PREAMBLE

WHEREAS the Wahta Mohawk First Nation (hereafter called "Wahta") is a constituent of the Mohawk Nation and has the inherent authority to adopt, by way of custom, a method for choosing its Chief and Council;

AND WHEREAS Wahta aims with this Custom Election Code to exercise its inherent right of self-government, to create a system of governance that reflects its culture and values, and to facilitate the sound and orderly governance of Wahta in the interests of all of its members;

AND WHEREAS Wahta's previous custom electoral rules and regulations were in effect for its history as a band in written form since at least January 2011;

AND WHEREAS, following a consultation process with all the members of Wahta, this Custom Election Code was passed with the consent of the majority of the eligible Voters on Saturday October 5, 2019.

The following Election Rules and Regulations shall be applied for general elections and bi-elections.

DEFINITIONS

Amendment Vote: A vote held in accordance with this Custom Election Code to add, amend or repeal a provision or provisions of this Custom Election Code.

Appeal: A complaint regarding the propriety of an Election under this Code.

Appeals process: The process to address concerns of member(s) with respect to the election regulations.

By-Election: An election held for the purpose of filling a vacant seat on Council or in the Chief position prior to the end of the term of office under this Code.

Candidate: A person nominated for an Election who is determined by the Electoral Officer to satisfy the eligibility requirements of office under this Code.

Chief: Chief of the Wahta Mohawks First Nation elected pursuant to this Code.

Chief-elect: The Candidate elected as Chief in the period following the Election before the Appeals process is concluded.

Council: The Wahta Mohawks' Elected Council consisting of four (4) Councilors and one (1) Chief elected pursuant to this Code.

Councilor-elect: A Candidate elected as a Councilor in the period following the Election before the Appeals process is concluded.

Custom Election Code or Code: This set of rules to determine the elected representatives of Wahta.

Election: A General Election or By-Election that determines who serves as Chief and on the Council of Wahta under this Code.

EO or AEO Electoral Officer and Assistant Electoral Officer. The Electoral Officer and an Assistant Electoral Officer (referred to as EO or AEO) are appointed by an MCR of Chief and Council at a public meeting have full responsibility to run the election, including bi-election(s) within that term of office.

General Election: The process to determine who serves as Chief and on the Council of Wahta at the end of a term of office under this Code.

Member: A person whose name appears on the Wahta membership list.

Nominee: A person who has been nominated for office at a Nomination Meeting but not yet confirmed as a Candidate under this Code.

Notice: Information provided in advance of key events in an election process, the requirements of which are prescribed under this Code and which must always be as detailed as possible, posted in the band office, in the community newsletter and on the Wahta website.

Quorum: Quorum of Council is three.

Scrutineer: A person appointed by a Candidate to be present and observe the activities at the Voting Station on Voting Day under this Code. Scrutineers have no authority other than outlined in Section XVI 6). A Scrutineer must be an eligible voter.

Voter: A person who is registered under the Wahta Mohawks Citizenship Code and meets the eligibility requirements under Section 1 and is entitled to vote in an Election under this Code.

Vote Buying: Vote-buying or corruption is the agreed exchange of consideration in return for a promise to vote a certain way. The condition to vote or not vote a certain way must be placed on the valuable consideration provided.

No person (candidate or elector) will by intimidation, duress, pretense or contrivance attempt to influence another person to vote or refrain from voting for a particular candidate; and,

No person (candidate or elector) will offer money, goods, employment or other valuable consideration in exchange for an elector to vote or refrain from voting for a particular candidate;

No person (candidate or elector) will directly or indirectly, offer a bribe to influence an elector to vote or refrain from voting for a candidate.

Voting Day: The date of an Election under this Code.

Voter's List: The list of eligible voters in an Election, as prepared by the Electoral Officer in accordance with this Code.

Voting Station: The place of voting on Voting Day.

Wahta website: The internet web page related to Wahta and maintained by the Council on behalf of Wahta.

I ELIGIBILITY OF VOTERS

a) only registered members of the Wahta Mohawks who are eighteen (18) years of age or older are eligible to vote;

b) An eligible voter may cast only one (1) ballot.

c) Ballots must be marked for not more than the number of eligible positions to be elected.

d) Voters are required to show a government issued photo identification.

II ELIGIBILITY REQUIREMENTS FOR ALL CANDIDATES

All candidates must meet the following criteria to be eligible to stand for election to the Wahta Mohawks Elected Council.

a) Be a registered member of the Wahta Mohawks.

b) Be eighteen (18) years of age or older;

c) No candidate may run for office of both Chief and Councilor in the same election;

d) Candidates must accept their nomination at the qualifying meeting as outlined in Section VIII. Extenuating circumstances may be considered by those eligible voters present if a candidate is not able to be at the qualifying meeting;

e) All candidates must be nominated by two (2) eligible nominators as outlined in Section III;

f) Anyone removed from office shall not be eligible to be nominated or stand for election for a period of three (3) years from the time of their removal from office;

g) Persons will not be eligible to run for office if they have committed a major crime (indictable offence) within the past fifteen years;

h) All Candidates must have a Criminal Record check done, returnable to the EO and disclose any record of charges as outlined in (g). Failure to disclose Criminal Record check results and subsequent charges are cause for person being ineligible as a candidate;

i) A person may be excluded from (g) only if they have been involved in a Wahta demonstration or action in protection of Land, inherent or treaty rights as sanctioned by Chief and Council;

j) Employees of the Wahta Mohawks who are elected into office must resign their position the first business day following the election;

k) A Trustee with the Wahta Mohawks Trust who accepts the nomination as a candidate for Wahta Mohawk Council must resign their position as Trustee if they are elected to office as Chief or Council on the next business day after the elections;

l) Be able to attend meetings in person during the majority of council working hours, to the satisfaction of the Electoral Officer.

m) All eligible candidates are permitted to submit a maximum of one full page for the next published newsletter after nominations have been accepted.

III ELIGIBILITY OF NOMINATOR & SECOND NOMINATOR

a) Both nominators must meet "Eligibility Requirements for All Candidates" i. and ii. as stated below:

   i. Be a registered person of the Wahta Mohawks;
   ii. Be eighteen (18) years of age or older.

b) No nominator shall nominate or second a nomination for more than one candidate for Chief.

c) A nominator can only nominate and/or second a nomination(s) for no more than the candidate position seats that are available for Council in an election/bi-election.

IV TERM OF OFFICE

a) The term of office shall be for a maximum of three (3) years.

b) The term of office shall commence immediately after the elections are held and are considered Chief-elect or Councilor-elect until appeals to the Elections Appeals Board are decided according to Section XIII.

c) The Chief-elect and/or the Councilor(s) Elect shall remain in office until a bi-election or new elections have been completed.

V APPOINTMENT OF ELECTORAL OFFICER AND THE ASSISTANT ELECTORAL OFFICER

a) The present Council shall appoint an individual(s) for the position of "Electoral Officer" (EO) and "Assistant Electoral Officer" (AEO) at a November Council meeting of that election year.

b) Eligible applications must be eighteen (18) years of age or older.

c) The successful applicants will not be candidates in the upcoming election.

d) The EO and the AEO cannot nominate or second a candidate for the election.

e) The EO and the AEO, if an eligible voter, will be able to cast their ballots.

f) The EO and AEO are responsible for following the Election Rules and Regulations.

g) The EO and AEO will also be responsible for conducting any general elections and bi-elections during the current term for a general election according to Section XIII.

h) The EO and the AEO shall maintain order at all times in the polling station and may cause to remove any person who interferes, disrupts or attempts to influence the orderly conduct of the polling station.

i) Anyone under the influence of alcohol or other substances will be removed and will lose their right to cast their ballot.

j) The EO will have a constable on call to respond to maintaining order at the polling station.

VI EMPOWERMENT

a) The EO and the AEO are responsible for implementing the Election Rules and Regulations.

b) The Wahta Mohawk Council is responsible for the compliance of the Election Rules and Regulations.

VII ELECTION ANNOUNCEMENTS AND NOMINATION MEETING

a) The nomination meeting shall take place approximately 60 sixty days prior to the date of the election. The nomination meeting shall be held from 2:00 p.m. - 6:00 p.m. on that day.

b) The dates for Nomination Day, Qualifying Candidates Day and Election Day will be posted in the administration office, community newsletter and in the website at least 90 days prior to the election.

c) EO and the AEO will be responsible for conducting the nomination meeting and posting the notices of the nomination meeting in the newsletter and on the website.

d) The EO and the AEO shall maintain order at all times during the nomination meeting and may cause to remove any person who interferes, disrupts or attempts to influence the orderly conduct of the nomination meeting.

e) The EO will have a constable on call to respond to maintaining order at the nomination meeting.

f) There will be no other activity or loitering in the facility where the Nomination Meeting is being held.

g) Anyone under the influence of alcohol or other substances will not be allowed to nominate or second the nomination.

VIII QUALIFYING CANDIDATES FORUM

a) The Qualifying Candidates Forum (qualifying meeting) will be held approximately thirty (30) days before the Election Day commencing at 10:00 a.m. and ending at 12:00 p.m. (Noon).

b) All Candidates must attend the qualifying meeting and declare, in writing, whether they are going to stand for election (prior to the qualifying meeting, on a prescribed form drawn up by the EO). Candidates will present their platform to the people at the qualifying meeting.

c) Candidates not attending the qualifying meeting shall not be allowed to stand for election. Extenuating circumstances may be considered by the eligible voters present at the qualifying meeting.

d) Candidates may withdraw their nomination, by signing a withdrawal form available from the EO or AEO, prior to the qualifying meeting.

e) Candidates must indicate the way in which their name will appear on the ballot prior to the close of the qualifying meeting.

f) The qualifying meeting will be facilitated by EO and will give each candidate an equal time to present their views by dividing one hour by the number of candidates with the last hour for questions from the community. The candidate will be picked by drawing a number from a hat.

g) The voters' list will be publicly posted in the Band Office on December 1st. Any corrections will be accepted and finalized by January 31st of the election year. Any discrepancies in the voters' list will be noted and brought forward to the EO or AEO regarding the voter's list (any omissions or additions will need to be addressed with the registrar).

h) All qualifying candidates are eligible to receive a voters' list, upon written request to the EO or AEO.

IX ELECTION DAY

a) The election will occur on the third Saturday of March.

b) Voting will take place at the Wahta Mohawks Administration Office between the hours of: 9:00 a.m. and 7:00 p.m.

c) Where there is only one (1) candidate for the position of Chief, this candidate will be declared Chief by acclamation.

d) Where there are four (4) or fewer candidates for the position of Councilor, these candidates will be declared Councilors by acclamation.

X VOTE BUYING

a) Vote-buying or corruption is the agreed exchange of valuable consideration in return for a promise to vote a certain way. The condition to vote or not vote a certain way must be placed on the consideration given.

    i. Prohibition: No person (candidate or elector) will offer money, goods, employment or other valuable consideration in exchange for an elector to vote or refrain from voting for a particular candidate.

    ii. Resolution: Any accusations of vote buying, or corruption will be resolved by way of an election appeal.

    iii. Punishment: The appeal board has discretion to determine the appropriate period of time in relation to which an individual may not run for candidacy in an election, such time not to exceed five (5) years.

XI VACANCY OF OFFICE

Vacancies occur when an Elected Chief or Elected Councilor:

a) Has resigned.

b) Is deceased.

c) Is removed from office as per section XII.

XII REMOVAL FROM OFFICE

An elected Chief or Councilor:

a) is removed from Council by a public petition representing 50% plus one of voters who voted in the election of the current Council.

b) is removed from Council if convicted of an indictable offence.

    i. Persons may be exempted only if they have been involved in a Wahta demonstration or action in protection of land, inherent or treaty rights as sanctioned by Council.

    ii. If offences are more than fifteen (15) years old, and the individual has no other violations, they will apply to the EO or AEO for reinstatement for eligibility to run for political office. Documented proof, Criminal Record check, will be necessary for application for reinstatement.

c) Council will be required to submit a yearly Criminal Record check on an annual basis, by March 1 of each year, to the EO or AEO to maintain eligibility on Council.

d) Misses three (3) consecutive monthly public Council meetings during the three (3) year term, extenuating circumstances will be considered.

e) Misses five (5) regularly held duly convened council meetings consecutively, extenuating circumstances will be considered.

XIII APPEALS PROCEDURE

a) Within fourteen (14) days after Voting Day, any Candidate, Voter, or Wahta member who was denied the right to vote may appeal part or all of the Election Results by submitting to the Electoral Officer the reasons for his or her belief that:

   i. There was corrupt practice in connection with the Election; or

   ii. There was a violation of this Code that might have affected the result of the Band Election; or

   iii. A Candidate in the Election was ineligible for his or her Candidacy.

b) The Appeal must be in writing, and must be verified by an affidavit, signed by the appellant, attesting to his or her belief in the veracity of the contents of the appeal.

c) A fee of two hundred fifteen dollars ($250.00) shall accompany each appeal filed.

d) The fee is non-refundable if the Appeal Board dismisses the appeal.

e) The fee is refundable if the Appeal Board finds that the complaint is legitimate.

f) The Electoral Officer shall, within three (3) days of the receipt of the appeal, cause to be delivered to each Candidate a copy of said Appeal, together with all supporting documents.

g) Any Candidate may, within 14 days of the receipt of the copy of the Appeal received from the Electoral Officer, submit a written response to the particulars set out in the Appeal together with all supporting documents and an affidavit signed by the Respondent attesting to his or her belief in the veracity of the contents of the response.

h) The Electoral Officer may, if the material that has been filed is not adequate for deciding the Appeal, conduct such further investigation into the matter as the Electoral Officer deems necessary, in such manner as he or she deems expedient.

   i. Such investigation may be held by the Electoral Officer and/or Assistant Electoral Officer or by any person designated by the Electoral Officer for the purpose.

   ii. Where the Electoral Officer and/or Assistant Electoral Officer designates a person to hold such an investigation, that person shall submit a detailed report of the investigation to the Electoral Officer for his or her consideration.

   iii. Where the Electoral Officer and/or Assistant Electoral Officer designates a person to hold such an investigation, that person shall commit in whatever way is meaningful or significant to the individual to act in a fair, impartial and independent manner in investigating the Appeal and drafting the report.

i) The Electoral Officer may set aside the Election Results in whole or in part if the Electoral Officer is satisfied on the basis of an Appeal that:

   i. There was corrupt practice in connection with the Election;

   ii. There was a violation of this Code that might have affected the result of the Election; or

   iii. A Candidate in the Election was ineligible in accordance with this Code.

j) The Electoral Officer shall provide written reasons for deciding:

   i. An Appeal was without merit on the basis of the evidence;

   ii. An Appeal had merit on the basis of the evidence but did not affect the results of the Election; or

   iii. An Appeal had merit on the basis of the evidence and warrants a modification of the Election Results to:

      a) Award a position to the Candidate with the next highest number of votes cast if the wrongdoing may be remedied by disqualifying the Chief-elect or Councilor-elect and there is another Candidate who obtained votes but did not win the Election and was not involved in the wrongdoing; or

      b) To call a By-Election in the event of wrongdoing that affected the Election overall or where there is not another Candidate available to fill positions vacated by disqualified Chief- or Councilor-elect.

XIV BI-ELECTIONS

a) When the office of the Councilor becomes vacant more than six (6) months before the date when another general election will normally be held, a special bi-election shall be held to fill the vacancy.

b) When the office of the Councilor becomes vacant less than six (6) months before the date when another general election, there will be no special bi-election.

c) When the office of the Chief becomes vacant more than three (3) months before the date when another general election will normally be held, a special bi-election will be held.

d) When the office of the Chief becomes vacant less than three (3) months before the date when another general election, there will be no special bi-election.

e) This policy governing general elections will also apply to all bi-elections.

XV AMENDMENTS TO THESE ELECTION RULES AND REGULATIONS

a) Proposed amendments to these Election Rules and Regulations will be submitted in writing to the EO or AEO at least:

i. (1) One Year prior to the next general election.

b) Proposed amendments shall take place by way of a membership mail-in vote with the exception of section XV (c) at least:

i. (180) days prior to the next general election

ii. All proposed changes must be posted in the band office, newsletter and website by the EO or AEO approximately thirty (30) days prior to the proposed amendment mail-in vote.

c) Amendments can be made to the mail-in procedure section XVIII as recommended in writing by the EO OR AEO;

iii. Mail-in procedural amendments will be enacted through a Band Council Resolution at least sixty (60) days prior to the election.

iv. All mail-in amendments must be posted in the band office, newsletter and website by the EO or AEO approximately ninety (90) days prior to the issuance of the Band Council Resolution.

XVI VOTING PROCEDURES

a) Facilities for the Election

Arrangements will be made for a place where the EO or AEO can be contacted by the electors or candidates during the election period.

The EO or AEO must also arrange for the use of the facilities for the poll. These facilities will be located on the Wahta Mohawk Territory and must provide suitable access for those who are physically disabled.

b) Preparing the Ballots

Ballot papers must be prepared, separately listing the names of the candidates for Chief and the names of the candidates for Councilor in alphabetical order. The Electoral Officer will keep a record of the total number of ballots that have been printed.

When preparing ballot papers, the EO or AEO must ensure that the name of the candidate and spelling of each name is correct and accurately reflect the persons who were nominated.

c) Ballot Box

The EO or AEO must obtain one ballot box for the place of voting. The ballot box must be capable of being locked. The EO or AEO must also provide all other relevant election material such as pencils for marking ballots, voting directions and instructions (i.e. acceptable markings for the ballots), and compartments in which elector can mark their ballots privately.

d) Before Opening the Poll

Immediately before the poll opens, the EO or AEO will examine the ballot boxes in the presence of witnesses to ensure that they are empty. The boxes are then locked and must remain sealed for the duration of the poll.

e) Duration of Poll

The EO or AEO must be in attendance at each of the polls at all times during the polling. The polls on polling day open at 9:00 a.m. and close at 7:00 p.m. Any voters who are inside a polling place before the poll closes are allowed to cast their ballot.

f) Scrutineers

Each candidate is entitled to a maximum of one (1) Scrutineer and one on standby in case of emergency in a polling place at any given time. The Scrutineers in attendance are there to observe the election proceedings only. If they are present before the poll opens, they may witness that the ballot boxes are empty. They may also be present at the counting of ballots after the poll is closed. Scrutineers are not to receive any compensation from the Wahta Mohawks.

Candidates must provide a written letter to the EO or AEO identifying their Scrutineer prior to the opening of the polls. Candidates can change Scrutineers once identified.

g) Issue of the Ballot

Once the EO or AEO has determined that a person is a qualified voter, the EO or AEO can provide him/her with a ballot marked for identification by the EO or AEO by initialing the ballot on the back.

h) Return of Ballot

The voter will, upon leaving the polling booth, immediately return to the EO or AEO and present the folded ballot. The EO or AEO must then, without unfolding the ballot, verify that it is the same ballot, with the EO or AEO initial. Then, in the presence of the voter and anyone else who is there, the EO or AEO will deposit the ballot in the ballot box.

i) Aiding a Voter

If a voter is unable to mark his/her own ballet as a result of physical inability, the EO or AEO may, at the voter's request, mark the ballot. The EO or AEO must mark the ballot according to the voter's instructions.

j) Spoiled Ballot

A voter, upon returning from the polling booth, may exchange a ballot for a new ballot. The old ballot can no longer be used. Upon receipt of the old ballot, the EO or AEO will write the word "spoiled" on it and retain and record it. The EO or AEO will then issue a new ballot to the voter. The voter will immediately proceed again to the polling booth to mark his/her ballot.

k) Forfeited Ballot

When a voter who has received a ballot refuses to vote, or who leaves the polling place without returning his/her ballot, loses his/her right to vote. The EO or AEO must mark the word “declined” on the voter’s list beside that voter’s name.

l) Obstruction of Voting

While a voter is marking their ballot, it is unlawful for anyone else to interfere with them. It is also unlawful for anyone to obtain knowledge of how another person may have voted while they are in the polling place. The only exception would be in the case of the request for the EO or AEO to mark the ballot.

m) Ending of Voting

At the designated time, the polling area will promptly be closed. Any elector who is inside the polling area at closing time and who has not voted may do so without delay.

n) Counting the Ballots

The EO or AEO will begin counting the ballots as soon as the poll is closed. The EO or AEO has the option to call for a half hour break by sealing the ballot box and securing the locked ballot box, providing that the ballot box stays in the custody of either the EO or AEO in the polling area.

Candidates, Scrutineers of candidates and any eligible voters, who were present at the close of the poll, have the right to observe the counting procedure.

The EO or AEO will open the ballot box and count the ballot papers in such a way that anyone present can see how each ballot is marked.

The EO or AEO will keep score on the tally sheet, as the candidates' names are called.

o) Rejected Ballot Papers

As each ballot paper is read, the EO or AEO may reject ballots for any of the following:

i. Ballot paper not supplied by EO or AEO;
ii. Ballot paper marked "spoiled" or "declined";
iii. Ballot paper not marked for any candidate;
iv. Ballot paper marked for more than the maximum number of candidates that are to be elected. (NOTE: that a ballot which has less votes marked on it is acceptable)
v. Ballot paper upon which the elector has made any mark or writing through which the elector could be identified;
vi. Ballot paper marked outside of area of the name of the candidate

p) Objectionable Ballots

During the examination of the ballots, any eligible voter present may object to the decision concerning the acceptability of a ballot. If such an objection is raised, the reason should be marked on the back of the ballot in question. For the purpose of counting the votes on a questionable ballot, the EO or AEO's decision to accept or reject it stands.

q) Record of Votes

Only those ballots which have been accepted, will now be counted. The EO or AEO will total the votes cast for each of the candidates. The EO or AEO will record the number of rejected ballots, accepted ballots, and unused ballots.

r) Declaration of Results and Tie Vote

As soon as the EO or AEO has all the counted votes totaled, he/she will publicly declare elected the candidates who received the most votes for each position until all the positions on Council are filled. In the event of a tie vote, for the position of Chief or the last Council position a recount will be undertaken. The EO or AEO is responsible to secure and maintain the ballot box with the enclosed ballots, until appeals are exhausted.

Should a tie vote remain, the method used to break the tie will be a bi-election.

s) Notice and Statements of Results

Without delay, the EO or AEO must post in a noticeable place at the Wahta Mohawks Administration Office, a signed statement of the results showing the number of votes cast for each and all of the candidates. Chief and Council will take office immediately but can be subject to any appeal.

t) Destroying the Ballots

The EO or AEO is responsible to keep the ballots and the ballot box in a secured area, free from tampering, until all appeals have been exhausted. The EO or AEO will destroy the ballots after all appeals are exhausted. The EO or AEO will note and record the day and time the ballots were destroyed.

XVII MAIL-IN VOTING

The mail-in procedure is optional and only required if you chose to vote by mail.

Step 1) A mail-in ballot request form will be sent to all electors as per section XVIII (a).

Step 2) The elector must return the completed mail-in ballot request form.

Step 3) Upon receipt of the completed mail-in ballot request form and on the next business day after the Nomination Meeting the EO or AEO will then send the elector a mail-in ballot package as per XVIII (f).

Step 4) The elector must return the mail-in ballot as per XVIII (j)

XVIII MAIL-IN VOTING PROCEDURE

a) The EO or AEO shall send a mail-in ballot request to every Elector on the Electors List at least 60 days prior to the election. The mail-in ballot request form will include:

   i. The dates of Nomination Day, Qualifying Candidates Day and Election Day.

   ii. Instructions for completing the mail-in ballot request.

   iii. Prescribed declaration and witness forms.

b) Mail-in ballot request forms are also available in person through the EO or AEO at the Wahta Mohawks Administration Building.

c) Should an elector misplace or make an error when completing the ballot prior to the election, a one time request can be made to the EO or AEO for a replacement mail-in ballot package. The elector must first complete a declaration stating they have misplaced or made an error to the original ballot which must be witnessed by a person over the age of 18. If the elector does not complete the form declaring that they have misplaced or make an error to the original ballot, they will be denied an additional mail in ballot package.

d) The EO or AEO shall record all mail-in ballot request forms that have been provided to each elector and keep a record of the name, address and date to which each mail-in ballot request form was mailed or otherwise provided.

e) The EO or AEO shall establish a secure post office box with Canada Post to be used only for the election ballots. This secure address is only accessed by the EO or AEO to retrieve mail-in votes prior to closing of the polls on election day.

f) On the next business day after the Nomination Meeting and upon receipt of the completed mail-in ballot request form the EO or AEO shall deliver to the elector, to the address on the mail-in ballot request form, a mail-in ballot package consisting of:

   i. a folded ballot, initialed on the back by the electoral officer;
   ii. an inner envelope marked “Ballot” for insertion of the completed ballot;
   iii. an outer, postage-paid return envelope, pre-addressed to the electoral officer;
   iv. a voter declaration form;
   v. a letter of instruction regarding voting by mail-in ballot;
   vi. a statement:
      a) identifying the location of all polling places, and
      b) advising the elector that they he or she may vote in person at a polling place on theday of the election in lieu of voting by mail-in ballot. The elector must sign a voter declaration form declaring that they did not send in a mail-in ballot.
      c) advising the elector that he or she may submit their mail-in ballot in person on voting day only as per XVIII (g).

g) An elector to which a mail-in ballot was provided under XVIII sections (a) (b) who chooses to submit their mail-in ballot in person on election day can do so upon the confirmation from the that the elector was sent or otherwise provided a mail-in ballot package. The mail-in ballot will be placed in the ballot box and the elector's name will be marked as voted and the elector will not be permitted to vote at the polling station.

h) Any completed mail-in ballots that are given to the EO or AEO at any time other than on election day as outlined in XVII subsection (g) will not be accepted.

i) All mail-in ballots that are mailed in must be received through the secured Canada Post postal box address only.

j) An elector may vote by mail-in ballot by:

    i. marking the ballot by placing a cross, check mark or other mark, that clearly indicates the elector's choice but does not identify the elector, opposite the name of the candidate or candidates for whom he or she desires to vote;

    ii. folding the ballot in a manner that conceals the names of the candidates and any marks but exposes the electoral officer's initials on the back;

    iii. placing the ballot in the inner envelope and sealing that envelope;

    iv. completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;

    v. placing the inner envelope and the completed voter declaration form in the outer envelope.

k) Should an elector choose to send back their ballot package in any other way then through the self-addressed stamped envelope provided, it must be addressed to the proper post office box address and additional costs are the responsibility of the elector.

l) Mail-in ballots that are not received by the EO or AEO before the time at which the polls close on the day of the election are void. If the secured mail in box at the Canada post location is not open on Saturdays, then all ballots must be received by the end of business hours on the Friday before the election day.

m) In the event of a postal strike, the electoral officer may adapt the election calendar and take necessary steps to ensure that electors are able to vote by mail-in ballot. This may include extending the election period and postponing the election day.

n) Counting Procedure

    i. Upon closing of the polls on election day, all in-person electors will be tallied on the voters list.

    ii. The mail-in envelopes are opened, and the declaration forms are reconciled against the voters list to ensure no elector has voted twice. Where an elector

voted twice the declaration form and sealed ballot envelope shall be holed in order to prevent the ballot from being counted.

iii. The in-person electors are added to the mail-in electors to get the total number of electors.

iv. The sealed ballot envelopes are opened, and each ballot is placed in the ballot box.

v. All ballots are then counted together on count sheet.