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ANCIENT SPIRIT, MODERN MIND

ELECTION ACT FORMS REGULATION

Provisions of the *Election Act*, HFNA 6/2011, relevant to the enactment of this regulation:
sections 15(3), 20(6), 25(1)(b), 29(3), 32(2), 38(2), 38(3), 67(5), 70(5), 73(1), 75(2) and 85(2)(a).

REGISTRY OF LAWS CERTIFICATION

I certify that the *Election Act Forms Regulation* was passed by Executive Council on:

April 9, 2015



Chief Councillor, Jeff Cook

I certify that the *Election Act Forms Regulation* is enacted as law on:

April 9, 2015



Ta'yii Hawilth, Derek Peters

I certify that the *Election Act Forms Regulation* came into force on:

April 9, 2015



Deputy Law Clerk, Deborah Smith

Election Act Forms Regulation

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Definitions

- 1 In this regulation,

“Act” means the *Election Act*, HFNA 6/2011.

Appointment of election commissioner form

- 2 Form 1 in Schedule 1 is prescribed for the acceptance of appointment and solemn declaration of office of the Election Commissioner form for the purposes of section 15(3) of the Act.

Appointment of election official form

- 3 Form 2 in Schedule 1 is prescribed for the acceptance of appointment and solemn declaration of an election official form for the purposes of section 20(6) of the Act.

Voter list correction request form

- 4 Form 3 in Schedule 1 is prescribed for the voter list correction request form for the purposes of section 25(1)(b) of the Act.

Solemn declaration regarding use of candidate voters list

- 5 Form 4 in Schedule 1 is prescribed for the solemn declaration regarding use of the candidate voters list form for the purposes of section 29(3) of the Act.

Nomination form

- 6 Form 5 in Schedule 1 is prescribed for the nomination of candidate for elected office form for the purposes of section 32(2) of the Act.

Appointment of candidate representative form

- 7 Form 6 in Schedule 1 is prescribed for the appointment of candidate representative form for the purposes of section 38(2) of the Act.

Solemn declaration of candidate representative form

- 8 Form 7 in Schedule 1 is prescribed for the solemn declaration of a candidate representative form for the purposes of section 38(3) of the Act.

Application for recount form

- 9 Form 8 in Schedule 1 is prescribed for the application for recount form for the purposes of section 67(5) of the Act.

Application for declaration of invalid election form

- 10 Form 9 in Schedule 1 is prescribed for the application for declaration of invalid election form for the purposes of section 70(5) of the Act.

Report of Election results form

- 11 Form 10 in Schedule 1 is prescribed for the report of election results form for the purposes of section 73(1) of the Act.

Certification of disposal of election materials form

- 12 Form 11 in Schedule 1 is prescribed for the certification of disposal of election materials form for the purposes of section 75(2) of the Act.

Saving Provision

- 13 No action undertaken under a provision of the Act will be invalidated merely because it is not made using the prescribed form, so long as the form used is substantially similar to the prescribed form and meets the other requirements of the Act.

Commencement

- 14 This regulation comes into force on the date of its enactment.

SCHEDULE 1
ELECTION ACT FORMS



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ACCEPTANCE OF APPOINTMENT AND
OATH OF OFFICE FOR ELECTION COMMISSIONER

OATH OF OFFICE FOR ELECTION COMMISSIONER

I, _____, accept the office of Election Commissioner and in my capacity as Election Commissioner, I solemnly swear or affirm that I will:

- (a) Uphold and comply with the *Election Act*, HFNA 6/2011, and all Huu-ay-aht Laws;
- (b) Fulfill the duties and responsibilities of my office under the *Election Act*;
- (c) Carry out my duties faithfully, honestly, impartially and to the best of my abilities;
- (d) Keep confidential, both during and after my term of office, any matter or information which, under the *Election Act* or any Huu-ay-aht Law, is considered confidential; and
- (e) Always act in the best interests of Huu-ay-aht First Nations in carrying out my duties.

I understand that any violation of this oath shall render me liable to dismissal from service as Election Commissioner in addition to any other applicable penalties under s. 82 of the *Election Act*.

I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Signature of Election Commissioner

Solemn Witness* Signature

Date

Provide Name, Position & Contact Information of Solemn Witness in the space above

***NOTE: This solemn declaration MUST be signed in the presence of a person capable of taking solemn declarations under Huu-ay-aht Law* (a "Solemn Witness"). See Interpretation Act, HFNA 14/2011, s. 27, for a list of persons capable of taking solemn declarations.**



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Election Act Form 2 (s. 20(6))

**ACCEPTANCE OF APPOINTMENT and
SOLEMN DECLARATION OF ELECTION OFFICIAL**

ACCEPTANCE OF APPOINTMENT and SOLEMN DECLARATION OF ELECTION OFFICIAL

I, _____, accept the office of an election official and I solemnly declare that:

I will faithfully and impartially exercise the powers and duties of the position of an election official;

I have not received and will not accept any inducement to exercise the powers or perform the duties of an election official otherwise than impartially and in accordance with the *Election Act* and regulations or to otherwise subvert the election;

I am not and will not become a candidate representative or otherwise campaign for a candidate while holding the position of an election official; and

I will preserve the secrecy of the ballot in accordance with section 54 of the *Election Act* and maintain the confidentiality of the official voters list in accordance with section 27 of the *Election Act*.

I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Signature of Election Official

Solemn Witness* Signature

Date

Provide Name, Position & Contact Information
for Solemn Witness in the space above

***Note: This solemn declaration MUST be signed in the presence of a person capable of taking solemn declarations under Huu-ay-aht Law* (a "Solemn Witness"). See Interpretation Act, HFNA 14/2011, for a list of persons capable of taking solemn declarations.**



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Please fill out the following information:

VOTER/APPLICANT INFORMATION:

Last Name

Given Name(s)

CONTACT INFORMATION:

Address, City/Town, Province

Postal Code

Phone Number

Email Address

Date of Birth (m/d/y)

CORRECTION REQUESTED (please check off selection that applies):

- Correct name, date of birth, or contact information of eligible voter (as set out above)
- Addition of eligible voter to voter list (attach supporting documents)
- Removal of ineligible voter from voter list (attach supporting documents)

Applicant's Signature

Date

THIS FORM MUST BE DELIVERED TO THE COMMISSIONER AT LEAST 36 DAYS BEFORE VOTING DAY



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**SOLEMN DECLARATION
REGARDING USE OF CANDIDATE VOTERS LIST**

SOLEMN DECLARATION REGARDING USE OF CANDIDATE VOTERS LIST

I, _____, solemnly declare that I will only use the Candidate Voters List for the election to be held on _____ for:
(Date of Election)

- (a) The purpose of contacting eligible voters to provide them with campaign information;
- (b) The purpose of asking eligible voters to vote for a candidate or to note for a candidate; or
- (c) Other purposes related to the election.

I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Signature of Individual Accessing List

Solemn Witness* Declaration

Date

Provide Name, Position & Contact
Information for Solemn Witness in the space
above

***Note: This solemn declaration MUST be signed in the presence of a person capable of taking solemn declarations under Huu-ay-aht Law* (a "Solemn Witness"). See Interpretation Act, HFNA 14/2011, for a list of persons capable of taking solemn declarations.**



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Election Act Form 5A (s. 32(2))
NOMINATION FORM (Part A)

Please fill out the following information:

We, being the eligible voters of Huu-ay-aht First Nations, hereby nominate:

Nominee:

(Full name of Nominee)

For the position of Chief Councillor / Councillor

[check the position that applies]

10 NOMINATORS ARE REQUIRED TO NOMINATE A CANDIDATE

NOMINATOR NAME	NOMINATOR ADDRESS	NOMINATOR PHONE NUMBER and EMAIL ADDRESS	NOMINATOR* SIGNATURE
①			
②			
③			
④			



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Election Act Form 5A (s. 32(2))
NOMINATION FORM (Part A)

NOMINATOR NAME	NOMINATOR ADDRESS	NOMINATOR PHONE NUMBER and EMAIL ADDRESS	NOMINATOR* SIGNATURE
⑤			
⑥			
⑦			
⑧			
⑨			
⑩			



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Election Act Form 5A (s. 32(2))
NOMINATION FORM (Part A)

*By signing this form each nominator declares that to the best of his or her knowledge, the Nominee is qualified to be a candidate under section 5 of *Election Act*, HFNA 6/2011 and he or she is qualified as an eligible voter to nominate a candidate.

Attached to this form is:

- Nomination Form Part B
- A certified copy of a criminal record check for the Nominee obtained within **90 days of voting day**.



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Election Act Form 5B (s. 32(2))
NOMINATION FORM (Part B)

Please fill out the following information:

[Colour photograph
of Nominee]

I, _____
(Full name of Nominee)

an eligible voter of Huu-ay-aht First Nations, residing at:

(street address)

(city/town, province, postal code)

(telephone number)

(email address)

Consent to a nomination for the position of Chief Councillor / Councillor

[check the position or positions that apply]

The *Election Act*, HFNA 6/2011, states:

“5 (1) Subject to subsection (2), an eligible voter may be nominated as a candidate.

(2) An eligible voter is disqualified from being nominated as a candidate if that Individual is any of the following:

- (a) An undischarged bankrupt;
- (b) In debt to the Huu-ay-aht or any other prescribed entity for more than the Prescribed amount;
- (c) In default of a prescribed contractual obligation to government or any other Prescribed entity;
- (d) convicted of a prescribed category of criminal offence;
- (e) convicted of a prescribed category of criminal offence for which 5 years have not elapsed from the date of conviction;
- (f) disqualified or prohibited from holding elected office under this Act, another Huu-ay-aht Act, or otherwise disqualified from law;
- (g) a member of the Tribunal;
- (g) the Speaker;
- (i) in a prescribed position or contract with a Huu-ay-aht body;
- (j) a Huu-ay-aht employee, unless the Huu-ay-aht employee has complied with section 7.”



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Election Act Form 5B (s. 32(2))
NOMINATION FORM (Part B)

I SOLEMNLY DECLARE that I am qualified to be nominated as a candidate.

I FURTHER DECLARE that to the best of my knowledge, the information contained in the Nomination Form, Parts A and B, is true.

I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Signature of Nominee

Solemn Witness* Declaration

Date

Provide Name, Position & Contact Information for
Solemn Witness in the space above

Note: This solemn declaration MUST be signed in the presence of a person capable of taking solemn declarations under Huu-ayaht Law* (a "Solemn Witness"). See Interpretation Act, HFNA 14/2011, for a list of persons capable of taking solemn declarations.



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Election Act Form 6 (s. 38(2))
HUU-AY-AHT FIRST NATIONS
APPOINTMENT OF CANDIDATE REPRESENTATIVE

Please fill out the following information:

To: **The Commissioner of Elections**

Contact Information of Representative:

I appoint _____ to act as a Representative, including scrutineer,
(Name of Representative)

on my behalf on Election Day _____.
(Date of Election)

Pursuant to section 38 of the *Election Act*, HFNA 6/2011, I hereby authorize the aforementioned individual to be present during the election and to observe the conduct and voting and the counting proceedings in the election provided for in accordance with the *Election Act*.



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Election Act Form 7 (s. 38(3))
**SOLEMN DECLARATION
OF CANDIDATE REPRESENTATIVE**

SOLMEN DECLARATION OF CANDIDATE REPRESENTATIVE

I, _____, am an appointed candidate representative of
(Name of Representative)

(Name of Candidate)

I solemnly declare that I will:

- (a) Preserve the secrecy of the ballot;
- (b) Preserve the confidentiality of the official voters list; and
- (c) Comply with the *Election Act*, HFNA 6/2011.

I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Signature of Candidate Representative

Solemn Witness* Declaration

Date

Provide Name, Position & Contact Information
for Solemn Witness in the space above

Note: This solemn declaration MUST be signed in the presence of a person capable of taking solemn declarations under Huu-ay-aht Law* (a "Solemn Witness"). See *Interpretation Act*, HFNA 14/2011, for a list of persons capable of taking solemn declarations.



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Election Act Form 8 (s. 67(5))
APPLICATION FOR RECOUNT

Election Date: _____
(Date of Election)

Applicant

This application is brought by:

- A candidate The Commissioner A group of at least 10 eligible voters*

APPLICANT INFORMATION:

Last Name

Given Name(s)

CONTACT INFORMATION:

Address, City/Town, Province

Postal Code

Phone Number

Email Address

GROUND FOR RECOUNT (pursuant to the *Election Act*, HFNA 6/2011, s. 67(4)(a) and (b))

- (a) the votes were not counted in accordance with *Election Act*, HFNA 6/2011 sections 60 and 61; OR
- (b) the consolidated ballot account of the commissioner does not accurately record the number of votes for a candidate

STATEMENT OF FACTS

Set out the facts below supporting the grounds set out in GROUND; additional pages may be attached if necessary.

Empty box for the Statement of Facts.



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STATEMENT OF FACTS Continued...

Empty space for the Statement of Facts.

SOLEMN DECLARATION

I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Signature of Applicant

Solemn Witness* Declaration

Date

Provide Name, Position & Contact Information for
Solemn Witness in the space above

*Where an application is brought by a group of at least 10 eligible voters, only one form should include the grounds for recount and statement of facts. Other applicants should refer to the application where the grounds and facts are set out in the space provided below.

I am part of a group of eligible voters seeking a recount.

I have read the completed application of _____ and I declare its content to be true.
(Name of Applicant)

***Note: This solemn declaration MUST be signed in the presence of a person capable of taking solemn declarations under Huu-ay-aht Law* (a "Solemn Witness"). See Interpretation Act, HFNA 14/2011, for a list of persons capable of taking solemn declarations.**



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Election Act Form 9 (s. 70(5))
**APPLICATION FOR DECLARATION OF
INVALID ELECTION**

Election Date: _____ (must be made within 7 days of voting day)

Please fill out the following information:

This application is brought by:

- A candidate The Commissioner A group of at least 10 eligible voters*

APPLICANT INFORMATION:

Last Name

Given Name(s)

CONTACT INFORMATION:

Address, City/Town, Province

Postal Code

Phone Number

Email Address

GROUND(S)

Provide the information requested in the space provided below.

Note that if you are alleging contravention of s. 60 or 61 of the Election Act, you should be using Form 8: Application for Recount. Form 8 is only to be used where an application of a recount is not an available option.

The following provision(s) of the *Election Act*, HFNA 6/2011, were contravened and affected, or may have affected the outcome of the election:



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Election Act Form 9 (s. 70(5))

**APPLICATION FOR DECLARATION OF
INVALID ELECTION**

STATEMENT OF FACTS

Set out the facts below supporting the grounds set out in GROUNDS; additional pages may be attached if necessary.

CONFIRMATION OF DELIVERY OF AN APPLICATION

- A copy of this application has been delivered to the Election Commissioner
- A copy of this application has been delivered to the following individual(s) whose alleged contravention of the *Election Act* is at issue in this application (additional pages may be attached if necessary):

_____	_____	_____
Print name of individual	Print name of individual	Print name of individual
_____	_____	_____
Print name of individual	Print name of individual	Print name of individual



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Election Act Form 9 (s. 70(5))
**APPLICATION FOR DECLARATION OF
INVALID ELECTION**

SOLEMN DECLARATION

I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Signature of Applicant

Solemn Witness* Declaration

Date

Provide Name, Position & Contact Information for
Solemn Witness in the space above

*Where an application is brought by a group of at least 10 eligible voters, only one form should include the grounds for recount and statement of facts. Other applicants should refer to the application where the grounds and facts are set out in the space provided below.

I am part of a group of eligible voters seeking a recount.

I have read the completed application of _____ and I declare its content to be true.
(Name of Applicant)

***Note: This solemn declaration MUST be signed in the presence of a person capable of taking solemn declarations under Huu-ay-aht Law* (a "Solemn Witness"). See Interpretation Act, HFNA 14/2011, for a list of persons capable of taking solemn declarations.**



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Report of the Election Commissioner

**For consideration by Executive Council
at its meeting of [month] [day] [year]**

Prepared by: ◆

Date: ◆

Part 1: Election Results

CANDIDATE	VOTE COUNT
1. <i>[Record Name of Candidate (Last, First) Insert as many rows as necessary to list all candidates]</i>	<i>[For each candidate, list number of votes recorded]</i>
2.	
3.	
4.	

...

Part 2: Summary of Powers Invoked under Election Act, s. 19

[Provide a summary of powers, if any, invoked by the Election Commissioner under s. 19 of the Election Act.]

Part 3: Recommendations for Improving Conduct of Future Elections

[Provide a list of any recommendations the Election Commissioner may have for improving the conduct of future elections.]

Additional Information



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Election Act Form 11 (s. 75(2))
**CERTIFICATE VERIFYING DISPOSAL
OF ELECTION MATERIALS**

CERTIFICATION

We the undersigned hereby certify that on _____ we did witness the disposal
(date of disposal)
of ballots and election materials in respect of the election held on _____
(date of election)
in accordance with s. 75 of the *Election Act*.

Name (print)

Signature

Date

Name (print)

Signature

Date