



TSAWWASSEN FIRST NATION
s'əwaθən məsteyəx^w

Election Act

NOMINATION REGULATION

Date Enacted: 25 November 2015

Order Number: O.087-2015

X

Tom McCarthy
Chief Administrative Officer

Table of Regulation Changes

Section(s) Amended	Date	Order number	Come Into Force Date
Nomination Regulation enacted by Order number O.086-2009 is repealed	25/11/2015	O.087-2015	25/11/2015

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Citation

- 1 This regulation may be cited as the *Nomination Regulation*.

Definitions

- 2 In this regulation:
- “**Act**” means the *Election Act* (Tsawwassen);
 - “**certification package**” means the information outlined in sections 24 and 26 of this regulation;
 - “**nominee**” means someone nominated to be a candidate in the election at a nomination meeting but who has not been certified as a candidate by the election officer;
 - “**nomination form**” means the form prescribed in Schedule A of this regulation;
 - “**nomination meeting**” means a meeting to nominate eligible voters to be candidates in the election of Tsawwassen Government; and
 - “**nomination notice**” means a notice for a nomination meeting referred to section 21 of the Act.

Interpretation

- 3 Unless specifically provided otherwise in these regulations, the terms used have the same meanings as in the Act.

Thirty days notice of meeting

- 4 Not less than 30 days before the nomination meeting, notice will be posted of the nomination meeting.

Information in nomination notice

- 5 The notice referred to in section 4 [*Thirty days notice of meeting*] will
- (a) identify that the nomination meeting is for an election of Tsawwassen Government;
 - (b) identify the date, time, place and duration of a nomination meeting for the election,
 - (c) identify the number of positions in each component of Tsawwassen Government for which individuals may be nominated, and
 - (d) include instructions for how to nominate a candidate.

Posting of notice of nomination meeting

- 6 Not less than 30 days before the nomination meeting, the notice referred to in section 4 [*Thirty days notice of meeting*] will be formally posted by
- (a) posting in a visible and frequently travelled location at the Tsawwassen First Nation administration office,
 - (b) publishing in the Tsawwassen First Nation community newsletter and in every newsletter prior to the nomination meeting,
 - (c) mailing to every eligible voter on the voters list, to the address shown on the list, and
 - (d) publishing on the Tsawwassen First Nation website.

Mailed nomination notice

- 7 The notices mailed to eligible voters pursuant to section 21 [Notice of the *nomination meeting*] of the Act or section 20 (c) [*Notification of second nomination meeting*] of this regulation shall include
- (a) a notice of nomination containing the information set out in section 5 [Information in nomination notice] or section 20 [Notification of second nomination meeting] of this regulation;
 - (b) a mail-in nomination in the form of Schedule A [Nomination Form] of this regulation;
 - (c) instructions for how to nominate a candidate by mail in the form of Schedule B [Instructions for Mail-In Nominations] of this regulation; and
 - (d) a prepaid return envelope.

Nomination form

- 8 All eligible voters may nominate or second any eligible voter to stand as a candidate in the election.

Mail in nominations

- 9 A mail-in nomination referred to in section 23 [*Nominating candidates*] of the Act may be delivered by mail, by courier or by hand.

Validation of nomination form

- 10 (1) A nomination form in the form of Schedule A [Nomination form] must be completed for a nomination to be valid and must be
- (a) submitted to the election officer by the close of the nomination meeting, or
 - (b) where the nomination form was sent by mail, received by the election officer prior to the close of the nomination meeting.
- (2) For greater certainty, in instances where a candidate is nominated verbally at the nomination meeting pursuant to section 23 [*Nominating candidates*] of the Act, a nominator and seconder must complete and sign the nomination form before the end of the nomination meeting for that nomination to be valid.

Eligible voter may submit form for self

- 11 An eligible voter may submit a nomination form to the election officer indicating that they wish to be nominated for a position.

Nomination form requirements

- 12 A nomination form is not required to include the signatures of a nominee's nominator or a nominee's seconder when it is submitted to the election officer.

Process if a submitted nomination form is not signed by a nominator or seconder

- 13 If a nomination form does not have the signatures of a nominator or a seconder when it is submitted to the election officer, the election officer will provide an opportunity for eligible voters present at the nomination meeting to complete the nomination form.

Nomination meeting 40 days before election

- 14 The nomination meeting must be held no less than 40 days before the election.

Submission of nomination forms at nomination meeting

- 15** The first item of business after opening the meeting will be the submission of nomination forms to the election officer or the opening of nomination forms received by the election officer prior to the meeting.

Timing of second nomination meeting

- 16** If the election officer must hold a second nomination meeting in accordance with section 27(1) [*Too few nominations*] of the Act,
- (a) the second nomination meeting must be held within 10 days of the first nomination meeting; and
 - (b) valid nominations made at the first nomination meeting will continue to be valid.

Notification of second nomination meeting

- 17** Notice of the second nomination meeting must be given prior to it by
- (a) posting in the Tsawwassen administration office;
 - (b) publishing in the first Tsawwassen First Nation newsletter;
 - (c) mailing the notice to every eligible voter on the voters list, to the address shown on the list; and
 - (d) publishing on the Tsawwassen First Nation website.

Content of second nomination meeting notice

- 18** The notice referred to in section 20 [*Notification of second nomination meeting*] will
- (a) identify that the nomination meeting is a second nomination meeting for an election of Tsawwassen Government;
 - (b) identify the date, time, place and duration of the second nomination meeting for the election;
 - (c) identify the number of positions in each component of Tsawwassen Government for which insufficient candidates have been nominated; and
 - (d) include instructions for how to nominate a candidate.

Procedure at a nomination meeting

- 19** Sections 15 [*Procedure for closing a nomination meeting*] through 18 [*Second nomination meeting*] of this regulation apply for a second nomination meeting.

Certification package and notice of nomination

- 20** Within one day of a nomination meeting, the election officer must send a certification package to nominees.

Notice of nomination

- 21** The certification package will contain a notice of nomination in the form prescribed in Schedule C [*Notice to individuals nominated*] to this regulation.

Certification of candidate

- 22** If a nominated candidate intends to be a candidate in the election, the candidate must file with the election officer a certification package that includes:
- (a) a statutory declaration constituting an acceptance of nomination in the form prescribed in Schedule D (*Acceptance of Nomination*) of this regulation;

- (b) a certificate of qualification in the form prescribed in Schedule A [*Certificate of Qualification*] of the Qualification and Disclosure Regulation under the *Government Organization Act*;
- (c) a disclosure, in the form prescribed in Schedule B [*Nominee Disclosure Statement*] of the Qualification and Disclosure Regulation under the *Government Organization Act*; and
- (d) a non-refundable deposit, payable to Tsawwassen First Nation and submitted in a form acceptable to the election officer, in the amount of \$150 for the office of Chief and \$50 for the office of Legislator.

Deadline for submitting certification packages

- 23** The certification package must be returned to the election officer within 7 days of the nomination meeting.

Becoming a candidate

- 24** (1) A nominee becomes a candidate when the certification package is complete and accepted by the election officer, at which time the Election Officer will declare the nominee as a candidate.
- (2) For greater certainty, an individual is not eligible to be a candidate for the office of chief or legislator under clauses 8(f) and 9(d) of the Act if he or she is in debt to Tsawwassen First Nation or a Tsawwassen institution in an amount of \$5,000 or more for a period of longer than 90 days.

Withdrawing as a candidate

- 25** A candidate who wishes to withdraw from an election pursuant to clause 36 of the Act must complete a *Withdrawal of Nomination* in the form of Schedule E.

All-candidates meeting

- 26** An all-candidates meeting must be held no less than 15 days before an election.

Election officer to request attendance of candidates

- 27** The election officer will request, in writing, the attendance of candidates at the all-candidates meeting.

Voluntary attendance at all-candidates meetings

- 28** Attendance of candidates at an all-candidates meeting is voluntary.

Notice of all-candidates meeting

- 29** Notice of the date, time and place of the all-candidates meeting will be given prior to the meeting by
- (a) posting the notice in a visible and highly travelled location at the Tsawwassen administration office;
 - (b) publishing the notice in the Tsawwassen community newsletter;
 - (c) posting the notice on the Tsawwassen First Nation website; and
 - (d) mailing the notice to all eligible voters on the voters list, to the address shown on the list.

Appointment of chair of an all-candidates meeting

- 30** The election officer must appoint an individual who is not a Tsawwassen Member or an employee of Tsawwassen First Nation to chair an all-candidates meeting.

Procedures at all-candidates meeting

- 31** The chair will establish the procedures for the all-candidates meeting.

Schedules

- 32** Schedules A – E to this regulation form a part of this regulation.

SCHEDULE A NOMINATION FORM

Person submitted for nomination: _____
(Print name)

for the position of: _____
(Chief or Legislator)

Telephone number of person nominated (optional): _____

Address of person nominated (optional): _____

E-mail address of person nominated (optional): _____

Nominated by: _____
(Print name)

Seconded by _____
(Print name)

In the matter of the Election of Tsawwassen Government, held according to the *Election Act* (Tsawwassen), I declare that:

1. I am a Tsawwassen Member;
2. I am or will be the full age of eighteen years on election day;
3. I am not disqualified from voting at the Tsawwassen First Nation government elections.

I make this declaration conscientiously believing it to be true and knowing that it is an offence under the *Election Act* (Tsawwassen) to make a false or misleading statement

(Signature of nominator)

Date

(Signature of seconder)

Date

The personal information on this form is collected under section 25 of the Election Act. The information will be used to determine nomination for election. If you have any questions about the collection or use of this information, please contact the CAO at 604-943-2112.

SCHEDULE B INSTRUCTIONS FOR MAIL-IN NOMINATIONS

Dear Member:

An election for Chief and thirteen (13) Legislators of the Tsawwassen Government is currently underway.

A nomination meeting will be held on the _____ day of _____, 20_____, at _____
(Time) (Time) (Location)

If you are a Tsawwassen Member who is or will be at least 18 years old on election day, you are entitled to nominate or second any eligible voter to stand as a candidate in the Tsawwassen Government election. You may nominate or second a candidate at the nomination meeting, or you may nominate or second a candidate by mailing the attached nomination form to the election officer. The Nomination Form must be received by the election officer before the close of the nomination meeting. If you wish to nominate or second a candidate by mail, complete the attached Nomination Form and enclose it in the envelope addressed to the Election Officer.

You may return the envelope to the Election Officer in the following ways:

- (a) return by mail courier or hand delivery as soon as possible to _____; or
- (b) hand deliver to the election officer at the nomination meeting.

Note that any nomination form received by the Election Officer after the close of the nomination meeting on _____, 20____ **WILL NOT BE ACCEPTED** unless a second nomination meeting is required due to insufficient nominations pursuant to section 27(1) [*Too few nominations*] of the Act, in which case the form must be received by the Election Officer before the close of the second nomination meeting.

If you have any questions, please do not hesitate to contact me at _____

Yours truly,

Election Officer

SCHEDULE C
NOTICE TO INDIVIDUALS NOMINATED

Date: _____, 2_____

Subject: Election of Tsawwassen Government

Dear Nominee:

According to section 24 of the *Election Act* (Tsawwassen), I must inform you that on _____, 2____, at the nomination meeting held at the _____, you were nominated as a candidate for the position of **[Chief / Legislator]** for the Tsawwassen Government election to be held on _____, 2_____.

If you choose to accept this nomination you must complete and provide to the Electoral Officer no later than _____, 20_____:

- (a) an Acceptance of Nomination form;
- (b) a Certificate of Qualification form;
- (c) a Nominee Disclosure Statement form; and
- (d) a non-refundable deposit, payable to Tsawwassen First Nation in the amount of \$150 for the office of Chief and \$50 for the office of Legislator.

The three documents (*Acceptance of Nomination*, *Certificate of Qualification*, and *Nominee Disclosure Statement*) must each be sworn before a Commissioner for Taking Affidavits.

If by _____, 2_____, I do not receive the required documents and deposit, I will consider that you have declined the nomination and you will not be permitted to be a candidate in the election.

If you accept the nomination and are declared a candidate, you may only withdraw as a candidate if you submit to the Election Officer a Schedule G [*Withdrawal of Nomination*] form that has been sworn before a Commissioner for taking Affidavits. If you withdraw, any ballots cast in your favour will not be counted.

Each candidate is allowed to have **no more than two** (2) scrutineers to observe the proceedings on Election Day. You may appoint scrutineers by submitting a *Notice Appointing Scrutineers* form. These forms will be made available at the voting stations on the election day upon request.

In the event of a tie vote, section 57 [*Tie votes*] of the *Election Act* (Tsawwassen) requires the Electoral Officer to conduct a recount of the ballots for the tied candidates. If after the completion of the recount, a tie vote still exists, the Election Officer must organize a draw of names in accordance with section 58 [*Deciding tie votes*] of the *Election Act* (Tsawwassen).

If you have any questions concerning the election process, please do not hesitate to contact me at the address and/or telephone number appearing at the bottom of this letter.

Yours truly, _____
Election Officer – Tsawwassen First Nation
Phone: _____

SCHEDULE D
TSAWWASSEN GOVERNMENT ELECTION
ACCEPTANCE OF NOMINATION

To the Tsawwassen First Nation Electoral Officer:

I, _____, a Member of the Tsawwassen First Nation, being nominated as a candidate for Chief or Legislator of the Tsawwassen First Nation at a nomination meeting held at _____ on the _____ day of _____, 20_____ and being qualified to hold such office under the *Election Act* (Tsawwassen), do hereby formally accept such nomination and enclose herewith a non-refundable deposit in the amount of _____.

(Candidate for Chief =\$150)

(Candidate for Legislator = \$50)

DECLARED BEFORE ME at the town/city of _____, Province of British Columbia, this ____ day of _____, 20____.)))))	_____ Signature of nominee
_____ A Commissioner for taking Affidavits within British Columbia.)))	

The personal information on this form is collected under section 25 of the Election Act. The information will be used to determine acceptance of nomination for election. If you have any questions about the collection or use of this information, please contact the CAO at 604-943-2112

**SCHEDULE E
WITHDRAWAL OF NOMINATION**

To the Tsawwassen First Nation Electoral Officer:

I, _____, being nominated as a candidate for Chief or Legislator of the Tsawwassen First Nation at a nomination meeting held at _____ on the _____ day of _____, 20_____, do hereby formally withdraw my nomination.

DECLARED BEFORE ME at the town/city)	
of _____, Province of British Columbia,)	
this ___ day of _____, 20__.)	
)	_____
_____)	Signature of candidate
A Commissioner for taking Affidavits within British)	
Columbia.)	

The personal information on this form is collected under section 25 of the Election Act. The information will be used to determine withdrawal of nomination for election. If you have any questions about the collection or use of this information, please contact the CAO at 604-943-2112.