

ALEXIS CREEK FIRST NATION ELECTION CODE



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**ALEXIS CREEK FIRST NATION
ELECTION CODE**

ARTICLE 1. RECITALS AND STATEMENTS OF PRINCIPLES OF THE CODE

WHEREAS

- A. Alexis Creek First Nation has been a sovereign community within the Tsilhqot'in Territory since time immemorial;
- B. Alexis Creek First Nation has been recognized as having the right to determine its governance structure under the United Nations Declaration on the Rights of Indigenous Peoples;
- C. Alexis Creek First Nation has inherent right to self-governance pursuant to section 35 of the Canadian *Constitution Act (1982)*;
- D. Section 35 of the *Constitution Act (1982)* recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada;
- E. Section 25 of the *Constitution Act (1982)* provides that the guarantee of individual rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights and freedoms that pertain to the aboriginal people;
- F. Alexis Creek First Nation may assume control of its own Election Code by requesting the Governor in Council to exempt it from Sections 74-79 of the *Indian Act (1985)*;
- G. The objective of this Election Code is to preserve the collective Alexis Creek First Nation (ACFN) culture and identity in a manner consistent with Alexis Creek First Nation (ACFN) heritage and values; and
- H. The Council of the Alexis Creek First Nation drafted and held public meetings in 2008, 2012, 2013 and 2014 to consider changing its Election procedures.

BE IT HEREBY RESOLVED that the Alexis Creek Chief and Council, upon receiving approval of this Election Code from a majority of its Electors by Referendum, hereby approves the Alexis Creek Election Code on this 17th day of October, 2019.

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

ARTICLE 2. TITLE AND INTERPRETATION

Title

2.01 This Code shall be called the Alexis Creek First Nation Election Code.

Definitions

"Administrator" means the person who is appointed by Resolution of Council as the Administrator and is responsible to the Council for the proper functioning of the Band in accordance with his or her job description or contract and includes supervision of its employees. It may also include a person designated by the Administrator to perform tasks required in this Code on his or her behalf.

"All Candidates Meeting" means a meeting of all Band Members seeking election to office of Chief and Councillors for responding to questions from event organizers and the Electors.

"Appeals Officer" means a person appointed by Resolution in accordance with Article 6 of this Code and who will receive, assess and make decisions regarding appeals of the results of an Election or By-Election.

"Arbitrator" means an independent and impartial third party who is either a lawyer, retired judge, arbitrator, mediator or a person with similar qualifications and who, upon request of the Council, agrees to hear and decide appeals of decisions to remove a Chief or Councilor from their position.

"Arrears" means a debt owed to ACFN upon which no consecutive monthly payments or at least ten (10) percent of the balance have been made during the twelve (12) months prior to the Nomination Meeting.

"Band" or **"ACFN"** means Alexis Creek First Nation.

"By-Election" means an Election held for the purpose of filling a vacant Council position or an Election held to break a tie vote in a General Election in accordance with this Code. The procedures for every By-Election shall be governed by those of a General Election with procedural modifications as deemed necessary by the Electoral Officer.

"Candidate" means a Band Member who is seeking election to office as Chief or a Councilor.

"Chief" means a person elected to the office of Chief under this Code and holds the position head Councilor.

"Clear Day" means, for the purpose of counting days leading to an election or to a related activity, a day which does not include the day when the initial activity takes place, nor the day of the function itself.

"Code" means the ACFN Election Code.

"Corrupt Practice" means any act that constitutes the procurement of votes by bribery or intimidation, or any fraudulent evasion of this Election Code to obtain or prevent the election of a Candidate.

"Council" means the governing body of ACFN.

"Council Member" means the Chief or Councilor.

"Councilor" means a person elected to the office of Councilor under this Code during that person's term of office.

"Criminal Code" means the Criminal Code of Canada.

"Currently or Current" means as at the time in question and not necessarily at the time this Election Code comes into force.

"Election" means a Poll of Votes under this Code and includes a By-Election.

"Elector" means a person who:

- a) Is duly registered as a Member of ACFN according to the Indian Registry as maintained by INAC, or by the Band in accordance with Section 10 of the *Indian Act*;
- b) Is at least eighteen (18) years of age on the date of the Election; and
- c) Is registered on the ACFN membership list; and
- d) Has not been declared mentally incompetent under the laws of British Columbia or other province or territory of Canada or other jurisdiction.

"Electoral Officer" means the person appointed pursuant to Article 6 of this Code, and who is responsible for the administrative activities of the Election.

"Electronic Registration Process" means the process by which an Elector may register to vote by Electronic Voting.

"Electronic Voting" means voting via a website in accordance with this Election Code, or other format negotiated between the Council and the Electronic Voting Contractor following the principles and general procedures set out in this Code.

"Electronic Voting Contractor" means the contractor retained by the Alexis Creek First Nation to provide the means by which Electronic Voting may take place. He or she is to be sworn in by the Electoral Officer as a Deputy Electoral Officer to ensure the confidentiality of records used in the Electronic Voting process.

“Electronic Voting Platform” means the electronic tool provided by the Electronic Voting Contractor to enable and record Electronic Voting.

“General Election” means an election that takes place at the end of the regular term of the Council to determine the succeeding Council.

“Gross Misconduct” means theft or falsification of records, willful destruction of ACFN property, endangering the safety of any Member through incompetence or negligence, or drunk or disorderly conduct at meetings of Council or other Band public forums.

“Immediate Family” means spouse (including common-law and same sex), child, brother, sister, grandchild, mother, father, grandparents (including biological, adopted, foster, step), father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law and those who permanently reside in the same household.

“INAC” means Indigenous and Northern Affairs Canada.

“List of Electors” means the lists prepared for an Election by the Electoral Officer in accordance with Article 8 of this Code.

“Member” or **“Band Member”** means a person whose name is on the Membership List of ACFN.

“Membership List” means the list maintained by INAC under Section 11 or Section 10 (if applicable to Alexis Creek First Nation) of the *Indian Act* as the case may be.

“Moderator” means the person chairing the All-Candidates Meeting.

“Nomination Meeting” means a meeting held pursuant to Article 10 of this Code at which persons can nominate Candidates for the Election.

“Person Assisting an Elector” means a person who assists an elector to vote by reason of the Elector requiring translation to Tsilhqot’in language.

“Poll” means the location where the Election is conducted, or the casting and recording of votes in accordance with this Code.

“Qualified Person” means a person who has received certified training as an Electoral Officer and has successfully conducted at least two (2) other First Nation elections in the role of Electoral Officer or Deputy Electoral Officer. A Qualified Person cannot be an Elector of ACFN or a member of the Immediate Family of a Candidate.

“Quorum of Council” means four (4) members of Council.

“Reserve” means all those lands defined as a “reserve” within the meaning of the *Indian Act*, and set aside for the use and benefit of the Alexis Creek First Nation (see Schedule “U”).

“Resolution of Council” or **“Resolution”** means a proposal put forward to the Council at a duly convened Council meeting and is accepted by a majority of a quorum of Council and is entered into the official record of the meetings of Council.

“Sergeant-at-arms” means a person who is appointed by the Electoral Officer to assist the Electoral Officer to ensure voting integrity during election proceedings.

“Scrutineer” means a person who is appointed by a Candidate to observe the proceedings at the Poll on behalf of a Candidate.

ARTICLE 3. COMPOSITION OF COUNCIL

3.01 The Council shall consist of:

- (a) One (1) Chief; and
- (b) Six (6) Councilors.

3.02 A member cannot hold both the position of Chief and Councilor.

ARTICLE 4. ELIGIBILITY FOR BEING NOMINATED AS A CANDIDATE

Eligibility and Procedure for Being a Candidate

4.01 A Candidate for the Office of Chief or Councilor must:

- (a) Be eligible to vote at the Election;
- (b) Be nominated for that office, in accordance with the procedure set out in this Code;
- (c) Not have been convicted of an offence that was prosecuted by way of indictment within five (5) years prior to the date of the Election (a conviction of an offence relating to the assertion or exercise of Aboriginal rights shall not be deemed to be a conviction for the purposes of this section); and
- (d) Not have been found guilty by a Court of competent jurisdiction of committing a fraudulent act within five (5) years prior to the date of the Election; and
- (e) Not be in arrears in excess of \$500.00 to the Alexis Creek Indian Band unless the following conditions are met:
 - a. The Candidate had signed a debt repayment plan in good faith to pay off arrears.
 - b. The Candidate had paid at least 10% of their overall arrears within the last 12 calendar months of the date of the nomination meeting.
 - c. All payments made toward arrears are separate from candidate registration fees, both must be paid in order to run for Chief and/or Council.

Procedure

4.02 To be nominated to the position of Chief and/or Councilor, a person or designate must present to the Electoral Officer, by the end of the third (3rd) day following the Nomination Meeting, the following documents in a file folder or envelope:

- (a) A completed Elector Declaration Form (Schedule "O");
- (b) A signed Candidate Intention Declaration Form (Schedule "A-1");
- (c) Nomination Forms, as completed by nominators and seconders (Schedule "A-2");
- (d) A Statement of Disclosure, signed by the Administrator or designate and which states that the Candidate is not in Arrears to ACFN or any ACFN business enterprises or is in arrears and conditions for running are met (Schedule "A-3");
- (e) A completed Security Clearance Authorization (Schedule "A-4");
- (f) A copy of a current criminal records check (issued within ninety (90) Clear Days prior to the end of the date of the 3rd (third) day after the date of the Nomination Meeting provided by the Royal Canadian Mounted Police or authorized law enforcement agency in accordance with the guidelines set out in Schedule "A-4"; Or, proof of a criminal records check is being sought and that the results from the criminal records check determines whether or not the candidate is permitted to accept a Chief or Councillor Position should they be elected.
- (g) A non-refundable registration fee (which is separate from arrears owed to the Band) of two-hundred dollars (\$200.00) for the position of a candidacy of Councilor and four hundred (\$400.00) for the candidacy of Chief, in the form of cash, bank draft or money order payable to ACFN; and
- (h) A signed Declaration of Knowledge of Office indicating that the Candidate understands and will comply with the Oath of Office as set out in Schedule "B" and the Roles and Responsibilities of Council as set out in Schedule "C" (Schedule "A-5").

4.03 All nominations must be seconded.

4.04 A Candidate cannot nominate himself or herself.

4.05 A Candidate seeking to run for both the positions of Chief and Councilor must submit separate Nomination documents, as set out in section 4.02, including required registration fees for each position.

4.06 Upon discovering Gross Misconduct in the completion of the nomination documents, the Electoral Officer may declare the Candidate ineligible.

Criminal Records Check

4.07 A Candidate will be disqualified if the criminal records check shows that the Candidate has been convicted of an indictable offence within five (5) years prior to the date of the Election.

4.08 A conviction of an offence relating to the assertion or exercise of treaty rights shall not be deemed to be a conviction for the purposes of section 4.07.

Notice to Candidates Regarding Criminal Records Check

4.09 No less than sixty (60) Clear Days prior to the Nomination Meeting, the Administrator will cause to have posted a notice of reminder to potential Candidates that in accordance with section 4.02, a current criminal records check is to be presented to the Electoral Officer prior to the closure of the Nomination Meeting.

4.10 The Administrator will have the notice of reminder posted in:

(a) The Band Administration Office;

(b) The Community Health Center;

(c) Any Band-owned store(s);

(d) The Post office; and

(e) Local newspapers for a period of no less than three (3) days.

Withdrawals of Candidacy

4.11 Although a Candidate may withdraw his or her candidacy at any time up until the day of election provided he or she submits the request in writing to the Electoral Officer, it is recommended that he or she withdraw their candidacy in writing five (5) days of which the Nomination Meeting was held to ensure their name will not be placed on the ballots.

ARTICLE 5. TERM OF OFFICE AND SCHEDULING OF ELECTIONS

Term of Office

5.01 The term of office of the Council shall be four (4) years ending August 10 at 11:59 p.m. and commencing at 12 a.m. on August 11.

Setting the Date of the Poll

5.02 The Election shall be held no later than August 10 of the final term of office of the Council.

5.03 The date of the Poll is to be set by a Resolution of Council providing for ninety-five (95) Clear Days prior to the date of the Poll to allow scheduling of Election activities required by this Code.

First Election to be Held under this Code

5.04 The first Election under this Code is to be held on January 9, 2020.

5.05 For purposes of coordination of transfer from *Indian Act Election Regulations*, the expiry of the first term under this code will be Aug 10, 2023 at 11:59 PM.

ARTICLE 6. APPOINTMENT OF ELECTORAL OFFICER AND APPEALS OFFICER

Electoral Officer

- 6.01 The Council shall appoint a Qualified Person as the Electoral Officer by Resolution one hundred (100) calendar days prior to the Election Date.
- 6.02 The Electoral Officer will appoint Deputy Electoral Officer(s) as deemed necessary to meet the requirements of an Election under this Code.
- 6.03 The Electoral Officer and Deputy Electoral Officer(s) are required to sign an Oath of Performance and Confidentiality as set out in Schedule "D".
- 6.04 The Electoral Officer shall be appointed for the time period of seven (7) months.
- 6.05 Deputy Electoral Officers shall be appointed for lengths of time as deemed appropriate by the Electoral Officer but not longer than the Electoral Officer's term of appointment.

Appeals Officer

- 6.06 The Council shall appoint by Resolution an Appeals Officer to adjudicate all appeals regarding the administration of this Code.
- 6.07 The Appeals Officer cannot be a Band Member.
- 6.08 A person who has been an employee or contractor with the Band in the past five (5) years is ineligible to be an Appeals Officer.
- 6.09 The Appeals Officer shall hold a Professional Certification under Canadian, Territorial or Provincial law (including Lawyer, Accountant, Electoral Officer, Notary Public, Judge (acting as a friend to the Band), Law Enforcement Officer), and may be active or retired.

Other

- 6.10 The appointments of the Electoral Officer and Appeals Officer shall be approved by the Council one hundred (100) calendar days prior to the date of the Election.

ARTICLE 7. ELECTOR MAIL-OUT REGISTRATION

Responsibilities of Administrator

- 7.01 The Administrator shall maintain a current registry of Electors who desire to receive election notices and Mail-In-Ballot packages by mail.

- 7.02 The registry set out in section 7.01 shall contain the surname, given names, band number, telephone number(s), email address (if available) and mailing address.
- 7.03 Upon the setting of the date of the Election by Council, the Administrator shall:
- (a) Forward, to all persons for whom he or she has addresses, but are not registered, a notice of reminder to register and a copy of Schedule "F"; and
 - (b) Post a notice of reminder to register at the Band office, post office, community store and the Health Center, along with instructions for acquiring a copy of Schedule "F".
- 7.04 An Elector may request to be entered into the registry by submitting a completed Mail-Out Address Registration (Schedule "F") to the Administrator to submit to the INAC Registrar for review.
- 7.05 Upon receiving a Mail-Out Address Registration, the Administrator shall enter the relevant details into the registry and acknowledge receipt of registration by return mail to the Elector.
- 7.06 The Administrator shall submit a copy of the registry to the Electoral Officer no less than thirty-five (35) days prior to the date set for the Nomination Meeting.
- 7.07 Registrations received by the Administrator after submission of the registry to the Electoral Officer must be redirected to the Electoral Officer to avoid a Corrupt Practice or Gross Misconduct.

Responsibilities of Electoral Officer

- 7.08 Up to the time of Poll closure, the Electoral Officer may provide and submit Elector registrations (Schedule "F") to the Administrator and INAC Registrar.
- 7.09 During and after the Nomination Meeting, the Electoral Officer may use any means at his or her disposal in order to verify the Elector address provided on a Mail-Out Address Registration.
- 7.10 Upon receiving a Mail-Out Address Registration the Electoral Officer shall enter the relevant information into the registry and acknowledge receipt of registration by return mail to the Elector.

Responsibilities of Elector

- 7.11 The Elector has sole responsibility to ensure that his or her address is registered for mail-out by:
- (a) Obtaining any affidavits and documents as required to complete Schedule "F";
 - (b) Correctly and fully entering all required information on Schedule "F";

- (c) Providing proof of identity as may be required by the Administrator or designate, or the Electoral Officer; and
 - (d) Following up with the Band Administrator and/or the Electoral Officer if acknowledgement of registration is not received within a reasonable time.
- 7.12 To receive a Mail-In Ballot package, an Elector must be registered no less than ten (10) days before the date of the Poll. Making late Mail-outs, including the Mail-In Ballot Package, are at the discretion of the Electoral Officer.
- 7.13 Where there is a provision for electronic voting, an Elector shall register electronically prior to voting by means of an electronic ballot.

ARTICLE 8. PREPARATION FOR NOMINATION MEETING

8.01 There shall be two (2) lists of Electors as follows:

Master List

8.02 A Master List of the confidential record of Electors eligible to vote effective the date of the Poll and shall include:

- (a) The surnames (in alphabetical order) and given names of each Elector;
- (b) The corresponding date of birth of each Elector; and
- (c) The corresponding Band number of each Elector.

Posting List

8.03 A Posting List of the names of Electors eligible to vote effective the date of the Poll and shall include:

- (a) The title "List of Electors for the Poll to Elect the Chief and Council";
- (b) The date of the Election; and
- (c) In alphabetical order, the surnames and given and, if applicable, nick names of each Elector.

8.04 Upon written confirmation from INAC's Department Registrar, the Electoral Officer may delete names from the list for persons deceased provided there is proof in the form of a death certificate or obituary submitted and approved by INAC, or add names of for persons who have been omitted from the list provided there is proof the elector is a Band Member and will be 18 years of age on the day of election.

Responsibilities of Administrator

8.05 The Administrator shall obtain two (2) current lists of Electors from INAC's Department Registrar as set out in this Article.

8.06 The Administrator shall provide the two (2) lists to the Electoral Officer within three (3) Clear Days of the date set by the Resolution setting the date of the Election.

Responsibilities of Electoral Officer

8.07 The Electoral Officer will arrange for a Nomination meeting to be held at least forty-five (45) Clear Days prior to the Election.

8.08 The Electoral Officer shall prepare a Notice of Nomination Meeting in accordance with Schedule "G" and post the Notice no less than thirty (30) Clear Days prior to the Nomination Meeting.

8.09 The Posting List of Electors, Notice of Nomination Meeting, and Notice of Poll as set out in Schedule "J" shall be posted in the Band Administration Office and in conspicuous places on the Reserve as determined by the Electoral Officer.

8.10 The Electoral Officer shall cause to be posted on the Alexis Creek First Nation website the Posting List of Electors.

8.11 The Electoral Officer shall make available at the Nomination Meeting no less than three (3) copies of the Posting List of Electors.

8.12 The Electoral Officer shall cause to be posted and sent to Electors living off reserve for which he or she has addresses a notice that an eligible Elector may participate in the Candidate nomination by following the procedure set out in Article 4.

8.13 Upon request by an Elector in the form of a completed Schedule "E", the Electoral Officer may make amendments to either or both of the lists of Electors, provided that the request is approved by the Electoral officer. The Electoral Officer must seek information from INAC's Department Registrar to confirm any requested amendments.

8.14 An Elector who wishes to contest the inclusion of a person's name on the Posting List, must do so in writing by forwarding a completed Schedule E to the Electoral Officer who will immediately investigate the claim.

Responsibilities of Electors

8.15 It is the sole responsibility of the Electors to ensure that:

(a) Their name is included on the Posting List of Electors and correctly listed; and

(b) Any documentation requested by the Electoral Officer to show eligibility is correctly completed and submitted prior to receiving ballots.

ARTICLE 9. NOMINATION MEETING MAIL-OUTS

Responsibilities of Electoral Officer

9.01 The Electoral Officer shall send a copy of the Notice of Nomination Meeting following Schedule "G" and Nomination Form Schedule "A2" to all off-reserve Members (for whom a mailing address is available) via regular mail thirty (30) clear days prior to the nomination meeting.

Recording of Mail

9.02 The Electoral Officer must maintain a record of those persons who were sent a Notice of Nomination Meeting, whether by mail or hand delivery, and where applicable, the reason for unsuccessful delivery.

ARTICLE 10. THE NOMINATION MEETING

Receipt of Nominations

10.01 After declaring the Nomination Meeting open, the Electoral Officer will accept nominations for at least three (3) hours on a weekday no earlier than 5:00pm Pacific Time.

Procedures

10.02 During the Nomination Meeting, the Electoral Officer shall:

- (a) Prior to receiving nominations, announce the nominations that have been submitted prior to the meeting;
- (b) Declare the Nomination Meeting open and receive nominations;
- (c) State the name of the Appeals Officer and his or her contact information;
- (d) Announce any other issues relevant to the nomination procedures;
- (e) Where applicable, announce that there will be electronic voting and provide the hyperlinks for voters to obtain information on how to register; and
- (f) Declare the Nomination Meeting closed.

Declaration of Poll

10.03 After the Nomination Meeting is closed, if the number of persons nominated for the positions of Chief and Councilors is less than or equal to the number of seats available on the Council, the Electoral Officer shall declare those persons elected subject to verification of Candidate documentation.

- 10.04 Where vacancies remain on Council after the Nomination Meeting, the Electoral Officer shall arrange another Nomination Meeting within ten (10) days to fill the vacant candidacy position(s) only. The date of the Election will remain unchanged.
- 10.05 The Electoral Officer shall declare that an Election will be held if the number of Candidates exceeds the number of vacancies on Council.
- 10.06 The Electoral Officer shall announce the date, time and place of the Poll, and will post the final list of Candidates within eight (8) Clear Days after the Nomination Meeting. The final list of Candidates will be made available at the Band Administration Office.
- 10.07 Where vacancies remain on Council after the second Nomination Meeting, further Nomination Meetings will be held as necessary until no more vacancies remain.
- 10.08 The Electoral Officer shall post the Notice of Nomination Meetings and a copy of this Election Code in conspicuous sites on reserve no less than thirty (30) Clear Days before the Nomination Meeting.

Security

- 10.09 The Electoral Officer may appoint a security guard at the Nomination Meeting and Election to ensure that there are no interruptions.
- 10.10 Security guards shall be sworn as Deputy Electoral Officers for the purpose of security at Nomination Meetings and polling stations.
- 10.11 Persons involved in Gross Misconduct may be removed from the Nomination Meeting.

ARTICLE 11. ALL-CANDIDATES MEETING

Notice of Meeting

- 11.01 Provisions shall be made by the Administrator to hold an All-Candidates Meeting no less than fourteen (14) Clear Days prior to the Poll.
- 11.02 Attendance of Candidates at the All-Candidates Meeting is compulsory unless excused by the Electoral Officer for reasons of illness or bereavement limited to a death in the Immediate Family.
- 11.03 The All-Candidates Meeting shall be chaired by a Moderator who is not an Elector and in accordance with the guidelines set out in Schedule "H".
- 11.04 The Electoral Officer and Deputy Electoral Officer(s) cannot be appointed as a Moderator.

ARTICLE 12. NOTICE OF POLL AND MAIL-IN BALLOTS

Responsibilities of Electoral Officer

- 12.01 The Electoral Officer shall prepare ballots using the sample format provided in Schedule "I", and may choose to have one ballot for Chief and a second for Councilors. Candidate names are to be listed in alphabetical order by surnames.
- 12.02 The Electoral Officer shall mail a Mail-In Ballot package to all those Electors living off reserve who have registered at least twenty-eight (28) Clear Days prior to the date of the Election. The package shall include:
- (a) Notice of poll as set out in Schedule "J";
 - (b) Elector Declaration Form as set out in Schedule "O";
 - (c) Ballot prepared in accordance with section 12.01;
 - (d) Instructions for mail-in voting;
 - (e) An outer postage-paid pre-addressed return envelope; and
 - (f) A second smaller inner envelope marked with the words "Ballots Only".
- 12.03 The Electoral Officer must maintain a record of those persons who were sent or given a Mail-In Ballot package, and where applicable, the reason for unsuccessful delivery. An entry must also be made in the Mail Log if a second Mail-in Ballot is issued to the Elector.

ARTICLE 13. THE POLLING STATION

Secret Ballot

- 13.01 All polls will be conducted by secret ballot.
- 13.02 The polling station will be arranged by the Electoral Officer to ensure voter privacy and security.

Scrutineers

- 13.03 Each Candidate is entitled to two (2) Scrutineers to be present at any one time at the Poll to observe, but not interfere with, the voting procedures.
- 13.04 Each Candidate may appoint no more than two (2) Scrutineers by providing the Electoral Officer with a completed Appointment of Scrutineer form as set out in Schedule "L".
- 13.05 Scrutineers may be appointed at any time up to the close of polls.

Date of Poll

13.06 The Poll will take place no later than forty-five (45) Clear Days after the Nomination Meeting.

Polling Stations

13.07 The polling station will be set up on the Reserve at a location to be determined by the Electoral Officer or other locations as requested by Chief and Council by Resolution at the time of appointment of the Electoral Officer.

Ballot Boxes

13.08 The Electoral Officer must provide, or arrange to provide, ballot boxes.

13.09 The ballot boxes must be capable of being sealed.

Voting Booths

13.10 The Electoral Officer shall place voting booths in areas which are easily accessible and where the Electors can mark their ballots in secrecy without interference.

13.11 Pencils or pens and instructions for marking the ballots must be provided in each voting booth.

Inspection of Ballot Boxes

13.12 Prior to the opening of the poll, ballot boxes must be examined by an Elector(s) who is not a Candidate to witness that the boxes are empty.

13.13 The ballot boxes will then be sealed for the duration of the poll.

13.14 The witness(es) shall view the sealing of the ballot boxes, and sign a written statement to that effect in the form of Schedule "M".

Availability of Code and Posting List

13.15 The Electoral Officer shall ensure that no less than three (3) copies of this Code and a Posting List of Electors are available to the Electors at the Poll.

Registration

13.16 The Electoral Officer will have prepared a record which contains a Master List of Electors, space for Elector signatures, and space for additional comments.

Hours of Poll

13.17 The polling station will be open from 9:00 a.m. to 8:00 p.m. local time.

ARTICLE 14. PROCEDURES FOR VOTING IN PERSON

Elector Registration

14.01 The Electoral Officer or Deputy Electoral Officer shall register each Elector on arrival at the Poll using the following procedure:

- (a) Verifying if the person is eligible to vote by confirming his or her registration as an Elector using the Master List of Electors;
- (b) Requesting government-issued Driver's License, Status Card or other form of identification to verify Elector identity, if necessary;
- (c) Requiring the Elector, upon verification of identity, to place his or her signature next to his or her name on the record as set out in section 13.16 acknowledging that a ballot has been received;
- (d) Initialing the back of the ballot prior to handing it to the Elector;
- (e) Directing the Elector to immediately proceed to the voting booth, where the Elector shall mark the ballot by placing an "X" or a check mark, that clearly indicates the Elector's choice but does not identify the Elector, opposite the name of the Candidate or Candidates for whom the Elector desires to vote;
- (f) Instructing the Elector to fold the marked ballot in a manner that conceals the names of the Candidates and any marks, but exposes the initials on the back; and
- (g) Instructing the Elector to directly deliver the marked ballot to the Electoral Officer or Deputy Electoral Officer who will, without unfolding the ballot, verify that the Electoral Officer's or Deputy Electoral Officer's initials are on the back of the ballot, and then immediately deposit the ballot into the ballot box.

Electors Not Registered

14.02 Persons whose names do not appear on the Master List of Electors will not be entitled to vote unless the Electoral Officer is satisfied, by written confirmation from INAC's Department Registrar, that their name has erroneously been omitted. Otherwise, the Elector must sign an Elector Declaration in the form of Schedule "O" and provide proof of identity.

Exchanging Ballots

14.03 An Elector may exchange a ballot which has been spoiled due to an error on his or her behalf. The Electoral Officer shall

- (a) Write the word "Cancelled" on the spoiled ballot and store it apart from the ballot box;

- (b) Issue a new ballot to the Elector; and
- (c) Next to the Elector's name in the Elector Registration Log, enter into the "comments" section that a second ballot has been issued.

Forfeited Ballots

14.04 An Elector who has received a ballot and refuses to vote or leaves the polling place without returning the ballot, will be deemed to have forfeited his or her right to vote. When this occurs, the Electoral Officer must mark the word "Declined" on the Elector registration record beside that person's name. If the ballot is returned, the Electoral Officer must keep and record the returned ballot, and may issue a second ballot.

Lost Ballots

14.05 An Elector who has lost a Mail-In Ballot may, at the polling station, complete an Elector's Lost Ballot Declaration in the form of Schedule "N" to allow the Electoral Officer to issue a replacement ballot.

14.06 The Electoral Officer shall record the issuance of a replacement ballot.

Electronic Voting

14.07 The Band Council may choose to include Electronic Voting as a method for Electors to cast their ballot using the following principles:

- (a) Ensuring that reasonable security measures are in place to protect the confidentiality and integrity of Electronic Voting results and voter privacy;
- (b) Ensuring that unique credentials granted to each Elector will permit that Elector to vote once only and any Elector attempting to vote more than once will be restricted from doing so by the Electronic Voting Platform;
- (c) Ensuring that automated email notifications are generated in real-time and sent to the Elector and Electoral Officer to alert them to all and any activity associated with an Elector using the Electronic Voting Platform, including:
 - i. Attempted registration;
 - ii. Completed voter registration;
 - iii. Completed voting; and
 - iv. Confirmation of voting.

14.08 Electronic Voting procedures shall meet or exceed the threshold of verification and due diligence for Mail-in Ballots, and at minimum will require for each Elector to provide:

- (a) A digital signature;
 - (b) A unique voter identification code; and
 - (c) Registry number as provided on the Certificate of Indian Status.
- 14.09 The Electronic Voting Contractor will, in a timely manner, provide by email to each Elector who has registered for Electronic Voting:
- (a) The address to the website where Eligible Voters will access to vote electronically;
 - (b) A unique voter identification code; and
 - (c) Instructions for voting electronically.
- 14.10 The Electronic Voting Contractor will provide the Electoral Officer with real-time email updates of electronic registrations and ballots cast before the closure of the Poll.
- 14.11 The Electoral Officer will forward the contact points of the Elector to the Administrator to be entered into the Mail-out registry as set out in Article 7.01 and 7.02.
- 14.12 The Electronic Voting Contractor will provide the Electoral Officer with timely notifications of any system or communication failures, interruptions or lost data.
- 14.13 The Electoral Officer will provide the Electronic Voting Contractor with a copy of the Master List of Electors, as set out in Article 8.02, at least forty-five (45) Clear Days prior to the first Regular Voting Day. The Electronic Voting Contractor will immediately enter the list into the Electronic Voting Platform.

Electronic Voting Procedures

- 14.14 An Elector may cast a ballot by Electronic Voting.
- 14.15 To cast an Electronic Vote, an Elector will:
- (a) Enter the website address provided;
 - (b) Confirm his or her name, date of birth, and registry number;
 - (c) Enter required information, including mailing address, for the Electronic Registration Process and digitally sign an Elector declaration;
 - (d) Confirm eligibility to participate using Electronic Voting;
 - (e) Declare intent to vote electronically and digitally sign a declaration to that effect;
 - (f) Confirm Electronic Registration by entering the unique voter identification code sent by confirmation email;

- (g) Open the hyperlink in the email to access the electronic ballot and cast an Electronic Vote by selecting his or her choice of candidates; and
 - (h) Confirm their Electronic Vote.
- 14.16 Immediately after an Electronic Vote is completed, the Electronic Voting Platform will immediately generate an email to confirm that the vote has been received, and to advise the Ratification Officer and Verifier that this Elector has voted.
- 14.17 Upon receipt of the email notification, the Ratification Officer will:
- (a) Confirm that the Elector has registered in accordance with this Ratification Process and will record the registration;
 - (b) Confirm that no other Mail-In Ballot Package, in-person, or Electronic Vote was previously received for the same Elector; and
 - (c) Record the date when the Electronic Vote was received.
- 14.18 Where the Ratification Officer is notified of an incomplete or failed electronic voter registration or vote, the Ratification Officer will contact the Elector immediately to advise of alternative voting solutions, including Mail-in Ballot or voting in person.
- 14.19 The Electronic Voting Platform will be configured to automatically end Electronic Voting before the opening of the Poll on the first Regular Voting Day or, if applicable, the Additional Polling Day, and the Electronic Voting Platform will no longer be accessible by voters. Electronic Voting must be completed by this time.
- 14.20 Immediately upon the closing of the Poll on the last Regular Voting Day or, if applicable, the Additional Polling Day, the Electronic Voting Contractor will email the Verifier and Ratification Officer a hyperlink to a secure web page which summarizes the Electronic Voting results, and make the information accessible on the Electronic Voting Platform.

Mail-In Ballots

- 14.21 The Electoral Officer, upon receipt of Mail-In Ballot packages, shall put them, unopened, in a secure place until the counting of ballots.
- 14.22 All Mail-In Ballots must be received by the Electoral Officer before closing of the Poll.

Authority of Electoral Officer to Act as Witness

- 14.23 The Electoral Officer or Deputy Electoral Officer may act as witness for any Schedules in this Code.

Poll Closure

- 14.24 At precisely 8:00 p.m. local time, the Poll shall be closed.

14.25 An Elector who is inside the polling station at closing time shall be entitled to vote before the Poll is closed.

ARTICLE 15. VOTING INTEGRITY

Security of Voting

15.01 No person shall interfere or attempt to interfere with an Elector marking a ballot.

15.02 The Electoral Officer may appoint a Sergeant-at-arms to ensure that voting integrity is maintained. The responsibilities of the Sergeant-at-arms are as follows:

- (a) Ensure that no people are unnecessarily obstructing the polling stations or loitering in or around the polling station building.
- (b) Making sure the appropriate procedures are followed during the election process
- (c) Ensuring that the polling location itself does not influence electors in any way.
- (d) Identifying and rectifying situations that threaten voting integrity.

15.03 No person shall be permitted to obtain or attempt to obtain, in the polling place, any information as to how a person voted.

15.04 The Electoral Officer shall keep the polling station clear of loiterers, with the exception of Scrutineers who may be present to observe the Election procedure.

15.05 No Candidate or any of the Candidate's agents is permitted to campaign or advertise in the Poll area or within one hundred (100) meters of the polling station on the day of the Election, and the Electoral Officer may cause to be removed any poster or other Candidate advertising material from within those areas.

15.06 The Electoral Officer will record any infractions of this Article, including persons involved, nature and time of infraction.

ARTICLE 16. SPECIAL VOTING PROVISIONS

Persons Not Able to Attend Poll

16.01 Electors with disabilities, or who are ill and not able to be in attendance on the day of the Election, may request a Mail-In Ballot package.

16.02 A Mail-In Ballot package may be obtained from the Electoral Officer or Deputy Electoral Officer and registered as a Mail-In Ballot next to the Elector's name.

16.03 The ballot package must be received by the Electoral Officer prior to the closure of the Poll.

16.04 The person acting on behalf of the Elector shall sign Schedule "P" upon return of the Mail-In Ballot to the Electoral Officer.

Translation Services

16.05 An Elector requiring translation services may request the assistance of a translator from the Electoral Officer, or may be assisted by a person of the Elector's choosing.

Witness and Registration of Assistance

16.06 The Electoral Officer or Deputy Electoral Officer shall, at the best to their ability, assist an elector who requires assistance to vote by reason of illiteracy, disability or other matter that cause the elector to require assistance. In the case of mail in ballots, a person may assist an elector as long as he or she completes Schedule Q and submits it with the ballot.

16.07 Occasionally, an elector may require translation into the Tsilhqot'in Language. The Electoral Officer or Deputy Electoral Officer shall witness the voting to ensure the Election is not influenced by those assisting with the translation to the Tsilhqot'in Language.

16.08 Schedule "Q" must be completed when assistance is provided to the Elector.

ARTICLE 17. CLOSING OF POLL AND COUNTING OF BALLOTS

Opening of Mail-In Ballot Package

17.01 The counting of the ballots is to be conducted by the Electoral Officer immediately after the closure of the Poll and after the Mail-In Ballots have been deposited in the ballot box(es), and where applicable, a tally of electronic votes received.

17.02 The Electoral Officer shall open each envelope containing a Mail-In Ballot in the presence of Scrutineers and anyone else present.

17.03 Scrutineers may request to see documents accompanying a Mail-In Ballot so long as the personal privacy of the elector is not compromised and that the actions do not interfere with the process of ballot counting.

17.04 The Electoral Officer will reject a Mail-In Ballot if:

(a) It is not accompanied by the Elector Declaration Form in the form of Schedule "O",

(b) The Elector Declaration Form does not include the voter's name, date of birth or Band number, or is not signed or witnessed properly,

(c) The name of the voter set out in the Elector Declaration Form is not on the Master List of Electors, or

- (d) The Electors Registration Log shows that the Elector has already voted;
- 17.05 And in any other case, will place a mark indicating it is a Mail-In Ballot on the Electors Registration Log opposite the name of the Elector, and deposit the ballot into the ballot box.
- 17.06 Once all Mail-In Ballots have been deposited into the ballot box, the Electoral Officer or Deputy Electoral Officer shall open the ballot boxes and commence the ballot counting process.

Counting Ballots

- 17.07 The Electoral Officer or Deputy Electoral Officer shall open all ballot boxes and examine each ballot and reject those ballots that:
- (a) Have not been appropriately initialed on the back by the Electoral Officer or Deputy Electoral Officer;
 - (b) Contain votes for more than the number of positions available for election; or
 - (c) Contain a mark that may identify the Elector.
- 17.08 Ballots that contain votes for less than the number of positions available for election will be accepted.
- 17.09 The Electoral Officer shall count the ballots and document the results on the Statement of Votes in the form Schedule "R".
- 17.10 The Electoral Officer will request Scrutineers to witness the count and provide them with tally sheets to be signed and returned to the Electoral Officer once counting is completed.

Tie Votes for Chief

- 17.11 Upon completion of the vote count for Chief, the Electoral Officer shall declare the results of the Poll to those present.
- 17.12 If it is not possible to determine the successful Candidate for Chief due to an equal number of votes being cast (i.e., tie vote), the Electoral Officer shall conduct a recount votes for the tied Candidates.
- 17.13 If results are unchanged after a recount of the votes for Chief, the Electoral Officer shall declare that a second Poll be held, in no less than thirty (30) and no more than forty-five (45) Clear Days, for only the tied Candidates with the highest number of votes.

Tie Votes for Councilors

- 17.14 Upon completion of the vote count for Councilors, the Electoral Officer shall declare the results of the Poll to those present.
- 17.15 If the count for the Candidates for Councilors including any tie votes does not exceed the number of positions available, a recount of votes is at the discretion of the Electoral Officer.
- 17.16 If the number of Candidates including those with tie votes exceeds the number of positions available, the Electoral Officer shall cast the deciding vote by using a random method (flip a coin or lottery).

Candidate for Both Chief and Councilor

- 17.17 Where a Candidate running for both Chief and Councilor is elected to both positions, the Electoral Officer shall, after consultation with the Candidate, declare the Candidate's choice of position, provided that:
- (a) The Candidate is present at the Poll at the completion of the ballot count;
 - (b) The choice is made immediately after the completion of ballot count;
 - (c) The votes cast for the position declined by the Candidate will not be counted; and
 - (d) The position declined by the Candidate is declared as vacated.
- 17.18 The Electoral Officer will declare elected, the Candidate who received the next highest number of votes, to the position declared as vacated.
- 17.19 Where a Candidate is not present to make a choice, the Electoral Officer will declare the person elected to the position for which he or she received the more votes.

Statement of Votes

- 17.20 The Electoral Officer shall prepare two (2) copies of the Statement of Votes in the form of Schedule "R" and the Electoral Officer's Report, and forward one copy of each to ACFN and INAC for information purposes only.
- 17.21 The Electoral Officer shall:
- (a) Immediately post the Statement of Votes at the same places where the Notice of the Poll was posted as required under this Code; and
 - (b) Within four (4) Clear Days of the Election, mail a copy of the Statement of Votes to all registered off-reserve Electors.

ARTICLE 18. DISPOSAL OF ELECTION MATERIALS

Secure Retention of Ballots

- 18.01 The Electoral Officer shall retain all ballots and related documents in a secure location after closure of the Poll.
- 18.02 Where no formal appeal has been filed with the Appeals Officer within forty-five (45) Clear Days after the closure of the Poll, the Electoral Officer shall dispose of the ballots.
- 18.03 In the event of a formal appeal, all ballots and related documents shall be retained for forty-five (45) Clear Days after the adjudication of the Appeals Officer and then disposed of.

Disposal of Ballots

- 18.04 The Electoral Officer shall dispose of ballots and related documents in the presence of witnesses who shall certify the destruction of the ballots by signing a Certificate of Destruction of Ballots in the form of Schedule "S", and forward it to the Band Council.

ARTICLE 19. APPEAL PROCEDURES

Time Limits

- 19.01 Within thirty (30) Clear Days after the day of the Poll, any Elector, including any Candidate, may appeal the results of the Election to the Appeals Officer on the grounds that
- (a) There was an error made under, or in violation of, this Code during the Election process that might have affected the outcome of the Election; or
 - (b) A person nominated to be a Candidate in the Election was ineligible to be a Candidate.
 - (c) There was corrupt practice in connection with the election.

Format of Appeal and Procedure

- 19.02 All appeals shall be in writing and must include
- (a) A deposit fee of three hundred dollars (\$100.00) in the form of certified cheque or money order made payable to ACFN;
 - (b) The grounds for appeal including references to relevant section(s) of this Code;
 - (c) All particulars and information supporting the appeal including evidence in the form of a Statutory Declaration witnessed by a Notary Public or Commissioner of Oaths for statements of the witnesses.

- 19.03 An Elector may file an appeal by:
- (a) Registered mail, addressed to the Appeals Officer, c/o The Administrator, Alexis Creek First Nation, Box 69, Chilanko Forks, BC; or
 - (b) Hand delivery to the Administrator at the ACFN Administration Office.
- 19.04 Upon receiving the appeal documents, the Administrator shall issue a receipt to the Appellant as proof of filing and forward all documents to the Appeals Officer.
- 19.05 The Appeals Officer shall, within seven (7) Clear Days of the receipt of an appeal, forward a copy, together with all supporting documents to:
- (a) The Electoral Officer; and
 - (b) Each candidate in the election; and
 - (c) Administrator.
- 19.06 The Electoral Officer shall, within fourteen (14) Clear Days of receipt of the notice of appeal documents from the Appeals Officer, provide a written response to the appellant's allegations and any supporting documents. This shall be sent to the Appeals Officer either by registered mail or by hand delivery.
- 19.07 The Appeals Officer shall otherwise establish its own Rules or Procedure as needed and the Appeals Officer may, at his or her own discretion, secure legal advice and hear evidence, including witnesses and obtaining affidavits, in the course of his or her review of an appeal.
- 19.08 For greater certainty, the Appeals Officer may conduct or authorize such further investigation into the appeal allegations as he or she deems appropriate and necessary.
- 19.09 Within sixty (60) Clear Days of receipt of an appeal, the Appeals Officer shall render a decision on the validity of the appeal and the action to be taken as a result, which may include:
- (a) Denying the appeal on the grounds that the evidence presented did not reveal an error was made under, or a violation of, this Code, or on the grounds that an error made under, or a violation of, this Code was revealed but did not affect the result of the Election; or
 - (b) Grant the appeal and order a new Election for the positions affected on Council, on the grounds that the evidence presented, or was not available at the time of the Nomination Meeting, revealed an error made under, or in violation of, this Code, that affected the outcome of Election result; or
 - (c) Recommendations for amendment(s) to this Code to apply to future Elections.

- 19.10 The Appeals Officer shall report the decision and recommendations to the appellant, the Electoral Officer, all Candidates and the Council.
- 19.11 The decision of the Appeals Officer is final.
- 19.12 If the decision of the Appeals Officer requires that another Election be held, such Election shall respect the provisions of this Code.
- 19.13 The Council is bound by the decision of the Appeals Officer to hold another Election and shall set a date for a new Election within five (5) Clear Days of the decision being rendered.
- 19.14 If the appeal is successful, the three-hundred-dollar (\$300.00) deposit shall be returned to the appellant.

ARTICLE 20. VACANCIES

Vacancies

- 20.01 A Council position becomes vacant when the person who holds this office:
- (a) Resigns from the office in writing;
 - (b) Is convicted of an indictable offence;
 - (c) Becomes incapacitated to the point where he or she cannot perform the required duties and such incapacity is confirmed by a declaration signed by a medical doctor;
 - (d) Fails to swear and adhere to the oath required by Schedule "B"; or
 - (e) Dies.
- 20.02 A Council position also becomes immediately vacant when the Appeal Officer upholds an appeal and sets aside the election for that position.

Removal from Office

- 20.03 The Chief or any Councilor may be removed from office if at least two-thirds (2/3) of Councilors vote in favor of a Resolution declaring the removal on grounds that the person has:
- (a) Committed illegal or improper appropriation of ACFN funds or assets as determined by a court of competent jurisdiction;
 - (b) Been found guilty of Corrupt Practices as determined by the Appeals Officer;

(c) Without Council approval, missed more than three (3) consecutive Council meetings or three (3) Council-authorized Committee meetings, as recorded in Council meeting minutes; or

(d) Breached other Terms of the Oath of Office (Schedule "B") or Roles and Responsibilities of the Alexis Creek First Nation Council (Schedule "C").

20.04 Except for reasons of death of a member of Council, the Council, within two (2) Clear Days of making the decision by means of a Resolution, shall provide a notice of warning giving reason(s) for the proposed removal from office.

20.05 The Chief or Councilor who has received a warning will be given fifteen (15) days to respond in writing to the Chief and Council. If the decision remains unchanged, notice of removal from office will be provided with the reason(s) for removal.

20.06 The notice of removal from office shall be delivered to the Chief or Councilor (who is to be removed from office) by means of registered mail or hand delivery.

Appealing Removal from Office

20.07 Upon receipt of the notice of removal as set out in 20.05, the Chief or Councilor to be removed from office may make an appeal of the decision in accordance with Schedule "T".

Quorum

20.08 If a quorum can be maintained and vacancies occur, there is to be no action shall be taken and the term will carry on until the it expires and an election is held to elect successful candidates into the position.

20.09 In the event of vacancies resulting in the Council no longer being able to maintain a quorum, runner up candidate(s) with the most votes for a particular position they had ran for are eligible to fill vacant position they particularly ran for up until a quorum is completed and not more.

20.10 Where there is no quorum, the Administrator and remaining Councilors shall conduct the day-to-day legal business of the Band, but cannot set or eliminate policy or approve laws/by-laws or engage in contracts on behalf of the Band.

Last Year of Term Vacancies

20.11 If a vacancy for Chief occurs in the last year of the mandate of the Council, the Council may elect an Acting Chief from the remaining Councilors until the next scheduled General Election.

ARTICLE 21. LIABILITY

General

21.01 The ACFN, its members and its employees and its officers (including the Administrator, the Electoral Officer and Deputy Electoral Officers) shall not be liable for any claims, losses or damages resulting from the inadvertent deletion of an individual's name from, or addition of an individual's name to, the Elector's List or any inadvertent breach of this Code while acting in good faith.

ARTICLE 22. RATIFICATION OF CODE PROCEDURE

22.01 The ACFN Election must be reviewed and approved by INAC before it is to go through the referendum process

22.02 The Alexis Creek First Nation Election code may only be ratified by method of a referendum process as set out by the Indian Act until a referendum process by the Alexis Creek First Nation is established in effect.

22.03 The referendum to ratify the ACFN Election Code must be by secret ballot and the majority of at least thirty nine percent (39%) (as determined the Alexis Creek First Nation General Election's bi-annual voter turnout average results as of 2017) of the eligible elector population must vote in favor of adopting the Code.

ARTICLE 23. AMENDMENT PROCEDURES

23.01 Any amendment(s) to this Code shall be made pursuant to this Article.

23.02 Any amendment to this Code shall be initiated by:

(a) A petition presented to Council, signed by the majority of thirty nine percent of (39%) of eligible Electors, specifying a proposed amendment; or

(b) A duly passed Council Resolution, specifying the proposed amendment(s).

23.03 Council shall mail a notice of proposed amendment(s) to all Electors setting out an explanation of the proposed changes and advising them of their right to file a written objection to the amendment(s).

23.04 Any written objections must be received by Council no later than thirty (30) days from the date Council mailed the notice.

23.05 If no written objections are received from Electors, Council may, by Resolution, adopt the proposed amendment(s).

23.06 Where there is written objection to the amendment from sixty (60) or more Electors, Council may arrange a public meeting to discuss the proposed changes within sixty (60)

Clear Days of receipt of the petition. After or during the public meeting, Council may choose to hold a vote of Electors to determine acceptance of the proposed changes. The format of the vote and standards of approval will be determined by Council and may include a show of hands, secret ballot, referendum or other method.

- 23.07 If a referendum method is used it must follow the general referendum process used to adopt this Code, including public information meetings, but standards of approval and other changes may be made by Council to accommodate the proposed changes.
- 23.08 Any amendment(s) approved more than ninety (90) Clear days prior to an Election shall be effective for the next Election.
- 23.09 Any amendment(s) approved less than ninety (90) Clear Days shall not come into force until the conclusion of next term to allow Electors living off reserve lands to be aware of amendments.
- 23.10 Notice of all approved amendments must be included in the information provided to Electors prior to the Election in which the amendment(s) will first take effect.

ARTICLE 24. UNFORSEEN CIRCUMSTANCES

- 24.01 The Electoral Officer, after consultation with Council, has the authority to resolve events unforeseen by this Code, except when the Electoral Officer is in breach of Schedule "D".

ARTICLE 25. SEVERABILITY AND GENDER

- 25.01 If any part of this Code is declared to be invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the validity or enforceability of any other part of this Code.
- 25.02 In this Code He means She as the context determines.

Approved on this _____ day of _____, 2018.

SCHEDULES

SCHEDULE A-1

CANDIDATE INTENTION DECLARATION

I hereby declare that I am an Elector of the Alexis Creek First Nation and declare my intention to run as Candidate for the office of ***(please check the appropriate box(es))***:

- Chief Councilor

Full Name (Print): _____

Date of Birth: _____ Band Number: _____

Address: _____

Phone number: _____ E-mail: _____

I enclose the following documentation:

- Nomination Forms Financial Standing Verification issued by ACFN
Criminal Records Check Security Clearance Authorization
 Elector Declaration Form (Schedule "O")

I hereby authorize the Electoral Officer to investigate and verify my eligibility as established in the Alexis Creek First Nation Election Code. Further, I agree to abide to all terms and conditions of the Alexis Creek First Nation Election Code and recognize the Electoral Officer and Appeals Officer as the final authority of decisions related to the elections.

I hereby authorize the Electoral Officer to adhere to the policies of the Election Code and ensure that I am a candidate in Good Financial Standing with the Alexis Creek First Nation.

Name of Candidate (PRINT)
older

Name of Witness (PRINT) *(must be 18 years or older)*

Signature of Candidate

Signature of Witness *(must be 18 years or older)*

Date

Date

**SCHEDULE A-2
NOMINATION FORM**

In the matter of the elections for Chief and Council of the Alexis Creek First Nation set for the date of the _____ day of _____ 20____.

I solemnly nominate _____ (Name of Candidate),
Band Number: _____ for the position of (*please check the appropriate boxes*):

Chief Councilor

I am a: Nominator Seconder to the Nomination

Nominator: _____ (Print Name)

Nominator: _____ (Signature)

Nominator: _____ (Address)

Nominator: _____ (Phone Number)

I swear that I am: An Elector of Alexis Creek First Nation

My Band Number is: _____

My date of Birth is: _____

I do not know of any reason why I would be disqualified from nominating candidates 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 it is an offence to make a false statement in this declaration.

Name of Nominator (PRINT)
older)

Name of Witness (PRINT) (*must be 18 years or*

Signature of Nominator

Signature of Witness (*must be 18 years or older*)

Phone #

Phone #

Date

Date

NOTE: One Form each for Nominators and Seconders

Date: _____

Date: _____

NOTE: To be an eligible Nomination, two (2) persons need to nominate a candidate. This requires two (2) of these Nomination Forms signed by two (2) different Nominators.

**SCHEDULE A-3
STATEMENT OF DISCLOSURE**

(To be completed by the Band Administrator)

In the matter of the candidacy of _____ (Print Name), I declare that this Candidate (*please check the appropriate box*):

is in arrears of an excess of \$500.00 CDN to the Alexis Creek First Nation, any of its programs or any ACFN business enterprises. INITIAL beside any conditions that had been met by the Candidate:

_____ The Candidate had signed a debt repayment plan in good faith to pay off all outstanding arrears.

_____ The Candidate had paid at least 10% of their overall arrears within the last 12 calendar months of the date of the nomination meeting.

is not in arrears in excess of \$500.00 CDN to the Alexis Creek First Nation, any of its programs or any ACFN business enterprises

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 it is an offence to make a false statement in this declaration.

ACFN Administrator (PRINT)
older

Name of Witness (PRINT) (*must be 18 years or older*)

Signature of ACFN Administrator

Signature of Witness (*must be 18 years or older*)

Date

Date

SCHEDULE A-4
SECURITY CLEARANCE AUTHORIZATION

Name (please print clearly): _____

Maiden Name (*if applicable*): _____

Date of Birth: _____

Alexis Creek First Nation Band No.: _____

I hereby authorize the Alexis Creek First Nation Electoral Officer to receive the Criminal Records Check from the Royal Canadian Mounted Police (RCMP) or any other police force authorized to carry out a Criminal Records Check.

I agree to pay for any fees for the said Criminal Records Check and agree to be fingerprinted if this is required. Costs associated with the fingerprinting will also be at my expense. (If the Criminal Records Check indicates that "record may or may not exist", fingerprinting may be required to verify the Criminal Records Check).

I understand that it will be my responsibility to complete this task well in advance of the date of the Nomination Meeting.

I understand that the results of the Criminal Records Check will be used by the Electoral Officer and the Appeals Officer (in the event of an appeal) to determine whether I am eligible to run as candidate for Council (including Chief). I agree to not withhold details arising from the Criminal Records.

I agree to abide by the decision of the Appeals Officer regarding my candidacy and recognize his or her decision as final in accordance with this Election Code.

Name of Candidate (PRINT)
older

Name of Witness (PRINT) (*must be 18 years or*

Signature of Candidate

Signature of Witness (*must be 18 years or older*)

Date

Date

SCHEDULE A-5
DECLARATION OF KNOWLEDGE OF OFFICE

I solemnly declare that I _____ (Print Name),
_____ (Band Number), have read the following Oath of Office and Roles and Responsibilities of Alexis Creek First Nation Council and understand the content of these documents.

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 it is an offence to make a false statement in this declaration.

Name of Candidate (PRINT)
older

Name of Witness (PRINT) *(must be 18 years or older)*

Signature of Candidate

Signature of Witness *(must be 18 years or older)*

Date

Date

**SCHEDULE B
OATH OF OFFICE**

I, _____ (print name), a representative of the ACFN, declare that I have read, understood and agree to comply with the ACFN Council Governance Policy Manual, other laws, codes and by-laws and in carrying out my duties as a member of ACFN Council, I will:

- Respectfully exercise the powers of my appointment and fulfill my responsibilities conscientiously, loyally, honestly, in good faith and in the best interests of the members including post-term;
- Adhere to, and support the policies, values and decisions of ACFN Council;
- Continually work towards self-improvement and development through self-evaluation, traditional teachings, and the current educational system;
- Act as a role model in how I conduct and present myself;
- Act as a community development resource and political guide for all members to help advance and resolve issues;
- Respect the decisions of ACFN Council and members if I do not uphold and fulfill my responsibilities.

Signature: _____

Date: _____

Witness: _____

Date: _____

To be sworn before the Electoral Officer, Notary Public or Commissioner of Oaths.

SCHEDULE C
ROLES AND RESPONSIBILITIES OF THE ALEXIS CREEK FIRST NATION COUNCIL

Chief and Council have the following roles and responsibilities:

1. Chief and Councilors shall support the interests of the Alexis Creek First Nation members in priority to:
 - (a) The personal interest of any Council Member; and
 - (b) Any advocacy or special interest groups and memberships on other boards or groups.
2. Must abide by the regulatory ACFN Governance Policy Manual for up and including but not limited to Council Meetings, Quorum, order of business and recording and minutes.
3. Chief and Councilors shall, if possible, avoid any conflicts of interest that may affect their fiduciary responsibility to the membership. Where a Chief or Councilor has knowledge of a possible conflict of interest of himself or herself or another member of Council, he or she is to bring it to the next duly convened meeting of Council for discussion. The subject matter is to be entered into the official record (minutes) of the meeting. Where a Chief or Councilor is unable to avoid a conflict of interest, the Chief or Councilors, as the case may be, will make full disclosure of his or her personal interest in the matter to be considered, not participate in the discussion, and not participate in or influence the decision. Policy and procedures for defining and preventing conflicts of interest are set out in AFCN Governance Policy Manual.
4. Individual Chief and/or Councilors do not have any authority to direct management or staff, except as authorized by the whole Chief and Councilors in the form of a Resolution of Council.
5. Chief and Councilors shall not use information they receive as a consequence of being on Alexis Creek First Nation Council for their own direct benefit or advantage, or, for the benefit or advantage of their family.
6. The minutes, records, or proceedings of any *in camera* Alexis Creek First Nation Council or committee meeting shall be kept in confidence by every Alexis Creek First Nation Council member.
7. Chief and Councilors shall carry out their duties in good faith and good reasonable diligence, care and skill.
8. Where possible, educate other Alexis Creek First Nation Council members of the roles and responsibilities of Chief and Council, as the case may be.

SCHEDULE D
OATH OF PERFORMANCE AND CONFIDENTIALITY FOR
ELECTORAL OFFICER AND DEPUTIES

In the matter of the election of the Alexis Creek First Nation Election to be held on _____ (Date), I _____ (Print Name) solemnly declare that I will, to the best of my ability perform the duties of (*please, check the appropriate box*):

Electoral Officer Deputy Electoral Officer Appeals Officer

In accordance with the Alexis Creek First Nation Election Code, I also solemnly declare that with respect to matters considered confidential in the Code I will adhere.

I make this solemn declaration conscientiously 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.

Name (PRINT)
older

Name of Witness (PRINT) (*must be 18 years or older*)

Signature

Signature of Witness (*must be 18 years or older*)

Date

Date

SCHEDULE E
REQUEST TO AMEND THE ELECTORS LIST

Disclaimer: This form is a template to be used when reporting any amendment requests to the Indigenous & Northern Affairs Canada Registrar.

I _____ (Print Name) _____ (Band Number),
am an Elector of the Alexis Creek First Nation.

I have reviewed the List of Electors for the Election dated _____ and
found the following errors:

I request that it be amended as follows:

Name of Elector (PRINT)
older

Name of Witness (PRINT) *(must be 18 years or
older)*

Signature of Elector

Signature of Witness *(must be 18 years or older)*

Date

Date

For Official Use Only

Action taken by Electoral Officer

Signature

Date

SCHEDULE F
MAIL-OUT ADDRESS REGISTRATION
(ELECTOR FORM REGISTRATION)

In the matter of the elections being held under the Alexis Creek First Nation Election Code _____ (Date).

I _____ (Print Name) solemnly declare that:

1. I am an Elector of the Alexis Creek First Nation.
2. My band number is _____ and my birthdate is _____
3. My telephone number is: _____ My cellular number is: _____
4. My e-mail address is: _____
5. My current mailing address is:

_____ and wish to have all matters regarding elections forwarded to the above address.

6. I live (*please check the appropriate box*):

- On Reserve Off Alexis Creek First Nation Reserve lands

I am aware that I am solely responsible to keep the Band Administrator informed as to my current mailing address by means of submitting an updated copy of this form should my mailing address change.

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 it is an offence to make a false statement in this declaration.

Name of Elector (PRINT)
older)

Name of Witness (PRINT) (*must be 18 years or*

Signature of Elector

Signature of Witness (*must be 18 years or older*)

Date

Date

For Official Use Only

Date of Address Entered into Mailing Log: _____

Date Received: _____ Date Confirmation Returned: _____

This Schedule is to be stamped by the Registrar of the Address Registry and a copy returned to the Band Member.

SCHEDULE G
NOTICE OF NOMINATION MEETING

The Notice of Nomination Meeting shall include:

1. The heading "Notice to Electors of the Alexis Creek First Nation";
2. Purpose of the meeting (to nominate candidates for positions on Band Council);
3. The positions to be filled including the title of positions and length of the term;
4. Time, date, duration and place of the meeting;
5. Date of Poll;
6. Location or availability of Lists of Electors (Posting Lists) and copies of the Election Code;
7. Information on how to access Nomination Documents (Schedules A1-A5, B and C);
8. A statement advising that Mail-In Ballot packages may be received if Electors register their addresses;
9. Any other information as deemed necessary by the Electoral Officer;
10. Name, signature, postal address, and contact information (phone, e-mail, etc.) of the Electoral Officer; and
11. Where applicable, notification that electronic voting will be provided, and the hyperlinks for voters to register to receive a ballot electronically.

SCHEDULE H
ALL-CANDIDATES MEETING

1. The appointment of the Moderator is set out in Article 11 of this Code.
2. The Administrator must make all necessary arrangements to hold the All-Candidates Meeting.
3. At least twenty-one (21) days before the date set for All-Candidates Meeting, the Band, Administrator must:
 - (a) Deliver a copy of the Notice of an All-Candidates Meeting to each Non-resident Elector who is registered;
 - (b) Post a Notice of All-Candidates Meeting on the bulletin boards in the Band Administration building;
 - (c) Cause to be published, for at least three (3) consecutive days, a copy of the notice of All-Candidates Meeting:
 - i. Alexis Creek First Nation Newsletter;
 - ii. On the Alexis Creek First Nation website; and
 - iii. In local newspapers.
 - (d) Cause to be broadcast, at least once on the three (3) consecutive days by a local radio or television station, the same information as that contained in the Notice of All-Candidates Meeting (Optional).
4. The Administrator may appoint a Sergeant-at-Arms to maintain order at the All-Candidates Meeting, as required, and must inform the Sergeant-at-Arms of his or her duties.
5. Where the Moderator considers that a person is disrupting the All-Candidates Meeting, the appointee may instruct the Sergeant-at-Arms to escort the person from the premises, and the Sergeant-at-Arms must remove the person from the premises.
6. At the All-Candidates Meeting, each Candidate may be allowed to address the people present for a minimum of two (2) minutes and a maximum of:
 - (a) Seven (7) minutes for the Candidates for Chief, and
 - (b) Five (5) minutes for the Candidates for Councilor.

**SCHEDULE I
BALLOTS
(EXAMPLES)**

CHOICES TO BE MARKED "X"

**CHIEF
CHOOSE ONE (1) ONLY**

NAME OF CANDIDATE	Nickname	Mark your Choice with an "X"
Brown, Brian J	Bucky	
Caldwell, Sheila F.		
Joe, William Clancy	Joe Jr.	
Lovine, Barbara Lee	Barby	
Powell, Richard Louie		

**COUNCILORS
CHOOSE UP TO SIX (6)**

NAME OF CANDIDATE	Nickname	Mark your Choice with an "X"
Brown, Brain Joseph	Jazzman	
Corrie, Elma Freda		
Jim, James Fredrick		
Jan, Janet Ellen		
Joseph, Fredrick, Jay	JJ	
Lorry, Elizabeth		
Mike, Arthur Samuel		
Steel, Arthur Samuel	Steely	
Travis, Francine	Fran	

SCHEDULE J
NOTICE OF POLL

The Notice of Poll is to include:

1. The heading "**Notice of Poll**" to the Electors of the Alexis Creek First Nation.
2. The title of the positions to be filled including the number of positions and length of the term.
3. A list of Candidates and Appeal Officer.
4. Time, date, place of Poll.
5. Hours of Poll (9 am – 8 pm).
6. Statement that ballots will be counted immediately after the closure of Poll.
7. That Mail-in Ballots packages are available from the Electoral Officer upon registration of members' addresses (available from EO or Website).
8. Any other information deemed necessary by the Electoral Officer.
9. Name, signature, postal address, and contact information (phone, e-mail, etc.) of the Electoral Officer.
10. Statement advising Electors that they can vote in person at the polling place in lieu of voting by mail-in ballot.

**SCHEDULE K
WITNESS DECLARATION FORM**

I, _____ (Print name), of
_____ (City), _____ (Province) do solemnly declare
that:

I was personally present and saw the attached instrument duly signed and executed by
_____ (Name of Elector).

The instrument was executed at _____ (City) _____
(Province).

I know _____ (Name of Elector) and he or she is of the full age of
18 years.

I am the subscribing witness to the instrument and am of the age of 18 years.

Name of Witness (PRINT) (*must be 18 years or older*)

Signature of Witness (*must be 18 years or older*)

Date

**SCHEDULE L
APPOINTMENT OF SCRUTINEER**

ATTENTION ELECTORAL OFFICER

In the matter of the Alexis Creek First Nation Election to be held on _____ (date), I appoint the following person(s) to be my Scrutineers (*no more than two can be appointed*):

Name: _____

Name: _____

Name of Candidate (PRINT)

Signature of Candidate

Date

SCHEDULE M
SEALING OF BALLOT BOX

In the matter of Electing Members to the Office of Council of Alexis Creek First Nation dated _____, I was present and inspected the Ballot Box(es) prior to it being sealed to receive ballots.

I confirm the boxes were empty and that they were properly sealed by the Electoral Officer prior to Ballots being cast.

Name of Witness (PRINT)

Signature of Witness

Date

SCHEDULE N
DECLARATION OF LOST, MISPLACED OR UNUSED MAIL-IN BALLOT

(To be completed by the Elector)

In the matter of the election for the Alexis Creek held according to the Alexis Creek Election Code, I _____ (Print Name) solemnly declare that:

1. I am a member of the Alexis Creek First Nation.
2. My band number is _____ and my date of birth is _____.
3. *Check where applicable:*

_____ I have lost the mail-in ballot that was mailed, delivered or provided to me.

_____ I have not received the mail-in ballot that was mailed to me.

_____ I have not used the mail-in ballot that was mailed to me.

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.

Date

Signature of Elector

To be completed by the Electoral Officer, Deputy Electoral Officer, a justice of the peace, a notary public or a commissioner for oaths.

Declared before me _____ at

(Print name)

(Municipality)

This _____ day of _____, 20 _____

Signature

SCHEDULE O
ELECTOR DECLARATION FORM

In the matter of the election of the Alexis Creek First Nation, held according to the Election Code, I, _____ (Print Name) solemnly declare that:

1. I am a member of Alexis Creek First Nation.
2. My band number is _____ and my date of birth is _____.
3. My current mailing address is:

4. I am 18 years of age as at the date of Elections.
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.

Name of Elector (PRINT)
older

Name of Witness (PRINT) *(must be 18 years or*

Signature of Elector

Signature of Witness *(must be 18 years or older)*

Date

Date

NOTE: The witness must be eighteen (18) years or older.

SCHEDULE P
DECLARATION OF PERSONS DELIVERING MAIL-IN BALLOTS

(To be completed by the person delivering mail-in ballots)

In the matter of the election for the Alexis Creek First Nation, held according to the Election Code, I, _____ (Print Name) solemnly declare that:

1. My current mailing address is:

2. My current telephone number is: _____
3. I am delivering mail-in ballot(s) on behalf of the following electors:

4. This/those ballot(s) have come into my possession honestly and I was authorized by
(a) the above-named Elector(s) to deliver their mail-in ballots.
(b) I did not offer to the Elector(s), nor was I offered inducement for delivering this/these ballot(s).
5. To the best of my knowledge, information and belief, this/these ballot(s) have not been opened or otherwise tampered with while in my care.

Date

Signature

Sworn before me _____ at

(Print name) (Municipality)
This _____ day of _____, 20 _____

Signature

Please verify the identification provided by the person delivering mail-in ballot(s) and confirm this verification by checking the box

SCHEDULE Q
ELECTOR DECLARATION FORM OF PERSON ASSISTING AN ELECTOR

In the matter of the election of the Alexis Creek First Nation, held according to the Election Code, I, _____ (Print Name) solemnly declare that:

1. I am a member of the Alexis Creek First Nation.
2. My band number is _____ and my date of birth is _____.
3. My current mailing address is:

4. I am 18 years of age as at the date of Elections.
5. I have been advised by _____ (Print Name of Elector) that he or she is incapable of voting by reason of (CHECK ALL THAT APPLY).
 - Requiring Translation
 - Illiteracy
 - Disability
6. The Elector Requiring Assistance has advised me and I believe the following is true:
 - (a) The Elector Requiring Assistance is a member of the Alexis Creek First Nation.
 - (b) The Band number of the Elector Requiring Assistance is _____.
 - (c) The date of birth of the Elector Requiring Assistance is _____.
 - (d) The current mailing address of the Elector Requiring Assistance is:

 - (e) The Elector Requiring Assistance is at least 18 years of age as the date of Elections.
 - (f) The Elector Requiring Assistance advises that he or she knows of no reason why he or she 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.

Name of Elector (PRINT)
older

Name of Witness (PRINT) (*must be 18 years or*

Signature of Elector

Signature of Witness (*must be 18 years or older*)

Date

Date

**SCHEDULE R
ALEXIS CREEK FIRST NATION STATEMENT OF VOTES**

CHIEF

NAME OF CANDIDATES	VOTES	ELECTED

TOTAL VOTES CAST FOR CHIEF: _____

SPOILED BALLOTS: _____

COUNCILORS

NAME OF CANDIDATES	VOTES	ELECTED

TOTAL VOTES CAST FOR COUNCILORS: _____

SPOILED BALLOTS: _____

REJECTED MAIL IN BALLOT PACKAGES: _____

GIVEN UNDER MY HAND AT CHILANKO FORKS THIS
 _____ DAY OF _____ 20_____.

 Name and Address of **Electoral Officer**

 Signature of Electoral Officer Date

 Name and Address of **Deputy Electoral Officer**

 Signature of Deputy Electoral Officer Date

SCHEDULE S
CERTIFICATE OF DESTRUCTION OF BALLOTS

In the matter of the Election for Alexis Creek First Nation Chief, the Council dated

I declare I was present and witnessed the destruction of Ballots by means of
_____ On _____ (date) by the Electoral
Officer.

Print Name

Address

Signature

Date

SCHEDULE T
PROCESS TO DETERMINE DISQUALIFICATION
FROM CONTINUING TO HOLD OFFICE

1. Alexis Creek First Nation Council is charged with the responsibility of determining whether or not a Chief or Councilor is disqualified from continuing to hold office.
2. Council shall appoint an Arbitrator to hear matters concerning Alexis Creek First Nation Council disqualifications within thirty (30) days of the date of the commencement of its term of office. The Arbitrator is to be a lawyer or professional Arbitrator. He or she is to have not had any connection with ACFN for five (5) years of his or her appointment except as an Arbitrator.
3. If an Arbitrator has not been appointed within the time set out in section 2 of this Schedule, the Administrator shall appoint an Arbitrator as soon as possible using the criteria for selection as set out in this Code.
4. Where Council determine that an individual is disqualified from continuing to hold office as Chief or Councilor, the Council will notify this individual, by means of registered mail, within two (2) Clear Days of such determination. The letter will give the opportunity for the individual to resign, in writing, his position, which must be received by the Council within seven (7) Clear Days of the determination being made.
5. The Council member who has been determined disqualified, or in the case of illness or incapacity of such Council member, a Council member acting on his or her behalf, may appeal the Council's decision by filing a notice of appeal together with the supporting documents and a non-refundable deposit of Three Hundred Dollars (\$300.00) to the Arbitrator within ten (10) days of receiving notice of the decision from Council.
6. In addition to payment of the non-refundable deposit, the Council Member who has been determined disqualified by Council from continuing to hold office shall pay, if unsuccessfully, 50% of the expenses of the cost of the Arbitrator incurred in the appeal process.
7. Where no Arbitrator has been appointed, an appeal shall be filed with the Administrator who shall, upon receipt, request Council to appoint an Arbitrator.
8. The Arbitrator, may, at his or her discretion, give directions for:
 - (a) Fixing the date, time and place for hearing the appeal(s);
 - (b) Designating the method of taking evidence;
 - (c) Designating what individuals are to be notified and how they are to be served; and
 - (d) Dealing with any matter or other thing not otherwise provided for in this section.
9. A copy of the notice of appeal and any documents relied upon by Council or other individuals shall be delivered to the Council member who has been determined disqualified from continuing to hold office.
10. The notice of appeal and supporting documentation shall be delivered to the Arbitrator at least fourteen (14) days prior to the hearing.
11. The Council Member who has been disqualified from continuing to hold office may file a written reply to the Arbitrator at least four (4) days prior to the hearing.

12. The Arbitrator shall issue a written decision together with reasons in every appeal.
13. If the Appellant is appealing the decision of the Council, the Arbitrator may:
 - (a) Confirm the determination of Council and declare the office vacant; or
 - (b) Reverse the decision of Council and declare the Council member qualified for continuing to hold office.
14. The Arbitrator shall provide a copy of the decision to the Administrator and to any party to an appeal.
15. The Arbitrator's decision shall be posted in the Alexis Creek First Nation Administration building.
16. The decision of the Arbitrator is final and not subject to appeal.

SCHEDULE U
ALEXIS CREEK FIRST NATION RESERVES

Agates Meadow Indian Reserve 8;
Alexis Creek Indian Reserve 13;
Alexis Creek Indian Reserve 15;
Alexis Creek Indian Reserve 17;
Alexis Creek Indian Reserve 20;
Alexis Creek Indian Reserve 22;
Alexis Creek Indian Reserve 24;
Alexis Creek Indian Reserve 26;
Alexis Creek Indian Reserve 28;
Alexis Creek Indian Reserve 30;
Alexis Creek Indian Reserve 32;
Alexis Creek Indian Reserve 34;
Alexis Creek Indian Reserve 6;
Chezacut Cemetery Indian Reserve 5;
Michelle Gardens Indian Reserve 36;
Redstone Cemetery Indian Reserve No. 1B;
Redstone Flat Indian Reserve 1A;
Toby Hunlin's Meadow Indian Reserve 10;
Toby Hunlin's Meadow Indian Reserve 9;
Alexis Creek Indian Reserve 16;
Alexis Creek Indian Reserve 18;
Alexis Creek Indian Reserve 21;
Alexis Creek Indian Reserve 23;
Alexis Creek Indian Reserve 25;
Alexis Creek Indian Reserve 27;
Alexis Creek Indian Reserve 29;
Alexis Creek Indian Reserve 31;
Alexis Creek Indian Reserve 33;
Alexis Creek Indian Reserve 35;
Charleyboy's Meadow Indian Reserve 3;
Freddie Charleyboy Indian Reserve 7;
Puntzi Lake Indian Reserve 2;
Redstone Flat Indian Reserve 1;
Seymour Meadows Indian Reserve 19;
Toby Hunlin's Meadow Indian Reserve 11;
and Toby's Meadow Indian Reserve 4.

Alexis Creek Indian Reserve 12;
Alexis Creek Indian Reserve 14;
Alexis Creek Indian Reserve 16;
Alexis Creek Indian Reserve 18;
Alexis Creek Indian Reserve 21;
Alexis Creek Indian Reserve 23;
Alexis Creek Indian Reserve 25;
Alexis Creek Indian Reserve 27;
Alexis Creek Indian Reserve 29;
Alexis Creek Indian Reserve 31;
Alexis Creek Indian Reserve 33;
Alexis Creek Indian Reserve 35;
Charleyboy's Meadow Indian Reserve 3;
Freddie Charleyboy Indian Reserve 7;
Puntzi Lake Indian Reserve 2;
Redstone Flat Indian Reserve 1;
Seymour Meadows Indian Reserve 19;
Toby Hunlin's Meadow Indian Reserve 11;
Toby's Meadow Indian Reserve 4;
Alexis Creek Indian Reserve 17;
Alexis Creek Indian Reserve 20;
Alexis Creek Indian Reserve 22;
Alexis Creek Indian Reserve 24;
Alexis Creek Indian Reserve 26;
Alexis Creek Indian Reserve 28;
Alexis Creek Indian Reserve 30;
Alexis Creek Indian Reserve 32;
Alexis Creek Indian Reserve 34;
Alexis Creek Indian Reserve 6;
Chezacut Cemetery Indian Reserve 5;
Michelle Gardens Indian Reserve 36;
Redstone Cemetery Indian Reserve No. 1B;
Redstone Flat Indian Reserve 1A;
Toby Hunlin's Meadow Indian Reserve 10;
Toby Hunlin's Meadow Indian Reserve 9;