

CONSTITUTION
OF THE
MÉTIS NATION OF SASKATCHEWAN

Adopted December 3, 1993

*Amended June, 26, 1997 &
Amended December 13, 1997*

CONSTITUTION OF THE MÉTIS NATION OF SASKATCHEWAN

PREAMBLE:

The Métis Nation and People are a distinct SOCIETY within the Aboriginal Peoples of Canada. The Métis are distinct from the Indians and Inuit and are the descendants of the historic Métis who evolved in what is now Western Canada and part of the northern United States, as a people with a common political will and consciousness.

Having experienced physical and political conflict and dispossession in the late 1800's, we are still engaged in a continuing struggle to rebuild our social case and revive our cultural heritage and pride. As such, we are striving for the political, legal and constitutional recognition and guarantees of the rights of our People, including the right to a land and resource base, self-government and self-government institutions. In order to achieve these objectives we are hereby reestablishing a strong and revitalized organization within the province of Saskatchewan, which must involve all sectors within our Society.

While pursuing these objectives within Saskatchewan, we are also committed to cooperating with the members of the Métis Nation in the rest of the Métis Homeland in order to develop a National Forum to represent our collective interests at the national and international levels.

ARTICLE 1: **NAME OF ORGANIZATION**

1. The organization shall be known as the "Métis Nation of Saskatchewan".

ARTICLE 2: **MÉTIS NATION LEGISLATIVE ASSEMBLY**

1. There shall be a Métis Nation Legislative Assembly which shall be the governing authority of the Métis Nation of Saskatchewan.
2. The Métis Nation Legislative Assembly shall be composed of the Local Presidents, the Provincial Métis Council and four representatives of the Métis Women of Saskatchewan.
3. The Métis Nation Legislative Assembly shall have the authority to enact legislation, regulations, rules, and resolutions governing the affairs and conduct of the Métis in Saskatchewan.
4. The President shall assign and recommend portfolios, subject to the approval of the Provincial Métis Council and ratification by the Métis Nation Legislative

Assembly. The assignment of portfolios shall be restricted to members of the Métis Legislative Assembly. (Amended June 16/97)

5. The Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council, shall have the authority to appoint Commissions, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization. In so doing the Assembly shall ensure equity of representation from the Youth, Women and Elders.
6. The Métis Nation Legislative Assembly shall meet at least twice a year.
7. Seventy-five members of the Métis Nation Legislative Assembly shall constitute a quorum.
8. Notice of any session of the Métis Nation Legislative Assembly shall require thirty days notice to the Local Presidents and Provincial Métis Council.
9. A person is disqualified from being a member of the Métis Nation Legislative Assembly when:
 - a) he/she dies or resigns
 - b) he/she is under sixteen (16) years of age.
10. All budgets shall be determined by the Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council.
11. The delegates to the Métis National Assembly of the Métis National Council shall be the Provincial Métis Council and the remainder shall be chosen from amongst the members of the Métis Nation Legislative Assembly, while the President shall form part of the Executive Council of the Métis National Council. This Constitution may be amended to take into account and reflect changes which may take place within the Métis National Council.

ARTICLE 3: PROVINCIAL MÉTIS COUNCIL

1. The Provincial Métis Council shall be composed of the elected Regional Representatives, the Executive and one representative from the Métis Women of Saskatchewan for a total of Sixteen (16) Provincial Métis Council members.
2. The Provincial Métis Council shall form the cabinet and be responsible for the portfolios to be assigned and recommended by the President.
3. The Provincial Métis Council shall be responsible for ensuring that the affiliates, departments, programs and services covered by their portfolios are running

smoothly and have the necessary resources to enable them to operate effectively. In addition, they shall provide a report at each meeting of the Provincial Métis Council and each session of the Métis Nation Legislative Assembly or as requested by the President.

4. a) The Provincial Métis Council shall have the authority to appoint Commission, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization and Métis Legislative Assembly directives.
- b) The Provincial Métis Council shall designate persons who may have signing authority for the purpose of conducting the affairs of the Organization, which shall include the Treasurer.
5. The Provincial Métis Council shall meet at least once every two months.
6. Nine members of the Provincial Métis Council shall constitute a quorum.
7. Notice of any meeting of the Provincial Métis Council shall be given at least seven days prior to such meeting.
8. The Provincial Métis Council shall provide written reports to the Métis Nation Legislative Assembly.
9. Elected Provincial Métis Council members and Presidents should not hold paid positions with the Métis Nation of Saskatchewan or any of the Affiliate Boards.
10. The Provincial Métis Council shall set the date and place for each Métis Nation Legislative Assembly sitting, provided no less than Thirty (30) days written notice is given to the President of each Local.

ARTICLE 4: EXECUTIVE

1. There shall be Four (4) Executive members of the Métis Nation Legislative Assembly who are elected province-wide.
2. The Executive shall be composed of the President, Vice-President, Secretary and Treasurer. (Amended December 13/97)
3. The term of office for the Executive shall be three years.
4. a) The President of the Métis Nation Legislative Assembly shall be the head of the Executive, and Chief political spokesperson for the Organization.

- b) The President shall assign and recommend portfolios, subject to the approval of the Provincial Métis Council and ratification of the Métis Nation Legislative Assembly.
5. The Executive of the Métis Nation Legislative Assembly shall meet at least once per month and three members shall constitute a quorum.
6. The Executive shall provide written reports to the Métis Legislative Assembly.
7. Where a vacancy is created for any reason, including death or resignation, the Métis Nation Legislative Assembly shall elect from the Provincial Métis Council members an interim Executive member, who shall serve until a by-election has been held and the vacancy filled.

ARTICLE 5: REGIONS

1. There shall be Twelve (12) Regions as set out in Schedule A of this Constitution.
2. The Regions shall be governed by a Regional Council composed of the Presidents of the Locals within the respective Regions along with a regionally elected representative who shall be the Chairperson of the Regional Council, as well as the Region's Representative on the Provincial Métis Council of the Métis Nation Legislative Assembly.
3. The Regional Council shall have the responsibility of making all appointments to the Institutions and Affiliates at the Regional and Provincial levels. In the event that the Regional Representative is not so appointed, he/she shall be an ex-officio member of all Regional Institutions and Affiliates. (Amended June 26/97)
4. The Regional Council shall establish regional administrative offices.
5. The Regional Councils shall be responsible for programs and services decentralized to that level.
6. The Regional Councils shall enact a Constitution which is not inconsistent with this Constitution and such Regional Constitutions shall be registered with the Head Office.
7. The Regional Councils may incorporate with the appropriate government department.
8. The Regional Councils may seek the necessary finances and resources to carry out

its programs, services, objectives and duties, and where so requested the Provincial Métis Council shall assist in securing these necessary finances and resources.

9. The Regional Councils shall assist their Local Communities in preparing to assume Métis self-government, which includes land, where this is an objective.
10. The Regional Councils shall provide direction to their Representatives on the Provincial Métis Council with respect to all matters, including the aims, objectives and aspirations of the Organization, and for their respective Regions. (Amended June 26/97)
11. Where a vacancy is created for any reason, including death or resignation, the Regional Council shall elect from the members of the Council an interim Regional Representative, who shall serve until a by-election has been held and the vacancy filled.

ARTICLE 6: URBAN COUNCILS

1. The Métis Nation of Saskatchewan shall initiate, assist, support, assign, recommend, and facilitate the development, implementation, and establishment of Métis Urban Self-Government Councils in Saskatchewan.

ARTICLE 6.1: NORTHWEST SASKATCHEWAN MÉTIS COUNCIL

1. The Métis Nation of Saskatchewan shall assist, support, recommend and facilitate the Regions forming the North West Saskatchewan Métis Council to develop, establish and implement Métis governance for their Métis Communities. (Amended Dec.13/97)

ARTICLE 7: LOCALS

1. The Locals shall be the basic unit of the Organization in each community.
2. The Local shall be made up of at least nine members
3. New Locals can be admitted by the Regional Councils provided this decision is ratified by the Métis Nation Legislative Assembly and the requirements herein are met.

4. Locals can be dissolved by the Regional Councils provided this decision is ratified by the Métis Nation Legislative Assembly and the requirements herein are no longer met.
5. The Métis Nation Legislative Assembly shall adopt rules pertaining to the admission and dissolution of Locals.
6. Each Local shall be governed by an elected leadership as determined through the Constitution of the Local, which may include terms of one to three years and elections may be by ballot box or conducted at a General Assembly of the Local membership.
7. Any Métis who is sixteen years of age or over and is a member of the Local shall be entitled to vote or seek office.
8. Each Local shall be enact a Constitution which is not inconsistent with this Constitution, including the establishment of portfolios, committees or other bodies required to address community and other issues, and such Local Constitutions shall be registered with the Regional and Head Office of the Organization.
9. The Locals shall provide yearly up-dates of their membership to the Regional and Head Office, separating those members who are under sixteen years of age, from those sixteen and over.
10. The Locals shall be responsible to prepare the Communities for the assumption of Métis self-government, which includes land, where this is an objective
11. The Locals may incorporate with the appropriate government department.
12. The Locals may seek the necessary finances and resources to carry out their programs, services and objectives, and where so requested the Provincial Métis Council of the Métis Nation Legislative Assembly shall assist in securing these necessary finances and resources.

ARTICLE 8: ELECTIONS

1. Any member who is sixteen years of age or older may vote or seek elected office within the Métis Nation of Saskatchewan.
2. Elections for the Provincial Métis Council of the Métis Nation Legislative Assembly shall be held on the date set by the Métis Nation Legislative Assembly, based upon the recommendation of the Provincial Métis Council.

3. Elections for the Provincial Métis Council of the Métis Nation Legislative Assembly shall be held at least every three years.
4. The Executive of the Métis Nation Legislative Assembly shall be elected by the total membership at the Local polls by secret ballot.
5. Regional Representatives of the Provincial Métis Council shall be elected within their respective Regions through the establishing of a poll in each Local.
6. The Métis Nation Legislative Assembly shall enact, on a priority basis, an Elections Act, along with the necessary regulations and guidelines.
7.
 - a) A Métis Elections Commission composed of 3 Senators is empowered to oversee and conduct the general elections and by-elections of the Organization.
 - b) The terms of office of the Senators who sit on the Commission shall cease at the first session of the Métis Nation Legislative Assembly following the elections.
 - c) The Senators who sit on the Commission shall be appointed by the Métis Nation Legislative Assembly, based upon the recommendations of the Senate, for a term of not more than three years, and are eligible for re-appointment.
 - d) When the election or by-election date has been set and the election called by the Métis Nation Legislative Assembly, based upon the recommendation of the Provincial Métis Council, the Commission shall have sole authority and responsibility to conduct the elections and shall be independent and answerable only to the Métis Nation Legislative Assembly.
 - e) The Commission shall appoint a Chief Electoral Officer and other required personnel.
 - f) The Commission shall be responsible for official recounts and appeals.
 - g) The decisions of the Commission shall be final and binding, subject to the right of appeal to the Métis Nation Legislative Assembly, which decision shall be final and binding.
 - h) 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 Commission members, along with the period

deemed necessary for the work of the Commission.

8. In the event of a vacancy on the Provincial Métis Council of the Métis Nation Legislative Assembly, a by-election shall be called within ninety (90) days from the date of vacancy.
9. When nominations close all candidates shall take a leave of absence for any elected position on the Provincial Métis Council of the Métis Nation Legislative Assembly or any salaried position with the Organization, or its subsidiary bodies. The Provincial Métis Council members and any person who has a salaried position with the Organization shall continue to receive their salary while they are on such leave of absence.
10. When nominations close and until candidates are unofficially elected, the Senators shall be solely responsible for conducting the affairs and activities of the Organization. The Senators shall receive remuneration for their work during this period.
11. The Provincial Métis Council members shall be on call and shall conduct business or represent the Organization from time to time as requested by the Senate. The Provincial Métis Council member shall receive expenses to compensate for travel as requested by the Senate.
12. All defeated or retiring candidates who were on the Provincial Métis Council prior to the election shall be entitled to and will receive their salary for two weeks after the election.
13. Any candidate who's election has been appealed under Section 7(f) and has been found guilty by the Métis Elections Commission of violating Section 9 shall forfeit such elected position with a right of appeal to the Métis Nation Legislative Assembly, which decision shall be final and binding.

ARTICLE 9: METIS NATION OF SASKATCHEWAN HEAD OFFICE

1. The Head Office shall be in Saskatoon.
2. The (12) Regional Offices of the Organization shall be accessible to our People and Leadership.

ARTICLE 10: CITIZENSHIP

1. 'Métis' means an Aboriginal person who self-identifies as Métis, who is distinct from Indian and Inuit, and:

- (i) is a descendant of those Métis who received or were entitled to receive land grants and/or Scrip under the provision of the *Manitoba Act, 1870* or the *Dominion Lands Act*, as enacted from time to time; or
 - (ii) a person of Aboriginal descent who is accepted by the Métis Nation and/or Métis Community. (Amended Dec. 13/97)
- 2. Any Métis who is a member of a duly registered Local is a member of the Métis Nation of Saskatchewan.
- 3.
 - a) A member shall only belong to one (1) Local.
 - b) A person shall reside in the Local for at least (6) months before he/she is eligible for membership in that Local. The Locals may make exceptions for educational and medical purposes.
- 4. Members shall be issued a membership card.
 - a) This card shall provide life-time membership in the Organization.
 - b) There shall be no fee for membership cards.
 - c) Membership cards shall be numbered and a register maintained by the Senate in the Head Office. Replacement cards shall retain original number.
 - d) Membership cards shall be issued by the President or Secretary of a duly registered Local upon completion of the designated form.
- 5. Where there is a dispute as to membership, a ruling shall be made by the Senate, with a final right of appeal to the Métis Nation Legislative Assembly the decision of which shall be final and binding.
- 6. The Métis Nation Legislative Assembly shall enact, on a priority basis, a Métis Citizenship Act. (Adopted November 14, 1997)

ARTICLE 11: GENERAL ASSEMBLY

- 1. A General Assembly, composed of member from the Locals, shall be convened by the Métis Nation Legislative Assembly every year.
- 2. The General Assembly shall provide a Forum whereby the members of the

Organization will receive information, review developments and provide guidance to the Métis Nation Legislative Assembly, and discuss, clarify, amend, vote on and ratify amendments to the Constitution.

ARTICLE 12: SENATE, WOMEN AND YOUTH

1. The Métis Nation Legislative Assembly shall make these items a priority, and shall involve the Senators, Women and Youth in the determination of their role and responsibilities within the Organization.
2. The Métis Women of Saskatchewan shall be designated (1) seat in the Provincial Métis Council and (4) seats in the Métis Nation Legislative Assembly. This provision shall cease to apply when women have achieved equitable representation in the Provincial Métis Council and Métis Nation Legislative Assembly.
3. That appointments to vacancies in the Métis Senate be made at area meetings; Further, that Senate appointments be for lifetime or until such time as the Senator is unable to fulfil his/her duties.
4. That the Senate be given the power to resolve disputes occurring in the Regions and Locals. Further, that decisions of the Senate shall be final and binding.
5. That the Senate be equally represented by male and female.

ARTICLE 13: MÉTIS INDEPENDENCE

1. Whereas the Métis are seeking self-government as a third order of government within Canada, the organization shall be non-secretariat and non-partisan.
2. The loyalty of the members of the Métis Nation Legislative Assembly must be to the Métis People and Nation, and shall swear an Oath of Allegiance prior to taking office.
3. The leadership shall be responsible and accountable to the Communities, as reflected by the Métis Nation Legislative Assembly, which is the Supreme Body for the Métis within Saskatchewan.
4. Members of the Organization are not precluded from joining political parties of the two other orders of government, being the federal and provincial levels of government.
5. Any Provincial Métis Council member of the Métis Nation Legislative Assembly who chooses to seek the nomination of any Provincial or Federal Political Party in

any provincial or federal election shall take a leave of absence from his/her position.

ARTICLE 14: AFFILIATES

1. a) The Métis Nation Legislative Assembly, on behalf of the Métis Nation of Saskatchewan, shall exercise all voting rights, powers, and duties of ownership in relation to the affiliates, based upon the recommendations of the Provincial Métis Council.
- b) Where not currently provided all affiliate Articles and By-laws shall be amended at the first reasonable opportunity to conform with this section.
2. The Provincial Métis Council members who is assigned a portfolio shall automatically sit as the Chairperson of the Affiliate(s) which falls under his/her portfolio.
3. A member who is an employee/staff person/ management of an Affiliate shall not be permitted to sit on any Affiliate Board.
4. All Affiliates shall have representation from the (12) Regions of the Organization, unless otherwise decided by the Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council.

ARTICLE 14 (1): SECRETARIAT (Inserted June 26, 1997)

1. A Secretariat shall be retained under the Non-Profit Corporations Act for the sole purpose of carrying out the administrative duties of the Métis Nation of Saskatchewan. (Inserted June 26/97)
2. The Secretariat shall be known as the Métis Nation of Saskatchewan Secretariat Incorporated. (Inserted June 26/97)
3. The Board of Directors of the Secretariate shall be the same members who are elected to the Provincial Métis Council. (Inserted June 26/97)

ARTICLE 15: AMENDING FORMULA

1. The Constitution shall only be amended by the majority of three quarters of the members of the Métis Nation Legislative Assembly and ratified by three quarters of the members of the General Assembly.
2. All proposed amendments to the Constitution must be registered with the Métis Nation of Saskatchewan Head Office thirty days prior to the sitting of the Métis

Nation Legislative Assembly where reasonable advance notice of the Legislative Assembly is provided. Where the minimum 30 days notice is provided under Article 2, Section 8, all proposed amendments must be registered 14 days prior to the sitting of the Métis Nation Legislative Assembly. (Inserted June 26/97)

ARTICLE 16: IMPLEMENTATION

1. The Constitution shall take effect upon its adoption by the General Assembly subject to amendments validly passed by three quarters of the Assembly present, and the conclusion of General Assembly. Upon the happening of these two conditions all previous By-laws of the Organization are repealed and this Constitution shall constitute the sole Constitution of the Organization, until otherwise determined by the Organization.

**ELECTION REGULATIONS
METIS ELECTIONS COMMISSION
METIS NATION OF SASKATCHEWAN**

REGULATION I

These Regulations apply to "Regional" and "Provincial" elections.

REGULATION II

For the purposes of these Regulations the following definitions apply, viz:

1. "Member of the Metis Nation of Saskatchewan" (Member) - means a Metis person who meets the criteria for membership as set out in the constitution of the Metis Nation of Saskatchewan "MNS");
2. "Elector" - means a Member who is entitled to vote for a candidate for an office pursuant to Regulation III hereof.
3. "Candidate" - means a person who
 - (a) is a Member of the MNS;
 - (b) is entitled pursuant to Regulation III hereof to vote for the specific office for which she is a candidate; and
 - (c) is duly nominated pursuant to Regulation V hereof as a candidate for that office.
4. "Election" - means an election duly called pursuant to the constitution of the MNS.
5. "Metis Election Committee" - means three Senators who are appointed pursuant to the constitution of the MNS and who are responsible to oversee and conduct the general election and by-elections of the MNS.
6. "Chief Electoral Officer" - means the person appointed by the Metis Elections Commission of the MNS to set, manage and conduct elections.
7. "Local Deputy Returning Officer" - means the person appointed by the Chief Electoral Officer to manage and conduct voting procedures at polls within each Local as provided for in this Regulation.
8. "Local" - means a committee of Metis people established at the community level pursuant to the constitution of the MNS and is the basic unit of organization in each community.
9. "Region" - means one of the Regions of the MNS as described in the constitution of the MNS.
10. "Scrutineer" - means a person appointed by a candidate to represent his or her interest at a polling station and to act as an agent of the candidate.
11. "Election Officer" - means the Chief Electoral Officer, the Local Deputy Returning Officer or Poll Clerk as established in these Regulations.

12. "Polling Station" - means the place where electors may vote as established by the Chief Electoral Officer.
13. "Presidential Candidate" - means duly nominated persons entitled to run for the office of President of the MNS.
14. "Candidate for Secretary" - means the duly nominated persons entitled to run for the Office of Secretary of the MNS.
15. "Candidate for Treasurer" - means the duly nominated persons entitled to run for the office of Treasurer of the MNS.
16. "Regional Representative Candidate" - means the duly nominated persons entitled to run for the Office of Representative for a Specific Region of the MNS.
17. "Poll Book" - means the register of electors maintained by each Local Deputy Returning Officer.

REGULATION III

Qualifications of Electors

1. Any Member who resides, and who has resided therein, for at least six months, in the Region where a Regional election is being held and who is sixteen year of age or older is entitled to vote in that election for the Office of Regional Representative, and is entitled to vote in any election for the offices of President, Secretary and Treasurer of the MNS.
2. The following rules apply for the purpose of determining an individual member's residence:
 - (a) "Community" - means, for the purposes of Regulation III.2, Local or Region whichever the case may be.
 - (b) "Fixed Home" - the physical residence of a person is his true, fixed permanent home or lodging place to which whenever he is absent he has the intention of returning. Evidence based upon the address shown on the person's last income tax return, driver's license, Saskatchewan Hospitalization card, or any other governmental material shall be conclusive evidence of the fixed home address of the person.
 - (c) "Temporary Residence" - a person shall be deemed not to have gained a residence in the community if he comes for temporary purposes to that community without the intention of making some place therein his home. A person does not lose her residence by leaving her home for temporary purposes.
 - (d) "Leaving the Community" - if a person leaves a community with the intention of making her residence elsewhere she loses her residence in the community which she leaves.
 - (e) "Indefinite Absence" - if a person removes himself to a place outside a community with the intention of making that place his place of residence for an indefinite time he loses his residence in the community notwithstanding that he entertains the idea or intention of returning at some future time.

- (f) "Regular Lodging" - a residence of a single person is the place where she occupies a room as a regular lodger or to which she habitually returns not having any other permanent lodging place.
 - (g) "Computation of Time" - the time of residence shall be computed by including the day in which the person's residence commences and also the day in which the election is to be held.
3. A person shall be deemed to have only one place of residence for purposes of these Regulations.
 4.
 - (a) If a person claims to have two or more residences then for the purposes of these Regulations he must select with the head office or the Chief Electoral Officer once an election is declared and declare one of the residences to be his actual residence and he is precluded from changing that selection for sixty (60) days.
 - (b) Any person claiming two or more residences must select the residence to be used for the purposes of the Election by filing, in writing, such selection supported by appropriate documentary evidence and a sworn declaration:
 - (i) in the case where a Chief Electoral Officer, has been appointed, and is serving, with the Chief Electoral Officer;
 - (ii) in all other cases with the President or his or her designate.
 5. An Elector is entitled to only one vote for each office for which an election is held.

REGULATION IV **Appointment of Local Returning Officials**

1. The Chief Electoral Officer shall appoint for each Local where a polling station is to be established:
 - (a) a Local Deputy Returning Officer;
 - (b) a Poll Clerk to assist the Local Deputy Returning Officer.
2. A person appointed as either a Local Deputy Returning Officer or Poll Clerk shall hold office from the time appointed until thirty (30) days after the election of which that person has been appointed has been completed.
3. Where a vacancy occurs in the office of Local Deputy Returning Officer or Poll Clerk for any reason, or if the Local Deputy Returning Officer or Poll Clerk is unable or unwilling for any reason to act then the Chief Electoral Officer shall forthwith appoint another person to fill the vacancy so created.

REGULATION V **Nominations of Candidates for Election**

1. Nominations shall be in writing and shall include a written acceptance of the nomination by the candidate.
2. All nominations shall be signed by the person making the nomination and by an additional five (5) individual members who shall attest their support of the nomination.

3. In the case of elections for Regional Representative, all nominations shall be made and supported by members who reside in the relevant Region.
4. Nominations of candidates for any elected position shall be filed with the Chief Electoral Officer and he shall receive them on a day not less than thirty (30) days prior to the election for which the candidate wishes to be nominated, any time up to 5:00 o'clock in the afternoon thereof at such place that he appoints.
5. The Chief Electoral Officer shall give at least thirty (30) days notice of the date, time and place when and where she will receive nominations. Such notice shall be posted in the Head Office of the MNS and in the office of each relevant Regional Office, and shall be placed in at least one newspaper with a general circulation in the relevant Region or Regions, or Province, as the case may be.
6. The qualifications of candidates for office in the Legislative Assembly shall be:
 - (a) Only individual members of the MNS of sixteen years of age or older shall be entitled to stand as candidates for elected office in the MNS.
 - (b) ~~*~~ Any candidate who accepts a nomination for any office must, if employed by the MNS, apply for a leave of absence from such employment at least thirty (30) days prior to the Election Date, effective on the date he files such nomination. All such applications for a leave of absence shall be granted. The leave of absence shall be tendered in writing to the Chief Electoral Officer along with the nomination and the candidate's acceptance of the nomination.

REGULATION VI

Proceedings on Acclamation

Where only that number of candidates for any particular office or offices as is equal to the number of offices to be filled is nominated within the time limited therefore, the Chief Electoral Officer shall declare the candidate or candidates nominated duly elected to that office or those offices.

REGULATION VII

Where Too Few Candidates Nominated

Where the number of nominations of candidates for a particular position received by the Chief Electoral Officer pursuant to this Regulation is less than the number of offices to be filled the Chief Electoral Officer shall declare those candidates whose nominations were received by the deadline set out herein as being elected. The Chief Electoral Officer shall then set an additional day for the receipt of additional nominations for the remaining positions which nominations shall be received prior to 5:00 o'clock p.m. on the day established at such place as the Chief Electoral Officer appoints.

REGULATION VIII

Proceedings Where Poll Required

Where more candidates are nominated for any particular office than are required to be elected the Chief Electoral Officer shall:

1. Forthwith publicly announce the names of the candidates and the date and time when the polls will be open for the taking of votes for the candidates nominated.

2. Within ten (10) days after the nomination post up in each Regional Office a notice showing:
 - (a) the names of the candidates nominated;
 - (b) the date and time and place where polls will be open for the taking of votes for the candidates nominated.

REGULATION IX **Withdrawals**

Any candidate nominated for any particular office may before 2:00 o'clock in the afternoon of the second day following the nomination day, tender his/her withdrawal in writing to the Chief Electoral Officer who shall accept.

REGULATION X **Death of a Candidate**

Where a candidate dies after being nominated, and before the close of the poll, the Chief Electoral Officer shall fix a new day for the nomination of candidates and for polling and the nomination day shall be the nearest day practicable after allowing a reasonable time period between the new posting of the notice of the election and the nomination day. She shall forthwith make a report thereof to the Metis Elections Commission and with her report shall state the cause of the postponement of the election.

REGULATION XI **Time, Place and Manner of Holding Elections**

1. Elections for Regional Representatives shall be held at polls designated by the Chief Electoral Officer within their respective Regions and one poll should be established in each Local.
2. Elections for the Office of President shall be held at polls designated by the Chief Electoral Officer within the province.
3. Polling shall begin at 8:00 o'clock in the forenoon and close at 8:00 o'clock in the afternoon of the same day.
4. No polling place shall be established by the Chief Electoral Officer in premises in which a candidate has any legal interest or estate.
5. The polling place shall be accessible to disabled and handicapped persons.

REGULATION XII **Ballot Papers**

Where a poll is required, the Chief Electoral Officer shall forthwith cause to be printed at the expense of the MNS a sufficient number of ballot papers for the purposes of the election.

REGULATION XIII **Contents of Ballot Papers**

1. Every ballot paper shall contain the name of the duly nominated candidates which shall

be arranged alphabetically in the order of their surnames and, if there are two or more candidates with the same surnames, then in the order of their given names.

2. The ballot papers shall be in the form prescribed by the Chief Electoral Officer.

REGULATION XIV **Voting Compartments and Materials**

The Local Deputy Returning Officer shall ensure that a proper compartment in which the elector can mark his ballot screened from observation, is provided at each polling place.

REGULATION XV

No person shall interfere with or attempt to interfere with an elector when marking her ballot or casting her vote or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom an elector at that polling place is about to vote and has voted.

No campaign material, literature or activity shall be permitted within one (1) kilometre of the polling place. For purposes of this Regulation campaigning activity includes the continued presence of a candidate or his representatives but not the continued presence of the Scrutineer appointed by the specific candidate for the specific poll, and campaigning includes any activity intended to influence voting.

REGULATION XVI **Secrecy of Voting**

Every Local Returning Officer, Poll Clerk, candidate and scrutineer of a candidate in attendance at a polling place or at the counting of the ballots or of both shall maintain and aid in maintaining the secrecy of the voting and he/she shall not communicate or attempt to communicate any information obtained at the counting of the ballots as to any candidate for whom any vote is given in any particular ballot paper or by any particular elector.

REGULATION XVII **Voting by Ballot**

Where a poll is required at an election the vote shall be given by secret ballot.

REGULATION XVIII

All Local Deputy Returning Officers shall immediately before the commencement of the poll, show the ballot box to such persons as are present in the polling place so that they may see that it is empty and then shall then lock the box and place his seal upon it in such a manner as to prevent it from being opened without breaking the seal and he shall place the box in plain view for the receipt of ballot papers and shall keep it so locked and sealed during the hours of voting. In the event that the ballot box leaves the polling station during the hours of voting, the ballot papers within that box shall be considered invalid. For the purpose of this Regulation, no polling station shall be established in motorized vehicles such as autos, motor homes, etc. or trailers or buses.

REGULATION XIX **Persons Entitled to be Present**

1. During the hours appointed for voting, no person is entitled or shall be permitted to be present in any polling place other than the election officers and scrutineers appointed pursuant to Clause 2, the interpreter if any appointed, and such electors as are for the time

being actually within the premises in which the polling place is situated, for the purpose of voting.

2. A candidate may at any time after her nomination appoint in writing a scrutineer to act on her behalf in the polling place and upon appointing a scrutineer the candidate shall hand the written appointment to the scrutineer who shall hand it to the Local Deputy Returning Officer for the Polling station for which she is appointed.

REGULATION XX **General Proceedings at Polling Station**

Where a person claiming to be an elector presents himself at the polling station for the purpose of voting the Local Deputy Returning Officer shall, subject as provided herein, proceed as follows, namely:

1. He shall, if having reasonable grounds to believe that the elector may not be qualified as a member of the Metis Nation of Saskatchewan, request of that elector sufficient proof such that the elector meets the requirements of membership pursuant to the Constitution of the Metis Nation of Saskatchewan; further to this end, the Local Deputy Returning Officer may require any such elector to produce a Saskatchewan Hospitalization Card, and if upon such request, the Saskatchewan Hospitalization Card cannot be produced, then the Local Deputy Returning Office can automatically deny that person a vote.
2. He shall require that person to make a declaration in the form appended hereto as Schedule "A" (Voter Declaration Form).
3. He shall witness the signature of the Elector on the Voter Declaration Form.
4. A person who refuses to make the declaration when required to do so shall not be given a ballot paper and shall not vote.
5. After the Voter Declaration Form is properly attested, he shall record the elector's name and address in the Poll Book.
6. He shall require the elector to sign his name opposite the place where it appears in the Poll Book maintained by the Local Deputy Returning Officer.
7. The Local Deputy Returning Officer either personally or through her Poll Clerk shall explain to the person voting as concisely as possible the way in which voting is to be done, including but not limited to the following:
 - (a) that the Voter may vote for only one candidate;
 - (b) that the Voter should indicate his/her choice by marking an "X" in the space beside the name of the candidate he or she supports;
 - (c) that if the Voter's address is within the region, they will be given a ballot for all four (4) candidates including the President, Treasurer, Secretary and Regional Director but if the home address is outside the Region, they will be given only the ballots for the provincial candidates including the President, Treasurer and Secretary;
 - (d) that the Voter must vote alone; and

- (e) that the Voter should fold the paper across in the same manner it was folded when delivered to him or her by the Deputy Local Returning Officer so as to expose the initials of the Deputy Returning Officer and shall leave the compartment. He shall without delay and without showing the front of the ballot paper to anyone or so displaying the ballot paper so as to indicate the candidate or candidates for whom he has voted deliver the ballot paper so folded to the Deputy Returning Officer.
8. The Local Deputy Returning Officer shall fold the ballot in three and initial the back of the ballot paper in such manner that the initial may be visible when the ballot is folded in three and deliver it to the person who has signed opposite his own name in the Poll Book.

REGULATION XXI **The Marking of Ballots**

Upon receiving from the Local Deputy Returning Officer the ballot paper the elector shall forthwith proceed to the voting compartment provided for the purpose and shall there and then mark her ballot paper by placing a mark on the right hand side opposite the name of the candidate for whom she desires to vote or any other place within the division on the ballot that contains the name of that candidate.

REGULATION XXII **Delivery of Ballot**

The elector shall then fold the paper across so as to conceal the names of the candidates and the mark upon the face of the paper, so as to expose the initials of the Local Deputy Returning Officer and shall leave the compartment. He shall without delay and without showing the front of the ballot paper to anyone or so displaying the ballot paper so as to indicate the candidate or candidates for whom he has voted deliver the ballot paper so folded to the Local Deputy Returning Officer.

REGULATION XXIII

The Local Deputy Returning Officer without unfolding the ballot paper or in any way disclosing to herself or to any other person the name of any candidate or the marks made by the elector shall verify her own initials and in the presence of those people present deposit the ballot paper in the ballot box and the elector shall forthwith leave the polling place.

REGULATION XXIV

While an elector is in the balloting compartment no other person shall be allowed to enter the compartment or to be in any position for which he can observe the mode in which the elector marks the ballot paper unless the person marking his ballot paper requires assistance and is granted that assistance as provided herein.

REGULATION XXV **Forfeiture of Voting Right**

Where a person leaves the polling place without first delivering her ballot paper to the Local Deputy Returning Officer in the manner prescribed or returns it after declining to vote she thereby forfeits her right to vote and the Local Deputy Returning Officer shall make an entry in the poll book in the column for remarks to the effect that the person received the ballot paper but took it out of the polling place or returned it declining to vote as the facts may be.

REGULATION XXVI **Voting by Incapacitated Person**

1. Notwithstanding any other provision in this Regulation where a person claiming to be entitled to vote presents himself for the purpose of voting at a polling place and makes a declaration that he is unable to read or is incapacitated by blindness or other physical cause, when marking his ballot paper the Local Deputy Returning Officer shall proceed as follows:
 - (a) she shall:
 - (i) in the presence of any scrutineer of the candidates who are then present in the polling place cause the vote of that person to be marked on the ballot paper in the manner directed by that person and shall place the ballot paper in the ballot box; or
 - (ii) if a person is accompanied by a friend, permit the friend to accompany the person into the voting compartment and mark the person's ballot paper for her.
 - (b) she shall state or cause to be stated in the poll book by entering opposite the name of that person that the vote is marked pursuant to this provision and the reason that it is so marked.
 - (c) the declaration of inability to read or incapacity to mark the ballot paper shall be made before, attested by, and given to the Local Deputy Returning Officer at the time of voting.

REGULATION XXVII

Duties of Local Deputy Returning Officers respecting spoiled and declined

ballots:

1. Immediately after the closing of the poll the Local Deputy Returning Officer in the presence of the Poll Clerk and the candidates' scrutineers who may be there shall:
 - (a) count the number of spoiled and declined ballots and place them all in an envelope marked "spoiled and declined ballots" seal it up and endorse thereon the number of such ballots therein contained.
2. Similarly, the Local Deputy Returning Officer shall count the number of electors whose names appear in the poll book and the number of electors who appear to have voted and shall make an entry thereon in the poll book on the line immediately below the name of the elector who voted last (in the "Remarks" column).

NUMBER OF NAMES ON LIST _____

NUMBER WHO VOTED _____

WE HEREBY CERTIFY THAT THE ABOVE STATEMENT IS CORRECT
DATED AT _____, THIS DAY OF _____, 19____

LOCAL DEPUTY RETURNING OFFICER SIGNATURE

POLL CLERK SIGNATURE

SIGNATURE OF SCRUTINEER (if they wish to sign)

3. The Local Deputy Returning Officer shall then open the ballot box and count the number of ballot papers therein and record the result.

4. Ballots to be Rejected

Subject to subsection (7), (8) and (10) in making the count, the Local Deputy Returning Officer shall reject any ballot that:

- (a) has not been supplied by her; or
- (b) has not the symbol "X" marked thereon; or
- (c) has the symbol "X" set opposite the names of more candidates than are to be elected; or
- (d) has the symbol "X" and some other figure set opposite the name of the candidate; or
- (e) does not show for which candidate the vote is given; or
- (f) has any mark or writing made by the voter by which she may be identified.

5. Objections to be Noted in Poll Book

- (a) The poll book shall be divided into a column containing the names of electors who signed a Declaration to Vote, a column for the signature of electors next to their names on the list and a column for remarks by election officers.
- (b) The Local Deputy Returning Officer shall make a note in the Poll Book of every objection to a ballot paper by a scrutineer and shall decide any questions arising out of the objection. The Officer's decision shall be final and subject to reversal only on a recount or on a petition questioning the decision or the return.

6. Every objection noted in the Poll Book shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the Local Deputy Returning Officer.

7. Marks Allowed on the Ballot

Subject to subsection (8) the ballot paper is not invalid merely because the voter without

any apparent intention of identification has marked his vote out of or partly out of its proper space if the mark clearly indicates the candidate for whom he evidently intended to vote or has marked his ballot with a form of a cross other than an "X" or the figure "1" or "V" or a check mark or any other mark clearly indicating an intent to vote for the candidate opposite whose name the mark is placed.

8. A ballot paper shall not be rejected merely because the voter without apparent intention of identification has marked her vote with a writing instrument other than the pencil provided for the purpose.
9. The Local Deputy Returning Officer shall endorse:
 - (a) "rejected" on any ballot that he rejects as invalid;
 - (b) "rejection objected to" on any ballot paper where an objection is made to his decision to reject the ballot; and
 - (c) "objected to but counted" on any ballot paper objected to but counted by him.

Then he shall place the ballot papers in separate envelopes provided according to whether they are endorsed "rejected", "rejection objected to" or "objected to but counted" and shall seal up the envelopes and record the number of ballot papers in each and in particular shall keep a careful account of the ballot papers that are endorsed "objected but counted".

10. Counting the Ballots Allowed

The Local Deputy Returning Officer shall then count the number of votes given for each candidate on the ballot papers by the placing thereon opposite the name of the candidate the symbol "X" or such other symbol as allowed under subsection (7) and shall credit each candidate with one vote in respect to each vote given for her on an un-rejected and un-objected ballot and on each ballot objected but counted.

11. The Local Deputy Returning Officer shall make out a statement in duplicate showing the number of votes given for each candidate and such other particulars as are required and the statement shall forthwith be signed by her and the Poll Clerk and such other scrutineers of the candidates as may be present and desire to sign.

12. Disposition of Copies

One copy of the statement shall be attached to the poll book and the second shall be retained by the Local Deputy Returning Officer to be forwarded to the Chief Electoral Officer.

13. After making the statement mentioned in subsection (11) the Deputy Returning Officer shall in the presence of the persons authorized to attend make up into separate packets:
 - (a) the statement of poll;
 - (b) the used ballot papers that have been objected to and have not been counted;
 - (c) the ballot papers that have been objected to but that have been counted;

- (d) the rejected ballot papers not objected to;
 - (e) the rejected ballot papers objected to;
 - (f) the spoiled and declined ballot papers;
 - (g) the discarded ballot papers;
 - (h) the unused ballot papers;
 - (i) the poll book with the declaration of the Local Deputy Returning Officer therein;
 - (j) the list of electors used at the poll;
 - (k) the declaration of electors;
 - (l) the statement of the number of electors marked by the Local Deputy Returning Officer under the heads "physical incapacity" and "unable to read" with the declaration of the inability and the notes taken of objections made to ballot papers found in the ballot box; and
 - (m) all other documents that were completed, prepared or used at the election.
14. The Local Deputy Returning Officer shall seal each of the packets mentioned in subsection (13) with her own seal and such scrutineers of the candidates as desire may affix their seals and signatures.
15. The Local Deputy Returning Officer shall mark on the outside of each of the packets a short statement of the contents thereof, the date of the election, his name and the return and the name of the election.

REGULATION XXVIII

1. The Chief Electoral Officer shall publicly declare to be elected the candidate or candidates having the greatest number of votes beginning with that candidate who has the greatest number of votes and continuing until the number of persons to be elected has been elected.
2. Where it appears that two or more candidates have an equal number of votes the Chief Electoral Officer shall at the times she declares the results of the poll state that two or more candidates, naming them, to have an equal number of votes.
3. Where it appears that each of two or more candidates has an equal number of votes and there are no other candidates having a number of votes with as great as the number of votes cast for each of the candidates having such an equality of votes, the Chief Electoral Officer shall declare each of the candidates having such an equality of votes to be elected if in the result the number of persons so elected will not be greater than the number of persons to be elected.
4. Where it appears that each of two or more candidates has an equal number of votes if:
 - (a) the number of candidates having a number of votes greater than the number of votes cast for each of the candidates having such an equality;

(b) together with the number of candidates having such an equality of votes;

is not greater in total than the number of persons to be elected the Chief Electoral Officer shall declare each of the candidates having such an equality of votes to be elected.

REGULATION XXIX **Application for Recount**

Where it appears that two or more candidates have an equal number of votes, and for any reason the Chief Electoral Officer on complying with the relevant by-laws cannot declare to be elected the full number of persons to be elected without first being determined whether any one or more of the persons apparently having such an equality of votes actually has received more votes than the other or others of those persons the Chief Electoral Officer shall on behalf of and at the cost of the Federation immediately conduct a recount of the ballots as hereinafter provided.

REGULATION XXX **Recount**

1. The Chief Electoral Officer determines the need for a recount pursuant to the preceding provision (Regulation XXIX), or
2. It is made to appear by the statement of a candidate filed with the Chief Electoral Officer at any time within fourteen (14) days from the date of the election that any ballot papers may have been improperly counted or rejected on application made to her for the purpose the Chief Electoral Officer shall appoint a time and place where she will proceed to recount the ballots and she shall give notice thereof in writing to the Metis National Legislative Assembly, the Metis Election Commission, the Local Deputy Returning Officer, and the candidates.
3. In recounting the ballots the Chief Electoral Officer shall, subject to sub-article (4) follow the provisions which a Local Deputy Returning Officer is required to observe under these Regulations.
4. Upon the completion of the recount or as soon as he has ascertained the result of the poll, the Chief Electoral Officer shall seal up all the ballot papers in separate packets and unless a new election is ordered in accordance with the next Regulation shall forthwith certify the result and shall then declare to be elected the candidate or candidates having the highest number of votes.

New Election Ordered

5. Where upon completing this recount:
 - (a) The Chief Electoral Officer finds that each of the two or more candidates has received an equal number of votes; and
 - (b) she cannot therefore finally determine the result of the election by declaring to be elected the number of persons or the remaining number of persons required to be elected she shall require a new election to be held.

Date of New Election

6. Where under this Regulation the Chief Electoral Officer orders a new election to be held,

he shall fix the date upon which it shall be held.

7. Where any new election is ordered pursuant to this Regulation the candidates for election in the new election shall be only those candidates who had an equal number of votes following the recount.

REGULATION XXXI **Appeal**

1. A candidate may appeal a decision of the Chief Electoral Officer after a recount by filing a statement requesting an appeal with the Metis Election Committee within fourteen (14) days of the recount.
2. The Metis Election Committee shall forthwith direct the Chief Electoral Officer not to destroy the ballot papers pertaining to the specific election under appeal until further notice.
3. The Metis Election Committee shall investigate the results of the ballots and within seven (7) days from the filing of the appeal give notice of their decision to the candidate, the Local Deputy Returning Officer, the Metis Legislative Assembly and the Chief Electoral Officer who shall declare the candidate to be elected pursuant to a decision of the Metis Election Committee.
4. A candidate may appeal the decision of the Metis Election Committee by filing within fourteen (14) days of receiving notice of the decision of the Metis Election Committee, a statement of appeal and \$100.00 with the Metis National Legislative Assembly.
5. Within seven (7) days from the filing of the appeal, the Metis Legislative Assembly shall give notice of their decision to the candidates, the Local Deputy Returning Officer, the Metis Election Committee and the Chief Electoral Officer who shall declare the candidate to be elected pursuant to a decision of the Metis Legislative Assembly.

REGULATION XXXII **Disposition of Ballots**

1. The Chief Electoral Officer shall retain all ballot papers received by her for one month and then:
 - (a) unless she has received notice of a recount as provided for herein; or
 - (b) unless she is otherwise directed by order of the Metis Election Committee or an order of a Court having jurisdiction served on her within thirty (30) days of the day on which the election was held. she shall then cause the ballots to be destroyed in the presence of two witnesses and shall jointly make a statutory declaration that they have witnessed the destruction of the papers and the declaration shall be retained by the Chief Electoral Officer.

REGULATION XXXIII **Election Expenses**

1. The contracting for or receipt of ordinary and reasonable charges:
 - (a) by the owner or possessor of a hall or room in which public meetings for the purpose of the election are held; or

**The Metis Nation of Saskatchewan
Elections Act,
1997.**

Metis Legislative Assembly, Nov 14-15-16, 1997.

Part 1. Short Title and Interpretation

1. This Act may be cited as "The Metis Nation of Saskatchewan Elections Act, 1997.

2(1) In this Act:

- (a) "Advance Poll" means a poll taken in advance of polling day;
- (b) "Ballot" means the portion of a ballot paper that is to be marked by a voter, detached from the counterfoil and deposited in the ballot box.
- (c) "Beverage Alcohol" means beverage alcohol as defined in the Alcohol & Gaming Regulation Act.
- (d) "Business Manager" means a business manager that a candidate or potential candidate is required by this act to appoint.
- (e) "By election" means an election held in a region on a date on which there is no Metis Nation of Saskatchewan General Election.
- (f) "Candidate" means any individual who is nominated as a candidate at an election.
- (g) "Candidates representative" means an individual who is appointed by a candidate to be a candidates representative.
- (h) "Chief Electoral Officer" means the appointed chief electoral officer.
- (i) "Region" means regions as determined in the Metis Nation of Saskatchewan Constitution, 1993.
- (j) "Corrupt practice" means any act or omission that is declared by this Act or any other act to be corrupt practice and includes any act or omission that is recognized by a Metis Legislative Assembly decree, law or custom to be a corrupt practice.
- (k) "Declined ballot" means a ballot declined pursuant to ?
- (l) "During an election" means the period commencing the day the writ is issued for an election and ending on polling day for the election.
- (m) "Election" means an election of a member of the Provincial Metis Council.
- (n) "Election Officer" means includes a returning officer, supervisory deputy returning officer, deputy returning officer, election clerk or poll clerk appointed for an election.
- (o) "Election proclamation" means the election proclamation issued by the Chief Electoral Officer.
- (p) "Final Count" means a final count made by the Chief Electoral Officer.
- (q) "General Election" means an election that is held with respect to each region on the same day.
- (r) "Member" means a member of the Metis legislative Assembly.
- (s) "Minister" means the member of the Metis Legislative Assembly to whom for the time being the administration of this act is assigned.
- (t) "Nomination day" means the day fixed for the nomination of candidates.

- 2(1)** (u) "Poll Book" means a record containing the names of persons who have received ballot papers or who have applied for ballot papers at an election.
- (v) "Polling day" means the day for taking votes of voters.
- (w) "Polling division" means a portion of the region in which the votes of voters are taken.
- (x) "Potential candidate" means an individual who, before he or she is nominated is declared by the individual or others to be a person who intends to become a candidate.
- (y) "Rejected ballot" means a ballot rejected.
- (z) "Returning Officer" means a returning officer appointed for a region.
- (aa) "Spoiled ballot" means a ballot that on polling day or any other voting day has not been deposited in the ballot box but has been:
- (i) found by the deputy returning officer to be soiled or improperly printed
 - (ii) handed by the deputy returning officer to a voter to cast his or her vote, spoiled in marking by the voter and handed back to the deputy returning officer and exchanged for another ballot paper
- (bb) "Supervisory deputy returning officer" means a supervisory deputy returning officer.
- (cc) "Voter" means an individual who is entitled to vote during an election.
- (dd) "Voter data" means any information respecting a voter that is reasonably required for the purposes of preparing a voter's list, including the following information respecting each voter;
- (i) Name;
 - (ii) Birthdate;
 - (iii) Mailing address and residential location;
 - (iv) Sex;
 - (v) Occupation;
 - (vi) Date of commencement of ordinary residence.
 - (vii) Date of termination of ordinary residence.
- (ee) "Voter's declaration" means a voter's declaration made or required to be made.
- (ff) "Voter's list" means a preliminary voters list alphabetically ordered according to surnames.
- (gg) "Voting Station" means a compartment, room, screen or other place or means supplied or used to facilitate the secrecy of voting at a polling place.

2(2) If an election officer is required by this act to state an occupation on a voters list, the election officer shall use the commonly employed description of that occupation.

Part 2. ELECTION OFFICERS

3(1) None of the following persons are eligible to be appointed as an election officer.

- (a) A member of the Provincial Metis Council.
- (b) A member of the Metis Nation Senate.
- (c) A member of the Metis Legislative Assembly.
- (d) The Chief Electoral Officer.
- (e) A candidate at the election, Business Manager of a candidate or a candidates representative.
- (f) A person who has been found guilty by a competent tribunal of a corrupt practice or who has been convicted by a competent tribunal of any offence against this act or any previous Election Act.
- (g) A person convicted of an indictable offence within the five years preceding the date of the issue of the election proclamation.
- (h) A person who is ineligible to vote pursuant to this act.
- (i) No person mentioned in subsection (1) shall act as an election officer.
- (j) A contravention of this section does not affect the validity of the election.

4(1) The Metis Legislative Assembly shall appoint a voter residing in Saskatchewan as the Chief Electoral Officer.

(2) The Chief Electoral Officer holds office at the pleasure of the Metis Legislative Assembly.

5(1) The Chief Electoral Officer is responsible for administering the Act, including;

- (a) guiding & supervising election officers with respect to the conduct of all elections;
- (b) ensuring that election officers act fairly and impartially in the conduct of their duties and that they comply with this Act;
- (c) issuing to election officers any information & guidance the chief electoral officer considers necessary to ensure the effective carrying out of the provisions of this Act;
- (d) preparing, printing & distributing forms for use pursuant to this Act;
- (e) issuing & distributing financial & administrative guidelines to candidates & their business managers, chief official agents and auditors, and;
- (f) performing any other duties assigned by this or any other Act;

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- 5(2) If in the opinion of the Chief Electoral Officer, there is no adequate provision made by this Act to resolve the situation, the Chief Electoral Officer may;
- (a) suspend or remove from office any election officer for disability, misconduct, or neglect of duty; and
 - (b) If a chief electoral officer suspends or removes an election officer pursuant to clause (a):
 - (i) demand that the election officer deliver all election materials in the election officer's possession to the chief electoral officer or to any other person designated by the chief electoral officer.
 - (ii) notwithstanding any other provision of this Act, appoint on a temporary basis an individual to hold the office of the suspended or removed election officer until a permanent appointment can be made in accordance with this Act.

(3) The chief electoral officer may attend at any polling place and consult with any deputy returning officer and any poll clerk.

(4) The chief electoral officer shall send to each returning officer a sufficient number of copies of this Act, election forms, materials and supplies to enable the returning officer to carry out his or her duties.

6. The chief electoral officer shall prescribe a seal to be used for locking the ballot boxes.

7(1) The Metis Legislative Assembly shall appoint a Metis Nation of Saskatchewan member as the assistant chief electoral officer.

(2) The assistant chief electoral officer holds office at the pleasure of the Metis Legislative Assembly.

(3) The chief electoral officer may delegate any of the chief electoral officer's responsibilities & powers to the assistant chief electoral officer.

(4) When delegating responsibilities or powers to the assistant chief electoral officer, the chief electoral officer may impose any limitations or conditions on the performance of responsibilities or the exercise of powers that the chief electoral officer considers appropriate.

(5) The assistant chief electoral officer shall perform his or her responsibilities & exercise his or her powers subject to the direction of the chief electoral officer.

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7(6) If the chief electoral officer is absent or unable to perform his or her responsibilities for any reason or if the office of the chief electoral officer is vacant, the assistant chief electoral officer shall perform the responsibilities & may exercise the powers of the chief electoral officer pursuant to this Act.

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8(1) The Regional Council may appoint a Metis citizen residing in that region as the returning officer.

(2) The chief electoral officer shall immediately notify in writing an individual who has been appointed a returning officer of his or her appointment.

(3) As soon as a possible after being notified of his or her appointment, a returning officer shall take an oath or make a declaration and shall forward the oath or declaration to the chief electoral officer.

(4) If the returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities, the Regional Council may cancel that returning officers appointment and appoint another voter residing in the region as the returning officer.

(5) A returning officer may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election.

(6) If a returning officer wishes to resign or is unable to perform his or her responsibilities the returning officer shall forward a written notice to the chief electoral officer in writing.

9(1) A returning officer shall appoint a deputy returning officer for each polling place in the region.

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(2) A returning officer shall appoint as a deputy returning officer a Metis Resident of the region;

(i) is in the opinion of the returning officer, competent & reliable;

(ii) resident of the region;

(iii) willing to act as a deputy returning officer; and

(iv) not ineligible pursuant to section 3.

(3) A returning officer shall appoint deputy returning officers as soon as possible after the election proclamation.

(4) The appointment as a deputy returning officer terminates on the completion of the deputy returning officer's responsibilities for the election for which the deputy returning officer is appointed.

9(5) If a deputy returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer shall appoint another resident of the region as the deputy returning officer.

(6) A deputy returning officer may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election, other than the oaths or declarations that a returning officer is required to administer.

10(1) Every returning officer and deputy returning officer may do anything that he or she considers necessary to preserve the peace and maintain order at a polling place during an election.

(2) For the purpose of preserving peace and maintaining order during an election, a returning officer and deputy returning officer may request the assistance of any Police Officer.

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11(1) A deputy returning officer shall appoint a poll clerk for the polling place for which the deputy returning officer was appointed.

(2) Subject to the written approval of the returning officer, a deputy returning officer may appoint an additional poll clerk for the polling place.

(3) A deputy returning officer shall appoint as a poll clerk a voter who is:
(a) is in the opinion of the deputy returning officer competent & reliable;
(b) resident in the community for which the poll is established;
(c) willing to act as the poll clerk; and
(d) not ineligible pursuant to section 3.

(4) A deputy returning officer shall appoint a poll clerk before the polling day and, unless the appointment is made before a election proclamation, as soon as possible after the election proclamation.

(5) An appointment as a poll clerk is to made in the prescribed form.

(6) An appointment as a poll clerk terminates on the completion of the poll clerk's responsibilities for the election for which the poll clerk is appointed.

(7) On his or her appointment, every poll clerk shall take an oath or make a declaration in the prescribed form.

(8) If a poll clerk dies, is absent or is unable or unwilling to perform his or her responsibilities, the deputy returning officer shall appoint another Metis resident of that region.

- 11(9) If the deputy returning officer dies, is absent or is unable or unwilling to perform his or her duties or if the office of the deputy returning officer is vacant, and the returning officer has not appointed another deputy returning officer, the poll clerk shall perform the responsibilities and may exercise the powers of the deputy returning officer, including the power to appoint a poll clerk.
- (10) A poll clerk may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election, other than the oaths or declarations that a returning officer is required to administer
- (11) The following individuals shall take the oath of secrecy in the prescribed form or make the declaration of secrecy in the prescribed form before performing their responsibilities or entering any polling place:
- (a) every supervisory deputy returning officer;
 - (b) every deputy returning officer;
 - (c) every poll clerk;
 - (d) every candidate's representative;
 - (e) every individual other than the one's described in clauses (a) to (d), who is authorized to be at a polling place or at the counting of the votes.
- (12) Every election officer is entitled to remuneration for his or her services and reimbursement for his or her expenses at the prescribed rate.

PART THREE. ENTITLEMENT TO VOTE.

- 13(1) An individual is entitled to vote during an election if he or she:
- (a) meets Article 8 Elections : subsection (1), and Article 10, Membership subsections 1(a) - 1(b) of the Metis Nation of Saskatchewan constitution. ✓
 - (b) on polling day is at least 16 years old. ✓
 - (c) on the day the election proclamation was issued;
 - (i) has ordinarily resided in Saskatchewan for at least six months immediately preceding that day. ✓
 - (ii) is a resident in the region in which he or she seeks to vote.
- (2) An individual who is entitled to vote in an election is also entitled to be registered on a voter's list as a voter.
- (3) An individual is entitled to be registered only on a voters list for the polling place in which he or she ordinarily resided on the day which the election proclamation was issued.

- 13(4) The following individuals are not entitled to vote during an Election:
- (a) a person who is ineligible to vote pursuant to this Act or any previous Elections Act because of a conviction within the previous five years for engaging in corrupt practices.
 - (b) a person who, on polling day, is in a correctional facility or prison.
 - (c) the Chief Electoral Officer, or the Assistant Chief Electoral officer.
- 14(1) The following rules are to be used to determine the ordinary residence for the purposes of this Act;
- (2) The place where an individual is or was ordinarily a resident at any material time is to be determined by reference to all the facts of the case.
 - (3) An individual's ordinary residence is in place in which the individual has his or her established habitation and to which he or she intends to return.
 - (4) An individual does not lose his or her ordinary residence by reason of temporary absence from his or her established habitation.
 - (5) No individual, while he or she remains in Saskatchewan, is deemed to have lost his or her ordinary residence until he or she acquires another.
 - (6) If an individual moves to a place outside of Saskatchewan with the intention of remaining outside of Saskatchewan for at least 6 months the individual loses his or her ordinary residence in Saskatchewan, notwithstanding that he or she entertains the intention of returning at some future time.
 - (7) An individual is not deemed to have acquired an ordinary residence in Saskatchewan or in a region if the individual moves to Saskatchewan or a region for the temporary purposes only, without intending to make Saskatchewan or some place in a region his or her established habitation.
 - (8) If an individual has left his or her place of residence in Saskatchewan to study at an educational institution outside of Saskatchewan, the individual is deemed to be an ordinarily resident in the polling place in which he or she was resident immediately before leaving Saskatchewan and is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies.
 - (9) If an individual has left his or her place of residence in Saskatchewan to study at an educational institution in Saskatchewan, the individual is deemed to be ordinarily resident in two following places:

- 14(9)(a) in the polling place in which he or she was residing immediately before leaving to pursue his or her studies, and the individual is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies.
- (b) in the polling place to which he or she has moved for the purpose of pursuing his or her studies and in which he or she was residing on the day on which the election proclamation was issued.
- 15(1) When directed to do so by the Chief Electoral Officer, a returning officer shall subdivide the polling places for which he or she was appointed into as many polling divisions as he or she considers necessary for the convenience of the voters.
- (2) A returning officer shall review the polling place from time to time and, if the returning officer considers it necessary for the greater convenience of the voters in the polling place, may alter the polling place.
- (3) Unless it is not feasible or consistent with the convenience of voters, a returning officer shall try to have an equal number of voters in each polling division to 500.
- (4) For the purposes of this section, a returning officer shall:
- (a) consider the most recently revised list of voters for the polling place and other relevant information with respect to population distribution; and
 - (b) be guided by the chief electoral officer.
- (5) A returning officer shall appoint an enumerator for each polling place in the region.
- (6) A returning officer shall only appoint as an enumerator a voter who is:
- (i) in the opinion of the returning officer, competent and reliable;
 - (ii) resident in the region.
 - (iii) willing to act as an enumerator.
 - (iv) not disqualified pursuant to section 3.
- (7) An appointment as an enumerator terminates on the completion of the enumerator's responsibilities for the election for which the enumerator is appointed.
- (8) If an enumerator dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer shall appoint another resident of the region as an enumerator.

- 15(9) An enumerator may administer any oaths that are required by this Act or the regulations to be administered with respect to the making and revising of preliminary and secondary voters lists.
- (10) The returning officer shall give to each enumerator a complete description of the boundaries of the polling place or divisions for which the enumerator is appointed and any amendments to the description that may be made from time to time.
- (11) The returning officer shall give to each enumerator sufficient materials and supplies furnished by the chief electoral officer to enable the enumerator to perform his or her responsibilities.
- (12) Immediately after being notified of the date of the election, the returning officer shall instruct the enumerators for each polling place to conduct an enumeration.
- (13) In conducting an enumeration, the enumerators shall:
- (a) collect voter data for each voter; and
 - (b) collect voter data from each local as supplied by the local.
 - (c) record that voter data on the prescribed enumeration forms.
- (14) Within 10 days of the date of issue of the election proclamation, an enumerator shall:
- (a) prepare a preliminary voters list by recording data for each voter on the prescribed enumeration forms;
 - (b) complete the statements and endorse any certificates that are on the prescribed forms; and
 - (c) deliver the preliminary voters list to the returning officer.
- (15) An enumerator shall arrange the names on each preliminary voter's list alphabetically according to surnames and shall set out on the voter's list the surname, first name, initial, if any, occupation, mailing address and residential premise of each voter.
- (16) Each name on each preliminary voter's list is to be numbered consecutively, commencing with the number one.
- (17) All voters names on a preliminary voter's list are to be type written, printed or hand printed in block letters.
- (18) The returning officer shall immediately review all preliminary voters lists delivered to the returning officer pursuant to this section and correct any errors omissions that the returning officer is aware of or that are brought to the returning officer.

16(1) A returning officer shall:

(a) immediately after receiving the reproduced copies of the voters list, deliver:

(i) 1 copy of the voters list to each candidate in the region.

(ii) 1 copy of the voters list to the enumerator who compiled the voters list; and

(iii) if the voters list was prepared by the returning officer 1 copy of the voters list to the chief electoral officer; and

(b) promptly post one copy of the voters list for each polling place in his or her office and in the head office of each region.

(2) The returning officer shall provide the following to each person who requests them:

(a) the name and phone number of the enumerator.

(b) Place and time the enumerator will hear applications for revision of the voters list.

(3) The chief electoral officer or, on the direction of the chief electoral officer, the returning officer shall place an advertisement in a local newspaper or, if there is no local newspaper in the region, in newspaper having the widest circulation that sets out;

(a) the right of voters to review the voters list and to apply for revisions of the voters list.

(b) the times during which and the place at which voters may review the voters list; and

(c) the times during which and the place at which the enumerator will hear applications for revision of the voters list.

17(1) On revision day, the enumerator shall attend at the place indicated on the voters list and in the advertisement pursuant to section 16(3) between the hours of 2:00PM and 10:00PM to hear applications for revision of the voters list.

(2) The enumerator may receive applications at any time after the posting of the voters list pursuant to section 16 and before 10:00PM on revision day.

18(1) At any time before the hour of 10:00PM on revision day, the enumerator shall do the following;

- (a) if the enumerator is satisfied that the name of an individual who is entitled to vote has been omitted from the voters list for the polling place in which the voter resides, the enumerator shall;
 - (i) add the name to the copy of the voters list in his or her possession.
 - (ii) initial the addition.
- (b) if the enumerator is satisfied that the name of an individual who is not entitled to vote in the polling place is on the voters list, the enumerator shall;
 - (i) delete the name by drawing erasing lines through the name; and
 - (ii) initial the deletion.

(2) An enumerator shall act only on the evidence of a credible person.

(3) If an enumerator finds the occupation, postal address or residence of a voter inaccurately stated in the voters list or where the enumerator finds a mistake in the spelling of a name, the enumerator shall make the necessary correction and initial the correction.

19(1) After revising the voter's list pursuant to section 18, the enumerator shall certify the voters list and close to the last name on it.

(2) Immediately after certifying the voters list pursuant to subsection (1), the enumerator shall deliver a copy of the certified revised voters list to the returning officer.

(3) The enumerator shall deliver the certified revised voters list to the deputy returning officer for the polling place to which it relates to.

(4) The certified revised voter's list delivered pursuant to subsection (3) is the official voters list for that polling place.

(5) A candidate or candidates representative may request a revised voters list by the enumerator pursuant to section 18.

20(1) No enumerator shall:

- (a) omit from the voters list the name of an individual that should be included; or
- (b) include in the voters list the name of an individual that should not be included.

PART FOUR. COMMENCING AN ELECTION.

- 21(1) The Metis Legislative Assembly may commence an election by passing an "election Proclamation", that directs the chief electoral officer to issue notices of the election proclamation to the returning officers for the regions in which the elections are to take place.
- (2) The order mentioned in subsection (1) must:
- (a) fix the day the chief electoral officer shall issue the notice of the impending election, which may be the same day that the order is passed or a subsequent day.
 - (b) fix the nomination day for candidates.
 - (c) fix the polling day.
 - (d) fix any 5 days before polling day on which the advance poll is to be held.
 - (e) fix the day on which the returning officer shall hold the final count.
- 22(1) Immediately on receiving the notice of the impending election, the returning officer shall endorse on the notice the date of its receipt.
- (2) The returning officer shall keep the notice in his or her possession until the day fixed for returning all election materials
- 23(1) On receiving the notice the returning officer shall issue to every local in the region an election proclamation in the prescribed form.
- (2) An election proclamation must set out:
- (a) the numbers, names and fully described boundaries of the polling place and the polling divisions at which the voting will be held;
 - (b) the day, time and place fixed for the nomination for candidates;
 - (c) the place or places at which any advance poll will be held and the days and the hours when the advance poll at that place or those places will be open;
 - (d) the polling day; and
 - (e) the day and time when, and the place where, the returning officer will make a final count of votes cast for the candidates
- (3) At least seven days before the nomination day, the returning officer shall cause copies of the election proclamation to be posted;
- (a) in all Metis locals; and
 - (b) with the approval of the Postmaster General of Canada or other proper officer, at every post office in the respective polling places.
 - (c) in any approved location which might be in the best interest of Metis voters.

24(1) Every ballot paper, shall:

- (a) be printed in a prescribed form;
- (b) be of the same description, as nearly as possible;
- (c) be numbered consecutively on the back of the stub and on the back of the counterfoil, with the same number being printed on the back of the stub as is printed on the back of the counterfoil
- (d) bear on the back of the ballot paper an impression of the printing aid furnished by the chief electoral officer that is placed in such a way that when the ballot paper used by the voter is folded by the voter the impression can be seen without the ballot paper being opened.
- (e) have the instructions to voters printed on the counterfoil.

(2) the chief electoral officer shall send to each returning officer a quantity of ballots sufficient to provide at least one ballot for each voter in the polling place.

25(1) A returning officer shall provide for each polling place and or polling divisions, a place that is the most central or most convenient place for Metis voters.

(2) If a returning officer considers it advisable, the returning officer may establish a central polling place where the polling places of all or any of the polling divisions of any region may be centralized.

(3) Unless the chief electoral officer approves otherwise, the maximum number of polling divisions that may be combined in a central polling place is six.

(4) If in the opinion of the returning officer, local conditions require a division of the polling place included within an established polling division, the returning officer may divide the polling place into two or more polling subdivisions.

(5) If the polling subdivisions are created pursuant to subsection (4), the returning officer shall;

(a) divide the voters list for the established polling division according to Metis local.

(6) The returning officer shall use the new voters lists certified pursuant to subsection (5) at the election.

(7) No returning officer shall establish a polling place in a building with respect to which a permit has been issued pursuant to the Alcohol & Gaming Regulation.

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A.S.S. 5

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6

- 26(1) If a returning officer establishes a central polling place in which three to six polling places are centralized, the returning officer may appoint a supervisory deputy returning officer.
- (2) subject to the direction of the returning officer, the supervisory deputy returning officer shall supervise the central polling place on behalf of the returning officer and shall inform the returning officer with respect to all matters that take place at the central polling place.
- (3) For the purpose of maintaining peace and order at the central polling place, the supervisory deputy returning officer can ask for the assistance of a police officer.
- (4) A returning officer shall only appoint as a supervisory deputy returning officer a person who is;
- (a) in the opinion of the returning officer, competent and reliable;
 - (b) Resident of the region;
 - (c) willing to act as a supervisory deputy returning officer; and
 - (d) not ineligible pursuant to section 3.
- (5) An appointment as a supervisory deputy returning officer terminates on the completion of the election for which the supervisory deputy returning officer is appointed.
- (6) A supervisory deputy returning officer may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election, other than oaths or declarations that a returning officer is required to administer.
- 27(1) If, in the opinion of the returning officer, the voters list for a polling place or division contains a number of names that is substantially more than 500, the returning officer shall:
- (a) provide one or more additional polling divisions in the same building;
 - (b) divide the number of voters on each voter's list into subdivisions so that they are as nearly equal as possible; and
 - (c) provide for each polling subdivision a voter's list, so that the name of every voter on the voter's list for the polling division appears only on one of the polling subdivisions voters list's.
- (2) When arranging the number of voters pursuant to clause 1(b), the returning officer shall divide the voters list by using the first letter of the voters surnames.

27(3) the returning shall deliver to each deputy returning officer a polling subdivision voter's list certified by the returning officer for each polling subdivision that the deputy returning officer is responsible for.

(4) every voter whose name appears on a polling subdivision voter's list pursuant to this section shall vote in the polling place provided for that polling subdivision.

28(1) Every Metis voter is entitled to free access to the polling place where the voter is to vote.

(2) Every polling place must be furnished with voting stations in which the voters may mark their ballot papers screened from observation.

(3) The returning officer and the deputy returning officer shall ensure that a sufficient number of voting stations are provided for each polling place.

29. The nomination for candidates is to be the day, time and place fixed by the chief electoral officer.

30(1) An individual is qualified to be a candidate if that individual:

(a) is at least 16 years old.

(b) is a member of the Metis Nation of Saskatchewan.

(c) has ordinarily resided in Saskatchewan for at least 6 months preceding the Metis Legislative Assembly Election proclamation.

(d) is not disqualified by the Metis Legislative Assembly or by any other Metis Nation Act from being a candidate.

What about Act

(2) Notwithstanding subsection (1), the following persons are not qualified to be candidates:

(a) a person who has been convicted for engaging in corrupt practices.

(b) a person who, on polling day is in a correctional facility, jail or prison because of being convicted of an offence against a Federal Act.

(c) a person who, on polling day, is subject to disposition of a review board established pursuant to section 672.38 of the Criminal Code.

by this Act or any other act

ie. not Act to stand trial

31(1) before filing his or her nomination papers, every potential candidate may appoint a business manager.

- 31 (2) A potential candidate shall give written notice of the name and address of the individual appointed as his or her business manager.
- 32(1) A nomination paper must be filed with the chief electoral officer at any time after the Metis Legislative Assembly issues the Election proclamation.
- (2) Any four or more members of the Metis Nation of Saskatchewan resident within the region in which the election is to take place may nominate a regional candidate by signing and filing with the chief electoral officer.
- (3) Any four or more members of Metis Nation of Saskatchewan resident within the province of Saskatchewan in which the election is to take place may nominate a executive member candidate by signing and filing with the chief electoral officer.
- (4) Every person who signs a nomination paper as a nominator shall sign in the presence of another voter resident within the region or province in which the election is to take place.
- (5) The Metis person in whose presence the nominator signed the nomination paper shall sign his or her name as witness forming part of the nomination paper.
- (6) The nomination paper must state:
- (a) the name, address and occupation of the candidate.
 - (b) a specific place, being either a residence or a place of business in Saskatchewan, at which notices and other documents issued or to be served either pursuant to this Act may be served on the candidate.
 - (c) the name and address of the candidates business manager if one is so appointed.
- (7) A nomination paper is valid only if it is accompanied by a deposit of \$100.00.
- (8) The deposit must be in Canadian currency or in the form of a certified cheque on a valid account in a chartered bank, trust company or credit union.
- 33(1) The chief electoral officer shall immediately examine all nomination papers filed.
- (2) If the chief electoral officer is satisfied that the nomination paper is valid, the chief electoral officer shall:
- (a) certify the validity of the nomination by issuing a certificate

33(3) Any certificate issued pursuant is admissible in evidence as conclusive proof that the nomination is valid, and the validity of the nomination is not open to question in any action or proceeding on any ground whatsoever.

34(1) On nomination day the returning officer shall:

- (a) attend at the place fixed for the nomination at the hour of 9:00 a.m.;
- (b) receive and recognize all nominations for the executive and regional candidate positions;
- (c) declare the nominations closed at 5:00p.m..

35(1) If, at the close of the nominations only one candidate remains in nomination the chief electoral officer shall immediately:

- (a) declare the candidate elected;
- (b) give to the candidate, or, if the candidate is absent, to the candidate's business manager or to any person authorized in writing by the candidate, a certificate that the candidate has been duly elected; and
- (c) the returning officer will forward to the chief electoral officer;
 - (i) all ballot boxes, poll books and other books, forms, seals, materials, supplies and things that have been sent to the returning officer to be used in the election and that have not been used.

36(1) If at the close of nominations, more than one candidate remains in nomination the chief electoral officer shall:

- (a) list the names, addresses and occupations of the candidates nominated;
- (b) list the polling day and the hours during which voting will take place.

37(1) A candidate who is nominated may withdraw at any time after his or her nomination and before the close of polling day by filing with the returning officer a written declaration.

(2) If the withdrawal of a candidate leaves only one candidate for the vacancy, the returning officer shall immediately declare the remaining candidate duly elected and shall proceed to do things as mentioned in section 35.

38(1) A candidate may appoint one Metis person residing in the region for which the candidate was nominated to do all or any of the following:

- (a) to be present and to represent him or her, in addition to or in place of himself or herself, at a polling place;
- (b) to perform at the polling place any functions that this Act authorizes a candidate's representative to perform;

38(1) (c) prior to the final count of votes, to be present at a place other than a polling place and to perform at the place any functions that this Act authorizes a candidate's representative to perform at the place.

(2) A candidate may have, at any time, one candidate's representative for each polling division at a polling place or other place.

(3) No individual who is ineligible to vote or who, within the period of five years preceding the day fixed for nomination, has been found guilty of a corrupt practice by a competent tribunal shall act as a candidate's representative.

(4) On entering the polling place, a candidate's representative shall immediately deliver his or her written appointment to the deputy returning officer.

39(1) A candidate may:

(a) undertake the duties that any candidate's representative, except his or her business manager, may undertake;

(b) assist his or her candidate's representative in the performance of their responsibilities; and

(c) be present at any place at which his or her candidate's representative may attend, except at a place where a ballot paper is being marked.

40(1) The deputy returning officer shall be at the polling place at least 30 minutes before the time fixed to open the polling place for voting.

(2) Prior to opening the polling place for voting, the deputy returning officer shall:

(a) initial all of the ballots;

(b) count the ballots intended for use at the polling place;

(c) inspect the ballot papers and all other papers, forms and documents relating to voting at that polling place; and

(d) set up all necessary facilities to take the votes of voters.

41(1) Prior to opening the polling place on polling day, a deputy returning officer shall post:

(a) in a place outside the polling place, one copy of the notice as to secrecy of voting;

(b) in a place within the polling place, one copy of the notice as to secrecy of voting;

(c) in a place outside the polling place, one copy of the directions for the guidance of voters;

(d) in each voting station in the polling place, one copy of the directions for the guidance of the voters; and

(e) in a place outside the polling place, one copy of the election proclamation.

42(1) Immediately before the voting begins, the deputy returning officer shall:

- (a) show the ballot box to the persons who are present in the polling place so that they may see that it is empty;
- (b) lock and seal the ballot box with one of the seals prescribed by the chief electoral officer; and
- (c) place the ballot box on a desk, counter or table or in any manner so that it is raised in full view of all present.
- (d) the deputy returning officer shall keep the ballot box where it is placed in a locked and sealed condition during the hours that voting takes place.

43(1) Each voter shall vote only at the polling place of the polling division or subdivision that is mentioned on the voters list on which the voters name appears.

- (2) If a voter is deemed to be ordinarily resident in two polling divisions, the voter shall vote in only one of those polling divisions.
- (3) If the voter is casting a ballot in another region either than the region in which he or she is a resident, the voter shall only be allowed to cast ballots for the three executive positions.

44(1) Every polling place is to be open for voting between the hours of 9:00 a.m. and 8:00 p.m..

(2) A polling place must be kept open after the time set for closing the polling place if, at the time set for closing, there are individuals who;

- (a) are in or are waiting admission to the polling place;
- (b) are entitled to vote; and
- (c) have not been able to vote since their arrival at the polling place.

(3) If a voter is not actually in or awaiting admission to a polling place at the time for closing the polling place, the polling place is to be closed to that voter and that voter is not to be permitted to vote.

45(1) Only the following persons are entitled to be present in the polling place during the time that the polling place remains open at the counting of the ballots.

- (a) Chief electoral officer and the assistant chief electoral officer.
- (b) the returning officer, the supervisory deputy returning officer, if any, and the deputy returning officer;
- (c) the election clerk, and the poll clerks;
- (d) the candidate and the candidates representative for each candidate; and
- (e) any peace officer assisting in preserving the peace at the polling place.

46(1) Votes must be given by ballot.

47(1) On entering the polling place and if required to do so by the deputy returning officer or any candidate's representative, a voter shall state his or her name occupation, post office address, location of residence, and eligibility to vote,

(2) If a voters name does not appear on the voters list, the voter shall answer any questions from the deputy returning officer, and provide to the deputy returning officer any information satisfactory to the deputy returning officer, relating to establishing the voter's ordinary residence on the day on which the day the Metis Legislative Assembly issued the election proclamation.

*voter
declaration
- if not on list*

48(1) The poll clerk shall record the name of each voter in the poll book and fill in all appropriate blank spaces opposite the voters name before the voter is handed a ballot.

(2) As soon as the ballot has been deposited in the ballot box, the poll clerk shall enter the word "voted" in the appropriate column of the poll book opposite the voters name.

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49(1) Every voter whose name is on the voters list is entitled to vote without making a declaration unless the voter is required to do so.

(2) A candidates representative may request the deputy returning officer to require a voter whose name is on the voters list to make a voter's declaration.

(3) Where requested pursuant to subsection (2), no deputy returning officer shall fail to require a voter to make a voter's declaration before handing that voter a ballot paper.

50. If an individual's name does not appear on the voter's list and the individual claims he or she is entitled to vote at the polling place, that individual shall make a voter's declaration before receiving a ballot paper and voting.

51. No deputy returning officer shall fail to require an individual who appears at the polling place to make a voter's declaration if the deputy returning officer has reasonable grounds to believe that the individual:

- (a) is not entitled to vote;
- (b) is tendering his or her vote under false name or designation;
- (c) is impersonating or falsely representing himself/herself as being on the voter's list;
- (d) has already voted;

51. (e) has participated in or committed any corrupt practices.
52. A voter shall make a voters declaration before receiving a ballot paper and voting if the voter's name has been struck off the voter's list pursuant to any provision of this Act.
- 53(1) If the voter is required to make a voter's declaration, the poll clerk shall:
- (a) complete the voter's declaration form with information supplied by the voter; and
 - (b) record the name of the voter in the poll book and fill in the appropriate spaces opposite the voter's name;
- (2) A voter's declaration must be made before the deputy returning officer or the poll clerk.
- (3) A voter shall sign his/her name in the presence of the deputy returning officer or the poll clerk and the deputy returning officer or the poll clerk shall sign the voter's declaration as a witness to the signature
- (4) If the voter who is required to make a voter's declaration does make the declaration:
- (a) the deputy returning officer shall give the voter a ballot paper; and
 - (b) the voter shall proceed to mark the ballot paper in the manner required by this Act.
- 54(1) No individual who refuses to make the voter's declaration when required to do so is entitled to a ballot paper or to vote.
- (2) No deputy returning officer shall give a ballot paper to an individual described in subsection (1).
- (3) If a voter who is required to make a voter's declaration refuses to make the declaration, the poll clerk shall note the refusal in the poll book.
- 55(1) The deputy returning officer shall give a ballot paper to every individual whose name:
- (a) is on the voter's list & who is not required to make a voter's declaration;
 - (b) is on the voter's list & who, if required to make a voter's declaration, has made the voter's declaration;
 - (c) has been struck off the voter's list and has made a voter's declaration;
 - (d) is not on the voters list and has made a voter's declaration.
- (2) The ballot paper must have on its back the deputy returning officer's initials placed so that when the part of the paper used by the voter is folded the initials can be seen with out opening the ballot paper.

56(1) On receiving a ballot paper, the voter shall immediately proceed to a voting station provided for the purpose of voting.

(2) The voter shall mark the ballot paper by placing a cross or the other mark that clearly indicates the voters choice in the circle to the right of the name of the candidate for whom the voter intends to vote.

(3) After marking the ballot paper, the voter shall:

(a) fold the ballot paper so that the names of the candidates and the mark on the face of the paper are concealed, but the initials of the deputy returning officer are exposed; and

(b) leave the voting station.

(4) After leaving the voting station, the voter shall:

(a) immediately deliver the folded ballot paper to the deputy returning officer, without showing the front to anyone or displaying the ballot paper so as to make the name of the candidate for whom he/she has voted known to any person;

(b) observe the deputy returning officer deposit the ballot in the ballot box;

(c) leave the polling place immediately after the ballot has been deposited in the ballot box.

57(1) On receiving a ballot paper from a voter, the deputy returning officer shall, in full view of the voter and all others present;

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(a) without folding the ballot paper or in any way disclosing the names of the candidates or the marks made by the voter, examine the initials appearing on the ballot paper to ensure that it is the same ballot paper the deputy returning officer delivered to the voter; and

(b) if it is the same ballot paper:

(i) deposit the ballot in the ballot box.

58(1) A deputy returning officer may assist a voter in marking the voter's ballot if the voter:

(a) is unable to read or is physically unable to mark his/her ballot in the manner prescribed in this Act;

(b) applies for assistance;

(2) Before assisting a voter, the deputy returning officer shall require the voter to take an oath or make a declaration:

- 58(3) After the voter completes the oath or declaration mentioned in subsection (2) the deputy returning officer shall:
- (a) assist the voter, either inside or outside the voting station, by marking the ballot paper in the manner directed by the voter in the presence of the poll clerk.
 - (b) deposit the ballot in the ballot box.
- (4) The poll clerk shall enter in the column for remarks in the poll book opposite the voter's name:
- (a) the reason why the ballot paper was marked for the voter;
 - (b) whether the ballot was marked by the deputy returning officer or a friend;
 - (c) if the ballot was marked by a friend, the name of the friend;
 - (d) the word "sworn" after the name of the voter and the friend, if any, to record the required oaths or declarations were made.
59. While a voter is in a voting station for the purpose of voting, no other person shall enter the voting station or be in a position from which that other person can see for whom the voter marks his/her ballot paper.
- 60(1) No person who has received a ballot paper shall take it out of the polling place.
- (2) If an individual receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer or returns the ballot paper, declining to vote;
- (a) the individual forfeits his/her right to vote; and
 - (b) the deputy returning officer shall enter in the poll book in the column for the remarks a note that the individual received a ballot paper but took it out of the polling place or returned it, declining vote.
- (3) If a voter has returned the ballot paper, declining to vote, the deputy returning officer shall immediately write the word "declined" on the ballot paper and shall preserve it to be returned to the returning officer.
- 61(1) If a person claiming to be a voter applies for a ballot paper after another person has voted under that voters name, that person is entitled to receive a ballot paper and to vote, but only after:
- (a) making a voter's declaration; and
 - (b) satisfying the deputy returning officer of his/her identity.

- 61(2) The poll clerk shall enter on the poll book:
- (a) the voter's name; and
 - (b) a note indicating:
 - (i) that a second ballot paper was given in the name of that voter;
 - (ii) that a voter's declaration was made; and
 - (iii) if the circumstances arise, that a candidate or candidates representative objected to giving the ballot paper, the name of the candidate and the nature of the objections.
- 62(1) A voter who accidentally destroys his/her ballot paper so that it cannot be used to vote shall return it to the deputy returning officer.
- (2) On returning the ballot paper, the voter is entitled to receive another ballot paper.
 - (3) On receiving a ballot paper returned, the deputy returning officer shall immediately write the word "spoiled" on the returned ballot paper and preserve it to be returned to the returning officer.
- 63(1) An individual who applies for a ballot paper is deemed to have presented his/her vote or to have offered to vote.
- (2) An individual who has deposited or caused to be deposited his/her ballot in the ballot box or has delivered it to the deputy returning officer or poll clerk for the purpose of having it deposited in the ballot box is deemed to have voted.
- 64(1) The deputy returning officer shall complete a statement containing:
- (a) the name, address and occupation of every voter who made a declaration's on polling day; and
 - (b) the reason, opposite each name, for requiring a voter's declaration.
- (2) The statement must be signed by the deputy returning officer and the poll clerk and may be signed by any candidate or candidate's representative who wishes to sign.
- 65(1) The Metis Legislative Assembly shall establish the date for the advance polls.
- (2) The returning officer shall make available advance polling places at those places in the region the returning officer considers most convenient for the voter's. *didn't do*

66(1) The following voter's who ordinarily reside in the polling place may vote at an advance poll:

(a) a voter who believes that he/she will be absent from his/her ordinary residence on polling day;

(b) a voter who:

(i) is an election officer or is a candidates representative; and

(ii) has reason to believe that, because of his/her responsibilities, he/she will be at a polling place other than the polling place in which he/she is entitled to vote;

(iii) a voter who is physically disabled.

67. Voting at an advance poll is to be conducted in the same manner as voting at polling places during a general election.

68(1) An advance poll is to be open:

(a) during the weekday, from 3:00 p.m. to 10:00 p.m.;

(b) if held on a Saturday or Sunday, from noon until 7:00 p.m.

69. A voter who wishes to vote at an advance poll shall make a voter's declaration before he/she is entitled receive a ballot paper and vote.

70. On every day that an advance poll is held, immediately after closing the advance poll, the deputy returning officer shall:

(a) place his/her seal on the ballot box in such a manner that the box cannot be opened and nothing deposited in the ballot box without breaking the seal; and

(b) sign his/her name on the first line below the name of the last voter entered in the poll book on that day.

71(1) On the last day that an advance poll is held, immediately after closing the advance poll, the deputy returning officer for the advance poll shall do the things prescribed in this section.

(2) The deputy returning officer shall do the things in the presence and in full view of the persons who are entitled to be present pursuant to section 45.

(3) The deputy returning officer for the advance poll shall:

(a) count the number of voters whose names appear in the poll book as having voted;

(b) make an entry of the number of those names on the line immediately below the last name recorded.

(c) sign his/her name after the entry.

- 71(4) the deputy returning officer for the advance poll shall:
- (a) count the unused ballots undetached from the books of ballot papers;
 - (b) place the unused papers together with the stubs of used ballot papers in the special envelope supplied for the purpose;
 - (c) indicate on the special envelope the number of unused ballot papers enclosed;
 - (d) seal the envelopes; and
 - (e) record the number of unused ballot papers on the ballot paper account and poll statement.
- (5) The deputy returning officer for the advance poll shall:
- (a) count the spoiled and declined ballots.
 - (b) place the spoiled and declined ballots in the special envelopes supplied for the purpose;
 - (c) record on the special envelope the number of spoiled and declined ballots;
 - (d) seal the special envelope; and record the number of spoiled and declined ballots on the ballot paper account and the poll statement.
- (6) The deputy returning officer for the advance poll shall place in an empty ballot box:
- (a) the poll book;
 - (b) the special envelope supplied for the voter's declarations;
 - (c) the envelope containing the unused ballot papers;
 - (d) the envelope containing the spoiled and declined ballots;
 - (e) the written appointments delivered by the candidates representative's.
- (7) The deputy returning officer for the advance poll shall lock and seal the ballot box in which the ballots are placed and the ballot box mentioned in this section with one of the seals prescribed by the chief electoral officer.
- (8) The deputy returning officer for the advance poll shall place his/her seal on each of the ballot boxes.
- (9) The deputy returning officer for the advance poll shall satisfy himself/herself that the seals are placed in a manner that the boxes cannot be opened and nothing can be deposited in them without breaking the seals
- (10) The deputy returning officer for the advance poll shall place the ballot boxes and the other election material in a safe place and prevent any other person from having access to them until the close of voting on polling day.

71(11) The deputy returning officer for the advance poll shall:

- (a) complete a statement that sets out the name, address and occupation of every voter who made a voter's declaration on polling day and the poll number of the poll where the voter is otherwise eligible to vote; and**
 - (b) send a copy of the statement to the returning officer.**
- (12) At the close of voting on polling day, the deputy returning officer for the advance poll shall proceed to count the votes in the same manner prescribed by this Act for counting votes at any poll.**
- (13) For the purposes of this Act, the deputy returning officer for the advance poll is deemed to be the deputy returning officer on election day.**
- (14) The deputy returning officer shall allow any candidate's representative who are present to observe the deputy returning officer's actions and to initial the ballot paper account, the poll statement, any envelope, the ballot box and any seal mentioned in this section**

PART V. PROCEEDINGS AFTER VOTING.

- 72(1) Immediately after the closing of the polling place, the deputy returning officer shall do the things in this section in the order prescribed in this section.
- (2) The deputy returning officer shall do the things prescribed in the presence and in full view of the persons entitled pursuant to section 45.
- (3) The deputy returning officer shall:
- (a) count the number of voters whose names appear in the poll book as having voted;
 - (b) make an entry in the poll book of the number of those names on the line immediately below the last name recorded;
 - (c) sign his/her name after that entry.
- (4) The deputy returning officer shall make the ballot paper account and poll statement in duplicate.
- (5) The deputy returning officer shall;
- (a) count the unused ballot papers undetached from the books of ballot papers;
 - (b) place the unused ballot papers together with the stubs of used ballot papers in the special envelope supplied for the purpose;
 - (c) indicate on the special envelope the number of unused ballot papers enclosed;
 - (d) seal the special envelope;
 - (e) record the number of unused ballot papers on the ballot paper account and poll statement.
- (6) The deputy returning officer shall:
- (a) count the number of spoiled and declined ballots;
 - (b) make an entry in the poll book of those ballots on the line immediately below the last name;
 - (c) sign his/her name.
- (7) The deputy returning officer shall announce in an audible voice the number of voter's, as recorded in the poll book record, in the following categories;
- (a) voter's registered on the voter's list and not required to make a voter's declaration;
 - (b) voter's registered on the voter's list and required to make a voter's declaration;
 - (c) voter's not registered on the voter's list and required to make a voter's declaration;
 - (d) voters struck off the voter's list and required to make a voter's declaration;

- 72(8) The deputy returning officer shall check the total number of voter's in the categories mentioned in subsection (7) and ensure that the number is the same as the total number of persons appearing in the poll book as having voted.
- (9) The deputy returning officer shall open the ballot box.
- (10) The deputy returning officer shall:
- (a) count the number of votes in favor of each candidate;
 - (b) give full opportunity to those present to examine each ballot;
- (11) The deputy returning officer shall;
- (a) make note in the poll book of every objection taken to a ballot by a candidate, candidate's representative or voter present;
 - (b) number each objection;
 - (c) place a corresponding number on the back of the ballot;
 - (d) initial the ballot; and
 - (e) decide the objection.
- (12) A deputy returning officers decision pursuant to clause 11(e) may be reviewed on a recount.
- (13) The deputy returning officer shall:
- (a) place all rejected ballots in a special envelope supplied for that purpose;
 - (b) indicate the number of rejected ballots contained in the special envelope on the outside of the envelope and on the ballot paper account and poll statement; and
 - (c) seal the envelope.
- (14) When the deputy returning officer is satisfied with the accuracy of the ballot paper account and poll statement, he/she shall sign each copy of them, direct the poll clerk to sign them and permit any candidates representative to sign them if the candidates representative so desires.
- (15) The deputy returning officer shall:
- (a) place the original ballot paper account and the poll statement in the special envelope supplied for that purpose; and
 - (b) keep the second copy of the original ballot paper account and poll statement as the deputy returning officer's own record.
- (16) The deputy returning officer shall permit each candidate or candidate's representative who wishes to do so, to sign his/her name or initials across the flap of any special envelope mentioned in this section
- (17) The deputy returning officer shall administer the oath or declaration to the poll clerk, who shall take the oath or make the declaration.

- 72(18) The deputy returning officer shall place in the large envelope supplied for that purpose the following material:
- (a) the envelopes containing the ballots counted for each of the candidates;
 - (b) the envelope containing the rejected ballots;
 - (c) the envelope containing the unused ballot paper;
 - (d) the envelope containing the spoiled and declined ballot papers;
 - (e) the written appointments delivered by candidates representatives.
- (19) The deputy returning officer shall sign and seal the large envelope mentioned in subsection(18).
- (20) The deputy returning officer shall permit any candidate or candidates representative who wishes to do so to sign or initial the large envelope mentioned in subsection (18)
- (21) The deputy returning officer shall place in the ballot box, but outside the large envelope:
- (a) the poll book;
 - (b) the voters list;
 - (c) the special envelope supplied for voters declarations; and
 - (d) the special envelope containing the original ballot paper account and the poll statement.
- (22) The deputy returning officer shall place his/her own seal on the ballot box.
- (23) The deputy returning officer shall satisfy himself/herself that the seal is placed in a manner so that the boxes cannot be opened and nothing can be deposited in them without breaking the seals.
- (24) The deputy returning officer shall immediately advise the returning officer by telephone or by Fax of the number of voters who voted at the polling place and the results of the voting.
- 73(1) In counting the votes, the deputy returning officer shall reject the following ballots;
- (a) ballots that have not been supplied by the chief electoral officer;
 - (b) ballots which voters have voted for more than one candidate;
 - (c) ballots on which a voter has written or marked anything by means of which the voter can be identified;
 - (d) ballots on which the voters intention is not clear or on which no vote has been given for a candidate.

- 73 (2) In counting the ballots, the deputy returning officer shall not reject the following ballots:
- (a) ballots marked with some mark other than a cross if;
 - (i) the voters intention is clearly indicated;
 - (ii) there is no cross mark elsewhere on the ballot.
 - (b) ballots on the back of which the deputy returning officer has omitted to place his/her initials if the deputy returning officer is satisfied:
 - (i) that the ballot is one he/she supplied;
 - (ii) that the omission has been made inadvertently; and
 - (iii) that every ballot supplied to him/her by the chief electoral officer has been accounted for.
- (3) If a ballot does not have the deputy returning officers initials and the deputy returning officer is satisfied that the conditions mentioned in clause (2)(d) are met, the deputy returning officer shall in the presence of the poll clerk and the candidates representatives:
- (a) place his/her initials to the ballot; and
 - (b) count the ballot as if it had been initialed in the first place.
- 74(1) Immediately after counting the ballots, the deputy returning officer shall personally deliver the ballot box to the returning officer or to a person appointed by the returning officer to receive the ballot box.
- (2) If directed by the returning officer, the deputy returning officer shall forward the ballot box by registered mail or courier instead of personally delivering the ballot box.
 - (3) Before handing over the ballot box, the deputy returning officer shall obtain a receipt from the person to whom the deputy returning officer has handed over the ballot box.
 - (4) A person appointed by the returning officer to receive the ballot box from any deputy returning officer and who has taken delivery of the ballot box shall:
 - (a) immediately deliver the ballot box to the returning officer.
 - (5) On receipt of the ballot box, the returning officer shall:
 - (a) keep the ballot box safe and prevent any person, other than the returning officer and the election clerk, from having access to it;
 - (b) examine the seal placed on the box by the deputy returning officer & if the seal is not on good condition, shall place the returning officers own seal.
 - (c) record, in the column for remarks in the returning officer's statement, the condition of the seal placed on the ballot box by the deputy returning officer.
 - (d) Send the ballot box to the destination instructed by the chief electoral officer for the final count.

75(1) Each candidate may appoint voters as his/her candidates representative at the final count.

(2) An appointment made pursuant to this section must be in writing.

(3) A candidate may not have more than one candidate representative present at any one time.

(4) The chief electoral officer may refuse to allow any candidates representative to be present at the final count until the candidates representative produces his/her written appointment.

76(1) At the time and place set for the final count and after receiving all advance and general election ballot boxes, the chief electoral officer shall do in the presence of and in full view of the candidates or the candidates representatives who are present:

(a) remove from each ballot box and open the special envelope containing the original ballot paper account and poll statement; and

(b) enter the results appearing in the ballot paper account and poll statement in the appropriate columns of the returning officers statement.

(2) In an audible voice, the chief electoral officer shall read each ballot paper account and poll statement.

(3) The chief electoral officer shall place each ballot paper account and poll statement in a file.

(4) The chief electoral officer shall give each candidate or each candidates representative an opportunity to inspect each poll book and voters list used in voting.

77(1) If on the final count, the chief electoral officer finds that two or more candidates have the same number of votes and cannot declare a clear winner, the chief electoral officer shall immediately conduct a recount of the ballots;

(2) If the chief electoral officer finds each of the candidates has received an equal number of votes;

(a) shall seal up all ballot papers, poll books, ballot paper statements and any other election material in the ballot box and recommend to the Metis Legislative Assembly that a new election should take place immediately.

78(1) The chief electoral officer may adjourn making the final count if, at the time and place set for making the final count:

- (a) all the ballot boxes have not been returned to the chief electoral officer;
- (b) the ballot paper account and poll statement are not found enclosed in the ballot box for a polling place; or
- (c) the returning officer for any reason cannot ascertain the number of votes given for each candidate.

(2) The returning officer may adjourn the final count pursuant to this section to a date not more than one week after the date set for the final count.

79(1) If the chief electoral officer cannot obtain the ballot paper account, poll statement or if a ballot box is still missing, the chief electoral officer shall determine the total number of votes given for each candidate at the polling places.

(2) The chief electoral officer shall determine the votes using any evidence that the chief electoral officer is able to obtain;

(a) for the purposes of this section, the chief electoral officer may summon the returning officer, deputy returning officers, supervisory deputy returning officers, poll clerks or any other election officer to appear before the chief electoral officer and bring with them all election papers and documents.

(b) if the chief electoral officer summons the election officers, the chief electoral officer shall set a time and place for hearing the evidence and shall give each candidate written notice of the time and place;

(c) the chief electoral officer may examine on oath or declaration any election officer with respect to any aspect of the election and the ballots cast at a polling place;

(d) If the chief electoral officer cannot make a decision after hearing all of the evidence, the chief electoral officer shall proceed with section 77(2)(a).

80(1) If, after the final count, the margin of victory of the candidate declared to be elected is less than the total number of all unopened ballot envelopes, rejected ballots and ballots objected to, any candidate or the business manager of any candidate is entitled to request a recount.

(2) A request for a recount must be:

(a) signed by the candidate or business manager; and

(b) served on the chief electoral officer within four days of the date the chief electoral officer declared the results of the election.

- 80(3) Within four days after receiving a request for a recount, the chief electoral officer shall:
- (a) issue a certificate setting out that the candidate or the candidates business manager has requested a recount.
 - (b) set a time and place for a recount.
- (4) The chief electoral officer shall order a recount if he/she ascertains that the margin of victory of the candidate declared is less than the total number of all unopened ballot envelopes, rejected ballots and ballots objected to.
- (5) The recount must be not less than 10 days after the date the request was served on the chief electoral officer.
- (6) Within four days after the chief electoral officer has fixed the time and place for the recount, the chief electoral officer shall serve a notice on the returning officer, the deputy returning officer, poll clerks and the candidates or business managers of the candidates.
- (7) The returning officer and the election clerks shall attend the place fixed for the recount.
- (8) The chief electoral officer, the assistant chief electoral officer, the candidates and not more than one candidates representative may be present at the recount.
- 81(1) At the time and place fixed for the recount, the chief electoral officer shall:
- (a) in the case of a recount, recount all of the voted and ballots and open all the sealed envelopes containing;
 - (i) the ballots that have been counted;
 - (ii) the rejected ballots;
 - (iii) the spoiled ballots;
 - (iv) the declined ballots;
 - (v) the unused ballot papers;
 - (vi) the unopened ballot envelopes.
 - (2) In the case of a recount, the chief electoral officer shall consider and make a finding with respect to every ballot envelope that has not been opened.
 - (3) The chief electoral officer may receive oral or affidavit evidence with respect to the eligibility to be a voter of the individual whose ballot envelope has not been opened.
 - (4) In the case of a recount the chief electoral officer shall:
 - (a) verify and correct the ballot paper accounts and poll statements and the returning officers statements.

- 82(1) On completing the recount, the chief electoral officer shall seal all of the ballots in their separate envelopes.
- (2) At the request of any party who is entitled to be present at the recount, the chief electoral officer shall number the disputed ballots on the back and enclose them in a separate envelope.
- (3) Upon the completion of the recount the chief electoral officer shall forthwith certify the result and shall then declare to be elected the candidate having the highest number of votes.
- (4) If the chief electoral officer finds that each of the two or more candidates has received an equal number of votes and cannot finally determine the result of the election, the chief electoral officer will recommend to the Metis Legislative Assembly a new election be held.
83. If a chief electoral officer fails to proceed with a recount, any aggrieved party may file a statement to the Metis Legislative Assembly setting out the facts relating to the failure.
- (a) A statement must be filed within five days of the date the chief electoral officer was required to proceed with the recount.
- (b) The party filing the appeal may limit the appeal to the specified ballots or to specific findings of the chief electoral officer.
- (c) unless the appeal is limited pursuant to subsection (b), the appeal is deemed to be a request by the party for a recount of all ballots.
84. The ruling made by the Metis Legislative Assembly on the appeal shall be final and binding.
85. On receiving notice, the chief electoral officer shall send out in a letter to all of the locals and the Metis Nation Affiliates the final results.
- (a) The chief electoral officer will issue a press release to all major forms of media outlining the final results.
- 86(1) The chief electoral officer shall retain in his/her possession the election papers and documents for at least one year after the date the papers and documents were received.
- (2) At the end of the one year period, the chief electoral officer shall destroy the papers and documents.

PART VI. ELECTION OFFENCES AND CORRUPT PRACTICES.

87. No person shall disturb the peace and good order at a polling place or at a nomination.
88. No person in attendance at a polling place or at a counting of votes shall fail to maintain or fail to aid in maintaining the secrecy of voting.
- 89(1) No person shall:
- (a) interfere or attempt to interfere with a voter when the voter is marking a ballot paper; or
 - (b) attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.
- (2) No person shall communicate information obtained at a polling place as to the candidate for whom a voter at the polling place is about to vote or has voted.
90. No person shall directly or indirectly persuade a voter to show the voter's marked ballot paper so as to make known the name of the candidate for whom the voter has voted.
91. No voter shall show his/her marked ballot paper to any person so as to make known the name of the candidate for whom the voter has voted.
92. Every election officer who has reasonable grounds to believe that there has been a contravention of sections 87 to 91 shall immediately report the alleged contravention to the chief electoral officer.
- 93(1) No person shall unlawfully take down, cover up, mutilate, deface or alter an election proclamation, notice or other document required to be posted pursuant to this Act
- (2) No person shall unlawfully take down, cover up, mutilate, deface or alter a poster or sign set up or displayed on behalf of a candidate.
94. On polling day, no person shall post or display any campaign literature, emblem, ensign, badge, label, ribbon, flag, banner, card, bill, poster or device that could be taken as an indication of support of or for a candidate;
- (a) on his/her person within the polling place;
 - (b) in or within 1 kilometre of the polling place;
 - (c) in or on a hall, window or door of a polling place or of the building in which a polling place is situated.

95. No person shall bring into, or possess or use in, any polling place any cellular phone or other communication devices.
96. The deputy returning officer may exclude from the polling place any person who contravenes any provision of this section and may remove any material or device brought into, possessed or used in contravention of this section.
- 97(1) No person shall;
- (a) fraudulently alter, deface or destroy a ballot paper or the initials of the deputy returning officer on the ballot paper;
 - (b) fraudulently supply a ballot paper to any person;
 - (c) fraudulently place in a ballot box a paper other than the ballot paper that he/she is authorized by law to place in the ballot box;
 - (d) fraudulently take a ballot paper out of a polling place;
 - (e) fraudulently destroy, take, open or otherwise interfere with a ballot box or ballot book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of the election;
 - (f) fraudulently use the printers aids authorized by the chief electoral officer for any purpose other than the printing of ballots;
 - (g) fraudulently have in his/her possession any printers authorized by the chief electoral officer or a counterfeit or imitation of those printers aids;
 - (h) fraudulently print a ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
 - (i) print ballot papers that he/she is not authorized to print;
 - (j) attempt to commit any of the acts mentioned in this section.
- (2) No deputy returning officer shall fraudulently put his/her initials on the back of a paper purporting to be capable of being used as a ballot at an election.
- (3) If a person is convicted of an offence against this section, that person is disqualified from voting for the next five years.
- (4) In addition to the penalty mentioned in subsection (3), if a person is convicted of an offence against this section, that person is liable to;
- (a) in the case of an election officer, have his/her Metis Nation membership suspended for two years.
 - (b) in the case of a person who is not an election officer, have/her Metis Nation membership suspended for one year.

*** CORRUPT PRACTICES.**

98(1) No person shall, directly or indirectly and either by himself/herself or by another person, do any of the following:

- (a) give. Lend, or agree to give or lend or offer or promise any money or other valuable consideration or promise to obtain or to endeavor to obtain any money or other valuable consideration to or for a voter or to or for a person on behalf of a voter or to or for a person;
 - (i) for the purpose of persuading a voter to vote or refrain from voting at an election;
 - (ii) for the purpose of rewarding a voter for having voted or refrained from voting in an election;
 - (iii) for the purpose of electing a candidate as a member; or
 - (iv) for the purpose of persuading a voter to vote for a candidate;
- (b) give or obtain or agree to give or obtain or offer or promise any office, place, or employment or promise to obtain or endeavor to obtain any office, place or employment to or for a voter or to for any other person;
- (c) as a result of any gift, loan, offer, promise, agreement or other action mentioned in clauses (a) or (b) obtain, or engage or promise or endeavor to obtain;
 - (i) the election of any candidate as a member; or
 - (ii) the vote of a voter at an election.
- (d) advance, pay or cause to be advanced or paid money to or for the use of any other person with the intention that all or any part of the money will be paid:
 - (i) to support a corrupt practice;
 - (ii) to discharge or repay money that was, in whole or in part spent to support a corrupt practice;
- (e) apply to a candidate for any money, valuable consideration, office, place or employment as a reward for doing, or enter into an agreement to do, any of the following;
 - (i) unlawfully voting or unlawfully restraining a voter from voting at an election;
 - (ii) unlawfully assisting in electing a candidate as a member;
 - (iii) unlawfully persuading a voter to vote, or refrain from voting, for a candidate;

- 98(1) (f) during an election, receive or agree to receive any money, gift, loan or other valuable consideration, office, place or employment for himself/herself or for any other persons for;
- (i) voting or agreeing to refrain from voting at an election; or
 - (ii) persuading any other person to vote, or refrain from voting, for a candidate;
- (g) after an election, receive or agree to receive any money, gift, loan or other valuable consideration for;
- (i) voting or agreeing to refrain from voting at an election; or
 - (ii) persuading any other person to vote, or refrain from voting, for a candidate;
- (h) give, lend or agree to give or lend or offer or promise any money or other valuable consideration or promise to obtain or to endeavor to obtain any money or other valuable consideration or any office, place or employment or promise to obtain or endeavor to obtain any office, place or employment to or for any person to persuade that person;
- (i) to be a candidate;
 - (ii) to refrain from being a candidate;
 - (iii) to withdraw from being a candidate.

(2) Any contravention of this section is a corrupt practice.

- 99(1) No person shall directly or indirectly and either by himself/herself or by another person:
- (a) Intimidate a voter or use or threaten to use force, violence or restraint or inflict or threaten to inflict injury, damage, harm or loss on or against a voter;
 - (i) to persuade or compel the voter to vote or refrain from voting;
 - (ii) because the voter voted or refrained from voting;
 - (b) impede, prevent or otherwise interfere in any way with the free exercise of the voter's right to vote; or
 - (c) in any way, compel, induce or prevail on a voter to vote or refrain from voting.
- (2) No person shall represent a voter, directly or indirectly, that the ballot to be used or the mode of voting at an election is not secret;

100. No person shall request a charitable contribution from any candidate during an election.

101(1) No person shall:

- (a) apply at an election for a ballot in the name of another person, whether living or dead, or a fictitious person;
- (b) having voted, apply at the same election for a ballot paper in the voter's own name; or
- (c) vote more than once at the same election.

102(1) No person shall;

- (a) obtain an appointment as a supervisory deputy returning officer, deputy returning officer, election clerk or poll clerk by false pretense, deceit or other improper means; or
- (b) act as a supervisory deputy returning officer or deputy returning officer without lawful authority.

(2) No person shall knowingly appoint as an election clerk, supervisory deputy returning officer, deputy returning officer or poll clerk a person who has been found guilty of a corrupt practice by a court of a competent jurisdiction within five years of the appointment.

103(1) No individual shall;

- (a) vote knowing that he/she has no right to vote; or
- (b) induce or persuade any other individual to vote knowing that the other individual has no right to vote.

104. No person shall make a false or misleading oath or declaration that is required pursuant to this act.

105(1) Before or during the election, no person shall knowingly make or publish a false statement of the withdrawal of a candidate at the election for the purpose of promoting or securing the election of another candidate.

(2) Before or during an election, no person shall knowingly make or publish any false statement in relation to the personal character or conduct of a candidate for the purpose of affecting the return of the candidate at the election.

106. No returning officer, supervisory deputy returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified voter's list, polling list or poll book shall willfully make an alteration or insertion in or omission from or in any way willfully falsify the poll book, voter's list or polling list.

107. No person shall willfully and maliciously destroy, injure or obliterate, or cause to be destroyed, injured or obliterated a poll book, voter's list, polling list, certificate or affidavit required for the purposes of this Act.

108(1) No deputy returning officer shall knowingly:

(a) omit to put his/her initials on the back of a ballot paper in use for the purposes of an election; or

(b) put on a ballot paper any word, letter, figure or mark not required by this Act.

(c) No deputy returning officer and no poll clerk shall willfully miscount the ballots or otherwise make up a false ballot paper account and poll statement.

109(1) If an election officer reports to the chief electoral officer that a corrupt practice has been committed by an elected candidate, the candidates business manager or any of his/her candidates representatives, the election of the candidate is void.

(2) An election is void pursuant to subsection(1) regardless of whether the corrupt practice was committed with or without actual knowledge and consent of the candidate.

(3) Not with standing subsection (1), an election of a candidate is not void if the chief electoral officer reports:

(a) No corrupt practice was committed during the election by the candidate personally and that the corrupt practice of the candidates representative was committed contrary to the order and without sanction or connivance of the candidate;

(b) the candidate took all reasonable means for preventing the commission of corrupt practices at the election;

(c) the corrupt practice was of a trivial, unimportant and limited character;

- 109(3) (d) the evidence discloses that the election was otherwise free from any corrupt practice on the part of the candidate and of the candidates representative and or business manager.
- 110(1) Subject to subsection (2), if the chief electoral officer reported that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate;
- (a) the candidate's election, if he/she has been elected is void; and
 - (b) for the five years following the date of the ruling, the candidate is disqualified from;
 - (i) being elected as a member to the Metis Legislative Assembly;
 - (ii) being entered on any voter's list;
 - (iii) voting in any local, regional, by-election or general election of the Metis Nation of Saskatchewan.
 - (iv) sitting as a board member of a Metis Nation affiliate.
- 111(1) The penalties shall not apply if the chief electoral officer finds that;
- (a) the candidate did not commit the corrupt practice with any corrupt intent or committed the corrupt practice in ignorance; and
 - (b) the candidate honestly desired and in good faith tried as far as the candidate was able to have the election conducted according to law.
- (2) Any other person either than a candidate who is found guilty of a corrupt practice is disqualified, for the five years following the date of the ruling, from;
- (a) being elected as a member to the Metis Legislative Assembly;
 - (b) being entered on any voter's list;
 - (c) voting in any local, regional, by-election or general election of the Metis Nation of Saskatchewan.
 - (d) sitting as a board member of a Metis Nation affiliate.
112. If an election is voided due to one or more corrupt practices and a second election is held, the chief electoral officer shall recommend to the Metis Legislative Assembly that a new election be scheduled.
113. The election of a candidate is void if it is proved at a hearing that a candidate personally engaged a canvasser, campaign worker, candidate's representative or business manager knowing that the canvasser, campaign worker, candidate's representative or business manager had, within five years previous to the engagement, been;
- (a) found guilty by a court of competent jurisdiction of a corrupt practice;
 - (b) reported by a chief electoral officer of a corrupt practice

114(1) No person shall make a payment or contribution by or on behalf of a federal or provincial registered political party to a Metis candidate running in a by election or a Metis Nation general election.

- (2) A person may use an agent to make a contribution to a candidate.
- (3) If a person receives money from another person for the purpose of making a contribution to a candidate, that person is deemed to be an agent for the other person;
 - (a) the agent shall disclose the identity of his/her principal to;
 - (i) the candidates business manager; and
 - (ii) the chief electoral officer.
- (4) If a person or agent makes a contribution to a candidate in excess of \$100.00, the candidate shall provide the chief electoral officer with a statement of all names of, and the amount contributed by, each person/agent.
- (5) A chief electoral officer may request at any time a candidate to submit a statement pursuant to subsection (4).
- (6) No candidate shall fail to comply with subsections 3 to 5.
- (7) If a candidate fails to comply with subsections 3 to 5, the chief electoral officer shall ascertain through a hearing why the candidate will not comply and whether the candidate is guilty of a corrupt practice
- (8) If found guilty of a corrupt practice pursuant to subsections 3 to 5 the candidate will be for five years;
 - (a) disqualified from sitting as a member of the Metis Legislative Assembly.
 - (b) prevented from entering his/her name on a voter's list;
 - (c) voting in a local, regional, by-election or a general election of the Metis Nation of Saskatchewan.
 - (d) sitting as aboard member of any of the regional or Provincial Metis Nation affiliates.