



WHITE BEAR FIRST NATIONS

ELECTION ACT 2007

Draft for Discussion purposes
Membership Review

1) Title.....	Pg 1	20) Oath of Office as a Member of Council.....	Pg 37
2) Interpretation.....	Pg 1	21) Removal from Office.....	Pg 39
3) Eligibility.....	Pg 4	22) Conflict of Interest.....	Pg 41
4) Terms of Office.....	Pg 6	23) Public Meeting.....	Pg 42
5) Composition of White Bear First Nations Government.....	Pg 6	24) Amendments.....	Pg 42
6) Election Procedures.....	Pg 7		
7) Nomination Meeting.....	Pg 9		
8) Conduct of Elections.....	Pg 12		
9) Elections Procedure.....	Pg 14		
10) Manner in which voting will be carried out.....	Pg 17		
11) Mail in Ballots.....	Pg 20		
12) The Poll.....	Pg 26		
13) Secrecy of Voting.....	Pg 29		
14) Time and Place for ballot Counting.....	Pg 30		
15) Declarations of Results of Elections by Electoral Officer.....	Pg 31		
16) Disposition of Ballot Papers.....	Pg 32		
17) Appeals.....	Pg 33		
18) Assumption of Office.....	Pg 35		
19) Standards of Conduct By Chief and Council.....	Pg 36		

Election Act
The White Bear First Nations
Draft for Discussion Purposes

Original “Draft Act”	Proposed Amendments	Rationale
<p>1)TITLE This act shall be cited as the White Bear First Nations Election Act.</p>	<p>TITLE 1) This act shall be cited as the White Bear First Nation Election Act.</p>	
<p>2)INTERPRETATION In this Act:</p> <p>A) “White Bear First Nation” shall mean all those band members eligible to be registered in the White Bear First Nations No. 70 registry.</p> <p>B) “Appeal Committee” shall mean a committee consisting of three (3) persons appointed by Council, by which persons shall not participate or be involved in the election process in any manner. The persons appointed are appointed for the purposes of dealing with any appeal from any of the matters related to the elections as set out herein including any additional election procedures resulting from any appeal.</p> <p>C) “Alternate” shall mean any band member appointed by the Council as an alternate to any committee.</p> <p>D) “Band Member” shall mean any treaty Indian registered as a member of the White Bear First Nation in accordance with the Registrar of Indian Studies and membership which is prescribed by treaty and maintained by the Crown as represented by the Government of Canada and/or as may be established and maintained by the White Bear First Nations from time to time.</p> <p>E) “Chief” shall mean an elected representative of the</p>	<p>Deleted: Whatsoever, including, but not limited to not being an electoral officer or assistant to the electoral officer, agent, candidate, and may not be involved in working for or on behalf of any candidate from the time the elections is called to the date of the voting.</p>	

White Bear First Nations as defined by this Act.

F) “Councillor” shall mean an elected representative of the White Bear First Nations as defined by this Act.

G) “Council” shall mean those elected representatives as defined by this Act.

H) “Deputy Electoral Officer” shall mean a non band member appointed by Council to be an assistant to the Electoral Officer to govern and conduct the election procedures as defined by this Act.

I) “Election” shall mean the election of elected leaders of the White Bear First Nations as defined by this Act.

J) “Election Committee” shall mean those band members appointed by the Council to monitor elections.

K) “Elector” shall mean any registered member of the White Bear First Nations meeting the age requirements of this Act.

L) “Electoral Officer” shall mean the person appointed by the Council to prepare, post, and amend the elector’s list and to govern and conduct procedures of elections or appeals as defined by this Act.

M) “Scrutineer” means a person appointed in writing by a candidate during the voting procedure and during the counting of ballots. Written appointment of the scrutineer by the candidate shall be delivered to the electoral officer 48 hours prior to the date of the election.

N) “Recall” an act of officially recalling or order someone or something to return.

O) “Eligibility” see section 3 of this act

P) “Allegations” a claim that someone has done something illegal or wrong in accordance with this act.

Q) “Incompetence” not skilful enough to do something successfully

No change

Added:

N) “Recall” an act of officially recalling or order someone or something to return.

O) “Eligibility” see section 3 of this act.

P) “Allegations” a claim that someone has done something illegal or wrong in accordance with this act.

Q) “Incompetence” not skilful enough to do something successfully

Separated a and b for member to vote

Separate and added members to be candidates must fit the

3) ELIGIBILITY

For the Purposes of this Act shall be defined as residency as follows: for **member to vote**

- a) Any Band member is eligible to vote for the elections of Chief and Council of the White Bear First Nations who has reached the age of 18 as of the day of the elections.
- b) All band members who meet the proper age requirement are entitled to vote.

Members to be candidates must fit the following:

- c) A candidate for the position of “Chief” must be 18 years of age as of the day of the election.
- d) A Candidate for the position of “Chief” must be a registered member of the White Bear First Nations as defined and/or as may be established and maintained by White Bear First Nations membership from time to time.
- e) A Candidate for the position of “Councilor” must be 18 years of age as of the day of election.
- f) A candidate for the position of “Councilor” must be a registered member of the White Bear First Nations as defined and/or as may be established and maintained by White Bear First Nations legislation from time to time.

following c to l

Added:

- k) Any candidate wishing to run in the elections must have resided in the community of White Bear First Nations for the previous six (6) months.**
- l) Any candidate wishing to run in the elections for White Bear Chief and Council must possess the following qualifications minimum of Grade 10 or equivalent and must provide a CPIC from the local RCMP detachment for consideration.**

4)TERMS OF OFFICE

- The terms of office of the White Bear First Nations shall be.
- a) The Term of Office for the position of Chief shall be for **three (3) years.**
 - b) The Term of Office for the position of Councillor shall be **for**

Still must define Urban Representation through election or political appointment

Provides longer term for established continuity

<p>g) A candidate shall only run for one (1) position, either Chief or Council, not both.</p> <p>h) A candidate for either Chief or Councilor shall be a band member meeting all requirements as set out in this Act.</p> <p>i) Any candidate who is running for office is not eligible, who is fraudulent or criminal in his/her actions to gain elector's support.</p> <p>j) Any candidate running for office must abide by all regulations and Standards of Conduct set out in this Act.</p> <p>k) Any candidate wishing to run in the elections must have resided in the community of White Bear First Nation for the previous six (6) months.</p> <p>l) Any candidate wishing to run in the elections for White Bear Chief and Council must possess the following qualifications: minimum of Grade 10 or equivalent and must provide a CPIC from the local RCMP detachment for consideration.</p> <p>4) TERMS OF OFFICE The terms of office of the White Bear First nations shall be.</p> <p>a) The Term of Office for the position of Chief shall be for three (3) years.</p> <p>b) The Term of office for the position of Councilor shall</p>	<p>three (3) years.</p> <p>b) The above being represented by thirteen (13) elected representatives as identified:</p> <p>(i) One (1) Chief</p> <p>(ii) Twelve (12) Councillors</p> <p>(iii) With a quorum set at nine (9) councillors including the Chief</p> <p>a) Not less than sixty (60) days in advance of any elections , the Council of the White Bear First Nations will appoint by resolution one (1) Electoral officer and one (1) Deputy Electoral Officer</p>	<p>Same as before but fills the blanks</p> <p>60 days will allow for all necessary documentation and meeting to be put in place.</p>
--	---	--

be for three (3) years

- c) The Term of Office for the Chief and Council are subject to the regulations and Standards of Conduct as set out in this Act.

5) COMPOSITION OF WHITE BEAR NATIONS GOVERNMENT

The White Bear First Nations Government shall consist of:

- a) The total of White Bear First Nations membership.
- b) The above being represented by Thirteen (13) elected representatives as identified:
 - (i) One (1) Chief
 - (ii) Twelve (12) Councillors
 - (iii) With a quorum set at nine (9) councillors including the Chief.

6) ELECTION PROCEDURES

Procedures governing all White Bear First Nations elections shall be:

- a) Not less than sixty (60) days in advance of any elections, the Council of the White Bear First Nations will appoint by resolution one (1) Electoral Officer and one(1) deputy Electoral Officer.
- b) The duties of the Electoral Officer shall be:
 - (i) The posting of all notices and the distribution of all election information

(x) **Must be granted access to the membership clerks address data base.**

Need clarification for (xi) to (xiii)

No change

Mail out ballots for every elector

pursuant to this Act.

- (ii) To preside as Chairman at the nomination meeting
- (iii) To arrange for the facilities, to conduct a nomination meeting and the Election
- (iv) To make all arrangements for the ballots and the ballot box
- (v) To preside on the day of the Election
- (vi) To examine and rule on the validity of all ballots cast.
- (vii) To count the ballots, announce, and post the official results publicly.
- (viii) In the event of a tie, the Electoral Officer will be eligible to cast the deciding vote.
- (ix) In the event, the Electoral Officer is unable to or unwilling to perform all the duties; the duties automatically become the responsibilities of the Deputy Electoral Officer who otherwise shall act as an assistant to the Electoral Officer.
- (x) Must be granted access to the membership clerks address data base.
- (xi) Cost of election officials will be covered

**Deleted (viii) Council and the Electoral Officer may set a date for a public forum as to allow candidates of Chief and Councillor to give their platform address. The electoral officer shall make such rules as are reasonably necessary for the holding of a public forum and, in all case, the decision of the electoral officer shall be final, only electors as defined herein may attend this public forum.
Deleted Tribunal and replaced with appeals committee
Deleted: This tribunal shall be the “Appeals Committee” for the election.
Deleted from (x) A White Bear First Nations member**

No change

**(xiii)All nominated candidates for Chief must post a non refundable fee of \$500.00 upon acceptance of their nomination.
(xiv) All nominated candidates for Councillor must post a non refundable fee of \$250.00 upon acceptance of their nomination.**

Only committed individuals need apply, will help in weeding out the non serious candidates.

under the Electoral Officer's fees.

(xii) Need clarification

(xiii) Need clarification

7) NOMINATION MEETING

Not less than thirty (30) days prior to the due date of a election the Electoral officer shall post a Notice of a Nomination Meeting. The notice will contain all information with regards to the date and location of the meeting. This must take place fourteen (14) days in advance of the day of the election.

a) conduct of the Nomination Meeting shall be:

- (i) The Electoral Officer must preside
- (ii) The nomination meeting shall remain open for nominations for a minimum of 8 hours.
- (iii) All nominations shall be moved and seconded, and candidates nominated must agree to run for office.
- (iv) No elector may nominate or second more than (1) one individual for any elected position. This rule also applies to the seconder.
- (v) Nominations for the positions of Chief and Council shall be declared open.
- (vi) When the Electoral officer is satisfied there are no further nominations, a "Nominations Cease

(xv) There will be a non refundable nomination fee of \$50.00 for each name put forth as a candidate, payable upon submission from the nominator or seconder

Removed "or gifts monetary or otherwise"

**Removed "or gifts, monetary or otherwise"
Insert " knowingly"**

Change elector to voter and insert "by the complainant and accompanied by a non-refundable complainant fee of \$50.00"

Moved from section 9

<p>Motion” shall be deemed to be in order and carried upon a show of hands at the meeting indicating the majority of the assembly in favour.</p> <p>(vii) The date of the election shall be set at the meeting and the Electoral Officer shall post notices at the Band Office and elsewhere as the Council directs.</p> <p>(viii) Authorization for advanced polls shall be coordinated by the Electoral Officer for employment, medical and educational purposes.</p> <p>(ix) Pursuant to Section 7(d) of this Act, an “Appeals Committee” shall be appointed by the council when the nomination date has been posted. They will also oversee the elections</p> <p>(x) Any individual that is in an intoxicated condition by being under the influence of alcohol and drugs at the meeting shall be disqualified from: a) Nominating any candidates, b) Seconding any nomination, c) Being a nominee for the election. The discretion and judgement of the condition of the White Bear First Nations member by the Electoral Officer shall prevail. The White Bear First Nation’s member shall be requested to leave the premises.</p> <p>(xi) The Electoral Officer shall ensure that a peace and good order is maintained at all times for the duration of the meeting and may cause to remove</p>	<p>No change</p> <p>The following sections h to j were moved to 7 nominations.</p>	
--	---	--

any person who in his or her opinion is disrupting or otherwise interfering with the meeting.

- (xii) Any candidate wishing to withdraw from running for office shall notify the Electoral Officer forty-eight (48) hours before the election by written notice.
- (xiii) All nominated candidates for Chief must post a non refundable fee of \$500.00 upon acceptance of their nomination
- (xiv) All nominated candidates for Councilor must post a non refundable fee of \$250.00 upon acceptance of their nomination.
- (xv) There will be a non refundable nomination fee of \$50.00 for each name put forth as a candidate, payable upon submission from the nominator or seconder.

8) CONDUCT OF ELECTIONS

The conduct of elections shall be:

- a) From the date of nomination to the day of election, no nominee for the position of Chief and Councilor shall engage in the use of any intoxicants or such chemicals for the purpose of gaining support for his/her electoral success.
- b) The candidate shall not knowingly engage any person(s) or condone the use of intoxicants or

Insert “iv) By elections will be run in accordance with this act “

chemicals or by any person(s) on his/her behalf during the period of the election campaign.

- c) The candidate(s) for elected office shall refrain from knowingly making false commitments or false promises which cannot be kept or place false hopes and expectations in the minds of the people.
- d) If a candidate for elected office is found to be in violation of subsection (a), (b), or (c), he/she shall be removed from the candidates list.
 - i) Any such allegations by a voter or candidate shall be in written form duly signed by the complainant and accompanied by a non refundable complainant fee of \$50.00 to the Electoral Officer as set out in this Act.
- e) In the event that subsection (a), (b), or (c), is violated, and subsection (d), is adhered to, the Appeal Committee shall investigate and rule on the validity of the allegation(s).
- f) The Electoral Officer may appoint an interpreter or interpreters to assist electors where required
- g) The Electoral Officer shall maintain order at all times during the voting and may cause the removal of any person or persons who in his/her opinion is disrupting or otherwise interfering with the voting.
- h) The hours of voting on Election Day will be from 9:00 am to 8:00 pm as described in Section 10 (j)

No change

- i) All voting shall be by secret ballot which will be placed in a locked ballot box as described in Sections 10, 11, 12 , 13, 14, 15, and 16 of this Act.
- j) The Polling stations for elections shall be at the locations specified by the Council.

No change

9) ELECTIONS PROCEDURE

Procedures on Election Day Shall be:

- a) The ballots, the polling station, and all facilities required are the responsibility of the Electoral Officer, including the supervision of the polling station.
- b) Voting will be in accordance with Sections 10, 11, 12, 13, 14, 15, and 16 of this Act.
- c) For the offices of Chief, the candidates having polled highest number of votes shall be declared the winner.
- d) For positions of Councillor the candidates having polled the top x highest number of votes shall be declared the winners.
- e) All candidates shall have the right to attend in person, or have designated a Srutineer to attend the counting of the ballots.
- f) Where the office of Chief and Councillor

becomes vacant more than four (4) months before the date when a general election would ordinarily be held, the Council of the White Bear First Nations may make a request in writing to the White Bear First Nations membership that a by election be held promptly with the following procedures:

- (i) The Electoral Officer shall not less than six (6) days prior to a nomination meeting post a notice in at least three (3) conspicuous places frequented by the electors, which notice shall indicate a specific time and place, where and when the said meeting will be held.
- (ii) The Electoral Officer shall immediately after the nomination meeting post a notice in three (3) conspicuous places frequented by the electors indicating the time and place where and when the poll will be held and the said notice shall clearly indicate that the by-election will be held six (6) days from the day of the nomination.
- (iii) Any White Bear First Nations

No change

No change

Member who is elected in a by-election shall be so elected as to run out that term.

(iv) By- elections will be run in accordance with this act

g) In the event that a majority of Chief and Council tender their resignation on the same date, then a special election shall be held in accordance with these procedures to fill the position of Chief and all x Council positions

10) MANNER IN WHICH VOTING WILL BE CARRIED OUT;

- a) The Electoral Officer shall prepare a voter's list containing the names, in alphabetical order, of all electors.
- b) The Electoral officer shall post one or more copies of the voter's list in a conspicuous place, and at the polling stations on the day of the vote.
- c) Any elector may apply to have the voter's list revised on the ground that the name of an elector is incorrectly set out therein or the name of a person not qualified to vote is included therein.
- d) If the electoral officer is satisfied that a list should be corrected, he shall make the necessary correction

No change

therein.

- e) Ballot papers shall be prepared in the prescribed form containing the names of candidates for chief and councillors; which names shall be listed on the ballot papers in alphabetical order.
- f) Any candidate who has been nominated may withdraw at any time after his or her nomination, but not later than 48 hours before opening of the poll, by filing with the electoral officer a written withdrawal of his or her nomination, signed by himself in the presence of the electoral officer or deputy electoral officer, and any votes cast for such candidates shall be null and void.
- g) The electoral officer shall, procure or cause to be procured as many ballot boxes as there are polling places and shall cause to be prepared a sufficient number of ballot papers for the purpose of the election.
- h) The electoral officer shall, before the polling place is open, cause to be delivered to his deputy, the ballot papers, materials for marking the ballot papers, and a sufficient number of directions-for-voting as may be prescribed.
- i) The electoral officer or the deputy shall provide a compartment at each polling place where the electors can mark their ballot papers free from observation and he may appoint a constable to maintain order at such

No change

polling place.

- j) The poll shall be kept open from 9 o'clock in the forenoon until 8 o'clock in the afternoon of the same day, but where it appears to the electoral officer that it would be inconvenient to the electors to have the polls closed at 8 o'clock he may order that it be kept open until not later than 8 o'clock of the afternoon of the same day.
- k) A candidate shall be entitled to not more than two scrutineers in a polling place at any one time.
- l) Voting at all elections shall be by ballot in the manner set forth in section 10.
- m) The electoral officer of the deputy shall, immediately before the commencement of the poll open the ballot box and call such persons as may be present to witness that it is empty; he shall then lock and properly seal the box to prevent it being opened without breaking the seal and shall place it in view for the reception of the ballots, and the seal shall not be broken nor the box unlocked during the time appointed for the taking the poll.
- n) At the request of any candidate or his or her scrutineer or any elector, an oath or affirmation in the form prescribed as to his or her rights to vote shall be administered to any person tendering his or her vote at

No change

any election.

11) MAIL IN BALLOTS

(a) Subject to section 10(e), the electoral officer shall prepare ballots setting out:

- (i) the names of the candidates nominated for election as chief, in alphabetical order; and
- (ii) the names of the candidates nominated for election as councillors, in alphabetical order.

(b) Where two or more candidates have the same name, the electoral officer shall add to the ballots such additional information as is necessary to distinguish between those candidates.

(c) At least 35 days before the day on which an election is to be held, the electoral officer shall mail, to every elector who does not reside within the Province of Saskatchewan. Or on the reserve if so requested by the elector, a package consisting of:

- (i) a ballot, initialled on the back by the electoral officer;
- (ii) an outer; postage-paid return envelope, Pre-addressed to the electoral officer.
- (iii) a second, inner envelope marked “Ballot” for insertion of the completed ballot;

No change

- (iv) a voter declaration form;
- (v) a letter of instructions regarding voting by mail in ballot
- (vi) a statement ; identifying the location of all polling places, and advising the elector that he or she may vote in person at a polling place on the day of the election in accordance with subsection 6(3) in lieu of voting by mail-in ballot; and
- (vii) a list of the names of any candidates who were acclaimed.

(d) At the request of an elector who resides on the reserve, the electoral officer shall provide a package referred to in subsection (c) to that elector.

(e) (i) the electoral officer shall indicate on the voters list that a ballot has been provided to each elector to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the addresses to which, each mail-in ballot was mailed.

(ii) An elector may vote by mail-in ballot by:

- (a) marking the ballot by placing a cross, check mark or other mark, that clearly indicates the elector's choice but does not identify the elector, opposite the name of the candidate or

No change

candidates for whom he or she desires to vote;

(b) folding the ballot in a manner that conceals the names of the candidates and any marks but exposes the electoral officer's initials on the back;

(c) placing the ballot in the inner envelope and sealing that envelope;

(d) completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;

(e) placing the inner envelope and the completed voter declaration form in the outer envelope; and

(f) Delivering or, subject to subsection (6,7) , mailing the mail-in ballot to the electoral officer before the time at which the polls close on the day of the election.

(iii) Where an elector is unable to vote in the manner set out in subsection (6.2), the elector may enlist assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that subsection.

(iv) A witness referred to in paragraph (5.2) (d) shall attest to.

(a) the fact that the person completing and signing the voter declaration form is the person whose

a) The newly elected Chief and Councilors shall take office immediately after the day of election, and after taking an oath of office.

d) For the issue of consideration, base salaries for Chief and Council will be at four (4) thousand dollars per month. This figure should be incorporated into any political operation budgets and addressed by finance.

No change

name is set out in the form; or

(b) Where the elector enlisted the assistance of another person under subsection (6.3), the fact that the elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the elector.

(v) An elector who inadvertently spoils a mail-in ballot may obtain another ballot by returning the spoiled ballot to the electoral officer.

(vi) An elector who loses a mail-in ballot may obtain another ballot by delivering to the electoral officer a written affirmation that the elector has lost the mail-in ballot, signed by the elector in the presence of the electoral officer, a justice of the peace, a notary public or a commissioner of oaths.

(vii) Mail-in ballots that are not received by the electoral officer before the time at which the polls close on the day of the election are void.

(viii) An elector to whom a mail-in ballot was mailed or provided under subsection (3) or (5) is not entitled to vote in person at a polling place other than in accordance with subsection (5.3).

(ix) The electoral officer shall establish at least one polling place on the reserve.

(F) An elector to whom a mail-in ballot was mailed or provided under subsection 3(4) or (6) may obtain a ballot and vote in person at a polling place if:

H) If at any time that an elected member of White Bear First Nations refuses or shows a dereliction of duty to his office or gross incompetence is perceived, the remaining elected officials will be tasked with taking a “vote of non confidence” on that member and thereby sign a BCR to have him/her removed.

No change

- (i) the elector returns the mail-in ballot to the electoral officer or deputy electoral officer ; or
- (ii) Where the elector has lost the mail-in ballot, the elector provides the electoral officer or deputy electoral officer with a written affirmation that the elector has lost the mail-in ballot signed by the elector in the presence of the electoral officer, deputy electoral officer, a justice of the peace, a notary public or a commissioner for oaths.

12) THE POLL

- (a) Where a person presents himself for the purpose of voting, the electoral officer or the deputy shall, if satisfied that the name of such person is entered on the voter's list at the polling place, provide him or her with a ballot paper on which to register his or her vote.
- (b) The electoral officer or the deputy shall cause to be placed in the proper column of the voter's list a mark opposite the name of every voter receiving a ballot paper.
- (c) No person who has refused to take oath or affirmation referred to in subsection 10(n) when requested to do so shall receive a ballot paper or be permitted to vote.
- (d) The electoral officer or deputy may and when requested to do so explain the mode of voting to a voter.
- (e) Each person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his or her ballot paper by placing a cross opposite the name of the candidate or candidates for whom he or she desires to vote; he or she shall then fold the ballot paper 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 electoral officer or deputy, and on leaving the compartment shall forthwith deliver the ballot paper to the electoral officer or

No change

deputy, who shall without unfolding the ballot paper, verify his or her initials and at once deposit it in the ballot box in the presence of the voter and all other persons entitled to be present in the polling place.

(f) While any voter is in the compartment for the purpose of making his or her marking his or her ballot paper, no other person shall, except as provided in subsection (g), be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his or her ballot paper.

(g) The electoral officer or deputy, on application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by subsection (e) or requests an interpreter as described in section 8(f), shall assist such voter by marking his ballot paper in the manner directed by the voter in the presence of the Deputy Electoral Officer of the candidates in the polling place and of no other person, and place such ballot in the ballot box.

(h) The electoral officer or the deputy shall state in the voter's list in the column for remarks opposite the name of such elector the fact that the ballot paper was marked by him at the request of the voter and the reasons therefore.

(i) A voter who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used shall, shall upon returning it to the electoral officer or deputy, be entitled to obtain another ballot paper, and the electoral officer or deputy shall there upon write the word "cancelled" upon the spoiled ballot paper and preserve it.

(j) Any person who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the electoral officer or deputy, in the manner provided, or if, after receiving the ballot paper, refuses to vote, shall forfeit his right to vote at the election, and the electoral officer or deputy

shall make an entry in the voter's list in the column for remarks opposite the name of such person to show that such person received the ballot paper and declines to vote, and the electoral officer or deputy shall mark upon the face of the ballot the word "declined", and all ballot papers so marked shall be preserved.

(k) An elector whose name does not appear on the voter's list may vote at an election if the electoral officer or deputy is satisfied that such person is qualified to vote.

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

13) SECRECY OF VOTING

(a) Every person in attendance at polling or at counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(b) No person shall interfere or attempt to interfere with a voter when marking his or her 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.

(c) The Council or electoral officer, with Council consent. May make such orders and issue such instructions as he or she may deem necessary from time to time for the effective administration of section 15.

14) TIME AND PLACE FOR BALLOT COUNTING

At a time and place designated by Council, the electoral officer or deputy shall, in the presence of such of the candidates or their scrutineers as may be present, open the ballot box or boxes and;

- (a) examine the ballot papers and reject all ballot papers:
- (i) that have not been supplied by him or her,
 - (ii) by which votes have given more candidates than are to be elected.
 - (iii) Upon which anything appears by which the voter can be identified, but no word, letter, or marks written or made or omitted other than those written or made by the electoral officer or deputy on the ballot paper shall be void or warrant its rejection.
- (b) declares a ballot paper containing the names of candidates for more than one office, on which votes are given for more candidates for any office greater than 12 candidates is not a valid ballot or less than 12 candidates would be considered a valid ballot.
- (c) subject to review on account or on an election appeal, take a note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide any questions arising out of the objection.
- (d) number such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with his or her initials.
- (e) count the votes given for each candidate from the ballot papers not rejected and make a written statement of the number of votes given to each candidate and the number of ballot papers rejected and counted by him or her, which statement shall be then signed by him or her and such other persons authorized to be present as may desire to sign the statement.

**15) DECLARATIONS OF RESULTS OF ELECTIONS
BY ELECTORAL OFFICER**

(i) Immediately after the completion of the counting of the votes the electoral officer shall publicly declare to be elected for Chief the candidate having polled the highest number of votes, and for Councillor, the candidates having polled the top x highest number of votes shall be declared the winners.

(ii) Where it appears that two or more candidates have an equal number of votes, the electoral officer shall give a casting vote for one or more of such candidates to break the tie, but the electoral officer shall not be entitled to vote in the election.

(iii)(a) The electoral officer shall prepare a statement in triplicate showing the total number of votes cast for each candidate, the number of rejected ballots and the names of the candidates duly declared elected.

(b) One copy of such statement shall be forwarded to the department of Indian Affairs.

(c) The statement shall be signed by the electoral officer and such of the candidates or their scrutineers as are present and desire to sign it.

16) DISPOSITION OF BALLOT PAPERS

The electoral officer shall deposit all ballot papers in sealed envelopes and retain them in his or her possession for ninety (90) days and unless otherwise directed to Council shall then destroy the ballot papers in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

17) APPEALS

The following procedures govern an appeal to the election

results.

(a) Any candidate or White Bear First Nations member may appeal the results of an election within thirty (30) days from the date of an election.

(b) Grounds for an appeal are restricted to:

(i) There was a corrupt practice in connection with the elections.

(ii) Illegal or criminal activity on the part of a candidate which might discredit the integrity of the government of the White Bear First Nations.

(iii) a person nominated to be a candidate in the election was ineligible to be a candidate,

(iv) there was a violation of this Act that might have affected the results of the election,

(c) An Appeal must be in writing duly signed to the Electoral Officer and must contain details on the grounds upon which appeal is made and must include a non refundable \$100 dollar appeal fee.

(d) The Appeal Committee shall rule on whether to allow or disallow an appeal hearing. The Appeal Committee shall be appointed prior to the Nomination Meeting and shall consist of three (3) White Bear First Nations members and three (3) White Bear First Nations members as Alternatives.

(e) If it is determined there is sufficient evidence to warrant an appeal, the Appeal Committee may order a hearing and has 60 days to render a decision. An Appeal Committee member having to deal with an immediate family member shall excuse himself/herself and an Alternative shall be called upon.

(f) An appeal will take the form of a formal meeting consisting of:

(i) Electoral Officer, and

(ii) Appeal Committee

(g) The decision of the Appeal Committee defined in Section

20, subsection (d) and (e), shall represent the final decision regarding the election, the hearing shall:

- (i) uphold the election,
- (ii) Order a new election for the position(s) appealed only.

18) ASSUMPTION OF OFFICE

The procedure for assumption of office shall be:

- (a) The newly elected Chief and Councillors shall take office exactly____ days after the day of election, and after taking an Oath of Office.
- (b) There shall be a formal meeting of the former Chief and Council within seven (7) days after the election, for the purpose of providing a thorough briefing by the former leaders on all matters affecting the White Bear First Nations and White Bear First Nations membership to assure an orderly transition to the new leadership.
- (c) Any Band member who is a civil servant of any level of non – White Bear First Nation’s government who is successful in being elected to office must resign from their employment immediately.
- d) For the issue of consideration. Base salaries for Chief and Council will be at four (4) thousand dollars per month. This figure should be incorporated into any political budgets and addressed by finance.

19) STANDARDS OF CONDUCT BY CHIEF AND COUNCILLORS

The elected Chief and Councillors, as trustees of all White Bear First Nations members, their cultures, their languages, their treaties and lands shall:

- (a) Provide credible and strong leadership which a majority of

White Bear First Nations members can respect and support. Communicate and consult with, to hear and act on concerns and matters which affect White Bear First Nations members.

- (b) Demonstrate and practise fairness, honesty and integrity.
- (c) Demonstrate and practise honour, respect, justice and acceptable conduct at all times and uphold honesty by consistently working towards the elimination of rumour, deceit, distortion and conflict while holding elected office.
- (d) Enhance and safeguard the Treaties and Treaty Rights.
- (e) Ensure all White Bear First Nations laws and regulations are followed and are consistent with the Inherent Rights of First Nations and the Spirit and Intent of Treaty Rights.
- (f) Communicate and inform the White Bear First Nations membership of all matters and ensure the people are aware of any initiative through written reports every six (6) months and a general membership meeting to be held annually at a minimum.
- (g) Attend and remain at all official meetings called by the White Bear First Nations membership of Chief and Council.
- (h) If at any time that an elected member of White Bear First Nations refuses or shows a dereliction of duty to his office or gross incompetence is perceived, the remaining elected officials will be tasked with taking a “vote of non-confidence” on that member and thereby sign a BCR to have him/her removed

20) OATH OF OFFICE AS A MEMBER OF COUNCIL

The elected Chief and Councillors shall verbally state and sign an affirmation of the following oaths;
As a member of the White Bear First nations Council,
I, _____, being a duly elected member of the White Bear First Nations Council do hereby acknowledge and affirm the

following:

- I will be motivated primarily by an earnest desire to serve the people of the White Bear First Nations to the best of my ability.
- I will endeavour to attend all council meetings.
- I will recognize that the expenditure of Band funds is a public trust, and I will endeavour to see that all such funds shall be expended, efficiently, economically and in the best interest of the White Bear First Nations.
- I will not use the White Bear First Nations or any White Bear First Nations program for my own personal advantage.
- I will do everything possible to maintain the integrity, confidence and dignity of the office of a White Bear First Nations council member.
- I will listen to what other council members, individuals or groups may have to say before making final decisions.
- I will endeavour to avoid hostility and bitterness, to observe proper decorum and behaviour, to encourage full and open discussions in all matters and not to withhold or conceal from my fellow council members any information or matter in which they should be concerned.
- I will make no disparaging remarks, in or out of the council meeting about other members of council or their opinions, but I reserve the right to make honest and respectful criticism.
- I will consider it unethical to pursue any procedure calculated to embarrass a fellow member of council, a member of the Administration staff or a member of the White Bear First Nations membership.
- I will endeavour to keep informed on all local, provincial and national developments of significance to the White Bear First Nations and its membership.
- I will earnestly try to interpret the people's needs of the entire White Bear First Nations and do my best to implement

actions to meet those needs, keeping in mind budget limitations of the White Bear First Nations.

21) REMOVAL FROM OFFICE

Once duly elected the Chief and Councillors represent and are therefore accountable to all White Bear First Nations members whereupon the office of Chief and Councillor becomes vacant when a person holding that office:

(a) Fails to uphold the Standards of Conduct as cited in Section 19, subsection (a) to (h) inclusive, of this Act.

(b) is absent from three (3) consecutive meetings without justifiable cause,

(c) dies or resigns his or her office

(d) brings disrespect and dishonour upon themselves, their office or other White Bear First Nations members through action(s) which is/are attributable to said Chief and Councillors,

(e) was found guilty of corrupt practise, accepting a bribe, dishonesty, or malfeasance by a Court of competent jurisdiction,

(f) is convicted of an indictable offence and has exhausted such appeals to appeal courts,

(g) engages in actions and behaviour to the extent which causes failure to uphold the Standards of Conduct and Oath of Office as set out in this Act.

22) CONFLICT OF INTEREST

(a) Any person who holds an office of Chief and Councillor shall not use that office for personal gain for him or herself nor for his family's gain to the detriment of the interests of the White Bear First Nations.

(b) The elected officials of the White Bear First Nations shall not be in a Conflict of Interest respecting employment and contractual arrangements which may affect the duties and integrity of their office.

(c) For the purposes of this Act “Family” shall mean those living in the person’s household.

(d) “Personal Gain” also applies a council member that could benefit financially from or be adversely affected financially by a decision of council.

23) PUBLIC MEETINGS

There shall be a minimum of one (1) White Bear First Nations General Membership meetings per calendar year, or as deemed necessary by a majority of the White Bear First Nations membership

24) AMENDMENTS

Amendments can be made to this Act, from time to time, by resolution of the Council indicating the amendment required. A White Bear First Nations General Membership meeting shall then be held for presentation of the amended Act to the band membership, for the discussion, review and acceptance by the majority present of the resolution for amendment.

--	--	--

Election Act
The White Bear First Nations
Draft for Discussion Purposes

Original “Draft Act”	Proposed Amendments	Rationale
<p>1)TITLE This act shall be cited as the White Bear First Nations Election Act.</p>	<p>TITLE 1) This act shall be cited as the White Bear First Nation Election Act.</p>	
<p>2)INTERPRETATION In this Act: A) “White Bear First Nation” shall mean all those band members eligible to be registered in the White Bear First Nations No. 70 registry. B) “Appeal Committee” shall mean a committee consisting of three (3) persons appointed by Council, by which persons shall not participate or be involved in the election process in any manner. The persons appointed are appointed for the purposes of dealing with any appeal from any of the matters related to the elections as set out herein including any additional election procedures resulting from any appeal. C) “Alternate” shall mean any band member appointed by the Council as an alternate to any committee.</p>	<p>Deleted: Whatsoever, including, but not limited to not being an electoral officer or assistant to the electoral officer, agent, candidate, and may not be involved in working for or on behalf of any candidate from the time the elections is called to the date of the voting.</p>	

D) "Band Member" shall mean any treaty Indian registered as a member of the White Bear First Nation in accordance with the Registrar of Indian Studies and membership which is prescribed by treaty and maintained by the Crown as represented by the Government of Canada and/or as may be established and maintained by the White Bear First Nations from time to time.

E) "Chief" shall mean an elected representative of the White Bear First Nations as defined by this Act.

F) "Councillor" shall mean an elected representative of the White Bear First Nations as defined by this Act.

G) "Council" shall mean those elected representatives as defined by this Act.

H) "Deputy Electoral Officer" shall mean a non band member appointed by Council to be an assistant to the Electoral Officer to govern and conduct the election procedures as defined by this Act.

I) "Election" shall mean the election of elected leaders of the White Bear First Nations as defined by this Act.

J) "Election Committee" shall mean those band members appointed by the Council to monitor elections.

K) "Elector" shall mean any registered member of the White Bear First Nations meeting the age requirements of this Act.

L) "Electoral Officer" shall mean the person appointed by the Council to prepare, post, and amend the elector's list and to govern and conduct procedures of elections or appeals as defined by this Act.

M) "Scrutineer" means a person appointed in writing by a candidate during the voting procedure and during the counting of ballots. Written appointment of the scrutineer by the candidate shall be delivered to the electoral officer 48 hours prior to the date of the election.

No change

Added:

N) "Recall" an act of officially recalling or order someone or something to return.

O) "Eligibility" see section 3 of this act.

P) "Allegations" a claim that someone has done something illegal or wrong in accordance with this act.

Q) "Incompetence" not skilful enough to do something successfully

- N) "Recall" an act of officially recalling or order someone or something to return.
- O) "Eligibility" see section 3 of this act
- P) "Allegations" a claim that someone has done something illegal or wrong in accordance with this act.
- Q) "Incompetence" not skilful enough to do something successfully

3) ELIGIBILITY

For the Purposes of this Act shall be defined as residency as follows: for **member to vote**

- m) Any Band member is eligible to vote for the elections of Chief and Council of the White Bear First Nations who has reached the age of 18 as of the day of the elections.
- n) All band members who meet the proper age requirement are entitled to vote.

Members to be candidates must fit the following:

- o) A candidate for the position of "Chief" must be 18 years of age as of the day of the election.
- p) A Candidate for the position of "Chief" must be a registered member of the White Bear First Nations as defined and/or as may be established and maintained by White Bear First Nations membership from time to time.
- q) A Candidate for the position of "Councilor" must be

Separated a and b for member to vote

Separate and added members to be candidates must fit the following c to l

Added:

- k) Any candidate wishing to run in the elections must have resided in the community of White Bear First Nations for the previous six (6) months.**
- l) Any candidate wishing to run in the elections for White Bear Chief and Council must possess the following qualifications**

Still must define Urban Representation through election or political appointment

<p>18 years of age as of the day of election.</p> <p>r) A candidate for the position of “Councilor” must be a registered member of the White Bear First Nations as defined and/or as may be established and maintained by White Bear First Nations legislation from time to time.</p> <p>s) A candidate shall only run for one (1) position, either Chief or Council, not both.</p> <p>t) A candidate for either Chief or Councilor shall be a band member meeting all requirements as set out in this Act.</p> <p>u) Any candidate who is running for office is not eligible, who is fraudulent of criminal in his/her actions to gain elector’s support.</p> <p>v) Any candidate running for office must abide by all regulations and Standards of Conduct set out in this Act.</p> <p>w) Any candidate wishing to run in the elections must have resided in the community of White Bear First Nation for the previous six (6) months.</p> <p>x) Any candidate wishing to run in the elections for White Bear Chief and Council must possess the following qualifications: minimum of Grade 10 or equivalent and must provide a CPIC from the local</p>	<p>minimum of Grade 10 or equivalent and must provide a CPIC from the local RCMP detachment for consideration.</p> <p>4)TERMS OF OFFICE The terms of office of the White Bear First Nations shall be. a) The Term of Office for the position of Chief shall be for three (3) years. b) The Term of Office for the position of Councillor shall be for three (3) years.</p> <p>d) The above being represented by thirteen (13) elected representatives as identified:</p> <ul style="list-style-type: none"> (i) One (1) Chief (ii) Twelve (12) Councillors (iii) With a quorum set at nine (9) councillors including the Chief <p>b) Not less than sixty (60) days in advance of any elections , the Council of the White Bear First Nations will appoint by resolution one (1) Electoral officer and one (1) Deputy</p>	<p>Provides longer term for established continuity</p> <p>Same as before but fills the blanks</p> <p>60 days will allow for all necessary documentation and meeting to be put in place.</p>
---	---	--

<p>RCMP detachment for consideration.</p> <p>4) TERMS OF OFFICE The terms of office of the White Bear First nations shall be.</p> <ul style="list-style-type: none"> d) The Term of Office for the position of Chief shall be for three (3) years. e) The Term of office `for the position `of Councilor shall be for three (3) years f) The Term of Office for the Chief and Council are subject to the regulations and Standards of Conduct as set out in this Act. <p>5) COMPOSITION OF WHITE BEAR NATIONS GOVERNMENT</p> <p>The White Bear First Nations Government shall consist of:</p> <ul style="list-style-type: none"> c) The total of White Bear First Nations membership. d) The above being represented by Thirteen (13) elected representatives as identified: <ul style="list-style-type: none"> (i) One (1) Chief (ii) Twelve (12) Councillors (iii) With a quorum set at nine (9) councillors Including the Chief. <p>6) ELECTION PROCEDURES</p> <p>Procedures governing all White Bear First Nations elections shall be:</p> <ul style="list-style-type: none"> c) Not less than sixty (60) days in advance of any 	<p>Electoral Officer</p> <p>(x) Must be granted access to the membership clerks address data base.</p> <p>Need clarification for (xi) to (xiii)</p>	<p>Mail out ballots for every elector</p>
--	---	--

<p>elections, the Council of the White Bear First Nations will appoint by resolution one (1) Electoral Officer and one(1) deputy Electoral Officer.</p> <p>d) The duties of the Electoral Officer shall be:</p> <ul style="list-style-type: none"> (xiv) The posting of all notices and the distribution of all election information pursuant to this Act. (xv) To preside as Chairman at the nomination meeting (xvi) To arrange for the facilities, to conduct a nomination meeting and the Election (xvii) To make all arrangements for the ballots and the ballot box (xviii) To preside on the day of the Election (xix) To examine and rule on the validity of all ballots cast. (xx) To count the ballots, announce, and post the official results publicly. (xxi) In the event of a tie, the Electoral Officer will be eligible to cast the deciding vote. (xxii) In the event, the Electoral Officer is unable to or unwilling to perform all the duties; the duties automatically become the 	<p>No change</p> <p>Deleted (viii) Council and the Electoral Officer may set a date for a public forum as to allow candidates of Chief and Councillor to give their platform address. The electoral officer shall make such rules as are reasonably necessary for the holding of a public forum and, in all case, the decision of the electoral officer shall be final, only electors as defined herein may attend this public forum.</p> <p>Deleted Tribunal and replaced with appeals committee</p> <p>Deleted: This tribunal shall be the “Appeals Committee” for the election.</p> <p>Deleted from (x) A White Bear First Nations member</p>	<p>Only committed individuals need apply, will help in weeding out the non serious candidates.</p>
---	--	---

responsibilities of the Deputy Electoral Officer who otherwise shall act as an assistant to the Electoral Officer.

- (xxiii) Must be granted access to the membership clerks address data base.
- (xxiv) Cost of election officials will be covered under the Electoral Officer's fees.
- (xxv) Need clarification
- (xxvi) Need clarification

7) NOMINATION MEETING

Not less than thirty (30) days prior to the due date of a election the Electoral officer shall post a Notice of a Nomination Meeting. The notice will contain all information with regards to the date and location of the meeting. This must take place fourteen (14) days in advance of the day of the election.

c) conduct of the Nomination Meeting shall be:

- (xvi) The Electoral Officer must preside
- (xvii) The nomination meeting shall remain open for nominations for a minimum of 8 hours.
- (xviii) All nominations shall be moved and seconded, and candidates nominated must agree to run for office.
- (xix) No elector may nominate or second more than (1)

No change

(xiii) All nominated candidates for Chief must post a non refundable fee of \$500.00 upon acceptance of their nomination.

(xiv) All nominated candidates for Councillor must post a non refundable fee of \$250.00 upon acceptance of their nomination.

(xv) There will be a non refundable nomination fee of \$50.00 for each name put forth as a candidate, payable upon submission from the nominator or seconder

Removed "or gifts monetary or otherwise"

**Removed "or gifts, monetary or otherwise"
Insert " knowingly"**

Change elector to voter and insert "by the complainant and accompanied by a non-refundable complainant fee of \$50.00"

<p>one individual for any elected position. This rule also applies to the seconder.</p> <p>(xx) Nominations for the positions of Chief and Council shall be declared open.</p> <p>(xxi) When the Electoral officer is satisfied there are no further nominations, a “Nominations Cease Motion” shall be deemed to be in order and carried upon a show of hands at the meeting indicating the majority of the assembly in favour.</p> <p>(xxii) The date of the election shall be set at the meeting and the Electoral Officer shall post notices at the Band Office and elsewhere as the Council directs.</p> <p>(xxiii) Authorization for advanced polls shall be coordinated by the Electoral Officer for employment, medical and educational purposes.</p> <p>(xxiv) Pursuant to Section 7(d) of this Act, an “Appeals Committee” shall be appointed by the council when the nomination date has been posted. They will also oversee the elections</p> <p>(xxv) Any individual that is in an intoxicated condition by being under the influence of alcohol and drugs at the meeting shall be disqualified from: a) Nominating any candidates, b) Seconding any nomination, c) Being a nominee for the election. The discretion and judgement of the condition of</p>	<p>Moved from section 9</p> <p>No change</p>	
---	--	--

the White Bear First Nations member by the Electoral Officer shall prevail. The White Bear First Nation's member shall be requested to leave the premises.

(xxvi) The Electoral Officer shall ensure that a peace and good order is maintained at all times for the duration of the meeting and may cause to remove any person who in his or her opinion is disrupting or otherwise interfering with the meeting.

(xxvii) Any candidate wishing to withdraw from running for office shall notify the Electoral Officer forty-eight (48) hours before the election by written notice.

(xxviii) All nominated candidates for Chief must post a non refundable fee of \$500.00 upon acceptance of their nomination

(xxix) All nominated candidates for Councilor must post a non refundable fee of \$250.00 upon acceptance of their nomination.

(xxx) There will be a non refundable nomination fee of \$50.00 for each name put forth as a candidate, payable upon submission from the nominator or seconder.

8) CONDUCT OF ELECTIONS

The conduct of elections shall be:

The following sections h to j were moved to 7 nominations.

Insert "iv) By elections will be run in accordance with this act "

- k) From the date of nomination to the day of election, no nominee for the position of Chief and Councillor shall engage in the use of any intoxicants or such chemicals for the purpose of gaining support for his/her electoral success.
- l) The candidate shall not knowingly engage any person(s) or condone the use of intoxicants or chemicals or by any person(s) on his/her behalf during the period of the election campaign.
- m) The candidate(s) for elected office shall refrain from knowingly making false commitments or false promises which cannot be kept or place false hopes and expectations in the minds of the people.
- n) If a candidate for elected office is found to be in violation of subsection (a), (b), or (c), he/she shall be removed from the candidates list.
 - i) Any such allegations by a voter or candidate shall be in written form duly signed by the complainant and accompanied by a non refundable complainant fee of \$50.00 to the Electoral Officer as set out in this Act.
- o) In the event that subsection (a), (b), or (c), is violated, and subsection (d), is adhered to, the Appeal Committee shall investigate and rule on the validity of the allegation(s).
- p) The Electoral Officer may appoint an interpreter or interpreters to assist electors where required

No change

- q) The Electoral Officer shall maintain order at all times during the voting and may cause the removal of any person or persons who in his/her opinion is disrupting or otherwise interfering with the voting.
- r) The hours of voting on Election Day will be from 9:00 am to 8:00 pm as described in Section 10 (j)
- s) All voting shall be by secret ballot which will be placed in a locked ballot box as described in Sections 10, 11, 12 , 13, 14, 15, and 16 of this Act.
- t) The Polling stations for elections shall be at the locations specified by the Council.

No change

9) ELECTIONS PROCEDURE

Procedures on Election Day Shall be:

- h) The ballots, the polling station, and all facilities required are the responsibility of the Electoral Officer, including the supervision of the polling station.
- i) Voting will be in accordance with Sections 10, 11, 12, 13, 14, 15, and 16 of this Act.
- j) For the offices of Chief, the candidates having polled highest number of votes shall be declared the winner.
- k) For positions of Councillor the candidates

having polled the top x highest number of votes shall be declared the winners.

l) All candidates shall have the right to attend in person, or have designated a Srutineer to attend the counting of the ballots.

m) Where the office of Chief and Councillor becomes vacant more than four (4) months before the date when a general election would ordinarily be held, the Council of the White Bear First Nations may make a request in writing to the White Bear First Nations membership that a by election be held promptly with the following procedures:

(i) The Electoral Officer shall not less than six (6) days prior to a nomination meeting post a notice in at least three (3) conspicuous places frequented by the electors, which notice shall indicate a specific time and place, where and when the said meeting will be held.

(ii) The Electoral Officer shall immediately after the nomination meeting post a notice in three (3) conspicuous places frequented by

No change

the electors indicating the time and place where and when the poll will be held and the said notice shall clearly indicate that the by-election will be held six (6) days from the day of the nomination.

(iii) Any White Bear First Nations Member who is elected in a by-election shall be so elected as to run out that term.

(iv) By- elections will be run in accordance with this act

n) In the event that a majority of Chief and Council tender their resignation on the same date, then a special election shall be held in accordance with these procedures to fill the position of Chief and all x Council positions

10) MANNER IN WHICH VOTING WILL BE CARRIED OUT;

o) The Electoral Officer shall prepare a voter's list containing the names, in alphabetical order, of all electors.

p) The Electoral officer shall post one or more copies of the voter's list in a conspicuous place, and at the

No change

polling stations on the day of the vote.

- q) Any elector may apply to have the voter's list revised on the ground that the name of an elector is incorrectly set out therein or the name of a person not qualified to vote is included therein.
- r) If the electoral officer is satisfied that a list should be corrected, he shall make the necessary correction therein.
- s) Ballot papers shall be prepared in the prescribed form containing the names of candidates for chief and councillors; which names shall be listed on the ballot papers in alphabetical order.
- t) Any candidate who has been nominated may withdraw at any time after his or her nomination, but not later than 48 hours before opening of the poll, by filing with the electoral officer a written withdrawal of his or her nomination, signed by himself in the presence of the electoral officer or deputy electoral officer, and any votes cast for such candidates shall be null and void.
- u) The electoral officer shall, procure or cause to be procured as many ballot boxes as there are polling places and shall cause to be prepared a sufficient number of ballot papers for the purpose of the election.
- v) The electoral officer shall, before the polling place is open, cause to be delivered to his deputy, the ballot

No change

papers, materials for marking the ballot papers, and a sufficient number of directions-for-voting as may be prescribed.

- w) The electoral officer or the deputy shall provide a compartment at each polling place where the electors can mark their ballot papers free from observation and he may appoint a constable to maintain order at such polling place.
- x) The poll shall be kept open from 9 o'clock in the forenoon until 8 o'clock in the afternoon of the same day, but where it appears to the electoral officer that it would be inconvenient to the electors to have the polls closed at 8 o'clock he may order that it be kept open until not later than 8 o'clock of the afternoon of the same day.
- y) A candidate shall be entitled to not more than two scrutineers in a polling place at any one time.
- z) Voting at all elections shall be by ballot in the manner set forth in section 10.
- aa) The electoral officer or the deputy shall, immediately before the commencement of the poll open the ballot box and call such persons as may be present to witness that it is empty; he shall then lock and properly seal the box to prevent it being opened without breaking the seal and shall place it in view for the reception of the ballots, and the seal shall not be broken nor the box

No change

<p>electoral officer;</p> <p>(ii) an outer; postage-paid return envelope, Pre-addressed to the electoral officer.</p> <p>(iii) a second, inner envelope marked “Ballot” for insertion of the completed ballot;</p> <p>(iv) a voter declaration form;</p> <p>(v) a letter of instructions regarding voting by mail in ballot</p> <p>(vi) a statement ; identifying the location of all polling places, and advising the elector that he or she may vote in person at a polling place on the day of the election in accordance with subsection 6(3) in lieu of voting by mail-in ballot; and</p> <p>(vii) a list of the names of any candidates who were acclaimed.</p> <p>(d) At the request of an elector who resides on the reserve, the electoral officer shall provide a package referred to in subsection (c) to that elector.</p> <p>(e) (i) the electoral officer shall indicate on the voters list that a ballot has been provided to each elector to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the addresses to which, each mail-in</p>	<p>No change</p>	
--	------------------	--

ballot was mailed.

(ii) An elector may vote by mail-in ballot by:

- (g) marking the ballot by placing a cross, check mark or other mark, that clearly indicates the elector's choice but does not identify the elector, opposite the name of the candidate or candidates for whom he or she desires to vote;
- (h) folding the ballot in a manner that conceals the names of the candidates and any marks but exposes the electoral officer's initials on the back;
- (i) placing the ballot in the inner envelope and sealing that envelope;
- (j) completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;
- (k) placing the inner envelope and the completed voter declaration form in the outer envelope; and
- (l) Delivering or, subject to subsection (6,7) , mailing the mail-in ballot to the electoral officer before the time at which the polls close on the day of the election.

(iii) Where an elector is unable to vote in the manner set out in subsection (6.2), the elector may enlist assistance of another

a) The newly elected Chief and Councilors shall take office immediately after the day of election, and after taking an oath of office.

d) For the issue of consideration, base salaries for Chief and Council will be at four (4) thousand dollars per month. This figure should be incorporated into any political operation budgets and addressed by finance.

No change

person to mark the ballot and complete and sign the voter declaration form in accordance with that subsection.

(iv) A witness referred to in paragraph (5.2) (d) shall attest to.

(c) the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; or

(d) Where the elector enlisted the assistance of another person under subsection (6.3), the fact that the elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the elector.

(v) An elector who inadvertently spoils a mail-in ballot may obtain another ballot by returning the spoiled ballot to the electoral officer.

(vi) An elector who loses a mail-in ballot may obtain another ballot by delivering to the electoral officer a written affirmation that the elector has lost the mail-in ballot, signed by the elector in the presence of the electoral officer, a justice of the peace, a notary public or a commissioner of oaths.

(vii) Mail-in ballots that are not received by the electoral officer before the time at which the polls close on the day of the election are void.

(viii) An elector to whom a mail-in ballot was mailed or provided under subsection (3) or (5) is not entitled to vote in person at a polling place other than in accordance with subsection (5.3).

(ix) The electoral officer shall establish at least one polling

H) If at any time that an elected member of White Bear First Nations refuses or shows a dereliction of duty to his office or gross incompetence is perceived, the remaining elected officials will be tasked with taking a “vote of non confidence” on that member and thereby sign a BCR to have him/her removed.

place on the reserve.

(F) An elector to whom a mail-in ballot was mailed or provided under subsection 3(4) or (6) may obtain a ballot and vote in person at a polling place if:

(i) the elector returns the mail-in ballot to the electoral officer or deputy electoral officer ; or

(ii) Where the elector has lost the mail-in ballot, the elector provides the electoral officer or deputy electoral officer with a written affirmation that the elector has lost the mail-in ballot signed by the elector in the presence of the electoral officer, deputy electoral officer, a justice of the peace, a notary public or a commissioner for oaths.

12) THE POLL

(a) Where a person presents himself for the purpose of voting, the electoral officer or the deputy shall, if satisfied that the name of such person is entered on the voter's list at the polling place, provide him or her with a ballot paper on which to register his or her vote.

(b) The electoral officer or the deputy shall cause to be placed in the proper column of the voter's list a mark opposite the name of every voter receiving a ballot paper.

(c) No person who has refused to take oath or affirmation referred to in subsection 10(n) when requested to do so shall receive a ballot paper or be permitted to vote.

(d) The electoral officer or deputy may and when requested to do so explain the mode of voting to a voter.

(e) Each person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his or her ballot paper by placing a cross opposite the name of the candidate or candidates for whom he or she

No change

desires to vote; he or she shall then fold the ballot paper 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 electoral officer or deputy, and on leaving the compartment shall forthwith deliver the ballot paper to the electoral officer or deputy, who shall without unfolding the ballot paper, verify his or her initials and at once deposit it in the ballot box in the presence of the voter and all other persons entitled to be present in the polling place.

(f) While any voter is in the compartment for the purpose of making his or her marking his or her ballot paper, no other person shall, except as provided in subsection (g), be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his or her ballot paper.

(g) The electoral officer or deputy, on application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by subsection (e) or requests an interpreter as described in section 8(f), shall assist such voter by marking his ballot paper in the manner directed by the voter in the presence of the Deputy Electoral Officer of the candidates in the polling place and of no other person, and place such ballot in the ballot box.

(h) The electoral officer or the deputy shall state in the voter's list in the column for remarks opposite the name of such elector the fact that the ballot paper was marked by him at the request of the voter and the reasons therefore.

(i) A voter who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used shall, shall upon returning it to the electoral officer or deputy, be entitled to obtain another ballot paper, and the electoral officer or deputy shall there upon write the word "cancelled" upon the spoiled ballot paper and preserve it.

No change

(j) Any person who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the electoral officer or deputy, in the manner provided, or if, after receiving the ballot paper, refuses to vote, shall forfeit his right to vote at the election, and the electoral officer or deputy shall make an entry in the voter's list in the column for remarks opposite the name of such person to show that such person received the ballot paper and declines to vote, and the electoral officer or deputy shall mark upon the face of the ballot the word "declined", and all ballot papers so marked shall be preserved.

(k) An elector whose name does not appear on the voter's list may vote at an election if the electoral officer or deputy is satisfied that such person is qualified to vote.

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

13) SECRECY OF VOTING

(a) Every person in attendance at polling or at counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(b) No person shall interfere or attempt to interfere with a voter when marking his or her 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.

(c) The Council or electoral officer, with Council consent. May make such orders and issue such instructions as he or she may deem necessary from time to time for the effective administration of section 15.

14) TIME AND PLACE FOR BALLOT COUNTING

At a time and place designated by Council, the electoral officer or deputy shall, in the presence of such of the candidates or their scrutineers as may be present, open the ballot box or boxes and;

(a) examine the ballot papers and reject all ballot papers:

(i) that have not been supplied by him or her,

(ii) by which votes have given more candidates than are to be elected.

(iii) Upon which anything appears by which the voter can be identified, but no word, letter, or marks written or made or omitted other than those written or made by the electoral officer or deputy on the ballot paper shall be void or warrant its rejection.

(b) declares a ballot paper containing the names of candidates for more than one office, on which votes are given for more candidates for any office greater than 12 candidates is not a valid ballot or less than 12 candidates would be considered a valid ballot.

(c) subject to review on account or on an election appeal, take a note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide any questions arising out of the objection.

(d) number such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with his or her initials.

(e) count the votes given for each candidate from the ballot papers not rejected and make a written statement of the number of votes given to each candidate and the number of ballot papers rejected and counted by him or her, which statement shall be then signed by him or her and such other persons authorized to be present as may desire to sign the

statement.

**15) DECLARATIONS OF RESULTS OF ELECTIONS
BY ELECTORAL OFFICER**

(i) Immediately after the completion of the counting of the votes the electoral officer shall publicly declare to be elected for Chief the candidate having polled the highest number of votes, and for Councillor, the candidates having polled the top x highest number of votes shall be declared the winners.

(ii) Where it appears that two or more candidates have an equal number of votes, the electoral officer shall give a casting vote for one or more of such candidates to break the tie, but the electoral officer shall not be entitled to vote in the election.

(iii)(a) The electoral officer shall prepare a statement in triplicate showing the total number of votes cast for each candidate, the number of rejected ballots and the names of the candidates duly declared elected.

(b) One copy of such statement shall be forwarded to the department of Indian Affairs.

(c) The statement shall be signed by the electoral officer and such of the candidates or their scrutineers as are present and desire to sign it.

16) DISPOSITION OF BALLOT PAPERS

The electoral officer shall deposit all ballot papers in sealed envelopes and retain them in his or her possession for ninety (90) days and unless otherwise directed to Council shall then destroy the ballot papers in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

17) APPEALS

The following procedures govern an appeal to the election results.

- (a) Any candidate or White Bear First Nations member may appeal the results of an election within thirty (30) days from the date of an election.
- (b) Grounds for an appeal are restricted to:
 - (i) There was a corrupt practice in connection with the elections.
 - (ii) Illegal or criminal activity on the part of a candidate which might discredit the integrity of the government of the White Bear First Nations.
 - (iii) a person nominated to be a candidate in the election was ineligible to be a candidate,
 - (iv) there was a violation of this Act that might have affected the results of the election,
- (c) An Appeal must be in writing duly signed to the Electoral Officer and must contain details on the grounds upon which appeal is made and must include a non refundable \$100 dollar appeal fee.
- (d) The Appeal Committee shall rule on whether to allow or disallow an appeal hearing. The Appeal Committee shall be appointed prior to the Nomination Meeting and shall consist of three (3) White Bear First Nations members and three (3) White Bear First Nations members as Alternatives.
- (e) If it is determined there is sufficient evidence to warrant an appeal, the Appeal Committee may order a hearing and has 60 days to render a decision. An Appeal Committee member having to deal with an immediate family member shall excuse himself/herself and an Alternative shall be called upon.

(f) An appeal will take the form of a formal meeting consisting of:

(i) Electoral Officer, and

(ii) Appeal Committee

(g) The decision of the Appeal Committee defined in Section 20, subsection (d) and (e), shall represent the final decision regarding the election, the hearing shall:

(i) uphold the election,

(ii) Order a new election for the position(s) appealed only.

18) ASSUMPTION OF OFFICE

The procedure for assumption of office shall be:

(a) The newly elected Chief and Councillors shall take office exactly ____ days after the day of election, and after taking an Oath of Office.

(b) There shall be a formal meeting of the former Chief and Council within seven (7) days after the election, for the purpose of providing a thorough briefing by the former leaders on all matters affecting the White Bear First Nations and White Bear First Nations membership to assure an orderly transition to the new leadership.

(c) Any Band member who is a civil servant of any level of non – White Bear First Nation’s government who is successful in being elected to office must resign from their employment immediately.

d) For the issue of consideration. Base salaries for Chief and Council will be at four (4) thousand dollars per month. This figure should be incorporated into any political budgets and addressed by finance.

19) STANDARDS OF CONDUCT BY CHIEF AND COUNCILLORS

The elected Chief and Councillors, as trustees of all White Bear First Nations members, their cultures, their languages, their treaties and lands shall:

- (a) Provide credible and strong leadership which a majority of White Bear First Nations members can respect and support. Communicate and consult with, to hear and act on concerns and matters which affect White Bear First Nations members.
- (b) Demonstrate and practise fairness, honesty and integrity.
- (c) Demonstrate and practise honour, respect, justice and acceptable conduct at all times and uphold honesty by consistently working towards the elimination of rumour, deceit, distortion and conflict while holding elected office.
- (d) Enhance and safeguard the Treaties and Treaty Rights.
- (e) Ensure all White Bear First Nations laws and regulations are followed and are consistent with the Inherent Rights of First Nations and the Spirit and Intent of Treaty Rights.
- (f) Communicate and inform the White Bear First Nations membership of all matters and ensure the people are aware of any initiative through written reports every six (6) months and a general membership meeting to be held annually at a minimum.
- (g) Attend and remain at all official meetings called by the White Bear First Nations membership of Chief and Council.
- (h) If at any time that an elected member of White Bear First Nations refuses or shows a dereliction of duty to his office or gross incompetence is perceived, the remaining elected officials will be tasked with taking a “vote of non-confidence” on that member and thereby sign a BCR to have him/her removed

20) OATH OF OFFICE AS A MEMBER OF COUNCIL

The elected Chief and Councillors shall verbally state and sign an affirmation of the following oaths;

As a member of the White Bear First nations Council,
I, _____, being a duly elected member of the White Bear First Nations Council do hereby acknowledge and affirm the following:

- I will be motivated primarily by an earnest desire to serve the people of the White Bear First Nations to the best of my ability.
- I will endeavour to attend all council meetings.
- I will recognize that the expenditure of Band funds is a public trust, and I will endeavour to see that all such funds shall be expended, efficiently, economically and in the best interest of the White Bear First Nations.
- I will not use the White Bear First Nations or any White Bear First Nations program for my own personal advantage.
- I will do everything possible to maintain the integrity, confidence and dignity of the office of a White Bear First Nations council member.
- I will listen to what other council members, individuals or groups may have to say before making final decisions.
- I will endeavour to avoid hostility and bitterness, to observe proper decorum and behaviour, to encourage full and open discussions in all matters and not to withhold or conceal from my fellow council members any information or matter in which they should be concerned.
- I will make no disparaging remarks, in or out of the council meeting about other members of council or their opinions, but I reserve the right to make honest and respectful criticism.
- I will consider it unethical to pursue any procedure calculated to embarrass a fellow member of council, a member of the Administration staff or a member of the White Bear First Nations membership.

- I will endeavour to keep informed on all local, provincial and national developments of significance to the White Bear First Nations and its membership.

- I will earnestly try to interpret the people's needs of the entire White Bear First Nations and do my best to implement actions to meet those needs, keeping in mind budget limitations of the White Bear First Nations.

21) REMOVAL FROM OFFICE

Once duly elected the Chief and Councillors represent and are therefore accountable to all White Bear First Nations members whereupon the office of Chief and Councillor becomes vacant when a person holding that office:

(a) Fails to uphold the Standards of Conduct as cited in Section 19, subsection (a) to (h) inclusive, of this Act.

(b) is absent from three (3) consecutive meetings without justifiable cause,

(c) dies or resigns his or her office

(d) brings disrespect and dishonour upon themselves, their office or other White Bear First Nations members through action(s) which is/are attributable to said Chief and Councillors,

(e) was found guilty of corrupt practise, accepting a bribe, dishonesty, or malfeasance by a Court of competent jurisdiction,

(f) is convicted of an indictable offence and has exhausted such appeals to appeal courts,

(g) engages in actions and behaviour to the extent which causes failure to uphold the Standards of Conduct and Oath of Office as set out in this Act.

22) CONFLICT OF INTEREST

(a) Any person who holds an office of Chief and Councillor shall not use that office for personal gain for him or herself nor for his family's gain to the detriment of the interests of the White Bear First Nations.

(b) The elected officials of the White Bear First Nations shall not be in a Conflict of Interest respecting employment and contractual arrangements which may affect the duties and integrity of their office.

(c) For the purposes of this Act "Family" shall mean those living in the person's household.

(d) "Personal Gain" also applies a council member that could benefit financially from or be adversely affected financially by a decision of council.

23) PUBLIC MEETINGS

There shall be a minimum of one (1) White Bear First Nations General Membership meetings per calendar year, or as deemed necessary by a majority of the White Bear First Nations membership

24) AMENDMENTS

Amendments can be made to this Act, from time to time, by resolution of the Council indicating the amendment required. A White Bear First Nations General Membership meeting shall then be held for presentation of the amended Act to the band membership, for the discussion, review and acceptance by the majority present of the resolution for amendment.