

OCHAPOWACE NATION

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Consultation meetings with kakisiwew-ochapowace Citizens

RE: Highlights of the changes – Election Law

tansi citizens!

This briefing is to highlight the proposed changes made to the 1999 Election Act. Below we will compare the differences between the proposed *draft nawasonikewin-wiyasiwewin* (election law), and the *1999 Election Act*.

1. Name and Foundational Shifts

- The 1999 Election Act was renamed to *nawasonikewin-wiyasiwewin* (Election Law), aligning with our vision of language revitalization.
- The new law strongly asserts inherent rights, sovereignty, and self-determination, removing references to external jurisdictions and confirming governance authority through the *kamiyikowisiyahk* (Constitution).
- The Preamble in the new law emphasizes Treaty 4 rights, traditional laws, and the Nation's responsibility to govern independently from external influences.

2. Structural and Procedural Changes

- Change in Council Composition and Leadership Terms:
 - The Council remains at 1 Chief (*okimaw*) and 6 Headpersons, but the term has been increased to 4 years (previously 3 years).
 - Outgoing Council is compensated for one additional month after their term ends – this has never been done or addressed but the Law Development Working group proposed it.
- Residency Requirements for Candidates:
 - The 1999 Act required the Chief and Councillors to have resided full-time on Ochapowace lands for at least one year before the election.
 - The new law allows off-reserve members to run, but if elected, they must move to Ochapowace or within a 50 km radius within 3 months. Failure to do so results in an automatic forfeiture of the position.
- New Eligibility Criteria for Candidates:
 - The updated law requires candidates to:
 - Submit a \$250 (Headperson) or \$500 (*okimaw*) non-refundable fee.
 - Provide a Criminal Record Check (within 90 days).
 - Undergo a drug test (within 90 days).
 - Show proof of Grade 12 education or an equivalent credential (not required in the 1999 Act).



3. Electoral Process and Voting System

- Online Voting Introduced:
 - The new law allows for secure online voting, whereas the 1999 Act only allowed in-person secret ballots.
 - Voters must provide photo identification for both online and in-person voting.
- Election Timing Adjustments:
 - The nomination meeting is now held on the first Saturday in May every four years (starting May 1, 2026) instead of every three years.
 - Elections are now scheduled for the fourth Saturday in May (starting May 23, 2026).
- Election Appeals Process Expanded:
 - Appeals now require:
 - A written affidavit stating the reason.
 - A \$250 fee per individual being appealed.
 - The new law defines specific grounds for appeal, including violation of election practices, fraud, or breaches of the Candidates' Code of Conduct.

4. Strengthened Governance and Oversight

- Tribunal Replaces the Community Tribunal (we removed the name *community*):
 - The new law establishes a Tribunal made up of Ochapowace citizens, replacing the 1999 Act's Community Tribunal.
 - The Tribunal is responsible for:
 - Determining candidate eligibility.
 - Enforcing the Candidates' Code of Conduct.
 - Handling election appeals and ethics violations.
- Increased Accountability for Leadership:
 - A new Council Code of Ethics is included, outlining responsibilities and ethical conduct for elected officials.
 - The Candidates' Code of Conduct strictly prohibits misinformation, unethical campaign tactics, and conflicts of interest.
 - Leaders must uphold traditional Cree values (wahkohtowin, tapwewin, etc.) in governance.

5. Changes to Handling Vacant Positions

- Expanded Grounds for Removal from Office:
 - The new law specifies six conditions for removing a leader, including:
 - Conviction of a serious crime.
 - Failure to establish residency (within 50 km of the Nation).
 - Cognitive impairment (confirmed by medical professionals).
 - Violations of the Code of Ethics.
 - The 1999 Act only mentioned convictions and mental/physical incapacitation.
- By-Elections:

- If a Council member resigns, is removed, or fails to relocate as required, a by-election is triggered.
- If a tie occurs, an immediate recount is conducted. If the tie remains, a by-election is held within 14 days (previously 30 days).

6. Additional Modern Updates

- More Transparency in the Election Process:
 - Election results must now be posted at public locations, on the Ochapowace website, and social media.
 - Candidates can appoint scrutineers to oversee the ballot count.
- Stronger Language on Sovereignty:
 - The updated law prohibits external governments from interfering with Ochapowace elections, reinforcing self-determination.
 - The Nation reserves the right to determine its own relationships with outside governments and laws.

Summary of Key Differences

<u>Change</u>	<u>1999 Election Act</u>	<u>2025 Election Law (nawasonikewin-wiyasiwewin)</u>
Council Term	3 years	4 years
Residency Requirement	Must reside on Ochapowace for 1 year before running	Off-reserve candidates can run, but must move within 3 months if elected
Candidate Requirements	No fee, no education requirement, no drug test	Must pay fee, provide criminal record check, drug test, and proof of Grade 12 education
Voting Method	In-person secret ballot	In-person & online voting
Election Date	Third Saturday in May (every 3 years)	Fourth Saturday in May (every 4 years)
Election Appeals	No fee; limited reasons	\$250 fee per individual appealed; more specific grounds for appeal
Oversight Body	Community Tribunal	Tribunal made up of Ochapowace citizens
Removal from Office	Serious crime or incapacitation	Added failure to relocate, cognitive impairment, or ethics violations
Sovereignty & Jurisdiction	Some references to external law	Stronger assertion of Nation's sovereignty

The updated nawasonikewin-wiyasiwewin (Election Law) represents a significant shift toward greater sovereignty, accountability, and transparency in kakisew-ochapowace governance. It strengthens leadership requirements, modernizes voting methods, promotes inclusivity and reinforces traditional governance values. The Law Development working group took into consideration past survey's, consultation with kehte-ayak, and met with Council. We now look to our citizens for feedback.

Feedback can be emailed to denise.beaudin@ochapowace.ca

Respectfully,

A handwritten signature in blue ink, appearing to read 'Tyler George', is written over a light blue rectangular background.

Headperson Tyler George (*he/they*)
Law and Justice Mandate
OCHAPOWACE NATION