

- (a) sign and post, in at least three conspicuous places within the community, the election report prepared;
- (b) mail a copy of the election report to every elector of the band who provided their address for election purposes and who does not reside on reserve; and
- (c) forward a copy of the election report to the band administrator.

87. 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.

88. All ballots and materials retained in accordance with section XXX shall be retained for 60 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 council, destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

## **Complaints and Appeal Board**

### **Composition**

89. The Complaints and Appeal Board shall be composed of three members as follows:
- a. an elder;
  - b. a person, at least 25 years of age, who is not a member of the band and who does not have a vested interest in the outcome of an election appeal or a petition for the removal of a council member from office; and
  - c. a band member, at least 25 years of age, who is familiar with the traditions, values and language of the band.

90. All members of the Complaints and Appeal Board shall possess an understanding of the principles of natural justice.
91. At least 100 days before the date on which the election is to be held, the band council shall:
- a. select the members of the Complaints and Appeal Board in accordance with section 89; and
  - b. draw a list of 10 additional potential members so as to avoid a conflict of interest.
92. The term of office of the Complaints and Appeal Board shall be from its appointment under section 89 until the day on which the council selects another Complaints and Appeal Board in accordance with this code.
93. Upon receipt of an election appeal, any Complaints and Appeal Board member who is immediate family of any appellant or candidate, or who may be reasonably apprehended to have a bias or conflict in connection with the appeal, shall excuse themselves from the board.
94. The remaining members of the Complaints and Appeal Board will select additional members as required to attain three from the list of potential members drawn by the band council in accordance with subsection 93.
95. Each member of the Complaints and Appeal Board shall execute an oath of office and accept his appointment by forwarding a letter of acceptance to the council.

### **Functions**

- a. The Complaints and Appeal Board shall supervise and administer, in accordance with the provisions of this code all election appeals.

## **Appeal Mechanism**

### **Timing**

96. A candidate or an elector may, within 45 days from the date on which the election was held, submit an appeal to the Complaints and Appeal Board.

### **Grounds for Appeals**

97. 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.

### **Procedure**

98. An appeal submitted to the Complaints and Appeal Board 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 by any supporting documentation; and
  - b. be accompanied by a deposit in the amount of (\$ ).
99. Upon receipt of an election appeal, the Complaints and Appeal Board shall:
- a. in the case where the appeal is submitted in accordance with section XX, forward a copy together with supporting documents by registered mail to the electoral officer and to each candidate at the election; or
  - b. in the case where the appeal is not submitted in accordance with section XXXX, inform the appellant(s) in writing that the appeal will not receive further consideration.

100. Any candidate or the electoral officer may, within 14 days of the receipt of the appeal(s), forward to the Complaints and Appeal Board by registered mail a written response to the appeal allegations, together with any supporting documentation.

### Investigation

101. The Complaints and Appeal Board may, if the material that has been filed is not adequate for deciding the validity of the election complained of, conduct such further investigation into the matter as the board deems necessary.
102. After a review of all of the evidence that it has received, the Complaints and Appeal Board shall rule:
- a. that the evidence presented was not sufficiently substantive to determine that:
    - i. a violation of this code has taken place that might 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 might 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 might 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 might have affected its results, and uphold the appeal by setting aside the election of one or more council members.

103. The decision of the Complaints and Appeal Board made pursuant to section XXX shall be:
- a. published in the community's newsletter, which is mailed to band members, or in a separate written notice delivered or mailed to all band members; and
  - b. posted in at least one conspicuous place on the reserve.

### **Amendments**

104. The process for development and passage of amendments to this code may be initiated by:
- a. a petition presented to council, signed by at least 50% of all eligible electors and setting out the specific area in this code proposed for amendment; or
  - b. band council resolution.
105. Upon receipt of an amendment proposal in accordance with section 104, council shall prepare a notice that sets out:
- a. a summary of the proposed amendments to this code;
  - b. a statement that the full copy of the proposed amendments can be obtained at the band administration office; and
  - c. a description of the amendment process.
106. The notice provided for in section 104 shall be:
- a. published in the community's newsletter, delivered or mailed to band electors, or by separate notice delivered or mailed to all band electors; and
  - b. posted in at least one conspicuous place on the reserve.