



- (3) Except in Sections 9, 10, 12, 15, 17 to 19, 26, 27, 28 to 30, 80 to 82, and 84, a reference to the Returning Officer shall be deemed to include a reference to the Deputy Returning Officer and Assistant Returning Officers.

### **General**

2. This By-Law applies to all elections of the Council members of the Band held pursuant to Part II of the Act.
3. All notices, ballots, and other documents contemplated herein respecting such elections may be drawn up in any of the Cree, English and French languages.
4. General elections for Council members shall be held every four (4) years, subject to the Act. In case of vacancy in the office of any Council member, an election shall be held for that office in accordance with the Act, and the provisions of this By-Law shall apply to such election with such modifications as circumstances may require.

### **Calling of Elections**

5. Subject to Section 4 and the Act, the Council of the Band shall, by resolution, determine the date, time and place, within the Category IA Lands of the Band, of the general election.

### **Number of Positions of Council Members**

6. The Council of the Band shall consist of five (5) Council members, comprising the Chief, Deputy-Chief, and three (3) Councillors.

### **Term of Office of Council Members**

7. (1) Council members elected at a general election shall hold office for a term of four (4) years from the date of their election.
- (2) Notwithstanding the expiry of their term of office, Council members shall continue to hold office until the election of their replacements.

### **Method of Electing Council Members**

8. Council members shall be elected in accordance with the custom of the Band or by secret ballot, as specified herein and subject to the provisions hereof..

### **Returning Officer**

9. The Returning Officer shall supervise the conduct of the elections of the Council members of the Band. He shall also exercise such other functions as may be attributed to him by the Band in respect of any elections, Band meetings and referenda held pursuant to the Act.

10. The Returning Officer may take such measures as are necessary to ensure the fair and orderly conduct of nomination meetings and election polls or meetings, as the case may be, and may cause any person engaging in disorderly conduct to be ejected therefrom.
11. The Deputy Returning Officer and Assistant Returning Officers shall exercise such functions and perform such duties as may be assigned to them by the Returning Officer, subject to his general supervision and direction.

#### **Notice of Nominations and Elections**

12. When a general election is to be held, the Returning Officer shall post a notice, which may be in the form attached as Schedule 1, both of a meeting of electors for the purpose of nominating candidates for election and of the election meeting or poll.
13. Such notice shall be posted in one or more conspicuous places, including the Band office, within the Category IA Lands of the Band, at least five (5) clear consecutive days prior to the date of the proposed nomination meeting and at least fifteen (15) clear consecutive days prior to the date set for the election meeting or principal poll.
14. Such notice shall specify the date, time, place, within the Category IA Lands of the Band, and the purpose of the nomination meeting and of the election meeting or principal and advance poll.

#### **Electoral List**

15. The Returning Officer shall prepare the list of electors eligible to vote at the nomination meeting and at the election meeting or poll.
16. A copy of the electoral list shall be appended to and posted with every notice of nomination meeting and election meeting or poll.
17. Any elector may apply to the Returning Officer to have the electoral list revised on the grounds that the name of an elector has been incorrectly set out or omitted or that the name of a person not qualified to vote is included therein.
18. If satisfied that the electoral list should be corrected, the Returning Officer shall make the necessary correction thereto. The decision of the Returning Officer in respect of any application made under Section 17 shall be final.

#### **Nomination Procedures**

19. (1) At the date, time and place specified in the notice, the Returning Officer shall ascertain if a quorum is present, and, if so, shall declare the meeting open for the purpose of receiving nominations..
- (2) Where no quorum is present, the Returning Officer may adjourn the nomination meeting from time to time until a quorum shall be present.

20. The quorum of the nomination meeting shall be fifty (50) electors of the Band present in person.
21. Notwithstanding any other provision of this By-Law concerning nomination and election method and procedure, the Chief, Deputy-Chief, and any Councillor in office immediately before the nomination meeting may be re-elected there by acclamation for another term to such office. The method and procedure of election by acclamation in such cases shall be as follows:
  - (a) Immediately after calling the nomination meeting to order, the Returning Officer shall determine, in respect of each office of Council member, whether:
    - (i) the elector holding such office immediately before the nomination meeting is nominated for re-election to such office and accepts such nomination, and
    - (ii) any other elector is nominated for election to such office and accepts such nomination;
  - (b) If no elector other than the elector mentioned in paragraph (a) (i) is nominated for election to such office and accepts such nomination, the latter elector shall be elected by acclamation.
  - (c) If such office is not filled by acclamation, it shall be filled in accordance with the nomination and election method and procedure otherwise applicable under this By-Law.
22. Separate nominations shall be called for the office of Chief, of Deputy-Chief, and for the offices of Councillor.
23. Any elector of the Band may verbally propose or second at the meeting the nomination of any other elector eligible to hold office as Chief, Deputy-Chief or Councillor. No one may propose or second the nomination of more than one candidate if that candidate accepts his nomination.
24. Any nominee who is present at the nomination meeting shall declare his acceptance or refusal of his nomination before the close of the meeting. Any nominee who is absent from the nomination meeting shall declare his acceptance or refusal of such nomination to the Returning Officer within two (2) days of the posting of the list of candidates, failing which he shall be deemed to have declined the nomination and his name shall be deleted from the list of candidates.
25. The Returning Officer shall inform the meeting of the provisions of Section 24.
26. The Returning Officer shall not close the nomination meeting until such business as he considers may properly be brought before it has been disposed

of and not, in any event, before one (1) hour has elapsed since the meeting was called to order.

27. Forthwith upon the close of the nomination meeting, the Returning Officer shall prepare a list of all the candidates nominated at the meeting, indicate upon such list the offices for which the candidates are respectively nominated, transmit a copy of such list, signed by him, to the Band Secretary and post a copy of such list at one or more prominent public places, including the Band office, within the Category IA Lands of the Band.
28. If the number of candidates appearing on the list of candidates which has become definitive does not exceed the number of offices for which those candidates have been respectively nominated, the Returning Officer shall declare the candidates so nominated to be elected by acclamation, and no poll shall be held in respect of those offices. The Returning Officer shall then, without undue delay, prepare and sign a written statement of the results of such election, and transmit a copy of such statement to each of the candidates, the Band Secretary and the Minister.
29. If the number of candidates elected pursuant to Section 28 is less than the number of positions of Council members to be filled, the Returning Officer shall call another nomination meeting in respect only of the positions remaining to be filled, and the provisions of Sections 12 to 14 and 20 to 31 shall apply thereto with such modifications as the circumstances may require.
30. If more than the required number of candidates is nominated for the offices of Chief, Deputy-Chief and Councillor, the Returning Officer shall declare that an election shall be held in respect of those offices on the dates specified in the notice of the election.

#### **Election Method and Procedure**

31. The election meeting or poll shall be held on the date, at the time and place fixed in the notice of nomination meeting and election meeting or poll.
32. The election shall be by secret ballot unless, at the nomination meeting, a majority of the electors present vote, by a show of hands, in favour of holding the election according to the custom of the Band.
33. Each elector shall be entitled to one vote for the office of Chief, one vote for the office of Deputy-Chief and one vote for the office of Councillor.

#### **Election by Band Custom**

34. The quorum of the election meeting shall be fifty (50) electors of the Band present in person.
35. (1) The Returning Officer shall ascertain if a quorum is present and, if so, shall declare the meeting open for the purpose of electing Council members.

- (2) Where no quorum is present, the Returning Officer may adjourn the election meeting from time to time until a quorum shall be present.
36. Voting shall be conducted separately for the office of Chief, Deputy-Chief and Councillors.
37. All of the candidates for a particular office shall stand in a line at the front of the place where the election meeting is held.
38. Each elector present who desires to do so shall vote by physically standing in a line behind the candidate for whom he wishes to vote and shall remain standing until all the votes have been counted.
39. Any elector present who is prevented by physical incapacity from voting in accordance with Section 38 may signify his vote in such manner as the Returning Officer may deem just and appropriate in his case.
40. No person shall attempt to influence in any way the manner in which an elector exercises his right to vote.
41. The Returning Officer shall satisfy himself that no one other than an elector of the Band participates in the voting.
42. Upon ascertaining that the electors present have had a reasonable opportunity to vote, the Returning Officer shall declare the voting period for that particular office closed.
43. The Returning Officer, his Deputy or Assistants, as the case may be, shall thereupon count the number of votes received by each candidate.
44. The Returning Officer shall note on the list of candidates, opposite the name of each candidate and the office for which he was nominated, the number of votes received by that candidate.

**Election by Secret Ballot**

*A. Ballot Papers*

45. The Returning Officer shall cause to be prepared a sufficient number of ballot papers for the poll to be conducted.
46. Separate ballot papers shall be provided for the election of the Chief, Deputy-Chief and Councillors. Such ballot papers shall list, in alphabetical order, the names of the candidates standing for the offices of Chief, Deputy-Chief and Councillors.

*B. Ballot Boxes*

47. The Returning Officer shall obtain as many ballot boxes as are necessary for the conduct of the election poll, keep a count of such boxes and keep them under his supervision until the election is held.
  48. Each ballot box shall be constructed of suitable material and in such a manner that the ballots deposited herein cannot be withdrawn without opening the ballot box.
- C. Preparation for the Poll*
49. The Returning Officer shall provide a compartment at each polling place where the electors can mark their ballot papers free from observation.
  50. Before the poll opens, the Returning Officer shall make available at each polling place a sufficient quantity of ballot papers and materials for marking the ballot papers in order for the poll to be conducted.
  51. Immediately before the poll opens, the Returning Officer responsible for each polling place shall open the ballot box located there and shall call upon such persons as may be present to witness that it is empty. He shall then close the ballot box and place it in view for the reception of the ballots. The ballot box shall not be opened during the time appointed for taking the poll.
  52. The poll shall be kept open during the period specified in the election notice, provided that such period extends for at least ten (10) continuous hours between 8 o'clock in the morning and 8 o'clock in the evening of the same day.
  53. Every person in attendance at a polling place or at the counting of the votes shall maintain and aid the maintaining the secrecy of voting.
  54. No person shall interfere or attempt to interfere with a elector when marking his ballot papers or obtain or attempt to obtain at the polling place information as to how a elector is about to vote.
  55. Where a person presents himself for the purpose of voting, the Returning Officer shall, if satisfied that the name of such person is entered on the electoral list at the polling place, provide him with a ballot paper, initialled by such officer, on which to register his vote.
  56. The Returning Officer shall cause to be placed in the proper column of the electoral list a mark opposite the name of every elector receiving a ballot paper.
  57. The Returning Officer may and, when requested to do so, shall explain the method of voting to an elector.

58. Each elector receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall there mark his ballot paper by placing a cross (+), an "x" (x) or a checkmark (√) opposite the name of the candidate or candidates for whom he desires to vote; he shall then fold the ballot paper so as to conceal the names of the candidates and the marks on the face of paper but so as to expose the initials of the Returning Officer, and, on leaving the compartment, shall forthwith deliver the ballot paper to the said officer, who shall, without unfolding the ballot paper, verify his initials and at once deposit it in the ballot box in the presence of the elector and of all other persons entitled to be present at the polling place.
59. While an elector is in the compartment for the purpose of marking his ballot paper, no other person shall, except as provided in Section 60, be allowed in the same compartment or be in any position from which he can see the manner in which such elector marks his ballot paper.
60. Notwithstanding Sections 53, 54, and 59, the Returning Officer shall, on the application of any elector who is unable to read or to understand the language of the ballot paper, or is incapacitated by blindness or other physical cause from voting in the manner prescribed in Section 58, assist such elector, by marking his ballot paper in the manner directed by the elector, and, in the presence of one witness, place such ballot in the ballot box.
61. The Returning Officer shall note on the electoral list, in the column for remarks opposite the name of an elector mentioned in Section 60, the fact that the ballot paper was marked by him at the request of the elector and the reasons therefore.
62. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used or does not accurately signify his intention shall, upon returning it to the Returning Officer, be entitled to obtain one other ballot paper, and the said Officer shall thereupon write the word "*cancelled*" upon the spoiled ballot paper and preserve it.
63. Any elector who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the Returning Officer in the manner provided, or who, after receiving the ballot paper, refuses to vote, shall forfeit his right to vote at the election, and the said Returning Officer shall make an entry on the electoral list in the column for remarks opposite the name of such elector to show that such elector received the ballot paper and declined to vote and the said Returning Officer shall mark upon the face of the ballot paper the word "*declined*", and all such ballot papers so marked shall be preserved.
64. Every elector who is inside the polling place at the time fixed for closing the poll shall be entitled to vote before the poll is closed.



### **Scrutineers**

65. Any candidate may appoint in writing one scrutineer to represent him at each polling place during the conduct of the poll, and one scrutineer to represent him during the counting of the vote.

### **Special Polls**

66. An advance poll shall be held seven (7) days before the principal polling day for those electors who have reason to believe they will be absent from the community or unable to vote on the principal polling day for reason of physical disability, illness or work or family responsibilities..
67. Voting in an advance poll shall be by ballot, radio, telephone, house-to-house survey or by any other means determined by the Returning Officer, who may prescribe such rules as, subject to the Act and this By-Law, he deems appropriate for the conduct of the advance poll.
68. A witness shall always be in attendance during the conduct of an advance poll.
69. Rules pertaining to the secrecy of voting shall apply to the advance poll with such modifications as the circumstances may require.
70. When voting in an advance poll is otherwise than by ballot, the Returning Officer shall note in ink the vote of every elector so voting on the electoral list in the column for remarks opposite the name of such elector.
71. Nothing in this By-Law shall be construed as obliging the Returning Officer conducting an advance poll to communicate with, or to secure the vote of, any or all electors, nor shall the results of any election be invalidated for the reason that any elector was not afforded the opportunity to vote in an advance poll.

### **Counting of the Vote**

72. Immediately after the closing of the principal poll, the Returning Officer shall, in the presence of at least two (2) witnesses, open the ballot box and count the votes given for each candidate from the ballot papers not rejected.
73. The Returning Officer shall reject all ballot papers:
- (a) That have not been supplied and initialled by him, his Deputy or Assistants, as the case may be;
  - (b) By which votes have been given for more candidates than are to be elected;
  - (c) Upon which anything appears by which the elector can be identified;
  - (d) Left in blank or spoiled by the elector, or

(e) That does not clearly manifest the intention of the elector.

74. The Returning Officer shall take note of any objection made by any candidates or scrutineer to any ballot paper found in the ballot box and decide any question arising out of the objection. The Returning Officer shall number every such objection and place a corresponding number on the back of the ballot paper with the word "*allowed*" or "*disallowed*", as the case may be, with his initials.

#### **Basis of Election of Chief, Deputy-Chief and Councillors**

75. The Chief and the Deputy-Chief are elected by an absolute majority vote. If no candidate wins an absolute majority in the first ballot, a second ballot is held within the next thirty (30) days, at the time determined by the returning officer, between the two candidates who, from among those who did not withdraw their candidacy, won the most votes in the first ballot.
76. The candidate for the office of Councillor receiving the highest number of valid votes cast in respect of that office shall be elected Councillor.
77. The candidate for the office of Councillor receiving the next highest number of valid votes in respect of that office shall be elected Councillor. This process shall be repeated until all vacant Councillor positions are filled.
78. In the case of a tie-vote for the office of Chief, Deputy-Chief or the last office of Councillor, the Returning Officer shall call another election in respect of that office. Only the candidates being the subjects of a tie-vote shall be candidates in that election. Sections 12 to 14 and 31 to 84 of this By-Law shall apply to such election with such modifications as the circumstances may require.

#### **Recording and Certification of Election Results**

79. Forthwith upon completing the counting of the votes, the Returning Officer shall publicly declare to be elected the candidate or candidates elected in conformity with the present By-Law.
80. The Returning Officer shall, without undue delay after the counting of the votes, prepare a written statement of the results of the election showing the number of votes received by each candidate and the names of the candidates duly declared elected to the office of Chief, Deputy-Chief and Councillors, and including, where applicable, the total number of votes cast for each candidate, and the number of unused, rejected, cancelled and declined ballots. The Returning Officer, and such candidates and scrutineers as may be present and so desire, shall sign the statement of election results.

81. The Returning Officer shall, without undue delay, transmit a copy of the completed statements of election results to each of the candidates, the Band Secretary and the Minister, and shall post a copy of each statement at one or more conspicuous places, including the Band office, within the Category IA Lands of the Band.

**Contestation of Election Results**

82. The contestation of election results is governed by Section 78 of the Act.

**Disposition of Ballot Papers**

83. The Returning Officer shall conserve in his possession all ballot papers relating to the election for a period of seven (7) days from the date of the principal poll. If the election is not contested, he shall then destroy the ballot papers in the presence of two (2) witnesses. If the election is contested, he shall conserve the ballot papers until otherwise directed by the judge inquiring into the election.

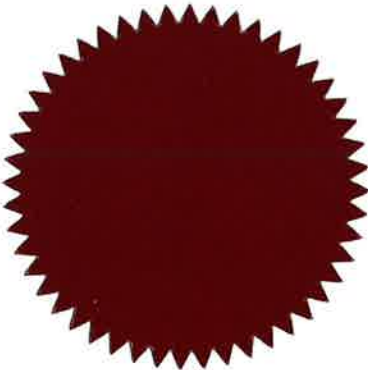
**Election By-Law Number 11 Replaced**

84. This By-Law shall, on the date of its coming into force, repeal and replace the Eastmain Band Election By-Law No.11, enacted on September 21, 1987.

**Coming Into Force of this By-Law**

85. This By-Law shall come into force on the date when it has been approved both by the electors of the Band and by the Minister in accordance with Section 66 of the Act.

**IN WITNESS THEREOF, WE HAVE SIGNED, IN EASTMAIN, QUÉBEC, THIS 29<sup>th</sup> DAY OF OCTOBER, 2009.**



  
Chairman

  
Secretary