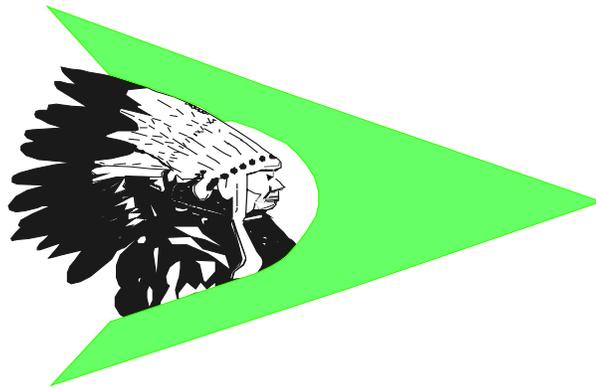


LAC LA RONGE INDIAN BAND

#353



ELECTION ACT

BAND 12, TREATY 6 *Final*

Enacted on [insert date the Act is enacted- either 3 months after it is mailed out to Electors or on the day of the referendum on Treaty Days].

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 Lac La Ronge Indian Band Election Act.

PART 2. DEFINITIONS

2.1 In this Act, the following definitions apply:

“Agent” means the Agent of the Candidate, appointed under Section 11.6, 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 Indian Band;

“Band List” means a list of Band Members maintained by the Band in accordance with Section 5 of the *Indian Act*;

“By-Election” means an Election held on a date on which there is no General Election;

“Candidate” means a Member who has been nominated pursuant to this Act to run for Chief or Councillor;

“Chief and Council” means the Chief and Council elected in accordance with the terms and conditions of this Act;

“Chief Electoral Officer” means the non-Member 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;

“Clear Days” means a period of time exclusive of the first day and exclusive of the last day;

“Corrupt Practice” means an act, including bribery, found to be a *corrupt practice* by a court of competent jurisdiction;

“Conflict of Interest” occurs when a Candidate exercises an official power or performs an official function knowing that in so doing there is an opportunity to further their private interest;

“Criminal Free Record” means, within five (5) years of the nomination:

- a) Having no conviction for an indictable offence for offences under the Criminal Code, or the *Controlled Drugs and Substances Act*, or any successor legislation; and
- b) Having no conviction for a summary conviction offence which could have been prosecuted by indictment; and
- c) Confirming, through a *Criminal Free Declaration* (Appendix “A”), that there are no undisclosed convictions or items from the Candidates personal, business or professional past that may be deemed embarrassing or detrimental to themselves or the LLRIB, hinder their ability to perform their duties as an elected official or demonstrate a lack of integrity;

“Election” means an Election held pursuant to the provisions of this Act;

“Elector” or **“Voter”** means a Member who:

- a) is registered on the Band List;
- b) is of the full age of eighteen years (18) on the day of the Election; and
- c) is not disqualified from voting at the Election;

“Deputy Elector Officer” means the Band Members who are appointed by the Election Tribunal to assist the Chief Elector Officer in the conducting of an Election under this Act;

“General Election” means an Election that is held on the date set by Chief and Council;

“Immediate Family” includes:

- a) Spouses or common-law partners, including same-sex partners;
- b) Father and mother (natural or adopted)
- c) Father and mother in laws and their spouses or common-law partners;
- d) Children (natural or adopted)

- e) Step-children;
- f) Grandchildren;
- g) Brothers or sisters (including natural, step or adopted);
- h) Grandfather and grandmother;
- i) Biological great grandfather and great grandmother;
- j) Any relative who resides permanently with the member of the Electoral Committee;

“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

“Ordinary Place of Residence” means the place where, in the settled routine of an individual's life, he or she regularly, normally or customarily lives;

“Polling Place” means a place where Electors vote at an Election;

“Regular Council Meeting” means the duly convened full Council meetings held quarterly (four (4) times per year);

“Run-Off Election” means the Election held as a result of a tie for the position of Chief or last position on Council;

“Voters’ List” includes any list made and revised under this Act, of Members 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 and By-Elections of Chief and Council of the LLRIB.

Regulations

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

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

3.4 Any enactment of or amendments to Regulations must be concluded at least six (6) months prior to an Election.

PART 4. THE COUNCIL

Election of the Band Council

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

Size of the Band Council

4.2 The Council of the Band shall consist of:

- (a) one (1) Chief; and
- (b) twelve (12) Councillors,

for a total of thirteen (13) Council members.

Term of Office

4.3 The Council in office at the time this Act comes into force shall remain in office for the remainder of their term.

4.4 The term of office for the first Election held under this Act shall be three (3) years.

4.5 The successful Candidate in a By-Election shall hold office for the remainder of the original term of office of the Chief or Councillor whom they were elected to replace.

4.6 In the event that a successful appeal results in a new Election, the term of the newly elected Council shall commence on the date all elected Council members are

confirmed to have met all eligibility requirements under the Act and the Regulations.

Electoral Sections

4.7 The LLRIB Communities are divided into six (6) Electoral sections:

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

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

Electoral Section 1	Two (2) Councillors
Electoral Section 2	One (1) Councillor
Electoral Section 3	One (1) Councillor
Electoral Section 4	One (1) Councillor
Electoral Section 5	Three (3) Councillors
Electoral Section 6	Four (4) Councillors.

Time of Elections

4.9 General Elections must be held within the period of 30 days before the day on which the term of office of the sitting Council expires and shall normally be held at the end of March of the year in which they are required under Section 4.3.

4.10 General Elections will take place on the same day in all LLRIB Communities, and the newly elected Council shall officially assume office on April 1st of that year.

PART 5. ELIGIBILITY OF CHIEF AND COUNCILLORS

Eligibility of Chief and Councillors

5.1 Candidates must meet the following criteria to be eligible to run in an Election:

- (a) be an eligible Voter, as defined in this Act;
- (b) have a Criminal Free Record, as defined in this Act;
- (c) not be in a Conflict of Interest, as defined in this Act;
- (d) have no debt outstanding and unpaid to the LLRIB, including Band entities, businesses and corporations to which the Band is the majority shareholder; and
- (e) for Councillor positions in Electoral Sections 1, 2, 3, and 4, Candidates must have their Ordinary Place of Residence within the Electoral Section that they are seeking to represent.

Ordinary Place of Residence

5.2 A Member's Ordinary Place of Residence will be determined by where they are residing as of December 31 of the year preceding the Election:

- (a) members residing in LLRIB Communities 1-4 will be entitled to run for and vote in Electoral Sections 1-4.
- (b) members residing off-LLRIB Community (off-reserve) will be entitled to run for and vote in Electoral Sections 5 and 6, unless the Member swears a declaration claiming a closeness and affinity to another LLRIB Community.

No Residency Requirement for Chief

5.3 There is no residency requirement for a Candidate who is registered on the Band List to run for the position of Chief.

Residency Requirement for Councillors

5.4 Candidates who do not live in a LLRIB Community can be nominated for a position of Councilor in Electoral Sections 5 or 6.

Temporary Absence from Ordinary Residence

5.5 A temporary absence from a LLRIB Community does not cause a loss or change of Ordinary Place of Residence.

Employees of the Band

5.6 A Member who is an employee of LLRIB, or a Band corporation, who wishes to run for Chief or Councillor must take a leave of absence upon acceptance of a nomination and must resign if elected.

Elected and Senior Officials of other Governments

5.7 A Member who is an elected or senior official of another government, who wishes to run for Chief or Councillor must take a leave of absence upon acceptance of a nomination and must resign if elected.

PART 6. PRE-NOMINATION PROCEDURE

Appointment of Election Tribunal

6.1 An Election Tribunal will be appointed by Council as soon as practicable after the date of an Election has been set by Council, and shall be responsible for:

- (a) maintaining the integrity of the Election;
- (b) administering any regulations, policies or practices to facilitate the conduct of the Election;
- (c) undertaking the administration of the Election in accordance with an approved budget;
- (d) the appointment of the Chief Electoral Officer and Deputy Electoral Officers, and translators/assistants; and
- (e) any other duty or responsibility delegated by Chief and Council.

Composition of Election Tribunal

6.2 The Election Tribunal shall be composed of:

- (a) one (1) Member from every LLRIB Community;
 - (b) one (1) Member who does not reside in an LLRIB Community (an "urban Member"); and
 - (c) one (1) Elder,
- for a total of eight (8) Members.

Chair

6.3 The Executive Director will Chair the Election Tribunal.

Election Tribunal Eligibility

6.4 A member of the Election Tribunal shall not be:

- (a) a member of Chief or Council;
- (b) a Candidate for election;
- (c) except for the Executive Director, an employee of the LLRIB;

Immediate Family Conflict of Interest

6.5 A member of the Election Tribunal with resign if an Immediate Family member accepts a nomination to run in the Election.

Term of Election Tribunal

6.6 The Election Tribunal shall be appointed for such a term as may be determined by Chief and Council, but the term of appointment shall extend at a minimum to 30 days after the day of Election.

Appointment of Chief Electoral Officer

6.7 As soon as directed by Council, the Election Tribunal shall appoint a Chief Electoral Officer to perform any of the duties, powers and functions that are required to be performed or exercised under this Act.

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

- (a) not be a Member of the Band;
- (b) have no vested interest in the outcome of the Election;
- (c) be at least 18 years of age; and
- (d) have experience in the conduct of Elections.

Creation of Election File

6.9 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 fourteen (14) days has expired. The file shall then be closed and kept in the Administration Office.

Appointment of Deputy Electoral Officer, Translators and Assistants

6.10 The Chief Electoral Officer, in consultation with the Election Tribunal, shall appoint Deputy Electoral Officers who shall work under the direction of the Chief Electoral Officer.

6.11 The Chief Electoral Officer, in consultation with the Election Tribunal, may appoint one or more translators and/or assistants, each of whom shall work under the direction of the Chief Electoral Officer.

6.12 The Deputy Electoral Officers, translators and assistants must all be persons who:

- (a) are Members of the Band;
- (b) have no vested interest in the outcome of the Election;
- (c) are at least 18 years of age;
- (d) do not work for the LLRIB; and
- (e) have received training in conducting elections.

Delegated Authority - Deputy Electoral Officers

6.13 The Chief Electoral Officer may delegate any of their powers to a Deputy Electoral Officer by written notice.

6.14 In addition to any powers delegated under Section 6.13, Deputy Electoral Officers shall have the powers described in this Act.

Electoral Officer Oath of Office

6.15 Prior to undertaking their duties, the Chief Electoral Officer shall complete the *Oath of Office and Confidentiality for Electoral Officers* (Appendix "B").

6.16 Prior to undertaking their duties, the Chief Electoral Officer and Deputy Electoral Officers shall complete the *Appointment and Oath of Deputy Electoral Officer*

(Appendix "C").

- 6.17 Prior to undertaking their duties, each translator and/or assistant shall complete the *Oral Oath of Secrecy* (Appendix "D").

Voters' List

- 6.18 From the most current Band List provided by the Band to the Chief Electoral Officer, the Chief Electoral Officer must compile a Voters' List that contains the following information:
- (a) the names of Electors in each Electoral Section, in alphabetical order; and
 - (b) each Elector's band membership (Treaty) number.

Posting of Voters' List

- 6.19 The Chief Electoral Officer shall post one or more copies of the approved Voters' List in conspicuous places in each Electoral Section and on the LLRIB webpage.

Revisions to Voters' List

- 6.20 The Chief Electoral Officer must revise the Voters' List if it is demonstrated that:
- (a) an Elector's name has been omitted from the list,
 - (b) an Elector's name is incorrectly set out in the list, or
 - (c) the name of a person not entitled to vote is included in the list.

Voters' List Corrections

- 6.21 For the purposes of Section 6.20:
- (a) a person may demonstrate that an Elector's name has been omitted from, or incorrectly set out in, the Voters' List by presenting to the Chief Electoral Officer written evidence from the Band that the Elector is on the Band List and will be at least 18 years of age on the day of the Election; and
 - (b) a person may demonstrate that the name of a person not entitled to vote has been included in the Voters' List by presenting to the Chief Electoral

Officer written evidence that that person is not in the Band List or will not be a least 18 years of age on the day of the Election.

Voters' List Dispute

6.22 The decision of the Chief Electoral Officer, concerning any disputes arising from Sections 6.18 or 6.20 will be referred to and decided by the Election Tribunal.

PART 7. THE NOMINATION PROCESS

Timing of Nomination Meetings

7.1 Nomination meetings for an Election must be held at least 12 days before the date of the Election.

Notice of Nomination Meetings Required

7.2 At least six (6) days before the day on which the nomination meetings are to be held, the Chief Electoral Officer must:

- (a) post a notice of the nomination meetings and a Voters' List in at least one conspicuous place in each Electoral Section; and
- (b) post a notice of the nomination meetings on the LLRIB website and administration office.

Content of the Notice of Nomination

7.3 A notice of a nomination meeting must include the following information:

- (a) the date, time and duration, and location of the nomination meetings;
- (b) the number of positions to be filled in each Electoral Section;
- (c) a description of the manner in which a Voter can nominate a Candidate, or second the nomination of a Candidate;
- (d) a statement that a Voter must not nominate more than one Candidate for each position to be filled in accordance with Section 4.8 of the Act;
- (e) the date on which the Election will be held and the location of each Polling Place;

- (f) the date on which any advance poll will be held and the location and hours of operation of each advance Polling Place;
- (g) the statement that, if the Voter wants to receive information from the Candidates, the Voter must provide his or her address to the Chief Electoral Officer, and agrees to have his address released to the Candidates;
- (h) the place where copies of the Act may be obtained; and
- (i) the name, email, business address, and business phone of the Chief Electoral Officer.

Location of Nomination Meetings

7.4 Nomination meetings will be held at a central public location in each Electoral Section.

Nominating Candidates

7.5 A Voter may nominate a Candidate and second the nomination of a Candidate by orally nominating the Candidate or seconding the nomination of the Candidate at the nomination meeting.

Nominations for Chief

7.6 An Elector may nominate or second no more than one eligible Elector for the office of Chief.

7.7 There is no residency requirement for an Elector who is registered on the Band List to nominate, second a nomination for, or vote for a Candidate running for the position of Chief.

Nominations for Councillors

7.8 Only Electors whose Ordinary Place of Residence is in Electoral Sections 1, 2, 3, or 4 can nominate or second a nomination of a Candidate in Electoral Sections 1, 2, 3, or 4.

7.9 There is no residency requirement for an Elector who does not reside in an LLRIB Community to nominate, or second a nomination for, a Candidate running for the

position of Councillor in Electoral Sections 5 and 6.

Nomination Meeting Procedure

- 7.10 At the time and place specified in the notice of nomination meeting, the Chief Electoral Officer shall declare the meeting open for the purpose of receiving nominations.
- 7.11 If the same person receives two written nominations for the same position, the second nomination is considered to second the first nomination.
- 7.12 A nomination meeting must remain open for at least two (2) hours.

Acceptance of Chief or Councillor Nomination

- 7.13 A person may only be a Candidate for the position of Chief or Councillor in an Election, not both.

Confirmation of Eligibility

- 7.14 No person shall accept a nomination for Chief or Council if that person is not eligible to be a Candidate pursuant to this Act and any prescribed Regulations.

Candidate Declaration

- 7.15 To accept a nomination, a Candidate must remit to the Chief Electoral Officer, within 72 hours of the nomination meeting closing:
- (a) a signed *Candidate Declaration* (Appendix "E") accepting the nomination for no more than one of the positions for which they have been nominated and attesting to their eligibility to be a Candidate under the Act;
 - (b) confirmation of the Candidates legal name and the name or names, including nicknames, that the Candidate wishes to have on the Ballot; and
 - (c) a Criminal Record Check.
- 7.16 Any Candidate, who, in the opinion of the Chief Electoral Officer, makes a false declaration shall be automatically disqualified to run for office, and the Chief Electoral Officer shall not be required to place that Candidate's name forward for Election.

- 7.17 The documents required under this Section may be submitted to the by mail, email, fax, or in person, or other method acceptable to the Chief Electoral Officer, but must be received before the deadline.
- 7.18 The Chief Electoral Officer shall keep the original documentation with all other electoral documentation.
- 7.19 If the documentation is not received within 72 hours of the close of the nomination meeting, the nomination is void.

Close of Nomination Meeting

- 7.20 As soon as feasible after the deadline set out in Section 7.15 expires, the Chief Electoral Officer must:
- (a) if there is only one Candidate for Chief, declare that person to be elected by acclamation;
 - (b) if the number of Candidates for Councillor in any Electoral Section does not exceed the number of positions to be filled, declare those persons to be elected by acclamation;
 - (c) if there are more Candidates than the number of positions to be filled, announce that an Election will be held on the date set out in the notice referred to in Section 8.1; and
 - (d) if, after Candidates have been declared elected in accordance with Subsections 7.20 (a) or (b), the number of positions filled is less than the number of positions that are required to be filled for the Council of that Electoral Section to have quorum, post and send a notice of another nomination meeting in the manner described in Section 7.3.

Notice of Acclamations

- 7.21 If, after Candidates have been elected by acclamation, the number of positions filled is greater than or equal to the number of positions that are required to be filled for the Council in that Electoral Section to have quorum, the Chief Electoral Officer must post in at least one conspicuous place in the Electoral Sections affected and on the LLRIB website, a notice that sets out the names of the persons who have been elected by acclamation and states that an Election will not be held.

Withdrawal

7.22 A Candidate may withdraw their candidacy at any time prior to the close of the Election by submitting to the Chief Electoral Officer a *Notice of Withdrawal of Candidacy* (Appendix "F"), signed by the Candidate in the presence of the Chief Electoral Officer, a Deputy Electoral Office, a justice of the peace, a notary public or a commissioner for oaths.

PART 8. PRE-ELECTION DAY PROCEDURE

Notice of Election

8.1 Whenever an Election is called, the Chief Electoral Officer shall, without any unreasonable delay, post in at least one or more conspicuous places within each Electoral Section and post to the LLRIB website, a notice that sets out:

- (a) the date on which the Election is to be held and the location and hours of operation of each Polling Place;
- (b) the date on which any advance poll is to be held and the location and hours of operation of each advance Polling Place;
- (c) the date on which and the time and place at which the counting of the votes is to take place;
- (d) the number of positions on Council in each Electoral Section to be filled;
- (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;
- (f) notice that the Voters' List is available for review at the Administration Office, and that each Elector is responsible for ensuring that they are included on the Voters' List and that the information about the Elector is correct; and
- (g) the Chief Electoral Officer's name, phone number, email, fax number, and postal address.

Preparation of Ballots

8.2 The Chief Electoral Officer shall have prepared a sufficient quantity of Ballots

containing the names of the Candidates for Chief and Councillors, and if applicable may insert a nickname.

- 8.3 There shall be separate Ballots prepared for each Electoral Section and those Ballots shall contain a listing of 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.
- 8.4 Every Ballot shall:
- (a) be printed;
 - (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; and
 - (c) be printed on paper of a quality, weight and size determined by the Chief Electoral Officer.

PART 9. ADVANCED POLLS

- 9.1 Advance polls may be set up by the Chief Electoral Officer.
- 9.2 The procedures set out in this Act for General Elections apply, in so far as applicable, to the conduct of advance polls.

Safekeeping of Advance Poll Ballot Boxes

- 9.3 As soon as the advance Polling Places close, the Chief Electoral Officer must seal the Ballot box in a manner that prevents it from being opened without breaking the seal, place their initials on the seal, invite two witnesses to initial the seal, and ensure the safekeeping of the Ballot box until the counting of the votes following the close of the Polling Places on the day of the Election.

PART 10. EQUIPMENT FOR ELECTION

Ballot Boxes

- 10.1 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 Ballots

10.2 The Chief Electoral Officer shall, before the Polling Place opens, cause to be delivered the Ballots and materials for marking the Ballot.

Voting Compartments

10.3 The Chief Electoral Officer shall provide a compartment at each Polling Place where the Electors can mark their Ballot free from observation, and the Chief Electoral Officer may appoint a Constable to maintain order at such Polling Place.

PART 11. ELECTION DAY

Voting Procedure

11.1 Voting at all Elections shall be by Ballot in the manner set out in this Act.

Time of Poll

11.2 Polling Places shall be kept open from nine (9:00) o'clock A.M. until eight (8:00) o'clock P.M. of the same day.

11.3 Any Elector in line at the close of the Polling Place shall be entitled to vote in the Election.

11.4 In the event that the Chief Electoral Officer has determined that all eligible Voters have cast their Ballots prior to the above-noted closing times, the Chief Electoral Officer may close the Polling Place at such earlier time.

Agent of Candidates

11.5 A Candidate shall be entitled to not more than two Agents in a Polling Place at any one time.

11.6 Candidates shall advise the Chief Electoral Officer, in writing, of the name of his or her agent by providing him/her with a completed *Appointment of Agent (Scrutineer) by Candidate* (Appendix "G").

11.7 The Candidates' Agents shall:

- (a) monitor and observe the voting process;
- (b) not interfere with or cause a disruption during voting;

- (c) not campaign during voting;
- (d) 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.

11.8 Agents shall swear an *Oral Oath of Secrecy* (Appendix "D") when entering the Polling Place.

Sealing of Ballot Box

11.9 The Chief Electoral Officer shall immediately, before the opening of the Polling Place:

- (a) open the Ballot box and call such persons as may be present to witness and verify in writing, that the box is empty;
- (b) lock and properly seal the box to prevent it from being opened without breaking the seal; and
- (c) 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, including the time between advance polls and the day of Election.

Request for Oath of Identity

11.10 At the request of any Candidate or their Agent, or any Elector, an *Oath of Identity* (Appendix "H") shall be administered by the Chief Electoral Officer to any person voting at any Election.

11.11 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.

Voters Refusal to take the Oath of Identity

11.12 Any person who has refused to take the *Oath of Identity* referred to in Section 11.10

when requested to do so shall not receive a Ballot or be permitted to vote.

Campaigning in Polling Place

11.13 No person, including a Candidate, shall, on the day of Election:

- (a) post or display in or on the exterior surface of a Polling Place, any campaign literature or other material that promotes or opposes the election of a particular Candidate;
- (b) within hearing distance of a Polling Place, orally promote or oppose the election of a Candidate;
- (c) in a Polling Place, attempt to influence an Elector to vote or refrain from voting or to vote or refrain from voting for a particular Candidate; or
- (d) act, or incite another person to act, in a disorderly manner with the intention of disrupting the conduct of the Election in a Polling Place.

Order to leave

11.14 The Chief Electoral Officer may order a person to leave a Polling Place if the person is committing an offence under this Act that threatens the maintenance of order at the Polling Place, or if the Chief Electoral Officer believes on reasonable grounds that a person has done so.

11.15 A person to whom an order is given under Section 11.14 must obey it without delay.

Voting

11.16 Upon a person presenting himself/herself for the purpose of voting, the Chief Electoral Officer, if satisfied that the name of such person is on the Voter's List at the Polling Place, provide the Elector with a Ballot on which to mark their vote.

Marking of Voters' List

11.17 The Chief Electoral Officer shall cause to be placed in the proper column of the Voters' List a mark opposite the name of every Voter receiving a Ballot.

Clarification of Voter

11.18 The Chief Electoral Officer shall, when requested to do so, explain the mode of voting to the Voter.

Voter Marking Ballot

11.19 Each Elector receiving a Ballot shall proceed directly to the place provided for marking Ballots and shall mark the Ballot(s) by placing:

- (a) a cross (X); or
- (b) check (√)

opposite the name of the Candidate(s) for whom they desire to vote for and shall then deposit the Ballot in the Ballot box supplied.

Alternate Marking of Ballot

11.20 Notwithstanding Section 11.19, the mark on the Ballot may be a mark other than the cross or check mark provided 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

11.21 Except as provided in Section 11.22, while any Voter is in the voting compartment for the purpose of marking the Ballot, no other person shall be allowed in the same compartment or be in any position from which they can see the manner in which such Voter marks their Ballot.

Assistance in Voting

11.22 Where a person is unable to read or is incapacitated by blindness or other physical cause, 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

11.23 Where an Elector votes in accordance with Section 11.22, the Chief Electoral Officer shall mark in the Voters' List, opposite the name of such Elector in the column for remarks, the fact that the Ballot was marked by the Electoral Officer at the request of the Voter and the reasons therefore.

Accidental Spoiling of Ballot by Voter

11.24 A Voter who has inadvertently dealt with the Ballot in such a manner that it cannot be used shall return it to the Chief Electoral Officer and be entitled to obtain another Ballot and the Chief Electoral Officer shall write the word "cancelled" upon the spoiled Ballot and preserve it.

Refusal by Voter

11.25 Any person who has received a Ballot and who leaves the Polling Place without delivering the same to the Chief Electoral Officer in the manner provided, or, if after receiving the same refuses to vote, shall forfeit their right to vote at the Election, and the Chief Electoral Officer 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 shall mark upon the face of the Ballot the word "declined" and all Ballots so marked shall be preserved.

Voters' Name Not on Voters' List

11.26 An Elector whose name does not appear on the Voters' List may vote in an Election, provided that the Chief Electoral Officer is provided satisfactory proof that such person is qualified to vote.

11.27 Any additions to the Voters' List will be noted by the Chief Electoral Officer, with reasons and evidence.

Voters Inside Polling Place at Closing Time

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

PART 12. COUNTING OF VOTES

Counting the Ballots

12.1 After the Polling Place has closed, the Chief Electoral Officer shall, in the presence of the Candidates or their Agents present, open the Ballot box and examine all the Ballots.

12.2 The Chief Electoral Officer will reject any Ballot that

- (a) does not contain the Chief Electoral Officer's initials;
- (b) is not on the Ballot supplied by the Chief Electoral Officer;
- (c) has not been marked for any Candidate;
- (d) has been marked for more than the required number of Candidate(s);

- (e) identifies the Voter; or
- (f) is illegible, and does not identify a particular Candidate, or names someone who is not a Candidate.

- 12.3 The Chief Electoral Officer shall take note of any objection made by any Candidate or their Agent to any Ballot found in the Ballot box and decide any question arising out of the objection.
- 12.4 The Chief Electoral Officer shall number such objections raised under Section 12.3 and place a corresponding number on the back of the Ballot and the word "allowed" or "disallowed", as the case may be with their initials.
- 12.5 The Chief Electoral Officer 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.

Announcement of Elected Council

- 12.6 After the completion of the counting of the votes, the Chief Electoral Officer must, in the presence of everyone present, declare to be elected the Candidates having the highest number of votes.

Automatic Recounts and Ties

- 12.7 A recount must automatically take place if the difference between the number of votes cast for:
- (a) Chief: tied, or is less than 50 votes;
 - (b) The only or last Councillor position in an Electoral Section: is tied, or less than 20 votes.
- 12.8 The Chief Electoral Officer shall establish a time for a recount and publicly announce this time in the presence of those present in the Polling Place(s).
- 12.9 A recount pursuant to Section 12.7 must take place within 24 hours of the announcement by the Chief Electoral Officer in the presence of the Candidates and their Agents who wish to attend.

Handling of Ballots

- 12.10 If the recount is not to be conducted immediately after the counting of the votes, the Chief Electoral Officer must:
- (a) deposit all Ballots in envelopes and seal them in a manner that prevents them from being opened without breaking the seal;
 - (b) place their initials on the seal and have any two people present do the same;
 - (c) deposit the sealed envelopes into a Ballot box and seal that box in a manner that prevents it from being opened without breaking the seal; and
 - (d) ensure the safekeeping of the sealed Ballot box until the time established for a recount.

Breaking a Tie Vote

- 12.11 In the event that a recount fails to determine the successful Candidates for the position of Chief or for the final position of Councillor in an Electoral Section, the Chief Electoral Officer shall hold a Run-Off Election to break the tie by issuing a Notice of Election within 7 days, and the Candidates in that election shall be only those Candidates with the tie vote.
- 12.12 Where a Run-Off Election for a position is required to break a tie, all the provisions of this Act shall apply to the Run-Off Election, provided:
- (a) The final Voters' List for the Run-Off Election shall be the final Voters' List from the Election which resulted in the tie;
 - (b) The Candidates for office to be determined in the Run-Off Election shall be limited to the Candidates who received an equal number of votes for that office in the original Election;
 - (c) The Run-Off Election date to break a tie will occur within twenty-five (25) days of the original Election; and
 - (d) The Election Tribunal, Chief Electoral Officer and Deputy Electoral Officers in the original Election will continue to serve as the Electoral Officer in the Run-Off Election.

PART 13. POST ELECTION PROCEDURES

Declaration of Candidates

- 13.1 After completing the counting of the votes and establishing the Candidates who have the highest number of votes, the Chief Electoral Officer shall declare the names of the elected Candidates.
- 13.2 Following the declaration of Candidates made pursuant to Section 13.1, the Chief Electoral Officer shall complete and sign an Election report which shall contain:
 - (a) the names of the Candidates;
 - (b) the number of Ballots cast for each;
 - (c) the number of rejected Ballots; and
 - (d) the total number of Ballots printed for each Electoral Section and the position of Chief.

Oath of Office

- 13.3 Prior to taking office, a Candidate who has been elected Chief or Councillor shall, within 7 days of the Chief Electoral Officer's announcement under Section 13.1, swear the *Oath of Office* (Appendix "I").
- 13.4 Where a Candidate elected as Chief or Councillor cannot, due to illness or other valid reason, swear the Oath of Office in the time prescribed in Section 13.3, he or a Member acting on his or her behalf, may file a petition with the Chief Electoral Officer for an extension of the time to swear the Oath of Office.
- 13.5 The Chief Electoral Officer, receiving a petition under Section 13.4 shall determine whether the circumstances justify an extension and shall provide the Candidate making the request written notice of the decision, and where applicable, the extension period.
- 13.6 No person elected as Chief or Councillor shall be permitted to assume office until they have sworn and filed the Oath of Office with the Chief Electoral Officer.
- 13.7 Subject to Section 13.6, if a person elected as Chief or Councillor fails to file the sworn Oath of Office with the Chief Electoral Officer in or before the prescribed time period, the Chief Electoral Officer shall declare the office vacant and shall provide notice of the vacancy to the Candidate whose office has been declared vacant and the rest of Chief and Council. The position will remain vacant until Chief

and Council declare that a By-Election will be called.

Disposition of Ballot

13.8 The Chief Electoral Officer shall deposit all Ballots in sealed envelopes and shall retain them in their possession for ninety (90) days, and unless otherwise directed to retain the Ballots after the 90-day period, shall then destroy the Ballots in the presence of two (2) witnesses who shall make a declaration that they have witnessed the destruction of them.

PART 14. VACANCY AND REMOVAL OF COUNCIL MEMBERS FROM COUNCIL

Disqualification from Office

14.1 A Chief or Councillor may be disqualified and removed from their elected position if:

- (a) they miss three (3) consecutive Regular Council Meetings without reasonable cause and authorization from the Chief;
- (b) they are shown to be guilty of a Corrupt Practice;
- (c) they are found to be in a Conflict of Interest with the Band;
- (d) they fail to maintain a Criminal Free Record during their elected term;
- (e) they were elected to Council in Electoral Sections 1, 2, 3, or 4, and move from that Electoral Section to another Electoral Section or off-reserve during their term;
- (f) they accept another full-time employment position;
- (g) they are elected to another full-time position; or
- (h) they enroll in a full-time education program.

Prohibition on Running in By-Election, if Disqualified

14.2 A Chief or Councillor who has been disqualified and removed from holding office under Section 14.1 is prohibited from being nominated for and running in the By-Election called to fill their vacant seat.

Voiding of Election

- 14.3 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; or
 - (b) a violation of this Act,
- which, in the judgement of the Chief Electoral Officer, may have affected the final outcome/result of the Election.

PART 15. APPEALS

Election Appeal Period

15.1 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.

15.2 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

15.3 Where an appeal is received by the Chief Electoral Officer pursuant to Section 15.1 (a) or (b), the Chief Electoral Officer shall within three (3) Clear Days deliver the appeal to the Election Tribunal.

15.4 The Election Tribunal 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.

15.5 The decision of the Election Tribunal is final.

PART 16. BY-ELECTIONS

- 16.1 Unless otherwise provided in this Act, where:
- (a) the Chief Electoral Officer has set aside an Election pursuant to Section 14.3; or
 - (b) the office of Chief or Councillor becomes vacant more than three (3) months before the date when another Election would ordinarily be held,
- Council shall order a By-Election to be held in accordance with this Act to fill the vacancy.
- 16.2 No By-Election shall be held if there is less than three (3) months remaining in the term of the Council member whose office has become vacant, except where a By-Election is required to maintain quorum.
- 16.3 If a Council member wishes to be a Candidate in a By-Election for Chief, they must resign their Council position prior to the nomination meeting for the By-Election.
- 16.4 Except as otherwise provided in this Act, the rules and procedures in this Act shall apply to By-Elections.

PART 17. AMENDMENTS

- 17.1 Any amendments to this Act and Regulations must be concluded at least six (6) months prior to an Election.
- 17.2 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

- 17.3 Once enacted, this Act may be amended with the consent of a majority of Electors, including Council Members, who vote at a meeting 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, for the vote to have quorum.*

17.4 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

17.5 Prior to the date of the amendment vote, the Executive Director, or his or her delegate, 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

17.6 At least sixty (60) days before the date of the amendment vote, the Executive Director, or his or her delegate will post a notice of the amendment vote which will indicate the time that voting will occur and will make available copies of the proposed amendment(s).

Grammatical and Typographical Amendments

17.7 Subject to Section 17.8, Council may make an amendment to this Act to correct a grammatical or typographical error.

17.8 An amendment made in accordance with Section 17.7 must not in any way alter the intent of, or a right, duty or power provided for in this Act.

PART 18. COMING INTO FORCE

18.1 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 either:

- (a) Three (3) months after this Act is delivered to all Members, by way of BCR, if no Member challenges the proposed Act; or
- (b) the day on which the majority of the Electors give their consent to this Act by way of a plebiscite conducted at the next Treaty Days after the proposed Act is delivered to all Members.

APPENDIXES

- A. Criminal Free Declaration
- B. Oath of Office and Confidentiality for Electoral Officers
- C. Appointment and Oath of Deputy Electoral Officer
- D. Oral Oath of Secrecy
- E. Candidate Declaration
- F. Notice of Withdrawal of Candidacy
- G. Appointment of Agent (Scrutineer) by Candidate
- H. Oath of Identity
- I. Oath of Office