

FILE HILLS QU'APPELLE TRIBAL COUNCIL



Election Act for 2021 Tribal Chief

**Please note the FHQTC Chiefs will be making a decision in October 2021 on the Governance Structure for the Tribal Council. This will impact the Role and Responsibility of the Tribal Chief; as well as some specifics that may be outlined in this document and subsequent Tribal Councils governance policy (Roles & Responsibilities).*

Last Revised September 1, 2021

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I. CITATION

This Act may be cited as the File Hills Qu'Appelle Tribal Council Election Act or the FHQTC Election Act.

II. APPLICATION

This Act shall apply to the election of the Tribal Chief of the File Hills Qu'Appelle Tribal Council.

III. DEFINITIONS

For the purpose of this Act the following definitions shall apply:

- 1. *Appeals Committee* means the body recognized by this Act pursuant to the provisions of this Act which, discharges the obligation of conducting Appeals initiated pursuant to this Act.**
- 2. *By-Election* means a special election to fill the *Tribal Chief* position which becomes vacant pursuant to Section IX.**
- 3. *Tribal Chief* means the person duly elected in accordance with this Act, with the powers as defined in the File Hills Qu'Appelle Tribal Council Structure and Functional Roles document, and who are responsible to the members of the FHQ First Nations.**
- 4. *Electorate* means the First Nations' voting delegates, including alternate voters, pursuant to Section XV herein.**
- 5. *Delegate* means a person eligible to vote in the File Hills Qu'Appelle Tribal Council election who is:**
 - a. a registered member of a First Nation that is a member-Band of the File Hills Qu'Appelle Tribal Council; and**
 - b. designated as a delegate by the delegating member First Nation pursuant to Section XV.**

6. ***Election*** means the selection process whereby the Tribal Chief is elected in accordance with this Act.
7. ***Election Day*** is the day upon which the Election is held.
8. ***Employee*** means those individuals who are employed with the File Hills Qu'Appelle Tribal Council and the Touchwood File Hills Qu'Appelle Entities and Institutions as identified in the File Hills Qu'Appelle Tribal Council Structure and Functional Roles document and includes, for the purposes of this Act, those persons in contractual positions.
9. ***Electoral Officers*** are the Chief Electoral Officer and Deputy Electoral Officer who are appointed pursuant to this Act.
10. ***Properly Cast Ballots*** are the ballots used in the counting of ballots by the Electoral Officers to determine a winning candidate, and do not include spoiled or rejected ballots.
11. ***Executive Council*** is that body which includes the elected position (Tribal Chief of the File Hills Qu'Appelle Tribal Council as well as the four (4) appointed Chiefs or their duly selected and authorized representative. This Act shall apply only to the elected position of Tribal Chief.
12. ***Elected Executive Member*** means the Tribal Chief.
13. ***Absolute Majority of Votes*** means at least fifty percent plus one (1) of the total properly cast ballots pursuant to this Act.
14. ***Nomination Session*** means a session in which the candidates are formally nominated and the nomination speeches are conducted which is held on the day of the election.
15. ***Rejected/Spoiled Ballots*** are those ballots that have been improperly marked and/or defaced by the Voter and left out of the tally of properly cast ballots by the Electoral Officers.
16. ***Scrutineers*** are those individuals who may be appointed by each candidate to be present at and observe the ballot counting process. Each candidate may appoint only one (1) Scrutineer.

IV. EXECUTIVE ELECTION

1. **There shall be an election of the Tribal Chief in the Fall every third year.**
2. **The FHQ Executive Council shall determine the date in September for the FHQ Annual General Meeting which shall be set aside at least 60 days prior to the day of the election and identify the position open for election.**

V. ELIGIBILITY FOR EXECUTIVE POSITION

1. **Every Candidate shall be eighteen (18) years of age or older;**
2. **Every Candidate shall be a registered member of a member First Nation of the File Hills Qu'Appelle Tribal Council;**
3. **A person shall not be considered an eligible candidate for the position of Chief if:**
 - a. **he/she has been convicted (unless such a conviction relates to the exercise of an aboriginal, inherent or treaty right) within five (5) years preceding the date of the election of an indictable offence under the Criminal Code of Canada, or of a dual offence on which the Crown has elected to proceed by way of indictment (excluding the simple, first-time offence of driving while impaired); or of an offence under the Narcotic Control Act, involving the importation, trafficking or possession for the purpose of trafficking of a prohibited or controlled substance covered by any of the above Acts;**

And/or

- b. **he/she has outstanding criminal convictions or criminal charges; and/or is subject to an outstanding criminal investigation unless it relates to the exercise of an aboriginal, inherent or treaty right.**
4. **A person shall not be considered an eligible candidate unless a Declaration of Intent is submitted according to Section VI.**

VI. DECLARATION OF INTENT

1. **Every Candidate shall file a Declaration of Intent to seek an Elected Executive Member position with the Chief Electoral Officer or his/her designate.**
2. **The Declaration of Intent to seek the Elected Tribal Chief position shall be filed by 12:00 o'clock noon at least thirty (30) days prior to Election Day. In the event that the Declaration Day falls on a Saturday, Sunday or holiday, then the Declaration of Intent to seek an Elected Executive Member position shall be filed on or before 12:00 o'clock noon the business day previous.**
3. **The Declaration of Intent shall:**
 - a. **declare intention to run for the Tribal Chief position;**
 - b. **outline the candidate's background and qualifications demonstrating that he/she is a member in good standing with his/her First Nation;**
 - c. **be kept confidential by the Electoral Officers or his/her designate until the Electoral Officers verify the eligibility of the candidate seeking office, pursuant to this Act;**
 - d. **identify that the person is an eligible candidate in accordance with Section V herein;**
 - e. **include an original (not copy) Criminal Records Search which shall include a local indices as well as Canada's National Repository for Criminal Records to verify compliance with Section V-3 above; the costs of which shall be borne by the Candidate.**
4. **Each Declaration must be verified by the Electoral Officers before the Candidates names are released and before their names are placed on the ballot.**

5. **An individual who has declared their intent to seek the Tribal Chief position may subsequently withdraw their declaration subject to the following conditions:**
 - a. **the intent to withdraw must be in writing to the Electoral Officers.**
 - b. **the intent to withdraw must be received by the Electoral Officers no later than ten (10) working days before Election Day.**

VII. TERM OF OFFICE

1. **The term of office for the Tribal Chief shall be for a term of three years from the day of the election subject to Section IX.**

VIII. GUIDELINES FOR INCUMBENTS

1. **Upon receipt of the Declaration of the Elected Executive Member who declares an Intention to seek re-election for his/her present position or election to the Elected Executive Member position, that individual's powers, duties, responsibilities and privileges will cease for the thirty (30) day campaign period prior to election day.**
2. **In the event that the Elected Executive Member who Declares an Intention to seek re-election is returned to office by acclamation, the Elected Executive Member shall not have his/her powers, duties, responsibilities and privileges cease during the thirty (30) day period prior to the election.**
3. **The Elected Executive Member as noted above in Section VIII-1 shall take leave of absence from his/her present position for the thirty (30) day campaign period prior to Election Day and shall cease all duties, responsibilities and privileges of that office.**
4. **The Elected Executive Member that decides not to seek re-election and has therefore not submitted a Declaration of Intent as described in Section VI, shall continue in their office with all attendant powers, duties, responsibilities and privileges until midnight of the day immediately preceding Election Day.**

IX. VACANCY and SUSPENSION OF OFFICE

- 1. The office of the Tribal Chief becomes vacant in the event that:**
 - a. The person holding office:**
 - i. is convicted of an indictable offence under the Criminal Code or of a dual offence on which the Crown has elected to proceed by way of indictment, the Narcotic Control Act or the Controlled Drugs and Substances Act of Canada during their term of office, unless such a conviction relates to the exercise of an aboriginal, inherent or treaty right.**
 - ii. resigns his/her office in writing to the FHQ Tribal Council Chiefs.**
 - iii. dies.**
 - b. The person is removed from office in accordance with Section XIII.**
- 2. The suspension of an Elected Executive Member office and all powers, duties, responsibilities and privileges of said office shall cease in the event, except in circumstances where it is related to the exercise of an aboriginal, inherent or treaty right, the person holding office:**
 - a. is subject to outstanding criminal conviction(s); and/or**
 - b. is subject to criminal charge(s).**
- 3. The suspension of office shall be with pay of the salary outlined in the personal services contract outlined in Section X-3, but shall not include travel or other expenses.**
- 4. It is the responsibility of the Elected Executive Member to disclose to the Executive Director, Finance and Administration immediately of the event(s) listed in Section IX-2 once known by the person holding office.**
- 5. Once notified, the Executive Director, Finance and Administration shall immediately inform all Member Nations.**

6. **The following allocation of the powers, duties, responsibilities and privileges of a suspended office shall be:**
 - a. **In the event that the suspension is the Tribal Chief office, then the Executive Council shall assume all powers, duties, responsibilities and privileges of the suspended office**
7. **The suspension of office ceases when:**
 - a. **the Elected Executive Member is no longer the subject of the criminal investigation or charges:**
 - i. **If there is no conviction, then the Elected Executive Member resumes office immediately; or**
 - ii. **if the Elected Executive Member is convicted, the office is deemed vacant according to Section IX-1(a).**
 - b. **If the Elected Executive Member is removed according to Section XIII.**

X. COMMENCEMENT OF OFFICE

1. **The newly Elected Executive Member shall take office immediately upon being sworn in as the successful candidate for that position before the FHQ Senate and the FHQ Assembly on election day.**
2. **The newly Elected Executive Member must also sign an Oath of Office in the form prescribed in Appendix 'a' herein at the same FHQ Assembly.**
3. **The FHQ Executive Director, Finance and Administration shall arrange a meeting together with the four (4) appointed Chiefs of the FHQ Executive Council within seven (7) days following the Election to:**
 - a. **establish the salary for the newly Elected Executive Member.**
 - b. **to review and witness the signing of a Personal Services Contract between the Elected Executive Member and the FHQ Tribal Council.**

4. **The Elected Executive Member shall within thirty (30) days of his/her election, resign from any other employment position which at the time of his/her election provides pay and/or compensation and from any other board or office.**

XI. STANDARD OF CONDUCT

1. **The Tribal Chief shall, during their term of office, uphold and abide their "Oath of Office".**
2. **The Tribal Chief may be disciplined or removed from office as a result of his/her violations or contraventions of their Oath of Office, as well as conduct outlined in Section XII. Such action shall be initiated by the FHQ Executive Council or by a Chief of a constituent FHQTC First Nation.**

XII. DISCIPLINARY ACTION

1. **The Elected Tribal Chief may be subject to constructive criticism or disciplinary action by the FHQ Chiefs Forum in cases where the Elected Executive Member(s):**
 - a. **are neglecting their duties or responsibilities.**
 - b. **have abandoned their position.**
 - c. **have deliberately interfered in First Nation political or governance systems.**
 - d. **have violated or contravened approved FHQ laws or policies.**
 - e. **have violated or contravened their Oath of Office.**
2. **A complaint submitted by the Executive Council or by a Chief of a constituent FHQTC First Nation must be submitted, in written form, to**

the FHQTC Executive Director, Finance and Administration with the following:

- a. the grounds upon which the constructive criticism or disciplinary action is sought; and**
- b. the material facts that the complaint relies upon.**

The complaint shall be considered insufficient and rejected, if the information specified in (a) or (b) are missing. The submitter shall be promptly informed of the reason for its insufficiency.

- 3. The written complaint shall be provided to the Executive Council and the Elected Executive Member that is the subject of the constructive criticism or disciplinary action.**
- 4. A meeting of the Executive Council shall be held within fifteen (15) days of the written complaint being received. The Executive Council shall review the complaint and based on the facts and grounds alleged:**
 - a. dismiss the complaint if it is plain and obvious that the facts alleged do not support any of the grounds for constructive criticism or disciplinary action; or**
 - b. if the facts alleged do support the grounds for constructive criticism or disciplinary action, then instruct the FHQTC Executive Director, Finance and Administration to hold a duly called meeting, as set out below.**
- 5. Decisions on constructive criticism or disciplinary action shall be made at a meeting of the FHQ Chiefs Forum called specifically for this purpose and approved by a quorum of the Chiefs Forum.**
- 6. For a duly called meeting under this section:**
 - a. the Elected Executive Member and all Member Nations shall be informed, in writing, no later than seven (7) days before the**

meeting date by the FHQ Executive Director, Finance and Administration of:

- i. time, date and place of the meeting; and
- ii. reason(s) for the constructive criticism or disciplinary action, including material facts.

b. The Chair of the meeting shall be:

- i. the Elected Executive Member that is not subject to the complaint; or
- ii. in instances where the Elected Executive Member that is not subject to the complaint is unable to fulfill the role as meeting Chair or when both Elected Executive Members are subjects of the complaint, the Chair shall be the Executive Director, Finance and Administration.

7. The Elected Executive Member that is subject to the constructive criticism or disciplinary action shall be entitled to make statements at the duly called meeting to the FHQ Chiefs that directly address the behaviour, actions and facts alleged that are the subject of the complaint.
8. If the FHQ Chiefs Forum decides in favour of constructive criticism or disciplinary action, then the constructive criticism or disciplinary action shall be coordinated by the appointed Chiefs or their duly selected and authorized representative(s) of the Executive Council, including a reasonable time frame in which said action or behaviour by the Elected Executive Member is to be corrected.

XIII. REMOVAL FROM OFFICE

1. The FHQ Chiefs may remove the Tribal Chief from office upon a voting process under the paragraphs below:
 - a. In cases where constructive criticism or disciplinary action taken by the FHQ Chiefs Forum against the Elected Executive Member fails to correct the behavior or actions of the Elected Executive Member; or

- b. In cases where the Elected Executive Member's actions or behaviour are so egregious and have violated or contravened the Oath of Office or the conduct outlined at Section-XII that it warrants an immediate decision about removal.**

- 2. An Elected Executive Member is removed from office (impeached) when two-thirds or more of the FHQ Chiefs, as described herein, vote in favour of removal at a meeting of the Chiefs duly called for the purpose of this issue. I.e. Currently, a two-thirds vote required for impeachment by the FHQ Chiefs is a minimum of eight (8) of the eleven (11) Member Nations.**

- 3. For a duly called meeting in Section XIII-2,**
 - a. A complaint submitted by the Executive Council or by a Chief of a constituent FHQTC First Nation must be received, in writing, to the Executive Director, Finance and Administration which includes:**
 - i. The grounds upon which the removal from office is sought; and**
 - ii. the material facts that the complaint relies upon.**

 - b. The Elected Executive Member and all Member Nations shall be informed, in writing, no later than seven (7) days before the meeting date by the FHQ Executive Director, Finance and Administration of:**
 - i. time, date and place of the meeting; and**
 - ii. reason(s) for removal – including the grounds for the complaint and material facts.**

 - b. The Chair of the duly called meeting shall be:**
 - i. the Elected Executive Member that is not subject to the complaint; or**
 - ii. in instances where the Elected Executive Member that is not the subject of the complaint is unable to fulfill the role as meeting Chair or when both Elected Executive Members are subjects of the complaint, the Chair shall be the Executive Director, Finance and Administration.**

4. **Prior to conducting a vote, the Elected Executive Member subject to the removal shall be entitled to make statements to the FHQ Chiefs at the duly called meeting that directly rebut, address and/or show cause why he/she should not be removed from office.**

XIV. APPOINTMENT AND DUTIES OF ELECTION OFFICIALS

1. **The appointment of the Chief Electoral Officer and Deputy Electoral Officer shall be made by the FHQ Tribal Council Chiefs at least thirty (30) days prior to the Declaration Date.**
2. **The appointment of the Appeals Committee as per Section XVIII shall be made by the FHQ Tribal Council Chiefs at least thirty (30) days prior to the Declaration Date.**
3. **Electoral Officers, Legal Counsel or Appeals Committee members shall be individuals who:**
 - a. **are not members of constituent First Nations and shall not be elected, employed or contracted individuals with the FHQ Tribal Council or its related Entities.**
 - b. **are ordinarily residents of Saskatchewan.**
 - c. **are not related to candidates or appellants.**
4. **The appointment of election officials terminates upon the completion of his/her duties in the election for which he/she was appointed to act. This includes the time period involved in an appeal or by-election.**
5. **Remuneration for Election Officials shall be paid according to FHQ Tribal Council rates.**
6. **Electoral Officers:**
 - a. **There shall be a Chief Electoral Officer and Deputy Electoral Officer, ratified by the FHQ Tribal Council Chiefs who shall be responsible for ensuring the procedures and regulations as described in this Act, are followed in the Election or By-Election.**

- b. The Electoral Officers shall be empowered to draw upon human resources from within the FHQ Tribal Council and its related Entities to execute his/her duties.**
- c. The Electoral Officers shall be responsible for, but not limited to the following duties:**
- i. the posting of the Notice of Election, Nomination Date and the Elections Act by mail and facsimile to each of the Constituent First Nations.**
 - ii. to preside over the Election or By-Election proceedings.**
 - iii. to ensure facilities are appropriate for secret balloting.**
 - iv. to ensure all arrangements for the ballots, ballot boxes and polling stations are made.**
 - v. to provide:**
 - a) a copy of the Voters List, which includes the Alternate Voters, to each Polling Clerk.**
 - b) the number of Voting Delegates each Member First Nation is entitled to according to Section XV.**
 - vi. to oversee the counting, initialing and distribution of ballots to the Polling Clerks.**
 - vii. to examine and rule on the validity of all ballots cast.**
 - viii. to oversee the counting of ballots to announce the official results.**
 - ix. after the ballots have been counted and the official results announced and in the presence and full view of all persons entitled to be present:**
 - a) place in separate envelopes provided:**
 - all spoiled ballots.**
 - all rejected ballots.**
 - all properly cast ballots.**
 - all unused ballots.**
 - each Polling Clerks copy of the Voters List.**
 - a statement of the Election results.**
 - b) seal all envelopes and initial each one.**

- c) place the aforementioned elected related documents in a container provided for this purpose and seal or lock the container and;
- d) ensure the aforementioned election related documents are safeguarded for sixty (60) days following the Election or By-Election.

7. Polling Clerks

- a. There shall be an appointment of a Polling Clerk for each of the two (2) agencies within the FHQ Tribal Council.
- b. The duties of the Polling Clerk shall be:
 - i. ensure that the required number of ballots are received.
 - ii. initial each ballot.
 - iii. distribute one ballot to each Voter and to make a mark as determined by the Electoral Officers by the Voters name on the Voters list when he/she receives a ballot.
 - iv. complete and provide to the Electoral Officers a statement indicating number of eligible voters, unused ballots and ballots cast.
 - v. if delegated by the Electoral Officers, assist in the counting of ballots but must confer with the Electoral Officers on all questionable ballots.
 - vi. in the case where a voter inadvertently spoils a ballot, issue a second ballot to that voter and place an explanatory note on the spoiled ballot.

8. Scrutineer

- a. Each Candidate may select one Scrutineer.
- b. The duty of the Scrutineer shall be:
 - i. to observe the voting process to ensure that voter eligibility is upheld.
 - ii. to observe that a proper count of the ballots is completed.

XV. LIST OF VOTING DELEGATES

1. **Only First Nations who are member First Nations and/or a Chief of the File Hills Qu'Appelle Tribal Council shall have voting status in the elections.**
2. **Each First Nation shall submit their list of voting delegates, including a list of alternate voters, to the Electoral Officer at least two (2) days prior to Election Day either through the prescribed "Voter's List" form at Appendix 'B' or with all information necessary to identify the eligibility of the delegates on official letterhead of the Member Nation. The voting delegates shall consist of the Chief and Headpersons/Councillors of each First Nation.**
 - a. **Each First Nation shall be entitled to a minimum of five (5) votes, which shall be represented first by the Chief and Councillors/Headpersons.**
 - b. **In cases where the First Nation may be entitled to other designated delegates that exceed the five (5) votes, then the "Additional Voters" must first list the remaining Council, if applicable. Each First Nation may be entitled to additional voting delegates based on the population formula below in Section XV-5.**
 - c. **In instances where the number of voting delegates for a First Nation exceeds the Chief and Headpersons/Councillors, the First Nation shall confirm the selection of their additional voting delegates and alternate voters by way of an official letter or the prescribed "Voter List" at Appendix 'B' signed by a majority of the Council of the First Nation.**
 - d. **In instances where the number of voting delegates for a First Nation is less than the composition of their Council, the First Nation shall confirm the selection of their voting delegates and alternate voters by way of an official letter or submission of the prescribed "Voter List" at Appendix 'B' signed by a majority of the Council of the First Nation.**
3. **Candidates for Tribal Chief shall not be eligible to be placed on the Voters List, as a Voting Delegate or Alternate Voter.**

4. The Council of each Member First Nation may designate on their “Voters List” or in their official letter, a Councillor/Headman to assist with fulfilling the necessary duties of replacing an original voter with an alternate voter on Election Day.

5.
 - a. The number of eligible voting delegates based on the population formula below will be determined according to the population numbers listed in the First Nations Trust and shall be confirmed by the Electoral Officers thirty (30) days prior to the date of the election.

 - b. The Electoral Officer shall inform the Member Nation of the corresponding number of delegates assigned based on the population listed in the First Nations Trust.

The following formula shall apply:

POPULATION	Total # OF VOTES
700 and under	5
701 to 900	6
901 to 1100	7
1101 to 1300	8
1301 to 1500	9
1501 and over	10

6. There shall be only one vote per delegate and one ballot issued per delegate.

7. The alternate voter may replace the voting delegate on the Election day, and this replacement cannot be revoked, when:
 - a. the Chief or designated Councillor/Headman authorize it by the prescribed form “Alternate Voter Designation” or a letter by the Chief or majority of Council allows for the replacement and specifies which voting delegate is replaced; and

 - b. the Chief Electoral Officer confirms that the alternate voter is on the submitted list or listed in the official letter. This means an alternate voters name must be on the “Voter’s List” or official letter according to Section XV-2, which is submitted two days prior to Election day.

8. **The Chief Electoral Officer's decision about a Voter or Alternate Voter is final.**

XVI. NOMINATION SESSION PROCEDURES

1. **A nomination session shall be held on the same day as Election day.**
2. **The Electoral Officers shall preside over the nomination and declaration process.**
3. **The Electoral Officers shall have on hand, all Declarations of Intent.**
4. **The Electoral Officers shall officially declare that nominations are open for the position(s) up for election.**
5. **All nominations shall be moved and seconded including acclamations.**
6. **All nominators and seconders must be registered voting delegates.**
7. **All candidates must be in attendance and shall signify their acceptance of their respective nominations by acknowledgement to the Electoral Officers. In the event that a candidate is unable to attend the nomination meeting, for reasons approved by the Electoral Officers, limited to medical or for reasons of death in his/her immediate family, the nominator may accept on behalf of the candidate.**
8. **No person shall nominate or second more than one individual per elected position.**
9. **All nominations for the position(s) shall be done before candidate speeches are delivered.**
10. **The Electoral Officers shall give reasonable time for nominations for all position(s) before declaring the nominations are closed for that position. When the Electoral Officers are satisfied there are no further nominations, a nominations cease motion shall be deemed in order and carried upon a show of hands at the meeting indicating the majority in favour.**

11. **The nominators shall be allowed a five (5) minute presentation and the candidates shall be allowed a fifteen (15) minute presentation.**
12. **The speakers list will be determined by a random drawing conducted by the Electoral Officers.**

XVII. PROCEDURES FOR ELECTION DAY

1. **The ballots, polling stations and all facilities required are the responsibility of the Electoral Officers including the supervision of a polling stations.**
2. **From the time that the Electoral Officers announce the opening of the polls for voting purposes, the polls will remain open for one hour for each ballot. In the event that all votes are cast and recorded in the official voters list prior to the expiry time, the count will take place.**
3. **There shall be a polling station for each of the two (2) agencies (File Hills and Qu'Appelle) providing enclosed accommodations for the polling and secured from the main meeting area.**
4. **Voting shall be by secret ballot and polling shall be conducted one at a time on separate ballots clearly indicating candidates' names in alphabetical order.**
5. **There shall be secure ballot boxes for the position(s) up for election located at or near the Polling Stations.**
6. **Each Candidate shall be entitled to one scrutineer.**
7. **The Electoral Officers shall oversee, in secure accommodation designated for that purpose, the counting of the ballots with a scrutineer present for each candidate.**
8. **To be declared a winning candidate a person must obtain at least 50% plus one of the properly cast ballots.**
9. **If the Electoral Officers declare no person has received an absolute majority, there will be another ballot. Providing there are more than two Candidates, the candidate with the least number of votes in the first and following ballots shall be dropped.**

10. In the event of a tie, including when there are only two remaining candidates, another ballot(s) will be conducted until there is a clear majority.
11. The Electoral Officers shall officially declare the results of the Election immediately following the official count.
12. Once the Election is concluded, the used ballots (valid, rejected and spoiled) shall be kept for a period of sixty (60) days after the election.

XVIII. APPEALS

13. There shall be an Appeals Committee comprised of five (5) impartial individuals, one of whom shall be a lawyer, as selected by the FHQTC Chiefs during the appointment of Election Officials in accordance with Section XIV herein.
14. Impartial individuals shall be defined as per Section XIV as applicable to Election Officials and shall further include the following as applicable to the Appeals Committee:
 - a. the individual shall not be a member of a constituent First Nation of the FHQ Tribal Council.
 - b. the individual shall not be a relative of the Appellant(s), the Candidate(s) or the Electoral Officers.
3. The lawyer shall assume the role of Chairperson of the Appeals Committee.
4. Any voting delegate or candidate has fourteen (14) calendar days from the day of the Election to appeal the results of an Executive Election.
5. An appeal must be in writing to the Chairperson of the Appeals Committee and must contain details of the grounds upon which the appeal is made.

- 6. The Chairperson of the Appeals Committee shall, upon receipt of a Letter of Appeal, forward the Appeal documents to other members of the Appeals Committee.**
- 7. Following the notification of the other Appeals Committee members, the Chairperson shall, in consultation with the members, select two (2) people from the Committee. The Chairperson of the Appeals Committee and the two selected individuals shall constitute the Appeal Tribunal. No person shall serve on the Appeal Tribunal if they are a member of the immediate family of the Appellant(s) or any Candidate(s) in the Election.**
- 8. Grounds for appeal are restricted to Election practices which contravene this Act.**
- 9. The Appeal Tribunal shall determine its own Rules of Procedure and decision making.**
 - a. The Appeal Tribunal shall rule on whether or not to allow or disallow an appeal hearing within ten (10) calendar days upon receipt, by the Chairperson, of written request for an appeal.**
 - b. If it is judged there is sufficient evidence to warrant an appeal, the Appeal Tribunal may order a hearing within five (5) calendar days of their decision.**
- 10. An Appeal Hearing shall take place consisting of:**
 - a. The Electoral Officers;**
 - b. the Appellant(s) and;**
 - c. the Appeal Tribunal.**
- 11. The Appeal Tribunal, in its decision making process may:**
 - a. order verification of statements of the Appellant(s) and/or the Electoral Officers.**
 - b. compel the attendance of such witnesses as deemed necessary.**
 - c. compel the production of all relevant documentation.**

12. **A final decision of the Appeal Tribunal regarding the election must be made within ten (10) calendar days following the hearing and shall represent a final binding decision of all parties involved regarding the election. The decision may:
 - a. uphold the Election or;
 - b. overturn the results of the Election, either in whole or in part.**
11. **If the Appeal Tribunal hearing overturns the results of the Election, a new Election for the position involved shall be held at a date determined by the FHQ Executive Council following the same procedures and regulations outlined in this Act.**
12. **The Appeal Tribunal shall forward the findings of the Appeal Hearing to all FHQ Tribal Council First Nation Chiefs, the Electoral Officers and to the FHQTC Executive Director, Finance and Administration.**

XIX. BY-ELECTION PROCEDURES

1. **Where the elected Executive position becomes vacant for any of the reasons listed in Section IX and more than twelve (12) months before the date when another Election would be ordinarily held, a By- Election shall be held to fill the vacancy.**
2. **The By-Election shall be conducted in accordance with the terms of the FHQ Tribal Council Election Act.**
3. **The term of any elected Executive position that is filled through a By-Election is the term remaining in the original position.**

XX. OATH OF OFFICE

1. **A person who is elected as a member of the File Hills Qu'Appelle Tribal Council Executive is required to take the FHQTC Oath of Office upon his/her taking office and shall do so at the Annual General Meeting in front of the FHQTC Senate and Assembly. The Oath of Office is attached hereto as Appendix 'a'.**

XXI. AMENDMENTS

1. **This Election Act shall be reviewed at the Annual Chiefs Retreat.**
2. **Amendments can be made to this Act from time to time by resolution of the FHQ Tribal Council Chiefs at any meeting except the Annual General Meeting in accordance with the FHQ Structure and Functional Roles document.**
3. **Amendments to this Act which are adopted are immediately proclaimed into force to govern the FHQTC Election Act.**

APPENDIX 'A'

OATH OF OFFICE

I _____, do solemnly swear and affirm that I will support and defend the laws, values and policies of the File Hills Qu'Appelle Tribal Council; that I will bear true faith and allegiance to same; and that I shall during my term of office as _____ at all times adhere to the following principles and guidelines.

I shall faithfully, honestly and consistently perform the duties of my office to the best of my ability, remembering that my primary duty is to serve the File Hills Qu'Appelle Tribal Council;

I shall promote and uphold the integrity and dignity of the File Hills Qu'Appelle Tribal Council, its policies, structures, institutions and programs;

I shall perform my duties free of any personal interests. I shall promptly disclose any "conflict of interest" (as defined in the Structure & Functional Roles document), direct or indirect financial interest I have in a matter and I shall exempt myself from participation in the discussion of the matter of voting in respect to the matter.

I shall honor, respect and support the Elders of the File Hills Qu'Appelle Tribal Council.

I shall show respect for the authority of the Chiefs Forum and other governance structures of the File Hills Qu'Appelle Tribal Council.

I shall discharge my duties and responsibilities in a manner becoming my position.

I shall be prompt, courteous and temperate in the performance of my duties.

I shall maintain respect for my colleagues, the managers and employees of the File Hills Qu'Appelle Tribal Council, its institutions and departments.

I shall demonstrate and practice honesty, fairness, respect, justice and objectivity in my involvement in the affairs of the File Hills Qu'Appelle Tribal Council.

I shall respect the political autonomy and integrity of each FHQ First Nation, Agency and structures.

I shall speak positively about, without publicly criticizing, the laws or the policies of the File Hills Qu'Appelle Tribal Council and its institutions. If I feel that changes would be advisable, I will provide constructive criticism or suggestion through the proper channels of policy development or the amendment processes of the File Hills Qu'Appelle Tribal Council or its institutions.

I shall keep confidential all information of the File Hills Qu'Appelle Tribal Council. I shall use information obtained on the job for the intended purpose only. I will give out official, classified or confidential information only when the release of such information has been authorized by the File Hills Qu'Appelle Tribal Council.

I shall be accountable to the FHQ First Nations and the FHQ Chiefs Forum including reporting on a regular basis.

I am qualified to hold the position of _____

APPENDIX 'B' – Forms

ALTERNATE VOTER DESIGNATION

[Election Act, Section XV]

Date: _____

BALLOT: First _____

Second _____

Third _____

NAME: _____

FIRST NATION/BAND: _____

TEN DIGIT STATUS NUMBER to show membership/citizenship in a FHQTC Member Nation:

NAME OF VOTER BEING REPLACED ON VOTERS LIST:

REQUIRED SIGNATURES

CHIEF OR ACTING CHIEF OR DESIGNATED COUNCILLOR/HEADMAN:

ALTERNATE VOTER:

ELECTORAL OFFICER:

VOTERS LIST
[Election Act, Section XV].

Each Member Nation is entitled to a minimum of five (5) voting delegates (notwithstanding additional delegates according to population), the voting delegates shall be comprised of the Chief and the Headmen/Councillors of the respective Member First Nation..

VOTERS LIST MUST BE SUBMITTED AT LEAST TWO DAYS PRIOR TO ELECTION DAY

First Nation: _____	NAME	STATUS NUMBER	
CHIEF			
COUNCIL			
COUNCIL			
COUNCIL			
COUNCIL			

Additional Voting Delegates:

For those Member Nations who may be entitled to additional voting delegates for population under Section XV-5 and for when the Chief and Headman/Councillor delegates have been filled. For those Member Nations who have more than five (5) voting delegates, the delegates must first list Council as their delegates before listing any non-Council voting delegates.

NAME				
NAME				
NAME				
NAME				
NAME				
NAME				
NAME				
NAME				
NAME				

(Add additional rows as needed)

DESIGNATED COUNCILLOR/HEADMAN
[Election Act, Section XV]

NAME:				
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Alternate Voting Delegates

Possible alternate voters must be submitted TWO DAYS prior to Election Day

DELEGATE's NAME				
NAME				
NAME				
NAME				
NAME				
NAME				
NAME				
NAME				
NAME				

(Add additional rows as needed)