



LYTTON FIRST NATION

Custom Community Election Code Information Package

Background

The development and adoption of a Lytton First Nation (“LFN”) Custom Election Code is a critical step toward the achievement of Self-Government. Chief and Council view a Custom Election Code as an essential contribution to LFN’s vision of realizing a culturally-orientated, healthy, and secure community. In response to these goals, Chief and Council have collected and used the feedback and recommendations from Membership over the past few years and developed a Custom Community Election Code.

Callison and Hanna presented an overview of the first draft of LFN’s Custom Election Code (the “Custom Election Code”) at the LFN’s Annual General Meeting (“AGM”) on October 5, 2017. The Presentation provided an overview of elections under the *Indian Act* and elections under a custom code and summarized the key concepts found in the proposed Custom Election Code.

Important Dates

- A Community Information Meeting will be held on Thursday, April 26, 2018 at 5:00 pm at Memorial Hall, Lytton
- A community referendum vote will be held on Thursday, May 17, 2018 at Memorial Hall, Lytton from 9:00 am – 8:00pm

Review the Custom Community Election Code

- Members of LFN are strongly encouraged to review the Custom Community Election Code. The Custom Community Election Code can be found:

- On the LFN Website

http://www.lyttonfirstnations.com/files/6615/1733/1829/Custom_Community_Election_Law.pdf

- In Person at the Lytton First Nation Band Office

Highlights from the Custom Election Code

1. Composition and Size of Council

- a. One Political Chief;
- b. One Cultural Chief; and
- c. Eleven Councilors.

2. Term of Office

- a. The proposed term of office is four (4) years with the ability to be re-elected.

3. Candidate Eligibility

- a. For all Council Positions
 - i. Must be at least 18 years old on the day on which the election will be held.
 - ii. Must a member of LFN.
 - iii. Must have been nominated through the nomination process.
 - iv. Can only be a candidate for one office, e.g. Political Chief, Cultural Chief or Councilor.

- v. Candidates must formally accept or decline their nomination.
- vi. Candidates must campaign in accordance with the **Code of Ethics** including:
 - a. no campaigning during a funeral;
 - b. refrain from making defamatory (untrue) statements against other candidates; and
 - c. no vote buying.
- vii. Must complete a criminal record check:
 - a. cannot have been convicted of an indictable (serious) offence or felony within previous ten years – if not pardoned.
- b. Candidates Ineligible to Run for Office
 - i. Employees or independent contractors of LFN are not eligible to serve on Council concurrently:
 - a. Employees and contractors of LFN are permitted to work until the Oath of Office is signed following an election.
 - b. Employees and contractors must resign from employment or terminate their contract prior to signing the Oath of Office.
 - c. An exception is made that allows a Council Member who is a summer student or a post-secondary student to be employed in a non-managerial position by the Lytton First Nation for a term up to four (4) months per year while serving on Council.
 - ii. Chief and Council can still work full-time for the Nlaka'pamux School, Nlha'7kapmx Child & Family Services, Nzen'man' Child and Family Development Centre and other community organizations.
 - iii. Office will be vacant if a Chief or Councilor is absent for more than three (3) months without authorization.

4. Pre- Nomination Procedure

- a. Electoral Officer will be appointed by *Band Council Resolution* not less than **90 days** before the expiration of the current Council's term of office.
- b. Band Council Resolution will fix election date.
- c. The **Electoral Officer** must have:
 - i. either **experience or training** in conducting elections or has received appropriate training; and
 - ii. be at least 18 years of age.
- d. Preference will be provided to a person of Nlaka'pamux ancestry.
- e. Electoral Officer must swear an Oath of Office.
- f. Electoral Officer is responsible for managing and executing all processes and procedures for the election.
- g. Electoral Officer will prepare a Voter List 72 day before election.
- h. Electoral Officer will appoint:
 - i. **Nlaka'kapmuxcin language interpreter**; and
 - ii. Deputy Electoral Officer(s).

5. Nomination Process

- a. Nomination meeting must be held at least 42 days before the election.
- b. **Mail in** nomination forms are accepted.
- c. Any Voter (member & 18 years old) may nominate or second:
 - i. one person for Political Chief,
 - ii. one person for Cultural Chief, and
 - iii. nominate or second up to 11 persons for Councilor positions.
- d. At the commencement of the nomination meeting, the Electoral Officer will appoint five volunteer Voters to form an **Election Observer Committee**.
- e. **The Committee** has the purpose of observing the election proceedings during the nomination meeting, the advance poll, and on the day of the election.
- f. The Nomination Meeting will remain open for at least 3 hours.

6. Pre-Election Procedure

- a. The day after the nomination meeting, the Electoral Officer will post in the LFN administrative office and in other public areas in the community:
 - i. a list of nominees;
 - ii. their nominators and seconders; and
 - iii. the offices nominated for.
- b. An individual nominated as a Candidate for **more than one position** must declare which office they intend to seek.
- c. Within 5 days of the Nomination meeting, a nominee must provide:
 - i. a notice of acceptance of nomination; or
 - ii. a sworn declaration confirming withdrawal.
- d. Within 3 days of the nomination meeting, the Electoral Officer will prepare a **Notice of Election** setting out the details of the upcoming election.
- e. 35 days prior to the election, the Electoral Officer will mail a "Mail-in Ballot" package to each Voter that resides outside the Lytton community.

7. Voting

- a. Advance poll one week before election held at a location on the Westside.
- b. At polling station(s) on Election Day.
- c. Each Voter on the Voters' List will receive a ballot to vote and must place the ballot in the ballot box.
- d. The Electoral Officer may appoint a fluent Nlaka'pamuxcin speaker as an interpreter to assist Voters at polling station.
- e. A Voter with a physical disability or who has difficulty with reading or writing may be assisted by an election officer or by a person accompanying the Voter.
- f. The members of the Election Observation Committee will be in attendance at the Polling station to observe the election proceedings.

8. Election Day

- a. Voting will be by secret ballot.
- b. Voters will vote by placing a ballot in the ballot box.

- c. At the close of the poll, the Electoral Officer will commence the counting of the votes, including mail-in ballots and advance ballots, in the presence of any Candidates and members.
- d. After counting the votes the Electoral Officer will declare the Candidates who have received the highest number of votes.
- e. Tie vote will be broken by drawing names from a receptacle.
 - o e.g. if two candidates are tied, their names are placed in receptacle, and the name drawn will be declared the successful candidate. Only one name drawn from receptacle.

9. Post Election

- a. The Electoral Officer will prepare a final statement of the results.
- b. Within 4 days after counting the votes, the Electoral Officers will post a notice of the results in a public place in the community.
- c. Within 10 days of the election, all Candidates must swear an Oath of Office before Elders present at a swearing in ceremony.
- d. Ballots may be destroyed in the presence of two witnesses (who will make a declaration) after 45 days unless otherwise directed by Council.

10. Dispute Resolution

- a. If a Council member is convicted of a serious offence during their term of office they will be removed from office.
- b. A Council member may be recalled and dismissed if 51% of the total number of participating Voters bring a petition forward.
- c. The Appeal and Dispute Resolution Board:
 - i. 5 members.
 - ii. Appointed by Council at least 3 months before the election date.
 - iii. Term of office will be from appointment until next board is selected.
 - iv. Investigate election appeals and complaints.
 - v. Candidates or voters may submit a written appeal within 30 days of election.
 - vi. The Board will make a ruling and either:
 - a. dismiss the appeal; or
 - b. uphold the appeal by removing Council member from office.

11. Election Process Timeline

- a. Pre Election
 - i. At least **90 days** before Council's term ends; Council will set an election date and appoint an **Electoral Officer**.
 - ii. The Electoral Officer will:
 - a. Prepare Voters List at least **72 days** before election date;
 - b. Post Voters List at least **65 days** before election date;
 - c. Post a notice of the nomination meeting at least **30 days** before nomination meeting date and mail-out nomination package;
 - d. Hold a **Nomination Meeting** at least **42 days** before election.

- b. During Election
 - i. The Election will be held **42+ days** after the nomination meeting.
 - ii. The Electoral Officer will **1 day after** the Nomination Meeting post a list of nominees and **within 3 days** post a notice of Election.
 - iii. Within **5 days** nominated candidates must present a notice of acceptance to Electoral Officer.
 - iv. At least **35 days** before the election, the Electoral Officer will mail a **mail-in ballot package** to all electors who do not reside in the Lytton Community.
 - v. Voters who reside in the Lytton Community may request mail-in ballot package up to **10 days** prior to the election date.
 - vi. An advanced poll will be held **one week** before the election date on the Westside, e.g. Westside Hall.
- c. Post- Election
 - i. Within **4 days of Election** the Electoral Officer will post a notice of the results.
 - ii. Within 10 days of Election – Chief and Council must swear an Oath of Office.
 - iii. There is a 30 day appeal period after the Election.

12. Ratification & Next Steps

- a. A final draft of the LFN Custom Community Election Code has been shared with Membership.
- b. The Custom Community Election Code will only come into effect pending the approval by LFN Voters.
- c. In order to demonstrate approval by the community, the Lytton First Nation must hold a ratification vote.
- d. A majority of Voters must approve the LFN Custom Community Election Code by secret ballot.
- e. A referendum date will be set by Council.
- f. At least 42 days notice will be given to the Membership regarding the referendum.

CONTACT INFO

Please contact our Referendum Officer, Human Resource Manager or legal Counsel if you have any questions about LFN's Custom Community Election Code:

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