

Chief and Council Electoral Code C.EL.1906

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 nihininisha, 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 gwasala.

A Document to Ratify the C.EL.1906 Within the Tsuut'ina First Nation

**Amended on June 19, 2019 in Tsuut'ina Nation
Coming Into Force: June 19, 2019**



Preamble

WHEREAS the Tsuut'ina Nation Chief and Council 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 to address administrative matters, this Electoral Code hereby repeals and replaces 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 Chief and Council hereby ratify This Code.

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Definitions/Interpretations

1. **“Applicable Documents”** means documents used or developed in addition to the Tsuut’ina Nation Chief and Council Electoral Code to support the process and administration of the Tsuut’ina Nation Chief and Council Elections.
2. **“Appellant”** means a Tsuut’ina Nation Citizen who appeals the Tsuut’ina Nation Chief and Council Election process or results.
3. **“By-Election”** means a special election to fill a position on the Tsuut’ina Nation Chief and Council that has become vacant.
4. **“Candidate”** means a person who has accepted a nomination to run in the Tsuut’ina Nation Chief and Council 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 Chief and Council 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. **“Elections Appeals Commission”** means the group responsible to investigate and provide resolutions for appeals on a Tsuut’ina Nation Chief and Council Election process violation.
10. **“Electoral Officer”** means the person who is responsible to administer the Tsuut’ina Nation Chief and Council Election in accordance with the Tsuut’ina Nation Chief and Council 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. **“Official 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 Chief and Council.
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 Chief and Council.
16. **“Scrutineer”** means 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 Chief and Council Electoral Code.

18. **“Tsuut’ina Nation”** means the sovereign Nation previously referred to as the “Sarcee” Reserve.
19. **“Tsuut’ina Nation Chief and Council”** means the elected governing body for the Tsuut’ina Nation.
20. **“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.
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 Citizenship Registrar”** means the person appointed by the Tsuut’ina Nation Government to administer and maintain the list of Tsuut’ina Nation Citizens.
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. Before the signing of the Treaty 7 in 1877, the Tsuut'ina Nation's form of governance was based on a hereditary system. Leaders embodied Tsuut'ina Nation values such as generosity, kindness, and bravery.
25. Tsuut'ina Nation Citizens individually select the leadership through a democratic election process for the collective good.

Title

26. This Tsuut'ina Nation Chief and Council Electoral Code shall be cited as 'This Code'.

Purpose, Scope, and Application

27. This Code governs the election process of the Tsuut'ina Nation Chief and Council 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 Chief and Council shall be three (3) years.

Composition of the Tsuut'ina Nation Chief and Council

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

Governing Body

31. The elected Tsuut'ina Nation Chief and Council are the government up to and including election day.
32. The newly elected Tsuut'ina Nation Chief and Council become the government upon the Electoral Officer's declaration of official results.
33. Tsuut'ina Nation Chief and Council elected are to be sworn in within five (5) days after elections and granted limited decision-making authority until the swearing in occurs.

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 Chief and Council shall appoint the selected Electoral Officer no less than one hundred (100) days before the Tsuut'ina Nation Chief and Council 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 provide a Canadian Criminal Record Check showing no indictable offense convictions without limiting the foregoing, include convictions for:
 - i. Theft over \$5,000.00;
 - ii. Break and enter;
 - iii. Sexual assault;
 - iv. Murder;
 - v. Drug trafficking;
 - vi. Gang related and criminal organization; and
 - vii. Threatening the safety or well-being of a Minor.
38. The Electoral Officer must be a person who is at least 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 Chief and Council 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 Chief and Council shall appoint a new Electoral Officer.
41. Once appointed and accepted, the Electoral Officer must swear an oath in accordance with This Code.

Electoral Officer – Responsibilities and Ethics

42. 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 the Code.
43. The Electoral Officer and election budget are subject to the Tsuut'ina Nation Finance and Administration Act and processes.
44. 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 Chief and Council; and
 - (l) If a full-time Tsuut'ina Nation Employee, take a leave of absence as per the Human Resources Policy and Procedures.
45. The Electoral Officer shall choose and appoint the Deputy Electoral Officer.
46. 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 Chief and Council;
 - (c) Not be a Candidate in the election; and
 - (d) Complete and sign a declaration form.

47. 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.
48. 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; fulfill the duties and responsibilities of his/her office under This Code;
 - (b) Carry out duties faithfully, honestly, impartially, and to the best of his/her abilities;
 - (c) 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;
 - (d) Prepare and process administration and financial requirements; and
 - (e) Act in the best interests of the Tsuut'ina Nation in carrying out duties.

Elections Appeals Commission

49. An Election Appeals Commission shall process any appeals pursuant to Sections 105 – 113 of this Code and shall be appointed by the Electoral Officer.
50. 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) a 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 in the outcome of the Election.
51. An Election Appeals Commission member who is an immediate family member 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.
52. The remaining members of the Elections Appeals Commission will select additional members as required from a list of potential members recommended by the Chief Executive Officer.
53. Each member of the Election Appeals Commission shall execute an oath accepting their appointment, and forward a letter of acceptance to the Chief Executive Officer.
54. The list of the Appointed Election Appeals Commission members shall be provided to the Tsuut'ina Nation Chief and Council fifty (50) calendar days before the Tsuut'ina Nation Chief and Council's Election date.
55. The Election Appeals Commission contact information must be included on all posted documents throughout the election.

Qualifications, Nomination Procedures

Qualifications to Nominate and Elect

56. 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.
57. 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.
58. The Electoral Officer must provide access, support and accommodation for Tsuut'ina Nation Citizens with disabilities participating in elections.
59. Voting by proxy of the Tsuut'ina Nation Chief and Council is prohibited.
60. 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

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

Access to Electors List

63. 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) days of the written request by the Electoral Officer.
64. The Tsuut'ina Nation Eligible Electoral List shall be accessible to all Tsuut'ina Nation Citizens upon written request.
65. The Tsuut'ina Nation Citizenship Registrar shall provide an updated Tsuut'ina Nation Electors List to the Electoral Officer no later than 8:00 am on the day of the Elections.

Qualifications for Chief Candidate

66. Tsuut'ina Nation Citizens continue to respect the traditional embodiment of a leader in selecting their Chief.
67. In accordance with the values, beliefs, customs and traditions of Tsuut'ina 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 Canadian Criminal Record 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. Break and enter;
 - iii. Sexual assault;
 - iv. Murder;
 - v. Drug trafficking;
 - vi. Gang related and criminal organization; and threatening the safety or well-being of a minor.
- (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.

Qualifications for Councillor

68. In accordance with the Tsuut'ina Nation Way of Life Candidates for Councillor 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 a Canadian Criminal Record 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. Break and enter;
 - iii. Sexual assault;
 - iv. Murder;
 - v. Drug trafficking;
 - vi. Gang related and criminal organization; and threatening the safety or well-being of a minor.
 - (d) 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

- (e) 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.

Verification of Qualifications

69. 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

70. 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.
71. 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.
72. The nomination meeting shall be scheduled for a period of three (3) hours.
73. Nominations shall take place in a venue that is as spacious as possible to ensure all nomination activities are carried out correctly and appropriately.
74. 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.
75. The Electoral Officer shall ensure a licensed security officer is present on the location of the voting polls on the day of election.
76. 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.
77. All nominations for Tsuut'ina Nation Chief and Council shall be conducted in the following manner:
- (a) A nominator shall nominate a person for either Tsuut'ina Nation Chief or Council;
 - (b) A seconder must second the person for either Tsuut'ina Nation Chief or Council;
 - (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;
 - ii. Registered Tsuut'ina Nation Citizenship number;
 - iii. Date of birth;
 - iv. Place of residence; and

- v. Place of work and position (occupation).
- (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. A first and last name;
 - 2. Registered Tsuut'ina Nation Citizenship Number; and
 - 3. Contact information.
78. 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.
79. No person(s) suspected be under the influence of alcohol and drugs shall be permitted in the nomination meeting or venue be permitted to participate in the election process at the time of voting and nominations.

Candidate Acceptance and Responsibilities

Candidate Acceptance

80. A Candidate who has been nominated for the Tsuut'ina Nation Chief or Council is required to file a declaration of candidacy, pay the Candidate fee and forward all Applicable Documents to the Electoral Officer within fourteen (14) calendar days after the nomination meeting.
81. A Candidate must pay a non-refundable Candidate fee as follows:
- (a) One thousand (\$1,000.00) dollars Canadian to run for the Tsuut'ina Nation Chief;
 - (b) Five hundred (\$500.00) dollars Canadian to run for Tsuut'ina Nation Council;
 - (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.
82. An Official 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 Chief, the Electoral Officer shall declare that person to be elected as Tsuut'ina Nation Chief;
 - (b) If the number of persons nominated for, and have met all qualifications for Tsuut'ina Nation Council equals twelve (12) the Electoral Officer shall declare those persons to be elected as Tsuut'ina Nation Councillors; and
 - (c) Where more than the required number of persons are nominated for election as Tsuut'ina Nation Chief and Councillors, the Electoral Officer Shall announce that an election will be held.

Candidates Responsibility

83. 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.
84. All Candidates shall check the Official 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) business days prior to election day.
85. All Candidates are responsible to familiarize themselves with This Code and the Tsuut'ina Nation Chief and Council Election Voting Regulations.
86. 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 Accountability Code. A Candidate shall not take advantage of their position.
87. A Candidate shall have the right to withdraw from the election upon a written application to the Electoral Officer, submitted up to ten (10) business days before the election day. Upon receipt, the Tsuut'ina Nation Electoral Officer shall delete the registration of the Candidate.

88. 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

89. A Candidate may choose up to two (2) Scrutineers by filing a request for Scrutineer Form with the Electoral Officer.
90. Individuals identified as a Scrutineer may observe the election process after being registered as such by the Tsuut'ina Electoral Officer.
91. 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

92. The election shall be held at least forty (40) calendar days after the day on which the nomination meeting was held.
93. 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.
94. 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.

Voting Regulations

Procedures Description

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

Announcement of Successful Candidates

Announcement

96. 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.
97. 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 Chief and Council;
 - (b) The number of ballots cast for each Candidate for Tsuut'ina Nation Chief;
 - (c) The number of rejected ballots for Tsuut'ina Nation Chief;
 - (d) The number of ballots cast for each Candidate for Tsuut'ina Nation Councillor;
 - (e) The number of rejected ballots for each Tsuut'ina Nation Candidate for Councillor; and
 - (f) Tsuut'ina Nation Chief and Council Elected Candidates.
98. In the event of a tie for the position of Tsuut'ina Nation Chief or Council, 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 Chief or Council and does not affect the results of the other positions.
99. Within four (4) 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

100. 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.
101. 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 Chief and Council, 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 Chief and Council Oath of Office

102. A Candidate who has been elected for Tsuut'ina Nation Chief or Council 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.
103. No person elected as Tsuut'ina Nation Chief or Council shall be permitted to assume office until they have sworn and filed with the Electoral Officer and the Oath of Office. In addition, each person must agree to complete an orientation and training within three (3) months.
104. The Tsuut'ina Nation Chief and Council are preferred to reside on the Tsuut'ina Nation.

Appeals

Appeals

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

Grounds for Appeal

106. 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

107. 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; and
 - (b) Be accompanied by a non-refundable appeal fee in the amount of Five Hundred (\$500.00) Dollars, in the form of a bank draft, payable to the Tsuut'ina Nation for the appeals process.

Procedure

108. Upon receipt of an election appeal, the Election Appeals Commission shall:
- (a) Ensure that an appeal is submitted in accordance with Section 107 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 107, inform the Appellant in writing that the appeal will not receive further consideration.

Response to the Allegations

109. Within fourteen (14) 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

110. 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

111. 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 Chief or Councillors.
112. 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.
113. The decision of the Election Appeals Commission is final and not subject to appeal.

By-Election

114. Unless otherwise provided in this Code, in the event that the office of Tsuut'ina Nation Chief or Council becomes vacant, a by-election shall be held within forty-five (45) days after the date on which the position is declared vacant.
115. No By-Election shall be held if there are less than three (3) months remaining in the term of the Council whose office has become vacant, except where a By-Election is necessary to have sufficient Tsuut'ina Nation Council to maintain a quorum.
116. Except as expressly provided otherwise in this Code, the rules and procedures in this Code shall apply to By-Elections.

Severability

117. 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 Chief and Council 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

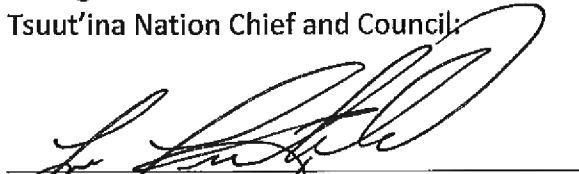
Amendments

118. This Code may be amended through the Tsuut'ina Nation Legislative Process.

Tsuut'ina Nation Chief and Council Signatory Page

This Code IS HEREBY made at this duly convened meeting of the Chief and Council of the Tsuut'ina Nation this 19th day of June, 2019 by Nation Council Resolution.

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



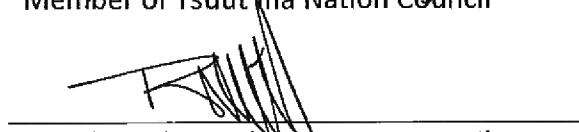
Tsuut'ina Nation Chief



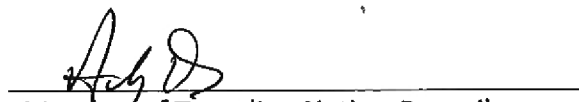
Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



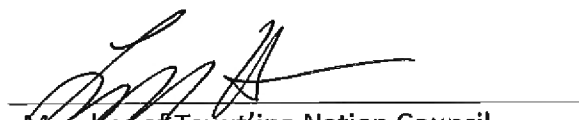
Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



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