

Inuvik Native Band



Custom Election Code

Revised September 16, 2019

SECTION 1 – TITLE

1.1 The title of this document is the **Inuvik Native Band Custom Election Code**.

SECTION 2 – DEFINITIONS

2.1 “**By-election**”: an election to be held in accordance with Section 16 of this Code.

2.2 “**Candidate**”: an approved Nominee wishing to be elected as a Council Member.

2.3 “**Code**”: the Inuvik Native Band Custom Election Code.

2.4 “**Council**”: the Chief and Councillors of the Inuvik Native Band.

2.5 “**Council Members**”: the Chief and Councillors of the Inuvik Native Band.

2.6 “**Deputy Electoral Officer**”: a person appointed in accordance with this Code.

2.7 “**Election**”: the election of Chief and/or Councillors of the Inuvik Native Band, including by way of a By-election.

2.8 “**Election Committee**”: the impartial committee appointed by the Existing Council to carry out the duties in accordance with this Code.

2.9 “**Election Day**”: the day set aside to operate a polling station during the election process of the Inuvik Native Band Council to vote for Chief or Councillors or both.

2.10 “**Election Period**”: the time period commencing when the Election Committee is appointed and ending after appeals, if any, are addressed by the Election Committee.

2.11 “**Elector**”: a person eligible to vote in Inuvik Native Band elections as defined by this Code.

2.12 “**Electoral Officer**”: a person appointed in accordance with this Code.

2.13 “**Existing Council**”: the current, duly elected Inuvik Native Band Council.

2.14 “**INB**”: the Inuvik Native Band.

2.15 “**List of Electors**”: the list of eligible voters for an election, including or excluding any names as determined by the Electoral Officer, prepared by the Registrar.

2.16 “**Member**”: a Member of the Inuvik Native Band.

- 2.17 “**Nomination Meeting**”: an optional event to enable Members to nominate and/or be nominated as a Candidate and, if held, shall be done so in accordance with this Code.
- 2.18 “**Nomination Period**”: the period of time when nominations for the positions of Chief and Councillor can be submitted by Electors to the Electoral Officer.
- 2.19 “**Nominee**”: an Elector who has been proposed as a Candidate for an election.
- 2.20 “**Polling Station**”: the place where Electors may vote in person on Election Day.
- 2.21 “**Quorum**”: the minimum number of Council Members required for a Council meeting.
- 2.22 “**Referendum Officer**”: a person appointed in accordance with this Code.
- 2.23 “**Registered Member**”: a person whose name appears as a Member of the Inuvik Native Band on the member list maintained by Indigenous Services Canada.
- 2.24 “**Registrar**”: the individual or department responsible for maintaining the Inuvik Native Band member list and providing the List of Electors to the Electoral Officer.
- 2.25 “**Special Meeting**”: a meeting of Inuvik Native Band Members for a stated purpose.

SECTION 3 – APPLICATION AND COMING INTO FORCE

- 3.1 This Code applies to all elections and by-elections for the positions of Chief and Councillors for the Inuvik Native Band once approved by a referendum vote among its members.
- 3.2 This Code replaces all previous versions of the Inuvik Native Band Custom Election Code.
- 3.3 This Code comes into force upon acceptance by its Members, and shall be used in all future elections commencing with the next scheduled election in May 2022.

SECTION 4 – ELECTION DATES

- 4.1 An election of the INB Council shall be held on a date set by the Existing Council in the month of May in the year that the term of the Existing Council comes to an end.
- 4.2 If an entire Council resigns or is removed under the provisions of this Code, a Special Meeting of INB Members shall be convened and facilitated immediately by the Band Administrator of the INB for the purposes of determining an election date and appointing an Election Committee.
- 4.3 The election dates and events will follow a similar timeline as per Appendix A.

SECTION 5 - ELECTION COMMITTEE & OFFICERS

5.1 No later than 29 days before Election Day the Existing Council shall appoint an impartial and independent Election Committee whose members shall agree to not nominate, vote, or run for any position on Council in that election.

5.2 The duties of the Election Committee shall be to:

5.2a) act as an informational resource to the Electoral Officer as required;

5.2b) instruct the Registrar to prepare a List of Electors and provide this list to the Electoral Officer upon his or her appointment per Section 5.4a of this Code; and,

5.2c) serve as an appeal board to address issues arising from the election.

5.3 Persons eligible to serve as Electoral Officer shall be fully knowledgeable of this Code and have experience administering electronic voting systems for elections in Canada.

5.4 No later than 29 days before Election Day the Existing Council shall:

5.4a) appoint an Electoral Officer;

5.4b) set the dates for the Nomination Period and Election Day;

5.4c) ensure a reasonable budget amount for anticipated expenses relating to the election;

5.4d) abstain from any further involvement as a Council in the upcoming election; and,

5.4e) abstain from making any major decisions as a Council for the remainder of their term of office with the exception of dealing with any emergency situations in the community.

5.5 Once appointed, the Electoral Officer shall have the authority and responsibility to carry out all the duties specified in this Code and sign an Oath of Office (see Appendix B).

5.6 The Deputy Electoral Officer shall be appointed by the Electoral Officer as and when required to assist the Electoral Officer and will sign an Oath of Office (see Appendix C).

5.7 No later than 26 days before Election Day, the Registrar shall provide the Electoral Officer with a List of Electors including email addresses, dates of birth, and registry numbers.

5.8 No later than 22 days before Election Day, the Electoral Officer shall:

5.8a) post a notice of the election date, Nomination Period and process, hours of voting, location of polling station, and election website address in prominent places around the community of Inuvik including the INB band office;

5.8b) compile and similarly post a List of Electors comprised of all resident and non-resident INB Members eligible to vote; and,

5.8c) e-mail a notice to all Electors who have provided the Registrar with their current email address, informing them of the election and providing relevant election information including acceptable methods for voting.

SECTION 6 – COUNCIL

6.1 The INB Council shall consist of one (1) Chief and six (6) Councillors.

6.2 Once Council is elected, they shall agree and appoint one (1) Councillor as Sub-Chief.

6.3 Quorum for Council meetings shall be any four (4) Council Members.

SECTION 7 – NOMINATIONS & CANDIDATES

7.1 An Elector becomes a Nominee when two electors of the INB and their Nominee submit a completed Nomination Form (see Appendix D) that is received by the Electoral Officer during the Nomination Period.

7.2 To be eligible as a Candidate for the position of Chief or Councillor, a person must be:

7.2a) a Member of the Inuvik Native Band whose name appears on the List of Electors;

7.2b) a resident of Inuvik for a minimum of six months prior to Election Day;

7.2c) 18 years of age or older on Election Day;

7.2d) not an employee of the INB unless they take a temporary leave of absence from this work for the duration of the Election Period and, if elected, end this employment before commencing their role on Council; and,

7.2e) not in debt to the INB for an amount in excess of \$500, unless a satisfactory repayment agreement in writing is in place between the Nominee and the INB administration.

7.3 An elector may not be nominated for both positions of Chief and Councillor in an election.

7.4 A person must not, in connection with an election, consent to be a Candidate knowing they are not eligible to be a Candidate.

7.5 The Nomination Period shall be open starting no later than 19 days before Election Day for seven (7) days unless there are no Chief nominees and/or less than six (6) Councillor nominees

and if so then the Nomination Period will be extended by one day and a Nomination Meeting shall be held the following day/evening.

7.6 At the end of the Nomination Period as per Section 7.5 the Electoral Officer shall:

7.6a) verify the eligibility of all Nominees in accordance with this Code, then post a list of eligible Candidates online and in the community;

7.6b) declare, in the event that only one (1) qualified Candidate is nominated for the position of Chief and/or no more than six (6) qualified Candidates are nominated for the Councillors' position, any acclaimed Candidates as elected;

7.6c) announce, if required, a Nomination Meeting as per Section 7.5 of this Code; and,

7.6d) announce any vacant seats that may remain at the end of the extended Nomination Period, along with corresponding next steps as required per Section 19 of this Code.

7.7 Candidates may campaign openly in the community and elsewhere until Election Day.

7.8 A person must NOT, in connection with an election:

7.8a) by intimidation or duress, attempt to influence another person to

7.8a.i) nominate or refrain from nominating a particular Candidate; nor,

7.8a.ii) accept or decline a nomination.

7.8b) act, or incite another person to act, in a disorderly manner, with the intention of disrupting the conduct of a Nomination Meeting; nor,

7.8c) knowingly publish a false statement that a Candidate is withdrawing or has withdrawn their candidacy.

7.9 The Electoral Officer or Deputy Electoral Officer may order a person to leave a Nomination Meeting if the person is committing an offence that threatens the maintenance of order at the meeting, or if the Officer believes on reasonable grounds that the person has done so.

7.10 Any Candidate who decides to withdraw from the election must submit a written statement to the Electoral Officer advising of this decision no later than 10 days before Election Day in order to have their name removed from the ballot.

SECTION 8 – BALLOTS

8.1 A person must NOT, in connection with an election:

8.1a) provide a false name in order to obtain a ballot;

8.1b) possess a ballot that was not provided to them in accordance with this Code; nor,

8.1c) print or reproduce a ballot with the intention that the print or reproduction be used as a genuine ballot, unless that person is authorized by the Electoral Officer to do so per this Code.

SECTION 9 – VOTING

9.1 To be eligible as an Elector (or voter), a person must be a Member of the Inuvik Native Band and 18 years of age or older on Election Day, or deemed eligible per Section 9.2 of this Code.

9.2 Any eligible Elector may apply to the Electoral Officer for changes to the List of Electors up to seven (7) days before Election Day; if the Elector or Candidate is not satisfied with the decision of the Electoral Officer, they may appeal that decision to the Election Committee, whose decision on the matter shall be final.

9.3 An Elector may vote once for the position of Chief and once for each of the six (6) positions of Councillor using one of the following methods:

9.3a) Voting in person at the polling station in Inuvik on Election Day; or,

9.3b) Voting electronically either online or by phone using the electronic voting system approved and administered by the Electoral Officer.

9.4 In order to be counted, a vote must be cast and received in accordance with one of the voting methods identified in Section 9.3 of this Code.

9.5 A person must NOT, in connection with an election:

9.5a) vote or attempt to vote knowing they are not entitled to vote;

9.5b) attempt to influence a person to vote knowing that the person is not entitled to do so;

9.5c) knowingly use a forged ballot;

9.5d) put a ballot into a ballot box knowing they are not authorized to do so as per this Code;

9.5e) by intimidation or duress, attempt to influence another Elector in how they vote; nor,

9.5f) offer money, goods, employment, or other valuable consideration in an attempt to influence an Elector in how they vote.

9.6 An Elector must NOT, in connection with an election:

9.6a) intentionally vote more than once or as allowed per this Code; nor,

9.6b) accept or agree to accept any money, goods, employment, or other valuable consideration to influence how they vote.

SECTION 10 – POLLING STATION

10.1 The INB shall provide a polling station in Inuvik on Election Day which has:

10.1a) easy access for all resident Electors, including those who are handicapped;

10.1b) an entrance where access can be controlled when the hours of voting are over; and

10.1c) access to washrooms for the Electoral Officer and others hired to run the polling station.

10.2 The hours of voting shall be 10:00 AM to 8:00 PM (local time) on Election Day.

10.3 A person must NOT, in connection with an election:

10.3a) post or display in or around a polling station any campaign literature or other material that clearly promotes or opposes the election of a particular Candidate;

10.3b) within hearing range of a polling station, promote or oppose the election of a Candidate;

10.3c) 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; nor,

10.3d) 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.

10.4 The Electoral Officer or Deputy Electoral Officer may order a person to leave a polling station if the person is committing an offence that threatens the maintenance of order at the polling station or if the officer believes on reasonable grounds that the person has done so.

10.5 A person must not, in connection with an election, destroy, take, open, or otherwise interfere with a ballot box knowing that they are not authorized to do so according to this Code.

10.6 Two polling clerks, one of whom will be an interpreter, shall be appointed by the Electoral Officer to provide services (including interpretive services for the original language of the INB) to Electors and voters in the polling station on Election Day.

SECTION 11 – ELECTRONIC VOTING

11.1 The electronic voting system shall be a proven system that meets proper identity verification standards and is designed to ensure the secrecy of each vote cast using the system.

11.2 Any elector may vote electronically (online or by phone) using the approved electronic voting system administered by the Electoral Officer.

11.2a) If an elector chooses to vote online, they may do so by accessing the election web page, entering the required identity verification information, and casting a secret ballot as instructed.

11.2b) If an elector chooses to vote by phone, they may do so by dialing a toll-free number, entering the required identity verification information, and casting a secret ballot as instructed.

11.3 Electronic voting shall be open for one week (7 days) and close the day before the polling station operates unless the Electoral Officer chooses to also allow electronic voting on the day the polling station operates while ensuring that no elector casts more than one ballot.

SECTION 12 – AWARDING OF POSITIONS

12.1 The Chief and Councillor positions shall be confirmed by the Electoral Officer to be the Candidates for those positions who received the highest number of votes, and to be those acclaimed Candidates per Section 7.6b) of this Code.

12.2 If it is not possible to award a position under Section 12.1 because there are two or more Candidates with the same number of votes, the Electoral Officer shall publicly (witnessed by at least two individuals) break the tie by placing a ballot for each of the “tied” Candidates in an empty ballot box or container and randomly drawing one ballot to determine the winner.

12.3 Any Candidate whose margin of loss is within two (2) votes counted for the winning Candidate may request an immediate recount of ballots by the Electoral Officer.

12.4 Factoring in any recounts including those provided for in Section 12.3 the Electoral Officer shall announce the preliminary election results in a timely manner.

12.5 Following the appeal period and process per Section 13 of this Code, the Electoral Officer shall publish the official election results.

12.6 Upon publication of the official election results per Section 12.5, the INB shall notify other government authorities of the results and date when the incoming Council assumes office.

12.7 The Existing Council shall cooperate to ensure a smooth transition process for the change in leadership, and work respectfully with the incoming Council until the incoming Council assumes office as per Section 12.8 of this Code.

12.8 Further to Section 12.7, the incoming Council shall assume office on the earliest reasonable date following the completion of the appeal process as defined in Section 13 of this Code; and on their first day in office each Council Member shall take an Oath of Office (see Appendix E).

12.9 A Council duly elected under the provision of this Code and which has assumed office as per Sections 12.7 and 12.8 shall be deemed to be the lawful body representing the Members of the Inuvik Native Band with all the powers and authority pertaining thereto.

SECTION 13 – APPEALS

13.1 Any Elector or Candidate may appeal an election if they believe that a serious offence was committed which is contrary to this Code and which likely affected the election results.

13.2 Any appeal must be submitted in writing to the Election Committee within seven (7) days of Election Day stating the offence(s) committed and related details.

13.3 The Election Committee shall investigate the appeal within seven (7) days of receipt of the appeal and decide:

13.3a) whether or not the appeal is valid; and,

13.3b) if so, determine its impact on the outcome and results of the election.

13.4 If the Election Committee decides that the offence(s) committed is sufficiently serious it may order that the election be declared null and void and that a new election be held in its place.

SECTION 14 – OBSTRUCTION OF ELECTIONS

14.1 A person must not intentionally obstruct the Electoral Officer or Deputy Electoral Officer in the performance of their duties.

14.2 A person must not, in a manner that this Code does not otherwise prohibit, intentionally obstruct the conduct of an election.

SECTION 15 – TERM OF OFFICE

15.1 The term of office for all positions on the INB Council shall be three (3) years.

15.2 A Chief or Councillor ceases to hold office if they:

15.2a) accept a position as an employee of the INB;

15.2b) miss three (3) or more consecutive Council meetings without approval of Council;

15.2c) are convicted of an indictable offence and sentenced to a term of imprisonment of more than 30 consecutive days;

15.2d) are found by the Election Committee to be guilty of an offence under this Code;

15.2e) die or resign from office; or,

15.2f) are removed from office by means of a petition per Section 17 of this Code.

15.3 A Chief or Councillor shall temporarily step down from their position on Council if charged with an indictable offence until such time as a court decision is made.

15.4 Further to Section 15.3 of this Code, if a Chief or Councillor is found not guilty of any charges, that person has the right to assume their position on Council immediately.

15.5 Further to Section 15.3 and as per Section 15.2c of this Code if a Chief or Councillor is found guilty of any charge or charges of an indictable offence and sentenced to a term of imprisonment of more than 30 consecutive days, that person shall resign or be removed from office immediately.

15.6 A Chief or Councillor who is elected in a By-election per Section 16 of this Code holds office commencing on the date of their election for the remainder of the term of office that they were elected to fill.

SECTION 16 – BY-ELECTIONS

16.1 By-elections shall follow the same process as an election adhering to this Code.

16.2 When a By-election is required as defined by this Code it is understood that time is of the essence and as such the By-election date shall be established and announced in a timely manner by the INB Council.

SECTION 17 – PETITION FOR REMOVAL FROM OFFICE

17.1 An elected official of the INB Council may be removed from office by the INB Electors if a petition on a prescribed form available in the INB band office is submitted to the Band Administrator which requests the removal of an elected official, states the reason(s) for the request, and is signed by 40% or more of all registered Electors of the INB.

17.2 Further to Section 17.1 if such a petition is submitted, the Band Administrator shall notify the unaffected Members of Council who shall appoint a competent person to verify and report on the authenticity and number of signatures contained on the petition.

17.3 Further to Section 17.1 and if the conditions per Section 17.2 regarding the petition are met, Council shall announce the removal of the elected official and respond to filling the vacancy in accordance with this Code.

17.4 A person must NOT:

17.4a) provide money, goods, employment, or other valuable consideration to another person for the purpose of obtaining their signature on a petition for the removal from office of a chief or Councillor of the INB; nor,

17.4b) accept money, goods, employment, or other valuable consideration in exchange for their signature on such a petition.

SECTION 18 – OFFENCES

18.1 The Election Committee shall have the authority to identify an individual or individuals who have committed one or more election offences under this Code.

18.2 Any person found guilty of an election offence by the Election Committee shall be subject to penalties, fines, and/or other actions considered appropriate by the Election Committee.

SECTION 19 – VACANCIES

19.1 Any Council seat(s) remaining vacant after an election shall be appointed by Council following a public posting for the position/s and a fair and transparent review of applicants.

19.2 The majority of Council seats (i.e. Chief and at least three Councillors) shall be filled by election; otherwise, a Special Meeting of INB Members shall be convened immediately and facilitated by the Band Administrator to enable INB Members to determine next steps.

19.3 A vacancy shall be declared on Council when any of the instances defined in Section 15.2 and Section 17 of this Code occur.

19.4 If the Chief's position becomes vacant it shall be filled temporarily by the Sub-Chief who shall be Acting Chief until a new Chief is elected in a By-election per Section 16 of this Code.

19.5 If a vacancy occurs within six (6) months of the end of the Council's term of office the position shall remain vacant until the next election.

19.6 Any vacancy which occurs with six (6) months or more remaining in the term of office shall be filled by Council by appointing the Candidate who received the next highest number of votes in the previous election to serve the remainder of the term; if no such Candidate exists or if the Candidate is no longer interested or eligible, the vacancy shall be filled through a By-election.

SECTION 20 – AMENDMENTS TO THIS CODE

20.1 If circumstances require that this Code be amended, the INB Council shall:

20.1a) appoint an Election Code Committee to run the Code amendment and ratification process;

20.1b) set the date and time for a ratification vote (at least 60 days before the next election);

20.1c) assign the remainder of the amendment and ratification process to the Election Code Committee until the ratification vote is complete and results are known by the Committee; and,

20.1d) appoint a Ratification Officer to:

20.1di) share the information defined in Section 20.2 with INB Members for their reference before the voting day;

20.1dii) respond to inquiries regarding the ratification process; and,

20.1diii) conduct a referendum vote using a similar voting process as an election per this Code.

20.2 The Election Code Committee shall prepare the draft amendments to the Code with corresponding rationale.

20.3 The Election Code Committee may retain the services of a consultant or subject expert to work under their direction per Section 20.2 provided there is a budget to pay for these services.

20.4 If the majority of Electors voting in the referendum approve the proposed amendments and the minimum number of votes are cast as specified in the corresponding Band Council Resolution, the revised Election Code will be accepted for use in subsequent elections and copies of the revised Code will be sent to other government authorities for reference.

20.5 If the majority of Electors voting in the referendum do not approve the proposed amendments or the minimum number of votes are not cast as specified in the corresponding Band Council Resolution, the Election Code shall remain unaltered.

APPENDIX A

Inuvik Native Band

Election Timeline

Day #	Countdown	Action Item
Day 1*	29 days out*	Council appoints Election Committee members & Electoral Officer (EO)
Day 1	29 days out	Council sets dates for Nomination Period & Election Day
Day 4	26 days out	Registrar provides EO with List of Electors
Day 4	26 days out	INB administration provides EO with email addresses for Electors
Day 8	22 days out	EO posts Notice of Nominations and Elector List on INB website & in community
Day 8	22 days out	EO emails Notice to electors
Day 11	19 days out	Nominations Open (start of Nomination Period)
Day 18/19	12/11 days out	Nominations Close (unless extension & Nomination Meeting required)
Day 22	8 days out	Electronic Voting opens; email sent to electors with link to electronic ballot
Day 29	1 day out	Electronic Voting closes (option for EO to extend per Code Section 11.3)
Day 30	Election Day	“Election Day”; Polling Station operates in Inuvik; votes are counted by EO
EDay + 7 (Day 37)	7 days after Election Day	Deadline for Appeals to be filed; Election Committee addresses appeals (if any) and finalizes election results

** NOTE: For Regular Elections, Day 1 of this timeline shall be any date chosen by the outgoing INB Council between April 2 and May 2 of each election year per Sections 4 and 15 of the INB Custom Election Code; for By-elections, the timeline shall comply with Section 16 of this Code.*

APPENDIX B

Inuvik Native Band

Electoral Officer Oath of Office

I, _____ hereby accept the office of Electoral Officer of the Inuvik Native Band. I do solemnly swear (or affirm) that I will carry out my responsibilities as Electoral Officer in accordance with the Inuvik Native Band Custom Election Code impartially, honestly, conscientiously, and to the best of my abilities.

Date: _____, 20__

Signature of Electoral Officer

Witnessed by: _____
Print Name

Signature of Witness

APPENDIX C

Inuvik Native Band

Deputy Electoral Officer Oath of Office

I, _____ hereby accept the office of Deputy Electoral Officer of the Inuvik Native Band. I do solemnly swear (or affirm) that I will carry out my responsibilities as Deputy Electoral Officer in accordance with the Inuvik Native Band Custom Election Code impartially, honestly, conscientiously, and to the best of my abilities.

Date: _____, 20____

Signature of Deputy Electoral Officer

Approved by: _____
Name of Electoral Officer

Signature of Electoral Officer

APPENDIX E

Inuvik Native Band Chief & Council Oath of Office

We, the newly elected Chief and Council, do hereby swear that we will carry out the duties of our positions honestly, conscientiously, impartially, and to the best of our abilities while serving the community as a whole.

We hereby agree to familiarize ourselves with all band government policies and to abide by these policies and regulations. We also agree to adhere to the following terms of this Oath of Office:

- We will promote and maintain at all times, in our actions and words, the integrity of the Inuvik Native Band and its programs, government, staff and members;
- We will maintain a positive, cooperative attitude in dealing with fellow Councillors, Employees, and Band Members and work as a team towards the betterment of the Band;
- We will conduct ourselves, at all times, in a manner which will bring credit to the Inuvik Band Council;
- We will attend Band Council meetings and community events to the best of our ability;
- We will work together in a respectful, constructive manner and support resolutions passed by Council;
- We will not use the information obtained as a result of our elected positions for personal gain or allow personal interests to compete with those of Council.

I hereby agree to the above terms and in accordance with the Inuvik Native Band Custom Election Code:

Print Name of Chief	Signature of Chief	Date
Print Name of Councillor	Signature of Councillor	Date
Print Name of Councillor	Signature of Councillor	Date
Print Name of Councillor	Signature of Councillor	Date
Print Name of Councillor	Signature of Councillor	Date
Print Name of Councillor	Signature of Councillor	Date
Print Name of Councillor	Signature of Councillor	Date