

# ANISHINAABEG OF NAONGASHIING

## CUSTOM ELECTION CODE

Nomination	October	24 <sup>th</sup>
Election	November	30 <sup>th</sup>

AMENDED SEPTEMBER 2012

## ANISHINAABEG OF NAONGASHIING CUSTOM ELECTION CODE

We the Anishinaabeg of Naongashiing by virtue of our inherent right and traditional freedom to regulate our own internal affairs, do hereby adopt and declare these provisions as our custom election rules, provisions, regulations and procedures.

These custom election rules, provisions, regulations and procedures are declared by us and are to be cited as the Anishinaabeg of Naongashiing Custom Election Code.

The provision found in the Indian Act R.S.C. 1985, C1-5 respecting the Band Elections of Chiefs and Councils, being sections 74, 75, 76, 77, 78, and 79 inclusive, do not and shall not apply to the Anishinaabeg of Naongashiing.

## 1 DEFINITIONS

For the purpose of this Custom Election Code:

- a) "Appeal Board" means the panel of persons selected pursuant to the terms of Section 10 to hear and determines appeals under and pursuant to this Custom Election Code.
- b) "Appellant" means an individual who in accordance with the terms of Section 16 of this Custom Election Code submits an appeal of the results or of the process of an Election.
- c) "Candidate's Agent" mean a representative of the Candidate.
- d) "Custom Election Code" means the rules, provisions, regulations and procedures as set out and prescribed in this code for the conduct of an Election of the Anishinaabeg of Naongashiing.
- e) "By-Election" means a special election held pursuant to this Custom Election Code anytime during the current tenure of a council for the purpose of filling a vacant position in the office of Chief or a Councilor prior to the end of the term of office for that Councilor or the Chief.
- f) "Candidate" means a person who meets the qualifications as set out in Section 5. a) of this Custom Election Code and seeks or has been proposed to serve in the office of Chief or a Councilor.
- g) "Chief" means the Elector who is elected pursuant to this Custom Election Code to hold office of the Chief of The Anishinaabeg of Naongashiing.
- h) "Corrupt Practice" means any wrongful act or omission committed, undertaken or carried out by a person in connection with this Custom Election Code including bribery, harassment, intimidation, or any other wrongful act which could reasonably influence the outcome of an Election.
- i) "Councilor" means the eligible Elector who is elected pursuant to this Custom Election Code to hold the office of a Councilor of the Council.
- j) "Council" means the duly elected Chief and Councilors in council.
- k) "Council of Elders" means the three (3) Elders appointed by the Electorate according to the terms of Section 4 of this Custom Election Code.

- l) “Deputy Electoral Officer” (also referred to as the deputy) means the person appointed by the Electors to assist in the duties and responsibilities of the Electoral Officer.
- m) “Elder” means a respected, culturally oriented person who is an Elector.
- n) “Election” means an election held according to the custom, tradition and process of the Anishinaabeg of Naongashiing as codified by this Custom Election Code.
- o) “Election Date” means the date for an Election as selected by the Electoral Officer according to Section 2. b) of this Custom Election Code.
- p) “Elector” means a member of the Anishinaabeg of Naongashiing who:
  - i. has attained the age of eighteen (18) years;
  - ii. is living on or off Reserve; and
  - iii. is listed on the Anishinaabeg of Naongashiing membership list as compiled and maintained by Indian and Northern Affairs Canada.
- q) “Elector’s List” means the list of Electors eligible to vote in an Election, as prepared by the Band Membership Clerk in accordance with this the terms of Section 12 of this Custom Election Code.
- r) “Electoral Officer” means the person appointed by the Electors to administer the rules, provisions, regulations and procedures set out, established and declared by this Custom Election Code.
- s) “Electorate” means all the Electors on the Electors List.
- t) “Malfeasance” means the wrongdoing or unlawful misconduct by the Electoral Officer or in the office of Chief or Councilor.
- u) “Nomination Meeting” means the meeting held in accordance with this Custom Election Code for the purpose of nominating Candidates for an Election.
- v) “Recall Vote” means a vote by the Electorate on a motion to remove a Chief or Councilor from their office pursuant to the process set out in Section 6.b) of this Custom Election Code.

- w) "Recall Vote Meeting" means the meeting of the Electorate held in accordance with the provisions of Section 6.b) of this Custom Election Code.
- x) "Referendum" means a special election wherein the Electors may decide in favour or against a question deemed by the Chief and Council of extraordinary importance to the Anishinaabeg of Naongashiing, including the adoption or amendments to this Custom Election Code.
- y) "Reserve" means the tracts of land, the legal title to which is vested in Her Majesty, which have been set apart by her Majesty for the use and benefit of the Anishinaabeg of Naongashiing.

## 2. COMPOSITION, TENURE AND REMUNERATION OF COUNCIL.

- a) The Council of the Anishinaabeg of Naongashiing will be composed of one (1) Chief and two (2) Councilors.
- b) In the fourth year following the year in which the Chief and Councilors are elected to their offices, on such a date during the month of November as selected by the Electoral Officer there shall be an Election for Chief and Council.
- c) The Electors shall establish within sixty (60) days following the installation of a Council the remuneration to be paid to the Chief and Council at a meeting of the Electors called for such purpose. Any change to remuneration paid to Chief and Council shall not increase the remuneration previously paid to a Chief and Council in excess of an amount equal to the rate of increase in the Consumer Price Index for Canada (all items).

## 3 ELECTIONS

- a) The Chief will be that Candidate for Chief who receives the greatest number of votes in the Election for Chief in one complete round of voting.
- b) The designated number of councilors will be elected in order of the highest number of votes received by the Candidates for Councilor in one complete round of voting.
- c) The elected Chief and Councilors will assume official duties of their office thirty (30) days from the Election date or a By-Election date as the case may be, and provided that the proper installation procedures as set out in Section 18 of this Custom Election Code have been completed.

The previous Chief and Councilors will continue to hold office until the installation of the new Chief and Council.

#### 4 COUNCIL OF ELDERS.

- a) The persons serving as the Council of Elders as at the date of this Election Code will remain in their office until they resign or on their death.
- b) A replacement person to the Council of Elders will be appointed by a consensus of the Electorate at a meeting called for that purpose prior to an Election. The Council of Elders will be three (3) Elders for the purpose of this Custom Election Code. In the event a consensus is not able to be reached then a vote of the Electors shall be held to select the replacement person to the Council of Elders.
- c) The Council of Elders will ensure that the proper traditional protocols and ceremonies are observed before and after the Election and that the actual nomination and voting procedures, including the installation of the Electoral Office, the Deputy Electoral Officer, the Chief and Councils is undertaken and followed.
- d) The Elders will be present during the opening and closing of nominations and the Nomination Meeting and voting procedures on the Election Date.
- e) The Elders may receive such honorariums at such time and in such amounts as determined by Council.

#### 5 ELIGIBILITY FOR THE OFFICE OF CHIEF AND COUNCILOR

- a) Any Elector is eligible to hold the office of the Chief or a Councilor provided that he or she:
  - i. is not an undischarged bankrupt person;
  - ii. has attained the age of eighteen (18) years;
  - iii. has demonstrated leadership and respect for the traditional customs of the Anishinaabeg of Naongashiing;
  - iv. has a working knowledge of the Anishinaabe language; and
  - v. is listed on the Anishinaabeg of Naongashiing membership list compiled and maintained from time to time by Indian and Northern Affairs Canada.

- b) No Elector who has been found guilty in a court of law of an indictable offence, a corrupt practice, a breach of trust, an offence relating to an Election or has been removed from office in accordance with the terms of Section 6. of this Custom Election Code within the past eight (8) years prior to an Election Date is eligible for election to the office of Chief or a Councilor.
- c) Notwithstanding the terms of Section 5.b) of this Custom Election Code any conviction of an indictable offence which in the opinion of the Electoral Officer was committed in the pursuit or defense of, or in the exercise of Aboriginal and/or Treaty rights does not disqualify such Elector from being a Candidate in an Election to the office of the Chief or a Councilor.

## 6 VACANCIES, RESIGNATION, RECALL AND REMOVAL

- a) The office of the Chief or a Councilor will become vacant when the person holding such office:
  - i. dies, resigns or is otherwise unwilling to continue to hold their office;
  - ii. is determined by a court of competent jurisdiction to be a mentally incompetent person;
  - iii. is an undischarged bankrupt person;
  - iv. is removed from their office by a Recall Vote.
- b) Recall Vote
  - i. A petition requesting a vote to recall a Chief or a Councilor shall be signed by at least fifty (50) of the Members who were Electors on the date that the Chief or Councilor in question was elected, and shall include the voter's name and address and date of signature.
  - ii. A recall petition shall have a clearly designated beginning date, before which no signatures shall be valid and a return date when the petition shall be submitted to the Electoral Officer. The return date shall be no longer than thirty (30) days after the beginning date. No names shall be added or removed after the return date.
  - iii. Within Thirty (30) days following receipt of a recall petition the Electoral Officer, on a date selected by the Electoral Officer, shall hold a Recall Vote Meeting of the Electors.

- iv. The Electoral Officer will provide not less than fourteen (14) consecutive days notice of a Recall Vote Meeting by posting the time, location and hours of the Recall Vote Meeting in the following locations:
  1. at the Anishinaabeg of Naongashiing administration office on the Reserve and in one or more conspicuous places on the Reserve;
  2. on the Anishinaabeg of Naongashiing Web Page ( if one exists); and
  3. any other location that the Electoral Officer deems appropriate.
- v. The Recall Vote Meeting will be open for voting by the Electorate for no less than three (3) hours.
- vi. The Electoral Officer shall preside at the Recall Vote Meeting.
- vii. The Quorum of Electors voting in a Recall Vote is twenty five (25%) percent of the Electors.
- viii. Before a Recall Vote is taken such Chief or Councilor who is subject to the said Recall Vote shall be given a copy of the petition of the Electors provided by Section 6.b.i and shall be given a reasonable opportunity to address the Electorate at the Recall Vote Meeting.
- ix. The decision of the Electorate shall be final at the Recall Vote Meeting and not subject to appeal.

## 7 BY-ELECTIONS.

- a) In the event of a vacancy in the office of the Chief or a Councilor, and provided that no less than (6) months remains in the term of the vacated office the remaining council members will instruct the Electoral Officer to call a By-Election to fill and complete the remaining term of the vacant office within thirty (30) days after the vacancy has taken effect.
- b) By- Elections will be held in accordance with this Custom Election Code, in the event of a vacancy in the office of the Chief, the Councilor who received the highest number of votes in the immediately previous Election shall be installed as the temporary Chief until the vacancy is filled in accordance with this Custom Election Code. The person serving in the role of temporary Chief may be a candidate in a By-Election for the office of Chief.



8. REFERENDUM

A Referendum on any question deemed by the Council to be of extraordinary importance to the Electors, including major land surrenders, designations, acquisitions, major capital expenditures and any amendments to this Custom Election Code or any other codes of the Anishinaabeg of Naongashiing will be referred to the Electors in accordance with this Custom Election Code, provided that the full and complete text of the question is provided to the Electors no less than thirty(30) days prior to the date of such Referendum.

9. ELECTORAL OFFICER AND DEPUTY ELECTORAL OFFICER

- a) The Electoral Officer and the Deputy Electoral Officer shall be appointed by the Electorate no less than ninety (90) days and no more than one hundred and twenty (120) days prior to the month of November in the year an Election is to be held according to the terms of Section 2. b), at meeting called for that purpose by the Council and shall serve during the term of the newly elected Council.
- b) The Electoral and the Deputy Electoral Officers will cause all arrangements, notices, agendas, supplies, locations, personnel, including a sergeant- at- arms for all meetings to be made pursuant to and in accordance and compliance with this Custom Election Code.
- c) The sergeant- at- arms shall keep the peace directly or through peace officers to ensure the safe and orderly conduct of all meetings of the Electorate held pursuant to this Custom Election Code. The sergeant-at-arms may exclude or remove persons from a meeting who in their opinion or in the opinion of the Electoral Officer or the Deputy Electoral Officer are disturbing the peace.
- d) The Council may by resolution recommend to the Electorate, the appointment, suspension, removal or replacement of the Electoral Officer.
- e) The Electoral Officer will not engage in any partisan activity related to an Election, By-Election, a Candidate or Candidates or any other matter related to this Custom Election Code or any question or questions before the Electors at a Referendum.
- f) The Council may from time to time fix the remuneration for the Electoral Officer, the Deputy Electoral Officer and other administrative personnel for the purposes of this Custom Election Code.

- g) The Electoral Officer shall:
  - i. enforce fairness, impartiality and compliance with this Custom Election Code;
  - ii. issue public notices and instructions to the Electorate as required to ensure effective execution and compliance with this Custom Election Code;
  - iii. prescribe forms and equipment for use pursuant to this Custom Election Code;
  - iv. make written reports as required and set forth in this Custom Election Code;
  - v. make recommendations to the Council, the Electorate and the Council of Elders respecting amendments to this Custom Election Code;
  - vi. where a required rule, procedure, provision or requirement is not specified in this Custom Election Code, the Electoral Officer may with the advice of the Council of Elders exercise general direction, discretion and supervise any administrative conduct of Elections.
- h) The Deputy Electoral Officer shall take direction from the Electoral Officer in the execution, administration and conduct of an Election pursuant to this Custom Election Code.
- i) Where the Electoral Officer is absent due to sickness or other reason the Deputy Electoral Officer will assume all duties of the Electoral Officer until such time, as the Electoral Officer returns to his/her office or a replacement Electoral Officer is appointed. Notwithstanding the preceding in the event the Electoral Officer is absent from their office for more than thirty (30) days the Electorate shall appoint a replacement Electoral Officer.

## 10 NOMINATION MEETING

- a) The Electoral Officer will in consultation with the Council of Elders provide not less than fourteen (14) consecutive days notice of a Nomination Meeting by posting the time, location and hours of the Nomination Meeting in the following locations:
  - i. at the Anishinaabeg of Naongashiing administration office on the Reserve and in one or more conspicuous places on the Reserve;

- ii. on the Anishinaabeg of Naongashiing Web Page ( if one exists);  
and
  - iii. any other location that the Electoral Officer deems appropriate.
- b) The Nomination Meeting will be open for no less than two (2) hours.
  - c) There shall be provided a period of at least thirty (30) consecutive days from the date of the Nomination Meeting and the Election Date.
  - d) The Electoral Officer shall preside at the Nomination Meeting.

## 11 NOMINATION PROCEDURES

- a) The Electoral Officer or the Deputy Electoral Officer shall call upon the Council of Elders to conduct traditional opening and closing of meetings protocol, ceremonies and invocations during the Nomination Meeting.
- b) The Electoral Officer shall declare the nominations open.
- c) Before any nominations are presented to a Nomination Meeting the Electoral Officer shall provide and present clear explanations of all rules regarding the Nomination Meeting and the Election in order that the Electorate has an understanding of such procedures and rules.
- d) A person who makes a nomination of a Candidate must herself/himself be an Elector on the Electors list.
- e) An Elector making a nomination may state the reason for the nomination and a person seconding a nomination may also state the reason for seconding the nomination.
- f) Any one Elector may nominate or second the nomination for the Office of Chief in one (1) instance only.
- g) Any one Elector may nominate or second the nomination for the Office of Councilor in two (2) instances only, except when one position is to be filled by By-Election, in that case any one Elector may nominate for the position to be filled in one (1) instant only.
- h) If the number of nominees to be a candidate does not exceed the number of each position to be filled at the closure of the Nomination Meeting, then the Electoral Officer shall declare the Candidates so nominated elected by acclamation.

- i) If the number of nominees to be a candidate does exceed the number for each position to be filled at the closure of the Nomination Meeting, then the Electoral Officer shall within seventy-two (72) hours from the closing of the Nomination meeting;
  - i. satisfy himself/herself that all nominees are eligible Candidates in accordance with this Custom Election Code; and
  - ii. formally announce the Election Date and shall post in an open public location, the Election Date, the Names of the Candidates and the Election Procedures.

## 12 ELECTORAL LIST AND BALLOTS

- a) The Electoral Officer shall post a copy of the Electors List in an open and public location at the same time as the announcement of the Election Date.
- b) Within seventy-two (72) hours after the Electors List is posted by the Electoral Officer, any Elector may apply to the Electoral Officer to have the Electors List revised on any one or more of the following grounds:
  - i. that the name of on Elector or Electors have been omitted from the Electors List;
  - ii. that the name of an Elector or Electors is incorrectly set-out on the Electors List;
  - iii. that the name of an ineligible voter is entered on the Electors List.
- c) If the Electoral Officer is satisfied that a revision should be made to the Voters list then the Electoral Officer will notify the First Nation Membership Clerk, the Candidates and the Candidates agents and post the revised Electors List. In all cases the complete and final Electors List must be posted twenty (20) days prior to the date of the Election.
- d) The Electoral Officer shall prepare and ensure that all ballots are clearly and properly prepared designating the Candidates for the office of Chief and the Candidates for the office of Councilor.
- e) The Electoral Officer shall ensure that copies of the ballots are forwarded to the Candidates or the Candidates agent.
- f) The Electoral officer shall count the number of ballots prepared for each position and shall record that number and advise the Candidates and the Candidates Agents of the number prepared.

- g) The Electoral Officer shall at all times be responsible for and keep possession of the ballots until disposed of according to the terms of Section 15 of this Custom Election Code.
- h) The Electoral Officer shall, immediately before the commencement of the polls, call the Candidates and/or the Candidates Agents to witness that the Ballot box is empty and secured.
- i) On securing the Ballot Box, the Electoral Officer will deliver the key to the Ballot box to the person designated by the Candidates, in consultation with the Electoral Officer, to hold until close of polls on the Election Date.
- j) The Electoral Officer will ensure that all ballot boxes and ballots are securely maintained until the end of the Election Date.
- k) The ballots, after they are counted shall remain under lock and key until such time as the appeal period and installation of the elected officials are completed, at which time the ballots shall be destroyed.

### 13 ELECTION DAY VOTING PROCEDURE.

- a) Voting shall take place on the Election Date between the hours of 10.00 a.m. and 6.00 p.m. Any person who has received a ballot prior to 6.00 p.m. shall be entitled to cast their ballot.
- b) No partisan activity may take place within the polling place or within a building where the polling station has been set up.
- c) Where an Elector presents himself/herself at a polling station for the purpose of voting, the Electoral Officer or the Deputy Electoral Officer shall, if satisfied that the name of such person is entered on the Electoral List provide the Elector with a ballot on which to register his/her vote.
- d) It shall be within the discretion of the Electoral Officer to request identification from the Elector for the purpose of confirming the identity of the Elector.
- e) The Electoral Officer or the Deputy Electoral Officer shall in the appropriate column of the Electors List make a mark opposite the name of every elector receiving a ballot, and initial the back of the ballot.

- f) The Electoral Officer or the Deputy Electoral Officer, when requested shall explain the mode of voting to an Elector.
- g) Each Elector receiving a ballot shall forthwith proceed to the compartment provided for marking ballots and shall mark his/her ballot by placing an "X" or other mark that clearly indicates the Electors choice, but does not identify the Elector, opposite the name of the Candidate or Candidates for whom he/she desires to vote, the Elector shall then fold the ballot so as to conceal the names of the Candidates and the marks on the face of the ballot, but so as to expose the initials of the Electoral Officer or the Deputy Electoral Officer, and on leaving the compartment shall forthwith deliver the ballot to the Electoral Officer or the Deputy Electoral Officer, who shall, without unfolding the ballot, verify his/her initials and at once deposit the ballot in the ballot box, in the presence of the Elector and of all other persons entitled to be present in the polling place.
- h) While an Elector is in the compartment for the purpose of marking his/her ballot, no other person shall, except as provided by the terms of Section 13. i), be allowed in the same compartment or in any position from which he/she can see the manner in which such Elector marks his/her ballot.
- i) One person of the Electors choice, including the Electoral Officer or the Deputy Electoral Officer, shall be permitted to accompany an Elector in the voting booth if the Elector is unable to read or is incapacitated by blindness or other physical or mental circumstances. The Electoral Officer or the Deputy Electoral Officer shall state on the Electors List, in the column for remarks, opposite the name of such Elector the fact that the ballot was marked by another person at the request of the Elector, or the fact that another individual accompanied the Elector in the voting compartment, along with the name of the other person and the reason for the request.
- j) An Elector who has inadvertently dealt with his ballot in such a manner that it cannot be conveniently used shall, upon returning it to the Electoral Officer or the Deputy Electoral Officer, be entitled to obtain another ballot, and the Electoral Officer or the Deputy Electoral Officer shall thereupon write the word cancelled upon the spoiled ballot and record the circumstances.
- k) Any Elector who has received a ballot and who leaves the polling place without delivering the ballot to the Electoral Officer or the Deputy Electoral Officer, in the manner provided, or if after receiving a ballot refuses to vote, shall forfeit his/her right to vote at that Election, and the Electoral Officer or the Deputy Electoral Officer shall make an entry on

the Electors list in the column for remarks opposite the name of such elector to show that he/she received a ballot and declined to vote.

#### 14 COUNTING THE BALLOTS

- a) Immediately following the close of the Poll on Election Date the Electoral Officer and the Deputy Electoral Officer shall:
  - i. count the ballots and ensure that the numbers of ballots cast are equal to the number of ballots issued;
  - ii. count the ballots not issued and ensure that the number of ballots issued and the number not issued are equal to the number of ballots printed; and
  - iii. examine the ballots to ensure that they meet the requirements of this Custom Election Code.
- b) In examining the ballots the Electoral Officer or the Deputy Electoral Officer must reject any ballots that:
  - i. do not contain the initials of the Electoral Officer or the Deputy Electoral Officer;
  - ii. do not give a clear indication of the Elector's intention;
  - iii. contain more votes than there are Candidates to be elected; or
  - iv. contain a Mark whereby a voter can be identified.
- c) The Electoral Officer or the Deputy Electoral Officer shall keep and attach a signed written statement to each ballot rejected which outlined the reason for the rejection.
- d) The Electoral Officer or the Deputy Electoral Officer shall keep and mark a tally sheet in accordance with the names being called out for the purpose of arriving at the total number of votes cast for each Candidate.
- e) Where it appears that two or more candidates have an equal number of votes for any one position, or if the difference is three (3) votes or less, there shall be an immediate recount.
- f) If there remains a tie after the recount, the Council of Elders and the Candidates that have the equal number of votes for any position can decide on which candidate can fill the position or direct another vote for the specific position on which there were equal votes.

- g) The Electoral Officer and the Deputy Electoral Officer will prepare a signed statement showing, the number of ballots printed, the number of ballots issued and the number of ballots cast for each Candidate for the Position of Chief and the number of votes cast for each candidate for councilor, this signed statement shall constitute the official report of the Election and shall be distributed as follows:
  - i. one (1) copy shall be retained by the Electoral Officer;
  - ii. one (1) copy shall be filed in the office of the Anishinaabeg of Naongashiing; and
  - iii. one (1) copy shall be provided for posting.
- h) The Electoral Officer shall advise Indian and Northern Affairs Canada the name of the successful Candidates for Chief and Council.

#### 15 DISPOSITION OF BALLOTS

The Electoral Officer and the Deputy Electoral Officer shall seal in an envelope the ballots and all relevant documentation and deposit in a safe and secure place at the office of the Anishinaabeg of Naongashiing until the appeal period has expired after which time the ballots shall be destroyed.

#### 16 APPEAL PROCEDURES

- a) Any Candidate may file an appeal on any one or all elected positions within seven (7) consecutive days after the results have been declared by the Electoral Officer on the following grounds:
  - i. that there was evidence of corrupt practice in connection with an Election; or
  - ii. that there was a violation or an omission in connection with the regulations and procedures as set out and provided for by this Custom Election Code which reasonable might have affected the results of an Election.
- b) The appeal shall be filed with the Chair of the Appeal Board with all the particulars and documentation. The Board shall summon the Electoral Officer for a full hearing on the grounds of the appeal.



- c) The Appeal Board may summon any person or supporting documentation or information pertinent to the appeal, to be produced. Any information and documentation produced shall constitute a part of the official record.
- d) Any expenditure authorized by the Appeal Board shall be charged to the Anishinaabeg of Naongashiing Administration if the appeal is upheld, according to the prevailing financial policy guidelines. The expenditures incurred by the Appeal Board may be charged against the Appellant where the appeal is denied.
- e) Where an appeal is successful, the Appeal Board shall immediately report to the Electorate and declare that the Election for the office which is the subject of the appeal, in its entirety set aside, whereupon another Election shall be immediately set into motion provided that the previous council shall continue to hold office until the new Election has been completed. Where the Election of any or some of the Candidates is declared invalid, a new Election shall be conducted for that office or offices only, but the successful Candidate or Candidates of the Election shall be properly installed. The Candidate or Candidates elected pursuant to a new Election as contemplated and provided for by this Section shall hold office from the date of installation of such person in their office.

#### 17 THE ELECTION APPEAL BOARD

- j) The Appeal Board shall consist of the following members, serving for the same term as the Electoral Officer as set out in Section 9.a) of this Custom Election Code, by vote of the Electorate at the meeting called for the purpose of selecting the Electoral Officer and the Deputy Electoral Office prior to the start of the Election Process:
  - i. an Elder of the Anishinaabeg of Naongashiing;
  - ii. a non-member who is familiar with the Anishinaabeg of Naongashiing and who is familiar with this Custom Election Code; and
  - iii. another Elector at large fluent in the Anishinabe and English languages and is familiar with the traditional customs and values of the Anishinaabeg.

- k) A member of the Appeal Board shall serve until:
  - i. their term expires;
  - ii. they die, resign or are removed as a member of the Appeal Board;
  - iii. they are petitioned into or declare personal bankruptcy;
  - iv. they are convicted of an indictable offence for which no pardon has been received;
  - v. they are found liable by a civil court of breach of trust;
  - vi. they are declared by a court of competent jurisdiction to be mentally incompetent; or
  - vii. after receipt of prior written notice thereof by the Electoral Officer, they do not attend three (3) consecutive meetings of the member of the Appeal Board.
- l) The Appeal Board may establish procedures for the conduct of its own business in accordance with the principles of fundamental justice and the values of the people of the Anishinaabeg of Naongashiing.
- m) A person elected or appointed to serve the vacant office of a member of the Appeal Board shall hold office until the expiry of the term of the member that they are elected or appointed to replace.
- n) A member of the Appeal Board shall, if wishing to seek office as a Chief or Councilor, resign their position as a member of the Appeal Board at least three months prior to an Election for which office is sought.
- o) The Council may from time to time set the remuneration and expenses of the members of the Appeal Board.

## 18 INSTALLATION

The Council of Elders shall officiate at the installation of the new Chief and Councilors pursuant to this Custom Election Code and shall administer the Oath of Office as provided by the terms of Section 19 of this Custom Election Code to the Chief and Council.

19 OATH OF OFFICE

I \_\_\_\_\_ humbly making this offering in the direction of the four winds and to our Grandmother Earth and to all of our spiritual guardians and to our Creator.

I do hereby invoke sacred guidance to carry out my duties without lament.

I commit myself to uphold the dignity and integrity of my people, our ancestors and the generations yet unborn, in order that we may live in harmony with all creation, including other nations.

I dedicate myself to lead and walk in the traditional road kizhay-watiziwin and the values of kindness, love, sharing and respect in the Creator for all Anishinabe and other people.

I ask for the vision, strength, guidance and courage to carry out my duties as a leader of the Anishinaabeg of Naongashiing honestly, faithfully and diligently

20 AMENDMENTS TO THIS CUSTOM ELECTION CODE

No Chief, Councilor or Council may by any unilateral act amend or rescind any provision of this Custom Election Code. For greater certainty, any amendment may be made by the Electorate, when fifty percent (50%) plus one (1) of the Electorate vote in favour of the amendment at a secret ballot at a meeting called for that purpose providing fifteen percent (15%) of the electorate are in attendance at the meeting. The full and complete text of the proposed amended Custom Election Code must be provided to the Electorate at least thirty (30) days prior to the vote.

21 PENALTIES FOR INFRACTIONS

Any person who willfully violates any provisions of this Custom Election Code shall forfeit all eligibility for office for a period of eight (8) years.

22 ADOPTION AND PROCLAMATION

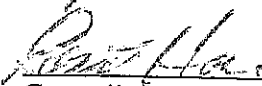
- a. This amended Custom Election Code shall become effective and supersede all previous Election procedures on the date of the adoption by the Electors as provided for in the current Custom Election Code.

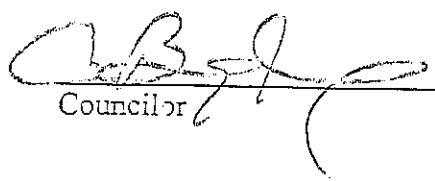
- b. This amended Custom Election Code shall come into force when ratified by the Electors, and every four years thereafter from the Election Date, provided that the current council shall hold office until the new Council is installed.

CERTIFICATE OF ADOPTION.

This Anishinaabeg of Naongashiing amended Custom Election Code was presented to and adopted by the Electors and is effective from the 3<sup>rd</sup> day of Nov 2013

  
\_\_\_\_\_  
Chief

  
\_\_\_\_\_  
Councilor

  
\_\_\_\_\_  
Councilor