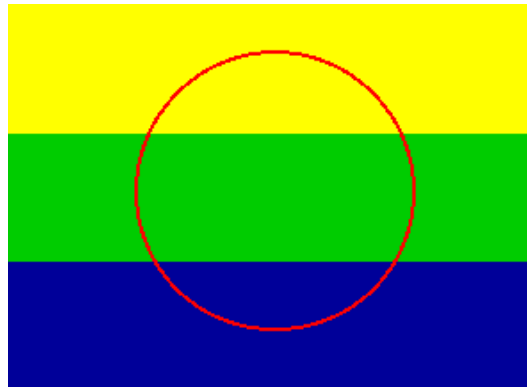


SCHOOL BOARD ELECTION PROCEDURES

PEGUIS FIRST NATION



Adopted: October 14, 2008

PEGUIS FIRST NATION
SCHOOL BOARD
ELECTION PROCEDURES

Table of Contents

I. Definitions	3
II. Composition of School Board	5
III. Terms of School Board	5
IV. Nominations	6
V. Candidates Public Meeting	8
VI. Elections	8
VII. Appeals	11
VIII. Remuneration of Electoral Officer	12
IX. Taking of Office	12
X. Vacancy of Office	13
XI. Amending Procedure	14

PEGUIS FIRST NATION SCHOOL BOARD ELECTION PROCEDURES

WHEREAS the members of Peguis First Nation have decided to elect the members sitting at the Peguis School Board;

AND WHEREAS the current acting Peguis School Board and associated School Board members be dissolved on October 14, 2008 at 5:00pm, CST.

AND WHEREAS the dissolved Peguis School Board and associated School Board Members be replaced by four (4) successfully elected candidates as per Peguis School Board Election Procedures dated October 14, 2008 and the re-appointing of one (1) current Peguis School Board Member.

AND WHEREAS after the conclusion of the first term of elected and re-appointed Peguis School Board Members on October 14, 2011, all five (5) positions of the Peguis School Board will become an elected position;

AND WHEREAS the Chief and Council of Peguis First Nation as directed by the membership have undertaken to hold the said election;

AND WHEREAS it is in the best interests of Peguis First Nation to reduce to writing the provisions regarding the election of the Peguis School Board.

ARTICLE ONE - DEFINITIONS

1.1 In this Code:

- a) **Appeal Committee** means a committee consisting of three (3) persons appointed by the Chief and Council which persons shall not participate in nor be involved in the election process, save for having the ability to cast a ballot.

The **Appeal Committee** shall be appointed thirty (30) days prior to the date of an election to deal with all matters relating to this Election Code from the date of their appointment until the completion of the election and time has expired with respect to any and all recounts, run off elections or appeals contemplated in these procedures.

- b) **Candidate** means a person who:
- i) is the full age of eighteen (18) years, and
 - ii) is a member of the **Peguis Indian** Band Membership List and who is a resident of Peguis First Nation.
 - iii) has not been convicted of an indictable or summary conviction offence, within ten (10) years of the calling of the nomination for the election;
 - iv) has not declared personal bankruptcy within ten (10) years of the calling of the nomination of the election;
 - v) whose nomination has been moved and seconded by persons who themselves are eligible to be **electors**, as defined herein;
 - vi) has obtained a minimum grade 12 education or post-secondary diploma;
 - vii) has agreed to undergo drug testing at his/her own cost which cost will be reimbursed by Chief and Council if testing proves to be negative;
- c) **Chief and Council** means the elected Chief and Council of Peguis First Nation;
- d) **Elector** means a person who:

- i) is the full age of eighteen (18) years; and
 - ii) is a member of the **Peguis First Nation** enrolled on the **Peguis Indian** Band Membership List.
- e) **Electoral Officer** means any person appointed to the office by the **Chief** and **Council** thirty (30) days prior to the date of an election for the purpose of carrying out the duties as set out in these procedures. (The **Electoral Officer** shall have the discretion to appoint any assistant/assistants he/she may require during the course of his/her appointment. During the course of his/her appointment the assistant/assistants shall have the full power and authority vested in the **Electoral Officer** pursuant to these procedures.)
- f) **Scrutineer** means a person appointed by a **candidate** to take the place of a **candidate** during the voting procedure and/or at the counting of the ballots. This appointment shall be in writing and shall be provided by the **candidate** to the **Electoral Officer** five (5) days prior to the date of the election.

ARTICLE TWO - COMPOSITION OF THE SCHOOL BOARD

2.1 The **School Board** shall consist of five (5) members. Four (4) members will be elected candidates as per Peguis School Board Election Procedures dated October 14, 2008 and one (1) member will be re-appointed by Chief and Council to the Peguis School Board.

2.2 After the conclusion of the first term of elected and re-appointed Peguis School Board Members on October 14, 2011, all five (5) positions of the Peguis School Board will become an elected position;

ARTICLE THREE - TERM OF SCHOOL BOARD

3.1 The members of the **School Board** shall hold office for a period of three (3) years.

3.2 An election for the **School Board** shall be held every three (3) years.

3.3 The election shall be held on the second Monday of October in the third year of the term, with the first election being conducted under these election procedures on the 14th day of October, 2008.

ARTICLE FOUR – NOMINATIONS

4.1 The **Electoral Officer** shall, within two (2) weeks of his/her appointment post at the Peguis First Nation Band Office and such other places as the **Electoral Officer** deems necessary, a written notice setting out:

- a) the deadline for the receipt of all nomination papers;
- b) the offices open for election; and
- c) A copy of this **School Board** Election Procedures and a copy of the Voters List, together with the nomination papers, (set out at Schedule “A” hereof), and the Criminal Record Check Application Form, (set out as Schedule “B” hereof) shall be provided to those individuals seeking nomination, if requested. The documentation referred to in Schedule “A” and Schedule “B” hereof shall be provided by the **Electoral Officer** or a duly appointed assistant to the **Electoral Officer**.

4.2 The deadline for the receipt of all nomination papers shall be twenty (20) days after the date of the posting of the written notice as set out in Article 4.1 above.

4.3 The **candidate** must file with the **Electoral Officer** or his/her assistant the completed nomination papers, in the form as attached hereto as Schedule “A”. The **candidate** shall also have Part II of the nomination papers completed, which shall include the **candidate’s** nominator and seconder, both of whom must be eligible to be **Electors** in the forthcoming election.

4.4 Upon submitting the nomination papers as referred to above, the candidate shall also provide a copy of his/her criminal record obtained pursuant to the candidate's submitting of the criminal record check form to the appropriate authorities, which forms are attached hereto as Schedule "B" hereof. (With respect to Schedule "B" the **Electoral Officer** or his/her assistant shall assist the candidate, where required, in completing these forms and shall advise the candidate as to where and how to submit these forms.)

4.5 The above documentation, Schedules A and B, should be obtained from the **Electoral Officer** or his/her assistant and should be forwarded in completed form to the **Electoral Officer** prior to the close of nominations. (All documentation received by the **Electoral Officer** or his/her assistant on or before the date of the nomination meeting shall be held by the **Electoral Officer** or his/her assistant as confidential documentation and the contents of this documentation shall not be disclosed to any third party and shall be held by the **Electoral Officer** or his/her assistant until the time for all appeals as set out in these election procedures have expired.)

4.6 Once the time for all appeals has expired, any and all documentation received by the **Electoral Officer** or his/her assistant in connection with the election shall be destroyed by the **Electoral Officer**.

4.7 In the event that a person who filed all of the nomination papers referred to herein was either not formally nominated in accordance with these provisions or chose not to stand for election, although nominated, that person shall be entitled to receive all of the documentation he/she filed with the **Electoral Officer** or his/her assistant by providing the **Electoral Officer** or his/her assistant with a written request for return of same. Within three (3) days of receipt of the written request, the **Electoral Officer** or his/her assistant shall return all of the documentation.

4.8 Upon receiving the nomination papers, the **Electoral Officer** or his/her assistant shall review same to ensure that the nomination papers are in order for filing.

4.9 Should the **candidate** file all required documentation for nomination purposes, the **Electoral Officer** or his/her assistant shall confirm receipt of the nomination paper upon issuing a nomination paper receipt in the form attached hereto as Schedule "A"(III).

4.10 In the event that the candidate does not meet the requirements for nomination, the **Electoral Officer** or his/her assistant shall advise the **candidate** of the deficiencies. The **Electoral Officer** or his/her assistant shall then give the **candidate** the opportunity to correct or amend the deficiencies prior to the close of nominations.

4.11 The close of nominations shall be 8:00 p.m. on the date set by the **Electoral Officer** as the last date to receive the nomination papers.

4.12 After the posting of the list of candidates for the office of members of the **School Board**, any **elector** who has reasonable grounds to believe that there was a corrupt practice in connection with the nomination or that these procedures regarding nominations were not properly complied with or that a person did not qualify to be a **candidate** can within two (2) days of the posting of the written statement of the list of candidates for **School Board** member file a formal appeal to the appeal committee. This appeal shall be dealt with pursuant to the provisions of Articles 7.2, 7.3, and 7.4 of these procedures.

ARTICLE FIVE - CANDIDATES PUBLIC MEETING

5.1 The **Electoral Officer** shall organize a **candidate's** public meeting at least seven (7) days before the date of the election. **Candidates** for office may make a presentation at the meeting. The **Electoral Officer** shall make such rules as are reasonably necessary for the holding of a **candidate's** public meeting and, in all cases, the decision of the **Electoral Officer** shall be final.

ARTICLE SIX - ELECTIONS

6.1 The **Electoral Officer** shall, within 48 hours of the close of the nominations, post at the Peguis First Nation Band Office and such other places as the **Electoral Officer** deems necessary, a written notice setting out:

- a) the times, dates and location where voting will take place, all of which voting shall take place;
- b) a list of the **candidates**;
- c) a list of eligible **Electors**, (the Voters List); and
- d) post the time and place for the candidate's public meeting.

6.2 Any elector who believes his/her name should be included or deleted on the voter's list for the purposes of this election, may apply to the **Electoral Officer** for a determination.

6.3 The **Electoral Officer** may appoint such person or persons to assist him/her as he/she deems necessary.

6.4 The **Electoral Officer** shall keep the polling station open from 9:00 a.m. to 8:00 p.m. on the day of the election.

6.5 The **Electoral Officer** shall secure such equipment as is necessary to ensure the secrecy of voting.

6.6 The **Electoral Officer** shall maintain order at all times during the voting and may cause to remove any person who in his/her opinion is disrupting or otherwise interfering with the voting.

6.7 A person presenting himself/herself for the purpose of voting shall, upon being confirmed by the **Electoral Officer** or his/her assistant as an **elector**, be given a ballot/ballots upon which to register his/her vote. The **Electoral Officer** or his/her assistant shall initial each ballot as it is given to the **elector**.

6.8 Upon request, the **Electoral Officer** or his/her assistant shall assist any **elector** who may require assistance in order to read the ballot, mark the ballot, or submit the ballot into the ballot box.

6.9 Immediately following the close of the poll, the **Electoral Officer** shall open the ballot box and:

- a) Examine the ballots and reject any that are not:
 - i) initialled by the **Electoral Officer**; or
 - ii) properly marked in accordance with these procedures.
- b) Count the votes given for each **candidate** from the ballots cast, and determine the number of votes given to each candidate;
- c) Publicly declare to be elected the four (4) **candidates** receiving the highest number of votes for **School Board** members, subject to any tie votes and subject to any recounts.

6.10 If there is a tie between two (2) or more **candidates**, the tie shall be broken, whereby the **Electoral Officer** shall place the names of the tied candidates in a hat and shall draw a name or names, as the case may be, from the hat to break the tie.

6.11 In the event that the margin of victory between the **candidates** receiving the most or second most votes for the forth **School Board** member position is five (5) votes or less, the candidate receiving the lesser votes, may request a re-count beyond the normal counting completed by the **Electoral Officer**.

This recount shall be conducted by the **Electoral Officer** immediately following the formal counting of the ballots, as referred to above, in the presence of the affected candidates or their duly appointed **scrutineers**.

6.12 Within twenty-four (24) hours of the public declaration or the completion of any recounts, the **Electoral Officer** shall:

- a) Provide to each **candidate** and shall post at the Peguis First Nation Band Office and such other places as the **Electoral Officer** deems necessary, a written notice setting out:

- i) the names of the **candidates** elected, and
- ii) the number of votes cast for each **candidate**, and
- iii) the number of ballots rejected.

6.13 The **Electoral Officer** shall, after counting the ballots deposit all of the ballots in a sealed envelope/envelopes in the presence of the **candidates** or their **scrutineers** personally present at the counting of the ballots, which envelope/envelopes shall be initialled by the **Electoral Officer** and the **candidate** or his/her **scrutineer**. The **Electoral Officer** shall retain possession of the ballots until he/she is served with a notice of appeal, pursuant to these procedures, at which time he/she shall forward the ballots along with the voter's list and any other documentation which he/she considers relevant, to the **Appeal Committee**.

6.14 After the time for all appeals has expired, the **Electoral Officer** shall destroy all of the ballots.

ARTICLE SEVEN - APPEALS

7.1 Within five (5) days after the posting of the written notice as set out in 6.12(a) hereof by the **Electoral Officer**, any **candidate** who has reasonable grounds to believe:

- a) that there was a corrupt practice in connection with the election, or
- b) that these procedures were not complied with, or
- c) that a person did not qualify to be a **candidate** or **elector** as defined herein, may appeal the election of a **candidate** or **candidates** by filing a written notice of appeal with the **Electoral Officer** setting out the grounds of the appeal.

7.2 Upon receipt of the above appeal, the **Electoral Officer** shall forthwith cause a meeting of the **Appeal Committee** to be convened.

7.3 The **Appeal Committee** shall hear the appeal within **five (5) days** of the filing of the notice of appeal and shall deliver its decision within **two (2) days** of the hearing of the appeal. The **Appeal Committee** shall not be bound by any rules of evidence. The decision of the **Appeal Committee** shall be final and binding.

7.4 Where the **Appeal Committee** finds that a **candidate** or **candidates** would not have been elected but for the corrupt practice, the breach of these procedures or the failure to qualify as a **candidate** or **elector** as contemplated in Article 7.01 hereof and which were the subject matter of an appeal, that **candidate** shall forthwith vacate the office to which he/she was elected, and the **candidate** with the next highest number of votes for the vacated office shall be declared elected.

ARTICLE EIGHT - REMUNERATION OF ELECTORAL OFFICER

8.1 The **Chief** and **Council** shall have the authority from time to time to set the remuneration for the **Electoral Officer** and his/her assistants, and for members of the **Appeal Committee**, in such manner as they determine.

ARTICLE NINE - TAKING OF OFFICE

9.1 The newly elected **School Board** members shall take office on the day immediately following the finalization of all appeals.

ARTICLE TEN - VACANCY OF OFFICE

10.1 The position of a member of the **School Board** becomes vacant when a person who holds that office:

- a) dies,
- b) resigns in writing, by way of a letter addressed to Chief and Council;
- c) attains the age of sixty-five (65) years being the mandatory age of retirement in accordance with the Peguis School Board Policy;
- d) during his/her term is convicted of an indictable or summary conviction offence and has exhausted such appeals to any appeal courts, or
- e) ceases to be a member of the Peguis First Nation, or
- f) ceases to reside at Peguis First Nation;
- g) fails to attend three (3) consecutive duly constituted **School Board** meetings without being excused from attendance by a quorum of **School Board** members, unless the failure to attend the meetings is as a result of the individual member being away on authorized business, or being unable to attend due to illness or incapacity. (A quorum of **Chief** and **Council** shall determine if the **School Board** member has failed to attend three (3) consecutive duly constituted council meetings in accordance with this provision.)

Any person who ceases to hold office by virtue of Article 10.1 (c) hereof shall not be eligible to be a **candidate** for a period of ten (10) years from the date he/she ceased to hold office as a result of Article 10.1 (c) hereof.

10.2 Where the position of a **School Board** member becomes vacant more than eight (8) months prior to the date when another election would ordinarily be held, a bi-election shall be held, which bi-election shall be held in accordance with these procedures to fill that vacancy or vacancies.

ARTICLE ELEVEN - AMENDING PROCEDURE

11.1 These Election Procedures may be amended from time to time by the **Chief** and **Council**. Upon receipt of a suggestion for an amendment, the **Chief** and **Council** may choose to consider the amendments, and if they choose to proceed with same, the amendments shall be prepared in draft form and presented to a public meeting for consideration by all eligible **electors**. A majority of those present at the public meeting voting in favour of or in opposition to the amendment shall decide the issue. A quorum for this public meeting must total 50 eligible electors in order for the meeting to proceed.

SCHEDULE "A"**NOMINATION PAPER - PART I**

PLEASE PRINT CLEARLY

<p>1. Name as I wish it to appear on the ballot for the position of a member of the Peguis School Board</p> <p>Family Name First Name</p>	<p>For Electoral Officer or Deputy Electoral Officer USE:</p> <p>Received on:</p> <p>Date:</p> <p>Time:</p> <p>Received By:</p> <p>_____</p> <p>Signature:</p> <p>_____</p>
<p>2. Candidate's residential address:</p> <p>Postal Code:</p> <p>Treaty No.</p>	<p>_____</p>
<p>Candidate's Phone Numbers:</p> <p>Home: _____ Business: _____ Fax: _____</p>	

CONSENT OF NOMINEE

I, the undersigned,

Am eligible to be a candidate

Wish for my name to appear on the ballot paper

Have attached the signatures of my nominator and seconder who are eligible electors pursuant to the Election Procedures

Do hereby consent to this nomination

Signature of Person nominated as Candidate_____
Date

SCHEDULE "A"

NOMINATION PAPER - PART II

(Please print clearly)

I, _____ Treaty # _____ Nominate
for the office of _____

Signature

I, _____ Treaty# _____ second the nomination.

Signature

SCHEDULE "A"
NOMINATION PAPER - PART III

Receipt for Nomination Paper

(To be completed **after** nomination is **verified** by the Electoral Officer or his/her assistant.)

I, the undersigned, in my capacity as Electoral Officer or the assistant to the Electoral Officer issue this receipt, for the nomination paper nominating as candidate for the position of a member of the Peguis School Board.

Date

Electoral Officer or Assistant to the Electoral Officer

SCHEDULE "B"

CRIMINAL RECORD CHECK IN ITS THEN CURRENT FORM