

Métis Nation – Saskatchewan Métis Council Youth President Election Rules

PURPOSE OF THESE RULES

Purpose

1. The purpose of these rules is to establish a dependable regime for the election of a President of the Métis Youth Council to the Saskatchewan Provincial Métis Council that promotes the meaningful exercise of the democratic rights and freedoms of the Métis Youth of Saskatchewan.

INTERPRETATION

Definitions

2. In these Rules,

“candidate” means a person

- a) who is a candidate for election to the office of President of the Métis Youth Council; and
- b) whose nomination papers are accepted by the Chief Electoral Officer;

"close of nominations" means 2:00 pm on the 16th day before election day;

"Constitution" means the Constitution of the Métis Nation – Saskatchewan;

"declaration of election" means the document issued by the Chief Electoral Officer specifying the election day for the general election;

"election" means an election of a Métis Youth Council President to the Provincial Métis Council;

“election day” means November 6, 2021;

"election officer" means

- a) the Chief Electoral Officer;
- b) any person acting as the Chief Electoral Officer; and
- c) any person appointed by the Chief Electoral Officer to perform the duties of an election officer;

"election period" means the period commencing 21 days before election day and terminating at the close of voting on election day;

"ineligible" means, in respect of being a candidate, that the person does not have the right to be a candidate or is not qualified to be a candidate;

"Métis citizen" means a person who meets the criteria described in Article 10 of the Constitution and is registered in accordance with the *Citizenship Act*;

"Métis youth" means a Métis citizen at least 16 years and no older than 29 years of age;

"Provincial Métis Council" means the Provincial Métis Council as described in Article 3 of the Constitution;

"satisfactory evidence of identity" means evidence of a person's identity approved as being satisfactory by the Chief Electoral Officer;

"voter" means a person who has the right to vote in an election under these Rules.

APPLICATION

Application

3. These rules apply to the election of a Métis Youth Council President.

DETERMINING RESIDENCE

Residence rules

4. (1) For the purposes of these Rules, the residence of a voter in Saskatchewan shall be determined by the Chief Electoral Officer by reference to all the facts of the case.

Temporary absence

(2) A voter does not lose residence in Saskatchewan by leaving it for a temporary purpose, including the pursuit of education or employment.

DEMOCRATIC RIGHTS

VOTERS

Right to vote

5. A person who:

a) is registered as a Métis citizen under the *Citizenship Act* and has received a Métis citizenship card before October 16, 2021 issued by the Registrar appointed by the Métis Nation Legislative Assembly to administer the Central Registry under the *Citizenship Act*;

is an eligible voter and entitled to vote during an election, if on election day, the person is:

c) at least 16 years of age and not older than 29 years of age; and

d) a resident of Saskatchewan for at least six months prior to election day.

Secret ballot

6. A voter has a right to vote by secret ballot.

One vote

7. The right to vote may only be exercised once in an election.

REGISTRATION OF VOTERS

Registration

8. No person who is an eligible voter may vote in an election unless he or she:
a) is registered as a Métis citizen under the *Citizenship Act* and has received a Métis citizenship card before October 16, 2021 issued by the Registrar appointed by the Métis Nation Legislative Assembly to administer the Central Registry under the *Citizenship Act*.

VOTER REGISTRY AND LIST

Voter registry

9.(1) The Chief Electoral Officer shall obtain a list of Métis Youth who are eligible to vote in the election from the citizenship Registrar.

Voters list

(2) The Chief Electoral Officer shall, as soon as possible after election day, prepare a voters list by compiling the information on voters who voted.

PROTECTION OF VOTER INFORMATION

Protection of voter information

10. The Chief Electoral Officer may issue directions that the address of voters or other information about voters on a voters list be removed or obscured to protect their privacy or security.

RIGHTS OF CANDIDACY

Right to be a candidate

11. (1) Every Métis Youth has a right to be a candidate in an election if, on nomination day, the person is:
(a) qualified to vote in the election for the office for which the person seeks to be a candidate; and
(b) not disqualified under this section.

Disqualification

(2) A person is not qualified to be a candidate if, on nomination day, the person:
(a) is an election officer or a member of the staff of the Office of the Chief Electoral Officer;
(b) is not a resident of Saskatchewan;
(c) is not at least 16 years of age or will be older than 29 years of age on election day;
(d) is not a registered citizen of the Metis Nation - Saskatchewan.

- (e) is confined to a penal or correctional institution and is serving a sentence of confinement that extends to at least election day;
- (f) committed an offence within the previous 3 years;
- (g) committed an indictable offence within the previous five years; and
- (h) does not have a clear vulnerable sector record.

NOMINATION OF CANDIDATES

Nominators

12. Any five or more Métis Youth in Saskatchewan may nominate a candidate for the office of President of the Métis Youth Council.

Nomination period

13. A nomination must be made by filing nomination papers with the Chief Electoral Officer any time between 9:00 am on the 21st day before election day and 2:00 p.m. on the 16th day before election day.

Nomination papers

14. (1) The nomination papers must be in the approved form and must include the following information:
- (a) the full name of the prospective candidate and his or her contact information;
 - (b) the name of the prospective candidate exactly as he or she wishes it to appear on the ballot;
 - (c) a statement from the prospective candidate that he or she is eligible to be a candidate and agrees to be nominated;
 - (d) a recent photograph of the candidate;
 - (e) a biography of the candidate to include information prescribed by the Chief Electoral Officer;
 - (f) the signature of the prospective candidate;
 - (g) the full names, postal or civic address and signatures of at least five voters who are nominating the candidate;
 - (h) the full name, postal or civic address and signature of each person who witnessed any person sign the nomination papers;
 - (i) a Canadian Police Information Centre (CPIC) criminal record check document proving that the candidate has not committed an offence within the previous 3 years or committed an indictable offence within the previous five years; and
 - (j) a vulnerable sector record which does not indicate the person poses a threat to any vulnerable population.

Signature by nominating voters

(2) Each voter nominating a candidate shall sign the nomination papers in the presence of another person who shall also sign the nomination papers as a witness to the nominator's signature.

Signature by candidate

(3) A prospective candidate shall sign the nomination papers in the presence of a person who shall also sign the nomination papers as witness to the prospective candidate's signature.

Details of candidate

(4) When setting out the full name of a prospective candidate in the nomination papers, titles, degrees or prefixes must not be included:

(a) a nickname commonly used by the prospective candidate may be included with the given names; and

(b) a normal abbreviation of one or more of the given names of the prospective candidate may be substituted for the given name or names.

Prohibited witness

(5) A candidate cannot be a witness to any signature on their nomination papers or on another prospective candidate's nomination papers.

Refusal of nomination

15. (1) The Chief Electoral Officer shall refuse to accept the nomination papers and shall reject the candidacy of a person, if the Chief Electoral Officer is aware that:

(a) the nomination papers are incomplete or were not filed before the close of nominations;

(b) all the necessary documents for the nomination were not properly filed according to the requirements of these rules; or

(c) the person is ineligible to be a candidate.

Corrections

(2) Where the nomination papers have been rejected because they were improperly filed, the nomination papers may be corrected, completed or replaced with new ones before the close of nominations.

Certificate

(3) Unless the nomination papers are rejected under subsection (1), the Chief Electoral Officer shall issue to the prospective candidate a certificate indicating that the prospective candidate's nomination papers have been accepted.

WITHDRAWAL OF A CANDIDATE

Withdrawal

16. (1) A candidate may withdraw his or her nomination no later than 5:00 p.m. on the day nominations close by submitting to the Chief Electoral Officer a letter of withdrawal signed by the candidate and witnessed by two voters.

Consequences

- (2) Once the nomination period is closed it shall not be re-opened and the withdrawal of a candidate after the close of nominations shall not result in another nomination period.
- (3) A candidate who has withdrawn his or her nomination will not have his or her name appear on the ballot.

ACCLAMATIONS

Election by acclamation

17. (1) Where, at the close of nominations, only one person has been nominated for the office, that person is deemed to be elected by acclamation.

Withdrawal of candidate

(2) When, as a result of the withdrawal of a candidate there is only one candidate left for election to that office and the election is not postponed, no election shall be held, and the remaining candidate is deemed to be elected by acclamation.

Death of candidate

18. Where a candidate dies after the close of nominations and before the close of voting on election day, the Chief Electoral Officer shall:

- (a) cancel the election;
- (b) fix a new day for an election; and
- (c) conduct the new election in the usual manner.

HOLDING AN ELECTION ELECTION DAY

Election day

19. Election day shall be the day set by the Métis Youth Council.

Public Notice

20. (1) The Chief Electoral Officer shall give public notice concerning details of the election.

Contents of notice

(2) The public notice must include the following:

- (a) the address of the Chief Electoral Officer's website;
- (b) the address of the electronic voting link;
- (c) the dates and hours of voting; and
- (d) the credentials required for voting.

BALLOT

Form of ballot

21. (1) The ballot for election of a candidate will be in electronic form.

Contents of ballot

(2) Each ballot shall:

- (a) clearly identify the office being elected; and
- (b) list, in randomly rotating order, the name of each candidate as he or she wishes it to appear on the ballot in accordance with the candidate's nomination papers;

Identical names

- (3) Where two or more candidates have the same surname and first name, the Chief Electoral Officer shall use their other names to distinguish them.

VOTING OPPORTUNITIES

Method of voting

- 22. A voter may vote only by completing an online ballot.

Secrecy of the vote

- 23 (1) Every person involved in the electronic voting process and the counting of the vote shall preserve the secrecy of the vote and in particular shall not:
 - (a) communicate information on how a ballot was marked; or
 - (b) attempt, during the counting of the vote, to obtain or communicate information on how a voter voted.

Prohibitions

- (2) No voter shall:
 - (a) declare publicly, including online or by email or text message the name of the candidate for whom the voter intends to vote;
 - (b) declare publicly how the voter voted; or
 - (c) show an image of the ballot, when marked, to reveal for whom the voter has voted.

Protection of secrecy

- (3) No person may be forced to reveal the candidate for whom the person has voted.

OPERATION OF THE POLL

Hours of voting

- 24. (1) Voting shall be open from 7 a.m. on the day before election day and proceed continuously until 7 p.m. on election day.

Extension of time

- (2) The Chief Electoral Officer may extend the time of closing voting if:
 - (a) the opening of voting has been delayed beyond the time provided in subsection (1);
 - (b) if the operation of voting has been halted during the scheduled hours of voting because of an extended power or Internet outage, an accident, riot, weather conditions or another similar factor; and
 - (c) a significant number of voters would not be able to vote without the extension.

Maximum extension

(3) An extension cannot result voting being open for a total period exceeding 36 hours.

Public notice

(4) The Chief Electoral Officer shall, as soon as possible, notify the public of the extension through the posting of a message of the extension on the Chief Electoral Officer's website.

Delay counting

(5) Where the time of closing the vote is extended, the procedure for counting the ballots shall be similarly delayed.

VOTING PROCEDURE

Voting procedure

25. (1) Voters may access the ballot by logging on to the Chief Electoral Officer's website at www.mnselection.ca through either a computer or a cellular phone.

(2) The Chief Electoral Officer's website shall have a highly visible button on the landing page labelled "Vote Now".

(3) In order to vote the voter must click on the button labelled "Vote Now" which will connect them to the voting site and ballot.

(4) Once the voter clicks the "Vote Now" button, a screen will appear that requires the voter to enter two pieces of information to verify their identity and eligibility to vote.

(5) A voter will be required to enter the Métis Citizenship number that appears on their Citizenship Card and the day, month and year of their birth.

(6) A voter who is unable or unwilling to provide their Métis Citizenship number and/or birth date will not be permitted to access the ballot and vote.

(7) A screen with the names of the candidates running in the election will appear after the voter verifies their identity and eligibility to vote.

(8) A candidate is selected by clicking the square box that appears to the left of the candidate's name.

(9) When selected, an "X" will appear in the box to the left of the candidate's name.

(10) The voter must then click on the button labelled "Next".

(11) After clicking on the button labelled "Next", a new screen will appear with two buttons labelled "Change Vote" and "Submit Vote".

(12) Clicking on the "Change Vote" button returns the voter to the previous screen and allows the voter to change their candidate selection.

(13) Clicking on the "Submit Vote" button casts the ballot for the selected candidate.

(12) The voter may not change their selection after submitting their vote.

Voting instructions

26. Instructions for voting shall be posted on the Chief Electoral Officer's website.

PROCEDURE AT CLOSE OF POLL ON ELECTION DAY

Counting the ballots

27. After the close of voting on election day, the counting of the votes shall take place electronically.

Reporting of results

28. Following the counting of votes, the number of votes received by each candidate will be reported publicly on the Chief Electoral Officer's website.

Declaration of elected candidate

29. The Chief Electoral Officer shall publicly declare as elected the candidate for President of the Métis Youth Council who obtained the greatest number of votes in the election.

MANAGEMENT OF ELECTION MATERIAL

Preservation of election material

30. The Chief Electoral Officer shall ensure that all election materials are maintained in accordance with accepted archival standards.

Destruction

31. The election material may be destroyed 12 months after the date of publication of the notice of the election result, unless they are required for a future use, an archival purpose or an application or proceeding under these Rules.

Preservation of documents

32. The Chief Electoral Officer shall ensure that:

- (a) a register is kept of all approved forms and any instructions, guidelines or directions he or she issues respecting any matter; and
- (b) the declaration of election, all election reports, certificates and declarations in respect of elections are preserved for archival purposes.

Public records

33. The following are public documents and may be inspected at the Office of the Chief Electoral Officer by any person on request during business hours:

- (a) all reports or statements respecting an election;
- (b) all instructions, guidelines and directions issued by the Chief Electoral Officer under these Rules;
- (c) all decisions or rulings by the Chief Electoral Officer on points arising under these Rules; and
- (d) all correspondence with election officers or others in relation to the election.

CONTRIBUTIONS, EXPENSES AND CAMPAIGNING

Contributions

34. (1) Any person may make a contribution to another person for the purpose of supporting that person as a candidate at an election.

(2) The Provincial Métis Youth Council supported a resolution that would prohibit current members of the Saskatchewan Provincial Métis Council and current staff of the Métis Nation – Saskatchewan from making contributions to candidates at an election.

No limit

(3) There is no limit to the amount of a contribution that may be made by a contributor.

Election expenses

35. (1) A person who becomes a candidate may incur election expenses.

(2) The Provincial Métis Youth Council supported a resolution that would prohibit current members of the Saskatchewan Provincial Métis Council and current staff of the Métis Nation – Saskatchewan from incurring election expenses on behalf of a candidate at an election.

No limit

(3) There is no limit to the amount of election expenses that may be incurred by a candidate.

Campaigning

36. The Provincial Métis Youth Council supported a resolution that would prohibit current members of the Saskatchewan Provincial Métis Council and current staff of the Métis Nation – Saskatchewan from campaigning to support or oppose a candidate at an election.

ADVERTISING

Requirement to identify candidate and others

36. All campaign material must identify the candidate for whom it is made in accordance with any guidelines issued by the Chief Electoral Officer.

CHIEF ELECTORAL OFFICER

Appointment of Chief Electoral Officer

37. (1) The Chief Electoral Officer is appointed by resolution of the Métis Youth Council to hold office during good behavior.

Status of Chief Electoral Officer

(2) The Chief Electoral Officer is an independent officer of the Métis Nation - Saskatchewan.

Duties of the Chief Electoral Officer

38. (1) In order to fulfill the purposes of these Rules, the Chief Electoral Officer shall

- (a) formulate plans and policies regarding the conduct of elections;
- (b) exercise general direction and supervision over the administrative conduct of an election and enforce, on the part of all candidates and election officers, fairness and impartiality;
- (c) prepare guidelines with respect to the electoral process for candidates, election officers and other interested groups or persons;
- (d) establish any forms that may be required under these Rules;
- (e) provide direction to and manage the staff of the Office of the Chief Electoral Officer;
- (f) issue instructions or directions to election officers; and
- (h) perform any other functions related to the purpose of these Rules or otherwise provided for under these Rules.

Administrative powers

- 39.(1) In order to carry out the duties of office, the Chief Electoral Officer may
- (a) prepare interpretation bulletins on the interpretation of these Rules;
 - (b) issue any form required by these Rules and establish any forms that may be necessary for the proper administration of these Rules;
 - (c) modify any forms;
 - (d) meet with the Métis Youth Council, Provincial Métis Council, Legislative Assembly and General Assembly and appropriate committees of those bodies to discuss matters related to these Rules;
 - (e) intervene, with leave, in any proceedings before a court in which a provision of these Rules is in dispute;
 - (f) implement, either alone or in co-operation with other bodies, public education and information programs intended to make the electoral process better known to the public, particularly to persons or groups likely to experience difficulties in exercising their democratic rights;
 - (g) make such agreements as necessary to perform his or her duties and to improve the Saskatchewan Métis electoral system; and
 - (i) exercise all other powers assigned to the Chief Electoral Officer by these Rules.

Delegation

- (2) The Chief Electoral Officer may delegate, in writing, generally or specifically, any of his or her powers or duties.

Powers to adapt these Rules

40. (1) The Chief Electoral Officer may adapt any provision of these Rules to achieve the purposes of these Rules where it appears to the Chief Electoral Officer during an election period that, because of any mistake, emergency, disaster or unusual or unforeseen circumstance, the Rules do not accord with the urgent needs of the situation.

Directives

41. The Chief Electoral Officer may issue directions

- (a) prescribing forms;
- (b) respecting fees, allowances, expenses and remuneration payable under these Rules; and
- (c) on any matter that is to be subject to directions or approval by the Chief Electoral Officer under these Rules.

Agreements

42. The Chief Electoral Officer, may enter into agreements with the government of Canada, a province or another territory, a municipal government, a Métis government or another electoral body respecting the conduct of elections.

Staff

43. The Chief Electoral Officer may appoint such staff as is necessary for the proper conduct of elections.

Contracting services

44. The Chief Electoral Officer may, hire and determine the remuneration of additional staff on a temporary basis to assist the Chief Electoral Officer and, for specific work, may contract for the services of counsel and experts.

FINALITY OF DECISIONS

Decisions final

45. (1) Every order or decision of the Chief Electoral Officer is final and is not subject to appeal to the Legislative Assembly or the General Assembly.

Amendment and revocation

(2) The Chief Electoral Officer may amend or revoke an order or decision made by the Chief Electoral Officer at any time.

ENFORCEMENT COMPLAINTS AND INVESTIGATIONS

Making a complaint

46. (1) Any person who believes that breach under these Rules has been, is being or may be committed may make a complaint to the Chief Electoral Officer.

Limitation period

(2) A complaint may be made during an election, but no complaint may be made more than 30 days after election day.

Investigations

47. (1) Any person may request the Chief Electoral Officer to investigate an alleged breach of these Rules.

Review of complaint

(2) The Chief Electoral Officer shall review a complaint made under these Rules, and shall investigate the complaint, or any possible breach that otherwise comes to the attention of the Chief Electoral Officer, to the extent that he or she considers warranted in the circumstances.

Powers

(3) The Chief Electoral Officer may:

- (a) appoint a complaints officer and delegate his or her investigative powers to the complaints officer;
- (b) make rules respecting procedure and the conduct of the hearing of complaints;
- (c) conduct hearings into any complaint under these Rules;
- (d) determine whether a person is guilty of committing a breach under these Rules;
- (e) determine any other matter related to a complaint; and
- (f) make an order.

Decision final

(4) A decision of the Chief Electoral Officer is final and cannot be appealed to the Provincial Métis Counsel or the Legislative Assembly.