



# NOMINATION REGULATION

Enacted under the *Election Law*

TNR 24/2016

Enacted on June 23, 2016.

Hegus [SIGNATURE]

Hegus [NAME]

DEPOSITED IN THE TLA'AMIN  
REGISTRY

ON 12/07/16  
(day/month/year)

  
Signature of Law Clerk

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## INTRODUCTORY PROVISIONS

### Authority

1. This regulation is made pursuant to the *Election Law*.

### Definitions

2. Unless specifically provided otherwise in these regulations, the terms used have the same meaning as defined in the *Election Law*.

“**certification package**” means the information outlined in sections 13.1 and 13.2 of this regulation;

“**eligible voter**” has the same meaning as defined in the *Election Law*;

“**General Assembly**” means the General Assembly of the Tla’amin Nation;

“**in good standing**” has the same meaning as defined in the Tla’amin Nation Administration and Finance Operations Manual;

“**Law**” means the *Election Law*;

“**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 Elections Officer;

“**nomination meeting**” means a meeting to nominate eligible voters to be candidates in the election of the Tla’amin Government;

“**nomination notice**” means a notice for a nomination meeting referred to in the Law; and

“**Tla’amin citizen**” has the same meaning as in the *Interpretation Law*.

## NOMINATION PROCESS

### Nomination notice

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

### Contents of the nomination notice

4. The notice referred to in section 3 will
  - a) Identify that the nomination meeting is for an election of Tla’amin 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 Tla’amin Government for which candidates may be nominated;
  - d) Include a nomination form;

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- e) Include an envelope addressed to the elections officer; and
- f) Include instruction for how to nominate a candidate.

### Posting of the nomination notice

- 5. Not less than 30 days before the nomination meeting, the notice referred to in section 3 will be formally posted by
  - a) Posting the notice in a visible and frequently travelled location at the Tla'amin Nation administration office;
  - b) Publishing the notice in the Tla'amin Nation community newsletter and in every newsletter prior to the nomination meeting;
  - c) Mailing to every eligible voter; and,
  - d) Publishing the notice on the Tla'amin Nation website.

### Eligible to nominate

- 6. All eligible voters may nominate or second any eligible voter to stand as a candidate in the election, but no eligible voter may nominate themselves.

### Nomination form

- 7. A nomination form must be completed for a nomination to be valid and must be
  - a) submitted to the elections officer by the close of the nomination meeting, or
  - b) where the nomination form was sent by mail, received by the elections officer prior to the nomination meeting.

### Nomination form requirements

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

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

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

### Form of the nomination form

- 10. 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

- 11. The nomination meeting must
  - a) be held no less than 40 days before the election;
  - b) once declared open by the elections officer, remain open for at least 2 consecutive hours for the purpose of receiving nominations for candidates;

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- c) after the expiry of 2 consecutive hours, close after a motion to close the meeting is passed, or if no one is present, at the discretion of the elections officer; and
- d) begin with the submission of nomination forms to the elections officer and the opening of nomination forms received by the elections officer prior to the meeting.

### Validity of a nomination form

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

### Second nomination meeting

- 13. If an insufficient number of nominations are received for available positions in the election, the elections officer may post notice of and hold a second nomination meeting within 10 days of the first nomination meeting.

### Notification of a second nomination meeting

- 14. Notice of the second nomination meeting must be given prior to the meeting by
  - a) Posting the notice in a visible and frequently travelled location at the Tla'amin Nation administration office;
  - b) Publishing the notice in the Tla'amin Nation community newsletter and in every newsletter prior to the nomination meeting; and
  - c) Publishing the notice on the Tla'amin Nation website.

### Contents of a second nomination meeting notice

- 15. The notice referred to in section 12.1 will
  - a) Identify that the nomination meeting is a second nomination meeting for an election of Tla'amin 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 Tla'amin Government for which candidates may be nominated
  - d) Include a nomination form;
  - e) Include an envelope dressed to the elections officer; and
  - f) Include instruction for how to nominate a candidate.

### Procedure at a second nomination meeting

- 16. Section 9 [*Nomination meeting*] and 10 [*Validation of a nomination form*] of this regulation apply for a second nomination meeting.

### Certification package

- 17. Within one day of a nomination meeting, the elections officer must send a certification package to nominees.

### Notice of nomination

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

## CRITERIA FOR CANDIDACY

### Eligibility of candidate

19. 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 section 15.1 [*Certification of a candidate*] of this regulation.

### Certification of candidate

20. Before a nominee is certified as a candidate in the election, each nominee must fully complete and submit the following information to the elections 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 the Tla'amin Nation and submitted in a form acceptable to the elections officer, in the amount of \$100 for the office of Hegus and \$50 for the office of Legislator.

### **A nominee who is not enrolled or not in good standing with the Tla'amin Nation**

21. For greater certainty, a nominee may be a Tla'amin individual who is not enrolled as a Tla'amin Citizen and/or may not be in good standing with the Tla'amin Nation, however, for any nominee to be certified as a candidate in the election, each nominee must
  - a) enroll as a Tla'amin Citizen; and
  - b) be in good standing with the Tla'amin Nation.

### Deadline for submitting certification packages

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

### All-candidates meeting

23. The elections officer must request, in writing, the attendance of all candidates at the all-candidates meeting, to be held no less than 15 days before an election.

**Notice of all-candidates meeting**

24. 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 frequently travelled location at the Tla'amin Nation administration office;
  - b) Publishing the notice in the Tla'amin Nation community newsletter; and
  - c) Publishing the notice on the Tla'amin Nation website.

**Chair of all-candidates meeting**

25. The elections officer must appoint an individual who is not a Tla'amin citizen or an employee of the Tla'amin Nation to chair the all-candidates meeting.

**Rules of all-candidates meeting**

26. The chair appointed by the elections officer will establish the procedure for the all-candidates meeting.

**Attendance at all-candidates meeting**

27. Attendance of candidates at the all-candidates meeting is voluntary.

**Commencement**

28. This regulation comes into force on June 23, 2016.



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SCHEDULE A – TLA'AMIN NATION NOMINATION FORM

Person submitted for nomination: \_\_\_\_\_  
Print name)

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

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

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

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

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

In the matter of the Tla'amin Nation election, held according to the *Election Law*, 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)

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SCHEDULE B – NOTICE TO INDIVIDUALS NOMINATED

Date: \_\_\_\_\_, 2\_\_\_\_\_

Subject: Election of the Tla'amin Government

Dear Nominee:

According to the *Election Law*, I must inform you that on \_\_\_\_\_, 2\_\_\_\_\_, at the nomination meeting held at the \_\_\_\_\_, you were nominated as a candidate for the position of **[Hegus/ Legislator]** for the election of the Tla'amin Government to be held on \_\_\_\_\_, 2\_\_\_\_\_.

If you choose to accept this nomination you must complete the *Tla'amin Nation – Acceptance of Nomination Form* (copy attached) and have it sworn before a commissioner for taking affidavits, notary public, a justice of the peace or the Tla'amin elections officer and attach your deposit and return it to the elections officer by no later than \_\_\_\_\_, 2\_\_\_\_\_.

If you choose to accept this nomination and are not currently enrolled as a Tla'amin citizen, you must enrol as a Tla'amin citizen before you can be certified as a candidate in the election. If you choose to accept this nomination and are not currently in good standing with the Tla'amin Nation, you must take appropriate steps to return to good standing with the Tla'amin Nation before you can be certified as a candidate in the election.

If you choose not to accept this nomination, according to the *Election Law*, you must submit to the elections officer a written withdrawal of nomination, signed by yourself, either in the presence of a justice of the peace, a notary public, a commissioner for oaths, of the Tla'amin elections officer.

If you fail to inform the Tla'amin elections officer of your refusal by \_\_\_\_\_, 2\_\_\_\_\_, nor forwarded your acceptance of nomination together with your deposit, under Tla'amin law, I will consider that you have withdrawn and your name will not be included on the election ballot.

If you accept the nomination and decide prior to the close of polls that you wish to withdraw, you may do so, however, 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 *Tla'amin Nation - Notice Appointing Scrutineers Form*. These forms will be made available at all voting stations on the election day upon request.

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

Yours truly, \_\_\_\_\_  
Tla'amin Elections Officer  
Email:

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Phone:

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SCHEDULE C – ACCEPTANCE OF NOMINATION FOR TLA’AMIN ELECTION FORM

To the Tla’amin Elections Officer:

I, \_\_\_\_\_, a Tla’amin citizen, being nominated as a candidate for Hegus or  
Legislator of the Tla’amin Nation at a nomination meeting held at \_\_\_\_\_ on the  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_ and being qualified to hold such office under the *Election  
Law*, do hereby formally accept such nomination and enclose herewith a non-refundable deposit  
in the amount of \_\_\_\_\_.

(Candidate for Hegus =\$100)  
(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 elections officer or a  
justice of the peace or a notary public)

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SCHEDULE D - CERTIFICATE OF QUALIFICATION

To the Tla'amin Elections Officer:

I, \_\_\_\_\_, a citizen of the Tla'amin Nation, being nominated as a candidate for  
Hegus or Legislator of the Tla'amin Nation do hereby declare the following:

That I meet all of the eligibility requirements as stated in the *Election Law* and in the *Nomination  
Regulation*.

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

Signature of nominee

\_\_\_\_\_  
(Commissioner for taking affidavits for the Province  
of British Columbia or the elections officer or a  
justice of the peace or a notary public)

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SCHEDULE E – NOMINEE DISCLOSURE STATEMENT

I, \_\_\_\_\_, a Tla'amin Citizen, being nominated as a candidate for Hegus or Legislator of the Tla'amin Nation 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 offence 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 Law* or any other Tla'amin law or policy; and
4. That I am not in debt to Tla'amin Nation or a Tla'amin Public Institution 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 elections officer or a  
 justice of the peace or a notary public)



**ORDER OF THE EXECUTIVE COUNCIL OF THE TLA'AMIN NATION**

**Executive Council Order No.:** TNO-EC 39/2016

**Approved and Ordered:** June 23, 2016

**Order**

The Executive Council hereby replaces the existing *Nomination Regulation* with the attached amended *Nomination Regulation*, to take effect on June 23, 2016.

**Authority**

This Executive Council Order is made under the authority of the *Tla'amin Nation Election Law*.

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*Signed by the Hagus on behalf of the  
Executive Council of the Tla'amin Nation*

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*(Note: This portion is for administrative purposes only and is not part of the Order)*

**Authority under which the Order is made:**

**Law:** *Election Law*

**Other (please specify):** N/A

DEPOSITED IN THE TLA'AMIN  
REGISTRY

ON 12, 07, 16  
(day/month/year)

Judith King  
Signature of Law Clerk