

**Beardys' and Okemasis First Nation
Band Custom Election Act
Proposed Amendments Commentary**

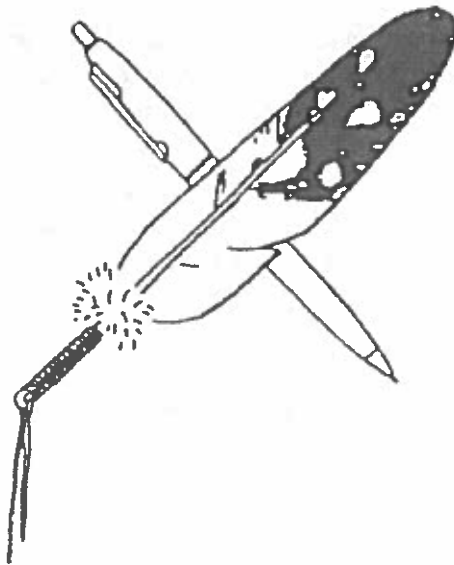
This Election Act with proposed amendments. These proposed amendments were based on the information and direction received from community meetings, committee meetings and meeting with Chief and Council. Please take note of the following comments regarding the document. Where the comments coincide with a question that will be voted on at the Special Meeting of Membership it is noted.

1. Overall general formatting and restructuring of the document was done. This provides more flow for the reader. Also, the definitions were alphabetized. The major changes within the document will be voted on by membership. (Question 1).
2. Name of Document. The original document was named Band Custom Election Act. This was changed to Beardy's and Okemasis Cree Nation Election Act. (Question 2).
3. The Preamble was added to this Act to provide unity for all Beardy's and Okemasis First Nation Documents. It sets out the history and authority the Nation has for creating its own Laws. (Question 3).
4. Definition of Corrupt Practice was added to the definitions. There is also section 4 that was added to the Act. This was to ensure fair and equitable campaigning.
5. Definition of Indictable Offences was added to the definitions. This was to assist with section 3(k). Section 3 (k) was added after input from community feedback requiring Candidates to present their criminal record as proof that they have not been convicted of an indictable offence, or proof that he/she has received a pardon. (Question 4).
6. Section 3(a) was added to state candidates can only run for one position. It was noted in discussion that this goes without saying but it was important to add this section to add clarification.
7. Tribunal was changed to Election Appeal Board to differentiate from the Tribunal that will be stated in the Proposed constitution of Beardy's and Okemasis First Nation.
8. Section 3(l) was added after feedback from the community. This will require all candidates to pay an election fee and these funds will be used to pay election expenditures. (Question 5).
9. Section 3(m) was added after feedback from the community. This will require all candidates to agree to take a drug test and the drug test must not show traces of banned drugs. If the drug test shows traces of band drugs then they will be deemed ineligible to run for Chief or Councillor. (Question 6 & 7).

10. Section 6. Composition of Council – It has been suggested to reduce the number of Councillors from eight (8) to six (6). (Question 8)
11. Section 7 (c), the Electoral Officer when posting notice will ensure that all eligibly requirements to run for Chief or Council are posted also.
12. 12(d) In the event of a tie, there will be an immediate recount of the ballots and if there is still a tie, then the Electoral Officer will call for a Run-Off Election. These amendments are reflected in section 10(h), 12(d)& (e). We then added a section regarding Run-Off Elections, Section 13. This was done to ensure a fair and equitable process in the event of a tie.
13. Appeals – Currently the Election Appeal Board consists of only band members. To ensure fair and equitable process, the proposed amendment does not specify band members, it only specifies three (3) independent and neutral individuals. This gives opportunity for non-band members to be appointed. For example, members of a neighbouring First Nation. (Question 9).
14. It will be proposed to add the “Oath of Office” and “Job description for Chief and Council” to the Election Law. (Question 10 & 11).
15. Section 17 (a) Removal from Office. If any member of Council contravenes the “Oath of Office” it will be grounds for removal.

BEARDY'S AND OKEMASIS' CREE NATION

ELECTION ACT



PREAMBLE

We, the Beardy's and Okemasis' Cree Nation have the inherent right to govern ourselves according to our customs, traditions and natural laws of the nehiyawak. We declare these are our truths;

We are a Nation of many Nations. Chief Beardy (Kamiyistowesit) and Chief Cutnose signed an adhesion to Treaty #6 on August 28, 1876 near Fort Carlton thereby entering into Treaty with the Crown, exercising all the powers of our Sovereignty and Nationhood.

With the teachings of our elders in our hearts and minds, we will conduct ourselves in a positive manner. We will maintain a good path with the next seven generations always in mind, so they carry on in such a way that our inherent rights remain protected.

Beardy's and Okemasis' Cree Nation has always had a special relationship with the Crown, a relationship that was recognized in the Royal Proclamation of 1763, Treaty 6 and in the Constitution Act, 1982; Under this special relationship, the Crown has special obligations to all of the People of the Beardys' and Okemasis' Cree Nation current and future members for as long as the sun shines, the grass grows and the rivers flow;

This Act does not in any way abrogate or diminish the Aboriginal and Treaty Rights of the Beardy's and Okemasis' Cree Nation and its citizens protected under Section 35 of the Constitution Act of Canada; and the fiduciary responsibility of Canada to Beardy's and Okemasis' Cree Nation and its members.

It is upon this foundation that we, the members of the Beardy's and Okemasis' Cree Nation, put into place this Election Act, which is the basis for our government authority, our jurisdiction, our laws, and our traditions.

This Act is a framework for the implementation of our inherent and treaty rights which extend to all of our people regardless of their residency.

NOW THEREFORE, by virtue of our rights and freedoms as an autonomous First Nation in an historical relationship with the Crown, we do hereby declare and institute the "Beardy's & Okemasis' Cree Nation Election Act."

1. Title

The following Act may be cited as "Beardy's and Okemasis' Cree Nation Election Act".

2. Interpretation

In this Act:

- a) "Act" means the Beardy's and Okemasis' Cree Nation Election Act.

- b) **“Advance Poll”** means those polling stations(s) that will be designated at the time of the nomination meeting. There will be (2) two locks on the box(s) of the advance polling station box(s). The Chief Electoral Officer and Deputy Elector Officer shall each have a key for each lock. After the advance polls(s) are closed the box(s) shall be kept at the Beardy’s RCMP Detachment until the day of tabulations.
- c) **“Appellant”** means an individual who makes an appeal of the results of elections in accordance with this act.
- d) **“Band Council”** means the body composed of those persons elected pursuant to this act.
- e) **“Band Meeting”** means special meeting of the Electors of the Beardy’s and Okemasis’ Cree Nation called for the specific purpose of addressing election issues only.
- f) **“Band Member (s)”** means an individual registered as a member of the Beardy’s and Okemasis’ Cree Nation in accordance with the Band List maintained by Indigenous and Northern Affairs Canada or as may be established and maintained by the Beardy’s and Okemasis’ Membership through a Membership Code.
- g) **“Band”** means the Beardy’s and Okemasis’ Cree Nation.
- h) **“Beardy’s and Okemasis’ Cree Nation”** means Beardy’s and Okemasis’ First Nation.
- i) **“Candidate”** means any band member whom:
 - i. Has reached the age of 18 on the day of the election.
 - ii. Has been nominated to be a candidate as to the provision of this act.
- j) **“Chief Electoral Officer”** means a person appointed by the Chief and Council of Beardy’s and Okemasis’ Cree Nation before each election who will have the responsibility for holding an Election in accordance with this act.
- k) **“Corrupt Practice”** means immoral, dishonest, and unethical conduct in relation to an election, including;
 - i. attempting or offering money or other valuable consideration in exchange for an elector’s vote; or the falsification of a declaration of a ballot count, vote result or declaration of election result; or
 - ii. threatening adverse consequences, coercing or intimidating an elector or an election official for the purposes of influence an elector’s vote; or a ballot count, vote result, or declaration of election result; or

- iii. forging documents or providing false or misleading information for the purposes of influencing an elector's vote; or a ballot count, vote result, or declaration of election result.
- l) **"Deputy Electoral Officer or Deputy"** means a person(s) appointed by the Chief and Council of Beardy's and Okemasis' Cree Nation to assist the Electoral Officer in the election process.
- m) **"Election"** described for the purpose of this act refers to elections or by-elections of the Chief and Councillors of Beardy's and Okemasis' Cree Nation.
- n) **"Elector"** means a person who is:
 - i. A member of the Beardy's and Okemasis' Cree Nation.
 - ii. Has reached the age of 18 on or before the day of election.
- o) **Indictable Offences** – means an indictable offence as defined under the Criminal Code of Canada but does not include hybrid offences.
- p) **"Polling Station(s)"** means a building(s), hall or room, which is selected to be the site for voting to take place.
- q) **"Scrutineer"** means an agent of any candidate who will examine or watch the Election procedures as according to this act.
- r) **"Election Appeal Board"** means three (3) members of Beardy's and Okemasis' appointed by the Chief and Council of Beardy's and Okemasis' Cree Nation. The Tribunal maintains the integrity of the band respecting our traditional practices ensuring fairness, honesty, integrity, and confidentiality of election practices and procedures.

Or means three (3) individuals appointed by the Chief and Council of Beardy's and Okemasis' Cree Nation. The Tribunal maintains the integrity of the band respecting our traditional practices ensuring fairness, honesty, integrity, and confidentiality of election practices and procedures.

3. Eligibility

For the purpose of this act, eligibility shall be defined as follows:

- a) A candidate may only run for one position either Chief or Councillor.
- b) Any Band Member who has reached eighteen (18) years of age as of the day of the elections is eligible to vote for the elections of Chief and Councillors of the Beardy's and Okemasis' Cree Nation.

- c) All Band Members who meet the proper age qualifications are entitled to vote regardless of ordinary place of residence.
- d) A Candidate for the position of Chief of the First Nation must be at least eighteen (18) years of age as of the day of the nomination meeting.
- e) A candidate for the position of Councillor of the First Nation must be at least (18) years of age as of the day of the nomination meeting.
- f) The nominator and a seconder of a Chief and Councillor nomination must be a band member and meet the eligibility age requirement of 18 years of age as of the day of the nomination meeting.
- g) Any eligible member of the Beardy's and Okemasis' Cree Nation who is 18 years of age of the day of the election may be a candidate for Chief and Councillor regardless of residence.
- h) The successful candidate for Chief must make reasonable efforts to reside on the reserve within thirty (30) days of successful election.
- i) All candidates for the position of Chief or Councillor employed by the Beardy's and Okemasis' Cree Nation must take a leave of absence two (2) weeks prior to the election and must resign upon election.
- j) All incumbent Council nominated for the position of Chief or Councillor must take a leave of absence one (1) week prior to the election.
- k) All Candidates must present a criminal record check as proof they have not been convicted of an indictable offence, or if he/she has been convicted of an indictable offence, he/she has received a pardon through the Canadian Legal System.
- l) All Candidates must pay an election fee. For the office of Chief the election fee will be four hundred (\$400.00) Dollars (CDN). For the position of Councillor the election fee will be two hundred dollars (\$200.00) Dollars (CDN).
 - i. All fees for eligible candidates are non-refundable and shall be deposited into the Beardy's and Okemasis' Cree Nation General Account, which shall be utilized to pay election expenditures.
- m) All Candidates must agree to take a drug test;
 - i. At least 21 days prior to election each candidate must contact Beardy's and Okemasis' Chief Executive Officer or person delegated to organize drug testing and schedule appointment at designated drug testing facility.
 - ii. Must pay for the drug test; and

- iii. Have test results showing the absence of banned drugs as in the Controlled Drugs and Substances Act, S.C. 1996, C.19.
- iv. Sign Waiver of confidentiality to disclose results of drug test to Electoral Officer.
- v. If candidate disputes drug test, they can take a second test following the same procedure but it must be done prior to all results being submitted to Electoral Officer.
- vi. All results must be submitted to Electoral Officer 1 week prior to nomination meeting.
- vii. In the event of a drug test showing positive indication of prohibited drugs the Electoral Officer will deem the candidate ineligible to run for office of Chief or Councillor of Beardy's and Okemasis' Cree nation.

- n) At the end of the nomination meeting all candidates must complete and provide all requirements for eligibility.

4. Corrupt Practice

- a) All Candidates are prohibited from campaigning inside the elementary school, high school and administration buildings for the duration of the campaign period. The campaign period is from the day of nomination meeting, when the meeting is called to order until the day of election and closing of polls.
- b) Candidates are prohibited from engaging in corrupt practice.
- c) Any elector that believes a Candidate has engaged in corrupt practices must file an appeal.

5. Term of Office

The term of office of the Band Council will be:

- a) The term of office for the position of Chief will be three (3) years.
- b) The term of office for the position of Councillor will be three (3) years.

6. Composition of The Council

- a) The Council of the Band will consist of one (1) Chief and eight (8) Councillor(s)
- Or
- b) The Council of the Band will consist of one (1) Chief and six (6) Councillors(s)

7. Procedures

Procedures governing an Election shall be:

- a) Not less than thirty (30) calendar days in advance of the expiry of the term of office, the Chief and Council will:
 - i. Appoint a Chief Electoral Officer, Deputy Electoral Officer, and Polling Clerks(s).
 - ii. Set the date of the Election.
 - iii. Set the date of the nomination meeting, which will be held seven (7) days prior to the election.
 - iv. Appoint individuals to the Election Appeal Board.
- b) The Electoral Officer shall at the time of the posting notice of an election, notify the Band Member of the date, time and place of the nominations and the date, time and place(s) of the polling(s) of the election.
- c) The Electoral officer shall at the time of posting notice of an election, include the list of eligibility requirements to run for the Office of Chief or Councillor.
- d) No candidate for the office of the Chief or Councillor shall be eligible to be a Chief Electoral Officer, a Deputy Officer or a Polling-Clerk.
- e) Council will set the date for advance polls if it is deemed necessary.

8. Chief Electoral Officers Responsibilities

The duties of the Chief Electoral Officer, assisted by the Deputy Officer shall be:

- a) The posting of notices and distribution of all election information pursuant to this act.
- b) The Chief Electoral Officer shall prepare and post the voter's list 10 days prior to the nomination meeting.
- c) To preside as Chairperson at the nomination meeting.
- d) To arrange for the facilities to conduct a nomination meeting and call to order nomination meeting, and accept any motions, and to conduct the election.
- e) To make all arrangements for the ballots, the ballot box, and polling stations and advance polls as designated.
- f) To preside on the day of the election.
- g) To ensure all ballot boxes are initially empty and are scrutinized throughout the entire period of voting.

- h) There shall be a ballot prepared listing all candidates running for the position of Chief and a separate ballot listing all Candidates running for the position of Councillor. Names shall be by alphabetical order, surname first. The Candidate(s) shall agree to use of a Nickname in brackets following the given names of the Candidate(s). There shall be a separate ballot box for the “Chief” and a separate ballot box for the “Councillors”.
- i) The Chief Electoral Officer and their deputies shall maintain order at all times in the polling station(s) and may cause to be removed any person(s) who in any way interferes disrupts or attempts to influence the orderly conduct of the poll as to the provisions of this act.
- j) To examine the validity of all ballots cast.
- k) To supervise the counting of ballots and announce the official results.
- l) In case of a tie, the Chief Electoral Officer shall break the tie by methods stated in section 12 (e) of this act.
- m) To post the results and distribute information regarding the election as required; and
- n) In the event the Chief Electoral Officer is unable to perform all duties, they shall become the responsibility of the Deputy Electoral Officer who otherwise shall act as an assistant to the Chief Electoral Officer.
- o) The Chief Electoral Officer or deputy shall obtain sufficient ballot boxes, a sufficient number of ballot paper for the purpose of the election, instruments, meaning pencils, for marking, a sufficient number of directions-for-voting as may be required and all other equipment as necessary to establish and equip the voting locations.
- p) The Chief Electoral Officer or deputy shall construct or erect polling booths at the locations set out in the notice, and the polling booths shall be such that the privacy of the voters is maintained.
- q) The Chief Electoral Officer or deputy shall, where necessary and when requested, appoint an interpreter, who will be a member of the Band, for those voters who are unable to read or are unable due to blindness or other physical disability. To assist the Elector to vote in the manner prescribed by Section 11.

9. Nomination Meeting

Conduct of the Nomination Meeting shall be:

- a) The Chief Electoral Officer shall preside.

- b) All nominations shall be moved and seconded and all Candidates nominated must agree or decline to run for office. In the event a nominee is not in attendance at the meeting, a notarized letter indicating an acceptance to run or to decline the nomination shall be presented at the nomination meeting.
- c) Nomination for the position of Chief shall be called first.
- d) When the Chief Electoral Officer is satisfied that there are no further nominations, a nominations cease motion shall be deemed in order and carried through a show of hands at the meeting indicating the majority of the assemble are in favor.
- e) The same procedure shall be followed for the position of Councillor.
- f) The Chief Electoral Officer shall, if the number of Candidates for the position of Chief and/or Council nominated does not exceed the number of positions open at the end of the meeting, declare such candidates elected by acclamation.
- g) If the number of Candidates nominated exceeds the number of positions open for election; the electoral officer will announce the date of the election.
- h) Chief Electoral Officer will discuss in the event of a tie, the procedure that will be followed;
 - i. First a recount will be performed; and
 - ii. Then if there is still a tie, the Electoral Officer will call for a run-off election set out in section 13 of this act.
- i) There will be a polling station(s) established as determined at the time of the nominations meeting.
- j) Within 24 hours of their appointments, the Chief Electoral Officer shall post notice of the election date; the nominations meeting date and the names of Tribunal members appointed by Chief and Council. Notice(s) will be posted at all Band Community Buildings, Saskatoon, Prince Albert and North Battleford Friendship Centres. All notices to be posted in accordance with this act will be posted at the prementioned locations.
- k) Notice of the election shall be sent by letter, by the Chief Electoral Officer.
- l) Any Candidate wishing to withdraw from running for office shall notify the Chief Electoral Officer seventy-two (72) hours before election day in the form of a written notice.

10. Advance Polls

- a) If Advance Polling stations are deemed necessary, the same voting procedures of Election Day will apply.
- b) Advanced polling stations(s) will be designated at the time of the nomination meeting and there will be (2) two locks on the box(s) of the advance polling station box(s). The Chief Electoral Officer and Deputy Elector Officer shall each have a key for each lock. After the advance polls(s) are closed the box(s) shall be kept at the Beardy's RCMP Detachment until the day of tabulations.

11. Election Day

Procedures on Election Day shall be:

- a) The hours of voting on Election Day shall be 9:00am to 6:00pm.
- b) All voting shall be by secret ballot, which will be placed in a locked and sealed ballot box.
- c) The ballots, the polling station and all facilities, are the responsibility of the Chief Electoral Officer including the supervision of all polling stations.
- d) Following the closure of the polling station(s), the Chief Electoral Officer shall supervise the examination and tabulation of the ballots.
- e) For the Office of the Chief, the Candidate having polled the most votes will be declared duly elected.
- f) For the office of Councillor, a list shall be prepared by the Chief Electoral Officer, with the Candidate receiving the most votes as first, the next highest as second, and so on. The list shall be used to declare elected Councillors to the number of vacancies in the Beardy's and Okemasis' Council.
- g) All Candidates shall have the right to attend in person, or have a designate attend the counting of the ballots.
- h) The Chief Electoral Officer shall keep the ballots for thirty (30) calendar days, whereupon they will be destroyed unless there is an appeal.
- i) Person(s) presenting themselves for the purpose of voting shall, upon being confirmed by the Chief Electoral Officer or one of their deputies as an elector, be given two (2) ballots each of a different color, one (1) for the election of the Chief and one (1) for the election of Councillors, upon which to register their votes.
- j) All candidates shall be entitled to not more than two (2) designates in a polling place at any one time and the designate(s) shall conduct themselves in a manner that will not persuade the voters in any way.

- k) The Chief Electoral Officer or Deputy shall initial each ballot upon giving it to the Elector.
- l) Each Elector, after receiving the ballots, shall proceed directly to the place provided for marking ballots and shall mark their ballots by placing an X, or other mark that clearly indicates the Elector's choice, in the place provided on each ballot opposite the name of the candidate, and shall then deposit the ballot in the ballot box supplied.
 - i. While any Elector is in the place provided no one shall be allowed in the same compartment or be in any position from where they can see how the Elector is voting, except when an interpreter is needed as stated in section 8(q).
- m) A voter who has inadvertently dealt with his ballot paper(s) in such a manner that it cannot be conveniently used, shall return it to the Chief Electoral Officer or deputy who shall write the word "cancelled" upon the ballot paper(s) and preserve it and shall issue another ballot(s) to the Elector.
- n) Any person who has received ballots and who leaves the polling place without delivering the same to the Chief Electoral Officer or a Deputy in the manner provided, or after receiving the ballot, refuses to vote, shall forfeit his right to vote in the election. The Chief Electoral Officer or a deputy shall make an entry in the voter's list as "declined".
- o) Any person who is a band member over the age of 18 years, but whose names does not appear on the voters list, may present identification and evidence of membership to be verified by the Chief Electoral Officer or a deputy, and if the Chief Electoral Officer or the deputy is satisfied that the person is eligible to vote pursuant to this act, the person shall be added to the voters list and allowed to vote at the polling station.
- p) Every Elector who is inside the polling place, standing in line at 6:00pm shall be entitled to vote before the poll is closed.
- q) The Chief Electoral Officer shall, immediately before the commencement of the poll, open the ballot box(s) and call such persons as may be present to witness that it is empty; the Chief Electoral Officer shall then lock the box to prevent it from being opened and shall place it in view for the reception of the ballots and the box shall not be unlocked during the time appointed for taking the poll.

12. Tabulation Procedures

- a) Immediately after the polls are closed, the Chief Electoral Officer shall, in the presence of such candidates or their agents, and any Electors as may be present, open the ballot box(s) and;

- i. Examine the ballots and reject any that are not initialed by the Chief Electoral Officer or a deputy, or any other ballots that, in the Chief Electoral Officer's opinion, do not give a clear indication of the voter's preference.
- ii. Those that constitute a rejected ballot are:
 - 1.1) Can identify the voter.
 - 1.2) If any of the ballots for Chief and/or Councillors have more markings on the ballots than there are vacancies for that position.
 - 1.3) Do not have the initials of the Chief Electoral Officer or deputy.
- b) The results of the election for the position of Chief and Councillor will be posted as soon as practicable after the date of election.
- c) The Chief Electoral Officer shall forward the results to:
 - i. One copy to Indigenous and Northern Affairs Canada.
 - ii. One copy to the Band Administration.
- d) In the event of a tie between two or more candidates who would otherwise have been entitled to occupy the last position in office as Councillor or position of Chief, the following shall take place:
 - i. The Chief Electoral Officer, at the request of the Candidate and position effected, shall hold a recount.
 - 1.1) The results of the recount shall be final, subject to the provisions of this act.
 - 1.2) If a tie results after the recount, the tie will be broken with a Run-off election pursuant to Section 13 of this act.

13. Run-Off Elections

- a) In the event of a tie between two or more candidates who would otherwise have been entitled to occupy the last position in office as Councillor or position of Chief, the Electoral Officer shall set a date in which the run-off election will occur.
- b) In no event shall the date for the run off-elections be more than one (1) week after the date of the election in which the tie vote occurred.
- c) Only those candidates that were tied are eligible to participate in the run-off election.
- d) The "Beardy's and Okemasis' Election Law" shall apply with respect to run-off elections.

14. Appeals

Pursuant to this act, the Election Appeal Board shall consist of three independent and neutral members of Beardy's and Okemasis' Cree Nation ~~Or Pursuant to this Act, the Election Appeal Board shall consist of three independent and neutral Individuals.~~ This Election Appeal Board shall hear appeals on elections, and shall have the final authority on appeal hearings and/or investigations. The following procedures govern an appeal to the election results:

- a) Any Elector may appeal the results of the election by submitting a hand delivered appeal to a member of the Election Appeal Board within Thirty (30) days from the day of Elections.
- b) Grounds for an appeal are restricted to:
 - i. Election practices which contravene this act, or errors, which might have affected the results of the election.
 - ii. Improper conduct on the part of candidate(s) at the place of election and during voting hours, actions which constitute Improper Conduct are:
 - 1.1) Being under the Influence of Alcohol/Drugs at the polling station and during polling hours.
 - 1.2) Soliciting votes at the polling station and during voting hours.
 - 1.3) Uttering threats or abusive language towards voters and/or other Candidates(s) at the polling station and during voting hours.
- c) In event of an appeal:
 - i. The Election Appeal Board through written notice shall notify the Candidate(s) and post a notice of appeal at the Section 9(J) locations.
 - ii. An appeal must be in writing to the Election Appeal Board and contain details on the grounds upon which the appeal is made.
- d) An Election Appeal Board will rule on whether to accept or reject the appeal.
- e) If it is judged that the appeal is valid the Election Appeal Board shall order an investigation and/or hear witnesses to determine the facts.
- f) An appeal hearing will take the form of a formal meeting chaired by the Election Appeal Board. The Election Appeal Board shall hear evidence from:
 - i. The Appellant.
 - ii. The Chief Electoral Officer and from any Candidate in the election whose position may be affected by the appeal.
 - iii. In addition, the Election Appeal Board may hear evidence from any other person, it believes may provide information relevant to the appeal, or may

obtain evidence from any other source, which may provide information relevant to the appeal.

- g) The decision of the Election Appeal Board will represent the final decision regarding the election. The Election Appeal Board will notify the electorate as soon as practicable by registered mail via the mail out list provided by the Band Administration, and by posting their decision at the Section 9(J) locations. The Election Appeal Board may:
 - i. Uphold the election.
 - ii. Order a new election for all or some of the position(s) that are affected by the appeal.
- h) The Band Administration will agree to provide clerical support to the Election Appeal Board.

15. Assumption of Office

The newly elected Chief and Councillors shall take office at the end of the current term of office.

16. By-Election

In the event of a vacancy within the term of office for the position of Chief and/or Councillor, a by-election shall be held for the position vacated for the duration of the term, providing only that the term exceeds six (6) months, and shall be conducted in accordance with this act.

17. Removal from Office

During their term of office, the Chief and Councillors represent and are, therefore, accountable to all Band Members, whereupon said Chief and Councillors may be removed from Office if they:

- a) Contravene any section of the "Oath of Office".
- b) Are absent from three (3) Council meetings without justifiable cause.
- c) No longer meet eligibility requirements.
- d) Resign in writing of their own accord.
- e) Become deceased.

18. Amendments

Amendments to any part of this act may be submitted by any Member of the Beardy's and Okemasis' Cree Nation in writing to the Chief and Council. In any year where there are proposed amendments submitted, the Chief and Council will call a special Band meeting to review and address any proposed changes to the act. Notice of the special meeting will be posted at least fourteen (14) days in advance of the meeting and will set out the location, date and time of meeting. These notices will be posted at all Band community building, Saskatoon, Prince Albert and North Battleford Friendship Centre(s). Amendments are approved if a simple majority (50% + 1) of members attending the special meeting vote in favour of the amendments and that there be a minimum of 100 people in attendance of any special meeting in order for the meeting to proceed. The vote will be by a show of hands.

- a) When an amendment has been approved by the membership in accordance with Section 18 of this act, the "Beardy's and Okemasis' Cree Nation Election Act", will be revised within one week to reflect that amendment. The act will be amended on the date the amendment was approved.
- b) A list of the proposed amendments must be included in the notice (e.g. the amendments are proposed on the following term of office; eligibility of voters: composition of Council etc.)

Appendix 1
Chief and Council Job Description

Position: Chief

General Duties: The Chief is responsible for the overall operations of the First Nation, and has the following general duties:

a) Political Head of the First Nation;

1. Specific Duties: Notwithstanding the above general duties, the Chief performs the following specific duties:

As Political Head of the First Nation

- a) Official spokesperson for the First Nation for internal and external matters;
- b) Official representative of the First Nation for all external matters and agencies, and without limiting the generality of the forgoing including Canada and all of its departments (Indigenous and Northern Affairs Canada, Indian Oil and Gas Canada, etc.), the Province(s) in which the First Nation hold lands, Cities and Municipalities which have dealings with the First Nation, Other First Nations, Other Countries, the Tribal Council(s) that provides services to the First Nation, Treaty Organizations, and the AFN;
- c) Establishes the specific portfolios and appoints a portfolio chairperson for each portfolio from among the Councillors;
- d) Oversees the portfolio system to insure that each portfolio chairperson performs their designates portfolio functions;
- e) Ex Officio member of each portfolio and associated Committees
- f) Ensures all portfolio Chairpersons provide reports to the Chief on request and periodic reports to the Council;
- g) Calls Council meetings and General Band Meetings;
- h) Chairs or delegates the Chair of all Council and/or General Band Meetings;
- i) Assumes the duties and obligations of the position of Chief as defined under the *Indian Act*;
- j) Is a positive role model to the First Nation Community;
- k) Ensures Council carry out the following general responsibilities:

- i. Compliance with all of the Laws, codes and policies of the First Nation;
- ii. Program planning and budgeting for the provision of services and the management of the assets of the First Nation;
- iii. Implementation of best financial management procedures and practices, and accountability requirements and accountability tools;
- iv. Administer programs according to program requirements and budgets;
- v. Take corrective action to avoid deficits;
- vi. Maintain and respect the separation of the political from the administrative aspects of the First Nation to the extent possible;
- vii. Follow the provisions contained in the Operations Manual;
- viii. Adhere to a Code of Ethics;
- ix. Takes all reasonable action for and in the best interests of the First Nation with the objective of "good government".

Position: Councillor

1. **General Duties:** A Councillor is responsible for the program planning, budgeting, implementation, financial controls and service delivery monitoring and enhancement within the specific area(s) of the portfolio assigned to such Councillor, and generally covering all other program areas as a member of Council, and has the following general duties:
 - a) Assumes all of the duties and obligations of the position of Councillor as defined under the Indian Act, Canada.
 - b) Assumes the duties and obligations of the portfolio assigned to the Councillor
2. **Specific Duties:** Notwithstanding the above general duties, a Councillor performs the following specific duties:
 - a) Participates with Council to carry out the following responsibilities:
 - i. Compliance with all of the laws, codes and policies of the First Nation;
 - ii. Program planning, budgeting, implementation, monitoring and enhancement relating to the provision of services and the management of the assets of the Nation. Implementation of best financial management procedures and practices, and accountability requirements and accountability tools;
 - iii. Administer programs according to program requirements and budgets;
 - iv. Take corrective action to avoid deficits;

- v. Maintain and respect the separation of the political from the administrative aspects of the First Nation to the extent possible;
 - vi. Follow the provisions contained in the Operations Manual;
 - vii. Adhere to a Code of Ethics;
 - viii. Takes all reasonable action for and in the best interests of the First Nation with the objective of "good government".
- b) Complies with the Code of Ethics;
 - c) Adheres to the Codes of Conduct;
 - d) Is a positive role model for the First Nation Community;
 - e) Encourages and fosters a team spirit within the First Nation office and operations generally;

Duties as Portfolio Holder

- f) Works cooperatively with the Committee associated with the Portfolio held by the Councillor ("the Committee") to carry out the duties of the Committee as contained in the terms of reference of such Committee;
- g) Uses the Committee and the First Nation Personnel in the development of programs and policies and procedures associated with such portfolio, with final approval by Council for significant policy and procedure changes;
- h) Monitors along with the Committee, finance staff and Program Manager/Coordinator existing programs and services for efficiencies, effectiveness, budget variance and overall compliance with the funding agreement;
- i) Acts as a mediator for program, service and contract dispute resolution;
- j) Official political representative for the First Nation in the specific portfolio area for public relations purposes unless the Chief advises otherwise;
- k) Acts as the liaison between Council and Administration and the Committee.

Appendix 2
Oath of Office

I, _____ do solemnly swear and affirm that I will support and defend the laws, values and policies of the Beardy's and Okemasis' Cree Nation; that I will bear true faith and allegiance to the same; and that:

1. I will faithfully, honestly and consistently perform the duties of my office to the best of my judgment and ability, remembering that my primary duty is to serve the Beardy's and Okemasis Cree Nation;
2. I will honour and respect the spiritual and cultural traditions of our Cree Nation;
3. While conducting business for our Nation, I shall remain free of alcohol, illegal drugs, during my term of office;
4. I will promote and uphold the integrity and dignity of the Beardy's and Okemasis' Cree Nation and its programs and employees;
5. I will not allow any private interest to influence my conduct in public matters of the Beardy's and Okemasis Cree Nation. I will promptly disclose any "conflict of interest", direct or indirect financial interest I have in a matter; and I will not participate in the discussion of the matter and will not vote in respect of the matter;
6. I will honor, respect and support the Elders of the Beardy's and Okemasis Cree Nation;
7. I will show respect for the authority of the government (Chief and Council) and other governance structures of the Nation;
8. I will discharge my duties and responsibilities in a manner becoming my position;
9. I will be prompt, courteous and temperate in the performance of my duties;
10. I will maintain respect for my colleagues, the managers and employees of the Nation;
11. I will demonstrate and practice honesty, fairness, respect, justice and objectivity in my involvement in the governance affairs of the Nation;
12. I will continually work toward self-improvement and professional development.
13. I will not publicly criticize the laws or policies of the Nation. If I feel that changes would be advisable, I will provide constructive criticism or suggestion through the proper channels of law making or amending processes of the Nation;
14. I will use information obtained on the job for the intended purpose only. I will give out official, classified or confidential information only when the release of such information has been authorized by the Nation;
15. I will be accountable to the Beardy's and Okemasis' Cree Nation membership including reporting to the electorate on a regular basis;
16. I am qualified to hold the position of _____ in accordance with the provisions for candidate eligibility under the Beardy's and Okemasis' Cree Nation Election Act;
17. I have not, by myself or any other person, knowingly contravened the Election Act in relation to my election to office; and

I do further affirm that I take this Oath of Office freely, without any mental reservation or purpose of evasion. By the Grace of our Creator I do swear!

Name of Elected Official

Witness/ Elder

Date

Date

