



**Nibinamik First Nation
Election Procedures and Regulations
2010**

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The **Nibinamik First Nation** is situated on Provincial crown land and is made up of band members of the Summer Beaver Band.

The First Nation is having its own **Local Government** through the **election** of its leaders, which will consist of one Chief, and four Councillors.

The First Nation has been requesting Independent **Band and Reserve Status** for quite some time and hope to achieve it in the very near future.

Prior to achieving Independent Band and Reserve Status, the Local Government shall be referred to as the **Nibinamik First Nation Council**.

1. Nibinamik First Nation

1.1.Means the Treaty Indians of the Summer Beaver Band.

2. First Nation Voter Eligibility

2.1.Means a Treaty Indian of Nibinamik First Nation band membership list regardless of residence.

2.2.Means a person who is the full age of eighteen years.

2.3.Means a person who is not disqualified from voting at First Nation Elections.

3. Member of the First Nation

3.1.Means a person who is a registered Treaty Indian attached to the Nibinamik First Nation.

4. Election

4.1.Means a First Nation election held in accordance with the Nibinamik First Nation Election Procedures and Regulations.

5. Electoral Officer

5.1.Means a person appointed by the First Nation Council to carry out an election and is not entitled to vote except to break a tie.

5.2.The Electoral Officer is the final authority to make decisions regarding the Nomination and Election Procedure of Nibinamik First Nation.

5.3.The First Nation Council shall appoint an electoral officer by Band Council Resolution.

5.4. The Electoral Officer will ensure that all provisions of an election are carried out according to the Nibinamik First Nation Election Procedures and Regulations.

6. Election of Chief, Deputy Chief and Councillors

6.1.Election will be carried out only by secret ballot. No signatures other than the Electoral Officers are allowed on the ballot.

6.2.Election will be held every two years regularly.(January)

6.3.The Chief of the First Nation Council shall be elected by a majority of the votes of the electors of the First Nation.

6.4.The Councillors of the First Nation council shall be elected by a majority of the votes of the electors of the First Nations.

7. Size of the First Nation Council

7.1.the First Nation Council of Summer Beaver shall consist of:

7.1.1. One Chief

7.1.2. Four Councillors

8. Length of Term in Office

8.1.1. The elected Chief and Councillors shall each hold office for a period of two years.

9. Vacancy of Office

9.1. The Office of the Chief and Councillors shall become vacant when the person who holds that office:

9.1.1. pass away

9.1.2. resigns

9.1.3. is convicted of an indictable offence

9.1.4. is absent from Council meetings consecutively and indefinitely without any written notice

9.1.5. is found guilty of corrupt practice

9.1.6. is asked to step down from his/her position by a written petition of 65% of the members from both the community and band membership of eligible voters.

10. Bi-Elections

10.1. should the office of the Chief become vacant and the regular election is less than three months away, no bi-election shall be held, instead a councillor will act as Chief until the regular election.

10.2. Should the office of the Chief or Councillor become vacant and the regular election is more than three months away, a bi-election shall be held.

11. Age Requirements

11.1. a resident member of the Nibinamik First Nation who is the full age of eighteen years shall be eligible to vote.

12. Candidate Eligibility

12.1. No person, other than an elector who permanently resides at the Nibinamik First Nation shall be nominated for the office of Chief or Councillor to represent that First Nation.

13. Nomination

13.1. No person may be a candidate for the election for Chief or Councillor unless his or her nomination is moved and seconded by persons eligible to nominate.

14. Nomination Meeting

- 14.1. A meeting shall be called by the Electoral Officer to be held for the purpose of nominating candidates for the position of Chief and Councillors.

15. Voting

- 15.1. the regulations governing these elections shall be used in the manner stated to carry out the voting.
- 15.2. candidates can vote
- 15.3. candidates can nominate other candidates
- 15.4. nominators and seconders can vote
- 15.5. nominators and seconders can vote for someone other than whom they nominated or seconded if they wish.

16. Residence

- 16.1. Where possible as many band members will be encouraged to vote. As such, a ballot box will be available in Thunder Bay Ontario for those members residing in that city. The Electoral Officer will contract with an agency in Thunder Bay (ie: Matawa First Nations) to establish a polling station and deputize polling clerks to supervise the vote in Thunder Bay in accordance with electoral procedures as deemed necessary.

17. The Nomination Meeting (Preparation)

- 17.1. after the electoral officer has been appointed and the upcoming election is confirmed, then the electoral officer shall put up notices in public places to inform the electors of the First Nation that there will be a nomination meeting to determine candidates for the Nibinamik First Nation Council.
- 17.2. these notices shall be written in both English and Oji-cree.
- 17.3. these notices will state the date, place and time of the nomination meeting.
- 17.4. these notices will be placed at least three weeks prior to the election

18. The Nomination Meeting (Executive)

- 18.1. any person who is an elector may move or second a nomination of any qualified candidate to serve as Chief or Councillor.
- 18.2. at the time and the place specified in the notices, the electoral officer shall declare the meeting open for the purpose of receiving nominations for
 - 18.2.1. One Chief

18.2.2. Four Councillors

- 18.3. Individuals can also nominate and second their candidates in writing by forwarding them to the electoral officer
- 18.4. any person who is eligible can be nominated for both the position of Chief or Councillor but must accept one position if the person so desires to accept.
- 18.5. should the number of persons nominated on the First Nation Council not exceed the requisite number, the electoral officer shall declare those person or persons so nominated be duly elected by acclamation.
- 18.6. should the number of persons nominated on the First Nations Council be less than the requisite number, the electoral officer shall declared a bi-election for the remaining positions to be filled.
- 18.7. in the event that more than the required number of persons are nominated for the positions required, then the electoral officer shall declare that a poll will be held for the purpose of voting to elect those positions.
- 18.8. this poll is to be held not less than six days or not more than ten days after the nomination meeting as may be determined by the First Nation Council.
- 18.9. when a poll for an election is declared then the electoral officer shall put up notices in public places to inform the electors.
- 18.10. the notices for the poll shall indicate the date, time and the place and shall be written in both English and Oji-cree.

19. Decision of timeline

- 19.1. Every person that may be or is interested in being nominated any office is encouraged to be in attendance at the nomination meeting to confirm or decline their nomination;
- 19.2. When a person is nominated for a position and has been seconded the electoral officer shall ask the person if present at the meeting whether he or she accepts the nomination or declines.
- 19.3. when a person is not present, then the electoral officer shall indicate the nomination is pending until the nominee has decided and that decision shall be in writing.

- 19.4. When a person has not made a decision due to employment and needs more time, the electoral officer shall indicate until decision is made no more than 3 to 5 full days and shall be in writing.

20. Campaigning

- 20.1. electoral officer shall authorize all campaigning literature and posters
- 20.2. the electoral officer shall authorize an all candidates forum and/or radio show with a time for speeches and questions and answers from band members.

21. Code of Ethics

- 21.1. Candidates must campaign:
 - 21.1.1. according to the rules and regulations established in this code and pursuant to the Code of Ethics;
 - 21.1.2. without coercion or vote-buying;
 - 21.1.3. respecting the right and freedom of other parties to organize and campaign;
 - 21.1.4. respecting the rights of voters to obtain information from a variety of sources and to attend political rallies;
 - 21.1.5. ethically, focusing on political issues and candidate platforms, instead of conducting smear campaigns or ones of rumour and innuendo;
 - 21.1.6. non-violently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
 - 21.1.7. respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
 - 21.1.8. respecting the electoral officials and not interfering with the performance of their duties; and
 - 21.1.9. accepting and complying with the official election results
- 21.2. Every person is guilty of an offence who, during an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate, or during an election period, accepts or agrees to accept a bribe that is offered.
- 21.3. Every person is guilty of an offence who, by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a

particular candidate in an election, or by any pretence or contrivance, induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election.

22. Voters List

- 22.1. the electoral officer shall prepare a voters list containing the names of all the electors in alphabetical order
- 22.2. the electoral officer shall post copies of the voters list in public places.
- 22.3. any elector may come forward to the electoral officer to apply for a correction, deletion or omission of an elector's name providing there is evidence for such a change.
- 22.4. if the electoral officer is satisfied, the necessary change shall be made.

23. Ballot Papers

- 23.1. the electoral officer shall prepare sufficient ballot papers for the election to contain the names of the candidates for Chief, and Councillors.
- 23.2. the names of the candidates shall appear on the ballot papers in alphabetical order.
- 23.3. there will be separate ballots for the Chief, and Councillors
- 23.4. Any candidate for any position who was nominated can withdraw any time after the nomination as long as it is not less than forty eight hours before the voting take place.
- 23.5. the candidate's withdrawal must be in writing signed in the presence of the electoral officer.
- 23.6. ballots will be faxed to Thunder Bay must be signed by the electoral officer no earlier than forty-eight hours before voting takes place.

24. Ballot Box

- 24.1. the electoral officer shall obtain a ballot box sufficient in size for the election.
- 24.2. the ballot box must have a lock with a set of keys.

25. Voting Compartment

- 25.1. the electoral officer shall provide a compartment or place where each elector can mark the ballot in privacy.

26. Security

- 26.1. the electoral officer shall if available appoint a constable to maintain order at the voting place.

27. Candidates and Agents

- 27.1. a candidate or an agent may be present at the polling place to see that the voting is carried out properly, but not more than two at a time.

28. Time of Voting

- 28.1. the poll for the purpose of voting shall be kept open from 10:00 am until 6:00 pm of the election day.

29. Sealing the Ballot Box

- 29.1. the electoral officer shall immediately before the start of the voting request two electors to inspect the ballot box and seal it in their presence.
- 29.2. the electoral officer shall have the two electors sign "Form A" as witnesses.
- 29.3. the two witnesses shall hold the keys to the ballot box until the poll is closed and the results are ready for counting.

30. The Voting

- 30.1. when a person presents him or herself for the purpose of voting, the electoral officer shall check the voters list and if listed will check mark the name and give the elector a ballot paper.
- 30.2. the electoral officer shall put his initial on each ballot paper given to an elector. No other marking or signatures by the voters are acceptable.
- 30.3. the elector receiving a ballot paper shall proceed to the compartment or area provided and mark the ballot paper with a cross opposite the name or names of these candidates he or she wishes to vote for.
- 30.4. the voter shall fold the ballot paper and expose only the initial of the electoral officer.
- 30.5. upon leaving the voting compartment or area, the voter shall return to the place of the electoral officer and show the initial then put the ballot into the slot of the ballot box.
- 30.6. while the voter is in the voting compartment or area, no other person shall be allowed inside.

- 30.7. the electoral officer at the request of an elector who is unable to read or is blind or physically disable shall assist the voter by marking the ballot for him or her.
- 30.8. the electoral officer at the request of an elector who is unable to be present for voting due to illness or disability within the community of Nibinamik, may authorize a clerk and witness to attend to the voter to secure their vote.

31. Counting of the Votes

- 31.1. the electoral officer shall prepare a blackboard listing all the candidates of the election visible to everyone in attendance.
- 31.2. immediately after the closing of the poll, the electoral officer shall in presence of the candidates and the voters order the two witnesses with the keys to come forward and open the ballot box.
- 31.3. the electoral officer shall appoint sufficient person to help him carry out and record the results of the voting.
- 31.4. the electoral officer shall unfold each ballot paper, call out the name of the candidate voted for.
- 31.5. the electoral officer will record the result onto "Form B" and pass it on to the blackboard recorder for visible recording.
- 31.6. the electoral officer shall reject or accept all ballots he thinks are acceptable or not.
- 31.7. the ballot paper shall be considered spoiled only in the section where the marking is incorrect.
- 31.8. after the calling and the recording of all the ballot papers, the total votes for each candidate shall be totalled and recorded onto "Form C".
- 31.9. immediately after the counting and totalling of the votes, the electoral officer shall declare the candidates with the highest number of votes to be duly elected.
- 31.10. in order to verify the voting, a cross check must be done and the number of ballots must equal the check marks on the voters list. All spoiled ballots must be taken into account also.
- 31.11. should there be a tie in the voting, the electoral officer shall be called upon to cast the deciding vote.

- 31.12. after the verification is complete, then the electoral officer shall ask each candidate to sign the "Form D" a statement that each candidate was satisfied in the manner in which the election was carried out.
- 31.13. all forms shall be signed by the electoral officer.
- 31.14. after all the ballots are counted and the results are known, Band Council Resolution should be used indicating who are the new Chief and Council, and forward it to Indian Affairs and other agencies.
- 31.15. In the event a new Chief takes over, the previous chief will continue in office for two weeks after the election to assist the new Chief in a transition period.

32. Oath of office

- 32.1. A candidate who has been elected chief or councillor shall swear an oath of office before either the electoral officer, a reverend of the community.

33. Election Appeals

- 33.1. Within thirty days after an election, any candidate or elector who has reasonable grounds for believing that an election was improper may lodge an appeal to the Electoral Officer.
- 33.2. The electoral officer shall save form "C" and "D" but destroy all ballots thirty days after the election.

34. Amendments

- 34.1. The process for development and passage of amendments to this code may be initiated by:
 - 34.1.1. a petition presented to council, signed by at least 65% of all eligible electors and setting out the specific area in these elections procedures and regulations proposed for amendment; or
 - 34.1.2. A Band Council / First Nation resolution.

"FORM A"

NIBINAMIK FIRST NATION
GENERAL ELECTION
FOR CHIEF

We, the undersigned, declare to have checked that ballot for at the opening of the Poll and found it to be empty.

The empty ballot box was then closed and sealed in our presence by the Electoral Officer.

To be signed by the Witnesses: 1. _____

2. _____

Electoral Officer

Poll Clerk

"FORM B"

NIBINAMIK FIRST NATION
GENERAL ELECTION
FOR CHIEF

TALLY SHEET

CANDIDATES FOR CHIEF:

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

Poli Clerk

Electoral Officer

"FORM C"

NIBINAMIK FIRST NATION
GENERAL ELECTION
FOR CHIEF

RESULTS

CANDIDATES FOR CHIEF:

TOTAL VOTES

1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

Poll Clerk

Electoral Officer

"FORM D"

NIBINAMIK FIRST NATION
GENERAL ELECTION
FOR CHIEF

We, the undersigned Candidates in the Nibinamik First Nation General Election for Chief on _____, declare that we are satisfied with the manner in which this Election was held and believing it to be honest and fair.

Candidates for Chief:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

Poll Clerk

Electoral Officer

"FORM A-2"

NIBINAMIK FIRST NATION
GENERAL ELECTION
FOR COUNCILLORS

We, the undersigned, declare to have checked that ballot for at the opening of the Poll and found it to be empty.

The empty ballot box was then closed and sealed in our presence by the Electoral Officer.

To be signed by the Witnesses: 1. _____

2. _____

Poll Clerk

Electoral Officer

"FORM B-2"

NIBINAMIK FIRST NATION
GENERAL ELECTION
FOR COUNCILLORS

TALLY SHEET

CANDIDATES FOR COUNCILLORS:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

Poll Clerk

Electoral Officer

"FORM D-2"

NIBINAMIK FIRST NATION
GENERAL ELECTION
FOR COUNCILLORS

We, the undersigned Candidates in the Nibinamik First Nation General Election for Councillors on _____, declare that we are satisfied with the manner in which this Election was held and believing it to be honest and fair.

Candidates for Councillor:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____
- 15. _____

Poll Clerk

Electoral Officer