

*Order Number:* 086-2009

*Date Enacted:* July 29, 2009



TSAWWASSEN FIRST NATION  
s̓əwaθən məsteyəx<sup>w</sup>

*Election Act*

**NOMINATION REGULATION**

## *Contents*

1. Citation .....	3
2. Definitions .....	3
3. Interpretation .....	3
4. Notice of Nomination Meeting .....	3
5. Thirty days notice of meeting.....	3
6. Information in nomination notice.....	3
7. Posting of notice of nomination meeting .....	3
8. Nomination form .....	4
9. Validation of nomination form.....	4
10. Eligibility to submit nomination form.....	4
11. Nomination form requirements .....	4
12. Process if a submitted nomination form is not signed by a nominator or seconder.....	4
13. Form of the nomination form .....	4
14. Nomination meeting 40 days before election.....	4
15. Procedure at nomination meeting.....	4
16. Procedure for closing a nomination meeting.....	4
17. Submission of nomination forms at nomination meeting .....	4
18. Validity of a nomination form.....	4
19. Second nomination meeting .....	5
20. Timing of second nomination meeting.....	5
21. Notification of second nomination meeting .....	5
22. Content of second nomination meeting notice .....	5
23. Procedure at a nomination meeting .....	5
24. Certification package and notice of nomination .....	5
25. Notice of nomination.....	5
26. Eligibility of candidate .....	5
27. Certification of candidate .....	5
28. Deadline for submitting certification packages.....	6
29. All-candidates meeting.....	6
30. Election officer to request attendance of candidates.....	6
31. Voluntary attendance at all-candidates meetings .....	6
32. Notice of all-candidates meeting.....	6
33. Appointment of chair of an all-candidates meeting .....	6
34. Procedures at all-candidates meeting .....	6

35. Schedule A .....	7
36. Schedule B.....	8
37. Schedule C.....	9
38. Schedule D .....	10
39. Schedule E.....	11

## 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.

## Notice of Nomination Meeting

### 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 candidates may be nominated,
- (d) include a nomination form,
- (e) include an envelope addressed to the election officer, and
- (f) 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, and

- (d) publishing on the Tsawwassen First Nation website.

### **Nomination form**

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

### **Validation of nomination form**

- 8 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 nomination meeting.

### **Eligibility to submit nomination form**

- 9 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**

- 10 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**

- 11 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.

### **Form of the nomination form**

- 12 The nomination form in the notice will contain the information and be in the form of Schedule A (*Nomination Form*) of this regulation.

### **Nomination meeting 40 days before election**

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

### **Procedure at nomination meeting**

- 14 Once declared open by the election officer, a nomination meeting must remain open for at least 2 consecutive hours for the purpose of receiving nominations for candidates.

### **Procedure for closing a nomination meeting**

- 15 After the expiry of 2 hours from the opening of the nomination meeting, the meeting closes after a motion to close the meeting is passed, or if no one is present, at the discretion of the election officer.

### **Submission of nomination forms at nomination meeting**

- 16 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.

### **Validity of a nomination form**

- 17 A nomination is not valid unless the election officer has a completed nomination form by the close of the nomination meeting.

## **Second nomination meeting**

18 If an insufficient number of nominations are received for available positions in the election, the election officer may post notice of and hold a second nomination meeting according to section 27(1) of the Act.

## **Timing of second nomination meeting**

19 The second nomination meeting must be held within 10 days of the first nomination meeting.

## **Notification of second nomination meeting**

20 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; and
- (d) publishing on the Tsawwassen First Nation website.

## **Content of second nomination meeting notice**

21 The notice referred to in section 18 [*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 candidates have not yet been nominated;
- (d) include a nomination form;
- (e) include an envelope addressed to the election officer; and
- (f) include instructions for how to nominate a candidate.

## **Procedure at a nomination meeting**

22 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**

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

## **Notice of nomination**

24 The certification package will contain a notice of nomination in the form prescribed in Schedule B (*Notice to individuals nominated*) to this regulation.

## **Eligibility of candidate**

25 A candidate is not eligible to stand for election, campaign, or have their name on an election ballot unless they are certified as a candidate under sections 26 and 27 [*Certification of a candidate*] of this regulation.

## **Certification of candidate**

26 Before a nominee is certified as a candidate in the election, each nominee must fully complete and submit the following information to the election officer

- (a) a statutory declaration constituting an acceptance of nomination in the form prescribed in Schedule C (*Acceptance of Nomination*) of this regulation;

- (b) a certificate of qualification in the form prescribed in Schedule D (*Certificate of Qualification*) of this regulation;
- (c) a disclosure, in the form prescribed in Schedule E (*Nominee Disclosure Statement*) of this regulation; 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**

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

**All-candidates meeting**

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

**Election officer to request attendance of candidates**

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

**Voluntary attendance at all-candidates meetings**

30 Attendance of candidates at an all-candidates meeting is voluntary.

**Notice of all-candidates meeting**

- 31 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.

**Appointment of chair of an all-candidates meeting**

32 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**

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

**Schedule A**  
**Nomination Form**

Person submitted for nomination: \_\_\_\_\_  
(print name)

for the position of: \_\_\_\_\_  
(Chief or Legislator)

Telephone number of person nominated: \_\_\_\_\_

Address of person nominated: \_\_\_\_\_

E-mail address of person nominated: \_\_\_\_\_

---

Nominated by: \_\_\_\_\_

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

1. I am an eligible voter in this election, and
2. I do not know of any reason why I would be disqualified from voting at this election.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Seconded by \_\_\_\_\_  
(print name) (signature of seconder)

**Schedule B**  
**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 the Acceptance of Nomination (copy attached) and have it sworn before a Commissioner for taking Affidavits, Notary Public, a Justice of the Peace or the Electoral Officer and attach your deposit and return it to the Electoral Officer by no later than \_\_\_\_\_.

If you choose **not** to accept this nomination, according to section 36 of the *Election Act* (Tsawwassen), you must submit to the Election Officer a written withdrawal of nomination, signed by yourself, either in my presence or the presence of a justice of the peace, a notary public or a commissioner for oaths.

If you fail to inform me of your refusal by \_\_\_\_\_, 2\_\_\_\_\_, nor forwarded your Acceptance of nomination together with your deposit, I will consider that you have withdrawn and your name will not be included on the ballot.

If you accept the nomination and decide prior to the close of polls that you wish to withdraw, you may do so however ballots cast in your favor 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 shall call for a public recount of the ballots for the tied candidates. If after the completion of the public recount, a tie vote still exists, the Election Officer shall announce the need for 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 C**  
**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)

SWORN TO BEFORE ME at the city of \_\_\_\_\_ }  
\_\_\_\_\_ }  
in the province of \_\_\_\_\_ }  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ } \_\_\_\_\_  
\_\_\_\_\_ ) *Signature of Nominee*  
\_\_\_\_\_ }

(Commissioner for Taking Affidavits for the Province of British Columbia or the Election Officer or a Justice of the Peace or a Notary Public)

**Schedule D**  
**Certificate of Qualification**

I, \_\_\_\_\_, being nominated as Chief/Legislator for the Tsawwassen First Nation do hereby declare the following:

That I meet all of the eligibility requirements as stated in section 8 (if I am standing for Chief) or 9 (if I am standing for Legislator) of the *Election Act* (Tsawwassen).

SWORN TO BEFORE ME at the city of \_\_\_\_\_ }

\_\_\_\_\_ }

in the province of \_\_\_\_\_ }

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ } \_\_\_\_\_

*Signature of Nominee*

\_\_\_\_\_ }

*(Commissioner for Taking Affidavits for the Province of British Columbia or the Election Officer or a Justice of the Peace or a Notary Public)*

**Schedule E**  
**Nominee Disclosure Statement**

I, \_\_\_\_\_, being nominated as Chief/Legislator for the Tsawwassen Government do hereby disclose the following:

1. That I am not currently in personal bankruptcy;
2. That I have not, in the 5 years immediately preceding election day, been convicted of an offense that carries the possibility of imprisonment for 2 years or more, which was not directly related to the exercise of aboriginal rights, Treaty rights, or aboriginal title.
3. That I am not, to the best of my knowledge, disqualified from holding office by the *Election Act* (Tsawwassen), the *Election Amendment Act* (Tsawwassen) or any other Act of Tsawwassen First Nation; and
4. That I am not in debt to Tsawwassen First Nation or a Tsawwassen entity in an amount of \$5,000 or more for a period of longer than 90 days.

SWORN TO BEFORE ME at the city of \_\_\_\_\_ }  
 \_\_\_\_\_ }  
 in the province of \_\_\_\_\_ }  
 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ } \_\_\_\_\_  
*Signature of Nominee*  
 \_\_\_\_\_ }

*(Commissioner for Taking Affidavits for the Province of British Columbia or the Election Officer or a Justice of the Peace or a Notary Public)*