



# WOODLAND CREE FIRST NATION CUSTOMARY ELECTION CODE

AMENDMENTS APPROVED BY CHIEF AND  
COUNCIL JANUARY 14, 2025

## **INTRODUCTION**

**This document shall be referred to as the Woodland Cree First Nation Custom Election Procedures, it was Amended over an extensive ten (10) month period by a First Nations Lawyer, with oversight from a five (5) member Election Code advisory committee consisting of WCFN community member representatives. Important elements, contained in this custom election code, were identified through a majority consensus of ninety-six (96) permanent residents that voted on August 22, 2024, during the WCFN Treaty Annuity Payments Day on the Nation.**

**The identification of these elements were acquired through a comprehensive community engagement, and hard copy, survey of the membership administered during the period of January 2024 to July 2024.**

**AMENDED CUSTOMARY ELECTION CODE  
OF THE WOODLAND CREE FIRST NATION**

**PREAMBLE**

**WHEREAS** the Woodland Cree First Nation is a Sovereign Nation of which has the authority to legislate and put into force and effect procedures for a fair and transparent election for the Woodland Cree First Nation and People pursuant to its Customary Election Code and Procedures;

**AND WHEREAS** by legislating and putting into force and effect the Woodland Cree First Nation Election procedures below, does not release the Crown as represented by the Minister of Indigenous Services Canada or the Government of Canada from any Trust or Statutory obligations owing to the Woodland Cree First Nation under Treaty or the Indian Act, R.S.C. 1970, c.I-6, as amended.

**AND WHEREAS** by legislating and putting into force and effect this Customary Election and Procedures, the Woodland Cree First Nation in no way abrogates or diminishes any Treaty or Inherent Rights as bestowed upon the Woodland Cree First Nation people since time immemorial;

**THEREFORE**, the Chief and Council of the Woodland Cree First Nation hereby enact the Woodland Cree First Nation Customary Election Code and Procedures as Amended

On January, 14, 2024

**1. DEFINITIONS**

- 1.1 The following words and phrases have the following meanings, respectively:
- a. “Appeal Board” means 3 Band Elders appointed by the Chief and Council and 2 non-affiliated, non-members to conduct hearings and determine any appeal arising from a WCFN Election or By-Election who are not directly related to the applicant or candidate to the Appeal;
  - b. “Band” means the Woodland Cree First Nation (“WCFN”);
  - c. “By-Election” means an Election held in accordance with these Procedures to fill a vacancy on the WCFN Council;
  - d. “Chief” means the elected Chief of the WCFN;
  - e. “Chief Electoral Officer” means a person appointed by the WCFN Council to implement and supervise the holding of an Election or By-Election;
  - f. “Citizenship” – WCFN members who are on the WCFN membership registrar as maintained by the WCFN membership clerk;
  - g. “Councillor(s)” means the Councillor(s) of the WCFN;

- h. “Deputy Electoral Officer” – chosen by the Chief Electoral Officer who does not have a vested interest in the outcome of the WCFN election.
- i. “Directly related” means related as; brother, sister, mother, father, son or daughter, husband or wife, stepchild, grandparent, grandchildren, cousin, aunt, uncle, in-laws, common-law cohabitant, or any other member or family member who resides with the candidate.
- j. “Disqualified” – means the individual is unable to run for Chief and Council by virtue of these procedures, or has been convicted of a federal offence as defined by the Criminal Code (R.S.C., 1985, c. C-46);
- k. “Elder” means a person who is a WCFN member and who has reached the age of sixty (60) years;
- l. “Elector” means a person who is a WCFN voting member, eighteen (18) years of age or older and who is not disqualified from voting at WCFN Elections or By-Election;
- m. “Election” means a WCFN Custom Election held pursuant to these Procedures;
- n. “Election Notice” means a notice required under clause 14.1 hereof;
- o. “Permanent Resident” means a Candidate who has lived on the WCFN’s reserve for 12 consecutive months immediately prior to the Election. Notwithstanding the foregoing, a person does not lose their status of a Permanent Resident by virtue only of them being temporarily absent from the reserve for the purposes of attending school, or for such other purpose as the WCFN Council may approve, so long as such a person can demonstrate an intention to return to the reserve at the conclusion of their absence;
- p. “Election List” consists of those WCFN members who are eligible to vote and are over 18 years of age;
- q. “Membership Registrar” means a member who is on the voting election list and who has been accepted into membership by the nation under custom or membership duly enacted by WCFN;
- r. “Indictable offence” a type of offence that a person is charged with that is of a more serious nature as defined by the Criminal Code (R.S.C., 1985, c. C-46);
- s. “Scrutineer” means a person appointed by a candidate to act under this Act to observe the election process and to call the attention of the Chief Electoral Officer to any mistake, contravention of this Act and its regulations, or any other matter which might unfairly or unjustly affect the conduct of the election;
- t. “Status Indian” means a person who, pursuant to the Indian Act, R.S.C. 1970, c.I-6, as amended, is registered as an Indian at Indian Register maintained by the Department of Indigenous Services Canada; and
- u. “WCFN Council” means the elected Chief and Councillors of the WCFN;

## **2. INTERPRETATION**

- 2.1 These Procedures shall be interpreted and applied in accordance with the values, customs, and traditions of the WCFN.
- 2.2 These Procedures shall not be applied or interpreted in any manner such that it jeopardizes or denies any of the Treaty and Inherent Rights of the members and citizens of the WCFN.
- 2.3 In the event that a clause of these Procedures is declared to be inoperative, that clause shall be severed and the remaining clause shall be in full force and effect.
- 2.4 The Code and procedures will be read as a whole, and any inconsistencies that cause any material effect to a fair and transparent election shall be brought forward to an Appeal Board, and if not resolved by the Appeal Board shall be brought to a court of competent jurisdiction.

## **3. COMPOSITION OF COUNCIL**

- 3.1 The WCFN Council shall consist of one (1) Chief and five (5) Councillors.
- 3.2 The Chief of the WCFN shall be elected by having received the greatest number of votes cast at a WCFN Election or By-Election, except where there is only one candidate nominated for the position of Chief, in which case such person shall become Chief by acclamation.
- 3.3 The Councillors of the WCFN shall be elected by being the five (5) candidates who receive the greatest number of votes cast at a WCFN Election or By-Election, except where there are fewer candidates nominated than vacancies for the position of Councillor, in which case those persons nominated shall become Councillors by acclamation.
- 3.4 Upon Election of WCFN Council, WCFN Council shall assign at least 1 Councillor to be the representative or liaison for each of the 1 of 3 reserve sections of the WCFN. The appointed Councillor shall make an effort to pay particular attention to the needs and concerns of the reserve section that they are assigned to.

## **4. ELIGIBILITY FOR OFFICE**

- 4.1 A Candidate who is twenty-one (21) years of age or older, a "Status Indian", a permanent resident and a member of WCFN may be nominated for the office of Chief or Councillor. Any nominees are subject to the terms and conditions of these Procedures.
- 4.2 Notwithstanding clause 4.1 an Elector shall not be nominated for the office of Chief or Councillor if at anytime within the twenty (20) years prior to an Election or By-Election they had been convicted of an indictable offence.
- 4.3 All candidates for Chief and Councillor must submit a current Criminal Record check that is clear of an Indictable offence and current Vulnerable Sector Check before accepting their nomination. In addition to those checks, all candidates must present a

Drug test free of illegal substances and an Alcohol test from a certified provider within seven (7) days after accepting their nomination. Any candidate who has not submitted the aforementioned checks and tests will have their names struck from the candidate list.

- 4.4 All candidates for Chief and Councillor must submit the candidate fee, of fifteen hundred dollars \$1500.00 for Chief and one thousand dollars \$1000.00 for Councillor by 5 p.m. on the seventh (7) days after accepting their nomination. Any candidate who has not submitted the aforementioned fee will have their name struck from the candidate list.

## **5. RESIDENCY REQUIREMENTS**

- 5.1 The Chief and Councillors must reside on the WCFN reserve for the duration of their term of office.

## **6. ELIGIBILITY TO VOTE**

- 6.1 Any Elector whose name is on the Membership Registrar may vote at WCFN Election or By-Election.

## **7. TENURE OF OFFICE**

- 7.1 The elected Chief and Councillors shall hold office for a term of approximately three (3) years commencing at 8:00 a.m. local time the day following the Election.
- 7.2 In the event of an appeal of a Candidate, the candidate shall be held back from being sworn in until the appeal is concluded.

## **8. ELECTIONS**

- 8.1 The WCFN Council shall, at its first meeting in January of each Election year, by resolution and subject to these procedures:

- a. appoint the Chief Electoral Officer;
- b. the date for the nomination meeting;
- c. the dates for the holding of the Election or By-Election, if necessary; and
- d. the budget under which any Election shall be conducted.

- 8.2 The WCFN Council in determining the dates for the holding of an Election should allow for a campaign period of between three (3) to five (5) weeks in the case of an Election, one (1) to three (3) weeks in the case of a By-Election.

## **9. CHIEF ELECTORAL OFFICER**

### **Appointment**

- 9.1 WCFN Council shall appoint a Chief Electoral Officer for WCFN Elections, or By-Elections.
- 9.2 The Chief Electoral Officer shall:

- a. be a member or a friend of the WCFN and not have a vested interest in the outcome of the election;
- b. be twenty-one (21) years of age or older;
- c. not be a Chief or Councillor, a candidate in the WCFN Election or By-Election, or be closely associated with the campaign of any candidate.
- d. has at least five (5) years of experience in conducting elections and has received appropriate accredited training and provided references.

9.3 The duties of the Chief Electoral Officer are:

- a. act as the Electoral Officer of the Election or By-Election;
- b. to appoint deputies, interpreters, and other persons required to conduct the Election or By-Election;
- c. provide unbiased guidance and supervision in the management of the Election or By-Election;
- d. enforce fairness and impartiality on the part of all Election officials, workers and scrutineers in the conduct of their duties; and
- e. provide all necessary means and do all acts that may be required for the purpose of holding the Election or By-Election.
- f. According to the Election Policy and Procedures as set out in this Code.

## **10. NOTICE OF NOMINATIONS**

10.1 When an Election or By-Election is to be held the Chief Electoral Officer shall cause to be posted a notice of nomination. The notice of nomination shall indicate:

- a. The position for which nominations are being accepted;
- b. the date, time and place of the nomination meeting;
- c. the eligibility requirements of each position; and
- d. a statement indicating that persons can only be nominated if they are present at the nomination meeting.

10.2 The notice of nomination shall be posted in one (1) or more conspicuous places at least seven (7) days prior to the date set for the nomination meeting and where the reserve is divided into more than one (1) section, such notice shall be posted in one or more conspicuous places in each section and/or the WCFN Nation communications.

## **11. NOMINATION MEETING**

11.1 At the time and place specified in the notice of nomination, the Chief Electoral Officer or their deputy should declare the meeting open for the purpose of receiving nominations. The meeting shall remain open for no less than thirty (30) minutes after its commencement for the purpose of receiving nominations.

- 11.2 Once the meeting is declared open and prior to receiving any nominations, the Chief Electoral Officer shall explain the eligibility requirements necessary in order to be nominated for the office of Chief or Councillor.
- 11.3 Any person who is an Elector may propose or second the nomination of any duly qualified person to serve as Chief or Councillor. Any person nominated to serve as either Chief or Councillor must be present at the nomination meeting.
- 11.4 Any person who is an Elector may propose or second the nomination of any qualified person to serve as a Chief or Councillor except that no person can propose or second the nomination of themselves. All nominations must be proposed and seconded to be valid.
- 11.5 A candidate not be nominated for both positions of Chief and Councillor at the same Election, a candidate may only run for one position.
- 11.6 Prior to the close of nominations, all nominees shall indicate whether they accept or decline their nomination.
- 11.7 If the number of persons nominated does not exceed the number of persons required to fill the vacant positions of Chief or Councillor, at the close of nominations, the Chief Electoral Officer or their deputy shall declare the persons nominated duly elected.
- 11.8 In the event of more than required number of persons being nominated for Chief and/or Councillors, and upon the close of nominations, the Chief Electoral officer, or their deputy, shall:
  - a. declare that an Election or By-Election will be held;
  - b. announce the time and the place where the polling for the Election or By-Election will be held; and
  - c. call upon each candidate to address the assembly on matters or issues of each candidate's choice. Each candidate shall be given equal time not exceeding 5 minutes
- 11.9 At the conclusion of the candidates' speeches the Chief Electoral officer shall review those procedures as set out in Section 4 of this Election Code with all of the candidates.
- 11.10 The Chief Electoral officer, or their Deputy, shall arrange for the proper recording of all proceedings of the nomination meeting, as follows:
  - a. date of meeting;
  - b. time of opening closing of the meeting;
  - c. positions and names of candidates nominated for any position, along with the name of the person nominating and seconding the candidate;
  - d. any irregularity or meeting disturbance, and the Chief Electoral Officer's or their Deputy's decision in resolving their irregularity, disruption or occurrence; and



- e. The time and date by which the Election Notice must be posted in the Band Office, and online.

11.11 The Chief Electoral Officer shall be responsible for the safekeeping of all records pertaining to the nomination proceedings until such time as the appeal, for the Election or By-Election has expired, or in instances where an appeal has been lodged, until the appeal has been decided, at which time the Chief Electoral Officer shall turn all records over to the incumbent WCFN Chief and Council.

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

## **12. WITHDRAWAL**

12.1 Any candidate who has been nominated may withdraw at anytime after the nomination but not later than forty-eight (48) hours before the time of the opening of the poll, by filling a written withdrawal of their nomination with:

- a. the Chief Electoral Officer: or
- b. a Deputy of the Chief Electoral Officer.

12.2 The written withdrawal must be signed by the candidate and in the presence of:

- a. the Chief Electoral Officer and their Deputy(s);
- b. the Chief; or
- c. one of the Councillors.

12.3 Any votes cast for a candidate who has withdrawn shall be null and void.

## **13. CAMPAIGN**

13.1 The campaign period for any Election or By-Election shall be restricted by all candidates running in such Election or By-Election immediately after the adjournment of the nomination meeting and shall conclude one hour prior to the time set for the opening of the polling stations.

## **14. NOTICE OF ELECTION**

14.1 Whenever an Election or By-Election is required, the Chief Electoral Officer or their Deputies shall, within forty eight (48) hours after the closing of the nomination meeting, caused to be posted in one or more conspicuous places, and where the reserve is divided into more than one section, they shall post in one or more conspicuous places in each section, a signed notice setting out:

- a. the candidates nominated for the office for which the Election or By-Election is being held;

- b. the date and location of each polling station;
  - c. the hours during when the polling station shall be open at each location; and
  - d. a statement of who may vote in accordance with this Code
- 14.2 An Elector may give the Chief Electoral Officer or their deputies notice that one or more of the candidates is ineligible to hold office pursuant to these procedures set out in section 4 of this Code and the Election Policy, along with a sworn affidavit, On receipt of such a notice, the Chief Electoral Officer shall convene a hearing at which they shall summon the said Elector, the candidate and any other person at their sole discretion. The Chief Electoral Officer shall resolve the matter at a hearing in a summary manner and resort to any information or evidence he may receive which may be brought before them. Chief Electoral Officer shall not be bound by the rules of evidence or procedure in doing so but are bound by the Election Policy. Immediately following any such hearing that the Electoral Officer or their deputies shall post the updated list of candidates in accordance with their decision reached at the hearing.

## **15. VOTER'S LIST**

- 15.1 The Chief Electoral Officer or their deputies shall request the Membership Clerk to prepare and sign off on a voters list containing the names, alphabetical order, of all Electors that will act as the official voters list to be used for that years Election. Any amendments must be approved one (1) week prior to the Election.
- 15.2 The Chief Electoral Officer or their deputies shall post one or more copies of the voters list in a conspicuous place and where the reserve is divided into more than one (1) section, they shall post one or more copies of the voters list in conspicuous places in each section. The voter list shall be posted at the same time and in the same locations as the Election Notice. An updated and final list shall be posted in one or more conspicuous places, and where the reserve is divided into more than one section (1) week before the Election.
- 15.3 Any Elector may apply to the Membership Clerk within forty-eight (48) hours after the voters list is posted to have the said list revised on the grounds that the name of the Electors has been omitted therefrom or the name of the Elector is incorrectly set out therein or the name of a person not qualified to vote is included on the said list. The Membership Clerk must then provide an updated list to the Chief Electoral Officer within forty-eight (48) hours after a change.
- 15.4 The Chief Electoral Officer shall consult with the membership clerk to finalize any changes to the voters list within forty-eight (48) hours prior to posting the list.

## **16. BALLOTS**

- 16.1 The Chief Electoral Officer shall cause to be prepared a sufficient number of ballot papers for the purpose of the Election or By-Election. Such ballot papers shall be in the form prescribed containing the names of candidates for Chief and for Councillors.
- 16.2 The content of each ballot shall be as follows:
- a. at the top of the ballot shall be printed the name of the position to be elected;
  - b. below the title should be printed such instructions to the elector as may be necessary to inform them of the manner in which the ballot is to be marked;
  - c. the name on each candidate shall appear on the ballot in the same format stated at the nomination meeting;
  - d. each candidate's name will be printed as similar as possible;
  - e. the names arranged as follows:
    - i. the candidate's surname;
    - ii. the candidate's given name, initials, add nickname, if applicable, following the surname and a comma;
    - iii. the candidates name listed alphabetically; and
  - f. a space shall be provided to the right of each candidate's name for the indication of a choice of that candidate so long as the indication does not exceed the one choice for chief and up to 5 for councillor.

## **17. POLLING STATION**

- 17.1 The Chief Electoral Officer shall set up the polling stations in one or more conspicuous and convenient places on and/or off the reserve.
- 17.2 The Chief Electoral Officer or their deputies shall procure or cause to be procured as many ballot boxes as there are polling places.
- 17.3 The Ballot boxes shall:
- a. be made of durable material that must not be cardboard;
  - b. be accompanied by adequate locks and seals;
  - c. be designed so that ballots, once deposited, cannot be tampered with;
  - d. remain locked and sealed until the official counting of ballots begins; and
  - e. the key must remain only in the possession of the Chief Electoral Officer and/or their Deputy
- 17.4 Each ballot box shall have a form affixed to it stating;
- a. that it is an official ballot box for that Election or By-Election;
  - b. the polling station at which it is to be located;
  - c. the date or dates for what it is used;

- d. the signature of the Chief Electoral Officer; and
  - e. it's sequential number.
- 17.5 The Chief Electoral Officer or their deputies shall provide a booth for voting at each polling station where the electors can mark their ballot papers free from observation, and they may appoint a constable or security to maintain order at such polling places. Edmonton polling station shall be provided with a minimum of two (2) booths and Cadotte Lake polling station shall be provided with a minimum of four (4) booths for which the voters shall cast their votes from.
- 17.6 In each voting booth there so be provided for the use of voters marking their ballots:
- a. a suitable table, desk or shelf; and
  - b. a suitable marking instrument shall be properly maintained during polling hours.
- 17.7 In the case of an Election, the poll should be kept open from 9:00 a.m. local time until 8:00 p.m. local time on the date of the Election. In the case of a By-Election, the polls shall be kept open for not less than two hours (2) on the date of the By-Election.
- 17.8 At the close of a polling station any Elector waiting in line to vote shall be permitted to vote.

## **18 DUTIES OF POLL CLERKS**

- 18.1 The Chief Electoral Officer or their deputy who is at each polling station shall:
- a. place and maintain a ballot box on a desk, table, counter, or other similar place so that it is raised above the floor and constantly in view of all persons present;
  - b. keeps the ballot box sealed;
  - c. maintain the voters' list in the prescribed manner;
  - d. instruct the voters only in the manner in which the ballot is to be marked;
  - e. issue ballots only to eligible voters;
  - f. initial each ballot with their initials prior to it being cast;
  - g. ensure that the Electors remain in the voting area no longer than is necessary to vote;
  - h. ensure that the candidates, their scrutineers or anyone else acting on their behalf do not in any way verbally or physically interfere with or influence an Elector in the process of making their ballots; and
  - i. adhere to any additional policy set down by the Chief Electoral Officer which does not contravene these Procedures.
- 18.2 The Chief Electoral Officer or their deputies shall not:
- a. leave their polling station unless relieved by someone appointed by the Chief Electoral Officer;
  - b. seek to influence any voter while working at a polling station;

- c. cast their vote while working at a polling station;
- d. allow any materials to enter the ballot box other than ballots legally cast; or
- e. allow any individual to vote more than once.

## **19 VOTING**

- 19.1 Each candidate may appoint any person, referred to as a scrutineer, to act as their representative and observer of the polling and vote counting. Each candidate shall provide the names of their scrutineer to the Chief Electoral Officer no later than two (2) hours prior to the time set for voting to begin.
- 19.2 Voting at an Election or By-Election shall be by secret ballot, such ballot to be in the form prescribed by these procedures, and prepared and issued at the instruction of the Chief Electoral Officer. Every person in attendance at a polling station shall maintain and aid in the secrecy of voting.
- 19.3 The Chief Electoral Officer or their deputy shall immediately before the commencement of the poll open the ballot box and call such person as may be present to witness that it is empty. Chief Electoral Officer or their deputy shall then lock and properly seal the box to prevent it from being opened without breaking the seal and shall place it in view for the reception of the ballots and the seal shall not be broken nor the box unlocked during the time appointed for the taking of the poll.
- 19.4 When a person presents himself for the purpose of voting, the Chief Electoral Officer or their deputies shall, if satisfied that the name of each person is entered on the voters list at the polling place, provide a ballot paper on which to register their vote.
- 19.5 The Chief Electoral Officer or their deputies shall cause to be placed in the proper column of the voters list a mark opposite the name of every voter receiving a ballot paper.
- 19.6 Each person who receives a ballot paper shall forthwith proceed to the booth provided for marking the ballot and shall mark their ballot paper by placing an indication opposite the name of the candidate or candidates for whom they desire to cast their vote for. They shall on leaving the booth forthwith deliver the ballot paper to the Chief Electoral Officer or their deputy, who shall, without unfolding the ballot paper, deposit it in the ballot box in the presence of the voter and all the people entitled to be present at the polling place. Then exit the polling venue and may return upon counting of the ballots.
- 19.7 While any voter is in the booth for purposes of marking their ballot paper no other person shall, except as provided for in clause 19.8 hereof, be allowed in the same booth or be in any position from which they can see the manner in which such a voter marks their ballot paper.

- 19.8 The Chief Electoral Officer or their deputy on the application of any voter who is unable to read or is incapacitated by blindness or by any other physical cause and is unable to vote in the manner prescribed for in clause 19.6 hereof, shall cause to assist such a voter in the presence of the scrutineers at the polling place and shall place such a ballot in the ballot box.
- 19.9 The Chief Electoral Officer or their deputy shall state in the voter list opposite the name of such an Elector, referred to in clause 19.7 hereof, in the column for remarks that the ballot paper was marked by them at the request of the voter and the reasons therefor.
- 19.10 The voter who has inadvertently dealt with their ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the Chief Electoral Officer or their deputy, receive a replacement ballot. The Chief Electoral Officer or their deputy shall write the word "Cancelled" upon the spoiled ballot paper and preserve it.
- 19.11 Any person who has received a ballot paper and who leaves the polling place without delivering the same to the Chief Electoral Officer or their deputy, in the manner provided, or if after receiving the same, refuses to vote, shall forfeit their right to vote in the Election or By-Election. The Chief Electoral Officer or their deputy shall make an entry in the voters list in the column for remarks opposite the name of such a person to show that such person received the ballot paper and write the word "Declined" and the ballot paper so marked shall be preserved.
- 19.12 An Elector whose name does not appear on the voters list may vote at an Election or By-Election, provided the Membership Clerk is satisfied that such a person is qualified to vote and has been approved in accordance with section 15.1.
- 19.13 No person shall:
- a. interfere or attempt to interfere with a voter who is attempting to mark their ballot;
  - b. attempt to obtain any information at a polling station regarding which candidate an Elector has voted for, is voting for, or is about to vote for; or
  - c. prevent or attempt to prevent an Elector from exercising their right to vote.
- 19.14 No person may communicate any information obtained at a polling station regarding which candidate an Elector has voted for, is voting for or is about to vote for.

## **20. CLOSING OF THE POLL**

- 20.1 After the closing of a polling station, the Chief Electoral Officer or their deputy shall immediately count the number of spoiled ballots, place them in envelopes and record the total on the outside of the envelope containing those ballots and seal it and post the official number of the spoiled ballots for all voters and candidates to see immediately following the counting.

- 20.2 The Chief Electoral Officer or their deputy shall then count the number of Electors who have voted, based on the voters list, and record the totals on the form provided by the Chief Electoral Officer.
- 20.3 Immediately after the close of the poll, or polls, the Chief Electoral Officer or their deputy shall, in the presence of such scrutineers as may be present, seal and sign the slot of each ballot box, so that no ballots may be deposited or removed without breaking the seals.
- 20.4 All election materials in ballot boxes shall, after the close of the poll, or polls, be immediately delivered to the Chief Electoral Officer or Deputy.
- 20.5 The Chief Electoral Officer will be responsible for ensuring all ballot boxes are properly sealed and accounted for.
- 20.6 The Chief Electoral Officer shall, along with any person present and so desiring, escort the ballot boxes to the official counting area as designated herein.

## **21. COUNTING**

- 21.1 The Chief Electoral Officer or Deputy shall:
  - a. arrange for a suitable room for the counting of the ballots;
  - b. arrange for suitable materials including tally sheets and adding machines for the counting of ballots; and
  - c. appoint a sufficient number of people to carry out the counting of ballots.
- 21.2 After the time set for the close of the polling stations and after all the ballot boxes have been returned to the Chief Electoral Officer, the Chief Electoral Officer shall, in view of the scrutineers present, break the seals on all ballot boxes including the ballot box from any advanced poll.
- 21.3 The Chief Electoral Officer or deputy shall remove, examine and reject every paper found in the ballot box that:
  - a. is not a ballot issued by the Chief Electoral Officer;
  - b. does not indicate a vote for any candidate;
  - c. contains votes for more candidates than the number of candidates to be elected;
  - d. is so marked that it is uncertain what the choice of the Elector was; or
  - e. contains any writing or mark enabling the voter to be readily identified.
- 21.4 Nothing in this clause shall cause to be rejected any ballot clearly indicating a choice or choices for a number of candidates not in excess of the number of candidates to be elected and not identifying the voter, and no word, letter or marks written or made or admitted to be written or made by the Chief Electoral Officer or their deputy on a ballot paper shall void it or warrant its rejection.

- 21.5 Where a ballot paper contains votes to more candidates than are to be elected, the ballot shall be void with respect to the Election of that office. However, such a ballot paper shall be good as regards the votes for any other offices in respect of which the voter has not voted for more candidates that are to be elected.
- 21.6 Subject to review or recount, or on Election or By-Election appeal, the Chief Electoral Officer and their deputy shall take note of any objections made by any scrutineer to any ballot paper found in the ballot box and decide any question arising out of the objection.
- 21.7 The Chief Electoral Officer or their deputies shall number such objections referred to in clause 21.6 and place a corresponding number on the back of the ballot paper with the word "Allowed" or "Disallowed" as the case may be with their initials.
- 21.8 The Chief Electoral Officer or their deputy shall count the votes given for each candidate from the ballot papers not rejected and make a written statement of the number of votes given to each candidate and the number of ballot papers rejected and not counted by them, which statement shall be then signed by them and such other persons authorized to be present as may desire to sign the statement.
- 21.9 The procedure for counting should be conducted separately for each polling station and the results totalled for each polling station.
- 21.10 The Chief Electoral Officer shall, upon the results from each polling station being obtained, total the results for all the polling stations.
- 21.11 Immediately after the completion of the counting of the votes at all polls the Chief Electoral Officer shall publicly declare to be elected the candidate or candidates having the highest number of votes, and they shall also post in some conspicuous place, and where the reserve is divided into more than one (1) section, they shall post in such section, a statement signed by them showing the number of votes cast for each candidate.
- 21.12 Where it appears that two or more candidates have an equal number of votes the Chief Electoral Officer shall conduct a recount of the vote and if the result is still an equality the Chief Electoral Officer shall conduct a second vote only for the candidates that are tied with the greatest number of votes.
- 21.13 If a second vote is required pursuant to clause 21.12, then the Chief Electoral Officer shall hold the second vote within seven days (7) of that Election date. If there still remains a tie after the said second vote then there shall be a flip of the coin to break the tie.
- 21.14 The Chief Electoral Officer or their Deputy shall prepare a statement showing the total number of votes cast for each candidate, the number of rejected ballots and the number and the names of the candidates duly declared to be elected. One copy of such



statement shall be forwarded to the Department of Indigenous Services Canada office in Edmonton, Alberta.

- 21.15 Such a statement, as referred to in clause 21.14, shall be signed by the Chief Electoral Officer and such of the scrutineers, as our present and desire to sign.

## **22. DISPOSITION OF BALLOT PAPERS**

- 22.1 The Chief Electoral Officer shall deposit all ballot papers in sealed envelopes and shall retain them in their possession for a minimum of ninety (90) days following all Elections, By-Elections, or Appeal period has expired.

- 22.2 Ballots shall be held no longer than ninety (90) days with the Chief Electoral Officer who may destroy them in the presence of two (2) witnesses who shall make a declaration that they witnessed the destruction of them after the ninety (90) days have expired.

## **23. VACANCY OF OFFICE**

- 23.1 The office of Chief or Councillor becomes vacant when the person that holds that office:

- a. is found guilty, in connection with an Election or By-Election, of corrupt practice, accepting a bribe or dishonesty;
- b. is convicted of an indictable offence;
- c. dies or resigns their office;
- d. is or becomes ineligible to hold office by virtue of these procedures;
- e. has been absent from three (3) consecutive meetings of the Chief and Council without valid reason or authorization;
- f. fails to maintain a standard of conduct expected of representatives of the Nation and without limiting the generality of the foregoing, does any of the following:
  - i. forged a Nation document;
  - ii. accepted or offered a bribe;
  - iii. assaulted a WCFN member or Council member of the Nation;
  - iv. committed a theft of WCFN or private property;
  - v. obtain material service by fraud;
  - vi. was negligent in ensuring the safety of Nation employees are in economical use of WCFN property;
  - vii. attended a Nation council meeting in an intoxicated state; or
  - viii. *encourage others to commit any of the above.*

## **24. BY-ELECTIONS**

- 24.1 Where the office of Chief or Councillor becomes vacant more than six months (6) before the date when another Election would ordinarily be held, a By-Election may be held in accordance with these procedures to fill the vacancy.

## **25. ELECTION APPEALS**

- 25.1 For the purpose of hearing any appeals resulting from the conduct of the Election or By-Election an Appeal Board is hereby established.
- 25.2 WCFN Appeal Board shall consist of five. (3) First Nation Elders, and two (2) non affiliated and non-member individuals who have no vested interest in the outcome of the election and shall be appointed by WCFN Council not less than seven (7) days prior to the date of the Election or By-Election.
- 25.3 A member of the Appeal Board shall:
- a. not be the holder of the office of Chief or Councillor;
  - b. not be a candidate for the office of Chief or Councillor; or
  - c. have abstained from any active involvement in the campaign or promotion of any candidate.
- 25.4 The Appeal Board shall be appointed for a term commencing on its appointment and terminated at the time for which the taking of appeals at an Election or By-Election has expired, in accordance with these procedures or all appeals have been concluded from the Election or By-Election for which they were appointed.
- 25.5 The Appeal Board will be responsible to conduct hearings and determine any appeal from a Nation Election or By-Election.
- 25.6 Any candidate or Elector may lodge an appeal by:
- a. filing within seven (7) days of the Election or By-Election a written document on which shall appear:
    - i. the grounds on which the Election or By-Election is appealed;
    - ii. the evidence in support of the grounds; and
    - iii. the signature of the person initiating the appeal.
- 25.7. Notice of such an appeal so reserved either personally or by double registered mail on either the Chief Electoral Officer, the Chief or any other Councillor. If no appeals are lodged within the time prescribed the Chief Electoral Officer shall notify the Chief and Council and the results of the Election or By-Election shall be conclusive.
- 25.8. When an appeal is received the Chief Electoral Officer or their Deputy shall, within seven (7) days of receipt of the appeal, forward a copy together of the appeal with all supporting documents to the members of the Appeal Board and each candidate in the Election or By-Election.
- 25.9. Any candidate may within seven (7) days of the receipt of an appeal forward to the Chief Electoral Officer a written answer to the particulars set out in the appeal together with any supporting documents.

- 25.10. The Appeal Board may in their sole discretion examine the materials submitted, conduct hearings of the appellant, the respondent in any witnesses and generally conduct the proceeding in any way which the Appeal Board in our sole discretion deems appropriate in order to decide the appeal. The Appeal Board may make orders governing the conduct of any such hearings or proceedings.
- 25.11. The final decision of the Appeal Board must be rendered within thirty (30) days of the lodging of the appeal and shall be submitted to Chief and Council.
- 25.12. Decisions of the Appeal Board shall be in writing and shall be mailed or delivered to all interested parties. The decision of their Appeal Board shall be final and binding upon all parties and not subject to appeal to any court or other body, including the Chief and Council.

## **26. AMENDMENTS TO ELECTION PROCEDURES**

- 26.1. Chief and Council will establish an Election Code Committee and will post a notice that shall state the intention to establish an Election Code Committee in one or more conspicuous places in each station, for at least one (1) month before beginning the amendment process;
- 26.2 These procedures may be amended in the following manner:
- a. amendments to the procedures shall be first approved by motion of the Chief and Council prior to a vote by WCFN members/citizens;
  - b. (i) Chief and Council shall post a notice of an Election Code meeting of the Electors of the Nation in a conspicuous place and where the reserve is divided into more than one (1) section, they should post notice in one or more conspicuous places in each section, at least seven (7) days prior to the date of the general meeting; and  
(ii) the notice shall appeal state that the purpose of the meeting is to consider and vote upon amendments to these procedures. It will also state the time, place and date of the meeting;
  - c. there must be at least 75 electors who are voting members, a “Quorum”, present at such a duly constituted general meeting. If a Quorum is not met the general meeting shall be postponed until such time as a new general meeting is called and a Quorum is reached; and
  - d. if a Quorum is reached and the approval of the majority of Electors at such a duly constituted general meeting is obtained, the amendments shall be adopted and shall be effective as of the date that a Band Council Resolution is passed accepting the changes into the code following all approved amendment change.