



# Kwikwaka'wakw First Nation Draft 2021 Custom Election Code Summary of Changes July 9, 2021

## Background:

*The Kwikwaka'wakw Nation Custom Election Code (2013) went through a 2017 and 2018 review and summary of recommended changes with community. These changes were not adopted, and in 2020 interest was renewed to complete updates to meet needs of Kwikwaka'wakw məłstéyaxw, align with current legislation and best practices. In the winter of 2020/21 a Custom Election Code Project Manager, Committee, technical support, funding, Council approved Terms of Reference and work plan was established to complete updates for the benefit of all Kwikwaka'wakw məłstéyaxw and future generations during the COVID19 pandemic. Community engagement was undertaken in accordance with pandemic guidelines to ensure the safety of all Kwikwaka'wakw məłstéyaxw and the team utilized multiple tools to maximize community engagement (e.g. committee, community, and Heads of Family meetings via Zoom, on-line survey, and one-to-one phone calls).*

The Draft Kwikwaka'wakw First Nation Custom Election Code has been updated from the 2013 ratified version to meet the needs of all Kwikwaka'wakw məłstéyaxw and future generations, align with current legislation and best practices. The following is a summary of these changes with section citations from the 2021 Draft Code for ease of reference.

## Summary of 2021 Draft Kwikwaka'wakw First Nation Custom Election Code updates (from 2013 approved version):

1. The Oath of Office for Nation Leadership was updated to include agreements which community members wished to see expanded (Sec. 11.6, and Appendix 20 Oath of Office).
2. English terms (Chief and Council) were updated to hənqəminəm terms "šsi?em" for Chief and "šsi:yem" for Council (Sec. 2.1).
3. Šsi?em (Chief) as a title within Šsi:yem (Council) remained as a spokesperson based on the will of Council as a whole (Sec. 2.1).
4. The term length for Šsi:yem (Council) members remained 4 years (Sec. 6.3).
5. Šsi:yem (Council) will continue to consist of three members (Sec 6.1).



6. The eligibility criteria for Šsi:yəm̄ (Council) Candidates has been updated to reflect the desires of community (Sec.7.1, 7.3, and 7.4).
7. Candidates for Šsi:yəm̄ (Council) will only be able to run for Chief **or** Council members, not both (Sec. 11.6).
8. Any Šsi:yəm̄ (Council) members wishing to run as Šsi?em̄ (Chief) will be required to resign from Šsi:yəm̄ (Council) beforehand (Sec.11.6).
9. Nominations for Šsi:yəm̄ (Council) can take any method verified to be valid and secure (Sec.11.4).
10. Nomination meetings will now include video conferencing so all eligible electors living home and away from home can participate (Sec.12.2).
11. There will be a small non-refundable deposit required during nomination for a Šsi:yəm̄ (Council) or Šsi?em̄ (Chief) position (Sec.7.1).
12. All candidates will be required to attend *All Candidates Meetings* excepting extraordinary circumstances (Sec.13.6).
13. During *All Candidates Meetings* each nominee must make a short presentation to share their history of leaderships, leadership goals, and commitment to serve all k<sup>w</sup>ik<sup>w</sup>əłəm̄ m̄əlstéyax<sup>w</sup> (Sec.13.9).
14. All Candidates Meetings will be livestreamed for community member viewing (Sec13.7).
15. Platforms for voting will now include mail, in person and online voting that are secure with the intent of maximizing access for k<sup>w</sup>ik<sup>w</sup>əłəm̄ m̄əlstéyax<sup>w</sup> living home and away from home (Sec.14).
16. Assistance at voting stations will be provided for k<sup>w</sup>ik<sup>w</sup>əłəm̄ m̄əlstéyax<sup>w</sup> (Sec.17.8 & 17.14).
17. Agents at polling stations will be permitted to observe if requested by the candidate. (Sec.21.2).
18. The role and responsibilities of the Šsi?em̄ (Chief) will be the same as any Šsi:yəm̄ (Council) member and to additionally to serve as a leader, listen, and serve as a spokesperson based upon the will of Šsi:yəm̄ (Council) (Sec. 2.1, + Appendix 20 Oath of Office).
19. If a Šsi:yəm̄ (Council) position becomes vacant within 6 months the candidate with the next most votes will be sworn in if they still remain eligible. (Sec.22.2).
20. If the position of Šsi?em̄ (Chief) becomes vacant Šsi:yəm̄ (Council) will be able to elect from amongst other Šsi:yəm̄ (Council) members to serve as an interim Chief until a Special or regular election is held (Sec.22.3).
21. Grounds for removal from office for a Šsi:yəm̄ (Council) member were updated to reflect member values (Sec.23.3).
22. Removals from office could utilize a combination of Šsi:yəm̄ (Council) decision-making, and or a members petition, this petition will need to be approved by the Appeal Board (Sec.23.3).



23. If the Šsi?em̓ (Chief) position has been vacated by removal the remainder of Šsi:yem̓ (Council) will follow the vacancy policy of that position (Sec.23.4).
24. If a Šsi:yem̓ (Council) member is disqualified for not maintaining their eligibility requirements, they will be ineligible to run for Council in future elections (Sec.23.6).
25. Appeals will incur a fee to reduce the number of frivolous appeals (Sec.25.7).
26. Appeals must be sworn in by a notary public (Sec.25.8).

If you have questions about the contents of the 2021 DRAFT Custom Election Code or have comments for the Project Manager, Custom Election Code Committee, or Šsi:yem̓ (Council) please contact:

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