

**Black Lake Denesuline First Nation  
Treaty 8 Benefits Trust  
Trustee Election Regulations**

**(Pursuant to Section 5.8 of the Black Lake Denesuline  
First Nation Treaty 8 Benefits Trust Agreement)**

**Ratified and approved by the Membership July 14, 2022**

### **DATE OF ENACTMENT**

Duly enacted by the Black Lake Denesuline First Nation Trustees by Trustee Directive on **July 27, 2022**, following Black Lake Denesuline First Nation membership approval by ratification vote.

These *Trustee Election Regulations* have been developed to assure that fair treatment is granted to the membership of Black Lake Denesuline First Nation collectively, and Black Lake Denesuline First Nation is served in an efficient manner.

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## TABLE OF CONTENTS

1.	SHORT TITLE .....	5
2.	DEFINITIONS .....	5
3.	APPLICATION .....	7
4.	TRUSTEES .....	7
	Number and Qualifications of Trustees .....	7
	Election and Appointment of Trustees .....	8
	Term of Office .....	8
	Vacancy .....	8
5.	VOTERS LIST .....	8
6.	NOMINATIONS OF CANDIDATE FOR TRUSTEE.....	9
7.	WITHDRAWAL OF CANDIDATES .....	10
8.	ACCLAMATIONS .....	10
9.	MANNER IN WHICH VOTING SHALL BE CARRIED OUT .....	11
	Mail-In Ballots or Voting Electronically.....	11
	Polling Stations for In-Person Voting .....	12
10.	ELECTRONIC VOTING .....	15
	Minimum Voting Procedural Requirements .....	14
	Minimum Electronic Voting Platform Requirements .....	15
	Certification of the Electronic Vote Results .....	16
11.	SECRECY OF VOTING .....	16
12.	COUNTING OF VOTES .....	17
13.	DISPOSITION OF BALLOT PAPERS .....	18
14.	ELECTION APPEALS .....	18

<b>15. PARAMOUNTCY .....</b>	<b>21</b>
<b>SCHEDULE “1” – TRUSTEE DECLARATION FORM .....</b>	<b>22</b>
<b>SCHEDULE “2” – NOMINATION DECLARATION FORM .....</b>	<b>23</b>
<b>SCHEDULE “3” – VOTER DECLARATION FORM .....</b>	<b>24</b>
<b>SCHEDULE “4” – UNDERTAKING OF TRUSTEE .....</b>	<b>25</b>
<b>SCHEDULE “5” – OATH OF OFFICE OF APPEAL BOARD .....</b>	<b>26</b>

**BLACK LAKE DENESULINE FIRST NATION  
TREATY 8 BENEFITS TRUST  
TRUSTEE ELECTION REGULATIONS**

**1. SHORT TITLE**

These Regulations may be cited as the *Trustee Election Regulations*.

**2. DEFINITIONS**

In these Regulations,

- a. **“Band”** means, the Black Lake Denesuline First Nation.
- b. **“Corrupt Practice”** means, any act done by a Candidate for Trustee or a Trustee who unlawfully and/or wrongfully uses their name or position of authority and trust to secure or promise to secure some benefit for themselves, or for another person contrary to their office and the rights of other persons including any act or omission that is recognized at law to be corrupt practice;
- c. **“Candidate”** means a Candidate for the position of Trustee that is duly nominated in accordance with Section 7.
- d. **“Council”** means, in respect of the First Nation, the “Council of the band” within the meaning of the *Indian Act* and “Councillor” refers to each member of the Council of the First Nation Individually;
- e. **“Deputy Electoral Officer”** means any person appointed by the Electoral Officer for the purposes of the Trustee Election.
- f. **“Election”** means a Trustee Election held pursuant to section 5.7 of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement.
- g. **“Electoral Officer”** means the person duly appointed jointly by the Chief and Council and Trustees of the First Nation to be the Trustee Electoral Officer for the purpose of the Trustee Election; **“First Nation”** means the Black Lake Denesuline First Nation as represented by its duly elected Chief and Council;
- h. **“Indian Act”** means the *Indian Act*, R.S.C., 1985, c. 1-5 as amended and its regulations as amended or replaced from time to time;
- i. **“Mail-in Ballot Package”** means a ballot mailed or delivered in accordance with these Regulations;
- j. **“Membership List”** means the list of persons maintained by the First Nation as its “Band List”.
- k. **“Member”** means a person whose name appears on the Black Lake Denesuline First Nation “Band List” and further meets the requirements of “Member” pursuant to the Black Lake Denesuline First Nation Membership Code.

- l. **“Registry Number”** means the number assigned to a person registered under section 5 of the *Indian Act*;
- m. **“Reserve”**, in respect of an election of Trustees pursuant to the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement, means Chicken Reserve Numbers 224, 225 and 226 of Black Lake Denesuline First Nation on any tracts of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty, from time to time, for the use and benefit of a First Nation;
- n. **“Reside or Resides”** means the place of ordinary residence which generally is that place which has always been, or which is the place of habitation or home, where a person usually sleeps and has their meals for a minimum of 184 days per year or 6 months. A person can have one place of ordinary residence only, and shall retain such place of ordinary residence until another is acquired. Temporary absence from a place of ordinary residence does not cause a loss or change of place or ordinary residence
- o. **“Scrutineer”** means a person chosen by a candidate for Trustee to observe and verify the validity of the voting and ballot counting during this election.
- p. **“Trust”** means the Black Lake Denesuline First Nation Treaty 8 Benefits Trust.
- q. **“Trustee”** means a duly elected and/or appointed Trustee of the Black Lake Denesuline Treaty #8 Benefits Trust.
- r. **“Trustee Election Day”** means the day chosen upon which the Election for Trustees will be held.
- s. **“Voter”** means, in respect of an election of the Trustees pursuant to the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement, a person:
  - i. Who is a Member;
  - ii. Who is at least 18 years of age on the day of the election; and
  - iii. Who has not been found mentally incompetent or otherwise unable to manage his or her own affairs by a court of competent jurisdiction;

as of the date of the vote for the Trustees referred to in section 5.7 of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement.
- t. **“Voter Declaration Form”** means a document that sets out, or provides for:
  - i. The name of a Voter;
  - ii. The Band membership or registry number of the Voter; and
  - iii. The name, address and telephone number of a witness to the signature of the Voter and a statement that the witness is 18 years of age and a member of the First Nation.
- u. The following Schedules are attached to these *Trustee Election Regulations*:
  - Schedule “1” Trustee Declaration Form
  - Schedule “2” Nomination Declaration Form
  - Schedule “3” Voter Declaration Form

### **3. APPLICATION**

The election of Trustees shall be undertaken in accordance with the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement and these Regulations.

### **4. TRUSTEES**

#### **4.01 Number and Qualifications of Trustees**

- (1) Except during a vacancy, there shall be a minimum of five (5) and a maximum of seven (7) Trustees, all of which meets the eligible requirements of a Trustee.
- (2) Two (2) of the Trustees shall be Professional Trustees in accounting and law and will be appointed by the other Trustees.
- (3) One (1) of the Trustees shall be directly appointed by Council pursuant to section 5.5 (d) of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement. The Council appointed Trustee shall be a Member who is 18 years or older and shall ordinarily reside on the Reserve, and otherwise meets the qualifications of a Trustee.
- (4) The four (4) elected Trustees shall meet qualifications of section 5.4 of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement and shall:
  - a. be members of the Black Lake Denesuline First Nation whose names appear on the Membership List and three (3) of which reside on Reserve, and one (1) of which is an urban member;
  - b. have attained the age of 25 years on the day of the election;
  - c. have no criminal record;
  - d. have successfully completed a Grade 12 education proven by a Certificate from the Provincial Department of Education; and
  - e. be bondable.
- (5) Persons disqualified from becoming Trustees:
  - a. a person declared to be mentally incompetent by a court in Canada or elsewhere;
  - b. a person who has a status of a bankrupt;
  - c. a person who has been convicted with a criminal offence for which they have not been pardoned;
  - d. a person who is not a Member, with exception of Professional Trustees who do not need to be;
  - e. a person who is not bondable under a standard fidelity bond;

- f. a person who is indebted to the Band and Trust; and
- g. a person who at any time has publicly declared opposition to the Trust or to the Trustees, or to the objectives of the Trust, or has promised members to make per capita payments from the Trust, contrary to its provisions, or has committed corrupt practice in the opinion of a quorum of the Trustee Board. This provision may not apply in the opinion of a quorum of the Trustee Board if a candidate sincerely, publicly and in writing denounces their previous opposition if their opposition was based upon a misunderstanding of the Trust, its objectives, and the role of the Trustees.

#### **4.02 Election and Appointment of Trustees**

- (1) Pursuant to the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement, all Members meeting the requirements of a “Voter” as defined in these Regulations shall be entitled to vote for the four (4) Trustees, other than the one (1) Trustee who shall be directly appointed by the Council, and the Professional Trustees.
- (2) Election of Trustees shall be achieved by a simple majority of those Voters who have cast votes and those candidates who have received the most votes and being declared elected by the Electoral Officer in accordance with section 12.03.

#### **Term of Office**

- 4.03 Subject to the Black Lake Denesuline First Nation Trust Treaty 8 Benefits Agreement, a Trustee shall hold office for a period of 3 years and shall serve as Trustees until replaced or re-elected following the Trustee Election. Terms of Trustees will be staggered in accordance with the Trust Agreement.

#### **Vacancy**

- 4.04 Where a vacancy amongst the elected Trustees occurs, section 5.11 of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement applies to fill the vacancy.

### **5. VOTERS LIST**

- 5.01 At least 60 days before the day on which an election for Trustees is to be held, the First Nation shall provide the Electoral Officer with a list of the names of all Voters.
- 5.02 The Voter’s list shall set out:
- (a) The names of all Voters, in alphabetical order;
  - (b) The Band membership or registry number of each Voter, or the date of birth of the Voter; and
  - (c) The last known addresses, if any, of all Voters.



- 5.03 On request, the Electoral Officer or Deputy Electoral Officer shall confirm whether the name of a person is on the Voter's list.

## **6. NOMINATIONS OF CANDIDATE FOR TRUSTEE**

- 6.01 At least 45 days before the day on which an election for Trustees is to be held, the Electoral Officer shall post in at least 2 conspicuous places on Reserve, a Notice of Election and a Schedule 2 Nomination Declaration Form and include:
- (a) the date, time, duration and location of the Trustee Election;
  - (b) the name and phone number of the Electoral Officer;
  - (c) the statement that any Voter may nominate a candidate as Trustee by completing a Nomination Form in Schedule 2 and returning to the Electoral Officer as provided herein including by e-mail or by regular mail as prescribed by the Electoral Officer;
  - (d) the statement that any person wishing to run as a candidate in the Trustee Election must possess the qualifications of Trustees described in section 5.4 of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement and is required to submit the following information to the Board of Trustee and Electoral Officer, no later than at least 30 days before the date of the election:
    - i. a certified Criminal Record Check and Vulnerable Person Sector Record Check current to within 45 days of the Trustee Election (cost to be reimbursed if elected; and
    - ii. a signed Trustee Declaration Form certifying they meet the qualifications of Trustee as outlined in s. 4.01 (4) and (5) of these Regulations.
  - (e) Trustee Declaration Form in Schedule 1, which is to be reviewed by the Electoral Officer to ensure it is compliant with the Regulations prior to acceptance as a candidate.
- 6.02 The Electoral Officer shall record the names of Voters to whom a notice of the nomination requirements was provided, and by what means, whether electronic or otherwise, as provided herein.
- 6.03 To qualify as a candidate in the Trustee election, a person must receive 2 nominations.
- 6.04 A Voter may nominate a candidate, or second the nomination of a candidate:
- (a) by emailing or uploading a completed, signed and witnessed Nomination Declaration Form subject to section 6.02 in the form of Schedule 2 to the Electoral Officer before the time set receiving nominations.

- 6.05 Nominations in the form of Schedule 2 that are not received by the Electoral Officer before the time set for nominations are void.
- 6.06 All nominations for a Trustee Election shall be received at least 30 days before the date of the election.
- 6.07 Following receipt of the nominations, the Electoral Officer shall:
- (a) review section 5.5 of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement and ss. 4.01(4) and (5) of these Regulations with respect to the number and qualifications of Trustees; and
  - (b) subject to fulfilling the above qualifications, make a list of all persons receiving Schedule 2 nominations who will be eligible to run as candidates in the Trustee election.
- 6.08 The Electoral Officer shall then create a list of all written nominations and seconders of potential candidates that have been received by mail, e-mail, or delivered, whether eligible to run or not.
- 6.09 Where the same person receives two written nominations, the second nomination shall be declared unnecessary.
- 6.10 As soon as is practicable after the date for receiving nominations, the Electoral Officer shall notify any nominated candidates who are eligible that they have been nominated.
- 6.11 Where more than 2 persons are nominated for a Trustee position, the Electoral Officer shall as soon as is practicable after receiving the nominations and no less than 15 days before the Trustee Election day, post in at least 2 conspicuous places on the Reserve, a notice that sets out the names of the candidates and states that an election will be held on the day set out in the notice referred to in s. 6.01(a).

## **7. WITHDRAWAL OF CANDIDATES**

- 7.01 A candidate who has been nominated may withdraw his or her candidacy at any time prior to the close of the polls by submitting to the Electoral Officer via mail, e-mail, or personal delivery a written withdrawal of nomination, signed by the candidate.

## **8. ACCLAMATIONS**

- 8.01 Where a Trustee position is filled by acclamation pursuant to these Regulations:
- (a) the Electoral officer shall post in at least one conspicuous place on the Reserve, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held; and
  - (b) voting will not take place.

## **9. MANNER IN WHICH VOTING SHALL BE CARRIED OUT**

- 9.01 Subject to subsection 9.03, the Electoral Officer shall prepare ballots setting out the names of the candidates nominated for election as Trustees, in alphabetical order.
- 9.02 Where two or more candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those candidates.

### **Mail-In Ballots or Voting Electronically**

- 9.03 At least 25 days before the day on which an election is to be held, the Electoral officer shall mail, or provide by electronic means if available as provided for and modified herein, to every Voter residing off Reserve, a package consisting of:
- (a) a set of instructions for voting by electronic means, if employed pursuant to Part 10, or if there is no means by which electronic communication is possible;
  - (b) a ballot, initialled on the back by the Electoral Officer;
  - (c) an outer, postage-paid return envelope, pre-addressed to the Electoral Officer;
  - (d) a second, inner envelope marked "Ballot" for insertion of the completed ballot;
  - (e) a Voter declaration form;
  - (f) a letter of instruction regarding voting by mail-in ballot;
  - (g) a statement
    - i. identifying the date on which the election will be held;
    - ii. the time, duration and location of the polling station; and
    - iii. advising the Voter that he or she may vote in person at a polling station on the day of the election in accordance with subsection 9.05 in lieu of voting by mail-in ballot; and
  - (h) a list of the names of any candidates who were acclaimed.
- 9.04 The Electoral Officer shall indicate on the Voters List that a ballot has been provided to each Voter to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the addresses to which, each mail-in ballot was mailed.
- 9.05 If mail-in ballots are used, a Voter may vote by mail-in ballot by:
- (a) marking the ballot by placing a cross, check mark or other mark, that clearly indicates the Voter's choice but does not identify the Voter, opposite the name of the candidate or candidates for whom he or she desires to vote;
  - (b) folding the ballot in a manner that conceals the names of the candidates and any marks but exposes the Electoral Officer's initials on the back;
  - (c) placing the ballot in the inner envelope and sealing that envelope;

- (d) completing and signing the Voter declaration form in the presence of a witness who is at least 18 years of age;
  - (e) placing the inner envelope and the completed Voter declaration form in the outer envelope; and
  - (f) delivering or subject to subsection 9.10, mailing the mail-in ballot to the Electoral Officer before the time at which the polls close on the day of the election.
- 9.06 Where a Voter is unable to vote in the manner set out in subsection 9.05, the Voter may enlist the assistance of another person to mark the ballot and complete and sign the Voter declaration form in accordance with that subsection.
- 9.07 A witness referred to in paragraph 9.05(d) shall attest to:
- (a) the fact that the person completing and signing the Voter Declaration Form is the person whose name is set out in the form; or
  - (b) where the Voter enlisted the assistance of another person under subsection 9.06, the fact that the Voter is the person whose name is set out in the form and that ballot was marked according to the directions of the Election Officer.
- 9.08 A Voter who inadvertently spoils a mail-in ballot may obtain another ballot by returning the spoiled ballot to the Electoral Officer.
- 9.09 A Voter who loses a mail-in ballot may obtain another ballot by delivering to the Electoral Officer a written affirmation that the Voter has lost the mail-in ballot signed by the Voter in the presence of the Electoral Officer.
- 9.10 Mail-in ballots that are not received by the Electoral Officer before the time at which the polls close on the day of the election are void.
- 9.11 A Voter to whom a mail-in ballot was mailed or provided under subsection 9.03 or 9.04 is not entitled to vote in person at a polling station other than in accordance with subsection 9.06.

### **Polling Stations for In-Person Voting**

- 9.12 The Electoral Officer shall establish at least one polling station on the Reserve.
- 9.13 If mail-in ballots are used, the Electoral Officer shall procure or cause to be procured 1 ballot box at the polling station, and shall cause to be prepared a sufficient number of ballot papers for the purpose of the election.
- 9.14 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.

- 9.15 If mail-in ballots are used, the Electoral Officer or his Deputy shall provide 2 compartments at the polling station where the Voters can mark their ballot papers free from observation.
- 9.16 The Polling station shall be kept open from 9:00 a.m., local time, until 8:00 p.m., local time, on the day of the election.
- 9.17 A candidate shall be entitled to one Scrutineer at the polling station.
- 9.18 No candidate shall be entitled to attend the polling station between 9:00 a.m. and 8:00 p.m. on day of the election.
- 9.19 If mail-in ballots are used, the Electoral Officer or their Deputy shall, immediately before the commencement of the poll, open the ballot box and call such persons as may be present to witness that it is empty; he shall then lock and properly seal the box to prevent it being opened without breaking the seal and shall place it in view for the reception of the ballots, and the seal shall not be broken nor the box unlocked during the time appointed for taking the poll.
- 9.20 Subject to subsection 9.11, where a person attends at a polling station for the purpose of voting, the Electoral Officer or Deputy Electoral Officer shall, if the person's name is set out in the Voters list, provide the person with a mail-in or electronic ballot.
- 9.21 The Electoral Officer or his Deputy shall cause to be placed in the proper column of the Voters' list a mark opposite the name of every Voter receiving a mail-in or electronic ballot.
- 9.22 If mail-in paper ballots are used, a Voter to whom a mail-in ballot was mailed or provided under subsection 9.03 or 9.04 along with instructions for electronic voting, and has not voted by either method may obtain a ballot and vote in person at a polling station if:
- (a) the Voter returns the mail-in ballot to the Electoral Officer or Deputy Electoral Officer; or
  - (b) where the Voter has lost the mail-in ballot and has not voted by electronic means, the Voter provides the Electoral Officer or Deputy Electoral Officer with a written affirmation that the Voter has lost the mail-in ballot and has not voted by electronic means, signed by the elector in the presence of the Electoral Officer or a Deputy Electoral Officer.
- 9.23 The Electoral Officer or his Deputy may and when requested to do so shall explain the mode of voting to a Voter.
- 9.24 After receiving a ballot paper, a Voter shall:
- (a) immediately proceed to the compartment provided for marking paper ballots;

- (b) mark the ballot paper by placing a cross, check mark or other mark, that clearly indicates the elector's choice but does not identify the Voter, opposite the name of the candidate or candidates for whom he or she desired to vote;
  - (c) fold the ballot paper in a manner that conceals the names of the candidates and any marks, but exposes the initials on the back; and
  - (d) deliver the ballot paper to the Electoral Officer or Deputy Electoral Officer.
- 9.25 On receipt of a completed ballot, the Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballot paper, verify the initials placed on it and deposit it in the ballot box in the presence of the Voter and any other persons entitled to be present at the polling station.
- 9.26 While any Voter is in the compartment for the purpose of the marking his ballot paper, no other person shall, except as provided in subsection 9.24, be allowed in the same compartment or be in any position from which he can see the manner in which such Voter marks his ballot paper.
- 9.27 At the request of any Voter who is unable to vote in the manner set out in subsection 9.24 the Electoral Officer or Deputy Electoral Officer shall assist that Voter by marking his or her ballot paper in the manner directed by the Voter in the presence of another elector selected by the Voter as a witness and place the ballot paper in the ballot box or electronic voting station.
- 9.28 The Electoral Officer or his Deputy shall state in the Voters' list in the column for remarks opposite the name of such Voter the fact that the ballot paper was marked by him at the request of the Voter and the reasons therefore.
- 9.29 A Voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the Electoral Officer or his Deputy, be entitled to obtain another ballot paper, and the Electoral Officer or his Deputy shall thereupon write the word "cancelled" upon the spoiled ballot paper and preserve it.
- 9.30 Any person who has received a ballot paper and who leaves the polling station without delivering the ballot paper to the Electoral Officer or his Deputy, in the manner provided, or if, after receiving the ballot paper, refuses to vote, shall forfeit his right to vote at the election, and the Electoral Officer or his Deputy 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 the ballot paper and declined to vote, and the Electoral Officer or his Deputy shall mark upon the face of the ballot paper the word "declined", and all ballot papers so marked shall be preserved.
- 9.31 A Voter whose name does not appear on the Voters' list may vote at an election if the Electoral Officer or his Deputy is satisfied that such a person is qualified to vote.

- 9.32 Every Voter who is inside the polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

## **10. ELECTRONIC VOTING**

- 10.01 Upon approval and resolution of the Trustees, the Electoral Officer may employ the services of an Electronic Voting Service Platform, and utilize an approved system of voting on-line or by electronic means.

### **Minimum Voting Procedural Requirements**

- 10.02 The Electoral Officer shall ensure that instructions for electronic voting are clearly provided on all notices, the electronic voting platform landing page by mail, and available for distribution upon direct request from any elector.
- 10.03 The electronic voting platform must operate across all digital platforms (smart phones, tablets, laptops and personal computers) and across all major operating systems.
- 10.04 To cast an electronic vote, the elector shall:
- a) visit the landing page (or home page) of the electronic voting platform;
  - b) confirm their eligibility to participate using electronic voting;
  - c) complete the elector registration process;
  - d) declare their intent and desire to vote electronically;
  - e) complete the authentication and elector verification process;
  - f) mark their electronic ballot(s); and
  - g) confirm their electronic vote.
- 10.05 During the electronic vote process set out in this section the Electoral Officer will:
- a) receive an email notification confirming the elector registration.
  - b) receive an email notification confirming the elector voted electronically.
  - c) mark the elector as having voted electronically on the Voters list.
- 10.06 Where the elector has voted electronically the elector shall not be permitted to vote in person or by mail-in ballot.

### **Minimum Electronic Voting Platform Requirements**

- 10.07 The Electoral Officer shall ensure electronic voting platform is populated by the Voters list at least 60 days prior to the vote.
- 10.08 The Electoral Officer shall have administrative access to the electronic voting platform to view and download daily reports and detailed activities reports.

- 10.09 Individual voting results shall remain secret at all times and individual elector choices shall be encrypted in such a way as to ensure voter anonymity.
- 10.10 At a minimum the electronic voting platform shall exceed the threshold of elector verification and due diligence for mail-in ballots, and at minimum shall require for each elector:
- a) A digital signature (or equivalent);
  - b) A unique personal identification number (PIN);
  - c) A registry number (status card number); and
  - d) Their date of birth.
- 10.11 Automated email notifications shall be generated in real-time to the Elector and Electoral Officer of all and any activity associated with an Elector using the electronic voting platform, including:
- a) attempted registration and/or voting;
  - b) completed elector registration;
  - c) completed voting;
  - d) failed registration and/or vote;
  - e) system or communication failures, interruptions or lost data.
- 150) Daily detailed activity reports shall be generated via email to the Electoral Officer.
- 10.12 At the official close of the poll the Electoral Officer shall be able to access the tabulated electronic vote results.
- 10.13 All electronic voters list, ballots and confidential voter information shall be deleted and wiped from the servers of the electronic voting platform, and certification to this effect will be provided by the Electoral Officer.
- 10.14 Once an elector has voted once electronically, they cannot vote again electronically, and shall be restricted from doing so again by the electronic voting platform program Code.
- 10.15 Electronic voting will end automatically at the official close of the electronic poll and the electronic voting platform will no longer be accessible by voters.

#### **Certification of the Electronic Vote Results**

- 10.16 After the close of the polls and if mail-in and electronic means of voting were used, the Electoral Officer shall add the Electronic Voting results to the results of the physical polls and mail-in ballots and shall make a declaration certifying the recorded number of Electronic Votes.



- 10.17 Without contravening any part of this Code, Council may make regulations governing electronic voting procedures.

## **11. SECRECY OF VOTING**

- 11.01 Every person in attendance at a polling station or at the counting of the votes shall maintain and aid maintaining the secrecy of the voting.
- 11.02 No person shall interfere or attempt to interfere with a Voter when marking his/her ballot paper or obtain or attempt to obtain at the polling station information as to how a Voter is about to vote or has voted.

## **12. COUNTING OF VOTES**

- 12.01 As soon as is practicable after the close of the polls, the Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their Scrutineers who are present, open each envelope containing mail-in ballots that were received before the close of the polls and, without unfolding the ballots:
- (a) Reject the ballots if:
    - i. They were not accompanied by a Voter Declaration Form, or the Voter Declaration Form was not signed or witnessed;
    - ii. The name of the Voter set out in the Voter Declaration Form is not on the Voters list, or
    - iii. The Voters list shows that the Voter has already voted;
  - (b) In any other case, place a mark on the Voter's list opposite the name of the Voter set out in the Voter Declaration Form, and deposit the ballot in a ballot box.
- 12.02 Immediately after the mail-in ballots have been deposited under subsection 12.01, the Electoral Officer or Deputy Electoral Officer shall in the presence of any candidates or their Scrutineers who are present, open all ballot boxes and:
- (a) Examine the ballot papers and reject all ballot papers:
    - i. That have not been supplied by him/her;
    - ii. By which votes have been given for more candidates than are to be elected; or
    - iii. On anything that appears by which the Voter can be identified.
  - (b) Subject to review on recount or on an election appeal, take a note of any objection made by any candidate or his/her agent to any ballot paper found in the ballot box and decide any question arising out of the objection;
  - (c) Number 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/her initials;

- (d) From the ballots not rejected or declared void under paragraph (a) count the votes given for each candidate who has not withdrawn before the close of the polls; and
  - (e) Prepare and sign a statement of the number of votes for each candidate and the number of ballots rejected.
- 12.03 Immediately after the completion of the counting of the votes and accessing and counting the tabulated electronic vote results, the Electoral Officer shall publicly declare to be elected the candidates, whom received the greatest number of votes who shall each serve, subject to the terms of the Black Lake Denesuline First Nation First Nation Treaty 8 Benefits Trust Agreement, for a term of 3 years.
- 12.04 Within four days after completion of the counting of the votes, the Electoral Officer shall:
  - (a) Sign and post, in at least one conspicuous place on the Reserve, a statement indicating the number of votes cast for each candidate; and
  - (b) Share and publish a copy of the statement to every Voter, to the Trust website and electronic platform accessible to every Voter.
- 12.05 Where it appears that two or more candidates have an equal number of votes for a Trustee position, the Electoral Officer shall give a casting vote for one or more of such candidates, but the Electoral Officer shall not otherwise be entitled to vote.
- 12.06 The Electoral Officer shall prepare a written statement in triplicate showing the total number of votes cast for each candidate, the number of rejected ballots and the names of the candidates duly declared elected.
- 12.07 One copy of such statement shall be forwarded to the First Nation, one to the Trust Administration Office and one copy retained for the Electoral Officer.
- 12.08 The Electoral Officer or the Deputy Electoral Officer and the candidates or their Scrutineers as are present and desire to sign, shall sign the statement.
- 12.09 The candidates duly declared elected shall not serve as Trustee's until they have signed an Undertaking of Trustees.
- 12.10 The Professional Trustees shall serve until removed or reappointed by the newly elected Trustees.

### **13. DISPOSITION OF BALLOT PAPERS**

- 13.01 The Electoral Officer shall deposit all ballot papers in sealed envelopes and shall retain them in his/her possession for eight weeks or until any Appeal is concluded whichever is the later. The Electoral Officer shall then destroy the ballot papers in the presence of two

witnesses who shall make a declaration that they witnessed the destruction of those papers.

## **14. ELECTION APPEALS**

14.01 Within 15 days after an election, a Voter who believes that:

- (a) there was corrupt practice in connection with the Trustee Election that might have affected the result of the Trustee Election;
- (b) there was a violation of section 5 of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement or these Regulations that might have affected the result of the election; or
- (c) a person nominated to be a candidate in the election was ineligible to be a candidate;

may lodge an appeal by forwarding, by registered mail and email, first, to the Electoral Officer and second to the Administrative Trustee, written notice of their appeal setting out the grounds for appeal, the provision(s) of these Regulations relied upon and the facts of the appeal together with any supporting documents relating thereto duly verified by affidavit sworn before a Commissioner of Oaths for Saskatchewan, and a \$100.00 cheque made payable to the Board of Trustees, Black Lake Denesuline First Nation Treaty 8 Benefits Trust.

14.02 Within 14 days of receiving notice of an appeal, the Professional Trustees, legal advisor to the Trust, one member appointed by the Chief and Council, and a lawyer chosen by the Trust shall make up an Appeal Board and shall continue to be members of the Appeal Board until the appeal is completed.

14.03 Upon its appointment, the Appeal Board shall:

- (a) hear the appeal referred to them;
- (b) investigate the claim(s) brought forward in the appeal;
- (c) select a chairperson of the Appeal Board who shall supervise and direct the appeal process as provided for in these Regulations;
- (d) have custody of all records, documents, evidence and proceedings relevant to the appeal; and
- (e) have control of its own proceedings in order to fairly and adequately determine any appeal, including the power to require the attendance of any person to give evidence at the hearing of the appeal;

14.04 In performing their duties under these Regulations, all members of the Appeal Board shall:

- (a) attend all sittings of the Appeal Board;

- (b) act impartially, fairly, reasonably, to the best of their skill and ability; and ensure that the appeal process is fair and equitable.
- 14.05 Upon being appointed as a member of the Appeal Board, the Appeal Board Member shall swear an oath of office in the form attached hereto as Schedule “4”.
- 14.06 Within 7 days of being appointed, the Appeal Board shall provide, by registered mail and email, written confirmation to the complainant that the Appeal Board is investigating the appeal. The Appeal Board shall further provide a copy of this section of the Black Lake Denesuline First Nation Treaty 8 Benefits Trustee Election Regulations.
- 14.07 Within 7 days of being appointed, the Appeal Board shall forward, by registered mail and email, a copy of the notice of appeal and copies of all supporting documentation as provided by the complainant, to the Electoral Officer and to the each candidate in respect of which the appeal is lodged. The Appeal Board shall further provide a copy of this section of the Black Lake Denesuline First Nation Treaty 8 Benefits Trustee Election Regulations.
- 14.08 Within 14 days of the receipt of the notice of appeal and supporting documentation, the Electoral Officer or the candidate(s) in respect of which the appeal is lodged shall forward to the Appeal Board a written answer to the particulars and facts set out in the notice of appeal and supportive documentation, together with any documents relating thereto duly verified by affidavit sworn before a Commissioner of Oaths for Saskatchewan.
- 14.09 All particulars and documents filed in accordance with the provisions of this section shall constitute and form part of the appeal record.
- 14.10 Upon receipt of the materials as listed in section 14.01 and 14.08, the Appeal Board shall set a place, time and date in which to conduct a formal appeal hearing. The appeal hearing shall be conducted within 14 days of receiving the materials as listed in 14.08 of this section.
- 14.11 Notice of the appeal hearing shall be provided to the complainant, the Electoral Officer and to each candidate affected no less than 10 days prior to the hearing to allow representations to be prepared.
- 14.12 Notice of the appeal hearing shall be posted at the administration offices of the First Nation and at 3 other conspicuous locations on the First Nation Reserve lands no less than five (5) days prior to the hearing. Notice of the appeal hearing shall be provided, by mail, or in person upon request by a Voter no less than 5 days prior to the hearing.
- 14.13 Appeal Hearing Procedure:

- (a) The Appeal Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity.
- (b) The Appeal Board shall have full authority to control the procedure of the hearing, to admit or exclude testimony or other evidence, whether or not admissible in a court and to rule upon motions and objections.
- (c) The Appeal Board, upon the request of a party or on its own motion, may call and examine witnesses, direct the production of documents or other material and introduce documentary or other evidence.
- (d) The evidence shall be given under oath or affirmation and a record of the proceedings shall be made and kept.
- (e) The Appeal Board may exclude from the hearing room or from further participation in a proceeding any person who engages in improper conduct before the Appeal Board, except the parties to the proceedings, or a witness engaged in testifying.
- (f) The Appeal Board may exclude from the hearing room, at its discretion, a witness who has not yet testified, other than a party to the appeal.
- (g) The Appeal Board has authority to hear and determine any question of fact or law as to matters within its jurisdiction.
- (h) The Appeal Board may hear an appeal whether the appellant is present or not.

14.14 Where it appears that:

- (a) There was corrupt practice in connection with the election that might have affected the result of the Trustee Election;
- (b) There was a violation of section 5 of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement or these Regulations that might have affected the result of the election; or
- (c) A person nominated to be a candidate in the election was ineligible to be a candidate;

the Appeal Board shall have the power to dismiss or grant the appeal, declare the election void and refer the matter back to an election or declare the candidate(s) with the next highest number of votes elected.

14.15 Within 7 days from the hearing of an appeal, the Appeal Board shall provide written notice of its decision on the appeal. Notice of the decision shall be delivered, by hand or e-mail, to the Appellant, the Electoral Officer, to each candidate in respect of which the appeal is lodged, and the Chief and Council. Notice of the Appeal Board's decision shall be further provided to the members of the First Nation by posting the written notice of the decision at the administration offices of the First Nation and at 3 other conspicuous locations on the First Nation Reserve.

14.16 Every decision of the Appeal Board is final.

**15. PARAMOUNTCY**

15.01 Should there be any discrepancy between these Regulations and the Black lake Denesuline First Nation Trust Agreement, the Trust Agreement shall prevail to the extent of the inconsistency.

**SCHEDULE “1”  
TO THE BLACK LAKE DENESULINE FIRST NATION  
TRUSTEE ELECTION REGULATIONS**

**TRUSTEE DECLARATION FORM**

I, \_\_\_\_\_ of \_\_\_\_\_,  
solemnly declare that:

I possess the qualifications of Trustees outlined in sections 4.01 (4) and (5) of the Black Lake Denesuline First Nation Treaty 8 Benefits Trustee Election Regulations and have submitted the required documentation as Trustee Candidate to the Electoral Officer at the close of the nomination meeting:

**I possess the following qualifications:**

1. I am a member of the Black Lake Denesuline First Nation whose name appears on the Membership List;
2. I have attained the age of 25 years on the day of the election;
3. I have successfully completed Grade 12 education; and
4. I am not a member of the Chief and Council.

**I further declare that I am not disqualified for the following reasons:**

1. I have not been declared to be mentally incompetent by a court in Canada or elsewhere;
2. I have never declared bankruptcy;
3. I have not been convicted of a criminal offence for which I have not been pardoned;
4. I have not been found civilly liable for fraud, theft or for breach of trust by a court in Canada or elsewhere;
5. I am bondable; and
6. I understand the English language in written or oral form.
7. I am a person who has not, at any time, publicly declared opposition to the Trust or to the Trustees, or to the objectives of the Trust, or has promised members to make per capita payments from the Trust, contrary to its provisions, or has committed corrupt practice in the opinion of a quorum of the Trustee Board. This provision may not apply in the opinion of a quorum of the Trustee Board if a candidate sincerely, publicly and in writing denounces their previous opposition if their opposition was based upon a misunderstanding of the Trust, its objectives, and the role of the Trustees.

I further attach my current Criminal Record Check and Vulnerable Persons Record check in accordance with section 7.02 of these Regulations.

\_\_\_\_\_  
Print Name as on Ballot

\_\_\_\_\_  
Candidate's Signature

\_\_\_\_\_  
Processed by Deputy Electoral Officer

**SCHEDULE “2”**

**TO THE BLACK LAKE DENESULINE FIRST NATION  
TRUSTEE ELECTION REGULATIONS**

**NOMINATION DECLARATION FORM**

*This declaration must be signed by you and a witness, who is at least 18 years old, and be returned to the Electoral Officer before the time set for returning this Nomination Declaration Form, or it will be void.*

In the matter of the Trustee Election of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust, held in accordance with the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement and the Black Lake Denesuline First Nation Trustee Election Regulations, I, the undersigned member of the Black Lake Denesuline Nation nominate the following individual as a candidate for trustee:

Candidate’s full name: \_\_\_\_\_

Candidate’s address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I declare that:

1. My name is: \_\_\_\_\_ (print name)
2. My Band Number/Registry Number is: \_\_\_\_\_
3. My address is: \_\_\_\_\_
4. That I am at least 18 years of age.

I make this declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

5. Signature of Person Nominating the above Candidate: \_\_\_\_\_

**Witness and Seconder Declaration**

Declared before me \_\_\_\_\_ (printed name of witness)

This \_\_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_.

Signature of Witness Seconding the Nomination:

\_\_\_\_\_  
Signature of Seconder

\_\_\_\_\_  
(print name of Seconder)



**SCHEDULE “3”  
TO THE BLACK LAKE DENESULINE FIRST NATION  
TRUSTEE ELECTION REGULATIONS**

**VOTER DECLARATION FORM**

*This declaration must be signed by you and a witness, who is at least 18 years old, and be returned to the Electoral Officer with your completed ballot, or your vote will not be counted.*

**VOTER DECLARATION**

In the matter of the election of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust, held according to the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement and the Black Lake Denesuline First Nation Treaty 8 Benefits Trustee Election Regulations, I, \_\_\_\_\_ solemnly declare that: (Please print your name)

1. I am a member of the Black Lake Denesuline First Nation Band of Indians;
2. My Band number is \_\_\_\_\_ and my date of birth is \_\_\_\_\_
3. My current mailing address is: \_\_\_\_\_  
\_\_\_\_\_
4. I am at least 18 years of age; and
5. I do not know of any reason why I would be disqualified from voting at this election;

**I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.**

\_\_\_\_\_  
Signature of Elector

\_\_\_\_\_  
Date

**Witness Declaration**

Declared before me \_\_\_\_\_ (printed name of witness)

This \_\_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_.

Signature of Witness: \_\_\_\_\_

Address of Witness: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

**SCHEDULE “4”**  
**TO THE BLACK LAKE DENESULINE FIRST NATION**  
**TRUSTEE ELECTION REGULATIONS**

**UNDERTAKING OF TRUSTEE**

I, \_\_\_\_\_ of \_\_\_\_\_,  
appointed as a Trustee of the Black Lake Denesuline First Nation Treaty 8 Benefits Trust, accept the obligations and duties of a Trustee under the Black Lake Denesuline First Nation Treaty 8 Benefits Trust Agreement (the “Trust Agreement”) and will observe and carry out those obligations and duties in accordance with the Trust Agreement and to that end, I agree to become a party to and be bound by the provisions of the Trust Agreement.

I acknowledge that I owe a duty, jointly and severally with the other Trustees, to the Black Lake Denesuline First Nation and to the Members of the Black Lake Denesuline First Nation to act with the utmost good faith in my dealings with the Trust Property and to discharge all of my obligations and duties as a Trustee under the Trust Agreement faithfully, honestly, to the best of my ability and without the purpose or result of personal gain with the exception of reasonable remuneration, and to maintain in the strictest of confidence and to declare and mitigate all conflicts of interest.

I acknowledge that I have received and read a copy of the Trust Agreement,

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Trustee

\_\_\_\_\_  
Print Name of Trustee

**SCHEDULE “5”**  
**TO THE BLACK LAKE DENESULINE FIRST NATION**  
**TRUSTEE ELECTION REGULATIONS**

**OATH OF OFFICE OF APPEAL BOARD**

I, \_\_\_\_\_ of \_\_\_\_\_,  
appointed as an Appellant Board Member for purposes related to the Black Lake Denesuline First Nation Treaty 8 Benefits Trustee Election, accept the obligations and duties of Appellant Board Member as outlined in section 14 of the Black Lake Denesuline First Nation Treaty 8 Benefits Trustee Election Regulations (hereafter “the Regulations”) and will observe and carry out those obligations and duties in accordance with the Black Lake Deneuline First Nation Treaty 8 Benefits Trust Agreement and the Regulations.

I acknowledge that I owe a duty, jointly and severally with the other Appellant Board Members, to discharge all of my obligations and duties as an Appellant Board Member under the Regulations faithfully, honestly, to the best of my ability and without the purpose or result of personal gain, with the exception of reasonable remuneration.

I acknowledge that I have received and read a copy of the Appeal, Trust Agreement and Trustee Election Regulations.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Appellant Board Member

\_\_\_\_\_  
Print Name of Appellant Board Member