TSUUT’INA LEGISLATIVE PROCEDURES
Electoral Code Package
Dadanast'ada and Hello,

This package is being sent out to Nation members to inform you that the Electoral Code will be utilized for the upcoming Chief and Council Election. The Electoral Code went through the Community Ratification Vote on March 11, 2016 and came into force August 17, 2016.

This package contains the Electoral Code, Voting Regulations, Letter from the Minister of Indian Affairs and Northern Development as well as a Letter from the Electoral Officer.

Sincerely,

Legislative Procedures Technical Services (LPTS)

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; we, the peoples of Tsuut’ina Nation, in preservation and continuation of the Tsuut’ina Nation’s unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; do ordain and establish this law in accordance with our inherent right to governance.

A document to ratify the
CHIEF AND COUNCIL ELECTORAL CODE
within the Tsuut’ina Nation Lands

Enacted on March 21 of 2016 in Tsuut’ina Nation.
Coming Into Force Date: August 17, 2016
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PART 1 GENERAL

General Statement
1. The Tsuut'ina Nation has an Inherent Right to Governance. Before the signing of Treaty 7 in 1877, the Tsuut'ina Nations’ form of leadership was based on a hereditary system. Leaders embodied Tsuut'ina values such as generosity, kindness, and bravery.

2. Tsuut'ina Citizens select the Leadership individually through a democratic process for the collective good.

Title
3. This Chief and Council Electoral Code shall be cited as ‘This Code’.

Purpose, Scope and Application
4. This Code governs the election process of the Tsuut'ina Nation Chief and Council within the jurisdiction of Tsuut'ina Nation.

Electoral Code Principles and Governing Body
5. The Tsuut'ina Nation elections shall be held pursuant to the sovereignty of the Tsuut'ina Nation and under the principles of transparency, equality and honesty.

Term of Office
6. The term for Chief and Council shall be three (3) years.

Composition of Chief and Council
7. The composition for Tsuut'ina Nation Chief and Council shall be One (1) Chief and twelve (12) council members.

Governing Body
8. The serving Chief and Council are active up to the date of the swearing in.

PART 2 PRE ELECTION PROCEDURES

Electoral Code Training
9. The Legislative Procedures Portfolio shall retain a consultant to deliver training bi-annually to interested Tsuut'ina Nation Citizens in relation to the election procedures as set forth herein.

Elections Appeals Commission
10. An Election Appeals Commission shall process any appeals pursuant to Part 7 of This Code and shall be appointed by the Electoral Officer and submitted to the Chief and Council for approval one hundred (100) days before the expiration of the Council’s term of office.
Electoral Officer

11. Chief and Council shall appoint the Electoral Officer not less than one hundred (100) days before the expiration of the Council's term of office.

12. The Electoral Officer may or may not be a Tsuut'ina Nation Citizen.

13. The appointment of the Electoral Officer shall contain:
   a. full name and address;
   b. the date of the election; and
   c. the type of election which is to be conducted (general election or by-election), as well as any special instructions.
   d. must provide a CPIC search showing no indictable offense convictions or convictions considered to be morally reprehensible or contrary to public safety which, without limiting the foregoing, include convictions for:
      i. theft over $5,000;
      ii. break and enter;
      iii. sexual assault;
      iv. murder;
      v. drug trafficking;
      vi. gang related and criminal organization; and
      vii. threatening the safety or well being of a minor

14. If an Electoral Officer has not been appointed within the time set out in section 11, the Electoral Officer shall be appointed by the Chief Executive Officer as soon as possible.

15. The Electoral Officer must be a person who is at least 21 years of age and has experience in the conduct of elections and/or received Tsuut'ina Electoral Code training from Tsuut'ina Legislative Procedures Technical Services.

16. In the event that the Electoral Officer cannot fulfill his/her duties, Chief and Council shall appoint an existing Deputy Electoral Officer, to undertake the duties of the electoral officer.

17. As per section 16, in the absence of an existing Deputy Electoral Officer, the Chief and Council shall appoint a new Electoral Officer.

18. The Electoral Officer must swear an oath to uphold the office in accordance with this Code.

Electoral Officer - Responsibilities and Ethics

19. The Electoral Officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in this Code and applicable documents related to the Code.
20. The Electoral Officer must:
   a. uphold and abide by the process established in This Code;
   b. remain neutral and professional in the conduct of the duties of his/her office, and refrain from providing any preferential treatment or expressing support for or opposition to any candidate;
   c. not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information;
   d. not discriminate against anyone because of race, religion, sexual orientation, sex, age, or disability; use public office facilities to fulfill the terms of his office, and not for personal or partisan benefit;
   e. not pressure or intimidate other officials or personnel to favour a certain candidate;
   f. avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where the Electoral Officer has a personal or private interest in the matter at issue;
   g. prepare an election budget and report;
   h. hire support staff for the implementation of this Code;
   i. supervise all administrative tasks;
   j. prepare a post-election report to Chief and Council, and
   k. Full-time Nation-Employees must take a leave of absence as per the Human Resources Policy and Procedures.

21. The Electoral Officer shall choose the Deputy Electoral Officer.

22. The Deputy Electoral Officer must;
   a. be at least 21 years of age and a Tsuut'ina Nation Citizen,
   b. not be a member of Council; and
   c. not be a candidate in the election.

23. The Deputy Electoral Officer shall have such powers as described in This Code as well as those powers of the Electoral Officer as delegated to the Deputy by the Electoral Officer.

24. Every Electoral Officer and Deputy Electoral Officer shall swear an oath of office to:
   a. uphold and comply with This Code and related applicable documents of the Nation; fulfill the duties and responsibilities of his office under this Code;
   b. carry out duties faithfully, honestly, impartially and to the best of his abilities.
   c. keep confidential, both during and after term of office, any matter or information which, under this Code, Nation law or policy, is considered confidential;
   d. prepare and process administration and financial requirements; and
   e. act in the best interests of the Nation in carrying out duties.
Election Notice and Period
25. The election shall be held at least thirty (30) days after the day on which the nomination meeting was held.

26. The Electoral Officer shall, within three (3) days after the day on which the nomination meeting was held, post a notice of election on Tsuut'ina Nation webpage, the Tsuut'ina Nation bulletin boards at least three conspicuous places on the Tsuut'ina Reserve.

27. The election notice shall include:
   a. the date of the election;
   b. the times at which the polling station(s) will open and close;
   c. the location of the polling station(s);
   d. the time and location of the counting of the votes; and
   e. a statement that the Elector list with given names for the eligible Tsuut'ina Citizen voters is posted for public viewing in a secured bulletin board.

PART 3 NOMINATION PROCEDURES
Qualifications to nominate, and elect
28. A Tsuut'ina Citizen, who is 18 years of age and older, shall have Tsuut'ina electoral rights.

29. A Tsuut'ina Citizen with electoral rights shall have the right to participate in a Tsuut'ina Election and have the right to nominate, elect and be elected pursuant to this Code.

30. The Electoral Officer must provide access and support for Tsuut'ina Citizens with disabilities, as well as Tsuut'ina Citizens who have difficulties participating in elections, ensuring measures are taken to accommodate participation in the nomination and voting process.

31. Chief and Council shall be elected directly. Voting by proxy shall be prohibited.

32. A Tsuut'ina Citizen who is currently living off reserve has the right to elect in the voting process in accordance with this Code.

Electoral List
33. The Citizenship Department shall compile and maintain the Tsuut'ina Nation Electoral List.

34. The Tsuut'ina Nation Electoral List shall include all eligible electors in accordance with this Code.
Access to Elector List
35. The Tsuut'ina Nation Electoral List shall be approved and signed by the Tsuut'ina Citizenship Registrar and provided to the Electoral Officer within three (3) days of written request by the Electoral Officer.

36. The Tsuut'ina Nation Electoral List shall be open to access to all Tsuut'ina Citizens upon written request.

Qualifications for Chief Candidate
37. Tsuut'ina people continue to respect the traditional embodiment of a leader in selecting their Chief.

38. In accordance with the values, beliefs, customs and traditions of Tsuut'ina Chief, candidates shall meet the following qualifications:
   a. be at least 25 years of age;
   b. be a registered Citizen of the Tsuut'ina Nation;
   c. must have completed a minimum of grade twelve diploma, GED or consecutive employment of 5 years;
   d. must provide a CPIC search showing no indictable offense convictions or convictions considered to be morally reprehensible or contrary to public safety which, without limiting the foregoing, include convictions for:
      i. theft over $5,000;
      ii. break and enter;
      iii. sexual assault;
      iv. murder;
      v. drug trafficking;
      vi. gang related and criminal organization; and
      vii. threatening the safety or well being of a minor
   e. must have signed a disclaimer document indicating no outstanding loans owed to the Tsuut'ina Nation, and if so, must have set up a payment plan with the Chief Executive Officer and have not defaulted in that payment plan. Failure to have this established will result in ineligibility to run for election.

Qualifications for Councillor
39. In accordance with the values, beliefs, customs and traditions of Tsuut'ina Council, candidates should meet the following qualifications:
   a. be at least 18 years of age;
   b. be a registered Citizen of the Tsuut'ina Nation;
   c. must provide a CPIC search showing no indictable offense convictions or convictions considered to be morally reprehensible or contrary to public safety, which, without limiting the foregoing, include convictions for:
      i. theft over $5,000;
      ii. break and enter;
      iii. sexual assault;
      iv. murder;
v. drug trafficking;
vi. gang related and criminal organization; and
vii. any offences threatening the safety or well being of a child.
d. must have signed a disclaimer document indicating no outstanding loans
owed to the Tsuut'ina Nation, and if so, must have set up a payment plan with
the Chief Executive Officer and have not defaulted in that payment plan.
Failure to have this established will result in ineligibility to run for election.
e. completed a minimum of grade twelve diploma, GED, grade 12 equivalency
(mature student) or consecutive employment of 5 years;

Candidate Nomination Process
40. The Electoral Officer shall post on the Tsuut'ina Nation webpage, the Tsuut'ina Nation
bulletin boards and other methods of communication the date, time and venue for a
nomination meeting at least two (2) weeks before the scheduled nomination meeting.

41. The nomination meeting shall be scheduled for a period of three (3) hours.

42. Nominations shall take place in a venue that is as spacious as possible to ensure all
nomination activities are carried out correctly and appropriately.

43. The Electoral Officer shall maintain order at all times during the nomination meeting
and may cause to be removed any person who, in his opinion, is disrupting or
otherwise interfering with the proceedings.

44. The venue shall be furnished in such a way as to allow Tsuut'ina Electors to fill out the
Nomination Form to register the candidate.

45. A Citizen can nominate or second only one person as a candidate for Chief.

46. A Citizen can nominate and/or second only twelve people as a candidate for Council.

47. All nominations for Chief and Council shall be conducted in the following manner:
   a. a Nominator shall nominate a person for either Chief or Council; a Seconder
      must second the person for either Chief or Council;
   b. the Nominator and the Seconder shall submit all documents required for
      registering the Candidate, including a Nomination Form;
   c. the Nominator and the Seconder will sign a Nomination Form that includes;
      i. for the Nominator:
         A. first and last name;
         B. registered Tsuut'ina Citizenship number; and
         C. Contact information.
      ii. for the Seconder:
         A. first and last name;
         B. registered Tsuut'ina Citizenship number;
         C. Contact information.
48. The Nomination Form shall also contain the following information about the Candidate being nominated and submitted within 5 business days:
   a. first and last name;
   b. registered Tsuut'ina Citizenship number;
   c. date of birth;
   d. place of residence;
   e. place of work and position (occupation).

49. Within five (5) business days following the Nomination Meeting, the Electoral Officer shall post in at least one conspicuous place on the Tsuut'ina Reserve an official list of Candidates, their Nominator and Seconder and the office(s) for which they are nominated.

50. No person(s) under the suspected influence of alcohol and drugs shall be permitted within nomination meeting or to participate in any way, shape or form in election process at the time of voting and nominations.

PART 4 CANDIDATE INFORMATION

Candidate acceptance

51. A Candidate who has been nominated for Chief or Council is required to file a Declaration of Candidacy, pay the Candidate Fee and forward all applicable documents to the Elector Officer within fourteen calendar (14) days after the Nomination Meeting.

52. A Candidate must pay a non-refundable Candidate Fee as follows:
   a. One Thousand ($1,000) Dollars to run for Chief;
   b. Five Hundred ($500) Dollars to run for Council;
   c. The Candidate shall pay the fee directly to the Electoral Officer;
   d. No cash shall be accepted;
   e. A bank draft must be used for payment payable to the Tsuut'ina Nation.

Candidates Responsibility

53. All Candidates shall check the Candidate List and Ballot Sheet created by the Electoral Officer for misspellings or errors. Any corrections shall be presented to the Electoral Officer in writing at least five (5) days prior to day of voting.

54. All Candidates are responsible to familiarize themselves with this Code and accompanying voting regulations.

55. Candidates who are employed by the Tsuut'ina Nation must act in accordance and pursuant to the Tsuut'ina Nation Human Resources Policies and Procedures Manual and the Accountability Code. A Candidate shall not take advantage of their position including, but not limited to, using office equipment.
56. A Candidate shall have the right to withdraw from the election upon a written application to the Electoral Officer, submitted up to ten (10) business days before the voting day. In that case, the Tsut'ina Electoral Officer shall delete the registration of the Candidate.

57. The Electoral Officer shall also formally withdraw a Candidate who has deceased during the Election Period and shall return the Candidate Fee to the Estate of the deceased.

**Scrutineer Eligibility and Duty**

58. A Candidate may choose up to two (2) Scrutineers by filing a Request For Scrutineer Form with the Electoral Officer.

59. Individuals identified as a Scrutineer may observe electoral activities after being registered as such by the Tsut'ina Electoral Officer.

60. A Scrutineer is responsible to not conduct any form of bribery while they are on duty and if it is identified that bribery has occurred they will be escorted from electoral activities in regards to this code and be punished by applicable law.

**PART 5 VOTING REGULATIONS**

*Procedures Description*

61. Voting Procedures shall be pursuant to the document named “Tsut'ina Chief and Council Election Voting Regulations”.

**PART 6 POST ELECTION**

*Announcement*

62. After completing the counting of the votes and establishing the successful Candidates, the Electoral Officer shall declare to be elected, the Candidates having the highest number of votes.

63. Following the declaration of Elected Candidates, the Electoral Officer shall complete and sign an Election Report, which shall contain:
   a. the names of all Candidates for Council and Chief;
   b. the number of ballots cast for each Candidate for Chief;
   c. the number of rejected ballots for Chief;
   d. the number of ballots cast for each Candidate for Councillor;
   e. the number of rejected ballots for Councillor;
   f. Chief and Council Elected Candidates.
64. In the event there is a tie for Chief or Council, the following process shall be followed:
   a. Candidate shall be given an option to withdraw from the Election.
   b. If neither Candidate withdraws, then the existing Electoral Officer shall hold a by-election using this Code, until there is a clear selection.
   c. A by-election shall be only for the position that is tied for Chief or Council and does not affect the results of the other positions.

65. Within four (4) days after completion of the counting of the votes, the Electoral Officer shall:
   a. submit the Election Report prepared to the Chief Executive Officer and Tsuut'ina Legal Department; and
   b. post notice to Tsuut'ina Citizens that a hard copy of the Election Report is available upon written request.

66. The results of the election per the Election Report are not official until the appeals time period of five (5) business days has lapsed.

Retention of Ballots and Other Election Material
67. The Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain these ballots and all materials in connection with the election.

68. All ballots and materials retained shall be retained for ninety (90) days from the date on which the election was held or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by the council, destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

Chief and Councillor Oath of Office
69. A candidate who has been elected for Chief or Council shall swear an oath of office before either the electoral officer, or a duly appointed commissioner for taking oaths, swearing to:
   a. uphold and comply with this Code, the Code of Ethics and all Tsuut'ina Laws, Policies and other Tsuut'ina guiding documents;
   b. protect the land from environmental harm and degradation,
   c. protect the people and culture by attending Nation events, gatherings, and meetings;
   d. fulfill the responsibilities of political office by carrying out duties faithfully, honestly, impartially and to the best of their abilities; keep confidential, both during and after his term of office, any matter or information which, under this Code, the laws of the Nation or policy, considered confidential; and
   e. act in the best interests of the Nation in carrying out duties.
70. No person elected as Chief or Councillor shall be permitted to assume office until they have sworn and filed with the Electoral Officer the Oath of Office. In addition, each person must agree to complete an orientation and training within three (3) months.

71. The Chief and Council shall be required to reside on the Tsuit’ina Reserve with the exception of residing within Calgary and area. Chief and Council must have a housing application in place as evidence of desire to be residing on Tsuit’ina Nation.

PART 7 – APPEALS

Appeals
72. A Candidate or an Elector may, within five (5) business days from the date on which the election was held, submit an appeal to the Election Appeals Commission. The Election Appeals Commission contact information will be included on all posted documents throughout the election.

Election Appeals Commission
73. The Electoral Officer shall select names and provide them to Chief and Council for the selection for the Election Appeals Commission, which must be formed not less than eighty (80) days before the expiration of the Council’s term of office, which shall be composed of three (3) members as follows:
   a. Tsuit’ina Nation Elders Chairperson;
   b. Tsuit’ina Nation Citizenship Tribunal Member; and
   c. Tsuit’ina Nation Legal Counsel and is a Non-Nation Citizen

74. An Election Appeals Commission member who is an immediate family of any appellant or candidate, or who may have a bias or conflict in connection with the appeal must excuse themselves from the Election Appeals Commission.

75. The remaining members of the Election Appeals Commission will select additional members as required from a list of potential members recommended by the Chief Executive Officer.

76. Each member of the Election Appeals Commission shall execute an oath of office, and confidentiality accepting appointment by forwarding a letter of acceptance to the Chief Executive Officer.

Grounds for Appeals
77. An appeal submitted must sufficiently outline one or more of the following:
   a. that the person declared elected was not qualified to be a Candidate;
   b. that there was a violation of this Code in the conduct of the election that might have affected the result of the election; or
   c. that there was corrupt or fraudulent practice in relation to the election pursuant to this code.
Submission
78. An appeal submitted to the Election Appeals Commission must:
   a. be in writing and set out in an affidavit sworn before a notary public or duly
      appointed commissioner for taking oaths the facts substantiating the grounds for
      the appeal accompanied by any supporting documentation; and
   b. be accompanied by a non-refundable appeal fee in the amount of Five Hundred
      ($500) Dollars payable to Tsuut’ina Nation for the appeals process.

Procedure
79. Upon receipt of an election appeal, the Election Appeals Commission shall:
   a. in the case an appeal is submitted in accordance to section 78 forward a copy with
      the supporting documents is submitted to the Electoral Officer by registered mail
      and to each affected Candidate; or
   b. in the case where the appeal is not submitted in accordance with section 78,
      inform the appellant in writing that the appeal will not receive further
      consideration.

Response to the Allegations
80. Within fourteen (14) days of the receipt of an appeal(s), the Election Appeals
    Commission, by registered mail, shall forward a written response of
    acknowledgement to the Appellant, which includes the appeal allegations, together
    with any supporting documentation.

Investigation
81. If the appeal material that has been filed is not adequate for deciding the validity of
    the election complained of, the Election Appeals Commission shall conduct such
    further investigation into the matter, as the Election Appeals Commission deems
    necessary.

Decision
82. After a review of all of the evidence that it has received, the Election Appeals
    Commission shall rule:
   a. that the evidence presented was not sufficiently substantive to determine that:
      i. a violation of this Code has taken place that might have affected the result of
         the election;
      ii. the person declared elected was not qualified to be a candidate; or
      iii. there was a corrupt or fraudulent practice in relation to the election that
           might have affected its results, and dismiss the appeal; or
   b. that all evidence and information gathered allows for the reasonable conclusion
      that:
      i. a violation of this Code has taken place that must have affected the result of
         the election;
      ii. the person declared elected was not qualified to be a candidate; or
iii. there was a corrupt or fraudulent practice in relation to the election that might have affected its results, and uphold the appeal by setting aside the election of one or more council members.

83. The decision of the Election Appeals Commission shall be posted in at least one conspicuous place on the Tsuut'ina Reserve, and available upon written request to a Tsuut'ina Citizen.

84. The decision of the Election Appeals Commission is final and not subject to appeal.

By-election
85. Unless otherwise provided in this Code, in the event that the office of Chief or Council becomes vacant, a by-election shall be held within forty-five (45) days after the date on which the position is declared vacant.

86. No by-election shall be held if there are less than three (3) months remaining in the term of the Council whose office has become vacant, except where a by-election is necessary to have sufficient Council to maintain a quorum.

87. Except as expressly provided otherwise in this Code, the rules and procedures in this Code shall apply to by-elections.

PART 8 AMENDMENT

Amendments
88. This Code may be amended through the Tsuut'ina Legislative Process.
THIS LAW IS HEREBY made at this duly convened meeting of the Council of the Tsuut'ina Nation this 17th day of August 2016, by Band Council Resolution.

Voting in favour of the Law, as evidenced by signatures, are the following members of the Council:

Tsuut'ina Nation Chief

Member of Tsuut'ina Nation Council

Member of Tsuut'ina Nation Council

Member of Tsuut'ina Nation Council

Member of Tsuut'ina Nation Council

Member of Tsuut'ina Nation Council

Member of Tsuut'ina Nation Council

Member of Tsuut'ina Nation Council

Member of Tsuut'ina Nation Council

Member of Tsuut'ina Nation Council

Member of Tsuut'ina Nation Council

Member of Tsuut'ina Nation Council
TSUUT'INA CHIEF AND COUNCIL ELECTORAL CODE VOTING REGULATIONS

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SHORT TITLE
1. These Voting Regulations may be cited as the ‘Tsuut'ina Chief and Council Election Voting Regulations’.

APPLICATION
2. These Voting Regulations apply to the ‘Tsuut'ina Chief and Council Electoral Code.’

ELECTORAL OFFICER/DEPUTY OFFICER TRAINING
3. The Legislative Procedures Executive Officer shall ensure that a company is hired to deliver electronic/online services for elections 100 days before the expiration of the Chief and Councils term office.
4. A procured company must have previous references and experience in delivering elections.
5. The Legislative Procedures Technical Services Department shall develop and prepare a training package for the Tsuut'ina Chief and Council Elections using the following documents:
   a. Tsuut'ina Chief and Council Electoral Code
   b. Chief and Council Electoral Code voting Regulations
   c. Electronic/Online Voting Literature/Manuals
6. Legislative Procedures shall offer the training to all interested Citizens and Non Citizens 100 days before the expiration of the sitting Chief and Council term.
7. The Legislative Procedures Technical Services shall be responsible for advertising the training and conducting thereof.

ELECTORAL OFFICER APPOINTMENT
8. Upon completion of the Electoral Officer training, the Legislative Procedures Executive Director shall send a list of people who have finished the training program to the Chief and Council Office, and the Chief Executive Officer.
9. The Chief Executive Officer must arrange for the list to enter a duly convened meeting of Chief and Council 100 days before the expiration of the Councils term of office.
10. A duly convened meeting of the sitting Chief and Council shall appoint an Electoral Officer in accordance with the Chief and Council Electoral Code Section11., 12.,13. The appointment shall be made official through a band council resolution.
11. Appointments made through the Chief Executive Officer per section 14 of the Chief and Council Electoral Code.

12. The Chief Executive Officer shall forward a written recommendation for an Electoral Officer for acceptance and appointment by a band council resolution during a duly convened Chief and Council Meeting.

13. The band council resolution for the appointment of the Electoral Officer shall contain his/her full name and address, the date of the election, the type of election, which is to be conducted (general election or by-election), as well as any special instructions.

14. The Chief Executive Officer shall send a notification letter within 5 days of receipt of the band council resolution for appointment to the newly appointed Electoral Officer that includes the following information;

   a. Date and copy of band council resolution for appointment to be Electoral Officer
   b. Budget allocation
   c. Tsuut’ina Nation Department management names and contact information required for the Chief and Council Electoral Code.

15. The appointed Electoral Officer must send an acceptance letter that includes the name of the Deputy Electoral Officer within 5 days of receiving the notification letter.

16. The Electoral Officer may make such orders and issue such instructions consistent with the provisions of the Chief and Council Electoral Code or Chief and Council Code Voting Regulations, as he may deem necessary for the effective administration of the election.

**ELECTORS LIST**

17. Per Tsuut’ina Chief and Council Electoral Code. Part 3 Section 35. The Tsuut’ina Nation Citizenship Department shall provide the Electoral Officer with a list of the names of all Electors.

18. A list of Electors shall set out

   a. the names of all Electors, in alphabetical order; and
   b. the Tsuut’ina Nation Citizenship Number of all Electors; and
   c. all eligible Citizens who will have attained the age of 18 years on the date on which the election is to be held.

19. A Tsuut’ina Citizen, the Electoral Officer or Deputy Electoral Officer may request the Citizenship Department to confirm whether the name of a person is on the list of Electors.
20. The Electoral Officer shall revise the list of Electors where it is demonstrated and confirmed by the Citizenship Department that;

a. the name of an Elector has been omitted from the list;
b. the name of an Elector is incorrectly set out in the list; or
   c. the name of a person not qualified to vote is included in the list.

21. For the purposes of section 20 a person may demonstrate that the name of an Elector has been omitted from, or incorrectly set out in, the list of Electors by presenting to the Electoral Officer evidence from the Citizenship Department that;

a. the Elector is on the Citizenship List, is at least 18 years of age and is qualified to vote at Tsuut’ina Nation elections; and
b. that the name of a person not qualified to vote has been included in the list of Electors by presenting to the Electoral Officer evidence that that person is not on the Citizenship List, is not at least 18 years of age or is not qualified to vote at Tsuut’ina Nation elections.

22. At least 50 days before the day on which an election is to be held, the Electoral Officer shall prepare a voters list containing the names of all of the electors in alphabetical order.

ADDRESSES OF ELECTORS

23. At least 45 calendar days before the day on which an Election is to be held, the Tsuut’ina Nation Chief Executive Officer through Off Reserve Residency Program, and the Tsuut’ina Housing Department, shall provide the Electoral Officer with the last known addresses of all Electors who do not reside on Tsuut’ina Nation Lands, or who do not reside in the Calgary Region consisting of the City of Calgary, Rocky View County and the municipalities it encloses, and the Municipal (MD) District of Foothills No. 31 and the municipalities it encloses.

24. Electors are responsible for providing the Chief Executive Officer or other residential departments with their current addresses.

25. An elector’s address shall be used by the Electoral Officer only for the purpose of providing notices, mail-in ballots or other election documents to electors who are entitled to receive them under this code.

26. The Electoral Officer shall not disclose an elector’s address without the consent of the elector.

27. A candidate for election as chief or councillor may obtain from the Electoral Officer a list of the names and addresses of electors who have consented to have their addresses disclosed to candidates.
PREPARATION FOR NOMINATION MEETING

28. Nomination forms shall be prepared in accordance with the Tsuut'ina Chief and Council Electoral Code requirements per Section 47.

29. The electoral list shall be posted and be available at the nomination meeting that includes Citizenship numbers.

30. Electoral Officer shall secure a venue for the nomination meeting.

31. Electoral Officer shall prepare a spreadsheet for nomination entry to record nomination forms.

NOMINATION MEETING

32. The Nomination meeting is held in accordance with the Tsuut'ina Electoral Code and the Tsuut'ina Chief and Council Electoral Code Regulations.

33. Qualifications to nominate are in accordance with the Tsuut'ina Chief and Council Electoral Code Part 3 Nomination Procedures - Qualifications to nominate, and elect.

34. Nominations shall only be made in person at the nomination meeting.

35. At the time and place set for the nomination meeting, the Electoral Officer shall declare the nomination meeting open for the purpose of receiving the nomination of candidates for the available Council positions.

36. The Electoral Officer is responsible for managing and conducting the nomination meeting.

37. The Electoral Officer shall record the name of the candidate, the nominator and the seconder.

38. At the end of the nomination meeting, the Electoral Officer shall:
   a. if only one person has been nominated for election as Chief, declare that person to be elected;
   b. if the number of persons nominated to serve as Councillors does not exceed the number to be elected, declare those persons to be elected; and
   c. where more than the required number of persons are nominated for election as Chief or Councillors, announce that an election will be held.

CANDIDATE VERIFICATION DOCUMENTS

39. An official Candidate List for the Chief and Council Election shall be posted fifteen (15) days after the nomination meeting.

CIF
TSUUT’INA CHIEF AND COUNCIL ELECTORAL CODE VOTING REGULATIONS
40. Ballots are created using the Official Candidate List per Part 4 Section 51.

41. Candidate acceptance, information, qualification verification is pursuant to the Tsuut'ina Chief and Council Electoral Code Part 4 Candidate Information.

42. The Electoral Officer must create and prepare a checklist form for the purpose of verifying qualifications per Tsuut'ina Chief and Council Electoral Code Part 4 Candidate Information.

43. The Electoral Officer must create and prepare a candidate declaration form.

44. Failure to provide the applicable documents and declaration forms within the time frame per Tsuut'ina Chief and Council Electoral Code Part 4 Section 51. shall result in forfeit of nomination. The candidate will not be eligible to participate as a candidate for the Chief and Council Election. No person shall accept candidacy in an election if that person is not eligible to be a candidate in accordance with this code. shall be removed as a nominee and his name shall not be included on the ballot.

45. A file for each candidate must be created for each candidate with applicable documents and record of payment.

46. Retention of candidate files shall be retained for ninety (90) days from the date on which the election was held, or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by the Council, destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

**CANDIDATE FEES**

47. All funds received as fees during the election process shall be directly used for expenses per budget forwarded by the Electoral Officer.

48. Additional funds required for the election shall be responsibility of the Tsuut'ina Nation. Surplus funds for the election shall remain with the Tsuut'ina Nation for use of governance budgets.

49. A candidate who withdraws shall forfeit fees paid notwithstanding PART 4 Section 57 of the Tsuut'ina Chief and Council Electoral Code.
PREPARATION OF BALLOTS

50. The Electoral Officer shall prepare online ballot information as well as paper ballots pending candidate acceptance per Tsuut'ina Chief and Council Electoral Code Part 4 Section 51, setting out:

a. the names of the candidates nominated for election as Chief, in alphabetical order by surname; and

b. the names of the candidates nominated for election as Councillors, in alphabetical order by surname.

c. Where two or more candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those candidates. The ballot may, at the request of the candidate, include a candidate’s commonly used nickname.

MAIL OUT BALLOTS

51. At least 30 calendar days before the day of the Election, the Electoral Officer or Deputy Electoral Officer shall mail or deliver to every Elector of the Tsuut'ina Nation who does not reside on Tsuut'ina Nation Lands or does not reside in the Calgary Region consisting of the City of Calgary, Rocky View County and the municipalities it encloses, and the Municipal (MD) District of Foothills No. 31 and the municipalities it encloses, and for whom an address has been provided.

a. a ballot initialised on the back by the Electoral Officer;

b. an inner postage-paid return envelope, pre-addressed to the Electoral Officer;

c. a second inner envelope marked “ballot” for insertion of the completed ballot;

d. a voter declaration form which shall set out:
   i. the name of the elector;
   ii. the citizenship number and date of birth of the elector; and
   iii. the name, address and telephone number of the witness to the signature of the elector;

e. the notice of election set out in; and

f. a letter of instruction regarding voting by mail-in ballot that includes a statement advising electors that they may vote in person at the on reserve polling station on the day of the election if they return their mail-in ballot to the Electoral Officer at the polling station or swear a written declaration before the Electoral Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot; and

g. a list of the names of any candidates who were acclaimed.

h. the name, mailing address and telephone number of the Electoral Officer.
52. An elector who is ordinarily a resident on the reserve and who is unable to vote in person on election day may, request a mail-in ballot package from the Electoral Officer.

53. An elector not residing on the reserve who has not received a mail-in ballot package may request a mail-in ballot package from the Electoral Officer.

54. Upon receipt of a request for a mail-in ballot package the Electoral Officer shall deliver a mail-in ballot package to the elector who so requests through mail, or in person delivery.

55. The Electoral Officer shall indicate on the voters list that a ballot has been provided to each elector to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each mail-in ballot was mailed or otherwise provided.

56. An elector shall vote by mail-in ballot by:

   a. placing an "X" or other mark that clearly indicates the elector's choice but does not identify the elector opposite the name of the candidate or candidates for whom he desires to vote;
   b. folding the ballot in a manner that conceals the names of the candidates or any marks, but exposes the Electoral Officer's initials on the back;
   c. placing the ballot in the inner envelope and sealing the envelope;
   d. completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;
   e. placing the inner envelope and the completed, signed and witnessed voter declaration form in the postage-paid envelope; and
   f. delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of polls on the day of the election.

57. Where an elector is unable to vote in the manner set out in section 56, the elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that section.

58. A person referred to in section 57 shall attest to:

   a. the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; or
   b. the fact that the elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the elector.

59. Mail-in ballots that are not received by the Electoral Officer before the close of polls on the day of the election shall not be counted.
POLLING STATION AND HOURS

60. The Electoral Officer shall establish at least one polling station on Tsuu t'ina Nation Lands.

61. Polling stations shall be kept open from 10:00 a.m., local time, until 8:00 p.m., local time, on the day of the Election.

POLLING STATION PREPARATION FOR ELECTION DAY

62. Before the polling station is open the Electoral Officer shall:
   a. ensure there is area for a sufficient number of voting compartments enabling electors to mark their ballots free from observation;
   b. ensure that at least two voting compartments are available for Electors to vote using paper ballot in lieu of online/electronic voting and identify clearly whether it is a computer/paper ballot voting compartment;
   c. procure a sufficient number of computers for each voting compartment station;
   d. before the polls are open, ensure that a secure internet connection is provided.
   e. a sufficient number of voting instructions as may be required; and,
   f. all other equipment necessary to establish and equip the polling stations.

63. The Electoral Officer or deputy Electoral Officer shall, immediately before the commencement of the poll:
   a. open the ballot box and call such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness;
   b. lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
   c. place the ballot box in public view for the reception of the ballots.

SECURITY AND INTERPRETER SERVICES

64. The Electoral Officer shall procure the services of a security company to manage security with oversight from the Electoral Officer.

65. The Electoral Officer shall procure the services of an interpreter who is a fluent speaker as recommended by the Tsuu t'ina Language Program.

SECURITY AT POLLING STATIONS

66. The Electoral Officer and Deputy Electoral Officer shall maintain peace and good order during the voting.

67. The Electoral Officer or deputy Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.
68. No person shall interfere or attempt to interfere with an Elector when marking his or her ballot, or obtain or attempt to obtain at the polling place information, as to how an Elector is about to vote or has voted.

69. No person shall, on the day the election is held, on the premises of the polling station:
   a. distribute any election-related printed materials except such materials as may be distributed by the Electoral Officer or deputy Electoral Officer for the purpose of conducting the election;
   b. attempt to interfere with or influence any elector in marking his ballot; or
   c. attempt to obtain information as to how an elector is about to vote or has voted.

VOTING PROCEDURES

70. Where a person attends at a polling station for the purpose of voting, the Electoral Officer or Deputy Electoral Officer or assigned Electoral support staff shall, if the person's name is set out in the list of Electors, provide the person with an elector information form, or a paper ballot. The Elector is given a choice for whether to vote through paper ballot or electronic/online voting method.

71. The Electoral Officer or the Deputy Electoral Officer shall explain the mode of voting to an Elector when requested to do so by such Elector.

72. The Elector initials the list beside their name after receiving an elector information form, or paper ballot.

73. Voting shall be by secret ballot.

74. No elector may vote by proxy or authorize another person to vote on his or her behalf, notwithstanding section 84.

75. An Elector who is inside a polling station at the time that the polling station is set to close is entitled to vote.

PAPER BALLOT VOTING PROCEDURE

76. After receiving a elector ballot, an elector shall:
   a. immediately proceed to the compartment provided for marking ballots whether it be to the computer polling compartment, or a paper ballot polling compartment;
   b. while an elector is in the compartment for the purpose of marking his ballot, no other person shall, except as provided in Section 84, be allowed in the same compartment or be in any position from which he can see the manner in which the elector marks his ballot.
c. mark the ballot by placing an “X” or other mark that clearly indicates the elector’s choice but does not identify the elector opposite the name of the candidate or candidates for whom he desires to vote;
d. fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the initials on the back; and
e. deliver the ballot to Electoral Officer or Deputy Electoral Officer or Electoral staff.
f. on receipt of a completed ballot, the Electoral Officer or Deputy Electoral Officer, shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the elector and any other persons entitled to be present at the polling station.

**ELECTRONIC/ONLINE VOTING PROCEDURE**

77. An Elector receiving an elector information sheet shall:
   a. Proceed immediately to the compartment provided for marking the online ballot;
   b. Log into the computer with user name and password assigned on the elector information sheet then mark the ballot, clearly indicating the Elector’s response to the question or questions stated on the ballot; and
   c. Elector may or may not request for a printed voter verification slip and then exit the polling area.

78. An Elector who has received an elector information form, and;
   a. leaves the compartment for marking ballots and cannot log in or chooses an option they do not wish to choose, without requesting process under section 84, or
   b. refuses to vote,
   c. shall forfeit his or her right to vote on the Referendum and the Electoral Officer or the Deputy Electoral Officer shall not oppose of the name on the electors list the word voided.

79. The Electoral Officer or the Deputy Electoral Officer shall make an entry on the list of Electors opposite the name of the Elector that the Elector did not return the elector information form or refused to vote as the case may be.

80. An Elector who inadvertently chooses the option they do not wish to choose, or cannot log in, or is not satisfied that his/her vote was cast, may, upon returning the elector information sheet to the Electoral Officer or the Deputy Electoral Officer, be entitled to vote using a paper ballot.

81. Voting per section 80 may be done in accordance with paper ballot voting procedures.

82. The Electoral Officer shall immediately contact the external Electoral company hired through email, or phone to ensure that the ballot cast for the Elector who has voted per section 80 is not valid and the ballot result must be removed for that Elector.
83. While an elector is in the compartment for the purpose of marking his ballot, no other person shall, except as provided in Section 84, be allowed in the same compartment or be in any position from which he can see the manner in which the elector marks his ballot.

**ASSISTED VOTING/INTERPRETOR**

84. Where an elector requires assistance, the elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that section.

85. A person referred to in section 84 shall attest to:

   a. the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; or

   b. the fact that the elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the elector.

86. Whenever the Electoral Officer or the Deputy Electoral Officer does not understand the language spoken by an Elector, he or she shall enlist the aid of an interpreter to communicate with respect to all matters required to enable that Elector to vote.

87. On the application of an Elector who is not able to read, or physically incapable, at the request of the Electoral Officer or the Deputy Electoral Officer, an interpreter referred to in section 86 shall assist that Elector by marking his or her ballot in the manner directed by the Elector through the online process.

**COUNTING OF VOTES**

88. As soon as is practicable after the close of the polls, the Electoral Officer shall, in the presence of the Deputy Electoral Officer and any Citizen of the Tsuut'ina Nation including members of Chief and Council who are present, log in to the online voting system and follow the process to print out the results of the election.

89. The Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their agents who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot, reject the ballot if:

   a. it was not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed,

   b. the voter declaration form does not contain a date of birth or a band number that matches the information contained for that elector on the voters list;
c. the name of the elector set out in the voter declaration form is not on the voters list; or

d. the voters list shows that the elector has already voted.

e. in any other case, place a mark on the voters list opposite the name of the elector set out in the voter declaration form, and deposit the ballot in a ballot box.

90. The assigned Electoral staff, and Deputy Electoral Officer shall open the ballot box for examination and counting of all ballots.

91. In examining the ballots, the Electoral Officer or deputy Electoral Officer must reject any ballots that:

a. do not contain the initials of the Electoral Officer or deputy Electoral Officer;

b. do not give a clear indication of the elector's intention; (c) contain more votes than there are candidates to be elected; or

c. contain a mark by which the voter can be identified.

92. The Electoral Officer or deputy Electoral Officer shall attach a note to each ballot rejected, which outlines the reason for rejection.

93. The assigned Electoral staff, and Deputy Electoral Officer shall count the paper votes using a tally sheet.

94. The tally sheet results are added to the electronic voting results.

**VOTING IRREGULARITIES**

95. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the Electoral Officer or deputy Electoral Officer, be entitled to obtain another ballot paper. The Electoral Officer or deputy Electoral Officer shall write the word "cancelled" upon the spoiled ballot paper and preserve it.

96. Any person who has received a ballot and who leaves the polling place without delivering the same to the Electoral Officer or a deputy Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit his right to vote at the election, and the Electoral Officer or deputy Electoral Officer shall make an entry in the voters list in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote, and the Electoral Officer or deputy Electoral Officer shall mark upon the face of the ballot the word "declined" and all ballots so marked shall be preserved.

97. Subject to review on recount or on an election appeal, the Electoral Officer or Deputy Electoral Officer shall take a note of any objections made by any candidate or his
scrutineer to any of the ballots found in the ballot box and decide any questions arising out of the objection.

98. The Electoral Officer or deputy Electoral Officer shall number objections to ballots raised pursuant to section 97 and place a corresponding number on the back of the ballot paper with the word “allowed” or “disallowed”, as the case may be, with his initials.

**BY-ELECTION**

99. Per Chief and Council Electoral Code Section 64. (a)(b)(c) a by-election shall be conducted using the Chief and Council Voting Regulations within 30 days of the original election.

**AMENDMENTS**

100. These regulations may be amended through the Tsuut'ina Legislative Process.
Letter from the Minister
Whereas, by Order in Council P.C. 3692 of August 6, 1952, it was declared that the council of the Sarcee Band, in Alberta, shall be selected by elections to be held in accordance with the Indian Act;  
Whereas, by band council resolution dated November 20, 1990, it was resolved that the name of the First Nation be changed to the Tsuutina Nation;  
Whereas the council of the Tsuutina Nation adopted a resolution, dated March 21, 2016, requesting that the Minister of Indian Affairs and Northern Development terminate the application of the Indian Bands Council Elections Order to that First Nation;  
Whereas that First Nation has provided to the Minister of Indian Affairs and Northern Development a proposed community election code that sets out rules regarding the election of the chief and councilors of that First Nation;  
And whereas the Minister of Indian Affairs and Northern Development no longer deems it advisable for the good government of that First Nation that its council be selected by elections held in accordance with the Indian Act;  
Therefore, the Minister of Indian Affairs and Northern Development, pursuant to subsection 74(1) of the Indian Act, makes the annexed Order Amending the Indian Bands Council Elections Order (Tsuutina).

Gatineau, August 12, 2016

Whereas, par décret C.P. 3692 du 6 août 1952, il a été déclaré que le conseil de la bande Sarcee, en Alberta, serait constitué au moyen d'élections tenues conformément à la Loi sur les Indiens;  
Attendu que, par résolution du conseil de la bande du 20 novembre 1990, le nom de la première nation a été remplacé par Nation des Tsuutinas;  
Attendu que le conseil de la Nation des Tsuutinas a adopté une résolution le 21 mars 2016 dans laquelle il demande à la ministre des Affaires indiennes et du Nord canadien de le soustraire à l'application de l'Arrêté sur l'élection du conseil de bandes indiennes;  
Attendu que la première nation a fourni à la ministre des Affaires indiennes et du Nord canadien un projet de code électoral communautaire prévoyant des règles sur l'élection du chef et des conseillers de la première nation;  
Attendu que la ministre des Affaires indiennes et du Nord canadien ne juge plus utile à la bonne administration de la première nation que son conseil soit constitué au moyen d'élections tenues conformément à la Loi sur les Indiens,  
À ces causes, en vertu du paragraphe 74(1) de la Loi sur les Indiens, la ministre des Affaires indiennes et du Nord canadien prend l'Arrêté modifiant l'Arrêté sur l'élection du conseil de bandes indiennes (Tsuutina), ci-après.

Gatineau, le 12 Août 2016

Le ministre des Affaires indiennes et du Nord canadien,

Carolyn Bennett  
Minister of Indian Affairs and Northern Development

Footnotes:  
*R.S., c. I-5  
*SOR/97-138  
*L.R., ch. I-5  
*DOCS/97-138
Order Amending the Indian Bands Council Elections Order (Tsutina)

Amendment

1 Item 7 of Part II of Schedule I to the Indian Bands Council Elections Order¹ is repealed.

Coming into Force

2 This Order comes into force on the day on which it is registered.

Arrêté modifiant l'Arrêté sur l'élection du conseil de bandes indiennes (Tsutina)

Modification

1 L'article 7 de la partie II de l'annexe I de l'Arrêté sur l'élection du conseil de bandes indiennes est abrogé.

Entrée en vigueur

2 Le présent arrêté entre en vigueur à la date de son enregistrement.

¹ SOR/87-138

Examiné par la Direction des services législatifs du ministère de la Justice du Canada (GC II)
CHIEF AND COUNCIL ELECTORAL CODE
Letter from the Electoral Officer
Greetings,

I have been appointed as Electoral Officer for this Election. Paula Big Plume is Deputy Electoral Officer.

There is much to know about several changes and new procedures from this Election Code. It is important that we all understand this process. New changes are often seen as new pressures. We can all make this easier once we come together and learn it together.

One very important section spells out the qualifications of Chief & Council. All candidates, must qualify! CPIC searches are required. This process must start immediately. Please see me at Simon Boardroom, Chief Joseph Big Plume building, for Letter Request of CPIC and information.

Changes that affect you. Thank You, for your involvement in this enormous task that we all have to abide. It is your responsibility as Nation member to include yourself.

Attached is a copy of the Electoral Code. Please read and note the sections that you will be affected.

Sincerely,

Coreen Onesp –Rider
Electoral Officer 2016
For further information please contact William Big Plume at:
403.281.4455 ext 121 or visit Legislative Procedures Technical Services at the
Joseph Big Plume Administration Building- third floor