



**Peguis First Nation Custom Election Code Draft # 10  
Revised April 10, 2014)**

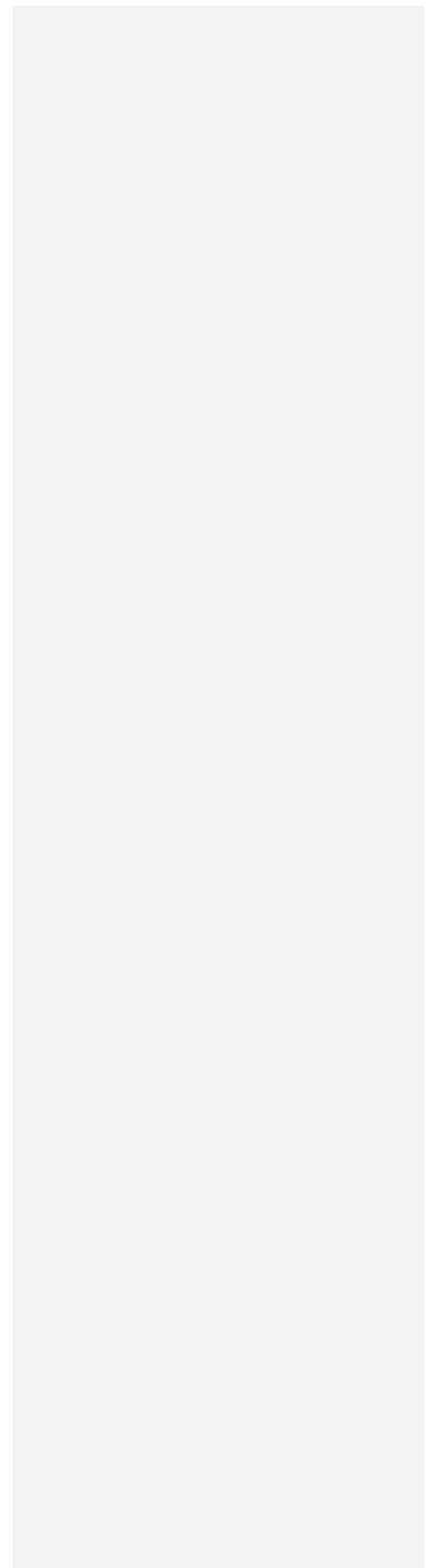


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PART 1 - TITLE

1. This code shall be called the Peguis First Nation Election Code.
- 1.2 When adopted by the electors, under the Peguis First Nation Referendum Policy, this custom election code becomes part of "Tipaynimisewin Onakinagewin".

**PART 2 – COMING INTO FORCE**

2. This code shall come into force upon the passing of a Ministerial order proclaiming removal of Peguis First Nation from the election provisions of the *Indian Act* R.S.C., 1985, c. I-5.

PART 3 - INTERPRETATION

3. In this code words importing gender include all genders. The following terms and expressions shall have, for all purposes of this Peguis First Nation Election Code, the meaning set forth below:

“appellant” means an individual who submits an appeal in accordance with this Code with respect to an election or by-election.

“Appeal Committee” or “Committee” means the Committee established under this Code whose duty it is to act in appeals under the Code.

“Band” or “First Nation” means the Peguis First Nation, also known as the Peguis Indian Band, and also further referred to as Peguis.

“by-election” means a special election to fill a position on the Council that has become vacant.

“candidate” means a Band member who has been nominated pursuant to this Code to stand for election for the office of Chief or Councillor.

“Code” means the Peguis First Nation Election Code and the leadership selection system set out herein.

“Code of Ethics” means guidelines, general rules of behaviour and standards, established in accordance with Part 5 of this Code, that govern the conduct of candidates running for office and of their supporters relating to their participation in the electoral process.

“Conflict of Interest” means a situation where a member of Council or his or her family stand to gain in a financial, proprietary or other similar manner from a decision of Council.

“corrupt practices” means direct or indirect bribery, or providing a financial or material incentive to an elector in exchange for a vote.

“Council” means the body composed of those persons selected pursuant to this Code.

“Deputy Electoral Officer” means any person appointed by the Electoral Officer for the purposes of an election to assist him in the conduct of the election process.

“election” means a general election or by-election of the Band held pursuant to the provisions of this Code.

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“Election Day” means the day on which Council, through Band Council Resolution, has set for a general election or by-election of the First Nation, as the case may be.

“Election Report” means the post-election report to be prepared by the Electoral Officer as described herein.

“elector” means a person who:

- (a) is a member of the Band; and
- (b) is at least 18 years of age on Election Day.

“elector declaration form” means a document that sets out, or provides for:

- (a) the name of the elector;
- (b) the Band membership or registry number of the elector or, if the elector does not have a Band membership or registry number, the date of birth of the elector; and
- (c) the name, address and telephone number of a witness to the signature of the elector.

“Electoral Officer” means a person, appointed by a Band Council Resolution before each election, who has the responsibility for conducting the Nomination Meeting, the pre-election, election and post-election procedures.

“electors list” means the list of Band members eligible to vote in an election.

“general assembly” means a meeting of all band member electors.

“mail-in ballot” means a ballot mailed or delivered in accordance with section 89 of this Code.

“governance Committee” means the committee appointed by Council from time as set out in the BCR adopted Aug. 8, 2009  
“Mandate, roles, responsibilities and reporting relationships of agencies” - Peguis Governance Committee

“member” means a person registered on the membership list for Peguis First Nation, pursuant to the Band Membership Rules.

“Membership Clerk” means the Band employee responsible for maintaining the Band’s membership list.

“Nomination Meeting” means the last day on which persons may submit nomination papers to the Electoral Officer, and the day on which nominations take place.

“oath” means a solemn affirmation.

“Peguis First Nation Referendum policy” means the Peguis Referendum Procedures adopted by Peguis First Nation Council under the Band Council Resolution 09/04/29.

“polling station” means a building, hall or room which is selected as the site at which voting takes place.

“rejected ballots” means those ballots that have been improperly marked and/or defaced by elector(s) which are not included in the tally of valid ballots cast during the counting of the votes.

“reserve” means the reserves of the Peguis First Nation, and “Peguis Reserve 1B” means the location of the main reserve, and the largest concentration of members, and home to the government of the First Nation.

“Scrutineer” means a person appointed in writing by a candidate to observe voting procedures and counting procedures

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under the Code.

"Tipaynimisiwin Onakinagewin" means "self-determination" and is part of the customary law of Peguis First Nation.

#### **PART 4 - GENERAL**

##### **Eligible Citizens**

3. Unless otherwise provided by Peguis law, citizens of Peguis who have reached the age of 18 years regardless of residency are eligible to nominate, be nominated, and vote in an election.

##### **Composition of Governing Council of Peguis First Nation**

4. The Governing Council shall consist of one (1) Chief and eight (8) Councillors.

##### **Council Compensation**

4.1 Members of the Governing Council shall be provided an annual salary and reimbursement of travel expenses as follows:

- (a) For the office of Chief - \$100,000 plus travel expenses as provided in the employee travel policy;
- (b) For the office of Councillor, \$85,000 plus travel expenses as provided in the employee travel policy.
- (c) The compensation in the form of salary and travel or honouraria, shall be paid separately to enable band members to have an full accounting of Council compensation.
- (d) members of Council shall be compensated in the same manner and form as employees of the First Nation under the travel and honouraria policy.

4.2 While in office, no member of Council may accept, or redirect to any person or entity other than Peguis First Nation, any payments for travel, honouraria or fees paid to him by a third party organization.

4.3 Any payment referred to in s. 4.2 shall be declared by the member in writing by filling out the form in Appendix 1 to this code and submitting the form along with the payment to the Chief Financial Officer who shall deposit the funds into the First Nations band account.

4.4 Each member of Council is required to file a quarterly report as set out in Appendix 2 to this Code describing his activities and work including meetings attended, travel and/or honouraria paid to him, and how this is related to his duties and responsibilities as a member of Council, and submit the report to the Chief Operating Officer for posting in the administration office bulletin board.

4.5 No more than one member of Council shall attend a conference, meeting or event for which travel or honouraria is being paid by Peguis First Nation unless one person is not able to represent the First Nation at the event and a Council resolution authorizing the attendance and travel has been adopted by Council.

4.6 The Finance Committee, or if the Finance Committee has not been appointed, the Chief Operating Officer, shall, prior to Feb. 15 of each year, prepare a motion with appropriate background information, to increase or decrease, as the financial circumstances of the community warrant, the salary, travel or honouraria of members of Council for the following fiscal year for approval at a community meeting of electors at the Peguis Community Hall prior to Mar. 15.

##### **Chief**

5. The Chief shall be that citizen, who was nominated for that position and was the candidate who received the greatest number of votes from eligible electors and who is declared elected pursuant to section 137 of this code.

5.1 The primary duties of the Chief are, but are not limited to:

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- a. to be the main spokesperson for the First Nation;
- b. to convene meetings with the First Nation members throughout the year;
- c. to uphold the laws, policies and procedures of the First Nation; and
- d. to report on the developments of the First Nation at public meetings and through the media.

**Councillors**

6. The Councillors shall be those eight band members, who were nominated for that position and who received the greatest number of votes from eligible voters and who are declared elected pursuant to section 137 of this code.

- 6.1 The primary duties of a Councillor are, but are not limited to:
- a. act in concert with and to contribute to Council discussions in the best interests of the First Nation;
  - b. uphold the laws, policies and procedures of the First Nation;
  - c. attend meetings of Council, assigned Committees, boards and other First Nation entities regularly; and,
  - d. prepare and submit regular reports to the Council and the community on assigned programs and initiatives.

**Elected officials take office**

7. Following a general election, the successful candidates shall officially take office of the Council the first Monday after Election Day.

**Term of Office**

8. Subject to section 10, the Executive Council shall hold office for four (4) years. The Council in office at the time the Code comes into effect shall remain in office for the remainder of their term pursuant to section 78(1) of the *Indian Act*.

9. Within 10 days of their election as Council, members of the Council shall call a general assembly of the First Nation at which they shall invite elders to perform a ceremony to administer an oath of office as set out in Appendix 3.

**PART 5 – CODE OF ETHICS**

10. Candidates must campaign:
- (a) according to the rules and regulations established in this Code and pursuant to the Code of Ethics;
  - (b) without coercion or vote-buying;
  - (c) respecting the right and freedom of other parties to organize and campaign;
  - (d) respecting the rights of electors to obtain information from a variety of sources and to attend political rallies;
  - (e) focusing on political issues and candidate platforms and avoiding smear campaigns or campaigns of rumour and innuendo;
  - (f) non-violently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
  - (g) respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
  - (h) respecting the electoral officials and not interfering with the performance of their duties;
  - (i) accepting and complying with the official election results and the final decision of the Appeal Committee; and
  - (j) if using social media (Facebook, Twitter, Blogs, websites, online forums, etc.), use such mediums in a respectful manner, conducive to constructive debate of issues, treating other candidates with utmost respect in employing such social media.
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11. Every person is in breach of the Code of Ethics herein who, during or leading up to an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate, or during or leading up to an election period, accepts or agrees to accept a bribe that is offered.
12. Every person is in breach of the Code of Ethics herein who, by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election, or by any pretence or contrivance, induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election. Offering transportation to an elector to get to a polling station is not, in itself, a breach of the Code of Ethics.

#### Procedure

- 12.1 Where an elector or a candidate has information that a breach of section 10, 11 or 12 of this code has occurred, the elector or candidate may file an appeal under s. 146 under this code.

#### PART 6 – VACANCY AND REMOVAL OF COUNCIL MEMBERS FROM OFFICE

##### Vacancy

13. A Chief or Councillor position becomes vacant if, while in office the Chief or Councillor:
- (a) resigns in writing from office of his or her own accord;
  - (b) has been unable to perform the functions of his or her office for more than 6 months due to illness or other incapacity;
  - (c) passes away;
  - (d) is removed from office in accordance with section 15; or
  - (e) is otherwise unable to fulfil the terms of office.
14. The Chief or a Councillor may be removed from office if he:
- (a) violates this Code, his or her oath of office or the Code of Ethics;
  - (b) fails to attend 3 consecutive duly convened meetings of Council without the absence being reasonably excused by a majority of Council;
  - (c) has been convicted of an indictable offence since his or her election except for an offence under the provincial *Wildlife Act* or the federal *Fisheries Act*;
  - (d) accepts or offers a bribe, forges a Council document or otherwise acts dishonestly in his or her role;
  - (e) fails to attend without good reason, a meeting off reserve for which travel and honouraria has been disbursed from First Nation funds;
  - (f) uses his or her office for personal financial gain or for the financial benefit of members of his or her family or friends to the detriment of the Council or the Band as a whole;
  - (g) abuses his or her office such that the conduct negatively affects the dignity and integrity of the First Nation or of Council;
  - (h) encourages others to commit any of the above acts or omissions; or
  - (i) Fails to follow or enforce policies adopted by Council or the First Nation members.
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**Procedure**

15. Proceedings for removal from office of the Chief or a Councillor may be initiated by:
    - (a) any elector submitting to the Appeal Committee, a petition on which shall appear:
      - i) the ground pursuant to section 13 or 14 on which removal of a Chief or Councillor is sought;
      - ii) the information requested pursuant to section 150(a);
      - iii) the signature of the petitioner;
      - iv) the signatures of 350 electors of the Band in support of the petition; and
      - v) a non-refundable filing fee of \$100.
    - (b) where a member of Council has information that grounds for removal under 13 and 14 has occurred,
      - (i) the member shall bring this to the attention of the entire Council immediately;
      - (ii) Upon being informed that a breach of sections 13 or 14 has occurred, the Chief, or in his absence, the acting chief, shall call immediately, a meeting of the Council at which this matter will be put on the agenda.
      - (iii) a record of the meeting shall be made by the Council secretary and made available to band members who request it.
    - (c) a member of Council who has information that a breach of section 14 has occurred but fails to act to protect the interests of band members is himself in breach of this code and may be removed from office pursuant to section 15 (a).
  16. On receipt of a petition, the Appeal Committee shall verify that the petition complies with section 15. If the petition does not comply, the Committee shall so notify the petitioner(s) within 10 business days.
  17. Where the petition complies with section 15 the Appeal Committee shall:
    - (a) determine that the grounds put forth in the petition are either frivolous in nature or unsubstantiated, and dismiss the petition; or
    - (b) schedule a review hearing, which shall take place within 20 days from the date on which the petition was submitted to him.
  18. Where the petition has been dismissed under subsection 17 (a), the Appeal Committee shall so inform the petitioner(s) in writing and provide reasons.
  19. Where the Appeal Committee schedules a hearing under subsection 17 (b), the Appeal Committee shall send a written notice of the hearing by registered mail to Council, the petitioner(s) and the Council member who is the subject of the petition for removal.
  20. The written notice described in section 19 shall set out:
    - (a) the nature of the hearing and all related particulars;
    - (b) the date, time and location of the hearing; and
    - (c) a statement that the petitioner(s), any member of Council or the Council member who is the subject of the petition for removal may, at the hearing, make a presentation to the Appeal Committee, taking into consideration all aspects of procedural fairness, which may include the presentation of documents and testimony by witnesses.
  21. The Committee shall conduct a hearing at the time and place set out in the notice provided under section 19.
  22. Within 30 days of the day on which the hearing under section 17 (b) is held, the Appeal Committee shall:
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- (a) rule that the petition shall be allowed to stand, and declare the Council position of the member of Council who is the subject of the petition to be vacant; or
- (b) rule that the petition is dismissed.

23. The Appeal Committee shall send, by registered mail, a written notice of the ruling made under section 22 to Council, the petitioner(s) and the Council member who is the subject of the petition for removal.

24. If the Council position is declared vacant under subsection 22(a), the Appeal Committee may further declare the Chief or Councillor removed from office shall be disqualified from being a candidate in an election for a period of up to 8 years commencing on the date of the Appeal Committee's ruling.

25. Any party may seek Judicial Review of the decisions of the Appeal Committee in a Federal court.

**By-election**

26. Unless otherwise provided in this Code, in the event that the office of Chief or Councillor becomes vacant, a by-election shall be held within 90 days after the date on which the position is declared vacant.

27. No by-election shall be held if there are less than 6 months remaining in the term of the Council member whose office has become vacant, except where a by-election is necessary to have sufficient Council members to maintain a quorum.

28. No sitting Council member is eligible to be a candidate in a by-election. If a Council member wishes to be a candidate in a by-election for Chief, he must resign his Council position upon submitting his sworn declaration of candidacy, pursuant to subsection 70(b).

28.1 Pursuant to section 28 above, there must be quorum maintained for Council to ensure the ongoing governance of the First Nation. This requires that no more than three (3) Council members may be a candidate in any by-election for Chief. If more than three Council members wish to be candidates for Chief, those first three candidates who submit their sworn declarations pursuant to subsection 70(b) shall be declared candidates.

29. Except as expressly provided in this Code, the rules and procedures in this Code shall apply to by-elections.

**PART 7 – PRE-NOMINATION PROCEDURE**

**Appointment of an Electoral Officer**

30. The Electoral Officer shall:
- (a) be appointed by the Council;
  - (b) return all hard and soft data provided to him by the First Nation, upon completion of all obligations for the election which he oversees;
  - (c) not sell, rent, or mine any personal and private data maintained by the Election Officer for the purposes of the election to any person, company, corporation or any other entity for any purpose whatsoever; and
  - (d) in order to meet subsection (c) above, sign a non-disclosure agreement with the First Nation in that regard.

**Electoral Officer Resumes and Security Plan**

31. In soliciting the services of an Electoral Officer, the Council shall require all applicants:
- (a) to submit a resume of their qualifications and experience;
  - (b) to provide a plan for security procedures in respect of polling stations, mail-in ballots and counting of the ballots including storage of ballot boxes overnight should this become necessary.

**Band Council Resolution Appointment of Electoral Officer**

32. The Band Council Resolution that retains the Electoral Officer shall contain his or her full name and address, the
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date of the election, the type of election which is to be conducted (general election or by-election), as well as any special instructions.

33. If an Electoral Officer has not been appointed within the time set out in section 30, the Electoral Officer shall be appointed by the Governance Committee at least 90 days before the expiration of the Council's term of office.

34. The Electoral Officer must be a person who:

- (a) is not an elector of Peguis;
- (b) is at least 18 years of age; and
- (c) has experience in the conduct of elections or has received appropriate training.

**Oath of Office**

35. The Electoral Officer must swear an oath to perform the duties of office in an impartial manner and to uphold the office in accordance with this Code as set out in Appendix 4.

**Responsibilities and Ethics**

36. The Electoral Officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in this Code. The Electoral Officer must:

- (a) uphold and abide by the rules and regulations established in this Code;
- (b) remain neutral and professional in the conduct of the duties of his office, and refrain from providing any preferential treatment or expressing support for or opposition to any candidate;
- (c) not accept anything of value, including but not limited to money, offers of employment, gifts, or travel, in exchange for preferential treatment or access to a public official or non-public information;
- (d) not discriminate against anyone because of race, religion, sex, age or disability;
- (e) use public office facilities to fulfil the terms of his office, and not for personal or partisan benefit;
- (f) not pressure or intimidate other officials or personnel to favour a certain candidate; and
- (g) avoid Conflicts of Interest, or the appearance of Conflicts of Interest, by abstaining from decision making where the Electoral Officer has a personal or private interest in the matter at issue.

**Electors List**

37. At least 90 days before the Election Day, the Electoral Officer shall obtain from the Membership Clerk the names, Band membership numbers and dates of birth of all Band members who will have attained the age of 18 years on the Election Day.

38. The Membership Clerk shall, no later than 90 days before the Election Day, provide the Electoral Officer with the last known addresses, if any, of all electors who do not reside on the Peguis Reserve 1B.

39. Electors not residing on Peguis Reserve 1B are responsible for providing the Membership Clerk with their current addresses.

40. An elector's address shall be used by the Electoral Officer only for the purpose of providing notices, mail-in ballots or other election documents to electors who are entitled to receive them under this Code.

41. The Electoral Officer must not disclose an elector's address for purposes other than those under section 40 without the consent of the elector and shall ensure that electors' addresses do not appear on the electors list.

42. A candidate for election as Chief or Councillor may obtain from the Electoral Officer a list of the names and addresses of electors who have consented to have their addresses disclosed to candidates.

43. At least 80 days before the Election Day, the Electoral Officer shall prepare an electors' list containing the names of all of the electors in alphabetical order. This electors' list shall not include the addresses or phone numbers of the electors.

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44. The Electoral Officer shall post the electors list in a public area of the Band administration building and in such other conspicuous places on the reserve as may be determined by the Electoral Officer including the First Nation web site, no later than 70 days prior to the Election Day.

45. Upon request by a person, the Electoral Officer or Deputy Electoral Officer shall confirm whether the name of a person is on the electors' list.

46. The Electoral Officer shall revise the electors' list upon presentation of documentary evidence which demonstrates that:

- (a) the name of an elector has been omitted from the electors list;
- (b) the name of an elector is incorrectly set out in the electors list; or
- (c) the name of a person not qualified to vote is included in the electors list.

47. A person, or an elector acting on his behalf, may, no later than 2 days prior to the Election Day, demonstrate that the name of an elector has been omitted from or incorrectly set out in the electors list by presenting in writing to the Electoral Officer evidence from the Membership Clerk or other documentary evidence that the elector:

- (a) is entitled to have his name entered on the Band list;
- (b) will be at least 18 years of age on the date on which the election is to be held; and
- (c) is qualified to vote in Band elections.

48. A person may demonstrate that the name of a person not qualified to vote has been included in the electors list by presenting in writing to the Electoral Officer, no later than 15 days prior to the date on which an election is to be held, evidence that the person:

- (a) is neither on the Band list nor entitled to have his name entered on the Band list;
- (b) will not be at least 18 years of age on the date on which the election is to be held; or
- (c) is not qualified to vote in Band elections.

49. Where the Electoral Officer believes or has information that a person whose name is on the electors' list is not an elector, or where, in accordance with section 48 an elector demonstrates to the Electoral Officer that the name of a person not qualified to vote appears on the electors list, the Electoral Officer shall give written notice to the person whose eligibility is challenged at least 10 days prior to the date on which the election is to be held.

50. The notice given under section 49 shall include the reasons for seeking the removal of the name from the electors list and any supporting documents, and shall provide notice that a written reply may be sent to the Electoral Officer, which must be received as soon as it is practical prior to the date on which the election is to be held.

51. After consideration of all information and representations relating to amendments of the electors list, the Electoral Officer shall add or delete names from the electors list based on whether persons qualify as electors.

52. The decision of the Electoral Officer under section 51 is final and is subject to appeal to the Appeal Committee.

**Appointment of Deputies and Interpreters**

53. The Electoral Officer shall appoint deputies and interpreters as he deems necessary, who shall work under his direction.

54. The Deputy Electoral Officer shall have such powers as described in this Code as well as those powers of the Electoral Officer as delegated to the Deputy by the Electoral Officer.

55. A Deputy Electoral Officer shall not be a member of Council or a candidate in the election or have any conflicts of interest in relation to the election.

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56. Every Deputy Electoral Officer shall swear an oath of office to:
- (a) uphold and comply with this Code, the Code of Ethics and all the laws of the First Nation;
  - (b) fulfil the duties and responsibilities of his office under this Code;
  - (c) carry out his duties faithfully, honestly, impartially and to the best of his abilities;
  - (d) keep confidential, both during and after his term of office, any matter or information which, under this Code, First Nation law or policy, is considered confidential; and
  - (e) always act in the best interests of the First Nation in carrying out his duties.
57. The Electoral Officer may make such orders and issue such instructions consistent with the provisions of this Code as he may deem necessary for the effective administration of the election.

#### PART 8 – THE NOMINATION PROCESS

##### **Notice of Nomination Meeting**

58. The Nomination Meeting shall be held at least 42 days prior to the Election Day.
59. The Electoral Officer shall, at least 30 days before the Nomination Meeting, post a Notice of Nomination Meeting as follows:
- (a) in a conspicuous public area of the Band administration building;
  - (b) at other conspicuous place(s) on the Peguis Reserve Lands as may be determined by the Electoral Officer;
  - (c) Peguis First Nation web site; and
  - (d) news media as may be determined by the Electoral Officer.
60. The Electoral Officer shall, at least 30 days before the date on which the Nomination Meeting is to be held, mail a Notice of Nomination Meeting, a nomination form and an elector declaration form to every elector who does not reside on the reserve in respect of whom the Electoral Officer has been provided with, or has been able to obtain, an address.
61. A Notice of Nomination Meeting shall include:
- (a) the date of the Nomination Meeting;
  - (b) the location and hours at which the Electoral Officer will receive nominations, with the time for receiving nominations to be at least 4 hours long and with a closing time not earlier than 9:00 p.m.;
  - (c) a description of the process by which any voter may vote by mail-in ballot;
  - (d) the date on which Election Day will be held and the location of each polling place;
  - (e) the name, business address and business phone number of the Electoral Officer;
  - (f) a description of the manner in which an elector can nominate a candidate, or second the nomination of a candidate;
  - (g) the statement that, if the elector wants to receive information from candidates, the elector can agree to have his or her address released to the candidates;
  - (h) the place(s) where copies of the Code may be obtained; and
  - (i) the place(s) where the electors' list shall be posted.
62. The Electoral Officer shall record the names of the electors to whom a notice of the Nomination Meeting was mailed, the addresses of those electors, and the date on which the notices were mailed.

##### **Eligibility to Nominate**

63. In order to be entitled to nominate a candidate at an election, an elector, on the date of the Nomination Meeting, must be
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- (a) at least 18 years of age;
- (b) included on the electors' list.

64. If an elector is entitled to be on the electors list, and his name is absent from that list, he may request the Electoral Officer to place his name on the electors list upon presenting sufficient documentary evidence to the Electoral Officer, so that he becomes eligible to nominate a candidate.

65. Subject to section 63, any elector may propose or second the nomination of any qualified person to serve as the Chief or Councillor by delivering or mailing a written nomination and a completed, signed and witnessed elector declaration form to be received by the Electoral Officer no later than the closing time of Nomination Meeting.

**Nomination Procedure**

66. A Nomination Meeting for an election shall be held at least 42 days before the Election Day, abiding by the following process:

- (a) At the start of the nomination meeting, the electoral officer shall read aloud all written nominations and secondments that have been received by mail or delivered;
- (b) Where the same person receives two written nominations for the same office, the second nomination shall constitute a secondment of the first nomination;
- (c) A person present at a nomination meeting who is eligible to do so may second the nomination of any person nominated in writing;
- (d) A Nomination Meeting shall remain open for at least three hours;
- (e) At the end of the Nomination Meeting, the electoral officer shall:
  - (i) if only one person has been nominated for election as chief, declare that person to be elected;
  - (ii) if the number of persons nominated to serve as councillors in an electoral section does not exceed the number to be elected, declare those persons to be elected;
- (f) where more than the required number of persons are nominated for election as chief or councillors, announce that an election will be held on the day set out in the notice referred to in subsection 61(d); and
- (g) As soon as is practicable after the Nomination Meeting, the electoral officer shall notify any nominated candidates who were not present at the meeting that they have been nominated.

67. Mailed nominations that are not received by the Electoral Officer by the end of the time during which nominations are received by the Electoral Officer on Nomination Meeting shall be void.

68. Any elector may nominate or second no more than:

- (a) one eligible person for the office of Chief; and
- (b) the number of eligible persons equivalent to the vacancies for the office of Councillor.

69. On the day following the Nomination Meeting, the Electoral Officer shall post in a conspicuous public area of the Band administration office, and in other conspicuous place(s) to be determined by the Electoral Officer, a list of nominees, their nominators and seconders and the offices for which they are nominated.

70. Once nominations are closed, the Electoral Officer shall, within 4 days, contact each person nominated and request him or her to complete and submit the following documents:

- (a) within 5 days a notice of acceptance or rejection of nomination;
  - (b) within 5 days, if the nominee intends to be a candidate, a sworn declaration confirming his eligibility as a candidate, pursuant to section 71 herein, and setting out his or her legal name,
-

residence, and the name or names (including nicknames) the candidate wishes to have on the ballot; and  
(c) within 28 days a criminal record check from the RCMP.

These documents may be submitted by mail, facsimile transmission, or in person but must be received by the Electoral Officer before the deadline.

PART 9 – CANDIDACY

71. A candidate must:

- (a) be at least 18 years of age on the Election Day;
- (b) be a member of the Band;
- (c) not be under a disqualification period imposed by the Appeal Committee under sections 24 and 151(c);
- (d) not have been convicted of an indictable offence under the Criminal Code of Canada during the 5 years prior to the election, except for offences under the provincial Wildlife Act or the federal Fisheries Act;
- (e) as of the Nomination Day and thereafter, have his financial dealings with the First Nation related to leasing or renting First Nation property kept current and up to date. In the case where the First Nation is acting as a co-signer on the potential Candidate's mortgage, all mortgage payments must be current and up to date. With respect to other financial commitments made by the potential Candidate to the First Nation, these commitments must be current and up to date. If there are repayment plans or similar arrangements in place related to the rental, leasing, mortgage or other financial commitments, these arrangements will be respected if kept current and up to date.
- (f) not have gone bankrupt within the last 7 years; and
- (g) have a standing of grade 12 or a combination of life experience and education.

72. A person may only be a candidate for Chief or Councillor in any election, not both.

73. A person may serve on the Council for a maximum of three consecutive terms except where the person is the chief in which case, the person is eligible to be nominated for the position of councillor and a councillor, after serving three consecutive terms, can be eligible to be nominated for chief.

74. A person nominated as a candidate for both the office of Chief and the office of Councillor must, within 5 days of his nomination, declare in writing to the Electoral Officer which office he intends to seek, if any.

75. No person shall accept candidacy in an election if that person is not eligible to be a candidate in accordance with this Code.

**Drug Test**

76. To be a candidate a person must:

- (a) agree to take a drug test;
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- (b) pay for the drug test; and
- (c) have test results showing the absence of banned drugs as in the Controlled Drugs and Substances Act, S.C. 1996, C.19.

77. At least 30 days prior to the election, each candidate must:

- (a) contact the Peguis Drug Strategy office, or other drug testing facility to schedule an appointment for a drug test.
- (b) undergo and pay for a drug test on the appointed date; and
- (c) sign a waiver of confidentiality to disclose the results of the drug test to the Electoral Officer.

78. Upon receiving the results of the Drug test referred to in section 77 or 80 the Drug Strategy Coordinator, or if no such office exists, the Director of Health, shall notify each candidate immediately of the results of their drug test and forward the test results to the Electoral Officer.

79. Upon the receipt of a drug test showing a positive indication of prohibited drug use, the Electoral Officer shall strike the name of the candidate from the list of candidates and shall inform all candidates accordingly.

80. A candidate may appeal the result of a positive drug test by submitting a statement setting out the reasons for the appeal and mailing or handing this to the Electoral Officer who shall :

- (a) decide whether the appeal is valid or not.
- (b) order the appellant to undergo a second drug test and submit the results to the Drug Strategy coordinator, or Director of Health within 10 working days.
- (c.) inform the candidate and the Electoral officer of the test results upon receipt of the results.

**Withdrawal**

81. A candidate may withdraw his or her candidacy at any time up to the closing of polls on Election Day by submitting a written withdrawal of nomination to the Electoral Officer; however the candidate's name will appear on the ballot unless the withdrawal is submitted within 5 days from the Nomination Meeting.

82. A candidate who passes away before the close of the polls shall be considered to have withdrawn his or her candidacy.

PART 10 – PRE-ELECTION PROCEDURE

**Acclamation**

83. Where the office of Chief and all offices of Councillor are filled by acclamation:

- (a) the Electoral Officer shall post in at least one conspicuous place on the reserve, and mail to every elector who does not reside on the reserve, a notice that sets out the names of the persons who have been acclaimed and stating that an election will not be held; and
- (b) sections 84 through 140 shall not apply.

**Ballots**

84. The Electoral Officer shall prepare ballot papers setting out:

- (a) the names of the candidates nominated for election as Chief who have met the requirements for candidacy, in alphabetical order by surname; and
- (b) the names of the candidates nominated for election as Councillors who have met the requirements for candidacy, in alphabetical order by surname.

estevenson 13-1-29 2:55 PM

**Comment [1]:** Will there be an appeal process of positive results? Ie. sample could have been contaminated, or mistake on part of testing lab?

Unknown Author 14-4-3 7:54 AM

Deleted: .

85. Where two or more candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those candidates. The ballot may, at the written request of the candidate, include a candidate's commonly used nickname.

**Notice of the Election**

86. The election shall be held at least 42 days after the day on which the Nomination Meeting was held.

87. The Electoral Officer shall, within 3 days after the day on which the Nomination Meeting was held, post a Notice of Election in a conspicuous public area of the Band administration building, other public gathering places and in conspicuous place(s), as may be determined the Electoral Officer.

88. The notice shall include:

- (a) the date of the election;
- (b) the times at which the polling station(s) will open and close;
- (c) the location of the polling station(s);
- (d) the time and location of the counting of the votes; and
- (e) a statement that the electors list is posted for public viewing and its location.

**Mail-in Ballots**

89. The Electoral Officer shall, at least 35 days prior to the date on which the election is to be held, mail to every off-reserve elector for which a current address is on file, and to every elector whose request to vote by mail-in ballot has been received, a mail-in ballot package consisting of:

- (a) a ballot initialled on the back by the Electoral Officer;
- (b) an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
- (c) a second inner envelope marked "ballot" for insertion of the completed ballot;
- (d) an elector declaration form which shall set out:
  - i) the name of the elector;
  - ii) the membership number and date of birth of the elector; and
  - iii) the name, address and telephone number of the witness to the signature of the elector;
- (e) the Notice of Election set out in section 87; and
- (f) a letter of instruction regarding voting by mail-in ballot which shall also include:
  - i) a statement advising electors that they may vote in person at any polling station on the day of the election if they return their mail-in ballot to the Electoral Officer at the polling station or swear a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot; and
  - ii) a list of the names of any candidates who were acclaimed.

90. An elector who is ordinarily resident on the Peguis Reserve 1B and who is unable to vote in person on election day may, at least 10 days prior to the date on which the election is to be held, request a mail-in ballot package from the Electoral Officer.

91. An elector who has not received a mail-in ballot package may, not later than 15 days prior to the date on which the election is to be held, request a mail-in ballot package from the Electoral Officer.

92. Upon receipt of a request for a mail-in ballot package under section 90 or 91, the Electoral Officer shall mail or deliver a mail-in ballot package described in section 89 to the elector who so requests.

93. The Electoral Officer shall indicate on the electors list that a ballot has been provided to each elector to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each mail-in ballot was mailed or otherwise provided.

94. An elector shall vote by mail-in ballot by:

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- (a) placing an "X" or other mark that clearly indicates the elector's choice of candidate but does not identify the elector's name opposite the name of the candidate or candidates for whom he desires to vote;
- (b) folding the ballot in a manner that conceals the names of the candidates or any marks, but exposes the Electoral Officer's initials on the back;
- (c) placing the ballot in the inner envelope and sealing the envelope;
- (d) completing and signing the elector declaration form in the presence of a witness who is at least 18 years of age;
- (e) placing the inner envelope and the completed, signed and witnessed elector declaration form in the postage-paid envelope; and
- (f) delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of polls on the day of the election.

95. Where an elector is unable to vote in the manner set out in section 94, the elector may enlist the assistance of another person to mark the ballot and complete and sign the elector declaration form in accordance with that section. The person enlisted by the elector may also assist the elector to deliver the mail-in ballot to the Electoral Officer.

96. A person referred to in section 95 shall sign a statement to attest to the fact that:

- (a) the person completing and signing the elector declaration form is the person whose name is set out in the form; or
- (b) the elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the elector.

97. Mail-in ballots that are not received by the Electoral Officer before the close of polls on the day of the election shall not be counted.

**Equipment for the Election**

98. The Electoral Officer shall, before the polling station is open, supply the polling station with:

- (a) sufficient ballot boxes;
- (b) a sufficient number of ballots;
- (c) a sufficient number of voting compartments enabling electors to mark their ballots free from observation;
- (d) instruments for marking the ballots;
- (e) a sufficient number of voting instructions as may be required;
- (f) all other equipment necessary to establish and equip the polling stations; and
- (g) the final electors list.

**Polling Stations**

99. The Electoral Officer will establish at least one polling station on the Peguis Reserve 1B, Selkirk, Manitoba and Winnipeg, Manitoba.

100. The Electoral Officer shall provide a voting compartment in the polling station where electors can mark their ballots free from observation and the Electoral Officer may appoint security to maintain order in the polling station.

**PART 11 – ELECTION DAY**

**Electoral Officer**

101. The Electoral Officer shall not be allowed to vote in the election.

**Scrutineers**

102. Each candidate shall be entitled to one Scrutineer in the polling station at any one time.

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103. A letter of authorization, signed by the candidate, must be provided to the Electoral Officer or to the Deputy Electoral Officer at or before the opening of the polling station, in which the candidate names the person authorized to act as his or her Scrutineer.

**Polling Hours**

104. The polling station shall be open from 8 a.m. until 8 p.m. local time on the Election Day

**Verification of the Ballot Box**

105. The Electoral Officer or Deputy Electoral Officer shall, immediately before the commencement of the poll:

- (a) open the ballot box and call such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness;
- (b) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
- (c) place the ballot box in public view for the reception of the ballots.

**Secrecy and Security**

106. Voting shall be by secret ballot.

107. No elector may vote by proxy or authorize another person to vote on his or her behalf.

108. The Electoral Officer or Deputy Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.

109. No person or candidate shall, on the day the election is held, at or near the premises of the polling station:

- (a) distribute any election-related printed materials except such materials as may be distributed by the Electoral Officer or Deputy Electoral Officer for the purpose of conducting the election;
- (b) attempt to interfere with or influence any elector in marking his ballot; or
- (c) attempt to obtain information as to how an elector is about to vote or has voted.

**Voting Procedure**

110. Each person, on arriving at the polling station, shall give his name to the Electoral Officer or Deputy Electoral Officer.

111. The Electoral Officer or Deputy Electoral Officer shall, if the person's name is set out in the electors list, place his initials on the ballot(s) and give them to the elector.

112. The Electoral Officer or Deputy Electoral Officer shall cause to be placed in the proper column of the electors list a mark opposite the name of every person receiving a ballot.

113. An elector to whom a mail-in ballot was mailed or provided under sections 89, 90, or 91 may obtain a ballot and vote in person at a polling place if:

- (a) the elector returns the mail-in ballot to the Electoral Officer or Deputy Electoral Officer; or
- (b) where the elector has lost the mail-in ballot, the elector provides the Electoral Officer or Deputy Electoral Officer with a written affirmation that the elector has lost the mail-in ballot, which affirmation shall be signed by the elector in the presence of the Electoral Officer, Deputy Electoral Officer, a justice of the peace, a notary public or a commissioner for oaths.

114. The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the elector.

115. After receiving a ballot, an elector shall:

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- (a) immediately proceed to the compartment provided for marking ballots;
- (b) mark the ballot by placing an "X" or other mark that clearly indicates the elector's choice of candidate but does not identify the elector's name opposite the name of the candidate or candidates for whom he desires to vote;
- (c) fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the initials on the back; and
- (d) deliver the ballot to the Electoral Officer or Deputy Electoral Officer.

116. On receipt of a completed ballot, the Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the elector and any other persons entitled to be present at the polling

117. While an elector is in the compartment for the purpose of marking his ballot, no other person shall, except as provided in section 118, be allowed in the same compartment or be in any position from which he can see the manner in which the elector marks his ballot.

**Voting Assistance**

118. At the request of any elector who is unable to vote in the manner set out in section 115, the Electoral Officer or Deputy Electoral Officer shall assist that elector by marking his ballot in the manner directed by the elector in the presence of another elector, selected by the elector as a witness, and shall place the ballot in the ballot box.

119. The Electoral Officer or Deputy Electoral Officer shall note on the electors list opposite the name of an elector requiring assistance, as set out in section 118, the fact that the ballot was marked by him at the request of the elector and the reasons therefore.

**Cancelled and Declined Ballots**

120. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot paper. The Electoral Officer or Deputy Electoral Officer shall write the word "cancelled" upon the spoiled ballot paper and preserve it.

121. Any person who has received a ballot and who leaves the polling place without delivering the same to the Electoral Officer or a Deputy Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit his right to vote at the election, and the Electoral Officer or Deputy Electoral Officer shall make an entry in the electors list in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote or failed to return the ballot, and the Electoral Officer or Deputy Electoral Officer shall mark upon the face of the returned ballot the word "declined" and all ballots so marked shall be preserved.

**Closing of the Polling Station**

122. Every elector who is inside the polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed, if they have not already voted.

122. 1. The electoral officer or deputy electoral officer shall ensure that all polling stations are closed at 8:00 pm on election day.

122. 2 Upon the polling station being closed the Electoral Officer, or deputy electoral officer shall in the presence of witnesses, seal the ballot box and immediately transport it to the Peguis Community Hall in Peguis, MB.

122.3 Upon arrival at the Peguis community hall the ballot boxes shall be placed on the front stage for public viewing and safe storage until the counting of the votes begins.

122. 4. The electoral officer or the deputy electoral officer shall arrange for the placing and storage of the ballot boxes on the front stage to be video recorded live and broadcast on the internet for public monitoring until the ballot boxes are opened for the counting of the votes.

122.5 The electoral officer or deputy electoral officer shall provide for security officials to be present in the community hall at all times.

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PART 12 – COUNTING THE VOTES

**Opening Mail-in Ballots**

123. At the time published in the notice prepared under section 87 for the counting of the votes, the Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their scrutineers who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot,

- (a) reject the ballot if:
  - i) it was not accompanied by an elector declaration form, or the elector declaration form is not signed or witnessed,
  - ii) the elector declaration form does not contain a date of birth or a Band number that matches the information contained for that elector on the electors list;
  - iii) the name of the elector set out in the elector declaration form is not on the electors list; or
  - iv) the electors list shows that the elector has already voted.
- (b) in any other case, the Electoral Officer shall place a mark on the electors list opposite the name of the elector set out in the elector declaration form, and deposit the ballot in a ballot box.

124. If an elector has duly cast his ballot through mail-in ballot, but subsequently dies before Election Day, his vote shall be deposited in the ballot box, if the vote was cast through mail-in ballot, and be counted.

**Counting the Ballots**

125. The Electoral Officer or Deputy Electoral Officer shall supply other Deputy Electoral Officers and all persons present and who so request with a tally sheet to keep their own tally of the votes.

126. Immediately after the mail-in ballots have been deposited in the ballot box under subsection 125 (b), the Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their scrutineers who are present, open all ballot boxes and examine each ballot.

127. The Electoral Officer or Deputy Electoral Officer shall call out the names of the candidates for whom the votes were cast on all valid ballots.

128. A Deputy Electoral Officer shall mark a tally sheet in accordance with the names being called out under section 127 for the purpose of arriving at the total number of votes cast for each candidate.

**Ballots not Counted**

129. In examining the ballots, the Electoral Officer or Deputy Electoral Officer must reject any ballots that:

- (a) do not contain the initials of the Electoral Officer or Deputy Electoral Officer;
- (b) do not give a clear indication of the elector's intention;
- (c) contain more votes than the number of candidates to be elected; or
- (d) contain a mark by which the elector can be identified.

130. The Electoral Officer or Deputy Electoral Officer shall attach a note to each ballot rejected which outlines the reason for rejection.

131. Subject to review on recount or on an election appeal, the Electoral Officer or Deputy Electoral Officer shall take a note of any objections made by any candidate or his agent to any of the ballots found in the ballot box and decide any questions arising out of the objection.

132. The Electoral Officer or Deputy Electoral Officer shall number objections to ballots raised pursuant to section 131 and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with his initials.

**Tie**

133. If it is not possible to determine the successful candidate(s) for either a Chief or Councillor position due to an equal number of votes being cast (a tie vote), the Electoral Officer shall establish a time for the conduct of a recount and publicly announce this time in the presence of all those present in the polling station.

134. A recount conducted pursuant to section 136 must take place within 24 hours of the announcement by the Electoral Officer made pursuant to section 133 in the presence of the candidates and their scrutineers who wish to attend.

135. At the time established pursuant to section 133 the Electoral Officer shall conduct a recount of the valid ballots.

136. If the recount fails to determine a successful candidate(s), the Electoral Officer shall place each of the names of the candidates having the same number of votes on a separate piece of paper and place each of the pieces in a receptacle. Without looking, he shall draw as many pieces of paper as positions are available. The candidate(s) whose name(s) appear on the pieces of paper the Electoral Officer has drawn from the receptacle shall be declared the successful candidate(s).

**PART 13 - POST-ELECTION PROCEDURES**

**Announcement**

137. After completing the counting of the votes and establishing the candidates who have the highest number of votes, the Electoral Officer shall declare the names of the candidate(s) who are elected.

138. Following the declaration of elected candidates made pursuant to section 137, the Electoral Officer shall complete and sign an Election Report which shall contain:

- (a) the names of all candidates;
- (b) the number of ballots cast for each; and
- (c) the number of rejected ballots.

139. Within 4 days after completion of the counting of the votes, the Electoral Officer shall:

- (a) sign and post, in a conspicuous place in a public area of the Band administration office, and in conspicuous places on Peguis Reserve Lands, the Election Report prepared in accordance with section 138;
- (b) mail a copy of the Election Report to every elector of the Band who does not reside on the reserve; and
- (c) deliver a copy of the election report to the Band administrator.

**Retention of Ballots and Other Election Material**

140. The Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain these ballots and all materials in connection with the election.

141. All ballots and materials retained in accordance with section 140 shall be retained for 56 days from when the Election Day was held or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer shall, unless directed otherwise by the Council, destroy them in the presence of 2 witnesses who shall make a declaration that they witnessed the destruction of those papers.

**PART 14 - APPEAL PROCEDURE**

**Timing**

142. A candidate or an elector may, within 30 days from the date on which the election was held, submit an appeal to the Appeal Committee.

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**Appointment of Appeal Committee**

143. The Appeal Committee shall be comprised of 5 electors who:  
(a) are appointed by Council; and  
(b) are elected members of community Boards or Trusts.

144. The Appeal Committee, with the assistance of a staff member or other person assigned by the Council, administer, in accordance with the provisions of this Code:

- (a) application for removal of a member of Council under s. 12.1
- (b) all election appeals;
- (c) all petitions for the removal of a Council member from office; and
- (d) a decision of the electoral officer under s. 51.

**Grounds for Appeals**

145. An appeal submitted pursuant to section 142 must sufficiently outline one or more of the following:

- (a) that the person declared elected was not qualified to be a candidate;
- (b) that there was a violation of this Code in the conduct of the election that might have affected the result of the election; or
- (c) that there was corrupt or fraudulent practice that may have affected the election.

**Submission**

146. An appeal submitted to the Appeal Committee must:

- (a) be in writing and set out in an affidavit sworn before a notary public or duly appointed commissioner for taking oaths the facts substantiating the grounds for the appeal accompanied by any supporting documentation; and
- (b) be accompanied by a deposit in the amount of \$100, which amount shall be refunded if the Appeal Committee finds for the appellant under section 151(b).

**Procedure**

147. Upon receipt of an election appeal, the Appeal Committee shall:

- (a) in the case where the appeal is submitted in accordance with section 146, forward a copy together with supporting documents by registered mail to the Electoral Officer and to each candidate at the election; or
- (b) in the case where the appeal is not submitted in accordance with section 146, inform the appellant(s) in writing that the appeal will not receive further consideration.

**Response to the Allegations**

148. Any candidate or the Electoral Officer may, within 14 days of the receipt of the appeal(s), forward to the Appeal Committee by registered mail a written response to the appeal allegations, together with any supporting documentation.

**Investigation**

149. The Appeal Committee may, if the material that has been filed is not adequate for deciding the validity of the election appeal, conduct such further investigation into the matter as the Committee deems necessary.

150. If funds are needed to conduct an investigation that is beyond the capacity of the Appeal Committee to conduct, the Council shall provide such funds as are reasonably necessary to allow the investigation to be completed.

**Decision**

151. No later than 45 days after the appeal is received by the Appeal Committee, and after review of all of the evidence that the Committee has received, the Committee shall rule:

- (a) that the evidence presented was not sufficiently substantive to determine that:
  - i) a violation of this Code has taken place that might have affected the result of the election;

- ii) the person declared elected was not qualified to be a candidate; or
  - iii) there was a corrupt or fraudulent practice in relation to the election that might have affected its results, and dismiss the appeal; or
- (b) that all evidence and information gathered allows for the reasonable conclusion that:
- i) a violation of this Code has taken place that might have affected the result of the election;
  - ii) the person declared elected was not qualified to be a candidate; or
  - iii) there was a corrupt or fraudulent practice in relation to the election that might have affected its results, and uphold the appeal by setting aside the election of one or more Council members; and
- (c) the penalty for those Appeal Committee decisions in accordance with 151(b) shall be removal from elected office and a prohibition from running as a candidate pursuant to section 24 herein.

152. The decision of the Appeal Committee made pursuant to section 151 shall be:
- (a) published in the First Nation's newsletter that is mailed to Band members, or in a separate written notice delivered or mailed to all Band members; and
  - (b) posted in at least one conspicuous place in a public area of the Band administration office and in other conspicuous places on Peguis Reserve Lands.
153. The decisions of the Appeal Committee are reviewable by the Federal Court.

PART 15 – AMENDMENTS

154. The process for development and passage of amendments to this Code may be initiated by:
- (a) a petition presented to Council, signed by at least 50% of all eligible electors and setting out the specific area in this Code proposed for amendment; or
  - (b) a Band Council Resolution.
155. Upon receipt of an amendment proposal in accordance with section 156, Council shall prepare a notice that sets out:
- (a) a summary of the proposed amendments to this Code;
  - (b) a statement that the full copy of the proposed amendments can be obtained at the Band administration office; and
  - (c) a description of the amendment process.
156. The notice provided for in section 155 shall be:
- (a) published in the First Nation's newsletter that is delivered or mailed to Band electors, or by separate notice delivered or mailed to all Band Electors; and
  - (b) posted in at least one conspicuous place in a public area of the Band Administration building, and in other conspicuous places on Peguis Reserve Lands including the First Nation web site and Peguis Radio.
157. Electors may, within 14 days of publication of the notice required under section 159 provide comments concerning the proposed amendments in writing to Council.
158. Following receipt of comments concerning the proposed amendments pursuant to section 161, the Council shall review the comments and make such changes to the proposed amendments as they deem necessary in order to arrive at a final amendment proposal.
159. The Council shall submit the final amendment proposal to a community vote.
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160. Should the majority of the votes cast at a referendum be in favour of the proposed amendments being brought to the Code, Council shall amend the Code accordingly.

161. Any amendment passed 100 days or more prior to an election shall be incorporated into the Code and shall govern the election. Any amendment passed less than 100 days prior to an election shall not take effect until after the election.

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APPENDIX 1

**Declaration of third party payment of travel / honouraria**

This is to confirm that I, \_\_\_\_\_ will be paid or was paid the sum of \_\_\_\_\_ from a third party ie, \_\_\_\_\_ for travel and/or honouraria or fee or other payment for attendance at the following meeting, event, conference, which I hereby remit to the Peguis First Nation Chief Financial Officer for deposit into the First Nation bank account.

Form of payment to Peguis First Nation: (please check appropriate box)

- a. cash
- b. cheque
- c. money order
- d. other \_\_\_\_\_

Signed:

Date:

Received by: \_\_\_\_\_

Witnessed by: \_\_\_\_\_

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APPENDIX 2

Governing Council Member Quarterly Report

Program(s) responsibilities or assigned initiative

Program or initiative(s)	Progress	Results

Report on office attendance

Meetings or events for which travel or honouraria was paid

Meeting, dates, purpose	Travel / honouraria paid	Results
1		
2		
3		

Leave time:

Number of days taken for leave: \_\_\_\_\_

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APPENDIX 3

**Oath of Office**

I, [name] do solemnly swear that I will:

- (a) uphold and comply with this Code, the Code of Ethics and all laws and policies of the First Nation;
- (b) fulfil the duties and responsibilities of my office under this Code, the Code of Ethics and all laws and policies of the First Nation;
- (c) carry out the duties of my office faithfully, honestly, impartially and to the best of my abilities;
- (d) keep confidential, both during and after my term of office, any matter or information which, under this Code, the laws of the First Nation or policy, is considered confidential; and
- (e) act always in the best interests of the First Nation in carrying out my duties.
- (f) remain free of prohibited drugs and substances while in office.

Signed by:

\_\_\_\_\_

Witnessed by:

\_\_\_\_\_

Chair of the Elders

Date: \_\_\_\_\_

\_\_\_\_\_

APPENDIX 4

**Electoral Officer Oath of Office**

I, \_\_\_\_\_, swear to perform the duties of the office of electoral officer in a fair and impartial manner and to uphold the principles and practises set out in this code.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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