

APPENDIX D



Assembly of Manitoba Chiefs
EMPOWERING OUR NATIONS

Election Rules for Regional Chief of the Assembly of Manitoba Chiefs

Adopted July 31, 2019

**ELECTION RULES FOR
REGIONAL CHIEF OF THE ASSEMBLY OF MANITOBA CHIEFS
Adopted July 31, 2019**

1. APPOINTMENT OF CHIEF ELECTORAL OFFICER

- 1.1 At least sixty-five (65) days before the date of an election the Assembly of Manitoba Chiefs Secretariat Inc. (“The “Secretariat”) shall appoint the Chief Electoral Officer.
- 1.2 The Chief Electoral Officer shall hold office for fourteen (14) days after the date of an election or until the resolution of an appeal.
- 1.3 The Chief Electoral Officer may be removed for cause by The Secretariat.
- 1.4 If for any reason the Chief Electoral Officer is unable to perform his/her duties or is removed pursuant to subsection 1.3 The Secretariat may appoint a replacement.

2. DUTIES OF CHIEF ELECTORAL OFFICER

- 2.1 The Chief Electoral Officer shall:
 - a) exercise general direction and supervision over the administrative conduct of elections;
 - b) enforce fairness, impartiality and compliance with these rules on the part of all election officers;
 - c) issue to election officers such instructions as he/she may deem necessary to ensure the effective execution of these rules;
 - d) chair the Electoral Committee appointed by The Secretariat; and
 - e) perform such other duties as are prescribed by or under these rules or the Constitution of the Assembly of Manitoba Chiefs Secretariat Inc.
- 2.2 The Chief Electoral Officer shall within seven (7) days after each election make a report to The Secretariat and may include any recommendations about amendments to these rules.
- 2.3 In addition to other powers, duties and functions of the Chief Electoral Officer under these rules he/she may, where an emergency, an unusual or unforeseen circumstances or an error makes it necessary or where the Chief Electoral Officer considers it appropriate adapt any provision of these rules and in particular:
 - a) extend the time or dates for doing anything under these rules;

- b) increase the number of election officers;
- c) omit or vary any of the prescribed forms to suit the existing circumstances;
- d) modify a provision of these rules to permit their use at a by-election;
- e) generally adapt the provisions of these rules to existing circumstances; and exercise such other powers as are prescribed by or under these rules;

but he/she may not extend the hour for the opening or closing of the poll or for accepting a nomination paper on the day fixed for close of nominations in an election.

2.4 During an election, the Chief Electoral Officer may:

- (a) remove from office and replace an election officer upon being satisfied that the officer:
 - (i) refuses or neglects or is unable to act;
 - (ii) has failed to perform satisfactorily the duties of his/her office; or
 - (iii) is engaging in partisan political activities; and
- (b) order the election officer to deliver up all materials in his/her possession.

ELECTION OFFICERS

- 3.1 The staff of the Chief Electoral Officer shall consist of an officer known as the Deputy Electoral Officer and any other officers that may be required whom The Secretariat shall appoint.
- 3.2 The Chief Electoral Officer may authorize the Deputy Electoral Officer or any other officer on his or her staff to perform any of the Chief Electoral Officer's functions under these rules.

OATH

- 4.1 Before assuming duties, an election officer shall swear an oath in writing, in the prescribed form, to perform the duties of the office in an impartial manner.
- 4.2 No election officer shall communicate information obtained in the course of performing his or her duties under these rules, other than for a purpose related to the performance of those duties.

5. ELECTION COMMITTEE

- 5.1 The Secretariat shall appoint members of The Secretariat to the Election Committee who shall deal with questions about the rules.
- 5.2 There shall be no more than five (5) members of the Election Committee.

6. ELIGIBILITY

- 6.1 Only a Chief or his/her proxy of a First Nation which at the time the notice of an election is issued is a member of the AMC and who has registered within the time prescribed may vote.
- 6.2 Where a First Nation which at the time the notice of an election is issued is a member of the AMC and does not have an elected Council the designated representatives or proxies who are accredited officially in writing by that member First Nation for that purpose and who have registered within the prescribed time may vote.
- 6.3 Where a First Nation withdraws its membership from the AMC after the notice of an election has been issued the Chief or his/her proxy may not vote.
- 6.4 Any citizen of a member First Nation which gives notice of its intention to withdraw its membership from the AMC prior to or after the notice of an election is issued may not be a candidate.
- 6.5 Subject to subsection 6.3 any citizen of a member First Nation may be a candidate who:
- a) is 18 years or older on the date of the close of nominations;
 - b) has resided within Manitoba for three (3) months prior to the notice of an election being issued; and
 - c) has duly filed the prescribed nominations form.
- 6.6 Only a Chief of a member First Nation may nominate, second or endorse an eligible person to be a candidate.

7. TIMING OF ELECTION

- 7.1 The election of the Regional Chief shall take place on the afternoon of the second day of an Assembly in accordance with Article 14 (3) of the AMC Constitution.

8. NOMINATIONS

- 8.1 At least sixty (60) clear calendar days before the date of an election the Chief Electoral Officer shall in the prescribed form call for nominations.

- 8.2 The closing date for nominations shall be ten (10) clear calendar days before the date of an election.
- 8.3 To be an eligible candidate a person must have a nominator, seconder and five endorsers.
- 8.4 A Chief may nominate, second or endorse only one candidate.
- 8.5 Nominations must have been received by The Secretariat office by 4:00 p.m. on the closing date of nomination in the prescribed form.

9. NOTICE OF CANDIDATES

- 9.1 As soon as practicable but not later than forty-eight (48) hours after the close of nominations the Chief Electoral Officer shall issue a notice of the candidates in alphabetical order of the last name.
- 9.2 Where two (2) or more candidates have the same names, the notice may include the names by which a candidate is commonly known.
- 9.3 The notice shall include the date, time and place of the election.

10. WITHDRAWAL OF CANDIDACY

- 10.1 A candidate may withdraw his/her nomination in writing in the prescribed form to the Chief Electoral Officer no later than forty-eight (48) hours before the opening of the poll at 1:00 p.m.
- 10.2 The Chief Electoral Officer shall give notice to the candidates and member First Nation of the withdrawal as soon as practicable.
- 10.3 Any candidate may withdraw not later than ten (10) minutes prior to the opening of the next poll during the conduct of the voting orally or in writing to the Chief Electoral Officer. The Chief Electoral Officer shall immediately give notice of the withdrawal.

11. CANDIDATES FORUM

- 11.1 The Chief Electoral Officer shall conduct an all candidate forum at any time during an Assembly but before the date of the election.
- 11.2 The Chief Electoral Officer shall conduct the forum as follows:
- (a) The nominator of each candidate shall have five (5) minutes to introduce the candidate.
 - (b) Each candidate shall have ten (10) minutes to speak.

(c) The Chief Electoral Officer shall draw lots to determine the speaking order.

(d) After the candidates have spoken the Chief Electoral Officer shall allow the registered chiefs or proxies to ask questions for at least one half (½) hour.

12. VOTING

12.1 Voting shall be by secret ballot.

12.2 Voting shall be open for at least one (1) hour.

12.3 Each candidate may appoint in writing a scrutineer who may be present at the polling place.

12.4 Campaign material is not permitted in the polling place and the Chief Electoral Officer shall remove any material that is in the polling place or remove a person who is distributing campaign material or who is in possession of campaign material while being present in the polling place.

12.5 A Chief or proxy must register to vote. The time for registration shall open at 8:00 a.m. and close at 1:00 p.m. on the date of the election. Registration shall be conducted in accordance with *The Chiefs-in-Assembly Rules and Procedures*.

12.6 Each registered Chief or proxy may cast only one (1) vote at each ballot.

12.7 The Chief Electoral Officer must validate the Chief or proxy before giving a ballot.

12.8 The Chief Electoral Officer shall initial the back of the ballot prior to giving it to the Chief or proxy.

12.9 The Chief or proxy shall place an "X" beside the name of the candidate of choice and place the ballot into the ballot box.

12.10 The Chief Electoral Officer shall close the poll before the time fixed for closing the poll if all the registered Chiefs or proxies have voted.

12.11 After consulting the Election Committee, the candidates and upon reasonably determining that a registered Chief or proxy has no intention of voting the Chief Electoral Officer shall close the poll.

13. COUNTING THE BALLOTS

13.1 As soon as practicable after the close of the poll the Chief Electoral Officer shall count the ballots in a manner determined by the Chief Electoral Officer.

- 13.2 The candidate or his/her scrutineer may observe the counting of the ballots
- 13.3 The Chief Electoral Officer shall reject any ballot that is not initialed or not marked in a manner that clearly indicates the intent of the Chief or proxy.
- 13.4 The Chief Electoral Officer shall, after counting the accepted ballots, declare elected the candidate that has votes totaling 50% plus one of the accepted votes cast excluding the rejected votes.
- 13.5 The Chief Electoral Officer shall conduct ballots until a candidate obtains a simple majority pursuant to subsection 13.4.
- 13.6 A candidate who does not attain 20% of the total accepted votes excluding the rejected votes cast shall not be eligible to be a candidate for the next ballot.

14. TERM OF OFFICE

- 14.1 The Regional Chief shall hold office in accordance with Article 15 (2) of the Constitution of the AMC.

15. BY-ELECTION

- 15.1 Where the office of Regional Chief becomes vacant the Chief Electoral Officer shall conduct a by-election in accordance with these rules with appropriate adaptations and in accordance with Article 15 (5) of the AMC Constitution.

16. ACCLAMATION

- 16.1 Where there is only one candidate after the nominations close or only one candidate remains after other candidates have withdrawn, the Chief Electoral Officer shall immediately declare that candidate elected.
- 16.2 The Chief Electoral Officer shall give notice of the acclamation in writing to the candidate and member First Nations which notice shall include a statement that the Chief Electoral Officer will not hold the scheduled election.

17. APPEAL PROCESS

- 17.1 The candidates shall sign a declaration at the time of being declared a candidate to commit to recognizing and adhering to the decision of the Appeal Committee.
- 17.2 At least sixty (60) days before the date of an election, the Executive Council of Chiefs (ECC) shall set up an Appeals Committee composed of five (5) First Nation citizens who have experience in such matters. The ECC shall designate alternate citizens to fill vacancies.

- 17.3 The Appeal Committee shall adopt its own procedures.
- 17.4 The Appeal Committee members shall hold office for fourteen (14) days after the date of an election or until a decision has been rendered on an appeal.
- 17.5 A candidate may file an appeal within ten (10) days of the date of an election.
- 17.6 An appeal must be in writing, dated and witnessed setting out the grounds for the appeal accompanied by supporting documentation.
- 17.7 The appeal must set out reasonable grounds that:
- (a) the person declared elected was not eligible to be a candidate;
 - (b) there was a breach of the rules in the conduct of the election that might have reasonably affected the result of the election; or
 - (c) there was corrupt practice in relation to the election;
 - (d) a corrupt practice is any attempt to prevent, fetter, or influence the free exercise of a voter's right to choose for whom to vote the motive or intent of which is directed to improperly affect the result of an election.

18. APPEAL PROCEDURES

- 18.1 Upon receipt of an appeal, the Appeal Committee shall:
- (a) in the case where the appeal is filed in accordance with section 17.6 forward a copy together with supporting documentation to the Chief Electoral Officer and to each candidate;
 - (b) in the case where the appeal is not filed in accordance with section 17.6, inform the appellants in writing that the appeal will not receive further consideration.
- 18.2 The Appeal Committee may, if the material that has been filed is not adequate for deciding the validity of the election, conduct such further investigation into the matter as deemed necessary.
- 18.3 Any other candidate or the Chief Electoral Officer may within fourteen (14) days of the receipt of an appeal submit in writing a response to the appeal together with supporting documentation.
- 18.4 The Appeal Committee shall within thirty (30) days of receipt of the appeal convene to hear the appeal.
- 18.5 The Appeal Committee shall ensure that:

- (a) there is proper investigation of the grounds of the appeal;
 - (b) all parties are given results of the investigations within a reasonable time prior to a hearing;
 - (c) all parties are given proper notice of the hearing;
 - (d) all parties are allowed every opportunity to present evidence and be heard; and
 - (e) all proceedings of the hearing are recorded.
- 18.6 After hearing and reviewing all of the evidence and submissions that it has received the Committee shall:
- (a) dismiss the appeal if the evidence presented was not sufficiently substantive to determine that
 - (i) a breach of these rules has taken place that might have reasonably affected the result of the election;
 - (ii) the person declared elected was not eligible to be a candidate; or
 - (iii) there was a corrupt practice in relation to the election that might have reasonably affected the results of the election, or
 - (b) uphold the appeal by setting aside the election if all evidence and information gathered allows for the reasonable conclusion that:
 - (i) a breach of these rules has taken place that might have reasonably affected the result of the election;
 - (ii) the person declared elected was not eligible to be a candidate; or
 - (iii) there was a corrupt practice in relation to the election that might have reasonably affected its results.
- 18.7 The decision of the Committee made pursuant to section 18.6 shall be:
- (a) facsimiled to all the offices of the AMC member First Nations;
 - (b) submitted to The Secretariat; and
 - (c) forwarded to the appellants.
- 18.8 The decision of the Committee is final and is not subject to appeal.

19. DISPOSITION OF BALLOTS

19.1 The Chief Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain the ballots and all materials in connection with the election.

19.2 All ballots and material retained in accordance with subsection 19.1 shall be retained for forty (40) days from the date of the election was held or until a decision on an appeal is rendered whichever date is later, after which time the Chief Electoral Officer may, unless directed otherwise by the Election Committee, destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

20. AMENDMENTS

20.1 The Secretariat shall review these rules within a year after the date an election was held together with the recommendations of the Chief Electoral Officer and make recommendations to the Executive Council of Chiefs of the AMC.

20.2 The Chiefs-in-Assembly shall ratify any amendments.

21. EFFECTIVE DATE

21.1 These rules come into effect on the date that the Grand Chief certifies a resolution that the Chiefs-in-Assembly passed to ratify these rules.