

PROPOSED AMENDMENTS TO:

Papaschase IR 136 Descendants Custom Council Election Code: Revised February 25, 2023

s.1 Definitions:

Current text:

(h) "Papaschase Descendants Council" or "Council" shall consist of one Chief and 9 Councilors duly elected by the eligible voters of the Papaschase Descendants to represent the collective interests of all Papaschase Descendants;

Proposed Change:

(h) "Papaschase Descendants Council" or "Council" shall consist of one (1) Chief and four (4) Councilors duly elected by the eligible voters of the Papaschase Descendants to represent the collective interests of all Papaschase Descendants;

(l) "Quorum of Council" means at least five (5) Councilors if the Chief is present. If the Chief is not present, then the Quorum will be at least six (6) Councilors;

Proposed Change:

(l) "Quorum of Council" means at least two (2) Councilors if the Chief is present. If the Chief is not present, then the Quorum will be at least three (3) Councilors;

s.2 Governing Body

2.1 The Governing Body of the Papaschase Descendants shall consist of a duly elected Council comprised of one (1) Chief and nine (9) Councilors. The responsibility of the Chief and Council will be to govern the affairs of the Descendants, to defend and advance the treaty rights and legitimate interests of the descendants, and to take all necessary steps to obtain a fair and just settlement of the unlawful surrender of Papaschase IR 136 in 1888.

Proposed Change:

2.1 The Governing Body of the Papaschase Descendants shall consist of a duly elected Council comprised of one (1) Chief and four (4) Councilors. The responsibility of the Chief and Council will be to govern the affairs of the Papaschase Descendants, to defend and advance the treaty rights and legitimate interests of the Papaschase Descendants, and to take all necessary steps to obtain a fair and just settlement of all matters related to descendants of the Papaschase Band associated with;

(a.) the unlawful surrender of Papaschase IR 136 in 1888, and

(b.) the ultimate dissolution of the Papaschase Band.

2.2 The Chief and Council shall be responsible to retain and instruct legal counsel to diligently prosecute and take any necessary steps in relation to Alberta Court of Queen's Bench Action No. 0103-03088 and/or to enter into negotiations with the Government of Canada for the fair and just settlement of the claim.

Proposed Change:

Delete 2.2.

s. 3 Accountability

Proposed Change:

3.4 The Council, Elders, and those serving with authority granted through appointments pursuant to this Papaschase IR 136 Descendants Custom Election Code, are subject to the Papaschase First Nation Code of Conduct Policy attached as Schedule I, such Schedule forming an integral part of this Custom Council Election Code.

s.4 Eligibility to Hold Office

4.4 Candidates for the office of Councilor must be at least eighteen (18) years of age. Seven of the nine Councilor positions shall be designated for registered Indians and the two remaining positions shall be designated for non-status or Metis Descendants to represent the interests of those Descendants who are not registered Indians.

Proposed Change

4.4 Candidates for the office of Councilor must be at least eighteen (18) years of age. Three (3) of the four (4) Councilor positions shall be designated for registered (or registerable) Indians and the one (1) remaining position shall be designated for non-Status Papaschase Descendants to represent the interests of those Papaschase Descendants who are not registered Indians.

Proposed Change:

4.6 Any Member who has been removed from office pursuant to this Code is not eligible to be an election candidate.

Proposed Change:

4.7 Candidates for the office of Chief or Councilor that have an unsatisfied debt due to the Papaschase First Nation, or a Papaschase First Nation owned or controlled business entity shall not be eligible to be an election candidate until the debt is satisfied.

Proposed Change:

4.8 At the time of nomination, candidates for the office of Chief or Councilor must provide to the Electoral Officer a current Criminal Records check that establishes to the Electoral Officer's satisfaction, that the candidate has not been charged or convicted of a disqualifying offence under Canada's Criminal Code as set out more particularly in the Papaschase First Nation Band Membership Code.

Proposed Change:

4.9 Candidates for the office of Chief or Councilor must have graduated with a Grade twelve (or equivalent) education.

Proposed Change:

4.10 The Electoral Officer appointed under section 10.1 shall post a notice further to section 11 (Notice of Election and Nominations) that contains all relevant information related to the nomination meeting and election, including but not limited to, all requirements to establish eligibility to stand as a candidate and hold office.

s.6 Vacancy

6.1 The office of Chief or Councilor becomes vacant when a person who holds that office:

- a) is convicted of an indictable offence;
- b) dies or resigns from office;
- c) is declared to be mentally incompetent by a Court of competent jurisdiction; or
- d) is ineligible or becomes ineligible to hold office by virtue of this Code.

Proposed Change:

6.1 The office of Chief or Councilor becomes vacant when a person who holds that office:

- a) is or was convicted of an indictable offence;*
- b) dies or resigns from office;*
- c) is declared to be mentally incompetent by a Court of competent jurisdiction; or*
- d) is ineligible or becomes ineligible to hold office by virtue of this Code.*

6.2 If a person who holds office as Chief or Councilor misses three (3) consecutive regular Council meetings or General Membership meetings without just cause, or engages in conduct that interferes with the performance of their official duties they may be removed from office by a majority of all eligible voters of the Papaschase Descendants in attendance at a duly constituted meeting called by Papaschase IR136 Descendants Custom Council Election Code the Council for that purpose, providing that a quorum of 50 Papaschase Descendants attend the meeting and at least 30 days' notice of the meeting has been provided to the Chief or Councilor in question.

Proposed Change

6.2 A person who holds office as Chief or Councilor;

(a.) who misses three (3) consecutive regular Council meetings or General Membership meetings without just cause, or engages in conduct that interferes with the performance of their official duties, may be removed from office through a majority vote of all eligible voters of the Papaschase Descendants in attendance of a duly constituted meeting called for that purpose pursuant to this Code, provided,

(i.) that a quorum of fifty (50) Papaschase Descendants attend the meeting, and

(ii.) at least thirty (30) days notice of the meeting has been provided to the Chief or Councilor in question.

6.2.1 A person who holds office as Chief or Councilor who engages in conduct inconsistent with the Papaschase First Nation Code of Conduct Policy that interferes with the performance of their official duties may be censured in accordance with the Code of Conduct Policy.

s.9 Powers of the Chief and Council

9.2 The Council shall be entitled to take all steps considered necessary to seek a resolution of the unlawful surrender of Papaschase IR 136 in 1888, including legal action and pursuing a negotiated settlement through the Specific Claims Policy or through out of Court negotiations.

Proposed Change

9.2 The Council shall be entitled to take all steps considered necessary to seek a resolution of the unlawful surrender of Papaschase IR 136 in 1888, including legal action and pursuing a negotiated settlement through avenues supported by Canada's Policies or through out of Court negotiations.

9.3 The Council may request funding from the Department of Indian Affairs and other sources to undertake historical and legal research in support of the claim and is

authorized to retain and instruct legal and technical advisors to represent the Papaschase Descendants.

Proposed Change

9.3 The Council may request funding from Canada and other sources to undertake historical and legal research in support of the claim and is authorized to retain and instruct legal and technical advisors to represent the Papaschase Descendants.

s.11 Notice of Election and Nominations

11.7 Any person may be nominated to run as a candidate for either Chief or Councilor, but not both. Non-Refundable fees to run for Chief is \$250.00 and the fee for Councilor positions is \$100.00. There are 7 Status councilor positions and 2 non-Status councilor positions, with a total of ten positions available (including Chief).

Proposed Change

11.7 Subject to any other requirements of this Custom Council Election Code, any person may be nominated to run as a candidate for either Chief or Councilor, but not both. Non-refundable fees to run for Chief are \$500.00 and the fee for Councilor positions is \$250.00. There are three (3) Status councilor positions and one (1) Councilor position to represent the interests of those Papaschase Descendants who are not registered Indians, with a total of five (5) positions available (including Chief).

12. Voting Eligibility

12.1 All persons who are at least eighteen (18) years of age and are direct lineal descendants of the former Papaschase Indian Band are entitled to vote in the election providing they have first completed and submitted a membership form prescribed by the Papaschase Descendant's Council. Completion of the Papaschase membership form shall entitle the person to be registered as a probationary member. To be an eligible member, you must be a bon-a-fide, direct lineal descendant and your application must be certified by a registered genealogist, reviewed, and approved by the Papaschase Membership Committee, and accepted by Papaschase Chief and Council.

Proposed Change

12.1 All persons who are at least eighteen (18) years of age and are direct lineal descendants of the former Papaschase Indian Band are entitled to vote in the election providing they have first completed and submitted a membership form prescribed by the Papaschase Descendant's Council. Completion of the Papaschase membership form shall entitle the person to be registered as a probationary member. To be an eligible member, the applicant must be a 'bona fide', direct lineal descendant and the

application must be certified by a registered genealogist, reviewed, and approved by the Papaschase Membership Committee, and accepted by Papaschase Chief and Council.

S. 13 Manner of Voting

13.6 The Electoral Officer shall, before the poll is open, cause to be delivered to his Deputy the ballot papers, materials for marking the ballot papers, and a sufficient number of directions for voting as may be prescribed. Separate ballots shall be prepared containing the names for the positions of (i) Chief; (ii) seven (7) Councilors who are registered Indians; and (iii) two (2) Councilors who shall be non-status or Metis members. The names of the candidates shall be listed in alphabetical order.

Proposed Change

13.6 The Electoral Officer shall, before the poll is open, cause to be delivered to his Deputy the ballot papers, materials for marking the ballot papers, and a sufficient number of directions for voting as may be prescribed. Separate ballots shall be prepared containing the names for the positions of (i) Chief; (ii) three (3) Councilors who are registered Indians; and (iii) one (1) Councilor who shall be a non-Status member to represent the interests of those Papaschase Descendants who are not registered Indians. The names of the candidates shall be listed in alphabetical order.

s.14 The Election

Add 14.14.

Proposed Change

14.14 Within two (2) weeks of taking office, an Oath of Office, as attached as Schedule II, shall be taken by each elected Chief and Councilor. For greater certainty, any decision made by an elected Chief or Councilor prior to taking an oath of office shall not be invalid only by reason of the decision having been made prior to the decision having been made before the elected Chief or Councilor having taken the oath.

Changing Language – He to He or She, His to His or Her

Proposed Change

Change language throughout to reference both sexes.

Consistent Spelling -

Ensure consistent spelling for “Councilor” and “non-Status” throughout the Election Code. “Councillor” is defined in the Membership Code. Although spelling conventions are different between the two Codes, no confusion is caused.

Consequential Amendments:

Ensure any changes in the Papaschase First Nation Leadership are reflected in the:

- a. leadership of the Papaschase Cree Nation Society, and in their role as Trustees, and
- b. leadership of 2198822 Alberta Inc (LLC) and in their role as Trustees.

Maurice Law

March 02, 2026