



**Tla'amin Nation
Review & Appeal Panel**

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November 22, 2016

Review or Appeal Request No. 2016-01

In the Matter of the Appeal by Vern Pielle of the Decision
of Fred Schiffner, Elections Officer
Pursuant to section 30(2)(b) of the *Election Law*

Date of Hearing: November 15, 2016

Location: Powell River

Panel members hearing the appeal:

Brooke Browning, Panel chair
Melanie Vivier, Standing panel member
L. Maynard Harry, Alternate panel member

Panel Order and Final Decision



ORDER OF THE REVIEW AND APPEAL PANEL

Review and Appeal Request Order No.: 2016-01

Ordered: November 22, 2016

Order

The Review and Appeal Panel orders that the appeal of Mr. Pielle is upheld in part. The Panel rescinds the original decision of Mr. Schiffner and issues its own decision as set out below.

Authority

This order is made under the authority of section 16(4) of the *Review and Appeal Law*.

By the following members of the Review and Appeal Panel:

A handwritten signature in black ink, appearing to read 'Brooke Browning', written in a cursive style.

Brooke Browning, Panel chair

A handwritten signature in blue ink, appearing to read 'Melanie Vivier', written in a cursive style.

Melanie Vivier

A handwritten signature in black ink, appearing to read 'L. Maynard Harry', written in a cursive style.

L. Maynard Harry

FINAL DECISION

The Election

1. Pursuant to section 8(1) of the *Election Law*, a general election for Hegus and Legislators was held on September 10, 2016.
2. Pursuant to section 13(1) of the *Election Law*, the Legislative Assembly appointed Mr. Fred Schiffner as the elections officer for the September 10, 2016 general election.

The Nomination

3. Tla'amin Citizen Vern Pielle, was nominated as a candidate for Hegus of the Tla'amin Nation at a nomination meeting held on July 28, 2016. Mr. Pielle accepted this nomination.

Certification of Candidacy

4. All nominated candidates are required to complete a certification package and return it to the elections officer within seven days of the nomination meeting. This package must include:
 - (i) Schedule C – Acceptance of Nomination for Tla'amin Election Form;
 - (ii) Schedule D – Certificate of Qualification; and
 - (iii) Schedule E – Nominee Disclosure Statement.(All being schedules to the *Nomination Regulation*).
5. Schedule E includes the following disclosures:
 3. That I am not, to the best of my knowledge, disqualified from holding office by the *Election Law* or any other Tla'amin Law or policy; and
 4. That I am not in debt to Tla'amin Nation or a Tla'amin Public Institution in an amount of \$5,000 or more for a period of longer than 90 days.
6. Mr. Pielle completed and had each of the required schedules sworn before a commissioner for taking affidavits on July 28, 2016.
7. As required by sections 10(1)(e) and 10(3)(c) of the *Election Law*, Mr. Pielle provided a certificate of qualification verified by the chief administrative officer.

The Complaint

8. By letter dated September 9, 2016, Mr. Schiffner received a formal complaint questioning Mr. Pielle's eligibility as a candidate for Hegus (the "Complaint Letter").

The Complaint Letter had three signatories, one of whom was a Tla'amin Citizen, as required by section 30(1) of the *Election Law*.

9. The Complaint Letter asserted that Mr. Pielle falsified information on his Schedule E – Nominee Disclosure Statement which Mr. Pielle signed on July 28, 2016, because at that time Mr. Pielle was indebted to Tla'amin Nation in an amount greater than \$5,000 for a period of longer than 90 days.

Mr. Schiffner's Decision

10. In response to the Complaint Letter and pursuant to section 30(1) of the *Election Law*, Mr. Schiffner made a decision regarding whether Mr. Pielle is a valid candidate and whether Mr. Pielle and his nomination complies with the *Election Law*.
11. By letter dated September 9, 2016, and served on Mr. Pielle on September 10, 2016, Mr. Schiffner informed Mr. Pielle of his decision to disqualify Mr. Pielle as a candidate for Hegus. As required by section 30(1)(b), Mr. Schiffner provided reasons for his decision, which are as follows:
 - (i) Mr. Schiffner was informed by a Tla'amin Citizen that Mr. Pielle is indebted to the Tla'amin Nation in excess of \$5,000 going back a number of years;
 - (ii) Mr. Pielle swore an affidavit (Schedule E – Nominee Disclosure Statement) on July 28, 2016 whereby he declared that "I am not in debt to Tla'amin Nation or a Tla'amin Public Institution in an amount of \$5,000 or more for a period of longer than 90 days"; and
 - (iii) Based on the information and documentation provided by Mr. Pielle to Mr. Schiffner through the candidate certification process, Mr. Pielle perjured himself and did not comply with the eligibility requirements of the *Election Law*.

The Appeal Request

12. Pursuant to section 30(2)(b) of the *Election Law*, Mr. Pielle submitted his appeal request to the Review and Appeal Panel on September 14, 2016. In his request, Mr. Pielle appealed Mr. Schiffner's decision to disqualify Mr. Pielle as a candidate for Hegus.
13. Mr. Pielle focused his appeal request on his belief that he was in good standing with the Tla'amin Nation prior to his nomination.
14. Mr. Pielle provided a declaration with his appeal request, whereby he swore that:
 - (i) "Prior to my Hegus nomination, we (Rose Adams & I) made an agreement with Tla'amin Housing department (Paula Stewart) to have a payment plan in place to ensure that I am a Tla'amin citizen in good standing"; and
 - (ii) "We were verbally assured, by Paula Stewart, on two separate occasions, I was a Tla'amin citizen in good standing."

The Notice of Response

15. Mr. Schiffner submitted his notice of response on September 20, 2016. In his response, Mr. Schiffner denied the basis for Mr. Pielle's appeal.
16. In a sworn declaration, Mr. Schiffner referred to sections 10(1)(d) and 30(1) of the *Election Law* (set out in paragraphs 23 and 24 below), which provide the eligibility requirements for candidates and the procedure for addressing questionable candidates, respectively.
17. Mr. Schiffner also referred to the Complaint Letter stating that Mr. Pielle was indebted to the Tla'amin Nation in an amount greater than \$5,000 for a period of longer than 90 days.
18. Mr. Schiffner further referred to Mr. Pielle's sworn disclosures included in Schedule E – Nominee Disclosure Statement.
19. In conclusion, Mr. Schiffner submitted that Mr. Pielle perjured himself by swearing Schedule E and did not comply with the eligibility requirements of the *Election Law*.

The Hearing

20. The hearing of the appeal was held on November 15, 2016 at the Town Centre Hotel, Powell River, British Columbia. The Panel was constituted of three panel members being the Panel chair Brooke Browning, standing panel member Melanie Vivier, and alternate panel member L. Maynard Harry.

The Review and Appeal Law

21. Section 16 provides authority for the Review and Appeal Panel to hear the appeal of the election officer's decision:

(2) The Review and Appeal Panel may, subject to the limits set out in section 25, hear appeals of decisions made by an elections officer in accordance with section 30(2)(b) of the *Election Law* with respect to whether an individual is a qualified candidate in an election.

...

(4) Following the hearing of an appeal under subsection (1), (2) or (3), the Review and Appeal Panel must issue a panel order

(a) dismissing the appeal and upholding the original decision; or

(b) upholding the appeal, rescinding the original decision and issuing its own decision.

The Election Law

22. The sections provided below are taken from the *Election Law*, as amended by the *Election Amendment Law*, TNL 22/2016, July 7, 2016.
23. Section 10 sets out the eligibility requirements to be a candidate for Hegus or an elected member of the Legislative Assembly:

(1) To be eligible to be nominated as a candidate for the office of Hegus or to be nominated as a candidate for any elected office of the Tla'amin Government to be filled in an election or by-election, an individual must

...

(d) not be disqualified from holding elected office, by or under, this Law or any other Tla'amin law;

(e) sign in the prescribed form, a certificate of qualification verified by the chief administrative officer;

...

(2) The Executive Council may, in addition to requirements set out in this Law, make regulations respecting any criteria or conditions for nominating an individual for the office of Hegus or the office of Legislator.

(3) The elections officer may only include the name of an individual who has been nominated on the ballot as a candidate for a vacant position as an elected official, if the nominated individual has provided, at least five business days before the election day, satisfactory evidence to the elections officer that they:

(a) meet established criteria to qualify as a candidate;

...

(c) have submitted to the elections officer a certificate of qualification verified by the chief administrative officer.

24. Section 30 sets out the procedure for addressing questionable candidates:

(1) The elections officer is not required to investigate the eligibility, candidacy or nomination of a candidate unless a Tla'amin Citizen provides written documentation and submits a formal complaint questioning any of those matters directly to the attention of the elections officer, in which case the elections officer may

(a) investigate and make a decision about whether an individual is a valid candidate and whether the candidate and nomination complies with this Law; and

(b) notify the complainant and the individual concerned of the decision, giving written reasons.

(2) If the elections officer decides that a candidate is not a valid candidate that candidate may, within three business days after receipt of the elections officer's decision, appeal to

...

(b) the Review and Appeal Panel by filing an appeal with reasons for the appeal and any supporting documentation, if the candidate has been determined to be ineligible based on grounds other than citizenship.

(3) An individual appealing the elections officer's decision under subsection (2) is to be treated for all purposes as a candidate for the election until the Citizenship Committee or the Review and Appeal Panel renders a decision to the contrary.

The Nomination Regulation

25. Section 19 speaks to the eligibility of a candidate:

A candidate is not eligible to stand for election, campaign, or have their name on an election ballot unless they are certified as a candidate under section 15.1 [sic] [*Certification of a candidate*] of this regulation.

26. Section 20 sets out the process for certification of a candidate:

Before a nominee is certified as a candidate in the election, each nominee must fully complete and submit the following information to the elections officer

(a) A statutory declaration constituting an acceptance of nomination in the form prescribed in Schedule C (*Acceptance of Nomination*) of this regulation;

(b) A certificate of qualification in the form prescribed in Schedule D (*Certificate of Qualification*) of this regulation;

(c) A disclosure, in the form prescribed in Schedule E (Nominee disclosure Statement) of this regulation; and,

(d) A non-refundable deposit, payable to the Tla'amin Nation and submitted in a form acceptable to the elections officer, in the amount of \$100 for the office of Hegus and \$50 for the office of Legislator.

27. Section 21 discusses a nominee who is not enrolled or not in good standing with the Tla'amin Nation:

For greater certainty, a nominee may be a Tla'amin individual who is not enrolled as a Tla'amin Citizen and/or may not be in good standing with the Tla'amin Nation, however, for any nominee to be certified as a candidate in the election, each nominee must

...

(b) be in good standing with the Tla'amin Nation.

28. Section 22 establishes the deadline for submitting certification packages:

The certification package must be returned to the elections officer within 7 days of the nomination meeting.

29. Schedules B, C, D and E are attached to this decision.

The Interpretation Law

30. Section 5 provides several definitions, including:

“in good standing” means not currently indebted to the Tla’amin Nation or, if indebted to the Tla’amin Nation, a written agreement for repayment has been entered into and there has been no default on that agreement or any previous agreement for repayment within the past two years;

...

“indebted to the Tla’amin Nation” means in respect of an individual, to have a debt owing to the Tla’amin Nation, including a debt arising from

(a) housing arrears,

...

Submission of Mr. Schiffner

31. At the hearing, Mr. Schiffner maintained his position, as set out in his notice of response, that Mr. Pielle was disqualified as a candidate for Hegus, because he had not complied with the *Election Law*. Mr. Schiffner stated that Mr. Pielle was not in compliance as a result of his swearing of Schedule E whereby he stated that he was not in debt to Tla’amin Nation or a Tla’amin Public Institution in an amount of \$5,000 or more for a period of longer than 90 days, which Mr. Schiffner believed was not true based on the information he received in the Complaint Letter.
32. On questioning by the Panel, Mr. Schiffner acknowledged that he did not conduct an investigation upon receipt of the Complaint Letter questioning Mr. Pielle’s eligibility, as required by section 30(1)(a) of the *Election Law*. Mr. Schiffner stated that his decision was based solely on the information contained in the Complaint Letter and that he found that letter, along with the signatures of those bringing this information forward, to be adequate proof.
33. Upon further questioning by the Panel, Mr. Schiffner also acknowledged that the Complaint Letter was not supported by any written documentation as required by section 30(1) of the *Election Law*. Mr. Schiffner did not receive any written documentation from the Tla’amin Nation Housing Department (the “Housing Department”) regarding a debt in Mr. Pielle’s name; however, Mr. Schiffner informed the Panel that he spoke with the Housing Department and that he was assured that the debt was owed by Mr. Pielle, that it was in excess of \$5,000, and that it went back a number of years.
34. Mr. Schiffner also spoke to the challenge that time posed in the circumstances. Mr. Schiffner received the Complaint Letter at or about 5:00 pm on September 9, 2016, the night before the election. Due to this short time frame, the complaint was accepted and an onerous decision was made with no written documentation to support the allegation contained in the Complaint Letter. The Panel notes that the time constraint placed on Mr. Schiffner does not take away from the import of his decision and the responsibility of an elections officer to make necessary investigations before issuing a decision to disqualify a candidate. It is through this appeal that Mr. Pielle has been given the investigation he originally deserved.

35. Mr. Schiffner further reiterated the fact that item number four of Schedule E only makes reference to a debt owing in a prescribed amount over a certain period of time; it does not make any mention of payment arrangements or a contract whereby the candidate agrees or submits to making arrangements for repayment of the debt. Therefore, Mr. Schiffner stated that Mr. Pielle purely swore that he is not in debt to the Tla'amin Nation in an amount greater than \$5,000 for a period of longer than 90 days and that this could not be qualified by any perceived understanding of having a payment agreement in place.
36. Mr. Schiffner had information from the Complaint Letter to support that the declarations in Schedule E were not true, and therefore in Mr. Schiffner's view, Mr. Pielle had perjured himself and Mr. Schiffner had no alternative but to disqualify him.

Submission of Mr. Pielle

37. Mr. Pielle chose not to make further submissions at the hearing, instead choosing to rely on his original appeal request and the testimony of two witnesses: Ms Paula Stewart, Housing Manager, Housing Department and Ms Rose Adams, Mr. Pielle's wife.
38. Mr. Pielle focused his evidence at the hearing on his belief that he does not have any debt to Tla'amin Nation because the housing arrears are only in Ms Adams' name. This was a change of direction from his appeal request which focused on Mr. Pielle being in good standing as the basis for his position that he was improperly disqualified as a candidate for Hegus.

Witness Evidence – Paula Stewart

39. Ms Stewart provided useful information through her knowledge of Mr. Pielle and Ms Adams' housing file and the Housing Department's processes.
40. Ms Stewart referred to the Housing Department's Housing Policy stating that where two people occupy one house and they are both Tla'amin Citizens, they will be joint tenants and equally responsible for any arrears associated with the house. In support of her statements, Ms Stewart referenced article 11.4 of the Housing Policy:

Where a house is intended for occupancy by a couple, both of whom are band members, the band shall not enter into an agreement for sale unless the agreement is in the name of both parties.

Based on this article which requires housing agreements for sale to be in the name of both parties, Ms Stewart asserted that the housing arrears associated with the house where both Mr. Pielle and Ms Adams reside is in both of their names.

41. Ms Stewart stated that the first step in working towards getting a Tla'amin Citizen into good standing is for that Tla'amin Citizen to have a conversation with someone at the Housing Department about the total amount of arrears owing and what further steps are required to get in good standing. This conversation also focuses on what a reasonable payment plan might look like and then leads to entering into an agreement for repayment.

42. Ms Stewart spoke of two meetings with Mr. Pielle and Ms Adams (these meetings were also referenced in Mr. Pielle's appeal request). The first took place on July 25, 2016. Ms Stewart stated that the purpose of this meeting was to discuss the outstanding arrears associated with the house. The second meeting was a house visit, which took place on July 26, 2016, to review what improvements had been made to the house and to what extent those improvements could reduce the total arrears owing.
43. Ms Stewart was aware that Mr. Pielle was running for Hegus and it appears as though the purpose of these meetings was also to help Mr. Pielle and Ms Adams get into good standing.
44. Following these meetings, Ms Stewart prepared a letter on or about July 28, 2016, (the Panel notes that the letter was not dated), addressed to both Mr. Pielle and Ms Adams, setting out the total arrears owing on the house (the "Arrears Letter"). Ms Stewart informed Ms Adams and Mr. Pielle that the Arrears Letter was available for them to pick-up at the Housing Department. The Panel notes that given the important and time-sensitive information contained in the Arrears Letter it should have been dated and delivered directly to Mr. Pielle and Ms Adams.
45. The Arrears Letter set out historical arrears in excess of \$5,000 in both Mr. Pielle and Ms Adams' names. The Arrears Letter also states the need to put a payment plan in place or make a lump sum payment in order to clear the debt.
46. On September 9, 2016, the day before the election, Ms Stewart realized that neither Mr. Pielle nor Ms Adams had followed through with the necessary step of coming back into the Housing Department to make a formal arrangement to repay the arrears. She then contacted Ms Adams and at 3.00 pm that day Ms Adams entered into an agreement to repay the arrears in the form of an authorized payroll deduction.
47. Ms Stewart also stated that while she was still focused on getting Mr. Pielle and Ms Adams into good standing, she realized that it was too late for Mr. Pielle in terms of his eligibility for the election, because he had already submitted his certification package.
48. Ms Stewart produced an Authorized Payroll Deduction form in Ms Adams' name. The form authorizes payroll deductions to be applied towards the housing arrears. This form was signed and dated on September 9, 2016. The first deduction was taken from Ms Adams' payroll on September 9, 2016.
49. Ms Stewart also stated that the August 2016 Healthy Living Dividend, which Ms Adams applied for on behalf of herself and Mr. Pielle, was assigned to the Housing Department on September 9, 2016.

Witness Evidence – Rose Adams

50. Ms Adams' testimony focused on her belief that the arrears associated with the house were in her name alone and that Mr. Pielle was not responsible for any of the debt.
51. Ms Adams stated that when she first moved into the house in 1995 it was in her name alone because Mr. Pielle was not a band member at that time. In 2003 Mr. Pielle became a band member and in 2005 Ms Adams and Mr. Pielle were married.
52. Ms Adams submits that in all the years she has lived in the house all documentation and communication regarding the house, aside from the Arrears Letter, have been in her name alone.
53. Ms Adams collected the Arrears Letter at some point during the week of August 8, 2016.
54. The Panel requested that Ms Adams produce the most current housing agreement for the house. Ms Adams noted that housing agreements were supposed to be renewed every year, which was a process that was followed in the past, but more recently agreements were renewed only sporadically.
55. Ms Adams produced for the Panel the most recent signed housing agreement for the house, being an Annual Lease Extension form for the period of April 1, 2007 to March 31, 2008. The form lists Ms Adams and Mr. Pielle as the adults occupying the house. Each tenant (being each adult occupant) is supposed to agree to and sign the form; however, this form contains only Ms Adams' signature. The form also leaves a space to refer to the original Residential Tenancy Agreement (by date), but this part of the form is blank.
56. The Panel has not been presented with the original Residential Tenancy Agreement.
57. Ms Adams testified to signing the Authorized Payroll Deduction form and making the first payment on September 9, 2016.
58. Ms Adams also testified that she applied for the August 2016 Healthy Living Dividend and requested that it be directed to the Housing Department, and that the dividend was paid to Housing on September 9, 2016.

Conclusion

59. The appeal by Mr. Pielle of Mr. Schiffner's decision is upheld in part. The Panel agrees with Mr. Schiffner's decision to disqualify Mr. Pielle as a candidate for Hegus; however, it disagrees with Mr. Schiffner's reasons for disqualification.
60. The Panel does not find that Mr. Pielle perjured himself.
61. The Panel finds that Mr. Pielle was not an eligible candidate and was appropriately disqualified as a candidate for Hegus from the September 10, 2016 election.

Perjury

62. The Panel does not find that Mr. Pielle perjured himself. One of the elements of perjury is the intent to mislead. The Panel finds that this intent is absent in the case at hand.

63. In respect of item number three of Schedule E – Nominee Disclosure Statement:

3. That I am not, to the best of my knowledge, disqualified from holding office by the *Election Law* or any other Tla'amin Law or policy.

The Panel finds that Mr. Pielle genuinely believed that he had done what was necessary to get himself into good standing and to the best of his knowledge he was not aware of any reason that would result in him being disqualified from holding office.

64. In respect of item number four of Schedule E – Nominee Disclosure Statement:

4. That I am not in debt to Tla'amin Nation or a Tla'amin Public Institution in an amount of \$5,000 or more for a period of longer than 90 days.

While the Panel has come to the conclusion that Mr. Pielle has a debt owing to the Tla'amin Nation in an amount greater than \$5,000 for a period of longer than 90 days, the Panel makes two findings that affect Mr. Schiffner's perjury decision. Firstly, the Panel finds that Mr. Pielle had not seen the Arrears Letter before he swore this declaration. This fact adds to the uncertainty surrounding the arrears associated with the house. Secondly, the Panel finds that, in the case that the debt might have been his responsibility, Mr. Pielle believed that he had taken the appropriate steps to address this debt through the meetings with Ms Stewart and that he was not intending to mislead when he swore to this statement.

65. The Panel only has the authority to consider the issue directly before it, but the broader circumstances of Mr. Pielle's appeal are worth briefly mentioning. The Panel would like to point out that it has been a challenging process attempting to understand the state of Mr. Pielle and Ms Adams' housing file for the purposes of this appeal. It would also like to acknowledge that there appears to be great uncertainty regarding many Tla'amin Citizens' housing files and that makes other administrative processes, such as becoming eligible to run for elected office, more challenging. That being said, the Panel is assured, based on evidence presented through this appeal, that Mr. Pielle and Ms Adams have housing arrears and the Panel's decision proceeds on this basis.

66. The Panel's understanding of Tla'amin law is that one can both be indebted to the Tla'amin Nation and in good standing, so long as a written agreement for repayment has been entered into. Aside from Schedule E, the legislation does not make any reference to a candidate being ineligible simply because he or she is in debt to the Tla'amin Nation or a Tla'amin Public Institution for more than a *prescribed* amount (such as the \$5,000 amount set out in Schedule E). The legislation provides an opportunity for Tla'amin Citizens to still get into good standing, even if they have a debt, by way of entering into a written agreement for repayment.

67. The Panel finds that item number give due regard to that original submission if Mr. Pielle now takes the stance that he has no debt owing to the Tla'amin Nation as the two stances do not reconcile. If Mr. Pielle had no debt, he would not have been concerned with getting into good standing.
68. Mr. Pielle, being an adult tenant of the house and being married to Ms Adams, is equally responsible for the debt associated with Mr. Pielle and Ms Adams' house. The Panel finds that due to these housing arrears Mr. Pielle is indebted to the Tla'amin Nation.
69. If you are indebted to the Tla'amin Nation, in good standing means that a written agreement for repayment has been entered into and there has been no default on that agreement or any previous agreement for repayment within the past two years.
70. It is the Panel's position that when Mr. Pielle submitted his certification package and swore the associated schedules on July 28, 2016 he was not yet in good standing. Due to Mr. Pielle not being in good standing at this time he was not a certified candidate and accordingly, under section 19 of the *Nomination Regulation*, he was not eligible to stand for election.
71. It was the obligation of Mr. Pielle, as a nominated candidate, to ensure that he met the eligibility requirements before he submitted his certification package to the elections officer. Although he was in the process of becoming in good standing and appears to believe that he had done what was necessary, unfortunately, Mr. Pielle had not yet done all that was required of him in order to become an eligible candidate for Hegus for the September 10, 2016 general election.
72. The Panel also finds that as the debt is shared between the spouses, one spouse's written agreement for repayment is sufficient to meet the requirements of being in good standing for both of the spouses.
73. Therefore, the Panel finds that Mr. Pielle became in good standing on September 9, 2016 when Ms Adams entered into the written Authorized Payroll Deduction agreement to repay the housing arrears. However, this was too late in terms of Mr. Pielle meeting the eligibility requirements for the election because this did not occur prior to his certification as a candidate.
74. As a final comment, the Panel would like to note that through its final decision, the Panel has attempted to find a balance between the constitutional principles of fairness and accountability. It acknowledges the importance of accountability, especially in the position of elected office, but it also places due weight on the principle of fairness in its consideration and interpretation of the facts at hand in this case.

Tla'amin Nation Review and Appeal Panel

Review and Appeal Request No. 2016-01

Final Decision

Attachments

from Nomination Regulation - TN Reg. 24

SCHEDULE B – NOTICE TO INDIVIDUALS NOMINATED

SCHEDULE C – ACCEPTANCE OF NOMINATION FOR TLA'AMIN ELECTION FORM

SCHEDULE D – CERTIFICATE OF QUALIFICATION

SCHEDULE E – NOMINEE DISCLOSURE STATEMENT

NOMINATION REGULATION

SCHEDULE B – NOTICE TO INDIVIDUALS NOMINATED

Date: _____, 2_____

Subject: Election of the Tla'amin Government

Dear Nominee:

According to the *Election Law*, I must inform you that on _____, 2_____, at the nomination meeting held at the _____, you were nominated as a candidate for the position of **[Hegus/ Legislator]** for the election of the Tla'amin Government to be held on _____, 2_____.

If you choose to accept this nomination you must complete the *Tla'amin Nation – Acceptance of Nomination Form* (copy attached) and have it sworn before a commissioner for taking affidavits, notary public, a justice of the peace or the Tla'amin elections officer and attach your deposit and return it to the elections officer by no later than _____, 2_____.

If you choose to accept this nomination and are not currently enrolled as a Tla'amin citizen, you must enrol as a Tla'amin citizen before you can be certified as a candidate in the election. If you choose to accept this nomination and are not currently in good standing with the Tla'amin Nation, you must take appropriate steps to return to good standing with the Tla'amin Nation before you can be certified as a candidate in the election.

If you choose not to accept this nomination, according to the *Election Law*, you must submit to the elections officer a written withdrawal of nomination, signed by yourself, either in the presence of a justice of the peace, a notary public, a commissioner for oaths, of the Tla'amin elections officer.

If you fail to inform the Tla'amin elections officer of your refusal by _____, 2_____, nor forwarded your acceptance of nomination together with your deposit, under Tla'amin law, I will consider that you have withdrawn and your name will not be included on the election ballot.

If you accept the nomination and decide prior to the close of polls that you wish to withdraw, you may do so, however, any ballots cast in your favour will not be counted.

Each candidate is allowed to have **no more than two** (2) scrutineers to observe the proceedings on election day. You may appoint scrutineers by submitting a *Tla'amin Nation - Notice Appointing Scrutineers Form*. These forms will be made available at all voting stations on the election day upon request.

If you have any questions concerning the election process, please do not hesitate to contact the Tla'amin elections officer at the address and/or telephone number appearing at the bottom of this letter.

Yours truly, _____
Tla'amin Elections Officer
Email:

NOMINATION REGULATION

SCHEDULE C – ACCEPTANCE OF NOMINATION FOR TLA'AMIN ELECTION FORM

To the Tla'amin Elections Officer:

I, _____, a Tla'amin citizen, being nominated as a candidate for Hegus or
Legislator of the Tla'amin Nation at a nomination meeting held at _____ on the
____ day of _____, 20__ and being qualified to hold such office under the *Election
Law*, do hereby formally accept such nomination and enclose herewith a non-refundable deposit
in the amount of _____.

(Candidate for Hegus =\$100)
(Candidate for Legislator = \$50)

SWORN TO BEFORE ME at the city of _____ }
_____ }
in the province of _____ }
this _____ day of _____, 20__ }
_____ }

Signature of Nominee

(Commissioner for taking affidavits for the Province
of British Columbia or the elections officer or a
justice of the peace or a notary public)

NOMINATION REGULATION

SCHEDULE D - CERTIFICATE OF QUALIFICATION

To the Tla'amin Elections Officer:

I, _____, a citizen of the Tla'amin Nation, being nominated as a candidate for Hegus or Legislator of the Tla'amin Nation do hereby declare the following:

That I meet all of the eligibility requirements as stated in the *Election Law* and in the *Nomination Regulation*.

SWORN TO BEFORE ME at _____ }
in the province of _____ }
this _____ day of _____, 20____ }
_____ }

Signature of nominee

(Commissioner for taking affidavits for the Province of British Columbia or the elections officer or a justice of the peace or a notary public)

NOMINATION REGULATION

SCHEDULE E – NOMINEE DISCLOSURE STATEMENT

I, _____, a Tla'amin Citizen, being nominated as a candidate for Hegus or Legislator of the Tla'amin Nation do hereby disclose the following:

1. That I am not currently in personal bankruptcy;
2. That I have not, in the 5 years immediately preceding election day, been convicted of an offence that carries the possibility of imprisonment for 2 years or more, which was not directly related to the exercise of Aboriginal rights, Treaty rights, or Aboriginal title.
3. That I am not, to the best of my knowledge, disqualified from holding office by the *Election Law* or any other Tla'amin law or policy; and
4. That I am not in debt to Tla'amin Nation or a Tla'amin Public Institution in an amount of \$5,000 or more for a period of longer than 90 days.

SWORN TO BEFORE ME at the city of _____ }
 _____ }
 in the province of _____ }
 this _____ day of _____, 20____ }

Signature of Nominee

 (Commissioner for taking affidavits for the Province of British Columbia or the elections officer or a justice of the peace or a notary public)