



HOW WE VOTE

THE CURVE LAKE FIRST NATION LEADERSHIP SELECTION CODE

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WHEREAS the Curve Lake First Nation members' inherent right to select their leaders has never been extinguished; and

WHEREAS community consultation has reaffirmed the leadership selection process by Curve Lake First Nation voters casting ballots in favour of reaffirmation on [insert date of vote];

THEREFORE the Curve Lake First Nation Council sets forth this document as the *Curve Lake First Nation Leadership Selection Code* to be used in selecting the Chief and Councillors that make up the Council.

1.0 Effective Date

1.1 This *Curve Lake First Nation Leadership Selection Code* shall come into full force and effect on [effective date will be inserted after successful ratification vote].

2.0 Definitions

2.1 In the *Curve Lake First Nation Leadership Selection Code*,

- a) **"By-election"** means the casting of ballots by eligible Curve Lake Voters for the purpose of filling a vacant Council position other than through a General Election.
- b) **"Candidate"** means an eligible person who was nominated according to the requirements set out in this Code.
- c) **"Clear days"** means consecutive days exclusive of the first and exclusive of the last day of any process length set out in this Code.
- d) **"Code"** means *Curve Lake First Nation Leadership Selection Code*.
- e) **"Consideration Period"** is the time between the calling of the Election and Election Day.
- f) **"Council"** means the elected Chief and Councillors as a whole.
- g) **"Curve Lake First Nation Territory"** means lands set aside for the use and benefit of Curve Lake First Nation members.
- h) **"Curve Lake First Nation Web Page"** means the internet web page maintained by the Council on behalf of the Curve Lake First Nation membership.
- i) **"Election"** means either a General Council Election or a by-election.
- j) **"Election Day"** is the last day in which a ballot may be cast for one's choice of leadership candidate(s), the day the ballots shall be counted and the day the leaders will be declared elected.
- k) **"Electoral Officer"** means the person appointed by the current Council to manage the electoral process.
- l) **"General Election"** means the casting of ballots for the purpose of selecting a full Council.
- m) **"Member"** means a person who is on the Curve Lake First Nation list of members.
- n) **"Non-Resident"** means a voter whose permanent residence mailing address is not within the Curve Lake Postal Code area.
- o) **"Poll or Polling Place(s)"** means the location(s) identified by the Electoral Officer as the place where a Voter may cast a ballot in person.
- p) **"Related Person"** means a spouse (including a spouse in a common law relationship), parent, parent-in-law, sibling, child, grandchild, dependent, sister-in-law, brother-in-law, aunt, uncle, niece or nephew or any person with whom that person currently resides, or a business entity in which that person has an interest.

- q) **“Voter”** means a person eligible to cast a ballot in a *Curve Lake First Nation Leadership Selection Code* process.
- r) **“Voting”** means the casting and recording of ballots in accordance with this Code.

3.0 The Council

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

4.0 Term of Office

4.1 The term of office of the Council is three (3) years and begins on July 1st of the General Election year and ends on June 30th, three (3) years thereafter.

5.0 Election Date

5.1 For a General Election, Election Day shall be the third Monday in June.

5.2 Council shall call a General Election through a Resolution of Council that confirms the Election Day and the procedures for selecting the Electoral Officer.

5.3 The Resolution of Council shall be made in an open session of Council.

6.0 Selection of Electoral Officer

6.1 Council shall appoint an Electoral Officer at least 79 days prior to Election Day.

7.0 Duties of the Electoral Officer

7.1 The Electoral Officer shall appoint as many Deputy Electoral Officers as the Electoral Officer deems necessary to manage the election process in an effective manner.

7.2 The Electoral Officer shall carry out all duties identified within this Code and any ancillary functions required to manage the election process in an open and fair manner.

8.0 Eligibility to Vote

8.1 To be eligible to cast a ballot, a voter must be a Member who will have reached the age of 18 years on or before Election Day;

9.0 Voters List

9.1 Council shall provide the Electoral Officer with the full legal and known alias names of voters, First Nation ID registry numbers (First Nation ID#), their birthdates and their last-known address.

9.2 At least 72 days prior to the vote date, the Electoral Officer shall prepare two Voters Lists for use in the Election. The lists shall be a:

- a) Voters List for posting containing only the names of the eligible Voters placed in alphabetical order; and,

- b) Detailed Voters List containing the names in alphabetical order of the eligible Voters, the membership or registry number of each Voter, and the birth date of each Voter;

9.3 At least 72 days before the date of an Election, the Electoral Officer shall post one copy of the Voters List at the entrance of the First Nation Administration Offices and at least one more conspicuous public place in the community of Curve Lake.

9.4 Up to the close of the poll, any member of the community may apply to the Electoral Officer in person or by telephone, courier, regular mail, or fax, for a revision or revisions to the Voters List on the grounds that it incorrectly sets out or omits the name of a Voter or otherwise fails to accurately list and record the names of all eligible Voters.

9.5 If satisfied that the Voters' list should be corrected, the Electoral Officer shall make the needed correction and the list as corrected shall be the Voters List on Election Day.

10.0 Notice of Nomination Meeting

10.1 When an Election is to be held, the Electoral Officer shall post a Notice of Nomination Meeting. The Notice of Nomination Meeting shall contain, at a minimum:

- a) the date, time and location of the Nomination Meeting;
- b) the Voters' list or instructions as to how to receive or view a copy of it;
- c) Contact information of the Electoral Officer including telephone number, fax numbers, email address and mailing/courier address;
- d) the Internet address of the Web Page;
- e) the statement that any Voter may cast a ballot by mail-in ballot;
- f) a description of the manner in which a Voter can nominate a candidate, or second the nomination of a candidate;
- g) the statement that, if the Voter wants to receive information from candidates, the voter can agree to have his or her address released to the candidates; and
- h) the point that a nominee may only stand for election as Chief or Councillor, not both.

10.2 At least 30 clear days before the date of the Nomination Meeting, the Notice of Nomination Meeting shall be posted:

- a) at the entrance of the First Nation Administration Offices and at least one more conspicuous public place in the community of Curve Lake; and
- b) on the Web Page; and
- c) in any other location that the Electoral Officer considers appropriate.

10.3 The Electoral Officer will only provide those non-resident Voters with instructions for mail-in nominations, a notice of the nomination meeting, a voter declaration form and a Nomination form where:

- a) the last known address has been provided to the Electoral Officer by Curve Lake First Nation;
- b) a non-resident Voter directly contacts the Electoral Officer prior to the Nomination Meeting and declares they did not receive a package through the mail, or provides an alternate address to the Electoral Officer that is different from that provided by the Curve Lake First Nation.

10.4 The Electoral Officer shall provide instructions for mail-in nominations, a notice of the nomination meeting, a voter declaration form and a Nomination form to any resident voter who makes a request for same. The responsibility to return the completed forms to the Electoral Officer lies with the Voter.

10.5 The Electoral Officer shall record the names of voters to whom a notice of the nomination meeting was mailed, the addresses of those voters, and the date on which the notices were mailed.

11.0 Eligibility to be Nominated

11.1 All nominees for Chief or Councillor positions must be eligible Voters.

11.2 Nominated candidates may only stand for the position of Chief or Councillor, not both.

12.0 Nominations

12.1 Only eligible Voters may make or second a nomination.

12.2 Voters may nominate or second a maximum of one (1) candidate for chief and a maximum of eight (8) candidates for councillor.

12.3 Every nomination must:

- a) be moved by a Voter; and
- b) seconded by another Voter.

12.4 A Voter may nominate a candidate, or second the nomination of a candidate:

- a) by completing a nomination form at the Nomination Meeting;
- b) orally to the Electoral Officer at the nomination meeting; or
- c) by delivering or by mailing a written nomination and a completed, signed and witnessed voter declaration form to the Electoral Officer before the time set for the close of the nomination meeting.

12.5 Two nominations made in writing for the same candidate and the same position i.e. Chief or Councillor and received by the Electoral Officer per 12.4 shall constitute a nomination and a seconding of a nomination.

12.6 Nomination forms that are not received by the Electoral Officer before the time set for the nomination meeting to close are void.

13.0 Nomination Meeting

13.1 A nomination meeting for an election shall be held at least 42 days before the date of the election.

13.2 At the time and place specified in the Notice of Nomination Meeting, the Electoral Officer shall open the meeting to nominations.

13.3 Immediately after opening the meeting, the Electoral Officer shall read out the nominations of eligible nominees received in writing before the meeting as per subsection 12.4 c).

13.4 The Nomination Meeting shall remain open from 6:00 p.m. local time to 9:00 p.m. local time.

13.5 At the close of the Nomination Meeting, the Electoral Officer shall:

- a) declare the slate of nominees;
- b) identify those nominees who have been nominated for two positions and who shall have to declare their intent for a specific position i.e. Chief or Councillor by noon on the 4th day following their nomination or have both nominations declared invalid by the Electoral Officer;
- c) identify any acclamations and declare the acclaimed elected; and
- d) declare the date by which and how nominees' names may be voluntarily excluded from the ballot.

14.0 Acclamation

14.1 At the end of the nomination meeting, the Electoral Officer shall:

- a) if only one person has been nominated for election as chief, declare that person to be elected;
- b) if the number of persons nominated to serve as councillors does not exceed the number to be elected, declare those persons to be elected; and
- c) where more than the required number of persons are nominated for election as chief or councillors, announce that an election will be held on the date set out as required by the code.

14.2 Where the office of chief and all positions of councillor are filled by acclamation, the Electoral Officer shall post at the entrance of the First Nation Administration Offices and in at least one more conspicuous public place in the community of Curve Lake, and mail to every non-resident Voter, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held.

14.3 If all positions are filled by acclamation, Section 15 to Section 20, inclusive, will not apply.

15.0 Candidate Withdrawal

15.1 A nominee may withdraw his/her name from Voter consideration at any time before the polls close on Election Day by providing the Electoral Officer with a written notice signed by the nominee.

15.2 In order for a nominee's name not to appear on the ballot, his/her written signed notice of withdrawal must be provided to the Electoral Officer by noon on the 4th day after being nominated.

15.3 Should a nominee withdraw after the ballots are printed, the Electoral Officer shall have the authority to confirm that information to any Voter requesting same.

15.4 Should a nominee withdraw after the ballots are printed and some votes be cast in his/her favour, they will not be counted.

15.5 Following the printing of the ballots, which will be on the fifth day following the Nomination Meeting, the Electoral Officer will post the names of the candidates and the position which each is contesting and the names of those acclaimed, if any, at the entrance of the First Nation Administration Offices and at least one more conspicuous place in the community of Curve Lake.

16.0 Notice of Election

16.1 When an election is required, the Electoral Officer shall post a Notice of Election:

- a) at the entrance of the First Nation Administration Offices;
- b) in one or more conspicuous places in the community of Curve Lake;
- c) on the Web Page;
- d) at any other location that the Electoral Officer deems appropriate; and
- e) at least 35 clear days before Election Day.

16.2 The Notice of Election shall contain, at a minimum:

- a) the date and time of the Election;
- b) the location of all Polls;
- c) the number of vacancies to be filled;
- d) instructions for receiving mail-in ballot packages;
- e) advice to those receiving a mail-in ballot that they may vote in person in lieu of sending in their mail-in ballot;
- f) advice to resident Voters that they may vote by mail-in ballot by requesting a mail-in ballot package from the Electoral Officer;
- g) the name of the Electoral Officer and the telephone and fax numbers, electronic contact accessibility and mailing address of the Electoral Officer;
- h) the Curve Lake First Nation Internet Web Page address; and,
- i) a listing of all candidates that were acclaimed if required.

17.0 Mail-in Ballots

17.1 A Mail-in Voting Package consists of the following:

- a) Voting Instructions;
- b) Declaration of identity;
- c) Return envelope with postage prepaid;
- d) Ballot initialed by the Electoral Officer;
- e) A ballot envelope.

17.2 At least 35 days before the day on which an election is to be held, the Electoral Officer shall mail, to every non-resident Voter 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 voter declaration form to which a witness attests;
- e) a letter of instruction regarding voting by mail-in ballot; and
- f) a Notice of Election

17.3 Witnesses required for the voter declaration 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 Voter enlisted the assistance of another person, the fact that the Voter is the person whose name is set out in the form and that the ballot was marked according to the directions of the Voter.

17.4 The Electoral Officer will only provide those non-resident Voters with mail-in ballot packages;

- a) for whom the last known address has been provided to the Electoral Officer by Council.
- b) who directly contacts the Electoral Officer and declares they did not receive a package through the mail, or provides an alternate address to Electoral Officer that is different from that provided by the Curve Lake First Nation.

17.5 The Electoral Officer shall provide a mail in ballot package to any resident Voter that requests one. The responsibility to return the completed forms to the Electoral Officer lies with the Voter.

17.6 The Electoral Officer shall indicate on the Detailed Voters List that a ballot has been provided to each Voter 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.

17.7 A Voter may cast a mail-in ballot by:

- a) marking the ballot by placing a cross, check mark or other mark, that clearly indicates the voter's choice but does not identify the voter, opposite the name of the candidate or candidates for whom the voter 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 outer envelope; and
- f) delivering or mailing the mail-in ballot to the Electoral Officer before the time at which the polls close on the day of the election.

17.8 A Voter who inadvertently spoils a mail-in ballot may request another ballot to replace the spoiled ballot by contacting the Electoral Officer.

17.9 Mail-in ballots that are not received by the Electoral Officer before the time at which the polls close on the day of the election are void.

18.0 Manner in which Voting shall be Carried Out

18.1 The Electoral Officer shall prepare ballots setting out:

- a) the names of the candidates nominated for election as chief, in alphabetical order (Surnames first, given name second, middle names third and desired alias(es) in brackets last); and
- b) the names of the candidates nominated for election as councillors, in alphabetical order (Surnames first, given name second, middle names third and desired alias(es) in brackets last).

18.2 Where two or more candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those candidates.

18.3 The Electoral Officer shall establish at least one polling place on Curve Lake First Nation Territory.

18.4 The Electoral Officer shall procure or cause to be procured as many ballot boxes as deemed necessary by the Electoral Officer, and shall cause to be prepared a sufficient number of ballot papers for the purpose of the election.

18.5 Before the poll is open, the Electoral Officer shall deliver ballot papers, materials for marking the ballot papers, and a sufficient number of directions-for-voting to any Deputy Electoral Officer at any other Designated Poll.

18.6 The Electoral Officer or deputy shall provide a compartment at each polling place where the Voters can mark their ballot papers free from observation.

18.7 The Electoral Officer may appoint a constable to maintain order at each polling place.

18.8 Polling places shall be kept open from 9:00 a.m., local time, until 8:00 p.m., local time, on the day of the election.

18.9 No candidate for election of either the Chief or Councillor positions shall be permitted in a building housing the polling place other than to:

- a) cast a ballot while the polling place is open; or
- b) be inside 10 minutes before the poll closes to be ready to witness the ballot counting; or
- c) to witness the ballot counting.

18.10 A candidate may appoint agents to attend and view both the voting and ballot counting process on Election Day but must provide the agents' names to the Electoral Officer in writing.

18.11 A candidate shall be entitled to not more than two agents in a polling place at any one time.

18.12 The Electoral Officer or his/her deputy shall, immediately before the commencement of the poll, open the ballot box(es) and call such persons as may be present to witness that it is empty; shall then lock and properly seal the box to prevent it 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 the poll is open.

18.13 Where a voter 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 Voters List, provide the person with a ballot.

18.14 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.

18.15 A Voter to whom a mail-in ballot was mailed may obtain a ballot and vote in person at a polling place if

- a) the Voter returns the mail-in ballot to the Electoral Officer or deputy Electoral Officer; or
- b) where the Voter has lost the mail-in ballot, the Voter provides the Electoral Officer or deputy Electoral Officer with a written affirmation that the Voter has lost the mail-in ballot, signed by the Voter in the presence of the Electoral Officer or deputy Electoral Officer.

18.16 The Electoral Officer or his/her deputy shall explain the mode of voting to a voter when such a request is made by a Voter.

18.17 After receiving a ballot, a Voter 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 voter's choice but does not identify the voter, opposite the name of the candidate or candidates for whom the voter desires to vote;
- c) fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the initials of the Electoral Officer on the back; and
- d) deliver the ballot to the Electoral Officer or deputy Electoral Officer.

18.18 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.

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

18.20 At the request of any voter who is unable to vote in the manner set out, 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 voter selected by the voter as a witness and place the ballot in the ballot box.

18.21 The Electoral Officer or deputy Electoral Officer shall state in the Voters List in the column for remarks opposite the name of such voter the fact that the ballot paper was marked by him/her at the request of the voter and the reasons therefor.

18.22 A voter who has inadvertently dealt with his/her ballot paper in such a manner that it cannot be 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.

18.23 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 to show that such person received the ballot paper and declined to vote.

18.24 A voter whose name does not appear on the Voters List may cast a ballot at an election if the Electoral Officer or his/her deputy is satisfied that such person is eligible to cast a ballot.

18.25 Every voter who is inside the polling place at the time fixed for closing the poll shall be entitled to cast their ballot before the poll is closed.

19.0 Determination of Outcome

19.1 In any election in which the position of Chief is contested, the Chief shall be elected by the highest number of votes cast for that position.

19.2 In any General Election, a maximum of eight (8) Candidates receiving the highest number of votes shall be elected as Councillors.

19.3 The person receiving the highest number of votes for Councillor in a General Election will hold the title Deputy Chief. During the term of office, besides filling a vacancy for the Chief in certain circumstances, further duties may be assigned the Deputy Chief by an agreed-to and recorded motion of Council.

19.4 Where two or more Candidates have received an equal number of votes in an Election, and the tie must be broken to determine who has been elected, the Electoral Officer shall break the tie by placing a paper note that identifies each of the tied candidates in a container and drawing names until sufficient positions are filled. The Electoral Officer shall declare the elected candidate(s).

19.5 As soon as the votes have been counted and any necessary tiebreaking has taken place, the Electoral Officer shall publicly declare the names of those Candidates who have been elected and their positions and shall also post in some conspicuous place a statement signed by him or her showing the number of votes cast for each Candidate. The Electoral Officer shall also mail the list of selected candidates to those non-resident voters for whom a last-known address has been made available by the First Nation Council.

20.0 Electoral Officer Reporting

20.1 Within 10 days of the results of the selection being declared, the Electoral Officer shall provide a report to the most senior First Nation manager outlining the following;

- a) Name of Electoral Officer and Deputy Electoral Officers;
- b) Total of eligible voters;
- c) Total Nomination packages distributed;
- d) Nomination meeting date and location;
- e) Vote date and poll location(s);
- f) Total ballots printed;
- g) Total mail-in ballots distributed;

- h) Total mail-in ballots received;
- i) Total ballots cast;
- j) Total ballots rejected;
- k) Total number of spoiled ballots;
- l) Unused ballots;
- m) Total ballots rejected before being placed in the ballot box;
- n) Names of candidates and votes received;
- o) Candidates elected or acclaimed;
- p) Electoral Officer signature; and
- q) Date of submission

20.2 The Electoral Officer Report shall be entered into public record at an open meeting of Council.

21.0 Handling and Retention of Documents

21.1 The Electoral Officer shall consider all documents as confidential with the exception of documents to be publically displayed or required in the process of appeal.

21.2 The Electoral Officer shall retain all documents used for or in the Election process for a period of 60 days following the vote or until any appeal process has concluded, whichever is longer.

22.0 Election Appeals

22.1 Within 30 days after an Election, any Voter who voted in the Election and who has reasonable grounds for believing that:

- a) there was corrupt practice in connection with the Election;
- b) there was a violation of this Code that might have affected the result of the Election;
- c) a Candidate was ineligible to be nominated; or
- d) there was a miscount of votes.

may lodge an appeal by forwarding the particulars by registered mail to a Council-identified third party ADR (alternative dispute resolution) specialist. The Council shall identify the ADR specialist at the same time as the Electoral Officer is appointed.

22.2 If the ADR specialist receives an appeal, the ADR specialist shall, within 5 days, notify Council of the appeal and forward a copy, together with all supporting documents, by registered mail to each affected Candidate.

22.3 Any affected Candidate may, within 14 days of receiving these materials, forward to the ADR specialist by registered mail a written answer, together with all supporting documents duly verified by a sworn affidavit.

22.4 The ADR specialist shall work with the appellant to assess the appeal.

22.5 The ADR specialist shall, within 5 days of receiving the materials per 22.3 above, determine the disposition of the appeal. The ADR specialist may conduct such investigation into the matter as is deemed necessary but shall notify Council and any affected candidates of any delay that may result in the decision on the matter.

22.6 The ADR specialist shall provide a written statement that confirms:

- a) the review outcome; and
- b) direction to the Electoral Officer for the appeal disposition.

22.7 The ADR specialist shall direct the Electoral Officer to set aside the affected portion of the election results where the ADR specialist is satisfied that the results of the appeal review shows the election results would have affected the selection of one or more candidates. The decision of the ADR specialist is final.

22.8 Where the Electoral Officer has been so directed by the ADR specialist because of violations, the Electoral Officer shall immediately declare any affected positions vacant and declare the unelected eligible candidate with the next highest vote as elected.

22.9 Where the election of a Candidate is set aside because of a miscount, the Candidate receiving the next highest number of votes shall be declared as elected unless there is a tie at which time the Electoral Officer shall revert to the process identified for breaking a tie.

23.0 Vacancies

23.1 The office of the Chief or Councillor becomes vacant when the person who holds office:

- a) is convicted of an indictable offense under the Criminal Code of Canada; or
- b) dies; or
- c) resigns from office ; or
- d) misses three (3) consecutive regular Council, special Council or Community meetings set by the Chief with notice provided to Council members at least one week in advance.

23.2 Where a vacancy occurs in the position of Chief, the Deputy Chief shall act in the capacity of Chief until a by-election is held or the current term expires.

23.3 Where a vacancy occurs in the position of Chief, there shall be no requirement to hold a by-election unless, by resolution of Council, a by-election is preferred and subsequently ordered.

23.4 Where a vacancy occurs in the position of Councillor, that vacancy shall remain until a by-election is held.

23.5 Where a vacancy occurs in Council, there shall be no requirement to hold a by-election unless Council numbers are reduced to five (5) members or less or, by resolution of Council, a by-election is preferred and subsequently ordered.

23.6 Where enough vacancies occur, the general election rules will apply to fill all vacant positions.

23.7 In any by-election in which the position of Chief is contested, the Candidate receiving the highest number of votes shall be elected as Chief.

23.8 In any by-election in which the position of Councillor is contested, the Candidate(s) receiving the highest number of votes, to a maximum of the number of positions contested in the by-election, shall be elected as Councillor(s).

23.9 Any Candidate elected in a by-election shall be entitled to complete only the remaining term of office for the position in question.

24.0 Postponement of Nomination Meeting, Poll or Amendment Vote

24.1 At the discretion of the Electoral Officer a nomination meeting, poll or amendment vote may be postponed:

- a) in the event a death in the community, to the day after the funeral or memorial service, or to another appropriate day, if the nomination meeting, poll or amendment vote would have conflicted with the funeral or memorial service; or
- b) in the event of weather conditions that might pose a risk to Voters, to the next day on which conditions are no longer considered to create an undue risk and in either case the relevant authority shall make every reasonable effort to ensure that Voters are advised of the change and the new date.

24.2 In the event of a postponement of a candidate selection poll date or amendment vote date, no counting of ballots will be permitted until all vote days have been completed.

24.3 No extension of the mail-in balloting deadlines shall result from the postponement of either a candidate selection or amendment vote.

24.4 The Electoral Officer will make every reasonable effort to accommodate those that are affected by the postponement.

25.0 Amendments

25.1 Amendments to this Code, including amendments for the use of automatic or electronic equipment, may be made by a motion of Council, except for amendments which affect the:

- a) composition of Council;
- b) selection of Chief;
- c) selection of Councillors;
- d) eligibility for office;
- e) eligibility to vote;
- f) tenure of office; or
- g) amendment process.

Any proposed amendment under this subsection shall require a written submission to be tabled by a member of Council, or by a member of Council on behalf of a voter, at a regular Council or Special Council meeting for consideration and review for due diligence. Following that review, but no earlier than fourteen (14) days later at a regular Council or special Council meeting, a decision will be rendered by Council. The Council decision will be duly recorded in Council minutes, and within seven (7) days posted in a conspicuous place on Curve Lake First Nation Territory and posted on the Curve Lake First Nation Web Page. This Code shall be amended accordingly.

25.2 Amendments that affect the:

- a) composition of Council;
- b) selection of Chief;
- c) selection of Councillors;
- d) eligibility for office;
- e) eligibility to vote;
- f) tenure of office; or
- g) amendment process.

shall require a written submission from a voter directly to or by mail to Council. Council shall, after a due diligence review of the submission, but within fourteen (14) days after receiving the submission, provide notice of receipt and disposition of the submission to voters. Disposition may include voluntary withdrawal of the submission by the proponent, Council refusal to proceed to a vote because the proposed amendment would violate the Charter of Rights and Freedoms, for example, or a Council notice to have voters decide the matter. In the event a vote is required, Council shall appoint a Ratification Officer to manage an in-person and mail-in secret ballot amendment approval process. Approval shall require a majority (50% +1) of Curve Lake First Nation voters who vote in the process to vote in favour of the proposition. The final results of any vote shall be duly recorded in Council minutes, posted in a conspicuous place on First Nation Territory, posted on the Curve Lake First Nation Web Page and mailed to those voters for whom a last-known address is available. Where an appeal on the results of the process is lodged within thirty (30) days by a voter who participated in the vote, sections 22.2 to 22.6 inclusive of this Code shall be used to decide the matter excepting that a Ratification Officer shall replace the Electoral Officer. This Code shall be amended in accordance with final vote results.

APPENDICES

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APPENDIX A

APPOINTMENT OF DEPUTY ELECTORAL OFFICER

I, _____, duly appointed Electoral Officer for the election
(Name of Electoral Officer)

of the Curve Lake First Nation, to be held on the ____ day of

_____, 20____, do hereby appoint, pursuant to the *Curve Lake First Nation*

Leadership Selection Code, the following person to act as Deputy Electoral Officer:

Name: _____

Address: _____

Dated at Curve Lake First Nation this ____ day of _____, 20____.

Signature of Electoral Officer

To be completed by the Deputy Electoral Officer:

I agree to diligently carry out my duties in accordance with the *Curve Lake First Nation Leadership Selection Code*.

Signature of Deputy Electoral Officer

APPENDIX C

MAIL-IN VOTER DECLARATION TO NOMINATE CANDIDATES

In the matter of the leadership selection process of the Curve Lake First Nation, held according to the *Curve Lake First Nation Leadership Selection Code* I, _____,

(Please print your name)

solemnly declare that:

- 1. I am a member of Curve Lake First Nation.
- 2. My First Nation ID# is _____ and my date of birth is _____.
- 3. My current mailing address and telephone number is:

- 4. I will be at least 18 years of age on or by the date of the election.
- 5. I do not know of any reason why I would be disqualified as a voter in this selection process.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

Signature of Voter

Date

Witness Declaration

Declared before me _____ at _____
(name) (municipality)

this _____ day of _____ 20_____.
(date) (month)

Witness signature:

City Province Postal Code (_____) Telephone number of Witness

APPENDIX D

MAIL-IN NOMINATION FORM

I, _____, First Nation ID# _____
(Please print name)

of the Curve Lake First Nation hereby nominate

(Name of nominee)

of the Curve Lake First Nation

for the position of _____.
(chief or councillor)

Signature of Voter

Date

Tel: (____) ____ - _____

It is important that your telephone number be included above in case the Electoral Officer needs to contact you for clarification regarding the name of the individual that you are nominating.

Also, please note, if you wish to nominate any other eligible voter(s), please feel free to copy this form, be sure it's complete and submit all nomination forms in the one envelope with your "Mail-in Voter Declaration to Nominate Candidates" form.

APPENDIX E

NOTICE OF ELECTION

Notice is hereby given to the voters of the Curve Lake First Nation that a poll will be held to elect one (1) chief and eight (8) councillors on _____ the _____ day of _____, 20____, from nine o'clock (9:00) a.m. until eight o'clock (8:00) p.m. local time at the following location(s):

All members of Curve Lake First Nation who have reached the age of 18 on or before the poll date are eligible voters. Non-resident voters having an updated mailing address with Curve Lake First Nation Administration Reception will receive a mail-in voting package. It is a voter's responsibility to provide a current mailing address in order to receive a mail-in voting package. Resident voters may request a mail-in voting package from the Electoral Officer. All voters may vote in person if choosing not to use a mail-in ballot.

The votes will be counted at _____ at _____ on the _____ day of _____, 20____.

The results will be declared immediately following the count.

Given under my hand at Curve Lake First Nation this _____ day of _____, 20____.

Electoral Officer: _____

Signature: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email address: _____ Web Page: _____

APPENDIX G

INSTRUCTIONS FOR MAIL-IN VOTING

Dear Voter:

As per the attached Notice of Election, an election for chief and _____ councillors of Curve Lake First Nation is currently underway.

As a member of this First Nation, you are entitled to vote, provided you will be at least 18 years of age on the date of the election. To assist you in casting a vote, please find enclosed a mail-in voting package consisting of:

- a ballot for the position of chief with the Electoral Officer's initials on the back
- a ballot for the position of councillor with the Electoral Officer's initials on the back
- an outer, postage-paid pre-addressed return envelope
- a second inner envelope marked with the word "ballot"
- a *Voter Declaration Accompanying the Mail-in Ballot* form

Carefully follow the steps below to ensure that your ballot is valid and will not be rejected.

On the ballot for chief:

Mark an "X" in the box immediately to the right of the name of the candidate of your choice. You must choose only one candidate.

On the ballot for councillor:

Mark an "X" in the box immediately to the right of the names of the candidates of your choice. You may vote for up to (#) councillors.

Then:

1. Fold the ballots in the same way as you received them, so that the Electoral Officer's initials on the back are visible.
2. Place the ballots back into the envelope marked "Ballot", and seal the envelope.
3. Complete the *Voter Declaration Accompanying the Mail-in Ballot* form. Both you and a witness, who is at least 18 years of age, must sign it.

4. Place the completed and signed *Voter Declaration Accompanying the Mail-in Ballot* form and the sealed envelope marked "Ballot" In the larger postage paid pre-addressed outer envelope.
5. Seal and drop the return envelope in the mail as soon as possible. It must be received by the Electoral officer no later than 8 p.m. on election day. Note that ballots received after the close of the poll on _____, 20 ____ will not be counted. You may also hand deliver the mail-in ballot envelope with enclosures to the Electoral Officer.

In order for your ballots to be counted, they must be accompanied by a completed voter declaration form, signed by you and a witness.

Although you have received this mail-in voting package, you may choose to vote on election day in person at the polling station whose location(s) are/is indicated on the *Notice of Election*. If you choose to do so, your mail-in ballot will not be counted.

If you have any questions, please do not hesitate to contact me at (____)____-_____.

Yours truly,

Electoral Officer Name: _____

Signature: _____

Email: _____

APPENDIX H

ELECTORAL OFFICER'S REPORT

1. Curve Lake First Nation
2. Date of Election: _____
3. Type of election (General or By-election): _____
4. Date of last general election (month/year): _____
5. Total number of First Nation members: _____
6. Total number of eligible voters (a) Resident: _____ (b) Non-resident: _____
7. The First Nation Council is composed of one (1) chief and eight (8) councillors.
8. Ministerial Order: YES
9. The *Notice of Nomination Meeting* was:
 - a) Posted on the _____ day of _____, 20_____, at the following locations:

 - b) Mailed to _____ (#) non-resident voters during the period from the _____ day of _____ to the _____ day of _____, 20_____.
10. The nomination meeting was held on the _____ day of _____, 20_____, at _____, from _____ to _____.
(Location)
11. The *Notice of Election* was posted on the _____ day of _____, 20_____, at the following locations:

12. (a) Total number of mail-in ballot packages sent to non-resident voters: _____
(b) Total number of mail-in ballot packages sent to resident voters: _____
13. The poll was held on the _____ day of _____, 20_____, at the following locations:

14. . Mail-in Ballots

	For Chief	For Councillor
A) Total number of mail-in ballot packages sent s (includes second or third packagesent to the same voter as well as those sent by DEOs)		
B) Total number of mail-in packages returned as undeliverable		
C) Total number of mail-in ballots returned by the voter who voted in person at the polling station		
D) Total number of mail-in ballots rejected and not placed in the ballot box (during the opening of the envelopes)		
E) Total number of mail-in ballots deposited in the ballot box		
F) Mail-in ballot discrepancy (A B B B C B D B E)		

15. Ballot Reconciliation

	For Chief	For Councillor
A) Number of valid ballots cast		
B) Number of ballots cast and rejected		
C) Number of ballots spoiled (never placed in the ballot box)		
D) Number of unused ballots		

E)	Total number of mail-in packages returned as undeliverable (same as 15 B)		
F)	Total number of mail-in ballots returned by the voter who voted in person at the polling station (same as 15 C)		
G)	Number of mail-in ballots rejected before being placed in the ballot box (same as 15 D)		
H)	Total provided at 15 F (Mail-in ballot discrepancy)		
I)	Total number of ballots (A + B + C + D + E + F + G + H)		
J)	Total number of ballots printed <i>(Should equal totals at I above)</i>		

16. Summary for Chief:

First Nation ID#	Name of Candidate for Chief	Mailing Address	Total Votes Received

19. Number of rejected ballots for councillor: _____

20. The following candidates have been publicly declared elected:

(a) **To the Office of Chief:** Name: _____

(b) **To the Office of Councillor:**

Name: _____

22. **The term of office commences on the _____ day of _____, 20__.**

23. Additional Comments: _____

24. Name(s) of Deputy Electoral Officers appointed:

25. **Declaration**

I, _____, appointed to the position of Electoral Officer on the day of _____, 20____, for the _____ First Nation, declare that the polling place(s) was kept open between the hours of 9:00 a.m. and 8:00 p.m. (local time), and that I have correctly counted the votes cast for each candidate and have performed all other duties required of me by the *Curve Lake First Nation Leadership Code*.

I further declare that a copy of the *Statement of the Votes* will be posted at each place where the *Notice of Election* was posted and will be mailed to non-resident voters who participated in the selection process.

(Signature)

(Date)

(Address)