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TSAWWASSEN FIRST NATION
s̓əwaθən məsteyəx^w

Election Act

VOTING AND MAIL-IN BALLOT REGULATION

Contents

1. Citation	3
2. Definitions	3
3. Interpretation	3
4. Election officer’s power to delegate.....	3
5. Eligible voters to provide identification.....	3
6. Procedure if a name is erroneously omitted from the list of eligible voters	3
7. Mail-In ballot package	3
8. Mail-In ballot package to be sent to eligible voters	4
9. Lost mail-in ballot	4
10. Election officer’s responsibilities for handling mail-in ballots.....	4
11. Handling of mail-in ballots prior to election day	4
12. Handling of mail-in ballots received after the election day	4
13. Election officer’s responsibilities at the voting station	4
14. Procedure upon receipt of a ballot.....	4
15. Procedure if ballot is spoiled in error.....	5
16. Cancellation of erroneously spoiled ballots.....	5
17. Procedure if eligible voter refuses to vote.....	5
18. Procedure if eligible voter leaves the polling station without returning their ballot.....	5
19. Process if eligible voter has a disability	5
20. Process if eligible voter’s affairs are under the legal management authority of another individual.....	5
21. Process if eligible is unable to attend the voting station on election day.....	5
22. Ballot boxes.....	5
23. Scrutineers.....	5
24. Polling booths.....	5
25. Appointment of peace officer.....	6
26. Examination of ballot boxes.....	6
27. Ballot boxes to be sealed.....	6
28. Procedure at the close of the poll	6
29. Transfer of ballot boxes at the close of the poll	6
30. Rejecting mail-in ballots	6
31. Reconciling of mail-in ballots with in-person ballots	6
32. Deposit of mail-in ballots into the ballot box.....	7
33. Commencement of the ballot counting procedure	7
34. Ballot counting procedure	7

35. Observing of ballot counting.....	7
36. Documentation of election results.....	7
37. Election officer’s responsibilities after the election.....	7
38. Disposal of election materials	7
39. SCHEDULE A	8
40. SCHEDULE B	9
41. SCHEDULE C	11
42. SCHEDULE D	12
43. SCHEDULE E.....	13
44. SCHEDULE F.....	14
45. SCHEDULE G	15
46. SCHEDULE H	16
47. SCHEDULE I.....	17
48. SCHEDULE J	18
49. SCHEDULE K	19

Citation

1 This regulation may be cited as the *Voting and Mail-In Ballot Regulation*.

Definitions

2 In this regulation:

“**Act**” means the *Election Act* (Tsawwassen);

“**appointee**” means an election clerk appointed by the election officer under section 74 (1) [*Appointment of election clerks*] of the Act or a deputy election officer appointed under section 72 (1) [*Appointment and authority of deputy election officers*] of the Act;

“**ballot question 1**” means the ballot question relating to the election for Chief a sample of which is provided in Schedule K (*Sample Ballot for Chief*) of this regulation;

“**ballot question 2**” means the ballot question relating to the election for members of the legislature a sample of which is provided in Schedule J (*Sample Ballot for Legislature*) of this regulation;

“**candidate**” means an individual that has formally accepted a nomination to run for public officer under section 25 [*Nomination must be accepted by candidate*] of the Act;

“**election officer**” means the election officer appointed under the Act;

“**ballot envelope**” means the envelope that is provided to an eligible voter in a mail-in ballot package that has the form outlined in Schedule C (*Ballot Envelope*) of this regulation printed on the envelope; and

“**peace officer**” means persons employed or engaged for the preservation and maintenance of the public peace at the election.

Interpretation

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

Election officer’s power to delegate

4 The election officer may delegate any of his or her responsibilities under this regulation to an appointee.

Eligible voters to provide identification

5 In order for an eligible voter to cast ballot on the election day he or she must provide the election officer with satisfactory identification consisting of 1 or 2 pieces of information that separately or together, provides the name, signature, and address of the eligible voter, confirming the identity of the eligible voter.

Procedure if a name is erroneously omitted from the list of eligible voters

6 A person whose name does not appear on the list of eligible voters will not be entitled to vote unless he or she can satisfy the election officer that

(a) their name has erroneously been omitted from the list by providing confirmation in writing from the enrolment registrar, and

(b) they sign the form in Schedule A (*Declaration of Elector’s Right to Vote*) of this regulation.

Mail-In ballot package

7 Mail-in ballot packages must include,

(a) pre-folded ballot question 1 and ballot question 2, initialed by the election officer,

(b) Schedule B (*Instructions for Mail-in Voting*) of this regulation,

- (c) a ballot envelope for ballot question 1 and ballot question 2, into which the ballots will be placed and on which the information outlined in Schedule C (Ballot Envelope) of this regulation is printed, and
- (d) a prepaid return envelope.

Mail-In ballot package to be sent to eligible voters

- 8 The mail-in ballot package will be sent to all eligible voters at the same time the second notice of election is posted.

Lost mail-in ballot

- 9 If an eligible voter loses his or her mail-in ballot, he or she may request a replacement ballot from the election officer provided that the request is received by the election officer no later than 10 days before the election.

Election officer's responsibilities for handling mail-in ballots

- 10 The election officer is responsible for the safe-guarding and safe-keeping of the mail-in ballots until such time as they are opened and processed in accordance with section 34 [*Ballot counting procedure*] and 35 [*Observing of ballot counting*] of this regulation.

Handling of mail-in ballots prior to election day

- 11 Mail-in ballots may only be handled by the election officer and the election officer must, upon receipt of a mail-in ballot package, deposit its contents into a locked and sealed box until election day.

Handling of mail-in ballots received after the election day

- 12 If a mail-in ballot is received by the election officer after the close of the poll, the ballot is rejected and destroyed at the same time that all other ballots are destroyed in accordance with section 65 [*Disposal of election materials*] of the Act.

Election officer's responsibilities at the voting station

- 13 At the voting station on the election day the election officer must
- (a) check the identification of an individual requesting to vote according to section 5 [*Eligible voters to provide identification*] and confirm that the name of that individual appears on the list of eligible voters,
 - (b) verify that the individual requesting to vote has not already voted, and
- provided that the requirements outlined in paragraph (a) and (b) are satisfied, the election officer must
- (a) provide the person with a ballot for ballot question 1 and a ballot for ballot question 2, both of which are initialed by the election officer on the back of ballot so that the initials can be seen when each ballot is folded,
 - (b) on the list of eligible voters, place a line through the name of every eligible voter who has received ballots, and
 - (c) except in the case of an eligible voter requiring assistance, provide to each eligible voter Schedule D [*In-person voting instructions*] of this regulation and instruct the eligible voter to proceed immediately to the voting area.

Procedure upon receipt of a ballot

- 14 Upon receiving marked ballots from an eligible voter on the election day the election officer must,
- (a) examine the ballot,
 - (b) verify his or her initials on each ballot,

- (c) hand each ballot back to the eligible voter, and
- (d) witness them depositing the ballot in a ballot box.

Procedure if ballot is spoiled in error

15 An eligible voter may exchange his or her ballot if that ballot has been spoiled due to an error.

Cancellation of erroneously spoiled ballots

16 If an eligible voter requests to exchange their ballot under section 15 [*Procedure if ballot is spoiled in error*], the election officer must keep the spoiled ballot, write the word “Cancelled” on that ballot, store it separately from all other ballots and issue a new ballot to the eligible voter.

Procedure if eligible voter refuses to vote

17 If an eligible voter who received a ballot refuses to vote, he or she will have been deemed to have forfeited his or her right to vote and the election officer must mark the word “Declined” on the list of eligible voters beside that person’s name.

Procedure if eligible voter leaves the polling station without returning their ballot

- 18 If an eligible voter leaves the polling place without returning his or her ballot, the election officer must
- (a) mark beside the name of the person on the list of eligible voters that he or she left the voting station prior to returning the ballot, and
 - (b) in the event that he or she later returns the ballot, mark it “Declined” and deposit the ballot or allow the ballot to be deposited in the ballot box.

Process if eligible voter has a disability

19 An eligible voter with a disability may request special assistance from the election officer to mark his or her ballot.

Process if eligible voter’s affairs are under the legal management authority of another individual

20 An eligible voter whose affairs are under the legal management authority of another individual may be assisted in marking his or her ballot by that individual or the election officer.

Process if eligible is unable to attend the voting station on election day

- 21 The election officer or the deputy election officer may, upon request, retrieve a vote from an eligible voter who has a disability or is incapacitated and is therefore unable to attend the voting station on the election day, provided that
- (a) the eligible voter requesting assistance resides on Tsawwassen Lands, or
 - (b) within a reasonable distance from Tsawwassen Lands as determined by the election officer.

Ballot boxes

22 The election officer must provide ballot boxes that are capable of being sealed to eliminate tampering.

Scrutineers

23 Each candidate may appoint a maximum of two scrutineers by submitting Schedule E (*Notice Appointing Scrutineers*) of this regulation to the election officer.

Polling booths

24 The election officer must

- (a) place polling booths in areas that are easily accessible and where the eligible voters can mark their ballots in secrecy without interference,
- (b) provide pencils or pens for eligible voters to mark their ballots, and
- (c) provide instructions for marking the ballots in the voting booth.

Appointment of peace officer

25 The election officer may appoint a peace officer to maintain order at the polling place.

Examination of ballot boxes

- 26 Prior to the opening of the poll, the election officer must ensure that the ballot boxes are examined by two witnesses who are not candidates or scrutineers to
- (a) ensure that the boxes are empty,
 - (b) view the sealing of the ballot boxes, and
 - (c) sign the document attached in Schedule F (*Certificate re: Sealing of Ballot Boxes*) of this regulation confirming that the boxes were empty and sealed.

Ballot boxes to be sealed

27 The ballot boxes must be sealed for the duration of the poll.

Procedure at the close of the poll

- 28 Prior to the closing of the poll on the election day, the election officer must appoint two witnesses to
- (a) verify that only eligible voters that were in the voting station at its closure were permitted to vote,
 - (b) inspect the ballot boxes prior to their opening, and
 - (c) certify that the seals of the ballot boxes are intact and that there is no evidence of tampering by signing Schedule G (*Certificate – Confirming Ballot Boxes Are Sealed And Not Tampered Prior To Opening The Boxes*) of this regulation.

Transfer of ballot boxes at the close of the poll

- 29 Immediately after the two witnesses have verified the ballot boxes and signed the certificate in Schedule G (*Certificate – Confirming Ballot Boxes Are Sealed And Not Tampered Prior To Opening The Boxes*) the election officer must
- (a) seal the ballot boxes such that no further ballots may be deposited in the ballot boxes,
 - (b) initial the respective seals, and
 - (c) transfer the sealed ballot boxes, including the mail-in ballot box, to the place identified for the counting of the ballots.

Rejecting mail-in ballots

30 Prior to the closing of the poll, the election officer may open the mail-in ballot box in the presence of two witnesses to verify that the information on the ballot envelope has been duly completed and must reject any ballot envelope that is either incomplete or was incorrectly completed.

Reconciling of mail-in ballots with in-person ballots

31 Upon transferring the ballot boxes to the place identified for the counting of the ballots, the election officer must reject the mail-in ballot package of an eligible voter if the list of eligible voters shows that the voter has already voted in person.

Deposit of mail-in ballots into the ballot box

- 32 If the mail-in ballot is not rejected under section 30 [*Rejecting mail-in ballots*] or 31 [*Reconciling of mail-in ballots with in-person ballots*] of this regulation, the election officer must place a mark on the list of eligible voters opposite the name of the voter set out on the ballot envelope, and after the seals referred to in section 29 (c) [*Transfer of ballot boxes at the close of the poll*] of this regulation have been removed, deposit the ballots in the ballot boxes.

Commencement of the ballot counting procedure

- 33 Once all of the mail-in ballots have either been rejected or inserted into the ballot boxes, the election officer must commence the ballot counting procedure.

Ballot counting procedure

- 34 The election officer or deputy election officer must open the ballot box and examine each ballot and reject those that
- (a) have not been initialed by the election officer,
 - (b) have been marked with “Cancelled” or “Declined”,
 - (c) contain votes for more than the number of positions available for the election, or
 - (d) contain a mark that may identify an eligible voter.

Observing of ballot counting

- 35 Persons residing on Tsawwassen Lands and the family members of a Tsawwassen Member not residing on Tsawwassen Lands may watch the counting of ballots.

Documentation of election results

- 36 The election officer must document the results of counting the ballots on the election officer report form pursuant to Schedule A of the *Election Officer Regulation* and Schedule H (*Official Statement of Results of Election*) of this regulation.

Election officer’s responsibilities after the election

- 37 After completing Schedule H (*Official Statement of Results of Election*), the election officer must
- (a) post the form in the same places as the Notice of Election (*Election Notice Regulation*) was posted,
 - (b) post the results on the Tsawwassen First Nation website,
 - (c) send a copy of the results to the chief administrative officer, and
 - (d) post the results in the Tsawwassen First Nation community newsletter.

Disposal of election materials

- 38 The election officer must have two witnesses confirm that the materials were disposed of in accordance with section 65 [*Disposal of election materials*] of the Act by having the witnesses sign Schedule I (*Certificate of Destruction of Ballots*) of this regulation.

SCHEDULE A

DECLARATION OF ELECTOR'S RIGHT TO VOTE

I, _____ solemnly declare that:

1. I am a Tsawwassen Member;
2. I am the full age of eighteen years;
4. I have not previously voted at this election; and
5. I am not disqualified from voting at the Tsawwassen First Nation government elections.

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 offense to make a false statement in this declaration.

Date

Signature of Elector

Declared before me on this _____ day of _____ (*month*) _____ (*year*).

I am satisfied that the above named person has the right to vote based on the above declaration and the representations by the aforesaid person.

Date

Election Officer

SCHEDULE B

Instructions For Mail-In Voting

Dear Member:

As per the attached *Notice of Election*, an election for Chief and twelve (12) Legislators of the Tsawwassen Government is currently underway.

As a Tsawwassen Member, you are entitled to vote, provided you will be at least 18 years of age on the date of the election. To assist you in casting a vote, please find enclosed a mail-in voting package consisting of:

- a ballot for the position of chief with the election officer's initials on the back;
- a ballot for the position of legislator with the election officer's initials on the back;
- an outer, postage-paid pre-addressed return envelope; and
- a second inner ballot envelope marked with the word "ballot".

CAREFULLY FOLLOW THE STEPS BELOW TO ENSURE THAT YOUR BALLOT IS VALID AND WILL NOT BE REJECTED.

1. On the ballot for Chief:

Mark an "X" in the box immediately to the right of the name of the candidate of your choice. You must choose only one candidate for Chief.

2. On the ballot for Legislator:

Mark an "X" in the box immediately to the right of the names of the candidates of your choice. You may vote for up to twelve (12) legislators.

3. Fold the ballots in the same way as you received it, so that the Election Officer's initials on the back are visible.
4. Place the ballots into the ballot envelope marked "Ballot", and seal the envelope.
5. Complete the information form printed on the front of the ballot envelope.

ENSURE THAT YOU HAVE FILLED IN ALL OF THE INFORMATION IN THE PRESENCE OF A WITNESS. THE WITNESS CAN BE A MEMBER OF YOUR FAMILY WHO IS 18 YEARS OF AGE OR OLDER.

6. Turn the envelope over and on the back of the envelope (Witness Declaration) have the Witness sign and date the form, and provide his or her address.

YOU MUST HAVE THE WITNESS COMPLETE THIS PORTION OF THE ENVELOPE.

7. Place the completed and signed ballot envelope in the larger, postage-paid pre-addressed return envelope and seal the envelope.
8. You may return the envelope to the Election Officer by any one of following three ways:
- (a) returned by mail as soon as possible;
 - (b) hand deliver to the poll station yourself, or by an individual in a sealed mail-in package;
or
 - (c) delivered by courier.

**It must be received by the Election Officer
no later than 8 p.m. on election day.**

Note that any ballot received after the close of the poll on _____, 20____ **will not be opened or processed.**

****In order for your ballot to be counted, you must have SIGNED and COMPLETED the information on the ballot envelope.**

Although you have received this mail-in voting package, you may choose to vote on election day in person at the polling station whose locations are/is indicated on the *Polling Notice*. If you submit a mail-in ballot and vote in person at the poll, then your mail-in ballot will not be opened or processed.

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

Yours truly,

Election Officer

SCHEDULE D

IN-PERSON VOTING INSTRUCTIONS

ONE (1) PERSON FOR CHIEF TO BE ELECTED
TWELVE (12) LEGISLATORS TO BE ELECTED

1. USING AN “X” MARK ONLY IN THE CIRCLE BESIDE THE NAME OF THE CANDIDATES THAT YOU WISH TO VOTE FOR. (1 ON THE BALLOT FOR CHIEF, A MAXIMUM OF 12 ON THE BALLOT FOR LEGISLATORS)
2. IF YOU MAKE A MISTAKE WITH YOUR BALLOT, RETURN IT TO THE ELECTION OFFICER WHO WILL GIVE YOU ANOTHER BALLOT.
3. **DO NOT** MAKE ANY OTHER MARK ON THE BALLOT.
4. **DO NOT** VOTE FOR ANY MORE CANDIDATES THAN ARE TO BE ELECTED.
5. WHEN YOU ARE DONE, FOLD EACH BALLOT SO THAT THE INITIALS OF THE ELECTION OFFICER CAN BE SEEN, AND HAND THE BALLOTS TO THE ELECTION OFFICER OR THE DEPUTY **WITHOUT SHOWING HOW YOU VOTED**.
6. PLEASE WAIT FOR THE ELECTION OFFICER TO EXAMINE THE BALLOT. THE ELECTION OFFICER WILL THEN RETURN THE FOLDED BALLOT TO YOU.
7. DEPOSIT EACH BALLOT INTO THE APPROPRIATE BALLOT BOX.

SCHEDULE E

NOTICE APPOINTING SCRUTINEERS

I, _____ being nominated for the position of Chief/Legislator for the Tsawwassen First Nation do hereby appoint the following persons in accordance with section 37 of the *Election Act* to act as Scrutineers to oversee the election poll on _____ day of _____, 2____.

Scrutineer

Scrutineer

Date

Nominee

SCHEDULE F

CERTIFICATE RE: SEALING OF BALLOT BOXES

This is to certify that prior to the opening of the poll, we examined the ballot box to be used at the voting stations held to elect the Chief and Legislators of the Tsawwassen First Nation on the _____ day of _____, 2____ and found the ballot boxes to be empty. The ballot box was then locked and sealed in our presence by the election officer.

Signed by Witnesses:

Signature of Witness

Please Print

Signature of Witness

Please Print

Signature of Election Officer

SCHEDULE G

**CERTIFICATE – CONFIRMING BALLOT BOXES ARE SEALED AND NOT TAMPERED
PRIOR TO OPENING THE BOXES
CHIEF AND LEGISLATURE ELECTION _____, 2____**

This is to certify that we were present at 8:00 P.M. _____, 2____ at the closing of the polls. We certify that no one was permitted to vote after the closure except those persons who were in the polling station at closure. We further certify that we examined the ballot boxes prior to their opening. The ballot boxes were sealed and there was no evidence of tampering of any kind. The ballot boxes were opened in our presence and all ballots within the boxes were removed and counted.

Signed by witnesses:

X

Signature of Witness

Date: _____

Time: _____

(Print Name)

(Address)

X

(Signature of Witness)

Date: _____

Time: _____

(Print Name)

(Address)

(Signature of Election Officer)

SCHEDULE I

TSAWWASSEN FIRST NATION

CERTIFICATE OF DESTRUCTION OF BALLOTS RESULTING

This is to confirm that we the undersigned were present and hereby certify that we witnessed the destruction of all ballots on _____ being 45 clear days after the Tsawwassen Government Election which was held on _____, such destruction being in accordance with section 65 of the *Election Act*.

Signed this _____ day of _____, 20_____, in Tsawwassen, B. C.

Print name of Witness

Print name of Witness

Signature of Witness

Signature of Witness

Address of Witness

Address of Witness

Address of Witness

Address of Witness

SCHEDULE J
SAMPLE BALLOT FOR LEGISLATURE

GENERAL ELECTION OF THE TSAWWASSEN GOVERNMENT

BALLOT FOR LEGISLATORS – 12 TO BE ELECTED

DATE: _____, 20_____

MARK YOUR BALLOT WITH AN **X** IN THE CIRCLE TO THE RIGHT OF THE
 CANDIDATES OF YOUR CHOICE. NO MORE THAN 12 TO BE ELECTED.

Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>

* Note that this ballot is a sample and may be adjusted from time to time.

SCHEDULE K
SAMPLE BALLOT FOR CHIEF

<p>GENERAL ELECTION OF THE TSAWWASSEN GOVERNMENT</p> <p>BALLOT FOR CHIEF – 1 TO BE ELECTED</p> <p>DATE: _____, 20_____</p> <p>MARK YOUR BALLOT WITH AN X IN THE CIRCLE TO THE RIGHT OF THE CANDIDATES OF YOUR CHOICE. NO MORE THAN 1 TO BE ELECTED.</p>			
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>
Name of Candidate	<input type="radio"/>	Name of Candidate	<input type="radio"/>

* Note that this ballot is a sample and may be adjusted from time to time.