

Election code section and current wording	Proposed changes	Rationale
Section 1 - Definitions		
Candidate: a candidate in an Election who has been nominated to run in an Election pursuant to s.7 of the Election Code.	Candidate: a candidate in an Election who has been nominated to run in an Election pursuant to s. 5 of the Election code.	Error in numbering
Section 3 - Appointment of Electoral Officer		
Section 3.2 The Council shall provide the Electoral Officer with a current version of the Election Code and the Contact List	Section 3.2 The Council shall provide the Electoral Officer with a current version of the Election Code and the Contact List. The Council shall provide an opportunity for the Electoral Officer and the Appeal Board to meet to review the current Election Code.	Support for the Electoral Officer's understand of the Election Code
Section 5 - Eligibility to Run as a Candidate		
Section 5.1 In order to be eligible to run as a Candidate in an Election, a person must satisfy all of the following criteria.	Section 5.1 In order to be eligible to run as a Candidate in an Election, the Electoral Officer and Candidate must confirm all of the following criteria:	Accountability of both parties
Section 5.1 (d) Never have been convicted of an indictable offense, except offences of a political nature relating to the exercises or defence of Nak'azdli 's Aboriginal rights or title.	Section 5.1 (d) Never have been convicted of a criminal offence within the ten years, (five years) prior to his or her nomination, or convicted of any indictable offense, except offences of a political nature relating to the exercises or defence of Nak'azdli Aboriginal rights or title. A copy of a detailed RCMP Criminal Record must be submitted (to a person appointed by council to review criminal records confidentially) prior to eligibility, completed no earlier than three months before the day on which the Notice of Nomination Meeting was published.	Clarity of leadership and process

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ADD this section	Section 5.3 Candidates need to understand and adhere to Nak'azdli Whut'en Code of Conduct, Employee Handbook, Social Media Policy and other Band policies in reference to the Election process. This includes being nominated, campaigning, voting and or during an appeal process.	Clear process and guiding professional conduct for each candidate
ADD this section	Section 5.4 Candidates running for re-election or another position must satisfy all of the eligibility criteria set out in Section 5 for each new election term	Clear process for returning councillors and or Chief
ADD this section	Section 5.5 Candidates must pay a non-refundable fee of \$50, \$100, or other amount	
Section 7 - Nomination Meeting		
ADD this section	Section 7.2 (a) The Electoral Officer will post the Election Code at the Nomination Meeting and will ask Nominators to ensure they are familiar with the Code.	Responsibility of Nominator
ADD this section	Section 7.7 Electors nominating Candidates must ensure they are an eligible candidate to run and meet the criteria in Section 5 of the Election Code	Responsibility of the Candidate to ensure they qualify
Section 8 - Confirmation of Nominations		
Section 8.2	Section 8.2 The Candidate (s) must confirm with the Electoral Officer in writing whether they accept or decline	Clarity of process and requirements around the Criminal Record Check and the responsibility of the candidates.

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<p>The Candidate(s) must confirm with the Electoral Officer in writing whether they accept or decline their nomination within seven days of being notified of their nomination.</p>	<p>their nomination within seven days of being notified of their nomination. All supporting documents confirming compliance with Section 5 must be submitted at this time.</p> <p>If a Candidate is unable to provide an RCMP Certified Criminal Record Check to the Electoral Officer, by the deadline set out in Section 5.1 (d) and the Electoral Officer is satisfied that the nominee has a reasonable excuse for being unable to do so, the Electoral Officer may, in his or her discretion, extend the deadline for that candidate to a date not less than 14 days before the first Advanced Poll or if there is none, 7 days before the Election, Election Day, in which case the Candidate shall be deemed to be a Candidate for the purposes of the preparation of ballots and the publishing of the Notice of Election.</p> <p>The nomination of a Candidate who does not comply with this section, will become ineligible to run in the election.</p>	
<p><u>Section 10 - Mail in Ballots</u></p>		
<p>Section 10.5 The Electoral Officer will maintain a record of the names and address of Electors who have been sent a mail-in ballot</p>	<p>Section 10.5 The Electoral Officer will maintain a record of the names and address of Electors who have requested and have been sent a mail-in ballot. Ballots should be sent "Registered Mail".</p>	<p>Paper trail and accountability for Electoral Officer</p>
<p><u>Section 13 - Election Appeals</u></p>		
<p>Section 13.1 (c) Delete entire section</p>		
<p>Section 13.2 The Complainant must start the Appeal by providing to at least one Council member a written, signed statement,</p>	<p>Section 13.2 The Complainant must start the Appeal by providing Chief and Council a written, signed statement, accompanied by any evidence upon which the</p>	<p>Chief and Council should be accountable and not just one councillor</p>

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<p>accompanied by any evidence upon which the Complainant relies.</p>	<p>Complainant relies. This Appeal may be delivered to the Band Administration Office or by Registered Mail or In Person.</p>	
<p>Section 13.3 The Complainant must make best efforts to promptly provide a copy of the Appeal and the supporting evidence to all potentially affected Candidates.</p>	<p>Section 13.3 The Complainant must send “by Registered Mail” a copy of their written, signed statement, accompanied by any evidence upon which the Complainant relies, to all potentially affect Candidates.</p>	<p>Documentation that the Appellant received a copy of the Appeal.</p>
<p>ADD this section</p>	<p>Section 13.3 (a) Complainant must pay a non-refundable fee of \$___</p>	
<p>Section 13.4 Upon receiving an Appeal, the Council (excluding any members who have a conflict of interest) must promptly appoint an Appeal Board</p>	<p>Section 13.4 Chief and Council shall appoint the Appeal Board by Band Council Resolution at the same time they appoint the Electoral Officer, at least 90 before the Election. Upon the Upon receiving an Appeal, the Council (excluding any members who have a conflict of interest) must promptly advise the Appeal Board</p>	<p>Electoral Officer Support (note 13.2/13.4 will change to Appeal Board and not Chief and Council</p>
<p>Section 13.18 Notwithstanding the fact that the Appeal Board’s procedures must be consistent with the Election code, the Appeal Board may extend the Appeal timelines set out in the Code in order to afford adequate procedural fairness and where the extension will not be unduly prejudicial to other parties in the Appeal or the Nak’azdli Band.</p>	<p>Section 13.18 Notwithstanding the fact that the Appeal Board’s procedures must be consistent with the Election code, the Appeal Board may extend the Appeal timelines set out in the Code in order to afford adequate procedural fairness and where the extension will not be unduly prejudicial to other parties in the Appeal or the Nak’azdli Band. If there is an extension required, the Appeal Board will send a letter to Chief and Council/Electoral Officer,</p>	<p>Communication thread</p>

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	Appellant, and Complainant indicating the change in timeline.	
Section 14 – Terms of office		
Section 14.1 The Band Council shall be composed of one Chief and eight Councillors	Section 14.1 2 more council positions be added to make a total of 10 councillors	Indian Act states that there be 1 councillor to represent per 100 members, and there are 1940 registered members currently
	Section 14.1 4 more council positions be added to make a total of 12 councillors	Nak’azdli Whut’en wants a transition to the traditional governance system where the clans are given back some authority and beginning in 2019 1 councillor from each clan be appointed to 4 new council positions
	Section 14.1 2 more council positions be added to make a total of 10 councillors	Nak’azdli Whut’en youth is a growing population and needs proper representation at the Nak’azdli Council table and therefore Nak’azdli Whut’en Council designate 2 Council seat for Youth Councillors under the age 30 years.
Section 15 - Chief or Councillor Position Becoming Vacant		
Section 15.1 (e) Is convicted of an indictable offence while in office, as defined by the Criminal code of Canada, except those of a political nature relating to the exercise or defence of Nak’azdli Aboriginal rights or title.	Section 15.1 (e) If convicted of a criminal offence while in office, as defined by the Criminal Code of Canada, except those of a political nature relating to the exercise or defence of Nak’azdli Aboriginal rights or title. Also, a Chief or Councillor shall withdraw from Council business if charged with a criminal offense and until the said criminal offense is discharged.	Leadership standards and accountability
ADD this section	Section 15.2 (g) Not adhering to Nak’azdli Whut’en Code of Conduct, Employee Handbook, Social Media Policy and other Band policies that support Leadership	Standard of Behaviour and Leadership

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<p>Section 15.3 (b) (ix) The letter must be provided to Council member by personal delivery, to a valid email address, or by leaving it with an adult family member at the Council member’s home.</p>	<p>Section 15.3 (b) (ix) The letter must be provided to Council member by personal delivery, to a valid email address, or by leaving it with an adult family member at the Council member’s home. A second copy must be sent by “Registered Mail” to the Council member.</p>	<p>Ensuring due process</p>
<p>Section 15.3. (e) If the Council member is removed, the Council must promptly share the written decision confirming this fact with that person and must also post the decision at the Band office any other prominent locations so Nak’azdli members are informed of the removal.</p>	<p>Section 15.3 (e) If the Council member is removed, the Council must promptly share the written decision confirming this fact with that person and must also post the decision at the Band office any other prominent locations so Nak’azdli members are informed of the removal. A second copy must be sent by “Registered Mail” to the Council member.</p>	<p>Ensuring due process</p>