

IN THE MATTER OF THE ERMINESKIN CREE NATION 2023 ELECTION



AFFIDAVIT OF RESIDENCY
Pursuant to *Part II 3(a) iii of the
Ermineskin Cree Nation Custom Election Law*

I, _____, band member # _____ of the
Ermineskin Cree Nation, hereby swear and make oath that:

1. I am a resident of the Ermineskin Cree Nation Reserve #138 and #138A (Pigeon Lake), in accordance with ECN Residency Laws, and as such, my residency is and has been at least (12) consecutive months or longer from the date of the nomination meeting which is set for August 23, 2023;
2. I have resided at house number _____, located at (land location) _____; and
3. I submit this Affidavit in support of my candidacy as Councillor for the upcoming General Councillor Election which is set for August 30, 2023.

Find attached an exhibit to support this affidavit. The exhibit bears my name on the utility bill or a letter from Housing to confirm occupancy or any other reliable document.

SWORN (OR AFFIRMED) BEFORE ME

at, _____, Alberta,
this _____ day of _____,
20____.



Candidate

ERMINESKIN CREE NATION

CUSTOM ELECTION LAW

- ii. Appointed from time to time by the Ermineskin Cree Nation Chief and Council as evidenced by a Band Council Resolution passed at a duly convened meeting held for that purpose of calling an election.

PART II: ELIGIBLE CANDIDATE

3. (a) A Candidate means a person who:
 - i. Is twenty-one years of age or older; and
 - ii. Is a registered Ermineskin Cree Nation Member In accordance with the Ermineskin Cree Nation Membership Rules; and
 - iii. Is a resident of Ermineskin Cree Nation Reserve #138 and #138A(Pigeon Lake), in accordance with Custom Law No.2003-10 Residency By-Law, such residency being at least (12) consecutive months or longer, verified by an affidavit which shall be submitted to the Returning Officer two weeks prior to Nomination Date; and
 - iv. Has submitted a Criminal Record Checks Form in accordance with s.6 (d) of this Custom Law, such form shall be dated no later than two weeks prior to the Nomination Date.
 - v. Has submitted drug and alcohol test results in accordance with Section 6 (e) of this Custom Law.
- (b) Any candidate holding employment with the Ermineskin Cree Nation and any current Council member seeking re-election:
 - i. Is prohibited from using their position, authority or Tribal Funds to influence or promote their campaign
 - ii. is prohibited from entering any Tribal office/business for one week beginning on the Nomination Date.
 - iii. all signing authority shall be suspended until after the election.

Violation of this clause can be grounds for appeal under Section 33 of this Custom law.

Part III: INELIGIBLE CANDIDATES

4. The following persons are not allowed to be a Candidate:
 - a. A person who is not qualified as a Candidate on the date on which his or her nomination is filed; and
 - b. A person who has been convicted of a criminal offense in accordance with the *Criminal Code* of Canada, R.S.C., 1985, Chapter C-46 at any time within five (5) years prior to the Nomination Date, and
 - c. A person who is imprisoned in a correctional institution; and

- b. A normal abbreviation of one or more of the given names may be substituted for the given name or names;
 - c. The occupation shall be stated briefly and shall correspond to the occupation by which the prospective Candidate is known in Ermineskin Cree Nation Reserve #138 and # 138 A (Pigeon Lake)
- ii. The address designated by the prospective Candidate for service of documents under this Custom Law;
- iii. The name, address of the prospective Candidates nominating party(s);
- b. A statement by the prospective Candidate, consenting to the nomination signed and sworn in the presence of a witness who is an Elector but is not the person who administers the Oath;
 - c. The signature of the witness referred to in subsection (b);
 - d. A completed Criminal Record Check dated no later than two (2) weeks prior to the Nomination Date;
 - e. An alcohol and drug test, dated no later than two (2) weeks prior to the Nomination Date. Costs associated with the test will be the responsibility of the Candidate.
 - f. The nomination of a Candidate must be seconded by an Elector and accompanied by a bond of \$250.00 for Councillor, \$500.00 for Chief must be posted at the time of nominations. Such bond shall be in cash or certified cheque only. All bonds are non-refundable and shall be kept and deposited to the credit of the Ermineskin Cree Nation Revenue Account.
 - g. Evidence of a discontinuance motion or sign an affidavit at the nomination meeting indicating their intention to withdraw the litigation, they are currently involved with, have a role in or position as a party to any claim, action or suit against the Ermineskin Cree Nation or any affiliate.
7. Any person who is an Elector may nominate or second any duly qualified person to serve as Chief or Councillor. No person is allowed to nominate more than one Candidate, nor second more than one nomination.
8. The witness to the consent referred to in s.6 (b) or "The nominating party(s)" named under s.6 (a)(iii), or the prospective Candidate shall file the nomination papers with the Returning Officer at any time between the issue of the Notice of Nomination Date and the close of nominations.
9. The Returning Officer shall, at least six (6) consecutive days before Nomination Date, post in the Ermineskin Administration office and such other places on the Ermineskin Cree Nation Reserve #138 and #138A, as he or she deems necessary, a Notice setting out:

Ermineskin Cree Nation Administration Office and at such other conspicuous places on the Ermineskin Cree Nation Reserve #138 and #138A as the Returning Officer deems necessary.

18. Any Candidate may withdraw at any time up to forty-eight (48) hours before the election by filing with the Returning Officer a notice, in writing, of his intention to withdraw and forfeit the bond posted.
19. The Returning Officer shall procure such ballot boxes and other equipment as necessary to establish one voting location and to ensure the Electorate voting privacy.
20. There shall be no advance polls.
21. The Returning Officer shall appoint such Cree Speaking person or persons to assist in polling, voting and counting as he deems necessary.
22. Each and every Candidate who has accepted the nomination and has complied with all requirements must sign a Code of Conduct indicating that certain acts are unacceptable, including but not limited to:
 - a. No monies shall be paid or other consideration given such that an elector will benefit from personal gain; nor any drugs or alcohol be used to entice an elector by a Candidate or his agent or representative to solicit the electors vote;
 - b. All electioneering for twenty-four (24) hours prior to the opening of the polling booths shall be prohibited.
 - c. All candidates are only to attend the polling station and vote as promptly as possible and thereafter must immediately leave the polling area.
23. The Returning Officer shall designate an interpreter of good standing who shall not attempt in any manner to influence the vote, who is a non-resident and non-voter of the Ermineskin election.
24. The Returning Officer shall keep the poll booth open from 9:00 a.m. to 6:00 p.m. or at least nine (9) full hours on the day of the election and on the Ermineskin Reserve only.
25. The person presenting himself for the purpose of voting shall, upon being confirmed by the Returning Officer or his designates as an Elector, be given one (1) ballot upon which to register his vote.
26. The Returning Officer or his designate shall initial each ballot when the same is given to the Elector.
27. Each ballot must be marked with an "X" being placed in the box beside the name of the candidate for whom the Elector intends to vote and such instruction shall be clearly posted indicating where the "X" is to be located on the ballot at the place of voting by the Returning Officer and that no other marks will be allowed.

which he considers relevant to the person designated Chairman of the Ermineskin Election Appeals Board pursuant to Section 32.

PART VI: APPEALS

32. The Ermineskin Chief and Council shall, by Resolution prior to the elections, select three (3) neutral persons being, non-Ermineskin members, who shall comprise the Elections Appeals Board. The board members shall among themselves designate a Chairman.
33. Within seven (7) consecutive days after the election, any Candidate at the election who has reasonable grounds for believing:
- a. There was corrupt practice in connection with the election; or
 - b. There was a violation of this Custom Law that might have affected the result of the election; or
 - c. A person nominated to be a Candidate in the election was ineligible to be a Candidate;

May lodge an appeal by forwarding, to the Chairman of the Election Appeals Board, a letter setting out the particulars thereof.

34. Any Candidate who had lodged an appeal must post a bond, which is of the same value as the bonds posted for Chief or Councillor pursuant to section 6(f) within this Custom Law:
- a. A Candidate who had lodged an appeal may withdraw the appeal at any time up to forty-eight (48) hours prior to the hearing scheduled by the Appeals Board a notice in writing of the intention to withdraw and forfeiting the bond posted.
 - b. Should an appeal not be upheld, the bond posted by a Candidate shall not be refunded or in the alternative, should an appeal be successful, the bond posted by the Appellant shall be refunded.
35. The Elections Appeals Board shall examine the complaint and shall make such enquiries as, in their opinion, are necessary to determine the validity of the complaint or the invalidity thereof. The elections Appeals Board then shall within seven (7) days of receiving the complaint:
- a. Notify all Candidates of the appeal.
 - b. Hold confidential hearings and listen to submissions Under Oath by those Candidates involved. The appeals Board shall have the right to hear any other Candidate who is desirous to be heard.

section 36 of this Custom Law as may be pursuant to the Letter of agreement with Council.

37. Any Candidate who violates any of the provisions of this Custom Law is subject to the penalty of being disqualified as a Candidate in future elections for Chief or Councillor for a period of ten (10) years.
38. In the event there is a vacancy on Council, especially when there is six (6) months or more remaining in the term of office:
 - a. the Ermineskin Council shall, by its motion, set a date for a meeting in which Candidates for the vacant position may be nominated; and
 - b. The person elected to fill the vacancy may serve only for the remainder of the term of office of his predecessor; and
 - c. All the relevant provisions for the conduct of an election shall apply for the by-election to fill a vacancy.
39. The Chief and Council shall be composed of one (1) Chief and eight (8) Councillors who shall hold office for three (3) years.
 - a. In **2022**; there shall be an election for one four **(4) Councillors** who shall hold office for three (3) years.
 - b. In **2023**, there shall be an election for **(1) Chief and four (4) Councillors** who shall hold office for three (3) years.
 - c. There shall be no election in **2024**.

PART VIII: CUSTOM ELECTION LAW REVIEW

40. This Custom Law governing the Ermineskin Election shall be reviewed at least once annually and can be amended by a Quorum of Council, which may be affirmed at a General Membership Meeting, called for that purpose, by the majority of those members present who are eligible voters.

ADDENDUM

PART I

Short Title, Interpretations and Purpose

Short Title

1. These Regulations may be cited as the *Automated Vote Counting Regulations*, hereinafter referred to as "Regulations".

Interpretations

2. In these Regulations:

- (a) "Acceptable Mark" means a mark made by a Voter on an Election ballot that the Vote Tabulating Unit is able to record;
 - (b) "Automated Vote Counting System" means a system that:
 - (i) counts and records votes;
 - (ii) processes and stores election results; and
 - (iii) is comprised of:
 - (1) a Vote Tabulating Unit that rests on a two-compartment ballot box that includes a compartment for Voted Ballots and Returned Ballots re-inserted using the Ballot Override Procedure, and an Emergency Ballot Box; and
 - (2) portable ballot boxes, where Voted Ballots are deposited for counting, when a Vote Tabulating Unit is not used;
 - (c) "Ballot" means a single, automated ballot card designed for use in an Automated Vote Counting System;
 - (d) "Ballot Override Procedure" means the procedure followed by an Electoral Officer on a Vote Tabulating Unit, which causes the unit to accept a Returned Ballot and count an Acceptable Mark;
 - (e) "Blank Ballot" means a ballot that has not been marked;
 - (f) "Election Headquarters" means the location determined by the Ermineskin Cree Nation and the Office of External Affairs for the holding of an Election;
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- (g) "Emergency Ballot Box" means a ballot box into which a Voted Ballot is temporarily deposited when a Vote Tabulating Unit ceases to function;
 - (h) "Memory Pack" means a computer software cartridge that is programmed to tabulate the votes, and which plugs into the Vote Tabulating Unit;

PART III
Vote Tabulating Unit

Vote Tabulating Unit

5. The Vote Tabulating Unit shall be programmed to return:
 - (a) a blank ballot;
 - (b) an Over-Voted Ballot; and
 - (c) a ballot that has been incorrectly printed, cut or inserted into a Vote Tabulating Unit rendering the Vote Tabulating Unit is unable to identify an Acceptable Mark on the ballot.
6. The Vote Tabulating Unit shall print out a message outlining the reason for each Returned Ballot as identified in section 5.

PART IV
Voting Procedures

Pre-Vote Procedure

7. Prior to the opening of the polling stations on Election Day, the Electoral Officers shall:
 - (a) cause the Vote Tabulating Unit to print a copy of all totals in its Memory Pack;
 - (b) ensure that such totals on the Vote Tabulating Unit indicate zero; and
 - (c) sign the Vote Tabulating Unit printout report when the totals indicate zero.

Voting Procedures

8. The Polling Clerk shall provide each Voter with:
 - (a) a ballot bearing an Election Official's initials on the reverse side; and
 - (b) a Secrecy Sleeve.
9. After marking the ballot, the Voter shall place the ballot in the Secrecy Sleeve and deliver it to his/her designated Electoral Officer.
10. Upon receiving the Ballot from the Voter the Electoral Officer shall, in the presence of the Voter and without removing the ballot from the Secrecy Sleeve and deliver it to his/her designated Electoral Officer.

11. The Electoral Officer shall then insert the ballot directly into the Vote Tabulating Unit.

Replacement Ballot

12. A Voter may request a Replacement Ballot from an Electoral Officer when:
 - (a) before delivering the ballot to the Electoral Officer, the Voter determines that an error has been made in marking his/her ballot; or

PART V
Counting of Ballots and Election Results

Procedures for Counting Ballots

21. After the close of each balloting process, the Electoral Officer shall:

- (a) ensure that any remaining ballots in the Emergency Ballot Box are inserted into the Vote Tabulating Unit;
 - (b) secure the Vote Tabulating Unit so that no further ballots can be inserted;
 - (c) generate the number of copies of the Register Tape from the Vote Tabulating Unit required by the Electoral Officer; and
 - (d) complete a Statement of Election Results.
22. When a Vote Tabulating Unit is either not used or not working, the ballots shall be counted by hand.

Election Results

23. After the close of the polling stations for each balloting process, the Electoral Officer shall:

- (a) announce the official results of the ballot; and
 - (b) display the results of each ballot at Election Headquarters.
24. After the close of the polling stations on Election Day, the Electoral Officer shall ensure all Statements of Election Results, Register Tapes, Voters Lists and other election materials are sealed in a secure container.
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Ermineskin Cree Nation

Elections Drug & Alcohol Testing Policy

“Her Majesty further agrees with Her said Indians that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or hereafter to be enacted, to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her North-west Territories from the evil influence of the use of intoxicating liquors, shall be strictly enforced.”

Alcohol and Drug Testing Policy

1. An Ermineskin Cree Nation Election Candidate must:
 - (a) Submit their test results two weeks prior to the Nomination Date.
 - (b) Pay for the initial cost of the Alcohol and Drug Testing. This may vary depending on the company the Ermineskin Cree Nation obtains for the testing.

2. An Ermineskin Cree Nation Election Candidate must not:
 - (a) use, possess or offer for sale alcohol and drugs or any product or device that may be used to attempt to tamper with any sample for a drug and alcohol test. Any candidate who tampers with a sample will be automatically ineligible.
 - (b) show on their drug and alcohol test results:
 - (i) any drug level whatsoever for the following drugs or classes of drugs: Depressants, Stimulants, Hallucinogens, Cannabis and Narcotics.
 - (ii) a drug level for the drugs set out in the table in Appendix A, equal to or in excess of the concentrations set out.
 - (c) refuse to comply with the Ermineskin Cree Nation Custom Election Law, section 3. (a) v. and Section 6 (e). A refusal will result in being deemed positive and ineligibility for Candidacy.
 - (d) utilize another drug testing service other than the company retained by the Ermineskin Cree Nation.

3. Exceptions

Any Candidate will not be in violation of this policy where illegal drugs are possessed, used or intended to be used solely for medical purposes upon prescription by a reputable medical doctor.

Any Candidate permitted to possess and use illegal drugs under the guidance of a medical doctor must provide evidence that such use will not have a negative impact on their performance if elected into office.

- 8) Upon receipt of specimen collector checks volume, temperature, and for evidence of tampering. The temperature will register on the temp strip on the side of the collection container. The containers are graduated to indicate volume levels.
- 9) Indicate temperature information on the chain of custody and control form, and document any remarks on the chain of custody form.
- 10) Collector pours urine into transportation vial and affixes a Specimen Vial Seal over the cap of the transport vial. Discard remaining urine. The Specimen Vial Seal will tie the specimen and chain of custody and control form together. If the urine sample cannot be matched with the custody and control form, the sample may be rejected.
- 11) The donor initials the seal, then the collector signs and dates the seal and initials and dates the seal.
- 12) The collector completes the chain of custody form.
- 13) Place the sealed vial and custody and control form in the plastic shipping bag and seal the bag. Store in a secure place until it is ready to be shipped to the laboratory.

7. Non-Negative Drug and Alcohol Test Result

In the event of a non-negative result for the drugs and alcohol testing based on the 12 Panel Table as per Schedule A, a second test must be administered within 48 hours after the Drug Testing Company has identified and issued a non-negative result. The test is to be administered by the Drug Testing Company retained by Ermineskin Cree Nation at the cost of the appellant.

- a. If the second test results in a negative for the drugs identified in the 12 Panel Drug Table in Schedule A, then the candidate will be eligible to run for elected office;
- b. If the second test results in a second non-negative, then the results will stand. The candidate is then ineligible to run for elected office.

This Ermineskin Cree Nation – Elections Drug and Alcohol Testing Policy is hereby adopted and approved by the Ermineskin Cree Nation Chief and Council this 3rd day of August, 2010. Amended on July 18, 2011 and July 26, 2011. Further amended on April 9, 2014.



ERMINESKIN CREE NATION CHIEF & COUNCIL MOTION

FISCAL YEAR: 2014-2015

DATE: April 9, 2014

TYPE OF MEETING: Special

MOTION NUMBER: 2014-15/09-04-14/002

Be it resolved that we, the Ermineskin Tribal Council, approve the Ermineskin Cree Nation Elections Drug & Alcohol Testing Policy, as presented, subject to the deletion of Section 4. Illegal drugs and the deletion of last paragraph (quote taken from the Treaty); and

Further that, we agree with the 12 panel drug test.

MOVED BY: Craig Makinaw

SECONDED BY: Brian Lee

In favor	Against	Abstained	Carried	Tabled	Defeated	Rescinded
5	1	0	√			



ERMINESKIN CREE NATION - CODE OF CONDUCT (2010)

I, _____, being of sound mind, the full age of twenty-one (21) years and a member of the Ermineskin Cree Nation, Band No. _____, do hereby accept the nomination to be a candidate in the Ermineskin Cree Nation Election for the position of Councillor held on the ___ day of _____, 20__; further, I am an ordinary resident of the Ermineskin Indian Reserve pursuant to the Ermineskin Cree Nation Custom Election Law.

I hereby consent to the rules and regulations as set forth in the Ermineskin Cree Nation Custom Election Law, a portion of which are included within this document and in addition I fully understand the consequences of any ruling made by the Election Appeal Board and do fully agree to abide by any decisions.

1. I hereby consent to issue a cash bond in the amount of _____ in the form of cash or certified cheque within the specified time period. This shall be interpreted as my sincerity of being a candidate during the Ermineskin Cree Nation Elections.
2. I hereby fully understand that in any event whether I am successful or not as a candidate my cash bond will not be returned to me, all bonds will be kept and shall be deposited to the credit of Ermineskin Cree Nation Revenue Account.
3. I acknowledge that I can withdraw from the election at any time up to forty-eight (48) hours before the election by filing with the Returning Officer a notice in writing of my intent to withdraw.
4. I will not pay any monies or give other considerations such that an elector will benefit from personal gain or use drugs or alcohol to entice an elector for the purpose of soliciting an elector's vote.
5. I will refrain from all electioneering practices for a twenty-four (24) hour period prior to the opening of the polling booths.
6. I will only attend the polling station to vote as promptly as possible and thereafter will immediately leave the polling area.
7. I have provided an Affidavit of Residency, Criminal background check and a Drug/Alcohol test results to the Returning Officer to clarify my eligibility for candidacy. Refusing to sign this Code of Conduct will confirm my declining my nomination.
- 8. I acknowledge that the election has been declared to be an alcohol and drug free election and I will abide by these conditions.**