

**BYLAWS**

**OF THE**

**MÉTIS NATION**

**OF**

**ALBERTA ASSOCIATION**

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## **MÉTIS NATION DECLARATION**

**THE MÉTIS NATION VALUES SELF-RELIANCE,  
SELF-SUFFICIENCY AND INDIVIDUAL AND  
COLLECTIVE RIGHTS AND FREEDOMS. THE  
MÉTIS NATION POSSESSES THE RIGHT OF  
SELF-DETERMINATION, INCLUDING THE INHERENT  
RIGHT OF MÉTIS GOVERNANCE WHICH MAY BE  
EXPRESSED AND IMPLEMENTED BY ITS MEMBERS AT  
THE LOCAL, REGIONAL, PROVINCIAL/TERRITORIAL  
AND NATIONAL LEVELS.**

**ADOPTED IN THE MÉTIS HOME LAND  
BY THE MÉTIS NATIONAL COUNCIL\*\* JULY 28, 1994**

## ARTICLE 1                      NAME AND OBJECTIVES

We, the Métis Nation of Alberta, are a distinct Nation among the Aboriginal people in Canada and as such our Aboriginal rights are recognized and affirmed under Section 35 of the Constitution Act, 1982.

We, the Métis Nation of Alberta, have the inherent right of self-determination and self-government.

This document contains the Bylaws of the Métis Nation of Alberta and will continue the process of self-determination and self-government of the Métis Nation.

This document gives authority to a body that shall be known as the "Métis Nation of Alberta Association" and this body shall govern its people at the Provincial Council, Regional Council and Local Council in the style and spirit of the Riel government.

1.        The objectives of the Métis Nation of Alberta Association are as follows:
  - 1.1      To promote the cultural, economic, educational, political and social development of Métis in Alberta and Canada;
  - 1.2      To stand as the political representative of all Métis in Alberta and to promote self-determination and self-government for Métis in Alberta and Canada;
  - 1.3      To promote, pursue and defend aboriginal, legal, constitutional, and other rights of Métis in Alberta and Canada;

- 1.4 Re-establish land and resource bases;
- 1.5 To create awareness of the proud heritage of the Métis Nation of Alberta and to promote the history, values, culture, languages and spiritual traditions of the Métis Nation of Alberta;
- 1.6 To develop prosperity and economic self-sufficiency within the Métis Nation of Alberta;
- 1.7 To promote and ensure participation of Métis Elders, Métis Women, Métis Youth and Métis persons with disabilities in the educational, cultural, political and social development of the Métis Nation of Alberta.
- 1.8 To negotiate, on behalf of the Métis in Alberta, a modern day treaty relationship with the Crown through a “land claims agreement” or other arrangement as called for and contemplated within the meaning of section 35(3) of the *Constitution Act, 1982*.

## ARTICLE 2                      POLITICAL-RELIGIOUS AFFILIATION

- 2.1. The Métis Nation shall not be affiliated with any political party or religious denomination.

## ARTICLE 3                      DEFINITION OF MÉTIS

- 3.1 "MÉTIS" means a person who self-identifies as a Metis, is distinct from other aboriginal peoples, is of historic Metis Nation ancestry, and is accepted by the Metis Nation.



3.2 A Metis must provide historical proof of his or her status as Metis:

- (a) Historical Proof - evidence of an ancestor who received a land grant or a scrip grant under the Manitoba Act or the Dominion Lands Act, or who was recognized as a Metis in other government, church or community records.
- (b) Historic Metis Nation means the Aboriginal people then known as Metis or Half-breeds who resided in the Historic Metis Nation Homeland.
- (c) Historic Metis Nation Homeland means the area of land in west central North America used and occupied as the traditional territory of the Metis or Half-breeds as they were then known.
- (d) Metis Nation means the Aboriginal people descended from the Historic Metis Nation, which is now comprised of all Metis peoples and is one of the "aboriginal peoples of Canada" within the meaning of s.35 of the *Constitution Act 1982* which is attached as Appendix 1.
- (e) Distinct from other Aboriginal peoples means distinct for cultural and nationhood purposes.

ARTICLE 4 OTHER DEFINITIONS

- 4.1 Annual Assembly - means annual general meeting.
- 4.2 Annual Regional Meeting means annual general meeting of the Region
- 4.3 Annual Local Meeting means annual general meeting of the Local Community
- 4.4 Special Meeting means a special general meeting of the members
- 4.5 Member - means a member of the Métis Nation of Alberta Association who has met all the requirements of Articles 3.1 and 3.2 as well as the Application for

Membership requirements set out in Article 10 as amended from time to time. A member shall also be recognized as being duly registered as a citizen of the Métis Nation based on the MNA's authority as the representative government of the Métis Nation within Alberta. For the purposes of these Bylaws, a member and a citizen or membership and citizenship mean the same thing.

- 4.6 Bylaws - means by-laws of the Métis Nation of Alberta Association.
- 4.7 Good Standing - means a Métis Lifetime Member who has not had any rights suspended.
- 4.8 Local Community - is a Métis Local affiliated with the Métis Nation of Alberta Association and means:
- (a) a minimum of ten (10) Métis Lifetime Members in good standing:
    - (i) who have obtained the consent of the Provincial Council to use the name "Métis Nation" in its name; and
    - (ii) who have obtained the consent of a majority of the members of their Regional Council at a meeting of the Regional Council; and
    - (iii) who are presently incorporated pursuant to the Societies Act of Alberta; or
- 4.9 Métis Nation - means Métis Nation of Alberta Association.
- 4.10 Ordinary Resolution - means a resolution passed by a majority of not less than fifty (50%) percent plus one (1) vote of such Métis Lifetime Members entitled to vote as are present in person at any meeting of the Métis Nation at the Provincial, Regional

and Local level.

4.11 Special Resolution - means:

(a) A Resolution passed:

- (i) at an Annual Assembly or Special Meeting, notice of which has been duly given not less than twenty-one (21) days before, such notice also specifying the intention to propose the resolution, and
- (ii) by the vote of not less than seventy-five (75%) percent of those Métis Lifetime Members who, if entitled to do so, vote in person.

4.12 Métis Judiciary Council means a judiciary council established under Article 29 of these Bylaws.

4.13 Board of Directors shall mean the Provincial Council of the MÉTIS NATION OF ALBERTA ASSOCIATION; the Regional Board of Directors shall mean the members of the Regional Council; and Local Board of Directors shall mean the members of the Local Council.

## ARTICLE 5 MEMBERSHIP

5.1 No Métis person who has been recognized as a Métis member may lose his or her membership rights by reason of suspension of certain rights in the Métis Nation.

## ARTICLE 6 CATEGORIES OF MEMBERSHIP

6.1 The Métis Nation shall consist of the following categories of membership:

- (a) Lifetime Member;

## 6.2 A Lifetime Member is:

- (a) A Métis who has met all the requirements of the Métis National Definition through the Métis Nation of Alberta Registry and is issued a Métis ID number; or
- (b) A Métis child who has met all the requirements of the Métis National Definition through the Métis Nation of Alberta Registry and is issued a Métis ID number.

## ARTICLE 7 RIGHTS OF MEMBERS

### 7.1 LIFETIME MEMBER

- 7.1.1 To participate in the cultural, economic, educational, political, social and spiritual activities of the Métis Nation;
- 7.1.2 To vote at all meetings of the Métis Nation provided that the Lifetime Member is a minimum sixteen (16) years old;
- 7.1.3 To hold office provided that the Lifetime Member is a minimum sixteen (16) years old and has not had his or her right to hold office suspended.
- 7.1.4 Right - means but it is not limited to:
  - (a) the opportunity to be a candidate for an elected office in the Métis

Nation;

- (b) the opportunity to hold an elected office in the Métis Nation;
- (c) the opportunity to be employed by the Métis Nation;
- (d) the opportunity to be appointed to the Métis Judiciary Council or Council of Elders;
- (e) the opportunity to be an employee, officer or director of an affiliate;
- (f) the opportunity to receive income or reimbursement of expenses from the Métis Nation or its affiliates.

## ARTICLE 8                      TERMINATION OF MEMBERSHIP

8.1      Lifetime Membership shall terminate upon the occurrence of:

- (a)      Entry of a member's name in a Band list or in the Indian Register according to the provisions of the Indian Act, R.S.C.;
- (b)      Withdrawal of Membership by sending or delivering a written notice to the Métis Nation of Alberta;
- (c)      A declaration by the Judiciary Council that a Lifetime Member is not a Métis as defined in Article 3.

8.2      Any member whose membership is terminated shall immediately forfeit all rights as a member in the Métis Nation.

## ARTICLE 9                      SUSPENSION OF MEMBER'S RIGHTS

9.1      The Métis Judiciary Council may suspend any member's rights other than the right to vote at an annual assembly, special meeting or general election for any conduct or act which the Métis Judiciary Council determines is, has been, or will be, gravely detrimental to the Métis Nation or the interests of the Métis Nation.

- 9.2 Any member who has had their rights suspended shall immediately forfeit those rights in the Métis Nation for the period of the suspension.

## ARTICLE 10 APPLICATION FOR MEMBERSHIP

- 10.1 Any Métis who is a resident of the Province of Alberta for a minimum of ninety (90) consecutive days shall have the right to apply for membership in the Métis Nation.
- 10.2 The Métis Nation shall establish and maintain a registry of Métis members in Alberta together with the following particulars of each person:
- (a) the full name and residential address;
  - (b) the date on which the person is admitted as a member;
  - (c) the date on which the person ceases to be a member;
  - (d) the class of membership of the person;
- 10.3 All applications for membership shall be processed by the Metis Nation of Alberta Registry.
- 10.4 The onus of proof to qualify for membership in the Métis Nation shall rest with the applicant.
- 10.5 Upon approval of membership the Métis Nation shall issue a membership card.
- 10.6 Any membership challenges or rejections may be appealed to the MÉTIS JUDICIARY COUNCIL.

- 10.7 Any Métis who has been accepted as a Member must sign and take an oath of membership to the Métis Nation;
- 10.8 The oath of membership shall be attached as Schedule "A" to these Bylaws and shall form a part of these Bylaws.
- 10.9 The oath of membership shall be a requirement for all future individuals to sign as part of their application for membership in the Métis Nation of Alberta
- 10.10 All existing members shall be provided notice of this new oath of membership.

#### ARTICLE 11            REGIONS OF THE MÉTIS NATION

- 11.1 The Métis Nation shall consist of six (6) regions.
- 11.2 The boundaries of the six (6) regions are described in Schedule "B" attached to these Bylaws and shall form a part of these Bylaws.
- 11.3 The process to change boundaries of the Regions shall be as follows:
  - (a) The Provincial Council or Regional Council may recommend changes to the boundaries of the Regions to the Métis Judiciary Council;
  - (b) The Métis Judiciary Council shall review all boundary recommendations and make its boundary recommendations to the Annual Assembly;
  - (c) The Members at the Annual Assembly shall vote on any recommendation to change the boundaries of the Regions and the question shall be decided by special resolution.

ARTICLE 12                      GOVERNMENT OF THE MÉTIS NATION

12.1    The Government of the Métis Nation shall consist of the following:

- (a)    Provincial Council;
- (b)    Regional Council;
- (c)    Local Council.

12.2    The Provincial Council shall consist of the following Métis Lifetime Members:

- (a)    President (elected province wide); and
- (b)    Vice-President (elected province wide); and
- (c)    Six (6) Regional Presidents (one elected from each of the six (6) regions);  
and
- (d)    Six (6) Regional Vice - Presidents (one elected from each of the six (6) regions).

12.3    The Regional Council shall consist of the following Métis Lifetime Members:

- (a)    Regional President elected to the Provincial Council for the Region; and
- (b)    Regional Vice President elected to the Provincial Council for the Region;  
and
- (c)    the Presidents of each Local Council within the Region.

12.4    The Local Council shall consist of the following:

- (a)    a President who shall be elected at the Annual General Meeting of the Local



Community and who shall be the representative of the Local Community on the Regional Council;

- (b) a Vice-President who shall be elected at the Annual General Meeting of the Local Community;
- (c) A Secretary who shall be elected at the Annual General Meeting of the Local Community;
- (d) a Treasurer who shall be elected at the Annual General Meeting of the Local Community;
- (e) Such other Council members as the Annual General Meeting of the Local Community may decide and elect.

#### ARTICLE 13            POWERS OF THE PROVINCIAL COUNCIL

- 13.1 The Provincial Council shall be responsible to govern the affairs of the Métis Nation including but not limited to the cultural, economic, educational, political and social affairs of the Métis Nation.
- 13.2 The Provincial Council may exercise all powers as are permitted by these Bylaws to govern the affairs of the Métis Nation and carry out the objectives of the Métis Nation.
- 13.3 The Provincial Council may institute and amend policies, standards for the management of the affairs of the Métis Nation provided that such policies, procedures and standards shall be consistent with resolutions approved at the Annual Assembly.
- 13.4 The Provincial Council may establish standing committees and any other

committees, as it deems necessary to carry out the business of the Métis Nation, and delegate to such committees specific powers.

13.5 The Provincial Council shall approve all budgetary requirements of the Métis Nation and shall provide financial accountability to the Annual Assembly.

13.6 Each Provincial Council member shall conduct himself or herself in a dignified manner at all meetings of the Métis Nation and according to his or her oath of office to the Métis Nation.

#### ARTICLE 14                      POWERS OF THE REGIONAL COUNCIL

14.1 Each Regional Council shall govern the affairs of their Region.

14.2 Each Regional Council shall approve all budgetary requirements for their Region and shall provide financial accountability to the Annual General Meeting of the Region.

14.3 Each Regional Council shall provide direction to the Provincial Council in regards to policies, programs and goals of the Region.

14.4 The Regional Council may authorize the employment of such persons as they deem necessary to carry out the objectives of the Regional Council. The employee shall have such authority and perform duties as may be determined by the Regional Council or these Bylaws. The Regional Council shall when employing persons, do the following:

(a) advertise the position in the Regional Council office; and

- (b) where possible, employ members of the Métis Nation based on merit and qualifications.

14.5 The Regional Council may institute and amend policies, standards for the management of the affairs of the Region provided that such policies, procedures and standards shall be consistent with resolutions approved by the Provincial Council.

14.6 The Regional Council may establish such additional committees, as it deems necessary to carry out the business of the Region, and delegate to such committees specific powers.

14.7 Each Regional Council member shall conduct himself or herself in a dignified manner at all meetings and according to his or her oath of office to the Métis Nation.

#### ARTICLE 15            POWERS OF THE LOCAL COUNCIL

15.1 Each Local Council shall govern the affairs of the Local Community.

15.2 Each Local shall approve all budgetary requirements of the Local Community and shall provide financial accountability to the Annual General Meeting of the Local Community.

15.3 Each Local Council shall provide direction to the Regional Council in regards to the policies, programs and goals of the Local Community.

15.4 The Local Council may authorize the employment of such persons as they deem necessary to carry out the objectives of the Local Community. The employees shall have such authority and perform duties as may be determined by the Local Council

or these Bylaws. The Local Council shall when employing persons, do the following:

- (a) advertise the position in the Local Community; and
- (b) where possible, employ members of the Métis Nation based on merit and qualifications.

15.5 The Local Council may institute and amend policies, standards for the management of the affairs of the Local provided that such policies, procedures and standards shall be consistent with resolutions approved by the Provincial Council.

15.6 The Local Council may establish such additional committees, as it deems necessary to carry out the business of the Local, and delegate to such committees specific powers.

15.7 Each Local Council member shall conduct himself or herself in a dignified manner at all meetings and according to his or her oath of office to the Métis Nation.

#### ARTICLE 16 ELECTION AND TERM OF THE PROVINCIAL COUNCIL

16.1 The President, Vice-President and the Regional Representatives of the Provincial Council shall be elected in accordance with the Métis Nation of Alberta Association Election By-Laws which are attached hereto as Schedule "C" and shall form a part of these Bylaws.

16.2 The President, Vice President and the Regional Representatives of the Provincial Council shall be elected for a term of four (4) years. This will be effective for the Métis Nation of Alberta Association election in September of 2014.

- 16.3 The President, Vice-President and the Regional Representatives of the Provincial Council shall be eligible for re-election to the Provincial Council if their rights have not been suspended.

#### ARTICLE 17 EXECUTIVE OFFICERS OF THE MÉTIS NATION

- 17.1 The Executive Officers of the Métis Nation shall consist of the following:
- (a) President (elected Province Wide);
  - (b) Vice-President (elected Province Wide);
  - (c) Secretary;
  - (d) Treasurer.
- 17.2 Within thirty (30) days following the General Election of the Métis Nation the Provincial Council shall meet to elect a Secretary and Treasurer.
- 17.3 The Secretary and Treasurer shall be elected from the members of the Provincial Council other than President and Vice-President. Such election shall be by secret ballot and require a majority vote.
- 17.4 The Secretary and Treasurer should be elected to a term of four (4) years effective September 2014.

#### ARTICLE 18 DUTIES OF THE EXECUTIVE OFFICERS

- 18.1 The President of the Métis Nation shall:

- (a) preside at all meetings of the Métis Nation or allow the Vice - President to preside at all meetings of the Métis Nation in the absence of the President;
- (b) call meetings of the Métis Nation when necessary or called upon to do so;
- (c) shall be an ex-officio member of all Committees of the Métis Nation;
- (d) shall see that all orders and resolutions of the Métis Nation are carried into effect;
- (e) shall be one of the two signing officers required on all documents, to be signed by the Métis Nation or may appoint another Provincial Council Member to sign on behalf of the President;
- (f) make regular political reports to the Provincial Council and to the Annual General Assembly;
- (g) be the spokesperson and chief negotiator for the Métis Nation;
- (h) perform other duties as may be determined by the Provincial Council.

18.2 The Vice-President of the Métis Nation shall:

- (a) preside at all meetings of the Métis Nation in the absence of the President;
- (b) shall have signing authority;
- (c) perform such duties as may be determined by the Provincial Council.

18.3 The Secretary of the Métis Nation shall:

- (a) issue notices of all meetings of the Métis Nation;
- (b) keep minutes or cause to be kept the minutes of all meetings of the Métis Nation;
- (c) be the custodian of all books and documents of the Métis Nation;
- (d) have custody of the seal of the Métis Nation;

- (e) keep a register or cause to be kept a register of all Métis Members and their addresses and shall be responsible for the Métis Membership office;
- (f) register with the Registrar of Corporations of Alberta all special resolutions of an Annual Assembly or Special Meeting within twenty one (21) days of the date of the Annual Assembly or Special Meeting;
- (g) keep a register of current Judiciary Council Members;
- (h) keep a register of suspended members;
- (i) shall be one of four signing authorities;
- (j) perform other duties as may be determined by the Provincial Council.

18.4 The Treasurer of the Métis Nation shall:

- (a) keep or cause to be kept full and accurate account of receipts and disbursements and books belonging to the Métis Nation;
- (b) deposit or cause to be deposited, all monies and other valuables or effects in the name and to the credit of the Métis Nation in such Chartered Banks or other financial institutions as designated by the Provincial Council;
- (c) be one of four signing officers required on Métis Nation cheques;
- (d) give a financial report at the Annual Assembly;
- (e) be responsible for and review all travelling expenses of Provincial Council members;
- (f) perform such other duties as may be determined by the Provincial Council.

ARTICLE 19            VACANCY OF OFFICE OF PRESIDENT, VICE-PRESIDENT,  
SECRETARY, TREASURER

- 19.1 In the event that a vacancy occurs in the office of the President the Vice-President shall be President and shall assume all duties of the President.
- 19.2 In the event that there is no Vice-President to fill the vacancy of President the Provincial Council shall meet within twenty one (21) days of the vacancy of President and shall elect from the remaining members of the Provincial Council a person to fill the vacancy of the office of President. Such election shall be by secret ballot and require a majority vote and must be ratified by a majority of the Regional Councils.
- 19.3 In the event that a vacancy occurs in the office of Vice-President the Provincial Council shall elect from the remaining members of the Provincial Council other than the President a person to fill the vacancy of the office of Vice-President. Such election shall be by secret ballot and require a majority vote.
- 19.4 In the event that a vacancy occurs in the office of the Secretary or Treasurer then the Provincial Council shall meet to elect from the Provincial Council, other than the President or Vice-President, a person to fill the vacancy. Such election shall be by secret ballot and require a majority vote.
- 19.5 In the event that a member of the Provincial Council is convicted of a criminal offence under the Criminal Code of Canada during his or her term then that person shall as soon as possible after the conviction appear before the Métis Judiciary Council who will determine whether the person shall remain in office or whether the office shall be vacated.



ARTICLE 20 SALARIES OF THE PROVINCIAL COUNCIL

- 20.1 The Provincial Council shall decide the salary of the President and Vice-President.
- 20.2 Each Regional Council shall decide the salary of their Provincial Council Representatives on an annual basis.
- 20.3 The Provincial Council may be paid reasonable travelling expenses for attending business of the Métis Nation, meetings of the Métis Nation and Annual Assemblies and all travelling expenses shall be reviewed and approved by the Treasurer. The Treasurer shall decline all unreasonable travelling expenses.

ARTICLE 21 MEETINGS OF THE PROVINCIAL COUNCIL

- 21.1 The Provincial Council shall meet at least six (6) times between the Annual Assembly at such times and places as the Provincial Council may decide.
- 21.2 A meeting of the Provincial Council may be convened at any time or place upon proper notice by the President or at the request of any eight (8) Provincial Council members.
- 21.3 A quorum at any meeting of the Provincial Council shall be eight (8) members of the Provincial Council.
- 21.4 The President shall be the Chairperson of the Provincial Council meetings or in the event that the President is unable to be Chairperson he or she shall appoint the Vice-President to be Chairperson. In the event that the Vice-President is unable to be Chairperson the President shall appoint another Provincial Council member to be the

Chairperson at their discretion. The Chairperson shall only vote in case of a tie vote.

- 21.5 Each member of the Provincial Council other than the Chairperson, shall have one vote and all matters shall be decided by a majority of votes. In cases of any equality of votes the Chairperson of the meeting shall have a deciding vote.
- 21.6 Resolutions in writing signed by all of the members of the Provincial Council shall be as effective as a resolution passed at a meeting of the Provincial Council duly convened and held.
- 21.7 Notice of Provincial Council meetings shall be given to each Provincial Council member at least five (5) days before the meeting. Notice may be delivered, telephoned, faxed or mailed.
- 21.8 A meeting of the Provincial Council may be held without notice if all of the Provincial Council members are present or those present have waived notice and those absent have signified their consent in writing to the meeting being held in their absence without notice.
- 21.9 Notice or any irregularity in notice may be waived by a Provincial Council member. No error or omission in giving notice of a Provincial Council meeting shall invalidate such meeting or void any proceedings taken at such meeting. Any Provincial Council member may ratify and approve any business at such meeting.
- 21.10 A meeting of Provincial Council members may be held by way of telephone or any other communication facility that permits all persons participating in the meeting to hear each other.

- 21.11 A member of the Provincial Council may participate in a meeting of the Provincial Council by means of telephone or any other communication facility that permits all persons participating in the meeting to hear each other and a member of the Provincial Council participating in a meeting by such means is deemed to be present in person at the meeting.
- 21.12 All meetings of the Provincial Council are open to Métis Members other than in camera meetings.
- 21.13 There shall be no voting by proxy.

ARTICLE 22                      CONFLICT OF INTEREST GUIDELINES FOR PROVINCIAL  
COUNCIL MEMBERS

- 22.1 A member of the Provincial Council, who is a party to a contract with the Métis Nation or has a material interest in any company who is a party to a contract with the Métis Nation, shall fully disclose to the Provincial Council the nature and extent of his or her interest.
- 22.2 A member of the Provincial Council, shall not make or participate in making a decision in his or her capacity where the elected member reasonably knows that in the making of the decision there is the opportunity to further, directly, or indirectly, their private interest or that of their family which includes spouse, children, parents, brothers and sisters.
- 22.3 No member of the Provincial Council may do work for the Métis Nation, either as an employee or by contract, other than the fulfilment of the obligations of their

elected position.

- 22.4 A member of the Provincial Council shall not conduct personal business while on Métis Nation business or use Métis Nation resources for personal business.
- 22.5 A member of the Provincial Council shall disclose to the Métis Nation the names of all Boards, Commissions, Councils or other memberships held during their term. All compensation received while sitting on any other Boards, Commissions, or Councils must be disclosed to the Provincial Council
- 22.6 No candidate running for office in the Métis Nation shall use any resources of the Métis Nation for his or her election campaign.

## ARTICLE 23 VACANCY AND REMOVAL OF A PROVINCIAL COUNCIL MEMBER

- 23.1 A member of the Provincial Council shall automatically cease to be a Provincial Council member if any of the following events occur:
- (a) the death of the Provincial Council member;
  - (b) if any Provincial Council member, without reasonable excuse is absent from three (3) consecutive Provincial Council meetings;
  - (c) a Provincial Council member resigns by delivering a written resignation to the Secretary of the Métis Nation;
  - (d) if any Provincial Council member's right to hold office is suspended in which case that Provincial Council member will cease to be a Provincial Council member for the duration of the suspension;

- (e) if a Provincial Council member becomes registered in a Band list or in the Indian Register according to the provisions of the Indian Act, R.S.C.;
- (f) if a Provincial Council member other than the President or Vice-President no longer resides in the Region they represent.

23.2 A President or Vice-President may be removed from office through the following process:

- (a) A minimum of Twenty One (21) days notice of a Local Community Meeting to approve an ordinary resolution demanding the removal of the President or Vice - President must be given to members of all Local Communities in Alberta; and
- (b) A written resolution demanding the removal of the President or Vice - President must be approved by seventy-five (75%) percent of all Local Communities in Alberta who have held meetings and given their members a minimum of twenty-one (21) days notice of the meeting; and
- (c) The written resolution approved and signed by seventy-five (75%) percent of the Local Communities in Alberta shall be sent to their Regional Council; and
- (d) Upon receipt of the written resolution from the Local Council the Secretary of each Regional Council shall give a minimum of twenty-one (21) days notice of a meeting to the members of the Regional Council to vote on the written resolution; and
- (e) A meeting each Regional Council shall be held and if seventy-five (75%) percent of the members of each Regional Council vote to remove the President or Vice - President then each Regional Council shall send a written resolution demanding the removal of the President or Vice - President to the Provincial Council; and

- (f) Within twenty-one (21) days of the receipt of a written resolutions from seventy-five (75%) percent of the Regional Councils signed by seventy-five (75%) percent of the members of each Regional Council the Provincial Council shall remove the President or Vice - President and the position shall be declared vacant.

23.3 A Provincial Council member other than the President or Vice President may be removed from office through the following process:

- (a) A minimum of twenty-one (21) days notice of a Local Community Meeting to approve an ordinary resolution demanding the removal of their Provincial council member must be given to members of the Local Community; and
- (b) A written resolution demanding the removal of the Provincial Council member must be approved by seventy-five (75%) percent of the Local Councils in the Region who have held meetings and given their members a minimum of twenty-one (21) days notice of the meeting; and
- (c) The written resolution approved and signed by seventy-five (75%) percent of the Local Councils in the Region shall be sent to the Regional Council; and
- (d) Upon receipt of the written resolution from the Local Councils the Secretary of the Regional Council shall give a minimum of twenty-one (21) days notice of a meeting to the members of the Regional Council to vote on the written resolution; and
- (e) A meeting of the Regional Council shall be held and if seventy-five (75%) percent of the members of the Regional Council vote to remove their Provincial Council member then a written resolution demanding the removal of the Provincial Council member shall sent to the Provincial Council; and
- (f) Within twenty-one (21) days of the receipt of a written resolution from the Regional Council signed by seventy-five (75%) percent of the members of

the Regional Council the Provincial Council shall remove the Provincial Council member and the position shall be declared vacant.

- 23.4 If any Provincial Council member other than the President or Vice-President ceases to be a Provincial Council member the position shall be filled within three (3) months of the vacancy by the Regional Council from that region who shall appoint a Lifetime member in good standing until the next election or in the case of a suspension until the end of the suspension.

#### ARTICLE 24 ANNUAL ASSEMBLY

- 24.1 An Annual Assembly shall be held in each calendar year during the first three weeks of August.
- 24.2 An Annual Assembly shall be held at Metis Crossing every second year beginning in 2021 and in every other Region on rotating years or otherwise determined by the Provincial Council.
- 24.3 The Secretary of the Métis Nation shall give at least forty-five (45) days notice in writing of the time and place of the Annual Assembly.
- 24.4 Notice of an Annual Assembly shall be given to all members who are members at the time of the notice at their latest address as shown in the records of the Métis Nation. Notice shall be sufficient if given by newspaper or other media as determined by the Provincial Council. Notice shall be deemed to be received by the member within seven (7) days of the date of publication or mailing.

- 24.5 A quorum at an Annual Assembly shall be a minimum of one hundred (100) Lifetime members in good standing, present in person, who have registered and are qualified to vote at the Annual Assembly. In the event that there is no quorum at a duly called Annual Assembly, the Provincial Council shall call a new meeting within sixty (60) days in accordance with Article 24.4.

## ARTICLE 25 VOTING AT ANNUAL ASSEMBLY

- 25.1 Each Lifetime member shall be entitled to one vote.
- 25.2 There shall be no voting by proxy.
- 25.3 Each Lifetime member shall be entitled to vote at the Annual Assembly provided:
- (a) the Lifetime member is personally present at the Annual Assembly;  
and
  - (b) the Lifetime member has registered at the Annual Assembly; and
  - (c) the Lifetime member has not withdrawn from membership.
- 25.4 Every question or resolution at an Annual Assembly shall be decided by a majority of the votes of Lifetime Members present unless otherwise required by these Bylaws or by the Societies Act. In the event of an equality of votes, the question or resolution shall be considered lost.
- 25.5 Every question or resolution shall be decided as follows:
- (a) Firstly, by a show of hands; or



- (b) Secondly, by a secret ballot vote if a secret ballot vote is demanded by five (5) Lifetime Members within three (3) minutes of the announcement by the Chairperson of the results of the vote by show of hands. The Chairperson has the authority to decide the procedure of the secret ballot vote.

25.6 In the event that a question or resolution is decided by a show of hands and not a secret ballot vote, a declaration by the Chairperson that a question or resolution has been carried or lost and an entry to that effect in the minutes of the meeting shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, such question or resolution.

25.7 Special Resolutions passed at an Annual Assembly are effective from the date that they are registered with the Registrar of Corporations of Alberta by the Secretary of the Métis Nation.

## ARTICLE 26 SPECIAL MEETING

26.1 A Special Meeting shall be called by the Provincial Council as follows:

- (a) Upon receipt of a written request to call a Special Meeting signed by a minimum of twenty five (25%) per cent of Lifetime Members of the Métis Nation; or
- (b) Upon a resolution approved at a meeting of the Provincial Council where:
  - (i) proper notice of the meeting has been given; and
  - (ii) seventy-five (75%) percent of the Provincial Council members are present; and

- (iii) seventy-five (75%) percent of the Provincial Council members vote in favour of the resolution to hold a Special Meeting; or

(c) Upon an ordinary resolution at an Annual Assembly.

- 26.2 The Secretary of the Métis Nation shall give at least twenty-one (21) days notice in writing of the time and place of the Special Meeting and the proposed resolutions.
- 26.3 Notice of a Special Meeting shall be given to all members who are members at the time of the notice at their latest address as shown in the records of the Métis Nation. Notice shall be sufficient if given by newspaper or other media as determined by the Provincial Council. Notice shall be deemed to be received by the member within seven (7) days of the date of publication or mailing.
- 26.4 No business shall be transacted or considered at any Special Meeting other than those proposed resolutions for which notice has been given.
- 26.5 No error or omissions in giving notice of a Special Meeting shall invalidate the Special Meeting or make void any proceedings taken at that Special Meeting and any member may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings.
- 26.6 A quorum at a Special Meeting shall be a minimum of one hundred (100) Lifetime Members in good standing, present in person, who have registered and are qualified to vote at the Special Meeting.
- 26.7 Special Resolutions passed at a Special Meeting are effective from the date that they are registered with the Registrar of Corporations of Alberta by the Secretary of the

Métis Nation.

ARTICLE 27            VOTING AT A SPECIAL MEETING

- 27.1    Voting at Special Meetings shall be the same as voting at Annual Assemblies. Therefore paragraphs herein 25.1 to 25.7 inclusive shall also govern voting at Special Meetings.

ARTICLE 28            RULES OF ORDER

- 28.1    Robert's Rules of Order shall govern meetings and proceedings of the Métis Nation insofar as they may apply without coming into conflict with these Bylaws.

ARTICLE 29            MÉTIS JUDICIARY COUNCIL

- 29.1    There shall be established a Métis Judiciary Council.
- 29.2    The Métis Judiciary Council shall consist of six (6) Lifetime members selected - one (1) selected by the Regional Council for each region.
- 29.3    The Métis Judiciary Council members will serve a four (4) year term effective September 2014.
- 29.4    In order to be a candidate for the Métis Judiciary Council the individual must have the following qualifications:
- (a)     must be a Métis Lifetime member;

- (b) must be a minimum of Twenty-Five (25) years old;
- (c) must not have been convicted of an indictable offence in Canada.

29.5 A member of the Métis Judiciary Council shall automatically cease to be a Judiciary Council Member if any one of the following events occur:

- (a) death of Métis Judiciary Council Member;
- (b) if any Métis Judiciary Council Member without reasonable excuse is absent from three (3) Métis Judiciary Council meetings;
- (c) a Métis Judiciary Council Member resigns by delivering a written resignation to the secretary of the Métis Nation of Alberta;
- (d) if any Métis Judiciary Council Member's right to hold office is suspended in which the Métis Judiciary Council Member will cease to be a Métis Judiciary Council Member for the duration of the suspension;
- (e) if a Métis Judiciary Council Member becomes registered in a Band list or in the Indian Register according to the provisions of the Indian Act;
- (f) if the Métis Judiciary Council Member no longer resides in the region they represent.

29.6 A Métis Judiciary Council Member may be removed by the same process and procedure as the removal of a Provincial Council member in Article 23.3.

29.7 Each Métis Judiciary Council Member shall be required to take an Oath of Office to be re-selected.

## ARTICLE 30            POWERS OF THE MÉTIS JUDICIARY COUNCIL

30.1 The powers of the Métis Judiciary Council shall be:

- (a) To review and to decide all matters of membership where there is a dispute;
- (b) To review and to decide all matters respecting the Métis Nation of Alberta Association Election By-Laws where there is a dispute;
- (c) To review and decide all matters concerning the suspension of rights of any Métis member and the reinstatement thereof;
- (d) To review and decide all matters concerning conflict of interest;
- (e) To recommend changes of boundaries for Regions and Local Communities to the Annual General Assembly;
- (f) To decide whether a member of the Provincial, Regional or Local Council shall remain in office in the event of a conviction of an indictable offence under the Criminal Code of Canada;
- (g) To provide to the Provincial, Regional, Local Council or a Métis member in good standing a written opinion on any question put to the Judiciary Council;
- (h) To undertake reviews as directed by the Provincial, Regional or Local Council;
- (i) To initially establish rules and procedures of the Métis Judiciary Council which will be valid until the date of the next Annual Assembly. It will then be the responsibility of the Annual Assembly to establish rules and procedures of the Métis Judiciary Council.

30.2 The Métis Judiciary Council shall be the final Métis Judiciary authority of the Métis Nation of Alberta. All decisions of the Métis Judiciary Council shall be final and without appeal.

30.3 The Judiciary Council shall be allocated its own budget.

- 30.4 A member of the Judiciary Council shall not hold an elected position or employment position with the Métis Nation of Alberta Association.

ARTICLE 31 RIGHTS OF PARTIES BEFORE THE MÉTIS JUDICIARY COUNCIL

- 31.1 All parties that are required to appear before the Métis Judiciary Council shall have the following rights:

- (a) To receive a minimum of twenty-one (21) days notice of a hearing;
- (b) To be represented by any person including a lawyer at their own expense;
- (c) To be provided a fair and impartial hearing. All parties to an action shall have the right to be personally present at any hearing. The Métis Judicial Council may proceed with the hearing in the event of the non-attendance of any party if proper notice of the hearing has been given.

ARTICLE 32 MÉTIS JUDICIARY COUNCIL PROCEDURE ON CONFLICT OF INTEREST OF PROVINCIAL COUNCIL MEMBERS

- 32.1 A Lifetime Member who has reason to believe that a Provincial Council member did not comply with the Conflict of Interest guidelines may, by letter, request that the Métis Judiciary Council give an opinion respecting the compliance of the Provincial Council member with the Conflict of Interest guidelines.
- 32.2 The Métis Judiciary Council may on their initiative, conduct an inquiry to determine whether a Provincial Council member has failed to comply with the Conflict of Interest guidelines.

- 32.3 The Provincial Council may by ordinary resolution, request that the Métis Judiciary Council give an opinion on a matter respecting the compliance of a Provincial Council member with the Conflict of Interest guidelines.
- 32.4 Upon receiving a request under Article 32.1 or 32.3 the Métis Judiciary Council shall conduct an inquiry.
- 32.5 The Métis Judiciary Council shall conduct a fair and impartial inquiry and allow all parties to the inquiry to be present and represented by a lawyer.
- 32.6 The Métis Judiciary Council shall allow all parties to the inquiry to make representations.
- 32.7 After an inquiry has been concluded and the Métis Judiciary Council has decided that there was no failure by the Provincial Council member to comply with the Conflict of Interest guidelines, it shall issue a letter of clearance with an explanation to justify the decision.
- 32.8 Where the Métis Judiciary Council determines that a Provincial Council member has failed to comply with the Conflict of Interest guidelines the Métis Judiciary Council may:
  - (a) reprimand the Provincial Council member;
  - (b) order that the Provincial Council member make restitution or pay compensation;
  - (c) may suspend the Provincial Council member's rights.

ARTICLE 33                      MÉTIS COUNCIL OF ELDERS

33.1    The Métis Council of Elders shall consist of six (6) Métis Lifetime Members who are at least fifty-five (55) years old appointed as follows:

(a)     One Elder appointed by each of the six (6) Regional Councils.

33.2    Each Elder should be appointed for a four (4) year term and shall be eligible for re-appointment upon expiry of the term effective September 2014.

33.3    Each appointed Elder shall serve as an Ambassador in their region and shall be responsible for the following:

- (a)     provide advice and wisdom to Métis Members including Métis leaders;
- (b)     promote the history, culture, language, education and spiritual traditions of the Métis Nation;
- (c)     promote understanding and tolerance in the Métis Nation;
- (d)     attend at schools and other institutions to promote Métis culture and provide guidance to Métis Youth;
- (e)     attend Annual General Assemblies of the Métis Nation and Regional Councils.
- (f)     to administer the Oath of Office to any Member elected to the Provincial Council.

33.4    An Elder shall cease to be a member of the Council of Elders:

- (a)     if the Elder, because of medical problems, is unable to carry out their duties or is otherwise incapable of acting as an Elder in the opinion of a qualified



medical practitioner; or

- (b) on the resolution of a majority of the members of the Regional Council which appointed the Elder.

33.5 An Elder shall be paid for expenses and an honorarium by the Provincial Council.

33.6 No Elder shall be involved in any employment position with the Métis Nation.

#### ARTICLE 34 INDEMNITY

34.1 Each member of the Provincial Council, or other person who has undertaken any liability on behalf of the Métis Nation, and their heirs and estate shall at all times, be indemnified by the Métis Nation, against:

- (a) all expenses whatsoever which result from any claims, actions, or proceedings which are brought, commenced or prosecuted against them or in respect of any act, deed, matter or thing whatsoever, made, done, or permitted by them, in the execution of the duties of their office or in respect of any such liability;  
except the Métis Nation shall not be responsible for any costs, charges, expenses whatsoever caused by the negligence or misconduct of the Provincial Council member or other person.

#### ARTICLE 35 ACCOUNTS

35.1 The Provincial Council shall cause accounting details to be kept of all monies received and expended by the Métis Nation.

- 35.2 The fiscal year of the Métis Nation shall end on the 31st day of March in each year or such other date as may from time to time be determined by the Provincial Council.
- 35.3 The books, accounts and records of the Métis Nation shall be audited at least once yearly by an auditor who is duly qualified chartered accountant and is appointed by the Provincial Council.
- 35.4 A Financial Statement setting out the Métis Nation's income, disbursements, individual expenses of the Provincial Council, assets, liabilities shall be audited and signed by the auditor and presented at the Annual Assembly by the Treasurer.

#### ARTICLE 36 BOOKS AND RECORDS

- 36.1 The Provincial Council shall ensure that all necessary books and records of the Métis Nation required by these Bylaws or by any applicable statute or law are regularly and properly kept.
- 36.2 All accounting records and other books and records of the Métis Nation shall be kept at such place in the Province of Alberta as the Provincial Council may decide and shall at all times be open for inspection by any member of the Métis Nation upon written application to the Provincial Council.

#### ARTICLE 37 EXECUTION OF CONTRACTS AND OTHER DOCUMENTS

- 37.1 Contracts and other documents other than Métis Nation cheques requiring the signature of the Métis Nation shall:

- (a) Firstly be approved at a meeting of the Provincial Council where proper notice has been given; and
- (b) Signed by two Provincial Council members as follows:
  - (i) The President; and
  - (ii) Any one (1) of the twelve (12) Provincial Council members.

37.2 The President may delegate his signing authority to another Provincial Council Member.

#### ARTICLE 38 SEAL

38.1 The Métis Nation shall have a seal, which shall be approved by the Provincial Council and may be changed by special resolution of the Annual Assembly.

38.2 The seal shall be kept under the control of the Secretary at the head office of the Métis Nation.

38.3 The seal may, when required, be affixed to contracts, documents, or instruments in writing by persons authorized by these Bylaws to sign on behalf of the Métis Nation.

#### ARTICLE 39 AMENDMENT OF BYLAWS

39.1 The Bylaws of the Métis Nation shall not be rescinded, altered or added to except by Special Resolution.

- 39.2 No rescission or alteration of or addition to these Bylaws has effect until it has been registered with the Registrar of Corporations of Alberta by the Secretary of the Métis Nation.

#### ARTICLE 40 INTERPRETATION

- 40.1 When interpreting these Bylaws, reference shall be made to the Societies Act of Alberta and words and expressions used in these Bylaws shall, so far as the context does not require, have the same meaning as when used in the Societies Act of Alberta.
- 40.2 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.

#### ARTICLE 41 BORROWING POWERS

- 41.1 For the purpose of carrying out its object the society may borrow or raise or secure payment of money in such manner as it thinks fit and in particular by the issue of debentures, but this power shall be exercised only under the authority of the Society and in no case shall debentures be issued without the sanction of a special resolution of the society.

#### ARTICLE 42 ELECTION AND TERM OF THE REGIONAL COUNCIL

- 42.1 Each of the two (2) Representatives elected to the Provincial Council for the Region

shall be members of the Regional Council for so long as each individual is a member of the Provincial Council.

- 42.2 Each Local Council President shall be a member of the Regional Council for so long as he or she is the President of the Local Council.

ARTICLE 43 EXECUTIVE OFFICERS OF THE REGIONAL COUNCIL

- 43.1 The Executive Officers of the Regional Council shall consist of the following:

- (a) Regional President;
- (b) Regional Vice-President;
- (c) Secretary;
- (d) Treasurer.

- 43.2 The Regional President shall be the President of the Regional Council.

- 43.3 The Regional Vice-President shall be the Vice President of the Regional Council.

- 43.4 The Secretary and Treasurer shall be elected by each Regional Council. Such election shall be by secret ballot and require a majority vote.

- 43.5 The Secretary and Treasurer should be elected to a term of four (4) years effective September 2014.

ARTICLE 44 DUTIES OF THE EXECUTIVE OFFICERS

- 44.1 The President of the Regional Council shall:

- (a) preside at all meetings of the Regional Council or allow the Vice President to preside at all meetings of the Regional Council in the absence of the President;
- (b) call meetings of the Regional Council when necessary or called upon to do so;
- (c) shall be an ex-officio member of all Committees of the Regional Council;
- (d) shall see that all orders and resolutions of the Regional Council are carried into effect;
- (e) shall be one of the two signing officers required on all documents, including cheques to be signed by the Regional Council or may appoint another Regional Council Member to sign on behalf of the President;
- (f) perform other duties as may be determined by the Regional Council;
- (g) hold office as a full-time position and not be employed elsewhere during the term of office.

44.2 The Vice-President shall:

- (a) Preside at all meetings of the Regional Council in the absence of the President;
- (b) perform such duties as may be determined by the Regional Council.

44.3 The Secretary of the Regional Council shall:

- (a) issue notices of all meetings of the Regional Council;
- (b) keep minutes or cause to be kept the minutes of all meetings of the Regional Council;
- (c) be the custodian of all books and documents of the Regional

Council;

- (d) have custody of the seal of the Regional Council;
- (e) register with the Secretary of the Métis Nation all special resolutions of a Regional Council Meeting or Special Meeting within twenty one (21) days of the date of the Meeting and ensure that the Special Resolution is presented at the Annual Assembly for ratification;
- (f) perform other duties as may be determined by the Regional Council.

44.4 The Treasurer of the Regional Council shall:

- (a) keep or cause to be kept full and accurate account of receipts and disbursements and books belonging to the Regional Council;
- (b) deposit or cause to be deposited, all monies and other valuables or effects in the name and to the credit of the Regional Council in such Chartered Banks or other financial institutions as designated by the Regional Council;
- (c) be one of two signing officers required on Regional Council cheques or in a situation where the Treasurer is not available to sign, appoint another Regional Council member to sign on behalf of the Treasurer;
- (d) perform such other duties as may be determined by the Regional Council.

#### ARTICLE 45 VACANCY OF OFFICE OF PRESIDENT, VICE-PRESIDENT, SECRETARY, TREASURER

45.1 In the event that a vacancy occurs in the office of the President the Vice President shall be President and shall assume all duties of the President.

45.2 In the event that there is no Vice-President to fill the vacancy of President the

Regional Council shall meet within twenty one (21) days of the vacancy of President and shall elect from the remaining members of the Regional Council a person to fill the vacancy of the office of President. Such election shall be by secret ballot and require a majority vote.

45.3 In the event that a vacancy occurs in the office of Vice-President the Regional Council shall elect from the remaining members of the Regional Council other than the President a person to fill the vacancy of the office of Vice-President. Such election shall be by secret ballot and require a majority vote.

45.4 In the event that a vacancy occurs in the office of the Secretary or Treasurer then the Regional Council shall meet to elect from the Regional Council, other than the President or Vice-President a person to fill the vacancy. Such election shall be by secret ballot and require a majority vote.

45.5 In the event that a member of the Regional Council is convicted of a criminal offence under the Criminal Code of Canada during his or her term then that person shall as soon as possible after the conviction appear before the Métis Judiciary Council who will determine whether the person shall remain in office or whether the office shall be vacated.

#### ARTICLE 46 SALARIES OF THE REGIONAL COUNCIL

46.1 Each Regional Council shall decide the salary of their Provincial Council Representatives.

46.2 The Regional Council may be paid reasonable travelling expenses for attending business of the Regional Council, meetings of the Regional Council and all



travelling expenses shall be reviewed and approved by the Treasurer. The Treasurer shall decline all unreasonable travelling expenses.

## ARTICLE 47 MEETINGS OF THE REGIONAL COUNCIL

- 47.1 The Regional Council shall meet at least six (6) times between the Annual Regional Meeting at such times and places as the Regional Council may decide.
- 47.2 A meeting of the Regional Council may be convened at any time or place upon proper notice by the President or at the request of the majority of Regional Council members.
- 47.3 A quorum at any meeting of the Regional Council shall be a majority of members of the Regional Council.
- 47.4 The President shall be the Chairperson of the Regional Council meetings or in the event that the President is unable to be Chairperson he or she shall appoint the Vice-President to be Chairperson. In the event that the Vice-President is unable to be Chairperson the President shall appoint another Regional Council member to be the Chairperson at their discretion. The Chairperson shall only vote in case of a tie vote.
- 47.5 Each member of the Regional Council other than the Chairperson, shall have one vote and all matters shall be decided by a majority of votes. In cases of any equality of votes the Chairperson of the meeting shall have a deciding vote.
- 47.6 Resolutions in writing signed by all of the members of the Regional Council shall be as effective as a resolution passed at a meeting of the Regional Council duly

convened and held.

- 47.7 Notice of Regional Council meetings shall be given to each Regional Council member at least twenty-one (21) days before the meeting. Notice may be delivered, telephoned, faxed or mailed.
- 47.8 A meeting of the Regional Council may be held without notice if all of the Regional Council members are present or those present have waived notice and those absent have signified their consent in writing to the meeting being held in their absence without notice.
- 47.9 Notice or any irregularity in notice may be waived by a Regional Council member. No error or omission in giving notice of a Regional Council meeting shall invalidate such meeting or void any proceedings taken at such meeting. Any Regional Council member may ratify and approve any business at such meeting.
- 47.10 A meeting of Regional Council members may be held by way of telephone or any other communication facility that permits all persons participating in the meeting to hear each other.
- 47.11 A member of the Regional Council may participate in a meeting of the Regional Council by means of telephone or any other communication facility that permits all persons participating in the meeting to hear each other and a member of the Regional Council participating in a meeting by such means is deemed to be present in person at the meeting.
- 47.12 All meetings of the Regional Council are open to Métis Members other than in camera meetings and only Métis Lifetime Members of the Region can participate in

the Regional Council meetings.

47.13 There shall be no voting by proxy.

ARTICLE 48                      CONFLICT OF INTEREST GUIDELINES FOR REGIONAL  
COUNCIL MEMBERS

48.1 A member of the Regional Council, who is a party to a contract with the Regional Council or has a material interest in any company who is a party to a contract with the Regional Council, shall fully disclose to the Regional Council the nature and extent of his or her interest.

48.2 A member of the Regional Council, shall not make or participate in making a decision in his or her capacity where the elected member reasonably knows that in the making of the decision there is the opportunity to further, directly, or indirectly, their private interest or that of their family which includes spouse, children, parents, brothers and sisters.

48.3 No member of the Regional Council may do work for the Regional Council, either as an employee or by contract, other than the fulfilment of the obligations of their elected position unless such work has been approved by a majority of the members of the Regional Council at a meeting of the Regional Council.

48.4 A member of the Regional Council shall not conduct personal business while on Regional Council business or use Regional Council resources for personal business.

48.5 A member of the Regional Council shall disclose to the Regional Council the names

of all Boards, Commissions, Councils or other memberships held during their term. All compensation received while sitting on any other Boards, Commissions, or Councils must be disclosed to the Regional Council.

- 48.6 No candidate running for office in the Regional Council shall use any resources of the Métis Nation, Regional Council or Local Council for his or her election campaign.

#### ARTICLE 49 REMOVAL AND VACANCY OF A REGIONAL COUNCIL MEMBER

- 49.1 A member of the Regional Council shall automatically cease to be a Regional Council member if any of the following events occur:

- (a) the death of the Regional Council member;
- (b) if any Regional Council member, without reasonable excuse is absent from three (3) consecutive Regional Council meetings;
- (c) a Regional Council member resigns by delivering a written resignation to the Secretary of the Regional Council;
- (d) if any Regional Council member's right to hold office is suspended in which case that Regional Council member will cease to be a Regional Council member for the duration of the suspension;
- (e) if a Regional Council member becomes registered in a Band list or in the Indian Register according to the provisions of the Indian Act, R.S.C.;
- (f) if a Regional Council member no longer resides in the Region they represent;
- (g) if the Regional Council member is no longer President of a Local Council;
- (h) if the Provincial Council Representative is no longer a member of the Provincial Council.

ARTICLE 50            ANNUAL REGIONAL MEETING

- 50.1    An Annual Regional Meeting shall be held in each calendar year on a date to be determined by the Regional Council.
- 50.2    The Secretary of the Regional Council shall give at least twenty-one (21) days notice in writing of the time and place of the Annual Regional Meeting.
- 50.3    Notice of an Annual Regional Meeting shall be given to all members who are members at the time of the notice at their latest address as shown in the records of the Métis Nation. Notice shall be sufficient if given by newspaper or other media as determined by the Regional Council. Notice shall be deemed to be received by the member within seven (7) days of the date of publication or mailing.
- 50.4    A quorum at an Annual Regional meeting shall be a minimum of twenty five (25) Lifetime Members in good standing, present in person, who have registered and are qualified to vote at the Annual Regional Meeting.
- 50.5    No error or omissions in giving Notice of an Annual Regional Meeting shall invalidate the Annual Regional Meeting or make void any proceedings taken at that Annual Regional Meeting and any member may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings
- 50.6    The Regional Council may recommend the order of business and the Annual Regional Meeting shall decide the order of business.

ARTICLE 51            VOTING AT ANNUAL REGIONAL MEETING

51.1    Each Lifetime Member of the Region shall be entitled to one vote.

51.2    There shall be no voting by proxy.

51.3    Each Lifetime Member of the Region shall be entitled to vote at the Annual Regional Meeting provided:

- (a)    the Lifetime Member is personally present at the Annual Regional Meeting;  
and
- (b)    the Lifetime Member has registered at the Annual Regional Meeting, and;
- (c)    the Lifetime Member has not withdrawn from membership.

51.4    Every question or resolution at an Annual Regional Meeting shall be decided by a majority vote of Lifetime Members present unless otherwise required by these Bylaws or by the Societies Act. In the event of an equality of votes, the question or resolution shall be considered lost.

51.5    Every question or resolution shall be decided as follows:

- (a)    Firstly, by a show of hands; or
- (b)    Secondly, by a secret ballot vote if a secret ballot vote is demanded by five (5) Lifetime Members within three (3) minutes of the announcement by the Chairperson of the results of the vote by show of hands. The Chairperson has the authority to decide the procedure of the secret ballot vote.

- 51.6 In the event that a question or resolution is decided by a show of hands and not a secret ballot vote, a declaration by the Chairperson that a question or resolution has been carried or lost and an entry to that effect in the minutes of the meeting shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, such question or resolution.
- 51.7 Special Resolutions passed at an Annual Regional Meeting must be ratified by Special Resolution at an Annual Assembly, and are effective from the date that they are registered with the Registrar of Corporations of Alberta by the Secretary of the Métis Nation.

## ARTICLE 52 SPECIAL MEETING

- 52.1 A Special Meeting shall be called by the Regional Council as follows:
- (a) Upon receipt of a written request to call a Special meeting signed by a minimum of twenty five (25%) per cent of Lifetime Members of the Region;  
or
  - (b) Upon a resolution approved at a meeting of the Regional Council where:
    - (i) proper notice of the meeting has been given; and
    - (ii) seventy five (75%) per cent of the Regional Council members are present; and
    - (iii) seventy-five (75%) per cent of the Regional Council members vote in favour of the resolution to hold a Special Meeting.
- 52.2 The Secretary of the Regional Council shall give at least twenty-one (21) days notice in writing of the time and place of the Special Meeting and the proposed resolutions.

- 52.3 Notice of a Special Meeting shall be given to all members who are members at the time of the notice at their latest address as shown in the records of the Métis Nation. Notice shall be sufficient if given by newspaper or other media as determined by the Regional Council. Notice shall be deemed to be received by the member within seven (7) days of the date of publication or mailing.
- 52.4 No business shall be transacted or considered at any Special meeting other than those proposed resolutions for which notice has been given.
- 52.5 No error or omissions in giving notice of a Special Meeting shall invalidate the Special Meeting or make void any proceedings taken at that Special Meeting and any member may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings.
- 52.6 A quorum at a Special meeting shall be a minimum of twenty five (25) Lifetime Members in good standing, present in person, who have registered and are qualified to vote at the Special Meeting.
- 52.7 Special Resolutions passed at a Special meeting must be ratified by Special Resolution at an Annual Assembly and are effective from the date that they are registered with the Registrar of Corporations of Alberta by the Secretary of the Métis Nation.

#### ARTICLE 53 VOTING AT A SPECIAL MEETING

- 53.1 Voting at Special Meetings shall be the same as voting at the Annual Regional



Meetings. Therefore paragraphs herein 51.1 to 51.7 inclusive shall govern voting at Special Meetings.

#### ARTICLE 54            RULES OF ORDER

- 54.1    Robert's Rules of Order shall govern meetings and proceedings of the Region and Regional Council insofar as they may apply without coming into conflict with these Bylaws.

#### ARTICLE 55            MÉTIS JUDICIARY COUNCIL PROCEDURE ON CONFLICT OF INTEREST OF REGIONAL COUNCIL MEMBERS

- 55.1    A Lifetime Member who has reason to believe that a Regional Council member did not comply with the Conflict of Interest guidelines may, by letter, request that the Métis Judiciary Council give an opinion respecting the compliance of the Regional Council member with the Conflict of Interest guidelines.
- 55.2    The Métis Judiciary Council may on their initiative, conduct an inquiry to determine whether a Regional Council member has failed to comply with the Conflict of Interest guidelines.
- 55.3    The Regional Council may by ordinary resolution, request that the Métis Judiciary Council give an opinion on a matter respecting the compliance of a Regional Council member with the Conflict of Interest guidelines.
- 55.4    Upon receiving a request under Article 55.1 or 55.3 the Métis Judiciary Council may

conduct an inquiry.

55.5 The Métis Judiciary Council shall conduct a fair and impartial inquiry and allow all parties to the inquiry to be present and represented by a lawyer.

55.6 The Métis Judiciary Council shall allow all parties to the inquiry to make representations.

55.7 After an inquiry has been concluded and the Métis Judiciary Council has decided that there was no failure by the Regional Council member to comply with the Conflict of Interest guidelines, it shall issue a letter of clearance with an explanation to justify the decision.

55.8 Where the Métis Judiciary Council determines that a Regional Council member has failed to comply with the Conflict of Interest guidelines the Métis Judiciary Council may:

- (a) reprimand the Regional Council member;
- (b) order that the Regional Council member make restitution or pay compensation;
- (c) may suspend the Regional Council member or declare his or her office vacant.

## ARTICLE 56 INDEMNITY

56.1 Each member of the Regional Council, or other person who has undertaken any liability on behalf of the Regional Council, and their heirs and estate shall at all times, be indemnified by the Regional Council, against:

- (a) all expenses whatsoever which result from any claims, actions, or proceedings which are brought, commenced or prosecuted against them or in respect of any act, deed, matter or thing whatsoever, made, done, or permitted by them, in the execution of the duties of their office or in respect of any such liability;

except the Regional Council shall not be responsible for any costs, charges, expenses whatsoever caused by the negligence or misconduct of the Regional Council member or other person.

## ARTICLE 57            ACCOUNTS

- 57.1 The Regional Council shall cause accounting details to be kept of all monies received and expended by the Regional Council.
- 57.2 The fiscal year of the Regional Council shall end on the 31st day of March in each year or such other date as may from time to time be determined by the Regional Council.
- 57.3 The books, accounts and records of the Regional Council shall be audited at least once yearly by an auditor appointed by the Regional Council who shall be a duly qualified Chartered Accountant.
- 57.4 A Financial Statement setting out the Regional Council's income, disbursements, individual expenses of the Regional Council, assets, liabilities shall be audited and signed by the auditor and presented at the Annual Regional Meeting on a year basis by

the Treasurer.

ARTICLE 58 BOOKS AND RECORDS

58.1 The Regional Council shall ensure that all necessary books and records of the Regional Council required by these Bylaws or by any applicable statute or law are regularly and properly kept.

58.2 All accounting records and other books and records of the Regional Council shall be kept at such place in the Province of Alberta as the Regional Council may decide and shall at all times be open for inspection by any member of the Métis Nation upon written application to the Regional Council.

ARTICLE 59 EXECUTION OF CONTRACTS AND OTHER DOCUMENTS

59.1 Contracts and other documents including Regional Council cheques requiring the signature of the Regional Council shall:

- (a) Firstly be approved at a meeting of the Regional Council where proper notice has been given; and
- (b) Signed by two Regional Council members as follows:
  - (i) The President; and
  - (ii) Any other Regional Council member;

59.2 The President may delegate his signing authority to another Regional Council Member.

ARTICLE 60            SEAL

- 60.1    The Regional Council shall have a seal, which shall be approved by the Regional Council and may be changed by special resolution.
- 60.2    The seal shall be kept under the control of the Secretary at the head office of the Regional Council.
- 60.3    The seal may, when required, be affixed to contracts, documents, or instruments in writing by persons authorized by these Bylaws to sign on behalf of the Regional Council.

ARTICLE 61            ELECTION AND TERM OF THE LOCAL COUNCIL

- 61.1    The Local Council shall be elected at an Annual General Meeting of the Local Community.
- 61.2    The Local Council should be elected to a term of four (4) years effective September 2014.
- 61.3    The Members of the Local Council shall be eligible for re-election to the Local Council.

ARTICLE 62            EXECUTIVE OFFICERS OF THE LOCAL COUNCIL

62.1 The Executive Officers of the Local Council shall consist of the following:

- (a) President;
- (b) Vice-President;
- (c) Secretary;
- (d) Treasurer.

and shall be elected at the Annual General Meeting of the Local Community and such election shall be by secret ballot and require a majority vote.

#### ARTICLE 63 DUTIES OF THE EXECUTIVE OFFICERS

63.1 The President of the Local Council shall:

- (a) preside at all meetings of the Local Council or allow the Vice President to preside at all meetings of the Local Council in the absence of the President;
- (b) call meetings of the Local Council when necessary or called upon to do so;
- (c) shall be an ex-officio member of all Committees of the Local Council;
- (d) shall see that all orders and resolutions of the Local Council are carried into effect;
- (e) shall be one of the two signing officers required on all documents including cheques, to be signed by the Local Council or may appoint another Local Council member sign on behalf of the President;
- (f) be the representative of the Local Council on the Regional Council;
- (g) perform other duties as may be determined by the Local Council.

63.2 The Vice-President shall:

- (a) preside at all meetings of the Local Council in the absence of the President;
- (b) perform such duties as may be determined by the Local Council.

63.3 The Secretary of the Local Community shall:

- (a) issue notices of all meetings of the Local Council;
- (b) keep minutes or cause to be kept the minutes of all meetings of the Local Council;
- (c) be the custodian of all books and documents of the Local Council;
- (d) have custody of the seal of the Local Council;
- (e) register with the Secretary of the Métis Nation of Alberta all special resolutions of an Annual Local Meeting or a Special Meeting within twenty-one (21) days of the date of the Meeting and ensure that the Special Resolution is presented at the Annual Assembly for ratification;
- (f) perform other duties as may be determined by the Local Council.

63.4 The Treasurer of the Local Community shall:

- (a) keep or cause to be kept full and accurate account of receipts and disbursements and books belonging to the Local Council.
- (b) deposit or cause to be deposited, all monies and other valuables or effects in the name and to the credit of the Local Council in such Chartered Banks or other financial institutions as designated by the Local Council;
- (c) be one of two signing officers required on Local Council cheques or in a situation where the Treasurer is not available to sign, appoint another Local Council member to sign on behalf of the Treasurer;
- (d) perform such other duties as may be determined by the Local Council.

ARTICLE 64            VACANCY OF OFFICE OF PRESIDENT, VICE-PRESIDENT  
SECRETARY, TREASURER

- 64.1    In the event that a vacancy occurs in the office of the President the Vice-President shall be the President and shall assume all duties of the President.
  
- 64.2    In the event that there is no Vice-President to fill the vacancy of President the Local Council shall meet within twenty one (21) days of the vacancy of President and shall elect from the remaining members of the Local Council a person to fill the vacancy of the office of President. Such election shall be by secret ballot and require a majority vote.
  
- 64.3    In the event that a vacancy occurs in the office of Vice-President the Local Council shall elect from the remaining members of Local Council other than the President a person to fill the vacancy of the office of Vice-President. Such election shall be by secret ballot and require a majority vote.
  
- 64.4    In the event that a vacancy occurs in the office of the Secretary or Treasurer then the Local Council shall meet to elect from the Local Council other than the President or Vice-President a person to fill the vacancy. Such election shall be by secret ballot and require a majority vote.
  
- 64.5    In the event that a member of the Local Council is convicted of a criminal offence under the Criminal Code of Canada during his or her term then that person shall as soon as possible after the conviction appear before the Métis Judiciary Council who will determine whether the person shall remain in office or whether the office shall



be vacated.

#### ARTICLE 65            SALARIES OF THE LOCAL COUNCIL

- 65.1    The annual general meeting of the Local Community shall decide the salary of their Local Council.
- 65.2    The Local Council may be paid reasonable travelling expenses for attending business of the Local Council, meetings of the Local Council and Annual Assemblies and all travelling expenses shall be reviewed and approved by the Treasurer. The Treasurer shall decline all unreasonable travelling expenses.

#### ARTICLE 66            MEETINGS OF THE LOCAL COUNCIL

- 66.1    The Local Council shall meet at least four (4) times between the Annual General Meeting at such times and places as the Local Council may decide.
- 66.2    A meeting of the Local Council may be convened at any time or place upon proper notice by the President or at the request of any one (1) Local Council member.
- 66.3    A quorum at any meeting of the Local Council shall be the majority members of the Local Council.
- 66.4    The President shall be the Chairperson of the Local Council meetings or in the event that the President is unable to be the Chairperson he or she shall appoint the Vice-President to be Chairperson. In the event that the Vice-President is unable to be Chairperson the President shall appoint another Local Council member to be the

Chairperson at their discretion. The Chairperson shall only vote in case of a tie vote.

- 66.5 Each member of the Local Council other than the Chairperson, shall have one vote and all matters shall be decided by a majority of votes. In cases of any equality of votes the Chairperson of the meeting shall have a deciding vote.
- 66.6 Resolutions in writing signed by all of the members of the Local Council shall be as effective as a resolution passed at a meeting of the Local Council duly convened and held.
- 66.7 Notice of Local Council meetings shall be given to each Local Council member at least twenty-one (21) days before the meeting. Notice may be delivered, telephoned, faxed or mailed.
- 66.8 A meeting of the Local Council may be held without notice if all of the Local Council members are present or those present have waived notice and those absent have signified their consent in writing to the meeting being held in their absence without notice.
- 66.9 Notice or any irregularity in notice may be waived by a Local Council member. No error or omission in giving notice of a Local Council meeting shall invalidate such meeting or void any proceedings taken at such meeting. Any Local Council member may ratify and approve any business at such meeting.
- 66.10 A meeting of Local Council members may be held by way of telephone or any other communication facility that permits all persons participating in the meeting to hear each other.

- 66.11 A member of the Local Council may participate in a meeting of the Local Council by means of telephone or any other communication facility that permits all persons participating in the meeting to hear each other and a member of the Local Council participating in a meeting by such means is deemed to be present in person at the meeting.
- 66.12 All meetings of the Local Council are open to Métis Members other than in camera meetings and only Métis Lifetime Members of the Local Community can participate in the Local Council Meeting.
- 66.13 There shall be no voting by proxy.

ARTICLE 67                      CONFLICT OF INTEREST GUIDELINES FOR LOCAL COUNCIL MEMBERS

- 67.1 A member of the Local Council, who is a party to a contract with the Local Community or has a material interest in any company who is a party to a contract with the Local Community, shall fully disclose to the Local Council the nature and extent of his or her interest.
- 67.2 A member of the Local Council, shall not make or participate in making a decision in his or her capacity where the elected member reasonably knows that in the making of the decision there is the opportunity to further, directly, or indirectly, their private interest or that of their family which includes spouse, children, parents, brothers and sisters.
- 67.3 No member of the Local Council may do work for the Local Council, either as an employee or by contract, other than the fulfilment of the obligations of their elected

position unless such work has been approved by a majority of the members of the Local Council at a meeting of the Local Council.

67.4 A member of the Local Council shall not conduct personal business while on Local Council business or use Local Council resources for personal business.

67.5 A member of the Local Council shall disclose to the Local Council the names of all Boards, Commissions, Councils or other memberships held during their term. All compensation received while sitting on any other Boards, Commissions, or Councils must be disclosed to the Local Council

67.6 No candidate running for office in the Local Council shall use any resources of the Métis Nation, Regional Council or Local Council for his or her election campaign.

## ARTICLE 68 REMOVAL AND VACANCY OF A LOCAL COUNCIL MEMBER

68.1 A member of the Local Council shall automatically cease to be a Local Council member if any of the following events occur:

- (a) the death of the Local Council member;
- (b) if any Local Council member, without reasonable excuse is absent from three (3) consecutive Local Council meetings;
- (c) a Local Council member resigns by delivering a written resignation to the Secretary of the Local Council;
- (d) if any Local Council member's right to hold office is suspended in which case that Local Council member will cease to be a Local Council member for the duration of the suspension;

- (e) if a Local Council member becomes registered in a Band list or in the Indian Register according to the provisions of the Indian Act, R.S.C.;
- (f) if a Local Council member no longer resides in the Local Community he or she represents.

## ARTICLE 69 ANNUAL LOCAL MEETING

- 69.1 An Annual Local Meeting shall be held in each calendar year on a date to be determined by the Local Council.
- 69.2 The Secretary of the Local Council shall give at least twenty-one (21) days notice in writing of the time and place of the Annual Local Meeting.
- 69.3 Notice of an Annual Local Meeting shall be given to all members who are members at the time of the notice at their latest address as shown in the records of the Métis Nation. Notice shall be sufficient if given by newspaper or other media as determined by the Local Council. Notice shall be deemed to be received by the member within seven (7) days of the date of publication or mailing.
- 69.4 A quorum at an Annual Local Meeting shall be a minimum of ten (10) Lifetime members in good standing, present in person, who have registered and are qualified to vote at the Annual Local Meeting.
- 69.5 No error or omissions in giving Notice of an Annual Local Meeting shall invalidate the Annual Local Meeting or make void any proceedings taken at that Annual Local Meeting and any member may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings.

- 69.6 The Local Council may recommend the order of business and the Annual Local meeting shall decide the order of business.

## ARTICLE 70 VOTING AT ANNUAL LOCAL MEETING

- 70.1 Each Lifetime member who is a member of the Local Community shall be entitled to one vote.
- 70.2 There shall be no voting by proxy.
- 70.3 Each Lifetime member of the Local Community shall be entitled to vote at the Annual Meeting provided:
- (a) the Lifetime member is personally present at the Annual Meeting;  
and
  - (b) the Lifetime member has registered at the Annual Meeting; and
  - (c) the Lifetime member has not withdrawn from membership.
- 70.4 Every question or resolution at an Annual Meeting shall be decided by a majority of the votes of the Lifetime Members present unless otherwise required by these Bylaws or by the Societies Act. In the event of an equality of votes, the question or resolution shall be considered lost.
- 70.5 Every question or resolution shall be decided as follows:
- (a) Firstly, by a show of hands; or
  - (b) Secondly, by a secret ballot vote if a secret ballot vote is demanded by five

(5) Lifetime Members within three (3) minutes of the announcement by the Chairperson of the results of the vote by show of hands. The Chairperson has the authority to decide the procedure of the secret ballot vote;

70.6 In the event that a question or resolution is decided by a show of hands and not a secret ballot vote, a declaration by the Chairperson that a question or resolution has been carried or lost and an entry to that effect in the minutes of the meeting shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, such question or resolution.

70.7 Special Resolutions passed at an Annual Meeting must be ratified by Special Resolution at an Annual Assembly and are effective from the date that they are registered with the Registrar of Corporations of Alberta by the Secretary of the Métis Nation.

## ARTICLE 71 SPECIAL MEETING

71.1 A Special Meeting shall be called by the Local Council as follows:

- (a) Upon receipt of a written request to call a Special Meeting signed by a minimum of twenty five (25%) per cent of Lifetime Members of the Local Community; or
- (b) Upon a resolution approved at a meeting of the Local Council where:
  - (i) proper notice of the meeting has been given; and
  - (ii) seventy-five (75%) percent of the Local Council members are present; and

- (iii) seventy-five (75%) percent of the Local Council members vote in favour of the resolution to hold a Special Meeting.

- 71.2 The Secretary of the Local Community shall give at least twenty-one (21) days notice in writing of the time and place of the Special Meeting and the proposed resolutions.
- 71.3 Notice of a Special Meeting shall be given to all members who are members at the time of the notice at their latest address as shown in the records of the Métis Nation. Notice shall be sufficient if given by newspaper or other media as determined by the Local Council. Notice shall be deemed to be received by the member within seven (7) days of the date of publication or mailing.
- 71.4 No business shall be transacted or considered at any Special Meeting other than those proposed resolutions for which notice has been given.
- 71.5 No error or omissions in giving notice of a Special Meeting shall invalidate the Special Meeting or make void any proceedings taken at that Special Meeting and any member may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings.
- 71.6 A quorum at a Special Meeting shall be a minimum of ten (10) Lifetime Members in good standing, present in person, who have registered and are qualified to vote at the Special Meeting.
- 71.7 Special Resolutions passed at a Special Meeting must be ratified by Special Resolution at an Annual Assembly and are effective from the date that they are registered with the Registrar of Corporations of Alberta by the Secretary of the Métis



Nation.

ARTICLE 72 VOTING AT A SPECIAL MEETING

- 72.1 Voting at Special Meetings shall be the same as voting at Annual Local Meetings. Therefore paragraphs herein 70.1 to 70.7 inclusive shall also govern voting at Special Meetings.

ARTICLE 73 RULES OF ORDER

- 73.1 Robert's Rules of Order shall govern meetings and proceedings of the Local Community and Local Council insofar as they may apply without coming into conflict with these Bylaws.

ARTICLE 74 MÉTIS JUDICIARY COUNCIL PROCEDURE ON CONFLICT OF INTEREST OF LOCAL COUNCIL MEMBERS

- 74.1 A Lifetime Member who has reason to believe that a Local Council member did not comply with the Conflict of Interest guidelines may, by letter, request that the Métis Judiciary Council give an opinion respecting the compliance of the Local Council member with the Conflict of Interest guidelines.
- 74.2 The Métis Judiciary Council may on their initiative, conduct an inquiry to determine whether a Local Council member has failed to comply with the Conflict of Interest guidelines.
- 74.3 The Local Council may by ordinary resolution, request that the Métis Judiciary

Council give an opinion on a matter respecting the compliance of a Local Council member with the Conflict of Interest guidelines.

74.4 Upon receiving a request under Article 74.1 or 74.3 the Métis Judiciary Council may conduct an inquiry.

74.5 The Métis Judiciary Council shall conduct a fair and impartial inquiry and allow all parties to the inquiry to be present and represented by a lawyer.

74.6 The Métis Judiciary Council shall allow all parties to the inquiry to make representations.

74.7 After an inquiry has been concluded and the Métis Judiciary Council has decided that there was no failure by the Local Council member to comply with the Conflict of Interest guidelines, it shall issue a letter of clearance with an explanation to justify the decision.

74.8 Where the Métis Judiciary Council determines that a Local Council member has failed to comply with the Conflict of Interest guidelines the Métis Judiciary Council may:

- (a) reprimand the Local Council member;
- (b) order that the Local Council member make restitution or pay compensation;
- (c) may suspend the Local Council member or declare his or her office vacant.

## ARTICLE 75 INDEMNITY

75.1 Each member of the Local Council, or other person who has undertaken any liability

on behalf of the Local Council, and their heirs and estate shall at all times, be indemnified by the Local Council, against:

- (a) all expenses whatsoever which result from any claims, actions, or proceedings which are brought, commenced or prosecuted against them or in respect of any act, deed, matter or thing whatsoever, made, done, or permitted by them, in the execution of the duties of their office or in respect of any such liability;

except the Local Council shall not be responsible for any costs, charges, expenses whatsoever caused by the negligence or misconduct of the Local Council member or other person.

## ARTICLE 76 ACCOUNTS

- 76.1 The Local Council shall cause accounting details to be kept of all monies received and expended by the Local.
- 76.2 The fiscal year of the Local Community shall end on the 31st day of March in each year or such other date as may from time to time be determined by the Local Council.
- 76.3 A financial statement of the Local Council shall be prepared and audited at least once yearly.
- 76.4 An audited financial statement of the Local Council shall be presented for approval

at the Annual Meeting of the Local Council.

## ARTICLE 77 BOOKS AND RECORDS

77.1 The Local Council shall ensure that all necessary books and records of the Local Council required by these Bylaws or by any applicable statute or law are regularly and properly kept.

77.2 All accounting records and other books and records of the Local Council shall be kept at such place in the Province of Alberta as the Local Council may decide and shall at all times be open for inspection by any member of the Métis Nation upon written application to the Local Council.

## ARTICLE 78 EXECUTION OF CONTRACTS AND OTHER DOCUMENTS

78.1 Contracts and other documents including Local Council cheques requiring the signature of the Local Council shall:

- (a) Firstly be approved at a meeting of the Local Council where proper notice has been given; and
- (b) Signed by two Local Council members as follows:
  - (i) The President; and
  - (ii) Any one (1) of the Local Council members.

78.2 The President may delegate his signing authority to another Local Council Member.

ARTICLE 79 SEAL

79.1 The Local Council shall have a seal, which shall be approved by the Local Council and may be changed by special resolution.

79.2 The seal shall be kept under the control of the Secretary at the head office of the Local Council.

79.3 The seal may, when required, be affixed to contracts, documents, or instruments in writing by persons authorized by these Bylaws to sign on behalf of the Local Council.

**SCHEDULE A**

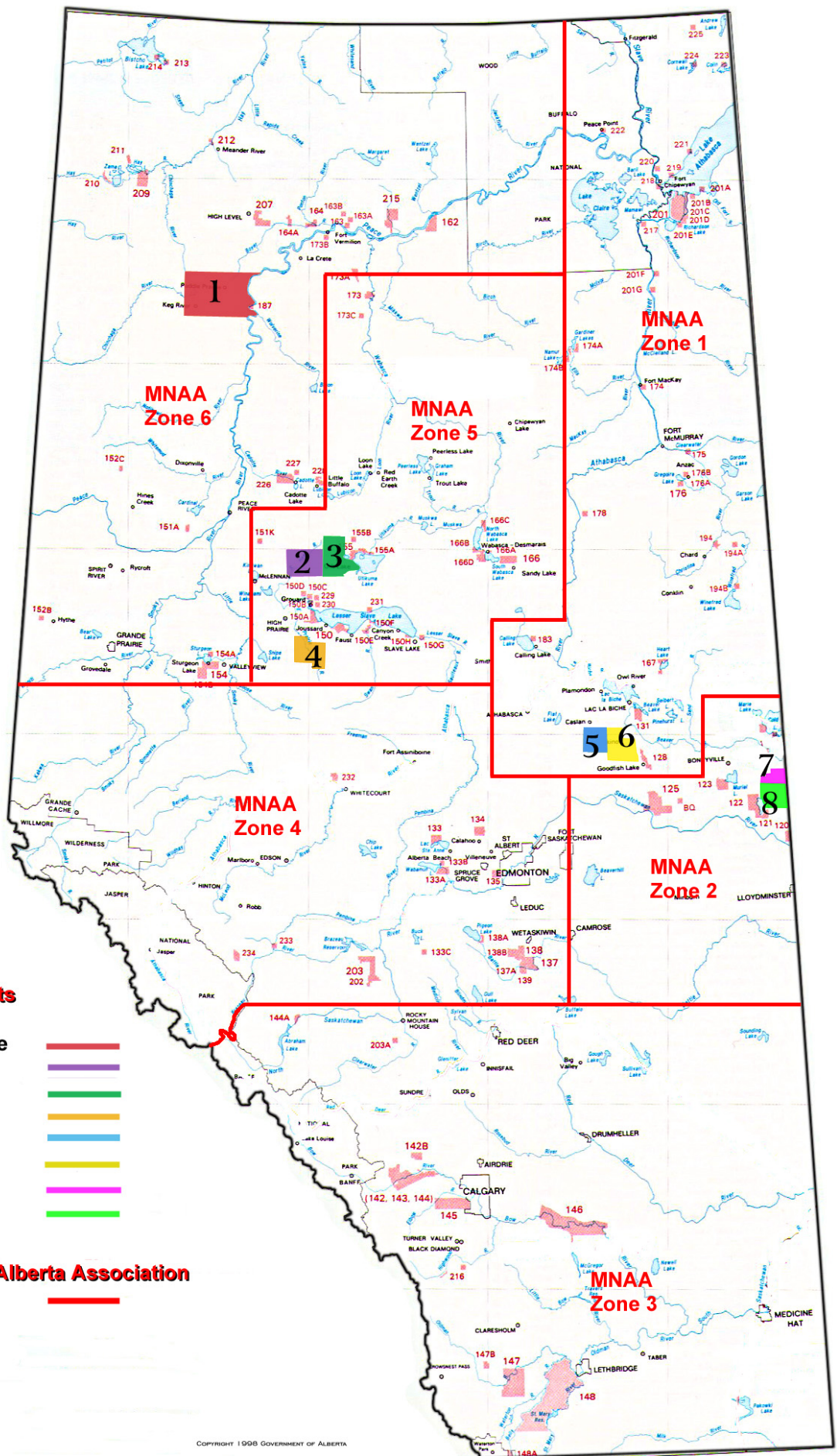
I agree to the Metis Nation's Bylaws and Policies, as amended from time to time and voluntarily authorize the Metis Nation to assert and advance collectively-held Metis rights, interests and claims on behalf of myself, my community and the Metis in Alberta, including negotiating and arriving at agreements that advance, determine, recognize and respect Metis rights. In signing this oath, I also recognize that I have the right to end this authorization at any time, by terminating my membership within the Métis Nation.

# Schedule "B" Boundaries of Six (6) Regions

1998  
**Metis Settlements**

1. Paddle Prairie
2. Peavine
3. Gift Lake
4. East Prairie
5. Buffalo Lake
6. Kikino
7. Elizabeth
8. Fishing Lake

**Metis Nation of Alberta Association  
Regional Zones**





# MÉTIS NATION OF ALBERTA ASSOCIATION

## BYLAWS

### Schedule “C” (Election Bylaws)

UPDATED BASED ON 2017 ANNUAL ASSEMBLY SPECIAL RESOLUTIONS  
CHANGES FILED WITH CORPORATE REGISTRAR ON OCTOBER 27, 2017  
CONSOLIDATED VERSION PROVIDED TO MNA ON OCTOBER 30, 2017

Consolidated Version  
October 30, 2017



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## **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)        “Bylaws” means Métis Nation of Alberta Association Election Bylaws;
- (b)        “Candidate” means a person who is nominated for office;
- (c)        “Chief Electoral Officer” means a Métis person appointed by the Provincial Council;
- (d)        “Bylaws” means the Bylaws of the Métis Nation of Alberta Association;
- (e)        “Deputy Returning Officer” a person appointed by the Chief Electoral Officer;
- (f)        “Election” means an election called pursuant to the Métis Nation of Alberta Association Bylaws;
- (g)        “Election Officer” means a Chief Electoral Officer, Returning Officer, Deputy Returning Officer or Poll Clerk as established in these By-laws;
- (h)        “Elector” means a Métis Lifetime member who on voting day:
  - (i)        is entitled to vote; and
  - (ii)       is sixteen (16) years of age or older; and
  - (iii)      is or has been for at least one (1) year prior to the date of the election ordinarily resident in Alberta;
- (i)        “List of Electors” means a list made under these bylaws of persons entitled to vote at an election;
- (j)        “Métis Judiciary Council” means a judiciary council established under these Bylaws of the Métis Nation of Alberta Association;
- (k)        “Métis Nation” means Métis Nation of Alberta Association;
- (l)        “Poll Book” means a list of names of persons who have received ballots at an election;

- (m) “Poll Clerk” means a person appointed by the Returning Officer;
- (n) “Polling Station” means a place where an elector casts his or her vote;
- (o) “Presidential Candidate” means a person who is nominated as a candidate for office of President of the Métis Nation;
- (p) “Region” means one of six (6) regions as described in the Métis Nation of Alberta Association Bylaws;
- (q) “Regional President Candidate” means a person who is nominated as a candidate for President of a Region;
- (r) “Regional Vice President Candidate” means a person who is nominated as a candidate for Vice President of a Region;
- (s) “Returning Officer” a Métis person appointed by the Chief Electoral Officer;
- (t) “Scrutineer” means an elector who is authorized to represent a candidate at a polling station;
- (u) “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 bylaws of the Métis Nation of Alberta Association.

### **ARTICLE 4           CHIEF ELECTORAL OFFICER**

- 4.1     The Provincial Council shall appoint a Chief Electoral Officer.
- 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 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 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 bylaws.

## **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 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 bylaws ordinary residence 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 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;
- (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 The Chief Electoral Officer shall give at least thirty (30) days notice by posting 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.
- 6.3 All nominations of candidates shall be received by the Chief Electoral Officer 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; and
  - (b) is of the full age of sixteen (16) years or will be that age on election day; and
  - (c) has been ordinarily resident in Alberta continuously from the day 12 months immediately preceding the election day; and
  - (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 Dollars (\$200.00).
  - (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 Dollars (\$200.00).
  - (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 twenty-one (21) 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.

## **ARTICLE 8            ELECTION BY ACCLAMATION**

- 8.1     If only one candidate is nominated for President by the time nominations close the Chief Electoral office shall:
  - (a)     immediately declare the candidate elected;
- 8.2     If only one candidate is nominated for Vice-President by the time nominations close the Chief Electoral office shall:
  - (a)     immediately declare the candidate elected;
- 8.3     If only one candidate is nominated for Regional President in a region by the time nominations close the Chief Electoral Officer shall:
  - (a)     immediately declare the candidate elected.
- 8.4     If only one candidate is nominated for Regional Vice President in a region by the time nominations close the Chief Electoral Officer shall:
  - (a)     immediately declare the candidate elected.

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

- 9.1     If after declaring elected nominated candidates there still remains offices to be filled 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 close of nominations 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 date of closing of nominations 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 When a candidate has withdrawn, the Chief Electoral Officer shall take whatever steps are necessary to ensure that each voter 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 and prior to closing of the polling stations on the polling day, the election for Provincial Council, other than President or Vice-President, shall be held but the rules for election of President or Vice-President 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, 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 but the rules for election of the remaining Regional President or Regional Vice President 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 Bylaws of the Métis Nation of Alberta Association;

**ARTICLE 16        SCRUTINEERS**

16.1 Each candidate may appoint not more than one elector as a scrutineer:

- (a) to represent him or her at each polling station, and
- (b) to observe the election procedures on his or her 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 so that when a voter 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 voters 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;
- (f) Interpreters;

22.2 Nothing in this Act 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 or candidates 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 at 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, 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, signed and sealed, 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 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 elector 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 elector is on the list of electors and if it is not, the Deputy Returning Officer shall not permit the elector to vote unless the elector 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 INITIALLED 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 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 then 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 it 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 of the candidates 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 section, 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 Seniors, disabled electors, 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 of the candidate who may be present.

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

- 41.1 After the closing of the poll, the Deputy Returning Officer 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 initialled" 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;
  - (e) contains any writing or mark enabling the voter 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 vote, though incorrectly made on the ballot, clearly indicates the voters 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 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 place into separate packets:
- (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 ballot;
- (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; or
  - (b)     a written request to recount is received from a candidate within fourteen (14) days from the date of the election;

## **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 bylaws.
- 44.4    If, on the addition 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 addition of votes by the Chief Electoral Officer, no Regional President Candidate or Regional Vice President 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
- (c) 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; 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 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 a Court; or
- (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 GENERAL**

46.1 No election is void by reason of:

- (a) an irregularity on the part of an election officer or in any of the proceedings preliminary to the poll;
- (b) a failure to hold a poll at any place appointed for holding a poll;
- (c) a non-compliance with the provisions of these Bylaws relating to the taking of the poll or the counting of the votes or with regard to limitations of time, or

(d) any mistake in the use of the prescribed forms.

if it is shown to the satisfaction of the Métis Judiciary Council that the election was conducted in accordance with these Bylaws and that the irregularity, failure, non-compliance or mistake did not materially affect the result of the election.

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

47.1 Unless otherwise stated in these Bylaws, all rules, regulations and procedures shall be identical, or as identical as is possible, to those of the Election Act 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.