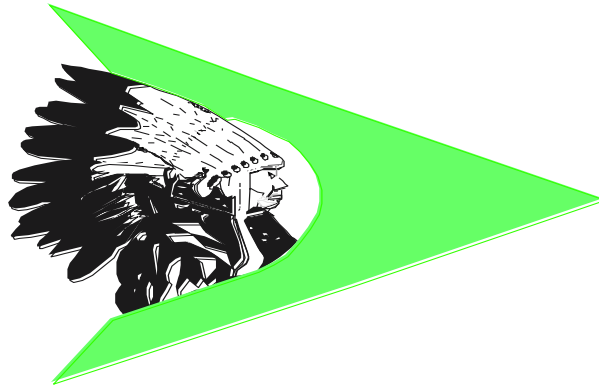


# **LAC LA RONGE INDIAN BAND**

**#353**



**ELECTION ACT**

**BAND 12, TREATY 6**

**ELECTION ACT  
LAC LA RONGE INDIAN BAND #353  
BAND 12, TREATY 6**

**Short Title:**

1. This Act may be cited as the Election Act of the Lac La Ronge Indian Band

**INTERPRETATION**

**Definitions:**

2. (1) in this Act

***“Ballot”***

Means the paper provided for the purpose of voting in accordance with the provisions of this Act that has been marked by a voter and deposited in the ballot box;

***“Band”***

Means the Lac La Ronge Band of Indians:

- {a} for whose use and benefit in common lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after the 14<sup>th</sup> day of September 1951;
- {b} for whose benefit in common, monies are held by Her Majesty; or
- {c} directed by the Governor in Council to be a Band for the purposes of this Act;

***“Band List”***

Means a list maintained by the Band in accordance with Section 5 of the Indian Act;

***“By-Election”***

Means an election held in an electoral section or in the case of an election for Chief, all electoral sections, on a date on which there is no general election;

***“Corrupt Practice”***

Means an act, including bribery, declared to be recognized as a corrupt

practice by the laws and customs of the Band, or an act of Parliament;

**“Council of the Band”**

Means the council chosen in accordance with the terms and conditions of this Act;

**“Clear Days”**

*for the purposes of this Act, Clear Days means a period of time exclusive of the first day and exclusive of the last day;*

**“During an Election” or “Throughout an Election”**

*Means a period commencing with “At an election” date that the declaration by order of the Band is made that an election is to take place on a designated date and terminating on polling day;*

**“Election”**

*Means a band election held pursuant to the provisions of this Act;*

**“Elector” or “Voter”**

*Means a person who:*

- {a} is entitled to vote at an election pursuant to this Act;*
- {b} is registered on the Band list;*
- {c} is of the full age of eighteen years (18) the day of the Poll; and*
- {d} is not disqualified from voting at the Band elections.*

**“The Electoral Officer”**

*Means the officer appointed pursuant to the provisions of this Act to carry out the duties and responsibilities as may be delegated to administer this Act pursuant to Section 4 hereof;*

**“Electoral Appeal Officer”**

*Means the Officer appointed by the Chief and Band Council pursuant to Section 60;*

**“Deputy Electoral Officer”**

*Means person(s) who are Elector(s) within the meaning of this Act and who are appointed by the Council of the Band to assist the Electoral Officer in the conducting of an election under this Act; includes reference to residency requirement of at least one (1) year for any Deputy Electoral officer.*

**“General Election”**

Means an election that is held in respect of each electoral section on the dates set by the Council of the Band;

**“Poll Book”**

Means the book containing the names of persons who have received ballot papers or who have applied for ballot papers at an election;

**“Polling Place”**

Means a place where electors vote at an election;

**“Rejected Ballot”**

Means a ballot rejected pursuant to Section 55 {a} or {b};

**“Spoiled Ballots”**

Means a ballot that on polling day has not been deposited in the ballot box but has been found by the electoral officer, or his/her deputy to be spoiled improperly printed or that has been:

- {a} handed by the electoral officer or his/her deputy to an elector to cast his/her vote;
- {b} spoiled in marking by the elector; and
- {c} handed back to the electoral officer or his/her deputy and exchanged for another ballot paper;

**“Voters List”**

Includes any list made and revised under this Act of persons entitled to vote at an election.

**ADMINISTRATION**

3. **“Administration of Act”**

This Act shall be administered by the Council of the Band;

4. **“Delegation to the Electoral Officer”**

The Council of the Band may authorize the Electoral Officer to perform and exercise any of the duties, powers and functions that may be or are required to be performed or exercised by the Council of the Band under this Act;

**ELECTION OF CHIEF AND BAND COUNCIL**

5. **“Election-Band Council”**

*Whenever the Council of the Band deems it advisable for the good*

government of the Band, the Council of the Band may declare by order that after a day to be named therein, the Council of the Band, consisting of a Chief and Councillors, shall be selected by elections to be held in accordance with this Act;

6. **“Council-Term of Office”**

Notwithstanding Section 5, the term of office of the Council of the Band shall not exceed three (3) years;

7. **“Time of Elections”**

Regular elections shall normally be held at the end of March of the year in which they are required under Section 6, and that the elections will take place on the common day at all communities (one voting day), and the newly elected Council shall officially assume office the following April 1<sup>st</sup> of that year.

8. **“Size of the Band Council”**

The Council of the Band shall consist of one Chief and twelve (12) Councillors.

9. **“Electoral Sections”**

The Reserves shall, for voting purposes, be divided into six (6) electoral sections as follows:

- {a} Electoral Section One (1) shall consist of Little Red River Reserve #106C and #106D;
- {b} Electoral Section Two (2) shall consist of Grandmother’s Bay Reserve #219;
- {c} Electoral Section Three(3) shall consist of Morin Lake Reserve #217;
- {d} Electoral Section Four (4) shall consist of Nemeiben River Reserve #156C;
- {e} Electoral Section Five (5) shall consist of Stanley Mission Reserve #157;
- {f} Electoral Section Six (6) shall consist of Lac La Ronge Reserve #156 and Kitsaki Reserve #156B;

10. **“Composition of the Band”**

For voting purposes, each Electoral Section shall be allowed to elect the maximum number of councillors as follows:

- {a} Electoral Section One (1) - Two (2) Councillors
- {b} Electoral Section Two (2) - One (1) Councillor
- {c} Electoral Section Three (3) - One (1) Councillor
- {d} Electoral Section Four (4) - One (1) Councillor
- {e} Electoral Section Five (5) - Three (3) Councillors

11. **“Residency Requirement”**

(a) Every person who is registered on the Band List as a member of the Lac La Ronge Indian Band may nominate, or second a nomination for, vote for or run for the Office of the Chief of the Band to be elected pursuant to the provisions of this Act, regardless of that person's residence. (b) Any elector who votes for the office of Councillor can only do so for the office of Councillor to represent the Reserve that is that person's traditional Home Reserve.

(c) to be eligible to run for the office of Councillor in electoral section 1-4, a person must have, as his ordinary place of residence, upon his/her nomination, the Electoral Section that he/she is seeking to represent.

12. **“Eligibility of Chief and Councillors”**

Candidates for Chief and Council must have a criminal free record for the last five years.

13. **“Temporary Absence from Ordinary Residence”**

Temporary absence from a place of ordinary residence, does not cause a loss or change of place of ordinary residence.

14. **“Disqualification from Office”**

{a} *he/she misses three (3) consecutive regular Council meetings, without reasonable cause.*

{b} *as a result of an appeal or other investigation, he/she is shown to be guilty of a corrupt election practice;*

{c} *he/she is convicted of an indictable offence; or*

{d} *he/she is a Councillor for and is a representative of any Electoral Section 1,2,3, or 4, and he/she moves his/her residence from the Reserve he/she was elected to represent at any time following the election.*

15. **“Vacancies of Band Council”**

Where the office of Chief or Councillor becomes vacant for more than three months before the date when another election would ordinarily be held, the Electoral Officer shall, upon the direction of the Band Council order a special election to be held in accordance with this Act to fill the vacancy.

16. **“Voiding of Election”**

The Electoral Officer may set aside the election of a Chief or Councillor, if:

- {a} there was a corrupt practice or corrupt practices in connection with the elections; and there was violation of this Act which, in the judgement of the Electoral Officer, may have affected the final outcome/result of the election: or
- {b} a person nominated to be a candidate in the election was ineligible to be a candidate.

17. **“Notice of Nomination”**

When an election is to be held, the Electoral Officer shall post a notice in the form prescribed of a meeting of the electors for the purpose of nominating candidates for an election; such notice to be posted in one or more conspicuous places in each electoral section at least six days prior to the date of the proposed nomination meeting and at least twelve clear days prior to the date set for the election.

18. **“Timing of Nomination Meeting-Exception”**

When it is not practicable to hold a meeting for a nomination of candidates in accordance with Section 20, the Electoral Officer may order that the meeting shall be held on a date less than twelve clear days before the day on which the election is to be held.

19. **“Nomination Meeting-Schedule Central Location”**

The Electoral Officer shall hold separate nomination meetings at a central public location in each electoral Section.

20. **“Nomination Meeting-on the Procedure”**

At the time and place specified in the notice, the Electoral Officer shall declare the meeting open for the purpose of receiving nominations, and any person who is an elector may propose once or second the nomination once of any duly qualified person to serve as Chief or Councillor, and the meeting shall remain open for not less than two hours after commencement when, if the number of persons nominated to serve on the Band Council does not exceed the requisite number, the Electoral Officer shall declare the person(s) so nominated duly elected.

- {a} A person nominated for office of Chief cannot run for office of Councillor at the same time or vice versa.

21. **“Chief-Elected Acclamation”**  
In the event the nomination meetings have been completed at all Electoral Sections as defined in Section 9 of this Act and there has been only one person nominated for Chief, the Electoral Officer shall declare that person so nominated duly elected as Chief.
22. **“Closing of Nomination Meeting”**  
Subject to Section 20 the Electoral Officer shall not close the nomination meeting until such business as he/she considers may properly be brought before it has been disposed of.
23. **“Declaration of Poll”**  
In the event the number of persons nominated for the position of Chief and/or Councillor exceeds the requisite number for the electoral section, the Electoral Officer shall declare that a poll will be held and shall name the time and place where such poll shall be taken.
24. **“Notice of Poll”**  
Whenever a poll is to be taken the Electoral Officer shall, without any unreasonable delay after nominations, cause to be posted in one or more conspicuous places within Electoral Section a notice to that effect in the form prescribed.

#### **MANNER IN WHICH VOTING SHALL BE CONDUCTED**

25. **“Voters’ List”**  
From the most current Band List along with any certified amendments verifying additions or deletions, the Electoral Officer shall prepare a voters’ list for each Electoral Section containing the names, in alphabetical order, of all electors for that Electoral Section.
26. **“Posting of Voters’ List”**  
The Electoral Officer shall post one or more copies of pertinent voters’ list in conspicuous places in each Electoral Section.
27. **“Revisions to Voters’ List”**  
Any Elector may apply to have the voters’ list revised on the ground that the name of an elector has been omitted there from or the name of an Elector is incorrectly set out therein or the name of a person not qualified to vote is included therein.
28. **“Voters’ List-Corrections”**  
If the Electoral Officer is satisfied that a list should be corrected, he/she shall make the necessary corrections therein.



29. **“Voters’ List-Dispute”**

Any disputes arising from Sections 25 or 27 of this Act may be referred to the Electoral Officer for a ruling.

30. **“Preparation of Ballot Papers”**

{a} The Electoral Officer shall have prepared a sufficient quantity of ballot papers in the form prescribed containing the names of the candidates for Chief and Councillors, and if applicable may insert a nickname. There shall be separate ballot papers prepared for each Electoral Section and those papers shall contain a listing of all candidates for Chief, listed in alphabetical order and a separate listing for all candidates for the position of Councillor of the Electoral Section, listed in alphabetical order. The ballot paper shall clearly indicate the number of positions open for Councillor;

{b} Every ballot paper shall:

{i} be printed in the prescribed form;

{ii} have placed upon it, prior to providing it to an elector, in any place on the rear of the ballot paper, the initials of the Electoral Officer or Deputy Electoral Officer;

{iii} be printed on paper of a quality, weight and size determined by the Electoral Officer.

31. **“Time Limit-Withdrawal of Candidate”**

Any candidate who has been nominated may withdraw at any time after his/her nomination but such withdrawal CANNOT BE less than forty-eight (48) hours before the opening of the polls:

(a) by filing with the Electoral Officer a written withdrawal of his/her nomination signed by himself/herself in the presence of the Electoral Officer, a Justice of the Peace, a Notary Public, or a Commissioner for Oaths, and

(b) any votes cast for any withdrawn candidate shall be null and void.

(c) The withdrawal is effective at the time the Electoral Officer or his/her designate is in receipt of the written document.

32. **“Notice of Candidate Withdrawal”**

In the event that a candidate withdraws in accordance with Section 31, the Electoral Officer shall arrange to have notices of his/her withdrawal posted in the voting place for purposes of informing the electors.

33. **“Ballot Boxes”**  
The Electoral Officer shall arrange for the procurement of as many ballot boxes as there are polling places, and shall cause to be prepared sufficient number of ballot papers for the election.
34. **“Delivery of Ballot Papers”**  
The Electoral Officer shall, before the poll is open, cause to be delivered to his/her deputy the ballot papers and materials for marking the ballot papers.
35. **“Voting Compartments”**  
The Electoral Officer or his/her Deputy shall provide a compartment at each polling place where the electors can mark their ballot papers free from observation, and he/she may appoint a Constable to maintain order at such polling place.
36. **“Time of Poll”**
- {a} The poll shall be kept open from Nine (9:00) o'clock A.M. (local time) in the forenoon until six (6:00) o'clock P.M. (local time) of the same day but where it appears to the Electoral Officer or his/her Deputy that it would inconvenience to have the poll closed at six (6:00) o'clock P.M. (local time), he/she may order that it be kept open until not later than eight (8:00) o'clock P.M. of the afternoon of the same day.
  - {b} In the event that the Electoral Officer or the Deputy Electoral Officer has determined that all eligible voters have cast their ballots prior to the above-noted closing times, he/she may close the poll at such earlier time.
37. **“Agent of Candidates”**  
A candidate shall be entitled to not more than two agents in a polling place at any one time. Agents of candidates shall be prohibited from any contact with voters while in the polling place.
38. **“Voting Procedure”**  
Voting at all elections shall be by ballot in the manner set forth in Section 40 to 52 inclusive, of this Act.
39. **“Sealing of Ballot Box”**  
The Electoral Officer or his/her Deputy shall immediately before the commencement of the poll open the ballot box and call such persons as may be present to witness and verify in writing in the form prescribed, that

it is empty; he/she shall then lock and properly seal the box to prevent it from being opened without breaking the seal and shall place it in view for the reception of the ballots, and the seal shall not be broken or the box unlocked during the time appointed for taking the poll.

40. ***“Request for Oath of Affirmation”***

- {a} At the request of any candidate or his/her agent, or any elector, an oath or affirmation in the form prescribed shall be administered to any person tendering his/her vote at any election;
- {b} The Electoral Officer shall make a report in the prescribed form, containing the name, address and occupation of every voter who made the declaration or refused to make a declaration upon being requested to do so on election day and the report shall also contain reasons set opposite each name, why and by whom the declaration was requested;
- {c} The declaration shall be under oath or affirmation in the prescribed form.

**THE POLL**

41. ***“Voting Procedure”***

Upon a person presenting himself/herself for the purpose of voting, the Electoral Officer or his/her Deputy shall, if satisfied that the name of such person is entered on the voter's list at the polling place, provide **him**/her with a ballot paper on which to register his/her vote.

42. ***“Marking of Voters' List”***

The Electoral Officer or his/her Deputy shall cause to be placed in the proper column of the voters' list a mark opposite the name of every voter receiving a ballot paper.

43. ***“Voters Refusal to take the Oath of Affirmation”***

Any person who has refused to take the Oath of affirmation referred to in Section 40 of this Act when requested to do so shall not receive a ballot paper or be permitted to vote.

44. ***“Clarification of Voter”***

The Electoral Officer or his/her Deputy shall, when requested to do so, explain the mode of voting to the voter.

45. ***“Voter Marking Ballot”***

Each elector receiving a ballot shall proceed directly to the place provided for marking ballots and shall mark his/her ballots by placing a cross (**X**) or

check (✓) OPPOSITE THE NAME OF THE CANDIDATE(S) for whom he/she desires to vote and shall then deposit in the ballot box supplied.

46. ***“Alternate Marking of Ballot”***

Notwithstanding Section 45 of this Act, the mark on the ballot paper may be a mark other than the cross or check mark provided that it clearly indicates the candidate(s) for whom the voter is voting and does not in any way reveal the identity of the voter.

47. ***“Only Voter Allowed in Voting Compartment”***

While any voter is in the voting compartment for the purpose of marking his/her ballot paper no other person shall, except as provided in Section 48 of this Act, be allowed in the same compartment or be in any position from which he/she can see the manner in which such voter marks his/her ballot paper.

48. ***“Assistance in Voting”***

The Electoral Officer or his/her Deputy on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in a manner prescribed in Section 45 of this Act shall assist such voter by marking his/her ballot paper in the manner directed by such voter in the presence of the Electoral Officer or his/her Deputy in the polling place and no other person, and place the ballot in the ballot box.

49. ***“Remarks on Voters’ List”***

Where an elector votes in accordance with Section 48 of this Act, the Electoral Officer or his/her Deputy shall state in the voters list opposite the name of such elector in the column for remarks the fact that the ballot paper was marked by him/her at the request of the voter and the reasons therefore.

50. ***“Accidental Spoiling of Ballot by Voter”***

A voter who has inadvertently dealt with his/her ballot paper in such a manner that it cannot be conveniently used shall upon returning it to the Electoral Officer or his/her Deputy be entitled to obtain another ballot paper and the Electoral officer or his/her Deputy shall thereupon write the work “cancelled” upon the spoiled ballot paper and preserve it.

51. ***“Refusal by Voter”***

Any person who has received a ballot paper and who leaves the polling place without delivering the same to the Electoral Officer or his/her Deputy, in the manner provided, or if, after receiving the same, refuses to vote, shall forfeit his/her right to vote at the election, and the Electoral Officer or

his/her Deputy shall make an entry on the voters' list in the column provided for remarks opposite the name of such person to show that such person received the ballot paper and declined to vote, in which case the Electoral Officer or his/her Deputy shall mark upon the face of the ballot paper the word "declined" and all ballot papers so marked shall be preserved.

52. ***"Voters' Name Not on Voters List"***

An elector whose name does not appear on the voters' list may vote at an election, provided that the Electoral Officer or his/her Deputy is satisfied that such person is qualified to vote.

53. ***"Advertising in Polling Station"***

No person shall, on polling day, while in a polling place display on his/her person or, post or display in or within fifty feet of a polling place or in or on a wall, window or door of a polling place or of the building in which a polling place is situated, any campaign literature, emblem, ensign, badge, label, ribbon, flag, banner, card, bill, poster or device that could be taken as an indication of support of or for a candidate for Chief or Council.

54. ***"Voters Inside Polling Place at Closing Time"***

Every elector who is inside the polling place at the time for the closing of the poll shall be entitled to vote before the poll is closed.

55. ***"Procedure When Polling Place Closes"***

Immediately after the closing of the poll the Electoral Officer or his/her Deputy shall, in the presence of the candidates or their agents there present, open the ballot box and:

- {a} examine the ballot papers and reject all ballot papers:
  - [i] which have not been supplied by him/her; or
  - [ii] by which votes have been given for more candidates that are to be elected; or
  - [iii] upon which anything appears by which the voter can be identified, but no word, letter or marks written or made or omitted to be written or made by the Electoral Officer or his/her Deputy on a ballot paper shall void or warrant its rejection.
  
- {b} declare a ballot paper on which votes are given for more candidates for any office that are to be elected, to be voided;
  
- {c} subject to review on recount or on an election appeal, take note of any objection made by any candidate or his/her agent to any ballot found in the ballot box and decide any questions arising of the objection;

- {d} number such objections and place a corresponding number on the back of the ballot paper and the word “allowed” or “disallowed”, as the case may be with his/her initials.
- {e} count the votes given for each candidate from the ballot papers not rejected and make a written statement of the number of votes given to each candidate and the number of ballot papers rejected and not counted by him/her which statement shall then be signed by him/her and such persons authorized to be present as may desire to sign the same.

56. **“Declaration of Candidates”**

- {a} Immediately after the completion of the counting of the votes the Electoral Officer shall publicly declare to be elected the candidate or candidates having the highest number of votes and he/she shall also post in some conspicuous place a statement signed by him/her showing the number of votes for each candidate;
- {b} In the event of a tie vote of Chief, all candidates that are in the winning position and are tied will have the tie decided by a Run-Off Election;
  - [i] for the position of Chief, all candidates that are in the winning position and are tied will have the tie decided by a Run-Off Election.
  - [ii] for the position of Councillors, any candidates that are in the last position to be elected and this position is tied, then these candidates will be subject to a Run-Off Election.

57. **“Disposition of Ballot Paper”**

The Electoral Officer shall deposit all ballot papers in sealed envelopes and shall retain them in his/her possession for ninety (90) days, and unless otherwise directed by the Chief and Council, shall then destroy the ballot papers in the presence of two (2) witnesses who shall make a declaration that they have witnessed the destruction of them.

58. **“Election Appeal Period”**

Within thirty (30) days after an election any candidate at the election or any elector who gave or tendered a vote at the election who has reasonable grounds for believing that:

- {a} there was a corrupt practice in the connection with the election; or
- {b} there was a violation of this Act that might have affected the results of the election; or

{c} a person nominated to be a candidate in the election was ineligible to be a candidate in the election;

may lodge an appeal by forwarding by registered mail or appear in person and deliver to the Electoral Officer particulars thereof duly verified by Affidavit.

59. ***“Handling of Election Appeals”***

Where an appeal is received by the Electoral Officer pursuant to Section 58 of this Act, the Electoral Officer shall within seventy-two (72) hours deliver the Notice of Appeal to the Electoral Appeal Officer. The Electoral Appeal Officer shall within seven (7) days arrange to hear all parties that are interested in the Appeal and following such hearing shall render a decision. The decision of the Electoral Appeal Officer is final. In no event shall any party have the right to review the decision of the Electoral Appeal Officer in a Court of Law.

60. ***“Appointment of Electoral Appeal Officer”***

From time to time the Chief and Band Council shall appoint an Electoral Appeal Officer to hear appeals pursuant to Section 59. The Electoral Appeal Officer shall be an individual who has been duly elected as Chief of another Saskatchewan Indian Band. The appointment shall be a term specified by the Chief and Band Council, and that the Chief and Councillors of the Lac La Ronge Indian Band cannot be members of an Appeal Committee.

61. ***“Special Provisions” “Advance Polls”***

Advance Polls shall be set up, as part of special instructions given to the Electoral Officer upon his/her appointment. The Advance Poll shall be held not less than five (5) clear days after the nomination and shall follow the procedures prescribed by the regular poll.

62. ***“Employment with Band”***

Upon assuming office, a Chief or Councillor who at the time of assuming office holds a job with the Band or a Band Corporation shall immediately resign or take a leave of absence from the position for the duration of his/her term of office. Provided that, nothing in this section shall prevent a person from contracting with the Band temporary services or operating a private business that does business with the Band.

63. ***“Oath of Office”***

An Oath of Office shall be taken by each newly elected Chief, and Councillor.

64. **“Revisions and Amendments”**

- {a} Any changes or additions to the Act shall require those changes proposed to be delivered to all families in which one or more Electors reside, three (3) months prior to their adoption. Any Elector having reason to challenge such changes must do so in writing and direct such challenge to the Band Council, “ATTENTION CHIEF AND COUNCIL”, within the three (3) month period. If a challenge is received, then the Council shall place such a proposed change or addition by way of plebiscite at the next Treaty Day of the Band. If no challenge is received, then the changes may be approved by Council of the Band by Band Council Resolution (B.C.R.)
- {b} The CHIEF AND COUNCIL may approve by Band Council Resolution (B.C.R.) Regulations establishing the procedures, forms and other administrative rules of administration of this Act.