

PIIKANI NATION ELECTION BYLAW, 2002

WHEREAS the Piikani Nation governs itself in accordance with its customs and traditions evolved over time as expressed in its declaration titled "PIIKANISSINI"; and

WHEREAS PIIKANISSINI affirms the authority of the Piikani Nation to select its Chief and Council in accordance with its present customs and traditions; and

WHEREAS an Order made under section 74(1) of the *Indian Act*, Revised Statutes of Canada, Chapter I-6, that Piikani First Nation Elections be held under the *Act* was revoked, thereby recognizing the rights of the Piikani Nation to make laws to select its Chief and Council in accordance with its customs and traditions; and

WHEREAS the Piikani Nation Council, in accordance with its power to provide for the conduct of elections on the Piikani Indian Reserve in accordance with the principles of PIIKANISSINI, Election Bylaw Regulations and does hereby enact and declare the Piikani Nation Election Bylaw, 2002 (the "Bylaw") and the Piikani Nation Election Regulations, 2002 (the "Regulations") as its current custom to govern the elections for office and the removal from office of its Chief and Councillors.

CITATION

1.01 This Bylaw may be cited as the "Piikani Nation Election Bylaw, 2002".

COMPOSITION OF COUNCIL

2.01 The Band Council of the Piikani Nation (hereinafter called the "Piikani Nation Council") shall consist of one Chief and eight Councillors.

*Amended by referendum October 8, 2014
BCR 2014-0916-07*

CHIEF

3.01 The Chief of the Piikani Nation shall be the candidate who receives the highest number of votes cast for the office of Chief at a Piikani Nation Election.

COUNCILLORS

4.01 The Councillors of the Piikani Nation Council shall be the candidates who receive the highest number of votes cast for the office of Councillor at a Piikani Nation Election.

ELECTORAL DISTRICT

5.01 The Piikani Indian Reserve Number 147 and 147B in the Province of Alberta (hereinafter called the "Reserve"), shall consist of one electoral district.

ELIGIBILITY FOR OFFICE

6.01 All members of the Piikani Nation, who are Twenty-One (21) years of age or over and are not otherwise disqualified by this Bylaw, are eligible to hold office as a Chief or Councillor of the Piikani Nation Council.

- 6.02 A Piikani Nation member shall be ineligible to be nominated for or hold the office of Chief or Councillor if
- 6.02.01 that person has been convicted of an indictable offence under the Criminal Code of Canada during a five year period prior to the date of a Piikani Nation Election in which he might otherwise be a candidate, unless as part of his defence in those proceedings he reasonably argued that he was exercising an aboriginal right;
 - 6.02.01A that person has been convicted of a summary conviction offence under the Criminal Code of Canada involving theft, fraud, misrepresentation, bribery, breach of trust or such other similar offence during a five year period prior to the date of a Piikani Nation Election in which he might otherwise be a candidate;
 - 6.02.02 that person is subject to an order for parole which states that such person cannot hold public office;
 - 6.02.03 that person is liable for court costs to the Piikani Nation or its related business corporations or other entities that are owned or controlled, in whole or in part, by the Piikani Nation, and has failed to pay said court costs for a period exceeding 90 days;
 - 6.02.04 that person has resigned from office as a Chief or Councillor without the consent of the Piikani Nation Council during the term immediately prior to the election;
 - 6.02.05 that person has been removed from office as a Chief or Councillor by virtue of sections 11.01 to 11.08;
 - 6.02.06 that person has conducted a corrupt practice as determined by the principles of PIKANISSINI or otherwise;
 - 6.02.07 that person owes money to the Piikani Nation or its related business corporations or other entities that are owned or controlled, in whole or in part, by the Piikani Nation, and has not entered into a written agreement for the repayment of that money;
 - 6.02.08 that person owes money to the Piikani Nation or its related business corporations or other entities that are owned or controlled, in whole or in part, by the Piikani Nation, has entered into a written agreement for the repayment of that money, but has been delinquent in payments under that agreement within the 90 days prior to the date of the nomination meeting for the Piikani Nation Election;
 - 6.02.09 that person has not filed for bankruptcy or, if he has filed for bankruptcy, has been discharged from those bankruptcy proceedings for a period of at least two years;
 - 6.02.10 that person has commenced a lawsuit or some other form of legal proceedings, including before a tribunal, against the Piikani Nation, its related business corporations or other entities that are owned or controlled, in whole or in part, by the Piikani Nation, or the Piikani Nation Council, which legal proceedings have not been concluded, settled or dismissed;

- 6.02.11 that person has a civil judgment or restitution order against him in favour of the Piikani Nation or its related business corporations or other entities that are owned or controlled, in whole or in part, by the Piikani Nation for misappropriation of funds, theft, fraud, bribery, breach of trust, or such other similar offence, which has not been fully paid or satisfied; or
- 6.02.12 that person is or has been in breach of this Bylaw or the Regulations during a five year period prior to the date of a Piikani Nation Election in which he might otherwise be a candidate, as determined by the Chief Electoral Officer exercising his discretion reasonably.

*Amended June 25, 2008, September 16, 2014, September 13, 2022
BCR 2008-0625-01, 2014-0916-04, 2022-0913-01*

- 6.03 A person who has become ineligible to be nominated for or hold the office of Chief or Councillor for a term pursuant to Section 6.02.04 or 6.02.05 shall be eligible to be nominated for or hold the office of Chief or Councillor after four (4) years from the Piikani Nation Election for which he was found to be ineligible.

*Amended September 16, 2014
BCR 2014-0916-04*

ELIGIBILITY TO VOTE

- 7.01 Any registered member of the Piikani Nation twenty-one (21) years of age or over on the Piikani Nation Election date may vote at a Piikani Nation Election, provided his name has been added to the list of voters prepared by the Chief Electoral Officer.
- 7.02 Notwithstanding Section 7.01, the Chief Electoral Officer, as appointed pursuant to the Regulations, shall not be entitled to vote at a Piikani Nation Election unless there is an equal number of votes for two or more candidates for the office of Chief or if there is an equal number of votes for two or more candidates for the final position of Councillor of the Piikani Nation Council, in which case the Chief Electoral Officer shall
 - 7.02.01 conduct a re-count of the vote, and if the result is still an equal number of votes for each candidate;
 - 7.02.02 in front of as many witnesses entitled to be at the counting of the ballots and in the exercise of his sole discretion cast a deciding vote to break the tie.

TENURE

- 8.01 Commencing with the Piikani Nation Election in the year 2003, the Chief and Councillors elected to the Piikani Nation Council shall hold office for a term of approximately four (4) years commencing at 8:00 a.m. local time the day following the Piikani Nation Election date on which they are elected and terminating at midnight of the next Piikani Nation Election date.

VACANCIES

- 9.01 The office of Chief or Councillor shall become vacant when the person who holds that office

- 9.01.01 is convicted of an indictable offence under the Criminal Code of Canada during his term of office, unless as part of his defence in those proceedings he reasonably argued that he was exercising an aboriginal right;
- 9.01.01A is convicted of a summary conviction offence under the Criminal Code of Canada involving theft, fraud, misrepresentation, bribery, breach of trust or such other similar offence during his term of office;
- 9.01.02 dies or resigns from office;
- 9.01.03 is removed from office or otherwise becomes ineligible to hold office pursuant to this Bylaw.

*Amended September 13, 2022
BCR 2022-0913-01*

- 9.02 The majority of the Piikani Nation Council shall acknowledge and declare by Band Council Resolution that a person is ineligible to continue to hold the office of Chief or Councillor if that person has been convicted of an indictable offence during the present term of office.

PETITION

- 10.01 Proceedings to declare a person ineligible to continue to hold the office of Chief or Councillor may be initiated by
 - 10.01.01 any eligible voter filing with the Piikani Nation Chief Executive Officer a petition (the "Petition") on which shall appear:
 - (a) the grounds pursuant to Section 10.05 on which removal of a designated Chief or Councillor is sought;
 - (b) the evidence in support of the Petition;
 - (c) the signature of the originator of the Petition (the "Petitioner");
 - (d) the signatures of not less than one third (1/3) of the eligible voters of the Piikani Nation in support of the Petition; or
 - 10.01.02 the Chief or a Councillor filing with the Piikani Nation Chief Executive Officer a petition on which shall appear:
 - 10.01.02.1 the grounds pursuant to Section 10.05 on which removal of a Chief or Councillor is sought;
 - 10.01.02.2 the evidence in support of the Petition;
 - 10.01.02.3 the signature of the Petitioner.

*Amended September 13, 2022
BCR 2022-0913-01*

10.01A The Piikani Nation Council may, on its own motion, appoint a member of the Council to prepare and prosecute a Petition made pursuant to section 10.01.

*Enacted September 16, 2014
BCR 2014-0916-04*

10.01B Any reference to the Piikani Nation Chief Executive Officer in this Bylaw or the Regulations is to be read as a reference to the Piikani Nation Chief Executive Officer, the Piikani Nation Chief Operating Officer, or such other equivalent senior executive within Piikani Nation Administration as designated by Council.

*Enacted September 13, 2022
BCR 2022-0913-01*

10.02 On receipt of such Petition, the Piikani Nation Chief Executive Officer shall verify that the Petition complies with Section 10.01. If the Petition does not so comply, the Piikani Nation Chief Executive Officer shall reject the Petition and shall so notify the Petitioner.

10.03 If the Petition complies, the Piikani Nation Chief Executive Officer shall place the matter on an agenda for a regular general meeting of the Piikani Nation Council not more than twenty-one (21) business days from the date of receipt of the Petition and shall serve said Petition on the Chief and Councillors of the Piikani Nation Council.

*Amended September 13, 2022
BCR 2022-0913-01*

10.03A In the event that the Chief Executive Officer is unable to undertake the duties set out in this section 10 because of a conflict of interest with respect to the Petitioner, the Chief or Councillor subject to the Petition (the “Respondent”), or in relation to the evidence in support of the Petition, the Piikani Nation Council shall appoint a designate to undertake the duties set out in this Section 10.

*Enacted September 13, 2022
BCR 2022-0913-01*

10.03B In the event that the position of Chief Executive Officer is vacant, the Petition shall be filed with the Chief of the Piikani Nation Council, who shall undertake the duties set out in this section 10.

*Enacted September 13, 2022
BCR 2022-0913-01*

10.04 The Piikani Nation Council shall review the Petition and shall

10.04.01 by Band Council Resolution declare that they have found insufficient evidence to support a recommendation that the Respondent be declared ineligible to continue to hold the office of Chief or Councillor; or

10.04.02 by Band Council Resolution make a recommendation to the Piikani Nation Removal Appeals Board that proceedings be conducted to determine whether the Respondent should be declared ineligible to continue to hold the office of Chief or Councillor and to remove the Respondent from office.

*Amended September 13, 2022
BCR 2022-0913-01*

10.05 The Piikani Nation Council may, by unanimous consent of those members of the Council present, including the Chair, but excluding the Petitioner and Respondent, as evidenced by a Band Council Resolution and in accordance with subsection 10.04.02, recommend that a person be declared ineligible to continue to hold the office of Chief or Councillor if

10.05.01 the Respondent has been absent from four (4) consecutive regular general meetings of the Piikani Nation Council without proper notice to the Piikani Nation Council in respect of such meetings;

10.05.02 the Respondent has failed to maintain a standard of conduct expected of a member of the Piikani Nation Council, and without limiting the generality of the foregoing, does any of the following:

- (a) accepted or offered a bribe, forged a Piikani Nation document or was otherwise dishonest in his official role;
- (b) attended a Piikani Nation Council meeting in an intoxicated state;
- (c) conducted a corrupt practice;
- (d) failed to act in accordance with the principles of PIIKANISSINI;
- (e) abused his office such that the conduct negatively affected the dignity and integrity of the Piikani Nation or the Piikani Nation Council;
- (f) used his position in an attempt to obtain a benefit for himself, a member of his immediate family, or another person with whom he is not acting at arm's length;
- (g) conducted himself in a manner that undermines the lawful authority of the Piikani Nation Council and has negatively affected the Piikani Nation Council or the Piikani Nation;
- (h) acted independently without the approval of the Piikani Nation Council in a manner that exceeds the authority of a member of the Piikani Nation Council;
- (i) ceases to remain eligible to hold the office of Chief or Councillor pursuant to section 6.02; or

- (j) such other conduct as shall be determined by the Piikani Nation Council to be of such a serious nature that removal from office is necessary and appropriate.

*Amended September 16, 2014, September 13, 2022
BCR 2014-0916-04, BCR 2022-0913-01*

- 10.06 The Piikani Nation Council shall have the power to require the production of any evidence including the production of any documents and the attendance of any witnesses in its deliberations. The decision of the Piikani Nation Council shall be rendered within ten (10) days of the date of the meeting at which the deliberations took place and if no decision has been reached within such time limit, the Petition will be deemed to be refused by the Piikani Nation Council pursuant to subsection 10.04.01.

*Amended September 16, 2014
BCR 2014-0916-04*

- 10.07 Where a Petition has been refused under subsection 10.04.01 or deemed to have been refused under section 10.06, the Petitioner may appeal the decision to the Piikani Nation Removal Appeals Board by filing a notice of appeal with the Piikani Nation Chief Executive Officer.

- 10.08 Upon making a recommendation pursuant to subsection 10.04.02, the Piikani Nation Council shall have the power to suspend the Respondent from office by unanimous consent of those members of the Council present, including the Chair, but excluding the Petitioner and Respondent, as evidenced in a Band Council Resolution, until a decision is rendered by the Piikani Nation Removal Appeals Board. Such suspension shall take effect until service is made pursuant to section 11.01. The Piikani Nation Council shall provide written reasons for the suspension.

*Amended September 13, 2022
BCR 2022-0913-01*

- 10.09 Nothing herein shall derogate from the inherent or implied power of the Piikani Nation Council to discipline the Chief or any Councillor, in any manner short of removal from office, including the issuance of temporary disciplinary suspensions with or without payment of Honoraria.

*Enacted September 16, 2014
BCR 2014-0916-04*

- 10.10 For the purposes of this section, "Costs" shall include any costs reasonably incurred in the prosecution or defence of a Petition, including, without limitation, travel costs, legal costs, costs of any subsequent judicial review, and court awarded costs. The Piikani Nation Council shall indemnify a Petitioner or Respondent for Costs as follows:

- 10.10.01 The Piikani Nation Council shall indemnify a Petitioner appointed pursuant to section 10.01A for any Costs reasonably incurred in the prosecution of the Petition contemplated by the appointment.

- 10.10.02 The Piikani Nation Council has discretion to indemnify a Petitioner, other than a Petitioner appointed pursuant to section 10.01A, for Costs, or any portion of

Costs, if the prosecution of the Petition is deemed to be in the best interests of the Piikani Nation, or if the Petitioner was ultimately successful.

- 10.10.03 The Piikani Nation Council has discretion to indemnify a Respondent for Costs, or any portion of Costs, if the prosecution of the Petition is deemed to be frivolous, vexatious, or brought for a political purpose or other improper purpose, if the defence of the Petition is otherwise in the best interests of the Piikani Nation, or if the Respondent was ultimately successful.
- 10.10.04 Where the Piikani Nation Council indemnifies a Petitioner or a Respondent for Costs, or any portion of Costs:
- (a) that Petitioner or Respondent shall pay to the Piikani Nation any court awarded costs he may receive, up to the total amount of Costs;
 - (b) the Piikani Nation Council may withhold payment of Costs until that Petitioner or Respondent has delivered an assignment of any court awarded costs;
 - (c) the Piikani Nation Council may require that Petitioner or Respondent to provide documentation of the Costs incurred, including invoices for legal fees, and may refuse to pay Costs if such documentation is not provided; and
 - (d) with respect to documents provided to the Piikani Nation pursuant to subsection (c) hereof:
 - (i) the Piikani Nation shall treat such documentation as confidential and shall take reasonable steps to preserve any privilege associated with the documents; and
 - (ii) no waiver of privilege shall be inferred on the part of the party providing the documents solely by virtue of the fact that the documents were provided to the Piikani Nation.

*Enacted September 16, 2014
BCR 2014-0916-04*

PROCEEDINGS FOR REMOVAL

- 11.01 If a recommendation is made pursuant to subsection 10.04.02 or an appeal is made pursuant to section 10.07, the Piikani Nation Chief Executive Officer shall, within fourteen (14) business days of the members of the Piikani Nation Removal Appeals Board having been appointed by Band Council Resolution, serve a copy of the recommendation or notice of appeal together with the Petition and all supporting documentation on the members of the Piikani Nation Removal Appeals Board, on the Respondent, and on the Petitioner.

*Amended September 13, 2022
BCR 2022-0913-01*

11.02 The Piikani Nation Removal Appeals Board shall thereupon set a date for the hearing and give at least thirty (30) days written notice of the date, time and place of the hearing to the Piikani Nation Council, to the Chief or Councillor who is subject to the recommendation or appeal, and to the Petitioner.

*Amended September 13, 2022
BCR 2022-0913-01*

11.03 The Respondent shall be given full opportunity to make answer and defence to the proceedings, including being provided with full disclosure of evidence before the hearing.

*Amended September 13, 2022
BCR 2022-0913-01*

11.04 The Respondent shall be given full opportunity to make answer and defence to the proceedings at the hearing, including requiring the production of documents, the attendance of witnesses and the right to counsel.

*Amended September 13, 2022
BCR 2022-0913-01*

11.05 The Piikani Nation Removal Appeals Board shall determine the rules for the conduct of the hearing as it determines necessary and appropriate in the circumstances.

11.05A The Piikani Nation Removal Appeals Board shall have the power to require the production of any evidence, including the production of any documents and the attendance of any witnesses, and is not limited to considering the evidence that was contained in or appended to the Petition or was before the Piikani Nation Council during its deliberations pursuant to sections 10.03 to 10.08.

*Enacted September 16, 2014
BCR 2014-0916-04*

11.06 The Piikani Nation Removal Appeals Board shall determine whether the Respondent has failed to meet the standard of conduct expected of a member of the Piikani Nation Council and is therefore ineligible to continue to hold the office of Chief or Councillor, and in making that decision shall take into consideration all relevant matters, including but not limited to:

11.06.01 the grounds described in section 10.05;

11.06.02 the principles of PIIKANISSINI;

11.06.03 the purpose of the Piikani Nation Election Bylaw and Regulations;

11.06.04 the evidence and submissions of the Petitioner and the Respondent, including any evidence or submissions provided in writing;

11.06.05 past practices and decisions of the Piikani Nation Removal Appeals Board; and

11.06.06 the potential impact of the decision on the Piikani Nation and its members.

*Amended September 13, 2022
BCR 2022-0913-01*

11.07 If the Piikani Nation Removal Appeals Board decides that the Respondent is ineligible to continue to hold office, it shall order that the Respondent be removed from that office.

*Amended September 13, 2022
BCR 2022-0913-01*

11.08 The decision of the Piikani Nation Removal Appeals Board shall be rendered within sixty (60) days of the hearing and shall be final and binding upon all parties, with no further appeal to the Piikani Nation Council, the Piikani Nation Removal Appeals Board or to any Court of Law.

*Amended September 13, 2022
BCR 2022-0913-01*

11.09 The decision of the Piikani Nation Removal Appeals Board shall be in writing and the Piikani Nation Chief Executive Officer shall ensure that the decision is served on all interested parties, including the Piikani Nation Council, the Respondent, and the Petitioner within five (5) business days of the Piikani Nation Chief Executive Officer receiving such decision.

*Amended September 13, 2022
BCR 2022-0913-01*

11.10 The Piikani Nation Council may enact regulations governing proceedings for removal.

*Enacted September 13, 2022
BCR 2022-0913-01*

ELECTIONS

12.01 The Piikani Nation Council may make orders and regulations with respect to Piikani Nation Elections and, without restricting the generality of the foregoing, may make regulations with respect to:

- 12.01.01 scheduling of election dates;
- 12.01.02 the appointment and duties of election officers;
- 12.01.03 procedures and meetings for nomination of candidates;
- 12.01.04 the manner in which voting shall be carried out; and
- 12.01.05 the counting of ballots and the announcement of the result of the election.

ELECTION APPEALS

13.01 The Piikani Nation Council may enact regulations governing election appeals.

- 13.02 Any eligible voter may appeal an election or the election of any candidate on the grounds that
- 13.02.01 there was corrupt practice as determined by the principles of PIKANISSINI in connection with the election; or
 - 13.02.02 there was a violation of this Bylaw or the Regulations in such a way as to affect the outcome of the election as a whole or that of any candidate.

BI-ELECTIONS

- 14.01 If a vacancy shall exist in the office of Chief or Councillor of the Piikani Nation Council at a time when there is greater than twelve (12) months remaining in the unexpired term of the office which is vacant, a bi-election shall be held pursuant to this Bylaw to fill the vacancy.
- 14.02 If the said unexpired term is less than twelve (12) months,
- 14.02.01 if the vacancy occurs in the office of Councillor, the office of Councillor shall remain vacant for the remainder of the term.
 - 14.02.02 if the vacancy occurs in the office of Chief, then the Piikani Nation Council shall elect from among themselves a person to fill the office of Chief for the remainder of the said term.

AMENDMENTS

- 15.01 Except as expressly provided for in subsection 15.02, the Piikani Nation Council by Band Council Resolution may amend this Bylaw and the Regulations providing any such amendment is enacted not less than three (3) months prior to the date set for the Piikani Nation Election.
- 15.02 Sections 2.01, 5.01, 6.01, 7.01, 8.01 and 15.01 shall only be amended if:
- 15.02.01 the amendment has been approved by a majority of the eligible voters by Petition; or
 - 15.02.02 the amendment has been approved by a majority of those eligible voters who vote in a referendum called for that purpose.

*Amended September 16, 2014
BCR 2014-0916-02*

REGULATIONS EFFECT

- 16.01 Regulations passed pursuant to this Bylaw shall take effect upon enactment.

PENALTIES

- 17.01 Any person who is in violation of the Bylaw or Regulations, in addition to any remedy or penalty that may be available, is guilty of an offence and liable to a fine of \$100.00 or imprisonment for thirty (30) days, or both.

INTERPRETATION

18.01 Where in this Bylaw or the Regulations the masculine gender is used, the feminine may be read in substitution as required, and wherever the singular is used, such expression shall also include the plural.

SEVERABILITY

19.01 If any section or subsection hereof or the application thereof to any circumstances is, in any jurisdiction and to any extent, invalid or unenforceable, such section or subsection shall be ineffective as to such jurisdiction to the extent of such invalidity or unenforceability without invalidating or rendering unenforceable the remaining sections or subsections hereof or the application of such section or subsection to circumstances other than those as to which it is held invalid or unenforceable.

REPEAL AND ENACTMENT

20.01 In accordance with its power to provide for the conduct of elections on the Piikani Reserve in accordance with the principles of PIKANISSINI, the Piikani Nation does hereby repeal the Peigan Nation Custom Election Bylaw and the Peigan Nation Custom Election Regulations and does hereby declare and enact the Piikani Nation Election Bylaw, 2002 and the Piikani Nation Election Regulations, 2002 as its current custom to govern the selection for office and the removal from office of its Chief and Councillors until further amended as provided for herein.

READ A FIRST TIME THE 27TH DAY OF JUNE, 2002

CHIEF PETER STRIKES WITH A GUN

READ A SECOND TIME THE 27TH DAY OF JUNE, 2002

CHIEF PETER STRIKES WITH A GUN

DONE AND PASSED by Band Council Resolution No. 7324/2002-03 this 27th day of June, 2002 at a duly convened meeting of the Piikani Nation Council, a quorum existing.

CHIEF PETER STRIKES WITH A GUN
and COUNCIL

PIIKANI NATION ELECTION REGULATIONS, 2002

The Piikani Nation Council in the exercise of its power to enact regulations pursuant to the Piikani Nation Election Bylaw, 2002 and in accordance the principles of PIIKANISSINI does hereby enact the Piikani Nation Election Regulations, 2002.

CITATION

- 1.01 These Regulations may be cited as the "Piikani Nation Election Regulations, 2002" and are referred to as the Regulations herein. The Definitions in the Piikani Nation Election Bylaw, 2002 (hereinafter referred to as the "Bylaw") shall have the same meaning in the Regulations as they do in the Bylaw.

ELECTION NOTICE

- 2.01 On or before the 5th day of December in every fourth (4th) Year commencing in 2002, the Piikani Nation Council shall issue a notice of Piikani Nation Election. The election shall be held no later than thirty-five (35) days from the date of the election notice. The notice shall contain:
- 2.01.01 the date of the Piikani Nation Election,
 - 2.01.02 the name of the Chief Electoral Officer,
 - 2.01.03 the date of the nominating meeting,
 - 2.01.04 the designation of the Polling Places,
 - 2.01.04A the dates and location of advance Polling Places, including off-reserve, and
 - 2.01.05 any other matters with respect to the election.

*Amended October 4, 2022
BCR 2022-1004-01*

- 2.02 The said notice shall be posted in at least three prominent locations on or about the Reserve and shall be published in news media having circulation on the Reserve at the discretion of the Piikani Nation Council.

CHIEF ELECTORAL OFFICER

- 3.01 The Chief Electoral Officer shall be appointed by the Piikani Nation Council prior to the issue of the election notice.
- 3.02 The Chief Electoral Officer shall
- 3.02.01 be a member of the Piikani Nation,
 - 3.02.02 be twenty one (21) years of age or over,

- 3.02.03 be neither a Chief nor a Councillor nor shall he become a candidate in the Piikani Nation Election for which he is appointed or favour, promote, or be associated with the campaign of any candidate,
- 3.02.04 not be an employee of the Piikani Nation Administration, or of Indigenous Services Canada, Crown-Indigenous Relations and Northern Affairs Canada or any Successor Department of the Government of Canada, and
- 3.02.05 not have been found in breach of the Bylaw or these Regulations within the last five years before the appointment.

*Amended October 4, 2022
BCR 2022-1004-01*

3.03 The Chief Electoral Officer is to act as the returning officer of the election and shall provide all necessary means and do all acts that may be required for the purpose of holding the election and taking the votes. Such duties shall include but are not limited to the following:

- 3.03.01 to appoint Interpreters, Scrutineers and other persons required to conduct the election,
- 3.01.02 to prepare the list of eligible voters,
- 3.03.03 to prepare, post and announce the notice of the Piikani Nation Election,
- 3.03.04 to publicize the date, time and place of the nomination meeting,
- 3.03.05 to act as the chairman of the nomination meeting,
- 3.03.06 to prepare lists of eligible and ineligible nominees, from among the nominated, and in so doing to carefully consider any recommendations made in writing by the Elders of the Piikani Nation as to the eligibility or ineligibility of any of the nominees, in accordance with the principles of PIIKANISSINI,
- 3.03.07 to collect on behalf of the Piikani Nation the fees to be assessed pursuant to the Bylaw and these Regulations,
- 3.03.08 to procure the necessary materials and establish Polling Places,
- 3.03.09 to establish regulations and accreditation procedures for Agents employed by candidates at the Polling Places,
- 3.03.10 to establish and conduct any advance polls,
- 3.03.11 to establish and conduct the polls and to be responsible for all matters during polling,
- 3.03.12 to close the polls and gather ballots,
- 3.03.13 to supervise the count of the vote,

- 3.03.14 to declare the successful candidates,
- 3.03.15 to deal with the ballots in accordance with the Bylaw and these Regulations, including ensuring that ballots and ballot boxes are kept secure at all times,
- 3.03.15A to ensure order is maintained at the nomination meeting and Polling Places, and
- 3.03.16 subject to the provisions of the Bylaw, to generally oversee and supervise the conduct and integrity of the election and to act with respect to appeals as required by the Bylaw and these Regulations.

*Amended June 25, 2008, October 4, 2022
BCR 2008-0625-01, 2022-1004-01*

- 3.04 The Chief Electoral Officer shall be provided with a budget, sufficient support staff, space, and other resources by the Piikani Nation Council in order to fulfill his duties pursuant to the Bylaw and Regulations, including resources to be able to obtain independent legal advice regarding the fulfillment of his duties and determinations to be made by him as part of the discharge of his duties.

*Amended October 4, 2022
BCR 2022-1004-01*

- 3.05 In the event that any person breaches these Regulations or the Bylaw, the Chief Electoral Officer may, in his sole discretion, remove that person from the Polling Place or ballot count.

*Amended October 4, 2022
BCR 2022-1004-01*

DEPUTY ELECTORAL OFFICER

- 4.01 The Deputy Electoral Officers as required in order to assist in the conduct of the election shall be appointed by the Piikani Nation Council prior to the issue of the election notice.
- 4.02 The Deputy Electoral Officers shall be
 - 4.02.01 a member of the Piikani Nation,
 - 4.02.02 twenty one (21) years of age or over,
 - 4.02.03 neither a Chief nor a Councillor nor shall he become a candidate in the Piikani Nation Election for which he is appointed or favour, promote, or be associated with the campaign of any candidate,
 - 4.02.04 not be an employee of the Piikani Nation Administration, or of Indigenous Services Canada, Crown-Indigenous Relations and Northern Affairs Canada or any Successor Department of the Government of Canada, and

- 4.02.05 not have been found in breach of the Bylaw or these Regulations within the last five years before the appointment.

*Amended October 4, 2022
BCR 2022-1004-01*

- 4.03 The Deputy Electoral Officer shall perform all duties as assigned and delegated by the Chief Electoral Officer and the expression "Chief Electoral Officer" appearing in these Regulations shall include the Deputy Electoral Officers where such duties have been delegated to him.

INTERPRETERS

- 5.01 Interpreters shall be appointed as required for the conduct of the election by the Chief Electoral Officer not less than twenty-one (21) days prior to the Piikani Nation Election.
- 5.02 An Interpreter shall
 - 5.02.01 be an Indian within the meaning of the Indian Act
 - 5.02.02 be twenty-one (21) years of age or over,
 - 5.02.03 be fluent in the Blackfoot language,
 - 5.02.04 be able to read and write English,
 - 5.02.05 have a knowledge of Blackfoot names and families on the Reserve,
 - 5.02.06 have knowledge of the sign language of the Blackfoot people,
 - 5.02.07 be neither a Chief nor a Councillor nor shall he become a candidate in the Piikani Nation Election for which he is appointed or favour, promote, or be associated with the campaign of any candidate, and
 - 5.02.08 not have been found in breach of the Bylaw or these Regulations within the last five years before the appointment.

*Amended October 4, 2022
BCR 2022-1004-01*

SCRUTINEERS

- 6.01 Scrutineers shall be appointed by the Chief Electoral Officer as required for the conduct of the election not less than twenty-one (21) days prior to the Piikani Nation Election,
- 6.02 A Scrutineer shall
 - 6.02.01 be a Treaty Indian other than a Piikani Nation Member,
 - 6.02.02 not be a member of the Piikani Nation,

- 6.02.03 be twenty-one (21) years of age or over,
- 6.02.04 be fluent in the Blackfoot language,
- 6.02.05 be able to read, write and speak English,
- 6.02.06 not favour, promote, or be associated with the campaign of any candidate, and
- 6.02.07 not have been found in breach of the Bylaw or these Regulations within the last five years before the appointment.

*Amended October 4, 2022
BCR 2022-1004-01*

6.03 A Scrutineer shall

- 6.03.01 act as a witness as to the conduct of the election, including attendance at the nomination meeting, and
- 6.03.02 report to the Chief Electoral Officer any breach of the Bylaw or these Regulations which may affect the outcome of the election.

AGENTS

7.01 Agents may be appointed by candidates for office not less than fourteen (14) days prior to the conduct of the election by filing with the Chief Electoral Officer an appointment in the form stipulated by the Chief Electoral Officer.

7.02 Agents must be

- 7.02.01 members of the Piikani Nation,
- 7.02.02 twenty-one (21) years of age or over,
- 7.02.03 able to read, speak and write English.

7.03 Agents shall be entitled to observe the conduct of the election and the counting of the ballots, but shall not

- 7.03.01 speak or influence or interfere with any voter in the Polling Place, or
- 7.03.02 obstruct or interfere with the Chief Electoral Officer, the Deputy Electoral Officer, the Interpreters or the Scrutineers in completing their duties in accordance with the Bylaw or Regulations.

*Amended October 4, 2022
BCR 2022-1004-01*

7.04 No more than one Agent for each candidate maybe appointed with respect to each polling place and no more than one Agent per candidate may be present at the counting of votes

but the non-attendance of any Agent does not invalidate any act taken pursuant to the Bylaws or these Regulations.

VOTERS LIST

8.01 Not later than twenty-one (21) days prior to the Piikani Nation Election date, the Chief Electoral Officer shall prepare or cause to be prepared a preliminary list of eligible voters from the list of Piikani Nation Members maintained pursuant to the Piikani Nation Membership Code.

*Amended October 4, 2022
BCR 2022-1004-01*

8.02 The list of eligible voters shall be held by the Membership Clerk and shall be made available for review by any Piikani Nation member who is twenty-one (21) years of age or over to determine that his name is on the list of eligible voters.

*Amended October 4, 2022
BCR 2022-1004-01*

8.02A Where a Piikani Nation member who is twenty-one (21) years of age or over determines that his name is not on the list of eligible voters, he may apply to the Chief Electoral Officer to have his name added to the list of eligible voters.

*Enacted October 4, 2022
BCR 2022-1004-01*

8.02B A Piikani Nation member may apply to the Chief Electoral Officer to have his name removed from the list of eligible voters.

*Enacted October 4, 2022
BCR 2022-1004-01*

8.02C A Piikani Nation member who is twenty-one (21) years of age or over may apply to the Chief Electoral Officer to have the name of any other person deleted from the list of eligible voters.

*Enacted October 4, 2022
BCR 2022-1004-01*

8.03 The Chief Electoral Officer shall cause an investigation to be made into the eligibility of the person to be added or deleted and, as a result of his investigation, may add or delete as appropriate a person or persons who are the subject of any such application.

8.04 The Chief Electoral Officer shall furnish a copy of his findings to the person causing the investigation upon written request of such person.

8.05 The Chief Electoral Officer shall be entitled to request any proof, affidavit or statutory declaration of any application or person subject to an investigation under this section.

- 8.06 The Chief Electoral Officer shall finalize the Final Voters List seven (7) days prior to the Piikani Nation Election date.

*Amended October 4, 2022
BCR 2022-1004-01*

NOMINATIONS

- 9.01 Not later than twenty-one (21) days prior to the Piikani Nation Election date, the Chief Electoral Officer shall hold a nomination meeting at the time, date and place described in the Notice of Piikani Nation Election.

*Amended October 4, 2022
BCR 2022-1004-01*

- 9.02 The Chief Electoral Officer shall cause notices of the nomination meeting to be posted in conspicuous places throughout the Reserve and in local news media having circulation on the Reserve not less than seven (7) days prior to the date of the nomination meeting.

- 9.02A The notice of the nomination meeting shall include:

- 9.02A.01 the date, time and place of the nomination meeting,
- 9.02A.02 the eligibility requirements to be met by nominees,
- 9.02A.03 the nomination procedures, and
- 9.02A.04 any other matters relating to nominations.

*Enacted October 4, 2022
BCR 2022-1004-01*

- 9.03 At the time, date and place scheduled for the nomination meeting, the Chief Electoral Officer shall

- 9.03.01 declare the meeting open for the purpose of receiving nominations for the offices of Chief and Councillor,
- 9.03.02 act as chairman of the nomination meeting, which shall be open for the period commencing at 4:00 o'clock in the afternoon and concluding at 7:00 o'clock in the evening, local time,
- 9.03.02A if individuals are waiting in line to deliver their nomination packages at the conclusion of the nomination meeting, whether inside or outside the place of the nomination meeting, permit those individuals to deliver their nomination packages,
- 9.03.03 declare nominations closed at the end of the said time period,
- 9.03.04 if only one person shall have been nominated for the office of Chief, declare that person as duly elected by acclamation,

- 9.03.05 if eight or fewer persons have been nominated as Councillor, declare those persons as duly elected by acclamation, and
- 9.03.06 if the number of persons nominated for the office of Chief exceeds one, or the number of persons nominated for Councillor exceeds eight, then declare that a poll will be held at the time, date and place specified in the notice of Piikani Nation Election to elect the said Chief and/or Councillors as required.

*Amended October 4, 2022
BCR 2022-1004-01*

9.04 Any person eligible to vote may nominate any other person eligible to stand for office pursuant to the Bylaw or Regulations for either the office of Chief or Councillor provided:

- 9.04.01 each nomination shall be seconded by another eligible voter,
- 9.04.02 the person being nominated shall be present when nominated,
- 9.04.03 each nomination for the office of Chief shall be accompanied by the appropriate fee of Seven Hundred Fifty (\$750.00) Dollars and for the office of Councillor Five Hundred (\$500.00) Dollars payable at the time of nomination either by cash, certified cheque or money order payable to the Piikani Nation and delivered to the Chief Electoral Officer. The Piikani Nation Chief Executive Officer shall appoint a person to collect all such fees, and
- 9.04.04 each nominator provides sworn evidence in the prescribed form that he believes the nominee is eligible to be nominated and hold office pursuant to the Bylaw and Regulations.

*Amended October 4, 2022
BCR 2022-1004-01*

9.04A A nomination is not valid unless the nomination is submitted to the Chief Electoral Officer at the nomination meeting with:

- 9.04A.01 the prescribed form sworn by the nominator and seconder,
- 9.04A.02 the prescribed form signed by the nominee accepting the nomination,
- 9.04A.03 the required fee,
- 9.04A.04 the nominee’s criminal record check,
- 9.04A.05 the nominee’s criminal record check consent form, and
- 9.04A.06 the nominee’s record of pardon, if applicable.

*Enacted October 4, 2022
BCR 2022-1004-01*

9.04B Nomination fees are non-refundable.

*Enacted October 4, 2022
BCR 2022-1004-01*

9.05 A person cannot be a candidate for both Chief and Councillor at the same election.

9.06 Following the nomination meeting, the Chief Electoral Officer shall cause to be posted a preliminary list of candidates. If within seven (7) days of posting no notices are received under this section, the list shall be the final list of candidates for office.

9.07 An elector may give the Chief Electoral Officer notice that one or more of the candidates is ineligible to hold office pursuant to the Bylaw and Regulations.

9.07.01 In respect of such notice received within the seven day limit, the Chief Electoral Officer shall convene a hearing to which he shall summon the said elector, the candidate and any other person in his sole discretion.

9.07.02 The Chief Electoral Officer shall resolve the matter at the hearing in a summary manner and may resort to any information or evidence he may receive or which may be brought before him and he shall not be bound by the rules of evidence or procedure in so doing.

9.07.03 Forthwith after any such hearing, the Chief Electoral Officer shall post the final list of candidates in accordance with his decision reached at the hearing.

9.08 Every candidate shall provide the Chief Electoral Officer with a signed consent or release authorizing the Chief Electoral Officer to complete a criminal record inquiry of the candidate to determine his eligibility.

WITHDRAWAL FROM CANDIDACY

10.01 Any candidate who has been nominated may withdraw his nomination no later than seven (7) days after the nomination date by filing with the Chief Electoral Officer a written withdrawal of his nomination signed by himself in the presence of the Chief Electoral Officer, a justice of the peace, a notary public, or a commissioner for oaths, and his name shall not appear on the list of candidates for the office of Chief or Councillor.

*Amended October 4, 2022
BCR 2022-1004-01*

LIST OF CANDIDATES

11.01 Not later than fourteen (14) days prior to the conduct of the Piikani Nation Election the Chief Electoral Officer shall cause to be posted in conspicuous places throughout the Reserve notices of the final list of candidates for the office of Chief and Councillor.

ESTABLISHMENT OF POLLING PLACES

- 12.01 The Chief Electoral Officer shall designate the location of the polling place for the Piikani Nation Election. At the polling place, the Chief Electoral Officer shall provide polling booths for eligible voters to mark their ballots in secret and free from observation.

BALLOT BOXES

- 13.01 At the polling place, the Chief Electoral Officer shall cause to be procured as many ballot boxes as are required for the purposes of the election.
- 13.02 The Chief Electoral Officer at the polling place shall, immediately before commencement of any poll, open the ballot boxes and call the Scrutineers and Agents and such other persons as may be present to view that the ballot boxes are empty. He shall then lock and seal the boxes to prevent them from being opened without breaking the seal and shall place them in public view for the reception of ballots and the seal shall not be broken until the poll is officially terminated and the ballots are to be counted.

MATERIALS

- 14.01 At each polling place, the Chief Electoral Officer shall cause to be provided sufficient ballot papers in the form prescribed by the Chief Electoral Officer containing the list of candidates for Chief and for Councillor listed in alphabetical order. Such ballot papers shall be retained after preparation by the Chief Electoral Officer under lock and key and shall be delivered by him to a Deputy Electoral Officer at the polling place immediately prior to opening the poll.
- 14.02 In each compartment, the Chief Electoral Officer shall cause to be provided sufficient materials for marking the ballot papers and a sufficient number of explanatory directions for voting.

ADVANCE POLLS

- 14A.01 Where Piikani Nation Council has determined that one or more advance polls should be held prior to the election date, the Chief Electoral Officer shall follow the procedures for such advance polls as set out in this section.

*Enacted October 4, 2022
BCR 2022-1004-01*

- 14A.02 Not later than seven (7) days prior to the election date, the Chief Electoral Officer shall cause the advance polls to be held and such vote shall be conducted in the same manner as a vote on the election date, and all provisions in the Bylaw and these Regulations respecting the conduct of the election on the election date and all related matters apply, with all necessary modifications, to the holding of an advance poll, except that:

- 14A.02.01 After eligibility to vote is confirmed in accordance with these Regulations, every eligible voter who presents himself at an advance poll, and before being permitted to vote, shall be required by the Chief Electoral Officer to complete a statement that he is voting at an advance poll and such completed statements

shall be kept securely in the custody of the Chief Electoral Officer with other records of the Polling Place,

- 14A.02.02 The Chief Electoral Officer shall also make an entry in the final eligible voters list to indicate that person voted at an advance poll,
- 14A.02.03 The ballots cast shall be kept in a separate ballot box for each advance poll,
- 14A.02.04 Immediately after the close of the advance poll, the Chief Electoral Officer shall seal the ballot box so that it cannot be opened and no ballots can be deposited into it without breaking the seal and the ballot box must remain sealed and kept securely in the custody of the Chief Electoral Officer until the close of the Polling Places on the election date when the ballots shall be counted in accordance with sections 17.01 to 17.11 of these Regulations, and
- 14A.02.05 Immediately after the close of the advance poll, the Chief Electoral Officer shall advise the Deputy Electoral Officer of the names of all those eligible voters who voted at the advance poll, and the Chief Electoral Officer shall keep the list of eligible voters, which will indicate those eligible voters who voted at the advance poll, securely in his custody until the Election Date at which time that list shall be used on the Election Date.

*Enacted October 4, 2022
BCR 2022-1004-01*

VOTING PROCEDURE

15.01 Every polling place shall be kept open on the Piikani Nation Election date from 9:00 o'clock in the forenoon until 8:00 o'clock in the evening of the said day, local time.

15.01A No campaigning is permitted at the Polling Places.

*Enacted October 4, 2022
BCR 2022-1004-01*

15.02 All voting shall be by secret ballot.

15.02A No unofficial cameras or other recording devices shall be permitted in the voting compartments or at the Polling Places.

*Enacted October 4, 2022
BCR 2022-1004-01*

15.03 An elector may vote once only for Chief and for the number of Councillor he chooses, not exceeding the number of Councillors to be elected. A ballot containing votes for more than one Chief or the number of Councillors to be elected is void.

*Amended October 4, 2022
BCR 2022-1004-01*

15.04 When a person whose name is on the list of eligible voters presents himself for voting purposes, the Chief Electoral Officer or Deputy Electoral Officer, as the case may be, shall

- 15.04.01 satisfy himself that the name of the person is registered on the list of eligible voters,
 - 15.04.02 initial a ballot to indicate valid issuance of same,
 - 15.04.03 provide the ballot to the elector on which to register his vote, and
 - 15.04.04 cause to be placed in the proper column of the eligible voter's list a mark opposite the name of the person receiving the ballot to indicate the issuance of a ballot to that person.
- 15.05 The Chief Electoral Officer shall not issue a ballot to any person whose name does not appear in the eligible voters list, unless the voter is sworn in for voting purposes.
- 15.06 If the Chief Electoral Officer is satisfied that such person is eligible to be added to the voters list he shall require such person to be sworn in and shall add his name to the voters list.
- 15.07 The Chief Electoral Officer shall when requested to do so explain the mode of voting to any eligible voter.
- 15.08 On receiving a ballot, each voter shall
- 15.08.01 forthwith proceed to the compartment provided for marking ballots and shall mark his ballot by placing his mark(+, x and/or check mark) opposite the name of the candidate or candidates for whom he desires to vote,
 - 15.08.02 fold the ballot so as to conceal the name of the candidates and the marks on the face of the ballot but so as to expose the initials of the Chief Electoral Officer,
 - 15.08.03 on leaving the compartment, forthwith deliver the ballot to the Chief Electoral Officer.
- 15.09 On receiving a ballot the Chief Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballot, verify his initials and at once deposit in the ballot box in the presence of the voter and of all other persons entitled to be present.
- 15.10 While any voter is in the compartment for the purpose of marking his ballot, no other person shall be allowed in the same compartment or be in any position from which he can see the matter in which such voter marks his ballot, except as otherwise specifically provided in the Bylaw or these Regulations.
- 15.11 On the request of any voter who is unable to read or write English or is incapacitated by blindness, deafness or otherwise from voting in the manner prescribed by these Regulations, an Interpreter or Scrutineer shall assist the voter as follows:
- 15.11.01 In the case of a person who cannot read, write or speak English, the Interpreter shall:
 - 15.11.01.01 explain the mode of voting to the voter,

- 15.11.01.02 identify the candidates,
- 15.11.01.03 call the Blackfoot and English names of the candidates on the ballot,
- 15.11.01.04 allow the voter to mark his own ballot.
- 15.11.02 In the case of a person who is deaf, the Interpreter shall through sign language
 - 15.11.02.01 explain the mode of voting,
 - 15.11.02.02 identify the candidates,
 - 15.11.02.03 allow the voter to mark his own ballot.
- 15.11.03 In the case of a person who is blind, the Interpreter shall
 - 15.11.03.01 explain the mode of voting to the voter,
 - 15.11.03.02 call out the names of the candidates in English or Blackfoot as requested,.
- 15.11.04 In the case of a person who is blind or physically incapable of marking his ballot due to physical handicap, a Scrutineer shall mark the said ballot as instructed by the voter and shall initial on the face of the ballot in a conspicuous place at the bottom to indicate that the ballot was marked by him pursuant to instructions from the voter.
- 15.11.05 An Interpreter or Scrutineer shall not in any way influence a voter to cast a vote for any particular candidate.
- 15.12 The Chief Electoral Officer shall mark on the voter's list opposite the name of any elector so assisted, the fact that such elector was so assisted by an Interpreter or Scrutineer and the reasons therefor.
- 15.13 A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall return it to the Chief Electoral Officer who shall thereupon write the word cancelled upon the spoiled ballot and cause the said spoiled ballot to be preserved separate and apart from the ballot box. The Chief Electoral Officer shall then issue another unmarked ballot to the voter.
- 15.14 Any voter who has received a ballot paper and who leaves the polling booth without delivering same to the Chief Electoral Officer in the manner provided by Regulations or who refuses to vote shall forfeit his right to vote at the election and the Chief Electoral Officer shall make an entry in the voter's list in the column for remarks opposite the name of such person to show that such person received the ballot paper and declined to vote, in which case the Chief Electoral Officer shall mark upon the face of the ballot paper the word "declined" and all ballot papers so marked shall be preserved separate and apart from the ballot box.

- 15.15 Promptly at 8:00 o'clock in the evening of election day, the Chief Electoral Officer shall publicly declare that the poll is closed, however, all eligible voters who are waiting in line at the Polling Place at such time but who have not yet voted shall be allowed to vote.

*Amended October 4, 2022
BCR 2022-1004-01*

AUTOMATIC OR ELECTRONIC BALLOT PROCEDURES

*Amended October 4, 2022
BCR 2022-1004-01*

- 16.01 Notwithstanding the procedure prescribed for manual voting and counting of ballots in the Regulations, the procedure for automatic or electronic voting and ballot counting of Piikani Nation elections shall be conducted in accordance with sections 16.02 to 16.09.

- 16.02 The ballot shall be a mark-sense ballot which can be scanned by optical scan read head technology in order to electronically read and tabulate ballots.

- 16.03 The ballot shall be marked with a special marking pen to be provided by the Chief Electoral Officer that leaves a high density mark on the ballot which can be read with high reliability by the electronic ballot tabulator.

- 16.04 The ballots shall be tabulated using a portable precinct ballot tabulator that uses optical scan read head technology to electronically read and tabulate mark-sense ballots.

- 16.04A The Chief Electoral Officer at the polling places shall, immediately before commencement of any poll, assemble the ballot tabulator equipment and call the Scrutineers and Agents and such other persons as may be present to view that the ballot tabulator equipment is in working order and the ballot drum is empty. He shall then lock and seal the drum to prevent it from being opened without breaking the seal and shall place it in public view for the reception of ballots and the seal shall not be broken until the poll is officially terminated and the ballots are to be counted.

*Enacted October 4, 2022
BCR 2022-1004-01*

- 16.04B The Chief Electoral Officer shall run a preliminary report from the ballot tabulator to demonstrate that the ballot count is starting at zero for each candidate.

*Enacted October 4, 2022
BCR 2022-1004-01*

- 16.05 The voter shall be handed a mark-sense ballot when a voting booth is empty. If a ballot contains any imperfection, the Chief Electoral Officer shall stamp "VOID" and shall place the "VOID" ballot in the special envelope for that purpose.

- 16.06 The Chief Electoral Officer shall furnish each voting booth with appropriate voting instructions designed to prevent the voter from spoiling his ballot and instructing the voter what to do if he does spoil a ballot.

16.07 The voter shall vote for his selected candidate in the manner prescribed. The voter shall mark one candidate for the position of Chief and shall mark no more than eight candidates for the position of Councillor. All marks shall be made with the ballot marking pen.

*Amended October 4, 2022
BCR 2022-1004-01*

16.08 When a voter mistakenly marks a wrong box, or when the mark is improperly completed, smudged or erased, it will be considered as a spoiled ballot. In such a case, the voter may request another ballot, and the Chief Electoral Officer must note by the voter's name on the Voting List that the voter was provided with another ballot. The spoiled ballot shall be carefully handled to ensure that any votes marked on the ballot cannot be seen. The spoiled ballot shall then be stamped "VOID", placed in the special envelope for that purpose in the presence of the voter, and kept by the Chief Electoral Officer. The Chief Electoral Officer shall stamp "VOID", in the Voting List where the Voter name appears. The Chief Electoral Officer shall keep a running tally of the number of spoiled ballots so that an accurate count may be made, comparing the number of voters with the number of ballots used.

16.09 The voter shall insert the voted ballot into the secrecy sleeve and deposit in the Ballot Box. If the voter wishes, the voter may hand the ballot to the Chief Electoral Officer who shall deposit it in the Ballot Box in the presence of the Voter.

CLOSING THE POLL/COUNTING THE BALLOTS

*Amended October 4, 2022
BCR 2022-1004-01*

17.01 Immediately after the close of the poll, the Chief Electoral Officer shall, in the presence of such of the Scrutineers, the candidates or their Agents, and all other persons who may be present, open the ballot boxes to count the votes, including the votes from any advance polls.

*Amended October 4, 2022
BCR 2022-1004-01*

17.02 The Chief Electoral Officer shall not permit more than one Agent of any candidate or that candidate to be present at the same time in any place during the counting of the votes.

17.03 In the course of counting the votes, the Chief Electoral Officer shall only open one ballot box at a time.

17.04 The Chief Electoral Officer shall examine all the ballots and shall reject ballots on the following grounds:

17.04.01 ballots which have not been supplied by him,

17.04.02 ballots upon which votes have been given for more candidates that are to be elected.

17.05 The Chief Electoral Officer shall:

- 17.05.01 endorse "rejected" if he rejects a ballot as void, and
 - 17.05.02 endorse "reason to object to" if any objection is made to his decision, and shall initial each endorsement.
 - 17.06 The Chief Electoral Officer shall make a note of any objection made by a candidate or his Agent to any ballot paper found in the ballot box and shall decide any question arising out of the objection in his sole discretion.
 - 17.07 Every objection shall be numbered and the corresponding number shall be placed on the back of the ballot paper and initialled by the Chief Electoral Officer.
 - 17.08 The Chief Electoral Officer shall then count the votes given for such candidate on ballots not rejected, and shall prepare a written statement in words and as well in figures under the following heads using the prescribed form:
 - 17.08.01 Date of election,
 - 17.08.02 Number of persons who voted at the Polling Places,
 - 17.08.03 Number of votes cast for each candidate,
 - 17.08.04 Number of valid ballots cast,
 - 17.08.05 Number of rejected ballots, and
 - 17.08.06 Number of unused and cancelled ballots.
- Amended October 4, 2022
BCR 2022-1004-01*
- 17.09 The prescribed form shall then be signed by the Chief Electoral Officer, the Scrutineers, and those of the candidates or their Agents who are present and desire to sign it.
- Amended October 4, 2022
BCR 2022-1004-01*
- 17.09A The Chief Electoral Officer shall provide his signed form to the Chief Executive Officer to be kept as part of Piikani Nation records.
- Enacted October 4, 2022
BCR 2022-1004-01*
- 17.10 At the completion of the counting of the votes and in the presence of the candidates or Agents of the candidates and the Scrutineers, the Chief Electoral Officer or the Deputy Electoral Officer shall make up and seal separate packets containing:
 - 17.10.01 the used ballots that have not been objected to and have been counted,
 - 17.10.02 the used ballots that have been objected to but have been counted,
 - 17.10.03 the rejected ballots,

- 17.10.04 the spoiled ballots,
- 17.10.05 the unused ballots,
- 17.10.06 the notes taken of objections made to ballots found in the ballot box, and
- 17.10.07 the list of electors,

and such packets shall be verified on the face thereof by description and the signature of the said Chief Electoral Officer.

17.10A Where a portable precinct ballot tabulator is used to electronically read and tabulate mark-sense ballots, at the close of the polls the Chief Electoral Officer shall:

- 17.10A.01 open as many ballot boxes as may be necessary to hold the ballots and call the Scrutineers and Agents and such other persons as may be present to view that the ballot boxes are empty,
- 17.10A.02 collect all ballots from the ballot drum and transfer them to the ballot boxes, and
- 17.10A.03 lock and seal the ballot boxes to prevent them from being opened without breaking the seal.

*Enacted October 4, 2022
BCR 2022-1004-01*

17.11 The said materials shall be retained by the Chief Electoral Officer under lock and key until the time for all appeals shall have passed without an appeal or the conclusion of any appeal shall have been reached, at the end of which time such materials may be destroyed by the Chief Electoral Officer in the presence of a Scrutineer.

SECRECY OF VOTING

- 18.01 Every person in attendance at a polling place shall maintain and assist in maintaining the secrecy of the voting.
- 18.02 No person shall interfere or attempt to interfere with a voter when marking his paper or obtain or attempt to obtain at the polling place, information as to how a voter is about to vote or has voted.

DECLARATION OF RESULT

19.01 Immediately after completion of the counting of the votes, the Chief Electoral Officer or the Deputy Electoral Officer shall publicly declare to be elected the candidate or candidates having the highest number of votes for the Chief and Councillor in accordance with the Bylaw and these Regulations and he shall also post a notice in conspicuous places about the Reserve a statement signed by him showing the number of votes cast for each candidate.

ELECTION APPEALS

- 20.01 For the purpose of hearing any appeals resulting from the conduct of the election, an Appeals Board is hereby established. Such Appeals Board shall be referred to as the Piikani Nation Election Appeals Board.
- 20.02 The Piikani Nation Election Appeals Board shall consist of persons appointed by the Piikani Nation Council not less than thirty (30) days prior to a Piikani Nation Election date.
- 20.03 A person appointed pursuant to section 20.02 to the Piikani Nation Election Appeals Board
 - 20.03.01 shall be twenty-one (21) years of age or over,
 - 20.03.02 may be a member of the Piikani Nation,
 - 20.03.03 may be of Blackfoot origin,
 - 20.03.04 shall not favour, promote, or be associated with the campaign or promotion of any candidate, and
 - 20.03.05 shall not be an employee of Piikani Nation Administration, or of Indigenous Services Canada, Crown-Indigenous Relations and Northern Affairs Canada or any Successor Department of the Government of Canada.

*Amended October 4, 2022
BCR 2022-1004-01*

- 20.04 The Piikani Nation Election Appeals Board shall be appointed for a term commencing on appointment and terminating after the time for taking appeals from an election has passed in accordance with the Bylaw and these Regulations or all appeals have concluded from the Piikani Nation Election for which they were appointed. Members of the Piikani Nation Election Appeals Board may be reappointed after the end of their term for future Piikani Nation Elections.
- 20.05 The Piikani Nation Election Appeals Board shall be responsible to conduct, hear and determine in accordance with the Bylaw and these Regulations any appeal from a Piikani Nation Election.
- 20.06 Any eligible voter may lodge an appeal against a Piikani Nation Election by
 - 20.06.01 filing within fourteen (14) days of the Piikani Nation Election a written document on which shall appear;
 - 20.06.01.01 the grounds pursuant to the Bylaw on which the election is appealed,
 - 20.06.01.02 the evidence in support of the appeal,

20.06.01.03 the signature of a person initiating the appeal.

*Amended October 4, 2022
BCR 2022-1004-01*

20.07 Any notice of appeal shall

20.07.01 be accompanied by cash, a certified cheque or a money order payable to the Piikani Nation in the amount of Five Hundred Dollars (\$500.00) which shall be non-refundable, and

20.07.02 be served either personally on the Chairman or by forwarding the appeal to the Piikani Nation Election Appeals Board via registered mail, mailed within such period addressed to:

Chairman
Piikani Nation Election Appeals Board
Piikani Nation Administration Office
Brocket Alberta T0K 0H0

with such service to be effected within fourteen (14) days of the Piikani Nation Election.

*Amended October 4, 2022
BCR 2022-1004-01*

20.08 The Piikani Nation Election Appeals Board shall not receive or consider any appeals with respect to:

20.08.01 the eligibility of candidates, or

20.08.02 the removal of any person from the Polling Place or ballot count for breach of these Regulations or the Bylaw.

*Amended October 4, 2022
BCR 2022-1004-01*

20.09 If no appeals are lodged within the time prescribed, the Chairman shall notify the Chief Electoral Officer and the Piikani Nation Council that the results of the Piikani Nation Election are conclusive.

20.10 Upon receipt of an Appeal, the Piikani Nation Election Appeals Board shall cause a copy of the Appeal to be served on all candidates for the office of Chief or Councillor. Service shall be effected personally, by registered mail, or by email if the candidate has provided an email address on his nomination form.

*Amended October 4, 2022
BCR 2022-1004-01*

20.10A Service of the Appeal on all candidates shall be effected by the Piikani Nation Election Appeals Board within seven (7) days of receipt of the Appeal.

*Enacted October 4, 2022
BCR 2022-1004-01*

20.11 Any such candidate may reply in writing to the Appeal by

20.11.01 setting out in the reply

20.11.01.01 their response to the grounds of appeal set out in the appeal, and

20.11.01.02 any evidence in support of their position.

20.12 Any such reply shall be served within fourteen (14) days of the date of service of the Appeal on the candidates.

20.13 Such replies shall be served by personal service on the chairman of the Piikani Nation Election Appeals Board, or by forwarding the reply by registered mail, mailed within such period, addressed to:

Chairman
Piikani Nation Election Appeals Board
Piikani Nation Administration Office
Brocket, Alberta T0K 0H0

20.14 The appeal and the replies to the appeal, if any, and the evidence supplied in connection with each shall constitute the record for purposes of the appeal.

20.15 Upon expiry of the time for filing replies, the Board shall meet to hear and determine the appeal.

20.16 In their deliberations, the Piikani Nation Election Appeals Board may, in their sole discretion,

20.16.01 examine the record,

20.16.02 conduct hearings of the Appellant, the Respondent and any witnesses which either may call and the Board permit to be heard,

20.16.03 cause the appearance as witness of the Appellant or Respondent or any witnesses who may, in the Board's opinion, assist the Board in deciding the appeal,

20.16.04 generally conduct the proceedings in any way which the Board, in its sole discretion, deems appropriate in order to decide the appeal, and the Board may make or establish procedures, regulations and orders governing the conduct of any such hearings or any proceedings of the Board as the Board determines to be necessary and appropriate in the circumstances, provided that such procedures, regulations and orders do not conflict with the Bylaw, these

Regulations, or any regulations enacted by Piikani Nation Council governing election appeals.

*Amended October 4, 2022
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- 20.17 The Board shall give reasonable notice of the hearing to the Appellant and the Respondent and give each party full opportunity to present his evidence and submissions at the hearing.
- 20.18 The decision of the Board must be rendered within twenty-one (21) days of the filing of the Appeal and shall be final and binding on all parties and not subject to further review by the Piikani Nation Council, the Board, or any Court of Law. Copies of the decision shall be provided to the Appellant, the Respondent, and to the Piikani Nation Council.
- 20.19 The decision of the Piikani Nation Election Appeals Board shall either
 - 20.19.01 uphold the appeal and, in the sole discretion of the Piikani Nation Election Appeals Board:
 - 20.19.01.01 if the circumstances warrant, declare that the entire election be set aside and that a new election be conducted forthwith for all of the positions for Councillor, or for the position of Chief, or for both; or
 - 20.19.01.02 if the circumstances warrant, declare that only one or some of the positions for Councillor be declared vacant and that a new election for the one or more positions shall be held forthwith; or
 - 20.19.01.03 if the circumstances warrant, declare that a candidate or candidates for office of Chief or Councillor is in breach of the Bylaw and/or Regulations and thereby disqualified from holding office and to declare the candidate with the next highest number of votes to be elected as Chief or Councillor, or
 - 20.19.02 dismiss the Appeal.
- 20.19A In making its decision, the Piikani Nation Election Appeals Board shall take into consideration all relevant matters, including but not limited to:
 - 20.19A.01 the purpose of the Bylaw and the Regulations.
 - 20.19A.02 the evidence and submissions of the Appellant and Respondent before it, including any evidence or submissions provided in writing, and
 - 20.19A.03 past practices and decisions of the Piikani Nation Election Appeals Board.

*Enacted October 4, 2022
BCR 2022-1004-01*

- 20.20 Any person lodging an appeal may at any time before a final decision has been rendered by the Piikani Nation Election Appeals Board withdraw his Appeal and such Appeal is thereupon deemed to have been dismissed.

APPEALS RESPECTING THE REMOVAL OF THE CHIEF OR A COUNCILLOR

- 21.01 For the purpose of hearing an appeal resulting from a petition to remove the Chief or a Councillor from office, an Appeals Board is hereby established. Such Appeals Board shall be referred to as the Piikani Nation Removal Appeals Board.

- 21.02 The Piikani Nation Removal Appeals Board shall consist of persons appointed by the Piikani Nation Council who shall be appointed not less than seven (7) days after the Piikani Nation Council has received a referral or recommendation from Council or an appeal resulting from a petition calling for the removal of the Chief or Councillor.

*Amended October 4, 2022
BCR 2022-1004-01*

- 21.03 A person appointed pursuant to section 21.02 to Piikani Nation Removal Appeals Board

21.03.01 shall be twenty-one (21) years of age or over,

21.03.02 may be a member of the Piikani Nation,

21.03.03 may be of Blackfoot origin, and

21.03.04 shall not be an employee of the Piikani Nation Administration, or of Indigenous Services Canada, Crown-Indigenous Relations and Northern Affairs Canada or any Successor Department of the Government of Canada.

*Amended October 4, 2022
BCR 2022-1004-01*

- 21.04 The Piikani Nation Removal Appeals Board shall be appointed for a term commencing on appointment and terminating after the time the Piikani Nation Removal Appeals Board has rendered a decision. Members of the Piikani Nation Removal Appeals Board may be reappointed after the end of their term for future referral or recommendations from Council or appeals resulting from a petition calling for the removal of the Chief or a Councillor.

*Amended October 4, 2022
BCR 2022-1004-01*

- 21.05 The Piikani Nation Removal Appeals Board shall be responsible to conduct, hear and determine in accordance with the Bylaw and these Regulations any referral or recommendation from Council or any appeal resulting from a petition calling for the removal of the Chief or a Councillor. The Board may generally conduct the proceedings in any way which the Board, in its sole discretion, deems appropriate in order to decide the appeal and the Board may make or establish procedures, regulations and orders governing the conduct of any such hearings or any proceedings of the Board as the Board determines to be necessary and appropriate in the circumstances, provided that such procedures,

regulations and orders do not conflict with the Bylaw, these Regulations, or any regulations enacted by Piikani Nation Council governing removal appeals.

*Amended October 4, 2022
BCR 2022-1004-01*

- 21.06 Any person lodging an appeal resulting from a petition calling for the removal of the Chief or a Councillor may at any time before a final decision has been rendered by the Piikani Nation Removal Appeals Board withdraw his appeal and such Appeal is thereupon deemed to have been dismissed.

FORMS

- 22.01 Such forms as are required for the purpose of these Regulations shall be prescribed from time to time by the Piikani Nation Council.

VIOLATION

- 23.01 Any person who is in violation of the Bylaw or these Regulations is guilty of an offence and liable to a fine of \$100.00 or imprisonment for thirty days or both.

PROCEDURES DURING A STATE OF EMERGENCY

- 24.01 Notwithstanding these Regulations, in the event that the Piikani Reserve is in a state of emergency as declared by Piikani Nation Council within a three (3) month period prior to the date on which a Piikani Nation Election is to be held, and in order to ensure the safety and wellbeing of Piikani Nation members, election officials, administrative support staff and any other individuals permitted to be present at the nomination meeting or polling places, such procedures as may be determined by Piikani Nation Council in consultation with the Chief Electoral Officer shall be followed.

*Enacted October 4, 2022
BCR 2022-1004-01*