

NOTE: this version of the *Electoral Act* is marked in accordance with Resolution 3 of the 2023 AGM

MÉTIS NATION BRITISH COLUMBIA



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MÉTIS NATION ELECTORAL ACT

AS RATIFIED SEPTEMBER 2022 ANNUAL GENERAL MEETING





ARTICLE ONE – NAME

- 1.0 This *Electoral Act* of the Métis Nation British Columbia shall be cited as the "*MNBC Electoral Act*" and hereinafter be referred to as the "*Electoral Act*".

ARTICLE TWO – PURPOSE, SEAL AND NAME

- 2.0 The purpose of the *Electoral Act* is to establish fair, open and democratic procedures and rules for the Elections of the Métis Nation British Columbia (MNBC).

ARTICLE THREE – DEFINITIONS

- 3.0 In this document:
- 3.1 “**Advance Poll**” means a vote held prior to the designated Election Day so as to allow those voters who may be unable to attend a Polling Station the ability to vote either by voting at a Polling Station or by Mail-in Ballot;
- 3.2 “**Ballot**” or “**ballot**” means a paper or document representing a vote by an Elector and means vote where the context so dictates;
- 3.3 “**Board Member**” means a person that currently holds a position on the MNBC Board of Directors.
- 3.4 “**Board of Directors**” means the governing body of the MNBC made up of the President, Vice-President, the Regional Directors, the Chairperson of the Métis Women of British Columbia, and the Chairperson of the Métis Youth of British Columbia;
- 3.5 “**By-Election**” means an Election to replace or fill a vacancy in the MNBC Board of Directors, the Métis Women of British Columbia and/or the Métis Youth of British Columbia when such vacancy exists as the result of a lack of nominations for candidacy at an Election or is created by the removal, resignation or disqualification of the person previously holding the office as set out in *Article 23* of the *Constitution*;
- 3.6 “**Campaign Period**” means that period of time from the date that the MNBC Election is called and the date at which the Chief Electoral Officer declares the successful Candidates elected;
- 3.7 “**Candidate**” means a person who is nominated and qualified to compete for an office in the Métis Nation British Columbia Election for President, Vice-President, Regional Director, Chairperson and Regional Youth Representative of Métis Youth of British Columbia and Chairperson and Regional Representatives of the Métis Women of British Columbia;



- 3.8 “**Chief Electoral Officer**” means a contractor appointed in writing after final approval of the Métis Nation Governing Assembly. The Métis Nation British Columbia Board of Directors is charged with developing a call for proposals and short listing potential contractors to operate Elections for the Métis Nation British Columbia. This short list will be presented to the MNGA for final approval of the successful Chief Electoral Officer;
- 3.9 “**Conflict of Interest**” means the circumstances in which there is a real, potential or apparent conflict between the private interests of a person and the interests of the Métis Nation. This also includes circumstances in which a person represents or is a director/ officer of an organization, association or party whose interests are in conflict with the interests of the MNBC;
- 3.10 “**Constitution**” means the *Constitution* of the Métis Nation British Columbia as adopted by the Métis citizens at the Annual General Meeting September 2003 and revised from time to time thereafter;
- 3.11 “**Election(s)**” means an Election or By-Election called by the Métis Nation British Columbia for the Election of a President, Vice President, Regional Directors, Chairperson and Regional Youth Representative of Métis Youth of British Columbia, and Chairperson and Regional Representatives of the Métis Women of British Columbia as set out in the Métis Nation British Columbia Constitution.
- 3.12 “**Election Day**” means the official day when the votes cast by Electors at an Election are counted;
- 3.13 “**Election Voting Period**” means, in the case of a Polling Station vote, that period of time as designated by the Chief Electoral Officer and in the case of a Mail-in Ballot or online voting Election, that period of time as set by the Chief Electoral Officer pursuant to Sub-Article 15.2 of this *Electoral Act*.
- 3.14 “**Election Officer**” means the Chief Electoral Officer, Returning Officers and Poll Clerks appointed for a particular Election or by-Election;
- 3.15 “**Elector**” means a Métis citizen who, pursuant to the Métis Nation British Columbia’s *Constitution*, is no less than 18 years of age as of the date of the Election, has been registered as a Métis citizen pursuant to the Métis Nation British Columbia *Citizenship Act*, and has resided in British Columbia for a minimum of twelve (12) months for a provincial office or six (6) months for voting in regional offices. Any female Métis citizen who is eighteen (18) years of age or older may vote or seek elected office within the Métis Women of British Columbia. Any Métis citizen who is between fifteen (15) years of age and thirty (30) years of age may vote or seek elected office within the Métis Youth of British Columbia.
- 3.16 “**Interim Appointee**” means a person who is appointed to fill a vacancy on the Board of Directors, or a MWBC Regional Representative or MYBC Regional Representative on an interim basis pursuant to the provisions of Article 46 of the *Constitution*.



- 3.17 **“Leave of Absence”** means an unpaid leave of absence for an MNBC employee, however, where applicable, an employee may use any accrued annual vacation.
- 3.18 **“List of Electors”** means a list made pursuant to this *Electoral Act* and prepared by the MNBC Central Registry of individuals entitled to vote in a Métis Nation British Columbia Election;
- 3.19 **“Mail-in ballot”** means a vote that is cast by an Elector and delivered by mail or courier to the location or individual designated by the Chief Electoral Officer in accordance with Sub-Article 5.6 herein;
- 3.20 **“Métis Citizen”** is a Métis person as defined in the *Constitution* and listed in the central registry;
- 3.21 **“Métis Community”** shall mean the Métis Nation British Columbia communities as set out in the *Constitution*;
- 3.22 **“Métis Nation British Columbia Senate”** means the judicial arm of the of the Métis Nation British Columbia and in accordance with *Senate Act*;
- 3.23 **“Mobile Polling Station”** means an advance poll consisting a team of election officials who visit Communities, and have two secure ballot boxes: one to collect Mail-in Ballots, and one to collect ballots issued by the team to electors who have not previously received a Mail-in Ballot
- 3.233.24 **“Online Voting”** means a vote that is cast by an Elector using a web-based voting system;
- 3.243.25 **“Ordinarily Resident”** means a Métis citizen who actually lives and has lived continuously in British Columbia for at least twelve (12) full months prior to the date of the Election. In making such determination, temporary absences from British Columbia for reasons such as travel, education, medical treatment, military service or incarceration shall be considered periods of residence provided the person was ordinarily resident prior to such temporary absences. A person can have only one place of Ordinarily Residence;
- 3.253.26 **“Poll Book”** means a list of names of persons who have received ballots at an Election pursuant to the *Electoral Act*;
- 3.263.27 **“Poll Clerk”** means a person appointed by the Chief Electoral Officer to assist a Returning Officer at the polls pursuant to this *Electoral Act*;
- 3.273.28 **“Polling Station”** means a place established by the Election Officers where Electors cast their vote or send their ballots by Mail-In Ballots in accordance with Sub-Article 5.6 herein and which is set up pursuant to the *MNBC Electoral Act*;
- 3.283.29 **“Region or Electoral Region”** means one of the seven (7) regions of the Métis Nation British Columbia;
- 3.293.30 **“Regional Director”** means a person who holds the position of Regional Director of one



of the seven (7) Métis Nation British Columbia regions after being elected pursuant to the *Electoral Act* or after a By-Election pursuant to *Section 47* of the *Métis Nation British Columbia Constitution*;

~~3.30~~3.31 “**Returning Officer**” means a person appointed by the Chief Electoral Officer pursuant to the *Electoral Act*; and

~~3.31~~3.32 “**Scrutineer**” means a person appointed in writing who is authorized to represent a Candidate’s interests at a Polling Station pursuant to the *Electoral Act*.

ARTICLE FOUR – DATE OF ELECTION

4.0 The date of the Election shall be established by the MNGA in conjunction with the terms outlined in the *Constitution*.

ARTICLE FIVE – CHIEF ELECTORAL OFFICER

5.0 The Chief Electoral Officer shall be appointed by the MNGA to hold office for each Election. This individual shall manage and conduct an Election. The Chief Electoral Officer shall also have the responsibility of conducting any necessary By-Elections while their appointment remains in effect. The Chief Electoral Officer shall:

5.1 Provide guidance and supervision respecting the conduct of the Election:

- a. Create all electoral notifications, forms, ballots and documents as may be required;
- b. Decide the eligibility of all Candidates seeking office in an Election;
- c. Prepare the List of Electors;
- d. Appoint Returning Officers and Poll Clerks;
- e. Ensure that all Election Officers are in compliance with this *Electoral Act* and use the guiding principles of fairness and impartiality when conducting an Election;
- f. Issue to Election Officers any information and guidance they consider necessary for the administration of the *Electoral Act*;
- g. Reconcile all ballots and prepare an official Election report for the Métis Communities and Métis Nation British Columbia Board of Directors; and
- h. Perform all duties assigned pursuant to this *Electoral Act*.

5.2 In addition, the Chief Electoral Officer may:

- a. Implement public education and information activities to make the electoral process better known to the public, particularly to those persons most likely to experience difficulties in exercising their democratic rights;
- b. Remove from office and replace Election Officers upon being satisfied that the officers:



- i. Refuse, neglect or have an inability to act;
 - ii. Have failed to perform satisfactorily the duties of their office; or
 - iii. Is engaging in partisan political activities.
- 5.3 The Chief Electoral Officer shall consult with the Solicitor for the MNBC, when and if necessary with respect to issues that may arise from time to time concerning the Election process.
- 5.4 If during the course of an Election, it transpires that insufficient time has been allowed, or insufficient Election Officers or Polling Stations have been provided, for the execution of any of the purposes of the *Electoral Act*, by reason of the operation of any provision of this *Electoral Act*, the Chief Electoral Officer, notwithstanding anything in the *Electoral Act* may:
 - a. Increase the number of Election Officers (subject to financial resources);
 - b. Increase the number of Polling Stations (subject to financial resources);
- 5.5 However, the Chief Electoral Officer may not extend the hour for the opening or closing of an ordinary or advance polling station, or for accepting nomination packages on nomination day or change the date of ordinary polling day.

5.6 The Chief Electoral Officer ~~may shall~~ conduct ~~an Election by Polling Station vote or Elections~~ by Mail-in Ballot ~~in which each Elector casts their vote by sending in their~~ and by Online Voting.

(a) An MNBC Chartered Community may, via written request to the Chief Electoral Officer, request a secured ballot box to the Community, for the deposit of mail-in ballots.

i. The ballot box will be secured through the requirements provided in Article 18 of this Act, and

(a) The person appointed as Returning Officer pursuant to Section 14.1 of the MNBC Electoral Act shall be responsible for the security of the above-noted ballot box.

ii. The ballot box shall be placed in an accessible location pursuant to the requirements provided in Article 18 of this Act.

~~iii.~~ The Returning Officer shall send, by mail or courier ~~within a specified time period to,~~ Mail-in Ballots deposited by Electors in a secured ballot box in a Community to the location ~~and by the date~~ designated by the Chief Electoral Officer, ~~or by online voting, or by any combination of the three voting procedures.~~

iv. The Chief Electoral Officer shall provide the date that the secured ballot box will be closed, and when the ballots must be sent to the Chief Electoral Officer.



ARTICLE SIX – ELECTORS

- 6.1 Any Métis Citizen of the MNBC who is Ordinarily Resident in British Columbia is eligible to be an Elector subject to *Article 6.2* herein.
- 6.2 An Elector is entitled to cast one (1) vote for the each of the following offices:
- a. President;
 - b. Vice President;
 - c. Regional Director;
 - d. Regional Youth Representative for the Métis Youth of British Columbia for the Region in which the Elector is entitled to vote being 15 years of age to 30;
 - e. Chairperson for the Métis Youth of British Columbia 15 years of age to 30.
 - f. Regional Women’s representative for the Métis Women of British Columbia for the region in which the Elector is entitled to vote being female 18 years of age and older.
 - g. Chairperson of the Métis Women of British Columbia being female eighteen (18) years of age and older
- 6.3 Any person is eligible to vote if:
- a. A Métis person, pursuant to the *MNBC’s Constitution*;
 - b. No less than 18 years of age of the date of the Election;
 - c. No less than 15 years of age and no more than 30 years of age for the MYBC;
 - d. Any female Métis citizen who is eighteen (18) years of age or older may vote for the Métis Women of British Columbia.
 - e. Registered as a Métis citizen pursuant to the *MNBC Citizenship Act*; and
 - f. Ordinarily resident in British Columbia.
- 6.4 The following individuals are not eligible to vote in a Métis Nation British Columbia Election:
- a. Individuals who are not registered on the MNBC Central Registry;
 - b. Individuals who are not 18 years of age on Election Day; with the exception of the MYBC;
 - c. Individuals who are not 15 years of age and older than 30 on Election Day for the MYBC;
 - d. Individuals who are not female 18 years of age and older on Election Day for the MWBC; and
 - e. The Chief Electoral Officer;
- 6.5 Each Elector shall, before voting, affirm that they are a Métis Citizen of British Columbia and identify as such. In addition, electors must affirm that they are not registered under either the Indian Act or the Inuit Registry.



- 6.6. In the case of Online Voting, an elector shall have the option of voting by a Mail-in Ballot or at a Polling Station designated by the Chief Electoral Officer on Election day, if they are not able to vote online.

ARTICLE SEVEN – LIST OF ELECTORS

- 7.1 The Chief Electoral Officer shall obtain from the MNBC Central Registry a final listing of registered voters no later than 5:00 p.m. Pacific Daylight time on or before the 45th day. Subject only to the discretion of the Chief Electoral Officer as set out in *Article 7.7* herein, no individual shall be permitted to be included or accepted on the List of Electors after 5:00 p.m., Pacific Daylight Time, on or before the 45th day.
- 7.2 Upon receipt of the final lists as stated herein, the Chief Electoral Officer shall, from the Central registry listing, prepare a List of Electors and satisfy themselves as to the accuracy of the List of Electors.
- 7.3 On or before the 39th day before the Election Day the Chief Electoral Officer shall submit to each nominated and official Candidate for a vacancy in the Office of President, Vice President, Chairperson of the Métis Youth of British Columbia and Métis Women of British Columbia Chairperson a copy of the provincial List of Electors. Also a list for each of the nominated and official Candidates for a vacancy in the office of Regional Director, Regional Women’s Representative of the Métis Women of British Columbia, and the Regional Youth Representative of the Métis Youth of British Columbia a copy of the applicable Regional List of Electors. In addition, a copy of the applicable community List of Electors will be provided to each Métis community.
- 7.4 Electors shall vote at the Polling Station closest to where they are ordinarily resident or in the case of a Mail-in Ballot shall send their ballot by mail or courier to a location so designated by the Chief Electoral Officer within the time set by the Chief Electoral Officer as the Election Voting Period, or, in the case of Online Voting, within the time set by the Chief Electoral Officer as the Election Voting Period.
- 7.5 In the event an Elector, who, being on the List of Electors, attends a Polling Station other than the Polling Station at which their name is included on the List of Electors, the Returning Officer at that Polling Station shall deal with that Elector’s ballot as set out in *Article 28* herein.
- 7.6 No individual shall be permitted to be included or accepted on the List of Electors after the 45-day timeline. The Chief Electoral Officer shall then, from the list of registered electors, prepare a List of Electors and satisfy themselves as to the accuracy of the List of Electors.
- a. The Chief Electoral Officer shall submit to each nominated and official Candidate for President, Vice-President, Chairperson of the Métis of British Columbia, and Chairperson of the Métis Women of British Columbia a copy of the provincial List of Electors. Also this will be submitted to each of the nominated and official Candidates for Regional Director, Regional Youth Representative of the Métis Youth of British Columbia, and Regional



- Representative of the Métis Women of British Columbia a copy of the applicable regional List of Electors;
- b. The List of Electors referred to in *Article 7.3* herein shall be provided to the Candidates no less than 39 days prior to the date of the Election;
 - c. The Chief Electoral Officer may amend the List of Electors as necessary; and
 - d. The Chief Electoral Officer shall place a copy of the List of Electors with each Métis community.
- 7.7 Upon provision of evidence to the satisfaction of the Chief Electoral Officer, of a legitimate error or omission, a Métis citizen can have their name added to, or removed from the List of Electors at any time up to fourteen (14) days prior to the Election.
- 7.8 Electors shall vote at the Polling Station closest to where they are ordinarily resident. In the event of any discrepancy, the Chief Electoral Officer shall make the determination as to which Polling Station is deemed closest. Electors may request of the Chief Electoral Officer that they be placed on the List of Electors of another polling station and such determinations shall be at the sole discretion of the Chief Electoral Officer.
- 7.9 No Métis citizens shall:
- a. Willfully apply to be included in the List of Electors in a name that is not their own; and
 - b. Willfully apply to be included in the List of Electors for a region that they are not qualified or entitled to vote as an Elector.

ARTICLE EIGHT – NOMINATION OF CANDIDATES

- 8.1 The Chief Electoral Officer shall, 60 days before the date of the Election, through a mail-out to all Electors and a posting on the MNBC website, provide notice of the Election and the applicable rules surrounding the Election and the preparation of the List of Electors:
- a. The place and hours fixed for the nomination of Candidates and the date fixed for closing nominations;
 - b. The nomination papers required to be filed with the Chief Electoral Officer; and
 - c. The address, email and phone number of the Chief Electoral Officer.
- 8.2 Nominations of all Candidates for the Offices of President, Vice-President, Regional Directors, Chairperson or Regional Youth Representative of the Métis Youth of British Columbia, and Chairperson and Regional Women’s Representative of the Métis Women of British Columbia shall be received in writing or electronically no less than 40 days prior to the date of the Election by the Chief Electoral Officer at a location to be specified in the notice by the Chief Electoral Officer.
- 8.3 Any Métis Citizen is eligible to be nominated as a Candidate if, on the day their nomination papers are filed:
- a. They are an ordinarily resident in British Columbia
 - b. Is 18 years of age or older; with the exception of the MYBC;
 - c. Any Métis citizen who is between fifteen (15) years of age and thirty (30) years



- d. of age may seek elected office within the Métis Youth of British Columbia; Any female Métis citizen who is eighteen (18) years of age or older may seek elected office within the Métis Women of British Columbia.
- e. If they are seeking to be nominated as a Candidate for President, Vice-President, Chairperson of the Métis Youth of British Columbia, and Chairperson of the Métis Women of British Columbia they have been a resident of the Métis Community in British Columbia for not less than one year;
- f. If they are seeking to be nominated as a Candidate for a Regional Director, or Regional Youth Representative of the Métis Youth of British Columbia, or Regional Women's Representative of the Métis Women of British Columbia has been a resident of the Métis Community of the Region they are seeking nomination for not less than 6 months;
- g. If, they are a salaried employee of MNBC:
 - i. Have provided a written notice of intention to stand as a candidate to the CEO of MNBC no later than fifteen (15) days before the close of nominations;
 - ii. At the close of nomination, has provided written notice of a leave of absence to the CEO of MNBC:
 - i. *MNBC will grant the leave of absence for the salaried position;*
 - ii. *The Citizen, if they receive employment benefits as part of their employment with MNBC, is entitled to all their employee benefits while they are a candidate, save for pay.*
 - iii. If the Citizen is elected, they must resign their position with MNBC within thirty (30) days of the date of the election, and before being sworn into office.
- h. If, they are currently serving as an independent contractor with MNBC, they have submitted notice of termination of all current contracts at the close of nominations.
- i. At the close of nomination has provided a letter of resignation to the CEO for any salaried (contractor or employment) position held within the MNBC;
- j. In accordance with *Article 23.7* of the *MNBC Constitution*, has provided a criminal record check satisfactory to the Chief Electoral Officer in accordance with *Articles 45* and *23.7* of the *MNBC Constitution*; and
- k. Is registered with the Métis Nation British Columbia Central registry pursuant to the *Métis Nation British Columbia Citizenship Act*.

8.4 All nominations for the positions of President, Vice-President, Chairperson of the Métis Youth of British Columbia, and Chairperson of the Métis Women of British Columbia shall include the follow:

- a. Written acceptance of the nomination by the Candidate;
- b. A minimum of twenty (20) original signatures of Electors who reside in the Province of British Columbia, who are not signatories of another Candidate's nomination papers for the same position and who are eligible to vote in the Election at which the Candidate seeks to be nominated for the position of President and Vice President;
- c. A minimum of ten (10) original signatures of electors who reside in the Province



of British Columbia, who are not signatories of another Candidate's nomination papers for the same position and who are eligible to vote in the Election at which the Candidate seeks to be nominated for the chairperson of the Métis Youth of British Columbia;

- d. A minimum of ten (10) original signatures of female electors who reside in the Province of British Columbia, who are not signatories of another Candidate's nomination papers for the same position and who are eligible to vote in the Election at which the Candidate seeks to be nominated for the chairperson of the Métis Women of British Columbia;

8.5 All nominations for Regional Directors, Regional Youth Representative of the Métis Youth of British Columbia, and Regional Women's Representative of the Métis Women of British Columbia shall include the following:

- a. Written acceptance of the nomination by the Candidate;
- b. A minimum of ten (10) signatures of Electors who reside in the region for which the Candidate seeks to be nominated, who are not signatories of another Candidate's Nomination papers for the same position and who are eligible to vote in the Election at which the Candidate for Regional Director seeks to be nominated;
- c. A minimum of three (3) signatures of electors who reside in the region for which the Candidate seeks to be nominated, who are not signatories of another Candidates nomination papers for the same position and who are eligible to vote in the Election at which the Candidate for the Regional Youth Representative of the Métis Youth of British Columbia seeks to be nominated.
- d. A minimum of five (5) signatures of female electors who reside in the region for which the Candidate seeks to be nominated, who are not signatories of another Candidates nomination papers for the same position and who are eligible to vote in the Election at which the Candidate for the Regional Women's Representative of the Métis Women of British Columbia.

8.6 A Candidate may not accept a nomination for more than one position on the MNBC Board of Directors, the Métis Youth of British Columbia, or the Métis Women of British Columbia.

- a. If a current Board Member wishes to stand as a candidate in a by-election, they must resign their current position on the Board of Directors at the date the elections is announced.

8.7 No Métis citizen may accept or place a nomination for a position on the Métis Nation British Columbia Board of Directors, the Métis Youth of British Columbia, or the Métis Women of British Columbia if that person is or was, at any time during the one year period prior to the date of the Election, a director or officer of another provincial Métis body or association, other than a Métis community, whereby being a director or officer, the Candidate would constitute circumstances in which a real, potential or apprehended conflict of interest would arise.

The Chief Electoral Officer shall determine whether circumstances exist under which a real, potential or apprehended conflict of interest would arise.

8.8 Candidates who use malicious or objectionable practice or conduct themselves in a malicious or objectionable manner during the Campaign Period shall be subject to disqualification at the



discretion of the Chief Electoral Officer.

- 8.9 Candidates shall not be permitted to use the offices or equipment of the MNBC or any program delivery offices for the purposes of presenting or advancing their campaign at any time during the campaign period.

ARTICLE NINE – ELECTION BY ACCLAMATION

- 9.1. If only one Candidate is nominated for any one office at the close of nominations the Chief Electoral Officer shall immediately declare that Candidate acclaimed to office.

ARTICLE TEN – NO CANDIDATES NOMINATED

- 10.1. If, after the close of nominations there are offices that remain without Candidates or without persons elected by acclamation, the Chief Electoral Officer shall set another day for the receipt of nominations for the remaining offices subject to available funding. Nominations shall be received for an Election to be held no earlier than three (3) months and no later than six (6) months from the date of the original Election and shall follow the processes and rules set out in this *Electoral Act*.

ARTICLE ELEVEN – POSTING OF NOTICE OF POLL & CANDIDATES

- 11.1 The Chief Electoral Officer shall, within seven (7) days after the close of nominations, post on the MNBC website a notice indicating the names of the Candidates, the voting method options, and the date and time for voting.
- 11.2 Candidates whose nominations are accepted by the Chief Electoral Officer shall be entitled to receive a copy of the applicable List of Electors, a copy of the *Electoral Act* and other materials as deemed appropriate by the Chief Electoral Officer.

ARTICLE TWELVE – WITHDRAWAL OF CANDIDATE

- 12.1. A Candidate may withdraw at any time up to twenty-one (21) days prior to Election Day by filing with the Chief Electoral Officer a written, signed and witnessed declaration to that effect.
- 12.2. When a Candidate has withdrawn, the Chief Electoral Officer shall take whatever steps are necessary to ensure that Electors are advised when receiving a ballot.

ARTICLE THIRTEEN – DEATH OF CANDIDATE

- 13.1. If a Candidate for the position of President, Vice-President, Chairperson of the Métis Youth of British Columbia, or Chairperson of the Métis Women of British Columbia dies after close of nominations and prior to closing of the Polling Stations on Election Day, the Election shall be held.
- 13.2. If a Candidate for Regional Director, Regional Youth Representative of the Métis Youth of British Columbia, or Regional Women’s Representative of the Métis Women of British Columbia dies after close of nominations and prior to closing of the Polling Stations on



Election Day, the Election shall be held.

ARTICLE FOURTEEN – APPOINTMENT OF RETURNING OFFICER AND POLL CLERK

- 14.1 The Chief Electoral Officer shall appoint a Returning Officer and a Poll Clerk for each location where a Polling Station is to be established in the electoral region, or in the case of a Mail-in Ballot in accordance with Sub-Article 5.6 herein the Chief Electoral Officer shall appoint a Returning Officer and Poll Clerks for the location designated to receive ballots.
- a. The Returning Officer with assistance from a Poll Clerk is responsible for the conduct at a Polling Station in an electoral region.
 - b. The following persons shall not be appointed as either a Returning Officer or a Poll Clerk:
 - c. A person who is the spouse, child, brother, sister, mother, father, common-law partner, or individual who lives with any Candidate;
 - d. A member of the Métis Nation British Columbia Senate;
 - e. An individual who is a Candidate or a Candidate's representative.
 - f. A person who is the spouse, child, brother, sister, mother, father, common-law partner, or who lives with either a Returning Clerk or Poll Clerk, shall not be appointed for the same Polling Station location.
- 14.2 A person appointed, as either a Returning Officer or Poll Clerk shall hold office from the time appointed until thirty (30) days after the Election Day.
- 14.3 The Chief Electoral Officer may remove from office any Returning Officer or Poll Clerk who:
- a. Is incapable, by reason of illness, of satisfactorily performing their duties under the *Electoral Act*;
 - b. Fails to discharge competently their duties as Returning Officer or Poll Clerk so as to comply with an instruction of the Chief Electoral Officer;
 - c. Knowingly makes a contribution to a Candidate's campaign whether or not the contravention occurs in the exercise of his or her duties under the Act.
- 14.4 Where a vacancy occurs in the office of Returning Officer or Poll Clerk, the Chief Electoral Officer shall forthwith appoint another person to fill the vacancy.

ARTICLE FIFTEEN – POLLING HOURS

- 15.1. Polling shall begin at 8:00 a.m. Pacific Daylight Time or Mountain Daylight Time in accordance with the particular time zone on the date of the Election and close at 8:00 p.m. Pacific Daylight Time or Mountain Daylight Time on that same day.

(a) Advance polls shall be open for at least four (4) consecutive hours between 8:00 a.m. and 8:00 p.m. on the day they are scheduled

- 15.2 In the case of an Election by Mail-in Ballot, Electors shall be able to mail or deliver



their ballots to the location or locations established by the Chief Electoral Officer within such specified period of time as may be established by the Chief Electoral Officer but in any event such period of time shall not be less than fourteen (14) calendar days.

- 15.3 In the case of an Election by Online Voting System, Voters shall be able to vote within such specified period of time as may be established by the Chief Electoral Officer but in any event such period of time shall not be less than 14 calendar days.

ARTICLE SIXTEEN – LOCATION OF POLLING STATIONS

- 16.1. A Polling Station shall be in a location that in the determination of the Chief Electoral Officer is convenient for the Electors.
- 16.2. In the case of an Election by Mail-in Ballot there shall be a location or locations established by the Chief Electoral Officer for the purpose of receiving Mail-In Ballots.
- 16.3. In the case of online voting, the system used shall be secure.
- 16.4. A final List of the Polling Stations will be listed twenty-one (21) days prior to the Election Date.
- 16.5. Best efforts will be made to ensure that every Polling Station will be accessible to persons who have a disability that could affect their ability to vote on the Election date.
- 16.6. No Polling Station may be located in the following places:
- a. Premises where alcohol or spirits are served; or
 - b. Premises in which a Candidate has an interest.

ARTICLE SEVENTEEN – SCRUTINEERS

- 17.1. Each Candidate may appoint Scrutineers in writing to the Chief Electoral Officer to represent them at each Polling Station, and to observe the Election procedures on their behalf.
- a. A Candidate may appoint more than one Scrutineer to attend a particular Polling Station while voting is in progress but only one Scrutineer per Candidate may be present in the polling area at any one time.
 - b. A Candidate shall supply their scrutineer with a form approved for such use by the Chief Electoral Officer, appointing them as a scrutineer. If scrutineers are only present for part of a day and are replaced by another scrutineer, the replacement scrutineer must have their own form to show the Returning Officer.
- 17.2. Scrutineers may observe the operation of the Polling Station and observe the counting of the ballots.
- 17.3 In the case of a Mail-in Ballot Election a Candidate may appoint up to 2 scrutineers to



be present at the designated location or locations during the opening of the ballot boxes and the counting of the ballots.

ARTICLE EIGHTEEN – BALLOT BOXES

- 18.1. The Chief Electoral Officer shall provide each Returning Officer with a ballot box to conduct the Election in his or her region. The ballot box shall be made of durable non-see-through material and accompanied by a sufficient number of appropriate seals. The ballot box shall permit the deposit of ballots but not permit their removal without breaking the seals after they have been attached.

ARTICLE NINETEEN – CONTENTS OF BALLOTS

- 19.1 The Chief Electoral Officer shall ensure that a sufficient number of ballots are prepared for an Election.
- 19.2 Each ballot shall be printed in the English language and shall contain the name of the Candidates which shall be arranged with the Candidates for the Offices of President, Vice- President, Chairperson of the Métis Youth of British Columbia, or Chairperson of the Métis Women’s Secretariat-British Columbia located first and arranged alphabetically in order of their surnames. The Candidates for Regional Director, Regional Youth Representative of the Métis Youth of British Columbia, and Regional Women’s Representative of the Métis Women’s Secretariat-British Columbia located second and arranged alphabetically in the order of their surnames.
- 19.3 If two (2) or more Candidates for the same office have the same surnames, their names shall be listed in alphabetical order according to their given names.
- 19.4 Ballots shall be printed on one side only.

ARTICLE TWENTY – POLLING BOOTHS

- 20.1. Each Polling Station shall contain one or more polling booths arranged so that when an Elector is in the polling booth they are screened from observation and may mark their ballot without interference.
- 20.2. In each polling booth, Electors will be provided with a suitable table, desk or shelf and a suitable marking instrument for marking their ballots. These materials shall be properly maintained during polling hours.

ARTICLE TWENTY-ONE – MATERIAL AT POLLING STATION

- 21.1 The Returning Officer shall before the opening of the Poll ensure the following are available:
- a. An area where Electors can mark their ballots in private;
 - b. A document providing voting instructions for Electors;
 - c. A Poll Book where the names of all Electors who vote are to be entered;
 - d. A copy of the final List of Electors;



- e. A ballot box or ballot boxes as required;
- f. Tape to secure the ballot box or ballot boxes until the ballots are ready to be counted;
- g. A sufficient number of ballot papers;
- h. The material necessary to enable Electors to mark the ballot papers;
- i. Instructions for the Returning Officers and Poll Clerks; and
- j. Such other forms, office stationery and materials as may be required to enable the Returning Officer to perform their duties.

ARTICLE TWENTY-TWO – PERSONS ENTITLED TO REMAIN IN POLLING AREA

22.1 Only the following individuals may remain in a polling area during polling hours:

- a. Returning Officer;
- b. Poll Clerk;
- c. Chief Electoral Officer;
- d. One Scrutineer per Candidate; and
- e. Interpreters.

22.2 Nothing in this *Electoral Act* restricts a Candidate from briefly visiting a Polling Station during polling hours.

ARTICLE TWENTY-THREE – SECRET BALLOT

23.1 Voting shall be by secret ballot and in the case of an Election by Mail-in Ballot, a double envelope system as defined by the Chief Electoral Officer shall be used by Electors to send their ballots to the designated location or locations for receiving ballots.

23.2 In the case of online voting, the voter shall be required to authenticate their identity. Their identity and the personal authenticity information of the voter shall remain confidential.

23.3 No person in attendance at a Polling Station or at the counting of votes shall fail to maintain or fail to aid in maintaining the secrecy of the voting.

ARTICLE TWENTY-FOUR – SECRECY OF VOTING

24.1 Each Returning Officer, Poll Clerk, Candidate and/or Scrutineer in attendance at a Polling Station or at the counting of the ballots shall assist in maintaining the secrecy of the voting process and they shall not communicate or attempt to communicate any information obtained at the Polling Station regarding which Candidate an Elector has voted for or is about to vote for.

24.2. Returning Officers and Poll Clerks shall not communicate any information obtained at the counting of the ballots to any person other than the Chief Electoral Officer or those in their office.



ARTICLE TWENTY-FIVE – OPENING OF POLLING STATION - DISPLAY OF BALLOT BOX

- 25.1. Each Returning Officer shall attend the Polling Station at least thirty (30) minutes prior to the opening of his or her Polling Station.
- 25.2. During the 30 minutes immediately prior to the opening of the Polling Station, the Returning Officer shall show the ballot box to Candidates, Scrutineers and other persons entitled to be present so that they may see that the ballot box is empty.
- 25.3. After the ballot box has been shown, it shall be locked or sealed for receipt of ballots and at all times during the hours of voting.

ARTICLE TWENTY-SIX – ADVANCE POLLS

~~26.1~~ 26.1 The Chief ~~Electoral~~Election Officer shall establish ~~at least one~~ advance poll to accommodate ~~Electors. In~~electors. Such a poll may take place at a location of a Community which has requested and received a secure ballot box, or may be a mobile polling station, or both, at the ease of an Election by Mail in Ballot and/or Online Voting, discretion of the Chief ~~Electoral~~Election Officer ~~shall establish an~~. The dates, times, and locations of advance polls will be scheduled to provide reasonable access to as many electors as possible.

~~26.1~~ 26.2 Advance Poll(s) shall be held on a day or days designated by the Chief Electoral Officer ~~by Mail In Ballot to accommodate those Electors who believe they will not be able to send in their ballot during the prescribed voting period pursuant to Sub Article 15.2.~~

~~26.2~~ Individuals who may vote at an Advance Poll are those Electors who have reason to believe that they will not be in British Columbia when voting in an Election takes place.

The Advance Poll.

~~26.3~~ Electors wanting to vote in the Advance Poll by mail must make a request for a ballot in writing to the Chief Electoral Officer, and such request shall be signed by the Elector.

- (a) No person shall be allowed to request a mail in ballot on behalf of any other Elector. The days and times of a Mobile Polling Station in Communities shall be included in the list of polling stations referenced in Section 16.4 of the MNBC Electoral Act.

26.3 Any person on the list of electors and in possession of a mail ballot who attends an advance poll may mark their ballot and deposit it at that advance poll, in the ballot box reserved for Mail Ballots.

26.4 Any person who meets the criteria set out in Article 6 of this Act and:



- Has not received a mail-in ballot, and
- Has not voted online, and
- Signs a document witnessed by the Chief Election Officer or Returning Officer, attesting that they have not voted before and will not vote again in the current election, online, by mail, or in person,

May receive a ballot from the Chief Electoral Officer or Returning Officer at an advance poll conducted in their Community or Region where they are ordinarily resident and vote in person.

26.5 Any person who has received a mail ballot and has spoiled it:

- i. May exchange the spoiled ballot for a replacement ballot, or
- ii. If not in possession of the spoiled ballot, may receive a replacement ballot after signing a document witnessed by the Chief Election Officer or Returning Officer, attesting that they have not voted before and will not vote again in the current election, online, by mail, or in person;

at an advance poll conducted in their Community or Region where they are ordinarily resident and vote in person.

The Chief Election Officer or Returning Officer shall ensure a log of replacement ballots is kept.

- a. ~~The Chief Electoral Officer will establish the close of date, time and location for which to receive the requests for mail-in ballots.~~

~~26.6 When Mail-in Ballots have been forwarded to an Elector for the purposes of Advance Poll voting, the Poll Book will be marked indicating that the Elector has voted by submitting a Mail-in Ballot and they may not vote on Election Day or during the Election Period in the case of a Mail-in Ballot or by Online Voting.~~

ARTICLE TWENTY-SEVEN – POLL BOOKS

27.1 Each Returning Officer shall be provided with a Poll Book in which the Returning Officer or the Poll Clerk shall enter the names of all Electors who attend the Polling Station and apply to vote unless those names are previously printed therein. The Returning Officer or Poll Clerk shall record whether those Electors are objected to or vouched for and by whom and if objected to whether the Elector voted or not.

ARTICLE TWENTY-EIGHT – GENERAL PROCEDURES AT POLLING STATION

28.1 Where an Elector presents themselves at the Polling Station for the purpose of voting, the voting process shall proceed as follows:

- a. Each Elector shall present their MNBC Citizenship Card for the purpose of proving their identity and Métis citizenship to the Returning Officer.
- b. The Returning Officer shall ascertain whether the name of the person applying



- to vote (the “Applicant”) is on the List of Electors and, if it is,
- c. Each eligible Elector shall be given a ballot to be marked clearly, in secret, for the Candidate of that Elector’s choice which thereafter shall be placed in a ballot box as instructed by the Returning Officer.
 - d. If the Applicant’s name is not on the List of Electors, the Returning Officer shall not permit that person to vote unless the Applicant can present a valid MNBC Citizenship Card that can be verified by the Returning Officer as being the MNBC Citizenship Card of the Applicant.
 - e. In the event that the Applicant can produce a valid MNBC Citizenship Card, the Returning Officer shall record, in the proper column of the Poll Book, the Applicant’s name, address and MNBC Citizenship number and shall provide that Applicant with a ballot paper on which the Applicant shall clearly mark, in secret, the Applicant’s choice of Candidate.
 - f. Upon being presented with a completed ballot by a person who is not on the List of Electors at the Polling Station where the Applicant has attended to vote and was permitted to vote by the Returning Officer, the Returning Officer shall:
 - i. Place the Applicant’s ballot in an envelope with the Applicant’s name, the date and time noted;
 - ii. Place that envelope into another envelope that shall be kept separate from the ballots cast by Electors (whose names were located on the List of Electors for that Polling Station) and forwarded to the Chief Electoral Officer for verification of the eligibility of the Applicant.
 - g. If verified as eligible by the Chief Electoral Officer, the Applicant’s vote shall be counted.
 - h. Any Candidate or their scrutineer may object to the eligibility of any Métis citizen requesting a ballot. If in the opinion of the Returning Officer such objection is reasonable, it shall be noted in the Poll Book and shall include the reason for the objection along with the name of the Candidate on whose behalf the objection is being made. The Returning Officer may then give the Métis Citizen a ballot paper so that the Métis Citizen may cast their ballot. In the event of an objection to the Métis Citizen, the Returning Officer shall follow the procedure under *Article 36.7* of this *Electoral Act*.
 - i. The Returning Officer shall record the names and obtain the signatures of all persons who, although deemed ineligible to vote, attended at the Polling Station and requested a ballot.”

ARTICLE TWENTY-NINE – CONDUCT AT POLLING STATION

- 29.1. No person shall interfere or attempt to interfere with an Elector who is marking their ballot or casting their vote or otherwise make any attempt to obtain, at the Polling Station, information as to the Candidate or Candidates for whom an Elector at that Polling Station is about to vote or has voted.
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- a. No individual shall, directly or indirectly, threaten to inflict injury, damage, harm or loss on or against an Elector so as to persuade or compel the Elector to vote or refrain from voting, or because the Elector voted or refrained from voting.
- 29.2. No person shall, having voted, apply at the same Election for a ballot paper in the Elector’s own name, or vote more than once at the same Election.
- 29.3. No individual shall vote knowing that they have no right to vote, or induce or persuade any other individual to vote knowing that the other individual has no right to vote.
- 29.4. No person shall apply at an Election for a ballot paper in the name of another person, whether living or dead, or a fictitious person.
- 29.5. The campaign office of a Candidate must not be within one (1) kilometer of a Polling Station.
- 29.6. There shall be no campaigning in or in the vicinity of a Polling Station on Election Day.
- 29.7. Every Returning Officer and Poll Clerk is responsible for maintaining peace and order in their Polling Station during an Election.
- 29.8. During an Election, no Candidate or other person on behalf of a Candidate shall, directly or indirectly, or as an accessory, give or cause to be given any alcohol or spirits to or for any person, for the purpose of persuading that person to vote for the Candidate or for the purpose of influencing that person or any other person to vote or refrain from voting at an Election.
- 29.9. No Candidate shall make or take a share or interest in a bet or wager based on the result of the Election.
- 29.10. Any person in breach of *Article 29* of this *Electoral Act* will be removed from the Polling Station and will not be entitled to vote.

ARTICLE THIRTY – EXPLANATION OF VOTING

- 30.1 The Returning Officer may and upon request shall, either personally or through their Poll Clerk explain to the Elector as concisely as possible the way in which voting is to be performed.

ARTICLE THIRTY-ONE – VOTING BY A DISABLED PERSON

- 31.1. Where an Elector on the List of Electors comes to a Polling Station to vote and is unable to mark a ballot due to an inability to read or has a physical or mental disability, the Returning Officer shall:
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- a. Have a friend or relative complete an Elector Assistance Form indicating the name of the Elector, their own name and the reason the person is incapable of voting alone;
 - b. Permit that person to accompany the Elector into the polling area to mark the ballot in accordance with the Elector's instructions;
 - c. Receive the completed ballot, check their initials and place the ballot in the ballot box; and
 - d. Enter the reason the Elector was permitted to vote in this manner, and the name of the person who assisted the Elector, in the Poll Book.
- 31.2. An individual other than an Election Officer must not act to assist more than one Elector in an Election to mark a ballot unless the individual in assisting more than one member of their family.

ARTICLE THIRTY-TWO – APPOINTMENT OF AN INTERPRETER

- 32.1 Where the Returning Officer has been given thirty (30) days advance notice by a Métis Community or an Elector in that Métis Community, that an Elector or Electors who are unable to speak or read the English Language may present themselves at a Polling Station, subject always to availability, an interpreter may be provided by the Returning Officer for the purpose of explaining to those Electors, questions and answers concerning voting in the following languages: Michif, French or Cree.
- 32.2. The interpreter must make a solemn declaration that they are able to make the translation and will do so to the best of their abilities.
- 32.3. Every interpreter shall make a declaration of secrecy.

ARTICLE THIRTY-THREE – REMOVAL OF BALLOT FROM POLLING STATION

- 33.1. Except in the case of a Mail-in Ballot an Elector who has received a ballot paper shall not take it out of the Polling Station.

ARTICLE THIRTY-FOUR – FORFEITURE OF VOTING RIGHTS

- 34.1. Where an Elector leaves the Polling Station without first delivering their ballot paper to the Returning Officer or returns it after declining to vote, they forfeit their right to vote and the Returning Officer shall make an entry in the Poll Book in the column for remarks to the effect that the Elector received the ballot paper, but took it out of the Polling Station or returned it declining to vote.
- 34.2. Where an Elector returns their ballot paper declining to vote, the Returning Officer shall immediately write the word "declined" upon it and preserve the ballot paper.

ARTICLE THIRTY-FIVE – SPOILED BALLOT

- 35.1. An Elector, who upon voting, has inadvertently spoiled their ballot paper may on returning it to the Returning Officer obtain another ballot paper and the Returning



Officer shall immediately write the word “spoiled” upon the returned ballot paper and preserve it as set out in this Article.

ARTICLE THIRTY-SIX – PROCEDURE ON CLOSE OF POLL

- 36.1. After the closing of the poll, the Returning Officer shall, in the presence of the Poll Clerk and any Candidate and/or Scrutineers who may be present, immediately:
- a. Count the number of spoiled and declined ballots and record the total on the outside of the envelope containing these ballots and then seal it; and comply with the procedures as set out in Article 28 herein.
- 36.2. On complying with subsection 36.1, the Returning Officer shall count the number of Electors whose name appears on the List of Electors and the number of Electors recorded in the Poll Book as having voted and those persons who having attended were deemed ineligible to vote and shall draw a line immediately under the last name in the Poll Book and affix their initials to the list.
- 36.3. On complying with *Subsection 36.2*, the Returning Officer shall open the ballot box and proceed with a count of vote and record the result.
- 36.4. The Returning Officer shall endorse with the words “not initialed” any ballot paper that does not have their initials or the initials of such person acting on their behalf on the back thereof and any such ballot shall be counted with the other ballots but immediately upon the conclusion of the count, the Returning Officer shall:
- a. Count the number of “not initialed” ballots, and
 - b. Record the total on the outside of the envelope containing these ballots and seal it.
- 36.5. In counting votes, the Returning Officer shall reject any ballot that:
- a. Was not supplied by them;
 - b. Does not indicate any vote for any Candidate;
 - c. Contains votes for more Candidates than are to be elected;
 - d. Is so marked, that it is uncertain for which Candidate the vote was cast; and
 - e. Contains any writing or mark enabling the Elector to be readily identified.
- 36.6. Notwithstanding *Subsection 36.5*, a ballot shall not be rejected:
- a. By reason of any writing, numbering or mark omitted by the Returning Officer; or
 - b. When the vote, though incorrectly made on the ballot, clearly indicates the Elector’s intention to vote for one particular Candidate.
- 36.7. In the event the Returning Officer determines that an Elector’s right to vote has been reasonably disputed pursuant to *Article 28*, the Returning Officer shall make a note in the Poll Book of every objection and the name of any Candidate on whose behalf such



objection was made. The Returning Officer shall place such ballot in a special envelope that shall, on its cover, contain the name of the Elector, their MNBC Citizenship number, the name of the Polling Station and the Returning Officer initials. Such envelopes shall be preserved by the Returning Officer and forwarded to the Chief Electoral Officer. The Returning Officer shall also forward the specific objection to such Elector, as noted in the Poll Book. The Chief Electoral Officer shall investigate the objection of such Elector and in the event the Chief Electoral Officer determines that the objection is valid, the ballot shall be placed in a separate envelope and shall not be counted. If the Chief Electoral Officer determines that the objection is without merit, the envelope shall be opened and the Chief Electoral Officer shall count the vote(s).

- 36.8 The Returning Officer at the conclusion of the count shall complete a statement of poll, indicating the number of votes for each Candidate, which shall be signed by the Returning Officer and Poll Clerk. The Returning Officer shall then immediately inform the Chief Electoral Officer, by phone or by fax, as to the number of votes for each Candidate, the number of spoiled ballots and any disputed Electors.
- 36.9 A copy of the statement of poll shall be attached to the Poll Book and one page shall be retained by the Returning Officer to be sent to the Chief Electoral Officer.
- 36.10 Upon completion of the statement of poll, the Returning Officer shall in presence of the persons authorized to be present, place into separate packets the:
- a. Statement of poll;
 - b. The ballots objected to but counted;
 - c. The ballots objected to but not counted;
 - d. The rejected ballots not objected to;
 - e. The rejected ballots objected to;
 - f. The spoiled and declined ballots;
 - g. The discarded ballots;
 - h. The unused ballots;
 - i. The envelopes containing the ballots of those persons who voted in accordance with *Article 28* herein;
 - j. The Poll Book with the declaration of the Returning Officer therein;
 - k. The List of Electors used at the poll;
 - l. The declaration of Electors;
 - m. The statement of the number of Electors as marked by the Returning Officer as “Voter assistance”;
 - n. The notes taken of objections to ballot papers found in the ballot box; and
 - o. All other documents that were completed prepared or used at the Election.
- 36.11 The Returning Officer shall seal each of the envelopes mentioned in *Section 36.10* with their own seal and initial the outside of the envelopes.
- 36.12 The Returning Officer shall mark on the outside of each of the envelopes a short statement of the contents of the envelopes, the date and name of the Election and their name.



- 36.13 The Returning Officer shall then return all envelopes and relevant documents to the Chief Electoral Officer as directed.

ARTICLE THIRTY-SEVEN – ANNOUNCEMENT OF VOTE

- 37.1 The Chief Electoral Officer shall publicly announce the results of the Election and declare elected the Candidates who received the largest number of votes.
- 37.2 When the original reports and ballots have been received from the Returning Officers, the Chief Electoral Officer shall check the reports, but not the ballots, and verify or confirm the results.

ARTICLE THIRTY-EIGHT – RECOUNT

- 38.1 Subject to *Article 37.2* herein, the Chief Electoral Officer shall recount the ballots where applicable if the Chief Electoral Officer decides that there is a need for a recount or if they receive a written request to recount from a Candidate within seven (7) days from the date of the Election;
- 38.2 A Candidate shall be entitled to require a recount if:
- a. The Candidate has been nominated to contest the position of President, Vice-President, Chairperson of the Métis Women of British Columbia, or the Chairperson of the Métis Youth of British Columbia;
 - b. The Candidate has been nominated to contest the position of Regional Director, Regional Representative for the Métis Women of British Columbia (MWBC) or Regional Youth Representative for the Métis Youth of British Columbia;
 - c. There are no more than fifteen (15) votes difference between the Candidate who has the most votes for that position and the Candidate requesting a recount; and
 - d. Two (2) or more Candidates for the same position have an equal number of votes, the Chief Electoral Officer shall declare a tie and conduct a recount.

ARTICLE THIRTY-NINE – RECOUNT PROCEDURE AND TIE BREAKING VOTE

- 39.1 The Chief Electoral Officer shall give written notice to each Candidate of the place, date and hour of the recount
- 39.2 The recount shall, if possible, be held within the next seven (7) days from receipt of a Candidate's written request for a recount.
- 39.3 No person may be allowed in the room where the recount is being conducted except the following:
- a. The Chief Electoral Officer;
 - b. The Returning Officer (at the CEO recommendation);
 - c. The Candidates or an Elector appointed in writing to be present on behalf of each of the Candidates.



- 39.4 In recounting the ballots, the Chief Electoral Officer shall follow the same counting rules that a Returning Officer is required to follow under this *Electoral Act*.
- 39.5 The Chief Electoral Officer will be required to set another Election Day in the event of a tie between two or more Candidates receiving the most votes for the same position. The Election in that event would be conducted solely for the purpose of filling the subject position and only the tied Candidates would be eligible to run. Such Election shall be held no earlier than three (3) months and no later than six (6) months from the date of the original Election and shall follow the process and rules set out in this *Electoral Act*.

ARTICLE FORTY – ANNOUNCEMENT OF RECOUNT RESULTS

- 40.1 Upon the completion of any and all recounts, the Chief Electoral Officer shall certify the final results of the Election publicly announce the results of the recount and declare the names of the successful Candidate who received the largest number of votes.

ARTICLE FORTY-ONE – DESTROYING BALLOTS

- 41.1 The Chief Electoral Officer shall destroy all ballots ninety (90) days from the date of the Election unless:
- a. Directed by an order of a Court; or
 - b. Directed by an order of the Senate; or
 - c. A request for a recount is received in which case the ballots shall be destroyed after ninety (90) days from the date of the recount unless otherwise ordered.

ARTICLE FORTY-TWO – ELECTION APPEAL

- 42.1 Decisions of the Chief Electoral Officer during an Election may be appealed to the Métis Nation British Columbia Senate.
- a. The Chief Electoral Officer will have the authority to refuse Candidates and voters who do not meet the required eligibility pre-requisites and deadlines set out in the *MNBC Electoral Act*.
 - b. All Candidates or electors refused will have the option to file a written Election appeal before the Métis Nation British Columbia Senate.
- 42.2 A Candidate or elector will have fourteen (14) days from the date of the Election or fourteen Days from the date of the recount to file a written Election appeal before the MNBC Senate.
- a. The written appeal sent to the MNBC Senate should outline the rationale of the Election appeal, along with any documents or other materials that should assist the appeal.



- b. As part of filing an Election appeal, the Candidate or elector shall deposit with the MNBC Finance Department the sum of \$150.00 in cash or money order. This deposit is non-refundable and serves as security for administrative costs in connection with carrying out the appeal process.
- 42.3 The Chief Electoral Officer will provide information at the request of the MNBC Senate during the Election appeals process so as to deliver a fair and balanced decision.
- a. The Chief Electoral Officer will be responsible in providing reasons for refusal as supported by the Articles in the *Electoral Act*.
 - b. The MNBC Senate reserves the right to set a date when the Candidate or elector who filed the Election appeal may present their arguments in person. The onus to prove the appeal to the satisfaction of the MNBC is upon the individual who filed the Election appeal.

ARTICLE FORTY-THREE – GENERAL

- 43.1 The appeal will not be successful if it is shown that the Election was conducted in accordance with this *Election Act* and that the irregularity, failure, non-compliance or mistake did not materially affect the result of the Election, and no Election is void by reason of:
- a. Failure to publish, late distribution or non-receipt of the Métis communities;
 - b. A failure to hold a poll at any place appointed for holding a poll;
 - c. A non-compliance with the provisions of this *Electoral Act* relating to the counting of the votes or with regard to limitations of time; or
 - d. Any mistake in the use of the prescribed forms.

ARTICLE FORTY-FOUR – INTERPRETATION

- 44.1. Unless the context otherwise requires, words imparting the singular number shall include the plural number, as the case may be, and vice-versa.