

election, including the reference checks, will be destroyed in a confidential manner by the HEO immediately prior to my completion of my term.

What is the updated NAN Election Code?

The updated NAN Election Code was approved by the NAN Chiefs at the Keewaywin conference in 2019 via *Resolution: 19/27, Amendment to the NAN Election code*. The resolution purpose was to make some fundamental updates to the previously outdated Election Code. The updated Election Code includes a requirement for a criminal reference check for all nominees.

According to section 3.1:

Each Candidate:

e) Must not have been convicted of a criminal offence under the Criminal Code of Canada.

According to section 4.1:

Nominations for Grand Chief and Deputy Grand Chief

All nominations for Grand Chief and Deputy Grand Chiefs must meet the following criteria:

(2) Shall be accompanied a Police Information Check, a Police Vulnerable Sector Check, and proof of no convictions under the Criminal Code of Canada. [Emphasis Added]

This language is also echoed in the Executive Council Code of Conduct that was passed in 2017. Under the Executive Council Code of Conduct:

II. CRIMINAL RECORD

It is a condition of holding a position on Executive Council that a member must submit to and provide the results of a Police Information Check and a Police Vulnerable Sector Check.

No member of Executive Council may hold office if he or she is convicted of a criminal offence under the Criminal Code of Canada.

XIII. DISCREDITABLE CONDUCT

Executive Council shall refrain from engaging in conduct that would discredit or compromise the integrity of NAN or any NAN community.

Discreditable conduct includes:

5. Conviction of an indictable offence

In this way, the Election Code aligns with the pre-existing Executive Council Code of Conduct.

As the HEO, it is my role to follow the Election Code as determined by the NAN Chiefs, uphold and comply with the provisions of the Election Code and all other by-laws and policies of NAN, fulfill my duties faithfully, honestly, impartially, and professionally, and make determinations with respect to the rules acting in the best interests of NAN, and remain neutral in the conduct of this office.

What kind of reference check is required by the Grand Chief and Deputy Grand Chief nominees?

Each nominee will be asked to submit a criminal record check.

There are three kinds of reference checks:

- 1) Criminal record check (CRC)
- 2) Criminal record and judicial matters check (CRJMC)
- 3) Vulnerable sector check (VSC)



A hybrid offence can be considered summary or indictable based on the circumstances or seriousness of the crime.

~~As mentioned, summary offences that are older than 5 years will not appear on a CRC.⁶~~

How do I get a CRC?

The Nishnawbe Aski Nation police services, Ontario Provincial Police, Thunder Bay police and Timmins police all offer CRC services. All websites of each police service have links to an online request for a CRC.

There is a cost for the service as the Grand Chief and Deputy Grand Chief roles would be considered employment. The costs are the responsibility of the nominee.

CRCs may take anywhere from a day to several days or even weeks to receive. **I recommend that all potential nominees apply as soon as possible to avoid any delays in receiving their CRC.**

What will happen to my CRC when I submit?

Nominees will receive a copy of their CRC first. At that time, they can choose to complete their acceptance and verification form.

When nominees submit their CRC to the Head Elections Officer, it will remain confidential. CRCs received by email directly to the email address nanelections2021@outlook.com can only be accessed by the Head Electoral Officer.

CRCs received by fax or courier will be delivered to the NAN offices. NAN staff have been instructed not to view any correspondence intended for the HEO and to forward any materials pertaining to the election to me unopened. While the Head Electoral Officer has full confidence in NAN staff, there is still the chance that confidential documents may be inadvertently viewed by NAN staff. To ensure full confidentiality, I advise it best to email a scanned copy directly to me.


CRCs will **not** be published and the contents will **not** be shared publicly. The Head Electoral Officer will use the information to determine the eligibility of the nominee based on the Election Code. In the event of ineligibility, this will be communicated directly to the nominee from the Electoral Officer. Only eligible nominees will be published on the candidate list. Any nominees who were not eligible, including any reasons for ineligibility, will not be published.

All documents will be destroyed in a confidential manner by the HEO upon completion of my term.

Conclusion

This memo will be posted on the NAN Elections website. For further questions or clarifications, please contact me via phone: 613-864-7033 or email: nanelections2021@outlook.com

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Jocelyn Formsma, H.B.Soc.Sci, J.D.,
Head Electoral Officer, NAN Elections 2021

⁶ **update* this sentence is removed because it implies that there is an acceptable timeline for convictions. To be clear, there is not. The Election Code clearly states that candidates shall have no convictions and must provide proof of such.*

