

**CUSTOMARY ELECTION REGULATIONS
OF THE FORT MCMURRAY No. 468 FIRST
NATION**



Effective as of
May 31, 2014



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CUSTOMARY ELECTION REGULATIONS OF THE FORT MCMURRAY No. 468 FIRST NATION

PREAMBLE

WHEREAS the Fort McMurray No. 468 First Nation has the inherent Aboriginal right and Treaty right as a First Nation to govern relations among its Band Members and between the Fort McMurray No. 468 First Nation and other governments; and

WHEREAS the Aboriginal right of the Fort McMurray No. 468 First Nation to self-government was recognized and affirmed in Treaty No. 8 entered into between Her Majesty The Queen and the Fort McMurray No. 468 First Nation and confirmed by section 35 of the Constitution Act 1982; and

WHEREAS the current customs and traditions of the Fort McMurray No. 468 First Nation require democratic, fair, and open elections for the First Nation Council which is the governing authority of the Fort McMurray No. 468 First Nation; and

WHEREAS the customs, policies, and laws of the Fort McMurray No. 468 First Nation in regard to governance and the elections of the Chief and Council have been established with the consent and participation of the Band Members of the Fort McMurray No. 468 First Nation and are currently set out within the Customary Election Regulations of the Fort McMurray No. 468 First Nation, dated as of March 18, 1993 (the "1993 Regulations"); and

WHEREAS the Fort McMurray No. 468 First Nation, with the consent, approval and participation of its Band Members, deems it to be in its best interest to repeal and replace the 1993 Regulations with the Regulations outlined herein; and

WHEREAS the adoption of these Regulations is an exercise of the Aboriginal and Treaty right of the Fort McMurray No. 468 First Nation to self-government and nothing in the Regulations shall be construed as to abrogate or derogate from any Aboriginal and Treaty rights of the Fort McMurray No. 468 First Nation; and

WHEREAS on the 31st day of May 2014, a majority of the Electors who were present and voted by secret ballot at a Special General Meeting of the Electors approved these Regulations as outlined herein;

1. CITATION

The rules, procedures, and regulations outlined herein shall be cited as the Customary Election Regulations of the Fort McMurray No. 468 First Nation.

2. **DEFINITIONS**

For the purpose of these Regulations:

- 2.1 “**Appellant**” means an Elector who voted in the Election they are appealing and who submits a Notice of Appeal pursuant to section 15.2 of these Regulations.
- 2.2 “**Band Member**” means a person whose name appears on the First Nation Membership List.
- 2.3 “**By-election**” means an Election during the mandate of a Council held for the position of Chief or Councillor to replace persons who have died, resigned, or have been removed from these positions.
- 2.4 “**Candidate**” means an Elector who has been confirmed by the Electoral Officer as having been properly nominated.
- 2.5 “**Chief**” means the member of the “Council” elected to the office of Chief.
- 2.6 “**Confidential Information**” means:
 - (a) Information which could prejudice the First Nation’s negotiating or financial position if it became publically available;
 - (b) Information which was provided by a Band Member in confidence;
 - (c) Information about a Band Member in respect of which that Band Member had a reasonable expectation of privacy; and
 - (d) Information which is sought by one Band Member about another Band Member, except where the relationship between the two Band Members is that of parent/guardian and minor child or represented adult and trustee.
- 2.7 “**Corrupt Election Practices**” means:
 - (a) Attempting or offering money or other valuable consideration in exchange for an Elector’s vote; or the falsification of a declaration of a ballot account, vote result, or declaration of Election result;
 - (b) Threatening adverse consequences, coercing or intimidating an Elector or an Election official for the purposes of influencing an Elector’s vote; or a ballot account, vote result, or declaration of Election result;
 - (c) Forging documents or providing false or misleading information for the purposes of influencing an Elector’s vote; or a ballot account, vote result, or declaration of Election result;
 - (d) Former employees of the First Nation disclosing Confidential Information obtained as a result of their employment which is calculated to influence at

least one Elector to vote or not to vote for any particular Candidate or Candidates; or

- (e) Former Council member(s) of the First Nation disclosing Confidential Information obtained as a result of their position in office which is calculated to influence at least one Elector to vote or not to vote for any particular Candidate or Candidates.

- 2.8 **"Council"** means those Members elected pursuant to these Regulations who hold the office of Chief or Councillor(s) and who are empowered to act as the governing body of the First Nation.
- 2.9 **"Councillor"** means a member of the Council elected to the office of Councillor.
- 2.10 **"Election"** means a General Election, By-election or Run-off election held for the positions of Chief or Councillors pursuant to these Regulations.
- 2.11 **"Election Appeal Tribunal"** means a body appointed in accordance with section 6.6 of these Regulations.
- 2.12 **"Election Day"** means the date set for conducting an Election in accordance with these Regulations.
- 2.13 **"Elector"** means a person whose name is entered on the First Nation Membership List and is the full age of eighteen (18) years old on or before the day of the Election.
- 2.14 **"Electoral Officer"** means a person appointed pursuant to section 6.1 of these Regulations, and who shall be responsible for conducting the Election(s) in accordance with these Regulations.
- 2.15 **"First Nation"** means the Fort McMurray No. 468 First Nation and its successors.
- 2.16 **"First Nation Business Entity"** means any corporation, limited partnership, or other entity owned or controlled in part, directly or indirectly, by the First Nation.
- 2.17 **"General Election"** means an Election held for all the positions on Council to fill the vacancies caused by the normal passage of time.
- 2.18 **"Immediate Family"** means the Spouse, child, parent, guardian, sibling, grandchild or grandparent of a person and any person who lives with that person as a member of that person's family.
- 2.19 **"List of Electors"** means the list of all eligible Electors prepared by the membership clerk or band administrator and provided to the Electoral Officer.
- 2.20 **"Membership List"** means the First Nation Band Membership List, compiled in accordance with the First Nation Membership Code.

- 2.21 **"Non-resident Elector"** means an Elector who is not residing on the Reserves of the First Nation.
- 2.22 **"Notice of Appeal"** means a Notice of Appeal forwarded to the Election Appeal Committee pursuant to section 15.2 of these Regulations.
- 2.23 **"Notice of Nomination"** means the notice posted by the Electoral Officer in accordance with section 8.1 of these Regulations.
- 2.24 **"Notice of Resignation"** means the Notice of Resignation of a Chief or Councillor tendered to the Council pursuant to section 16 of these Regulations.
- 2.25 **"Ordinarily Resident"** means an Elector who resides on the Reserves of the First Nation. A person can only be Ordinarily Resident in one place at one time, and a person is Ordinarily Resident in that place until another place of ordinary residence is acquired. A person's ordinary residence can be described as:
- (a) the place the person normally eats and sleeps;
 - (b) the place the person receives mail; and
 - (b) the residence of the person's Immediate Family;
- a person may also be temporarily absent from a place of ordinary residence for education, medical, temporary employment reasons or employment which requires them to live at a job site or work camp as long as the Band Member maintains a primary residency on Reserve, and can still be considered Ordinarily Resident for the purpose of these Regulations.
- 2.26 **"Polling Clerk"** means a person appointed by the Electoral Officer to assist in the conduct of the Election.
- 2.27 **"Polling Station"** means that building, hall or room which is selected to be the site for the voting to take place.
- 2.28 **"Quorum of Council"** means a majority of the whole Council.
- 2.29 **"Reserve"** means a reserve of the First Nation and includes CLEARWATER 175; GREGOIRE LAKE 176; GREGOIRE LAKE 176A; GREGOIRE LAKE 176B and any further additions to reserves of the First Nation.
- 2.30 **"Resolution"** means a motion which has been approved at a duly convened meeting of the Council at which a Quorum of Council was present.
- 2.31 **"Run-off election"** means an Election held in accordance with section 14 of these Regulations.
- 2.32 **"Spouse"** means a person to whom you are legally married.

- 2.33 “**Scrutineer**” means an agent of a Candidate appointed pursuant to section 10.13 of these Regulations.

3. **SCHEDULES**

The following Schedules form part of these Regulations:

Schedule “A”	Duties of the Electoral Officer
Schedule “B”	Election Forms

4. **COMPOSITION, TERM OF OFFICE, AND DUTIES OF THE COUNCIL**

4.1 **Composition**

The First Nation shall be governed by a Council consisting of one (1) Chief and two (2) Councillors.

4.2 **Term of Office**

The terms of office shall be as follows:

- (a) The interim terms of the Chief and two Councillors who are in office as of the passing of these Regulations shall continue such that the interim terms of the Councillor and the Chief elected in 2011 will expire in 2014 and the interim term of one Councillor elected in 2013 will expire in 2016 and as such terms would have expired pursuant to the 1993 Regulations.
- (b) For all Elections following the interim term, the Chief and/or Councillor, as applicable, shall be elected for a four (4) year term.

4.3 **Assumption of Office**

A person elected under these Regulations, unless otherwise disqualified from remaining in office, holds office from the time immediately following the declaration of the Election result to immediately before the declaration of the result of the next General Election for that office.

4.4 **Term in By-election or Run-off election**

A person elected as a result of a By-election or Run-off election, unless otherwise disqualified from remaining in office, holds office from immediately following the declaration of By-election or Run-off election result, to immediately before the declaration of the result of the next General Election for that office.

4.5 **Continuation of Office**

For greater certainty, in the event of any appeal of an Election result, an elected Chief or Councillor shall be entitled to remain in office until such time as the

appeal has been determined and, thereafter, subject to the appeal decision.

5. **DATE FOR GENERAL ELECTION**

5.1 **Dates of General Election**

Commencing in 2014 and thereafter, all General Election Days for the offices of Chief and Councillors shall be held in the second full week of June on a specific date to be stated in a Resolution.

6. **APPOINTMENT OF ELECTORAL OFFICER AND APPEALS TRIBUNAL**

6.1 **Time of Appointment**

At least fifty (50) days prior to the date selected as the Election Day, the Council shall, by Resolution, set the date of the General Election, set the locations of the Polling Stations, and appoint an Electoral Officer for the purpose of conducting the Election pursuant to these Regulations.

6.2 **Qualifications of Electoral Officer**

The Electoral Officer shall be qualified to perform their duties as a result of taking electoral training or prior experience conducting Elections and shall not be:

- (a) A Candidate or the Immediate Family of a Candidate;
- (b) A permanent employee or a full-time contractor of the First Nation or a First Nation Business Entity;
- (c) An employee of Aboriginal Affairs and Northern Development Canada; or
- (d) An Elector.

6.3 **Term of Appointment**

The Electoral Officer's appointment will commence on the date specified in the Resolution and continue until six (6) months after the expiry of the Election appeal period. Unless otherwise determined by a Resolution of the Council or the Decision of the Election Appeal Tribunal, the Electoral Officer will serve as the Electoral Officer for any Run-off elections arising from the Election.

6.4 **Duties**

The general duties and obligations of the Electoral Officer are outlined in Schedule "A" attached hereto and, in addition, as defined by the Council from time to time by Resolution prior to an Election.

6.5 Remuneration of Electoral Officer

The amount and terms of the remuneration to be paid to an Electoral Officer shall be fixed by the Council at the time of appointment and reported in the annual Band audit.

6.6 Election Appeal Tribunal

At least forty-two (42) days prior to the date selected as the Election Day, the Electoral Officer shall appoint an Election Appeal Tribunal for the purpose of conducting the Election pursuant to these Regulations.

6.7 The Election Appeal Tribunal shall consist of three (3) people who fit the following criteria;

- (a) one (1) retired Judge or a lawyer who is not or has not been retained by the First Nation or any Band Member of the First Nation, other than as an Election Appeal Tribunal member, and shall not be a Band Member or the Immediate Family of any Band Member.
- (b) one (1) person who is at least 18 years of age, who is;
 - (i) not a Band Member of the First Nation;
 - (ii) does not have a vested interest in the outcome of an Election appeal;
 - (iii) not the Immediate Family to any of the Candidates involved in the appeal; and
 - (iv) an elected Chief or Councillor of another First Nation.
- (c) one (1) person who is at least 18 years of age, who is;
 - (i) not a Band Member of the First Nation;
 - (ii) does not have a vested interest in the outcome of an Election appeal; and
 - (iii) not the Immediate Family to any of the Candidates involved in the appeal.

6.8 The Electoral Officer shall select and appoint a list of three (3) additional potential Election Appeal Tribunal members.

6.9 Upon receipt of a Notice of Appeal in accordance with section 15.4,

- (a) any Election Appeal Tribunal member who is Immediate Family of any Appellant or Candidate; or

- (b) who may reasonably appear to have a basis or conflict in connection with the appeal,

shall excuse themselves for the Election Appeal Tribunal and the remaining members of the Election Appeal Tribunal will select additional members as required to attain a three (3) member tribunal from the list of potential members as drawn by the Electoral Officer in accordance with section 6.8.

7. LIST OF ELECTORS

7.1 Maintenance of List of Electors

The membership department or band administrator of the First Nation shall maintain an updated List of Electors.

7.2 Content of List of Electors for the Electoral Officer

The List of Electors available to the Electoral Officer shall be in alphabetical order and may contain only the following information about persons who are eligible to be Electors:

- (a) The surname, given name and middle initial of the person;
- (b) The person's mailing address (if available);
- (c) The person's treaty number; and
- (d) The Elector's date of birth.

7.3 Content of List of Electors for the Candidates

The List of Electors available to the Candidates and Electors shall be in alphabetical order and may contain only the surname, given name and middle initial of the person who are eligible to be Electors and whether they live on or off Reserve.

7.4 Responsibilities of Non-resident Electors

It is the responsibility of each Non-Resident Elector to inform the membership department or band administrator of their name and address for the purposes of Elections on an ongoing basis.

7.5 Entry of Non-resident Elector into List of Electors

Once informed of the name and address of a Non-resident Elector, the membership department or band administrator shall record the information in the List of Electors.

7.6 Request of Mail-in ballots by Non-resident Electors

It is the responsibility of each Non-Resident Elector to inform the membership department or band administrator that they wish to receive a mail-in ballot. Once informed of Non-resident Electors request for a mail-in ballot, the membership department or band administrator shall record the information on the List of Electors. To receive a mail in ballot, a request pursuant to this section must be made before the nomination day.

7.7 Membership Department to Provide List

The membership Department shall provide the List of Electors to the Electoral Officer at least forty-five (45) days prior to the Election and thereafter the Electoral Officer shall update the List of Electors as required.

7.8 Use of List of Electors

The List of Electors may only be used by:

- (a) Candidates for the purposes of campaigning for an Election;
- (b) Electors for verifying they are on the List of Electors; and
- (c) The Electoral Officer or other Election officials for the purposes of carrying out their duties under these Regulations.

7.9 Eligibility to vote

A person is eligible to vote in an Election held pursuant to these Regulations if they are an Elector as defined by these Regulations, as of the Election Day. A Band Member who is an eligible Elector but whose name does not appear on the List of Electors may complete a statutory declaration pursuant to section 7.11.

7.10 Elector eligibility

Every person who attends at a Polling Station for the purpose of voting shall be permitted to vote:

- (a) If the person's name appears on the List of Electors; or
- (b) If the person makes a declaration that they are eligible to vote as an Elector and upon producing adequate evidence of their Band Membership and proper identification.

7.11 Declaration in presence of Electoral Officer

Every declaration shall be made in writing and in the presence of the Electoral Officer or Polling Clerk at the Polling Station or by mailing in a statutory declaration affirming their eligibility to vote in front of a commission for oaths prior

to the Election day

7.12 Inability to Vote

If a person refuses to make a statement and the person's name is not on the List of Electors, the person may not vote.

7.13 Appropriate Identification

The Electoral Officer and any other Election official may, when the identity of the voter is questioned, request photograph identification appropriate for the purposes of verifying an Elector's identity, before allowing that person to vote.

8. NOMINATIONS

8.1 Notice of Nomination

At least forty (40) days prior to Election Day, the Electoral Officer shall post a Notice of Nomination in the band office of the First Nation at Gregoire Lake No. 176A Reserve and other locations designated by the Electoral Officer and mail such notice to Non-resident Electors who have provided a mailing address pursuant to section 7.4.

8.2 Content of Notice

The Notice of Nomination shall set out the following information:

- (a) The specific time, place, and date for the nomination meeting and its duration;
- (b) The offices for which nominations are to be held;
- (c) That any Non-resident Elector who requires a mail-in ballot must request a mail-in ballot by informing the membership department or band administrator that they wish to receive a mail-in ballot pursuant to section 7.6;
- (d) The qualifications of Electors eligible to stand as a Candidates as set out in section 8.3;
- (e) The procedures by which nomination papers of the Candidates for Chief or Councillor are to be filed with the Electoral Officer; and
- (f) That a List of Electors and a copy of these Regulations shall be available at the First Nation administration office.

8.3 Electors Eligible for Nomination

In order to qualify for nomination, a person must:

- (a) Be a valid Elector of the First Nation;
- (b) Not have been convicted of any indictable criminal offenses within six (6) years of the date of nomination or stand charged with any indictable criminal offenses as of the date of nomination;
- (c) Any Elector, or Elector who owns, directly or indirectly, fifty percent (50%) or more of the shares of a corporation, who has acquired a loan, salary or travel advances or other debts from the First Nation or First Nation Business Entity as of the closing Date of Nomination shall not be eligible for Nomination;
- (d) Not have been found liable in civil court or pursuant to criminal proceedings in respect of any matter involving theft, fraud or misuse of property belonging to the First Nation or First Nation Business Entity;
- (e) Not be a Plaintiff in a civil action against the First Nation; and
- (f) Submit all required documents by the Date of Nomination, as set out in section 8.12.

8.4 Elector who was Removed or Resigned is Ineligible

Any Elector who has resigned or was removed pursuant to section 19.5 or 19.6 is not eligible to be nominated pursuant to those respective sections.

8.5 Nomination for one Position

A person may only be nominated for the position of Chief or Councillor. No one may run for both offices.

8.6 Existing Chief or Councillor

A Chief or Councillor in office at the time a By-election is called and whose term of office is not complete, must resign from office before being eligible to run for office of Chief or Councillor.

8.7 Form of Nomination

The nomination of each Candidate for Chief and Councillor must be in the form and manner prescribed in these Regulations.

8.8 Date and Time of Nominations

The Electoral Officer shall attend at the time and place set out in the Notice of Nomination and shall receive the nominations of Candidates for the positions advertised from 9:00 am to 5:00 pm. The nomination meeting shall be held at least thirty (30) days prior to the Election Date.

8.9 The nomination form must be signed by:

- (a) at least ten (10) Electors, not including the nominee; and
- (b) the nominee acknowledging his or her acceptance of the nomination and witnessed by a Commissioner of Oaths or Electoral Officer or Polling Clerk,

and must be accompanied by a Performance Bond and all documents required by Section 8.12.

8.10 Candidate Must Sign Nomination Form

The nomination form shall be provided by the Electoral Officer and signed by the Candidate acknowledging his or her acceptance of the nomination.

8.11 Complete Nomination Form Required

A nomination form is not valid nor shall it be acted on by the Electoral Officer unless it is complete and is accompanied with the performance bond and forms set out in section 8.12.

8.12 Required Documents for Nomination

The nomination form submitted by the Candidate to the Electoral Officer shall be accompanied by:

- (a) A performance bond pursuant to sections 8.14 or 8.15;
- (b) A Canadian Police Information Centre (C.P.I.C.) report or letter from the RCMP indicating that there are no convictions of the Candidate for an indictable offence within the six (6) years from the date of nomination and that no indictable criminal charges currently outstanding;
- (c) A letter signed by the band administrator or chief executive officer of the First Nation or First Nation Business Entity stating the Nominee, or a corporation they own, directly or indirectly, fifty percent (50%) or more of the shares in, has no debts, salary or travel advances to the First Nation;
- (d) A statutory declaration signed by the Candidate affirming that they have not have been found liable in civil court or pursuant to criminal proceedings in respect of any matter involving theft, fraud or misuse of property belonging to the First Nation or any business corporation or other entity which is owned or controlled by the First Nation; and
- (e) A statutory declaration signed by the Candidate affirming that they are not a Plaintiff in a civil action against the First Nation.

8.13 Electoral Officer shall Determine Completeness of Nomination

The Electoral Officer shall determine whether a nomination form is fully complete and constitutes a proper nomination and shall promptly advise the Candidate of any deficiencies.

8.14 Performance Bond (Chief)

Each person nominated for the position of Chief must submit a performance bond of one hundred (\$100.00) dollars by cash, money order or certified cheque payable to the First Nation. The payment must be submitted at the same time the Candidate files their nomination form and documents.

8.15 Performance Bond (Councillor)

Each person nominated for the position of Councillor must submit a performance bond of fifty (\$50.00) dollars by cash, money order or certified cheque payable to the First Nation. The payment must be submitted at the same time the Candidate files their nomination form and documents.

8.16 Performance Bond Non-Refundable

The performance bond is paid to the general account of the Band and, subject to section 8.19, is non-refundable.

8.17 Notice to Candidates

Upon the close of nominations, the Electoral Officer shall promptly notify, in writing, all nominees who have completed all of the requirements set out in these Regulations whether they are eligible to be Candidates.

8.18 Electoral Officer to Determine Eligibility

Nominees who are ruled ineligible by the Electoral Officer, or whom the Electoral Officer determines have not filed a completed nomination form or have not filed other required documents are not eligible to be Candidates.

8.19 Return of Performance Bond

Nominees who are ruled ineligible to be Candidates by the Electoral Officer shall have their performance bond returned.

8.20 Posting of Nominees

Within Twenty-four (24) hours following the close of the nomination meeting, the Electoral Officer shall post the names of Candidates nominated and the office for which they are nominated in public places on the Reserves and other locations designated by the Electoral Officer.

8.21 Withdrawal of Candidates

Any Candidate may withdraw his or her name from nomination by giving notice in writing to the Electoral Officer no later than twenty-four (24) hours after the date of nomination. The notice shall be signed by the withdrawing Candidate and witnessed by an Elector of the First Nation.

8.22 Notice of Candidate's Death

If a Candidate whose name appears on the ballot dies after being nominated, the Electoral Officer shall direct that a notice of the death be posted in all of the Polling Stations.

9. ELECTION BY ACCLAMATION

9.1 Declaration of Elected Candidates by Acclamation

When, at the close of nomination, the number of Candidates nominated for any office is the same as the number to be elected, the Electoral Officer shall declare the persons nominated to be elected.

9.2 Written Notice of Acclaimed Candidates

Having declared a Candidate elected by acclamation, the Electoral Officer shall forthwith post a notice containing the names of the Candidate elected by acclamation.

9.3 Assumption of Office

Persons elected by acclamation assume office the day after the Election Day.

9.4 No Requirement for Election

If a Candidate is elected by acclamation pursuant to section 9.1, an Election for his position on Council is not required.

10. ELECTIONS

10.1 Notice of Election

At least Twenty-seven (27) prior to Election Day, the Electoral Officer shall post a notice of Election in the band office of the First Nation at Gregoire Lake No. 176A Reserve and other locations designated by the Electoral Officer, and mail the notice of Election to Non-resident Electors who registered to receive a mail-in ballot pursuant to section 7.6.

10.2 Content of Notice of Election

The notice of Election shall set out the following information:

- (a) The date of Election Day;
- (b) The Candidates nominated for the offices for which the Election is being held;
- (c) The location of each Polling Station and the hours during which the Polling Station shall be open at each location on Election Day; and
- (d) That a List of Electors and a copy of these Regulations can be obtained from the Electoral Officer.

10.3 Administrative Preparations

The Electoral Officer shall ensure that all necessary preparations are undertaken for the proper conduct of the Election, By-election or Run-off election, including:

- (a) Arranging for Polling Stations;
- (b) Construction of proper Election facilities and voting compartments with sufficient security precautions to protect voter privacy;
- (c) Preparation of ballots and arranging for ballot boxes which can be sealed;
- (d) Preparing voting instructions in writing;
- (e) Appointing and ensuring that Polling Clerks and interpreters are available at each Polling Station; and
- (f) Any other administrative function required pursuant to Schedule "A".

10.4 Name of Candidate

The name of any Candidate must appear on the ballot for the applicable office in the manner requested in the Candidate's nomination form.

10.5 Order of Surnames

The Candidates' names shall appear in alphabetical order by surname, but if two (2) or more Candidates have the same surname, the names of those Candidates shall then be arranged secondarily alphabetically in the order of their given names.

10.6 Maximum Number of Candidates to be on Ballot

Every ballot used in an Election shall contain a brief explanatory note stating the maximum number of Candidates for whom Electors can vote for in order not to make the ballot void.

10.7 Voting Instructions to be Posted

Before Polling Stations open, the Electoral Officer or other person presiding at a Polling Station shall cause printed instructions for the Electors to be posted within each voting compartment and at a conspicuous location within the Polling Station and shall ensure that they remain posted there until the close of the Polling Station.

10.8 Instructions to be in Prescribed Form

The instructions shall be printed clearly in the prescribed form.

10.9 Location and Hours of Polling Stations

Polling Stations shall only be located on Fort McMurray Reserve No. 176A and Edmonton.

10.10 Hours of Polling Stations

Polling Stations are to be open from 12:00 p.m. to 10:00 p.m. on Election Day.

10.11 Entitlement to Vote after Close of Polling Station

Any Elector who is in line to vote at 10:00 p.m. is entitled to vote.

10.12 Decision of Electoral Officer Final

The Electoral Officer's decision on who is in line to vote at 10:00 p.m. is final.

10.13 Appointment of Scrutineers

Each Candidate is permitted to appoint one (1) Scrutineer to attend at each Polling Station to scrutinize the voting procedure and counting of ballots cast at that Polling Station. Scrutineers are not paid by the First Nation.

10.14 Scrutineers to be Submitted in Writing

The name of the Scrutineer appointed by each Candidate for each Polling Station must be submitted in writing to the Electoral Officer two (2) days prior to Election Day. No parties, other than the named Scrutineer, may act on behalf of or represent the Candidate.

10.15 Place of Scrutineers

The Electoral Officer may designate the place or places at a Polling Station where the Candidate's Scrutineer may observe the voting and other Election procedures.

10.16 Acts not Invalidated

When, in these Regulations, anything is required to be done or authorized to be done, then that thing may be done in the presence of the Candidates' Scrutineer, but the non-attendance of a Scrutineer(s) does not invalidate the act.

10.17 Secret Vote

Subject to sections 10.19 and 10.21, voting in all Elections, By-elections and Run-off elections will be by secret ballot.

10.18 Non-disclosure

No person shall be required to disclose whether they have voted or for which particular Candidate they have voted for.

10.19 Incapacitated Elector at Polling Station

The Electoral Officer or a Polling Clerk, at the request of an Elector who is unable to mark his ballot in the usual manner because they are unable to read or are incapacitated by blindness or other physical condition:

- (a) May mark the vote of that Elector on the Elector's ballot in the manner directed by that Elector, and shall immediately deposit the ballot in the ballot box;
- (b) May permit a friend of the Elector to accompany the Elector and himself into a voting compartment for the purpose of marking the Elector's ballot and the ballot when marked shall be delivered by the Elector or the friend to the Electoral Officer to be deposited in the ballot box; and
- (c) Where any Elector has required the assistance, the Electoral Officer shall make a report in the prescribed form.

10.20 Exclusion from Voting Compartment

No Candidate or Candidate's Scrutineer shall be present in the voting compartment at the marking of a ballot.

10.21 Interpreter

If an Elector does not understand the English language, the Electoral Officer may allow or appoint an interpreter to translate any statements, questions, or documents necessary to allow the Elector to vote:

- (a) The interpreter may not be an Elector or Band Member;
- (b) Before acting as an interpreter, the interpreter shall make a statement in the prescribed form; and

- (c) Where any Elector has required the assistance of an interpreter, the Electoral Officer shall make a report in the prescribed form.

10.22 Votes for Chief

An Elector may vote for only one (1) Candidate for Chief.

10.23 Votes for Councillor

An Elector may vote for a maximum number of Candidates for Council as there are positions available for the Electors.

10.24 Manner of Voting

Upon entering the Polling Station, the Electoral Officer or Polling Clerk shall give each Elector a ballot containing their initials on the back. An Elector who has received a ballot from the Electoral Officer or Polling Clerk may not take the ballot out of the Polling Station and anyone doing so forfeits their right to vote at that Election.

10.25 Declining Right to Vote

If an Elector returns a ballot and states that the Elector is declining to vote, the Elector is not entitled to another ballot and the Electoral Officer or Polling Clerk shall deposit the declined ballot in the ballot box.

10.26 Issuing of Ballot

When the Electoral Officer or Polling Clerk issues a ballot to an Elector, it must be folded and initialled by the Electoral Officer or Polling Clerk so that the initials are visible without opening the ballot.

10.27 Marking Elector's List

The Polling Clerk shall place a mark on the voters list next to the name of an Elector who has received a ballot. An Elector may only vote once at an Election.

10.28 Depositing Ballot

After marking the ballot in the voting compartment, the Elector shall immediately fold the ballot so as to conceal the names of the Candidates and the marks on the face of the ballot, and to expose the initials of the Electoral Officer who issued the ballot and shall return the ballot to the Electoral Officer or Polling Clerk who shall, without unfolding a ballot or in any way disclosing the marks made by the Elector on the ballot, verify the initials on the ballot and deposit the ballot at once in the ballot box.

10.29 Spoiled Ballot

An Elector who inadvertently has spoiled his or her ballot may return the ballot to the Electoral Officer or the Polling Clerk and receive another ballot. The Electoral Officer shall write the word "spoiled" on the ballot, initial the ballot, and place the ballot in the ballot box.

10.30 Elector shall Leave Polling Station

After the Elector's ballots are deposited in the ballot box, the Elector shall forthwith leave the Polling Station.

10.31 Recording of Ballots

The Electoral Officer or Polling Clerk shall record the total number of ballots distributed to Electors at each Polling Station, the number of Electors who voted, and the number of spoiled or unused ballots.

10.32 Refusal of Permission to Vote

The Electoral Officer or a Polling Clerk may refuse to allow a person to vote if, in their sole opinion:

- (a) The person's name is not listed on the List of Electors and he has not made a declaration pursuant to section 7.11;
- (b) The person appears to be intoxicated or under the influence of drugs; or
- (c) The person has already be given a ballot and marked off on the voters list as receiving a ballot.

10.33 Identification

If requested to do so by the Electoral Officer or the Polling Clerk, each person requesting a ballot shall present identification to the Electoral Officer verifying his or her age and name.

10.34 Persons at Polling Station

Except for the Electoral Officer, Election officials, Candidates' Scrutineers authorized to attend at the Polling Station and the Electors who are for the time being actually engaged in voting, no other person is entitled to be present, nor shall any other person be permitted to be present, in the Polling Station during the time appointed for voting. For greater certainty, the persons prohibited from the Polling Station include Candidates, unless attending for the purposes of casting their own vote, and members of the media.

10.35 Candidates and Scrutineers not to Loiter

Candidates and any persons acting for or on behalf of a Candidate, unless attending for the purposes of casting their own vote or with authorization of the Electoral Officer pursuant to section 10.13, shall not remain or loiter in any area that is within 100 metres of the Polling Station.

10.36 Observation Area Restricted

A Candidate's Scrutineer may not observe the voting procedures from a location that would allow them to see how Electors mark their ballots.

10.37 Scrutineers Must Leave if Requested

A person permitted to be present in the Polling Station shall leave the Polling Station on the request of the Electoral Officer.

10.38 Removal of Persons from Polling Stations

The Electoral Officer or Polling Clerk shall maintain order in the Polling Station and may cause to be removed from the Polling Station any person who attempts to influence Electors or in any way interferes with or disrupts the orderly conduct of the vote.

10.39 Leaving Polling Station Promptly

Electors shall leave the Polling Station promptly after voting.

10.40 Mail in Ballots

At least twenty-seven (27) days prior to the Election, the Electoral Officer shall mail to each Non-resident Elector whose name appears on the List of Electors, and who has requested to receive a mail-in ballot pursuant to section 7.6, the following documents:

- (a) The Notice of Election;
- (b) A ballot, which shall be initialled on the back by the Electoral Officer;
- (c) Clear instructions for voting by mail-in ballot and an information sheet explaining the time when ballots must be mailed back;
- (d) A voter declaration form which shall set out:
 - (i) The name of the Elector;
 - (ii) The Band Membership number and date of birth of the Elector; and

- (iii) The name, address and telephone number of the witness to the signature of the Elector;
- (e) A pre-postage paid envelope addressed to the Electoral Officer at the First Nation Administration office;
- (f) A second envelope marked "ballot" for insertion of the completed ballot.

10.41 Voting Procedure for Mail-In Ballots

Every eligible Elector receiving a mail-in ballot shall:

- (a) Mark the ballot with an "X";
- (b) Fold the ballot so as to conceal the face of the ballot;
- (c) Place the ballot in the ballot envelope and seal the ballot envelope;
- (d) Complete and sign the Declaration before a witness over the age of 18; and
- (e) Place the sealed ballot envelope and declaration in the return envelope pre-addressed to the Electoral Officer and mail.

10.42 The mail-in ballots must be returned in the sealed envelope provided, by mail, courier or hand delivered, to the Electoral Officer at the First Nation office by 10:00 p.m. on Election day. Any ballots received after this time and date will not be counted.

10.43 Opening Mail-in Ballots

Immediately upon the close of the Polling Stations, the Electoral Officer or Polling Clerk shall, in the presence of at least one (1) other Elector and any of the Candidates or their Scrutineers who wish to attend, open each envelope containing a mail-in ballot that was received in accordance to section 10.42 and, without unfolding the ballot, reject the ballot if:

- (a) It was not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed;
- (b) The name of the Elector set out in the voter declaration form is not on the List of Electors, or
- (c) The List of Electors show that the Elector has already voted;

in any other case, place a mark on the List of Electors opposite the name of the Elector set out in the Voter Declaration form, and deposit the ballot in the ballot box.

11. COUNTING OF VOTES

11.1 Ballot Counting

Immediately upon the close of the Polling Stations, the Electoral Officer or Polling Clerk shall, in the presence of at least one (1) other Elector and any of the Candidates or their Scrutineers who wish to attend, open each ballot box and count and record the number of votes cast for each Candidate.

11.2 Void Ballots

The Electoral Officer or their designate shall examine the ballots and any ballot:

- (a) Not bearing the initials of the Electoral Officer or Polling Clerk;
- (b) On which more votes are cast than an Elector is entitled to cast;
- (c) On which anything is written or marked by which an Elector can be identified;
- (d) Has been torn, defaced or is otherwise dealt with in a material way by which an Elector can be identified;
- (e) Which is not marked with an "X"; or
- (f) On which no vote is cast by an Elector;

is void and cannot be counted.

11.3 Electoral Officer to Mark Ballots

On the back of a ballot the Electoral Officer or their designate shall:

- (a) Endorse "rejected" if the Electoral Officer or their designate rejects it as void;
- (b) Endorse "rejection objected to" if any objection is made to the Electoral Officer or their designates' decision; and
- (c) Initial each endorsement.

11.4 Intention of Voter Governs

Notwithstanding section 11.2(e), if a vote, though incorrectly marked on a ballot, clearly indicates for whom the Elector intended to vote, the Electoral Officer or

their designate may count that ballot.

11.5 Ballot Count Form

The Electoral Officer or Polling Clerk shall complete and sign a Ballot Count Form which shall contain the following information:

- (a) The location of the Polling Station;
- (b) The date of the Election;
- (c) The number of ballots distributed to Electors;
- (d) The number of Electors who voted;
- (e) The number of ballots marked for each Candidate;
- (f) The number of rejected, spoiled, voided, and unused ballots; and
- (g) The number of ballots not accounted for.

11.6 Packets of Ballots

At the completion of the counting of the ballots, the Electoral Officer shall make up into separate packets:

- (a) The valid ballots;
- (b) The valid ballots objected to, together with the notes of objections made to the ballots found in the ballot box;
- (c) The rejected ballots, including those on which no vote has been cast by an Elector;
- (d) The spoiled ballots; and
- (e) The unused ballots.

11.7 Sealing Ballot Boxes

Each packet of ballots shall be sealed and each packet must be marked on the outside with:

- (a) A short description of the contents of the packet;
- (b) The date of the Election; and
- (c) The name of the Electoral Officer.

11.8 Destruction of Ballot and Ballot Count Forms

The Electoral Officer shall personally retain custody or arrange custody of the sealed ballot boxes. Six (6) months following the expiry of the Election Appeal period, the Electoral Officer will destroy the ballots and the Ballot Count Form, unless otherwise ordered by a Court not to do so.

12. DECLARATION OF OUTCOME

12.1 Declaration of Chief and Councillors

The Electoral Officer shall, within two (2) hours of completing the count of ballots, declare:

- (a) The Candidate for Chief receiving the greatest number of votes to be elected; and
- (b) The Candidates for Councillor receiving the greatest number of votes to be elected.

12.2 Notice of Elected Candidates

Within twenty-four (24) hours of the closing of the Polling Stations, the Electoral Officer shall post a notice in the band office of the First Nation at Gregoire Lake No. 176A Reserve declaring the elected Candidates.

13. RE-COUNT OF VOTE

13.1 Re-count

Within six (6) hours of the declaration of the outcome, a Candidate may, in writing, request the Electoral Officer to conduct a re-count of the vote for their office if there are ten (10) or fewer votes separating the successful and unsuccessful Candidates for either the position of Chief or Councillor.

13.2 Notification and Commencement of Recount

Before the re-count, the Electoral Officer shall:

- (a) Notify any Candidates who may be affected by the recount; and
- (b) Notify those officers that the Electoral Officer considers necessary to assist in the recount.

13.3 Conduct of Recount

The Electoral Officer shall, immediately upon a request being properly made pursuant to section 13.1, conduct a re-count of the vote in the same manner as prescribed in section 11 and declare the outcome pursuant to section 12.

13.4 Finalization of Recount

After the recount, the Electoral Officer shall correct the ballot account if necessary and seal all ballot box's in the same manner prescribed in sections 11.6 and 11.7.

14. RUN-OFF ELECTION FOR TIE VOTES

14.1 Tie Vote Recount

In the event of a tie vote for either the position of Chief or Councillor(s), the Electoral Officer shall conduct a recount of the vote in the same manner as prescribed in section 11 and declare the outcome pursuant to section 12.

14.2 Tie Vote for Chief

In the event the recount fails to determine a successful Candidate for the position of Chief, and in which neither of the Candidates chooses to withdraw, a Run-off election shall be held for that office in which the only Candidates shall be those Candidates who received the highest equal number of votes for the position of Chief.

14.3 Tie Vote for Councillor

In the event the recount fails to determine a successful Candidate for the position of Councillor, and in which neither of the Candidates chooses to withdraw, a second ballot shall be held for only that office of Councillor. The only Candidates on the second ballot shall be those Candidates who received the highest equal number of votes for the last office of Councillor.

14.4 Notice of Run-off election

The Electoral Officer shall immediately on completing the recount of ballots and confirming the tie vote for either the position of Chief or Councillor call for the holding of a Run-off election to be held within twenty-eight (28) days of the recount confirming a tie.

14.5 At least twenty-seven (27) days prior to the date of the Run-off election, the Electoral Officer shall post a Notice of Run-off election in the same manner, form, and places as the initial Notice of Election.

14.6 Subject to the following, the procedures for conducting the vote in a Run-off election shall be the same as the procedures applied on the General Election, Election Day:

- (a) the List of Electors from the Election in which the tie occurred shall be used;

- (b) only those Electors who requested a mail-in-ballot pursuant to section 7.6 in the General Election shall be entitled to receive a mail-in-ballot for the Run-off election;
- (c) the Electors shall be asked to vote for one or more of the two or more Candidates who had an equal number of votes in the Election, as may be required to settle the Election; and
- (d) a Candidate may withdraw at any time by submitting a signed and witnessed withdrawal to the Electoral Officer.

14.7 In the event of a tie vote in the Run-off election, the procedure outlined in section 14.8 shall be used.

14.8 Tie Vote in Second Ballot

In the event of a tie vote in the Run-off election, the Electoral Officer shall place the names of the Candidates having the same number of votes in the Run-off election on a paper and place each in a box or hat. Without looking, the Electoral Officer shall draw as many papers as there are positions available in the Run-off election. The Candidate(s) whose name(s) appear on the pieces of paper the Electoral Officer has drawn from the Box or hat shall be declared elected.

14.9 Run-off election Delayed

Notwithstanding section 14.4, a Run-off election may be delayed in the event of an Election Appeal which may affect the result which gave rise to the equality of votes. In such cases, and subject to the Election Appeal Tribunals decision, the Notice of the Run-off election shall be posted within five (5) days of the determination of the Election Appeal Tribunal.

15. ELECTION APPEALS

15.1 Appeal Period and Grounds of Appeal

Within three (3) business days after the Election Day, or the date on which a Candidate is acclaimed pursuant to section 9, any Elector who voted in the Election may appeal the results of an Acclamation, an Election, By-election, or Run-off election on the following grounds:

- (a) An error was made in the interpretation or application of these Regulations that materially and directly affected the conduct and outcome of the Election, By-election, or Run-off election;
- (b) A Candidate was ineligible for nomination and such ineligibility materially affected the results of the Election, By-election, or Run-off election;

- (c) An Elector or Candidate promoted or aided Corrupt Election Practices which included, but is not limited to, bribery, threats, and intimidation of Candidates, Electors, the Electoral Officer, or Polling Clerk or an Elector or Candidate consented to and benefited from such practices;
- (d) Persons who voted were not eligible to vote to an extent that the results of the Election were materially affected;
- (e) Improper actions by the Electoral Officer or Polling Clerk that materially affected the conduct and outcome of the Election; or
- (f) Other circumstances, events, or actions which improperly, directly, and materially affected the results of the Election.

15.2 Notice of Appeal

A Notice of Appeal in writing and signed by the Appellant shall be forwarded to the Election Appeal Tribunal appointed pursuant to section 6.6 at the Band Office or address provided, outlining the grounds for the Appeal and with a filing fee in the form of cash deposit or certified cheque in the amount of five hundred (\$500.00) dollars.

15.3 Contents of Notice of Appeal

The Notice of Appeal shall state:

- (a) The Election results appealed from and the name of the affected Candidate or Candidates;
- (b) The grounds upon which the appeal is made including reference to the relevant sections of these Regulations;
- (c) The material facts on which the Appellant relies;
- (d) The names of any witnesses the Appellant intends to call or a statement that the Appellant does not intend to call any witnesses; and,
- (e) A list of documents or records the Appellant intends to rely on or a statement that the Appellant does not intend to rely on any documents or records.

15.4 Filing Deadline

The Notice of Appeal must be received, in the prescribed Form, with the filing fee describe in section 15.2 by the Election Appeal Tribunal within three (3) business days after the Election Day.

15.5 Election Appeal Tribunal must be Available

The members of the *Election Appeal Tribunal* must make themselves available to accept Notices of Appeal within the three (3) business day period after the Election Day, by being personally available by providing an physical address, or mailing address where Notice of Appeal can be hand delivered or mailed.

15.6 Evidence Confined to that Disclosed in Notice of Appeal

A person who files a Notice of Appeal may not introduce any witness or use any document that has not been disclosed in the Notice of Appeal.

15.7 Notice of Appeal to be Posted

The Notice of Appeal shall be forwarded by the Election Appeal Tribunal to all Candidates, posted in the band office of the First Nation at Gregoire Lake No. 176A Reserve and in other public places and locations selected by the Election Appeal Tribunal.

15.8 Rejection of Notice of Appeal

The Election Appeal Tribunal shall reject and return any Notice of Appeal and related documents that:

- (a) Are not received within three (3) business days of the Acclamation, Election, By-election, or Run-off election as the case may be.
- (b) Are not received with the required filing fee; or
- (c) Do not contain all the information required by section 15.3.

15.9 Election Appeal Record

The Electoral Officer shall further prepare an Election Record and deliver it to the Election Appeal Tribunal. The Election Record shall consist of the following:

- (a) A copy of these Regulations;
- (b) A copy of the Band Council Resolution appointing the Electoral Officer;
- (c) A copy of the List of Electors;
- (d) All ballots;
- (e) Copies of any statutory declarations of Electors sworn in connection with the Election, By-election, or Run-off election as the case may be;
- (f) A copy of the Notice of Nomination Meeting;

- (g) Copies of all filed nomination papers;
- (h) A copy of the Notice of Appeal or Appeals, as the case may be; and
- (i) Any other relevant information in the possession of the Electoral Officers.

15.10 Election Appeal Tribunal

Within ten (10) days of receipt of the Notice of Appeal, Election Appeal Tribunal shall determine;

- (a) That the allegations and evidence filed with the Notice of Appeal is so lacking in merit as to constitute and abuse of the appeal process if the appeal was allowed to proceed and dismiss the appeal; or
- (b) That the allegations and evidence filed with the Notice of Appeal, if proven, may lead to a reasonable conclusion that a violation of these Regulations has taken place which may have affected the result of the Election and set the time, place and date for the appeal to be heard. The date for the hearing shall not be more than 30 days from the date the Notice of Appeal was filed.

15.11 Notice of Hearing to be Posted

If an appeal hearing is required, a notice of the hearing date the Election Appeal Tribunal sets to hear the appeal shall be publicly in the band office of the First Nation at Gregoire Lake No. 176A Reserve and delivered to the Appellant and other Candidates.

15.12 Appeal Procedures

The Election Appeal Tribunal shall be responsible for establishing procedures in accordance with the rules of natural justice and administrative fairness as are necessary for the fair conduct of the hearing of the Election Appeal.

15.13 Submissions and Cross-examination

The Appellant, or other Electors, or their representatives, shall be entitled to make verbal or written submissions to the Election Appeal Tribunal and be subject to cross-examination by the parties or the Election Appeal Tribunal.

15.14 Powers of Election Appeal Arbitrator

The Election Appeal Tribunal has the following powers:

- (a) To determine if an appeal hearing is required;
- (b) To determine the time, place and date of the appeal hearing;

- (c) To determine whether the appeal hearing is open to Band Members and who may or may not attend the appeal hearing;
- (d) To determine questions or law arising in the course of the appeal hearing;
- (e) To rule on any objections made during the course of the appeal hearing;
- (f) To order production of documents which are material and relevant to the appeal;
- (g) To determine the procedure to be followed having regard for fairness and the principles of natural justice; and
- (h) To determine the manner in which evidence is to be admitted and the Election Appeal Tribunal is not bound by rules of evidence and, within the limits prescribed by section 15.6, has the power to determine admissibility, relevance and the weight of any evidence.

15.15 Limits on Election Appeal Tribunal Power

The Election Appeal Tribunal does not have the power:

- (a) To subpoena any witness or compel any person to give evidence at an appeal hearing except the Electoral Officer; or
- (b) To order any relief not specifically permitted by these Regulations.

15.16 Non-Application of Arbitration Acts

These Regulations sets out all the powers of the Election Appeal Tribunal and neither the Arbitration Act of Alberta nor the Commercial Arbitration Act of Canada or any other like legislation applies to the Election Appeal Tribunal or to appeal hearings under these Regulations.

15.17 Decision of Election Appeal Arbitrator

Within five (5) days of concluding the appeal hearings, the Election Appeal Tribunal shall promptly make one of the following decisions:

- (a) To deny the appeal on the basis that evidence presented did not fully and properly establish the necessary grounds for an appeal;
- (b) To uphold the grounds for an appeal but allow the results of the Election to stand, as the infraction did not directly and materially affect the result of the Election; or
- (c) To allow the appeal and call for a new Election for all or some offices or call a run-off election.

15.18 Written Reasons to be Provided

The Election Appeal Tribunal shall provide written reasons for its decision.

15.19 Notification of Interested Parties

The interested parties shall be immediately notified in writing by the Election Appeal Tribunal of their decision and the decision shall be posted in the band office of the First Nation at Gregoire Lake No. 176A Reserve and in other public places and locations selected by the Election Appeal Tribunal.

15.20 Costs

If the appeal is upheld pursuant to sections 15.18(b) or 15.18(c), the cash deposit shall be returned to the Appellant. If the appeal is denied, the cash deposit is forfeited and paid into the Band General Account. The Appellant and interveners shall be responsible for their own costs.

15.21 Costs - Appeal Amounting to Abuse of Process

Notwithstanding section 15.20, if the Election Appeal Tribunal determines that an appeal was so lacking in merit as to constitute an abuse of the appeal process he may order the Appellant to pay all or a portion of the costs of the appeal hearing, including the fees and disbursements of the Election Appeal Tribunal, or the costs of the affected Candidates or both.

15.22 Election Appeal Committee's Costs

The cost of the Election Appeal Tribunal including fees and disbursements and associated hearing costs, shall be paid by the First Nation. These do not include any costs of the Appellant or interveners.

15.23 No Review

No decision, order directive, declaration, ruling or proceeding before the Election Appeal Tribunal shall be questioned or reviewed in any court by application for judicial review or otherwise and no order shall be made or process entered or proceedings taken in any court whether by way of injunction, declaratory judgment, prohibition, quo warranto, or otherwise to question, review, prohibit or restrain the decision of proceedings before the Election Appeal Tribunal.

15.24 Limited Review Permissible

Notwithstanding section 15.23, a decision, order, directive, declaration, ruling or proceeding of the Election Appeal Tribunal may be questioned or reviewed by way of an application for judicial review in the Federal Court of Canada on the basis that the Election Appeal Tribunal erred in law or failed to observe a principal of natural justice.

15.25 Appeal Upheld

If the appeal is upheld and a new Election, By-election or Run-off election is called, the Election Appeal Tribunal shall set the date for the Election and they may direct the current Electoral Officer or direct that a new Electoral Officer to conduct a new Election, By-election or Run-off election in accordance with these Regulations.

15.26 Reinstatement of Chief and Council

In the event the Election Appeal Tribunal directs that a new Election shall be held for all of the positions, then the Chief and Council elected in the previous Election whose terms were to end shall continue in office until the next Election Day, which shall be no longer than two (2) months after the Election Appeal Tribunal decision.

16. RESIGNATION OF CHIEF OR COUNCILLOR

16.1 Notice of Resignation

A Chief or Councillor may resign from office by submitting a signed written Notice of Resignation to the Council.

16.2 Content of Notice of Resignation

The Notice of Resignation shall state the effective date of the resignation, but in any event, the effective date of resignation shall be no more than thirty (30) days from the date the Notice of Resignation is delivered to the Council.

17. RESIDENCY REQUIREMENTS FOR CHIEF AND COUNCILLORS

17.1 Ordinarily Resident

Throughout the duration of their term of office, the Chief and all Councillors must be Ordinarily Resident either on the Reserves or within seventy-five (75) kilometres of Reserve 176A.

18. REMOVAL FROM OFFICE

18.1 Grounds for Removal

The removal of a Chief or Councillor from office may be sought on the following grounds:

- (a) They are absent for three (3) consecutive Council or Band meetings of which they had been given verbal and/or written notice and for which no valid reason for their absence is provided in writing to the Council;

- (b) They engage 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 brings the reputation of the First Nation or the Council into disrepute;
- (c) They engage in violent or threatening behaviour towards staff or contractors of the First Nation, or First Nation Business Entities;
- (d) They have been convicted of an indictable offence under the Criminal Code while in office;
- (e) They have been engaged in Corrupt Election Practices, the evidence of which was discovered after the appeal period;
- (f) Contrary to section 17, they fail to ordinarily reside on the Reserves or within seventy-five (75) kilometres of Reserve 176A for the duration of their term of office;
- (g) If a Chief or a Councillor has been charged with an indictable offence under the Criminal Code during their term of office, they may be temporarily be suspended without pay until the outcome of their trial. Upon conviction this section would apply. However, if he is not convicted, the First Nation will pay him any monies which they may have otherwise been entitled to during the suspension period; or
- (h) They have improperly misused or misappropriated First Nation funds or converted First Nation property to their own use. For the purposes of this section First Nation funds and property includes the funds or property of business corporations or entities which are owned or controlled by the First Nation.

18.2 Commencing Removal Process

Proceedings to remove a Chief or Councillor from office shall be started by any Elector submitting to the Council a petition which shall state;

- (a) The Name of the Chief and/or Councillor(s);
- (b) The grounds pursuant to section 18.1 for seeking the removal of a named Chief or Councillor(s);
- (c) The evidence in support of the petition;
- (d) The petition shall include for each petitioner;
 - (i) The printed surname and printed given names or initials of the petitioner;

- (ii) The signature of the petitioner;
 - (iii) The mailing address, street address, or land description at which the petitioner resides; and
 - (iv) The date on which the petitioner signed the petition;
 - (e) Each signature on the petition must be witnessed by an adult person who has signed opposite the signature of the petitioner; and
 - (f) The petition must have attached to it a signed statement of a person stating that they are the representative of the petitioners and that inquiries about the petition may be directed to them.
- 18.3 The petition requires the signatures of at least fifty-one percent (51%) of all eligible Electors of the band to be in support of the petition.
- 18.4 On receipt of a petition, the Council shall verify that the petition complies with section 18.2. If the petition does not comply, the Council shall notify the petitioner(s).
- 18.5 If the petition does comply with section 18.2 and meets the requirement of section 18.3, the Council shall convene a Special Meeting within 14 days of receiving the petition to consider and vote on the removal of the Chief or Councillor from office.
- 18.6 Resolution of Special Meeting for Removal**
- Where a duly convened Special Meeting is held:
- (a) The Chief or Councillor who is the subject of the petition for removal may make representations to the Electors, which may include the presentation of documents and testimony by witnesses;
 - (b) The Electors shall vote by secret ballot on whether to remove a Chief or Councillors from office; and
 - (c) If a majority of the Electors in attendance at the Special meeting vote to remove the Chief or Councillor, the affected member of Council shall be deemed to have been removed from office and ceases to be entitled to all rights and privileges associated with that office.
- 18.7 A Special Meeting convened to consider the removal of a Chief or Council shall have at least sixty (60%) of the total number of Electors who voted in the previous Election vote and approve the removal.
- 18.8 A Chief or Councillor who contrary to section 17, fail to ordinarily reside on the Reserves or within seventy-five (75) kilometres of Reserve 176A, for the duration

of their term of office or convicted of an indictable offence while in office, may be removed by Resolution of the Council without the requirement for a Petition or Special Meeting.

19. BY-ELECTIONS

19.1 Date of By-election

In the event a member of Council dies, resigns, or is removed from office and there is more than six (6) months remaining in their term of office, the Council shall, within 3 weeks of the effective date of the death, resignation or removal, set the date for the By-election to fill the vacant office and appoint an Electoral Officer to conduct the By-election.

19.2 Multiply By-elections Required

In the event that two (2) or more members of the Council die, resign, or are removed from office within a 2 week period and there is more than three (3) months remaining in their term of office, the Council shall, within one (1) week of the effective date of the death, resignation or removal, set the date for the By-election to fill the vacant office and appoint an Electoral Officer to conduct the By-election.

19.3 Rules and Procedures for By-election

The rules and procedures for conducting a By-election will be the same as those used for conducting an Election.

19.4 No Requirement for By-election

In the event a member of Council dies, resigns, or is removed from office within six (6) months of the termination of their term in office, the office shall be filled at the next Election.

19.5 Ineligible Candidate - Resigning Candidate

The person who has resigned from office pursuant to section 16 and prompted the holding of a By-election is not eligible to be a Candidate in that By-election.

19.6 Ineligible Candidate – Removed

The person whose removal from office by Council pursuant to section 18 has prompted the holding of a By-election is not eligible to be a Candidate in that By-election or for any office in the next General Election.

19.7 In eligible Candidate - Councillor

A current sitting Councillor in office at the time a By-election is called is not

eligible to be a Candidate in that By-election unless they first resign from their position on Council.

20. AMENDMENTS TO THE CODE

20.1 Amendments in Accordance with this Section

These Regulations may be amended in accordance with this section.

20.2 Approval by Council

Amendments to these Regulations shall be first drafted by Council and approved by Council Resolution.

20.3 Notice to Electors of Proposed Amendments

The Council shall post a Notice of a Special Meeting of the Electors of the First Nation at least fourteen (14) days prior to the date of the Special Meeting in the band office of the First Nation at Gregoire Lake No. 176A Reserve and other locations designated by the Council and mail such notices to Non-resident Electors who have provided a mailing address pursuant to section 7.4.

20.4 Content of Notice

The Notice shall state that the purpose of the meeting is to consider and vote upon amendments to these Regulations. It shall also state the time, place, and date of the Special Meeting.

20.5 Copy of proposed Amendments with Notice

A copy of the proposed amendments to these Regulations shall be attached to the Notice.

20.6 Approval of Amendments by Electors at Special Meeting

Upon the approval of the majority of a quorum of Electors present and voting by secret ballot at such a duly constituted Special Meeting of Electors, the amendments shall be adopted and shall be effective as of the date of the meeting.

20.7 Quorum at Special Meeting

A duly constituted Special Meeting of Electors to consider and vote by secret ballot upon amendments to these Regulations shall consist of at least fifty (50%) percent of the total number of Electors who voted in the previous Election.

20.8 Affidavit

Following the Special Meeting, the Chief, a Councillor, or chairman of the

meeting shall swear an Affidavit stating:

- (a) Proper notice of the Special Meeting was given as per section 20.3;
- (b) The Special Meeting was duly constituted as per section 20.7;
- (c) The total number of votes cast by Electors and the number of votes for and against the amendments;
- (d) That, to the best of their knowledge, the vote was properly conducted.

21. **ADMINISTRATIVE PROCEDURES**

- 21.1 The Chief and Council by Resolution from time to time may approve administrative procedures necessary to implement these Regulations.

22. **SEVERANCE**

- 22.1 If a section, sub-section, or portion of these Regulations is deleted or found to be inoperable by a Court, it shall be severed from these Regulations and the remaining sections shall remain in full force and effect

23. **EFFECTIVE DATE**

- 23.1 The Regulations contained herein hereby shall replace any and all prior Election Codes, Regulations and procedures of the First Nation.

The effective date of the Regulations of the Fort McMurray No. 468 First Nation outlined herein shall be the 31st day of May, 2014.

CONFIRMED BY THE FORT MCMURRAY NO. 468 FIRST NATION CHIEF AND COUNCIL.

Chief

Councillor

Councillor

