

Attention Tzeachten Membership:

Below I have highlighted some of the key changes that have been incorporated into our draft Election Code that will be going to a ratification vote from September 30th to October 30th, 2019.

You will see that for the key changes I have shown the current Election Code in red to show the difference. However, there are some sections that are new and there is nothing in the current Election Code to compare to.

The Tzeachten Advisory Committee (TAC) drafted the proposed Election Code while Council reviewed and made some minor edits. This draft Election Code has full support from TAC and Tzeachten Council and is ready for a ratification vote.

Again, these are only a few key changes that Council felt have the most impact on Tzeachten members.

Please feel free to pick up the full draft Election Code at either the Tzeachten Hall or the Lands and Governance Office. You can also email derek@tzeachten.ca if you have any questions, comments or would like a digital copy of the draft Election Code.

3.0 Term of Office and Commencement and End of Term

Subject to these Regulations, the term of office for Chief and Councillors shall be approximately four (4) years.

In the current Election Code it is under section 22.1 that states: The term of office for the Chief and Council will be three (3) years.

5.0 Eligibility Criteria for Office

5.1 Any candidate for the office of Chief or Councillor must:

- (a) qualify as an Elector;
- (b) be nominated for that office, in accordance with the procedures set out in these Regulations;
- (c) not be excluded from candidacy under subsection 5.4 in relation to section **Error! Reference source not found.** [removal from office];
- (d) not be excluded from candidacy under subsection 5.5 in relation to subsection **Error! Reference source not found.** [Election appeal];
- (e) not have been convicted of an Indictable Offence in Canada or a felony in the United States within ten (10) years prior to their nomination provided that conviction of an offence relating to the assertion or exercise of aboriginal rights or title shall be deemed not to be a conviction for the purposes of this section;
- (f) provide a copy of a criminal record check; and
- (g) be a Member in good standing.

Good Standing means being a Tzeachten Member who does not have any arrears owing to Tzeachten for housing or other matters unless an approved payment plan is in place and being followed and who is not a designated individual under the *Community Protection Law*;

- 5.2 In addition to the criteria set out in subsection 5.1, due to the importance of preserving Tzeachten history and culture, the necessity to ensure that all Council members are close to the community and keep informed about community issues and priorities, and the lack of funding for travel, any candidate for the office of Chief or Council must also ordinarily reside:
- (a) within 100 km of Tzeachten I.R. #13, and
 - (b) within Canada.
- 5.3 No candidate may run for office of both Chief and Councillor in the same Election.
- 5.4 Anyone removed from office pursuant to section **Error! Reference source not found.** shall not be eligible to stand for Election:
- (a) if removed under subsection **Error! Reference source not found.** for the remainder of the term; or
 - (b) if removed under subsection **Error! Reference source not found.**, **Error! Reference source not found.** or **Error! Reference source not found.** for a period of six (6) years from the time of their removal from office.
- 5.5 Anyone whose election was declared invalid pursuant to subsection 27.1(d) based on their involvement in corrupt or fraudulent practice in relation to an Election shall not be eligible to stand for Election for a period of six (6) years from the time their election was declared invalid.
- 5.6 Tzeachten First Nation employees who are elected into office must resign their position as employees as soon as reasonably possible following the Election day, and unless otherwise authorized by a Resolution of a quorum of Council, no later than within thirty (30) days.

In the current Election Code, it states in section 3.0 that:

- 3.1 To hold the position of Chief or Councillor for the Tzeachten Band a person must:
- a) be a Tzeachten Band Member; and
 - b) reside on the Tzeachten Indian Reserve; and
 - c) be at least 18 years of age

10.0 Nomination Process – This section is completely new and there is nothing to compare it to in the current Election Code

- 10.18 The Electoral Officer shall announce that an all-candidates' meeting will be held at least seven (7) days prior to the day of the election, the General Manager will make the requisite arrangements.

- (a) The all-candidates' meeting shall allow for at least 8-10 minutes per candidate to provide their platform or commitments and each candidate must provide some information about their platform or commitments.
- (b) The biographies of each candidate shall be made available or posted at the all-candidates' meeting.
- (c) The order of candidates' presentation shall be oldest to youngest.
- (d) A question and answer period will follow to allow the Membership to ask questions of the candidates.
- (e) For greater certainty, all candidates are required to present at the all-candidates' meeting and answer questions, even those who are to be elected by acclamation under subsections **Error! Reference source not found.** or **Error! Reference source not found.**

10.19 Within nine (9) business days of the close of the nominations, the Electoral Officer shall post in a public area of the Tzeachten administration building and in other conspicuous place or places on Tzeachten Lands as may be determined by the Electoral Officer as well as posted on the digital media format of the day, the list of nominated candidates, their biographies and the offices for which they are nominated.

53.0 Amending Provisions

53.1 Amendments to these Regulations may be brought forward by:

- (a) a petition presented to Council signed by twenty percent (20%) of eligible Electors accompanied with proposed amendments;
- (b) a motion with the accompanied proposed amendments is brought forth to Council by a member of Council and subsequently passed; or
- (c) a recommendation from Staff confirmed by a Band Council Resolution from Council.

53.2 No amendments shall be valid unless:

- (a) At least two community meetings of the eligible Electors are called to review the proposed amendments with at least thirty (30) days notice; and
- (b) the amendments are approved by a ratification vote by Electors as set out in subsection 53.3.

53.3 Upon completion of the consultation process set out in subsection 53.2(a), a ratification vote shall be taken by the eligible Electors. The proposed amendments shall be deemed approved if a majority of the eligible Electors who participated in the vote, voted to approve the amendments.

53.4 Any approved amendments shall become effective five (5) business days after the vote.

- 53.5 Despite subsections 53.1 to 53.4, Council may make minor corrections to these Regulations or add a schedule to set out details for electronic voting without following the steps set out in subsections 53.1 to 53.4 provided any such corrections or additions do not make any major or substantive changes to these Regulations.

The current Election Code's amending provisions are in section 24.0 which states:

- 24.1 Amendment proposals shall be in writing and delivered to the Tzeachten Band Manager, and must be accompanied by a petition showing support from at least 30% of the eligible electorate of the Band.
- 24.2 The Band Manager shall commence amending procedures within 10 days of receiving the written proposal
- 24.3 The Tzeachten Election Regulations may be amended after
- (a) notice is given to the Tzeachten Band members that an amendment has been proposed, and
 - (b) consultation with the Tzeachten Band members specifically to discuss the amendment proposal has occurred, no later than 14 days after the notice, and
 - (c) support from at least 60% of the eligible electorate of the Tzeachten Band has been achieved in a referendum held specifically for that purpose. A referendum shall be held within 30 days of the consultation meeting.
- 24.4 No amendments will take place 60 days prior to a Tzeachten election.

Final Key Changes:

The key changes from the current Election Code is the threshold we have had to meet. Currently we need 60% of our membership to vote in favour of any amendment, which has been an obstacle for our membership to amend the current Election Code. The draft Election Code proposes that a simple majority ratification process can amend it.

Another key change is that there is a provision, which will allow Tzeachten members to vote electronically without amending the Election Code. This is of course dependent on Tzeachten members support to do so.