



Beausoleil First Nation Election Regulations

ENACTED UNDER THE CHIMNISSING GIMAAKEYING
WAAZHICHGENG WIINDMAAGEWIN

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Beausoleil First Nation Election Regulations

INTERPRETATION

1. Title

- 1.1 The title of this document is the *Beausoleil First Nation Choosing Leaders – How to do it Regulations*.

2. Coming into Force

- 2.1 The Beausoleil First Nation Appeals Regulation comes into force upon approval by Chief and Council pursuant to the Beausoleil First Nation Choosing Leader – How to do it Rules.

3. Interpretation

- 3.1 The definitions used in the Beausoleil First Nation Choosing Leaders – How to do it Regulations shall have the same meaning in the Beausoleil First Nation Choosing Leader – How to do it Rules.
- 3.2 If there is any inconsistency between the Rules and this Regulations, the Rules shall prevail over any such inconsistency.
- 3.3 If there is any inconsistency between the Rules and its Regulations with any other enactment of the Beausoleil First Nation, the Rules and its Regulations shall prevail to the extent of such inconsistency.
- 3.4 If in the Rules or Regulation, the masculine gender is used, the feminine may be read in substitution as required and wherever the singular is used, such expression shall also include the plural.

CHIEF ELECTORAL OFFICER AND ELECTION STAFF

4 Oath of Office

- 4.1 For the purposes of an Election, the following persons must swear an oath to uphold their office in accordance with these Rules;
 - (a) Chief Electoral Officer;

- (b) Deputy Electoral Officer;
- (c) Interpreters;
- (d) Scrutineers; and
- (e) any person who has been appointed or hired by the Chief Electoral Officer to assist in an Election or By-Election.

5 Chief Electoral Officer

- 5.1 Council shall appoint the Chief Electoral Officer prior to Council issuing the Election Notice.
- 5.2 Council shall pass a Resolution appointing the Chief Electoral Officer. Council's Resolution shall contain:
 - (a) the full name and address of the Chief Electoral Officer;
 - (b) the type of Election which is to be conducted (general Election);
 - (c) the length of service of the Chief Electoral Officer;
 - (d) the oath for the Chief Electoral Officer; and
 - (e) any special instructions as required.
- 5.3 The Chief Electoral Officer shall:
 - (a) be eighteen (18) years of age or over as of the date of appointment;
 - (b) not be employed or contracted by the Beausoleil First Nation or any Beausoleil Entity in any other capacity;
 - (c) not promote any Candidates and shall have no vested interest in the outcome of the Election;
 - (d) have knowledge of the Beausoleil First Nation;
 - (e) have experience in conducting elections or has received appropriate training; and

- (f) keep confidential all information acquired in the exercise of his or her duties.
- 5.4 The appointment of the Chief Electoral Officer does not take effect until the person appointed accepts the appointment in writing that is delivered in a written acceptance to Council. Then, the oath of the Chief Electoral Officer will be administered.
- 5.5 The oath for the Deputy Electoral Officer, the Membership Clerk and the translators will follow the same format as the oath for the Chief Electoral Officer.
- 5.6 Subject to approval by Council, in the event that the Chief Electoral Officer cannot fulfil his or her duties, then the Deputy Electoral Officer shall undertake the duties of the Chief Electoral Officer. In the absence of an existing Deputy Electoral Officer, Council shall appoint a new Chief Electoral Officer.
- 5.7 Council may only terminate the appointment of the Chief Electoral Officer for:
 - (a) just cause; or
 - (b) incapacity.

6 General Staff of the Chief Electoral Officer

- 6.1 For the purposes of each Election, the Chief Electoral Officer shall appoint:
 - (a) Deputy Electoral Officer(s);
 - (b) Interpreter(s); and
 - (c) any other persons as the Chief Electoral Officer deems necessary in order that an Election or By-Election can be held.
- 6.2 The staff of the Chief Electoral Officer shall work under direction and guidance of the Chief Electoral Officer.

7 Responsibilities and Ethics of Chief Electoral Officer

- 7.1 The Chief Electoral Officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in the Rules and its Regulations. The Chief Electoral Officer may make such orders and issue such instructions consistent with the provisions of the Rules and Regulations as he or she may deem necessary for the effective administration of an Election or By-Election.
- 7.2 The Chief Electoral Officer shall:
- (a) uphold and abide by the rules and regulations established in this Rules and Regulations and pursuant to the Governance Policy;
 - (b) enforce fairness, impartiality and compliance with the Rules and its Regulations;
 - (c) remain neutral and professional in the conduct of the duties of his or her office, and refrain from providing any preferential treatment or expressing support for or opposition to any Candidate;
 - (d) not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information;
 - (e) not discriminate against anyone because of race, residence, religion, sex, age or disability;
 - (f) use public office facilities to fulfill the terms of his office, and not for personal or partisan benefit;
 - (g) not pressure or intimidate other officials or personnel to favour a certain Candidate; and
 - (h) avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where the Chief Electoral Officer has a personal or private interest in the matter at issue.
- 7.3 The Chief Electoral Officer shall provide all of the necessary means and do all Rules that may be required for the purpose of holding an Election. The duties and powers of the Chief Electoral Officer shall include, but are not limited to the following:

- (a) ensure the preparation or prepare the list of eligible Voters;
- (b) ensure that the membership clerk of Beausoleil First Nation is present at the nomination and voting days;
- (c) to prepare, post and announce the Election Notice of any Election or By-Election, as the case may be, issued by Council pursuant to the Rules;
- (d) to publicize the date, time and place of the nomination process;
- (e) to prepare a list of eligible nominees from among those nominated;
- (f) to manage the budget of the election period, as may be directed by Council.;
- (g) to procure the necessary materials and establish polling stations;
- (h) to send out mail-in ballots to those Electors who specifically request one in writing through the voter registration card process;
- (i) to establish and conduct the poll and gather ballots;
- (j) to supervise the count of the vote;
- (k) to declare the successful Candidates;
- (l) to deal with the ballots in accordance with the Regulations;
- (m) to obtain from each nominee a Letter of Clearance (CPIC);
- (n) to Rules with respect to Appeals as required by the Rules and Regulations;
- (o) to generally oversee and supervise the conduct of the Election as required by the Beausoleil First Nation Rules and the Regulations.

7.4 The Chief Electoral Officer shall be provided with sufficient staff, space and resources by Council in order to fulfil his or her duties as required by the Rules and these Regulations.

8 Deputy Electoral Officer

8.1 The Chief Electoral Officer may appoint the Deputy Electoral Officer(s) and such appointments shall be done at least forty (40) days prior to an Election or By-

Election. The appointment of the Deputy Electoral Officer does not take effect until the person appointed accepts the appointment in writing and delivers the written acceptance to the Chief Electoral Officer and taking the oath of office within five (5) business days of such appointment.

8.2 The Deputy Electoral Officer shall:

- (a) be eighteen (18) years of age or over as of the date of appointment;
- (b) be a Member of the Beausoleil First Nation;
- (c) not promote or be associated with any Candidates and shall have no vested interest in the outcome of the Election;
- (d) have knowledge of the Beausoleil First Nation;
- (e) not have an immediate family member who is a candidate in the election (Defined as: Father, mother, brother, sister, spouse, common-law, daughter or son)
- (f) have experience in conducting elections or has received appropriate training; and
- (g) keep confidential all information acquired in the exercise of his or her duties.
- (h) Take direction from the Chief Electoral Officer.

9 Responsibilities and Ethics of Deputy Electoral Officer

9.1 The Deputy Electoral Officer(s) shall have such powers as described in the Rules and Regulations as well as those powers delegated to the Deputy Electoral Officer(s) by the Chief Electoral Officer. The Deputy Electoral Officer(s) shall perform all duties as assigned and delegated by the Chief Electoral Officer.

9.2 The Deputy Electoral Officer(s) shall:

- (a) uphold and abide by the rules and regulations established in the Rules and Regulations and pursuant to the Governance Policy;
- (b) enforce fairness, impartiality and compliance with the Rules and its Regulations;

- (c) remain neutral and professional in the conduct of the duties of his or her office, and refrain from providing any preferential treatment or expressing support for or opposition to any Candidate;
- (d) not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information;
- (e) not discriminate against anyone because of race, residence, religion, sex, age or disability;
- (f) use public office facilities to fulfill the terms of his office, and not for personal or partisan benefit;
- (g) not pressure or intimidate other officials or personnel to favor a certain Candidate; and
- (h) avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where he has a personal or private interest in the matter at issue.

10 Interpreters

10.1 The Chief Electoral Officer in consultation with the First Nation Administrator shall appoint any Interpreters as required for the conduct of an Election. All appointments shall be done at least fifteen (15) days prior to an Election.

10.2 An Interpreter shall:

- (a) be eighteen (18) years of age or over as of the date of appointment;
- (b) can be a Member of Beausoleil First Nation;
- (c) be fluent in Anishinaabe and English languages;
- (d) not promote or be associated with any Candidates and shall have no vested interest in the outcome of the Election;
- (e) not a member of the Immediate Family of a Candidate nor related to a Candidate in any Election; and

- (i) keep confidential all information acquired in the exercise of his or her duties.

10.3 Responsibilities:

- (a) Attend voting day of June 1st, be in attendance for all of the day as directed.
- (b) Listening carefully to Band members who may require assistance to interpret their needs or questions.
- (c) Comprehend both languages- English and Ojibway
- (d) Accurate and succinct reproduction in the specified language
- (e) Use technology where appropriate, such as microphones, headphones, telephones, video and the internet
- (f) Attend and help people in their homes (frail, elderly) who want to vote and to act upon direction of Chief Electoral Officer.

11 Scrutineers

- 11.1 Each Candidate may appoint one (1) Scrutineers for any Election. Non-attendance by any Candidate's Scrutineer at the counting of the votes does not invalidate any Rules taken pursuant to the Rules and these Regulations.
- 11.2 The Candidate must provide an original letter to the Chief Electoral Officer authorizing the Candidate's Scrutineers to be present at any polling station during the Election at least seven (7) business days prior to an Election.
- 11.3 The Candidates are responsible for all costs associated with the appointment of the Candidate's Scrutineers.
- 11.4 Scrutineers shall:
 - (a) be eighteen (18) years of age or over as of the date of appointment;
 - (b) not be a member of Council or a Candidate at the Election or By-Election; and
 - (c) keep confidential all information acquired in the exercise of his or her duties.
- 11.5 Scrutineers shall be entitled to observe the conduct of the Election and the counting of the ballots.
- 11.6 Scrutineers shall not:

- (a) influence or interfere with any Voter in a polling station;
- (b) obstruct or interfere with the Chief Electoral Officer, the Deputy Electoral Officer, Interpreters or any staff appointed by the Chief Electoral Officer in completing their duties in accordance with the Rules and these Regulations;
- (c) release or discuss the results of any Election until the Chief Electoral Officer has publicly declared the Candidates that have been elected.

VOTER QUALIFICATION AND REGISTRATION

12 Voters List

- 12.1 At least sixty (60) days prior to the day on which an Election is held, the Indian Registration List shall be obtained from Indian Affairs (INAC). This will be provided to the Chief Electoral Officer with a list of eligible Voters and current known-address prepared from the list of members
- 12.2 The INAC Voters List provided to the Chief Electoral Officer shall contain names, membership numbers, and date of births of all Members who will have attained the age of eighteen (18) years on the date on which the Election is to be held.
- 12.3 At least forty days prior to the day on which an Election is to be held, the Chief Electoral Officer shall post, in a prominent location on the Reserve, the list of eligible Voters prepared from the list of members on the INAC Membership list who would be eligible to vote on Election Day.
- 12.4 The Chief Electoral Officer shall post a final list of Voters ten business (10) days prior to the Election.
- 12.5 The Voters list shall be arranged in alphabetical order and prepared in two (2) forms:
 - (a) one list containing the names and date of birth each eligible Voter; and
 - (b) one list for public use, containing only the names of the eligible Voters.

The Chief Electoral Officer shall post the Voters List that contains only the names of the eligible Voters.

- 12.6 All eligible Voters who do not reside on the Reserve are responsible to provide the Chief Electoral Officer or Deputy Electoral Officer with a voter registration card with their current address and a request for a mail-in ballot.
- 12.7 The Chief Electoral Officer shall only use a Voter's address for the purpose of providing mail-in ballots or related Election documents to Voters who are entitled to Vote in any Election held pursuant to the Rules and its Regulations.
- 12.8 Except for the purposes noted herein, the Chief Electoral Officer shall not disclose a Voter's address without the consent of the Voter.

13 Correcting the Voters List

- 13.1 The Chief Electoral Officer may correct, add or remove a name from the Voters List if the Chief Electoral Officer is satisfied that a correction, addition or removal is necessary and has received written confirmation from the Registration Clerk:
 - (a) that a correction is necessary;
 - (b) that the person is an eligible Voter and should be on the Voters List; or
 - (c) that the person should be removed from the Voters List.

The Chief Electoral Officer may only correct, add or remove a name from the Voters List fifteen (15) days prior to an Election.

- 13.2 Any person may demonstrate fifteen (15) days prior to the Election that the name of a person not qualified to vote has been included in the Voters List by presenting in writing to the Chief Electoral Officer evidence that the person:
 - (a) is neither on the INAC Membership list nor entitled to have his or her name entered on the INAC Membership list;
 - (b) will not be at least 18 years of age on the date on which the Election is to be held; or
 - (c) is not qualified to vote in Elections.
- 13.3 If the Chief Electoral Officer is not satisfied that a person who requests a change to the Voters List is not an eligible Voter, the Chief Electoral Officer will notify the person affected in writing.

- 13.4 The Chief Electoral Officer will post any corrected Voters List.
- 13.5 All decisions of the Chief Electoral Officer under the preceding sections are final and are not subject to appeal.

NOMINATION PROCESS

14 Nominations

- 14.1 The Chief Electoral Officer shall hold a nomination meeting at least forty (40) days prior to the date of Election. The nomination meeting shall be held at the time, date and place described in the Election Notice.
- 14.2 The Chief Electoral Officer shall, at least fifteen (15) days before the date on which the nomination meeting is to be held, post a notice of the nomination meeting in the Band Office, in a public location and at any other conspicuous place on the Reserve prior to the date set for the nomination meeting.
- 14.3 A notice of a nomination meeting shall include:
- (a) the date, time, duration and location of the nomination meeting;
 - (b) the date on which the election will be held and the location of each polling place;
 - (c) the name and phone number of the Chief Electoral Officer;
 - (d) eligibility requirements to be nominated for the offices of Chief or Councillor;
 - (e) nomination procedures;
 - (f) statement that any Voter may indicate their willingness to vote by filling out a voter registration card and mail-in ballot;
 - (g) a description of the manner in which an Voter can nominate a Candidate, or second the nomination of a Candidate; and
 - (h) the statement that, if the Voter wants to receive information from Candidates, the Voter can agree to have his or her address released to the Candidates.

15 Nomination Meeting

- 15.1 Once the nomination meeting is declared open by the Chief Electoral Officer, the nomination meeting shall remain open for at least three (3) hours (6:00 p.m- for the purpose of receiving nominations of Candidates.
- 15.2 The Chief Electoral Officer is responsible for managing and conducting the nomination meeting. The Chief Electoral Officer shall maintain order at all times during the nomination meeting and may cause to be removed any person who, in his or her opinion, is disrupting or otherwise interfering with the proceedings.
- 15.3 The Chief Electoral Officer shall record the name of the Candidate, the nominator and the seconder and confirm to those present at the meeting that the proposed Candidate is eligible to be elected to the position of Chief or Councillor for the purposes of this Election.

16 Nominating Candidates

- 16.1 Each nomination must be made before the close of the nomination meeting with Chief Electoral Officer and each nomination shall include:
 - (a) a written nomination in the prescribed form as provided by the Chief Electoral Officer;
 - (b) the signature of two eligible Voters along with their statement of belief that the Candidate is eligible to be nominated and hold office;
 - (c) a declaration in the prescribed form signed by the Candidate indicating his or her acceptance of the nomination;
 - (d) a Letter of Clearance, CPIC record or letter of pardon, if required;
 - (e) a Letter of Clearance as related to the vulnerable records check; and
- 16.2 Any Voter may nominate or second no more than:
 - (a) one eligible person for the office of Chief; and
 - (b) the number of eligible persons equivalent to the vacancies for the office of Councillor.
- 16.3 At the end of the nomination meeting, the Chief Electoral Officer shall:

- (a) if only one person has been nominated for election as Chief, declare that person to be elected by acclamation;
 - (b) if the number of persons nominated to serve as Councillors does not exceed the number to be elected, declare those persons to be elected by acclamation; and
 - (c) where more than the required number of persons are nominated for election as Chief or Councillors, announce that an Election will be held.
- 16.4 On the day following the nomination meeting, the Chief Electoral Officer shall post in the Band Office, in a public location and at any other conspicuous place on the Reserve a list of nominees, their nominators and seconders and the offices for which they are nominated.
- 16.5 Where the office of Chief or the offices of Councillors are filled by acclamation, the Chief Electoral Officer shall post in at least one conspicuous place on the reserve.

17 Candidacy

- 17.1 Only those persons who meet the requirements of a Candidate as set out in the Rules and its Regulations may be nominated as a Candidate.
- 17.2 A person who fails to file the documents in accordance with the Rules and its Regulations shall not be a Candidate in the Election, and his or her name shall not appear on the ballot for the Election.
- 17.3 No person shall accept candidacy in an Election if that person is not eligible to be a Candidate in accordance with the Rules and its Regulations.
- 17.4 A Candidate may withdraw his candidacy within five (5) days after the date on which the nomination meeting was held by submitting a written withdrawal of nomination to the Chief Electoral Officer.

GENERAL VOTING RULES

18 Polling Stations

- 16.1 The Chief Electoral Officer will designate the location of the polling station that is wheelchair accessible for the Election, which will be on Reserve.

- 16.2 The Chief Electoral Officer shall provide a voting compartment in the polling station where Voters can mark their ballots free from observation and he or she may appoint security to maintain order in the polling station.
- 16.3 The Chief Electoral Officer shall, before the polling station is open, supply the polling station with:
- (a) sufficient ballot boxes;
 - (b) a sufficient number of ballots;
 - (c) a sufficient number of voting compartments enabling electors to mark their ballots free from observation;
 - (d) instruments for marking the ballots;
 - (e) a sufficient number of voting instructions as may be required;
 - (f) all other equipment necessary to establish and equip the polling stations;
and
 - (g) the final Voters List.
- 16.4 The polling station shall be open from 9:00 a.m. to 9:00 p.m. local time on the day of the Election.

17 Ballot Boxes

- 17.1 At the polling station, the Chief Electoral Officer will provide as many ballot boxes as required for the purposes of the Election, including a ballot box for mail-in ballots.
- 17.2 The ballot boxes shall:
- (a) be made of durable material;
 - (b) be accompanied by adequate locks or seals;
 - (c) be designed so that the ballots cannot be tampered with once the ballots have been deposited into the ballot box; and
 - (d) remain locked or sealed until the official counting of the ballots begins.
- 17.3 Each ballot box shall have a form affixed to it stating:

- (a) that it is an official ballot box for the Election;
- (b) the location of the polling station;
- (c) the date or dates for which it is used;
- (d) the signature of the Chief Electoral Officer or Deputy Electoral Officer; and
- (e) its sequential number.

18 Verification of the Ballot Boxes

18.2 At the polling station, the Chief Electoral Officer or the Deputy Electoral Officer shall, immediately before the commencement of the poll:

- (a) open the ballot box and call the Scrutineers or such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness;
- (b) lock or seal the ballot box in a manner preventing it from being opened without breaking the seal until the poll is closed and the ballots are to be counted; and
- (c) place the ballot box in public view for the reception of the ballots.

19 Ballots

19.2 The Chief Electoral Officer shall cause to be prepared a sufficient number of ballots for the purpose of voting at an Election. The Chief Electoral Officer shall prepare ballots setting out:

- (a) the names of the Candidates nominated for election as Chief, in alphabetical order by surname;
- (b) the names of the Candidates nominated for election as Councillors, in alphabetical order by surname; and
- (c) below the position to be elected shall be printed instructions to the eligible Voter as may be necessary to inform them of the manner in which the ballot is to be marked

19.3 Where two or more Candidates have the same name, the Chief Electoral Officer shall add to the ballots such additional information as is necessary to distinguish

between those Candidates. The ballot may, at the request of the Candidate, include a Candidate's commonly used nickname or middle name of the Candidate.

20 Mail In Ballots

- 20.2 No later than thirty-five (35) days prior to the date of the Election, every Voter who wants to receive a mail-in ballot must make a written request to the Chief Electoral Officer that includes a copy of their proof of identity.
- 20.3 No later than thirty (30) days prior to the date on which the Election is to be held, the Chief Electoral officer must mail to every Voter who requests a mail-in ballot, a mail-in ballot package consisting of:
- (a) a ballot initialed on the back by the Chief Electoral Officer;
 - (b) an inner postage-paid return envelope, pre-addressed to the Chief Electoral Officer;
 - (c) a second inner envelope marked "ballot" for insertion of the completed ballot;
 - (d) A Voter declaration form which shall set out:
 - i. the name of the Voter;
 - ii. the INAC membership number and date of birth of the Voter; and
 - iii. the name, address and telephone number of the witness to the signature of the Voter.
 - (e) the notice of Election; and
 - (f) a letter of instruction regarding voting by mail-in ballot which shall also include:
 - i. a statement advising Voters that they may vote in person at any polling station on the day of the Election if they return their mail-in ballot to the Chief Electoral Officer at the polling station or swear a written declaration before the Chief Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot; and
 - ii. a list of the names of any Candidates who were acclaimed.

- 20.4 On receipt of a request for a mail-in ballot package, the Chief Electoral Officer shall mail or deliver a mail-in ballot package to the Voter whose name appears on the application.
- 20.5 The Chief Electoral Officer shall indicate on the Voters List that a ballot has been provided to each Voter to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each mail-in ballot was mailed or otherwise provided.
- 20.6 A Voter shall vote by mail-in ballot by:
- (a) placing an “X” or other mark that clearly indicates the Voter's choice but does not identify the Voter opposite the name of the Candidate or Candidates for whom he or she desires to vote;
 - (b) a mark on the ballot that is not an “X” will be null and void and will not be counted;
 - (c) folding the ballot in a manner that conceals the names of the Candidates or any marks, but exposes the Chief Electoral Officer’s initials on the back;
 - (d) placing the ballot in the inner envelope and sealing the envelope;
 - (e) completing and signing the Voter declaration form in the presence of a witness who is at least 18 years of age;
 - (f) placing the inner envelope and the completed, signed and witnessed Voter declaration form in the postage-paid envelope; and
 - (g) delivering, mailing or otherwise ensuring receipt by the Chief Electoral Officer of the envelope before the close of polls on the day of the Election.
- 20.7 Where a Voter is unable to vote in the manner set out in the preceding section, the Voter may enlist the assistance of another person or an Interpreter to mark the ballot and complete and sign the Voter declaration form in accordance with that section.
- 20.8 A witness referred to in the preceding section shall attest to:
- (a) the Rules that the person completing and signing the Voter declaration form is the person whose name is set out in the form; or
 - (b) the Rules that the Voter is the person whose name is set out in the form and that the ballot was marked according to the directions of the Voter.

- 20.9 Mail-in ballots that are not received by the Chief Electoral Officer before the close of polls on the day of the Election shall not be counted.

ELECTION DAY

21 Election Day

- 21.2** The Chief Electoral Officer and the Deputy Electoral Officer shall not be allowed to vote in any Election.

22 Secrecy and Security

- 22.2 Voting shall be by secret ballot.
- 22.3 No Voter may vote by proxy or authorize another person to vote on his or her behalf.

23 Polling Station

- 23.2 The Chief Electoral Officer or the Deputy Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.
- 23.3 No person shall, on the day the Election is held, on the premises of the polling station:
- (a) distribute any election-related printed materials except such materials as may be distributed by the Chief Electoral Officer or the Deputy Electoral Officer for the purpose of conducting the Election;
 - (b) have a cell phone or electronic devices in the polling station;
 - (c) attempt to interfere with or influence any Voter in marking his ballot; or
 - (d) attempt to obtain information as to how a Voter is about to vote or has voted.

24 Voting Procedures

- 24.2 Each person, on arriving at the polling station, shall give his or her name to the Chief Electoral Officer or Deputy Electoral Officer.

- 24.3 The Chief Electoral Officer or Deputy Electoral Officer shall, if the person's name is set out in the Voters List, place his or her initials on both the ballot for Chief and the ballot for Councillor and provide them to the Voter.
- 24.4 The Chief Electoral Officer or Deputy Electoral Officer shall cause to be placed in the proper column of the Voters List a mark opposite the name of every person receiving a ballot.
- 24.5 A Voter to whom a mail-in ballot was mailed may obtain a ballot and vote in person at a polling place if:
- (a) the Voter returns the mail-in ballot to the Chief Electoral Officer or Deputy Electoral Officer; or
 - (b) where the Voter has lost the mail-in ballot, the Voter provides the Chief Electoral Officer or Deputy Electoral Officer with a written affidavit stating that the Voter has lost the mail-in ballot, signed by the Voter in the presence of the Chief Electoral Officer or Deputy Electoral Officer, a justice of the peace, a notary public or a commissioner for oaths.
- 24.6 The Chief Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the Voter.
- 24.7 After receiving a ballot, a Voter shall:
- (a) immediately proceed to the compartment provided for marking ballots;
 - (b) mark the ballot by placing an "X" or other mark that clearly indicates the Voter's choice but does not identify the Voter opposite the name of the Candidate or Candidates for whom he or she desires to vote;
 - (c) a mark on the ballot that is not an "X" will be null and void and will not be counted;
 - (d) fold the ballot in a manner that conceals the names of the Candidates and any marks, but exposes the initials on the back; and
 - (e) deliver the ballot to the Chief Electoral Officer or Deputy Electoral Officer.
- 24.8 On receipt of a completed ballot, the Chief Electoral Officer or the Deputy Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the Voter and any other persons entitled to be present at the polling station.

- 24.9 While a Voter is in the compartment for the purpose of marking his or her ballot, no other person shall, except as provided in section 22.6, be allowed in the same compartment or be in any position from which he or she can see the manner in which the Voter marks his or her ballot.

25 Voting Irregularities

- 25.2 At the request of any Voter who is unable to vote in the manner set out in section 26.7, both officials shall assist the Voter by marking his or her ballot in the manner directed by the Voter and shall place the ballot in the ballot box.
- 25.3 Both officials shall note and sign on the Voters List opposite the name of a Voter requiring assistance, the Rules that the ballot was marked by an Interpreter at the request of the Voter and the reasons therefore.
- 25.4 A Voter who has inadvertently dealt with his or her ballot in such a manner that it cannot be conveniently used shall, on one occasion only, on returning it to the Chief Electoral or the Deputy Electoral Officer, be entitled to obtain another ballot. The Chief Electoral Officer or Deputy Electoral Officer shall write the word "cancelled" upon the spoiled ballot and preserve it.
- 25.5 Any person who has received a ballot and who leaves the polling place without delivering the same to the Chief Electoral Officer or Deputy Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit his or her right to vote at the Election, and the Chief Electoral Officer or Deputy Electoral Officer shall make an entry in the Voters List in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote, and the Chief Electoral Officer or Deputy Electoral Officer shall mark on the face of the ballot the word "declined" and all ballots so marked shall be preserved.

26 Closing of the Polling Station

- 26.2 The Chief Electoral Officer shall promptly at 9:00 p.m. on the evening of the Election, publicly declare that the polls are closed. Every Voter who is inside the polling station and is registered to vote at the time before the poll is closed shall be entitled to vote after the poll is closed.
- 26.3 The Ballot Boxes will be secured at the Anishnaabe Police Station until the morning after the Election when the counting of the Ballots will be done at the location named by the Chief Electoral Officer.

COUNTING OF THE VOTES

27 Opening Mail-in-Ballots

- 27.2 At nine (9) a.m., the day after the Election, the Chief Electoral Officer and the Deputy Electoral Officer shall, in the presence of any Scrutineers who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot,
- (a) reject the ballot if:
 - i. it was not accompanied by a Voter declaration form, or the Voter declaration form is not signed or witnessed;
 - ii. the Voter declaration form does not contain a date of birth or a INAC membership number that matches the information contained for that Voter on the Voters List;
 - iii. the name of the Voter set out in the Voter declaration form is not on the Voters List; or
 - iv. the Voters List shows that the Voter has already voted.
 - (b) in any other case, place a mark on the Voters List opposite the name of the Voter set out in the Voter declaration form, and deposit the ballot in a ballot box.

28 Counting the Ballots

- 28.1 Immediately after the mail-in-ballots have been deposited in the ballot box as required by these Regulations, the Chief Electoral Officer and the Deputy Electoral Officer shall, in the presence of any Scrutineers who are present, open one ballot box at a time and examine each ballot. In the course of counting the ballots, the Chief Electoral Officer shall only open one ballot box at a time.
- 28.2 The Chief Electoral Officer and Deputy Electoral Officer shall reject ballots on the following grounds:
- (a) they have not been supplied by the Chief Electoral Officer;
 - (b) they do not contain the initials of the Chief Electoral Officer;
 - (c) they do not give a clear indication of the Voter's intention;

- (d) they contain votes for more Candidates than are positions available for election;
- (e) they contain a mark that can identify the Voter.

28.3 All rejected ballots shall not be counted. On the back of each rejected ballot, the Chief Electoral Officer shall:

- (a) mark “rejected”;
- (b) mark “reason objected to” if any objection is made to the rejection, and mark the reason; and
- (c) place his initials on the ballot.

28.4 The Chief Electoral Officer shall make a note of any objection made by a Scrutineer to any ballot found in the ballot box and any question arising out of the objection shall be decided by the Chief Electoral Officer in his or her absolute sole discretion. The decision of the Chief Electoral Officer on the acceptance or rejection of any ballot shall be final and binding.

28.5 Every objection shall be numbered and the corresponding number shall be placed on the back of the ballot and initialed by the Chief Electoral Officer.

28.6 The Chief Electoral Officer shall then count the ballots cast for each Candidate on the ballots that are not rejected and shall prepare a written statement under the following headings:

- (a) the date of the Election;
- (b) the number of persons who voted;
- (c) the number of ballots cast for each candidate; and
- (d) the number of rejected ballots.

28.7 Then, the Chief Electoral Officer shall sign the written statement.

29 Tie

29.2 If it is not possible to determine the successful Candidate(s) for either a Chief or Councillor position due to an equal number of votes being cast, a tie vote, the Chief Electoral Officer shall establish a time for the conduct of a recount and

publicly announce this time in the presence of all those present in the polling station.

- 29.3 A recount conducted pursuant to the preceding section must take place within 24 hours of the announcement by the Chief Electoral Officer made pursuant to the preceding section, in the presence the Scrutineers assigned by the Candidates and Deputy Electoral Officer.
- 29.4 At the time established pursuant to section 31.1, the Chief Electoral Officer shall conduct a recount of the valid ballots.
- 29.5 If the recount fails to determine a successful Candidate, the Chief Electoral Officer shall cast ballots in order to break the tie. The Chief Electoral Officer shall place the names of the Candidates having the same number of votes on a paper and place each in a receptacle. Without looking, he shall draw as many papers as there are positions available. The Candidate(s) whose name(s) appear on the pieces of paper that the Chief Electoral Officer has drawn from the receptacle shall constitute the Candidates(s) for whom the Chief Electoral Officer shall cast a vote.

30 Announcement

- 30.2 After completing the counting of the votes and establishing the successful Candidates, the Chief Electoral Officer shall declare to be elected the Candidates having the highest number of votes.
- 30.3 After the declaration of the elected Candidates have been made, the Chief Electoral Officer shall post in the Band Office, in a public place or at any other conspicuous place on the Reserve, a statement signed by the Chief Electoral Officer which shall contain:
- (a) the names of all Candidates;
 - (b) the number of ballots cast for each Candidate; and
 - (c) the number of rejected ballots.

31 Secrecy of Voting

- 31.2 Every person in attendance at a polling station shall maintain and aid in the secrecy of the voting.

- 31.3 No person shall interfere or attempt to interfere with an eligible Voter who is marking his or her ballot or obtain or attempt to obtain at the polling station, information as to how a Voter is about to vote in any Election.

32 Retention of Ballots and Other Election Material

- 32.2 At the completion of the counting of the ballots and in the presence of the Scrutineers, the Chief Electoral Officer shall make up and seal separate envelopes containing:
- (a) valid and counted ballots;
 - (b) counted ballots that have been objected to;
 - (c) rejected ballots;
 - (d) the unused, declined or cancelled ballots;
 - (e) the record of objections made to the ballots found in the ballot boxes; and
 - (f) all Voters Lists.
- 32.3 All such envelopes shall be marked on the face thereof by a description and signature of the Chief Electoral Officer.
- 32.4 All ballots and materials shall be retained by the Chief Electoral Officer for 45 days from the date on which the Election was held or until a decision on an appeal is rendered, whichever date is later, after which time the Chief Electoral Officer will destroy them in the presence of a Deputy Electoral Officer who shall make a declaration that he or she witnessed the destruction of those papers.

POST-ELECTION PROCEDURES

33 Oath of Office

- 33.2 A Candidate who has been elected Chief or Councillor office before the community members will publically undertake the oath of office on or before June 21 to:
- (a) uphold and comply with this Rules, the Governance Policy and all laws of the Beausoleil First Nation;
 - (b) fulfill the duties and responsibilities of his or her office under the Rules and Regulations and the BFN Governance Policy;

- (c) carry out his or her duties faithfully, honestly, impartially and to the best of his abilities;
- (d) keep confidential, both during and after his term of office, any matter or information which is considered confidential; and
- (e) always abide by the Rules, Vision, Principles in the best interests of the people of the Beausoleil First Nation in carrying out his or her duties.

34 Amendments

- 34.1 This Regulation may be amended from time to time by a resolution of the Chief and Council and members of the Beausoleil First Nation.¹

¹ The amendments for the regulations are different from an Amendment to the Rules—the regulations deal with the administrative matters while the Rules are the laws of the Nation with respect to selected leaders.