

THE CUSTOMARY ELECTION REGULATIONS
OF THE ALEXIS FIRST NATION

PROPOSED EFFECTIVE DATE: MARCH 31, 1997

	<u>Page #</u>
PREAMBLE.....	1
1. CITATION.....	1
2. DEFINITIONS.....	1
3. COMPOSITION AND TERM OF OFFICE COUNCIL.....	2
4. ELECTION DAY.....	4
5. APPOINTMENT OF ELECTORAL OFFICER.....	4
6. NOMINATIONS.....	4
7. ELECTION BY ACCLAMATOIN.....	7
8. ELECTIONS.....	7
9. COUNTING OF VOTES.....	11
10. DECLARATION OF OUTCOME.....	12
11. RECOUNT OF VOTE.....	13
12. RUN-OFF ELECTION.....	13
13. ELECTION APPEALS.....	14
14. RESIGNATION OF CHIEF OR COUNCILLOR.....	16
15. RESIDENCY REQUIREMENTS OF CHIEF AND COUNCILLORS.....	16
16. SUSPENSION.....	16
17. REMOVAL FROM OFFICE.....	16

18.	BY-ELECTIONS.....	17
19.	AMENDMENTS TO CUSTOMARY ELECTION REGULATIONS.....	18
20.	ADMINISTRATIVE PROCEDURES.....	19
21.	SENATE OF ELDERS.....	20
22.	SEVERANCE.....	20
23.	EFFECTIVE DATE.....	20
SCHEDULE “A”: Duties of the Electoral Officer.....		21
SCHEDULE “B”: Duties of Chief and Council.....		22
SCHEDULE “C”: Conflict of Interest Guidelines.....		28
SCHEDULE “D”: Duties and Responsibilities of Senate of Elders.....		29

THE CUSTOMARY ELECTION REGULATIONS
OF THE ALEXIS FIRST NATION

PREAMBLE

WHEREAS the Alexis First Nation has the inherent Aboriginal right and authority to govern relations among its members and between the Alexis First Nation and other governments; and

WHEREAS the Aboriginal right of the Alexis First Nation to self-government was recognized and affirmed in Treaty No. 6 entered into between Her Majesty the Queen and the Alexis First Nation; and

WHEREAS the customs, policy, and laws of the Alexis First Nation in regard to Tribal government have been established with the consent and participation of the members of the First Nation;

WHEREAS the current customs and traditions of the Alexis First Nation require democratic, fair, and open elections for the leadership pursuant to the Customary Election Regulations in effect since 1981; and

WHEREAS the Alexis First Nation now desires that certain amendments be incorporated into the Customary Election Regulations; and

WHEREAS on the 13th day of February, 1997, a majority of the Electors of the First Nation present who were at a special meeting approved by vote to adoption of the Customary Election Regulations of the Alexis First Nation as outlined herein;

1. CITATION

The rules, procedures, and regulations outlined herein shall be cited as the **Customary Election Regulations of the Alexis First Nation**.

2. DEFINITIONS

For the purpose of these regulations:

2.1 “Act” means the *Indian Act*.

2.2 “Alexis First Nation” means the Alexis Indian Band #133.

- 2.3 **“By-election”** means an election held for the position of Chief or Councillor to replace persons who have died, or resigned, or have been removed from these positions.
- 2.4 **“Candidate”** means a person who is properly confirmed by the Electoral Officer as having been properly nominated pursuant to s. 6.
- 2.5 **“Corrupt Election Practices”** includes threats, bribery, coercion, or intimidation of any elector by a candidate or person acting on his behalf with the consent of acquiescence of the Candidate.
- 2.6 **“Council”** means those members elected pursuant to these regulations who hold the office of Chief and Councillors and who are empowered to act as the governing body of the First Nation.
- 2.7 **“Elder”** means a person who is a well-respected Band member who is knowledgeable in and practices the customs, traditions, and ways of the Alexis people.
- 2.8 **“Election”** means an Election held for the position of Chief and Councillor pursuant to the provisions of these Regulations.
- 2.9 **“Elector”** means a person whose name is entered on the Alexis Membership List and is the full age of twenty-one (21) on or before the day of the Election or By-election.
- 2.10 **“Electoral Officer”** means a person appointed by Resolution of the Council and who shall be responsible for conducting the nominations, Elections, By-elections, and Run-off Election.
- 2.11 **“Run-off Election”** means an Election held in the event of a tie vote among the leading Candidates for an office.
- 2.12 **“Special Meeting”** means a meeting for which fourteen (14) days notice has been provided and which is called solely for the purpose of considering and voting on those issues of importance as set out in the notice.

3. COMPOSITION, TERM OF OFFICE, AND DUTIES OF THE COUNCIL

3.1 Composition

Following the June 1998 Election and thereafter, the First Nation shall be governed by a Council consisting of one (1) Chief and seven (7) Councillors.

3.2 **Term of Office**

- 3.2.1 The term of office of the Chief and Council elected in March 1996, shall conclude on the day following the election of a new Chief and Council in the third week of June in 1998.
- 3.2.2 Thereafter, the term of office of the next Chief and each Councillor and thereafter **shall be for four (4) years.**
- 3.2.3 Subject to the provisions of paragraph 18.1.1 herein, a person elected to the Council in a By-election to fill a vacancy caused by death, resignation, or termination of office of a Chief or Councillor shall hold that office for the remainder of the term of office of that Chief or Councillor.

3.3 **Assumption of Office**

- 3.3.1 Each elected Candidate shall assume office the day after the Election Day or Run-off Election Day for that office.
- 3.3.2 For greater clarity, the newly elected Chief and Council assume office the day after the Election, notwithstanding any appeal respecting the Election.

3.4 **Oath of Office**

Upon two (2) weeks of taking office, an oath shall be taken at a public meeting by each elected Chief and Councillor.

3.5 **Duties of Chief and Council**

The Chief and Council shall carry out the duties set out in Schedule “B” to the Regulations and in accordance with the Conflict of Interest Guidelines set out in Schedule “C”.

3.6 **Remuneration for Chief and Councillors**

The remuneration to be paid to the Chief and Councillors shall be set by motion of the Council from time to time.

4 ELECTION DAY

Commencing in 1998, the Election Day for the office of Chief and Councillors shall be in the third week of June.

5 APPOINTMENT OF ELECTORAL OFFICER

5.1 Time of Appointment

At least forty (40) days prior to Election Day, the council shall, by Resolution, appoint an Electoral Office for the purpose of conducting the Election pursuant to the Customary Election Regulations.

5.2 Qualification

The Electoral Officer shall be qualified to perform his duties and may not be an Elector or a permanent employee of the First Nation or an employee of the Department of Indian Affairs.

5.3 Duties

The general duties and obligations of the Electoral Officer are outlined in Schedule "A" attached hereto and, in addition, as defined by the Council from time to time by Resolution prior to an Election.

5.4 Remuneration of Electoral Officer

The amount and terms of the remuneration to be paid to an Electoral Officer shall be fixed by the Council at the time of his appointment.

6. NOMINATIONS

6.1 Notice of Nomination

At least twenty eight (28) days prior to Election Day, the Electoral Officer shall post a Notice of Nomination in public places on Reserves and other locations designated by the Council.

6.2 The Notice of Nomination shall set out the following information:

6.2.1 The qualifications of persons eligible to stand as a Candidate as per s. 6.4.

6.2.2 The specific time, place, and date by which nomination papers of the Candidates for Chief or Councillor are to be filed with the Electoral Officer.

6.2.3 A list of Electors and a copy of these Customary Election Regulations shall be attached to the Notice of Nomination.

6.3 **Closing Dates for Nomination**

The closing time and date for receipt of nominations at the Band office by the Electoral Officer shall be 5:00 p.m. fourteen (14) days prior to Election Day.

6.4 **Persons Eligible for Nomination**

6.4.1 Subject to paragraph 6.4.2 and 6.4.3, any Elector resident within a one hundred (100) kilometre radius of Alexis Indian Reserve #133 is eligible to be nominated for the position of Chief or Councillor.

6.4.2 Any employee of the First Nation must comply with provisions of the Alexis First Nation Personnel Policy, which require the taking a leave of absence from the Alexis First Nation or Alexis First Nation owned corporation while running for office.

6.4.3 Any Elector convicted of an indictable offence within five (5) years of Election Day is not eligible for nomination to any position.

6.5 **Nomination for One Position**

An Elector may be nominated for either position of Chief or Councillor, but not for both positions.

6.6 Form of Nomination

6.6.1 The nomination of each Candidate for Chief and Councillor must be on a form obtained from the Electoral Officer.

6.6.2 The nomination form of each Candidate for Chief and Councillor must be signed by ten (10) Electors.

- 6.6.3 The nomination form shall be signed by the Candidate acknowledging his acceptance of the nomination.
- 6.6.4 The nomination form submitted to the Electoral Officer shall be accompanied by:
 - 6.6.4.1 A Performance Bond as per s. 6.7; and
 - 6.6.4.2 A C.P.I.C. or letter from the RCMP indicating no conviction of the nominee for an indictable offence within the prior five (5) years.
- 6.6.5 The Electoral Officer shall determine whether a nomination form has been fully completed and constitutes a proper nomination and promptly advise the Candidate of any deficiencies.

6.7 **Performance Bond**

- 6.7.1 Each person nominated for the position of Chief shall submit to the Electoral Officer with their nomination form, cash or a certified cheque payable to the Alexis First Nation in the amount of Four Hundred (\$400.00) Dollars.
- 6.7.2 Each person nominated for the position of Councillor shall submit to the Electoral Officer with their nomination form, by cash or certified cheque payable to the Alexis First Nation, the amount of Three Hundred (\$300.00) Dollars.
- 6.7.3 The Performance Bond is paid to the General Account and is non-refundable.

6.8 Notice to Candidates

- 6.8.1 Upon close of nominations, the Electoral Officer shall promptly notify all nominees in writing, whether they are eligible to be Candidates, and have completed all the requirements set out in the regulation.
- 6.8.2 Persons who are ruled ineligible by the Electoral Officer, or those whom the Electoral Officer determines have not filed a fully and properly completed nomination form as per s. 6.6, are not eligible to be Candidates.

6.9 Withdrawal of Nominees

Any person nominated may withdraw his name from nomination by giving notice in writing to the Electoral Officer not less than seventy-two (72) hours before Election Day. The notice shall be signed by the withdrawing Candidate and witnessed by an Elector of the First Nation.

7. ELECTION BY ACCLAMATION

- 7.1 When, at the close of nomination, the number of Candidates nominated for any office is the same as the number to be elected, the Electoral Officer shall declare the persons nominated to be elected.
- 7.2 Having declared a Candidate elected, the Electoral Officer shall forthwith give to the Council written notification of the name of the Candidate elected by acclamation.
- 7.3 Persons elected by acclamation assume office the day after Election Day.

8. ELECTIONS

8.1 Notice of Election

- 8.1.1 At least ten (10) days prior to Election Day, the Electoral Officer shall post a Notice of Election in public places on Reserves, and other locations selected by the Council.
- 8.1.2 The Notice of Election shall set out the following information:
- 8.1.2.1 The Candidates nominated for the offices for which the Election is being held; and
 - 8.1.2.2 The location of each Polling Station and the hours during which the Polling Station shall be open at each location; and
 - 8.1.2.3 Notice of the date, location, and hours of operation of the Advance Poll pursuant to s. 8.10; and
 - 8.1.2.4 A list of Electors and a copy of these Customary Election Regulations shall be attached to the Notice of Election.

8.2 **Administrative Preparations**

The Electoral Officer shall ensure that all necessary preparations are undertaken for the proper conduct of the Election including arranging for Polling Stations, construction of proper election facilities and voting compartments, preparation of ballots, arranging for ballot boxes, preparing voting instructions in writing, ensuring Polling Clerks and interpreters are available at each Polling Station, and any other administrative functions are properly completed.

8.3 **Location and Hours of Polling Stations**

8.3.1 Polling Station shall only be located on the Alexis Indian Reserve #133.

8.3.2 Polling Station is to be open from 8:00 a.m. to 6:00 p.m. on Election Day.

8.3.3 Any Elector who is inclined to vote at 6:00 p.m. is entitled to vote.

8.3.4 The Electoral Officer's decision on who is in line to vote at 6:00 p.m. is final.

8.4 **Appointment of Agent**

8.4.1 Each Candidate is permitted to appoint one (1) agent to attend at each Polling Station to supervise the voting procedure and counting of ballots cast at that Polling Station.

8.4.2 The name of the agents appointed by each Candidate for each Polling Station must be submitted in writing to the Electoral Officer two (2) days prior to Election Day. No parties, other than the named agents, may act on behalf of or represent the Candidate.

8.5 **Secret Vote**

8.5.1 Voting in all Elections shall be by secret ballot except for physically handicapped or other incapacitated voters who are incapable of marking a ballot. These persons will indicate their selection of Candidates to the returning officer who will mark their ballots on their behalf.

8.5.2 Electors who do not speak or read English may bring their own interpreters to the Polling Station to assist them in casting their vote.

- 8.5.3 No person shall be required to disclose whether he has voted or for which particular Candidate he has voted.

8.6 **Number of Votes**

- 8.6.1 An Elector may vote for only one (1) Candidate for Chief.
- 8.6.2 An Elector may vote for a maximum of seven (7) Candidates for Council.

8.7 **Manner of Voting**

- 8.7.1 Upon entering the Polling Station, each Elector will receive a ballot. Each ballot for the election of Chief shall contain the following instructions:

Each Elector may vote for only one (1) Candidate for Chief.

Each Ballot for the election of Councillor shall contain the following instructions:

Each Elector may vote for no more than ____ () Candidates for the position of Councillor, you may vote for less than ____ () Candidates.

- 8.7.2 Each Elector receiving a ballot shall have an "X" placed beside their name on the Elector's List by the Polling Clerk signifying their receipt of the ballot.
- 8.7.3 After marking the ballot in the voting compartment, the Elector shall immediately fold the ballot and return the ballot to the Electoral Officer or Polling Clerk who shall initial the ballot and place it in the ballot box.
- 8.7.4 An Elector who inadvertently has spoiled his ballot may return the ballot to the Electoral Officer or the Polling Clerk and receive another ballot. The Officer shall write the word "spoiled" on the ballot, initial the ballot, and place the ballot in the ballot box.
- 8.7.5 No Elector who has received a ballot from the Electoral Officer or Polling Clerk may take the ballot out of the Polling Station and anyone doing so forfeits his right to vote at that Election.

- 8.7.6 The Electoral Officer or Polling Clerk shall record the total number of ballots distributed to Electors at each Polling Station, the number of Electors who voted, and the number of spoiled or unused ballots.

8.8 **Refusal of Permission to Vote**

- 8.8.1 The Electoral Officer or Polling Clerk may refuse to allow a person to vote if, in their sole opinion:
 - 8.8.1.1 The person's name is not listed on the List of Electors; or
 - 8.8.1.2 The person appears to be intoxicated or under the influence of drugs.
- 8.8.2 If requested to do so by the Electoral Officer or the Polling Clerk, each person requesting a ballot shall present identification to the Electoral Officer verifying his age and name.

8.9 **Removal of Persons from Polling Stations**

- 8.9.1 The Electoral Officer or Polling Clerk shall maintain order in the Polling Station and may cause to be removed from the Polling Station any person who attempts to influence Electors or in any way interfere with or disrupt the orderly conduct of the vote.
- 8.9.2 Electors shall leave the Polling Station after voting.

8.10 **Advance Poll**

- 8.10.1 The Council may by Resolution provide for holding an Advance Poll. The Resolution shall state the hours, date and place of the advance vote.
- 8. 10.2 the Advance Poll shall be held at least three (3) days, and not more than seven (7) days, prior to Election Day.
- 8.10.3 Notice of the Advance Poll stating date, place, and hours of operation, shall be posted in the Notice of Election.
- 8.10.4 Voting procedures during the advance vote will be the same voting procedures on Election Day.

8.10.5 Votes cast in Advance Poll will remain locked in sealed ballot boxes which shall, at all times, following the Advance Poll, be in the possession of the Electoral Officer. These ballots will be counted following the close of Voting Stations on Election Day.

9. COUNTING OF VOTES

9.1 Immediately upon the close of the Polling Stations, the Electoral Officer or Polling Clerk shall, in the presence of at least one (1) other Elector and any of the Candidates or their agents who wish to attend, open each ballot box and count and record the number of votes cast for each Candidate.

9.2 Void Ballots

The Electoral Officer or his designate shall examine the ballots and any ballot that:

9.2.1 Does not bear the initials of the Electoral Officer or Polling Clerk;

9.2.2 On which more votes are cast than an Elector is entitled to cast;

9.2.3 On which anything is written or marked by which an Elector can be identified;

9.2.4 Has been torn, defaced, or is otherwise dealt with by an Elector can be identified;

9.2.5 Which is not marked with an "X" or "✓";

9.2.6 On which no vote is cast by an Elector,

is void and cannot be counted.

9.3 Ballot Count Form

The Electoral Officer or Polling Clerk shall complete and sign a Ballot Count Form which shall have been supplied by the Electoral Officer and which shall contain the following information:

9.3.1 The name of the Polling Station;

9.3.2 The date of the Election;

- 9.3.3 The number of ballots distributed to Electors;
- 9.3.4 The number of Electors who voted;
- 9.3.5 The number of ballots marked for each Candidate;
- 9.3.6 The number of rejected, spoiled, voided, and unused ballots;
- 9.3.7 The number of ballots not accounted for.

9.4 **Sealing Ballot Boxes**

Following the initial count by the Electoral Officer or Polling Clerk, all ballots and Ballot Count Form shall be placed in the ballot box, sealed, and returned to the Electoral Officer.

9.5 **Destruction of Ballot and Ballot Count Forms**

The Electoral Officer shall personally retain custody or arrange custody of the sealed ballot boxes. Six (6) months following the expiry of the Election Appeal period, the Electoral Officer will destroy the ballots and the Ballot Count Form.

10. **DECLARATION OF OUTCOME**

- 10.1 The Electoral Officer shall, within two (2) hours of completing the count of ballots, declare:
 - 10.1.1 The Candidate for Chief receiving the greatest number of votes to be elected;
 - 10.1.2 The Candidates for Councillor receiving the greatest number of votes to be elected.

10.2 **Notice of Elected Candidates**

Within twenty-four (24) hours of the closing of the Polling Stations, the Electoral Officer shall post a notice in the Band Office declaring the elected Candidates.

11. RE-COUNT OF VOTE

- 11.1 Within twenty-four (24) hours of the declaration of the outcome, a Candidate may, in writing, request the Electoral Officer to conduct a re-count of the vote for their office.
- 11.2 The Electoral Officer shall promptly conduct a re-count of the vote in accordance with paragraphs 9.1, 9.2 and 9.3 and declare the outcome pursuant to s. 10.

12. RUN-OFF ELECTION

12.1 Tie Vote for Chief

In the event of a tie vote for Chief, a run-off Election shall be held for that office in which the only Candidates shall be those Candidates who received the same largest number of votes in the Election.

12.2 Tie Vote for Councillor

In the event of a tie vote among the Candidates, a run-off Election shall be held for only that office of Councillor. The only Candidates in the run-off Election shall be those Candidates who received the same number of votes for the last office of Councillor.

12.3 Notice of Run-off Election

Within seven (7) days of the previous Election Day or the date of the decision of the Election Appeal Panel related thereto, the Electoral Officer shall post a Notice of Run-off Election in the same manner, form, and places as the initial Notice of Election as set out in paragraph 8.1.2.

12.4 Procedures for Run-off Election

The procedures for conducting the vote in a run-off Election shall be the same as the procedures applied to the Election.

12.5 List of Electors for the Run-off Election

The List of Electors in the run-off Election shall be the same List as used in the Election.

12.6 **Tie Vote in Run-off Election**

In the event of a tie vote in the run-off Election, another run-off Election shall be held.

13. **ELECTION APPEALS**

13.1 **Appeal Period and Grounds of Appeal**

Within five (5) consecutive days of and including the Election Day, any Elector may appeal the results of an Election, By-election, or run-off Election on the following grounds:

13.1.1 An error was made in the interpretation or application of these regulations that materially and directly affected the conduct and outcome of the Election; or

13.1.2 A Candidate was ineligible for nomination pursuant to paragraph 6.4; or

13.1.3 Any Candidate was guilty of promoting or aiding corrupt Election practices including, but not limited to, bribery, threats, and intimidation of Candidates, Electors, the Electoral Officer, or Polling Clerks; or

13.1.4 Persons who voted were not eligible to vote; or

13.1.5 Any other circumstance, event, or action which improperly and directly affected the conduct and outcome of the Election.

13.2 **Notice of Appeal**

13.2.1 A Notice of Appeal in writing and signed by the Appellant shall be forwarded to the Electoral Officer outlining the grounds for the Appeal and with a cash deposit of Three Hundred (\$300.00) Dollars.

13.2.2 The Notice of Appeal must be received by the Electoral Officer within three (3) days of the Election Day.

13.3 The Notice of Appeal shall be forwarded by the Electoral Officer to all Candidates and publicly posted on the Alexis Reserve #133.

13.4 **Election Appeal Committee**

Within three (3) days of the receipt of the Notice of Appeal, the Electoral Officer shall appoint an Election Appeal Committee that shall consist of no more than five (5) persons, and not less than three (3) persons and may include lawyers, who are not the Band's general legal counsel, or Justices of the Peace, Chiefs or Councillors of another Indian Band who are not relations or affiliated with any of the Candidates or appellants.

13.5 Within three (3) days of their appointment, the Election Appeal Committee shall be convened in a meeting to be chaired by the Electoral Officer. The Electoral Officer shall not have a vote in any decision of the Committee.

13.6 Notice of the meeting of the Election Appeal Committee shall be posted and delivered to the appellant.

13.7 The Election Appeal Committee shall be responsible for establishing procedures in accordance with the rules of natural justice necessary for the fair conduct of the appeal. The appellant, or other interested parties, or their representatives, shall be entitled to make verbal or written submissions to the Committee.

13.8 Within two (2) days of their meeting, the Election Appeal Committee shall promptly make the following decision:

13.8.1 To deny the Appeal on the basis that evidence presented did not fully and properly establish the necessary grounds for an Appeal; or

13.8.2 To uphold the grounds for an Appeal but allow the results of the Election to stand, as the infraction did not affect the result of the Election; or

13.8.3 To uphold the Appeal and call for a new Election or run-off Election.

13.9 The interested parties shall be immediately notified in writing by the Electoral Officer of the decision of the Election Appeal Committee.

13.10 If the Appeal is upheld, the cash deposit is returned to the appellant. If the Appeal is denied, the cash deposit is forfeited and paid into the Band General Account.

14. RESIGNATION OF COUNCILLOR

14.1 Notice of Resignation

A Councillor may resign from office by submitting a signed written Notice of Resignation to the Council.

- 14.2 The Notice of Resignation shall state the effective date of the resignation, but in any event, the effective date of resignation shall be no more than thirty (30) days from the date the Notice is delivered to the Council.

15. RESIDENCY REQUIREMENTS FOR CHIEF AND COUNCILLORS

The Chief and Councillors must reside within one hundred (100) kilometre radius of the Alexis Indian Reserve #133 for the duration of their term of office.

16. SUSPENSION

- 16.1 By a motion passed by a majority of the Council, the Chief or a Councillor may be suspended without pay for breach of their duties and obligations as set out in Schedule "B", misconduct, or conflict of interest.
- 16.2 The period of suspension which may not exceed thirty (30) days and any other terms of the suspension shall be determined by the Council.

17. REMOVAL FROM OFFICE

17.1 Grounds for Removal

The removal of a Chief or Councillor from office may be sought by the Electors on the following grounds:

- 17.1.1 He is absent for three (3) consecutive meetings of the First Nation or the Council for which he has been given verbal and/or written notice and for which no valid reason for his absence is provided in writing to the Council; or

- 17.1.2 He engages in drunk, disorderly, and irresponsible conduct at Council meetings, community meetings, or in other public forums or functions which interferes with the conduct of business or brings the reputation of the Council or the First Nation into disrepute; or
- 17.1.3 He breaches the Rules of Conduct or Conflict of Interest Guidelines for Chief and Council as set out in Schedules "C" and "D"; or
- 17.1.4 He has been charged with or convicted of an indictable offence under the Criminal Code; or
- 17.1.5 He had engaged in corrupt Election practices; or
- 17.1.6 He fails to reside within one hundred (100) kilometres of the Alexis Indian Band #133 for the duration of his term of office; or
- 17.1.7 He has been suspended three (3) times pursuant to s. 16 during his term of office.

17.2 Petition for Removal

Upon receipt of a Petition signed by at least twenty-five (25%) percent of the Electors stating the grounds for seeking the removal of a named Chief or Councillor pursuant to s. 17, the Council shall convene a Special Meeting of the Council to consider the removal of the Chief or Councillor from office.

17.3 Resolution for Removal

Upon consideration of a legal opinion on the removal of a Chief or Councillor, the Council may then, by Resolution passed at the Special Meeting, remove a Chief or Councillor from office. Such Resolution shall state the grounds for removal and the effective date of the removal of the person from office.

18. BY-ELECTIONS

18.1 Date of By-election

- 18.1.1 In the event of a member of Council dies, resigns, or is removed from office and there is more than thirty (30) days remaining in his term of office, the Council shall, within two (2) weeks of the effective date of the resignation or removal, set the date for the By-election to fill the vacant office and appoint an Electoral Officer to conduct the By-election.

18.1.2 In any event, the By-election shall be held within thirty (30) days of the effective date of the death, resignation, or removal of the member.

18.2 **No Requirement for By-election**

In the event a member of Council dies, resigns, or is removed from office within thirty (30) days of the termination of their term in office, the office shall be filled at the next Election.

18.3 **Ineligible Candidate**

The person whose removal from office prompted the holding of a By-election is not eligible to be a Candidate in that By-election.

18.4 **Conduct of By-elections**

The rules, regulations, and procedures governing the conduct and procedures for an Election as set out herein shall be applied to the conduct of a By-election.

19. **AMENDMENTS TO CUSTOMARY ELECTION REGULATIONS**

19.1 The Customary Election Regulations shall be first drafted and approved by motion of the Council.

19.1.1 **Approval By Council:**

Amendments to the Regulations shall be first drafted and approved by motion of the Council.

19.1.2 **Notice of Electors of Proposed Amendments:**

19.1.2.1 The Council shall post a Notice of a Special Meeting of the Electors of the First Nation at least fourteen (14) days prior to the date of the Special Meeting;

19.1.2.2 The Notice shall state that the purpose of the meeting is to consider and vote upon amendments to the Regulations. It shall also state the time, place, and date of the meeting;

19.1.2.3 A copy of the proposed amendments to the Regulations shall be attached to the Notice.

19.1.3 **Approval of Amendments by Electors:**

19.1.3.1 A duly constituted Special Meeting of Electors to consider and vote upon amendments shall consist of at least twenty-five (25%) percent of the total number of eligible Electors;

19.1.3.2 Upon the approval of the majority of Electors present and voting at such a duly constituted Special Meeting of Electors, the amendments shall be adopted and shall be effective as of the date of the meeting.

19.1.4 **Affidavit:**

Following the Special Meeting, the Chief, a Councillor, or chairman of the meeting shall swear an affidavit stating:

19.1.4.1 Proper notice of the Special Meeting was given as per s. 19.1.2;

19.1.4.2 The Special Meeting was properly constituted as per s. 19.1.3.1;

19.1.4.3 The total number of votes cast by Electors and the number of votes for and against the amendments;

19.1.4.4 That, to the best of their knowledge, the vote was properly conducted.

20. ADMINISTRATIVE PROCEDURES

The Chief and Council by Resolution from time to time may approve administrative procedures necessary to implement these Regulations.

21. SENATE OF ELDERS

- 21.1 A Senate of Elders shall be appointed by the Council to act as advisors to the Chief and Council.
- 21.2 Members of the Senate may be appointed by the Council from time to time.
- 21.3 The duties and responsibilities of the Senate of Elders shall be set out jointly by the Council and Elders to be attached as Schedule "D" to these Regulations.

22. SEVERANCE

If a section, sub-section, or portion thereof is deleted or found to be inoperable by a Court, it shall be severed from the Regulations and the remaining sections shall remain in full force and effect.

23. EFFECTIVE DATE

- 23.1 The Alexis Customary Election Regulations contained herein as amended hereby replace all prior Customary Election Regulations and procedures of the First Nation.
- 23.2 The effective date of the amended Customary Election Regulations of the Alexis First Nation outlined herein shall be March 31, 1997.

100778.reg[J45]

SCHEDULE “A”

TO THE ALEXIS FIRST NATOIN CUSTOMARY ELECTION REGULATIONS

DUTIES OF THE ELECTORAL OFFICER

1. In co-operation with the Band Membership Clerk, the Electoral Officer shall prepare a List of Electors.
2. The Electoral Officer shall establish an election file for each election which shall contain copies of all correspondence, memorandums, and other information relevant to the conduct of each Election.
3. The Electoral Officer shall undertake any activities or responsibilities necessary to conduct the nomination in the manner prescribed in the Customary Election Regulations.
4. The Electoral Officer shall supervise and ensure that all elections are conducted in accordance with the Customary Election Regulations and Procedures outlined herein. He shall do all other things necessary to ensure the proper conduct of an Election.
5. Seven (7) days prior to Election Day, the Electoral Officer shall appoint such Polling Clerks and interpreters as he deems necessary for the proper conduct of the Election. The Polling Clerk shall not be an Elector. The interpreters appointed by the Electoral Officer shall not be members of the Alexis First Nation and shall be fluent in the Stoney language.
6. The Electoral Officer shall arrange for appropriate polling booths constructed in a manner that ensures the secrecy and privacy of the voting procedure.
7. Organize and chair the meeting of the Election Appeal Committee.
8. Any other duties as assigned by the Council from time to time relating to the conduct of an Election, By-election, or Run-off Election.

SCHEDULE “B”

TO THE ALEXIS FIRST NATION CUSTOMARY ELECTION REGULATIONS

DUTIES OF CHIEF AND COUNCIL OF THE ALEXIS FIRST NATION

1. GOVERNANCE AUTHORITY AND LEADERSHIP OF THE FIRST NATION

The Chief and Council (hereafter “The Council”) are the elected leaders of the Alexis First Nation whose powers, duties and obligations are governed by the following considerations:

- (a) The culture, traditions, and values as expressed by the elders and ancestors of the Alexis people.
- (b) The Treaty, Aboriginal, and inherent rights and Tribal Government powers of the Alexis First Nation.
- (c) The statutory and administrative authorities and responsibilities, as set out in the Indian Act.
- (d) The fiduciary obligation to manage and administer the property, funds, and other assets of the Band in a reasonable and careful manner.
- (e) Contractual obligations and responsibilities set out in the terms of Contribution Agreements or other contracts with funding agencies of other governments.

2. COMMUNICATION WITH MEMBERS OF THE FIRST NATION

The Council shall ensure on going and regular communication with members by undertaking the following:

- (a) The Council shall consult regularly with the members of the Band by holding quarterly Band meetings and special Band meetings as necessary.
- (b) The Council shall review all proposed by-laws and major policies with the members of the Band prior to their final approval by the Council.
- (c) The Council shall keep the members of the Band informed of the financial circumstances of the Band through regular quarterly financial reports to Band members.

- (d) The Council shall establish an Elders' Advisory Council and regularly and consistently consult with the elders of the Alexis First Nation
- (e) In the event of disputes between members of the Council or between the Council and membership, the Council will seek the advice and wisdom of the Elders' Advisory Council in resolving such disputes.
- (f) Minutes of Band meetings and Council meetings shall be posted in the Band office and at other locations as set by the Council.
- (g) As some information the Council receives in the course of their business is strictly confidential, they must not give confidential information to Band members or to outside third parties.

3. ATTENDANCE AT COUNCIL AND BAND MEETINGS

- (a) Regular Council meetings shall be held for two days at least twice per month and special meetings, as necessary. The agenda shall be prepared by the Chief in advance of each meeting and distributed to Councillors.
- (b) The Councillors shall attend all Band and Council meetings unless due to sickness or other exceptional circumstances they are unable to attend. Notification of absence should be provided prior to the meeting and reasons for extended absences shall be provided in writing.
- (c) Council shall represent the First Nation at functions, meetings, and other occasions, both on and off Reserve, as required from time to time.
- (d) Council shall be on time for all meetings and stay until the meeting is over. Meetings will open and close with prayer.
- (e) Council shall prepare in advance for each meetings by reading reports and minutes.
- (f) Council shall regularly attend at the Band Office.

4. FINANCIAL MANAGEMENT AND RESPONSIBILITY

- (a) The Council will endeavour to keep members regularly informed about the financial situation of the First Nation.
- (b) The Council shall develop and implement structures, by-laws, and policies to ensure the proper financial management and control of all funds.
- (c) The Council shall ensure the financial affairs of the Band in a prudent, responsible, and careful manner at all times keeping in mind the best long term interests of the First Nation. This will be a priority for each member of the Chief and Council.
- (d) Each Councillor will be responsible for fully informing himself of the financial responsibilities and resources of the First Nation's finances in general.
- (e) The Council shall annually prepare a budget and present it to the members. The Council shall meet quarterly to review variance reports and monitor the expenditures as being in compliance with the budget.
- (f) The Council shall ensure managers operate programs and deliver services of the First Nation in accordance with their annual budget.
- (g) The Chief and Council shall maintain a balanced budget by carefully and prudently monitoring all expenditures to ensure they are necessary for the benefit of the First Nation and in accordance with the budget and the Band's financial capacity.
- (h) The Council shall ensure all funds received from Governments are expended in accordance with program funding guidelines.
- (i) The Council shall obtain professional investment advice to ensure the safe and prudent investment of the Settlement Capital Account.
- (j) The Council will make the Annual First Nation Financial Audit available to members at the Band office.
- (k) The Chief and Councillors shall fully and properly account in writing to the Chief and Council for any salary or travel advances within thirty (30) days of receipt of such advances.

5. ADMINISTRATION

- (a) The Council shall ensure the stable, competent, and efficient administration of the Band.
- (b) The Council shall develop and implement a personnel policy to cover all staff.
- (c) Priority for hiring First Nation staff shall be given to Alexis members.
- (d) All hiring and termination of staff by managers and Council shall be fair, legal, and according to the personnel policy or an Alexis Labour Code.
- (e) The Council shall ensure all councillors, managers and staff have clear job descriptions.
- (f) The Council shall develop and implement:
 - (i) a land and resource management by-law and policy;
 - (ii) a financial management by-law and policy;
 - (iii) a housing by-law and policy;
 - (iv) a social and economic development by-law and policy;
 - (v) other by-laws and policies as required from time to time.
- (g) The Council, through appointment of Directors, shall be responsible for the operation of all First Nation owned corporations.

6. EXTERNAL RELATIONS

- (a) The Council shall honourably and effectively representing the interests of the Alexis First Nation, including Treaty and Aboriginal rights, to other levels of government, including the Federal, Provincial, Municipal and First Nation governments.
- (b) When engaged in external relations, the Chief and Councillors shall conduct themselves in a manner which fully, properly, and fairly represents the interests of the Alexis First Nation.

- (c) The leadership shall report to the members about the topics and outcomes of their meetings held outside the community.

7. PEACE AND ORDER

- (a) The Council shall take such measures as necessary to ensure peaceful and lawful relations among members residing on the Reserve.
- (b) The Council shall work with the RCMP, Courts, and legal systems to ensure fair and just treatment of Alexis people.
- (c) The Council will pass such by-laws to promote and protect the safety, health, and property of the members.

8. RULES OF CONDUCT

- (a) The Council shall conduct themselves in a manner which does not bring themselves, the leadership, or the people of the Alexis First Nation into disrespect and disrepute.
- (b) When conducting the business of the First Nation, with other governments, businesses, or third parties, the Council will act in a considerate, professional, and responsible manner.
- (c) Each Councillor will fully inform himself of his duties, responsibilities, and the rules and guidelines governing his conduct.
- (d) Each Councillor will fully honour the promises and commitments made under oath upon taking office.

9. CONFLICT OF INTEREST

- (a) The Council will deal fairly and impartially with the members of the Band, showing no favouritism, prejudice, or bias in any decisions affecting their rights or interests of the Alexis members.

- (b) The Council will not make decisions or use their office or powers to provide extraordinary benefits only for themselves personally or for their immediate families.
- (c) The Council will follow the attached Conflict of Interest Guidelines set out in Schedule “C” to avoid and prevent any conflicts of interest between their personal interests and those of the Alexis First Nation.

10. LOANS, GIFTS, AND GRATUITIES

- (a) The Council must be beyond challenge or reproach in every business transaction. They must not allow themselves to be put into a position where their judgments may appear to be unduly influenced by personal considerations.
- (b) The Council shall not accept gifts, personal loans, entertainment, or other special considerations from any members or an individual, business or organization doing business with the Band, unless such an individual or organization is in the business of making loans to independent third parties.
- (c) Any Councillor who is offered or receives such payments or gifts of more than a nominal value shall refuse it or return it to the giver in a tactful and dignified manner, advising the giver of this policy prohibiting its acceptance.
- (d) The Chief and Council are not eligible to receive loans from the First Nation while in office.
- (e) Upon assuming office, any Chief or Councillor who has an outstanding loan with the Band-owned business, shall make arrangements to promptly pay off the loan.

SCHEDULE “C”

CONFLICT OF INTEREST GUIDELINES FOR CHIEF AND COUNCIL

Elected officials must not directly or indirectly engage in any personal or business activity which competes or conflicts with the interests of the Alexis First Nation’s interest or compromises their ability to serve the interests of the First Nation.

These activities include, but are not limited to the following:

1. MISUSE OF INFORMATION

Elected officials must not use or communicate information acquired in their capacity as elected officials for their personal gain or that of any other person.

2. OUTSIDE BUSINESS AND OTHER INTERESTS

- (a) Elected officials must divulge, in writing, the nature and extent of their outside business interests to the Alexis First Nation Council.
- (b) Any activity which demands excessive time and attention and thus deprives the Alexis First Nation of best efforts on the job, is considered a conflict of interest unless it is deemed necessary for health, personal, family, or spiritual activity. Those activities would have to be supported by the Alexis First Nation Council and subject to reasonable limits by Council.

3. FINANCIAL CONSIDERATION AND “ENTERTAINMENT”

- (a) Elected officials and staff must not accept costly entertainment gifts or favours from customers, potential customers, or suppliers.
- (b) Although the Alexis First Nation generally discourages accepting gifts from customers, potential customers, or suppliers, it does not consider it practical to rule out the acceptance of modest gifts, favours, or entertainment if the acceptance is culturally appropriate (i.e. pow-wow, giveaways, and recognition awards).

4. OTHER INTERESTS

A conflict arises if the elected official uses Alexis First Nation equipment or facilities to conduct any outside interest or business, unless prior written approval has been obtained from Alexis First Nation Council or CEO.