

**MÉTIS NATION OF SASKATCHEWAN  
ELECTION ACT**

**RATIFIED NOVEMBER 6, 1999**

## **ARTICLE ONE - TITLE**

1. This Act may be cited as "The Métis Nation of Saskatchewan Election Act, 1999."

## **ARTICLE TWO - INTERPRETATION**

2. In this Act:

- 2.1. "Act" shall mean the Métis Nation of Saskatchewan Election Act.
- 2.2. "Appeals" shall mean any Appeal of an election by an elector for an act seen to have breached this Election Act, including breach of the Code of Conduct, Conflict of Interest, Eligibility, and breach of Election Regulations.
- 2.3. "By-election" shall mean an election called to fill a vacancy within the Provincial Métis Council.
- 2.4. "Candidate" shall mean any individual who is nominated as a Candidate for the election.
- 2.5. "Chief Electoral Officer" shall mean the individual appointed by the Métis Elections Commission to carry out the duties set out in this Act.
- 2.6. "Commissioner" shall mean any Senator who is appointed by the Métis Nation Legislative Assembly to the Métis Elections Commission.
- 2.7. "Election" shall mean an election called by the Métis Nation Legislative Assembly to elect Executive Members or Regional Representatives.
- 2.8. "Election Officers" shall mean any individual appointed by the Métis Elections Commission to carry out the duties under this Act under the supervision of the Chief Electoral Officer.
- 2.9. "Elector" shall mean any citizen of the Métis Nation of Saskatchewan who is eligible to cast a ballot pursuant to the eligibility requirements of this Act.
- 2.10. "Electoral List" shall mean a list made pursuant to this Election Act naming those citizens entitled to cast a ballot at an election.
- 2.11. "Frivolous Court Action" shall mean any suit that is brought against the Métis Nation of Saskatchewan and dismissed by a Court of Law for having no basis in law or fact.
- 2.12. "Métis Elections Commission" shall mean the Métis Nation of Saskatchewan Métis Elections Commission.
- 2.13. "Métis Nation Legislative Assembly" shall mean the governing authority of the Métis Nation of Saskatchewan, as set out in the Constitution.

- 2.14. "Nominator" shall mean any citizen of the Métis Nation of Saskatchewan who under this Act is eligible to nominate a candidate for an election.
- 2.15. "Ordinarily Resident" shall mean the Region to which the elector is registered as a citizen and the Region of the citizen's fixed home address to which whenever he/she is absent he/she has the intention of returning.
- 2.16. "Poll Book" shall mean the list of names of citizens who have received ballots at an election pursuant to this Act.
- 2.17. "Polling Station" shall mean a place established in each Local where an elector casts his/her vote and which is set up pursuant to this Act.
- 2.18. "Region" shall mean regions as determined in the Métis Nation of Saskatchewan Constitution.
- 2.19. "Senate" shall mean the Métis Nation of Saskatchewan Senate.
- 2.20. "Scrutineer" shall mean an elector who is authorized in writing to represent a candidate at a polling station pursuant to this Act.

### **ARTICLE THREE - MÉTIS NATION LEGISLATIVE ASSEMBLY**

#### **3. In this Act:**

- 3.1. The Métis Nation Legislative Assembly shall set the date for an election by Proclamation, at least once every three years, of the Executive and Regional Representatives, based upon the recommendation of the Provincial Métis Council.
  - 3.1.1. The Métis Nation Legislative Assembly is responsible to proclaim the date for an election at least sixty (60) days prior to election day to allow for the compilation of the electoral list.
  - 3.1.2. The Provincial Métis Council is hereby granted the authority to set the date for any by-elections as provided in the Constitution, that is within ninety (90) days of a vacancy occurring.
- 3.2. The Métis Nation Legislative Assembly, based on recommendations of the Senate, shall appoint three Senators to sit on the Métis Elections Commission.
- 3.3. The Métis Nation Legislative Assembly shall also appoint one Senator as alternate, in the event of death, illness, resignation or Conflict of Interest pursuant to this Act, to the Métis Elections Commission.
- 3.4. The Métis Nation Legislative Assembly has the final decision on any Appeals under this Act.

- 3.5. The Métis Nation Legislative Assembly has the responsibility to determine remuneration of the Métis Elections Commission.
- 3.6. All granting of new Citizenship Cards to the Métis Nation of Saskatchewan shall be suspended from the date of the close of the Electoral List until the day after the general election is held.
- 3.7. The Provincial Métis Council is hereby granted the authority to develop election regulations, pursuant to this Act.

#### **ARTICLE FOUR - MÉTIS ELECTIONS COMMISSION**

4. In this Act:

- 4.1. The Métis Elections Commission shall be composed of three members of the Senate, appointed by the Métis Nation Legislative Assembly, based upon the recommendations of the Senate.
- 4.2. The Métis Elections Commission Commissioners shall meet the requirements of the Code of Conduct pursuant to this Act.
- 4.3. The Métis Elections Commission shall have sole authority and responsibility to conduct elections or by-elections pursuant to this Act and shall be independent and answerable only to the Métis Nation Legislative Assembly.
- 4.4. The Métis Elections Commission shall set the dates for Revision to the Electoral List.
- 4.5. The Métis Elections Commission shall appoint a Chief Electoral Officer.
- 4.6. The Métis Elections Commission shall appoint the Local Returning Officers and Poll Clerks required to conduct an election, based on the recommendation of the Chief Electoral Officer.
- 4.7. The Métis Elections Commission shall be responsible for all election Appeals, the decision of which is final and binding, subject only to appeal to the Métis Nation Legislative Assembly.

#### **ARTICLE FIVE - CHIEF ELECTORAL OFFICER**

5. The Chief Electoral Officer shall:

- 5.1. Meet the requirements of Eligibility, Code of Conduct and Conflict of Interest provisions pursuant to this Act.

- 5.2. Not have filed a Frivolous Court Action against the Métis Nation of Saskatchewan in the last three (3) years.
- 5.3. Not have been convicted of an indictable offence within five years (5) prior to the Election Proclamation.
- 5.4. Set, manage and conduct the election according to this Act.
- 5.5. Recommend to the Métis Elections Commission for appointment all election officers and other required personnel. The Chief Electoral Officer must only recommend election officers that meet the requirements of Eligibility, Code of Conduct and Conflict of Interest provisions pursuant to this Act. Election officers can not have brought a Frivolous Court Action against the Métis Nation of Saskatchewan within the last three (3) years.
- 5.6. Guide and supervise election officers with respect to the conduct of the election.
- 5.7. Ensure that all election officers conduct their duties in compliance with this Act.
- 5.8. Prepare, print and distribute forms for use pursuant to this Act.
- 5.9. Publish the place and hours fixed for the nomination of Candidates and the date fixed for the closing of nominations.
- 5.10. Accept letters of withdrawal from candidates, nominations, letters of appointment for scrutineers and candidate's letters of leave of absence from Métis Nation of Saskatchewan and Métis Nation of Saskatchewan's Affiliate organizations and the one-hundred dollar (\$100.00) bonds submitted with nominations.
- 5.11. Compile and distribute to each polling station, a final Electoral List, pursuant to this Act, prior to the Election day.
- 5.12. Reconcile all ballots for both unofficial and official counts, and prepare an official election report for the Métis Elections Commission.
- 5.13. Publicly declare to be elected the candidate or candidates having the greatest number of votes.

## **ARTICLE SIX - ELIGIBILITY**

6. In order to participate in an election, the participant shall:
  - 6.1. Be a citizen of the Métis Nation of Saskatchewan.
  - 6.2. Be at least sixteen (16) years of age on the day of the election.
  - 6.3. Be a resident of Saskatchewan who has resided therein for at least six months prior to the date of the close of nominations.

- 6.4. In order to vote for a regional representative, have been a resident of Saskatchewan and ordinarily resident in the region for at least six months prior to the date of the close of nominations.

## **ARTICLE SEVEN - ELECTORS**

7. In order to cast a ballot in an election, an elector shall:
  - 7.1. Meet the requirements of Eligibility pursuant to this Act.
  - 7.2. Prior to the close of the Electoral List, transfer his/her citizenship to the Local where he/she is ordinarily resident.
  - 7.3. Be on the Electoral List on Election Day.
  - 7.4. Vote at the polling stations closest to where they are registered and ordinarily resident, pursuant to Article 7.2 of this Act. Electors may request of the Chief Electoral Officer that they be placed on the list of another polling station and such determinations shall be at the discretion of the Chief Electoral Officer. Adequate identification will have to be supplied by the elector to the election official, if such a request is made and a Declaration Form will have to be completed and signed.
  - 7.5. Meet the requirements of the Code of Conduct at the polling station in accordance with this Act.

## **ARTICLE EIGHT - ELECTORAL LIST**

8. The Electoral List shall:
  - 8.1. List all of the Electors eligible to vote in an election.
    - 8.1.1. The Electors shall be listed by Local.
  - 8.2. Be compiled by the Chief Electoral Officer from the most recent Local Citizenship Lists on file at the Métis Nation of Saskatchewan Office.
  - 8.3. Be revised only during a publicly announced revision period. The revision period shall be between the date of the Election Proclamation and thirty days prior to election day to a maximum period of thirty days.
  - 8.4. Upon provision of evidence to the satisfaction of the Chief Electoral Officer, of a legitimate error or omission, a citizen can have his/her name added to, or removed from the Electoral List during the revision period.
  - 8.5. Be posted in each polling station on Election Day.
  - 8.6. Be made available to the candidates.

## **ARTICLE NINE - NOMINATION OF CANDIDATES**

### **9. In this Act:**

**9.1. Any citizen of the Métis Nation of Saskatchewan is eligible to be nominated as a candidate if on the day his/her nomination papers are filed he/she:**

**9.1.1. Meets the requirements of Eligibility pursuant to this Act;**

**9.1.2. Has not filed a Frivolous Court Action against the Métis Nation of Saskatchewan within the last three (3) years;**

**9.1.3. Has not been convicted of an indictable offence within five years (5) prior to the Election Proclamation;**

**9.1.4. If seeking to be a candidate for Regional Representative, is ordinarily resident in the region for which he/she seeks nomination; and**

**9.1.5. Has not been charged with an indictable offence.**

**9.2. Any citizen of the Métis Nation of Saskatchewan is eligible to nominate a candidate if he/she meets the requirements of Eligibility pursuant to this Act;**

**9.3. All nominations for the Executive and the Regional Representatives of the Provincial Métis Council shall be submitted to the Chief Electoral Officer and shall include the following:**

**9.3.1. The signature of the nominator;**

**9.3.2. A letter of acceptance from the potential candidate;**

**9.3.3. A non-refundable bond of one-hundred dollars (\$100.00) which shall be deposited by the Chief Electoral Officer into the electoral fund; and**

**9.3.4. A minimum of five (5) additional individual citizens who shall attest their support of the nomination by signing the nomination form, and if nominating a candidate for Regional Representative, these citizens must be ordinarily resident within the region.**

**9.3.5. Any candidate who accepts a nomination for the Executive or for Regional Representative of the Provincial Métis Council must, if employed by the Métis Nation of Saskatchewan or any of its Affiliates, apply for a leave of absence from such employment at least thirty (30) days prior to the Election Date, effective on the date he/she files such nomination. All such applications for a leave of absence shall be granted. Proof of the leave of absence shall be tendered in writing to the Chief Electoral Officer along with the nomination and the candidate's letter of acceptance for the nomination.**

## **ARTICLE TEN - SCRUTINEERS**

### **10. Scrutineers shall:**

- 10.1. Meet the requirements of the Eligibility and Code of Conduct provisions pursuant to this Act.
- 10.2. Not have been convicted of an indictable offence within five (5) years prior to the Election Proclamation.
- 10.3. Present a letter of authorization from their respective Candidate for the purpose of identifying themselves at the polling station.
- 10.4. Have been appointed by their candidate to represent him/her at that polling station, and to observe the election procedures on his/her behalf. Only one Scrutineer per candidate may be present in the polling area at any one time.
- 10.5. Not impede, prevent, or otherwise interfere in any way with the free exercise of the elector's right to vote or in any way compel, induce or prevail on an elector to vote or to refrain from voting.

## **ARTICLE ELEVEN - SECRECY OF VOTING**

### **11. In this Act:**

- 11.1. Voting in the election shall be by secret ballot.
- 11.2. No person shall interfere or attempt to interfere with an elector who is marking his/her ballot or casting his/her vote or otherwise attempt to obtain at the polling station information as to the candidate or candidates for whom an elector at that polling station is about to vote or has voted.
- 11.3. Each election officer, candidate and scrutineer in attendance at a polling station or at the counting of the ballots shall assist in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at the polling place regarding which candidate an elector has voted for or is about to vote for.

## **ARTICLE TWELVE - CODE OF CONDUCT**

### **12. In this Act:**

- 12.1. No person shall disturb the peace and good order at a polling place or a place where election proceedings are underway.

- 12.2. The Chief Electoral Officer or his/her designate may cause to remove any person who is disrupting or otherwise interfering at a polling place or a place where election proceedings are underway.
- 12.3. No person shall unlawfully take down, cover up, mutilate, deface or alter an election proclamation, notice or other document required to conduct an election pursuant to this Act.

## **ARTICLE THIRTEEN - CONFLICT OF INTEREST**

### **13. In this Act:**

- 13.1. The Commissioners and the Chief Electoral Officer shall not be in a Conflict of Interest respecting their duties;
- 13.2. Conflict of Interest will exist when:
  - 13.2.1. An immediate family member is a candidate or employee or official in the election. An immediate family member is defined as father, mother, stepfather, stepmother, foster parent, brother, sister, spouse (including a common law spouse), child (including a child with a common law spouse), ward, father-in-law, mother-in-law or relative permanently residing with an election official.
  - 13.2.2. Any close personal or business associate is a candidate or employee or official in the election.
- 13.3. In such a case where a Commissioner or Chief Electoral Officer are in Conflict of Interest, he/she will be required to:
  - 13.3.1. Reveal his/her interest in or in connection to the candidate, employee or official;
  - 13.3.2. Refrain from participating in substantive discussion other than to provide, on request, factual information;
  - 13.3.3. Be absent while discussions concerning the candidate, employee or official in question are taking place. The record must reflect that the person in conflict was absent as specified.

## **ARTICLE FOURTEEN - FINANCES**

### **14. In this Act:**

- 14.1. The Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council, shall determine the rate of remuneration and expense accounts for the Commissioners.

- 14.2. There shall be paid out of the General Fund such sums as are required to meet the monetary obligations of the Métis Nation of Saskatchewan under this Act and approved by the Métis Nation Legislative Assembly.

## **ARTICLE FIFTEEN - ASSUMPTION OF OFFICE**

15. The procedure for Assumption of Office shall be:

- 15.1. The newly elected Executive and the Regional Representatives of the Provincial Métis Council shall take office the day after election day, and must take an Oath of Office within thirty (30) days of the announcement of official election results.

## **ARTICLE SIXTEEN - VACANCY OF OFFICE**

16. In this Act:

- 16.1. An office of the Provincial Métis Council is considered vacant when a person who holds that office:

16.1.1. Dies;

16.1.2. Resigns in writing from his/her office; or

16.1.3. Is convicted of an indictable offence and has exhausted such appeals to any appeal courts; or

16.1.4. Ceases to qualify as a candidate by virtue of the membership or residency provisions referred to in Article Six - Eligibility hereof.

- 16.2. A member of the Provincial Metis Council shall take a leave of absence upon being charged of an indictable offence until the matter is dealt with.

## **ARTICLE SEVENTEEN - ENACTMENT**

17. This Act and Regulations:

17.1. Comes into force upon ratification by the Métis Nation Legislative Assembly.

17.2. Is binding upon all citizens of the Métis Nation of Saskatchewan and its Affiliates and organizations.

17.3. Repeals all former election legislation and regulations.

17.4. Has received ratification by the Métis Nation Legislative Assembly on this 6<sup>th</sup> day of November, 1999.