

## CHIPEWYAN PRAIRIE FIRST NATION ELECTION CODE

**WHEREAS** The members of the Chipewyan Prairie First Nation have determined that they would establish their own Band custom election code and have given their approval to the Chipewyan Prairie First Nation Custom Election Code;

**AND WHEREAS** the Indian Act, R.S.C. 1970, c. I-6 as amended provides that an Indian Band may choose its Chief and Council by the Band's own customs;

**NOW THEREFORE BE IT RESOLVED** that the Chipewyan Prairie First Nation Band Custom Election Code be as follows:

### **ELIGIBILITY:**

1. Every member of the Chipewyan Prairie First Nation, who is eighteen years of age or older ~~and who has been resident on the Chipewyan Prairie First Nation Reserve for at least six months prior to the date of an election for Chief or Councillors for the Chipewyan Prairie First Nation~~ is eligible to vote in that election.

\*Words struck by Federal Court on June 7, 2021

### **NOMINATIONS:**

1. Any candidate for Chief or Councillor must be a Band member who is eligible to vote in the election.
2. A candidate for the position of Chief or Councillor must be nominated by five Band members who are eligible to vote in the election.
3. The nomination by the five Band members of a candidate should be made by them in person at the nomination meeting.
4. A candidate must consent to the nomination and may do so in person or in writing at nomination meeting.
5. A candidate who consented to the nomination may withdraw by doing so in writing at least twenty-four hours before the voting begins.

### **ELECTION:**

1. The candidate for Chief who receives the highest number of votes cast shall be elected as Chief.
2. The candidate or candidates for Councillors who receive the highest number of votes cast shall be elected as Councillors.
3. Where an equal number of votes has been cast for two or more candidates, the elected members of Council shall break the tie in favour of one or more of the candidates by a majority decision, otherwise a run off election will be held.
4. The Chief and Councillors so elected shall be elected for a three year term of office which may extend for one additional month to permit elections for the next term. Elections may be called for by Chief and Council at any time during their term.

5. Voting in elections shall be by secret ballot.
6. Candidates are entitled to have scrutineers present at the counting of the ballots. The ballots are to be retained by the electoral officer until the appeal period expires and then shall be destroyed by him/her.
7. The newly elected Chief and Councillors shall assume office on the first Monday after the day of their election.

#### **ELECTION APPEALS**

1. An appeal of an election result may be made by any five eligible voters if made in writing and delivered to the electoral officer within 14 days of the election.
2. Upon an appeal being made, a Band meeting of eligible voters shall be called by the electoral officer and at that meeting, an appeal committee of three persons selected from a list of names of people, who are willing to serve on an appeal committee for the Chipewyan Prairie First Nation and are recommended as qualified by the electoral officer, will be appointed by the Band members to hear the appeal.
3. The appeal committee will hear the reasons for the appeal and make any inquiry which it decides is necessary to determine the appeal. Upon hearing the appeal and completing any inquiry they might make, the appeals committee will decide on the appeal.
4. Grounds for an appeal shall be:
  - (a) denial of eligible voters' right to vote;
  - (b) voting by ineligible voters;
  - (c) the candidacy of an ineligible candidate; or
  - (d) election fraud.
5. Where the appeal committee finds that the appeal complaint is proven and its impact was sufficient to affect the election result, the appeals committee will declare the election invalid.
6. If the appeal committee is of the opinion that the appeal complaint, although proven, was not of significance, the committee may deny the appeal.

#### **DISQUALIFICATION FROM OFFICE**

1. Any person who is convicted of an indictable offence is disqualified from holding the office of Chief and Councillor for a period of six years from the date of conviction.
2. Any Chief or Councillor who is absent from the duties of his office without a valid reason for a period of one month may be relieved of his office by a motion of Council passed by a majority at a Council meeting.
3. A member of Chief and Council may be ousted from office if 75% of the eligible voters sign a written petition seeking repeal of that person's election.
4. Any candidate who is employed by the provincial or federal government must resign from that employment upon being elected Chief and if he does not within 30 days of being elected to office, he shall be disqualified from holding office of Chief.

## ORGANIZATION OF ELECTIONS

1. The Chief and Councillors shall be elected to office on a staggered basis. One third of the members of Council will be elected each year.
2. The Chief and Councillors may be set by Chief and Council prior to any election but may not be less than three Councillors nor more than six Councillors.
3. The Chief and Council shall appoint an Electoral Officer prior to the commencement of any nomination meeting.
4. The Electoral Officer shall be in charge of the conduct of the nominations and elections of Chief and Council and shall uphold the provisions of this election code.
5. The Electoral Officer may appoint assistant Electoral Officers to assist him.
6. The Electoral Officer or any assistant Electoral Officer may provide assistance to any voter who requires help in casting a vote.
7. The Chief and Council may approve such regulations and forms as is necessary to give effect to this Indian Band custom election code.
8. The first election under this Indian Band custom code shall elect the Chief and three Councillors. The Chief and the candidate for council receiving the highest number of votes shall be elected for a three-year term. The candidate receiving the second highest number of votes shall be elected for a one-year term. Thereafter, this provision will cease to be a part of the Chipewyan Prairie First Nation Band Custom Election Code.

## AMENDMENT

1. This Band Custom Election Code may be amended by the majority of the eligible voters who vote on an amendment. If the proposed amendment is approved by a majority of the eligible voters who but not a majority of all eligible voters, then a second vote will be held and the amendment will be approved if it receives a majority of votes cast.
2. Notice of any amendment of this Band Custom Election Code shall be given in writing by post in a public place on the Chipewyan Prairie First Nation Reserve 14 days before any vote to any amendment.
3. Any vote to amend this Band Custom Election Code shall be by secret ballot in a referendum.