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Huu-ay-aht First Nations Council Elections 2015 Information for Prospective Candidates April 24, 2015

Elections are being held for Chief Councillor and for five (5) Councillors for the Huu-ay-aht First Nations Council. The Huu-ay-aht First Nations Elections Act (the Act) and other relevant Huu-ay-aht First Nations Legislation govern this election. Relevant legislation is posted on the HFN web site at <http://huuayaht.org/government/current-legislation/>

Kit Spence has been appointed as Election Commissioner and he is responsible for the fair, efficient, accessible and transparent conduct of the election under the Act.

Election Day is Saturday June 20, 2015, and any Huu-ay-aht citizen who has reached the age of 18 years on Election Day may vote.

The period for receiving nominations is from 9:00 a.m. on May 4, 2015 until 12:00 (noon) on May 14, 2015. Nominations may be submitted:

- to the Election Commissioner by email at HFN_Election_Commissioner@shaw.ca
- at the Anacla Government Office, 170 Nookemus Rd, Anacla, BC, V0R 1B0 during normal business hours, or
- at the Port Alberni Government Office, 3483 – Third Ave., Port Alberni, BC, V9Y 4E4 during normal business hours.

Any eligible voter may be a candidate for any office, unless they have been disqualified under the Act. Candidate qualifications are detailed in Appendix 1.

An individual may be a candidate for Chief Councillor and Councillor at the same time. However if the candidate is elected as Chief Councillor the candidate is deemed to have withdrawn as a candidate for Councillor.

Huu-ay-aht employees may be candidates in the election, subject to the provisions outlined in Part 3 Section 7 of the Act. (See Appendix 2)

In order to be nominated, at least ten (10) eligible voters must sign Nomination Form (Part a) (Election Act Form 5A (s.32(2))), a copy of which is attached.

A nominated candidate must indicate their acceptance of the nomination by completing Nomination Form (Part B) a copy of which is attached and provide a colour photograph. This form must be completed and signed in the presence of a person capable of taking a solemn declaration under Huu-ay-aht Law. (See Appendix 3)

Completed nomination forms must be delivered to the Election Commissioner before the nomination period ends. As soon as practicable after the receipt of the forms the Election

Office: Anacla Government Office, 170 Nookemus Road, Anacla, B.C., V0R 1B0
Phone: 1.888.644.4555 | 250.728.3414 | Fax: 250.728.1222

Mail: Port Alberni Government Office, 4644 Adelaide Street, Port Alberni, B.C., V9Y 4E4 | Phone: 250.723.0100 | Fax: 250.723.4646



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Commissioner will provide the nominated individual with written acknowledgement that the nomination form is complete and the individual nominated is eligible to be declared as a candidate, or that the nomination form is complete. Individuals are responsible for ensuring that the forms they submit are complete.

Prospective candidate and eligible voters may obtain more information about the nomination process and the elections by consulting the relevant legislation posted on the HFN web site or by contacting the Election Commissioner, Kit Spence by telephone at 1(250) 881-0142 or by email at HFN_Election_Commissioner@shaw.ca

Kit Spence
Election Commissioner
Huu-ay-aht First Nation

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Appendix 1 – Candidate Qualifications

(Huu-ay-aht First Nations Election Act Part 3 – Who May be a Candidate)

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; 6
- . (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 by law;
- . (g) a member of the tribunal;
- . (h) 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.

(3) The tribunal may waive the 5 year limitation under subsection (2) (e).

Appendix 2 Huu-ay-aht employees as candidates

(Huu-ay-aht First Nations Election Act Part 3 – Who May be a Candidate)

7 (1) A Huu-ay-aht employee who is otherwise qualified to be nominated as a candidate under section 5 must comply with the requirements of subsections (2) and (3) to be eligible as a candidate in an election.

(2) Before being nominated for an elected office, a Huu-ay-aht employee must give notice in writing to his or her employer of the Huu-ay-aht employee's intention to consent to nomination.

(3) After giving notice under subsection (2), the Huu-ay-aht employee is entitled to, and must take, a leave of absence from his or her position for a period that, at a minimum,

- . (a) begins on the first day of the nomination period or the date on which the notice is given, whichever is later, and
- . (b) ends, as applicable, if the individual
 - (i) is not nominated before the end of the nomination period, on the day after the end of that period,
 - (ii) withdraws as a candidate in the election, on the day after the withdrawal,

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(iii) is declared elected, on the day the individual resigns in accordance with subsection (5) or on the last day for taking office before the individual is disqualified for a failure to make the oath of office within the time specified under section 21 of the *Government Act*,

(iv) is not declared elected and an application for a recount is not made to the tribunal, on the last day on which an application for a recount may be made, or

(v) is not declared elected and an application for recount is made, on the date when the results of the election are determined by or following the recount.

(4) If agreed by the employer, as a matter of employment contract or otherwise, the leave of absence under this section may be for a period longer than the minimum required by subsection (3).

(5) After being elected and before making the oath of office, a Huu-ay-aht employee on a leave of absence under this section must resign from his or her position.

Appendix 3 Solemn declarations

(Huu-ay-aht First Nations Interpretation Act Part 3 General Provisions of Enactment)

27 If a solemn declaration is required by an enactment, the solemn declaration must be

(a) made on oath or by solemn affirmation before any of the following persons:

- . (i) a commissioner for taking affidavits for British Columbia;
- . (ii) a judge of a court in British Columbia;
- . (iii) justices;
- . (iv) the Ta'yiiHawilth;
- . (v) the Speaker;
- . (vi) the Law Clerk;
- . (vii) the Executive Director;
- . (viii) the Huu-ay-aht Tribunal chair;
- . (ix) the Election Commissioner;
- . (x) a practising lawyer as defined in the *Legal Profession Act* (British Columbia);
- . (xi) notaries public;
- . (xii) other classes of office holder or individuals Executive Council prescribes, and

(b) signed by the person making the oath or solemn affirmation and by the person before whom it is made.



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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.