

REVISED

Regulations Glooscap Band Elections

1. These regulations may be cited as the Glooscap Band Election Regulations.
2. Any person who knowingly violates any provision of these Regulations is barred from holding Band Elective Office or participating in Band Elections for a period of no less than ten (10) years.
3. All Health Canada/Provincial Health Pandemic guidelines and gathering limits will be followed. Adjustments may need to be made to the number for people allowed in a building at one time.

Interpretation

4. In these Regulations:
 - a. "Electoral Officer" means a person appointed by the Band Council for the purpose of an Election. This person must be a Commissioner of Oaths.
 - b. "Deputy Electoral Officer" means any person appointed by the Electoral Officer. This person must be a Commissioner of Oaths.
 - c. "Election" means a Band Election held pursuant to the provisions of these regulations.
 - d. "Elector" means a person who:
 - i. is a registered member of the Glooscap First Nation
 - ii. is of the full age of eighteen (18) years on the day of election
 - iii. is not disqualified from voting at Band Elections.
 - e. "Glooscap Band" means a governing unit of Indians in Canada instituted by the Indian Act, 1876, whose use and benefit of lands

have been set aside.

Vacancy

5. The office of Chief or Councillor becomes vacant when:
 - a) A person who holds office dies or resigns.
 - b) A person who holds office thought ill health or sickness is unable to perform the duties required of them in the position of the said office.
 - c) A person who holds office
 - i. Is convicted of an indictable offence.
 - ii. Is or becomes ineligible to hold office by virtue of these regulations.
 - iii. Has been absent from meetings of the Council for three consecutive meetings without being authorized to do so.
 - iv. Was guilty in connection with an election, or corrupt practice, accepting a bribe, or dishonesty.
6. By-Elections shall be held to fill any vacancy that occurs pursuant to Section 6 of these regulations within thirty (30) days. The By-Election shall be conducted under the same regulations with timeline be adjusted to fit the 65-day timeline.

Election Date and Timetable

7. Elections shall be held every five (5) years on the fourth Friday in March.
8. Timetable – see next page

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Action	When
Receive Voters List, Names and Addresses of voters from band	65 days before the day of Election
Mail out Notice of Nomination and Posting of Notice (in community, website, Facebook)	60 days before the day of Election
Nomination Meeting-in person only (must have criminal record check and fee on this day)	second Saturday in February
Posting of Election/Polling notice	In community, on Facebook and on website – no later than 3 days after Nomination Meeting, no later than 4pm
Mail out of Ballots	3 days after Nomination Meeting
Check mailbox	Mailbox will be checked twice before election day
Last day to request mail-in ballot	2nd Friday in March
Mail Pick-up -after last deposit of the day	Same day as Election
Election and Count Day, recount if needed	Election and Count Day-4th Friday in March
Appeal Deadline	14 days after election day
Disposition of Ballots	8 Weeks after Election or if Appeal is ongoing, disposition will be after process is complete

Electors

9. Electors must be a Registered member of Glooscap First Nation and eighteen (18) years of age or over on election day.

Candidates

10. Eligibility for office:

- a) shall be a Registered Band Member
- b) for the office of Chief shall be of the age of twenty-five (25) years or over on the date of Nomination Meeting
- c) for Councillor shall be of the age of eighteen (18) years or over on the date of Nomination Meeting

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11. A person convicted of an indictable offense after the adoption of these regulations by the Band shall not be eligible for elective Band Office for a period of no less than ten (10) years.
12. A person removed from office pursuant to Section 6 of these regulations shall not be eligible for elective Band office for a period of no less than ten (10) years.
13. A candidacy fee shall be applied for the position of Chief and Council
 - a) Chief A fee of \$100.00 (one hundred dollars) shall be required from a candidate for the office of Chief. This deposit shall be forfeited to the Band should the candidate receive less than 35% of the votes cast.
 - b) Councillor A fee of \$100.00 (one hundred dollars) shall be required from a candidate seeking the office of Band Councillor. This deposit shall be forfeited to the Band should the candidate receive less than 35% of the votes cast.
 - c) The fee shall be given to the Electoral Officer (cash, e-transfer, money order or certified cheque) no later than the close of the Nomination meeting. Failure by a candidate to ensure that their deposit is made in the prescribed manner shall result in the name of that nominee being excluded on the ballot.
 - d) All deposits that meet the 35% threshold will be returned to the candidates within fourteen (14) days from the election days.
 - e) Any candidate who has been nominated may withdraw at any time but deposits will be forfeited. The withdrawing candidate must fill out a Candidate's Withdrawal Form and this must be signed and stamped by a Commissioner of Oaths. Their name will stay on the ballot but votes for them will not be counted. The Electoral Officer must refrain from confirming candidate withdrawal to avoid providing additional information to electors voting in person. It is up to the Candidate to inform the electors of their withdraw. This also applies to a candidate that dies or becomes incarcerated (as per section 6 a, b).
 - f) All deposits forfeited shall be donated to a Band activity or Band charity.

Voter's List

- 14.** The Electoral Officer shall receive the Voter's list from Indigenous Services Canada. The Electoral Officer shall receive the names and addresses of all band members that are on record from Glooscap First Nation. These shall be obtained 65 days before the election.
- 15.** It is the responsibility of the elector to give the band their updated address.
- 16.** The Electoral Officer shall prepare a Voter's List containing the names, in alphabetical order, of all electors.
- 17.** Posting of Voter's Lists
 - a) The Nomination Voter's List shall be posted at the Band Office, the Health Centre, both stores and on Glooscap First Nations' website. There will be a limited number available at the Nomination Meeting and an email copy can be requested from the Electoral Officer.
 - b) The Election Day Voter's List shall be posted at the Band Office, the Health Centre, both stores and on Glooscap First Nations' website. There will be a limited number available at the Nomination Meeting and an email copy can be requested for the Electoral Officer.
- 18.** Any elector may apply to have the voters' list revised on the ground that the name of an elector is incorrectly set out or the name of a person not qualified to vote is included.
- 19.** If an elector is newly registered and not on the current voters list, they may still vote. They must bring in A) the letter they received from Indigenous Services Canada that contains their band number or B) bring in a letter from the Band's Indian Registry Administrator that includes their band number.
- 20.** If the Electoral Officer is satisfied that a list should be corrected, they shall make the necessary correction(s).

Nomination

21. When a Nomination Meeting is to be held, the Electoral Officer shall notify the electors of the time and place of the meeting by sending a Nomination Meeting notice out by mail. This notice shall be sent out sixty (60) days before the election. The Electoral Officer shall prepare a letter that may be used by candidates to give to the RCMP/Police to request the criminal record check for the election.

22. The Nomination Notice shall include:

- Time and place of the meeting
- Any fees set out for candidate and age requirements
- Information on what candidates must bring to the meeting-such as the Criminal Record Check (done no more than six months prior to Election Day)
- Information on Election Day
- That nominations are in-person only
- A statement that a candidate may only run for one position

23. On the second (2nd) Saturday in February from 4-7 pm at place specified in the Nomination Notice, the Electoral Officer shall declare the meeting open for the purpose of receiving nominations. Any person who is an eligible Voter may nominate and or be a second the nomination of any duly qualified person to serve as a Chief or Councillor. **If** there is a storm on the day of the Nomination Meeting, it will be postponed and held the next day (Sunday from 4-7).

24. i) An elector may only nominate OR second once for a candidate for Chief.

ii) An elector may only nominate OR second three times for candidates for Councillor position.

25. The nominator, seconder and candidate must be at the meeting and they must fill in and sign the In-Person Nomination Form. The candidate will pick up a Scrutineer Form from the Electoral Officer and it must be returned to the Electoral Officer no later than the day before the election (electronically or by hand). A (maximum) 5-minute speech

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may be done when the elector accepts the nomination or at the close of the Nomination Meeting at 7 pm, it is the candidate's choice.

26. If the candidate accepts the nomination, they must submit the candidacy fee and a CRIMINAL RECORD CHECK (DONE WITHIN THE 6 MONTHS PRECEDING THE ELECTION DAY) to the Electoral Officer no later than the close of the Nomination Meeting.
27. Once the nominations have closed at 7 pm, any candidate that chose to give their speech at the close of nominations, will be given their five minutes (maximum). This shall be done in the order in which candidates were nominated.
28. The Electoral Officer shall close the meeting at the end of the speeches.

Acclamation

29. If the number of persons nominated to serve on the Band Council does not exceed the requisite number, the Electoral Officer shall declare the person(s) so nominated to be duly elected. Current positions are 1 Chief and 3 Councillors. There must be enough people nominated to make quorum and if not, a second nomination meeting will be held the following day from 9am-12pm

Notice of Election

30. In the event of more than the required number of persons being nominated for Chief and Councillors, the Electoral Officer shall declare that a poll will be held.
31. The Election Notice (if not acclaimed) shall be posted in the community after the close of nominations. The notice will be posted on Glooscap's website and Facebook page by no later than 4 pm on the Monday following the Nomination Meeting.

The Poll

32. Election day is the fourth (4th) Friday in March. The poll will be open from 9am until 8pm. Any elector who is inside the polling place at closing time, who has not voted, may do so. Once an elector votes, they must leave the building.

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- 33.** There are no candidate promotional items allowed within 100 meters of the polling station. There are no cell phones or electronic devices allowed in the polling station. The Electoral Officer and Deputies may have use of their phones as their duties require.
- 34.** Voting at all elections is by secret ballot. Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and will keep good order.
- 35.** No person shall interfere or attempt to interfere with a voter when marking their ballot paper or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted.
- 36.** Ballot papers shall be prepared with both Chief and Council on one page. The voting section for Chief shall be listed first with candidates' names in alphabetical order. The voting section for Councillors shall be second with candidates' names in alphabetical order. Nicknames can be included in brackets. The ballot shall have the Electoral Officers' initials on the back of the ballot. The ballot will be a random color.
- 37.** Mail out ballots will be sent out three (3) days after the Nomination Meeting to all electors that there are addresses for. The electors' may contact the Electoral Officer to update their address at any time during the election period. The last day to request a mail-in ballot is the second (2nd) Friday in March. These ballots must be sent back in time for election day. Any mail that does not arrive before the last mail deposit on election day will not be counted.

Mail-in Voting

- 38.** The Electoral Officer shall keep a Mail-out Control Sheet with the name, address, DOB, band number and Mail in declaration number. This sheet will be updated as necessary throughout the election period.
- 39.** The Mail-in ballot package will contain:
- a) Ballot
 - b) One (1) envelope with a Voter Declaration Accompanying the Mail-in Ballot complete with a sequential number printed on the envelope

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- c) One (1) pre-addressed, stamped return envelope
 - d) Instructions on how to complete the Voter Declaration Accompanying the Mail-in Ballot
 - e) Instructions on how to complete the ballot and return it
- 40.** Mail-in ballots must be received by the time of the last mail deposit on Election Day. Any ballots received after this time will not be counted.

Vote in person

- 41.** Candidates may have two (2) scrutineers. Scrutineers can be present for the poll and for the count. Only one (1) scrutineer may be present at the polling station at a time. There is a Scrutineer Form to be filled out by each candidate. A candidate cannot be a scrutineer.
- 42.** The Electoral Officer shall procure or cause to be procured as many ballot boxes as are required for the election.
- 43.** The Electoral Officer, or a deputy, shall provide a safe and secure storage place for the ballot boxes until election day.
- 44.** The Electoral Officer shall check the mailbox twice during the election period and after the last deposit of the day on election day.
- 45.** Immediately before the poll opens, the Electoral Officer must examine the ballot box(es) in the presence of witnesses to ensure they are empty. The box(es) is then locked/sealed and will remain so for the duration of the poll. The Electoral Officer will complete and have the first voter sign the Witness Declaration at the Opening of the Poll form. This must occur every time a new ballot box is used during the election.
- 46.** Each person wanting to vote shall receive a ballot paper, to be filled out in secret behind a voting screen.

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47. Votes cast must be clearly marked in the circle. The intent of the voter must be clear.

Example:

Will be accepted:

Doe, Angela	<input checked="" type="checkbox"/>
Untel, Rob	<input type="checkbox"/>

Doe, Angela	<input checked="" type="checkbox"/>
Untel, Rob	<input type="checkbox"/>

Will be rejected:

Doe, Angela	<input type="checkbox"/>
Untel, Rob	<input type="checkbox"/>

X

Doe, Angela	<input type="checkbox"/>
Untel, Rob	<input checked="" type="checkbox"/>

- 48.** The Electoral Officer or a Deputy may explain how to vote to an elector. If an elector needs help filling out the ballot, Electoral Officer or deputy will go behind the screen to explain how to mark the ballot and at the elector’s request, mark the ballot according to the elector’s instructions. Note this on the voters list.
- 49.** If a person has received a mail-in ballot and wishes to vote in person, they may do so and must fill out a *Declaration of Lost, Misplaced or Unused Mail-In Ballot* form. When the mail-in ballots are verified during the count, any ballot belonging to someone that has already voted in person will be set aside. The Electoral Officer will write “Voted in person” on the mail in ballot and staple the filled in form to the ballot.
- 50.** A person may hand-deliver a sealed mail-in package to the polling station. Any person delivering a mail-in package on behalf of another elector must complete and sign a *Declaration of Person Delivering a Mail-in Ballot Package* for each mail-in package delivered
- 51.** A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall upon returning it to the Electoral Officer, or the Deputy, be entitled to obtain another ballot paper and the Electoral Officer, or the Deputy, shall thereupon write the word "Cancelled" upon the spoiled ballot paper and preserve it. A maximum of two (2) ballots will be given- One original and one replacement, if needed.
- 52.** An elector whose name does not appear on the voters' list may vote at an Election if the Electoral Officer or the deputy is satisfied that such person is qualified to vote.

Count

- 53.** Only one scrutineer per candidate is allowed to be present during the count.
- 54.** Candidates are not allowed to be present during the count.

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- 55.** No cell phones or other electronic devices present at the count. The Electoral Officer and Deputies may have use of their phone.
- 56.** At the close of the poll, in the presence of the scrutineers, the Electoral Officer will verify the mail-in ballots. The voter declaration form must be filled out and signed by the elector and the witness. If the form is not filled out or the person has voted at the in-person poll, the envelope will be set aside and not counted.
- 57.** The Electoral Officer will open the white ballot envelopes of the mail-in votes, verify that the Electoral Officer's initials are on the ballot and deposit the ballot in the ballot box.
- 58.** After all accepted mail-in votes have been deposited into the ballot box, the ballot box will be opened.
- a) examine the ballot papers and reject all ballot papers
 - i. that have not been supplied by the Electoral Officer. All ballots must be original, no copies or faxes will be accepted.
 - ii. by which votes have been given for more candidates than are to be elected.
 - iii. upon which anything appears by which the voter can be identified. But no word, letter or marks written or made, or omitted to be written or made by the Electoral Officer, or their deputy, on a ballot paper shall void it or warrant its rejection, or
 - iv. where the intent of the voter is not clear.
 - b) Either portion of the ballot may be rejected according to the above criteria, while the other portion may still be accepted. If only one portion of a ballot is rejected, that portion will be marked with the word "rejected" and the ballot will be kept with the accepted ballots so that the votes on the good portion can be counted.
 - c) Subject to review on recount or on an election appeal, take a note of any objection(s) made by a scrutineer to any ballot paper found in the ballot box and decide any question arising out of the objection(s)

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- d) number such objection(s) and place a corresponding number on the back of the ballot paper with the word "Allowed" or "Disallowed" with the Electoral Officer or Deputy's initials; and
- e) 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. The statement shall be then signed by the Electoral Officer and such other persons authorized to be present as may desire to sign the statement.

Recount

- 59.** If there is a difference between the number of votes of a candidate who is going to be declared elected and any runner-up candidate of five (5) or less, the votes will be re-counted for those candidates. This recount will happen immediately.

Tie

- 60.** If there is a tie for a winning candidate, the Electoral Officer will conduct a draw by putting the names for the tied candidates in a container/hat and drawing out one (1) name. This paper will be kept with the ballots.

After the Count

- 61.** Immediately after the completion of the counting of the votes the Electoral Officer shall publicly declare to be elected, the candidate or candidates having the highest number of votes and the Electoral Officer shall also post, in some conspicuous place, a statement signed by them showing the number of votes cast for each candidate. The ballots shall be placed in a sealed envelope and the envelope shall be initialed by the Electoral Officer.

Statement of Votes

62. The Electoral Officer shall:

- a) Prepare a statement showing the total number of votes cast for each candidate, the number of rejected ballots and the names of the candidates duly declared elected.
- b) The statement shall be signed by the Electoral Officer and such of the scrutineers as are present and desire to sign it.
- c) One copy of such statement shall be forwarded to the Band Manager, one copy to the regional or district manager of Indigenous Services Canada and one copy for the Electoral Officer's records. A copy of the Statement of votes will be posted on Glooscap First Nations website.
- d) A Nomination Report and Electoral Officer's Report will be completed and submitted to Chief and Council.

63. All paperwork and ballots are held with Electoral Officer for 8 weeks. At that time, the ballots will be destroyed and witnessed by 2 people. A Disposition of Ballots form will be filled out. If an appeal is in progress, the ballots will be destroyed after the appeal is finished.

Appeals

64. Within 14 days after an Election, any candidate at the Election or any elector who gave or tendered a vote at the Election who has reasonable grounds for believing that:

- i. there was corrupt practice in the connection with the Election,
- ii. there was a violation of these Regulations that might have affected the result of the Election, or
- iii. a person nominated to be a candidate in the Election was ineligible to be a candidate,

may lodge an appeal by submitting all the particulars to the Adjudicator.

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65. An appeal must also be served to the electoral officer and all candidates who participated in the contested election

66. Where it appears that:

- a) there was corrupt practice in connection with an Election
- b) there was a violation of these Regulations that might have affected the result of an election or
- c) a person nominated to be a candidate in an election was ineligible to be a candidate

the Adjudicator may set aside the Election and a new election timeline will begin. The 65-day timeline will start within 7 days of the decision to overturn.

67. All court cost associated with the Elector submitting the appeal will be paid by the elector. If an appeal is successful and the election is overturned, the elector with the successful appeal will be reimbursed by Glooscap First Nation AT THE RECOMMENDATION OF THE COURT.