

## **PART III – ELECTION OF THE BOARD**

### **1. Composition of the Board**

1.1. The Board consists six (6) Directors as follows:

- (a) The President, who shall be elected to the position of President by Citizens entitled to vote in Elections;
- (b) The Vice President, who shall be elected to the position of Vice President by Citizens entitled to vote in Elections;
- (c) The Secretary who shall be a Director elected by Citizens entitled to vote in Elections and appointed to the office of Secretary by the Board;
- (d) The Treasurer who shall be a Director elected by Citizens entitled to vote in Elections and appointed to the office of Treasurer by the Board;
- (e) The Youth Director who shall be a Director elected by Citizens entitled to vote in Elections and appointed to the office of Youth Director by the Board;  
and,
- (f) The Elder Director who shall be a Citizen aged fifty-five (55) years or older, elected by Citizens entitled to vote in Elections and appointed to the office of Elder Director by the Board.

### **2. Term of Office**

2.1. A person elected under these Bylaws, unless otherwise disqualified from remaining in office, holds office from immediately following the declaration of Election result to immediately before the declaration of Election result of the next Board General Election.

2.2. A person elected under these Bylaws to fill a vacancy not caused by the passage of time, unless otherwise disqualified from remaining in office, holds office from immediately following the declaration of Election result in the By-

Election or run-off Election, to immediately before the declaration of Election result of the next Board General Election.

2.3. The Board elected at a Board General Election holds office for a term not to exceed four (4) years.

### 3. Election Day

#### 3.1. Election day

- (a) in the case of a Board General Election is to be held on the date set by the Board by resolution;
- (b) in the case of a run-off Election, is to be held on a date scheduled in accordance with these Bylaws; and
- (c) in the case of a By-Election, is to be held on a date scheduled in accordance these Bylaws.

3.2. The date for a Board General Election shall be set by a Resolution at least 21 days prior to the date selected.

### 4. Appointment of Returning Officers

4.1. The Board shall, by Resolution dated not less than 21 days prior to the Election Day, appoint a Returning Officer for the purposes of conducting an Election under these Bylaws.

### 5. Qualifications of Returning Officers

5.1. A person is not eligible to serve as a Returning Officer if the person:

- (a) is a Citizen of the Cadotte Lake Métis Nation Association;
- (b) is a permanent employee of or contracted on a full time basis to the Cadotte Lake Métis Nation Association; or
- (c) is a permanent employee of or contracted on a full time basis to any related business corporation or other entity which is owned or controlled, in whole or in part, by the Cadotte Lake Métis Nation Association.

## 6. Duties of Returning Officers

6.1. In addition to performing the duties specified in these Bylaws, a Returning Officer shall:

- (a) prepare a List of the Citizens entitled to vote in the Election;
- (b) retain and appoint Polling Clerks and other persons as required;
- (c) establish Voting Stations;
- (d) designate Polling Clerks to work at Voting Stations and determine who is to be in charge at Voting Stations;
- (e) provide for the supply and delivery of ballots, ballot boxes, instructions to Voters and other necessary supplies to all Voting Stations;
- (f) give notice of nominations;
- (g) receive nominations;
- (h) declare acclamations;
- (i) give notice of Elections;
- (j) maintain records; and
- (k) do all other things necessary for the conduct of an Election.

## 7. Administration of Oaths

7.1. The Returning Officer or a commissioner for oaths is authorized to administer an oath to a person making an oath that is authorized or required by these Bylaws.

## 8. Qualification of Candidates

8.1. A person may be nominated as a Candidate in any Election under these Bylaws if, on the nomination day, the person:

- (a) is a Citizen of the Cadotte Lake Métis Nation Association;
- (b) is at least 18 years of age or older;

- (c) has not, within the ten (10) years immediately preceding the nomination day, been convicted of an indictable offence under the *Criminal Code*, R.S.C., 1985, c. C-46 or the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19 or have not been pardoned for such conviction;
- (d) has not been found liable in a civil court or pursuant to criminal proceedings in respect of any matter involving theft, fraud, or misuse of property belonging to the Cadotte Lake Métis Nation Association or any related entity;
- (e) does not have a debt due to the Cadotte Lake Métis Nation Association or any related entity. For the purposes of this section, a debt includes any and all unsatisfied debts, past or present, including:
  - i. debts that were incurred by an incorporated entity owned or controlled, in whole or in part, by the Candidate at the time that the debt was incurred;
  - ii. debts that would otherwise have been extinguished by reason of legislation related to bankruptcies or insolvencies and any Court orders relating thereto;
  - iii. debts that would otherwise be uncollectible as having been barred by limitations legislation;
  - iv. debts that for any other reason may not be collectible in legal proceedings; and
- (f) does not have any claims and/or is not party to any claims against the community of the Métis of Cadotte Lake, Cadotte Lake Métis Nation Association, MNA Association Local Council 1994 Cadotte Lake, or the Cadotte Lake Métis Nation Association.

## 9. Nomination Day

9.1. The nomination day shall be 30 days before the Election Day.

## 10. Notice of Nomination Day

- 10.1. The Returning Officer shall give notice of the nomination day by posting a notice 15 days prior to the nomination day.
- 10.2. The notice of nomination day shall be posted by the Returning Officer at the Cadotte Lake Métis Nation Association's offices.
- 10.3. The Returning Officer may publish mail and deliver additional notices and give notice by any other method as many times as the Returning Officer considers appropriate.

## 11. Form of Nomination

- 11.1. All nominations shall be submitted to the Returning Officer by the filing of a nomination paper and Candidate's acceptance and signed by at least 5 Citizens eligible to vote in the Election on the date of signing the nomination and accompanied by a written acceptance by the person nominated.
- 11.2. A nomination paper is not valid nor shall it be acted on by the Returning Officer unless it is complete and is accompanied with the required documentation, including a criminal records check.
- 11.3. A nomination paper is not valid nor shall it be acted on by the Returning Officer unless the Candidate meets the requirements set out in this Bylaw.

## 12. Nominations

- 12.1. The Returning Officer shall receive nominations on the nomination day at the location, date, and hours set out in the notice of nomination day.
- 12.2. The candidate or the candidate's agent must file and deliver the nomination papers with the Returning Officer.

## 13. Insufficient Nominations

- 13.1. If the number of persons nominated for any office is less than the number required to be elected, the time for receipt of nominations shall stand adjourned to the next day at the same place and hours for the purpose of

receiving further nominations for the office.

- 13.2. If the number of persons nominated for any office remains less than the number required to be elected, the time for receipt of nominations may be further adjourned by the Returning Officer from day to day for a period not to exceed 5 days or until sufficient further nominations have been received, whichever is less.

#### 14. Withdrawal of Nomination

- 14.1. If more than the required number of Candidates for any particular office is nominated, any person so nominated may at any time prior to 48 hours of the Election Day withdraw as a Candidate for the office for which the Candidate was nominated by filing with the Returning Officer a withdrawal in writing.

#### 15. Death of Candidate

- 15.1. If a Candidate dies after being nominated, the Returning Officer shall cause a notice of the death to be posted at a conspicuous location in all the Voting Stations.

#### 16. Election by Acclamation

- 16.1. When at the close of nominations the number of persons nominated for any office is the same as the number required to be elected, the Returning Officer shall declare the persons nominated to be elected to the offices for which they were nominated.

#### 17. Notice of Election

- 17.1. If more than the required number of persons for any office remains nominated after the close of nominations, the Returning Officer shall declare that an Election shall be held for filling those offices.

- 17.2. If an Election is required, the Returning Officer shall give notice of it in the prescribed Form by posting the notice at least 30 days before the Election Day at the Cadotte Lake Métis Nation Association's offices.

- 17.3. The Returning Officer may publish, mail and deliver additional

notices and give notice by any other method as many times as the Returning Officer considers appropriate.

## 18. Campaigning

18.1. No Campaigning shall be permitted on Election Day within 100 meters of a polling station, save and except for the purposes of transporting voters to a polling station.

## 19. Fair Campaigning

19.1. Campaigning shall not include or involve:

- (a) defamation of opposing candidates;
- (b) sabotage of an opposing candidate's campaign; or
- (c) deliberate misrepresentation of facts.

## 20. Use of Campaign Materials

20.1. Campaign Materials may not be posted or displayed within a 100-meter perimeter of a Voting Station.

20.2. Each Candidate is responsible for ensuring that all Campaign Materials are removed, within 7 days of the posting of the declaration of Election result.

## 21. Powers of the Returning Officer

21.1. The Returning Officer has the power to remove any Campaign Materials which have been posted contrary to these Bylaws.

## 22. Mail In Ballots

22.1. On the same day the Notice of Election is posted, the Returning Officer shall mail to each non-resident Voter whose name appears on the List of Voters the following documents:

- (a) A copy of the Notice of Election;
- (b) Ballots, which shall be initialed on the back by the Returning Officer;

- (c) Instructions for voting by mail in ballot in accordance with section 36.2 and an information sheet explaining the deadline for delivery of mail in ballots;
- (d) A voter declaration form;
- (e) A prepaid postage envelope addressed to the Returning Officer; and
- (f) A second envelope marked "ballot" for insertion into the mailing envelope.

22.2. Every non-resident Voter who votes by mail in ballot shall:

- (a) Mark the ballot in accordance with these Bylaws;
- (b) Fold the ballot so as to conceal the face of the ballot and expose the Returning Officer's initials;
- (c) Place the ballot in the ballot envelope and seal the ballot envelope;
- (d) Complete and sign the voter declaration form before a witness over the age of eighteen (18) years and have the witness sign the voter declaration form; and
- (e) Place the sealed ballot envelope and completed voter declaration form in the preaddressed and postage prepaid envelope and mail or courier it.

22.3. Mail in ballots must be returned in the sealed envelope provided and received by the Returning Officer before the close of the polling stations on Election Day. Any ballots received after that date and time will not be counted

## 23. Voting Stations

23.1. The Returning Officer shall establish Voting Stations at the following locations:

- (a) at suitable locations near the Cadotte Lake Métis Nation Association offices; and
- (b) any other location designated by the Board.

## 24. Compartments for Voting

- 24.1. The Returning Officer shall ensure that each Voting Station is furnished with one or more voting compartments arranged so that a Voter is screened from observation and may mark the Voter's ballot without interference or interruption.
- 24.2. In each voting compartment there shall be provided for the use of the Voters in the marking of ballots a table, desk or shelf with a hard surface and a suitable marking instrument that shall be kept operational during the hours of voting.

## 25. Ballot Boxes

- 25.1. The Returning Officer shall ensure sufficient number ballot boxes.
- 25.2. Each ballot box must be made of reasonably durable cardboard or other durable material and constructed so that ballots can be deposited into the ballot box and cannot be withdrawn unless the ballot box is opened and the seal broken.

## 26. Sealing the Ballot Box

- 26.1. The Returning Officer or other person presiding at a Voting Station shall, immediately after the opening of the Voting Station, show each ballot box to the persons present at the Voting Station so that they can see that it is empty, close and seal the box so that it cannot be opened without breaking the seal and place the box in the Returning Officer's or other presiding person's view for the receipt of ballots.
- 26.2. The Returning Officer or other person presiding at the Voting Station shall keep each ballot box closed and sealed and in full view of all present during the hours of voting.

## 27. Printing of Ballots

- 27.1. If an Election is required, the Returning Officer shall cause a sufficient number of ballots to be printed at the expense of the Cadotte Lake Métis Nation Association.

## 28. Contents of Ballot

- 28.1. A ballot shall be used for the office of President and a separate ballot for the office of Vice President and a separate ballot for the office of Board member.
- 28.2. The names of all Candidates must be described on the ballot in the form requested in the Candidate's nomination paper.
- 28.3. The names of the Candidates shall be arranged alphabetically in order of the surnames and, if 2 or more Candidates have the same surname, the names of those Candidates shall be arranged alphabetically in the order of their given names.
- 28.4. Beside each named Candidate there shall be a photograph of the Candidate taken by the Returning Officer.
- 28.5. Every ballot used in an Election shall contain a brief explanatory note stating the maximum number of Candidates who can be voted for in order not to make the ballot void.

## 29. Instructions for Voters

- 29.1. Before the opening of the Voting Station, the Returning Officer or other person presiding at the Voting Station shall cause the printed instructions for the Voters to be posted within each voting compartment and at a conspicuous location within the Voting Station and shall ensure that they remain posted there until the close of the Voting Station.
- 29.2. The instructions shall be printed in clearly legible characters in the prescribed Form.

## 30. Voting Hours

- 30.1. Every Voting Station shall be kept open continuously on Election Day from 10 a.m. until 8 p.m. or as may be otherwise established under the notice of Election Day.
- 30.2. Promptly at 8 p.m. on Election Day, or any other time established under

the notice of Election Day, the Returning Officer or person presiding over that Voting Station shall declare the Voting Station closed.

- 30.3. If, when the Voting Station is declared closed, there is a Voter in the Voting Station who wishes to vote, the Voter shall be permitted to do so, but no other person shall be allowed to enter the Voting Station for that purpose.

### 31. Eligibility to Vote

31.1. A person is eligible to vote in an Election held pursuant to these Bylaws if the person, as of the Election Day:

- (a) is at least 18 years old; and
- (b) is a Citizen.

### 32. List of Voters

32.1. The Returning Officer shall prepare a List of Voters who are entitled to vote in an Election.

32.2. The List of Voters may contain only the following information about persons who are eligible to be Voters:

- (a) the surname, given name and middle initial of the person;
- (b) the person's date of birth; and
- (c) the person's mailing address.

32.3. The List of Voters shall be based on a Register of Citizens provided by the Cadotte Lake Métis Nation Association Citizenship Registrar or other person responsible for maintaining a list of Citizens for the Cadotte Lake Métis Nation Association who shall provide a certification in the prescribed Form.

32.4. The List of Voters may be used only by the Returning Officer or other Election Officials for the purposes of carrying out their duties under these Bylaws.

32.5. A Candidate who has filed valid nomination papers with the

Returning Officer may request and receive a copy of a Voters' list from which the information described in sections 46.2(b) and 46.2(c) has been expunged.

- 32.6. The document described in section 46.5 may only be used by the Candidates for the purposes of Campaigning for Election.

### 33. Voter Eligibility

- 33.1. Every person who attends at a Voting Station for the purpose of voting shall be permitted to vote

- (a) if the person's name appears on the List of Voters; or
- (b) if the person makes a statement, in the prescribed Form, that the person is eligible to vote as a Voter.

- 33.2. Every statement shall be made in the presence of the Returning Officer at the Voting Station.

- 33.3. If a person refuses to make a statement and the person's name is not on the List of Voters, the person may not vote.

- 33.4. The Returning Officer and any other Election official may request photograph or other identification where necessary or appropriate for the purposes of verifying a Voter's identity, from any person presenting at a Voting Station for the purpose of voting.

### 34. Person Objected To

- 34.1. If a Candidate or the Candidate's agent objects to a person who makes a statement of eligibility the Returning Officer or other Election Official shall report the reason for the objection and the name of the Candidate or agent making the objection in the prescribed Form.

### 35. Secrecy of Vote

- 35.1. While a Voter is in a voting compartment for the purpose of marking the Voter's ballot, no other person, except a person who has been permitted to

assist an incapacitated Voter, may enter the voting compartment or be in a position from which the person can see how the Voter marks the Voter's ballot.

### 36. Maintenance of Secrecy

36.1. No person shall be required to disclose in any proceedings, including proceedings for a disputed Election, whether the person has voted for a particular Candidate.

### 37. Number of Votes

37.1. A Voter in an Election may vote once.

37.2. A Voter may not vote for more than the number of persons to be elected to the office.

### 38. Entries in Voting Register

38.1. The Returning Officer shall keep a voting register that records each Voter who has received a ballot.

### 39. Initialing of Ballot

39.1. When the Returning Officer issues a ballot to a Voter, it must be folded and initialed by the Returning Officer so that the initials are visible without opening the ballot.

### 40. Explanation of Manner of Voting

40.1. The Returning Officer may, and on request shall, explain to a Voter as concisely as possible the proper method of voting in accordance with the instructions to Voters.

### 41. Marking of Ballots

41.1. On receiving a ballot, the Voter shall forthwith proceed into a voting compartment provided and shall mark the ballot by placing an "X" within the division on the paper containing the name of the Candidate of the Voter's choice.

## 42. Disposal of Marked Ballot

- 42.1. After marking a ballot, the Voter shall fold the ballot so as to conceal the names of the Candidates and the marks on the face of the ballot, and to expose the initials of the Returning Officer issuing the ballot at the Voting Station, and immediately after leaving the voting compartment shall, without delay and without showing the front to anyone, deliver the ballot so folded to the Returning Officer who is supervising at the ballot box.
- 42.2. The Returning Officer supervising at the ballot box shall, without unfolding a ballot or in any way disclosing the marks made by the Voter on the ballot, verify the initials on the ballot and deposit the ballot at once in the ballot box.
- 42.3. After the Voter's ballots are deposited in the ballot box, the Voter shall forthwith leave the Voting Station.

## 43. Replacement of Spoiled Ballot

- 43.1. A Voter who has inadvertently dealt with the Voter's ballot in a manner that it cannot be conveniently used as a ballot may,
  - (a) on returning it to the Returning Officer; and
  - (b) on establishing that the ballot was spoiled through inadvertence and without intent, receive another ballot in the place of the returned ballot.
- 43.2. The Returning Officer shall immediately write the word "spoiled" on the returned ballot and shall preserve it.

## 44. Voter Declining to Vote

- 44.1. If a Voter returns a ballot and states that the Voter is declining to vote, the Voter is not entitled to another ballot and the Returning Officer who is supervising at the ballot box shall deposit the declined ballot in the ballot box

## 45. Persons at Voting Station

- 45.1. Except for the Returning Officer, Election Officials, agents of Candidates authorized to attend at the Voting Station and the Voters who are for the time being actually engaged in voting, no other person is entitled to be present, nor shall any other person be permitted to be present, in the Voting Station during the time appointed for voting. For greater certainty, the persons prohibited from the Voting Station include Candidates, unless attending for the purposes of casting their own vote, and members of the media.
- 45.2. Without limiting the generality of section 59.1, Candidates and any persons acting for or on behalf of a Candidate, unless attending for the purposes of casting their own vote or with authorization of the Returning Officer shall not remain or loiter in any area that is within 100 meters of the Voting Station.
- 45.3. Authorized agents of Candidates may observe the voting procedures from a location within the Voting Station designated by the Returning Officer.
- 45.4. An authorized agent of a Candidate may not observe the voting procedures from a location that would allow them to see how Voters mark their ballots.
- 45.5. A person permitted to be present in the Voting Station shall leave the Voting Station on the request of the Returning Officer.

## 46. Prohibited Removal of Ballots

- 46.1. No person who has received a ballot shall take the ballot out of the Voting Station.
- 46.2. Any person who, having received a ballot, leaves the Voting Station without first delivering it to the Returning Officer to be deposited in the ballot box, forfeits the right to vote at that Election and the Returning Officer shall make a report in the prescribed Form.

## 47. Candidates' Agents

- 47.1. If, at any time during voting hours, a Citizen that is at least 18 years old presents to the presiding Returning Officer a written notice, in the form acceptable to the Returning Officer, signed by a Candidate, and stating that the person presenting the notice is to represent that Candidate as the Candidate's agent at the Voting Station, the person presenting the notice shall be recognized as the agent of the Candidate.
- 47.2. No Candidate shall be permitted to have more than two (2) agents present at any time in a Voting Station during voting hours.
- 47.3. The Returning Officer may designate the place or places at a Voting Station where the Candidate's agent may observe the Election procedure.
- 47.4. No Candidate's agent shall attend at a Voting Station with a communication device, including a cellular telephone, or any mechanical recording device.
- 47.5. When, in these Bylaws, anything is required to be done or authorized to be done then that thing may be done in the presence of Candidates' agents but the non- attendance of an agent or agents does not invalidate the act.

## 48. Interpreter

- 48.1. If a Voter does not understand, the English language, the Returning Officer may allow or appoint an interpreter to translate any statements, questions, or documents as necessary to allow the Voter to vote, where reasonably practicable.
- 48.2. The interpreter may not be a Voter.
- 48.3. Before acting as an interpreter, the interpreter shall make a statement in the prescribed Form.
- 48.4. Where any Voter has required the assistance of an interpreter, the Returning Officer shall make a report in the prescribed Form.

## 49. Advance Vote

- 49.1. An Advance Vote may be held where directed in the Resolution setting the Election date.
- 49.2. No Advance Vote shall be held within 24 hours of Election Day.
- 49.3. If an Advance Vote has been ordered, the Returning Officer may determine the days and hours when the Advance Vote is to be held.

## 50. Notice of Advance Vote

- 50.1. Notice of the days, the locations of the Voting Stations and the hours fixed for an Advance Vote shall be given in the Form prescribed by posting notice at least 7 days before the date set for the Advance Vote.
- 50.2. On complying with section 64.1, the Returning Officer may publish, mail and deliver additional notices and give notice by any other method as many times as the Returning Officer considers appropriate.

## 51. Advance Vote Stations

- 51.1. When an Advance Vote is authorized, the Returning Officer shall establish the locations of advance Voting Stations the Returning Officer considers necessary.
- 51.2. A vote held at an advance Voting Station must be conducted in the same manner as a vote on Election Day except that a fresh ballot box must be used on each day of the Advance Vote, and on the completion of each day of the Advance Vote, the ballot box used that day must be sealed so that no ballots can be deposited in it without breaking the seal, and the ballot box must remain like that and be stored in a secure place until it is opened for the counting of ballots at the close of the Voting Stations on Election Day.
- 51.3. The Returning Officer or his agent may, on the Advance Voting day, attend with Voters who are shut in, in hospital, or otherwise incapable of physically attending at a Voting Station for the purposes of receiving that Voter's vote. Any votes received from such Voters shall be held in a separate ballot box

which is then sealed so that no ballots can be deposited in it without breaking the seal, and the ballot box must remain like that and be stored in a secure place until it is opened for the counting of ballots at the close of the Voting Stations on Election Day.

## 52. Advance Vote Qualifications

- 52.1. The persons authorized to vote at an Advance Vote are the Voters:
- (a) whose usual residence is more than 100 kilometers away from Cadotte Lake, Alberta;
  - (b) who reside within 100 kilometers of Cadotte Lake, Alberta but have reason to believe that they will be absent from their usual residence during the whole time fixed for the Election;
  - (c) who by reason of physical disability find it impossible or extremely difficult to attend at the regular Voting Station;
  - (d) who are Elders; or
  - (e) who for religious reasons are not able to vote on Election Day.

## 53. Voter's Statement

- 53.1. Every person applying to vote at an Advance Voting Station, before being permitted to vote, shall be required to make a statement in the prescribed Form, which shall be kept by the Returning Officer with the other records of the Voting Station.

## 54. Incapacitated Voter at Voting Station

- 54.1. The Returning Officer, at the request of a Voter who is unable to read or is incapacitated by blindness or another physical condition from marking the Voter's ballot in the usual manner may, at the Voter's request, mark the vote of that Voter on the Voter's ballot in the manner directed by that Voter, and shall immediately deposit the ballot in the ballot box.

54.2. No Candidate or agent shall be present in the voting compartment at the marking of a ballot under this section.

54.3. When a ballot has been marked pursuant to this section, the Returning Officer shall make a report in the prescribed Form.

## 55. Counting of Votes

55.1. Immediately after the close of the Voting Station, the Returning Officer shall in the presence of at least one and any additional persons that the Returning Officer considers necessary, and the Candidates or agents, if any, ensure that each ballot box is opened and that the votes are counted.

## 56. Void Ballots

56.1. A Returning Officer shall examine the ballots and any ballot:

- (a) that does not bear the initials of the Returning Officer;
- (b) on which more votes are cast than a Voter is entitled to cast;
- (c) on which anything is written or marked by which a Voter can be identified;
- (d) that has been torn, defaced or otherwise dealt with by a Voter so that the Voter can be identified;
- (e) that is not marked by an "X"; or
- (f) on which no vote has been cast by a Voter; is void and shall not be counted.

56.2. On the back of a ballot a Returning Officer shall:

- (a) endorse "rejected" if the Returning Officer rejects it as void; and
- (b) endorse "rejection objected to" if any objection is made to the Returning Officer's decision; and
- (c) shall initial each endorsement.

56.3. Notwithstanding section 70.1(e), if a vote, though incorrectly marked on a ballot, clearly indicates for whom the Voter intended to vote, the Returning Officer may count that ballot

## 57. Ballot Account

57.1. A Returning Officer shall count the ballots marked for each Candidate and the ballots not rejected and prepare a ballot account in the prescribed Form.

## 58. Signatures to Ballot Account

58.1. The ballot account shall be signed by at least one other person involved in the count and may be signed by those of the Candidates or their agents present who desire to sign it.

## 59. Packets of Ballots

59.1. At the completion of the counting of the ballots, the Returning Officer shall make up into separate packets:

- (a) the valid ballots;
- (b) the valid ballots objected to together with the notes of objections made to the ballots found in the ballot box;
- (c) the rejected ballots, including those on which no vote has been cast by a Voter;
- (d) the spoiled ballots;
- (e) the unused ballots; and
- (f) the voting register.

## 60. Sealing Ballot Packets

60.1. Each packet of ballots shall be sealed and each packet must be marked on the outside with:

- (a) a short description of the contents of the packet;
- (b) the date of the Election; and
- (c) the name of the Returning Officer.

## 61. Securing Election Documents

61.1. The Returning Officer shall place all the packets described in section 74.1 in the ballot box and the ballot box shall be closed and sealed so that it cannot be opened without breaking the seal and marked on the outside with the Voting Station particulars.

61.2. If more than one Voting Station has been established, the Returning Officer's agent for that Voting Station shall personally and as soon as practicable deliver to the Returning Officer the sealed ballot box and the ballot account for their Voting Station.

## 62. Election Results

62.1. At any Board General Election or By-Election the Candidate or Candidates, receiving the highest numbers of votes shall be declared to be elected and in the event of an equality of votes, a run-off Election shall be held in accordance with these Bylaws.

## 63. Declaration of Election Result

63.1. The Returning Officer may publish unofficial results of the counting of ballots after an Election as the results are received from Voting Stations

63.2. The Returning Officer shall, at or before 12 noon on the day after Election Day, at the Cadotte Lake Métis Nation Association's offices post or cause to be posted a declaration of Election result in the prescribed Form.

## 64. Recount

64.1. The Returning Officer may make a recount if:

- (a) a Candidate or an agent of a Candidate shows grounds that the Returning Officer considers reasonable for alleging that the record of the result of the count of votes at any Voting Station is inaccurate; or
- (b) the Returning Officer considers that the number of
  - i. valid ballots objected to; or

- ii. rejected ballots other than those on which no vote has been cast by a Voter;

was sufficient to affect the result of the Election if they had not been counted or rejected, as the case may be.

64.2. If the Returning Officer makes a recount, the Returning Officer shall:

(a) Before the recount, notify:

- i. any Candidates who may be affected by the recount; and
- ii. those officers that the Returning Officer considers necessary to assist in the recount;

(b) break the seal of the ballot box; and

(c) proceed to count the ballots contained in it.

64.3. After the recount, the Returning Officer shall:

(a) correct the ballot account if necessary;

(b) place in the ballot box all the documents contained in it at the time the Returning Officer broke the seal; and

(c) close the ballot box and seal it with the Returning Officer's seal.

64.4. An application for a recount must be made during the 24 hours immediately following the declaration of Election result but may not be made afterwards.

## 65. Disposition of Election Material

65.1. The Returning Officer shall retain the ballot boxes with their seals unbroken for 6 weeks from the later of the date of voting or the disposition of any Election appeal, and then shall cause the ballot boxes to be opened and their contents destroyed in the presence of 2 witnesses and each of the 2 witnesses shall take an affidavit that the witness has witnessed the destruction of the contents of the ballot boxes.

## 66. Order for Inspection of Ballots

66.1. No person may inspect the contents of a ballot box in the custody of the Returning Officer except on order of an appeal arbitrator where the inspection or production of the contents of a ballot box is required for the purpose of contesting an Election result.

## 67. Tie Results

67.1. In the event of an equality of votes, a run-off Election will be held.

## 68. Date of Run-Off Election

68.1. Run-off Elections shall be held within 14 days of the declaration of Election result.

## 69. Delay of Run-Off Election

69.1. Notwithstanding section 82.1, a run-off Election may be delayed in the event of an Election appeal which may affect the result which gave rise to the equality of votes. In such cases the run-off Election, if still necessary after the determination of the Election appeal, shall be held within 10 days of the determination of the appeal arbitrator.

## 70. Notice of Run-Off Election

70.1. If a run-off Election is required, the Returning Officer shall give notice of it in the Form prescribed for an Election excepting that the notice shall be at least 5 days before the run-off Election day at the Cadotte Lake Métis Nation Association's offices and at least two other public places, the selection of which is to be determined in the discretion of the Returning Officer.

70.2. On complying with section 84.1, the Returning Officer may publish, mail and deliver additional notices and give notice by any other method as many times as the Returning Officer considers appropriate.

## 71. Adjusted Procedures for Run-Off Election

- 71.1. Any section relating to timing shall not apply to the conduct of a run-off Election and all matters with respect to scheduling shall be within the discretion of the Returning Officer.
- 71.2. Only those Candidates who received the highest equal number of votes are eligible to be Candidates in the run-off Election.

## 72. Circumstances Giving Rise to By-Election

- 72.1. In the event that a Board member dies, resigns, or is removed from office with more than 12 months from the expiry of their term of office, the Board shall, within 14 days of the death or the effective date of the resignation or removal, set the date for a By-Election to fill the vacant office.

## 73. Persons Prohibited From Running in By-Election

- 73.1. A person who has resigned or been removed from office pursuant to these Bylaws or any predecessor customary Election rules of the Cadotte Lake Métis Nation Association is not eligible to be a Candidate in the By-Election.

## 74. Procedures for By-Election

- 74.1. Subject to section 88.2, the procedures for the conduct of a Board General Election apply to a By-Election.
- 74.2. The Board may, by Resolution, dispense with any provision respecting time and, in the place and stead of such provisions, establish the times within which notices must be posted by the Returning Officer.

## 75. Appointment of an Appeal Arbitrator

- 75.1. The Returning Officer shall, not less than 20 days prior to the Election day, appoint an appeal arbitrator for the purposes of determining any controversy arising from an Election.

## 76. Cost of Appeals

76.1. Subject to the appeal arbitrator's ability to order costs, the Cadotte Lake Métis Nation Association shall be responsible for the payment of the appeal arbitrator's fees and associated costs, and for the hearing costs. Unless otherwise ordered by the appeal arbitrator, the parties to an appeal shall be responsible for their own costs.

## 77. Qualifications of Appeal Arbitrator

77.1. The appeal arbitrator:

- (a) shall be either a lawyer qualified to practice law in the province of Alberta or a retired judge or justice of any level of court; and
- (b) may not be any person who has previously represented the Cadotte Lake Métis Nation Association, the affected Candidate or appellant, any related business corporation or other entity which is owned or controlled, in whole or in part, by the Cadotte Lake Métis Nation Association.

## 78. Permitted Grounds of Appeal

78.1. A Candidate or Voter who voted in the Election, may appeal an Election on the basis that:

- (a) the Returning Officer made an error in the interpretation or application of the Bylaws which affected the outcome of the Election;
- (b) a person voted in the Election who was ineligible to vote and provided false information or failed to disclose information relevant to their right to vote and their participation affected the outcome of the Election;
- (c) a Candidate who ran in the Election was ineligible to run and provided false information or failed to disclose information relevant to the validity of their nomination;
- (d) a Candidate engaged in conduct that breaches the campaigning rules and the Candidate's conduct affected the outcome of the Election; or

- (e) a Candidate was guilty of a corrupt election practice or benefited from and consented to a corrupt election practice.

## 79. Limitation of Action

- 79.1. An Election appeal must be filed with the Returning Officer no later than 7 days following the declaration of Election result.

## 80. Filing Fees

- 80.1. A notice of appeal must be received by the Returning Officer with a non-refundable filing fee of \$1000, paid by cash, certified cheque, or money order.

## 81. Notice of Appeal and Appeal Documents

- 81.1. The notice of appeal must be complete and in the prescribed Form.
- 81.2. A person who files a notice of appeal must further file all the evidence that person relies in support of the appeal including:
  - (a) Sworn statements of witnesses;
  - (b) Copies of any documents relied on in the appeal; and
  - (c) Such further or other material as the person appealing may consider relevant to the appeal.

## 82. Filing of Documents

- 82.1. The notice of appeal, the filing fee, and all supporting materials must be received by the Returning Officer within the limitation period.

## 83. Responding Documents

- 83.1. The Returning Officer shall, within 3 days of the expiry of the limitation period, notify any affected Candidate that an appeal has been filed and affected Candidates shall have a period of 5 days from the date of receipt of the appeal documents to file a response.
- 83.2. Any response filed by an affected Candidate shall include all the evidence that person relies on in disputing the appeal including:

- (a) Sworn statements of witnesses;
- (b) Copies of any documents relied on in disputing the appeal; and
- (c) Such further or other materials as the person responding may consider relevant to the appeal.

#### 84. Production of Election Records

84.1. The Returning Officer shall forthwith deliver to the appeal arbitrator:

- (a) the ballot boxes;
- (b) a copy of these Bylaws;
- (c) copies of nomination papers;
- (d) a copy any certifications;
- (e) copies of any reports; and
- (f) copies of the appeals and any documents delivered with the appeals.

#### 85. Powers of Appeal Arbitrator

85.1. All appeals shall be in writing, without holding an oral hearing, and the appeal arbitrator has the following powers:

- (a) to determine questions of law arising in the course of the appeal proceedings;
- (b) to rule on any objections;
- (c) to order production of documents which are material and relevant to the appeal and to conduct such investigations as the appeal arbitrator considers necessary to properly dispose of the appeal;
- (d) to determine the procedure to be followed having regard for fairness and equality between the parties; and
- (e) the appeal arbitrator is not bound by rules of evidence and has the power to determine admissibility, relevance and weight of any evidence.

85.2. The appeal arbitrator does not have the power to order any relief not

specifically permitted by these Bylaws.

85.3. Neither the *Arbitration Act*, R.S.A. 2000, c. A-43 or the *Commercial Arbitration Act*, R.S.C. 1985, c. 17 (2nd Supp.) or any other like legislation applies to the appeal arbitrator or to appeal hearings under these Bylaws.

## 86. Determination of Appeals

86.1. The appeal arbitrator shall dismiss any appeal which does not meet the requirements of sections 92 to 96.

86.2. Within 5 days of the appeal hearing, the appeal arbitrator shall render a decision and provide written reasons in support. The appeal arbitrator may:

- (a) dismiss the appeal;
- (b) grant the appeal, but deny any corollary relief on the basis that the grounds established by the appellant did not affect the Election result; or
- (c) grant the appeal and order corollary relief which may include a new Election.

86.3. If the appeal arbitrator determines that an appeal was so lacking in merit as to constitute an abuse of the appeal process he or she may order the appellant to pay the costs of the appeal hearing or the cost of the affected Candidates or both.

## 87. No Review

87.1. No decision, order, directive, declaration, ruling or proceeding before the appeal arbitrator shall be questioned or reviewed in any court by application for judicial review or otherwise and no order shall be made or process entered or proceedings taken in any court whether by way of injunction, declaratory judgment, prohibition, *quo warranto*, or otherwise to question, review, prohibit, or restrain the appeal arbitrator or the appeal arbitrator's decision or proceedings before the appeal arbitrator.

87.2. Notwithstanding section 101.1 a decision, order, directive, declaration, ruling, or proceeding of the appeal arbitrator may be questioned or reviewed by

way of an application for judicial review in the Court of Queen's Bench of Alberta but only on the basis that the appeal arbitrator erred in law or failed to observe a principle of natural justice.

## **PART IV – GOVERNANCE**

### **88. Duties of the President**

88.1. The President of the Cadotte Lake Métis Nation Association shall have the following powers and duties:

- (a) To preside over all meetings of the Board;
- (b) To call meetings of the Board and of the Citizens;
- (c) To be an ex officio member of all committees of the Board;
- (d) To be a signing officer on any documents required to be signed for or on behalf of the Cadotte Lake Métis Nation Association including cheques and financial instruments;
- (e) To be the spokesperson and chief negotiator for the Cadotte Lake Métis Nation Association; and
- (f) To perform such further or other duties as may be assigned by the Board.

### **89. Duties of the Vice President**

89.1. The Vice President of the Cadotte Lake Métis Nation Association shall have the following powers and duties:

- (a) In the absence of the President, to preside over all meetings of the Board;
- (b) If appointed by the Board, to be a signing officer on any documents required to be signed for or on behalf of the Cadotte Lake Métis Nation Association including cheques and financial instruments; and
- (c) To perform such further or other duties as may be assigned by the Board.

### **90. Duties of the Secretary**

90.1. The Secretary of the Cadotte Lake Métis Nation Association shall

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have the following powers and duties:

- (a) At the instruction of the President, to issue notices of all meetings of the Board;
- (b) To keep or cause to be kept the minutes of all meetings of the Board;
- (c) To be the custodian of all official books and records of the Board;
- (d) To keep custody of the seal, if any, of the Cadotte Lake Métis Nation Association;
- (e) To keep or cause to be kept the Register of Citizens of the Cadotte Lake Métis Nation Association;
- (f) To ensure that all returns or other documents required by the Act are filed in a timely manner; and
- (g) To perform such further or other duties as may be assigned by the Board.

## 91. Duties of the Treasurer

91.1. The Treasurer of the Cadotte Lake Métis Nation Association shall have the following powers and duties:

- (a) To keep or cause to be kept full and accurate accounting records for the Cadotte Lake Métis Nation Association;
- (b) To ensure that all money or valuables paid or delivered to the credit of the Cadotte Lake Métis Nation Association are deposited to a bank or other financial institution or otherwise properly credited and safeguarded to the Cadotte Lake Métis Nation Association;
- (c) To be a signing officer on any documents required to be signed for or on behalf of the Cadotte Lake Métis Nation Association including cheques and financial instruments;
- (d) To provide regular and complete reporting of financial matters to the Board and to the Citizens;

- (e) To manage the budget and expenditures of the Board; and
- (f) To perform such further or other duties as may be assigned by the Board.

## 92. Duties of the Youth Director

92.1. The Youth Director of the Cadotte Lake Métis Nation Association shall have the following powers and duties: and

- (a) To be a signing officer on any documents required to be signed for or on behalf of the Cadotte Lake Métis Nation Association, including cheques and financial instruments;
- (b) To perform such further or other duties as may be assigned by the Board.

## 93. Duties of the Elder Director

93.1. The Elder Director of the Cadotte Lake Métis Nation Association shall have the following powers and duties:

- (a) To be a signing officer on any documents required to be signed for or on behalf of the Cadotte Lake Métis Nation Association, including cheques and financial instruments;
- (b) To advise the Board in respect of the guidance received by the Elder Advisor on behalf of the Elders Circle; and
- (c) To perform such further or other duties as may be assigned by the Board.

## 94. Meetings of the Board

94.1. The Board shall meet not less than once per month at such times and places as may be designated by the President.

94.2. The Secretary shall ensure that each Board member receives not less than two (2) days' notice of any meeting of the Board. Notice may be provided by any means by which a Board member may be conveniently contacted included telephone or email communication.

94.3. A meeting of the Board may be held without notice if all the Board members are present or if those members who are not present have given their

consent in writing to the meeting being held in their absence without notice.

94.4. Any irregularity in notice may be waived by the Board and errors or omissions in the provision of notice may be addressed by the subsequent approval and ratification of any actions taken at a subsequent Board meeting.

94.5. Citizens of the Board may participate by telephone, videoconferencing or other means of communication that permit all persons participating in the meeting to communicate with one another and Board members participating by such means are deemed to be present at the meeting.

94.6. A quorum shall be a majority of the Board.

94.7. Each member of the Board shall have one (1) vote and all matters shall be decided by a majority vote. In the case of an equality of votes the President shall have a deciding vote.

94.8. There shall be no proxy voting.

94.9. Resolutions of the Board signed in writing by all the members of the Board shall be as effective as a resolution passed at a meeting of the Board, duly convened and held.

## 95. Conflicts of Interest

95.1. Board members must, in all matters, act impartially and in the best interests of the Cadotte Lake Métis Nation Association as a whole. In order to ensure that everyone fulfils their obligations to the Citizenship of the Cadotte Lake Métis Nation Association, it is important to adhere to strict conflict of interest guidelines.

95.2. Every Board member shall:

- (a) Avoid any situation in which personal, occupational, or financial considerations may affect, or appear to affect, their objectivity, judgment, or

ability to act in the best interests of the Cadotte Lake Métis Nation Association;

- (b) Not directly or indirectly engage in any personal or business activity which competes with or conflicts with the interests of the Cadotte Lake Métis Nation Association including appropriation of business opportunities;
- (c) Not make any decisions, use their office or powers, or use any personnel, equipment or facilities of the Cadotte Lake Métis Nation Association or any related entity to provide benefits for themselves or their immediate family; and
- (d) Not use or communicate any information acquired in their capacity as a Board member for their personal gain or for the benefit of their immediate family.

95.3. A Board member shall resign if convicted of an indictable offence under the *Criminal Code*, R.S.C., 1985, c. C-46 and a Board Citizens duties shall be suspended if charged with such an offence until the same has been dealt with.

95.4. Any Board member who is in a conflict of interest must:

- (a) abstain from voting or deliberating on any question relating to the matter; and
- (b) comply with any decision of the Board to ameliorate or resolve a conflict of interest as a condition of continuing to hold office as a Board member.

95.5. Every Board member has a continuing obligation to disclose actual or potential conflicts of interest arising during their term of office.

95.6. If there is a dispute as to whether a conflict of interest exists, Board may seek the advice of a lawyer and, if necessary, may determine the matter by way of a vote of the Board. The determination of the Board as to the existence of a conflict of interest shall be final and binding.

95.7. The Board may make other rules respecting conflicts of interest not inconsistent with the Bylaws.

## 96. Removal and Vacancy of Council Director

108.1 A member of the Board shall automatically cease to be a member if any of the following events occur:

- (a) The death of the Board member
- (b) If any Board member, without reasonable excuse is absent from  
Three (3) consecutive board meetings:
- (c) A board member resigns by delivering a written resignation to the  
Secretary of the Board.
- (d) If a Board member ceases to be a Cadotte Lake Metis Nation  
Citizen as set out in 11.0 Termination of Citizenship