

# Tsuut'ina Nation Head Chief and Minor Chief Electoral Code C.EL.2207

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish This Code in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi datl'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihinisha, nihiusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasaala.

## A Document to Ratify the C.EL.2207 Within the Tsuut'ina First Nation

**Amended on July 19, 2022 in Tsuut'ina Nation  
Coming Into Force: July 19, 2022**



**Preamble**

WHEREAS the Tsuut'ina Nation Head Chief and Minor Chiefs desire to make a Code governing Elections on the Tsuut'ina Nation;

AND WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing aboriginal right under section 35 of the Constitution Act, 1982;

AND WHEREAS it is recognized that the inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institutions of the Nation;

AND WHEREAS it is considered to be necessary for the benefit, security and preservation of the Tsuut'ina Nation and culture;

AND WHEREAS this Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code hereby amends and supersedes the Tsuut'ina Nation Chief and Council Electoral Code 14.16.15.04;

NOW THEREFORE through the Tsuut'ina Nation Legislative Process Act the Tsuut'ina Nation Head Chief and Minor Chiefs hereby ratify This Code.

## Table of Contents

Preamble .....	2
<b>Definitions/Interpretations .....</b>	<b>5</b>
<b>General .....</b>	<b>7</b>
General Statement.....	7
Title .....	7
<b>Purpose, Scope, and Application .....</b>	<b>8</b>
Electoral Code Principles and Governing Body.....	8
Term of Office .....	8
Composition of the Tsuut'ina Nation Head Chief and Minor Chiefs .....	8
Governing Body.....	8
<b>Pre-Election Procedures.....</b>	<b>9</b>
Electoral Code Training .....	9
Electoral Officer .....	9
Electoral Officer – Responsibilities and Ethics .....	10
<b>Election Appeals Commission.....</b>	<b>12</b>
<b>Qualifications, Nomination Procedures .....</b>	<b>13</b>
Qualifications to Nominate and Elect .....	13
Eligible Electors List.....	13
Access to Eligible Electors List.....	13
Qualifications for Head Chief Candidate.....	13
Qualifications for Minor Chief Candidate .....	14
Verification of Qualifications .....	15
Candidate Nomination Process.....	15
<b>Candidate Acceptance and Responsibilities .....</b>	<b>18</b>
Candidate Acceptance .....	18
Candidates Responsibility .....	18
Scrutineer Eligibility and Duty.....	19
<b>Election Notice and Period .....</b>	<b>20</b>
<b>Voting Regulations.....</b>	<b>21</b>
Procedures .....	21
<b>Announcement of Successful Candidates .....</b>	<b>22</b>
Announcement .....	22
<b>Retention of Ballots and Other Election Material .....</b>	<b>23</b>
The Tsuut'ina Nation Head Chief and Minor Chief Oath of Office .....	23
<b>Appeals .....</b>	<b>24</b>
Appeals.....	24

Grounds for Appeal.....	24
Submission .....	24
Procedure.....	24
Response to the Allegations .....	24
Investigation.....	24
Decision.....	24
<b>By-Election .....</b>	<b>26</b>
<b>Severability .....</b>	<b>27</b>
<b>Amendment .....</b>	<b>28</b>
Amendments.....	28
<b>Electoral Code Appendix.....</b>	<b>29</b>
A. Appendices.....	31
<b>Tsuut'ina Nation Head Chief and Minor Chiefs Signatory Page.....</b>	<b>32</b>

## Definitions/Interpretations

1. **“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.
2. **“Appellant”** means a Tsuut’ina Nation Citizen who appeals the Tsuut’ina Nation Head Chief and Minor Chiefs Election process or results.
3. **“By-Election”** means a special election to fill a position on the Tsuut’ina Nation Head Chief and Minor Chiefs that has become vacant.
4. **“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 with the Tsuut’ina Nation Electoral Code.
5. **“Chief Executive Officer”** means the individual assigned by Tsuut’ina Nation Head Chief and Minor Chief that is responsible for the day-to-day oversight of the Tsuut’ina Nations operations.
6. **“Consecutive Employment”** means five (5) years of Consecutive Employment as an Employee, business owner, Elected Official of the Tsuut’ina Nation, which includes all employment leaves, including but not limited to, maternity, parental, sick, or bereavement.
7. **“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.
8. **“Elected Official”** means an official chosen by election.
9. **“Election Appeals Commission”** means the group responsible to investigate and provide resolutions for appeals on a Tsuut’ina Nation Head Chief and Minor Chiefs Election process violation.
10. **“Electoral Officer”** means the person who is responsible to administer the Tsuut’ina Nation Head Chief and Minor Chief Election in accordance with the Tsuut’ina Nation Head Chief and Minor Chiefs Electoral Code.
11. **“Elder”** means a Tsuut’ina Nation Citizen who is at least 60 years of age.
12. **“Employee”** means a person who works for the Tsuut’ina Nation in one of its Programs, Departments, or Companies for financial and/or other compensation.
13. **“Minor”** means a person under 18 years of age.
14. **“Final Candidate 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.
15. **“Official Nomination List”** means an alphabetical list of Tsuut’ina Nation Citizen Candidates who have been nominated, but have not yet met the criteria or been deemed eligible for the position of Tsuut’ina Nation Head Chief and Minor Chiefs.

16. **“Scrutineer”** means to a person who observes the election process, either to prevent the occurrence of corruptions or genuine mistakes.
17. **“This Code”** means the Tsuut’ina Nation Head Chief and Minor Chiefs Electoral Code.
18. **“Tsuut’ina Nation”** means the sovereign Nation previously referred to as the “Sarcee” Reserve.
19. **“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*.
20. **“Tsuut’ina Nation Citizenship Registrar”** means the person appointed by the Tsuut’ina Nation Government to administer and maintain the list of Tsuut’ina Nation Citizens.
21. **“Tsuut’ina Nation Eligible Electoral List”** means an alphabetical list of Tsuut’ina Nation Citizens over the age of 18.
22. **“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”.
23. **“Tsuut’ina Nation Way of Life”** means Tsuut’ina Nation’s unique culture, identity, traditions, language and institutions.

## General

### General Statement

24. The Tsuut'ina Nation has an inherent right to Governance. The Tsuut'ina Nation's form of governance was based on a traditional hereditary system. The Matriarchs and Elder Men watched from clans (Minor Chiefs) or families on child's abilities; personality, caring, providing, protecting, generosity, kindness, and bravery. That child was then raised to become the Head Chief. The traditional leadership composition is as follows:
  - (a) Xakiji – King spirit (Head Chief): Representation of Natural Laws, Protector of life and protocols and ceremonies; and
  - (b) Xakijiyini (Minor Chiefs): Head of a clan.
25. As of 1947, Tsuut'ina Nation Citizens individually select the leadership through a democratic election process for the collective good.

### Title

26. This Tsuut'ina Nation Head Chief and Minor Chiefs Electoral Code shall be cited as 'This Code'.

## Purpose, Scope, and Application

27. This Code governs the election process of the Tsuut'ina Nation Head Chief and Minor Chiefs within the jurisdiction of the Tsuut'ina Nation.

### **Electoral Code Principals and Governing Body**

28. The Tsuut'ina Nation elections shall be held pursuant to the sovereignty of the Tsuut'ina Nation upholding the principles of transparency, equality, and honesty.

### **Term of Office**

29. The term of office for Tsuut'ina Nation Head Chief and Minor Chiefs shall be three (3) years.

### **Composition of the Tsuut'ina Nation Head Chief and Minor Chiefs**

30. The composition of the Tsuut'ina Nation Head Chief and Minor Chief shall be one (1) Head Chief and twelve (12) Minor Chiefs.

### **Governing Body**

31. The elected Tsuut'ina Nation Head Chief and Minor Chiefs are the government up to and including election day.
32. The newly elected Tsuut'ina Nation Head Chief and Minor Chiefs become the government upon the Electoral Officer's declaration of official results.
33. The Tsuut'ina Nation Head Chief and Minor Chiefs elected are to take an Oath of Office five (5) calendar days after elections, or as soon as reasonably practicable.

## Pre-Election Procedures

### Electoral Code Training

34. The Governance Portfolio shall retain a consultant to deliver two (2) training sessions, during the year of the elections, to interested Tsuut'ina Nation Citizens in relation to the election procedures as set forth herein.

### Electoral Officer

35. The Tsuut'ina Nation Head Chief and Minor Chiefs shall appoint the selected Electoral Officer no less than one hundred (100) calendar days before the Tsuut'ina Nation Head Chief and Minor Chiefs election date through a band council resolution.

36. The Electoral Officer may or may not be a Tsuut'ina Nation Citizen.

37. The appointment band council resolution of the Electoral Officer shall contain:

- (a) Full name and address;
- (b) The date of the election;
- (c) The type of election which is to be conducted (general election or By-Election), as well as any special instructions; and
- (d) Must have a Police Information Check showing no indictable offense convictions or convictions considered to be morally reprehensible or contrary to public safety which, without limiting the foregoing, include convictions for:
  - i. Theft over \$5,000.00;
  - ii. Fraud
  - iii. Breaking and Entering;
  - iv. Sexual Assault;
  - v. Murder;
  - vi. Drug Trafficking;
  - vii. Human Trafficking;
  - viii. Gang Related and Criminal Organization; and
  - ix. Threatening the safety or well-being of a Minor and/or Vulnerable Persons.

38. The Electoral Officer must be a person who is at least twenty-one (21) years of age and has experience in the conduct of elections and/or received Tsuut'ina Nation Electoral Code training from Tsuut'ina Nation Legislative Procedures Technical Services.

39. In the event that the Electoral Officer cannot fulfill his/her duties, the Tsuut'ina Nation Head Chief and Minor Chiefs shall appoint, through a band council resolution, that the existing Deputy Electoral Officer shall undertake the duties of Electoral Officer.

40. As per section 39, in the absence of an existing Deputy Electoral Officer, the Tsuut'ina Nation Head Chief and Minor Chiefs shall appoint a new Electoral Officer.
41. Once appointed and accepted, the Electoral Officer must swear an oath to uphold the office in accordance with This Code.
42. In the absence of an existing Deputy Electoral Officer, the Tsuut'ina Nation Head Chief and Minor Chiefs shall appoint a new Electoral Officer.
43. Once appointed and accepted, the Electoral Officer must swear an oath in accordance with This Code.

### **Electoral Officer – Responsibilities and Ethics**

44. The Electoral Officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in This Code and Applicable Documents related to This Code.
45. The Electoral Officer and election budget are subject to the Tsuut'ina Nation Finance and Administration Act and processes.
46. The Electoral Officer must:
  - (a) Uphold and abide by the process established in This Code;
  - (b) Remain neutral and professional in the conduct of the duties of his/her office, and refrain from providing any preferential treatment or expressing support for or opposition to any Candidate;
  - (c) Not accept anything of value (including, but not limited to, money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information;
  - (d) Not discriminate against anyone because of race, religion, sexual orientation, sex, age, or disability;
  - (e) Not use public office facilities to fulfill the terms of his/her office, and not for personal or partisan benefit;
  - (f) Not pressure or intimidate other officials or personnel to favour a certain Candidate;
  - (g) Avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where the Electoral Officer has a personal or private interest in the matter at issue;
  - (h) Prepare an election budget and report;
  - (i) Hire support staff to implement This Code;
  - (j) Supervise all administrative tasks;
  - (k) Prepare a post-election report to Tsuut'ina Nation Head Chief and Minor Chiefs; and
  - (l) If a full-time Tsuut'ina Nation Employee, take a leave of absence as per the Human Resources Policy and Procedures.

47. The Electoral Officer shall choose and appoint the Deputy Electoral Officer.
48. The Deputy Electoral Officer must:
  - (a) Be at least 21 years of age and a Tsuut'ina Nation Citizen;
  - (b) Not be member of Tsuut'ina Nation Head Chief and Minor Chiefs;
  - (c) Not be a Candidate in the election; and
  - (d) Complete and sign a declaration form.
49. The Deputy Electoral Officer shall have such powers as described in This Code as well as those powers of the Electoral Officer as delegated to the Deputy Electoral Officer by the Electoral Officer.
50. Every Electoral Officer and Deputy Electoral Officer shall swear a declaration to:
  - (a) Uphold and comply with This Code and related Applicable Documents of the Tsuut'ina Nation;
  - (b) Fulfill the duties and responsibilities of his/her office under This Code;
  - (c) Carry out duties faithfully, honestly, impartially, and to the best of his/her abilities;
  - (d) Keep confidential, both during and after term of office, any matter or information which, under This Code, Tsuut'ina Nation law or policy, is considered confidential;
  - (e) Prepare and process administration and financial requirements; and
  - (f) Act in the best interests of the Tsuut'ina Nation in carrying out duties.

## Election Appeals Commission

51. An Election Appeals Commission shall process any appeals pursuant to Sections 122 – 130 of This Code and shall be appointed by the Electoral Officer and submitted to the Tsuut’ina Nation Head Chief and Minor Chiefs for approval one hundred (100) calendar days before the expiration of the term of office.
52. The Election Appeals Commission, shall be composed of three (3) members, appointed by the Electoral Officer, as follows:
  - (a) Tsuut’ina Nation Elders Chairperson;
  - (b) Tsuut’ina Nation Citizenship Tribunal Member; and
  - (c) An Indigenous person who is a not a Tsuut’ina Nation Citizen and does not have a vested interest of the outcome of the Elections.
53. An Election Appeals Commission member who is an immediate family of any Appellant or Candidate, or who may have a bias or conflict in connection with the appeal must excuse themselves from the Election Appeals Commission.
54. The remaining members of the Election Appeals Commission will select additional members as required from a list of potential members recommended by the Chief Executive Officer.
55. Each member of the Election Appeals Commission shall execute an oath of confidentiality accepting their appointment, and forward a letter of acceptance to the Chief Executive Officer.
56. The list of the Appointed Election Appeals Commission members shall be provided to the Tsuut’ina Nation Head Chief and Minor Chiefs fifty (50) calendar days before the Tsuut’ina Nation Head Chief and Minor Chiefs Election date.
57. The Election Appeals Commission contact information must be included on all posted documents throughout the election.

## Qualifications, Nomination Procedures

### Qualifications to Nominate and Elect

58. A Tsuut'ina Nation Citizen, who is 18 years of age and older, shall have the right nominate, elect and be elected pursuant to This Code.
59. A Tsuut'ina Citizen with electoral rights shall have the right to participate in a Tsuut'ina Election and have the right to nominate, elect and be elected pursuant to This Code.
60. The Electoral Officer must provide access, support and accommodation for Tsuut'ina Nation Citizens with disabilities participating in elections.
61. Voting by proxy of the Tsuut'ina Nation Head Chief and Minor Chiefs is prohibited.
62. A Tsuut'ina Nation Citizen who is currently living off reserve has the right to nominate and elect in accordance with This Code.

### Eligible Electors List

63. The Tsuut'ina Nation Citizenship Department shall compile and maintain the Tsuut'ina Nation Eligible Electors List.
64. The Tsuut'ina Nation Eligible Electoral List shall include all eligible electors in accordance with This Code.

### Access to Eligible Electors List

65. The Tsuut'ina Nation Eligible Electoral List shall be approved and signed by the Tsuut'ina Nation Citizenship Registrar and provided to the Electoral Officer within three (3) calendar days of a written request by the Electoral Officer.
66. The Tsuut'ina Nation Eligible Electoral List shall be accessible to all Tsuut'ina Nation Citizens upon written request.
67. The Tsuut'ina Nation Citizenship Registrar shall provide an updated Tsuut'ina Nation Eligible Electors List to the Electoral Officer no later than 8:00 am on the day of the Elections.

### Qualifications for Head Chief Candidate

68. Tsuut'ina Nation Citizens continue to respect the traditional embodiment of a leader in selecting their Head Chief.
69. In accordance with the values, beliefs, customs and traditions of Tsuut'ina Head Chief, Candidates shall meet the following qualifications:
  - (a) Be at least 25 years of age;
  - (b) Be a Citizen of the Tsuut'ina Nation;
  - (c) Must have completed a minimum of a grade twelve diploma, a General Educational Development (GED), or have held Consecutive Employment for five (5) years prior to the election;

(d) Must have a Police Information Check showing no indictable offense convictions or convictions considered to be morally reprehensible or contrary to public safety which, without limiting the foregoing, include convictions for:

- i. Theft over \$5,000.00;
- ii. Fraud
- iii. Breaking and Entering;
- iv. Sexual Assault;
- v. Murder;
- vi. Drug Trafficking;
- vii. Human Trafficking;
- viii. Gang Related and Criminal Organization; and
- ix. Threatening the safety or well-being of a Minor and/or Vulnerable Persons.

(e) Must have signed a disclaimer document from the Tsuut'ina Nation Finance Department indicating no outstanding loans are owed to the Tsuut'ina Nation, and if so, must have set up a payment plan with the Chief Executive Officer and have not defaulted in that payment plan. Failure to have this established will result in ineligibility to run for election.

70. A Candidate shall be required to provide a Police Information Check with no conviction(s) for Sexual Assault and/or Murder.

71. A Candidate shall be required to provide a Vulnerable Sector Police Information Check showing no convictions against Minors and/or Vulnerable Persons.

72. A Candidate shall be able to provide a Police Information Check with no convictions for theft over \$5,000, Breaking and Entering and/or Drug Trafficking.

- (a) If a person has a conviction of theft over \$5,000, Breaking and Entering and/or Drug Trafficking that was over fifteen (15) years ago, that person shall be permitted to be a Candidate for Tsuut'ina Nation Head Chief.

### **Qualifications for Minor Chief Candidate**

73. In accordance with the Tsuut'ina Nation Way of Life, Candidates for Minor Chief shall meet the following qualifications:

- (a) Be at least 18 years of age;
- (b) Be a Citizen of the Tsuut'ina Nation;
- (c) Must have completed a minimum of grade twelve diploma, a General Educational Development (GED), or have held Consecutive Employment for five (5) years prior to the election.

(d) Must have a Police Information Check showing no indictable offense convictions or convictions considered to be morally reprehensible or contrary to public safety which, without limiting the foregoing, include convictions for:

- i. Theft over \$5,000.00;
- ii. Fraud;
- iii. Breaking and Entering;
- iv. Sexual Assault;
- v. Murder;
- vi. Drug Trafficking;
- vii. Human Trafficking;
- viii. Gang Related and Criminal Organization; and
- ix. Threatening the safety or well-being of a Minor and/or Vulnerable Persons.

(e) Must have signed a disclaimer document from the Tsuut'ina Nation Finance Department indicating no outstanding loans are owed to the Tsuut'ina Nation, and if so, must have set up a payment plan with the Chief Executive Officer and have not defaulted in that payment plan. Failure to have this established will result in ineligibility to run for election.

74. A Candidate shall be required to provide a Police Information Check with no conviction(s) for Sexual Assault and/or Murder.

75. A Candidate shall be required to provide a Vulnerable Sector Police Information Check showing no convictions against Minors and/or Vulnerable Persons.

76. A Candidate shall be able to provide a Police Information Check with no convictions for theft over \$5,000, Breaking and Entering and/or Drug Trafficking.

(a) If a person has a conviction of theft over \$5,000, Breaking and Entering and/or Drug Trafficking that was over fifteen (15) years ago, that person shall be permitted to be a Candidate for Tsuut'ina Nation Minor Chief.

### **Verification of Qualifications**

77. The Electoral Officer shall use the appropriate resources within the Tsuut'ina Nation to advise the Electoral Officer to verify Candidate qualifications.

### **Candidate Nomination Process**

78. The Electoral Officer shall post on the Tsuut'ina Nation webpage, the Tsuut'ina Nation bulletin boards, and other methods of communication the date, time, and venue for a nomination meeting at least fourteen (14) calendar days before the scheduled nomination meeting.

79. The nomination meeting notice shall include:

(a) The date of the nomination meeting;

- (b) The times at which the nominations will open and close; and
- (c) The location of the nomination meeting.

80. The nomination meeting shall be scheduled for a period of three (3) hours.

81. Nominations shall take place in a venue that is as spacious as possible to ensure all nomination activities are carried out correctly and appropriately.

82. The Electoral Officer shall maintain order at all times during the nomination meeting and may cause to be removed any person who, in his/her opinion, is disrupting or otherwise interfering with the proceedings.

83. The Electoral Officer shall ensure a licensed security officer is present on the location of the voting polls on the day of election.

84. The venue shall be furnished in such a way as to allow Tsuut'ina Nation Electors to fill out the Nomination Form to register the Candidate.

85. All nominations for Tsuut'ina Nation Head Chief and Minor Chiefs shall be conducted in the following manner:

- (a) A nominator shall nominate a person for either Tsuut'ina Nation Head Chief or Minor Chief;
- (b) A seconder must second the person for either Tsuut'ina Nation Head Chief or Minor Chief;
- (c) The nominator and the seconder shall submit all documents required for registering the Candidate, including a nomination form and following Candidate information:
  - i. First and last name; and
  - ii. Date of birth;

(d) The nominator and the seconder will sign a nomination form that includes:

- i. For the nominator:
  1. First and last name;
  2. Registered Tsuut'ina Nation Citizenship Number; and
  3. Contact information.
- ii. For the seconder:
  1. First and last name;
  2. Registered Tsuut'ina Nation Citizenship Number; and
  3. Contact information.

86. A Candidate acknowledgment form stating that all information is accurate and up-to-date, must be signed prior to nomination day for submission.

87. All potential Candidates for Tsuut'ina Nation Head Chief and Minor Chief may submit their documents prior to nomination day.

88. Immediately following the nomination meeting, the Electoral Officer shall post in at least one conspicuous place on the Tsuut'ina Nation an Official Nomination List of Candidates, their nominator and seconder and the office(s) for which they are nominated.
89. No person(s) suspected to be under the influence of alcohol and drugs shall be permitted in the nomination meeting or venue, or be permitted to participate in the election process at the time of voting and nominations.

## Candidate Acceptance and Responsibilities

### Candidate Acceptance

90. All potential Candidates may submit their documents prior to nomination day.
91. A Candidate who has been nominated for the Tsuut'ina Nation Head Chief or Minor Chief is required to file a declaration of candidacy, pay the Candidate fee, and forward all applicable information to the Electoral Officer within four (4) calendar days after the nomination meeting.
92. A Candidate can only run for the position of either Tsuut'ina Nation Head Chief or Tsuut'ina Nation Minor Chief but not both.
93. A Candidate must pay a Candidate fee as follows:
  - (a) One thousand (\$1,000.00) dollars Canadian to run for the Tsuut'ina Nation Head Chief;
  - (b) Five hundred (\$500.00) dollars Canadian to run for Tsuut'ina Nation Minor Chief;
  - (c) The Candidate shall pay the fee directly to the Electoral Officer;
  - (d) No cash shall be accepted; and
  - (e) A bank draft must be used for payment and be payable to the Tsuut'ina Nation.
94. If a Candidate does not submit the applicable information or does not pass their Police Information Check within the fourteen (14) calendar days, they will receive their deposit back.
95. A Final Candidates List will be posted fifteen (15) calendar days after the nomination meeting;
  - (a) If only one person has been nominated for and has met all the qualifications for the Tsuut'ina Nation Head Chief, the Electoral Officer shall declare that person to be elected as Tsuut'ina Nation Head Chief;
  - (b) If the number of persons nominated for, and have met all qualifications for Tsuut'ina Nation Minor Chief equals twelve (12) the Electoral Officer shall declare those persons to be elected as Tsuut'ina Nation Minor Chiefs; and
  - (c) Where more than the required number of persons are nominated for election as Tsuut'ina Nation Head Chief and Minor Chiefs, the Electoral Officer Shall announce that an election will be held.

### Candidates Responsibility

96. A Candidate is responsible to provide their registered Tsuut'ina Nation Citizenship Number, place of residence and place of work/position (occupation).
97. If a Candidate is not qualified or deemed ineligible, it is up to the Candidate to inform Eligible Electors that they have not met the criteria.
98. All Candidates shall check the Final Candidate List and ballot sheet created by the Electoral Officer for misspellings or errors. Any corrections shall be presented to the Electoral Officer in writing at least five (5) calendar days prior to election day.

99. All Candidates are responsible to familiarize themselves with This Code and the Tsuut'ina Nation Chief and Council Election Voting Regulations.
100. Candidates who are employed by the Tsuut'ina Nation must act in accordance with and pursuant to the Tsuut'ina Nation Human Resources Policies and Procedures Manual and the Tsuut'ina Nation Accountability Code. A Candidate shall not take advantage of their position.
101. A Candidate shall have the right to withdraw from the election upon a written application to the Electoral Officer, submitted up to ten (10) calendar days before the election day. Upon receipt, the Tsuut'ina Nation Electoral Officer shall delete the registration of the Candidate.
102. The Electoral Officer shall formally withdraw a Candidate who has become deceased during the election process and shall return the Candidate Fee to the estate of the deceased.

### **Scrutineer Eligibility and Duty**

103. A Candidate may choose up to two (2) Scrutineers by filing a request for Scrutineer form with the Electoral Officer.
104. Individuals identified as a Scrutineer may observe the election process after being registered as such by the Tsuut'ina Electoral Officer.
105. A Scrutineer shall not conduct any form of bribery while they are on duty and if it is identified that bribery has occurred, they will be escorted from electoral activities in regards to This Code and be punished by applicable law.

## Election Notice and Period

106. The election shall be held at least twenty-one (21) calendar days after the day on which the nomination meeting was held.
107. The Electoral Officer shall, within three (3) calendar days after the day on which the nomination meeting was held, post a notice of the election on the Tsuut'ina Nation webpage, the Tsuut'ina Nation bulletin boards, at least three other conspicuous places on the Tsuut'ina Nation.
108. The election notice shall include:
  - (a) The date of the election;
  - (b) The times at which the polling station(s) 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 Elector list, with the given names of the eligible Tsuut'ina Nation Citizen voters will be posted for public viewing on a secured bulletin board and Tsuut'ina Nation Communications.

## Voting Regulations

### Procedures

109. Voting Procedures shall proceed in accordance with the "Tsuut'ina Nation Chief and Council Election Voting Regulations".

## Announcement of Successful Candidates

### Announcement

110. After completing the counting of the votes and establishing the successful Candidates, the Electoral Officer shall declare to be elected, the Candidates having the highest number of votes.
111. Following the declaration of Elected Candidates, the Electoral Officer shall complete and sign an Election Report, which shall contain:
  - (a) The names of all Candidates for Tsuut'ina Nation Head Chief and Minor Chief;
  - (b) The number of ballots cast for each Candidate for Tsuut'ina Nation Head Chief;
  - (c) The number of rejected ballots for Tsuut'ina Nation Head Chief;
  - (d) The number of ballots cast for each Candidate for Tsuut'ina Nation Minor Chief;
  - (e) The number of rejected ballots for each Tsuut'ina Nation Candidate for Minor Chief; and
  - (f) Tsuut'ina Nation Head Chief and Minor Chief Elected Candidates.
112. In the event of a tie for the position of Tsuut'ina Nation Head Chief or Minor Chief, the following process shall be followed:
  - (a) The Candidate shall be given an option to withdraw from the Election;
  - (b) If neither Candidate withdraws, then the existing Electoral Officer shall hold a By-Election using This Code, until there is a clear selection; and
  - (c) A By-Election shall be held only for the position that is tied for Tsuut'ina Nation Head Chief or Minor Chief and does not affect the results of the other positions.
113. Within four (4) calendar days after the completion of the counting of the votes, the Electoral Officer shall:
  - (a) Submit the Election Report prepared to the Chief Executive Officer and the Tsuut'ina Nation Legal Department; and
  - (b) Post notice to Tsuut'ina Nation Citizens in a conspicuous place that a hard copy of the Election Report is available upon written request.

## Retention of Ballots and Other Election Material

114. The Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled, and unused, and shall retain these ballots and all materials in connection with the election.
115. All ballots and materials retained 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 Tsuut'ina Nation 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.

### The Tsuut'ina Nation Head Chief and Minor Chief Oath of Office

116. A Candidate who has been elected for Tsuut'ina Nation Head Chief or Minor Chief shall swear an Oath of Office before either the Electoral Officer, or a duly appointed commissioner for taking oaths, swearing to:
  - (a) Uphold and comply with This Code, the Code of Conduct and all Tsuut'ina Nation Laws, Policies and other Tsuut'ina guiding documents;
  - (b) Protect the land from environmental harm and degradation;
  - (c) Protect the people and culture by attending Tsuut'ina Nation events, gatherings, and meetings;
  - (d) Fulfill the responsibilities of political office by carrying out duties faithfully, honestly, impartially and to the best of their abilities; keep confidential, both during and after his/her term of office, any matter or information which, under This Code, the laws of the Tsuut'ina Nation or policies, considered confidential; and
  - (e) Act in the best interests of the Nation in carrying out duties.
117. Tsuut'ina Nation Head Chief and Minor Chief shall have sworn and filed with the Electoral Officer an Oath of Office. In addition, the Tsuut'ina Nation Head Chief and each Minor Chief must agree to complete an orientation and training within three (3) months.
118. There is no active Head Chief and Minor Chiefs on election day.
119. If a Head Chief and/or Minor Chief have not been re-elected, they will not have any governing duties.
120. Once the Electoral Officer has declared the Successful Candidate, the Successful Candidate shall have governing authority.
121. The Tsuut'ina Nation Head Chief and Minor Chiefs are preferred to reside on the Tsuut'ina Nation.

## Appeals

### Appeals

122. A Candidate or an Elector may, within five (5) calendar days from the date on which the election was held, submit an appeal to the Election Appeals Commission.

### Grounds for Appeal

123. An appeal submitted must sufficiently outline one or more of the following:

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

### Submission

124. An appeal submitted to the Election Appeals Commission must:

- (a) Be in writing and set out in, an affidavit sworn before a notary public or duly appointed commissioner for taking oaths, the facts substantiating the grounds for the appeal accompanied with any supporting documentation.

### Procedure

125. Upon receipt of an election appeal, the Election Appeals Commission shall:

- (a) Ensure that an appeal is submitted in accordance with Section 124 and forward a copy of the appeal with the supporting documents, to the Electoral Officer by registered mail and to each affected Candidate; or
- (b) In the case where the appeal is not submitted in accordance with Section 124, inform the Appellant in writing that the appeal will not receive further consideration.

### Response to the Allegations

126. Within seven (7) Calendar days of the receipt of an appeal(s), the Election Appeals Commission, by registered mail, shall forward a written receipt of acknowledgement to the Appellant.

### Investigation

127. If the appeal material that has been filed is not adequate for deciding the complaint, the Election Appeals Commission may request additional evidence to conduct further investigation prior to rendering a decision.

### Decision

128. After a review of all of the evidence, the Election Appeals Commission shall rule:

- (a) That the evidence presented was not sufficiently substantive to determine that:

- i. A violation of This Code has taken place that may have affected the result of the election;
- ii. The person declared elected was not qualified to be a Candidate; or
- iii. There was a corrupt or fraudulent practice in relation to the election that may have affected its results, and dismiss the appeal; or

(b) That all evidence and information gathered allows for the reasonable conclusion that:

- i. A violation of This Code has taken place that may have affected the result of the election;
- ii. The person declared elected was not qualified to be a Candidate; or
- iii. There was a corrupt or fraudulent practice in relation to the election that may have affected its results, and uphold the appeal by setting aside the election of one or more Tsuut'ina Nation Head Chief or Minor Chiefs.

129. The decision of the Election Appeals Commission shall be posted in at least one conspicuous place on the Tsuut'ina Nation, and be available upon written request to a Tsuut'ina Nation Citizen.

130. The decision of the Election Appeals Commission is final and not subject to appeal.

## By-Election

131. Unless otherwise provided in this Code, in the event that the office of Tsuut'ina Nation Head Chief or Minor Chiefs becomes vacant, a By-Election shall be held within twenty-one (21) calendar days after the date on which the position is declared vacant.
132. No By-Election shall be held if there are less than three (3) months remaining in the term of the Tsuut'ina Nation Head Chief and/or Minor Chief, whose office has become vacant, except where a By-Election is necessary to have sufficient Tsuut'ina Nation Minor Chiefs to maintain a quorum.
133. Except as expressly provided otherwise in This Code, the rules and procedures in This Code shall apply to By-Elections.

## Severability

134. If any section or section of This Code or parts thereof are found in any court of law to be illegal or beyond the power of Tsuut'ina Nation Head Chief and Minor Chiefs to enact, such section, sections or parts will be deemed to be severable and all other sections or parts of the Electoral Code will be deemed to be separate and independent therefrom and to be enacted as such.

**Amendment****Amendments**

135. This Code may be amended through the *Tsuut'ina Nation Legislative Process Act*.

C.EL.2207



## Electoral Code Appendix

---

[Page intentionally left blank]

**A. Appendices**

## Tsuut'ina Nation Head Chief and Minor Chiefs Signatory Page

**This Code IS HEREBY** made at this duly convened meeting of the Head Chief and Minor Chiefs of the Tsuut'ina Nation this 19<sup>th</sup> day of July, 2022 by Nation Council Resolution.

Voting in favour of the Electoral Code, as evidenced by signatures, are the following members of the Tsuut'ina Nation Head Chief and Minor Chiefs



Tsuut'ina Nation Head Chief



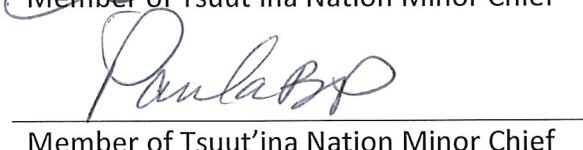
Member of Tsuut'ina Nation Minor Chief



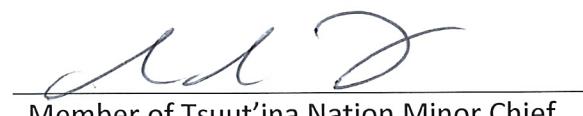
Member of Tsuut'ina Nation Minor Chief



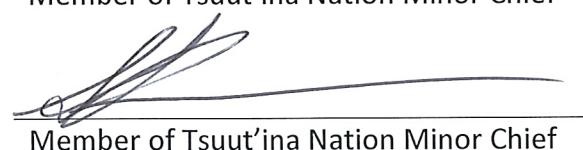
Member of Tsuut'ina Nation Minor Chief



Member of Tsuut'ina Nation Minor Chief



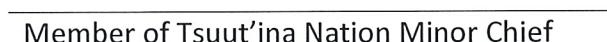
Member of Tsuut'ina Nation Minor Chief



Member of Tsuut'ina Nation Minor Chief



Member of Tsuut'ina Nation Minor Chief



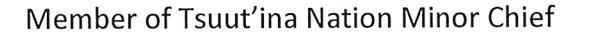
Member of Tsuut'ina Nation Minor Chief



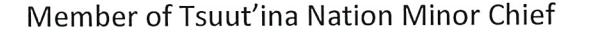
Member of Tsuut'ina Nation Minor Chief



Member of Tsuut'ina Nation Minor Chief



Member of Tsuut'ina Nation Minor Chief



Member of Tsuut'ina Nation Minor Chief