



Cultural Heritage Policy

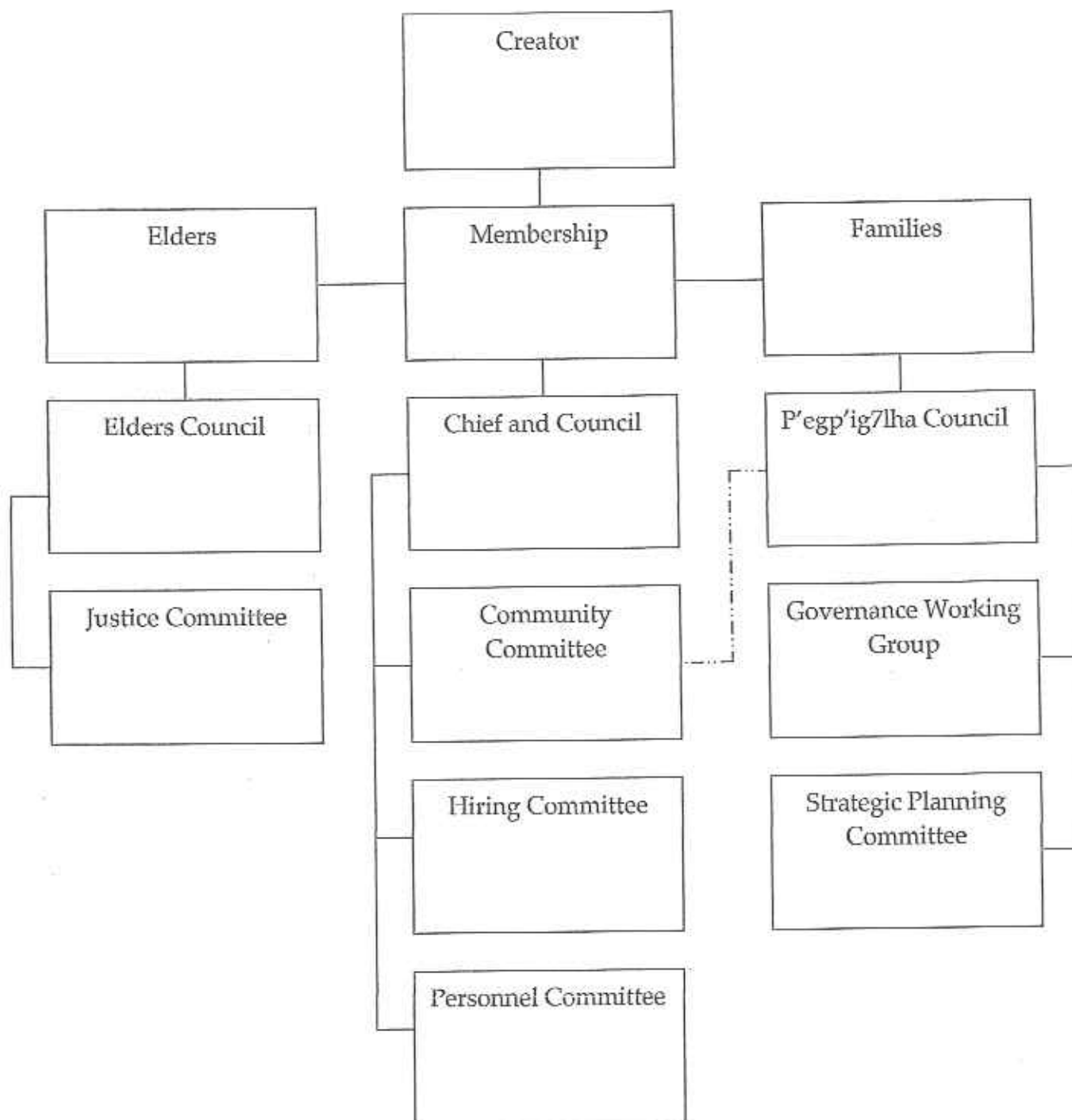
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P'egp'ig7lha Community Committee

Draft Terms of Reference

- The P'egp'ig7lha Community Committee is responsible for providing advice and recommendations to Chief and Council in all programs and services of Administration that Council requires.
- It will be comprised of people appointed from and by each of the T'it'q'et traditional families.
- Council will appoint 1 committee member as council liaison.
- The committee shall meet once a month or as required.
- Meetings will be open to community, except where the committee requires discussions to be in camera.
- Quorum – the quorum for the P'egp'ig7lha Community Committee shall be 5.
- Chair – the committee shall select a chairperson from among their membership.
- Terms – appointments to the committee shall be for a 2 year term and the term limit shall be 3 terms.
- Eligibility – all members of the committee must belong to one of the T'it'q'et traditional families. It's preferable that committee members, not be the current family representative on P'egp'ig7lha Council.
- If fewer than 2 of the committee are younger than 30, then additional committee seat(s) will be created to ensure 2 youth sit on the committee at all times. Council will appoint additional youth seats if required and the same conditions will apply as other committee seats.
- Absence from 3 consecutive meetings without reasonable explanation is grounds for removal from the committee. Removal will be by vote of a quorum of the committee.
- Minutes of all committee meetings and recommendations must be recorded and maintained.
- Honorarium
 - Is received by main Representative or Alternate not both
 - Minimum 2 hour meeting is required to receive honorarium
 - Honorarium is \$50.00.
- The duties and responsibilities of the P'egp'ig7lha Community Committee will include but will not be limited to the following:
 - Developing, reviewing and interpreting bylaws, codes, policies and procedures of T'it'q'et Administration as directed by Council.
 - Participating in planning and setting goals and objectives for T'it'q'et Administration.
 - Advocating on behalf of the T'it'q'et community interest.
 - Communicating effectively with community, Councils and staff.
 - Develop subcommittees for specific tasks
 - Hiring Committee



Policies Regarding Families, Community Members, and the P'egp'ig7hla Governance Structure

March, 2009

Introduction

Over the months from September, 2008 to March, 2009, individuals and families within the T'it'q'et community have held numerous meetings to review the P'egp'ig7hla governance structure, the engagement of families and community members in this governance structure, and the relationships between the traditional families and the P'egp'ig7hla (Traditional) Council which is part of the governance structure.

There is agreement that a more comprehensive policy framework needs to be developed to guide the development and workings of the P'egp'ig7hla governance structure.

This report, arising out of the discussions over the Fall and at a joint workshop of the P'egp'ig7hla (Traditional) Council and the P'egp'ig7hla Elders' Council in March, 2009, proposes policies for community ratification regarding:

- *Joining and Leaving Families*
- *Selection of Family Representatives to the P'egp'ig7hla (Traditional) Council*
- *Roles and Responsibilities of Family Representatives on the P'egp'ig7hla (Traditional) Council*
- *Defining Community Members and their Participation at Regular T'it'q'et Band Meetings*

Policy Area: Joining And Leaving Families

Purpose: To outline how individuals join and leave families within the T'it'q'et community

Background:

Families are important within the T'it'q'et community. The T'it'q'et community is committed to understanding and accepting family differences, and to supporting strengthening each family.

- Families are places where children are born, grow, learn, and develop in healthy ways
- Families are places where young people become confident and grow into adulthood
- Families are places where people find a sense of belonging
- Families are places where people gain support to face life's challenges and crises
- Families are places where people share knowledge, skills, and resources
- Families are places where the traditions of the T'it'q'et people are learned and practiced
- Families are building blocks within the governance structure of the T'it'q'et community
- Families are formally represented on the P'egp'ig7hla (Traditional) Council
- Each individual has a responsibility to act to strengthen their and other families
- Each family is responsible for its own ways of interacting, connecting, and meeting together
- Each family is responsible for its own ways for addressing internal issues and conflicts

Diversity:

In the T'it'q'et community, families are diverse, and include people who:

- Are of Aboriginal descent or not
- Are band members of the T'it'q'et community, band members of other communities, or not band members at all
- Are of St'át'imc descent or not
- Live within the T'it'q'et community, and people who live elsewhere

Joining Families:

In the T'it'q'et community:

- Children enter a family by birth and adoption
- Adults enter a family through marriage, where the choice of which family to belong to lies with the individual married couple
- Families may decide to include adults who enter the family through common law relationships
- Children may enter a family through marriage, where the adults entering a family have previous children
- Adults can enter a family by a formal adoption process that involves the mutual consent of the individual and the family

Leaving Families:

In the T'it'q'et community:

- Belonging to a family is the choice and responsibility of each adult
- Each adult is expected to take seriously the decisions about entering or leaving a family
- Families are expected to address issues and conflicts, and to be inclusive of all family members, so that people feel they belong and want to remain within their current family
- Adults who want to leave their family and join another family have the right to do so as long as this choice is made wisely and for sound reasons
- An adult can only join another family with the full consent of that family
- A family as a whole (eg. a smaller family) can choose to join another family with the full consent of each family
- The community's clear preference is that families should stay together
- If families are unable to remain together, then the community's preference is that, in leaving one family and joining another, adults or a family should join an existing (i.e. constitutionally defined) and active family
- Adults can join an existing (i.e. constitutionally defined) but not active family only with the formal approval of a joint meeting of the four Councils and of the T'it'q'et community at a formal community meeting

Procedures:

- The P'egp'íg7hla (Traditional) Council has the responsibility for carrying out research into the traditional families identified in the Constitution and into determining which families remain active

- The P'egp'ig7hla (Traditional) Council has responsibility for documenting the movement of people from one family to another and for maintaining a registry of families and their members
- When an adult (or adults) chooses to join an existing but not active family, they must present documented reasons for their choice as background for this issue being considered at a joint meeting of the four Councils and of the T'it'q'et community at a formal community meeting

Policy Area: Selection Of Family Representatives To The P'egp'ig7hla (Traditional) Council

Purpose: To outline the principles for how families should choose their representatives to the P'egp'ig7hla (Traditional) Council.

Background:

- All families need to be well represented on the P'egp'ig7hla (Traditional) Council, and thus in the governance structure of the T'it'q'et community.
- The T'it'q'et community needs families to select representatives and alternates to the P'egp'ig7hla (Traditional) Council who can contribute consistently and effectively to the work of the Council and to the governance and future of the T'it'q'et community.

Selection Principles:

- Each family should develop their own selection process that fits with who they are as a family
- All family members should agree to this selection process
- Families should choose representatives and alternates who can fulfill the community's expectations, are trusted by the family, and can act as equals with other members of the P'egp'ig7hla (Traditional) Council
- Families should choose representatives and alternates who are family members¹
- Family representatives and alternates can be staff of the Band office
- Family representatives and alternates can live away from the T'it'q'et community, as long as they can participate consistently in the meetings and work of the P'egp'ig7hla (Traditional) Council
- Family representatives and alternates can serve on other community governing councils as long as they have the time to contribute fully to the work of the P'egp'ig7hla (Traditional) Council, and are able to keep their separate roles and responsibilities clear
- Family representatives and alternates must be T'it'q'et band members or in process of transferring to the T'it'q'et band

Procedure:

- The P'egp'ig7hla (Traditional) Council will adopt a procedure for replacing lost wages when a Council member has to miss work time because they are on Council business

¹ The possibility of families, particularly smaller families, choosing a family representative to the P'egp'ig7hla (Traditional) Council who is not from their family, has been considered. This possibility has been deferred until further research is carried out by the P'egp'ig7hla (Traditional) Council into the traditional families listed in the Constitution, identifying how these families may be connected to each other, and which of these families remains active.

- The P'egp'ig7hla (Traditional) Council will cover reasonable travel costs for family representatives attending Council meetings when that representative lives away from the T'it'q'et community

Policy Area: Roles And Responsibilities Of Family Representatives On The P'egp'ig7hla (Traditional) Council

Purpose: To outline the roles and responsibilities of family representatives on the P'egp'ig7hla (Traditional) Council

Roles And Responsibilities:

The T'it'q'et community expects family representatives and alternates to the P'egp'ig7hla (Traditional) Council to:

- Be committed to and passionate about the T'it'q'et community and the work of the P'egp'ig7hla (Traditional) Council
- Act on behalf of the whole T'it'q'et community, going beyond narrower individual and family interests
- Be prepared to focus on the larger issues facing the T'it'q'et community
- Be oriented to the future of the T'it'q'et community, while honouring and being rooted in the cultural traditions of the community
- Be ready to raise issues that need to be addressed, but equally be prepared to be a creative and constructive problem solver
- Be open to considering diverse topics, and taking into account diverse perspectives
- Be ready to voice one's own views, while also ready to listen to and respect the views of others
- Be prepared to deal directly with other individuals on the P'egp'ig7hla (Traditional) Council if there are disagreements and conflicts, and not take these disagreements and conflicts out into the broader community
- Be courageous in addressing unpopular and contentious issues, and in seeking innovative ideas and solutions
- Act with civility and respect, listening and seeking to understand others
- Act responsibly as a member of the T'it'q'et community, and, by carrying out these roles and responsibilities, be a role model for others
- Support families in becoming stronger, and in addressing differences and conflicts
- Listen openly to the concerns and opinions of their family and of the community as a whole, bring these forward to the P'egp'ig7hla (Traditional) Council, and direct people to other governance councils and structures where these issues can be addressed
- Keep other family members and community members well informed of the work and decisions of the P'egp'ig7hla (Traditional) Council, and of the issues facing the T'it'q'et community
- Organize different ways (eg. family meetings and outside speakers) for families to be well informed
- Include all family members in communicating the work and decisions of the P'egp'ig7hla (Traditional) Council
- Consistently attend, participate in, and contribute to the P'egp'ig7hla (Traditional) Council meetings, discussions, and decisions

- Become well informed about the issues, work, and ways of working of the T'it'q'et community
- Continue to learn and develop new skills
- Understand and accept one's own strengths and limitations, and be willing to change and grow
- Respect the confidentiality of the discussions within the P'egp'ig7hla (Traditional) Council
- Be prepared to be open about potential conflicts of interest
- Understand and respect the policies and procedures of the P'egp'ig7hla (Traditional) Council

Accountability And Responsibility:

- Each individual family representative and alternate must take responsibility for their own actions, and their contributions to the work of the P'egp'ig7hla (Traditional) Council and to the T'it'q'et community
- Families have a responsibility to select family representatives and alternates who have the desire, time, and skills to carry out the community's expectations, to support them in doing so, and to hold them responsible for meeting the community's expectations
- An individual family member with concerns about their family representative or alternate should first approach their representative or alternate, either putting their concerns in writing or talking in person, and only secondly raise their issues within their own larger family
- The P'egp'ig7hla (Traditional) Council has a responsibility to inform a family when their representative or alternate is not meeting the community's expectations regarding their responsibilities
- The P'egp'ig7hla (Traditional) Council has a responsibility to ensure that families select representatives and alternates within the agreed upon community guidelines.

Policy Area: Defining Community Members and their Participation at T'it'q'et Band Meetings

Purpose: To define what is meant by T'it'q'et community members separate from T'it'q'et band members, and to outline the opportunities and responsibilities for community members if they want to be engaged in community decision-making

Background:

The T'it'q'et community includes people who:

- Are Band members
- Are family members
- Live on and off the five reserves

Community Members:

- Community members include people who are a current spouse or partner of a Band member or a dependent child of a Band member, or have a parent who is a Band member
- Community members also include people who are sponsored as community members by one of the traditional families
- Community members may live on and off the reserves

Procedure:

- Families must maintain a list of the people they sponsor as community members
- Families will be held responsible for the activities of the people they sponsor as community members
- Families will inform the community at community meetings and through the newsletter about the people they sponsor as community members

Engagement:

- Community members have a right to attend and speak at regular Band (community) meetings
- Community members do not have voting privileges at regular Band (community) meetings nor in the Band's election processes
- Community members must act respectfully at regular Band (community) meetings
- Community members must keep information gained at regular Band (community) meetings confidential
- Community members are expected to act civilly and responsibly in the same way that Band members are expected to act civilly and responsibly
- Community members are encouraged to participate in community affairs

SXEKS TA NT'AKMENSA I P'EGP'IG7LH.HA

(TRADITIOANAL LAWS OF THE P'EGP'IG7LIHA)



CONSTITUTION

Our Dream

This is the dream of the P'egp'íg'lha clan. Our words come from our hearts. We will look after ourselves and each other. We will make our own laws. We will show our children the right way to live. We will follow our own way of life as did our ancestors and as will our future generations.

Skw7ikwłacwkálha

Nilh ts7a skw7ikwłacws i P'egp'íg'lh7a úcwłamicw.
Ts7as lhélta scwákwekw kalha i sqwal'útkalha.
S7ats'xstsútkalhkelh muta7 s7ats'xstwál', Cuz'
hal'acítem ku tí7texw nt'ákmen i stsmal'tkálha.
Xekantsútkalhkelh. Cuz' nkalstúm' ta tsúwa7lhkalha
nt'ákmen ts'íla nelh skelkla7lhkálha múta7 kelh i
ts7ása úcwłamicw.

PREAMBLE

Vision Statement of the P'egp'íg7lha Clan

We are the P'egp'íg7lha of the St'át'imc Nation. We live at T'ít'q'et, Qwíxwccn, Skwel'sút, Q'áq'peqw, Sk'emqín and Áku7 Cá7a. The Creator has placed us here in this territory and that connection to our land can never be broken.

The traditional ways, values and laws of our ancestors are held in the St'át'imc language and are written on the land. Our Elders have passed them down in the stories to the children and grandchildren since the beginning.

We are committed to working together to build our community in a good way that is based on the teachings of our ancestors.

We will:

- 1) Show respect for the Creator and all of creation including ourselves
- 2) Live in harmony with all things
- 3) Learn and speak our St'át'imc language
- 4) Maintain, practice and teach our traditional ways to our children
- 5) Govern according to our traditional values and principles
- 6) Strive for and maintain self sufficiency and independence for our community
- 7) Ratify our traditional values and principles in a written constitution

These ideals will guide us on our journey.

We, the P'egp'ig7lha of the St'át'imc Nation, have, together with other St'át'imc, used and occupied our homeland since time immemorial. The Creator placed us on our lands as a blessing and a responsibility, in order that we take care of this place and thrive as a people. We have never left this place or ceded the land to others. Having received this land from our ancestors, we are charged with the inherent responsibility and right to use and care for the land on behalf of the next seven generations. We have a sacred relationship with the land based on stewardship rather than ownership. We will pass on our lands to our future generations for the land is not ever owned by one generation but is to be cared for and passed on to future generations.

We will, to the best of our ability, adhere to and obey the seven sacred laws provided to us by the Creator:

1. Health
2. Happiness
3. Generations
4. Generosity
5. Pity/Compassion
6. Power
7. Quietness

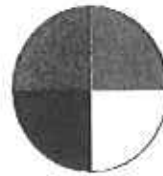
These sacred laws are the fundamental basis for all other laws, policies, and actions. They are our guide to maintaining balance on our land, and in our nation and community, allowing us to live in harmony with all other nations and creation as relatives.

We respect the Declaration of the Lillooet Tribe signed May 10, 1911 as our oldest written law on Mother Earth. It guides us in our work to have St'át'imc Title and Rights fully recognized; as we assert ourselves as a St'át'imc Sovereign Nation.

We will not rest until St'át'imc Title and Rights, granted to us by the Creator for all generations, are recognized and respected. For this is where healing begins. In this way true reconciliation of past wrongs will occur, allowing a future where all can thrive.

Therefore we hereby enact the Sxeks Ta Nt'ákmensa I P'egp'íg7lh.ha
(the Traditional Laws of the P'egp'íg7lha)

Tákem nsnek'wnúk'wa7



ARTICLE I: LAND

We, the P'egp'íg7lha of the St'át'imc Nation, have occupied and used our lands since time immemorial. We are one with the land. The land provides our shelter, clothing, food, medicine, language and way of life. To destroy the land would mean we would destroy our selves. We are neither authorized nor permitted to do so. We therefore choose to live in harmony with the land, as we do with all creation. We will take care of our lands for all future generations, and we expect the same of all other people in the world.

Our sacred relationship with the land gives us the inherent right to live and thrive as a distinct people. We have named the places we occupy within the St'át'imc Nation.

We will continue to defend our land and ourselves from those wishing to take or use it without our consent. We are willing to share our land with others who live by and respect our way of life and Constitution.

Whenever we refer to our land, we are referring to our homeland, a place that includes the earth, water, fire, minerals, air, and all living things.

ARTICLE II: PEOPLE

We, the P'egp'íg7lha of the St'át'imc Nation, are historically comprised of fourteen families who are descendants of the following:

- | | |
|-----------------|---------------------------|
| 1. Ts'elpíken | Henry Andrew |
| 2. Nqtsapúlus | David Billy |
| 3. Sipá7a | Francis Bob's grandmother |
| 4. Méses | Susan Bones |
| 5. John Brigman | |
| 6. Lemxátsa7 | Mathias Charlie |
| 7. Pápcen | Michael Doctor |
| 8. Híkscn | Paul Hixon |
| 9. Tsupípnec | Susan Napoleon |
| 10. Ann Ottis | |
| 11. Ngításq'et | James Retasket |
| 12. Múti | Timothy Sampson |
| 13. Amíli | Amelia Saul |
| 14. T'xwín'ek | Nancy Scotchman |

We recognize that these families have responsibilities and rights under this constitution. Families are represented on the P'egp'íg7lha Traditional Council to have a voice in P'egp'íg7lha government.

All members per the P'egp'íg7lha Registry as of September 29, 2002 and their descendants will have all the responsibilities and rights under this constitution.

ARTICLE III: LANGUAGE, TRADITIONS AND WAY OF LIFE

We, the P'egp'ig7lha of the St'át'imc Nation, share a common language, traditions and way of life with the other St'át'imc, particularly with the northern communities of our Nation. We are related by language, culture, marriage, geography, economy and politics, to our Úcwalmicw neighbours, the Scwápmec (Shuswap) and the Nlhakápmec (Thompson).

Our respected Elders are the keepers of our language and culture and the teachers of our Nation. From the beginning our language, knowledge, customs, values, beliefs, way of life and spiritual practices (nt'ákmen) have been passed down through the generations in our teachings, songs, stories and legends. They come from the Creator, the land, and the way of life of our ancestors.

All things are our friends and relatives (snek'wnúk'wa7). We practice our values and beliefs by living in harmony with all things that share our territory with us as we make our living and thrive from the gifts provided by our Creator - Nk'úl'ten lhkálha. We understand the inter-connectedness of all things and the need to live in harmony with all of creation; no being or thing is superior to or more important than any other. Everything has a purpose, and together make a whole.

We believe that our sacred Mother Earth provides life's necessities. We respect and show our gratitude to our Mother Earth and our mothers and grandmothers who give us life.

We give thanks for all the gifts and for all those that give their lives so that the people may live. We give thanks and pray for help and guidance in our Sweat Lodges (q'élza7), as we walk in our mountains, and as we live, work, eat and sleep in our homes.

We are the caretakers of the future. We plan for the survival of future generations by taking care of our children, our Mother Earth, our environment, and our natural resources. This is an important law of our people.

We are self-reliant, sustaining, generous, respectful, hard-working, and helpful people. We believe that we must help each other (nuk'wantwál'lhkálh) in our work to thrive, and at the same time we must not be lazy.

As a symbol of our gratitude, we honour those who have helped us by giving a feast and sharing gifts.

We live by the following seven sacred laws of life:

1. **Health:** maintain balance in life through spiritual, emotional, mental, and physical health.
2. **Happiness:** for ourselves and all our relatives;
3. **Generations:** Responsibility and respect for the Seven Generations back and the Seven Generations to come.
4. **Generosity:** To be stewards of the land that the Creator has provided to us; and therefore not give away everything, but to be generous with knowledge and practice the principle of reciprocity.
5. **Pity/Compassion:** Not simply to pity others, or ourselves, but to have compassion for others and ourselves.
6. **Power:** The appropriate use of power is to extend honour and respect and to be responsible and accountable.
7. **Quietness:** Listen for real messages from others, the Creator and Spirit Guides.

ARTICLE IV: RESPONSIBILITIES AND RIGHTS

We, the P'egp'ig7lha of the St'át'imc Nation, have responsibilities and inherent rights that:

- have been handed down to us by our forefathers, and have never been surrendered to any foreign government or nation.
- come from the land we have used and occupied since time immemorial.
- are not frozen in time but evolve, as defined by the P'egp'ig7lha and the St'át'imc Nation.
- cannot be restricted or extinguished by any other government or nation.

We recognize St'át'imc Nation collective rights, the rights of each St'át'imc community, and individual rights. Collective and community rights will always have priority over individual rights.

ARTICLE V: OUR WAY OF GOVERNING OURSELVES

We, the P'egp'ig7lha of the St'át'imc Nation, hereby adopt a Constitutional form of government more closely related to our traditional ways.

The Creator has entrusted the St'át'imc with the responsibility to maintain, protect and govern St'át'imc traditional lands, resources, language, culture and traditions for present and future generations.

We are responsible for our lands, resources, citizenship, health, education, individual and community well being. This includes the enactment and enforcement of laws and policies.

We recognize five spheres of government.

1. P'egp'ig7lha
2. Elders Council
3. Traditional Families
4. P'egp'ig7lha Traditional Council
5. T'it'q'et Council

The powers of the five spheres of government will be recognized and enacted into law by the P'egp'ig7lha.

ARTICLE VI: ST'ÁT'IMC RELATIONS

We, the P'egp'íg7lha of the St'át'imc Nation, recognize that together the St'át'imc Communities are a NATION, sharing a common spirituality, language, culture, lands, and traditions.

We acknowledge and will participate in the St'át'imc Chief's Council and the St'át'imc Elders' Council and other St'át'imc governance systems that may develop for the mutual benefit of and with the agreement of the P'egp'íg7lha.

The Declaration of the Lillooet Tribe of May 10, 1911 speaks for our tribe as a whole. We stand together with our relatives to use, defend and protect our St'át'imc Title and Rights. This includes our commitment to the development of a St'át'imc Nation Constitution and a St'át'imc governance structure.

We recognize that we may speak and act only for P'egp'íg7lha and not for St'át'imc as a Nation.

ARTICLE VII: OUR OTHER RELATIONS

We, the P'egp'íg7lha of the St'át'imc Nation, recognize that the Creator has placed many Nations on Mother Earth and while we recognize these Other Nations as our Relations, our very existence depends on defending our St'át'imc Way of Life from destructive influences.

No other People or Nation or Government may make decisions or take actions with respect to P'egp'íg7lha or our lands without our consent.

We maintain the right to establish agreements and relationships with other governments or organizations.

We maintain the right to establish special relationships with other Indigenous Peoples and Nations.

ARTICLE VIII: ECONOMY

We, the P'egp'íg7lha of the St'át'imc Nation, have the inherent right to use, manage and benefit from our traditional territory, all its resources and to ensure our economic activities will benefit and (protect?) the future generations.

We maintain the right to establish trade relations with other regional, national and international organizations, governments or other economic institutions.

ARTICLE IX: JUSTICE

We, the P'egp'íg7lha of the St'át'imc Nation, have the right to security and our own justice system.

We are committed to a process of healing, peacekeeping and the restoration of harmony and balance within our communities through ceremony and spiritual practices.

No other government has the right to impose their laws and government upon us.

P'egp'íg7lha law supersedes all other laws with respect to governing our people within our traditional territory.

ARTICLE X: SPIRITUAL PRACTICES

We, the P'egp'íg7lha of the St'át'imc Nation, have the right to practice our spirituality in our own way. Our way is holistic in nature. We are willing to work with other spiritual and religious entities that are committed to peace and the unity of humanity.???

ARTICLE XI RATIFICATION AND AMENDING FORMULA

1. The P'egp'ig7lha Constitution will become law by means of the following process: it will be tabled at four separate general assemblies of the P'egp'ig7lha (September 2002, Winter 2003, Spring 2004 and Fall 2004); the constitution will be adopted by the P'egp'ig7lha at the fourth general assembly with a minimum of 80% of the members present at the meeting agreeing to the adoption of constitution; a signing ceremony will be held in the Spring of 2005 at which time the P'egp'ig7lha will celebrate the formalization of the P'egp'ig7lha Traditional Governing system.
2. The P'egp'ig7lha may amend the constitution from time to time at a special general assembly called for that purpose with a minimum of 80% of the members present at the meeting agreeing to the proposed amendments of constitution.

SXEKS TA NT'ÁKMENSA I P'EGPÍG7LH.HA

We, the P'egp'íg7lha of the St'át'imc Nation, hereby sign this constitution into law. These signature pages are organized in alphabetical order by the English last name of the ancestral head of the family.

- A. The descendents of and those adopted by the family of Ts'elpíken
(Henry Andrew)
- B. The descendents of and those adopted by the family of Nqtsapúlus
(David Billy)
- C. The descendents of and those adopted by the family of Sipá7a (Sipá7a is
the grandmother of Francis Bob)
- D. The descendents of and those adopted by the family of Méses (Susan
Bones)
- E. The descendents of and those adopted by the family of John Brigman
- F. The descendents of and those adopted by the family of Lemxátsa7
(Mathias Charlic)
- G. The descendents of and those adopted by the family of
Pápcen (Michael Doctor)
- H. The descendents of and those adopted by the family of Híksen (Paul
Hixon)
- I. The descendents of and those adopted by the family of Tsupípnek
(Susan Napoleon)
- J. The descendents of and those adopted by the family of Ann Ottis
- K. The descendents of and those adopted by the family of Ngításq'et
(James Retasket)
- L. The descendents of and those adopted by the family of Múti (Timothy
Sampson)
- M. The descendents of and those adopted by the family of Amíli (Amelia
Saul)
- N. The descendents of and those adopted by the family of T'xwín'ek
(Nancy Scotchman)

ADDENDA

POWERS OF GOVERNMENT

The P'eg'ig7lha elect the T'it'q'et Administrative Council, elect committee representatives and elect board and authority members. The P'eg'ig7lha will meet to discuss and make decisions on matters of importance to the community and nation as a whole no less than two times each year.

Traditional Families each appoint their Traditional Council representative and will meet together as a family no less than four times each year to discuss matters important to the health and well being of the family, community and nation as a whole. The families will advise their representatives on the issues of importance to them to ensure that their voice is heard at the Traditional Council table.

The Elders' Council provides guidance to the P'eg'ig7lha and advises the political leadership on major decisions relating or effecting the health and well being of the people and the community as a whole. The Elders' are the keepers of the St'át'imc language, culture, history and traditional ways and have the responsibility of passing on their cultural knowledge to present and future generations. The Elders' Council is responsible for ensuring justice and fairness in all community dealings, this includes facilitating, mediating and arbitrating disputes that arise amongst individuals and families. The Elders Council will hold Veto powers over any decision of the other Councils. The Elders' Council will select its spokesperson every four years. The Elders' Council spokesperson will hold the title of Grand Chief. The Elders' Council will meet with the Traditional Council no less than four times each year, once per season.

The P'eg'ig7lha Traditional Council works for the common welfare of the community as a whole, with each representative ensuring that its family's voice is heard at the decision-making table. The Traditional Council makes spiritual, political, economic and social decisions and negotiates with external governments related to St'át'imc matters, intergovernmental matters, international matters, justice matters, child welfare matters, policing matters, traditional territories and natural

resources. The Traditional Council selects its Chief Spokesperson every four years. The Traditional Council spokesperson will hold the title of Traditional Chief.

The T'it'q'et Council is the administrative arm of the P'eg'ig7lha government. The Council is responsible for overseeing the programs and services provided to the P'eg'ig7lha by the Federal Crown or other governments. The Council negotiates with various external governments to ensure the adequacy of programs and services. The Council will manage the programs and services in a fiscally responsible way and be accountable to the P'eg'ig7lha for all funding provided to the community. The Chief and Council is elected by the P'eg'ig7lha every two years. The Chief will hold the title of Community Chief.

BUREAUCRACY

Administration and Programs. Under the direction of the T'it'q'et Council, administrative and program staff will provide programs and services to people who reside within T'it'q'et communities in a fair, consistent and efficient manner in accordance with community policies, values, and available resources.

Committees. The Chief and Council may establish advisory committees to assist in the delivery of programs and services to members. The advisory committee members are elected at an annual general meeting. The advisory committees will develop program policies and procedures for approval by the P'eg'ig7lha.

GLOSSARY

- **P'egp'íg7lha** – 1) One of the eleven clans in the St'át'imc Nation. 2) The people of the P'egp'íg7lha Clan. 3) Also known as T'ít'q'etmcc (cmc). 4) Formerly known as the Lillooet Indian Band.
- **St'át'imc** – 1) The St'át'imc people or nation. 2) Formerly known as the Lillooet Tribe.
- **T'ít'q'et** – used at present as the name for the P'egp'íg7lha Clan; formerly known as the Lillooet Indian Band; in fact T'ít'q'et is the name of the place where reserve number 1 is located. Other reserves where people of the P'egp'íg7lha Clan reside include Qwíxwcn (IR No. 4), Skwel'sút (IR No. 3), Txwín'ek (IR No. 2) also known as Q'áq'peqw, Sk'emqín (IR No. 5), and Áku7 Cá7a (also known as Scotchman Flat).
- **Tákem nsnek'wnúk'wa7** – all my relations.
- **Sxeks Ta Nt'ákmensa I P'egp'íg7lh.ha** - the Traditional Laws of the P'egp'íg7lha.
- **Úcwalmicw** – people of the land.
- **Sphere** is a field of action or influence.

T'IT'Q'ET
ELECTION CODE



Part I — Interpretations and Definitions

1. Interpretation of Specific Words or Phrases

“Administration” means the Office that is established by Council to oversee the management and operations of programs and other services to T’it’q’et members, including but not limited to: education, social development, housing, and operations and maintenance. For added clarity, the term “Administration” in this Code does not refer to other T’it’q’et entities, such as registered companies or societies that are wholly or partially owned by T’it’q’et.

“Administrative Services Manager” means the person who holds the Administrative management position for T’it’q’et Administration; this includes the Senior Manager in the absence of an Administrative Services Manager.

“Appellant” means a person who has appealed a decision in a manner described in this Code;

“Arbitrator” means an independent third party appointed under this Code to hear appeals on matters to be determined by the Arbitrator;

“By-election” means an election that is not a General Election and is held between General Elections to fill a vacant elected position;

“Candidate” means a person who has been nominated for an elected position in accordance with this Code;

“Candidates’ List” is a list that identifies those who have been nominated for an elected position;

“Code” means this document, the T’it’q’et Elections Code;

“Community Chief” means the candidate elected to Council as Community Chief under this Code for a term of two (2) years;

“Council” means the governing body of T’it’q’et, as elected under this Code;

“Council member” means a member of Council, either Community Chief or Councillor;

“Councillor” means a candidate elected to Council as a Councillor, under this Code for a term of two (2) years;

“Designate” means a person who has been freely selected by a Voter to enter a polling station and assist the Voter to cast his or her vote;

“Duly convened Band meeting” means a Band meeting that was called at least four (4) weeks in advance by distributing notices through delivery to households, newsletter, mail, or electronic means;

“Election” means a General Election or By-election held under this Code;

“Electoral Officer” means the person appointed under this Code to conduct elections;

“Emergency” means exceptional circumstances, including but not limited to circumstances relating to health, safety, and socio-economic issues which were not reasonably foreseeable;

“General Election” means an election held in March every second year to elect a new Council;

“In Good standing” means that a person is not in arrears or has any overdue debts or has any outstanding or pending litigation with T’it’q’et;

“Indictable offence” means any of the offences that are recognized as an indictable offence in the Canada Criminal Code.

“Majority” means fifty per cent plus one (50%+1);

“Member” means a person registered on the Membership List;

“Membership” means the group of persons who constitute the Members of T’it’q’et;

“Membership Clerk” means the person who is an employee of Administration and oversees membership issues, including accessing and updating the Membership List;

“Membership List” means the list containing the names of T’it’q’et Members;

“Ordinarily Resident” means the place, where in the settled routine of a person’s life, that person regularly, normally, or customarily lives;

“Polling Station” means the building in which the polling for an election is located;

“Regularly scheduled Council Meetings” are the Council meetings that typically occur every month or are Council meetings that have been called at least two weeks in advance;

“Scrutineer” means a person appointed by a candidate to observe voting and counting procedures for an election;

“T’it’q’et” means the body of people who comprise the entity formerly known as the Lillooet Indian Band under the *Indian Act* and for whose use and benefit in common T’it’q’et Lands have been set apart by Her Majesty the Queen.

“Tribal Chief” means the candidate elected as Tribal Chief under this Code for a term of four (4) years;

“Voter” means a person who is eligible to vote in an election or by-election, under this Code;

“Voters’ List” means an alphabetical list of Voters;

2. Acts on a Holiday

- 2.1 Where the time limited for the doing of an act expires or falls on a Saturday or Sunday or a federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday, or a holiday.

3. Acts When Office is Closed

- 3.1 Where the time limited for the doing of an act in the T’it’q’et administration building falls on a day when the office is not open during regular business hours, the act may be done on the next day that the office is open.

4. Counting Days

- 4.1 Where there is a reference to a number of days between two events, in calculating that number, the day on which the first event occurred is not counted and the day on which the later event occurred is counted (i.e., between Monday and Wednesday is two days).

5. Conflict Between Code and T'it'q'et By-Laws

- 5.1 Except as otherwise provided in this Code, in the event of a conflict between this Code and a T'it'q'et By-Law, this Code shall prevail to the extent of the conflict.

6. Use of Singular, Feminine, Masculine or "Person" terms

- 6.1 Wherever the singular, masculine, feminine, or the term "person" is used in this Code, it shall be deemed to include the plural, masculine, feminine, body corporate, T'it'q'et or other entity where the context so requires.

Part II — Election Procedures

7. Election of Tribal Chief, Community Chief, and Council

- 7.1 T'it'q'et Elected Officials shall consist of one (1) Tribal Chief, one (1) Community Chief, and four (4) Councillors.
- 7.2 The offices of Tribal Chief and Community Chief and Councillors shall be determined by a vote of eligible Voters in a General Election, or in the event of a vacancy, in a By-election.
- 7.3 General Elections shall be held in accordance with this Code.
- 7.4 By-elections shall be held in accordance with this Code.

8. First Election

- 8.1 The first General Election under this Code shall be held in March 2008. A by-election under this Code may be held prior to that date if there is a vacancy to be filled in accordance with this Code.
- 8.2 The Elected Officials in office at the time that this Code comes into effect shall, subject to any by-election, continue in office until the completion of their respective terms.

9. Term of Office

- 9.1 In the first General Election, the candidate for Community Chief receiving the most votes and the five (5) candidates for Councillor receiving the most votes shall serve a two (2) year term.
- 9.2 After the first General Election, there shall be a General Election every two years held in March (i.e. March 2010).
- 9.3 In the second General Election, in March 2010, the candidate for Tribal Chief receiving the most votes shall serve a term of four (4) years.
- 9.4 The General Election for Tribal Chief and Community Chief and Councillors shall be held in March in the year their term of office expires.
- 9.5 At all General Elections after the first General Election, the term for Community Chief and Councillors shall be two (2) years.
- 9.6 The term for Tribal Chief shall be for four (4) years.

- 9.7 The term of office for Tribal Chief, Community Chief and Councillors commences when the Electoral Officer publicly declares the results of the Election, and subject to any vacancy arising under this Code, expires at 11:59 PM on the day preceding the next election.

10. Eligibility of Voters

- 10.1 In order to be entitled to vote in an election, a person must, as of the date of the election:

- a) have attained the age of eighteen (18) years;
- b) be listed on the Membership Roll; and
- c) be included on the Voters' List.

11. Eligibility of Candidates

- 11.1 To be eligible as a candidate for the office of Tribal Chief or Community Chief or Councillor, the candidate must:

- a) be eligible as a Voter, as defined in this Code;
- b) be nominated for that office, in accordance with the procedures set out in this Code;
- c) be "in good standing" with T'it'q'et Administration. For added clarity "Administration" in this section does not include other T'it'q'et entities, such as registered companies or societies that are wholly or partially owned by T'it'q'et;
- d) be ordinarily resident within one hundred (100) kilometres from the T'it'q'et Main Administration Building near Lillooet; and
- e) not have been convicted of an indictable offence in Canada or a felony in the United States within four (4) years prior to his or her nomination, except, in some circumstances, where the conviction is for an offence relating to the assertion, exercise or protection of Aboriginal rights or title.

12. Appointment of Electoral Officer

- 12.1 Council shall, at least twenty (20) days before the date of a General Election, appoint an Electoral Officer. For By-elections, Council will appoint the Electoral Officer ten (10) days before a By-election.
- 12.2 If an Electoral Officer has not been appointed within the time set out in Section 12.1, the Administrative Services Manager shall appoint the Electoral Officer as soon as possible.
- 12.3 The Electoral Officer shall not be a Member or employee or contractor of T'it'q'et.
- 12.4 Every Electoral Officer shall swear an oath of office, agreeing to:
- a) uphold and comply with this Code;
 - b) fulfill the duties and responsibilities of their office under this Code;
 - c) carry out their duties faithfully, honestly, impartially and to the best of their abilities;

- d) keep confidential, both during and after their term of office, any matter or information which, under this Code, is considered confidential; and
 - e) always act in the best interests of T'it'q'et in carrying out their duties.
- 12.5 The Electoral Officer may make such order and issue such instructions consistent with the provisions of this Code as he or she may from time to time deem necessary for the effective administration of this Code. This includes addressing electoral issues that may arise in emergency situations.
- 12.6 Council will set and Administration will pay a reasonable honorarium for the expenses of the Electoral Officer.

13. Voters' List

- 13.1 The Membership Clerk shall prepare a Voters' List prior to the election. The Voters' List will be the official record of all eligible Voters for the next Election.
- 13.2 Once the Voters' List has been prepared, a copy of the Voters' List will be available in the T'it'q'et administration building.
- 13.3 A Member whose name does not appear or does not correctly appear on the Voters' List and who believes that she is eligible to be a Voter must, prior to the Election, inform the Membership Clerk to have her name changed or added to the Voters' List.
- 13.4 Any person whose name does not appear on the Final Voters' List shall not be entitled to vote in the election.
- 13.5 Any irregularity in the preparation or revision of the Voters' List shall not be grounds for opposing the validity of an election or the election of a candidate.

14. Notice of General Elections

- 14.1 When a General Election is to be held, the Administrative Services Manager shall post notice of a meeting for the General Election.
- 14.2 Notice of the General Election shall be provided to the Membership at least thirty (30) days prior to the General Election by:
- a) publishing the notice in the T'it'q'et newsletter, delivered or mailed to all Voters or by separate written notice delivered or mailed to all Voters, including via electronic means; and
 - b) posting the notice in the T'it'q'et administration building and other conspicuous places or T'it'q'et Lands as may be determined by the Administrative Services Manager.
- 14.3 The notice of the General Election shall include:
- a) The positions for which elections will be held;
 - b) the date, time and place of the meeting;
 - c) the place(s) where copies of this Code may be obtained; and

- d) how Members can confirm that their names are on the Voters' List.

15. General Election Procedures

15.1 At the time and place specified in the notice of the General Election, the previous Community Chief shall call the meeting to order and conduct any necessary community business before turning the meeting over to the Electoral Officer.

15.2 The Electoral Officer shall then conduct the General Election in the following order:

- a) Nominations and election for Tribal Chief, if the term for Tribal Chief has expired; and then
- b) Nominations and election for Community Chief; and then
- c) Nominations and election for Councillors.

15.3 Nominations

- a) Any Voter may propose or second a nomination.
- b) Once a Candidate is seconded for nomination, the Electoral Officer will ask the nominee if they accept the nomination.
 - a. If the nominee accepts the nomination, that Candidate's name will be placed on a Candidates' List, which will be clearly displayed.
- c) After three consecutive calls for nominations with no further nominations, the Electoral Officer may close the nominations.
- d) A Candidate must be present to accept his or her nomination for a Council position. Failure to be present means that the Candidate has declined the nomination.
- e) If a Candidate was in attendance at the nomination but has momentarily left, the Electoral Officer can give the Candidate a reasonable amount of time to return to the meeting and accept or decline the nomination.
- f) If only one qualified candidate is nominated for the office of Tribal Chief or Community Chief, the Electoral Officer shall declare that candidate to be elected by acclamation.
- g) In all Elections, where the number of qualified candidates nominated for the office of Councillor does not exceed the number of positions available, the Electoral Officer shall declare such candidates to be elected by acclamation.
- h) In the event that more than the required number of persons is nominated for the offices of Tribal Chief and/or Community Chief and/or Councillor, the Electoral Officer shall declare that a poll will be held.
- i) Each nominee may appoint one (1) scrutineer to observe the election process.

15.4 The Electoral Officer shall provide each Candidate with an equal amount of time to address the Membership.

- a) The Electoral Officer will determine the order of speakers.

15.5 The Electoral Officer will give the Voters in attendance an opportunity to ask the candidates questions and each candidate will be given an equal amount of time to respond to each question.

15.6 The Electoral Officer will decide when to close the floor to questions.

16. Preparation of Ballots

16.1 The Electoral Officer shall prepare ballots setting out the names of the candidates nominated for election in Alphabetical order of the last name of the candidates.

16.2 The ballot may, at the request of the candidate, include a candidate's commonly used nickname or traditional name.

16.3 The ballot shall indicate that the Voter is to select his or her choice of candidate(s) by clearly marking an "X" or other mark in the appropriate space beside the name of the candidate(s).

16.4 The Electoral Officer will provide each eligible Voter with one official ballot and then check off the appropriate column on the Final Voters' List to indicate that one ballot has been provided to the Voter.

17. Voting for General Elections

17.1 The Electoral Officer shall immediately before the commencement of the poll:

- a) open the ballot box and, in the presence of any scrutineers, confirm that it is empty;
- b) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
- c) place the ballot box in public view for the reception of the ballots.

17.2 The Electoral Officer shall place in the proper column of the Voters' List, a mark beside the name of every Voter receiving a ballot.

17.3 The Electoral Officer shall, when requested to do so, explain the method of voting to the Voter.

17.4 Voting at all Elections shall be by secret ballot.

17.5 Voters may authorize, by written proxy, another eligible voter to vote on their behalf.

- a) A fax or digitally transmitted copy of the original signed proxy is acceptable.
- b) The written proxy must identify the eligible voter authorized to exercise it.
- c) The written proxy must be verified by the Membership Clerk or delegate by 4:00 PM of the last business day prior to the election.
- d) The Electoral Officer will be made aware of all eligible proxy votes.
- e) An eligible voter may carry only one proxy vote.

17.6 Any Voter who requires assistance may request the Electoral Officer or the Voter's Designate to assist, in the Voter's presence, in the casting of a ballot.

17.7 In the event that a Voter votes in the manner described in Section 17.6, the Electoral Officer shall note on the Voters' List, in the column for remarks opposite the name of such Voter, the name of the Designate who assisted the Voter in casting the Voter's vote.

17.8 With the exception of the Electoral Officer, a person can be a Designate for only one Voter in an election.

17.9 Except as in the manner provided in Section 17.6, the Electoral Officer shall ensure the Voter's privacy while voting.

17.10 Upon receiving the ballot, all Voters shall:

- a) proceed to clearly place an "X" or other mark in the appropriate space beside the name of the candidate(s) of their choice;
- b) fold the ballot, so as to conceal their choice(s); and
- c) deposit the ballot into the ballot box in the presence of the Electoral Officer and any scrutineers present in the polling station.

17.11 A Voter who inadvertently spoils his or her ballot may return it to the Electoral Officer in order to obtain another ballot, and the Electoral Officer shall destroy the spoiled ballot, and provide the Voter with a new ballot.

17.12 No person shall:

- a) attempt to interfere with or influence any Voter in marking his or her ballot, or
- b) attempt to obtain information as to how a Voter is about to vote or has voted.

18. Procedures for the Close of Polls

18.1 After allowing a reasonable amount of time for all Voters present to cast their ballots, the Electoral Officer shall announce five minutes until the close of polls and then;

- c) The Electoral Officer will then wait two (2) minutes and announce three minutes until Close of Polls and then;
- d) The Electoral Officer will then wait two (2) minutes and announce one minute until Close of Polls and then;
- e) The Electoral Officer will then wait one (1) minute and announce Close of Polls and halt all further balloting.

18.2 Immediately after the close of the polls, the Electoral Officer shall in the presence of the scrutineers as may be present, open the ballot box and examine the ballots and reject all those that:

- a) are not official ballots;
- b) contain more votes than are candidates to be elected;
- c) are marked in such a way that the Voter can be identified; or
- d) are marked in such a way that the Voter's choice cannot clearly or unambiguously be determined.

- 18.3 The Electoral Officer shall report in writing the reasons attached for the rejection of each ballot and attach that report to the rejected ballot.
- 18.4 The rejected ballot and the written decision shall be held by the Electoral Officer until the expiration of any appeal period provided for in this Code.
- 18.5 The Electoral Officer shall:
- a) show the ballots to be counted to any scrutineers present;
 - b) count the votes given for each candidate from the ballots not rejected; and
 - c) at the conclusion of the count, complete and sign a ballot tally sheet setting out the number of confirmed votes and the number of rejected ballots.
- 18.6 Immediately after the completion of the counting of the votes, the Electoral Officer shall publicly declare the candidate(s) with the highest number of votes to be elected.
- 18.7 The Electoral Officer shall post in the T'it'q'et administration building and in other conspicuous place(s) as may be determined by the Electoral Officer, a written statement signed by the Electoral Officer, showing the number of votes cast for each candidate.
- 18.8 Ties
- a) Where two or more candidates have an equal number of votes for Tribal Chief or Community Chief or for remaining Councillor position(s), the Electoral Officer shall decide on and carry out a method to break the tie and then declare a successful candidate based upon the result.

19. Disposal of Ballots

- 19.1 The Electoral Officer shall deposit the ballots used in the voting in a sealed envelope and retain it for sixty (60) days or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by Council, destroy them in the presence of two witnesses.

20. Signing of Agreements

- 20.1 A candidate who has been elected Chief or Councillor shall sign:
- a) a Confidentiality Agreement;
 - b) a Conflict of Interest Agreement;
 - c) a Code of Conduct and Ethics Agreement;
 - d) an agreement to read, understand and adhere to T'it'q'et policies that affect his position or that can be affected by his position; and
 - e) an agreement to always act in the best interests of T'it'q'et in carrying out her duties.

21. Election Appeals

21.1 Any Candidate or Voter may file a notice of appeal, requesting that the election of the Chief or a Councillor be declared invalid, based on one or more of the following grounds:

- a) the person declared elected was not qualified as a candidate, as outlined in this Code;
- b) the person declared elected was not nominated in accordance with the procedures set out in this Code;
- c) the Election was not conducted in accordance with this Code; or
- d) there was a corrupt or fraudulent practice in relation to the Election.

21.2 Every notice of appeal shall be filed within fourteen (14) days from the date of the General Election.

21.3 Every notice of appeal shall set out the facts substantiating the grounds for declaring the Election of the Tribal Chief or Community Chief or Councillor to be invalid and shall be accompanied by any supporting documentation.

22. Vacancies

22.1 The office of Tribal Chief or Community Chief or Councillor shall become vacant when the person who holds that office:

- a) dies; or
- b) resigns, in writing, from office; or
- c) is no longer in good standing with Administration; for added clarity, the term "Administration" in this Code does not refer to other T'it'q'et entities, such as registered companies or societies that are wholly or partially owned by T'it'q'et; or
- d) is no longer ordinarily resident within one hundred (100) kilometres from T'it'q'et Administration; or
- e) has been convicted of an indictable offence in Canada or a felony in the United States since their election, except where that conviction is for an offence relating to the assertion, exercise or protection of Aboriginal rights or title.

23. Procedure on Appeals

23.1 Where no Arbitrator has been appointed, an appeal shall be filed with the Administrative Services Manager who shall upon receipt, request Council to appoint an Arbitrator.

23.2 If Council has not appointed an Arbitrator within ten (10) days of the request of the Administrative Services Manager under Section 23.1, the Administrative Services Manager shall appoint an Arbitrator.

23.3 The Arbitrator may, at his or her discretion, give directions for:

- a) fixing the date, time and place for hearing the appeal(s);

- b) designating the method of taking evidence, either by sworn declaration or written testimony, or both;
 - c) designating what persons are to be notified and how they are to be served; and
 - d) dealing with any matter or other thing not otherwise provided for in this section.
- 23.4 A copy of the notice of appeal and supporting documentation shall be delivered to the Elected Official whose election is being appealed or the Elected Official whose office is being declared vacant, at least fourteen (14) days prior to the hearing.
- 23.5 A copy of the notice of appeal and supporting documentation shall be delivered to the Electoral Officer at least fourteen (14) days prior to the hearing.
- 23.6 The copy of the notice of appeal and supporting documentation shall be delivered to the Arbitrator at least fourteen (14) days prior to the hearing.
- 23.7 The Elected Official(s) whose election is being appealed, the Elected Official(s) whose vacancy declaration is being appealed, or the Electoral Officer whose decision is being appealed, as the case may be, may file a written reply with the Arbitrator at least four (4) days prior to the hearing.
- 23.8 No witness shall be required to divulge whom he or she voted for in the Election.
- 23.9 The Arbitrator shall issue a written decision together with reasons in every appeal.
- 23.10 In the case of an Election appeal, the Arbitrator may:
- a) confirm the election of the Elected Official, or
 - b) invalidate the election of the Elected Official.
- 23.11 If an election is declared invalid, the Arbitrator shall order that any person found not to have been duly elected shall vacate the office and if it is decided that some other person was duly elected, the Arbitrator shall order that such person take office immediately.
- 23.12 The election of a Council member shall not be declared invalid by reason only of an irregularity or non-compliance with the rules set out in this Code if it appears to the Arbitrator that the Election was conducted in good faith unless the non-compliance, irregularity or mistake materially affected the result of the Election.
- 23.13 The Arbitrator shall provide a copy of the decision to the Administrative Services Manager and to any party to an appeal.
- 23.14 The Arbitrator's decision shall be posted in the T'it'q'et administration building.
- 23.15 The decision of the Arbitrator is final and not subject to appeal.

24. By-election Procedures

- 24.1 Unless otherwise provided in this Code, in the event that the office of Tribal Chief or Community Chief or Councillor becomes vacant, a by-election shall be held within sixty (60) days of the office being vacated, on a date set by Chief and Council.

- 24.2 No by-election shall be held if there are less than six (6) months remaining in the term of the Council member whose office has become vacant, except where a by-election is necessary to have sufficient Council members to maintain a quorum.
- 24.3 If an Elected Official wishes to be a candidate in a By-election, she must resign from her position at least ten (10) days prior to the By-election date.
- 24.4 The successful candidate in the By-election shall hold office for the remainder of the original term of the position which was vacated.
- 24.5 If Council does not select a date for the by-election within fourteen (14) days of an office being vacated, the Administrative Services Manager will select the date for the By-election.
- 24.6 A By-election will be held on a Saturday or Sunday and will be comprised of a nomination and a secret ballot vote to fill the vacancy or vacancies.
- 24.7 An Electoral Officer will be appointed for the By-election as per Section 12 of this Election Code.
- 24.8 A Voters' List shall be prepared for the By-election as per Section 13 of this Election Code.
- 24.9 Notice of the By-election will be given as per Section 14 of this Election Code.
- 24.10 The Procedures for the By-election will follow the same format as per Sections 15, 16, 17, 18, 19, 20 and 21 of this Election Code.

25. Amendments to This Code

- 25.1 Any Member can propose changes to this Code by submitting the proposed changes in writing to Council who will place the issue on the agenda of an upcoming duly convened Band meeting.
- 25.2 The written proposed changes must identify the specific section that is being considered for change and the specific textual changes that are being proposed.
- 25.3 At the duly convened Band meeting referred to in Section 25.1, if the Members deem that the change is worth considering, it must pass a motion by a majority of the Members present to formally consider the proposed changes.
- 25.4 If the Members in attendance pass a motion to formally consider a proposed change to this Code in accordance with Sections 25.1, 25.2 and 25.3, the proposed change will be deemed formally considered.
- 25.5 Once a proposed change is considered to be formally considered, the Administrator will distribute the proposed change to all Members and the issue can be discussed again at a second duly convened Band meeting.
- 25.6 Once a proposed change is considered to be formally considered, the Administrative Services Manager may seek an independent, written, legal opinion on the legality of the proposed change.
- 25.7 At the second duly convened Band meeting, the formally considered change will be discussed further, including the written, legal opinion, if it was sought.
- 25.8 At the second duly convened Band meeting where the change is to be formally considered, amendments to the proposed changes are acceptable, if the amendments:
 - a) do not fundamentally alter the original intent of the formally considered change; and

b) are consistent with the legal opinions that may have been obtained.

25.9 If the members deem that the formally considered change or an amended version of the formally considered change is appropriate, the Members will pass a motion by a majority of the members present at the second duly convened Band meeting that the proposed change or its amended version is approved by the members.

25.10 Once a change has been passed at a duly convened Band meeting, it will come into effect immediately and this Code will be updated immediately by the Administrative Services Manager to reflect the new changes.