



# Nishnawbe Aski Nation

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## NISHNAWBE ASKI NATION ELECTION PROCEDURES FOR THE OFFICES OF GRAND CHIEF AND DEPUTY GRAND CHIEFS

### Part 1: General

#### 1.1 Executive Council Offices

- (1) The following offices within the NAN Executive Council are open for election:
  - a) One (1) Grand Chief
  - b) Three (3) Deputy Grand Chiefs
- (2) No person is to hold more than one office simultaneously.

#### 1.2 Term

- (1) The term of office shall be three (3) years.
- (2) The term commences immediately upon being elected.

#### 1.3 Date and Place of Elections

- (1) Elections shall be held every third Keewaywin Conference, in a NAN First Nation selected for that year.
- (2) The location of Keewaywin Conference will be determined from time to time in advance of the selected dates.
- (3) Election years are every three years as follows: 2021, 2024, 2027, 2030, and so on.

## **Part 2: Voters**

### **2.1 Eligible voters**

The Chiefs of the recognized NAN First Nations (see Schedule "A"), or their proxy-holding delegates are eligible to vote.

### **2.2 Number of Votes**

- (1) Each NAN First Nation Chief or proxy holding delegate is entitled to one (1) vote for the position of Grand Chief.
- (2) Each NAN First Nation Chief or proxy holding delegate is entitled to three (3) votes for the three (3) positions of Deputy Grand Chiefs.

### **2.3 Proxies**

- (1) A First Nation may delegate an elected council member or a Tribal Council area representative of that First Nation to attend and/or vote on behalf of the First Nation.
- (2) Proxies must be in writing, on that First Nation's letterhead, signed by the Chief of the member First Nation.
- (3) Proxy letters, in the prescribed format, must be received by the Electoral Officer by 5:00 p.m. EST the day before the election.
- (4) The Electoral Officer shall verify proxies. Any proxy letter received not in the prescribed format will not be recognized.
- (5) Proxies must be an elected council member of a NAN First Nation or a Tribal Council area representative of that First Nation (see Schedule "A").
- (6) No one may hold more than one (1) proxy.
- (7) No one can be the proxy of a proxy.
- (8) The delegator of the proxy may revoke their proxy delegate by notifying the Electoral Officer in the prescribed format outlined in subsection (2) any time before 5:00 p.m. the day before the election.

## **Part 3: Candidates**

### **3.1 Eligibility of Candidates**

- (1) Each Candidate:
  - a) Must be a band member of a recognized NAN First Nation (see Schedule "A");
  - b) Must be at least 18 years of age at the time of the election;
  - c) Must not have been found to be mentally incompetent by a court in Canada;
  - d) Must not have the status of a bankrupt; and
  - a) Must not have been convicted of a criminal offence under the *Criminal Code of Canada*.
- (2) Each candidate must have a Nominator/Mover and Seconders (as more particularly described in Part 4 before his or her name can stand for election.
- (3) A candidate cannot stand for election and also nominate/move or second another candidate for election.
- (4) Each candidate must verify, in writing, with the Electoral Officer that he or she is eligible and willing to run for office. This written verification must be received by the Electoral Officer 60 days before the election day.

## **Part 4: Nominations**

### **4.1 Nominations for Grand Chief and Deputy Grand Chief**

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

- (1) Shall be supported by and signed by three (3) NAN Chiefs (One (1) - nominator/mover and two (2) seconders).
  - a) Where one candidate is nominated for both Grand Chief and Deputy Grand Chief, that candidate's two (2) seconders shall apply to both positions.
- (2) Shall be accompanied a Police Information Check, a Police Vulnerable

Sector Check, and proof of no convictions under the *Criminal Code of Canada*.

- (3) Shall be in writing and received by the Electoral Officer by facsimile, courier, mail, electronic mail, or by personal delivery;
- (4) In the event that the nomination is sent to the Electoral Officer by electronic mail, a copy shall be forwarded by mail or fax immediately thereafter.
- (5) Shall be received by the Electoral Officer by midnight, sixty (60) days before the election day.
- (6) A Chief may nominate or second one (1) candidate for Grand Chief and up to three (3) candidates for Deputy Grand Chief.
- (7) A Chief may nominate or second one (1) candidate for both Grand Chief and Deputy Grand Chief, and up to two (2) candidates for Deputy Grand Chief.

#### **4.2 Verification of Nominations**

- (1) All nominations shall be verified with respect to the eligibility of the candidates and their willingness to stand for office. All nominations must be verified with the mover and seconder.
- (2) The Electoral Officer, or a designated agent, shall time and date stamp all nominations and supporting statements when they are received.

#### **4.3 Procedure**

- (1) A list of the candidates for Grand Chief and for Deputy Grand Chiefs shall be circulated by facsimile, mail and electronic mail to all NAN First Nations and Tribal Councils as soon as possible after the closing date for nominations, but no less than forty-five (45) days before the election.
- (2) The closing date for nominations is sixty (60) days before the date of the election.
- (3) For further clarity, the campaign period shall be defined as the period of time the candidates can campaign as determined by the Electoral Officer after the closing date for nominations, but not less than forty-five (45) days before the election.

#### **4.4 Withdrawals**

- (1) A candidate may withdraw his or her nomination up to ten (10) days after the closing date for nominations, by delivering notice, in writing, to the Electoral Officer. An updated list of candidates shall be delivered to the NAN First Nations and Tribal Councils as soon as practicable.
- (2) If a candidate is nominated for more than one office, he or she must declare either their intention to be considered for both positions, or their intention to be considered for only one position, as well as which position, in writing to the Electoral officer no less than 45 days before the election.
- (3) If a candidate has declared their intention to be considered for both Grand Chief and Deputy Grand Chief and is elected as Grand Chief, that candidate will automatically be withdrawn from consideration for Deputy Grand Chief.

#### **4.5 Acclamation**

- (1) If there is only one candidate for a position, the mover and two (2) seconders of the nomination will bring forward a resolution to the voting delegates at the Keewaywin Conference to acclaim the candidate.
- (2) If the mover and the two (2) seconders are not in attendance, any Chief or delegate may bring forward a resolution to acclaim the candidate.
- (3) If the candidate is not acclaimed by resolution, the Electoral Officer will re- open the nomination process and conduct an election for that position, at such time as the Chiefs direct.

### **Part 5: Election Officials**

#### **5.1 Appointment of Electoral Officer**

- (1) The appointment of the Electoral Officer will be made by the NAN Chiefs' Finance Committee at least ninety (90) days in advance of the election date.
- (2) The Electoral Officer must be in office a minimum of 60 days in advance of the election date.
- (3) Notice of this appointment shall be sent to NAN First Nations immediately upon the finalization of the appointment. The notice shall be sent by electronic transmission to all Chiefs and Tribal Councils within 24 hours of the appointment.

- (4) The Electoral Officer shall remain in office until two (2) weeks after the election.

## **5.2 Criteria for Electoral Officer**

- (1) The appointment of the Electoral Officer must be approved by the Chiefs' Finance Committee.
- (2) The Electoral Officer's duties are to be discharged impartially and without bias to a particular candidate(s).
- (3) The Electoral Officer shall not be an employee of NAN.
- (4) The Electoral Officer shall be bound by the Electoral Officer's Oath of Office, as set out in section 5.3 of this Election Code, and shall discharge his or her duties in accordance with section 5.4 of this Election Code.

## **5.3 Electoral Officer – Oath of Office**

The Electoral Officer shall swear an oath as follows to perform the duties of office in an impartial manner and to:

- (1) Uphold and comply with the provisions of the Election Code and all other by-laws and policies of NAN as required;
- (2) Fulfill the duties and responsibilities of this office as set out in section 5.4 of the Election Code, acting in the best interests of NAN, and remain neutral in the conduct of this office;
- (3) Carry out all duties as Electoral Officer faithfully, honestly, impartially, professionally, and with regard to conflict of interest issues that may arise;
- (4) Not discriminate against any candidate or any individual in the course of the election on the basis of race, religion, sex, age, disability, or gender orientation;
- (5) Avoid conflicts of interest and the appearance of conflicts of interest by immediately removing him/herself from office in the event of a personal or professional interest in any matter as related to the conduct of the election or a candidate;
- (6) Not accept monetary gift or gift of value in exchange for any preferential or differential treatment in the conduct of the election;

- (7) Keep all matters confidential related to the provisions of the Election Code, any NAN By-law or policy, and the conduct of the election, as required and shall execute a non-disclosure agreement; and
- (8) Return all materials to NAN upon the completion of all obligations for the election

#### **5.4 Duties of the Electoral Officer**

The Electoral Officer is responsible for managing all pre-election, election, and post- election processes and procedures as specifically set out in the Election Code, and as required in order to run the election. The Electoral Officer shall perform the following duties:

- (1) Issue notice of the election date and location of the election to all NAN First Nations, Wawatay Newspaper, Tribal Councils, the NAN office, NAN organizations and on the NAN website, and any other media outlet as required.
- (2) Issue the election rules to all NAN First Nations and Tribal Councils.
- (3) Receive nominations for all positions and ensure nominations are received within the allowed time and pursuant to this Election Code.
- (4) Verify all nominations by contacting movers and seconders, or as required;
- (5) Confirm willingness and eligibility of the Candidates to stand for office.
- (6) Circulate a list of Candidates with confirmation of movers and seconders to all NAN First Nations and Tribal Councils.
- (7) Prior to the election, verify the proxies, and prepare the voters list.
- (8) Prepare ballots and preside over the voting process.
- (9) Post and announce the rules and procedures for voting at the polling station and in other clearly identifiable locations around the voting area.
- (10) Ensure that all rules and procedures are complied with on election day.
- (11) Deal with any and all matters that arise during the course of the election cycle and campaign, and make any rulings as required pursuant to this Election Code.

- (12) Count the ballots and conduct recounts during the election, as required and if necessary.
- (13) Announce the results of the election at the Keewaywin Conference.
- (14) Investigate protests as required, in accordance with section 10.2 of the Election Code.
- (15) Monitor campaign spending by examining the candidates' disclosure statements of their spending. Ensure that spending limits are applied fairly and consistently to all candidates.
- (16) Communicate a breach of this Election Code, including but not limited to: spending limits, use of resources, campaign promises, code of ethics, etc. to the candidate prior to disqualification in the event that the breach can be adequately cured;
- (17) In the event of a material breach of this Election Code that cannot be cured, notify the candidate in writing of disqualification and remove candidates name from candidate list.
- (18) Destroy ballots forty-eight (48) hours after the election.
- (19) Submit a written report of the election results, including any decisions made during and after the election and any related matters, within two (2) weeks after the election to all the Chiefs of NAN.
- (20) Take any steps as reasonably required to implement this provisions of this Election Code

#### **5.4 Use of Electoral Office**

The Electoral Officer may use the staff, equipment and supplies of the NAN office to carry out his/her duties.

### **Part 6: Campaign Conduct**

#### **6.1 Spending Limits**

- (1) No candidate shall spend more than fifteen thousand dollars (\$15,000.00) during his or her campaign for the election, notwithstanding a candidate who has been nominated for both Grand Chief and Deputy Grand Chief.
- (2) Campaign contributions and/or donations that are in conflict, or can



reasonably be perceived to be in conflict with NAN positions, policy, or values etc. are prohibited.

- (3) Candidates shall submit a financial statement or other record of their campaign spending to the Electoral Officer no later than 11:00 am on the day before the election as evidence of compliance with section 6.1(1).
- (4) The Electoral Officer shall disqualify any candidate who does not submit a financial statement, whose financial statement appears, upon reasonable grounds, to be false or is over the prescribed amount as set out in subsection (1) with consideration taken to section 5.4 ss. 15, 16 & 17 of this Election Code.
- (5) Prior to the election, the Electoral Officer shall make the Candidates' financial statements available to any Chief or proxy delegate if requested.

## **6.2 Indemnification and Evaluation of Support in Kind**

- (1) Use of the facilities, staff and equipment of an organization, agency, business or private individual other than the candidate must be treated as an expense and/or contribution in kind.
- (2) In the event that a current NAN Grand Chief or Deputy Grand Chief is running for re-election, the candidate must not:
  - a) use NAN resources, including facilities, equipment, supplies, services or other resources of NAN for any campaign or campaign-related activities;
  - b) undertake campaign- related activities on NAN property during regular working hours unless permitted by NAN policy (i.e. all candidates meeting); and
  - c) use the services of persons for election-related purposes during hours in which those persons receive any compensation from NAN.
- (3) Receipts for services and equipment used must be obtained from the organization used and submitted to the Electoral Officer for verification.

## **6.3 Utilization of Organizational Resources During Campaign**

- (1) The resources of organizations should not be utilized by candidates unless such services, equipment and materials are paid for at an appropriate commercial rate. Such use and documentation of payment must be reported by the candidate to the Electoral Officer.

- (2) Candidates may not utilize their position or paid work time to campaign. Wages earned while campaigning must be declared as well as the sources of payment. Where wages were earned while involved in campaign activity, the amount earned will be deducted from allowable campaign expenses.
- (3) If a current NAN Grand Chief or Deputy Grand Chief is running for re-election, the candidate shall not engage in election campaigning or the appearance of election campaigning in the discharge of duties in his or her current office. During the campaign period, the candidate seeking re-election shall limit his or her official duties to day-to-day business operations and regular ongoing responsibilities that fall under his or her current portfolio. The candidate shall not to introduce any new business which may have the effect of influencing voters in favour of the candidate, unless such business is necessary to preserve NAN's legal rights, or in the case of an emergency.

#### **6.4 Travel Expenses**

- (1) It is not the responsibility of NAN to pay for the Candidates' attendance at the Keewaywin Conference, unless they would otherwise be entitled to travel reimbursement (i.e.) incumbents, council member, NAN Staff member).
- (2) Costs for attending the election at the Keewaywin Conference shall not be included in campaign expenses and do not need to be reported.

#### **6.5 Campaign Promises & Code of Ethics for Candidates**

- (1) Candidates shall recognize that NAN must operate within budgets and internal policies respecting funding allocations to programs, employment hiring, issuing of contracts for supplies & services etc.
- (2) Candidates shall not make campaign promises that cannot be reasonably fulfilled by NAN or its affiliates.
- (3) Candidates shall campaign in accordance with the rules and regulations established in this Election Code, and without coercion or intimidation.
- (4) Candidates shall respect the Electoral Officer and NAN staff, and not interfere in the performance of electoral duties or with the conduct of the election.
- (5) Candidates shall treat each other with respect during the course of the

election campaign.

- (6) When using social or electronic media to campaign, candidates shall do so in a respectful manner taking into consideration the values of NAN.
- (7) NAN actively discourages, and is not obligated to honour, election promises that conflict with NAN's budgets and policy.

## **Part 7: Election Conduct**

### **7.1 Registration**

- (1) All voter registration for the election shall be conducted by the Electoral Officer prior to each vote taken at the election.
- (2) Voting shall commence at a time declared by the Electoral Officer.

### **7.2 Speeches**

- (1) On day one of Keewaywin, speeches for the position of Grand Chief shall take place first, immediately followed by the speeches for the three (3) Deputy Grand Chiefs.
- (2) All candidates running for office are entitled to twenty (20) minutes each to give their speeches on the first day of Keewaywin.
- (3) Speeches will commence immediately after the conference is called to Order.
- (4) Two (2) minutes before the deadline, the Electoral Officer shall warn the candidate of the remaining time.
- (5) The order of speaking will be determined through a randomized process selected by the Electoral Officer.
- (6) On day two of Keewaywin, there shall be a candidates' forum whereby voters are permitted to ask questions of the candidates.
- (7) Immediately following the candidates' forum, voting shall commence as directed by the Electoral Officer with the vote for the Grand Chief taking place first, and once the Grand Chief has been elected, the vote for the Deputy Grand Chiefs will take place.
  - a) If a candidate that has been nominated for both Grand Chief and Deputy Grand Chief, and is not elected as Grand Chief, they shall remain as a

candidate on the ballot for Deputy Grand Chief.

### **7.3 Polling Places**

- (1) A polling station will be established by the Electoral Officer in or near the conference room.
- (2) There shall be no loitering or campaigning by anyone around the ballot box of the polling station.
- (3) The Candidates running for office shall not be permitted near the polling station when ballots are being cast. Any candidate found near the polling station will be disqualified by the Electoral Officer.

### **7.4 Style of Ballots**

- (1) The names of the candidates running for each position shall be listed in alphabetical order on the ballot in English, Cree and Ojibway.
- (2) There shall be one (1) ballot for Grand Chief and one (1) ballot for the three (3) Deputy Grand Chief positions.
- (3) Secret ballots shall be used for the election of the four (4) positions.

## **Part 8: Voting**

### **8.1 Voting List**

- (1) All voting delegates must sign for their ballot(s) indicating the First Nation they are representing.
- (2) The Electoral Officer shall prepare the Voting List prior to Keewaywin. The voting list must be signed by all voters prior to the commencement of each respective vote.
- (3) All Chiefs or proxies are responsible for ensuring that their names are on the Voting List.

### **8.2 Marking**

- (1) The voter is to mark his or her ballot by placing an X within the space to the right of the Candidate's name.
- (2) The ballot for the Grand Chief must be marked only once.

- (3) The ballot for the Deputy Grand Chiefs must be marked three (3) times, indicating three (3) different votes for three (3) different Deputy Grand Chiefs. If three (3) votes are not correctly marked, the ballot shall not be counted (as more particularly described in section 8.4 below).
- (4) Any wrongfully marked ballots shall not be counted.
- (5) If the voter can be identified, the ballot will be rejected and shall not be counted.

### **8.3 Manner of Voting**

- (1) Instructions for the voters shall be posted both inside and outside the polling place.
- (2) When a voter is in the polling station for the purpose of marking his or her ballot, no one else shall be allowed in.
- (3) Special provisions will be made for receiving the votes of those who cannot read or are unable to mark their ballots themselves, upon request to the Election Officer.

### **8.4 Declaring a Winner**

- (1) A candidate must obtain fifty (50) per cent plus one vote of the ballots cast to be elected.
- (2) For the position of Grand Chief, if no candidate obtains fifty (50) per cent plus one vote of the votes cast on the first ballot, a second vote will be cast with all candidates' names on the ballot, except the candidate with the least votes resulting from the first vote. This process will continue until one candidate obtains fifty (50) per cent plus one vote of the ballots cast by the voters.
- (3) For the positions of Deputy Grand Chief, elections will be held by elimination ballot, with any candidate achieving fifty (50) per cent plus one vote declared elected until each of three (3) candidates having achieved the required fifty (50) per cent plus one vote. On each vote, the candidate with the least number of votes will be eliminated on each round, until the three (3) positions are filled.
- (4) For further clarity, the first ballot for Deputy Grand Chief must be marked three (3) times. In each subsequent vote, the ballot must be marked corresponding to the number of positions left to be filled (if two

(2) positions are left, two (2) votes must be cast. If one (1) position is left, one (1) vote must be cast).

- (5) Candidates may withdraw if they wish to do so voluntarily during the course of the balloting

## **8.5 Tied Vote**

- (1) In the event of a tie between more than one candidate, another vote shall be held.
- (2) Before the vote, the candidates shall be given the opportunity to address the Chiefs.
- (3) Ballots will continue to be held until the tie between the candidates is broken with the vote taken in the manner as set out in section 8.4ar of the Election Code.

## **Part 9: Counting & Returns**

### **9.1 Counting of Ballots**

- (1) The Electoral Officer will declare the ballot box closed and sealed when voting has concluded.
- (2) The Electoral Officer shall count the ballots with the scrutineers present.
- (3) Following the counting of the ballots and the announcing of the winners, all ballots will be resealed in the presence of the Candidates and scrutineers, and kept in the custody and possession of the Electoral Officer for 48 hours after the election. The ballots will then be destroyed by the Electoral Officer.

### **9.2 Scrutineers**

- (1) All candidates are entitled to one (1) scrutineer each when the ballots for their position are being counted.
- (2) Each scrutineer will take an oath of confidentiality upon entering the polling station.
- (3) Scrutineers must not indicate, disclose or otherwise display their affiliation to a candidate in any way.

- (4) Scrutineers cannot discuss or engage in any form of communication with voters, either before or after they have voted.
- (5) Scrutineers shall not impede or disrupt the voting process in any way.
- (6) Scrutineers will not be permitted to use cellular phones or any other telecommunications devices in the polling area.
- (7) The final count shall be initialed by the scrutineers to be declared valid.
- (8) Scrutineers shall remain together in a separate area following the vote and shall not disclose any information regarding ballots or voting prior to the official count being completed and communicated.

### **9.3 Results**

- (1) The Electoral Officer will announce the election results to the Chiefs in Assembly immediately following the count.
- (2) Unless otherwise instructed by the Chiefs, the ballots will be destroyed forty- eight (48) hours after the election is completed.

## **Part 10: Recounts & Protests**

### **10.1 Recounts**

- (1) The Electoral Officer will conduct recounts at the reasonable request of any candidate.
- (2) Scrutineers must be present during the recount(s).

### **10.2 Protests**

- (1) Any NAN Chief proxy, or any candidate may protest the election with respect to any of the following matters:
  - a) Conduct of the campaign;
  - b) Eligibility of any candidate, mover or seconder;
  - c) Campaign overspending or breach of campaign finance rules; and
  - d) Conduct of the election/voting process
- (2) A protest may be brought by any NAN Chief or proxy at any time up to one (1) hour before the election with respect to any alleged campaign violation including but not limited to a breach of the candidate Code of Ethics, campaign spending, or eligibility issue.

- (3) A protest may be brought within two (2) hours after the election with respect to any irregularity in the election, voting, or counting of votes.
- (4) The Electoral Officer will immediately investigate any protests and make rulings on them.
- (5) A copy of all protests and a report on their resolution and any recommendations made by the Electoral Officer shall be made available to the Chiefs of NAN before the closing of Keewaywin.
- (6) The decisions of the Electoral Officer are final and not subject to appeal.



**Schedule "A"**  
**Nishnawbe Aski Nation Corporate Services Membership List**

Mishkeegogamang First Nation	Hornepayne First Nation
MoCreebec Council of the Cree Nation	Long Lake #58 First Nation
Muskrat Dam First Nation	Marten Falls First Nation
Sandy Lake First Nation	Neskantaga First Nation
Weenusk First Nation	Nibinamik First Nation
Lac Seul First Nation	Webequie First Nation
Deer Lake First Nation	Attawapiskat First Nation
Fort Severn First Nation	Chapleau Cree First Nation
Keewaywin First Nation	Fort Albany First Nation
McDowell Lake First Nation	Kashechewan First Nation
North Spirit Lake First Nation	Missanabie Cree First Nation
Poplar Hill First Nation	Moose Cree First Nation
Aroland First Nation	Taykwa Tagamou Nation
Constance Lake First Nation	Kasabonika First Nation
Eabametoong First Nation	Kingfisher Lake First Nation
Ginoogaming First Nation	Wapekeka First Nation
Wunnumin Lake First Nation	Wawakapewin First Nation
Beaverhouse First Nation	Flying Post First Nation
Chapleau Ojibwe First Nation	Brunswick House First Nation
Mattagami First Nation	Matachewan First Nation
Bearskin Lake First Nation	Apitipi Anicinapek Nation
Koocheching First Nation	Cat Lake First Nation
Sachigo Lake First Nation	North Caribou Lake First Nation
Whitewater Lake First Nation	Slate Falls Nation