

COTE FIRST NATION CUSTOM ELECTION ACT

Cote First Nation
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COTE FIRST NATION CUSTOM ELECTION ACT

Definitions

- a. "Act" means this Cote First Nation Custom Election Act.
- b. "Primary Residence" is that place which has been adopted by the person as his home and specifically, where a person usually sleeps.
- c. "Secondary Residence" shall be the place which has been established by the person and which serves as his residence during the work week.
- d. "Council" means the Band Council of the Cote First Nation and shall consist of those persons elected to the position of Chief or Councilor pursuant to the provisions of this Act;
- e.. "Electoral Officer" means the person appointed by resolution of the Council, pursuant to Section 2, to manage the Electoral process according to this Act;
- f. "Deputy Electoral Officer" means a person or persons appointed by the Electoral Officer to assist him in the Electoral process;
- g. "Elector" means a person who:
 - (i) is a member of the Cote First Nation, and,
 - (ii) is the full age of eighteen (18) years on the day which the Election is held.
- h. "Polling Station" means building, hall or room, which is selected to be the site for voting to take place.
- i. For the purpose of this Act, words that describe any gender shall include all genders.

Section 1

Composition of the Council

- 1. The Council of the Cote First Nation shall consist of one (1) Chief and eight (8) Councilors

Section 2

Eligible Candidates

- 2. Candidates for Chief or Council must meet the following criteria:
 - (i) the Candidate must be an Elector listed on the Voters List at the time of the Nomination Meeting
 - (ii) the Candidate must be able to travel extensively

- (iii) the Candidate must not have any convictions of an indictable offense within the five years preceding the Nomination Meeting.
- (iv) the Candidate must provide a Declaration of Criminal Record which is available from the local RCMP Detachment or municipal police service. The Declaration must have been processed within the 30 days prior to the Nomination Meeting.
- (iv) the Candidate must not be in debt to the Cote First Nation government, its programs or institutions.
- (v) the Candidate must have a primary or secondary residence within 50 kilometers of the Cote First Nation within 60 days of the election.

Section 3

Timing and Location of Election

3. At least 60 working days prior to the election date, the Council shall set the dates and location of the Nomination Meeting and the Election.
 - (i) the first election under this Act shall be during the last week of February, 2023, meaning that the current term of the Chief and Council, September 2019-September 2022, shall be extended to February 2023, and
 - (ii) Subsequent elections under this Act shall be three years from the date of the first election under this Act

Section 4

Election Officials

4. At the same time as setting the time and location of the Nomination Meeting and Election, the Council shall issue a request for proposals (RFP) for an Electoral Officer.
5. The Council shall also request names of anyone from outside the Cote First Nation membership who may wish to serve on a three-member Election Appeal Tribunal.
6. At least forty-five (45) working days prior to the day of the election, the Council shall draw up a list of at least two names of potential Electoral Officers and at least three (3) names of potential Tribunal members.
7. At least forty (40) working days prior to the election date, the Council shall bring the names and resumes to a meeting of Cote electors who are over the age of 55 years which has been duly convened for the sole purpose of selecting an Electoral Officer and an Election Appeal Tribunal.
8. The members at the above-mentioned meeting shall be asked, by a show of hands, to select an Electoral Officer and rank order the other names.
9. If the selected Electoral Officer does not accept the position within 3 days, it will be offered to the next applicant as rank-ordered at the meeting. If necessary, the process will be repeated until an Electoral Officer is in place.
10. The members at the above-mentioned meeting shall be asked, by a show of hands, to select three (3)

individuals to make up the Election Appeal Tribunal.

11. The Council shall appoint a Tribunal Administrator, who will usually be a senior staff member of the Cote First Nation, who shall provide administrative and logistical support to the Tribunal.
12. The Electoral Officer shall establish an Election Record to contain copies of all documentation related to the election.
13. The Electoral Officer shall hire a Deputy Electoral Officer, security and other staff as required.
14. The Electoral Officer shall prepare a Voters List containing the names of all the Electors
15. The Voters List shall be posted at the Band Office and on the Cote First Nation website.
16. Any person who is on the Membership List but is not on the Voters List, must produce one valid piece of identification, before being added to the Voters List.
17. Any person who claims to be an Elector, but is not on the Voters List or on the Membership list, must produce 2 valid pieces of identification, one of which must be an Indian Status Card, before being added to the Voters List.
18. Additions to the Voters List can be done prior to the Election Day or at the polling station on Election Day.

Section 5

Nomination Meeting

19. At least fourteen (14) days before the Nomination Meeting, the Electoral Officer shall post a notice at the Band Office and other places he deems necessary.
20. The Notice of Nomination Meeting shall contain:
 - (a) the time, date and place of the nomination meeting;
 - (b) the position or positions open for election
 - (c) criteria for eligibility for nomination
21. At the time and place advertised, the Electoral Officer shall declare the Nomination Meeting open for the positions of one (1) Chief and eight (8) Councilors.
22. The Electoral Officer shall keep the Nomination Meeting open for a period of two (2) hours.
23. The Electoral Officer shall maintain order at all times during the Nomination Meeting and may cause to be removed any persons who, in his opinion, is disrupting or otherwise interfering with the meeting.
24. Only Electors may nominate or second the nomination of any person to serve as Chief or Councilor.
25. An Elector can nominate only once or second only once for each of the positions of Chief and Councilor, meaning that the Elector's name can appear a maximum of 2 times during the

Nomination Meeting.

26. An individual may be nominated for one position only.
27. All Candidates must be present at the Nomination Meeting and must accept or decline their nomination immediately.
28. The Electoral Officer shall collect nomination fees from the Candidates and deliver them to the Cote Director of Operations to be deposited into the Cote General Account, to be used to help offset election expenses.
29. A deposit of five hundred dollars (\$500.00) must be paid at the time of nomination by all Candidates for the position of Chief.
30. A deposit of three hundred dollars (\$300) must be paid at the time of nomination by all Candidates for the position of Councilor.
31. The deposit shall be by cash, money order or certified cheque made payable to the Cote First Nation and a receipt for the deposit shall be given to the Candidate by the Electoral Officer.
32. Each Candidate will be required to complete a Nomination Acceptance Form to be also signed by the Electoral Officer.
33. Upon acceptance, the Candidate may deliver an acceptance speech, outlining their reasons for running for office. A Candidate for Chief may speak for 10 minutes and a Candidate for Councilor may speak for 5 minutes.
34. Each Candidate shall be given a copy of the Election Act and a copy of the Voters List.
35. Within five (5) days after the Nomination Meeting, the Electoral Officer shall have ballots prepared with the full name and complete names (nicknames used by the Candidate may be used as requested by Candidates), listed in alphabetical order, and color coded for position of Chief and Councilor.
36. A Candidate may withdraw his name at any time before Election Day by filing with the Electoral Officer a written withdrawal of his nomination, signed by him in the presence of the Electoral Officer or a Commissioner of Oaths.
37. Any Candidate who withdraws shall forfeit his deposit.
38. If ballots have been made up before a Candidate withdraws, his name shall remain on the ballot and the names of any such Candidates who have withdrawn will be posted at the polling stations.
39. The Electoral Officer shall declare a Candidate elected by acclamation if he is the only Candidate for the position of Chief or if the number of Candidates for Councilor are eight (8) or less.
40. If any of the positions are not filled by acclamation, the Electoral Officer will announce the date and place of the election, to be held fourteen (14) days from the nomination meeting.

Section 6

Notice of Election Day

41. The Electoral Officer shall, not less than 14 days prior to the date scheduled for the election, post a notice setting out the times, places and dates for voting.
42. Such notice shall be posted in the Band office and other conspicuous public places as deemed necessary by the Electoral Officer.

Section 7

Voting Procedures

43. Polls shall be held in Saskatoon, Regina and Cote.
44. The Electoral Officer, Deputy Electoral Officer(s) and Security Officers shall be in attendance at the times and places as is set out in the notice of polling station.
45. All Candidates shall be entitled to one Scrutineer, who shall be an Elector of Cote First Nation, in the polling station. The forms that identify the Scrutineer shall be presented to the Electoral Officer prior to the opening of the poll.
46. The Electoral Officer shall hold the urban polling stations open for at least 8 hours.
47. The Electoral Officer shall obtain sufficient ballot boxes and all other equipment as necessary to establish and equip the polling station.
48. The Electoral Officer shall construct or erect polling booths at the location set out in the notices, and the polling booths shall be such that the privacy of the voter is maintained.
49. The Electoral Officer shall, immediately before beginning the vote, open the ballot boxes and call those present to witness that they are empty.
50. The Electoral Officer shall then lock the boxes and shall place it in public view for the reception of the ballots and the boxes shall not be unlocked until the vote count.
51. Eligible voters, if requested, must produce a valid government-issued piece of photo identification.
52. Persons presenting themselves for the voting shall, upon being confirmed by the Electoral Officer or Deputy Electoral Officer as an Elector, shall be given two (2) ballots, each of a different color, one for the election of the Chief, one for eight (8) Councilors.
53. The Electoral Officer, or a Deputy, shall initial each ballot
54. Each Elector shall proceed to voting booth and shall place an "X" opposite the name of his chosen Candidates.
55. While any Elector is in the voting booth, no other person shall be allowed in the same compartment or be in any position from where they can see how the Elector is voting.
56. In the event that an Elector requires assistance to mark his ballot, only the Electoral Officer or Deputy Electoral Officer shall accompany the Elector in the voting booth.
57. Each Elector shall then deposit the ballots in the boxes supplied.

58. The Electoral Officer, or Deputy Electoral Officer, shall note upon the Voter List any irregularity in connection with voting and shall list any ballots involved as being spoiled or unused.
59. A voter who has inadvertently spoiled his ballot(s), shall return it to the Electoral Officer or a Deputy Electoral Officer, who shall write the word "Canceled" upon the ballot(s) and shall re-issue ballots to the voter.
60. Any person who has received ballots and who leaves the polling place without delivering the ballots to the Electoral Officer or a Deputy Electoral Officer or after receiving the ballots, refuses to vote, shall forfeit his right to vote at the election.
61. In such cases, the Electoral Officer or a Deputy Electoral Officer shall make an entry in the voters list in column for remarks opposite the name of such person to show that such person received the ballots and declined to vote;
62. If the Electoral Officer or the Deputy Electoral Officer is able to recover such ballot(s), he shall mark upon the face of the ballots the word "Declined" and all ballots so marked shall be preserved.
63. Every Elector who is inside the polling station when the Electoral Officer calls for the end of the voting process shall be entitled to vote before the poll is closed.
64. The use of electronic recording devices, including cell phones, will not be allowed in the polling stations.
65. The Electoral Officer shall maintain order at all times in the polling station and may remove any person(s) who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.

Section 8

Vote Count

66. Immediately following the close of the poll on the Cote First Nation, the Electoral Officer shall count the ballots from all polling stations.
67. The Electoral Officer shall examine all ballots and enlist any assistance that he requires to carry out a transparent and effective process.
68. While examining the ballots, the Electoral Officer shall reject any that are not initialed by the Electoral Officer or a Deputy Electoral Officer.
69. The Electoral Officer shall reject any ballots that, in his opinion, do not give a clear indication of the voter's choice.
70. The Electoral Officer shall reject any of the ballots that have more votes than there are vacancies for that position on the ballot.
71. The Electoral Officer shall reject any ballots upon which anything appears by which the voter can be identified.
72. The Electoral Officer shall take a note of any objections made by any Scrutineer to any of the ballots and decide any questions arising from the objection.
73. The Electoral Officer shall number such objections and place a corresponding number on the back of the ballot, with the word allowed or disallowed as the case may be, with his initials.

74. The Electoral Officer shall keep a count of the votes given for each Candidate from the ballots not rejected, make a signed statement of the number of votes given to each Candidate and of the number of ballots rejected.
75. If a tie vote occurs for any of the positions, the Electoral Officer shall immediately order a recount for that position.
76. If there is still a tie after the recount, the names of those Candidates who are tied shall be placed in an empty ballot box and the Electoral Officer shall draw a name to decide the successful Candidate.
77. Any Candidate can ask for an immediate recount for his position if the difference in vote count is 5 or less.
78. The Electoral Officer shall declare these Candidates elected that received the highest number of votes.
79. On the day after the election, the Electoral Officer shall post a signed statement at the Band Office, showing the number of votes cast for each Candidate and a list of those elected to office
80. Following the election announcement, the Electoral Officer shall complete and sign an election report, in triplicate, which shall contain:
- (a) a list of all Candidates;
 - (b) the number of ballots cast;
 - (c) the number of votes for each Candidate;
 - (d) the number of assisted or interpreted voters; and,
 - (e) the number of spoiled ballots;
 - (f) the number of rejected ballots
81. The Electoral Officer shall forward:
- (a) One (1) copy to the Regional Director, Indigenous Services Canada
 - (b) One (1) copy to the Cote First Nation's Director of Operations
 - (c) One (1) copy to be retained by the Electoral Officer

Section 9

Election Appeal Process

82. The Election Appeal Tribunal shall select a Chairperson from amongst themselves and shall determine its own procedure which shall be transparent to all participants and the general public through letters and announcements.
83. Any Candidate may appeal an Election or By-Election within fourteen (14) calendar days following the date of the Election or By-Election.
84. Appeals shall be restricted to the following grounds:
- (i) election practices which contravene this Act;
 - (ii) illegal, fraudulent or criminal activity which may have affected the outcome of

the Election or By-Election

85. The Appellant must deliver the following to the Tribunal Administrator:
- (i) a Notice of Appeal outlining the Appellant's name, address, phone number and grounds for the appeal, including the names of the Respondent(s), and all material facts and evidentiary documents.
 - (ii) a non-refundable appeal fee in the amount of one thousand (\$1,000.00) dollars in the form of cash, money order or certified cheque made payable to the Cote First Nation.
86. The Tribunal shall set a date for a hearing to be within 21 days of the filing of the appeal and ensure that all documents are disclosed to Appellant(s) and Respondent(s)
87. At the appeal hearing, the Appellant(s) and the Respondent(s) shall be given the opportunity to present evidence and argument in support of their respective positions.
88. Upon conclusion of the appeal hearing, the Tribunal shall announce a decision within 5 days and in its decision shall:
- (i) determine whether the Appellant(s) have proven the grounds for appeal set out in the notice of appeal;
 - (ii) determine whether the evidence as presented may reasonably have affected the outcome of the Election or By-Election under appeal;
89. Where the Election Appeal Tribunal rules in favor of the appeal, a new election shall be ordered or a declaration made to elect the Candidate with the next highest number of votes
90. The Tribunal shall make recommendations for enforcement of the decision.
91. All decisions of the Tribunal shall be final and binding.

Section 10

Vacancy

92. A Chief or Councilor position on the Band Council shall be deemed vacant if:
- (i) he is convicted of an indictable offence;
 - (ii) he does not adhere to the residency rules;
 - (iii) he resigns or is employed in any position for the Cote First Nation;
 - (iv) he is incapacitated by injury or illness that impairs his ability to carry out the duties of his office for a significant period of time.
 - (v) he fails to adhere to the Oath of Office, Conflict of Interest Policy, Code of Conduct or other applicable rules of good governance within the Cote First Nation.
93. The procedure for the removal from office of any of the elected officials shall be contained in Cote

law or policy as developed from time to time, such as an Administration of Government Act.

94. If the Chief or Councilor is charged with an indictable offence while holding office, he shall be automatically suspended without pay until the matter has been dealt with by the court.
95. If acquitted, the suspension shall be lifted immediately and the Chief or Councilor shall be paid any salary that may have resulted from the suspension.

Section 11

Term of Office

96. The term of office for a Band Council shall be three (3) years.
97. The next general election shall be held every three (3) years on a date fixed by the Chief and Council, as close to the anniversary of the election as possible.
98. If a vacancy occurs on Council and there is more than 18 months before the upcoming general election, the Council may conduct a by-election, according to the process within this Act.

Section 12

Oath of Office

99. An Oath of Office shall be administered by an Elder to each newly elected Chief and Councilors, before a Justice of the Peace, Notary Public or Commissioner of Oaths at a time and place to be determined by the Band Council.
100. The standards of conduct of elected officials shall be set out by regulations as set out in Cote First Nation law and policy, such as an Administration of Government Act.

Section 13

Amendments

101. The Chief and Councilor will call 3 General Band Assemblies for the purpose of amending this Act:
- (i) The first General Band Assembly shall be for the purpose of reviewing this Act, and introducing any proposed amendments.
 - (ii) The second General Band Assembly shall be for the purpose of discussing any proposed amendments, at which time further amendments may be proposed and discussed.
 - (iii) The third General Band Assembly shall be for the purpose of voting on the proposed amendments.
102. Voting at the third General Band Assembly shall be by show of hands and a simple majority of Cote First Nation members present is required to approve any amendments.

103. Any amendments made to this Act from time to time do not affect the tenure of office of the Band Council in place at the time of such amendment.

Appendix A: Oath of Office

The newly elected Band Council shall swear or affirm an Oath of Office in the following form:

1, _____, of the Cote First Nation, in the Province of Saskatchewan,

HEREBY SOLEMNLY MAKE OATH AND SAY AS FOLLOWS:

- A) That I declare myself to be a member of the Cote First Nation;
- B) That In my capacity as elected Chief or Councilor, I agree to perform my duties to the best of my abilities and in furtherance of the interest of the people of Cote First Nation, whom I shall treat with respect and dignity
- C) That, except for the remuneration which I will receive for performing my duties as Chief or , I shall not seek gain or benefits from any person or corporation that have dealings with Cote First Nation except those benefits which shall accrue equally to all members of Cote First Nation;
- D) That I shall be liable to be removed as Chief or Councilor in the event that I am found to be in conflict with my duties or If I am found to be incompetent or incapable of performing my duties;
- E) That I acknowledge that I am responsible to all Cote First Nation members for all actions and decisions which I may make in my capacity as Chief or Councilor.
- F) I shall have an annual Declaration of Criminal Record submitted to the Director of Operations on or before April 4th of each year that I hold my elected position as Chief or Councilor.
- G) Within 2 weeks of being elected to office, I shall submit to an on-site drug test prior to the swearing-in ceremony and shall submit to random drug tests throughout the year.

Appendix D

STATUS OF LEGISLATION COTE FIRST NATION CUSTOM ELECTION ACT	
STATUS OF LEGISLATION	First Reading: Second Reading: Third Reading :
AMENDMENTS TO LEGISLATION	
Date: June 22, 2004 General Band Assembly Sections Amended::	
Date: May/June 2018 Sections Amended:	
Date: Sections Amended:	
Date: Sections Amended:	

Timeline

Election:

March 2020

3rd Reading: June 2019

2nd Reading: March 2019

1st Reading: November 2018

Council Approval: July 2018

Nomination Acceptance Form: include position, Electoral code of ethics: address;

Oath of Office

Forms for Electoral Officer/Tribunal