



Council of the Haida Nation
Election Regulations

TABLE OF CONTENTS

1. PREAMBLE & TITLE		4
2. COMING INTO FORCE		4
3. INTERPRETATION		4
4. THE COUNCIL OF THE HAIDA NATION		
Composition and Size		6
Mode of Election for Executive and Representatives		6
Term of Office		6
Vacancy		7
5. CODE OF ETHICS		7
6. REMOVAL OF PRESIDENT, VICE-PRESIDENT AND REGIONAL REPRESENTATIVES		
Procedure		8
By-Election		8
7. PRE-NOMINATION PROCEDURES		
Appointment of an Electoral Officer		9
Oath of Office		10
Responsibilities and Ethics		10
Voter's List		11
8. THE NOMINATION PROCESS		
Notice of Nomination Period		11
Eligibility to Nominate		11
Duration		12
Candidate Eligibility		12
Nomination Procedures		13
9. CANDIDACY		
Withdrawal		13
10. PRE-ELECTION PROCEDURE		
Acclamation		14
Ballots		14
Notice of Election		15
Equipment for the Election		15
Polling Stations		16
Candidates Forums		17

11. ELECTION DAY	
Management of the Polling Stations	16
Candidates Scrutineers	17
Polling Hours	17
Verification of the Ballot Boxes	17
Secrecy and Security	17
Voting Procedures	18
Voting Irregularities	19
Closing of the Polling Stations	20
Ballot Box Management	20
12. COUNTING OF THE BALLOTS	
Counting the Ballots	20
Ballots not Counted	21
Other Polling Stations	22
Tie	22
13. POST-ELECTION PROCEDURES	
Announcement	22
Retention of Ballots and Other Election Materials	23
Swearing In	23
14. APPEALS BOARD	
Composition	24
Function	24
APPEAL MECHANISM	
Timing	24
Grounds for Appeal	24
Submission	25
Procedure	25
Response to Allegations	25
Investigation	26
Decision	26
15. AMENDMENTS	27

1. PREAMBLE AND TITLE

1.1 This code shall be called the Council of the Haida Nation Election Regulations.

2. COMING INTO FORCE

2.1 Pursuant to the Constitution of the Haida Nation, Council shall establish Election Procedures, which must be adopted by the House of Assembly.

3. INTERPRETATION

3.1 In this Regulation;

Council of the Haida Nation: means the body composed of those persons selected pursuant to this Regulation.

Election: means a CHN general election or by-election held pursuant to the provisions of this Regulation.

Election Regulations: means this Election Regulation that regulates the elections for the Council of the Haida Nation.

Candidate: means that a person who;

- a) is at least sixteen (16) years of age on or before the day on which the nominations are open.
- b) is a person of Haida Ancestry.
- c) has been nominated to be a candidate pursuant to the provisions of this Election Regulations.

Elector: means a person who:

- a) is at least sixteen (16) years of age on or before the day on which the nominations are open.
- b) is a person of Haida Ancestry.

Registrar: means that function responsible for maintaining the Haida Citizen Membership list.

Voter's List: means the list of Haida Citizens eligible to vote at an election.

Nomination Process: is the process at which Haida Citizens come forward to nominate and second candidates at the election.

Chief Electoral Officer: means a person, appointed by the Hereditary Chiefs Council before each election, who will have the responsibility for conducting the nominations process, the election and post-election procedures including by-elections.

Regional Electoral Officer: means any person appointed by the Chief Electoral Officer for the purposes of an election to assist them in the election process.

Regional Poll Clerk: means a person appointed by the Chief Electoral Officer for the purposes of assisting the Regional Electoral Officer in the Elections process.

Appellants: means an individual who submits an appeal in accordance with this Regulation with respect to the election.

Appeals Board: means the body appointed by the Chief Electoral Officer in accordance with this Regulation to review and make decisions concerning election appeals.

Code of Ethics: means the guidelines, general rules of behavior and standards established in these Election Regulations, which govern the conduct of candidates running for office and their supporters in relation to their participation in the electoral process.

Corrupt Practices: means such forms of bribery direct or indirect, or providing a financial or material incentive to an elector in exchange for a vote.

Polling Station: means a building, hall or room which is selected to be the site for voting to take place.

Oath: means a solemn affirmation.

Rejected Ballots: are those ballots that have been improperly marked and or defaced by an elector which are left out of the tally of valid votes cast during the counting of the votes.

Executive: means the President and Vice-President in these Election Regulations.

4. THE COUNCIL OF THE HAIDA NATION

Composition and Size

- 4.1 The Council of the Haida Nation shall consist of one (1) President, one (1) Vice-President, four (4) Regional Representatives from Old Massett, four (4) Regional Representatives from Skidegate, two (2) Regional Representatives from Prince Rupert and two (2) Regional Representatives from Vancouver.
- 4.2 The Alternates for the Regions of Old Massett, Skidegate, Prince Rupert and Vancouver shall be the next two (2) persons receiving the highest number of votes immediately following the prescribed number of Regional Representatives elected per Region.

Mode of Election for Council of the Haida Nation Executive and Representatives

- 4.3 The Council of the Haida Nation Executive and Regional Representatives shall be elected in accordance with these Regulations.

Term of Office

- 4.4 The dates for the CHN Elections shall be set at the House of Assembly and shall be completed within forty-five (45) days after the Notice Period has expired.
- 4.5 The Notice Period for the CHN Elections opens on the first (1st) day of the House of Assembly.
- 4.6 The term of office for the position of the CHN Executive and Regional Representatives shall not exceed three (3) years from the oath of office and or in accordance with the Constitution of the Haida Nation.
- 4.7 The term of office for the CHN Executive and Regional Representatives commences when all elected members swear the oath of office and subject to any vacancy arising under these regulations, expires three (3) years from this date or in accordance with the Constitution of the Haida Nation.
- 4.8 If an Executive position becomes vacant the successful candidate in a by-election for the Executive positions shall hold office for the remainder of the original term of the President or Vice-President whom they were elected to replace.
- 4.9 If a Regional Representative position becomes vacant, then the Alternate receiving the highest number of votes for that Region shall fill the vacated position until the term of office expires.

- 4.10 If there are no Alternates for the Regional Representatives then a by-election will be held for that Region and the term of office for the newly elected member shall commence on the date all elected members swore the oath of office and they shall hold office for the remainder of the original term.
- 4.11 In the event that a successful appeal results in a new general election, the term of the newly elected President, Vice-President and Regional Representatives shall commence on the date all elected members swore the oath of office and expires three (3) years from this date and or in accordance with the Constitution of the Haida Nation.

Vacancy

- 4.12 The office of the President, Vice-President or the Regional Representatives may become vacant if, while in office;
- a) the President, Vice-President or Regional Representatives resigns in writing from office on their own accord;
 - b) the President, Vice-President or Regional Representatives has been unable to perform the functions of their office for more than six (6) months due to illness or other incapacity;
 - c) the President, Vice-President or Regional Representative dies;
 - d) the President, Vice-President or the Regional Representative is removed from office in accordance with the CHN Disciplinary Process; or
 - e) the President, Vice-President or the Regional Representative is otherwise unable to fulfill the terms of office.
 - f) a Regional Representative ceases to reside in the Region he or she is representing.

5. CODE OF ETHICS

- 5.1 Candidates must respectfully campaign;
- (a) according to the rules and regulations established in the legal framework;
 - (b) without coercion of vote buying;
 - (c) respecting the right and freedom of other parties to organize and campaign, and to reach out to voters with their message.

- (d) respecting the rights of voters to obtain information from a variety of sources and to attend political rallies.
 - (e) ethically, focusing on political issues and candidate platforms, instead of conducting smear campaigns or ones of rumor and innuendo;
 - (f) nonviolently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
 - (g) respecting the freedom of the press to cover the campaign and to express opinions on the campaigns;
 - (h) respecting the electoral officers and not interfering with the performance of their duties; and
 - (i) accepting and complying with the official election results and the final decision of the Appeals Board;
 - (j) will uphold the principles and dignity of the Haida Nation at all times.
- 5.2 Every person is guilty of an offence who; during an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate, or during an election period, accepts or agrees to accept a bribe that is offered.
- 5.3 Every person is guilty of an offence who; by intimidation or duress or pretense or contrivance compels a person to vote or refrain from voting or to vote and refrain from voting for a particular candidate at an election.

6. REMOVAL OR PRESIDENT, VICE-PRESIDENT AND REGIONAL REPRESENTATIVES

Procedure

- 6.1 The CHN President, Vice-President or the Regional Representatives may be removed from office based on the procedures outlined in the CHN Disciplinary process.
- 6.2 The CHN President, Vice-President or the Regional Representatives have become vacant as per Section 4.12 Vacancy, clauses (a), (b), (c), (d), (e) and (f).

By-Election

- 6.3 The following processes are to be followed when a by-election is held;
- a) From time to time, CHN may find it necessary to hold a CHN By-Elections, as provided for in the Constitution of the Haida Nation. When CHN orders a By-Election, by motion notwithstanding the policy clauses which are not applicable, the By-Election shall be conducted in accordance with these CHN Election Regulations.
 - b) CHN By-Elections will be held as necessary to fill the position(s), for the CHN Representatives, for the balance of the current term.
 - c) Notice of By-Election is to be made, by the Chief Electoral Officer with a minimum of twenty (20) days, widely advertise notice.
 - d) Elections will be held on a Saturday, within forty-five (45) days following a call for a By-Election.
 - Σ No Advance Poll will be conducted for a By-Election.
 - e) Candidates for the By-Election must be registered with the Chief Electoral Officer in no less than fourteen (14) days before the election poll date.
 - f) Terms of office end at the next CHN General Election.

7. PRE-NOMINATION PROCEDURES

Appointment of the Electoral Officers and Poll Clerks

- 7.1 The Secretariat of the Haida Nation (SHN) shall advertise for the position of the Chief Electoral Officer who will be hired based on their qualifications and experience in the implementation of electoral regulations.
- 7.2 The Chief Electoral officer must be hired a minimum of two (2) weeks before the commencement of the annual House of Assembly in order to review the upcoming electoral proceedings upon the recommendation of the Haida Tribal Society
- 7.3 The Hereditary Chiefs Council will appoint an individual to the office of the Chief Electoral Officer that;
- (a) will be preferably of Haida ancestry;
 - (b) has no vested interest in the outcome of the election.
 - (c) is at least 21 years of age; and

- (d) has experience in the conduct of elections or has received appropriate training.
- 7.4 The Chief Electoral Officer shall consult with the Regions to appoint the Regional Electoral Officers and Poll Clerks for each polling Station.
- 7.5 The Regional Electoral Officer will be in charge of the Regional Poll and shall work directly with the Chief Electoral Officer.
- 7.6 The Poll Clerk will work under direction of the Regional Electoral Officer.
- 7.7 In the event that the Chief Electoral Officer cannot fulfill their duties, an existing Deputy Electoral officer will be chosen initially by the Hereditary Chiefs Council to undertake the duties of the Chief Electoral Officer. In the absence of an existing Deputy Electoral Officer, the Hereditary Chiefs Council shall appoint a new electoral officer.

Oath of Office

- 7.8 The electoral officers must sign an oath to uphold the office in accordance with these regulations.

Responsibilities and Ethics

- 7.9 The Chief Electoral Officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in this Regulation. The Chief Electoral Officer must;
- (a) uphold the regulations and abide by the legal framework, its rules, and regulations.
 - (b) remain neutral and professional in the conduct of the duties of office, which includes not providing any preferential treatment or expressing support or opposition for any candidate;
 - ;
 - (c) not accept anything of value(money, offers of employment, gifts, travel, etc.) in exchange for preferential treatment or expressing support or opposition for any candidate;
 - (d) not discriminate against anyone because of religion, sex, age or handicap;
 - (e) use public office facilities to fulfill the terms of office, not for personal or partisan benefit.
 - (f) not pressure or intimidate other officials or personnel to favor a certain

candidate;

- (g) avoid conflict of interests, or the perception of conflict of interests, by abstaining from decision making where there is a personal or private interest in the matter.
- (h) The term of the Chief Electoral Officer shall be until the next Council of the Haida Nation general election.

Voters List

- 7.10 The eligible voters in the Council of the Haida Nation elections are only those persons of Haida Ancestry.
- 7.11 A Voter's List will be provided to the Chief Electoral Officer, once received the Voters Lists is to be reviewed and the following amendments made:
 - (a) remove any person's not of Haida Ancestry.
 - (b) add persons of Haida Ancestry that are not included on the Voter's List.
 - (c) any person not included on the Voter's List may complete the Haida Citizenship forms for the purpose of registering.
- 7.12 The Chief Electoral Officer shall post the voters list in the CHN offices in Old Massett and Skidegate and as determined by the Chief Electoral Officer, no later than forty (40) days prior to the date on which the election is to be held.

8. THE NOMINATIONS PROCESS

Notice of Nomination Period

- 8.1 The Chief Electoral Officer shall post a notice of the nomination period in the local Regions and through various publications on the first (1st) Monday following the close of the House of Assembly.
- 8.2 A notice of a nomination period shall include:
 - (a) the date, time, duration of the notice period.
 - (b) the locations where the nominations will be accepted.
 - (c) the name and phone number of the Chief Electoral Officer;

Eligibility to Nominate

8.3 In order to be entitled to nominate a candidate at an election, an elector must, on the first day of the opening of the nomination period:

- (a) be sixteen (16) years of age on or before the day on which the nominations are open.
- (b) be a citizen of the Haida Nation.
- (c) is on the voters list.

Duration

8.4 The Nomination period begins the first Monday following the House of Assembly and shall be open for a period of fourteen (14) days.

Candidate Eligibility

8.5 The following general conditions will apply to candidates seeking nominations for all positions;

- (a) candidates must be a Haida Citizen of voting age.
- (b) all Haida Citizens of voting age may run for office pursuant to the Constitution.
- (c) CHN Candidates and CHN Representatives may not hold an elected Position on Village Councils and Municipal Councils.
- (d) in the event that there is a question of eligibility, the vote will be held Pending proof of citizenship.
- (e) candidates may run for either the President, Vice-President or Regional Representative positions but not all three.

8.6 The following conditions will apply to candidates seeking nominations for all Positions;

- (a) President
 1. The President must be a natural born Citizen of the Haida Nation.
 2. The President must reside on Haida Gwaii within sixty (60) days of election.
- (b) Vice-President

1. The Vice President must be natural born Citizen of the Haida Nation.
 2. The Vice President must reside on Haida Gwaii within sixty (60) days of an election.
- (c) Regional Representatives
1. The Regional Representatives must be a natural born Citizen of the Haida Nation.
 2. Regional Representatives must reside in the Region they are representing.

Nomination Procedures

- 8.7 All Candidates must be registered with the Chief Electoral Officer fourteen (14) days before the election poll date, using the CHN Nomination Form provided.
- 8.8 Nominations must be in writing and be submitted to the Chief Electoral Officer by hand or fax; and faxed Nomination Forms must be confirmed with the Chief Electoral Officer by telephone.
- (a) The Candidate's Nominator is responsible for confirming that fax received.

9. WITHDRAWAL

Withdrawal from the Elections process

- 9.1 The following procedures are to be followed by persons who are withdrawing his or her name from the CHN Elections:
- (a) Candidates who wish to withdraw their nomination must sign and have witnessed by the Chief Electoral Officer.
 - (b) The names of candidates who have withdrawn on or before the close of the nomination period will not be included on the ballots.
 - (c) If a Candidate withdraws their name after the ballots have been printed, their names must remain on the ballots, however, a notice will be posted at the Polling Station advising Electors of the Candidate withdrawal. Any votes cast for this candidate must **not** be counted on the tally sheet.

10. PRE-ELECTION PROCEDURES

Acclamation

- 10.1 Where the office of the President, Vice-President or the CHN Regional Representatives are filled by acclamation;
- (a) the Chief Electoral Officer shall post in the CHN Offices in Old Masset and Skidegate and circulate to the Regional Polling Stations a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held for that position.

Ballots

- 10.2 The electoral officer shall prepare ballot papers setting out:
- (a) the names of the candidates nominated for election as President, in alphabetical order by surname, and
 - (b) the names of the candidates nominated for election as Vice President, in alphabetical order by surname; and
 - (c) the names of the candidates nominated for election as CHN Regional Representatives, in alphabetical or by surname.
- 10.3 Where two or more candidates have the same name, the Chief Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those candidates. The ballot may, at the request of the candidate, include a candidate's commonly used nickname.
- 10.4 The mail-in ballots will be prepared for mailing and must include the following;
- (a) ballots for the President and the Vice President;
 - (b) two blank envelopes for the completed ballots;
 - (c) self-addressed stamped envelope for mailing to the post office box in Masset;
 - (d) instructions for voting and mailing the ballots.

Notice of the Election

- 10.5 All Electoral officers are to provide and advertise the addresses and locations of the Advance and Election Poll, the Dates, and the Poll hours pursuant to the CHN Election Regulations.

10.6 The Notice shall include:

- (a) the date of the Advance Poll and the CHN Election;
- (b) the times at which the polling stations will open and close;
- (c) the location of the polling station(s);
- (d) the time and location of the counting of the votes; and
- (e) a statement that the voters list and the list of candidates are posted for public viewing and its location.

Equipment for the Election

10.7 The Chief Electoral Officer shall, before the polling station is open, supply the polling station:

- (a) sufficient ballot boxes for each Advance and Regular Poll;
- (b) Ballots, of differing color for each position for;
 - 1. President
 - 2. Vice President
 - 3. Regional Council Candidates (Region Specific)
- (c) a sufficient number of voting compartments enabling electors to mark their ballots free from observation;
- (d) instruments for marking;
- (e) a sufficient number of voting instructions as may be required;
- (f) all other equipment as necessary to establish and equip the voting locations; and
- (g) the final voters list and Voters Registration Listing Sheet;
- (h) Telephone Calling Card and Cell Phone.
- (i) tally sheets for recording vote counting results.

Polling Stations

- 10.8 Polling Stations for the CHN Advance Poll and the CHN Elections will be located in Old Masset, Skidegate, Prince Rupert and Vancouver, and elsewhere as determined by the Annual House of Assembly. Advance and Election Day Polling places will be held in the same location.
- 10.9 Polling Stations for the CHN will be supervised by a Regional Electoral Officer and a Poll Clerks as per the CHN Election Regulations.
- 10.10 The Chief Electoral Officer will, prior to the close of the nomination period secure a post office box in Masset for the sole purpose of receiving the mail-in ballots, only the Chief Electoral office will have access to the postal box at all times.

Candidates Forums

- 10.11 All Candidates Forums, if requested, must be sponsored by an independent group, not by current CHN Elected Representatives.
- (a) Candidates are given five (5) minutes, and then the moderator conducts a Question and Answer session.
 - (b) All Candidates Forums must be held at least one (1) day before the Advance Poll.
 - (c) No less than three (3) days in advance of an all Candidates Forum, all Candidates to be voted on by each Region must be notified, by the All Candidates Forum Sponsor of the day, place, and time of the Forum.

11. ELECTION DAY

Management of the Polling Stations

- 11.1 The Chief Electoral Officer will work out of the Old Masset or Skidegate Polling stations to oversee the CHN Elections and is responsible for ensuring that all the Regional Polls are operated in accordance with these regulations.
- 11.2 The responsibility of the Regional polling stations rests with the Regional Electoral Officers and they are responsible for the opening and closing of the polls.
- 11.3 The Chief Electoral Officer and the Regional Officers do not take direction from any Candidate or a Candidates Scrutineer on the operations of the Regional Polling Stations.

- 11.4 Nor should the Chief Electoral Officer and the Regional Electoral Officers request direction from a Candidate or a Candidates Scrutineer on the operations of the polling stations.
- 11.5 The Election Regulations shall be posted at each Polling Station and these regulations are to be made available to Haida Citizens upon request.

Candidates Scrutineers

- 11.6 Candidates in the Election are entitled to have one Scrutineer present at the Polling Station and at the Ballot Counting after closure of the voting periods. Scrutineers are the sole responsibility of the Candidate and a letter must be provided to the Chief Electoral Officer in regards to their Scrutineer appointment.

Polling Hours

- 11.7 Polling Stations will be open from 9:00 AM to 9:00 PM on the Advance Poll and on Election Day. The Regional Electoral Officers and Poll Clerks shall synchronize their timepieces with the Chief Electoral Officer, during the hours previous to the opening of the Polls, and during the hour prior to closing of the Polls.

Verification of the Ballot Boxes

- 11.8 The Regional Electoral Officer or Poll Clerk shall, immediately before the commencement of the poll,
- (a) open the ballot box and call such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness, this also applies to the mail-in Ballot box;
 - (b) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal: and
 - (c) place the ballot box in public view for the reception of the ballots.
 - (d) the mail-in Ballot Box must not be opened until the close of the Regular Poll and will be counted at the same time as the Massett Regional Council.

Secrecy and Security

- 11.9 Voting shall be by secret ballot.

11.10 The Regional Electoral Officer or Poll Clerk shall maintain order at all times in the polling station and may cause to be removed any person who in anyway interferes, disrupts or attempts to interfere with the orderly conduct of the poll.

11.11 No person shall, on the day the election is held, on the premises of the Polling station;

- (a) distribute any election campaign related printed materials except such materials as may be distributed by the Chief Electoral Officer or Regional Electoral Officer for the purpose of conducting the election;
- (b) interfere with or influence any elector in marking his or her ballot; or
- (c) obtain information as to how an elector is about to vote or has voted.

Voting Procedures

11.12 Ballots for the President, Vice President and Regional Representative ballots from each of the four (4) other Regions, will be included in the election packages sent to each poll.

- (a) The Election of the President and Vice President is by a general vote of all Citizens.
- (b) The Election of Regional Representatives shall be by Citizen's resident within the Regional Council area.
- (c) One ballot is to be issued to each Voter for each position of President, Vice-President and for Regional Representatives.
- (d) President and Vice President Ballot; Voters are entitled to cast one vote on each of the Ballots for President and Vice President, only one Box is to be marked per ballot;
- (e) Skidegate and Massett Regional Council Representatives: Voters are entitled to cast a maximum of four (4) votes or less per ballot.
- (f) Prince Rupert and Vancouver Regional Council Representatives: Voters are entitled to cast a maximum of two (2) votes or less per ballot.

11.13 Each person, on arriving at the polling station, shall give his or her name to the Regional Electoral Officer or Poll Clerk.

- 11.14 The Regional Electoral Officer or Poll Clerk shall cause to be placed in the proper column of the voters list a mark opposite the name of every person receiving a ballot paper.
- 11.15 The Regional Electoral Officer or Poll Clerk shall, when requested to do so explain the method of voting to the elector.
- 11.16 After receiving a ballot, an elector shall,
- (a) immediately proceed to the compartment provided for marking ballots;
 - (b) Ballot Marking – An “x” or a “check Mark” are acceptable markings, as long as the intent of the voter is clear. Other markings are not allowed and no writing is permitted anywhere on a ballot.
 - (c) After marking the ballot, the voter is to fold the ballot and hand same to the Regional Electoral Officer or the Poll Clerk, who, without unfolding, will initial it on the back outside edge, then deposit into the ballot box, in full view of the voter.
- 11.17 While an elector is in the compartment for the purpose of marking his ballot paper, no other person shall be allowed in the same compartment or be in any position from which he can see the manner in which the elector marks his ballot paper.
- 11.18 No elector may vote by proxy or authorize another person to vote on his or her behalf.
- 11.19 The Regional Council Electoral Officers will fax the list of voters in each Region to the Chief Electoral Officer as soon as possible after the Polls open, at one (1) hour intervals at both the Advance Poll, and the Election Poll. The Chief Electoral Officers will circulate by fax to each Regional Council Poll, all current Voter Registration lists.

Voting Irregularities

- 11.20 Voting assistance is provided, in confidence, and only with the agreement of the Regional Electoral Officers, to any voter requiring assistance due to visual impairment, illiteracy, or any such valid reason stated by a voter to the Regional Electoral Officer at the Polling Station.
- 11.21 The Regional Electoral Officer or Poll Clerk shall note on the voters list opposite the name of such elector the fact that the ballot paper was marked by him at the request of the elector and the reasons therefore.

- 11.22 An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the Regional Electoral Officer or Poll Clerk, be entitled to obtain another ballot paper. The Regional Electoral Officer or Poll Clerk shall write the word "cancelled" upon the spoiled ballot paper and preserve it.
- 11.23 Any person who has received ballots and who leaves the polling place without delivering the same to the Regional Electoral Officer or Poll Clerk in the manner provided, or after receiving the ballots, refuses to vote, shall forfeit his right to vote at the election, and the Regional Electoral Officer or Poll Clerk 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 ballots and declined to vote, and the Regional Electoral Officer or Poll Clerk shall mark upon the face of the ballots the word "Declined" and all ballots so marked shall be preserved.

Closing of the Polling Stations

- 11.24 At the close of the polls, at 9:00 PM, no more ballots will be issued. If a voter has not completed voting, reasonable time will be granted by the Regional Electoral Officers for completion of the voting procedure.

Ballot Box Management

- 11.25 Advance Poll: Immediately after 9:00 PM, after the Advance Polls close, the Ballot Box is to be Locked/Taped shut and signed by the Regional Electoral Officer and Poll Clerk, and by pre-arrangement, the Advance Poll Ballot Box will be placed in the safekeeping of the RCMP, to ensure that there is no opportunity for tampering with the Advance Poll Ballots.
- 11.26 Election Day Poll: The Ballot Box from the Advance Poll is to be inspected and appropriately prepared to receive election day ballots, in front of witnesses, preferably the same persons who were present at the Advance Poll ballot box closure and made ready to receive ballots.
- 11.27 If there are any problems, or appearance that there may have been tampering with the Ballot Box since the Advance Poll date, the Regional Officer is to immediately contact the Chief Electoral Officer.
- 11.28 The Chief Electoral Officer shall maintain a separate ballot box for the mail-in ballots and this ballot box must be placed in safekeeping in a locked cabinet to ensure that there is no tampering with the mail-in ballot box. The Chief Electoral Officer shall be the only person who has access to the mail in ballot box.

12. COUNTING THE BALLOTS

Counting the Ballots

- 12.1 Counting of the Ballots will be conducted at the Polling Station by the Regional Electoral Officers. The table must be bare, other than paper and supplies required recording the results.
- 12.2 The Regional Electoral Officer or Poll Clerk shall supply all persons with a tally sheet to keep their own record of the votes.
- 12.3 Immediately after the close of the poll, the Regional Electoral Officer or Poll Clerk shall, in the presence of any scrutineers who are present, open all ballot boxes and examine each ballot.
- 12.4 At each Polling Station, Ballots are to be separated, by the Regional Electoral Officer, for President, Vice-President, and Regional Council Representatives.
- 12.5 Ballots are to be counted and an Official Record of the count maintained by the Regional Electoral Officers, which will be immediately forwarded to the Chief Electoral Officer when results are finalized.
- 12.6 Spoiled Ballots are those with:
 - (a) more BOXES marked than the allocated number permitted per ballot;
 - (b) those with any type of writing or defacement of any sort put on the ballot by the voter;
 - (c) those, which are unclear as to the intent of the voter.
- 12.7 The Regional Polling Stations are to transmit the official ballot count results to the Chief Electoral Officer as soon as the Regional ballot counts are completed, once received the Chief Electoral Officer shall;
 - (a) Tally the President's votes from each Region.
 - (b) Tally the Vice-President's votes from each Region.
 - (c) Tally the CHN Representatives votes from each Region.
 - (d) Tally the Mail-in Ballots votes.

Ballots Not Counted

- 12.8 In examining the ballots, the Regional Electoral Officer or Poll Clerk must reject any ballots that:
- (a) do not contain the initials of the Regional Electoral Officer or Poll Clerk.
 - (b) do not give a clear indication of the elector's intention.
 - (c) contain more votes than there are candidates to be elected; or
 - (d) contain a mark by which the voter can be identified.
- 12.9 The Regional Electoral Officer or Poll Clerk shall attach a note to each ballot rejected which outlines the reason for rejection.
- 12.10 Subject to review on recount or on an election appeal, the Regional Electoral Officer or Poll Clerk shall take a note of any objections made by any candidate or his scrutineer to any of the ballots found in the ballot box and decide any questions arising out of the objection.
- 12.11 The Regional Electoral Officer or Poll Clerk shall number objections to ballots raised and place a corresponding number on the back of the ballot paper with the word "Allowed" or "Disallowed", as the case may be, with their initials.

Other Polling Stations

- 12.12 Immediately upon completion of the counting of the ballots the Regional Polling Stations must transmit the ballot count results to the Chief Electoral Officer.

Tie

- 12.13 In the event of a tie in the ballots for votes cast for any candidate, the Regional Electoral Officer will order a re-count of the ballots, and if there is still a tie, the Regional Electoral Officer will call for another vote only for the tie. In the case of the President and Vice-President, the Chief Electoral Officer will declare a re-election for those specific positions; in the case of the Regional Council Representatives, the outcome will be decided at the discretion of the Chief Electoral Officer.

13. POST ELECTION PROCEDURES

Announcement

- 13.1 The following process will be followed in declaring the candidates;

- (a) President: The candidate with the highest number of votes will be declared the CHN President Elect.
- (b) Vice-President: The candidate with the highest number of votes will be declared the CHN Vice President Elect.
- (c) Skidegate and Old Masset Regional Representatives: In each of these Regions, the Four (4) candidates receiving the highest votes shall be declared the CHN Regional Council Elect.
- (d) Prince Rupert and Vancouver: In each of these Regions, the Two (2) candidates receiving the highest votes shall be declared the CHN Regional Elect.
- (e) Before reporting the Election results to any other person, the results must be immediately reported to the Chief Electoral Officer, by the Regional Electoral Officer, after the count is completed.
- (f) Final Election results will be available to the Haida Public from the Chief Electoral Officer until 11:59 PM, if all election results have been submitted by then on Election Day. From then on the results will be available at the CHN offices in either Old Masset or Skidegate, during regular office hours and www.haidanation.ca.
- (g) The Chief Electoral Officer shall publicize the CHN Election results and provide the ballot counts of each Region for the positions of the President, Vice-President and the Regional Representatives for Old Massett, Skidegate, Prince Rupert and Vancouver.

Retention of Ballots and Other Election Materials

- 13.2 All used and unused Ballots are to be fully accounted for, to be sealed in an envelope, marked, packaged, and mailed to the Chief Electoral Officer.
- (a) All ballots from each Region shall be held by CHN for thirty (30) days following the Election Day and only after any Appeal has been completed.
 - (b) The destruction of the ballots shall be by motion at the first CHN Quarterly meeting.
 - (c) In the case of a by-election, the destruction of the ballots shall be by motion at the CHN Quarterly Session following the by-election and only after any Appeal has been completed.

Oath of Office

- 13.3 On the first (1st) Friday following the CHN Elections the newly elected President, Vice-President, the four (4) Regional Representatives for Old Massett and Skidegate and the two (2) Regional Representatives from Prince Rupert and Vancouver must be sworn-in and the oath of office is to be signed.
- 13.4 The swearing in is to take place in either Old Massett or Skidegate and the HTS Administration staff will be responsible for the organization of this event.

14. APPEALS BOARD

Composition

- 14.1 The CHN Elections Appeal Committee;
- (a) shall be composed of one appointee from each of the CHN Regions of Old Massett, Skidegate, Prince Rupert, and Vancouver, and shall not be a Candidate, Scrutineer, or a CHN Electoral Official; appointments will be made after the close of the nomination period.
 - (b) will deliberate based on the CHN Regulations as it moves toward a decision of the letter of Appeal.
 - (c) will have a decision available for the Chief Electoral Officer, in writing, within fourteen (14) days of the date of the letter of Appeal.
 - (d) will meet via teleconference, and will appoint a chair from among their number. The HTS Office Staff, and the Chief Electoral Officer will assist the facilitation of the meeting.
- 14.2 The members of the Appeals Board shall execute an oath and accept their appointment by forwarding a letter of acceptance to the Chief Electoral Officer.

Function

- 14.3 The CHN Elections Appeals Board shall supervise and administer, in accordance with the provisions of this CHN Election Regulation:

APPEAL MECHANISM

Timing

14.4 Candidates who have reason to believe that the Elections were not conducted pursuant to the CHN Election Regulations have a right to lodge an Appeal, in writing, to the Chief Electoral Officer. The Appeal shall state the item(s) being contested. Appeals shall be submitted to the Chief Electoral Officer by fax, or by hand to either the CHN office in Old Massett or Skidegate, within ten (10) business days after 9:00 p.m. on the day of the Election.

Grounds for Appeals

14.5 The appeal submitted pursuant to these CHN Election Regulations must sufficiently outline one (1) or more of the following occurrences:

- (a) the person declared elected was not qualified to be a candidate.
- (b) there was a violation of this code in the conduct of the election that might have affected the result of the election; or
- (c) there was corrupt or fraudulent practice in relation to the election.

Submission

14.6 An appeal submitted to the Appeals Board must:

- (a) be in writing and set out the facts substantiating the grounds for the appeal accompanied by any supporting documentation.

Procedure

14.7 Upon receipt of an election appeal, the Appeals Board shall;

- (a) in the case where the appeal is submitted in accordance with these regulations, forward a copy together with supporting documents by registered mail to the Chief Electoral Officer and to each candidate at the election: or
- (b) in the case where the appeal is not submitted in accordance with these regulations, inform the appellant(s) in writing that the appeal will not receive further consideration.
- (c) documentation for meetings of the Appeals Committee shall be circulated via fax and courier between the Appeal Committee members.

Response to the Allegations

14.8 The Appeals Board will have a decision available for the Chief Electoral Officer, in writing, within fourteen(14) days of the date of the letter of Appeal and by registered mail a written response to the appeal allegations, together with any supporting documentation.

Investigation

14.9 The Appeals Board may, if the material that has been filed is not adequate for deciding the validity of the election complained of, shall conduct such further investigation into the matter as deemed necessary.

Decision

14.10 After a review of all of the evidence that has been received, the Appeals Board shall rule that the evidence presented was not sufficiently substantive to determine that;

- (a) a violation of the Election Regulations has taken place that might have affected the result of the election.
- (b) the person declared elected was not qualified to be a candidate; or
- (c) there was a corrupt or fraudulent practice in relation to the election that might have affected its results, and dismiss the appeal.

And dismiss the appeal.

14.11 Or that all evidence and information gathered allows for the reasonable conclusion that;

- (a) a violation of this code has taken place that might have affected the result of the election;
- (b) the person declared elected was not qualified to be a candidate; or
- (c) there was a corrupt or fraudulent practice in relation to the election that might have effected its results.

And uphold the appeal by setting aside the election of the President, Vice President or the Regional Representatives.

14.12 The decision of the Appeals Board made pursuant to section 14.9 of the Election Regulations shall be:

- (a) published in the community newsletter and the Haida Laas

Newsletter and the CHN website, and

- (b) posted in the CHN Offices in Old Masset and Skidegate and circulated to the Regions of Prince Rupert and Vancouver.

14.13 The decision of the Complaint and Appeal Board is final and not subject to appeal.

15. AMENDMENTS

15.1 Amendments to the Council of the Haida Nation Elections Regulations can only be made in the following manner;

- (a) The CHN Policy Committee will review any proposed changes that may be required and will forward all the proposed amendments to the House of Assembly.