



BFN

Election Rules

Chimnissing

Gimaakeying

Waa-zhichgeng

Wiindamaagewin –

Choosing Leaders:

how to do it

Mii Maandage Ni-zhiseg Gimaakeying Mampii Chimnissing

This is how it will be when selecting leadership here at Chimnissing

Ogchichaagwaagaa-ni-niigaaniiig – gmishoomsinaanig, gookmisnaanig

In the spirit of our ancestors – our grandfathers, grandmothers

giinwindmaaenjbaayingChimnissing, gdi-yaamindnbwaakaawin,

we, the people of Chimnissing, have the wisdom,

gkendaaswin, miinwaanaanaagdawendmowinwii-aabjitoying

knowledge and responsibility to use

gdinwewninaanwii-noondaagoyingmanpiiiezhi-naaknigeying

our voices to make a difference in our governance through the

gimaakeying.

leadership selection process.

Gdi-naadziwininaan, gichiipitendminaanmiinwaagdebwe'endmininaan

Our culture, values and beliefs

ka-naadmaagnaanwii-mshkowgaabwiyinggaa-bi-zhi-gkinoomaagoying,

help define our right as a nation

wii-mnowaangozyingnongwamiinwaageyegeyaabiwaa-bi-yaajig.

for the best interests of our people, now and for the future generations.

Gaamaamdaamaanda ji-aanjiigaadegGimaakengNaaknigewin.

These(BFN) Election Rules and Regulations cannot be changed,

Giinwind eta gdaa-aanjtoomin.

Only us can change it.

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PART A - PURPOSE AND DEFINITIONS

1. As of January 1, 2020, the previous sections of the Indian Act (Indian Act, R.S.C. 1985, respecting the Band Elections of Chiefs and Band Councils, sections 74 to 79), will no longer be in force with respect to elections or selecting leaders within the Beausoleil First Nation.
2. Any Custom Election Rules, laws, or regulation in force in respect of the Beausoleil First Nation (BFN) elections that pre-date these Rules and Regulations are hereby repealed and shall no longer be of any force or effect in respect of the Beausoleil First Nation.
3. We, the members of Beausoleil First Nation (BFN), hereby enact Gimaakeying Waa-zhichgeng Wiindamaagewin- Choosing leaders: How to do it Plan. These Beausoleil First Nation Rules will guide our future elections.

PART B - PRINCIPLES OF LEADERSHIP

- 1 Members of the Beausoleil First Nation Chief and Council are selected for their leadership, character, and decision-making abilities.
- 2 The primary qualities of effective leadership are:
 - a. Exemplary standards of personal and professional conduct;
 - b. Clear comprehension of the community's history, culture, aspirations, and objectives;
 - c. Positive role models through their behavior and actions, including refraining from alcohol and drug abuse.
 - d. Effective and accountable decision-making;
 - e. High moral character and strong belief in the mission of Beausoleil First Nation: Pride, Vision, Unity and Strength.
 - f. Responsible and fair management of resources.
3. Decision-making must be:
 - a. Responsive to the needs, objectives, hopes, and aspirations of the community;
 - b. Based upon informed consideration and reasonable discussion;
 - c. Conducted in a timely manner;
 - d. Built upon trust which means that a Chief or Councillor shall not take part in any discussion or decision which may prejudice their view of an issue involving their immediate family; and
 - e. Made with the intention to promote a healthy and thriving community.

PART C – ELECTION OF THE COUNCIL

Section C.1- ELECTION DAY—Odemin Giizis

- 1.1 The Election Day for Beausoleil First Nation under these Rules shall be June 1st.
- 1.2 If an election cannot be held on election day due to extraordinary circumstances beyond the control of the Beausoleil First Nation, such as a war, riot, crime, or an event described by the legal term Act of God (severe weather including --hurricane, tsunami, flood, earthquake, volcanic eruption, etc.) or for other compelling reasons, the present Chief and Council have the authority to postpone and/or reschedule the election on June 1st following a vote of 50% of Council. A new election date will be called within ten (10) days. Voting members will be notified immediately before an imminent situation and/or on the day of the election day.
- 1.3 Every effort will be made to preserve this essential date of June 1st, as leadership stability is vital to the people of Beausoleil First Nation.

Section C.2 – POWERS OF COUNCIL

2.1 The Beausoleil First Nation Rules and Regulations cannot be changed no later than ONE (1) year before an election.

Section C.4 – COMPOSITION OF THE COUNCIL AND TERMS OF OFFICE

- 4.1 The Council shall consist of One (1) Chief and Seven (7) Councillors—Bezhig Gimaa Ningodwaaswi Giigdooninwag/Giigdooniniikwewag
- 4.2 An election for a Chief(1) shall be held on the first day of the month of June. The candidate receiving the greatest number of votes for the position of Chief shall be elected as Chief for a term of three (3) years. An election shall be held for the position of Chief at the end of each such three (3) year term.
 - a. If the position of Chief becomes vacant due to resignation, suspension, death or termination, only the Councillor with the most votes in the election will assume the position of Chief until a by-election can be held. The by-election for Chief shall take no longer than four (4) months from the time the vacancy exists.

- 4.3 An election for seven (7) Councillors shall be held on the first day in the month of June. The candidate(s) receiving the greatest number of votes for a position as Councillor shall be elected as Councillor for a term of three (3) years.
- a. An election shall be held for a position as Councillor at the end of each such three (3) year term. When the position of Councillor becomes vacant due to resignation, suspension, death, or termination, only the next highest vote for the position of Councillor will become Councillor until the next scheduled election if it is six months from the original election day of June 1st. If it is more than six months from the original election day, then a by-election will be held.
 - b. If the Councillor vacancy exists over the six-month threshold (past the Election day of June 1st), then a by-election shall be held.
- 4.4 The term of office may, under extenuating circumstances¹, be continued beyond three (3) years if such continuation is not opposed by the voters of more than fifty (50) percent of the members of Council. This continuation shall not exceed sixty (60) consecutive days.
- 4.5 If the members of Beausoleil First Nation sign a petition by twenty-five (25%) plus one of the Eligible Electors, a member of the Council can be removed for violating these Rules, or other Rules or Laws of the Beausoleil First Nation. The petition will be presented to the Chief and Council who will rule on the petition based on these Rules. If the Council member is removed, the decision will be effective immediately.

Section C.5 – CANDIDATE ELIGIBILITY

- 5.1 A candidate seeking the position of Chief or Councillor must:
- a. have reached the full age of eighteen (18) years as at the date of nomination, and;
 - b. must be a status member from Beausoleil First Nation—Aabdeg BFN da-dbendaagziwagand, according to the INAC membership list;
 - c. not be in breach or violation of any Beausoleil First Nation rules, policies, regulations, or laws in effect at the date of nomination, and;

¹ Extenuating circumstances are related to acts that are related to circumstances beyond control of Chief and Council like weather, terrorism, riots- or other emergency issues.

- d. Candidates cannot run for Chief and Councillor positions at same time, and; Gaamaa mdaaniizhing nikeyaage-zhi-niigaanzipag wayadaa-zhi-wenaamjigaasii.
- e. not be currently incarcerated, and;
- h. have a clear criminal record and Vulnerable Sector (VS) within the last ten years² or shall have had a pardon or record suspension, and;
- i. Not have been convicted of a criminal offense, and;
- j. Are not currently engaged in litigation with the Beausoleil First Nation, and;
- k. not have been terminated with just cause as a Council member, Chief or employee within the last five (5) years prior to the election.

5.2 Candidates will submit to the Chief Electoral Officer a copy of their CPIC and Vulnerable Sector (VS) Check seven (7) business days after the nomination process.

5.3 With respect to disclosure of *non-conviction information* in response to a request for a CPIC or VS:

Non-conviction information about the individual is not authorized for exceptional disclosure unless the information satisfies all of the following criteria:

1. The criminal charge to which the information relates is for an offence specified under federal legislation.
2. The alleged victim was a child or a vulnerable person.

5.4 After reviewing entries in respect of the individual, the Chief Electoral Officer has reasonable grounds to believe that the individual has been engaged in a pattern of predation indicating that the individual presents a risk of harm to a child or a vulnerable person, having regard to the following:

- i. Whether the individual appears to have targeted a child or a vulnerable person.
 - ii. Whether the individual's behaviour was repeated and was directed to more than one child or vulnerable person.

²The details of criminal record checks will be the responsibility of the Chief Electoral Officer and the FN/or Band Administrator. There shall be provisions made under the Chief Electoral Officer's duties, the establishment of a Review Board comprised of community representatives to determine whether or not a candidate is eligible to run based on their criminal record beyond ten (10) years and to consider non-conviction information under sec 5.3. The scope of a Review Board shall be part of the regulations and the decision of the Chief Electoral Officer and a BFN sanctioned Review Board shall be final.

- iii. When the incident or behaviour occurred.
 - iv. The number of incidents.
 - v. The reason the incident or behaviour did not lead to a conviction.
- 5.4 Any Beausoleil First Nation employee who is nominated in accordance with these Rules and Regulations can take a leave of absence with pay up until Election day of June 1st if s/he qualifies for paid leave in accordance with the BFN Personnel Policies and Procedures.
- 5.5 Employees who choose to run in an election and are voted in and accept, must resign their staff position, the following business day after the Election day of June 1st.
- 5.6 Beausoleil First Nation employees who are nominated and intend to run for a Chief or Councillor position shall state their intention to the First Nation Administrator immediately or within seven days after nomination through a letter or form indicating their acceptance. Employees who intend to run for political office will uphold the integrity of their staff position and continue to follow BFN Personnel Policies and Procedures if they do not request a formal leave of absence under part 5.2.

Section C.6 – APPOINTMENT OF THE CHIEF ELECTORAL OFFICER Wenaabmind Waa-Niigaanziikdang Gimaakewin, and DEPUTY ELECTORAL OFFICER

- 6.1 The Council, at least twenty-one (21) business days prior to the nominating meeting, shall:
- a. appoint a Chief Electoral Officer and a Deputy Electoral Officer in accordance with the provisions contained in these Rules and governed by the Regulations;
 - b. Chief Electoral Officer is a member of BFN (Aabdeg Chimnissing ji dbendaagozid), not an employee of the Band, no immediate family running for Chief or Council, does not have a conflict of interest and have experience at conducting Band elections.
 - c. The Deputy Electoral Officer must be a status member of the Beausoleil First Nation and is typically the Band Membership Clerk or other staff member who is knowledgeable about the INAC band membership list.
 - d. Council shall select the Chief Electoral officer out of options submitted to them by the First Nation Administrator;

- e. The First Nation Administrator will ensure that a posting is prepared and circulated for the role of Chief Electoral Officer.
 - f. post a notice in public locations, signed by the Chief Electoral Officer, setting out the date, time and location of the nominating meeting and the number of positions to be filled by election;
 - g. post a copy of the Election Rules and Rules of Conduct and Elector's List in public locations and approved website of the Beausoleil First Nation;
- 6.2 The Council shall determine the remuneration to be paid to the Chief Electoral Officer, the Deputy Electoral Officer, and Interpreter at the time of appointment.

Section C-7- APPEAL BOARD

- 7.1 The Council will appoint an Appeal Board twenty-one (21) business days prior to the election in accordance with the provisions contained in these Rules and Regulations;
- 7.2 The Council shall determine the remuneration paid to the Appeal Board and terms of service, including timelines and duties.
- 7.3 The appeal board shall consist five (5) members comprised of two (2) Seniors/Elders; one (1) Youth (18-25); and two (2) general band members. If a choice is made for a youth under 18, they will be an observer of the process and a youth over 18 with decision making authority must also be selected. Equally, additional Elders can be called upon to be observers or support members without decision-making abilities at the discretion of Council. Members selected for the Appeal Board shall declare, immediately, to the Chief Electoral Officer and/or Council potential conflict of interest disclosure. On review, the Council will appoint a new member or re-confirm appointment.

Section C.8 – ELECTORS LIST

- 8.1 Prior to the nomination meeting, the Chief Electoral Officer and the Deputy Electoral Officer shall prepare a list of the names of all eligible electors to be called the Electors List from the INAC band membership list.

If the Deputy Electoral Officer is not the Band Membership Clerk, they will work with the Membership Clerk to compile the Electors list. The Band Membership Clerk must attend the nomination meeting to ensure the eligible electors are eligible to nominate and vote.

- 8.2 Any elector may, no later than ten business (10) days before the nomination day, apply to have the Electors List revised where:
- a. the name of an eligible elector has been omitted from the list or;
 - b. the name of an eligible elector is incorrectly in the list, or;
 - c. the name of a person who is ineligible to vote is included on the list.
- 8.3 On confirming any errors or omissions in the Electors List, the Chief Electoral Officer shall make the necessary amendments or corrections, with confirmation by the Band Membership Clerk.
- 8.4 The Chief Electoral Officer shall post one (1) or more copies of the Electors List and the Beausoleil First Nation Election Rules and Regulations in any BFN-owned public building, any future band-owned buildings and any other conspicuous place, including official websites, and, at the discretion of the Chief Electoral Officer, prior to the date set for the nomination meeting or any future band-owned buildings that are accessible to the public.

Section C.9 – NOMINATIONS- Wenaabmindwaa Waa-niigaanzijig

- 9.1 The nomination day will be at least forty (40) business days prior to the election day of June 1st.
- 9.2 The Chief Electoral Officer shall post a notice of the nomination meeting in the First Nation Administration Building and such other conspicuous places on the Reserve as s/he deems appropriate at least fifteen (15) business days prior to the date set for the nominating meeting.
- 9.3 The notice of the nomination meeting shall set out:
- a) the date, time and place of the nomination meeting, and;
 - b) position or positions for which nominations are being sought.

- 9.4 The Chief Electoral Officer shall attend at the date; time and place specified in the notice of the nomination meeting and shall declare the meeting opened for the purpose of receiving nominations. During the nomination meeting, the Chief Electoral Officer shall function as the Chairperson of the meeting and he/she shall call for nominations of Chief and Councillor positions.
- 9.5 Nominations will be received only between the hours of 6:00 p.m. and 9:00 p.m. at the location and date specified on the posted notice for the Nomination Meeting.
- 9.6 A person can only run for the position of Chief or the position of Councillor. A person cannot run for both positions.
- 9.7 Any elector may propose or second the nomination of any person eligible under these Rules to serve as the Chief or Councillor in person or via mail in ballot.
- 9.8 An elector who proposes to nominate someone for Chief or Council shall, through verbal or written submission, cite at least two of the primary qualities and decision-making abilities of leadership in their nomination, using Part B (Principles of Leadership) of these Rules *as a guide*.
- 9.8 The nomination must be moved and seconded by two different electors of the Beausoleil First Nation, both of whom are entitled to vote. An elector may nominate or second the nomination of more than one candidate for Council but may not nominate or second the nomination of more than one candidate for the position of Chief.
- 9.9 An elector cannot nominate or second more than the total number of positions on Chief and Council currently subject to an Election—Gaamaa-mdaaniibnanching gwayadaa-zhi-wenaamjigesii
- 9.10 Candidates must, where possible, attend the nomination meeting to accept their nomination. If not in attendance at the Nomination meeting, it is the responsibility of the candidate to become aware that acceptance of the nomination is open for seven (7) days following a nomination meeting and to produce all information under section 9.13 to the Chief Electoral Officer. Failure to submit all required documentation under 9.13 shall serve as declining the nomination and the candidate will be omitted from the candidates list for the upcoming election.
- 9.11 The Chief Electoral Officer shall record the names of the persons proposing and seconding a nomination, the name of the candidate and the position for which they are seeking election.

- 9.12 The Chief Electoral Officer shall confirm to those attending the nomination meeting whether persons proposing, seconding and accepting nominations are qualified electors or candidates, according to eligibility requirements.
- 9.13 Any candidate who accepts a nomination shall present the following to the Chief Electoral Officer, for review and acceptance up to the seventh (7th) business day following a nomination meeting:
- a) a criminal record check (CPIC)- which has been completed within the last six months;
 - b) one legally accepted photo ID (to be considered acceptable, the valid identity document must include your name, date of birth, photo and signature).
 - c) a vulnerable sector (VS) check- which has been completed within the last six months;
 - d) disclosure of all business interests and/or conflict of interest affidavit;
 - e) preferred name(s) on ballot;
 - f) current address and contact numbers;
 - g) proof of status membership at Beausoleil First Nation; and
 - h) formal affidavit which will signify acceptance or declining candidacy.

Section C. 10- CONDUCT AND ACTIVITY DURING CANDIDATES NIGHT AND CAMPAIGN PERIOD

- 10.1 All candidates are required to attend the public forum held before the Election. This public forum, called Candidates Night or E-wenaamjigaajigwii-giigidowaad (Those who are nominated- time for speak), will be conducted on at least two separate occasions in order for BFN members to hear each candidate's platform. One event for Chief candidates to speak and one occasion for Councillor candidates to speak will be offered in a public forum. The format for such events will take into consideration time and custom.
- 10.2 The Facilitator assigned to these events shall remain impartial in their comments and demonstrate neutrality. If such opportunity exists, each candidate will have access to the same venue and mode of communications during the campaign period and will attend events and distribute promotions at their own expense. Campaign costs outside of the E-wenaamjigaajigwii-giigidowaad during or the campaign period-- are at the candidate's own cost.
- 10.3 The organization of Candidates Night is the responsibility of the First Nation Administrator who will identify a facilitator, organize sessions and format for both on and off reserve and will provide at least five (5) days notice to candidates. Details of

suggested format and time allotment will be developed in Part II- Regulations. At least **one** session will be offered for off-reserve electorate in the towns/cities of Midland, Barrie or Toronto or the areas where a majority of BFN members reside, as chosen and accepted by the First Nation Administrator.

- 10.4 Every effort will be made to make this event available live-streaming or through video recording format, however, failure to do so, does not serve as an appeal under these Rules.
- 10.5 The Chief Electoral Officer will work with the Anishnabek Police or OPP to ensure that there is security at the Nomination meeting and on the Election Day.
- 10.6 People who arrive at any of the First Nation sanctioned election activities who are under the influence of drugs and alcohol will not be allowed, this includes: a) Nomination Meeting, b) Public Election forums (ie. Candidates nights), and c) Election Day on June 1st. A formal report will be made to the Police by the Chief Electoral Officer on the date/time of the incident and this will constitute exclusion in the process with no right of appeal.
- 10.7 Uttering threats or abusive language towards voters and candidates in-person and on-line will not be tolerated by any member of the BFN. A formal report will be made to the Police by the Chief Electoral Officer on the date/time/persons involved with the incident. This will be handled by appropriate authorities, with separate ramifications under the justice system.
- 10.8 There will be no soliciting votes at the First Nation Administration Building, and polling stations on Election day or during voting hours on June 1st.

Section C.11 – ACCLAMATION- Zhi-biindig-eng Just got in

- 11.1 In the event that only one person is nominated for Chief, the Chief Electoral Officer will declare that candidate elected by acclamation.
- 11.2 If no candidates are nominated for one or more of the vacant Council positions, the Council shall set a time and place for another nomination meeting to be held.

Section C.12 – ELECTION NOTICE AND CANDIDATES

- 12.1 The Chief Electoral Officer shall prepare an Election Notice, setting out the date, time and place for voting, and hours of the election, date of the counting of the votes and

place of the counting along with a Candidates List, indicating the names of all candidates in alphabetical order for each of the contested positions. Posting at least one (1) copy of the Election Notice at any or all of the BFN-owned public locations and any other conspicuous public locations including official websites or future-owned public buildings on the reserve as deemed appropriate at least five (5) business days following the Nomination Meeting.

12.2 The election shall be held no later than forty (40) days after the date of the nominating meeting.

Section C.13 – VOTING PROCEDURE

13.1 Each elector is entitled to one vote for each of the contested Council positions, the same to be cast by ballot.

13.2 All ballots, ballot boxes or materials used for the marking of ballots and other Polling Station paraphernalia shall be provided by Beausoleil First Nation Chief and Council.

13.3 Each Polling Station shall provide wheel chair accessibility and a private area where electors may mark their ballot.

13.4 The Polling Station(s) shall be open for the purpose of voting only during the following hours:

a. at the regular Polling Station(s) on election day from 9:00 a.m. to 9:00 p.m.; and

b. the polling station will be set up on the Beausoleil First Nation.

13.5 Each candidate shall be entitled, at his/her own expense, to have one (1) scrutineer present at the Polling Station to monitor the voting procedure and ballot counting. Scrutineers shall conduct themselves according to the standards developed and provided in Part II- Regulations.

13.6 On arriving at the Polling Station, each elector shall identify him/herself to the Chief Electoral Officer or the Deputy Electoral Officer, either of whom shall then:

a. locate the elector's name on the Electors List;

b. ask elector if they would like language (interpreter) or disabled services;

- c. remind the elector to mark "x" only-- with no other marking
- d. initial a ballot and give the same to the elector, and;
- e. check mark the elector's name off the Electors List;
- f. direct the elector to the private polling station.

13.7 On receiving an initialed ballot from the Chief Electoral Officer or the Deputy Electoral Officer, the elector shall:

- a. proceed to the private area provided for marking ballots;
- b. the polling booth will be inspected after each voter has used the booth to ensure that the booth remains free of external markings for or against any candidate;
- c. place a mark in the form of an "X" in the space provided opposite the name of one of the candidates for each of the contested Chief and Council positions, keeping in mind that any other mark other than the "X" constitutes a spoiled ballot;and
- d. deposit the marked ballot in the ballot box after the Chief Electoral Officer or the Deputy Electoral Officer has verified the initials on the ballot.

13.8 The Chief Electoral Officer **and** the Deputy Electoral Officer shall, in the presence of the Scrutineers of the candidates, assist any Elector who is unable to read or is prevented by blindness or other disability from marking his/her ballot in the manner directed by the elector and shall deposit such ballots in the ballot box. Both officials must accompany the elector to the private ballot area and serve as witnesses.

13.9 The Chief Electoral Officer or the Deputy Electoral Officer shall note on the Electors List the fact that an elector's ballot was marked by him/her at the request of the elector and the reasons for the request.

13.10 Any voting irregularity shall be recorded on the Electors List beside the name of the elector involved.

13.11 No cameras or electronic recording devices shall be allowed in the voting booth, station, or location. Electors will be asked to leave these devices with Chief Electoral Officer or Deputy Electoral Officer while voting takes place.

Section C.14 – MAIL IN BALLOTS -- Bi-niindaawewaad Waa-zhi-wenaamjigewaad

- 14.1 All non-resident and resident voters eligible for to vote in a Beausoleil First Nation election will be notified about voter registration and receive a voter registration card in February of election year. This notification and distribution of the voter registration card is solely dependent upon whether the BFN membership department has current-known address. For this reason, the onus is on the BFN members to provide updated information and are therefore, encouraged to provide yearly address updates or at times of relocation.
- 14.2 Voter cards are only to be filled out if an elector wishes to vote by mail-in ballot. Populating a voter card will prompt the Chief Electoral Officer to send the elector a mail-in ballot and they will be subject to the rules contained in 14.1. Those resident on-reserve will also be provided with the option of voting by mail by filling out the voter registration card.
- 14.3 Ballots for BFN members who are inmates of correctional facilities may be accommodated. Ballots require the permission of institutions and therefore, special arrangements need to be made and approved with institutional liaison personnel. This special ballot will be subject to the rules of the mail-in ballot contained in section C.14. Requests for special ballots must be made through the member themselves through letter format addressed to the Band Membership Clerk and/or through immediate family members who may bring forward current known address to the Band Membership Clerk, who will then provide information to an inmate and invite participation in the upcoming election, subject to the institution rules.
- 14.4 Ballots for BFN members who are hospitalized within an institution also have the option of voting. Permission for this resides with the institution and therefore, special arrangements need to be made and approved with institution personnel. This ballot will also be subject to the rules of the mail-in ballot contained in section C.14. Requests for a special ballot must be made through the BFN member themselves, institutional personnel or family members who can bring forward current known address.
- 14.5 When a BFN member is frail and/or bed-ridden and is resident on-reserve, special arrangements can be made to have a ballot prepared, delivered, and witnessed by the Deputy Electoral Officer and the Interpreter, provided that this request is at the advice of a physician, nurse, or nurse practitioner. This request must be made in writing or by phone at least five (5) business days prior to the Election Day. Once approved, the BFN member will be notified that they are eligible for an alternate ballot arrangement.
- 14.6 When the voter registration card is filled out and returned using postage-paid return mail, the eligible voter will be sent a mail-in ballot for the purposes of voting.

14.6 A Mail-in Voting Package consists of the following:

- a. Voting Instructions;
- b. Declaration of identity;
- c. Return envelope with postage prepaid;
- d. Ballot initialed by the Chief Electoral Officer;
- e. A ballot envelope.

14.7 At least 30 days before the day on which an election is to be held, the Chief Electoral Officer shall mail, to every resident and non-resident Voter, *who returns their voter registration card*, a package consisting of:

- a. A ballot, initialed on the back by the Chief Electoral Officer;
- b. an outer, 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 with a witness attestation;
- e. a letter of instruction regarding the voting by mail-in ballot; and
- f. a notice of BFN Election Day.

14.8 Two (2) witnesses required for the voter declaration shall attest to:

- a) the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; and
- b) where the Voter enlisted the assistance of another person due to disability or blindness, the fact 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,

14.9 The Chief Electoral Officer will only provide those residents and non-resident Voters with mail-in ballot packages;

- a) for whom the last known address has been provided to the Chief Electoral Officer through the voter registration card;
- b) who directly contacts the Chief Electoral Officer and declares through formal affidavit, that they did not receive a package through the mail or provides an alternate address to Chief Electoral Officer that is different from that provided by the Beausoleil First Nation, at least ten (10) days in advance.

- 14.10 The Chief Electoral Officer shall provide a mail-in ballot package to any resident Voter who filled out a voter's registration card and requests a mail-in ballot. The responsibility to return the completed, updated and current address and voter registration forms to the Chief Electoral Officer lies with the Voter.
- 14.11 The Chief Electoral Officer shall indicate on the Detailed 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 addresses to which, each mail-in ballot was mailed.
- 14.12 A Voter may cast a mail-in ballot by:
- a) marking the ballot by placing an ("X"), that clearly indicates the voter's choice but does not identify the voter, opposite the name of the candidate or candidates for whom the voter desires to vote. If any other mark than "X" used, this will result in a spoiled ballot.
 - b) folding the ballot in a manner that conceals the names of the candidates and any marks but exposes the Electoral Officer's initials on the back;
 - c) placing the ballot in the inner envelope and sealing that envelope;
 - d) completing and signing the Voter Declaration Form in the presence of two (2) witnesses who are at least 18 years of age;
 - e) placing the inner envelope and the completed Voter Declaration Form in the outer envelope; and
 - f) delivering or mailing the mail-in ballot to the Electoral Officer before the time at which the polls close on the Day of the Election.
- 14.13 A Voter who inadvertently spoils a mail-in ballot may request another ballot to replace the spoiled ballot by contacting the Chief Electoral Officer, at least ten (10) days in advance of the Election.
- 14.14 Mail-in ballots that are not received by the Chief Electoral Officer before the time at which the polls close on the day of the election are null and void.
- 14.15 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 affirmation signed by the voter in the presence of the Chief Electoral Officer or the Deputy Electoral Officer.

14.16 Mail ballots received after the date set for return of mail ballots shall be rejected by the Electoral Officer.

Section C.15 – TALLYING THE VOTES

15.1 The ballot box shall be escorted to a secure location kept by the Anishinabek Police or other security personnel.

15.2 On the day following the election at 9:00 a.m., and after the close of voting, the Chief Electoral Officer shall, in the presence of security personnel and not more than one (1) scrutineer per candidate, open the ballot box and:

- a. examine all the ballots including the mail-in ballots, rejecting those which are;
 - i. not initialed by the Chief Electoral Officer or the Deputy Electoral Officer, or;
 - ii. marked with more than one vote per contested position, or;
 - iii. marked in any manner which may serve to identify the elector:
- b. subject to review on re-count or on an election appeal, make a note of any objection raised on behalf of any candidate to any ballot;
- c. allow or disallow any such ballots, marking the word “allowed” or “disallowed”, as the case may be, on the back of the ballot with his/her initials;
- d. count the number of votes received by each candidate from the allowed ballot;
- e. provide each candidate with a written and signed statement of:
 - i. the number of ballots prepared for the election;
 - ii. the number of mail-in ballots distributed;
 - iii. the total number of mail-in ballots received;
 - iv. the number of unmarked ballots;

- v. total number of ballots rejected before being placed in the ballot box;
- vi. the number of ballots cast in the election;
- vii. the number of spoiled or rejected ballots, and;
- viii. the number of ballots cast for each candidate.

15.3 Where it appears that two or more candidates have an equal number of votes for a single position, the Chief Electoral Officer shall conduct a re-count immediately, following which he shall either:

- a. declares the winning candidate, or;
- b. 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.

15.4 Immediately after the completion of the tallying of the votes, the Electoral Officer shall:

- a. declare the candidate or candidates receiving the greatest number of votes to be elected to their respective positions;
- b. sign a statement indicating the number of votes cast for each candidate and post it in BFN-public owned places, official BFN website, or any other future-owned Beausoleil First Nation businesses or organizations that are accessible to the public.

15.5 After an election, the Electoral Officer shall:

- place all ballots prepared for the election in a sealed envelope, and;
- preserve ballots and other election material in their possession for a period of thirty (30) days or until such time as he/she has been served with a Notice of Appeal.

Section C.16 – ELECTION APPEAL-- Waa-zhi-aanji-gnowaamjigaadeg Naaknigewin

- 16.1 Any Candidate and Elector may appeal the results of an election within TEN (10) business days of the Election on the grounds that there has been:
- a. a violation of these Election Rules that may have affected the result of the election, or;
 - b. an irregularity in the voting process.
- 16.2 Notice of an Appeal shall be made in writing setting out the particulars of the alleged violation or irregularity and shall be sent by registered mail or personally delivered to the Chief Electoral Officer, who shall provide a written receipt of the Notice of Appeal to the candidate.
- 16.3 On receipt of a Notice of Appeal, the Chief Electoral Officer shall immediately notify the BFN Chief and Council and the Appeal Board and forward all ballots in their possession, together with the Electors List and any other relevant documentation to the Appeal Board, as indicated under C.5 of these Rules.
- 16.4 Within FIVE (5) business days on receipt of the Notice of Appeal, the Appeal Board shall:
- a. hold an Appeal Hearing on the issue or issues raised, or;
 - b. conduct an investigation of the matter or issue alleged.
- 16.5 Anyone appearing before an Appeal Board Hearing shall be entitled to have a lawyer or an advocate present, at their own expense. Such a decision to have a lawyer or an advocate, shall be communicated to the Appeal Board at least three business days (3) before the hearing. Any lawyers or advocates must work respectfully within the Beausoleil Election Rules and Regulations.
- 16.6 People in attendance at the appeal hearing shall consist of: Lawyer and/or advocate for the person making the appeal and the BFN, the Appeal Board, and/or the BFN Council in power and other youth, elders or service providers as approved by the Chief and Council, provided for under section 7.3.
- 16.7 No media will be allowed in the appeal hearing and no one except the Appeal Board shall be allowed to have any electronic recording devices.
- 16.8 The Appeal Board shall render a decision within fourteen (14) business days of receipt of the Notice of Appeal and it may either:

- a. uphold the results of the election, or;
- b. direct that a new vote be taken within twenty-one (21) days of the date of the decision of the Appeal Board for the position or positions which were the subject of Appeal with, if applicable, specific directions and actions for the correction of the cause of the violation or irregularity.

16.9 In the event of an Appeal, the incumbent or incumbents holding office or offices, which is or are the subject of an appeal shall remain in office until the date of expiry of the appeal process.

16.10 The decision of the Appeal Board is final and there is no further right of Appeal.

Section C.17 – VACANCY -- Dwisin

17.1 If an election is held because a member of Chief or Council resigns, deceases or is otherwise caused to vacate office and the current term of office is less than six months (6) from the original election, only the person with the next highest vote in the most recent election will fill that position until the next election. If it is beyond six months from the original election day of June 1st, a by-election will be held.

17.2 If a Chief is deceased or temporary unable to fulfill the position, the Chief Councillor will fill the position of Chief until an election is held or until the Chief is able to resume their position. The Chief Councillor is a person who has received the highest number of votes in the previous election.

17.3 Any Chief or Council member who has missed more than three (3) consecutive meetings without proper notification and approval via in-camera motion format, shall be deemed to have vacated their position, unless there is an expressed approval granted by vote of the First Nation Chief and Council and recorded at a regular or special Council meeting.

Section C.18 – COMMENCEMENT OF OFFICE

18.1 Where the position of Chief or Councillor is filled by an election or acclamation, the successful candidate shall commence office on the 15th business day following the election.

- 18.2 The consecutive time period between June 1st to June 15th of the election year shall be deemed to be a transition/orientation period between the former Chief and Council and the newly elected Chief and Council.
- 18.3 Likewise, if there is a tie-vote, the candidate who is elected under 15.4 of these Rules, shall take office 15 business days after obtaining the greatest number of votes in a by-election.
- 18.4 If an Appeal of the election or acclamation is commenced, the individual holding the office to which the Appeal relates shall cease to perform the duties associated with the office immediately and up until the Appeal process is completed and resolved.
- 18.5 If there is an Appeal of the election process, the Chief and Council will continue until the appeal is determined and confirmed by the Appeal Committee.

Section C.19 – GENERAL SUSPENSION

Grounds for Suspension

- 19.1 Chief and Council are members of public office and are accountable for their behaviour. They must be aware that all actions and behaviours of their actions reflect on the professional integrity and when appropriate, can damage BFN member trust. Therefore, to protect BFN member trust, individuals elected to Chief and Council should avoid any public behaviour that is clearly in violation of these Rules or the Governance Policy of the BFN.
- 19.2 Any member of Chief or Council may be suspended from office by quorum of Council at a duly convened Council meeting, without pay, when, in the unanimous opinion of the other Council members, it is determined that the Chief or Council member in question has failed to perform his/her official duties to the best of his/her ability or has acted in a manner detrimental or contrary to the best interests of the Beausoleil First Nation.
- 19.3 The Council will call a meeting of Council as within two (2) days to review a matter. The decision of the Council shall be final.
- 19.4 The circumstances under which a review and suspension of the conduct of a member of Council may be undertaken include the following:
- b. A member of Council fails to attend three (3) consecutive meetings without valid reason, or;

- c. A member of Council fails to participate in or contribute significantly to the decision-making process, or;
- d. A member of Council is suspected of misappropriating band monies or another band property, or;
- e. A member of Council is suspected of alcohol or substance abuse, or;
- f. A member of Council fails to perform his/her duties as Councillor as set out in the Regulations and Council Governance Policy to the best of his/her ability, or;
- g. A member of Council is suspected of otherwise having misused or abused the powers and duties associated with his/her office.
- h. A member of Council is charged and /or convicted of a criminal offense.

19.5 Any person who has been suspended from Council is entitled to attend regular meetings of the Council as a respectful member of Beausoleil First Nation. Conflict of interest declaration or in-camera consultations will occur at the Council's discretion.

Period of Suspension

19.6 Where a member of Council is suspended, such suspension shall not exceed a period of sixty days (60) calendar days from the date that notice in writing has been delivered personally to him/her or delivered to him/her through registered mail or communicated to him/her via email, letter, or phone. This suspension may be extended to allow the Council and/or appropriate ad-hoc Investigative Committee, along with legal counsel to investigate of not more than an additional 14 business days.

19.7 When a member being suspended has been previously suspended during the current term of office, or the current and the immediately preceding terms of office, such member may be suspended for a period not to exceed thirty (30) calendar days from the date that notice in writing informing the member of the suspension has been delivered personally to him/her or delivered to him/her through registered mail.

Appeal of Suspension

19.8 Any member of Council suspended may, by notice in writing delivered personally to the First Nation Administrator of the Band within five (5) calendar days of having been served the appeal decision and request a hearing before the Appeal Board of Beausoleil First Nation. The Appeal shall be heard within twelve (12) business days of receipt.

19.9 The decision of the Appeal Board is final and no further right of appeal can be heard outside of this process.

Penalty upon Suspension

- 19.10 Any member of Council who has been suspended from office shall not, during the period of his/her suspension:
- a. Receive a salary or honorarium specifically relating to his/her office or any other benefit of the said office whatsoever and, without limiting the generality of the foregoing, shall not receive, use or remain in possession any property of the Beausoleil First Nation, or;
 - b. Be entitled to vote in any Council meetings or otherwise act in any manner as a representative of the Beausoleil First Nation. Acting as a representative of Council while on suspension constitutes misrepresentation and grounds for termination under 21.1.
- 19.11 Any reinstated member of Council shall be reimbursed his/her salary or honorarium specifically relating to his/her office or any other benefit of the said office, according to rates set out by the BFN.

Section C.20 – RESIGNATIONS

- 20.1 Being elected to office to serve the interests of the BFN is a serious responsibility. As such, the BFN Chief and Council respect the decision of an elected official to resign after critically weighing a personal decision of an important nature.
- 20.2 A Chief or a member of Council may voluntarily resign his/her office including all committee involvement at any time by delivering a confidential, written resignation to the Council or to the First Nation Administrator.
- 20.3 At a Special Council meeting or next regularly scheduled Council meeting held within two (2) days, the resignation of the elected official shall be final and irrevocable.
- 20.4 Council shall direct a written acceptance to be served personally on the member of Council who has resigned setting forth a date for this decision.
- 20.5 A member who resigns shall:
- a. return all property, including equipment, passwords, keys, meeting packages, and other equipment and material gained as part of office from the Beausoleil First Nation in their possession, and;
 - b. pay all debts owed to Beausoleil First Nation, one (1) week after the Council decision.

Section C.21 – TERMINATION AND REMOVAL FROM OFFICE

Grounds for Termination

21.1 The Council may, by unanimous decision as defined in these Rules and in writing, remove from office any member of Council:

- a) Who has been suspended on two (2) separate occasions during the present term of office, or;
- b) Who intentionally misappropriates any property or monies belonging to the Beausoleil First Nation, or;
- c) Who is convicted of a criminal offense as set out in provisions under the Governance Policy and/or Part II of these Rules and Regulations; or
- d) Has misrepresented himself/herself; or;
- e) Who has breached any of the provisions of these Rules and that such breach is considered by Council to be grave and serious.

Penalty upon Termination

21.2 Any member of Council who has been terminated or removed from office shall:

- a. be prohibited from receiving a salary or honorarium or any benefit of office whatsoever effective from the date of termination, and;
- b. be disqualified from seeking re-election to Council for up to a six (6) year period (2 consecutive terms) from the date of the removal or termination, and;
- c. returns all property of the Beausoleil First Nation in their possession.

Termination Hearing

21.3 In the event that Council has determined to terminate or remove a member of Council, it shall direct a written notice to be served personally upon the member of Council who is to be removed setting forth a date for a termination hearing, such date to be not less than ten (10) business days from the date when served the notice.

21.4 Termination Hearings shall be conducted before an Appeal Board and Council, as set out in these Rules.

21.5 The Council shall provide to the Council member to be removed, at least five (5) business days prior to the Termination Hearing, direction as to the manner in which the hearing is to be conducted and as to the evidence that may be introduced at the hearing.

- 21.6 Anyone appearing before a Termination Hearing, including the member of Council in question shall be entitled to have a Lawyer or advocate present, at their own expense. If anyone decides to bring a Lawyer, he/she shall notify the Council of his/her decision to do so.
- 21.7 The Termination Hearing shall be open to the members of Beausoleil First Nations members, except where it is deemed that information is highly confidential in nature.
- 21.8 The proceedings of all Termination Hearings shall be recorded in a manner prescribed by Chief and Council and according to legal advice.
- 21.9 The decision of any termination hearings are final.

Section C.22 – CONFLICT OF INTEREST

22.1 A Conflict of Interest will arise when

(a) a person exercises an official power or performs an official duty or function in the execution of his or her office, job or committee and at the same time knows, or ought to know, that in the performance of the duty or function or in the exercise of the power there is opportunity to receive a financial benefit or to provide a financial benefit to himself or herself or to a related person; or

(b) A person's personal interests or perceived personal interest supersede or compete with his or her dedication to the best interests of the Beausoleil First Nation; or

(c) A person exploits their power on Council to further their personal, social, professional, political or financial gains at the expense of BFN members, including BFN staff.

22.2 Conflict of Interest will not arise if a financial benefit is intended or extended at the same time:

(a) to the entire membership; or

(b) a group of members who are identifiable by reference to age, gender, financial circumstances, medical needs, or to Council as a whole.

Part D- AMENDMENT PROCESS

Section 23- Amendment Process

- 23.1 These Rules will only be amended by the approval of a majority of the eligible Voters that participate in the amendment vote at a meeting called for that purpose. Upon approval by the majority of the voters, Council shall then amend the *Rules* accordingly.
- 23.2 At such a meeting for the amendment of the BFN Election Rules, the Council shall appoint an independent person to facilitate the meeting.
- 23.3 Any amendments to these Rules must be enacted at least twelve (12) months prior to the date of the Election set for June 1st.
- 23.4 Notice of the meeting for the Amendments shall be posted to all members of Beausoleil First Nation and other places four weeks prior to the date of the meeting.
- 23.5 Notice of the amendments must be posted four weeks prior to the vote on the amendments.
- 23.6 The Beausoleil First Nations Rules will be read over with the proposed amendments to the members at the meeting, after which time, a formal vote will be called. The amendment will be approved by the majority of the people who are present at the meeting (50% plus 1 majority).

Adopted by the Majority Vote of the Members who participated in the voting process as of 6th day of April, 2019.

Part E – COMING INTO FORCE

Section 24- Enactment

24.1 **Chimnissing Gimaakeying Waa-zhichgeng Wiindamaagewin** – Choosing Leaders-how to do it OR the **Beausoleil First Nation BFN Election Rules and Regulations** as amended shall be in force immediately on the approval by a motion of the Electors and confirmed by the process set out above.

DEFINITIONS AND INTERPRETATIONS

3.1 In these Rules, the following words and phrases shall have the meanings:

- b. “Administrator” means the most senior person appointed and designated by Council to manage the administration of the Beausoleil First Nation;
- c. “Appeal Board” mean five (5) people appointed by the Council to review and make decisions in relation to vote appeals and election vote appeals in accordance with this Rules.
- d. “Advocate” in an appeal board session, means a paralegal, family support or traditional support person.
- e. “Band” means the collective members of the Beausoleil First Nation;
- f. “Campaign Period” – the period before the election date. The campaign period begins from the date of nomination, when the nomination meeting is called to order and continues until the end of election day, when the polls close.
- g. “Candidate” means a member of the Beausoleil First Nation who has been nominated to run for office in a Beausoleil First Nation Council election in accordance with this Rules;
- h. “Chief” means the current person who is elected to service as the spokesperson of the Beausoleil First Nation, working together with the direction and assistance of the Councillors;
- i. “Chief Councillor” means the person who received the highest number of votes during an election for the positions of Councillor.
- j. “Common Law or Life Partner” are persons in a relationship between two (2) persons who are cohabitating in a conjugal relationship for a minimum of twelve- (12) months and includes same sex relationships;
- k. “Conflict of interest” means:
 - i. Where a person has a personal interest in the matter;
 - ii. Where a person has a family interest in the matter in relation to their immediate family;
 - iii. Where a person has an interest in relation to their close personal friend;
 - iv. Where a person has a professional or business interest in the matter.
- l. “Corrupt or Fraudulent Practice” includes, but not limited to, direct or indirect bribery or providing a financial or material incentive to an Elector in exchange for a vote;
- m. “Council” means the current Chief and Councillors of the Beausoleil First Nation, elected by these Rules and Regulations of the Chimnissing Gimaakeying Waazhichgeng Wiindamaagewin..

- n. “Councillor” means the current person duly selected under the Beausoleil First Nation Election Rules and Regulations to sit on Council;
- o. “Deputy Electoral Officer” means a person selected by the Council to assist the Chief Electoral Officer in the conduct of the Election;
- p. “Senior” means a member of the Beausoleil First Nation, as defined herein, who has reached the full age of (60) sixty years;
- q. “Election” means a Band election or Band by-election held under the Beausoleil First Nation Election Rules and Regulations;
- r. “Elector” means a member of the Beausoleil First Nation who:
 - a. has reached the full age of eighteen (18) years prior to the day set for an election, and;
 - b. is registered under the Beausoleil Membership Rules as maintained by the Beausoleil First Nation.
 - c. includes all members residing on and off Beausoleil First Nations;
- s. “Chief Electoral Officer” means a person as determined by Council, and who is appointed by the Council to administer an election in accordance with the Beausoleil First Nation Election Rules and its regulations;
- t. “Immediate family” means a person’s natural parent, adopted parent, step-parent; mother or father-in-law; child, spouse, common-law partner, same sex partner or life partner, sister, first cousin, brother; sister or brother-in-law; grandparents, and legal guardian or any other person residing within the same household;
- u. “INAC” means Indian and Northern Affairs Canada
- v. “Interpreter” means a person who is fluent in the Anishinaabe language; has officially been designated by the Elections Officer;
- w. “majority vote” means fifty (50) percent plus one (50+1) of the Council present but does not include the Chairperson;
- x. “Member” means a person as defined in the Beausoleil First Nation Membership Law or INAC membership list;
- y. “Membership Clerk” means an employee of Beausoleil First Nation who is responsible for maintaining the Membership List of Beausoleil First Nation;
- z. “Polling Station” means a building, hall or room which is selected to be the site where the election vote shall be conducted;
- aa. “Reserved lands” means the land known as the Beausoleil First Nation, I.R 30 and 30A, and can include additions to reserve and fee-simple land.

- bb. "Rule" means the Beausoleil First Nation Law or Act, approved by the Beausoleil First Nation.
- cc. "Scrutineer" means an elector who is authorized to represent or act as an agent for a candidate at a polling station, with each candidate at his/her cost being entitled to one (1) scrutineer;
- dd. "Spouse" means a person who is married to another, whether by traditional ceremony, religious or civil ceremony, and/or includes a common-law partner, and includes same-sex relationships or life partners;
- ee. "status Indian" means an individual recognized by the federal government of Canada as being registered under the **Indian** Act is referred to as a Registered **Indian** (commonly referred to as a **Status Indian**).
- ff. "Valid Photo Identification" means a form of identification that contains the name and photograph of the person, through such identification as:
- i. A driver's license;
 - ii. A certificate of Indian Status Card; and
 - iii. A passport.
- gg. "Youth" means a member who is between sixteen (16) and twenty-five (25) years of age during the election year. Youth between 16 -18 can be observers in the appeal process.