

PAGC ELECTION ACT, 2011



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1. PREAMBLE:

WHEREAS the Prince Albert Grand Council has enacted an *Election Act* to govern the elections of the Executive Council Members of the Prince Albert District and the Council of Chiefs and the Annual Assembly acknowledge that it is the intention of the Member First Nations/Bands that *The Prince Albert Grand Council Election Act shall* be a flexible and progressive document capable of responding to the times, desires, and the development of the Prince Albert Grand Council.

NOW THEREFORE BE IT RESOLVED that *The Prince Albert Grand Council Election Act*, (“*The PAGC Election Act*”), is hereby enacted as follows:

2. PURPOSE AND DEFINITIONS:

2.1 These Regulations set forth the rules and procedures governing nominations and election to a PAGC Executive Office.

2.2 The following terms, whenever used in the Regulations, are defined as follows:

- (a) **“Annual Assembly”** means an official meeting of all the Chiefs and Delegates from the Member First Nations/Bands of the *PAGC Convention*.
- (b) **“Appeals Committee”** means a committee appointed to hear any appeals launched with respect to an Election/By-election and consisting of one (1) appointed Chairperson, four (4) Senators or Elders, one (1) person representing the Women’s Commission and one (1) member-at-large all of whom who *shall* be non-voting Delegates. The Appeals Committee *may* seek legal advice with respect to procedural and substantive matters.
- (c) **“By-election”** means an election other than a General Election called pursuant to fill one or more Executive position(s) that has (have) been prematurely vacated for any reason.
- (d) **“Candidate”** means a person whose eligibility as a candidate in an Election/By-election for an Executive position has been confirmed by the Electoral Officer and who is a registered member of one on the Member First Nations/Bands of the Prince Albert Grand Council.
- (e) **“Corrupt Practice”** means any act done by an Electoral Official who unlawfully and/or wrongly uses his/her name or position of authority or trust to procure some benefit or favour for him/herself or for another person contrary to his/her official or fiduciary duties and/or the rights of other person and includes any act or omission that is recognized by law or custom to be a corrupt practice.
- (f) **“Declaration of Intent”** is a prescribed form that
 - (i) indicates a person’s intention to be nominated as Candidate for a particular Executive Office in the forthcoming Election/By-election,
 - (ii) names his/her Nominator and Seconder and provides their respective Treaty numbers, and
 - (iii) acknowledges that the Candidate accepts the conditions for eligibility as evidenced by a signed declaration with respect to the Candidate’s criminal record and a satisfactory CPIC.

- (g) **“Declined Ballot”** means a ballot paper which the Delegate has removed from the polling place without delivering it to the Electoral Officer or his/her designate *or* which the Delegate returns to the Electoral Officer, declining to vote. If the Delegate returns the ballot paper and indicates that they have declined to vote, the Electoral Officer or his/her designate *shall* immediately write the word “declined” on the ballot paper and keep it separate until the time for Appeal has passed and all the ballots are destroyed. If a Declined Ballot is found among those being counted, the Electoral Officer or his/her designate *shall* immediately write the word “declined” on the ballot paper and keep it separate until the time for Appeal has passed and all the ballots are destroyed. If a Declined Ballot is found among those being counted, the Electoral Officer or his/her designate *shall* immediately write the word “declined” on the ballot paper and keep it separate until the time for Appeal has passed and all the ballots are destroyed.
- (h) **“Delegate”** means a person who is
- (i) a member of one of the Member First Nations/Bands,
 - (ii) 18 years of age or older on polling day; and
 - (iii) appointed by the Member First Nation/Band to be a Delegate and to participate as an Elector in the PAGC Elections/By-election.
 - (iv) not an employee of the Prince Albert Grand Council
- Delegates *shall not* be impaired by either drugs or alcohol when they attend the Assembly or they will forfeit their right to vote on behalf of the First Nation/Band that appoint them. Delegates *may* be required by the Chief Electoral Officer or his/her designate to provide Satisfactory Proof of Identity at the time of exercising their franchise.
- (i) **“Deputy Electoral Officer”** means the person(s) duly appointed by resolution of the PAGC Council of Chiefs to assist the Electoral Officer in all aspects of the Election/By-election.
- (j) **“Elected”** means a Candidate who is declared or determined by the Electoral Officer to be the successful Candidate by virtue of having received a simple majority (fifty percent *plus* one) of the votes at an Assembly called for the purpose of an Election/By-election such that he/she is the popular choice for one of the Executive positions available **OR** whose Candidacy is neither opposed nor challenged in which case their office is assented to by acclamation.
- (k) **“Election”** means an election of a Candidate to serve as Grand Chief or one of the Vice Chiefs of the Prince Albert Grand Council.
- (l) **“Election Documents”** means the following documents:
- (i) the writ with the date of the Election/By-election endorsed upon it;
 - (ii) incumbent Candidate seeking re-election, the Candidate may submit a notarized declaration of Criminal Record indicating that the Candidate’s Criminal Record or CPIC has not changed since the Candidate was last elected to office;
 - (iii) the reserve of undistributed blank ballot papers;
 - (iv) the documents signed to revise the Delegates Lists;
 - (v) the Electoral Officer’s declaration with respect to the outcome of the Election/By-election;

- (vi) the Election/By-election Returns enclosed in sealed envelopes and containing:
 - A. a packet of stubs and unused ballot papers;
 - B. packets of ballot papers for the various Candidates;
 - C. a packet of declined ballot papers;
 - D. a packet of rejected ballot papers;
 - E. a packet of spoiled ballot papers;
 - F. a packet containing the Delegates List and Alternate Delegates List, if any, endorsed by the Chief for each Member First Nation/Band;
 - G. the written appointments of each Candidate's representatives (i.e., scrutineer, alternate scrutineer, nominator and seconder); and
 - H. a packet containing Delegate, Alternate Delegate and Elder registration forms.

- (m) **"Election Officials"** means the Electoral Officer, the Deputy Electoral Officer, and the Appeals Committee. Election Officials *shall not* participate in the Election/By-election as Candidates, Nominators, Seconders or Scrutineers nor as voting Delegates.

- (n) **"Electoral Officer" or "Chief Electoral Officer"** means a person duly appointed by PAGC to oversee the conduct of an Election/By-election and who is responsible for ensuring that all procedures and regulations are followed accordingly.

- (o) **"Executive Council"** means the Grand Chief and the Vice-Chiefs of PAGC in whom reside the power and duties delegated to them by *The PAGC Convention, The PAGC Act* and/or the Council of Chiefs.

- (p) **"Grand Chief"** means the Chief elected pursuant to *The PAGC Election Act* who sits as the senior presiding official at the Council of Chiefs as defined in *The PAGC Act*, and on various designated Boards, Commissions and Committees and who is accountable to the Chiefs and Band Councils of the Member First Nation/Bands.

- (q) **"Improperly marked or defaced ballot"** means one where a Delegate has
 - (i) marked the ballot with any mark other than an "x" or "√"; **OR**
 - (ii) attempted to erase or strike out his/her choice on the ballot; **OR**
 - (iii) made more marks than there are vacancies.

Improperly marked or defaced ballots will be rejected at the time of the count. The Electoral Officer or his/her designate *shall* take such a ballot and mark "rejected" across the back and keep it separate until the time for Appeal has passed and all the ballots are destroyed.

- (r) **"Nominator"** means a person who is an official registered Delegate of the PAGC Annual Assembly and who affirms before the Assembly his/her endorsement of a Candidate for a position on the Executive Council.

- (s) **"Oath"** includes a solemn affirmation and a statutory declaration.

- (t) **"Polling Day"** means the date fixed for voting at the Election/ By-election.

- (u) **"Polling Station"** means a place established where qualified Delegates *may* cast their ballots.

- (v) **“Prescribed”** in relation to a form or oath, means one that is authorized by the Electoral Officer and/or this *Act*.
- (w) **“Prince Albert Grand Council” [“PAGC”]** means the Grand Council as defined in *The Prince Albert District Chiefs Convention 1982* and any replacement document(s).
- (x) **“Rejected Ballot”** means a ballot that the Electoral Officer or Deputy Electoral Officer deems to have been Improperly Marked or Defaced and, as a consequence, does not count with the total ballots cast for a particular individual. The Electoral Officer or his/her designate *shall* take such a ballot and mark “rejected” across the back and keep it separate until the time for Appeal has passed and all the ballots are destroyed.
- (y) **“Satisfactory Proof of Identity”** for the purpose of this Act *shall* include a Status Card, other photo identification or such other documentary proof as *may* be prescribed by the Electoral Officer.
- (z) **“Scrutineer”** means a person selected by a Candidate to observe the whole process of the Election/By-election to ensure it is conducted in accordance with *The PAGC Election Act* and to monitor the counting of ballots. Scrutineers are not required to be Delegates. Scrutineers *shall not* interfere with the polling process.
- (aa) **“Seconders”** means a registered Delegate of the PAGC Annual Assembly who affirms before the Assembly his/her endorsement of a Candidate for a position on the Executive Council.
- (bb) **“Speakers”** means all Nominators and Candidates who will address the Annual Assembly after the close of the Nomination Meeting in the time limits prescribed.
- (cc) **“Spoiled Ballot”** means a ballot that has never been deposited in the ballot box either because it has been
 - (i) found by the Electoral Officer, Deputy Electoral Officer or their designate to be soiled or improperly printed; or
 - (ii) returned to the Electoral Officer, Deputy Electoral Officer or their designate by the Delegate and exchanged for another ballot paper because the Delegate Improperly Marked or otherwise Defaced the first.

In the former case, the Electoral Officer or his/her designate will take such a ballot and mark “spoiled” across the back of it. In the latter situation, the Electoral Officer or his/her designate will take such ballot and mark “spoiled” across the back of it, issue a new ballot to the Delegate and then make a notation to that effect on the Delegate’s List.

- (dd) **“Vice Chief”** means one of two (2) Chiefs, each second in point of rank to the Grand Chief, who are members of the Executive Council and who are elected by Delegates pursuant to this *Act*.

3. PRINCE ALBERT GRAND COUNCIL EXECUTIVE COUNCIL

- 3.1 Periodically as per the staggered election schedule set out herein, there *shall* be an Election for the following designated positions within the Prince Albert Grand Council:
- (a) One (1) Grand Chief; and
 - (b) Two (2) Vice-Chiefs, one of whom *shall* be from the Athabasca region.
- 3.2 The term of office for each member of the Executive Council *shall* ordinarily be three (3) years. The Elections *shall* henceforth be staggered so that only one (1) member of the Executive Council is ordinarily elected each year. The exception to this rule would be in the case of By-election where the newly elected Executive Council Member would hold office for the balance of the previous Member's term.

4. ELIGIBLE CANDIDATES

- 4.1 To be qualified for nomination as a Candidate for office as a member of the Executive Council, an individual must:
- (a) be a registered member of one of the Member First Nations/Bands who are signatories to *The Prince Albert Grand Council Convention*
 - (b) be at least eighteen (18) years of age on the polling day;
 - (c) have been nominated in accordance with this Act;
 - (d) *not* be disqualified by this Act or any other enactment from voting in the Election/By-election or from being nominated for, being elected or holding office as a Member of the Executive Council or otherwise be disqualified by law;
 - (e) *not* have been convicted of a **Corrupt Practice**, accepting a bribe, dishonesty or malfeasance for a period of either two (2) terms or six (6) years, whichever is less; **AND**
 - (f) *not* be disqualified from running in an Election/By-election by virtue of having been convicted of
 - (i) an indictable offence under the *Criminal Code of Canada* for a period of at least five (5) years; **OR**
 - (ii) a hybrid or dual offence with respect to which the Crown has elected to proceed by way of indictment under the Criminal Code for a period of at least five (5) years; **OR**
 - (iii) of an offence under the Controlled drugs and Substance Act or similar legislation involving trafficking of a prohibited or controlled substance for a period of at least five (5) years.
- 4.2 The Vice Chief, Athabasca Region, *shall* be a member of one of the Denesuline First Nation/Bands who are signatories to *The Prince Albert Grand Council Convention*.

5. DECLARATION OF INTENT

- 5.1 Each eligible Candidate *shall* file with the Electoral Officer of the Prince Albert Grand Council, a Declaration of Intent to run for an Executive Office, no later than thirty (30) days prior to the date of the Nomination Meeting except when the thirtieth (30) day is a holiday or a weekend in which case the deadline will become the last business day before the thirtieth (30) day.
- 5.2 Each eligible candidate *shall* file with the Electoral Officer of the Prince Albert Grand Council, a DECLARATION RE CRIMINAL RECORD, no later than thirty (30) days prior to the date of the Nomination meeting except when the thirtieth (30) day is a holiday or a weekend in which case the deadline will become the last business day before the thirtieth (30) day.
- 5.3 After submitting a Declaration of Intent, an incumbent who is seeking re-election *shall* relinquish their authority as Grand Chief or Vice-Chief and *shall* thereupon take a leave of absence until the Assembly is over. Newly elected or re-elected persons *shall* be entitled to wages and benefits from the day following their swearing in until the first day of the third Assembly following their Election or re-election unless they step down, are removed from or otherwise vacate their office some time earlier.

6. INELIGIBLE CANDIDATES

Any person who has been convicted of an indictable offence and continues to be subject to a Court Order respecting that offence cannot run for office on the Prince Albert Grand Council.

7. TERMS OF OFFICE

- 7.1 The following terms of office *shall* apply:
- (a) the Grand Chief *shall* ordinarily hold office for a period of three years.
 - (b) each Vice-Chief *shall* ordinarily hold office for a period of three years.
- 7.2 The Prince Albert Grand Council has adopted and implemented a staggered election system for all executive positions. The staggered election schedule, commencing with the 2005 Assembly, *shall* be as follows:
- | | |
|----------|------------------------------|
| Year I | Grand Chief |
| Year II | Vice-Chief, Athabasca Region |
| Year III | Vice Chief |
- 7.3 Once the staggered election system is in effect, should an Executive member seek re-election, the Executive member's powers, duties and responsibilities will be re-assigned to another Executive member who is not up for re-election during the 30 day declaration period.
- 7.4 In addition to the standard of conduct set out herein, an Executive Member *shall* provide his/her services in accordance with *The PAGC Act, The PAGC Convention, The PAGC Executive Act* and this *Election Act*.

8. STANDARD OF CONDUCT OF GRAND CHIEF AND VICE-CHIEFS

- 8.1 The Grand Chief and Vice Chiefs, as the elected representative of the Member First Nations/Bands are obligated to:
- (a) uphold the Declaration cited in the Preamble of this Act.
 - (b) provide credible and strong leadership which a majority of the Member First Nations/Bands can respect and support.
 - (c) communicate and consult with, and hear the concerns of the Member First Nations/Bands in matters which affect said First Nations/Bands.
 - (d) demonstrate and practice fairness, honesty, courage and due diligence while holding office.
 - (e) demonstrate and practice honour, respect, justice and acceptable conduct at all times.
 - (f) uphold honesty and avoid rumour, deceit, distortion and conflict of interest while holding elected office.
 - (g) avoid corrupt practice while holding elected office.
 - (h) enhance and safeguard treaties, treaty, inherent, human and Aboriginal rights, First Nation/Band customs and traditions.
 - (i) enhance and protect the culture and language of the Member First Nations/Bands.
 - (j) communicate and inform Member First Nations/Bands of all matters affecting First Nations/Bands and ensure that proper consultation has been conducted and approval has been granted before any initiatives are undertaken.

9. COMMENCEMENT OFFICE

- 9.1 Newly elected or re-elected Executive Members *shall* take office immediately upon being sworn in.
- 9.2 There *shall* be a formal meeting of the new and former Executive member within fifteen (15) days following the Election/By-election for the purpose of providing a thorough briefing by the former leaders on all matters affecting the membership and to ensure an orderly transition of obligations and responsibilities to the new leadership.

10. WIN BY ACCLAMATION

- 10.1 If an incumbent is the only Candidate running for the position, he/she *shall* win by acclamation. The incumbent will not be required to take a leave of absence nor to relinquish their duties thirty (30) days prior to the Assembly. The incumbent will instead continue on with all his/her delegated duties.

11. OATH OF OFFICE

- 11.1 Successful Candidates *shall* take an Oath of Office before the Annual Assembly and before taking Office.
- 11.2 Members of the Council of Elders or Senators *shall* officiate at the Swearing In Ceremony.

12. REMOVAL FROM OFFICE

- 12.1 Upon being duly elected by the Assembly according to the terms of this Act or appointed by the Council of Chiefs as an interim measure to fill a vacancy, the Grand Chief and Vice-Chiefs are thenceforth accountable to all Member First Nations/Bands of the Prince Albert Grand Council. The Grand Chief and Vice-Chiefs *may* be removed from office if they:
- (a) fail to uphold the Standards of Conduct as cited in Section IV of this Act, Article V of *The PAGC Convention Act* or those set out in *The PAGC Act*, *The PAGC Executive Act* or for breaches of *The PAGC Election Act*.
 - (b) are absent from a meeting of the Prince Albert Grand Council Executive Council, the Council of Chiefs, an Assembly or Summit or a Chiefs Retreat without justifiable cause.
 - (c) bring disrepute and dishonour upon themselves, their office or other First Nations/Bands through words or acts which can be attributed to them personally.
 - (d) are *convicted* of an indictable offence while serving office.
 - (e) are *convicted* of an offence that *may* affect their ability to give effective leadership or bring disrepute to their person or the office including, but not limited to, fraud, violent crimes including murder, manslaughter and assaults of any kind, any sexual offences, any offences intending to corrupt morals, disorderly conduct or offences involving drugs or alcohol.
 - (f) create conflict among the other elected officials or First Nation/Band Members through slander, deceit or misinformation.
 - (g) fail to uphold the responsibilities of their respective portfolios.
 - (h) fail to act in the best interests of the Grand Council or its Member First Nations/Bands
- 12.2 The office of an Executive Member *may* also be vacated in the following circumstances if the Executive Member:
- (a) dies while holding office;
 - (b) resigns his/her office;
 - (c) is found guilty by the Appeals Committee, in connection with an Election/By-election, of Corrupt Practice, giving or accepting a bribe, dishonesty or malfeasance;

- (d) has been absent from a meeting of the Prince Albert Grand Council Executive Council, the Council of Chiefs, an Assembly or Summit or a Chiefs Retreat without being authorized to do so and without justifiable cause;
 - (e) declares personal bankruptcy;
 - (f) is determined to be incompetent by a duly licensed medical practitioner for the Province of Saskatchewan;
 - (g) fails to uphold the Oath of Office or other duly enacted legislation including this Act, *The Executive Act*, *The PAGC Act* and *The PAGC Convention Act*; **OR**
 - (h) is removed from office following a vote of no confidence pursuant to *The PAGC Executive Act*.
- 12.3 A registered letter **shall** be sent to the person who has been removed from office setting out the ground(s) for removal and advising them of the effective date of the removal and requiring them to immediately return all PAGC property including keys.
- 12.4 In the event that an elected official is charged with an offence that **may** affect their ability to give effective leadership or bring disrepute to their person or the office including, but not limited to, fraud, violent crimes including murder, manslaughter and assaults of any kind, any sexual offences intending to corrupt morals, disorderly conduct, or offences involving drugs or alcohol, he/she **shall** immediately be suspended without pay until the matter is determined by a court of competent jurisdiction.
- (a) If he/she is found not guilty, he/she **shall** be reinstated with retroactive pay.
 - (b) If he/she is found guilty, his/her office **shall** immediately be declared vacant and a By-election called irrespective of whether the incumbent decides to appeal his/her conviction and/or sentence.

13. PROCEDURES FOR REMOVAL FROM OFFICE OR DISCIPLINARY ACTION

- 13.1 Individuals or groups who are members of the Member First Nations/Bands may submit their concerns in writing to the Justice Commission setting out in some detail any contraventions of this Act, *The PAGC Convention Act*, *The PAGC Act* or *The PAGC Executive Act*.
- 13.2 The Justice Commission **shall** immediately cause to be done such investigation as they deem necessary to determine the relevant facts upon which to make an informed decision. The investigation **shall** be left to whatever person(s) the Justice Commission appoints for the purpose.
- 13.3 The Justice Commission **shall**, upon hearing all relevant evidence, decide if there is material evidence of a contravention referred to in sub-section 13.1. If not, that **shall** be the end of the matter. If there is material evidence of a contravention, the Justice Commission **shall** make a recommendation to the Council of Chiefs that there be a Disciplinary Hearing.
- 13.4 The Justice Commission **shall** call for a Disciplinary Hearing within two (2) weeks of providing notice to each member of the Council of Chiefs.

- 13.5 The Justice Commission *shall* make a recommendation to the Council of Chiefs whether the person should be retained or removed from Office following the Disciplinary Hearing or if other sanctions should be imposed [i.e. suspension without pay, restitution, re-assignment of duties, restriction on powers, etc].
- 13.6 A quorum of the Council of Chiefs present at the Hearing *shall* decide at the conclusion of the Hearing whether or not there is just cause for removal or discipline. In the event that a decision is made to discipline, the Council of Chiefs shall determine what sanctions should be imposed and who will be responsible for enforcing the same.
- 13.7 The decision of the Council of Chiefs *shall* be final and binding.

14. BY-ELECTION PROCESS

- 14.1 When the position(s) of the Grand Chief and/or the Vice Chief(s) becomes(s) prematurely vacant for any reason, a By-election *shall* be called by the Council of Chiefs as soon as practicable; provided, however, that no By-election shall be called if there are fewer than nine (9) months remaining in the term of that Elected Official.
- 14.2 Unless otherwise agreed by the Council of Chiefs, By-election notices, procedures and eligibility *shall* be exactly the same as for PAGC Elections, unless other regulations are made prior to the By-election.

15. APPOINTMENT AND DUTIES OF ELECTION OFFICIALS

- 15.1 The appointment of Election Officials *shall* be made by the Prince Albert Grand Council Senior Management Team no later than ten (10) prior to the day set for receiving Declarations of Intent. In the event that an Election Official is unable to perform their duties after having accepted an appointment, the Senior Management Team *shall* find an alternate as soon as practicable. The appointments *shall* be equitably distributed among the Member First Nations/Bands and by gender.
- 15.2 None of the following person *shall* be appointed as Election Officials:
- (a) any member of the Executive Council;
 - (b) any Candidate's immediate family member, business partner, campaign manager or personal representative. For the purposes of this section "immediate family member" *shall* be defined as the spouse (legal or common-law) of a Candidate, the grandparents, parents (natural or adoptive), siblings (natural or step), offspring (natural or adopted) and grandchildren of a Candidate; or the grandparents, parents, siblings, offspring and grandchildren of the spouse of a Candidate;
 - (c) a voting Delegate;
 - (d) an individual who is not a member of one of the Member First Nations/Bands
 - (e) legal counsel for the Grand Council; **NOR**

(f) any Employee of the Grand Council

15.3 The appointment of Election Officials *shall* run from one Annual Assembly until the appointment of Election Officials for the next Annual Assembly or a Special Assembly necessitated by a By-election. This appointment *shall* not provide any more monetary compensation than is deemed appropriate for actual services rendered [i.e. per diems, travel allowances, pre-approved out-of-pocket expense].

16. ELECTORAL OFFICERS

16.1 There shall be one Electoral Officer and one Deputy Electoral Officer appointed, whose appointment shall be ratified by the Council of Chiefs and who shall jointly be responsible for ensuring that proper procedures and regulations are followed in the Executive Election/By-election.

16.2 For the purposes of Elections/By-elections, the Electoral Officers shall also assume the duties of

- (i) Returning Officers [i.e., counting, initialing and distributing ballots; examining and ruling on the validity of all ballots cast; counting the ballots before and after the Election/By-election, tabulating and announcing that official results] and
- (ii) Credentials Committee [i.e., determining the eligibility of Candidates, Nominators, Seconders and Delegates].

16.3 The Electoral Officers shall be empowered to draw on human and physical resources within the Prince Albert Grand Council and its institutions to execute their duties.

16.4 The Electoral Officers shall be responsible for, but not limited to, the following duties:

- (a) posting the Election/By-election;
- (b) presiding as chairperson and vice chair of the nomination meeting;
- (c) ensuring the facilities are in order;
- (d) ensuring all arrangements for the ballots, ballot boxes and Polling Station have been made
- (e) presiding on the day of the Election/By-election
- (f) preparing Delegates List;
- (g) counting, initialing and distributing ballots;
- (h) announcing how many ballots are required to win by a simple majority [50% *plus* 1] of ballots cast, or in the event of a win by acclamation, making that announcement to the Assembly or Special Assembly
- (i) examining and ruling on the validity of all ballots cast;
- (j) counting the ballots before and after the Election/By-election, tabulating and announcing of official results;

- (k) arranging for the secure storage of all ballots until the later of either the thirty (30) day appeal period has expired or the time when all Appeals have been heard and a final decision rendered; and
- (l) arranging for the destruction of all ballots after the later of either the thirty (30) day appeal period has expired or the time when all Appeals have been heard and a final decision rendered;

16.5 Ballots *shall* be counted as follow:

- (a) immediately following the close of the Poll, the Electoral Officers *shall* in the presence and full view of the Assembly open the Ballot Box (es) and thereupon examine the ballots **AND**
- (b) reject any Ballot that does not give a clear indication of the Delegate's preference. If any Ballot has more votes than there are vacancies for that position, the Ballot is rejected. All rejected papers *shall* be preserved;
- (c) reject any ballot upon which anything appears by which the Delegate can be identified;
- (d) reject any ballot that is otherwise improperly marked or defaced;
- (e) subject to review on recount or on an Election/By-election Appeal, take note of any objection(s) made by any Candidate or his/her agent to any of the ballot papers found in the ballot box and decide any questions arising out of the objection; **AND**
- (f) count the votes given for each Candidate from the ballots not rejected and make a written statement of the number of votes cast for each Candidate and the number of ballots papers rejected or spoiled and not counted by him/her which statement *shall* be signed by the Electoral Officers.

16.6 Re-counts may be requested in the following circumstances:

- (a) Any Candidate or his/her agent may ask for a recount if the number of Rejected Ballots exceeds the difference between those of a defeated Candidate and a person who has been elected to the same position. This re-count shall be commenced immediately after the initial count if the aforementioned condition is met.
- (b) After the initial count, the Electoral Officers *shall* announce the name(s) of the Candidate(s) and the total number of votes each received. Any Candidate or his/her agent can request a re-count for a particular position if there is less than ten percent (10%) difference between the ballots received by a successful Candidate and his/her next closest challenger. The re-count shall be commenced immediately after the initial count if the aforementioned condition is met.

16.7 Following the Election/By-election the following *shall* be done:

- (a) After counting and, where it is indicated, re-counting the Ballots, the Electoral Officer *shall* announce and post the names of the successful Candidate.
- (b) Following the aforementioned Election/By-election announcement, the Electoral Officers *shall* complete and sign an Election/By-election Report which *shall* contain:
 - (i) a list of all Candidates;

- (ii) the total number of Ballots cast;
 - (iii) the number of votes each Candidate received;
 - (iv) the number of Delegates who required assistance and/or interpretation to exercise their franchise;
 - (v) the number of “spoiled” and “rejected” and “declined” ballots; and
 - (vi) any comments they *may* have about procedure or substance.
- 16.8 The Electoral Officers *shall* forward the signed Election/By-election Report to PAGC.
- 16.9 The Electoral Officer *shall* seal all of the ballots in an envelope marked “PAGC Election” or “PAGC By-election” which *shall* be securely stored at PAGC along with an original copy of the Election/By-election Report.
- 16.10 Access to these materials *shall* thereafter be limited to the Electoral Officers. The envelope *shall* only be removed in the event of an Appeal or when the time has come to destroy the contents.
- 16.11 The ballots *shall* remain sealed unless there is an Appeal that required their examination or re-count. In this event, the Electoral Officers *shall* deliver the envelope to the Appeals Committee and in their presence, and before any examination or re-count is commenced, examine the envelope to ensure that the seal has not been broken. Only the Electoral Officers *may* break the seal. After the Appeals Committee has finished their re-count, the ballots shall once again be sealed by the Chief Electoral Officer and immediately thereafter be returned to the secured storage as set out above.
- 16.12 The ballots *shall* be securely stored for a period of thirty (30) days or until the Appeal has been heard whichever is later. A copy of the Election/By-election Report *shall* be kept as an archival record.

17. DELEGATES LIST

- 17.1 Only official Delegates of the Member First Nations/Bands *shall* have voting status in PAGC Elections/By-elections.
- 17.2 Delegates *shall* include:
- (a) the Chief of each Member First Nation/Band;
 - (b) the Headmen and Councillors or each Member First Nations/Band;
 - (c) other persons appointed by each Member First Nation/Band according to the formula set out in the PAGC Act who also meet the eligibility requirements; **AND/OR**
 - (d) cannot be an Employee of the Grand Council.
- 17.3 At least ten (10) days prior to the General Assembly, each Chief of a Member First Nation/Band *shall* be responsible for registering Delegates and submitting the Delegate List and an Alternate

Delegates List to the Electoral Officers. Each of the aforementioned lists must set out the Treaty number of the person named.

- 17.4 If a Councillor or Headmen is designated as “Acting Chief”, the person must have a Band Council Resolution signed by a quorum of the Council designating him/her to act in that capacity.

18. NOMINATION PROCEDURE

- 18.1 The Electoral Officer *shall* preside.
- 18.2 The Electoral Officer *shall* have on hand all Declaration of Intent forms.
- 18.3 The Nomination Day for executive positions *shall* be the day before the date of the Election/By-election.
- 18.4 The Electoral Officer *shall* officially open the meeting for nominations.
- 18.5 All nominations *shall* be moved and seconded by the registered Delegates designated on the Declaration of Intent forms signed by each Candidate. The Nominator and Secunder named on each Declaration of Intention *may* be amended after they have been submitted but not later than one (1) hour before the Nomination Meeting commences.
- 18.6 All Candidates *shall* personally signify their acceptance of their nominations to the Assembly.
- 18.7 No person *may* nominate or second more than one (1) individual for any elected position.
- 18.8 All nominations for all positions *shall* be done in the time frame prescribed by the Electoral Officer and before any Candidates speeches are delivered to the Assembly.
- 18.9 When the Electoral Officers are satisfied that all Nominators and Seconders have affirmed their motion to name their proposed Candidate, and all eligible Candidates have affirmed their intention to let their names stand or declined the opportunity, a “nomination cease” motion *shall* be deemed in order by the Electoral Officer or his/her Deputy and the motion *shall* be carried upon a show of hands by a majority of the Assembly, then in attendance, voting in favour of such a motion.
- 18.10 The Nominators and Candidates *shall* immediately determine their speaking order [i.e., by consensus, drawing of lots/numbers, or flip of a coin]. If they are unable to come to any agreement, their names *shall* be drawn from a hat by the Electoral Officer or his/her designate and the speaking order determined by the order in which the names are drawn.
- 18.11 The Nominators and the Candidates *shall* be limited to a maximum of:
- (a) Two (2) minutes for Nominators; **AND**
 - (b) Ten (10) minutes for Candidates.
- 18.12 After the Nomination Meeting is officially closed by the Assembly but before the Annual Assembly is adjourned for the day, the time, place and procedures for Polling Day must be announced by the Electoral Officer to the Assembly.

19. PROCEDURES FOR POLLING DAY ON EXECUTIVE ELECTIONS

- 19.1 The ballots, Polling Station, and all facilities required are the responsibilities of the Electoral Officer including the supervision of all Polling Stations.
- 19.2 The initial poll *shall* be open from 10:00 A.M. until 12:00 Noon. If there is not a clear majority for any one (1) Candidate following the count, a new ballot *shall* be drawn up and the time of the next poll *shall* be announced by the Electoral Officer.
- 19.3 Voting *shall* be done by secret ballot.
- 19.4 There *shall* be one or more secured ballot boxes administered by the Electoral Officers.
- 19.5 Each Candidate *shall* be entitled to one Scrutineer and an Alternate and one of those person *shall* witness the election procedure and/or actual counting of the ballots.
- 19.6 The Electoral Officers will officially declare the First Poll closed at 12:00 noon on Polling Day.
- 19.7 The Electoral Officers *shall* oversee, in full view of the Assembly, the counting of the ballots.
- 19.8 Any Candidate who receives a simple majority of the eligible votes [50% *plus* 1 of the total number of Delegates], *shall* be declared the winner.
- 19.9 Where no Candidate receives a simple of the eligible votes [50% *plus* 1 of the total number of Delegates], the Electoral Officer *shall* proceed to a further and subsequent ballots as required until one Candidate does have a simple majority of the Assembly supporting his/her election. Each new ballot *shall* drop the name(s) of the person(s) who received the fewest votes and the name(s) of any person(s) who decide(s) to withdraw(s) from subsequent ballots.
- 19.10 In the event of a tie between the top runners or in the event that neither of the top runners receives a simple majority of the eligible votes [50% *plus* 1 of the total number of eligible voting Delegates], another ballot will be conducted until one Candidate receives a simple majority of the eligible votes [50% *plus* 1 of the total number of eligible voting Delegates] supporting his/her candidacy.
- 19.11 The times for the second and subsequent ballots will be announced by the Electoral Officers prior to the Polls re-opening. The vote, count, opening of the ballots, closing of the polls, count and re-opening of the polls, etc. *shall* follow one another until one Candidate receives a simple majority of the eligible votes [50% *plus* 1 of the total number of Delegates] and can be declared the winner.
- 19.12 The Electoral Officer will officially declare the final results of the Election/By-election.
- 19.13 Upon conclusion of the Election/By-election, the Electoral Officer *shall* seek a motion that all ballots be kept for a period of at least thirty (30) days after the Election, and if there are no Appeals to the election, that the ballots *shall* thereafter be destroyed. If there is an Appeal, the ballots are to be kept until the Appeal has been heard and a final decision rendered. Thereafter, the Chairperson of the Appeal Board and the Electoral Officer *shall* jointly determine when the ballots are to be destroyed.
- 19.14 There *shall* be no loitering near of around the polling station during the Election/By-election while ballots are being cast. Scrutineers *shall* observe from an area designated by the Electoral Officer which allows the Scrutineers to observe the procedure but that does not allow them to interfere with the movement of Delegates through Polling Station.

20. APPEALS

- 20.1 Any voting Delegate or Candidate *shall* have thirty (30) days from the day of the Election/By-election to appeal the results of the Election/By-election.
- 20.2 An appeal must be in writing to the Electoral Officer and must contain details of the grounds upon which the appeal is made and a written acknowledgement that the Appellant agrees to abide by the decision of the Appeals Committee.
- 20.3 The Prince Albert Grand Council Appeals Committee *shall* consist of one (1) appointed Chairperson, four (4) Senators/Elders, one (1) Women's Commission member and one (1) member-at-large none of whom *may* be voting Delegates, Candidates, Nominators or Seconders.
- 20.4 Grounds for an appeal are restricted to campaign and/or election practices which contravene this Act.
- 20.5 The PAGC Appeals Committee *shall* adjudicate appeals against the Election/By-election of the Grand Chief and Vice-Chiefs.
- (a) The PAGC Appeals Committee will rule on whether to allow or disallow an Appeal Hearing within ten (10) business days of receipt of written Notice of Appeal.
- (b) If it is judged there is sufficient evidence to warrant an appeal, the Appeals Committee *may* order a Hearing within ten (10) business days of their decision.
- 20.6 An Appeal Hearing will take place consisting of:
- (a) the Electoral Officer and Deputy Electoral Officer;
- (b) the Appellant(s);
- (c) the Candidate whose Election/By-election is being contested;
- (d) the PAGC Appeals Committee and their solicitor.
- 20.7 The Appeals Committee, prior to making their decision, *may* order verification of statements made by the Appellant, the Candidate and/or the Electoral Officers.
- 20.8 A final decision of the Appeals Committee regarding the Election/By-election must be made within ten (10) days following the Hearing and *shall* represent a final binding decision of all parties involved regarding the Election/By-election. The Appeals Committee *shall* make one of the following decisions:
- (a) deny the Appeal on the grounds that the evidence presented did not indicate an infraction of the Act and so advise the Council of Chiefs, member First Nations/Bands and the Appellant;
- (b) uphold the Appeal but allow the Election/By-election to stand, on the grounds that the infraction would not reasonably be seen to have affected the results of the Election/By-election; or

- (c) uphold the Appeal and call for a new Election/By-election within twenty-one (21) days of the determination of the Appeal, giving clear instruction such that the reason for the original Appeal is corrected. There **shall** be no new or additional nominations beyond the slate that ran in the Election/By-election that is the subject of Appeal but no Candidate **shall** be compelled to allow his/her name to stand again.
- 20.9 If the Appeal Hearing overturns the results of an Election/By-election, the Council of Chefs **shall** call a new By-Election for the position(s) involved and it **shall** be conducted in accordance with this Act. In the interim, the Council of Chiefs **may** assign another Member of the Executive Council to carry out the duties of the vacant office.

21. AMENDMENTS

- 21.1 Amendments to this Act can be made from time to time by resolution of the Council of Chiefs.
- 21.2 The amendment **shall** then be discussed at a duly convened session of the Annual Assembly to ratify the amendment(s) to *The Election Act*
- 21.3 Amendments to this Act adopted, by resolution, at a session of the Annual Assembly **shall** immediately form part of this Act.

22. RATIFICATION PROCESS

- 22.1 This *Prince Albert Grand Council Election Act 2011* **shall** be ratified after deliberation and by resolution at the Annual Assembly of the Prince Albert Grand Council
- 22.2 This is to certify that this *Prince Albert Grand Council Election Act* is the only document in effect as of this date and that this Election Act was duly passed at the Prince Albert Grand Council Special Assembly on the 3rd day of October, 2011 A.D. by a vote of 118 in favour, 0 opposed and 0 abstentions. A quorum was present.