



**NIPISSING
FIRST NATION**

CUSTOM ELECTION REGULATIONS

GIMAAKENG NAAKNIGEWIN

DECEMBER 30, 2020 DRAFT

Amendments

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Table of Contents

1.	Purpose.....	5
2.	Definitions.....	5
3.	Governing Body.....	5
4.	Eligibility to be a Candidate or Hold Office.....	6
5.	Elected Term of Office.....	7
6.	Vacancy of Office.....	7
7.	Election Schedule.....	8
8.	By-Election Schedule.....	8
9.	Electoral Office.....	9
10.	Nominations.....	9
11.	Election.....	11
12.	Mail in Ballots.....	13
13.	Internet Based Voting.....	15
14.	By-Election.....	16
15.	Voting and Counting Ballots.....	18
16.	Disposition of Ballot Papers.....	21
17.	Recount.....	21
18.	Election Appeals.....	22
19.	Penalties.....	23
20.	Amendments, Augmentations and Repeals.....	23
21.	Approved.....	24

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1. Purpose

These Nipissing First Nation Custom Election Regulations – Gimaakeng Naaknigewin will be utilized for the purpose of electing the Governing Body of the Nipissing First Nation.

2. Definitions

“community vote” means a vote of eligible voters held to decide a specific question after a notice of vote has been publicly posted for a minimum (30) thirty days and where a (50%) fifty per cent plus (1) one majority of those in attendance carries the vote.

“eligible voter” means a member of the Nipissing First Nation who has attained the age of (18) eighteen years by or on the date of the vote.

“employed by Nipissing First Nation,” means either being directly employed by and receiving pay from the First Nation or being employed with a company owned, operated and controlled by Nipissing First Nation.

“eniigaanziwaad” means council of Nipissing First Nation comprised of (1) one Chief and (7) seven Councillors comprised of (1) one Chief and (7) seven Councillors

“Gimaakeng Naaknigewin” means these Nipissing First Nation Custom Election Regulations.

“member” means a person whose name appears on a Nipissing First Nation membership list administered under either a Nipissing First Nation Membership Code or the *Indian Act*.

“resident” means a person’s ordinary place of residence (full-time place of overnight sleeping) is located.

3. Governing Body

- a) The Governing Body of the Nipissing First Nation is an elected Council - Eniigaanziwaad comprised of (1) one Chief – Gimaak and (7) seven Councillors - Giidoo-nini (male) Giigdooninii-kwe (female);

- (i) The candidate for Chief getting the highest number of votes from the eligible voters voting in the election will be declared Chief;
- (ii) The (7) seven candidates for Councillor getting the highest number of votes from the eligible voters voting in the election will be declared Councillors;
- (iii) The Councillor getting the highest number of votes from the eligible voters voting in the election will be declared the Deputy Chief.

4. Eligibility to be a Candidate or Hold Office

- (a) Candidates can accept nomination for (1) one position of either Chief or Councillor and must:
 - (i) be an eligible voter,
 - (ii) must be resident within a 100 km radius of Nipissing First Nation administration office located in Garden Village,
 - (iii) take a leave of absence from his/her employment effective from the date of acceptance of nomination until the results of the election have been finalized, if employed by Nipissing First Nation.
 - (iv) comply with Nipissing First Nation code of ethics for Candidates.
- (b) Members elected to the position of Chief or Councillor must:
 - (i) be resident within a 100 km radius of the Nipissing First Nation administration office located at Garden Village for the duration of their term in office except where a temporary leave of absence has been approved by the Nipissing First Nation Council,
 - (ii) resign from his/her employment prior to the first regular Council meeting of the elected government if employed with the Nipissing First Nation,
 - (iii) resign from his/her employment immediately if during his/her elected term of office he/she is employed with any employer where Council confirms a conflict with Nipissing First Nation laws or policies exists.

5. Elected Term of Office

The elected term of the Nipissing First Nation Council shall be (3) three years beginning on the first day of August immediately after the election and ending on the last day of July (3) three years later.

6. Vacancy of Office

- (a) The Office of Chief or Councillor becomes vacant when a person who holds that office:
 - (i) resigns from the Nipissing First Nation Council, or
 - (ii) has died, or
 - (iii) is declared to be mentally incompetent by a Medical or Civil authority, or
 - (iv) misses (3) three consecutive regular Council meetings without just cause as determined by Council, or
 - (v) accepts employment with Nipissing First Nation or contracts to provide service for a fee to Nipissing First Nation, or
 - (vi) is convicted of an indictable offence or is convicted of an offence that is voted by Council to be serious, though not indictable, or
 - (vii) fails to meet the preconditions of subsection 4(a), or fails to meet the requirements of subsection 4(b), or
 - (viii) is or otherwise becomes ineligible to hold office by virtue of these regulations.
- (b) The office of Chief or Councillor does not necessarily become vacant should the Chief or any Councillor(s) be convicted of an offence arising from the exercise of aboriginal or treaty rights which have been approved in a community vote by a show of hands. In specific instances where such cases might arise and where the offence is considered serious by Council, a review of all pertinent facts will take place in a meeting of eligible voters on a case by case basis and the need to resign decided in a community vote by a show of hands. A record of the vote will be maintained by the First Nation Council.
- (c) Where an elected person is confirmed to be in violation of the eligibility requirements of these Regulations and that elected person does not resign,

Council will declare the person resigned, declare his/her position vacant and call a by-election subject to Section 6(d) and 8 of these Regulations.

- (d) Where a vacancy occurs in regards to a councillor position prior to the end of their term of office the candidate finishing eighth in the last election shall be offered the vacant position for the remainder of the term, if they decline the position it shall be offered to the candidate finishing ninth and so on.

7. Election Schedule

In the final year of the elected term:

- (a) The Council shall advertise for and appoint a qualified Electoral Officer, designate whether mail-in and/or internet based voting will occur in addition to in-person voting, appoint a Nipissing First Nation Appeal Board by Band Council Resolution, not less than 90 days before the expiration of the current council's terms of office.
- (b) A nomination meeting shall be held on a Friday at least (40) forty days before an advance poll from the hours of 7:00 p.m. to 9:00 p.m. local time.
- (c) An advance poll shall be held from 9:00 a.m. to 2:00 p.m. local time, on a Saturday on or about the first day of July.
- (d) The election will be held from 9:00 a.m. to 8:00 p.m. local time on a Friday (6) six days after an advance poll.

8. By-Election Schedule

A by-election will become necessary where Council confirms a vacancy exists in the position of Chief and more than (8) eight months remains to the end of the term.

- (a) A by-election will be held when necessary and must occur within (60) sixty days of becoming necessary. A vacancy in the position of Chief shall be filled in the interim by the Deputy-Chief or until such time as a by-election is held.
- (b) The Council will appoint a qualified Electoral Officer within (7) seven days of the by-election becoming necessary to preside over the by-election.
- (c) The by-election date will be the last Friday of the period in (a) above and the polls shall be open from 9:00 a.m. to 8:00 p.m. local time.

- (d) A nomination meeting will be held on the Friday a minimum of (40) forty days before the by-election from the hours of 7:00 pm. To 9:00 p.m. local time.
- (e) There will be no advance poll.
- (f) In person, mail in ballots and/or internet voting may be used.

9. Electoral Officer

It is the responsibility of the Electoral Officer to preside over and manage an election or a by-election for the elected positions of Chief and Councillor(s) which shall be held by secret ballot.

- (a) The Electoral Officer will be responsible for the design and development of ballots, notices, report forms/formats, nomination and voting directions and any other printed materials necessary to efficiently manage the electoral process.
- (b) For assistance in an election or by-election, the Electoral Officer:
 - (i) will appoint, direct and supervise a minimum of (1) one Deputy Electoral Officer and will appoint (1) one additional Deputy Electoral Officer for each polling place over and above (2) two polling places open on election day.
 - (ii) will automatically, upon appointing Deputy Electoral Officer(s), confer on the Deputy Electoral Officer(s) equivalent authority to the Electoral Officer with the exception of the authorities described in Sections 10(d), 10(f), 11(e), 14(j), 14(n), 14(o), 14(p), 14(s), 14(t), 15, 16(d), 16(e), 16(j), 16(k), 17(d) and 17(e). In the event that the Electoral Officer is deemed by Council as unable to fulfill his/her duties because of illness or some other unforeseen reason, a Deputy Electoral Officer will be assigned the position of Acting Electoral Officer with all the authorities of the Electoral Officer.
 - (iii) may appoint Poll Clerks. The number, duties, supervision and authorities of poll clerks will be specified by the Electoral Officer on appointment.

10. Nominations - Noozwin Chi-Gaadeg

In order to prepare for and manage nominations, the Electoral Officer:

- (a) shall develop a Voters' List that contains the names, in alphabetical order, of all eligible voters and post in (1) one or more conspicuous places in the community.
- (b) may, establish conduct policy for the nomination meeting that is not inconsistent with Nipissing First Nation Customs Election regulations.
- (c) shall at least (30) thirty days prior to the date of any proposed nomination meeting, mail out nomination packages will be sent to the last known address of eligible voters who live off reserve and who have provided their mailing address to the First Nation, that shall include material necessary for eligible voters to nominate or second a nomination for Chief or Councilors.
- (d) shall at least (30) thirty days prior to the date of any proposed nomination meeting post a notice of a meeting for the purpose of nominating candidates for election. At a minimum the notice shall specify:
 - (i) the date, day and time per section 7(b) or 8(d) as applicable, on which nominations shall be held,
 - (ii) the location of the nomination meeting,
 - (iii) the eligibility criteria for being a nominator or seconder of a nomination for a candidate for the position of Chief or Councillor, and
 - (iv) the eligibility criteria for being a candidate for the position of Chief or Councillor.
- (e) shall, at the time and place specified in the notice of nomination, declare the meeting open, review any Nipissing First Nation nomination meeting conduct policy, and declare that any eligible voter may nominate or second the nomination of any qualified person for the position of Chief or Councillor.
- (f) Declare any written nominations received and if the same qualified person receives two written nominations for the same position, the second nomination is considered to second the first nomination.
- (g) shall, if the number of persons nominated for election does not exceed the required number, declare the persons so nominated to be elected.

- (h) shall, in the event that more than the required number of persons are nominated for election, declare that a vote will be held on the date selected by Council.
- (i) shall complete a report on the proceedings of the nomination meeting and cause the report to be published and circulated in the community and posted in (1) one or more conspicuous places in the community.
- (j) shall within forty-eight hours following the nomination meeting, forward to each Candidate an Acceptance of Nomination form:
 - (i) verifying that he/she has checked eligibility requirements to stand for election and that he/she is an eligible candidate,
 - (ii) agreeing to submit with the Acceptance of Nomination form a non-refundable \$25.00 candidates fee in cash or certified cheque payable to Nipissing First Nation.
 - (iii) agreeing to allow his/her name to stand for election, and
 - (iv) agreeing that if he/she wishes to withdraw his/her name at a later date, it must be in writing,
 - (v) agreeing that, in any instance where he/she chooses to withdraw his/her name at a later date, it may be with the risk of having his/her name remain on the ballot due to lead time for the printing of ballots.
- (k) All those nominated must provide the electoral officer with a signed Acceptance of Nomination form, with the prescribed fee, within (7) seven days after the nomination meeting in order to be included on the ballot for election. Those that do not shall be disqualified from the election.
- (l) Any Candidate who desires to withdraw their Acceptance of Nomination must do so in writing within (7) seven days before the election.

11. Election

In order to prepare for and manage elections, the Electoral Office:

- (a) shall ensure that an eligible voter only casts one ballot whether it is in person, mail-in or internet based.
- (b) shall, whenever elections are necessary and within (8) eight days of the close of the nominations, prepare a Notice of Vote and cause the notice to be published and circulated in the community and posted in (1) one or

more conspicuous places in the community. At a minimum that notice shall include:

- (i) the location(s), date, day and time per sections 7(c) or 8(e) as applicable, on which any advance poll shall be held,
 - (ii) the location(s), date and time on which the election will be held,
 - (iii) the criteria for being an eligible voter,
 - (iv) the names of the candidates for the positions(s) to be filled by election,
 - (v) where one would check to ensure he/she is included, if he/she is an eligible voter, on the voters' list, and
 - (vi) the name, location, hours and telephone number where the Electoral Officer or Deputy Electoral Officer may be contacted.
- (c) shall, up to the close of polls on election day, review a request by an eligible voter to have the Voters' List amended and if satisfied that the list should be corrected or amended, shall make the necessary corrections when:
- (i) an eligible voter's name has been omitted or is incorrectly set out therein, or
 - (ii) the name of a person not qualified to vote is included therein.
- (d) shall prepare sufficient ballots for the election which:
- (i) contain the names, in alphabetical order, of the candidates for the positions to be filled by election, and
 - (ii) have been designed in such a manner to ensure that a mark on a ballot does not show through to the unmarked side.
- (e) shall secure and make available individual ballot boxes for each advance poll or election-polling place.
- (f) shall, before each in person polling place is open, cause to be available sufficient folded ballot papers that he/she has initialed for validity, materials for marking the ballot papers, and a sufficient number of directions for voting as may be required for each.

- (g) shall provide a compartment at each polling place where eligible voters can mark their ballot papers free from observation.
- (h) shall arrange for constable availability to maintain order at such polling places.
- (i) shall keep all polling places open from 9:00 a.m. local time to 8:00 p.m. local time on the election day, or as established by the Electoral Officer on directions received from the elected Council, but in no case shall the polls be open less than (10) ten hours.
- (j) shall ensure that no candidate has more than (1) one agent, who shall only have observer status, in any polling place at any one time.
- (k) shall, immediately before the commencement of the balloting at any in person poll, open each ballot box and call such persons as may be present to witness that the ballot box is empty; lock and properly seal the ballot box affixing his/her initials to the seal and place in view for the reception of the ballots.
- (l) shall ensure the seal is not broken nor the ballot box unlocked during the time allotted for any voting.
- (m) shall ensure there is efficient and secure communications between polling places.
- (n) shall ensure a Commissioner of Oaths is accessible at each polling place.

12. Mail In Ballots

- (a) The Election Officer shall, at least 30 days prior to the election day, mail to the last known address of every eligible voter who is not ordinarily resident on reserve a mail-in ballot package consisting of:
 - (i) a ballot initialed on the back by the Electoral Officer;
 - (ii) an inner postage paid return envelope pre-addressed to the Electoral Officer;
 - (iii) a second inner envelope marked “ballot” for insertion of the completed ballot;
 - (iv) A voter declaration which shall set out:
 - a. The name of the eligible voter;

- b. His/her band membership number and date of birth;
 - c. The name, address, and telephone number of the witness to the signature of the eligible voter.
- (v) the notice of election;
- (vi) a letter of instruction regarding voting by mail-in ballot, which shall include:
 - a. a statement advising the eligible voter that they may vote in person at any polling station or swear a declaration before the electoral officer, justice of the peace, notary public or duly appointed commissioner for taking oaths, that they have lost the mail-in ballot.
- (b) An eligible voter who is resident on reserve and who is unable to vote in person on election day may, at least (10) days before the election day, request a mail-in ballot from the Electoral Officer.
- (c) Upon receipt of a request for a mail-in ballot under section (b) the Electoral Officer shall:
 - i) mail or deliver a mail-in ballot package to the eligible voter; and
 - ii) indicate on the voter's list that a ballot has been provided to each eligible elector to whom a mail in ballot was mailed or otherwise provided and keep an up to date record on which and the addresses to which, each mail in ballot was mailed or otherwise provided.
- (d) An eligible voter shall vote by mail-in ballot by:
 - i) placing a cross (X) or check mark (✓) opposite the name of the candidate for whom he or she desires to vote; and
 - ii) folding the ballot in a manner so as to conceal the names of the candidates or any marks, but exposes the Electoral Officer's initials on the back; and
 - iii) placing the ballot in the inner envelope and sealing the envelope;
 - a. completing and signing the voter declaration form in the presence of a witness who is at least (18) eighteen years of age; and

- b. placing the inner envelope and the completed , signed and witnessed voter declaration form in the postage paid envelope; and
 - c. delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of polls on the day of the election. Ballots received after the close of polls shall not be counted.
- (e) An eligible voter who is unable to read or is incapacitated because of blindness or some other physical cause from voting in the manner prescribed above, can request one person to assist such eligible voter and place such ballot in the inner and mailing envelope.

13. Internet Based Voting

- (a) An eligible voter may cast a ballot by internet based voting.
- (b) The Electoral Officer in coordination with the First Nation will engage an internet based voting contractor who shall provide:
 - (i) a secure web based platform for eligible voter registration, internet based voting and vote management along with data encryption to secure and protect personal voter data and voting activities;
 - (ii) web based access and management of the voting activities and voters list for the Electoral Officer;
 - (iii) web based voting and technical support for eligible voters and electoral officer;
 - (iv) multiple in person polling station vote coordination;
 - (v) mail in ballot vote coordination;
 - (vi) a complete electronic audit record of each eligible voters interaction with the voting platform accessible by the eligible voter and the electoral officer; and
 - (vii) a final voting tabulation and finalization by the Electoral Officer, including the electronic posting of results.
- (c) The voting platform will ensure that:
 - (i) individual voting results will remain secret at all times and individual voter choices shall be encrypted in such a way as to ensure voter anonymity;
 - (ii) once a voter has voted once by internet based voting, they cannot vote again;

- (iii) email notifications are sent to the voter, and Electoral Officer of all activity associated with a voter using the voting platform, including:
 - (a) registration;
 - (b) confirmation of registration;
 - (c) delivery of electronic voting instructions;
 - (d) delivery of personal PIN (Personal Identification Number);
 - (e) notification of vote recorded; and
 - (f) notification of the voting final results.
- (d) The internet based voting contractor will provide the Electoral Officer with electronic notifications of:
 - (i) real-time updates of each electronic vote cast;
 - (ii) a daily summary of voting activities (at approximately 6pm); and,
 - (iii) any unresolved eligible voter use or interface errors.
- (e) The internet based voting contractor will provide the Electoral Officer with timely notification of any system or communication failures, interruptions or lost data
- (f) The Electoral Officer will provide the list of eligible voters to the internet voting contractor in the manner and format it prescribes prior to the first voting day.
- (g) The Election Officer shall ensure, at least 30 days prior to the election day, that internet based voting information is sent to the last known address of every eligible voter who is not ordinarily resident on reserve including the internet address to access the voting website.
- (h) Following the close of polls at the time prescribed and once finalized by the Electoral Officer, the internet based voting contractor will provide a complete tabulation of all voting results.

14. By-election

In a by-election, the procedures outlined in:

- a. Section 10 shall be followed excepting any references to an advance poll.
- b. Section 11 shall be followed excepting any references to an advance poll.
- c. Section 13, 15 shall be followed excepting that only specified candidates for specified vacancies will show on the ballot.
- d. Sections 16, 17 and 18 will apply in their entirety.

15. Voting and Counting Ballots - Beshkbiige Ginjgewin

It is intended where appropriate in this section that Electoral Officer shall be deemed to include Deputy-Electoral Officer.

At any poll, eligible voters will vote in person and may be required to confirm his/her identity to the Electoral Officer using photo identification in order to receive a ballot on which to register his/her vote.

- (a) Any person representing himself/herself to be an eligible voter asked to confirm his/her identification and being unable to do so will be required to swear and sign an oath that he/she is the person he/she claims to be.
- (b) The Electoral Officer, when requested to do so, shall explain the method of voting to an eligible voter.
- (c) The Electoral Officer, once satisfied as to the true identity of the eligible voter, shall provide the eligible voter with a ballot, draw a line through the appropriate name on the master Voters' List, identify the poll station number beside the name and add any necessary comment beside the name as well. Immediately after any advance poll, and at timely intervals with any other polling places during the election poll, the Electoral officer will update the master Voters' List to ensure that eligible voters register and vote only (1) one time.
- (d) Each eligible voter receiving a folded ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his/her ballot by placing a cross (x) or check mark (✓) opposite the name of the candidate for whom he/she desires to vote. Each eligible voter shall vote no more than (1) one time and may vote for (1) one candidate for Chief and may vote for any number of candidates for Council to a maximum of (7) seven.
- (e) Voting
 - (i) While any eligible voter is in the compartment for the purpose of marking his/her ballot paper, no other person shall, except as provided in subsection (ii) below, be allowed in the same compartment or be in any position from which he/she can see the manner in which such eligible voter marks his/her ballot.
 - (ii) The Electoral Officer, at the request of any eligible voter who is unable to read or is incapacitated by blindness or other physical

cause from voting in the manner prescribed in subsection (i) above, shall assist or can request one person, to assist such eligible voter and place such ballot in the ballot box.

- (iii) No person, except for the Electoral Officer, shall assist more than one eligible voter as described in subsection (ii) above.
- (iv) In the case of (ii) above, the Electoral Officer shall write next to the eligible voter's name on the Voters' list the fact that the ballot paper was marked by him/her at the request of the eligible voter and why.
- (v) Any eligible voter who has inadvertently dealt with his/her ballot paper in such a manner that it cannot be used shall, upon returning it to the Electoral Officer or his/her Deputy be entitled to replace the ballot paper and the Electoral Officer or his/her Deputy shall thereupon write the word "canceled" on the spoiled ballot paper and preserve it.
- (vi) No eligible voter may vote by proxy or authorize another person to vote on their behalf.
- (vii) Any eligible voter to whom a mail-in ballot was mailed or otherwise provided may obtain a ballot and vote in person at a polling place if the voter returns the mail in ballot to the Electoral Officer or his/her Deputy or if they have lost the mail in ballot, the voter provides the Electoral Officer or his/her Deputy with a written affirmation that the mail in ballot is lost, signed in the presence of the Electoral Officer or his/her Deputy or commissioner for oaths.
- (f) Each eligible voter or other person in the case of Section 15(e)(ii) above, upon leaving the voting compartment after having properly refolded the ballot paper so the Electoral Officer's initials are showing, shall proceed directly to where the ballot paper is to be placed in the ballot box.
- (g) Any eligible voter who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the Electoral Officer in the manner specified or, if after receiving the ballot paper refuses to vote, he/she shall forfeit his/her right to vote at the election.
- (h) The Electoral Officer will, without unfolding the ballot paper and in full view of the eligible voter, verify that the validation initials are on the ballot paper and at once deposit the ballot paper into the ballot box.

- (i) At the close of any advance poll and in view of at least (1) one witness, the ballot box(es) will immediately be sealed by the Electoral Officer without taking any count. The seal will be initialed by the Electoral Officer and the witness and the ballot box containing the ballots will be delivered to the First Nation Office and put in the safe where they shall be kept without disturbance until election day.
- (j) On Election Day, the Electoral Officer shall retrieve the ballot box(es) containing the ballots from an advance poll.
- (k) Immediately after the close of the election poll and in each poll location, the Electoral Officer shall in full view of those present, open the ballot box(es). In the case where there has been an advance poll, the ballot box from the advance poll will also be opened and the ballots from the advance poll will be placed, without counting, into an election ballot box.
- (l) The Electoral Officer in view of those present, open each envelope containing a mail in ballot received before the close of polls and without unfolding the ballot,
 - i. reject the ballot if:
 - a. It is not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed,
 - b. The voter declaration form does not contain a date of birth or a band number that matches the information contained for the eligible voter on the voters list,
 - c. The name of the voter set out in the voter declaration form is not on the voters list or,
 - d. The voters list shows that the eligible voter has already voted,
 - ii. in any other case place a mark on the voters list opposite the name of the eligible voter and deposit the ballot in the election ballot box.
- (m) The Electoral Officer shall examine the ballot papers keeping a count of the votes. The Electoral Officer shall reject all ballot papers:
 - (i) that are not validated with an appropriate initial, or
 - (ii) on which votes have been given for more candidates for Chief or Councillors than are to be elected except that such ballot paper

shall be good for any position where the eligible voter has not voted for more candidates than are to be elected, or

(iii) upon which anything appears by which the voter can be identified,

and where ballot papers are rejected, the Electoral Officer shall mark that ballot paper with the word “rejected” and his/her initials and keep a separate count and place them in an envelope marked “rejected”.

- (n) At the end of the paper ballot count on election day, the Electoral Officer shall confirm the results of the internet based voting and consolidate all counts to (1) one grand total for all polling.
- (o) Where the count shows that (2) two or more candidates have an equal number of votes for Chief, Deputy Chief or the final position of Councillor, the Electoral Officer shall use the Lot system to pick the successful candidate. The Lot shall be conducted by placing the names of the candidates on equal size pieces of paper in a box and the name drawn by the Electoral Officer shall be the successful candidate.
- (p) When the grand total from (n) is known and any necessary action from (o) has been taken, the Electoral Officer will communicate with all polling places providing the grand total count and indicating the exact time at which the count at all polling places must be simultaneously announced and candidates publicly confirmed as elected.
- (q) After the public announcement, the Electoral Officer will make and sign a temporary written statement of the number of votes given to each candidate and the number of ballot papers rejected and post it.
- (r) Immediately after the completion of (q) above, all ballots including those in the “rejected” envelopes will be securely delivered from all polling places to the Electoral Officer.
- (s) The Electoral Officer will place all ballot papers and Voters’ Lists into (1) one ballot box or other secure box, lock and seal the box and deliver the box to the First Nation Office for placement in the safe.
- (t) Within (3) three days of the election, the Electoral Officer shall cause a formal, signed report of the results of the election to be published and circulated in the community and he/she shall also post copies in some conspicuous places. A copy of the formal report shall also be forwarded to each candidate and a copy filed in the First Nation Office.

16. Disposition of Ballot Papers

At a minimum (6) six weeks after the Election, the Electoral Officer shall destroy the ballot papers in the presence of (2) two witnesses who shall sign a declaration that they witnessed the destruction of the ballot papers, unless a notice of appeal has been received. Where a notice of appeal has been received, ballot papers must not be destroyed until the appeal procedure is complete.

17. Recount

- (a) A recount will be held only if:
 - (i) any candidate or any eligible voter who voted requests a recount in writing not later than (14) fourteen days after the election, and
 - (ii) if the number of votes separating a candidate who was not declared elected and another candidate for the same position who was declared elected is (5) five votes or less.
- (b) The Electoral Officer will perform the recount.
- (c) The Electoral Officer may appoint assistants to help at a recount.
- (d) If there is a request for a recount that meets the criteria of (a)(ii) above, the Electoral Officer will personally notify and make a record of the notification of all candidates who could be affected by such a recount of the time and place of the recount which shall be no later than (4) four days after the request has been received.
- (e) The Electoral Officer shall retrieve, from the First Nation safe, all ballots and documents relating to the election and securely deliver them to the place of the recount.
- (f) Candidates who could be affected by the recount may be present in person or may designate (1) one agent in writing to represent them at the recount or choose not to attend the recount proceedings at all.
- (g) The candidate who requested a recount must attend the recount and have full view of the ballots as they are counted.
- (h) Eligible voters who voted in the election may attend and witness the recount.
- (i) Upon completion of the recount, the Electoral Officer shall announce the results to those present in the proceedings and the results will be final.

- (j) Upon completion of the recount, the Electoral Officer shall return the documents to the First Nation safe.
- (k) The Electoral Officer shall prepare and sign a formal written report certifying the results of the recount, provide a copy of the report to the candidate(s) concerned, provide a copy of the report to the First Nation for filing and cause a copy of the report to be published in the community newsletter.

18. Election Appeals

- (a) The Nipissing First Nation Appeal Board shall consist of three persons who shall not be eligible voters in the election.
- (b) Up to and including (30) thirty days after an election, any candidate or eligible voter who voted in the election may submit a written appeal of the results of the election by registered mail to the Electoral Officer with a copy to the Nipissing First Nation Appeal Board.
- (c) The particulars, detailed in the written appeal, shall show reasonable grounds for appeal which will include (1) one or more of the following:
 - (i) a candidate having been elected who was not eligible to be a candidate, and/or
 - (ii) a person or persons having voted who were not eligible to vote and that the vote or votes cast by those ineligible persons could have made a difference in the election results and/or
 - (iii) the secrecy guaranteed of the process was compromised and/or
 - (iv) any other grounds that are deemed by the Nipissing First Nation Appeal Board as compromising the outcome of electoral process.
- (d) Where an appeal is received by the Electoral Officer, they shall forward a copy of the appeal to the Nipissing First Nation Appeal board and within (2) two days of the receipt of the appeal, forward a copy of the appeal together with all supporting documents and contact information for the appeal board to each affected candidate in the election.
- (e) The Nipissing First Nation Appeal Board may, within (14) fourteen days of receiving an appeal conduct such investigation into the matter as they deem necessary and in such manner as they deem expedient in order to approve or reject the appeal.

- (f) The Nipissing First Nation Appeal board shall, within (21) twenty-one days of receiving an appeal, make a decision on the appeal and provide the appellant and Nipissing First Nation with a formal written report on the findings and decision, which shall be final.
- (i) The Nipissing First Nation Appeals Board shall, within (4) three days of completing the report referred to in subsection (f), publish a short summary of the findings on the appeal in the community newsletter

19. Penalties

A person who violates any of the provisions of the Nipissing First Nation Custom Election Regulations may be liable to penalties as may be defined by the Council from time to time.

20. Amendments, Augmentations and Repeals

- (a) These Nipissing First Nation Custom Election Regulations may be augmented, amended or repealed by Council on approval in a community vote held after at least (1) one community consultation meeting.
- (b) A written record of decisions from the community vote will be kept and published in the community newsletter.
- (c) In a timely fashion upon such public consultation being completed, the Council shall make the changes approved in a community vote.

21. Approved

- (a) The *Nipissing First Nation Custom Election Regulations*, the first amended version from the 1996 original, was approved in a Nipissing First Nation community vote held in the Garden Village Community Center between the hours of 9:00 a.m. and 8:00 p.m. local time December 8, 1999.
- (g) This *Nipissing First Nation Custom Election Regulations*, the second amended version from the 1996 version was approved in a Nipissing First Nation community vote held in the Garden Village Community Center between the hours of 9:00 a.m. and 8:00 p.m. local time October 27th, 2005.
- (h) This *Nipissing First Nation Custom Election Regulations*, the third amended version from the 1996 version was approved in a Nipissing First Nation community vote held December 30, 2020.