

**THE CUSTOMARY ELECTION REGULATIONS**  
**OF THE SUCKER CREEK FIRST NATION #150A**

**\*\*\*\*\*FINAL DRAFT\*\*\*\*\***

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PREAMBLE

**WHERE AS:**

- A. The Sucker Creek First Nation has the Inherent Right, Aboriginal Right, Treaty Right and authority to govern relations among its members and between the First Nation and other Governments.
- B. The Aboriginal Right of the Sucker Creek First Nation to be self-governing was recognized and affirmed in Treaty No. 8 entered into between Her Majesty The Queen in Right of Canada and the Sucker Creek First Nation.
- C. The Customs, traditions and practices of the Sucker Creek First Nation in regards to self-governing have been established with the consent and participation of the members of the First Nation.
- D. The current customs and traditions of the Sucker Creek First Nation require democratic, fair, and open elections for the leadership.
- E. The Sucker Creek First Nation now desires that the customs and traditions of the First Nation in relation to the Election of the Chief and Councillors be incorporated and recorded in written customary election regulations and procedures; and
- F. A majority of the Electors of the Sucker Creek First Nation approved by Petition the adoption of the Customary Election Regulations of the Sucker Creek First Nation as outlined herein;

**THE SUCKER CREEK FIRST NATION, by and with the advice and consent of its members, enacts as follows:**

**1. CITATION**

The roles, procedures and regulations outlined herein shall be cited as the Customary Election Regulations of the Sucker Creek First Nation.

**2. DEFINITIONS**

**Unless otherwise expressly stated, in these regulations:**

- a) “Act” means the *Indian Act*, R.S.C. 1980 and as amended from time to time.

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- b) “By-Election” means an election held for the office of Chief or Councillor to replace a person who has died, resigned, or been removed from office.
- c) “Candidate” means a person who has been confirmed by the Electoral Officer as having been eligible pursuant to paragraph 6.4 and properly nominated pursuant to paragraph 6.6.
- d) “Chief” means a person elected in the office of Chief pursuant to these Regulations.
- e) “Committee” means the Election Appeal Committee as specified in paragraph 12.4.
- f) “Council” means those members elected pursuant to these regulations holding the Office of Chief and Councillors and who are empowered to act on behalf of the Sucker Creek First Nation according to traditions, of the Sucker Creek First Nation and the Indian Act R.S.C. 1980.
- g) “Councillor” means a person elected to the office of Councillor pursuant to these Regulations.
- h) “Elder” means a person whose name is entered on the First Nation Membership List and is at least sixty five (65) years of age.
- i) “Election” means an Election held for office(s) of Chief and Councillor.
- j) “Election Day” means the date set for conducting an Election, or By-Election or Run-Off Election.
- k) “Elector” means a person whose name is entered on the First Nation’s Membership List, and a resident on reserve, and is the full age of eighteen (18) years on or before the day of the Election or By-Election.
- l) “Electoral Officer” means a person appointed by Resolution of the Council who is responsible for conducting elections, By-Elections, and/or Run-Off Elections.
- m) “Immediate Family” means Father, Mother, Brother, Sister, Spouse and the children of the Candidate in question or any person appealing.

- n) “List of Electors” means a list of persons eligible to vote compiled by the Electoral Officer pursuant to these Regulations.
- o) “Office” means the position of Chief and Councillor elected for a specific term.
- p) “Plebiscite” a vote taken door to door.
- q) “Quorum of Council” means at least 4 (four) members of the Council.
- r) “Regulations” means these Customary Election Regulations of the Sucker Creek First Nation.
- s) “Run-Off Election” means an election held in event of a tie vote among the leading candidate for an office.
- t) “Scrutineer” means a person appointed by a candidate for office who makes sure proper procedures are followed regarding the counting of ballots.
- u) “Self-Governing” means Sucker Creek First Nation governing itself for the purposes of these Regulations ruling their own Elections.
- v) “Sucker Creek First Nation” means the Sucker Creek Indian Band 150A and its Members as defined by the traditions of the members of the Sucker Creek First Nation.

### **3. COMPOSITION AND TERM OF OFFICE OF COUNCIL**

#### **3.1 Composition**

The First Nation will be governed by a Council consisting of One (1) Chief and Six (6) Councillors.

#### **3.2 Term of Office**

The term of Office of the Chief and each Councillor will be three (3) years commencing on the day following the Election Day and concluding on the day following the Election Day of the Chief and/or Councillor three (3) years hence.

3.3 A person elected to the Council in a By-Election pursuant to S.16 to fill a vacancy resulting from the death, resignation, or termination of office of a Chief or Councillor will hold that office for the remainder of the term of office of that Chief and Councillor.

3.4 **Oath of Confidentiality**

Each elected Candidate shall take an Oath of Confidentiality at the first meeting following the Election Day or Run-Off Election Day for that Office.

4. **ELECTION DAYS**

4.1 **Election Day**

The First Election Date for Chief and Councillor will be set by Resolution of Council. Subsequent Elections for Chief and Councillors will be on the same date every three (3) years hence.

5. **ELECTORAL OFFICER**

5.1 **Appointment**

At least thirty five (35) days prior to the date for an Election, an Electoral Officer must be appointed by a Resolution of the Council.

5.2 **Qualifications**

The Electoral Officer must be at least thirty (30) years of age and must not be an Elector or a permanent employee of the First Nation.

5.3 **Term of Appointment**

The Electoral Officer's appointment will commence on the date specified in the Council Resolution and continue until six (6) months after the expiry of the Election Appeal Period. Unless otherwise determined by a resolution of the Council, the Electoral Officer will serve as the Electoral Officer for any Run-Off Elections arising from the Election for Councillors or Election for Chief.

**5.4 Remuneration**

The Council may also determine in Resolution appointing the Electoral Officer, the remuneration to be paid to the Electoral Officer, which shall be fair and reasonable.

**5.5 Duties**

The general duties and obligations of the Electoral Officer are outlined herein, in Schedule “A” of the regulations and as may be defined by the Council by Resolution from time to time.

**6. NOMINATIONS**

**6.1 Notice of Nomination Meeting**

At least twenty eight (28) days prior to the date set for an Election, the Electoral officer must post Notices of a Nomination Meeting in public places on the Sucker Creek First Nation and any other location Council may designate.

**6.2 A notice of a nomination Meeting must include the following information:**

6. a) The qualifications of persons eligible to be a Candidate as set forth in 6.4.
- b) The specific time, place, and date for the Nominations meeting and it’s duration.
- c) A list of Electors,
- d) A copy of the Regulations, and
- e) A time frame of the meeting will be a minimum of two (2) hours and a maximum of four (4) hours.

**6.3 Date for Nominations Meeting**

The Nominations meeting will be held sixteen (16) full days prior to the date set for the Election or By-Election.

### **Persons Eligible for Nomination**

- d) Subject to 6.4(b) and 16.3, any Elector who is Eighteen (18) years of age or older on or by the Election Day and who continuously resided on the First Nation for at least six (6) months prior to the date of nomination is eligible to be nominated for the position of Chief or Councillor.
- b) A person may only be nominated for the position of Chief and Councillor. No one may run for both offices.

### **Conduct of Nomination Meeting**

The Electoral Officer will conduct the nomination meeting.

### **Requirements for Nomination**

A person may be nominated for the office of Chief or Councillor at the nomination meeting provided that:

- d) A motion is made to nominate a Candidate for office, and seconded at and during the nomination meeting. The nominator and seconder must be two separate Electors. The nominator or Secunder cannot be the Candidate.
- b) The nominator must pay \$25.00 non-refundable fee and seconder must pay \$25.00 non-refundable fee at the meeting when the Candidate accepts the nomination for a position in Office.
- c) The person nominated submits a payment of \$200.00 in cash or certified cheque to the Sucker Creek First Nation. The payment is non-refundable and must be delivered to the Electoral Officer within forty eight (48) hours following the close of the nomination meeting. All nomination payments will be deposited and used for the benefit of the First Nation as a Post-Secondary Scholarship Fund.
- d) Subject to clause “e”, the person nominated must be present at the meeting and must accept the nomination



- e) A person may be nominated when not present at the meeting if the person is unable to attend the nomination meeting due to a death in the immediate family, or because they are confined to a hospital, the person must sign a letter accepting the nomination. The letter must be given to the Electoral Officer prior to or at the nomination meeting.

**6.7 Limitations on Nominating**

An elector may only nominate or second the nomination of one person for the office of Chief and no more than six persons for the office of Councillor.

**6.8 Posting of Nominees**

Within seventy two (72) hours following the nomination meeting, the Electoral Officer must post the names of Candidates nominated in public places on the Sucker Creek First Nation and any other locations the Council may designate.

**6.9 Withdrawal of Nominees**

Any person nominated may withdraw his or her name from nomination by giving notice in writing to the Electoral Officer not less than seventy-two (72) hours before the Election Day. The Notice must be signed by the withdrawing Candidate and witnessed by another Elector.

**7. ELECTION BY ACCLAMATION**

- 7.1 Forty-eight (48) hours after the nomination meeting, if the number of Candidates nominated for any office is the same as the number to be elected, the Electoral Officer will declare the persons nominated to be elected provided that the nominations fee has been paid.
- 7.2 Immediately upon having declared a Candidate elected, the Electoral Officer will give the First Nation Council written notification of the name(s) of the Candidate elected by acclamation.
- 7.3 If there are not enough Candidates for Office a By-Election will be held.

## **8. ELECTIONS**

### **8.1 Notice of Election**

- a) At least twelve (12) days prior to an Election Day, the Electoral Officer must post Notices of an Election in public places on the Sucker Creek First Nation and any other locations the Council may designate.
- b) The Notice of Election must set out the following information.
  - i) The Candidates nominated and the Office for which they are nominated.
  - ii) The location of the Polling Station and the hours when the Polling Station will open,
  - iii) Notice of the Advance Poll; and
  - iv) A list of Electors and a copy of these Regulations.

### **8.2 Administrative Preparations**

The Electoral Officer must ensure all necessary preparations are carried out for the proper conduct of the Election, By-Election or Run-Off Election including arrangement of Polling Station, construction of proper Election facilities and voting compartments, preparation of written voting instruction, ensuring Polling Clerks and Interpreters are not Electors of the Sucker Creek First Nation and are available at each Polling Station and proper completion of any other necessary and incidental administrative functions.

### **8.3 Location of Polling Stations**

The Polling Station(s) will be located on the Sucker Creek First Nation.

### **8.4 Secret Vote**

- a) Subject to 8.4 (b) voting in all Elections, By-Elections, and Run-Off Elections will be by secret ballot.
- b) Physically handicapped or other incapacitated voters who are incapable of marking a ballot may indicate their selection of Candidates to the Polling Clerk who will mark their ballots on their behalf.

- c) No person will be required to disclose in any legal proceeding whether they voted or for which particular Candidate they voted.

#### 8.5 **Restrictions on Voting**

An Elector may only vote for persons whose names are indicated on the ballot.

#### 8.6 **Manner of Voting**

- a) On an Election Day, upon entering the Polling Station each Elector will receive a ballot containing the names of Candidates for the Office of Councillor and a ballot containing the names of Candidates for the Office of Chief.
- b) Each ballot containing the names of Candidates for the Office of Councillor must contain the following instructions:
  - i) Each Elector is entitled to vote for no more than six (6) Candidates for the Office of Councillor. It will be equal to the number of positions for the Offices which are open for a Councillor covered by the current Election, By-Election or Run-Off Election.
  - ii) The Elector must use a “X” or “+” to mark their vote.
  - iii) No other writing or marking may be on the ballot.
  - iv) If an Elector accidentally tears or damages a ballot, a replacement ballot from the polling clerk or Electoral Officer must be requested. Torn, defaced or otherwise mutilated ballots will not be counted.
- c) Each ballot containing the names of Candidates for the office of Chief must contain the following instructions:
  - i) Each Elector is entitled to vote for no more than one (1) Candidate for the office of Chief.
  - ii) The Elector must use an “X” or “+” to mark their vote.
  - iii) No other writing or marking may be made on the ballot.
  - iv) If an Elector accidentally tears or damages a ballot, a replacement ballot from the Polling Clerk or Electoral Officer must be replaced. Torn, defaced or otherwise mutilated ballots will not be counted.

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- d) Before giving the Elector the Ballot, the Electoral Officer will identify the Elector from the Electors list and will check his/her name from the Elector's list. The Electoral Officer will fold the Ballot, initial it and give it to the Elector.
- e) The Elector will then proceed to the Polling station and vote.
- f) The Electoral Officer or Polling Clerk will deposit the ballot with the initials of the Electoral Officer in full view in the Ballot Box.
- g) An Elector who inadvertently spoils their ballot may return the ballot to the Electoral Officer or the Polling Clerk and receive another ballot. The Officer must write the word "spoiled" on the returned ballot, initial the ballot, and place it in the ballot box.
- h) No Elector who has received a ballot from the Electoral Officer or Polling Clerk may take the ballot out of the Polling Station and anyone doing so forfeits their right to vote at that Election.
- i) The Electoral Officer or Polling Clerk must record the total number of ballots distributed to Electors at each Polling Station, the number of Electors who voted, and the number of spoiled or unused ballots.

### 8.7 Refusal of Permission to vote

- a) The Electoral Officer or Polling Clerk may refuse to allow a member to vote if, in their sole opinion:
  - i) The person's name is not listed on the list of Electors.
  - ii) The person is intoxicated by any substance; or
  - iii) The person is otherwise not eligible to vote.
- b) If requested to do so by the Electoral Officer or Polling Clerk, each person requesting a ballot must present identification to the Electoral Officer or Polling Clerk verifying his/her age and name.

**8.8 Removal of Persons from Polling Stations**

The Electoral Officer or Polling Clerk must maintain order in Polling Station(s) and may remove any Elector from the Polling Station(s) who in any way interferes, disrupts, or attempts to influence the orderly conduct of the Election.

**8.9 Advance Poll**

- b) The Council may by Resolution provide for the holding of an Advance Poll, the Resolution must state the time, date and place of the advance vote.
- b) The Advance Poll must be held at least three (3) days prior to an Election Day.
- c) The Advance Poll including the date, place, and hours of operation, must be posted in the Notice of Election.
- d) Voting procedures for the Advance Poll will be the same as voting procedures on Election Day.
- b) Votes cast in an Advance Poll will remain locked in sealed ballot boxes and remain in the possession of the Electoral Officer at all times. These ballots will be counted following the close of Polling Stations on Election Day.
- b) The Advance Poll will be held with consideration for the Post-Secondary Students, possibly a weekend Advance Poll to suit the needs of the student.

**9. COUNTING OF VOTES**

- 9.1 a) Immediately upon the close of Polling Stations, the Electoral Officer or Polling Clerk will, in the presence of a least one other Elector and any of the Candidates or their Scrutineer who wish to attend, open each ballot box and count and record the number of votes for each Candidate.
- b) No more than one Scrutineer may be appointed per Candidate.

## 9.2 **Void Ballots**

The Electoral Officer or his designate will examine the ballots, and any ballots:

- a) Not bearing the initials of the Electoral Officer or Polling Clerk.
- b) Having more votes than an Elector is entitled to cast.
- c) That are torn, defaced, or is otherwise marked by an Elector so they can be identified.
- d) Not marked with an “X” or “+”.
- e) Without a vote cast on it by an Elector.

are void and cannot be counted.

## 9.3 **Ballot Count Form**

The Electoral Officer or Polling Clerk must complete and sign a Ballot Count Form supplied by the Electoral Officer containing the following information:

- a) In an Election, By-Election or Run-Off Election for Chief and Councillors:
  - i) The name of the Polling Station
  - ii) The date of the Election.
  - iii) The number of Ballots marked for each Candidate; and
  - iv) A summary of the total number of ballots distributed to Electors, the number of Electors who voted, the number of rejected, spoiled, voided and unused ballots and the number of ballots not accounted for.

## 9.4 **Sealing Ballot Boxes**

Following the initial count by the Electoral Officer or Polling Clerk, all Ballots and the Ballot Count form must be placed in a ballot box, sealed and returned to the Electoral Officer.

**9.5 Destruction of Ballot and Ballot Count Forms**

The Electoral Officer will retain Custody of the sealed ballot boxes. Six (6) months following the expiry of the Election appeal period, the Electoral Officer will destroy the ballots and Ballot Count Forms. There must be a witness to destruction. A copy of the Ballot Count form must be filed in Band Office.

**10. DECLARATION OF OUTCOME**

**10.1 Within three (3) hours of the closing of the Polling Station the Electoral Officer will declare:**

- a) The Candidate for Chief receiving the greatest number of votes to be elected.
- b) The Candidates for Council receiving the greatest number of votes to be elected.

**10.2 Posting of Election Results**

Within twenty four (24) hours of closing of the Polling Stations, the Electoral Officer must post a notice in the Band Office setting forth the names of those Candidates elected and the office for which they are elected.

**11. RUN-OFF ELECTION**

**11.1 Tie Vote**

In the event of a tie vote for Chief or last position of Councillor, a Run-Off Election will be held within fourteen (14) full days of the Election or By-Election giving rise to the tie vote. The only eligible Candidates will be those Candidates who received the same number of votes for the position of Chief or the last position of Councillor.

**11.2 Notice of Run-Off Election**

Within three (3) days following the Election Day giving rise to the Run-Off Election the Electoral Officer must post a Notice of the Run-Off Election in the same time, manner, form and places as the initial Notice of Election set out in Section 8.

**11.3 List of Electors for Run-Off Elections**

In a Run-Off Election, the list of Electors must be the same as the list of Electors used in the Election or By-Election.

**11.4 Procedures for Run-Off Elections**

The location of Polling Stations and the Rules and Procedures for conducting a Run-Off Election will otherwise be the same as those used for conducting an Election or By-Election.

**11.5 The tie vote in Run-Off Election**

In the event of a tie vote in the Run-Off Election, another Run-Off Election will be held.

**12. ELECTION APPEALS**

**12.1 Grounds for Appeal of Election**

Within fourteen (14) consecutive days of and including the Election Day, or in the event a Councillor or Chief is elected by Acclamation, within fourteen (14) consecutive days of and including the day of nomination meeting, any Elector may appeal the results of an Election, By-Election or Run Off Election if, on reasonable and probable grounds, they believe:

- a) An error was made in the interpretation or application of the Regulations materially and directly affecting the conduct and outcome of the Election, By-Election or Run-Off Election.
- b) A Candidate did not meet the eligibility requirements set forth in 6.4 and 6.6.
- c) A Candidate was guilty of promoting or aiding corrupt Election practices including, but not limited to, bribery, threats and intimidation of Candidates, and/or Electors, in the Election, By-Election or Run-Off Election.
- d) A person voted who was not eligible to vote; or
- e) Any other circumstances or events materially and directly affecting the conduct and outcome of the Elections, By-Elections or Run-Off Election.



**12.2 Notice of Appeal**

- a) An appeal may be made by forwarding a Notice of Appeal in writing to the Electoral Officer at the Council Offices outlining the grounds for the Appeal.
- b) The Notice of Appeal must be received by the Council within fourteen (14) days from the Election Day or, in the case of an Election by acclamation, within fourteen (14) days from the nomination meeting giving rise to the Appeal.

**12.3 The Electoral Officer will promptly notify all Candidates for the office affected by the Notice of Appeal.**

**12.4 Election Appeal Committee**

- a) There will be nine members in the Appeal Committee, volunteers will be asked for at the Nomination Meeting.
- b) Three Elders, three people ages 31-64 and three people ages 18-30, to be selected at random by the Electoral Officer, if needed.
- c) To be a member on the Appeal Committee you must not be a part of the immediate family of the candidate in question or the person appealing.
- d) If enough volunteers cannot be found, then the Lesser Slave Lake Police Commission will be asked to be the Appeal Committee.

**12.5 Meeting of the Election Appeal Committee**

Subject to 12.6, within seven (7) days of having received the Appeal, the Electoral Officer will convene a meeting of the Committee for the purpose of hearing the Appeal. The meeting will be chaired by the Electoral Officer who will not be entitled to vote.

**12.6 A notice of the meeting must be posted in the same place as the notices of Election, at least three (3) days prior to the date set for the meeting.**

**12.7 The appellant, the individual in respect of which the Appeal is brought and other interested parties or their representatives may present oral or written submissions to the Committee at the meeting.**

**12.8 Within three (3) days of the meeting the Committee will promptly make one of the following decisions:**

**14.** To deny the Appeal on the basis the evidence presented did not fully and properly establish the necessary grounds for an appeal.

b) To uphold the grounds for an appeal but allow the results of the Election in question to stand as the infraction did not materially or directly affect the result of the Election; or

**14.** To uphold the appeal and call for:

**14.** A new Election, By-Election or Run-Off Election.

ii) A new Election, By-Election or Run-Off Election for only those offices directly affected; or

iii) A Run-Off Election

**12.9 Forthwith, the Electoral Officer will notify affected parties of the decision.**

**13. RESIGNATIONS**

**13.1 Notice of Resignations**

The Chief and Council may resign from office by submitting a written Notice of Resignation to the Council.

13.2 The Notice of Resignation must state the effective date of the resignation but, in any event, it must not be more than thirty (30) days from the date the Notice is delivered to the Council.

**14. RESIDENCY REQUIREMENTS**

All members of the Council must be resident on the Sucker Creek First Nation for the duration of their term of Office.

i) **REMOVAL OF CHIEF OR COUNCILLOR FROM OFFICE**

**15.1 Limitation on Employment**

While in office, the Chief and Councillor shall not be employed with the Sucker Creek First Nation in any other capacity than as Chief or Councillor. A Chief or Councillor may not be engaged in contracts with the Sucker Creek First Nation during their term in Office. Failure to comply with this provision will be grounds for removal of the Chief or Councillor from office.

**15.2 Other Grounds for Removal from Office**

- a) If a Chief or Councillor is absent for three (3) consecutive meetings of the membership of the Sucker Creek First Nation or regularly scheduled meetings of the Council for which they have received verbal and/or written notice of those and for which no valid reason for their absence is provided in writing to the Council.
- b) While in office, they engage in drunk, disorderly or irresponsible conduct at Council meetings, community meetings or in other public forums or functions which interferes with the conduct of business or brings the reputation of the Sucker Creek First Nation or the Council into disrepute.
- i) While in office, they are convicted of an indictable offense under the Criminal Code.
- i) While in office, they engage in or are a party to any illegal or improper misappropriation or use of First Nations funds as determined by the First Nation's Auditor or the Courts.
- i) They are found guilty of corrupt Election practices by the Committee or the Courts.
- i) While in office, they fail to remain resident on reserve for the duration of their term of Office.
- g) Subject to 15.3, while in office the Chief and Council is engaged in illegal activities known to Council, and a majority of Electors.
- h) If a personal gain is obtained while in office as a result of that position, it shall be called a conflict of interest and will result in removal from office.
- i) While in office, they fail to comply with the By-Laws and stated policies of the Sucker Creek First Nation.

**15.3 Petition for Removal**

Upon receipt of a petition signed by least fifty percent plus one (50% + 1) Electors stating one or more of the grounds set forth in 15.1 and 15.2 for seeking the removal of a named Chief or Councillor, the Council will convene a special meeting of the Council to consider the removal of the Chief or Councillor from Office.

15.4 The Chief or Councillor who is the subject of the petition shall be allowed to present written or oral evidence.

**15.5 Resolution for Removal**

Upon consideration of all relevant evidence presented at the meeting as to whether the alleged grounds for removal of a Chief or Councillor fall within the provisions of 15.1 or 15.2, the council may then by resolution passed at the Special Meeting, remove a Chief or Councillor from office. Such Resolution must state the grounds for removal and the effective date of the removal of the person from office.

If a person does want to appeal this decision, the same procedure for an Election appeal will be followed.

**16 BY-ELECTIONS**

**16.1 Date of By-Election**

- ii) Subject to 16.1(b), in the event the Chief or Councillor dies, resigns, or is removed from Office and there is more than ninety (90) days remaining in his or her term of Office, and the Council shall;
- iii) Within five (5) days of the effective date of the resignation or removal, set the date for the By-Election to fill the vacant office and appoint an Electoral Officer to conduct the By-Election.
- iv) The By-Election must be held within twenty-one (21) days of the effective date of the death, resignation or removal of the Chief or Councillor.

- b) In the event of a By-Election to fill vacancies caused by the death, resignation, or removal of two (2) or more members of the Council the date for the By-Election to fill those positions will be set by the Council. The By-Election must be held within twenty one (21) days of the effective date of the death, resignation or removal of the Chief and/or Councillors.
- a) If there are only five (5) or less Councillor's elected for Council there will be a By-Election held.

**16.2 No requirements for By-Election**

In the event the Chief or a Councillor dies, resigns, or is removed from office within ninety (90) days from the expiry of their term of Office, their office will be filled in the next Election.

**16.3 Ineligible Candidate**

The person whose removal from office by the Council promoted the holding of a By-Election is not eligible to be a Candidate in the By-Election. Pursuant to 16.2 if a By-Election is not called the person whose removal from office would otherwise have promoted the holding of a By-Election is not eligible to be a Candidate in the next Election.

**16.4 Conduct of By-Elections**

The rules and procedures for conducting a By-Election will be the same as those used for conducting an Election except with respect to the time requirements set forth in 6.1, 6.3 and 8.1 which will be determined by Resolution of the Council.

**17. AMENDMENTS TO CUSTOMARY ELECTION REGULATIONS**

**17.1 The Customary Election regulations of the Sucker Creek First Nation may be amended in the following manner:**

**a) Approval by Council**

Amendments to these Regulations must first be approved by Motion of the Council.

**b) Notice to Electors of Proposed Amendments**

- i) The Council must then post a Notice of a Special General meeting of the Electors of the First Nation on the Sucker Creek First Nation and such places as Council may determine at least fourteen (14) days prior to the date of the Special General Meeting.
- ii) The Notice must state the purpose of the meeting and that there will be a vote upon amendments to the regulations. It must also state the time, place and the date of the meeting.
- iii) A copy of the proposed amendments to the Regulations must be attached to the Notice.

**c) Approval of Amendments by Electors**

- i) A duly constituted Special Meeting of Electors shall be held to consider and vote upon amendments and will consist of at least fifty percent plus one (50% + 1) Electors. If a special meeting cannot be convened, amendments will be done by plebiscite.
- ii) Upon approval of the majority of Electors present and voting by secret ballot at such a duly constituted Special General Meeting of Electors called for the purposes of considering and voting on the amendments to the Regulations, the amendments will be adopted and be effective as of the date of the meeting.

**d) Affidavit**

Following the Special General Meeting, or a plebiscite if necessary the Chief, a Councillor or Chairman of the meeting will swear an Affidavit stating the following:

- i) Proper Notice of the meeting was given;
- ii) The meeting was duly convened;
- iii) The motion which was voted upon;
- iv) The total number of votes for and against the amendment;
- v) That to the best of their knowledge, the vote was properly conducted.

**18**     **SEVERANCE**

If all or part of any provision contained herein is deleted or found to be inoperable by a Court, it will be severed from the Regulations and the remaining provisions will remain in full force and effect.

**19**     **REVIEW CLAUSE**

Three (3) years after the date the Sucker Creek First Nation, Band Custom Election Regulations have been approved by the majority of Electors, there shall be a General Meeting held with at least fifty percent plus one (50% + 1) of Electors. At the meeting it shall be decided if the Electors of the Sucker Creek First Nation wish to continue conducting Elections under the guidelines established by the Sucker Creek First Nation, Band Custom Election Regulations. If there are changes to be made, all the changes must be agreed to by at least fifty percent plus one (50% + 1) of eligible Electors of the Sucker Creek First Nation.

**20**     **EFFECTIVE DATE**

These Regulations replace the Indian Band Election Regulations C.R.C. 1978, c952 as and from the first (1<sup>st</sup>) day of 19

**SCHEDULE "A"**

**DUTIES OF THE ELECTORAL OFFICER**

The Electoral Officer will be responsible for completing and/or performing the following:

1. Prepare a list of Electors in cooperation with the First Nation Membership Clerk, and Quorum of Council.
2. Establish an Election file for each Election containing copies of all correspondence, memorandums, and other information relevant to the conduct of each Election, By-Election or Run-Off Election.
3. Undertake any activities or responsibilities necessary to conduct the Nominations in the manner prescribed in the Regulations.
4. Supervise and ensure all Elections, By-Elections or Run-Off Elections are conducted in accordance with the Regulations and the procedures outlined herein and do all other things necessary to ensure the proper conduct of an Election, By-Election or Run-Off Election.
5. At least seven (7) days prior to an Election Day, appoint such Polling Clerks and interpreters as he or she deems necessary for the proper conduct of the election, By-Election or Run-Off Election. Polling Clerks must not be Electors. Interpreters must not be members of the Sucker Creek First Nation and must be fluent in the Cree Language.
6. Arrange for appropriate polling booths constructed in such a manner as to ensure the secrecy and privacy of the voting procedure.
7. Any other duties assigned by the Council from time to time relating to the conduct of an Election, By-Election or Run-Off Election.
8. The Electoral Officer will be responsible to collect the \$200.00 deposit from the Nominees within the forty-eight (48) hour period. The Electoral Officer will submit the Monies (payable) to the Sucker Creek First Nation Administration.
9. The Electoral Officer will be responsible to collect the non-refundable \$25.00 nomination fee from the nominator and the non-refundable \$25.00 seconder fee from the seconder.
10. The Electoral Officer must ensure all households have been given notice of the Election or By-Election Dates pursuant to Section 8.1.



**SCHEDULE “B”**

**THE POWERS AND AUTHORITY OF THE CHIEF AND COUNCIL INCLUDE:**

1. Approving and implementing policies concerning the management and administration of First Nation Affairs including, but not limited to, finance and administration, housing, lands, education, social programs, economic development, health, environment, Public works, policing, membership and related issues.
2. Responsibly managing and protecting the First Nation’s assets.
3. Formulating, reviewing, approving and implementing By-Laws as authorized under the *Indian Act* and adopting and approving legislation pursuant to the inherent authority of Aboriginal and Treaty Governments as recognized in the Constitution Act 1982 (as amended).
4. Negotiating, finalizing and executing financial and other agreements between the Sucker Creek First Nation and the Governments of Canada and/or Alberta, or other First Nations and Industries.
5. Formulating, reviewing and approving amendments to the Membership Code, Residency By-Laws, Customary Election Regulations, By-Laws, Legislation, with approval of, and in consultation with, the membership in regards to any such amendments.
6. Establishing Committees, hiring and firing staff, retaining advisors, and responsibility for any other managerial or administrative decisions necessary and incidental to the foregoing.
7. Other actions and decisions as deemed necessary from time to time for the proper governance of the Sucker Creek First Nation.

**SCHEDULE "C"**

**DUTIES AND RESPONSIBILITIES OF THE COUNCIL**

1. Monthly reports on meetings they have attended.
2. Home visit to those Sucker Creek First Nation members that request one.
3. Attend Regular Monthly meetings.
4. Attend interviews in hiring staff.
5. Review staff performances.
6. Discipline staff that do not abide by the Policies of the Sucker Creek First Nation.
7. Oath of Secrecy must be taken and abided by.
8. Ensure proper budgetary practices are followed and proper records are taken for every financial transactions outside of normal everyday business transactions.
9. Quarterly reports made public to the residents of Sucker Creek First Nation.
10. Shall assume responsibility for a Portfolio, as designated by Council, and will ensure that the portfolio is properly managed.
11. Negotiating fair and responsible agreements between the Sucker Creek First Nation and the Governance of Canada and/or Alberta, Industry and other First Nations.
12. Shall attend Housing Selection meetings.
13. In conjunction with the Membership Clerk, will ensure that the Membership List and Residency List of the Sucker Creek First Nation are accurate and kept current.
14. With at all times act as a positive Role-Model for the Children and Electors of Sucker Creek First Nation.
15. Attend Community Functions.
16. Year End Audit and Balance Sheet to be made public, discussing expenses, direction and actions of Council at the Annual General meeting.
17. Responsible for ensuring a Conduct Code similar to (15.1, 15.2) for all committees.

**SCHEDULE “D”**

**ROLE AND FUNCTION OF THE ELDERS**

1. Providing advice and Recommendation to the Council on issues of concern to the First Nation.
2. Acting as part of Election Appeal Committee for the purposes of these Regulations.
3. Be a positive Role Model for the Sucker Creek Band Membership and Chief and Council.
4. Oath of Confidentiality must be taken and followed.
5. At no time will the authority of the Elders or any society or committee, override the authority of the duly elected Council of the Sucker Creek First Nation.