

## LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT

### Detailed comparison of current Rules and new Law

*Changes/additions from current version are highlighted in yellow*

	Current LNIB Custom Election Rules	New Custom Election Law
<b>Name</b>	Custom Election Rules	<p><b>Amendment:</b> Change to: Custom Election Law</p> <p><b>Rationale:</b> Emphasizes the importance of the law, and is consistent with change to the name of the <i>Chief and Council Governance Law</i>. Some other Nations are changing the names of their election code to election law.</p>
<b>Definitions</b>	<p><b>"Band"</b> means the Lower Nicola Indian Band.</p> <p><b>"Corrupt Election Practice"</b> means, directly or indirectly, offering or accepting a bribe, or threatening, coercing, or intimidating an Elector with respect to an Election.</p> <p><b>"Council Member"</b> means a Chief or a Councillor of the Lower Nicola Indian Band.</p> <p><b>"Election"</b> means a general election of the Band held under the provisions of these Rules.</p> <p><b>"Electoral Officer"</b> means a person, appointed by a Band Council Resolution before each Election, who has the responsibility of conducting the nomination period, the Election, and the post-election procedures.</p> <p><b>"Electronic Voting Platform"</b> means computer software that directs a computer to perform and monitor the required tasks for a person to either register to vote or vote in an Election or By-Election using an electronic device, such as a computer or mobile phone.</p>	<p><b>Amendment:</b> The following definitions have been added or changed (all other definitions remain the same):</p> <p>1(a) <b>"Advance Poll"</b> means voting in advance of Election Day, in accordance with section 44.</p> <p>(c) <b>"Band Office"</b> means the offices of the LNIB Chief and Council and administration, located at 181 Nawishaskin Lane, Merritt, B.C.</p> <p>(d) <b>"Band Reserve"</b> means an LNIB Reserve.</p> <p>(e) <b>"Candidate"</b> means an Elector who is a candidate for the positions of Chief or Councillor.</p> <p>(f) <b>"Chief"</b> means the member of Council who is elected to serve as Chief and who is the spokesperson for LNIB and the representative for all decisions and actions taken by Council as a whole.</p> <p>(h) <b>"Council"</b> means the duly elected Chief and Councillors of the LNIB, who act as the official representatives and governing council of the LNIB.</p> <p>(i) <b>"Councillor"</b> means a duly elected member of the Council and includes the Vice-Chief, but does not include the Chief.</p> <p>(k) <b>"Council Member in Good Standing"</b> means duly elected Council Members who have not died, resigned, or been removed from office in accordance with the provisions of this Custom Election Law. Council Members who are the subject</p>

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<p><b>"Lower Nicola Band Entity"</b> means NAIK Development Corporation, Naik Development Limited Partnership, Shulus Forest Enterprises Incorporated, Shulus Cattle Company Ltd., LNIB Construction Ltd. or any other business operated or controlled by the Lower Nicola Indian Band. <i>[This definition has been changed.]</i></p> <p><b>"Mail-in Ballot"</b> means a ballot in an Election completed by an Elector and mailed or delivered to the Electoral Officer in accordance with Section 13 of these Rules.</p> <p><b>"Online Voting"</b> means voting in an Election or By-Election using an Electronic Voting Platform in accordance with Sections 25 to 34 of these Rules.</p> <p><b>"Polling Station"</b> means a building, hall, or room, which is selected as the site at which voting takes place.</p> <p><b>"VIN"</b> means a unique voter identification number that is issued to each Elector for use during Online Voting.</p>	<p>of an election appeal for which a decision has not yet been made shall be considered to be a Member of Council in Good Standing.</p> <p>(l) <b>"Debt Repayment Plan"</b> means an agreement in writing between the Elector and the Band or LNIB Entity, in which the Elector agrees that in the event they are declared elected pursuant to section 83, they will repay all or a portion of their indebtedness to the Band or LNIB Entity according to a schedule of payments and method of payment as agreed to between the parties, and which may include a deduction from the Council member's honorarium towards repayment of the indebtedness. If the parties cannot agree on the terms of the Debt Repayment Plan, the Executive Director or Director of Finance can, acting reasonably, determine the terms.</p> <p>(n) <b>"Election Day"</b> has the meaning set out in section 33.</p> <p>(q) <b>"Grounds for Impeachment"</b> means the grounds set out in section 119, and for further clarity, in order for a petition for impeachment to be initiated under section 120, the petition or Band Council Resolution initiating the impeachment must include at least one of the grounds set out in section 119. If a petition or Band Council Resolution contains at least one of the grounds set out in section 119, but also contains grounds not set out in section 119, the impeachment proceeding shall be initiated if the other requirements of section 120 are satisfied, but the grounds not set out in section 119 shall not be considered during the impeachment proceedings.</p> <p>(r) <b>"Identification Services"</b> means confirming whether a person who presents themselves at a Polling Station is a Member of the Lower Nicola Indian Band.</p> <p>(s) <b>"LNIB Community Liaison"</b> means an LNIB Member who is hired to assist the Electoral Officer by providing Identification Services.</p> <p>(t) <b>"LNIB Website"</b> means the official website of the Lower Nicola Indian Band.</p>
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		<p>(u) <b>"Lower Nicola Band Entity"</b> means any corporation, partnership, business, or other organization which is controlled by the LNIB or for which LNIB owns more than 50% of the outstanding shares or partnership interests of the entity, but does not include the Lower Nicola Indian Band Development Corporation.</p> <p>(w) <b>"Nl̓eʔkepmxc Territory"</b> means the traditional territory of the Nl̓eʔkepmxc people, located in south central British Columbia, as set out on the map attached at Appendix A.</p> <p>(z) <b>"Recount Eligible Candidates"</b> means those Candidates who received a number of votes that was within five votes or less of the Candidate for Chief who received the most votes for that position, or was within five votes or less of the Candidate for Council who received the 7th most votes for that position, as the case may be.</p> <p>(aa) <b>"Reside in Nl̓eʔkepmxc Territory"</b> means having a primary residence in Nl̓eʔkepmxc Territory. Members who have a primary residence in Nl̓eʔkepmxc Territory but who are temporarily away from that residence for a period of 6 months or less for educational or employment purposes or to care for a family member, shall be deemed to Reside in Nl̓eʔkepmxc Territory.</p>
<b>Interpretation</b>	No Interpretation section in current Custom Election Rules.	<p><b>Amendment:</b> Added the following:</p> <p><b>"Interpretation</b></p> <p>2. In this Law, the following rules of interpretation apply:</p> <p>(a) words in the singular include the plural, and words in the plural include the singular;</p> <p>(b) words importing female pronouns include male persons and corporations and words importing male persons include female persons and corporations;</p> <p>(c) if a word or expression is defined, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;</p>

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		<p>(d) the expression “must” is to be construed as imperative, and the expression “may” is to be construed as permissive;</p> <p>(e) unless the context indicates otherwise, “including” means “including, but not limited to”, and “includes” means “includes, but not limited to”;</p> <p>(f) a reference to an enactment includes any amendment or replacement of it and every regulation made under it; and</p> <p>(g) a reference to “days” means calendar days.</p> <p>3. Unless a word or expression is defined under section 1 or another provision of this Law, the definitions in the Interpretation Act apply.</p> <p>4. This Law must be considered as always speaking and where a matter and/or thing is expressed in the present tense, it must be applied to the circumstances as they arise, so that effect may be given to this policy according to its true spirit, intent and meaning.”</p> <p><b>Rationale:</b> The use of interpretation sections is standard practice in drafting laws, as it eliminates ambiguity.</p>
Self-governance declaration	No such declaration in current <i>Custom Election Rules</i> .	<p><b>Amendment:</b> Added the following declaration at the beginning of the Law:</p> <p>“Authority and Purpose:</p> <p>5. The people of the Lower Nicola Indian Band make this Custom Election Law pursuant to their inherent right of self-governance, which is a constitutionally protected Indigenous right and which is recognized and affirmed by the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>6. This Custom Election Law is enacted by the Lower Nicola Indian Band to ensure the democratic, fair and transparent election of its Chief and Councillors. This Law is designed to reflect the</p>

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		<p>customs and traditions of the Lower Nicola Indian Band while adhering to the principles of natural justice and procedural fairness.”</p> <p><b>Rationale:</b> This emphasizes LNIB’s inherent right of self-governance and further distances the Nation from the <i>Indian Act</i>.</p>
<b>Composition of Council</b>	<p><i>Section 1.</i> “1. Council shall consist of one Chief, and as well one Councillor for every one hundred members of the Band, but the number of Councillors shall not be less than two nor more than seven. The number of Councillors shall be confirmed before each Election in the Band Council Resolution described in Section 4 below.”</p>	<p><b>Amendment:</b> Change to:</p> <p>“7. Council shall consist of one Chief and 7 Councillors.”</p> <p><b>Rationale:</b> This has the same result as the current wording (7 Councillors), but is more clear, and also does not require a BCR to be passed before each election.</p> <p>With a current band membership of 1500+ members, under the current formula there will always be one chief and 7 Councillors.</p>
<b>Electors (eligibility to vote)</b>	<p><i>Section 2.</i> “2. Any band member having reached age of majority (18) on or before election day.”</p>	<p><b>NO CHANGE.</b> This section is consistent with best practices, and is consistent with relevant case law (all band members, whether living on or off reserve, must be allowed to vote, as per <i>Corbiere</i> decision.)</p>
<b>Eligibility to be nominated as a candidate</b>	<p><i>Section 3.</i> “3. Any Elector except as prohibited in Section 3(a), 3(b), 3(c) or 3(d), shall be eligible to be nominated for the position of Chief or Councillor, but not both. No Elector shall be eligible to be nominated if he or she:</p> <p>(a) within five years of a then current Election Day, has been convicted of:</p> <p style="padding-left: 40px;">i. an indictable offence other than one of a political nature relating to the exercise or defence of aboriginal rights or title;</p> <p style="padding-left: 40px;">ii. any sexual assault; or</p>	<p><b>Amendment:</b></p> <p>9. Any Elector except as prohibited in section 9(a), 9(b), 9(c), 9(d), or 9(e) shall be eligible to be nominated for the position of Chief or Councillor, but not both. No Elector shall be eligible to be nominated if he or she:</p> <p>(a) within five years of a then current Election Day, has been convicted of:</p> <p style="padding-left: 40px;">i. an indictable offence other than one of a political nature relating to the exercise or defence of aboriginal rights or title;</p> <p style="padding-left: 40px;">ii. any sexual assault;</p> <p style="padding-left: 40px;">iii. any non-sexual assault other than one of a political nature relating to the exercise or</p>

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	<p>iii. any non-sexual assault other than one of a political nature relating to the exercise or defence of aboriginal rights or title;</p> <p>(b) has been found to have committed a Corrupt Election Practice or has been deemed ineligible by order of an Arbitrator pursuant to these Rules;</p> <p>(c) is a current employee of the Band or a Lower Nicola Band Entity, unless they are willing to resign from their positions immediately following a successful declaration, subject to Section 10 or 23, to the position of Chief or Councillor; or</p> <p>(d) subject to Sections 8 and 9 of these Rules, is in arrears on any established legal indebtedness to the Band or a Lower Nicola Band Entity.”</p>	<p>defence of aboriginal rights or title; or</p> <p>iv. an offence in a jurisdiction outside of Canada that is substantially similar to the offenses listed in section 9(a)(i) to 9(a)(iii) herein. <b>[note: added, to cover offences committed outside of Canada]</b></p> <p>(b) has been found to have committed a Corrupt Election Practice or has been deemed ineligible by order of an Arbitrator pursuant to these Rules;</p> <p>(c) is a current employee of the Band or the Lower Nicola Indian Band Development Corporation, unless they are willing to resign from their employment position immediately following a successful declaration to the position of Chief or Councillor; <b>[note: changed from LNIB Entity to LNIB Development Corporation. This is a narrower definition, which will allow more Members to run for Council. With the new wording, only employees of the Band or LNIBDC will be prohibited from serving on Council. Employees of other LNIB entities will be able to run for Council, as they would not be in a conflict of interest as frequently as Band employees or LNIBDC employees. Such conflicts can be addressed by the application of the LNIB Conflict of Interest Policy.]</b></p> <p>(d) is in arrears on any established legal indebtedness to the Band or a Lower Nicola Band Entity, unless:</p> <p>(i) the Elector pays their arrears in full in accordance with section 27, or</p> <p>(ii) the Elector agrees in writing to a Debt Repayment Plan; or <b>[note: in order to allow more Members to run for Council, Members are now able to run for Council if they are in arrears of a debt to LNIB as long as they agree to repay the debt.]</b></p>
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		<p>(e) does not Reside in Nle?kepmxc Territory, and they fail to provide a written commitment to relocate to Nle?kepmxc Territory within 90 days of being declared elected, as required by section 26(e) of this Law.</p> <p><b>[note: added this requirement, which is currently contained in the Chief and Council Policy. The boundaries of Nle?kepmxc Territory are set out on the map attached at Appendix A to the Law.]</b></p>
<b>Electoral Officer</b>	<p><i>Section 4.</i></p> <p>"4. All nominations and election proceedings shall be conducted pursuant to these Rules by an Electoral Officer who is not a member of the Band, and who shall be appointed for that purpose by Band Council Resolution no later than 90 days before an Election Day. The term of appointment of the Electoral Officer shall conclude 90 days after an Election Day, and he may appoint an agent or agents to assist him in the conducting of an Election pursuant to these Rules."</p>	<p><b>Amendment:</b></p> <p>"10. All nominations and election proceedings shall be conducted pursuant to <b>this Law these Rules</b> by an <b>independent and impartial</b> Electoral Officer who is not a member of the Band <b>and who has experience in Indigenous elections management.</b></p> <p>11. The Electoral Officer shall be appointed by Band Council Resolution no later than 90 days before an Election Day. The term of appointment of the Electoral Officer shall conclude 90 days after an Election Day.</p> <p>12. The <b>Electoral Officer</b> may appoint an agent or agents to assist him <b>or her</b> in the conducting of an Election pursuant to <b>this Law these Rules. Such agents shall not be a member of the Band.</b></p> <p><b>13. The Electoral Officer and their agents must:</b></p> <ul style="list-style-type: none"> <li>(a) <b>uphold and abide by this Law;</b></li> <li>(b) <b>remain neutral and professional in the conduct of the duties of their office, and refrain from providing any preferential treatment or expressing support for or opposition to any Candidate;</b></li> <li>(c) <b>not accept anything of value (including but not limited to money, offers of employment, gifts, or travel) in exchange for preferential treatment or access to a public official or non-public information;</b></li> <li>(d) <b>not discriminate against anyone because of race, religion, sex, age or handicap;</b></li> <li>(e) <b>not act for personal or partisan benefit;</b></li> </ul>

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		<p>(f) not pressure or intimidate other officials or personnel to favour a certain Candidate; and</p> <p>(g) avoid conflicts of interest, or the appearance of conflicts of interest.”</p> <p><b>Rationale:</b> Having an independent and qualified Electoral Officer is a fundamental aspect of a good election law. These amendments provide additional specifics regarding the independence and qualification of the Electoral Officer, and the conduct that is required of the Electoral Officer.</p>
<b>Electors List</b>	<p><i>Sections 5 and 6.</i></p> <p>“5. From a list of Band Members and dates of birth provided by the Membership Administrator of the Band, the Electoral Officer shall prepare a list of Electors (the "Electors List") containing the names of all Electors in alphabetical order and shall post that list in the Band Office at least 30 days before a Nominations Meeting.</p> <p>6. Any Band Member may apply to the Electoral Officer to have the Electors List revised on the ground that the name of an Elector is not included or is incorrectly set out, or the name of a person who is not an Elector is wrongly included and the Electoral Officer shall make the correction forthwith if he is satisfied that the correction should be made.”</p>	<p><b>Amendment:</b></p> <p>“14. From a list of Band Members and dates of birth provided by the Membership Administrator of the Band, the Electoral Officer shall prepare a list of Electors (the "Electors List") containing the names of all Electors in alphabetical order and shall post that list in the Band Office at least 30 days before a Nominations Meeting.</p> <p>15. If the Electoral Officer determines that the name of an Elector is not included or is incorrectly set out on the Electors List, or that the name of a person who is not an Elector is wrongly included on the Electors List, the Electoral Officer shall immediately revise the Electors List to rectify such error.</p> <p>16. A determination under section 15 may be made in the following circumstances:</p> <p>(a) following investigation by the Electoral Officer, or</p> <p>(b) any Band Member may apply to the Electoral Officer to have the Electors List revised on the ground that the name of an Elector is not included or is incorrectly set out on the Electors List, or the name of a person who is not an Elector is wrongly included on the Electors List, and the Electoral Officer shall immediately revise the Electors List to rectify such error if they determine that the correction should be made.</p>



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		<p>17. Where the Electoral Officer makes a determination pursuant to section 15 that a person is not entitled to be included on the Electors List, the Electoral Officer shall immediately give written notice to such person about the determination.</p> <p>18. The notice given under section 17 shall include the reasons for the determination and any supporting documents, and shall provide notice that a written reply may be sent to the Electoral Officer, which must be received no later than 4 days prior to the date on which the Election is to be held.</p> <p>19. The Electoral Officer shall consider any written reply received pursuant to section 18, and shall determine whether the person's name should be included on the Electors List.</p> <p>20. If a person has not been included on the Electors List prepared in accordance with section 14, or has been removed from the Electors List in accordance with section 15, such person may appeal such decision ("<b>Electors List Appeal</b>") in the following manner:</p> <p>(a) the person may initiate the Electors List Appeal by submitting an appeal to the Electoral Officer in accordance with section 100(a) within 90 days of the decision made in section 14 or 15;</p> <p>(b) a person may submit an Electors List Appeal even if they have not provided a written reply pursuant to section 18;</p> <p>(c) the Electors List Appeal shall be conducted in accordance with sections 102, 103, 104(a),(b),(c),(e), 107, 108, and 109 herein, except that the Arbitrator shall not be required to provide notice to Candidates of the Electors List Appeal and shall not be required to provide Candidates with the opportunity to make submissions;</p> <p>(d) where reasonably possible the Arbitrator shall hear the appeal and render their decision in the Electors List Appeal ("<b>Electors List Decision</b>") prior to the Election Day in respect of which the Electors List was prepared (the "<b>Upcoming Election Day</b>"), taking into consideration the need to ensure that</p>
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		<p>the appeal process complies with the principles of natural justice and procedural fairness;</p> <p>(e) where the Arbitrator determines that the person is eligible to be an Elector, and such Electors List Decision is made prior to the Upcoming Election Day, the person shall be immediately added to the Electors List and shall be entitled to vote in the Upcoming Election; and</p> <p>(f) where the Arbitrator determines that the person is eligible to be an Elector, and such Electors List Decision is made after the Upcoming Election Day, the person shall be determined to be an Elector for Elections occurring after the date of the Electors List Decision and for so long as that person remains a Band Member, but that person shall not be deemed to have been eligible to vote in the Upcoming Election, and the Electors List Decision shall have no impact on the Upcoming Election.</p> <p>21. On the request of a Candidate for election as Chief or Councillor, the Electoral Officer must provide the Candidate with a list of the names of Electors, and the address of any Elector who has consented to have their address released to the Candidates.</p> <p><b>Rationale:</b></p> <p>The current Custom Election Rules do not provide any remedy for a person who has had their name removed or omitted from the Electors List. Sections 17-20 have been added, in order to give a person who has had their name removed or omitted from the Electors List a detailed process for appealing such decision. This is important, as disenfranchising a potential Elector is a serious matter, and there needs to be procedural safeguards places around that.</p> <p>Section 21 has been added. This allows Candidates to access names (and where consented to) addresses of Electors. This provision is found in many Election Codes.</p>
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<p><b>Nomination of candidates and Candidate Acceptance</b></p>	<p><i>Sections 7 to 11.</i></p> <p>“7. Nominations for the positions of Chief or Councillor shall be made by an approved mail-in process or at a meeting convened for that purpose by the Electoral Officer at the Band Hall, or other suitable location, at least 49 days before an Election Day. Notices of the time and date of the Nominations Meeting shall be posted at least 30 days before a Nominations Meeting at the Band Office and in at least two conspicuous places on all Band Reserves where Electors reside and shall be mailed by the Electoral Officer to each Elector not residing on a Band Reserve, where such information is available, together with instructions on how an Elector may, by a mail-in process or at the Nominations Meeting, nominate or second a nomination for a position on Band Council.</p> <p>8. No Elector shall be a candidate unless his or her nomination has been moved by an Elector and seconded by another Elector either by a mail-in form approved of by the Electoral Officer or at the Nominations Meeting and, within 13 days after the Nominations Meeting, he or she has caused to be delivered to the Electoral Officer:</p> <p>(a) written acceptance of the nomination for Chief or Councillor, but not both;</p> <p>(b) a completed criminal record check;</p> <p>(c) written confirmation from the Finance Manager of the Band that the Elector is not in arrears on any indebtedness to the Band or a Lower Nicola Band Entity.”</p>	<p><b>Amendment:</b></p> <p>22. Nominations for the positions of Chief or Councillor shall be made by a mail-in process <b>conducted in accordance with the provisions of this Custom Election Law</b> or at a meeting convened for that purpose by the Electoral Officer at the Band Office, or other suitable location, at least 49 days before an Election Day.</p> <p>Notice of Nomination Meeting</p> <p>23. At least 30 days before the day on which a Nomination Meeting is to be held, the Electoral Officer must:</p> <p>(a) post a notice of the Nomination Meeting at the Band Office and in at least two conspicuous places on all Band Reserves where Electors reside;</p> <p>(b) <b>post a notice of the Nomination Meeting on the LNIB Website; and</b></p> <p>(c) <b>send notice of the Nomination Meeting by mail, electronic communication, or other method that the Electoral Officer deems appropriate to each Elector for whom the Electoral Officer has an email address, mailing address, or other contact information,</b> together with instructions on how an Elector may, by a mail-in process or at the Nominations Meeting, nominate or second a nomination for a position on Band Council.</p> <p><b>Content of Notice of Nomination Meeting</b></p> <p>24. A notice of a Nomination Meeting delivered pursuant to section 23 must contain at a minimum the following information:</p> <p>(a) the date, time, duration and location of the Nomination Meeting;</p> <p>(b) a description of the manner in which an Elector can nominate a Candidate by mail in process;</p> <p>(c) the number of positions to be filled;</p>
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<p>9. If, within 10 days after the Nominations Meeting, a nominee who was, at the time of the Nominations Meeting, in arrears on any indebtedness to the Band or a Lower Nicola Band Entity pays his or her arrears in full, the Finance Manager of the Band shall provide written confirmation in accordance with subsection 8(c).</p> <p>10. If 14 days after the commencement of a Nominations Meeting the number of Electors nominated for Chief or Councillor does not exceed the number required pursuant to Section 1 above, the Electoral Officer shall declare the Electors so nominated to be duly elected for a term of three years.</p> <p>11. In the event the number of Electors nominated for the positions of Chief or Councillor exceeds the number required pursuant to Section 1 above, the Electoral Officer shall declare that a poll will be taken on Election Day.”</p>	<p>(d) a statement that an Elector must not nominate more than one Candidate for each position to be filled;</p> <p>(e) the date on which the Election is to be held and the location and hours of operation of each Polling Station;</p> <p>(f) the name and contact information of the Electoral Officer; and</p> <p>(g) a statement that, if the Elector wants to receive information from the Candidates, the Elector can agree to have his or her address released to the Candidates.</p> <p><b>Nomination Meeting</b></p> <p>25. The Nomination Meeting shall be conducted in the following manner:</p> <p>(a) at the start of the Nomination Meeting, the Electoral Officer shall read aloud all written nominations and secondments that have been received by mail;</p> <p>(b) mailed nominations that are not received by the Electoral Officer before the beginning of the Nomination Meeting are void;</p> <p>(c) where the same person receives two written nominations for the same office, the second nomination shall constitute a secondment of the first nomination;</p> <p>(d) a person present at a Nomination Meeting who is eligible to do so may second the nomination of any person nominated in writing;</p> <p>(e) an Elector may not nominate or second their own nomination;</p> <p>(f) an Elector must not nominate more than one Candidate for each position to be filled;</p> <p>(g) a Nomination Meeting shall remain open for at least three hours; and</p>
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		<p>(h) the Electoral Officer shall maintain order during the Nomination Meeting and shall have the authority to remove any person from the Nomination Meeting who, in the Electoral Officer's reasonable opinion, is disrupting or interfering with the proceedings.</p> <p>Candidate Acceptance</p> <p>26. No Elector shall be a Candidate unless his or her nomination has been moved by an Elector and seconded by another Elector either by a mail-in nomination made in accordance with the provisions of this Custom Election Law or at the Nomination Meeting and, within 13 days after the Nomination Meeting, he or she has caused to be delivered to the Electoral Officer:</p> <p>(a) written acceptance of the nomination for Chief or Councillor, but not both;</p> <p>(b) a declaration attesting to their eligibility to be a Candidate according to the provisions of this Custom Election Law;</p> <p>(c) a completed criminal record check;</p> <p>(d) written confirmation from the Finance Manager of the Band that the Elector is not in arrears on any indebtedness to the Band or a Lower Nicola Band Entity, and</p> <p>(e) in order to preserve the leadership's connection to the land and the community, if the Elector does not Reside in Nl̓eʔkepmxc Territory the Elector must provide a written commitment to relocate to Nl̓eʔkepmxc Territory within 90 days of being declared elected pursuant to section 83. If the Elector fails to relocate to Nl̓eʔkepmxc Territory within 90 days of being declared elected pursuant to section 83 they shall be removed from office, and the Candidate receiving the next highest number of votes for that position shall be declared as elected.</p> <p>27. If, within 10 days after the Nomination Meeting, a nominee who was, at the time of the Nominations Meeting, in arrears on any indebtedness to the Band or a Lower Nicola Band</p>
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	<p>Entity pays his or her arrears in full, the Finance Manager of the Band shall provide written confirmation in accordance with section 26(d).</p> <p><b>Withdrawal of Candidacy</b></p> <p>28. A Candidate may withdraw their candidacy at any time up to and including the day before the Election by submitting to the Electoral Officer a written declaration of withdrawal, signed by the Candidate in the presence of the Electoral Officer, a justice of the peace, a notary public or a commissioner for oaths.</p> <p>29. If there is enough time between the withdrawal and the printing of ballots, the Candidate's name will not appear on the ballot. If the ballots have been printed, the Electoral Officer will, time permitting, black out or obliterate the Candidate's name to the extent possible. In any event, any votes cast for a Candidate who has withdrawn their candidacy are null and void.</p> <p>30. A Candidate who dies before the close of the polls is considered to have withdrawn their candidacy.</p> <p>Acclamations</p> <p>31. Fourteen (14) days after the commencement of a Nominations Meeting the Electoral Officer shall:</p> <p>(a) if only one person has been nominated for election as Chief, declare that person to be elected by acclamation;</p> <p>(b) if the number of persons nominated to serve as Councillors does not exceed the number to be elected, declare those persons to be elected by acclamation; and</p> <p>(c) if more than the required number of persons are nominated for election as Chief or Councillors, announce that an election will be held in accordance with the provisions of this <i>Custom Election Law</i>.</p>
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		<p>32. Where the office of Chief and all Councillor positions are filled by acclamation, the Electoral Officer shall post at the Band Office and in at least two conspicuous places on all Band Reserves where Electors reside, and deliver by mail, electronic communication, or other method that the Electoral Officer deems appropriate to each Elector for whom the Electoral Officer has an email address, mailing address, or other contact information, a notice that sets out the names of the persons who have been elected by acclamation and which states that an election will not be held.</p> <p><b>Rationale:</b> The current <i>Custom Election Rules</i> does not contain any description of the content of the Notice of Nomination Meeting, any description as to how a Nomination Meeting is to be conducted, or any discussion as to how a Candidate can withdraw from the election. In addition, the description of the acclamation process in the current <i>Custom Election Rules</i> is not clearly worded.</p> <p>We have expanded and clarified these provisions to reflect best practices and the provisions found in many other Custom Election Codes.</p>
<b>Term of Office</b>	<p><i>Section 12.</i> “12. Elections will be held every three years on the first Saturday in October. The incumbent Chief and Council remain in office until a new Chief and Council are declared by the Electoral Officer pursuant to these Rules. Following this declaration, all Chief and Council shall resign their positions regardless of the remaining terms of their office.”</p>	<p><b>Amendment:</b></p> <p>“33. Elections will be held every <del>four</del> <b>three</b> years on the first Saturday in October (<b>“Election Day”</b>). The incumbent Chief and Council <del>will</del> remain in office until a new Chief and Council are declared <b>elected</b> by the Electoral Officer pursuant to this <i>Law</i>. Following this declaration, <b>the incumbent</b> Chief and Council shall resign their positions regardless of the remaining terms of their office. <b>This section 33 comes into force on October 5, 2025 (“Term Amendment Effective Date”)</b>, and the term of office for all Elections conducted after the Term Amendment Effective Date shall be determined in accordance with this section 33. The term of office for Elections conducted prior to the Term Amendment Effective Date shall be determined in accordance with the relevant provisions of the <i>Custom Election Rules</i> in effect immediately prior to the adoption of this <i>Custom Election Law</i>.”</p>

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		<p><b>Rationale:</b></p> <p>Having a longer term (4 years versus 3 years) can create stability and continuity and facilitate long term planning. A longer term allows elected officials to focus on long-term projects and initiatives without constant election cycles, and allows Council enough time to plan and deliver programs, and be responsible for the results.</p> <p>Reduced election costs: having less frequent elections reduces the amount that the Band spends on elections.</p> <p>More time for expertise: There is a learning curve to being an elected official. Council members gain more experience and develop greater expertise in their roles. Council is responsible for delivering a wide range of complex services (e.g. housing, health, economic development, etc.), and it takes time for Council members to learn the complexities of their portfolios and responsibilities.</p> <p>Frequent turnover in leadership can discourage business investment in the community.</p> <p>More Nations are moving towards 4 year terms. 4 year terms used to be very uncommon. One recent study found that 41% of First Nation communities in Canada have a 3 year election term, with 26% having a 4 year term.</p> <p>Note that if the new <i>Custom Election Law</i> is passed, the current Council will remain with a 3 year term, and the election scheduled for October will proceed on that date as planned. The 4 year term will take effect for elections occurring <b>after</b> the October election.</p>
<b>Notice of Election</b>	<p><i>Section 13(a).</i></p> <p>"13. At least 32 days before the Election Day, the Electoral Officer shall:</p> <p>(a) post notices including the time and date of the Election Day, the location of the Polling Station and a list of candidates for the offices of Chief and Councillor at the Band Office</p>	<p><b>Amendment:</b></p> <p><b>Notice of Election</b></p> <p>"34. At least 32 days before the Election Day, the Electoral Officer shall post at the Band Office and in at least two conspicuous places on all Band Reserves where Electors reside, <b>and on the LNIB Website, and shall deliver by mail, electronic communication, or other method that the Electoral Officer deems</b></p>



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	<p>and in at least two conspicuous places on all Band Reserves where Electors reside”</p>	<p>appropriate to each Elector for whom the Electoral Officer has an email address, mailing address, or other contact information, a notice that sets out, at a minimum:</p> <p>(a) the date on which the Election is to be held and the location and hours of operation of each Polling Station;</p> <p>(b) the date on which any advance poll is to be held and the location and hours of operation of each advance Polling Station;</p> <p>(c) a statement that Electors not residing on an LNIB Reserve will receive a Mail-in Ballot package;</p> <p>(d) if Online Voting is being used, a statement setting out how Electors may vote by Online Voting;</p> <p>(e) a list of Candidates for the offices of Chief and Councillor;</p> <p>(f) the number of positions to be filled;</p> <p>(g) the date, time and place at which the counting of the votes is to take place; and</p> <p>(h) the Electoral Officer’s name and contact information.</p> <p><b>Rationale:</b> The current Custom Election Rules contain very few details regarding the content of the Notice of Election. This section has expanded and clarified the content of the Notice of Election, to reflect best practices.</p>
<b>Mail-in ballots</b>	<p><i>Section 13(b).</i> “(b) At least 32 days before the Election Day, the Electoral Officer shall...mail to each Elector not residing on a Band Reserve for whom he has a mailing address: a Mail-in Ballot package consisting of the election notice described in subsection 13(a), Mail-in Ballots, a Voter Declaration Form, voting instructions and such</p>	<p><b>Amendment:</b> “35. At least 32 days before the Election Day, the Electoral Officer must mail to every Elector not residing on a Band Reserve and for whom the Electoral Officer has a mailing address, a Mail-in Ballot package consisting of:</p> <p>(a) a ballot, initialed on the back by the Electoral Officer or their agent;</p>

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	<p>further materials as may be required to ensure that all Electors have a fair opportunity to vote in the Election”</p>	<p>(b) an outer return envelope that is pre-addressed to the Electoral Officer;</p> <p>(c) an inner envelope marked “Ballot” for insertion of the completed ballot;</p> <p>(d) a Voter Declaration Form;</p> <p>(e) instructions regarding voting by Mail-in Ballot;</p> <p>(f) the Notice of Election set out in section 34;</p> <p>(g) a statement that the Elector may vote in person at a Polling Station on the day of the Election, or at an advance polling station if applicable, in lieu of voting by Mail-in Ballot, if:</p> <p>i. they return the unused Mail-in Ballot to the Electoral Officer or their agent, or</p> <p>ii. they provide the Electoral Officer or their agent with a sworn affidavit stating that they have lost their Mail-in Ballot; and</p> <p>(h) a list of the names of any Candidates who were elected by acclamation.</p> <p>36. The Electoral Officer shall indicate on the Electors List that a ballot has been provided to each Elector to whom a Mail-in Ballot was mailed or otherwise provided and keep a record of the date on which, and the addresses to which, each Mail-in Ballot was mailed.</p> <p>37. An Elector may vote by Mail-in Ballot by:</p> <p>(a) marking the ballot with a cross, check mark or other mark that clearly indicates the Elector’s choice, but does not identify the Elector, next to the name of the Candidates for whom they intend to vote;</p> <p>(b) folding the ballot in a manner that conceals the Candidates’ names and any marks on the ballot without hiding the Electoral Officer’s initials on the back;</p>
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		<p>(c) placing the ballot in the inner envelope and sealing that envelope;</p> <p>(d) completing and signing the Voter Declaration Form in the presence of a witness who is at least 18 years of age;</p> <p>(e) placing the inner envelope and the completed Voter Declaration Form in the outer envelope; and</p> <p>(f) delivering or mailing the Mail-in Ballot package to the Electoral Officer or their agent before the time at which the polls close.</p> <p>38. If an Elector is unable to vote in the manner set out in section 37, the Elector may enlist the assistance of another person to mark the ballot and complete and sign the Voter Declaration Form in accordance with section 37.</p> <p>39. A witness referred to in section 37(d) shall attest to:</p> <p>(a) the fact that the person completing and signing the Voter Declaration Form is the person whose name is set out in the form; or</p> <p>(b) where the Elector enlisted the assistance of another person under section 38, the fact that the Elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the Elector.</p> <p>40. An Elector who inadvertently spoils a Mail-in Ballot may obtain another ballot by returning the spoiled ballot to the Electoral Officer.</p> <p>41. A Mail-in Ballot is void if the Mail-in Ballot package is not received by the Electoral Officer or their agent before the time at which the polls close.</p> <p>42. An Elector to whom a Mail-in Ballot was mailed or provided is not entitled to vote in person at a Polling Station on the day of the Election, or at an advance Polling Station if applicable, unless:</p>
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		<p>(a) they return the unused Mail-in Ballot to the Electoral Officer or their agent; or</p> <p>(b) they provide the Electoral Officer or their agent with a sworn affidavit stating that they have lost their Mail-in Ballot.</p> <p>43. The Electoral Officer or their agent must ensure that Mail-in Ballot packages are stored in a secure location until they are opened in accordance with section 79.”</p> <p><b>Rationale:</b> The current Custom Election Rules contains a very brief description of the Mail in Ballot process.</p> <p>We have expanded and clarified the rules regarding Mail-in Ballots, to reflect best practices and to ensure the integrity of the voting process by, for example, requiring that mail-in ballots be kept in a secure location.</p>
<b>Advance poll</b>	<p><i>Section 21.</i> “21. On the Saturday preceding Election Day, the Electoral Officer shall hold an advance poll in the same manner as prescribed in Sections 14 to 20 and 27 to 34 except that the poll shall open at 11 AM and close at 5 PM. At the close of the Advance Poll, the Electoral Officer shall, in the presence of scrutineers or other witnesses, lock the sealed ballot boxes in such a manner to prevent tampering and take them to a secure location pending the tallying of the votes described in Section 22.”</p>	<p><b>Amendment:</b></p> <p>44. On the Saturday preceding Election Day, the Electoral Officer shall hold an Advance Poll in the same manner as prescribed in sections 47 to 67 except that the poll shall open at 11 AM and close at 5 PM.</p> <p>45. At the close of the Advance Poll, the Electoral Officer shall, in the presence of scrutineers or other witnesses, lock the sealed ballot boxes in such a manner to prevent tampering and to prevent the ballot boxes from being opened without breaking the seal, and take them to a secure location pending the tallying of the votes described in section 81.</p> <p>46. When tallying votes pursuant to section 81, the Electoral Officer shall open the sealed ballot boxes from the Advance Poll and shall tally the votes cast during the Advance Poll at the same time and in the same manner as described in section 81.</p> <p><b>Rationale:</b> Minor revisions to improve and clarify the wording.</p>

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<p><b>Election Day and Voting</b></p>	<p><i>Sections 14 to 20.</i></p> <p>“14. The Electoral Officer shall provide an appropriate Polling Station for Elections and an appropriate number of private booths so that voting can be accomplished in person by secret ballot and the place of Elections shall be kept open from 9AM to 8PM for the purposes of voting on Election Day.</p> <p>15. The Electoral Officer shall seal an empty ballot box in the presence of Band Members and that seal shall not be broken during the times set out in Section 14 above. Each candidate may have one scrutineer present at the place of Elections to observe all the voting procedures.</p> <p>16. The Electoral Officer shall prepare sufficient and appropriate ballots which shall set out separately and in alphabetical order the names of each candidate for the position of Chief and the names of each candidate for the positions of Councillor, or only the latter, as the case may be, and upon which an Elector may register his vote.</p> <p>17. After having satisfied himself that a person presenting himself to vote is an Elector, the Electoral Officer or his agent shall deliver one ballot to that Elector and mark a line through that Elector's name on the Electors List.</p> <p>18. An Elector shall mark his ballot by placing a cross (x) or other mark that clearly indicates the Elector's choice but does not identify the Elector opposite the name of the Candidate for whom the Elector wishes to vote and deliver that ballot to the Electoral Officer or his agent, who shall initial the ballot without</p>	<p><b>Amendment:</b></p> <p>“47. The Electoral Officer shall provide an appropriate Polling Station(s) for Elections and an appropriate number of private booths so that voting can be accomplished in person by secret ballot.</p> <p>48. The Polling Station(s) shall be kept open from 9AM to 8PM <b>Pacific Standard Time</b> for the purposes of voting on Election Day.</p> <p>49. <b>Immediately prior to the opening of the Polling Station(s) the Electoral Officer shall open the ballot box(es) and call such persons as may be present to witness that they are empty. The Electoral Officer shall then lock and properly seal the box(es) to prevent them from being opened without breaking the seal, and shall place them in public view during the times set out in section 48. The seal on the ballot box(es) shall not be broken during the times set out in section 48.</b></p> <p>50. The Electoral Officer shall prepare sufficient and appropriate ballots which shall set out separately and in alphabetical order the names of each Candidate for the position of Chief and the names of each Candidate for the positions of Councillor, and upon which an Elector may register his or her vote. <b>Where the position of Chief or all Councillor positions have been elected by acclamation, the ballots shall set out in alphabetical order the names of each Candidate for the position(s) that have not been elected by acclamation.</b></p> <p>51. <b>If two or more Candidates have the same name, the Electoral Officer must add to the ballots any additional information that is necessary to distinguish between those Candidates.</b></p> <p>52. <b>Each Elector, on arriving at the Polling Station, shall give their name to the Electoral Officer or their agent. In order to vote in an Election, an Elector must either provide identification to the Electoral Officer or their agent for the purpose of confirming their identity, or the identity of the person must be confirmed by the LNIB Community Liaison.</b></p>
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	<p>looking at the candidates selected and deposit the ballot in the sealed ballot box. An Elector may place crosses or other marks opposite as many candidates for the position of Councillor as there are positions available.</p> <p>19. On application of an Elector who is not able to read or who is incapacitated by blindness or other physical cause, the Electoral Officer or his agent shall assist that Elector in marking his ballot in the manner directed by the Elector and shall place that ballot in the sealed ballot box.</p> <p>20. Whenever the Electoral Officer does not speak the language spoken by an Elector, he shall appoint an interpreter who shall be the means of communication between the Elector and the Electoral Officer or his agent.”</p>	<p>53. After having satisfied themselves that the person presenting themselves to vote is an Elector, the Electoral Officer or their agent shall confirm that the Elector has not already voted in the Election.</p> <p>54. If the Elector has not already voted, the Electoral Officer or their agent shall place their initials on a ballot and shall deliver one ballot to that Elector. The Electoral Officer or their agent shall, on the Electors List, mark a line through the name of every Elector receiving a ballot.</p> <p>55. After receiving a ballot an Elector shall;</p> <p>(a) immediately proceed to the compartment provided for marking ballots;</p> <p>(b) mark their ballot by placing a cross (x), check mark, or other mark that clearly indicates the Elector's choice but does not identify the Elector next to the name of the Candidate for whom the Elector wishes to vote. An Elector may place crosses, check marks, or other marks next to the names of as many Candidates for the position of Councillor as there are positions available. An Elector may place only one cross, check mark, or other mark next to the names of the Candidates for the position of Chief;</p> <p>(c) fold the ballot in a manner that conceals the Candidates' names and any marks on the ballot, but exposes the initials on the back; and</p> <p>(d) deliver that ballot to the Electoral Officer or their agent.</p> <p>56. On receipt of a completed ballot, the Electoral Officer or their agent shall, without unfolding the ballot, verify the initials placed on it, deposit it in the ballot box in the presence of the Elector and any persons entitled to be present at the Polling Station, and if Online Voting is being used, advise the provider of the Electronic Voting Platform that the Elector has voted.</p> <p>57. While an Elector is in the compartment for the purpose of marking their ballot, no other person shall, except as provided in section 58, be allowed in</p>
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		<p>the same compartment or be in any position from which they can see the manner in which the Elector marks their ballot.</p> <p>58. At the request of an Elector who is not able to read or who is incapacitated by blindness or other physical cause, the Electoral Officer or their agent shall assist that Elector in marking their ballot in the manner directed by the Elector and shall place that ballot in the sealed ballot box.</p> <p>59. The Electoral Officer or their agent shall note on the Electors List opposite the name of an Elector requiring assistance as set out in section 58, the fact that the ballot was marked by them at the request of the Elector and the reasons therefor.</p> <p>60. Whenever the Electoral Officer does not speak the language spoken by an Elector, they shall appoint an interpreter who shall be the means of communication between the Elector and the Electoral Officer or their agent.</p> <p>61. An Elector who has inadvertently dealt with their ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the Electoral Officer or their agent, be entitled to obtain another ballot paper. The Electoral Officer or their agent shall write the word "cancelled" upon the spoiled ballot paper and preserve it.</p> <p>62. Any Elector who has received a ballot and who leaves the Polling Station without delivering the same to the Electoral Officer or their agent in the manner set out herein, or after receiving a ballot, refuses to vote, shall forfeit their right to vote in the Election, and the Electoral Officer or their agent shall make an entry in the Electors List in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote. The Electoral Officer or their agent shall mark upon the face of the ballot the word "declined" and all ballots so marked shall be preserved. If Online Voting is being used, the Electoral Officer or their agent shall advise the provider of the Electronic Voting Platform that the Elector received a ballot and declined to vote.</p>
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	<p>63. Every Elector who is inside the Polling Station or waiting in line outside the Polling Station in order to vote at the time fixed for closing the Polling Station shall be entitled to vote notwithstanding the fact that the time for voting has ended.</p> <p>64. The Elector must leave the Polling Station after their ballot is deposited in the ballot box.</p> <p>65. If Online Voting is being used, the Electoral Officer shall ensure that a process is in place for ongoing communication between the Polling Station(s) and the provider of the Electronic Voting Platform on the day of the Election to ensure that the Electors List at each Polling Station is kept updated and current.</p> <p>66. Each Candidate may have one scrutineer present at each Polling Station to observe all the voting procedures.</p> <p>67. The Electoral Officer or their agent shall maintain order at all times in the Polling Station(s) and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the Election.”</p> <p><b>Rationale:</b></p> <p>This section has been significantly expanded, in order to incorporate best practices which are commonly found in other communities, and which ensure a fair and transparent voting process.</p> <p>For example, more details have been added which protect the integrity of ballot boxes (section 49), which ensure that ballots are handled in a safe and transparent manner (sections 56, 57, and 62), and which enable the Electoral Officer to prevent interference with the voting process (section 67).</p> <p>We have added a section (52) which states that in order to be able to vote, a person appearing at a Polling Station must either provide ID or have their identity confirmed by the LNIB Community Liaison. There is currently no identification requirement in the Custom Election Rules. This new rule is flexible,</p>
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		<p>as the identity of an Elector who does not have ID can be confirmed by the LNIB Community Liaison. This provides LNIB with a way of ensuring that only qualified Electors are allowed to vote, without inadvertently preventing Members from being able to vote.</p> <p>In addition a new rule has been added which clarifies that a person who is in line to vote at the time the polls close is allowed to vote even though the time for closing the Polling Station has passed (section 63). This is now standard practice in most jurisdictions.</p>
<b>Electronic Voting</b>	<p><i>Sections 13(c) and 25 to 34.</i></p> <p>“13(c) At least 32 days before the Election Day, the Electoral Officer shall provide to each Elector, by mail, electronic communication, or other method that the Electoral Officer deems appropriate, Online Voting instructions and such further materials as may be required to ensure that all Electors have a fair opportunity to vote in the Election.</p> <p>Electronic Voting Platform Requirements</p> <p>25. Any Electronic Voting Platform implementing Online Voting for use in respect of an Election must:</p> <p>(a) be provided by an independent third-party service provider;</p> <p>(b) at a minimum, require the same verification declaration as is used for Mail-in Ballots and the use of a unique VIN for each Elector;</p> <p>(c) keep Online Voting results secret at all times and encrypt them in a manner in which they can never be revealed except to the Electoral Officer or their agents;</p> <p>(d) generate and provide automated notifications in real-time</p>	<p><b>NO MAJOR CHANGES:</b></p> <p>This section was added in the last revision of the Custom Election Rules in 2022.</p> <p>Some minor changes to the wording of this section have been made, as highlighted in yellow below.</p> <p>“PART 11 – ELECTRONIC VOTING PLATFORM REQUIREMENTS</p> <p>68. Any Electronic Voting Platform implementing Online Voting for use in respect of an Election must:</p> <p>(a) be provided by an independent third-party service provider;</p> <p>(b) at a minimum, require the same verification declaration as is used for Mail-in Ballots and the use of a unique VIN for each Elector;</p> <p>(c) keep Online Voting results secret at all times and encrypt them in a manner in which they can never be revealed except to the Electoral Officer or their agents;</p> <p>(d) generate and provide automated notifications in real-time to the Electoral Officer or their agents of voting completion by Electors and any incomplete or failed vote or incomplete or failed registration of an Elector with the Electronic Voting Platform;</p> <p>(e) receive notifications in real time from the Electoral Officer or their agents on the day of Election indicating that an Elector has voted in person; and</p>

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<p>to the Electoral Officer or their agents of voting completion by Electors and any incomplete or failed vote or incomplete or failed registration of an Elector with the Electronic Voting Platform;</p> <p>(e) receive notifications in real time from the Electoral Officer or their agents on the day of Election indicating that an Elector has voted in person; and</p> <p>(f) generate and provide activity reports to the Electoral Officer and their agents on a daily basis and upon request.</p> <p>Online Voting Process</p> <p>26. The Band may use Online Voting as a method of voting, and sections 27 – 34 will govern the Online Voting process.</p> <p>27. Prior to the opening of online polls, the Electronic Voting Platform must be populated with the Electors List. The Electronic Voting Platform must allow the Electors List to be updated in real time such that once an Elector has voted in person they are not permitted to vote electronically.</p> <p>28. Online Voting must begin and close at the hour and date specified in an election notice described in section 13(a) and, as applicable, the hour and date specified for Advance Polling in Section 21.</p> <p>29. Immediately after an Elector's vote is recorded in the Electronic Voting Platform, the provider of the Electronic Voting Platform must:</p> <p>(a) record and provide the Electoral Officer and their agents with the person's name, and the date and time their online ballot has been received; and</p> <p>(b) provide notice to the Elector that their vote has been received.</p>	<p>(f) generate and provide activity reports to the Electoral Officer and their agents on a daily basis and upon request.</p> <p>PART 12 – ONLINE VOTING PROCESS</p> <p>69. The Band may use Online Voting as a method of voting, and sections 70 to 78 will govern the Online Voting process.</p> <p>70. <b>If Online Voting is being used</b>, at least 32 days before the Election Day the Electoral Officer shall provide Online Voting instructions and such further materials as may be required to enable Electors to vote by way of Online Voting <b>to each Elector for whom the Electoral Officer has an email address, mailing address, or other contact information</b>. The Electoral Officer may deliver such Online Voting instructions and other material by mail, electronic communication, or other method that the Electoral Officer deems appropriate.</p> <p>71. Prior to the opening of online polls, the Electronic Voting Platform must be populated with the Electors List. The Electronic Voting Platform must allow the Electors List to be updated in real time such that once an Elector has voted in person they are not permitted to vote electronically.</p> <p>72. Online Voting must begin and close at the hour and date specified for voting in section 48 and, as applicable, the hour and date specified for Advance Polling in section 44.</p> <p>73. Immediately after an Elector's vote is recorded in the Electronic Voting Platform, the provider of the Electronic Voting Platform must:</p> <p>(a) record and provide the Electoral Officer and their agents with the person's name, and the date and time their online ballot has been received; and</p> <p>(b) provide notice to the Elector that their vote has been received.</p> <p>74. Upon receipt of notification under section 73(a), the Electoral Officer will:</p> <p>(a) confirm that the Elector is an eligible voter;</p>
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### **Detailed comparison of current Rules and new Law**

<p>30. Upon receipt of notification under Section 29(a), the Electoral Officer will:</p> <p>(a) confirm that the Elector is an eligible voter;</p> <p>(b) confirm that the Elector has not already voted in the Election; either by the Electronic Voting Platform, in-person, or by Mail-in Ballot;</p> <p>(c) record the date and time when the vote was received; and</p> <p>(d) mark a line through that Elector's name on the Electors List.</p> <p>31. Once an Elector has voted either electronically or in person at a Polling Station:</p> <p>(a) the Electronic Voting Platform must not allow the person to vote again; and</p> <p>(b) the Electoral Officer and their agents must not allow that Elector to vote in any other manner except as described in Section 32.</p> <p>32. If the Electoral Officer or their agents are notified of an incomplete or failed vote or Elector registration as contemplated in Section 25(d), the Electoral Officer or their agents will immediately contact that Elector with alternative voting solutions, including voting in person.</p> <p>33. After the close of polls, an Electronic Voting Platform must:</p> <p>(a) remove the option to vote electronically; and</p> <p>(b) provide the electronic voting results to the Electoral Officer and their agents.</p> <p>34. The Electoral Officer may, in his or her discretion acting reasonably, make exceptions to the Online Voting requirements and procedures set out herein provided that any such exception would not be reasonably expected to have a material negative impact on the integrity of the Election."</p>	<p>(b) confirm that the Elector has not already voted in the Election <b>either by the Electronic Voting Platform, in person, or by Mail in Ballot;</b></p> <p>(c) record the date and time when the vote was received; and</p> <p>(d) mark a line through that Elector's name on the Electors List.</p> <p>75. Once an Elector has voted by Online Voting:</p> <p>(a) the Electronic Voting Platform must not allow the person to vote again; and</p> <p>(b) the Electoral Officer and their agents must not allow that Elector to vote in any other manner except as described in section 76.</p> <p>76. If the Electoral Officer or their agents are notified of an incomplete or failed vote or Elector registration as contemplated in section 68(d), the Electoral Officer or their agents will immediately contact that Elector with alternative voting solutions, including voting in person.</p> <p>77. After the close of polls, an Electronic Voting Platform must:</p> <p>(a) remove the option to vote electronically; and</p> <p>(b) provide the electronic voting results to the Electoral Officer and their agents.</p> <p>78. The Electoral Officer may, in his or her discretion acting reasonably, make exceptions to the Online Voting requirements and procedures set out herein provided that any such exception would not be reasonably expected to have a material negative impact on the integrity of the Election. <b>The Electoral Officer must immediately report such exception in writing to the Executive Director and Chief and Council, and if directed by the Chief and Council to refrain from implementing such exemption, the Electoral Officer must comply with such direction."</b></p>
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## **LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT**

### **Detailed comparison of current Rules and new Law**

<p><b>Counting of Votes</b></p>	<p><i>Sections 22 to 23.</i></p> <p>“22. Immediately after the close of the poll as described in Section 14 above, the Electoral Officer shall open each Mail-in Ballot package and, for each Mail-in Ballot for which there is a completed Voter Declaration Form from an Elector who has not otherwise voted in the Election, mark a line through that Elector's name on the Electors List, initial the ballot without looking at the candidates selected and deposit the ballot in the sealed ballot box. The Electoral Officer shall then open the sealed ballot box in the presence of such candidates or their scrutineers as may be present and, with the assistance of any agents he may have appointed pursuant to Section 4 above;</p> <p>(a) shall set aside all spoiled ballots which shall include but not be limited to ballots that identify the Elector or ballots with too many votes; and</p> <p>(b) shall count the votes each candidate has received from the unspoiled ballots, including any unspoiled ballots cast through the Online Voting process and sign a written statement of those results and the number of spoiled ballots. For clarity, in the event that an Elector has cast a ballot using multiple voting methods, the Electoral Officer will determine in his or her discretion, acting in a manner that would not reasonably be expected to have a material negative impact on the integrity of the Election, which ballot, if any, will be counted.</p> <p>23. Subject to Section 24 below, immediately after completing the written statement referred to in Section 22(b) above, the Electoral</p>	<p><b>Amendment:</b></p> <p>79. Immediately after the close of the Polling Station(s) as described in section 48, <b>or where applicable, immediately after the last Elector referred to in section 63 has voted</b>, the Electoral Officer shall, <b>in the presence of such Candidates or their scrutineers as may be present</b>, open each Mail-in Ballot package and, <b>without unfolding the ballots</b>, for each Mail-in Ballot for which there is a completed Voter Declaration Form from an Elector who has not otherwise voted in the Election, mark a line through that Elector's name on the Electors List, and deposit the ballot in the sealed ballot box.</p> <p>80. Immediately after the close of the Polling Station(s) and the deposit of Mail-in Ballots as described in section 79 above, the Electoral Officer must, in the presence of such Candidates or their scrutineers as may be present, announce the results of the Online Voting, if any, and record the number of votes cast by Online Voting for each Candidate on a ballot count form.</p> <p>81. Immediately after the announcement and recording of Online Voting results, the Electoral Officer shall open the sealed ballot box(es) in the presence of such Candidates or their scrutineers as may be present and, with the assistance of any agents they may have appointed, shall:</p> <p>(a) ascertain that all ballots that were prepared by the Electoral Officer are accounted for, by counting the number of Electors who voted, the Spoiled Ballots, the Partially Void Ballots, and the unused ballots;</p> <p>(b) examine the ballots and reject any ballots:</p> <p>i. that do not contain the signature of the Electoral Officer or Electoral Officer's agent, unless the Electoral Officer is satisfied that all ballots that were prepared by the Electoral Officer have been accounted for, as set out in section 81(a);</p> <p>ii. on which any marks appear that would identify the Elector; or</p>
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## **LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT**

### ***Detailed comparison of current Rules and new Law***

	<p>Officer shall publicly declare that the candidates receiving the highest number of votes for the positions of Chief and Council have been elected for a term of three years.”</p>	<p>iii. that do not give a clear indication of the Elector’s intention;</p> <p>(collectively referred to as “Spoiled Ballots”)</p> <p>(c) attach a note to each Spoiled Ballot, which outlines the reason for rejection of the ballot;</p> <p>(d) declare any portion of a ballot on which votes have been given for more Candidates than are to be elected to an office as void with respect to the Candidates for that office (“Partially Void Ballot”);</p> <p>(e) take note of any objection made by any Candidate or their representative to any ballot found in the ballot box and decide any question arising out of the objection;</p> <p>(f) number any objection and place a corresponding number on the back of the ballot with their initials and the word “allowed” or “disallowed”, as the case may be;</p> <p>(g) count the votes each Candidate has received from:</p> <p>i. the unspoiled ballots;</p> <p>ii. votes contained on the valid portion of a Partially Void Ballot; and</p> <p>iii. any unspoiled ballots cast through the Online Voting process; and</p> <p>(h) sign a written statement which shall contain the number of ballots cast for each Candidate, the number of Spoiled Ballots and the number of Partially Void Ballots.</p> <p>82. In the event that an Elector has inadvertently cast a ballot using multiple voting methods, the first ballot received by the Electoral Officer shall be counted, and subsequent ballots received from that Elector shall be void. For the purposes of this section 82, Mail-in Ballots are considered to be received by the Electoral Officer at the time the Mail-in Ballot packages are opened in accordance with section 79.</p>
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## **LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT**

### ***Detailed comparison of current Rules and new Law***

		<p>83. Immediately after completing the written statement referred to in section 81(g) above, or in the event that there is a recount conducted pursuant to sections 87-92, immediately after such recount is concluded, the Electoral Officer shall declare to be elected for a term of four years:</p> <p>(a) for the position of Chief, the Candidate having the highest number of votes; and</p> <p>(b) for the position of Councillor, the 7 Candidates having the highest number of votes.</p> <p>84. Within four days after completing the written statement referred to in section 81(g) above, or in the event that there is a recount conducted pursuant to sections 87-92, within four days after such recount is concluded, the Electoral Officer shall post in a conspicuous place on each Band Reserve on which Electors reside and on the LNIB Website, and shall deliver by mail, electronic communication, or other method that the Electoral Officer deems appropriate to each Elector for whom the Electoral Officer has an email address, mailing address, or other contact information, a statement indicating the number of votes cast for each Candidate and the names of the elected Candidates.</p> <p><b>Retention of Ballots and Other Election Material</b></p> <p>85. The Electoral Officer shall deposit all ballot papers in sealed envelopes, including Spoiled Ballots, Partially Void Ballots, and unused ballots, and shall retain these ballots and all materials prepared in connection with the election.</p> <p>86. All ballots and materials retained in accordance with section 85 shall be retained for 120 days from the date on which the Election was held or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by Council, destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those ballots and materials.</p>
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## ***LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT***

### ***Detailed comparison of current Rules and new Law***

		<p><b>Rationale:</b></p> <p>This section has been significantly expanded. A number of provisions have been added which improve the integrity and accuracy of the vote counting process:</p> <p>Sections 81(a) and (b) clarify the definition of “spoiled ballot”. In particular, these sections state that a ballot that does not contain the signature of the Electoral Officer is spoiled, unless all ballots are accounted for. In some cases it is possible that the lack of a signature on a ballot is due to an error by the Electoral Officer and not because of fraud. That is why section 81(a) says that the Electoral Officer must do a count of all ballots, and that if all ballots are accounted for, the lack of a signature would therefore be due to error by the Electoral Officer.</p> <p>The Electoral Officer is required to attach a note to each Spoiled Ballot, which outlines the reason for rejection of the ballot (section 81(c)), and the Law now allows a person to challenge the rejection of such ballots (section 81(e)(f)).</p> <p>Where multiple votes are cast by an Elector, instead of leaving it to the discretion of the Electoral Officer to determine which vote, if any, shall be counted, the Law now says that if such multiple voting was inadvertent, the first vote cast by the Elector shall be counted. (section 82)</p> <p>The Electoral Officer is now required to publicly post the Election results (section 84). This is already done in practice, but this is not required in the current Custom Election Rules.</p> <p>Ballots and election material are now required to be retained for at least 120 days after an Election. There is no such requirement in the current Custom Election Rules. (sections 85 and 86).</p>
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## ***LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT***

### ***Detailed comparison of current Rules and new Law***

<b>Recount</b>	<p>There is no recount provision in current Custom Election Rules.</p>	<p><b>Addition:</b></p> <p><b>PART 14 – RECOUNTS</b></p> <p>87. If the statement prepared by the Electoral Officer pursuant to section 81(g) indicates that the difference between the number of votes cast for the Candidate for Chief who received the most votes for that position and the number of votes cast for any other Candidate for that position is five votes or fewer, or if the statement prepared by the Electoral Officer pursuant to section 81(g) indicates that there is an equal number of votes for the Candidates for Chief who received the most votes for that position, the Electoral Officer must immediately declare that a recount for that position is necessary and must declare the time, date, and place at which the recount will take place. The Electoral Officer must conduct the recount of the votes for the Chief position according to sections 89 to 92.</p> <p>88. If the statement prepared by the Electoral Officer pursuant to section 81(g) indicates that the difference between the number of votes cast for the Candidate for Councillor who received the 7th highest number of votes for that position and the number of votes cast for the Candidate for Councillor who received the 8th highest number of votes for that position is five votes or fewer, or if the statement prepared by the Electoral Officer pursuant to section 81(g) indicates that there is an equal number of votes for the Candidates for Councillor who received the 7th highest number of votes for that position, the Electoral Officer must immediately declare that a recount for the Candidate positions is necessary and must declare the time, date, and place at which the recount will take place. The Electoral Officer must conduct the recount of the votes for the Councillor positions according to sections 89 to 92.</p> <p>89. A recount must commence within 24 hours after the announcement by the Electoral Officer that a recount is necessary, unless all of the Recount Eligible Candidates agree in writing that a recount is not necessary. In such case, a recount will not be held for that position.</p>
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## **LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT**

### ***Detailed comparison of current Rules and new Law***

		<p>90. If the recount is not to be conducted immediately after the preparation of the statement set out in section 81(g), the Electoral Officer must:</p> <p>(a) deposit all ballots in envelopes and seal them in a manner that prevents them from being opened without breaking the seal;</p> <p>(b) place their initials on the seal and have any two people present do the same;</p> <p>(c) deposit the sealed envelopes into a ballot box(es) and seal the box(es) in a manner that prevents them from being opened without breaking the seal; and</p> <p>(d) ensure the safekeeping of the sealed ballot box(es) until the time established for a recount.</p> <p>91. On the date and at the time and place established for a recount, the Electoral Officer must open the sealed ballot box(es) and the sealed envelopes in the presence of everyone present and conduct a recount.</p> <p>92. Subject to section 93, after the completion of the recount the Electoral Officer must, in the presence of everyone present, immediately declare to be elected the successful Candidates in accordance with section 83.</p> <p><b>Rationale:</b></p> <p>Implementing a recount provision when results are very close ensures that election results are accurate and fair, and can reduce the number of election appeals.</p> <p>We have used a difference of five or less votes as the trigger for a recount, as this represents a little over 1% of the votes that would be expected to be cast during an election (there were 381 ballots cast in the 2022 LNIB election.) This provides a reasonable margin of error.</p> <p>In the 2019 and 2022 elections, the narrowest vote margin was 8 (2019 Councillor vote). As such, if these recount rules had been in place, there would not have been a recount in 2019 or 2022.</p>
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## **LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT**

### **Detailed comparison of current Rules and new Law**

<p><b>Tie Votes</b></p>	<p><i>Section 24.</i>  “24. In the case of a tie for any position, the Electoral Officer shall determine the successful candidate by the drawing of lots.”</p>	<p><b>Amendment:</b></p> <p><b>PART 15 – TIE VOTES</b></p> <p>93. If a recount is conducted and the recount results in a tie for any position, the Electoral Officer shall determine the successful Candidates for that position(s) in the following manner:</p> <p>(a) the Electoral Officer shall place the names of the tied Candidates on blank pieces of paper, shall fold the papers so that the names cannot be seen, and shall place each paper in a blank ballot box. If there is a tie for both the Chief and Councillor positions, separate ballot boxes shall be used for each position;</p> <p>(b) the Electoral Officer shall then, without looking at the papers, draw papers from the ballot boxes as follows:</p> <p>i. if there is a tie for the position of Chief, the Electoral Officer shall draw one piece of paper from the ballot box;</p> <p>ii. if there is a tie for the position of Councillor, the Electoral Officer shall draw one piece of paper from the ballot box for each Councillor position that remains to be filled;</p> <p>(c) the Candidate(s) whose name(s) appear on the pieces of paper drawn shall be the successful Candidate(s) for those positions.</p> <p><b>Rationale:</b></p> <p>If there is a tie vote after the initial vote count, a recount will be conducted (a recount takes place if there is a margin of 5 votes or fewer between candidates, including ties). The tiebreaking rules only take effect after a recount is conducted, and only if the recount results in a tie. This is the preferable approach, as you want to avoid deciding election results by the drawing of lots if possible.</p>
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## **LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT**

### ***Detailed comparison of current Rules and new Law***

		<p>We haven't changed the substance of how tie votes are broken – we have just added some detail as to how the drawing of lots is to take place.</p> <p>Drawing of lots is the most commonly utilized method of breaking ties. Other options for breaking ties are sometimes utilized by other Nations, but these all have drawbacks:</p> <ul style="list-style-type: none"> <li>• The other most commonly utilized method of breaking ties is to hold a byelection to fill the position. However, holding a byelection is expensive, and takes several months to complete.</li> <li>• In a few Nations and other levels of government, ties are broken by a vote of the Electoral Officer. We do not recommend this, as it takes control of the election outside of the Nation.</li> </ul>
<b>By-elections (filling vacancies)</b>	<p><i>Section 35.</i></p> <p>“35. Should a position for Chief or Councillor become vacant one year or more before the next scheduled Election, there shall be a by-election held within 90 days of the vacancy to fill that position for the balance of that term. In every other respect the by-election shall be conducted in accordance with these Rules.”</p>	<p><b>Amendment:</b></p> <p><b>PART 16 – BY-ELECTIONS</b></p> <p>94. A Chief or Councillor position may become vacant if, while in office, the Chief or Councillor dies, resigns, or is removed from office in accordance with the provisions of this Custom Election Law.</p> <p>95. Should a position for Chief or Councillor become vacant one year or more before the next scheduled Election, there shall be a by-election held within 90 days of the vacancy to fill that position for the balance of that term. In every other respect the by-election shall be conducted in accordance with this Law.</p> <p>96. Subject to section 97, should a position for Chief or Councillor become vacant less than one year before the next scheduled Election:</p> <p>(a) no by-election shall be held to fill the vacancy, and for the remainder of the Term, Council shall operate with less than the number of Council Members set out in section 7;</p> <p>(b) notwithstanding any other provision in this Law, the Chief and Council Governance Law, or the LNIB Council Meeting Procedures, for the remainder of that Term, Quorum for a duly convened Council</p>

## LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT

### Detailed comparison of current Rules and new Law

		<p>meeting shall be a majority of the Council Members then in Good Standing;</p> <p>(c) if the position of Chief becomes vacant less than one year before the next scheduled Election, the Councillor occupying the position of Vice Chief at the time the position of Chief becomes vacant shall act as the Chief for the remainder of the Term; and</p> <p>(d) if the position of Chief becomes vacant less than one year before the next scheduled Election and the position of Vice Chief is vacant at the time the position of Chief becomes vacant, the Councillor who received the highest number of votes during the previous Election shall act as Chief for the remainder of the Term.</p> <p>97. If the number of Council Members in Good Standing becomes less than 4 at any time between 6 and 12 months prior to the next scheduled Election, then notwithstanding section 33, an Election must be held within 90 days of the date on which the number of Council Members in Good Standing becomes less than 4 ("<b>Accelerated Election</b>").</p> <p>98. If an Accelerated Election is held pursuant to section 97, the Term of Office for the Chief and Council elected at the Accelerated Election shall commence as of the date of that Accelerated Election, and shall end on the date of the following Election, which shall be held on the first Saturday in October that is at least four full years following the date of the Accelerated Election. For further clarity, the Term of Office for the Chief and Council elected at the Accelerated Election will therefore be greater than four years, but less than five years.</p> <p><b>Rationale:</b> The current <i>Custom Election Rules</i> requires that a by-election be held if a vacancy on Council occurs one year or more before the next scheduled election. The Rules do not describe what happens if a vacancy occurs less than one year before the next scheduled election. As a result, in the absence of any rule, there is no byelection, and the position remains vacant until the next election.</p>
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## **LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT**

### ***Detailed comparison of current Rules and new Law***

		<p>Using a one-year cut-off makes sense, as by-elections are costly, and incurring the expense of running a by-election to fill a vacancy of less than one year is not an efficient use of resources.</p> <p>However, the current rule does not provide any detail as to how absences that occur in the year prior to an election are handled.</p> <p>As a result, we have added rules that enable Council to operate more effectively if there is such a vacancy. For example, problems can arise if there are multiple vacancies that occur less than one year before the next election, and this results in Council not being able to achieve quorum (5 Council Members). This would obviously paralyze Council's decision-making ability. To address this, we have added a provision which states that if there is a vacancy in the year prior to an Election, for the remainder of the Term, quorum is defined as a majority of Council Members in Good Standing. For example, if there are 6 Council Members, quorum would be 4. Reducing quorum will allow Council to operate effectively, even with reduced numbers.</p> <p>In the very unlikely event that most of the Council positions become vacant within one year of an Election, even reducing quorum won't help Council operate properly. In that case, we have added a provision that says if there are less than 4 Council Members, then an accelerated Election must be held. This would not be a by-election, but would be a full election, as it would be a waste of resources to have a by-election that close to the next election. What happens then is that the Council elected during the Accelerated Election serves for the remaining few months of that Term, and then stays for the next full Term.</p> <p>We have used a 6 month cut-off, so that if there are less than 4 council members at any point between 6 and 12 months before the next Election, you must have an accelerated election. If there are less than 4 council members at some point between 0 and 6 months before the next Election, you just wait until then next regularly scheduled Election, as it would take 3 months to plan the Accelerated Election.</p>
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## **LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT**

### ***Detailed comparison of current Rules and new Law***

<b>Appeal</b>	<p><i>Sections 36-41.</i></p> <p>“36. Within 15 calendar days of an election any Elector may appeal the results of the Election, on the grounds that, there had been a Corrupt Election Practice or a violation of these Rules, by obtaining the signature of 30% of electors on the prescribed form and submitting it to the Electoral Officer along with a \$1,500 non-refundable filing fee. The appeal shall be in writing and shall clearly set out the grounds for the appeal and a summary of the evidence upon which it is based.</p> <p>37. Upon receipt of an appeal or appeals the Electoral Officer shall, immediately after the 15-day period described in Section 36 above, instruct the BC Arbitration and Mediation Institute ("BCAMI") or similar professional organization to appoint an Arbitrator with experience in First Nations issues to adjudicate the appeal and shall forward to it the required administrative filing fee, the appeal, and any supporting documents. The Electoral Officer shall also provide each candidate in that election with a copy of the appeal or appeals. A copy of the appeal or appeals shall also be posted in the Band Office.</p> <p>38. The Arbitrator shall convene a hearing of the appeal or appeals in consultation with the parties but in any event within 30 days of his or her appointment unless a later date is agreed upon by the parties. The Arbitrator may receive submissions from any source he or she deems appropriate. The hearing of an appeal or appeals shall be in accordance with the principles of natural justice and procedural fairness.</p>	<p><b>Amendment:</b></p> <p>PART 17 – APPEAL</p> <p>99. Within <b>30 days</b> from the date an Election was held, any Elector may appeal the results of the Election, on the grounds that:</p> <p>(a) <b>a person elected was not qualified to be a Candidate;</b></p> <p>(b) there had been a Corrupt Election Practice; or</p> <p>(c) there had been a violation of this Law <b>that might have affected the result of the Election.</b></p> <p>100. An election appeal must be submitted to the Electoral Officer and must:</p> <p>(a) be in writing, and shall clearly set out the grounds for the appeal and a summary of the evidence upon which it is based;</p> <p>(b) be accompanied by the payment of a non-refundable fee of \$1,500, which shall be used to offset the cost of the election appeal; and</p> <p>(c) include the signatures of at least 30% of Electors, <b>indicating their support for the filing of the election appeal.</b></p> <p><b>101. An Elector who wishes to appeal the results of an Election may request that the Electoral Officer provide such information to the Elector as may be available regarding the names and addresses of Electors.</b></p> <p>102. Upon receipt of an appeal or appeals <b>that satisfies the criteria set out in section 100,</b> the Electoral Officer shall <b>immediately</b> instruct the BC Arbitration and Mediation Institute ("BCAMI") or similar professional organization to appoint an Arbitrator with experience in First Nations issues to adjudicate the appeal(s) and shall forward to it the required administrative filing fee, the appeal, and any supporting documents. The Electoral Officer shall also provide each Candidate in that Election</p>
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## **LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT**

### ***Detailed comparison of current Rules and new Law***

<p>39. The Arbitrator shall render his or her decision in writing within 21 days of the end of the hearing by delivering a copy of that decision to the Electoral Officer, who shall forthwith implement that decision, which shall be final and binding on the parties. The Electoral Officer shall concurrently post a copy of the decision in the Band Office and deliver a copy of the decision to each candidate and each appellant.</p> <p>40. The Arbitrator may make such order regarding costs of the appeal as he or she deems appropriate. The Arbitrator's fee and all reasonable expenses shall be the responsibility of the Band unless otherwise ordered by the Arbitrator.</p> <p>41. The Arbitrator's decision is final and binding on all parties."</p>	<p>with a copy of the appeal or appeals. A copy of the appeal or appeals shall also be posted in the Band Office.</p> <p>103. The Arbitrator shall convene a hearing of the appeal or appeals in consultation with the parties but in any event within 30 days of his or her appointment unless a later date is agreed upon by the parties. The Arbitrator shall provide the Candidate(s) who are the subject of the appeal and the Elector who filed the appeal with an opportunity to provide submissions, and may receive submissions from any other source he or she deems appropriate. The Arbitrator may conduct such further investigations into the matter as the Arbitrator deems necessary. The hearing of an appeal or appeals shall be in accordance with the principles of natural justice and procedural fairness.</p> <p>104. After conducting the hearing of the matter the Arbitrator shall render an Appeal Decision, which shall include:</p> <ul style="list-style-type: none"> <li>(a) a summary of the investigation process followed by the Arbitrator, including a list of all parties interviewed and heard;</li> <li>(b) a summary of the evidence received by the Arbitrator;</li> <li>(c) a summary of the Arbitrator's findings of fact;</li> <li>(d) a determination as to whether or not the Arbitrator concludes, on a balance of probabilities, that: <ul style="list-style-type: none"> <li>i. the person declared elected was not qualified to be a Candidate;</li> <li>ii. a violation of this Law has taken place that might have affected the result of the Election; or</li> <li>iii. there was a Corrupt Election Practice in relation to the Election; and</li> </ul> </li> <li>(e) a conclusion regarding whether or not the election appeal is upheld or dismissed.</li> </ul>
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## **LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT**

### ***Detailed comparison of current Rules and new Law***

		<p>105. If the Arbitrator upholds an appeal the Arbitrator may:</p> <p>(a) set aside the election of a Candidate who was found not qualified to be a Candidate, to have committed or benefitted from a Corrupt Election Practice, or to have committed or benefitted from a violation of this Law that affected the result of the Election; and/or</p> <p>(b) make any other order that the Arbitrator may determine to be necessary to ensure the fair, efficient, and transparent conduct of the Band's electoral process, and which takes into consideration the need to ensure that the Band's resources are prudently utilized and that the governance of the Band is not unduly disrupted.</p> <p>106. Where the election of a Candidate is set aside, the Candidate receiving the next highest number of votes for that position shall be declared as elected.</p> <p>107. The Arbitrator shall render his or her Appeal Decision in writing within 21 days of the end of the hearing by delivering a copy of that decision to the Electoral Officer, who shall forthwith implement that decision. The Electoral Officer shall concurrently post a copy of the decision in the Band Office and LNIB Website, deliver a copy of the decision to each Candidate and to the Elector who submitted such appeal, and deliver a copy of the decision by mail, electronic communication, or other method that the Electoral Officer deems appropriate to each Elector for whom the Electoral Officer has an email address, mailing address, or other contact information.</p> <p>108. The Arbitrator may make such order regarding costs of the appeal as he or she deems appropriate. The Arbitrator's fee and all reasonable expenses shall be the responsibility of the Band unless otherwise ordered by the Arbitrator.</p> <p>109. The Arbitrator's decision is final and binding on all parties and shall not be subject to appeal.</p>
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## LNIB CUSTOM ELECTION RULES - 2025 AMENDMENT

### Detailed comparison of current Rules and new Law

		<p><b>Rationale:</b></p> <p>A number of changes have been made to improve the appeal procedure:</p> <p>The criteria for appealing an election have been clarified (section 99). Some of the criteria in the current <i>Custom Election Rules</i> are somewhat broad and imprecise (“a violation of these Rules”). This criterion has been clarified, to limit appeals to a violation of this Law <b>“that might have affected the result of the Election.”</b> This wording has been added, to prevent frivolous appeals based on minor errors that did not impact the result of the election.</p> <p>The deadline for filing an appeal has been extended from 15 to 30 days (section 99) and a section has been added which enables an Elector to request the Electoral Officer to provide them with available information regarding the names and addresses of Electors (section 101). This was done to address the comments of the Federal Court in the Spence Coutlee challenge to his removal from office. In his court challenge, Spence Coutlee argued that the appeal process was flawed, because it was almost impossible to obtain the signature of 30% of LNIB members, as he did not have access to any Electors’ contact information and Electors are located over a wide geographic area, with the majority residing off reserve. The Court commented favourably on the requirement to obtain 30% support, noting that the purpose of this measure is to avoid frivolous election challenges. However, the Court also said that these provisions “may be too cumbersome.” We have therefore made the procedure more accessible by increasing the appeal period and providing a way for Electors to obtain information that would help them contact Electors in order to obtain their signatures.</p> <p>Details have been added to make the appeal procedure more procedurally fair, by clarifying who is entitled to make submissions, and providing more detail regarding the process the Arbitrator is required to follow (sections 103 and 104).</p> <p>Finally, details have been added regarding the types of decisions that the Arbitrator can make (sections 105 and 106). This includes a provision stating that</p>
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		where the election of a Candidate is set aside, the Candidate receiving the next highest number of votes shall be declared as elected. This was added, so that a by-election does not have to be held to fill the seat in those circumstances.
<b>Amendments</b>	<p><i>Sections 42-44.</i></p> <p>“42. These Rules may be amended by the passing of a Band Council Resolution calling for a special Band meeting to be held for that purpose no later than 60 days after the date of that resolution, which resolution must be issued forthwith upon a Council passing a motion at a duly convened Council meeting or being presented with a written petition setting out the proposed amendment along with the signatures of at least 30% of the Electors shown on the most recent Electors List.</p> <p>43. A special information meeting of the Band to review the proposed amendments shall be held within 30 days of the issuance of the Band Council Resolution identified in Section 42. Notices of the information meeting shall be posted in at least two conspicuous places and shall set out the proposed amendment.</p> <p>44. An amendment proposed pursuant to Section 42 above must be approved by a two thirds majority of those Electors voting by Mail-in Ballot, by Online Voting, or in person at the special Band meeting convened for that purpose.”</p>	<p><b>Amendment:</b></p> <p>“PART 18 – AMENDMENTS</p> <p>110. Amendments to this Law may be initiated by:</p> <p>(a) Council, upon the passing of a Band Council Resolution directing that the amendment process herein be initiated; or</p> <p>(b) any Elector, by submitting a written petition to the Executive Director setting out the proposed amendments and which is signed by at least 30% of Electors shown on the most recent Electors List.</p> <p>111. As soon as reasonably possible following the issuance of a Band Council Resolution set out in section 110 or the receipt by the Executive Director of a written petition which complies with section 110, Council shall prepare a notice that sets out:</p> <p>(a) a summary of the proposed amendments to this Law;</p> <p>(b) a full copy of the proposed amendments, or a statement that the full copy of the proposed amendments can be obtained at the LNIB Band Office;</p> <p>(c) a description of the amendment process; and</p> <p>(d) notice of the information meeting set out in section 113 and the special Band meeting set out in section 116.</p> <p>112. The notice set out in section 111 shall be:</p> <p>(a) published on the LNIB Website;</p>

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		<p>(b) delivered by mail, electronic communication, or other method that the Electoral Officer deems appropriate to each Elector for whom the Electoral Officer has an email address, mailing address, or other contact information; and</p> <p>(c) posted in at least one conspicuous place on each Band Reserve on which Electors reside.</p> <p>113. A special information meeting of the Band to review the proposed amendments shall be held within 30 days of the issuance of the Band Council Resolution set out in section 110 or the receipt by the Executive Director of a written petition which complies with section 110.</p> <p>114. In addition to comments provided during the special information meeting, Electors may at any time up until the close of the special information meeting, provide comments concerning the proposed amendments in writing to Council.</p> <p>115. Council shall consider any comments received from Electors, in writing or at the special information meeting, regarding the proposed amendments, and shall make such changes to the proposed amendments as they deem necessary in order to arrive at a final amendment proposal. Council shall provide notice to the Electors of the final amendment proposal within 14 days following the special information meeting, which notice shall be delivered in accordance with the provisions of section 112.</p> <p>116. A special Band meeting to vote on the final amendment proposal shall be held within 60 days of the issuance of the Band Council Resolution set out in section 110 or the receipt by the Executive Director of a written petition which complies with section 110. In addition to voting conducted at the special Band meeting, Council may direct that voting on the final amendment proposal may also be conducted by Mail-in Ballot and/or by Online Voting, with the procedures to be used for such Mail-in Ballots and/or Online Voting to be determined by Council.</p>
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		<p>117. A <b>final amendment proposal</b> must be approved by a two thirds majority of those Electors voting on the final amendment proposal.</p> <p>118. Council may extend any of the timelines set out in sections 111 to 116 if it determines that more time is needed to develop or consider the proposed amendments or the final amendment proposal.”</p> <p><b>Rationale:</b> The current provisions, and in particular section 42, are confusing. We have revised these sections to make the amendment procedure more clear, and to clarify that Council can initiate an amendment by passing a BCR.</p> <p>We have added further details to the amendment procedure, to ensure that Membership is fully informed and had an opportunity to comment on the proposed changes (sections 111, 112, 114, and 115).</p>
<b>Impeachment (removal from office)</b>	<p><i>Sections 45-54.</i></p> <p>“45. A Council Member may be removed from office and be ineligible to stand for election to Council for a period of up to 6 years if he or she:</p> <p>(a) from the time of nomination until the end of his or her term of office:</p> <p>(i) commits a Corrupt Election Practice;</p> <p>(ii) is convicted of an offence as described in subsection 3(a) of these Rules;</p> <p>(iii) engages in such conduct as may be determined by Council to be of such a serious nature that the removal is necessary and appropriate.</p> <p>(b) from the time of election until the end of his or her term of office:</p> <p>(i) violates the Council Oath of Office or refuses or fails to take the Council Oath of Office;</p>	<p><b>Amendment:</b></p> <p>PART 19 – IMPEACHMENT</p> <p>119. A Council Member may be removed from office and be ineligible to stand for election to Council for a period of up to 6 years if he or she:</p> <p>(a) from the time of nomination until the end of his or her term of office:</p> <p>i. commits a Corrupt Election Practice;</p> <p>ii. is convicted of an offence as described in section 9(a) of this Law; or</p> <p>iii. engages in such conduct as may be determined to be of such a serious nature that the removal is necessary and appropriate.</p> <p>(b) from the time of Election until the end of his or her term of office:</p> <p>i. commits a <b>significant</b> violation of the Council Oath of Office, or refuses or fails to take the Council Oath of Office;</p>

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<p>(ii) violates these Rules, the Lower Nicola Band Chief and Council Policy or Conflict of Interest Policy;</p> <p>(iii) fails to attend three consecutive regular meetings of Council without being reasonably excused from attendance by the Council;</p> <p>(iv) accepts or offers a bribe, forges a council document or otherwise acts dishonestly in his or her role;</p> <p>(v) misuses Band funds or the funds of a Lower Nicola Band Entity; or</p> <p>(vi) encourages others to commit any of the above acts or omissions.</p> <p>46. A petition for the impeachment of a Council Member, may be commenced by:</p> <p>(a) any Elector, by obtaining the signature of 30% of Electors on the prescribed form and submitting it to the Electoral Officer along with a \$1,500 non-refundable filing fee; or</p> <p>(b) Band Council upon the passing of a Band Council Resolution endorsed by a majority of all Council Members.</p> <p>47. A petition for the impeachment of a Council Member shall be in writing, clearly set out the grounds for the petition and a summary of the evidence upon which it is based, and shall be submitted to the Executive Director.</p> <p>48. Immediately upon receipt of a petition the Executive Director shall instruct the BC Arbitration and Mediation Institute ("BCAMI") or similar professional organization to appoint an Arbitrator with experience in First Nations issues to adjudicate the petition and shall forward to it the</p>	<p>ii. commits a <b>significant</b> violation of this Law, the Lower Nicola Band Chief and Council Governance Law or Conflict of Interest Policy;</p> <p>iii. fails to attend three consecutive Regular Council Meetings <b>without providing a Legitimate Reason for their absence, as defined in section 4.4 of the LNIB Council Meeting Procedures;</b></p> <p>iv. accepts or offers a bribe, forges a council document or otherwise acts dishonestly in his or her role;</p> <p>v. misuses Band funds or the funds of a Lower Nicola Band Entity; or</p> <p>vi. encourages others to commit any of the above acts or omissions.</p> <p>120. A petition for the impeachment of a Council Member may be initiated by:</p> <p>(a) any Elector who:</p> <p>i. obtains the signature of at least 30% of Electors indicating their support for the initiation of the Impeachment process;</p> <p>ii. submits a petition in writing to the Executive Director which clearly sets out the Grounds for Impeachment, and a summary of the evidence upon which it is based; and</p> <p>iii. submits payment of a \$1,500 non-refundable filing fee <b>which shall be used to offset the administrative cost of addressing the petition;</b></p> <p>or</p> <p>(b) Band Council upon the passing of a Band Council Resolution endorsed by a majority of all Council Members in Good Standing, which directs the Executive Director to initiate Impeachment proceedings pursuant to this Law, and which clearly set out the Grounds for Impeachment and a summary of the evidence upon which it is based.</p>
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	<p>required administrative filing fee, the appeal and any supporting documents. The Executive Director shall also provide a copy of the petition to the Council Member in respect of whom the petition is brought and post a further copy of the petition in the Band Office.</p> <p>49. The Arbitrator shall within 30 days of receipt of a petition for the impeachment of a Council Member convene a hearing of the petition unless a later date is agreed upon by the parties.</p> <p>50. The hearing of a petition for the impeachment of a Council Member shall be in accordance with the principles of natural justice and procedural fairness.</p> <p>51. The decision of the Arbitrator shall include an order that:</p> <ul style="list-style-type: none"> <li>(a) the petition is denied; or</li> <li>(b) the petition is granted, and the Council Member is forthwith removed from office and ineligible to stand for election to Council for a specified period of up to six years.</li> </ul> <p>52. The Arbitrator shall make such order regarding costs of the petition as he or she deems appropriate. The Arbitrator's fee and all reasonable expenses shall be the responsibility of the Band unless otherwise ordered by the Arbitrator.</p> <p>53. The Arbitrator's reasoned decision on the petition shall be in writing and shall be provided to the Executive Director, Band Council, the petitioner and the Council Member in respect of whom the Petition was brought within 21 days of the end of the hearing.</p>	<p>121. Immediately upon receipt of a petition initiated by an Elector, the Executive Director shall verify that the petition complies with section 120(a). If the petition does not comply with that section, the Executive Director shall notify the Elector of those deficiencies, and the Executive Director shall not proceed further with Impeachment proceedings unless and until such time as those deficiencies are rectified.</p> <p>122. If a petition initiated by an Elector complies with section 120(a), or if a petition is initiated by Band Council Resolution, the Executive Director shall immediately instruct the BC Arbitration and Mediation Institute ("BCAMI") or similar professional organization to appoint an Arbitrator with experience in First Nations issues to adjudicate the petition and shall forward to it the required administrative filing fee, the appeal and any supporting documents. The Executive Director shall also provide a copy of the petition to the Council Member in respect of whom the petition is brought and post a further copy of the petition in the Band Office.</p> <p>123. The Arbitrator shall within 90 days of receipt of a petition for the impeachment of a Council Member convene a hearing of the petition unless a later date is agreed upon by the parties.</p> <p>124. The Arbitrator shall provide the Council Member who is the subject of the Impeachment proceedings with an opportunity to provide submissions, and may receive submissions from any other source he or she deems appropriate. The Arbitrator may conduct such further investigations into the matter as the Arbitrator deems necessary.</p> <p>125. The investigation and hearing of a petition for the impeachment of a Council Member shall be in accordance with the principles of natural justice and procedural fairness.</p> <p>126. After conducting the hearing of the matter the Arbitrator shall render an Impeachment Decision, which shall include:</p>
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	<p>54. The Arbitrator's decision is final and binding on all parties.”</p>	<p>(a) a summary of the investigation process followed by the Arbitrator, including a list of all parties interviewed and heard;</p> <p>(b) a summary of the evidence received by the Arbitrator;</p> <p>(c) a summary of the Arbitrator’s findings of fact; and</p> <p>(d) an order that:</p> <ul style="list-style-type: none"><li>i. the petition is denied; or</li><li>ii. the petition is granted, and the Council Member is forthwith removed from office. The Arbitrator may further declare that the Council Member is ineligible to stand for election to Council for a specified period of up to six years commencing from the date of the Arbitrator’s ruling.</li></ul> <p>127. The Arbitrator shall make such order regarding costs of the petition as he or she deems appropriate. The Arbitrator's fee and all reasonable expenses shall be the responsibility of the Band unless otherwise ordered by the Arbitrator.</p> <p>128. The Impeachment Decision shall be in writing and shall be provided to the Executive Director, Band Council, the petitioner and the Council Member in respect of whom the Petition was brought within 21 days of the end of the hearing.</p> <p>129. The Executive Director shall post a summary of the Impeachment Decision in at least one conspicuous location in the Band Office and on the LNIB Website, and shall deliver a summary of the Impeachment Decision by mail, electronic communication, or other method that the Executive Director deems appropriate to each Elector for whom the Executive Director has an email address, mailing address, or other contact information.</p> <p>130. The Arbitrator's decision is final and binding on all parties and will not be subject to appeal.</p>
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### **Detailed comparison of current Rules and new Law**

		<p><b>Rationale:</b></p> <p>We have made a few modifications to this section, to improve the overall functioning of the impeachment process and to ensure that the process is fair and transparent.</p> <p>We have made a slight modification to the grounds for impeachment, by clarifying that a petition for impeachment may be brought on the grounds that the Council member had committed a “significant” violation of the Custom Election Law, Chief and Council Policy, etc. (section 119(b)). Under the current wording in the <i>Custom Election Law</i>, a petition for impeachment could be initiated for minor violations of these laws, and this could subject Council members to frivolous challenges.</p> <p>The major change in terms of discipline is that we have removed the dismissal power from the <i>Chief and Council Governance Law</i>. Based on the Federal Court decision in the Spence Coutlee case, the power to remove a Councillor from office is now solely found in this <i>Custom Election Law</i>. Under the <i>Chief and Council Governance Law</i>, Chief and Council still have the power to impose lesser forms of discipline on Councillors, such as temporary suspensions and written warnings, but Council no longer has the power to remove a Council member.</p>
<b>Code of Ethics</b>	There is no Code of Ethics in the current <i>Custom Election Rules</i> .	<p><b>Addition:</b></p> <p><b>PART 20 – CODE OF ETHICS</b></p> <p><b>131. Candidates must campaign:</b></p> <p>(a) according to the rules established in this Law;</p> <p>(b) without coercion or vote-buying;</p> <p>(c) respecting the right and freedom of other Candidates to organize and campaign;</p> <p>(d) respecting the rights of Electors to obtain information from a variety of sources;</p>



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		<p>(e) ethically, focusing on issues and Candidate platforms;</p> <p>(f) non-violently, without intimidating other Candidates or Electors;</p> <p>(g) respecting the Electoral Officer and their agents, and not interfering with the performance of their duties; and</p> <p>(h) accepting and complying with the official election results and any Appeal decision.</p> <p>132. A person must not, by intimidation or duress, or by offering financial compensation or other benefit, attempt to influence another person to:</p> <p>(a) nominate or refrain from nominating a particular Candidate,</p> <p>(b) accept or decline a nomination,</p> <p>(c) withdraw as a Candidate; or</p> <p>(d) vote or refrain from voting, or to vote or refrain from voting for a particular Candidate.</p> <p>133. A person must not:</p> <p>(a) provide a false name in order to obtain a ballot;</p> <p>(b) possess a ballot that was not provided to them in accordance with this Law;</p> <p>(c) purchase or obtain a Mail-in Ballot that was issued to another person;</p> <p>(d) sell or give away a Mail-in Ballot;</p> <p>(e) print or reproduce a ballot with the intention that the print or reproduction be used as a genuine ballot;</p> <p>(f) vote or attempt to vote knowing that they are not entitled to vote;</p>
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	<p>(g) intentionally vote more than once in the same Election or by-election;</p> <p>(h) show their ballot, when marked, to reveal the name of the Candidates for whom the person has voted;</p> <p>(i) in the polling station, openly declare for whom the person intends to vote or has voted;</p> <p>(j) post, display, carry, distribute, or wear, in or on the exterior surface of or within 100 meters of a Polling Station, any campaign literature or other material that promotes or opposes the election of a particular Candidate;</p> <p>(k) within hearing distance of a Polling Station, orally promote or oppose the election of a Candidate;</p> <p>(l) in a Polling Station, attempt to influence an Elector to vote or refrain from voting, or to vote or refrain from voting for a particular Candidate;</p> <p>(m) act, or incite another person to act, in a disorderly manner with the intention of disrupting the conduct of the vote in a Polling Station or the conduct of a nomination meeting;</p> <p>(n) destroy, take, open or otherwise interfere with a ballot box unless authorized to do so by this Law; or</p> <p>(o) intentionally obstruct an Electoral Officer or their agent in the performance of their duties.</p> <p>134. An employee of the Lower Nicola Indian Band who is a Candidate in an Election must not conduct any campaign activities during their regular work hours. Failure to comply with this prohibition may lead to termination of employment and/or ineligibility as a Candidate.</p> <p>135. An Electoral Officer or their agent may order a person to leave a nomination meeting if the person is violating a provision of this Act and their conduct threatens the maintenance of order at the meeting, or if the Electoral Officer or their agent</p>
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		<p>believes on reasonable grounds that the person has done so.</p> <p>136. An Electoral Officer or their agent may order a person to leave a Polling Station if the person is violating a provision of this Act and their conduct threatens the maintenance of order at the Polling Station, or if the Electoral Officer or their agent believes on reasonable grounds that the person has done so.</p> <p>137. An Electoral Officer or their agent may take such measures as may be reasonably necessary to enforce any of the provisions of this Law.</p> <p>138. A person to whom an order is given under sections 135, 136, or 137 must obey it without delay.</p> <p><b>Rationale:</b> Adding a Code of Ethics makes it clear that a high standard of conduct is expected of all those who participate in elections, and gives the Electoral Officer the power to stop or prevent improper or unethical practices.</p>
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