

GRAND RAPIDS FIRST NATION  
ELECTION POLICY  
EFFECTIVE SEPTEMBER 24, 1992

The GRAND RAPIDS FIRST NATION COUNCIL, on the authority of the Grand Rapids First Nation members, make these regulations governing procedures of FIRST NATION CUSTOM ELECTIONS and these regulations shall become effective immediately upon the date of a Grand Rapids First Nation Council Resolution approving the said regulations.

100. These regulations may be cited as the Grand Rapids First Nation Custom Regulations.

200. DEFINITIONS

210. "Chief" - means that a First Nation member elected as Chief pursuant to these regulations.
220. "Councillor" - means that a First Nation member elected as Councillor pursuant (accordingly) to these regulations.
230. "First Nation Council" - means the Council composed of Chief and Councillors elected in accordance with these regulations.
240. "First Nation Members" - means a person whose name appears on the Grand Rapids First Nation Citizenship list and Indian Register of the Department of Indian Affairs.
250. "Elector" - means a person who:
- a) is treaty and a member of Grand Rapids First Nation;
  - b) is of the full age of 18 years on election day;
  - c) has not been declared pursuant to the appropriate Federal or Provincial legislation to be mentally incompetent;
  - d) any member of Grand Rapids First Nation regardless of residency on or off reserve.
260. "Electoral Officer" - means the person who is appointed to govern and implement the procedures for elections pursuant to these regulations.
270. "Provincial" - whether referring to government or laws means a reference to the Province of Manitoba.
280. "Indian Act" - refers to the Federal Indian Act as amended from time to time.
290. "Federal Legislation" - refers to legislation passed by the Government of Canada.
295. "Gender" - references to the feminine shall be deemed to include references to masculine and references to masculine shall be deemed to include references to feminine.

300. ELECTORAL OFFICER

310. The Electoral Officer can only be removed from the position by a vote pursuant to the rules set out in Section 1510 subject to section 330.
320. Upon the office of Electoral Officer becoming vacant an election for Electoral Officer will take place as soon as possible after the vacancy occurs with the rules for nomination and election of Chief applying except that whatever changes are necessary will be deemed to have been made to apply to the Electoral Officer as opposed to Chief, these changes otherwise know in law as applying the rules of one situation to another "mutatis matandis" and subject to Section 330.

330. In applying rules 310 and 320, the Chief will replace the Electoral Officer and if the Chief is unable or unwilling to act then the Council will name a person to replace the Electoral Officer.

400. COMPOSITION OF FIRST NATION COUNCIL

The Grand Rapids First Nation Council shall consist of one (1) Chief and three (3) Councillors.

500. ELECTIONS

510. The Chief of the First Nation shall be the member duly nominated for the position of Chief and obtaining the greatest number of votes of the Electors of the First Nation who have voted.

520. Councillors of the First Nation shall be the three (3) First Nation members duly nominated for the position of Councillor and obtaining the greatest number, second greatest number and third greatest number respectively of votes of the Electors of the First Nation who have voted.

600. ELIGIBILITY FOR THE OFFICE OF CHIEF

A member of the Grand Rapids First Nation who is the full age of 21 years regardless of the fact that he lives off the reserve.

700. ELIGIBILITY FOR THE OFFICE OF COUNCILLORS

A member of the Grand Rapids First Nation who is the full age of 21 years regardless of the fact that he lives off the reserve.

800. TENURE OF OFFICE

Chief and Councillors shall, subject to these regulations, hold office for three (3) years.

810. The newly elected Chief and Council shall take office on the first working day immediately following their election.

900. VACANCY IN OFFICE

910. The office of Chief or Councillor shall become vacant immediately upon the Electoral Officer certifying in writing that a vote pursuant to this clause 910 has been taken, declaring that the person who holds the said office is;

- a) unfit to continue in office by reason of having been convicted of an offense for which he was incarcerated, unless the said offense was related to protection of treaty and inherent rights;
- b) has been convicted of an indictable offense;
- c) has been absent from scheduled meetings of the Council for three consecutive meetings without just cause; or
- d) was substantially involved in corrupt election practices, bribery, accepting a bribe, or substantial dishonest or disorderly conduct.

920. Votes under clause 910 shall take place when the Electoral Officer receives a petition signed by 51% (fifty-one percent) of the Electors setting out the grounds for the request of the vote under 910 and the Electoral Officer shall conduct the vote in the same way as a vote for a position on Council and a decision in said vote shall be by a majority of the Electors voting.
930. The office of Chief or Councillor becomes vacant upon the person holding that office dying or tendering his resignation in writing to the Electoral Officer.
940. Any person who ceased to hold office by virtue of clause 910 shall be ineligible to be a candidate for the office of Chief or Councillor for three (3) years.
950. Any First Nation member who has and is convicted of an indictable offense shall be ineligible to run for office of Chief or Councillor for a period not exceeding three (3) years.
960. Where the office of Chief or Councillor becomes vacant more than six (6) months before the date when another election would ordinarily be held, a special election may be held in accordance with these regulations.

#### 1000. NOMINATION MEETING

1010. The Electoral Officer shall declare the date of election and date of nomination and said declaration will take place at least thirty (30) days prior to election day, provided that the nomination day shall be not less than twenty (20) days and not more than fifteen (15) days before election day. The Electoral Officer shall, not less than fourteen (14) days prior to the nominating meeting post a notice in at least six (6) conspicuous places indicating the time and place of the nominating meeting and may give such other notice as he considers reasonable.
1020. The Electoral Officer shall declare the nomination meeting open and declare it closed in accordance with time specified in the notice.

#### 1100. NOMINATION MEETING

- No First Nation member may be a candidate for election for Chief or Councillor unless his nomination is moved and seconded by two (2) First Nation members who are themselves eligible to be nominated.
1110. An Elector who nominates a First Nation member shall state the reason for the nomination.
1120. The Elector seconding the nomination shall also state the reason for seconding and elaborate.
1130. The nominee must be present to accept or decline the nomination.
1140. If the First Nation member accepts nomination he must give his reason for accepting with a five (5) minute speech.
1150. In the event that the number of First Nation members nominated is more than required for Chief or Councillor the Electoral Officer shall immediately declare that the poll will be held.
1160. The Electoral Officer shall without delay, after the nomination proceed to post a notice in at least six (6) conspicuous places indicating the time and place where and when the poll will be held.

1170. Any Grand Rapids First Nation members employed by the Grand Rapids Council or its affiliate who is nominated for Chief or Councillor and accepts the nomination shall resign his/her position, if elected.
1180. In the event that an Elector is nominated for Chief or Councillor and there is no other candidate nominated for any such position, he shall be declared elected by acclamation by the Electoral Officer at the close of the nomination meeting.
1190. A First Nation member shall nominate only one other First Nation member and that nominator shall be eligible to second only one nomination.

#### 1200. VOTING PROCEDURES AND RULES

1210. All candidates must cease campaigning twenty-four (24) hours prior to the opening of the polls.
1220. An Electoral Officer shall appoint two (2) Deputy Electoral Officers to assist him/her in the First Nation Election.
1230. The Electoral Officer shall post one or more copies of the voters' list containing the names in alphabetical order or the Electors, with treaty numbers, in at least six (6) conspicuous places requested by the Electors.
1240. Any Elector may apply to have the voters' list corrected on the grounds that:
- a) name of the Elector has been omitted;
  - b) name of an Elector is incorrectly set out; or
  - c) the name of a person not qualified to vote is included.
1250. If the Electoral Officer is satisfied that there is reasonable grounds that the Electors' list should be corrected, he shall make the necessary correction in the presence of two (2) other Electors.
1260. The Electoral Officer shall cause to have sufficient ballot papers containing the names of the candidates for Chief and Councillors in alphabetical order.
1270. Any Candidate who has been nominated may withdraw no later than forty-eight (48) hours prior to the opening of the poll, by filing written withdrawal of his nomination signed by himself in the presence of the Electoral Officer and the Electoral Officer shall immediately proceed to blot out the candidate's name from the ballot papers using a red felt pen and in the presence of two (2) electors.
1280. An Advance Poll will be held one (1) week prior to regular election day between the hours of nine (9:00) o'clock in the forenoon until eight (8:00) o'clock in the afternoon of the same day in accordance with the current time used.
- a) the Advance poll will take place according to the same general rules of election contained herein and the box containing the ballots of the Advance Poll will not be opened and will be kept by the Electoral Officer to be opened and counted together with the rest of the ballots at the end of regular election day;
  - b) any Elector who thinks that he may be unavailable for voting on election day will be permitted to vote at the Advance poll.
1290. The Electoral Officer or his deputy's shall provide compartments at the polling place situated in a place where the Electors can mark their ballot papers free from observation.
1311. The poll shall be kept open from nine o'clock (9:00) in the forenoon until eight o'clock (8:00) in the afternoon of the same day in accordance with the current time used (C.S.T. or D.S.T.)
1321. A candidate shall be entitled to one scrutineer in a polling place.

1331. Voting at all elections shall be by secret ballot.
1341. The Electoral Officer shall immediately before the commencement of the poll, open the ballot box and call such a person as may be present to witness that the ballot box is empty and he shall place the box where it will be in view at all times during the voting.
1351. On an Elector presenting himself for the purpose of voting, the Electoral Officer or his Deputy shall, if satisfied that the name of the person is entered in the voter's list, provide the Elector with a folded paper initialed by the Electoral Officer to register his vote.
1361. The Electoral Officer or his Deputies shall, upon request, explain the procedure of voting to a voter.
1371. The Electoral Officer or his Deputies shall place a mark opposite the voter's name in the voters' list indicating that he received a ballot paper.
1381. Each Elector receiving a ballot paper shall immediately proceed to the compartment provided for making ballots and shall mark the ballot paper by placing an X or check mark opposite the candidate or candidates for whom he votes for. He shall then fold the ballot paper so as to expose the initials of the Electoral Officer and on leaving the compartment shall immediately deliver the ballot paper to the Electoral Officer who shall, without unfolding the paper, verify his initials and at once deposit the ballot paper in the ballot box in the presence of the voter and all other persons entitled to be present.
1421. Any Elector who has received a ballot paper and leaves the polling area after receiving same shall forfeit his right to vote in that election and the Electoral Officer or his Deputies shall make an entry in the voters' list in the column for remarks, opposite the name of such person to show that such person received a ballot and declined to vote in accordance with regulations and was disqualified.
1431. An Elector whose name does not appear on the voter's list may vote at an election provided that the person can substantiate to the Electoral Officer, by showing credentials, that he is qualified to vote and he must have two (2) Electors co-sign an affidavit for him. (written statement of oath, that he has sworn)
1441. Every Elector who is inside the polling place at the time fixed for closing the poll shall be entitled to vote.
1451. The Electoral Officer shall at the end of the specified polling time open the ballot box in the presence of the candidates and their scrutineers and shall proceed to count the ballot papers in the presence of witnesses.
1461. Immediately after the completion of the counting of the vote, the Electoral Officer shall publicly declare the candidate or candidates elected, and he shall post in six (6) conspicuous places a statement signed by him indicating and showing the number of votes cast for each candidate.
1471. a) Where two (2) or more candidates have an equal number of votes, the Electoral Officer shall cast the deciding vote, but the Electoral Officer shall not otherwise be entitled to vote.
- b) The Deputy Electoral Officers shall be entitled to vote subject to clause 250.

81.

The Electoral Officer shall submit a statement in four (4) copies showing the total number of votes cast for each candidate and the number of spoiled or rejected ballots.

- a) one copy to be filed at the First Nation office;
- b) one copy to the Department of Indian Affairs for information purposes;
- c) one copy shall be retained by the Electoral Officer;
- d) the statement shall be signed by the Electoral Officer and the candidates or their scrutineers that are present.

91. An elector must be present to be eligible to vote, otherwise an Elector shall forfeit his right to vote.

#### 1500. RECOUNTS

If the difference between the top vote number obtained and the next closest vote number is five (5) votes or less, the Electoral Officer shall recount the votes immediately after the election.

1510. Upon receiving a petition signed by a number of Electors equal to or greater than 51% of the number of eligible voters in the immediately preceding election, requesting a recall vote for any reason, the Electoral Officer and his Deputies may arrange for a vote on the request with respect to the person to whom the petitions refers and the Electoral Officer shall conduct the vote in the same way as a vote for a position on Council and a decision in said vote shall be by a majority of the Electors voting.

#### 1600. DISPOSITION OF BALLOT PAPERS

The Electoral Officer shall deposit the ballots in a sealed envelope and shall retain custody of them and shall destroy them on the day immediately after the tenth (10) day after any appeal or complaint has been dealt with by him or the thirtieth (30) day after election day, whichever is the later.

#### 1700. TIME

If any day in these rules falls on a Sunday or Saturday or a holiday then any activity or deadlines specified to fall on said day shall be deemed to occur on the day immediately after.

1800. No Chief and/or Councillor shall change, alter (adjust) or rescind any of these regulations unless authorized by a majority vote of the Electors of the First Nation.


The foregoing are hereby certified to be rules and regulations to govern First Nation Custom Elections of the Grand Rapids First Nation adopted as replacement for the rules and regulations passed on or about the 12th day of March, 1982 and to be implemented and be effective as at this date forward.

SIGNED AND CONFIRMED as having been passed at a duly called meeting of the First Nation members this 24th day of September, 19 92.

  
CHIEF

  
COUNCILLOR

  
COUNCILLOR

  
COUNCILLOR