huu ay aht

ANCIENT SPIRIT, MODERN MIND

ELECTION ACT

OFFICIAL CONSOLIDATION
Current to May 14, 2026

The Huu-ay-aht Legislature enacts this law to establish a fair system of elections for the offices of Chief Councillor and elected Councillors.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Election Act* passed Third Reading in the Legislature on:

April 1, 2011

Chief Councillor Robert Dennis Sr.

I certify that the *Election Act* is enacted as law on:

April 1, 2011

Ta'yii Hawilth Derek Peters

I certify that the *Election Act* came into force on:

April 1, 2011

Law Clerk Connie Waddell

Certified True Copy

REGISTRY OF LAWS CERTIFICATION

I certify that the *Election Act Amendment Act, 2023* was passed by Executive Council on:

March 30,2023

Chief Councillor, Robert Dennis

I certify that the *Election Act Amendment Act, 2023* is enacted as law on:

March 30,2023

Ta'yii Hawilth, Derek Peters

I certify that the *Election Act Amendment Act, 2023* came into force on:

March 30,2023

Law Clerk, Coraleah Bauer

REGISTRY OF LAWS CERTIFICATION

I certify that the *Huu-ay-aht General Legislation Amendment Act, 2026* was passed by Executive Council on:

March 31, 2026

Chief Councillor John Jack

I certify that the *Huu-ay-aht General Legislation Amendment Act, 2026* is enacted as law on:

March 31, 2026

On behalf of the Ta'yii Hawilth, Theresa Nookemus

I certify that the *Huu-ay-aht General Legislation Amendment Act, 2026* came into force on:

March 31, 2026

Acting Law Clerk Alexis Young

REGISTRY OF LAWS CERTIFICATION

I certify that the *General Legislation Correction and Amendment Regulation, 2026* was passed by Executive Council on:

May 14, 2026

Chief Councillor John Jack

I certify that the *General Legislation Correction and Amendment Regulation, 2026* is enacted as law on:

May 14, 2026

ḥawiiḥ Councillor Theresa Nookemus

I certify that the *General Legislation Correction and Amendment Regulation, 2026* came into force on:

May 14, 2026

Acting Law Clerk Alexis Young

ELECTION ACT

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Note to Reader

The *Election Act* sets out the process for electing the Chief Councillor and elected Councillors on the Huu-ay-aht Council. Beginning in 2011, general elections are held on the third Saturday in June every 4 years.

Huu-ay-aht citizens who are at least 18 may vote, nominate candidates or, if qualified, run as candidates. A candidate may run for both Chief Councillor and Councillor in an election but may only hold one position.

Executive Council appoints the Election Commissioner, who is not a Huu-ay-aht citizen, to conduct the election. The commissioner appoints election officials, prepares voters lists, receives nominations, mails election information to voters, oversees the campaign period, among many other election tasks

Voting may be by mail-in ballot, or a ballot marked on voting day in Anacla or Port Alberni, or, if allowed by regulation, by electronic voting. Everyone involved in an election must maintain the secrecy of the ballot.

Interfering in the election, bribing or intimidating voters, breaching the campaign code of conduct, and other election offences result in penalties under this Act.

Eligible voters have a responsibility to vote. Those who fail to vote in an election may be disqualified for specified Huu-ay-aht government programs, services or benefits.

To be counted, a ballot must be marked with an X or a ✓ in the required location next to a candidate's name. A ballot not marked in this way will be rejected as invalid. If a voter makes a mistake on a ballot, the voter may exchange that ballot for another ballot, in which case the ballot with the mistake will be considered spoiled and marked with the word "cancelled".

Tie votes result in ballot recounts or a run-off vote to determine the successful candidate. The Huu-ay-aht Tribunal may hear an application to disqualify a candidate or to declare an election invalid.

The following timetable sets out the tasks required in an election:

Minimum Days Before Voting Day	Activity
71 days	Executive Council appoints Election Commissioner
68 days	Registrar provides Election Commissioner with a list of Huu-ay-aht citizens who will be at least 18 on voting day
61 days	Election Commissioner • makes public voters list available for inspection • gives public notice that eligible voters may request corrections to public voters list
47 days	First day candidate nomination forms may be delivered to Election Commissioner

Minimum Days Before Voting Day	Activity
37 days	Last day candidate nomination forms may be delivered to Election Commissioner
36 days	If there are enough candidates, Election Commissioner declares candidates and campaign period starts If there are not enough candidates, Election Commissioner announces extended period for nominations and campaign period does not start Last day for voters to deliver request for correction to voters list to Election Commissioner
32 days	If nomination period is extended, nomination period closes
31 days	If nomination period is extended, Election Commissioner declares candidates and campaign period starts
30 days	Corrections to voters list complete
29 days	Election Commissioner: • makes any updates to public voters list available for inspection • prepares candidate voters list • gives notice to eligible voters of opportunity to vote by mail-in ballot
28 days	Last day to withdraw nomination Election Commissioner declares and gives public notice of the election by voting or by acclamation Last day to withdraw as candidate unless challenge to nomination has been made
25 days	Last day for candidates to deliver campaign advertising to Election Commissioner for mailing to eligible voters
22 days	Election Commissioner: • mails campaign advertising to eligible voters • mails a mail-in ballot package to eligible voters
20 days	Last day for eligible voter to challenge a nomination
7 days	Last day for mandatory all candidates meetings
Voting Day	Mail-in ballots and any alternative forms of voting must be received by Election Commissioner Eligible voters mark ballots at voting places Campaign period ends at close of voting

This Legislature enacts as follows:

PART 1 - PURPOSE AND DEFINITIONS

Purposes

1 The purposes of this Act are

(a) to establish a fair, efficient, accessible, and transparent system for the election of the Chief Councillor and Councillors, and

(b) to encourage the participation of eligible Huu-ay-aht citizens in this fundamental democratic process.

Definitions

2 In this Act:

"by-election" means an election under section 12;

HFNA 2/2023, s. 1(a)(i)

"candidate" means an individual nominated for the office of Chief Councillor or Councillor under this Act;

"commissioner" and **"Election Commissioner"** means the individual appointed under section 15 unless the context requires otherwise;

HFNA 2/2023, s. 1(a)(ii)

"contact information" means contact information as defined in the *Citizenship and Treaty Enrolment Act*;

"Councillor" means an elected Councillor unless the context requires otherwise;

HFNA 2/2023, s. 1(a)(iii)

"declare" includes giving public notice;

"Deputy Election Commissioner" means an individual appointed under section 20 (1) (a);

"elected office" means the elected office of Chief Councillor or Councillor;

"election" means a general election or by-election for the offices of Chief Councillor, Councillor or both of those offices;

"election official" means an election official appointed by the commissioner under section 20;

"election period" means, in relation to an election, the period between the appointment of an Election Commissioner under section 15 and the completion of the commissioner's duties and responsibilities under this Act in relation to that election;

HFNA 2/2023, s. 1(a)(iv)

"eligible voter" means an individual who is eligible to vote in an election under section 3;

HFNA 2/2023, s. 1(a)(v)

"general election" means an election under section 11;

"Huu-ay-aht body" means a Huu-ay-aht body as defined in the *Code of Conduct and Conflict of Interest Act*;

"Huu-ay-aht Council" means the Huu-ay-aht Council as defined in the *Government Act*;

"Huu-ay-aht employee" means an individual employed by a Huu-ay-aht body and who is not exempt by regulation;

"Law Clerk" means the Law Clerk as defined in the *Government Act*;

HFNA 2/2023, s. 1(a)(vi)

"presiding election official" means the Election Commissioner or a Deputy Election Commissioner responsible for the conduct of an election at a voting place;

"public officer" means a government member, Huu-ay-aht employee, contractor, director or volunteer of a Huu-ay-aht body, as set out in section 3 of the *Code of Conduct and Conflict of Interest Act*;

"Registrar" means the Registrar as defined in the *Citizenship and Treaty Enrolment Act*;

"Speaker" means the Speaker as defined under the *Government Act*;

"tie vote" means an equality of valid votes cast in favour of two (2) or more candidates;

HFNA 2/2023, s. 1(a)(vii)

"tribunal" means the Huu-ay-aht Tribunal;

"voting book" includes an official voters list prepared for the signature of eligible voters who receive ballots under section 57;

"voting day" in a general election means the third Saturday in June in an election year under section 11, and in a by-election, the day specified by Executive Council under section 12.

PART 2 - WHO MAY VOTE

Eligible voter

3 A Huu–ay-aht citizen who

(a) is at least 18 years of age on voting day, and

(b) is not disqualified from voting under this Act or otherwise by law

is eligible to vote in an election.

Duty of eligible voter

4 Eligible voters must

(a) ensure their names and contact information on the voters list are correct,

(b) inform themselves about the candidates in an election, and

(c) vote in an election.

PART 3 - WHO MAY BE A CANDIDATE

Candidate qualifications

5 (1) Subject to subsection (2), an eligible voter may be nominated as a candidate.

(2) An eligible voter is disqualified from being nominated as a candidate if that individual is any of the following:

(a) an undischarged bankrupt;

(b) in debt to the Huu-ay-aht or any other prescribed entity for more than the prescribed amount;

(c) in default of a prescribed contractual obligation to government or any other prescribed entity;

(d) convicted of a prescribed category of criminal offence;

(e) convicted of a prescribed category of criminal offence for which 5 years have not elapsed from the date of conviction;

(f) disqualified or prohibited from holding elected office under this Act, another Huu-ay-aht Act or otherwise disqualified by law;

(g) a member of the tribunal;

(h) the Speaker;

(i) in a prescribed position or contract with a Huu-ay-aht body;

(j) a Huu-ay-aht employee, unless the Huu-ay-aht employee has complied with section 7.

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

Double candidate

6 (1) An individual may be a candidate for Chief Councillor and Councillor in the same election.

(2) If the candidate is elected Chief Councillor, the candidate is deemed to have withdrawn as a candidate for Councillor in that election.

Huu-ay-aht employees as candidates

7 (1) In this section, **"employee candidacy period"** means, in relation to a Huu-ay-aht employee, the period that begins on the first day of the campaign period, and ends, as applicable, if the employee

(a) is not nominated before the end of the nomination period, on the day after the end of that period,

(b) withdraws as a candidate in the election, on the day after the withdrawal,

(c) is declared elected, on the day the employee resigns in accordance with section 8 (1) or on the last day for taking office before the employee is deemed to have resigned for a failure to make the oath of office within the time specified under section 21 of the *Government Act*,

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

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

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

(3) Before consenting to nomination for an elected office, a Huu-ay-aht employee must give notice in writing to his or her employer of

(a) the employee's intention to consent to nomination, and

(b) whether the employee intends to take a leave of absence under subsection (6).

(4) The employer of a Huu-ay-aht employee who has given notice under subsection (3) (a) and indicated an intention to not take a leave of absence under subsection (3) (b) must determine, before the campaign period, whether the powers, duties and functions of the employee may give rise to an actual or apparent advantage for that employee in the election process.

(5) If the employer identifies any powers, duties or functions of a Huu-ay-aht employee that may give rise to an actual or apparent advantage in the election process, the employer must amend that employee's job description to remove those powers, duties or functions during the employee candidacy period.

(6) After giving notice under subsection (3), a Huu-ay-aht employee is entitled to, a leave of absence without pay from his or her position for the employee candidacy period.

(7) After being elected as Chief Councillor or Councillor and before making the oath of office under section 21 of the *Government Act*, a Huu-ay-aht employee on a leave of absence under this section must resign from his or her position.

HFNA 2/2023, s. 1(b), HFNR 2/2026, s. 3 (11).

Council members in by-elections

8 (1) A Councillor may not consent to nomination in a by-election for Chief Councillor unless the Councillor resigns from office within 7 days of the appointment of a commissioner for the by-election.

(2) The office of a Councillor who has resigned under subsection (1) is deemed to have been declared vacant, and the notice period for resignation from elected office under section 24 of the *Government Act* does not apply, so that the by-election may proceed for the vacant offices of Chief Councillor and Councillor.

(3) The Law Clerk must notify Executive Council and the ḥaẇiiḥ Council and give public notice of a vacancy under subsection (2).

(4) A Chief Councillor may not resign and be nominated in a by-election for Councillor.

HFNA 2/2023, s. 1(c), HFNA 3/2026, s 4 (1) (f́).

Holding 2 council offices prohibited

9 An individual may hold only one Huu-ay-aht Council office at a time.

Candidate nomination

10 A candidate must be nominated in accordance with Part 5 to be included on the ballot in an election.

PART 4 - WHEN ELECTIONS ARE HELD

General election every 4 years

11 (1) General elections for the Chief Councillor and Councillors must be held in 2011 and in every fourth year after that.

(2) Voting day for a general election is the third Saturday of June in the year of the election.

By-elections to fill vacancies

12 (1) Subject to section 13, a by-election must be held to fill a vacancy in an elected office in any of the following circumstances:

(a) an elected individual dies before taking office;

(b) an individual holding elected office dies;

(c) an individual holding elected office resigns;

(d) the tribunal declares an elected office vacant;

(e) an elected office is otherwise declared vacant by law.

(2) Executive Council must choose a Saturday no earlier than 70 days and no later than 80 days after the vacancy occurs, as voting day for the by-election.

(3) As much as is reasonably possible, the commissioner must conduct a by-election in the same manner as a general election.

(4) Subject to subsection (1), an individual elected in a by-election holds that office until the next general election.

(5) A Chief Councillor or Councillor who resigns from elected office is disqualified from nomination as a candidate in the by-election to fill the vacancy that results from his or her resignation.

(6) If a vacancy in an elected office reduces the number of Council members to less than a quorum for Executive Council, the ḥaw̓iiḥ Council must appoint the Council members required for a quorum under section 42 of the *Government Act*.

(7) An individual appointed by the ḥaw̓iiḥ Council under subsection (6)

(a) must have the same qualifications as a candidate for elected office,

(b) must make the oath of office within the time specified under section 21 of the *Government Act*,

(c) has all of the powers, duties and functions of a Council member elected under this Act, and

(d) holds the elected office until another individual is selected in accordance with this Act and makes the oath of office within the time specified under section 21 of the *Government Act*.

HFNA 2/2023, s. 1(d), (e), (f), (g), HFNA 3/2026, s 4 (1) (f).

By-election restriction

13 (1) If a vacancy in an elected office occurs during the 12-month period following a general election a by-election must be held only if the Law Clerk is unable to fill the seat in accordance with section 13.1.

(2) If a vacancy in an elected office occurs during the 12-month period leading up to a general election,

(a) a by-election must not be held, and

(b) ḥaw̓iiḥ Council must appoint an individual for the remainder of the term of that office.

(3) Section 12 (7) applies to an individual appointed under subsection (2) (b).

HFNA 2/2023, s. 1(h), (i), (j), (k), HFNA 3/2026, s 4 (1) (f).

Vacancy within 12 months following general election

13.1 (1) In the case of a vacancy under section 13 (1) the individual who is recorded in the official election record compiled under section as receiving the next highest number of votes after the individual who was elected to that office with the least number of votes, will become eligible to be deemed elected to the vacant office.

(2) As soon as practicable after declaring the vacancy, the Law Clerk must notify the individual identified under subsection (1) in writing that he or she is eligible to be deemed elected to the vacant office.

(3) An individual who receives notice under subsection (2) or 4 (b) and wishes to fill the vacant seat must notify the Law Clerk in writing within 72 hours.

(4) If the Law Clerk has provided notice under subsection (2) or 4 (b) and the eligible individual does not provide notice under subsection (3) within 72 hours, the Law Clerk must

(a) declare the individual who was given notice ineligible to be deemed elected to the vacant office, and

(b) notify the individual who received the next highest number of votes after the individual who was previously notified under this section that he or she is eligible to be deemed elected to the vacant office.

(5) As soon as practicable after receiving notice under subsection (3), the Law Clerk must declare and give public notice that the vacant seat has been filled.

HFNA 2/2023, s. 1(l)

PART 5 - HOW ELECTIONS ARE CONDUCTED

Election timetable

14 [Repealed]

HFNA 2/2023, s. 1(m)

Division 1 - Election Commissioner

Appointment

15 (1) Executive Council must appoint an Election Commissioner in any of the following circumstances:

(a) at least 71 days before voting day in a general election;

(b) within 10 days of Executive Council being advised of a vacancy that requires a by-election under this Act;

(c) as soon as practicable after the resignation or termination of a commissioner during an election period;

(d) as soon as practicable after appointing an acting Election Commissioner if required by section 21.

(2) Executive Council must specify the terms of the commissioner's appointment, including remuneration and expenses.

(3) The commissioner's appointment is effective once the individual appointed delivers the following in the prescribed form to Executive Council:

(a) the individual's acceptance of the appointment;

(b) a solemn declaration that the individual will faithfully and impartially exercise the powers, duties and functions of the commissioner under this Act.

(4) Executive Council may only terminate the appointment of the commissioner during an election period for cause or incapacity.

HFNA 2/2023, s. 1(n)

Qualifications

16 A commissioner appointed by Executive Council under section 15

(a) must have the knowledge, experience and ability to conduct a fair, efficient, accessible and transparent election,

(b) must not be a Huu-ay-aht citizen,

(c) must not have donated money or services to, or campaigned for, a candidate for elected office within 5 years of voting day, and

(d) must not be a Huu-ay-aht employee.

Role of commissioner

17 (1) The commissioner is responsible for the fair, efficient, accessible, and transparent conduct of elections under this Act.

(2) For greater certainty,

(a) there is no reporting relationship between the commissioner and Executive Council, and

(b) the commissioner will not communicate directly with any Council member except in his or her capacity as a candidate and then only to the same extent as with any other candidate.

HFNA 2/2023, s. 1(o)

Additional powers and duties

18 (1) In addition to carrying out other powers, duties and functions of a commissioner under this Act, the commissioner must take all reasonable steps to do the following:

(a) encourage, in an impartial manner, all eligible voters to participate and vote in Huu-ay-aht elections;

(b) train election officials;

(c) ensure that each voting place is supplied with sufficient numbers of ballots, ballot boxes and voting books and has an area that may be used as a voting compartment;

(d) distribute election information to eligible voters;

(e) take all reasonable precautions to ensure that an individual does not vote more than once in an election or otherwise contravene this Act;

(f) preserve the secrecy of the ballot in accordance with section 54 and maintain the confidentiality of the official voters list in accordance with section 27;

(g) inform the tribunal of the election and voting day;

(h) investigate a complaint or conduct an investigation into any matter that may be a contravention of this Act or regulations;

(i) carry out other prescribed powers, duties and functions consistent with the purposes of this Act.

(2) The commissioner may do all of the following:

(a) take solemn declarations if required by this Act;

(b) delegate the commissioner's powers and duties to election officials, subject to any restrictions or conditions specified by the commissioner;

(c) exercise other prescribed powers consistent with the purposes of this Act.

Extraordinary powers

19 (1) If a matter arises in the conduct of an election that

(a) is not covered by this Act,

(b) is not provided for, or is inadequately provided for, in the regulations, or

(c) in the opinion of the commissioner results from special circumstances,

(d) the commissioner may make an order or decision the commissioner considers appropriate to achieve the purposes of this Act.

(2) An order or decision by the commissioner under subsection (1) must be consistent with generally accepted standards for the conduct of elections in British Columbia.

(3) Without limiting subsection (1), the commissioner may make an order or decision extending a time period or setting a new date in place of a date established under this Act.

(4) The commissioner must not make an order or decision that is an exception to any of the following:

(a) section 3 [Eligible voter];

(b) section 5 [Candidate qualifications].

(5) The commissioner must not delegate any powers under this section.

Appointment of election officials

20 (1) The commissioner may appoint election officials to assist the commissioner in carrying out his or her powers and duties under this Act including

(a) Deputy Election Commissioners,

(b) peace officers,

(c) election clerks, and

(d) other election officials.

(2) No person other than the commissioner may appoint election officials.

(3) An individual is qualified for appointment by the commissioner as an election official if the individual

(a) is at least 18 years of age,

(b) is not a Huu-ay-aht citizen,

(c) has not donated money or services to, or campaigned for, a candidate for elected office within 5 years of voting day, and

(d) is not a Huu-ay-aht employee.

(4) Despite subsection (3), a Huu-ay-aht citizen or Huu-ay-aht employee who is otherwise qualified under subsection (3) (a) and (c) may be appointed by the commissioner for specified duties where reasonably necessary for the fair and efficient conduct of an election.

(5) The commissioner must

(a) determine the powers and duties of an election official,

(b) determine the nature and extent of the commissioner's authority that an election official may exercise, and

(c) set the terms of appointment, including remuneration and expenses, for an election official.

(6) The appointment of an election official is effective once the individual

(a) accepts the appointment in writing,

(b) makes a solemn declaration, in the prescribed form, that the individual

(i) will faithfully and impartially exercise the powers and duties of the position,

(ii) has not received and will not accept any inducement to exercise the powers or perform the duties otherwise than impartially and in accordance with this Act and regulations or to otherwise subvert the election,

(iii) is not and will not become a candidate representative or otherwise campaign for a candidate while holding the position of an election official, and

(iv) will preserve the secrecy of the ballot in accordance with section 54 and maintain the confidentiality of the official voters list in accordance with section 27, and

(c) delivers the acceptance and the solemn declaration to the commissioner.

(7) The commissioner may, at any time, terminate the appointment of an election official.

HFNA 2/2023, s. 1(p), (q)

Acting commissioner

21 (1) Executive Council may appoint an acting commissioner during an election period if

(a) the office of commissioner is vacant, or

(b) the commissioner is temporarily absent because of illness or other cause.

(2) An acting commissioner appointed by Executive Council must have the same qualifications as a commissioner under section 16.

(3) Executive Council must specify the terms of the acting commissioner's appointment, including remuneration and expenses.

(4) An acting commissioner holds office until a commissioner is appointed or the commissioner returns to office after a temporary absence.

(5) The appointment of an acting commissioner is effective once the individual delivers the following in the prescribed form to Executive Council:

(a) the individual's acceptance of the appointment;

(b) a solemn declaration that the individual will faithfully and impartially exercise the powers, duties and functions of the commissioner under this Act.

(6) An acting commissioner has all the powers, duties and functions of a commissioner.

(7) Unless subsection (4) applies, Executive Council may only terminate the appointment of an acting commissioner during an election period for cause or incapacity.

HFNA 2/2023, s. 1(r)

Division 2 - Voters Lists

Definitions

21.1 In this division,

"voters list" means the list prepared under section 23 (3),

"public voters list" means the list prepared under section 24,

"official voters list" means the list prepared under section 27 (1), and

"candidate voters list" means the list prepared under section 29.

HFNA 2/2023, s. 1(s)

Registrar to provide list

22 (1) At least 68 days before voting day, the Registrar must provide the commissioner with a list of Huu-ay-aht citizens who will be at least 18 years of age on voting day.

(2) The list under subsection (1) must

(a) be in paper and electronic form,

(b) include, in alphabetical order, each individual's

(i) full name,

(ii) date of birth, and

(iii) contact information, and

(c) identify individuals who have not consented for reasons of privacy or personal safety to the public disclosure of their contact information.

(3) The commissioner must maintain the confidentiality of the list provided by the Registrar.

HFNA 2/2023, s. 1(t)

Voters lists for an election

23 [repealed]

HFNA 2/2023, s. 1(u)

Preparation of public voters list

24 From the voters list, the commissioner must prepare a public voters list containing the following information:

(a) the names and addresses of eligible voters who have not withheld their consent under section 22 (2) (c);

(b) the names of eligible voters who have withheld their consent under section 22 (2) (c).

HFNA 2/2023, s. 1(v)

Posting of public voters list

25 (1) At least 61 days before voting day, the commissioner must give public notice that

(a) the public voters list and any other information specified by the commissioner will be available for public inspection from the date specified in the notice until the close of voting, and

(b) eligible voters may request corrections to the voters list in accordance with the process set out in section 26.

(2) At least 61 days before voting day, the commissioner must make the public voters list available for public inspection at the Huu-ay-aht government offices and other prescribed locations.

(3) Before inspecting the public voters list, a person must agree in writing that the person will not use or disclose the information on that list except for the purposes of and in accordance with this Act.

HFNA 2/2023, s. 1(w)

Corrections to voters lists

26 (1) Subject to this Act, the commissioner may do any of the following to maintain the accuracy of the voters list:

(a) correct the name, date of birth or contact information of an eligible voter;

(b) add an eligible voter;

(c) remove an individual who is not an eligible voter.

(2) The Registrar or an individual may request a correction to the voters list by delivering a request in the prescribed form to the commissioner at least 36 days before voting day.

(3) As soon as practicable after receiving a request under subsection (2), the commissioner must

(a) if the requester is the Registrar, make the requested correction,

(b) if the requester is an individual other than the Registrar,

(i) decide whether the request is approved or denied,

(ii) give written notice of the decision to the requester, the affected individual, and the Registrar, and

(iii) make any changes to the voters list required to give effect to that decision as soon as practicable.

(4) The requester, the affected individual or the Registrar may appeal the decision of the commissioner under subsection (3)(b)(i) to the tribunal under Part 3 of the *Tribunal Act* no later than 25 days before voting day.

(5) The tribunal must decide the appeal under subsection (4) and provide notice of its decision to the appellant, the Registrar and the commissioner no later than 24 days before voting day.

(6) The commissioner must, as soon as practicable, make any changes to the voters lists ordered by the tribunal under subsection (5).

HFNA 2/2023, s. 1(x)

Official voters list

27 (1) From the voters list, the commissioner must prepare an official voters list at least 30 days before voting day

(a) containing the names and addresses of eligible voters, and

(b) incorporating any corrections to the voters list under section 26.

(2) Unless ordered by the tribunal, the official voters list must not be altered.

(3) The commissioner must maintain the confidentiality of the official voters list.

(4) Only individuals whose names are on the official voters list may vote in an election.

HFNA 2/2023, s. 1(y)

Revised public voters list

28 If the commissioner makes any corrections to the public voters list, the commissioner must, as soon as practicable

(a) make the revised public voters list available for public inspection at the Huu-ay-aht government offices and other prescribed locations, and

(b) give public notice that a copy of the revised public voters list is available for public inspection until the close of voting.

HFNA 2/2023, s. 1(z)

Candidate voters list

29 (1) At least 29 days before voting day, the commissioner must prepare a candidate voters list from the official voters list.

(2) The following information must be included in a candidate voters list:

(a) the names and contact information of individuals who have not withheld their consent under section 22 (2) (c);

(b) the names of individuals who have withheld their consent under section 22 (2) (c).

(3) Before receiving a copy or having access to the candidate voters list, each candidate, candidate representative, and anyone else with access to the candidate voters list, must make a solemn declaration in the prescribed form that the individual will only use that list for

(a) the purpose of contacting eligible voters to provide them with campaign information,

(b) the purpose of asking eligible voters to vote for a candidate or to not vote for a candidate, or

(c) any other purpose related to the election.

(4) The commissioner must not release a copy of the candidate voters list until the commissioner receives the solemn declarations required under subsection (3).

HFNA 2/2023, s. 1(aa)

Division 3 - Nominating Candidates

Call for nominations

30 At least 61 days before voting day, the commissioner must give public notice of the call for nominations for elected office setting out all of the following:

(a) the elected offices to be filled in an election;

(b) the dates, times and places for receiving nominations;

(c) how interested individuals can obtain information about making a nomination;

(d) information concerning the responsibilities of the commissioner and election officials during an election and the commissioner's office contact information;

(e) any other information the commissioner considers appropriate.

HFNA 2/2023, s. 1(bb)

Nomination period

31 The period for receiving nominations begins at 9 a.m. on the 47th day before voting day and ends at noon on the 37th day before voting day.

Nomination form

32 The nomination of a candidate for elected office must be made in the prescribed form and include all of the following:

(a) the elected office for which the individual is nominated;

(b) the full name of, photograph of, and contact information for, the nominated individual;

(c) a statement signed by the nominated individual consenting to the nomination;

(d) the full names, contact information and signatures of at least ten (10) eligible voters making the nomination;

(e) a statement signed by each of the individuals under paragraph (d) that

(i) to the best of their knowledge the nominated individual is qualified to be a candidate under section 5, and

(ii) they are qualified as eligible voters to nominate a candidate;

(f) a certified copy of a criminal record check for the nominated individual obtained within six (6) months of voting day;

(g) a solemn declaration of the nominated individual declaring that

(i) he or she is qualified to be nominated, and

(ii) to the best of his or her knowledge, the information provided in the nomination form is true.

HFNA 2/2023, s. 1(cc)

Submitting nomination form

33 (1) A complete nomination form must be submitted to the commissioner before the nomination period ends.

(2) As soon as practicable after receiving a nomination form, the commissioner must provide the nominated individual with written acknowledgement that

(a) the nomination form is complete and the individual is eligible to be declared a candidate for elected office, or

(b) the nomination form is incomplete.

HFNA 2/2023, s. 1(dd), (ee), (ff)

Inspecting nomination forms

34 The commissioner must make the complete nomination forms available for public inspection as soon as practicable.

HFNA 2/2023, s. 1(gg)

Declaring candidates

35 (1) Subject to subsection (2), at least 36 days before voting day, the commissioner must declare as candidates for elected office all the individuals who have met the nomination requirements and give public notice of the candidates.

(2) If there are no candidates for the office of Chief Councillor or fewer candidates are nominated for the office of Councillor than there are elected offices for Councillor, the commissioner must

(a) extend the period for nominations until noon of the 32nd day before voting day,

(b) give public notice of the extended nomination period as soon as practicable, and

(c) at least 31 days before voting day, declare as candidates for elected office all the individuals who have met the nomination requirements and give public notice of the candidates.

HFNA 2/2023, s. 1(hh)

Challenging nomination

36 (1) In this section, **"nominee"** means an individual nominated under this Division whose nomination is challenged.

(2) Subject to this section, an eligible voter may challenge a nomination by applying to the tribunal under section 17 (1) (c) of the *Tribunal Act*.

(3) Despite any earlier acknowledgement by the commissioner under section 33 (2) (a), the commissioner must immediately challenge a nomination by applying to the tribunal under section 17 (1) (c) of the *Tribunal Act* if it appears to the commissioner that an individual is disqualified from nomination.

(4) An application under subsection (2) or (3) must be

(a) submitted no later than 20 days before voting day,

(b) made on one or more of the following grounds:

(i) the nominee is not qualified to be nominated under section 5;

(ii) the nomination was not made in accordance with sections 31 to 33, and

(c) supported by the applicant's solemn declaration as to the matters in the application.

(4.1) Before submitting an application under subsection (2) or (3), the applicant must

(a) deliver a copy of the application to the commissioner, and

(b) make every reasonable effort to provide a copy of the application to the nominee using the nominee's contact information provided on the nomination form.

(5) An application under subsection (2) or (3) must set out all of the following:

(a) the nominee's full name;

(b) the full name and contact information of the applicant;

(c) the grounds upon which the challenge is brought and the facts that support those grounds;

(d) notice to the nominee of the requirement set out at subsection (7);

(e) any other requirements Executive Council considers advisable.

(6) The commissioner must provide the tribunal with a copy of the nominee's completed nomination form

(a) upon making an application under subsection (3), or

(b) as soon as practicable after receiving a copy of an application under subsection (4.1).

(7) Within 2 days of receiving a copy of an application under subsection (4.1), a nominee must inform the tribunal whether the nominee will be making submissions to the tribunal in respect of the application.

(8) Within 3 days of receiving an application under subsection (2) or (3), the tribunal must:

(a) decide whether the application will be determined by oral or written submissions,

(b) give notice to participating parties of its decision under paragraph (a), and

(c) give any procedural directions necessary for determining the application.

(9) Within 10 days of receiving an application under subsection (2) or (3), the tribunal must determine the matter and issue an order with written reasons, either

(a) confirming the nominee is qualified to be nominated, or

(b) declaring the nominee is disqualified from nomination.

(10) The onus is on the applicant to establish that a nominee is not qualified to be nominated.

(11) If the tribunal finds that the evidence supports 2 or more different findings and that evidence is evenly weighted, the tribunal must resolve the matter in a manner that favours the nominee.

(12) Until the tribunal determines otherwise, a nominee is qualified for nomination or a candidate in the election, as applicable.

HFNA 2/2023, s. 1(ii)

Withdrawal of nomination

37 (1) A nominated individual or a candidate may withdraw from the election by submitting written notice to the commissioner

(a) before noon no later than 28 days before voting day, or

(b) if the nomination is subject to a challenge under section 36, at any time prior to a decision of the tribunal in respect of the challenge.

(2) The commissioner must accept the withdrawal and remove the individual's nomination form from public inspection.

(3) If a candidate dies, is disqualified or otherwise withdraws, the commissioner must

(a) give public notice of the candidate's withdrawal,

(b) if reasonably possible, remove the candidate's name from ballots or post notice of the candidate's withdrawal at the voting places, and

(c) if, as a result of the withdrawal, only one candidate remains for an elected office to be filled, declare the candidate elected by acclamation.

HFNA 2/2023, s. 1(jj)

Candidate representatives

38 (1) A candidate may appoint candidate representatives, including scrutineers, to represent the candidate and observe the conduct of voting and counting of ballots in an election.

(2) The appointment of a candidate representative must

(a) be in writing in the prescribed form and signed by the candidate making the appointment,

(b) include the name and contact information of the individual appointed,

(c) if the individual is appointed as a scrutineer, specify the voting or counting proceedings for which the individual is appointed, and

(d) be delivered to the commissioner as soon as practicable after the appointment is made.

(3) A candidate representative must not be present at voting or counting proceedings unless he or she has made a solemn declaration to

(a) preserve the secrecy of the ballot,

(b) preserve the confidentiality of the official voters list, and

(c) comply with this Act.

(4) A candidate representative is entitled to inspect the official voters list or voting book used in voting proceedings, so long as the inspection does not interfere with those proceedings.

(5) The absence of a candidate representative from a place where election proceedings are conducted does not invalidate anything done in the election.

Division 4 - Election by Voting or Acclamation

Declaration of election by voting or acclamation

39 (1) At least 28 days before voting day, the commissioner must declare an election to be

(a) by voting, if there is more than one candidate for the elected office to be filled, or

(b) by acclamation, if there is only one candidate for the elected office to be filled.

(2) The commissioner must give public notice of the election by voting or by acclamation setting out the following:

(a) if an election by voting is required

(i) the elected offices to be filled in the election,

(ii) the full names, contact information and colour photographs of the candidates for those offices,

(iii) the voting day, voting places and voting hours,

(iv) the identification requirements for voting, and

(v) how an individual may obtain information regarding voting in the election;

(b) if elected offices are filled by acclamation, the full names and addresses of the individuals elected by acclamation to each office;

(c) any other information the commissioner considers appropriate.

PART 6 - ELECTION CAMPAIGN

Campaigning

40 A person campaigns for a candidate if the person directly or indirectly promotes the election of the candidate, or opposes the election of another candidate.

Campaign period

41 The campaign period begins when the commissioner gives public notice of the individuals nominated for elected office under section 35 and ends when the commissioner declares the election will be by acclamation or at the close of voting on voting day.

HFNA 2/2023, s. 1(kk)

Campaign code of conduct

42 (1) A candidate, and any person campaigning for a candidate, must not do any of the following:

(a) campaign at or within 50 meters of an office of a Huu-ay-aht body;

(b) require a public officer to provide services or resources to a candidate either directly or indirectly;

(c) use a Huu-ay-aht body's resources for their campaign.

(2) A public officer must not use the resources of a Huu-ay-aht body to assist a candidate either directly or indirectly.

(3) During the campaign period for a general election, members of Executive Council must not engage in, or travel on, government business.

(3.1) Despite subsection (3), in an emergency or special circumstances where, in the view of the Chief Councillor or three members of Executive Council, a delay of consideration of a matter is not in the best interests of the Huu-ay-aht, the Chief Councillor or three members of Executive Council may direct the Law Clerk to call a special meeting of Executive Council during the campaign period.

(3.2) At a meeting convened under subsection (3.1), Executive Council may act insofar as is necessary to address the emergency or special circumstances giving rise to the meeting.

(3.3) Despite subsection (3), a member of Executive Council may engage in, or travel on, government business if authorized to do so by Executive Council on the basis of an emergency or special circumstances.

(3.4) During the campaign period, unless authorized to do so by Executive Council, the Executive Director must not

(a) make distributions to citizens,

(b) implement new projects or programs,

(c) implement material changes to existing projects or programs, or

(d) make public statements about matters described in paragraphs (a) – (c).

(3.5) Executive Council may authorize the Executive Director to take an action set out in subsection (3.4) during the campaign period in an emergency or special circumstances where a delay is not in the best interests of the Huu-ay-aht.

(3.6) Despite section 12 (3), subsection (3) does not apply to a by-election.

(3.7) During the campaign period for a by-election, unless authorized to do so under section (3.8), Executive Council and members of Executive Council must not

(a) make distributions to citizens,

(b) implement new projects or programs,

(c) implement material changes to existing projects or programs, or

(d) make public statements about matters described in paragraphs (a) – (c).

(3.8) Executive Council may take or authorize an action set out in subsection (3.7) during the campaign period for a by-election in an emergency or special circumstances where a delay is not in the best interests of the Huu-ay-aht.

(4) A candidate, and any person campaigning for a candidate, must not campaign other than during the campaign period.

(5) On voting day, a candidate, or a person campaigning on behalf of a candidate, must not

(a) campaign within 100 meters of a voting place,

(b) display election campaign information within 100 meters of a voting place, or

(c) publish campaign advertising including advertising in a newspaper or magazine, or on the radio, television or internet.

(6) A candidate, and any person campaigning for a candidate, must comply with the campaign code of conduct and any modifications or additions to the campaign code of conduct prescribed under section 85.

HFNA 2/2023, s. 1(ll)

Campaign information

43 (1) Up to 25 days before voting day, candidates may deliver campaign information to the commissioner for mailing out to eligible voters.

(2) Subject to subsections (3) and (4), the commissioner must mail campaign information to eligible voters at the addresses shown on the official voters list at least 22 days before voting day.

(3) The commissioner may mail campaign information under subsection (2) together with any other materials from the commissioner's office.

(4) The commissioner must not mail out campaign information that

(a) is received from a candidate less than 25 days before voting day,

(b) does not meet the requirements of any campaign information regulations, or

(c) the commissioner reasonably considers offensive, inappropriate, or that in any other way could reasonably be expected to bring the election into disrepute.

(5) The decision of the commissioner under subsection (4) is final and may not be appealed.

(6) The commissioner must keep an official copy of all campaign information mailed out during an election.

HFNA 2/2023, s. 1(mm), (nn), (oo), (pp)

All candidates meetings

44 (1) In this section, **"community"** refers to a geographic area defined by the commissioner.

(1.1) If the commissioner declares an election to be by voting, a meeting of all candidates for Councillor and a meeting of all candidates for Chief Councillor must each be held at least once

(a) in every other community that has 50 or more eligible voters, during the campaign period, prior to the meeting in Port Alberni and Anacla,

(b) in Port Alberni, at least seven (7) and nor more than 15 days before voting day,

(c) in Anacla, at least seven (7) and no more than 15 days before voting day.

(1.2) At least one of the meetings of all candidates for Councillor and of the meetings of all candidates for Chief Councillor held between seven (7) and 15 days before voting day must allow for electronic viewing and participation by citizens.

(2) Each candidate must make every reasonable effort to attend every meeting of all candidates for the applicable elected office.

(3) If candidates are unable to reach agreement by consensus on the arrangements and rules for an all candidates meeting, the commissioner must determine the arrangements and rules, including dates, times, duration, locations, agenda, chair, rules of order, and other arrangements.

(4) The Executive Director must reimburse candidates for travel expenses related to their attendance at all candidates meetings in accordance with the travel expense policy for government members.

(5) The commissioner may request that the Executive Director establish incentives, including draw prizes, or provide for services, including childcare services, to encourage eligible voters to attend all candidates meetings.

(6) Any incentives or services provided under subsection (5) must be provided impartially by the Executive Director.

HFNA 2/2023, s. 1(qq), (rr), (ss)

PART 7 - VOTING

Voting opportunities

45 An eligible voter may vote

(a) in person on voting day at a voting place,

(b) by mail-in ballot, or

(c) by an alternate method if established under section 49.

Voting limitations

46 (1) An eligible voter may only vote once for a Chief Councillor in an election.

(2) For the election of Councillors, an eligible voter may vote

(a) for as many candidates as there are vacancies to be filled, and

(b) only once for each of those candidates.

Voting places

47 (1) The commissioner must designate a voting place for voting day in the following communities:

(a) Anacla;

(b) Port Alberni;

(c) as prescribed by Executive Council under subsection (3).

(2) Despite subsection (1), Executive Council may, by regulation, provide that a voting place is not required in a community in which a 100 or fewer eligible voters are ordinarily resident.

(3) Executive Council may, by regulation, provide that an additional voting place is required in a community in which more than 100 eligible voters are ordinarily resident.

(4) Voting places must be open for voting on voting day from 8 a.m. to 8 p.m.

Mail-in ballots

48 (1) At least 29 days before voting day, the commissioner must give notice to eligible voters of the opportunity to vote by mail-in ballot.

(2) No later than 22 days before voting day, the commissioner must mail a mail-in ballot package to all eligible voters at their addresses on the official voters list.

(3) The mail-in ballot package must include all of the following:

(a) instructions on voting by mail-in ballot, including the date by which the mail-in ballot must be received to be counted in an election;

(b) notice of the election under section 39;

(c) the ballot or ballots to which an eligible voter is entitled;

(d) an envelope, marked "Ballots Only", that has no other marks which would identify the eligible voter, in which the ballots are to be returned;

(e) a voter declaration in the form specified by the commissioner that includes the name and contact information of the eligible voter;

(f) a return postage prepaid envelope on which is printed the address of the commissioner and in which the declaration and the "Ballots Only" envelopes are to be returned;

(g) if applicable, a campaign information envelope containing campaign information under section 43;

(h) any other information the commissioner considers advisable.

(4) The voter declaration form under subsection (3) (e) must include

(a) space for the eligible voter's full name and address,

(b) space for the signature and full name and address of a witness, and

(c) a statement to be signed by the eligible voter declaring that he or she

(i) is an eligible voter, and

(ii) will not vote again in the election.

(5) The commissioner must receive the mail-in ballot at an address designated by the commissioner by the close of voting on voting day in order for the mail-in ballot to be eligible for counting in the election.

(6) Candidates and individuals who have campaigned for candidates are not permitted to deliver mail-in ballots for eligible voters other than themselves and their immediate families.

HFNA 2/2023, s. 1(tt), (uu), (vv)

Alternate voting methods

49 (1) Executive Council may, by regulation, provide for the use of voting machines, voting recorders, electronic voting or other methods of voting in an election.

(2) Any alternate voting methods provided for under subsection (1) must be consistent with

(a) the purposes of this Act, and

(b) generally accepted standards for conducting elections in British Columbia.

HFNA 2/2023, s. 1(ww), (xx)

Form of ballots

50 (1) The commissioner must establish the form of ballot to be used in an election.

(2) A ballot must include all of the following:

(a) the number of candidates to be elected to office;

(b) instructions as to the mark for a valid vote for a candidate;

(c) the full name and photograph of each candidate arranged alphabetically by surname, and if 2 or more candidates have the same surname, arranged alphabetically in order of their given names;

(d) any other information the commissioner considers advisable to assist eligible voters marking ballots in an election.

(3) A ballot must not include any of the following:

(a) an indication that a candidate is holding or has held office;

(b) the occupation of a candidate;

(c) an indication of a title, honour, degree or decoration received or held by a candidate;

(d) a photograph of the candidate that indicates any of the above.

HFNA 2/2023, s. 1(yy), (zz)

Voting day arrangements

51 (1) The commissioner or a Deputy Election Commissioner, together with an election official, must be present at each voting place during voting day.

(2) The following are the only other persons who may be present at a voting place while voting is being conducted:

(a) eligible voters who are present for the purpose of voting and individuals in their care;

(b) other election officials;

(c) up to 2 scrutineers for each candidate;

(d) other individuals permitted to be present by the presiding election official.

(3) The commissioner must ensure that each voting place has at least one area that is screened so that eligible voters may mark their ballots without being observed by others, and without interference.

(4) The commissioner, the Deputy Election Commissioner or another election official may assist eligible voters to mark their ballots if the eligible voters have

(a) a physical disability, or

(b) difficulties with reading or writing.

(5) Election officials must not allow anyone to stay in a voting place for an unreasonable period of time before or after voting unless in the opinion of the election officials, there is an appropriate reason for the individual to be present.

(6) If at the close of voting, eligible voters are waiting to vote at a voting place, those eligible voters are entitled to vote and the ballot box must remain unsealed until their ballots are deposited.

(7) The decision of the presiding election official concerning eligible voters who are waiting under subsection (6) is final and may not be appealed.

Ballot boxes

52 (1) A ballot box may be any box or other appropriate receptacle constructed so that ballots can be inserted but not withdrawn unless the ballot box is unsealed and opened.

(2) Mail-in ballots must be deposited in a separate ballot box for mail-in ballots only.

(3) Before the ballot box is used for ballots, the presiding election official, in the presence of at least one witness, must inspect the ballot box to ensure that it is empty and seal it in such a manner that it cannot be opened without breaking the seal.

(4) After the use of the ballot box to store ballots is complete, the presiding election official must seal the ballot box in a manner that prevents the addition or withdrawal of ballots except in accordance with this Act.

HFNA 2/2023, s. 1(aaa)

Services provided

53 (1) The commissioner may request the Executive Director to provide for services, including childcare services and bus services, to encourage eligible voters to vote.

(2) Any services provided under subsection (1) must be impartially provided by the Executive Director.

Voting by secret ballot

54 (1) Voting in an election must be by secret ballot.

(1.1) For certainty, subsection (1) does not prohibit the provision of assistance to eligible voters under section 51 (4).

(2) Each individual present at a voting place, including individuals present to vote, and each individual present at the counting of the vote must preserve the secrecy of the ballot.

(3) An individual must not do any of the following:

(a) interfere with an individual who is marking a ballot;

(b) attempt to discover how an individual voted;

(c) communicate information regarding how another individual voted or marked a ballot;

(d) induce an individual, directly or indirectly, to show the ballot in a way that reveals how the individual voted.

(4) Individuals may not be required in any legal proceeding to reveal how they or another eligible voter marked a ballot in an election.

HFNA 2/2023, s. 1(bbb)

Challenge of eligible voter

55 (1) An individual's right to vote may be challenged under this section at any time during the procedures under section 57 to obtain a ballot up until the time the individual receives the ballot.

(2) A challenge may be made only

(a) in person, by the commissioner or an election official, a candidate representative or an eligible voter, and

(b) on the basis that the individual proposing to vote

(i) is not entitled to vote, or

(ii) has contravened section 80.

(3) In order to receive a ballot, an individual whose right to vote has been challenged must either

(a) provide evidence satisfactory to the presiding election official that he or she is entitled to vote, or

(b) make a solemn declaration before the presiding election official as to his or her entitlement to vote.

(4) The solemn declaration required by subsection (3) (b) must state that the individual

(a) meets all the qualifications as an eligible voter,

(b) is in fact the individual whose name is listed on the official voters list,

(c) has not contravened section 80, and

(d) has not voted before in the same election and will not vote again in the same election.

(5) The presiding election official must keep a record indicating

(a) the name of the individual challenged,

(b) the name of the individual who made the challenge, and

(c) how the individual challenged satisfied the applicable requirement under subsection (3).

Voting rules

56 (1) If an eligible voter, in the opinion of the presiding election official, deliberately votes or attempts to vote more than once for the same candidate

(a) no vote by that eligible voter for that candidate is to be counted,

(b) the ballot must be marked spoiled, and

(c) the presiding election official must record the reason the ballot is spoiled.

(2) A vote made on a ballot for a candidate who withdraws, is disqualified or dies before voting places close must be counted as a spoiled vote.

(3) The presiding election official must maintain a record of all eligible voters who receive ballots at the voting place for which that official is responsible.

(4) The commissioner must maintain records of individuals voting by mail-in ballot so that the mail-in ballot is not counted if an individual also votes at a voting place.

Ballot rules

57 (1) When an eligible voter wishes to vote in person at a voting place, the election official must do the following:

(a) confirm that the eligible voter's name is on the official voters list and request one or more of the following in order to confirm the eligible voter's identity:

(i) photographic identification satisfactory to the presiding election official;

(ii) a solemn declaration sworn by the individual as to their identity;

(b) confirm on the official voters list whether or not the individual has already voted;

(c) if the individual is entitled to vote and has not already voted in the election, have the eligible voter sign his or her name in a voting book and issue a ballot to the eligible voter;

(d) mark the back of the ballot in a distinctive manner;

(e) provide voting instructions for marking the ballot.

(2) After being provided with a ballot under subsection (1), the eligible voter must do the following:

(a) proceed without delay to a voting compartment;

(b) while the ballot is screened from observation, mark it in accordance with the instructions on the ballot;

(c) fold the ballot to conceal all marks made on it by the eligible voter;

(d) leave the voting compartment without delay;

(e) after the election official has verified that the ballot is the same ballot issued to the eligible voter, deposit the ballot in the appropriate sealed ballot box;

(f) leave the voting place without delay.

(3) The election official must indicate on the official voters list that the eligible voter has voted as soon as the ballot has been deposited in the ballot box.

(4) If an eligible voter makes a mistake on a ballot, the eligible voter may exchange the spoiled ballot for another ballot issued by the election official.

(5) The election official must write the word, "cancelled" on the spoiled ballot under subsection (4) and store that ballot separately.

(6) If an eligible voter who received a ballot refuses to vote, or leaves the voting place without returning his or her ballot to the election official, that eligible voter forfeits the right to vote in the election.

(7) If an eligible voter forfeits the right to vote under subsection (6), the election official must mark "declined" on the official voters list beside the eligible voter's name and if the ballot is returned, mark "declined" on that ballot before it is deposited in the ballot box.

If someone votes under another eligible voter's name

58 (1) This section applies if an eligible voter meets the requirements of section 57 but another person has already voted using the name of the eligible voter.

(2) In order to obtain a ballot, an individual asserting the right to vote as the named eligible voter must either

(a) provide evidence satisfactory to the presiding election official that he or she is the named eligible voter, or

(b) make a solemn declaration as to his or her entitlement to vote as the named eligible voter.

(3) The presiding election official must keep a record indicating

(a) that a second ballot was issued in the name of the eligible voter, and

(b) any challenge made under section 55 to the individual to whom the second ballot was issued.

Voting day regulations

59 Subject to this Act, Executive Council may make regulations on the procedures, rules, and requirements for voting day including any of the following:

(a) the acquisition, use and security of ballot boxes for the election;

(b) the acquisition, use, location and accessibility of voting compartments;

(c) the attendance of individuals at voting places before, during and after voting takes place;

(d) any special arrangements for eligible voters who have a physical disability, or difficulties with reading and writing.

PART 8 - AFTER VOTING CLOSES

Counting ballots

60 (1) Ballots must be counted as soon as possible after the close of voting at a place specified by the commissioner.

(2) A presiding election official and at least one other election official must be present while the ballots are counted.

(3) Candidates, scrutineers, Huu-ay-aht citizens and others permitted to do so by the presiding election official may be present when ballots are counted.

(4) The presiding election official may exclude, or direct the exclusion of, an individual whose actions interfere with the efficient and accurate counting of the ballots.

(5) The presiding election official, or other election officials under the supervision of the presiding election official, must count the ballots.

(6) The presiding election official must determine whether an eligible voter has voted in person on voting day, in which case any mail-in ballot received from that eligible voter must be set aside and not counted.

Rules for accepting ballots

61 (1) In this section, **"ballot"** includes mail-in ballot.

(2) The following marks are accepted and counted as valid votes unless a ballot is rejected under subsection (4):

(a) an X placed in the required location;

(b) a ✓ mark placed in the required location;

(c) an X out of, or partly out of, the location on the ballot in which it is required to be entered, as long as the mark is placed in such a manner as to indicate clearly the intent of the candidate to vote for a particular candidate;

(d) a ✓ mark placed as described in paragraph (c).

(3) A mark on a ballot other than a mark described in subsection (2) must not be accepted or counted as a valid vote.

(4) A ballot must be rejected as invalid by the presiding election official in any of the following circumstances:

(a) it appears that the ballot physically differs from the ballots provided by the commissioner for the election;

(b) there are no marks described in subsection (2) on the ballot;

(c) the ballot is uniquely marked, or otherwise uniquely dealt with, in such a manner that the eligible voter could reasonably be identified;

(d) more than one form of mark described in subsection (2) is on the ballot next to any candidate's name;

(e) there are more marks described in subsection (2) on the ballot than there are candidates to be elected.

HFNR 2/2026, s. 3 (1)(a).

Proof of voting

62 (1) The signature of an individual in an election voting book indicating that the individual signed for a ballot is proof that the individual voted in that election.

(2) The initials of the election official responsible for mail-in ballots in a voting book indicating that an eligible voter provided a mail-in ballot is proof that the individual voted in that election.

Ballot account

63 (1) After the ballots are counted, the presiding election official must prepare and sign a separate ballot account for each ballot box for which he or she is responsible.

(2) The commissioner must prepare and sign a consolidated ballot account for all the ballot boxes.

(3) A ballot account for an election must include all of the following:

(a) the elected office to be filled;

(b) the number of valid votes for each candidate;

(c) the number of ballots

(i) received by the presiding election official from the commissioner for use at the voting place,

(ii) given to eligible voters at the voting place,

(iii) for which marks were accepted as valid votes, and

(iv) rejected as invalid;

(d) the number of spoiled ballots cancelled and replaced;

(e) the number of unused ballots;

(f) the number of unaccounted for ballots.

Packaging election materials

64 (1) The commissioner, or the presiding election official under the supervision of the commissioner, must separately package each of the following classes of ballots to be held in the custody of the commissioner:

(a) ballots totally rejected;

(b) ballots partly rejected;

(c) ballots for which all votes were accepted;

(d) spoiled ballots;

(e) unused ballots.

(2) Each ballot package must be clearly marked as to its contents and sealed by the commissioner.

(3) After the ballot accounts are completed and the sealed ballot packages prepared, all of the following must be stored in a secure location:

(a) the sealed ballot packages, if they are not the ballot boxes;

(b) the ballot account prepared under section 63;

(c) the voting books;

(d) any copies of the official voters list used for voting proceedings;

(e) any stubs for ballots given to eligible voters;

(f) copies of all campaign information mailed out;

(g) copies of all records created under this Act.

Preliminary declaration of election results

65 Immediately after completing the consolidated ballot account under section 63 (2), the commissioner must declare

(a) the number of votes received by each candidate,

(b) the candidate for Chief Councillor who received the most valid votes as elected to the office of Chief Councillor, and

(c) the candidates for the offices of Councillor who received the highest number of valid votes, up to the number of candidates to be elected, as elected to the offices of Councillor.

Tie vote

66 If a candidate cannot be declared elected under section 65 because there is a tie vote for 2 or more candidates, the commissioner must conduct a recount of all of the votes for the applicable elected office as soon as practicable.

Application for recount

67 (1) Within 4 days of voting day, an application for a recount of votes in an election may be made to the tribunal under section 17 (1) (c) of the *Tribunal Act* by any of the following:

(a) a candidate;

(b) at least 10 eligible voters;

(c) the commissioner.

(2) The commissioner must make an application under subsection (1) if it appears to the commissioner that there are grounds for a recount.

(3) For the purposes of this section an election includes a run-off vote under section 69.

(4) An application for a recount may only be made on the grounds that one or both of the following affected or may have affected the outcome of the election:

(a) the votes were not counted in accordance with sections 60 and 61;

(b) the consolidated ballot account of the commissioner does not accurately record the number of votes for a candidate.

(5) An application for a recount must be made in the prescribed form, supported by a solemn declaration of each applicant and include the following information:

(a) the full name and contact information of each applicant;

(b) the grounds upon which the application is based;

(c) a statement of facts in support of the grounds specified under paragraph (b).

Recount by tribunal

68 (1) If the tribunal is satisfied that the matter complained of in an application under section 67 could have affected the outcome of the election, then the tribunal must

(a) as soon as possible after receiving the application, deliver to the commissioner and any affected candidates in the election

(i) a copy of the application to the tribunal for a recount and the supporting solemn declarations, and

(ii) notice of the time, date and place of the recount, which must allow adequate time for the tribunal to complete the recount within 7 days of voting day, and

(b) conduct a recount of votes within 7 days of voting day.

(2) The commissioner must immediately provide the tribunal with the election materials necessary to conduct the recount under subsection (1) (b).

(3) The commissioner, the candidates and any other individuals permitted by the tribunal may be present at the recount by the tribunal.

(4) The tribunal may exclude, or direct the exclusion of, an individual under subsection (3) whose actions interfere with the efficient and accurate recounting of ballots.

(5) After completing a recount, the tribunal must declare the results of the recount and the election unless a tie vote is declared in which case section 69 applies.

Run-off vote

69 (1) If, after a recount of the ballots by the commissioner or the tribunal, the results of the election cannot be declared because there is a tie vote for 2 or more candidates, a run-off vote must be held.

(2) As soon as possible after the final recount, the commissioner must notify the candidates whose votes were tied for an elected office that a run-off vote will be held.

(3) A candidate under subsection (2) is a candidate in a run-off vote unless that candidate withdraws by delivering his or her written withdrawal to the commissioner within 3 days of being notified.

(4) No new nominations of candidates and no other candidates are permitted in a run-off vote.

(5) The commissioner must set a date for the run-off vote, which must be on a Saturday no later than 30 days after the completion of the final recount in an election.

(6) Subject to this section, any regulations made under section 85 (2), and as much as is reasonably possible, the commissioner must conduct the run-off vote in the same manner as an election.

(7) If after a run-off vote, the votes for two or more candidates remain tied for an elected office, the commissioner must direct each of those candidates to complete a ballot and deposit it in a ballot box in the presence of 2 other election officials and not the commissioner.

(8) After the candidates' ballots under subsection (7) are deposited, the commissioner must withdraw one ballot from the ballot box and the candidate marked on that ballot is elected to the office that is the subject of the run-off vote.

HFNR 2/2026, s. 3 (1)(a).

Declaration of invalid election

70 (1) An application to have an election declared invalid may only be made under this section.

(2) A candidate, at least 10 eligible voters, or the commissioner may apply to the tribunal under section 17 (1) (c) of the *Tribunal Act* to challenge the validity of an election.

(3) The commissioner must make the application under subsection (2) if it appears to the commissioner that there are grounds for an application under this section.

(4) An application may only be made

(a) within 7 days of voting day,

(b) on the ground that a contravention of this Act, whether or not an offence is or was the subject of a prosecution, affected or may have affected the outcome of an election, and

(c) if the application cannot be made as an application for a recount under section 67.

(5) An application must be

(a) made in the prescribed form and include the following information:

(i) the full name and contact information of each applicant;

(ii) the facts upon which the application is based;

(iii) a statement that copies of the application have been delivered to the commissioner and each individual whose alleged contravention of this Act is at issue in the application.

(b) supported by a solemn declaration of each applicant as to the matters in the application, and

(c) delivered to the commissioner and each individual whose alleged contravention of this Act is at issue in the application.

(6) Within 3 days of receiving an application under subsection (5), the tribunal must

(a) decide whether the application will be determined by oral or written submissions,

(b) give notice to participating parties of its decision under paragraph (a), and

(c) give any procedural directions necessary for determining the application.

Tribunal decision

71 (1) Within 7 days of receiving an application under section 70, the tribunal must declare one of the following:

(a) the election is valid;

(b) the election is invalid and another election must be held as soon as practicable to fill the elected offices;

(c) the election of a candidate is invalid and the office is vacant;

(d) the election of a candidate is invalid and another candidate is duly elected.

(2) The tribunal must not declare an election invalid only because of an irregularity or failure to comply with this Act or regulations if the tribunal is satisfied that

(a) the election was conducted in good faith and in accordance with the purposes of this Act, and

(b) the irregularity or failure did not materially affect the outcome of the election.

(3) If the tribunal makes a declaration that another candidate is elected, that candidate is entitled to take office and no other candidate is entitled to take or hold that office.

Declaration of final election results

72 After an election is finally decided, the commissioner must declare

(a) the number of votes received by each candidate,

(b) the candidate for Chief Councillor who received the most valid votes as elected to the office of Chief Councillor, and

(c) the candidates for the offices of Councillor who received the highest number of valid votes, up to the number of candidates to be elected, as elected to the offices of Councillor.

Election commissioner report

73 (1) After an election is finally decided, the commissioner must prepare a report in the prescribed form of the election results, together with a summary of any powers invoked under section 19 and any recommendations for improving the conduct of future elections.

(2) The commissioner must, within fourteen days after the election is finally decided,

(a) deliver the report to Executive Council, and

(b) deposit a copy in the Registry of Laws and Official Records.

HFNA 2/2023, s. 1(ccc)

Election record

74 (1) After an election is finally decided, the commissioner must compile the official election record containing all of the following:

(a) the document appointing the commissioner;

(b) copies of all appointments made by the commissioner;

(c) a copy of the official voters list;

(d) copies of the candidate nomination forms;

(e) a copy of the consolidated ballot account;

(f) a copy of any campaign information;

(g) any other records the commissioner considers it appropriate to preserve;

(h) any other prescribed materials.

(2) The commissioner must deliver the official election record to the Law Clerk as soon as practicable after the election is finally decided.

(3) The Law Clerk must place the official election record in the Registry of Laws and Official Records.

Disposal of election materials

75 (1) The commissioner must retain the ballots and all materials related to the conduct of an election in a secure location for at least 90 days after the election.

(2) Subject to section 74 and subsection (3) of this section, 90 days after an election is finally decided, the commissioner may dispose of the ballots and all materials related to the conduct of the election in the presence of 2 witnesses who must certify that they witnessed the destruction of the ballots and election materials by signing a certificate in the prescribed form.

(3) The Law Clerk must ensure that the following documents are kept in a secure location until after voting day for the next general election:

(a) any solemn declarations and written statements or declarations under this Act, and

(b) any other prescribed documents.

PART 9 - OFFENCES AND PENALTIES

Vote buying

76 (1) In this section, **"inducement"** includes money, gift, valuable consideration, refreshment, entertainment, office, placement, employment and any other benefit of any kind.

(2) Except as offered by the Executive Director in accordance with section 53, a person must not pay, give, lend or procure inducement for any of the following purposes:

(a) to persuade a person to vote or not vote;

(b) to persuade a person to vote or not vote for or against a particular candidate;

(c) to reward a person for having voted or not voted as described in paragraph (a) or (b);

(d) to procure, or induce a person to attempt to procure, the election of a particular candidate, the defeat of a particular candidate or a particular result in an election;

(e) to procure, or induce a person to attempt to procure, the vote of an eligible voter or the failure of an eligible voter to vote.

(3) Except as offered by the Executive Director in accordance with section 53, a person must not accept inducement

(a) to vote or not vote,

(b) to vote or not vote for or against a particular candidate, or

(c) as a reward for having voted or not voted as described in paragraph (a) or (b).

(4) A person must not advance, pay or otherwise provide inducement, or cause inducement to be provided, knowing or with the intent that it is to be used for anything prohibited by this section.

(5) A person must not offer, agree or promise to do anything otherwise prohibited by this section.

(6) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on his or her behalf.

Intimidation or interference

77 (1) In this section, **"intimidate"** means to do or threaten to do any of the following:

(a) use force, violence or restraint against a person;

(b) inflict injury, harm, damage or loss on a person or property;

(c) otherwise threaten a person.

(2) A person must not intimidate another person for any of the following purposes:

(a) to persuade or compel a person to vote or not vote;

(b) to persuade or compel a person to vote or not vote for or against a particular candidate;

(c) to punish a person for having voted or not voted as described in paragraph (a) or (b).

(3) A person must not, by abduction, duress or fraudulent means, do any of the following:

(a) impede, prevent, or otherwise interfere with a person's right to vote;

(b) compel, persuade or otherwise cause a person to vote or not vote;

(c) compel, persuade other otherwise cause a person to vote or not vote for a particular candidate.

(4) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person acting on his or her behalf.

Nomination offence

78 In relation to nominations, a person must not do any of the following:

(a) consent to nomination knowing that he or she is not qualified to be nominated to, elected to, or hold, an elected office;

(b) before or after an election, purport to withdraw a nominated individual or a candidate from an election without authority to do so or publish or cause to be published a false statement that a nominated individual or a candidate has or has not withdrawn.

Campaigning offence

79 A person must not contravene the campaign code of conduct under section 42 or any regulations made under that section.

Other election offences

80 (1) A person must not contravene the requirements of Part 7.

(2) For greater certainty,

(a) in relation to voting, a person must not do any of the following:

(i) vote in an election when not entitled to do so;

(ii) obtain a ballot in the name of another person, whether the name is of a living, dead or fictitious person;

(iii) violate the secrecy of the ballot;

(iv) interfere or attempt to interfere with an eligible voter marking their ballot;

(v) in a voting place, deliberately find out or try to find out how a person voted, or disclose without the eligible voter's permission, how a person voted,

(b) in relation to ballots and ballot boxes, a person must not do any of the following:

(i) without authority obtain a ballot or supply a ballot to another person;

(ii) without authority print or reproduce a ballot or a paper that is capable of being used as a ballot;

(iii) put in a ballot box, or cause to be put in a ballot box, a paper other than a ballot that the person is authorized to deposit there;

(iv) without authority take a ballot out of a place where voting proceedings are being conducted;

(v) without authority destroy, tamper with, take, open or otherwise interfere with a ballot box or ballots,

(c) in relation to voting proceedings, a person must not do any of the following at or within 100 meters of a building, structure or other place while voting proceedings are being conducted:

(i) canvass or solicit votes or otherwise attempt to influence how an elector votes;

(ii) carry, wear or supply a flag, badge or other thing indicating that the person using it is a supporter of a particular candidate;

(iii) display, distribute, post or openly leave a representation of a ballot marked for a particular candidate in an election, and

(d) in relation to any matter or proceeding to which this Act applies, a person must not do any of the following:

(i) provide false or misleading information when required or authorized under this Act to provide information;

(ii) make a false or misleading statement or declaration when required under this Act to make a statement or declaration;

(iii) inspect the voters lists or nomination documents or other election materials, or use or disclose the information from any of them, except for the purposes of this Act;

(iv) be present at a place where voting or counting proceedings are being conducted, unless authorized under this Act to be present;

(v) impede or obstruct the commissioner, an election official or other person in exercising their powers or performing their duties under this Act.

General offence

81 It is an offence subject to proceedings under Division 4 of Part 3 of the *Offence and Law Enforcement Act* for any person to contravene any provision of this Act or the regulations with the intention of affecting the result or validity of an election.

Penalties

82 (1) Despite section 81, a person who contravenes any of sections 76 to 80 is guilty of an offence and is liable to one or more of the following penalties:

(a) a fine of not more than $10 000;

(b) imprisonment for a term of no longer than 2 years;

(c) a prohibition for a period of no longer than 8 years from holding an elected Huu-ay-aht office;

(d) a prohibition for a period of no longer than 8 years from voting in Huu-ay-aht elections.

(2) Any penalty under this section is in addition to and not in place of any other penalty provided under this Act or otherwise by law.

(3) A person is not guilty of an offence under this section if the person exercised due diligence to prevent commission of the offence.

Eligible voter penalty

83 Executive Council may, by regulation, make the qualification of an eligible voter for specified government programs, services or benefits conditional on whether the eligible voter complies with section 4 (a) and (c).

PART 10 - GENERAL

Election spending authority

84 Statutory spending authority is established for all spending by the commissioner or the Executive Director for an election, including the commissioner's remuneration and expenses.

Power to make regulations

85 (1) Executive Council may make regulations referred to under section 39 of the *Interpretation Act*.

(2) Without limiting subsection (1), Executive Council may make regulations as follows:

(a) prescribing forms for the purposes of this Act and information that may be included in or requested on them including the following:

(i) solemn declarations;

(ii) acceptance forms for the commissioner, acting commissioner and election officials;

(iii) request forms for corrections to voters list;

(iv) nomination forms;

(v) challenge to nomination forms;

(vi) appointment forms for candidate representatives;

(vii) ballots;

(viii) application forms for recounting votes;

(ix) application forms for challenging the validity of an election;

(x) commissioner reports under section 73;

(xi) witness forms for the disposal of election materials under section 75 (2);

(b) prescribing differing amounts of indebtedness for different Huu-ay-aht entities that disqualify an eligible voter from becoming a candidate under section 5 (2) (b);

(c) respecting the types of criminal offences and the procedure required for the tribunal to waive the disqualification of an eligible voter from becoming a candidate under section 5 (2) (e);

(d) prescribing the types of positions and contracts with a Huu-ay-aht body that disqualify an eligible voter from becoming a candidate under section 5 (2) (i);

(e) prescribing different additional powers, duties and functions of the commissioner for general elections, by-elections and run-off votes;

(f) establishing an electronic voting regulation that applies to eligible voters in some communities and not others;

(g) for any other purpose for which regulations are contemplated by this Act.

HFNA 2/2023, s. 1(ddd), (eee)

No further effect

86 Unless otherwise specified in the Treaty or a Huu-ay-aht Act, all motions, resolutions, bylaws, directives, policies, guidelines or other forms of decision that directly or indirectly affect the subject matter of this Act which were approved or passed before Effective Date by the band council of the Huu-ay-aht under the *Indian Act* or the membership of the Huu-ay-aht Indian Band have no further effect after the date on which this Act comes into force.

Amendments to this Act

87 An amendment or repeal of this Act must be approved by the People's Assembly before that amendment or repeal is brought into force.

Commencement

88 This Act comes into force on the date of its enactment by the Legislature.