



FSIN

**FEDERATION OF SOVEREIGN INDIGENOUS NATIONS
ELECTION ACT**

5/17/2017

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FEDERATION OF SOVEREIGN INDIGENOUS NATIONS ELECTION ACT

PART I

SHORT TITLE, AUTHORITY, PURPOSE, INTERPRETATIONS AND APPLICATION

SHORT TITLE

1. The Act may be cited as the *FSIN Election Act*.

AUTHORITY

2. The authority of the Election Act is subject to the FSIN Convention and the *FSIN Convention Act*.

PURPOSE

3. This Act is enabled under First Nations jurisdiction to:
 - a) establish the duties and responsibilities of the Electoral Officers in conducting the FSIN elections.
 - b) establish the duties and responsibilities of the Credentials Committee; and
 - c) set out the processes and procedures governing the elections and by-elections of the FSIN Executive members.

INTERPRETATIONS

4. The *FSIN Interpretation Act* shall apply to this Act unless otherwise specified herein.
5. In this Act:
 - a) “Administrative Support” means a person employed to coordinate office services and procedures to maintain and control the flow of work;
 - b) “Alternate Voter” means a person whose name is included in the Voters’ List and identified as an Alternate Voter by the Chief;

- c) "Alternate Voter Form" means the prescribed form;
- d) "Assembly" means the assembly of Voting Delegates and Alternate Voters;
- e) "By-Election" means an election other than a General Election;
- f) "Criminal Record" means a complete record of the person's criminal history;
- g) "Criminal Record Check" means the review of any and all records containing any information collected and stored in the criminal record;
- h) "Criminal Offense" means any violation of the Law under the Criminal Code of Canada;
- i) "Candidate" means a person who has been verified by the Credentials Committee as eligible to seek election to an executive position;
- j) "Declaration Day" means the day at least thirty (30) calendar days before Nomination Day;
- k) "Declaration of Intent" means a declaration in the Prescribed form;
- l) "Election" means a General Election or By-election;
- m) "Election Bond" means a deposit of money required to declare intent to seek FSIN Executive position;
- n) "Election Material Package" means the forms required to be submitted in complete form. The forms to be submitted are: Declaration of Intent (Forms 1 to 5); Declaration of Qualifications (Form 7); Consent and Release for Disclosure of Criminal Record Information (Form 8); Waiver of Liability and Indemnity Agreement (Form 11); Principles of Integrity Governing FSIN Campaign Periods (Form 12); and Waiver of Claim External Bodies and Process for Appeal (Form 13);
- o) "Election Day" means the day in which a vote at an Election is held;
- p) "Electoral Commissioner" means a person appointed by Indian Government Commission and Joint Executive Council to assist in the election process;

- q) “Electoral Officers” means the Electoral Officer and Deputy Electoral Officer;
- r) “Election Official” means the appointed positions to assist with the FSIN election process;
- s) “Extended Family” means the immediate Family and mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, first cousin, niece, and nephew;
- t) “General Election” means the election of the FSIN Executive Members;
- u) “Immediate Family” means life partner, spouse, common-law spouse, mother, stepmother, father, stepfather, sister, stepsister, brother, stepbrother, son, stepson, daughter, stepdaughter, grandparents, grandchildren, great grandparents, and includes immediate family members who have adopted by Indian custom and/or adopted by law;
- v) “Nomination Day” means the day immediately prior to Election Day;
- w) “Polling Clerk” means a person appointed to distribute ballots at a polling station of the FSIN election;
- x) “Polling Station” means a place established for Voters to cast their ballots;
- y) “Prospective Candidate” means is a person who is interested in being a Candidate for election but whose eligibility for candidacy has not been rejected or approved;
- z) “Rejected Ballot” means a ballot that has been filled out but rejected during the count due to voter error;
- aa) “Spoiled Ballot” means a ballot that has been improperly marked or defaced by a voter, and returned to the Electoral Officer who marks it as spoiled and issues a new ballot to the voter;
- bb) “Scrutineer” means a person appointed by a Candidate to observe the election process;
- cc) “Tribunal” means the Tribunal established pursuant to the First Nations Appeals Tribunal Act;

- dd) "Voting Delegate" means a person whose name is included in the Voters' List of a First Nation;
- ee) "Voter" means a Voting Delegate or an Alternate Voter;
- ff) "Voters' List" means the list of Voting Delegates and Alternate Voters for each First Nation;

APPLICATION

- 6. This Act applies to all FSIN Elections.

PART II ELECTION OFFICIALS

APPOINTMENT

- 7. Election Officials are those persons appointed as:
 - a) Electoral Officer;
 - b) Legal Counsel;
 - c) an Electoral Commissioner; and,
 - d) Clerk of the Legislative Assembly.
- 8. To be eligible for appointment as an Election Official, a person:
 - a) must be a member of a First Nation that is signatory to the FSIN Convention; and
 - b) must not be:
 - (i) a member of the Executive Council/Indian Government Commission;
 - (ii) a Candidate's Scrutineer, business manager or other representative;
 - (iii) a Voting Delegate;
 - (iv) an Alternate Voter;
 - (v) a member of the Immediate or Extended Family of a Prospective Candidate;
 - (vi) an elected or appointed leader from a First Nation that is signatory to the FSIN Convention: or

(vii) an Employee of the FSIN or its Institutions, other than the Clerk of the Legislative Assembly.

9. Election Officials will be required to sign a declaration confirming eligibility to serve as an election official; this form is appended to the FSIN Election Form Regulations as Oath of Secrecy and Qualification (Form 9.)

ELECTORAL OFFICERS

10. Electoral Officers shall be appointed through an advertisement and selection process approved by the Joint Executive Council and the Indian Government Commission.
11. The Electoral Officers' duties shall commence no later than one (1) month prior to Declaration Day. The appointment of an Electoral Officer shall terminate fourteen (14) calendar days after the election unless an appeal has been filed. If an appeal has been filed, then the Electoral Officers' terms will conclude fourteen (14) days after the appeal process has concluded.

DUTIES AND RESPONSIBILITIES OF THE ELECTORAL OFFICERS

12. The Electoral Officers shall:
 - a) be knowledgeable of the provisions in the *FSIN Election Act and Regulations* and ensure that the provisions of this act are followed;
 - b) draw on the resources of the FSIN and its Institutions to execute their duties;
 - c) call a meeting of the Credentials Committee the afternoon of Declaration Day;
 - d) conduct a meeting with the Election Officials prior to Election Day;
 - e) preside as Chairperson and Vice-Chairperson of the Election proceedings;
 - f) ensure all Election facilities are in order;
 - g) oversee the arrangements for and supervision of ballots, ballot boxes and Polling Stations;
 - h) confirm that the persons on the list of Voting Delegates are eligible to vote;

- i) approve the substitution of a Voting Delegate with an Alternate Voter (Form 14);
- j) approve the reinstatement of a Voting Delegate (Form 15);
- k) have the power to exercise flexibility in amending the list of Voting Delegates and the list of Alternate Voters to deal with unforeseen or exceptional circumstances and detail such circumstances on an Incident Form (Form 22);
- l) deliver a copy of the appropriate Votes' List to each Polling Clerk;
- m) oversee the initialing and distribution of the appropriate number of ballots to each Polling Clerk;
- n) examine and rule on the validity of all ballots cast ensuring the ballot is clearly marked with one identifiable mark within the circle. The Electoral Officer will have the power to determine if a ballot is to be counted as rejected;
- o) oversee the counting of ballots;
- p) announce the results of each ballot count;
- q) declare any conflict of interest with a Prospective Candidate and recuse themselves from any decisions relating to that Prospective candidate;
- r) all decisions of the Electoral Officers with respect to a Voting Delegate or an Alternate Voter on Nomination Day are final and binding providing they are made in accordance with the FSIN *Election Act*;
- s) retain additional election personnel if the Electoral Officer determines they are needed at the cost of the Electoral Officer;
- t) in the presence of the election officials, polling clerks and scrutineers, undertake the safeguarding of the Election results, including:
 - 1. placing in separate envelopes:
 - a. all Rejected Ballots;
 - b. all Spoiled ballots;
 - c. all properly cast ballots;
 - d. all unused ballots;

- e. each Polling Clerks' copy of the Voters' List;
- f. all completed Alternate Voter Forms; and
- g. a statement of the Election results;

- 2. sealing and initialing all envelopes;
- 3. sealing all documents identified in clause 12(h) to (m) in a secure container; and
- 4. ensuring the documents identified in clause 12(t) are secured and stored in the Office of the Legislative Assembly to be safeguarded for sixty (60) days following the Election.
- 5. 60 days following the Election the Electoral Officer shall destroy the election documents with the exception of forms 7-13; and
- 6. perform other duties as may be required to administer and implement the *FSIN Election Act*.

- 13. The Electoral Officer may delegate any or all of his/her duties, including the initialing of ballots, to the Deputy Electoral Officer.
- 14. Decisions of the Credential Committee with respect to a Voting Delegate or an Alternate Voter on Election Day are final and binding.

CREDENTIALS COMMITTEE

- 15. The Credentials Committee consists of:
 - a) the Electoral Officers; and
 - b) the Legal counsel who acts in an advisory role, who shall be appointed by Executive Council/Indian Government Commission no later than one (1) month prior to Declaration Day.
 - c) all members of the Credential Committee must make themselves available to meet:
 - a) on the afternoon of Declaration Day;
 - b) on Nomination Day;
 - c) on Election Day;
 - d) at any other times that are determined by the Electoral Officers; and
 - e) at a time determined by the Clerk of the Legislative Assembly following each Election to review this Act.

- 16. The Credentials Committee shall:

- a) verify the eligibility of each person wishing to be a Candidate for an Executive position by confirming that the person;
 1. is a member of a First Nation that is signatory to the FSIN Convention;
 2. has completed and submitted all documentation; and
 3. has submitted the Election Bond;
 - b) declare any conflict of interest with a Prospective Candidate, and recuse themselves from any decisions relating to that prospective candidate.
17. All decisions of the Credentials Committee are final and binding provided they are made in accordance with the *FSIN Election Act*.

ELECTORAL COMMISSIONERS

18. There shall be two (2) Electoral Commissioners who shall be selected through an advertisement and selection process. Their appointment is then approved by the Joint Executive Council and Indian Government Commission.
19. The Electoral Commissioners shall:
- i. take and receive the affidavits, oaths or affirmations of Alternate Voters;
 - ii. sign the Alternate Voter Designation Forms (Form 14);
 - iii. sign the Voting Delegate Reinstatement Forms (Form 15);
 - iv. assist the Electoral Officers as may be required; and
 - v. conduct the Oath of Office of the Candidates who are elected or acclaimed to an Executive position.

LEGAL COUNSEL

20. Legal Counsel shall be selected through an advertisement and selection process. Their appointment is then subject to approval by the Joint Executive Council and Indian Government Commission.
21. Legal Counsel for each Election shall be appointed no later than one (1) month prior to Declaration Day and the person selected shall have the following qualifications:
- a) be a practicing lawyer in good standing with the provincial Law Society of Saskatchewan with a minimum of two years call to the Bar;

- b) current experience working directly with First Nation Bands and/or First Nation organizations;
- c) experience working directly with or be familiar with the relevant legislation, policies, and governing structures;
- d) strong research, analytical, project management and facilitation skills as demonstrated through work experience; and
- e) experience and/or training in conflict resolution.

22. It is the responsibility of Legal Counsel to:

- a) provide legal advice to the Electoral Officers and other election officials on procedural or other matters, as may be required;
- b) to be available to meet at the times outlined in section 15; and
- c) declare any conflict of interest.

POLLING CLERKS

23. IGC/JEC shall appoint a sufficient number of Tribal Council employees as Polling Clerks to accommodate each Tribal, Agency, and Grand Council, and all Independent First Nations; and

- a) the Polling Clerks are to be appointed no later than one (1) month prior to Nomination Day.

24. It is the responsibility of a Polling Clerk to:

- a) ensure that the required number of ballots are received for his/her Polling Station;
- b) safeguard and attend to the ballots at all times and not leave them unattended;
- c) initial each ballot prior to distributing it to a Voter;
- d) distribute one (1) initialed ballot to each Voter;

- e) make the appropriate mark, as determined by the Electoral Officers, beside the name of the Voter on the Voters' List after issuing the ballot to the Voting Delegate;
- f) ensure that the procedures for replacing a Voting Delegate with an Alternate Voter as set out in this Act are adhered to;
- g) ensure that the procedures for reinstatement of a Voting Delegate as set out in this Act are adhered to;
- h) mark a change of Voter on the Voters' List;
- i) ensure that the number of Voting Delegates is accurate;
- j) attach all Alternate Voter Designation Forms and Voting Delegate Reinstatement forms to the Voters' List;
- k) complete and deliver Form 17 to the Electoral Officers. Form 17 shall indicate for each polling station:
 - i) the number of eligible voters which attended his/her polling station; and
 - ii) the number of unused ballots; and
 - iii) the number of Rejected ballots; and
 - iv) the number of spoiled ballots.
- l) follow the directions and decisions of the Electoral Officers in all matters.

ADMINISTRATIVE SUPPORT

25. Administrative support to the Credentials Committee will be appointed one (1) month prior to Declaration Day.

SCRUTINEERS

26. Each Candidate may appoint one (1) Scrutineer to:
- a) observe the election and voting process to ensure procedural fairness; and
 - b) observe and ensure a proper count of ballots.

27. A Candidate shall provide the name of his/her Scrutineer to the Electoral Officers no later than one (1) day prior to Nomination Day.
28. A Scrutineer cannot be an Employee of the FSIN or its Institutions, a Voting Delegate or an Alternate Voting Delegate.
29. A Scrutineer shall:
 - a) be at least eighteen (18) years of age;
 - b) attend a mandatory Orientation meeting of the Scrutineers the day prior to Nomination Day to ensure photo ID and Oath of Qualifications Form is completed; such form as appended to the FSIN Election Form Regulations – Oath of Qualifications Form 10;
 - c) be present on Election Day, commencing at a time determined by the Electoral Officer, to witness the preparation prior to opening of the polls; and
 - d) adhere to the procedures set out by the Electoral Officers.
30. The Electoral Officer reserves the right to remove a Scrutineer from the Voting room where the Scrutineer is disruptive, disrespectful to the Election Officials or fails to adhere to the procedures set out by the Electoral Officer.

PART III

CODE OF ETHICS

31. Election Officials, Polling Clerks, Administrative Support and Scrutineers shall adhere to the following Code of Ethics:

INHERENT AND TREATY RESPONSIBILITIES

- a) promote and protect the fundamental rights of all First Nations citizens, including their Inherent and Treaty Rights;

MORAL AND ETHICAL BEHAVIOUR

- b) uphold and maintain the moral integrity, honour and dignity of the FSIN at all time;

- c) exercise the care, diligence and skills as required of an Elections Official in fulfilling his/her obligations;
- d) maintain and protect all confidential matters of the FSIN elections process;
- e) disclose any situation, matter or interest where he/she may have a conflict of interest or the potential for a conflict of interest;

TRANSPARENCY, ACCOUNTABILITY AND GOOD GOVERNANCE

- f) act as a unit representing, serving and acting in the best interests of the First Nation collective;
- g) pursue and utilize the resources to meet the fair, just and equitable needs of the FSIN election process;
- h) demonstrate and promote respect, co-operation and open communication with the individuals assigned to duties in the FSIN election process;
- i) be transparent and accountable to the Chiefs-in-Assembly;
- j) respect and adhere to the FSIN Convention and all other legislation of the Chiefs-in-Assembly;
- k) promote and practice cohesiveness, collective decision-making, collaboration and a team approach with and among all individuals assigned to duties in the FSIN election process; and
- l) attend all duly convened meetings on time and for the entire duration of the meeting.

IMPROPER USE OF INFLUENCE

32. Election Officials, Polling Clerks, Administrative Support and Scrutineers shall not improperly use their influence in order to:
- a) obtain appointment, promotion, advancement, transfer or any other favour/benefit within the FSIN or its Institutions on behalf of themselves or another person; or

- b) affect the proper outcome of any procedure established by the legislation of the FSIN.
33. Election Officials, Polling Clerks, Administrative Support and Scrutineers shall refuse any attempt, by any person, whatsoever, to influence the making of a decision.

ACCEPTANCE OF GIFTS OR BENEFITS PROHIBITED

34. Election Officials, Polling Clerks, Administrative Support and Scrutineers shall not solicit or accept any benefit or favour, for themselves or any other person (e.g. employment, appointment, gifts, loans, discounts or considerations) in connection with the performance of his/her duties.
35. A benefit does not include any benefit that may be provided to an Election Official as part of this or her remuneration in accordance with the terms and conditions of their appointment.

PART IV HOLDING OF ELECTIONS

GENERAL ELECTIONS

36. A General Election shall be held at the October 2003 Session of the Legislative Assembly, and at the October 2003 Session of the Legislative Assembly in every third year thereafter, for the following executive positions:
- a) Chief;
 - b) First Vice-Chief; and
 - c) Third Vice-Chief.
37. A General Election shall be held at the October 2005 Session of the Legislative Assembly, and at the October Session of the Legislative Assembly in every third year thereafter, for the following executive positions:
- a) Second Vice-Chief; and
 - b) Fourth Vice-Chief.

BY-ELECTIONS

38. Where an executive position becomes vacant the Joint Executive Council and Indian Government Commission shall meet and determine by motion whether a By-election ought to be held to fill the vacancy:
- a) any By-election ought to be held to fill the vacancy if there is eighteen (18) months or more remaining in the term of office for the Executive position being vacated at the time of vacancy.
39. In any By-election the provisions of this Act relating to Election procedures shall apply.
40. The term of office of an Executive position filled in a By-election is for the unexpired portion of the term of office remaining.

ELECTION TIME, LOCATION AND PROCEDURES

41. Subject to this Act, the Joint Executive Council and Indian Government Commission shall set the date and location for General Election.

NOTIFICATION OF ELECTION

42. The Clerk of the Legislative Assembly shall provide notification in writing of the following, at least forty five (45) days prior to Declaration Day:
- a) the Executive positions that are open for Elections; and
 - b) the Declaration Day procedures and deadline set out in this Act.

PART V CANDIDATE AT AN ELECTION

ELIGIBILITY FOR OFFICE

43. A person wishing to be a Candidate for an Executive position shall be:
- a) at least eighteen (18) years of age as of Declaration Day;
 - b) a member of a First Nation that is signatory to the FSIN Convention Act; and

c) eligible to sit as a Board member for FSI Inc., which includes being of sound mind and does not currently have the status of bankrupt.

44. A person shall be ineligible as a candidate for an executive position if:

a) he/she has been found to have sworn false affidavits in relation to Election Act Forms; or

b) he/she has failed to complete a Waiver Form, as appended to the FSIN Election Form Regulations – Election Act Form 11; or

c) he/she has been convicted of fraud, theft or a breach of trust or found civilly liable for fraud, theft or for breach of trust by a court in Canada or elsewhere; or

d) he/she has been convicted, within five (5) year preceding the date of the election, of a criminal offense under the Criminal Code of Canada; or

e) he/she has failed to disclose outstanding criminal charges as sworn in Form 7 Declaration of Qualification Regulations respecting Election Act Forms; or

f) has a current civil court action against the FSI Inc. and/or its Institutions.

DECLARATION OF INTENT AND ELECTION MATERIAL PACKAGE

45. A person wishing to be a Candidate for an Executive position shall file the following documents with the Electoral Officer:

a) Declaration of Intent; and

b) the complete Election Material Package with the Electoral Officer no later than 12:00 noon on Declaration Day. No declarations shall be accepted from any person who enters the FSIN office after 12:00 noon on Declaration Day.

46. All Prospective Candidates shall contact the Electoral Officer anytime within thirty (30) days prior to Nomination Day to file the Election Material Package with the Electoral Officer.

47. In the event that Declaration Day falls on a Saturday, a Sunday or a statutory holiday, the Declaration Day shall be the next business day.

48. All Candidates running for an Executive position shall be required to submit the following documentation on or prior to Declaration Day:
- a) Declaration of Intent such as form as appended to the FSIN Election Form Regulations – Election Act (Form 1, 2, 3, 4 or 5) whichever is appropriate;
 - b) Declaration of Qualifications such form as appended to the FSIN Election Form Regulations – Election Act (Form 7);
 - c) Consent and Release for Disclosure of Criminal Record Information such form as appended to the FSIN Election Form Regulations – Election Act (Form 8);
 - d) Waiver of Liability, Indemnity Agreement for Participants in FSIN Election such form as appended to the FSIN Election Act Form Regulations – Election Act (Form 11);
 - e) candidate contact information;
 - f) criminal record check; and
 - g) non-refundable Election Bond.
49. For the purpose of filing a Declaration of Intent, the mover and seconder:
- a) shall be a Chief or Councillor/Headperson elected to office at the time of filing the Declaration of Intent;
 - b) are not required to be the mover and seconder on Nomination Day;
 - c) shall verify that they have seen the Candidate`s criminal record check; and
 - d) shall not sign a Declaration of Intent form for a Candidate knowing that he/she is not eligible to be a Candidate.
50. The Electoral Officer shall keep the contents of the Election Material Package and Declarations of Intent confidential and secure.
51. Following the Credential Committee`s meeting to verify eligibility of Prospective Candidates, the Electoral Officers shall provide notice to the Prospective Candidate, in written form, of the approval or refusal of:

- a) the Prospective Candidate`s Declaration of Intent to seek position and/or
 - b) the Prospective Candidate`s Election Material Packages.
52. Upon Verification of Candidate eligibility, written notification from the Electoral officers shall be provided to FSIN First Nation band offices, tribal councils, and media of the following:
- a) the list of Candidates for each position, including the Candidate`s First Nation membership; and
 - b) the contact information provided by the Candidate.

APPEARANCE BEFORE CREDENTIALS COMMITTEE

53. Candidates shall appear, if requested by the Credentials Committee, in the event that clarification is required.
54. Any Candidate who is asked to appear before the Credentials Committee shall do so at their own expense.

ELECTION BOND

55. A Declaration of Intent must be accompanied by a non-refundable Election Bond in the amount of one thousand dollars (\$1000.00).
56. The non-refundable Election Bond shall be deposited to the FSIN Legislative Assembly Office. These monies will be used to offset the costs associated with the Election.
57. Where the Credentials Committee has declared a Candidate ineligible to seek Executive position, the individual shall forfeit his/her Election Bond.

CRIMINAL RECORD CHECK

58. To ensure compliance with the section relating to the Declaration of Intent, a person wishing to run as a Candidate in an Election is required to:
- a. submit a complete Criminal Record Check at the time he/she submits his/her Declaration of Intent;

- b. the Criminal Record Check submitted must be dated within the six (6) months prior to Declaration Day.

WITHDRAWAL OF A DECLARATION OF INTENT

59. A Candidate may withdraw a Declaration of Intent by notifying the Electoral officer in writing. Any Candidate who withdraws will not be refunded the Election Bond.

PART V VOTING

ELIGIBILITY OF A FIRST NATION IN AN ELECTION APPEAL

60. Where a First Nation is involved in an election appeal at the same time as an FSIN Election is held, it shall be the duly elected Chief and Council who continue to exercise authority at the First Nation level who shall qualify to participate in the FSIN election.

ELIGIBILITY OF FIRST NATION MEMBERS

61. Only a member of a First Nation that is signatory to the FSIN Convention and who is at least eighteen (18) years of age as of Election Day is eligible to be a Voting Delegate or an Alternate Voter.
62. Pursuant to the FSIN Human Resources Management Regulations, employees of the FSIN or its Institutions are ineligible to vote in an FSIN election.

CONFIRMATION OF FIRST NATION TOTAL POPULATION/MEMBERSHIP

63. The number of members on a First Nation's membership list:
 - a. shall be used to determine the number of its Voting Delegates; and
 - b. must be confirmed by the First Nation Membership Clerk or designate at least thirty (30) calendar days prior to Election Day.
64. Where a First Nation does not submit the confirmed number of members on its membership list in accordance with section 63, that First Nation is deemed to qualify for

the same number of Voting Delegates as it had at the immediately previous General Election or By-election.

VOTING DELEGATES

65. The Voting Delegates for a First Nation include:
 - a. its Chief or Acting Chief;
 - b. four (4) of its Council Members or Headpersons; and
 - c. one (1) Voting Delegate for each additional two hundred (200) persons on its membership list, or portion thereof, where a First Nation's membership list exceeds four hundred (400) persons.
66. Where a First Nation is entitled to additional Voting Delegates in accordance with subsection 65 (c), the Voting Delegate positions shall:
 - a. first be filled by the remaining Council Members or Headpersons of that First Nation; and
 - b. thereafter be filled by other members from that First Nation as appointed by the Chief.
67. If a Council Member or Headperson is unable to attend the Election Assembly for voting purposes, he/she must provide written notification via email or fax to the Clerk of the Legislative Assembly to remove his/her name for the Voters List. Only then can the Chief replace the Council Member or Headperson on the Voters List with a member from that First Nation.
68. Any disputes with respect to a First Nation's voting list must be resolved prior to Nomination Day. In the event the dispute has not been resolved, no one from the First Nation will be eligible to vote.

ACTING CHIEF

69. The Chief of any First Nation shall notify the Electoral Officers in writing if he/she designates an Acting Chief. The notice shall include the effective dates of the Acting Chief's designation.

70. Where a Chief is not available to appoint an Acting Chief, a quorum of Council may appoint one using a Band Council Resolution (BCR). The BCR shall designate the name of the Acting Chief and the effective dates of the designation. The BCR must be delivered to the Electoral officer in writing.

VOTERS LIST

71. The Clerk of the Legislative Assembly shall be responsible for obtaining the Voters list from each First Nation and providing the Electoral Officer and Deputy Electoral Officer with a final Voters List on Nomination Day.
72. Prior to the Election Day, the Voters' List of a First Nation shall consist of members from that First Nation who are appointed in accordance with the Act. If the Chief of a First Nation is not a member of that First Nation, his/her name will be included on the Voters List.
73. Prior to Election Day, the Chief of each First Nation shall supply the Electoral officer the final Voters List for his/her First Nation. A complete list shall include:
- a. Voting Delegates, which includes the full name and ten (10) digit status number of each Voting Delegate;
 - b. Alternate Voters, which includes the full name and ten (10) digit status number of each Alternate Voter;
 - c. the ten (10) digit status number shall be used only for the purposes of identification of the Voter; and
 - d. the provision of the 10 digit status number applies to all First Nations with the exception of the "Big Bear Band."
74. The Chief of a First Nation shall sign and deliver (Voter List – Form 20) to the Electoral officer, the Voters Lists provided pursuant to sub-sections 73(a) and 73(b) attesting that the listing is the official Voters List for his/her First Nation.
75. The number of Alternate Voters listed according to sub-section 73(b) must not exceed the number of voting delegates listed according to sub-section 65(c).

76. A Chief has until 4:00 p.m. on Nomination Day to amend and sign or initial the Voters list for his/her First Nation with the exception of the names of the elected councillors/headpersons.
77. The Electoral Officer shall determine if a First Nation has submitted a complete Voters List. Failure to submit a complete Voters list results in First Nation's forfeiture of their right to vote.
78. The Voters List for each First Nation is finalized as of 4:00 p.m. on Nomination Day.
79. The Credential Committee shall have the power to exercise flexibility in amending the list of Voting Delegates and the list of Alternate Voters to deal with unforeseen or exceptional circumstances.

REGISTRATION OF VOTERS

80. In order to register as Voting Delegate or Alternate Voting Delegate, an individual shall:
 - a. be on the Voters List submitted by the First Nation; and,
 - b. present their status card to the polling clerk for verification of identity, with the exception of the Big Bear Band whose members shall provide photo identification.

Part VI SOLE CANDIDATE

SOLE CANDIDATES AT AN ELECTION

81. All Sole Candidates for an Executive position must be nominated and seconded by a Voting Delegate on Nomination Day.
82. Where a Sole Candidate for an Executive position has not been nominated according to section 81, the Electoral Officer shall declare position vacant.
83. A Sole Candidate must accept his/her nomination in person by indicating his/her acceptance to the Electoral Officer on Nomination Day.

84. A Voting Delegate who has nominated a sole Candidate may accept the nomination only when the sole Candidate is unable to attend on Nomination Day for medication reasons resulting in hospitalization or due to a death in the sole Candidate's Immediate Family.
85. A Sole Candidate, who is acclaimed to an Executive position, will not commence the term of office until the Oath of Office has been taken pursuant to sections 129 and 130.

Part VII NOMINATION DAY

NOMINATION DAY

86. All Candidates, including those pursuant to section 85, shall provide another completed Declaration of Qualifications (Form 7) on Nomination Day to Electoral Officer thereby confirming their continued eligibility pursuant to section 47 of this Act. Therefore, two (2) copies of Form 7 will be required for submission to the Electoral Officer: one on Declaration Day and one on Nomination Day.
87. The Electoral Officers shall preside over Nomination Day and have available all verified Declarations of Intent and Election Material Package.

NOMINATION PROCEDURES

88. The Electoral Officer shall:
 - a. Declare nominations open; and
 - b. Thereafter proceed to call for nominations for those executive positions open for Election, in the following order:
 - i. the Chief;
 - ii. the First Vice-Chief
 - iii. the Second Vice-Chief
 - iv. the Third Vice-Chief; and
 - v. the Fourth Vice-Chief.

89. Only an individual who has filed a Declaration of Intent and Election Material Package and who has been verified by the Credentials Committee as an eligible Candidate may be nominated.
90. A Candidate, including a Sole Candidate, must be nominated by a Voting Delegate who must be present during the nomination/candidate speech.
91. The nomination of a Candidate, including one who is acclaimed, must be seconded by a Voting Delegate.
92. The Electoral Officer shall:
 - a. Make three (3) calls, each at twenty (2) second intervals, for a Voting Delegate to nominate each Candidate including a Sole Candidate; and
 - b. Upon receiving the nomination of a Candidate shall thereafter make three (3) calls, each at twenty (20) second intervals, for a Voting Delegate to second the nomination of each Candidate including Sole Candidates.
93. The Electoral Officer shall declare each Candidate who is nominated according to section 91 and 92 eligible to have his/her name on the ballot.
94. Where a Candidate, has not been nominated according to section 91 and 92, the Electoral Officer shall declare the Candidate unable to proceed and have his/her name struck from the ballot.
95. A Candidate, including one who is acclaimed, must accept his/her nomination in person by indicating his/her acceptance to the Electoral Officer.
96. The Electoral Officer shall deem a Candidate who does not accept his/her nomination according to section 95 to be unable to proceed, and the Candidate's name shall be struck from the ballot.
97. A Voting Delegate who has nominated a Candidate may accept the nomination only when the Candidate is unable to attend Nomination Day for medical reasons resulting in hospitalization or due to a death in the Candidate's Immediate Family.
98. A Voting Delegate may nominate only one (1) Candidate or second the nomination of only one (1) Candidate for each Executive position that is open for Election.

99. The nominations for all Executive positions that are open for Election must be completed before any other Election procedure may be undertaken.
100. The Electoral Officer must be satisfied that sufficient time has elapsed for the nomination of all Candidates before he/she calls for:
101. A motion that nominations cease; and
102. A show of hands by a Majority of the Assembly in favour of the motion that nominations cease.

NOMINATION AND ACCEPTANCE SPEECHES

103. The nomination and acceptance speeches for those Executive positions open for Election shall proceed in the following order:
 - a. The Fourth Vice-Chief;
 - b. The Third Vice-Chief;
 - c. The Second Vice-Chief;
 - d. The First Vice-Chief; and
 - e. The Chief.
104. The Electoral Officers shall determine, through a random draw of the Candidate names for each Executive position open for election, the order of the nomination and acceptance speeches.
105. The Voting Delegate who has nominated a Candidate shall have a maximum of five (5) minutes for his/her nomination speech.
106. A Candidate shall have a maximum of ten (10) minutes for his/her acceptance speech, in addition to any time not used by the Voting Delegate who has nominated the Candidate.
107. In the event that both the Voting delegate who has nominated a Candidate and the Candidate, do not speak in their designated time, both shall forfeit their right to address the Assembly.

ELECTION DAY PROCEDURES

108. Before the close of Nomination Day, the Electoral Officers shall declare the time, place and procedures for Election Day.

PART VII ELECTION DAY

ELECTION DAY

109. The polls for the first ballot shall open from 9:00 a.m. until 11:00 a.m.
110. Where no Candidate is declared elected to a position, the Electoral Officers shall conduct a subsequent ballot. The subsequent ballot shall be open for voting for a period no less than one (1) hour.

POLLING STATIONS

111. The number of Polling Stations shall be determined by the Electoral Officer, designated for:
- a. The Tribal, Agency and Grand Councils; and
 - b. The Independent First Nations.
112. Each Polling Station shall
- a. Provide for enclosed accommodation or polling booths to allow for the privacy of the vote; and
 - b. Be secured from the main Assembly area.
 - c. The office of the Legislative Assembly will provide a set floor plan to be used.

PROCESS FOR REPLACING A VOTING DELEGATE

113. A Chief or Acting Chief may replace a Voting Delegate with an Alternate Voter according to the following procedures:

- a. The name of the Alternate Voter must be on the Voters' List;
 - b. The Chief or Acting Chief must accompany the Alternate Voter to the Credentials Committee, which shall verify that the Alternate Voter is qualified to be a Voter for that First Nation;
 - c. An Alternate Voter Form (Form 14) must be completed and signed by the Chief or Acting Chief;
 - d. The Chief or Acting Chief must accompany the Alternate Voter to an Electoral Commissioner, who shall conduct a swearing in of the Alternate Voter by oath or affirmation, whereupon the Alternate Voter shall sign the Alternate Voter Form;
 - e. The Alternate Voter Form must then be signed by an Electoral Officer; and
 - f. The Alternate Voter Form must be presented by the Alternate Voter to the Polling Clerk for his/her First Nation, who will replace the name of the Voting Delegate with the name of the Alternate Voter.
114. Once the name of a Voting Delegate has been replaced on the Voters' List by an Alternate Voter, the Voting Delegate is ineligible to vote until his/her Chief or Acting Chief reinstates the Voting Delegate in accordance with section 115.

REINSTATING A VOTING DELEGATE

115. A Chief or Acting Chief may reinstate a Voting Delegate as a Voter according to the following procedures:
- a. A Voting Delegate Reinstatement Form must be completed and signed by the Chief or Acting Chief;
 - b. The Chief or Acting Chief must accompany the Voting Delegate to an Electoral Commissioner, who shall conduct a swearing in of the Voting Delegate by oath or affirmation whereupon the Voting Delegate shall sign the Voting Delegate Reinstatement Form;
 - c. The Voting Delegate Reinstatement Form must then be signed by an Electoral Officer; and

- d. The voting delegate Reinstatement Form must be presented by the Voting Delegate to the Polling Clerk for his/her First Nation, who will then replace the name of the Alternate Voter with the name of the Voting Delegate.

VOTING

116. Voters and Election Personnel are required to turn off all electronic devices while in the voting room.
117. Candidates shall not campaign in the voting room and no campaign materials shall be posted or distributed in the voting room.
118. Voting shall be conducted by secret ballot with no numbers on the ballot.
119. There shall be only one (1) vote cast by each Voter on each ballot.
120. Voting for each executive position at this open for Election shall be:
 - a. Conducted at one time; and
 - b. On a ballot clearly listing the name of each Candidate in alphabetical order, according to the ascending order of the executive positions.
121. An Electoral Officer may assist a Voter who requires assistance in casting his/her ballot in the polling booth.
122. There shall be secure ballot boxes located at each Polling Station.

COUNTING OF BALLOTS

123. The Electoral Officers shall oversee the counting of the ballots in a secure room designated for the purpose, to which only the following persons have access:
 - a. The Electoral Officers;
 - b. Legal Counsel;
 - c. The Electoral Commissioners;

- d. Scrutineers;
- e. Polling Clerks;
- f. Administrative Support; and
- g. Any other election personnel assigned to provide administrative support.

SECOND AND SUBSEQUENT BALLOTS

- 124. Where there are three or less candidates seeking election to the same Executive position the candidate with the highest number of votes shall be declared elected to the position. In the event two Candidates tie for the highest amount of votes, the two Candidates alone shall have their names entered for a subsequent ballot.
- 125. Where there are four or more candidates seeking election to the same Executive position, the following shall apply:
 - a. Where there is a difference in the total ballots cast of 5% or less between the top two candidates, a subsequent ballot shall be held for those two candidates only;
 - b. The remaining candidates shall be eliminated from any subsequent ballot;
 - c. Where the difference in the total ballots cast exceed 5% the candidate with the highest number of votes shall be declared elected to the position; and
 - d. The Electoral Officer shall not have a casting vote in the event of a tie.
- 126. The Electoral Officer shall declare the official results of the Election.
- 127. Upon declaring a winning Candidate for every position that was open for election, the Electoral Officer shall:
 - a. Seek a motion from the Assembly that all ballots are to be kept at the FSIN building in a secure location for a period of sixty (60) days after Election Day; and
 - b. Ensure that all ballots and Declaration documentation with the exception of Forms 7 through to Form 13 are destroyed sixty (60) days after.

- c. In the event of an appeal, the Electoral Officer shall ensure the documents referred to in (b) are destroyed sixty (60) days after the last appeal.

DECLARING A WINNING CANDIDATE

128. A Candidate is declared a winner by the Electoral Officer when he/she receives the highest number of votes pursuant to sections 125 and 126.
129. All candidates shall be allowed a maximum of two (2) minutes to deliver a speech after the election results have been announced.

COMMENCEMENT OF OFFICE/OATH OF OFFICE

130. The new term of office for each Candidate who is elected or acclaimed to an executive position commences immediately upon being sworn into office before the Assembly on Election Day.
131. Only in circumstances where a Candidate is unable to take the Oath of Office on Election Day, for medical reasons resulting in hospitalization or a death in the Candidate's Immediate Family, will the candidate be allowed to take the Oath of Office in a pipe ceremony arranged specifically for this purpose.

PART X ELECTION APPEALS

RIGHT TO APPEAL

132. Within fourteen (14) calendar days after Election Day, a Candidate may appeal an Election;
 - a. By submitting a written notice of appeal to the Clerk of the Legislative Assembly; and
 - b. On the grounds that there has been a contravention of this Act or the regulations, the details of which are to be provided in the written appeal.
133. A notice of appeal shall be accompanied by one thousand dollars (\$1000.00): and
 - a. Must be paid in the form of cash, certified cheque, or money order payable to the Federation of Sovereign Indigenous Nations; and

- b. Submitted to the Clerk of the Legislative Assembly who shall direct the FSIN Finance office to issue an official receipt and deposit to the FSIN Legislative Assembly Office to offset the cost associated with the appeal.

APPEALS TRIBUNAL

- 134. The Clerk of the Legislative Assembly shall refer the appeal to the First Nations Appeals Tribunal whose decisions shall be final and binding.

DECISION OF THE TRIBUNAL

- 135. The Tribunal may:
 - a. Uphold the results of the Election; or
 - b. Overturn the results of the Election, either in whole or in part.
- 136. Where the Tribunal overturns the results of the Election, either in whole or in part, a By-election for the executive position affected shall be held in accordance with this Act.
- 137. Upon receipt of the ruling on the appeal from the Tribunal, the Clerk of the Legislative Assembly shall immediately notify the First Nations of the results of the appeal.

PART XI VACANCIES IN OFFICE

VACANCY

- 138. An Executive position is deemed to be vacant when the person holding the position:
 - a. Is convicted of an indictable offence not related to Inherent or Treaty Rights;
 - b. Resigns his/her office by submitting a written resignation to:
 - i. The clerk of the Legislative Assembly, in the case of the Chief;
 - ii. The clerk of the Legislative Assembly and the Chief in the case of the Vice-Chiefs; and

- iii. And any such resignation is irrevocable once accepted in writing pursuant to section 50 of the *FSIN Executive Act*.
- c. Is the subject of a successful motion of non-confidence pursuant to section 58 to 60 of the *FSIN Executive Act*.
- d. Has been absent from two (2) consecutive meetings of the Executive without being authorized to do so by the Chief.
- e. Has been absent from any FSIN Legislative Assembly or Special Assembly without being authorized to do so:
 - i. By the Chief, in the case of the Vice-Chiefs;
 - ii. By the Executive Council and Indian Government Commission, in the case of the Chief.

139. An Executive position will be deemed to be vacant when the person has been declared to not have been elected as a result of an appeal on his/her election.

REVIEW AND RECOMMENDATIONS

140. The Clerk of the Legislative Assembly or their designate may review this Act following an election and make recommendations for amendment to the Joint Executive Council and Indian Government Commission.
141. The Clerk of the Legislative Assembly or their designate shall review the proposed amendments with Joint Executive Council and Indian Government Commission and thereafter the Clerk or designate shall present the amendments to the Chiefs-in-Assembly for ratification.

AMENDMENTS

142. Any amendments to enacted legislation shall be reviewed by the Joint Executive Council and Indian Government Commission and the Clerk of the Legislative Assembly prior to being presented to the Chiefs-in-Assembly for ratification.
143. This Act may be amended from time to time by resolution of the Chiefs-in-Assembly.

144. An amendment to this Act shall be in force immediately upon ratification resolution of the Chiefs-in-Assembly, unless otherwise stated in the resolution.
145. No amendments to this Act may be made during a Session of the Legislative Assembly at which an Election is held.

COMING INTO FORCE

146. This Act came into force on July 25, 1989.

FEDERATION OF SASKATCHEWAN INDIAN NATIONS

STATUS OF LEGISLATION

ELECTION ACT

STATUS OF LEGISLATION

First Reading January 25, 1989

Second Reading *June 7, 1989*

Third Reading July 25, 1989

AMENDMENTS TO LEGISLATION

Date: April 29, 1992

Resolution Reference Number: 547

Sections Amended: wording “Band” changed to “First Nation” throughout document; section I – 1 – deleted “meaning fifty percent of the Executive shall be elected at a Fall Session”; section I - 2 -- change “Secretary/Treasurer” to “Vice-Chief”, Chief would then assign the portfolio of Finance, this change would not take effect until the current term for the position of Secretary-Treasurer has expired; delete section II – 1; section II – 3 – change “Member of one of the Bands belonging” to “Must be a recognized member of one of the First Nations signatory”; section II – 4 – change “50 days prior to the nomination date” to “30 days prior to the nomination date”; section II – 5 – this section has been reworded and new sections added; section III – 1 – delete “Treasurer and Secretary”; section III – 2 – change “fifty day declaration period” to “thirty day declaration period”; section V – 3(A)-4 – change “Electoral Officer” to “Electoral Officers;”; section V – 3(A) – 5(b) – change “nomination meeting” to “election proceedings”; section V – 3(A) – 5(m) – change “nomination meeting” to “election day”; section V – new section added dealing with delegation for the initialling and counting of ballots; section V – 3(B) – 3(d) new section; section V – 3(C) – 1 – change “District/Agency/Tribal Council” to “Tribal Council and Independent Bands”; section V – 3(C) – new section (f); section VI – 1 – added “Electoral Officers”, changed “President of the Saskatchewan Indian Veterans Association” to “an appointment from the Saskatchewan Indian Veterans Association”, added “ an appointment from the Saskatchewan Treaty Indian Women’s Council Senate”; section VI – 5 – The purpose of the Credentials Committee is to verify: a) the individuals on the voting list as voting delegates including the approval of alternate voters, b) the eligibility of candidates seeking Executive Office;

section VI – new section dealing with delegating the initialling and counting of ballots; section VII – 1 -- change “Only a duly signed member of” to “Only First Nations signatory to”; section VII – 2 -- First Nations who are duly signed members of the F.S.I.N. Convention of April 16, 1982, shall be represented at the Legislative Assembly by Headpersons, Councillors, or members of the First Nations by the following formula: i) the Chief and Four Headpersons from each First Nation; ii) In addition to the Chief and Four Headpersons of a First Nation, the First Nation shall be represented by: No more than five members (as per (i) above) for the first four hundred persons on its First Nations membership or a part thereof and one member for each additional two hundred persons in its membership or a part thereof”; section VII – 4 – “If the First Nation designates an Acting Chief, the individual must have a First Nation Council Resolution or Letter designating him as such signed by the Chief”; section VII – 5 – delete “in writing”, delete “by Band Council Resolution as a majority of the Band Council”, section VIII – 4 – change “descending” to “ascending”; section VIII – 8 – No personal may nominate or second more than one individual per elected position; section VIII – 12 – change “descending” to “ascending”; section IX – 3 – change “12:00 noon” to “11:00 a.m.”; section IX – 4 – change “District/Agency/Tribal Council” to “Tribal Council and Independent First Nations”; delete section IX – 8; section IX – 11 – change “run-off election” to “another ballot”, change “with the person with the least votes dropped from the ballot” to “with those candidates who have not achieved fifteen percent (15%) of the votes cast dropped from the ballot”; section X – 1 – change “thirty (30) days to “fourteen (14) calendar days”; section X – 2 – delete “and agreeing to abide b by the decision of the Appeals Committee”; section X – 4 – change “the Chairman of the Senate and four other Senators” to “five (5) Senators”, this section will become #1 under section X; section X – 5 – change “Chairman and the four Senators” to “five (5) Senators”, this section will become #2 under section X; section X – 6(a) – change “10 business days” to “10 calendar days”; section X – 6(b) – change “10 business days” to “5 calendar days”; section X – 9 – change “10 days” to “10 calendar days”; section XI – new section – “This Election Act shall be reviewed, after a Fall Session in which Executive Elections were held, for amendment in procedures as may be determined”

Date: September 19, 1995

Resolution Reference Number: 770

Sections Amended: with sections added or deleted, the document will be renumbered; new section – Citation; new section – Definitions; section I – 2 – add “AFN Regional Vice-Chief”; section II – 4(b) – delete “elected persons”, add “from Chiefs or Councillors elected at the time of Declaration Date”; section I – delete 4(d); section III reworded and new sections added; section IV – 1 – change “exactly one (1) day after the election” to “immediately upon being sworn in as the successful candidate for that position before the Assembly”; section IV – 2 – change “leaders” to “Executive”; section V – 1 – change “election officials” to “the Electoral Officer and Credentials Committee”, change “Executive Council” to “Executive”, change “nomination day” to “the Declaration Date”, add “all other election official appointments must be made no later than one week prior to the nomination date”; section V – 3(A) - 4 – change “cannot be a staff member” to “shall not be an internal staff member”, change “or” to “and”; add new section – The Electoral Officer shall call a meeting of the Credentials Committee within three days after

the Declaration Date; add new section – And all other such duties as may be required to implement this Act; section V – 3(B) – change “Electoral Commissioner for Oaths” to “Electoral Commissioner” throughout document; section V – 3(B) – 1 – change “appointed to” to “appointed by the Senate of the FSIN to”; delete section V – 3(B) – 2; section V – 3(B) – 3(a) – add “including, but not limited to, the swearing of affidavits”; section V – add new section (D) Scrutineer; section VI – 2 – change “nomination day” to “declaration day” and delete “and no later than one week prior to nomination day”; section VI – 4 – reworded and new subsections added; section VI – 5 – delete “the purpose of”, change “is to” to “shall”; section VI – 6 – change “The decisions” to “ Subject to Section X, all decisions”; section VII – 2 – change “Headpersons, Councillors” to “Headmen/Councillors”; section VII – 3 – change “shall be confirmed by the Chief and Council” to “shall be confirmed by the First Nation”; section VII – 4 – change “signed by the Chief” to “signed by the Chief and/or majority of Council”; section VIII – 6 – change “Credentials Committee” to “Credentials Committee and Electoral Commissioner”, delete “then the alternate voter shall be sworn in by an Electoral Commissioner for Oaths”; delete section VIII – 7; section VIII – 8 – change “one vote per person” to “only one vote per voting delegate”; section VIII – 5 – add “including acclamations”; section VIII – 8 – change “may” to “shall”; section VIII – 11 – add “jointly”, delete “Every candidate may file a written copy of their main text of their speech to the Electoral Officer at the time of delivery”; section VIII – 12 – change “the speakers list will be reversed to that of the nominators list, that is, the last to be nominated will speak first, and the first person nominated will speak last” to “the speakers list will be determined by a random drawing conducted by the Electoral and Deputy Electoral Officers”; section IX – 7 – changed to “each Candidate shall be entitled to one scrutineer”; section IX – 10 – add “in subsequent ballots, the Candidate with the least number of votes will be dropped from the ballot”; section XI – delete section 3; section XI – 4 – changed to “amendments to this Act which are adopted at a session of the Legislative Assembly immediately are proclaimed into force and govern FSIN elections”

Date: August 26, 1997

Resolution Reference Number: 888

Sections Amended: section III – 2 – changed to There shall be an election of the following designated Executive positions at the Fall Session scheduled October, 1997, for a term of three years: a) Chief, b) First Vice-Chief, c) Third Vice-Chief; section 111 – 3 – changed to There shall be an election of the following designated Executive positions at the Fall Session scheduled October, 1997, for a two year term, and thereafter shall be elected for three year terms: a) Second Vice-Chief, b) Fourth Vice-Chief; section V – 1 – separated into 2 sections and reworded; section V – 2(b) – change “upon declaration of candidacy” to “upon the date of declaration”, add “and shall not be entitled thereafter to travel allowance or the use of human resources, and has no authority to commit FSIN resources in any way, shape or form”; new sections – The Office of Chief and Vice-Chiefs becomes vacant in any event when: (a) the person holding office i) is convicted of an indictable offense, ii) dies, or resigns his/her office in writing to the Clerk of the Legislative Assembly of the Federation of Saskatchewan Indian Nations, upon the expiration of the elected term in accordance with the Election Act, (b) Impeachment of Executive: A person holding an Executive Office is impeached when fifty (50) percent plus one of the voting members of the Legislative Assembly vote in favour of impeachment

Sections Amended: rewording for clarity – section II – 2, 5, 6, 7, 8, 11, 12, 13, 17, 19, and 21; section III – 1, 3; section IV – 1, 2; section VI – 3 – 6; section VI – 1, 1(a); section IX – 1, 2, 2(e), 3, 4(a) to (e), 6(a) and (b), 7(a) and (b); section X – 1 to 5 and 7; section XI – 1 to 6; section XII, section XIII, section XIV – 2, 5, 7, 15; and section XVI – 3 and 4;

section II – add definition for Alternate Voters, Candidates, Legal Counsel and Polling Clerks; section II – 3 – delete “the term of such office is the term remaining on the original position”; section II – 9 – change “selection process” to “leadership selection process”, delete “Federation of Saskatchewan Indian Nations Membership”; section 10 – definition for “Polling Day” was changed to “Election Day”; definition for Ex-Officio, Returning Officers, Severance, Spoiled Ballot, was deleted; section II – 20 – delete “each candidate shall appoint only one (1) Scrutineer”, section reworded; section IV – 3 – new section “every candidate shall file a Declaration of Intent to seek and Executive Office with the Electoral Officers”; new section V – Declaration of Intent – this was previously part of the section on Eligibility for Executive Positions, #1 includes a statement of intent to serve the full term of office, #2 is a new clause to clarify the time frames for filing a Declaration, previous sections 4-6 have been reworded for clarity and the order re-arranged, #5 reworded and new sections added to provide clarity on verification process, #6 added clause on sealing of declarations, #9 is a new section to deal with candidates withdrawing their intent to seek office; previous section V – 3 – deleted and moved to the Executive Act; section VII – Vacancy of Office – separate section, was previously part of the declaration procedures, new section added to include a review process for conviction of an indictable offense; previous section VI – 2 – deleted and moved to Executive Act; new section IX – 2(f) an employee of FSIN or its Institutions; delete previous section IX – 4(b) and 4(d) 4(f)-x ; section IX – 4.d.xii – reworded to clarify the time frame for keeping voting documentation; new section IX – 8 – Legal Counsel to deal with duties of Legal Counsel; section XI – 5 – the time frames have been changed to having the list of voting delegates and alternates submitted 24 hours prior to Nomination Day; section XI – 6 – deals with the number of alternate voters that can be listed; section XII – additions include a limit of 3 calls for movers or seconders at 20 second intervals, failure to procure a nominator or seconder shall deem the Candidate unable to proceed and name struck from ballot, allowing a nominator to accept the nomination for a Candidate if absent for specified reasons, if a Candidate does not make his speech at designated time, they forfeit their right to address the Assembly; new section XIII – 6 to allow for assistance to a Voter by an election official; delete previous section XI – 7 – covered under Scrutineer section; section XIII – reworded to allow the Candidates who did not received 15% of the votes cast and/or the Candidate with the least number of votes to be dropped after the first ballot; section XIV -- #1 is a new clause to deal with time frame to establish the Appeals Committee, #2 has a change to composition to allow for technical support, #3 is a new clause to deal with Chairpersons; section XIV – 10-14 are new sections outlining the process for appeals; section XV – new section to deal with by-elections; section XVI – 1 – clarification on who reviews the Election Act; section XVI – 2 – new section on vetting procedure;

Date: June 3, 1999

Resolution Reference Number: 974

Sections Amended: section III – add new section – The Executive Council and the Indian Government Commission shall determine the date for FSIN Executive elections or by-elections; section IX – 6.iii – change “to cross the name” to “to make an appropriate mark as determined by the Electoral Officer by the name”; section X – add new section – The Credentials Committee shall have the power to exercise flexibility in amending the Voters List to deal with unforeseen circumstances; section XII – 11 – change “ten (10) minutes” to “fifteen (15) minutes” and add “The nominator may utilize a maximum of five (5) minutes. The Candidate shall have a maximum of ten (10) minutes in addition to any unused time from the nominator; section XV – 2 – changed to “the By-election shall be conducted in accordance with the terms of the Election Act and First Nation Customary Law”; section IX – 4.viii – delete “cast and to have exclusive authority to deem a ballot spoiled and reject it from the count of properly cast ballots”; section IX – 4.ix – delete “following the election”; section IX – 5-b.iv, 6-b.vi, and section X-8 – change wording in these sections from “if so delegated” to “if so delegated by the Electoral Officers”; section IX – 7.b.ii – change “to witness the actual counting of ballots” to “to ensure a proper count of the ballots”; section XIII – change “casting their ballot, that person” to “casting his or her ballot, that Voter”

Date: January 20, 2000

Resolution Reference Number: 1013

Sections Amended: section III – 4 – change “the date” to “the date, place and procedures for Election Day”; section VII – 1 – change “The Office of the Chief or Vice-Chiefs becomes vacant in any event: a) when the person who holds that office” to “An Executive position becomes vacant when the person holding office”; section VII – 1.i to 1(b) changed to 1(a) to 1(g) – this section has been reworded and new sections added; section VII – 2 – changed to “Notwithstanding subsection 1(a), the joint Executive Council/Indian Government Commission or its successor, whose decision shall be final, can review any conviction for an indictable offense, and can determine that the Executive Member, who has been convicted of an indictable offense, can continue his office as an Executive Member”; new section XA – Voting Machines; added Schedule I – Automated Vote Counting Regulations and Schedule A – Sample Ballot

Date: February 25, 2003

Resolution Reference Number: 1228

Sections Amended: the Election Act has been substantially revised with rewording and a number of new sections added

Date: June 8, 2005

Resolution Reference Number: 1387

Sections Amended: Part I – Definitions – add new section “The FSIN Interpretation Act shall apply to this Act”; Part II – 20 – change “Chief Electoral Officer” to “Chief of Staff”; Part IV – Election Bond – add new section “Where the Credentials Committee has declared a Candidate ineligible to seek elected office, the individual shall receive a reimbursement of fifty percent (50%) of the Election Bond and the balance shall be deposited to the FSIN Treaty Rights Protection Fund”; Part IV – Withdrawal of a Declaration of Intent – add new section “Candidate who withdraws a Declaration of Intent at least fourteen days prior to Nomination Day shall be entitled to reimbursement of fifty percent (50%) of his/her Election Bond and fifty percent (50%) shall be deposited to the FSIN Treaty Rights Protection Fund”; Part IV – 38 – add “less than fourteen days prior to Nomination Day”; Part V – 43(b) – add “as appointed by the Chief”; Part V – 44 – add “which shall include the effective dates”; add new section – “In the event that a Chief is not available to appoint an Acting Chief, a quorum of Council may appoint an Acting Chief and must provide the Electoral Officer a signed Band Council Resolution indicating the name of the Acting Chief and the effective dates”; Part V – 46 – change “by the First Nation” to “by the Chief”; add new section – “The Chief shall sign the Voters’ Lists provided pursuant to sub section 47(a) and 47(b) attesting that the listing is the official Voters List for their First Nation.” section 74 – change “one” to “at least one”; new section 85(c) “strike the name of any Candidate who has not received fifteen percent of the votes cast”; section 99 – change “Where the Appeal Committee” to “Where a majority of the Appeal Committee”; section 110 (a) – add “not related to Inherent or Treaty Rights”;

Date: May 30, 2006

Resolution Reference Number: 1446

Sections Amended: document has been renumbered therefore reference to specific sections has been changed to reflect the accurate section number throughout the document; section 1 – delete “2003”; changed heading “Definitions” to “Interpretations”; section 2 – changed to “The FSIN Interpretation Act shall apply to this Act unless otherwise specified herein”; section 2(q) – delete “and, for the purposes of this Act, includes persons employed to provide personal services under a contractual arrangement with the FSIN or its Institutions”; section 9 – add word “duties”, delete words “be placed on contract to”; section 10.m.ii and 11 – correct spelling for “initialing”; new section 15(d) – “approve the reinstatement of a Voting Delegate; and”; section 18(b) – change “Alternate Voter Forms” to “Alternate Voter Designation Forms”; new section 18(c) – “complete the Voting Delegate Reinstatement Forms”; section 21 – change “Chief of Staff” to “Clerk of the Legislative Assembly”; section 22(c) -- correct spelling for “initialled”; section 22(d) – change “after receiving a ballot marked by a Voter” to “after issuing the ballot to the Voting Delegate”; new section 22(f) – ensure that the procedures for reinstatement of a Voting Delegate set out in section 92 are complied with”; section 22(i) – change “attach all Alternate Voter Forms to the Voters’ List” to “attach all Alternate Voter Designation Forms and Voting Delegate Reinstatement Forms to the Voters’ List”; new sections 24-26 to provide clarification on process and responsibilities of scrutineers; section 29 – change “more than six months” to “at least one year”; section 31 – delete “and procedures”; new clause 34 dealing with ineligibility to seek office if convicted of an indictable offense within five years preceding the date of election; new clause 38 to clarify procedures for mover and seconder for filing a Declaration of Intent;

Section 39 – delete “in accordance with clause 15(a)”; new section 40 clarifying the information to be released in the notification of candidates seeking office; new section 45 on criminal record check; new section 50 stating that employees of the FSIN and its Institutions are ineligible to vote in a FSIN election; section 50 – change “approved” to

“appointed”, delete “to be on the Voters’ List by the Chief”; section 62 – add “with the exception of elected councillors/headpersons”; section 63 – add “complete and”; new section 68 to clarify who is eligible for nomination; section 78 – add “in consecutive order”; section 92 reworded to provide clarification on process for reinstating a voting delegate and to provide consistency with clause 90; section 99 – delete “properly”;

delete previous section 90(c); new section 127 and 128 – standardization of clauses to be added to all FSIN legislation dealing with review of legislation and enforcement time frame; new section 130 which is a clause to be added to all FSIN legislation dealing with Coming Into Force

Date: October 24, 2007

Resolution Reference Number: 1521

Sections Amended: section 45 reworded; section 67(b) – listed the order of Executive positions at end; section 80 – listed the order of Executive positions at the end; section 87 – changed “shall be not” to “shall not be”; section 88 – added “There shall be two polling stations for the Prince Albert Grand Council”; added new section to Voting – “Voting delegates shall be required to turn off cellular phones while in the voting room”

Date: June 4, 2008

Resolution Reference Number: 1580

Sections Amended: section 3 — added new definition for “Criminal Record Check”; added written number or number throughout document i.e thirty (30); section 3(cc) — added “established according to section 125”; section 3(ee), (ff) and (hh) — changed “in accordance with” to “according to”; section 3 (gg) — added “and”; section 12(c) — deleted “person who is a”; new sub-section 33(c) dealing with eligibility to sit as a Board member of FSI Inc; section 34 — changed “the position of Executive” to “an executive position”; section 35 separated into two sub-sections for greater clarity and reworded; section 36 — deleted “or”; section 36 — added time “12:00”; section 38 (b) — changed “at the Nomination Meeting” to “on Nomination Day”; section 40(a) — added “the”; section 41 — added “five hundred dollars”; section 42 — added “fifteen percent”; section 43 — added “fifteen percent”, changed “FSIN” to “First Nations”; section 44 — reworded; section 45 — added “completed”; section 47 — changed “a” to “his/her”, added “calendar”, added “with the remaining”, changed “FSIN” to “First Nations”; section 48 — added “calendar”, changed “FSIN” to “First Nations”; section 52 — changed “clause 51(b)” to “with section 51”; section 53(c) — deleted first “additional”; section 56, 57 — changed “in the event that” to “Where”; section 60 — changed “their” to “his/her”; section 61 — changed “in accordance with” to “according to”; section 62 reworded; section 64 — deleted “except where a Voting Delegate is replaced by an Alternate Voter on Election Day in accordance with section 90”; old section 66 deleted — included in definitions; section 66 (b) (i) to (v) — added “the”; section 67 — capitalized “Candidate”; section 74 — changed “in accordance with” to “according to”; section 79 — changed the order of the executive position listing; section 80 reworded; section 82 — changed “has” to “shall have”; section 85 — changed “am” to “a.m.” and “pm” to “p.m.”; section 87 reworded; section 92 — changed “Voting Delegate” to “Voter”; section 99 — deleted “of”; section 99 (b) — changed “strike” to “eliminate”, deleted “of”, deleted “on the previous ballot”; section 102 — changed “each” to “every”; section 102 (b) — changed “in the event” to “when”; section 103 — wording revised; section 106 — added “new”; section 106 separated into two sub-sections; section 107 separated into two sub-sections with new sub-section (b); section 115 — changed “and only” to “limited to the”, added “that”; section 115 (f) — wording revised; section 116 — wording revised and separated into two sub-sections; section 122 — deleted “by its decision”; section 129 — added “by resolution” and “in the resolution”

Date: February 11, 2009

Resolution Reference Number: 1602

Sections Amended: Delete sub-sections 3 (g), (i), (r), (s), (t), (v), (w), (x), (z), (cc) — these interpretations were either contained in the Interpretation Act or added to the Interpretation Act; new section 49 dealing with eligibility of a First nation in an Election Appeal; deleted previous section 56; section 60 — deleted wording “at least two (2) days prior to Nomination Day”; New Part VI — Acclamation; new Part VII — Nomination Day; section 81 — deleted wording “notwithstanding section 73” and changed wording “for medical reasons” to “for medical reasons resulting in hospitalization”; New Part VIII — Election Day; new section 106; new sections 113; section 135 — revised wording; new section 136

Date: June 4, 2009

Resolution Reference Number: 1643

Sections Amended:

Section 49 amended from “Where a First Nation wishes to participate in the FSIN Election and that First Nation is involved in an Election appeal, then that First Nation will be automatically disqualified from participating in the FSIN election.” to “Where a First Nation is involved in an election appeal at the same time as an FSIN Election is held, it shall be the duly elected Chief and Council who continue to exercise authority at the First Nation level who shall qualify to participate in the FSIN election.”

Date: June 10, 2010

Resolution Reference Number: 1719

Sections Amended: Section 10 – add wording “ensuring the ballot is clearly marked with one identifiable mark within the circle”; Section 45 - add wording “that is current within a six month period prior to submission”; Section 59 – add wording “with the exception of Big Bear First Nation who must provide a voters list only”; Section 62 – add wording “and sign or initial”

Date: October 28, 2010

Resolution Reference Number: 1739

Sections Amended: Section 29 – amended whereby if an executive position becomes vacant, the Joint Executive Council and Indian Government Commission will determine whether a By-election will be held; Section 132(b) – reworded to “becomes physically unable to complete their duties or dies”; Section 132(c) – reworded to clarify who the resignation is submitted to and that any resignation is irrevocable;

Date: June 27, 2012

Resolution Reference Number: 1837

Sections Amended: Part I title – added “authority and purpose”; revised wording for definitions for alternate voter election bond, electoral commissioner, electoral officers,

election officials, general election, polling clerk, polling station, scrutineer, voting delegate, voters list; new definitions added for tribunal and vulnerable record check; deleted definitions for appeal committee and credentials committee;

new sections 2, 3, 9, 23, 24(c), 26(c), 30, 31 32, 33, 25, 36, 45, 47, 49, 50(c) & (d), 52,

54, 55, 56, 58,61, 70, 73, 75(c), 82, 88, 117, 104(f), 124, 125; deleted sections (from

previous Act) - 12(d), 42, 43, 47, 48, 106, 116-128; wording in sections throughout document revised for add specific time frames, recruitment process for electoral officers and legal counsel, provide clarity in procedure, increased bonds to one thousand dollars

Date: May 28, 2015

Resolution Reference Number: 1954

Delete Section – Declaration of Intent – s.49. “The Credentials Committee shall not accept a Declaration of Intent until all the following documents is filed” Change to All candidates running for an executive position shall be required to submit the following documentation on or prior to Declaration Day

Section Amended - 49(g) vulnerable sector check which may take up to 4.5 months to obtain.

Delete Section – Candidates at an Election – s. 60 – Delete “Four week”

Section Amended – (b) the Criminal Record Check must dated within 4.5 months prior to the Declaration Day, as defined in the 5(f) of this Act.

Delete Section – Candidates at an Election – s. 61 – Delete “Four week”

Section Amended – 61(b) the vulnerable sector check must be dated within 4.5 months prior to Declaration Day, as defined in section 5(f) of this Act.

Date May 17, 2017

Resolution Reference Number: 2025

The Election Act has been substantially revised with rewording and a number of new sections added

Sections Amended:

Part II -8b,8v,11,12a,12c,12d,12n,12r,12t,12t4,12t4i,13,14,17,18ii,19,20,22,22a,23k,28b,29
30,30l,31,31a,31b,32,33,34

Part III – 40a,44,46c,46f,47,49,50d,50g,52,53,54,54a,54b,55,57,58,59,60,60a,61,61b,69,70,71,72,
73,74,74b,75,77,78,79,81b

Part VI – 82,83,84,85,86

Part VII - 87a,88,90,91,93a,93b,,94,95,106,112d,117,123,126,126b,126c,132,133,139,140

New Sections:

Part I -5a,5f,5g,5h,5n5s,5u,5y,5z,5aa

Part II - 7d,12h,12i,12j,12k12q,12s,14c,15b,20d,23iv,23v,24

Part III - 46a,46e,46j,74d,

Part VII – 111c

Part VI – 122h,128

Delete Sections:

Part 1 – 5f

Part II – 10,14b,14c,14f,20b,31

Part III – 46d,46g,47a,50g,51c,55

Part VI – 122e

Move Section:

Part II - Move15 u to x – Move under 13. Duties and Responsibilities of the Electoral Officer