INTRODUCTION

This document is a custom election law produced by the Lands, Research, and Membership Department, in coordination with the Mississaugas of the Credit First Nation’s Governance Unit. It is intended for use by the Mississaugas of the Credit First Nation, who will shortly be opting out of the election provisions of the Indian Act and will be undertaking their own process of carrying out their elections under this law. This custom election law has been produced specifically for the Mississaugas of the Credit First Nation.

Please note that this is a “draft” law and is intended for use at community consultations and will not come into effect until it has received community support through a ratification/approval process by the membership of the Mississaugas of the Credit First Nation.

NOTES
- TEXT IN "PLAIN" FONT/STYLE INDICATES USE OF THE NOVEMBER 2016 LANGUAGE;
- TEXT UNDERLINED INDICATES WHERE DECISIONS NEED TO BE MADE;
- TEXT IN BOLD INDICATES WHERE DECISIONS HAVE BEEN MADE; AND
- TEXT IN ITALICS INDICATES WHERE NEW TEXT HAS BEEN ADDED.

CONFIDENTIAL
Dated for Reference the 12th day of April 2019
Mississaugas of the Credit First Nation

Custom Election Law

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1. WHEREAS the Mississaugas of the Credit First Nation are the direct descendants of the Mississaugas of the Credit River; an Ojibway indigenous community with a rich history, being a part of the larger Mississauga Nation;

WHEREAS according to our ancient customs, we shall be governed by Chiefs who shall have the supreme authority, and be chosen by a majority of our people;

WHEREAS the Mississaugas of the Credit First Nation’s Treaty lands and territory extends from the Rouge River Valley in the east and across to the headwaters of the Thames River in the west and from the shores of Lake Erie and Lake Ontario in the south to the headwaters of the Nottawasaga River in the north;

WHEREAS the Mississaugas of the Credit First Nation recognize in exercising our right to self-determination, that we have the right to autonomy or self-government in matters relating to our internal and local affairs;

WHEREAS the Mississaugas of the Credit First Nation recognize the urgent need of the Crown to respect and promote our inherent rights, which derive from our political, economic, and social structures and from our culture, spiritual traditions, histories, and philosophies, especially our rights to our lands, territories, and resources beyond the rights set out in section 35 of the Constitution Act, 1982;

WHEREAS the Mississaugas of the Credit First Nation look to our Anishinabe roots to guide our vision for the future, led by the Seven Grandfather Teachings of Dabaadendiziwin (Humility); Aakode’ewin (Bravery); Minaadendamowin (Respect); Nibwaakaawin (Wisdom); Gwayakwadiziwin (Honesty); Zaagi’idiwin (Love); and Debwewin (Truth), so that we continue to strive to be a strong, caring, connected membership who respects the Earth’s gifts and protects the environment for future generations;

WHEREAS the Mississaugas of the Credit First Nation first engaged with its membership in 1991, with respect to its own election law and members wishing to make changes to how elections were run for the Mississaugas of the Credit First Nation;

WHEREAS the members of the Mississaugas of the Credit First Nation expressed interest in controlling its own election system and have continued to request changes be made to the existing election system;
WHEREAS community meetings continued to be held in an effort to ensure that community involvement continued in developing a draft election law that has continued through to 2019;

WHEREAS Mississaugas of the Credit First Nation wish to enact a custom election law in accordance with the principles of natural justice and conform to the Charter of Rights and Freedoms; and

WHEREAS as an element of our continuing authority, the Mississaugas of the Credit First Nation have adopted the following custom election law, which shall be called the Custom Election Law of the Mississaugas of the Credit First Nation, and is shortened to the “Law,” from time to time, as the manner in which we will regulate the selection of our leadership;

THEREFORE, the eligible voters of the Mississaugas of the Credit First Nation through the Mississaugas of the Credit First Nation Council enact the Law as follows:

PART 2 - COMING INTO FORCE

2. This Law comes into force immediately following its ratification by the Members.

PART 3 - INTERPRETATION

3. In this Law,

“appellant” means an individual who submits an appeal in accordance with this Law with respect to an election.

“by-election” means a special election to fill a position on Council that has become vacant.

“CAD” means Canadian dollars.

“candidate” means a Member residing within or outside the Territory of the Mississaugas of the Credit First Nation, who:

(a) is at least 18 years of age on the day on which the nomination meeting is held;

(b) is a registered Member of MCFN;
(c) has been nominated to be a candidate to run for the position of chief or councillor by at least two electors, pursuant to the provisions of this Law;

(d) has served at least one (1) previous term as an elected councillor of MCFN for the position of chief; and

(e) within four (4) weeks of the date of the nomination meeting, has undergone a recent police check, at the candidate’s own expense, and has provided proof to the Electoral Officer that she has not been convicted of an indictable offence in Canada or a felony in North America during the past five (5) years, as well as the completion of a Vulnerable Sectors Check.

“Chief Operating Officer” means the person responsible for the administration and management of the MCFN office, including supervising staff and overseeing the coordination of activities, or her designate from time to time.

“Code of Ethics” means guidelines, general rules of behaviour, and standards established in accordance with Section 48 of this Law, which governs the conduct of candidates running for office and their supporters relating to their participation in the electoral process.

“corrupt practices” means bribery, direct or indirect, or providing a financial or material incentive to an elector in exchange for a vote.

“Council” means the Mississaugas of the Credit First Nation Government; a body composed of those persons selected pursuant to this Law.

“decision-making body” means a board, commission, tribunal, court, or other body whose authority to make decisions is derived by delegated authority of Council under a MCFN law, charter, or terms of reference.

“Deputy Electoral Officer” means the person or persons appointed by the Electoral Officer for the purpose of an election to assist her in the conduct of the election process.

“Elder” means an individual who has been recognized, either formally or informally, by the community as having a deep and/or specialized knowledge related to the community’s culture, language, history, ceremonies, spirituality, land, animals, plants, and/or medicines.

“election” means a general election, by-election, referendum, or special meeting of MCFN held pursuant to the provisions of this Law.

“Elections Appeal Board” means the body appointed by a band council resolution in accordance with Section 180 of this Law to review and make decisions concerning election appeals, and is shortened to the “Board.”
“Electoral Officer” means a person, hired or appointed by the Executive Director, or designate, to govern the election procedures, including pre-election, election and post-election procedures, and ensures that all provisions set forth in this Law, with respect to elections, are adhered to.

“elector” means a person who:

(a) is a Member of MCFN; and

(b) is at least eighteen (18) years of age on the date of any given election.

“electronic ballot” means a ballot submitted electronically in accordance with Sections 114. to 118. of this Law.

“immediate family” includes a parent; guardian; spouse; common-law spouse; child; sibling; ward; parents-in-law; grandparents; great-grandparents; grandchildren; and any relative who has been permanently residing in the same household.

“interpreter” means an individual, other than the Electoral Officer or Deputy Electoral Officer, who understands the language spoken by an elector where the language is not English or where the elector is deaf or blind, and shall assist the elector at a polling station, by translating communications between the Electoral Officer or Deputy Electoral Officer and the elector or translating written communications or documents.

“Law” means the election process and procedures set out herein.

“mail-in ballot” means a ballot mailed or delivered in accordance with Sections 119. to 122. of this Law.

“Member” means a registered member of the Mississaugas of the Credit First Nation whose name appears on a list maintained by the Membership Administrator as determined by Council from time to time.

“Membership Administrator” means the MCFN employee responsible for maintaining MCFN’s membership list.

“Mississaugas of the Credit First Nation” means the ancestors of the River Credit Mississaugas, and is shortened to MCFN from time to time;

“Mississaugas of the Credit First Nation Code of Conduct” means guidelines, general rules of behaviour, and standards established in accordance with this Law, as well as any guidelines, general rules, or standards established by Council, from time to time, which governs the conduct of Council relating to
their positions on Council, as well as the conduct of all Members of MCFN, and is shortened to Code of Conduct from time to time.

“Mississaugas of the Credit First Nation Orientation Governance Manual” means a document containing the governance model for Council to use as a guide during their term in office, and is shortened to the Orientation Governance Manual from time to time.

“nomination meeting” means the meeting where persons come forward to nominate and second candidates for the election.

“oath” means a solemn affirmation.

“polling station” means a building, hall, or room which is selected as the site(s) at which voting takes place.

“recorder” means...

“rejected ballots” means those ballots that have been defaced by an elector(s) in some manner, and are marked as such, and shall not be included in the tally of valid ballots cast during the counting of the votes.

“spoiled ballots” means those ballots that have been improperly marked by an elector(s), where such ballot cannot be used, and are marked as such, and shall not be included in the tally of valid ballots cast during the counting of the votes.

“Territory of the Mississaugas of the Credit First Nation” means the geographical area in which the Mississaugas of the Credit First Nation Council holds jurisdiction and is identified on the map attached as Schedule 1 – MAP OF MCFN TERRITORY to this Law, and is shortened to “Territory” from time to time.

“voter declaration form” means a document that sets out, or provides for:

(a) the name of the elector;

(b) the registry number of the elector or, if the elector does not have a registry number, the date of birth of the elector; and

(c) the name, address, and telephone number of a witness to the signature of the elector.

“voters list” means the list of electors eligible to vote in an election.

4. The division of this Law into parts, sections, paragraphs, subsections, and clauses, and the insertion of headings and subheadings are for convenience
of reference only and shall not affect the legality or interpretation of this Law.

5. Unless otherwise specified, words importing the singular include the plural and vice versa, and words importing gender include all genders.

PART 4 – COUNCIL

Composition and Size

6. Council shall consist of one (1) chief and seven (7) councillors.

Meetings

7. The first meeting of Council shall be held no later than thirty (30) days after its election, on a day, hour, and place to be stated in a notice given to each member of Council, and meetings shall thereafter be held on such days and at such times as may be necessary for the business of Council or the affairs of the band, as determined by Council.

8. No member of Council shall be absent from meetings of Council without being authorized to do so by Council, as set out in the regulations.

9. Five (5) council members shall constitute a quorum.

10. The chief of MCFN or a quorum of Council may summon a special meeting of Council, as required.

11. The recorder to Council shall notify each member of Council of the day, hour, and place of each meeting of Council.

12. All meetings of Council shall be open to Members of MCFN, and no Member shall be excluded from a meeting except for improper conduct, as determined in accordance with the Code of Conduct.

13. The chairperson may expel or exclude from any meeting any Member who causes a disturbance at the meeting.

14. The chairperson may ask any Member of MCFN to remove themselves from any meeting where Council shall debate matters in-camera, as determined by Council.

Mode of Election for Chief and Councillors
15. Chief and councillors shall be elected by a vote held in accordance with this Law.

**Term of Office**

16. The term of office for the position of chief and councillors shall not exceed three (3) years, except in the case of the first year that this Law is in force, as set out in Section 17.

17. *For the first year that this Law is in force,* the election shall be held in December of the first year. Council shall serve a term of thirty-three (33) months, thereby allowing all future elections to be held in September.

18. The term of office may, under mitigating circumstances, be continued beyond three (3) years if such continuation is not opposed by the votes of more than fifty (50) percent of the members of Council. This continuation shall not exceed sixty (60) days.

19. Council shall, by band council resolution, establish the date on which the election is to be held, in accordance with this Law, which must be no sooner than one hundred (100) days prior to, and no later than ten (10) days following, the end of the term of office of Council.

20. The term of office for the chief and councillors commences when all elected Council members swear the oath of office under Section 175. of this Law and, subject to any vacancy arising under this Law, in accordance with Section 23., expires three (3) years later.

21. The successful candidate in a by-election shall hold office for the remainder of the original term of office of the chief or councillor whom she is elected to replace.

22. In the event that a successful appeal results in a new general election, the term of the newly elected Council shall commence on the date all elected Council members swear the oath of office under Section 175. of this Law, and expires three (3) years later.

**Vacancy**

23. A chief or councillor position on Council may become vacant if, while in office:

(a) the chief or councillor resigns in writing from office of her own accord;
(b) the chief or councillor has been unable to perform the functions of her office for more than six (6) months due to illness or other incapacity;

(c) the chief or councillor dies;

(d) the chief or councillor is removed from office in accordance with Section 28.;

PART 5 - CODE OF ETHICS

24. Candidates shall campaign:

(a) according to the rules and regulations established in this Law and the Code of Conduct;

(b) without coercion or vote-buying;

(c) respecting the rights and freedoms of other parties to organize and campaign;

(d) respecting the rights of voters to obtain information from a variety of sources and to attend political rallies;

(e) ethically, focusing on political issues and candidate platforms, instead of conducting smear campaigns or ones of rumour and innuendo;

(f) non-violently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;

(g) respecting the freedom of the press to cover the campaign and to express opinions on the campaign;

(h) respecting the electoral officials and not interfering with the performance of their duties; and

(i) accepting and complying with the official election results and the final decision of the Appeal Board.

25. Every person is guilty of an offence who, during an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate, or
during an election period, accepts or agrees to accept a bribe that is offered.

26. Every person is guilty of an offence who, by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election, or by any pretence or contrivance, induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election.

27. Unless otherwise provided herein, any person who violates any provision of this Law is guilty of an offence and is liable upon conviction by the Election Appeals Board, or such other decision-making body as established by Council, to penalties set out in the regulations.

PART 6 - REMOVAL OF COUNCIL MEMBERS FROM OFFICE

28. The chief or a councillor may be removed from office and be prevented from running for office for six (6) years if she:

(a) violates this Law, her oath of office, or the Code of Conduct;

(b) fails to attend regular meetings of Council without being reasonably excused from attendance by a quorum of Council;

(c) fails to maintain a standard of conduct expected of a member of Council;

(d) has been convicted of an indictable offence or a felony since her election;

(e) has been convicted of a summary offence that involves dishonesty;

(f) accepts or offers a bribe, forges a council document, or otherwise acts dishonestly in her role;

(g) is negligent in failing to ensure the safety and protection of the community’s members and property;

(h) abuses her office such that the conduct negatively affects the dignity and integrity of the community or of Council;

(i) encourages others to commit any of the above acts or omissions; or

(j) engages in such other conduct as may be determined by such a decision-making body established by Council, from time to time, to
be of such a serious nature that the removal is necessary and appropriate.

Procedure

29. Proceedings to declare a person ineligible to continue to hold the office of chief or councillor shall be determined on application to a decision-making body established by Council, from time to time, in accordance with this Law, regulations made under this Law, or such other law, as determined by Council.

By-election

30. Unless otherwise provided in this Law, in the event that the office of chief or councillor becomes vacant, in accordance with Section 23, a by-election shall be held within ninety (90) days after the date on which the position is declared vacant.

31. No by-election shall be held if there are less than six (6) months remaining in the term of the Council member whose office has become vacant, except where a by-election is necessary to have sufficient Council members to maintain a quorum.

32. No sitting Council member is eligible to be a candidate in a by-election for the position of chief. If a Council member wishes to be a candidate in a by-election for the position of chief, she must resign her Council position prior to the nomination meeting for the by-election.

33. Except as expressly provided otherwise in this Law, the rules and procedures in this Law shall apply to by-elections.

PART 7 - PRE-NOMINATION PROCEDURE

Appointment of an Electoral Officer

34. Once the date for an election has been established, in accordance with Section 19, the Executive Director shall post publicly, the job posting for the position of Electoral Officer at least ninety (90) days before the election.

35. With respect to a by-election, the Executive Director shall post publicly, the job posting for the position of Electoral Officer within five (5) days of the Council position becoming vacant.

36. The Electoral Officer shall be selected by the Executive Director within fourteen (14) days of the closing of the job posting.
37. In the event that no applications are received for the position of Electoral Officer, the Executive Director shall appoint a person at her discretion, in accordance with Section 40.

38. In the event that the Electoral Officer resigns or is removed from her office due to her not fulfilling her duties, the Executive Director shall appoint one of the existing Deputy Electoral Officers, at her discretion. In the absence of an existing Deputy Electoral Officer, the Executive Director shall appoint a new Electoral Officer.

39. The appointment of the Electoral Officer by the Executive Director shall contain her full name and address, the date of the election, the type of election which is to be conducted (general election or by-election), as well as any special instructions.

40. The Electoral Officer shall be a person who:

(a) is at least 18 years of age; and

(b) has experience in the conduct of elections or has received appropriate training.

41. For greater clarity, no sitting Council member of MCFN or a candidate shall be eligible for the position of Electoral Officer.

42. For greater clarity, the Electoral Officer shall not be eligible to vote in an election, except in accordance with Section 165.

Electoral Officer's Oath of Office

43. The Electoral Officer shall swear an oath to uphold the office in accordance with this Law, the Code of Conduct, and all the laws of MCFN and to:

(a) comply with this Law, the Code of Conduct, and all the laws of MCFN;

(b) fulfill the duties and responsibilities of her office as set out in this Law;

(c) carry out her duties faithfully, honestly, impartially, and with integrity, and to the best of her abilities;
(d) keep confidential, both during and after her term of office, any matter or information which, under this Law, community law, or policy, is considered confidential; and

(e) always act in the best interests of the Members in carrying out her duties.

Responsibilities and Ethics

44. The Electoral Officer is responsible for managing and executing all pre-electoral, electoral, and post-electoral processes and procedures included in this Law and its regulations.

45. The Electoral Officer is responsible for determining the outcome of any complaints made to her by an elector regarding all pre-electoral, electoral, and post-electoral processes and procedures included in this Law and its regulations.

46. For greater clarity, an elector may appeal the Electoral Officer’s decision made in Section 45 to the Elections Appeal Board, in accordance with Part PART 15 - APPEAL PROCEDURE.

47. For greater clarity, any complaint made by an elector regarding the Electoral Officer shall be submitted directly to the Elections Appeal Board, in accordance with Part PART 15 - APPEAL PROCEDURE and Section 45. shall not apply.

48. For greater clarity, the Electoral Officer may make such orders and issue such instructions consistent with the provisions of this Law, the Code of Conduct, and any law of MCFN, as she may deem necessary for the effective administration of the election and shall be responsible for enforcing such orders and instructions, the Code of Conduct, and any law of MCFN as it applies to the effective administration of the election, in accordance with Section 44.

Voters List

49. At least seventy-nine (79) days before the day on which an election is to be held, the Electoral Officer shall obtain the names, registry numbers, and dates of birth of all electors, listed in alphabetical order, from the Membership Administrator. This voters list shall be the official record of all electors for the election.

50. The Membership Administrator shall, no later than seventy-nine (79) days before the day on which the election is to be held, provide to the Electoral
Officer a list of the last known addresses and email addresses, if any, of all electors who do not reside on the Territory.

51. For greater clarity, prior to the Membership Administrator providing the voters list to the Electoral Officer, the Membership Administrator shall review the voters list and make any necessary amendments.

52. Electors are responsible for providing the Membership Administrator with their current address and email address.

53. An elector’s address and email address shall only be used by the Electoral Officer for the purposes of providing notices, electronic ballots, mail-in ballots, or other election documents to electors who are entitled to receive them under this Law.

[Note: Section 53, as it pertains to electronic voting, shall come into force on a day to be named by Council]

54. Except for the purposes noted in Section 53, the Electoral Officer shall not disclose an elector’s address or email address without the consent of the elector.

55. A candidate for election as chief or councillor may obtain from the Electoral Officer a list of the names, addresses, and email addresses of electors who have consented, in writing, to have their address and email address disclosed to candidates.

56. The Electoral Officer shall post the voters list in a public area of the band administration building and in such other conspicuous places on the Territory as may be determined by the Electoral Officer, no later than seventy-two (72) days prior to the date on which the election is to be held. The posted voters list shall only contain the names of the electors.

57. The Electoral Officer shall post the voters list on MCFN’s members-only website for the convenience of electors residing off of the Territory no later than seventy-two (72) days prior to the date on which the election is to be held. The posted voters list shall only contain the names of the electors.

58. On request, the Electoral Officer or Deputy Electoral Officer shall confirm whether the name of a person is on the voters list.

59. An elector whose name does not appear on the voters list shall apply in writing, no later than ten (10) days before the election, to the Electoral Officer to have her name added to the voters list.

60. The Electoral Officer shall revise the voters list to add an elector upon presentation of documentary evidence which demonstrates that:
(a) the name of an elector has been omitted from the voters list;

(b) the name of an elector is incorrectly set out in the voters list; or

(c) the name of a person not qualified to vote is included in the voters list.

61. A person, or an elector acting on her behalf, may, no later than ten (10) days prior to the date on which an election is to be held, demonstrate that the name of an elector has been omitted from, or is incorrectly set out, in the voters list by presenting in writing to the Electoral Officer evidence from the Membership Administrator that the elector:

(a) be a registered member of MCFN;

(b) will be at least 18 years of age on the date on which the election is to be held; and

(c) not be prohibited to vote under the Law.

62. A person may demonstrate that the name of a person not qualified to vote has been included in the voters list by presenting in writing to the Electoral Officer, at least ten (10) days prior to the election, evidence that the person:

(a) is neither on the membership list nor entitled to have her name entered on the membership list;

(b) will not be at least 18 years of age on the date on which the election is to be held; or

(c) is prohibited to vote under the Law.

63. Where the Electoral Officer believes, or has information, that a person whose name is on the voters list is not an elector, or where, in accordance with Section 62., an elector demonstrates to the Electoral Officer that the name of a person not qualified to vote appears on the voters list, the Electoral Officer shall give written notice to the person whose eligibility is challenged at least ten (10) days prior to the date on which the election is to be held.

64. The notice given under Section 63. shall include the reasons for seeking the removal of the name from the voters list and any supporting documents, and shall provide notice that a written reply may be sent to
the Electoral Officer, which must be received no later than four (4) days
prior to the date on which the election is to be held.

65. After consideration of all information and representations relating to
amendments of the voters list, the Electoral Officer shall add or delete
names from the voters list based on whether the person(s) qualify as
electors. The Electoral Officer shall inform the Membership Administrator
of any such changes to the voters list as soon as is practicable.

66. The decision of the Electoral Officer under Section 65, is final and is not
subject to appeal.

67. A person whose name does not appear on the voters list, shall be entitled
to vote on election day, provided she presents documentary proof to the
Electoral Officer or Deputy Electoral Officers demonstrating her
qualifications as an elector, as set out in Section 60, to the Electoral
Officer or Deputy Electoral Officers’ satisfaction.

68. For greater clarity, any administrative irregularity in the preparation or
revision of the voters list is not grounds for opposing the validity of an
election except where nefarious intentions can be proven with substantive
written or oral evidence and in accordance with Part PART 15 - APPEAL
PROCEDURE of the Law.

Appointment of Deputies and Interpreters

69. The Electoral Officer shall appoint deputies and interpreters as she deems
necessary, who shall work under her direction.

70. A Deputy Electoral Officer shall have such powers as described in this
Law and any associated regulations, as well as those powers of the
Electoral Officer, as delegated to the deputy by the Electoral Officer.

71. Every Deputy Electoral Officer shall be a person who:

(a) is at least 18 years of age; and

(b) has experience in the conduct of elections or has received
appropriate training.

72. For greater clarity, no sitting Council member of MCFN or a candidate
shall be eligible for the position of a Deputy Electoral Officer.

73. Every Deputy Electoral Officer shall swear an oath of office to uphold the
office in accordance with this Law and to:
(a) comply with this Law, the Code of Conduct, and all the laws of MCFN;

(b) fulfill the duties and responsibilities of her office as set out in this Law;

(c) carry out her duties faithfully, honestly, impartially, and with integrity, and to the best of her abilities;

(d) keep confidential, both during and after her term of office, any matter or information which, under this Law, regulation, community law, or policy, is considered confidential; and

(e) always act in the best interests of the Members in carrying out her duties.

74. An interpreter shall assist an elector in communication between the elector and the Electoral Officer or Deputy Electoral Officer with regards to all matters required to enable the elector to vote, including, but not limited to translating questions and answers about voting procedures and reading the ballot.

75. Every interpreter shall be a person who:

(a) is at least 18 years of age; and

(b) has experience in interpreting and/or has received appropriate training.

76. For greater clarity, no sitting Council member of MCFN or a candidate shall be eligible for the position of an interpreter.

77. Every interpreter shall swear an oath of office to uphold the office prior to assisting an elector, in accordance with this Law and to:

(a) comply with this Law, the Code of Conduct, and all the laws of MCFN;

(b) fulfill the duties and responsibilities of her office as set out in this Law;

(c) carry out her duties faithfully, honestly, impartially, and with integrity, and to the best of her abilities;
(d) keep confidential, both during and after her term of office, any matter or information which, under this Law, community law, or policy, is considered confidential; and

(e) always act in the best interests of the elector and the members in carrying out her duties.

78. For greater clarity, a failure to comply with Section 74. to Section 77. shall not affect the validity of an election.

79. The Electoral Officer may remove from office any Deputy Electoral Officer or interpreter who has failed to discharge her duties competently, as set out in this Law or its associated regulations.

PART 8 - THE NOMINATION PROCESS

Notice of Nomination Meeting and Mail-in Procedures

80. The Electoral Officer shall, at least thirty (30) days before the date on which the nomination meeting is to be held, post a notice of the nomination meeting in at least one (1) conspicuous place on the Territory, as well as on MCFN’s members-only and public websites.

81. The Electoral Officer shall, at least thirty (30) days before the date on which the nomination meeting is to be held, mail or email a notice of the nomination meeting and a voter declaration form to every elector who does not reside in the Territory in respect of whom the Electoral Officer has been provided with, or has been able to obtain, an address or email address.

82. A notice of a nomination meeting shall include:

(a) the date, time, duration, and location of the nomination meeting;

(b) the date on which the election will be held and the location of each polling place;

(c) the name and phone number of the Electoral Officer;

(d) the statement that any elector may vote by electronic ballot;

(e) the statement that any elector may elect to vote by mail-in ballot, and if so, must contact the Electoral Officer to request a mail-in ballot package be mailed to the elector;
(f) a description of the manner in which an elector can nominate a candidate, or second the nomination of a candidate; and

(g) the statement that, if the elector wants to receive information from candidates, the elector can agree to have her address or email address released to the candidates.

[Note: Section 82(d), as it pertains to electronic voting, shall come into force on a day to be named by Council]

83. The Electoral Officer shall record the names of the electors to whom a notice of the nomination meeting was mailed or emailed, the address or email address of those electors, and the date on which the notices were mailed or emailed.

Eligibility to Nominate

84. In order to be entitled to nominate a candidate for an election, an elector must, on the day of the nomination meeting:

(a) be at least 18 years of age; and

(b) be included on the voters list.

85. Subject to Section 84, any elector may propose or second the nomination of any qualified person to serve as the chief or councillor:

(a) by delivering or mailing a written nomination and a completed, signed, and witnessed voter declaration form to the Electoral Officer before the time set for the nomination meeting; or

(b) orally, at the nomination meeting.

86. No elector may nominate or second the nomination for more than one (1) candidate, inclusive of the chief and councillors.

Nomination Meeting

87. The nomination meeting shall be held at least forty-two (42) days prior to the date on which the election is to be held.

88. At the time and place set for the nomination meeting, the Electoral Officer shall declare the nomination meeting open for the purpose of receiving the nomination of candidates for the available Council positions.

89. The Electoral Officer is responsible for managing and conducting the nomination meeting.
90. Immediately following the opening of the nomination meeting, the Electoral Officer shall read aloud all written nominations and secondments that have been received by mail or delivered in accordance with Subsection 85. (a).

Duration

91. The nomination meeting shall remain open for at least three (3) hours.

Maintaining Order and Security

92. The Electoral Officer shall maintain order at all times during the nomination meeting and may cause to be removed any person who, in her opinion, is disrupting or otherwise interfering with the proceedings.

Nomination Procedure

93. At the end of the nomination meeting, the Electoral Officer shall:

(a) if only one (1) person has been nominated for election as chief, declare that person to be elected by acclamation;

(b) if the number of persons nominated to serve as councillors does not exceed the number to be elected, declare those persons to be elected by acclamation; and

(c) where more than the required number of persons are nominated for election as chief or councillors, announce that an election will be held.

94. On the day following the nomination meeting, the Electoral Officer shall post in at least one (1) conspicuous place in the Territory a list of nominees, their nominators, and seconds and the offices for which they are nominated, as well as on MCFN’s members-only and public websites.

PART 9 – CANDIDACY

95. Only electors who meet the requirements of a candidate as set out in this Law, and any regulations made under this Law, may be nominated as a candidate.

96. A person may only be a candidate for one of the offices of chief or councillor in any election.
97. If the nominee is present at the nomination meeting, she shall establish her eligibility by completing and signing a notice of acceptance of nomination and declaration of eligibility.

98. A nominee not present at the nomination meeting shall file the document required under Section 97, with the Electoral Officer by mail, facsimile transmission, or in person, no later than five (5) days following the nomination meeting.

99. A person nominated as a candidate for both the office of chief and the office of councillor must declare which office she intends to seek by signed written notice delivered to the Electoral Officer by mail, facsimile transmission, or in person, no later than seventy-two (72) hours after the start time of the nomination meeting.

100. No person shall accept candidacy in an election if that person is not eligible to be a candidate in accordance with this Law.

101. A candidate shall act in accordance with any orders or instructions consistent with this Law, the Code of Conduct, and any law of MCFN, as established by the Electoral Officer, from time to time.

**Nomination Fee**

102. A nomination fee shall be required for each nominee who accepts her nomination as set out in the regulations, to be paid to the Electoral Officer.

103. A nominee who fails to submit the document required under Section 97, and to pay the nomination fee required under Section 102, within five (5) days of the nomination meeting shall be removed as a nominee and her name shall not be included on the ballot.

**Withdrawal**

104. A candidate may withdraw her candidacy at any time by submitting a written withdrawal of nomination, signed by the candidate, and witnessed, to the Electoral Officer.

105. A candidate who dies after being nominated and before the close of the polls, shall be considered to have withdrawn her candidacy in accordance with Section 104.

**PART 10 - PRE-ELECTION PROCEDURE**
Acclamation

106. Where the office of chief and all offices of councillor are filled by acclamation:

(a) the Electoral Officer shall post in at least one (1) conspicuous place in the Territory, and post to MCFN’s members-only and public websites, and mail or email to every elector who does not reside in the Territory, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held; and

(b) Sections 107. through 170. shall not apply.

Ballots

107. The Electoral Officer shall prepare ballot papers and electronic ballots setting out:

(a) the names of the candidates nominated for election as chief, in alphabetical order by surname; and

(b) the names of the candidates nominated for election as councillors, in alphabetical order by surname.

[Note: Section 107. as it pertains to electronic voting, shall come into force on a day to be named by Council]

108. Where two or more candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those candidates. The ballot may, at the request of the candidate, include a candidate’s commonly used nickname.

Notice of the Election

109. The election shall be held at least forty-two (42) days after the day on which the nomination meeting was held.

110. The Electoral Officer shall, within three (3) days after the day on which the nomination meeting was held, post a notice of election in at least one (1) conspicuous place in the Territory and on MCFN’s members-only and public websites.

111. The notice shall include:

(a) the date of the election;

(b) that electors may vote by electronic ballot, mail-in ballot, or in person;
(c) instructions for registration and voting electronically;

(d) the times at which the polling station(s) will open and close;

(e) the location of the polling station(s);

(f) the time and location of the counting of the votes; and

(g) a statement that the voters list is posted for public viewing and its location and that the voters list is posted for public viewing on MCFN's members-only website.

[Note: Section 111(b) and (c), as it pertains to electronic voting, shall come into force on a day to be named by Council]

Integrity of the Election

112. An Elector may vote only once and by only one of:

(a) electronic ballot;

(b) mail-in ballot; or

(c) voting at a polling station.

[Note: Section 112(a), as it pertains to electronic voting, shall come into force on a day to be named by Council]

113. The Electoral Officer, in collaboration with the consultant managing the electronic ballot system, shall take all necessary measures to ensure that each elector votes only once and to ensure the integrity of the electronic ballot system.

[Note: Section 113, as it pertains to electronic voting, shall come into force on a day to be named by Council]

Electronic Ballots

[Note: Sections 114 to 118 come into force on a day to be named by Council]

114. An elector may vote by electronic ballot, as set out in this Law and any regulations developed by Council from time to time.

115. An elector, who is voting by electronic ballot, may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form.
116. The contents of the electronic ballot shall be the same as the mail-in ballots and the ballots used for in-person voting on the day of the election.

117. The results of electronic voting shall be opened by the Electoral Officer and counted when the ballots cast through the polling station are counted, at the close of polls.

118. The results of electronic voting shall be kept on file for the purpose of any pending appeals subject to Section 170 of the Law.

Mail-in Ballots

119. If an elector wishes to vote by mail-in ballot, rather than voting electronically or in person at a polling station, the elector shall contact the Electoral Officer and request a mail-in ballot. The Electoral Officer shall mail a mail-in ballot package to the elector, in accordance with this Law and any regulations developed by Council from time to time.

[Note: Section 119, as it pertains to electronic voting, shall come into force on a day to be named by Council]

120. The Electoral Officer shall indicate on the voters list that a ballot has been provided to each elector to whom a mail-in ballot package was mailed or otherwise provided, and keep a record of the date on which, and the address to which, each mail-in ballot was mailed or otherwise provided.

121. An elector, who is voting by mail-in ballot, may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form.

122. Mail-in ballots that are not received by the Electoral Officer before the close of polls on the day of the election shall not be counted. The ballots shall be kept on file for the purpose of any pending appeals subject to Section 170 of the Law.

Equipment for the Election

123. The Electoral Officer shall, before the polling station is open, supply the polling station with the necessary equipment for the purpose of carrying out the election.

Polling Stations

124. The Electoral Officer shall establish at least one (1) approved polling station in the Territory.

125. The Electoral Officer shall clearly mark the designated polling station(s) for the benefit of electors voting in person.
126. The Electoral Officer shall provide a voting compartment in the polling station where electors can mark their ballots free from observation and the Electoral Officer may appoint security to maintain order in the polling station.

PART 11 - ELECTION DAY

Scrutineers

127. A candidate shall be entitled to not more than one (1) scrutineer in the polling station at any one time.

128. A scrutineer must present a letter of authorization to the Electoral Officer or a Deputy Electoral Officer, signed by the candidate, in order to be permitted to remain in the polling station.

129. For greater clarity, a candidate shall only be entitled to attend at the polling station for the purpose of voting and observing the counting of votes at the close of the polling station.

Polling Hours

130. The polling station shall be open from 9 a.m. until 8 p.m. local time on the day of the election.

Verification of the Ballot Box

131. The Electoral Officer or Deputy Electoral Officer shall, immediately before the commencement of the poll:

(a) open the ballot box and call such persons as may be present to witness that it is empty, and complete a written statement to that effect, verified by a witness;

(b) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and

(c) place the ballot box in public view for the reception of the ballots.

Secrecy and Security

132. Voting shall be by secret ballot.
133. No elector may vote by proxy or authorize another person to vote on her behalf.

134. The Electoral Officer or Deputy Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in any way interferes, disrupts, or attempts to influence the orderly conduct of the poll.

135. For greater clarity, save and except for the Electoral Officer, Deputy Electoral Officers, interpreter, scrutineers, and any elector present for the purpose of voting in the election, no person shall be within the polling station during polling.

136. On the day the election is held, no person shall, while on the premises of the polling station:

(a) distribute any election-related printed materials except such materials as may be distributed by the Electoral Officer or Deputy Electoral Officer for the purpose of conducting the election;

(b) attempt to interfere with, or influence, any elector in marking her ballot; or

(c) attempt to obtain information as to how an elector is about to vote or has voted.

Voting Procedure

137. Each person, on arriving at the polling station, shall give her name to the Electoral Officer or Deputy Electoral Officer.

138. The Electoral Officer or Deputy Electoral Officer shall, if the person’s name is set out in the voters list and is satisfied that the person is not under the influence of alcohol or drugs, place her initials on both the ballot for chief and the ballot for councillor and provide them to the elector.

139. The Electoral Officer or Deputy Electoral Officer shall cause to be placed in the proper column of the voters list a mark opposite the name of every person receiving a ballot.

140. An elector to whom a mail-in ballot was mailed or provided under Section 119, may obtain a ballot and vote in person at a polling location if:

(a) the elector returns the mail-in ballot to the Electoral Officer or Deputy Electoral Officer; or
(b) where the elector has lost the mail-in ballot, the elector provides the Electoral Officer or Deputy Electoral Officer with a written affirmation that the elector has lost the mail-in ballot, signed by the elector in the presence of the Electoral Officer, Deputy Electoral Officer, a justice of the peace, a notary public, or a commissioner for oaths.

141. The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the elector.

142. After receiving a ballot, an elector shall:

(a) immediately proceed to the private compartment provided for marking ballots;

(b) mark the ballot free from observation by placing an “X” that clearly indicates the elector’s choice but does not identify the elector opposite the name of the candidate or candidates for whom she desires to vote;

(c) fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the initials of the Electoral Officer; and

(d) without unfolding the ballot, deliver the ballot to the Electoral Officer or Deputy Electoral Officer.

143. On receipt of a completed ballot, the Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and allow the elector to deposit the ballot in the ballot box in the presence of the Electoral Officer or Deputy Electoral Officer and any other persons entitled to be present at the polling station.

144. While an elector is in the private compartment for the purpose of marking her ballot, no other person shall, except as provided in Section 145., be allowed in the same compartment or be in any position from which she can see the manner in which the elector marks her ballot.

Voting Irregularities

145. At the request of any elector who is unable to vote in the manner set out in Section 142., the Electoral Officer or Deputy Electoral Officer shall assist that elector by marking her ballot in the manner directed by the elector, in the presence of another elector selected by the elector as a witness, and shall place the ballot in the ballot box.
146. For greater clarity, a candidate or scrutineer shall not act as a witness for the purposes of Section 145.

147. The Electoral Officer or Deputy Electoral Officer shall note on the voters list opposite the name of an elector requiring assistance, as set out in Section 145, the fact that the ballot was marked by her at the request of the elector and the reasons therefore.

148. An elector who has inadvertently dealt with her ballot in such a manner that it cannot be conveniently used shall, on one (1) occasion only, upon returning it to the Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot. The Electoral Officer or Deputy Electoral Officer shall write the word "spoiled" upon the spoiled ballot and all ballots so marked shall be preserved in a similarly marked, separate envelope provided by the Electoral Officer.

149. Any person who has received a ballot and who leaves the polling location without delivering the same to the Electoral Officer or Deputy Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit her right to vote at the election, and the Electoral Officer or Deputy Electoral Officer shall make an entry in the voters list in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote. The Electoral Officer or Deputy Electoral Officer shall mark upon the face of the ballot the word "declined" and all ballots so marked shall be preserved in a similarly marked, separate envelope provided by the Electoral Officer.

Closing of the Polling Station

150. Every elector who is inside the polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed. The Electoral Officer shall indicate upon opening of the polling station which time piece is being used to measure the appropriate closing time.

PART 12 - COUNTING OF THE VOTES

Opening Mail-in Ballots

151. At the time published in the notice prepared under Section 111, for the counting of the votes, the Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their scrutineers, who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot,

(a) reject the ballot if:
i) it was not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed;

ii) the voter declaration form does not contain a date of birth or a registry number that matches the information contained for that elector on the voters list;

iii) the name of the elector set out in the voter declaration form is not on the voters list; or

iv) the voters list shows that the elector has already voted; or

(b) in any other case, place a mark on the voters list opposite the name of the elector set out in the voter declaration form, and deposit the ballot in a ballot box.

Opening Electronic Ballot Results
[Note: Section 152 shall come into force on a day to be named by Council]

152. The results envelope from electronic voting shall be opened by the Electoral Officer and counted when the ballots cast through the polling station are counted, at the close of polls.

Counting the Ballots

153. The Electoral Officer or Deputy Electoral Officer shall supply other Deputy Electoral Officers and all persons present and who so request with a tally sheet to keep their own tally of the votes.

154. Immediately after the mail-in ballots have been deposited in the ballot box under Subsection 151. (b), the Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their scrutineers, who are present, open the electronic voting results envelope and all ballot boxes and examine each ballot.
[Note: Section 154, as it pertains to electronic voting, shall come into force on a day to be named by Council]

155. The Electoral Officer shall:

(a) Count the confirmed ballots for each candidate;

(b) At the conclusion of the count, draft the election report, including:

i) The total number of votes cast for each candidate;

ii) The number of confirmed ballots;
iii) The number of rejected ballots, in accordance with Section 157.
; and

iv) The names of the candidates duly declared elected; and

(c) With any other party authorized to be present during the counting of
the ballots, sign the election report.

156. A Deputy Electoral Officer shall mark a tally sheet in accordance with
Section 155., for the purpose of arriving at the same total number of votes
cast for each candidate as the Electoral Officer.

Ballots not Counted

157. In examining the ballots, the Electoral Officer or Deputy Electoral Officer
must reject any ballots that:

(a) do not contain the initials of the Electoral Officer or Deputy Electoral
Officer;

(b) do not give a clear indication of the elector’s intention;

(c) contain more votes than there are candidates to be elected; or

(d) contain a mark by which the voter can be identified.

158. The Electoral Officer or Deputy Electoral Officer shall attach a note to
each ballot rejected which outlines the reason for the rejection and return
the rejected ballot to its corresponding envelope.

159. Subject to review on recount or on an election appeal, the Electoral Officer
or Deputy Electoral Officer shall take note of any objections made by any
candidate or her agent to any of the ballots found in the ballot box and
decide any questions arising out of the objection.

160. The Electoral Officer or Deputy Electoral Officer shall number objections
to ballots raised pursuant to Section 159., and place a corresponding
number on the back of the ballot with the word “allowed” or “disallowed,”
as the case may be, with her initials.

161. The rejected ballot and the written decision, as required by Section 158.,
shall be held by the Electoral Officer or Deputy Electoral Officer as
evidence, until the expiration of the appeal period, in accordance with
Section 169.,
Tie

162. If it is not possible to determine the successful candidate(s) for either a
chief or councillor position due to an equal number of votes being cast
(i.e., tie vote), the Electoral Officer shall establish a time for the conduct of
a recount and publicly announce this time in the presence of all those
present in the polling station.

163. A recount conducted pursuant to Section 162. must take place within
twenty-four (24) hours of the announcement by the Electoral Officer, made
pursuant to Section 162., in the presence of the candidates and their
scrutineers who wish to attend.

164. At the time established pursuant to Section 162., the Electoral Officer
shall conduct a recount of the valid ballots.

165. If the recount fails to determine a successful candidate, the Electoral
Officer shall cast a ballot in order to break the tie. The Electoral Officer
shall place the names of the candidates having the same number of votes
on a piece of paper and place each in a receptacle. Without looking, the
Electoral Officer shall draw as many papers as there are positions
available to fill as a result of a tie. The candidate(s) whose name(s) appear
on the pieces of paper the Electoral Officer has drawn from the receptacle,
shall constitute the successful candidate(s) for the position(s).

PART 13 - POST-ELECTION PROCEDURES

Announcement

166. After completing the counting of the votes and establishing the
successful candidates, in accordance with Section 155., the Electoral
Officer shall publicly declare to be elected the candidate or candidates
having the highest number of votes.

167. Within four (4) days of completing the counting of the votes, the Electoral
Officer shall:

(a) sign and post, in at least one (1) conspicuous place in the Territory
and on MCFN’s public website, the election report prepared in
accordance with Section 155.;

(b) mail or email a copy of the election report to every elector of MCFN
who does not reside in the Territory; and

(c) forward a copy of the election report to the Executive Director.
168. Upon receipt of the election report prepared in accordance with Section 155., the Executive Director shall ratify the results of the election in writing.

Retention of Ballots and Other Election Material

169. The Electoral Officer shall deposit all ballots in sealed envelopes, including those rejected, spoiled, and unused, and shall retain these ballots and all materials in connection with the election.

170. All ballots and materials retained in accordance with Section 169., shall be retained for forty-five (45) days from the date on which the election was held or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by the Executive Director, destroy them in the presence of two (2) witnesses who shall make a declaration that they witnessed the destruction of those papers.

Complaints to the Electoral Officer

171. Subject to Section 45., any candidate or elector may make a complaint relating to the election process by submitting a complaint in writing to the Electoral Officer.

172. A complaint made, in accordance with Section 171., may be made at any time during the election process, but no later than five (5) days following the date of the election.

173. Any complaint made shall be decided within seven (7) days of receiving the complaint.

174. Any decision made by the Electoral Officer may be appealed to the Elections Appeal Board, as set out in Part PART 15 - APPEAL PROCEDURE of the Law.

Chief and Councillor Oath of Office

175. A candidate who has been elected chief or councillor shall, within ten (10) days of the Electoral Officer’s declaration under Section 166., swear an oath of office before either the Electoral Officer, a justice of the peace, notary public, or duly appointed commissioner for taking oaths.

176. Where a candidate elected as chief or councillor cannot, due to illness or other valid reason, swear the oath of office within the time prescribed in Section 175., she, or an elector acting on her behalf, may file a petition
with the Electoral Officer for an extension of the time to swear the oath of office.

177. No person elected as chief or councillor shall be permitted to assume office until they have sworn and filed with the Electoral Officer the oath of office required under Section 175.

178. Subject to Section 176, if a person elected as chief or councillor fails to file the sworn oath of office with the Electoral Officer on or before the specified time period, the Electoral Officer shall declare the office vacant.

179. Unless the vacancy occurring under Section 178 results in a situation where the band council can no longer form a quorum, the position shall remain vacant until such time as a by-election is called by Council.

PART 14 – ELECTIONS APPEAL BOARD

Composition

180. MCFN Council shall appoint, by way of a band council resolution, members to the Elections Appeal Board, composed of three (3) members as follows:

(a) an Elder;

(b) a person, at least 18 years of age, who is not a member of MCFN and who does not have a vested interest in the outcome of an election appeal; and

(c) a Member, at least 18 years of age, who is familiar with the traditions, values, and language of MCFN.

181. All members of the Board shall possess:

(a) an understanding of the principles of natural justice, including:

 i) fairness;

 ii) impartiality;

 iii) an objective review of all facts and circumstances; and

 iv) provide the opportunity for each party to reasonably state their case, including the right to receive notice, the right to know the case against them, and the right to be represented; and
(b) be of good character and reputation.

182. At least thirty (30) days before the notice of nominations is released by the Electoral Officer, Council shall:

(a) select the members of the Board in accordance with Section 180.;

and

(b) draw a list of ten (10) alternate members.

183. The term of office of the Board shall be the same as that of the Electoral Officer.

184. Where a Board member is in conflict with a matter, resigns, is removed, or becomes deceased while serving on the Board, the remaining members of the Board shall select an alternate(s) as required to attain three (3) from the list of alternate members in accordance with Subsection 182. (b).

185. Each member of the Board shall execute an oath of office and accept her appointment by forwarding a letter of acceptance to Council and the Executive Director, within XX (XX) days of her appointment.

186. For greater clarity, no chief, councillor, or employee of MCFN may be appointed as a member of the Board.

Functions

187. The Elections Appeal Board, appointed under Section 180., or such other decision-making body established by Council from time to time, shall supervise and administer, in accordance with the provisions of this Law and any regulations made under this Law, all election appeals.

188. The Board, or such other decision-making body established by Council, may be appointed additional powers in accordance with the laws of MCFN, as determined by Council, from time to time.

Confidentiality and Privacy

189. Members and alternate members of the Elections Appeal Board shall keep confidential, both during and after their term of office, all matters and information before them and shall not share or discuss any matter with any person other than as relevant and required as part of their duties on the Board except to the extent that such information is provided in public notice or in a public hearing.
190. Failure to fulfill the oath of office, as set out in Section 185, or to comply with Section 189, shall result in:

(a) the dismissal of the Board member from the Board by the Executive Director; and

(b) a fine, as determined by Council, from time to time.

PART 15 - APPEAL PROCEDURE

Grounds for Appeal

191. An appeal submitted to the Board must sufficiently outline one (1) or more of the following:

(a) that the person declared elected was not qualified to be a candidate;

(b) that there was a violation of this Law that might have affected the results of the election;

(c) that there was corrupt or fraudulent practice in relation to the election;

(d) an elector voting in the election was ineligible to vote; or

(e) that a Member violated this Law or the Code of Conduct as it relates to the election process.

Submission

192. Where an appeal has been submitted as set out in Section 191, and in the regulations attached to this Law, the Board shall forward a copy of the appeal and all supporting documents attached to the appeal to the Electoral Officer, Executive Director, the individual(s) named in the appeal, and all candidates or councillors whose office is impacted.

193. All details and documents filed in accordance with Part PART 15 - APPEAL PROCEDURE shall constitute and form the record for the purpose of the Board rendering a decision.

Response to the Allegations

194. The Electoral Officer, the individual(s) named in the appeal, or any candidate whose office is impacted by the appeal, may, within fourteen (14) days of the receipt of their copy of the appeal forward to the Board, by
registered mail, a written response to the appeal, together with any supporting documents.

Investigation

195. Where the Board determines that the material submitted in support of, or response to, an appeal is not adequate for deciding the validity of the matter, the Board may conduct further investigation into the matter as it deems necessary.

196. For greater clarity, the Board may conduct an investigation by way of a request for further written or oral evidence through a hearing.

Decision

197. Following a review of all of the evidence provided with respect to an election appeal, the Board shall make a decision in accordance with the provisions of the Law and any associated regulations.

198. Any decision of the Board shall be made by majority vote.

199. The Board shall make a decision, with respect to an election appeal within fourteen (14) days of receiving the appeal or following the conclusion of an oral hearing, whichever is later.

200. Where the Board is unable to make a decision, with respect to an election appeal, as set out in Section 197, the Board shall inform the appellant(s) and any other individual involved in the matter in writing, as soon as practicable, and shall provide a reasonable timeline for making the decision.

201. Any decision of the Board rendered pursuant to Section 197 shall be given in writing as soon as practicable to the appellant, the Electoral Officer, the Executive Director, and any candidate whose office is impacted by the appeal.

202. The decision of the Elections Appeal Board is final and not subject to appeal.

203. For greater clarity, where the Board makes a decision involving a complaint against a Member as it relates to the election process, the Board shall make a decision as to whether the complaint should be dismissed or the Member should be found guilty of breaching this Law.

General
204. The Elections Appeal Board shall comply with any other confidentiality or privacy legislation requirements as set out in MCFN’s laws, established by Council from time to time.

205. The Board may, at its discretion, order by whom, to whom, and in what manner costs of the appeal.

PART 16 – AMENDMENTS

206. The process for development and passage of amendments to this Law may be initiated by:

(a) a petition presented to Council, signed by at least fifty (50) per cent of eligible electors and setting out the specific area in this Law proposed for amendment; or

(b) a band council resolution.

207. Upon receipt of an amendment proposal in accordance with Section 206., Council shall prepare a notice to Members within ninety (90) days that sets out:

(a) a summary of the proposed amendment(s) to this Law;

(b) a statement that the full copy of the proposed amendment(s) can be obtained at the band administration office and on MCFN’s members-only website; and

(c) a description of the amendment process.

208. The notice provided for in Section 207. shall be:

(a) published in the community’s newsletter, delivered, mailed, or emailed to all electors, or by separate notice, delivered, mailed, or emailed to all electors; and

(b) posted in at least one (1) conspicuous place in the Territory and on MCFN’s members-only website.

209. Electors may, within fourteen (14) days of publication of the notice outlined in Section 207., provide comments concerning the proposed amendment(s) in writing to Council.

210. Following receipt of comments concerning the proposed amendment(s) pursuant to Section 209., Council shall review the comments and make such
changes to the proposed amendment(s) as they deem necessary in order to arrive at a final amendment proposal.

211. Council shall submit the final amendment proposal to a community referendum to be conducted in accordance with this Law.

212. Should the majority of the votes cast at a referendum be in favour of the proposed amendment(s), Council shall amend the Law accordingly.

213. For greater clarity, no amendment shall be effective unless the proposed amendment has been approved by a referendum, whereby a majority of all electors vote, and a majority of the ballots cast are in favour of the proposed amendment, held pursuant to this Law. Whereby MCFN must have fifty (50) per cent plus one (1) of all electors vote and of that majority, fifty (50) per cent plus one (1) of electors must vote in favour of the proposed amendment.

214. For greater clarity, Council shall review the Law after the first year that it is in force to determine whether any proposed amendments should be brought forward for a referendum. Following the first year that the Law is in force, Council shall review the Law every two (2) years to determine whether any proposed amendments should be brought forward for a referendum.

PART 17 – REGULATIONS

215. Council may make regulations

(a) For the Electoral Officer, her responsibilities, duties and powers under the Law, including delegating authority to establish such guidelines, as required, for candidates to comply with;

(b) For the nomination process;

(c) For the implementation and use of electronic ballots and mail-in ballots;

(d) For post-election procedures;

(e) For the order and proceedings of Council meetings as they relate to this Law;

(f) For the establishment and operation of the Elections Appeal Board;

(g) For forms, as they relate to this Law;

(h) For penalties, as they relate to this Law; and
(i) For any other aspect that is necessary for the proper administration of the Law.

[Note: Section 215(c) as it pertains to electronic voting, shall come into force on a day to be named by Council]
<table>
<thead>
<tr>
<th>Member From Office</th>
<th>Office of the President to hold office when they do,</th>
<th>A person ceases to hold office when they die,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removal of Council</td>
<td>Return of the elected or appointed member of the Council</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Candidates</th>
<th>Code of Ethics for Members (min. 2 &amp; max. 12)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>Composition of Council</td>
</tr>
</tbody>
</table>
| Term of Office | Code of Ethics, etc. (both for every 100 P.(
| 1 Chief & 1 Council for every 100 P. |
| 2, 3, 4 years |
| 1 Chief & 1 Council for every 100 P. |
| 2 years |

**Definitions**

- **Term of Office**
  - Terms are general to the entire Act, not just in the election.
  - Terms are specified in MCFN and the election.

**RESULTS**

- **ELECTION LAW QUESTIONNAIRE**
  - **MCFN Code of Conduct & Election Law**
  - **Proposed Election Law**
  - **Indian Act**

**SUMMARY**

**MCFN Election Law**
<table>
<thead>
<tr>
<th><strong>Election Period</strong></th>
<th><strong>Qualifications to be a Candidate for Council</strong></th>
<th><strong>Rules/Procedures For</strong></th>
<th><strong>Candidate Acceptance</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. 79 days</td>
<td>Only candidates nominated for Council</td>
<td>An elector can nominate a candidate in writing.</td>
<td></td>
</tr>
<tr>
<td>EO can accept complaints from electors and council. If not elected, a new director (COO) will be appointed for EO.</td>
<td>CANDIDATES &amp; NOMINATION</td>
<td>If a candidate, is appointed by EO, as an executive officer, meeting of the council with approval of the board, by a vote of the council.</td>
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<tr>
<td>EO can remove from office. If elected, ESOR will appoint a new director (COO) and must be consulted.</td>
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<td>EO will appoint Deputy ES and Interpreters and follow the election law.</td>
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<tr>
<td>Will be at least 18 years old and have experience in council elections. Can’t be a member of the board.</td>
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<td>OR</td>
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<tr>
<td>Elections Officer (EO)</td>
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<tr>
<td>CANDIDATES &amp; NOMINATION</td>
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<tr>
<td>6 years after retirement from public service.</td>
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<td>If elected, ESOR will appoint a new director (COO) and must be consulted.</td>
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<td>If not elected, a new director (COO) will be appointed for EO.</td>
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<tr>
<td>Certain cases made by Council with approval of Members in order to be entertained by the Minister</td>
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<td>------------------------------------------------------------------------------------------</td>
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<tr>
<td>Amendments to Indian Act amended by the Election Commission</td>
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<td>Appeals</td>
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<tr>
<td>Offences &amp; Penalties</td>
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<tr>
<td>No provision, Minister may conduct an investigation and report findings to Governor</td>
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</tbody>
</table>

**Successful candidate:**
- Without looking at their candidate’s name, the candidate’s name will be drawn from the ballot box.
- The successful candidate will be the one with the highest number of votes.
- The candidate will be announced the winner.

**Advise Polls:**
- Paper ballots filled out at polling location are sent to members of the Council.
- Members vote at their respective polling stations.
- The results are compiled and announced.

**Ballots:**
- Must be a member and at least 18 years old on election day.