

Sagkeeng Election Law

Revised: December 1, 2008

Whereas the Sagkeeng Nation's Executive Council has the duty by directive of the Sagkeeng Nation to oversee the governance, economic and social aspects of its citizens, the Fort Alexander Indian reserve and its traditional territories;

Whereas the Sagkeeng Nation is empowered to make laws by the Creator, by the Anicinabek Peoples of Sagkeeng, and by Aboriginal and Treaty rights as affirmed by Section 35 of the Constitution Act, 1982;

And Whereas the Anicinabek Peoples of the Sagkeeng Nation are desirous to enact this law to achieve fairness and accountability in the selection of its governance and leadership; and

Therefore the Executive Council of Sagkeeng with the benefit of public consultation and upon the direction and acceptance of the Lawmakers Assembly do hereby exercise our inherent right to govern ourselves and make this law.

Title

1. This Law shall be known as the *Sagkeeng Election Law*.

Definitions

2. In this *Law*, the following words and phrases mean:

- a) Election Appeal Board: the five-member body who are responsible for the investigation and adjudication of an election appeal as provided in Part 5 of this *Law*.
- b) Electoral Officer: the person appointed and authorized, ninety (90) days prior to an election, by an Order of Sagkeeng First Nation Government duly signed by a quorum of the Executive council to oversee an election.
- c) Electorate: those citizens eligible to vote as defined by this *Law*.
- d) Executive Council: Sagkeeng Chief and Council
- e) Deputy Electoral Officer: any person appointed by the Electoral Officer to assist with the conduct of an election
- f) Sagkeeng citizens: those persons who are Fort Alexander Band members and/or as identified as Sagkeeng citizens by Sagkeeng law.
- g) Quorum: a majority of the Executive Council.

Part 1 General

Eligible Citizens

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

Composition of Executive Council

4. The Executive Council shall consist of one (1) Chief and six (6) Councillors.

Chief

5. The Chief shall be that Sagkeeng citizen, who was nominated for that position and was the candidate who received the greatest number of votes from eligible voters.

Councillors

6. The Councillors shall be those six Sagkeeng citizens, who were nominated for that position and who received the greatest number of votes from eligible voters.

Citizens Take Office

7. Notwithstanding the submission of an election appeal as set out in Part 5 of this *Law*, the successful citizens, as noted in section 5 and 6, shall officially take office of the Executive Council the first Monday following the election.

Term of Office

8. Subject to section 10 and 11, the Executive Council shall hold office for four (4) years.

Position(s) of Executive Council become Vacant

9. Position(s) of the Executive Council shall become vacant if:

- a) A member of the Executive Council is convicted of an indictable offence;
- b) A member of the Executive Council dies or resigns from office;
- c) A member of the Executive Council has been absent from three consecutive meetings of the Executive Council without being authorized to do so;
- d) Sagkeeng citizens declare in petition form, signed by fifty-one percent (51%) of the total number of voting electorate in the prior elections and submitted to the Executive Council:
 - (i) that a member or members of the Executive Council cannot or will not perform his or her duties as member of the Executive Council to the satisfaction of the electorate; and/or
 - (ii) that it is in the best interests of Sagkeeng that a member or members of the Executive Council shall no longer hold office of the Executive Council; or
- e) The Election Appeal Board, pursuant to an appeal as provided in Part 5 of this *Law*, is satisfied:
 - (i) activity occurred with respect to the election, and/or
 - (ii) a violation of this Election *Law* or other Sagkeeng law

and that should such activity and/or violations have not occurred, the results of the election would have been different.

Vacancy of Executive Council

10. The office of the Executive Council in its entirety shall become vacant where:

- a) The petition submitted to the Executive Council pursuant to subsection 10(b), seeks the removal from office a majority of a Executive Council; or
- b) The Election Appeal Board, pursuant to subsection 10(c), is of the opinion the election of the Executive Council shall be set aside.

10(1) In the event the Executive Council is removed from office as provided in section 11, the elected council shall remain in office until an election is held.

Notice of Bye-Election

11. Where any office of the Executive Council becomes vacant as provided in section 10 more than eight (8) months before an election would normally be held, the Electoral Officer shall post notice of a nomination meeting as provided in Part 2 of the *Law*.

Acting Chief

12. Where the position of Chief has become vacant, the Councillors shall decide by quorum who shall assume the position of Acting Chief until an election is held pursuant to the provisions of this *Law*.

Deputy Electoral Officer

13. The Electoral Officer may appoint deputy electoral officers to assist in the conduct of the election.

Part 2 Voters List and Nomination Process

Voters List/Availability

14. The Band Indian Registry Administrator, or the person identified through Sagkeeng law, shall provide the Electoral Officer with a current list of Fort Alexander Band Members over the age of 18 years in alphabetical order, which shall be made available to all band members upon request and available for inspection at the Sagkeeng Executive Council administration office.

Additions/Deletions to Voters List

15. The Electoral Officer may add or delete electors on the voters list upon being satisfied that a person is eligible or ineligible to be on the list whereas:

- a) A person may demonstrate that the name of an elector is on the band list and presents evidence from the Registrar or from the band that the elector:
 - i) is 18 years of age and
 - ii) is qualified to vote at band elections
- b) the name of an elector has been omitted from the list;
- c) the name of an elector is incorrectly set out in the list; or
- d) the name of a person not qualified to vote is included in the list.

Electors' Mailing Addresses/Distribution

16. The Electoral Officer shall, upon being appointed or soon thereafter, request, through public media, including public posting in Sagkeeng, Sagkeeng radio, local newspapers and on the Sagkeeng website: www.sagkeeng.ca, the current mailing addresses from electors that wish to nominate or vote through mail. Electors must clearly give express permission to have their addresses distributed to candidates.

16(1) An elector who wishes to nominate or vote through the mail shall provide the Electoral Officer with their current mailing address.

16(2) The Electoral Officer shall compile a list of the names and addresses of electors who have provided same to the Electoral Officer for the purposes of nominating and voting through the mail.

Notice of Nomination Meeting

17. The Electoral Officer shall, at least thirty (30) days in advance of the nomination meeting, post public notice of the day, time, and place of a nomination meeting and the notice shall indicate copies of this *Law* are available at the Executive Council Administration Office for Sagkeeng citizens. Notice shall be provided through public media, including public posting in Sagkeeng, Sagkeeng radio, local newspapers and on the Sagkeeng website: www.sagkeeng.ca.

Mail-in Nominations

18. At least 30 days in advance of the nomination meeting, the Electoral Officer shall mail to every elector whose name appears on the list compiled by the Electoral Officer in accordance with 16(2), a voter declaration form and a mail-in nomination form.

Nomination Meeting

19. The nomination meeting will be held at least fifty-two (52) days prior to the election.

19(1) The Electoral Officer shall upon the meeting for nominations for a period of four (4) consecutive hours record those Sagkeeng citizens who have been nominated.

Nominee and Nomination Fee

20. A Sagkeeng citizen is a nominee for the position of either Chief or Councillor where:

- a) that citizen has been nominated by a Sagkeeng citizen and seconded by another Sagkeeng citizen, and
- b) at the nomination meeting or immediately thereafter has provided to the Electoral Officer a non-refundable administration fee of \$75.00 for candidacy for Chief and \$50.00 for Councillor, payable to Sagkeeng First Nation to be used to assist in the cost of the election.

Failure to Pay Nomination Fee

21. The Electoral Officer shall not include any nominated person on the election ballot if that person has failed to pay the nomination fee.

Mailed Nominations

22. An elector may nominate a candidate by mailing a written nomination and a completed, signed, and witnessed voter declaration form to the Electoral Officer before the time set for the nomination meeting. The Electoral Officer shall publicly announce at the nomination meeting any nominations received by mail and record these.

22(1) Mailed nominations that are not received by the Electoral Officer before the time set for the nomination meeting are void.

Secondments

23. Nominees may be seconded by mail or by the electorate in attendance at the nomination meeting.

Chief or Councillor Nomination

24. A Sagkeeng citizen can only be nominated for either the position of Chief or Councillor, and if nominated for both, shall indicate which nomination will stand.

Failure to Choose Nomination

25. Where, in section 24, the nominee has failed to indicate which nomination will stand, the Electoral Officer shall assume the second nomination has been declined.

Nominee Acceptance in Attendance

26. Immediately upon nomination, the nominee in attendance shall accept or reject their nomination.

Non-Attendance/Acceptance by Letter

27. A nomination may be accepted by letter, signed by the nominee for the position nominated and delivered by a nominator to the Electoral Officer at the nomination meeting.

Contact Nominees Who Were Not in Attendance

28. The Electoral Officer shall contact the nominees that were not in attendance at the nomination meeting to confirm their rejection or acceptance of their nomination.

Reasonable Effort – Non-Contact of Nominee

29. Should the Electoral Officer, after making a reasonable effort, fails to contact the nominee, the Electoral Officer shall deem non-contact of nominee as rejection of the nomination.

Voluntary Withdraw of Nomination

30. A nominee wanting to remove his/her name from ballot has ten (10) days subsequent to nomination meeting, to withdraw by written notice, their nomination to the Electoral Officer.

30(1) Subsequent to section 30, a nominee wanting to withdraw his/her nomination may do so by written notice to the Electoral Officer to be received two (2) weeks prior to the date of the election poll. However, the name of the nominee will remain on ballot.

Posting of Nominees

31. The Electoral Officer shall post a list of nominated citizens in public places in Sagkeeng and on the Sagkeeng website: www.sagkeeng.ca, the day after nomination or shortly thereafter.

Notice of Public Forum

32. Prior to the date of polls, the Electoral Officer shall post notice inviting all nominees to attend a public forum or forums to allow nominees an opportunity to express their views and to respond to questions from Sagkeeng citizens.

Part 3 Election Poll Procedures

Election Polls

33. The Electoral Officer shall, through public media, including public posting in Sagkeeng, Sagkeeng radio, local newspapers, and on the Sagkeeng website: www.sagkeeng.ca, thirty (30) days in advance of the election polls, post public notice of the day, time, and place of the election polls and the notice shall indicate that copies of this Law are available at the Sagkeeng Executive Council administration office.

Time and Place of Polls

34. The Winnipeg election poll and Sagkeeng election polls located on the North shore and the South shore shall be kept open from 8 a.m. to 8 p.m.

Choice of Poll

35. The Electoral Officer, immediately upon being authorized to oversee the Sagkeeng Election, shall request from the electorate their choice of election poll location through public media, including public posting in Sagkeeng, Sagkeeng radio, local newspapers, and on the Sagkeeng website: www.sagkeeng.ca

Failure to Inform

36. Electorate who fail to inform the Electoral Officer of their election polling location choice shall be deemed to have chosen the place at which they cast a vote at the last election.

36(1) The Electoral Officer shall compile a separate voters list for each polling station based on the information received under sections 35 and 36.

Election Ballots

37. The Electoral Officer shall prepare the election ballots in the following manner:

- a) list candidates in alphabetical order by first and last name of the candidate;
- b) Chief and Councillor candidates shall be listed separately
- c) candidates with similar names shall be clearly distinguished with additional information; and
- d) candidates may request the use of nicknames in addition to registered birth names.

Mail-in Ballots

38. At least thirty-five (35) days before the day on which an election is to be held, the Electoral Officer shall mail, to every elector whose name appears on the list compiled by the Electoral Officer under section 17(2), a package consisting of:

- a) a ballot, initialed on the back by the Electoral Officer
- b) an outer, postage-paid return envelope, pre-addressed to the Electoral Officer
- c) a second, inner envelope marked "Ballot" for insertion of the completed ballot,
- d) a letter of instruction regarding voting by mail-in ballot, and
- e) a statement identifying the location of all polling places, and advising the elector that he or she may vote in person at a polling place on the day of the election, in accordance with subsection 39(2) in lieu of voting by mail-in ballot.

Residents May Receive Mail-in Ballots

38(1) At the request of an elector who resides on the reserve, the Electoral Officer shall provide an election package as described in section 38.

Record of Mail-in Ballots

39. The Electoral Officer shall indicate on the voter's 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 addresses to which, each mail-in ballot was mailed.

Voting by Mail-in Ballot

39(1) An elector may vote by mail-in ballot by:

- a) marking the ballot by placing a cross, check mark or other mark, that clearly indicates the elector's choice but does not identify the elector, opposite the name of the candidate or candidates for whom he or she desires to vote;
- b) folding the ballot in a manner that conceals the names of the candidates and any marks but exposes the Electoral Officer's initials on the back;
- c) placing the ballot in the inner envelope and sealing that envelope;
- d) completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;
- e) placing the inner envelope and the completed voter declaration form in the out envelope; and
- f) delivering or subject to subsection 39(6), mailing the mail-in ballot to the Electoral Officer before the time at which the polls close on the day of the election.

Elector Assistance with Mail-in Ballot

39(2) Where an elector is unable to vote as provided in subsection 39(1), the elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that subsection.

Witness Attestation

39(3) A witness referred to in paragraph 39(1)(d) shall attest to:

- a) the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; or
- b) where the elector enlisted the assistance of another person under subsection 39(2), the fact that the elector is the person whose name is set out in the form and that the ballot was marked in accordance to the directions of the elector.

Spoiled Mail-in Ballot/Replacement

39(4) An elector who inadvertently spoils a mail-in ballot may obtain another ballot by returning the spoiled ballot to the Electoral Officer.

Lost Mail-in Ballot/Replacement

39(5) An elector who loses a mail-in ballot may obtain another ballot by delivering to the Electoral Officer a written affirmation that the elector has lost the mail-in ballot, signed by the elector in the presence of the Electoral Officer.

Void mail-in Ballots

39(6) An elector to whom a mail-in ballot was mailed or provided under subsection 38 is not entitled to vote in person at a polling place other than in accordance with subsection 45(2).

Mail-in Ballot Recipients

39(7) An elector to whom a mail-in ballot was mailed or provided under subsection 38 is not entitled to vote in person at a polling place other than in accordance with subsection 45(2).

Ballot Boxes

40. The Electoral Officer shall procure or cause to be procured as many ballot boxes as there are polling places, and shall cause to be prepared a sufficient number of ballot papers for the purpose of the election.

Supply Ballot Papers

41. The Electoral Officer shall, before the poll is open, cause to be delivered to his or her deputy the ballot papers, materials for marking the ballot papers, and a sufficient number of directions-for-voting as may be prescribed.

Voting Compartments

42. The Electoral Officer shall provide a compartment at each polling place where the electors can mark their ballot papers free from observation, and he/she may appoint a constable to maintain order at such polling place.

Two Agents Per Candidate

43. A candidate shall be entitled to not more than two agents in a polling place at any one time and shall identify in writing their agents to the Electoral Officer.

Ballot Box Inspection

44. The Electoral Officer or his/her deputy shall, immediately before the commencement of the poll, open the ballot box and call such persons as may be present to witness that it is empty; he/she shall then lock and properly seal the box to prevent it from being opened without breaking the seal and shall place it in view for the reception of the ballots, and the seal shall not be broken nor the box unlocked during the time appointed for taking of the poll.

Electors Receive Ballots

45. Subject to subsection 39(7), where a person attends at a polling place for the purpose of voting, the Electoral Officer or Deputy Electoral Officer shall, if the person's name is set out in the voter's list for that polling station, provide the person with a ballot.

Recording of Ballot Recipient

45(1) The Electoral Officer or his/her deputy shall cause to be placed in the proper column of the voters' list, a mark opposite the name of every voter receiving a ballot paper.

Mail-in Ballot Returned or Lost

45(2) An elector to whom a mail-in ballot was mailed or provided under section 38 may obtain a ballot and vote in person at a polling place.

- a) if 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, signed by the elector in the presence of the Electoral Officer or Deputy Electoral Officer.

Explain Vote

45(3) The Electoral Officer or his/her deputy may and when requested to do so explain the mode of voting to an elector.

Voting

45(4) After receiving a ballot, an elector shall:

- a) immediately proceed to the compartment provided for marking ballots;
- b) mark the ballot by placing a cross, check mark or other mark, that clearly indicates the elector's choice but does not identify the elector, opposite the name of the candidate or candidates for whom he or she 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.

Deposit of Ballot

46. 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 voter and any other persons entitled to be present at the polling place.

Voting Privacy

47. While any voter is in the compartment for the purpose of marking his/her ballot paper, no other person shall, except as provided in section 48, be allowed in the same compartment or be in any position from which he/she can see the manner in which such voter marks his/her ballot paper.

Voter's Assistance at Poll

48. At the request of any voter who is unable to vote in the manner set out in subsection 45(4), the Electoral Officer or Deputy Electoral Officer shall assist that voter by marking his or her ballot in the manner directed by the voter in the presence of another elector selected by the voter as a witness and place the ballot in the ballot box.

Reasons for Voting Assistance

49. The Electoral Officer or his/her deputy shall state in the voters' list, in the column for remarks, opposite the name of such elector the fact that the ballot paper was marked by him/her at the request of the voter and the reasons therefore.

Cancelled Ballots

50. A voter who has inadvertently dealt with his/her ballot in such a manner that it cannot be conveniently used shall, upon returning it to the Electoral Officer or his/her deputy, be entitled to obtain another ballot paper and the Electoral Officer or his/her deputy shall thereupon write the word "cancelled" upon the spoiled ballot paper and preserve it.

Decline to Vote

51. Any person who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the Electoral Officer or his/her deputy, in the manner provided, or if, after receiving the ballot paper, refuses to vote, shall forfeit his/her right to vote at the election and the Electoral Officer or his/her deputy shall make an entry in the voters' list, in the column for remarks, opposite the name of such person that received the ballot paper and declined to vote, and the Electoral Officer or his/her deputy shall mark upon the face of the ballot paper the word "declined", and all ballot papers so marked shall be preserved.

Not Appearing on Voters' List

52. An elector whose name does not appear on the voter's list may vote at an election if the Electoral Officer or his/her deputy is satisfied that such person is qualified to vote.

52(1) An elector may cast a vote at a polling station other than the one for which the voters list contains his/her name provided:

- a) the elector sign a declaration that he/she has not voted at another polling station,
- b) the Electoral Officer or his/her deputy is satisfied through verification with other polling stations that the elector has not voted at another polling station.

Voting after Poll Closed

53. Every elector who is inside the polling place at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

Transportation of Ballots

54. After the close of polls, the ballots shall be immediately transported to the RCMP Station in Powerview, MB by the Electoral Officer and Deputy Electoral Officer for safe-keeping.

Counting of Ballots

55. The counting of ballots shall occur in Sagkeeng the day after the polls, beginning at 10 a.m.

Counting of Mail-in Ballots

56. At the time set for the counting of the ballots as per section 55, the Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their agents 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 a voter declaration form or the voter declaration form is not signed or witnessed,
 - (ii) the name of the elector set out in the voter declaration form is not on the voters' list, or

- (iii) the voters' list shows that the elector has already voted, or
- b) in any other case, place a mark on the voters' list opposite the name of the elector set out in the voter declaration form, and deposit the ballot in a ballot box.

Counting of Votes in Ballot Boxes

57. Immediately after the mail-in ballots have been deposited in the ballot box, the Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their agents who are present, open all ballot boxes and

- a) examine the ballot papers and reject all ballot papers
 - (i) that have not been supplied by him/her,
 - (ii) by which votes have been given for more candidates than are to be elected, or
 - (iii) on which anything appears by which the voter can be identified;
- b) declare a ballot paper containing the names of candidates for more than one office, on which votes are given for more candidates for any office than are to be elected; but such ballot paper shall be good as regards to the votes for any other offices in respect of which the voter has not voted for more candidates than are to be elected;
- c) subject to review on recount or on an election appeal, take a note of any objection made by any candidate or his/her agent to any ballot paper found in the ballot box and decide any question arising out of the objection;
- d) number such objection 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/her initials;
- e) from the ballots not rejected or declared void under paragraph (b), count the votes given for each candidate who has not withdrawn before the close of the polls; and
- f) prepare and sign a statement of the number of votes for each candidate and the number of ballots rejected.

Recount

58. Where it appears that two or more candidates who would otherwise have been elected have an equal number of votes, the Electoral Officer shall hold a recount within 24 hours of counting the last ballot.

Tie-Breaking Election

59. In the event there is a tie, after a recount, all Sagkeeng citizens eligible to vote that are present shall break the tie. The candidates or proxies of those candidates shall stand, at which point, all those Sagkeeng citizens will go and stand behind the candidate or proxy of that candidate that they wish to be elected. The candidate with the greatest amount of support (amount of citizens standing traditionally behind the candidate/proxy) shall be that Sagkeeng citizen elected by those present.

Declaring of Elected Candidates

60. Immediately after the completion of the counting of the votes, the Electoral Officer shall publicly declare which candidates have been elected or the candidates having the highest number of votes.

Posting Election Results

61. Within four days after completion of the counting of the votes, the Electoral Officer shall prepare a statement indicating the number of votes cast for each candidate, the number of rejected ballots, and the names of the candidates duly declared elected and the statement shall be posted within Sagkeeng, announced on Sagkeeng radio, and posted on the Sagkeeng website: www.sagkeeng.ca.

Retention of Ballot Papers

62. The Electoral Officer shall retain, in his or her possession, all ballot papers in sealed containers for a forty-five (45) day period beginning either the day after the vote count, an automatic recount, or until the Election Appeal Board has rendered its final decision, whatever occurs last.

Destruction of Ballot Papers

63. After the expiration of the required number of days as provided in section 62, the Electoral Officer shall destroy the ballot papers in the presence of two witnesses who shall make a written statement that they witnessed the destruction of those ballot papers.

Part 4 Election Appeal Board

Composition of Board

64. The Election Appeal Board shall be composed of five (5) members.

Eligible Persons

65. The following person(s) are not eligible to be members of the Election Appeal Board:

- a) The Electoral Officer;
- b) Deputy Electoral Officers;
- c) A nominee in the election;
- d) Immediate family of a nominee including siblings, sons, daughters, mother, father, wife, husband, aunts, uncles, nieces, nephews, grandparents, or first cousins;
- e) Agent of a nominee (i.e. Scrutineer);
- f) A person closely associate with the conduct of the election;
- g) A person in conflict of interest with the subject matter of the appeal; or
- h) A person incapable of rendering a fair and objective decision.

Acceptance of Potential Board Members

66. Immediately after the receipt of an election appeal, the Electoral Officer shall publicly post notice, requesting names of those who wish to be considered to sit on the Election Appeal Board.

Posting of Notice – Public Assembly

67. Not less than seven (7) days after the receipt of an election appeal, the Electoral Officer shall post notice of a public assembly for the purpose of selecting members of the Election Appeal Board, specifying the day, time, and place of the meeting.

Provide Copies of Appeal

68. The Electoral Officer shall provide copies of the election appeal, this *Law* and the list of applicants for the Election Appeal Board at the public assembly held pursuant to section 67.

Names Withdrawn for Board

69. At the public assembly, the Electoral Officer shall deposit in a box papers containing the names of eligible persons who have indicated an interest in sitting on the Election Appeal Board, and draw these papers, one at a time.

Selection of Eligible Persons as Board Member

70. With each person drawn, a majority in attendance shall by a show of hands, accept or reject the person whose name appears on the paper.

Five Members Chosen

71. The selection procedure provided in section 69 and 70 will continue until the public assembly has secured the names of five persons to preside as Election Appeal Board members or until all the names submitted for consideration have been exhausted.

Executive Council Appoints

72. Where the procedures in this *Law* fails to secure a minimum of five members for an Election Appeal Board, the Executive Council shall appoint a number of members to the Election Appeal Board, adhering to the criteria set out in section 65, to ensure that the Board is comprised of five members.

Notice of Membership

73. Immediately after the selection of the Election Appeal Board members, the Electoral Officer shall notify each selected person of their Board membership and publicly post a list of the members.

Selection of Chairperson

74. Immediately upon notification or shortly thereafter, the Election Appeal Board shall meet and select a Chairperson by majority vote.

Removal of Board Member

75. At any time during the election appeal process, the majority of the Election Appeal Board may remove a member in writing to the Executive Council and the Electoral Officer where they are of the opinion that a member should not, is unwilling, or cannot participate in the election appeal process.

Part 5 Election Appeal Process

Submission of Appeal

76. Within forty-five (45) days after the Electoral Officer has announced the election results for the purpose of declaring the citizens elected, a Sagkeeng citizen may submit to the Electoral Officer, an election appeal where it is believed:

- a) an activity occurred with respect to the election and/or
- b) a violation of this *Election Law* or other Sagkeeng Law occurred

and that should activity and/or violations have not occurred, the results of the election would have been different

Appeals

77. All Election Appeal(s):

- a) must be submitted by registered mail by an elector whose name appears on the Voter's list
- b) must be in affidavit form and sworn by a Commissioner of Oaths, Justice of the Peace or Magistrate.
- c) grounds should be stated clearly and precisely (should be specific, giving details, names, and dates) and include references to the relevant sections of the Sagkeeng Election Law.

and the Sagkeeng Election Appeal Board will notify all candidates of the receipt of the appeal.

Copy of Election Appeal to Members

78. Immediately after the selection of the Election Appeal Board, the Electoral Officer shall provide a copy of the election appeal to each board member.

Board May Order Appearance and Question

79. The Election Appeal Board shall by registered mail or in a manner appropriate for the occasion, notify all persons deemed necessary for the proper investigation and adjudication of the election appeal issues.

Authority to Dismiss Appeal or Portion Thereof

80. The Election Appeal Board may dismiss the election appeal or any portion thereof where a person's refusal to cooperate renders the Board incapable to properly investigate the appeal or portion thereof.

Written Reasons

81. The Election Appeal Board, upon the completion of its investigation shall provide a detailed written report of its final decision with respect to the issues arising from the election appeal.

Declare Election Void

82. The Election Appeal Board may order a new election for all members of the Executive Council or a portion thereof.

Presentation of Final Decision

83. The Election Appeal Board shall hold a public meeting and through its Chairperson present its final decision.

Disbandment

84. The Election Appeal Board shall disband after the presentation of its final decision with respect to the issues arising from the election appeal.

No Appeal of Final Decision

85. There shall be no appeal to any judicial or quasi-judicial institution within Sagkeeng, the province of Manitoba or Canada with respect to the Election Appeal Board's final decision of the issues arising from the election appeal.

Part 6 Enactment

Community Ratification

86. This *Law* shall become Sagkeeng law with community ratification through the Sagkeeng Law-making process.

Application

87. This law shall apply to all Sagkeeng Executive Council Elections and for greater certainty shall replace the *Indian Act and The Indian Band Election Regulations* that govern the election process of the Fort Alexander Indian Band.

Amendment

88. This *Law* may be amended utilizing the following process explained below. Copies of the amending procedures will be available to all Sagkeeng citizens at the Sagkeeng Executive Council administration office. Sagkeeng First Nation members:

- a) may by Resolution at a Lawmaker's Assembly, direct that a law be made or amended.
- b) may direct the Executive Council to prepare a draft in accordance to the Assembly Resolution.
- c) shall consider the draft through community consultation Lawmaker's Assemblies.
- d) shall direct the Executive Council to revise the draft as deemed appropriate to the public consultation.
- e) shall submit draft for acceptance or rejection at a Lawmaker's Assembly

and if the law or amendment is accepted by the Lawmaker's Assembly the Executive Council may formally adopt the law or amendment.

88(1) Any law or amendment that may be a contentious issue may be deemed by a Lawmaker's Assembly to cause a referendum vote. Each referendum must provide public consultation through Lawmaker's Assemblies and must receive a majority of votes by those casting ballots in order to be declared effective and binding.