



YELLOW QUILL FIRST NATION

ELECTION LAW

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Draft for Community Ratification

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SECTION 1 PURPOSE AND TITLE

- 1.1 The purpose of this Law is to provide for the procedures and protocol by which Yellow Quill First Nation members will elect their Chief and Council, which are known as the Elected Chief and Council, and are composed of one (1) Chief and seven (7) Councillors who form part of the Yellow Quill First Nation Government, and by which such elected leaders of Yellow Quill First Nation conduct themselves.
- 1.2 This Law shall be called the *Yellow Quill First Nation Election Law* (the “*Election Law*”).
- 1.3 This Election Law shall not restrict or limit the Elected Chief and Council from duties set out in other Laws or Policies of *Yellow Quill First Nation*.
- 1.4 This Election Law shall be interpreted consistently with Yellow Quill First Nation law, traditions, and language.

SECTION 2 COMING INTO FORCE

- 2.1 Following a consultation process with members of Yellow Quill First Nation and upon a community vote, the 1999 Custom Election Code is repealed and replaced by this *Yellow Quill First Nation Election Law* which is approved by the vote of a majority of the eligible Electors voting.

SECTION 3 DEFINITIONS

- 3.1 In this *Election Law*:

Advance Poll means a location in a building, hall, or room which is located at Yellow Quill First Nation, Saskatoon, and Regina in Saskatchewan, and Calgary and Edmonton in Alberta, which locations for voting is selected by the Electoral Officer.

By-Election means the holding of an Election when an office becomes vacant as set out in this *Election Law*.

Chief means the position of Elected Chief as distinct from the position of Elected Councillor.

Chief and Council means the elected Chief and Council composed of those persons elected pursuant to the *Election Law*.

Corrupt Election Practices includes Prohibited Election Procedures in Section 14 and means any of the following:

- 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 count, vote result, or declaration of Election result;
- b) Threatening adverse consequences, coercing, intimidating, or harassing an Elector or an Election official for the purposes of influencing or interfering with an Elector's vote, or a ballot count, vote result, or declaration of Election result;
- c) Forging documents or providing false or misleading information for the purpose of influencing an Elector's vote, or a ballot count, vote result, or declaration of Election result; or
- d) Disclosing Confidential Information obtained as a result of their former employment with Yellow Quill First Nation, which is calculated to influence at least one Elector to vote or not to vote for any particular Eligible Candidate(s).

Councillor means the position of Elected Councillor as distinct from the position of Elected Chief.

Deputy Electoral Officer means a person or persons appointed by the Elected Chief and Council to assist the Electoral Officer in the Election process, who meets the following criteria:

- a) A member of Yellow Quill First Nation;
- b) Completed at minimum, a Grade 12 high school program and/or received a Grade 12 high school diploma;
- c) Has "no criminal record" or pending charges of a criminal nature as defined herein, and as certified on a Canadian Police Information Report (CPIC);
- d) Has successfully completed a drug test in accordance with a Yellow Quill First Nation Drug and Alcohol Law or Policy in force at the time; and
- e) Agrees to be bound by the rules and regulations as prescribed in this "*Election Law*."

Drug means a drug that is prohibited or controlled under the *Controlled Drugs and Substances Act of Canada*, 1996, C.19 and its successor legislation or the *Yellow Quill First Nation Drug and Alcohol Policy* in force at the time of the Election which includes prohibited depressants, stimulants, hallucinogens, recreational cannabis, narcotics and prescription drugs which are being handled illicitly and not used by the person who holds the prescription.

Election means a Yellow Quill First Nation Election held pursuant to the provisions of this *Election Law*.

Election Day means the date on which the election for Chief and Council is scheduled to be held.

Election Law means this *Yellow Quill First Nation Election Law* and all Regulations thereto as amended or replaced from time to time.

Elector means a person who is:

- a) on the Registered Membership List of the Yellow Quill First Nation; and
- b) the full age of eighteen (18) years of age on or before Election Day.

Electoral Officer means a person appointed by the Elected Chief and Council in advance of each Election who will have the responsibility for conducting pre-Election, Election, and post-Election procedures, and meets the following criteria:

- a) Has completed at minimum, a Grade 12 high school program and/or received a Grade 12 high school diploma;
- b) Has “no criminal record” or pending charges of a criminal nature as defined herein, and as certified on a Canadian Police Information Report (CPIC) and Child Abuse Registry or Vulnerable Sector Report;
- c) Has successfully completed a drug test in accordance with a Yellow Quill First Nation Drug and Alcohol Law or Policy in force at the time;
- d) Agrees to be bound by the rules and regulations as prescribed in this “*Election Law*”; and
- e) Has taken and successfully completed a certified Electoral Officer Course on conducting elections sponsored or endorsed by Yellow Quill First Nation.

Eligible Candidate means a Yellow Quill First Nation member who is an Elector and:

- a) is a member of Yellow Quill First Nation;
- b) is at minimum, the full age of eighteen (18) years or older to run for the position as Chief, or for the position as Councillor on or before the day on which the Election is held;
- c) has been nominated to be an Eligible Candidate pursuant to the provisions of this *Election Law* and agrees in writing to abide by the rules and provisions of the *Election Law*;
- d) is of good standing in the community and has produced credible evidence along with the Nomination Paper Form in Schedule “2” or “2a” which demonstrates the

Candidate to be eligible; and

- e) has provided a certified Canadian Police Information Report (CPIC) and Child Abuse Registry or Vulnerable Sector Report which discloses that the candidate;
 - i) has not been convicted of a criminal code offence involving fraud, theft, or damage to property or drug trafficking under Controlled Drugs and Substances legislation and regulations,
 - ii) has not been convicted of a Criminal Code or other offence involving violence, domestic abuse, spousal assault, sexual assault, molestation of children, murder, or attempted murder,
 - iii) has not been convicted of a criminal offence for in excess of ten (10) years before the Election or has obtained an official pardon,
 - iv) has no pending criminal charges of any kind,

(An uncertain CPIC report disclosing “may or may not” is not acceptable)
 - v) is not indebted to Yellow Quill First Nation or any of its government departments or involved in any litigation, claims, or suits against Yellow Quill First Nation, as stated in a letter from the Yellow Quill First Director of Operations current to within fourteen (14) days of filing Nomination Papers as obtained from the Yellow Quill First Nation Finance Department,
 - vi) has no prior pending or outstanding civil action(s) involving Yellow Quill First Nation, and is not the subject of a judgment in favour of or against Yellow Quill First Nation,
 - vii) has successfully completed a drug test in accordance with a *Yellow Quill First Nation Drug and Alcohol Policy* in force at the time,
 - viii) agrees to be bound by the laws of Yellow Quill First Nation and the appeal process set out in this *Election Law*,
 - ix) attends the Candidates’ forum scheduled by the Electoral Officer herein, and
 - x) maintains the aforesaid conditions of being an Eligible Candidate on the Election Day, and following election to office, takes the Oath of Office.

Majority means a simple majority of fifty percent (50%) of the number of Electors who vote by casting a ballot plus one (+1).

Membership List means the list of names of persons who appear on the current Membership List of the Yellow Quill First Nation as prepared pursuant to a *Membership Law* of Yellow Quill First Nation in force from time to time.

Nomination Paper means the document in the form attached hereto as Schedule “2” and Schedule “2A” filed in accordance with this *Election Law* which represents the written acceptance of an Eligible Candidate in the Election.

Notice of Election means the document in the form attached hereto as Schedule “4” filed in accordance with this *Election Law*.

Polling Station means a location in a building, hall or room which is selected by the Electoral Officer in Saskatoon, Regina, Calgary and Edmonton to be a site for voting to take place and may include an Advance Poll.

Registered Voter means an eligible Voter on the Voter’s List.

Reserve means the tract of land, the legal title to which is for the use and benefit of Yellow Quill First Nation, and is identified as Yellow Quill First Nation Reserve No. 90.

Scrutineer means an individual appointed by an Eligible Candidate to run for the office of Elected Chief or Elected Councillor in the form attached hereto as Schedule “5” to be present and observe the activities at an Election Poll. An Eligible Candidate may only appoint one (1) individual to serve as a Scrutineer at any Polling Station.

Voters List means the list of Yellow Quill First Nation members eligible to vote at a Yellow Quill First Nation Election.

Yellow Quill First Nation is the name traditionally registered with Canada and carries the same meaning as Yellow Quill First Nation, and includes the Yellow Quill First Nation Reserve, Government, Trust, all Yellow Quill First Nation corporate entities, limited partnerships, and businesses.

SECTION 4

MODE OF ELECTION FOR CHIEF AND COUNCILLORS

- 4.1 Chief and Councillors shall be elected by a vote held in accordance with this *Election Law*.

SECTION 5

COMPOSITION OF CHIEF AND COUNCIL

- 5.1 The Yellow Quill First Nation Council shall be composed of one (1) Chief and seven (7) Councillors.
- 5.2 The Chief shall be the Eligible Candidate running for the office of Chief with the highest number of votes as elected by the Electors.

- 5.3 The Councillors shall be the seven (7) Eligible Candidates running for the office of Councillor with the highest number of votes as elected by the Electors.
- 5.4 An Eligible Candidate for elected office may run for the position of either Chief or Councillor, but not for both positions during the same Election.

SECTION 6

ELIGIBILITY FOR THE OFFICE OF CHIEF AND COUNCILLOR

- 6.1 Only Electors who meet the requirements of an Eligible Candidate as set out in this *Election Law* may be nominated and may run for Elected Office.

SECTION 7

TERM OF OFFICE

Election Day

- 7.1 The Election Day shall be held on the fourth (4th) Thursday in the month of April which shall occur every four (4) years commencing in 2027 and every fourth (4th) year thereafter.
- 7.2 Subject to any vacancy arising under this *Election Law* or any emergency extension of the term of office, the term of office for the position of Chief or Councillor expires four (4) years from the Election Day.
- 7.3 The term of office for Chief and Councillor commences when each Elected Chief and Council member swears the Oath of Office as set out in Schedule “1” of this *Election Law*. The swearing of the Oath of Office shall take place within seven (7) days following the Election Day after the newly elected Chief and Councillors have been announced.
- 7.4 The refusal of an Elected Candidate to swear an Oath of Office is an automatic forfeiture of their election.
- 7.5 All Elected Candidates are expected to attend Council meetings at Yellow Quill First Nation at their own expense, and are subject to Yellow Quill First Nation travel and expense policies.

By-Election

- 7.6 If a vacancy occurs on Council and there is more than twelve (12) months remaining in the Council’s term of office, then a By-Election may be held. The person elected to fill such a vacancy shall, subject to the provisions of this *Election Law*, hold office for the remainder of the term. A By-Election shall only be held where a majority of the Yellow Quill First Nation Chief and Council determine that the Chief and Council have the financial capability to hold a By-Election. Where the Chief and Council determine that the financial capability

exists to hold a By-Election under this section, an Election shall be held for the position of Chief or Councillor.

- 7.7 If a vacancy occurs on Council, and there is less than six (6) months remaining in the Council's term office, then:
- a) for the office of the Chief, the Council member elected by quorum of the existing Council will act as Chief for the remainder of the unexpired term of office; or
 - b) for the office of a Councillor, the office shall remain vacant for the remainder of the unexpired term of office.
- 7.8 In the event that the Chief becomes incapable of performing his or her duties and responsibilities prior to the expiration of his or her term of office, the Council member elected with the highest number of votes will act as Chief until such time as the Elected Chief resumes his or her position. The position of acting Chief shall not exceed sixty (60) days, at which time the remaining Council members must appoint one Council member to act as Chief until such time as the Elected Chief resumes his or her position.
- 7.9 In the event that a successful appeal results in a By-Election, the term of the newly Elected Chief and/or Councillor(s) shall commence on the date each Elected Chief and/or Councillor member swears the Oath of Office as set out in Schedule "1" of this *Election Law*. The newly Elected Chief and/or Councillor(s) elected, subject to the provisions of this *Election Law*, shall hold office for the remainder of the unexpired term of office.

SECTION 8

PRE-NOMINATION PROCEDURES

- 8.1 An Electoral Officer and Deputy Electoral Officer, for the purpose of conducting the Election, shall be appointed by the Chief and Council not less than ninety (90) days before the expiration of Council's term of office on or before the fourth (4th) Thursday in August of the year of the Election. The appointment of an Electoral Officer and Deputy Electoral Officer will be based upon a review of applications submitted by interested applicants. Interested applicants must provide the names of at least two (2) references that can confirm the interested applicant's qualifications and experience and supporting documentation at least seven (7) days before the decision of Chief and Council.
- 8.2 The Electoral Officer and Deputy Electoral Officer shall be appointed in accordance with Section 8.1 above by a majority decision of the Chief and Council.
- 8.3 The Chief and Council will appoint an individual to the office of Electoral Officer and to the office of Deputy Electoral Officer who meets the definition of Electoral Officer and:
- a) does not conduct any business with Yellow Quill First Nation;

- b) has no vested interest in the outcome of the Election and is not a Candidate;
- c) is not the current Chief or a current Councillor;
- d) is at least twenty-one (21) years of age;
- e) has experience in the conduct of Elections or has received appropriate certified Electoral Officer training; and
- f) pledges to conduct their duties outlined in this *Election Law*.

- 8.4 In consideration of the Electoral Officer and Deputy Electoral Officer accepting their appointments by Chief and Council to serve in their office, the Electoral Officer and Deputy Electoral Officer shall each sign a contract with Yellow Quill First Nation Government within fourteen (14) days of their appointment that provides for their obligations and remuneration by honorarium, as determined by the Chief and Council, and agreed to in writing beginning within thirty (30) days following the appointment.
- 8.5 In the event that the Electoral Officer cannot fulfill his or her duties, an existing Deputy Electoral Officer will be chosen by a majority decision of the Chief and Council to undertake the duties of the Electoral Officer. In the absence of an existing Deputy Electoral Officer, the Chief and Council shall appoint a new Electoral Officer.
- 8.6 Should the Electoral Officer determine that more than one Deputy Electoral Officer is required, the Chief and Council in their discretion may appoint an additional Deputy Electoral Officer.

SECTION 9 NOMINATION ELIGIBILITY

- 9.1 Only Electors who are eighteen (18) years of age on the date of the Election may nominate or second the nomination of an Eligible Candidate.
- 9.2 An Elector can nominate or second only once for an Eligible Candidate for the position of Chief and nominate and second only once for an eligible candidate for the position of Councillor but not more than one nomination or second for each position of Chief or Councillor. An Eligible Candidate can only run for one (1) position, either Chief or Councillor.
- 9.3 A non-refundable filing fee of five hundred (\$500.00) DOLLARS must be paid by all Eligible Candidates for the position of Chief, and three hundred (\$300.00) DOLLARS must be paid by all Eligible Candidates for the position of Councillor upon filing their Nomination Paper with the Electoral Officer. The fee shall be in the form of cash or certified cheque payable to Yellow Quill First Nation Government, and a receipt for such payment shall be given to the Eligible Candidate by the Electoral Officer or by a Deputy

Electoral Officer. The fee will be used by Yellow Quill First Nation to offset Election expenses.

- 9.4 If such fee is not received, then the Eligible Candidate shall be deemed to have declined his or her nomination.
- 9.5 On or before thirty-five (35) days before the Election Day, all Eligible Candidates must file with the Electoral Officer, their Nomination Paper in Form 2 or 2A, the non-refundable filing fee, proof of current membership with the Yellow Quill First Nation, certified CPIC criminal record check from a recognized policing agency, a Vulnerable Sector or Child Abuse Registry check, a resume of education and work experience, along with a negative drug test as per the *Yellow Quill First Nation Drug and Alcohol Policy* in force, and current to within sixty (60) days of filing, and a signed agreement to abide by the rules and provisions of this *Election Law*.
- 9.6 The criminal record check results and child abuse registry check results must be dated to reflect the searches having been completed within two (2) months before the Election Day.
- 9.7 If the required supporting documents are not provided to the Electoral Officer upon filing, then the Eligible Candidate shall be deemed to have declined his or her nomination.
- 9.8 Upon reviewing the Nomination Papers and applications of potential Eligible Candidates and making any inquiries necessary, the Electoral Officer will decide and make a list of all Eligible Candidates who are eligible to run in the Election.

SECTION 10

POSTING AND PROCEDURES OF NOMINATIONS AND ELECTION

- 10.1 On or before sixty (60) days before the Election Day, the Electoral Officer shall post a Notice of the Election, the nomination procedure, and a preliminary list of the names of Electors in the form attached hereto as Schedule "3" at the Yellow Quill First Nation Administration and Finance Office and other Yellow Quill First Nation public offices as the Electoral Officer may deem necessary for the purpose of bringing the Election process to the attention of the Yellow Quill First Nation Electorate.
- 10.2 A Notice of Election shall include:
 - a) the date, time, duration and location of the Election Day Poll on Reserve which shall commence at 8:00 a.m. and end at 8:00 p.m. and be for a duration of exactly twelve (12) hours;
 - b) the Election Day on which the Election will be held and the location of each Polling Station and times Polls are open at each Polling Station;

- c) the date, time, and location of the Advance Polls, as defined;
- d) the offices open for Election;
- e) a description of Schedule “2” and Schedule “2A” and the manner in which an Elector can nominate an Eligible Candidate or second the nomination of an Eligible Candidate;
- f) the deadline by which Nomination Forms and supporting documents must be received by the Electoral Officer;
- g) the location and address of the Office of the Electoral Officer;
- h) the rules outlining conduct of the general public to ensure the Election is conducted in an orderly fashion;
- i) the Voters List, containing a list of all eligible Electors as defined herein;
- j) a request for eligible Electors to verify that they are on the list;
- k) the date, time, and place of the Candidates Meeting Forum; and
- l) the initials of the Electoral Officer.

Nomination Procedure

- 10.3 The Electoral Officer shall be in charge of the procedure of receiving Nomination Papers.
- 10.4 The nomination of each eligible nominee as an Eligible Candidate must be nominated and seconded to be valid.
- 10.5 An Elector may either nominate or second the nomination of any Eligible Candidate to stand as an Eligible Candidate for the office of Chief or the office of Council.
- 10.6 The Eligible Candidate, nominator and seconder must fill out the Nomination Form attached as Schedule “2” or “2A” to this *Election Law*, and file with the Electoral Officer along with all supporting documentation within the time period provided for in this *Election Law*.
- 10.7 In order for a nomination to be valid, the Eligible Candidate so nominated must indicate their acceptance of their nomination to the Electoral Officer.
- 10.8 The Electoral Officer shall receive no further Nomination Papers after the posted deadline.
- 10.9 Upon reviewing the Nomination Papers, on or before twenty-one (21) days before Election Day, the Electoral Officer shall post within the Yellow Quill First Nation public offices a notice setting out:
 - a) a final list of Electors;
 - b) a list of Eligible Candidates nominated for offices of Chief and/or Councillors;

- c) the times, date and locations of the Advance Polls and locations at Yellow Quill First Nation where voting will take place on Election Day; and
- d) the time, date and location of the mandatory Candidates' Speakers forum to be conducted by the Electoral Officer, and rules of conduct of the forum, on or before fourteen (14) days before the Election Day, to which all Eligible Candidates must be physically present to maintain the Candidate's eligibility to run in the election.

Candidate Speakers Forum

- 10.10 Following the posting of Eligible Candidates, the Electoral Officer shall post notice of the time, place, and location of a Candidate Speakers Forum to be held on Reserve No. 90, and to be chaired and conducted by the Electoral Officer within fourteen (14) days before the Election Day. Each Candidate and their Nominator will have an opportunity to speak to the community members in attendance at the Candidate Speakers Forum in support of their campaign, together for a total of no more than ten (10) minutes of cumulative time.
- 10.11 All Eligible Candidates must physically attend the mandatory Candidate Speakers Forum at their own cost for which they are responsible. Failure of the Eligible Candidate to attend the mandatory Candidate Speakers Forum will result in immediate disqualification of the Candidate who shall no longer be eligible to run in the Election and shall not be shown on a Ballot.
- 10.12 Eligible Candidates must attend the mandatory Candidate Speakers Forum without exception, and the Electoral Officer and their Deputy Electoral Officers shall have no discretion to make any exceptions or provide any waiver of this requirement except in case of illness certified by a Doctor or Nurse Practitioner, or death in the Candidate's immediate family.

Vacancy of Employed Positions

- 10.13 The Electoral Officer shall also:
 - a) if only one eligible person has been nominated for election as Chief, declare that person to be elected by acclamation;
 - b) if the number of eligible persons nominated to serve as Councillors does not exceed the number required to be elected to fill all positions on Council, declare those persons to be elected by acclamation;
 - c) where more than the required number of persons are nominated for election as Chief or Councillors, post the day that the Election will be held; and
 - d) where less than the required number of persons are nominated to fulfill the position

of Chief or Councillor, announce that another Election shall be called as soon as practical to fulfill the vacancy.

- 10.14 Any Eligible Candidate posted by the Electoral Officer who is employed by Yellow Quill First Nation including the present Chief and Councillors shall immediately take a leave of absence without pay from their position leading up to the Election for fourteen (14) days before Election Day, and upon being elected to the position of Chief or Councillor, shall immediately be deemed to have resigned their employed position with Yellow Quill First Nation. Those employees that are not elected shall resume their employed positions.

SECTION 11 WITHDRAWAL OF ELIGIBLE CANDIDATE

- 11.1 An Eligible Candidate who has been nominated may withdraw his or her candidacy no later than two (2) days following the posting of the nominations of Eligible Candidates by submitting to the Electoral Officer a written withdrawal of nomination signed by the Eligible Candidate in the presence of the Electoral Officer.

SECTION 12 RELOCATION OF POLLING STATIONS

- 12.1 If a death occurs in the Yellow Quill First Nation community from the date of the posting of the Notice of Nominations to the date of the Advance Poll, or the Election Poll, and should the location of an Election function be required to accommodate the wake or funeral proceedings, the Electoral Officer shall have discretion to change the location of the Advance Polling Station or the Election Polling Station to another location deemed to be appropriate by the Electoral Officer.
- 12.2 Where an Electoral Officer changes the location of an Advanced Polling Station, or an Election Polling Station for any of the reasons permitted in accordance with this *Election Law*, the Electoral Officer shall ensure that at least one (1) day notice is provided for the re-located Advance Poll or an Election Poll. Such notice will be posted in the administration and finance offices and other locations the Electoral Officer deems appropriate.

SECTION 13 ELECTION POLLING PROCEDURES

13.1 *Ballot Preparation*

- a) Ballot papers shall be prepared by the Electoral Officer containing the names of the Eligible Candidates for Chief and Councillors, which names shall be listed on the ballot papers in alphabetical order.
- b) All ballot papers in order to be official shall be initialed by the Electoral Officer or

Deputy Electoral Officer in the upper right-hand corner.

- c) Any ballot paper cast which fails to show the original initials of the Electoral Officer or Deputy Electoral Officer in the upper right-hand corner shall be deemed invalid and shall not be counted.

13.2 *The Poll*

- a) All Polls, other than the Advance Polls, shall be held on the Yellow Quill First Nation Reserve No. 90;
- b) The Electoral Officer shall procure the number of ballot boxes required and prepare a sufficient number of ballot papers for the purpose of the Election;
- c) The Electoral Officer shall, before the Poll is open, deliver to the Deputy Electoral Officer the ballot papers, materials for marking the ballot papers, and a sufficient number of voting compartments and directions for voting;
- d) The Electoral Officer or their Deputy Electoral Officer shall provide a voting compartment at each Polling Station where Electors can mark their ballot papers away from observation, and the Electoral Officer may appoint a Police Officer to maintain order at such Polling Stations;
- e) The Poll shall remain open from 8:00 a.m. until 8:00 p.m. of the same day except at an Advance Poll which shall remain open from 12:00 noon until 8:00 p.m.;
- f) An Eligible Candidate may authorize a person to serve as his or her Scrutineer during the Poll. A Scrutineer must present upon request to the Electoral Officer, written verification in the form attached hereto as Schedule "4" signed by the Eligible Candidate that he or she has been authorized to serve as the Eligible Candidate's Scrutineer. An Eligible Candidate may only authorize one (1) individual at a time to serve as his or her Scrutineer at any designated Poll;
- g) A Scrutineer may observe the process and ask questions of the Electoral Officer, but not interfere in the process of voting or engage in conversation with voters until after they have voted. The decision and position taken by the Electoral Officer shall be final and binding on the date of the Election, but may otherwise be subject to Appeal;
- h) Voting at all Elections shall be by secret ballot in the manner set forth in this *Election Law*;
- i) The Electoral Officer or his or her Deputy Electoral Officer shall, immediately before the commencement of the Poll, open the ballot box and call such persons as may be present to witness and sign a statement confirming that the ballot box is empty. The Electoral Officer shall then lock and properly seal the ballot box to prevent it from being opened without breaking the seal, and shall place the ballot box in view for reception of the ballots, and the seal shall not be broken nor the ballot

box unlocked during the time appointed for taking the Poll;

- j) In the case of the Advance Poll, the seal shall not be broken nor the ballot box unlocked until the closure of the Election Poll. All ballot boxes used for Advance Polls shall be stored at the local Police Station and will be transported to the voting Poll on the day of voting by a Police Officer; and
- k) At both the Election Day Poll and Advance Polls, the Electoral Officer shall not allow people to congregate and should maintain access to the Polling Station and ensure that once people have voted they are to leave the location of the Poll.

13.3 *Voting*

- a) Where an Elector presents himself or herself for the purpose of voting, the Electoral Officer or Deputy Electoral Officer shall, if satisfied that the name of such person is entered on the Voters List at the Polling Station, record the attendance of the person on the Voters List, provide the Elector with a single ballot paper on which to register his or her vote, and shall ensure their initial on each ballot;
- b) The Electoral Officer has the discretion to request identification from the Elector for the purpose of confirming the identity of the Elector;
- c) The Electoral Officer or Deputy Electoral Officer shall, in the appropriate column of the Voters List, initial opposite the name of every Elector receiving a ballot paper;
- d) The Electoral Officer or Deputy Electoral Officer shall, and when requested to do so, explain the mode of voting to a voting Elector;
- e) Each Elector receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark on his or her ballot paper by placing an "X" or other mark opposite the name of the Eligible Candidate or Eligible Candidates for whom he or she desires to vote, provided the mark is clear as to who is being selected. The Elector shall then fold the ballot paper so as to conceal the names of the Eligible Candidates and the marks on the face of the paper but so as to expose the initials of the Electoral Officer or Deputy Electoral Officer, and upon leaving the compartment, shall forthwith deliver the ballot paper to the Electoral Officer or Deputy Electoral Officer, who shall, without unfolding the ballot paper, verify his or her initials on the ballot paper, and at once deposit the ballot paper in the ballot box in the presence of the Elector and of all other persons entitled to be present at the Polling Station;
- f) While any Elector is in the compartment for the purpose of marking his or her ballot paper, no other person shall, except as provided in this Section, be allowed in the same compartment or in any position from which he or she can see the manner in which such Elector marks his or her ballot paper;
- g) If the Elector is unable to read or is incapacitated by blindness or other physical circumstances, one person of the Elector's choice, including the Electoral Officer or Deputy Electoral Officer, shall be permitted to accompany the Elector in the voting

booth. The Electoral Officer or the Deputy Electoral Officer shall state on the Voters List in the column for remarks opposite the name of such Elector the fact that the ballot paper was marked by another person at the request of the Elector, or the fact that another individual accompanied the Elector in the voting booth, along with the name of the other person and the reasons for the request; and

- h) An Elector who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot paper, and the Electoral Officer or Deputy Electoral Officer shall thereupon write the word “cancelled” upon the spoiled ballot paper, preserve it, and record the circumstances.

13.4 ***Procedures for Electronic Ballots***

- a) Conditional upon Yellow Quill First Nation determining and being satisfied of a reliable and secure online Electronic Voting Platform Service, then upon approval by Band Council Resolution of Chief and Council of a credible current online Electronic Voting Platform Service, the Electoral Officer may employ the services of the credible current online Electronic Voting Service Platform and utilize an approved system of voting on-line or by electronic means.
- b) The Electoral Officer shall ensure that instructions for electronic voting are clearly provided on all notices, the electronic voting platform page, and are available for distribution upon direct request from any Elector.
- c) The electronic voting platform must operate across all digital platforms (smart phones, tablets, laptops and personal computers) and across all major operating systems, providing that the hardware used is current.
- d) To cast an electronic vote, an Elector shall:
 - i) visit the landing page (or home page) of the electronic voting platform;
 - ii) confirm their eligibility to participate using electronic voting;
 - iii) complete the elector registration process;
 - iv) declare their intent and desire to vote electronically;
 - v) complete the authentication and elector verification process;
 - vi) mark their electronic Ballot(s); and
 - vii) confirm their electronic vote.
- e) During the electronic voting process set out in this section, the Electoral Officer will:
 - a) receive an email notification confirming the elector registration;
 - b) receive an email notification confirming the elector voted electronically; and
 - c) mark the elector as having voted electronically on the Electors’ List.
- f) Where the Elector has voted electronically, he/she shall not be permitted to vote in person or by mail-in Ballot.

- g) The Electoral Officer shall ensure electronic voting platform is populated by the Electors' List no later than sixty (60) days prior to Election Day.
- h) The Electoral Officer shall have administrative access to the electronic voting platform to view and download daily reports and detailed activities reports.
- i) Individual voting results shall remain secret at all times and individual Elector choices shall be encrypted in such a way as to ensure Elector anonymity.
- j) At a minimum, the electronic voting platform shall exceed the threshold of verification of an Elector and due diligence for mail-in Ballots, and at minimum shall require for each Elector:
 - i) a digital signature (or equivalent);
 - ii) a unique personal identification number (PIN);
 - iii) a registry number (status card number); and
 - iv) their date of birth.
- k) Automated email notifications shall be generated in real-time to the Elector and Electoral Officer of all and any activity associated with an Elector using the electronic voting platform, including:
 - i) attempted registration and/or voting;
 - ii) completed elector registration;
 - iii) completed voting;
 - iv) failed registration and/or vote; and
 - v) system or communication failures, interruptions or lost data.
- l) Daily detailed activity reports shall be generated via email to the Electoral Officer.
- m) At the official close of the Poll, the Electoral Officer shall be able to access the tabulated electronic vote results.
- n) All electronic Electors' List, Ballots, and confidential Elector information shall be deleted and wiped from the servers of the electronic voting platform, and certification to this effect will be provided by the Electoral Officer.
- o) Once an Elector has voted once electronically, they cannot vote again electronically, and shall be restricted from doing so again by the electronic voting platform program Code.
- p) Electronic voting will end automatically at the official close of the electronic poll and the electronic voting platform will no longer be accessible by Electors.
- q) After the close of the polls the Electoral Officer shall add the Electronic Voting results to the results of the physical polls and mail-in Ballots and shall make a declaration certifying the recorded number of Electronic Votes.

- r) Without contravening any part of this Code, Council may make regulations governing electronic voting procedures.

13.5 *Secrecy of Voting*

- a) Every person in attendance at a Polling Station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and
- b) No person shall interfere or attempt to interfere with an Elector when marking his or her ballot paper or obtain or attempt to obtain at the Polling Station information as to how an Elector is about to vote or has voted.

13.6 *Close of Poll and Counting of Votes*

- a) Immediately after the close of the Election Poll, the Electoral Officer or Deputy Electoral Officer shall, in the presence those Eligible Candidates or their Scrutineers as may be present, open the ballot boxes and examine the ballot papers; and
 - i) reject all ballot papers:
 - (a) that have not been supplied by the Electoral Officer or Deputy Electoral Officer,
 - (b) by which votes have been given for more Eligible Candidates than are to be elected, or
 - (c) upon which anything appears by which an Elector can be identified,
 - ii) subject to review on recount or on an Election appeal, take note of any objection made by any Eligible Candidate or his or her Scrutineer to any ballot paper found in the ballot box and decide any questions arising out of the objection,
 - iii) 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, and
 - iv) count the votes given for each Eligible Candidate from the ballot papers not rejected and make a written statement of the number of votes given to each Eligible Candidate and the number of ballot papers rejected and not counted by him or her, which statement shall then be signed by him or her and by such other persons authorized to be present as may desire to sign the statement.
- b) Immediately after completion of the counting of votes, the Electoral Officer shall publicly declare to be elected the Eligible Candidate for Chief and Eligible Candidates for Councillors having the highest number of votes in accordance with

this *Election Law*, and the Electoral Officer shall also post in some conspicuous place, a statement signed by him or her showing the number of votes cast for each Eligible Candidate. Where it appears that two or more Eligible Candidates have an equal number of votes, a By-election will be held to fill the position(s) left vacant, should a position be left vacant, as a consequence of such equality of votes;

- c) Should there be a difference of at least ten (10) votes counted between Candidates for the position of the office of Chief or Councillor, the Candidate with the lesser votes may request a re-count of the ballots which re-count must take place immediately following the counting of all ballots;
- d) Should there be a difference of at least five (5) ballots on the re-count, there shall be a mandatory third re-count for the disputed position which shall be final; and
- e) Following the public declaration of the Elected Chief and Councillors, administer the taking of the Oath in the form attached hereto as Schedule “1” publicly before those in attendance at 10:00 a.m. within seven (7) days following the Election, or at such time and place as the Electoral Officer of Deputy Electoral Officer requests the Elected Chief and Council are present.

13.7 *Disposition of Ballot Papers and Documentation*

- a) Following the public declaration, the Electoral Officer shall deposit all ballot papers and other documentation in an envelope, seal said envelope, initial over the seal of the envelope, and shall store all ballots and documentation of Eligible Candidates at the local RCMP Office for sixty (60) days. Should a re-count be requested or an “Appeal” be filed, the Electoral Officer shall store the ballots and documentation until the re-count or Appeal has been dealt with; and
- b) At the expiration of the sixty (60) day period, or after an Appeal has been concluded, the Electoral Officer shall destroy the ballot papers and Eligible Candidates documentation in the presence of two (2) witnesses who shall make a written declaration that they witnessed the destruction of those papers.

SECTION 14 PROHIBITED ELECTION PROCEDURES

14.1 A person or Eligible Candidate must not, in connection with an Election, engage or participate in Corrupt Election Practices including:

- a) by intimidation or duress, attempt to influence another person to;
 - i) nominate, or refrain from nominating a particular Eligible Candidate,
 - ii) accept or decline a nomination, or
 - iii) withdraw as an Eligible Candidate.

- b) act, or incite another person to act in a disorderly manner with the intention of disrupting the conduct of an Election;
- c) knowingly publish a false statement whether by social media or otherwise that an Eligible Candidate is withdrawing or has withdrawn their candidacy;
- d) upon being nominated, fail to comply with the Yellow Quill First Nation Social Media Policy or Law in force, or use any form of social media such as Facebook in any manner whatsoever to make disparaging comments to personally demean, criticize, or degrade in any manner a member of Yellow Quill First Nation, an Eligible Candidate, or former or present member of Chief and Council. This does not prevent campaigning in good faith when commenting on the record of a Candidate's conduct, leadership, or accountability in public office;
- e) print or reproduce a ballot with the intention that the print or reproduction is used as a genuine ballot;
- f) vote or attempt to vote knowing that they are not entitled to vote;
- g) attempt to influence another person to vote knowing that the other person is not entitled to do so;
- h) knowingly use a forged ballot;
- i) put a ballot into a ballot box knowing that they are not authorized to do so under the "*Election Law*";
- j) by intimidation or duress, attempt to influence another person to vote or refrain from voting, or to vote or refrain from voting for a particular Eligible Candidate;
- k) offer or provide money, goods, employment or other valuable consideration in an attempt to influence an Elector to vote or refrain from voting or to vote or refrain from voting for a particular Eligible Candidate;
- l) intentionally vote more than once in respect of any given position for Chief or Councillor;
- m) provide a false name in order to obtain a ballot;
- n) possess a ballot that was not provided to them in accordance with the regulations; and
- o) promising to dissolve or pay out any Trust or First Nation assets to individuals for any reason including obtaining a political advantage.

14.2 Corporate or business donations in support of an Eligible Candidate are not allowed and shall be deemed as a contravention of this Act and may lead to disciplinary measures or the disqualification of a Candidate.

- 14.3 Only an Elector is entitled to vote in the Election.
- 14.4 An Elector who is appointed as an Electoral Officer in respect of an Election is NOT entitled to vote in that Election.

SECTION 15 APPEAL PROCEDURE

- 15.1 Within fifteen (15) days after an Election, an Eligible Candidate, who reasonably believes that:
- a) a person declared elected was not qualified to be an Eligible Candidate;
 - b) there was corrupt practice or fraudulent practice in connection with the Election; or
 - c) there was a violation of this *Election Law* that might have affected the result of the Election;

may file an appeal to the Appeal Tribunal in accordance with the provisions herein by providing a Notice of Appeal in Schedule “5” to the Director of Operations along with a \$500.00 non-refundable fee payable to Yellow Quill First Nation together with a petition signed by no less than 100 Electors of Yellow Quill First Nation.

- 15.2 A Notice of Appeal as provided in Schedule “5” must be in writing, containing details verified by affidavit of the Appellant including all supporting documentation, and shall be sent to and filed with the Director of Operations.

- 15.3 Where an appeal is filed with the Director of Operations in accordance with this *Election Law*:

- a) the Director of Operations shall, within seven (7) days of receiving the Notice of Appeal described in Section 15.2 above, provide a copy of the Notice of Appeal, together with all supporting documents to each Eligible Candidate in the Election and to the Electoral Officer;
- b) any Eligible Candidate or the Electoral Officer may within fifteen (15) days of the receipt of the Notice of Appeal, file a written response to the appeal allegations, together with any supporting documentation;
- c) within seven (7) days of receiving the Notice of Appeal, the Electoral Officer shall further prepare an Election Record and deliver it to the Director of Operations to forward to the Appeal Tribunal, which Election Record shall consist of the following documentation:
 - i) A copy of this *Election Law*;

- ii) A copy of the Council Resolution appointing the Electoral Officer;
- iii) A copy of the list of Electors;
- iv) All ballots;
- v) Copies of any Statutory Declarations of Electors sworn in connection with the Election, By-election, or other record of *Election Law* procedures as the case may be;
- vi) A copy of the Notice of Candidates Forum Meeting;
- vii) Copies of all filed Nomination Papers;
- viii) A copy of the Notice of Appeal or Appeals, as the case may be; and
- ix) Any other relevant information in the possession of the Electoral Officer.

- 15.4 Within thirty (30) days following receipt of the Notice of Appeal and supporting material or expiration of the period of time provided for filing a response to the Notice of Appeal, whichever is the latter, the Appeal Tribunal shall, or as soon as practical deny and dismiss the appeal, or uphold the appeal and order a new Election for the position challenged, order a new Election for all positions, or order a remedy which the Appeal Tribunal deems just and may or may not provide written reasons for their decision.
- 15.5 The decision of the Appeal Tribunal is final and binding on the Yellow Quill First Nation, on all Eligible Candidates in an Election and on all Electors.
- 15.6 Yellow Quill First Nation Government shall not cover any legal and court costs incurred on behalf of any Chief or Councillor or Eligible Candidate who launches a court action in relation to the Election.

SECTION 16

CHIEF OR COUNCILLOR POSITION BECOMING VACANT

- 16.1 The office of Chief or Councillor becomes vacant when a person who holds that office:
- a) dies while he/she is in office;
 - b) resigns during his/her term of office;
 - c) is or becomes ineligible to hold office by virtue of this *Election Law*;
 - d) has been found guilty of Corrupt Practice in connection with the Election pursuant to a decision of the Appeal Tribunal;
 - e) has been found guilty of contravening the declaration of Oath of Office pursuant to a decision of the Appeal Tribunal;
 - f) is absent for three (3) consecutive meetings of the Chief and Council without

reasonable excuse; or

- g) is convicted of an indictable criminal code offence while in office, or for which a pardon has not been granted.

- 16.2 Any person holding the office of Chief or Councillor who is charged with a criminal offence in any Province, State, Territory or Country shall be suspended indefinitely without pay from holding that office. In the event that the person is acquitted or the charge stayed, then the suspension shall be lifted, however, that person shall not be entitled to receive any honorarium or salary that was suspended or withheld during the interim, period.
- 16.3 The office of Chief or Councillor does not become vacant when such person holding that office is convicted of a criminal code offence that is directly related to that person's participation in protests for the benefit of First Nations people and/or the Yellow Quill First Nation or its membership.

SECTION 17 INDEPENDENT APPEAL TRIBUNAL

- 17.1 The Chief and Council shall ensure that an independent Appeal Tribunal is established in accordance with the procedures herein.
- 17.2 The role of the independent Appeal Tribunal is to preside over and resolve any appeals arising from an Election, and when necessary, to preside over complaints made against a Chief or Councillor in accordance with the procedures herein.
- 17.3 The Chair of an Appeal Tribunal shall be selected by the Chief and Council at least ninety (90) days prior to the Election Day and shall enter into a contract with Yellow Quill First Nation within fourteen (14) days following their appointment. The Chair of the Appeal Tribunal shall then select four (4) additional members of the Appeal Tribunal in accordance with this *Election Law*.
- 17.4 No member shall serve on an Appeal Tribunal who is an immediate family member of the Appellants or individuals whose election to Council is called into question on an appeal before that Tribunal. In such an instance, the Chair of the Appeal Tribunal shall replace such members of an Appeal Tribunal where such a conflict of interest exists.
- 17.5 Members of the Appeal Tribunal shall be appointed for a four (4) year term and the Appeal Tribunal shall consist of five (5) persons including the Chair who are each a respected member of a different Treaty 4 First Nation and who do not belong to Yellow Quill First Nation, Kinistin Saulteaux Nation, or Fishing Lake First Nation, who are selected for their impartiality and understanding of this *Election Law* and who shall enter into a contract with Yellow Quill First Nation within fourteen (14) days of their appointment.

- 17.6 The Appeal Tribunal may establish its own rules of evidence and procedure and nothing requires the evidence presented or the procedure adopted to conform to rules of evidence or procedure which may be adopted in any other proceeding before the Appeal Tribunal or a Court of Law.
- 17.7 The Appeal Tribunal shall be governed by the rules of fairness and shall provide at least fourteen (14) days' notice to all participants in advance of its Hearing date.

Election Appeal

- 17.8 The Appeal Tribunal shall endeavor, following the receipt of any Election Appeal from the Director of Operations, to provide a decision within thirty (30) days of receiving such an Election Appeal whether, in its discretion, to hold a Hearing.
- 17.9 The Hearing into any Election Appeal provided to the Appeal Tribunal shall require advance notice of no less than one (1) week being given of the time and place of the Hearing to the Appellant, and those interested members including members of the Council who are the subject of the Election Appeal, and the Hearing of the Appeal Tribunal shall, unless all Parties thereto otherwise agree, be held at a location on the Yellow Quill Reserve No. 90.
- 17.10 At the Appeal Hearing, the Appeal Tribunal shall provide all Parties and interested persons calling into question an election, an opportunity to present evidence and argument in support of their respective positions. Any person against whom the Election Appeal is brought shall be afforded a reasonable opportunity to know of the Election Appeal, and to respond to any such allegations made against either the election process or their conduct, as the case may be.
- 17.11 The Appeal Tribunal, upon conclusion of an Appeal Hearing, shall endeavor to reach a decision on the Election Appeal as soon as practical and within thirty (30) days of being presented with the Appeal by the Director of Operations, and in its decision shall:
- a) determine whether or not the Appellant(s) has proven the grounds for the Election Appeal set out in the Notice of Appeal on a balance of probabilities; and
 - b) determine whether the grounds as proven may or may not reasonably have affected the outcome of the election appealed from; and
 - c) order a new election for the position(s) on Council contested by the Election Appeal, where satisfied that grounds for appeal have been proven and such grounds may reasonably have affected the outcome of the election relative to such Council position(s); or
 - d) uphold the election, where the grounds of the Election Appeal have not been proven, or if proven, could not reasonably have affected the outcome of the election; and
 - e) order costs to be paid by the Appellant where the Appeal Tribunal has found the

grounds of the Election Appeal have not been proven.

- 17.12 In all cases, the decision of the majority of the Appeal Tribunal is final and may be made with or without reasons being given for its conclusions. No other Tribunal or Court may hold a Hearing or render a decision on the Election Appeal, nor is the Appeal Tribunal's decision subject to any further appeal to any other Tribunal or Court.
- 17.13 The decision of the Appeal Tribunal, once made, shall forthwith be provided by the Appeal Tribunal in writing to the Director of Operations who shall in turn forthwith provide copies of the decision to all of the Parties involved, including the Appellant, individuals who are the subject of the Election Appeal, and the members of Chief and Council.
- 17.14 Upon being provided with a copy of the decision in writing, the Chief and Council shall take all steps necessary to enforce the decision and put the terms thereof into effect.
- 17.15 The Chief and Council shall ensure that the findings of the Appeal Tribunal are provided to the membership.

SECTION 18

SUSPENSION OR REMOVAL OF ELECTED CHIEF AND COUNCIL

- 18.1 A member of the Elected Chief and Council may be suspended or removed in accordance with procedures set out herein, without pay, if the Chief and Council determine that the person's conduct or actions have been interfering with his or her ability to perform his or her duties as a member of the Elected Chief and Council, and such conduct or actions is serious enough to warrant corrective action and/or discipline.
- 18.2 A suspension or removal may be sought and result in accordance with the procedures herein on the following grounds:
 - a) for breach of failure to perform, in a substantial way, their duties and obligations, as set out in their Oath of Office or an applicable Code of Conduct in effect from time to time;
 - b) for engaging in disorderly or irresponsible conduct that is alcohol or drug-related at Elected Chief and Council Meetings, Annual Review Meetings, or in other public forums or functions which interferes with the conduct of business or brings the reputation of Yellow Quill First Nation Government, or the Elected Chief and Council into ill repute;
 - c) for engaging in physical, violent or threatening behaviour towards members, staff or contractors of Yellow Quill First Nation, or Yellow Quill First Nation business

entities;

- d) the Elected Chief and Council Member has been imprisoned or remanded into custody for a criminal matter, save and except a matter that is directly related to that person's participation in protests for the benefit of First Nation people and/or the Yellow Quill First Nation or its members; or
- e) for engaging in such further and other conduct which is incompatible with their role as a member of Chief and Council and which impacts their ability to be an effective leader.

- 18.3 Upon the complaint of 50% or more of the number of Electors voting for the member of Chief and Council who signed an official Petition form of Yellow Quill First Nation, not including employees and stating the grounds and particulars of the complaint being presented in writing to the Director of Operations along with a \$500.00 non-refundable fee payable to Yellow Quill First Nation, the Director of Operations shall, subject to s. 18.4 and within seven (7) days, present the complaint to the Chief and Council which shall in the first instance convene a meeting of the Chief and Council to discuss and make a decision with respect to the member of Council who is the subject of the complaint in accordance with the grounds as outlined in s. 18.2 above.
- 18.4 Where the Director of Operations, following their due diligence, in their opinion, and following investigation determine that there are no sufficient or supported grounds for the complaint or the complaint is frivolous, shall provide all documentation in support of the complaint to the Chief and Council along with the findings of the Director of Operations for the review and directions of the Chief and Council.
- 18.5 Where a quorum of the Chief and Council by Resolution decide that they are unable or unwilling to make a decision in relation to the complaint, the Director of Operations upon Resolution and direction of Chief and Council shall provide the complaint including all documentation to the Appeal Tribunal to convene a Discipline Hearing in accordance with the procedures herein.

Discipline Hearing

- 18.6 Where a Discipline Hearing of the Appeal Tribunal is to be held, the Chief or Council member who is the subject of a complaint or a motion for suspension or removal shall receive written notice from the Chair of the Appeal Tribunal of the Discipline Hearing, such that he or she may make presentations to the Appeal Tribunal. Such representations may include the presentation of documents and witness testimony.
- 18.7 Where a Discipline Hearing of the Appeal Tribunal is held to decide whether suspension or removal of a Chief or Councillor may be warranted, the Appeal Tribunal may consult with

community Elders and obtain input and guidance with respect to a proposed motion to suspend or remove.

- 18.8 The Appeal Tribunal, upon conclusion of a Discipline Hearing for the purpose of receiving evidence and argument pertaining to the conduct of an Elected Member of Chief and Council, shall endeavor to reach a decision on the complaint as soon as practical and within forty-five (45) days of receiving a copy of the complaint from the Director of Operations, and its decision shall:
- a) determine whether or not the complaint has been proven on a balance of probabilities;
 - b) where the complaint is found to be proven, decide whether the subject of the complaint should be:
 - i) suspended from office,
 - ii) dismissed from office and a Bi-Election called to fill the resultant vacancy, or
 - iii) allowed to continue in office with or without conditions attached to that decision; and
 - c) where the complaint is found not to be proven, dismiss the complaint.
- 18.9 The Appeal Tribunal shall then communicate its decision as a written recommendation to the Director of Operations who will communicate the decision and recommendation to the Chief and Council to enforce. If the Appeal Tribunal has decided and recommended suspension or removal, the said Chief or Councillor shall be deemed suspended or removed from office and ceases to be entitled to all rights and privileges associated with that office for the duration of the suspension or removal.
- 18.10 The maximum term for suspension shall be sixty (60) days, save and except for reasons provided for in Section 16.
- 18.11 By definition, a suspension from elected office means the suspended Chief or Councillor may attend but is not entitled to participate in any meetings of Yellow Quill First Nation involving community business or governance, and is not entitled to wages during the period of suspension.
- 18.12 The motion, term of suspension, action to be taken to correct the problem, and conditions of the suspension may be declared by Council Resolution in support of the decision and recommendation of the Appeal Tribunal.

SECTION 19
MANDATORY REMOVAL FROM OFFICE

- 19.1 A Chief or Councillor shall be immediately removed from and vacate their office and a vacancy declared the person who holds that office, by reason of:
- a) having been convicted of an indictable criminal offence while holding office; or
 - b) having been absent from three (3) consecutive duly convened Chief and Council Meetings or any three (3) duly convened membership meetings for which proper notice has been given and the absence is given without good reason.
- 19.2 The motion and the reasons(s) for the removal shall be declared by Council Resolution.

SECTION 20
OFFENCES

- 20.1 Every person is guilty of an offence who intentionally contravenes any of the paragraphs outlined in Section 14 of this *Election Law*.
- 20.2 An Electoral Officer or Deputy Electoral Officer who fails to perform any of their duties under this *Act* is guilty of an offence.
- 20.3 A person is not guilty of an offence under this Section if they establish that they exercised due diligence to prevent the commission of the offence or acted in good faith.

SECTION 21
PENALTIES

- 21.1 Every person who is guilty of an offence under this *Election Law* above is liable:
- a) on summary conviction, to a fine of not more than \$2,000 or to imprisonment for a term of not more than six (6) months, or to both.

SECTION 22
UNENFORCEABLE PROVISIONS

- 22.1 In the event that any provision or provisions contained herein shall be held by a court of competent jurisdiction to be unenforceable or void in law then this *Election Law* shall be read and construed as if it did not contain the particular provision or provisions and the remainder of this *Election Law* shall not be affected.

- 22.2 The Yellow Quill First Nation Election Act, 1999 made prior to this *Election Law* shall have no force and shall be deemed repealed and for greater certainty, this *Election Law* shall supersede any such previous Election Code.
- 22.3 Should there be any inconsistency between this *Election Law* and any other Yellow Quill First Nation Law or Policy, this *Election Law* shall prevail to the extent of any inconsistency.

SECTION 23 AMENDMENTS

- 23.1 This *Election Law* may be amended or repealed by the legislative process of Yellow Quill First Nation involving a majority vote of fifty (50%) percent + one (1) of the Electors in attendance at and following three (3) Community Meetings held at Yellow Quill First Nation Reserve No. 90, and in each of the locations of the Advance Polls at which the proposed amendment(s) shall be read before the membership in attendance.
- 23.2 In the event that a majority of the membership in a Community Meeting votes in support of the proposed amendment, the Chief and Council shall amend the *Election Law* accordingly.
- 23.3 In spite of clauses 22.1 and 22.2, a vote of the membership is not required to amend this Law by resolution of Chief and Council where amendments do not change the substance of this Law and are limited to:
- a) correcting typographic or grammatical errors;
 - b) minor improvements to language to more clearly describe the intention of the Law;
 - c) clause renumbering; or
 - d) reconciling inconsistencies with other laws of Yellow Quill First Nation.
- 23.4 The following seven step process shall be used to bring proposed amendments of the *Election Law* to the attention of the membership:

- Step 1: Recommendations for amendments shall be made in writing by the Chief and Councillor or member of the Yellow Quill First Nation and submitted to the Director of Operations.
- Step 2: The Director of Operations shall acknowledge receipt of the recommendation(s) and will arrange to table the proposed changes before Council or, if so delegated by Council, before the Yellow Quill Governance Committee.
- Step 3: The Governance Committee may, by a decision of the majority of its members, adopt the recommended amendment(s), or revise it in whole or in part. The Governance Committee may, in the course of its review, propose their own

amendments as well as deal with those provided by the Chief and Council or members of the Yellow Quill First Nation.

- Step 4: On behalf of the Governance Committee, Council may arrange for the proposed amendments as adopted or revised by the Governance Committee to proceed to a duly convened community meeting for review and ratification. Alternatively, if the Governance Committee has decided that the proposed amendment(s) is unworkable or inappropriate, then the Committee through the Director of Operations shall, in writing, inform those making the original recommendation of the reasons for not proceeding with the proposed amendment(s). A community meeting shall be called on not less than twenty (20) days' notice of the time and place of the community meeting and the proposed amendments to be voted upon may be given by displaying same at two (2) public areas on the Yellow Quill Reserve and the location of the Advance Polls.
- Step 5: Amendments may be made to this Law by a properly moved and seconded motion from the floor of the duly convened community meeting.
- Step 6: Amendments to be effective must be read before the assembly and thereafter ratified by a majority (50% + 1) of those Electors personally present at the community meeting duly convened by the Chief and Council for the purpose of amending this Law. For the purpose of this vote, a "show of hands" is an acceptable voting method.
- Step 7: The Chief and Council shall ensure that there is public notice regarding approved amendments to this Law.

SECTION 24

COMING INTO EFFECT OF THE *ELECTION LAW*

- 24.1 This *Election Law* comes into force on the day it is proclaimed by Chief and Council following a majority vote of those members or Electors voting at the Membership meetings of Yellow Quill First Nation in favour of this *Election Law*.
- 24.2 For greater certainty following proclamation of this *Election Law*, Yellow Quill First Nation shall conduct the next Election on the fourth (4th) Thursday in April, commencing 2027.
- 24.3 Following the Election on the 26th of November, 2023, the term of office will continue until the fourth (4th) Thursday of April, 2027, at which time the Election will take place every four (4) years thereafter on the fourth (4th) Thursday of April.

SECTION 25
REVIEW

25.1 Chief and Council of Yellow Quill First Nation may direct the Governance Committee to

review and improve electoral procedures within this *Election Law* and may review this *Election Law* within six (6) months both before and following each election.

PROCLAIMED this _____ day of _____, 20__ by the Chief and Council of Yellow Quill First Nation and the Governance Committee.

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

GOVERNANCE COMMITTEE

Member

Member

Member

Member

Member

Member

Member

Member

SCHEDULE “1”
(Sections 7.3, 7.8 and 13.5(e) to be
pledged at a Pipe Ceremony with an Eagle Feather)

OATH OF OFFICE

I, _____, do hereby solemnly pledge as a newly elected representative of Yellow Quill First Nation, that I will faithfully execute the office of the Chief and Council of Yellow Quill First Nation and will achieve to the best of my ability, the preservation, protection, promotion, advancement and defence of the inherent rights of *Yellow Quill First Nation*, and will do my utmost to carry out my duties loyally, honestly and serve the Yellow Quill First Nation, and therefore I pledge that:

- I have not, by myself or any other person, knowingly contravened the Yellow Quill First Nation Election Law in relation to my election to office;
- I am not the holder of a public office of another government;
- I will not allow any private interest to influence my conduct in public matters of the Yellow Quill First Nation;
- I will promptly disclose any “conflict of interest,” or direct or indirect financial interest I have in a matter; and I will not participate in the discussion of the matter and will not vote in respect of the matter;
- I will respect, uphold and abide by the laws and policies of Yellow Quill First Nation;
- I will honour, respect and support the Elders of the Yellow Quill First Nation;
- I will discharge my duties and responsibilities in a manner becoming a Chief or Councillor;
- I will maintain respect for my colleagues, the people and employees of the Yellow Quill First Nation;
- I will demonstrate and practice honesty, fairness, respect, justice and objectivity in the performance of my duties;
- I will, to the best of my ability, attend to my duties in a dedicated and timely manner, including prompt attendance at meetings, keep posted office hours, and regularly attend portfolio meetings for which I am responsible;
- I will be accountable to the Yellow Quill membership including reporting to the electorate on a regular basis;
- I will provide leadership in promoting democracy and consensus decision-making in the governance matters of the Yellow Quill First Nation;

I do further affirm that I take this Oath of Office freely, without any mental reservation or purpose of evasion.

In the portfolio office of _____ Yellow Quill First Nation, I further swear (or affirm) that I will:

1. Abide by the *Yellow Quill First Nation Election Law and Regulations*;
2. Disclose any conflict or interest which by definition means the reasonable foreseeability that any personal or economic interest of a Chief or Councillor may be affected in any material or different manner from the interest of the membership by any decision or other official action on behalf of the Yellow Quill First Nation;
3. Abide by the laws and policies of Yellow Quill First Nation including all laws, by-laws, and policies of Yellow Quill First Nation pertaining to illegal drugs, alcohol and substances, and be subject to their requirements including testing for the presence of such substances in my body; and
4. Abide by the laws of Yellow Quill First Nation including any Policy Procedures Manual.

Signed and agreed to at Yellow Quill First Nation on this ____ day of _____, 20____.

Signed by:

Witness

Elected Official

SCHEDULE “2”
(Sections 3.1, 10.2(e) and 10.6)
NOMINATION PAPER
(FOR THE POSITION OF CHIEF)

I, _____ having been nominated by _____, which nomination was seconded by _____ do hereby declare that I am an Eligible Candidate as defined in the *Yellow Quill First Nation Election Law* in that:

1. I am on the Membership List of Yellow Quill First Nation;
2. I have attained the age of eighteen (18) years on or before the day on which the Nomination Meeting is held;
3. I have no record of having been convicted of any criminal offence(s) described in the definition of “Eligible Candidate,” and have made arrangements to provide the required CIPIC and Vulnerable Record Check in accordance with this *Election Law*;
4. I am not charged with a criminal offence and if charged before the Election will disclose same to the Electoral Officer;
5. I have arranged to provide documentary evidence showing that I have completed a test resulting in no use of any illegal drug prior to my nomination in compliance with this *Election Law*; and
6. I shall abide by the social media policy of Yellow Quill First Nation during the Election Campaign.

I hereby give my non-refundable deposit in the amount of \$500.00 to the Electoral Officer, which deposit is accepted and acknowledged by me as non-refundable.

I agree to be bound by all rules of the *Yellow Quill First Nation Election Law* including without limitation the appeal provisions set out in the *Election Law*.

If elected I will abide by all laws and policies of Yellow Quill First Nation and will honestly and faithfully discharge the duties, responsibilities and liabilities of the office to which I am elected.

Signed this _____ day of _____, 20____.

Nominator

Eligible Candidate Acceptance

Seconder

Acknowledged by:

Electoral Officer

SCHEDULE “2A”
(Sections 3.1, 10.2(e) and 10.6)
NOMINATION PAPER
(FOR THE POSITION OF COUNCILLOR)

I, _____ having been nominated by _____,
which nomination was seconded by _____ do hereby declare that I am an Eligible
Candidate as defined in the *Yellow Quill First Nation Election Law* in that:

1. I am on the Membership List of the Yellow Quill First Nation;
2. I have attained the age of eighteen (18) years on or before the day on which the Election is held;
3. I have no record of having been convicted of any criminal offence(s) described in the definition of “Eligible Candidate,” and have made arrangements to provide the required CIPIC and Vulnerable Record Check in accordance with this *Election Law*;
4. I am not charged with a criminal offence and if charged before the Election will disclose same to the Electoral Officer;
5. I have arranged to provide documentary evidence showing that I have completed a test resulting in no use of any illegal drug prior to my nomination in compliance with this *Election Law*; and
6. I shall abide by the social media policy of Yellow Quill First Nation during the Election Campaign.

I hereby give my non-refundable deposit in the amount of \$300.00 to the Electoral Officer, which deposit is accepted and acknowledged.

I agree to be bound by all rules of the *Yellow Quill First Nation Election Law* including without limitation the appeal provisions set out in the *Election Law*.

If elected I will abide by all laws and policies of Yellow Quill First Nation and will honestly and faithfully discharge the duties, responsibilities and liabilities of the office to which I am elected.

Signed this _____ day of _____, 20____.

Nominator

Eligible Candidate Acceptance

Seconder

Acknowledged by:

Electoral Officer

**SCHEDULE “3”
(Section 10.1)**

NOTICE OF ELECTION AND REQUEST FOR NOMINATIONS

Notice is hereby given that an Election for the offices of Chief and Councillors of Yellow Quill First Nation will be held:

_____, 20___ at _____ a.m./p.m. _____
(Date) (Time) (Location of Polling Stations on Reserve)

_____, 20___ at _____ a.m./p.m. _____
(Date) (Time) (Location of Advance Polls)

A copy of the Voters List can be viewed at _____

or _____ (Location on Reserve)

The Electoral Officer for the Election is _____

The Electoral Officer can be contacted as follows:

Phone number: _____ E-mail address: _____

Mailing address: _____

The deadline for receiving Nominations for Eligible Candidates and all supporting documentation is _____, 20___. The nomination for each Eligible Candidate must be proposed and seconded by eligible Electors. Electors may nominate and second one Eligible Candidate only in Schedule “2” or Schedule “2A.” Every person who proposes or seconds the nomination of an Eligible Candidate may briefly give their reason in writing for doing so.

THIS NOTICE is given this _____ day of _____, 20___
by the Yellow Quill First Nation Electoral Officer.

Signed by:

Electoral Officer

SCHEDULE “4”
(Section 3.1, 13.2 and 13.2(f))

AUTHORIZATION OF SCRUTINEER

I, _____ being an Eligible Candidate running in the Yellow Quill
First Nation Election to be held on _____, 20____,
hereby appoint _____ as a Scrutineer on my behalf.

Signed this _____ day of _____, 20_____.

Signed by:

Eligible Candidate

SCHEDULE "5"
(Section 3.1 and 15.2)

**IN THE MATTER OF AN APPEAL OF A
YELLOW QUILL FIRST NATION ELECTION
TO THE APPEAL TRIBUNAL**

BETWEEN:

Appellant

AND:

YELLOW QUILL FIRST NATION
as represented by the Electoral Officer

Respondent

APPEAL NOTICE
SECTION 15 YELLOW QUILL FIRST NATION
ELECTION LAW

Take Note that I, _____, was an Eligible Candidate for Chief or Councillor in the Yellow Quill First Nation Election which was conducted on _____, 20_____, and I have reasonable grounds for believing that:

1. an Elector declared elected was not qualified to be an Eligible Candidate;
2. there was corrupt or fraudulent practice in connection with the Election; or
3. there was a violation of the provisions of the *Election Law* such that the activity affected or might have affected the result of the Election.

The following are the factual details and the factual basis of my knowledge and belief (additional pages can be added to give a full and detailed account and description of the details of and for the belief), supported by my duly sworn Affidavit attached to this Appeal Notice.

and for these reasons I request the following result and remedy from an Appeal:

Signed this _____ day of _____, 20____.

Witness

Signature of Appellant

(*See attached Affidavit of Appellant)