



DRAFT

ELECTION LAW

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OCHAPOWACE ELECTION LAW

PREAMBLE

As a sovereign nation, in accordance with the Ochapowace Nation Constitution, the Ochapowace Nation has the full right and power to self-determine an election process without any interference. No other jurisdiction shall infringe, impede, interpret, decide on, or affect this Ochapowace Nation Election Law.

Ochapowace Nation and the Crown in Right of Canada, possess the responsibility to uphold our inherent rights & the original spirit and intent of Treaty.

The Elections and election process of the Ochapowace Nation are the sole responsibility of the Nation and is subject to its laws.

The inherent and traditional processes of selecting our leaders is hereby recognized and affirmed.

SECTION ONE – PURPOSE

- a) The Ochapowace Nation Election Law describes and sets out the rules governing all laws of our election, This Election Law replaces all other Ochapowace Election Acts.

SECTION TWO – PRINCIPLES

The Ochapowace Nation, are Sovereign Indigenous Peoples by virtue of our Inherent Rights granted to us by the Creator.

We possess and enforce the following principles:

- a) Our Ochapowace Nation Constitution is hereby acknowledged as our primary law, intended to govern and protect the Ochapowace people.
- b) This Ochapowace Nation Election Law supersedes and transcends all other jurisdictions and other Laws.
- c) Understanding that Ochapowace consists of the Kakisiwew and Chacachas original Treaty No. 4 Indigenous Nations who were forcibly amalgamated and retain all rights under Treaty; its original spirit and intent; and as recognized by International Law and standards
- d) The Ochapowace Nation possesses and exercises the right to **self- determination and the right to choose their own custom form of government.**
- e) The Ochapowace traditional form of selecting our leaders is hereby recognized and affirmed to ensure,
- f) All Ochapowace citizens are equal under all laws of the Ochapowace Nation
- g) The elected Ochapowace Okimaw/Okimaw Iskew, Headmen/Headwomen are our recognized government, with legitimate governing powers and authorities that are equal to or greater than the settler government's elected

- h) The Ochapowace Okimaw/Okimaw Iskwew, Headmen/Headwomen shall adhere, implement and enforce all laws of the Ochapowace Nation.
- i) The Governance Law, together with the Free Prior and Informed Consent Policy shall govern the activities and decision making of the Okimaw/Okimaw Iskwew and Headmen/Headwomen.
- j) International Indigenous Peoples Rights as contained in the United Nations Declaration on the Rights of Indigenous Peoples are sources of our Rights that are hereby invoked and applied:
- k) Treaty is an international status covenant guaranteeing a nation-to-nation relationship.
- l) We possess equal status as a nation in the Treaty relationship.

SECTION THREE - TITLE OF THIS LAW

This Law shall be called the ***Ochapowace Nation Election Law.***

SECTION FOUR - DEFINITIONS:

1. In this Law:

- a) **"By-Election"** means a special election to fill a position that has become vacant;
- b) **"Candidate"** An eligible person who was nominated according to the requirements set out in this act.
- c) **"Community Tribunal"** means an appointed body of members who implement the rules and regulations in accordance with the Ochapowace Nation Constitution and the Community Tribunal Manual.
- d) **"Community"** The geographical area which Okimaw(iskwew) & Headman(Woman) govern, included but not limited to Ochapowace Nation and its citizens.

- e) **"Council"** means the elected leaders of the Ochapowace Nation which includes the Okimaw/Okimaw Iskew and Headmen/Headwomen (formerly known as the Chief and Councillor's).
- f) **"Election Day"** is the day upon which the Elections or By-Election is held;
- g) **"Election"** means the leadership selection process whereby the Okimaw/Okimaw Iskew and Headmen/Headwomen are chosen in accordance with this Law;
- h) **"Elections Polls" The Polls held on Elections day**
- i) **"Electoral Officer"** means the Electoral Officer and his/her appointed Deputy, who are empowered and entrusted to conduct and oversee an Election or By-Election according to the terms of this Law;
- j) **"Electors"** means citizens of Ochapowace who are of the full age of eighteen (18) years or older;
- k) **"Governance"** – a process in which the government is structured.
- l) **"Kehte-ayak"** means a group of advisors ~~sixty five (65)~~ years and older on the Ochapowace registry.
- m) **"Majority of Voters"** means a simple majority of the votes cast;
- n) **"Nomination Meeting"** is the day upon which the Candidates are formally nominated;
- o) **"Ochapowace Citizen"** means an individual who is a Citizen of Ochapowace Nation. This definition does not prejudice the forcible amalgamation, the reestablishment or the inherent rights of the Kakisiwew and Chacachas original Treaty Indigenous Nations.
- p) **"Ratification"** The action of signing or giving formal consent, making it officially valid.
- q) **"Rejected/Spoiled Ballots"** are those ballots that have been improperly marked and/or defaced by the voters and left out of the tally of properly cast ballots by the Electoral Officer;
- r) **"Sovereignty"** means the power to govern without external control. Authority of Ochapowace Nation on their lands, territories, waters and natural resources.

- s) **Headmen/Headwomen** - along with the Okimaw/Okimaw Iskew, form the body of Ochapowace Government.
- t) **Okimaw/Okimaw Iskew** – Elected leader or head of Ochapowace government.

SECTION FIVE - Duties, responsibilities of newly elected or acclaimed;

- a) (Okimaw/Okimaw iskew & Headmen/Headwomen) duties & responsibilities shall be in accordance with the Ochapowace Nation **Governance Law, Free Prior and Informed Consent Policy & Code of Conduct.**

SECTION SIX – Newly Elected Terms of office

- a) No person may run for the office of Okimaw/Okimaw Iskew and the office of headmen/headwomen during the same election at the same time
- b) There shall be one (1) Okimaw/Okimaw Iskew, 6 elected headmen/headwomen.
- c) A newly elected and or acclaimed (Okimaw/Okimaw iskew and/or Headman/Headwoman) shall hold office for 3 years from the day he/she(s) take office.

SECTION SEVEN – Okimaw/Okimaw Iskew

1) Age

- a) The Candidate for Okimaw/Okimaw Iskew must be (21?) years of age or older on the day of his/her nomination.

2) Residence

- a) The Candidates(s) for Okimaw/Okimaw Iskew must maintain residency and office on

Ochapowace for the entire term.

3) Citizenship

- a) The candidate(s) for Okimaw/Okimaw Iskwew must be a citizen of Ochapowace.
- b) Any candidate(s) elected to the position of Okimaw/Okimaw Iskwew is deemed to have resigned from their job upon election.

4) Code of Ethics

- a) The Code of Ethics (**CTM schedule "B"**) is a process in how the candidates conduct themselves through the course of Elections.
- b) The Code of Ethics shall form the basic guidelines to which the candidates are to adhere and which the Community Tribunal is to monitor and enforce.

SECTION EIGHT – Headmen/Headwomen

1. Age

- a) The Candidate(s) for Headmen/Headwomen must be eighteen (18) years of age or older on the day of his/her nomination.

2. Residence

- a) The Candidate(s) for Headmen/Headwomen must maintain residency and office on Ochapowace for the entire term.

3. Citizenship

- b) The candidate(s) for Headmen/Headwomen must be a citizen of Ochapowace
- c) Any citizen/candidate(s) elected to the position of Headman/Headwomen is deemed to have resigned from their job upon election.

4. Code of Ethics

- a) The Code of Ethics (**CTM schedule "B"**) is a process in how the candidates conduct themselves through the course of Elections.
- b) The Code of Ethics shall form the basic guidelines to which the candidates are to adhere and which the Community Tribunal is to monitor and enforce.

SECTION NINE – Elector

5. Age of Elector

An elector must be eighteen (18) years of age or older on the day of the election.

6. Elector

An elector must be a citizen of Ochapowace whose name appears on the Ochapowace Registry on the day of the election.

7. Right of Elector

It is the right of each elector, as set out in this Law, to vote at an election/by-election for Okimaw/Okimaw Iskwew and any election for Headmen/Headwomen of Ochapowace.

SECTION TEN – Community Tribunal

8. Mandate

As per the Constitution 2015, Section 9 (9.1, 9.2), the Community Tribunal will uphold all Ochapowace Nation Laws, including this Election Law as defined within the Community Tribunal Manual.

These state:

9.1 Ochapowace Okimaw/Okimaw Iskwew and Headmen/Headwomen along with the Ochapowace Community Tribunal possess the responsibility for the enforcement of the Ochapowace Constitution and all Ochapowace Nation Laws.

9.2 The Ochapowace Community Tribunal, together with the Kehte-ayak will function as our court and will be responsible for ruling on the coverage and application on all matters affecting, impacting, breaching or in violation of this Ochapowace Nation Constitution and all Ochapowace Nation Laws.

SECTION ELEVEN – Election Officers

Thirty (30) days prior to the official notice of any election, the Ochapowace Community Tribunal shall appoint, by order, an Electoral Officer and one Deputy Electoral Officer.

9. Electoral Officer

- a) The Electoral Officer must not be an Ochapowace citizen at the time of their appointment;
- b) The Electoral Officer shall be responsible for implementing the Ochapowace Election Law.
- c) Duties & Responsibilities Will be in conjunction with Electoral Officer, Job Description**
- d) The Community Tribunal Will Govern and oversee the Electoral Officer to ensure Fair Process and Application of our Elections Law**

10. Deputy Electoral Officer

- a) The Deputy Electoral Officer must be an Ochapowace Citizen;
- b) The Deputy Electoral Officer cannot be a candidate for office nor participate in nominations and shall not vote in the Election.
- c) **Deputy Electoral Officer will report to, and be supervised by the Electoral Officer as required within the Duties and Responsibilities**

SECTION TWELVE – Nomination Meeting

11. Notice of Nomination Meeting

- a) The Electoral Officer shall call for a Nomination meeting to take place on *the first Saturday in May 2020 and every three (3) years afterwards.*
- b) Not less than fourteen (14) days before the nomination meeting takes place, the Electoral Officer shall post a notice.

12. Contents of Notice of Nomination Meeting

The notice of a nomination meeting shall contain the date, time and place of the nomination meeting. (possible candidates/nominators forum?)

13. Posting of Notice of Nomination Meeting

The Electoral Officer shall post a notice of a minimum of two (2) public locations on Ochapowace and the Ochapowace website.

SECTION THIRTEEN – Nomination Procedures

14. There should be two steps in the nomination process.

a) Nominations

b) Nominees Eligibility

(i) All nominees for Okimaw/Okimaw Iskwew & Headman/Headwomen must meet the requirements of an eligible Elector.

SECTION FOURTEEN – Nomination Meeting

15. Electoral Officer – Chairperson of Nomination Meeting

During the nomination meeting, the Electoral Officer shall function as the Chairperson of the meeting and he/she shall call for nominations of Okimaw/Okimaw Iskwew and Headmen/Headwomen.

16. Nomination of Candidates

a) The nomination must be moved and seconded by two (2) different Electors of Ochapowace.

b) Nominators are limited to one nomination and one seconder.

c) The nominator and seconder must be present at the nomination meeting.

d) The candidate does not have to be present.

e) Candidates not accepting nomination shall submit a signed Non- Acceptance Form to the Deputy Electoral Officer within five (5) working days of the nomination meeting or their name will appear on the ballot.

f) Candidates who are accepting a nomination will be required to post a refundable candidacy fee of (?) within three (3) days after the nomination meeting.

g) The Candidacy fees must be provided to the electoral officer by certified cheque, or money order to the Ochapowace Nation.

h) Fee is refundable only if you meet or exceed an (x) number of votes.?

17. Time for Nomination Meeting

- a) Nomination for Okimaw/Okimaw Iskew and Headman/Headwoman shall last for three (3) hours from one o'clock in the afternoon (1:00 p.m.) until four o'clock in the afternoon (4:00 p.m.).

18. Cease Nominations

- a) The Electoral Officer will declare the nomination meeting closed when the three (3) hours has expired.

19. Nominees

Names of Nominees shall be submitted to the Ochapowace Community Tribunal to determine eligibility of the candidate.

- a) Criteria to include comprehensive understanding and knowledge of inherent, treaty and Indigenous Peoples Rights.
- b) The ability to solemnly swear to follow, defend, promote, and implement the Ochapowace Nation Constitution and all Laws of Ochapowace.
- c) Academic qualifications?
- d) Haven't been convicted of an indictable offense within the past 5 of years?
- e) Provide a criminal record check for the past five years?

20. Standard of Conduct During Election Process

- a) All Candidates running for office will be governed by the community Tribunal.
- b) The ochapowace code of conduct will apply to all candidates running for office.

SECTION FIFTEEN – Notice of Elections

21. Notice of Election

The election will be held on the *third Saturday of May commencing on May 15, 1999 and every three (3) years afterwards.*

22. Posting of Notice of Election

- a) The Electoral Officer shall post a notice of election at a minimum of two (2) public locations and the Ochapowace website;
- b) Not less than twenty eight (28) days before the Election takes place, the Electoral Officer shall post a notice of Election and a copy of the Voter's List.

SECTION SIXTEEN – Election Procedure

23. Hours of Voting

- a) The hours of voting shall be nine o'clock in the forenoon (9:00 a.m.) to six o'clock (6:00 p.m.) on the day of election.
- b) Advance polling will be available on and off reserve two (2) weeks prior to the Election at a specified location in Regina and one location on the reserve

24. Method of Voting

- a) All voting shall be:
 - i. by secret ballot, which will be placed in the locked ballot box;
 - ii. by a ballot via electronic (where and when available).
 - iii. Consider other options such as live video, etc, etc. for the future.
- b) Electors will be required to provide approved picture identification upon request (eg: passport, status card, driver's license).
- c) All Ballots must be clearly marked in the appropriate box(s) with either an X or a check mark.

- d) Special Needs cases shall include the following:
 - i) Mentally Impaired but cognisant;
 - ii) Vision Impaired; and
 - iii) Physically challenged.
 - iv) A family member/care giver can provide assistance in voting with the Electoral Officer bearing witness.

25. Counting of Votes

- a) The Electoral Officer shall count the votes cast for each candidate following the closing of the polling station.
 - i. The process for the counting of the ballots will be in accordance with the procedures as set out in Appendix "B".
- b) If requested by a candidate, immediately following the count of votes cast, the Electoral Officer shall conduct a recount of the ballots and issue a declaration of the results.
- c) A spoiled ballot would be considered as:
 - i) a ballot that is not marked inside the appropriate box(s);
 - ii) a ballot that has unidentified markings in the box(s);
 - iii) a ballot that has more **or less** votes than the number of positions; and
 - iv) a ballot that is unintelligible.

26. Election of Okimaw/Okimaw Iskwew

- a) The candidate for the position of Okimaw/Okimaw Iskwew who has received the most votes cast in the election by the electors shall be declared the winner.
- b) In the event there is only one candidate for the position of Okimaw/Okimaw Iskwew, the electoral officer shall declare the candidate as acclaimed.

27. Election of Headmen/Headwomen

- a) On the day of the election, the Electoral Officer shall prepare a list of candidates for positions as Headmen/Headwomen and beside the name of each candidate, the Electoral Officer shall indicate the number of votes received by that candidate.
- b) The Candidate who has received the highest number of votes shall be declared elected as a Headman/Headwoman and the candidate who has received the next highest number of votes shall be declared elected to the next vacancy and so on until all vacant positions as Headmen/Headwomen have been filled.

28. Tie Vote

- a) In the event of a tie vote, a by-election shall be called immediately by the Electoral Officer; on the day of the general election.
 - i. The Electoral Officer shall prepare the ballots
 - ii Only candidates for which the tied vote resulted, would be on the ballot.
- b) Ballots will be recast by Ochapowace Citizens present.
- c) The ballots shall be counted and a winner declared.
- d) This does not affect the overall standing for the position as per section 40(b).

29. Right of Candidates

- a) Each person who is a candidate in an election shall have the right to be present when the votes are counted and/or to have one other person present as his/her representative when the votes are counted.

- b) In cases where the candidate chooses to have a representative, he/she must notify the Electoral Officer, in writing, no less than two (2) hours prior to the closing of the poll. The notification must contain the name of the representative.

30. Disposal of Ballots

The Electoral Officer shall retain the ballots in a safe place until thirty (30) days after the election and then he/she shall destroy the ballots. Unless there has been an appeal of the results of the election, in which case, he/she shall not dispose of the ballots until the appeal has been finally settled.

31. Death

- a) A position of Okimaw/Okimaw Iskwew and or Headmen/Headwomen shall be considered vacant when the person holding the position dies while in office.
- b) In the event of the death of the Okimaw/Okimaw Iskwew, the Community Tribunal shall select from the remaining Council an Interim Okimaw/Okimaw Iskwew until a by-election or a general election is called as per Section Sixteen, subsection 47 (a).
- c) In the event of the death of a Headman/Headwoman, the Community Tribunal shall decide whether to leave the position vacant until a by-election or a general election is called as per Section Sixteen, subsection 47 (a).

32. Resignation

- a) A position on the Council shall be considered vacant when the person holding that position resigns.

- b) In the event of the resignation of the Okimaw/Okimaw Iskew, the written format must be presented to Chairperson of the Community Tribunal. The Community Tribunal shall select from the remaining Council, an Interim Okimaw/Okimaw Iskew until a by-election or a general election is called as per Section Sixteen, subsection 47 (a).
- c) In the event of the resignation of a headman/headwoman, the written format must be presented to Chairperson of the Community Tribunal. The Community Tribunal shall decide whether to leave the position vacant until a by-election or a general election is called as per Section Sixteen, subsection 47 (a).
- d) In the event that all the positions in the Okimaw/Okimaw Iskew and Council resign at the same time, a general election will be called in accordance with the by-election procedures as indicated in Section Sixteen, subsection 47(a).

33. Abandonment of Position

- ~~a) A position on Council shall be considered abandoned after one week of consecutive absence with no justifiable reason.~~
 - 1) 7-day unexplained absence would be handle by a written warning signed by quorum 2) one-month suspension without pay 3) removal from office
- b) In the event of abandonment of the position of the Okimaw/Okimaw Iskew, the Community Tribunal shall select from the remaining Council, an Interim Okimaw/Okimaw Iskew until a by-election or a general election is called as per Section Sixteen, subsection 47(a).
- c) In the event of abandonment of the position of a headman/headwoman, the Community Tribunal shall decide whether to leave the position vacant until a by-election or a general election is called as per Section Sixteen, subsection 47(a).

34. Vacancy due to Conviction of a Serious Offence

- a) ~~The position on Council shall be suspended without pay, while charged/under investigation and terminated when the person holding the position is convicted of an offence which the Community Tribunal considers to be of such a serious nature such as:~~
- 1) the position of council shall be suspended with pay while under investigation, if found guilty of an offence the position will be terminated or on which the community tribunal consider to be serious in nature:
 - (i) Contravention and non-compliance of the Ochapowace Nation Constitution and other Ochapowace Nation Laws;
 - (ii) Conviction under the *Criminal Code of Canada, the Controlled Drugs and Substance Act, the Narcotic Control Act, the Food & Drug Act of Canada;*
 - (iii) ~~Theft or fraud of Ochapowace funds or property;~~
- (b) When the individual is convicted, the position is deemed vacant and will be filled in accordance with the by-election procedures as indicated in Section Thirteen of this Law.

35. Mentally Incompetent

- a) The Community Tribunal shall deem a position on the Council vacant where through sickness or injury, the person holding that position is found to be mentally incompetent and shall rely upon the opinion(s) that a certified medical professional can provide.
- b) In the event of a vacancy due to mental incompetence, for the position of the Okimaw/Okimaw Iskew, the Community Tribunal shall select from the remaining Council, an Interim Okimaw/Okimaw Iskew until a by-election or a general election is called as per Section Sixteen, subsection 47(a).

- c) In the event of vacancy due to mental incompetence for the position of a headman/headwoman, the Community Tribunal shall decide whether to leave the position vacant until a by-election or a general election is called as per Section Sixteen, subsection 47(a).

36. Physically Challenged

- a) The Community Tribunal shall deem a position on the Council vacant should the physically challenged and unable to effectively perform the functions of the office he/she holds and shall rely upon the opinion(s) that a certified medical professional can provide.
- b) In the event of a vacancy due to physically challenged for the position of the Okimaw/Okimaw Iskew, the Community Tribunal shall select from the remaining Council, an Interim Okimaw/Okimaw Iskew until a by-election or a general election is called as per Section Sixteen, subsection 47(a).
- c) In the event of a vacancy due to physically challenged for the position of a headman/headwoman, the Community Tribunal shall decide whether to leave the position vacant until a by-election or a general election is called as per Section Sixteen, subsection 47(a).

SECTION SEVENTEEN – By-Election

37. Vacant Position for Okimaw/Okimaw Iskew or Headman/Headwoman position(s), By-Election:

- a) When a vacancy occurs as a result of any one situation in section(s) 28, 29, 30, 31, 32 or 33 there shall be a by-election.
- b) When a position or positions will be vacant six months or more prior to the next general election.

- c) In the event that there is no quorum due to vacancies or resignations, an immediate by-election would be called.

38. Appointment of Electoral Officer:

- a) When a vacancy occurs in any Okimaw/Okimaw Iskewew or Headman/Headwoman position during an elected term of office, the Community Tribunal shall appoint an Electoral Officer and a Deputy Electoral Officer. Then the Electoral Officer shall post a notice at a minimum of two (2) public locations and the Ochapowace web page, fourteen (14) days prior to a general meeting to be held for the purpose of electing a person to fill the vacancy of Okimaw/Okimaw Iskewew or Headman/Headwoman.

39. Procedure

- a) During the general meeting the Electoral Officer shall function as the Chairperson of the meeting. He/she shall call for nominations to the vacant position. Nominee's must be present at the meeting to accept or decline the nomination. When the nominations have ceased, the Electoral Officer shall call for a vote by secret ballot using the same procedures as in a general election.
- d) The Electoral Officer shall count the votes cast in a by-election and he/she shall declare a winner as set out in this law for declaring a winner in a general election. The Electoral Officer shall retain the ballots according to the procedures set out in the act for disposal of ballots in a general election.

SECTION EIGHTEEN – Appeal

40. Appeal of Election

- a) Any elector/candidate may appeal an election prior to Four-Thirty in the afternoon (4:30 p.m.) within the **thirty (30) days after** election by delivering an appeal in writing setting out the grounds of the appeal, to the Electoral Officer or Deputy Electoral Officer.
- b) The elector/candidate making the appeal will be required to post an Appeals Bond in the amount of two hundred (\$200.00) dollars payable by cash, money order, bank draft or certified cheque. In the event that Appeal is upheld, the Appeals Bond shall be refunded to the Candidate without interest paid; and if an Appeal is rejected, the Appeals Bond shall be applied in full against the costs of the Appeal.

41. Grounds for Appeal

An election appeal is restricted to the following grounds:

- a) Election practices which contravene this Law.
- b) Illegal, fraudulent or criminal activity which may have reasonably affected the outcome of the election in question.
- c) Candidate was ineligible to be nominated
- d) Solid evidence that a Candidate running for office has enticed an elector(s) for their vote(s) by supplying alcohol, drugs, housing, promise of employment or cash.
- e) General appeals not included in this election process are to be referred to the Justice Department and the Community Tribunal.

42. Method of Appeal

- a) You may lodge an appeal by forwarding the particulars, upon receipt of a written elections appeal, the Electoral Officer will review for merit and shall immediately deliver the appeal to the Chairperson of the Community Tribunal and specifically to any individual whose election to Okimaw/Okimaw Iskew and Headman/Headwoman is affected by the appeal

- b) The Community Tribunal shall hold a formal elections appeal hearing within fifteen (15) days of receiving notice. This hearing shall involve those appealing as well as the individual(s) whose election to Okimaw/Okimaw Iskew and Headman/Headwoman is called into question by the appeal.
- c) The Community Tribunal will follow the rules of evidence and procedures as outlined in the Community Tribunal Manual.

43. Results of Appeal

- a) Upon conclusion of the appeal hearing, the Community Tribunal shall undertake to reach a decision on the Appeal and its decision shall:
 - i) determine whether those appealing have proven the grounds for appeal as set out in their letter of appeal;
 - ii) determine whether the grounds as proven may reasonably have affected the outcome of the election;
 - iii) order a new election for the position(s) of Okimaw/Okimaw Iskew or Headman/Headwoman contested by the Appeal where the Community Tribunal is satisfied that the grounds for appeal have been proven and are in accordance with this Law;
 - iv) uphold the election where the grounds of appeal were not proven; or even if proven, could not reasonably have affected the outcome of the election.
- b) The decision(s) of the Community Tribunal shall be final and binding on all parties. No other tribunal or court may hold a hearing subsequent to the decision of the Community Tribunal; nor is the decision of the Community Tribunal subject to any further appeal or any other court or tribunal.

- c) The decision of the Community Tribunal shall be relayed to those appealing; the individual(s) whose election is the subject of the appeal; and to the Electoral Officer and to the Okimaw/Okimaw Iskwew and Council.

- d) Enforcement of the Community Tribunal Ruling will be as per the Ochapowace Constitution, section 9.1 **“Ochapowace Okimaw/Okimaw Iskwew and the Headmen/Headwomen along with the Ochapowace Community Tribunal possess the responsibility for the enforcement of the Ochapowace Constitution and all Ochapowace Nation Laws.”**

SECTION NINETEEN – Electoral Officer General

44. Posting Notices

The Electoral Officer is responsible to post all notices and distribute all election information required to carry out an election.

45. Chairperson of Nomination Meeting

The Electoral Officer shall function as the Chairperson of a nomination meeting.

46. Place of Nomination Meeting and Election

The Electoral Officer is responsible to arrange for a suitable facility to hold a nomination meeting and an election.

47. Postponement of Nomination Meeting or Vote

At the discretion of the Electoral Officer during the election period, a nomination meeting or vote may be postponed:

- a) in the event of a death of a citizen of Ochapowace, to another appropriate day that would not conflict with the funeral;
- e) in the event of an act of the Creator such as weather conditions that may pose a risk to electors; to another time which conditions are no longer considered to create undue risk.

The Electoral Officer shall make every reasonable effort to ensure the Electors are advised of the change and the new date.

48. Supply of Ballots and Ballot Boxes

The Electoral Officer is responsible to provide a supply of ballots and ballot boxes in a quantity that is necessary to carry out an election.

49. Supervision of Voting

The Electoral Officer is responsible to be present and supervise the voting at an election and to determine the eligibility of a person to vote who present themselves for the purpose of casting ballots.

50. Validity of Votes

The Electoral officer is responsible to determine the validity of ballots cast in an election or by-election.

51. Counting of Ballots

The Electoral Officer is responsible to count the ballots cast in the election or by-election.

52. Announce of Results of Election

The Electoral Officer is responsible to announce the results of the election or by-election.

53. Posting Results of Election

The Electoral Officer is responsible to post the results of an election at a minimum of two (2) public locations on Ochapowace and the Ochapowace website.

54. Nation to Nation Notice

Within forty-eight (48) hours of the results of the election being posted, the Electoral Officer is responsible to notify the Canadian Federal Government of the results of an election or by-election.

SECTION TWENTY – Electoral Officer And Deputy

55. Deputy Electoral Officer Role

- a) The Deputy Electoral Officer is responsible to assist the Electoral Officer throughout the election process.
- b) Verifying electors and requesting picture identification as required;
- c) Be neutral and not influence voters.

56. Deputy to Replace Electoral Officer

If the Electoral Officer becomes unable to carry out his/her duties under this Law, then the Deputy Electoral Officer shall take the place of the Electoral Officer and he/she shall be responsible to carry out the duties of Electoral Officer with the same authority and responsibility.

SECTION TWENTY-ONE - Enforcement

57. The Electoral Officer and the Ochapowace Nation Community Tribunal, are responsible for the enforcement of this Ochapowace Nation Election Law.

58. The Ochapowace Community Tribunal will function as our court and will be responsible for ruling on the coverage and application on all matters affecting, impacting, breaching or in violation of this Ochapowace Nation Election Law.

SECTION TWENTY-TWO – Conflict of Interest

59. Any elected official of the Ochapowace Nation shall declare and remove any conflict of interest with respect to his/her private interests.

SECTION TWENTY-THREE – Ratification of This Law

60. Ratification of this Law will be in accordance with the Ochapowace Nation Constitution.

SECTION TWENTY-FOUR – Amending This Law

61. Our Ochapowace Nation Constitution is hereby acknowledged as our primary law, intended to govern and protect the Ochapowace people;

62. Amendments to this Law shall be made in accordance with the Ochapowace Nation Constitution.

- (i). The Laws of the Nation shall be considered property of the Nation and can only be changed by the will of the Ochapowace people.

SECTION TWENTY-FIVE - ASSENT AND APPROVAL

76. WE, THE UNDERSIGNED, UNDERSTAND AND KNOW THAT WE POSSESS FULL SOVEREIGNTY AND THE RIGHT TO SELF DETERMINATION.

IN FULL ACCORDANCE WITH THE APPLICATION OF TREATY, DO HEREBY AFFIX OUR NAMES AND CONFIRM THE ADOPTION AND APPROVAL OF THE OCHAPOWACE NATION ELECTION LAW FOR IMMEDIATE AND FULL IMPLEMENTATION FROM THIS DAY FORWARD:

Signed and dated this _____ day of _____, 2016.

Okimaw Iskwew:

MARGARET BEAR _____

HEADMEN/HEADWOMEN:

PETRA BELANGER _____

TIM B. BEAR _____

SHELLEY A. BEAR _____

LUKE GEORGE _____

JOHN BEAR _____

SHAYA WATSON _____

PARKING LOT

Buying of votes

Address Appeal Process

- What happens when an individual is removed from office due to improper election procedures (e.g.: by-election?) or possibly using next individual from election?

Training for new Okimaw and headmen/headwomen

Appendix "A" Code of Conduct

Appendix "B" Counting of ballots

Appendix "C" Oath of Office

DRAFT