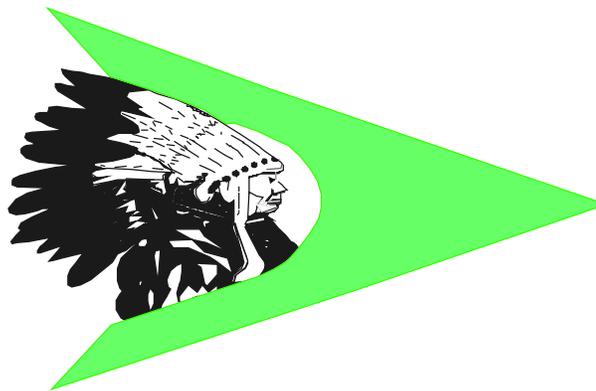


LAC LA RONGE INDIAN BAND

#353



ELECTION ACT

BAND 12, TREATY 6

Last Amended on February 13, 2017

ELECTION ACT

LAC LA RONGE INDIAN BAND #353

BAND 12, TREATY 6

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PART 1. NAME

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

PART 2. DEFINITIONS

2.1 In this Act, the following definitions apply:

“Agent”

means the Agent of the Candidate, appointed under Section 6.17, and is sometimes referred to as a scrutineer.

“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 14th 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;

“Chief Electoral Officer”

Means the officer appointed pursuant to the provisions of this Act to carry out the duties and responsibilities as may be delegated by Chief and Council to administer this Act;

“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;

“Chief and Council”

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;

“Election”

Means a Band Election held pursuant to the provisions of this Act;

“Elector” or “Voter”

Means a Member 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 Elections.

“Electoral Appeal Officer”

Means the Officer appointed by Chief and Council pursuant to Section 8.6;

“Deputy Elector Officer”

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

“General Election”

Means an Election that is held in respect of each Electoral section on the dates set by Chief and Council.

“Home Reserve” means the Electoral Section that a Member has as his or her ordinary place of residence.

“LLRIB Community” means the following communities:

1	Little Red River Reserve #106C and #106D
2	Grandmother’s Bay Reserve #219
3	Morin Lake Reserve #217
4	Sucker River Reserve #156C
5	Stanley Mission Reserve #157
6	Lac La Ronge Reserve #156 and Kitsaki Reserve #156B

“Poll Book”

Means the book containing the names of persons who have received Ballot or who have applied for Ballot at an Election;

“Polling Place”

Means a place where Electors vote at an Election;

“Rejected Ballot”

Means a Ballot rejected pursuant to Section 7.15 (a) and (b);

“Spoiled Ballots”

Means a Ballot that on the date of an Election has not been deposited in the ballot box but has been found by the Chief Electoral Officer, or his/her deputy to be spoiled improperly printed or that has been:

- (a) handed by the Chief 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 Chief Electoral Officer or his/her deputy and exchanged for another Ballot;

“Voters’ List”

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

PART 3. ADMINISTRATION

Purpose of the Act

3.1 The purpose of this Act is to govern the Elections of Chief and Council of the LLRIB.

Regulations

3.2 The Council of the Band may approve by Band Council Resolution Regulations establishing the procedures, forms and other administrative rules of administration of this Act.

3.3 The purpose of the Regulations is to detail the processes and procedures to implement and administer the Act.

PART 4. PRE-NOMINATION PROCESS

Appointment of Chief Electoral Officer

4.1 The Council of the Band shall appoint by Band Council Resolution not less than 100 days prior to the date on which the Election will be held, the Chief 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 Chief and Council under this Act.

4.2 If the Chief Electoral Officer has not been appointed within the time set out in Section 4.1 the Executive Director shall appoint the Chief Electoral Officer as soon as possible.

4.3 The person appointed to the office of Chief Electoral Officer shall:

- (a) have no vested interest in the outcome of the Election;
- (b) be at least 21 years of age; and
- (c) have experience in the conduct of Elections.

- 4.4 Prior to undertaking their respective duties, the Chief Electoral Officer appointed pursuant to this Section shall complete the *Oath of Office for Electoral Officers*, a copy of which is attached as Appendix X to this Act.
- 4.5 The Chief Electoral Officer shall conduct any Election pursuant to this Act.
- 4.6 In order to preserve the independence of the position, if the Chief Electoral Officer is a Member of the Band, he or she is entitled to vote in an Election but is not entitled to be a Candidate, nominate a Candidate, second a Candidate, or be a scrutineer for any Candidate.
- 4.7 The Chief Electoral Officer will establish an Election file and place in it copies of all documentation associated with the Election. The file will remain open until such time as the appeal period of thirty (30) days has expired. The file shall then be closed and kept in the Administration Office.

Appointment of Deputy Electoral Officer, Translators and Assistants

- 4.8 The Chief Electoral Officer may appoint a Deputy Electoral Officer who shall work under his or her direction, if he or she deems necessary.
- 4.9 The Chief Electoral Officer may appoint one or more translators and/or assistants, as he or she deems necessary, each of whom shall work under his or her direction.
- 4.10 The Deputy Electoral Officer, translators and assistants must all be persons who:
- (a) have no vested interest in the outcome of the Election;
 - (b) are at least 21 years of age; and
 - (c) do not work for the Lac La Ronge Indian Band.
- 4.11 The Deputy Electoral Officer shall have such powers as described in this Election Law as well as those powers of the Chief Electoral Officer as are delegated to him or her by the Chief Electoral Officer.

4.12 Prior to undertaking their duties, the Deputy Electoral Officer shall complete the Oath of Office for Chief Electoral Officer.

4.13 Prior to undertaking their duties, each translator and/or assistant shall complete the Declaration of Electoral Translators and Assistants, a copy of which is attached as Appendix X to this Election Law.

PART 5. ELECTION OF CHIEF AND BAND COUNCIL

Election of Band Council

5.1 The Council of the Band shall be elected by the Electors pursuant to this Act.

Council-Term of Office

5.2 The term of office of Chief and Council shall not exceed three (3) years;

Time of Elections

5.3 Regular Elections shall normally be held at the end of March of the year in which they are required under Section 5.2, and that the Elections will take place on the common day in all LLRIB Communities (one voting day), and the newly elected Council shall officially assume office on April 1st of that year.

Size of the Band Council

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

Electoral Sections

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

Electoral Section 1	Little Red River Reserve #106C and #106D
Electoral Section 2	Grandmother's Bay Reserve #219
Electoral Section 3	Morin Lake Reserve #217
Electoral Section 4	Sucker River Reserve #156C
Electoral Section 5	Stanley Mission Reserve #157
Electoral Section 6	Lac La Ronge Reserve #156 and Kitsaki Reserve #156B

Composition of the Band Council

5.6 Each Electoral Section shall be allowed to elect the following maximum number of Councillors:

- (a) Electoral Section 1: Two (2) Councillors
- (b) Electoral Section 2: One (1) Councillor
- (c) Electoral Section 3: One (1) Councillor
- (d) Electoral Section 4: One (1) Councillor
- (e) Electoral Section 5: Three (3) Councillors
- (f) Electoral Section 6: Four (4) Councillors

Eligibility of Chief and Councillors

5.7 Eligibility for candidates for Chief and Council is set out in the Regulations.

Residency Requirement for Chief

5.8 There is no residency requirement for an Elector who is registered on the Band List to:

- (a) nominate,
- (b) second a nomination for,
- (c) vote for; or
- (d) run

for the position of the Chief of the Band.

Residency Requirement for Councillors

5.9 Electors can only vote for the Councillors who are nominated for the office of Councillor to represent the Reserve Community that is that person's Home Reserve.

5.10 To be eligible to run for the office of Councillor in Electoral Sections 1- 4, a person must be ordinarily resident in the Electoral Section that he/she is seeking to represent at the time of his or her nomination.

Temporary Absence from Ordinary Residence

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

Disqualification from Office

- 5.12 A Chief or Councillor may be removed from their elected position as set out in the Regulations. Vacancies of Band Council
- 5.13 Where, pursuant to the Regulations, the office of Chief or Councillor becomes vacant for more than three months before the date when another Election would ordinarily be held, the Chief 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.

Voiding of Election

- 5.14 The Chief Electoral Officer may set aside the Election of a Chief or Councillor, if:
- (a) there was a Corrupt Practice(s) in connection with the Elections; and there was violation of this Act which, in the judgement of the Chief 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.

Notice of Nomination

- 5.15 When an Election is to be held, the Chief 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 Clear Days prior to the date of the proposed nomination meeting and at least twelve Clear Days prior to the date set for the Election.

Timing of Nomination Meeting-Exception

- 5.16 When it is not practicable to hold a meeting for a nomination of candidates in

accordance with Section 5.18, the Chief Electoral Officer may order that the meeting shall be held on a date no less than twelve Clear Days before the day on which the Election is to be held.

Nomination Meeting-Schedule Central Location

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

Nomination Meeting Procedure

5.18 At the time and place specified in the notice, the Chief Electoral Officer shall declare the meeting open for the purpose of receiving nominations.

5.19 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.

5.20 The meeting shall remain open for not less than two hours after commencement.

Chief or Councillor Election

5.21 A person nominated for office of Chief cannot run for office of Councillor at the same time or vice versa.

Chief Acclamation

5.22 In the event the nomination meetings have been completed at all Electoral Sections as defined in Section 5.5 of this Act and there has been only one person nominated for Chief, the Chief Electoral Officer shall declare that person so nominated duly elected as Chief, subject to the person submitting the Oath of Office under Section 7.21.

Councillor Acclamation

5.23 If the number of persons nominated to serve on Council does not exceed the requisite number of positions to be elected, the Chief Electoral Officer shall declare the person(s) so nominated, duly elected, subject to the person submitting the Oath of Office under Section 7.21.

Closing of Nomination Meeting

5.24 Subject to Section 5.20 the Chief Electoral Officer shall not close the nomination meeting until he/she considers such business as may properly be brought before it has been disposed of.

Declaration of Poll

5.25 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 Chief Electoral Officer shall declare that an Election will be held and shall name the time and place where such Election shall be taken.

Notice of Poll

5.26 Whenever an Election is called the Chief Electoral Officer shall, without any unreasonable delay after nominations, cause to be posted in one or more conspicuous places within Electoral Section a notice containing:

- (a) The date and time of the Election;
- (b) the position(s) on the Council open for Election;
- (c) the location of the Polling Places for the Election;
- (d) the availability of voting by mail-in-ballot for:
 - i. all Electors who do not ordinarily reside on in the Electoral Section; and
 - ii. all other Electors who request a mail-in-ballot package;
- (e) notice that a copy of the *Act* is available to any Elector upon the Elector's request, and is available for viewing online on the LLRIB Website and at the Administration Office; and
- (f) notice that the Electors List is available for review at the Administration Office, and that each Elector is responsible for ensuring that he or she is included on the Electors List and that the information about the Elector is correct.

PART 6. MANNER IN WHICH VOTING SHALL BE CONDUCTED

Voters' List

6.1 At least 79 days before the date of the Election, from the most current Band List along with any certified amendments verifying additions or deletions, the Chief Electoral Officer shall prepare a Voters' list for each Electoral Section containing the names, in alphabetical order, of all Electors for that Electoral Section.

Posting of Voters' List

6.2 The Chief Electoral Officer shall post one or more copies of the approved Voters' list in conspicuous places in each Electoral Section.

Revisions to Voters' List

6.3 Any Electoral may apply in writing to the Chief Electoral Officer to have the Voters' list revised on the ground that the name of an Electoral has been omitted there from or the name of an Electoral is incorrectly set out therein or the name of a person not qualified to vote is included therein.

Voters' List-Corrections

6.4 If the Chief Electoral Officer is satisfied that a list should be corrected, he/she shall make the necessary corrections therein.

Voters' List-Dispute

6.5 Any disputes arising from Sections 6.1 or 6.3 of this Act may be referred to the Chief Electoral Officer for a ruling.

Preparation of Ballot

6.6 The Chief Electoral Officer shall have prepared a sufficient quantity of Ballots 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 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 shall clearly indicate the number of positions open for Councillor.

6.7 Every Ballot shall:

- (a) be printed in the prescribed form;
- (b) have placed upon it, prior to providing it to an Elector, in any place on the rear of the Ballot, the initials of the Chief Electoral Officer or Deputy Electoral Officer;
- (c) be printed on paper of a quality, weight and size determined by the Chief Electoral Officer.

Time Limit-Withdrawal of Candidate

6.8 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 an Election:

- (a) by filing with the Chief Electoral Officer a written withdrawal of his/her nomination signed by himself/herself in the presence of the Chief 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 Chief Electoral Officer is in receipt of the written document.

Notice of Candidate Withdrawal

6.9 In the event that a candidate withdraws in accordance with Section 6.8, the Chief Electoral Officer shall arrange to have notices of his/her withdrawal posted in the voting place for purposes of informing the Electors.

Ballot Boxes

6.10 The Chief Electoral Officer shall arrange for the procurement of as many ballot boxes as there are Polling Places and shall cause to be prepared a sufficient number of Ballot boxes for the Election.

Delivery of Ballot

- 6.11 The Chief Electoral Officer shall, before the Election opens, cause to be delivered to his/her deputy the Ballot and materials for marking the Ballot.

Voting Compartments

- 6.12 The Chief Electoral Officer or his/her Deputy shall provide a compartment at each Polling Place where the Electors can mark their Ballot free from observation, and he/she may appoint a Constable to maintain order at such Polling Place.

Time of Poll

- 6.13 Polling Stations shall be kept open from Nine (9:00) o'clock A.M. (local time) until six (6:00) o'clock P.M. (local time) of the same day but where it appears to the Chief Electoral Officer or his/her Deputy that it would inconvenience to have the Polling Stations 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 same day.
- 6.14 In the event that the Chief 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 Polling Station at such earlier time.

Special Provisions Advance Polls

- 6.15 Advance Polls shall be set up by the Chief Electoral Officer or the Deputy Electoral Officer, as part of special instructions given to the Chief 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 Election under this Act.

Agent of Candidates

- 6.16 A candidate shall be entitled to not more than two Agents in a Polling Place at any one time.
- 6.17 Candidates shall advise the Chief Electoral Officer, in writing, of the name of

his or her Agent who:

- (a) Shall monitor and observe the voting process;
- (b) Shall not interfere with or cause a disruption during voting;
- (c) Shall not campaign during voting;
- (d) Shall observe the counting of the Ballots; and
- (e) Can question the Chief Electoral Officer on a ruling he has made pertaining to a Ballot validity but must respect the final decision of the Chief Electoral Officer.

Voting Procedure

6.18 Voting at all Elections shall be by Ballot in the manner set forth in Section 6.20 to 7.12 inclusive, of this Act.

Sealing of Ballot Box

6.19 The Chief Electoral Officer or his/her Deputy shall immediately before the opening of the Polling Stations 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 opened or unlocked during the time appointed for voting in the Election .

Request for Oath of Affirmation

6.20 At the request of any candidate or his/her Agent, or any Elector, an oath or affirmation in the form prescribed shall be administered by the Chief Electoral Officer or the Deputy Electoral Officer to any person tendering his/her vote at any Election;

6.21 The Chief 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;

6.22 The declaration shall be under oath or affirmation in the prescribed form.

PART 7. THE POLL

Voting Procedure

7.1 Upon a person presenting himself/herself for the purpose of voting, the Chief Electoral Officer or his/her Deputy shall, if satisfied that the name of such person is on the Voter's list at the Polling Place, provide him/her with a Ballot on which to register his/her vote.

Marking of Voters' List

7.2 The Chief 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.

Voters Refusal to take the Oath of Affirmation

7.3 Any person who has refused to take the Oath of affirmation referred to in Section 6.20 of this Act when requested to do so shall not receive a Ballot or be permitted to vote.

Clarification of Voter

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

Voter Marking Ballot

7.5 Each Elector receiving a Ballot shall proceed directly to the place provided for marking Ballots and shall mark his/her Ballots by placing:

(a) a cross (**X**); or

(b) check (**√**)

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

Alternate Marking of Ballot

7.6 Notwithstanding Section 7.5, the mark on the Ballot 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 for and does not in any way reveal the identity of the Voter.

Only Voter Allowed in Voting Compartment

7.7 While any Voter is in the voting compartment for the purpose of marking his/her Ballot no other person shall, except as provided in Section 7.8 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.

Assistance in Voting

7.8 Where a person is unable to read or is incapacitated by blindness or other physical cause, the Chief Electoral Officer or his or her Deputy or a family member or individual authorized by the Chief Electoral Officer, may assist the Voter by marking the Ballot in the manner directed by the Voter and shall place the Ballot in the Ballot box.

Remarks on Voters' List

7.9 Where an Elector votes in accordance with Section 7.8 of this Act, the Chief 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 was marked by him/her at the request of the Voter and the reasons therefore.

Accidental Spoiling of Ballot by Voter

7.10 A Voter who has inadvertently dealt with his/her Ballot in such a manner that it cannot be conveniently used shall upon returning it to the Chief Electoral Officer or his/her Deputy be entitled to obtain another Ballot and the Chief Electoral officer Officer or his/her Deputy shall thereupon write the word "cancelled" upon the spoiled Ballot and preserve it.

Refusal by Voter

7.11 Any person who has received a Ballot and who leaves the Polling Place

without delivering the same to the Chief 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 Chief 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 and declined to vote, in which case the Chief Electoral Officer or his/her Deputy shall mark upon the face of the Ballot the word "declined" and all Ballot so marked shall be preserved.

Voters' Name Not on Voters' List

7.12 An Elector whose name does not appear on the Voters' list may vote at an Election, provided that the Chief Electoral Officer or his/her Deputy is satisfied that such person is qualified to vote.

Advertising in Polling Station

7.13 No person shall, on the date of an Election, 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.

Voters Inside Polling Place at Closing Time

7.14 Every Elector who is inside the Polling Station at the time for the closing of the Polling Station shall be entitled to vote before the Polling Station is closed.

Procedure When Polling Place Closes

7.15 Immediately after the closing of the Polling Station the Chief Electoral Officer or his/her Deputy shall, in the presence of the candidates or their Agents present, open the ballot box and examine all the Ballots and reject all Ballots:

(a) which have not been supplied by the Chief Electoral Officer or his/her Deputy; or

(b) 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 Chief Elector Officer or his/her Deputy on a Ballot shall void or warrant its rejection.

(c) on which votes are given for more candidates for any office than are to be elected;

- 7.16 Subject to review on recount or on an Election appeal, the Chief Electoral Officer or his/her Deputy shall 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;
- 7.17 The Chief Electoral Officer or his/her Deputy shall number such objections raised under Section 7.16 and place a corresponding number on the back of the Ballot and the word "allowed" or "disallowed", as the case may be with his/her initials.
- 7.18 The Chief Electoral Officer or his/her Deputy shall count the votes given for each candidate from the Ballots not rejected and make a written statement of the number of votes given to each candidate and the number of Ballots 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.

Declaration of Candidates

- 7.19 Immediately after the completion of the counting of the votes the Chief 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.
- 7.20 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;
- (a) 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.

- (b) 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.

Oath of Office

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

Disposition of Ballot

7.22 The Chief Electoral Officer shall deposit all Ballots 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 in the presence of two (2) witnesses who shall make a declaration that they have witnessed the destruction of them.

PART 8. APPEALS

Election Appeal Period

8.1 Within fourteen (14) days after an Election any Elector 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 and/or elected in the Election was ineligible to be a candidate in the Election;

may lodge an appeal by forwarding by registered mail or by hand a written statement verified by Affidavit setting out the reasons for the appeal to the Chief Electoral Officer.

8.2 Where the election of a candidate is set aside, the candidate receiving the next highest number of votes shall be declared elected by the Chief Electoral Officer.

Handling of Election Appeals

8.3 Where an appeal is received by the Chief Electoral Officer pursuant to Section 8.1 of this Act, the Chief Electoral Officer shall within three Clear Days

deliver the Notice of Appeal to the Electoral Appeal Officer.

8.4 The Electoral Appeal Officer shall within seven (7) Clear Days arrange to hear all parties that are interested in the Appeal and following such hearing shall render a decision.

8.5 The decision of the Electoral Appeal Officer is final.

Appointment of Electoral Appeal Officer

8.6 From time to time the Chief and Council shall appoint an Electoral Appeal Officer to hear appeals pursuant to Section 8.3.

8.7 The Electoral Appeal Officer shall be an individual who has been duly elected as Chief of another Saskatchewan Indian Band. The appointment shall be for a term specified by the Chief and Council, and a member of Chief and Council cannot be the Electoral Appeal Officer.

PART 9. REVISIONS AND AMENDMENTS

9.1 Any amendments to this Election Act and Regulations must be concluded at least 6 months prior to the General Election.

9.2 Amendments of this Act shall be initiated by:

(a) a request presented to the Chief and Council, signed by at least 25% of Electors, specifying the proposed amendment and a written description of the reasons for the proposed amendment(s); or

(b) a duly passed Band Council Resolution, specifying the proposed amendment.

Consent of Electors Required to Amend

9.3 Once enacted, this Law may be amended with the consent of a majority of Electors, including Council Members, who vote at a meeting or by mail-in ballot for that purpose, as long as 10% of the Eligible Electors participate in the vote. For clarity, at least 10% of Eligible Electors must participate in the vote in order for it to constitute quorum. Consent to amend this Act is achieved when a majority of Electors voting on the amendment question,

vote in favour of the amendments.

Meetings Required to Amend

- 9.4 Prior to the date of the amendment vote, the Chief Electoral Officer will convene at least one General Membership Meeting in each Reserve Community and in any urban center so directed by Council, at which the proposed amendments to this Act will be discussed and Members will be provided the opportunity to make submissions and ask questions.

Amendment Vote

- 9.5 At least 60 days before the date of the amendment vote, the Chief Electoral Officer will post a Public Notice of the amendment vote which will indicate the time that voting will occur. The Electoral Officer will make available copies of the text of the amendment.

PART 10. COMING INTO FORCE

- 10.1 This Act, which repeals and replaces the Lac La Ronge Indian Band #353 Election Act Band 12, Treaty 6, shall come into force and be enacted on the day on which the majority of the Electors, including Council Members, give their consent to this Act.