and the north side of the highway and Tseatah (IR2) on the north side of the river.

“Clear Days” means the number of days between two events, where there is a reference to a number of clear days or “at least” a number of days between two events. In calculating that number of days, the following applies:

- a) the days on which the event or events happen are excluded; and
- b) the days following the first event or events are included, including Saturdays, Sundays, and Statutory holidays.

"Code" means this Cheam First Nation Custom Election Code.

"Confidential Information" means and includes all information obtained by Councillors as a result of their elected position, which includes but is not limited to the following:

- a) the governing and operational information of the Cheam First Nation.
- b) employee and independent contractor information.
- c) Member information.
- d) planned and/or existing agreements that have not been deemed public by the Council, including any background discussions or negotiations between the parties to a planned or existing agreement; and
- e) any and all discussions, communications, correspondence and legal memoranda or opinions between Council and their legal counsel.

"Conflict of Interest" in accordance with the Cheam Governance Policy Manual, as amended from time to time, and in particular, with reference to the Cheam electoral process, arises where a Council Member, officer, employee, committee member, contractor or agent of the Cheam First Nation has an interest that is:

- a) real, potential, or perceived.
- b) direct or indirect.
- c) personal or financial; and
- d) which competes or has the potential to compete or is perceived to compete with:
 - i. the interests of the Cheam First Nation; or
 - ii. the objective exercise of the affected person's powers, duties, functions, or responsibilities; or
 - iii. the democratic rights of the Cheam members.

"Contact Address" means the mailing address of an Elector on the Electors' List.

"Corrupt Practice" means fraudulent evasion of any provisions of law with the intent of procuring some benefit for himself or herself or some other person.

"Corrupt Election Practice" means any act or omission that impacts the integrity of the election including procurement of votes by bribery, intimidation, or any fraudulent evasion of this Election Code to obtain the election of a candidate or prevent the election of a candidate.

"Council" refers to the elected Chief and Councillors of the Cheam First Nation.

"Council Member" and **"Councillor"** refers to a member of the Council of the Cheam First Nation.

"Days" means Calendar days.

"Deputy Electoral Officer" means a person or persons who:

- a) may be a Cheam Member or staff member of the Cheam First Nation; and
- b) is appointed by the Electoral Officer to assist him/her in the Election process.

"Director of Operations" means the Chief Administrative Officer for the Cheam First Nation. May be under the title Chief Administrative Officer, Chief Operating Officer, Executive Director etc.

"Election" means any Cheam First Nation Regular Election, By-election or Special Election held pursuant to the provisions of this Code.

"Electors List" means the list of Electors who are eligible to vote in an Election.

"Elder" means a Member of Cheam First Nation who is at least sixty (60) years of age.

"Eligible Elector" means a person who:

- a) Is a Member of the Cheam First Nation and.
- b) Is the full age of eighteen (18) years or older on or before the day on which the Election is held.

“Electoral Officer” means the person appointed by the Cheam First Nation Council before each Election who will have the responsibility for conducting the Nomination Meeting and the Election.

“Emergency” means an unforeseeable event that poses a serious risk to the safety, health and well-being of Members, invitees, agents or employees and any other person or persons residing or conducting business on lands over which the Cheam First Nation has jurisdiction, which includes but is not limited to natural disasters, contagious diseases, and other unforeseeable events.

“First Nation” refers to the Cheam First Nation.

“General Members Meeting” means a general meeting of the Members and the Council (also known as Community Meetings) as set out and described in Section 8.7 of the CCEC.

“Gross Misconduct” means theft or falsification of records, willful destruction of Cheam First Nation property, or endangering the safety of any Cheam Members through incompetence or negligence, intoxication, or disorderly conduct at meetings of Council or other public forums.

“Immediate Family” means a husband, spouse, permanent companion, and dependent children.

“Indigenous Services Canada” means ISC

“Improper Conduct at a General Member Meeting” means being disrespectful to Chief and Council and /or any member of the Community, being intoxicated, using inappropriate language or otherwise in contravention of proper public behaviour.

“Incapacity” means an individual who has been determined to be mentally incapable by a court or other proper authority or who has been determined to be mentally incapable of handling their own affairs in a written opinion of two physicians.

“Mail-in Ballot” means a ballot mailed or delivered in accordance with Section 19 of the CCEC.

“Majority” means 50% + 1 of votes cast of those Electors who participated in the vote.

“Members” refers to all registered members of the Cheam First Nation.

“Members Meeting” means a meeting of the Members and Council held in accordance with Section 8.7 of the CCEC and includes General Members Meetings (also known as Community Meetings) and Special Members Meetings.

“Membership Clerk” means an employee of the Cheam First Nation whose duty and responsibility is to maintain the current mailing addresses of the Members on the Membership List and the Contact Address of the Electors on the Electors List.

“Membership List” means the list maintained by the Registry office of ISC, or any successor registry or registrar office, branch or department of the Government of Canada that contains the names of all Cheam First Nation Members.

“Nomination” means a Nomination for election to the Office of Chief or Council of the Cheam First Nation in accordance with this Code.

“Nomination Meeting” means the meeting that is held on one or more of the Cheam First Nation Reserves whereby candidates are nominated by Eligible Electors.

“Polling Station” means a building, hall, or room, which is selected to be the site for voting to take place and can also mean an electronic voting procedure for voting.

“Polling Clerks” means members of Cheam First Nation or other Cheam First Nation staff appointed by the Electoral Officer. to assist in the election process by performing clerical tasks such as posting notices, Identifying voters, etc.

“Regular Election” means an Election that is held in accordance with this Code.

“Scrutineer” means an individual appointed by a candidate to observe the conduct of the Election to ensure fairness of process.

“Special Election” means an election that is held that does not fall within the parameters of a General Election or By-election. A special election may be held when there is a lack of a quorum, and the vacant positions must be filled extremely quickly and would have to be conducted outside the timeline stipulated by the Cheam First Nation Custom Election Code.

“Special Meeting” unscheduled meetings called by Chief and Council for a specific purpose.

“Spouse” refers to, in relation to an individual, a person to whom the individual is married or with whom the individual has lived as a common law partner for at least one year in a marriage-like relationship.

“Staff” refers to the staff of the Cheam First Nation.

“Voter” means any Eligible Elector that has participated in an Election, either by mail-in ballot or by on-line voting or in person at a Polling Station.

“Voter List” means the list of Cheam First Nation Members who will be Eligible Electors at the time of the Election.

PART 2 – Governance Policy

The objective of this policy is to ensure that roles and responsibilities of the Chief, Council, and staff, particularly the Administrator, are as clear as possible so as to promote good governance in the conduct of the First Nation's affairs.

Additional policies, especially those related to programs and administrative matters, will provide further clarification of these roles.

4 COMPOSITION AND TERM OF OFFICE

- 4.1 The Cheam First Nation Council will be composed of (at the time this Election Code came into effect) one (1) Chief and five (5) Councillors.
- 4.2 The Cheam First Nations may increase the number of Councillors to the Council of Cheam First Nation, by the use of the 1 to 100 rule (one Councillor per 100 members), this shall be done prior to the launch of the electoral process. It is to be not less than 2 and no more than 12 Councillors. This change will be adopted by using a Cheam First Nation Council Resolution.
- 4.3 The term of office for each of the Chief and Councillors will be four (4) years from the Regular Election date.
- 4.4 The Cheam First Nation will conduct Elections for Chief and Councillors in the following manner:
 - a) The first election upon the approval of the Code will respect the current expiry date of the term of December 10, 2025, but it will end in November within the 4th year in 2029; and
 - b) All future Elections of Councillors of the Cheam First Nation will be held in the month of November and no later than November 30th, every four (4) years commencing in 2029.
- 4.5 In the event of emergency situations (e.g., pandemic, climate emergency) Council may pass a Band Council resolution to postpone an election for up to six (6) months. A second six (6) month postponement may be utilized only with community support that is secured through a 50% + 1 vote those present Cheam Eligible Electors at a duly convened community meeting, and online voting.

5 POLICY STATEMENT

- 5.1 Council and the Administrator will endeavour to operate as a partnership, recognizing their distinct but overlapping roles. Like all important partnerships, this one will require continued efforts on both parties to discuss problems and make adjustments. Consequently, the partnership will not remain static but will evolve as circumstances and personalities change.
- 5.2 Council acts as a collectivity; no member of Council, including the Chief, can make an important decision affecting the well-being of the First Nation acting as an individual unless otherwise authorized by Council. Furthermore, no member of Council can direct a member of staff, including the Administrator, unless authorized by Council. A member of Council can ask a staff member to provide information or perform a simple service on a matter affecting the First Nation. Should such a request entail a significant time commitment this should be done through the Administrator.
- 5.3 Council may decide to establish committees of Council. In doing so, Council will establish written mandates and time frames for their existence. These committees will be advisory in nature unless specifically directed by Council.
- 5.4 Council may decide to establish a portfolio system whereby an individual member of Council will have specific responsibilities in a specific area of Council's jurisdiction. Portfolio holders will be advisors to Council and will not direct staff unless expressly authorized by Council.

- 5.5 The responsibilities of Council vis-à-vis the First Nation's economic development corporation, its housing authority, and its policy governance board will be described in another policy and not included here.

6 GOVERNING STYLE

- 6.1 The governing style of Council is to focus on leadership that will emphasize:

- a) The future.
- b) A clear separation between the roles of the Council and staff.
- c) Being proactive rather than reactive.

- 6.2 The Council shall:

- a) Be accountable to members for competent, conscientious and effective accomplishment of its obligations. Council will allow no Councillor, individual or committee of Council to take over this role or to discourage discipline.
- b) Focus on strategic policy development and not an administrative or program implementation and conduct.
- c) Direct, control and inspire the First Nation by carefully studying and establishing Council policies.
- d) Initiate policy and not merely react to staff initiative.
- e) Whenever required, enforce upon Council whatever discipline is needed to govern with excellence.
- f) Monitor and regularly discuss Council's own process and performance.

- 6.3 Council Orientation

The purpose of orientation is to acquaint each Council Member with the First Nation, the Council and the job of the individual Council Member. Orientation will be an ongoing process.

- a) Orientation of the First Nation will cover the following:
 - i. The broad general scope of the First Nation, including Council's purpose, vision, values, history, and programs and services of the Council.
 - ii. The roles, responsibilities, relationships, and structure of all levels of the First Nation operation.
 - iii. The legislation that affects the First Nation, including its constitution and bylaws.
 - iv. An initial orientation should be done before the first Council Meeting. A Council Member's manual will be prepared. It will contain the above information, and the past Chief will review the Council information while the Administrator will review information about the operations of the First Nation office.

- 6.4 Orientation to the Council

This orientation will be done before or at the first meeting of the new Council Members. A discussion of topic items by all Council Members will help re-orient incumbent Council Members and introduce new Council Members to Council's Policy Manual. Supporting information will be distributed at this meeting to be inserted into the Council Policy Manual. Discussion will focus on five areas:

- i. The role of Council Members as a governing unit.
- ii. The importance of the Council and its contribution to meeting the needs of the First Nation members.
- iii. A review of Council's governance model, governance policies, and the basic values underlying the work of Council.

- iv. An introduction to Council's Annual Agenda.
 - v. Council's relationship with other organizations, groups, and government.
- b) Orientation to the Individual Role of the Council Member

The expectations of individual Council Members should include:

- i. The specific responsibilities, expectations, and benefits of the Council job.
- ii. The level of authority and accountability of individual Council Members.
- iii. The roles of committees and the resources available to committee members.
- iv. How reporting and communication occur within Council and between Council Members.
- v. The performance expectations for individual Council Members.

6.5 Code of Conduct

Chief and Council are expected to conduct themselves in an ethical, legal and professional manner. This expectation includes proper use of authority and appropriate group and individual behaviour.

a) Loyalty

All Council Members must be loyal to the interests of all First Nation members. This loyalty supersedes:

- i. Any advocacy or special interest group, and membership on other Boards or staffs.
- ii. The personal interests of any Council Member acting as an individual user of the First Nations programs and services.

b) Integrity

All Council Members must maintain the highest standard of integrity. All dealings shall be conducted in a manner that will not compromise the integrity, or place in question, the reputation of the First Nation or its members.

No Council Member shall exercise unfair advantage through misrepresentation, concealment, manipulation or other unfair or illegal practices.

c) Conflict of Interest

All Council Members must avoid any conflict of interest with respect to their fiduciary responsibility. Therefore, there must be no self-dealing or any conduct of private business or personal services between any Council Member(s) and the First Nation unless controlled by procedures to ensure openness, competitive opportunity and equal access to otherwise "inside" information.

Any Council Member is in a conflict of interest when, in the performance of a Council duty, they have the opportunity to further their private interests. To avoid liability, all Council Members shall:

- i. Act for the exclusive benefit of the First Nation in any matter where a conflict may exist.
- ii. Avoid situations where there is a real or apparent conflict of interest that could interfere with judgment in making decisions based on the best interests of the First Nation.
- iii. Ensure no personal benefit from any transaction involving the First Nation, except for those benefits available to all members.

- iv. Not use the Council position to confer an advantage on oneself or on a close friend, relative (a person connected by either blood or marriage), business associate, or any business entity in which the Council Member holds an interest in.

A conflict of interest will not arise if a benefit is intended or extended at the same time to: membership or a group of members who are identifiable by reference to age, gender, financial or medical circumstances, or to the whole of Council, committee or employees.

d) Authority

Council Members must act as a team and may not attempt to exercise individual authority over the organization except as explicitly set forth in Council policies. Therefore:

- i. Individual Council Members or group of Council Members must recognize that they have no authority to direct the Administrator or staff as noted in other policies.
- ii. Except for the authority granted to the Chief, Councillors must recognize that they have no authority to interact with the public, the media and other entities for Council.
- iii. Council Members will make no judgment of the Administrator or staff performance unless that performance is assessed against explicit Council policies by the official process.
- iv. Council Members will respect both approved signing authorities and approval processes, for example, Band council resolution, contracts, purchases, and payments.

e) Confidentiality

- i. Council Members have the responsibility for maintaining confidentiality. All information provided to, or accessed by, Council is to be considered confidential until Council as a whole grants approval for the information to become public knowledge.
- ii. Council Members shall not use information obtained as a result of their appointed position for personal gain.
- iii. Council Members shall not give out official and/or confidential information acquired as a result of their appointed position, unless they have the expressed written permission from the Council.
- iv. The duty of confidentiality remains even beyond the term of Council. Therefore, no former member of Council shall act in such a manner or give advice as to take improper advantage of her or his previous public office, including through employment, formal (contracting) or informal advice for a period of no less than five years, post term.

f) Communications

- i. Council Members will deal with outside entities or individuals, with staff, and with each other fairly, ethically and with straightforward communication.
- ii. Council Members will deal with issues, not personalities.
- iii. Council Members will approach their work together in a collaborative manner by openly sharing ideas and information, demonstrating appreciation for diverse points of view, and contributing to problem-solving by discussing solutions.
- iv. Council Members will respect the right of all its members to be heard and will listen attentively to others.

g) Procedure

All Council Members must carry out their duties in good faith with a reasonable degree of diligence, care, and skill. If a Council Member is deemed to be negligent in carrying out her or his duties, Council has the right to make and enforce its own rules and punish an offender. In such circumstances, the following guidelines will be followed:

- i. Offending Council Members may be censured by the Chief, or other Council Members representing the Council, with a letter being sent to the member outlining the circumstances and corrective actions.
- ii. Continued offense(s) will result in a motion of reprimand brought to the Chief. This motion may result in a voluntary withdrawal, or upon a vote of the majority, the member will be removed from all committee membership.
- iii. Continued offense(s) by a member of the Council will result in removal from office by a resolution of Chief and Council.
- iv. In circumstances of an extreme nature, the offending member will be removed from office immediately. Refer to Section 25.7 of this Code for a list of circumstances.

7 ROLES & RESPONSIBILITIES

7.1 Council's responsibilities include approving:

- a) All mission statements and strategic plans.
- b) Accountability measure directed at members and funding agencies.
- c) Yearly and multi-year budgets and any major adjustments.
- d) New program initiatives.
- e) All funding agreements.
- f) All contracts over a certain amount as specified in the financial management policy.
- g) All policies.
- h) The establishment of complaints procedure.
- i) All significant organizational changes.
- j) The hiring and evaluation of the Administrator.
- k) The hiring of senior staff reporting directly to the Administrator on the recommendation of the Administrator.
- l) The conduct of relationships with external organizations.

7.2 Council will monitor and take corrective action about, when appropriate:

- a) The implementation of policies, plans, and programs.
- b) Budget variances.
- c) Major contracts and funding agreements.
- d) Major capital expenditures.

7.3 The Chief, in addition to being a member of Council, will be responsible for:

- a) Acting as the official spokesperson of the First Nation.
- b) Chairing council meetings.
- c) Managing external relations subject to any policies or directives issued by Council.
- d) Managing Council business by ensuring a meeting schedule is in place; calling emergency meetings; assisting individual Councillors; helping Council be an effective team; ensuring meeting rules are established and followed; and ensuring Council focuses on the longer-term needs of the First Nation.

- 7.4 The Administrator will assist Council in executing its responsibilities in 7.1 and the Chief's responsibilities under 7.3 and in addition will be responsible for:
- a) The implementation of policies, programs, and plans.
 - b) Recommending to Council the appointment of senior staff reporting directly to her or him.
 - c) Engaging all other First Nation staff.
 - d) Managing the First Nation staff.
- 7.5 Members will be responsible for:
- a) Attending meetings, listening, participating respectfully, and adhering to the First Nation's policies for any submissions of agenda items.
 - b) Informing themselves of Chief and Council business.
 - c) Treating Chief and Council, staff, advisors and each other courteously with dignity and respect.
 - d) Ensuring that Chief and Council have the necessary skills, experience, and values to represent and lead their community properly.
 - e) Monitoring Chief and Council and holding accountable those whom they have delegated authority.
- 7.6 To ensure that the Chief, the rest of Council and all staff of the First Nation perform their duties to the highest ethical standards and in the best interest of the First Nation, the Council will enact a Code of Conduct to include a conflict-of-interest section which does not supersede the conflict of interest section in any of the Cheam First Nation's laws.

8 COUNCIL MEETING PROCEDURES

8.1 Council Annual Agenda

The Council shall develop and follow an annual agenda setting out its goals for the coming year.

- a) In February and March of each year, the Council shall review its performance in achieving the current year's goals and shall develop an agenda for the coming year.
- b) The Council shall consult the members in developing its annual agenda.
- c) Throughout the year, the Council shall attend to the implementation of its annual agenda as expeditiously as possible.

8.2 Council Meetings

- a) Council meetings shall be held twice a month.
- b) To provide adequate notice, Council shall schedule "duly convened meetings" in advance at a set time and location and give a minimum of 3 days notice prior to the meeting to all participants in the meeting,
- c) As a general rule, Council meetings shall start no later than fifteen (15) minutes from the specified start time.
- d) The quorum for Council meetings is four (4) Council Members at the time this code came into effect.
- e) If no quorum is present, Council will adjourn until the next meeting.
- f) Any Council Member unable to attend a Council meeting must notify the Governance Manager in advance, otherwise, they will be documented to be absent without a reason.
- g) No Council Member shall be absent for two (2) consecutive meetings without just cause or being so authorized by Chief and Council, otherwise they will be disqualified and removed from their Council office.

- h) The agenda for Council meetings shall only include issues that are within the authority of Council and not the authority of the Administrator.
- i) The Chief is the Chairperson appointed for each meeting but can delegate or rotate the role when necessary.
- j) The Chief may call a “Special Council Meeting” at the request of Council quorum by giving three (3) days notice to the Administrator who will be responsible to notify individuals required at the meeting.
- k) Emergency meetings can be convened to deal with crises by the Chief or the Chief’s written delegate submitted to Administrator. In the absence of the Chief or his delegate, a quorum of Council can call for an emergency meeting. A quorum must be in attendance for a meeting to proceed.
- l) Regular or Open meetings
 - i. Are to be open for the Membership to attend in-person and on-line virtually.
 - ii. Follow the Delegation Guidelines, Members or groups can make a presentation to Council during the Regular or Open meeting. Submission requests must be received by the Executive Assistant by noon on the Wednesday prior to the Meeting.

8.3 Agenda

- a) The Council will prepare an agenda for each meeting. The agenda lists the order of items to be discussed and resolutions to be considered. The agenda, minutes of previous meeting and background information will be distributed far enough in advance such that Council Members have an opportunity to properly prepare for the meeting.
- b) Proposed additions to the meeting agenda will be dealt with as follows:
 - i. If quorum is reached but not all Council Members are present at a meeting at which a proposal is made to add a matter to the agenda, Council may add the matter to the agenda for consideration if all present Council Members agree to its addition, but no decision respecting the matter will be made until the next meeting and all Council Members have had the opportunity to adequately consider the matter.
 - ii. If all Council Members are present at a meeting at which a proposal is made to add a matter to the agenda, Council may add the matter for consideration and deliberation if all Council Members agree to its addition and a decision may be made on that matter.
- c) Persons or entities wishing to address Council should make a formal written request that briefly explains why they want to make a presentation to Council. The request must include the amount of time required and clearly outline any decisions that may be needed. Once the agenda is set, the party requesting the time will be advised when they can attend by the Governance Manager.
- d) The Order of Business for all Regular Chief and Council meetings will be as follows:
 - i. Call to Order
 - ii. Approval of Agenda (including the addition of Late Items)
 - iii. Approval of Minutes
 - iv. Delegations and Presentations
 - v. Business Arising
 - vi. Receipt of Committee Minutes
 - vii. Business Arising from the Committee minutes.
 - viii. Laws
 - ix. Consent Agenda

- x. Finance Report
- xi. Executive Director Report
- xii. Reports by Staff
- xiii. Correspondence
- xiv. New Business
- xv. Reports by Chief and Councillors
- xvi. Next Meeting Date
- xvii. Adjournment

8.4 The Order of Business for all Closed meetings (only for Council members or by invitation) of Council will be as follows:

- a) Call to Order
- b) Approval of Agenda (including the addition of Late Items)
- c) Delegations and Presentations
- d) Adoption of Minutes
- e) Business Arising from the Closed Council Meeting Minutes
- f) Correspondence
- g) Reports by Staff
- h) Reports by Chief and Councillors
- i) Adjournment
- j) Consent Agenda
 - i. On a Regular Chief and Council Agenda, non-controversial, routine items which do not require discussion, or debate may be grouped together under a Consent Agenda and dealt with under one resolution of the Council.
 - ii. Items to be included in the Consent Agenda are:
 - Reports for Information.
 - Correspondence received for information and no action; and
 - Items for which debate is not expected.
 - iii. Any Council member may request that an item included on the Consent Agenda be removed from the Consent Agenda and dealt with separately. Council will request removal of items from the Consent Agenda prior to moving adoption of recommendations listed in the Consent Agenda. Any item that is removed from a Consent Agenda will be considered immediately after the consideration of the Consent Agenda.
 - iv. Council members may request that an item be included on the Consent Agenda, and if no one objects, it will be so listed and considered.
 - v. Council may vote on and adopt in one motion all recommendations appearing on the Consent Agenda.

8.5 Minutes

- a) The Administrator will appoint a minute taker to document Council meetings.
- b) Minutes shall record, but are not limited to the following:
 - i. Date, time and location of the duly convened meeting.
 - ii. Those present, including presenters and those who send regrets.
 - iii. Motions and seconders.
 - iv. Approval or additions to the agenda.

- v. Approval of previous minutes.
- vi. New business.
- vii. Time of any “in-camera” session.
- viii. Adjournment time.
- c) Additional Items
 - i. Each Council Member has the right to formal dissent of decisions or motions which will be recorded in the official minutes. These also include decisions made at a previous Council meeting if the Council Member was not present at that meeting.
 - ii. Major decisions made by Council will be recorded on a Band Council Resolution Form where one copy will be kept in office.

8.6 In Camera

- a) “In camera” discussions must be pre-approved and on the agenda.
- b) “In camera” discussions must be kept confidential, with a record of action items and decisions to be kept in a locked filing cabinet or safe by the Council or Administrator. This shall include any issues that fall under the Privacy Act, most commonly:
 - i. Employment issues.
 - ii. Issues of personal nature relating to a member or staff member.
 - iii. Status of commercial and business negotiations.
 - iv. Litigation or potential litigation.
 - v. Issues of dissension brought to the attention of Council.
- c) “In camera” decisions will be made public once they have been recorded and agreed upon by Chief and Council.

8.7 Community Meetings

- a) A minimum of four (4) Community Meetings will be held in each calendar year. Meetings will include Community Meetings; and Annual General Meeting; and Special Meetings, if needed.
- b) Council Members are required to attend Community Meetings, unless they have reasonable cause for not attending, including illness of self or family member, or compassionate leave in the death of family or friend.
- c) The purpose of Community Meetings is to:
 - i. Report quarterly on Council activities and progress on achievements of the annual strategic plans, goals, and objectives.
 - ii. Share information on opportunities and collect feedback on opportunities, decisions, and progress reports. This feedback will be used to inform the remainder of the year's plan and subsequent years plan.
- d) The purpose of the Annual General Meeting is to:
 - i. Present the annual report (achievements), and audited financial statements, based upon the prior year strategic plan.
 - ii. Collect feedback on decisions and progress.
 - iii. Present the coming year's strategic goals and objectives.
- e) The purpose of Special Meetings is to (in extenuating circumstances):
 - i. Provide reporting on urgent/emergency issues that cannot be accommodated through the monthly meeting agenda; or
 - ii. Requires the immediate feedback of members for substantive decisions.
- f) As a general rule, meeting invitations shall be mailed out at least two (2) weeks in advance of the meeting with clear times, location and general agenda items.

- g) All reports and information to be presented shall be submitted in writing and pre-approved by the Administrator. Members are not to bring information into a meeting that has not been pre-approved by the Administrator. The agenda shall be followed to keep the meeting on track.
- h) No member will be excluded from a Community Meeting but may be requested to leave for improper conduct as defined in the definition section of this code.
- i) General minutes should be kept ensuring a record of the main components and members' comments, questions, and concerns.

9 ORGANIZATION POLICIES

9.1 Delegation of the Administrator

To ensure a clear separation between politics and administration, Chief and Council delegate management of the day-to-day procedural operations to its only employee, the Executive Director.

- a) The Council may rescind areas of the Administrator's authority anytime by creating new or amending existing policy.
- b) The Council will provide advice and instruction to the Administrator if an existing policy is silent on a particular subject matter, and then Council will respect the Administrator's decision on that matter.

9.2 Roles of the Administrator

- a) Develop, authorize and implement employment policies and administrative activities in accordance with the First Nation's laws, bylaws, contracts, and policy.
- b) Has the authority to establish priorities based on time, resources and budget.
- c) Ensure all programs, services, and projects are managed in accordance with all applicable laws, funding regulations and contractual requirements.
- d) To ensure all financial reports are completed in a timely manner as per compliance with funding agreements.
- e) Select, supervise and support employees to ensure they are fulfilling their job duties.
- f) Periodically review organizational goals, plans, and policies with staff to ensure consistency with the mandate of the First Nation and for effective service delivery to the community.
- g) Ensure that there are current job descriptions for each employee and that annual employee performance reviews are carried out.
- h) Seek and secure sufficient resources for the First Nation to finance its programs and services.
- i) Acting Administrator: In the Administrator's absence, an Acting Administrator from senior staff will be appointed by the Administrator.
- j) The Acting Administrator shall have limited authority over matters that obligates the organization and have no signing authority. They ensure day to day operations are maintained in a professional manner.

9.3 Council, Administrator, and Staff

- a) Only decisions of the Council acting as a body are binding on the Administrator.
- b) Decisions or instructions of individual Council Members or Council Committees are not binding on the Administrator except in situations where the Council has specifically authorized the exercise of such authority.

- c) The Administrator may refuse a request from individual Council Members or Council Committees that are not endorsed by Council for information or assistance if, in the opinion of the Administrator, the requests require a substantial degree of staff time or funds or are disruptive.
- d) The Council will review the Administrator's job description and performance annually based on contractual obligations and meeting the annual goals set by the Council and Administration.
- e) The Council will review the Administrator's job description and performance annually based on contractual obligations and meeting the annual goals set by the Council and Administration.
- f) The Administrator has authority over and is accountable for all First Nation staff. Accordingly, the Council is prohibited from giving instructions or direction to staff and will refrain from evaluating, either formally or informally, any staff other than the Administrator.

9.4 Portfolios

- a) In order to achieve a more consistent and balanced workload among elected leadership, the following tasks and outcomes have been developed for Council to advance grouped issues on a political level.
- b) There is recognition that there will be overlapping issues from time to time and that those roles will have to be updated as the First Nation progresses through stages of agreements and projects.
- c) Portfolios are reviewed and assigned by Council Members at the beginning of an elected term (usually based on strong interest or expertise and least perception of conflict of interest). Portfolios are held by one person and there may be an alternate Council Member appointed at a duly convened meeting. Appointed portfolio holders should only be changed at a duly convened meeting with cause.
- d) The roles and responsibilities of portfolio holders are as follows:
 - i. Portfolio holders are not supervising staff or administering the project.
 - ii. Report monthly progress updates to the Council table.
 - iii. Consider all matters referred by Council on a priority basis for best results.

9.5 Remuneration

To regulate expenses and provide transparency, Council Members will receive compensation for responsibilities, duties, and services performed in accordance with the policies, procedures, and budgets of the First Nation.

As an ex-officio member of all committees and chairperson for Council meetings, the Chief receives more compensation.

- a) Budget
 - i. Each year the Governance Department will undertake planning that identifies the allowable budget for Council honorariums, related expenses, and the scheduled commitments, and, with the Chief and Administrator, will make adjustments as needed to ensure that Council remains within the approved budget.
 - Councillors work only part-time, which is reflective in the annual budget formula.
 - The maximum payable honoraria for each Council Member shall not exceed the budget formula per pay period. Council honoraria will be subject to payroll deductions and paid bi-weekly.
 - There will be no recognition of any overtime.
 - Compensation may be suspended at the discretion of quorum if the Councillor has been absent from Council duties for more than thirty (30) consecutive days.

- ii. Any increase to the Council annual budget is considered a substantive issue. Before Council makes an increase to allow for additional meetings or to increase or to increase the annual budget:
 - The portfolio holder must first confirm that there are available funds to support the increase; and
 - Council must approve the increase with full consensus.
- b) Eligible Expenses
- i. The annual Council budget takes into consideration the cost of using a cellular device to conduct Council business. The Council Member's monthly cell phone stipend should cover the costs.
 - ii. Travel for First Nation business must be declared within two (2) weeks upon return using the expense claim forms and will be governed by the travel policy.
 - iii. Reimbursement for eligible First Nation business-related costs, such as training, conferences, meetings, and events, is to be supported by original receipts and signed claim forms.
- c) Property
- i. Credit cards are the property of the First Nation and are approved for business expenses only under the First Nation's financial policy.
 - ii. Information technology devices provided to Council Members that are purchased by the First Nation, on the basis of funding available, will be the property of the First Nation.
 - Troubleshooting of devices shall be done through the First Nation's IT support, otherwise, it is done at the cost of the Council Member.
 - Purchases and upgrades are conservatively calculated into the annual Council budget and enacted upon at the discretion of the First Nation.
 - If damage has occurred beyond normal wear and tear, charges will be assessed accordingly.
 - iii. All equipment used for Council business remains the property of the First Nation and must be returned at the latest one (1) business day before the election day.
 - If any Council Member fails to return any equipment, replacement charges will be assessed accordingly.
 - If damage has occurred beyond normal wear and tear, charges will be assessed accordingly.
- d) Gifts
- i. Gifts of Protocol/Custom/Courtesy

Council Members may accept gifts that are offered according to protocol, custom, or as a courtesy when they are performing Council responsibilities. Gifts of protocol/custom/courtesy are defined as being non-monetary items that are:

 - Nominal in value (such as tobacco).
 - Clearly associated with the presence/service (speaking engagement) of the individual member of Council.
 - Usually coming from a source that the Council does not have a commercial/business relationship with (universities, conferences, celebrations).
 - Made by the donor without further expectation.
 - A small monetary gift intended to reimburse a Council Member for travel costs that are not already covered by the First Nation.

These types of gifts do not need to be declared and can be retained by the individual Council Member for personal use.

Nominal gifts may be accepted, however, if gifts are repeatedly offered and the cumulative value of gifts exceed \$100.00, these gifts shall be deemed an official gift and must be declared and utilized in the manner outlined in the “official gifts” section.

ii. Official Gifts

- Official gifts may be made in recognition of service of Council. Official gifts may be provided to an individual Council Member as the representative of the Council, or on behalf of the First Nation as an organization.
- All official gifts must be declared and brought to the First Nation at the earliest convenience for the First Nation’s use, or as determined by Council, utilized in a manner that provides benefit to an acknowledged First Nation function (e.g. community event, program).

iii. Business Gift

- Business gifts include items (logoed merchandise) as well as entertainment (golf, sporting event tickets) that are offered as a way to establish or strengthen business relationships. Business gifts are typically infrequently given and should not be of a value considered excessive (compared to gifts from other sources/situations). Council may accept these gifts provided they are not given or received with the intent of influencing the decision making of the Council.
- Entertainment type gifts (sporting event tickets) should not be accepted where a representative of the company/organization offering the gift will not be accompanying the recipient to the event.
- Monetary gifts or gifts with cash equivalents (gift certificates) may not be accepted.
- To ensure transparency, all business gifts must be declared to the Council Chair. When possible, the Chair should approve the gift prior to it being accepted. The Chair will maintain a record that monitors the value, quantity, and frequency that such gifts are offered. The Chair will evaluate the appropriateness of all gifts, especially where gifts are repeatedly offered by the same source, to determine if a real or perceived conflict of interest exists or has the possibility of developing.
- Any instance of public relations gift being offered that is perceived as bribery or a reward for favourable treatment (a “kickback”) must be reported to the Chair immediately.

iv. Declining Gifts

Despite any good intentions behind the offering of a gift of protocol/custom/courtesy, an official gift, or business gift may:

- Be construed by an impartial observer as a bribe, pay off, influence over decision-making, or improper or illegal payment.
- Compromise the image or values of the Council.
- Come from a questionable source (illegal).
- Expose the Council to liability that could not be managed.

All Council Members are obligated to respectfully decline these kinds of gifts and report the situation/incident to the Council.

If a Council Member accepts a gift, but the Council as a whole later determines that the gift is inappropriate, the Council will determine how best to dispose of the gift, which may include returning the gift.

- e) Other Remuneration
- i. Compensation from Council business such as organizations requiring Council representation on boards, committees or functions shall finance expenses through that organization or service.
 - ii. Compensation due as a result of Council representation shall be paid to the First Nation directly to offset costs.
- f) Reporting
- i. Each Council Member must submit in writing a list of their family members and any business in which they or their family members have a financial interest.
 - ii. At the start of every fiscal year, each Council Member must submit the total amount of remuneration, expenses, and benefits paid by the First Nation and its entities to themselves or their family members during the previous fiscal year; and any contracts between the First Nation and its entities and themselves or their family members during the previous fiscal year.
 - iii. At the set time, the chief financial officer must prepare a special audited financial report summarizing all compensation, benefits, and contracts received by the Council Member and their family members in the previous fiscal year. The information provided by each Council Member must be compared with the First Nation's records for completeness and accuracy and resolve any discrepancies.
 - iv. In order to fulfill the requirement of transparency and accountability, there must be a robust audit of responsibility and remuneration. This is not to penalize the Council Member, but to mitigate accusations and conflicts of interests.
- g) Fraud
- i. Council Member's whose actions giving rise to criminal charges are subject to disciplinary action up to and including termination of elected position.
 - ii. Council Members who are proven to have defrauded the First Nation will be terminated and if financial fraud is discovered, the First Nation may pursue legal action against the discharged Council Member.
- h) Collection of Fees and Debt
- i. Council Member's whose accounts with the First Nation are overdue must sign an agreement.
 - If any Council Member fails to sign the agreement, this is a contravention of First Nation policies and may result in the removal from office.
 - If any Council Member fails to honour the agreement, the collection procedures shall start immediately after payment is not made as agreed. This constitutes as a contravention of First Nation policies and may result in the removal from office.
 - ii. Council Members will not be entitled to receive any First Nation benefit until the fees are paid in full. The First Nation will be able to take any funds or portion of funds that may be due and payable to the Council Member, such as honoraria, salary, distribution, insurance monies or like funds.

9.6 Employees Seeking Political Office

In the event that a First Nation employee accepts the nomination for the political office of Chief and/or Councillor during a First Nation election, the employee shall be governed by these conditions:

- a) The Employee shall not use their office, equipment, materials, and supplies to campaign in any manner whatsoever.
- b) The Employee shall maintain the expected level of support and service delivery of their office, department, and staff of the Employer, Members, and the First Nation.
- c) The Employee shall not allow their election campaign and personal politics or benefits interfere with their ability to do their job, accountability, and responsibility to their supervisor and the Employer.
- d) The Employee understands that any contravention of these policies may result in disciplinary action up to and including termination for cause.
- e) An employee, who accepts a nomination, allows their name to remain on the Official Ballot and who is subsequently not elected to political office, and who have conducted themselves in accordance with this policy, shall continue in their employment without interruption or discharge as a result of participating in the Election.

9.7 Contravention of Governance Policy

If a Council Member is found to be in contravention of this Governance Policy in carrying out her or his duties or whose actions give rise to criminal charges, the remaining Council quorum has the discretion to make and enforce its own procedure to reprimand that individual. In such circumstances, the following guidelines shall be followed:

- a) Council may send a letter to the offending Council Members outlining the circumstances and the corrective actions required to be taken by the Council Member.
- b) Continued contravention can result in a motion of reprimand by Council, requiring a voluntary withdrawal of action or written resignation by the offending Council Member.
- c) If these actions do not rectify the situation, Council may vote to take punitive action, but not limited to:
 - i. Seek legal advice and/or contact the RCMP.
 - ii. Suspend the Council Member from attending any Council business pending charges and/or conviction.
 - iii. Revoke all honoraria and expense accounts.
- d) Any Council Member convicted of a felony criminal charge shall be immediately removed from office.

10 LIMITATIONS ON THE AUTHORITY OF THE ADMINISTRATOR

10.1 Operational Practices

In performing her or his duties, the Administrator shall not cause or allow any practice, activity, decision or organizational situation which is unlawful or in contravention of any First Nation policy, bylaw or regulation.

10.2 Administration

The Administrator has the authority to develop, implement and enforce policies concerning the day-to-day administrative practices and operations of the First Nation office and staff.

Any day-to-day administrative policies developed by the Administrator shall:

- a) Be consistent with all the First Nation's policies, bylaws, and regulations, including this Governance Policy.
- b) Be published and available to all staff.

10.3 Staff treatment

The Administrator shall deal with staff and all staff issues in a manner that is consistent with the provisions of the First Nation's human resource policy manual.

10.4 Fiscal Planning

With respect to fiscal planning matters, the Administrator shall ensure that:

- a) The First Nation's accounting and reporting systems operate within generally accepted accounting principles.
- b) Annual First Nation expenditures do not exceed the funds that are conservatively projected to be received in the same period.
- c) A budget is prepared that provides sufficient information to allow for:
 - i. A reasonably accurate projection of revenues and expenditures.
 - ii. A reliable cash flow projection.
 - iii. Subsequent audit trials.
 - iv. Planning assumptions.
- d) Current liquid assets are equal to or exceed the First Nation's current liabilities.
- e) The First Nation's financial policies are followed.

10.5 Financial Condition & Activities

The Administrator shall oversee the First Nation's finances in a sound and prudent way. And in doing so, will not permit financial risk to develop nor jeopardize her or his ability to allocate funds with integrity.

Thus, the Administrator will ensure that:

- a) The First Nation's committed or expended funds do not exceed the funds which have been provided for in the duly approved budget.
- b) The First Nation is not indebted beyond any levels provided for in the duly approved budget.
- c) Long-term reserves are preserved unless authorization has been given otherwise through the duly approved budget.
- d) Interfund transfers are never conducted to a greater amount than can be restored by uncommitted revenues within thirty (30) days.
- e) Payrolls and debts are settled quickly.
- f) The First Nation's financial policies are adhered to regarding all the First Nation's financial matters.

10.6 Asset Protection Policy

The Administrator will ensure that the First Nation's assets, including property, equipment, membership lists, and computerized data are properly cared for and that all the First Nation's assets are adequately maintained, protected and their value preserved. To do that, the Administrator will:

- a) Insure the First Nation against theft and casualty losses to at least 80% of the replacement value of items.
- b) Insure against liability losses to Council Members, staff, and the First Nation itself in no greater amount than the average for comparable operations.
- c) Ensure that all equipment and First Nation structures are properly maintained and follow an established maintenance schedule.

- d) Ensure that the First Nation, its Council and staff are not exposed to unnecessary claims of liability.
- e) Protect cultural and intellectual property, information and files from loss or significant damage.
- f) Ensure that funds that are received, processed or expended fall within controls that meet Council's appointed auditor's standards.
- g) Ensure that the public image of the First Nation is not endangered in any way and that no actions are taken that may hinder the First Nation's ability to accomplish its strategic goals.
- h) Ensure that the First Nation's financial policies are observed and followed.

10.7 Communication with the Membership

The Administrator shall not ignore or fail to respond to the concerns of the members or communicate to the members regarding significant changes to the operations and overall direction of the First Nation.

10.8 Communication and Advice to Council Administrator shall:

- a) Advise Council of relevant trends, and significant changes in operations, especially changes in the assumptions upon which any Council policy was previously established and their implications for the First Nation.
- b) Submit to Council all required monitoring reports in a timely, accurate and understandable way.
- c) Gather points of view, issues, and opinions from internal and external sources needed for fully informed Council choices, and to so inform Council periodically.
- d) Present information to the Council in a concise, succinct and timely way.

10.9 Potential Legal Disputes

The Administrator shall immediately inform the Council when she or he is made aware of an issue that may cause the First Nation to become involved in a legal matter.

10.10 Contravention of First Nation Policies

- a) The Administrator shall immediately inform the Council in writing when she or he discovers that a First Nation policy has been contravened.
- b) The Administrator will also report contraventions of First Nation policies to the Council as part of her or his normal reporting.

11 PROCESS FOR ADDRESSING COMPLAINTS

11.1 Any member or resident of the First Nation who believes that Council or staff are not following this policy can direct her or his concern to the Administrator in writing or recorded at the Administration office. The Administrator will respond to the complainant within thirty (30) days.

11.2 If the member or resident is still not satisfied following the response of the Administrator, she or he may direct her or his concerns in writing or recorded at the Administration office to the Chief and Council, who will respond within thirty (30) days.

12 COMMUNICATING THIS POLICY

Like all First Nation policies, this policy will be available in a manual for review by any First Nation member in the Administration office of the First Nation during business hours.

12.1 Review & Evaluation of this Policy

Chief and Council will review this policy within five (5) years of its adoption and decide whether further evaluative work is necessary. A record of the review will be recorded in writing and attached to the policy.

13 DATE OF ENACTMENT & SIGNATURES

This policy was adopted by quorum of Council and passed by Band Council Resolution at a duly constituted meeting on the _____ day _____, 20____.

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

PART 3 - Custom Election Rules and Procedures

This Act establishes the rules and procedures for conducting Cheam First Nation Custom Elections.

13.1 Eligibility for Office

- a) Candidates must be an Eligible Elector and may be nominated and run for one or both the position of Chief and/or Councillor but may only hold one position if elected to both. If a Candidate runs and is elected to both the position of Chief and Councillor, the Candidate must inform the Electoral Officer publicly at the vote count, verbally or in writing by email on Election night, of which position they accept. The Electoral Officer will identify on the results declaration which position the Candidate has accepted.
- b) Candidates must be willing to sign the Chief/Councillor Qualification Certification, which confirms that they:
 - i. Have read and understand and agree to comply with the Cheam Governance Policy Manual, which includes an outline of the Roles and Responsibilities of Council and included in this Custom Election Code Section 7.
 - ii. Have no criminal convictions of indictable offences during the ten years prior to the date of Election. All Candidates must provide the Electoral Officer with a Criminal Record Check (CRC), including the Vulnerable Sector that is not older than three (3) months and an executed Qualification Certification, attached as Appendix 1, no later than the end of the 4th calendar day following the nomination meeting. A Candidate may provide the Electoral Officer with evidence that a Criminal Record Check was applied for, on the condition that the CRC must be provided to the Electoral Officer as soon as it is obtained, no later than Election day.

The only exception to the requirement to have no criminal convictions of indictable offences are in the case where convictions are the result of the assertion of aboriginal rights and title (i.e. blockades) through undertaking actions endorsed by Cheam Council Resolution or convictions that were pardoned through the Canadian Justice System.
- c) Candidates must not be in Arrears on a debt owed to Cheam First Nation, as confirmed by the Cheam First Nation Financial Officer, by 5:00 pm on 4th Calendar Day after the Nomination Meeting.
- d) Candidates must not be in a state of bankruptcy or in a consumer proposal at the time of nomination or during an elected term.

13.2 Electoral Officer

The following provisions will govern matters with respect to the Electoral Officer:

- a) The Cheam First Nation Council will appoint an Electoral Officer for each Election, who will be responsible for supervising all aspects of elections to ensure they are carried out in accordance with this Code.
- b) The Electoral Officer will be appointed not less than ninety days (90) days before the date selected by the Cheam First Nation Council as the date on which the Regular Election will be held; and
- c) The Electoral Officer may serve more than one appointment.
- d) The Electoral Officer must not be a Cheam Member nor staff member of the Cheam First Nation nor a contractor employed by Cheam First Nation or any of its subsidiaries.

- e) Where the Cheam First Nation has an actively employed or acting Director of Operations, the Director of Operations will make a recommendation for an Electoral Officer to Chief and Council, and
 - f) If the individual is rejected by Chief and Council or can otherwise not act as Electoral Officer, Chief and Council may receive recommendations for the Electoral Officer from other sources.
- 13.3 The Electoral Officer will be appointed by a Cheam First Nation Council Resolution containing:
- a) The Electoral Officer's full name address and telephone number
 - b) The date and time for the Nomination Meeting and the date of the election
 - c) The type of Election which is to be conducted (Regular Election, or Special Election, and or By-election),
 - d) Any special instructions, and
 - e) In the event the Chief and Council are removed through the Appeal process (per Section 28 of this Code) by a court order or are unable to reach consensus by quorum on the appointment of an Electoral Officer by the required appointment date, the Electoral Officer will be appointed by the Director of Operations.
- 13.4 The appointed Electoral Officer will submit written acceptance to Council and swear an Oath of Office for Electoral Officers (utilizing the form included in Appendix 2).
- 13.5 The Electoral Officer will be remunerated as decided by resolution of Chief and Council.

14 PRE-NOMINATION PROCEDURES

- 14.1 Election File
- a) The Electoral Officer is responsible to establish and maintain election files and provide an election report to the Cheam First Nations Government, as outlined in this Code.
- 14.2 Other Positions
- a) The Electoral Officer may appoint Deputy Electoral Officers, interpreters, and polling clerks as they deem necessary and will document the details of this in the election file.
- 14.3 Voters' List
- a) The Electoral Officer will prepare the Voters' List consisting of all Eligible Voters based on information obtained from Indigenous Services Canada and the Cheam First Nation Director of Operations at least seventy-five (75) days prior to an Election. The list will be in alphabetical order and contain the name, date of birth, Status Card Number/Citizenship Number, and addresses (on or off Reserve) of the Eligible Voters.
 - b) Any Eligible Elector may apply to the Cheam First Nation membership clerk to have the Voters' List revised in the event that an Eligible Elector's name is incorrect or has been omitted.
 - c) The Electoral Officer will, revise the Voters' List upon receipt of proof of membership from the Cheam First Nation membership clerk or the office of the of the Indian Registrar at ISC.

¹ A criminal record check as required by section 13.1 (b) ii will determine if a person has been charged or convicted of a crime. For more information on criminal records checks visit: <https://www.rcmp-grc.gc.ca/en/types-criminal-background-checks>

15 NOMINATION MEETING

- 15.1 The Electoral Officer will ensure that the date of the Nomination Meeting for a Regular Election is at least forty-five (45) days before the election, which corresponds with the end of the term of the four (4) years.

- 15.2 The Electoral Officer will, at least thirty (30) days before the date set out for the Nomination Meeting, draft, and post a notice of the Nomination Meeting together with an alphabetical voters list (names only).
- 15.3 The notice of the Nomination Meeting will be posted in the Cheam First Nation Administration Office and will include reminders of the requirement to have a clearance letter (criminal record check as well as a vulnerable Sector check.
- a) The Electoral Officer shall, within five (5) Calendar Days of being posted, mail out the Notice of Nomination to all eligible voters living off-reserve for which there is an address along with a Chief and Councillor nomination form (utilizing the form included in Appendix 3).
 - b) The notice of the Nomination Meeting may also be posted, at the discretion of the Electoral Officer, by way of:
 - i. The Cheam First Nation website
 - ii. Social media channels
 - iii. Email
 - iv. Mail-outs
 - v. Radio and
 - vi. In conspicuous public places on the Cheam First Nation Reserves.
 - c) The notice of Nomination Meeting will contain and set out:
 - i. The eligibility requirements for candidates,
 - ii. The time, duration, date and place of the Nomination Meeting and methods by which eligible electors may Nominate a candidate, including instructions and link for Voters to participate in the Nomination Meeting by Zoom or other comparable digital platform,
 - iii. The number of positions open for election, and
 - iv. A copy of the notice of an all-candidates meeting
 - v. A statement that a copy of this Code may be obtained from the Electoral Officer or the Cheam First Nation Administrative office.
 - d) These forms can be returned either by regular post or email or delivered to the Electoral Officer by hand.

16 NOMINATION OF CANDIDATES

- 16.1 Only Eligible Electors may nominate or second a Nomination of a candidate.
- 16.2 An interested candidate cannot self-nominate nor can they second their own nomination.
- 16.3 Only Eligible Electors who meet the requirements of a candidate as set out in this Code may be nominated as a candidate.
- 16.4 No Eligible Elector can nominate or second more than the number of Chief and Councillor positions available.
- 16.5 In accordance with section 13.1, each Candidate must provide the Electoral Officer with a Criminal Record Check that includes the Vulnerable Sector that is not older than 3 months and a signed Qualification Certification form no later than 5:00 pm of the 4th Calendar Day after the Nomination Meeting. For greater certainty, the Qualification Certification form can be obtained from the Electoral Officer before, at or after the Nomination Meeting and can be submitted by email or DocuSign, if available.

- 16.6 The required reports are provided through the RCMP and BC Criminal Records Review Program, or applicable jurisdiction, but may take several days. As such, Nominees are encouraged to apply for a criminal record check and a vulnerable sector check prior to the scheduled Nomination Meeting if they plan on running for election and be prepared to provide copies as required in Sec 13.1 b (ii).
- 16.7 At the Nomination Meeting, the Electoral Officer shall announce and display any nomination(s) received by mail in advance of the Nomination Meeting and document all nominations received in person or by participation by digital platform and shall record the name of the nominee, the nominator and the seconder for each nomination during the Nomination Meeting, including on the digital meeting platform so that Voters participating digitally may observe and participate.
- 16.8 Any Voter present at or participating, via Zoom or comparable digital platform, in a Nomination Meeting who is eligible to do so may second the nomination of any person who has been nominated by mail.
- 16.9 The Electoral Officer will keep the Nomination Meeting open for a period of no less than three (3) hours. In the event that nominations are still being presented at closing, the meeting will not be closed until all nominators have been given an opportunity to nominate.
- 16.10 During the Nomination Meeting, the Electoral Officer will:
- a) Read over the rules in the event of a tie in accordance with this Code.
 - b) Announce the members of the Appeal Board.
 - c) Announce any other relevant administrative issues.
 - d) Prior to declaring the nominations open, post any Nomination Forms submitted by mail, email or other available electronic means as prescribed by the Electoral Officer, and where a candidate is nominated by more than one submission, declare that the second submission will serve as a seconding.
 - e) Declare nominations open for a minimum period of three (3) hours; and
 - f) Maintain order at all times and may cause to be removed any person who, in their opinion, is disrupting or otherwise interfering with the meeting.
- 16.11 Any Eligible Elector may propose or second the Nomination of any person to serve as the Chief or Councillor, provided that the nominee satisfies the requirements of being a candidate. The Electoral Officer will record the name of the candidate, the nominator, the seconder, and the citizenship/status number of all three Cheam First Nation Members. The Electoral Officer will disqualify a candidate if it is found that they were not eligible to be a candidate in accordance with this Code.
- 16.12 The Electoral Officer will disqualify a candidate if it is found that they were not eligible to be a candidate in accordance with this Code.
- 16.13 No person may be a candidate for Chief or Councillor of the Cheam First Nation unless their Nomination is moved and seconded by an Eligible Elector.
- 16.14 On the day of the Nomination Meeting or the next day, the Electoral Officer will provide, send, or deliver to each nominated candidate a *Notice to Candidates of Nomination* (utilizing the form included in Appendix 4).
- 16.15 Nominated candidates must confirm and submit to the Electoral Officer, by hand, by email or by DocuSign, as prescribed by the Electoral Officer, the following documents no later than 5:00 pm on the 4th Calendar Day after the Nomination Meeting:
- a) a notarized Acceptance of Nomination (utilizing the form included in Appendix 5) accepting the nomination;
 - b) a Criminal Record Check including the Vulnerable Sector, that is not older than three (3) months, or evidence that confirms the Candidate has applied for the CRC;
 - c) a signed and notarized Chief/Councillor Qualification Certification;

- d) agreement to attend an all candidates meeting and the Governance Orientation meeting prior to the election, and
 - e) and the Electoral Officer will maintain a method (e.g., timestamp email, create an electronic file or in-person initial) to confirm receipt of all received forms.
- 16.16 Upon acceptance of their Nomination, the candidate must swear an Oath to the Electoral Officer, a Commissioner for taking Affidavits, a Notary Public or a Justice of the Peace that they have read, understand, and agree to comply with the Cheam First Nation Governance Policy Manual (which includes the Roles and Responsibilities of Council as outlined in this Custom Election Code Section 7), a criminal record check and a vulnerable Sector check completed or underway. If these are not affirmed as understood the candidates' nomination will be disqualified, in accordance with the eligibility requirements outlined in Sub-section 13.1.
- Candidates must agree to attend an all candidates meeting as well as the Governance orientation meeting prior to the election.
- 16.17 Cheam First Nation shall provide a Commissioner for taking Affidavits or a Notary at no cost to the candidates.
- 16.18 Any candidate who has been nominated may decline their nomination and have their name removed from the ballot by submitting a formal *Notice of Withdrawal of Nomination* (utilizing the form included in Appendix 6) no later than four (4) days after the Nomination Meeting. Candidates may also decline their nomination up to the close of polls and, in such cases, their names will appear on the ballot, but votes cast in their favour will not be counted.
- 16.19 Candidates must, within four (4) days of the Nomination Meeting, file with the Electoral Officer a sworn Chief/Councillor Qualification Certificate (utilizing the form included in Appendix 1). Unless otherwise brought to their attention, the Electoral Officer will assume that an individual who has signed a Chief/Councillor Qualification Certificate meets all the qualifications of being a candidate in accordance with this Code.
- 16.20 The Electoral Officer will complete the *Electoral Officer's Nomination Meeting Report* (utilizing the form included in Appendix 7).
- 16.21 Post-Nomination Meeting Procedure
- a) Acclamation
 - i. The Electoral Officer will, if the number of candidates nominated does not exceed the number of positions open at the end of the meeting, declare such candidates elected by acclamation subject to the following:
 - Taking of the Oath of Office, as indicated in Sub-section 30.1.
 - Confirmation from the Chief Financial Officer of the Cheam First Nation that the candidate is not in arrears in excess of \$100.00 to the Cheam First Nation or has an acceptable payment plan that has been in place six (6) months prior to the Nomination Meeting showing that candidate is in good standing.
 - If candidates for Chief and/or Council withdraw during the 4-day Documents Qualifying Period as outlined in Section 16.18; and
 - If the Candidate prior to the close of polls withdraws, the single remaining Candidate would be declared the winner by acclamation.
 - b) Insufficient Nominations
 - i. In the event that vacancies remain on Council after the Nomination Meeting, the Electoral Officer will arrange another Nomination Meeting to fill the vacant position(s).

17 ANNOUNCING THE ELECTION

- 17.1 If the number of candidates nominated exceeds the number of positions open for election, the Electoral Officer will announce the date of the Election and the date of the All-Candidates Meeting.
- 17.2 All Candidates Meeting
- a) an All-Candidates Meeting is mandatory, and all candidates must attend, the only acceptable excuse for not attending would be a doctor's certificate. The all-candidates meeting must be held, no later than fourteen (14) days prior to the Election.
 - b) The meeting will be advertised via the First Nations website, email, social media, radio, and posting at the Cheam First Nation Administration Office and in any other manner as deemed necessary or advisable by the Electoral Officer, not less than seven (7) days before the meeting.
 - c) The meeting will be chaired by a third-party facilitator, as arranged by the Electoral Officer, and approved by the Director of Operations; and
 - d) The meeting will be structured to have candidates respond to pre-developed questions that address topics such as: demonstration they have met the eligibility criteria, history of leaderships, leadership goals, and demonstrate commitment to serve all Nation members).
- 17.3 Attendance of candidates in person at the All-Candidates Meeting is mandatory.

18 NOTICE OF POLL

- a) Except for Special Elections, the Electoral Officer and/or their Deputy Electoral Officer will, without undue delay arrange to advertise via the First Nations website, email, social media, radio, and posting at the First Nation Administration Office a *Notice of Poll* (utilizing the form included in Appendix 8) at the Cheam First Nation Administration Office and other public places on reserve, setting out the following Polling Station details:
 - i. Date.
 - ii. Time.
 - iii. Location
 - iv. Means by which any eligible voter may vote (e.g., by mail-in ballot, online, in-person).
- 18.1 Except for By-elections, the notice for the Election will be posted not less than forty (40) days prior to the date scheduled for the Election.
- 18.2 Immediately after the posting the Notice of Polls, the Electoral Officer will cause the same information to be advertised in the Cheam First Nation community newsletter.
- 18.3 Preparing for Voting
- a) The Electoral Officer and/or their Deputy Electoral Officer will have *Ballot Papers* (utilizing the form included in Appendix 9). There will be separate ballots for the position of Chief and the positions of Councillor.
- 18.4 The Electoral Officer and/or their Deputy Electoral Officer will provide:
- a) Sufficient opaque ballot boxes that must be capable of being sealed to eliminate tampering.
 - b) A sufficient number (in case of spoilage) of ballot papers for the purpose of the Election.
 - c) Instruments such as pens or pencils for marking ballots in each voting booth.
 - d) A sufficient number of directions for voting as may be required; and

- e) All other equipment as necessary to establish and equip the voting methods and locations.
- 18.5 The Electoral Officer and/or their Deputy Electoral Officer will construct or erect polling booths at the Polling Station set out in the notice, and the polling booths will be such that the privacy of the Voter is maintained.
- 18.6 There will be established, at the discretion of the Electoral Officer, a minimum of one (1) Polling Station on the Cheam First Nation Reserve Number 1.
- 18.7 The Electoral Officer or their Deputy Electoral Officer will provide assistance to all Voters who require it to cast their vote in the manner prescribed by Section 21.12. The Electoral Officer will assist any such requests from Cheam Members in the presence of any witness (a Cheam Member) of the voter's choice, to affirm the voter's selection of Chief and Councillor on the ballots. The Electoral Officer will place the marked ballots in the ballot box in the view of the voter.

19 MAIL-IN VOTING

- 19.1 Procedure for Electoral Officer
- a) The Electoral Officer will provide a mail-in voting package to all Eligible Electors living off the Reserve for whom there is an address and any other voters who request a mail in ballot package no later than thirty-five (35) days prior to the date of the Election. Such packages will include:
 - i. A *Notice of Poll* (utilizing the form included in Appendix 8).
 - ii. A Voter Declaration Accompanying the Mail-In Ballot (utilizing the form included in Appendix 10).
 - iii. Ballots (utilizing the form included in Appendix 9).
 - iv. Instructions for *Mail-In Voting* (utilizing the form included in Appendix 11).
 - v. An outer postage-paid pre-addressed return envelope; and
 - vi. A second inner envelope marked with the words "ballots only".
- 19.2 The mail-in voting package will be delivered in a method determined by the Electoral Officer, including but not limited to:
- a) Mail, or
 - b) In-person delivery.
- 19.3 It is the sole obligation of all Eligible Electors to maintain a current mailing address with the Cheam First Nation.
- 19.4 The mail-in voting package will be delivered to the most recent address available for the Eligible off-reserve Electors.
- 19.5 If no current address can reasonably be ascertained for an Eligible Elector, the Electoral Officer will record that fact opposite the Eligible Elector's name on the Voters' List, and the Electoral Officer will be conclusively deemed to have no further responsibility to send a mail-in package to that Eligible Elector.
- 19.6 The Electoral Officer will write on the back of each mail-in ballot the Electoral Officer's initials in such a way that the initials are visible when the ballot is folded.
- 19.7 The Electoral Officer will note on the Electoral Officer's the Master Voters' List the name and address of every Elector to whom a mail-in package is sent, and the date on which the mail-in package was sent.
- 19.8 Procedure for Eligible Electors

- a) No Elector may vote by proxy or authorize another person to vote on that Elector's behalf at an Election.
- 19.9 Every Eligible Elector who votes by mail-in ballot will:
- a) Mark the ballot by placing a cross ("X") or other mark that clearly indicates the Eligible Elector's intent in the space provided on each ballot opposite the name of the candidate.
- b) Fold the ballots to conceal the marks and to expose the Electoral Officer's initials on the back of the ballot.
- c) Place the ballot in the envelop marked "ballots only".
- d) Complete the mail-in ballot voter declaration and have it witnessed by anyone eighteen (18) years of age or over.
- e) Place the voter declaration into the return envelope.
- f) Place the envelope containing the ballots in the return envelope and seal the return envelope.
- g) Return the sealed return envelope to the Electoral Officer by mail or hand-delivery; and
- h) In the event an elector spoils their Mail in Ballot, the Elector can request a replacement ballot package.
- 19.10 A mail-in ballot must be received by mail to an Election Official one day prior to the election day or hand delivered by 8:00 pm local time on the date of the Election to the Electoral Officer.
- 19.11 A mail-in ballot that is received later than 8:00 pm local time will not be counted, and the unopened return envelope will be marked "Rejected".
- 19.12 An Eligible Elector who has returned a mail-in ballot may choose to instead vote at a poll, but the mail-in ballot received from that Eligible Elector will be set aside and not counted.
- 19.13 Processing and Counting a Mail-in Ballot
- a) The Electoral Officer will maintain records keeping systems for all in-person, mail-in, electronic submissions of voting that can be utilized for viewing if requested.
- b) Immediately after the close of the Polls, the Electoral Officer and Deputy Electoral Officers will, in the presence of the Candidates, Scrutineers and voters who choose to be present, open each envelope containing a Mail-in Ballot that was received before the close of the Polls.
- c) Without unfolding the ballot, they will set aside the ballot if:
- i. It was not accompanied by a *Voter Declaration Accompanying the Mail-In Ballot* (utilizing the form included in Appendix 10) or such Voter Declaration is not signed and witnessed.
- ii. The name of the person set out in such Voter Declaration is not on the Electors List.
- iii. The Electors List shows that the Elector has already voted; and
- iv. Said Voter's Declaration does not contain information that matches the information contained on the Elector's List for that Elector.
- 19.14 Without unfolding the ballot, deposit all remaining ballots in the ballot box(es) and place a mark on the final Electors' List opposite the name of the Elector.

20 ONLINE VOTING

- 20.1 Voting in elections may be conducted using an internet-based (online) system that ensures confidential voting. The Electoral Officer is responsible for acquiring the technology, including software, for electronic voting, and administering, maintaining, monitoring and performing audits of the electronic voting system.
- 20.2 The specific online voting system to be used in an election will be selected by the Electoral Officer in consultation with the current Chief and Council and must:
- a) Incorporate an authentication system to confirm that voters are entitled to vote in the election and to restrict voting to one vote per member per poll, including for example, a system that requires a Personal Identification Number (PIN) be issued to the eligible voter by email and at least one other piece of information unique to the eligible voter so that the eligible voter can be reliably identified as an Eligible Elector and the individual that they claim to be;
 - b) Ensure the secrecy of the vote;
 - c) Verify on the voters list that is uploaded into the electronic voting platform whether or not the Eligible Elector has already voted;
 - d) Confirm if the individual is an Eligible Elector and has not already voted in that vote, provide an electronic ballot to the Voter;
 - e) Provide the Eligible Elector with the applicable voting instructions for marking the electronic ballot;
 - f) Permit the Eligible Elector to mark the electronic ballot and record it in the electronic voting system;
 - g) Indicate on the voters list that the Eligible Elector has voted as soon as the electronic ballot is recorded in the electronic voting system; and
 - h) Include security protocols and data and privacy protection measures that satisfy the Electoral Officer.
- 20.3 The Electoral Officer will determine when and for how long online voting will be open. This information must be provided in the Notice of Poll.
- 20.4 Processing and Counting an Online Vote
- a) The Electoral Officer will assure absolute secrecy of the ballot to Council, confirm the final count of votes cast using the online voting system, will generate a record of the votes cast, and any other record the Electoral Officer deems appropriate to allow for verification of the voting.

21 VOTING AT POLLING STATION

- 21.1 The Electoral Officer, with such appointed Deputy Electoral Officers if any, will be in attendance at the time and place as is set out in the notice.
- a) The poll will take place at least forty (40) days after the Nomination Meeting. The poll must be conducted prior to the completion of the previous Council's term.
- 21.2 Neither the Electoral Officer nor any of their Deputy Electoral Officers will be allowed to vote in the Election unless the deputies are qualified electors of Cheam First Nation.
- 21.3 The Electoral Officer must strike or mark each Voter's name on the Voter List as they receive their ballot.

- 21.4 The Electoral Officer will, immediately before the commencement of the poll, open the ballot box(es) and call two (2) such persons as may be present to witness that it is empty. The witnesses will sign the *Declaration Re: Sealing of Ballot Box* (utilizing the form included in Appendix 13) confirming the ballot box(es) is/are empty. The Electoral Officer will then lock the box to prevent it from being opened and will place it in view for the reception of the ballots and the box will not be unlocked during the time that the Polling Station is open for voting.
- 21.5 The Electoral Officer will hold the Polling Station open from 9:00 am to 8:00 pm on the date of the Election, after which time the Electoral Officer will declare the polls closed.
- 21.6 The Electoral Officer, and their Deputy Electoral Officer(s), will maintain order at all times in the Polling Station and may cause to be removed any person who in anyway interferes, disrupts, or attempts to influence the orderly conduct of the poll.
- 21.7 Persons presenting themselves for the purpose of voting will, upon being confirmed by the Electoral Officer or one of their Deputy Electoral Officer(s) as an Eligible Elector, be given a ballot for the election of a Chief and/or for the election of Councillors, upon which to register their votes.
- a) The Electoral Officer or one of their Deputy Electoral Officer(s) may request photo identification.
- 21.8 When requested, the Electoral Officer or one of their Deputy Electoral Officer(s) will explain the voting procedure to the Eligible Elector.
- 21.9 The Electoral Officer or Deputy Electoral Officer(s) will initial each ballot upon giving it to the Eligible Elector.
- 21.10 Every Eligible Elector voting at the Polling Station, after receiving the ballot, will:
- a) Proceed directly to the place provided for marking the ballot.
- b) Mark their ballot by placing an "X" or other mark that clearly indicates the voter's choice, in the space provided on each ballot; and
- c) Immediately return to the Electoral Officer or their deputy Electoral Officer(s) to deposit their completed ballot into the ballot box.
- 21.11 While any Voter is in the Polling Station booth, no other person, except as provided in Section 21.12, will be allowed in the same booth or be in any position from where they can see how the person is voting.
- 21.12 If the Voter requests that the Electoral Officer mark their ballot for them, the Electoral Officer must have another person witness that the ballot is being marked according to the Voter's choices.
- 21.13 The Electoral Officer or a Deputy Electoral Officer, will note upon the Voters' List any irregularity in connection with voting and will specifically note on the Voters List any ballots marked by the Electoral Officer or their Deputy Electoral Officer(s), but will not note the candidate(s) for whom the ballot was cast.
- 21.14 The Electoral Officer must then mark on the Voters List, opposite the Voter's name, that they were requested to mark that ballot for that Voter.
- 21.15 A Voter who has inadvertently dealt with their ballot paper(s) in such a manner that it cannot be used to vote, will return it to the Electoral Officer or a Deputy Electoral Officer who will write the word "cancelled" upon the ballot paper(s) and preserve it. A replacement ballot will be issued to the Voter only once.

- 21.16 A person who has received ballots and who leaves the Polling Station without delivering the same ballots as received to the Electoral Officer or a Deputy Electoral Officer, or after receiving the ballots, refuses to vote, will forfeit their right to vote in the Election, and the Electoral Officer or a Deputy Electoral Officer will make an entry in the Voters List in the column for remarks opposite the name of such person to show that such person received the ballots and declined to vote. If this person returns their ballot after having left the Polling Station, the Electoral Officer or the Deputy Electoral Officer will mark upon the face of the ballots the word “declined” and all ballots so marked will be preserved.
- 21.17 Any person who is a Member of the Cheam First Nation and eighteen (18) years of age or over, but whose name does not appear on the Voters List, may present identification or other evidence of membership from the Cheam First Nation membership clerk or the Office of the Indian Registrar at Indigenous Services Canada to be verified by the Electoral Officer or a Deputy Electoral Officer, and if the Electoral Officer or Deputy Electoral Officer is satisfied that the person is eligible to vote pursuant to this Code, the person will be added to the Voters List and allowed to vote at the Polling Station.
- 21.18 Every Eligible Elector who is inside the Polling Station at the time the poll closes will be entitled to vote before the poll is closed.
- 21.19 Scrutineers at Polling Station.
- a) All candidates will be entitled to not more than two (2) Scrutineers in a polling place at any one time to observe the voting procedures.
- 21.20 Each candidate may appoint their Scrutineers by way of a *Notice Appointing Scrutineers* (utilizing the form included in Appendix 18) or Scrutineers may be appointed at any time up to the close of polls on Election Day.
- 21.21 Any Scrutineers appointed by a candidate must:
- a) Act on behalf of only one (1) candidate; and
- b) Not Campaign on behalf of any candidate while at the Polling Station.

22 CAMPAIGNING

- 22.1 No candidate, or person acting on behalf of a candidate, may Campaign Inside the Polling Station or within fifty (50) meters of the Polling Station on the day of the Election.
- 22.2 Voting Integrity
- a) No person will interfere or attempt to interfere with an Eligible Voter marking his or her ballot.
- b) No person will be permitted to obtain or attempt to obtain in the polling place any information as to how a person voted.
- c) The Electoral Officer will keep the polling station clear of people loitering. Only those appointed as Scrutineers may be present to observe the Election procedure. The Scrutineers are subject to all restrictions as set out in this Section 21.21.
- d) Encouraging Cheam First Nation Members to vote in the Election on the day of the election is not considered interfering with the how a Cheam Member votes.

23 ELECTION VOTE TABULATION

- 23.1 At the close of the electronic voting poll, the Electoral Officer must cause the electronic voting system to generate a report that contains:
- a) A count of the total number of Eligible Electors who voted by electronic voting in the Election,

- b) for each Candidate in that Election, a separate count of the total number of votes accepted; and
- c) for each elected office to be filled in that Election, a separate count of the total number of votes rejected, if any.

23.2 Immediately following the close of the poll:

- a) The Electoral Officer will Appoint two (2) witnesses present, who must be at least eighteen (18) years of age, to observe the vote count. For greater certainty, the witnesses may be Cheam members who are not in a Conflict of Interest.
- b) The witnesses must inspect the ballot box(es) prior to their opening.
- c) They will certify by signing a *Certificate Re: Opening of Ballot Boxes* (utilizing the form included in Appendix 14) that the seals are intact and there is no evidence of tampering and that all ballots have been removed from the ballot box(es); and
- d) Candidates or their Agents, and Eligible Electors may be present, and may watch the opening of the ballot box(es) and tabulation of the ballots.
- e) After mail-in ballots are added to the Ballot boxes, the Electoral Officer may then open the ballot box or boxes and examine the ballots and reject any ballot that:
 - i. Is not initialed by the Electoral Officer or a Deputy Electoral Officer.
 - ii. Has more votes than there are vacancies for that position (either for Chief or for Councillors).
 - iii. Has been marked with “cancelled” or “declined”.
 - iv. Has any marks by which the Voter can be identified.
 - v. In the Electoral Officer’s opinion, does not give a clear indication of the Voter’s preference; and
 - vi. In the Electoral Officer’s opinion, does not meet the requirements to be included in the final count.
- f) The Electoral Officer will record the reason for rejecting the ballot and will mark the back of the rejected ballot with following:
 - i. The reason why the ballot has been rejected “Rejected”; and
 - ii. The initials of the Electoral Officer.
- g) All rejected ballot papers will be preserved.
- h) Any Eligible Scrutineer may challenge the Electoral Officer to have any of the ballots found in the ballot box disallowed.
- i) The Electoral Officer will take note of any objections made by any Eligible Scrutineer to any of the ballots found in the ballot box and decide any questions arising out of the objection.
- j) The Electoral Officer will record such objections and, at their discretion, choose to allow or disallow a ballot in consideration of the objection presented by the Eligible Scrutineer, as outlined in Sub-section 23.2 i). They will then mark upon the back of the ballot with:
 - i. A number corresponding to the record of objections “Allow” or “Disallow”, as the case may be.
 - ii. The initials of the Electoral Officer; and
 - iii. The Electoral Officer’s decision is final.
- k) The Electoral Officer will count the votes given for each candidate from the ballots that have not been marked as “rejected” or “disallowed” and add the electronic votes (if applicable) and document the results on the *Electoral Officer’s Report* (utilizing the form included in Appendix 15) and the *Official Statement of Results of Election* (utilizing the form included in Appendix 16).

- l) For greater certainty, any ballot that contains marks for less than the required number of candidates will be considered valid and must be counted.
- m) The Electoral Officer is required to forward election reports for archival purposes either print or digital to the Cheam First Nation.

24 ANNOUNCING THE RESULTS

- 24.1 After completing tabulation, the Electoral Officer will announce the names of the candidate(s) that received the highest number of votes and publicly declare the candidates elected, and the record of votes cast from online voting, if applicable.
- 24.2 Following the announcement, the Electoral Officer will post the Official Statement of Results of Election (utilizing the form included in Appendix 16) at the Cheam First Nation Administration Office and other public places as deemed necessary by the Electoral Officer.
- 24.3 Retention and Destruction of Ballots
 - a) The Electoral Officer will place all the ballot papers in an envelope, seal it, sign it and keep it in a safe place for sixty (60) clear days. After sixty (60) days, provided that there are no appeals, the Electoral Officer shall dispose of the ballots and all other election documents in the presence of two witnesses who will certify that they witnessed the destruction of the ballots by signing a *Certificate of Destruction of Ballots* (utilizing the form included in Appendix 17). In the event of a formal appeal, all ballots and election documents will be retained for a further sixty (60) days after the adjudication of the Appeal Board and then disposed of in the presence of two witnesses, who will certify that they witnessed the destruction of the ballots by signing a *Certificate of Destruction of Ballots* (utilizing the form included in Appendix 17).
- 24.4 Electoral Officer's Official Statement of the Election:
 - a) The Electoral Officer will file one copy of their Official Statement of the Election at the Electoral office and forward one copy each to:
 - i. British Columbia Regional Office of Indigenous Services Canada.
 - ii. Cheam First Nation Director of Operations
- 24.5 Tie Vote
 - a) In the event of a tie vote for Chief, or for the Councillor, the following will take place:
 - i. In the event of a tie vote the Electoral Officer will immediately, conduct a recount of the ballots for the tied candidates.
 - ii. If after the completion of the public recount, a tie vote still exists, the Electoral Officer will request the candidates who are tied to place their names into a box and the Electoral Officer will draw the winning candidate(s).
 - iii. The results will be final.

25 VACANCIES ON COUNCIL

- 25.1 A Chief or Councillor position on the Cheam First Nation Council may become vacant under the following circumstances, while in office:
 - a) The Chief or Councillor refuses to take the Oath of Office and loses eligibility status (as set out in Section 13.1 of this Code).
 - b) The Chief or Councillor resigns their office.
 - c) A sitting Councillor is elected to the office of the Chief.
 - d) The Chief or Councillor passes away while in office.

- e) The Chief or Councillor is declared medically incapable of performing the required duties by a medical professional; or
 - f) The Chief or Councillor is removed from their position pursuant to any articles of this Code as outlined in the Cheam First Nation Governance Policy Manual and referenced in this Custom Election Code Section 6.5 (g) and by following the procedure outlined in this Code.
- 25.2 If a vacancy(ies) for the position of Chief or Councillor(s) occurs more than six (6) months prior to the end of the current term, a replacement shall be appointed in accordance with the provisions of Section 25.1 to fill the vacant position(s). However, should it be less than six (6) months to the expiry of the current term and the quorum is maintained, the current council remain to conduct daily business until the next Regular Election.
- 25.3 A vacancy on the Cheam First Nation Council must be filled making an appointment in accordance with this code within thirty (30) days of the Chief or Councillor's official departure date. If the vacancy is the position of Chief, Council may elect from amongst themselves an interim Chief until a replacement is designated, or a Regular Election is held.
- 25.4 A person appointed due to a vacancy will, subject to the provisions of this Code, serve until the four (4) year term of the member they replace would have expired.
- 25.5 If, because of an appeal there is a Special Election, the four (4) year term of the newly elected Council members serve until the four (4) year term of the member they replaced would have expired.
- 25.6 The reasons and procedure for disciplining a Council member by other members of Council is outlined in the Cheam First Nation Governance Policy Manual and referenced in this Custom Election Code Section 6.5 (g).
- 25.7 The Chief, or any Councillors, may be removed from office if sixty percent (60%) of eligible voters sign a petition that has been qualified by the Cheam First Nation Appeal Board to ensure that it meets the criteria set out below. The Chief or a Councillor can be removed from office on the grounds that they are:
- a) Guilty of Gross Misconduct or Corrupt Practice in connection with Council business.
 - b) Has committed illegal or improper appropriation of Cheam First Nation funds.
 - c) Has been found guilty of Corrupt Election Practices.
 - d) The information declared in the Chief/Councillor Qualification Certificate was untrue.
 - e) Does not willfully adhere to the Code of Conduct or does not actively uphold their roles and responsibilities as outlined in the Cheam Governance Policy Manual; and
 - f) Misses two (2) consecutive regular Council meetings, or more than three (3) meetings annually without a valid reason in any year, per the Cheam First Nation Governance Policy Manual and referenced in this Custom Election Code Section 8.2 (g).
- 25.8 If the Chief is removed from office the remainder of Council may elect from amongst themselves an interim Chief until a replacement in accordance with this code is made or a Regular Election is held.
- 25.9 Filling the position of a Chief or Councillor removed from office will follow the provisions for Vacancies as per Section 25.2.

26 MEMBER COMPLAINTS AND REQUESTS FOR REMOVAL

- 26.1 Any Eligible Elector may launch a complaint against the Chief or a Councillor per the Cheam First Nation Governance Policy Manual if they believe the Chief or Councillor should be disciplined for a breach as described in the Manual. In the case of such a complaint the Management Section of the Governance Policy Manual applies.

- a) Any Eligible Elector that believes that the grounds for removal of the Chief or a Councillor are present, but Council has not acted, may file an application with the Appeal Board.
- b) The reasons and procedure for disciplining a Council member by other members of Council is outlined in the Cheam First Nation Governance Policy Manual and referenced in this Custom Election Code.

The Chief, or any Councillors, may be removed from office if sixty percent (60%) of eligible voters sign a petition that has been qualified by the Cheam First Nation Appeal Board to ensure that it meets the criteria set out below. The Chief or a Councillor can be removed from office on the grounds that they:

- i. Are Guilty of Gross Misconduct or Corrupt Practice in connection with Council business.
 - ii. Have committed illegal or improper appropriation of Cheam First Nation funds.
 - iii. Have been found guilty of Corrupt Election Practices.
 - iv. Declared information in the Chief/Councillor Oath of Office that was untrue.
 - v. Do not willfully adhere to the Code of Conduct or does not actively uphold their roles and responsibilities as outlined in the Cheam Governance Policy Manual; and
 - vi. Missed two (2) consecutive regular Council meetings, or more than three (3) meetings annually without a valid reason in any year, per the Cheam First Nation Governance Policy Manual and referenced in this Custom Election Code.
- c) If the Chief is removed from office the remainder of the Council may elect from amongst themselves an interim Chief until a By-Election or Regular Election is held.

Filling the position of a Chief or Councillor removed from office will follow the provisions for Vacancies on Council Section 25.2.

27 FILLING VACANCIES ON COUNCIL

- 27.1 In the event the Chief or a Councillor(s) dies, resigns, or is removed from office, the Candidate with the next highest votes (in the applicable category) in the election wherein the current Chief and Council were elected shall replace the Chief and/or the Councillor(s) who have vacated their office. If the Candidate with the highest votes is unable to accept the position for whatever reason than the Candidate with the next highest votes will assume the vacant office. In the event no candidate is willing to accept the vacant position than a By-Election will be held to fill the vacant position(s) following the process for an election outlined in this Code.

28 APPEAL BOARD

- 28.1 The names of the Appeal Board will be provided to the Electoral Officer by the Director of Operations.
- 28.2 Chief and Council will appoint the appeals board from interested professionals at the least one being a lawyer and two others e.g. (Teacher, Banker, Doctor, or other First Nations Chief or Elder) none of whom will be Cheam First Nation Members or will have any affiliation with Cheam First Nation or its Subsidiaries. Chief and Council will advise the Appeal Board members in writing of their Responsibilities of maintaining confidentiality of personal or private information of the Appellants.
- 28.3 The Appeal Board will supervise and administer all Election appeals as well as any member filed applications for removal of the Chief, or a Councillor.
- 28.4 The members of the Appeal Board will hold office until a new board is appointed by the outgoing Cheam First Nation Council before the end of their term.
- 28.5 Decisions of the Appeal Board are final however a complainant may seek a judicial review by

the Federal Court.

29 APPEALS PROCEDURE

- 29.1 A candidate, or any Voter, may within thirty (30) days after the Election, appeal the Election if they have grounds for believing that:
- a) There was Corrupt Practice in connection with the Election or,
 - b) There was a violation of this Election Code that affected the outcome of the Election, and not a violation related to an Administrative error in the conduct of the Election that did not affect the outcome of the Election; and/or.
 - c) A person nominated to be a candidate in the Election was ineligible to be a candidate.
- 29.2 Any appeal of a Cheam First Nation Election must be in writing, contain details verified by affidavit, and be forwarded by registered mail to the Appeal Board c/o the Cheam First Nation Administration Office, together with a deposit of \$100.00 in the form of cash, certified cheque, or money order.
- a) In the alternative, an Eligible Voter may file an appeal by hand delivering the appeal and deposit to the Appeal Board at the Cheam First Nation Administration Office.
 - i. The appeal document must contain all particulars and information supporting the appeal. It is the exclusive responsibility of the Eligible Voter filing an appeal to provide the relevant evidence.
 - ii. Appeal grounds should be stated clearly and precisely and include reference to any relevant Section of this Custom Election Code.
 - b) The Cheam First Nation Director of Operations will issue a receipt for the appeal as proof of filing.
- 29.3 Where appeals are received by the Appeal Board pursuant to this Code:
- a) The Appeal Board will ensure that within seven (7) days of the close of appeal period, forward a copy together with all supporting documents to:
 - i. The candidate.
 - ii. The Electoral Officer.
 - iii. Each candidate in the election; and
 - iv. The Council.
- 29.4 The Electoral Officer or candidates may, within fourteen (14) days of receipt of the appeal, forward to the Appeal Board a written response, together with any supporting documents verified by affidavit.
- 29.5 The Appeal Board will take such steps as are necessary to secure all pertinent facts relating to the Appeal, including obtaining affidavits setting out relevant facts, conducting hearings, and in-person interviews.
- 29.6 In the case of hearings or in-person interviews all participants must be notified at least 7 days prior to the hearing or in-person interviews.
- 29.7 Within fourteen (14) days of the close of the appeal period, the Appeal Board will render a decision on the validity of the appeal and the action to be taken as a result, which may include:
- a) Calling a further Special Election for all or some of the positions.
 - b) A decision that no action be taken because the evidence presented did not reveal an infraction of this Code, or on the grounds that an infraction of this Code was revealed but the infraction did not affect the result of the Election; and/or

- c) Recommendations for amendment to this Election Code to apply to future Elections.
The Appeal Board will report the decision and recommendations to the Electoral Officer, candidates, and the Council. The decision of the Appeal Board is final. The appellant may pursue or lodge an appeal to the Federal Court (at their own expense).
 - d) The written decision of the Appeal Board must be delivered or mailed to all on and off reserve band members.
- 29.8 If the decision of the Appeal Board requires that a Special Election be held, such election will respect the provisions of this Cheam Custom Election Code.
- 29.9 Should the Appeal Board find that the appeal was filed without just cause, or rule that the appeal was denied, the \$100.00 deposit will be forfeited and will be used to offset the costs of the election. Should the appeal be upheld by the Appeal Board, the deposit will be immediately returned to the appellant.

30 OATH OF OFFICE

- 30.1 An Oath of Office will be ceremonially recited and signed by newly elected Chief and Council members, per the Custom Election Code, at a Special Meeting of Cheam Members held before the next scheduled meeting of Chief and Council or within thirty (30) days of the election whichever is less (utilizing the form included in Appendix 19).

31 AMENDMENTS

- 31.1 Amendments to this Election Code will be made pursuant to this Section.
- 31.2 Any proposed changes to this Code must be presented to Cheam First Nation Council for review and consideration.
- 31.3 The Custom Election Code Advisory Committee will oversee the drafting of any amendments of the Code.
- 31.4 If upon review of the proposed changes, Cheam First Nation Council supports the amendments, they will sign a Council Resolution declaring that the amendments are ready for the review of the Members during a thirty (30) day period for review.
- 31.5 Notice of the thirty (30) day period for review by Cheam Members will be given by way of:
- a) Posted notice in the Cheam First Nation Office.
 - b) Posted notice in public places, at the discretion of Cheam First Nation Council.
 - c) Mailed to all voters living off the reserve for whom there is a valid address; and
 - d) Published in the Cheam First Nation Newsletter.
- 31.6 The notice given will include:
- a) Summary of the proposed changes to the Code.
 - b) Information about how Members can view the full Code; and
 - c) Any other information as deemed necessary by the Cheam First Nation Council.
- 31.7 Cheam Members who have reached the age of eighteen (18) years may submit written objections concerning the proposed amendments to Council. These written objections must be received no later than thirty (30) days from the date that Council mailed the notice. Should there be no written objections submitted, the amendments will be adopted. Should there be objections, then a referendum of Members who have reached the age of eighteen (18) years will be undertaken. The referendum will be conducted using the procedures set out in Sections 4 through 20(1) of the Indian Referendum Regulations (C.R.C., c. 957) with all necessary changes required by the circumstances except that no statement will be filed under Sub-section 18(2) of the Regulations with the local office of Indigenous Services Canada, and no statement will be

- delivered under Section 19 of the Regulations except to the Chief. 50% + 1 of voters who vote must vote in favour of the amendments.
- 31.8 If a referendum is held at least six (6) months prior to the next Election, and a majority of the votes cast were in favour of the proposed amendments, they will be effective as of the date of the referendum. Amendments approved less than six (6) months from the next Election will not come into force until the conclusion of that Election process.
- 31.9 The updated Code will be made available to the Members in the following ways:
- a) Posted in full in the Cheam First Nation Administration Office; and
 - b) Posted in full on the Cheam First Nation website.
- 31.10 Any Cheam Members may request a copy of the updated Code in the following ways:
- a) Printed and available for pick-up at the Cheam First Nation Administration Office; and
 - b) Printed and sent by mail at the request of the Cheam First Nation Member.
- 31.11 The Cheam First Nation Council may approve, by Council Resolution, any minor amendments to this Code (including typographical errors, punctuation, etc.), procedures (including the Oath of Office and procedural rules for meeting of the Cheam First Nation Council), forms, and other administrative rules for the better administration of this Code. For greater certainty, a vote of Eligible Electors is not required for the approval of procedures or administrative tools to support the administration of this Code.

32 LIABILITY

- 32.1 The Cheam First Nation, its Members and its employees and officers (including the Director of Operations, the Electoral Officer, and Deputy Electoral Officers) will not be liable for any claims, losses or damages resulting from the inadvertent deletion or addition of an individual's name to the Voters' List or any inadvertent breach of this Election Code.

33 SEVERABILITY

- 33.1 If any part of this Election Code is declared to be invalid or unenforceable by any court, such invalidity or unenforceability will not affect the validity or enforceability of any other part of this Election Code.

Appendix 1: Chief/Councillor Qualification Certificate

CHEAM FIRST NATION CHIEF/COUNCILLOR QUALIFICATION/CERTIFICATION

I, _____, being nominated as Chief/Councillor for the Cheam First Nation do hereby declare the following:

- a) That I meet all of the eligibility requirements as stated in Section 13.1 of the Cheam First Nation Election Code in particular.
- b) That I am and have been a Cheam Members as of, or prior to, the day on which the Nomination Meeting is held.
- c) That I am the full age of eighteen (18) years or older on or before the day on which the Election is held.
- d) That I have a clear criminal record that meets the requirements outlined in the Cheam First Nation Custom Election Code In addition, I will provide the Electoral Officer with a current Criminal Records Check within four (4) days of the nomination meeting. It is also understood and agreed that should a criminal Records Check not be provided in the 4-day period or reveal that there are criminal indictable convictions against me within the past ten (10) years, my name shall be struck from the ballot and any votes cast for me will not be counted.
- e) That I have a clear vulnerable sector check which I will provide to the Electoral Officer in accordance with the Code.
- f) That I will attend all candidates meeting and agree that if I do not attend my name will be stricken from the ballot unless I produce a doctors note stating I am ill or another valid reason that would make it impossible to attend the all-candidates meeting,
- g) That I will attend a mandatory Governance Orientation meeting and understand that my lack of attendance at such meetings is cause for disqualification as a candidate.
- h) Not be in Arrears on payment of a debt in excess of \$100.00 to the Cheam First Nation, in accordance with the Code.
- i) That I am not in a state of bankruptcy or in a Consumer Proposal at the time of nomination; and
- j) That I am not in contravention of the Employment/Contracting clauses of the Cheam First Nation Governance Manual Conflict of Interest Section.
- k) If an Employee, I hereby agree to resign my position as an employee if elected.

SWORN TO BEFORE ME at the city of _____)
 _____)
 in the province of _____)
 this _____ day of _____, 20__)
 _____)
 Commissioner for Taking Affidavits for the)
 Province of British Columbia or an Electoral)
 Officer or a Justice of the Peace or a Notary Public)

 Signature of Nominee

Appendix 2: Oath of Office for Electoral Officers

OATH OF OFFICE OF ELECTORAL OFFICER

I, _____, accept the office of Electoral Officer for Cheam First Nation and solemnly swear to:

- a) Uphold and abide by the rules and regulations established in Cheam First Nation Custom Election Code.
- b) Remain neutral and professional in the conduct of the duties of his office, and refrain from providing any preferential treatment or expressing support for or opposition to any candidate.
- c) Not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non - public information.
- d) Not discriminate against anyone because of race, religion, sex, age or disability.
- e) Use public office facilities to fulfill the duties of my office, and not for personal or partisan benefit.
- f) Not pressure or intimidate other officials or personnel to favour a certain candidate; and
- g) Avoid conflicts of interest, or the appearance of conflicts of interest, by
- h) abstaining from decision making where the Electoral Officer has a personal or private interest in the matter at issue.
- i) Carry out my duties faithfully, honestly, impartially, and to the best of my abilities.
- j) Keep confidential, both during and after my term of office, any matter or information which under this code, the laws of the community or policy, is considered confidential.
- k) Always act in the best interests of the community in carrying out my duties.

SWORN TO BEFORE ME at the city of _____)
 _____)
 in the province of _____)
 this _____ day of _____, 20__)
 _____)
 Commissioner for Taking Affidavits for the)
 Province of British Columbia or an Electoral)
 Officer or a Justice of the Peace or a Notary Public)

 Signature of Nominee

Appendix 3: Chief and Council Nomination Form

Cheam First Nation Chief and Councillor Nomination Form

I, _____, # _____ of the Cheam First Nation
 (PRINT NAME) (BAND MEMBER NUMBER)

hereby nominate: _____
 (PRINT NAME)

of the Cheam First Nation for the position of: Chief **OR** Councillor

Voter Declaration

In the matter of the election of the Cheam First Nation, held according to the *Cheam First Nation Custom*

Election Code, I, _____ solemnly declare that:
 (PRINT NAME)

1. I am a member of the Cheam First Nation
2. My Band number is _____ ***In the event*** you do not have a band membership or registry number please indicate your date of birth: _____
3. I currently reside at _____
4. I am the full age of eighteen (18) years or over on the day of the Nomination Meeting.
5. I do not know of any reason why I would be disqualified from voting at this election.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

 Signature of Voter

 Date

WITNESS DECLARATION (ANY ONE 18 YEARS OF AGE OR OLDER)

Declared before me _____ at _____
 (Print Name of Witness) (Municipality/First Nation)

this _____ day of _____ 20_____
 (Month) (Year)

 (Signature of Witness)

 (Address)

 (City) (Province) (Postal Code)
 Witness

(_____) _____
 Telephone Number of

Appendix 4: Notice to Candidates of Nomination

Notice to Candidates of Nomination at a Cheam First Nation Election

Date: _____.

Subject: Election of the Cheam First Nation

Dear Candidate:

According to Section 16.14 of the Cheam First Nation Custom Election Code, I must inform you that on _____, at the Nomination Meeting held at the _____, you were nominated as a candidate for the position of [Chief/Councillor] for the Cheam First Nation's election to be held on, _____.

If you choose to accept this nomination you must complete the Acceptance of Nomination and the Chief/Councillor Qualification Certification (copies attached) and have them sworn before a Commissioner for taking Affidavits, Notary Public, a Justice of the Peace or the Electoral Officer and return it to the Electoral Officer by no later than, _____.

If you choose **not** to accept this nomination, you must submit to the Electoral Officer a written withdrawal of nomination (copy attached), signed by yourself, either in my presence or the presence of a justice of the peace, a notary public, or a commissioner for oaths.

If you fail to inform me of your refusal by, _____, nor forward your Acceptance of nomination together with the Chief/Councillor Qualification Certification, I will consider that you have withdrawn, and your name will not be included on the ballot.

If you accept the nomination and decide prior to the close of polls that you wish to withdraw, you may do so however ballots cast in your favour will not be counted.

Each candidate is allowed to have no more than two (2) scrutineers at any one time inside the polling station to observe the proceedings on Election Day. You may appoint more than two scrutineers provided only two are present at the polling station at any one time. Please advise me in writing or by phone of the names of your scrutineers prior to Election Day.

In the event of a tie vote, Section 24.5 of the Cheam First Nation Custom Election Code requires the Electoral Officer within twenty-four (24) hours, conduct a recount of the ballots for the tied candidates. If after the completion of the public recount, a tie vote still exists, the Electoral Officer will request the candidates who are tied to place their names into a box and the Electoral Officer will draw the winning candidate(s).

If you have any questions concerning the election process, please do not hesitate to contact me at the address and/or telephone number appearing at the bottom of this letter.

Yours truly, _____, Electoral Officer of the Cheam First Nation.

Telephone: _____.

Address: _____.

Appendix 5: Acceptance of Nomination

ACCEPTANCE OF NOMINATION

To the Cheam First Nation Electoral Officer:

I, _____, a Member of the Cheam First Nation, being nominated as a candidate for Chief or Councillor of the Cheam First Nation at a Nomination Meeting held at _____, on the, _____ day of, _____, 20____, and being qualified to hold such office under the Cheam First Nation Custom Election Code do hereby formally accept such nomination.

SWORN TO BEFORE ME at the city of _____)
 _____)
 in the province of _____)
 this _____ day of _____, 20____)
 _____)
 Commissioner for Taking Affidavits for the)
 Province of British Columbia or an Electoral)
 Officer or a Justice of the Peace or a Notary Public)

 Signature of Nominee

Appendix 6: Notice of Withdrawal of Nomination

URGENT:

Notice of WITHDRAWAL OF NOMINATION

Deliver or Email to: The Cheam First Nation Electoral Officer Email: _____
 Address: _____

I, _____ a member of the Cheam First Nation, having been nominated as a candidate for Chief/Council for the Cheam First Nation, at a Nomination Meeting held at _____ on the _____, day of _____, 20 ____, at the city of _____,

DO HEREBY WITHDRAW my name as candidate for the said Office of Chief/Councillor for the said Cheam First Nation. (Please circle the position nominated)

SWORN TO BEFORE ME at the city of _____)

_____)

in the province of _____)

this _____ day of _____, 20__)

_____)

_____)

(Commissioner for Taking Affidavits for the)

Province of British Columbia or an Electoral)

Officer or a Justice of the Peace or a Notary Public)

)

 Signature of Nominee

Appendix 7: Electoral Officer's Nomination Meeting Report

Electoral Officers Nomination Meeting Report

Name of First Nation: Cheam First Nation, Nation ID# 584.

District/Region: 9.

Total number of Cheam First Nation Members _____.

The Cheam First Nation Council is composed of one Chief and 5 Councillors.

The notice of the Nomination Meeting was, posted at the following locations:

- a) _____
- b) _____
- c) _____

on the day of, _____, in the month of, _____, in the year of 20____.

Mailed to this many, _____, Cheam First Nation Cheam Members (members), living away from the community during the period from the date of, _____ to the date of, _____, in the year of 20____.

The Nomination Meeting was held on the day of, _____, in the month of, _____, in the year of 20____, in the location of, _____, from the hours of, _____.

Nominations for Chief

Candidates Name and Member Number	Candidates Address	Nominators Name and Member Number	Seconders Name and Members Number

Nominations for Councillor

Candidates Name and Member Number	Candidates Address	Nominators Name and Member Number	Seconders Name and Members Number

The following candidates have been declared by acclamation pursuant to Sub-section 19.12 of the Cheam First Nation Custom Election Code:

To the office of the Chief:

Name: _____.

Address: _____.

To the office of Councillor:

Name: _____.

Address: _____.

Name: _____.

Address: _____.

I declare that a poll will be held for the office(s) of: One (1) Chief and five (5) Councillors on _____ the day of, _____, in the month of, _____, in the year 20____.

As the Electoral Officer, I declare that all the information contained in this report of the Nomination Meeting are true to the best of my knowledge and that I have carefully and diligently preformed all the duties required of me by the Cheam First Nation Custom Election Code in respect to this Nomination Meeting.

Signature of the Election Officer _____.

Appendix 8: Notice of Poll

NOTICE OF POLL

Notice is hereby given to the eligible voters of the Cheam First Nation that a poll (election) will be held to elect the Chief and Council of the Cheam First Nation and such a poll will be open on the _____, in the month of, _____, in the year of 20____, from the hours of nine (9) AM (PST) until eight (8) PM (PST).



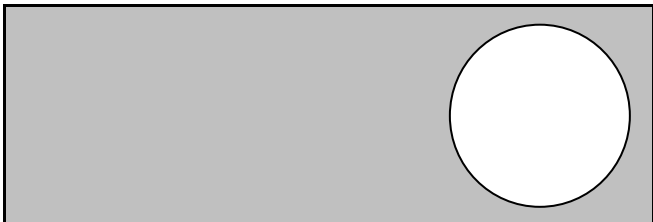
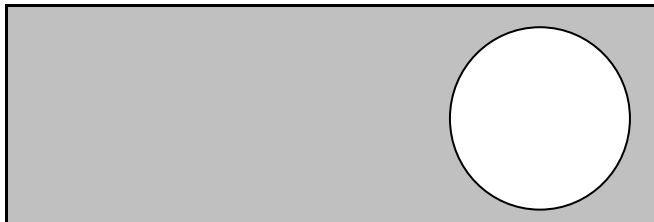

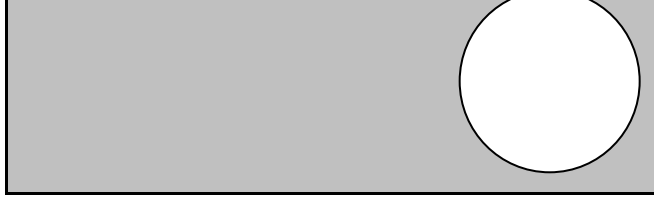
And that I will count the votes at, _____ (describe the place) on the day of, _____, immediately after the close of the poll and declare the result of the election.

Given under my hand at _____, this day, _____ in the month of, _____, in the year of 20____.

Electoral Officer:

_____.

Appendix 9: Ballot Papers

<p style="text-align: center;">CHEAM FIRST NATION ELECTION <u>BALLOT FOR COUNCILLORS</u></p> <p style="text-align: center;">Date _____ <u>5</u> TO BE ELECTED</p> <p style="text-align: center;">MARK YOUR BALLOT WITH AN X IN THE CIRCLE TO THE RIGHT OF THE CANDIDATES OF YOUR CHOICE</p>	<p style="text-align: center;">CHEAM FIRST NATION ELECTION <u>BALLOT FOR CHIEF</u></p> <p style="text-align: center;">Date _____ <u>1</u> TO BE ELECTED</p> <p style="text-align: center;">MARK YOUR BALLOT WITH AN X IN THE CIRCLE TO THE RIGHT OF THE CANDIDATES OF YOUR CHOICE</p>
	
	
	

Appendix 10: Voter Declaration Accompanying the Mail-in Ballot

Cheam First Nation Voter Declaration Accompanying the Mail-in Ballot

This declaration must be signed by you and a witness and be returned to the Electoral Officer with your completed ballot, or your vote will not be counted.

In the matter of the election of the Cheam First Nation, held according to the Cheam First Nation Custom Election Code, I, solemnly declare that: (_____), (please print your name) I am a member of the Cheam First Nation.

My member number# _____ and my date of birth is _____.

My current mailing address is: _____.

I am the full age of eighteen (18) years or older on or before the day of the election (date).

I do not know of any reason why I would be disqualified from voting at this election.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

Signature of Elector _____ . Date _____.

Witness Declaration

Declared before me (my name) in the municipality of (_____), on this day (____), in the month of (_____), in the year of 20____.

Signature of Witness _____.

Address: _____, City, _____,

Province: _____, Postal Code _____.

Telephone number of Witness _____.

Appendix 11: Mail-in Voting Form

Dear Elector:

As per the attached Polling Notice, an election for Chief and two Councillors of the Cheam First Nation is currently underway. As a member of the Cheam First Nation, you are entitled to vote, provided you will be at least eighteen (18) years of age on the date of the election.

To assist you in casting a vote, please find enclosed a mail-in voting package consisting of:

- a) a ballot for the position of Chief with the Electoral Officer's initials on the back,
- b) a ballot for the position of Councillor with the Electoral Officer's initials on the back,
- c) an outer, postage-paid pre-addressed return envelope,
- d) a second inner envelope marked with the word "For Ballots only", and
- e) a Voter Declaration Accompanying the Mail-in Ballot.

Carefully follow the steps below to ensure that your ballot is valid and will not be rejected.

- a) On the ballot for Chief:
Mark an "X" in the box immediately to the right of the name of the candidate of your choice. You must choose only one candidate.
- b) On the ballot for Councillor:
Mark an "X" in the box immediately to the right of the names of the candidates of your choice. You may vote for up to two (2) Councillors.
- c) Fold the ballots in the same way as you received it, so that the Electoral Officer's initials on the back are visible.
- d) Place the ballots back into the envelope marked "Ballot" and seal the envelope.
- e) Complete the Voter Declaration Accompanying the Mail-in Ballot form. Both you and a witness, who is at least eighteen (18) years of age, must sign it.
- f) In the larger postage paid pre-addressed outer envelope, place the completed and signed Voter Declaration Accompanying the Mail-in Ballot and the sealed envelope marked "Ballot".
- g) Seal and drop the return envelope in the mail as soon as possible. It must be received by the Electoral Officer no later than 8 pm on election day. Note that ballots received after the close of the poll on (insert date), 20__ will not be counted. You may also hand deliver it to the Electoral Officer.

In order for your ballots to be counted, they must be accompanied by a completed voter declaration form, signed by you and a witness. Although you have received this mail-in voting package, you may choose to vote on election day in person at the polling station whose location(s) are/is indicated on the Polling Notice. Only one ballot will be counted.

If you have any questions, please do not hesitate to contact me at (Tel.# _____)

Yours truly, _____, your Electoral Officer.

Appendix 12: Nomination Cover Letter

Dear Elector:

Re: Cheam First Nation Nomination for Chief and Council

Please find enclosed the following documents for your convenience in nominating for the position of Chief and Council in the upcoming election:

- Nomination notice
- Mail-in nomination form
- Mail-in declaration form
- Assent to release of mailing address

If you live off the reserve of the Cheam First Nation you are allowed to nominate, second **and run** as a candidate for the position of **Chief or Council**. You are not allowed to nominate or second yourself. If you wish, you could attend the Nomination Meeting and nominate for the position of Chief or Council orally.

If you wish to make a nomination for Chief or Councillor:

- Fill out the nomination form with your choice of candidate (s) and circle the position (Chief or Council) you are nominating for.
- Complete the mail-in declaration.
- Complete the release of address form (optional.)
- Put the completed forms into an envelope.
- Mail or email to:

Note:

All nominated candidates must present a criminal record check at the Nomination Meeting or within four (4) days of the meeting.

The Electoral Officer

Yours truly,

Electoral Officer for the Cheam First Nation

Phone:

Toll Free:

Email:

Appendix 13: Sealing of Ballot Box by Electoral Officer

CHEAM FIRST NATION**CERTIFICATE RE: BALLOT BOX(S)
BAND COUNCIL ELECTION**

This is to certify that we examined the ballot box(es) to be used at the Poll held to elect the Chief and Council of the Cheam First Nation on _____, 20__ and found the ballot box(es) to be empty. The ballot box(es) were locked and sealed in our presence by the Electoral Officer.

Signed by Witnesses:

Signature of Witness

Signature of Witness

Signature of Electoral Officer

Appendix 14: Certificate Re: Opening of Ballot Boxes

Witness Declaration at the Opening of Ballot Boxes and Advance Poll Ballot Boxes

In the matter of the election of the Cheam First Nation

We hereby declare that on the, (____) day, in the month of, (____), in the year 20____, at 8:00 pm, did witness that the ballot boxes seals were intact and there is no evidence of tampering. We were present at the closing of the polls. We certify that no one was permitted to vote after the closure except those persons who were in the polling station at closure. The ballot boxes were opened in our presence and all ballots within the box(es) were removed and counted.

Signed by Witness:

Name of Witness (Printed)

Address

_____, _____
Date and Time

Signed by Witness:

Name of Witness (Printed)

Address

_____, _____
Date and Time

Signature of Electoral Officer

Appendix 15: Electoral Officer's Report

Electoral Officers Report

1. Name of First Nation: Cheam First Nation
2. Band Number: 584
3. Date of Election:
4. District/Region:9
5. Type of election (General or By-election): General
6. Date of last general election (month/year):
7. Total number of band members:
8. Total number of electors (a) On-reserve: b) Off-reserve:
9. The band council is composed of one chief and five (5) councillors.
Ministerial Order: YES NO
10. The *Notice of Nomination Meeting* was:
 - a) Posted on the ___ day of _____ 20___, at the following locations:
 - Cheam First Nation Administration Office – 52161 Victor Drive, Rosedale, BC
 - Cheam Mailboxes
 - Cheam Health Bulletin
 - b) Mailed to ___ off-reserve electors on _____, 20___
11. The nomination meeting was held on the ___ day of _____ 20___, at the Cheam First Nation Administration Office, located at 52161 Victor Drive, Rosedale, B.C. from 5:00 p.m.to 8:00p.m.
12. The *Polling Notice* was posted on the ___ day of _____ 20__ at the following locations:
 - Cheam First Nation Administration Office
 - Cheam First Nation Health Office
 - Cheam Mailboxes
 - Cheam Newsletter
13. (a) Total number of mail-in ballot packages sent to off-reserve electors on _____ and thereafter:
(b) Total number of mail-in ballot packages sent to electors residing on the reserve:0
14. The poll was held on the ___ day of _____ 20___, at the Cheam First Nation Administration Office, 52161 Victor Drive, Rosedale, B.C.

15. Mail-in Ballots

		Chief	Councillor
A)	Total number of mail-in ballot packages sent (includes second or third packages sent to the same elector as well as those sent by DEOs)		
B)	Total number of mail-in packages returned as undeliverable		
C)	Total number of mail-in ballots returned by the elector who voted in person at the polling station		
D)	Total number of mail-in ballots rejected and not placed in the ballot box (during the opening of the envelopes)		
E)	Total number of mail-in ballots deposited in the ballot box		
	Mail-in ballot discrepancy (A + B + C + D + E)		

16. Ballot Reconciliation

		Chief	Councillor
A)	Number of valid ballots cast		
B)	Number of ballots cast and rejected		
C)	Number of ballots spoiled. (never placed in the ballot box)		
D)	Number of unused ballots		
E)	Total number of mail-in packages returned as undeliverable (same as 15 B)		
F)	Total number of mail-in ballots returned by the elector who voted in person at the polling station. (same as 15 C)		
G)	Number of mail-in ballots rejected before being placed in the ballot box (same as 15 D)		

H)	Total provided at 15 F (Mail-in ballot discrepancy)		
	Total number of ballots (A + B + C + D + E + F + G + H)		
	Total number of ballots printed. (Should equal totals at I above)		

17. Please complete all three columns below:

Name of Candidate for Chief	Mailing Address	Total Votes Received

18. Number of rejected ballots for chief:

19. Please complete all three columns below:

Name of Candidate for Councillor	Mailing Address	Total Votes Received

--	--	--

20. Number of rejected ballots for councillor:

21. The following candidates have been publicly declared elected:

A) To the Office of Chief:

--

B) To the Office of Councillor:

22. **The term of office commences on the __ day of _____ 20__.**

23. Additional Comments:

24. **Declaration**

I, _____, appointed to the position of Electoral Officer on the ____ Day of _____ 20__ for the Cheam First Nation, declare that the polling place was kept open between the hours of 9:00 a.m. and 8:00 p.m. (local time), and that I have correctly counted the votes cast for each candidate and have performed all other duties required of me by the *Cheam First Nation Custom Election Code*. I further declare that a copy of the *Statement of the Votes* will be posted at each place where the *Polling Notice* was posted and will be mailed to the last known address of off-reserve electors.

_____ – Electoral Officer

Cheam First Nation

Address

Date

Appendix 16: Official Statement of Results of Election

Cheam First Nation Election

Official Statement of Results of Election Candidates and Votes Cast

CHIEF

Number of Ballots Cast for Chief	VOTES	Comments

Number of rejected ballots for Chief		Comments

COUNCILLOR

Number of Ballots Cast for Councillors	VOTES	Comments

Number of rejected ballots for Councillors		Comments

ELECTED CANDIDATES

TO THE OFFICE OF THE CHIEF
TO THE OFFICE OF COUNCILLOR

THE COUNT WAS DILIGENTLY CONDUCTED IN ACCORDANCE WITH THE CHEAM FIRST
NATION CUSTOM ELECTION CODE

Electoral Officer for Cheam First Nation

Deputy Electoral Officer

Witness

Date

Appendix 17: Certificate of Destruction of Ballots

CHEAM FIRST NATION CERTIFICATE OF DESTRUCTION OF BALLOTS RESULTING FROM THE ELECTION HELD ON

this date, _____, in the month of, _____, in the year 20__.

This is to confirm that we, _____, _____, were present and hereby certify that we witnessed the destruction of all ballots on being sixty (60) clear days after the Cheam First Nation Election which was held on, _____, in the year 20____, such destruction being in accordance with Section 24.3 of the Cheam First Nation Custom Election Code.

Signed on this day, _____, in the month of, _____, in the year 20__ in the municipality of, _____.

 Signed by Witness:

 Name of Witness (Printed)

 Address

_____, _____
 Date and Time

 Signed by Witness:

 Name of Witness (Printed)

 Address

_____, _____
 Date and Time

Appendix 18: Notice Appointing Scrutineers

NOTICE APPOINTING SCRUTINEERS

I, _____, having been nominated for the position of Chief/Councillor for the Cheam First Nation do hereby appoint the following persons in accordance with Sub-section 15.2 of Cheam First Nation Custom Election Code to act as Scrutineers to observe the election poll on the day of, _____, in the month of, _____, in the year of 20____.

Scrutineer

_____ (print name)

Scrutineer

_____ (print name)

Candidate

_____ (signature)

DATE: _____

Appendix 19: Oath of Office for Chief and Councillors

OATH OF OFFICE CHIEF AND COUNCIL

I, _____, a representative of the Cheam Leadership (Council), acknowledge and voluntarily accept my political, legal, and leadership roles and responsibilities the members of Cheam. I declare that I have read, understood and agree to comply with the Cheam Governance Policy Manual, and that in carrying out my duties as a member of Cheam Leadership, and I Hereby swear and affirm that, I will:

- a) Respectfully exercise the powers of my appointment in an ethical, legal and professional manner, and will humbly fulfil my responsibilities in the best interests of all Cheam Members, including post-term.
- b) Adhere to, and support the values, policies, and decisions of Cheam Leadership.
- c) Act as a role model in how I conduct and present myself.
- d) Act as a community development resource and political guide for all members to help advance and resolve issues.
- e) Continually work towards self-improvement and development through self-evaluation, traditional cultural teachings, language and the current educational system to include ongoing Councillor Leadership Training.
- f) Know/aspire to know and support revitalizing Cheam language and culture (including respect for Elders and traditional governing systems); and
- g) Respect the decisions of Cheam Leadership and members if I do not uphold and fulfil my responsibilities.

SWORN TO BEFORE ME at the city of _____)
 _____)
 in the province of _____)
 this _____ day of _____, 20__) _____)
 _____) Signature of Nominee
 _____)
 (Commissioner for Taking Affidavits for the)
 Province of British Columbia or the Electoral)
 Officer or a Justice of the Peace or a Notary Public))