



VOTING AND BALLOT REGULATION

Enacted under the *Election Law*

TNR 25/2016

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

TABLE OF CONTENTS

INTRODUCTORY PROVISIONS 4

 1 1 Authority 4

 2 2 Definitions..... 4

 3 Elections officer’s power to delegate 4

VOTING AND BALLOT PROVISIONS 4

 4 Eligible voters to provide identification..... [Error! Bookmark not defined.](#)4

 5 Procedure if a name is erroneously omitted from the list of eligible voters[Error! Bookmark not defined.](#)4

 6 Mail-In ballot package [45](#)

 7 Mail-In ballot package to be sent to eligible voters 5

 8 Mail-in ballot replacement 5

 9 Elections officer’s responsibilities for handling mail-in ballots 5

 10 Handling of mail-in ballots prior to election day 5

 11 Handling of mail-in ballots received after the election day [65](#)

 12 Elections officer’s responsibilities at the voting station [65](#)

 13 Procedure upon receipt of a ballot 6

 14 Procedure if ballot is spoiled in error [76](#)

 15 Cancellation of erroneously spoiled ballots [76](#)

 16 Procedure if eligible voter refuses to vote [76](#)

 17 Procedure if eligible voter leaves the polling station without returning their ballot 7

 18 Process if eligible voter has a disability..... 7

 19 Process if eligible voter’s affairs are under the legal management authority of another individual 7

 20 Process if eligible voter is unable to attend the voting station on election day 7

 21 Ballot boxes..... [Error! Bookmark not defined.](#)7

 22 Scrutineers [Error! Bookmark not defined.](#)7

 23 Polling booths [Error! Bookmark not defined.](#)7

 24 Appointment of peace officer..... [Error! Bookmark not defined.](#)7

 25 Examination of ballot boxes [Error! Bookmark not defined.](#)8

 26 Ballot boxes to be sealed [Error! Bookmark not defined.](#)8

 27 Procedure at the close of the poll [78](#)

 28 Transfer of ballot boxes at the close of the poll 8

 29 Rejecting mail-in ballots 8

 30 Reconciling of mail-in ballots with in-person ballots [89](#)

 31 Deposit of mail-in ballots into the ballot box [89](#)

 32 Commencement of the ballot counting procedure [89](#)

 33 Ballot counting procedure..... [89](#)

 34 Observing of ballot counting..... 9

 35 Documentation of election results 9

 36 Elections officer’s responsibilities after the election [940](#)

 37 Disposal of election materials [940](#)

 38 Commencement [940](#)

SCHEDULE A..... [1011](#)

SCHEDULE B..... [Error! Bookmark not defined.](#)12

SCHEDULE C..... [1213](#)

SCHEDULE D..... [1314](#)

SCHEDULE E	<u>1617</u>
SCHEDULE F	<u>1718</u>
SCHEDULE G	<u>1819</u>
SCHEDULE H	<u>1920</u>
SCHEDULE I	<u>2021</u>
SCHEDULE J	<u>2123</u>
SCHEDULE K	<u>2224</u>

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*.

“**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 E (*Ballot Envelope*) of this regulation printed on the envelope;

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

“**ballot question 2**” means the ballot question relating to the election for the 8 Legislators, a sample of which is provided in Schedule B (*Sample Ballot for Legislators*) of this regulation; the Law;

“**Law**” means the *Election Law*;

Elections officer’s power to delegate

3. The elections officer may delegate any of his or her responsibilities under this regulation to a an elections official.

VOTING AND BALLOT PROVISIONS

Ballot boxes

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

Scrutineers

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

Polling booths

6. The elections 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 pens for eligible voters to mark their ballots; and
 - c) provide instructions for marking the ballots in the voting booth.

Use of cellular phones and electronic devices at polling booths

7. The elections officer and election officials must both communicate and enforce that the use of cellular phones and other electronic devices in and around polling stations before, during and after voting is not permitted.

Appointment of peace officer

8. The elections officer may appoint a peace officer to maintain order at the polling place.

Examination of ballot boxes

9. Prior to the opening of the poll, the elections 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 H (*Certificate re: Sealing of Ballot Boxes*) of this regulation confirming that the boxes were empty and sealed.

Ballot boxes to be sealed

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

Mail-In ballot package

11. Mail-in ballot packages must include
- a) pre-folded ballot question 1 and ballot question 2, initialed by the elections officer;
 - b) Schedule D (*Mail-in Voting Instructions*) 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 E (*Ballot Envelope*) of this regulation is printed; and
 - d) a prepaid return envelope.

Mail-In ballot package to be sent to eligible voters

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

Mail-in ballot replacement

13. If an eligible voter loses their mail-in ballot, they may request a replacement ballot from the elections officer provided that the request is received by the elections officer no later than 10 business days before the election.

Elections officer’s responsibilities for handling mail-in ballots

14. The elections 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 33 [*Ballot counting procedure*] and 35 [*Observing of ballot counting*] of this regulation.

Handling of mail-in ballots prior to election day

15. Mail-in ballots may only be handled by the elections officer and the elections 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

16. If the elections officer receives a mail-in ballot 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 the *Election Law*.

Eligible voters to provide identification

17. In order for an eligible voter to cast a ballot on the election day they must provide the elections officer with satisfactory identification consisting of one or two 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

18. A person whose name does not appear on the list of eligible voters will not be entitled to vote unless he or she
- a) can satisfy the elections officer that their name has erroneously been omitted from the list by providing confirmation in writing from the citizenship registrar, and
 - b) signs the form in Schedule C (*Declaration of Elector's Right to Vote*) of this regulation.

Elections officer's responsibilities at the voting station

19. At the voting station on the election day the elections officer must

- a) check the identification of an individual requesting to vote 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 elections 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 elections officer on the back of the 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 F [*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

20. Upon receiving marked ballots from an eligible voter on the election day the elections 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 spoilt in error

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

Cancellation of erroneously spoilt ballots

22. If an eligible voter requests to exchange their ballot under section 14 [*Procedure if ballot is spoilt in error*], the elections officer must keep the spoilt ballot, write the word "cancelled" on that ballot, store it separately from all other ballots, issue a new ballot to the eligible voter, and make a notation on the eligible voters list indicating a spoilt ballot and the issuance of a new ballot to the eligible voter.

Procedure if eligible voter refuses to vote

23. If an eligible voter who received a ballot refuses to vote, they will have been deemed to have forfeited their right to vote and the elections officer must mark the word "declined" on the list of eligible voters beside that eligible voter's name.

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

24. If an eligible voter leaves the polling place without returning their ballot, the elections officer must

- a) mark beside the name of the person on the list of eligible voters that they left the voting station prior to returning the ballot; and
- b) in the event that they later return 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

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

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

26. 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 elections officer.

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

27. The elections 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 Tla'amin lands; or
- b) within a reasonable distance from Tla'amin lands as determined by the elections officer.

Procedure at the close of the poll

28. Prior to the closing of the poll on the election day, the elections 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 I (*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 I (*Certificate – Confirming Ballot Boxes Are Sealed And Not Tampered Prior To Opening The Boxes*) the elections 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 elections 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 elections 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 29 [*Rejecting mail-in ballots*] or 30 [*Reconciling of mail-in ballots with in-person ballots*] of this regulation, the elections 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 28.1 (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 elections officer must commence the ballot counting procedure.

Ballot counting procedure

34. The elections officer or elections official must open the ballot box and examine each ballot and reject those that
- a) have not been initialed by the elections officer;
 - b) have been marked with “spoiled” or “declined” or “rejected”;
 - 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 Tla'amin lands and the family members of a Tla'amin citizen not residing on Tla'amin lands may watch the counting of ballots.

Documentation of election results

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

Elections officer's responsibilities after the election

- 37. After completing Schedule J (*Official Statement of Results of Election*), the elections 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 Tla'amin Nation website,
 - c) send a copy of the results to the chief administrative officer, and
 - d) post the results in the Tla'amin Nation community newsletter.

Disposal of election materials

- 38. The elections officer must have two witnesses confirm that the materials were disposed of in accordance with section 68 [*Disposal of election materials*] of the Law by having the witnesses sign Schedule K (*Certificate of Destruction of Ballots*) of this regulation.

Commencement

- 39. This regulation is deemed to have come into effect on June 23, 2016.

SCHEDULE A

SAMPLE BALLOT FOR HEGUS

This ballot is a sample and may be adjusted from time to time.

GENERAL ELECTION OF THE TLA'AMIN GOVERNMENT			
BALLOT FOR HEGUS – 1 TO BE ELECTED DATE: _____, 20____			
MARK YOUR BALLOT WITH AN X IN THE CIRCLE TO THE RIGHT OF THE CANDIDATE OF YOUR CHOICE. NO MORE THAN 1 CIRCLE SHOULD BE MARKED WITH AN X.			
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"/>

SCHEDULE B

SAMPLE BALLOT FOR LEGISLATORS

This ballot is a sample and may be adjusted from time to time.

<p>GENERAL ELECTION OF THE TLA'AMIN GOVERNMENT</p> <p>BALLOT FOR LEGISLATORS – 8 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 8 CIRCLES SHOULD BE MARKED WITH AN X.</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"/>
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"/>

SCHEDULE C

DECLARATION OF ELECTOR'S RIGHT TO VOTE

I, _____ solemnly declare that:

- 1. I am a Tla'amin citizen;
- 2. I am the full age of 18 years;
- 4. I have not previously voted at this election; and
- 5. I am not disqualified from voting at the Tla'amin 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

Elections officer

SCHEDULE D

MAIL-IN VOTING INSTRUCTIONS

Dear Citizen:

As per the attached *Notice of Election*, an election for Hegus and eight (8) Legislators of the Tla'amin Government is currently underway.

As a Tla'amin citizen, you are entitled to vote, provided you are at least 18 years of age on or before 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 Hegus with the elections officer's initials on the back;
- a ballot for the position of legislator with the elections 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 Hegus:

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 Hegus.

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 eight (8) legislators.

3. Fold the ballots in the same way as you received it, so that the elections 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 elections 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 elections 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,

Elections officer

SCHEDULE F**IN-PERSON VOTING INSTRUCTIONS**

ONE (1) PERSON FOR HEGUS TO BE ELECTED, AND EIGHT (8) 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 HEGUS, A MAXIMUM OF 8 ON THE BALLOT FOR LEGISLATORS)**
2. IF YOU MAKE A MISTAKE WITH YOUR BALLOT, RETURN IT TO THE ELECTIONS 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 ELECTIONS OFFICER CAN BE SEEN, AND HAND THE BALLOTS TO THE ELECTIONS OFFICER OR THE DEPUTY **WITHOUT SHOWING HOW YOU VOTED**.
6. PLEASE WAIT FOR THE ELECTIONS OFFICER TO EXAMINE THE BALLOT. THE ELECTIONS OFFICER WILL THEN RETURN THE FOLDED BALLOT TO YOU.
7. DEPOSIT EACH BALLOT INTO THE APPROPRIATE BALLOT BOX.

SCHEDULE G

NOTICE APPOINTING SCRUTINEERS

I, _____ being nominated for the position of Hegus/Legislator for the Tla'amin Nation do hereby appoint the following persons in accordance with section 43 of the *Election Law* to act as scrutineers to oversee the election poll on _____ day of _____, 2_____.

Scrutineer

Scrutineer

Date

Nominee

SCHEDULE H

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 Hegus and Legislators of the Tla'amin 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 elections officer.

Signed by Witnesses:

Signature of Witness

Please Print

Signature of Witness

Please Print

Signature of Elections officer

SCHEDULE I

CERTIFICATE – CONFIRMING BALLOT BOXES ARE SEALED AND NOT TAMPERED PRIOR TO OPENING THE BOXES

TLA'AMIN NATION ELECTION FOR ONE (1) HEGUS AND EIGHT (8) LEGISLATORS_, 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.

Signed by witnesses:

X _____
Signature of Witness

Date: _____

Time: _____

(Print Name)

(Address)

X _____
(Signature of Witness)

Date: _____

Time: _____

(Print Name)

(Address)

(Signature of elections officer)

SCHEDULE K

TLA'AMIN NATION CERTIFICATE OF DESTRUCTION OF BALLOTS

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 Tla'amin Nation Election which was held on _____, such destruction being in accordance with section 65 of the *Election Law*.

Signed this _____ day of _____, 20_____, in Tla'amin Territory.

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



ORDER OF THE EXECUTIVE COUNCIL OF THE TLA'AMIN NATION

Executive Council Order No.: TNO-EC 40/2016

Approved and Ordered: June 23, 2016

Order

The Executive Council hereby replaces the existing *Voting and Ballot Regulation* with the attached amended *Voting and Ballot 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*.

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

(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