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Draft

# Little Red River Cree Nation Election Code & Regulations



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## LITTLE RED RIVER CREE NATION ELECTION CODE

WHEREAS the Little Red River Cree Nation is a distinct body of people which exercises the exclusive and inherent right and authority to govern relations among its members and has existed as a Nation from time immemorial;

AND WHEREAS the Crown in Right of Canada has a special relationship with the Little Red River Cree Nation who entered into Treaty No. 8 with Her Majesty the Queen on a nation-to-nation basis;

AND WHEREAS the Little Red River Cree Nation has the right to control the election procedures of its leadership, and all matters related thereto, in accordance with its current customs, traditions and beliefs enacting a custom election code;

AND WHEREAS the order made pursuant to subsection 74(1) of the *Indian Act* R.S.C., 1985, c.I-5, as amended from time to time, that Little Red River Cree Nation elections be held under the *Indian Act*, was revoked thereby recognizing the rights of the Little Red River Cree Nation to make laws to select its Chief and Council in accordance with its present customs and traditions;

AND WHEREAS by opting out of the election procedures of the *Indian Act* and by controlling its own election code, the fiduciary obligations, trust obligations and statutory obligations owing to the Little Red River Cree Nation are not altered or prejudiced;

AND WHEREAS on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a majority of the Nation's eligible voters who were present and voted at a \_\_\_\_ approved this Code as outlined herein.

### 1.0 DEFINITIONS

1. The following words and phrases have the following meanings respectively:
  - (a) **"Appeal Board"** means the [Nation ] Election Appeal Board established pursuant to this Code and its Regulations and is responsible for conducting Election or By-Election appeals in accordance with this Code and its Regulations;
  - (b) **"Appeals Bond"** means a non-refundable fee of one-thousand five hundred dollars (\$1,500.00) to request an appeal of an Election or By-Election;
  - (c) **"Council Resolution"** means a proposed declaration of the intention or opinion of Council and/ thereof, passed by a majority of Council at a duly convened meeting of Council;
  - (d) **"By-Election(s)"** means an election held in accordance with this Code to fill a vacancy in the office of Councillor or Chief;
  - (e) **"Candidate"** means an Eligible Voter who has been nominated pursuant to section 8 of the Regulations and has been confirmed as a Candidate by the Chief Electoral Officer pursuant to section 8;

- (f) **“Chief”** means the Candidate elected to hold office of Chief of LRRCN elected in accordance with this Code;
- (g) **“Chief Electoral Officer”** means a person appointed pursuant to this Code and its Regulations to provide all necessary means and to do all required acts for the purposes of holding an Election or By-Election;
- (h) **“Chief Executive Officer”** means the employee or contractor of LRRCN with this title or whom performs this role.
- (i) **“Civil Enforcement Agency” or “Alberta Maintenance Enforcement Program”** includes those agencies created pursuant to the *Civil Enforcement Act* to collect on people’s outstanding debts including child and spousal support.
- (j) **“Community”** means any of the communities that compose Little Red River Cree Nation including:
  - (i) Fox Lake I.R. #162;
  - (ii) Garden River; and
  - (iii) John D’Or Prairie I.R. #215.
- (k) **“Corrupt Election Practice”** means:
  - (i) Personally offering money or other valuable goods either personally or via third party on your behalf, as consideration to any person:
    - (1) In exchange for an Eligible Voter’s vote; or
    - (2) For the purpose of falsifying or influence an Election or By-Election result, or
  - (ii) Threatening adverse consequences, coercing or intimidating:
    - (1) An Eligible Voter for the purpose of influencing his or her vote, or
    - (2) The Chief Electoral Officer, Deputy Electoral Officer or any other person appointed under this Code or its Regulations, for the purposes of influencing an Election or By-Election result, or
  - (iii) Transporting Eligible Voters or causing Eligible Voters to be transported to the polling station in exchange for their vote.
- (l) **“Council”** means the Chief and Councillor of the LRRCN elected in accordance with this Code and its Regulations;
- (m) **“Council Resolution”** means a written resolution of the Council, signed by at least a quorum of the Council, which resolution has been passed by the Council at a duly convened meeting;
- (n) **“Councillor(s)”** means the Councillor(s) of the LRRCN elected in accordance with this Code;
- (o) **“Deputy Electoral Officer”** means a person appointed by the Chief Electoral Officer to assist with the facilitation of nominations and Elections or By-Election;

- (p) **“LRRCN Entity or LRRCN Entities”** means a corporation, department, service area, branch, agency, board, tribunal, commission, committee, society or other administrative division or unit of, or owned or controlled by Little Red River Cree Nation;
- (q) **“LRRCN Administration”** means the administration of the LRRCN including all designated service areas and any LRRCN Entities;
- (r) **“Election(s)”** means elections and By-Elections held pursuant to this Code and the Regulations;
- (s) **“Election Notice or Notice of Election”** means the notice issued pursuant to section 14 of this Code and issued by the Chief Electoral Officer overseeing any Election or By-Election;
- (t) **“Eligible Voter”** means for the purpose of voting in respect of election matters under this Code, a member of the LRRCN who has met the criteria for voting in section 10 of this Code;
- (u) **“Eligible Voters List”** means the list referred to in section 7 of the Little Red River Cree Nation Election Regulations for which the Nation Registry Administrator is responsible for the correctness and maintenance;
- (v) **“Employee or Employees”** means all full-time employees including temporary and contract employees of LRRCN Administration or an employee of a LRRCN Entity;
- (w) **“Member”** means a natural person whose name appears on the Eligible Voters established consistent with the Membership List and maintained by Nation Registry Administrator;
- (x) **“Membership Code/Policy”** means the customary procedures governing membership into the Nation;
- (y) **“Membership List”** means the list referred to in section 7 of the Little Red River Cree Nation Election Regulations;
- (z) **“Nation”** or **“LRRCN”** means the Little Red River Cree Nation;
- (aa) **“Nation Registry Administrator”** means the person appointed by Council who is responsible for ensuring the updating and maintenance of the Eligible Voters List and the Membership List;
- (bb) **“Regulations”** means the LRRCN Election Regulations attached hereto;
- (cc) **“Reserve Lands”** means the LRRCN lands which encompass each Community;
- (dd) **“Trust”** means a responsibility arising from trust placed in person elected as Chief and Councillor.

## 2.0 TITLE

- 2.1 The rules, procedures outlined herein shall be cited as the *Little Red River Cree Nation Election Code* (the “Code”).

## 3.0 INTERPRETATION

- 3.1 If there is an inconsistency between this *Code* and its Regulations, this Code shall prevail over any such inconsistency. If there is an inconsistency between this Code, the Regulations and any

other enactment of the Little Red River Cree Nation, this Code and the Regulations shall prevail to the extent of such inconsistency.

## 4.0 COMPOSITION OF COUNCIL

4.1 The Council of the LRRCN shall consist of:

- (a) one (1) individual to hold office of Chief; and
- (b) ten (10) individuals to hold office of Councillor and representative of each Community as follows:
  - (i) Garden River Two (2) Councillors
  - (ii) Fox Lake I.R. #162: Four (4) Councillors, and
  - (iii) John D’Or Prairie I.R. #215 Four (4) Councillors.

## 5.0 CHIEF OR COUNCIL

5.1 An Eligible Voter of the LRRCN may only be nominated for Election as Chief or as a Councillor but not both.

## 6.0 CHIEF

6.1 The Chief of the Little Red River Cree Nation shall be elected by having received the highest number of votes cast for the office of Chief at an Election or By-Election, except where there is only one candidate nominated for the position of Chief, in which case such person shall become Chief by acclamation.

## 7.0 COUNCILLORS

7.1 The Councillors of the Little Red River Cree Nation shall be elected by being

- (a) the four (4) Candidates who receive the four (4) highest number of votes for the office of Councillor for Fox Lake at an Election or By-Election,
- (b) the four (4) Candidates who receive the four (4) highest number of votes for the office of Councillor for John D’Or Prairie at an Election or By-Election,
- (c) the two (2) Candidates who receive the two (2) highest number of votes for the office of Councillor for Garden River at an Election or By-Election,

except where there are fewer candidates nominated than vacancies for the position of Councillor, in which case those persons nominated shall become Councillors by acclamation.

7.2 In the event of a tie for the office of Chief or the final position of Councillor, a Run-Off Election will occur according to those procedures set out in the Regulations.

## 8.0 ELIGIBILITY FOR OFFICE

8.1 A Member is eligible to hold office as Chief or as Councillor, but not both, if that person:

- (a) is registered as a Member;
- (b) is eighteen (18) years of age or older;
- (c) is not otherwise disqualified pursuant to this Code;
- (d) is not in arrears in relation to child support or spousal support payments and is not registered in the Civil Enforcement Agency or the Alberta Maintenance Enforcement Program;
- (e) is not a plaintiff or defendant in active civil litigation involving the LRRCN.

## 9.0 INELIGIBILITY FOR OFFICE

9.1 An Eligible Voter shall not be a Candidate nor hold office of Chief or Councillor if:

- (a) the Member has been convicted of an indictable offence pursuant to the Criminal Code of Canada for which a pardon has not been granted;
- (b) the Member is subject to an order of parole;
- (c) a civil judgment or restitution order has been granted against a Member in favor of the Nation or any other Entity for:
  - (i) misappropriation of funds;
  - (ii) theft;
  - (iii) fraud;
  - (iv) breach of trust;
- (d) a plaintiff or defendant in active civil litigation against the Nation.
- (e) during their term of office, the Councillor becomes employed on a full-time basis which may interfere with that person's duties to the Nation.

## 10.0 TENURE

10.1 Subject to sections 9 and 12, the elected Chief and ten (10) Councillors shall hold their respective offices for a term of four (4) years which shall commence on the day in which Council is sworn into office.

## 11.0 ELECTION DATE

- 11.1 In each year that an Election is to be held or a By-Election is required, the date on which the Election is held will be conducted on a Monday or Tuesday, unless unforeseen circumstances arise as determined by the Chief Electoral Officer. In the event of unforeseen circumstances, the Election Date will then be rescheduled by the Chief Electoral Officer.
- 11.2 The time of the swearing in ceremony shall be set by the Chief Electoral Officer and must be held within twenty-four (24) hours of the close of the polls. The swearing in ceremony may be a traditional swearing in ceremony conducted in Cree or English.



## 12.0 VACANCIES

- 12.1 The Office of Chief or Councillor shall become vacant when the person who holds that office:
- (a) is removed from office or becomes ineligible to hold office pursuant to this Code;
  - (b) dies or resigns from office;
  - (c) is convicted of an indictable offence during his or her term of office;
  - (d) a civil judgment or restitution order has been granted against the Councillor or Chief in favor of Nation in relation to,
    - (i) misappropriation of funds;
    - (ii) theft;
    - (iii) fraud;
    - (iv) breach of trust; or
  - (e) during their term of office, the Councillor or Chief becomes employed on a full-time basis which may interfere with that person's duties to Nation.

## 13.0 ELECTION NOTICE

- 13.1 In every year in which an Election is to be held, Chief and Council shall issue an Election Notice. The Chief Electoral Officer at his/her discretion shall post, or cause to be posted, copies of the Election Notice in prominent location(s) at least fifty (50) days prior to the date of Election. The Election Notice shall contain the following:
- (a) the Election Date;
  - (b) the name of the Chief Electoral Officer;
  - (c) the procedures for nominations, including the date of the nomination meeting;
  - (d) the location of the polling station(s);
  - (e) the nomination fees for Chief or Councillor;
  - (f) any other matter with respect to the Election;
  - (g) if online voting is being used, a statement setting out how Eligible Voters may vote by online ballot,
  - (h) the contact information for the Chief Electoral Officer,
  - (h) indicating that this *Code* will be made available to the Members by the Chief Electoral Officer or personnel designated delegated by the Chief Electoral Officer.
- 13.2 In the event of a By-Election pursuant to section 14.1, Chief and Council shall issue a notice of By-Election. The By-Election notice shall contain those items set out in section 13.1.

13.3 Subject to section 13.1, an Election Notice shall be published within twenty-one (21) days prior to the Election or By-Election in at least one (1) issue of a newspaper that is approved by the Chief Electoral Officer and has general circulation within the LRRCN, as well as on the official website of LRRCN and any official LRRCN social media platforms.

## 14.0 BY-ELECTIONS

14.1 If a vacancy shall exist in the office of Chief or Councillor at a time when there is greater than six (6) months remaining in the unexpired term of the office which is vacant, a By-Election shall be held pursuant to this Code to fill the vacancy.

14.2 A person elected in a By-Election shall hold that office for the remainder of the current term of office of the Chief or Councillor whose vacancy caused the By-Election.

14.3 When the unexpired term is less than six (6) months:

- (a) if the vacancy occurs in the office of Councillor, the office of the Councillor shall remain vacant for the remainder of the term; and
- (b) if the vacancy occurs in the office of Chief, then Council shall elect from among themselves a person to fill the office of Chief for the remainder of the said term.

## 15.0 ELECTION APPEALS & BY-ELECTION APPEALS

15.1 Council may enact regulations governing Election or By-Election appeals.

15.2 Any Eligible Voter may appeal an Election or By-Election or the Election of any Candidate on the grounds that there was a violation of this Code or the Regulations in such a way as to materially affect the outcome of the Election or By-Election as a whole or that of any candidate.

15.3 The proof of whether an allowable appeal would have made a difference in the outcome of the Election or By-Election rests with the Eligible Voter who initiates an appeal of the Election or By-Election.

15.4 The decision of the Appeal Board will be final and binding on all parties.

15.5 The Chief and Council which is sworn in after the Election will continue until a final determination has been made by the Appeal Board.

## 16.0 PROCEEDINGS FOR REMOVAL

16.1 An Eligible Voter may submit a petition for removal from office against the Chief or a Councillor in accordance with this Section.

16.2 A petition must include the grounds for removal which must include one or more of the following:

- (a) any grounds enumerated in Section 9(a) – (e);

- (b) he or she misses three (3) consecutive duly convened meetings without Council approval or without providing a valid reason for such absence.
  - (c) he or she engages in disorderly or irresponsible conduct that is alcohol or drug related at Council meetings, community meetings, or in other public forums or functions which interferes with the conduct of business or governance of the LRRCN;
  - (d) he or she has engaged in Corrupt Election Practice, the evidence of which was discovered after the appeal period; or
  - (e) he or she is not approved absent from office for longer than ninety calendar (90) days.
- 16.2 Proceedings to declare a person ineligible to continue to hold office of Chief or a Councillor may be initiated by:
- (a) any Eligible Voter serving the Chief Executive Officer with a petition on which shall appear:
    - (i) the grounds of the appeal on which removal of a Chief or Councillor is sought;
    - (ii) the evidence in support of the petition;
    - (iii) the signature of the originator of the petition (the "Petitioner"); and
    - (iv) the signatures of not less than [insert number of people] in support of the petition; or
  - (b) a Chief or Councillor serving the [insert senior staff position] with a petition on which shall appear:
    - (i) the grounds pursuant to section 8 on which removal of a Chief or Councillor is sought;
    - (ii) the evidence in support of the petition; and
    - (iii) the signature of the Petitioner and a majority of quorum of Council.
- 16.2 On receipt of such petition, the Chief Executive Officer will verify that the petition complies with section 16.1. If the petition does not comply, the [insert senior staff position] will notify the Petitioner.
- 16.3 If the petition complies, the Chief Executive Officer will order the matter on an agenda to the Appeals Board, within fifteen (15) days from the date of receipt of the petition.
- 16.4 An Appeal Board representative will personally hand deliver the said petition to the Chief, Council and the rest of the Appeals Board within seven (7) days from the date of receipt of the petition.
- 16.5 The decision of the Appeals Board shall be rendered within fifteen (15) days of the hearing and shall be final and binding upon all parties, with no further appeal to Council or any Court of Law.

## 17.0 REGULATIONS

- 17.1 Chief and Council may make regulations with respect to Election and By-Elections and, without restricting the generality any of the foregoing, make regulations with respect to:
- (a) scheduling of dates of an Election, By-Election or events incidental thereto;
  - (b) the appointment and duties of the Chief Electoral Officers;
  - (c) procedures and meetings for nomination of Candidates;
  - (d) the manner in which voting shall be carried out; and
  - (e) the counting of ballots and the announcement of the result of the Election or By-Election.
- 17.2 Regulations passed pursuant to this Code shall take effect upon enactment.

## 18.0 AMENDMENTS

- 18.1 Except for sections 4, 5, 6, 7, 8, 9, 10, 11, 13 and 19 of this Code, Chief and Council, by Council Resolution, may amend this Code and the Regulations providing that any such amendment(s) is enacted not less than three (3) months prior to the date set for the Election or By-Election.
- 18.2 All other sections in this Code shall only be amended by the approval of the majority of one-third (1/3) of the Eligible Voters through a referendum.
- 18.3 Notwithstanding any of the foregoing, amendments may be made to this Code by Council Resolution to correct an error or other defect in this Code, or to improve the administrative efficiency of this Code. Any such amendment shall be approved by Council Resolution after receipt of a written opinion from legal counsel explaining the legal implications and benefits of the proposed amendments and also stating that the amendments do not substantially alter the obligations or rights of the Candidates, Council, Chief Electoral Officer, Deputy Electoral Officer or Members.

## 19.0 SEVERABILITY

- 19.1 Each section may, through a court of competent jurisdiction, be found to be unenforceable, that finding however, will not render the rest of this Code unenforceable.

## 20.0 ENACTMENT

- 20.1 In accordance with its power to provide for the conduct of Elections in accordance with the LRRCN customs, traditions, and beliefs, the LRRCN does hereby declare and enact this Code and the Regulations as its current custom to govern the selection for office and removal from office of its Chief and Council until further amended as provided herein.

# LITTLE RED RIVER CREE NATION ELECTION REGULATIONS

The Little Red River Cree Nation, in accordance with its power to provide for the conduct of Elections for the Nation, does hereby enact the Little Red River Cree Nation Election Regulations.

## 1.0 TITLE

- 1.1 The title of this document is the Little Red River Cree Nation Election Regulations (the “Regulations”).

## 2.0 INTERPRETATION

- 2.1 The definitions used in the *Little Red River Cree Nation Election Code* (the “Code”) shall have the same meaning in these Regulations.

### 2.2 Definitions

“Advance Poll” means a poll held after the Election Notice is posted but prior to the day of Election for the purpose of those Eligible Voters who are unable to attend to cast their ballot on the day of Election and provide them with the opportunity to vote.

“Run-Off Election” means a tie-breaking election held pursuant to Section of these Regulations.

“VIN” means a unique voter identification number that is issued to each Eligible Voter for the use of online voting should they choose to utilize this method of casting their vote.

- 2.3 If there is an inconsistency between the Code and these Regulations, the Code shall prevail over any such inconsistency.
- 2.4 If there is an inconsistency between the Code and these Regulations and any other enactment of the LRRCN, the Code and these Regulations shall prevail to the extent of such inconsistency.

## 3.0 PRE-NOMINATION PROCEDURE

- 3.1 Pursuant to the terms of the *Code*, the Council shall appoint the Chief Electoral Officer prior to Council issuing the Election Notice.

- 3.2 The Chief Electoral Officer shall:

- (a) be a member of a Treaty 6, 7 or 8 First Nation;
- (b) not be an Eligible Voter;
- (c) be twenty-one (21) years of age or over as of the date of appointment; and
- (d) keep confidential all information acquired in the exercise of his or her duties.

- 3.3 The duties of the Chief Electoral Officer include:

- (a) act as returning officer of the Election or By-Election,

- (b) appoint the Deputy Electoral Officer(s), Interpreter and other persons required to conduct the Election and By-Election and shall provide all necessary means and do all acts that may be required for the purpose of holding the Election or By-Election or taking the votes;
- (c) to prepare or caused to be prepared the list Eligible Voters in cooperation with the Nation Registry Administrator;
- (d) to publicize the date, time and place of the nomination process;
- (e) to prepare a list of Candidates, from among those nominated and eligible to hold office;
- (f) to collect on behalf of the LRRCN the fees to be assessed pursuant to these Regulations;
- (g) to procure the necessary materials and establish polling places;
- (h) to establish regulations and accreditation procedures where necessary for scrutineers employed by candidates and at polling places;
- (i) to establish and conduct the polls and to be responsible for all matters during polling;
- (j) to close the poll and gather ballots;
- (k) to supervise the count of the vote;
- (l) to declare the successful candidates;
- (m) to deal with the ballots in accordance with these Regulations;
- (n) subject to the provisions of the *Code* and Regulations, to generally oversee and supervise the conduct of the Election or By-Election and to act with respect to appeals as required by the *Code* and these Regulations;
- (o) to obtain a Vulnerable Sector Check report obtained from a recognized police service indicating that the Candidate has not been convicted of any offences relating to children, the elderly or any other vulnerable persons;
- (p) to obtain from each Candidate a copy of their criminal record as recorded on a Canadian Police Information Computer (CPIC) obtained from a recognized police service showing that the candidate does not have a Criminal Record for an indictable offence, then the candidate must produce their record of the pardon (or its equivalent) that the candidate was granted in respect to any indictable offence that was revealed on the Nominee's CPIC record before the Candidate is eligible to run for office. The CPIC and record of pardon must be received by the Chief Electoral Officer or Deputy Electoral Officer from each nominee at the nomination meeting;
- (q) maintain order at all times during the Nomination Meeting and at all polling stations, including removing or causing to be removed any person(s) who is disruptive, intoxicated or otherwise interfering with proceedings.

- 3.4 For greater certainty, each Candidate shall provide a copy of their Vulnerable Sector Check, CPIC record and any letter of pardon to the Chief Electoral Officer or Deputy Electoral Officer at the nomination meeting. The Vulnerable Sector Check, CPIC record and any letter of pardon (or its equivalent) must be dated no later than sixty (60) days prior to the nomination date.
- 3.5 Obtain from each Candidate a sworn Statutory Declaration stating that there are no outstanding civil judgments or restitution orders which have been granted against him or her in favour of the Nation or any Nation Entity for misappropriation of funds, theft, fraud or breach trust, at the nomination meeting, or through the Alberta Maintenance Enforcement Program or a Civil Judgment Agency.
- 3.6 The Chief Electoral Officer and Deputy Electoral Officer shall be provided with sufficient support staff, space and resources by Council in order to fulfill his or her duties pursuant to the *Code* and these Regulations.

## 4.0 DEPUTY ELECTORAL OFFICERS

- 4.1 Deputy Electoral Officers, as required in order to assist in the conduct of the Election or By-Election, shall be appointed by the Chief Electoral Officer prior to the nomination meeting pursuant to the *Code*.
- 4.2 Any Deputy Electoral Officer shall:
- (a) be neither the Chief nor a Councillor, and nor shall he or she becomes a Candidate in an Election or By-Election for which he or she is appointed or favour, promote or be associated with the campaign of any Candidate;
  - (b) be twenty-one (21) years of age or over as of the date of appointment; and
  - (c) keep confidential all information acquired in the exercise of his or her duties.
- 4.3 The Deputy Electoral Officers shall perform all duties as assigned and delegated by the Chief Electoral Officer and the expression “Chief Electoral Officer” appearing in these Regulations shall include Deputy Electoral Officers where such duties have been delegated to him or her.

## 5.0 INTERPRETERS

- 5.1 Interpreters shall be appointed as required for the conduct of an Election or By-Election by the Chief Electoral Officer at least fifteen (15) days prior to an Election or By-Election.
- 5.2 An interpreter must:
- (a) not be a Member of LRRCN;
  - (b) be twenty-one (21) years of age or over;
  - (c) be fluent in the Cree language;
  - (d) be able to read and write English;
  - (e) have knowledge of Nation names and families; and

- (f) be neither the Chief nor a Councillor, and nor shall he or she become a Candidate in an Election or By-Election for which he or she is appointed or favour, promote, or be associated with the campaign of any Candidate.

## 6.0 SCRUTINEERS

- 6.1 Scrutineers may be appointed by Candidates at the Candidate's own expense. Each Candidate may appoint one (1) scrutineer at least seven (7) days prior to an Election or By-Election by filing with the Chief Electoral Officer an appointment in the form stipulated by the Chief Electoral Officer.
- 6.2 Scrutineers shall be twenty-one (21) years of age or over shall be an Eligible Voter.
- 6.3 Scrutineers shall be entitled to observe the conduct of an Election or By-Election and the counting of the ballots but Scrutineers:
  - (a) shall not speak to or influence or interfere with any Eligible Voter in the polling place;
  - (b) shall not obstruct or interfere with the Chief Electoral Officer, any Deputy Electoral Officers or interpreters in completing their duties in accordance with the *Code* or these Regulations;
  - (c) shall not release or discuss the results of the Election until the Chief Electoral Officer has publicly declared the candidates that have been elected;
  - (d) shall stay in a designated area and not leave until the final results of the Election have been publicly declared.
- 6.4 One scrutineer may be appointed to be present at the counting of votes but the non-attendance of any scrutineer does not invalidate any act taken pursuant to the *Code* or these Regulations.
- 6.5 Scrutineers who are staff or contractors of LRRCN shall be paid an honorarium of six-hundred dollars (\$600) for their services on the day of Election. All other scrutineers may be appointed by Candidates shall not be paid by LRRCN and any remuneration in relation to those volunteer scrutineers appointed by a Candidate shall be the sole responsibility of the Candidate appointing such individual(s).

## 7.0 ELIGIBLE VOTERS LIST

- 7.1 At least thirty-five (35) days before an Election or By-Election, the Chief Electoral Officer shall prepare or cause to be prepared a preliminary list of Eligible Voters which is informed by the Membership List maintained by the Nation Registry Administrator which shall be posted at conspicuous places in each Community.
- 7.2 Any Member may request from the Chief Electoral Officer to have:
  - (a) his or her name added to the Membership List; and
  - (b) his or her name or the name of any other person deleted from list of Eligible Voters.



- 7.3 The Chief Electoral Officer shall cause an investigation to be made into the eligibility of the person to be added or deleted and, as a result of the investigation, may add or delete as appropriate such person or persons who are the subject of any such application.
- 7.4 The Chief Electoral Officer shall furnish a copy of the finding to the person causing the investigation upon written request of such person.
- 7.5 The Chief Electoral Officer shall be entitled to request any proof, affidavit or statutory declaration of any applicant or person subject to an investigation under this section.
- 7.6 The Chief Electoral Officer shall post a final Eligible Voters List on or before seven (7) days prior to the Elections or By-Elections date.

## 8.0 NOMINATION PROCESS

- 8.1 Not less than twenty-one (21) days prior to the date of Election, the Chief Electoral Officer shall hold a nomination meeting at the time, date and place described in the Election Notice. The hours to receive nominations of Candidates shall be 10:00 a.m. to 4:00 p.m. in each Community.
- 8.2 A Member may only be nominated for Chief or Councillor, but not both.
- 8.2 An Eligible Voter in:
  - (a) either of Fox Lake, Garden River or John D'Or Prairie can move or second the nomination of an Eligible Voter as a Candidate for the office of Chief;
  - (b) either of Fox Lake, Garden Rive or John D'Or Prairie can move or second the nomination of an Eligible Voter as Candidate for the office of Councillor, to represent that specific Community.
- 8.3 Not less than fourteen (14) days prior to the date of the nomination meeting, the Chief Electoral Officer shall post notice of the Nomination meeting which shall include the date, time and place of the Nomination Meeting, eligibility requirements to be nominated for the offices of the Chief or Councillor, nomination procedures and any other matters relating to nominations, conspicuous places throughout the reserve and in local news media having general circulation within each Community.
- 8.4 During the nomination process, the Chief Electoral Officer shall ensure the following:
  - (a) the person being nominated shall be present when nominated;
  - (b) in the event of the following circumstances the Chief Electoral Officer shall declare the Candidates elected by way of acclamation:
    - (i) Four (4) or less Candidates for Fox Lake;
    - (ii) Four (4) or less Candidates for John D'Or Prairie; or
    - (iii) Two (2) or less Candidates for Garden Rive;
  - (c) if the number of Candidates nominated for the office of Chief exceeds one, or
    - (i) More than four (4) Candidates for the office of Councillor for Fox Lake;

- (ii) More than four (4) Candidates for the office of Councillor for John D'Or Prairie; or
  - (iii) More than two (2) Candidates for the office of Councillor for Garden River,
- the Chief Electoral Officer shall then declare that an Election will be held at the time, date and place specified in the notice of Election or Notice of By-Election to elect the Chief and/or Councillor(s) as required.

8.5 Any Eligible Voter, excluding the Deputy Electoral Officer and support staff provided to the Chief Electoral Officer pursuant to section 3.6 of the Regulations, may nominate any other person who is eligible to stand for office of Chief or Councillor provided that:

- (a) the person being nominated shall be present when nominated;
- (b) each nomination shall be seconded by another Eligible Voter;
- (c) each nomination shall be accompanied by the appropriate nomination forms and fee payable at the time of nomination, either by cash, certified cheque or money order, payable to the Little Red River Election Account. Such fee shall be non-refundable. No nomination is valid or shall be acted on by the Chief Electoral Officer unless it is accompanied by the fee specified;
- (d) each nominator shall provide a statement in the form stipulated by the Chief Electoral Officer that he or she believes the nominee is eligible to be nominated and hold office pursuant to the *Code* and these Regulations;
- (e) the nomination form must then be completed by the nominator and secondary nominator;
- (f) a form must be signed by the Candidate accepting the nomination on nomination day; and
- (g) pursuant to sections 3.3, 3.4 and 3.5 of the Regulations, each nomination form must also include a copy of the Candidate's Vulnerable Sector Check, CPIC for and letter of pardon (where applicable) and a Statutory Declaration sworn by the Candidate.

8.6 Within two (2) days from the date of Nomination Meeting, an Eligible Voter may give the Chief Electoral Officer notice that one or more of the Candidates are ineligible to hold office pursuant to the *Code* and these Regulations. In respect of such notice, the Chief Electoral Officer shall resolve the matter in a summary manner and may consider any information or evidence presented and shall not be bound by the rules of the evidence or procedure in so doing. The decision of the Chief Electoral Officer regarding the eligibility of candidates shall be final binding. Upon determining that any Candidate is ineligible to hold office, immediately remove the name of the candidate from the list of candidates for election.

8.7 Forthwith after any such hearing or hearings referred to in section 8.6, no later date than four (4) days following the Nomination Meeting, the Chief Electoral Officer shall post in a conspicuous place in each Community the final list of candidates for the office of Chief or Councillor.

8.8 The Chief Electoral Officer or the Deputy Electoral Officer(s) shall maintain order at all times during the nomination meeting and may cause to be removed any person who, in their sole discretion, is disrupting or otherwise interfering with the meeting.

## 9.0 CANDIDACY

9.1 A nomination fee for each Candidate for the office of Chief shall be two-thousand (\$2,000) dollars. The nomination fee for each Candidate for the office of Councillor shall be one-thousand five hundred (\$1,500) dollars.

9.2 A Candidate may withdraw his or her candidacy within two (2) days after the nomination meeting by so notifying the Chief Electoral Officer. All nomination fees are non-refundable.

## 10.0 PRE-ELECTION PROCEDURE

10.1 The Chief Electoral Officer shall designate the location(s) of the polling stations for the Election or By-Election in each Community. The Chief Electoral Officer shall provide polling booths or compartments for Eligible Voters to mark their ballots in secret and free from observation.

10.2 A person running in an Election or By-Election:

- (a) shall not campaign within a LRRCN Entity building or LRRCN Administration Building;
- (b) shall not use any of LRRCN's materials, facilities, photocopy machines, fax machines, equipment, phones, vehicle, office supplies etc., LRRCN's website or using LRRCN email addresses, for any of their campaigning activities; and
- (c) shall take an unpaid leave of absence or annual leave as authorized by the Employee's immediate supervisor from the date of nomination until the date of the Election if that person is an employee of LRRCN or a corporation owned by LRRCN.

## 11.0 BALLOT BOXES

11.1 At the polling station, the Chief Electoral Officer shall provide as many ballot boxes as are required for the purposes of the Election or By-Election.

11.2 The ballot boxes shall:

- (a) be made of durable material;
- (b) be accompanied by adequate locks and seals;
- (c) be designed so that ballots cannot be tampered with once the ballots have been deposited into the ballot box; and
- (d) remained locked and sealed until the official counting of ballots begins.

11.3 Each ballot box shall have a form affixed to it stating:

- (a) that it is an official ballot box for that Election or By-Election;

- (b) the location of the polling station;
- (c) the date or dates for which it is used;
- (d) the signature of the Chief Electoral Officer; and
- (e) its sequential number.

11.4 At the polling station, the Chief Electoral Officer shall, immediately before commencement of any poll, open the ballot boxes and call the scrutineers and such other persons as may be present to view that the ballot boxes are empty. The Chief Electoral Officer shall then lock and seal the boxes to prevent them from being opened without breaking the seal until the termination of the poll(s) and the ballots are to be counted. The ballot boxes shall remain in public view at all times.

## 12.0 MATERIALS

12.1 The Chief Electoral Officer shall prepare or cause to be prepared a sufficient number of ballot papers for the purpose of voting at the Election or By-Election. Such ballot papers shall be in the form prescribed containing the names of candidates for Chief and for Councillors.

12.2 The content of each ballot shall be as follows:

- (a) at the top of the ballot shall be printed the names of the position to be elected;
- (b) below the position to be elected shall be printed such instructions to the Eligible Vote as may be necessary to inform them of the manner in which the ballot is to be marked;
- (c) each Candidate's name shall be printed as similar as possible;
- (d) the Candidates names shall be arranged as follows:
  - (i) the Candidate's surname;
  - (ii) the Candidate's given name, initials and nickname, if applicable, following the surname and a comma; and
  - (iii) the Candidate's names listed alphabetically; and
  - (iv) a space shall be provided to the right of each Candidate's name for the indication of a choice of that Candidate.

12.3 In each voting compartment, the Chief Electoral Officer shall cause to be provided a suitable desk, table or shelf, sufficient materials for marking the ballot papers and a sufficient number of explanatory directions for voting.

## 13.0 ADVANCING POLLING

13.1 The Chief Electoral Officer shall set the date(s) of the Advance Poll(s) at least twenty-one (21) days before day of the Election. Advance Poll(s) shall take place no later than three (3) days before the day of Election.

- 13.2 Upon closing of the Advance Poll(s) the Chief Electoral Officer shall remove all ballots from the ballot boxes and place them in a sealed envelope, affixing his or her signature on the seal, along with the signature of the Deputy Electoral Officer, a scrutineer or other witnesses present at the closing of the Advance Poll(s). For greater certainty, the marked ballots from each Advance Poll location shall require a separate envelope with signatures affixed to the seal to evidence the security of their closure.
- 13.3 The Chief Electoral Officer is personally responsible for the safekeeping of all ballots cast at the Advance Poll(s) until such time as those ballots are deposited into a ballot box in accordance with Section 15.
- 13.4 The Election Notice shall include the notice of date, time and location of the Advance Poll(s).

## 14.0 ELECTION PROCEDURE

- 14.1 Only the Chief Electoral Officer, Deputy Electoral Officers, scrutineers and others concerned with the conduct or carrying out of the Election or By-Election in an official capacity, and the Eligible Voters who are present and are actually engaged in voting, shall be entitled to remain in polling station during the time appointed for voting.
- 14.2 No persons present in the polling station nor within fifty (50) metres of the building where the voting is being held during the time appointed for the voting shall campaign for any Candidate, influence or interfere with any Eligible Voter in the polling station.
- 14.3 There shall be no signs, posters or other campaign materials posted outside of or in the polling station or Advance Poll(s) station(s) during the time appointed for voting during an Election or By-Election.
- 14.4 The polling station shall be kept open on the day of the Election from 9:00 in the morning until 6:00 in the evening, local time, on said day.
- 14.5 All voting shall be conducted by secret and anonymous vote.
- 14.6 Every Eligible Voter may vote as follows:
- (a) For the office of Chief, every Eligible Voter may only vote once
  - (b) For the office of Councillor in each respective community, every Eligible Voter in that community may cast a maximum number of votes based on the below, including:
    - (i) Eligible Voters for Fox Lake may cast a maximum of four (4) votes for Candidates running in that community;
    - (ii) Eligible Voters for John D'Or Prairie may cast a maximum of four (4) votes for Candidates running in that community;
    - (iii) Eligible Voters for Garden River may cast a maximum of two (2) Councillors for Candidates running in that community; and
  - (c) A ballot containing votes for more than one (1) Chief or more than the maximum number of Councillors to be elected pursuant to subsection (c) shall be declared void by the Chief Electoral officer.

- 14.7 When a person whose name is on the Eligible Voters List attends the polling station for voting purposes, the Chief Electoral Officer or Deputy Electoral Officer, as the case may be, shall:
- (a) verify that the name of the person is registered on the Eligible Voters List;
  - (b) initial a ballot to indicate valid issuance of same;
  - (c) provide the ballot to the Eligible Voter on which to register his or her vote;
  - (d) cause to be placed in the proper column of the Eligible Voters List a mark opposite the name of the Eligible Voter receiving the ballot to indicate the issuance of a ballot to that person.
- 14.8 A Chief Electoral Officer shall not issue a ballot to any person whose name does not appear on the Eligible Voters List, unless the Eligible Voter is sworn in for voting purposes.
- 14.9 If the Chief Electoral Officer is satisfied that such Eligible Voter is entitled to be added to the Eligible Voters List the Chief Electoral Officer shall require such person to be sworn in and shall add his or her name to the Eligible Voters List.
- 14.10 The Chief Electoral Officer or the Deputy Electoral Officer shall, when requested to do so, explain the mode of voting to an Eligible Voter.
- 14.11 On receiving a ballot, each Eligible Voter shall:
- (a) proceed to the compartment and forthwith vote for his or her selected Candidate(s) in the manner prescribed on the ballot;
  - (b) fold the ballot so as to conceal the name of the Candidate(s) and mark on the face of the ballot but so as to expose the initials of the Chief Electoral Officer;
  - (c) on leaving the compartment, forthwith deliver the ballot to the Chief Electoral Officer or a Deputy Electoral Officer; and
  - (d) for ballots using a manual system, there must be a clear indication of the chosen Candidate(s). For ballots using an electronic system, the Eligible Voter shall comply with the voting procedures using the mark-sense ballot.
- 14.12 On receiving a ballot the Chief Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballot, verify his or her initials and at once deposit the ballot in the ballot box in the presence of the Eligible Voter and of all other person(s) entitled to be present.
- 14.13 While any Eligible Voter is in the compartment for the purpose of marking his or her ballot, no other person shall be allowed in the same compartment or be in any position from which the person can see the manner in which such Eligible Voter marks his or her ballot, except as otherwise specifically provided in the Code or these Regulations.
- 14.14 On the request of any Eligible Voter who is unable to read or write English or is incapacitated by blindness, deafness or otherwise from voting in the manner prescribed by these Regulations, the Chief Electoral Officer, Deputy Electoral Officer or an interpreter shall assist the Eligible Voter as possible:

- (a) in the case of an Eligible Voter who cannot read, write or speak English, the Chief Electoral Officer, the Deputy Electoral Officer or the interpreter shall:
    - (i) explain the mode of voting to the Eligible Voter;
    - (ii) identify the Candidates for each office of Chief and Councillor;
    - (iii) call the LRRCN names of the Candidates on the ballot; and
    - (iv) allow the Eligible Voter to mark his or her own ballot.
  - (b) in the case of an Eligible Voter who is deaf, the Chief Electoral Officer, the Deputy Chief Electoral Officer, the interpreter or a sign language translator shall:
    - (i) explain the mode of voting to the Eligible Voter;
    - (ii) identify the Candidates for each office of Chief and Councillor;
    - (iii) allow the Eligible Voter to mark his or her own ballot.
  - (c) In the case of an Eligible Voter who is blind, the Chief Electoral Officer, the Deputy Electoral Officer or interpreter shall:
    - (i) Explain the mode of voting to the Eligible Voter;
    - (ii) Call out the name of the Candidates in English or in Cree as requested; and
    - (iii) mark the said ballot as instructed by the Eligible Voter.
  - (d) In the case of a person who is physically incapable of marking his or her ballot due to physical handicap, the Chief Electoral Officer, the Deputy Electoral Officer or the Interpreter shall:
    - (i) explain the mode of voting to the Eligible Voter; and
    - (ii) mark the said ballot as instructed by the Eligible Voter.
- 14.15 The Chief Electoral Officer shall mark on the Eligible Voters List opposite the name of any Eligible Voter so assisted, the fact that the Eligible Voter was so assisted by the Chief Electoral Officer, the Deputy Electoral Officer or the Interpreter and the reasons therefore.
- 14.16 An Eligible Voter who has inadvertently handled his or her ballot paper in such a manner that it cannot be conveniently used shall return it to the Chief Electoral Officer or a Deputy Electoral Officer who shall thereupon write "cancelled" upon the spoiled ballot and cause the said spoiled ballot to be preserved separate from the ballot box. The Chief Electoral Officer or a Deputy Electoral Officer shall then issue another unmarked ballot to the Eligible Voter.
- 14.17 Any Eligible Voter who has received a ballot paper and who leaves the polling booth without delivering the same to the Chief Electoral Officer or a Deputy Electoral Officer in the manner provided by these Regulations or who refuses to vote shall forfeit his or her right to vote at the Election or By-Election and the Chief Electoral Officer or a Deputy Electoral Officer shall make an entry in the Eligible Voters list in the column for remarks opposite the name of such Eligible Voter to show that such Eligible Voter received the ballot paper and declined to vote. In the case where the ballot paper is returned to the Chief Electoral Officer or a Deputy Electoral

Officer, the Chief Electoral Officer or Deputy Electoral Officer shall mark upon the face of the ballot paper the word “declined” and all ballot papers so marked shall be preserved separate and apart from the ballot box.

- 14.18 Promptly at 6:00 in the evening in the event of the day of the Election or promptly at 6:00 in the evening of the By-Election day, the Chief Electoral Officer shall publicly declare that the polls are closed, and direct that the doors at the polling station be locked; however, all Eligible Voters who are inside the polling place at such time but who have not yet voted shall be allowed to vote.
- 14.19 Notwithstanding sections 14.4 and 14.18, the Chief Electoral Officer may, in his or her absolute discretion, extend the time for voting at any polling station.

## 15.0 CLOSING THE POLL AND COUNTING OF BALLOTS

- 15.1 Immediately following the closing of the poll, in the case of online voting, the Chief Electoral Officer shall announce and record the results of the online vote, if any, and complete a Declaration of Electoral Officer Regarding Online Ballots.
- 15.2 Immediately after the announcement and recording of the online vote results, the Chief Electoral Officer or Deputy Electoral Officer shall, in the presence of the scrutineer(s), open each envelope containing Advance Poll ballots that were received at least three (3) days before the day of Election or By-Election and insert those ballots into the ballot box. In the case of electronic voting counter, the Chief Electoral Officer shall place those ballots into the electronic voting counter.
- 15.3 The Chief Electoral Officer shall, in the presence of such of the scrutineer(s) and all other persons entitled to be present, open the ballot boxes and ensure that the Eligible Voters List and the ballots balance. The Chief Electoral Officer will then proceed to count the votes.
- 15.4 The Chief Electoral Officer shall not permit more than one scrutineer of any Candidate to be present at the same time in any polling place during the counting of the votes.
- 15.5 In the course of counting the votes, the Chief Electoral Officer shall only open one ballot box at a time unless, in the Chief Electoral Officer’s complete discretion, the Chief Electoral Officer is satisfied that there is sufficient supervision to open more than one box at one time.
- 15.6 The Chief Electoral Officer shall examine each ballot and shall reject ballots on the following grounds:
- (a) ballots which have not been supplied by the Chief Electoral Officer;
  - (b) ballots upon which votes have been given for more Candidates than are to be elected;
  - (c) ballots upon which anything appears by which the Eligible Voter can be identified;
  - (d) ballots which do not indicate a vote for any Candidate; and
  - (e) ballots which are so marked that it is uncertain the name of the Candidate or Candidates for whom the person wished to vote.



- 15.7 On the back of rejected ballots the Chief Electoral Officer shall:
- (a) endorse “rejected” if the ballot is rejected as void; and
  - (b) endorse “reason objected to” if any objection is made to the rejection, and shall initial each endorsement.
- 15.8 The Chief Electoral Officer shall make a note of any objection made by a scrutineer to any ballot paper found in the ballot box and any question arising out of the objection shall be decided by the Chief Electoral Officer in his or her sole and absolute discretion. The decision of the Chief Electoral Officer on the acceptance or rejection of any ballot paper shall be final and binding.
- 15.9 Every objection shall be numbered and the corresponding number shall be placed on the back of the ballot paper and initialled by the Chief Electoral Officer.
- 15.10 The Chief Electoral Officer shall, at the close of the polls, then count the ballots cast for each Candidate on the ballot papers not rejected, and shall prepare a written statement in words and as well in figures under the following headings:
- (a) the date of the Election or By-Election;
  - (b) the number of persons who voted at the polling station;
  - (c) the number of ballots cast of reach Candidate; and
  - (d) the number of rejected ballot papers.
- 15.11 Once the written statement prepared pursuant to section 15.10 shall then be signed by the Chief Electoral Officer and any Candidates who are physically present for the pronouncement of election results and whom desire to sign it.
- 15.12 At the completion of the counting of the ballots, the Chief Electoral Officer or the Deputy Electoral Officer shall make up and seal separate packets containing:
- (a) the used ballot papers that have not been objected and have been counted;
  - (b) the used ballot papers that have been objected to but have been counted;
  - (c) the rejected ballot papers;
  - (d) the cancelled ballot papers;
  - (e) the unused ballot papers;
  - (f) the notes taken of objections made to ballot papers found in the ballot box; and
  - (g) the Eligible Voters List;
- and such packets shall be verified on the face thereof by a description and the signature of the said Chief Electoral Officer.
- 15.13 The materials referred to in Section 15.11 shall be retained by the Chief Electoral Officer under lock and key until the appeal periods have passed or, if any appeals have been filed, the conclusion of any such appeals. At the end of such time period all materials may be destroyed by the Chief Electoral Officer in the presence of a witness.

## 16.0 DECLARATION OF RESULT AND RUN-OFF ELECTION AFTER RECOUNT

- 16.1 Immediately following completion of the counting of the ballots in an Election or By-Election, either the Chief Electoral Officer or a Deputy Electoral Officer shall publicly declare to be elected the Candidate having the greatest number of votes for the office of Chief and the Candidate(s) having the greatest number of votes for the office of Councillor, as the case may be, in accordance with the Code and these Regulations and shall post in conspicuous places about the Nation, a statement signed by the Chief Electoral Officer showing the number of votes cast for each Candidate for the position of the office of Chief and the number of votes cast for each Candidate for the position of the offices of Councillor.
- 16.2 In the event of a tie for the office of Chief, in which neither of the Candidates choose to withdraw, a Run-Off Election shall be held in which only the names of those Candidates who received the same highest number of votes for the office of Chief in the Election shall be included in the Run-Off Election.
- 16.3 In the event of a tie for the office of Councillor, in which neither of the Candidates choose to withdraw, a Run-Off Election shall be held of only that office of Councillor. The only Candidates in the Run-Off Election shall be those Candidates who received the same number of votes for the last office of Councillor.
- 16.4 Within two (2) business days of the date on which the Election took place, the Chief Electoral Officer shall post a Notice of a Run-Off Election in the same manner, form and place(s) as the initial Notice of Election. The Run-Off Election shall occur seven (7) business days after posting of the Notice of a Run-Off Election. In no event shall a Run-Off Election occur more than seven (7) business days after the date of the Election in which the tie vote occurred.
- 16.5 The Code and these Regulations shall apply with respect to Run-Off Elections.
- 16.6 In the event of a tie in a Run-Off Election, another Run-Off Election shall be held.
- 16.6 In the event that an employee of the LRRCN or a LRRCN Entity is voted in as Chief or Councillor, then the employee must resign their position with the Nation or Nation Entity immediately.

## 17.0 SECRECY OF VOTING

- 17.1 Every person in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting.
- 17.2 No person shall interfere or attempt to interfere with an Eligible Voter who is marking his or her ballot paper or obtain or attempt to obtain at the polling place, information as to how an Eligible Voter is about to vote or has voted.

## 18.0 APPEALS BOARD

- 18.1 The Council shall, with recommendations from the Chief Executive Officer prepare a list of at least ten (10) individuals meeting the criteria set out 18.2 for the Appeal Board. From this list,

the Chief Executive Officer shall appoint three (3) persons from the eligible members of the Appeals Board at least ten (10) days prior to the day of Election or By-Election. The [senior staff position to be identified] shall also appoint two (2) additional persons as alternate members to fill a vacancy on the Appeal Board in the event that one or more of the members of the Appeal Board cannot carry-out their duties on the Appeal Board.

- 18.2 To be eligible for appointment as a member of the Appeals Board, they must follow:
- (a) be eighteen (18) years of age or over;
  - (b) not be a Member of LRRCN;
  - (c) be of Cree origin if possible, but not necessary;
  - (d) not have been convicted of an indictable offence under the Criminal Code of Canada;
  - (e) not have been engaged in a corrupt practice, including accepting a bribe, dishonesty, fraud, theft, breach of trust or wrongful conduct.

## 19.0 APPEAL PROCEDURES

- 19.1 For the purpose of hearing any appeals resulting from an Election, By-Election, the Little Red River Cree Nation Appeal Board is hereby established.
- 19.3 The Appeal Board shall be appointed for a term commencing on appointment and terminating upon the expiration of the Appeal Period or after the hearing of any appeal arising from an Election or By-Election, whichever date is later. Members of the Appeal Board may be reappointed for successive terms and for future Elections or By-Elections.
- 19.4 The Appeal Board shall be responsible for conducting hearings and determining the outcome of any appeal from an Election or By-Election in accordance with the *Code* and these Regulations.
- 19.5 Any Eligible Voter may initiate an appeal in relation to an Election or By-Election, provided that the following is provided:
- (a) within seven (7) days following the Election, By-Election, serve written document, on which the following shall be included:
    - (i) the grounds pursuant to the *Code* and these Regulations upon which the Election, By-Election, is appealed;
    - (ii) the evidence in support of the grounds; and
    - (iii) the signature of the person initiating the appeal; and
  - (b) such notice shall:
    - (i) be accompanied by a certified cheque, cash or money order, payable to the LRRCN in the sum of one thousand five hundred (\$1,500) dollars, which shall be used to offset some of the administrative costs of conducting an appeal. The appeals fee shall be non-refundable; and

- (ii) be served within seven (7) days of the Election or By-Election, either personally on the Chief Electoral Officer or by forwarding the appeal to the Chief Executive Officer via registered mail or email addressed to the Chief Executive Officer to:

Mailing Address:

Attention: Chief Executive Officer  
Little Red River Cree Nation  
P.O. Box 30  
John D'Or Prairie, AB  
T0H 3X0

Email:

To be provided by LRRCN in  
advance of the Election.

- 19.6 The Appeal Board shall not receive or consider any appeals with respect to the eligibility of Candidates, the decision of the Chief Electoral Officer under section 8.8 of these Regulations being final and binding.
- 19.7 If no appeals are initiated within the time prescribed, the Chief Electoral Officer shall notify Chief and Council that the results of the Election, By-Election, or recount are final and binding.
- 19.8 Upon receipt of an appeal under section 19.6, the Appeal Board shall cause a copy of the appeal to be served on all Candidates for office of Chief or Councillor who is affected by the appeal, either personally or via registered mail.
- 19.9 Any Candidate affected by the appeal may reply via electronic email to the appeal by setting out their response in writing. Any reply to an appeal must be served via email according to the provisions of Section 19.10 within ten (10) days of the Candidate having been served with a copy of the appeal.
- 19.10 Such replies referred to in Section 19.9 shall be served either personally on any member of the Appeal Board or by forwarding the reply to the Appeal Board via registered mail addressed to the chairperson of the Appeal Board. Such person shall provide email address information and a post office box.
- 19.11 The appeal and the replies to the appeal, if any, and the evidences supplied in connection with each shall constitute the record for purposes of the appeal.
- 19.12 Upon expiry of the time for filing replies, the Appeal Board shall meet to hear and determine the appeal or appeals. All appeals to the Appeal Board must be heard. All three (3) members of the appeal Board must appear to hear any appeal within ten (10) days of the last day of the filing of an appeal. The Appeal Board must determine the appeal within five (5) days.
- 19.13 The Appeal Board may, in its sole discretion:
- (a) examine the record;
  - (b) conduct hearings of the person bringing the appeal, any Candidates affected by the appeal, and any witnesses which either may call and the Appeal Board may permit to be heard.

## 20.0 FORMS

20.1 Such forms as are required for the purpose of these Regulations shall be approved from time to time by the LRRCN Chief and Council or its delegate.

## 21.0 AUTOMATIC OR ELECTRONIC BALLOT COUNTING

21.1 Notwithstanding Section 11 (ballot boxes), Section 14 (voting procedures) and Section 15 (closing the poll), or any section relating thereto, Elections or By-Elections may be conducted with automatic or electronic equipment.

## 22.0 AUTOMATIC OR ELECTRONIC BALLOT PROCEDURES

22.1 Notwithstanding the procedure prescribed for manual of ballots in these Regulations, the procedure for automatic or electronic ballot counting of Elections or By-Election shall be conducted in accordance with these Regulations.

22.2 The ballot shall be a mark-sense ballot which can be scanned by optical scan read head technology in order to electronically read and tabulate results.

22.3 The ballot shall be marked with a special marking pen to be provided by the Chief Electoral Officer that leaves a high-density mark on the ballot which can be read with high reliability by the electronic ballot tabulator.

22.4 The ballots shall be tabulated using a portable precinct ballot tabulator that uses optical scan read head technology to electronically read and tabulate mark-sense ballots.

22.5 Where mark-sense ballots are utilized, every Eligible Voter shall be provided with a mark-sense ballot when a voting booth is empty. If a ballot contains any imperfection, the Chief Electoral Officer shall stamp it "VOID" and shall place the "VOID" ballot in the special envelope for that purpose.

22.6 The Chief Electoral Officer shall furnish each voting booth with appropriate voting instructions designed to prevent the Eligible Voter from spoiling his ballot and instructing the Eligible Voter what to do if he does or she has spoiled a ballot.

22.7 The Eligible Voter shall vote for his or her chosen Candidate(s) in the manner prescribed on the ballot. The Eligible Voter shall mark one Candidate for the position of Chief and shall mark no more than ten (10) Candidates for the position of Councillor. All marks shall be made with the marking pen.

22.8 When an Eligible Voter mistakenly marks a wrong box, or when the mark is improperly completed, smudged or erased, it will be considered as a spoiled ballot. In such a case, the Eligible Voter may request another ballot, and the Chief Electoral Officer must note by the Eligible Voter's name on the Eligible Voters List that the Eligible Voter was provided with another ballot. The spoiled ballot shall be carefully handled to ensure that any votes marked on the ballot cannot be seen. The spoiled ballot shall then be stamped "VOID", placed in the special envelope for that purpose in the presence of the Eligible Voter, and kept by the Chief Electoral

Officer. The Chief Electoral Officer shall stamp “VOID” in the Eligible Voters List where the Eligible Voter’s name appears. The Chief Electoral Officer shall keep a running tally of the number of spoiled ballots so that an accurate count may be made, comparing the number of Eligible Voters with the number of ballots.

- 22.9 The Eligible Voter shall insert the completed ballot into the secrecy sleeve and deposit into the ballot box. If the Eligible Voter wishes, the Eligible Voter may hand the ballot to the Chief Electoral Officer who shall deposit it in the ballot box in the presence of the Eligible Voter casting the vote.

## 23.0 ONLINE VOTING

- 23.1 If LRRCN uses online voting, the electronic voting platform must:

- (a) be provided by an independent third-party service provider,
- (b) at a minimum, require the use of a VIN for each Eligible Voter,
- (c) keep online voting results secret at all times and encrypt them in a manner in which they can never be revealed except to the Chief Electoral Officer,
- (d) generate and provide automated e-mail notifications in real-time to the Chief Electoral Officer upon completion of voting by Eligible Voters,
- (e) receive notifications in real-time from the Chief Electoral Officer on the day of Election indicating an Eligible Voter has voted in-person, and
- (f) generate and provide detailed activity reports to the Chief Electoral Officer when required.

- 23.2 Prior to the opening of online polls, an electronic voting platform must be populated with the Eligible Voters List.

- 23.3 Electronic voting must begin and close at the specified times in the Notice of Election.

- 23.4 When an Eligible Voter signs into an electronic voting platform to vote, the provider of the electronic voting platform must:

- (a) record and provide the Chief Electoral Officer with the person’s name and the date and time their online ballot is received, and
- (b) place their online ballot in an electronic ballot box.

- 23.5 Once an Eligible Voter has voted either electronically or in-person at a polling station

- (a) the electronic voting platform must not allow any Eligible Voter to vote again using that Eligible Voter’s VIN,
- (b) the Chief Electoral Officer and Deputy Electoral Officer must not allow that Eligible Voter to vote in any other manner.

- 23.6 After the closing of the polls, an electronic voting platform must

- (a) seal the electronic ballot box,
- (b) remove the option to vote electronically, and
- (c) provide the electronic voting results to the Chief Electoral Officer.

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