

**THE CUSTOMARY ELECTION REGULATIONS OF THE
STURGEON LAKE CREE NATION**

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WHEREAS

- A The Sturgeon Lake Cree Nation has the inherent Aboriginal right and authority to govern relations among its members and between the First Nation and other governments;**
- B The customs, traditions and practices of the Sturgeon Lake Cree Nation in relation to the First Nation's ability and right to be self governing, have been established with the consent and participation of the members of the First Nation;**
- C The current customs and traditions of the Sturgeon Lake Cree Nation require democratic, fair and open leadership elections;**
- D The Sturgeon Lake Cree Nation desires that the customs and traditions of the First Nation in relation to the Election of the Chief and Councillors be incorporated and recording in written customary election regulations and procedures; and**
- E A majority of the voting Electors of the Sturgeon Lake Cree Nation approved by secret ballot at a duly constituted "Special General Meeting" held on the Sturgeon Lake Cree Nation Reserve the adoption of the "The Customary Election Regulations of the Sturgeon Lake Cree Nation" as outlined herein;**

THE STURGEON LAKE CREE NATION, by and with the advice and consent of its members, enacts as follows:

1. CITATION

The rules, procedures, and regulations outlined herein shall be cited as "The Customary Election Regulations of the Sturgeon Lake Cree Nation."

2. DEFINITIONS

Unless otherwise expressly stated, in these Regulations:

- a) "Act" means the Indian Act, R.S.C. 1980 and as amended from time to time;**
- b) "By-Election" means an election held pursuant to the provisions of these Regulations for the Office of Chief or the Office of Councillor to replace a person who has died, resigned, or been removed from that Office;**
- c) "Candidate" means a person who is properly confirmed by the Electoral Officer as having been properly nominated pursuant to section 6.4. of these Regulations;**

- d) **"Chief"** means a person elected to the Office of Chief pursuant to the provisions of these Regulations, and whose powers and duties are described in Schedule "B" to these Regulations;
- e) **"Committee"** means the Election Appeal Committee as specified in section 12.4 of these Regulations;
- f) **"Common-law"** means a couple who has co-habited for at least twelve (12) consecutive months;
- g) **"Council"** means those individuals selected pursuant to the provisions of these Regulations holding the Office of Chief and Councillors and who are empowered to act on behalf of the Sturgeon Lake Cree Nation according to the traditions of the First Nation and the Act, and whose powers and duties are described in Schedule "B" to these Regulations;
- h) **"Councillor"** means a person elected to the Office of Councillor pursuant to the provisions of these Regulations, and whose powers and duties are described in Schedule "B" to these Regulations;
- i) **"Elder"** means a person who is a member of the Sturgeon Lake Cree Nation and is 55 years of age or older;
- j) **"Election"** means an election for the Office(s) of Councillor or Chief, held pursuant to the provisions of these Regulations;
- k) **"Election Day"** means the date set for conducting an Election, By-election or Run-off Election, pursuant to the provisions of these Regulations;
- l) **"Election Official"** means a person who has the position of Electoral Officer, Polling Clerk, Alternate Electoral Officer or Alternate Polling Clerk;
- m) **"Elector"** means a person who:
 - i) has his/her name entered on the Sturgeon Lake Cree Nation Membership list;
 - ii) is the full age of eighteen (18) years on or before the nomination meeting for the purposes of nominations; and
 - iii) is the full age of eighteen (18) years on or before Election Day for the purposes of voting;
- n) **"Electoral Officer"** means a person appointed by Band Council Resolution who is responsible for conducting Nomination Meetings, Elections, By-elections, and Run-off Elections, and whose duties are described in Schedule "A" to the Regulations;

- o) **"First Nation"** means the Sturgeon Lake Cree Nation and its successors;
- p) **"Immediate family"** means mother, father, brother, sister, son, daughter, wife, husband or common-law spouse and the mother, father, brother, sister, son or daughter of the common-law spouse;
- q) **"List of Electors"** means a list of persons eligible to vote compiled by the Electoral Officer, pursuant to the provisions of these Regulations;
- r) **"Nomination Meeting"** means a meeting held to nominate Candidates for the positions of Chief and Councillor pursuant to the provisions of these Regulations;
- s) **"Office"** means the position of Chief or Councillor, elected for a specific term;
- t) **"Quorum of Council"** means at least four (4) members of Council;
- u) **"Regulations"** means The Customary Election Regulations of the Sturgeon Lake Cree Nation; and
- v) **"Run-off"** Election means an Election held in the event of a tie among the leading Candidates for an Office.

3 COMPOSITION AND TERM OF OFFICE OF COUNCIL

3.1 Composition

The First Nation will be governed by a Council consisting of one (1) Chief and six (6) Councillors.

3.2 Term of Office

The term of office for Chief and Council shall be for three (3) years.

3.3 Term of Office Where Elected to Fill Vacancy

A person elected to the Council in a By-Election pursuant to section 16 to fill a vacancy caused by the death, resignation, or termination of Office of a Chief or Councillor will hold that Office for the remainder of the term of Office of that Chief or Councillor.

3.4 Assumption of Office

Each elected Candidate will assume Office right after votes are counted.

4 ELECTION DAYS

4.1 Election Day

Election for Chief and Councillors will be held during the last ten (10) days of March. The date is to be set by Chief and Council in a Band Council Resolution.

5. ELECTORAL OFFICER

5.1 Appointment

- a) At least thirty six (36) days prior to the date set for an Election, an Electoral Officer shall be appointed by a Band Council Resolution.
- b) The Band Council Resolution shall also provide for the appointment of an Alternate Electoral Officer.

5.2 Qualifications

The Electoral Officer shall;

- a) Be over 30 years of age;
- b) Not be an employee of the Sturgeon Lake Cree Nation, First Nation owned Companies or Western Cree Tribal Council;
- c) Not be a member of the Sturgeon Lake Cree Nation or any other First Nation;
- d) Provide a clear Criminal Records Check and Child Welfare Check;
- e) Sign an Oath of Confidentiality; and
- f) Understand these Regulations and be able to administer them.

5.3 Term of Appointment

- a) The Electoral Officer's appointment will commence on the date specified in the Band Council Resolution and continue until six (6) months after the expiry of the Election Appeal period described in section 12 of these Regulations;
- b) Unless otherwise determined by a Band Council Resolution, the Electoral Officer will serve as the Electoral Officer for any Run-off Elections arising from the Election for Councillors or Election for Chief.

5.4 Remuneration

- a) The Band Council Resolution appointing the Electoral Officer shall state the remuneration to be paid to the Electoral Officer as determined by Council, subject 5.4 (b) of these Regulations.
- b) The remuneration shall be fair and reasonable.

5.5 Duties

The general duties and obligations of the Electoral Officer are outlined in Schedule "A" of these Regulations, and may be redefined by the Council from time to time by Band Council Resolution.

6 NOMINATIONS

6.1 Notice of Nomination Meeting

- a) At least twenty-eight (28) days prior to the date set for a Nomination Meeting the Electoral Officer shall:
 - i) post Notices of the Nomination Meeting in public places on the Sturgeon Lake Reserve and any other locations Council may designate; and
 - ii) mail a Notice of the Nomination Meeting date, place and time to every Elector who does not reside on the Reserve.
- b) The Electoral Officer shall record the names of the Electors to whom a Notice of Nomination Meeting date, place and time was mailed, the addresses of those Electors and the date on which the Notices were mailed.
- c) A document shall be considered to have been properly mailed under section 6.1 (a) (ii) to Electors who do not reside on the Reserve if it was mailed or delivered to every Elector who does not reside on the Reserve for whom an address was provided.

6.2 Information Included in Notices of Meeting that are in Public Places on the Sturgeon Lake Reserve

The Notice of a Nomination Meeting shall include the following information:

- a) The qualifications of persons eligible to be Candidates as set forth in sections 6.4 and 6.6 of these Regulations;

- b) The specific time, place, and date for the Nomination Meeting and its duration and;
- c) A copy of these Regulations.

6.3 Date for Nomination Meeting

The nominations meeting shall be held fourteen (14) full days prior to the date set for the Election or By-Election.

6.4 Persons Eligible for Nomination

- a) Subject to sections 6.4(b) and 16.3 of these Regulations, any Elector is eligible to be nominated for the position of Chief or Councillor provided:
 - i) that he/she is at least eighteen (18) years of age by Election Day;
 - ii) that he/she continuously resided on the Sturgeon Lake Reserve for at least twelve (12) months prior to the date of nomination; and
 - iii) that if he/she owes money to the Band, including rent, a repayment plan has been set up three months prior to Election Day and payments have been maintained continuously.
- b) A person may only be nominated for the Office of Chief or Councillor. No one may be nominated for both Offices.

6.5 Conduct of Nomination Meetings

The Electoral Officer will conduct the nomination meeting.

6.6 Requirements for Nomination

- a) A person may be nominated for the Office of Chief or Councillor at the Nomination Meeting provided:
 - i) A motion is made and seconded at and during the Nomination Meeting to nominate the person. The motion and seconding of the motion must be made by two separate Electors, neither of who is the person they are nominating.
 - ii) The person nominated is present at the Nomination Meeting and accepts the nomination; and
 - iii) The person nominated submits a payment of \$400.00 for

Councillor and \$800.00 for Chief in cash or certified cheque to the Sturgeon Lake Cree Nation. The payment is non-refundable and must be delivered to the Electoral Officer during the Nomination Meeting.

- b) All nomination payments will be deposited in the Sturgeon Lake Cree Nation General Account and used for the benefit of the First Nation Youth.
- c) Failure to comply with the conditions set out in section 6.6(a) will invalidate the nomination.

6.7 Limitations of Nominating

An elector may only nominate or second the nomination of one (1) person for the Office of Chief and no more than six (6) persons for the Office of Councillor.

6.8 Posting of Nominees

Within forty eight (48) hours following the Nomination Meeting, the Electoral Officer shall post the names of Candidates nominated and the office for which they were nominated in public places on the Sturgeon Lake Reserve and any other locations the Council may direct.

6.9 Withdrawal of Nominees

Any person nominated may withdraw his/her name from nomination by giving notice in writing to the Electoral Officer not less than seventy-two (72) hours before the Election Day. The notice must be signed by the withdrawing Candidate and witnessed by another Elector.

7 ELECTION BY ACCLAMATION

7.1 Declaration of Nominees Elected

At the end of the Nomination Meeting, if the number of Candidates nominated for any office is the same as the number to be elected, the Electoral Office will declare the persons nominated to be elected.

7.2 Written Notification to Council

Immediately upon having declared a Candidate elected, the Electoral Officer will give the First Nation Council written notification of the name(s) of the Candidate(s) elected by acclamation.

7.3 Too Few Candidates

If there are not enough Candidates for Office, a By-Election shall be held in accordance with these Regulations to fill the vacant position(s),

8 ELECTIONS

8.1 Notice of Election

- a) At least twenty-eight (28) days prior to an Election Day, the Electoral Officer shall:
 - i) post Notices of Election date, place and time in public place on the Sturgeon Lake Reserve and any other locations the Council may direct; and
 - ii) mail a Notice of the Election date, place and time to every Elector who does not reside on the Reserve.
- b) The Electoral Officer shall record the names of the Electors to whom a Notice of Election date, place and time was mailed, the addresses of those Electors and the date on which the Notices were mailed.
- c) A document shall be considered to have been properly mailed under section 8.1(a)(ii) to Electors who do not reside on the Reserve if it was mailed or delivered to every Elector for whom an address was provided.
- d) The Notices of Election that are posted in public places on the Sturgeon Lake Reserve shall set out the following information:
 - i) The date, place and time of the Election;
 - ii) The location of the Polling Station and the hours when the Polling Station will be open; and
 - iii) A copy of these Regulations.

8.2 Administrative Preparations

The Electoral Officer shall ensure that all necessary preparations are undertaken for the proper conduct of the Election, By-Election or Run-Off Election including the following:

- a) arrangements of Polling Stations;
- b) construction of proper Election facilities and voting compartments;

- c) preparation of ballots;
- d) acquisition of ballot boxes;
- e) preparation of written voting instructions;
- f) recruitment and supervision of a minimum of two (2) Polling Clerks and a minimum of one (1) Alternate Polling Clerk;
- g) ensuring Polling Clerks and interpreters are available at each Polling Station; and
- h) proper completion of any other necessary and incidental administrative functions that may arise.

8.3 Operation of Polling Station

- a) There shall be one Polling Station located on the Sturgeon Lake Reserve #455 at a location to be determined by the Electoral Officer.
- b) The Polling Station will only be open and operational while there are two Election Officials present.
- c) In instances where there are fewer than two (2) Election Officials present, all registration of Electors and issuance of ballots shall stop and shall not commence again until such time as there are two (2) or more Election Officials present.
- d) The Polling Station shall be open from 9:00 a.m. to 7:00 p.m. on Election Day.

8.4 Scrutineers

- a) Each Candidate shall be entitled to have one (1) scrutineer present at the Polling Station during hours of operation.
- b) Scrutineers will only be permitted to supervise the Election procedure and shall not participate in the registration of voters or the issuance of ballots.
- c) Scrutineers may request an Election Official to require identification from an Elector in accordance with section 8.7 (c) of these Regulations.
- d) Scrutineers shall not be permitted to campaign or otherwise attempt to sway Electors on Election Day.

8.5 Secret Vote

- a) Subject to section 8.5(b), voting in all Elections, By-Elections and Run-off Elections shall be by secret ballot.
- b) Electors who are physically disabled, or otherwise unable to mark a ballot, may indicate their selection of Candidates to the Polling Clerk who shall mark their ballots on their behalf.
- c) No person shall be required to disclose in any legal proceeding whether they voted, or for which particular Candidates they voted.

8.6 Restriction on Voting

An Elector shall only vote for persons whose names are indicated on the ballot.

8.7 Manner of Voting

- a) On Election Day, upon entering the Polling Station, each Elector shall identify himself/herself to a Polling Clerk, and will then receive a ballot containing the names of Candidates for the Office of Chief and a ballot containing the names of Candidates for the Office of Councillor.
- b) Before giving the Elector the ballot, the Polling Clerk will identify the Elector from the List of Electors and will check his/her name from the List of Electors.
- c) If requested to do so by an Election Official, each person requesting a ballot shall present identification to the Election Official verifying age, name and status number.
- d) If a person is unable to provide identification upon request, that person may take an Oath or Affirmation verifying identity in the form attached to these regulations as Schedule "C".
- e) An Electoral Official will fold the ballot, initial it, and give it to the Elector.
- f) The Elector will proceed to the voting compartment to vote.
- g) After marking the ballot in the voting compartment, the Elector must immediately fold the ballot and return it to the Electoral Officer of Polling Clerk who will initial it and place it in the ballot box.
- h) An Elector who inadvertently spoils his/her ballot may return the ballot to an Election Official and receive another ballot. The Election Official shall write the word "spoiled" on the ballot, initial the ballot, and place it in the ballot box.

- i) No Elector who has received a ballot from an Election Official shall take the ballot out of the Polling Station and anyone doing so forfeits his/her right to vote at the Election.
- j) The Electoral Officer shall record the total number of ballots distributed to Electors at each Polling Station, the number of Electors who voted, and the number of spoiled or unused ballots.

8.8 Refusal of Permission to Vote

- a) The Polling Clerk may refuse to allow a member to vote if, in his/her opinion:
 - i) The person's name is not listed on the List of Electors;
 - ii) The person is intoxicated by any substance; or
 - iii) The person is otherwise not eligible to vote.
- b) If the person wishing to vote disagrees with the decision of the Polling Clerk, the Polling Clerk shall request the Electoral Officer to make a decision, which decision shall be final.

8.9 Removal of Persons from Polling Station

The Electoral Officer or Polling Clerk must maintain order in the Polling Station and may cause to be removed from the Polling Station any person who, in any way, interferes with, disrupts, or attempts to influence the orderly conduct of the vote.

8.10 Ballots

- a) Each ballot containing the name of the Candidates for the Office of Chief must contain the following instructions:
 - i) Each Elector is entitled to vote for no more than one (1) Candidate for the Office of Chief;
 - ii) The Elector must use an "X" or "+" to mark his/her vote;
 - iii) No other writing or marking may be made on the ballot; and
 - iv) If the Elector accidentally tears or damages a ballot, the Elector must request a replacement from the Polling Clerk or Electoral Officer. Torn, defaced or otherwise mutilated ballots will not be counted.

- b) Each ballot containing the name of Candidates for the Office of Councillors must contain the following instructions:
 - i) Each Elector is entitled to vote for no more than six (6) Candidates for the Office of Councillor, although the Elector is entitled to vote for fewer positions. This provision applies to Elections, By-Elections and Run-off Elections.
 - ii) The Elector must use an "X" or "+" to mark his/her vote;
 - iii) No other writing or marking may be made on the ballot; and
 - iv) If the Elector accidentally tears or damages a ballot, the Elector must request a replacement from the Polling Clerk or Electoral Officer. Torn, defaced or otherwise mutilated ballots will not be counted.

9 COUNTING OF VOTES

9.1 Counting of Ballots

- a) Immediately upon the close of the Polling Station, the Electoral Officer shall, in the presence of at least one other Election Official and any Candidates or Candidates' scrutineers who wish to attend, open each ballot box and count and record the number of votes cast for each Candidate. Scrutineers must have signed authorization from their candidates.
- b) No more than one (1) scrutineer may be appointed per Candidate.

9.2 Void Ballots

The Electoral Officer or his/her designate shall examine the ballots and any ballot:

- a) Not bearing the initials of an Election Official;
- b) Having more votes than an Elector is entitled to cast;
- c) Having anything written or marked on it by which an Elector can be identified;
- d) That is torn, defaced, or is otherwise dealt with by an Elector so he/she can be identified;
- e) Not marked with an "X" or "+" in the appropriate place next to a

candidates name; or

- f) Without a vote cast on it by an Elector is void and cannot be counted.

9.3 Ballot Count Form

The Electoral Officer or Polling Clerk must complete and sign a Ballot Count Form supplied by the Electoral Officer containing the following information:

- a) In an Election, By-Election or Run-off Election for Councillors:
 - i) The date of the Election;
 - ii) The number of ballots marked for each Candidate; and
 - iii) A summary of the total number of ballots distributed to Electors, the number of Electors who voted, the number of rejected, spoiled, voided and unused ballots and the number of ballots not accounted for.
- b) In an Election, By-Election or Run-off Election for Chief:
 - i) The date of the Election;
 - ii) The number of ballots marked for each Candidate; and
 - iii) A summary of the total number of ballots distributed to Electors, the number of Electors who voted, the number of rejected, spoiled, voided and unused ballots and the number of ballots not accounted for.

9.4 Sealing Ballot Boxes

Following the initial count by the Electoral Officer or Polling Clerk, all ballots and the Ballot Count Form must be placed in a ballot box, sealed, and returned to the Electoral Officer.

9.5 Destruction of Ballots and Ballot Count Forms

The Electoral Officer shall retain custody of the sealed ballot boxes. Six (6) months following the expiry of the Election Appeal period, the Electoral Officer will destroy the ballots and Ballot Count Forms, in the presence of a witness.

10 DECLARATION OF OUTCOME

10.1 Declaration of Candidates Elected

Within six (6) hours of the closing of the Polling Station, the Electoral Officer will declare:

- a) The Candidate for Chief receiving the greatest number of votes to be elected; and
- b) The Candidates for Councillor receiving the greatest number of votes to be elected.

10.2 Posting of Election Results

Within twenty four (24) hours of the closing of the Polling Station, the Electoral Officer shall post a notice in the First Nation office setting forth the names of the Candidates elected, the amount of votes each Candidate received, and the Office to which they were elected.

11 RUN-OFF ELECTION

11.1 Tie Vote

- a) In the event of a tie vote for the sixth Councillor or for the Office of Chief, a Run-off Election will be held within fourteen (14) full days of the Election or By-Election giving rise to the tie vote.
- b) Only Candidates who received the same number of votes for the Office of Chief or who received the same number of votes for the position of the sixth Councillor will be eligible for election in the Run-off election.

11.2 Notice of Run-off Election

Within three (3) days following the Election Day giving rise to the Run-off Election, the Electoral Officer must post a Notice of Run-off Election in the same time, manner, form, and places as the posting of the initial Notice of Election set forth in section 8 of these Regulations.

11.3 List of Electors for Run-off Elections

In a Run-off Election, the List of Electors must be the same as the List of Electors used in the Election or By-Election.

11.4 Procedures for Run-off Elections

The location of the Polling Station and the rules and procedures for conducting a Run-off Election will otherwise be the same as those used for conducting an Election or By-election.

11.5 Tie Vote in Run-off Election

In the event of a tie vote in the Run-off Election, another Run-off Election will be

held. This process will continue until a clear winner is determined.

12 ELECTION APPEALS

12.1 Grounds for Appeal of Election

Within fourteen (14) days of and including the Election Day, or in the event of a Councillor or Chief is elected by acclamation, with fourteen (14) consecutive days of and including the day of the Nomination Meeting, any Elector may appeal the results of an Election, By-Election or Run-off Election if, on reasonable and probable grounds, they believe:

- a) An error was made in the interpretation or application of the Regulations materially and directly affecting the conduct and outcome of the Nomination Meeting, Election, By-election or Run-off Election;
- b) A Candidate did not meet the eligibility requirements set forth in section 6.4 and 6.6 of these Regulations;
- c) A Candidate was guilty of promoting or aiding corrupt Election practices including, but not limited to, bribery, threats and intimidation of Candidates, Electors, the Electoral Officer or Polling Clerk;
- d) A person voted who was not eligible to vote; or
- e) Any other circumstance or event materially and directly affecting the conduct and outcome of the Nomination Meeting, Election, By-Election or Run-off Election.

12.2 Notice of Appeal

- a) An appeal may be made by forwarding a Notice of Appeal in writing to the Electoral Officer at the First Nation Office outlining the grounds for the appeal.
- b) The Notice of Appeal must be received at the First Nation office within fourteen (14) days from the Election Day or, in the case of an election by acclamation, within fourteen (14) days from the Nomination Meeting giving rise to the appeal.

12.3 Notification to Candidates

The Electoral Officer will promptly notify all Candidates for the Office affected by the Notice of Appeal.

12.4 Election Appeal Committee ("Committee")

The Election Appeal Committee;

- a) Shall consist of:
 - i) Two (2) Elders from the First Nation;
 - ii) Two (2) Electors thirty (30) years of age or older but under the age of fifty five (55); and
 - iii) Two (2) Electors eighteen (18) years of age or order by under the age of thirty (30);
- b) Members shall not be part of the immediate family of the person or persons who are the subject of the appeal or who are bringing the appeal, or anyone who may be in a conflict of interest, as determined by the remaining members of the committee;
- c) Members who have not been disqualified pursuant to section 12.4(b) shall be responsible for replacing any members who have been disqualified pursuant to section 12.4(b);
- d) Shall have legal representation;
- e) Shall be appointed by Chief and Council immediately following the Nomination Meeting; and
- f) Shall have its remuneration set by Chief and Council.

12.5 Meeting of the Election Appeal Committee

Subject to 12.6, within seven (7) days of receiving the Notice of Appeal, the Electoral Officer will convene a meeting of the Committee for the purpose of hearing the appeal. The meeting will be chaired by the Electoral Officer who will also be entitled to vote.

12.6 Notice of Election Appeal Meeting

Notice of the meeting must be posted in the same places as the Notices of Election were posted at least three (3) days prior to the date set for the meeting.

12.7 Submissions

The following individuals, or their respective representatives, are entitled to make

written or oral submissions, or both, to the Committee at the meeting:

- a) the appellant;
- b) the individual in respect of which the Appeal is brought; and
- c) other interested parties.

12.8 Decision

Within three (3) days following the meeting, the Committee will promptly make one of the following decisions:

- a) Deny the appeal on the basis that the evidence presented did not fully and properly establish the necessary ground for an appeal;
- b) Uphold the ground for appeal but allow the results of the Election in question to stand as the infraction did not materially or directly affect the result of the Election; or
- c) Uphold the appeal and call for;
 - i) a new Nomination Meeting, Election, By-Election or Run-off Election;
 - ii) a new Nomination Meeting, Election, By-Election or Run-off Election for only those offices directly affected; or
 - iii) A Run-off Election.

12.9 Notification

Forthwith, the Electoral Officer shall notify affected parties of the decision by the Committee in writing.

13 RESIGNATIONS

13.1 Notice of Resignation

- a) The Chief or a Councillor may resign from office by submitting a written Notice of Resignation to the Council.
- b) The Notice of Resignation must state the effective date of the resignation by, in any event, it must not be more than thirty (30) days from the date the Notice is delivered to the Council.

14 RESIDENCY REQUIREMENTS

14.1 Members of Council

All members of the Chief and Council must be resident on the Sturgeon Lake Reserve for the duration of their term of Office.

15 REMOVAL OF CHIEF OR COUNCILLOR FROM OFFICE

15.1 Limitation on Employment

While in office, the Chief or a Councillor may not be employed with the First Nation in any other capacity than as Chief or Councillor.

15.2 Conflict of Interest

- a) As soon as a real or potential conflict is identified, the Chief or Councillor with the conflict must declare the interest and must withdraw from the meeting (including committee meetings).
- b) The official records of the meeting should note the withdrawal of the Chiefs or Councillors.
- c) A conflict of interest exists when a individual uses his or her office or powers to influence or attempt to influence a decision of Council that will further the individuals private interest.

15.3 Compliance Required

Failure to comply with the provisions set out in sections 15.1 and 15.2 of these Regulations will be grounds for removal of the Chief or Councillor from office.

15.4 Other Grounds for Removal from Office

In addition to the grounds set forth in 15.1 and 15.2, the Chief or any Councillor shall be removed from office on any of the following grounds:

- a) While in Office, the Chief or Councillor are absent for any three (3) meetings of the membership of the First Nation, regularly scheduled First Nation meetings, Trust meetings, Developments meetings, Resources meetings, and any other meeting which is held at the Sturgeon Lake Cree Nation office in which written notice was given. For purposes of this provision, absences due to illness or the serious illness or death of a

immediate family member, or Council approval will be considered a valid reason for missing the meeting;

- b) While in Office, the Chief or Councillor engage in drunk, disorderly, or irresponsible conduct at Council meetings, community meetings or any other public place which interferes with the conduct of business or brings the reputation of the First Nation and/or the Council into disrepute;
- c) While in Office, the Chief or Councillor are convicted of an indictable offence under the Criminal Code;
- d) While in Office, the Chief or Councillor engage in or are a party to any illegal or improper misappropriation or use of First Nation funds as determined by the First Nation's auditor or members of Council;
- e) The Chief or Councillor are found guilty of corrupt Election practices by the Election Appeal Committee or the Courts;
- f) While in Office, the Chief or Councillor fail to remain resident on the Sturgeon Lake Reserve for the duration of their term of office;
- g) While in office, The Chief or Councillor fail to pay a minimum amount of \$250.00 per month towards any debt, including rent, they may have with the First Nation; whether acquired before or during their term of office.
- h) The Council exceeds the budget approved by the majority of eligible Electors in attendance at the Annual General Meeting of the First Nation, unless the excess is approved in advance at a general or special meeting of the membership of the First Nation; or
- i) While in office, the Chief or Councillor fail to comply with the By-laws, stated policies of the First Nation, and the Customary Election Regulations of The Sturgeon Lake Cree Nation.

15.5 Motion for Removal

If a violation of any of the provisions stated in sections 15.1, 15.2, or 15.4 of these Regulations occurs, a motion may be presented by a member of Council at a duly convened special meeting of Council calling for the removal of the individual in violation.

15.6 Special Meeting

- a) At the special meeting of Council, the Chief or Councillor who is the subject of the motion shall be allowed to present written or oral evidence, or both.

- b) The Council shall consider all of the relevant evidence presented at the special meeting of Council as to whether the alleged incident(s) did occur and whether the stated grounds for removal fall within the provisions of sections 15.1, 15.2 or 15.4.
- c) If a quorum of Council determines that the incident(s) did occur and that the stated grounds for removal fall within the provisions of sections 15.1, 15.2 or 15.4, the Chief or Councillor who is the subject of the motion shall be removed from Office.
- d) The individual who is the subject of the Motion, and his/her immediate family shall not vote at the Special Meeting.

15.7 Resolution for Removal

- a) The removal of a Chief or Councillor shall take place by Band Council Resolution. The Band Council Resolution shall state the grounds for removal and the effective date of the removal of the Chief or Councillor from Office and shall be delivered to the removed Chief or Councillor within twenty four (24) hours of its execution.
- b) The Band Council Resolution referred to in section 15.7(a) shall be considered to have been delivered immediately upon it being hand delivered to the removed Chief or Councillor or mailed to the residence of the removed Chief or Councillor.

15.8 Notice of Appeal

- a) Within fourteen (14) days of and including the date of the delivery of the Band Council Resolution referred to in section 15.7, the removed Chief or Councillor may appeal the removal by forwarding a Notice of Appeal in writing to the First Nation office, outlining the grounds for the Appeal.

15.9 Appeal Committee

- a) The appeal shall be heard by the Election Appeal Committee that was in place for the last Election, but any members of the Appeal Committee who belong to the immediate family of the Chief or Councillor that was removed shall be replaced. The replacement members shall be selected by the remaining members of the Appeal Committee.
- b) The Appeal Committee shall have legal representation and have its remuneration set by Council.

15.10 Meeting of the Appeal Committee

- a) Within fourteen (14) days of the receipt of the Notice of Appeal at the First Nation office the Appeal Committee shall meet to hear the appeal. The meeting shall be chaired by a Chairman selected from among the committee members, by the Appeal Committee, who will not be entitled to vote. The Chairman shall be a Member of the Sturgeon Lake Cree Nation, who does not belong to the Immediate family of the removed Chief or Councillor.

15.11 Submissions

- a) The removed Chief or Councillor and the Council, or their respective representatives, shall be entitled to make written and oral submissions at the meeting of the Appeal Committee.
- b) The removed Chief or Councillor and the Council shall be entitled to call witnesses to testify at the meeting of the Appeal Committee.

15.12 Decision

- a) Within ten (10) days of the meeting, the Appeal Committee shall render its decision on the appeal, by either upholding or overturning the removal.
- b) The decision shall be accompanied by written reasons and shall be provided to the individual who is the subject of the Appeal and the Band Council forthwith.

16 By-Elections

16.1 Date of By-Election

In the event that one (1) or more members of Council dies, resigns, or is removed from Office, and there is more than ninety (90) days remaining in the term of Office, the Council shall:

- a) Within five (5) days of the death or notice of the resignation or removal, set the date for the By-election to fill the vacant Office(s) and appoint an Electoral Officer to conduct the By-Election.
- b) The By-Election shall be held within twenty-one (21) days of the effective date of the death, resignation or removal of the Member (s) of Council.

16.2 No Requirements for By-Election

In the event the Chief or a Councillor dies, resigns, or is removed from Office within ninety (90) days from the expiry of their term of Office, their Office will be filled in the next Election.

16.3 Ineligible Candidate

The person whose removal from Office by Council, under section 15 of these Regulations, prompted by the holding of a By-Election, is not eligible to be a Candidate in that By-Election or any future Elections.

16.4 Conduct of By-Elections

The rules and procedures for conducting a By-Election will be that same as those used for conducting an Election except with respect to the time requirements set forth in sections 6.1, 6.3 and 8.1 which will be determined by Band Council Resolution.

17. AMENDMENTS TO THE CUSTOMARY ELECTION REGULATIONS

The Customary Election Regulations of the Sturgeon Lake Cree Nation shall be amended in the following matter:

- a) Upon receiving written proposed amendments from membership, the Council will review and determine if they would benefit the Sturgeon Lake Cree Nation membership. If it is determined by the Council that the proposed amendment(s) will benefit the membership, they will be approved by a Band Council Resolution.
- b) Notice to Electors of Proposed Amendments
 - i) The Council must then post a Notice of a Special General Meeting of the Electors of the First Nation on the Sturgeon Lake Reserve and such other places as Council may determine at least thirty (30) days prior to the date of the Special General Meeting.
 - ii) The Notice must state that the purpose of the meeting is to consider and vote upon the amendments to the Regulations. It must also state the time, place and date of the meeting.
 - iii) A copy of the proposed amendments to the Regulations must be attached to the Notice.

c) Approval of Amendments by Electors

Upon the approval of a majority of Electors present and voting by secret ballot at the Special General Meeting of Electors called for the purpose of considering and voting on the amendments to the Regulations, the amendments will be adopted and will be effective as of the date of the Meeting.

d) Affidavit

Following the Special General Meeting a Quorum of Council shall swear affidavits stating:

- i) the proper notice of the Meeting was given;
- ii) the wording of the motion which was voted upon;
- iii) the total number of votes cast by Electors;
- iv) the number of votes for and against the amendments, and;
- v) that to the best of their knowledge, the vote was properly conducted.

18. Severance

If all or any part of any provision contained herein is deleted or found to be inoperable by a Court, it will be severed from the Regulations and the remaining provisions will remain in full force and effect.

SCHEDULE "A"

**TO THE CUSTOMARY ELECTION REGULATIONS OF THE STURGEON LAKE CREE
NATION**

DUTIES OF THE ELECTORAL OFFICER

- 1. Preparing a list of Electors;**
- 2. Establishing an Election file for each Election containing copies of all correspondence, memorandums, and other information relevant to the conduct of each Election, By-Election or Run-off Election;**
- 3. Undertaking any activities or responsibilities necessary to conduct the nominations in the manner prescribed in these Regulations;**
- 4. Supervising and ensuring that all Elections, By-Elections or Run-off Elections are conducted in accordance with the Regulations and procedures outlined herein and do all things necessary to ensure proper conduct of any Election, By-Election or Run-off Election;**

5. **At least seven (7) days prior to an Election Day, appointing such Polling Clerks and interpreters as he/she deems necessary for the proper conduct of the Election, By-Election or Run-off Election. Polling clerks must not be Electors. Interpreters must not be members of the Sturgeon Lake Cree Nation and must be fluent in the Cree language;**
6. **Arranging for the appropriate Polling Booths to be constructed in such a manner as to ensure the secrecy and privacy of the voting procedure; and**
7. **Any other duties assigned by the Council from time to time relating to the conduct of an Election, By-Election or Run-off Election.**

SCHEDULE "B"

TO THE CUSTOMARY ELECTION REGULATIONS OF THE STURGEON LAKE CREE NATION

POWERS AND AUTHORITY OF THE COUNCIL

1. **The powers and authority of the Chief and Council include:**
 - a) **Approving and implementing policies concerning the management and administration of the First Nation's affairs including, but not limited to, finance and administration, housing, lands, education, social programs, economic development and related issues;**
 - b) **Responsibly managing and protecting the First Nation's assets;**
 - c) **Formulating, reviewing, approving and implementing By-laws as authorized under the Indian Act and adopting and approving legislation pursuant to the authority granted to Aboriginal Government in the Constitution Act 1982 (as amended);**
 - d) **Negotiating, finalizing, and executing financial and other agreements between the First Nation and the Governments of Canada and/or Alberta.**
 - e) **Formulating, reviewing, and approving amendments to The Customary Election Regulations, By-laws, legislation, or other acts or policies of the First Nation with approval of, and in consultation with the membership;**
 - f) **Voting as deemed proxy holder for the membership of the Sturgeon Lake Cree Nation in relation to all shares held by the membership of the First Nation in any First Nation Corporations, Societies, or Non-profit Corporate Organizations;**

- g) **Establishing committees, hiring staff, retaining advisors, and responsibility for any other managerial or administrative decisions necessary and incidental to the foregoing;**
 - h) **Having the budget approved by Membership before May 1st each and every year;**
 - i) **Having General Meetings with membership every three (3) months;**
 - j) **Adhering to and following The Customary Election Regulations of the Sturgeon Lake Cree Nation**
 - k) **Other actions and decisions as deemed necessary from time to time for the proper Governance of the Sturgeon Lake Cree Nation; and**
 - l) **Protecting and enhancing the true spirit and intent of the Treaty.**
2. **Notwithstanding the foregoing, the Council may not exceed the budget approved by the majority of eligible Electors at the Annual General Meeting of the First Nation unless the excess is approved in advance at a General or Special meeting of the Membership of the First Nation.**

SCHEDULE "C"

TO THE CUSTOMARY ELECTION REGULATIONS OF THE STURGEON LAKE CREE NATION

I, _____, a Member of the Sturgeon Lake Cree Nation, do solemnly swear/affirm that I am an Elector as defined in THE CUSTOMARY ELECTION REGULATIONS OF THE STURGEON LAKE CREE NATION. I make this solemn oath conscientiously believing it to be true and knowing that it has legal force and affect.

Signature of Individual _____

Date _____

Sworn before me this _____

Day of _____