



FIRST NATIONS SUMMIT

RESOLUTION #1109.07

SUBJECT: PROPOSED AMENDMENTS TO THE ELECTION PROCEDURES DOCUMENT USED FOR FIRST NATIONS SUMMIT TASK GROUP AND CO-CHAIRS ELECTIONS AND BC TREATY COMMISSIONER ELECTIONS

WHEREAS

- A. The main purpose of the First Nations Summit is to deal with treaty-related issues.
- B. The First Nations Summit process is not intended to exclude any First Nation that is supportive of the treaty process but, for its own reasons, is not participating in the treaty process.
- C. The First Nations Summit, when dealing with issues that are not specifically related to the treaty process, is open for participation from all First Nations in British Columbia.
- D. At duly convened elections, Task Group members, Co-Chairs, and two Commissioners to the British Columbia Treaty Commission (BCTC) are elected by First Nations and tribal groupings that are participating in treaty negotiations, and as well as by those First Nations that have provided a letter to the Co-Chairs of the Summit indicating their support for the treaty process.
- E. The First Nations Summit Chiefs in Assembly previously passed Resolution #0301.02 (re: First Nations Summit voting procedures).
- F. At the March 2009 First Nations Summit meeting it was made clear that issues exist with respect to the current election process, and that clarity is needed and gaps need to be filled in the voting procedures.
- G. Work was undertaken to revise the Election Procedures document, thereby clarifying and codifying the procedures currently employed during Summit Executive and BC Treaty Commissioner elections.
- H. The revised Election Procedures document was distributed at the September 2009 First Nations Summit meeting and also provided to First Nations and Tribal Councils via mail. First Nations Summit Chiefs and delegates were requested to review the draft Election Procedures document and provide any written comments to the First Nations Summit administration on or before October 30, 2009.

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- I. No comments on the draft Election Procedures document were submitted on or before the October 30, 2009 deadline.
- J. The revised Election Procedures document was brought forward for approval at the November 2009 First Nations Summit meeting and once approved will be implemented at the next scheduled election.

THEREFORE BE IT RESOLVED

1. That the First Nations Summit Chiefs in Assembly direct that the First Nations Summit Resolution #0301.02 (re: First Nations Summit voting procedures) is rescinded.
2. That the First Nations Summit Chiefs in Assembly adopt the attached revised "Election Procedures" document that will be followed whenever an election is to be held for the positions of Task Group Member, Co-Chair or Commissioner.

MOVED BY: Chief Cheryl Casimer, St. Mary's Indian Band

SECONDED BY: Reg Seaweed, Quatsino First Nation

DATED: November 27, 2009

Passed by majority vote.

ENDORSED BY:



Dan Smith



Grand Chief Doug Kelly



Grand Chief Edward John

**ELECTION PROCEDURES
FOR FIRST NATIONS SUMMIT TASK GROUP MEMBERS, CO-CHAIRS
AND BCTC COMMISSIONERS**

Who can nominate?

- (a) Any First Nation or tribal grouping that is participating in treaty negotiations, or
- (b) Any BC First Nation that has provided a letter to the Summit Co-Chairs indicating their support for the treaty process

may nominate someone to be a Task Group Member, Co-Chair or Commissioner.

Who can be nominated?

Any person who is a member of a BC First Nation participating in treaty negotiations.

Interpretations

“Participating in treaty negotiations” – tribal grouping

A tribal grouping is “participating in treaty negotiations” if:

- (a) it has submitted a statement of intent accepted by the BC Treaty Commission; or
- (b) it has concluded a treaty with Canada and British Columbia.

“Participating in treaty negotiations” – First Nation

A First Nation (or band) is “participating in treaty negotiations” if:

- (a) it has submitted a statement of intent accepted by the BC Treaty Commission;
- (b) it is a member of a tribal grouping that has submitted a statement of intent accepted by the BC Treaty Commission;
- (c) it has concluded a treaty with Canada and British Columbia; or
- (d) it is a member of a tribal grouping that has concluded a treaty with Canada and British Columbia.

“Representative” – tribal grouping

The “representative” of a tribal grouping, for the purpose of these election procedures, is the individual selected by that tribal grouping as its representative and who has registered with the returning officer to vote in an election.

“Representative” – First Nation

The “representative” of a First Nation (or band), for the purpose of these election procedures, is:

- (a) the Chief of the First Nation (or band), or
 - (b) a delegate representing the First Nation
- who has registered with the returning officer to vote in an election.

“Chief”

Where a First Nation has replaced the *Indian Act* Band Council system with another governing system, the designated senior political representative will be considered to be the “Chief” of that First Nation for the purpose of these election procedures.

Nomination process

1. The First Nations Summit office will send a notice regarding the election to all First Nations. The notice will set out the date of the election and which positions are to be filled.
2. The Co-Chairs will appoint a Returning Officer.
3. Nominations may be sent to the attention of the Returning Officer at the First Nations Summit office or be provided to the Returning Officer in person by 12:00 pm (noon) the day prior to the election date.
4. Each nomination must have a mover and a seconder.
5. Within two hours after the close of nominations (i.e. by 2:00 PM the day prior to the election date), the Returning Officer will announce the names of the candidates who have been nominated, are eligible, and have accepted the nomination.
6. Nominees must be present at the meeting to accept their nomination.
7. Nominees must be available to participate in a candidates’ forum, held the day prior to the election date.

Acclamation

If the number of candidates does not exceed the number of positions that are vacant, the Returning Officer will declare those candidates elected by acclamation.

Voting

1. The Returning Officer will provide a ballot to the representative of:
 - (a) each First Nation and each tribal grouping that is participating in treaty negotiations; and
 - (b) each First Nation that has provided a letter to the Summit Co-Chairs indicating their support for the treaty process.

The ballot will list all of the candidates for each position that is vacant and will indicate the maximum number of individuals that the electors may vote for.

2. Voting will be by secret ballot.
3. The representative of a First Nation or a tribal grouping may not provide a proxy to another individual.
4. A candidate will be declared elected to a position if he or she receives 50% plus one of the unspoiled votes.
5. If after the first round of voting, the positions have not all been filled, further rounds of voting will be held until all the positions are filled. Each time a further round is held, the name of the candidate with the fewest votes on each ballot will be removed from the next ballot.
6. If the remaining number of candidates equals the number of vacancies, the remaining candidates will be declared elected.
7. In the event of a tie between the last remaining candidates for a single position, another round of voting will be held. If following that round of voting, there is still a tie, the Returning Officer shall cast the deciding vote by flipping a coin.
8. Any candidate may withdraw from the election at anytime.

General duties of the Returning Officer

In addition to the duties set out above, the Returning Officer is responsible for:

1. making all administrative arrangements in connection with the election, including the preparation of ballot forms;
2. confirming the eligibility of each candidate and the candidate's willingness to accept the nomination;
3. supervising the counting of the ballots;
4. announcing the election results;
5. destroying the ballots upon a resolution of the First Nations Summit Chiefs in Assembly; and
6. appointing one or more deputy returning officers to assist him or her in carrying out these duties.