

**NORTH CARIBOU LAKE FIRST NATION  
INTERIM BAND CUSTOM ELECTION RULES**

**Developed by Windigo First Nations Council for use by North Caribou Lake  
First Nation for the November 7, 2017 Election**

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## **Preamble**

The North Caribou Lake First Nation has the inherent authority to adopt, by way of custom, a method for choosing its Chief and Council. North Caribou Lake First Nation has begun the process of revising their Band Custom Election Code, but has yet to finalize a draft to be voted on by the membership.

It has been determined by the membership, and agreed to by the leadership, that an election will be held on November 7, 2017. Windigo First Nations Council has been asked to administer the leadership election of November 7, 2017. It is agreed that Windigo First Nations Council will utilize these Band Custom Election Rules to administer the November 7, 2017 election and the Rules will remain in place until the community develop a Band Custom Code to be ratified by the people.

## Effective Date

These Custom Election Rules comes into full force and effect on October 14, 2017.

## 1. Title

These Rules are called “*North Caribou Lake First Nation Interim Band Custom Election Rules*”

## 2. Definitions

In these Rules:

“**Appeal Committee**” is those persons designated by Windigo First Nations Council to hear an appeal;

“**Ballot**” is the paper by which a member casts a vote at an election;

“**By-election**” is an election held for the purpose of filling a vacant Council position other than through a general election;

“**Candidate**” is an eligible person who was nominated according to the requirements set out in these Rules;

“**Chief**” is the person elected to that office;

“**Councillor**” is the person elected to that office;

“**Deputy Electoral Officer**” is the person appointed by Windigo First Nations Council to assist in carrying out and overseeing the election processes.

“**Election**” means either a general Council election or a by-election;

“**Elector**” means a person who is entitled to vote at a general election or a by-election of the North Caribou Lake First Nation;

“**Electoral Officer**” means the person appointed by Windigo First Nations Council to carry out and oversee election processes;

“**Indictable Offense**” means as defined in the *Criminal Code of Canada*;

“**Member**” means a person named on the band list of the North Caribou Lake First Nation;

“**Poll**” means the casting and recording of votes in accordance with these Rules.

### **3. The Council**

3.1 The Council of the North Caribou Lake First Nation shall consist of:

- one (1) Chief; and
- seven (7) Councillors.

3.2 Three Councillors voted in will be designated as Head Councillor, Elder Councillor, and Youth Councillor following the election and in a process outlined in section 10 of these Rules.

3.3 The term of office for the Council is 2 years.

3.3.1 The term of office begins immediately after the formal announcement of the results of the general election.

3.3.2 The successful candidates for the office of Chief and Councillors must reside in North Caribou Lake First Nation during their entire term of office.

### **4. Eligibility**

4.1 To be eligible to vote, an Elector must:

- a) have reached the age of 18 years on or before Election day; and
- b) must be a member of the North Caribou Lake First Nation.

4.2 To be eligible to run for Chief or Councillor, a nominee must:

- a) have reached the age of 18 years on or before Election day; and
- b) must be a member of the North Caribou Lake First Nation; and
- c) must not have been convicted of an indictable offense under the *Criminal Code of Canada* within the last 5 years prior to election day.

### **5. Electoral Officers**

5.1 An external Electoral Officer will be appointed by Windigo First Nations Council.

5.2. A Deputy Electoral Officer will be appointed by Windigo First Nations Council. The Deputy Electoral Officer will be a community member and not vote except in the event of a tie.

5.3 The Electoral Officer and the Deputy Electoral Officer shall:

5.3.1 exercise general direction and supervision over the administrative conduct of elections according to these Rules;

5.3.2 ensure the voters list is prepared;

5.3.3 enforce fairness, impartiality and compliance with these Rules on the part of assistants and anyone working on the election;

5.3.4 where an emergency arises such as natural disasters, flooding, community evacuation, or death in the community, extend the time or dates for conducting anything under this Code;

5.3.5 perform such other duties as are prescribed in these Rules.

5.4 The Electoral Officer and Deputy Electoral Officer will sit until the appeal period has lapsed. If there is an appeal, the Electoral Officer and Deputy Electoral Officer will remain until the appeal has been completed.

5.5 The Chief and Council shall provide staff for technical support and other necessary resources to conduct the election.

5.6 The Electoral Officer, Deputy Electoral Officer or any other officers or assistants with the office of the Electoral Officer shall maintain the confidentiality requirement inherent in the principle of a secret ballot.

## **6. Electors' List**

6.1 The Electors' list shall be prepared on the basis of the community's Band List, taking into account the criteria for Electors set out in these Rules.

6.2 If satisfied that the Electors' List should be corrected, the Electoral Officer shall make the needed corrections and the list as corrected shall be the Electors' List on Election Day.

6.3 The voters list may be amended by the Election Committee up until 1 day prior to the election.

## **7. Notice of General Election**

7.1 As soon as possible, the Chief and Council shall issue a Band Council Resolution proclaiming the general election to be held on November 7, 2017.

7.2 Immediately upon the issue of a Band Council Resolution announcing an up-coming general election, the Electoral Officer and Deputy Electoral Officer shall convene to begin the process for the general election.

7.3 The Electoral Officer and Deputy Electoral Officer shall immediately notify both on and off reserve membership of the up-coming election.

7.4 The notice for the general election shall include:

- a) the date, time, and location of the Nominations Meeting (October 26, 2017);
- b) the date by which the Electoral Officers will confirm Acceptance of Nominations (October 30, 2017);
- c) the date and locations where the accepted Nominations will be posted (October 31, 2017);
- d) the date, time, and location of the Public Forum (November 2, 2017);
- e) the date, time, and location of the polls of the General Election (November 7, 2017);
- f) instructions on how to receive or view a copy of the Election Rules;
- g) the statement that any voter may call in their vote;
- h) the name and contact information of the Electoral Officer.

7.5 The notice for the general election shall be read on the local radio station, and posted at visible and conspicuous locations including but not limited to: the Band Office, ONA store, Northern Store, Post Office, Airport terminal, Nursing Station, radio station, the WFNC website, and on any appropriate social media platforms.

## **8. Nominations**

### Notice of Nomination Meeting

8.1 The Notice of Nomination Meeting shall be read on the local radio station, and posted at visible and conspicuous locations including but not limited to: the Band Office, ONA store, Northern Store, Post Office, Airport terminal, Nursing Station, radio station, the WFNC website, and on any appropriate social media platforms.

8.2. The Notice of Nomination Meeting shall contain, at a minimum:

- a) the date, time, and location of the Nominations Meeting (October 26, 2017);
- b) the date by which the Electoral Officers will confirm Acceptance of Nominations (October 30, 2017);
- c) the date and locations where the accepted Nominations will be posted (October 31, 2017);
- d) the date, time, and location of the Public Forum (November 2, 2017);
- e) the date, time, and location of the polls of the General Election (November 7, 2017);
- f) instructions as to how to receive or view a copy of the Electors' List;
- g) instructions on how to receive or view a copy of the Election Rules;
- h) the statement that any voter may call in their vote;
- i) the name and contact information of the Electoral Officer;
- j) a description of the manner in which an Elector can nominate a candidate, or second the nomination of a candidate

### Nomination Meeting

8.3 At the time and place specified in the Notice of Nomination Meeting, the Electoral Officer shall open the meeting to nominations.

8.4 Any community member who is an eligible elector may make a nomination.

8.5 Every nomination must be moved and seconded by an eligible elector.

8.6 As agreed during the September 7, 2017 community meeting, all current Chief and Council members will automatically have their names placed on the ballot.

8.7 To ensure all current Chief and Council members meet the requirements of these Rules, the Chief and all Councillors must still obtain a mover and a seconder.

8.8 To nominate a person for either the Chief or Councillor position:

8.8.1 An eligible elector must state "I nominate \_\_\_\_\_ (name of community member) for the position of \_\_\_\_\_ (either the Chief position or Councillor position);

8.8.2 the Electoral Officer will then ask for a seconder for the nomination;

8.8.3 If another eligible elector seconds the nomination, the Electoral Officer will document the nominee's name.

8.8.4 If no community member seconds the nomination, it will not advance and the individual will not be considered nominated.

8.9 Where an elector is unable to go to or enter the nomination meeting place owing to a physical disability, the elector may call the location of the nomination meeting place to make a nomination.

8.10 For any nominee who is not present, the Electoral Officer will contact each nominee after the meeting to confirm acceptance or refusal of the nomination.

8.11 The Nomination Meeting shall remain open for a minimum of one hour and a maximum of three hours.

8.12 The Electoral Officer shall close the Nomination Meeting after it has dealt with all business that, in the view of the Electoral Officer, was properly brought before it.

8.13 The Electoral Officers will hold full authority to maintain order and security at the Nomination Meeting.

#### Self Disclosing of Indictable Offence

8.12 As outlined in 4.2(c), no person can accept a nomination for the Chief or Councillor position if they have been convicted with an indictable offence in the previous 5 years. Each nominee is required, prior to October 29, 2017, to inform the Electoral Officer if they have been convicted of such a charge.



8.13 The Electoral Officer may ask for a criminal reference check at any time.

#### Posting of Acceptance of Nominations

8.14 The Electoral Officers shall prepare a list of all candidates for Chief and Councillor positions by October 30, 2017. This list shall be read on the local radio station, and posted at visible and conspicuous locations including but not limited to: the Band Office, ONA store, Northern Store, Post Office, Airport terminal, Nursing Station, radio station, the WFNC website, and on any appropriate social media platforms.

#### Acclamation

8.15 If, at the time of the posting of Acceptance of Nominations only one Eligible Nominee has been nominated for the position of Chief, the Electoral Officer shall declare the nominated person to be duly elected.

8.16 If, at the time of the posting of Acceptance of Nominations the number of Eligible Nominees who have been nominated for Council does not exceed the number of positions to be contested for Council, the Electoral Officer shall declare those nominated to be duly elected.

8.17 If positions are not all filled by acclamation, the Electoral Officer shall declare that the Polls will proceed.

#### Withdrawal of Candidacy

8.18 A Candidate may withdraw their candidacy by filing a withdrawal letter to the Electoral Officer up to 3 days prior to the election.

8.19 In the event a candidate withdraws their name, the Electoral Officers will prepare a notice which shall be read on the local radio station, and posted at visible and conspicuous locations including but not limited to: the Band Office, ONA store, Northern Store, Post Office, Airport terminal, Nursing Station, radio station, the WFNC website, and on any appropriate social media platforms.

### **9. Public Forum**

9.1 Public forums will be held via radio on November 2, 3 and 4, 2017.

9.2 The Deputy Electoral Officer will moderate the forums and will be responsible for imposing all rules including the time limits, and taking call-in questions.

9.3 On November 2, 2017, each Candidate for Chief will have 10 minutes to address the community membership.

9.4 After all the candidates have had their turn, the radio telephone will be opened up for questions from community members. This open question portion of the forum will be open for a maximum of one hour.

9.5 The public forums on November 3<sup>rd</sup> and 4<sup>th</sup> will hear from all Councillor candidates. The Deputy Electoral Officer will determine the schedule. Each Councillor candidate will have 5 minutes to address the community membership.

9.6 On each evening, after the candidates have had their turn, the radio telephone will be opened up for questions from community members. This open question portion of the forum will be open for a maximum of one hour.

## **10. Elections Process**

### Advanced Poll

10.1 An advance polling station shall be set up on November 6, 2017. The date and location of the advanced poll will be read on the local radio station, and posted at visible and conspicuous locations including but not limited to: the Band Office, ONA store, Northern Store, Post Office, Airport terminal, Nursing Station, radio station, the WFNC website, and on any appropriate social media platforms.

The Deputy Electoral Officer will use a separate advance polling ballot box used specifically for the election.

### Election Day

10.2 The Electoral Officers will establish one polling station in the community.

10.3 The election polling station shall be open from 9:00 a.m. to 6:00 p.m. Central Time.

10.4 Every elector who is inside the polling station at the time fixed for closing shall be entitled to vote before the poll is closed.

10.5 Voting shall be conducted by secret ballot on a form or forms prescribed by the Electoral Officers.

10.6 Upon receiving a ballot, the elector shall proceed directly to the place provided for marking ballots and shall mark his/her ballot by placing an X that

clearly indicates the elector's choice, in the space provided on the ballot opposite the name of the candidate.

10.7 Where an elector is unable to vote in the usual manner for reasons of physical disability or any other reason, any person at the choosing by the elector shall assist the elector to mark the ballot(s) as directed by the elector. This will be done in the presence of the Electoral Officer or another person appointed by Electoral Officer for that purpose.

10.8 Where an elector is unable to go to or enter the polling place owing to a physical disability, the elector should request a ballot from the Electoral Officer, who in turn will go with another person to have the ballot cast from the elector.

10.9 The Electoral Officers shall provide telephone voting as a means for electors who are not resident or present in the community on voting day to cast their ballot. This will be conducted with as much privacy as is possible.

10.10 The counting of the ballots will commence immediately upon the close of the polls. The Electoral Officers shall then proceed to count the ballots, assisted by a designated Elder and technical staff, in the presence of the attending electorate.

10.11 The Electoral Officers shall not count any ballot, which is not marked as an X.

#### Position of Chief

10.12 The Chief shall be elected by the highest number of votes cast for that position.

#### Positions of Councillors

10.13 The top seven (7) candidates receiving the highest number of votes shall be elected as Councillors.

10.14 To determine which of the Councillors will be given the positions of Head Councillor, Elder Councillor and Youth Councillor, a standing vote will be conducted immediately following the counting of the ballots, with the electorate present.

10.15 The seven successful Councillor candidates will be asked to stand in front of the electorate present. Should any successful candidates not be present, a proxy will be determined by the Electoral Officer. The Electoral Officer will ask the electorate to stand behind the Councillor who they wish to hold the position of Head Councillor. The candidate with the most electorate standing behind him or her will be selected Head Councillor.

10.16. This process will be repeated for the Elder Councillor and Youth Councillor positions.

### Tie Vote

10.17 Where there is a tie vote at any point during this election, the Deputy Electoral Officer shall break the tie by voting.

### Results

10.18 The results of the election will be announced to the public immediately via radio and posted the next working day at visible and conspicuous locations including but not limited to: the Band Office, ONA store, Northern Store, Post Office, Airport terminal, Nursing Station, radio station, the WFNC website, and on any appropriate social media platforms.

10.19 The Electoral Officers shall deposit all ballot papers in the same ballot box used in the general election, sealed and taken immediately to the police station where it shall be kept for 30 days.

10.20 If no appeal or challenge has been launched, the Electoral Officer shall destroy all the ballots immediately after the 30th day of announcing the election results and declaring the winners.

## **11. Vacancy**

11.1 The Office of Chief or Councillor becomes vacant when a person holding such position:

- a) dies; or
- b) resigns; or
- c) is convicted of an indictable offense.

11.2 If the Chief position becomes vacant within three (3) months of the next regularly scheduled election, the Council members shall appoint an acting Chief for the remainder of the term.

11.3 If one of the Councillor positions becomes vacant within six (6) months of the next regularly scheduled election, the Council will proceed with the remaining Chief and Council members for the remainder of the term.

## **12. By-elections**

12.1 A by-election shall be held where there is a vacancy for the Chief or Councillor position.

12.2 A notice of the by-election shall be posted within 4 weeks of the vacancy.

12.3 Windigo First Nations Council will operate any bi-election until the community ratifies their own Band Custom Election Code. Windigo First Nations Council will use these Rules to operate any by-election.

12.4 Any Chief or Council member elected via a by-election will only hold office for the remainder of the existing Council's term.

## **13. Appeals**

13.1 Any candidate or elector who has reasonable grounds to believe that:

- i) there was illegal, criminal or corrupt practice in connection with the election; or
- ii) that the election practice contravenes the Rules; or
- iii) a person did not qualify to be a candidate or elector as defined herein;

may appeal the election of a candidate or candidates by filing a written notice of appeal with the Electoral Officer setting out the grounds for the appeal.

13.2 The appeal must be filed with the Electoral Officer within seven (7) days from the date of the election.

13.3 Within twenty four (24) hours of receipt of the appeal, the Electoral Officer shall notify Windigo First Nations Council.

13.4 Within seventy two hours (72) of notification of the appeal, Windigo First Nations Council shall convene a three member Appeal Committee consisting of three credible and impartial persons.

13.5 Within seventy two hours (72) of convening an Appeal Committee, the Electoral Officer will present the written appeal to the Appeal Committee and turn over copies of all relevant materials to the Appeal Committee. The only remaining function of the Electoral Office in the work of the Appeal Committee is

to respond to inquiries of the Appeal Committee. The Electoral Officer shall not participate in any manner with the work of the Appeal Committee.

13.6 Within seven (7) days after the initial meeting with the Electoral Officer, the Appeal Committee shall rule if a hearing is to be granted.

13.7 The Appeal Committee shall hear the appeal within ten (10) days from the date of granting the hearing and shall deliver its decision within five (5) days of the hearing.

13.8 The decision of the Appeals Committee shall be final and binding.

13.9 Where the Appeal Committee finds that a violation outlined in 14.1 has occurred, the candidate(s) whose election violated these procedures shall vacate the office to which he/she was elected, and the Electoral Officer shall call for an immediate by-election for the vacated office(s) using these Rules.

#### **14. Removal from Office**

14.1 Once duly elected by the membership of North Caribou Lake First Nation, the Chief and Councillors shall have the overall recognition, mandate and authority to represent the First Nation for the full term.

14.2 An elected Chief or Councillor will be automatically removed if they are convicted of an indictable offence.

##### Removal by Community Petition

14.3 A petition for removal of the Chief or a Council member is to be considered only when there is clear evidence that:

- i) the Chief and or Council member are misappropriating First Nations funds; or
- ii) the Chief and or Council member are guilty of a corrupt practice, accepting a bribe, dishonesty or malfeasance in connection with the election or duties of his or her office.

14.4 In the event a band member feels they have clear evidence outlined above, they must submit to the Council a petition against the Chief or named Councillor requesting removal of that Chief or named Councillor from office.

14.5 The Band Member shall attach to the petition an affidavit in which the Band Member:

i) verifies that he/she believes the Chief or Councillor(s) has breached section 14.3 above; and

ii) sets out the specific evidence.

14.6 The petition is successful if it bears the verifiable signatures of at least 65% of community electors as calculated on November 7, 2017.

## **15. Records**

15.1 All records, including the results of elections and dates of all meetings, shall be kept at the Windigo First Nations Council office.