Amended: April 25, 2018

# Cowessess First Nation #73

# ***Custom Election Act***

Amended: April 25, 2018

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## ARTICLE I - CITATION

1.01 This Act shall be cited as the “Cowessess First Nation #73 Custom Election Act”.

## ARTICLE 2 - DEFINITIONS AND INTERPRETATION

2.01 In this Act, and the Schedules attached hereto, the following terms shall have the meanings hereinafter ascribed to them, namely:

(a) “Act” means the Cowessess First Nation #73 Custom Election Act as enacted hereunder:

(b) “Appointed Observer/Scrutineer” means any person designated in writing by a Candidate to observe on their behalf the conducting of an Election or By-Election pursuant to the provisions of section 9.08 hereof;

(c) “Band Member” means any person who is registered on the Membership List of the Cowessess First Nation #73;

(d) “By-Election” means a By-Election held pursuant to the provisions of Article 14 hereof;

(e) “Candidate” means any Elector who has attained the age of eighteen (18) years as of the date of the nomination meeting and who has been duly nominated pursuant to the provisions of this Act to seek office for the position of Chief, Resident Councillor or Non-Resident Councillor, and excludes any person:

(i) appointed as a member of the Election Appeal Tribunal pursuant to the provisions of section 11.01 hereof;

(ii) appointed to the position of Electoral Officer or Deputy Electoral Officer pursuant to the provisions of section 6.02 hereof; or

(iii) prohibited by the provisions of this Act from seeking office as a Candidate in any Election or By-Election;

(f) “Chief” means any Candidate elected to the position of Chief of the Cowessess First Nation #73 pursuant to the provisions of this Act;

(g) “Council” means the Band Council of the Cowessess First Nation #73 and shall consist of those persons elected to the position of Chief, Resident Councillor and Non-Resident Councillor pursuant to the provisions of this Act;

(h) “Councillor” means any Candidate elected to the position of Councillor of the Cowessess First Nation #73 pursuant to the provisions of this Act and includes:

(i) Resident Councillor – means any Candidate elected to the position of a Resident Councillor of the Cowessess First Nation #73 pursuant to the provisions of this Act; and

(ii) Non-Resident Councillor – means any Candidate elected to the position of Non-Resident Councillor of the First Nation #73 pursuant to the provisions of this Act.

(i) “Cowessess First Nation” means the Cowessess First Nation # 73, its administration, property, and its business and operating entities;

(j) “Cowessess First Nation #73 Legislation” means any Acts, Bylaws, and policies which have been ratified and approved by the Council;

(k) “Criminal Record Check” means a certified criminal record check which:

(i) is conducted on an individual by a police services agency;

(ii) verifies whether an individual has a criminal record; and

(iii) includes a review of the individual’s name and biographical information on national police data bases including the RCMP’s Canadian Police Information Centre (CPIC) system, the National Repository of Criminal Records and any local police records;

(l) “Debts Owed” means any monies or arrears owed by a Candidate to the Cowessess First Nation #73;

(m) “Deputy Electoral Officer” means the Band Member appointed by resolution of the Council pursuant to section 6.02 hereof to assist the Electoral Officer in the performance of their duties under this Act;

(n) “Election” means a general Election held pursuant to this Act for the purpose of electing the Council of the Cowessess First Nation #73;

(o) “Election Appeal Tribunal” means the Treaty Four Tribunal, or if they are no longer in existence or decline to act as the Election Appeal Tribunal, any other body appointed by the Council to process appeals in accordance with this Act;

(p) “Electoral Officer” means the person appointed by resolution of the Council to conduct, oversee and supervise the nomination and election of Candidates pursuant to the provisions of this Act;

(q) "Elector" means any person:

(i) who is registered on the Membership List of the Cowessess First Nation #73; and

(ii) who has attained the age of eighteen (18) years as of the date of the Election or By-Election;

(r) "Good Standing" means, in respect to Debts Owed by a Candidate to the Cowessess First Nation #73, where, within one hundred and eighty-three (183) calendar days prior to the nomination meeting at least 80% of the total Debts Owed have been fully paid by the individual to the Cowessess First Nation as of the date of the nomination meeting, as verified through written documentation received from the Director of Finance or equivalent senior finance official on behalf of the Cowessess First Nation #73 prior to the nomination meeting;

(s) "Membership List" means the list of Cowessess First Nation #73 Band Members as maintained by the Indian Registry Administrator of the Cowessess First Nation along with the Department of Indian Affairs and Northern Development pursuant to the provisions of *the Indian Act,* R.S.C. 1985, c.I-5;

(t) "Nominator" means any Elector who nominates or seconds the nomination of any Candidate pursuant to the provisions of this Act;

(u) "Home Reserve" means the land base currently located in Townships 18, 19 and 19A, Ranges 5 and 6 West of the Second Meridian in the Province of Saskatchewan;

(v) "Polling Station" means the location or locations selected for the purpose of voting which include the following:

(i) Advance Poll – means Polling Station(s) held off the Reserve; and

(ii) Reserve Poll – means the final Polling Station to be held on the Home Reserve;

(w) "Reserve" means any land or lands as set apart by Her Majesty the Queen in the Right of Canada on behalf of the Cowessess First Nation #73 as Indian Reserve Lands under the terms of Treaty No. 4;

(x) "Voters List" means the Voters List as prepared and maintained by the Electoral Officer pursuant to the provisions of Article 6 hereof;

2.02 The following provisions shall govern the interpretation of this Act:

(a) words used herein importing the singular only shall include the plural and vice versa, and words importing the use of any gender shall include all genders;

(b) references herein to this Act shall be deemed to include references to this Act as varied, amended, modified, supplemented or replaced from time to time;

(c) all references to any statutes or legislation including Cowessess First Nation #73 Legislation shall be deemed to include reference to any such statutes or legislation as may be amended, re-enacted or replaced thereto from time to time and, in respect of any defined term derived from such statutes or legislation, includes any subsequent definition contained in any statutes or legislation enacted in substitution therefore or in modification thereof;

(d) the Schedules referenced in this Act shall be deemed to be incorporated into and form part of this Act; and

(e) all reference herein to days shall mean calendar days unless otherwise specified.

## ARTICLE 3 - COMPOSITION OF COWESSESS FIRST NATION #73 COUNCIL

3.01 The Council of the Cowessess First Nation #73 shall consist of the following:

(a) one (1) Chief;

(b) seven (7) Resident Councillors; and

(c) one (1) Non-Resident Councillor.

3.02 In the event no nominations are received for the position of Non-Resident Councillor as provided for in section 3.01 above in any Election or By-Election, then for that Election only, such position shall be substituted with a Resident Councillor, and the number of Resident Councillor positions available for election shall be increased proportionately to include the Non-Resident Councillor position for which no nominations have been received.

3.03 For the purpose of decision making relating to Elections and other matters, the following rules relating to quorum of Council shall apply:

(a) the quorum for any meeting of the Council shall be where there are five (5) members of the Council present thereat or attending by telephone or other communication facility; and

(b) the Chief shall cast the deciding vote in the event of a tie in the votes.

## ARTICLE 4 – TERM OF OFFICE

4.01 Subject to the provisions of section 4.02 hereof, the term of office of any Council elected pursuant to the provisions of this Act shall be for a period of four (4) years. This provision shall become effective commencing in the general election to be held in 2019. Up until that time period the term of office for Council shall remain set for a period of three (3) years.

4.02 Elections for the Council of the Cowessess First Nation #73 shall be held the last Monday in April four (4) years following the date of the previous Election.

## ARTICLE 5 – ELIGIBILITY

5.01 For the purpose of this Act:

(a) any Elector shall, regardless of their place of residence, be eligible to vote in any Election or By-Election held pursuant to the provisions of this Act;

(b) any Elector may seek nomination as a Candidate in any Election or By-Election for the position of Chief regardless of their place of residence;

(c) notwithstanding the foregoing:

(i) no Elector shall hold the position of Chief, Resident Councillor or Non-Resident Councillor at the same time nor shall any Elector seek nomination for more than one (1) position in any given Election or By-Election or hold more then one (1) position on Council following an Election or By-Election; and

(ii) no Elector shall be entitled to seek nomination as a Candidate in any Election or By-Election, if the Candidate has been convicted of an offence in the five (5) year period preceding the date of the nomination meeting under:

(A) the Criminal Code;

(B) the Controlled Drugs and Substances Act; or

(C) any succeeding legislation relating to the foregoing; and

(iii) no Elector shall be entitled to seek nomination as a Candidate in any Election or By-Election, if the Elector has, at any time, been convicted of election fraud or theft of Cowessess First Nation #73 property;

(d) in order for an Elector to seek nomination as a Candidate in any Election or By-Election for the position of Resident Councillor, the Elector must be ordinarily resident on the Reserve for a period of at least one hundred eighty-three (183) calendar days prior to the date of the nomination meeting;

(e) in order for an Elector to seek nomination as a Candidate in any Election or By-Election for the position of Non-Resident Councillor, the Elector must be ordinarily resident off the Reserve for a period of at least one hundred eighty-three (183) calendar days prior to the date of the nomination meeting; and

(f) in order for an Elector to seek nomination as a Candidate in any Election or By-Election, all Debts Owed to the Cowessess First Nation #73 by a Candidate must be in Good Standing.

5.02 For the purpose of subsections 5.01(b), (d) and (e), a person shall be deemed to be “ordinarily resident”:

(a) on the Reserve, where that person has their principal place of residence, and permanently lives, maintains and resides at their residence on the Reserve and has occupied such residence for a period of at least one hundred eighty-three (183) calendar days immediately preceding the nomination meeting. Reference may also be made to Cowessess First Nation #73 Legislation in determining the on Reserve residency of any individual; and

(b) off the Reserve, where that person has their principal place of residence, and permanently lives, maintains and resides at their residence off the Reserve and has occupied such residence for a period of at least one hundred eighty-three (183) calendar days immediately preceding the nomination meeting.

In addition to the application of any Cowessess First Nation #73 Legislation, proof of residency for both Resident Councillor and Non-Resident Councillor shall be determined based on where the individual has their principal place of residence, lease or rental agreements and utility bills. An individual shall only be considered to have one principal place of residence. Each Elector seeking to run as a Candidate in any Election or By-Election shall be required to provide to the Electoral Officer in conjunction with their Affidavit of Candidate as referenced in Schedule “E” documentation establishing their residency.

5.03 Notwithstanding the provisions of section 5.02, temporary absence by a person from their residence on the Reserve for medical reasons, or for the purpose of attending educational studies at any post-secondary institution, shall not affect the status of that person as a resident of the Reserve. For the purpose of this section, the term “post-secondary institution” shall

include any institution of higher secondary learning, including any trade or technical institution, university, college or any entrance program relating to the foregoing.

5.04 Any Candidate not meeting the residency requirements outlined in sections 5.02 and 5.03 as they pertain to the Resident Councillor position shall be deemed to be a non-resident for the purpose of this Act.

5.05 As required under the provisions of the Cowessess Treaty Land Entitlement Trust Agreement, any person, other than the designated Council position, appointed to the position of Trustee of the Cowessess Treaty Land Entitlement Trust shall, if wishing to seek office for the position of Chief, Resident Councillor or Non-Resident Councillor, be required to resign their position as Trustee of the Cowessess Treaty Land Entitlement Trust not less than six (6) months prior to the Election for which office is sought.

5.06 Any employee of the Cowessess First Nation accepting nomination in an Election or By-Election shall be required to take a leave of absence from their employment following the nomination meeting.

## ARTICLE 6 – APPOINTMENT AND DUTIES OF ELECTORAL AND DEPUTY ELECTORAL OFFICERS

6.01 The Council shall, by January 15th of an Election year, tender out a proposal for the retaining of the services of an Electoral Officer.

6.02 The Council shall, no later than thirty (30) calendar days prior to the nomination meeting, select and appoint by resolution the Electoral and Deputy Electoral Officers. The Council resolution appointing the Electoral Officer and Deputy Electoral Officer shall set out the following:

(a) the full names of the Electoral and Deputy Electoral Officers so appointed;

(b) the date, time and location to be held for the purpose of conducting:

(i) the nomination meeting, which shall be held no less than twenty one (21) calendar days prior to conducting of the Reserve Poll for the Election or By-Election;

(ii) the Advance Poll(s); and

(iii) the Reserve Poll;

(c) a description of the type of Election to be undertaken, namely, either an Election or By-Election; and

(d) the remuneration to be paid to the Electoral Officer and Deputy Electoral Officer for the performance of their duties under this Act.

6.03 Any Electoral or Deputy Electoral Officer appointed by the Council shall be ineligible from occupying the positions of Candidate or Appointed Observer/Scrutineer during any Election or By-Election for which they have been appointed.

6.04 The following persons shall be ineligible for appointment to the position of Electoral or Deputy Electoral Officer:

(a) any person occupying an elected position on the Council at the time of appointment of the Electoral and Deputy Electoral Officers;

(b) any person, other than the Indian Registry Administrator of the Cowessess First Nation #73, occupying an employment or contractual position with the Cowessess First Nation #73 or any of its operating entities at the time of appointment of the Electoral and Deputy Electoral Officers; or

(c) any person occupying the position of Trustee of the Cowessess Treaty Land Entitlement Trust at the time of appointment of the Electoral and Deputy Electoral Officers.

6.05 The Electoral Officer and Deputy Electoral Officer appointed by the Council shall be required to complete the form in Schedule “A,” and swear the Oath of Office within seven (7) calendar days following their appointment.

6.06 The Council may, by resolution, remove or replace any Electoral or Deputy Electoral Officer who fails to comply with the provisions of section 6.05.

6.07 The term of office of the Electoral Officer and Deputy Electoral Officer shall run from the date of their appointment to the latter of fourteen (14) calendar days following:

(a) expiration of the Election or By-Election; or

(b) the conclusion of any appeal proceedings filed with the Election Appeal Tribunal.

6.08 Not less than fourteen (14) calendar days prior to the date of the nomination meeting, the Electoral Officer shall prepare and post, in the form prescribed in Schedule “B”, a Notice of Nomination Meeting of the Electors for the purpose of nominating Candidates for the Election or By-Election. The Notice shall be posted:

(a) in one or more conspicuous places located on and off the Reserve as determined by the Electoral Officer;

(b) in an advertisement not less than “2”x“2” in at least two (2) issues of a newspaper whose circulation encompasses locations off the Reserve; and

(c) on the Cowessess First Nation #73 website.

6.09 Each Notice posted shall contain information relating to the date, time and place of the nomination meeting along with the position or positions open for election. In addition, each Notice posted pursuant to section 6.08(a) shall have attached to it a copy of this Act. In the case of Notices placed in any newspaper, the Notice shall contain the address of the Electoral Officer along with a statement indicating that a copy of this Act may be made available to any Elector upon request.

6.10 The Electoral Officer shall, following their appointment, prepare in the form attached as Schedule "C", a Voters List containing the names in alphabetical order of all Electors entitled to vote in the upcoming Election or By-Election. In the preparation of the Voters List the Electoral Officer shall meet with the Cowessess First Nation #73 Indian Registry Administrator for the purpose of verifying the Indian Affairs Membership List with the Membership List of the Cowessess First Nation #73 to ensure:

(a) that individuals who are newly registered are placed on the Voters List;

(b) that individuals who have transferred out of the Cowessess First Nation #73 are not included on the Voters List; and

(c) that deceased individuals are removed from the Voters List.

6.11 For the purpose of registering eligible voters, individuals who are entitled to be registered on the Membership List, but who have been adopted outside of the Cowessess First Nation #73 must, when they reach eighteen (18) years of age, apply to have their name removed from the "A" List of the Department of Indigenous Services Canada or their successor and be placed on the Membership List of the Cowessess First Nation # 73 in order to be eligible for placement on the Voters List.

6.12 The Electoral Officer shall cause to be posted within seven (7) calendar days prior to the Election or By-Election, a copy of the Voters List in one or more conspicuous places located on and off the Reserve as determined by the Electoral Officer. Further, a copy of the Voters List shall be available to all Candidates upon posting.

6.13 Any person whose name does not appear on the Voters List may apply to the Electoral Officer to have their name added by completing in the form attached as Schedule "D", an Application to Have Name Appear on Voters List. Upon receipt of the Application, the Electoral Officer shall review the Application and if satisfied that the applicant meets the definition of an Elector as provided for in section (2.01)(q) hereof, shall add the applicant's name to the Voters List. For the purposes of verification of identification, the Electoral Officer shall, in coordination with the Cowessess First Nation #73

Indian Registry Administrator, review the Application along with the applicants Status Card and at least one other piece of picture identification, or, in special circumstances, the applicant may bring forward two (2) relatives whose names appear on the Voters List who can verify the identity of the applicant.

6.14 Any Elector may apply to have the Voters List revised on the grounds that the name of an Elector is incorrectly set out therein or the name of a person not qualified to vote is included therein. Upon review and examination, the Electoral Officer shall, if satisfied that the Voters List should be corrected, make the necessary corrections therein.

6.15 The onus shall be on each individual Elector to ensure that their name is properly registered on the Voters List. All applications to amend the Voters List as provided for in sections 6.13 and 6.14 hereof shall be permitted to be filed with the Electoral Officer up to seventy-two (72) hours prior to the date of the Election or By-Election. Following that time the Electoral Officer shall certify the Voters List as the official Voters List to be used for the purpose of conducting the upcoming Election or By-Election.

6.16 The Electoral Officer shall establish and maintain an election record containing:

(a) original copies of all documentation pertaining to the Election or By-Election as required to be completed pursuant to the provisions of this Act;

(b) the official Voters List as used in the Election or By-Election, along with the tabulated results of the Election or By-Election; and

(c) a copy of the Electoral Officer's Report as prepared pursuant to the provision of section 10.08 hereof.

6.17 The election record shall, in the presence of the Electoral Officer, be made available for examination to all persons initiating appeal proceedings under this Act.

## ARTICLE 7 – NOMINATIONS

7.01 The Electoral Officer shall act as Chair of the nomination meeting.

7.02 At the time and place specified in the Notice of Nomination Meeting, the Electoral Officer shall declare the meeting open for the purpose of receiving nominations. Any Elector may move or second the nomination of any person qualified under the provisions of this Act to seek nomination for the position of Chief, Resident Councillor or Non-Resident Councillor.

7.03 In order to be eligible for nomination as a Candidate, each individual shall:

(a) be present at the nomination meeting to accept their nomination;

(b) pay the prescribed non-refundable fee to the Electoral Officer as provided pursuant to the provisions of section 7.12 hereof;

(c) complete the affidavit attesting to their eligibility as required pursuant to the provisions of section 7.04 hereof; and

(d) be required to submit a Criminal Record Check which shall be dated and issued no more than one hundred and eighty-three (183) days prior to the nomination meeting. If the individual submits a document from the police services agency indicating that the individual does not have a positive match for any criminal records on the Canadian Police Information Centre (CPIC) system that shall be sufficient to establish that the individual does not have a criminal record. Otherwise the individual shall be required to produce their actual Criminal Record Check results and attach such Criminal Record Check results to their Affidavit of Candidate in Schedule “E”, failing which the individual shall not be eligible to run as a Candidate in the Election or By-Election.

7.04 Prior to the close of nominations, the Electoral Officer shall require each individual seeking nomination for the position of Chief, Resident Councillor or Non-Resident Councillor, to complete and swear in the form attached as Schedule “E”, an affidavit verifying that the individual meets the eligibility criteria established pursuant to this Act for the position to which they are seeking. Failure by any individual to comply with the provisions of this section shall result in the removal by the Electoral Officer of the individual’s name from the list of Candidates.

7.05 Following submission by each individual of their Affidavit, the Electoral Officer shall prepare and complete in respect of the individual the Eligibility of Candidate Form attached as Schedule “F” confirming whether the individual has met the eligibility criteria and submitted the required documentation necessary to run as a Candidate in the Election or By-Election.

7.06 Any Candidate who has been properly nominated pursuant to the provisions of this Act may withdraw from the Election or By-Election at any time up to ten (10) calendar days prior to the date set for the Election or By-Election. The Electoral Officer shall remove from the ballot the name of any Candidate who requests such action.

7.07 Any Candidate withdrawing their nomination may do so by completing and filing with the Electoral Officer, a Notice of Withdrawal in the form prescribed in Schedule “G”.

7.08 No Elector may nominate or second a nomination for more positions than are open for election in any Election or By-Election.

7.09 Subject to the eligibility requirements as outlined in this Act, a Candidate shall only be eligible for nomination to one of the following positions:

(a) Chief;

(b) Resident Councillor; or

(c) Non-Resident Councillor.

7.10 In the event the number of eligible Candidates for a position does not exceed the number of vacancies available for such position, the Electoral Officer shall, following closing of the nomination meeting, declare the Candidate or Candidates duly elected pursuant to the provisions of this section by acclamation.

7.11 If the number of eligible Candidates for each position open for election exceeds the requisite number for each position, the Electoral Officer shall declare that an Election or By-Election will be held for the purpose of taking votes for the positions available.

7.12 Each Candidate seeking nomination shall be required, to file with the Electoral Officer at the time of their nomination the following:

(a) for the position of Chief, a non-refundable fee in the amount of one thousand ($1,000.00) dollars; and

(b) for the position of Resident Councillor or Non-Resident Councillor, a non-refundable fee in the amount of five hundred ($500.00) dollars.

The fee shall be in the form of cash, money order or certified cheque and shall be made payable to the Cowessess First Nation, which funds shall be used to offset the costs of the Election or By-Election.

7.13 The nomination meeting shall be open between the hours of 1:00 p.m. to 6:00 p.m. on the date specified in the Notice of Nomination Meeting. Thereafter, the Electoral Officer shall call for a motion to declare the nominations closed.

7.14 Immediately following the closing of nominations, a Candidates' forum shall be held at which time all Candidates seeking election shall be given the opportunity to address the Band Members present at the Candidate's forum. The Nominators shall be given the opportunity to provide a two (2) minute address to the Band Members present with respect to their Candidates. In turn, each Candidate will be allowed seven (7) minutes to address the Band Members present at the Candidates' forum. Thereafter, the Electoral Officer

shall arrange for at least one additional Candidates' forum to be held at a location off the Reserve, which shall be open to all Candidates.

7.15 Immediately following the closing of the nominations, the Electoral Officer shall prepare in the form prescribed in Schedule "H," an Electoral Officers Nomination Meeting Report outlining the positions open for election along with the names, addresses and Treaty/Status numbers of each Candidate nominated and their supporting Nominators.

7.16 Immediately following the nomination meeting, the Electoral Officer shall cause to be prepared and posted in the form prescribed in Schedule "I", a Notice setting out the date, time and location for the conducting of the Advance and Reserve Polls for the Election or By-Election. The Notice shall be posted:

(a) in one (1) or more conspicuous places located on and off the Reserve as determined by the Electoral Officer;

(b) in not less than two (2) issues of a newspaper whose circulation encompasses locations off the Reserve; and

(c) on the Cowessess First Nation #73 website.

## ARTICLE 8 – ELECTION DATE

8.01 As specified in section 4.02, the Election Date shall be the last Monday in April, and shall be held no less than twenty-one (21) calendar days following the nomination meeting.

## ARTICLE 9 – PROCEDURES FOR ADVANCE AND RESERVE POLLING STATIONS

9.01 For the purpose of conducting an Election or By-Election, there shall be established Advance Poll(s) and a Reserve Poll.

9.02 For the purpose of determining the Advance Polls, the Council shall, subject to financial resources being available, establish Advance Polls at locations where there are more than seventy-five (75) voting members present at such location as of January 15th of the Election year. Such decision shall be confirmed by Council at the time of passage of the Council resolution as provided for in section 6.02.

9.03 Any Elector shall be entitled to vote at either the Advance or Reserve Polls and all procedures with respect to the conducting of voting shall apply equally to both the Advance and Reserve Polls.

9.04 The Electoral Officer and Deputy Electoral Officer shall ensure that a compartment is provided at each Polling Station where an Elector can mark their ballot free from observation.

9.05 All voting with respect to an Election or By-Election shall be conducted by secret ballot.

9.06 Elections and By-Elections may be conducted utilizing electronic voting, which may include counting machines, optical scanning vote tabulating units, voting recorders and other similar devices, the regulations and procedures pertaining to which are outlined in Schedule “P” Electronic Voting Regulations.

9.07 The Advance and Reserve Polls shall be open from the hours of 10:00 am to 7:00 pm. Any Elector who is in the Polling Station at the time that it is declared closed by the Electoral Officer shall be entitled to cast their vote.

9.08 Each Candidate shall be entitled to select one (1) Appointed Observer/Scrutineer for each Polling Station for the purpose of observing the conducting of the Election or By-Election. Each Candidate shall be required to complete and submit to the Electoral Officer prior to the opening of the Polling Stations, the form prescribed in Schedule “J”, containing the name of the Candidate’s Appointed Observers/Scrutineer**.**

9.09 The Electoral Officer and Deputy Electoral Officer shall ensure that there is no loitering in the vicinity of the Polling Station and shall have the power to evict loiterers to maintain order around the Polling Station. The vicinity to be clear from loiterers shall include up to 100 meters from the Polling Station or any building in which the Polling Station is located.

9.10 The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to an Elector.

9.11 Any Elector who, for medical or physical reasons, requires assistance in voting may request that their ballot or ballots be marked by the Electoral Officer or their designate providing they are not a member of Cowessess First Nation, in the presence of at least one (1) witness chosen by the Elector. The Electoral Officer or Deputy Electoral Officer shall note on the Voters List opposite the name of such Elector, the name of the person selected by the Elector to mark completion of the ballot or ballots together with the name of the witness, and the fact that the ballot or ballots were marked by the Electoral Officer, or their designate in the presence of the Elector and the reasons thereof.

## ARTICLE 10 – ELECTION TABULATION

10.01 Immediately following the close of the Reserve Poll, the Electoral Officer shall:

(a) take steps to prepare the voting area for the counting of ballots; and

(b) in the presence of the Cowessess First Nation #73 Band Membership present thereat proceed forward with the conducting of the election tabulation procedures as set out in Schedule “P” herein;

10.02 The Electoral Officer shall decide any questions arising from any objections made by a Candidate or their Appointed Observer/Scrutineer regarding the rejection of any ballot. The Electoral Officer shall document and number the objections and place a corresponding number on the back of the ballot with the word “ALLOWED” or “DISALLOWED,” as the case may be, along with their initials.

10.03 Any decision of the Electoral Officer regarding the rejection of a ballot under section 10.02 may be subject to review by the Election Appeal Tribunal.

10.04 The Electoral Officer shall, following the counting of the votes, complete in the form attached as Schedule “L”, the Electoral Officer’s Tabulation Report and preserve all rejected ballots and documentation relating to any objection made pursuant to section 10.02 until the conclusion of any appeals initiated under the provisions of this Act.

10.05 Immediately after completion of tabulating the votes, the Electoral Officer shall publicly declare elected the Candidate or Candidates receiving the highest number of votes for the positions of Chief, Resident Councillor and Non-Resident Councillor.

10.06 In the event a tie vote occurs between a greater number of Candidates than there are positions, the Electoral Officer shall immediately order a recount of all ballots.

10.07 When a tie vote continues after a recount, then the Electoral Officer shall call for the Deputy Electoral Officer to break the tie by draw of a name**.**

10.08 Within twenty-four (24) hours following completion of the Election or By-Election, the Electoral Officer shall prepare a report in the form prescribed in Schedule “M”.

10.09 Upon completion, the Electoral Officer shall forward a copy of the Electoral Officer’s Report to the Cowessess Administration Office and the Regional Office of the Department of Indigenous Services Canada or their successor.

10.10 The Electoral Officer shall deposit all ballots cast into a sealed envelope which shall be kept in their possession or control for the latter of thirty (30) calendar days following:

(a) the completion of the Election or By-Election; or

(b) the conclusion of any appeal proceedings filed with the Election Appeal Tribunal.

## ARTICLE 11 - APPEALS

11.01 Prior to the nomination meeting or the conducting of any Election or By-Election the Council shall by resolution:

(a) appoint for the purpose of the upcoming Election or By-Election, an Election Appeal Tribunal consisting of three (3) individuals as appointed from outside the Cowessess First Nation #73 Band Membership; and

(b) set the remuneration to be paid to the members of the Election Appeal Tribunal with respect to the performance of their duties under this Act.

11.02 All persons selected as members of the Election Appeal Tribunal shall be required to consent to their appointment and swear an oath, in the form prescribed in Schedule "N" within five (5) calendar days following their appointment. The members of the Election Appeal Tribunal shall select a Chair from amongst themselves.

11.03 All members of the Election Appeal Tribunal shall hold office from the date of their appointment until all appeals have been finalized.

11.04 Any person occupying an employment or contractual position with the Cowessess First Nation #73, or any of its operating entities at the time of appointment of the Election Appeal Tribunal shall be ineligible for appointment as a member of the Election Appeal Tribunal.

11.05 The following procedures shall govern the conducting of election appeals:

(a) subject to the provisions of subsection 11.05(b), any Candidate may appeal an Election or By-Election within fourteen (14) calendar days following the date of the Election or By-Election by delivering to the Chair of the Election Appeal Tribunal the following:

(i) a notice of appeal outlining the appellant's name, address, phone number and setting forth the grounds of appeal including all material facts and documents for which the appellant intends to rely upon;

(ii) a petition of support for the appeal with reference to the notice of appeal included on each page of the petition, signed by a minimum of ten (10%) percent of the total number of Electors who had cast ballots in the Election or By-Election;

(iii) a non-refundable appeal fee in the amount of one thousand ($1,000.00) dollars for the appeal of each position of Councillor;

(iv) a non-refundable appeal fee in the amount of five thousand ($5,000.00) dollars for the appeal of the position of Chief; and

(v) a non-refundable appeal fee in the amount of ten thousand $10,000) dollars for an appeal against the Electoral Officer or Deputy Electoral Officer;

The non-refundable appeal fees shall be made payable to the Cowessess First Nation #73 in the form of cash, money order or certified cheque;

(b) appeals shall be restricted to the following grounds:

(i) election practices which contravene this Act; and

(ii) contravention of a specific section(s) of this Act;

(iii) illegal, fraudulent or criminal activity which may have affected the outcome of the Election or By-Election;

(c) an entire Election shall not be subject to appeal;

(d) the Chair of the Election Appeal Tribunal shall confirm receipt of the appeal with the appellant and shall forthwith provide a copy of the appeal together with all supporting documents to any Candidate(s) whose election to the Council is a matter of dispute in the appeal;

(e) upon receipt of the appeal documents, the Chair of the Election Appeal Tribunal shall convene a meeting to review the documents to determine whether there is sufficient basis to warrant an appeal hearing. The Election Appeal Tribunal shall endeavor to rule on whether to allow or disallow the appeal within fourteen (14) calendar days following receipt of the appeal and supporting documents by the Chair;

(f) if there is sufficient basis to warrant an appeal hearing, the Election Appeal Tribunal shall set a hearing date with respect to the appeal. The hearing shall be conducted within thirty (30) calendar days following the date of the Election or By-Election. Parties to the appeal may be represented alone or by legal counsel, the cost of which shall be borne exclusively by the parties. For greater certainty, no funds of the Cowessess First Nation shall be used by any party in relation to the advancement of any appeal or in relation to any legal actions or proceedings related to the appeal;

(g) if the Election Appeal Tribunal determines that there is not sufficient basis to warrant the conducting of an appeal hearing, the Election Appeal Tribunal shall confirm their decision in writing with the appellant and the Council;

(h) the Chair of the Election Appeal Tribunal shall determine the time and place for the hearing of the appeal and shall give notice thereof to the appellant, Electoral Officer, Deputy Electoral Officer and any Candidate(s) whose election to the Council is a matter of dispute in the appeal;

(i) appeal hearings shall be open to Cowessess First Nation #73 Band Membership;

(j) the Electoral Officer and Deputy Electoral Officer shall attend all appeal hearings conducted by the Election Appeal Tribunal to provide information as required;

(k) during the appeal process, the Election Appeal Tribunal shall have access to technical, translation, administrative assistance and advisory services, including advice of legal counsel, if required. The costs for such services shall be borne by the Cowessess First Nation #73;

(l) the Election Appeal Tribunal shall determine their own procedure and all questions relating to the conduct of the appeal, and all issues in question shall be settled by a majority decision of the Election Appeal Tribunal. Further, at the appeal hearing, the appellant(s) and the Candidate(s) whose election to the Council have been called into question shall be given the opportunity to present evidence and argument in support of their respective positions;

(m) upon conclusion of the appeal hearing, the Election Appeal Tribunal shall endeavour to reach a decision on the appeal and in its decision shall:

(i) determine whether the appellant(s) have proven the grounds for appeal set out in the notice of appeal;

(ii) determine whether the evidence as presented affected the outcome of the Election or By-Election appealed from;

(iii) order, in the case the position under appeal is that of Chief's position, a By-Election where the Election Appeal Tribunal is satisfied that the grounds for appeal have been proven and such grounds have affected the outcome of the Election or By-Election appealed from, or, uphold the Election or By-Election where the grounds of appeal have not been proven or, if proven, could not have affected the outcome of the Election or By-Election appealed from; or

(iv) order, in the case the position under appeal is that of a Resident Councillor or Non-Resident Councillor, that the individual receiving the next number of highest votes in the

Election or By-Election under appeal be awarded the Councillor position where the Election Appeal Tribunal is satisfied that the grounds of appeal have been proven and such grounds have affected the outcome of the Election or By-Election appealed from, or, uphold the Election or By-Election where the grounds of appeal have not been proven or, if proven, could not have affected the outcome of the Election or By-Election appealed from;

(n) the decision of the Election Appeal Tribunal as provided for in subsection 11.04(m) shall be confirmed in writing and provided to the appellant(s) together with all Candidate(s) whose election is the subject of the appeal within fifteen (15) calendar days following conclusion of the hearing. The decision shall also be provided to the Council of the Cowessess First Nation #73;

(o) upon being notified of the decision, the Council shall enforce the decision and put the terms thereof into effect;

(p) any Candidate(s) whose election is the subject of the appeal shall assume their position on the Council in the normal and ordinary course. In the event a By-Election is ordered, then only from that point onwards shall the position on the Council effected thereby be deemed vacant; and

(q) all decisions of the Election Appeal Tribunal shall be final and binding.

## ARTICLE 12 - ASSUMPTION OF OFFICE

12.01 Immediately following completion of the Election or By-Election, all Candidates elected to the Council shall be sworn into office by completing the Oath of Office in the form prescribed in Schedule “O’’;

12.02 In the event a Candidate elected to the Council fails to compete the Oath of Office with seven (7) days, then the election of that Candidate shall be null and void and the position to which that Candidate was elected shall be deemed vacant;

12.03 Any Candidate who is successful in obtaining election to the position of Chief shall be required to take up permanent residency on the Home Reserve within ninety (90) calendar days following the election, and maintain their residency on the Home Reserve for the duration of their term of office. Council, or any of its entities, shall provide the Candidate elected to the position of Chief with a residence on the Home Reserve, if required.

12.04 Any Candidate who is successful in obtaining election to the position of Resident Councillor shall maintain their residency on the Reserve for the duration of their term of office.

## ARTICLE 13 – VACANCIES AND REMOVAL OR SUSPENSION FROM OFFICE

13.01 The office of Chief, Resident Councillor or Non-Resident Councillor shall only be deemed to be vacant when:

(a) the person occupying such office:

(i) dies;

(ii) resigns and such resignation is provided in written form and signed by the individual and includes within it a date from which it is intended to take effect, and the resignation is accepted by motion or resolution of the Council;

(iii) ceases to be a Band Member;

(iv) has, after receiving proper notice, failed to attend three (3) consecutive regular meetings of the Council without just cause;

(v) in the context of the Chief's position, fails to take up or maintain their residency on the Home Reserve;

(vi) in the context of the Resident Councillor position, fails to maintain their residency on the Reserve;

(vii) is convicted during their term of office of an offence under:

(A) the Criminal Code;

(B) the Controlled Drugs and Substances Act; or

(C) any succeeding legislation relating to the foregoing; or

(b) the Election or By-Election in which such person was elected is set aside by the Election Appeal Tribunal.

13.02 In situations where a Chief or Councillor is charged during their term of office with an offence under the Criminal Code, the *Controlled Drugs and Substances Act* or any succeeding legislation relating to the foregoing, the obligation shall be on the individual Chief or Councillor to notify the Council in writing immediately of such charge(s) and the following provisions shall apply:

(a) the Council shall convene a meeting at which an opportunity shall be provided to the individual to address the Council to show cause as to why they should not be suspended from their duties on the Council;

(b) following the providing to the individual of the opportunity to make their presentation to a quorum of Council, the Council members present at the meeting shall make a decision as to whether the individual should be suspended from the Council pending the outcome of the individual's criminal charges. In the event the decision is made by the Council to suspend the individual, the decision shall be confirmed by resolution of the Council; and

(c) any individual who is suspended from Council pending the outcome of their criminal charges, shall be prohibited from receiving any remuneration associated with their duties as a member of the Council, and any portfolios or associated duties related to the Council member shall be redistributed to other members of the Council.

## ARTICLE 14 – BY-ELECTIONS

14.01 When for any reason a position on the Council becomes vacant pursuant to the provisions of Articles 12 and 13 hereof, the remaining members of the Council shall, as soon as possible, designate a date for a By-Election which shall be held within ninety (90) calendar days following the event which resulted in the vacancy. Unless otherwise stipulated herein, all provisions respecting eligibility and procedures with respect to the conducting of Elections shall apply equally to any By-Elections undertaken pursuant to this Act.

14.02 Provided that there remains at all times a quorum of the Council in office, no By-Election need be convened by the Council for any vacancy which occurs on the Council within a period of six (6) months prior to the scheduled conducting of an Election.

## ARTICLE 15 – DISCONTINUATION OF AUTHORITY

15.01 The following procedure shall govern the discontinuation of authority:

(a) save and except for ongoing contractual commitments or agreements negotiated by the Council prior to conducting of the nomination meeting, upon nomination and unless acclaimed, the Council shall be required to relinquish their signing and decision making authority no less than twenty-one (21) calendar days prior to the date of the next scheduled Election. During this period the Chief or any member of Council who is not seeking re-election shall act in the capacity of Acting Chief for the duration of the Council's term of office. In the absence of an Acting Chief, the Executive Director or any person holding the equivalent position at the Cowessess First Nation #73 shall have administrative authority over the general affairs of the Cowessess First Nation #73 during this period;

(b) during the twenty-one (21) calendar day period prior to the Election, an incumbent who wishes to seek re-election shall be prohibited from using any financial resources, property or services of the Cowessess First Nation #73; and

(c) during the twenty-one (21) calendar day period prior to the Election any salaries or remuneration to which the Council is entitled shall continue to be paid.

## ARTICLE 16 - AMENDMENTS

16.01 This Act may be amended in accordance with the following procedures:

(a) within three (3) years following the adoption of this Act and within every six (6) years thereafter, the Council shall convene a series of Band Membership meetings located both on and off the Reserve for the purpose of obtaining input from Band Members as to any proposed amendments to this Act;

(b) following the conducting of the Band Membership meetings, the Council shall prepare a resolution setting out the proposed amendment(s) to this Act which shall be placed before the membership at Band Membership meetings where the Council shall, subject to financial resources being available, establish Advance Polls at locations where there are more than seventy-five (75) voting members. The said amendment(s) shall be read in their entirety and voted on by the Band Members present;

(c) notices setting out the date, time and location for the Band Membership meetings shall be posted by the Council not less than thirty (30) calendar days prior to the date of the scheduled Band Membership meetings. The notices shall be posted:

(i) in one (1) or more conspicuous places located on and off the Reserve;

(ii) in not less than two (2) issues of a newspaper whose circulation encompasses locations off the Reserve; and

(iii) the Cowessess First Nation #73 website;

(d) the proposed amendment(s) shall be voted upon by the Band Members at the Band Membership meetings. Voting at the meetings shall be by a secret ballot by the Band Members personally present thereat. Members shall be entitled to vote at any one of the meetings and records shall be kept of all Band Members in attendance and voting at the said meetings. The count of total ballots will take place at the Reserve Poll. The proposed amendment(s) shall be considered to be enacted by the Band Members if approved by a

majority of those Band Members who cast a vote on the proposed amendment(s). In the case of a tie vote, the proposed amendment(s) shall be considered lost.

(e) upon adoption of any amendment(s) approved by Band Members, the same shall be incorporated into this Act and take effect immediately unless otherwise specified.

## ARTICLE 17 - COMING INTO FORCE

17.01 This Act shall come into force upon fulfillment of the requirements for amendment as set out in Section 16 of the existing Cowessess First Nation Election Act.

17.02 Upon enactment, this Act shall replace in its entirety the existing Cowessess First Nation Election Act.

17.03 Council shall be charged with the responsibility of enforcing the terms of this Act upon its coming into force.

# *STATUS OF LEGISLATION*

## *AMENDMENTS*

| | |
|---|---|
| ***Third Reading and Vote:*** | ***Winnipeg, Manitoba, April 16, 2018***<br>***Saskatoon, Sask., April 18, 2018***<br>***Calgary, Alberta, April 19, 2018***<br>***Regina, Sask., April 23, 2018***<br>***Cowessess Reserve, April 25, 2018*** |
| ***Second Reading:*** | ***Cowessess Reserve, April 6, 2018***<br>***Regina, SK, April 7, 2018*** |
| ***First Reading:*** | ***Cowessess Reserve, March 24, 2018***<br>***Regina, SK, March 25, 2018*** |

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|---|---|
| ***Second Reading and:***<br>***Ratification Vote:*** | ***Saskatoon, Sask., September 25, 2006***<br>***Regina, Sask., September 26, 2006***<br>***Winnipeg, Manitoba, September 27, 2006***<br>***Cowessess Reserve, September 28, 2006***<br>***Vancouver, B.C., October 3, 2006***<br>***Calgary, Alberta, October 4, 2006***<br>***Edmonton, Alberta, October 5, 2006*** |
| ***First Reading:*** | ***Cowessess Reserve, July 24, 2006***<br>***Winnipeg, Manitoba, July 25, 2006***<br>***Regina, Sask., July 26, 2006***<br>***Saskatoon, Sask., July 27, 2006***<br>***Vancouver, B.C., July 31, 2006***<br>***Calgary, Alberta, August 2, 2006***<br>***Edmonton, Alberta, August 3, 2006*** |

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|---|---|
| ***February 24, 2001*** | ***"Cowessess First Nation Election Act" amendment to replace in its entirety, the "Cowessess Indian Reserve Elections Act"*** |
| **1980** | **"*Cowessess Indian Reserve Elections Act" by Custom of the Treaty Indians of Cowessess Reserve*** |
| **November 10, 1980** | **Canada amended Order in Council P.C. 6016, "that for good government of the Cowessess Band, reversion to Custom would better serve the needs of the Band"**. |

| | |
|---|---|
| ***November 12, 1951*** | ***Canada Order in Council P.C. 6016 Cowessess Reserve conducts its Elections for Chief and Council in accordance with the Indian Act, R.S.C. 1985, c. I-5.*** |
| ***November 1894*** | ***Indian Affairs did not conduct the customary Spring Election bringing objection from the Cowessess' people. Indian Affairs prepared for a Fall Election however noted that the Indian Act allowed the Cowessess people to elect a Chief but not Headmen. The people "maintained that it was their Treaty Right to have a Chief and Headmen". Indian Affairs invoked "privilege" to allow for the election of 2 Headmen. (First Nation Governance Act Pilot Project, March 2003 on The Cowessess Band, 1874 – 1907, Indian & Northern Affairs Archives)*** |
| ***1888*** | ***The first Election of Cowessess Indian Reserve. Canada provided Special Order-in-Council at the request of Cowessess Band "that they be given the right to elect their own Chiefs and Councillors" Note: 3 year term, Elections in the Spring.*** |
| ***September 15, 1874*** | ***Treaty 4, Ka-we-zauce was identified among the Chiefs and Headmen present at the Treaty negotiations. (The Treaties of Canada with the Indians, Alexander Morris, P.C, 1880) Note: Cowessess remained Chief until 1886. He died 12 years after the signing of Treaty Number 4.*** |

SCHEDULE “A”

**ELECTORAL OFFICER**
**OATH OF OFFICE**

I, _____, DO HEREBY ACCEPT THE POSITION OF ELECTORAL OFFICER FOR THE COWESSESS FIRST NATION #73, AND DO SOLEMNLY SWEAR IN MY CAPACITY AS ELECTORAL OFFICER TO:

(A) DO MY UTMOST TO SERVE THE MEMBERS OF THE COWESSESS FIRST NATION #73 AND TO PRESERVE THE IMPARTIALITY, INTEGRITY, AND HONESTY OF THE ELECTION PROCESS; AND

(B) PERFORM MY DUTIES TO THE UTMOST OF MY ABILITY IN ACCORDANCE WITH THE PROVISIONS OF THE COWESSESS FIRST NATION #73 CUSTOM ELECTION ACT.

_____
DATE

_____
Signature

_____

_____
Address

SCHEDULE “A”

**DEPUTY ELECTORAL OFFICER**
**OATH OF OFFICE**

I, _____, DO HEREBY ACCEPT THE POSITION OF DEPUTY ELECTORAL OFFICER FOR THE COWESSESS FIRST NATION #73, AND DO SOLEMNLY SWEAR IN MY CAPACITY AS DEPUTY ELECTORAL OFFICER TO:

(A) DO MY UTMOST TO SERVE THE MEMBERS OF THE COWESSESS FIRST NATION #73 AND TO PRESERVE THE IMPARTIALITY, INTEGRITY, AND HONESTY OF THE ELECTION PROCESS; AND

(B) PERFORM MY DUTIES TO THE UTMOST OF MY ABILITY IN ACCORDANCE WITH THE PROVISIONS OF THE COWESSESS FIRST NATION #73 CUSTOM ELECTION ACT.

_____
Date

_____
Signature

_____

_____
Address

SCHEDULE “B”

## NOTICE OF NOMINATION MEETING

Notice is hereby given that a meeting of the Electors of the Cowessess First Nation #73 will be held at _____on_____, the_____ of _____, 20_____, from the hours of 1:00 p.m. until 6:00 p.m. for the purpose of nominating Candidates for the following positions on the Council of the Cowessess First Nation #73:

(a) Chief (_____ position);

(b) Resident Councillor (_____ positions); and

(c) Non-Resident Councillor (_____ position).

Dated at the Cowessess First Nation #73, Treaty 4 Territory, in the Province of Saskatchewan, this ____ day of _____, 20_____.

_____
Electoral Officer

SCHEDULE “C”

## VOTERS LIST

| LAST NAME FIRST NAME | Status No. | Received Ballot | Comments and Remarks |
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Date: _____

Electoral Officer: _____

SCHEDULE “D”

## APPLICATION TO HAVE NAME APPEAR ON VOTERS LIST

I, _____ make application to have my name added to the Voters List. For verification purposes I have provided the following two (2) pieces of identification:

1. Treaty/Status Card (provide number) _____,

2. One (1) other picture identification _____

OR,

I do not have the required pieces of identification with me therefore the following two (2) relatives, who are Members of Cowessess First Nation #73, can verify my identity:

1. _____ Status No. _____

2. _____ Status No. _____

_____
Signature of Applicant

SCHEDULE "E"

## AFFIDAVIT OF CANDIDATE FOR CHIEF

I_____**,** of the

_____, in the Treaty 4 Territory, in the Province of Saskatchewan, MAKE OATH AND SAY:

1. That I am a registered Band Member of the Cowessess First Nation # 73;

2. That I have attained the full age of eighteen (18) years;

3. That I have reviewed the provisions of the Cowessess First Nation #73 Custom Election Act respecting eligibility to run for the position of Candidate for Chief, and do solemnly swear that I comply with the provisions of the said Act respecting eligibility to seek the position of Candidate for Chief of the Cowessess First Nation #73;

4. That I have attached to this my affidavit the results of my current Criminal Record Check and, if required, my actual Criminal Record Check results as issued from the Canadian Police Information Centre as required under the provisions of the Cowessess First Nation #73 Custom Election Act; and

5. That by swearing this Affidavit, I hereby consent to having my name submitted as a Candidate for the position of Chief of the Cowessess First Nation #73.

SWORN before me at the _____, in the Treaty 4 Territory, Province of Saskatchewan this_____ day of _____ , 20_____.

_____
Candidate

_____
A COMMISSIONER FOR OATHS/NOTARY PUBLIC
in and for the Province of Saskatchewan.
My Commission Expires:_____
OR being a Solicitor.

SCHEDULE "E"

**AFFIDAVIT OF CANDIDATE FOR RESIDENT COUNCILLOR**

I, _____, of the _____, in the Treaty 4 Territory, Province of Saskatchewan, MAKE OATH AND SAY:

1. That I am a registered Band Member of the Cowessess First Nation #73;

2. That I have attained the full age of eighteen (18) years;

3. That I have reviewed the provisions of the Cowessess First Nation #73 Custom Election Act respecting eligibility to run for the position of Candidate for Resident Councillor, and do solemnly swear that I comply with the provisions of the said Act respecting eligibility to seek the position of Candidate for Resident Councillor of the Cowessess First Nation #73;

4. That I have attached to this my Affidavit the results of my Criminal Record Check and, if required, my actual Criminal Record Check results as issued from the Canadian Police Information Centre as required under the provisions of the Cowessess First Nation #73 Custom Election Act; and

5 That by swearing this Affidavit, I hereby consent to have my name submitted as a Candidate for the position of Resident Councillor of the Cowessess First Nation #73.

SWORN before me at the _____, in the Treaty 4 Territory, Province of Saskatchewan this_____ day of _____ , 20_____.

_____
Candidate

_____
A COMMISSIONER FOR OATHS/NOTARY PUBLIC
in and for the Province of Saskatchewan.
My Commission Expires:_____
OR being a Solicitor.

SCHEDULE “E”

**AFFIDAVIT OF CANDIDATE FOR NON-RESIDENT COUNCILLOR**

I,_____, of the _____,

in the Treaty 4 Territory, Province of Saskatchewan, MAKE OATH AND SAY:

1. That I am a registered Band Member of the Cowessess First Nation #73;

2. That I have attained the full age of eighteen (18) years;

3. That I have reviewed the provisions of the Cowessess First Nation #73 Custom Election Act respecting eligibility to run for the position of Candidate for Non-Resident Councillor, and do solemnly swear that I comply with the provisions of the said Act respecting eligibility to seek the position of Candidate for Non-Resident Councillor of the Cowessess First Nation #73;

4. That I have attached to this my Affidavit the results of my Criminal Record Check and, if required, my actual Criminal Record Check results as issued from the Canadian Police Information Centre as required under the provisions of the Cowessess First Nation #73 Custom Election Act; and

5. That by swearing this Affidavit, I hereby consent to have my name submitted as a Candidate for the position of Non-Resident Councillor of the Cowessess First Nation #73.

SWORN before me at the _____, in the Treaty 4 Territory, Province of Saskatchewan this_____ day of _____ , 20_____.

_____

Candidate

_____
A COMMISSIONER FOR OATHS/NOTARY PUBLIC
in and for the Province of Saskatchewan.
My Commission Expires:
OR being a Solicitor.

SCHEDULE “F”

ELIGIBILITY OF CANDIDATE FORM

1. Date of Nomination Meeting: _____

2. Location of Nomination Meeting: _____

3. Candidate Name: _____

| | YES | NO | N/A |
|---|---|---|---|
| Has the Candidate paid the non-refundable fee as required pursuant to section 7.12? | | | |
| Has the Candidate submitted their Criminal Record Check results? | | | |
| Are the Criminal Record Check results negative and indicate no match for criminal records on the Canadian Police Information Centre (CPIC) system in respect of the Candidate? | | | |
| If the Criminal Record Check results indicate a positive match or possible match for a criminal record in the name of the Candidate, has the Candidate submitted in conjunction with their affidavit their actual Criminal Record Check results as issued through the Canadian Police Information Centre (CPIC) system? | | | |
| Are the Criminal Record Check results dated and issued no more than one hundred and eighty-three days prior to the nomination meeting? | | | |
| Has the Candidate been convicted of an offence under the Criminal Code of Canada, the *Controlled Drugs and Substances Act* or any succeeding legislation relating thereto in the five (5) year period preceding the date of the nomination meeting? | | | |
| Has the Candidate been convicted of election fraud? | | | |
| Has the Candidate been convicted of theft of Cowessess First Nation #73 property? | | | |
| The Candidate is seeking nomination for the position of Resident Councillor. Has the Candidate provided documentation verifying that he/she has been Resident on the Reserve for a period of at least one hundred and eighty-three (183) calendar days prior to the nomination meeting? (If so, list documentation provided) | | | |

| | | | |
|---|---|---|---|
| The Candidate is seeking nomination for the position of Non-Resident Councillor. Has the Candidate provided | | | |

| | | | |
|---|---|---|---|
| documentation verifying that he/she has been Resident off the Reserve for a period of at least one hundred and eighty-three (183) calendar days prior to the nomination meeting? (If so, list documentation provided) | | | |
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| | | | |
| Has the Candidate provided written documentation from officials at the Cowessess First Nation #73 verifying that he or she is in Good Standing in terms of Debts Owed to the Cowessess First Nation #73? | | | |
| Has the Candidate completed and submitted the required Schedule "E" Affidavit of Candidate? | | | |

I, _____, HEREBY VERIFY THAT I HAVE RECEIVED AND REVIEWED ALL DOCUMENTS LISTED ABOVE AND CONFIRM THAT THE CANDIDATE HAS:

☐ MET THE REQUIREMENTS SET OUT IN THE COWESSESS FIRST NATION #73 CUSTOM ELECTION ACT AND IS ELIGIBLE TO HAVE THEIR NAME STAND AS A CANDIDATE IN THE ELECTION OR BY-ELECTION.

☐ HAS NOT MET THE REQUIREMENTS SET OUT IN THE COWESSESS FIRST NATION #73 CUSTOM ELECTION ACT AND IS NOT ELIGIBLE TO HAVE THEIR NAME STAND AS A CANDIDATE IN THE ELECTION OR BY-ELECTION.

DATED at the Cowessess First Nation #73, Treaty 4 Territory, in the Province of Saskatchewan, this _____ day of _____, 20 ___.

_____
Electoral Officer

SCHEDULE “G”

## NOTICE OF WITHDRAWAL OF NOMINATION

I, _____, do hereby wish to withdraw, effective immediately, my name as a Candidate for the position of _____ as nominated at the nomination meeting held on the ____ day of _____, 20 __.

Dated at, _____ **,** Treaty 4 Territory, in the Province of Saskatchewan, this ____ day of _____, 20_____.

_____ Witness

_____ Candidate

SCHEDULE “H”

**COWESSESS FIRST NATION #73**
**ELECTORAL OFFICERS**
**NOMINATION MEETING REPORT**

1. Date of Nomination Meeting:
   _____

2. Location of Nomination Meeting:
   _____

3. Candidates nominated for the position of Chief:

| Candidate’s Name, Status Number, Address: | Nominator’s Name, Status Number, Address: | Seconder’s Name, Status Number, Address: |
|---|---|---|

4. Candidates nominated for the position of Resident Councillor:

| Candidate’s Name, Status Number, Address: | Nominator’s Name, Status Number, Address: | Seconder’s Name, Status Number, Address: |
|---|---|---|

5. Candidates nominated for the position of Non-Resident Councillor:

| Candidate's Name,<br>Status Number,<br>Address: | Nominator's Name<br>Status Number,<br>Address: | Seconder's Name,<br>Status Number,<br>Address: |
|---|---|---|

DATED at the Cowessess First Nation #73, Treaty 4 Territory, in the Province of Saskatchewan, this _____ day of _____, 20 ___.

_____
Electoral Officer

SCHEDULE “I”

## NOTICE OF ELECTION

Notice is hereby given to all registered members of the Cowessess First Nation #73 over the age of eighteen (18) years that election polls will be established at the following times, dates and locations for the purpose of conducting an Election for the positions of Chief (____ position ), Resident Councillor (____ positions), and Non-Resident Councillor (___ position) of the Cowessess First Nation #73.

ADVANCE POLL #1

Date: _____

Time: 10:00 a.m. to 7:00 p.m.

Location: _____

_____

ADVANCE POLL #2

Date: _____

Time: 10:00 a.m. to 7:00 p.m.

Location: _____

_____

ADVANCE POLL #3

Date: _____

Time: 10:00 a.m. to 7:00 p.m.

Location: _____

_____

RESERVE POLL

Date: _____

Time: 10:00 a.m. to 7:00 p.m.

Location: _____

_____

_____

DATED at the Cowessess First Nation #73, Treaty 4 Territory, in the Province of Saskatchewan, this _____ day of _____, 20 ___.

_____
Electoral Officer

SCHEDULE “J”

## NOTICE OF CANDIDATE’S APPOINTED OBSERVER/SCRUTINEER

In accordance with the provisions of the Cowessess First Nation #73 Custom Election Act, I, _____, do hereby appoint _____ to act as my Appointed Observer/Scrutineer at the Polling Stations established pursuant to the Cowessess First Nation #73 Custom Election Act.

Note: Candidates shall bear the cost of their Appointed Observers/Scrutineers.

Please indicate the Polling Station(s) below:

DATED at _____, Treaty 4 Territory, in the Province of Saskatchewan, this _____ day of _____, 20 ___.

_____
Candidate

SCHEDULE “K”

## ELECTOR SIGN-IN SHEET

| NAME OF ELECTOR (please print) | SIGNATURE | BAND NUMBER |
|---|---|---|

SCHEDULE “L”

## ELECTORAL OFFICER’S TABULATION REPORT

**1. Position: Chief**

| NAME OF CANDIDATE | NUMBER OF VOTES CAST |
|---|---|

Candidate declared elected by Electoral Officer:

_____

**2. Position: Resident Councillor**

| NAME OF CANDIDATE | NUMBER OF VOTES CAST |
|---|---|

Candidates declared elected by Electoral Officer:

_____
_____
_____
_____
_____
_____
_____

**3. Position: Non-Resident Councillor**

| NAME OF CANDIDATE | NUMBER OF VOTES CAST |
|---|---|

Candidate declared elected by Electoral Officer:
_____

DATED at the Cowessess First Nation #73, Treaty 4 Territory, in the Province of Saskatchewan, this _____ day of _____, 20 ___.

_____
Electoral Officer

SCHEDULE "M"

## ELECTORAL OFFICERS REPORT

1. Band Name: Cowessess First Nation 2. Date: _____

3. Band Number: No. 73

4. Type of Election:_____ (Election or By-Election)

5. Method of Selection:_____

6. Regular Term of office: 4 years

7. Date of most recent Election:_____ Day/Month/Year

8. Total Number of Cowessess Band Members: _____

9. Total number of Electors eligible to vote: _____

10. Composition of Council:
Chief - ____position
Resident Councillor - ____positions
Non-Resident Councillor - _position

11. The Notice of Nomination Meeting was posted at the following locations and in the following newspapers on the dates specified adjacent thereto:

_____
_____
_____
_____

12. The Voters List was posted at the following locations on the dates specified adjacent thereto:

_____
_____
_____
_____

13. The Nomination Meeting was held on the ____ day of _____, 20 ____, at _____.

14. The Election Notice was posted at the following locations and in the following newspapers on the dates specified adjacent thereto:

_____

_____

_____

_____

15. The Election polls were held on the following dates and times and at the following locations:

**ADVANCE POLL #1**

Date: _____

Time: 10:00 a.m. to 7:00 p.m.

Location: _____

_____

ADVANCE POLL #2

Date: _____

Time: 10:00 a.m. to 7:00 p.m.

Location: _____

_____

ADVANCE POLL #3

Date: _____

Time: 10:00 a.m. to 7:00 p.m.

Location: _____

_____

RESERVE POLL

Date: _____

Time: 10:00 a.m. to 7:00 p.m.

Location: _____

_____

16. Total number of ballots printed. _____

(a) Number of ballots cast and counted:_____

(b) Number of ballots cast and rejected:_____

(c) Number of ballots spoiled:_____

(d) Number of ballots endorsed by Electoral Officer as CANCELLED or DECLINED pursuant to the provisions of the Cowessess First Nation #73 Custom Election Act:

_____

(e) Number of ballots unused: _____

17. Total Number of votes cast for each Candidate for Chief:

| Candidates Name | Number of votes |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

18. (a) Total number of votes cast for each Candidate for Resident Councillor:

| Candidates Name | Number of Votes |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

(b) Total number of votes cast for each Candidate for Non-Resident Councillor:

| Candidates Name | Number of Votes |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

19. The following Candidates have been publicly declared elected:

To the Office of Chief: (_____ position)

Name: _____

Address: _____
_____

To the office of Resident Councillor: (_____ positions)

Name: _____

Address: _____
_____

Name: _____

Address: _____
_____

Name: _____

Address: _____
_____

Name: _____

Address: _____
_____

Name: _____

Address: _____
_____

Name: _____

Address: _____
_____

Name: _____

Address: _____
_____

Name: _____

Address: _____
_____

To the office of Non-Resident Councillor: (_____position)

Name: _____

Address: _____

_____

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

21. Additional Comments:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

22. DATED at the Cowessess First Nation #73, Treaty 4 Territory, in the Province of Saskatchewan, this _____ day of _____, 20 ___.

_____
Electoral Officer

SCHEDULE “N”

**OATH OF OFFICE OF ELECTION APPEAL TRIBUNAL MEMBER**

I,_____, DO HEREBY ACCEPT THE POSITION OF MEMBER OF THE ELECTION APPEAL TRIBUNAL OF THE COWESSESS FIRST NATION #73, AND DO SOLEMNLY SWEAR IN MY CAPACITY AS A MEMBER OF THE ELECTION APPEAL TRIBUNAL THAT I SHALL PERFORM MY DUTIES TO THE BEST OF MY ABILITY WITH IMPARTIALLY AND WITHOUT BIAS IN ACCORDANCE WITH THE PROVISIONS OF THE COWESSESS FIRST NATION #73 CUSTOM ELECTION ACT.

SWORN before me at the )
_____, )
in the Treaty 4 Territory, Province )
of Saskatchewan this_____ day )
of _____ , 20_____. )
) _____
) Member of Election Appeal Tribunal
_____)
A COMMISSIONER FOR OATHS/NOTARY PUBLIC
in and for the Province of Saskatchewan.
My Commission Expires:
OR being a Solicitor.

SCHEDULE “O”

**CHIEF**
**OATH OF OFFICE**

I, _____, HEREBY ACCEPT THE POSITION OF CHIEF OF THE COWESSESS FIRST NATION #73 AND DO SOLEMLY SWEAR THAT I SHALL, DURING MY TERM OF OFFICE, USE MY BEST EFFORTS TO:

(A) FAITHFULLY AND HONESTLY SERVE THE MEMBERS OF THE COWESSESS FIRST NATION #73;

(B) UPHOLD ALL LAWS, CUSTOMS AND TRADITIONS OF THE MEMBERS OF THE COWESSESS FIRST NATION #73; AND

(C) CARRY OUT MY DUTIES FAITHFULLY, DILIGENTLY AND IMPARTIALLY WITH A VIEW TO THE BEST INTERESTS OF THE MEMBERS OF THE COWESSESS FIRST NATION #73.

DATED at the Cowessess First Nation #73, Treaty 4 Territory, in the Province of Saskatchewan, this _____ day of _____, 20 ___.

SWORN before me at the )
_____, )
in the Treaty 4 Territory, Province )
of Saskatchewan this_____ day )
of _____ , 20_____. ) _____
) Chief
_____)
A COMMISSIONER FOR OATHS/NOTARY PUBLIC
in and for the province of Saskatchewan.
My Commission Expires:_____
OR being a Solicitor.

SCHEDULE "O"

**RESIDENT COUNCILLOR**
**OATH OF OFFICE**

I, _____, HEREBY ACCEPT THE POSITION OF RESIDENT COUNCILLOR OF THE COWESSESS FIRST NATION #73 AND DO SOLEMNLY SWEAR THAT I SHALL, DURING MY TERM OF OFFICE, USE MY BEST EFFORTS TO:

(A) FAITHFULLY AND HONESTLY SERVE THE MEMBERS OF THE COWESSESS FIRST NATION #73;

(B) UPHOLD ALL LAWS, CUSTOMS AND TRADITIONS OF THE MEMBERS OF THE COWESSESS FIRST NATION #73; AND

(C) CARRY OUT MY DUTIES FAITHFULLY, DILIGENTLY AND IMPARTIALLY WITH A VIEW TO THE BEST INTERESTS OF THE MEMBERS OF THE COWESSESS FIRST NATION #73.

DATED at the Cowessess First Nation #73, Treaty 4 Territory, in the Province of Saskatchewan, this _____ day of _____, 20 ___.

SWORN before me at the )
_____, )
in the Treaty 4 Territory, Province )
of Saskatchewan this_____ day )
of _____ , 20_____. )
_____) _____
Resident Councillor

A COMMISSIONER FOR OATHS/NOTARY PUBLIC
in and for the province of Saskatchewan.
My Commission Expires:_____
OR being a Solicitor.

SCHEDULE “O”

**NON-RESIDENT COUNCILLOR**
**OATH OF OFFICE**

I, _____, HEREBY ACCEPT THE POSITION OF NON-RESIDENT COUNCILLOR OF THE COWESSESS FIRST NATION #73 AND DO SOLEMNLY SWEAR THAT I SHALL, DURING MY TERM OF OFFICE, USE MY BEST EFFORTS TO:

(A) FAITHFULLY AND HONESTLY SERVE THE MEMBERS OF THE COWESSESS FIRST NATION #73;

(B) UPHOLD ALL LAWS, CUSTOMS AND TRADITIONS OF THE MEMBERS OF THE COWESSESS FIRST NATION #73; AND

(C) CARRY OUT MY DUTIES FAITHFULLY, DILIGENTLY AND IMPARTIALLY WITH A VIEW TO THE BEST INTERESTS OF THE MEMBERS OF THE COWESSESS FIRST NATION #73.

DATED at the Cowessess First Nation #73, Treaty 4 Territory, in the Province of Saskatchewan, this _____ day of _____, 20 ___.

SWORN before me at the )
_____, )
in the Treaty 4 Territory, Province )
of Saskatchewan this_____ day )
of _____ , 20_____. )
) _____
) Non-Resident Councillor
_____)
A COMMISSIONER FOR OATHS/NOTARY PUBLIC
in and for the Province of Saskatchewan.
My commission expires:_____
OR being a Solicitor

SCHEDULE “P”

# ELECTRONIC VOTING REGULATIONS

REGULATIONS GOVERNING THE USE OF VOTING MACHINES, VOTING RECORDERS, OPTICAL SCANNING VOTE TABULATORS OR OTHER SIMILAR DEVICES

**Short Title**

1. These Regulations may be cited as the Voting Machine Regulations.

**Definitions:**

2. In these Regulations:

(a) “acceptable mark” means any mark made by an Elector on a ballot that the voting machine is able to record;

(b) “automated vote counting system” means a system that;

(i) counts and records votes; and

(ii) processes and stores election results;

(c) “ballot” means a single automated ballot card designed for use in an automated vote counting system;

(d) “ballot override procedure” means the use, by the Electoral Officer, of a device on a voting machine which causes the unit to accept a returned ballot and count any acceptable marks;

(e) “blank ballot” means a ballot that has not been marked or does not contain acceptable marks;

(f) “emergency ballot box” means a ballot box into which voted ballots are temporarily deposited if the voting machine ceases to function;

(g) “memory pack” means a computer software cartridge which plugs into the voting machine and into which is preprogrammed the information necessary to conduct the election and record the votes;

(h) “over voted ballot” means a ballot that contains votes for more Candidates than are to be elected to office;

(i) “register tape” means the printed record generated from a voting machine at the close of voting on any given day which shows the number of votes cast;

(j) “returned ballot” means a ballot which was inserted into the voting machine, but was not accepted and which was returned to the Elector;

(k) “secrecy sleeve” means an open-ended folder or envelope used to cover ballots to conceal any marks made by the Elector on the ballot;

(l) “voting machine” means the device into which ballots are inserted, which device scans each ballot and records the number of votes for each Candidate.

**Purpose**

3. The purpose of these Regulations is:

(a) to provide for the use in conjunction with Elections and By-Elections, of voting machines, voting recorders, optical scanning vote tabulators, vote tabulating units or other devices used in an automated vote counting system; and

(b) to authorize the form of the ballot and the procedures for voting and counting of votes.

**Interpretation**

4. Terms defined in the Cowessess First Nation #73 Custom Election Act shall apply to these Regulations.

**Form of Ballot**

5. (a) prior to the opening of the Advance and Reserve Polls, the Electoral Officer shall prepare ballots containing the names of all eligible Candidates in alphabetical order for the positions of Chief, Resident Councillor and Non-Resident Councillor; and

(b) the ballot shall be a reasonable facsimile of the sample ballot attached hereto as Schedule “Q”.

**Election Preparation**

6. The Electoral Officer shall be responsible for requesting the following:

   (a) as many ballots as is required for the purpose of conducting the Election or By-Election;

   (b) a voting machine and sufficient memory packs for each Polling Station; and

   (c) ballot boxes, as deemed necessary for each of the Advance and Reserve Polls.

7. Prior to the opening of the Polling Stations, the Electoral Officer shall cause to be delivered to the Deputy Electoral Officer for verification;

   (a) a sufficient number of ballots which shall be counted and documented by the Deputy Electoral Officer;

   (b) a copy of the official Voters List;

   (c) necessary materials for the marking of the ballots; and

   (d) a sufficient number of directions for voting as is deemed necessary for the Polling Stations.

**Procedures for Use of Voting Machines at Polling Stations**

8. The Electoral Officer shall use a different memory pack for each Polling Station;

9. Immediately prior to commencement of voting at the Advance and Reserve Polls, in the presence of the Deputy Electoral Officer, Appointed Observers/Scrutineers and Electors, the Elected Officer shall:

   (a) set up the voting machine;

   (b) cause the voting machine to print a copy of all totals is its memory pack and ensure that such totals on the voting machine indicate zero;

   (c) sign the voting machine printout report when the totals indicate zero; and

   (d) program the voting machine to return all:

      (i) blank ballots;

(ii) over voted ballots; and

(iii) ballots that have been incorrectly printed, cut or which have been inserted into a voting machine in such a way that the voting machine is unable to identify an acceptable mark on the ballot; and

(e) program the voting machine to print out a message outlining the reason for each returned ballot;

10. Prior to the conducting of voting at each Polling Station, the Electoral Officer shall in the presence of the Deputy Electoral Officer, Appointed Observers/Scrutineers, and Electors present, cause the voting machine to provide an audit report to review the total number of voters and the LCD display on the voting machine and memory pack, and confirm that the voting machine was not turned on after the close of the last Polling Station.

11. The voting machine and memory pack shall be set to begin tabulating votes at each Polling Station.

12. The Electoral Officer shall ensure that the voting machine clock has an accurate starting and finishing time recorded.

**Transporting of Voting Machine and Memory Packs**

13. Following the closure of each Polling Station, the Electoral Officer shall, in the presence of the Deputy Electoral Officer and Appointed Observers/Scrutineers present, review the total number of voters and the LCD display on the voting machine and the memory pack to ensure that they match.

14. The voting machine shall then be transported to the next Polling Station by security guards commissioned by the Cowessess Administration Office, who shall travel separate from the Electoral and Deputy Electoral Officers; and

15. The memory packs shall be transported to the next Polling Station by the Electoral Officer.

**Voting Procedures**

16. Each person present at a Polling Station for the purpose of voting shall sign, in the presence of the Electoral or Deputy Electoral officer, a sign-in sheet in the form prescribed in Schedule “K” identifying the person in terms of his or her name, signature and Treaty/Status Number. The Electoral Officer or Deputy Electoral Officer shall, if satisfied that the name of such person is entered on the Voters List at the Polling Station:

(a) initial and provide to the Elector a ballot and a secrecy sleeve; and

(b) place in the proper column of the Voters List a mark opposite the name of the Elector;

17. The ballots for the position of Chief, Resident Councillor and Non-Resident Councillor shall consist of a single ballot with three colors separating the Candidates for Chief, Resident Councillor and Non-Resident Councillor.

**Marking of Ballots by Electors**

18. Upon receiving a ballot, each Elector shall:

(a) immediately proceed to the compartment provided for the marking of ballots which shall be free from observation;

(b) place an acceptable mark adjacent to the Candidates selected;

(c) place the ballot into the secrecy sleeve; and

(d) present the ballot in the secrecy sleeve to the Electoral or Deputy Electoral officer who shall verify their initials and shall then insert the ballot directly into the voting machine;

19. An Elector who inadvertently spoils their ballot paper in such a manner that it cannot be used shall return it to the Electoral Officer or Deputy Electoral Officer who shall thereupon write the word 'CANCELLED' upon the spoiled ballot and preserve the ballot. The Electoral Officer or Deputy Electoral Officer shall then issue the Elector a replacement ballot, and place a mark opposite the name of the Elector indicating that a replacement ballot has been issued and retain the returned ballot in a separate envelope marked for cancelled ballots.

20. An Elector who receives a ballot and:

(a) leaves the Polling Station without delivering the ballot to the Electoral Officer or Deputy Electoral Officer; or

(b) if after receiving the ballot, refuses to vote;

shall be deemed to have declined their right to vote and shall forfeit their right to vote in the Election or By-Election. The Electoral Officer or Deputy Electoral Officer shall make an entry in the Voters List in the column for remarks opposite the name of such person to show that the person received the ballot paper and declined to vote. In addition, the Electoral Officer or Deputy Electoral Officer shall mark upon the face of any ballots received

from the Elector the word “DECLINED” and all ballot papers so marked shall be preserved by the Electoral Officer.

21. During any period that the voting machine is not functioning, the Electoral Officer shall insert all ballots presented by Electors during that period into the emergency ballot box, and the ballots in that box shall, after the Polling Station is closed, be removed by the Electoral Officer and inserted into the voting machine to be counted;

22. If no voting machine is used at a Polling Station, the ballots shall be kept in the ballot box provided and shall be counted manually.

**Election Tabulation Procedures**

23. immediately following the close of the Reserve Poll, the Electoral Officer shall in the presence of the Cowessess First Nation #73 Band Membership present thereat check the voting machine to:

    (a) ensure that any ballots in the emergency ballot box are inserted into the voting machine;

    (b) secure the voting machine so that no more ballots can be inserted; and

    (c) generate the number of copies as required by the Electoral Officer of the register tape from the voting machine;

24. The Electoral Officer shall count the votes given for each Candidate from the ballots not rejected, count the number of unused ballots, spoiled ballots and voted ballots, and complete in the form prescribed in Schedule “L” the Electoral Officer’s Tabulation Report outlining the results of the Election or By-Election.

## SCHEDULE "Q"

## Sample Ballot

COWESSESS INDIAN RESERVE # 73 ELECTION

**CANDIDATES FOR CHIEF**

○ _____

○ _____

○ _____

**CANDIDATES FOR RESIDENT COUNCILLOR**

○ _____

○ _____

○ _____

**CANDIDATES FOR NON-RESIDENT COUNCILLOR**

○ _____

○ _____

○ _____