

***BUFFALO RIVER DENE NATION
BAND CUSTOM
ELECTION ACT***

Passed 1995-1996

Revised January 12, 2001

Revised October 2017

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APPENDIX A: PROPOSED FORMS FOR USE

COPYRIGHT CLAIM

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Buffalo River Dene Nation Band Election Code 95/96 was compiled by the Buffalo River Dene Nation Election Code Committee:

- Gilbert Benjamin –Chairperson
- Joe Billette
- Benoit Chanalquay
- Courrone Billette *
- Felix Sylvestre*
- Antoine Francois
- Louis Sylvestre*
- Norma Billette
- Velma Chanalquay
- Merle Catarat

Amendments made January 12, 2001 at the Buffalo River Dene Nation Band Office Chamber by the *BRDN Band Election Code Committee members' attention above:

The following committee members' input was used to revise the BRDN Band Election Code Committee 2001/2002:

- Sylvia Bekkattla
- Gilbert Benjamin
- Ralph Benjamin
- Alfred Billette
- Carla Billette
- Joe Billette
- Thomas Byhette*
- Louie Chinalquay
- Eileen Morrison
- Doris Woods
- Martha Billette
- Norbert Billette
- Joan Campbell*
- Pierre Catarat
- Celine Catarat
- Donna Nezcroche

The following committee members' input was used to revise the BRDN Band Election Code Committee in 2015:

- Louise Bear
- Sylvia Bekkattla
- Lance Byhette
- Celine Catarat
- Lydia Chanalquay
- Antoine Francois
- Timothy Laplante
- Gail Notlcho Clark
- Elaine Schwehr
- Abraham Sylvestre Jr.

*DECEASED

PREAMBLE OF THE DENE NATION OF BUFFALO RIVER

We are the Denesuline Buffalo River. We are also known as EH-JEREH-DESCHE-OTINEH. Our Ancestral Lands stretch north to Lake Athabasca (KKI-TALAI-TWEY), east to TA TOUIE Lake (TTAS HA HOULE TWEY), south to Cold Lake (Tlo kac tetha), and as far west as Athabasca River (DZENTTHIL DEZE). Our Elders have strongly maintained their persistence of the ancient existence of Dene in the described lands and we collectively support this teaching.

We acknowledge that Rapheal Bedshidekkge entered into Treaty #10, on our behalf, in Isle a La Crosse on August 28, 1906. We have since, cooperated and agreed to live by those conditions of Treaty #10, as our leadership has been elected from both Clear Lake and Peter Pond Band. In 1972, the Department of Indian Affairs, mandated and initiated two Band Administrations - Turnor Lake and Peter Pond Band. On November of 1999, our leadership passed a resolution that officially recognized us as Buffalo River Dene Nation reserve #193.

Our language identifies us as being distinct. We have adopted and adhered to the teachings of our elders, generation upon generation, since time immemorial. We respect and we maintain the values we shall impel, to our people and their children and those who follow, in our collective quest to attain and develop a recognized government; a government that will be based upon the principles of order and good governance. We shall introduce a constitution that promotes equality among all citizens of Buffalo River, and extend these values to all visitors to our First Nation.

This constitution ends the Colonial Era and begins our aspired intentions of introducing a way of life that has always been based on our ability to harmonize our ideals and physical presence into a respected acceptance.

DECLARATION OF BUFFALO RIVER DENE NATION

The Buffalo River Dene Nation Government recognizes the responsibility of the elected leadership to the Creator and the Dene people and will uphold the responsibility to the Creator and the Dene people to protect:

The inherent and Aboriginal Rights of the Dene people as an indigenous people;

The Treaty 10 signed with the Dene Nation and all rights of the Dene people accorded by Treaty 10;

The democratic laws, institutions, and principles which have always been a part of our history;

The spiritual beliefs, language, traditions, culture, and customs of the Dene people;

The freedom and right of self-determination and self-government of the Dene people; and

The natural laws and responsibilities and obligations that govern our relationship with the Creator and the right to live in harmony with nature and mankind.

This Act may be cited as
The Buffalo River Dene Nation Custom Election Act:

DEFINITIONS

- 1) **"ACT"** means the *Buffalo River Dene Nation Band (BRDN) Custom Election Act*, first passed in 95/96, revised in 2001 and 2015.
- 2) **"BAND"** means the Buffalo River Dene Nation. Indian Reserve #398 - Treaty 10.
- 3) **"TREATY"** means the sacred covenant between the Buffalo River Dene Nation and the Crown.
- 4) **"ELECTORAL OFFICER"** means a person selected and appointed by quorum of the Band Council by a Band Council Resolution (BCR) for the purpose of holding a nomination meeting and an election. The Electoral Officer shall be a trained individual recognized within Canada and selected through a competitive process.
- 5) **"DEPUTY ELECTORAL OFFICER"** means a person who is selected by the Electoral Officer to assist with the nomination and election process. The Electoral Officer assigns specific duties to the Deputy Electoral Officer. The Deputy Electoral Officer has no nominating or voting power in the Election.
- 6) **"QUORUM"** means a majority of the elected Council members and the Chief present at a duly convened meeting. The quorum of BRDN is four members.
- 7) **"ELECTION"** means a Band Custom Election held pursuant to the provisions of this Act.
- 8) **"VOTER"** means a person who has cast a vote in the election or by-election or referendum. An electoral officer may ask a voter for identification should his status as voter be questioned.
- 9) **"ELECTOR"** means a person who is the full age of eighteen (18) years prior to Election Day; and has his/her name appearing on the Buffalo River Dene Nation Membership List maintained by the Buffalo River Dene Membership Department.
- 10) **"CANDIDATE"** means:
 - i) a band member who meets the age requirement for the position of Chief or Councillor. As Candidate for Councillor, the

- candidate who is 18 years of age or older; at the date of nomination meeting and as Candidate for Chief, an Elector who is 18 years of age or older, at the date of the nomination meeting.
- ii) The candidate of the Buffalo River Dene Nation whose name appears on the Buffalo River Dene Nation Band Membership List.
 - iii) The candidate who has been nominated for the position of either Chief or Councillor
 - iv) The Candidate shall submit a CPIC (Canadian Police Information Center) document. Such CPIC will be obtained from the local RCMP. The Candidate shall submit a Clear Criminal Record check. If there is no clear criminal record, the Candidate will obtain further information and documentation must be provided by the local RCMP she or he has not been convicted of an indictable offense in the last five (5) years.
 - v) Is a candidate who has passed the alcohol and drug test and such result has been given to the Electoral Officer before the day of the nomination meeting;
 - vi) Is an elector who has paid the required election bond to run as candidate: Chief - \$500.00 bond and Councillor - \$250.00 bond. And
 - vii) If the candidate resides off reserve, they will move to the reserve within three (3) months should he or she be successful in attaining an elected position.
- 11) **"TRANSFEE"** is eligible to vote and nominate on nomination day and is eligible to run after being a resident on the Buffalo River Dene Nation reserve lands for at least ten years.
 - 12) **"ELECTED"** means a candidate who is proclaimed by the Electoral Officer as being successful in his or her candidate race for which he or she qualified.
 - 13) **"ACCLAIMED"** means a candidate who is proclaimed by the Electoral Officer as being elected due to the number of candidates did not exceed the number of positions available.
 - 14) **"CLEAR DAY"** means complete days in counting time for items such as notice: both the first and last days are omitted.
 - 15) **"ELDER"** means an elector of the Buffalo River Dene Nation and who

has the esteem of the Buffalo River Dene Nation membership.

- 16) **"POLLING STATION"** means the building, hall or room that is selected to be the site for the voting to take place.
- 17) **"ORGANIZATIONAL MEETING"** means the first (1st) meeting held after an Election of the newly elected Chief and Councillors.
- 18) **"BAND COUNCIL"** means those members elected pursuant to this *Act* and who are empowered to act on behalf of the "Band".
- 19) **"VACANT"** means when the office of Chief or Councillor(s) has no one occupying that position as there is no duly elected official.
- 20) **"SCRUTINEER"** means a person selected by a candidate to observe and monitor the election procedures and is not to interfere with the voting process. The Electoral Officer will require each candidate to authorize the presence of his or her scrutineer in the election poll by written notice.
- 21) **"BALLOT"** means a piece of paper that is authorized by the Electoral Officer that is to be used by the elector in the voting process.
- 22) **"REJECTED BALLOT"** means a ballot that has been cast and placed in the ballot box by a voter. The Electoral Officer when tabulating the ballots would reject such ballot for certain reasons: the ballot could be over-voted, the ballot could have identifiable markings on it, etc.
- 23) **"SPOILED BALLOT"** means a ballot that has not been cast and not placed in the ballot box by a voter. Such ballot may be one that is marked incorrectly by the Elector and is returned to the electoral officer before it is placed into the ballot box.
- 24) **"DECLINED BALLOT"** means a ballot that was given by the Electoral Officer and the elector declines to use it for indicating their vote. This may be where an elector walks out of the building and does not vote but does leave with the ballot.
- 25) **"BY-ELECTION"** means an election for a vacancy, during the term of an election office. The vacancy may be a result of a resignation or death of an Elected Councillor or Chief.
- 26) **"APPEAL"** means a declaration made by a band member that he or she wishes to have an adjudicative body review the results of an election where they believe that:
 - i). There has been a violation of the *Act* or;
 - ii). There has been corrupt practice that would affect the outcome of the Election and such an appeal document shall be in affidavit form, and
 - iii). The Appeal must be received by the Electoral Officer no

later than seven (7) days after the Election Day or if the appeal is regarding nomination eligibility the appeal must be received in proper form within three (3) days of the Nomination Meeting.

- 27) **“PROHIBITED ACTS”** An elector must not, in connection with an election,
- i). vote or attempt to vote knowing that they are not entitled to vote;
 - ii). attempt to influence another person to vote knowing that the other person is not entitled to do so;
 - iii). knowingly use a forged ballot;
 - iv). put a ballot into a ballot box knowing that they are not authorized to do so;
 - v). by intimidation or duress, attempt to influence another person to vote or refrain from voting or to vote or refrain from voting for a particular candidate; or
 - vi). offer money, goods, employment or other valuable consideration in an attempt to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate.

SECTION (1)

PRE-NOMINATION PROCEDURE

- 1) The Electoral Officer and the Deputy Electoral Officer shall be appointed not less than sixty (60) days before Election Day. Within a week thereafter, the Electoral Officers shall appoint the members of the Appeal Board. The Chief and Council will advertise for bids from Electoral Officers.
- 2) The Appeal Board will also be appointed at the same time as the Election Officials. Such appointments will be by BCR of a quorum of the Band Council.
- 3) The Nomination day will be held on the first Friday of February and the Election Day will be held on the last Friday of February. An Advance poll at the Buffalo River Dene Nation community hall will be set by the Electoral Officer.
- 4) The Chief and Council shall appoint the Electoral Officers by decision of a Band Council Resolution (BCR). The BCR will contain the Electoral

Officer's full name, the date and time for the nomination, the date for the election and describe the type of election to be conducted: General or By-Election. As well as any special instructions or powers given or bestowed upon him or her.

- 5) Notice of selected Electoral Officials and the Appeal Board shall be posted at the Buffalo River Dene Nation Administration Office and other public places on the reserve.
- 6) The Electoral Officer shall prepare an Electors' list, in alphabetical order of all electors and present this to the Council for their approval and signature, within one week of appointment.
- 7) The Electoral Officer shall establish an election file and place on file copies of all correspondence associated with the upcoming election. The said file shall remain open until such time as the appeal period of fourteen (14) days has expired. If there is no appeal, the file shall then be closed and become the property of the new Band Council.
- 8) The Electoral Officer shall, at least fourteen (14) clear days before the date set for nomination day post a NOTICE OF NOMINATION. He/She shall include the approved list of all Band Electors indicating (beside each name) whether or not the Elector is eligible to be a candidate for the position of Chief or Councillor.
- 9) An Elector wishing to appeal the decision of the Chief and Council shall do so in writing to the Electoral Officer and such an appeal shall be considered prior to the seventh (7) clear day before the election by the Electoral Officer. The NOTICE, VOTERS' LIST and THIS ACT shall be posted at the Buffalo River Dene Nation Office and other public places as the Electoral Officer deems necessary.
- 10) The Notice of Nomination Meeting shall contain and set out:
 - i) A list of eligible Voters' names, as of the date of the Election;
 - ii) Time, date, and place for the meeting;
 - iii) The one position for Chief and five positions for Councillor;
 - iv) A copy of this Act;
 - v) The documents needed for submission by nominated candidates.
 - vi) The name of the Chairperson of the Appeal Board and Contact numbers.
- 11) The Nomination Meeting shall be held on the first Friday of February of the election year.

SECTION TWO (2)
NOMINATION ELIGIBILITY

- 1) Only Electors may nominate or second a nomination of a Candidate.
- 2) The Elector must be present at the Nomination Meeting.
- 3) An Elector shall nominate by way of motion a Candidate who:
 - i. is of full required age: 18 years of age;
 - ii. is an Elector who is a member of the Buffalo River Dene Nation;
 - iii. has submitted a clear CPIC (Canadian Police Information Center) record. Such CPIC will be obtained from the local RCMP (Royal Canadian Mounted Police). He or she shall submit a clear criminal record check or if there is no clear criminal record check, further documentation will be provided by the local RCMP verifying that the nominated candidate has not been convicted of an indictable offense in the last five years;
 - iv. has a negative result on the drug and alcohol test;
 - v. is a transferee and has been resident on Buffalo River Dene Nation Reserve for at least 10 years and
 - vi. if the off reserve candidate is successful in obtaining an elected position, he or she will move to the Buffalo River Dene Nation reserve within three months of the Election.
- 4) An Elector can nominate or second the motion for a Candidate ONCE ONLY (once for Chief and once for a Councillor).
- 5) A Candidate may run for one position only, either for Chief or for Councillor.
- 6) A band member who intends to be nominated shall be present at the nomination meeting, unless he/she is unable to be present due to employment, medical, or emergency reason. All reasons would need proof from a third party and such proof is to be submitted before the close of the nomination meeting.
- 7) An Elector who has been nominated shall, if present, appear before the Electoral Officer prior to the close of the nomination meeting to accept or decline his/her nomination.

SECTION THREE (3)

NOMINATION MEETING

- 1) The Electoral Officer shall attend the time and place set out in NOTICE OF NOMINATION and shall declare the meeting open for the purpose of receiving nominations of Candidates for the positions available.
- 2) The Electoral Officer shall keep the meeting open for a minimum of two (2) hours and all nominations from Electors present have been received. The meeting will be held at the Buffalo River Dene Nation band hall.
- 3) All band members be required to sign-in to document their presence at the Nomination Meeting. Non-band members are not allowed to interfere or disrupt the Nomination Process if they are present at the meeting.
- 4) The Electoral Officer shall maintain order at all times during the nomination meeting and may cause to remove any person who, in his/her opinion, is disrupting or otherwise interfering with the meeting.
- 5) Within 48 hours, the Electoral Officer shall prepare a report that records the name of the candidate, and the nominator and the seconder. She/he will confirm publically at the meeting that the proposed Candidate is eligible to be elected to the position of Chief or Councillor of the Buffalo River Dene Nation.
- 6) That should an Elector be nominated for the position of Chief or Councillor and should there be no other Candidate nominated for such position, then the eligible candidate shall be declared elected by acclamation by the Electoral Officer at the close of the Nomination Meeting. It will not be necessary to hold an election for those positions.
- 7) When a minimum of two hours has passed and the Electoral Officer is satisfied that there are no further nominations, a resolution shall be made from the Electors present and shall be voted on by a show of hands, indicating that a majority of the assembly at the nomination meeting is in favor of ceasing further nominations and thereby closing the nomination meeting. All electors will be asked to sign in at the beginning of the nomination meeting and if not present at the beginning will be asked during the meeting.

- 8) That following the close of nominations, an opportunity will be given to nominated candidates to address electors, the following time allotments are made:
- a. Candidates for the office of Chief shall be given the opportunity to speak at a Candidates' forum that follows the Nomination Meeting. Each candidate for Chief may speak for no longer than ten (10) minutes each as part of their respective nomination acceptance; and
 - b. Candidates for the office of Councillor shall be given the opportunity to speak at a Candidates' forum that follows the Nomination Meeting. Each candidate for Councillor may speak for no longer than five (5) minutes each as part of their respective nomination acceptance.

SECTION FOUR (4)

ELECTION PROCEDURES

- 1) The Electoral Officer shall, if the number of nominations does not exceed the number of positions open at the end of the meeting, declare such candidates elected by acclamation.
- 2) If the number of Candidates exceeds the number of positions open for election, the Electoral Officer will announce the date of the Election and the date of the advance poll at the Buffalo River Dene Nation #193.
- 3) The Electoral Officer or the deputy electoral officer, shall within one working day post a NOTICE OF POLL in no less than three (3) community public facilities setting out the time and place and date for voting. Such Notice shall be posted no less than ten (10) days prior to the date scheduled for the poll.
- 4) The Advance poll at the Buffalo River Dene Nation will be one week before Election Day and will be on the Friday before the Election Day.
- 5) The main election poll will be held on the last Friday of February at the following location:
 - a. The Buffalo River Dene Band Hall
- 6) The Electoral Officer or the Deputy Electoral Officer shall prepare ballot papers in the form prescribed and placing full and complete names, listed in alphabetical order of all the candidates for the Chief and Councillors. The Electoral Officer will insert photos of the eligible Candidates beside the name of the Candidates in each of the privacy voting compartments.
- 7) The Electoral Officer or the Deputy Electoral Officer shall obtain such ballot boxes, prepare a sufficient number of ballot papers for the purpose of the election and any material and all other equipment as necessary to establish voting locations.
- 8) The Electoral officer or the Deputy Electoral Officer shall have polling voting compartments such that the privacy of the voter is maintained.
- 9) If needed for voters who have power of attorneys or who have trustees, the designated individuals may accompany the voter in the privacy booth

and may observe while the Electoral Officer marks the ballot for the voter.

- 10) The Electoral Officer or the deputy electoral officer shall, where necessary and when requested, appoint an interpreter who will be an Elector of the Buffalo River Dene Nation for any voter. The interpreter will assist the elector who is unable to read or is incapacitated by blindness or other physical cause.
- 11) Any Candidate who has been nominated may withdraw, at any time, his/her nomination but such withdrawal must be within the forty-eight (48) hours after the Nomination Meeting. The withdrawal is to be done in writing and should be witnessed by the Electoral Officer, a Justice of the Peace, a Notary Public, or a Commissioner of Oaths. Should a withdrawn candidates' name be on the ballot, any votes cast for the withdrawn candidate shall be null and void. The withdrawal is effective at the time the Electoral Officer or his/her designate is in receipt of the written withdrawal document. Once signed, the withdrawal is irrevocable.
- 12) The Electoral Officer shall post one (1) or more copies of the Voters' List containing the names in alphabetical order of the Electors at three (3) public places on the Buffalo River Dene Nation Reserve.
- 13) That any Elector may apply to have the Voters' List corrected or amended on the following grounds:
 - a. the name of the person not eligible to vote is included
 - b. the name of an elector has been omitted; or
 - c. a name of an Elector is incorrectly set out.
- 14) That should the Electoral Officer be satisfied that there are reasonable grounds that the Voters' list should be corrected or amended, the Electoral Officer shall make the required changes in the presence of two (2) Electors, and a written notice shall be provided to all Candidates.
- 15) A Chief forum over the radio station with pre-set questions for all candidates will be officiated by the Chief Electoral Officer.

SECTION FIVE (5)

ELECTION POLL

- 1) That the Electoral Officer and Deputy Electoral Officer shall be responsible for the printing and security of the ballots, the Election Poll, and the facilities required for election purposes including the supervision, security and proper conduct of all the polling stations. The Electoral Officer will engage the services of security for the election poll and if required for the Nomination Meeting.
- 2) The Electoral Officer and/or Deputy Electoral Officer shall provide voting compartments at the Election Poll situated in a place where the Electors can mark their ballot paper in private.
- 3) The Electoral Officer and/or Deputy Electoral Officer shall be in attendance at the time and place as set out in the Notice of Poll. If due to any unforeseen circumstances, the Electoral Officer may change the location of the poll but such poll would be in the community of Buffalo River Dene Nation Reserve.
- 4) The Electoral Officer and/or Deputy Electoral Officer shall immediately before commencement of the poll, open the ballot box(es) and call such person(s) as may be present to witness that it is empty. He/She shall then lock and properly seal the box(es) to prevent the box(es) from being opened without breaking the seal and place it in view for the reception of the ballots and the seal shall not be broken nor unlocked during the same appointed for the taking of the poll.
- 5) The Electoral Officer and/or Deputy Electoral Officer shall open the Poll open from 9:00 a.m. to 6:00 p.m. at the Buffalo River Dene Nation Band Hall or any other approved location as set by the Electoral Officer, on the date set out in the Notice of Poll.
- 6) The Electoral Officer and/or Deputy Electoral Officer shall maintain at all times, order in the Polling Station and may cause to be removed any person who in anyway interferes, disrupts or attempts to influence the orderly conduct during the poll. The Security will be present to assist in this matter.

- 7) A person presenting themselves for the purpose of voting shall upon being confirmed by the Electoral Officer or his/her designate, as an Elector, be given two (2) ballots, each of a different colour, one (1) colour for the election of the Chief and one (1) for the election of the Councillors, upon which to register his/her vote.
- 8) All Candidates shall be entitled to not more than one (1) Scrutineer in a polling place, at any one time, who shall be allowed to witness the voting process and witness any assisted ballots. The Candidate will authorize the scrutineer before the scrutineer can enter the poll by signing the proper document needed to authorize their presence in the Election Poll. The Electoral Officer will designate an area for the scrutineers to observe without interfering with the voters.
- 9) The Electoral Officer and/or the Deputy Electoral Officer shall note upon the Voters' List any irregularity in connection with voting and shall specifically note any ballot marked by the Electoral Officer and/or the Deputy Electoral Officer at the request of the Elector, but shall not note the Candidate for whom the ballot was cast.
- 10) The Electoral Officer shall initial each ballot upon giving it to the elector. In the event that the Electoral Officer cannot initial the ballot, the Deputy Electoral Officer may initial the ballot and continue with the electoral process.
- 11) The Electoral Officer or the Deputy Electoral Officer shall place a mark opposite the voters' name on the Voters' List indicating that the respective voter received a ballot. The Electoral Officer will also indicate on the voters' list any voters who are assisted or need interpretation when voting.
- 12) An Elector shall proceed immediately to the compartment provided for marking ballots and shall mark the ballot by placing an "X", opposite the name of the Candidate and names of the Candidates for whom the Elector is voting.
- 13) The Elector shall then fold the ballot papers so as to expose the Electoral

Officer's initials and on leaving the voting compartment shall immediately deliver the ballot paper to the Electoral Officer.

- 14) The Electoral Officer shall, without unfolding the ballot, verify the Electoral Officer's or Deputy Electoral Officer's initials and at once deposit the ballot paper in the Ballot Box in the presence of the voter and all those who are entitled to be present at the Poll.
- 15) A Candidate or Elector shall immediately leave the Poll after casting their ballot paper.
- 16) The poll shall close at 6:00 p.m. The Electoral Officer will allow those electors that are in the poll to complete their vote. Only authorized individuals (Scrutineers, security personnel and Election Officials) are to be present in the poll.

SECTION SIX (6)
ELECTION TABULATION

- 1) After the close of poll, once all tables and chairs are set up, the poll will be open for all Buffalo River Dene Nation band members to observe the count.
- 2) The Electoral Officer or deputy electoral officer shall in the presence of such Candidates or Scrutineers, and any Electors, as may be present, open the Ballot Box(es) and;
 - a. Examine the ballots and reject any that are not acceptable to the Electoral Officer or the Deputy Electoral Officer or any other ballots that in his/her opinion do not give clear indication of the voter's preference. The Electoral Officer and/or the Deputy Electoral Officer will mark on the back of the ballot the reason for the rejection.
 - b. Tabulate the votes for each candidate and tabulate the number of rejected ballots for each candidate race.
 - c. Subject to review or recount or an election appeal, take note of any objection(s) made by any candidate or scrutineer to any of the ballot paper found in the ballot box and decide any questions arising out of the objection.
 - d. Record the number of objection(s) and place a corresponding number(s) on the back of the ballot paper with the word "ALLOWED" or "DISALLOWED" as the case may be with his/her initials.
- 3) Where it appears that two or more candidates have an equal number of votes, the electoral officer shall give a casting vote for one of the candidates picking the one name out of hat where the names of the tied candidates were. Then the electoral officer will cast that name for the position.
- 4) After tabulation, the Electoral Officer shall announce the names of the Candidates that were successful, receiving the highest number of

votes and publicly declare these Candidates elected. The candidates who are subject to a tie will not be declared successful.

- 5) The Electoral Officer will announce the date of the commencement of the term and the term is for a period of three years from the commencement day.
- 6) The Electoral Officer and/or Deputy Electoral Officer, following the announcement shall post a signed and witnessed Statement of Results in a conspicuous place.
- 7) Following the Election Announcement, the Electoral Officer shall complete and sign the required ELECTION REPORT, in triplicate, which shall contain, at least:
 - a. A list of Candidates;
 - b. The number of ballots cast;
 - c. The number of votes for each Candidate;
 - d. The number of assisted or interpreted votes; and
 - e. The number rejected ballots.

The Election Report will indicate the term of office and the commencement date of the term of office.

- 8) Following the declaration of the Candidates elected for the office of Chief and Councillors, the Ballot Box(es) shall be resealed.
- 9) Any Candidate has a right to a recount of the ballots if the number of votes between that Candidate's votes is less than three (3) from the elected Positions. Any Candidate desiring a recount must make their request in writing within forty- eight (48) hours after the close of the Poll.
- 10) The Ballot Box(es) shall be kept in a safe and secure place, as determined by the Electoral Officer, for fourteen (14) days pending any appeal of the voting procedure. Thereafter, the ballots will be destroyed unless if there is an appeal.

- 11) The Electoral Officer shall forward the Statement of Results to:
- a. The District Regional Office of Aboriginal Affairs and Northern Development Canada (AANDC);
 - b. The Meadow Lake Tribal Council Office;
 - c. The Federation of Sovereign Indigenous Nations, and
 - d. The Buffalo River Dene Nation Band Administrator.

SECTION SEVEN (7)

APPEAL BOARD AND APPEAL PROCEDURE

In the event of an Appeal launched by a candidate and a band member, the Appointed Appeal Board will convene at duly convened meeting called by the Chief Electoral Officer.

1. An Appeal Board shall mean an Election Appeal Board, selected by the Chief Electoral Officer, after his or her appointment. Such appointment will be done within seven (7) days of her/his appointment by chief and council. The Board will be appointed at the commencement of Election Process. A Chairperson will be chosen from among the Appeal Board members. All appeals will be delivered to the Chair of the Appeal Board.
2. The Appeal Board shall supervise and administer all election appeals, in accordance with this *Act*. The Appeal Board member does not have official capacity until the Chief Electoral Officer calls him or her to a duly convened meeting set for the purposes of hearing an Appeal. Members shall not be present at any election events in the capacity as a member of the Appeal Board.
3. The member of the Appeal Board shall hold office when called by Chairperson of the Appeal Board at a duly convened meeting and will maintain office until each and all appeals have been determined. No member of the Election Appeal Board shall be, at the same time, a member of the Band Council or a Candidate for Council office.
4. An appeal regarding the eligibility of a Candidate, after being declared a Candidate by the Electoral Officer, may be launched within three (3) days after the Nomination Day. The Appeal Board shall meet within two days after receipt of the appeal and make their decision as to the eligibility of the candidate. There is no appeal after the three-day period regarding the election until the end of the Election Day.

5. Any Candidate of the Election may, within seven (7) consecutive days of the Election Poll, appeal the Election if he/she has reasonable and probable grounds for believing that:
 - a. An error or violation of this *Act* was made in the interpretation or application of this Act that might have affected the outcome of the election;
 - b. A Candidate who ran in the election was ineligible to do so as per this *Act*;
 - c. There were prohibited acts in connection with the Election including accepting a bribe, dishonesty or malfeasance; or
 - d. There was any illegal activity related to the Election that might discredit the integrity of the Government of the Buffalo River Dene Nation, including violation of Buffalo River Band By-Laws.

6. An Appeal of a Buffalo River Dene Nation Band Election, after the Election Poll has been held, may be launched in the following manner:
 - a). Each Candidate who appeals the Election will provide a Notice of Appeal in writing duly verified by a sworn Affidavit. The documents are to be forwarded by registered mail, outlining the grounds for the appeal, to the Chairperson of the Appeal Board with a Bond, Money Order or Certified Cheque for the amount of Two Hundred (\$200.00) Dollars. This Notice of Appeal must be received within seven (7) days of the Election.
 - b). Any appeal Bond, Money Order or Certified Cheque in the amount of Two Hundred (\$200.00) Dollars is not refundable and is made payable to the payable to the Buffalo River Dene Band Administration.

7. The Appeal Board will be individuals having no personal interest in BRDN election and are at least two (2) Elders and other impartial person(s) and in any case, shall not exceed five (5) members or include less than three (3). The Members will attend a mandatory orientation meeting before commencement of their duties. The Electoral Officers will provide the Orientation session.

8. No Candidate for the position of Chief, Councillor, Electoral Officer, or Scrutineer involved in the Election is eligible to serve on the Appeal Board.
9. The Appeal Board shall be appointed as determined in accordance with this *Act* and shall have full authority to review all compliance with the terms and provisions of this *Act*.
10. The Appeal Board upon receipt of the Appeal Documents, will review the documents and will rule whether there is sufficient evidence or whether proper procedure was followed to grant or not grant a Hearing.
11. That should the Appeal Board decide that there is sufficient evidence to warrant an appeal hearing, the Appeal Board Chairperson will order a hearing to be held within three (3) days following their receipt of the appeal in proper form.
12. Where an appeal is received by the Appeal Board Chairperson, the Appeal Board shall within three (3) days of receipt of the Appeal forward a copy of the Appeal together with the supporting documents to be delivered by registered mail to each Candidate.
13. That an Appeal Hearing will convene a formal meeting including the Appeal Board within seven (7) days of receiving a complaint and following the hearing, the Appeal Board may make the following decisions:
 - a) Uphold the Election;
 - b) Order a new Election within thirty (30) days of the upholding of an appeal decision;
 - c) Order a By-Election for the challenged position with thirty (30) days of the upholding of an appeal decision;
 - d) Deny the appeal on the grounds that evidence presented did not indicate an infraction of this *Act* and so advise the Band Council and Complainant; and
 - e) Uphold the Appeal but allow the Election to stand, as the infraction did not affect the outcome of the Election;
14. The decision of the Appeal Board shall be final and binding.

SECTION EIGHT (8)

ASSUMPTION OF OFFICE

1. The newly elected Chief and Councillor shall take office immediately following the Election.
2. After the appeal period and decision of the Appeal Board, the designate of the Elders of the Buffalo River Dene Nation will conduct an "Oath of Office" allegiance ceremony. At no time will the Oath of office ceremony be held before the final decision of the Appeal Board.
3. The newly elected Chief and Councillors shall be subject to a standard of conduct and shall take an "Oath of Office" allegiance which includes the following:
 - a. Chief, Councillors and Elders are trustees to all Buffalo River Dene Nation members or the culture, values, language, treaties and land base of the Dene people.

They are obligated to:

- i. Agree to uphold the declaration as cited in this Act;
- ii. Provide credible and strong leadership that the Buffalo River Dene Nation members can respect and support;
- iii. Communicate and consult with and hear concerns of the membership and matters which affect the said members;
- iv. Demonstrate and practice fairness, honour, courage, and be respectful of justice and have acceptable conduct at all times;
- v. Uphold honesty and integrity and consistently work toward elimination of rumour, deceit, distortion and conflict while holding office;
- vi. Promote and safeguard the Dene laws, values and policies of the Dene people;
- vii. Communicate with Buffalo River Dene Nation members

on all matters and inform the people of any and all initiatives taken on their behalf as Buffalo River Dene Nation Members; and

- viii. To protect, promote and support the treaty rights and aboriginal rights of the Dene People and members of the Buffalo River Band.

SECTION NINE (9) CHANGES AND AMENDMENTS

(in the event the amendment process is not acceptable, there are approved
Referendum Regulations)

- 1) Any proposed changes or additions to this Act shall be hand delivered or mailed out to all households on the Buffalo River Dene Nation reserve #193 three (3) months prior to their adoption. Anyone having reason to challenge those changes must do so in writing directed to the Buffalo River Dene Nation. Attention: Chief and Council, within the said three (3) month period. If a challenge is received, then a duly called meeting of the Buffalo River Dene Nation electors must be held and a vote must be taken where fifty (50) percent plus one (1) of the voters present at the meeting agrees to the change(s). If no challenge is received, then the changes may be approved by the Chief and Council by Band Council Resolution (BCR).
- 2) The Chief and Council may approve by Band Council Resolution (BCR) any Council Regulations establishing the election procedures, forms, and other administration rules for the better administration of this Act.
- 3) This Act shall be consented to and approved by fifty percent (50%) plus one (1) of the voters who have cast their vote, before adoption by the Chief and Council on behalf of the Band.

RECORD OF MOTIONS FOR ADOPTION OF ACT

Motion to adopt the "BUFFALO RIVER DENE NATION BAND CUSTOM ELECTION CODE" as read and as is. On this 11th day of June, 1996 at the Buffalo River Dene

Band Hall in Dillon, Saskatchewan of Canada.

Motion by Collin Catarat.

Second by Carla Billette.

All (21) in favour. Motion.

Carried

FIRST MOTION TO ADOPT THIS "Act".

Motion to adopt the "BUFFALO RIVER DENE NATION BAND CUSTOM ELECTION CODE" as read and as is. On this 05th day of September 2002 at the Buffalo River Dene Band Hall in Dillon, Saskatchewan of Canada.

Motion by Thomas Billette.

Second by Jimmy Chanalquay.

All in favour – 13 originals from last election on February 28th, 2001.

Opposed - 2 originals from last election on February 28th, 2001.

Abstained – 1 original from last election on February 28th, 2001.

SECOND MOTION TO ADOPT THE "CHANGES AND AMENDMENTS" TO THIS ACT.

Motion to adopt the "BUFFALO RIVER DENE NATION BAND CUSTOM ELECTION CODE" as read and as is. On this 05th day of September 2002 at the Buffalo River Dene Band Hall in Dillon, Saskatchewan of Canada.

Motion by Celine Catarat. Second by Thomas Billette.

All in favour – 13 originals from last election on February 28th, 2001.

Opposed - 2 originals from last election on February 28th, 2001.

Abstained – 1 original from last election on February 28th, 2001

**FIRST MOTION TO PRESENT *THE REVISED 2015 ELECTION ACT* TO THE
COMMUNITY MEMBERSHIP:**

Motion by: Celine Catarat

Second by: Sylvia Bekkatla

All in favor. Carried.

Regulations will be made as per Section Nine (b) of the *Act* to the election procedures, forms, and other administration rules for the better administration of this Act.

The following forms will be used to accompany the Act.

Table of Forms

1. Advertisement for Chief Electoral Officer
2. Appointment for Chief Electoral Officer
 - a. Including proposed words for B.C.R.
3. Appointment for Deputy Electoral Officer
4. Notice of Nomination Meeting
5. Affidavit of Nominated Candidate
 - a. Residency Form
 - b. Statement of Disclosure
6. Notice of Poll Sample Ballot
7. Notice of Advance Poll
8. Notice of Withdrawal of Candidacy
9. Statement of Results
10. Electoral Officer's Report
11. Oath of Office for Elected Candidates
12. Affidavit for the Appeal
13. Affidavit for Identification of Voter