

NEE TAHI BUHN ELECTION CODE

(approved for ratification on September 22, 2026)

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Whereas:

The Members of Nee Tahi Buhn have the inherent authority to manage their lands, resources, and structures of government;

Whereas:

Elections for the Council of Nee Tahi Buhn have in the past been held in accordance with Regulations Governing the Nee Tahi Buhn Elections (the "Regulations"), approved by community members; and

Whereas:

The Members of Nee Tahi Buhn have indicated their desire to update the Election process through passage of a Nee Tahi Buhn Election Code (the "Code"), replacing the Regulations; and

Whereas:

Community meetings were held with the membership of Nee Tahi Buhn to consult with them concerning provisions for an Election Code; and

Whereas:

This Election Code reflects and gives effect to the laws, customs, traditions, and governance practices of Nee Tahi Buhn, and is to be interpreted and applied in a manner consistent with those laws and customs; and

Whereas:

The membership of Nee Tahi Buhn has ratified the proposed Election Code in a Referendum;

Therefore, in accordance with that ratification, the following shall be the Nee Tahi Buhn Election Code.

PART I — GENERAL

1.1 Repeal and Replacement

- (1) The Nee Tahi Buhn Election Code, 2001 is hereby repealed and replaced with this Nee Tahi Buhn Election Code, 2026 (the “Code”).

1.2 Effective Date

- (1) This code is effective as of the date the Code is enacted by resolution of Nee Tahi Buhn's Chief and Council.

1.3 Application of this Election Code

This Election Code is enacted under the authority of the Nee Tahi Buhn Constitution and shall be applied and interpreted in full alignment with its principles, values, and requirements. All persons involved in administering, overseeing, or participating in the election process, including Council, the Electoral Officer, candidates, electors, and supporting staff, are responsible for carrying out their duties in a manner consistent with the Constitution. The Constitution guides and governs every aspect of this Election Code, and its supremacy ensures that all election activities uphold the integrity, accountability, and community values of Nee Tahi Buhn.

1.4 Definitions

In this Election Code, the following terms have the meanings set out below. Any capitalized term used in this Election Code that is not defined in this section has the meaning given to it in the Constitution.

“Advance Poll” means the poll held under Part XII prior to the date of the election.

“Ballot” means the ballot prepared by the Electoral Officer under this Election Code, including a Mail-in Ballot and an electronic ballot.

“By-Election” means an election held under Part XXI to fill a vacancy in the office of Chief, Deputy Chief or Councillor.

“Candidate” means a Member who has been duly nominated for the office of Chief, Deputy Chief or Councillor in accordance with this Election Code and who has not withdrawn or been removed from the list of candidates.

"Deputy Electoral Officer" means any person appointed by the Electoral Officer to assist in carrying out the duties assigned under the Election Code, and whose actions are subject to the direction and supervision of the Electoral Officer.

"Election" means a General Election or a By-Election held under this Election Code.

"Election Code" means the most current Nee Tahi Buhn Election Code ratified by Nee Tahi Buhn Members, which governs all electoral processes of the Nation and is subject to the Constitution.

"Elector" means a person who is eligible to vote in elections or by-elections under the provisions of the Election Code;

"Electoral Officer" means a person appointed by resolution of Council to ensure that all provisions set forth in this Election Code governing elections and by-elections are adhered to;

"Electoral Officials" means the Electoral Officer and any Deputy Electoral Officer appointed under the Election Code.

"Electors' List" means an alphabetical list of eligible Electors indicating the name, business address and business telephone number of the Electoral Officer;

"General Election" means an election of the whole Council held on the first Saturday of December every four years in accordance with section 2.4, other than a By-Election.

"Majority" means 50 percent plus one;

"Nee Tahi Buhn" means the body of people, also known as the Nee Tahi Buhn Indian Band under the Indian Act, for whose use and benefit in common Nee Tahi Buhn reserve lands have been set aside by Her Majesty the Queen.

"Nee Tahi Buhn Reserve Lands" means the existing Nee Tahi Buhn reserves, namely, Francois Lake Reserve, I.R. No. 7; Omineca Reserve, I.R. No. 1; the eastern half of Uncha Reserve and eastern island, I.R. No. 13A; Isaac Reserve, I.R. No. 8; and any lands set apart by Canada in future as reserve lands for the use and benefit of Nee Tahi Buhn.

"Nee Tahi Buhn Traditional Territory" means the area identified, for purposes of any Laws or Codes, as Nee Tahi Buhn Traditional Territory by shading on the Map set out in Schedule "A" and attached hereto.

"Nomination Meeting" means the meeting of Electors convened under Part VIII for the purpose of nominating candidates for Council.

"Ordinarily Resident" means the place where, in the settled routine of that person's life, that person regularly, normally or customarily lives, for at least six months of the year.

"Serious Offence" means (a) an offence under the Criminal Code (Canada) or any other Act of the Parliament of Canada that is punishable by way of indictment and for which the maximum term of imprisonment is five years or more; or (b) a felony under the laws of the United States, or of any state or territory of the United States, that is punishable by a maximum term of imprisonment of five years or more.

1.5 Timing and Interpretation

- (1) Where this Election Code requires an act to be done within a specified time, the time shall be calculated exclusive of the first day and inclusive of the last day, unless otherwise stated.
- (2) If the time for doing an act falls on or expires on a holiday, the time is extended to the next day that is not a holiday. For the purposes of this Code, "holiday" includes:
 - (a) Saturdays and Sundays;
 - (b) statutory holidays;
 - (c) Nee Tahi Buhn-declared holidays; and
 - (d) any day on which the Administration Building is closed due to emergency or unforeseen circumstances.

- (3) If the time for doing an act in the Nee Tahi Buhn Administration Building falls on or expires on a day when the office is not open during regular business hours, the time is extended to the next day the office is open. This applies to any act that must be:
 - (a) submitted in person;
 - (b) filed with the Electoral Officer;
 - (c) delivered to the Administration Building; and
 - (d) picked up from the Administration Building.
- (4) Unless otherwise stated, any deadline set in this Election Code expires at 4:30 p.m. local time, being the close of regular business hours.
- (5) Where this Code permits electronic submission, the deadline expires at 11:59 p.m. local time, unless otherwise stated.
- (6) If there is any conflict between this section and another provision of this Code, this section prevails unless the other provision expressly states otherwise.

PART II — ELECTION OF COUNCIL

2.1 Composition of Council

- (1) The Council shall consist of one Chief, one Deputy Chief and two Councillors.

2.2 Continuation of Existing Council

- (1) The Council in office at the time this Election Code comes into effect shall continue in office until the first election required to be held under this Election Code. Elections and by-elections, after this Election Code comes into effect, shall be held in accordance with this Election Code.

2.3 Election of Council Members

- (1) The offices of Chief, Deputy Chief, and Councillor shall be filled at a General Election or, in the event of a vacancy on Council, at a By-Election of Electors.

2.4 Election Dates

- (1) Elections under this Election Code shall be held on the first Saturday of December. Unless a by-election is required pursuant to the provisions of this Code.
 - (a) The first election under this Election Code shall be held on December 5th, 2026; and
 - (b) By-elections under this Election Code shall be held on the date set by the Electoral Officer in accordance with the by-election procedures established in this Election Code.

PART III — TERM

3.1 Term of Office

- (1) The term of office for Members of Council elected under this Election Code shall be four years from the date of the General Election, except as otherwise provided in this Code.

PART IV — ELIGIBILITY OF ELECTORS

4.1 Elector Eligibility

- (1) In order to be entitled to vote in an election or by-election held under this Election Code, a person must, as of the date of the Election:
 - (a) have attained the age of eighteen;
 - (b) be a current member based on current membership rules, including any Membership Code if adopted by the Nation; and
 - (c) be registered on the Electors' List.

PART V — ELIGIBILITY OF CANDIDATES

5.1 Candidate Eligibility

- (1) Any candidate for the office of Chief, Deputy Chief or Councillor must:
 - (a) qualify as an Elector under this Election Code;
 - (b) be nominated in accordance with the procedures set out in this Election Code; and
 - (c) not have been convicted of a Serious Offence within five years prior to their nomination.
- (2) A person who has been removed from their position from the office of Chief, Deputy Chief, or Councillor pursuant to the Constitution is disqualified from being nominated for, or holding, any elected office of Nee Tahi Buhn for a period of 8 years, or permanently if specified in the removal decision of the Board.
- (3) A person may only be a candidate for one of the offices of Chief, Deputy Chief or Councillor in any General Election or By-Election. A candidate who has been nominated for more than one office must withdraw from all but one office within the withdrawal window set out in section 9.1. If the candidate does not withdraw within that window, the Electoral Officer shall, in accordance with section 9.2, remove that candidate's name from all offices for which they were nominated.

5.2 Council Time Commitment and Remuneration

- (1) The Chief is a full-time leadership role, requiring regular weekly availability to provide strategic direction, uphold governance responsibilities, represent the Nation, and engage with members.
- (2) Deputy Chief is a full-time position, requiring regular weekly availability to support the Chief, carry delegated duties, and ensure continuity of leadership.
- (3) Councillors are part-time positions and require consistent participation in Council meetings, committee work, and community engagement.
- (4) All remuneration will be in accordance with the above time commitments and shall be made through the Remuneration Oversight process established in the Constitution, including approval by the Complaints & Appeals Board.

5.3 Council Members and Paid Staff Positions

- (1) Council members shall not hold paid staff positions within Nee Tahi Buhn during their term of office.

- (2) A staff member may continue in their staff position during the campaign period, provided that continued employment does not create a real, potential, or perceived conflict of interest, confer an unfair advantage on the staff member as a candidate, or compromise the integrity of the election.
- (3) If, at any time during the campaign period, a real, potential, or perceived conflict of interest, unfair advantage, or risk to the integrity of the Election arises from a staff member's continued employment, that staff member must take an unpaid leave of absence for the remainder of the campaign period.
- (4) A staff member who is elected to Council must resign from their staff position before assuming office.
- (5) No candidate may supervise a staff member during the election period.

PART VI — ELECTORAL OFFICIALS

6.1 Appointment of Electoral Officer and Deputy Electoral Officer

- (1) The Electoral Officer shall be appointed by resolution of Council at least 65 days before the date scheduled for the General Election.
 - (a) if an Electoral Officer has not been appointed in accordance with this Election Code, the General Manager shall appoint the Electoral Officer.
- (2) A Deputy Electoral Officer or Officers shall be appointed by the Electoral Officer within 14 days of the appointment of the Electoral Officer.
- (3) In the case of a By-Election, the Electoral Officer and Deputy Electoral Officer(s) shall be appointed by resolution of Council within 7 days of Council declaring the vacancy under section 21.2, or, if Council fails to do so, by the General Manager within a further 7 days.
- (4) All Electoral Officials shall swear the Oath of Office, in the form established in this Election Code, before a Justice of the Peace, notary public, or duly appointed commissioner authorized to administer Oaths of Office. The sworn Oath shall be filed with the General Manager before the Electoral Official may assume their duties.
- (5) The Electoral Officer may make such order and issue such instruction consistent with the provisions of this Election Code, as they may from time to time deem necessary for the effective administration of this Election Code.

PART VII — NOTICE OF ELECTION

7.1 Posting of Notice of Election

- (1) Whenever a General Election or By-Election is to be held, the Electoral Officer shall, at least 60 full days prior to the date of the election, post a Notice of Election in the Posting Places, in the form set out in Schedule "D".

7.2 Contents of Notice of Election

- (1) The Notice of Election shall include:
 - (a) the date of the General Election or By-Election and the date of the Advance Poll;

- (b) a description of the methods of voting available, including in-person voting, electronic voting, and mail-in ballot voting;
- (c) the addresses of the polling stations and the times of day when the polling stations will be open and closed; and
- (d) the signature, name, business address and business telephone number of the Electoral Officer, and a statement that the Electors' List is posted in the Posting Places.

7.3 Publication and Posting of Notice of Election

- (1) The Notice of Election shall be published in a newspaper of local circulation and, if in operation, a provincial Indigenous newspaper. The Notice of Election shall also be posted in the Posting Places.

PART VIII — ELECTORS' LIST

8.1 Preparation of Electors List

- (1) The Electoral Officer shall prepare an Electors List within 10 days of their appointment. The Electors' List will be the official record of all eligible Electors for the next election.

8.2 Posting of Electors List

- (1) The Electoral Officer shall post the Electors' List in the Posting Places no later than 30 days prior to the election.

8.3 Contents of Electors' List

- (1) The Electors' List will show:
 - (a) the names of all eligible Electors in alphabetical order; and
 - (b) the name of the Electoral Officer, their business address and business telephone number.

8.4 Amendments to Electors' List

- (1) A person whose name does not appear or does not correctly appear on the Electors' List and who believes they are eligible to be an Elector must, no later than 15 full days prior to the election, apply in writing to the Electoral Officer to have their name added to the Electors' List.
 - (a) The application shall set out the reason(s) why the applicant's name should be added to the Electors' List and shall also include any documents supporting the application.
- (2) If the Electoral Officer believes, or has information indicating, that a person listed on the Electors' List is not an eligible voter, or if an Elector submits a written request to remove another person's name on the basis that they do not qualify as an Elector, the Electoral Officer shall provide written notice at least 10 full days before the election to the person whose eligibility is being questioned.
 - (a) Any application to remove a person's name from the Electors' List must clearly state the reasons for the removal and include any supporting documents.

- (b) The written notice to the person whose name may be removed shall include the Electoral Officer's reasons and any supporting documents. The notice shall also provide the person 2 full days from the date the notice is delivered to submit written representations to the Electoral Officer explaining why they qualify as an Elector.

8.5 Decision on Amendments

- (1) After consideration of all information and representations relating to amendments to the Electors' List, the Electoral Officer shall add or delete names from the Electors' List, based on whether persons qualify as Electors.

8.6 Notice of Decision

- (1) The Electoral Officer shall give written notice of the decision to any person whose name has been added to or deleted from the Electors' List and shall post the decision in the Posting Places.

8.7 Appeals

- (1) Any person whose name has been deleted from the Electors' List, or whose application to have their name added has been rejected, or any Elector on the Electors' List, may appeal the Electoral Officer's decision in writing to the Complaints & Appeals Board within 2 full days of the posting of the decision.
 - (a) The appeal shall be in writing and set out the reasons why the applicant's name should be added to the Electors' List. The appeal shall include any documents upon which the applicant relies.
- (2) The Complaints & Appeals Board may make any decision regarding the addition or deletion of a person's name from the Electors' List that the Electoral Officer could have made.
 - (a) The Complaints & Appeals Board shall use its best efforts to render a decision on an appeal at least 2 full days prior to the election and shall notify the Electoral Officer of its decision. The Board's failure to render or deliver a decision at least 2 full days before the election is not grounds for challenging the validity of a deletion or the election of a candidate.

8.8 Final Electors' List

- (1) The Electoral Officer shall, at least one full day prior to the Advance Poll or if no Advance Poll is held, at least 1 full day prior to the election, post a final Electors' List in designated Posting Places and in any other conspicuous place or places on Nee Tahi Buhn Reserve Lands as may be determined by the Electoral Officer.
- (2) If a person whose name is not on the Final Electors' List has already cast a Mail-in Ballot or an electronic ballot, that ballot shall not be counted. The Electoral Officer shall set aside and securely retain any such ballot in a manner that preserves the secrecy of the vote and shall record the reason for its rejection.

8.9 Eligibility to Vote

- (1) Any person whose name does not appear on the final Electors' List shall not be entitled to vote in the election.

8.10 Irregularities in Electors' List

- (1) An irregularity in the preparation or revision of the Electors' List shall not be grounds for opposing the validity of an election or the election of a candidate unless the irregularity materially affected the result of the election.

PART IX — NOMINATION PROCESS

9.1 Nomination Meeting

- (1) The Electoral Officer shall post a Notice of Nomination Meeting, in the form set out in Schedule "A" and attached hereto, of a meeting of Electors held for the purpose of nominating candidates for Council.
- (2) The Notice of Nomination Meeting shall be posted in the Posting Places at least 14 full days prior to the scheduled nomination meeting.
- (3) The Nomination Meeting shall be held at least 45 full days before the election date.
- (4) The Notice of Nomination Meeting shall include:
 - (a) the date on which the meeting shall be held;
 - (b) the time of day when the meeting will be held;
 - (c) the location where the meeting will be held;
 - (d) the signature, name, business address and business telephone number of the Electoral Officer;
 - (e) the place(s) where copies of this Election Code may be obtained; and
 - (f) the place(s) where copies of the Electors' List shall be posted.
- (5) As soon as the Notice of Nomination Meeting has been posted or immediately thereafter, the Electoral Officer shall publish the same information in a newspaper of local circulation and, if in operation, a provincial Indigenous newspaper. The Notice shall also be posted in the Posting Places to ensure broad and timely access for all Electors.

9.2 Nominations

- (1) A nomination is made when: (a) an Elector proposes a Member for a specified office of Chief, Deputy Chief or Councillor; (b) a different Elector seconds the nomination; and (c) the Member so proposed accepts the nomination. A person becomes a candidate only when all three steps have occurred and the eligibility requirements of this Code are met. A Member who is not present at the Nomination Meeting may be nominated in accordance with paragraphs (a) and (b), provided the Member delivers a signed written acceptance of the nomination to the Electoral Officer within 3 full days after the Nomination Meeting.
- (2) Once the Electoral Officer has confirmed the eligibility of all nominees and prepared the final list of candidates under section 10.1, if the number of qualified candidates for an office equals the number of positions available for that office, the Electoral Officer shall declare those candidates to be duly elected, subject to the requirements of this Election Code and any appeal.

- (3) If, for any office, more qualified candidates are nominated than there are positions available for that office, the Electoral Officer shall declare that an election be held for that office.
- (4) Within 48 hours of the close of nominations, the Electoral Officer shall post in the Posting Places a list of nominees and the offices on Council for which they are nominated.
- (5) Any person nominated who wishes to stand for election to Council must provide a written consent to, and pay for, a criminal record search to be conducted by the Electoral Officer and which shall be utilized by the Electoral Officer solely for the purpose of determining that candidate's eligibility under this Election Code. The information received as a result of this criminal record search shall remain confidential, except for the purpose of any appeal with respect to the candidate's eligibility.
- (6) Each nominee shall, within 3 full days after the close of the Nomination Meeting, submit to the Electoral Officer the following documents to establish their qualifications:
 - (a) a sworn Declaration in the form set out in Schedule "B", confirming their eligibility as a candidate; and
 - (b) a written Consent to a criminal record search in the form that may be required by law enforcement agencies in Canada or the United States, together with payment of any fee required for criminal record searches in Canada and the United States; and
 - i. results shall be sent directly to the Electoral Officer and used only to confirm eligibility under this Election Code;
 - ii. the Electoral Officer shall keep the results only for the duration of the election and any related appeal;
 - iii. all results shall be securely destroyed within 30 days after the election or final appeal; and
 - iv. criminal record information is confidential and may only be shared with the candidate or the Complaints & Appeals Board if required for an eligibility appeal, and shall not be used for any other purpose.
- (7) If a nominee fails to file the documents required under subsection (5) and pay any applicable fees with the Electoral Officer within 3 full days of the Nomination Meeting, the Electoral Officer shall not add that nominee to the final list of candidates and shall provide written notice to the nominee stating that reason.
- (8) Upon receipt of the required documents and fees, the Electoral Officer shall conduct a criminal record search in Canada and the United States to confirm the eligibility of all candidates.

PART X — WITHDRAWAL OF CANDIDATES

10.1 Withdrawal of Nomination

- (1) Any candidate who has been nominated may withdraw their nomination within 5 full days after the nomination day.
 - (a) Any candidate withdrawing their nomination shall file with the Electoral Officer a Notice of Withdrawal, in the form set out in Schedule "C".

10.2 Multiple Nominations

- (1) If nominated for more than one office, a candidate must withdraw from running for all but one office. If a candidate has not withdrawn from other candidacies, the Electoral Officer shall remove the name of that candidate from all offices for which they were nominated.

PART XI — NOTICE OF FINAL LIST OF CANDIDATES

11.1 Final List of Candidates

- (1) The Electoral Officer shall, at least 30 full days prior to the date of the election, post in the Posting Places a final list of candidates, the offices for which they are nominated.

PART XII — ADVANCE POLLS

12.1 Conduct of Advance Poll

- (1) An Advance poll shall take place no less than 3 full days prior to the date of the election. The Advance Poll shall be conducted in the same manner as the procedures for an election.

12.2 Application to Vote at Advance Poll

- (1) Any elector wishing to vote at the Advance Poll must apply in writing to the Electoral Officer at least 10 full days prior to the election date.

12.3 Eligibility to Vote at Advance Poll

- (1) The Electoral Officer may approve an elector to vote at the Advance Poll if satisfied that the elector cannot vote on the date of the election due to circumstances such as hospitalization, education or training, employment or travel commitments, or physical incapacity.

12.4 Notice of Decision

- (1) The Electoral Officer shall notify the Elector in writing of their decision at least 2 full days prior to the Advance Poll.

12.5 Advance Poll Ballot Boxes

- (1) At the close of the Advance Poll, the Electoral Officer shall seal and secure the ballot boxes and retain them until the close of polls on the date of the election.
- (2) At the close of polls on the date of the election, the Electoral Officer shall bring the Advance Poll ballot boxes to a polling station, at which time they shall be opened and the ballots counted in the same manner as the ballots for that polling station.

PART XIII — PREPARATION OF BALLOTS

13.1 Form and Contents of Ballot

- (1) The Electoral Officer shall prepare ballots in the Ballot Form set out in Schedule "E" and attached hereto.

- (a) the ballot shall list the candidates for each office in alphabetical order and, at the candidate's request, may include a candidate's commonly used nickname; and
- (b) the ballot shall indicate that the Elector is to signify their choice of candidate by clearly marking an "X" or other mark in the appropriate space next to the name of the candidate(s).

PART XIV — VOTING PROCEDURES

14.1 Mail-In

- (1) The Electoral Officer shall, at least 30 days before the Election Date, mail a Mail-in Ballot Package to the last known address of each Elector who has requested a Mail-in Ballot Package. Each package shall include:
 - (a) a numbered ballot initialled on the back by the Electoral Officer;
 - (b) a postage--paid return envelope addressed to the Electoral Officer;
 - (c) an inner envelope marked "Ballot" for the completed ballot;
 - (d) a voter declaration form that includes space for:
 - i. the Elector's name, membership number, and date of birth;
 - ii. the name, address, and telephone number of the witness to the Elector's signature; and
 - iii. the name, address, and telephone number of any person assisting the Elector, along with a statement confirming the ballot was marked according to the Elector's instructions.
 - (e) the Electoral Officer shall record the date and address to which each Mail-in Ballot Package was sent and mark the Electors' List to show that a Mail-in Ballot was issued.
- (2) Mail-in Notice of Election
 - (a) The Electoral Officer must include in the Mail-in Ballot Package a statement advising Electors that they may vote in person on Election Day if they return their Mail-in Ballot to the Electoral Officer at the polling station or deliver to the Electoral Officer a written affirmation, signed by the Elector in the presence of the Electoral Officer, a justice of the peace, a notary public, or a commissioner for oaths, stating that the Mail-in Ballot has been lost, spoiled, or was not received.
- (3) Mail-In Voting Process
 - (a) An Elector voting by Mail-in Ballot shall:
 - i. mark the ballot clearly to indicate their choice of Candidate(s), without identifying themselves;
 - ii. fold the ballot so the Candidate names and marks are concealed, but the Electoral Officer's initials remain visible;
 - iii. place the ballot in the inner envelope and seal it;
 - iv. complete and sign the voter declaration form in the presence of a witness who is at least 18 years old;

- v. place the sealed inner envelope and the completed voter declaration form into the return envelope; and
- vi. ensure the Electoral Officer receives the return envelope before the close of polls on Election Day.
- (b) If an Elector is unable to complete the ballot or declaration form independently, they may enlist another person to assist them. The assisting person must sign the voter declaration form confirming:
 - i. the Elector is the person named on the form; and
 - ii. the ballot was marked according to the Elector's instructions.
- (c) Mail-in Ballots received after the close of polls shall not be counted and must be securely retained.
- (d) Upon receiving a Mail-in Ballot, the Electoral Officer shall ensure it is kept secure and free from tampering until counting begins.

14.2 Electronic Voting

- (1) The electronic voting platform must:
 - (a) be provided by an independent third-party service provider;
 - (b) use a unique identification process for each Elector;
 - (c) keep voting results confidential and encrypted so they can only be accessed by the Electoral Officer;
 - (d) generate automated notifications to the Electoral Officer when Electors complete their online vote;
 - (e) generate detailed activity reports for the Electoral Officer on a regular basis and upon request; and
 - (f) allow the Electoral Officer to set aside and securely retain any electronic ballot cast by a person whose name is not on the final Electors' List, in a manner that preserves the secrecy of the vote, and to record the reason for the ballot being set aside.
- (2) Electronic Voting Process
 - (a) Before online voting begins, the electronic voting platform shall be populated with the Electors' List.
 - (b) Online voting shall open and close at the dates and times specified in the Notice of Election. The platform shall allow each Elector to vote only once.
 - (c) When an Elector signs into the platform:
 - i. the system shall record the Elector's name and the date and time their ballot is submitted; and
 - ii. the ballot shall be placed in a secure electronic ballot box.
- (3) Once an Elector has voted online:
 - (a) the platform shall prevent any further voting using that Elector's unique identification; and
 - (b) the Electoral Officer shall not permit the Elector to vote by any other method.
- (4) After the close of polls, the platform shall:

- (a) seal the electronic ballot box;
 - (b) disable online voting;
 - (c) identify which Electors voted electronically; and
 - (d) provide the voting results to the Electoral Officer.
- (5) The Electoral Officer may suspend online voting if they believe the integrity of the voting process is at risk. During any suspension, the Electoral Officer shall ensure all electronic ballots and election materials are secure and that the integrity of the Election is protected.
 - (6) The Electoral Officer shall notify affected Electors of any suspension and may extend online voting hours if extraordinary circumstances require it.
 - (7) After the close of polls, the Electoral Officer shall update the Electors' List to reflect all Electors who voted electronically.

14.3 In-Person

- (1) The Electoral Officer shall procure as many ballot boxes as there are polling stations and sufficient ballots for the election.
- (2) The Electoral Officer or the Deputy Electoral Officer shall, before the polling station is open, supply the polling station with:
 - (a) ballot boxes;
 - (b) a sufficient number of ballots;
 - (c) the final Electors' List;
 - (d) the necessary materials for marking ballots; and
 - (e) a Ballot Tally Form, in the form set out in Schedule "F".

14.4 Polling Stations

- (1) The Electoral Officer shall provide, within the polling station, an area where Electors can mark their ballots free from observation. The Electoral Officer may appoint a Polling Station Marshal to maintain order at the polling station.
- (2) The polling stations shall be kept open from 8:00 a.m. until 8:00 p.m. on the same day.
- (3) Any elector who is inside the polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.
- (4) Save and except for the Electoral Officer, Deputy Electoral Officer or any Polling Station Marshal appointed by Council to keep the peace, no one other than the Elector, or in the case of an elderly or physically incapacitated person, an attendant, is permitted to be within the polling station.
- (5) Every person in attendance at a polling station or at the counting of votes shall maintain and aid in maintaining the secrecy of voting.
- (6) No person shall interfere or attempt to interfere with an Elector when marking their ballot or attempt to obtain at the polling station information as to how an Elector is about to vote or has voted.

- (7) Where a person is deemed to have interfered and refuses to leave the polling station, the Electoral Officer may remove the person or instruct the Polling Station Marshal to remove the person.
- (8) The Electoral Officials shall, immediately before the commencement of the poll:
 - (a) open the ballot box and, in the presence of any appointed Polling Station Marshal and any other Deputy Electoral Officers, confirm that it is empty and complete the Ballot Box Opening Statement in Schedule "G";
 - (b) lock and properly seal the ballot box, in a manner preventing it from being opened without breaking the seal;
 - (c) place the ballot box in public view for the reception of the ballots; and
 - (d) not break nor open the seal until after the closing of polls for the election.
- (9) Each person presenting themselves at a polling station to vote shall sign the sign-in sheet provided by the Electoral Officials and further identify themselves by listing their membership number on the sign-in sheet.
 - (a) Where a person presents himself in accordance with this section, the Electoral Officials shall, if satisfied that such person is an Elector, provide them with a ballot, initialled by the Electoral Officer. The Electoral Officer, or a Polling Station Marshal acting on the Electoral Officer's direction, may refuse entry to, or require the removal of, any person whose conduct materially disrupts the polling station or interferes with the orderly conduct of the poll. For clarity, a person removed from or refused entry to the polling station under this subsection may return and be permitted to vote at another time before the close of polls, provided they have ceased the conduct that led to their removal or refusal of entry and are otherwise on the final Electors List.
- (10) The Electoral Officials shall place in the proper column of the Electors' List, a mark opposite the name of every Elector receiving a ballot.
- (11) The Electoral Officials shall, when requested to do so, explain the method of voting to the Elector.
- (12) Voting at all elections shall be by secret ballot, and a vote may only be cast by an Elector. There shall be no voting by proxy or other form of authorization allowing another person to vote on behalf of the Elector.
- (13) Upon receiving the ballot, each Elector shall:
 - (a) immediately proceed to the voting compartment and place an "X" or other mark clearly indicating their choice in the box beside the name of the candidate or candidates for whom they are voting;
 - (b) fold the ballot, so as to conceal their choice in such a manner that exposes the initials of the Electoral Officer; and
 - (c) without unfolding the ballot, have the Deputy Electoral Officer verify their initials and at once deposit the ballot into the ballot box in the presence of the Electoral Officer or the Deputy Electoral Officer.
- (14) An Elector who inadvertently spoils their ballot may return it to the Electoral Officials in order to obtain another ballot, and the Electoral Officials shall write the word "void" upon the spoiled ballot, deposit it in the ballot box and provide the Elector with a new ballot.

- (15) An Elector who has received a ballot and subsequently decides not to vote, must return the ballot to the Electoral Officer or Deputy Electoral Officer, who shall mark the word "declined" on the face of the ballot and deposit it into the ballot box.
- (16) An Elector forfeits their right to vote at the election after being provided a ballot by the Electoral Officer or Deputy Electoral Officer, if that person leaves the polling station without delivering the ballot to the Electoral Officer or the Deputy Electoral Officer.
- (17) Any Elector who requires assistance may request that the Electoral Officer or a Deputy Electoral Officer vote on their behalf for the candidate of the Electors' choice in their presence and in the presence of any other person chosen by the Elector other than a candidate; and
 - (a) In the event that an Elector votes in the manner described above, the Electoral Officials shall note on the Electors' List, in the column for remarks opposite the name of such Elector, the fact that the ballot was marked by them in the presence of the Elector and any person chosen by the Elector and the reasons therefor; and
 - (b) Except as in the manner provided in this section, the Electoral Officials shall ensure the Elector's privacy while in the voting compartment. PART XV Counting Procedures
- (18) Immediately after the close of the polls, the Electoral Officer shall allow Electors into the polling station and shall open the ballot boxes.
- (19) The Electoral Officials shall examine the ballots and reject all those:
 - (a) that have not been initialled by the Electoral Officer or Deputy Electoral Officer;
 - (b) that contain more votes than there are candidates to be elected;
 - (c) that contain marks made by the voter other than an "X" or other mark clearly indicating their choice; or
 - (d) that are marked in such a way that the voter can be identified.
- (20) The Electoral Officials shall report in writing the reasons for rejection of each ballot and attach that report to the rejected ballot.
- (21) The rejected ballot and the written decision shall be held by the Electoral Officer as evidence until the expiration of any appeal period provided for in this Election Code.
- (22) The Electoral Officials shall:
 - (a) count the confirmed ballots for each candidate; and
 - (b) at the conclusion of the count, complete the Statement of the Vote Count attached in Schedule "H", recording the number of confirmed votes and the number of rejected ballots, and sign the Statement together with any Scrutineers present as witnesses.

PART XV — DECLARATION OF RESULTS OF ELECTION

15.1 Declaration of Election Results

- (1) Immediately after completion of the counting of the votes, the Electoral Officer shall publicly declare, at the polling station and in the presence of any Electors who choose to attend:
 - (a) the candidate for Chief with the highest number of votes to be elected;
 - (b) the candidate for Deputy Chief with the highest number of votes to be elected; and
 - (c) the two candidates for Councillor with the highest number of votes to be elected.
- (2) Where a candidate is acclaimed to a position, the return of poll shall specifically so indicate.

15.2 Recount

- (1) The Electoral Officer shall have the discretion to conduct a recount unless the difference of votes between top candidates is five or fewer, in which case a recount will be required.

15.3 Tie-Breaking Procedure

- (1) If two or more candidates receive the same number of votes for the position of Chief or Deputy Chief, or if two or more candidates receive the same number of votes for the final Councillor position, the Electoral Officer shall publicly declare a tie for that position when announcing the election results.
- (2) When a tie occurs, the Electoral Officer shall prepare one ballot for each tied candidate, each ballot bearing the name of a single tied candidate, and shall place all such ballots into a container. The Electoral Officer shall then publicly draw ballots one at a time until the number of ballots drawn equals the number of positions remaining to be filled for that office among the tied candidates. Each candidate whose name appears on a ballot drawn shall be declared elected; any tied candidate whose ballot is not drawn shall not be elected.

15.4 Retention and Destruction of Ballots

- (1) The Electoral Officer shall place all ballots in a sealed envelope and shall retain them in their possession for eight weeks from the date of the election. If no appeal is made pursuant to the provisions of this Election Code, the Electoral Officer shall destroy all ballots in the presence of two witnesses, who shall make a Declaration that they witnessed the destruction of the ballots. A copy of the witness's declaration shall be forwarded to the General Manager.

PART XVI — ELECTION APPEALS AND COMPLAINTS

16.1 Authority

- (1) The Complaints & Appeals Board (the "Board"), established under the Constitution, is the independent body responsible for all election-related complaints and appeals arising before, during, and after any Election, and for any governance-related complaints assigned to it under the Constitution.

- (2) The Board exercises its authority independently of Chief and Council, staff, candidates, and all other parties, and its decisions under this Part are final and binding except as otherwise provided in Nee Tahi Buhn law.

16.2 Timing of Appointment

- (1) The Board must be appointed no later than 60 days before the Notice of Election is required to be posted under section 11.1. If the Board has not been appointed by that date, Council shall appoint it immediately.

16.3 Filing Deadlines

- (1) A complaint or appeal shall be filed in writing with the Board within the following times:
 - (a) for a complaint concerning nominations or a candidate's eligibility, within 10 days of the close of the Nomination Meeting;
 - (b) for a complaint concerning campaign conduct, within 10 days of the alleged breach;
 - (c) for a complaint concerning the conduct of the poll, within 10 days of Election Day; and
 - (d) for an appeal challenging the validity of the Election of a Candidate, within 15 days of the date on which the Member of Council was declared elected.
- (2) Every complaint or appeal must identify the specific concern, the ground(s) relied on, and the relevant section(s) of this Election Code, and shall be accompanied by any documents relied on.

16.4 Grounds

- (1) Grounds for a complaint or appeal include:
 - (a) violation of this Election Code;
 - (b) fraud, bribery, intimidation, or interference in relation to the Election;
 - (c) that the person declared to be elected was not qualified as a Candidate or was not nominated in accordance with this Election Code;
 - (d) improper nomination, voting, or counting procedures; or
 - (e) any other action that may reasonably affect the integrity or fairness of the Election.

16.5 Appeal Fee

- (1) An Elector filing an appeal challenging the validity of the Election of a Candidate shall pay to the General Manager a non-refundable appeal fee of five hundred dollars (\$500.00). The General Manager shall advise the Board in writing that the fee has been received. The Board may, in its discretion, order the fee refunded in whole or in part where it upholds the appeal or where it considers a refund appropriate in the circumstances. No fee is payable in respect of a complaint under paragraphs (3)(a)–(c) of this Part.

16.6 Notice and Response

- (1) On receipt of an appeal challenging the validity of the Election of a Candidate, together with the required documents and the appeal fee, the Board shall forward the appeal and related documents to the Candidate whose Election is sought to be declared invalid. That Candidate shall have 7 days from receipt of the material to file a written reply with the Board.

16.7 Process

- (1) The Board shall:
 - (a) screen the complaint or appeal;
 - (b) investigate the matter;
 - (c) hold a hearing if required or on the request of any party; and
 - (d) issue a written decision, with reasons and reference to this Election Code, within 30 days of the expiry of any applicable response period.

16.8 Procedural Directions

- (1) The Board may, in its discretion, make directions as needed for:
 - (a) fixing the times and places for any hearing;
 - (b) designating the method of taking evidence, including sworn declarations or written testimony, provided that any allegations of bribery or corrupt practices shall be proved by oral evidence;
 - (c) designating what persons are to be notified and how they are to be served, whether personally or substitutionally; and
 - (d) dealing with any matter not otherwise provided for in this Election Code.
- (2) No witness in a hearing shall be required to divulge for whom they voted at the Election.

16.9 Decision on Appeal

- (1) On an appeal challenging the validity of the Election of a Candidate, the Board shall, in its decision, make a declaration confirming or rejecting the Election of the Candidate in question, and may in its discretion declare that some other person was duly elected or that no other person was duly elected.

16.10 Effect of Irregularities

- (1) The Election of a Member of Council shall not be declared invalid solely by reason of an irregularity, non-compliance with this Election Code, or any mistake in the use of the prescribed forms, if it appears to the Board that the Election was conducted in good faith and in accordance with the principles of this Election Code, unless the non-compliance, irregularity, or mistake materially affected the result of the Election.

16.11 Remedies

- (1) In respect of a complaint or an appeal, the Board may:
 - (a) order a recount;
 - (b) disqualify a Candidate;

- (c) overturn Election results;
 - (d) order a new Election;
 - (e) issue corrective directions;
 - (f) order that any person found not to have been duly elected be removed from office;
 - (g) order that some other person declared to have been duly elected be admitted forthwith to office upon taking the prescribed Oath of Office within 7 days of the order; or
 - (h) dismiss the complaint or appeal.
- (2) Remedies must be proportionate and grounded in this Election Code.

16.12 Costs

- (1) The costs of and incidental to any complaint or appeal shall be at the discretion of the Board, which may order by whom, to whom, and in what manner they shall be paid.

16.13 Notice of Decision

- (1) The Board shall give written notice of its decision to each party to the complaint or appeal and shall post the decision in the Posting Places.

16.14 Finality

- (1) The determination of the Board under this Part is final and conclusive, and is not subject to further appeal except as otherwise provided in Nee Tahī Buhn law.

PART XVII — OATH OF OFFICE / SWEARING IN

17.1 Swearing-In

- (1) The swearing in of Chief, Deputy Chief and Councillors shall take place on a date set by the Electoral Officer not later than 7 days after the date of the election.
- (a) Where there is an appeal with respect to the validity of the election of a candidate, or where a new election for a position is required because of a tie, the swearing in for that office will be extended to a time not later than 7 days after a decision on an appeal is rendered or after the tie-breaking election is held.

17.2 Oath of Office

- (1) A candidate elected as Chief, Deputy Chief, or Councillor shall, before assuming office, swear the Oath of Office in the form attached in Schedule “I” before a Justice of the Peace, Notary Public, or duly appointed Commissioner for Oaths, and shall file the sworn Oath with the General Manager.
- (2) No Chief, Deputy Chief or Councillor shall be permitted to assume their office until they have sworn and filed the Oath of Office. If the Oath of Office has not been filed prior to the date set for the swearing-in ceremony, the office shall be declared vacant by the Electoral Officer, and a by-election shall be held in accordance with this Election Code.

- (3) The Chief, Deputy Chief or Councillor shall, during their term of office and afterwards, comply with the provisions of the Oath of Office.

PART XVIII — RESIGNATION FROM OFFICE

18.1 Notice of Resignation

- (1) The resignation of a Chief, Deputy Chief or Councillor from their office shall be made by submitting a letter of resignation in writing to the General Manager.

18.2 Presentation to Council

- (1) Upon receipt of a letter of resignation, the General Manager shall table the letter of resignation for acceptance at the next scheduled Council meeting.

18.3 Acceptance and Effective Date

- (1) The letter of resignation shall be accepted by Council at the next scheduled Council meeting, and shall be effective as of that date provided that where Council does not accept the letter of resignation or where no quorum of Council is possible because of the resignation of a Member or members of Council, the resignation need not be presented to a Council meeting and shall be effective as of the date it was received by the General Manager.

18.4 Withdrawal of Resignation

- (1) A letter of resignation may be withdrawn at any time before the date it becomes effective.

PART XIX — REMOVAL FROM OFFICE

19.1 Removal from Office

- (1) Shall be carried out in accordance with the removal provisions set out in the Constitution.

PART XX — VACANCIES

20.1 Circumstances Creating Vacancies

- (1) The office of Chief, Deputy Chief, or Councillor becomes vacant when the person holding that office:
 - (a) dies;
 - (b) resigns;
 - (c) has their election declared invalid and no other person is declared duly elected;
 - (d) is disqualified from holding office in accordance with the Constitution; or
 - (e) otherwise becomes unable to serve, as provided in this Election Code.

20.2 Vacancy Notice

- (1) Upon a vacancy occurring, and following the appointment of the Electoral Officer under section 6.1(3), the Electoral Officer shall issue a Vacancy Notice stating:

- (a) the office that is vacant;
 - (b) the reason for the vacancy;
 - (c) the requirement to hold a by-election; and
 - (d) the date on which the by-election will be held.
- (2) The Electoral Officer shall set the date for the by-election in accordance with this Election Code.

PART XXI — BY-ELECTIONS

21.1 Timing of By-Election

- (1) If the office of Chief, Deputy Chief or Councillor becomes vacant, a by-election shall be held within 60 days on a date set by the Electoral Officer.

21.2 Exception to By-Election Requirement

- (1) No by-election will be held if there are less than six months remaining in the term of a Member of Council whose position has become vacant, except where a by-election is necessary to have sufficient Members on Council to maintain a quorum.

21.3 Term of Successful Candidate

- (1) The successful candidate in the by-election shall hold office for the remainder of the original term of the Chief, Deputy Chief or Councillor whom they are elected to replace.

21.4 Application of Election Procedures

- (1) Except as expressly provided otherwise in this Part, the rules and procedures of this Election Code for elections shall apply to by-elections.

PART XXII — AMENDMENTS

22.1 Amendment Procedure

- (1) Amendments to this Election Code may be made by a Majority vote of those Electors who are present and vote at a Special Community Meeting Nee Tahi Buhn called to consider the proposed amendments to this Election Code, provided that:
- (a) 30 days' notice of the meeting is given, with the notice indicating both that amendments to this Election Code will be discussed and that a vote will be taken at the meeting to approve the proposed amendments;
 - (b) the Notice of Meeting shall be posted in the Posting Places;
 - (c) the same information shall be published in a newspaper of local circulation and, if in operation, a provincial Indigenous newspaper;
 - (d) an attempt shall be made by the Council to have a detailed copy of the amendments made available to each household of Electors on Nee Tahi Buhn Reserve Lands 3 days prior to the meeting, and that a copy of same be mailed to all Electors not residing on Nee Tahi Buhn Reserve Lands not later than one week prior to the meeting;

- (e) copies of the amendments shall be made available at the meeting; and
- (f) at least 30 Electors are present at the meeting and vote on the proposed amendments.

22.2 In-Person Voting

- (1) Electors must attend in person to vote, and no proxy or other form of authorization allowing another person to vote on an Elector's behalf is permitted.

22.3 Addition and Amendment of Schedules

- (1) Chief and Council may, by resolution, add new Schedules to this Code or amend or repeal existing Schedules, including the forms, notices, maps, and other materials contained in them.
- (2) The addition, amendment, or repeal of a Schedule under this section is not an amendment to this Election Code for the purposes of section 22.1 and does not require the approval of Electors at a Special Community Meeting.
- (3) Any Schedule added, amended, or repealed under this section shall be consistent with the substantive provisions of this Election Code and the Constitution.
- (4) Chief and Council shall provide notice of any addition, amendment, or repeal of a Schedule by posting the change in the Posting Places within 7 days of the resolution.

Hereby authorized on behalf of Nee Tahi Buhn at _____ on the _____ day
of _____ 2026.

SCHEDULE A: NOTICE OF NOMINATION MEETING

SCHEDULE B: SWORN DECLARATION FORM

SCHEDULE C: NOTICE OF WITHDRAWAL

SCHEDULE D: NOTICE OF ELECTION

SCHEDULE E: BALLOT FORM

SCHEDULE F: BALLOT TALLY FORM

SCHEDULE G: BALLOT BOX OPENING STATEMENT

SCHEDULE H: STATEMENT OF VOTE COUNT

SCHEDULE I: OATH OF OFFICE

Nee Tahi Buhn Band Oath of Office 2026

I, _____, having been elected by the members of Nee Tahi Buhn Band to serve as a member of Council, solemnly swear and affirm that I have read, understood, and agree to comply with the Constitution, Election Code, Finance Administration Law, Council Code of Ethics, and all applicable laws and policies of Nee Tahi Buhn Band.

In carrying out my duties as a Council member, I will:

1. Accept my elected position and will act faithfully, with true allegiance to the ancestors, members, and future generations of Nee Tahi Buhn Band.
2. Acknowledge that, as a Council member, I owe a fiduciary duty to Nee Tahi Buhn Band and will carry out my responsibilities with loyalty, honesty, due care, and always in the best interests of the Nation.
3. Uphold the highest standards of financial integrity and refrain from any dishonesty, deception, misuse of authority, or unauthorized signing or approval of financial documents or instruments of Nee Tahi Buhn Band.
4. Bring honour and respect to Nee Tahi Buhn Band in all circumstances where I represent the Nation.
5. Respect and uphold the Constitution, laws, policies, Code of Conduct, conflict of interest requirements, and decisions made by Council and the community.
6. Conduct myself with respect, integrity, and collegiality, and will place the interests of Nee Tahi Buhn Band above my personal interests while supporting the collective work of Council.
7. Protect all confidential information, including personnel matters, personal information, and any matters discussed in camera, unless Council determines that such information is public.
8. Not improperly disclose any information gained through my office, nor use confidential information for personal advantage or gain.
9. Declare any personal conflict of interest immediately and ensure my personal affairs do not improperly influence my conduct in public office.
10. Maintain the personal well-being, judgment, and conduct necessary to fulfill my responsibilities, including avoiding any substance use or impairment that would affect my ability to serve the Nation.
11. Accept responsibility for my actions and decisions and participate in any processes established to address concerns regarding conduct or performance.
12. Resign my position if I, Council, or the community conclude that I have breached this Oath or failed to uphold my duties as a Council member.

Signature of Council Member: _____ **Date:** _____

Witness: _____ **Date:** _____

SCHEDULE J: NEE TAHI BUHN TRADITIONAL TERRITORY MAP