



# Election Code Amendments Information Sheet

Lilwat Nation Election Code Amendments Referendum:  
Saturday, March 16, 2019



## Why is Lilwat Nation seeking to amend its Election Code?

Lilwat Nation will be having its next Election in 2019. Before that Election, leadership wants to strengthen the Lilwat Nation Election Code\* (aka Election Code) to reflect Lilwat7úl Cultural Protocol, better define electoral processes, and help reduce Election Appeals and the costs, both socially and economically, of holding a second Election.

The Election Appeal that invalidated 2015's Election caused a great deal of confusion and conflict within the community. The Appeals Board legal counsel, lawyers Ratcliff & Company, provided the recommendations for amendments to the Election Code. (See other side.)

\*Lilwat Nation Election Code was ratified March 9, 2013 and came into effect December 17, 2014.

## What's happened so far in the Election Code amendment process?

Chiefs and Council appointed the Policy Committee to amend the Election Code. To prepare proposed amendments all recommendations were reviewed and advice sought from Catherine McQuarrie (Institute Public Administration of Canada, Policy Advisor), Electoral Officer, Fred Schiffner, and Ratcliff & Company.

Another reason for the amending the Election Code is to remove information that exists, or belongs, in other policies.

The Policy Committee has identified sections and information that exists in other policies. Lawyers at Ratcliff & Company and Fred Schiffner, an Electoral Officer with extensive experience in running First Nations elections, including those held at Lilwat, have reviewed the Election Code and offered a variety of recommendations for amendments.

These suggested amendments have been presented to Lilwat Nation's Policy Committee where they have been discussed, modified, accepted or rejected. The resulting amended draft of the Election Code has been presented to and endorsed by Chiefs and Council. **A referendum, to accept or reject the amended Election Code, is planned for Saturday, March 16, 2019.**

On January 14, 2019 and January 16, 2019, the Policy Committee presented the recommended revisions to the membership via two Community Engagement Sessions. These sessions were an opportunity for the committee to solicit feedback.



**Policy Committee Members:**  
Councillor Vaughan Gabriel  
Councillor Felicity Nelson  
Councillor Tara Smith  
Councillor Alphonse Wallace  
Chief Operations Officer Ernest Armann

## Proposed amendments to strengthen the Election Code, reflect Liłwat7úl Cultural Protocol, and better define electoral processes.

### Recommended Section Changes to the Liłwat Nation Election Code:

- Section 7 - No referendum or other voting process will be held within 100 days prior to the date on which the Election is to be held (Page 8)
- Removed Sections 5-35, as these sections pertained to Chiefs and Council Meetings and not the Election Code
- Part 5: Code of Ethics has been changed to 'Ethical Campaigning' (Page 10)
- Section 74 - As soon as reasonably possible following the Nomination Meeting each nominee must provide the Electoral Officer proof satisfactory to the Electoral Officer that the nominee has not been convicted of an indictable offence with the previous three years in the form of a Criminal Record Check (Page 18)
- The Electoral Officer and Deputy Electoral Officer cannot be members of Liłwat Nation
- Section 108 - Voting Procedures clarified (Page 24)
- Appeal and Dispute Resolution Board—Section 145—Composition of Board reduced from eight (8) to three (3) non-Liłwat members (Page 30)

### Recommended Additions to The Liłwat Nation Election Code:

- Cleaned up Part 3: Definitions - addition of Band Council Resolution, Political and Cultural Chief. Removed Cultural Chief duties
- Section 52 - addition of 'Council, by Band Council Resolution, shall determine the location of the Nomination Meeting' (Page 15)
- Removal of Council Orientation Sessions
- Section 15 - Added Term of Office (Page 9)
- Section 72 - Include 'Indictable Offence' in the definition section (Page 18)
- Section 81 - additional Acclamation Points added (Page 19)



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tomorrow.