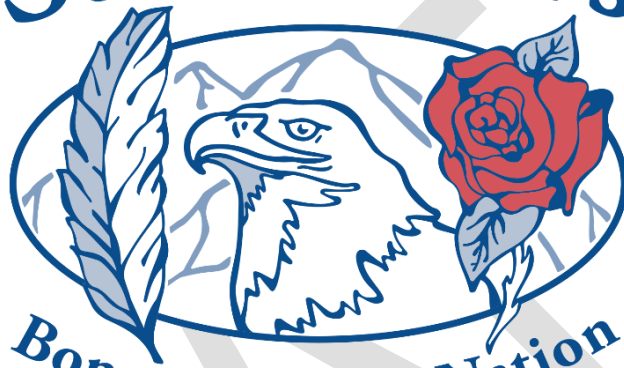


Stuxwtéws



Bonaparte First Nation

**ELECTION CODE
2024**

DRAFT #4

OCTOBER 16, 2024

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DRAFT

PART 1 - PREAMBLE

1. This Code shall be called the **Bonaparte First Nation Election Code** (the “Code”).
2. This Code is enacted under the right of the Bonaparte First Nation to govern itself and to exercise the powers of a “band” under the *Indian Act*.
3. This Code applies to the processes by which members of Council are elected by the Voters.

Secwepemc Law

4. The people of the Bonaparte First Nation belong to the Secwepemc society, who collectively identify their four pillars, that provide structure and stability to their people, as follows:
 - (a) Secwepemc Laws and Jurisdiction;
 - (b) Secwepemctsin (Language);
 - (c) Tmicw (Land and Territory);
 - (d) Letwílč (Healing); and
 - (e) Aboriginal Rights and Title, as the fifth priority are that arches above the pillars and connects all four together.

Bonaparte Core Values

5. The Code was developed with input and consultation with the BFN membership to ensure that Elections are conducted in a manner that aligns with the collective values of the Bonaparte First Nation, including the following:

Xyemstés – Respect

- (a) All individuals involved in the Election process will treat each other with respect and dignity;

Tsetsetenwéńs – Integrity

- (b) All individuals involved in the Election process will carry out their duties honestly and in good faith, remembering that the goal of an election is to ensure that the Voters select the Council in fair elections;

Knučwentwécw - Help One Another

- (c) Elected members of Council are responsible to the community and will devote themselves to the duties of their elected positions, including conducting themselves in accordance with their Oath of Office and in a manner that reflects the values of Bonaparte First Nation; and

Yúcwementwecw - Take Care Of Each Other

- (d) Bonaparte First Nation will strive to ensure that Nation employees are treated with respect and compassion, including during the Election process.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

- 6. The Code was developed in consideration of the collective rights of BFN to establish governance structures, as outlined in the *United Nations Declaration on the Rights of Indigenous Peoples*, including, but not limited to, the following articles:
 - (a) **Article 3** - Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;
 - (b) **Article 5** - Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State;
 - (c) **Article 18** - Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions; and
 - (d) **Article 23** - Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

PART 2 - COMING INTO FORCE

- 7. This Code shall be approved upon the duly completion of a community ratification vote, whereby a majority of the community, of eligible voting age, approves this Code. Bonaparte First Nation Chief and Council shall pass a Band Council Resolution recommending the issuance of a Ministerial Order to repeal the order made pursuant to section 74 of the *Indian Act*, and for Bonaparte First Nation to conduct its election under the community election system

PART 3 - INTERPRETATION

- 8. In this Code,
 - “**Adjudicator**” means a certified adjudicator, lawyer, judge or retired judge, who is retained by the Band to administer and decide all cases of election appeals for a term that commences on the appointment by Band Council Resolution no less than 100 days before an Election.

“**Adjudging**” means consider or declare to be true or the case.

“Appellant” means an individual who submits an appeal in accordance with this Code with respect to an election.

“Bonaparte First Nation” or “BFN” means the indigenous people with aboriginal rights and title recognized and affirmed under section 35 the *Constitution Act*, 1982 (Canada), being Schedule B to the *Canada Act* 1982 (U.K.) c. 11, and includes the “band” known as the Bonaparte First Nation, as represented by its Council, within the meaning of subsection 2(1) of the *Indian Act*.

“By-Election” means a special Election held between regular Elections to fill a vacancy.

“Candidate” means a band member who:

- (a) is at least 18 years of age on the day on which the Nomination Meeting is held;
- (b) is a member of the Bonaparte First Nation; and
- (c) has been nominated to be a candidate pursuant to the provisions of this Code.

“Chief” means a person who is declared by the electoral officer to be elected to the position of Chief in accordance with this Code.

“Code of Ethics” means guidelines, general rules of behaviour and standards, which govern the conduct of candidates running for office and their supporters relating to their participation in the electoral process.

“Conflict of Interest” arises when an elected Councillor must make a decision that will financially benefit themselves directly, or a member of their immediate family; namely, their spouse, child, or anyone residing in their family home at the time the decision is made.

“Corrupt Practices” means bribery direct or indirect, or providing a financial or material incentive to a Voter in exchange for a vote.

“Council” means the elected Council of the Bonaparte First Nation.

“Councillor” means a person who is declared by the Electoral Officer to be elected to the position of Councillor in accordance with this Code.

“Deputy Electoral Officer” means any person appointed by the electoral officer for the purposes of an election to assist them in the conduct of the election process.

“Elder” means a BFN member who is at least 65 years of age or older.

“Election” means an election of the Band Council held pursuant to the provisions of this Code.

“Election and Referendum Code” (the **“Code”**) are these rules that establish the custom of the Bonaparte First Nation pertaining to the election of Chief and Council as approved by the members by a ratification vote that took place on the [enter date].

“Electoral Officer” or “EO” means a person, appointed by a band council resolution before each election, who has the responsibility for conducting the nomination meeting,

the election and post-election procedures.

“Electronic Voting System” means the technology, including software, for electronic voting and the database where electronic ballots are recorded.

“Ethics Committee” means a committee of BFN members that have been appointed by the Council to hear any complaints that have been submitted by a BFN member in relation to the conduct of Council member in accordance with this Code.

“Executive Director” or “ED” means the most senior employee of the BFN administration, who is hired by and reports directly to the Chief and Council.

“Membership Clerk” means the BFN employee responsible for maintaining the band’s membership list.

“Nomination Meeting” means the meeting at which Voters come forward to nominate and second candidates for the Election of members of Council.

“Oath” means a solemn affirmation.

“PIN” means a unique personal identification number issued to an eligible Voter for electronic voting in an Election.

“Polling Station” means a building, hall or room which is selected as the site at which in-person voting takes place for an Election.

“Quorum” means a majority of the members of Council, including the Chief.

“Rejected Ballots” means those ballots that have been improperly marked and/or defaced by a Voter which are not included in the tally of valid ballots cast during the counting of the votes.

“Voter” means a person who:

- (a) is a member of the Bonaparte First Nation;
- (b) is at least 18 years of age on the day on which the Election is held; and
- (c) is included on the Official Voter’s List.

PART 4 - THE COUNCIL

Composition and Size

9. The Council shall consist of one Chief and four (4) Councillors.

Term of Office

10. The Council in office at the time the Code comes into effect shall remain in office for the remainder of their term.
11. Subject to subsection 12(b) in the case of the first Election held in accordance with the

Code, the term of office for each member of Council will be four (4) years.

12. The term of office at the first Election held under this Code shall be as follows:

- (a) the Chief shall serve a term of 4 years;
- (b) the term for the Councillors shall be staggered whereby in the first Election held pursuant to the Code, two (2) of the Councillors who are elected with the highest number of votes shall serve a term of 4 years. The following 2 elected Councillors who are elected with the third and fourth highest number of votes, respectively, shall serve a term of 2 years;
- (c) after the first Election held under this Code and every election thereafter, the Councillors shall be elected for 4-year terms in accordance with this Code; and
- (d) The staggered terms of Council are established as follows:

Election Year	Positions to be Elected
2025	One (1) Chief who serves 4 yr term Two (2) Councillors serve 4 yr term (two that receive the highest number of votes) Two (2) Councillors serve 2 yr terms that expire in 2027 (that receive the 3 rd and 4 th highest number of votes)
2027	Two (2) Councillors who serve 4 yr term
2029	One (1) Chief who serves 4 yr term Two (2) Councillors who serve 4 yr term
2031	Two (2) Councillors who serve 4 yr term

13. An Election is to be held in May, in accordance with the Council terms in place at the date of ratification of the Code.

Election for Chief and Councillors

14. Chief and Councillors shall be elected by a vote held in accordance with this Code.

15. The Voters shall have the option to vote in each Election through one of the following voting methods:

- (a) in person at a polling station on Election Day;
- (b) by mail-in ballot, except in the case of a run-off election to resolve a tie vote where the voting timeline will not accommodate voting by mail-in ballot; or
- (c) by electronic voting on days scheduled by the Electoral Officer.

Election Timeline

16. An Election held pursuant to this Code shall be conducted in accordance with the following timeline, which is further detailed in the clauses that follow:

Election Activity	Code Section	Timeline
Appointment of EO and Adjudicator	s.17	100 Days Prior to End of Term
EO to Obtain Voters List	s.32	90 Days Prior to Election Day
Provide Voters Addresses to EO	s.35	Within 10 Days of the EO Receiving Voters List
EO to Post Public Voters List	s.38	72 Days Prior to Election Day
Notice of Nomination Meeting	s.45	30 Days Prior to Nomination Meeting
Nomination Meeting	s.51	45 Days Prior to Election Day
Preliminary List of Nominees	s.63	The Day After the Nomination Meeting
Notice of Election	s.79	No Later than 8 Days After the Nomination Meeting
Mail in Ballot Packages Sent	s.85	30 Days Prior to Election Day
Election Day	s.78	45 Days After the Nomination Meeting
Appeal Deadline	s.161	Within 21 Days of the Election Day

PART 5 - PRE-NOMINATION PROCEDURE

Appointment of an Electoral Officer and Adjudicator

17. The Electoral Officer and an Adjudicator shall be appointed by a band council resolution not less than 100 days before the expiration of the Council's term of office.
18. The Electoral Officer must be a person who:
- is not a Bonparte First Nation member;
 - is independent, impartial, having no vested interest in the outcome of the election; and
 - has appropriate experience and training supported by at least two (2) references.

19. The Electoral Officer may appoint one or more Deputy Electoral Officers and the Council may appoint the Membership Clerk or other designated employee, that is not the ED, as a Deputy Electoral Officer to assist with the Election, which shall be confirmed and included in the Electoral Officer appointment band council resolution.
20. The Adjudicator must be a person who has:
 - (a) a Law degree from a recognized post-secondary institution, preferably in Canada;
 - (b) Adjudicative experience and/or applied knowledge of administrative law, specifically the principles of procedural fairness; and preferably has
 - (c) Experience communicating legal analysis and reasoning in writing in the area of interpreting indigenous law; and
 - (d) Impartiality, with no vested interest in the outcome of the election.
21. If Council does not appoint an Electoral Officer and an Adjudicator within the timeframe provided in s. 17, the Band's ED may retain an Electoral Officer and an Adjudicator.
22. The Electoral Officer must swear an oath to uphold their office as set out in Appendix "B".

Pre-Election Transition Process

23. In order to support the transition from one Council to the next Council, each member of Council whose term is expiring as of the date of the next Election is required to prepare a transition report and provide it to the ED, no later than the date of the Nomination Meeting.
24. A transition report shall include, at a minimum:
 - (a) A detailed written description and explanation of their activities as a member of Council, on going matters and status of any work, negotiation or program or portfolio they are involved in; and
 - (b) Confirmation of the retention and location of any of the files, documents and records, including Band owned cell-phone records, portable drives and laptops.
25. The responsibility to prepare and submit the transition report to the ED before the Nomination Meeting for the next Election is the sole responsibility of each respective member of Council whose term is expiring, whether or not they run as a Candidate in the following Election.
26. The ED will maintain the transition report of each member of Council and provide the reports to the incoming members of Council at the first Council meeting after the swearing in ceremony.
27. Each member of Council must provide the ED with all files, documents, records, passwords and BFN owned equipment including, but not limited to cell phones, computers and keys upon the expiration of their term, in the event they do not run as a Candidate or are not re-elected in an Election.

28. If a member of Council fails to complete and submit a transition report to the ED in advance of the Nomination Meeting, they will not be eligible to run for the office of Chief or Councillor in the following Election.

Voters List

29. Upon the appointment of an Electoral Officer, the Membership Clerk, or other designated Bonaparte employee, shall inform the Electoral Officer of the name of Bonaparte's Governance Officer with Indigenous Services Canada ("ISC"), so that the Electoral Officer may obtain the Voters List.
30. Upon the appointment of an Electoral Officer, the Membership Clerk, or other designated Bonaparte employee, shall prepare a notice to BFN members to encourage membership to provide any change of address or email address to the Membership Clerk in advance of the upcoming Election, which shall be posted on the Bonaparte app, the Bonaparte website and social media platforms.
31. Voters are responsible for providing the Membership Clerk with their current addresses to receive Election notices.
32. At least 90 days before Election Day, the Electoral Officer shall request the Voters List from ISC which includes the names, band membership numbers and dates of birth of all BFN members who have attained the age of 18 years as of Election Day.
33. In the event that Bonaparte controls the membership list under section 10 of the *Indian Act*, the Membership Clerk shall provide the Voters List to the Electoral Officer, upon appointment, but no less that 90 days prior to Election day.
34. In the case where the Electoral Officer obtains the Voters List from ISC, the Membership Clerk will review the Voters List provided and notify the Electoral Officer if there are any names included on the Voters List of members that the BFN administration is aware are deceased.
35. Within ten (10) days of ISC providing the Voters List to the Electoral Officer, the Membership Clerk shall provide the Electoral Officer with a list of the Voters' most recent mailing addresses and email addresses. For greater certainty, the Membership Clerk will add the known mailing addresses and email addresses of the Voters, not the addresses of the entire membership, to the Voters List provided to the Electoral Officer by ISC for that Election, in excel or comparable format.
36. A Voter's address shall be used by the Electoral Officer only for the purpose of providing notices, mail-in ballots or other election documents to Voters who are entitled to receive them under this Code.
37. The Electoral Officer must not disclose a Voters' mailing address or email address without the consent of the Voter and shall ensure that Voters' addresses, birthdates and Registration numbers do not appear on the Voters List that is publicly posted, known as the Public Voters List.
38. The Electoral Officer shall post the Public Voters List in a public area of the band administration building, the Bonaparte webpage or the app and such other places as may be determined by the Electoral Officer, no later than 72 days prior to Election day. This posted Public Voters List shall not include the personal information (i.e. date of birth, Band Registration number, etc.) or contact information (i.e., telephone number,

addresses, etc.) of Voters.

39. The Electoral Officer shall revise the Voters List upon presentation of documentary evidence which demonstrates that:
 - (a) the name of a Voter has been omitted from the Voters List;
 - (b) the name of a Voter is incorrectly set out in the Voters List; or
 - (c) the name of a person not qualified to vote is included in the Voters List.
40. A person, or a Voter acting on their behalf may provide evidence in writing to the Electoral Officer that a Voter:
 - (a) is entitled to have their name entered on the Voters List; or
 - (b) is not qualified to vote in the Election.
41. Where the Electoral Officer believes or has information that a person whose name is on the Voters List is not a Voter, or where, a Voter demonstrates to the Electoral Officer that the name of a person not qualified to vote appears on the Voters List, the Electoral Officer shall immediately notify the person whose eligibility is challenged prior to the Election. The notice given shall include the reasons for seeking the removal of the name from the Voters List and any supporting documents and shall provide notice that a written reply may be sent to the Electoral Officer, which must be received as soon as it is practical prior to the date on which the Election is to be held and prior to the first day electronic voting is available for that Election.
42. After consideration of all information and representations relating to amendments of the Voters List, the Electoral Officer shall add or delete names from the Voters List based on whether a person meets the definition of an eligible Voter.
43. The decision of the Electoral Officer with respect to the addition or deletion of a name from the Voters List is final and is only subject to appeal on an application for Judicial Review to the Federal Court of Canada.
44. A person whose name does not appear on the Voters List shall be entitled to vote on Election day, provided they present documentary proof to the Electoral Officer demonstrating their eligibility as a Voter and swears a Voter Declaration Form as set out in Appendix "E".

PART 6 - THE NOMINATION PROCESS

Notice of Nomination Meeting

45. The Electoral Officer shall, at least 30 days before the date on which the nomination meeting is to be held, post a notice of the date and time of the Nomination Meeting in a conspicuous public area of the BFN administration building and on the Bonaparte webpage, the BFN app and social media as set out in the template Notice of Nomination Meeting at Appendix "C".
46. The Electoral Officer shall, at least 30 days before the date on which the Nomination

Meeting is to be held, mail and email a Notice of the Nomination Meeting to every Voter who does not reside on the reserve in respect of whom the Electoral Officer has been provided with, or has been able to obtain, a municipal mailing address and email address.

47. A Notice of a Nomination Meeting shall include:
- (a) the date, time, duration and location of the Nomination Meeting;
 - (b) a statement that only BFN members may attend the Nomination Meeting;
 - (c) instructions on how a BFN member may observe and participate in the Nomination Meeting digitally, via Zoom or comparable platform, including the link for the meeting;
 - (d) the date on which the Election will be held and the location of each polling location;
 - (e) the name, phone number and email address of the Electoral Officer;
 - (f) the statement that any Voter may vote in-person, by mail-in ballot or by electronic voting;
 - (g) a description of the manner in which a Voter can nominate a candidate, or second the nomination of a candidate, including instructions on how a Voter can submit nominations by mail or other digital means such as email;
 - (h) the eligibility requirements to be nominated as a Candidate in the Election, including the forms to be submitted by a nominee, including where a nominee may obtain the candidacy documents;
 - (i) the place(s) where a copy of the Code may be obtained;
 - (j) a reminder that it is the responsibility of a Voter to provide their current address to the Membership Clerk in order to receive Election notices;
 - (k) a note that it is the responsibility of a prospective Candidate to make inquiries with the BFN Finance Department to ensure that they do not owe a debt greater than \$5,000 to BFN and if they do, that any repayment plan in place is in good standing; and
 - (l) the places where the Public Voters List shall be posted.
48. The Electoral Officer shall record the names of the Voters to whom a notice of the Nomination Meeting was mailed, the addresses of those Voters, and the date on which the notices were mailed.

Eligibility to Nominate

49. In order to be entitled to nominate a Candidate at an Election, a Voter must:
- (a) be at least 18 years of age as of the date of the Election; and
 - (b) be included on the Voters List.
50. The Electoral Officer is responsible for managing and conducting the Nomination

Meeting and will have the required candidacy documents available at the Nomination Meeting.

Nomination Meeting

51. The Nomination Meeting shall be held at least 45 days prior to the date on which the Election is to be held.
52. At the time and place set for the Nomination Meeting, the Electoral Officer shall declare the Nomination Meeting open for the purpose of receiving the nominations for Election Nominees, both in person and for those BFN Voters participating via Zoom, or other comparable digital meeting platform.

Duration

53. The Nomination Meeting shall remain open for at least three (3) hours, at a time and place set by the Electoral Officer.

Maintaining Order and Security

54. The Electoral Officer shall maintain order at all times during the Nomination Meeting and may cause to be removed any person who, in their opinion, is disrupting or otherwise interfering with the proceedings.
55. BFN may retain a security officer to secure the Nomination Meeting and/or one or more of the polling stations on Election Day.

Nomination Procedure

56. At the Nomination Meeting, the Electoral Officer shall announce and display any nomination(s) received by mail in advance of the Nomination Meeting and document all nominations received in person or by participation by digital platform and shall record the name of the nominee, the nominator and the seconder for each nomination during the Nomination Meeting, including on the digital meeting platform so that BFN members participating digitally may observe and participate.
57. Any Voter present at or participating, via Zoom or comparable digital platform, in a Nomination Meeting who is eligible to do so may second the nomination of any person who has been nominated by mail.
58. Any Voter may nominate or second no more than:
 - (a) one eligible person for the office of Chief; and
 - (b) one eligible person for the office of Councillor.
59. The Electoral Officer shall bring copies or otherwise make available, copies of the Public Voters List to the Nomination Meeting for review, for accuracy, by the Voters who participate in the Nomination Meeting.
60. The Electoral Officer shall bring copies or otherwise make available at the Nomination Meeting, copies of each of the Candidate documents, including:

- (a) The Notice of Acceptance form;
- (b) The Oath of Office; and
- (c) Oath of Confidentiality.

Acclamation of Nominees

61. At the end of the Nomination Meeting, the Electoral Officer shall:
- (a) if only one person has been nominated for election as Chief, declare that person to be elected by acclamation;
 - (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, subject to s. 61 (d);
 - (c) where more than the required number of persons are nominated for election as Chief or Councillors, announce that an Election will be held; and
 - (d) in the case of the first Election after the Code comes into effect, if the number of persons nominated to serve as Councillors does not exceed the number to be elected, an Election will be held to determine which Candidates will serve a 4-year term and which candidates will hold a 2-year term in accordance with s. 12 that establishes the staggered terms of office for Councillors.
62. Where the office of Chief and or one or more offices of Councillor are filled by acclamation:
- (a) the Electoral Officer shall post at the Bonaparte administration office, on the Bonaparte app, webpage and/or social media and mail to every Voter who does not reside on the reserve, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held for that position; and
 - (b) the Election process will not take place for any position filled by acclamation. For example, in the case where only one nominee was nominated for the position of Chief, an Election will only be held for the available Councillor positions in that Election.

Confirmation of Candidates

63. On the day following the Nomination Meeting, the Electoral Officer shall post on the BFN app, website and/or social media and at the Bonaparte administration office a preliminary list of nominees, their nominators and seconders and the offices for which they are nominated. The notice shall also include information about what documents must be submitted to stand as a Candidate in the Election, the deadline to submit the documents and that the forms may be obtained from the Electoral Officer.
64. Once the Nomination Meeting has ended, the Electoral Officer shall, no later than the end of the third day after the Nomination Meeting, make best efforts to contact each person nominated and request that they complete and submit the following documents within the prescribed timeframe:
- (a) within 7 days of the Nomination Meeting, submit a signed Notice of Acceptance of

nomination, which includes a sworn declaration confirming their eligibility to stand as a candidate and setting out their legal name and the name or names (including nicknames) the candidate wishes to have on the ballot, and selecting which position they would like to stand for in the Election, if they were nominated for both the Chief and Councillor position, attached as Appendix "N";

- (b) within 7 days of the Nomination Meeting, submit proof of an application for a current criminal record check;
- (c) a personal biography of their education, skills and experience that shall not exceed 2 typed pages in 12 font, that may include a photo of the Candidate;
- (d) A signed Oath of Office and Oath of Confidentiality, attached as Appendix "J" and "L", respectively; and
- (e) The documents may be submitted by mail, email, facsimile transmission, or in person but must be received by the Electoral Officer before the deadline provided on the preliminary list of nominees and for greater certainty, no later than 5:00pm on the seventh (7) day after the Nomination Meeting.

PART 7 - CANDIDACY

- 65. Each nominee is responsible for providing all candidate documentation detailed in s. 64, to the Electoral Officer and any nominee who fails to provide the required documentation to the Electoral Officer by the deadline provided by the Electoral Officer will not be included in the final list of Candidates.
- 66. For greater certainty, the Electoral Officer may provide the Candidate documents to each nominee via DocuSign or other digital method of executing documents.
- 67. Only Voters who meet the requirements of a Candidate as set out in this Code may be confirmed by the Electoral Officer as a Candidate.
- 68. A person may only be a Candidate for one of the offices of Chief or Councillor in any Election and if nominated for both, must declare which office they intend to seek (if any).
- 69. A person must meet the following eligibility requirements to be confirmed by the Electoral Officer as a Candidate for the office of Chief or Councillor:
 - (a) is at least 18 years of age on the day on which the Election is held;
 - (b) is a member of the Bonaparte First Nation;
 - (c) is not in debt to the band in an amount greater than \$5,000.00, unless the Candidate has entered a repayment plan that is in good standing. For greater certainty, a nominee who becomes aware of a previously unknown debt to BFN may pay the debt and stand as a Candidate in the Election, provided the debt is paid in advance of the deadline for the Electoral Officer to post the Final List of Candidates;
 - (d) have paid the Candidate Fee of \$250 to BFN;

- (e) have provided the Electoral Officer with a copy of their biography and platform for running as a candidate, which shall be available to all Voters and posted in a dedicated location on one or more of the Bonaparte website, app and social media;
 - (f) have not been convicted of an indictable *Criminal Code of Canada* offence involving sexual assault, aggravated assault, murder or attempted murder against an individual;
 - (g) subject to s. 69 (f), have not been convicted of any indictable *Criminal Code of Canada* offence in the previous 10 years, unless as part of their defence in those proceedings they reasonably argued that they were exercising an aboriginal right;
 - (h) have produced proof of an application for a Criminal Record Check, to the Electoral Officer within 7 days of the Nomination Meeting, which includes the vulnerable sector screening. For greater certainty, the Criminal Record Check, including for the vulnerable screening must not be older than three (3) months and must be received by the Electoral Officer before Election day to confirm eligibility;
 - (i) agrees to take a leave or resign from any employment position(s) currently held with the Bonaparte First Nation and BFN entity, if elected; and
 - (j) has been nominated to be a Candidate pursuant to the provisions of this Code, including submitting all required documentation.
70. All Candidates must participate in an All Candidates Forum organized by the Executive Director to be held no later than two weeks (14 calendar days) before Election Day, as a condition of their eligibility to be a Candidate in the Election.

Candidate Fee

- 71. Each Candidate must provide a Candidate Fee of \$250 directly to BFN and provide proof of payment to the Electoral Officer no later than seven (7) calendar days following the Nomination Meeting.
- 72. The Candidate Fee shall be in the form of electronic funds transfer or certified cheque payable to the Bonaparte First Nation.
- 73. All Candidate Fee's shall be retained and used by BFN to offset the costs of an Election, swearing in ceremony and/or any costs associated with an Election appeal.

Removal of Nominee

- 74. A nominee who fails to submit to the Electoral Officer the documents and confirmation of the payment of the Candidate Fee required within the timelines provided by the Electoral Officer in accordance with this Code shall be removed as a nominee and the Electoral Officer shall not include their name on the Final List of Candidates or the respective ballot.

Withdrawal

- 75. A Candidate may withdraw their candidacy at any time up to the closing of polls on Election day by submitting a completed withdrawal of nomination form, attached as Appendix "K" to the Electoral Officer, which may be sent by email.

76. If a Candidate withdraws from an Election, becomes incapacitated or dies after the ballots for the election have already been prepared and the Electoral Officer decides that it is not reasonable to replace those ballots in time for voting, the Electoral Officer shall not count any votes cast for that Candidate during the counting of ballots.
77. Any candidate who withdraws will forfeit his or her Candidate Fee upon withdrawal.

PART 8 - ELECTION PREPARATION PROCEDURES

Notice of the Election

78. The Election shall be held at least 45 days after the day on which the nomination meeting was held.
79. The Electoral Officer shall, within 8 days of the nomination meeting, post a Notice of Election on the Bonaparte webpage, app and social media, at the band administration office and/or at such other conspicuous place(s) on the reserve, as reasonably determined by the Electoral Officer.
80. The Notice of Election as set out in "Appendix "D" shall include:
 - (a) the date of the Election;
 - (b) a Final List of Candidates for each position in the Election;
 - (c) how eligible voters may vote;
 - (d) all of the voting methods available in the Election;
 - (e) the times at which the polling station(s) will open and close for in person voting;
 - (f) the location of the polling station(s);
 - (g) the instructions to obtain a mail-in ballot package, which must be completed and returned to the Electoral Officer on or before Election Day to be counted;
 - (h) the instructions for voting electronically and obtaining a PIN to vote electronically the dates electronic voting is available, voting hours for electronic voting and technical support to vote electronically;
 - (i) the time and location of the counting of the votes, including a Zoom link to observe the count over Zoom, or another comparable digital platform; and
 - (j) a statement that the Public Voters List is posted and its location.

Preparation of the Ballots

81. The Electoral Officer shall prepare ballots as set out in Appendix "F", setting out:
 - (a) the names of the candidates nominated for election as Chief, in alphabetical order by surname and identified by nicknames if applicable; and

- (b) the names of the Candidates nominated for election as Councillors, in alphabetical order by surname and identified by nicknames if applicable.
82. Where two or more candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those Candidates.
83. The Electoral Officer may, at the request of a Candidate, include a Candidate's commonly used nickname on the ballot.
84. The electronic voting system must be designed to:
- (a) be able to be electronically secured,
 - (b) permit electronic ballots to be recorded but not deleted,
 - (c) maintain the secrecy of the votes; and
 - (d) not be accessed by anyone other than the Electoral Officer.

Mail-in Ballot Packages

85. The Electoral Officer shall, at least 30 days prior to the date on which the Election is to be held, mail to every Voter who is not ordinarily resident on the reserve and to every Voter whose request to vote by mail-in ballot has been received, a mail-in ballot package consisting of:
- (a) ballot(s) for Chief and Councillor(s) initialled on the back by the Electoral Officer;
 - (b) an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
 - (c) a second inner envelope marked "Ballot" for insertion of the completed ballot;
 - (d) a voter declaration form as set out in Appendix "E" containing:
 - (i) the name of the Voter;
 - (ii) the membership number and date of birth of the Voter; and
 - (iii) the name, address and telephone number of the witness to the signature of the Voter;
 - (e) the notice of election set out in s. 78 of this Code; and,
 - (f) a letter of instruction regarding voting by mail-in ballot which shall also include:
 - (i) a statement advising Voters that they may vote in person at any polling station on the day of the election if they return their mail-in ballot to the Electoral Officer at the polling station or swear a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot; and,
 - (ii) a list of the names of any Candidates who were acclaimed (if applicable).

86. A Voter who is ordinarily resident on the reserve and who is unable or unwilling to vote in person on Election Day may, at least 20 days prior to the date on which the election is to be held, request a mail-in ballot package from the Electoral Officer.
87. The Electoral Officer shall indicate on the voters list that a ballot has been provided to each Voter to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each mail-in ballot was mailed or otherwise provided.

PART 9 - CAMPAIGN CODE OF ETHICS

88. Candidates must campaign in accordance with the following Code of Ethics:
 - (a) according to the rules established in this Code;
 - (b) without coercion or vote-buying;
 - (c) respecting the right and freedom of other parties to organize and campaign;
 - (d) respecting the rights of Voters to obtain information from a variety of sources and to attend political rallies;
 - (e) ethically, focusing on political issues and candidate platforms, instead of conducting smear campaigns or ones of rumour and innuendo;
 - (f) non-violently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
 - (g) respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
 - (h) respecting the electoral officials and not interfering with the performance of their duties; and limiting their media and advertising costs to \$2,500 per campaign, of which receipts must be provided to the Electoral Officer.
89. A BFN member may file a complaint with the Ethics Committee in accordance with this Code, if they have evidence that a Candidate or elected member of Council has committed a serious violation of the Code of Ethics.

PART 10 - PRE-ELECTION PROCEDURE

Equipment for the Election

90. The Electoral Officer shall, before the polling station is open, supply the polling station with:
 - (a) sufficient number of ballot boxes and seals to seal ballot boxes;
 - (b) a sufficient number of ballots;
 - (c) a sufficient number of voting compartments enabling Voters to mark their ballots

- free from observation;
- (d) instruments for marking the ballots;
- (e) a sufficient number of voting instructions as may be required;
- (f) all other equipment necessary to establish and equip the voting locations; and
- (g) the final Voters List.

Polling Stations

- 91. The Electoral Officer will establish at least one polling station on a BFN reserve and may establish up to three (3) polling stations for Voters to vote in person.
- 92. The Electoral Officer shall provide a voting compartment in the polling station where Voters can mark their ballots free from observation and the Electoral Officer may appoint security to maintain order in the polling station.

Scrutineers

- 93. A Candidate shall be entitled to not more than two scrutineers in a polling station at any one time, who must be at least eighteen (18) years old.
- 94. A Candidate's agent must present a letter of authorization to the Electoral Officer or the Deputy Electoral officer, signed by the Candidate, or emailed by the Candidate to the Electoral Officer in advance of Election Day in order to be permitted to remain in a polling station.
- 95. A Candidate's scrutineer may observe the Election process in an area designated by the Electoral Officer and must not:
 - (a) interfere with the Election process;
 - (b) interfere with or attempt to influence a Voter who is in the polling station to vote;
or
 - (c) participate in the Election process, including the counting of votes, other than to Vote if they are a Voter.

PART 11 - ELECTRONIC VOTING

Electronic Voting Days and Hours

- 96. The Electoral Officer may set the voting day(s) and hours for electronic voting, which at minimum must be from 9:00 am until 7:00 pm on each electronic voting day, if electronic voting is scheduled to be held on more than one day.

Suspension of Electronic Voting

- 97. Electronic voting may be suspended by the Electoral Officer if he or she considers that the integrity of the voting is at risk.

98. If the Electoral Officer suspends voting under s. 97, the Electoral Officer must immediately notify Bonaparte's Executive Director, the Council and the Voters, and follow the directions given in relation to the suspension.

Electronic Voting System

99. The Electoral Officer is responsible for acquiring the technology, including software, for electronic voting, and administering, maintaining, monitoring and performing audits of the electronic voting system.
100. The electronic voting system must:
- (a) request the PIN issued to the eligible voter by email and at least one other piece of information unique to the eligible voter so that the eligible voter can be reliably identified as an eligible voter and the individual that they claim to be;
 - (b) verify on the voters list that is uploaded into the electronic voting platform whether or not the eligible voter has already voted;
 - (c) if the individual is an eligible voter and has not already voted in that vote, provide an electronic ballot to the eligible voter;
 - (d) provide the eligible voter with the applicable voting instructions for marking the electronic ballot;
 - (e) permit the eligible voter to mark the electronic ballot and record it in the electronic voting system; and
 - (f) indicate on the voters list that the eligible voter has voted as soon as the electronic ballot is recorded in the electronic voting system.

How to Vote by Electronic Ballot

101. When using electronic voting, an eligible voter must preserve the privacy of his or her ballot by marking that ballot in a manner that is screened from observation by others, in accordance with the voting instructions.
102. The Electoral Officer may, and if requested by an eligible voter must, explain to the eligible voter the proper method for voting by an electronic ballot.

Replacement PIN

103. If an eligible voter did not receive a PIN, has lost his or her PIN or the PIN does not work, the Electoral Officer may re-send the PIN or issue a new PIN to the eligible voter to allow him or her to vote only if:
- (a) the Electoral Officer is satisfied that the individual is an eligible voter who has not already voted in that vote, and
 - (b) if applicable, the Electoral Officer has cancelled the original PIN assigned to that

eligible voter such that the original PIN cannot be used for electronic voting.

PART 12 - ELECTION DAY PROCEDURES

Polling Hours

104. Each polling station shall be open from 9:00 a.m. until 7:00 p.m. local time on the day of the Election.

Verification of the Ballot Box

105. The Electoral Officer or Deputy Electoral Officer shall, immediately before the commencement of the poll:
 - (a) open separate ballot boxes for the position of Chief and Councillor and call such persons as may be present to witness that they are empty and complete a written statement to that effect as set out in Appendix "H", verified by a witness;
 - (b) lock and properly seal each ballot box in a manner preventing it from being opened without breaking the seal; and
 - (c) place each ballot box in public view for the reception of the ballots.

Secrecy and Security

106. Voting shall be by secret ballot.
107. No Voter may vote by proxy or authorize another person to vote on their behalf.
108. The Electoral Officer or Deputy Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.
109. No person shall, on the day the Election is held, on the premises of the polling station:
 - (a) distribute any election-related printed materials except such materials as may be distributed by the Electoral Officer or Deputy Electoral Officer for the purpose of conducting the Election;
 - (b) attempt to interfere with or influence any Voter in marking his or her ballot; or
 - (c) attempt to obtain information as to how a Voter is about to vote or has voted.

Voting Procedure

110. Each Voter, on arriving at the polling station, shall give their name, and a piece of photo identification, such as a driver's licence or status card to the Electoral Officer or Deputy Electoral Officer. The Electoral Officer shall confirm that the Voter has not voted by electronic voting prior to providing the Voter with the ballot to vote in-person. For greater certainty, if a Voter does not have a piece of photo identification, the Voter may confirm their identity by verbally providing their status number and date of birth and signing an Oath of Entitlement to Vote, attached as Appendix "H".

111. The Elector shall sign the Voters List on a line opposite their name, before the Electoral Officer provides the ballot(s).
112. Upon signing the Voters List, the Electoral Officer or Deputy Electoral Officer shall, place their initials on the back of the ballot(s) and provide them to the Voter.
113. The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the Voter.
114. After receiving a ballot or ballots, a Voter shall:
 - (a) immediately proceed to the compartment provided for marking ballots;
 - (b) mark the ballot by placing an "X" or other mark that clearly indicates the Voter's choice but does not identify the Voter opposite the name of the Candidate or Candidates for whom they desire to vote for;
 - (c) fold the ballot in a manner that conceals the names of the Candidates and any marks, but exposes the initials on the back; and
 - (d) places the ballot(s) in the ballot box.
115. While a Voter is in the compartment for the purpose of marking their ballot(s), no other person shall, except as provided in s. 116 be allowed in the same compartment or be in any position from which they can see the manner in which the Voter marks their ballot(s).

Voting Assistance

116. At the request of any Voter who is unable to mark their ballot(s), the Electoral Officer, Deputy Electoral Officer or Interpreter may assist that Voter by reading and or marking their ballot in the manner directed by the Voter in the presence of another Voter selected by the Voter as a witness, if requested, and shall place the ballot(s) in the ballot box.
117. The Electoral Officer or Deputy Electoral Officer shall note on the voters list opposite the name of a Voter requiring assistance, the fact that the ballot paper was marked by him at the request of the Voter and the reasons therefore.
118. BFN may retain an interpreter for each polling station to assist Voters.

Cancelled and Declined Ballots

119. A Voter who has inadvertently damaged their ballot shall, on one occasion only, upon returning it to the Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot. The Electoral Officer or Deputy Electoral Officer shall write the word "cancelled" upon the spoiled ballot paper and preserve it.
120. Any person who has received a ballot and who leaves the polling place without delivering the ballot(s) to the Electoral Officer or a Deputy Electoral Officer, or after receiving a ballot, refuses to vote, shall forfeit their right to vote at the Election, and the Electoral Officer or Deputy Electoral Officer shall make an entry in the voters list in the column for remarks opposite the name of such person to show that such person received a ballot or ballots and declined to vote.

Closing of the Polling Station

121. Every Voter who is inside a polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

Verification of Mail-in Ballots

122. The Electoral Officer, immediately before the commencement of the count, must verify the mail-in ballots by opening each envelope one at a time and setting aside, unopened, the inner envelopes containing the ballot if:
 - (a) a signed and witnessed Voter Declaration Accompanying the Mail-in Ballot form is not enclosed;
 - (b) the Voter Declaration Form Accompanying the Mail-Ballot form does not contain the Voter's name;
 - (c) the Voter Declaration Form Accompanying the Mail-in Ballot form does not contain at least one of the two pieces of personal information related to the Voter:
 - (i) the Voter's membership number as set out in the voters list;
 - (ii) the Voter's date of birth as set out in the voters list;
 - (d) the Voter Declaration Accompanying the Mail-in Ballot form has not been signed by a witness;
 - (e) the name of the Voter is not on the voters list; or
 - (f) the voters list shows that the Voter has already voted (in person) or electronically.
123. The Electoral Officer will, in all other cases, accept the inner envelope and mark opposite the name of the Voter on the voters list that his or her ballot has been accepted. The Electoral Officer will open the inner envelope and place the ballot in the ballot box.
124. The Electoral Officer or Deputy Electoral Officer shall attach a note to each ballot rejected which outlines the reason for rejection.
125. Subject to review on recount or on an election appeal, the Electoral Deputy Electoral Officer shall take a note of any objections made by any Candidate or his or her agent to any of the ballots found in the ballot box and decide any questions arising out of the objection.
126. The Electoral Officer or Deputy Electoral Officer shall number objections to ballots raised pursuant to s. 125 and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with his or her initials.

PART 13 - COUNTING OF THE VOTES

Counting the Ballots

127. The Electoral Officer shall ensure that BFN Voters may observe the count digitally, via Zoom or comparable platform, and confirm that the platform is in effect when the count begins.
128. Electoral Officer or Deputy Electoral Officer shall supply other Deputy Electoral Officers and all persons present and who so request with a tally sheet to keep their own tally of the votes.
129. The Electoral Officer or Deputy Electoral Officer shall, in the presence of any Candidates or their agents who are present, open all ballot boxes and examine each ballot.
130. The Electoral Officer or Deputy Electoral Officer shall call out the names of the Candidates for whom the votes were cast on all valid ballots.
131. A Deputy Electoral Officer shall mark a tally sheet in accordance with the names being called out, for the purpose of arriving at the total number of votes cast for each Candidate.

List of Individuals Who Voted

132. The Electoral Officer must cause the electronic voting system to generate a list of how many eligible voters voted and whether they voted in person, by mail in ballot or electronically, which shall be included in the Electoral Officers Report, known as a Report of Voters.
133. The Report of Voters created under s. 132 must be prepared by the Electoral Officer within 24 hours of the close of the Election, which shall be included in the Electoral Officers Report.

Counting Electronic Ballots

134. At the close of electronic voting, the Electoral Officer must cause the electronic voting system to generate a report that contains:
 - (a) a count of the total number of eligible voters who voted by electronic voting;
 - (b) in an election,
 - (i) for each candidate in that Election, a separate count of the total number of votes accepted; and
 - (ii) for each elected office to be filled in that election, a separate count of the total number of votes rejected, if any.
135. The Electoral Officer must certify and provide a copy of the report generated in accordance with s. 134 with the list of eligible voters who voted by electronic voting.

Rules for Accepting and Rejecting Electronic Ballots

136. The electronic voting system must be designed so that
- (a) subject to s. 134(b), each vote made on an electronic ballot is accepted and counted as a valid vote,
 - (b) a vote made on an electronic ballot may be rejected as invalid if it is recorded in the electronic voting system without any marks,
 - (c) in an Election,
 - (i) an eligible voter is prompted if they are about to record an electronic ballot in the electronic voting system without any mark for an elected office to be filled in that election and is given the opportunity to return and mark his or her choice for that elected office before recording the electronic ballot in the electronic voting system, and
 - (ii) an eligible voter cannot make more marks on the ballot than there are candidates to be elected.

Tie Vote Procedures

137. If it is not possible to determine the successful Candidate(s) for either a Chief or Councillor position due to an equal number of votes being cast (i.e., tie vote), the Electoral Officer shall immediately conduct a recount of the ballots for those two (2) Candidates only.
138. A recount conducted pursuant to s. 137 must take place within 24 hours of the announcement by the Electoral Officer in the presence the Candidates and their agents who wish to attend.
139. The Electoral Officer will prepare a Recount Notice and provide the notice to the BFN Administration to be posted in the Bonaparte Administration Office, the BFN website, social media and app.
140. For greater certainty, the results of a recount will not be invalidated on the grounds that the Recount Notice was not posted in a particular location.
141. At the time established for the recount, the Electoral Officer shall conduct a recount of the valid ballots.
142. If the recount fails to determine a successful Candidate, the Electoral Officer shall conduct a run-off election between the two (2) Candidates that are the subject of the tie vote to be held within seven (7) days of the Election through in person voting with at least one polling station and by electronic voting.

PART 14 - POST-ELECTION PROCEDURES

Announcement

143. After completing the counting of the votes and establishing the successful Candidates, the Electoral Officer shall declare to be elected the Candidates having the highest

number of votes.

144. Within 4 days following the declaration of elected candidates made pursuant to s. 143, the Electoral Officer shall complete and sign an Election Report which shall contain:
- (a) the total number of Voters in the Election;
 - (b) the times, dates and locations of the Nomination Meeting and Polling Stations, including the date and time that electronic voting was available;
 - (c) the names of all Candidates in the Election;
 - (d) the number of ballots cast for each Candidate;
 - (e) the declared successful Candidates;
 - (f) a breakdown of the number of Voters who voted via in-person voting, mail-in ballot, and electronic voting.; and
 - (g) the number of rejected ballots.
145. Within 4 days after completion of the counting of the votes, the Electoral Officer shall:
- (a) sign and forward a copy of the election report to the Executive Director to be posted on the BFN webpage and in at the BFN administration office, the Election Report prepared in accordance with s. 144; and
 - (b) forward a copy of the election report to the band's governance officer at Indigenous Services Canada (ISC).

Retention of Ballots and Other Election Material

146. The Electoral Officer shall maintain all ballot papers in sealed envelopes, including those ballots that are rejected, spoiled and unused, voters list and other materials specific to an election in a secure location, free from any interference.
147. The Electoral Officer must ensure the integrity of all information specific to electronic voting in an Election and that such information is secure at all times, free from any tampering until the end of the retention period referred to in s. 148.
148. All ballots and Election materials retained in accordance with s. 146 and 147 shall be retained by the Electoral Officer for 90 days from the date on which the Election was held or until a decision on an appeal is rendered, whichever date is later.

Chief and Councillor Swearing In Ceremony

149. Following the Election Candidates declared elected by the Electoral Officer will attend a duly called post-election meeting to be scheduled within five (5) days of the Election to discuss the transition process. For greater certainty, a Candidate assumes office upon being declared elected by the Electoral Officer.
150. Candidates who were not re-elected to their positions must receive notice of and attend the post-election meeting outlined in s. 149 to discuss the transition and shall receive

an honorarium for their participation.

151. The swearing in ceremony will take place within one (1) month of the election and community members sworn into office may choose an Elder or person of their choosing as a witness to the swearing in ceremony.

Council Meetings

152. The meetings of the Council shall take place in accordance with the Bonaparte First Nation Chief and Council Governance Manual (the "Governance Manual"), as amended from time to time.
153. Elected members of Council must attend duly convened meetings, including special meetings, and conduct themselves in accordance with the Bonaparte First Nation Chief and Council Governance Manual, as amended from time to time. Failure to adhere to the Governance Manual will result in the Progressive Disciplinary measures outlined therein.
154. Council will work to make decisions by consensus and in the event cannot be reached, decisions will be made by a quorum of the elected Council.

Quorum

155. A Quorum of Council is a majority of the elected Council, which is 3 out of 5 members of Council.

Vacancy

156. A Chief or Councillor position on the Council may become vacant if, while in office the Chief or Councillor:
 - (d) resigns in writing from office of his or her own accord;
 - (e) has been unable to perform the functions of his or her office for more than six months due to illness or other incapacity;
 - (f) dies; or
 - (g) is removed from office in accordance with the provisions of this Code or the Bonaparte First Nation Chief and Council Governance Manual, as amended from time to time.
157. In the event of a vacancy on Council, the position will be filled through a By-Election in accordance with the Election procedures outlined in this Code and the successful Candidate in a By-election will serve the balance of the term remaining for the position that they were elected to replace.
158. In the event that a vacancy on Council occurs within nine (9) months of the end of the term of the affected member of Council, Council has the discretion to hold a By-election or not.

PART 15 - ELECTION APPEALS

159. The validity of the Election of a member of the Council or their right to hold their seat as a member shall not be called into question or determined otherwise than in accordance with the following provisions, the determination shall be made only by the appointed Adjudicator.

Grounds for Appeal

160. A Voter may submit an appeal in writing stating that the Election be declared invalid in whole or in part because:

- (a) it was not conducted according to Code which impacted the Election results;
- (b) a person proclaimed elected was not lawfully elected; or
- (c) there was a corrupt practice in connection with the Election that impacted the results of the Election

Submission

161. An appeal submitted to the Adjudicator under s. 160 must:

- (a) be in writing and set out the facts substantiating the grounds for the appeal accompanied by any supporting documentation; and
- (b) be filed within twenty-one (21) calendar days of the Election.

Procedure

162. Upon receipt of an Election appeal, the Adjudicator shall:

- (a) in the case where the appeal provides a reasonable ground for supposing that the appeal requested should be allowed, the Adjudicator shall require the petitioners to pay a fee of five hundred (\$500.00) payable to BFN with Executive Director or designated BFN employee, that will be applied to the costs of the appeal; the Adjudicator shall then hear and determine the matters raised in the petition in a summary manner and without formal pleadings; or
- (b) in the case where the appeal is not submitted in accordance with s. 161, dismiss the appeal and inform the petitioners in writing that the appeal will not receive further consideration.

Hearing

163. The Adjudicator may, at his or her discretion, give directions, as need arises for:

- (a) fixing the time and places for the hearings of the Petition, if necessary;
- (b) designating the method of taking evidence, either by affidavit or oral testimony, or both; provided that any allegations of bribery or corrupt practices shall be proven by oral testimony;
- (c) designating what persons are to be notified and how they are to be provided with

notice of the appeal; or

(d) dealing with any matter or thing not otherwise provided for.

164. Any submissions relied upon by the petitioners will be provided to the Adjudicator and delivered to all Candidates at the Election and the Electoral Officer within the timeframe set by the Adjudicator and at least two (2) days prior to the hearings of the petition, if held.
165. No witness shall be required to divulge who they voted for at the Election.

Decision

166. If the appeal is for a declaration that the Election is invalid, the Adjudicator must make a declaration:
- (a) confirming the Election;
 - (b) Adjudging the election invalid;
 - (c) Adjudging the Election of any successful Candidate be set aside;
 - (d) Adjudging that some other Candidate was duly elected; or
 - (e) Adjudging that no other person was duly elected.
167. If the appeal is for a declaration that a member of be removed from Council, the Adjudicator may decide to:
- (a) dismiss the petition; or
 - (b) grant the petition in whole or in part.
168. The Election shall not be declared invalid in whole or in part by reason only of an irregularity or non-compliance with this Code or any mistake in the use of the forms in the Appendix if it appears to the Adjudicator that the Election was conducted in good faith and in accordance with the principles laid down in this Code unless the non-compliance, irregularity or mistake materially affected the results of the Election.
169. If the Election is Adjudged invalid, or if the Election of any person is Adjudged invalid, the Adjudicator shall make a decision that provides that a new Election be held in accordance with the Code, for the Election of one position, in the case where the Election of one person was Adjudged invalid or all positions on Council, where the Adjudicator determined the Election itself was Adjudged invalid.
170. If the Adjudicator makes a declaration that the Election of any person as a member of the Council be set aside, or that a member of Council be removed from office, the Adjudicator may order such person to pay to the Band such sum no greater than the actual costs incurred by BFN to administer the appeal.
171. Where it is alleged that a person duly elected as a member of Council was not validly elected, or since their election, has become disqualified from holding office as a member of Council, their office shall nevertheless not be vacated, and they shall not be prevented from voting or acting as a member of Council unless and until:

- (a) a Declaration has been made by an Adjudicator that the person was not validly elected, or that since his or her election, has been removed from office; or
- (b) such person files a written notice with the Executive Director renouncing all claims to the office.

172. Where

- (a) a member of Council has filed a notice under s. 171(b), or
- (b) a member of Council has been declared by the Adjudicator not to have been validly elected, or to be removed from office; or
- (c) a member of Council has resigned or expires; or
- (d) the election of a member of Council is deemed to be null and void;

the office of such member shall be deemed to be vacated, and a By-Election will be held to fill the vacant position.

173. The resignation of a member of Council from his or her office shall be made in writing to the Executive Director and shall be received by the ED who shall forward it to the Council for the next regular meeting; such resignation is irrevocable after its submission to the ED and is effective from the date of receipt, or at such earlier date as may be stated in the resignation.

174. The decision of the Adjudicator made pursuant to this Code shall be:

- (a) mailed to band members, or in a separate written notice delivered or mailed to all band members;
- (b) posted at the BFN administration office; and
- (c) posted on the BFN website, on the app, or other social media platforms maintained by the Band.

175. The decision of the Adjudicator is binding on all parties and may only be appealed to the Federal Court of Canada for a judicial review.

PART 16 - REMOVAL OF COUNCIL MEMBERS FROM OFFICE

176. The Chief or a Councillor may be removed from office and be prevented from running for office for up to 10 years if they:

- (a) violate this Code, their Oath of Office or the Code of Ethics;
- (b) fail to attend three consecutive regular meetings of Council or is absent from more than three regular meetings in a calendar year without being reasonably excused from attendance by a quorum of the Council;
- (c) fail to maintain a standard of conduct expected of a member of Council which means

conduct which harms their standing in the eyes of the public, including conduct in their personal or private capacity, or which tends to bring discredit upon the Bonaparte First Nation including, as examples:

- (i) engaging in conduct involving dishonesty or conduct which is contrary to the oath of office for a Bonaparte elected official;
- (ii) taking improper advantage of a youth or an individual that is inexperienced, lacks education, is unsophisticated, has ill health or demonstrates a lack of business expertise;
- (iii) being charged with a criminal act under the *Criminal Code of Canada* that reflects adversely on his or her honesty, trustworthiness or fitness as a Bonaparte elected official or engaging in conduct which undermines the administration of justice; or
- (iv) engaging in conduct that is a misuse or misappropriation of, or in reckless disregard for, the property or interests of the Bonaparte First Nation, a BFN member or undermines the Bonaparte First Nation administration;
 - a. fail to maintain a standard of competency expected of a member of Council;
 - b. have pled guilty and/or have been convicted of a criminal offence under the *Criminal Code of Canada* that relates to any act of violence including an assault on another individual of any kind, theft or fraud since their election;
 - c. accept or offer a bribe, forges a Council document or otherwise acts dishonestly in their role; or
 - d. encourage others to commit any of the above acts or omissions.

177. The Bonaparte First Nation Chief and Council Governance Manual, including the Progressive Discipline Policy, as amended from time to time, shall detail the process to discipline or remove members of Council.

PART 17 - ETHICS COMMITTEE

Purpose

178. The purpose of the Ethics Committee is to ensure that:

- (a) There is a committee of members formed to address a serious complaint submitted by the membership in regard to the conduct of a Council member that is inconsistent with this Code, the Oath of Office, other BFN law or the *Criminal Code of Canada*;
- (b) The members are aware and involved in the resolution of complaints filed by a BFN member against members of Council;
- (c) Complaints are resolved fairly and in compliance with the principles of natural justice, including providing notice of a complaint to the member of Council in

question, who is provided an opportunity to respond to the complaint and a determination of the complaint is made by informed committee members that are not in a conflict of interest; and

- (d) Elements of BFN's traditional governance and methods of resolving conflict are incorporated into the laws of the Bonaparte First Nation to reflect the members' collective right to self-govern.

179. The role of the Ethics Committee is to review, assess and make determinations in good faith on serious complaints filed by BFN members in regard to the conduct of a member of the Council and not personal or trivial matters.

Ethics Committee Selection Process

180. When a complaint is filed by a BFN member in relation to the conduct of a member of Council, an Ethics Committee shall be formed by the BFN Membership Clerk, as follows:

- (a) The Ethics Committee shall be comprised of at least three (3) members and no more than nine (9) BFN members, who have completed conflict resolution training;
- (b) Committee members shall be selected from representatives advanced by the BFN family pods;
- (c) The Membership Clerk will review the complaint to determine which family pods may be in conflict with the complaint filed;
- (d) The Membership Clerk will contact at least one member of the family pods that are not in a conflict of interest to ascertain:
 - (i) If a representative of each pod is interested and available to participate in the Ethics Committee; and
 - (ii) The name and contact information of the representative advanced by the family pod.
- (e) The Membership Clerk will advance the names of the representatives of the family pods to the Executive Director, who will prepare a Band Council Resolution for Chief and Council to review and appoint the Ethics Committee;
- (f) The Membership Clerk will provide each appointed member of the Ethics Committee with an Ethics Committee Oath.

181. BFN Chief and Council will appoint by band council resolution, a non-BFN member to act as the Chair of the Ethics Committee, such as a mediator or lawyer, who shall:

- (a) Attend all meetings of the Ethics Committee;
- (b) Provide guidance on conflict resolution mechanisms and procedural fairness; and
- (c) Who will not vote on any proposed resolution.

182. The Executive Director shall organize and make available conflict resolution training to BFN members, at least once every two years, for prospective members of the Ethics Committee to obtain training in conflict resolution. For greater certainty, a BFN member is not required to take BFN provided conflict resolution training in order to be eligible to be appointed to the Ethics Committee, proof of other privately obtained training will be reviewed on a case by case basis.
183. Each appointed member of the Ethics Committee must sign an Ethics Committee Oath in advance of receiving the complaint file or attending any Ethics Committee meetings to confirm the confidentiality requirements of the position and the necessity to protect the privacy of all persons who may be impacted by a complaint.
184. The term of the Ethics Committee is limited to the duration of the review, assessment and determination of one complaint and the term will automatically end upon delivering the recommended resolution to Chief and Council.
185. After the Chief and Council have appointed the Ethics Committee, the membership clerk will undertake the following tasks in support of the Ethics Committee:
 - (a) Provide the complaint to the members of the Ethics Committee and the member of Council for which the complaint was made;
 - (b) Provide the members of the Ethics Committee with a copy of the Bonaparte First Nation Chief and Council Governance Manual, including the Progressive Disciplinary Policy;
 - (c) Coordinate meetings of the Ethics Committee; and
 - (d) Act as a liaison between the Ethics Committee and the Chief and Council.
186. A quorum of the Ethics Committee is a majority of the Ethics Committee members appointed by Band Council Resolution to determine each complaint.

Filing a Complaint

Grounds for a Complaint

187. A BFN member may file a complaint that raises a serious matter on any of the following grounds:
 - (a) they believe that a member of Council has seriously violated this Code, Oath of Office, a BFN law or policy;
 - (b) they believe that a member of Council has committed or been convicted of an indictable offence under the *Criminal Code of Canada*; or
 - (c) they are aware of or witnessed conduct unbecoming of a member of Council including, but not limited to domestic abuse or habitual alcohol or drug misuse.
188. A complaint must be submitted in writing, delivered in person or via email addressed to the BFN Executive Director.

Complaint Review Process

189. The Membership Clerk will schedule a meeting in consultation with the Ethics Committee within ten (10) days of providing the complaint.
190. The Council member that is the subject of the complaint will have ten (10) days from the date they received a copy of the complaint to provide a response in writing, directed to the Membership Clerk, for distribution to and consideration by the Ethics Committee.
191. The Ethics Committee will meet to discuss the complaint and undertake the following process in determining the appropriate resolution of the complaint:
 - (a) The Committee shall review the complaint and discuss whether they need additional information or have any questions for either the complainant or the Council member the complaint relates to;
 - (b) The Membership Clerk will share any questions the Committee may have and arrange any meeting requested by the Committee with the complainant, the Council member, or both;
 - (c) The Committee will then consider an appropriate resolution of the complaint, that is consistent with the Progressive Disciplinary Policy;
 - (d) After the evaluation of the complaint is complete, the Committee will provide its recommended resolution to the Chief and Council for approval and implementation.
192. Nothing in Part 17 is intended to diminish or replace the authority and jurisdiction of the Chief and Council to implement the Progressive Disciplinary Policy, pursuant to the Bonaparte First Nation Chief and Council Governance Manual, as amended from time to time.

PART 18 - AMENDMENTS

193. The process for developing and ratifying amendments to this Code may be initiated by:
 - (a) a Band Council Resolution passed by a quorum of Council; or
 - (b) a Code Amendment Petition presented to Council, and signed by at least 20% of all eligible Voters which sets out a summary of the proposed amendments to this Code,not less than six (6) months prior to the next Election.
194. Upon passing a Band Council Resolution to amend this Code or receipt of a Code Amendment Petition, the Council will direct the administration to prepare a notice that sets out:
 - (a) a summary of the proposed amendments to this Code;
 - (b) a statement that the full copy of the proposed amendments can be obtained at the Band Administration Office; and

- (c) a description of the amendment process.

Notice of Proposed Amendment

195. The notice will be:

- (a) published in the community newsletter mailed or delivered to Band Members;
- (b) posted in a public area of the Band Administration Office and any community bulletin boards on the Reserve, on any website maintained by the Band and any public place he or she deems necessary; and
- (c) mailed or otherwise delivered to all Voters.

Time to Submit Feedback

- 196. Within 21 days of publication of the notice, Voters on the Voters List may provide written comments to Council concerning the proposed amendments to this Code.
- 197. Following receipt of comments concerning the proposed amendments, Council and the Executive Director will review the comments and make any revisions as to form and clarity they deem necessary to this Code.

Ratification of Amendments

- 198. The ratification vote process will be conducted in accordance with the Election vote procedures set out in this Code, including providing notice of the ratification vote in accordance with voting timelines and voting methods clearly provided in the Notice of Ratification Vote.
- 199. A ratification vote on amendments to the Code will pass if at least 51% of the Voters who participate in the ratification Vote, vote in favour of the amendments.
- 200. The results of a ratification vote may be appealed in accordance with the appeal process and grounds outlined in this Code.

Effective Date of Amendments

- 201. The amended Code will come into force on:
 - (a) the day following the ratification vote where at least 51% of the Voters who participated in the ratification vote approve the proposed amendments to this Code; or
 - (b) a day prescribed in the proposed amendments to this Code.
- 202. In the event the ratification vote results are unsuccessfully appealed, the amended Code will come into force on the:
 - (a) date the Adjudicator provides written notice of their decision in respect to an appeal to the ratification of the proposed amendments to this Code to Council; or
 - (b) a day named in the proposed amendments to this Code, if the day named in the

proposed amendments to this Code is after the date the Adjudicator provides written notice of their decision in respect to an appeal to the ratification of the proposed amendments to this Code to Council.

DRAFT

**BONAPARTE FIRST NATION
ELECTION REGULATIONS**

Appendix “A”

OATH OF OFFICE DECLARATION:

Sworn before a Notary Public, Electoral Officer or duly appointed Commissioner for taking oaths.

I, _____ do solemnly swear (or affirm) that:

1. I am a Bonaparte Band member that meets the eligibility requirements and qualifications for holding office.
2. I will faithfully perform the duties of my office in a fair and equitable manner and in the best interests of all band members, in accordance with the laws and policies of the Bonaparte First Nation;
3. I will not abuse the consumption of alcohol or drugs while a member of Council;
4. I will not allow my personal business, or family affairs to influence my decisions;
5. I will resign from office if I am charged with an indictable offence;
6. I will work with other Secwepemc governments to uphold and assert our aboriginal title and rights;
7. I will continually work toward enhancing our community’s level of education, health care, housing, social and economic opportunities;
8. I will promote and fully support unity amongst the Bonaparte First Nation; our Secwepemc nation and our neighbouring nations;
9. That I have not, nor will I while holding office, any direct or indirect interest in any contractor service with the Bonaparte First Nation; and
10. I will fulfill my duties with due care and understand that if I violate any provision of the Election Code, any Law or policy of the Bonaparte First Nation or this Oath of Office, I may be subject to removal in accordance with the Election Code.

Signature of Chief or Councillor Candidate

At _____, this _____ day of _____, 2____.

Signature of Commissioner for taking Oaths, or Notary Public of British Columbia

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix “B”

OATH OF ELECTORAL OFFICER (OR DEPUTY ELECTORAL OFFICER)

DECLARATION:

Sworn before a Notary Public or duly appointed Commissioner for taking oaths.

I, _____ do solemnly swear (or affirm) that:

1. I will apply the Bonaparte First Nation Regulations faithfully;
2. I will fulfill the office of Electoral Officer (or Deputy) to the best of my abilities;
3. I am trained and qualified as an Electoral Officer;
4. I will not show favour to any candidate or group of person; and,
5. I do not have any conflict of interest with the Bonaparte First Nation.

SWORN BEFORE ME at the City)
Of _____ in the)
Province of British Columbia,)
This ___ day of _____, 20__.)
)
)
)
)
)
)
)
A Commissioner for taking)
Affidavits in British Columbia)

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix “C”

NOTICE OF NOMINATION OF CANDIDATES

Notice is hereby given that a meeting of the Voters of the Bonaparte First Nation will be held at _____, on _____, the ____ day of _____, 2____ from ____ o'clock of the same day for the purpose of nominating candidates for election to the Council of the Bonaparte First Nation.

Voters may participate in the Nomination Meeting digitally through the following link:

The Election will take place on _____ and Voters may vote electronically, by mail in ballot or in person at _____, from _____ to _____.

A copy of the Bonaparte Election Code and the Voters List is available in the following places:

Given under my hand at this _____ day of _____, 2____.

ELECTORAL OFFICER

ADDRESS

EMAIL ADDRESS AND PHONE NUMBER

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix "D"

NOTICE OF ELECTION

Notice is hereby given to the Voters of the Bonaparte First Nation that a voting options will be held for the election of Chief and Councillor positions.

The Final List of Candidates for the Election are as follows:

The poll at the (insert poll location(s)) will be open on the ____ day of _____, 2____, from the hours of 9:00am until 7:00pm.

Any Voter may attend in person to vote on the day of the election or vote electronically in lieu of voting by mail-in ballot.

A copy of the Voters List is posted in the following locations:

1. _____
2. _____
3. _____

And that I will attend at _____ on the ____ day of _____, 2____, immediately after the close of the poll to count the votes and declare the result of the election.

Given under my hand at this ____ day of _____, 2____.

ELECTORAL OFFICER

ADDRESS

EMAIL ADDRESS AND PHONE NUMBER

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix "E"

VOTER DECLARATION FORM FOR MAIL IN BALLOTS

In the matter of the election of the Bonaparte First Nation, held according to the Bonaparte First Nation *Election Code*, I _____, solemnly declare that:

1. I am a member of the Bonaparte Band;
2. My band number is _____;
3. I currently reside at _____;
4. I am the full age of eighteen years or over; and,
5. I do not know of any reason why I would be disqualified from voting at this election.

I, _____ do solemnly swear (or affirm) that:

(date) (signature of the Voter)

Declared before me

_____ at _____
(print name of witness) (print location)

this _____ day of _____, 2_____.

Witness Signature (a person over 18 years of age who is not an immediate family member)

Witness Address

City Province Postal Code

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix "F"

BALLOT

CHOICE(S) TO BE MARKED "X" OR BY CHECK "✓"

Election for Councillor for the Bonaparte First Nation this ____ day of
_____ 2 _____.

**FOR CHIEF
ONE TO BE ELECTED**

**MARK ONLY
ONE**

- 1.
- 2.
- 3.
- 4.
- 5.

**FOR COUNCILLOR
FOUR (4) (or TWO (2) TO BE ELECTED**

**MARK ONLY
FOUR (4) or TWO (2)**

- 1.
- 2.
- 3.
- 4.
- 5.

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix "G"

SAMPLE WITNESS STATEMENT

I, _____ do solemnly declare that, prior to the sealing of the ballot box for the election of Bonaparte First Nation Council, I inspected the ballot box and am satisfied that it was completely empty.

WITNESS: _____ **SIGNED:** _____

WITNESS: _____ **SIGNED:** _____

NOTE: a ballot box declaration must be prepared for each empty and sealed ballot box for each polling station.

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix "H"

OATH OF ENTITLEMENT TO VOTE

In addition to presenting proof from the Register, the follow Oath must be administered by the electoral officer

Do you swear (or solemnly affirm):

1. That you are a member of the Bonaparte First Nation;
2. That you are the full age of eighteen (18) years;
3. That you are legally entitled to vote at this election; and
4. That you have not voted before in this election.

ELECTORAL OFFICER

SIGNATURE OF VOTER

DATE

NAME OF ELECTOR (PRINTED)

STATUS NO.

ADDRESS

TELEPHONE

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix "I"

ELECTORAL OFFICER STATEMENT OF ELECTION RESULTS

1. Election for ____ Council positions.
2. Total votes cast. # _____
3. Total votes cast for:
_ (# _____) _____ (candidate)
_ (# _____) _____ (candidate)
_ (# _____) _____ (candidate)
_ (# _____) _____ (candidate)
4. Total ballots rejected and/or cancelled # _____

5. Name(s) of candidate(s) elected and ranked in order of votes received.

ELECTORAL OFFICER

SIGNATURE OF VOTER

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix "J"

DECLARATION OF DESTRUCTION OF BALLOTS

1. Date of election: _____
2. Position to be filled: _____ Councillor(s).
3. Names of candidates elected:

I, _____ was present when _____,

Electoral Officer, destroyed all ballots cast in the above noted election, and that this event took place at least ninety (90) days from the date of the close of the polls, and not before the conclusion of any election appeal, if any has been filed.

Name

Date

Signature

Name

Date

Signature

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix “K”

**NOTICE OF WITHDRAWAL
FOR CANDIDACY FOR THE OFFICE OF CHIEF / COUNCILOR**

This is written notice that I hereby withdraw my candidacy for Office of Chief / Councillor (circle one) of the Bonaparte Indian Band for the Election dated _____. I understand that any ballots that may be cast for me will not be counted in the final election results and that my Candidate Fee will not be returned to me.

Name of Candidate

Signature of Candidate
who has withdrawn their Candidacy

Date

Name of Witness

Signature of a Witness
who is at least 18 years old

Date

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix “L”

Chief and Council Confidentiality Agreement

I, _____ of Cache Creek, in the Province of British Columbia, agree that during my term as a Council member for the Bonaparte First Nation, that I will strictly adhere to the following terms and conditions:

1. I acknowledge that I have been advised by the Bonaparte First Nation that all information and documents that I may have knowledge of or access to through my employment with the Bonaparte are strictly confidential.
2. I acknowledge that I am required by law to protect and keep secured at all times any and all confidential information pertaining to Bonaparte clients, membership, partners and employees.
3. I undertake and agree at all times to treat as confidential all information acquired through my elected capacity as Council with the Bonaparte First Nation, and not to disclose except as authorized in the course of my employment or by law. I acknowledge that such information is not to be altered, copied, interfered with or destroyed, except upon authorization and in accordance with the policy of the Bonaparte First Nation. I will not discuss such information with any party, nor will I participate in or permit the release, publication or disclosure of such information, nor will I copy, distribute, or disseminate such information, except as authorized in the course of my employment or by law.
4. I understand that this agreement and undertaking includes:
 - a. avoiding the use of names of Bonaparte clients or files or other Bonaparte business in conversations with other clients, friends or relatives;
 - b. ensuring that disclosures of information are made only to persons entitled to that information;
 - c. ensuring that conversations relating to co-workers, Bonaparte clients or privileged operational affairs are not conducted in the hallways or at reception areas where conversations may be overheard by other than Bonaparte staff; and
 - d. ensuring the confidential or personal matters concerning other Council members are not divulged or discussed unnecessarily with other staff members.

Duty of Confidentiality

- a. I shall hold in strict confidence all information concerning the business and affairs of the Bonaparte First Nation acquired in the course of the professional and administrative and employment relationship, regardless of the nature or source of the information or of the fact that others may share the knowledge, and shall not divulge any such information unless disclosure is expressly or impliedly authorized by the Bonaparte First Nation, or is required by law or by a court.
- b. I shall take all reasonable steps to ensure the privacy and safekeeping of all records, materials, privileged and confidential information held by the Bonaparte First Nation on behalf of and for Bonaparte clients, partners, programs and operations.
- c. I shall not disclose any employment, medical information or other confidential or privileged information of our clients or Bonaparte employees unless the nature of the matter requires such disclosure.

- d. I shall preserve the Bonaparte's secrets even after the end of the employment relationship.
5. I understand and acknowledge that, as a Council member of the Bonaparte First Nation, I am required to honor and be bound by law and these even after I have left the Bonaparte First Nation Council.
6. I understand that compliance with the confidentiality requirements of the Bonaparte First Nation is a condition of my term as a Council member and that failure to comply may result in termination of my employment by the Bonaparte First Nation.
7. I agree to be bound by the provisions of this Agreement and will continue to be so bound following the end of my elected term.
8. I agree that during my tenure on Council, I will not use any information that has been disclosed to me to directly or indirectly disparage the Bonaparte First Nation or any of my fellow Council members to any other person or entity. "Disparage" is defined as, but not limited to, any utterance whatsoever either verbal, in writing, on social media (Facebook, X/Twitter, Snapchat, LinkedIn or other), by gesture or any behaviour of any kind that might tend to actually harm or injure the Bonaparte First Nation or its Council members, whether intended or not.
9. I have been advised that I have the right to seek independent legal advice prior to signing this agreement.

SIGNED at _____, British Columbia, this _____ day of _____, 20__.

Signature of Bonaparte First Nation
Council Member

Signature of Witness

Written Name of Bonaparte First Nation
Council Member

Written Name of Witness

**BONAPARTE FIRST NATION
ELECTION CODE**

Appendix “M”

Ethics Committee Confidentiality Agreement

I, _____ of Cache Creek, in the Province of British Columbia, agree that during my term as a member of the Ethics Committee for the Bonaparte First Nation, that I will strictly adhere to the following terms and conditions:

1. I acknowledge that I have been advised by the Bonaparte First Nation that all information and documents that I may have knowledge of or access to through my appointment to the Ethics Committee with the Bonaparte are strictly confidential.
2. I acknowledge that I am required by law to protect and keep secured at all times any and all confidential information pertaining to Bonaparte clients, membership, partners and employees.
3. I undertake and agree at all times to treat as confidential all information acquired through my appointed capacity as a member of the Ethics Committee with the Bonaparte First Nation, and not to disclose except as authorized or otherwise required by law. I acknowledge that such information is not to be altered, copied, interfered with or destroyed, except upon authorization and in accordance with the policy of the Bonaparte First Nation. I will not discuss such information with any party, nor will I participate in or permit the release, publication or disclosure of such information, nor will I copy, distribute, or disseminate such information, except as authorized in the course of my tenure as a member of the Ethics Committee.
4. I understand that this agreement and undertaking includes:
 - a. avoiding the use of names of Bonaparte members or other Bonaparte business in conversations with other clients, friends or relatives while I am a member of the Ethics Committee working toward a resolution of a complaint filed by a BFN member;
 - b. ensuring that disclosures of information are made only to persons entitled to that information;
 - c. ensuring that conversations relating to any private information I am in receipt of as a member of the Ethics Committee is privileged and is not discussed in the hallways or at reception areas where conversations may be overheard by anyone; and
 - d. ensuring the confidential or personal matters concerning BFN members and Council members are not divulged or discussed unnecessarily with staff or BFN members.

Duty of Confidentiality

- a. I shall hold in strict confidence all information concerning the business and affairs of the Bonaparte First Nation acquired in the course of my appointment to the Ethics Committee, regardless of the nature or source of the information or of the fact that others may share the knowledge, and shall not divulge any such information unless disclosure is expressly or impliedly authorized by the Bonaparte First Nation, or is required by law or by a court.
- b. I shall take all reasonable steps to ensure the privacy and safekeeping of all records, materials, privileged and confidential information held by the Bonaparte First Nation on behalf of and for Bonaparte members that I may be provided to review and consider a complaint frilled with the ethics Committee.
- c. I shall not disclose any employment, medical information or other confidential or privileged information of our clients or Bonaparte members or members of Council unless the nature of the matter requires such disclosure.
- d. I shall preserve any confidential information that I have been provided with or had access to, even after the end of my role on the Ethics Committee.

5. I understand that compliance with the confidentiality requirements of the Bonaparte First Nation is a condition of my term as a member of the Ethics Committee and that failure to comply may result in termination of appointment to the Ethics Committee.

7. I agree to be bound by the provisions of this Agreement and will continue to be so bound following the end of my term on the Ethics Committee.

8. I agree that during my tenure on the Ethics Committee, I will not use any information that has been disclosed to me to directly or indirectly disparage the Bonaparte First Nation or any Council members to any other person or entity. "Disparage" is defined as, but not limited to, any utterance whatsoever either verbal, in writing, on social media (Facebook, X/Twitter, Snapchat, LinkedIn or other), by gesture or any behaviour of any kind that might tend to actually harm or injure the Bonaparte First Nation or its Council members, whether intended or not.

9. I have been advised that I have the right to seek independent legal advice prior to signing this agreement.

SIGNED at _____, British Columbia, this _____ day of _____, 20____.

Signature of Bonaparte First Nation
Ethics Committee Member

Signature of Witness

Written Name of Bonaparte First Nation
Ethics Committee Member

Written Name of Witness

**BONAPARTE FIRST NATION
ELECTION CODE**

APPENDIX “N”

CANDIDATE ACCEPTANCE FORM

I, _____ of _____, in the Province of British Columbia, confirm the following as a nominee for Election as a member of Council of the Bonaparte First Nation.

Acceptance of Nomination

1. I confirm that I have been nominated in the Election as a Candidate for the position of Chief or Councillor **(circle only one)**.

I understand that if I was nominated for both the position of Chief and Councillor, that I am only eligible to stand as a Candidate in the Election for one position, selected above.

Confirmation of Eligibility

2. I confirm that I have read the Bonaparte Nation Election Code and that I meet the eligibility requirements outlined in s. 68, which provides that a person must meet the following eligibility requirements to be confirmed by the Electoral Officer as a Candidate for the office of Chief or Councillor:

- (a) I am a Bonaparte First Nation member, who is at least 18 years of age as of the date of the Election;
- (b) I am not in debt to the band in an amount greater than \$5000, and if I am there is a repayment plan in place, which is in good standing;
- (c) I have paid the Candidate Fee of \$250 to the Bonaparte First Nation;
- (d) I have provided the Electoral Officer with a copy of my written biography and platform for running as a Candidate;
- (e) I have not been convicted of an indictable Criminal Code of Canada offence involving sexual assault, aggravated assault, murder or attempted murder against an individual;
- (f) I have not been convicted of an indictable offence in the previous 10 years unless as part of their defence in those proceedings they reasonably argued that they were exercising an aboriginal right;
- (g) I have submitted proof of applying for a Criminal Record Check, including the vulnerable sector and will submit a Criminal Record Check that is not older than three (3) months;
- (h) I agree to take a leave or resign from any employment position(s) currently held with the Bonaparte First Nation and BFN entity, if elected.

3. I understand that, as a condition of my eligibility to be a Candidate in the Election, I must sign an Oath of Office and an Oath of Confidentiality and participate in an All Candidates Meeting.

SIGNED at _____, British Columbia, this _____ day of _____, 20____.

Signature of Candidate

Signature of Witness

Written Name of Candidate

Written Name of Witness