

The
Electoral Officer's
Handbook

January 2006

1	Preparing for an Election	2
1.1	The Act and the Regulations	2
1.1.1	Corbiere	2
1.1.2	Goodswimmer	2
1.2	Method of Election	2
1.3	Date of Election	2
1.4	Timeline or Calendar	3
1.5	Number of Councillors	3
1.6	Deputy Electoral Officers	3
1.7	Facilities for the Election	4
1.8	Getting Ready	4
2	Addresses of Electors	5
3	The Voters List	5
3.1	General Description	5
3.1.1	Preparation of the Voters List when a Band has Assumed Control of its own Membership (Section 10 of the <i>Indian Act</i>)	6
3.1.2	Preparation of the Voters List when the Band List is Maintained by INAC (Section 11 of the <i>Indian Act</i>)	6
3.2	Eligibility of Electors	6
3.3	Ordinarily Resident	7
3.4	Posting of the Voters List	8
3.5	Revision of the Voters List	8
4	The Nomination Meeting	9
4.1	Notice of the Meeting	9
4.2	Nomination Mail-Out to Off-Reserve Electors	9
4.3	Nomination of Candidates	10
4.3.1	For the Position of Councillor	10
4.3.2	For the Position of Chief	11
4.4	Receiving Written Nominations	11
4.5	Preparing for the Nomination Meeting	12
4.6	Conduct of the Nomination Meeting	12
4.7	Ineligible Candidates	13
4.8	Acclamation of Candidates	13
4.9	Record of Nomination Meeting	13
4.10	Withdrawal of Candidates	13

Table of Contents

4.11	Informing Candidates	14
4.12	Ballots and Candidates who have Withdrawn	14
5	Preparing for the Poll	15
5.1	Polling Notice	15
5.2	Preparing Ballots	15
5.3	Mail-in Ballots	16
5.3.1	Initial Mailing or Delivery to Electors Residing Off-Reserve	16
5.3.2	Release of Ballot Packages Throughout the Election Period	16
5.4	Other Supplies	17
5.5	Voting Compartments	17
6	Opening of the Poll	18
6.1	Responsibilities of the Deputy Electoral Officer	18
6.2	Polling Hours	18
6.3	Before Opening the Poll	18
6.4	Candidate's Agents	18
6.5	Maintaining Order	18
7	Voting Procedures	20
7.1	Identity of the Elector	20
7.2	Name of Elector Not on the Voters List	20
7.3	Issuing a Ballot	20
7.4	Return of Ballot	20
8	Variations to the Regular Voting Procedures	21
8.1	Assisting an Elector	21
8.2	Spoiled Ballot	21
8.3	Forfeited Ballot	21
9	Variations to Mail-in Voting Procedures	22
9.1	Spoiled Mail-in Ballots	22
9.2	Lost Mail-in Ballots	22
9.3	Voting in Person	22
10	Closing the Poll	23

11	The Count	23
11.1	When	23
11.2	Who May be Present	23
11.3	Verification of Mail-In Ballots	23
11.4	Counting the Ballots	24
11.5	Rejected Ballot Papers	24
11.6	Objections to Ballots	25
11.7	Statement of the Votes	26
11.8	Declaration of Results and Tie Vote	26
11.9	Notice and Statement of Results	26
11.10	Retention of Election Material	27
11.11	Updated List of Off-reserve Electors	27
12	Appeals	28
	List of Appendices	29

Forward - Why Read this Handbook?

This handbook has been prepared for electoral officers appointed pursuant to the *Indian Band Election Regulations* to conduct an election in accordance with section 74 of the *Indian Act*. It is provided to you to assist you in carrying out your duties. It should also be read by any deputies that you may appoint to assist you in running the election.

This handbook is meant to complement the *Indian Act* (also referred to as the "Act") and the *Indian Band Election Regulations* (also referred to as the "Regulations"), but does not replace either one.

Some people may try to take advantage of the electoral officer who is unsure of his or her duties. **Learn the rules and do not let yourself be bullied into making the wrong decisions.**

This handbook is your guide to the various procedures and duties you are required to carry out as an electoral officer.

On the day of the nomination meeting and election day, you will be too busy to read this handbook. **Read it now.** Carefully study each of the prescribed forms found in the appendices and make sure that you understand their use. Accompanying this handbook is a diskette containing electronic copies of all appendices. Take the time to customize the forms for your use.

It is also important that you read and understand the *Indian Act* and the *Indian Band Election Regulations*.

If you have any questions during the course of the election, do not hesitate to call your regional or district manager at Indian and Northern Affairs Canada (INAC).

Good luck!

1 Preparing for the Election

1.1 The Act and the Regulations

As an Electoral Officer, you should have at your disposal a copy of the sections of the *Indian Act* dealing with elections (**Appendix X** or on the Internet at <http://laws.justice.gc.ca/en/i-5/73131.html>) and the *Indian Band Election Regulations* (**Appendix Y** or on the Internet at <http://laws.justice.gc.ca/en/i-5/c.r.c.-c.952/text.html>). Both the *Indian Act* and the Regulations apply to the election. In addition, there are two judicial decisions that have recently been rendered that further apply to Indian band elections. These are the Corbiere and the Goodswimmer cases. You should be familiar with the implications of these decisions.

1.1.1 Corbiere

On May 20, 1999, the Supreme Court of Canada ruled that seven words contained in section **77(1)** of the *Indian Act* were against the *Charter of Rights and Freedoms*. These seven words are: “and is ordinarily resident on the reserve”. As a result of this ruling, all band members, whether they reside on or off the reserve, became eligible to vote for chief and councillors at band elections held under the *Indian Act*. In addition, the Electoral Officer must undertake certain activities in order to facilitate the participation of off reserve electors in the election process.

1.1.2 Goodswimmer

The *Indian Act* does not specify any eligibility requirements to be a candidate for the office of chief. Therefore, in 1995, the Federal Court of Canada ruled that a candidate for chief as well as those nominating or seconding candidates for chief need not be a band member, nor be ordinarily resident on the reserve.

1.2 Method of Election

Pursuant to subsection **74(3)** of the Act, there are two ways to elect the chief of a band. He or she may be elected by a majority of the votes of the electors of the band, or by a majority of the votes of the elected councillors of the band from among themselves.

There are also two ways to elect councillors of a band. Councillors may be elected by a majority of the votes of the electors of the band, or by the majority of the electors residing in the specific electoral section in which the councillor resides and that he or she is proposing to represent.

You must determine which methods are applicable to the election you are conducting. You may contact the regional or district office of INAC to obtain this information.

1.3 Date of Election

The date on which the poll will be held is usually determined by the band council or by the regional office when the band has lost quorum. You must know this date in advance, as

most other events during the election period depend upon it. Note that, under the Regulations, a minimum of 79 days is required to conduct an election. It is recommended that the election be held on a day close to the last day of the current council's term of office; and no later than before the term expires.

1.4 Timeline or Calendar

It is a good idea to develop a timeline or a calendar containing all the important dates. The Regulations require you to perform certain duties on specific days. **Appendix A** contains a sample timeline. You should insert the important dates as indicated. Also, **Appendix V** contains a checklist of your principal duties and when they must be carried out.

1.5 Number of Councillors

It is the responsibility of the Electoral Officer to confirm the number of councillors to be elected. Subsection **74(2)** of the *Indian Act* sets out how this number is determined. In most cases, a band elects one councillor for every 100 band members (referred to as the "1 per 100 rule"). The number of councillors is not to be less than two or exceed 12 (regardless of the population of the band).

Note: When determining the number of councillors to be elected, it is important that the total population of the band be taken into account. This includes members of all ages, residing on or off reserve. Keep in mind that the number of councillors may change as the population of the band changes. For example, if the population of the band at the last election was 480, four councillors would have been elected. If between elections the population increased to 510, five councillors would have to be elected at the next election.

In some instances, there may be a Ministerial Order that states the number of councillors. **This Order takes precedence over the "1 per 100" rule.** Therefore, it is important that you determine if there is such an Order affecting the band and if so, obtain a copy of it. You must also ensure that the appropriate notices clearly indicate the number of councillors to be elected. To verify the number of councillors that should be elected, you may contact the regional or district office.

1.6 Deputy Electoral Officers

As Electoral Officer, you will select and appoint the Deputy Electoral Officers (DEOs) to assist with specific functions which are outlined in the Regulations. You must complete, sign and have the DEOs sign the *Appointment of Deputy Electoral Officer* found at **Appendix B**.

The DEOs should be given a copy of the Act and the Regulations. Specifically, the DEOs could be delegated responsibilities within subsections **5.(9)** through **5.(13)** and sections **6** and **7** of the Regulations.

If you are unable to carry out your duties at the last minute, a DEO may replace you for the

election. This should only be done where it is impossible to have another Electoral Officer appointed in the normal manner.

1.7 Facilities for the Election

One of your primary responsibilities is to serve both electors and candidates, and therefore you should be available if they require assistance. Indicate on all documentation a telephone number where you can be reached.

You must arrange for the use of facilities for the nomination meeting and the poll. These facilities must be located on the reserve and must provide suitable access for those who are physically disabled. As such, facilities should be conveniently located and preferably on the ground level.

Note that the *Notice of Nomination Meeting* and the *Polling Notice*, which are posted, must specify where the nomination meeting and the poll are to be held, and therefore the locations must be selected in advance. The band administration should be able to provide you with suggestions on possible locations. Reference in this regard should be made to subsection **4.2(2)** of the Regulations.

Finally, you should arrange to procure a post office box or a secure mailing address for the receipt of the mail-in nominations and mail-in ballots. This post office box should also be accessible for verification on the day of the nomination meeting and election day so that you may obtain any last minute mail-ins. Mail-in ballots should not be received as part of the regular mail at the band administration office.

1.8 Getting Ready

As Electoral Officer, you are responsible for having ballots and other forms printed, obtaining supplies, etc. If you are an independent contractor, during the negotiation of your contract, you should have determined who is responsible for supplying and paying for various items you will require, such as paper, envelopes, stamps and photocopying. Below is a list of standard items and supplies that you should gather:

- ' labels with voters addresses
- ' "ballot only" labels
- ' labels containing your post office box address for the return of mail-in ballots
- ' regular envelopes
- ' smaller envelopes (to the regular)
- ' stamps
- ' letter opener
- ' pencils
- ' elastics
- ' paper clips
- ' ballot boxes
- ' voting compartments

2 Addresses of Electors

Subsection 4.1(1) of the Regulations requires the band to provide you with a list of the names and **last known addresses** of those electors residing off reserve.

Neither the band nor the Electoral Officer are under any obligation to actively search or advertise in order to obtain the addresses of electors residing off reserve. The band is only obligated to provide you with the addresses of those off reserve electors for whom they already have an address.

The quality of the off reserve address register maintained by a band can vary extensively among bands. In many circumstances, the band may only be able to provide you with a small number of addresses. During the election process, you can anticipate receiving calls from electors who either know that the band does not have their correct address or who did not receive the notice of nomination meeting or the mail-in ballot package. You may add the addresses of these electors to your list and send them the appropriate documents. The effective management of how to receive these addresses is left to your discretion. However, it is recommended that you only accept addresses that have been provided to you from the elector him or herself. You are discouraged from accepting lists of multiple names and addressed from sources other than the band. After the election you will return an updated list to the band.

You are required to undertake three mail-outs to electors residing off the reserve throughout the regular 79 day election period. For this reason and to avoid having to enter the addresses several times, we suggest that you request that the addresses for these electors be provided to you in word processing format.

3 The Voters List

3.1 General Description

The voters list is the official list of the names of individuals who are qualified to vote. **It is not the same as a band list and it cannot be replaced by the band list.** It is your responsibility to prepare the voters list according to the Act and the Regulations. The voters list must be prepared before the nomination meeting.

The **posted voters list** must provide the names of all electors in alphabetical order, including those residing off-reserve. This list should not include any personal information about the electors (dates of birth, residency, etc.). In preparing the voters list, we recommend that you follow the sample format found at **Appendix C**.

You should also prepare a **second voters list** (commonly referred to as the Master Voters List) for your use only. This Master Voters List should contain the following additional information for each elector: date of birth, band or registration number and address. You may have to refer to this voters list in order to correctly identify the elector.

By preparing the Master Voters List early, you will be able to use it at the nomination

meeting to determine the eligibility of candidates being nominated.

Subsections 4.(4) and 4.(5) of the Regulations allow the Electoral Officer to revise the voters list if it contains the name of an ineligible person or a name which is incorrect.

3.1.1 Preparation of the Voters List when a Band has Assumed Control of its own Membership (Section 10 of the *Indian Act*)

Once a band assumes control of its own membership, as per section 10 of the Act, all changes to the band list are made by the band without the involvement of INAC. However, you still require the band list to prepare the voters list.

According to subsection 4.(1) of the Regulations, it is the band's responsibility to provide the Electoral Officer with a band list at least 79 days prior to the election.

The Electoral Officer cannot add or delete names from the band list unless he or she has been informed, in writing, by the band, of the changes. It is assumed that the persons whose names appear on the band list are band members.

It is INAC's position that it is not the role of the Electoral Officer, to determine whether a person is a band member if his or her name does not appear on the certified voters list. The Regulations allow an individual to demonstrate that his or name has been omitted from the voters list by presenting to the Electoral Officer evidence from the band that he or she is entitled to have his or her name entered on the voters list. The evidence usually takes the form of a registration paper signed by the band membership clerk.

3.1.2 Preparation of the Voters List when the Band List is Maintained by INAC (Section 11 of the *Indian Act*)

If you are the Electoral Officer for a band whose list is maintained by INAC under section 11 of the Act, the Registration Unit in the Regional Office of INAC can provide you with a computerized voters list for posting purposes, plus a secondary voters list which includes the registration number and the dates of birth for each elector.

It is strongly recommended that you request the above mentioned voters lists from INAC as soon as you know the date of the election.

3.2 Eligibility of Electors

As Electoral Officer, you are responsible for determining the eligibility of electors. An elector is a person who will be at least 18 years of age on election day and is registered on the band list.

3.3 Ordinarily Resident

The basic rules for determining who is “ordinarily resident” on the reserve are set out in section 3 of the Regulations. The residency requirement of sub section 77(1) of the Act is no longer applicable as a result of the Corbiere Decision, and therefore **all electors, either on or off reserve, are entitled to vote.**

However, as per section 75 of the Act, an individual must be ordinarily resident on the reserve to:

- be a candidate for the position of councillor (subsection 1)
- nominate a candidate for the position of councillor (subsection 2)
- second a candidate for the position of councillor (subsection 2)

Therefore, you must determine whether an elector is ordinarily resident on the reserve in order to confirm that he or she is eligible to nominate an individual for the position of councillor or to be a candidate for the position of councillor.

Situations where the elector is considered to be ordinarily resident on the reserve:

- a person who is temporarily away from the reserve for educational, medical or training reasons, who intends to return to the reserve upon completion and who has a place of residence available at any time on the reserve (especially where family is on the reserve)
- a person who retains a house on the reserve and moves with or without his or her family to a seasonal type job off the reserve, and he or she will return to the reserve at the end of the seasonal employment
- family members living with the person described above

Situations where the elector is not considered to be ordinarily resident on the reserve:

- a person who resides off-reserve in order to be close to full-time permanent employment and whose family resides off reserve with him or her
- a person who lives off-reserve in order to be close to full time employment and is separated from his or her family which reside on the reserve
- a person living off the reserve who returns for short visits and stays with friends or relatives
- a person who works on the reserve and/or participates in band activities but who lives adjacent to the reserve or in a neighbouring town

3.4 Posting of the Voters List

After completing the voters list, the Electoral Officer must post it on the reserve in at least one noticeable place in accordance with subsection **4.2(1)(a)** of the Regulations.

3.5 Revision of the Voters List

Subsection **4.(4)** of the Regulations allows you to revise the voters list during the election process. Any changes to the voters list must be noted. Your decision regarding the eligibility of an elector is crucial; it is final for the purposes of the election, but open to appeal after the election. A successful election appeal could invalidate the whole election.

As Electoral Officer, you may add the name of an elector to the voters list if it has been demonstrated that his or her name has been omitted from the list. The elector must present to you evidence from the **Band Registrar** (if the band controls its membership list - section 10 of the Act), or the **INAC Registrar** (if the band list is maintained by INAC) that the elector is either on the band list or is entitled to have his or her name entered on the band list and will be at least 18 years of age on election day.

In most cases, this will be a letter confirming that the elector is a registered member of the band, signed by the band's membership clerk or the INAC Registrar.

You may also make corrections to names and remove names of persons if it has been demonstrated that they are not qualified to vote.

On election day, you or your DEO may add the name of an elector to the voters list if documentation from the Band Registrar (Section 10 Band) or the INAC Registrar (Section 11 Band) is provided to you and you are satisfied that such persons are qualified to vote (subsection **6.(11)** of the Regulations).

When preparing or amending the voters list, consult with others who are knowledgeable about the band members, such as the band membership clerk, the social development, education or housing officers.

4 The Nomination Meeting

4.1 Notice of the Meeting

As per subsection **4.2(2)** of the Regulations, you must prepare, post and distribute a notice of nomination meeting. This notice must contain the time, date and location of the nomination meeting; the date and location of the election; the name, address and telephone number of the Electoral Officer a statement that an elector may vote by mail-in ballot; and a description of the manner in which an elector can nominate or second the nomination of a candidate. You will find an example of a *Notice of Nomination Meeting* at **Appendix E1**.

At least thirty (30) clear days prior to the nomination meeting and at least seventy-two (72) days before the election day, post the notice in at least one noticeable place on the reserve.

Saturdays, Sundays and Holidays **must be** included or counted when calculating the day on which the notice of nomination meeting is to be posted and mailed.

4.2 Nomination Mail-Out to Off-Reserve Electors (First Mail-out)

On the same day you post the *Notice of Nomination Meeting* on the reserve (30 clear days prior to the meeting), mail to each off-reserve elector for whom you have an address the following documentation:

- The *Notice of Nomination Meeting* (**Appendix E1**)
- A copy of the *Mail-in Voter Declaration to Nominate for the Position of Chief* (**Appendix E2**). Insert the name of the First Nation on the first line.
- A copy of the *Mail-In Nomination Form* (**Appendix E4**)
- You may also enclose a copy of the *Mail-in Voter Declaration to Nominate for the Position of Councillor* if you know that the elector is in fact an ordinarily resident on the reserve but is temporarily away for medical or educational purposes (**Appendix E3**). Insert the name of the First Nation on the first line.

Off-reserve electors are given an opportunity to consent to having their address released to candidates for campaigning purposes by returning a signed form to you. This consent form appears on the bottom of the *Notice of Nomination Meeting*. You must keep a list of the names and addresses of electors who have returned their signed consent form to you. You will remit this list to nominated candidates at the nomination meeting. After the nomination meeting, update this list each time you receive another signed consent form and forward a copy to all candidates.

Subsection **4.2(3)** of the Regulations require you to maintain a list of the members to whom you have mailed or delivered a copy of the *Notice of Nomination Meeting*. You must record the names, addresses and the dates the notice was mailed or delivered. Record this information on the *Mail-out Control Sheet* found at **Appendix D**.

4.3 Nomination of Candidates

4.3.1 For the Position of Councillor

To be nominated as a candidate for a councillor position, a person must be an elector and **ordinarily resident** on the reserve. Both the nominator and seconder must also be electors **ordinarily resident** on the reserve.

A nomination and secondment for the position of councillor may be made orally or in writing at the nomination meeting, or by mailing or delivering a written nomination (**Appendix E4**) accompanied by a completed, signed and witnessed voter declaration form (**Appendix E3**) to the Electoral Officer **before the time set for the nomination meeting**. Written nominations not received by you before the time set for the nomination meeting are void.

Note that an eligible voter, who has not yet reached 18 years of age on the date of the nomination meeting, is **ineligible** to nominate or second candidates even though he or she will be eligible to vote on election day. Also, a person may not move or second their own nomination.

Upon receiving a nomination of a candidate for the position of councillor, you should verify that the candidate, the nominator and the seconder are all ordinarily resident on the reserve, by finding their names on the voters list. If you cannot find their names on the voters list, you should question them as to their eligibility and place of ordinary residence prior to accepting the nomination.

Ultimately, the Electoral Officer makes the final decision as to whether or not a person is ordinarily resident on the reserve and thus qualified to be or to nominate a candidate for councillor. The intention of the individual to reside on the reserve is in many cases the determining factor. Question the person as to where they have been living and why they believe they are ordinarily resident on the reserve. It is possible for someone who has resided away from the reserve for several years to return shortly before an election, with the intent to reside on the reserve on a permanent basis. If these facts can be established and properly verified, then the individual could be considered ordinarily resident for nomination purposes.

Questions pertaining to an individual's personal life should not necessarily be avoided. In many instances, they lead to the very facts which will help you establish whether or not a person intends to reside on the reserve.

Above all, take as much time as necessary to deliberate, and keep in mind that the onus is on the individual to convince you that he or she is ordinarily resident on the reserve and therefore entitled to be or to nominate a candidate for councillor.

You must be convinced that these qualifications have been met, and should base your decision on solid evidence (eg. a letter or bill with the person's name showing an on-reserve address on it, letter from the council or band housing administrator stating that the person lives on the reserve, etc.). A simple declaration or affidavit from the person stating that he or she lives on the reserve, if this is the only evidence presented, may not be sufficient proof that the person resides on the reserve.

Your decision as to the eligibility of a candidate for the position of councillor is of utmost importance. A large number of election appeals are made on the grounds that a candidate for councillor was not ordinarily resident of the reserve.

4.3.2 For the Position of Chief

If the chief is to be elected by a majority of votes of the electors of the band, as per **subsection 74(3)(a)(i)** of the Act, nominations must also be received for that position. In the *Goodswimmer* court case, it was ruled that, since there is no requirement in the *Indian Act* that a candidate for the office of chief be a member of the band or reside on the reserve, none of these requirements apply to those moving or seconding nominations for chief.

Just as nominations for councillors, a nomination and secondment for the position of chief may be made orally or in writing at the nomination meeting, or by mailing or delivering a written nomination (**Appendix E4**) accompanied by a completed, signed and witnessed voter declaration form (**Appendix E2**) to the Electoral Officer **before the time set for the nomination meeting**. Mailed nominations not received by you before the time set for the nomination meeting are void.

4.4 Receiving Written Nominations

You may accept written nominations sent to you by mail or by fax. As written nominations must be kept confidential until the start of the nomination meeting, ensure that the fax machine to which a written nomination is being sent is accessible only by you. When you receive a *Mail-in Voter Declaration to Nominate* and a *Mail-in Nomination Form*, first verify that the voter declaration has been properly completed and signed by both the elector and the witness. If the declaration has not been signed by the nominator or the witness, the nomination is **not** valid. If the elector is nominating a person for the position of councillor, ensure that the elector is ordinarily resident on the reserve.

Complete the "Nominator" section of the *In-person Nomination Form* (**Appendix E5**) for the candidate nominated. If you receive a second nomination for the same candidate, complete the "Secunder" section. Bring these forms to the nomination meeting so that the candidate can complete the "Candidate" section.

4.5 Preparing for the Nomination Meeting

It is recommended that you meet with your DEOs to discuss the logistics and the conduct of the meeting. Prepare candidate packages which should contain:

- The names and addresses of off-reserve electors who have provided consent to having their information released to candidates (by returning the bottom portion of the *Notice of Nomination Meeting* with their signature).
- A *Candidate's Withdrawal Form* (**Appendix H**)
- A *Notice to Candidates* (**Appendix G**)
- A voters list (optional)

You will have to use your best judgement in determining how many of these packages to prepare. A good rule of thumb is to refer to the number of candidates who ran in the previous election.

Here is a list of supplies you should bring to the nomination meeting:

- ' This handbook
- ' A few copies of the *Indian Act* and the *Indian Band Election Regulations*
- ' Several blank copies of the *In-person Nomination Form* found at **Appendix E5** (you will require one for each candidate nominated)
- ' Partially completed copies of the *In-Person Nomination Form*
- ' Several candidate packages as outlined above
- ' The master voters list
- ' A few copies of the posted voters list
- ' Your *Mail-Out Control Sheet*
- ' At least two flip charts and markers
- ' Masking tape
- ' Pencils, pens, stapler, staples
- ' Your appointment form and those of your Deputy(ies)
- ' The Ministerial Order regulating the size of council (if applicable)

4.6 Conduct of the Nomination Meeting

According to subsection **4.4(5)** of the Regulations, the meeting must remain open for **at least three hours** regardless of whether the business of the meeting appears to have terminated in less time, and regardless of whether the band members present move to close the meeting.

You may wish to open the meeting by introducing yourself and your DEOs and explaining certain key points. Refer to **Appendix F** for a suggested list of speaking points.

You or your DEOs will complete a *In-person Nomination Form*, found at **Appendix E5**, for each candidate nominated. If the candidate is present at the nomination meeting, have him or her sign the “candidate” section of this form, indicating how he or she wants his or her name to appear on the ballot. **It is also important to obtain the candidate’s address on this form. You will require these addresses when you complete your reports.** At this time, give the candidate a package so that you do not have to mail one.

4.7 Ineligible Candidates

Once a nomination meeting is officially closed, you still have the opportunity to disqualify a candidate who was not eligible to have been nominated.

The most common reason that a nominated individual is not eligible to be a candidate involves his or her being nominated for a councillor position while he or she does not ordinarily reside on the reserve. If you receive information after the meeting is closed that indicates a candidate was ineligible to be nominated, and you are satisfied that this information is and does indeed disqualify the candidate from running in the election, speak with the individual in question and urge him or her to withdraw according to section **4.6** of the Regulations. Otherwise, the election may be open to an appeal. If there is doubt concerning the eligibility of a person who moves or seconds a nomination during the meeting, it may be wise to ask that another elector, whose qualifications are not questioned, to move or second the nomination. This will ensure that the nomination is not placed in doubt.

4.8 Acclamation of Candidates

After the close of the nomination meeting, if the number of persons nominated for the position of councillor is less than or equal to the number of councillors to be elected and/or there is only one person nominated for the office of Chief, you will declare those persons elected.

4.9 Record of Nomination Meeting

You should prepare and keep a written record of the nomination meeting. The record must include the names and addresses of candidates nominated, the names of each nominator and seconder, the time the meeting opened and closed, information on any rejected nominations, as well as any other information that may seem relevant. Use the *Electoral Officer's Nomination Meeting Report* found at **Appendix I** to record this information and submit it to the regional or district manager of INAC along with other materials after the election.

4.10 Withdrawal of Candidates

A candidate may withdraw his or her nomination at any time prior to the close of the poll, by submitting to you a written withdrawal signed in your presence or in the presence of a justice of the peace, a notary public or a commissioner for oaths (refer to **subsection 4.6(1)** of the Regulations). Unless you have received a duly completed signed and witnessed withdrawal form, you must not consider the candidate to have withdrawn.

It is a good idea to have a candidate, who refuses his or her nomination during the nomination meeting, to sign a withdrawal during the meeting so as to prevent any confusion later on. You may also wish to leave some copies of the withdrawal form at the band office as you may not be accessible following the meeting.

4.11 Informing Candidates

As per subsection 4.5 of the Regulations, within 5 days of the nomination meeting, you must inform individuals who have been nominated as candidates that they have been nominated. Mail or hand deliver a candidates information package to all candidates who have not yet received one. The package consists of:

- A voters list
- The names and addresses of off-reserve electors who have provided consent to having their information released to candidates
- A *Candidate's Withdrawal Form* (**Appendix H**)
- The *Notice to Candidates* (**Appendix G**)
- The *In-Person Nomination Form* (**Appendix E5**) (which identifies the nominator and seconder), so that the candidate can indicate how he or she wishes his or her name to appear on the ballot.

4.12 Ballots and Candidates who have Withdrawn

The names of candidates from whom you have received a duly completed written withdrawal (see section 4.10 of this handbook) on or before 37 days before the election should not be included on the ballots. You must therefore **not finalize or print ballots until the 36th day before the election.**

If the withdrawal is received less than 37 days prior to election day, the name of the withdrawn candidate is kept on the ballot. However, any votes cast for this candidate must **not** be counted on the tally sheet. Also, **you must not** inform any members, whether on or off-reserve, of the withdrawal of the candidate. If you are asked a direct question concerning the withdrawal of a candidate, reply that you are not in a position to respond until after the polls close on election day. This will avoid a situation where on-reserve electors know information concerning candidates that off-reserve elections might not know.

5 Preparing for the Poll

5.1 Polling Notice

If more candidates for councillor are nominated than there are vacant positions, or more than one candidate for chief is nominated, you must declare that a poll will be held and state the time and place where it will occur. The poll must be at least **42** clear days from the date on which you held the nomination meeting. **At least 35 days before the poll is to be held**, you must post a *Polling Notice* in at least one noticeable place on the reserve. See **Appendix J** for a sample *Polling Notice*.

On the *Polling Notice*, you must indicate the time at which you will count the ballots. In most cases this will be immediately after the close of polls. However, if there are a large number of votes to be counted, you may consider counting the ballots the next day, at a specified time. It is important that you discuss this decision with chief and council and that you finalize this decision when you are preparing the *Polling Notice*. Once the notice is posted and sent to off-reserve electors, this time cannot be changed. Also, the opening of the mail-in ballots and the counting of the votes must occur **consecutively**. You cannot decide to open the mail-in ballots immediately after the close polls and defer the counting until the following day.

5.2 Preparing Ballots

Thirty-seven (37) days before the election, you must prepare the ballots. The names of the candidates for chief must appear on the ballot paper separate from the names of candidates for the positions of councillor. Each group of names must be arranged in alphabetical order by family name. It is strongly recommended that you prepare two separate ballots, one for chief and one for councillor. Sample ballots are provided at **Appendix M**. Keep a record of the total number of ballots that have been printed. Refer to Subsections **5.(1)** and **5.(2)** of the Regulations with regards to the ballots.

When preparing ballot papers, ensure that the names of all candidates correctly appear and that they are correctly spelled. Refer to the "Candidate" section of the *In-person Nomination Form* (**Appendix E5**) where the candidate indicated how he or she wishes his or her name to appear on the ballot. To help differentiate between candidates and to further identify them, include a nickname or the name by which the person is commonly known.

Review the ballot more than once. It would also be beneficial to have someone else review the ballots (ie. Deputy Electoral Officer). Problems have arisen on numerous occasions whereby the name of the candidate has been omitted or misspelled. If you are using separate ballots for chief and councillor positions, it is recommended that they be printed on different colour paper.

5.3 Mail-in Ballots

5.3.1 Initial Mailing or Delivery to Electors Residing Off-Reserve (Second Mail-out)

As per subsection **5.(4)** of the IBER, at least 35 days before election day, you must mail to every off-reserve elector a package consisting of:

- the *Polling Notice* (**Appendix J**)
- a ballot with your initials on the back
- an outer, postage-paid return envelope, pre-addressed with the address of your post office box
- a second inner envelope marked with the word “ballot”, in which the elector will place his or her completed ballot
- A *Voter Declaration Accompanying Mail-in Ballot* (**Appendix K**)
- Instructions on how to complete the ballot and return it to you (**Appendix L**)
- A list of any candidates who have been acclaimed.

Keep a record of each elector to whom a mail-in ballot was mailed or delivered, using the *Mail-Out Control Sheet* found at **Appendix D**. Also, you must note next to the elector's name on your working copy of the voters list that he or she has been sent a mail-in ballot package.

5.3.2 Release of Ballot Packages Throughout the Election Period

Subsection **5.(6)** of the Regulations allows you to provide a mail-in voting package to electors who reside on the reserve at their request. **At all costs, you should avoid giving the mail-in ballot package to a person other than the elector him or herself.** You or your Deputy may either mail or hand deliver the mail-in ballots to these electors. **Furthermore, you should limit the amount of completed mail-in ballot packages any one person returns to you.** By strictly adhering to this rule, you will avoid allegations of corrupt practices concerning mail-in ballots.

As in the case of mail-in ballots sent to off-reserve electors, keep a record of each on-reserve elector to whom a mail-in ballot was mailed or delivered, using the *Mail-Out Control Sheet* found at **Appendix D**. Also, you must note next to the elector's name on your working copy of the voters list that he or she has been sent a mail-in ballot package.

At a certain point in the election period, time will no longer allow for you to send mail-in ballot packages through the regular mail. You will have to determine when this time is and how you will respond to requests beyond this time. In some cases, the only option you may be able to offer electors is to vote in person on election day.

5.4 Other Supplies

Refer to subsections **5.(6.9) - 5.(10)** of the Regulations for information on preparations for the poll. You must obtain a ballot box for each polling station. If the candidates for chief and the candidates for councillor appear on separate ballots, you should have a minimum of two ballot boxes per polling station. The ballot boxes must be capable of being locked and sealed.

Here is a list of supplies you must bring to the polling station:

- ' This handbook
- ' A few copies of the *Indian Act* and the *Indian Band Election Regulations*
- ' Ballot boxes and voting compartments (to facilitate the counting of the ballots, it is suggested to have separate boxes for each of the chief and councillor ballots)
- ' Ballots for chief and councillors
- ' Several tally sheets for chief and councillors (**Appendix R**). It is a good idea to preprint them with the names of the candidates.
- ' Several copies of the *Instructions for Voting* (**Appendix N**)
- ' The *Witness Declaration at the Opening of the Poll* (**Appendix O**)
- ' *Record of Objections* (**Appendix S**)
- ' The *Statement of the Votes* (**Appendix T**). It is a good idea to preprint the name of the candidates.
- ' Copies of the *Declaration of Lost or Misplaced Mail-in Ballot* (**Appendix P**)
- ' The master voters list
- ' Copies of the posted voters list for the scrutineers
- ' Your *Mail-Out Control Sheet*
- ' Masking tape
- ' A least two letter openers
- ' Pencils, pens of various colours, rulers, stapler, staples
- ' Elastic bands, paper clips
- ' Several envelopes
- ' Your appointment form and those of your Deputy(ies)
- ' The Ministerial Order regulating the size of council (if applicable)
- ' Lunch, snacks and maybe dinner

5.5 Voting Compartments

The voting compartment at each polling place must be located in an area which is easily accessible and where the electors can mark their ballots without being watched by any other person. **Secrecy of voting is very important**, as set out in section **15** of the Regulations. In each voting compartment, post the *Instructions for voting* (**Appendix N**).

6 Opening of the Poll

6.1 Responsibilities of the Deputy Electoral Officer

You may delegate responsibility of a polling place to your Deputy Electoral Officers (DEOs). However, as per subsection **5.(8)** of the Regulations, you must provide them with the appropriate material for this function.

6.2 Polling Hours

You or your Deputy must be in attendance at each of the polls at all times. On polling day, all polling stations are to open at **9:00 a.m.** (local time), and must remain open until **8:00 p.m.** of the same day. You do not have the authority to extend polling hours, however, voters who are inside a polling place and waiting to vote at the time the poll closes are allowed to cast their ballot. For reference, see subsection **5.(10)** of the Regulations.

6.3 Before Opening the Poll

Subsection **5.(13)** of the Regulations states that, immediately before the poll opens, the Electoral Officer must examine the ballot boxes in the presence of witnesses to ensure that they are empty. The boxes are then locked and must remain locked for the duration of the poll. It is suggested that you place labels over the opening of the ballot box, place your initials on the labels and ask that a witness do the same. Finally, complete and have a witness sign the *Witness Declaration at the Opening of the Poll*, found at **Appendix O**. This witness should not be your Deputy.

Speak briefly with your Deputy, the support staff and the candidates' agents to review the procedures that will be carried out throughout the day.

6.4 Candidate's Agents

As per subsection **5.(11)** of the Regulations, each candidate is entitled to a maximum of two agents (ie. scrutineers) in a polling place at any given time. You should request a list of the names of their agents from the candidates before the poll opens. The agents who are in attendance are there to observe the election proceedings. If they are present before the poll opens, they may witness that the ballot boxes are empty. They may also be present at the counting of ballots after the poll is closed. The agents are not entitled to participate in the election. However, they are permitted to vote if they are qualified electors.

6.5 Maintaining Order

Section **15** of the Regulations stipulates that efforts must be made at a polling station to maintain the secrecy of voting, and that electors must be able to choose the candidates for whom they wish to vote and mark their ballots free from interference and undue influence.

As an electoral officer, you have a duty to assist in upholding these stipulations. To this end please apply the following guidelines:

- If you deem it necessary, appoint a constable to maintain order at the polling place as per

subsection **5.(9)** of the Regulations. You may instruct the constable to remain in the polling place at all times until the counting of the ballots is completed.

- In the absence of a full time appointed constable, contact the local police detachment prior to election day and ask that a constable conduct regular patrols on the reserve as well as regular visits to the polling station on the day of the election. Ensure you have a telephone number enabling you to reach the local police at all times on that day.
- Ensure that order is maintained in the polling station and that no one present is exercising any influence on electors attempting to cast their ballots. With the exception of an elector requiring assistance in marking his ballot pursuant to subsection **6.(7)** of the Regulations, no person shall be in the same compartment with an elector marking his ballot, or be in a position from which he can see the manner in which such elector marks his ballot.
- You should also ensure that no persons are exercising influence on electors in other parts of the building in which the polling station is located as well as in the parking lot. Acts that are considered to be the exercise of influence include the shaking of hands by candidates, distribution of campaign material, the making of promises and the giving of items.
- Should you see this type of activity occurring either within the confines of the polling station or in the immediate vicinity of the polling station, instruct the persons responsible to leave the premises of the polling station immediately. You may have to enlist the assistance of the constable or summon the local police.
- Make a note of any such activities.

7 Voting Procedures

Most of the procedures for voting can be found in section 6 of the Regulations.

7.1 Identity of the Elector

When a person presents him or herself to you or your Deputy at the polling station, he or she should state his or her name. You will then verify that the elector's name appears on the voters list.

7.2 Name of Elector Not on the Voters List

Subsection 6.(11) of the Regulations permits an elector, whose name does not appear on the voters list, to vote if you are satisfied that such a person is qualified. The person should provide you with documents from the band membership clerk (section 10) or INAC Registrar (section 11) clearly showing that he or she is a band member at least 18 years of age. If you or your Deputy are satisfied that the person is qualified to vote, his or her name should be added to the voters list and that person should be permitted to vote in the same manner as any other elector.

If a person, who is not on the voters list, presents him or herself at the poll and states that he or she is entitled to vote and will sign a declaration stating this, he or she should not be permitted to vote unless the person can present documentation outlined above.

7.3 Issuing a Ballot

Once you or your Deputy have determined that a person is a qualified voter, take a ballot, place your initials on the back and fold it in a manner which will allow your initials to be visible while at the same time hiding the front of the ballot. Hand the ballot to the elector. Draw a line through the elector's name indicating that a ballot was given.

The voter should then immediately go to the compartment to mark the ballot.

The voter may ask for instructions on how to vote. These instructions are provided at **Appendix N**. The instructions may be communicated verbally and they should also be posted in the polling compartment.

7.4 Return of Ballot

The voter should, upon leaving the polling compartment, immediately return the folded ballot to you or your Deputy. **Without unfolding the ballot**, verify that it is the same ballot given to the voter by checking that your initials are on it. Then, in the presence of the voter and anyone else who is there, deposit the ballot in the ballot box.

8 Variations to the Regular Voting Procedures

8.1 Assisting an Elector

Subsections **6.(7)** and **6.(8)** of the Regulations provide that, if a voter is unable to mark his or her own ballot, the Electoral Officer or the Deputy may, at the voter's request, mark the ballot. The Electoral Officer or Deputy must mark the ballot according to the voter's instructions, in the presence of **another elector selected by the voter as a witness**, and place the ballot in the ballot box. **If the elector does not wish to select a witness, only you or your Deputy and the voter will go behind the compartment to mark the ballot.**

Only you or your Deputy may mark the ballot, not the witness chosen by the elector. After marking the ballot, fold it, verify that your initials are on the back and place the ballot in the ballot box in the presence of the elector and the witness. On the voters list, draw a line through the elector's name, indicating that he or she has voted, and further indicate in the comments section that you or your Deputy marked the ballot and the reason why you did so.

Subsection **15.(1)** of the Regulations states that every person in attendance at a polling station shall maintain and aid in maintaining the secrecy of voting. The secrecy provisions should be explained to everyone who is present.

8.2 Spoiled Ballot

An elector may request another ballot because he or she has spoiled the first ballot you had given him or her. According to subsection **6.(9)** of the Regulations, an elector, upon returning from the polling compartment, may exchange a ballot which can no longer be used for a new ballot. Upon receipt of the old ballot, write the word "**cancelled**" on it, retain it and make a note on the voters list next to the elector's name, in the comments section. (The best way to retain it is to place it in a pre-identified envelope). You will then issue a new ballot to the elector, again placing your initials on the back. The elector should immediately proceed to the voting compartment to mark the ballot as previously indicated. Also, do not dispose of the old ballot, as it will be needed when all the ballots are counted after the poll has closed.

8.3 Forfeited Ballot

It may occur that an elector, who has received a ballot, is refusing to vote, or leaves the polling place with the ballot. If this occurs, the elector loses the right to vote. Mark the word "**declined**" on the voters list beside this elector's name. If the ballot is returned, it should be marked on the front side with the word "declined" and set aside but not discarded. Refer to subsection **6.(10)** of the Regulations.

9 Variations to Mail-in Voting Procedures

9.1 Spoiled Mail-in Ballots

An elector, who inadvertently spoils a mail-in ballot, may obtain another ballot by returning the spoiled ballot to you.

9.2 Lost Mail-in Ballots

If an elector to whom you have mailed or delivered a mail-in ballot package contacts you and tells you he or she has lost the ballot, you may issue the elector another ballot, provided he or she forwards you a written affirmation, signed by the elector in either your presence or the presence of a justice of the peace, a notary public or a commissioner for oaths, that he or she has lost the mail-in ballot (refer to subsection **5.(6.6)** of the Regulations).

If an elector claims that he or she never received a ballot package, before issuing a ballot package to him or her, verify first if the elector appears on your list of off-reserve electors. If you find his or her name on the list, confirm the address to which you sent the ballot package. If the address is not the same, you may issue another ballot package to the elector. Ensure that you change the address. However, if the address is the same, further question the elector as to why he or she did not receive the ballot package. If you are satisfied that the elector did not receive the package, you may issue another ballot package.

9.3 Voting in Person

An elector, to whom a mail-in ballot was mailed or otherwise provided, may obtain a ballot and vote in person at a polling place. If an elector presents him or herself to you or your Deputy at the polling station, and this elector has received a mail-in ballot according to your records, ask the elector what he or she has done with the ballot. Allow the elector to vote if he or she returns the ballot package to you. If the elector does not have the ballot package, he or she must complete a *Declaration of Lost or Misplaced Mail-in Ballot*, found at **Appendix P**. Refer to subsection **6.(3)** of the Regulations.

10 Closing the Poll

At the designated time — 8:00 p.m. local time — the polling station is to be closed. Any elector, who is inside the polling place at closing time and who has not yet voted, may do so without delay.

11 The Count

Section 7 of the Regulations provides the manner in which votes are to be counted.

11.1 When

The counting of the votes takes place at the time stated on the *Polling Notice*. In most cases it is immediately following the close of the poll.

If you are counting the ballots on the day following the election, you must arrange for adequate security of the ballot box. We suggest that a security guard be hired to guard the boxes or that they be taken to the local police department for safekeeping.

You begin the count immediately after the mail-in ballots have all been verified, as outlined below.

11.2 Who May be Present

The agents (i.e., scrutineers) of the candidates may observe and/or be given tally sheets to follow along with the counting of the ballots. The agents should not handle any of the ballots or voter declarations.

In some communities, it is a tradition for the community members to be allowed to observe the counting process. However, community members must not interfere with the process.

11.3 Verification of Mail-In Ballots

Your first step at the beginning of the count is to verify the mail-in ballots. Open each envelope one at a time and set aside, unopened, the inner envelopes containing the ballots if:

- a signed and witnessed *Voter Declaration Form* is **not** enclosed;
- the *Voter Declaration Form* does not contain the elector's name;
- the *Voter Declaration Form* does not contain **at least one** of the following two pieces of personal information related to the elector:
 - the elector's band number as set out in the voters list
 - the elector's date of birth as set out in the voters list;
- the *Voter Declaration Form* has not been signed by a witness;
- the name of the elector is **not** on the voters list; or
- the voters list shows that the elector **has already voted** (in person).

In all other cases, you will accept the inner envelope and mark opposite the name of the elector on the voters list that his or her ballot has been accepted. Open the inner envelope, and without looking at the ballot, verify that your initials appear on the back. If so, place the ballot in the box. This process takes approximately one hour for every 100 mail-in ballots.

If you are rejecting the mail-in ballot, do not open the ballot envelope. Staple it to the *Voter Declaration Form*, mark on the form the reason you have rejected it and set them both aside.

11.4 Counting the Ballots

Once you have completed the verification of all mail-in ballots and placed the valid ones in the ballot box, proceed to the counting. The ballot boxes must be unsealed and opened in the presence of witnesses. Most often, the ballots for councillor are counted first. **ONLY YOU OR YOUR DEPUTY** may handle the ballot papers. Take one ballot at a time from the box and proceed to examine the ballot papers in the following way.

- Unfold the ballot and make sure that your initials are on the back. As each ballot is opened, call out the name of the candidate(s) for whom it has been marked.
- Make sure the counting method is simple and avoids confusion. Sample tally sheets appear at **Appendix R**. Select tally sheets that have sufficient space for marking. Some communities with large memberships may take a long time to count and mistakes could be made. Change to new tally sheets from time to time and assemble the ballots with the tallies. If there is a recount, it is easy to then single out in which pile an error may have occurred.
- The DEOs and the candidates' agents present will keep score on the tally sheet, as the candidates' names are called.
- Place the ballot papers on the table in piles that will render their review easy.

Note that votes for those candidates who withdrew before the close of the poll must not be counted.

11.5 Rejected Ballot Papers

(As a guide, see samples of marked ballot papers at **Appendix Q**.)

As each ballot paper is read, you or your Deputy may reject ballots for any of the following reasons:

- the ballot paper was not supplied by you;
- the ballot paper is marked "cancelled" or "declined";
- the ballot paper is not marked for any candidate;
- the ballot paper is marked for more than the maximum number of candidates that are to be elected (for example, there are 12 councillor positions up for election and the ballot has been marked for 13 candidates); or
- the ballot paper has been marked in such a way that the elector could be identified.

Although all the instructions provided to electors on how to mark a ballot state to mark with an "X", subsection **6(5)(b)** of the Regulations stipulates that the elector may mark his or her

ballot with a cross, check mark or other mark that clearly indicates the elector's choice but does not identify the elector. Therefore, you must accept and count all ballots so marked, provided that the elector's choice is clear and that the mark is not unique enough to permit him or her to be identified.

Note: A ballot which has less votes marked on it than there are candidates to be elected is acceptable.

For ballots on which positions for both chief and councillors are combined, either portion may be rejected according to the above criteria, while the other portion may still be accepted. If you reject only one portion of a ballot, mark that portion with the word "rejected" and retain the ballot with the accepted ballots so that the votes on the good portion can be counted.

Remember that the right to vote is very important and that ballots should not be rejected lightly. If you are considering rejecting a ballot because it contains a mark that may identify the voter, you must be certain that the voter **intended** to be identified by it (for example, if they write their name on the ballot). In the case of ballots marked outside the area designated to be marked, if the intention of the voter can be clearly determined, the ballot should be accepted.

The following ballots should NOT BE REJECTED:

- Ballots marked in any way by the Electoral Officer or the Deputy;
- Ballots marked with a sign other than a cross if this sign is not intended to identify the elector;
- Ballots marked on the outside of the designated areas if the intention of the voter is clear.

11.6 Objections to Ballots

During the examination of the ballots, a candidate or an agent may object to your decision concerning the acceptability of a ballot.

If such an objection is raised, record the objection on the *Record of Objections* (see **Appendix S**), describe the reasons for the objection and assign a consecutive number to the objection. Mark the ballot in question with the **same number**. Refer to paragraph **7.(d)** of the Regulations.

If you agree with the objection and decide to reject the ballot, note this on the *Objection Record Sheet*, mark "disallowed" on the back of the ballot and place it in the rejected pile.

If you do not agree with the objection, and decide that the ballot is valid, note this on the *Objection Record Sheet*, mark "allowed" on the back of the ballot and place it in the pile with the other valid ballots.

11.7 Statement of the Votes

Once you have finished counting the votes, complete the *Statement of the Votes*, found at **Appendix T**, as per paragraph **7.(f)** of the Regulations. Ensure that you and a witness have signed the Statement.

11.8 Declaration of Results and Tie Vote

As soon as you have counted all of the votes cast and arrived at the final tally, publicly declare elected the candidates who received the most votes for each position until all the positions on council are filled, as per subsection **8.(1)** of the Regulations.

If two or more candidates for the same position received the same number of votes, and with an additional vote one or more of these candidates could be elected, you must vote to break the tie, as per section **9** of the Regulations.

You will cast a vote for one or more of the candidates having the same number of votes until the final position on council is decided. In this situation, you should mark a ballot for the candidate of your choice, just as any other elector.

To prevent accusations that your deciding vote was bias, we recommend that you choose the candidate(s) for whom you will vote using a random method (such as a coin toss or selection out of a hat), and that this method be communicated to candidates in advance (at the nomination meeting or prior to the counting of the votes). **The Electoral Officer cannot vote unless there is a tie.**

11.9 Notice and Statement of Results

Pursuant to subsection **8.(2)** of the Regulations, within FOUR days after completion of the counting of the votes, you must:

- Sign and post, in at least one conspicuous place on the reserve, a copy of the *Statement of the Votes* you completed after the count.
- Mail or deliver a copy of the statement to every elector of the band who does not reside on the reserve.
- Fax a copy of the statement to the regional or district manager of INAC.

Finally, complete the *Electoral Officers Report* (found at **Appendix U**) and remit a copy to the regional or district manager of INAC, no later than 14 days following the election.

11.10 Retention of Election Material

Once you have declared the candidates elected, place the ballots in sealed envelopes. Section 11 of the Regulations requires you to submit all election documents and ballots to the regional or district manager of INAC. **All these materials should be submitted no later than 14 days following the election.** He or she shall retain the ballots for a period of eight (8) weeks, unless otherwise directed by the Minister. Here is a list of materials that you must submit:

- Copy of the *Notice of Nomination Meeting*
- The *Electoral Officer's Nomination Meeting Report*
- Copy of the *Polling Notice*
- Copy of the *Mail-out Control Sheet*
- All ballots (valid, rejected, spoiled, cancelled and unused)
- Completed *Voter Declaration Forms*
- Returned mail-in packages
- Tally sheets
- The *Objection Record Sheet*
- Voters lists
- Copy of the *Electoral Officer's Report*

11.11 Updated List of Off-reserve Electors

Over the course of the election period, you will have made updates to the names and addresses on your list of off-reserve electors. Return this updated list to the band office and **advise them that it must only be used for election purposes.** This will assist the band in providing an accurate and up-to-date list to the Electoral Officer at the next election.

12 Appeals

An election may be appealed by an elector or a candidate. If anyone approaches you to express dissatisfaction with the manner in which the election was held, refer them to the sections of the Regulations dealing with election appeals (sections **12**, **13** and **14**). If an elector or candidate believes there are grounds for an appeal, he or she should forward particulars of the appeal, **verified by affidavit**, to:

The Assistant Deputy Minister
Lands and Trust Services
Indian and Northern Affairs Canada
10 Wellington Street, 17th floor
Gatineau, Quebec
K1A 0H4

In order to be valid, the appeal must be sent **by registered mail WITHIN 45 DAYS** of the day the poll was held, in affidavit form. The grounds for the appeal should be clearly stated in the affidavit and include references to relevant sections of the *Indian Act* or the Regulations.

List of Appendices

- A. Electoral Officer's Timeline
- B. Appointment of Deputy Electoral Officer
- C. Sample Voters List
- D. Mail-Out Control Sheet
- E1. Notice of Nomination Meeting (to off-reserve electors)
- E2. Mail-in Voter Declaration to Nominate for the Position of Chief
- E3. Mail-in Voter Declaration to Nominate for the Position of Councillor
- E4. Mail-in Nomination Form
- E5. In-person Nomination Form
- F. Electoral Officer's Nomination Meeting Speaking Notes
- G. Notice to Candidates of Nomination at a Band Election
- H. Candidate's Withdrawal Form
- I. Electoral Officer's Nomination Meeting Report
- J. Polling Notice
- K. Voter Declaration Accompanying Mail-in Ballot
- L. Instructions for Mail-in Voting
- M. Sample Ballots
- N. Instructions for Voting
- O. Witness Declaration at the Opening of the Poll
- P. Declaration of Lost or Misplaced Mail-in Ballot
- Q. Samples of Marked Ballot Papers
- R. Sample Tally Sheets
- S. Record of Objections
- T. Statement of the Votes
- U. Electoral Officer's Report
- V. Electoral Officer's Checklist
- W. Points to Remember
- X. Sections 74 through 79 of the *Indian Act*
- Y. *Indian Band Election Regulations*

ELECTORAL OFFICER'S TIMELINE

(Relevant sections of the *Electoral Officer's Handbook* are indicated in brackets next to certain activities)

79 DAYS PRIOR TO ELECTION DAY

Date: _____

- Appoint Deputy Electoral Officers
- Determine if the First Nation controls its membership under section 10 of the *Indian Act*, or if the membership list is maintained by INAC under section 11, and obtain the voters list from the appropriate source.
- Obtain the names and last known addresses of members not residing on the reserve
- Arrange for accommodations for the nomination meeting and polling station(s)

72 DAYS PRIOR TO ELECTION DAY OR 30 DAYS PRIOR TO THE NOMINATION MEETING

Date: _____

- Post the *Notice of Nomination Meeting* (4.1) and the voters list (3.4)
- Send nomination mail-out to electors residing off-reserve (4.2)
- Update the *Mail-Out Control Sheet* (4.2)

BETWEEN 72 DAYS AND 42 DAYS PRIOR TO ELECTION DAY

Dates: _____

- Receive nomination forms and voter declarations through the mail
- Begin completing the *In-person Nomination Forms* to be used at the nomination meeting (4.4)
- Prepare list of off-reserve electors who have consented to having their names released to candidates
- Respond to requests to revise the voters list (3.5)
- Prepare candidate packages for the nomination meeting (4.5)
- Meet with your DEOs to discuss the nomination meeting

ELECTORAL OFFICER'S TIMELINE (cont'd)

42 DAYS PRIOR TO ELECTION DAY

Date: _____

- Hold nomination meeting
- Complete an *In-person Nomination Form* for each candidate nominated (4.6)
- Obtain the addresses of all candidates on the *In-person Nomination Form*
- Distribute candidate packages (4.6)

BETWEEN 42 DAYS AND 37 DAYS BEFORE ELECTION DAY

Dates: _____

- Contact nominated candidates not present at the nomination meeting (4.10)
- Have them complete the *In-person Nomination Form*
- Prepare the *Electoral Officer's Nomination Meeting Report* (4.9)
- Receive written candidate withdrawal forms (4.9)
- Begin printing ballots on the 37th day prior to election day (omitting the names of those who have withdrawn) (4.11 and 5.2)

AT LEAST 35 DAYS PRIOR TO ELECTION

Date: _____

- Prepare and post *Polling Notice* (5.1)
- Prepare and send mail-in ballot packages (5.3.1)
- Update the *Mail-Out Control Sheet* (5.3.1)

BETWEEN 35 DAYS AND 1 DAY PRIOR TO ELECTION DAY

Dates: _____

- Respond to requests for mail-in ballot packages (5.3.2)
- Receive mail-in ballot packages and update the *Mail-Out Control Sheet* accordingly
- Continue to respond to requests to revise the voters list
- Obtain supplies for election day (5.4)
- Meet with your DEOs to discuss election day
- Finalize the voters list the day before election day
- Make arrangements for the secure keeping of the ballot boxes on polling night if you are not counting the votes immediately following the close of polls.

ELECTORAL OFFICER'S TIMELINE (cont'd)

ELECTION DAY

Date: _____

- Arrive at the polling station at least one hour prior to opening to set things up.
- Open the poll at 9 a.m. and close it at 8 p.m. (Sections 6–10)

AT THE TIME DESIGNATED FOR COUNTING

Date: _____ **Time:** _____

- Open mail-in ballot envelopes and verify voter declaration forms (11.3)
- Place accepted mail-in ballots in the ballot box
- Open the ballot box and count the ballots (11.4–11.6)
- Prepare and distribute the *Statement of the Votes* (11.7)

WITHIN 4 DAYS AFTER THE COUNT

Dates: _____

- Post and mail to off-reserve electors *the Statement of the Votes* (11.9)
- Fax a copy of the *Statement of the Votes* to the regional or district manager of INAC

14 DAYS AFTER THE ELECTION

Date: _____

- Prepare the *Electoral Officer's Report* and submit it to the regional or district manager of INAC along with other election materials (11.10)

Appointment of Deputy Electoral Officer

I, ***Name of Electoral Officer***, duly appointed Electoral Officer for the election of the ***Name of First Nation*** to be held on the ***10th*** day of ***January, 2003***, do hereby appoint, pursuant to the *Indian Band Election Regulations*, the following person to act as Deputy Electoral Officer:

Name: _____

Address: _____

Dated at ***Municipality Name*** this ***10th*** day of ***January, 2003***.

Signature of Electoral Officer

To be completed by the Deputy Electoral Officer:

I agree to diligently carry out my duties in accordance with the *Indian Act* and the *Indian Band Election Regulations*.

Signature of Deputy
Electoral Officer

Voters List – *Name of First Nation*

Prepared for the election of chief and council, to be held on *Wednesday, January 10, 2003*

For Posting Purposes

	Given Name	Surname	Alias
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

Signed: _____
(Electoral Officer)

Date: _____

Name of First Nation - Election of January 10, 2003

Mail-Out Control Sheet

Band #	Given Name	Surname	Address	Date of Birth	Date on which Notice of Nomination Meeting sent	Date on which Mail-in package sent	Comments
12345	John	Smith	123 Main St. Winnipeg, MB R2R 2R2	Oct. 14, 1969	Oct. 15	Nov. 10	Returned undeliverable (Nov. 15)
98765	Jane	Doe	987 Church St. Regina, SK S2S 2S2	March 19, 1972	Oct. 15	Nov. 10	

Notice of Nomination Meeting (to off-reserve electors)

Notice is hereby given that a meeting of the electors of the **Name of First Nation** will be held at the **Community Centre** on **Monday** the **25th** day of **November, 2002**, beginning at **6 o'clock p.m.** and lasting for at least three hours, for the purpose of nominating candidates for the positions of chief and councillors on the Band Council of the said Band, for the next ensuing term. There are **12** councillor positions and one position for chief available. The election will be held at the **Community Centre** on **Friday**, the **10th** day of **January, 2003**.

Please note that any voter may nominate candidates by using a mail-in nomination form. **Voters residing off-reserve may only nominate candidates for the position of chief.** Voters residing on-reserve may nominate candidates for both chief and councillor positions. You can either deliver or mail-in a written nomination and a completed, signed and witnessed voter declaration form to the electoral officer before the time set for the nomination meeting OR you may nominate candidates orally at the nomination meeting. Mailed nominations not received by the electoral officer before the time set for nomination meeting are void. Also note that any voter may vote by mail-in ballot.

Given under my hand at **Municipality Name**, this **25th** day of **October, 2002**.

Signature of Electoral Officer

(Name and address of Electoral Officer)

Phone #: _____

-----C-----C-----

If you wish to have your name and address released to any candidate at this election for the purpose of sending you campaign literature, please check the statement below, print and sign your name, detach this form at the perforated line and return the bottom portion to the Electoral Officer.

“ I authorize my name and address be released to any candidate at this election.

Print Name

Date of Birth

Signature

Mail-in Voter Declaration to Nominate for the Position of Chief

In the matter of the election of the **Name of First Nation**, held according to the *Indian Band Election Regulations*, I, _____ solemnly declare that:
 (Please print your name)

1. I am a member of the _____ Band of Indians
2. My band number is _____ and my date of birth is _____ .
3. My current mailing address is: _____

4. I am at least 18 years of age
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 Elector

 Date

Witness Declaration

Declared before me _____ at _____
 (name) (municipality)

this _____ day of _____ 20 _____.
 (date) (month) (year)

 Signature of Witness

 Address

 City Province Postal Code

(_____) _____
 Telephone number of Witness

Mail-in Voter Declaration to Nominate for the Position of Councillor

Note: You must be ordinarily resident on the reserve to be a candidate or to nominate a candidate for the position of councillor.

In the matter of the election of the **Name of First Nation**, held according to the *Indian Band*

Election Regulations, I, _____, solemnly declare that:
(Please print your name)

1. I am a member of the _____ Band of Indians
2. My band number is _____ and my date of birth is _____
3. I am ordinarily resident on the reserve
4. I am at least 18 years of age
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 Elector

Date

Witness Declaration

Declared before me _____ at _____
(name) (municipality)

this _____ day of _____ 20 _____.
(date) (month) (year)

Signature of Witness

Address

City Province Postal Code

(_____) _____
Telephone number of Witness

Mail In Nomination Form

I, _____, band # _____
(Please print name)

of the _____ hereby nominate
(Name of First Nation)

(Name of nominee)

of the _____
(Name of First Nation)

for the position of _____ .
(chief or councillor)

Note: If your ordinary residence is located off-reserve, you are not eligible to nominate a candidate for the position of councillor. The nominee for the position of councillor *must be* ordinarily resident on the reserve.

Signature of Elector

Date

() _____
Telephone number

It is important that your telephone number be included above in case the Electoral Officer needs to contact you for clarification regarding the name of the individual that you are nominating.

In-person Nomination Form

Name of First Nation

Date Nomination Meeting Held

Required Information	EO/DEO Use
<p style="text-align: center;"><u>Nominator</u></p> <p>I hereby nominate: _____ (Please print clearly)</p> <p>For the position of: Chief <input type="checkbox"/> Councillor <input type="checkbox"/></p> <p>Name of nominator: _____</p> <p>Band # _____</p> <p>My place of ordinary residence is: On-reserve <input type="checkbox"/> Off-reserve <input type="checkbox"/></p> <p>Signature of nominator: _____</p>	
<p style="text-align: center;"><u>Secunder</u></p> <p>I hereby second the nomination of the person named above for the position of:</p> <p style="text-align: center;">Chief <input type="checkbox"/> Councillor <input type="checkbox"/></p> <p>Name of secunder: _____ (Please print clearly)</p> <p>Band # _____</p> <p>My place of ordinary residence is: On-reserve <input type="checkbox"/> Off-reserve <input type="checkbox"/></p> <p>Signature of secunder: _____</p>	
<p style="text-align: center;"><u>Candidate</u></p> <p>I have received a Candidate Information Package <input type="checkbox"/></p> <p>My band # is: _____</p> <p>My place of ordinary residence is: On-reserve <input type="checkbox"/> Off-reserve <input type="checkbox"/></p> <p>I want my name to appear on the ballot as follows:</p> <p>_____, _____ (Surname) (First or given name)</p> <p>Signature of Candidate: _____ Date: _____</p>	<p><u>Candidate's Address</u></p>

Electoral Officer's Nomination Meeting Speaking Notes

- Introduce yourself and your DEOs.
- State the time and declare the nomination meeting to be open.
- State the closing time of the meeting.
- Explain that you are now receiving nominations for the positions of chief and councillor, as well as the number of councillor positions available.
- State the date of the election
- State that, as required by the *Indian Band Election Regulations*, you have mailed a *Notice of Nomination Meeting* to all off-reserve electors, whose names and addresses have been provided to you by the band administration, informing them of the nomination meeting and acquainting them with the nomination process.
- State the nominations that you have received through the mail and have accepted. Do not discuss those nominations that you have rejected.
- Explain that, in order to nominate a candidate for the position of councillor, both the nominee and the seconder must be band members, ordinarily resident on the reserve and at least 18 years of age, and that the individual nominated must also be a band member, ordinarily resident on the reserve and at least 18 years of age.
- Explain the nomination process and how those wishing to put forth a nomination or to second a nomination can proceed.
- Explain that, once a candidate has been nominated and seconded, you will call him or her forward to complete the candidate's portion of the nomination form.
- Explain how you will use the flip charts.
- Explain how nominated candidates can withdraw.
- Explain how you intend to break a tie in the event that two or more candidates receive the same number of votes.

Notice to Candidates of Nomination at a Band Election

November 26, 2002

Subject: Election of the ABC First Nation

Dear Candidate:

According to section 4.5 of the *Indian Band Elections Regulations* (IBER), I must inform you that on **November 25, 2002**, at the nomination meeting held at the **Community Centre**, you were nominated as a candidate for the position of **councillor** for the band election to be held on **January 10, 2003**.

If you choose **not** to accept this nomination, according to section 4.6 of IBER, 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 **November 30, 2002**, I will consider that you have accepted the nomination and your name will be included on the ballot.

If you choose to withdraw after this date, you may do so up to the closing of the polls on election day, and the 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 9 of the IBER requires the Electoral Officer to give a casting vote. If such a situation were to arise, I intend to break this tie by *placing the names of all candidates having an equal number of votes in a hat. The first name chosen out of the hat will constitute the candidate for whom I will vote.*

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,

Name of Electoral Officer
Electoral Officer's Address
Electoral Officer's Telephone Number

Candidate's Withdrawal Form

Appendix H

I, _____, band # _____, hereby withdraw
(Name)

my name as a candidate for chief / councillor (circle one) at the election being

held on the _____ on _____, 20 _____.
(Name of First Nation)

(Signature)

(Date)

Witnessed by:

(Print name of Witness)

(Signature of Witness)

Note: The witness must be either the Electoral Officer, a justice of the peace, a notary public or a commissioner for oaths.

Electoral Officer's Nomination Meeting Report

1. Name of First Nation: _____ 2. Band number: _____
3. District/Region: _____
4. Total number of band members: _____
5. The band council is composed of one chief and _____ (#) councillors.
6. The notice of nomination meeting was:
 - a) Posted on the _____ day of _____, 20 _____, at the following locations:

 - b) Mailed to _____ (#) off-reserve electors during the period from the _____ day of _____ to the _____ day of _____, 20 _____.
7. The nomination meeting was held on the _____ day of _____, 20_____,
at _____, from _____ to _____.
(Location)

10. The following candidates have been declared elected by acclamation pursuant to subsection 4.7 of the *Indian Band Election Regulations*:

To the office of Chief:

Name: _____

To the office of Councillor:

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

11. I declare that a poll will be held for the office(s) of:

One Chief and _____ (#) Councillors

on the _____ the _____ day of _____, 20 _____.

12. As Electoral Officer, I declare that all information contained in this report of the nomination meeting are true to the best of my knowledge. I have carefully and diligently performed all the duties required of me by the *Indian Band Election Regulations* in respect to this nomination meeting.

Signature of the Electoral Officer

Polling Notice

Notice is hereby given to the electors of the ***Name of First Nation*** that a poll will be held to elect a chief and **12** councillors on ***Friday***, the **10th** day of ***January***, 2003, from nine o'clock (9:00) a.m. until eight o'clock (8:00) p.m. at the following location(s):

The votes will be counted at the ***Community Centre*** at 8:00 p.m. on the **10th** day of ***January***, 2003. The results will be declared immediately following the count.

Given under my hand at ***Municipality Name*** this **2nd** day of ***December***, 2002.

Signature of the Electoral Officer

If you have any questions, please call the Electoral Officer at **(705) 555-5555**.

This declaration must be signed by you and a witness, who is at least 18 years old, and be returned to the Electoral Officer with your completed ballot, or your vote will not be counted.

Voter Declaration Accompanying the Mail-in Ballot

In the matter of the election of the **Name of First Nation**, held according to the *Indian Band Election Regulations*, I, _____ solemnly declare that:
(Please print your name)

1. I am a member of the _____ Band of Indians
2. My band number is _____ and my date of birth is _____
3. My current mailing address is: _____

4. I am at least 18 years of age
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 Elector

Date

Witness Declaration

Declared before me _____ at _____
(name) (municipality)

this _____ day of _____ 20 _____.
(date) (month) (year)

Signature of Witness

Address

City Province Postal Code

(_____) _____
Telephone number of Witness

Instructions For Mail-In Voting

Dear Elector:

As per the attached *Polling Notice*, an election for chief and **12** councillors of the ***Name of First Nation*** is currently underway.

As a member of this First Nation, you are entitled to vote, provided you will be at least 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 ballot for the position of chief with the Electoral Officer's initials on the back
- a ballot for the position of councillor with the Electoral Officer's initials on the back
- an outer, postage-paid pre-addressed return envelope
- a second inner envelope marked with the word "Ballot"
- 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.

1. **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.

2. **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 **12** councillors.

3. Fold the ballots in the same way as you received them, so that the Electoral Officer's initials on the back are visible.

4. Place the ballots into the envelope marked "Ballot", and seal the envelope.

5. Complete the *Voter Declaration Accompanying the Mail-in Ballot* form. Both you and a witness, who is at least 18 years of age, must sign it.

6. 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".
7. 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 p.m. on election day. Note that ballots received after the close of the poll on **January 10, 2003** 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*. If you so choose, your mail-in ballot will not be counted.

If you have any questions, please do not hesitate to contact me at **(705) 555-5555**.

Yours truly,

Name of Electoral Officer
Electoral Officer

Sample Ballots

(a) Both chief and councillors appearing on the same ballot

BALLOT FOR CHIEF AND COUNCILLORS of
the (Name of First Nation) election

held on the 10th day of *January, 2003*

Use the pencil or pen to mark your ballot
paper by making an **X** within the space on
the ballot paper to the right of the name of
the candidates of your choice.

Candidates for CHIEF (Choose one)	
MANN, Charles John	<input type="checkbox"/>
RANN, Mary S.	<input type="checkbox"/>
TANN, John K.	<input type="checkbox"/>
Candidates for COUNCILLOR (Choose up to ____ (#))	
ACE, Margaret D.	<input type="checkbox"/>
CASE, John H. (Jack)	<input type="checkbox"/>
LACE, Brenda P.	<input type="checkbox"/>
LACE, Marie Suzanne	<input type="checkbox"/>
PACE, Patrick	<input type="checkbox"/>
RACE, P. Michael	<input type="checkbox"/>

(b) Candidates for chief and councillors appearing on separate ballots

BALLOT FOR CHIEF

Election of the **Chief** of the

(Name of First Nation)

held on the **10th** day of **January, 2003**.

Use the pencil or pen to mark your ballot paper by making an **X** within the space on the ballot paper to the right of the name of the candidate of your choice.

Choose only one	
MANN, Charles John	<input type="checkbox"/>
RANN, Mary S.	<input type="checkbox"/>
TANN, John K.	<input type="checkbox"/>

BALLOT FOR COUNCILLOR

Election of **Councillors** of the

(Name of First Nation)

held on the **10th** day of **January, 2003**.

Use the pencil or pen to mark your ballot paper by making an **X** within the space on the ballot paper to the right of the name of the candidates of your choice

Choose up to _____ (#)	
ACE, Margaret D.	<input type="checkbox"/>
CASE, John H. (Jack)	<input type="checkbox"/>
LACE, Brenda P.	<input type="checkbox"/>
LACE, Marie Suzanne	<input type="checkbox"/>
PACE, Patrick	<input type="checkbox"/>
RACE, P. Michael	<input type="checkbox"/>

Instructions for Voting

1. Place an **X** in the space beside the name of the candidate or candidates of your choice.
2. Do not place any other mark on the ballot.
3. Do not vote for more than **one** candidate for chief and **12** candidates for councillor.
4. When you have finished, fold the ballot so that the initials on the back can be seen (without showing how you voted), and hand the ballot to the Electoral Officer or the Deputy Electoral Officer.
5. If you make a mistake, return your ballot to the Electoral Officer, who will give you another ballot (once only).

Witness Declaration at the Opening of the Poll

In the matter of the election of the _____
(Name of First Nation)

I _____ hereby declare that on the _____ day
(Print Name)

of _____, 20 _____, at 9:00 a.m., I did witness that the ballot box (es) was/were empty before it/they was/were properly sealed and locked. I am confident that the box(es) cannot be opened without the seals being broken.

Signature of Witness

Signature of Electoral Officer or
Deputy Electoral Officer

Declaration of Lost, Misplaced or Unused Mail-in Ballot

(Subsections 5.(6.6) and 6.(3)(b) of the *Indian Band Election Regulations*)

TO BE COMPLETED BY THE ELECTOR

In the matter of the election for the **Name of First Nation** held according to the *Indian Band Election Regulations*, I, _____ solemnly declare that:
(Print name)

1. I am a member of the **Name of First Nation**
2. My Band number is _____ and my date of birth is _____

Check where applicable

3. _____ I have lost the mail-in ballot that was mailed, delivered or provided to me.
4. _____ I have not received the mail-in ballot that was mailed to me.
5. _____ 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

Samples of Marked Ballot Papers
WHICH SHOULD BE ACCEPTED AND COUNTED

DOE, Andrea	V
UNTEL, Richard	

DOE, Andrea	U
UNTEL, Richard	

DOE, Andrea	I
UNTEL, Richard	

DOE, Andrea	O
UNTEL, Richard	

DOE, Andrea	O
UNTEL, Richard	

DOE, Andrea	I
UNTEL, Richard	

Samples of Marked Ballot Papers WHICH SHOULD BE REJECTED

DOE, Andrea	
UNTEL, Richard <i>Ben</i>	V

DOE, Andrea	V
UNTEL, Richard	O

DOE, Andrea	1
UNTEL, Richard	2

DOE, Andrea	
UNTEL, Richard	

DOE, Andrea	12
UNTEL, Richard	

DOE, Andrea	
UNTEL, Richard	

Statement of the Votes

Name of First Nation

Date of Election

To be completed by the Electoral Officer after the counting of the votes. The numbers on the Statement of the Votes submitted by Deputy Electoral Officers from other polling stations must be included in the numbers provided on this report. **Ensure that the form is signed and witnessed.**

Name of Candidate for Chief	Total Votes Received
DOE, Andrea	
UNTEL, Richard	

Number of valid ballots cast for chief: _____

Number of rejected ballots for chief: _____

Statement of the Votes (page 4)

Elected Candidates

To the Office of Chief: _____

To the Office of Councillor:

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

This count was diligently conducted in accordance with the *Indian Band Election Regulations*.

Signature of Electoral Officer

Signature of Witness

Electoral Officer's Report

1. Name of First Nation : _____ 2. Band Number: _____
3. Date of Election: _____ 4. District/Region: _____
5. Type of election (General or By-election): _____
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 _____ (#) councillors.
10. The *Notice of Nomination Meeting* was:
 - a) Posted on the _____ day of _____, 20 _____, at the following locations:

 - b) Mailed to _____ (#) off-reserve electors during the period from the _____ day of _____ to the _____ day of _____, 20 _____.
11. The nomination meeting was held on the _____ day of _____, 20 _____, at _____, from _____ to _____ .
(Location)
12. The *Polling Notice* was posted on the _____ day of _____, 20 _____, at the following locations:

13. (a) Total number of mail-in ballot packages sent to off-reserve electors: _____
(b) Total number of mail-in ballot packages sent to electors residing on the reserve: _____
14. The poll was held on the _____ day of _____, 20 _____, at the following locations:

15. Mail-in Ballots

		For Chief	For 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 before being placed in the ballot box (during the opening of the envelopes)		
E)	Total number of mail-in ballots deposited in the ballot box		
F)	Mail-in ballot discrepancy (A – B – C – D – E)		

16. Ballot Reconciliation

		For Chief	For 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)		
I)	Total number of ballots (A + B + C + D + E + F + G + H)		
J)	Total number of ballots printed (Should equal totals at I above)		

Electoral Officer's Checklist

(When Conducting Band Elections held Under Section 74 of the
Indian Act)

BEFORE THE NOMINATION MEETING

- G** Obtain a copy of your appointment, signed by a INAC official.
- G** Appoint deputy electoral officer(s).
- G** Confirm with the regional or district office the number of councillors to be elected.
- G** Obtain a copy of the *Indian Act* (**Appendix X** or on the Internet at <http://laws.justice.gc.ca/en/i-5/73131.html>) and the *Indian Band Election Regulations* (**Appendix Y** or on the Internet at <http://laws.justice.gc.ca/en/i-5/c.r.c.-c.952/text.html>)
- G** Familiarize yourself with the guidelines for determining the place of ordinary residence for election purposes of a band member.
- G** Determine whether the band controls its membership list or if the band list is managed by INAC and obtain the voters list from the appropriate source.
- G** Obtain the list of names and addresses of off-reserve members from the band.
- G** Create a database containing the names and addresses of off-reserve electors.
- G** Prepare and post the voters list as soon as possible in one or more conspicuous places on the reserve.
- G** At least 30 clear days prior to the date the nomination meeting is to be held and at least 72 clear days prior to the date the election will be held, prepare and post a *Notice of Nomination Meeting* in one or more conspicuous places on the reserve.
- G** On the same day the *Notice of Nomination Meeting* is posted on the reserve, mail or deliver to off-reserve electors a package which includes:
 - The *Notice of Nomination Meeting* (containing a statement, next to which the elector can place a check and sign authorizing the release of his or her name to candidates) (**Appendix E1**)
 - A copy of the *Mail-in Voter Declaration to Nominate for the Position of Chief* (**Appendix E2**). Insert the name of the First Nation on the first line.
 - A copy of the *Mail-in Voter Declaration to Nominate for the Position of Councillor* (**Appendix E3**). Insert the name of the First Nation on the first line.
 - A copy of the *Mail-In Nomination Form* (**Appendix E4**)

- G** Update the *Mail-Out Control Sheet* after the nomination mailing to off-reserve electors.
- G** Arrange for the use of facilities for the nomination meeting and the poll.
- G** Obtain documents, forms, papers, pencils, etc., for the nomination meeting.
- G** Collect, open and record the mail-in nominations. If necessary, contact the nominator for clarification. This information should be kept confidential until the meeting.

AT THE NOMINATION MEETING

- G** Bring to the nomination meeting:
 - Several copies of the *In-person Nomination Form* (**Appendix E5**)
 - Several copies of the *Candidate's Withdrawal Form* (**Appendix H**)
 - Copies of the voters list
 - A list of addresses of off-reserve electors who have provided you written consent to the release of their addresses
 - Copies of the *Indian Act*
 - Copies of the IBER
- G** Declare the nomination meeting open at the time specified in the notice.
- G** Provide the information contained in the Electoral Officer's Speaking Notes at **Appendix F**.
- G** Open the floor to nominations and complete an *In-person Nomination Form* (**Appendix E5**) for each candidate nominated. Be sure to obtain the full name and address of each candidate.
- G** At the conclusion of the nomination meeting, if the number of persons nominated to serve on the band council does not exceed the required number, declare the persons so nominated duly elected by acclamation.
- G** If more than the required number are nominated, declare that a poll will be held and state the time and place where the poll will be held. Remember the poll must be held at least 42 clear days after the nomination meeting.
- G** Complete the nomination meeting report.

PREPARATION FOR THE POLL

- G** Notify the candidates in writing within 5 days of the nomination meeting (**Appendix G**)
- G** Prepare ballot papers in the prescribed form listing the names of the candidates for chief and for councillors in alphabetical order.

- G** At least 35 clear days prior to the date election will be held, prepare and post a *Polling Notice* in one or more conspicuous places on the reserve.
- G** At least 35 days before the election, mail-out to the off-reserve members at their last known address, a package including:
 - the *Polling Notice*
 - a ballot containing your initials on the back
 - an outer, postage-paid return envelope, pre-addressed with the address of your post office box
 - a second inner envelope marked with the word “ballot”, in which the elector will place his or her completed ballot
 - A voter declaration form (**Appendix K**)
 - Instructions on how to complete the ballot and return it to you (**Appendix L**)
- G** Request from candidates the names of their agents that will be attending the polling station.
- G** Obtain at least one ballot box for each polling place and ensure that such ballot box can be locked.
- G** If there is to be more than one polling location, deliver to the Deputy Electoral Officer(s) all materials required for the conduct of the poll (ballot papers, ballot box, pens, directions for voting, etc.)

ELECTION DAY

- G** The poll must be open from 9:00 a.m. (local time) until 8:00 p.m. of the same day.
- G** Prior to locking the ballot box, ensure that witnesses are present to verify that the ballot box is empty. Complete the *Witness Declaration at the Opening of the Poll* (**Appendix O**).
- G** Collect or have a Deputy collect the mail-in ballots from your postal box after the last mail delivery of the day.

AT THE TIME DESIGNATED FOR COUNTING

- G** Tally the votes received for each candidate from ballots not rejected.
- G** Immediately after counting the votes, publicly declare elected those candidates having the highest number of votes.
- G** Complete the *Statement of the Votes* at **Appendix T**.

WITHIN FOUR DAYS OF THE COUNT

- G** Post a signed and witnessed copy of the *Statement of the Votes* in at least one conspicuous place on the reserve.
- G** Mail or deliver a copy of the *Statement of the Votes* to the last known address of off-reserve electors.
- G** Fax a copy of the *Statement of the Votes* to the regional or district manager of INAC.

RETURN OF MATERIALS

- G** Complete the *Electoral Officer's Report (Appendix U)* and forward a copy to the regional or district manager of INAC.
- G** Deposit all ballot papers in a sealed envelope.
- G** Gather all the materials listed on page 27 of this Handbook and submit them to INAC, along with all the ballots (valid, rejected, spoiled, cancelled and unused) **no later than 14 days after the election.**

POINTS TO REMEMBER

REMEMBER:

- If the band controls its own membership under section 10 of the Act, you will require a membership list in order to prepare the voters list.
- You require the names and addresses of electors living off-reserve.
- In order to add a name to the voters list, you must first receive a written document from either the band membership clerk or the INAC Registrar stating that the individual is a member of the band.
- You must include in the *Electoral Officer's Report*, that you will submit after the election, the name and address of all candidates, whether elected or not.

- DON'T** Reduce the 30 clear-day-period between the posting of the *Notice of Nomination Meeting* and the date of the nomination meeting.
- DO** Remember to include on the voters list those members who will be 18 years of age or over on the date of the election.
- DO** Upon request by a member, confirm whether or not their name appears on the voters list.
- DO** Request that the band provide you with administrative support staff to prepare the voters list and the mail-outs.

- DON'T** Forget that a person must be a band member, at least 18 years of age and ordinarily resident on the reserve to nominate or second a candidate for the position of councillor, as well as to be a candidate for councillor.
- DO** Keep the nomination meeting open for at **least 3 hours**, even if it appears that there will be no further nominations.
- DON'T** Forget that election day must be at least 42 clear days from the day the nomination meeting was held.
- DO** Obtain and record the names and addresses of all candidates.
- DO** Post the voters list, the *Notice of Nomination Meeting* and the *Polling Notice* in prominent places on the reserve.
- DO** Review the voters list when requested to do so if there is evidence that there are errors or omissions. Amend the list only upon written confirmation from the band membership clerk or the Department Registrar.
- DO** Allow a candidate for chief or councillor to withdraw their nomination by submitting to you a written notice of withdrawal, signed by the candidate in your presence or the presence of either a justice of the peace, a notary public or a commissioner of oaths.
- If you receive the notice of withdrawal more than 37 days prior to election day, the name of the candidate should not appear on the ballot.

- If you receive the notice of withdrawal less than 37 days prior to election day, the name of the candidate will remain on the ballot.

DON'T Forget that if any candidate withdraws after the mail-in ballots have been sent, you must **not** inform electors of the withdrawal, as you would be providing additional information to on-reserve electors to which off-reserve electors are not privy.

DON'T Allow a candidate to withdraw verbally under any circumstances.

DON'T Give mail-in ballot packages to persons on behalf of other electors. Mail or hand deliver the mail-in ballot package directly to the elector.

DO Appoint constable(s) to ensure that sufficient security is provided if you feel it to be necessary.

DO Only accept written information concerning electors before making the necessary amendments to the voters list.

DO Prepare a sufficient number of ballot papers.

DON'T Hold an advance poll.

DON'T Allow more than two agents per candidate in a polling place at one time.

DON'T Break the seal or unlock the ballot box(es) while the poll is open.

DON'T

Allow any person other than the elector behind the voting compartment while he or she is marking his or her ballot, unless:

- the elector is unable to mark the ballot and requests that you or your Deputy mark the ballot for him or her in the presence of another elector selected as a witness.

DO

Prior to giving a person a ballot paper:

- Check the voters list to ensure that the elector's name appears and that he or she has not already voted.
- Draw a line through the name of the elector on the voters list to indicate that he or she has received a ballot.
- Place your initials on the back of the ballot.

DO

After the elector has cast his or her vote and returned the ballot to you folded:

- Without unfolding the ballot, verify that it bears your initials.
- You or the elector will deposit the ballot in the ballot box.

DO

Give another ballot to an elector who has spoiled the first ballot you gave him or her, write "**cancelled**" on the spoiled ballot and retain it.

DO

When a person, who has received a ballot, leaves

the polling station without depositing the ballot in the box or refuses to vote, ensure that an entry to this effect is made on the voters list opposite the person's name, write "**declined**" on the ballot and retain it.

DO Allow a person to vote if you **are satisfied** that he or she is qualified to do so, although his or her name does not appear on the voters list.

DON'T Allow a person to vote if you are not satisfied that he or she is qualified to do so.

DO Allow those persons inside the polling place at the time fixed to close the poll to vote.

DO Explain to your staff and the agents present how the ballots will be tallied.

DO Before beginning the count, remind all who are present how you intend to break the tie.

DO At the time fixed for counting (as you indicated in the *Polling Notice*), open the mail-in pre-addressed envelopes and:

- verify that the elector appear on the voters list
- verify that the declaration is duly completed and signed
- verify that the elector has not already voted

Open the envelope containing the ballots and:

- verify that your initials appear on the ballot

DO Deposit the ballot in the box if everything appears

to be in order.

- DO** Immediately after completing the mail-in verification, open the ballot box(es).
- DO** Pull the ballots out of the box one at a time and call-out the names of the candidates for whom the ballot is marked.
- DO** Reject those ballots which:
- have been marked for more candidates than are to be elected
 - contain markings by which the voter may be identified
- DO** Accept ballots that have been marked with a mark other than an “X” (such as a “+” or a “/”), provided that the elector’s choice is clear and that the mark is not unique enough to permit him or her to be identified.
- DO** Number all objections to the validity of a ballot made by any candidate or their agents and place a consecutive number on the back of the ballot with the words “**allowed**” or “**disallowed**”, as the case may be. Place your initials on the ballot.
- DON’T** Vote in the election even if you are a band member.
- DO** In the event of a tie, cast the tie-breaking vote.

DO

Complete the *Electoral Officer's Report* and submit it to INAC along with all election materials and ballots within 14 days after the election.

LAST, BUT NOT LEAST, GOOD LUCK !

Sections 74 through 79 of the *Indian Act*

ELECTIONS OF CHIEFS AND BAND COUNCILS

74. (1) Whenever he deems it advisable for the good government of a band, the Minister may declare by order that after a day to be named therein the council of the band, consisting of a chief and councillors, shall be selected by elections to be held in accordance with this Act.

(2) Unless otherwise ordered by the Minister, the council of a band in respect of which an order has been made under subsection (1) shall consist of one chief, and one councillor for every one hundred members of the band, but the number of councillors shall not be less than two nor more than twelve and no band shall have more than one chief.

(3) The Governor in Council may, for the purposes of giving effect to subsection (1), make orders or regulations to provide

(a) that the chief of a band shall be elected by

(i) a majority of the votes of the electors of the band, or

(ii) a majority of the votes of the elected councillors of the band from among themselves,

but the chief so elected shall remain a councillor; and

(b) that the councillors of a band shall be elected by

(i) a majority of the votes of the electors of the band, or

(ii) a majority of the votes of the electors of the band in the electoral section in which the candidate resides and that he proposes to represent on the council of the band.

(4) A reserve shall for voting purposes consist of one electoral section, except that where the majority of the electors of a band who were present and voted at a referendum or a special meeting held and called for the purpose in accordance with the regulations have decided that the reserve should for voting purposes be divided into electoral sections and the Minister so recommends, the Governor in Council may make orders or regulations to provide for the division of the reserve for voting purposes into not more than six electoral sections containing as nearly as may be an equal number of Indians eligible to vote and to provide for the manner in which electoral sections so established are to be distinguished or identified.

75. (1) No person other than an elector who resides in an electoral section may be nominated for the office of councillor to represent that section on the council of the band.

(2) No person may be a candidate for election as chief or councillor of a band unless his nomination is moved and seconded by persons who are themselves eligible to be nominated.

76. (1) The Governor in Council may make orders and regulations with respect to band elections and, without restricting the generality of the foregoing, may make regulations with respect to

(a) meetings to nominate candidates;

(b) the appointment and duties of electoral officers;

(c) the manner in which voting is to be carried out;

(d) election appeals; and

(e) the definition of residence for the purpose of determining the eligibility of voters.

(2) The regulations made under paragraph (1)(c) shall provide for secrecy of voting.

77. (1) A member of a band who has attained the age of eighteen years and is ordinarily resident on the reserve is qualified to vote for a person nominated to be chief of the band and, where the reserve for voting purposes consists of one section, to vote for persons nominated as councillors.

(2) A member of a band who is of the full age of eighteen years and is ordinarily resident in a section that has been established for voting purposes is qualified to vote for a person nominated to be councillor to represent that section.

78. (1) Subject to this section, the chief and councillors of a band hold office for two years.

(2) The office of chief or councillor of a band becomes vacant when

(a) the person who holds that office

(i) is convicted of an indictable offence,

(ii) dies or resigns his office, or

(iii) is or becomes ineligible to hold office by virtue of this Act; or

(b) the Minister declares that in his opinion the person who holds that office

(i) is unfit to continue in office by reason of his having been convicted of an offence,

(ii) has been absent from three consecutive meetings of the council without being authorized to do so, or

(iii) was guilty, in connection with an election, of corrupt practice, accepting a bribe, dishonesty or malfeasance.

(3) The Minister may declare a person who ceases to hold office by virtue of subparagraph (2)(b)(iii) to be ineligible to be a candidate for chief or councillor of a band for a period not exceeding six years.

(4) Where the office of chief or councillor of a band becomes vacant more than three months before the date when another election would ordinarily be held, a special election may be held in accordance with this Act to fill the vacancy.

79. The Governor in Council may set aside the election of a chief or councillor of a band on the report of the Minister that he is satisfied that

- (a) there was corrupt practice in connection with the election;
- (b) there was a contravention of this Act that might have affected the result of the election; or
- (c) a person nominated to be a candidate in the election was ineligible to be a candidate.

Indian Band Election Regulations

2. In these Regulations,

"accelerated election" means an election referred to in subsection 11.1(1); (*élection accélérée*)

"Act" means the *Indian Act*; (*Loi*)

"Assistant Deputy Minister" means the Assistant Deputy Minister, Lands and Trust Services, Department of Indian Affairs and Northern Development; (*sous-ministre adjoint*)

"deputy electoral officer" means any person appointed by the electoral officer for the purposes of an election; (*président du scrutin*)

"election" means a band election held under the Act or a special election held under subsection 78(4) of the Act, but does not include an election for the chief of a band set out in Schedule II to the *Indian Bands Council Elections Order*; (*élection*)

"elector", in respect of an election of the chief or councillors of a band, means a person who is qualified under section 77 of the Act to vote in that election; (*électeur*)

"electoral officer" means the superintendent or the person appointed by the council of the band with the approval of the Minister; (*président d'élection*)

"mail-in ballot" means a ballot mailed or delivered in accordance with subsection 5(6.2); (*bulletin de vote postal*)

"Minister" means the Minister of Indian Affairs and Northern Development; (*ministre*)

"registry number" means the number assigned to a person registered under section 5 of the Act; (*numéro de registre*)

"reserve", in respect of an election of chief or councillors of a band, means a reserve of that band; (*réserve*)

"Superintendent" means the Superintendent or senior field officer of the Indian Affairs Branch in charge of the agency and includes the Indian Affairs Branch in charge of the agency and includes the Indian Commissioner for British Columbia, all Regional Supervisors and any other officer acting under the instructions of the Minister or Assistant Deputy Minister; (*surintendant*)

"voter declaration form" means a document that sets out, or provides for,

(a) the name of an elector,

(b) the band membership or registry number of the elector or, if the elector does not have a band membership or registry number, the date of birth of the elector, and

(c) the name, address and telephone number of a witness to the signature of the elector.

(*formule de déclaration d'identité*) SOR/2000-391, s. 1.

DEFINITION OF RESIDENCE FOR THE PURPOSE OF DETERMINING THE ELIGIBILITY OF VOTERS

3. The following rules apply to the interpretation of the words "ordinarily resident" in respect of the residency of an elector on a reserve consisting of more than one electoral section:

(a) subject to the other provisions of this section, the question as to where a person is or was ordinarily resident at any material time or during any material period shall be determined by reference to all the facts of the case;

(b) the place of ordinary residence of a person is, generally, that place which has always been, or which he has adopted as, the place of his habitation or home, whereto, when away therefrom, he intends to return and, specifically, where a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is where that person sleeps;

(c) a person can have one place of ordinary residence only, and he shall retain such place of ordinary residence until another is acquired;

(d) temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence. SOR/2000-391, s. 2.

APPLICATION

3.1 Sections 4 to 11 apply to all elections other than accelerated elections. SOR/2000-391, s. 3.

VOTERS LIST

4. (1) At least 79 days before the day on which an election is to be held

(a) where the band holding the election has assumed control of its own membership under section 10 of the Act, the band shall provide the electoral officer with a list of the names of all electors; and

(b) where the Band List of the band holding the election is maintained in the Department under section 11 of the Act, the Registrar shall provide the electoral officer with a list of the names of all electors.

(2) A voters list shall set out

(a) where the reserve consists of more than one electoral section,

(i) the names of band members eligible to vote for chief, in alphabetical order, and

(ii) the names of band members eligible to vote for councillors, in alphabetical order;

(b) where the reserve consists of one electoral section, the names of all electors, in alphabetical order; and

(c) the band membership or registry number of each elector or, if the elector does not have a band membership or registry number, the date of birth of the elector.

(3) On request, the electoral officer or deputy electoral officer shall confirm whether the name of a person is on the voters list.

(4) The electoral officer shall revise the voters list where it is demonstrated that

(a) the name of an elector has been omitted from the list;

(b) the name of an elector is incorrectly set out in the list; or

(c) the name of a person not qualified to vote is included in the list.

(5) For the purposes of subsection (4),

(a) a person may demonstrate that the name of an elector has been omitted from, or incorrectly set out in, the voters list by presenting to the electoral officer evidence from the Registrar or from the band that the elector

(i) is on the Band List or is entitled to have his or her name entered on the Band List,

(ii) is at least 18 years of age, and

(iii) is qualified to vote at band elections; and

(b) a person may demonstrate that the name of a person not qualified to vote has been included in the voters list by presenting to the electoral officer evidence that that person

(i) is neither on the Band List nor entitled to have his or her name entered on the Band List,

(ii) is not at least 18 years of age, or

(iii) is not qualified to vote at band elections. SOR/85-409, s. 1(E); SOR/2000-391, s. 3.

ADDRESSES OF ELECTORS

4.1 (1) At least 79 days before the day on which an election is to be held, the band shall provide the electoral officer with the last known addresses, if any, of all electors who do not reside on the reserve.

(2) A candidate for election as chief or councillor may obtain from the electoral officer a list of the names of electors and the addresses of any electors who have consented to have their addresses released to the candidates.

(3) A document shall be considered to have been properly mailed under paragraphs 4.2(1)(b) and 4.7(a), subsection 5(4) and paragraphs 8(2)(b) and 11.1(2)(g) to electors who do not reside on the reserve if it was mailed or delivered to every elector who does not reside on the reserve and for whom an address was provided. SOR/2000-391, s. 3.

NOMINATION MEETING

4.2 (1) At least 30 days before the day on which a nomination meeting is to be held, the electoral officer shall

(a) post a notice of the nomination meeting and a list of the names of electors in at least one conspicuous place on the reserve; and

(b) mail a notice of the nomination meeting and a voter declaration form to every elector who does not reside on the reserve.

(2) A notice of a nomination meeting shall include

(a) the date, time, duration and location of the nomination meeting;

(b) the date on which the election will be held and the location of each polling place;

(c) the name and phone number of the electoral officer;

(d) the statement that any voter may vote by mail-in ballot;

(e) a description of the manner in which an elector can nominate a candidate, or second the nomination of a candidate;

(f) the statement that, if the elector wants to receive information from candidates, the elector can agree to have his or her address released to the candidates.

(3) The electoral officer shall record the names of electors to whom a notice of the nomination meeting was mailed, the addresses of those electors, and the date on which the notices were mailed. SOR/2000-391, s. 3.

4.3 (1) Subject to section 75 of the Act, an elector may nominate a candidate, or second the nomination of a candidate,

(a) by delivering or, subject to subsection (2), by mailing a written nomination and a completed, signed and witnessed voter declaration form to the electoral officer before the time set for the nomination meeting; or

(b) orally, at the nomination meeting.

(2) Mailed nominations that are not received by the electoral officer before the time set for the nomination meeting are void. SOR/2000-391, s. 3.

4.4 (1) A nomination meeting for an election shall be held at least 42 days before the date of the election.

(2) At the start of the nomination meeting, the electoral officer shall read aloud all written nominations and secondments that have been received by mail or delivered.

(3) Where the same person receives two written nominations for the same office, the second nomination shall constitute a secondment of the first nomination.

(4) A person present at a nomination meeting who is eligible to do so may second the nomination of any person nominated in writing.

(5) A nomination meeting shall remain open for at least three hours.

(6) At the end of the nomination meeting, the electoral officer shall

(a) if only one person has been nominated for election as chief, declare that person to be elected;

(b) if the number of persons nominated to serve as councillors in an electoral section does not exceed the number to be elected, declare those persons to be elected; and

(c) where more than the required number of persons are nominated for election as chief or councillors, announce that an election will be held on the day set out in the notice referred to in subsection 4.2(1). SOR/2000-391, s. 3.

4.5 As soon as is practicable after the nomination meeting, the electoral officer shall notify any nominated candidates who were not present at the meeting that they have been nominated. SOR/2000-391, s. 3.

WITHDRAWAL OF CANDIDATES

4.6 (1) Subject to subsection (2), a candidate who has been nominated may withdraw his or her candidature at any time prior to the close of the polls by submitting to the electoral officer a written withdrawal of nomination, signed by the candidate in the presence of the electoral officer, a justice of the peace, a notary public or a commissioner for oaths.

(2) Where a candidate nominated to be a councillor to represent an electoral section in a reserve consisting of more than one electoral section withdraws his or her candidature less than 48 hours before the time at which the polls open, or where any other candidate withdraws his or her candidature less than 37 days before the day on which the election is to be held, that candidate's name shall remain on the ballot.

(3) A candidate who dies before the close of the polls shall be considered to have withdrawn his or her candidature. SOR/2000-391, s. 3.

ACCLAMATIONS

4.7 Where the office of chief and all offices of councillors are filled by acclamation,

(a) the electoral officer shall post in at least one conspicuous place on the reserve, and mail to every elector who does not reside on the reserve, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held; and

(b) sections 5 to 11 do not apply. SOR/2000-391, s. 3.

MANNER IN WHICH VOTING SHALL BE CARRIED OUT

5. (1) Subject to subsection (3), the electoral officer shall prepare ballots setting out

- (a) the names of the candidates nominated for election as chief, in alphabetical order; and
- (b) the names of the candidates nominated for election as councillors, in alphabetical order.

(2) Where two or more candidates have the same name, the electoral officer shall add to the ballots such additional information as is necessary to distinguish between those candidates.

(3) Where the reserve consists of more than one electoral section, the electoral officer shall prepare separate ballots for the candidates for election as chief and for the candidates for election as councillors.

(4) Subject to subsection (5), at least 35 days before the day on which an election is to be held, the electoral officer shall mail, to every elector who does not reside on the reserve, a package consisting of

- (a) a ballot, initialled on the back by the electoral officer;
- (b) an outer, postage-paid return envelope, pre-addressed to the electoral officer;
- (c) a second, inner envelope marked "Ballot" for insertion of the completed ballot;
- (d) a voter declaration form;
- (e) a letter of instruction regarding voting by mail-in ballot;
- (f) a statement
 - (i) identifying the location of all polling places, and
 - (ii) advising the elector that he or she may vote in person at a polling place on the day of the election in accordance with subsection 6(3) in lieu of voting by mail-in ballot; and
- (g) a list of the names of any candidates who were acclaimed.

(5) Where the reserve consists of more than one electoral section, the package mailed to an elector who does not reside on the reserve shall contain a ballot for the candidates for chief only.

(6) At the request of an elector who resides on the reserve, the electoral officer shall provide a package referred to in subsection (4) to that elector.

(6.1) The electoral officer shall indicate on the voters list that a ballot has been provided to each elector to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the addresses to which, each mail-in ballot was mailed.

(6.2) An elector may vote by mail-in ballot by

- (a) marking the ballot by placing a cross, check mark or other mark, that clearly indicates the elector's choice but does not identify the elector, opposite the name of the candidate or candidates for whom he or she desires to vote;

(b) folding the ballot in a manner that conceals the names of the candidates and any marks but exposes the electoral officer's initials on the back;

(c) placing the ballot in the inner envelope and sealing that envelope;

(d) completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;

(e) placing the inner envelope and the completed voter declaration form in the outer envelope; and

(f) delivering or, subject to subsection (6.7), mailing the mail-in ballot to the electoral officer before the time at which the polls close on the day of the election.

(6.3) Where an elector is unable to vote in the manner set out in subsection (6.2), the elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that subsection.

(6.4) A witness referred to in paragraph (6.2)(d) shall attest to

(a) the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; or

(b) where the elector enlisted the assistance of another person under subsection (6.3), the fact that the elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the elector.

(6.5) An elector who inadvertently spoils a mail-in ballot may obtain another ballot by returning the spoiled ballot to the electoral officer.

(6.6) An elector who loses a mail-in ballot may obtain another ballot by delivering to the electoral officer a written affirmation that the elector has lost the mail-in ballot, signed by the elector in the presence of the electoral officer, a justice of the peace, a notary public or a commissioner for oaths.

(6.7) Mail-in ballots that are not received by the electoral officer before the time at which the polls close on the day of the election are void.

(6.8) An elector to whom a mail-in ballot was mailed or provided under subsection (4) or (6) is not entitled to vote in person at a polling place other than in accordance with subsection 6(3).

(6.9) The electoral officer shall establish at least one polling place on the reserve.

(7) The electoral officer shall procure or cause to be procured as many ballot boxes as there are polling places, and shall cause to be prepared a sufficient number of ballot papers for the purpose of the election.

(8) The electoral officer shall, before the poll is open, cause to be delivered to his deputy the ballot papers, materials for marking the ballot papers, and a sufficient number of directions-for-voting as may be prescribed.

(9) The electoral officer or his deputy shall provide a compartment at each polling place where the electors can mark their ballot papers free from observation, and he may appoint a constable to maintain order at such polling place.

(10) Polling places shall be kept open from 9:00 a.m., local time, until 8:00 p.m., local time, on the day of the election.

(11) A candidate shall be entitled to not more than two agents in a polling place at any one time.

(12) [Repealed, SOR/2000-391, s. 4]

(13) The electoral officer or his deputy shall, immediately before the commencement of the poll, open the ballot box and call such persons as may be present to witness that it is empty; he shall then lock and properly seal the box to prevent it being opened without breaking the seal and shall place it in view for the reception of the ballots, and the seal shall not be broken nor the box unlocked during the time appointed for taking the poll. SOR/85-409, s. 2(F); SOR/2000-391, s. 4.

(14) [Repealed, SOR/2000-391, s. 4]

6. (1) Subject to subsection 5(6.8), where a person attends at a polling place for the purpose of voting, the electoral officer or deputy electoral officer shall, if the person's name is set out in the voters list, provide the person with a ballot.

(2) The electoral officer or his deputy shall cause to be placed in the proper column of the voters' list a mark opposite the name of every voter receiving a ballot paper.

(3) An elector to whom a mail-in ballot was mailed or provided under subsection 5(4) or (6) may obtain a ballot and vote in person at a polling place if

(a) the elector returns the mail-in ballot to the electoral officer or deputy electoral officer; or

(b) where the elector has lost the mail-in ballot, the elector provides the electoral officer or deputy electoral officer with a written affirmation that the elector has lost the mail-in ballot, signed by the elector in the presence of the electoral officer, deputy electoral officer, a justice of the peace, a notary public or a commissioner for oaths.

(4) The electoral officer or his deputy may and when requested to do so shall explain the mode of voting to a voter.

(5) After receiving a ballot, an elector shall

(a) immediately proceed to the compartment provided for marking ballots;

(b) mark the ballot by placing a cross, check mark or other mark, that clearly indicates the elector's choice but does not identify the elector, opposite the name of the candidate or candidates for whom he or she desires to vote;

(c) fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the initials on the back; and

(d) deliver the ballot to the electoral officer or deputy electoral officer.

(5.1) On receipt of a completed ballot, the electoral officer or deputy electoral officer shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the voter and any other persons entitled to be present at the polling place.

(6) While any voter is in the compartment for the purpose of marking his ballot paper, no other person shall, except as provided in subsection (7), be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his ballot paper.

(7) At the request of any voter who is unable to vote in the manner set out in subsection (5), the electoral officer or deputy electoral officer shall assist that voter by marking his or her ballot in the manner directed by the voter in the presence of another elector selected by the voter as a witness and place the ballot in the ballot box.

(8) The electoral officer or his deputy shall state in the voters' list in the column for remarks opposite the name of such elector the fact that the ballot paper was marked by him at the request of the voter and the reasons therefor.

(9) A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the electoral officer or his deputy, be entitled to obtain another ballot paper, and the electoral officer or his deputy shall thereupon write the word "cancelled" upon the spoiled ballot paper and preserve it.

(10) Any person who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the electoral officer or his deputy, in the manner provided, or if, after receiving the ballot paper, refuses to vote, shall forfeit his right to vote at the election, and the electoral officer or his deputy shall 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 ballot paper and declined to vote, and the electoral officer or his deputy shall mark upon the face of the ballot paper the word "declined", and all ballot papers so marked shall be preserved.

(11) An elector whose name does not appear on the voters' list may vote at an election if the electoral officer or his deputy is satisfied that such person is qualified to vote.

(12) Every elector who is inside the polling place at the time fixed for closing the poll shall be entitled to vote before the poll is closed. SOR/2000-391, s. 6.

COUNTING OF VOTES

6.1 As soon as is practicable after the close of the polls, the electoral officer or deputy electoral officer shall, in the presence of any candidates or their agents who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot,

(a) reject the ballot if

(i) it was not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed,

(ii) the name of the elector set out in the voter declaration form is not on the voters list, or

(iii) the voters list shows that the elector has already voted; or

(b) in any other case, place a mark on the voters list opposite the name of the elector set out in the voter declaration form, and deposit the ballot in a ballot box. SOR/2000-391, s. 7.

7. Immediately after the mail-in ballots have been deposited under section 6.1, the electoral officer or deputy electoral officer shall, in the presence of any candidates or their agents who are present, open all ballot boxes and

(a) examine the ballot papers and reject all ballot papers

(i) that have not been supplied by him,

(ii) by which votes have been given for more candidates than are to be elected, or

(iii) on which anything appears by which the voter can be identified;

(b) declare a ballot paper containing the names of candidates for more than one office, on which votes are given for more candidates for any office than are to be elected, to be void as regards all the candidates for such office; but such ballot paper shall be good as regards the votes for any other offices in respect of which the voter has not voted for more candidates than are to be elected;

(c) subject to review on recount or on an election appeal, take a note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide any question arising out of the objection;

(d) number such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with his initials;

(e) from the ballots not rejected or declared void under paragraph (b), count the votes given for each candidate who has not withdrawn before the close of the polls; and

(f) prepare and sign a statement of the number of votes for each candidate and the number of ballots rejected. SOR/2000-391, s. 8.

8. (1) Immediately after the completion of the counting of the votes, the electoral officer shall publicly declare to be elected the candidate or candidates having the highest number of votes.

(2) Within four days after completion of the counting of the votes, the electoral officer shall

(a) sign and post, in at least one conspicuous place on the reserve, a statement indicating the number of votes cast for each candidate; and

(b) mail a copy of the statement to every elector of the band who does not reside on the reserve. SOR/2000-391, s. 9.

9. Where it appears that two or more candidates have an equal number of votes, the electoral officer shall give a casting vote for one or more of such candidates, but the electoral officer shall not otherwise be entitled to vote.

10. (1) The electoral officer shall prepare a statement in triplicate showing the total number of votes cast for each candidate, the number of rejected ballots and the names of the candidates duly declared elected.

(2) One copy of such statement shall be forwarded to the Assistant Deputy Minister, one to the regional supervisor or the Indian commissioner for the Province of British Columbia, and one copy filed in the agency office.

(3) The statement shall be signed by the electoral officer and such of the candidates or their agents as are present and desire to sign it.

DISPOSITION OF BALLOT PAPERS

11. The electoral officer shall deposit all ballot papers in sealed envelopes with the superintendent, who shall retain them in his possession for eight weeks, and unless otherwise directed by the Minister or by a person authorized by him shall then destroy the ballot papers in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers. SOR/85-409, s. 3(F).

ACCELERATED ELECTIONS

11.1 (1) This section applies to an election where, as a result of the office of chief or a councillor becoming vacant under subsection 78(2) of the Act or the election of a chief or councillor being set aside under section 79 of the Act, it is no longer possible for the council of a band to form a quorum.

(2) An accelerated election shall be held in accordance with sections 4 to 11 for the election of chief of a band whose reserve consists of more than one electoral section, or for the election of chief or councillor of any other band, subject to the following changes:

(a) subsection 4.2(1), section 4.3 and subsection 4.4(1) do not apply;

(b) the lists referred to in subsection 4(1) and addresses referred to in subsection 4.1(1) shall be provided to the electoral officer at least 30 days before the day of the election;

(c) at least seven days before the day on which a nomination meeting is to be held, the electoral officer shall

(i) post a notice of the nomination meeting and of the manner in which nominations can be made, and a list of names of the electors, in at least one conspicuous place on the reserve, and

(ii) give notice of the nomination meeting, and of the manner in which nominations may be made, by publishing an advertisement in the local newspaper with the largest circulation;

(d) an elector can nominate a candidate, or second the nomination of a candidate,

(i) by communicating the nomination or secondment to the electoral officer at any time before the commencement of the nomination meeting, or

(ii) orally, at the nomination meeting;

(e) the nomination meeting for the election shall be held at least 23 days before the date of the election;

(f) where a candidate withdraws his or her candidature less than 22 days before the day on which the election is to be held, that candidate's name shall remain on the ballot;

(g) the electoral officer shall mail by priority post the package referred to in subsection 5(4) at least 21 days before the day on which the election is to be held;

(h) the outer envelope referred to in paragraph 5(4)(b) shall be postage-paid for delivery by priority post; and

(i) the letter of instruction referred to in paragraph 5(4)(e) shall advise the elector of the shorter time periods applicable and instruct the elector accordingly.

(3) An accelerated election shall be held in accordance with sections 4 to 11 for the election of councillors of a band whose reserve consists of more than one electoral section, subject to the following changes:

(a) paragraph 4.3(1)(a), subsections 4.2(3), 4.3(2), 4.4(2) to (4) and 5(3) to (5) do not apply;

(b) the list referred to in subsection 4(1) shall be provided to the electoral officer at least 30 days before the day of the election;

(c) at least six days before the day on which a nomination meeting is to be held, the electoral officer shall post a notice of the nomination meeting and the list of names of electors in at least one conspicuous place on the reserve; and

(d) the nomination meeting shall be held at least six days before the date of the election.
SOR/2000-391, s. 10.

ELECTION APPEALS

12. (1) Within 45 days after an election, a candidate or elector who believes that

(a) there was corrupt practice in connection with the election,

(b) there was a violation of the Act or these Regulations that might have affected the result of the election, or

(c) a person nominated to be a candidate in the election was ineligible to be a candidate,

may lodge an appeal by forwarding by registered mail to the Assistant Deputy Minister particulars thereof duly verified by affidavit.

(2) Where an appeal is lodged under subsection (1), the Assistant Deputy Minister shall forward, by registered mail, a copy of the appeal and all supporting documents to the electoral officer and to each candidate in the electoral section in respect of which the appeal was lodged.

(3) Any candidate may, within 14 days of the receipt of the copy of the appeal, forward to the Assistant Deputy Minister by registered mail a written answer to the particulars set out in the appeal together with any supporting documents relating thereto duly verified by affidavit.

(4) All particulars and documents filed in accordance with the provisions of this section shall constitute and form the record. SOR/85-409, s. 4(E); SOR/2000-391, s. 11.

13. (1) The Minister may, if the material that has been filed is not adequate for deciding the validity of the election complained of, conduct such further investigation into the matter as he deems necessary, in such manner as he deems expedient.

(2) Such investigation may be held by the Minister or by any person designated by the Minister for the purpose.

(3) Where the Minister designates a person to hold such an investigation, that person shall submit a detailed report of the investigation to the Minister for his consideration.

14. Where it appears that

(a) there was corrupt practice in connection with an election,

(b) there was a violation of the Act or these Regulations that might have affected the result of an election, or

(c) a person nominated to be a candidate in an election was ineligible to be a candidate,

the Minister shall report to the Governor in Council accordingly.

SECURITY OF VOTING

15. (1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted.