

Schedule "C"
Notice of Referendum

**Thunderchild First Nation
Election Act**

**Governing Elections for Chief and Council
of Thunderchild First Nation**

Short Title

This Act may be cited as the *Thunderchild First Nation Election Act*.

**Section One
Interpretation**

Interpretation 1.01 In the within *Thunderchild First Nation Election Act*:

"Act" means the *Thunderchild First Nation Election Act*;

"Acting Chief" means a Headman appointed under the Act to be the Acting Chief and such person while so appointed has the same powers as that of the Chief;

"Appeal Tribunal" means the Appeal Tribunal established under the *Thunderchild First Nation Constitution*;

"by-election" means an election under the Act for a Chief and/or one or more Headmen to fill a vacancy or vacancies that occurred during a term of office of Council or due to some, but not all, of the offices of Council being filled at general election;

"candidate" means a person who is at all material times confirmed by the Chief Electoral Officer as being a candidate for an election or by-election;

"Chief" means the Chief of Thunderchild First Nation;

"Chief Electoral Officer" means the person referred to as such and selected according to procedures under the Act who is in charge of an election under the Act;

"Citizen" means a person defined as a Citizen of Thunderchild First Nation under the *Thunderchild First Nation Citizenship Act* as and when such legislation is passed or such similar legislation of Thunderchild First Nation

dealing with membership in Thunderchild First Nation, and until the Citizenship legislation is passed, a Citizen of Thunderchild First Nation is determined under the *Thunderchild First Nation Membership Act, 1999*;

"Clear Criminal Records Check" means a written statement from a recognized law enforcement agency with access to criminal records computer database(s) stating that the proposed candidate being the subject of a criminal records search of such database(s) has not been convicted of the following offences within five (5) years immediately preceding the Election Day:

- (a) An indictable offense under the *Criminal Code of Canada*, or of a dual offense where the Crown has elected to proceed by way of indictment;
- (b) An offense under the *Controlled Drugs and Substances Act* of Canada or offense under the *Food and Drug Act* of Canada, involving the importation, trafficking or possession for the purpose of trafficking of a prohibited or controlled substance covered by any of such legislation of Canada of successor legislation of Canada

"clear days" means a series of days being any of the days of the week exclusive of the first and exclusive of the last day;

"Council" means the governing body of Thunderchild First Nation and made up of the Chief and the Headmen of Thunderchild First Nation;

"days" means, other than days stated to be clear days, a series of days being any days of the week inclusive of the first day and exclusive of the last day;

"Deputy Chief" means a Headman appointed under the Act to be the Deputy Chief and such person while so appointed and in the absence of the Chief has the same powers as that of the Chief as the same relates to the conduct of meetings of Council and such other duties as may be specified in legislation of Thunderchild First Nation;

"Deputy Electoral Officer" means the persons referred to as such and selected according to procedures under the Act who assists the Chief Electoral Officer;

"Director of Operations" means the person designated as such in the organization structure of Thunderchild First Nation and is the senior administrative officer or successor position;

"election" means a general election or a by-election;

"Election Day" means the day and date for an election under the Act;

"Elector" means a person who is:

- (a) A Thunderchild First Nation Citizen as defined in the *Thunderchild First Nation Citizenship Act or Membership Act*;
- (b) Lives on or off of Thunderchild First Nation Territories, being Thunderchild First Nation Reserves;
- (c) At least eighteen (18) years of age;
- (d) Of sound mind; and
- (e) Not disqualified from voting at elections for Council.

"Electors List" means the list of Electors for an election as determined by the Chief Electoral Officer and contains the names, in alphabetical order, of the Electors, or substantially all of the Electors with unintentional omissions being acceptable;

"Empowered Entity" means any of the following:

- (a) A corporate person with the sole shareholder for profit corporations or sole member of non-profit corporations being Thunderchild First Nation or another Empowered Entity of Thunderchild First Nation;
- (b) A trust created directly or indirectly for the sole benefit of Thunderchild First Nation Citizens;
- (c) A board or committee established under legislation of Thunderchild First Nation;
- (d) Such other entity designated as an Empowered Entity under the *Thunderchild First Nation Constitution*, legislation of Thunderchild First Nation or regulations passed pursuant to such legislation, as may exist from time to time.

"general election" means an election under the Act for the Chief and seven (7) Headmen of Thunderchild First Nation;

"Headman" has the same meaning as the Cree word "*Onikaniw*" which means both "Headman and/or Headwoman" and a leader of Thunderchild First Nation and the plural of Headman is "Headmen" and such word is

VR
JH

interchangeable with the word "Councillor and/or Councillors" respectively;

"**Nomination Day**" means the day and date set for the closing of nominations for candidates for an election;

"**Registry Number**" means the same as the Citizenship number assigned to a particular Citizen;

"**Resolution of Council**" means a written decision of Council passed in accordance with the *Thunderchild First Nation Constitution*;

"**scrutineer or agent**" means a person designated in writing by a candidate to represent the candidate in observing the election procedures including the final count of the election results.

"**Thunderchild First Nation Territory**" means the same as defined in the *Thunderchild First Nation Constitution*;

Section Two Custom & Composition

Band Custom **2.01** Elections of Thunderchild First Nation are conducted under the Act and the provisions of the Act constitute the *Band Custom of Thunderchild First Nation* along with the provisions as contained in the *Thunderchild First Nation Constitution* and any legislation of Thunderchild First Nation dealing with elections or the ability of a Chief or Headman to hold office.

Composition **2.02** The Council of Thunderchild First Nation consists of one Chief and seven Headmen selected by Electors in an election under the Act with commencement and termination of office determined under the *Thunderchild First Nation Constitution* or legislation of Thunderchild First Nation governing the holding of office of a member of Council.

Section Three Eligibility

Elector **3.01** No person is entitled to vote at an election unless such person is an Elector.

Candidate **3.02** No person who is seeking to be elected under the Act as a Chief or Headman is a candidate for such position only if such person meets all of the following criteria and is confirmed in writing by the Chief Electoral Officer as being a recognized candidate in an election for either the position

VT
2/1/11

of Chief or Headman:

- (a) Is an Elector;
- (b) Is not disqualified from being a candidate under the provisions of the Act or other legislation of Thunderchild First Nation or the *Thunderchild First Nation Constitution*;
- (c) Is running for only one position in an election;
- (d) Is not an employee of Thunderchild First Nation or any of its empowered entities, with the right of such employees to request and receive a leave of absence without pay effective the day of becoming a candidate;
- (e) Produces a Clear Criminal Records Check from a bona fide police enforcement agency;
- (f) An existing Chief or Headman cannot run for another office in an election without first resigning the existing position;
- (g) An elected Chief or Headman will reside on Thunderchild First Nation reserve lands or Treaty Land Entitlement lands and no other location. If an elected Chief or Headman is not resident on Thunderchild First Nation reserve lands or Treaty Land Entitlement lands at the time of being elected, such person shall have thirty (30) days following the day of election to take up residency as required herein;
- (h) In the event a non-resident is elected to Council and fails to take up residency on Thunderchild First Nation lands as required in paragraph 3(g) above, such person shall cease to be qualified to remain on Council and the position of such person on Council shall be deemed to become vacant at the expiration of the thirty (30) day period following the election, and a by-election shall be held as soon as practicable thereafter to fill such position;
- (i) An elected Chief or Headman that has a contract with Thunderchild First Nation shall have thirty (30) days following the day of the election to officially terminate such contract and failing the same, such person shall cease to be qualified to remain on Council and the position of such person on Council shall be deemed to become vacant at the expiration of the thirty (30) day period following the election, and a by-election shall be held as soon as practicable thereafter to fill such position.

Section Four Calling an Election

Election Day **4.01** Except as may otherwise be provided in the act or by an order of the Appeal Tribunal, Election Day is the third Monday in October.

Duty to Call Election **4.02** An election is called by the Council in the following circumstances:

- (a) A general election is called before the expiration of the term of office for Council and in any event no later than seventy (70) days before the term of office of the current Council expires;
- (b) A general election is called forthwith if required to be called under the *Thunderchild First Nation Constitution*;
- (c) A by-election is called as soon as practicable after the date that the vacancy occurs.

Form of Calling an Election **4.03** The calling of the election is in the form of a Resolution of Council being in the same form or substantially the same form as Form No. 1 to the Act stating the call for the election, setting Election Day and setting a meeting of Electors under the Act to be held no less than sixty (60) days before Election Day for the purpose of electing a Chief Electoral Officer and two (2) Deputy Electoral Officers.

Posting of Form No. 1 **4.04** The completed Form No. 1 is posted no less than seventy (70) days before Election Day in three different community buildings on Thunderchild First Nation Territory and at the Turtleford Post Office.

Meeting to Select a Chief and Deputy Electoral Officers **4.05** The following procedure is used at a meeting of Electors to elect a Chief Electoral Officer and two (2) Deputy Electoral Officers:

- (a) The Chief or the designate of the Chief and if there is no Chief or designate of the Chief, then the designate of Council acts as chair of the meeting and selects a person to serve as secretary for the meeting;
- (b) The agenda of the meeting is as follows:

- (i) Opening Prayer;
- (ii) Reading of the Notice made pursuant to section 4.04 of the Act;
- (iii) Reading section 4 of the Act;
- (iv) Opening the floor for nominations;
- (v) Closing of nominations;

VT
zhsk

- (vi) Voting for the Chief Electoral Officer;
- (vii) Voting for the two (2) Deputy Electoral Officers;
- (viii) Closing Prayer

(c) Voting is by show of hands;

(d) The persons with the highest number of votes for the respective positions are the persons selected;

(e) The Deputy Electoral Officer with the highest number of votes is deemed to be the first alternate Chief Electoral Officer and the Deputy Electoral Officer with the second highest number of votes is deemed to be the second alternate Deputy Electoral Officer.

*Acceptance of
Appointment*

4.06 The positions of the Chief Electoral Officer and Deputy Electoral Officers are not effective until accepted in writing by the persons selected under the Act and when accepted, such persons cannot vote in the election, except that the three (3) persons can vote to break a tie. Council causes the written appointment and the written acceptance to be posted in a conspicuous place in the administrative office of Thunderchild First Nation.

*Failure to Call
or Appoint*

4.07 If the Council does not call an election as required under the Act or the Thunderchild First Nation Constitution or does not take the steps to determine a Chief Electoral Officer and Deputy Electoral Officers within the times as stated above, then the Appeal Tribunal shall, on the application of an Elector, and as soon as practicable, call an election and appoint a Chief Electoral Officer and Deputy Electoral Officers by way of an order of the Appeal Tribunal, as the case may be.

*Substitute
Electoral
Officers*

4.08 If the Chief Electoral Officer or a Deputy Electoral Officer resigns, refuses or is unable to fulfill the duties of a Chief Electoral Officer or a Deputy Electoral Officer then the substitute is determined as follows:

- (a) In the case of the vacancy of the position of the Chief Electoral Officer, the first alternate Deputy Electoral Officer becomes the Chief Electoral Officer, and in the event that the first alternate Deputy Electoral Officer resigns, refuses or is unable to fulfill the duties of a Chief Electoral Officer, then the second alternate Deputy Electoral Officer becomes the Chief Electoral Officer, and in the event that the second alternate Deputy Electoral Officer resigns, refuses or is unable to fulfill the duties of a Chief Electoral Officer, then the Chief and Council appoint a substitute Chief Electoral Officer and in the event there is no Chief and Council then the Appeal Tribunal on application of a Citizen appoints the Chief Electoral Officer with the costs of the same to be paid by Thunderchild

VT
10/11

First Nation;

(b) In the case of the vacancy of the position of the Deputy Electoral Officer the Chief and Council appoint a substitute Deputy Electoral Officer, and in the event there is no Chief and Council then the Chief Electoral Officer appoints a substitute Deputy Electoral Officer, and in the event there is no Chief Electoral Officer then the remaining Deputy Electoral Officer appoints the replacement Deputy Electoral Officer, and in the event there are no persons above to make such appointments, then the Appeal Tribunal on application of a Citizen appoints the Deputy Electoral Officer with the costs of the same to be paid by Thunderchild First Nation;

(c) In circumstances where the Appeal Tribunal orders a new election, the Appeal Tribunal will determine as part of its decision who will be the Chief Electoral Officer and Deputy Electoral Officers and sets out their fees and expense rates.

*Term of Office
of the Chief
Electoral
Officer &
Deputy
Electoral
Officers*

4.09 Unless otherwise terminated under the Act, the appointment of the Chief Electoral Officer expires on the expiration of the appeal period for the election, thirty (30) days after the decision on an appeal is rendered or after a new election if required as part of the decision of the Appeal Tribunal, whichever is later. Unless otherwise terminated under the Act, the appointment of a Deputy Electoral Officer expires one day after the election.

*Power of the
Chief Electoral
Officer*

4.10 The Chief Electoral Officer is in charge of the election and the conduct of the election pursuant to the provisions of the Act. Matters of procedure in the management of an election and not otherwise specifically addressed in the Act is within the sole determination of the Chief Electoral Officer subject only to the requirement of fairness and the exercise of impartiality.

*Powers of a
Deputy
Electoral
Officer*

4.11 A Deputy Electoral Officer has the powers given under the Act and is at all times under the authority and direction of the Chief Electoral Officer, and in the event a Deputy Electoral Officer does not comply with the directions of the Chief Electoral Officer, then the Chief Electoral Officer can terminate a Deputy Electoral Officers and directly appoint a substitute, and in such case the terminated Deputy Electoral Officer has no right of action for damages or otherwise relating directly or indirectly to the termination.

Officers Fees

4.12 The Council by way of a Resolution of Council sets out the fees and reasonable expenses that Thunderchild First Nation is prepared to pay the Chief Electoral Officer and a Deputy Electoral Officers to carry out the election pursuant to the Act as Council may determine as reasonable and provides copies of the same to the persons in attendance at the meeting for

VJ
24/11

the selection of the Chief Electoral Officer and Deputy Electoral Officers and to the Chief Electoral Officer and Deputy Electoral Officers elected at the selection meeting.

*Election
Expenses*

4.13 The following provisions apply to fees and expenses and other sums payable to the Chief Electoral Officer and a Deputy Electoral Officer:

- (a) The fees for the Chief Electoral Officer and a Deputy Electoral Officer are paid by the Council on the conclusion of the election and any appeal;
- (b) Reasonable expenses for the election are paid within thirty (30) days of the date of invoice;
- (c) Council may give the Chief Electoral Officer advances to pay for the reasonable expenses to carry out the election;
- (d) Reasonable expenses in relation to the election can be incurred by the Chief Electoral Officer or a Deputy Electoral Officer as agent for Thunderchild First Nation so that Thunderchild First Nation is liable for such reasonable expenses;
- (e) Fees and expenses of the Chief Electoral Officer or a Deputy Electoral Officer constitute a debt of Thunderchild First Nation and are paid before any members of Council are paid to be a Chief and/or Headman;
- (f) If a Chief Electoral Officer or Deputy Electoral Officers are employees of Thunderchild First Nation or an Empowered Entity, then such person is not entitled to any fees so long as the person is also receiving wages and salary from Thunderchild First Nation or the Empowered Entity. The time spent by such persons in the position of Chief Electoral Officer or Deputy Electoral Officer is treated in the same way as working for such entities and such persons are entitled to the same benefits as if such persons continued to be so employed.

*Notice of
Election*

4.14 The Chief Electoral Officer prepares or causes to be prepared an Electors List and prepares or causes to be prepared an Election Notice in the same form or substantially the same form as Form No. 2 to the Act and posts or causes to be posted the Election Notice at least forty-five (45) days prior to the Election Day as follows:

- (a) In one or more conspicuous places in one or more community buildings located on Thunderchild First Nation Territory; and
- (b) By way of regular mail sent to the last known address of each Elector

VT
31.4

and post marked, subject to a postal strike or a threatened postal strike during the forty-five (45) days before an election, and in such event, the Chief Electoral Officer provides the Election Notice in by publishing the notice at least forty-five (45) days prior to the Election Day in newspapers that service the district of the City of North Battleford, Saskatchewan, Saskatoon, Saskatchewan and Edmonton, Alberta.

*Content of
Notice of
Election*

4.15 A Notice of Election provides the date, time and place for each of the following election events, being:

- (a) Election;
- (b) Advance Polls;
- (c) Nominations;
- (d) Candidates Forum.

*Validity of
Notice*

4.16 If the current address of an Elector is unknown, then the Election Notice to such Elector can be sent in care of a known relative of the elector. The validity of an Election Notice is not affected in the event some Electors did not receive such notice, provided the Chief Electoral Officer acted in good faith and substantially all of the Electors were sent such notice.

**Section Five
Nominations**

*Nomination
Day*

5.01 The Election Notice contains the date, time and place of the Nomination Day being the last day open for nominations to be candidate in an election, and being not less than thirty (30) days before Election Day.

*Nomination
Forms*

5.02 The Chief Electoral Officer encloses a Nomination Form in the same form or substantially the same as Form No. 3 to the Act with the Election Notice and the Chief Electoral Officer provides additional nomination forms to any Elector who requests such form.

*Written
Nominations*

5.03 Nominations of candidates is considered by the Chief Electoral Officer only if:

- (a) The nomination is made using a Nomination Form in the same form or substantially the same as Form No. 3 to the Act;
- (b) The Nomination Form is in writing signed by two (2) other Electors and signed by the candidate which candidate can only accept one

V7
A-1

nomination;

- (c) The original copy of the Nomination Form is given to the Chief Electoral Officer or a Deputy Electoral Officer on or before 1:00 p.m. of Nomination Day;
- (d) A Clear Criminal Records Check is provided by the candidate to the Chief or Deputy Electoral Officer within five (5) days of the Nomination Day.

*Nomination
Meeting*

5.04 The Chief Electoral Officer sets and chairs the Nomination Meeting held on the Nomination Day at a community building on Thunderchild First Nation Reserve No. 115B to be reserved by the Chief Electoral Officer for such use, commencing at 9:00 am and ending at 12:00 pm. The Chief Electoral Officer serves as the secretary for the Nomination Meeting or delegates the role of secretary to a Deputy Electoral Officer.

*Nominations
from the Floor*

5.05 Nominations can be made from the floor of the Nomination Meeting held under the Act with the Nomination Form signed at such meeting, and a nomination from the floor is conditional on the candidate delivering a Clear Criminal Records Check to the Chief Electoral Officer or a Deputy Electoral Officer within five (5) days of Nomination Day and thereupon the Chief Electoral Officer may sign the Nomination Form confirming the eligibility of the candidate nominated from the floor if the Chief Electoral Officer is satisfied as to the eligibility of such candidate.

*Nomination
Meeting
Procedure*

5.06 The Chief Electoral Officer opens the Nomination Meeting and declares the following as the agenda for the nomination meeting:

- (a) Opening Prayer;
- (b) Reading of the Election Notice;
- (c) Reading section 5 of the Act;
- (d) Naming those candidates whose nomination has been confirmed under the Act together with the two Nominators and the nominated position;
- (e) Opens the floor for further nominations;
- (f) Closing of nominations;
- (g) Closing Prayer.

The Chief Electoral Officer has charge of the Nomination Meeting and uses processes and procedures that are fair, equitable and efficient.

Confirmation of Candidacy **5.07** The candidacy of a candidate is confirmed by the Chief Electoral Officer signing the nomination form of the candidate which confirmation can be withdrawn by the Chief Electoral Officer.

Election by Acclamation **5.08** In the event the number of persons filing nominations to positions on Council does not exceed the requisite number, the Chief Electoral Officer declares the persons so nominated to be duly elected and causes to be posted a notice directed to the Electors in the same manner as the Election Notice stating that a vote will not be required due to the election by acclamation and advising as to the results.

Candidate Withdrawal **5.09** A candidate can withdraw as a candidate by written notice to the Chief Electoral Officer delivered within three (3) days after the Nomination Day. If a candidate withdraws as a candidate after the ballots have been prepared, such candidate files with the Chief Electoral Officer a written withdrawal of candidacy, signed by such candidate in the presence of the Chief Electoral Officer, a Justice of the Peace, a Notary Public, or a Commissioner for Oaths, and any votes cast for such candidate are null and void. The Chief Electoral Officer or Deputy Chief Electoral Officer thoroughly blacks out or obliterates the name of such withdrawn candidate from each ballot prior to the ballot being used for voting to the extent possible.

Nomination Cancellation **5.10** The Chief Electoral Officer can cancel the confirmation of a candidate at any time so that the candidate cannot run for office in the election provided Chief Electoral Officer determines on reasonable grounds the following:

- (a) The candidate is guilty of a corrupt practice in connection with the election and without restricting the generality of the foregoing including use of bribery, threats, extortion, alcohol, drugs or giving or promising to give property to secure a vote(s); or
- (b) The candidate is ineligible to be a candidate.

The candidate whose candidacy is to be cancelled receives notice of the proposed cancellation from the Chief Electoral Officer and such candidate has the right to forthwith respond to such notice. The Chief Electoral Officer thereafter makes a decision whether or not to proceed with the cancellation of the candidacy.

Candidates Forum **5.11** The Chief Electoral Officer chairs a Candidates Forum meeting held in

the afternoon of Nomination Day at the same community building used for the nominations, commencing at 1:00 pm with notice of the Candidates Forum contained in the Election Notice.

*Candidates
Forum
Procedure*

5.12 The Chief Electoral Officer determines the procedure used at the Candidates Forum with a view to permitting each of the candidates equal time to speak within the time allotted with a maximum of 15 minutes per candidate for Chief and five (5) minutes for candidates for Headmen. There will be an opening prayer and a closing prayer. If time permits, there may be an open session where Electors are permitted to ask questions of the candidates in attendance.

**Section Six
The Electors List and Polls**

*Posting of
Electors List*

6.01 At least fourteen (14) days before Election Day, the Chief Electoral Officer posts one or more copies of the Electors List in a conspicuous place in three different community buildings on Thunderchild First Nation Territory and at the Turtleford Post Office.

Revisions

6.02 Any Elector may apply to have the Electors List revised on the ground that the name of an Elector is incorrectly set out therein or the name of an Elector is missing or the name of a person not qualified to vote is included therein.

Corrections

6.03 If the Chief Electoral Officer is satisfied that the Electors List should be corrected, the Chief Electoral Officer makes the necessary correction.

*Copies to
Candidates*

6.04 The Chief Electoral Officer provides a copy of the Electors List and a list of mailing addresses of persons shown on the Electors List to all candidates who request the same, being the same list used to send out the Election Notice pursuant to section 4.16 of the Act.

*Election Day
Voting
Location*

6.05 There is one voting location on Election Day being a community building located on Thunderchild First Nation Territory.

Advance Polls

6.06 The Chief Electoral Officer will arrange for advance polls in each of the cities of Saskatoon, Saskatchewan and Edmonton, Alberta, at least seven (7) days before Election Day using the same voting procedures as for the vote conducted at the polling location on Thunderchild First Nation Reserve No. 115B, and with the ballot boxes not opened or votes counted until close of voting at the polling location on Election Day. The persons who voted at the advance poll are marked off of the Electors List as having voted so that such persons cannot vote a second time at the polling location on Election Day.

VT
11/11

<i>Change of Advance Poll Locations</i>	6.07 In the event the location of the advance poll changes after the Election Notice is posted, then the Chief Electoral Officer posts or causes to be posted a notice of change of location in the advance poll location described in the Election Notice advising as to the new advance poll location.
<i>Availability of Voting By Mail</i>	6.08 Voting by mail is only available to an Elector who requests a Mail-in-Voting Package from the Chief Electoral Officer and provides a return mailing address, and such request is received by the Chief Electoral Officer no later than twenty (20) days before Election Day. On receipt of the above request, the Chief Electoral Officer sends a Mail-in-Voting Package to the subject Elector at the return address provided.
<i>Mail-in-Voting Package</i>	<p>6.09 A Mail-in-Voting Package consists of the following:</p> <ul style="list-style-type: none"> (a) Voting Instructions; (b) Declaration of identity; (c) Return envelope with postage prepaid; (d) Ballot initialed by the Chief Electoral Officer or a Deputy Electoral Officer; (e) A ballot envelope.
<i>Ballot Boxes</i>	6.10 The Chief Electoral Officer procures or causes to be procured two ballot boxes to be used at the polling location(s).
<i>Voting Materials</i>	6.11 The Chief Electoral Officer, before the poll is open, causes to be delivered to the poll for use by the Chief Electoral Officer and a Deputy Chief Electoral Officer the ballot papers, materials for marking the ballot papers, two ballot boxes and copies of the Act.
<i>Voting Compartment</i>	6.12 The Chief Electoral Officer or a Deputy Electoral Officer provides a compartment at the polling location where Electors can mark ballot papers in secrecy, and the Chief Electoral Officer or a Deputy Electoral Officer may appoint a constable to maintain order at such polling place.
<i>Voting Time</i>	6.13 A poll is kept open from 10:00 a.m. to 6:00 p.m. of the same day.
<i>Agents</i>	6.14 A candidate is entitled to not more than two agents in a polling place at any one time.

*Poll
Preparation*

6.15 The Chief Electoral Officer or a Deputy Electoral Officer, immediately before the commencement of the poll, opens each ballot box and call such persons as may be present to witness that each such ballot box is empty. The Chief Electoral Officer or a Deputy Electoral Officer then locks and properly seals each box to prevent each box from being opened without breaking the seal, and place such box in view for the reception of the ballots, and the seal for each box is not to be broken nor the box unlocked during the time appointed for taking the poll.

**Section Seven
The Vote**

Ballot

7.01 Separate ballot papers are prepared with one ballot paper for the position of Chief and the other ballot paper for the position of Headmen in substantially the same form as Form No. 4 to the Act.

*Identity of
Elector*

7.02 Where a person attends at the polling location for the purpose of voting, the Chief Electoral Officer or Deputy Electoral Officer, if satisfied that the name and registered number of such person is entered on the Electors List, provides such person with a ballot paper initialed by the Chief Electoral Officer or Deputy Electoral Officer on which to register a vote. One ballot paper is provided for the position of Chief and another ballot paper for the positions of Headmen.

*Mark Electors
List*

7.03 The Chief Electoral Officer or Deputy Electoral Officer causes to be placed in the proper column of the Electors List a mark opposite the name of every voter receiving a ballot paper.

*Not on
Electors List*

7.04 An Elector whose name does not appear on the Electors List may vote at an election if the Chief Electoral Officer or a Deputy Electoral Officer is satisfied that such person is qualified to vote and the Chief Electoral Officer or Deputy Electoral Officer may require such voter to swear an oath or affirmation of Elector in substantially the same form as Form No. 5 to the Act.

*Oath or
Affirmation*

7.05 Any candidate, agent of a candidate, elector, Chief Electoral Officer or Deputy Electoral Officer can request that an oath or affirmation in substantially the same form as Form No. 5 to the Act be administered to any person intending to vote at the election.

No Oath

7.06 A person who has refused to take the oath or affirmation referred to in the Act when requested to do so does not receive a ballot paper and is not permitted to vote.

<i>Explanation</i>	7.07 The Chief Electoral Officer or Deputy Electoral Officer may and when requested to do so explain the manner of voting to a voter.
<i>Voting in Person</i>	7.08 Each person receiving a ballot paper forthwith proceeds to the compartment provided for marking ballots and marks his ballot paper by placing a cross thus "X" opposite the name of the candidate or candidates chosen or such other mark that clearly indicates the choices of the candidate(s) to the maximum number of positions open or less, and then folds the ballot so as to conceal the names of the candidates and the marks on the face of the paper but so as to expose the initials of the Chief Electoral Officer or Deputy Electoral Officer, and on leaving the compartment forthwith delivers the ballot paper to the Chief Electoral Officer or Deputy Electoral Officer, who without unfolding the ballot paper, verifies the initials of the Chief Electoral Officer or Deputy Electoral Officer, as the case may be, and at once deposit the ballot in the ballot box in the presence of the voter and of all other persons entitled to be present in the polling place.
<i>Secrecy</i>	7.09 While a voter is in the compartment for the purpose of marking his ballot paper, no other person, except as provided in the Act, is allowed in the same compartment or be in any position from which one can see the manner in which such voter marked the ballot paper.
<i>Assistance</i>	7.10 An incapacitated voter may designate another voter, the Chief Electoral Officer or a Deputy Electoral Officer to assist in marking his ballot paper in the manner directed by the voter and placing such ballot in the ballot box. If the incapacitated voter designates another voter to so assist in voting, then the Chief Electoral Officer or Deputy Electoral Officer shall be present at the voting compartment to observe the procedure. The Chief Electoral Officer or a Deputy Electoral Officer writes on the Electors List in the column for remarks opposite the name of such Elector the fact that the ballot paper was marked through such assistance at the request of the voter and the reason therefore.
<i>Replacement Ballot</i>	7.11 A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used, is upon returning the ballot paper to the Chief Electoral Officer or a Deputy Electoral Officer present at the polling station, is entitled to obtain another ballot paper, and the Chief Electoral Officer or a Deputy Electoral Officer thereupon writes the word "cancelled" upon the spoiled ballot paper and preserves it.
<i>Forfeiture</i>	7.12 Any person who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the Chief Electoral Officer or a Deputy Electoral Officer, in the manner provided, or if, after receiving the ballot paper, refuses to vote, forfeits the right to vote at the election, and the

Chief Electoral Officer or a Deputy Electoral Officer makes an entry on the Electors List in the column for remarks opposite the name of such person to show that such person received the ballot paper and declined to vote, and the Chief Electoral Officer or a Deputy Electoral Officer marks upon the face of the ballot paper the word "declined", and all ballot papers so marked are preserved.

*Maintaining
Secrecy*

7.13 Every person in attendance at a polling place or at the counting of the votes maintains and aids in maintaining the secrecy of the voting.

Interference

7.14 No person interferes or attempts to interfere with a voter when such voter is marking a ballot paper or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted.

Closing of Poll

7.15 Every Elector who is inside the polling place at the time fixed for closing the poll is entitled to vote before the poll is closed.

Voting by Mail

7.16 The procedure to vote by mail is to use the documentation contained in the Mail-in-Voting Package as follows:

- (a) The Elector completes and signs the declaration of identity;
- (b) The Elector marks the ballot;
- (c) The Elector places the completed ballot in the ballot envelope and seals the ballot envelope;
- (d) The Elector places the ballot envelope and the declaration of identity in the return envelope which has the return address of the Chief Electoral Officer;
- (e) The Elector sends the return envelope to the Chief Electoral Officer by mail or courier, with the Elector having the right to hand deliver the return envelope to the Chief Electoral Officer or any Deputy Electoral Officer so that the Chief Electoral Officer or a Deputy Electoral Officer receives the return envelope prior to the close of the voting station on Election Day;
- (f) An Elector who votes by mail cannot also vote in person;
- (g) If the above procedure is not followed or the return envelope is not received by the Chief Electoral Officer or a Deputy Electoral Officer, the ballot envelope is not opened and the vote is not counted.

V/T
ntal

7.17 An agent or scrutineer of a candidate may be present at the voting station to represent the candidate in observing the election procedures and the counting of ballots and may raise questions regarding the validity of ballots. The agent or scrutineer shall not talk to, interfere, influence or intimidate voters at the voting station or otherwise commit corrupt election practices as specified in section 13.03 (a) herein.

Section Eight Vote Count

8.01 Immediately after the close of the polling location, the Chief Electoral Officer or a Deputy Electoral Officer, in the presence of such of the candidates or their agents as may be present gathers all of the Mail-in Voting Ballot envelopes and does the following:

- (a) Examines the Mail-in-Voting Packages sent to the Chief Electoral Officer and discards and does not open those Mail-in-Voting Envelopes where the person described in the declaration associated with the ballot envelope voted in person at a polling station as shown by examining the Electors List, otherwise the Mail-in-Voting Envelope is opened, the ballot is placed in the ballot box, the Electors List is marked showing the Elector as having voted by mail and the balance of the Mail-in-Voting Package is discarded;
- (b) Opens the ballot box(s) located in the poll;
- (c) Examines the ballot papers and rejects all spoiled ballot papers;
- (d) In circumstances where a ballot is not clear as to some but not all of the candidate selections, then only those selections that are clearly and appropriately marked shall be counted;
- (e) Makes a written note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide any question arising out of the objection, subject to review on recount or on an election appeal;
- (f) Numbers such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with the initials of the Chief Electoral Officer or a Deputy Electoral Officer;
- (g) Counts the votes given for each candidate from the ballot papers not rejected and make a written statement of the number of votes given to

VT
الان

each candidate and the number of ballot papers rejected and not counted by the Chief Electoral Officer or a Deputy Electoral Officer, which statement is then signed by the Chief Electoral Officer or a Deputy Electoral Officer and such other persons authorized to be present as may desire to sign the statement.

Declaration of Election

8.02 Immediately after the completion of the counting of the votes from the poll, the Chief Electoral Officer publicly declares to be elected the candidate or candidates having the highest number of votes, and the Chief Electoral Officer posts in a conspicuous place in the Administrative Offices of Thunderchild First Nation, a statement signed by the Chief Electoral Officer showing the number of votes cast for each candidate in substantially the same form as Schedule "A" and/or Schedule "B" as contained in Form No. 6 of the Act.

Casting Vote

8.03 Where it appears that two or more candidates have an equal number of votes, the Chief Electoral Officer and the two Deputy Electoral Officers each cast a vote, but the Chief Electoral Officer and the Deputy Electoral Officers are not otherwise entitled to vote. If a tie vote continues then the Chief Electoral Officer alone is entitled to cast a vote to break the tie.

**Section Nine
Report of the Electoral Officer**

Voting Statistics

9.01 The Chief Electoral Officer prepares and signs a report in substantially the same form as Form No. 6 to the Act.

Copies of Report

9.02 A copy of the report of the Chief Electoral Officer is forwarded to the each of the candidates, whether successful or not.

**Section Ten
Disposition of Ballot Papers**

Disposition

10.01 The Chief Electoral Officer deposits all ballot papers in sealed envelopes and retains the same for sixty (60) days, and unless an appeal is launched the Chief Electoral Officer destroys the ballot papers in the presence of two witnesses who make a declaration in substantially the same form as Form No. 9 that they witnessed the destruction of those papers. If an appeal is launched, the destruction of such ballots is delayed for a period of thirty (30) days after the decision on the appeal is made.

**Section Eleven
Immunity & Indemnity**

VT
nl. st

*Immunity and
Indemnity*

11.01 No action or other proceeding lies or shall be instituted against the Chief Electoral Officer or Deputy Electoral Officer(s) or the Appeal Tribunal or a member(s) of the Appeal Tribunal or agent or contractor for any of them for any loss or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or admitted to be done, by any of them, pursuant to the exercise or supposed exercise of any power conferred under the Act or in the carrying out or supposed carrying out of any order made pursuant to the Act or any duty imposed by the Act. Thunderchild First Nation indemnifies and saves harmless Chief Electoral Officer or Deputy Electoral Officer(s) or the Appeal Tribunal or a member(s) of the Appeal Tribunal or agent or contractor for any of them for such actions or proceedings.

**Section Twelve
Term and Oath of Office**

Term of Office **12.01** The term of office of the newly elected Chief and/or Headmen commences on midnight on the date of the election.

Term Ending **12.02** Unless otherwise terminated under the Act or other legislation of Thunderchild First Nation or the *Thunderchild First Nation Constitution*, the term of office of the Council ends four years after the Election Day of the last general election effective midnight on the third Monday in October in such year.

*Pending an
Appeal* **12.03** In the event of an election Appeal, the members of Council elected at an election hold office pending the decision of the Appeal Tribunal.

Oath of Office **12.04** Each candidate as a precondition to commencement of taking office takes an Oath of Office in substantially the same form as Form No. 7 to the Act, at a ceremony.

**Section Thirteen
Status of Chief and Headman**

Employee **13.01** An employee on a leave of absence that is elected is deemed to have resigned as an employee of Thunderchild First Nation and is not entitled to any further or other compensation for such resignation other than payment of outstanding salary, holiday pay and severance pay to the extent applicable under legislation of Thunderchild First Nation governing the same and if no such legislative provisions exist then as determined under the Operations Manual or the Personnel Policy of Thunderchild First Nation in effect at the time.

*Chief as Part
of Personnel*

13.02 A Chief is treated as part of the personnel of Thunderchild First Nation with the right to a monthly salary and all of the group benefits of an employee of Thunderchild First Nation as may be specified in legislation, regulations, policies and procedures of Thunderchild First Nation governing the same and in the event of a conflict as between the legislation and the regulations, the legislation governs.

Council Fees

13.03 The Council shall receive reasonable fees and payment of reasonable expenses in accordance with legislation, regulations, policies and procedures of Thunderchild First Nation governing the same and in the event of a conflict as between the legislation and the regulations, the legislation governs.

Acting Chief

13.04 The Chief can designate an Acting Chief to serve as Chief in circumstances where the Chief is unable to serve as Chief due to illness or absence other than removal from office. In the event that the Chief is unable to serve as Chief and unable to designate an Acting Chief due to illness or prolonged absence, Council by majority vote can designate a Headman to serve as Acting Chief until such time as the health of the Chief changes and allows the Chief to serve as Chief or the Chief returns. In the event the Chief has resigned or has been removed from office under the Act, then the Council by majority vote will as soon as practicable designate a Headman to serve as Acting Chief until a new Chief is elected under the Act.

Deputy Chief

13.05 The Chief may from time to time designate a Headman to serve as Deputy Chief.

Section Fourteen Election Appeals

Appeals

14.01 All appeals of an election can only be made to the Appeal Tribunal established under the *Thunderchild First Nation Constitution* and the decision of the Appeal Tribunal is final and binding on all parties with no right of further appeal.

*Grounds of
Appeal*

14.02 Within thirty (30) days after an election, any candidate in the election or any Elector who gave or tendered his vote at the election may launch an election appeal to the Appeal Tribunal in accordance with the Act based on particulars duly verified by affidavit showing reasonable grounds for believing that:

- (a) There was corrupt practice in connection with the election by any person and without limitation including any of the following done directly or indirectly:

VT
1.4

- (i) Using bribery, threats, extortion, intimidation, alcohol, drugs or giving or promising to directly or indirectly give property, money, employment or contract rights to a select Elector or Electors to secure a vote(s);
- (ii) Supplying alcohol or illegal substances to an Elector or at any meeting of Electors for the purpose of promoting a candidate(s);
- (iii) Betting or wagering or taking a share in a wager relating to the results of a nomination or an election;
- (iv) Impersonating the Chief Electoral Officer or a Deputy Electoral Officer;
- (v) Soliciting, compelling or abetting voting by ineligible Electors;
- (vi) Soliciting Electors to obtain Mail-in-Voting Packages with a view to using the procedure to control the associated vote;
- (vii) Submitting false voting returns or unlawfully creating, altering or destroying documents referred to in the Act;

(b) There was a violation of the Act that might have affected the result of the election; or

(c) A person nominated to be candidate in the election was knowingly ineligible to be a candidate.

Launching the Appeal

14.03 An election appeal to the Appeal Tribunal is launched using the following procedure:

- (a) The appellant delivers a written Notice of Appeal specifying the grounds of appeal verified by affidavit, together with supporting documents with the name, address and contact information of the applicant clearly noted, and such Notice of Appeal to the Chief Electoral Officer within thirty (30) days after Election Day;
- (b) On receipt of the same, the Chief Electoral Officer refers the matter to a member of the Appeal Tribunal who becomes the Appeal Registrar for purposes of the appeal and such date is deemed to be the date the appeal was filed with the Appeal Tribunal;
- (c) The Appeal Registrar contacts the remaining members of the Appeal Panel to determine estimated costs to hear the appeal;
- (d) The Appeal Registrar advises the applicant of the sum required to be

V1
3/3/04

deposited with the Appeal Registrar to cover the costs of the Appeal Tribunal to hear the appeal ("appeal deposit") and the time for paying the same, which sum is paid in the form of cash, bank draft or money order;

- (e) On receipt of the appeal deposit within the time specified, the Appeal Registrar formally acknowledges the appeal, provides the Council and affected parties with copies of the appeal documentation, advises the Chief Electoral Officer to make available any election documents as requested by the Appeal Tribunal and sets a hearing date and location as soon as practicable;
- (f) The Appeal Tribunal establishes its own rules for the hearing which rules will comply with the *Thunderchild First Nation Constitution* and any legislation of Thunderchild First Nation determining such rules;
- (g) After the hearing date is set, the Appeal Tribunal notifies all affected parties of the hearing date.

Answer

14.04 Any candidate may, within fourteen (14) days of receipt of the copy of the Notice of Appeal, forward to any member of the Appeal Tribunal a written answer to the particulars set out in the election appeal together with any supporting documents relating thereto duly verified by affidavit. Failure to file an answer does not amount to an admission of the allegations contained in the Notice of Appeal or supporting documentation filed.

The Record

14.05 All particulars and documents filed in accordance with the provisions of the Act are part of the record of the election appeal. As and when documents are filed in accordance with the provisions of the Act, the Appeal Tribunal in turn provides copies to each of the parties and to the candidates in the election in a timely manner.

Onus

14.06 The onus to prove the grounds of the election appeal is on the party(s) launching the appeal.

Standard

14.07 An appeal is decided on the standard of a balance of probabilities.

Outcome

14.08 The Appeal Tribunal renders a written decision within forty-five (45) days from the date the appeal was filed with the Appeal Tribunal and the decision takes any one of the following forms:

- (a) Denial of the appeal;
- (b) Allow the appeal in whole or in part, set aside the election and call a new

general election;

- (c) Allow the appeal in whole or in part and set aside the election as it relates to certain of the candidates and call a by-election;
- (d) Allow the appeal in whole or in part and set aside the election as it relates to certain of the candidates and declare as elected the candidate with the next highest votes who has not been shown to be guilty of a corrupt practice, violating the Act, being an ineligible candidate or otherwise ineligible to be elected;
- (e) Make an order that the Appeal Tribunal determines just as to persons who are found guilty of a corrupt practice under the act.

The Appeal Tribunal uses the appeal deposit to its fees and expenses and has absolute discretion to dispose of the appeal deposit, as it deems proper.

Imposing Costs **14.09** In the event the Appeal Tribunal is of the opinion that if:

- (a) One or more of the persons who filed documents as part of the appeal, duly verify by affidavit(s), and such affidavit(s) was intentionally misleading, or intentionally false, then the Appeal Tribunal is required to impose costs against such person or persons in the amount of the costs of the Appeal Tribunal being the fees and out of pocket expenses of the Appeal Tribunal and such costs are to be forthwith paid by such person(s) to the Appeal Tribunal;
- (b) A person has violated the Act with respect to any of the matters referred to in section 14.02 of the Act, then the Appeal Tribunal can order costs of the Appeal Tribunal being the fees and out of pocket expenses of the Appeal Tribunal to be paid by such person(s) forthwith and such further and other sums and consequences as the Appeal Tribunal considers just.

*Future
Ineligibility*

14.10 The Appeal Tribunal as part of its decision may include in an order that a person or candidate referred to in Section 14.09 of the Act is ineligible to be a candidate under the Act for a period of five (5) years or until the costs imposed on such person under Section 14.09 under the Act if any, are paid, whichever is the latter.

*Payment by
Thunderchild
First Nation*

14.11 In the event a person(s) or candidate(s) referred to in Section 14.09 of the Act does not pay the costs of the Appeal Tribunal then the costs of the Appeal Tribunal will be paid by Thunderchild First Nation, and such sums will be a debt due by such person(s) to Thunderchild First Nation or an Empowered Entity and form a charge as against any sums payable by

VT
JH

Thunderchild First Nation to such person. While such debt remains unpaid, Thunderchild First Nation can seize and sell property of the debtor to the extent not otherwise limited by law and apply the proceeds of sale toward payment of the debt and reasonable costs of collection and pay the balance, if any, to the debtor.

Section Fifteen Resignation & Removal

Individual Resignations

15.01 A Chief or Headman shall resign if he/she:

- (a) Is convicted of an indictable offense under the *Criminal Code of Canada*, or of a dual offense where the Crown has elected to proceed by way of indictment;
- (b) Is convicted of an offense under the *Controlled Drugs and Substances Act* of Canada or offense under the *Food and Drug Act* of Canada, involving the importation, trafficking or possession for the purpose of trafficking of a prohibited or controlled substance covered by any of such legislation of Canada or successor legislation of Canada.

Removal if no Resignation

15.02 A Chief or Headman who fails to resign as stipulated in section 15.01 shall be removed from office in accordance with section 15.08 of the Act.

Written Resignation

15.03 A resignation of a Chief or Headman is made in writing signed by the person who intends to resign, with an effective resignation date stated in the resignation document. The resignation is deemed to be "accepted" when the written resignation is delivered to the Director of Operations or to the chairperson at a meeting of Council.

All Resign

15.04 In the event of the resignation by the Chief and all the Headmen, none of the resignations are effective until the day and date the Council takes all of the necessary steps to call a general election.

Death or Disability

15.05 A Chief or Headman may resign if they are unable to perform their duties and functions as a result of long-term disability being a disability that extends or will reasonably extend for a period longer than twelve (12) months based upon a case by case assessment by a licensed physician.

Grounds for Removal

15.06 A Chief and Headmen may be removed from office subject to section 15.08 of the Act if such person does or is guilty of any of the following:

- (c) Knowingly or negligently through act or omission violating the Oath of Office or a law of Thunderchild First Nation in a material and substantial

manner causing financial loss or putting the reputation of Thunderchild First Nation into disrepute;

- (d) Is absent from three (3) consecutive Thunderchild First Nation assemblies or duly convened Council meetings or a combination thereof without just cause determined by the remaining members of Council and reviewable by the Appeal Tribunal;
- (e) Is using or attempting to use the office of a Chief or Headman to obtain money, property or special consideration from a person doing business or intending to do business with Thunderchild First Nation for the personal benefit of such Chief or Headman or the immediate family of such Chief or Headman.

*Grounds for
Suspension*

15.07 The Appeal Tribunal has the power to suspend a member of Council, with or without pay, pending a decision of the Appeal Tribunal for removal from office or pending the disposition of criminal charges.

*Procedure for
Removal or
Suspension*

15.08 The removal or suspension of a Chief or Headman from office is made by application to the Appeal Tribunal by the Council or an elector in accordance with the following procedure:

- (a) The applicant delivers to a member of the Appeal Tribunal a written Notice of Application specifying the grounds of the application verified by affidavit, together with supporting documents with the name, address and contact information of the applicant clearly noted;
- (b) The Appeal Tribunal member who receives the Notice of Application becomes the Appeal Registrar for purposes of the application;
- (c) The Appeal Registrar contacts the remaining members of the Appeal Tribunal to determine estimated costs to hear the application;
- (d) The Appeal Registrar advises the applicant of the sum required to be deposited with the Appeal Registrar to cover the costs of the Appeal Tribunal to hear the application ("application deposit") and the time for paying the same, which sum is paid in the form of cash, bank draft or money order;
- (e) On receipt of the application deposit within the time specified, the Application Registrar formally acknowledges the application, provides the Council and affected parties with a copies of the application documentation and sets a hearing date and location as soon as practicable;

VT
JH

- (f) The Appeal Tribunal establishes its own rules for the hearing which rules will comply with the *Thunderchild First Nation Constitution* and any legislation of Thunderchild First Nation determining such rules;
- (g) After the hearing date is set, the Appeal Tribunal renders a written decision and provides copies to all affected parties.

Section Sixteen Discipline

*Complaint as
to Conduct*

16.01 An Elector or group of Electors ("the Complainant") may submit a complaint to the Council concerning alleged conduct of the Chief or one or more Headmen using the following procedure:

- (a) The Complainant completes Form No. 8 to the Act and delivers a copy to the Director of Operations;
- (b) If the Complainant provides sufficient details to fully describe the event and the nature of the alleged wrongdoing, the Director of Operations places the matter on the agenda for the next meeting of Council OR if the complainant does not provide sufficient details, then the Director of Operations rejects the complaint setting out the deficiencies and the Complainant may complete a new Form 8 to the Act with better particulars and submit the matter to the Director of Operations;
- (c) The Council on receiving a duly completed complaint is required to do the following:
 - (i) Make a decision as to whether a meeting with the complainant is required and if so the Council will schedule such a meeting as soon as practicable;
 - (ii) Render a written decision as to the complaint which decision will include a description of the action that the Council intends to take concerning the complaint and provide a copy of the same to the Complainant;
 - (iii) Request further and better particulars of the complaint from the Complainant and information as to the matter from other persons before proceeding further and on receipt of better particulars consider the matter and provide a written decision with a copy to the Complainant.

Decision as to Complaint 16.02 The written decision of the Council in response to a complaint can include any of the following:

- (a) A decision to take no action;
- (b) Institute disciplinary measures as the same relates to the person(s) being the subject of the complaint which may include suspension without pay, change of portfolios, requirement to provide an apology, or such other disciplinary measures that the Council considers as in the best interests of Thunderchild First Nation;
- (c) Launch an application to the Appeal Tribunal for an order to remove the person(s) being the subject of the complaint at the cost of Thunderchild First Nation.

Appeal 16.03 If Council takes no action or decides that no action is required, the complainant may launch an appeal of actions or decisions of Council to the Appeal Tribunal.

Section Seventeen Council Responsibility To Pass Regulations

Regulations 17.01 Council, by resolution, may pass regulations for the good administration of this Act, which regulations cannot be inconsistent with the Act.

Section Eighteen Passing, Amendment and Effect

Passing 18.01 The Act must be passed by way of a majority of Electors who cast a vote.

Amendment 18.02 The Act can be amended or repealed by way of a majority vote of those Electors who cast a vote for such amendment or repeal under legislation of Thunderchild First Nation governing referendums and until such legislation is passed then the referendum procedure contained in the Thunderchild First Nation Constitution applies.

Effect 18.03 The Act takes effect immediately upon such legislation being passed.

Repeal 18.04 Effective on the passing of the Act, the *Thunderchild First Nation Election Act, 1998* is repealed.

Form 1

Form of
Resolution of
Council
Calling an
Election

RESOLUTION OF COUNCIL

Made at a duly convened Council meeting of

The Council of the **THUNDERCHILD FIRST NATION**

AND

Date of the duly convened meeting

Day Month year

Notice of
Selection of a
Chief
Electoral
Officer &
Deputy
Electoral
Officers

Thunderchild First Nation Elections Act

Call for an Election

And Notice of Meeting of Electors to Select
a Chief Electoral Officer and two (2) Deputy Electoral Officers

BE IT RESOLVED THAT:

1. Thunderchild First Nation calls a general election under the *Thunderchild First Nation Election Act* ("the Act") for the position of Chief and seven (7) Councillors. (OR) *Thunderchild First Nation call a by-election Thunderchild First Nation Election Act* ("the Act") to fill vacancies for the position of Chief (deleted if not applicable) and for the position of (insert number of Councillors) Councillors with the Election Day set for (insert date).
2. Notice is hereby given that a meeting of Electors under the Act is set for (insert date) at (insert place) commencing at (insert time) for the purpose of electing a Chief Electoral Officer, two (2) Deputy Electoral Officers and two (2) alternate Deputy Electoral Officers under the Act who are Citizens of Thunderchild First Nation and are at least eighteen (18) years of age. Electors under the Act are entitled to vote. Nominations will be accepted from the floor. Reference should be made to the Act as to the qualifications to be nominated and the procedure followed at such meeting, which procedure will be read to the persons in attendance at the commencement of the meeting. Further reference should be made to the Act as to the duties and responsibilities associated with the election.

Quorum 5

(Chief)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

V.T.

Form 2

**Election Notice
For a General Election
Thunderchild First Nation**

*Election
Notice*

NOTICE OF AN ELECTION is hereby given of a general election (*change if by-election*) by secret ballot held under the *Thunderchild First Nation Election Act* ("the Act") for the positions of Chief and seven (7) Headmen (*change to fit by-election*) for Thunderchild First Nation for the next ensuing term. **Election Day** is (*insert Election Day*). There is one polling station located at (*insert location*) on Thunderchild Indian Reserve No. 115B and voting commences at 9:00 am and ends at 8:00 pm. Subject to the provisions of the Act, every Citizen of Thunderchild First Nation eighteen (18) years of age as of Election Day is entitled to vote.

NOTICE OF ADVANCE POLLS is hereby given with advance polls open between 9:00 am and 8:00 pm on (*insert date*) at (*insert Saskatoon location*) and on (*insert date*) at (*insert Saskatoon location*). Electors who are physically disabled to attend to vote on Election Day or at an Advance Poll location may contact the Chief Electoral Officer no later than twenty (20) days before Election Day to make arrangements for voting by mail.

NOMINATION DAY NOTICE is hereby given that nominations are open. Nominations will be held on (*insert date*) ("**Nomination Day**") at commencing at 9:00 am and ending at 12:00 pm. The nominations are governed by the Act and in particular Section 3 and 5 of the Act. Candidates are urged to read the Act. Copies of the Act can be obtained from the Chief Electoral Officer. A completed Nomination Form together with a Clear Criminal Records Check dated no more than ninety (90) days as of the Nomination Day of the election must be submitted to the Chief Electoral Officer prior to the close of nominations. For nominations from the floor, a Clear Criminal Records Check must be provided to the Chief Electoral Officer within forty-eight hours of Nomination Day.

CANDIDATES FORUM NOTICE is hereby given and will be held on Nomination Day commencing at 1:00 pm at the same location as the Nomination Meeting.

Given under my hand at _____ this _____ day of _____,
20____.

(*insert name, Chief Electoral Officer*)

(*insert Address*)

(*insert Phone & Fax & Email as may be applicable*)

VF
MA

Form 3

**Nomination Form
Thunderchild First Nation**

*Nomination
Form*

The undersigned Electors of Thunderchild First Nation hereby nominate _____ (*insert name*) as a candidate for the position of _____ (*insert with Chief or Headman*) of Thunderchild First Nation for the next ensuing term.

Elector Name (Print)

Registry
Number

Elector Signature

Nominator 1

Nominator 2

I _____ (*insert name*) hereby accept my nomination for the above position and understand that the within nomination is not effective unless the within form is signed the Chief Electoral Officer on or before the deadline specified in the *Thunderchild First Nation Election Act* ("the Act"). The undersigned further acknowledges that the undersigned has read and understands the election procedures and duties and obligations under the Act.

Dated at this _____ day of _____ 20____

Signature of candidate

The Chief Electoral Officer hereby confirms that based on information provided to date, the above candidate meets the eligibility requirements for candidates under the Act.

Dated at this _____ day of _____ 20____

Signature of Chief Electoral Officer

VT
21 21

Ballots
Thunderchild First Nation

Ballot

Ballot for Position of Chief

Choose ONE of the following persons for the position of Chief, and mark your choice with an "X".

- ☐ *(Insert name* and occupation of candidate for Chief in alphabetical order)*
 - ☐ *(Insert name* and occupation of candidate for Chief in alphabetical order)*
 - ☐ *(Insert name* and occupation of candidate for Chief in alphabetical order)*
- etc.

Ballot for Position of Headman

Choose a MAXIMUM OF SEVEN (7) or *(insert different number if less than seven (7))* persons *(adjust as required)* until the following persons for the position of Headman and mark your choice with an "X".

- ☐ *(Insert name* and occupation of candidate for Headman in alphabetical order)*
 - ☐ *(Insert name* and occupation of candidate for Headman in alphabetical order)*
 - ☐ *(Insert name* and occupation of candidate for Headman in alphabetical order)*
 - ☐ *(Insert name* and occupation of candidate for Headman in alphabetical order)*
 - ☐ *(Insert name* and occupation of candidate for Headman in alphabetical order)*
- etc.

**Include other names or "nicknames" of a candidate if requested by such candidate or otherwise required for clarity.*

V/T
21/11

Form 5

Oath or Affirmation of Identity of Elector

Identity of
Elector

I _____ (*insert name as appears in the Electors List*) ("the Elector") solemnly swear (*or insert affirm*) that:

1. I am a Citizen of Thunderchild First Nation;
2. I am of the full age of eighteen (18) years;
3. I have not voted before at this election;
4. I have not received or been promised any consideration whatsoever for voting at this election;
5. I am not otherwise disqualified from voting.

Sworn before me at the (*insert place*),)

in the Province of Saskatchewan,)

this _____ day of _____, 20____)

Signature of the Elector

A Commissioner for Oath)

(or notary republic) in and for)

the Province of Saskatchewan)

Form 6

Report of Electoral Officer
Thunderchild First Nation Election Act ("the Act")

*Report of Chief
Electoral Officer*

1. Type of election ("the election"):
☐ general election
☐ by-election
(Check appropriate box.)
2. The Election Day was _____ (insert date)
3. The Composition of the Council of Thunderchild First Nation is one (1) Chief and seven (7) Headmen.
4. The position of Chief and seven (7) Headmen has a term ending _____ (insert date).
5. The election was for the following positions:
☐ Chief
☐ _____ Headmen (insert number)
(Check appropriate boxes.)
6. Notice of Election was posted on _____ (insert date) or earlier.
7. Nomination Day and Candidates Forum was _____ (insert date).
8. The persons nominated for the position of Chief are as set out in Schedule "A" attached to and forming part of this report, except for the following persons who either withdrew their nomination or were declared by the Chief Electoral Officer as ineligible to be a candidate. (delete entire paragraph if inapplicable for by-election purposes)

9. The persons nominated for the position of Headman are as set out in

VT
21/21

Schedule "B" attached to and forming part of this report, except for the following persons who either withdrew their nomination or were declared by the Electoral Officer as ineligible to be a candidate.
(delete entire paragraph if inapplicable for by-election purposes)

10. The polling location on Election Day was on Thunderchild First Nation Reserve No. 115B at _____
(insert place).

11. The Advance Polls were conducted in Saskatoon Saskatchewan and Edmonton Alberta on the following dates:

Saskatoon, Saskatchewan *(insert date and location)*
Edmonton, Alberta *(insert date and location)*

12. The Electors List was posted pursuant to the Act on _____
(insert date) or earlier.

14. The appointed Deputy Electoral Officers were _____ and _____ *(insert names).*

13. Total number of Electors listed on the Electors List was _____
(insert number after additions and deletions).

14. The total number of Mail-in-Voting Packages received were _____ *(insert number)*, and the number of Mail-in-Ballots that were proper and were included in the number of ballots counted were _____ *(insert number)*.

15. The total number of ballots counted, including Mail-in-Ballots were _____ *(insert number)*.

16. The total number of ballot papers rejected were _____ *(insert number)*.

15. The total number of votes cast and counted for each candidate for Chief are as shown on Schedule "A" attached to and forming part of

VT
21.11

this report *(delete entire paragraph if inapplicable for by-election purposes)*.

16. The total number of votes cast and counted for each candidate for Headman are shown on Schedule "B" attached to and forming part of this statement *(delete entire paragraph if inapplicable for a by-election purposes)*.

17. The person declared to be elected for Chief was _____ *(insert name or delete entire paragraph if inapplicable for a by-election)*

18. The following persons were elected as Headmen *(insert names)*:

(delete entire paragraph if inapplicable for a by-election).

The undersigned Chief Electoral Officer hereby certifies that the foregoing report on the election contains representations which are all true and accurate

Dated this _____ day of _____, 20 _____

(insert name, Chief Electoral Officer)

(insert Address)

(insert Phone)

(insert Fax)

V/T
21st

Form 6

**Report of Electoral Officer
Schedule "A"**

Position of Chief

Election Day _____ (insert date)

Name of Candidate

Votes Cast

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(list candidates in descending order of votes)

Certified as correct this _____ day of _____, 20__

Chief Electoral Officer

VT
H H

Form 6

**Report of Electoral Officer
Schedule "B"**

Position of Headman

Election Day _____ (insert date)

Name of Candidate

Votes Cast

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(list candidates in descending order of votes)

Certified as correct this _____ day of _____, 20__

Chief Electoral Officer

1/5
at

Form 7

Oath of Office

Oath of Office

The Oath of Office is administered by an Elder. The successful candidate raises his or her right hand and put their left hand on the Bible and states the follows oath or affirmation (candidates can take an affirmation instead of an oath on request).

I, (name of successful candidate) solemnly swear (or affirm) that I will faithfully and truly to the best of my ability carry out the duties and obligations of (Chief/Headman) (insert elected position) in accordance with the *Thunderchild First Nation Constitution* and all of the laws of Thunderchild First Nation, and I understand my duty is to establish justice, insure domestic peace and order, preserve and advance Thunderchild First Nation treaty rights, preserve and enrich Thunderchild First Nation culture, tradition, heritage and language, create a framework for government and the exercise of power, and secure the blessings bestowed upon the Citizens of Thunderchild First Nation by the goodness of the Creator as the Supreme Being, consistent with the historic teachings, beliefs, traditions and culture of Thunderchild First Nation, so help me God (delete latter if affirming).

Declared before me at _____
in the Province of _____
this _____ day of _____, 200__.

Signature of Elder

Signature of
Successful Candidate

Signature of
Director of Operations

VT
AA

Form 8

Complaint as Against a Member of the Council

*Complaint as
Against a Member
of the Council*

Notice of Application

Complaint as Against a Member of the Council

Applicant: *(insert name)*

Complaint as Against *(insert name(s) of member(s) of Council)*

The Applicant hereby formally registers a complaint as against the above named member(s) of the Council of Thunderchild First Nation, with the following particulars:

Date of Event: *(insert date)*

Specific Thunderchild First Nation law or policy violated (if any):
(quote the sections violated)

Description of event and wrongdoing: *(relate to the law or policy violated)*

Resulting actual injury caused by the wrongdoing and to whom:
(actual injury and not theoretical)

Dated this _____ day of _____, 20____.

Applicant

Applicant Address: *(insert address)*

Applicant Internet Email Address: *(insert email address, if any)*

Applicant Facsimile Number: *(insert Facsimile No., if any)*

Applicant Telephone Number: *(insert telephone number, if any)*

VT
21.4

Form 9
Witness of Authorized Ballot Destruction

I (*insert name of witness*) ("the Witness") solemnly swear that I was present and witnessed the destruction of all of the election ballots for the election held on (*insert date*) with such destruction carried out by the Chief Electoral Officer (or Deputy Electoral Officer) in accordance with the *Thunderchild First Nation Elections Act*.

Sworn before me at (*insert place*),)
in the Province of Saskatchewan,)
this ____ day of _____, 20__)

A Commissioner for Oath)
(or Notary Public) in and for)
the Province of Saskatchewan)

Signature of the Witness

V_T
M.A.

