

**BEARSPAW NATION
COUNCIL RESOLUTION**

THE COUNCIL OF THE STONEY TRIBE BEARSPAW NATION
TERRITORY TREATY NUMBER SEVEN SOUTHERN ALBERTA
PLACE MORLEY, ALBERTA
DATE 5th July AD 2016
Day Month Year

WHEREAS the Chief and Council of the Bearspaw Nation wish to outline the Custom Election Regulations governing the forthcoming 2016 Bearspaw Nation Council Nominations and Elections;

WHEREAS the election dates for the last two Bearspaw Nation Council Nominations and Elections were altered by way of an Order of the Federal Court, and not by way of Bearspaw First Nation practice and custom;

WHEREAS pursuant to Bearspaw Nation Resolution No. 2014-BP0001, Bearspaw Nation Chief and Council has advised all members of the Bearspaw Nation that the 2016 Bearspaw Nation Council Nominations and Elections shall be held in December, 2016 as is the custom and practice of Bearspaw Nation;

NOW THEREFORE BE IT RESOLVED:

That the Custom Election Regulations governing the **2016 BEARSPAW NATION COUNCIL NOMINATIONS AND ELECTIONS** for Chief and Councillors shall be as follows:

1. DEFINITIONS:

1.1 The Bearspaw Nation Council

For the purposes of these Custom Election Regulations, the Bearspaw Nation Council consists of One (1) Chief and Four (4) Councillors.

2. POSITIONS AND TERM OF OFFICE OF THE BEARSPAW NATION COUNCIL

2.1 Positions

The Bearspaw Nation Council shall consist of One (1) Chief and Four (4) Councillors as follows:

One (1) Chief
Two (2) Councillors - Morley
Two (2) Councillors - Eden Valley

2.2 Term of Office

- (a) The term of office of the Chief and each Councillor shall be for a term of Three (3) years.
- (b) A person who is either elected to the Council in a By-Election or appointed by the Bearspaw Nation Council to fill a vacancy caused by death, resignation or disqualification from office of a Chief or Councillor in accordance with paragraph 19 shall hold that office for the remainder of the term of office of that Chief or Councillor.

3. APPOINTMENTS

3.1 Chief Electoral Officer

For the purposes of the **2016 BEARSPAW NATION COUNCIL NOMINATIONS AND ELECTIONS**, the Chief Electoral Officer shall be MARVIN YELLOWHORN.

3.2 Deputy Electoral Officers

For the purposes of the **2016 BEARSPAW NATION COUNCIL NOMINATIONS AND ELECTIONS**, the Deputy Electoral Officers shall be as follows:

- (a) Big Horn (Big Horn Medical Centre) – **Kendall Yellowhorn**
- (b) Eden Valley (Eden Valley School Gymnasium) – **Perry Day Chief**
- (c) Morley (Bearspaw Youth Center) – **Megan Lunak**

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3.3 Scrutineers

The Bearspaw Nation Council shall appoint the Scrutineers for each Polling Station. All Scrutineers will be required to take an Oath of Secrecy and execute a Statutory Declaration in the form attached as Schedule A hereto.

4. DATES AND NOTICES OF NOMINATION MEETINGS

4.1 Notices

The Chief Electoral Officer shall immediately post Notices of Nomination Meetings at the Morley, Eden Valley and Big Horn Reserves specifying the places, dates and times for nominations of the candidates for the positions of the Chiefs and Councillors.

4.2 Dates

The following dates shall apply:

NOMINATION DATE:	MONDAY	NOVEMBER 21, 2016
VERIFICATION DATE:	TUESDAY	NOVEMBER 22, 2016
WITHDRAWAL DATE:	WEDNESDAY	NOVEMBER 23, 2016
PROTEST DATE:	FRIDAY	NOVEMBER 25, 2016
PROTEST HEARING:	MONDAY	NOVEMBER 28, 2016
POSTING OF FINAL LIST:	TUESDAY	NOVEMBER 29, 2016
ADVANCE POLLS:	FRIDAY	DECEMBER 2, 2016
ELECTION DATE:	TUESDAY,	DECEMBER 6, 2016
APPEAL DEADLINE:	THURSDAY	JANUARY 5, 2017

5. ELECTORAL RESERVES

5.1 Morley, Big Horn and Eden Valley

The Electoral Reserves shall consist of all of the Stoney Indian Reserve Numbers 142, 143 and 144 at Morley, 142B at Rabbit Lake, 144A at Big Horn, 216 at Eden Valley, and any other properties owned by the Stoney Tribe.

5.2 Properties Included

For the purposes of these Custom Election Regulations:

- (a) Morley shall be deemed to include Morley, Rabbit Lake, the Beggs Ranch, the Two Rivers Ranch, the Copithorne Ranch, the Copock Ranch, the Crawford Ranch, the Potts Ranch and the Scott Lake property;
- (b) Big Horn shall be deemed to include Big Horn, the Big Horn Cultural Area and the Caroline Ranch; and
- (c) Eden Valley shall be deemed to include Eden Valley, the Hughes Ranch and the Cartwright Ranch.

6. POLLING STATIONS

6.1 Polling Stations for the **Nominations** shall be held at the following locations:

- (a) Big Horn - Big Horn Medical Centre
- (b) Eden Valley - Eden Valley School Gymnasium
- (c) Morley - Bearspaw Youth Center

6.2 Polling Stations for the **Elections** shall be held at the following locations:

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- (a) Big Horn - Big Horn Medical Centre
- (b) Eden Valley - Eden Valley School Gymnasium
- (c) Morley – Bearspaw Youth Center

6.3 Polling Stations for **Nominations** shall be open from 10:00 AM to 4:00 PM on the Nomination Date, as established in paragraph 4.2.

6.4 Polling Stations for **Elections** shall be open from 9:00 AM to 6:00 PM on the Election Date, as established in paragraph 4.2.

7. **ELIGIBILITY**

7.1 **To be Nominated**

In order to be nominated for any position as Chief or Councillor a person must:

- (a) be a registered Bearspaw Nation member in accordance with the Stoney Tribe Membership Code;
- (b) be the full age of Twenty–One (21) years of age on or before the Nomination Date, as established in paragraph 4.2;
- (c) meet the Residency Requirements as defined in Paragraph 8.1;
- (d) have not been convicted of an Indictable Criminal Offence* during a ten (10) year period on or before the Nomination Date, as established in paragraph 4.2;
*Indictable Criminal Offence means homicide, sexual assault, breaking and entering, robbery, aggravated assault, weapons offences, arson, embezzlement, sexual offences involving children, or fraud all as defined in the *Criminal Code* or drug trafficking as defined in the *Controlled Drugs and Substances Act*.
- (e) have been properly nominated and seconded by a person meeting the requirements of paragraph 7.2;
- (f) have not been disqualified by all or any parts of these regulations; and
- (g) provide to the Chief Electoral Officer or the Deputy Electoral Officer, no later than 4:00 PM on the Withdrawal Date, as established in paragraph 4.2:
 - i. a non refundable nomination fee* of one thousand dollars (\$1000.00) for the position of Chief and five hundred (\$500.00) for the position of Councillor, such non refundable nomination fee to be paid by cash or certified cheque only. Failure to pay the nomination fee in the prescribed manner and time limit will disqualify the candidate from eligibility.
*Nomination fees will cover costs of election.
 - ii. An executed Statutory Declaration in the form attached.
- (h) notwithstanding that a person may be nominated to run for the position of Chief or Councillor at more than one of the electoral Reserves. No person shall be obliged to pay more than one nomination fee to run for either the position of Chief or position of Councillor;
- (i) payment of the nomination fee or delivery of the required Statutory Declaration may be made to either the Chief Electoral Officer or any of the respective Deputy Electoral Officers by 4:00 PM on the Nomination date, as established in paragraph 4.2, at each of the Polling Stations as herein defined;
- (j) any payment of either of the nomination fee or delivery of the required Statutory Declaration made after 4:00 PM on the Nomination Date but no later than 4:00 PM on the Withdrawal Date, as established in paragraph 4.2, shall be made to the Chief Electoral Officer or his designate at the Office of the Chief Electoral Officer located in the Stoney Tribal Administration Building in Morley, Alberta.

7.2 **To Nominate**

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In order to be eligible to nominate another person for the position of Chief or Councillor, a person must;

- (a) be an Eligible Voter as defined in paragraph 7.3(a), (b) and (c);
- (b) meet the Residency Requirements as defined in paragraph 8.1; and
- (c) comply with the requirements of these regulations as described in paragraphs 7.5 and 9.1.

7.3 To Vote

In order to qualify as an Eligible Voter, a person must be:

- (a) the full age of Twenty-one (21) years of age on or before the Election Date, as established in paragraph 4.2;
- (b) a registered Bearspaw Nation member in accordance with the Stoney Tribe Membership Code; and,
- (c) present in person.

7.4 Number of Votes

Each Eligible Voter, as defined herein, is entitled to One (1) vote for Chief and Four (4) votes for Councillors of the Bearspaw Nation in accordance with the positions described in paragraph 2.1. That is, an Eligible Voter may vote for up to Two (2) Councillors at Morley and up to Two (2) Councillors at Eden Valley.

7.5 Number of Nominations

A person who is eligible to nominate may nominate or second the nomination of one person for the position of Chief. He or she may also nominate or second the nomination of one person for the position of Councillor. For greater certainty:

- (a) If a person nominates or seconds the nomination of one person for the position of Chief, then that person is no longer qualified to nominate or second the nomination of any other person for the position of Chief;
- (b) If a person nominates or seconds the nomination of one person for the position of Councillor, then that person is no longer qualified to nominate or second the nomination of any other person for the position of Councillor;

8. RESIDENCY REQUIREMENTS

8.1 Candidates, nominators and seconders for the positions of Chiefs or Councillors must meet the following residency requirements:

- (a) Chief - A person must be a registered Bearspaw Nation member in accordance with the Stoney Tribe Membership Code to be a candidate, nominator or seconder for this position and must have been resident on one of the Electoral Reserves for at least Six (6) months immediately prior to the Nomination Date, as established in paragraph 4.2. The Chief of the Bearspaw Band Council must reside at Morley after the Election.
- (b) Councillors (Morley) - A person must be registered Bearspaw Nation member in accordance with the Stoney Tribe Membership Code and must have been resident at Morley for at least Six (6) months immediately prior to the Nomination Date, as established in paragraph 4.2, in order to be a candidate, nominator or seconder for these positions. These Councillors of the Bearspaw Nation Council must reside at Morley after the Election;
- (c) Councillors (Eden Valley) - A person must be a registered Bearspaw Nation member in accordance with the Stoney Tribe Membership Code and must have been a resident at Eden Valley for at least Six (6) months immediately prior to the

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Nomination Date, as established in paragraph 4.2, in order to be a candidate, nominator or seconder for these positions. These Councillors of the Bearspaw Nation Council must reside at Eden Valley after the Election.

9. VERIFICATION

9.1 On the Verification Date, as established in paragraph 4.2, the Chief Electoral Officer and the Bearspaw Nation Council shall verify the eligibility of the candidates, nominators, and seconders and those persons who do not meet the eligibility requirements shall be disqualified. A list of all eligible candidates, nominators and seconders shall be posted immediately following the verification by the Chief Electoral Officer and the Bearspaw Nation Council.

10. PROTESTS AND PROTEST HEARING

10.1 All protests concerning the nominations must be made in writing to the Chief Electoral Officer no later than 4:00 PM on the Protest Date, as established in paragraph 4.2.

10.2 The Chief Electoral Officer shall refer all such protests to the Bearspaw Nation Council. The Bearspaw Nation Council shall hear and consider the protests and make determinations on the Protest Hearing Date, as established in paragraph 4.2, and the decision shall be final and binding.

11. ADVANCE POLLS

11.1 Notwithstanding paragraph 7.3(c), an advance poll shall be held at the Stoney Tribal Administration Building on the date specified in paragraph 4.2 for those persons who are Eligible Voters but may not be present to vote on Election Day including:

- (a) those who are attending educational institutions;
- (b) those who are employed away from the Electoral Reserves; and
- (c) those who wish to vote in advance.

11.2 Hospitals

Notwithstanding paragraph 7.3 (c), an Eligible Voter who is hospitalized may request the Chief Electoral Officer or the Deputy Electoral Officer, as the case may be, to attend at a Hospital, nursing home or extended care facility to permit him or her to vote, provided the request is made within the time limit set by the Tribal Council. A Scrutineer, from a Band other than the Band of the hospitalized Eligible Voter, will accompany the Chief Electoral Officer to each of the aforementioned locations.

12. BAND MEMBERSHIP

12.1 Band membership shall be conclusively determined by the Band membership lists prepared by the Membership Department of the Stoney Tribal Administration.

13. NEW ELECTIONS

13.1 If no person is nominated for a position or there are fewer nominees than there are positions to be filled, then the Bearspaw Nation Council will set a new Nomination Date and Election Date for the vacant position or positions, for that designated area only, and the present office holder(s) from that area will continue to hold office until the new Election can be held.

14. POSTING OF NOMINEES

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14.1 As soon as possible after the Verification of the candidates, nominators and seconders by the Chief Electoral Officer and the Bearspaw Nation Council, the Chief Electoral Officer shall post or cause to be posted in public places in and about the Electoral Reserves the names of the verified candidates nominated for the positions.

15. WITHDRAWAL OF NOMINEES

15.1 Notice

Any person nominated may withdraw his or her name from nomination by giving notice in writing to the Chief Electoral Officer no later than 4:00 PM on the Withdrawal Date, as established in paragraph 4.2.

15.2 Notice for Chief or Councillor

Any Nation member who is nominated for both Chief and Councillor positions, but does not decline one or the other of the nominations by giving notice in writing to the Chief Electoral Officer of the withdrawal of his or her name on or before 4:00 PM on the Withdrawal Date, as established in paragraph 4.2, will automatically be disqualified as a candidate from both nominations.

15.3 Final List

After verification of the candidates, nominators and seconders and the determination of all protests under paragraph 10.2, and subsequent to the date for the withdrawal of nominees, the Chief Electoral Officer shall post or cause to be posted in public places in and about the Electoral Reserves the final list of the names of the nominated candidates.

16. STONEY TRIBAL AND BEARSPAW NATION EMPLOYEES

16.1 A Stoney Tribal or Bearspaw Nation employee may be nominated for a position and run for office. If elected to the Bearspaw Nation Council, that person's employment with Stoney Tribal or Bearspaw Nation will automatically terminate, subject to the provisions of Section 2.4 of the Stoney Nation Human Resources Policy.

17. DISQUALIFICATION FROM OFFICE

17.1 Disqualification

Disqualification from office shall occur in the following circumstances:

- (a) Any Bearspaw Nation Council member who is convicted of
- (b) an indictable criminal offence while in office shall cease to hold that office;
- (c) Any Bearspaw Nation Council member who has been absent from meetings of the Stoney Tribal Council for Three (3) consecutive meetings, without valid reason or authorization as determined by the Stoney Tribal Council in its sole discretion, shall cease to hold that office;
- (d) Any Bearspaw Nation Council member who is found to have abused drugs or alcohol during his or her term of office, without valid reason or authorization as determined by the Stoney Tribal Council in its sole discretion, shall cease to hold that office.

18. RUN-OFF ELECTIONS

18.1 In the case of a tie vote for the position of Chief or the last Councillor's position for either the Morley Councillor or the Eden Valley Councillor, a run-off Election will be held within

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Two (2) weeks of the Election Date, as established in paragraph 4.2, and only those persons who were tied in the original voting will be eligible to run in this run-off Election.

19. VACANCY

- 19.1 Subject to paragraph 19.2, should a vacancy occur as a result of death, resignation or disqualification from office, the Bearspaw Nation Council shall hold a By-Election to fill the vacant office for the remainder of the term of that office.
- 19.2 If a position becomes vacant less than Four (4) months before the date when another election would ordinarily be held, the Bearspaw Nation Council, in its sole discretion, may either appoint a replacement or decide to leave the position vacant.

20. CONDUCT AT POLLING STATIONS

- 20.1 Any person who, in the sole opinion of the Chief Electoral Officer or the Deputy Electoral Officer, appears to be intoxicated or under the influence of alcohol and/or drugs will not be allowed in the Polling Station during Nomination Day and/or Election Day. Upon it appearing to any Peace Officer that a person is intoxicated or under the influence of drugs or alcohol then the Peace Officer shall remove the person from the Polling Station.

21. PROCEDURES FOR CLOSING THE POLL AND COUNTING THE BALLOTS

- 21.1 Immediately at the Close of the Polls on the Election Date, as established in paragraph 4.2, the Chief Electoral Officer or the Deputy Electoral Officer, as the case may be, shall publicly declare the poll closed.
- 21.2 Before public viewing of the counting of ballots, all voting compartments, papers, ballots and material shall be secured.
- 21.3 The Chief Electoral Officer or the Deputy Electoral Officer, as the case may be, shall open each ballot box and count and cause to be recorded in public view the number of votes cast for each candidate.
- 21.4 The Chief Electoral Officer or the Deputy Electoral Officer, as the case may be, shall examine all ballots, showing each ballot to the Scrutineers, and shall declare spoiled ballots on the following grounds:
- (a) ballots which have not been supplied by him or her;
 - (b) ballots which indicate no clear choice of candidates;
 - (c) ballots upon which votes have been given for more candidates than are to be elected to the positions specified in paragraph 1.1;
 - (d) ballots upon which anything appears by which the voter can be identified;
 - (e) where a split-ballot is used, one part of the split-ballot shall not be declared spoiled merely because another part of the split-ballot has been declared spoiled; and
 - (f) unmarked ballots.
- 21.5 During the counting of the ballots the Chief Electoral Officer or the Deputy Electoral Officer, as the case may be, shall cause to be maintained a current tally of the results on a chalkboard, flip chart or other visual display conspicuously located within the Polling Station.
- 21.6 A written statement of results, giving full particulars of the Election, shall be prepared and signed by the Chief Electoral Officer or the Deputy Electoral Officer, as the case may be.
- 21.7 All election materials shall be secured and maintained by the Chief Electoral Officer for a period of Thirty (30) days or the conclusion of any appeals, whichever is the longer period of time.

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21.8 In the event that a Deputy Electoral Officer is unable or unwilling, for whatsoever reason, to act in his or her capacity on Election Day, the Chief Electoral Officer may designate a replacement for the Deputy Electoral Officer.

22. DECLARATION OF RESULT

22.1 Declaration

Immediately after the completion of the counting of the ballots, the Chief Electoral Officer or the Deputy Electoral Officer, as the case may be, shall publicly declare elected the candidate or candidates having the highest number of votes for Chief and Councillors for the Bearspaw Nation Council in accordance with these Custom Election Regulations.



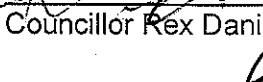


22.2 Posting

The Chief Electoral Officer shall post or cause to be posted the written statement of results signed by him or her in public places in and about the Electoral Reserves, showing the number of voters that voted, the number of ballots cast and the number of votes cast for each candidate.

23. APPEALS

Any Eligible Voter has the right to appeal. All appeals concerning the Bearspaw Nation Council Elections must be made in writing to the Chief Electoral Officer within Thirty (30) days from the Election Date, as established in paragraph 4.2. The Chief Electoral Officer shall refer all such appeals to the Stoney Tribal Council whose decision shall be final and binding. Until such time as an appeal is decided, an appeal will not serve to invalidate the Election results and/or the operations of the newly elected Bearspaw Nation Council.

Quorum: Three (3)

 _____ Chief Darcy Dixon
 _____ Councillor Rex Daniels
 _____ Councillor Roderick Hunter
 _____ Councillor Narvil Kootenay
 _____ Councillor Larry Daniels