

?Akisq̄nuk First Nation  
Custom Election By-Law Regulations

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**Section 1**

**Regulations and Amendments**

- 1.1 These regulations may be cited as the ?Akisq̓nuk First Nation Custom Election Regulations. (A.F.N.C.E.R.)
- 1.2 The A.F.N.C.E.R. shall be reviewed at an Election Regulation Review Meeting and notice of such a meeting must be posted in a public place at least seven (7) days prior to such a review meeting.
- 1.3 Any amendments resulting from the Election Regulation review meeting shall be forwarded to all eligible voters.
- 1.4 All amended sections resulting from the Custom Election Regulations Review Meeting shall be identified as amended including the date of the amendment and shall be final. (To next review meeting)

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**Section 2**

**DEFINITIONS**

2.1 In these regulations the definitions are as follows:

a) **ELIGIBLE ABSENTEE VOTER:**

An eligible absentee voter meets the criteria in 2.1(f) but is unable to vote in person.

b) **APPEAL BOARD:**

A body of three (3) persons appointed by membership, who are not eligible to vote, nominate, or be nominated and are over the age of 18. (refer to section 5.1 and section 12)

c) **CUSTOM ELECTION:**

The election of the Band Council according to the custom outlined in the A.F.N.C.E.R.

d) **ADVANCED POLL:**

Polling time and place set by electoral officer shall be one week prior to election date to accommodate voters otherwise unable to vote on Election Day.

e) **ELECTORAL OFFICER:**

A person who is selected as per section 13.1, is present at the nominations meeting and elections, and is to conduct and oversee the ?Akisq̓nuk First Nation nominations and elections process.

f) **ELIGIBLE VOTER:**

A person eligible to vote:

- a) Full age of 18 years
- b) On the ?Akisq̓nuk First Nation Membership list
- c) Be of Ktunaxa ancestry
- d) Has not voted in another Band's election

g) **ELIGIBLE NOMINATOR:**

A person eligible to nominate and/or second a nomination is:

- a) Full age of 18 years
- b) On the ?Akisq̓nuk First Nation Membership List
- c) Of Ktunaxa ancestry
- d) Has not voted in another Band's election

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**SECTION 2**

**DEFINITIONS CONTINUED**

- h) **ELIGIBLE CANDIDATES:**
- a) Refer to Section 2.1(f), 2.1(g)
  - b) Not an employee of ?Akisq̓nuk First Nation or its affiliates **NO EXCEPTIONS**
  - c) Not accept employment with ?Akisq̓nuk First Nation or its affiliates within their term **NO EXCEPTIONS**
  - d) Be of Ktunaxa ancestry
  - e) Reside on the ?Akisq̓nuk First Nation Reserve or within a 35 kilometre radius of the ?Akisq̓nuk First Nation Reserve throughout their entire term
- i) **A.F.N.C.E.R. MEETING:**  
A duly convened meeting where the ?Akisq̓nuk First Nation Membership has opportunity to review and make amendments to A.F.N.C.E.R.
- j) **?AKISQ̓NUK FIRST NATION MEMBERSHIP LIST:**  
The list as held by the Band membership clerk.
- k) **?AKISQ̓NUK VOTERS LIST:**  
A list of eligible voters determined by membership at the nomination meeting.
- l) **CANDIDATE FORUM:**  
An opportunity for all nominees to address the membership. The candidate forum is to be organized by the Electoral Officer and is to be held no later than the end of the **2<sup>nd</sup> week in February** in an election year at the ?Akisq̓nuk First Nation Band Hall.

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**SECTION 3**

**TERMS OF OFFICE**

- 3.1 The Band Council of the ?Akisq̓nuk First Nation shall be comprised of one (1) Chief and one (1) Councillor to a four (4) year term and three (3) Councillors with terms of 3 years therefore providing:
- a) Consistency within governance structure
  - b) To ensure smooth transition
- Starting in 2013 the three Council positions available will be for four years each. Four year terms will be the standard for Council positions from this point on.
- 3.2 Elections shall be held no later than the end of **4<sup>th</sup> week in February**:
- 3.3 The newly elected Council shall resume office April 1<sup>st</sup> of election year.

**SECTION 4**

**TIED VOTES**

- 4.1 If necessary to break a tie between candidates a new poll shall be held within seven (7) days with tied candidates.

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**SECTION 5**

**NOMINATION MEETING**

- 5.1 The nomination meeting shall be conducted by the Electoral Officer by the end of the **1<sup>st</sup> week of February** of an election year.
- a) Meeting shall consist of:
- Establish an appeal board
  - Review voters list with membership
  - Open nominations for a maximum of 30 minutes from the time the Electoral Officer declares nominations open
  - Acceptance or decline nomination
  - Determine time and place for candidate forum with nominees
  - **Determine election date no later than 14 days after the nomination meeting**
- 5.2 Notice of nomination meeting shall be given by the Electoral Officer at least fourteen (14) days prior to the nomination meeting by posting a notice in a public place on the ?Akisq̄nuk First Nation reserve.
- 5.3 The Electoral Officer immediately upon the close of nominations shall set the date and location for advance poll.
- 5.4 To be nominated or nominate, a person must be in attendance at the nomination meeting. **NO EXCEPTIONS.**
- 5.5. If there are not enough accepted nominations to fill the available positions the nomination meeting will be postponed to a later date within seven days of the original meeting.
- 5.6 All accepted nominees must agree to sign the Council Code of Conduct and Terms of Reference **NO EXCEPTIONS.** The Electoral Officer will hold these documents until the successful candidate takes office.

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**SECTION 6**

**NOTICES**

- 6.1 The Band Administrator will ensure Notice of Nomination Meeting, Election Day, and Election results will be mailed to off-reserve members and delivered to homes on reserve.
- 6.2 The Band Council Resolution stating the results of the election will be sent in immediately to the Department of Indian and Northern Affairs Canada, by the ? Akisq̓nuk First Nation Band Administrator.

**SECTION 7**

**CANDIDATES FORUM**

- 7.1 For the benefit of membership a Candidates Forum will be organized by the Electoral Officer.
- a) The Candidates Forum will require the respectful participation of all present
- 7.2 All Candidates will prepare and present a short speech.
- 7.3 Membership will be given time to ask questions of Candidates
- a) Electoral Officer shall chair the meeting ensuring respect for individual contribution
- 7.4 No media or outside organization will be allowed at the Candidates Forum.

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**SECTION 8**

**ELECTIONS**

- 8.1 The Electoral Officer shall conduct the Elections process
- 8.2 Notice of the election process shall be given by the Electoral Officer no later than the end of the **3<sup>rd</sup> week of January** by posting the notice containing the date, time and location of the election process.
- 8.3 The election shall take place at least one (1) month prior to the expiration of the Terms of office for which the election is being held in order to accommodate the smooth transfer of responsibilities to the newly elected Council.
- 8.4 The polls will remain open from 9:00 a.m. to 7:00 p.m. local time.
- 8.5 Election results will be posted at the ?Akisq̓nuk First Nation Administration Office following the election.

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**SECTION 9**

**VOTING PROCEDURES**

- 9.1 Voting shall be by secret ballot **or by phone-in ballot**. Ballots are standard and must bear the initials of the Electoral Officer in order to be counted. Each ballot must be clearly marked with an X inside the appropriate box. Any ballot not marked properly shall constitute a spoiled ballot and such ballot shall not be counted.
- 9.2 Eligible Absentee Voters, according to section 2.1 (a) may vote by telephone. The Electoral Officer shall initial the ballot and shall record in private the telephone vote and shall place the ballot in the ballot box and record the name of the voter on the voters list. Verifying registered Band number recorded and initialed by Electoral Officer shall validate the voter.
- 9.3 All eligible voters according to section 2.1 (f) will be notified by Electoral Officer of the date and time of advanced poll no later than the end of the **3<sup>nd</sup> week of February**.

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**SECTION 10**

**BALLOTS**

- 10.1 The Electoral Officer shall count the ballots with the assistance of the Appeal Board.
- 10.2 Each ballot must be dated for the month, day and year of the election by Electoral Officer.
- 10.3 The Electoral Officer shall keep the ballots in a safe place for a period of thirty (30) days after the close of the polls. After the expiration of this period, the Electoral Officer shall destroy the ballots in the presence of the Appeal Board. Signed Council Terms of Reference and Codes of Conduct of those not elected will be destroyed with the ballots.

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**SECTION 11**

**BY-ELECTION**

- 11.1 If necessary, a by-election shall be initiated within **thirty (30)** days after a vacancy is created.
- 11.2 In the event of a by-election, the successful candidate's duties will commence immediately.

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**SECTION 12**

**APPEAL BOARD**

12.1 According to section 2.1 (b) an Appeal Board will perform duties to include:

- a) Investigate and rule on the validity of complaints filed by eligible voters regarding irregularities of Band Elections and nominations
- b) Assist Electoral Officer to determine guidelines for the Candidates Forum
- c) Assist Electoral Officer in counting ballots
- d) Witness the destruction of election ballots and the signed Council Terms of Reference and Council Code of Conduct of non-elected candidates.

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**SECTION 13**

**DUTIES OF THE ELECTORAL OFFICER**

- 13.1 At a Band meeting in an election year membership has the responsibility to select an Electoral Officer according to section 2.1 (e). The Electoral Officer shall be responsible to:
- a) Post nominations and Elections Process according to section 5.2 and 8.2.
- 13.2 **VOTERS LIST**
- a) In consultation with the membership clerk to ensure that all eligible voters are on the list
  - b) Post the eligible voters list at the ?Akisq̄nuk First Nation Band Office
  - c) Determine absentee eligible voter list.
- 13.3 **NOMINATIONS**
- a) The Electoral Officer shall be responsible to chair nominations meeting according to section 5
  - b) The Electoral Officer shall set the date for the advance poll immediately upon closing and verifying of nominations
  - c) The Electoral Officer shall chair Candidates Forum according to section 7.
- 13.4 **VOTING PROCEDURES**
- a) It is the duty of the Electoral Officer to fully explain to voters, the method of carrying out the voting procedure (section 9)
    - i) Should the person voting require assistance it is the Electoral Officer's duty to assist the voter
    - ii) **The voter is not required to vote for all positions on the ballot. The voter has the freedom of their choice whether it be one or more of the positions.**
  - b) The Electoral Officer shall ensure that a large sample ballot is prepared and available so that the voting procedures can be verbally and visually explained.
- 13.5 With the Appeal Board, the Electoral Officer will count the ballots.
- 13.6 The results of the Election shall be posted by the Electoral Officer on the reserve and in the same location where the election notices were posted.
- 13.7 In the presence of the Appeal Board, the Electoral Officer will destroy the election ballots (30) days after the election.

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**APPENDIX A**

**BAND CUSTOM ELECTION REGULATION REVIEW MEETINGS**

November 04, 1986

December 11, 1990

November 03, 1992

November 08, 1994

December 13, 1994

March 1995

October 15, 1996

October 29, 1996

November 18, 1998

November 19, 2000

November 04, 2001

November 23, 2003

November 15, 2005

December 5, 2006

**December 10, 2009**

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**APPENDIX B**

The Akisq̓nuk First Nation Custom Election Regulation meeting is a duly convened meeting where the ?Akisq̓nuk First Nation Membership has opportunity to review and make amendments to the Akisq̓nuk First Nation Custom Election Regulations.