



# Métis Nation of Alberta

## **Election Bylaws**

Updated October 30, 2017

Date: Saturday, December 16, 2017

Time: 10:00 am

Place: Courtyard Edmonton West  
10011 184 St NW  
Edmonton, AB, T5S 0C7

## **ARTICLE 1. NAME OF BYLAWS**

- 1.1 These Bylaws of the Métis Nation of Alberta Association are intended to cover Provincial Elections in the Métis Nation of Alberta Association and shall be referred to as the Métis Nation of Alberta Association Election By-Laws.

## **ARTICLE 2. DEFINITIONS**

2.1

- (a) "Candidate" - means a person who is nominated for office and meets the requirements of Article 6 of these Election Bylaws;
- (b) Chief Electoral Officer" - means a Métis person appointed by the Provincial Council;
- (c) Corrupt Election Practices" includes threats, forgery, bribery, coercion, and intimidation of any Elector, Election Officer, interpreter by a Candidate or person acting on behalf of a Candidate with his or her consent or knowledge;
- (d) Deputy Returning Officer" - a person appointed by the Chief Electoral Officer;
- (e) Election" - means an election called pursuant to Article 16 of the MNA Bylaws;
- (f) "Election Bylaws" - means these Métis Nation of Alberta Association Election Bylaws;
- (g) "Election Officer" - means a Chief Electoral Officer, Returning Officer, Deputy Returning Officer or Poll Clerk as established in these Election Bylaws;
- (h) "Elector" - means a Métis Lifetime Member who on Election day is entitled to vote pursuant to Article 5 of these Election Bylaws.
- (i) "List of Electors" - means the list of Electors made pursuant to Article 7 of these Election Bylaws;
- (j) "Métis Nation" - means Métis Nation of Alberta Association;
- (k) "MNA Bylaws" - means the Bylaws of the Métis Nation of Alberta Association;
- (l) "Poll Book" - means a list of names of Electors who have received ballots at an election pursuant to Article 27.1 of these Election Bylaws;
- (m) Poll Clerk" - means a person appointed by the Returning Officer;
- (n) "Presidential Candidate" - means a person who is nominated as a Candidate for office of President of the Métis Nation;
- (o) "Region" - means one of six (6) regions established pursuant to Article 11 of the MNA Bylaws;
- (p) "Regional President Candidate" - means a person who is nominated as a Candidate for President of a Region;
- (q) "Regional Vice President Candidate" - means a person who is nominated as a Candidate for Vice President of a Region;
- (r) "Returning Officer" - a Métis person appointed by the Chief Electoral Officer;

- (s) "Scrutineer" - means an Elector who is authorized to represent a Candidate pursuant to Article 16 of these Election Bylaws;
- (t) "Vice-Presidential Candidate" - means a person who is nominated as a Candidate for office of Vice-President of the Métis Nation;

### **ARTICLE 3 DATE OF ELECTION**

- 3.1 The date of the Election shall be held on the third Tuesday in the month of September in the year that the election is required or any other date determined by the Provincial Council, Annual Assembly, or Special Meeting according to the MNA Bylaws.

### **ARTICLE 4 CHIEF ELECTORAL OFFICER AND ELECTION APPEAL ARBITRATOR**

- 4.1 The Provincial Council shall appoint a Chief Electoral Officer and an Election Appeal Arbitrator at least one hundred and twenty (120) days prior to the date of the Election.
- 4.2 The Chief Electoral Officer shall:
- (a) provide guidance and supervision respecting the conduct of the election;
  - (b) enforce on the part of all Election Officers fairness and impartiality in the conduct of their duties and compliance with these Election Bylaws;
  - (c) issue to Election Officers any information and guidance he or she considers necessary to ensure the effective carrying out of the provisions of these Election Bylaws;
  - (d) reconcile all ballots and prepare an official Election report to the members of the Métis Nation;
  - (e) perform all duties assigned to him or her by these Election Bylaws.
- 4.3 The Election Appeal Arbitrator shall be a retired judge or a lawyer qualified to practice law in Alberta who is not, nor has been, retained by the Metis Nation or any Region or Local, other than as an Election Appeal Arbitrator.
- 4.4 An appeal to the Election Appeal Arbitrator pursuant to Article 46, and the decision arising from that appeal, unless otherwise specified by the Election Appeal Arbitrator, shall be completed within 90 days of the date of the appeal.

### **ARTICLE 5 QUALIFICATION OF ELECTOR**

- 5.1 Any Métis Lifetime member who:
- (a) is sixteen (16) years or older; and
  - (b) has been or will have been ordinarily resident in Alberta for at least one (1) year prior to the date of the Election;
  - (c) will sign a declaration stating he/she is not currently registered as a status Indian under the provisions of the Indian Act, prior to casting his/her ballot.

shall be an Elector and entitled to vote for any Candidate for office of President, Vice-President, Regional President and Regional Vice President in his or her Region.

- 5.2 For the purpose of these Election Bylaws, "ordinarily resident in Alberta" shall be determined by the

following rules:

- (a) a person can have only one place of ordinary residence;
- (b) a person's ordinary residence is the place where he or she lives and sleeps and to which, when he or she is absent from it, he or she intends to return;
- (c) when a person leaves Alberta with the intention of becoming ordinarily resident outside Alberta, his or her ordinary residence in Alberta ceases.

5.3 An elector is entitled to only one (1) vote for each office for which an Election is held.

5.4 Notwithstanding Article 5.1 of these Election Bylaws, the following persons are not eligible to vote at an Election:

- (a) Returning Officers, except to break a tie between Regional President Candidates and between Regional Vice President Candidates at the recount; and
- (b) Chief Electoral Officer, except to break a tie between Presidential Candidates and between Vice-Presidential Candidates at the recount.

#### **ARTICLE 6 NOMINATION OF CANDIDATE**

6.1 At least sixty (60) days before the Election, the Chief Electoral Officer shall post in the head office of the Métis Nation and in each Regional Council office and in newspapers that have a general distribution in each Region, notice of:

- (a) The place and hours fixed for the nominations of candidates and the date fixed for closing of nominations; and
- (b) the nomination paper required to be filed with the Chief Electoral Officer.

6.2 Nominations of candidates for office of President, Vice-President, Regional President and Regional Vice President, shall be filed with the Chief Electoral Officer at a location specified by the Chief Electoral Officer prior to 5:00 p.m. on the date fixed for the closing of nominations (the "Closing Date").

6.3 The Closing Date must be at least thirty (30) days prior to the date of the Election.

6.4 A Métis Lifetime member is eligible to be nominated as a Candidate in an Election if on the day his or her nomination paper is filed he or she:

- (a) Is a Métis Lifetime member who is entitled to hold office;
- (b) is of the full age of sixteen (16) years or will be that age on Election day;
- (c) has been ordinarily resident in Alberta, pursuant to Article 5.2 of these Election Bylaws, continuously from the day 12 months immediately preceding the Election day;
- (d) has no financial debt owing to the Métis Nation or its affiliates that is more than thirty (30) days in arrears.

6.5 All nominations for President and Vice-President shall include the following:

- (a) written acceptance of the nomination by the candidate; and

- (b) One hundred and fifty (150) signatures of Electors nominating the candidate; and
- (c) a non-refundable deposit in the sum of Two Hundred (\$200.00) Dollars.
- (d) A deposit that is not refundable under this section shall be deposited in the general account of the Métis Educational Foundation.
- (e) Persons applying to hold an elected office within the Métis Nation of Alberta shall provide an official letter to the Chief Electoral Officer declaring that they are not currently registered with the Department of Indian Affairs as a status Indian under the provisions of the Indian Act.

6.6 All nominations for Regional President and Regional Vice President, shall include the following:

- (a) written acceptance of the nomination by the candidate; and
- (b) seventy-five (75) signatures of Electors who reside in the Region nominating the candidate; and
- (c) a non-refundable deposit in the sum of Two Hundred (\$200.00) Dollars.
- (d) A deposit that is not refundable under this section shall be deposited equally in the general account of the foundations of the Regional Council of the candidate;
- (e) Persons applying to hold an elected office within the Métis Nation of Alberta shall provide an official letter to the Chief Electoral Officer declaring that they are not currently registered with the Department of Indian Affairs as a status Indian under the provisions of the Indian Act.

#### **ARTICLE 7 LIST OF ELECTORS**

- 7.1 The Chief Electoral Officer shall obtain from the Métis Nation Membership Office a list of Métis Lifetime Members and distribute one free copy to each Candidate running for Election.
- 7.2 The Chief Electoral Officer shall then, from the list of Métis Lifetime Members, prepare a List of Electors and satisfy himself or herself as to the accuracy of the List of Electors.
- 7.3 The Chief Electoral Officer shall submit to each Regional Council Office a List of Electors which shall be posted not less than sixty (60) days prior to the date of the Election in each Regional Council Office or any other place determined by the Chief Electoral Officer.
- 7.4 There shall be no vouching.
- 7.5 A person can have his or her name added to the List of Electors at any time up to the closing of the polling station provided that the person can present his or her Métis Membership card and demonstrate that the requirements of Articles 5.1 and 5.2 of these Election Bylaws are met.

#### **ARTICLE 8 ELECTION BY ACCLAMATION**

- 8.1 If only one Candidate is nominated for President by the Closing Date the Chief Electoral office shall immediately declare that Candidate elected.
- 8.2 If only one Candidate is nominated for Vice-President by the Closing Date, the Chief Electoral office shall immediately declare that Candidate elected.
- 8.3 If only one Candidate is nominated for Regional President in a Region by the Closing Date, the Chief Electoral Officer shall immediately declare that Candidate elected.

- 8.4 If only one Candidate is nominated for Regional Vice President in a region by the Closing Date, the Chief Electoral Officer shall immediately declare that Candidate elected.

#### **ARTICLE 9 TOO FEW CANDIDATES NOMINATED**

- 9.1 If after the Closing Date, there remain offices for which no candidate has been nominated, the Chief Electoral Officer shall set an additional day, time and place for the receipt of nominations for the remaining offices.

#### **ARTICLE 10 POSTING OF NOTICE OF POLL AND CANDIDATES**

- 10.1 Where more Candidates are nominated for any particular office than are required to be elected the Chief Electoral Officer shall:
- (a) Within twenty-one (21) days after the Closing Date, post in each Regional Council office a notice indicating:
    - (i) the names of the Candidates; and
    - (ii) the location, date and time when the polling station will be open for voting.

#### **ARTICLE 11 WITHDRAWAL OF CANDIDATE**

- 11.1 A Candidate within forty eight (48) hours from the Closing Date, may withdraw by filing with the Chief Electoral Officer a declaration to that effect signed by the Candidate and having his or her signature witnessed.
- 11.2 If a Candidate has withdrawn, the Chief Electoral Officer shall take whatever steps are necessary to ensure that each Elector is so advised when receiving a ballot.

#### **ARTICLE 12 DEATH OF A CANDIDATE**

- 12.1 If a Candidate for President or Vice-President dies after being nominated but prior to closing of the polling stations on the Election day, the Election for the remaining offices on Provincial Council (other than President or Vice-President, as the case may be) shall be held. The rules for election of President or Vice-President, as the case may be, shall be as follows:
- (a) the Election for President or Vice-President shall be discontinued;
  - (b) the Chief Electoral Officer shall establish a new election date for office of President or Vice-President and publish the new date;
  - (c) the Chief Electoral Officer shall determine a new date for closing of nominations;
  - (d) nominations for Candidates previously filed remain valid for the new election.
- 12.2 If a Candidate for Regional President or Regional Vice President for any given Region dies after being nominated and prior to closing of the polling stations on the polling date, the Election for President or Vice-President shall be held. The rules for election of the Regional Presidents and Regional Vice Presidents shall be as follows:
- (a) the Election for the remaining Regional Presidents and Regional Vice Presidents shall continue, other than in the Region where the Candidate who died was running for office;

- (b) the Chief Electoral Officer shall establish a new Election date for office of Regional President and Regional Vice President, in the Region where the Candidate who died was running for office, and publish the new date;
- (c) the Chief Electoral Officer shall determine a new date for closing of nominations;
- (d) nominations for Candidates previously filed remain valid for the new election;

12.3 The Chief Electoral Officer shall provide the Provincial Council with a report containing the reason for the postponement of the Election.

### **ARTICLE 13 APPOINTMENT OF RETURNING OFFICER, DEPUTY RETURNING OFFICER AND POLL CLERK**

- 13.1 The Chief Electoral Officer shall appoint for each Region a Returning Officer to manage and conduct voting procedures at polls within each Region.
- 13.2 The Returning Officer shall appoint for each Local where a polling station is to be established;
- (a) A Deputy Returning Officer; and
  - (b) A Poll Clerk to assist the Deputy Returning Officer.
- 13.3 A person appointed as either a Returning Officer, Deputy Returning Officer or Poll Clerk shall hold office from the time appointed until thirty (30) days after the date of the Election.
- 13.4 Where a vacancy occurs in the office of Returning Officer, Deputy Returning Officer or Poll Clerk, the Chief Electoral Officer shall forthwith appoint another person to fill the vacancy.
- 13.5 A person who is the spouse, child, brother, sister, mother or father of a Candidate for office of President, Vice-President or Regional President and Regional Vice President shall be ineligible to be appointed Returning Officer, Deputy Returning Officer or Poll Clerk.

### **ARTICLE 14 POLLING HOURS**

14.1 Polling shall begin at 8:00 a.m. on the date of the Election and close at 8:00 p.m. on the same day.

### **ARTICLE 15 LOCATION OF POLLING STATIONS**

- 15.1 A polling station shall be in a location that, in the opinion of the Chief Electoral officer is convenient for the Electors.
- 15.2 Every polling station shall be accessible to handicapped persons.
- 15.3 No polling station may be located in the following places:
- (a) licensed premises;
  - (b) premises in which a Candidate has an interest;
  - (c) a Métis Settlement unless there is a Métis Local Community in the Métis Settlement that has been established under the MNA Bylaws.

**ARTICLE 16 SCRUTINEERS**

16.1 Each Candidate may appoint not more than one Elector as a Scrutineer:

- (a) to represent that Candidate at each polling station, and
- (b) to observe the Election procedures on that Candidate's behalf.

**ARTICLE 17 BALLOT BOXES**

17.1 The Chief Electoral Officer shall provide each returning officer with a sufficient number of ballot boxes to conduct the Election in his or her Region. The ballot boxes shall be:

- (a) made of a durable material;
- (b) accompanied by a sufficient number of appropriate seals;
- (c) designed in a manner that permits the deposit of ballots but does not permit their removal without breaking the seals after they have been attached.

**ARTICLE 18 BALLOTS**

18.1 The Chief Electoral Officer shall cause to be printed at the expense of the Métis Nation a sufficient number of ballot papers for the purposes of the Election.

**ARTICLE 19 CONTENTS OF BALLOT PAPERS**

19.1 Every ballot paper shall contain the name of the Candidates which shall be arranged alphabetically in the order of their surnames and, if there are two (2) or more Candidates with the same surname, then in the order of their given names.

**ARTICLE 20 POLLING BOOTHS**

20.1 Each polling station shall contain one or more polling booths arranged such that when an Elector is in the polling booth he or she is screened from observation and may mark his or her ballot without interference.

20.2 In each polling booth there shall be provided for the use of Electors marking their ballots:

- (a) a suitable table, desk or shelf; and
- (b) a suitable marking instrument which shall be properly maintained during polling hours.

**ARTICLE 21 MATERIAL AT POLLING STATION**

21.1 The Deputy Returning Officer shall before the opening of the poll ensure that the following are available:

- (a) Copies of the directions for the guidance of voters in voting;
- (b) A suitable Poll Book, where the names of all Electors are to be entered;
- (c) A copy of the latest revised List of Electors;



- (d) A ballot box or ballot boxes as required;
- (e) A sufficient number of ballot papers;
- (f) The material necessary to enable voters to mark the ballot papers;
- (g) Copies of vouchers of Electors;
- (h) Such other forms, office stationery and materials as may be required to enable the Deputy Returning Officer to perform his or her duties.

**ARTICLE 22 PERSONS ENTITLED TO REMAIN IN POLLING STATION**

22.1 Only the following persons may remain in a polling station during polling hours:

- (a) Deputy Returning Officer;
- (b) Poll Clerk;
- (c) Returning Officer;
- (d) Chief Electoral Officer;
- (e) One Scrutineer per Candidate; and
- (f) Interpreters;

22.2 Nothing in these Election Bylaws restricts a Candidate from briefly visiting a polling station during polling hours.

**ARTICLE 23 SECRECY OF VOTING**

23.1 No person shall interfere or attempt to interfere with an Elector who is marking his or her ballot or casting his or her vote or otherwise attempt to obtain at the polling station information as to the Candidate(s) for whom an Elector at that polling station is about to vote or has voted.

23.2 Each Deputy Returning Officer, Poll Clerk, Candidate and Scrutineer in attendance at a polling station or at the counting of the ballots shall assist in maintaining the secrecy of the voting and he or she shall not communicate or attempt to communicate any information obtained at the polling place regarding which Candidate an Elector has voted for or is about to vote for.

**ARTICLE 24 SECRET BALLOT**

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

**ARTICLE 25 OPENING OF POLLING STATION - DISPLAY OF BALLOT BOX**

25.1 Each Deputy Returning Officer shall attend at the polling station at least thirty (30) minutes prior to the opening of his or her polling station.

25.2 During the 30 minutes immediately prior to the opening of the polling station the Deputy Returning Officer shall show the ballot box to Candidates, Scrutineers and other persons entitled to be present so that they may

see that the ballot box is empty.

- 25.3 After the ballot box has been shown it shall be locked and sealed for receipt of ballots and at all times during the hours of voting.

#### **ARTICLE 26 ADVANCE POLLS**

- 26.1 An advance poll shall be held on the third Saturday of August to enable:
- (a) Electors who are disabled;
  - (b) Electors who believe that they will be absent from their ordinary place of residence on polling day; and
  - (c) Poll Clerks, Returning Officers, Scrutineers and Candidates who believe that because of their official duties on polling day they will be unable to attend at the polling station to cast their votes;
- to vote in advance the an Election.
- 26.2 Polling stations for advance polling shall be in a location that, in the opinion of the Chief Electoral Officer is convenient for the Electors.
- 26.3 The Deputy Returning Officer shall obtain from each Elector prior to voting at the advance poll, a signed statement indicating that the Elector is unable to vote at his or her polling station on Election day and will not vote on Election day.
- 26.4 The rules regarding the conduct of an Election on polling day and related matters apply, with all necessary modifications at the Chief Electoral Officer's discretion, to the holding of an advance poll.
- 26.5 At the close of every Advance Poll, the Deputy Returning Officer shall remove the ballot box and ensure that the number of ballots in the box when combined with the number of unused ballots, equals the number of ballots which the Deputy Returning Officer was given at the commencement of voting. The ballots shall not be sorted or unfolded, but shall be counted to determine that there is no discrepancy between the number of ballots cast and left over when compared with the number of ballots with which the polling station opened. All ballots shall then be placed into marked envelopes provided by the Chief Electoral Officer, sealed and signed by the Deputy Returning Officer, along with the unused ballots and delivered immediately to a place designated by the Chief Electoral Officer.

#### **ARTICLE 27 POLL BOOKS**

- 27.1 Each Deputy Returning Officer shall have available a suitable Poll Book in which the Deputy Returning Officer or the Poll Clerk shall enter the names of all Electors applying to vote unless those names are previously printed therein. The Deputy Returning Officer or Poll Clerk shall record whether those Electors are objected to pursuant to Article 28.1(c) of these Election Bylaws or vouched for and by whom and if objected to whether the Elector voted or not.

#### **ARTICLE 28 GENERAL PROCEDURE AT POLLING STATION**

- 28.1 Where an a person presents himself or herself at the polling station for the purpose of voting, the Deputy Returning Officer shall, proceed as follows:
- (a) The Deputy Returning Officer shall ascertain whether the name of the person is on the List of Electors and if it is not, the Deputy Returning Officer shall not permit that person to vote unless the s/he can provide the Deputy Returning Officer with his or her Métis Membership card.

- (b) The Deputy Returning Officer shall record or cause to be recorded in the proper column of the poll book the name, the address of the Elector.
- (c) Any Candidate or his or her Scrutineer may object to the eligibility of any Elector requesting a ballot. Such objection shall be noted in the Poll Book and shall include the reason for the objection along with the name of the Candidate on whose behalf the objection is being made. The Deputy Returning Officer shall then require the Elector in question to swear the "Oath of Elector" and upon compliance, the Deputy Returning Officer shall give the Elector a ballot paper so that the Elector may cast his or her ballot.

**ARTICLE 29 EXPLANATION OF VOTING**

- 29.1 The Deputy Returning Officer may and upon request shall, either personally or through his Poll Clerk explain to the Elector as concisely as possible the way in which voting is to be done.

**ARTICLE 30 APPOINTMENT OF INTERPRETER**

- 30.1 Where the Deputy Returning Officer has reason to believe that at any polling station Electors unable to speak or read the English language are likely to present themselves to vote, he or she may appoint a person familiar with the language of those Electors to act as interpreter for the purpose of interpreting to them questions and answers concerning voting procedures.

**ARTICLE 31 BALLOT TO BE INITIALED BY DEPUTY RETURNING OFFICER**

- 31.1 Where the proper entries respecting the Elector applying to vote have been made in the Poll Book the Deputy Returning Officer shall initial the back of the ballot paper and deliver it to the Elector so applying.

**ARTICLE 32 MARKING OF BALLOT**

- 32.1 Upon receiving from the Deputy Returning Officer the ballot paper the Elector shall proceed to the polling booth provided for the purpose and shall there mark his or her ballot paper by placing a mark on the right hand side opposite the name of any Candidate(s) for whom he or she desires to vote or any other place within the division on the ballot that contains the name of that Candidate.

**ARTICLE 33 DELIVERY OF BALLOT TO DEPUTY RETURNING OFFICER**

- 33.1 In the polling booth the Elector shall then fold the ballot paper across so as to conceal the names of the Candidates and the mark on the face of the ballot paper, and expose the initials of the Deputy Returning Officer. The Elector shall leave the polling booth and without showing the front of the ballot paper to anyone or so displaying the ballot paper so as to indicate the candidate or candidates for whom he or she has voted, the Elector shall deliver the ballot paper so folded to the Deputy Returning Officer

**ARTICLE 34 DEPOSIT OF BALLOT**

- 34.1 The Deputy Returning Officer without unfolding the ballot paper or in any way disclosing the name of any Candidate or the marks made by the Elector shall verify his or her own initials and in the presence of those people present deposit the ballot paper in the ballot box and the Elector shall then immediately leave the polling station.

**ARTICLE 35 SECRECY OF VOTING BOOTH**

- 35.1 While the Elector is in the polling booth no other person shall be allowed to enter the polling booth or to be in any position for which he or she can observe the manner in which the Elector marks the ballot paper unless

the Elector requires assistance and is granted that assistance as provided herein.

#### **ARTICLE 36 REMOVAL OF BALLOT FROM POLLING STATION**

36.1 An Elector who has received a ballot paper shall not take it out of the polling station.

#### **ARTICLE 37 FORFEITURE OF VOTING RIGHTS**

37.1 Where an Elector leaves the polling station without first delivering his or her ballot paper to the Deputy Returning Officer or returns his or her ballot paper after declining to vote he or she forfeits his or her right to vote and the Deputy Returning Officer shall make an entry in the Poll Book in the column for remarks to the effect that the Elector received the ballot paper, but took it out of the polling station or returned it declining to vote.

#### **ARTICLE 38 DECLINE TO VOTE**

38.1 Where an Elector returns his or her ballot paper declining to vote, the Deputy Returning Officer shall immediately write the word "declined" upon it and preserve the ballot paper.

#### **ARTICLE 39 SPOILED BALLOT**

39.1 An Elector voting who has inadvertently spoiled his or her ballot paper may on returning it to the Deputy Returning Officer obtain another ballot paper and the Deputy Returning Officer shall immediately write the word "spoiled" upon the returned ballot paper and preserve it.

#### **ARTICLE 40 VOTING BY DISABLED PERSON**

40.1 The Deputy Returning Officer, at the request of an Elector who makes a declaration that he or she is unable to read or who is incapacitated by a physical cause from voting in the usual manner shall:

- (a) assist the voter by marking his or her ballot in the manner directed by the voter in the presence of any Scrutineers and shall place the ballot paper in the ballot box.
- (b) If an Elector is accompanied by a friend, permit the friend to accompany the Elector into the polling booth and mark the Elector's ballot paper for him or her.

40.2 The Deputy Returning Officer shall not act under subsection (1) until the Elector has taken the prescribed oath.

40.3 When a ballot has been marked according to this Article 40, the Deputy Returning Officer or Poll Clerk shall enter in the Poll Book opposite the name of the Elector and in the appropriate column "voter assistance".

40.4 Senior Electors, disabled Electors, and Electors in hospitals may request voting privileges and shall be allowed to vote at their place of residence or hospital in the presence of the Deputy Returning Officer and any Scrutineers who may be present.

#### **ARTICLE 41 PROCEDURE ON CLOSE OF POLL**

41.1 After the closing of the poll, the Deputy Returning Offer shall, in the presence of the Poll Clerk, Candidate and Scrutineers, immediately count the number of spoiled and declined ballots and record the total on the outside of the envelope containing these ballots and then seal it.

- 41.2 On complying with subsection (1) the Deputy Returning Officer shall count:
- (a) the number of Electors whose name appears on the List of Electors; and
  - (b) the number of Electors recorded in the Poll Book as having voted;
- and shall draw a line immediately under the last name in the Poll Book and affix his or her initials.
- 41.3 On complying with subsection (2), the Deputy Returning Officer shall open the ballot box and proceed with a count of vote and record the result.
- 41.4 The Deputy Returning Officer shall endorse with the words "not initialed" any ballot paper that does not have his or her initials or the initials of such person acting on his or her behalf on the back thereof and any such ballot shall be counted with the other ballots but immediately upon the conclusion of the count, the Deputy Returning Officer shall:
- (a) count the number of such ballots, and
  - (b) record the total on the outside of the envelope containing these ballots and seal it.
- 41.5 In counting votes the Deputy Returning Officer shall reject any ballot that:
- (a) was not supplied by him or her;
  - (b) does not indicate a vote for any Candidate;
  - (c) contains votes for more Candidates than are to be elected;
  - (d) is so marked that it is uncertain for which Candidate the vote was cast; or
  - (e) contains any writing or mark enabling the Elector to be readily identified;
- 41.6 Notwithstanding subsection 41.5(a) to (e), a ballot shall not be rejected:
- (a) by reason of any writing, number or mark omitted by the Deputy Returning Officer; or
  - (b) when the mark on the ballot, though incorrectly made, clearly indicates the Elector's intention to vote for one particular Candidate.
- 41.7 The Deputy Returning Officer shall make a note in the Poll Book of every objection to a ballot and the name of any Candidate on whose behalf an objection was made.
- 41.8 Each objection shall be numbered and a corresponding number placed on the back of the ballot that is the subject of the objection and initialled by the Deputy Returning Officer.
- 41.9 The Deputy Returning Officer shall decide any question arising out of an objection.
- 41.10 The Deputy Returning Officer at the conclusion of the count shall complete a Statement of Poll indicating the number of votes for each Candidate which Statement of Poll shall be signed by the Deputy Returning Officer and Poll Clerk.
- 41.11 A copy of the Statement of Poll shall be attached to the Poll Book and the second page shall be retained by the Deputy Returning Officer to be sent to the Chief Electoral Officer.
- 41.12 Upon completion of the Statement of Poll the Deputy Returning Officer shall in the presence of the persons authorized to be present pursuant to Article 41.1 of these Election Bylaws, place into separate envelopes:

- (a) Statement of Poll;
- (b) The ballots that have been objected to but that have been counted;
- (c) The ballots that have been objected to but that have not been counted;
- (d) The rejected ballots not objected to;
- (e) The rejected ballots objected to;
- (f) The spoiled and declined ballots;
- (g) The discarded ballots;
- (h) The unused ballots;
- (i) The Poll Book with the declaration of the Deputy Returning Officer therein;
- (j) The List of Electors used at the poll;
- (k) The declarations of Electors;
- (l) The statement of the number of Electors as marked by the Deputy Returning Officer as "voter assistance";
- (m) The notes taken of objections to ballot papers found in the ballot box;
- (n) All other documents that were completed, prepared or used at the Election.

41.13 The Deputy Returning Officer shall seal each of the envelopes mentioned in section 41.12 with his or her own seal and initial the outside of the envelopes.

41.14 The Deputy Returning Officer shall mark on the outside of each of the envelopes a short statement of the contents of the envelopes, the date and name of the Election and his or her name.

41.15 The Deputy Returning Officer shall then return all envelopes and relevant documents to the Chief Electoral Officer.

#### **ARTICLE 42 ANNOUNCEMENT OF VOTE**

42.1 The Chief Electoral Officer shall publicly announce the results of the Election and declare elected:

- (a) the Presidential Candidate and Vice-Presidential Candidate who received the largest number of votes; and
- (b) (the Regional President Candidate for each Region who received the largest number of votes; and
- (c) the Regional Vice President Candidate for each Region who received the largest number of votes;

#### **ARTICLE 43 RECOUNT**

43.1 The Chief Electoral Officer shall recount the ballots where applicable if:

- (a) the Chief Electoral Officer decides that there is a need for a recount;

- (b) a written request to recount is received from a Candidate within fourteen (14) days from the date of the Election; or
- (c) there is a tie in the number of votes for the election of any one office.

#### **ARTICLE 44 RECOUNT PROCEDURE AND TIE BREAKING VOTE**

- 44.1 The Chief Electoral Officer shall give written notice to each Candidate of the place, date and hour of the commencement of the recount.
- 44.2 No person may be allowed in the room where the recount is being conducted except:
- (a) the Chief Electoral Officer;
  - (b) the Returning Officer;
  - (c) the Deputy Returning Officer;
  - (d) Poll Clerk;
  - (e) the Candidates or an Elector appointed in writing to be present on behalf of the Candidate.
- 44.3 In recounting the ballots the Chief Electoral Officer shall follow the same counting rules which a Deputy Returning Officer is required to follow under these Election Bylaws.
- 44.4 If, on the recounting of votes by the Chief Electoral Officer, no Candidate can be declared elected for office of President or Vice-President because the same number of votes is counted for two (2) or more Candidates the Chief Electoral Officer shall:
- (a) cast an additional vote by marking a ballot for one of the tied Candidates;
  - (b) include that vote in the official count; and
  - (c) seal the ballot in an envelope marked with the words "Chief Electoral Officers Vote" and keep it separate from other ballots.
- 44.5 If, on the recounting of votes by the Chief Electoral Officer, no Candidate can be declared elected for office of Regional President or Regional Vice President because the same number of votes is counted for two (2) or more Candidates, the Returning Officer for the Region shall:
- (a) cast an additional vote by marking a ballot for one of the tied Candidates; (b) include that vote in the official count; and
  - (b) seal the ballot in an envelope marked with the words "Returning Officers Vote" and keep it separate from other ballots.
- 44.6 Upon conclusion of the recount, the Chief Electoral Officer shall publicly announce the results of the recount and declare elected:
- (a) the Presidential Candidate and Vice-Presidential Candidate who received the largest number of votes;
  - (b) the Regional President Candidate for each Region who received the largest number of votes; and
  - (c) the Regional Vice President Candidate for each Region who received the largest number of votes.

### **ARTICLE 45 DESTROYING BALLOTS**

- 45.1 The Chief Electoral Officer shall destroy all ballots after the expiry of ninety (90) days from the date of the Election unless:
- (a) directed by an Order of the Election Appeal Arbitrator;
  - (b) Order of the Provincial Council; or
  - (c) a request for a recount is received in which case the ballots shall be destroyed after the expiry of ninety (90) days from the date of the recount unless otherwise ordered.

### **ARTICLE 46 ELECTION APPEALS**

46.1 Within five (5) business days of the Election date, or the date on which a Candidate is declared elected pursuant to Articles 42.1 or 44.6 of these Election Bylaws, any Elector may appeal the results of the Election or said declaration, where the error, practice or other circumstance, event or action materially and directly affected the conduct and outcome of the Election on the following grounds:

- (a) an error was made in the interpretation or application of these Election Bylaws;
- (b) any Elector or Candidate was guilty of promoting or aiding Corrupt Election Practices or consented to and benefited from such practices; (c) persons who voted were not eligible to vote;
- (c) falsification of a Statement of Poll or any other like actions by an Election Officer; or
- (d) any other circumstance, event or action which improperly and materially and directly affect the conduct and outcome of the Election.

46.2 Notice of Appeal

- (a) A Notice of Appeal by an Elector in the form set out in Schedule "A" to these Election Bylaws, and signed by that Elector (the "Appellant"), shall be delivered to the Chief Electoral Officer outlining the grounds for the appeal with a cash deposit or certified check payable to the Métis Nation in the sum of \$100.00. The Notice of Appeal shall state:
  - i. the Election results appealed from and the name of the affected Candidate(s);
  - ii. the grounds upon which the appeal is made, including reference to the relevant sections of these Election Bylaws;
  - iii. the material facts on which the Appellant relies;
  - iv. the names of any witnesses the Appellant intends to call or a statement that the Appellant does not intend to call any witnesses; and
  - v. a list of documents or records the Appellant intends to rely on or a statement that the Appellant does not intend to rely on any documents or records.
- (b) The Notice of Appeal shall be signed by the Appellant and by four other Electors who support the appeal. In the case of appeals from the election of a Regional President or Regional Vice President, the Appellant and those Electors supporting the appeal must be affiliated with the relevant Region.
- (c) The Notice of Appeal must be received in the prescribed form by the Chief Electoral Officer



- within five business days of the Election date.
- (d) The notice of appeal shall be delivered by the Chief Electoral Officer to all Candidates, posted in the head office of the Métis Nation and in each Regional Council office and in any other community or Local and other public place or location selected by the Election Appeal Arbitrator.
  - (e) The Chief Electoral Officer shall reject and return any appeal documents that:
    - i. are not received within five business days of the of the Election date or the date on which a Candidate is declared elected pursuant to Article 42.1 or 44.6 of these Election Bylaws, as the case may be;
    - ii. are not received with the required filing fee; or
    - iii. do not contain all the information required by Article 46.2(a) of these Election Bylaws
  - (f) The Chief Electoral Officer shall prepare an Election record and deliver it to the Election Appeal Arbitrator. The Election record shall consist of the following:
    - i. a copy of these Election Bylaws;
    - ii. a copy of the resolution appointing the Election Appeal Arbitrator;
    - iii. a copy of all filed nomination forms;
    - iv. a copy of the notice of poll and Candidates made pursuant to Article 10.1;
    - v. all materials described in Article 41.12;
    - vi. a copy of the Notice of Appeal;
    - vii. such other material as the Chief Electoral Officer or the Election Appeal Arbitrator deem appropriate.

#### 46.3 Election Appeal Hearing

- (a) Within three days of receiving the Election record, the Election Appeal Arbitrator shall set the date for the hearing of the Election appeal which hearing shall take place in a location to be determined by the Election Appeal Arbitrator.
- (b) Notice of the hearing of the Election appeal shall be posted in the head office of the Métis Nation and in each Regional Council office and in any other community or Local and other public place or location selected by the Election Appeal Arbitrator and shall be mailed or delivered to the Appellant and all impacted Candidates.
- (c) The Election Appeal Arbitrator shall be responsible for establishing procedures in accordance with the rules of natural justice and administrative fairness as are necessary for the fair conduct of the hearing of the Election appeal.
- (d) The Appellant and any Candidate who is directly affected by the appeal, or their representatives, shall be entitled to make verbal or written submissions to the Election Appeal Arbitrator and be subject to cross-examination by the Appellant and any Candidate who is directly affected by the appeal, or the Election Appeal Arbitrator.
- (e) The Election Appeal Arbitrator has the following powers:

- i. to determine the time, place and date of the appeal hearing;
  - ii. to determine whether the appeal hearing is open to the public or to determine who may or may not attend the appeal hearing;
  - iii. to determine questions of law arising in the course of the appeal hearing;
  - iv. to rule on any objections made in the appeal hearing;
  - v. to order production of documents which are material and relevant to the appeal;
  - vi. to determine the procedure to be followed having regard for fairness and equality between the parties to the hearing;
  - vii. to determine the matter in which evidence is to be admitted; and
  - viii. is not bound by the rules of evidence and has the power to determine the admissibility, relevance and weight of any evidence.
- (f) The Election Appeal Arbitrator does not have the power:
- i. to subpoena any witness or compel any person to give evidence in an appeal hearing excepting that the Chief Electoral Officer, Returning Officer(s) and Deputy Returning Officer(s) are compellable witnesses; or
  - ii. to order any relief that is not specifically permitted by these Election Bylaws.

#### 46.4 Decision of the Election Appeal Arbitrator

- (a) these Election Bylaws set out all of the powers of the Election Appeal Arbitrator and the *Arbitration Act*, RSA 2000, c A-43 nor any other like legislation applies to the Election Appeal Arbitrator or to appeal hearings held pursuant to these Election Bylaws.
- (b) Within five (5) business days of the conclusion of the hearing, the Election Appeal Arbitrator shall issue one of the following decisions:
  - i. to deny the appeal on the basis that the evidence presented did not fully and properly establish the necessary grounds for an appeal;
  - ii. to uphold the grounds for an appeal but allow the results of the election to stand, as the infraction did not materially affect the results of the election;
  - iii. to uphold the appeal and call for a new election; or
  - iv. such other decision as he or she deems appropriate in the circumstances
- (c) The decision of the Election Appeal Arbitrator shall be:
  - i. issued in writing and shall include reasons for the decision, which reasons may follow at a later time;
  - ii. posted in the head office of the Métis Nation and in each Regional Council office and in any other community or Local and other public place or location selected by the Election Appeal Arbitrator and mailed or delivered to the Appellant and all impacted Candidates forthwith.
- (d) If the appeal is upheld, the cash deposit referred to in article 46.2(a) shall be returned to the Appellant. If the appeal is denied, the cash deposit shall be forfeited and paid to the Metis Education Foundation. The Appellants and any other persons participating in the appeal shall be

- responsible for their own legal and other costs.
- (e) Notwithstanding Article 46.4(d), if the Election Appeal Arbitrator determines that an appeal was so lacking in merit as to constitute an abuse of the appeal process, s/he may order the Appellant to pay all or a portion of the cost of the appeal hearing, including the fees and disbursements of the Election Appeal Arbitrator and/or the costs of the affected Candidates.
  - (f) All decisions of the Election Appeal Arbitrator shall be final and binding and without any right to appeal to a court of law.
  - (g) If the appeal is upheld and a new election (for the office(s) that are subject to the Election Appeal Arbitrator's decision) is called, the Election Appeal Arbitrator shall set the date for the election and direct the Chief Electoral Officer to conduct a new election in accordance with these Election Bylaws.

#### **ARTICLE 47 ELECTION ACT OF ALBERTA**

- 47.1 Unless otherwise stated in these Election Bylaws, all elections conducted pursuant hereto should comply with the *Election Act*, RSA 2000, c E-1, of the Province of Alberta.

#### **ARTICLE 48 INTERPRETATION**

- 48.1 Unless the context otherwise requires, words imparting the singular number or the masculine gender shall include the plural number or feminine gender, as the case may be, and vice-versa.

**NOTICE OF APPEAL**  
**SCHEDULE "A" PURSUANT TO S.46.2 OF THE ELECTION BYLAWS**  
**OF THE METIS NATION OF ALBERTA**

I, \_\_\_\_\_ [Name of Person filing Appeal]

of \_\_\_\_\_ [Address of Person filing Appeal]

\_\_\_\_\_

**Appeal the results of the Election dated:** \_\_\_\_\_ (Date of Election)

**And the Election of:** \_\_\_\_\_ (Name of elected person)

**My appeal is based on the following (check the relevant statements):**

\_\_\_ The Electoral Officer made an error in the interpretation or application of the Election Regulations and the error affected the outcome of the Election.

\_\_\_ A person voted in the Election who was ineligible to vote and provided false information or failed to disclose information relevant to their right to vote and this affected the outcome of the Election.

\_\_\_ A Candidate was guilty of a Corrupt Election Practice or benefited from and consented to a Corrupt Election Practice

\_\_\_ A circumstance, event or action occurred which improperly, materially and directly affected the conduct and/or the outcome of the Election.

**I intend to call the following people as witnesses at the Hearing of this Appeal:**

**Name of Witness 1:** \_\_\_\_\_

Address of Witness 1: \_\_\_\_\_

\_\_\_\_\_

**Name of Witness 1:** \_\_\_\_\_

Address of Witness 1: \_\_\_\_\_

\_\_\_\_\_

(Add the name and address of any further witnesses on the back of this sheet.)

**Note: Witnesses who are not disclosed may not give evidence at an Appeal Hearing.**

**The facts upon which I rely to support my Appeal are as follows:**

(List the facts in point form on this page or on an accompanying page)

- 1.
- 2.
- 3.
- 4.
- 5.

**I intend to refer to the following documents at the Hearing of this Appeal:**

(List the documents on this page or on an accompanying page – any which are not listed may not be referred to at the Appeal Hearing)

- 1.
- 2.
- 3.
- 4.
- 5.

\_\_\_\_\_  
**(Signature of Person filing this Appeal)**

\_\_\_\_\_  
**(Date signed)**

**Notices of Appeal must be signed by 4 other Electors who support the Appeal. These are the names, addresses and signatures of those persons. In the case of an Appeal from the Election of a Regional President or Vice-President, the person filing the Appeal and the 4 Electors supporting the Appeal must all reside within that Region.**

\_\_\_\_\_  
(Name of Supporter 1)

\_\_\_\_\_  
(Address of Supporter 1)

\_\_\_\_\_  
(Name of Supporter 1)

\_\_\_\_\_  
(Address of Supporter 1)

\_\_\_\_\_  
(Name of Supporter 1)

\_\_\_\_\_  
(Address of Supporter 1)

\_\_\_\_\_  
(Name of Supporter 1)

\_\_\_\_\_  
(Address of Supporter 1)

**Notices of Appeal will not be accepted unless accompanied by a filing fee of \$100 payable in cash or by certified cheque payable to “Métis Nation of Alberta”. The filing fee will be refunded if the Appeal is successful.**