

Defined Terms in the Lake Babine Nation Election Code: Why they are Used and How they Work

What are Defined Terms?

Most laws, including election codes, include a list of defined terms. These are words that appear more than once in the law and that need to be explained. Explaining what each term means in full each time would make the law wordier. It also creates a risk of inconsistency and ambiguity: this will happen if there is a failure to explain the term exactly the same way each time.

To avoid a longer law and the risk of inconsistency and ambiguity, laws usually define all the terms that need an explanation once. To make it easier for readers to find the defined terms, they are usually all explained in one place, usually in section 1 or 2 of the law. This section of the law is usually called the “Interpretation” section.

How do Defined Terms Work in the Election Code?

Section 1 of Lake Babine Nation’s current Election Code is the Interpretation section and it includes a number of definitions, listed in alphabetical order. The draft revised Election Code keeps section 1, with some edits and some additional defined terms.

The cue to readers that a term is explained in section 1 is that the first letter of each word in a defined term is Capitalized. This is the signal that the Interpretation section of the Election Code explains what the term means. A reader who wants to see the definition should go to section 1.

Here are some examples of defined terms in the proposed revised Election Code: Appeal Board, By-election, Candidate, Election, Member, and Voter.

For ease of reference, here are all of the defined terms in section 1 of the draft revised Election Code:

1. In this Lake Babine Nation Election Code:

“Appeal Board” means the three non-Members who are free of any real or potential conflicts of interest and who are appointed under sections 7(e) [*pre-election meeting*] or 63 [*Appeal Board vacancies*] of this Election Code to hear any Election appeals under section 67 or applications for removals from office under section 83; **NEW**

“By-election” means the poll conducted by secret ballot under this Election Code to fill a Council position

- a. if the Appeal Board declares one or some of the Election results invalid under section 89(a) [*by-election section*]; or

- b. if a vacancy arises under section 89(b) [*by-election section*] more than 6 months before the next scheduled Election; **NEW**

“Candidate” means a Voter who has been nominated to run for office in an Election or By-election, is eligible to run for office under section 5, and who has taken all the required steps to accept a nomination under section 22;

“Candidate Fee” means the non-refundable \$100 fee that a nominated person must pay to run for Councillor and the \$150 fee that a nominated person must pay to run for Chief; **NEW**

“Candidates Forum” means a meeting where the Candidates running for Chief and for the relevant Councillor positions make their candidacy speech and answer questions from the Voters; **NEW**

“Chief” means the chief councillor of the Council elected in accordance with this Election Code;

“Chief Executive Officer” means the chief executive officer of Lake Babine Nation or the successor position, should the position’s title change; **NEW**

“Community” or “Communities” means one or more of the Lake Babine Nation communities of *Wit’at* (Fort Babine), *Nedo’ats* (Old Fort), Tachet, Donald’s Landing/Pinkut and Woyenne;

“Council” means the council of Lake Babine Nation consisting of the Chief and 10 Councillors;

“Councillor” or “Councillors” means one or more of the 10 councillors elected in accordance with this Election Code;

“Council Policy” means the Lake Babine Nation Council Policy adopted by Chief and Council on January 25, 2022, setting out the roles and responsibilities of Council, as may be updated from time to time; **NEW**

“Deputy Electoral Officer” or “Deputy Electoral Officers” means the non-Member(s) that Council engages under section 7(b) to serve as deputy electoral officer(s) in an Election or By-election;

“Election” means the poll conducted by secret ballot under this Election Code to select the full Council;

“Electoral Officer” means the non-Member that Council engages under section 7(b) to serve as the electoral officer in an Election or By-election;

“Electronic Voting Platform” means a secure, web-based database where Voters can vote electronically; **NEW**

“Hybrid Meeting” means a meeting that is simultaneously held both in-person and online and that allows both in-person and remote participation; **NEW**

“Indictable Offence” means a serious offence under the *Criminal Code*, RSC 1985, c. C-46 that is prosecuted by way of indictment; **NEW**

“Member” means a person who is registered as a member of the Lake Babine Nation Indian Band, regardless of where they live; **NEW**

“Membership Clerk” means the Lake Babine Nation employee responsible for maintaining the list of Members;

“Oath of Office” means the Lake Babine Nation oath of office included in the Council Policy that all Council members swear upon taking office, as may be updated from time to time; *NEW*

“Spoiled Ballot” means a ballot that

- a. has been marked for more Candidates than are to be elected;
- b. bears a mark not in the prescribed form;
- c. identifies the Voter;
- d. is defaced or altered;
- e. bears any writing; or
- f. is marked for a Candidate who has withdrawn pursuant to section 26 [*how to withdraw*].

“Scrutineer” means an individual appointed by a Candidate under section 40 to observe voting and counting procedures during an Election; *NEW*

“Voter” means a Member who has attained 18 years by the date of the Election, By-election or referendum to amend this Election Code, as the case may be.