

Election Procedures Act Amendment Reference Guide

The following is a summary of the proposed amendments to the Election Procedures Act (“EPA”):

- Preamble/Whereas section:

- Expanded from three (3) paragraphs to seven (7) paragraphs.
 - Includes language about the importance of the Cree Language and the importance of the connection between the people and the land.
 - Includes expanded language concerning sovereignty, self-government, transparency and accountability.

- Article One – Definitions:

- Definitions expanded from the original seven (7) to eleven (11). New definitions include the following:
 - Appeal and Ethics Commission (replaces Appeal Committee)
 - Blackout Period
 - Corrupt Practice,
 - General Band Meeting
 - Malfeasance
- Original definitions amended slightly for improved clarity.
- Sections added to clarify use of pronouns and use of headings in the EPA.

- Article Two – Composition of Council

- Consists of one section – no amendments suggested.

- Article Three – Tenure of Council

- Consists of three (3) sections – no amendments suggested.

- **Article Four – Nominations:**

- Overall improvements made for consistency, clarity and accessibility.
- Expands the candidate requirements **(4.3)**. Candidates must:
 - Be 18 years of age
 - Be a NHCN member
 - Have a basic understanding of Cree or be willing to learn and sign the “Cree Language Learning Agreement”
 - Not have been convicted of a criminal offence within the previous five (5) years
 - Not have any pending criminal charges
 - Not currently be listed on the Child or Adult Abuse Registry
 - Be nominated by three (3) nominators. One nominator must be sixty years of age or older
 - Submit \$100.00 for candidacy filing dues.
- A person can only run for either Chief **OR** Councillor, no longer both **(4.16)**.

- **Article Five – Elections:**

- Overall improvements made for consistency, clarity and accessibility.
- Included new sections on:
 - Recounts **(5.13)**
 - Oath of Office **(5.16)**
 - Appointment of Deputy Chief **(5.17)**
 - Exceptional circumstances **(5.18)**

- **Article Six – Absentee, Electronic & Advance Voting:**
 - Overall improvements made for consistency, clarity and accessibility.
 - Absentee voting section remains the same.
 - Added Electronic Voting (**6.6 – 6.13**).
 - Outlines the rules around when and how Electronic Voting can be utilized.
 - Advance Polling
 - Advance voting in Winnipeg is now included as part of the election process.

- **Article Seven – Appeal and Ethics Commission**
 - Significant expansion on the role and authority of the previous Appeal Committee. The Appeal and Ethics Commission (“**Commission**”) will now provide oversight over Chief and Council during their term and not only as it relates to election appeals.
 - Consists of the following sub-headings:
 - Establishment of the Appeal and Ethics Commission
 - Composition of the Commission
 - Commission Member Requirements
 - Commission Appointment Procedure
 - Commission Election Procedure
 - Jurisdiction and Authority
 - Procedure for Election Appeal Hearings and Ethical Hearings
 - Procedural Fairness and the Rights of Parties
 - Record Keeping and Transparency
 - Commission Manual

- **Article Eight – Remuneration of Electoral Officer and Commission**
 - Additional two sections providing resources, support and liability insurance for the Commission.

- **Article Nine – Vacancy, Removal and Suspension of Office**
 - Overall improvements made for consistency, clarity and accessibility.
 - Expansion and improved clarity with respect to the grounds required for removal and suspension of Chief and Councillors.
 - Separate sections for the following:
 - When an office for Chief and Councillor becomes vacant.
 - When a Chief and Councillor shall be removed from office.
 - When a Chief and Councillor may be removed from office.
 - When a Chief or Councillor may be suspended from office.
 - Increase from 6 years to 10 years ineligibility for a Chief or Councillor found guilty of corrupt practice, accepting a bribe, or malfeasance (**9.7**).

- **Article Ten – Duties and Responsibilities of the Council**
 - New section outlining minimum standards for Council. They are directed at maintaining transparency and accountability of leadership.
 - Key duties and responsibilities include:
 - Promoting, preserving and protecting our Treaty and Aboriginal Rights (**10.1**).
 - Acting in the best interests of the Nation (**10.2**).
 - Upholding the highest ethical standards (**10.3**).
 - Providing regular reports to NHCN members (**10.4(a)**).
 - Holding at least 6 General Band Meetings per year (**10.4(c)**).
 - Complying with drug testing by the Commission (**10.4(e)**).

- Actively performing the duties and responsibilities for which they were elected, including complying with the EPA (10.4(f)).
 - Residency requirement for all members of Chief and Council (10.5).
- **Article Eleven – Amending Procedure**
 - Overall improvements made for consistency, clarity and accessibility.
 - Introduces two amendment initiation processes – Council initiated amendments and amendments proposed by NHCN members.
 - Additional change made that once amendments are passed by the people the Chief and Council shall accept and ratify the amendments.
- **Schedule A – Nomination Forms**
 - Only minimal changes were made, primarily to improve formatting, spelling, and grammar.
 - Nominator form now included a third nominator.
- **Schedule B – Ballot and Absentee Forms**
 - Only minimal changes were made, primarily to improve formatting, spelling, and grammar.
- **Schedule C – Instructions for Ballot Forms**
 - Only minimal changes were made, primarily to improve formatting, spelling, and grammar.
- **Schedule D – Blackout Period Guidelines**
 - Document that expands the purpose, scope and meaning of the Blackout Period as it relates to NHCN staff, board members and elected officials.

- Contains specific guidelines for what Chief and Councillors can and cannot do during this period.
- **Schedule E – Cree Language Learning Agreement**
 - For those elected individuals who do not speak Cree this agreement outlines the commitment to improve fluency in Cree during their term.
- **Schedule F**
 - Template for the Oath of Office of Chief and Councillors.
- **Appendix – History of the NHCN EPA**
 - An updated and expanded history of the Election Procedures Act, with improvements made to enhance clarity and accuracy.