



## NCN Election Code and Referendum Rules *Round 2*

# AMENDMENTS

July 2013

## Overview of the Amendment Process

Before 1998, elections for Chief and Council were held using Indian Act regulations. NCN has conducted the past four elections using its own Election Code. The original Election Code approved by NCN Citizens was amended in 2002 and in 2010. Following each election, the electoral officer and an independent observer prepared reports about the election and potential amendments to make the administration of NCN's Election Code more efficient. In addition, during the Wuskwatim investment workshops held in the spring of 2012, NCN Citizens indicated they supported amalgamating our Trusts to save costs. A vote of NCN Citizens is needed to amalgamate or amend the trusts so the Round 1 proposals included changes to clarify the rules that would apply to any referenda NCN holds.

Workshops were held in November 2012 and May and June 2013 to discuss the proposed amendments with NCN Citizens. Chief and Council and the technical team reviewed the feedback obtained from these meetings. Based on this feedback some revisions have been made to the proposed amendments. Other suggestions will be included in an NCN Constitution that is being prepared and will be brought to the community for discussion. This newsletter also identifies the comments that Chief and Council has decided should not be pursued

along with a brief explanation as to why they are not being pursued at this time. Part of the feedback from NCN Citizens during Round 1 was a request for an explanation of a number of terms or concepts. This newsletter also includes this information.

This document shows only the proposed changes and does not include the full text of either the current or proposed election law. The full documents are available on the NCN website at [www.ncncree.com](http://www.ncncree.com) and at the NCN Government office. This newsletter is being circulated in advance of and for use at **Community workshops to be held in Nelson House on Monday July 15, 2013, Thompson Tuesday July 16, and Winnipeg Thursday July 18. A General Assembly to address the proposed Election Code amendments is scheduled for Nelson House, Thursday August 8 at 4:00 p.m.** where NCN Citizens will be asked to vote on the amendments. Tuesday August 13 is being held as the back up date for the General Assembly.

### **Draft Constitution in Fall**

During Round 1 it was suggested that Council develop a Constitution. Council has been working on this and hopes to have a draft Constitution available for consideration by NCN Citizens by early fall. The following issues raised by NCN Citizens during Round 1 will be addressed in the proposed NCN Constitution:

- Inherent rights;
- Customary law principles;
- Referendum definition and procedures;
- Law-making process;
- Reconciliation with Canadian laws to ensure peaceful co-existence and mutual respect;
- Procedures for determining board elections/appointments;
- Accountability and transparency of Council;
- Council code of conduct and reprisals for breach including suspension or removal of Council members for human rights violations;
- Rights of NCN Citizenship;
- Access to information and confidentiality provisions;
- Prohibition for reprisals, balance between duty of loyalty to Nation as employer and free speech;
- Chief's role;
- Council's reporting obligations;
- Consensus decision-making recognizing that unanimity is not required for consensus.

As referenda are one type of law making process this issue will be addressed through the proposed Constitution rather than amendments to the Election Law.





# Explanatory Terms

## ○ Inherent Right

Inherent rights are rights that exist because of who we are as a people. They are rights that are integral to the people. They cannot be given or taken away by another government although the exercise of those rights may be blocked or impeded. Prior to European contact, the *Nisichawayasi Nehethowuk* lived in self-regulating communities. We had our own political and legal systems to regulate our lands, resources and daily lives. These rights were not abandoned, surrendered or relinquished when we signed treaties.

## ○ Common Law

The Common Law is law developed by judges, adjudicators or tribunals when they interpret statutory laws or adjudicate disputes. Similar disputes are dealt with in a similar way which is sometimes referred to as “precedent”.

## ○ Statutory Law

A Statutory Law is a written law as opposed to an oral or customary law. Lawmakers usually make statutory laws. Statutory Laws are sometimes referred to as “codified” laws.

## ○ Referendum

A Referendum is a process used by governments to ask their electorate whether they accept or reject a particular proposal or when they want direct input from voters about a particular issue instead of making the decision themselves. Customary law principles include obtaining direct input from the people. Referenda are sometimes called plebiscites or traditional decision-making.

## ○ Constitution

A Constitution is considered the supreme or most fundamental law of a Nation’s legal system. It establishes a set of rules that define the relationship between a Nation and its citizens, their rights and responsibilities, the structure of the government, how it will make laws and the Nation’s relationship with other Nations. As the supreme law, it contains the principles which all other legislation must be consistent with.

## ○ Consensus Decision-Making

Consensus decision-making is a group decision-making process that seeks the input of participants to find a resolution to an issue that can be supported even if it is not the favoured solution for an individual. There are many different processes that are used as part of consensus decision-making. Wikipedia describes the following as “decision rules” that may apply in consensus decision-making:

- Unanimous agreement
- Unanimous consent (premised on a willingness to find a workable solution even if not in total agreement)
- Unanimous agreement or consent minus a few votes
- Super majority thresholds;
- Simple majority
- Executive committee decides
- Person in charge decides.

NCN uses a number of these processes depending on the issue involved. NCN’s most common methods of consensus decision-making include unanimous consent even if all don’t entirely agree; super-majority thresholds of a double majority; simple majority, council decides; CEO or other staff person decides if authority has been delegated. Dotmocracy is also a consensus decision-making method NCN has used.

Unanimity is not the only form of consensus decision-making. Requiring unanimity gives individual participants a veto over group decision-making.

Participants are encouraged to collaborate to reach a decision they can live with. Consensus blocking or the use of a veto is generally strictly limited to ensure that effective decisions can be made for the overall progress of the group or community.

## NISICHAWAYASIIHK CREE NATION LAWS ELECTION LAW 1998-E1

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<b>PREAMBLE</b>			
<p><b>WHEREAS:</b> The Nisichawayasihk Cree Nation believes that the Creator made the lands and the citizens of the Nisichawayasihk Cree Nation. The Creator gave us laws that define our rights and responsibilities and govern all our relationships so that we may live in harmony with nature and mankind.</p>	<p><b>WHEREAS:</b> The Nisichawayasihk Cree Nation (also known as the Nisichawayasi Asiniskaw Nihithowak) believes that the Creator made the lands and the citizens of the Nisichawayasihk Cree Nation. The Creator gave us principles to live by and from these principles our leaders developed customary laws that define our rights and responsibilities and govern all our relationships so that we may live in harmony with nature and all creation.</p>	<p><b>WHEREAS:</b> The Nisichawayasihk Cree Nation (also known as the Nisichawayasi Nehethowuk) live by reference to Kihche’othasowewin (the Great Law) which forms the basis of our spiritual and philosophical beliefs, values, principles and goals, and from this Great Law, our people developed customary law principles (also known as traditional laws) to define our rights and responsibilities and to govern our relationships so that we may live in harmony with all creation.</p>	<p>Adds Cree terminology.</p> <p>Adds reference to the Great Law and its critical importance in our culture and society</p> <p>Clarifies that customary law principles were developed based on the Great Law</p> <p>Changes “mankind” to “all creation”.</p>
<p><b>WHEREAS:</b> The Nisichawayasihk Cree Nation has maintained its freedom, spiritual beliefs, languages, culture and traditions and has exercised powers of self-government from the beginning of time.</p>	<p><b>WHEREAS:</b> The Nisichawayasihk Cree Nation has maintained its freedom, spiritual beliefs, languages, culture and traditions and has exercised its inherent rights of self-government from the beginning of time, which rights have never been relinquished or abandoned.</p>	<p>No change after Round 1.</p>	<p>Adds “inherent rights” (see explanation section for further information).</p> <p>Adds statement that rights have never been forfeited.</p>
<p><b>WHEREAS:</b> The Nisichawayasihk Cree Nation wishes to make laws in writing for the governance of its citizens, the protection of its lands, the use of its resources, and the election of its government.</p>	<p><b>WHEREAS:</b> In 1998, the Nisichawayasihk Cree Nation decided to document our electoral processes based on our inherent laws, and to make laws in writing for the continued governance of our citizens, the protection of our lands, the use of our resources, and the election of our government.</p>	<p>No change after Round 1.</p>	<p>Specifies year when NCN began documenting its electoral process in writing.</p> <p>Changes reference to the First Nation from “its” to “our” throughout.</p>
<b>DEFINITIONS</b>			
<p>For purposes of this Code only, unless expressly otherwise provided, the following terms shall be defined as follows:</p>	<p>For purposes of this Code only, unless expressly otherwise provided, the following terms shall be defined as follows:</p>	<p>For purposes of this Election Law only, unless expressly otherwise provided, the following terms shall be defined as follows:</p>	<p>Changes “Code” to “Election Law”.</p> <p>This change has been made in all definitions and sections in the Election Law.</p>
	<p>“Board” means any board of an NCN corporation, unincorporated entity or trust whose governing documents, or in the absence of direction in the governing documents, whose directors or trustees or Chief and Council have determined are to be elected pursuant to this Code.</p>	<p>No change after Round 1 other than “Code” to “Election Law”</p>	<p>Adds new definition so Election Law can apply to designated board elections.</p> <p>NOTE: The constitutions/bylaws of all NCN corporations/entities will be reviewed to ensure they are consistent with this Election Law.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p>“Code” means this Election Code including any amendments thereto, or any successor election code adopted by Nisichawayasihk Cree Nation.</p>	<p>“Code” means this Election Code and Referendum Rules including any amendments thereto, or any successor election code and referendum rules adopted by the Nisichawayasihk Cree Nation.</p>	<p>“Election Law” means this Election Law including any amendments thereto, or any successor election law adopted by NCN.</p>	<p>Changes definition of “Code” to “Election Law” and removes the reference to referendum rules, throughout the revised draft amendments.</p>
<p>“Electoral Officer” means the person who is appointed by council to conduct elections pursuant to this Code and where required includes deputy electoral officers.</p>	<p>“Electoral Officer” means the person who is appointed by council to conduct elections and referenda pursuant to this Code and where required includes deputy electoral officers.</p>	<p>Electoral Officer” means the person who is appointed by council to conduct council and board elections pursuant to this Election Law and where required includes deputy electoral officers.</p>	<p>Deletes reference to referenda, which will be included in the NCN Constitution.</p> <p>Adds board elections.</p> <p>Changes “code” to “election law”.</p>
<p>“Elector” means a member who is at least eighteen (18) years of age on the date of an election held in accordance with this Code.</p>	<p>“Opimpahtao (Voter)” means an NCN citizen who is at least eighteen (18) years of age on the date of an election or referendum is held in accordance with this Code.</p>	<p>“Opimpahtao (Voter)” means an NCN Citizen who is at least eighteen (18) years of age on the date of a council or board election is held in accordance with this Election Law.</p>	<p>Replaces “Elector” with “Voter” throughout the Election Law.</p> <p>Adds Cree terminology.</p> <p>Deletes reference to referendum.</p> <p>Adds board elections.</p> <p>Changes “Code” to “Election Law”</p>
<p>“Elder” means a member who actively participates in community life and has achieved an honoured status in the Nisichawayasihk Cree Nation as a result of wisdom and knowledge the person displays.</p>	<p>“Kehtiyatis (Elder)” means an NCN citizen who teaches others about Nisichawayasi culture, spirituality and traditions, assists elected leaders by providing respectful guidance, actively participates in community life and has achieved an honoured status in the Nisichawayasihk Cree Nation as a result of wisdom and knowledge the person displays.</p>	<p>No change after Round 1.</p>	<p>Adds Cree terminology to provide a cultural relevance to the definition.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p>“Member” means a person who on the date of an election of by-election held in accordance with this Code, is a member of the Nisichawayasihk Cree Nation pursuant to the Nisichawayasihk Cree Nation Membership Code which has been in force and effect since May 24, 1988, including any amendments thereto, or any successor code adopted by the Nisichawayasihk Cree Nation.</p>	<p>“NCN citizen” means a person who on the date an election <b>or referendum</b> is held in accordance with this Code, is a <b>citizen</b> of the Nisichawayasihk Cree Nation pursuant to the Nisichawayasihk Cree Nation Membership Code which has been in force and effect since May 24, 1988, including any amendments thereto, or any successor code <b>or citizenship law</b> adopted by NCN.</p>	<p>“NCN Citizen” means a person who on the date a <b>council or board</b> election is held in accordance with this <b>Election Law</b>, is a <b>citizen</b> of the Nisichawayasihk Cree Nation pursuant to the Nisichawayasihk Cree Nation Membership Code which has been in force and effect since May 24, 1988, including any amendments thereto, or any successor code <b>or citizenship law</b> adopted by NCN.</p>	<p>NCN Citizen replaces Member and referendum deleted.</p> <p>Changes “Code” to “Election Law”</p>
<p>“Nisichawayasihk Cree Nation” means the Nisichawayasihk Cree Nation which is comprised of Cree peoples and is a band for purposes of the <b>Indian Act</b>, R.S.C. 1985, c.I-5 as amended.</p>	<p>“Nisichawayasihk Cree Nation” or “NCN” means the <b>Nisichawayasihk Nehethowuk or Nisichawayasi Asiniskaw Nihithowak</b>.</p>	<p>Nisichawayasihk Cree Nation” or “NCN” means the <i>Nisichawayasihk Nehethowuk</i>.</p>	<p>Rewrite of definition to reflect Cree terminology.</p> <p>Deletes reference to the Rocky Four Winds people.</p>
<p>“Nisichawayasihk Cree Nation Community Meeting” means a meeting of the electors of the Nisichawayasihk Cree Nation conducted in accordance with this Code.</p>	<p>“NCN Community Meeting” means a meeting of the <b>voters</b> of the Nisichawayasihk Cree Nation conducted in accordance with this Code.</p>	<p><b>NCN</b> Community Meeting” means a meeting of the <b>voters</b> of the Nisichawayasihk Cree Nation conducted in accordance with this <b>Election Law</b>.</p>	<p>Changes full name to short form.</p> <p>Changes electors to voters.</p>
<p>“Reserve” has the same meaning as in the <b>Indian Act</b>, R.S.C. 1985, c. I-5 as amended, but only refers to those reserves set apart for the use and benefit of the Nisichawayasihk Cree Nation.</p>	<p>“Reserve” means those lands set aside <b>as reserves</b> for the use and benefit of the Nisichawayasihk Cree Nation.</p>	<p>No change after Round 1.</p>	<p>Removed reference to the Indian Act.</p>
	<p>“Oskatis” (Youth) means an NCN citizen who is between the ages of eighteen (18) and thirty- (30)-years-of age on the date an election or referendum is held in accordance with this Code.</p>	<p>“Oskatis” (Youth) means an NCN citizen who is between the ages of eighteen (18) and thirty- (30)-years-of age on the date a <b>council or board election</b> is held in accordance with this <b>Election Law</b>.</p>	<p>Adds definition of who is a youth.</p> <p>Deletes reference to referendum.</p> <p>Adds board elections.</p> <p>Changes “code” to “election law”.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<b>PART 1: COMPOSITION OF COUNCIL AND TERM OF OFFICE</b>			
<p><b>Vacancy</b>  <b>3(5) Where</b> the chief or a councillor:            (a) is unable or unwilling to act;            (b) is convicted of an indictable offence, or a corrupt practice under this Code or any other Act of Parliament or the Legislature of Manitoba;            (c) dies;            (d) subject to subsections (6) and (7), resigns from office in writing;            (e) is absent from three (3) consecutive regular meetings of council without just cause as determined by majority vote at an NCN community meeting called for this purpose;            (f) is found by council, the Appeal Committee, or a court of competent jurisdiction to have violated the Oath of Allegiance, Oath of Office or Oath of Confidentiality in the form set out in Schedules "A", "B" and "C"; and            (g) is removed from the NCN Membership Code</p> <p>that person's position shall be declared vacant and a by-election shall be held immediately in accordance with this Code unless there are only six (6) months remaining before the expiry of council's term of office, in which case no by-election is required.</p>	<p><b>Vacancy</b>  <b>3(5) Where</b> the chief or a councillor:            (a) is unable or unwilling to act;            (b) is convicted of an indictable offence, a corrupt practice under this Code, or is sentenced to a jail term for any offence under            (c) <i>Kanukutuskeet</i> (passes on);            (d) subject to subsections (6) and (7), resigns from office in writing;            (e) is absent from three (3) consecutive regular meetings of council without just cause as determined by majority vote at an NCN community meeting called for this purpose;            (f) is found by council, the Appeal Committee, or a court of competent jurisdiction to have violated the Oath of Allegiance, Oath of Office or Oath of Confidentiality in the form set out in Schedules "A", "B" and "C";            (g) is no longer an NCN Citizen; or            (h) is elected as a Member of Parliament, Member of the Legislative Assembly, Grand Chief or Vice-Chief of the Assembly of First Nations, Grand Chief or Vice-Chief of the Assembly of Manitoba Chiefs, Grand Chief of the Manitoba Keewatinowi Okimakanak, tribal council representative or a mayor or councillor of a town or city;</p> <p>that person's position shall be declared vacant and a by-election shall be held immediately in accordance with this Code unless there are only six (6) months remaining before the expiry of council's term of office, in which case no by-election is required.</p>	<p>No change after Round 1.</p>	<p>Adds jail term as a reason to declare a vacancy.</p> <p>Uses Cree word <i>Kanukutuskeet</i> for <i>dies</i>.</p> <p>Changes "Members" to "NCN Citizens".</p> <p>Adds new reason for declaring a vacancy if a chief or councillor is elected to another governing body.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
	<p><b>Leave of absence.</b>  <b>3(5.5)</b> A chief or councillor who seeks election as a member of Parliament, member of the Legislative Assembly, mayor or councillor of a town or city, Grand Chief of the Assembly of First Nations, Grand Chief of the Assembly of Manitoba Chiefs or Grand Chief of Manitoba Keewatinowi Okimakanak, shall take a leave of absence from the position of chief or councillor upon filing official documents required to run for such election and shall be considered on leave of absence without pay from the date papers are filed to the date of the election.</p>	<p><b>Leave of absence.</b>  <b>3(5.5)</b> A chief or councillor who seeks election as a member of Parliament, member of the Legislative Assembly, mayor or councillor of a town or city, Grand Chief of the Assembly of First Nations, Grand Chief of the Assembly of Manitoba Chiefs or Grand Chief of Manitoba Keewatinowi Okimakanak, shall be granted no more than one leave of absence without pay from the position of chief or councillor during that person's term of office, which leave shall be from the date upon official documents required to run for such election are filed up to and including the date of the election.</p>	<p>Add provision to take a leave of absence if seeking elected office to another governing body.</p> <p>Clarifies that only one leave without pay can be granted during each term of office.</p>
<p><b>By-election term of office.</b>  <b>3(7)</b> A person elected in a by-election shall only hold office until the next regular election is held.</p>	<p><b>By-election term of office.</b>  <b>3(7)</b> A person elected in a by-election shall only hold office until the next regular election is held and the new chief and council is sworn into office in accordance with subsection 21 (3).</p>	<p>No change after Round 1.</p>	<p>Specifies that electoral term ends when new chief and council sworn in.</p>
<p><b>Prohibition on seeking Office</b>  <b>3(9)</b> A chief or councillor convicted of an indictable offence shall not be eligible to be a member of council for eight (8) years from the date of the conviction or any appeal arising from such conviction, whichever is later.</p>	<p><b>Prohibition on seeking Office</b>  <b>3(9)</b> An NCN Citizen who is convicted of an indictable offence or sentenced to a jail term, shall not be eligible to be a member of council for eight (8) years from the date of the conviction, the conclusion of the period of incarceration, or any appeal arising from such conviction or jail sentence, whichever is later.</p>	<p><b>Prohibition on seeking Office</b>  <b>3(9)</b> An NCN Citizen who is convicted of an indictable offence or is sentenced to serve a jail term any time after the election order has been issued, shall not be eligible to be a member of council for eight (8) years from the date of the conviction for an indictable offence or the conclusion of the period of incarceration for any other offence, or any appeal arising from such conviction or jail sentence, whichever is later.</p>	<p>Changes "chief or councillor" to NCN Citizen.</p> <p>Disqualifies anyone who is serving a jail sentence for any offence during the election period from being elected.</p> <p>Prevents anyone who is convicted of an indictable offence from seeking office for 8 years following the conviction or any appeal.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<b>PART 2: ELECTORAL OFFICER</b>			
<p><b>Appointment.</b>  <b>4(1)</b> Subject to subsection (2), at least forty-five (45) days prior to the expiry of its term of office, council shall appoint an elector who communicates in Cree and English, as the electoral officer for purposes of this Code.</p>	<p><b>Appointment.</b>  <b>4(1)</b> Subject to subsection (2), at least forty-five (45) days prior to the expiry of its term of office, council shall appoint <b>a voter</b> who communicates in <b>Nehethowiwîn</b> and English, as the electoral officer for purposes of this Code.</p>	<p>No change following Round 1.</p>	<p>Changes “Elector” to “voter”.  “Cree” changed to “Nehethowiwîn”.</p>
<p><b>Criminal records check.</b>  <b>4(2)</b> No elector shall be appointed as an electoral officer if that person has been convicted of an indictable offence and the onus shall be on the elector to provide council with a written criminal records check prior to appointment.</p>	<p><b>Criminal records check.</b>  <b>4(2)</b> No <b>voter</b> shall be appointed as an electoral officer if that person has been convicted of an indictable offence <b>or has been sentenced to a jail term</b> and the onus shall be on the <b>voter</b> to provide council with a written criminal records check prior to appointment.</p>	<p>No change after Round 1.</p>	<p>Changes “Elector” to “voter”.  Reference to jail term sentence added.</p>
<p><b>Appointment of deputy electoral officer.</b>  <b>5(1)</b> Council may appoint deputy electoral officers, returning officers and such other officers and employees as are necessary to enable the electoral officer to carry out the duties assigned under this Code.</p>	<p><b>Appointment of deputy electoral officer.</b>  <b>5(1)</b> <b>The electoral officer shall</b> appoint deputy electoral officers, returning officers and such other officers and employees as are necessary to enable the electoral officer to carry out the duties assigned under this Code <b>and to the extent possible shall appoint a deputy electoral officer for each polling location.</b></p>	<p>No change following Round 1.</p>	<p>Appointment responsibility transferred from council to electoral officer.  Adds the need to appoint a deputy electoral officer for each polling location.</p>



Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Powers and duties of the electoral officer.</b></p> <p><b>8(1)</b> The electoral officer shall:</p> <ul style="list-style-type: none"> <li>(a) exercise general direction and supervision over the administrative conduct of elections;</li> <li>(b) ensure the voters list is prepared and posted in at least five (5) public locations on reserve at least fourteen (14) days prior to the date of the election;</li> <li>(c) enforce fairness, impartiality and compliance with this Code on the part of all election officers;</li> <li>(d) issue instructions to any deputy electoral officers and other officers appointed by council as may be necessary to ensure the duties in this Code are carried out; and</li> <li>(e) perform such other duties as are prescribed by this Code.</li> </ul>	<p><b>Powers and duties of the electoral officer.</b></p> <p><b>8(1)</b> The electoral officer shall:</p> <ul style="list-style-type: none"> <li>(a) exercise general direction and supervision over the administrative conduct of elections <b>and referenda</b>;</li> <li>(b) ensure the voters list is prepared and posted in at least five (5) public locations on reserve at least fourteen (14) days prior to the date of the election <b>or referendum</b>;</li> <li>(c) enforce fairness, impartiality and compliance with this Code on the part of all election officers;</li> <li>(d) <b>delegate responsibility</b> to any deputy electoral officers and other officers appointed by council as may be necessary to ensure the duties in this Code are carried out;</li> <li>(e) either before or after the nomination meeting, use media, information meeting or other means, to provide NCN Citizens with information about the electoral or referenda processes, including the provisions of this Code, nomination procedures, qualification of candidates, voting information and election or referenda results;</li> <li>(f) determine the number and location of regular, advance and travelling polling locations, but there must be at least one regular polling location on reserve and if polling locations are to be changed in a subsequent election from the preceding election, at least six (6) months notice of the proposed change shall be given by the electoral officer to NCN Citizens who shall have the right to file an appeal with the electoral officer within fourteen (14) days of the notice being posted and the electoral officer shall refer the matter to the appeal committee within seven (7) days of receipt of the appeal;</li> <li>(g) appoint scrutineers in a referendum or election if at least one scrutineer has not been appointed for each polls;</li> <li>(h) establish the procedures for mail-in ballots if council determines there should be mail-in ballots provided to NCN citizens living off-reserve; and</li> <li>(i) perform such other duties as are prescribed by this Code.</li> </ul>	<p><b>Powers and duties of the electoral officer.</b></p> <p><b>8(1)</b> The electoral officer shall:</p> <ul style="list-style-type: none"> <li>(a) exercise general direction and supervision over the administrative conduct of <b>council and board elections</b>;</li> <li>(b) ensure the voters list is prepared and posted in at least five (5) public locations on reserve at least fourteen (14) days prior to the date of the <b>council or board election</b>;</li> <li>(c) enforce fairness, impartiality and compliance with this <b>Election Law</b> on the part of all election officers;</li> <li>(d) <b>delegate responsibility</b> to any deputy electoral officers and other officers appointed by council as may be necessary to ensure the duties in this <b>Election Law</b> are carried out;</li> <li>(e) either before or after the nomination meeting, use media, information meeting or other means, to provide NCN Citizens with information about the electoral, including the provisions of this <b>Election Law</b>, nomination procedures, qualification of candidates, voting information and <b>council or board election</b> results;</li> <li>(f) determine the number and location of regular, advance and travelling polling locations, but there must be at least one regular polling location on reserve and if polling locations are to be changed in a subsequent election from the preceding election, at least six (6) months notice of the proposed change shall be given by the electoral officer to NCN Citizens who shall have the right to file an appeal with the electoral officer within fourteen (14) days of the notice being posted and the electoral officer shall refer the matter to the appeal committee within seven (7) days of receipt of the appeal;</li> <li>(g) appoint scrutineers in a <b>council or board election</b> if at least one scrutineer has not been appointed for each polls;</li> <li>(h) <b>establish the procedures for mail-in ballots if a decision is made to use such ballots</b></li> <li>(i) perform such other duties as are prescribed by this <b>Election Law</b>.</li> </ul>	<ul style="list-style-type: none"> <li>(a) (b) Deletes “referenda” and adds board elections.</li> <li>(d) Changes “issues to instruction” to “designates responsibility”.</li> <li>(e) Adds responsibility for communications to voters.</li> <li>(f) Defines responsibility for determining polling station locations and requirement and the responsibility for notification if polling stations change from one election to the next.</li> <li>(g) Adds responsibility for appointing scrutineers.</li> <li>(h) Adds responsibility to establish procedures for mail-in ballots.</li> </ul> <p>Same as (e) in previous version. Changes “Code” to Election Law.</p> <p>Deletes referenda and adds board elections.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Special powers of electoral officer.</b>  <b>8(2)</b> In addition to other powers, duties and functions of the electoral officer under this Code, the electoral officer may:</p> <ul style="list-style-type: none"> <li>(a) where an emergency arises, extend the time or dates for doing anything under this Code;</li> <li>(b) increase the number of election officers;</li> <li>(c) increase the number of polling stations;</li> <li>(d) prescribe forms for the purposes of this Code;</li> <li>(e) generally adapt the provisions of this Code to existing circumstances; and</li> <li>(f) exercise such other powers as are prescribed by or under this Code;</li> </ul> <p>but the electoral officer may not change the dates of the nomination meeting or election or extend the hour for the opening or closing of an ordinary or advance poll or for accepting a nomination paper on the day fixed for the close of nominations in an election unless the election cannot proceed as a result of an emergency which affects NCN, such as a flood, forest fire or death of a member or other person.</p>	<p><b>Special powers of electoral officer.</b>  <b>8(2)</b> In addition to other powers, duties and functions of the electoral officer under this Code, the electoral officer may:</p> <ul style="list-style-type: none"> <li>(a) where an emergency arises, extend the time or dates for doing anything under this Code;</li> <li>(b) increase the number of election officers;</li> <li>(c) increase the number of polling stations;</li> <li>(d) prescribe forms for the purposes of this Code;</li> <li>(e) generally adapt the provisions of this Code to existing circumstances; and</li> <li>(f) exercise such other powers as are prescribed by or under this Code;</li> </ul> <p>but the electoral officer may not change the dates of the nomination meeting, election or referendum fixed by council resolution, or extend the hour for the opening or closing of an ordinary or advance poll or for accepting a nomination paper on the day fixed for the close of nominations in an election unless the election or referendum cannot proceed as a result of an emergency which affects NCN, such as a flood, forest fire or a similar type of emergency or other extenuating circumstances.</p>	<p><b>Special powers of electoral officer.</b>  <b>8(2)</b> In addition to other powers, duties and functions of the electoral officer under this Election Law, the electoral officer may:</p> <ul style="list-style-type: none"> <li>(a) where an emergency arises, extend the time or dates for doing anything under this Election Law;</li> <li>(b) increase the number of election officers;</li> <li>(c) increase the number of polling stations;</li> <li>(d) prescribe forms for the purposes of this Election Law;</li> <li>(e) generally adapt the provisions of this Election Law to existing circumstances;</li> <li>(f) use electronic balloting procedures; and</li> <li>(g) exercise such other powers as are prescribed by or under this Election Law;</li> </ul> <p>but the electoral officer may not change the dates of the nomination meeting, council or board election fixed by council resolution, or extend the hour for the opening or closing of an ordinary or advance poll or for accepting a nomination paper on the day fixed for the close of nominations in a council or board election unless the council or board election cannot proceed as a result of an emergency which affects NCN, such as a flood, forest fire or a similar type of emergency or other extenuating circumstances.</p>	<p>Deletes "referenda".</p> <p>Revised so only similar kinds of emergencies are covered.</p> <p>Adds authority for electoral officer to use electronic balloting.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Reports on election.</b>  <b>9</b> After each election, the electoral officer shall make a written report within seven (7) days, to council on the conduct of the election, and may make recommendations about amendments to this Code or the procedures to be followed during elections and council shall make this report available to members immediately upon receiving it.</p>	<p><b>Reports on election.</b>  <b>9</b> After each election <b>or referendum</b>, the electoral officer shall make a written report within <b>fourteen (14)</b> days, to council on the conduct of the election, and may make recommendations about amendments to this Code or the procedures to be followed during elections and referenda, and council shall make this report available to <b>NCN citizens within thirty (30) days of receiving it by posting a notice on the NCN website and at the NCN government office advising where the report can be obtained.</b></p>	<p><b>Reports on election.</b>  <b>9</b> After each <b>council or board election</b>, the electoral officer shall make a written report within <b>fourteen (14)</b> days, to council on the conduct of the election, and may make recommendations about amendments to this <b>Election Law</b> or the procedures to be followed during <b>council or board elections</b>, and council shall make this report available to <b>NCN citizens within thirty (30) days of receiving it by posting a notice on the NCN website and at the NCN government office advising where the report can be obtained.</b></p>	<p>Deletes “referendum” and adds board elections.</p> <p>Changes reporting requirement to council from 7 to 14 days. Specifies 30 day reporting requirement to NCN Citizens.</p> <p>Specifies ncnree.com website as location for posting report.</p>
<p><b>PART 3: ELECTION PROCEDURES</b> (removes “and referendum” from the title.)</p>			
<p><b>Electors entitled to vote.</b>  <b>10(1)</b> (a) All electors are entitled to vote in council elections.            (b) The electoral officer may, in her absolute discretion, determine the number and location of regular, advance, and travelling polling locations. At a minimum, there must be at least one regular polling location on reserve.</p>	<p><b>Who is entitled to vote.</b>  <b>10(1)</b> All <b>voters</b> are entitled to vote in council elections, <b>board elections</b> and <b>referenda</b>.</p>	<p><b>Who is entitled to vote.</b>  <b>10(1)</b> All <b>voters</b> are entitled to vote in <b>council and board elections</b>.</p>	<p>Changed “electors” to “who is” in title and “voters” in body.</p> <p>Added “board elections” and removes “referenda”.</p> <p>Removed reference to polling locations which is now covered by expanded requirements under 8(1) (f).</p>
<p><b>Council resolution commences election.</b>  <b>10(2)</b> Every election shall be commenced by a council resolution calling an election, which council resolution shall be provided to the electoral officer forthwith.</p>	<p><b>Council resolution commences election.</b>  <b>10(2)</b> Every election <b>or referenda</b> shall be commenced by a council resolution calling an election <b>or referenda</b>, which council resolution shall be provided to the electoral officer forthwith.</p>	<p><b>Council resolution commences election.</b>  <b>10(2)</b> Every <b>council or board election</b> shall be commenced by a council resolution calling <b>the council or board election</b>, which council resolution shall be provided to the electoral officer forthwith.</p>	<p>Deletes “referenda” and adds board elections.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Election order.</b> <b>10(3)</b> Upon receipt of a resolution under subsection (2), the electoral officer shall immediately issue an order:</p> <ul style="list-style-type: none"> <li>(a) fixing the date, not more than fourteen (14) days and not fewer than seven (7) days from the date of the order for the filing of nomination papers by the candidates;</li> <li>(b) fixing the date of the election no less than seven (7) days and no more than fourteen (14) days from the date of the close of nominations;</li> <li>(c) fixing the date for a nominating meeting to be held, which date shall be no more than three (3) days after the date for filing nomination papers;</li> <li>(d) fixing the date and time of advance polls; and</li> <li>(e) fixing the location of the polling places and the hours during which the polls will be open, and post the order in at least five (5) conspicuous places on reserve.</li> </ul>	<p><b>Election/referendum order.</b> <b>10(3)</b> Upon receipt of a resolution under subsection (2), the electoral officer shall immediately issue an order: in the case of an election,</p> <ul style="list-style-type: none"> <li>(i) fixing the date for the filing of nomination papers by candidates, which date shall be, not more than fourteen (14) days and not fewer than seven (7) days from the date of the order;</li> <li>(ii) fixing the date of the election no less than twenty-one (21) days and no more than twenty-eight days from the date of the close of nominations;</li> <li>(iii) fixing the date for a nominating meeting to be held, which date shall be no more than five (5) days after the date for filing nomination papers;</li> <li>(iv) fixing the date of the advance poll as required by clause (b) (i), no less than fourteen (14) days after the nominating meeting is held; and</li> </ul> <p>(b) in the case of either a council election or a referendum:</p> <ul style="list-style-type: none"> <li>(i) fixing the date and time of advance polls;</li> <li>(ii) fixing the location of the polling places and the hours during which the polls will be open, and post the order in at least five (5) conspicuous places on reserve, in at least one location in Thompson, Winnipeg and other locations in Manitoba where significant numbers of voters reside, as determined in the sole discretion of the electoral officer, as well as on NCN's website.</li> <li>(c) in the case of a board election <ul style="list-style-type: none"> <li>(i) fix the date for the election</li> <li>(ii) fix the location of a polling place on reserve only and the hours during which the polls will be open</li> <li>(iii) post the election order on reserve and on the NCN website</li> </ul> </li> </ul>	<p><b>Election order.</b> <b>10(3)</b> Upon receipt of a resolution under subsection (2), the electoral officer shall immediately issue an order: in the case of a council election,</p> <ul style="list-style-type: none"> <li>(i) fixing the date for the filing of nomination papers by candidates, which date shall be, not more than fourteen (14) days and not fewer than seven (7) days from the date of the order;</li> <li>(ii) fixing the date of the election no less than twenty-one (21) days and no more than twenty-eight days from the date of the close of nominations;</li> <li>(iii) fixing the date for a nominating meeting to be held, which date shall be no more than five (5) days after the date for filing nomination papers;</li> <li>(iv) fixing the date of the advance poll as required by clause (b) (i), no less than fourteen (14) days after the nominating meeting is held;</li> <li>(v) fixing the date and time of advance polls;</li> <li>(vi) fixing the location of the polling places and the hours during which the polls will be open, and post the order in at least five (5) conspicuous places on reserve, in at least one location in Thompson, Winnipeg and other locations in Manitoba where significant numbers of voters reside, as determined in the sole discretion of the electoral officer, as well as on NCN's website.</li> <li>(b) in the case of a board election <ul style="list-style-type: none"> <li>(i) fix the date for the election</li> <li>(ii) fix the location of a polling place on reserve only and the hours during which the polls will be open</li> <li>(iii) post the election order on reserve and on the NCN website</li> </ul> </li> </ul>	<p>Deletes referendum from the title.</p> <p>Establish relevant provisions for the electoral officer's orders in Council elections referenda and board elections.</p> <p>Adds election-posting requirements for off-reserve communities and the web.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Voters' list.</b>  <b>11(1)</b> The electoral officer shall cause a voters' list to be prepared, which list shall contain the names of all electors in alphabetical order, which list shall be posted in at least five (5) public places on reserve at least fourteen (14) days prior to the date of the election.</p>	<p><b>Voters' list.</b>  <b>11(1)</b> The electoral officer shall cause a voters' list to be prepared, which list shall contain the names of all voters in alphabetical order, which list shall be posted in at least five (5) public places on reserve and in the same locations the electoral or referendum order is posted, at least fourteen (14) days prior to the date of the election or referendum.</p>	<p><b>Voters' list.</b>  <b>11(1)</b> The electoral officer shall cause a voters' list to be prepared, which list shall contain the names of all voters in alphabetical order, which list shall be posted in at least five (5) public places on reserve and in the same locations the electoral order is posted, at least fourteen (14) days prior to the date of the council or board election.</p>	<p>Change "electors" to "voters".</p> <p>Deletes "referendum" and adds board elections.</p> <p>Specifies that voters' lists must be posted in the same locations the election/referendum orders are posted.</p>
<p><b>Corrections to voters' list.</b>  <b>11(2)</b> Any elector may apply to the electoral officer up to the time the polls close to have the voters' list revised on the basis that the elector's name is missing from the list, the name of the elector is incorrect or that the list contains names of persons who are not qualified electors.</p>	<p><b>Corrections to voters' list.</b>  <b>11(2)</b> Any voter may apply to the electoral officer up to the time the polls close to have the voters' list revised on the basis that the voter's name is missing from the list, the name of the voter is incorrect or that the list contains names of persons who are not qualified voters.</p>	<p>No change following Round 1.</p>	<p>Changes "elector" to "voter".</p>
<p><b>Electoral officer may revise list.</b>  <b>11(3)</b> If the electoral officer is satisfied that the voters' list is in error, the electoral officer shall correct the list immediately and the decision of the electoral officer to revise or not to revise the voter's list is final and binding on all members.</p>	<p><b>Electoral officer may revise list.</b>  <b>11(3)</b> If the electoral officer is satisfied that the voters' list is in error, the electoral officer shall correct the list immediately and the decision of the electoral officer to revise or not to revise the voter's list is final and binding on all NCN citizens.</p>	<p>No change following Round 1.</p>	<p>Changes "member" to "NCN Citizen".</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<b>PART 4: NOMINATION PROCEDURES</b>			
<p><b>Candidate qualifications.</b>  <b>12(1)</b> A person is qualified and eligible to be nominated for, and elected to, the positions of chief or councillor if the person:            Is an elector;            Is able to communicate in the English or Cree languages;            at the time nominations papers are filed provides the electoral officer with a written criminal records check confirming the person has never been convicted of an indictable offence or the documentation permitted in accordance with subsections 12 (1.1) and 12 (1.4),            but a person shall not run for the positions of chief and councillor during the same election.</p>	<p><b>Candidate qualifications.</b>  <b>12(1)</b> A person is qualified and eligible to be nominated for, and elected to, the positions of chief or councillor if the person:            is an <b>NCN citizen</b>;            is able to communicate in the English or <b>Nehethowiwîn</b> languages;            at the time nominations papers are filed provides the electoral officer with a written criminal records check <b>that has been issued no more than three (3) months prior to the date of the nomination meeting</b>, confirming the person has never been convicted of an indictable offence, <b>or sentenced to jail within the eight (8) years prior to the date the election order is posted</b> or the documentation permitted in accordance with subsections 12 (1.1) and 12 (1.4),            but a person shall not run for the positions of chief and councillor during the same election.</p>	<p><b>Candidate qualifications.</b>  <b>12(1)</b> A person is qualified and eligible to be nominated for, and elected to, the positions of chief or councillor if the person:            is an <b>NCN Citizen</b>;            is able to communicate in the English or <b>Nehethowiwîn</b> languages;            at the time nominations papers are filed provides the electoral officer with a written criminal records check <b>that has been issued no more than three (3) months prior to the date of the nomination meeting</b>, confirming the person has not been convicted of an indictable offence, <b>within the eight (8) years prior to the date the election order is posted</b> or the documentation permitted in accordance with subsections 12 (1.1) and 12 (1.4) <b>and the person is not currently serving a jail sentence or has been sentenced to serve a jail sentence for an offence</b>,            but a person shall not run for the positions of chief and councillor during the same election.</p>	<p>(a) Changes “elector” to “NCN Citizen”.</p> <p>(b) Changes “Cree” to “Nehethowiwîn”.</p> <p>(c) Defines how current criminal records check must be to be considered.</p> <p><b>(c) Adds reference to jail sentence for any offence during the election period as a restriction for seeking office.</b></p>
<p><b>Nomination papers.</b>  <b>12(3)</b> Any twenty-five (25) or more electors may nominate a candidate by signing and filing with the electoral officer, at any time after the date of the order calling the election and before 1:00 in the afternoon of the day fixed for the close of nominations, a nomination paper in a form prescribed by the electoral officer.</p>	<p><b>Nomination papers.</b>  <b>12(6)</b> Any twenty-five (25) or more <b>voters</b> may nominate a candidate by signing and filing with the electoral officer, at any time after the date of the order calling the election and before 1:00 in the afternoon of the day fixed for the close of nominations, a nomination paper in a form prescribed by the electoral officer.</p>	<p>No change following Round 1.</p>	<p>Changes “electors” to “voters”.</p> <p>Renumbered due to 2010 amendments.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Requirements for validity.</b>  <b>12(4)</b> A nomination paper is not valid and shall not be acted upon by the electoral officer unless it is accompanied by:  a non-refundable fee of fifty dollars (\$50.00), which fee shall be placed by the electoral officer in a separate election account to be used to help fund election costs;  written consent that the person nominated will run for the office nominated;  directions about how that person's name is to appear on the ballot; and  a two-inch by two inch black and white photograph of the candidate for use in the preparation of the ballot.</p>	<p><b>Requirements for validity.</b>  <b>12(7)</b> A nomination paper is not valid and shall not be acted upon by the electoral officer unless it is accompanied by:  (a) a non-refundable fee of fifty dollars (\$50.00), which fee shall be placed by the electoral officer in a separate election account to be used to help fund election costs;  (b) a refundable fee of fifty dollars (\$50.00), which fee the electoral officer shall refund within twenty-one (21) days following the election if the candidate has removed all signs or other materials by that date;  (c) written consent that the person nominated will run for the office nominated;  (d) directions about how that person's name is to appear on the ballot; and  (e) a two-inch by two-inch black and white photograph of the candidate for use in the preparation of the ballot.</p>	<p><b>Requirements for validity.</b>  <b>12(7)</b> A nomination paper is not valid and shall not be acted upon by the electoral officer unless it is accompanied by:  (a) a non-refundable fee of fifty dollars (\$50.00), which fee shall be placed by the electoral officer in a separate election account to be used to help fund election costs;  (b) written consent that the person nominated will run for the office nominated;  (c) directions about how that person's name is to appear on the ballot; and  (d) a two-inch by two-inch black and white photograph of the candidate for use in the preparation of the ballot.</p>	<p>(b) Deleted the proposed new requirement for paying refundable fee at time nomination papers are submitted as candidates have not been removing signs.</p> <p>Renumbered due to 2010 amendments.</p>
<p><b>Candidates to be present.</b>  <b>12(6)</b> Subject to subsection (7), all electors nominated shall attend the nomination meeting to confirm that they wish to stand for office and to outline their reasons for seeking office, or the electoral officer shall declare the nomination to be null and void, unless in the sole discretion of the electoral officer it is determined there are special circumstances which prevent a nominee from complying with this subsection.</p>	<p><b>Candidates to be present.</b>  <b>12(9)</b> Subject to subsection (7), all voters nominated shall attend the nomination meeting to confirm that they wish to stand for office and to outline their reasons for seeking office, or the electoral officer shall declare the nomination to be null and void, unless in the sole discretion of the electoral officer it is determined there are special circumstances which prevent a nominee from complying with this subsection</p>	<p>No change following Round 1.</p>	<p>Changes "electors" to "voters".</p> <p>Renumbered due to 2010 amendments.</p>
<p><b>Permitted absences.</b>  <b>12(7)</b> An elector's candidacy will not be declared null and void if that person is unable to attend the nomination meeting due to personal illness or a critical illness or death of an immediate family member and as long as the electoral officer or deputy electoral officer is notified prior to the nomination meeting.</p>	<p><b>Permitted absences.</b>  <b>12(10)</b> A voter's candidacy will not be declared null and void if that person is unable to attend the nomination meeting due to personal illness or a critical illness or death of an immediate family member and as long as the electoral officer or deputy electoral officer is notified prior to the nomination meeting.</p>	<p>No change following Round 1.</p>	<p>Changes "elector's" to "voter's".</p> <p>Renumbered due to 2010 amendments.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Withdrawal.</b> 12(8) Any elector nominated may withdraw at the nominating meeting or at least seven (7) days before election day, by filing a written notice to that effect signed by the candidate and witnessed by two electors and that candidate's name shall not be placed on the ballot.</p>	<p><b>Withdrawal.</b> 12(11) Any voter nominated may withdraw at the nominating meeting or at least seven (7) days before election day, by filing a written notice to that effect signed by the candidate and witnessed by two voters and that candidate's name shall not be placed on the ballot.</p>	<p>No change following Round 1.</p>	<p>Changes "elector" to "voter".  Renumbered due to 2010 amendments.</p>
<b>PART 5: POLLING PLACES</b>			
<p><b>Establishment of polling places.</b> 13(1) The electoral officer shall make arrangements for polling places which are easily accessible for voting during the advance poll and on election day.</p>	<p><b>Establishment of polling places.</b> 13(1) The electoral officer shall make arrangements for polling places, on- and off-reserve, which are easily accessible for voting during the advance poll and on the dates established for the election or referendum.</p>	<p><b>Establishment of polling places.</b> 13(1) The electoral officer shall make arrangements for polling places, on-and off-reserve, which are easily accessible for voting during the council or board elections.</p>	<p>Deletes "Referendum" and adds board elections.</p>
<p><b>NCN constables to be present.</b> 13(3) The electoral officer shall arrange for NCN constables to be present at the polling location during the election.</p>	<p><b>Security to be present at each polling location.</b> 13(3) The electoral officer shall arrange for NCN constables or other security to be present at each polling location during the election or referendum.</p>	<p><b>Security to be present at each polling location.</b> 13(3) The electoral officer shall arrange for NCN constables or other security to be present at each polling location during the council or board elections.</p>	<p>Considering NCN currently does not employ its own constables, this clause was made more general to indicate security required. "Referendum" deleted and board election added.</p>
<p><b>Travelling poll for elders, infirm or disabled.</b> 13(4) The electoral officer may make arrangements for travelling polls on reserve for elders, and any electors who are ill or disabled, if the electoral officer decides such a poll is required.</p>	<p><b>Travelling poll for elders, infirm or disabled.</b> 13(4) The electoral officer may make arrangements for travelling polls for elders, and any voters who are ill or disabled, if the electoral officer decides such a poll is required.</p>	<p>No change following Round 1.</p>	<p>Changes "electors" to "voters".</p>
<p><b>Change of polling locations.</b> 13(6) Where it is impossible to hold a poll in a place designated as a polling place, the electoral officer may establish another polling place as close as possible to the original polling place and in that event shall: (a) notify the electors and the candidates of the change in polling place and the reasons for the change; (b) post, at the original polling location or as close as possible to it, a notice which clearly sets out where the poll has been moved; (c) if time permits broadcast the change in location over local radio or television or by other means as the electoral officer considers appropriate.</p>	<p><b>Change of polling locations.</b> 13(6) Where it is impossible to hold a poll in a place designated as a polling place, the electoral officer may establish another polling place as close as possible to the original polling place and in that event shall: (a) notify the voters and, in the case of an election, the candidates, of the change in polling place and the reasons for the change; (b) post, at the original polling location or as close as possible to it, a notice which clearly sets out where the poll has been moved; (c) if time permits broadcast the change in location over local radio or television or by other means as the electoral officer considers appropriate.</p>	<p>Revert to original language following Round 1.</p>	<p>Changes "electors" to "voters".</p>



Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
	<p><b>Mail-in ballots.</b>  <b>13 (7)</b> Council may, at least one hundred and twenty (120) days before a council election or by-election or referendum, decide that mail-in ballots shall be used in addition to voting in person for by notifying the electoral officer in writing, which notice shall direct the electoral officer to send ballots to all eligible NCN citizens who live at least one hundred kilometers from a polling station or only to those who request a mail-in ballot. For greater certainty, mail-in ballots shall not be utilized for board elections unless permitted by the board's governing documents.</p>	<p><b>Mail-in ballots.</b>  <b>13 (7)</b> The electoral officer may, at least one hundred and twenty (120) days before a council election decide that mail-in ballots shall be used in addition to voting in person for by notifying the electoral officer in writing, which notice shall direct the electoral officer to send ballots to all eligible NCN citizens who live at least one hundred kilometers from a polling station or only to those who request a mail-in ballot. For greater certainty, mail-in ballots shall not be utilized for board elections unless permitted by the board's governing documents.</p>	<p>(New clause) Adds in all new rules for mail-in ballots, which were not allowed in earlier votes.</p> <p>The electoral officer not council will decide whether to use mail in ballots.</p>
	<p><b>Electoral officer to decide procedures.</b>  <b>13(8)</b> Upon being notified that mail-in ballots are to be used, the electoral officer shall establish the procedures, which will apply to the mail-in ballots and shall publicize the procedures at least sixty (60) days prior to the election, by-election or referendum.</p>	<p><b>Electoral officer to decide procedures.</b>  <b>13(8)</b> Upon being notified that mail-in ballots are to be used, the electoral officer shall establish the procedures, which will apply to the mail-in ballots and shall publicize the procedures at least sixty (60) days prior to the election,</p>	<p>(New clause) Gives electoral office powers to determine procedures for handling mail-in ballots.</p> <p>Deleted reference to "referendum" after Round 1.</p>
	<p><b>Fundamental principles.</b>  <b>13(9)</b> The procedures established by the electoral officer for the use of mail-in ballots must:                      (a) ensure the secrecy of the voting process is not impaired;                      (b) prevent NCN citizens from voting more than once during the same election, by-election or referendum;                      (c) ensure that only mail-in ballots received by the date and time set for them to be received by the electoral officer are counted at the same time as ballots cast by voting in person; and                      (d) ensure that all mail-in ballots cast are preserved in the same manner and for the same length of time as regular ballots, and then shall be disposed of with all other ballots cast.</p>	<p><b>Fundamental principles.</b>  <b>13(9)</b> The procedures established by the electoral officer for the use of mail-in ballots must:                      (a) ensure the secrecy of the voting process is not impaired;                      b) prevent NCN citizens from voting more than once during the same election,                      (c) ensure that only mail-in ballots received by the date and time set for them to be received by the electoral officer are counted at the same time as ballots cast by voting in person; and                      (d) ensure that all mail-in ballots cast are preserved in the same manner and for the same length of time as regular ballots, and then shall be disposed of with all other ballots cast.</p>	<p>(New clause) Gives electoral office powers to determine procedures for handling mail-in ballots.</p> <p>Deleted reference to "referendum" after Round 1.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Preparation of ballots.</b>  <b>14(1)</b> Following the nomination meeting held in accordance with subsection 13(5), the electoral officer shall prepare separate ballots for the positions of chief and councillors, with the names of the candidates running for each position listed in alphabetical order in English and Cree syllabics and by placing a photograph of each candidate appearing on the ballot beside his or her name.</p>	<p><b>Preparation of election ballots.</b>  <b>14(1)</b> Following the nomination meeting held in accordance with subsection 13(5), the electoral officer shall prepare separate ballots for the positions of chief and councillors, <b>or board positions</b> with the names of the candidates running for each position listed in alphabetical order in English, <b>Tunehethouwasteek</b> (Cree syllabics), _____ (Roman orthography) and by placing a photograph of each candidate appearing on the ballot beside his or her name, <b>but if there is a discrepancy between the picture, syllabics or roman orthography, the picture of the candidate shall prevail.</b></p>	<p>No change following Round 1.</p>	<p>Adds "Election" to ballots to specify requirement for election ballots. Extends ballot requirements to board elections for NCN organizations where governing documents allow. Defines specifications for depicting nominee's names and photos on ballots defines how photo will prevail if discrepancies in identity are encountered.</p>
	<p><b>Preparation of referenda ballots.</b>  <b>14(3)</b> The electoral officer shall attach a copy of the ballot which sets out the question or questions to be answered during the referenda vote to the referendum order posted in accordance with section 10 (3).</p>	<p>Deleted following Round 1.</p>	<p>(New clause) to specifies requirements for referendum ballot was deleted following round 1.</p>
<p><b>Ballot boxes, etc.</b>  <b>15(1)</b> The electoral officer shall arrange for sufficient ballots, ballot boxes and interpreters for the election.</p>	<p><b>Ballot boxes, etc.</b>  <b>15(1)</b> The electoral officer shall arrange for sufficient ballots, ballot boxes and interpreters for the election <b>or referendum.</b></p>	<p>Revert to original wording following Round 1.</p>	<p>Deleted "Referendum" following Round 1.</p>
<p><b>Directions for voters.</b>  <b>15(2)</b> The electoral officer shall provide each returning officer with the ballot boxes and at the same time deliver a sufficient number of printed directions for the guidance of voters for use during the election.</p>	<p><b>Directions for voters.</b>  <b>15(2)</b> The electoral officer shall provide each returning officer with the ballot boxes and at the same time deliver a sufficient number of printed directions for the guidance of voters for use during the election <b>or referendum.</b></p>	<p>Revert to original wording following Round 1.</p>	
<p><b>Placement of ballot box during election.</b>  <b>16(3)</b> All ballot boxes shall be kept on a table or otherwise be raised above the floor so that they are in full view of all present at the polling location throughout the election.</p>	<p><b>Placement of ballot box during election.</b>  <b>16(3)</b> All ballot boxes shall be kept on a table or otherwise be raised above the floor so that they are in full view of all present at the polling location throughout the election <b>or referendum.</b></p>	<p>Revert to original wording following Round 1.</p>	<p>Deleted "Referendum" following Round 1.</p>
<p><b>Sealing the advance poll ballot box at closing.</b>  <b>16(5)</b> At the close of an advance poll, the electoral officer shall take possession of the ballot boxes used and shall keep them, without the seals broken, in a safe location until election day, when they shall be opened and counted separately from the ballots case on election day.</p>	<p><b>Sealing the advance poll ballot box at closing.</b>  <b>16(5)</b> At the close of an advance poll, the electoral officer shall take possession of the ballot boxes used and shall keep them, without the seals broken, in a safe location <b>until the final day of the</b> election or <b>referendum day</b>, when they shall be opened and counted separately from the ballots <b>cast</b> on the final day of the election <b>or referendum.</b></p>	<p>Reverted to original wording following Round 1 but spelling of "cast" will be corrected.</p>	<p>Deleted "referendum".</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<b>PART 6: POLLING PROCEDURES</b>			
<p><b>Provision of ballots to electors.</b>  <b>17(1)</b> Each person requesting a ballot for the purpose of voting shall be given one if the electoral officer, deputy electoral officer or the returning officer is satisfied that the person's name is on the voters' list, or if it does not appear on the voters' list, the electoral officer or deputy electoral officer is satisfied that the person is an elector entitled to vote or has obtained from the person, an oath or affirmation in the prescribed form, that the person is an elector.</p>	<p><b>Provision of ballots to electors.</b>  <b>17(1)</b> Each person requesting a ballot for the purpose of voting shall be given one if the electoral officer, deputy electoral officer or the returning officer is satisfied that the person's name is on the voters' list, or if it does not appear on the voters' list, the electoral officer, deputy electoral officer <b>or returning officer</b> is satisfied that the person is <b>a voter</b> entitled to vote or has obtained from the person, an oath or affirmation in the prescribed form, that the person is <b>a voter</b>.</p>	<p>No change following Round 1.</p>	<p>Changes "elector" to "voter".</p> <p>Extends responsibilities to returning officer.</p>
<p><b>Recording poll book.</b>  <b>17(2)</b> Upon establishing that a person is an elector, the electoral officer, the deputy electoral officer or the returning officer shall initial the back of the ballot, mark off the elector's name in the poll book or add the elector's name to the poll book, and give the ballot to the elector to vote.</p>	<p><b>Recording poll book.</b>  <b>17(2)</b> Upon establishing that a person is <b>a voter</b>, the electoral officer, the deputy electoral officer or the returning officer shall initial the back of the ballot, mark off the <b>voter's</b> name in the poll book or add the voter's name to the poll book, and give the ballot to <b>the voter</b> to vote.</p>	<p>No change following Round 1.</p>	<p>Changes "elector" to "voter" throughout.</p>
<p><b>Voter assistance.</b>  <b>17(3)</b> When requested, the electoral officer or the deputy electoral officer shall explain the voting procedures to an elector or arrange for an interpreter who has taken an oath or affirmation in the prescribed form to assist the elector.</p>	<p><b>Voter assistance.</b>  <b>17(3)</b> When requested, the electoral officer, the deputy electoral officer or <b>a returning officer</b> shall explain the voting procedures to a <b>voter</b> or arrange for an interpreter who has taken an oath or affirmation in the prescribed form to assist the <b>voter</b>.</p>	<p>No change following Round 1.</p>	<p>Extends responsibilities to returning officer.</p> <p>Changes "elector" to "voter".</p>
<p><b>Disabled voters.</b>  <b>17(4)</b> The electoral officer or the deputy electoral officer may upon request mark the ballot of an elector who is blind, unable to read or otherwise unable to vote without assistance, as long as the mark on the ballot occurs in the presence of the candidates' scrutineers, who shall observe the proceedings, but make no attempt to interfere or interrupt.</p>	<p><b>Disabled voters.</b>  <b>17(4)</b> The electoral officer, the deputy electoral officer or <b>a returning officer</b> may upon request mark the ballot of a <b>voter</b> who is blind, unable to read or otherwise unable to vote without assistance, as long as the mark on the ballot occurs in the presence of the candidates' scrutineers, who shall observe the proceedings, but make no attempt to interfere or interrupt.</p>	<p>No change following Round 1.</p>	<p>Extends responsibilities to returning officer.</p> <p>Changes "elector" to "voter".</p>
<p><b>Special records.</b>  <b>17(5)</b> Where assistance is provided pursuant to subsection (4), the electoral officer or the deputy electoral officer shall mark in the poll book opposite the elector's name, that assistance was provided and the reason it was provided.</p>	<p><b>Special records.</b>  <b>17(5)</b> Where assistance is provided pursuant to subsection (4), the electoral officer, the deputy electoral officer or <b>the returning officer</b> shall mark in the poll book opposite the <b>voter's</b> name, that assistance was provided and the reason it was provided.</p>	<p>No change following Round 1.</p>	<p>Extends responsibilities to returning officer.</p> <p>Changes "elector's" to "voter's".</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Additional ballots.</b>  <b>17(6)</b> Where an elector spoils a ballot so that it cannot be used, another ballot shall be provided to the elector and the spoiled ballot shall be marked "Spoiled" and be retained in a separate envelope for that purpose.</p>	<p><b>Additional ballots.</b>  <b>17(6)</b> Where a <b>voter</b> spoils a ballot so that it cannot be used, another ballot shall be provided to the <b>voter</b> and the spoiled ballot shall be marked "Spoiled" and be retained in a separate envelope for that purpose.</p>	<p>No change following Round 1.</p>	<p>Changes "elector" to "voter".</p>
<p><b>Elector leaving polling place without voting.</b>  <b>17(7)</b> If an elector receives a ballot and then leaves the polling place without voting or returning the ballot to the electoral officer, deputy electoral officer or returning officer, the details shall be recorded in the poll book opposite the name of that elector and no further ballot shall be provided to that person.</p>	<p><b>Elector leaving polling place without voting.</b>  <b>17(7)</b> If a <b>voter</b> receives a ballot and then leaves the polling place without voting or returning the ballot to the electoral officer, deputy electoral officer or returning officer, the details shall be recorded in the poll book opposite the name of that voter and no further ballot shall be provided to that person.</p>	<p>No change following Round 1.</p>	<p>Changes "elector" to "voter".</p>
<p><b>Electors can vote if inside poll before closing time.</b>  <b>17(8)</b> Every elector who is inside the polling location before the poll is closed pursuant to subsection (9) shall be entitled to vote notwithstanding that the vote occurs after the time fixed for closing the poll.</p>	<p><b>Electors can vote if inside poll before closing time.</b>  <b>17(8)</b> Every <b>voter</b> who is inside the polling location before the poll is closed pursuant to subsection (9) shall be entitled to vote notwithstanding that the vote occurs after the time fixed for closing the poll.</p>	<p>No change following Round 1.</p>	<p>Changes "elector" to "voter".</p>
<p><b>Closing polls.</b>  <b>17(9)</b> At the time established for closing the polls, the electoral officer shall cause the entrance to the polling place to be closed and no other person shall be allowed to enter the polling location to vote after that time.</p>	<p><b>Closing polls.</b>  <b>17(9)</b> At the time established for closing the polls, the electoral officer, <b>deputy electoral officer or returning officer</b> shall cause the entrance to the polling place to be closed and no other person shall be allowed to enter the polling location to vote after that time.</p>	<p>No change following Round 1.</p>	<p>Extends assigned responsibilities to deputy electoral officer or returning officer.</p>
<p><b>Camera.</b>  <b>17(10)</b> Following the closing of the polls, the electoral officer may authorize the procedures in subsections 19(1) and (5) to be recorded by camera or other video recording device as long as voter secrecy is maintained and all recordings are provided to the electoral officer immediately following the vote and only the electoral officer shall have access to the recording unless the election proceedings are the subject of an appeal in which case certified copies of the recording shall be made available to the Appeal Committee and any candidate upon request.</p>	<p><b>Camera.</b>  <b>17(10)</b> Following the closing of the polls, the electoral officer may authorize the procedures in subsections 19(1) and (5) to be recorded by camera or other video recording device as long as voter secrecy is maintained and all recordings are provided to the electoral officer immediately following the vote and only the electoral officer shall have access to the recording unless the election <b>or referendum</b> proceedings are the subject of an appeal in which case certified copies of the recording shall, <b>in the case of an election</b>, be made available to the Appeal Committee and any candidate upon request and <b>in the case of a referendum</b> to Council.</p>	<p>Reverts to original wording.</p>	<p>Deleted referendum following Round 1.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Spoiled ballots.</b>  <b>18(1)</b> Immediately after the closing of the poll, the electoral officer shall, in the presence of those present at the polling location, place all spoiled ballot papers in an envelope and mark it "Spoiled Ballots", seal it, and the spoiled ballots shall not be counted in the election.</p>	<p><b>Spoiled ballots.</b>  <b>18(1)</b> During an advance poll, election or referendum, the electoral officer, deputy electoral officer or returning officer shall initial each spoiled ballot, in the presence of those present at the polling location, and then place such spoiled ballot papers in an envelope marked "Spoiled Ballots", and immediately after the closing of the poll, seal it, and the spoiled ballots shall not be counted in the election or referendum.</p>	<p><b>Spoiled ballots.</b>  <b>18(1)</b> During a council or board election the electoral officer, deputy electoral officer or returning officer shall initial each spoiled ballot, in the presence of those present at the advance or regular polling location, and then place such spoiled ballot papers in an envelope marked "Spoiled Ballots", and immediately after the closing of the poll, seal it, and the spoiled ballots shall not be counted in the council or board election.</p>	<p>Extends responsibilities to deputy electoral officer or returning officer.</p> <p>Adds detail to requirements.</p> <p>Deleted referendum following Round 1 and added board elections.</p>
<p><b>Counting names in the poll book.</b>  <b>18(2)</b> After closing the poll the names of the persons who voted at each poll shall be counted and recorded in the poll book, and the electoral officer or deputy electoral officer shall sign the poll book to verify its accuracy, along with those candidates or scrutineers who also wish to sign.</p>	<p><b>Counting names in the poll book.</b>  <b>18(2)</b> After closing the poll the names of the persons who voted at each poll shall be counted and recorded in the poll book, and the electoral officer, deputy electoral officer or returning officer shall sign the poll book to verify its accuracy, along with those candidates or scrutineers who also wish to sign and if the poll book was used to record the people who voted in an advance poll, the poll book shall be retained by the electoral officer, or deputy electoral officer or returning officer who will be present on the day of the election or referendum so that they can take all reasonable steps to ensure that a person does not cast more than one ballot in the election or referendum. For greater certainty, the poll books from advance polls shall not be sealed in the ballot box but shall be used during the vote as permitted by this section and then shall be used on the day of the vote during the count of the advance poll ballots.</p>	<p><b>Counting names in the poll book.</b>  <b>18(2)</b> After closing the poll the names of the persons who voted at each poll shall be counted and recorded in the poll book, and the electoral officer, deputy electoral officer or returning officer shall sign the poll book to verify its accuracy, along with those candidates or scrutineers who also wish to sign and if the poll book was used to record the people who voted in an advance poll, the poll book shall be retained by the electoral officer, or deputy electoral officer or returning officer who will be present on the day of the election so that they can take all reasonable steps to ensure that a person does not cast more than one ballot in the election. For greater certainty, the poll books from advance polls shall not be sealed in the ballot box but shall be used during the vote as permitted by this section and then shall be used on the day of the vote during the count of the advance poll ballots.</p>	<p>Adds further specifications for use of poll book as administrative problems have arisen in previous elections.</p> <p>Deleted referendum following Round 1.</p>
<p><b>Count number of ballots in ballot box.</b>  <b>18(3)</b> Prior to tallying the votes for each candidate, the ballots in the ballot box shall be counted and if the number is more than the number recorded in the poll book, any ballots which do not have the initials of a electoral officer, a deputy returning officer or a returning officer on the back shall be discarded, by placing the ballot in an envelope marked "Discarded Ballots", which envelope shall be sealed at the close of the polls and signed by the electoral officer or a deputy electoral officer.</p>	<p><b>Count number of ballots in ballot box.</b>  <b>18(3)</b> Prior to tallying the votes in an election or referendum, the ballots in the ballot box shall be counted and if the number is more than the number recorded in the poll book, any ballots which do not have the initials of a electoral officer, a deputy electoral officer or a returning officer on the back shall be discarded, by placing the ballot in an envelope marked "Discarded Ballots", which envelope shall be sealed at the close of the polls and signed by the electoral officer, a deputy electoral officer or returning officer.</p>	<p>Reverted to original language with the exception of the correction to "deputy returning officer".</p>	<p>Deleted referendum following Round 1.</p> <p>Corrected "deputy returning officer".</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Ballots to be rejected in count.</b>  <b>18(4)</b> In counting the ballots for each candidate, the electoral officer, a deputy electoral officer and returning officers shall reject a ballot that:</p> <ul style="list-style-type: none"> <li>(a) was not supplied by them;</li> <li>(b) has marks beside more than one (1) candidate in the case of chief and more than six (6) candidates in the case of councillors;</li> <li>(c) has a mark or writing on it which identifies the voter;</li> <li>(d) indicates a vote for a candidate who has withdrawn; or</li> <li>(e) prevents voter intention from being determined.</li> </ul>	<p><b>Ballots to be rejected in count.</b>  <b>18(4)</b> In counting the ballots, the electoral officer, a deputy electoral officer and returning officers shall reject a ballot that:</p> <ul style="list-style-type: none"> <li>(a) was not supplied by them;</li> <li>(b) has marks beside more than one (1) candidate in the case of chief and more than six (6) candidates in the case of councillors <b>in an election;</b></li> <li>(c) has a mark or writing on it which identifies the voter;</li> <li>(d) indicates a vote for a candidate who <b>was disallowed, has withdrawn from an election or who passed on during the election;</b> or</li> </ul> <p>prevents voter intention from being determined.</p>	<p>No change following Round 1.</p>	<p>Noted specification applied to election only.</p> <p>Adds conditions for rejecting ballot related to qualifications of candidate.</p>
<p><b>Announcing results.</b>  <b>18(5)</b> After the number of votes cast for each candidate has been determined, recorded in the poll book, and signed by the electoral officer, the electoral officer shall announce the results to the public and post a signed statement indicating the results of the election.</p>	<p><b>Announcing results.</b>  <b>18(5)</b> After the number of votes cast for each candidate <b>or in relation to referenda questions,</b> has been determined, recorded in the poll book, and <b>copies sent to</b> the electoral officer, <b>the electoral officer shall tally the totals received from each poll, enter the results into his or her master poll book, and certify those were the results received,</b> the electoral officer shall announce the results to the public and post a signed statement indicating the results of the election <b>or referenda.</b></p>	<p><b>Announcing results.</b>  <b>18(5)</b> After the number of votes cast for each candidate has been determined, recorded in the poll book, and <b>copies sent to</b> the electoral officer, <b>the electoral officer shall tally the totals received from each poll, enter the results into his or her master poll book, and certify those were the results received,</b> the electoral officer shall announce the results to the public and post a signed statement indicating the results of the election.</p>	<p>Deleted proposed requirements for referenda.</p> <p>Changes “elector” to “voter”.</p> <p>Adds specification for counting and recording the vote results.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Disposal of ballots.</b>  <b>18(6)</b> The electoral officer shall place all unused, spoiled, discarded and rejected ballots in a sealed envelope and shall retain that envelope for thirty (30) days after which arrangements shall be made for the ballots to be destroyed in the presence of a deputy electoral officer, at least one returning officer, and one NCN constable, unless there has been a request for a recount or an appeal has been filed, in which case the ballots shall not be disposed of until the conclusion of any appeal proceedings or upon the expiry of the time for filing an appeal, whichever is later.</p>	<p><b>Disposal of ballots.</b>  <b>18(6)</b> The electoral officer shall place all unused, spoiled, discarded and rejected ballots <b>received from each polling location</b> in a sealed envelope and shall retain that envelope for thirty (30) days after which arrangements shall be made for the ballots to be destroyed in the presence of a deputy electoral officer, at least one returning officer, and one <b>police or security officer</b>, unless there has been a request for a recount or an appeal has been filed, in which case the ballots shall not be disposed of until the conclusion of any appeal proceedings or upon the expiry of the time for filing an appeal, whichever is later.</p>	<p>No change following Round 1.</p>	<p>Specifies ballots received from polling stations.</p> <p>Changes NCN “constable” to “security officer” reflecting disbanding of the force and constable program as well as the previous practice of the electoral officer using other security personnel.</p>
<p><b>Scrutineers.</b>  <b>18(7)</b> Each candidate may appoint an elector as his or her scrutineer for each poll, which scrutineer shall be entitled to be present at the polling station to observe proceedings throughout the election and counting of the ballots.</p>	<p><b>Election Scrutineers.</b>  <b>18(7)</b> Each candidate <b>in an election</b> may appoint <b>a voter</b> as his or her scrutineer for each poll, which scrutineer shall be entitled to be present at the polling station to observe proceedings throughout the election and counting of the ballots <b>but the electoral officer shall take the necessary steps to ensure there are scrutineers appointed in accordance with clause 8 (1) (g) if scrutineers have not been appointed by candidates.</b></p>	<p>No change following Round 1.</p>	<p>Defines scrutineer responsibilities for elections.</p> <p>Adds a requirement for the electoral officer to appoint scrutineers if candidates do not appoint their own, to enhance fairness and transparency.</p>
	<p><b>Referenda Scrutineers.</b>  <b>18 (7.1)</b> Council may appoint voters or independent observers as scrutineers for each poll during a referendum, and the scrutineer shall have the same rights as a scrutineer appointed under section 18 (7).</p>	<p>Deleted following Round 1.</p>	<p>Deleted separate scrutineer requirements for referenda.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Prohibition on signs and campaigning.</b>  <b>18(8)</b> Any candidate who:            (a) posts signs inside the polling station or within one hundred and fifty (150) feet of the polling station;            (b) canvasses within the same area identified in clause (a);            (c) authorizes media announcements or advertisements within the twenty-four (24) hours prior to the opening of the polls, shall be disqualified as a candidate, and subject to subsection 21, any votes cast for this candidate shall not be counted by the electoral officer.</p>	<p><b>Prohibition on certain activities during elections and referenda.</b>  <b>18(8)</b> Any person who is a candidate in an election or who is participating in a referendum and who:            (a) posts signs inside the polling station or within one hundred and fifty (150) feet of the polling station or wears any campaign materials within this area;            (b) on voting day in an election or referendum, canvasses within the same area identified in clause (a);            (c) paints signs on the walls of buildings, including houses;            (d) buys or contributes to the purchase of alcohol, drugs or other gifts as an inducement for voters to vote during an election or referendum, at any time after the electoral officer posts the order calling the election or referendum and the time the polls have closed on the day of an election or referendum, whether by engaging in such activities himself or herself or by directly or indirectly encouraging others to engage in such activities, shall be disqualified as a candidate by the electoral officer, and subject to subsection 21, any votes cast for this candidate shall not be counted by the electoral officer, except in the case of clause (c), the electoral officer shall first give the candidate notice that the signs painted on the buildings must be removed within twenty-four hours of notice being given, and if the sign painted on the building is not removed, the candidate shall be disqualified.</p>	<p><b>Prohibition on certain activities during elections</b>  <b>18(8)</b> Any person who is a candidate in a council or board election and who:            (a) posts signs inside the polling station or within one hundred and fifty (150) feet of the polling station or wears any campaign materials within this area;            (b) on voting day in an election canvasses within the same area identified in clause (a);            (c) paints signs on the walls of buildings, including houses; whether by engaging in such activities himself or herself or by directly or indirectly encouraging others to engage in such activities, shall be disqualified as a candidate by the electoral officer, and subject to subsection 21, any votes cast for this candidate shall not be counted by the electoral officer, except in the case of clause (c), the electoral officer shall first give the candidate notice that the signs painted on the buildings must be removed within twenty-four hours of notice being given, and if the sign painted on the building is not removed, the candidate shall be disqualified.</p>	<p>Expands the list of unacceptable behaviours on voting day and in or near the polling stations for both council and board elections.</p> <p>Removes the prohibition on vote-related media advertising within 24 hours of poll opening.</p> <p>For clause (c) candidates must remove signs on buildings within 24 hours of notice to do so by the electoral officer.</p> <p>The proposal to add clause (d) was removed on the basis that it is already covered by section 20 (5) as a corrupt practice.</p> <p>Referendum was deleted following Round 1.</p>
<b>PART 7: APPEAL PROCEDURES</b>			
<p><b>Appeal Committee.</b>  <b>19(1)</b> Within fourteen (14) days of the coming into force of this Code, Council shall appoint an Appeal Committee for purposes of this Code:</p>	<p><b>Appeal Committee.</b>  <b>19(1)</b> By May 15th of the last year of its term, Council shall appoint an Appeal Committee for purposes of this Code, which Appeal Committee shall remain in office until a new Appeal Committee is appointed.</p>	<p>No change following Round 1.</p>	<p>Sets specific date for council to appoint an appeal committee and specifies the term of appointment.</p>



Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Composition of Appeal Committee.</b>  <b>19(2)</b> The Appeal Committee shall be composed of:                      two (2) elders, one (1) of whom shall have served on council previously;                      b) one (1) elector who served as an electoral officer or a deputy electoral officer in previous elections under this Code or the Indian Act;                      c) one (1) elector who is between the ages of eighteen (18) and twenty-five (25) years of age;                      d) one (1) member who is a magistrate or Commissioner of Oaths; and                      e) one (1) other elector.</p>	<p><b>Composition of Appeal Committee.</b>  <b>19(2)</b> Five (5) persons, including one (1) Elder one (1) youth, and an experienced Manitoba adjudicator all of whom are prepared to carry out the responsibilities of this Part in a fair and impartial manner shall be appointed by council to serve as the Appeal Committee and at the same time, council shall also name five (5) persons as alternates whom the electoral officer may appoint if a quorum cannot be retained.</p>	<p>No change following Round 1.</p>	<p>Revised requirements for composition of appeal committee as they were difficult to meet.</p>
	<p><b>Not Eligible to serve on Appeal Committee.</b>  <b>19 (3.1)</b> The electoral officer, deputy electoral officers, returning officers, election staff, members of chief and council, candidates, persons who have been convicted of an indictable offence or have been sentenced to serve a jail term within the past eight (8) years, persons employed by NCN, and immediate family or business partners of candidates shall not serve on the Appeal Committee. For purposes of this Part, immediate family shall consist of spouses, common-law partners, siblings, parents, children, grandparents, grandchildren, great-grandparents, aunts, uncles or first cousins. If an appeal is filed, and a Committee member must be recused from hearing an appeal, an alternate Appeal Committee member shall be appointed by the electoral officer within seven (7) days of the date the person recused himself or herself.</p>	<p>No change following Round 1.</p>	<p>(New clause) Defines specific restrictions identifying who is not eligible to serve on appeal committee.</p>
	<p><b>Recusal.</b>  <b>19(3.2)</b> Committee members shall recuse themselves at any time if an issue arises that would result in a conflict of interest or a perception of bias if the person continued to serve on the Appeal Committee and if a quorum can not be retained due to the recusal of appeal committee members, the electoral officer shall appoint replacement members from the list of alternates within five (5) days of being notified that a quorum can not be retained.</p>	<p>No change following Round 1.</p>	<p>Codifies existing law that committee members must disqualify themselves from addressing an issue when a real or perceived conflict-of-interest or bias exists.</p> <p>The electoral officer may have to appoint and alternate if a quorum no longer exists.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Terms of Appeal Committee members.</b>  <b>19(4)</b> The members referred to in clauses 2(a), (b) and (c) shall be appointed for a term of four (4) years and the members referred to in clauses 2(d) and (e) shall be a term of five (5) years.</p>	<p><b>Terms of Appeal Committee members.</b>  <b>19(4)</b> The Appeal Committee shall hold office until all appeals and any litigation arising from the appeals has been concluded.</p>	<p>No change following Round 1.</p>	<p>Simplified terms of office for appeal committee members.</p>
<p><b>Election final and binding.</b>  <b>19(5)</b> The appointments of council to the Appeal Committee shall be final and binding on all electors.</p>	<p><b>Election final and binding.</b>  <b>19(5)</b> The appointments of council to the Appeal Committee shall be final and binding on all voters.</p>	<p>No change following Round 1.</p>	<p>Changes “electors” to “voters”.</p>
<p><b>Vacancies.</b>  <b>19(6)</b> Where a member of the Appeal Committee:</p> <ul style="list-style-type: none"> <li>(a) is unable or unwilling to act;</li> <li>(b) is convicted of an indictable offence, or a corrupt practice under this Code or any other Act of Parliament or the Legislature of Manitoba;</li> <li>(c) dies or resigns in writing, which resignation shall take effect as soon as it is submitted to a quorum of council;</li> <li>(d) is absent from three (3) consecutive regular meetings of the Appeal Committee without just cause as determined by an NCN community meeting called for this purpose; or</li> <li>(e) is removed from the NCN Membership Code,</li> </ul> <p>that person’s position shall be declared vacant and council, in accordance with the composition requirements in subsection (2), shall make a new appointment within fourteen (14) days of the position becoming vacant.</p>	<p><b>Vacancies.</b>  <b>19(6)</b> Where a member of the Appeal Committee:</p> <ul style="list-style-type: none"> <li>(a) is unable or unwilling to act;</li> <li>(b) is convicted of an indictable offence, or a corrupt practice under this Code or any other Act of Parliament or the Legislature of Manitoba or is sentenced to serve a jail term;</li> <li>(c) dies or resigns in writing, which resignation shall take effect as soon as it is submitted to a quorum of council;</li> <li>(d) is absent from three (3) consecutive regular meetings of the Appeal Committee without just cause as determined by an NCN community meeting called for this purpose; or</li> <li>(e) is no longer an NCN citizen.</li> </ul> <p>that person’s position shall be declared vacant and council in accordance with the composition requirements in subsection (2) shall make a new appointment within fourteen (14) days of the position becoming vacant.</p>	<p>No change following Round 1.</p>	<p>Added sentencing to serve a jail term to reasons vacancy can be declared.</p> <p>Rewords citizenship requirement.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Recount by Appeal Committee.</b>  <b>20(4)</b> Upon receipt of an appeal, the Appeal Committee shall within seven (7) days convene a panel of at least three (3) members to conduct a recount in accordance with subsection (4).</p>	<p><b>Recount by Appeal Committee.</b>  <b>20(4)</b> Upon receipt of an appeal, the Appeal Committee shall <b>meet</b> within seven (7) days to conduct a recount in accordance with subsection (4).</p>	No change.	No change (typo corrected).
<p><b>Corrupt practice appeal.</b>  <b>20(5)</b> Within seven (7) days after the election any candidate or elector who voted may file an appeal with the Appeal Committee if that person has reasonable grounds to believe there was:  a) a violation of this Code which may affect the results of the election; or  b) a corrupt practice in connection with the election, which may affect the results of the election.</p>	<p><b>Corrupt practice appeal.</b>  <b>20(5)</b> Within seven (7) days after the election any candidate or <b>voter</b> who voted may file an appeal with the Appeal Committee if that person has reasonable grounds to believe there was:  a) a violation of this Code which may affect the results of the election; or  b) a corrupt practice in connection with the election, which may affect the results of the election, <b>including any attempt to influence voting intentions through the purchase of, or contribution to the purchase of, alcohol, drugs or other gifts for voters.</b></p>	No change following Round 1.	Changes “elector” to “voter”.  Specific instances of corruption identified related to influencing a vote including funding of alcohol or gifts for voters.
<p><b>Other Appeals.</b>  <b>20(6)</b> Within seven (7) days of any decision under this Code which adversely affects the rights of any candidate or elector, that person may file an appeal with the Appeal Committee.</p>	<p><b>Other Appeals.</b>  <b>20(6)</b> Within seven (7) days of any decision under this Code, which adversely affects the rights of any candidate or <b>voter</b>, that person may file an appeal with the Appeal Committee.</p>	No change following Round 1.	Changes “elector” to “voter”.
<p><b>Final decision.</b>  <b>20(12)</b> A decision of the Appeal Committee pursuant to subsections (9), (10) and (11) shall be final and binding on all electors.</p>	<p><b>Final decision.</b>  <b>20(12)</b> A decision of the Appeal Committee pursuant to subsections (9), (10) and (11) shall be final and binding on all <b>voters</b>.</p>	No change following Round 1.	Changes “elector” to “voter”.
	<p><b>Judicial review costs.</b>  <b>20(14)</b> NCN shall bear all reasonable costs incurred by the Appeal Committee and all election staff in respect of a judicial review pursuant to subsection 20(13), but all other parties to such judicial review shall bear all of their own direct and indirect costs, unless the court expressly orders NCN to pay a portion of the costs of any other party.</p>	No change following Round 1.	Defines allocation of costs incurred if a judicial review is required.

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<b>PART 8: INAUGURATION CEREMONIES</b>			
<p><b>Traditional swearing in.</b> <b>21(3)</b> The swearing in ceremony for the chief and individual councillors shall include traditional Cree ceremonies and activities.</p>	<p><b>Traditional swearing in.</b> <b>21(3)</b> The swearing in ceremony for the chief and individual councillors shall include traditional <b>Nisichawayasihk Nihithowuk</b> ceremonies and activities.</p>	No change following Round 1.	Replaces English with Cree language terminology.
	<p><b>Deputy Chief.</b> <b>21(5)</b> The councillor who receives the most votes in the election shall be appointed deputy chief at the first regular council meeting following the traditional swearing in, and shall have the full powers of the chief in the absence of the chief or if the chief becomes incapacitated or is unable or unwilling to perform the duties of chief until a by-election is held if required by this Code, unless the councillor who receives the most votes declines the position, in which case council shall appoint a deputy chief from among those persons elected as councillors.</p>	No change following Round 1.	(New clause) Specifies conditions for appointment of and powers of deputy chief specified. Allows council to appoint If appointee declines the position.
<b>PART 9: TRANSITION ALLOWANCE (New PART)</b>			
	<p><b>Definitions</b> <b>22(1)</b> The following definitions apply in this Part: “basic honoraria” means the regular council honorarium a former member of Council received as of the day of the election, but does not include any additional honoraria or payments, if any, made to a member of Chief and Council in addition to the person’s regular honorarium for serving on council. “former member” means a member of Council who was defeated in an election held pursuant to this Code. “transition allowance” means a payment made in accordance with this Part to a former member who is defeated in an election.</p>	No change following Round 1.	(New clause) Provides definitions for different types of compensation related to chief and council.  Service Canada will be contacted to determine if council members can pay into employment insurance in order to minimize the cost to the Nation of implementing these provisions.
	<p><b>Eligibility.</b> <b>22(2)</b> A former member is eligible for a transition allowance under this Part if he or she was defeated in an election under this Code unless that person is on a leave of absence from employment and has decided to return to that position.</p>		(New clause) Adds provision for providing a transition allowance to defeated council members and identifies conditions for ineligibility.

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
	<p><b>Amount and period of allowance.</b>  <b>22(3)</b> The transition allowance payable to a former member shall consist of a series of biweekly payments, at a rate of pay equal to the former member's basic honorarium, for the period from the date of the election to:                      the end of the third month after the date on which the former member was defeated, in the case of a former member who has served on council for up to two consecutive terms of office;                      or the end of the sixth month after the date on which the former member was defeated, in the case of a former member who has served on council for more than two consecutive terms of office.</p>	No change following Round 1.	(New clause) Defines the amount and duration of the transition allowance.
	<p><b>Funding of allowance.</b>  <b>22(4)</b> The transition allowance shall be funded entirely by the Nisichawayasihk Cree Nation.</p>	No change following Round 1.	(New clause) Designates NCN as responsible for funding the allowance.
	<p><b>Coming into force.</b>  <b>22(5)</b> This Part shall come into force following the 2014 council elections and for greater certainty shall only apply to Chief and Council and shall not apply to anyone else elected pursuant to this Code.</p>	No change following Round 1.	(New clause) Designates following the 2014 election as the start date for the transition allowance to start.
<b>PART 10: REFERENDA (New part)</b>			
	<p><b>Referenda.</b>  <b>23 (1)</b> This Code shall apply to all referenda NCN is required by law to conduct or which council determines is in the best interest of NCN citizens to conduct.</p>	Deleted following Round 1.	Proposed new clauses deleted and Election Law sections renumbered following Round 1.
	<p><b>Majority Vote.</b>  <b>23(2)</b> A majority of NCN citizens who vote in a referendum shall determine the issue unless a different rule is required by law or contract, in which case, council shall notify the electoral officer of the applicable rules in the council resolution referred to in subsection 10 (2).</p>	Deleted following Round 1.	Proposed new clauses deleted and Election Law sections renumbered following Round 1.

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
	<p><b>Second referendum.</b>  <b>23(3)</b> If a minimum voter turnout is required for a referendum and the threshold is not met, council may within thirty (30) days of being advised of the outcome of the referendum by the electoral officer, request that a second referendum be held in accordance with the procedures in this Code and a majority of those voters who vote in the second referendum shall determine the issue.</p>	Deleted following Round 1.	Proposed new clauses deleted and Election Law sections renumbered following Round 1.
	<p><b>Consultation prior to referendum vote.</b>  <b>23(4)</b> At least thirty (30) days prior to a referendum vote, council shall hold at least one information meeting on reserve, in Thompson and Winnipeg to provide information about the issue under consideration, and the electoral officer shall maintain a record of all printed information provided or presentations made.</p>	Deleted following Round 1.	
	<p><b>Decision by council.</b>  <b>23(5)</b> Within ten (10) business days of receiving the results of a referendum from the electoral officer, council shall formally adopt the results in a council resolution and make any required decisions.</p>	Deleted following Round 1.	
	<p><b>Judicial review.</b>  <b>23(5)</b> A decision of council made in accordance with subsection 22 (5) may be reviewed by a court of competent jurisdiction solely on the basis that members of council engaged in corrupt practices or the electoral officer acted beyond or refused to exercise his or her jurisdiction under this Code, either of which affected the outcome of the referendum.</p>	Deleted following Round 1.	
<p><b>PART 11: AMENDING PROCEDURES (Formerly Part 9) Changes PART number and location in document and clause numbers changed throughout. Shown side by side for comparison.</b></p>			
<p><b>Amendment proposals.</b>  <b>22(2)</b> An elector may propose amendments to this Code by presenting such proposals to the electoral officer who shall review the proposals and submit them to council with recommendations.</p>	<p><b>Amendment proposals.</b>  <b>24(2)</b> Any voter or member of council may propose amendments to this Code by presenting such proposals to the electoral officer or council who shall review the proposals.</p>	Renumber as section 23 – no other changes following Round 1.	Allows members of council to propose changes and allows changes to be submitted to council in addition to the electoral officer.

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Vote to amend by secret ballot.</b>  <b>22(5)</b> If requested by at least ten (10) electors, the vote to amend shall be by secret ballot vote.</p>	<p>Vote to amend by secret ballot.            24(5) Traditional voting methods shall be used to amend the Code, unless there is a request by at least twenty (20) voters to hold a secret ballot vote.</p>	<p>Renumber as section 23 – no other changes following Round 1.</p>	<p>Increases minimum requirement for number of voter requests to hold secret-ballot vote rather than traditional vote, from 10 to 20.</p>
<p><b>Approval required to amend.</b>  <b>22(6)</b> No proposed amendment shall be effective unless approved by a majority of electors present at the NCN community meeting referred to in subsection 22(3) where at least one hundred (100) electors are in attendance.</p>	<p><b>Approval required to amend.</b>  <b>24(6)</b> No proposed amendment shall be effective unless approved by a majority of voters present at the NCN community meeting referred to in subsection 22(3) where at least one hundred (100) voters are in attendance.</p>	<p>Renumber as section 23 – no other changes following Round 1.</p>	<p>Changes “elector” to “voter”.</p>
<p><b>PART 12: EFFECTIVE DATES</b> Moves effective dates under separate PART 12. Changes clause numbers.</p>			
<p><b>Effective date of Code.</b>  <b>22(8)</b> This Code shall come into effect for the election of chief and council in 1998 and the reference to eight (8) years in subsection 3(9) shall mean any convictions from 1990 onward.</p>	<p><b>Effective date of Code.</b>  <b>25(1)</b> This Code came into effect for the election of chief and council in 1998 following a receipt of a ministerial order pursuant to section 74 of the Indian Act (Canada) and NCN’s exercise of its inherent right to govern itself.</p>	<p><b>Effective date of Code.</b>  <b>25(1)</b> This Election Law came into effect for the election of chief and council in 1998.</p>	<p>Renumber as section 24 and deleted reference to Indian Act and inherent rights following Round 1.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>Effective date of amendments.</b>  <b>22(7)</b> Amendments approved in accordance with this section shall take effect seven (7) days from the date of approval at the NCN community meeting, except for a change in the composition of council, which amendment shall not take effect until the next regular election following the decision made at the NCN community meeting.</p>	<p><b>Effective date of amendments.</b>  <b>2002 Amendments.</b>  <b>Section 10(b)</b> was amended to provide the electoral officer with the discretion to establish the number and location of polls and came into force for the 2002 Council elections.</p> <p><b>2010 Amendments.</b>            Sections 12 and 20 – Were amended and came into force for the 2010 election, more particularly:</p> <ul style="list-style-type: none"> <li>• Section 12(1)(c) – Ordinary residents requirement for candidates was deleted;</li> <li>• Section 12(1)(d) – Was then renumbered to 12(1)(c);</li> <li>• Section 12(1.1) – Codified the electoral officer’s practice of accepting a statutory declaration in certain circumstances related to criminal record checks;</li> <li>• Section 12(1.2) – Candidates election will be null and void if the statutory declaration is inaccurate;</li> <li>• Section 12(1.3) – The electoral officer will hold a by-election or declare a candidate elected depending upon the circumstances;</li> <li>• Section 12(1.4) – Outlines the consequences of making a false statutory declaration;</li> <li>• Section 12(2) – Factors to determine ordinary residents were deleted;</li> <li>• Section 20(10) – Requires the appeal committee to make its decision within 30 days unless there are extenuating circumstances.</li> </ul> <p><b>2013 Amendments</b>            In 2013            Sections _____ were amended and are to come into force for the 2014 Council elections and for any referenda or board election held after June 12, 2013, more particularly _____.</p>	<p>No change to proposal for 2002 and 2010 amendment references following Round 1.</p> <p><b>2013 Amendments</b>            In 2013            Sections _____ were amended and are to come into force effective September 1, 2013, more particularly _____.</p>	<p>Adds dates when all amendments were approved.</p>



Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<b>SCHEDULES</b>			
<p><b>SCHEDULE "A"</b> <b>OATH OF ALLEGIANCE</b></p> <p>I _____ before the <b>Creator</b> and members of the Nisichawayasihk Cree Nation, do swear or solemnly affirm that I will be faithful and bear true allegiance to the laws of the Nisichawayasihk Cree Nation and Canada. Witness: _____ Chief/Councillor _____ Date: _____</p>	<p><b>SCHEDULE "A"</b> <b>OATH OF ALLEGIANCE</b></p> <p>I _____ before the <b>Creator</b> and members of the Nisichawayasihk Cree Nation, do swear or solemnly affirm that I will be faithful and bear true allegiance to the laws of the Nisichawayasihk Cree Nation and Canada. I acknowledge that failure to do so could result in my removal from office. Witness: _____ Chief/Councillor _____ Date: _____</p>	No change following Round 1.	<p>Adds specification of consequences for not adhering to terms of oath.</p> <p>The Oath of Allegiance will continue to refer to the laws of NCN and Canada as Council members must uphold all the laws that apply to NCN.</p>
<p><b>SCHEDULE "B"</b> <b>OATH OF OFFICE</b></p> <p>I _____ before the <b>Creator</b> and members of the Nisichawayasihk Cree Nation, do swear or solemnly affirm that I duly, faithfully and to the best of my knowledge and ability perform and fulfill the duties and requirements of the office of (Chief or Councillor) for the Nisichawayasihk Cree Nation, to which I have been elected, and so long as I shall continue to hold that office, without fear or favour. Witness: _____ Chief/Councillor _____ Date: _____</p>	<p><b>SCHEDULE "B"</b> <b>OATH OF OFFICE</b></p> <p>I _____ before the <b>Creator</b> and members of the Nisichawayasihk Cree Nation, do swear or solemnly affirm that I duly, faithfully and to the best of my knowledge and ability perform and fulfill the duties and requirements of the office of (Chief or Councillor) for the Nisichawayasihk Cree Nation, to which I have been elected, and so long as I shall continue to hold that office, without fear or favour. I acknowledge that failure to do so may result in my removal from office. Witness: _____ Chief/Councillor _____ Date: _____</p>		<p>Adds specification of consequences for not adhering to terms of oath.</p>
<p><b>SCHEDULE "C"</b></p> <p>I _____ before the <b>Creator</b> and members of the Nisichawayasihk Cree Nation, do swear or solemnly affirm that I will maintain, and aid in maintaining, the privacy of members of the Nisichawayasihk Cree Nation and shall keep confidential any information disclosed to me by such members unless I am required by law to disclose same. Witness: _____ Chief/Councillor _____ Date: _____</p>	<p><b>SCHEDULE "C"</b> <b>OATH OF CONFIDENTIALITY</b></p> <p>I _____ before the <b>Creator</b> and citizens of the Nisichawayasihk Cree Nation, do swear or solemnly affirm that I will maintain, and aid in maintaining, the privacy of members of the Nisichawayasihk Cree Nation and shall keep confidential any information disclosed to me by such citizens unless I am required by law to disclose same. I acknowledge that failure to do so may result in my removal from office. Witness: _____ Chief/Councillor _____ Date: _____</p>	No change following Round 1.	<p>Adds specification of consequences for not adhering to terms of oath.</p>

Existing Election Code	ROUND I - Proposed Revised Election Code (changes highlighted)	ROUND II - Proposed Revised Election Code (changes highlighted)	Rationale - Including Round 1 Comments
<p><b>SCHEDULE "D"</b></p> <p>I _____</p> <p>swear or solemnly affirm that: I am legally qualified to act as electoral officer, deputy electoral officer or other officer;</p> <p>I will act faithfully in my appointed capacity and perform all the duties required under the Election Code of the Nisichawayasihk Cree Nation, without partiality, fear, or favour or affection;</p> <p>I will maintain and aid in maintaining the secrecy of voting pursuant to this Code.</p> <p>SWORN before me at Nelson House, ) in the Province of Manitoba ) this ____ day of ____, 20____. ) _____ )</p> <p>A Commissioner for Oaths in and for the Province of Manitoba.</p> <p>My Commission expires _____</p>	<p><b>SCHEDULE "D"</b> <b>OATH OF ELECTION OFFICIALS</b></p> <p>I _____</p> <p>swear or solemnly affirm that: I am legally qualified to act as electoral officer, deputy electoral officer or other officer;</p> <p>I will act faithfully in my appointed capacity and perform all the duties required under the Election Code <b>and Referendum Rules</b> of the Nisichawayasihk Cree Nation, without partiality, fear, or favour or affection;</p> <p>I will maintain and aid in maintaining the secrecy of voting pursuant to this Code.</p> <p>WORN before me at Nelson House, ) in the Province of Manitoba ) this ____ day of ____, 20____. ) _____ )</p> <p>A Commissioner for Oaths in and for the Province of Manitoba.</p> <p>My Commission expires _____</p>	<p><b>SCHEDULE "D"</b> <b>OATH OF ELECTION OFFICIALS</b></p> <p>I _____</p> <p>swear or solemnly affirm that: I am legally qualified to act as electoral officer, deputy electoral officer or other officer;</p> <p>I will act faithfully in my appointed capacity and perform all the duties required under the Election Law of the Nisichawayasihk Cree Nation, without partiality, fear, or favour or affection;</p> <p>I will maintain and aid in maintaining the secrecy of voting pursuant to this Election Law.</p> <p>SWORN before me at Nelson Ho</p>	<p>Adds reference to referendum rules consequences for not adhering to terms of oath.</p>
<p><b>SCHEDULE "D"</b></p> <p>I _____</p> <p>swear or solemnly affirm that: I am legally qualified to act as electoral officer, deputy electoral officer or other officer;</p> <p>I will act faithfully in my appointed capacity and perform all the duties required under the Election Code of the Nisichawayasihk Cree Nation, without partiality, fear, or favour or affection;</p> <p>I will maintain and aid in maintaining the secrecy of voting pursuant to this Code.</p> <p>SWORN before me at Nelson House, ) in the Province of Manitoba ) this ____ day of ____, 20____. ) _____ )</p> <p>A Commissioner for Oaths in and for the Province of Manitoba.</p> <p>My Commission expires _____</p>	<p><b>SCHEDULE "D"</b> <b>OATH OF ELECTION OFFICIALS</b></p> <p>I _____</p> <p>swear or solemnly affirm that: I am legally qualified to act as electoral officer, deputy electoral officer or other officer;</p> <p>I will act faithfully in my appointed capacity and perform all the duties required under the Election Code <b>and Referendum Rules</b> of the Nisichawayasihk Cree Nation, without partiality, fear, or favour or affection;</p> <p>I will maintain and aid in maintaining the secrecy of voting pursuant to this Code.</p> <p>SWORN before me at Nelson House, ) in the Province of Manitoba ) this ____ day of ____, 20____. ) _____ )</p> <p>A Commissioner for Oaths in and for the Province of Manitoba.</p> <p>My Commission expires _____</p>	<p><b>SCHEDULE "D"</b> <b>OATH OF ELECTION OFFICIALS</b></p> <p>I _____</p> <p>swear or solemnly affirm that: I am legally qualified to act as electoral officer, deputy electoral officer or other officer;</p> <p>I will act faithfully in my appointed capacity and perform all the duties required under the Election Law of the Nisichawayasihk Cree Nation, without partiality, fear, or favour or affection;</p> <p>I will maintain and aid in maintaining the secrecy of voting pursuant to this Election Law.</p> <p>SWORN before me at Nelson Ho</p>	<p>Adds reference to referendum rules consequences for not adhering to terms of oath.</p>

## CERTAIN PROPOSALS WILL NOT BE PURSUED

The following proposals or comments from Round 1 will not be pursued:

- **Term limits** (up to the people to decide how long a person should serve)
- **Council mid-term recall** (creates instability – the previous Indian Act system of 2-year terms was replaced with 4-year terms to create stability)
- **Committee to oversee Council and CEO** (the people oversee Council through General Assemblies and elections and Council oversees the CEO)
- **Alcohol and Drug testing of candidates/council members** (raises human rights issues as Supreme Court of Canada has recently addressed concerns about such testing)
- **Mandatory gender parity on Council** (up to the people to decide composition of council at election time once candidates have declared they are seeking office)
- **Increased fees for council candidates** (will act as an impediment to seeking office)
- **Open door policy during counting of ballots** (will cause confusion during the counting of the ballots which could affect the fairness of the process – scrutineers and independent observers are used instead)
- **Elimination of advance polls** (advance polls are to encourage participation in the electoral process by providing additional access – most systems are adding advance polls not removing them)
- **Mandatory requirement that a polling station be established in Brandon** (the electoral officer needs to decide based on a number of factors – a formula for assisting the electoral officer decide will be considered for a future amendment)
- **Mandatory mail in ballots for all off-reserve locations** (the electoral officer will decide)
- **Inclusion of personal achievement in definition of Elder** (the proposed definition could cover this)
- **Establishment of new council position for off-reserve Citizens** (council can designate off-reserve issues as a specific portfolio for an existing member of council)
- **Expansion of size of council** (the size is reasonable given NCN's population and when compared to other electoral systems)
- **Addition of child abuse registry check for candidates** (criminal convictions are based on the concepts of innocent till proven guilty and proof beyond a reasonable doubt while the child abuse registry system does not necessarily follow these same principles)
- **Mandatory minimum education requirements (grade 12) for council candidates** (imposition of a minimum requirement would reduce the pool of NCN Citizens who could seek office although Council recognizes that significant improvement is needed in NCN's graduation rates)
- **Mandatory requirement that person be elected as councilor prior to seeking office as chief** (it is up to the people to decide – for the past two decades the people have chosen chiefs who have served on council before running for chief)
- **Expansion of travelling polls** (the current wording is considered sufficient to ensure a fair system)
- **Electoral officer choosing appeal committee** (decisions of the electoral officer are appealable to the Appeal Committee so it is preferable for council to choose a list of people for the electoral officer to appoint from)
- **Requirement that scrutineers and electoral officer be non-NCN Citizens** (NCN has proven it is capable of running its own elections and part of the process includes an external independent observer)

Proposed 2013 Election Code  
**AMENDMENTS**

*More information about the proposed 2013 Election Code amendments is available on the [ncncree.com](http://ncncree.com) website: including copies of the existing election code and the proposed 2013 amended election code. Or, information can be picked up at the NCN Government Office.*



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