

**Muscowpetung Saulteux First Nation
Election Act, 2019**

**Governing Elections for Chief and Council
of Muscowpetung Saulteux First Nation**

Short Title

This Act may be cited as the *Muscowpetung Saulteux First Nation Election Act 2019*

**Section One
Interpretation**

Interpretation

1.01 In the within *Muscowpetung Saulteux First Nation Election Act 2019*;

“**Act**” Means the *Muscowpetung Saulteux First Nation Election Act 2019*;

“**Acting Chief**” means a Councillor appointed under the Act to be the Acting Chief and such person while so appointed has the same powers as that of the Chief;

“**Appeal Tribunal**” means the Appeal Tribunal established under the *Muscowpetung Saulteux First Nation Constitution* and governed under the *Muscowpetung Saulteux First Nation Appeal Tribunal Act*, as amended from time to time;

“**By-election**” means an election under the Act for a Chief or one or more Councillors to fill a vacancy or vacancies that occurred during a term of office of Council or due to some, but not all, of the offices of Council being filled at general election;

“**Candidate**” means a person who is at all material times confirmed by the Chief Electoral Officer as being a Candidate for an election or by-election;

“**Chief**” means the Chief of Muscowpetung Saulteux First Nation;

“**Chief Electoral Officer**” means the person referred to as such and selected according to procedures under the Act who is in charge of an election under the Act;

“**Citizen**” means a person defined as a Citizen of Muscowpetung Saulteux First Nation under the currently band membership traditional regime until the enactment of the *Muscowpetung Saulteux First Nation Membership Act* as may be amended from time to time;

“**Clear Criminal Records Check**” means a recognized law enforcement agency with access to computer database(s) that the proposed Candidate, being the subject of a criminal records search of such databases(s), has not been convicted of the following offences within (5) years immediately preceding Election Day:

- (a) An indictable offence under the *Criminal Code of Canada*, or of a dual offense where the Crown has elected to proceed by way of indictment;

- (b) An offence under the *Controlled and Substances Act of Canada* or offence under the *Food and Drug Act of Canada*, involving, the importation, trafficking or possession for the purpose of trafficking of a prohibited or controlled substance covered by any of such legislation of Canada or successor legislation of Canada.

“Clear Days” means a series of days being any of the days exclusive of the first and exclusive of the last day;

“Council” means the governing body of Muscowpetung Saulteux First Nation made up of the Chief and the Councillor of Muscowpetung Saulteux First Nation;

“Days” means, other than days stated to be clear days, a series of days being any days of the week inclusive of the first day and exclusive of the last day;

“Deputy Chief” means a Councillor or a Councillor appointed under the Act to be the Deputy Chief and such person while so appointed in the absence of the Chief has the same powers as that of the Chief as the same relates to the conduct of a meeting of Council and such other duties as may be specified in legislation of Muscowpetung Saulteux First Nation;

“Deputy Electoral Officer” means the persons referred to as such and selected according to procedures under the Act who assists the Chief Electoral Officer.

“Director of Operations” means the person designated by such organizational structure of Muscowpetung Saulteux First Nation and is the senior administrative officer or successor position;

“Election” means a general election or a by-election;

“Election Day” means the day and date for an election under the Act;

“Elector” means a person who is:

- (a) A Muscowpetung Saulteux First Nation Citizen as defined by the current band membership traditional regime until the enactment of the *Muscowpetung Saulteux First Nation Membership Act* as may be amended from time to time;
- (b) Lives on or off of Muscowpetung Saulteux First Nation Territories, being Muscowpetung Saulteux First Nation Reserves;
- (c) At least eighteen (18) years of age;
- (d) Of sound mind; and
- (e) Not disqualified from voting pursuant to legislation.

“Electors List” means the list of Electors for an election as determined by the Muscowpetung Saulteux First Nation Citizenship Clerk and approved by the Chief and Council and contains the names, in alphabetical order, of the Electors, or substantially all of the Electors with unintentional omissions being acceptable;

“Empowered Entity” means any of the following:

- (a) A corporate person with the sole shareholder for profit corporations or sole member of non-profit corporations being Muscowpetung Saulteux First Nation or another Empowered Entity of Muscowpetung Saulteux First Nation;
- ~~(b) A trust created directly or indirectly for the sole benefit of Muscowpetung Saulteux First Nation Citizens;~~
- (c) A board or committee established under legislation of Muscowpetung Saulteux First Nation;
- (d) Such other entity designated as an Empowered Entity under the *Muscowpetung Saulteux First Nation Constitution*, legislation of Muscowpetung Saulteux First Nation or regulations passed pursuant to such legislation, as may exist from time to time.

“General Election” means an election under the Act for the Chief and five (5) Councillors of Muscowpetung Saulteux First Nation;

“Councillor” and “Councilor” means both “Councillor” and/or “Councilor” and is a duly elected leader of Muscowpetung Saulteux First Nation;

“Nomination Day” means the day and date set for the closing of nominations for candidates for an election;

“Registry Number” means the same as the membership number assigned to a Citizen;

“Resolution of Council” means a written decision of Council passed in accordance with the *Muscowpetung Saulteux First Nation Constitution* and is sometimes referred to as a BCR or Band Council Resolution;

“Scrutineer or Agent” means a person designated to represent the candidate in observing the election final count of the election results;

“Muscowpetung Saulteux First Nation Territory” means the same as defined in the *Muscowpetung Saulteux First Nation Constitution*.

Section Two Custom & Composition

Band Custom

2.01 Elections of Muscowpetung Saulteux First Nation are conducted under this Act and the provisions of this Act constitute the Band Custom of Muscowpetung Saulteux First Nation, as ratified by the membership, along with provisions as contained in the *Muscowpetung Saulteux First Nation Constitution* and any legislation of Muscowpetung Saulteux First Nation dealing with elections or the ability of a Chief or Councillor to hold office.

Composition

2.02 The Council of Muscowpetung Saulteux First Nation consists of one (1) Chief and five (5) Councillor, selected by Electors in an election under the Act. Commencement and termination of office shall be determined in accordance with the *Muscowpetung*

Saulteux First Nation Constitution, this *Election Act* or legislation of Muscowpetung Saulteux First Nation governing the holding of office of a member of Council.

Section Three Eligibility

Elector

3.01 No person is entitled to vote at an election unless such person is an Elector;

Candidate

3.02 Citizens seeking to be elected under the Act as a Chief or Councillor must be an Eligible Candidate for such position and must meet all of the following criteria and is confirmed in writing by the Chief Electoral Officer as being a recognized Candidate in an election for either the position of Chief or Councillor:

- (a) Is an Elector;
- (b) is not disqualified from being a Candidate under the provisions of the Act or other legislation of Muscowpetung Saulteux First Nation or the *Muscowpetung Saulteux First Nation Constitution*;
- (c) Is running for only one position in an election;
- (d) Is not an employee of Muscowpetung Saulteux First Nation or any of its Empowered Entities, with the right of such employees to request and receive a leave of absence without pay, effective the day of becoming a candidate, and such individual is automatically re-instated if that individual loses in the election;
- (e) Produces a clear Criminal Record Check from a bona fide police enforcement agency in accordance with the Act.

Section Four Term and Calling an Election

Term and Election Day

4.01 Except as may otherwise be provided in the Act or by an order of the Appeal Tribunal, Election Day will be the second Monday of April as of the fourth (4th) year after the previous Election Day. The Term of office shall be four (4) years.

Duty to Call Election

4.02 At a duly convened Council meeting, an election is called by the Council in the following circumstances:

- (a) A general election is called as is required under the authority and powers of the *Muscowpetung Saulteux First Nation Constitution*; and pursuant to the Muscowpetung Saulteux First Nation Election Act.
- (b) A general election is called before the expiration of the term of office of Council and in any event no later than fifty (50) days before the date the term of office of the current Council expires;

- (c) The Council shall, before calling the election as described above, procure, retain and name in Form 1 attached hereto, the Chief Electoral Officer and two Deputy Electoral Officers;
- (d) A by-election is called as soon as practicable after the date that the vacancy occurs, but no later than sixty (60) days after the vacancy occurs.

*Form of Calling
an Election*

4.03 The calling of the election will be finalized at a duly called Council meeting by a Resolution of Council in the same form or substantially the same form as Form No.1, attached hereto to the Act, stating the call for the election, setting the Election Day and naming the Chief Electoral Officer and Deputy Officers.

*Posting of
Form No. 2 Election Notice, Nomination Notice, Advance Polls*

4.04 Pursuant to section 4.14, the completed Form No. 2, Notice of Election, is posted no less than forty (40) days before Election Day in three different community buildings on Muscowpetung Saulteux First Nation Territory and at the Fort Qu'Appelle, Saskatchewan, Post office. The Form No. 2 Notice shall also be posted on the Muscowpetung Saulteux First Nation website at www.Muscowpetung.com or another website as directed by Council before the posting of the Notice of Election.

*Acceptance of
Appointment*

4.05 The positions of the Chief Electoral Officer and Deputy Electoral Officers are not effective until the appointments are accepted in writing. When the Deputy Electoral Officer positions are accepted, such persons, who shall be Muscowpetung Saulteux First Nation Citizens, cannot vote in the election except to break a tie in accordance with this Act.

4.06 The Council shall appoint an independent Chief Electoral Officer such appointed individual shall not be a Muscowpetung Saulteux First Nation Citizen. The Council shall also appoint two (2) Deputy Electoral Officers and anyone of them may be staff members. Such Deputy Electoral Officers shall be appointed as "first alternate" and "second alternate" to the Chief Electoral Officer.

*Failure to Call
Or Appoint*

4.07 If the Council does not call an election as required under the Act or the *Muscowpetung Saulteux First Nation Constitution* or does not take the steps to determine a Chief Electoral Officer and Deputy Electoral Officers within the times as stated above, then the Appeal Tribunal shall on the application of an Elector, and as soon as practicable, call an election and appoint a Chief Electoral Officer and Deputy Electoral Officers by way of an order of the Appeal Tribunal, as the case may be, in accordance with the provisions of this Act.

*Substitute
Electoral Officers*

4.08 If the Chief Electoral Officer or a Deputy Electoral Officer, resigns, refuses or is unable to fulfill the duties of a Chief Electoral Officer or a Deputy Electoral Officer then a substitute is determined as follows:

- (a) In the case of the vacancy of the position of the Chief Electoral Officer, the first alternate Deputy Electoral Officer becomes the Chief Electoral Officer, and in the event that the first alternate Deputy Electoral Officer resigns, refuses or is unable to fulfill the duties of a Chief Electoral Officer, then the second alternate Deputy Electoral Officer becomes the Chief Electoral Officer, and in the event that the second alternate Deputy Electoral Officer resigns, refuses or is unable to fulfill the duties of a Chief Electoral Officer, then the Chief and Council appoint a substitute Chief Electoral Officer and in the event there is no Chief and Council the Appeal Tribunal on application of an Elector appoints the Chief Electoral Officer in accordance with the provisions of this Act;
- (b) In the case of the vacancy of the position of the Deputy Electoral Officer, the Chief and Council appoint a substitute Deputy Electoral Officer, and in the event, there is no Chief and Council then the Director of Operations appoints a substitute Deputy Electoral Officer.
- (c) In circumstances where the Appeal Tribunal orders a new election, the Appeal Tribunal will determine as part of its decision who will be the Chief Electoral Officer and Deputy Electoral Officers and set out their fees and expense rates.

*Term of Office of
the Chief Electoral
Officer*

4.09 Unless otherwise terminated under the Act, the appointment of the Chief Electoral Officer expires on the expiration of the appeal period for the election, either thirty (30) days after the decision on an appeal rendered or after a new election, if required as part of the decision of the Appeal Tribunal, whichever is later. Unless otherwise terminated under the Act, the appointment of Deputy Electoral Officers expires one day after the election.

*Power of the Chief
Electoral Officer*

4.10 The Chief Electoral Officer is in charge of the election and the conduct of the election pursuant to the provisions of the Act. Matters of procedure in the management of an election, and not otherwise specifically addressed in the Act, is within the sole determination of the Chief Electoral Officer subject only to the requirements of fairness and impartiality.

*Powers of a
Deputy Electoral
Officer*

4.11 A Deputy Electoral Officer has the powers given under the Act and is at all times under the authority and direction of the Chief Electoral Officer, and in the event a Deputy Electoral Officer does not comply the directions of the Chief Electoral Officer, then the Chief Electoral Officer can terminate a Deputy Electoral Officer and directly appoint a

substitute, in such case the terminated Deputy Electoral Officer has no right for damages or otherwise relating directly or indirectly to the termination.

Officer Fees

4.12 The Council, by way of Resolution of Council, sets out the fees and reasonable expenses that Muscowpetung Saulteux First Nation is prepared to pay the Chief Electoral Officer and a Deputy Electoral Officers to carry out the election pursuant to the Act. and may provide copies of the same to the persons in attendance at the meeting for the selection of the Chief Electoral Officer and Deputy Electoral Officers and to the Chief Electoral Officer and Deputy Electoral officers.

Election Expenses

4.13 The following provisions apply to fees, expenses and other sums payable to the Chief Electoral Officer and Deputy Electoral Officers:

- (a) The fees for the Chief Electoral Officer and the Deputy Electoral Officers are paid by the Council on the conclusion of the election and any appeal;
- (b) Reasonable expenses for the election are paid within thirty (30) days of the date of invoice;
- (c) Council may give the Chief Electoral Officer advances to pay for the reasonable expense to carry out the election;
- (d) Reasonable expenses in relation to the election can be incurred by the Chief Electoral Officer or a Deputy Electoral Officer as agent for Muscowpetung Saulteux First Nation so that Muscowpetung Saulteux First Nation is liable for such reasonable expenses;
- (e) Fees and expenses of the Chief Electoral Officer or a Deputy Electoral Officer constitute a debt of Muscowpetung Saulteux First Nation and are paid before any members of Council are paid to be a Chief and/or Councillor;
- (f) If the Deputy Electoral Officers are employees of Muscowpetung Saulteux First Nation or an Empowered Entity, then such person is not entitled to any fees so long as the person is also receiving wages and salary from Muscowpetung Saulteux First Nation or an Empowered Entity. The time spent by such persons in the position of the Deputy Electoral Officer is treated the same way as working for such entities and such persons are entitled to the same benefits as if such persons continued to be so employed.

Notice of Election

4.14 The Chief Electoral Officer shall procure the most current Electors List from the Muscowpetung Saulteux First Nation Membership Clerk that has been approved by Council and prepares or causes to be prepared an Election Notice in the same form or substantially the same form as Form No. 2 to the Act and posts or causes to be posted the Election Notice at least forty (40) days prior to the Election Day as follows:

- (a) In three different community buildings on Muscowpetung Saulteux First Nation Territory; and

- (b) At the Fort Qu'Appelle, Saskatchewan Post Office; and
- (c) By way of regular mail sent to the last known address of each Elector and post marked, subject to a postal strike or a threatened postal strike, during the forty (40) days before an election; and
- (d) By publishing the notice at least forty (40) days prior to the Election Day in newspapers that service the district of the City of North Battleford, Saskatchewan, Saskatoon, Saskatchewan and Edmonton, Alberta; and
- (e) The Form No. 2 Notice shall also be posted on the Muscowpetung Saulteux First Nation website at www.Muscowpetung Saulteux.ca or another website as directed by Council before the posting of the Notice of Election.

Content of Notice of Election

4.15 A Notice of Election provides the date, time and place for each of the following election events, being:

- (a) Election;
- (b) Advance Polls;
- (c) Nominations;
- (d) Candidates Forum;

Validity of Notice

4.16 If the current address of an Elector is unknown, then the Election Notice to such Elector can be sent in care of a known relative Elector. The validity of an Election Notice is not affected in the event some Electors did not receive such notice, provided the Chief Electoral Officer acted in good faith and substantially all the Electors were sent such notice.

Section Five Nominations

Nomination Day

5.01 The Nomination Notice contains the date, time and place of the Nomination Day being the last day open for nominations to be Candidate in an election and being not less than fourteen (14) days before Election Day.

Nomination Forms

5.02 The Chief Electoral Officer encloses a Nomination Form in the same form or substantially the same as Form No. 3 of the Act with the Election Notice and the Chief Electoral Officer provides additional nomination forms to any Elector who requests such form.

*Written
Nominations*

5.03 Nominations of a Candidate is considered by the Chief Electoral Officer only if:

- (a) The nomination is made using a Nomination Form in the same form or substantially the same as Form No. 3 to the Act;
- (b) The Nomination Form is in writing signed by two (2) other Electors and signed by the Candidate which Candidate can only accept one nomination;
- (c) The original copy of the Nomination Form is given to the Chief Electoral officer or a Deputy Electoral Officer on or before 1:00 p.m. of Nomination Day; and
- (d) A Clear Criminal Records Check is provided by the Candidate to the Chief or Deputy Electoral Officer within two (2) clear days after the Nomination Day.
- (e) A Candidate for the position of Councillor / Councillor has posted a \$250.00 bond; and the Candidate for the position of Chief has posted a \$500.00 bond to the Chief Electoral Officer and such bond will be returned to the successfully elected Candidate in the same respective amounts within sixty (60) days after the Election Day or six (60) days after an Election date set by the Appeal Tribunal. All unsuccessful Candidates shall forfeit their respective bonds and such money shall be deemed revenue to the Muscowpetung Saulteux First Nation and be applied towards subsidizing election costs. All bonds described herein must be paid to the Chief Electoral Officer no later than two (2) clear days after the Nomination Day.
- (f) Bonds described in section 5.03 (e) above, shall be paid by cash, certified cheque or money order and a receipt for proof of payment shall immediately be given to the Candidate

*Nomination
Meeting*

5.04 The Chief Electoral Officer chairs the Nomination Meeting held on the Nomination Day at a community building on Muscowpetung Saulteux First Nation Reserve No. 80 to be reserved by the Chief Electoral Officer for such use, commencing at 9:00 a.m. and ending at 12:00 p.m., or other such time as determined by the Chief Electoral Officer. The Chief Electoral Officer serves as the secretary for the Nomination Meeting or delegates the role of secretary to a Deputy Electoral Officer.

*Nominations
From the Floor*

5.05 Nominations can be made from the floor of the Nomination Meeting held under the Act with the Nomination Form signed at such meeting, and a nomination from the floor is conditional on the Candidate delivering a Clear Criminal Records check to the Chief Electoral Officer or a Deputy Electoral Officer within two (2) clear days after the Nomination Day and thereupon the Chief Electoral Officer may sign the Nomination Form confirming the eligibility of the Candidate nominated from the floor if the Chief Electoral Officer is satisfied as to the eligibility of such Candidate. An Elector shall be entitled to nominate a maximum of two (2) Candidates for the position of Councillor / Councillor and a maximum of one (1) Candidate for the position of Chief.

*Nomination
Meeting
Procedure*

5.06 The Chief Electoral Officer opens the Nomination Meeting and declares the following as the agenda for the Nomination Meeting:

- (a) Opening Prayer;
- (b) Reading of the Election Notice;
- (c) Reading section 5 of the Act;
- (d) Naming those Candidates whose nomination has been confirmed under the Act, together with the two Nominators and the nominated person and those whose nominations are pending;
- (e) Open the floor for further Nominations in accordance hereto;
- (f) Closing of Nominations; and
- (g) Closing Prayer.

The Chief Electoral Officer has charge of the Nomination Meeting and uses processes and procedures that are fair, equitable and efficient.

*Confirmation
of Candidacy*

5.07 The candidacy of a Candidate is confirmed by the Chief Electoral Officer signing the nomination form of the Candidate which confirmation can be withdrawn by the Chief Electoral Officer in accordance to the provisions herein.

*Election by
Acclamation*

5.08 In the event the number of persons filling valid nominations to a position on Council does not exceed the requisite number, the Chief Electoral Officer declares the persons so nominated to be duly elected and causes to be posted a notice directed to the Electors in the same manner as the Election Notice stating that a vote will not be required due to the election by acclamation and advising as to the results.

*Candidate
Withdrawal*

5.09 A Candidate can withdraw as a Candidate by written notice to the Chief Electoral Officer delivered within three (3) days after the Nomination Day. If a Candidate withdraws as a Candidate after the ballots have been prepared, such Candidate files with the Chief Electoral Officer a written withdrawal of candidacy, signed by such Candidate in the presence of the Chief Electoral Officer, a Justice of the Peace, a Notary Public, or a Commissioner for Oaths, and any votes cast for such Candidate are null and void. To the extent reasonably possible, the Chief Electoral Officer or Deputy Chief Electoral Officer shall take steps to notify voters of the withdrawal of the Candidate, including posting the Notice on the First Nation Website and posting a Notice at the polling station. If possible, the Chief Electoral Officer can black out or withdraw the name from the Ballot.

*Nomination
Cancellation*

5.10 The Chief Electoral Officer can cancel the confirmation of a Candidate at any time so that the Candidate cannot run for office in the election, provided Chief Electoral Officer determines on reasonable grounds the following:

- (a) The Candidate is guilty of a corrupt practice in connection with the election and without restricting the generality of the foregoing, shall include reasonable proof of the use of bribery, threats, extortion, alcohol, drugs or giving or promising to give property to secure a vote(s); or
- (b) The Candidate is ineligible to be a Candidate.

The Candidate whose candidacy is to be cancelled receives notice of the proposed cancellation from the Chief Electoral Officer and such Candidate has the right to forthwith respond to such notice. The Chief Electoral Officer thereafter makes a decision whether or not to proceed with the cancellation of the candidacy. Such Candidate forfeits his or her bond deposit, described in section 5.03(e), in the event his or her candidacy is ultimately cancelled.

5.11 The Chief Electoral Officer chairs a Candidates Forum meeting held in the afternoon of Nomination Day at the same community building used for the nominations, commencing at 1:00 pm with notice of the Candidates Forum contained in the Election Notice.

5.12 The Chief Electoral Officer determines the procedure used at the Candidates Forum with a view to permitting each of the Candidates equal time to speak within the time allotted with a maximum of fifteen (15) minutes per Candidate for Chief and five (5) minutes for Candidates for Councillor. There will be an opening prayer. If time permits, there may be an open session where Electors are permitted to ask questions of the Candidates in attendance.

**Section Six
The Electors List and Polls**

*Posting of
Electors List*

6.01 At least fourteen (14) days before Election Day, the Chief Electoral Officer posts one or more copies of the Electors List in a conspicuous place in three different community buildings on Muscowpetung Saulteux First Nation Territory. The Electors List shall also be posted on the Muscowpetung Saulteux First Nation website at www.Muscowpetung.com or another website as directed by Council. This Electors List shall be limited to a list of names only and shall not include addresses.

Revisions

6.02 Any Elector may apply to have the Electors List revised on the ground that the name of an Elector is incorrectly set out therein, has passed away, the name of an Elector is missing, or the name of a person not qualified to vote is included therein.

Corrections

6.03 If the Chief Electoral Officer is satisfied that the Electors List should be corrected, the Chief Electoral Officer shall make the necessary correction and repost the Electors List. The fourteen (14) day posting requirement for the amended Electors List does not restart or alter the Election Day after a correction is made.

Copies to Candidates

6.04 The Chief Electoral Officer provides a copy of the Electors List and a list of mailing addresses of persons shown on the Electors List to all candidates who request the same, being the same list used to send out the Election Notice pursuant to section 4.14 of the Act.

Election Day Polling Place

6.05 There shall only be one (1) polling place on Election Day being at a community building located on Muscowpetung Saulteux First Nation Reserve 80.

6.06 The Chief Electoral Officer will arrange for advance polls in each of the cities of Saskatoon, Saskatchewan and Edmonton Alberta, at least seven (7) days before Election Day using the same voting procedures as for the vote conducted in at the polling location on Muscowpetung Saulteux Reserve 80, and with the ballot boxes not opened or votes counted until close of voting at the polling location on Election Day. The persons who voted at the advance poll are marked off of the Electors List as having voted so that such persons cannot vote a second time at the polling location on Election Day.

6.07 In the event the location of the advance poll changes after the Election Notice is posted, then the Chief Electoral Officer posts or causes to be posted a notice of change of location in the advance poll described in the Election Notice advising as to the new poll location.

6.08 Voting by mail is available to an Elector who downloads and properly completes a Mail in Voting Package from the Muscowpetung Saulteux First Nation website at www.Muscowpetung.com or another website as directed by Council before the posting of the Notice of Election.

Mail-in-Voting Package and Deadline to submit

6.09 A Mail-in-Voting Package, can be downloaded from www.Muscowpetung.com or another website as directed by Council before the posting of the Notice of Election and consists of the following:

- (a) Voting instructions;
- (b) Declaration of identity, in substantially the same form as Form No. 10;
- (c) Ballot for the position of Chief; and
- (d) Ballot for the positions of Councillor / Councillor. ;

- (e) Mail in Ballots must be received by the Chief Electoral Officer, at the postal address listed in the Mail in Voting Package, by 4:00 p.m. on the Election Day or if Election Day is not on a regular business day, then by 4:00 on the first previous regular business day.
- (f) The Chief Electoral Officer can only accept a hand delivered mail in ballot at an advance polling station or at the Election Day voting station, if the Elector personally delivers his or her own mail in voting package.

Ballot Boxes

6.10 The Chief Electoral Officer procures or causes to be procured two secure, locked and confidential ballot boxes to be used at the polling place.

Voting Materials

6.11 The Chief Electoral Officer, before the poll is open, causes to be delivered to the poll for use by the Chief Electoral Officer and the Deputy Chief Electoral Officers, the ballot papers, materials for marking the ballot papers, two ballot box and copies of the Act.

Voting Compartment

6.12 The Chief Electoral Officer or a Deputy Electoral Officer provides a compartment at the polling place where Electors can mark ballot papers in secrecy, and the Chief Electoral Officer or a Deputy Electoral Officer may appoint a constable to maintain order at such polling location. No voter shall be permitted to have in his or her possession a cellular phone or any camera while voting at or near the voting compartment. If the voter is caught taking a picture or reproduction of their ballot, that ballot shall be disqualified and retained by the Chief Electoral Officer, with a notation thereon.

Voting Time

6.13 A poll is kept open from 10:00 a.m. to 6:00 p.m. of the same day.

Scrutineers

6.14 A Candidate is entitled to a maximum of two scrutineers in a polling place at any one time.

Poll Preparation

6.15 The Chief Electoral Officer or a Deputy Electoral officer, immediately before the commencement of the poll opening to Electors, opens each ballot box and call such persons as may be present to witness that each such ballot box is empty. The Chief Electoral Officer or a Deputy Electoral Officer then locks and properly seals each box to prevent each box from being opened without breaking the seal, and place such box in view for the reception of the ballots, and the seal for each box is not to be broken nor the box unlocked during the time appointed for taking the poll.

Section Seven The Vote

Ballot

7.01 Separate ballot papers are prepared with one ballot paper for the position of Chief and the other ballot paper for the position of Councillor or Councillor in substantially the same form as Form No. 4 to the Act.

Identity of Elector

7.02 Where a person attends at the polling place for the purpose of voting, the Chief Electoral Officer or Deputy Electoral Officer, if satisfied that the name and registered number of such person is entered on the Electors List, provides such person with a ballot paper initialled by the Chief Electoral Officer or Deputy Electoral Officer on which to register a vote. One ballot paper is provided for the position of Chief and another ballot paper for the positions of Councillor/Councillor.

Mark Electors List

7.03 The Chief Electoral Officer or Deputy Electoral Officer causes to be placed in the proper column of the Electors List a mark opposite the name of every voter receiving a ballot paper.

Not on Electors List

7.04 An Elector whose name does not appear on the Electors List may vote at an election if the Chief Electoral Officer or a Deputy Electoral Officer is satisfied that such person is qualified to vote and the Chief Electoral Officer or Deputy Electoral Officer shall require such Elector to swear an oath or affirmation of Elector in substantially the same form as Form No. 9 to the Act.

Oath or Affirmation

7.05 Any Candidate, agent of a Candidate, Elector, Chief Electoral Officer or Deputy Electoral Officer can request that an oath or affirmation be administered in substantially the same form as in Form No. 9 to the Act by any person intending to vote at the election to the Chief Electoral Officer or Deputy Electoral Officers

No Oath

7.06 A person who has refused to take the oath or affirmation referred to in the Act when requested to do so shall not receive a ballot paper and is not permitted to vote.

Explanation

7.07 The Chief Electoral Officer or Deputy Electoral Officer may and when requested to do so explain the manner of voting to a voter.

Voting in Person

7.08 Each person receiving a ballot paper forthwith proceeds to the compartment provided for marking ballots and marks his ballot paper by placing a cross thus "X" opposite the name of the Candidate or Candidates chosen; or such other mark that clearly indicates the choices of the Candidate(s), to the maximum number of positions open or less, and then folds the ballot so as to conceal the names of the Candidates and the marks on the face of the paper but so as to expose the initials of the Chief Electoral Officer or

Deputy Electoral Officer, and on leaving the compartment forthwith delivers the ballot paper to the Chief Electoral Officer or Deputy Electoral Officer, who without unfolding the ballot paper, verifies the initials of the Chief Electoral Officer or Deputy Electoral Officer, as the case may be, and at once deposit the ballot in the ballot box in the presence of the voter and of all other persons entitled to be present in the polling place.

Secrecy

7.09 While a voter is in the compartment for the purpose of marking his ballot paper, no other person, except as provided in the Act, is allowed in the same compartment or be in any position from which one can see the manner in which such voter marked the ballot paper. When a Mail in Ballot is opened, the ballot itself shall not be read so as to identify how the mail in voter voted. The mail in ballot shall be immediately put into the ballot box to maintain secrecy.

Assistance

7.10 An Elector who is physically unable to attend to the polling place or requires assistance with marking his/her ballot may designate another Elector, the Chief Electoral Officer or a Deputy Electoral Officer to assist in marking his/her ballot paper in the manner directed by the Elector and placing such ballot in the ballot box. If the Elector designates another Elector to so assist in voting, then the Chief Electoral Officer or Deputy Electoral Officer shall be present at the voting compartment to observe the procedure. The Chief Electoral Officer or a Deputy Electoral Officer writes on the Electors List in the column for remarks opposite the name of such Elector the fact that the ballot paper was marked through such assistance at the request of the Elector along with the reason therefore.

Replacement Ballot

7.11 A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used, and upon returning the ballot paper to the Chief Electoral Officer or a Deputy Electoral Officer present at the polling station, is entitled to obtain another ballot paper, and the Chief Electoral Officer or a Deputy Electoral Officer thereupon writes the word “cancelled” upon the spoiled ballot paper and preserves it.

Forfeiture

7.12 Any person who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the Chief Electoral Officer or a Deputy Electoral Officer, in the manner provided, or if, after receiving the ballot, refuses to vote, forfeits the right to vote at the election, and the Chief Electoral Officer or a Deputy Electoral Officer makes an entry on the Electors List in the column for remarks opposite the name of such person to show that such person received the ballot paper and declined to vote, and the Chief Electoral Officer or a Deputy Electoral Officer marks upon the face of the ballot paper the word “declined”, and all ballot papers so marked are preserved.

7.13 Every person in attendance at a polling place or at the counting of the votes maintains and aides in maintaining the secrecy of the voting.

Interference

7.14 No person shall interfere or attempts to interfere with a voter when such voter is marking a ballot paper or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted.

Closing of Poll

7.15 Every Elector who is inside the polling place at the time fixed for closing the poll is entitled to vote before the main entrance to the polling place is closed.

Voting by Mail

7.16 The procedure to vote by mail is to download, print and use the documentation contained in the Mail-in-Voting Package obtained on www.Muscowpetung.com or another website as directed by Council before the posting of the Notice of Electors follows:

- (a) The Elector completes and signs the declaration of identity, the form of which shall be substantially the same as Form 10 attached hereto;
- (b) The Elector properly marks the ballot for Chief;
- (c) The Elector properly marks the ballot for Councillor(s);
- (d) The Elector places the completed ballots in a SEPARATE envelope and seals the ballots in their own envelope or folds the ballot in a way that the Chief Electoral Officer cannot see the vote markings;
- (e) The Elector places the Ballot and the declaration of identity in an envelope and returns it to the Chief Electoral Officer's postal address as described in the mail in ballot package;
- (f) The Elector sends the return envelope to the Chief Electoral Officer by Canada Post mail or by a commercial courier that is postmarked as such, with the Elector having the right to hand deliver the return envelope to the Chief Electoral Officer or any Deputy Electoral Officer so that the Chief Electoral Officer or a Deputy Electoral Officer receives the return envelope prior to the close of the polling place on Election Day;
- (g) An Elector who votes but then decides to vote in person, can request the Chief Electoral Officer to dispose of their mail in ballot so only the in person ballot vote is counted;
- (h) Only the Chief Electoral Officer can open a mail in ballot envelope. Inspect the declaration of identity and place the ballot into the ballot box.
- (i) If the declaration of identity is not complete to the satisfaction of the Chief Electoral Officer, the Chief Electoral Officer shall write the word "spoiled" upon the spoiled ballot paper and place it into an envelope designated for spoiled ballots taking care that no one sees how the ballot is marked. When the last of the ballots have been counted, the spoiled ballot envelope shall be sealed by the Chief Electoral officer with the number of spoiled ballots marked on the outside of the Envelope. This envelope shall be retained with the other ballots.
- (j) If the return envelope is not received by the Chief Electoral Officer or a Deputy Electoral Officer at the close of polls on Election Day, the ballot envelope is not opened and the vote is not counted. This envelope shall be preserved with the other ballots by the Chief Electoral Officer.

*Role of Agent
Or Scrutineer*

7.17 An agent or scrutineer of a Candidate may be present at the polling place to represent the Candidate in observing the election procedures and the counting of the ballots and may raise questions regarding the validity of ballots. The agent or scrutineer shall not talk to, interfere, influence or intimidate voters at the polling place or otherwise commit corrupt election practices as specified in section 14.02 (a) herein. At the discretion of the Chief Electoral Officer, If a scrutineer contravenes this section, they will be asked to leave and the candidate shall be allowed a replacement. If the scrutineer refuses to leave, security can be called.

**Section Eight
Vote Count**

Vote Count

8.01 Immediately after the close of the polling place, the Chief Electoral Officer or a Deputy Electoral Officer, in the presence of such of the candidates or their agents and scrutineers as may be present, gathers all of the Mail-in Voting Ballot envelopes, and the ballot box(s) and does the following:

- (a) Examines the Mail-in-Voting envelope sent to the Chief Electoral Officer and confirms if the declaration of identity is properly completed. If it is not, the Chief Electoral Officer shall write the word “spoiled” upon the spoiled ballot paper and place it into an envelope designated for spoiled ballots taking care that no one sees how the ballot is marked. The declaration of identity shall be retained in this envelope also. When the last of the ballots have been counted, the spoiled ballot envelope shall be sealed by the Chief Electoral officer with the number of spoiled ballots marked on the outside of the Envelope. This envelope shall be retained with the other ballots for the time periods described herein.
- (b) Where the person described in the declaration of identity associated with the ballot envelope voted in person at a polling station as shown by examining the Electors List, the Mail-in-Voting Envelope is not opened and discarded by the Chief Electoral Officer in a way that maintain secrecy; and a notation is made on the Electors list of this occurrence.
- (c) If the declaration of identity is properly completed, the ballot shall be placed into the ballot box with care to protect secrecy of how it was marked. The ballot shall not be read before they are deposited into the ballot box to protect secrecy of vote. This continues for the balance of the returned Mail-in-Voting Envelopes;
- (d) Opens the ballot box(s) located in the polling place;
- (e) Examines all the ballot papers during the count. If in the discretion of the Chief Electoral Officer a ballot should be rejected in accordance herein, the Chief Electoral Officer shall state and make a notation of their reasons for the rejection;

- (f) In circumstances where a ballot is not clear as to some but not all of the Candidate selections, then only those selections that are clearly and appropriately marked shall be counted;
- (g) Makes a written note of any objections made by any Candidate or their agent or scrutineer to any ballot paper found in the ballot box and decide any question arising out of the objection, subject to review on a recount or on an election appeal;
- (h) Numbers such objection and places a corresponding number on the back of the ballot paper with the word “allowed objection” or “disallowed objection”, as the case may be, with the initials of the Chief Electoral Officer or a Deputy Electoral Officer;
- (i) Counts 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 the Chief Electoral Officer or Deputy Electoral Officer, which statement is then signed by the Chief Electoral Officer or Deputy Electoral Officer and such other persons authorized to be present as may desire to sign the statement.

Declaration of Election

8.02 Immediately after the completion of the counting of the votes from the poll, the Chief Electoral Officer or Deputy Electoral Officer publicly declares to be elected the Candidate or Candidates having the highest number of votes, and the Chief Electoral Officer posts in a conspicuous place in the administrative offices of Muscowpetung Saulteux First Nation, a statement signed by the Chief Electoral Officer showing the number of votes cast for each candidate in substantially the same form as Schedule “A” and/or Schedule “B” as contained in Form No. 6 of the Act.

Casting Vote

8.03 Where it appears that two or more Candidates have an equal number of votes, and if any of the two Deputy Electoral Officers are otherwise Electors of the Muscowpetung Saulteux First Nation, they may cast a vote, but the Deputy Electoral Officers are not otherwise entitled to vote. If a tie vote continues then the Chief Electoral Officer shall flip a coin to decide who shall have the final vote to break the tie.

**Section Nine
Report of the Electoral Officer**

Voting Statistics

9.01 The Chief Electoral Officer prepares and signs a report in substantially the same form as Form No. 5 of the Act.

Copies of the Report

9.02 A copy of the report of the Chief Electoral Officer is forwarded to the each of the Candidates, whether successful or not.

Section Ten
Disposition of the Electoral Officer

Disposition

10.01 The Chief Electoral Officer deposits all ballot papers in sealed envelopes and retains the same for sixty (60) days, and unless an appeal is launched the Chief Electoral Officer destroys the ballot papers in the presence of two witnesses who make a declaration in substantially the same form as Form No. 8 that they witnessed the destruction of those papers. If an appeal is launched, the destruction of such ballots is delayed for a period of thirty (30) days after the decision on the appeal is made.

Section Eleven
Immunity & Indemnity

*Immunity and
Indemnity*

11.01 No action or other proceeding lies or shall be instituted against the Chief Electoral Officer or Deputy Electoral Officer(s) or the Appeal Tribunal or a member(s) of the Appeal Tribunal or agent or contractor for any of them for any loss or damage suffered by reason of anything done in good faith, caused, permitted or authorized to be done, by any of them, pursuant to the exercise or supposed exercise of any power conferred under the Act or in the carrying out or supposed carrying out of any order made pursuant to the Act or any duty imposed by the Act. Muscowpetung Saulteux First Nation indemnifies and saves harmless the Chief Electoral Officer or Deputy Electoral Officer(s) or the Appeal Tribunal or a member(s) of the Appeal Tribunal or agent or contractor for any of them for such actions or proceedings.

Section Twelve
Term and Oath Office

Term of Office

12.01 The term of office of the newly elected Chief and/or Councillor/Councillor commences at 12:00 a.m. on the day following Election Day.

Length of Term

12.02 Unless otherwise terminated under the Act or other legislation of Muscowpetung Saulteux First Nation or the *Muscowpetung Saulteux First Nation Constitution*, the term of office of the Council ends four years after the Election Day of the last general election effective midnight on the first Monday in April in such year.

*Pending an
Appeal*

12.03 In the event of an election appeal, the members of Council elected at an election hold office pending the decision and conclusion of the Appeal.

Oath to Office

12.04 Each Candidate as a precondition to commencement of taking office takes an Oath of Office at a ceremony. The Oath of Office is attached hereto as Schedule 11.

Section Thirteen Status of Chief and Councillor

Employee

13.01 An Employee on a leave of absence that is elected is deemed to have resigned as an employee of Muscowpetung Saulteux First Nation and is not entitled to any further or other compensation for such resignation other than payment of outstanding salary, holiday pay and severance pay to the extent applicable under the legislation of Muscowpetung Saulteux First Nation governing the same and if no such legislative provisions exist then as determined under the Operations Manual or the Personnel Policy of the Muscowpetung Saulteux First Nation in effect at the time.

Chief as Part of Personnel

13.02 A Chief is treated as part of the personnel of Muscowpetung Saulteux First Nation with the right to a monthly salary and all of the group benefits of an employee of Muscowpetung Saulteux First Nation as may be specified in legislation, regulations, policies and procedures of Muscowpetung Saulteux First Nation governing the same and in the event of a conflict as between the legislation and the regulations, the legislation governs.

Council Fees

13.03 The Council shall receive reasonable fees and payment of reasonable expenses in accordance with legislation, regulations, policies and procedures of Muscowpetung Saulteux First Nation governing the same and in the event of a conflict as between the legislation and the regulations, the legislation governs.

Acting Chief

13.04 The Chief can designate an Acting Chief to serve as Chief in circumstances where the Chief is unable to serve as Chief due to illness or absence other than removal from office. In the event that the Chief is unable to serve as Chief and unable to designate an Acting Chief due to illness or prolonged absence, Council by majority vote can designate a Councillor to serve as Acting Chief until such time as the health of the Chief changes and allows the Chief to serve as Chief or the Chief returns. In the event the Chief has resigned or has been removed from office under the Act, then the Council by majority vote will as soon as practicable designate a Councillor to serve as Acting Chief until a new Chief is elected under the Act.

Deputy Chief

13.05 The Chief may from time to time designate a Councillor to serve as Deputy Chief.

Office vacated upon acceptance of nomination to run for another public office

13.06 An existing Chief or Councillor shall be immediately deemed to have vacated his or her office upon acceptance of their nomination to run for another public office, including but not limited to the Assembly of First Nation, the Federation of Sovereign Indigenous Nations, Tribal Council, First Nation, Member of Parliament, Member of the Legislative Assembly or any Municipal Government.

13.07 In the event that the position of Chief becomes vacant under this Act, a Councillor who consents and allows his or her name to stand at the ensuing By-election is deemed to have resigned from his or her position as a Councillor / Councillor.

Section Fourteen Election Appeals

Appeals

14.01 All appeals of an election can only be made to the Appeal Tribunal established under the *Muscowpetung Saulteux First Nation Constitution* and the *Muscowpetung Saulteux First Nation Appeal Tribunal Act* and the decision of the Appeal Tribunal is final and binding on all parties with no right to further appeal.

Grounds of Appeal

14.02 Within thirty (30) days after an election, any Candidate in the election or any Elector who gave or tendered his vote at the election may launch an election appeal to the Appeal Tribunal in accordance with the Act based on particulars duly verified by affidavit showing reasonable grounds for believing that:

- (a) There was corrupt practice in connection with the election by any person without limitation including any of the following done directly or indirectly:
 - (i) Using bribery, threats, extortion, intimidation, alcohol, drugs or giving or promising to directly or indirectly give property of value, money, employment or contract rights to a select Elector or Electors to secure a vote(s);
 - (ii) Supplying alcohol or illegal substances to an Elector at any meeting of Electors for the purpose of promoting a Candidate(s);
 - (iii) Betting or wagering or taking a share in a wager relating to the results of a nomination or an election;
 - (iv) Impersonating the Chief Electoral Officer or a Deputy Electoral Officer;
 - (v) Soliciting, compelling or abetting voting by ineligible Electors;
 - (vi) Soliciting Electors to obtain Mail-in-Voting Packages with a view of using the procedure to control the associated vote;
 - (vii) Submitting false voting returns or unlawfully creating, altering or destroying documents referred to in the Act;
- (b) There was a violation of the Act that might have affected the results of the election; or
- (c) A person nominated to be Candidate in the election was knowingly ineligible to be a Candidate.

*Launching
the Appeal*

14.03 An election appeal to the Appeal Tribunal is launched using the following procedure:

- (a) The appellant delivers a written Notice of Appeal specifying the grounds of appeal verified by affidavit, together with supporting documents with the name, address and contact information of the applicant clearly noticed, and such Notice of Appeal to the Chief Electoral Officer within thirty (30) days after Election Day along with a \$1,000.00 Appeal deposit bond, paid by bank draft or money order;
- (b) On receipt of the same, the Chief Electoral Officer refers the matter to a member of the Appeal Tribunal who becomes the Appeal Registrar for purposes of the appeal and such date is deemed to be the date the appeal was filed with the Appeal Tribunal;
- (c) The Appeal Registrar prepares a budget of costs for the appeal hearing in accordance with the attached schedule of costs. The First Nation shall be responsible for the costs of the Appeal Tribunal;
- (d) On receipt of the appeal deposit within the time specified, the Appeal Registrar formally acknowledges the appeal, provides the Council and affected parties with copies of the appeal documentation, advises the Chief Electoral Officer to make available any election documents as requested by the Appeal Tribunal and sets a hearing date and location as soon as practicable;
- (e) The Appeal Tribunal establishes its own rules for the hearing which rules will comply with the *Muscowpetung Saulteux First Nation Constitution*, the *Muscowpetung Saulteux Appeal Tribunal Act* and *this Act*, as amended;
- (f) After the hearing date is set, the Appeal Tribunal shall notify all affected parties of the hearing date and control the administrative procedure in a timely manner in accordance with the *Muscowpetung Saulteux Appeal Tribunal Act*;
- (g) All parties are responsible for their respective costs of the appeal including debts to their respective legal counsel, if any.

Answer

14.04 Any Candidate may, within fourteen (14) days of receipt of the copy of the Notice of Appeal, forward to any member of the Appeal Tribunal a written answer to the particulars set out in the election appeal together with any supporting documents relating thereto duly verified by affidavit. Failure to file an answer does not amount to an admission of the allegations contained in the Notice of Appeal or supporting documentation filed.

The Record

14.05 All particulars and documents filed in accordance with the provisions of the Act are part of the record of the election appeal. As and when documents are filed in accordance with the provisions of the Act, the Appeal Tribunal in turn provides copies to each of the parties and to the Candidates in the election in a timely manner.

Onus

14.06 The onus to prove the grounds of the election appeal is on the party(s) launching the appeal.

Standard

14.07 An appeal is decided on the standard of a balance of probabilities.

Outcome

14.08 The Appeal Tribunal renders a written decision within forty-five (45) days from the date the appeal was filed with the Appeal Tribunal, or alternatively, if an appeal hearing is necessary to hear and cross examine evidence, within (14) days after the appeal hearing. The decision takes any one of the following forms:

- (a) Denial of the appeal;
- (b) Allow the appeal in whole or in part, set aside the election and call a new general election;
- (c) Allow the appeal in whole or in part and set aside the election as it relates to certain of the Candidates and call by-election;
- (d) Allow the appeal in whole or in part and set aside the election as it relates to certain of the Candidates and declare as elected the Candidate with the next highest votes who has not been shown to be guilty of a corrupt practice, violating the Act, being an ineligible candidate or otherwise ineligible to be elected;
- (e) Make an order that the Appeal Tribunal determines just as to persons who are found guilty of a corrupt practice under the act.

The Appeal Tribunal uses the appeal deposit to its fees and expenses and has absolute discretion to dispose of the appeal deposit, as it deems proper.

Imposing Costs

14.09 In the event the Appeal Tribunal is of the opinion that if:

- (a) One or more of the persons who filed documents as part of the appeal, duly verified by affidavit(s), and such affidavit(s) was intentionally misleading, or internationally false, then the Appeal Tribunal is required to impose costs against such person or persons in the amount of the costs of the Appeal Tribunal being the fees and out of pocket expenses of the Appeal Tribunal and such costs are to be forthwith paid by such person(s) to the Appeal Tribunal;
- (b) A person has violated the Act with respect to any of the matters referred to in section 14.02 of the Act, then the Appeal Tribunal can order costs of the Appeal Tribunal to be paid by such person(s) forthwith and such further and other sums and consequences as the Appeal Tribunal considers just.

*Future
Ineligibility*

14.10 The Appeal Tribunal as part of its decision may include in an order that a person or Candidate referred to in Section 14.09 of the Act is ineligible to be a Candidate under the Act for a period of five (5) years or until the costs imposed on such person under Section 14.09 under the Act if any, are paid, whichever is the latter.

*Payment by
Muscowpetung Saulteux
First Nation*

14.11 Appeal bonds are returned to the appellant if the appeal is successful. If the appeal is unsuccessful, the appeal bond is used by the Appeal Tribunal towards their costs. The balance of the Appeal Tribunal costs are paid by Muscowpetung Saulteux First Nation.

**Section Fifteen
Resignation & Removal**

*Individual
Resignations*

15.01 A Chief or Councillor shall resign if he/she:

- (a) Is convicted of an indictable offence under the *Criminal Code of Canada*, or a dual offence where the Crown has elected to proceed by way of indictment;
- (b) Is convicted of an offence under the *Controlled Drugs and Substances Act* of Canada or offence under the *Food and Drugs Act* of Canada, involving the importation, trafficking of a prohibited or controlled substance covered by any of such legislation of Canada or successor legislation of Canada.

*Removal if no
Resignation*

15.02 A Chief or Councillor who fails to resign as stipulated in section 15.01 shall be removed from office in accordance with section 15.08 of the Act.

*Written
Resignation*

15.03 A resignation of a Chief or Councillor is made in writing signed by the person who intends to resign, with an effective resignation date stated in the resignation document, executed in the presence of a notary, solicitor, or commissioner of oaths. The resignation is deemed to be “accepted” when the written resignation is delivered to the Director of Operations or to the chairperson at a meeting of Council. For greater certainty, this section shall also apply for any voluntary resignation of a member of the Council.

All Resign

15.04 In the event of resignation by the Chief and all the Councillors, the Director of Operations or secondly the Appeal Tribunal shall takes all of the necessary steps to call a general election.

*Death or
Disability*

15.05 A Chief or Councillor is deemed to resign if they are unable to perform their duties and functions as a result of a long-term disability being a disability that extends for a period longer than six (6) months.

*Grounds for
Removal*

15.06 A Chief and Councillor may be removed from office subject to section 15.08 of the Act if such person does or is guilty of any of the following:

- (a) Knowingly or negligently through act or omission violating the Oath of Office or a law of Muscowpetung Saulteux First Nation in a material and substantial manner causing financial loss or putting the reputation of Muscowpetung Saulteux First Nation into disrepute;
- (b) Is absent from three (3) consecutive Muscowpetung Saulteux First Nation duly convened Council meetings thereof without just cause determined by the remaining members of Council and reviewable by the Appeal Tribunal;
- (c) Is using or attempting to use the office of a Chief or Councillor to obtain money, property or special consideration from a person doing business or intending to do business with Muscowpetung Saulteux First Nation for the personal benefit of such Chief or Councillor or for their immediate family of such Chief or Councillor.
- (d) Any absence by a Chief or Councillor due to continued health issues and continuing for a period of six (6) months or more shall be considered a just cause for the Chief or Councillor to be removed from office.

*Grounds for
Suspension*

15.07 The Appeal Tribunal has the power to suspend a member of Council, with or without pay, pending a decision of the Appeal Tribunal for removal from office or pending the disposition of criminal charges.

*Procedure for
Removal or
Suspension*

15.08 The removal or suspension of a Chief or Councillor from office is made by application to the Appeal Tribunal by the Council or an Elector in accordance with the following procedure:

- (a) The applicant delivered to a member of the Appeal Tribunal a written Notice of Application specifying the ground(s) of the application verified by affidavit, together with supporting documents with the name, address and contact information of the applicant clearly provided along with a \$1,000.00 Appeal deposit bond, paid by bank draft or money order;
- (b) The Appeal Tribunal member who receives the Notice of Application becomes the Appeal Registrar for purposes of the application;

- (c) The Appeal Registrar prepares a budget of costs for the appeal hearing in accordance with the attached schedule of costs. The First Nation shall be responsible for the costs of the Appeal Tribunal
- (d) On receipt of the application and deposit, the Application Registrar formally acknowledges the application, provides the Council and affected parties with copies of the application documentation and sets a hearing date and location as soon as practicable;
- (e) The Appeal Tribunal establishes its own rules for the hearing which rules will comply with the *Muscowpetung Saulteux First Nation Constitution*, the *Muscowpetung Saulteaux Appeal Tribunal Act and this Act*, as amended;
- (f) After the hearing date is set, the Appeal Tribunal hears the appeal, controls the administrative rules and procedure in a timely manner and renders a written decision. Copies of the decision will be provided to all affected parties.
- (g) Appeal bonds are returned to the appellant if the appeal is successful. If the appeal is unsuccessful, the appeal bond is used by the Appeal Tribunal towards their costs. The balance of the Appeal Tribunal costs are paid by Muscowpetung Saulteux First Nation.
- (h) All parties are responsible for their respective costs of the appeal including debts to their respective legal counsel, if any.

Section Sixteen Discipline

Complaint as to Conduct

16.01 An Elector or group of Electors (“the Complainant”) may submit a complaint to the Council concerning alleged conduct of the Chief or one or more Councillor using the following procedure:

- (a) The Complainant completed Form No. 7 to the Act and delivered a copy to the Director of Operations;
- (b) If the Complainant provides sufficient details to fully describe the event(s) and the nature of the alleged wrongdoing, the Director of Operations places the matter on the agenda for the next meeting of Council or if the Complainant does not provide sufficient details, then the Director of Operation rejects the complaint setting out the deficiencies and the Complainant may complete a new Form 8 to the Act with better particulars and submit the matter to the Director of Operations;
- (c) The Council on receiving a duly completed complaint is required to do the following:
 - (i) Make a decision as to whether a meeting with the complainant is required and if so the Council will schedule such a meeting as soon as practicable;

- (ii) Render a written decision as to the complaint which decision will include a description of the action that the Council intends to take concerning the complaint and provide a copy of the same to the complainant;
- (iii) Request further and better particulars of the complaint from the Complainant and information as to the matter from other persons before proceeding further and on receipt of better particulars consider the matter and provide a written decision with a copy to the complainant.

*Decision as to
Complaint*

16.02 The written decision of the Council in response to a complaint can include any of the following:

- (a) A decision to take no action;
- (b) Institute disciplinary measures as the same relates to the person(s) being the subject of the complaint which may include suspension without pay, change of portfolios, requirement to provide an apology, or such other disciplinary measures that the Council considers as in the best interests of Muscowpetung Saulteux First Nation;
- (c) Launch an application to the Appeal Tribunal for an order to remove the person(s) being the subject of the complaint at the cost of Muscowpetung Saulteux First Nation.

Appeal

16.03 If Council takes no action or decides that no action is required, the Complainant may launch an appeal of actions or decisions of Council to the Appeal Tribunal.

**Section Seventeen
Council Responsibility to Pass Regulations**

Regulations

17.01 Council, by resolutions, may pass regulations for the good administration of this Act, which regulations cannot be inconsistent with the Act, or the *Muscowpetung Saulteux First Nation Constitution*

**Section Eighteen
Passing, Amendment and Effect**

Passing

18.01 The Act must be passed by way of majority of Electors who cast a vote.

Amendment

18.02 The Act must be passed by way of a majority vote of those Electors who cast a vote for such amendment or repeal under legislation of Muscowpetung Saulteux First Nation governing referendums and until such legislation is passed then the referendum procedure contained in the *Indian Referendum Regulations, C.R.C. ch. 957*.

Effect

18.03 The Act takes effect immediately upon such legislation being passed.

Repeal

18.04 Effective on the passing of the Act, any previous Elections laws or procedures on Muscowpetung Saulteaux First Nation are thereby repealed.

Form 1

*Form of Resolution
Of Council Calling
an Election*

RESOLUTION OF COUNCIL
Made at a duly convened Council meeting of

AND

The Council of the	MUSCOWPETUNG SAULTEUX FIRST NATION				
Date of the duly convened meeting					
	Day	Month	Year		

*Notice of Selection
of a Chief Electoral
Officer & Deputy
Electoral Officers*

Muscowpetung Saulteux First Nation Election Act 2019

Call for an Election

BE IT RESOLVED THAT

1. Muscowpetung Saulteux First Nation **calls a general election** under the *Muscowpetung Saulteux First Nation Election Act 2019* (“the Act”) for the position of Chief and five (5) Councillor. *(OR) Muscowpetung Saulteux First Nation call a by-election Muscowpetung Saulteux First Nation Act* (“the Act”) to fill vacancies for the position of Chief (deleted if not applicable) and for the position of (insert number of Councillor / Councillor) Councillor / Councillor with the Election Day set for (insert date).
2. The Chief Electoral Officer shall be:
 - a.) Name: _____
3. The Deputy Electoral Officers shall be:
 - a.) First Alternate Deputy: _____
 - b.) Second Alternate Deputy _____
4. The Chief Electoral Officer is authorized to post Election information and packages on www.Muscowpetung.com in accordance with the Muscowpetung Saulteux Election Act..

Quorum 4

	_____ (Chief)	
_____ (Councillor)	_____ (Councillor)	_____ (Councillor)
_____ (Councillor)	_____ (Councillor)	

Form 2

**Election Notice
For a General Election
Muscowpetung Saulteux First Nation**

Election Notice

NOTICE OF AN ELECTION is hereby given of a general election (*change if by-election*) by secret ballot held under the *Muscowpetung Saulteux First Nation Election Act 2019* (“the Act”) for the positions of Chief and five (5) Councillors (*change to fit by-election*) for Muscowpetung Saulteux First Nation for the next ensuing term. **Election Day** is (*insert Election Day*). There is one polling station located at (*insert location*) on Muscowpetung Saulteux Indian Reserve No. 80 and voting commences at 9:00 am and ends at 8:00 pm. Subject to the provisions of the Act, every Citizen of Muscowpetung Saulteux First Nation eighteen (18) years of age as of Election Day is entitled to vote.

NOMINATION DAY NOTICE is hereby given that nominations are open. Nominations will be held on (*insert date*) (“Nomination Day”) at commencing at 9:00 am and ending at 12:00 pm (or *insert such times as determined by the Chief Electoral Officer*) The nominations are governed by the Act and in particular Section 3 and 5 of the Act. Candidates are urged to read the Act. Copies of the Act can be obtained from the Chief Electoral Officer. A completed Nomination Form together with a Clear Criminal Records Check dated no more than ninety (90) days as of the Nomination Day of the election must be submitted to the Chief Electoral Officer prior to the close of nominations. For nominations from the floor, a Clear Criminal Records Check must be provided to the Chief Electoral Officer within forty-eight hours of Nomination Day.

NOTICE OF ADVANCE POLLS is hereby given with advance polls open between 9:00 am and 8:00 pm on (*insert date*) at (*insert Regian location*) . Electors who are unable to or are physically disabled to attend to vote on Election Day or at an advance poll location may contact the Chief Electoral Officer no later than thirty (30) days before Election Day to make arrangements for voting by mail.

CANDIDATES FORUM NOTICE is hereby given and will be held on Nomination Day commencing at 1:00 pm at the same location as the Nomination Meeting.

ALL INFORMATION AND MAIL IN VOTING PACKAGES shall be posted on www.Muscowpetung.com . An Elector will have to download and print the mail in voting package to vote by mail. **PLEASE NOTE THERE ARE RULES TO PROPERLY FILLING OUT MAIL IN BALLOTS.**

***An Elector WILL NOT be mailed a voting package, unless specially requested by the voter.

Given under my hand at _____, this _____ day of _____, 20____.

(*insert name, Chief Electoral Officer*)
(*insert address*)
(*insert Phone & Fax & Email as may be applicable*)

Form 3

**Nomination Form
Muscowpetung Saulteux First Nation**

Nomination Form

The undersigned Electors of Muscowpetung Saulteux First Nation hereby nominate _____
_____ (*insert name*) as a Candidate for the position of _____
_____ (*insert with Chief or Councillor*) of Muscowpetung Saulteux
First Nation for the next ensuing term.

Elector Name (Print)

Registry Number

Elector Signature

Nominator 1

Secunder

I _____ (*insert name*) hereby accept my nomination for the
above position and understand that the within nomination is not effective unless the
within form is signed by the Chief Electoral Officer on or before the deadline specified in
the *Muscowpetung Saulteux First Nation Election Act* (“the Act”). The undersigned
further acknowledged that the undersigned has read and understands the election
procedures and duties and obligations under the Act.

Dated at this _____ day of _____ 20____.

Signature of Candidate

The Chief Electoral Officer hereby confirms that based on information provided to date,
the above Candidate meets the eligibility requirements for candidates under the Act.

Dated at this _____ day of _____ 20____.

Signature of Chief Electoral Officer

Form 4

**Ballots
Muscowpetung Saulteux First Nation**

Ballot

Ballot for Position of Chief

Choose ONE of the following persons for the position of Chief and mark your choice with an “X” or such other mark that clearly indicates the choices of the Candidate(s).

- (Insert name* and occupation of Candidate for Chief in alphabetical order)*
- (Insert name* and occupation of Candidate for Chief in alphabetical order)*
- (Insert name* and occupation of Candidate for Chief in alphabetical order)*

Ballot for Position of Councillor

Choose a MAXIMUM OF SEVEN (7) or *(insert different number of less than seven (7))* persons *(adjust as required)* until the following persons for the position of Councillor or Head woman and mark your choice with an “X” or such other mark that clearly indicates the choices of the Candidate(s).

- (Insert name* and occupation of Candidate for Councillor in alphabetical order)*
- (Insert name* and occupation of Candidate for Councillor in alphabetical order)*
- (Insert name* and occupation of Candidate for Councillor in alphabetical order)*
- (Insert name* and occupation of Candidate for Councillor in alphabetical order)*
- (Insert name* and occupation of Candidate for Councillor in alphabetical order)*

Etc.

**Include other names of “nicknames” of a Candidate if requested by such Candidate or otherwise required for clarity.*

Form 5

Report of Electoral Officer

Muscowpetung Sauteux First Nation Election Act 2019 (“the Act”)

*Report of Chief
Electoral Officer*

1. Type of election (“the election”):
 - general election
 - by-election

(Check appropriate box)
2. The Election Day was _____ *(insert date)*
3. The Composition of the Council of Muscowpetung Sauteux First Nation is one (1) Chief and five (5) Councillors.
4. The position of Chief and five (5) Councillors has a term ending _____ *(insert date)*.
5. The election was for the following positions:
 - Chief
 - _____ Councillor *(insert number)*

(Check appropriate boxes.)
6. Notice of Election was posted on _____ *(insert date)*.
7. Nomination Day and Candidates Forum was _____ *(insert date)*.
8. The persons nominated for the position of Chief are as set out in Schedule “A” attached to and forming part of this report, except for the following persons who either withdrew their nomination or were declared by the Chief Electoral Officer as ineligible to be a Candidate. *(delete entire paragraph if inapplicable for by-election purposes)*

9. The persons nominated for the position of Councillor are as set out in Schedule “B” attached to and forming part of this report, except for the following person who either withdrew their nomination or were declared by the Electoral Officer as ineligible to be a Candidate. *(delete entire paragraph if inapplicable for by-election purposes)*

10. The polling location on Election Day was on Muscowpetung Saulteux First Nation Reserve no. 80 at _____ (*insert place*).

11. The Electors List was posted pursuant to the Act on _____ (*insert date*) or earlier.

14. The appointed Deputy Electoral Officers were _____ and _____ (*insert names*).

12. Total number of Electors listed on the Electors List was _____ (*insert number after additions and deletions*).

13. The total number of Mail-in-Voting Packages received were _____ (*insert number*), and the number of Mail-in-Ballots that were proper and were included in the number of ballots counted were _____ (*insert number*).

14. The total number of ballots counted, including Mail-in-Ballots were _____ (*insert number*).

15. The total number of ballot papers rejected were _____ (*insert number*).

15. The total number of votes cast and counted for each Candidate for Chief are as shown on Schedule “A” attached to and forming part of this report (*delete entire paragraph if inapplicable for by-election purposes*).

16. The total number of votes cast and counted for each Candidate for Councillor are shown on Schedule “B” attached to and forming part of this statement (*delete entire paragraph if inapplicable for a by-election purposes*).

16. The person declared to be elected for Chief was _____ (*insert name or delete entire paragraph if inapplicable for a by-election*).

17. The following persons were elected as Councillor (*insert names*):

(delete entire paragraph if inapplicable for a by-election).

The undersigned Chief Electoral Officer hereby certifies that the foregoing report on the election contains representations which are all true and accurate

Dated this _____ day of _____, 20_____

(insert name, Chief Electoral Officer)
(insert Address)
(insert Phone)
(insert Fax)

Form 6

**Report of Electoral Officer
Schedule "A"**

Position of Chief

Election Day _____ (*insert date*)

Name of Candidate	Votes Cast
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(list candidates in descending order of votes)

Certified as correct this _____ day of _____, 20__

Chief Electoral Officer

Form 6

**Report of Electoral Officer
Schedule "B"**

Position of Councillor

Election Day _____ (*insert date*)

Name of Candidate	Votes Cast
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(list Candidates in descending order of votes)

Certified as correct this _____ day of _____, 20__

Chief Electoral Officer

Form 7

**Notice of Application
Complaint as Against a Member of the Council**

*Complaint as
Against a Member
of the Council*

Applicant: *(insert name)*

Complaint as Against *(insert names(s) of member(s) of Council)*

The Applicant hereby formally registers a complaint as against the above-named member(s) of the Council of Muscowpetung Saulteux First Nation, with the following particulars:

Date of Event: *(insert date)*

Specific Muscowpetung Saulteux First Nation law or policy violated (if any): *(quote the sections violated)*

Description of event and wrongdoing: *(relate the law or policy violated)*

Resulting actual injury caused by the wrongdoing and to whom: *(actual injury and not theoretical)*

Dated this ____ day of _____, 20 ____.

Applicant

Applicant Address: *(insert address)*

Applicant Internet Email Address: *(insert email address, if any)*

Applicant Facsimile Number: *(insert Facsimile No., if any)*

Applicant Telephone Number: *(insert telephone number, if any)*

Form 8
Witness of Authorized Ballot Destruction

*Destruction of
Ballots*

I (*insert name of witness*) (“the Witness”) solemnly swear that I was present and witnessed the destruction of all the election ballots for the election held on (*insert date*) with such destruction carried out by the Chief Electoral Officer (or Deputy Electoral Officer) in accordance with the *Muscowpetung Saulteux First Nations Elections Act 2019*.

Sworn before me at (*insert place*))
in the Province of Saskatchewan)
this ____ day of _____)
_____.)
_____.)
_____.)
A Commissioner for Oaths)
(or Notary Public) in and for)
the Province of Saskatchewan)

Signature of the Witness

Form 9

Oath or Affirmation of Identity of Elector

*Identity of
Elector*

I, _____ (*insert name as it appears in the Electors List*) (“the Elector”) solemnly swear (or insert “affirm”) that:

1. I am a Citizen of Muscowpetung Saulteux First Nation;
2. I am of the full age of eighteen (18) years;
3. I have not voted before at this election or associated advanced polling stations or by mail in ballot;
4. I have not received or been promised any consideration whatsoever for voting at this election;
5. I am not otherwise disqualified from voting.

Sworn before me at (*insert place*))
in the Province of Saskatchewan)
this ____ day of _____,)
_____)
_____)

_____)
A Commissioner for Oaths)
(or Notary Public) in and for)
the Province of Saskatchewan)

Signature of Elector

Form 10

Declaration of Identity – Mail in ballot

Proof of Identity

I, _____ (*insert name as it appears in the Electors List*) (“the Elector”) solemnly swear (or insert “affirm”) that:

1. The attached ballot envelope included with this Declaration, contains my completed ballot for Chief and ballot for Councillor / Councillor.
2. I have not received or been promised any consideration whatsoever for voting at this election;
3. My Date of Birth is:_____.
4. My address is:_____.
5. My Muscowpetung Saulteux band status number is:_____.
6. I have shown two pieces of identification to the Notary Public, Lawyer or Commission of Oaths as proof of my identity before duly executing this declaration.

Sworn before me at (<i>insert place</i>))	
in the Province of Saskatchewan)	
this ____ day of _____,)	
_____.)	
)	
_____)	_____
A Commissioner for Oaths)	Signature of the Elector
(or Notary Public) in and for)	
the Province of Saskatchewan)	

I, _____, Commissioner for Oaths, Notary Public or Lawyer, have examined the two pieces of identification of the Elector named herein and I am satisfied that the Elector is properly identified.

Print Name

Signature of Commissioner/Notary/Lawyer

Address:_____

**FORM 11
OATH OF OFFICE**

_____, do solemnly swear and affirm THAT:

1. I will support and defend the Treaties, lands, laws, values and policies of the Muscowpetung Saulteaux First Nation;
2. I will faithfully, honestly and consistently perform the duties of my office to the best of my judgment and ability;
3. I will promote and uphold the integrity and dignity of the Muscowpetung First Nation and its programs and employees;
4. I will not allow any private interest to influence my conduct in matters of the Muscowpetung First Nation. I will promptly disclose any "conflict of interest", direct or indirect, including any financial interest I have in a matter; and I will not participate in the discussion of the matter and will not vote in respect of the matter;
5. I will honor, respect and support the "Elders" of the Muscowpetung First Nation;
6. I will honor, respect and protect our children and future generations;
7. I will be prompt, courteous and temperate in the performance of my duties;
8. I will demonstrate and practice honesty, ethics, fairness, respect, justice and objectivity in all affairs, administration and relationships of the Muscowpetung First Nation;
9. I will continually work toward self-improvement and professional development.
10. I will use information obtained on the job for the intended purpose only. I will not give out official, classified or confidential information, unless authorized by the Muscowpetung First Nation.
11. I will be accountable to the Muscowpetung First Nation membership including reporting to the electorate on a regular basis.
12. I am qualified to hold the position of Chief/Council in accordance with the provisions for candidate eligibility under our Elections Act and have no criminal charges pending against me.
13. I acknowledge that as an elected official, I am a role model in the community, and as such I will live a lifestyle that is healthy and free of the use, abuse, sale or distribution of illegal drugs and other toxic substances during my term of office.

I do further affirm that I take this Oath of Office freely and truly. As the Creator and you are my witness, I do swear!

Name & Signature of Elected Official

Name & Signature of Witness