

REGULATION

R.EVC.2208



Tsuut'ina Nation Electoral Code Voting Regulations

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Definitions

Definitions

1. In this Regulation, the following terms have the following meanings:
 - (a) **“Applicable Documents”** means documents used or developed in addition to the Tsuut’ina Nation Head Chief and Minor Chiefs Electoral Code to support the process and administration of the Tsuut’ina Nation Head Chief and Minor Chiefs Elections;
 - (b) **“By-Election”** means a special election to fill a position on the Tsuut’ina Nation Head Chief and Minor Chiefs Election process or results;
 - (c) **“Candidate”** means a person who has accepted a nomination to run in the Tsuut’ina Nation Head Chief and Minor Chiefs Elections, and has met all requirements in accordance the *Tsuut’ina Nation Head Chief and Minor Chiefs Electoral Code*;
 - (d) **“Chief Executive Officer”** means the individual assigned by Tsuut’ina Nation Head Chief and Minor Chiefs that is responsible for the day-to-day oversight of the Tsuut’ina Nations operation;
 - (e) **“Deputy Electoral Officer”** means any person appointed by the Electoral Officer for the purposes of an Election to assist in the conduct of the election process;
 - (f) **“Electoral Officer”** means the person who is responsible to administer the Tsuut’ina Nation Head Chief and Minor Chiefs Election in accordance the Tsuut’ina Nation Head Chief and Minor Chiefs Electoral Code;
 - (g) **“Eligible Elector”** means any person who is (18) eighteen years of age or older and is a Tsuut’ina Nation Citizen;
 - (h) **“Final Candidates List”** means an alphabetical list of Tsuut’ina Nation Citizen Candidates who have met the criteria and are deemed eligible for the position of Tsuut’ina Nation Head Chief and Minor Chiefs;
 - (i) **“Executive Director” or “ED”** means the Executive Director of a Portfolio. ED’s are accountable for the day-to-day oversight of their respective Portfolio. ED’s are responsible to ensure that their Portfolio Managers adhere to their respective mandate and service delivery;
 - (j) **“Returned Ballot”** means a Ballot returned marked or unmarked to the Electoral Officer on the grounds that no candidate satisfies the Eligible Electors vote;
 - (k) **“Scrutineer”** means a person who observes the elections process, either to prevent the occurrence of corruptions or genuine mistakes;
 - (l) **“Security Officer”** a licenced uniformed officer employed by the Tsuut’ina Nation to main security;

(m) **“Spoiled Ballot”** means a ballot that is marked inappropriately or in such a way that it will be rejected and or meets the following:

- i. failing to mark the ballot at all;
- ii. defacing the ballot instead of attempting to vote;
- iii. filling out the ballot in a manner that is incompatible with the voting system being used;
- iv. marking more choices than permitted (overvoting);
- v. adding a write-in candidate when such an option is not permitted. The vote for this candidate would be discarded;
- vi. filling the ballot in a manner that makes the voter's decision unclear;
- vii. physically deforming ballots; or
- viii. Making marks on the ballot other than those necessary to complete it, where the voter's identity can be ascertained, compromising the secrecy of the ballot;

If a voter spoils a ballot by mistake, he or she can return it to an election official for a new ballot;

(n) **“Tsuut’ina Nation”** means the sovereign Nation previously referred to as the “Sarcee” Reserve;

(o) **“Tsuut’ina Nation Head Chief and Minor Chiefs”** means the elected governing body for the Tsuut’ina Nation previously referred to as “Tsuut’ina Nation Chief and Council”;

(p) **“Tsuut’ina Nation Citizen” or “Citizen”** means a Citizen of the Tsuut’ina Nation who is or who becomes a Citizen under the *Tsuut’ina Nation Citizenship Code First Amendment*.

Name and Application

Name

2. These Voting Regulations may be cited as the '*Tsuut'ina Nation Electoral Code Voting Regulations*'.

Application

3. These Voting Regulations apply to the '*Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code*'.

Electoral Officer Training and Appointment

Electoral Officer/Deputy Officer Training

4. The Chief Executive Officer with the Executive Director of Governance and Administration shall ensure that a company is procured and retained to deliver electronic/online services for Elections within one-hundred (100) calendar days before the expiration of Tsuut'ina Nation Head Chief and Minor Chiefs term of office.
5. In the event the Tsuut'ina Nation foregoes internal resources in delivering elections, an external company may be procured, providing that company provides references and shows experience.
6. The Legislative Procedures Technical Services Department shall develop and prepare a training package for the Tsuut'ina Nation Head Chief and Minor Chiefs Elections using the following documents:
 - (a) *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code*;
 - (b) *Tsuut'ina Nation Electoral Code Voting Regulations*; and
 - (c) Electronic/Online Voting Literature/Manuals.
7. The Legislative Procedures Technical Services department shall offer the training to all interested Tsuut'ina Nation Citizens and non- Tsuut'ina Nation Citizens up to one-hundred (100) calendar days prior to the expiration of the sitting Tsuut'ina Nation Head Chief and Minor Chiefs term.
8. The Legislative Procedures Technical Services shall be responsible for advertising the training and conducting thereof.

Electoral Officer Appointment

9. Upon completion of the Electoral Officer training, the trainer shall deliver the list of trainees who successfully completed training to the Tsuut'ina Nation Head Chief and Minor Chiefs Office and the Chief Executive Officer.
10. The Chief Executive Officer must arrange for the list to be presented at a duly convened meeting of Tsuut'ina Nation Head Chief and Minor Chiefs one-hundred (100) calendar days before the expiration of the Tsuut'ina Nations Head Chief and Minor Chiefs's term of office.
11. At a duly convened meeting of the sitting Tsuut'ina Nation Head Chief and Minor Chiefs, Tsuut'ina Nation Head Chief and Minor Chiefs shall appoint the Electoral Officer in accordance with the *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code* Sections 36, 37, 38, and 39. The appointment shall be made official through a band council resolution.
12. The Chief Executive Officer shall forward a written recommendation for an Electoral Officer for acceptance and appointment by a band council resolution during a duly convened Tsuut'ina Nation Head Chief and Minor Chiefs Meeting.
13. The band council resolution for the appointment of the Electoral Officer shall contain his or her full name and address, the date of the election, the type of election, which is to be conducted (general election or by-election), as well as any special instructions.

14. The Chief Executive Officer shall send a notification letter within five (5) calendar days of receipt of the band council resolution for appointment to the newly appointed Electoral Officer that includes the following information;
 - (a) date and copy of band council resolution for appointment to be Electoral Officer;
 - (b) budget allocation; and
 - (c) Tsuut'ina Nation Department management names and contact information required for the *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code*.
15. The appointed Electoral Officer must send an acceptance letter that includes the name of the Deputy Electoral Officer within five (5) calendar days of receiving the notification letter.

Eligible Electors List

Eligible Electors List

16. Per *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code* Sections 62 and 63. The Tsuut'ina Nation Citizenship Department shall provide the Electoral Officer with a list of the names of all Eligible Electors.
17. A list of Eligible Electors Shall set out:
 - (a) the names of all Eligible Electors, in alphabetical order;
 - (b) the Tsuut'ina Nation Citizenship Number of all Eligible Electors; and
 - (c) all eligible Citizens who will have attained the age of 18 years on the date on which the Election is to be held.
18. A Tsuut'ina Nation Citizen, the Electoral Officer or Deputy Electoral Officer may request the Citizenship Department to confirm whether the name of a person is on the list of Eligible Electors as referenced in the *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code* Section 64.
19. The Electoral Officer shall revise the list of Eligible Electors where it is demonstrated and confirmed by the Citizenship Department that:
 - (a) the name of an Eligible Elector has been omitted or added from the list;
 - (b) the name of an Eligible Elector is incorrectly set out in the list; or
 - (c) the name of a person not qualified to vote is included in the list.
20. For the purposes of Section 19 a person may demonstrate that the name of an Eligible Elector has been omitted from, or incorrectly set out in, the list of Eligible Electors by presenting to the Electoral Officer evidence from the Citizenship Department that:
 - (a) the Eligible Elector is on the Citizenship List, is at least 18 years of age and is qualified to vote at Tsuut'ina Nation elections; and
 - (b) that the name of a person not qualified to vote has been included in the list of Eligible Electors by presenting to the Electoral Officer evidence that that person is not on the Citizenship List, is not at least eighteen (18) years of age or is not qualified to vote at Tsuut'ina Nation elections.

Addresses of Eligible Electors

21. At least twenty-one (21) calendar days before the day on which an Election is to be held, the Tsuut'ina Nation Chief Executive Officer through Off Reserve Residency Program, the Tsuut'ina Nation Housing Department, and the Contingency Program shall provide the Electoral Officer with the last known addresses of all Eligible Electors who do not reside on Tsuut'ina Nation Lands, or who do not reside in the Calgary Region consisting of the City of Calgary, Rocky View County and the municipalities it encloses, and the Municipal (MD) District of Foothills No. 31 and the municipalities it encloses.

22. At least twenty-one (21) calendar days before the day on which an Election is to be held, the Tsuut'ina Nation Chief Executive Officer through Off Reserve Residency Program, the Tsuut'ina Nation Housing Department, and the Contingency Program shall provide the Electoral Officer with the last known addresses of all Eligible Electors outside a 135 km radius of the Tsuut'ina Nation Lands.
23. Eligible Electors are responsible for providing the Chief Executive Officer or other residential departments with their current addresses.
24. An Eligible Elector's address shall be used by the Electoral Officer only for the purpose of providing notices, mail-in ballots or other election documents to Eligible Electors who are entitled to receive them under this Regulation.
25. The Electoral Officer shall not disclose an Eligible Elector's address without the consent of the Eligible Elector.
26. A candidate for election as Tsuut'ina Nation Head Chief or Minor Chief may obtain from the Electoral Officer a list of the names and addresses of Eligible Electors who have consented to have their addresses disclosed to candidates.

Nomination Procedures

Preparation for Nomination Meeting

27. Nomination forms shall be prepared in accordance with the *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code* requirements per Section 83.
28. The electoral list shall be posted and be available at the nomination meeting that includes Citizenship numbers.
29. The Electoral Officer shall secure a venue for the nomination meeting.
30. The Electoral Officer shall prepare a spreadsheet for nomination entry to record nomination forms.

Nomination Meeting

31. The Nomination meeting is held in accordance with the *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code* and the *Tsuut'ina Nation Electoral Code Voting Regulations*.
32. Qualifications to nominate are in accordance with the *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code Candidate Nomination Process*.
33. Nominations shall only be made in person at the nomination meeting.
34. At the time and place set for the nomination meeting, the Electoral Officer shall declare the nomination meeting open for the purpose of being nominated of candidates for the available Tsuut'ina Nation Head Chief and Minor Chiefs positions.
35. The Electoral Officer is responsible for managing and conducting the nomination meeting.
36. The Electoral Officer shall record the name of the candidate, the nominator and the seconder.
37. At the end of the nomination meeting, the Electoral Officer shall:
 - (a) if only one person has been nominated for election as Head Chief, declare that person to be elected;
 - (b) if the number of persons nominated to serve as Minor Chiefs 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 Head Chief or Minor Chiefs, announce that an election will be held.

Candidate Acceptance and Responsibilities

Candidate Verification Documents

38. An Final Candidate List for the Tsuut'ina Nation Head Chief and Minor Chiefs Election shall be posted fifteen (15) calendar days after the nomination meeting or once all candidate verification documents are received.
39. Ballots are created using the Final Candidate List per the *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code* Section 104
40. Candidate acceptance, information, qualification verification is pursuant to the *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code* Candidate Acceptance and Responsibilities Section.
41. Electoral Officer must create and prepare a checklist form for the purpose of verifying qualifications per *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code* Candidate Acceptance and Responsibilities Section.
42. The Electoral Officer must create and prepare a candidate declaration form.
43. Failure to provide the applicable documents and declaration forms within the time frame per *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code* Section 104 shall result in forfeit of nomination. The candidate will not be eligible to participate as a candidate for the Tsuut'ina Nation Head Chief and Minor Chiefs Election. No person shall accept candidacy in an election if that person is not eligible to be a candidate in accordance with this Regulation, shall be removed as a nominee and his or her name shall not be included on the ballot.
44. A file for each candidate must be created for each candidate with applicable documents and record of payment.
45. Retention of candidate files shall be retained for ninety (90) calendar days from the date on which the Election was held, or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by the Head Chief and Minor Chiefs destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

Candidate Fees

46. All funds received as fees during the election process shall be directly used for expenses per budget forwarded by the Electoral Officer.
47. Additional funds required for the election shall be the responsibility of the Tsuut'ina Nation. surplus funds for the Election shall remain with the Tsuut'ina Nation for use of governance budgets.
48. Pursuant to Section 94 of the Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code Candidates who do not pass a Police Information Check, Vulnerable Sector Police Information Check or submit the applicable documents will receive their deposit back.

Ballots

Preparation of Ballots

49. Electoral Officer shall prepare online ballot information as well as paper ballots pending candidate acceptance per *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code* Section 104 setting out:
 - (a) the names of the candidates nominated for election as Tsuut'ina Nation Head Chief, in alphabetical order by surname;
 - (b) the names of the candidates nominated for election as Tsuut'ina Nation Minor Chiefs, in alphabetical order by surname;
 - (c) the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between candidates. The ballot may, at the request of the candidate, include a candidate's commonly used name; and
 - (d) where there are two or more candidates with the same name, the Electoral Officer shall add to the ballots the Citizenship Number, as authorized by the Candidate.
50. A Candidate declaration form shall include the following:
 - a) the name of the Candidate;
 - b) the Citizenship Number and date of birth of candidate; and
 - c) The name, address and telephone of the witness to signature of the Electoral Officer.

Mail Out Ballots

51. At least sixteen (16) calendar days after the Nomination meeting the Electoral Officer or Deputy Electoral Officer shall mail or deliver to every Eligible Elector outside a 135 km radius of the Tsuut'ina Nation Lands.
 - (a) a ballot initialled on the back by the Electoral Officer;
 - (b) an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
 - (c) a second inner envelope marked "ballot" for insertion of the completed ballot;
 - (d) a voter declaration form which shall set out:
 - i. the name of the Eligible Elector;
 - ii. the citizenship number and date of birth of the Eligible Elector; and
 - iii. the name, address and telephone number of the witness to the signature of the Eligible Elector;
 - (e) the notice of Election set out in the *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code*;
 - (f) a letter of instruction regarding voting by mail-in ballot that includes a statement advising Eligible Electors that they may vote in person at the on reserve polling station on the day

of the election if they return their mail-in ballot to the Electoral Officer at the polling station or swear a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot;

- (g) a list of the names of any candidates who were acclaimed;
- (h) the name, mailing address and telephone number of the Electoral Officer; and
- (i) a reimbursement form for all mailing and courier fees.

52. An Eligible Elector who is ordinarily a resident on the reserve and who is unable to vote in person on Election day may, request a mail-in ballot package from the Electoral Officer.

53. An Eligible Elector not residing on the reserve who has not received a mail-in ballot package may request a mail-in ballot package from the Electoral Officer.

54. Upon receipt of a request for a mail-in ballot package the Electoral Officer shall deliver a mail-in ballot package to the Eligible Elector who so requests through mail, or in person delivery.

55. The Electoral Officer shall indicate on the voters list that a ballot has been provided to each Eligible Elector to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each mail-in ballot was mailed or otherwise provided.

56. An Eligible Elector shall vote by mail-in ballot by:

- (a) placing an "X" or other mark that clearly indicates the Eligible Elector's choice but does not identify the Eligible Elector opposite the name of the candidate or candidates for whom he desires to vote;
- (b) folding the ballot in a manner that conceals the names of the candidates or any marks, but exposes the Electoral Officer's initials on the back;
- (c) placing the ballot in the inner envelope and sealing the envelope;
- (d) completing and signing the voter declaration form in the presence of a witness who is at least eighteen (18) years of age;
- (e) placing the inner envelope and the completed, signed and witnessed voter declaration form in the postage-paid envelope; and
- (f) delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of polls on the day of the Election.

57. Where an Eligible Elector is unable to vote in the manner set out in Section 56, the Eligible Elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that Section.

58. A person referred to in Section 57 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) the fact that the Eligible Elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the Eligible Elector.

59. Mail-in ballots that are not received by the Electoral Officer before the close of polls on the day of the election shall not be counted.

Polling Station Procedures

Polling Station and Hours

60. The Electoral Officer shall establish at least one polling station on Tsuut'ina Nation lands.
61. Polling stations shall be kept open from 9:00 am, local time, until 8:00 pm, local time, on the day of Election.

Polling Station Preparation for Election Day

62. Before the polling station is open the Electoral Officer shall:
 - (a) ensure there is area for a sufficient number of voting compartments enabling Eligible Electors to mark their ballots free from observation;
 - (b) ensure that at least two voting compartments are available for Eligible Electors to vote using paper ballot in lieu of online/electronic voting, and identify clearly whether it is a computer/paper ballot voting compartment;
 - (c) procure a sufficient number of computers for each voting compartment station;
 - (d) before the polls are open, ensure that a secure internet connection is provided;
 - (e) a sufficient number of voting instructions as may be required; and
 - (f) all other equipment necessary to establish and equip the polling stations.
63. The Electoral Officer or Deputy Electoral Officer 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;
 - (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.

Security and Interpreter Services

64. The Electoral Officer shall procure the services of a security company to manage security with oversight from the Electoral Officer during all hours of the vote. This does not include Tsuut'ina Nation onsite security of the building where the vote is being held.
65. The Electoral Officer shall procure the services of an interpreter who is a fluent speaker as recommended by the Tsuut'ina Gunaha Institute.

Security at Polling Stations

66. The Electoral Officer, Deputy Electoral Officer, and Security Officer shall maintain peace and good order during the voting.

67. The Electoral Officer or Deputy Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.
68. No person shall interfere or attempt to interfere with an Eligible Elector when marking his or her ballot, or obtain or attempt to obtain at the polling place information, as to how an Eligible Elector is about to vote or has voted.
69. No person shall, on the day the election is held, on the premises of the polling station:
 - (a) distribute any election-related printed materials except such materials as may be distributed by the Electoral Officer or deputy Electoral Officer for the purpose of conducting the election;
 - (b) attempt to interfere with or influence any Eligible Elector in marking his or her ballot; or
 - (c) attempt to obtain information as to how an Eligible Elector is about to vote or has voted.
70. Candidates cannot be present on the premises of the polling stations unless to cast their vote and must leave the premises immediately after voting.
71. Candidates who do not leave the premises may be escorted off the premises by the Electoral Officer, Deputy Electoral Officer or Security.

Voting Procedures

Voting Procedures

72. Where a person attends at a polling station for the purpose of voting, the Electoral Officer or Deputy Electoral Officer or assigned Electoral support staff shall, if the person's name is set out in the list of Eligible Electors, provide the person with an Eligible Elector information form, or a paper ballot. The Eligible Elector is given a choice for whether to vote through paper ballot or electronic/online voting method.
73. The Electoral Officer or the Deputy Electoral Officer shall explain the mode of voting to an Eligible Elector when requested to do so by such Eligible Elector.
74. The Eligible Elector initials the list beside their name after receiving an Eligible Elector information form, or paper ballot.
75. Voting shall be by secret ballot.
76. No Eligible Elector may vote by proxy or authorize another person to vote on his or her behalf, notwithstanding Section 87.
77. An Eligible Elector who is inside a polling station at the time that the polling station is set to close is entitled to vote.

Paper Ballot Voting Procedure

78. After receiving an Eligible Elector ballot, an Eligible Elector shall:
 - (a) immediately proceed to the compartment provided for marking ballots whether it be to the computer polling compartment, or a paper ballot polling compartment;
 - (b) while an Eligible Elector is in the compartment for the purpose of marking his or her ballot, no other person shall, except as provided in Section 87, be allowed in the same compartment or be in any position from which he or she can see the manner in which the Eligible Elector marks his or her ballot.
 - (c) mark the ballot by placing an "X" or other mark that clearly indicates the Eligible Elector's choice but does not identify the Eligible Elector opposite the name of the candidate or candidates for whom he or she desires to vote;
 - (d) fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the initials on the back; and
 - (e) deliver the ballot to Electoral Officer or Deputy Electoral Officer or Electoral staff; and
 - (f) 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 Eligible Elector and any other persons entitled to be present at the polling station.

Alternative Voting Procedures

79. An Eligible Elector receiving an Eligible Elector information sheet shall:
 - (a) proceed immediately to the compartment provided for marking the online ballot;
 - (b) log into the computer with user name and password assigned on the Eligible Elector information sheet then mark the ballot, clearly indicating the Eligible Elector's response to the question or questions stated on the ballot; and
 - (c) Eligible Elector may or may not request for a printed voter verification slip and then exit the polling area.
80. An Eligible Elector who has received an Eligible Elector information form, and;
 - (a) leaves the compartment for marking ballots and cannot log in or chooses an option they do not wish to choose, without requesting process under Section 87; or
 - (b) refuses to vote;
shall forfeit his or her right to vote.
81. The Electoral Officer or the Deputy Electoral Officer shall make an entry on the list of Eligible Electors opposite the name of the Eligible Elector that the Eligible Elector did not return the Eligible Elector information form or refused to vote as the case may be.
82. An Eligible Elector who inadvertently chooses the option they do not wish to choose, or cannot log in, or is not satisfied that his or her vote was cast, may, upon returning the Eligible Elector information sheet to the Electoral Officer or the Deputy Electoral Officer, be entitled to vote using a paper ballot.
83. Voting per Section 82 may be done in accordance with paper ballot voting procedures.
84. The Electoral Officer shall immediately contact the external Electoral company hired through email, or phone to ensure that the ballot cast for the Eligible Elector who has voted per Section 82 is not valid and the ballot result must be removed for that Eligible Elector.
85. The Electoral Officer shall immediately note in the system that the Eligible Elector has chosen to vote using the paper ballot process.
86. While an Eligible Elector is in the compartment for the purpose of marking his or her ballot, no other person shall, except as provided in Section 87, be allowed in the same compartment or be in any position from which he can see the manner in which the Eligible Elector marks his or her ballot.

Assisted Voting/Interpreter

87. Where an Eligible Elector requires assistance, the Eligible Elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with the respective Section.
88. A person referred to in Section 87 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) the fact that the Eligible Elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the Eligible Elector.

89. Whenever the Electoral Officer or the Deputy Electoral Officer does not understand the language spoken by an Eligible Elector, he or she shall enlist the aid of an interpreter to communicate with respect to all matters required to enable that Eligible Elector to vote.

90. On the application of an Eligible Elector who is not able to read, or physically incapable, at the request of the Electoral Officer or the Deputy Electoral Officer, an interpreter referred to in Section 89 shall assist that Eligible Elector by marking his or her ballot in the manner directed by the Eligible Elector through the online process.

Counting of Votes

91. As soon as is practicable after the close of the polls, the Electoral Officer shall, in the presence of the Deputy Electoral Officer and any Citizen of the Tsuut'ina Nation including members of Tsuut'ina Nation Head Chief and Minor Chiefs who are present, log in to the online voting system and follow the process to print out the results of the election.

92. 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, reject the ballot if:

- (a) it was not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed;
- (b) the voter declaration form does not contain a date of birth or a Citizenship number that matches the information contained for that Eligible Elector on the voters list;
- (c) the name of the Eligible Elector set out in the voter declaration form is not on the voters list;
- (d) the voters list shows that the Eligible Elector has already voted; or
- (e) in any other case, place a mark on the voters list opposite the name of the Eligible Elector set out in the voter declaration form, and deposit the ballot in a ballot box.

93. The assigned Electoral staff, and Deputy Electoral Officer shall open the ballot box for examination and counting of all ballots.

94. In examining the ballots, the Electoral Officer or deputy Electoral Officer must reject any ballots that:

- (a) do not contain the initials of the Electoral Officer or deputy Electoral Officer;
- (b) do not give a clear indication of the Eligible 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.

95. The Electoral Officer or Deputy Electoral Officer shall attach a note to each ballot rejected, which outlines the reason for rejection.
96. The assigned Electoral staff, and Deputy Electoral Officer shall count the paper votes using a tally sheet.
97. The tally sheet results are added to the electronic voting results.

Voting Irregularities

98. An Eligible Elector who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot paper. The Electoral Officer or Deputy Electoral Officer shall write the word "cancelled" upon the Spoiled Ballot paper and preserve it.
99. Any person who has received a ballot and who leaves the polling place without delivering the same to the Electoral Officer or a Deputy Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit his or her right to vote at the election, and the Electoral Officer or Deputy Electoral Officer 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 a ballot and declined to vote, and the Electoral Officer or deputy Electoral Officer shall mark upon the face of the ballot the word "declined" and all ballots so marked shall be preserved.
100. Subject to review on recount or on an election appeal, the Electoral Officer or Deputy Electoral Officer shall take a note of any objections made by any candidate or his or her scrutineer to any of the ballots found in the ballot box and decide any questions arising out of the objection.
101. The Electoral Officer or Deputy Electoral Officer shall number objections to ballots raised pursuant to Section 100 and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, and initialized by the Officer.

By-Election

By-Election

102. Per *Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code By-Election Section*, a by-election shall be conducted using the *Tsuut'ina Nation Electoral Code Voting Regulations*.

Amendments

Amendments

103. These Regulations may be amended from time to time through the *Tsuut'ina Nation Legislative Process Act*.

R.ECV.2208



Appendix

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