



NOMINATION REGULATION

Enacted under the *Election Law*

TNR 02/2016

Enacted on April 5, 2016
Amended on June 17, 2020

Hegus [SIGNATURE]

Hegus [NAME]

DEPOSITED IN THE TLA'AMIN
REGISTRY

ON 17 / 06 / 2020
(day/month/year)

Signature of Law Clerk

NOMINATION REGULATION

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NOMINATION REGULATION

PART 1 - INTRODUCTORY PROVISIONS

Authority

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

Definitions

2. In this Regulation,
 - “certification package” means the information outlined in section 13 of this Regulation;
 - “General Assembly” has the same meaning as in the *Government Law*;
 - “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; and
 - “nomination notice” means a notice for a nomination meeting referred to in the Law.
3. Unless specifically provided otherwise in this Regulation, the terms used in this Regulation have the same meaning as in the *Election Law*.

PART 2 - NOMINATION PROCESS

Notice of nomination meeting

4. Not less than 10 days before the nomination meeting, notice of the nomination meeting will be posted in accordance with section 6.

Contents of the nomination meeting notice

5. The notice referred to in section 4 will
 - (a) identify that the nomination meeting is for an election of Tla’amin Government;
 - (b) identify the date, time, location and duration of a nomination meeting;
 - (c) identify the number of positions in each component of Tla’amin Government for which candidates may be nominated;

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- (d) include a nomination form;
- (e) for notice mailed or delivered to eligible voters, include an envelope addressed to the elections officer; and
- (f) include instruction for how to nominate a candidate by mail or, verbally or by submission of a form in-person at the nomination meeting.

Posting of the nomination meeting notice

- 6. The notice referred to in section 4 will be formally posted by
 - (a) posting the notice in a prominent location at the Tla'amin Governance House;
 - (b) publishing the notice in the Tla'amin Nation community newsletter and in every newsletter prior to the nomination meeting;
 - (c) mailing or delivering the notice to every eligible voter; and
 - (d) publishing the notice on the Tla'amin Nation website.

Nomination form

- 7. The nomination form in the notice will contain the information and be in the form of Schedule A (*Tla'amin Nation Nomination Form*) of this Regulation.

Validity of nomination form

- 8. In order to be valid, a nomination form must be completed in accordance with the requirements of the Law 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.

Process if a submitted nomination form is not validly signed

- 9. The elections officer will provide an opportunity for eligible voters present at the nomination meeting to correct or complete a nomination form if
 - (a) a nomination form does not have the signatures of a nominator or a seconder when it is submitted to the elections officer;
 - (b) a nomination form has been nominated and seconded by the same individual;
 - (c) a nominator or seconder has nominated, or seconded the nomination of, more than one nominee for the same elected office; or

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- (d) an individual has nominated themselves or seconded their own nomination.

Notification of a second nomination meeting

10. If a second nomination meeting is required, it must be held no later than five days following the certification of candidates under section 35 of the Law and notice of that meeting must be given prior to the meeting by

- (a) posting the notice in a prominent location at the Tla'amin Governance House; and
- (b) publishing the notice on the Tla'amin Nation website.

Contents of a second nomination meeting notice

11. The notice referred to in section 10 will

- (a) identify that the nomination meeting is a second nomination meeting for an election of Tla'amin Government;
- (b) identify the date, time, location and duration of the second nomination meeting;
- (c) identify the number of positions in each component of Tla'amin Government for which candidates may be nominated;
- (d) include a nomination form; and
- (e) include instruction for how to nominate a candidate by mail or, verbally or by submission of a form in-person at the nomination meeting.

Validity of nomination forms for a second nomination meeting

12. Sections 8 and 9 of this Regulation apply in the case of a second nomination meeting.

Certification package

13. The elections officer will provide each nominee with a certification package no later than one day after the nomination meeting that contains

- (a) a notice of nomination in the form prescribed in Schedule B (*Notice to Individuals Nominated*);
- (b) a declaration constituting an acceptance of nomination in the form prescribed in Schedule C (*Declaration of Acceptance of Nomination for Tla'amin Nation Election*) to be completed by the nominee;
- (c) a certificate of qualification in the form prescribed in Schedule D (*Declaration of Qualification*) to be completed by the nominee;

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- (d) instructions on how to authorize a criminal records check to be forwarded to the elections officer and provide evidence that this request for a criminal records check to be forwarded to the elections officer has been submitted;
- (e) instructions on how to pay the non-refundable deposit, that is payable to the Tla'amin Nation and submitted in a form acceptable to the elections officer, in the amount of \$100.00 for the office of Hegus and \$50.00 for the office of Legislator; and
- (f) such other information that is required by the Law to be provided to a nominee or that the elections officer determines should be provided to a nominee.

Attendance at all-candidates meeting

14. The elections officer must request, in writing, the attendance of all candidates at the all-candidates meeting, but attendance of candidates is voluntary.

Notice of all-candidates meeting

15. Notice of the date, time and location of the all-candidates meeting will be given prior to the meeting by
- (a) posting the notice in a prominent location at the Tla'amin Governance House;
 - (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

16. 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.

Procedure for all-candidates meeting

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

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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: _____

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

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SCHEDULE B – NOTICE TO INDIVIDUALS NOMINATED

Date: _____, 20_____

Subject: Election of the Tla'amin Government

Dear Nominee:

According to the *Election Law*, I must inform you that on _____, 20____, 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 _____, 20_____.

If you choose to accept this nomination you must complete the *Tla'amin Nation – Declaration of Acceptance of Nomination Form* (copy attached) and have it witnessed and attach your deposit, or proof that you have paid the deposit, and return it to me by no later than _____, 20_____.

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 fail to provide me with a completed certification package by no later than _____, 20____, you will be considered to have not accepted the nomination and your name will not be included on the list of certified candidates.

If you accept the nomination and decide prior to the close of polls that you wish to withdraw, you may do so by sending or giving me signed written notice of your withdrawal in accordance with the *Election Law*, however, your deposit will be forfeited, and 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 *Notice Appointing Scrutineers* (Schedule G to the *Election Voting Ballot Regulation*). 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 me at the address and/or telephone number appearing at the bottom of this letter.

Yours truly,

Tla'amin Elections Officer

Email:

Phone:

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SCHEDULE C – ACCEPTANCE OF NOMINATION FOR TLA'AMIN NATION ELECTION

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 _____ or proof that I have paid the deposit.

(Candidate for Hegus = \$100)
(Candidate for Legislator = \$50)

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 of Nominee

Date

Name of Witness (Please Print)

Signature of Witness

Note: if an individual is accepting nomination as a candidate for the position of both Hegus and Legislator, a separate acceptance of nomination for each position is required and both deposits will have to be paid.

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SCHEDULE D - CERTIFICATE OF QUALIFICATION

To the Tla'amin elections officer:

I, _____, being nominated as a candidate for Hegus or Legislator of the Tla'amin Nation do hereby declare that

1. I meet all of the eligibility requirements and I am not, to the best of my knowledge, disqualified from holding office under the *Election Law* or any other Tla'amin Law or policy, including the requirements set out in sections 2 to 6 below;
2. I am a Tla'amin Citizen;
3. I am in good standing with the Tla'amin Nation (which is defined under the *Interpretation Law* as "not currently indebted to the Tla'amin Nation or, if indebted to the Tla'amin Nation, a written agreement for repayment has been entered into and there has been no default on that agreement or any previous agreement for repayment within the past two years");
4. 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;
5. I have not, in the 10 years immediately preceding election day, been convicted of an offence that carried the possibility of imprisonment for 10 years or more, which was not directly related to the exercise of Aboriginal rights, treaty rights or Aboriginal title; and
6. I am not serving a sentence in a correctional institution.

I commit to withdraw my candidacy if any of the above declarations are no longer true.

I have submitted a signed *Tla'amin Nation Candidate Code of Fair Campaign Practices* (Schedule A to the *Election Campaign Advertising Regulation*).

I have submitted a request for a criminal records check and a request to authorize the criminal records check to be forwarded to the election officer. I am attaching evidence that a request for a criminal records check to be forwarded to the elections officer has been submitted.

I consent to the elections officer taking all necessary steps to confirm that the information contained in this certificate is accurate.

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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 of Nominee

Date

Name of Witness (Please Print)

Signature of Witness