
MÉTIS VOICES. OTIPEMISIWAK MÉTIS GOVERNMENT.



ELECTIONS AND REFERENDA ACT

Journey to Otipemisiwak Métis Government

JUNE 2023

Otipemisiwak Métis Government Elections and Referenda Act

PREAMBLE

WHEREAS the Métis, as an Indigenous people, have an inherent right to self-determination and self-government;

WHEREAS the Métis are also known as Otipemisiwak, meaning ‘the free people’ or ‘their own boss’, and embrace this name because it embodies our peoplehood, freedom, and independence as well as our personal and collective sovereignty;

WHEREAS for generations the Métis Nation within Alberta has organized and governed itself through democratic representative decision-making institutions based on Métis laws, customs, and traditions;

WHEREAS the purpose of the Otipemisiwak Métis Government includes providing fair, responsible, transparent, and accountable governance to the Citizens of the Métis Nation within Alberta;

WHEREAS section 18.1 of the Otipemisiwak Métis Government Constitution provides that the Otipemisiwak Métis Government shall maintain a law governing the conduct of its elections and referenda;

WHEREAS section 31.1 of the Otipemisiwak Métis Government Constitution provides that, prior to the coming into force of the Otipemisiwak Métis Government Constitution, the Métis Nation of Alberta Association’s Provincial Council shall adopt by resolution all laws required by the Constitution;

NOW THEREFORE the Otipemisiwak Métis Government enacts as follows:

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PART I—INTRODUCTORY PROVISIONS

Short title

1 This act may be cited as the *Elections and Referenda Act*.

Application

2 This Act applies to the elections of representatives and referenda conducted by the Otipemisiwak Métis Government.

Definitions

3 In this Act:

- (a) “**Act**” means the *Otipemisiwak Métis Government Elections and Referenda Act*, including any amendments to the Act;
- (b) “**ballot**” means an in-person ballot, mail-in ballot and electronic ballot;
- (c) “**by-election**” means an election other than a general election held under section 11 of this Act;
- (d) “**Cabinet**” means the executive body of the Otipemisiwak Métis Government as defined in the Constitution;
- (e) “**candidate**” means a person whose nomination for an elected office is confirmed under section 38 of this Act;
- (f) “**Chair**” means the person appointed to the role of Chair of the Otipemisiwak Métis Government as defined under the Constitution;
- (g) “**Chief Electoral Officer**” means a person appointed under section 19 of this Act;
- (h) “**Citizen**” means a Citizen of the Métis Nation within Alberta as defined under the Constitution;
- (i) “**close of voting**” means the end of voting hours on the last day of a voting period as declared by the Chief Electoral Officer under section 79 of this Act;
- (j) “**commencement of voting**” means 12:00 a.m. on the first day of voting during a voting period;
- (k) “**Constitution**” means the *Otipemisiwak Métis Government Constitution*;
- (l) “**days**” means calendar days;

(m) “**Deputy Returning Officer**” means a person appointed by the Returning Officer under section 28 of this Act;

(n) “**election**” means a general election or by-election;

(o) “**Election Officer**” means the Chief Electoral Officer, Returning Officers, Deputy Returning Officers and Poll Clerks;

(p) “**elected office**” means the office of the President, Women’s Representation, Youth Representation, and Citizen’s Representative;

(q) “**general election**” means an election held under section 10 of this Act;

(r) “**list of voters**” means a list prepared under section 50 of this Act of persons entitled to vote in an election or a referendum;

(s) “**notice of vote**” means a notice issued by the Chief Electoral Officer under section 66 of this Act.

(t) “**poll book**” means a document containing a list of names of voters who have received ballots at a voting station under section 58 of this Act;

(u) “**Poll Clerk**” means a person appointed by the Returning Officer under section 28 of this Act;

(v) “**person**” means a natural person;

(w) “**referendum**” means a vote on a question pursuant to an order under sections 122 and 123 of this Act;

(x) “**Returning Officer**” means a person appointed by the Chief Electoral Officer under section 27 of this Act;

(y) “**scrutineer**” means a voter who is authorized to represent a candidate at a voting station under section 45 of this Act;

(z) “**statement of poll**” means a complete statement indicating the total number of votes for each candidate in an election or the total number of votes cast for each answer to a referendum question at a voting station under section 99 of this Act;

(aa) “**voter**” means a Citizen who is entitled to vote under section 4 under this Act.

(bb) “**voting hours**” means the hours between 8:00 a.m. and 8:00 p.m. for in-person voting in an election or a referendum;

(cc) “**voting period**” means a period during which voters may cast their vote of no less than one (1) day and no more than 30 days under section 8 of this Act;

(dd) “**voting station**” means a location designated by the Chief Electoral Officer under section 52 of this Act where a voter casts their vote.

PART II—ELECTORAL RIGHTS

Eligibility of voters

4 (1) A Citizen must be sixteen (16) years of age or older to be entitled to vote.

(2) If a Citizen is ordinarily resident in a District for at least 90 days before the close of voting, they are entitled to:

(a) have their name included on the list of voters for the District in which they are ordinarily resident; and

(b) vote in an election for the office of President, Women’s Representative, Youth Representative, and the Citizen Representative for their District, or in a referendum.

(3) If a Citizen is not ordinarily resident in a District, they are entitled to:

(a) have their name included on the list of voters; and

(b) vote in an election for the office of President, Women’s Representative, and Youth Representative, or in a referendum.

Place of ordinary residence

5 Under this Act, a person’s ordinary residence must 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 they live and sleep and to which, when the person is absent from it, the person intends to return; and

(c) the residence of a person experiencing homelessness is any place offering food or lodging where that person usually sleeps or takes meals.

Voting limitations

6 (1) In an election, a voter is entitled to one (1) vote for each elected office for which an election is held.

(2) In a referendum, a voter is entitled to one (1) vote for each referendum question.

Voting methods

7 (1) The following voting methods must be available in a general election or a referendum:

- (a) by in-person ballot;
- (b) by mail-in ballot; and
- (c) by electronic ballot.

(2) The following voting methods must be available in a by-election:

- (a) by in-person ballot; and
- (b) by either mail-in ballot or electronic ballot, or a combination thereof as determined by the Cabinet in consultation with the Citizens' Council.

(3) The Cabinet must, in consultation with the Chief Electoral Officer, determine the means by which voting methods are made available during a voting period.

PART III—DATE AND TIMING OF ELECTIONS AND REFERENDA

Voting periods

8 The voting period for an election or a referendum must be no shorter than one (1) day and no longer than 30 days.

General election every 4 years

9 A general election for the offices of President, Women's Representative, Youth Representative, and Citizens' Representatives must be held in 2023 and every fourth year after that.

Date of general election

10 At least 90 days before the commencement of voting, the Cabinet must determine the voting period for a general election that ends either on:

- (a) the third Tuesday in the month of September in the year that the general election is required; or
- (b) a date that is no more than 30 days before or after the third Tuesday in the month of September in the year that the general election is required.

Date of by-election

11 Subject to section 12 of this Act, the Cabinet must determine the voting period for a by-election to fill a vacancy in an elected office that ends not more than 90 days after the occurrence of the vacancy.

No by-election

12 If a vacancy in an elected office occurs within 180 days before the next general election, no by-election may be held.

Date of referendum

13 The Cabinet must, in consultation with the Citizens' Council, determine the voting period for a referendum that ends not more than 90 days after the order for the referendum under Part X-Referenda of this Act.

No referendum

14 Subject to section 116 of this Act, a second referendum on substantively the same question must not be held for at least 180 days after the first referendum on a question.

Cabinet powers to change voting period

15 Despite any other provision of this Act, if, before the commencement of voting, the Cabinet determines that due to *force majeure*, an emergency, mistake or extraordinary circumstance, it is not possible for an election or a referendum to be held during the voting period set for that election or referendum, the Cabinet may:

- (a) establish a new date for the election or referendum that must not be more than 90 days after the original date for the election or referendum; or
- (b) make changes to the availability of the voting methods under section 7 of this Act for that election or referendum.

Chief Electoral Officer powers to change voting period

16 (1) Notwithstanding any other provision of this Act, if, after the commencement of voting, the Chief Electoral Officer determines that the vote will not meet a threshold of participation sufficient to reflect the opinion of the Métis Nation within Alberta or due to *force majeure*, an emergency, mistake or extraordinary circumstance, it is not possible for an election or a referendum to be held during the voting period set for that election or referendum, the Chief Electoral Officer may, in consultation with the Cabinet:

- (a) issue a notice establishing new voting locations or extending or abridging a time period including extending the voting period beyond the 30-day limit under section 8 of this Act;
- (b) make changes to the voting methods established for that election or referendum under section 7 of this Act; or
- (c) take other actions necessary and appropriate to ensure the timely and safe conduct of the vote.

(2) The Chief Electoral Officer must include the reasons for a determination made under subsection (1) in a public notice.

PART IV—ELECTIONS AND REFERENDA ADMINISTRATION

Chief Electoral Officer

17 The Chief Electoral Officer is an arm's length officer of the Otipemisiwak Métis Government.

Staff of Chief Electoral Officer

18 (1) The Chief Electoral Officer may employ or retain persons as considered necessary for the conduct of elections and referenda under this Act, including but not limited to independent legal counsel to assist the Chief Electoral Officer in the performance of their duties under this Act.

(2) Subject to the approval of the Citizens' Council, the Chief Electoral Officer may determine the conditions of employment, the remuneration and reimbursement for expenses of the persons employed or retained by the Office of the Chief Electoral Officer.

Appointment of Chief Electoral Officer

19 (1) The Citizens' Council must appoint a Chief Electoral Officer no later than 12 months following the announcement of the results of a general election for a term:

(a) commencing on the date the person appointed delivers the following in the prescribed forms to the Chair:

(i) the person's written acceptance of the appointment; and

(ii) a solemn declaration that the person will faithfully and impartially exercise the powers, duties and functions of the Chief Electoral Officer under Otipemisiwak Métis Government Law; and

(b) ending on the date:

(i) a person is appointed to the office of Chief Electoral Officer following the next general election;

(ii) the Chief Electoral Officer resigns by delivering a notice of their resignation to the Chair; or

(iii) the Citizens' Council revokes the appointment of the Chief Electoral Officer by special resolution.

(2) A person appointed as the Chief Electoral Officer may be re-appointed.

(3) The Citizens' Council must specify the terms of the Chief Electoral Officer's appointment, including remuneration and expenses.

Qualifications of Chief Electoral Officer

20 The Chief Electoral Officer:

- (a) must be a Citizen;
- (b) must be 18 years of age or older on the day of their appointment;
- (c) must not be an elected member of the Otipemisiwak Métis Government;
- (d) must not be an Otipemisiwak Métis Government employee;
- (e) must not have held an elected office in the Otipemisiwak Métis Government within ten (10) years of their appointment; and
- (f) must not have:
 - (i) donated money or services to;
 - (ii) been employed or paid by; or
 - (iii) campaigned for;

any candidate for an Otipemisiwak Métis Government elected office or for a campaign for a referendum result within ten (10) years of their appointment.

Duties of Chief Electoral Officer

21 (1) The Chief Electoral Officer must:

- (a) provide guidance and supervision respecting the management and conduct of an election or a referendum, including but not limited to the issuing of guidelines for the deadline for appointments made under section 27 and section 28 of this Act;
- (b) enforce fairness, impartiality and compliance with this Act in the performance of the duties of all Election Officers;
- (c) issue to Election Officers any information and guidance the Chief Electoral Officer considers necessary to ensure the effective performance of their duties under this Act;
- (d) review any forms or documents required under this Act;
- (e) participate in the allocation of the budget for the Office of the Chief Electoral Officer; and

(f) perform all duties assigned to them by Otipemisiwak Métis Government Law.

(2) The Chief Electoral Officer must take all necessary measures to respect the time limitations or periods and other requirements for the conduct of elections and referenda under this Act.

(3) The Chief Electoral Officer has all the powers necessary to perform their duties under this Act.

Chief Electoral Officer special powers

22 If a matter arises in the conduct of an election or a referendum that is not covered or is inadequately provided for in this Act or in the regulations, the Chief Electoral Officer may make any determination the Chief Electoral Officer considers necessary to achieve the purposes of this Act.

Conflicts of interest

23 The Chief Electoral Officer must make reasonable efforts to address any real or perceived conflicts of interest in the performance of their duties or the duties of the Election Officers.

Acting Chief Electoral Officer

24 No later than 30 days after being appointed, the Chief Electoral Officer must designate an employee of the Office of the Chief Electoral Officer as acting Chief Electoral Officer to fulfill the duties of the Chief Electoral Officer in the event:

(a) the Chief Electoral Officer:

(i) is temporarily unable to fulfill their duties; or

(ii) declines to act because of a real or perceived conflict of interest; or

(b) of a vacancy in the office of the Chief Electoral Officer.

Vacancy

25 If a vacancy occurs in the office of the Chief Electoral Officer during the term of the Chief Electoral Officer, the Citizens' Council must, as soon as practicable, appoint another person to fill the vacancy.

Notices issued by Chief Electoral Officer

26 When the Chief Electoral Officer is required to issue a public notice under this Act, the Chief Electoral Office must cause the public notice to be posted:

(a) in the Otipemisiwak Métis Government's head office;

- (b) on the Otipemisiwak Métis Government’s website;
- (c) in each District Council’s office;
- (d) in newspapers that have a general distribution in each District or other media outlet within each District; and
- (e) any other place the Chief Electoral Officer considers necessary or advisable for the purposes of this Act.

Appointment of Returning Officers

27 (1) The Chief Electoral Officer must appoint a Returning Officer for each Territory to manage and conduct the election or the referendum in that Territory as soon as practicable before the commencement of voting.

(2) In consultation with the Chief Electoral Officer, the Citizens’ Council must specify the terms of the Returning Officer’s appointment, including remuneration and expenses.

(3) If a vacancy occurs in the office of a Returning Officer during a voting period, the Chief Electoral Officer must, as soon as practicable, appoint another person to fill the vacancy.

Appointment of Deputy Officer and Poll Clerk

28 (1) The Returning Officer of each Territory must appoint for each voting station in that Territory:

- (a) a Deputy Returning Officer to assist that Territory’s Returning Officer with the conduct of the election or referendum at the voting station to which they are appointed; and
- (b) a Poll Clerk to assist each Deputy Returning Officer.

(2) The Returning Officer must make the appointments under subsection (1) as soon as practicable before the commencement of voting.

(3) The Chief Electoral Officer, in consultation with the Citizens’ Council, must specify the terms of the Deputy Returning Officers and Poll Clerks’ appointments, including remuneration and expenses.

(4) If a vacancy occurs in the office of a Deputy Returning Officer or Poll Clerk during a voting period, the Returning Officer must, as soon as practicable, appoint another person to fill the vacancy.

Duties of Poll Clerk

29 The Poll Clerk may accomplish the duties assigned to the Deputy Returning Officer under this Act under the supervision of the Deputy Returning Officer.

Qualifications of Returning Officer, Deputy Officer and Poll Clerk

30 A Returning Officer, Deputy Returning Officer, and Poll Clerk appointed under sections 27 and 28 of this Act:

- (a) must be 18 years of age or older on the day of their appointment; and
- (b) must not be an elected member of the Otipemisiwak Métis Government.

Term of Returning Officers, Deputy Returning Officers and Poll Clerks

31 (1) A Returning Officer, Deputy Returning Officer, and Poll Clerk's appointment:

(a) commences on the date the person appointed delivers the following in the prescribed forms to the Election Officer who appointed them:

- (i) the person's written acceptance of the appointment; and
- (ii) a solemn declaration that the person will faithfully and impartially exercise their powers, duties and functions under this Act; and

(b) ends on the date:

- (i) 30 days after the close of voting; or
- (ii) if the Chief Electoral Officer terminates their appointment because the Chief Electoral Officer determines that person:
 - (A) is incapable, by reason of illness or otherwise, of satisfactorily performing the person's duties under this Act;
 - (B) has failed to discharge competently a duty of office to the satisfaction of the Chief Electoral Officer; or
 - (C) has contravened a provision of this Act.

(2) Returning Officers, Deputy Returning Officers and Poll Clerks are not officers or employees of the Otipemisiwak Métis Government.

Prohibition against political activity

32 No person appointed as an Election Officer or as an interpreter may engage in political or campaign activity on behalf of any campaign, candidate, or in favour or against an answer to a referendum question while the person is so appointed.

Appointment of interpreter

33 (1) If a Deputy Returning Officer has reason to believe that voters at a voting station unable to speak or read English are likely to be present, the Deputy Returning Officer may appoint a person familiar with the language of those voters to interpret questions and answers concerning voting procedures.

(2) A person appointed under subsection (1) must submit to the Deputy Returning Officer who appointed them a written solemn declaration in the prescribed form that they will preserve the secrecy of the vote.

PART V—NOMINATIONS AND CANDIDATE QUALIFICATIONS

Nominations period

34 (1) The Chief Electoral Officer must determine a date for the close of nominations that must be at least 45 days before the commencement of voting.

(2) All nomination papers must 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 for the closing of nominations.

Nominations for President, Women’s Representative and Youth Representative

35 (1) A person is eligible to be nominated as a candidate for President, Women’s Representative or Youth Representative in an election if, on the day their nomination papers are filed with the Chief Electoral Office, the person:

- (a) is a Citizen who is eligible to vote under section 4 of this Act;
- (b) is 18 years of age or older on the close of voting;
- (c) has been ordinarily resident in Alberta for at least 90 days immediately prior to the close of voting;
- (d) has no financial debt owing to the Otipemisiwak Métis Government or its affiliates that is more than 30 days in arrears; and
- (e) has not been convicted of a criminal offence for which they have not received a pardon or record suspension that has not been revoked or ceased to have effect.

(2) In addition to subsection (1):

- (a) to be eligible for nomination as Women’s Representative, a person must be a woman; and
- (b) to be eligible for nomination as Youth Representative, a person must be twenty-five (25) years of age or younger on the last date of the voting period.

(3) The nomination papers for President, Women's Representative and Youth Representative must include the following:

- (a) written acceptance of the nomination by the candidate;
- (b) one hundred and fifty (150) signatures of voters nominating the candidate;
- (c) a deposit in the sum of two hundred dollars (\$200), except for nomination papers for the Youth Representative, which must include a deposit of one hundred dollars (\$100) to be held by the Chief Electoral Officer for the purposes of investigation and enforcement; and
- (d) an official letter to the Chief Electoral Officer declaring that they are not currently registered with the Department of Crown Indigenous Relations as a status Indian under the provisions of the *Indian Act*.

Nominations for Citizen's Representative

36 (1) A person is eligible to be nominated as a candidate for Citizen's Representative in an election if, on the day their nomination paper is filed with the Chief Electoral Officer, the person:

- (a) is a Citizen who is eligible to vote under section 4 of this Act;
- (b) is 18 years of age or older on the close of voting;
- (c) has been ordinarily resident in the District in which they are seeking election at least 90 days immediately prior to the close of voting;
- (d) has no financial debt owing to the Otipemisiwak Métis Government or its affiliates that is more than 30 days in arrears; and
- (e) has not been convicted of a criminal offence for which they have not received a pardon or record suspension that has not been revoked or ceased to have effect.

(2) The nomination papers for Citizen's Representative must include the following:

- (a) written acceptance of the nomination by the candidate;
- (b) ten (10) signatures of voters who ordinarily reside in the same District as the nominee;
- (c) a deposit in the sum of two hundred dollars (\$200) to be held by the Chief Electoral Officer for the purposes of investigation and enforcement; and
- (d) an official letter to the Chief Electoral Officer declaring that they are not currently registered with the Department of Crown Indigenous Relations as a status Indian under the provisions of the *Indian Act*.

Candidacy limit

37 No person may be a candidate for more than one elected office in an election.

Decision on nominations

38 No later than five (5) days after the close of the nomination period, the Chief Electoral Officer must:

- (a) determine if a person's nomination was completed in accordance with sections 35 and 36 of this Act; and
- (b) notify each nominee in writing of the determination under subsection (a) and provide reasons if a nomination is rejected.

No candidates nominated

39 (1) If, after making a determination under section 38 of this Act, there are no candidates for an office to be filled in the election, the Chief Electoral Officer must set a new date for the receipt of nominations for that office.

(2) If, after a date set under subsection (1), there are no candidates for the office to be filled in the election, the Chief Electoral Officer must:

- (a) discontinue the election for that office; and
- (b) open nominations for a by-election for that office once a year until the elected office is filled.

Notice of candidates

40 As soon as practicable after notifying the nominees of the Chief Electoral Officer's determination under section 38 of this Act, the Chief Electoral Officer must issue a public notice indicating the names of the candidates.

Withdrawal of nominee

41 Any time before the notice of candidates is issued under section 40 of this Act, a nominee may withdraw their nomination by filing with the Chief Electoral Officer a declaration signed by the nominee indicating that they are withdrawing their nomination.

Withdrawal of candidate

42 (1) Any time after the notice of candidates is issued under section 40 of this Act but no later than 48 hours before the commencement of voting, a candidate may withdraw their candidacy by filing with the Chief Electoral Officer a declaration signed by the candidate indicating that they are withdrawing their candidacy.

- (2) After receiving notice that a candidate is withdrawing, the Chief Electoral Officer must:
- (a) issue a public notice that the candidate withdrew their candidacy; and
 - (b) take whatever steps are necessary to ensure voters are advised of the candidate's withdrawal when receiving a ballot.

Death of candidate

43 If a candidate dies before the close of voting, the rules for the election of the elected office for which the deceased candidate was running must be as follows:

- (a) the election for that elected office must be discontinued;
- (b) the election of the other elected offices must be held, including the election for Citizen's Representatives, except in the District where the deceased candidate was running for elected office;
- (c) the Cabinet must establish a new date for the discontinued election;
- (d) the Chief Electoral Officer must issue a public notice of the new election date in accordance with section 66 of this Act;
- (e) the Chief Electoral Officer must issue a public notice of the new date for the closing of nominations in accordance with section 34 of this Act; and
- (f) nominations for candidates previously filed, except for the nomination of the deceased candidate, are valid for the new election.

Election by acclamation

44 (1) If the Chief Electoral Officer accepts only one candidate for an elected office under section 38 of this Act, the Chief Electoral Officer must declare that candidate elected.

(2) If, due to a withdrawal or disqualification there is one candidate remaining for an elected office, the Chief Electoral Officer must declare the remaining candidate elected.

Scrutineers

45 (1) Each candidate may appoint one voter as a scrutineer per voting station:

- (a) to represent them at a voting station; and
- (b) to observe the election procedures on the candidate's behalf.

(2) A scrutineer must be at least 18 years of age or older.

(3) The candidate must disclose the appointment of a scrutineer in writing to the Chief Electoral Officer.

(4) A scrutineer must not be present in a voting station or at the counting of the ballots unless the scrutineer has made a written solemn declaration, in the prescribed form delivered to the Deputy Returning Officer or Poll Clerk in the District the scrutineer is appointed to, that they will preserve the secrecy of the vote and of the list of voters.

PART VI—CAMPAIGNING

Campaign period

46 The campaign period begins on the day the Chief Electoral Officer issues a notice of vote under section 66 of this Act and ends at the close of voting.

Campaigning

47 A person campaigns if they are a candidate or are employed by or volunteer to support a public and deliberate organized effort to promote or oppose the election of candidate or a referendum result.

Opportunity to address Citizens

48 From the date the candidates are announced under section 40 of this Act until the date the election results are certified under section 103 of this Act, if the Otipemisiwak Métis Government gives a candidate an opportunity to address Citizens, the Otipemisiwak Métis Government must make that same opportunity available to all candidates running for the same elected office.

PART VII—LIST OF VOTERS

Registrar to provide list

49 (1) At least 60 days before the commencement of voting, the Registrar must provide the Chief Electoral Officer with a list of Citizens who will be 16 years of age or older on the close of voting in an election or a referendum.

(2) The list provided in subsection (1) must include each Citizen's:

- (a) full name in alphabetical order;
- (b) date of birth and mailing addresses; and
- (c) Métis Citizenship ID number.

(3) The Chief Electoral Officer must maintain the confidentiality of the list provided by the Registrar.

List of voters

50 (1) The Chief Electoral Officer must:

- (a) verify and ensure the preliminary list of eligible voters is accurate and maintain the accuracy of the list of voters;
- (b) as soon as practicable after the Chief Electoral Officer makes determinations under section 38 of this Act, distribute the preliminary list of voters to each candidate;
- (c) certify the final list of voters no later than the date the list of voters is required for mail-in ballot or electronic voting; and
- (d) distribute the final list of voters to each candidate in an election as soon as practicable.

(2) A candidate for Citizens' Representative is entitled to receive a list of only the voters that are ordinarily resident in the District in which the candidate is running.

(3) A Citizen may opt-out of having their mailing address included on the copy of list of voters circulated to candidates in accordance with the procedure for opting out as set out in the notice of vote under section 66.

Use of list of voters

51 (1) A candidate or person campaigning may use the information on the list of voters to communicate with voters only for the purposes of campaigning, including soliciting contributions and recruiting voters to campaign, and for no other purpose.

(2) A candidate or person campaigning who receives a copy of the list of voters must submit a declaration to the Chief Electoral Officer in the prescribed form that:

- (a) they understand the permitted uses of the list of voters; and
- (b) they will maintain the confidentiality of the information on the list of voters.

(3) For greater certainty, all persons must maintain the confidentiality of the information on the list of voters.

PART VIII—VOTING STATIONS

Location of voting stations

52 (1) The Chief Electoral Officer must designate the location of at least one (1) voting station per District in a general election or a referendum.

(2) A voting station must be:

(a) in a location that, in the opinion of the Chief Electoral Officer, is convenient for the voters; and

(b) where possible, accessible to persons with disabilities.

(3) No voting station may be located in any of the following places:

(a) premises licenced to serve alcohol or cannabis; or

(b) premises in which a candidate has an interest.

Persons required at voting station

53 Each voting station must have in attendance during in-person voting hours:

(a) a Deputy Returning Officer; and

(b) a Poll Clerk.

Persons entitled to remain in voting station

54 (1) All of the following persons may remain in a voting station during in-person voting hours:

(a) the Chief Electoral Officer or Returning Officer;

(b) one scrutineer per candidate; and

(c) interpreters.

(2) Nothing in this Act restricts a candidate from briefly visiting a voting station during voting hours.

Materials at voting stations

55 Before the opening of a voting station, the Deputy Returning Officer must ensure that the following are available at the voting station:

(a) copies of instructions on how to vote;

(b) a suitable poll book where the names of persons who have received ballots at a voting station are to be entered in accordance with section 58 of this Act;

(c) a tally sheet to record the number of votes cast;

(d) a copy of the latest list of voters and a list of voters who ordinarily reside in the District in which the voting station is located;

(e) enough ballots and ballot boxes;

(f) suitable marking instruments to enable voters to mark the ballots; and

(g) such other materials as may be required to enable the Election Officers to perform their duties.

Voting booths

56 (1) In each voting location there must be at least one (1) voting booth.

(2) Each voting booth must contain a table, desk or shelf, and an instrument suitable for marking a ballot.

Secrecy of voting booth

57 (1) Voting booths must be arranged to screen the voter from observation and enable them to mark their ballot without interference.

(2) Subject to Part X of this Act, while a voter is in the voting booth, no other person may be allowed in the voting booth or be in any position from where they can observe the voter mark their ballot.

Poll book

58 Each Deputy Returning Officer must have available a suitable poll book in which the Deputy Returning Officer or the Poll Clerk must enter the names of persons who have received ballots at a voting station unless those names are already printed in the poll book.

PART IX—BALLOT BOXES AND BALLOTS

Ballot boxes

59 (1) The Chief Electoral Officer must provide each Returning Officer with enough ballot boxes to conduct the election or referendum in the Returning Officer's District.

(2) The ballot boxes must be:

(a) made of a durable material;

(b) accompanied by enough seals; and

(c) designed in a manner that permits the deposit of ballots but does not permit their removal without breaking the seals after the seals are attached.

Printing ballots

60 The Chief Electoral Officer must cause enough ballots to be printed for the purposes of the election or the referendum.

Style of ballots

61 (1) A ballot must be designed so that the voter's identity cannot be discovered after the ballot is used.

(2) Every ballot for an election must contain:

(a) the name of the candidates 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;

(b) instructions as to the number of candidates to be elected to office; and

(c) instructions as to the mark for a valid vote for a candidate.

(3) Every ballot for a referendum must contain:

(a) the referendum question in English;

(b) a space for voters to mark either "yes" or "no" in response to the referendum question; and

(c) instructions as to the mark for a valid vote in response to the referendum question.

(4) A ballot for an election or a referendum may also be in Michif, Cree, or French.

PART X—VOTING**GENERAL****Secrecy of the vote**

62 At a voting station, a person must not obtain or attempt to obtain information as to how a voter has or is about to vote.

Secret ballot

63 Voting in an election or a referendum must be by secret ballot.

Voluntary disclosure

64 A voter may voluntarily disclose how they voted if that voluntary act does not violate any other section of this Act.

No vouching

65 There shall be no vouching to establish a person's identity or a person's ordinary residence.

Notice of vote

66 At least 75 days before the commencement of voting, the Chief Electoral Officer must issue a public notice of vote that contains the following information:

- (a) whether the vote is for a general election, by-election, or referendum;
- (b) in an election, the date and time for the nomination of candidates and the nomination papers to be filed with the Chief Electoral Officer;
- (c) the voting period and the location of all voting stations;
- (d) instructions on:
 - (i) mail-in ballot voting;
 - (ii) electronic voting;
 - (iii) how to obtain voting assistance;
 - (iv) how a Citizen may have their mailing address removed from copy the list of voters circulated to candidates;
- (e) the name of the Chief Electoral Officer; and
- (f) in the case of a referendum:
 - (i) the ballot question;
 - (ii) the percentage of votes required for the referendum question to be answered in the affirmative; and
 - (iii) whether the results of the referendum are binding.

IN-PERSON VOTING

Interpretation

67 In this Part, “**ballot**” means an in-person ballot.

In-person voting hours

68 On days when in-person voting is available, voting stations must open at 8:00 a.m. on and close at 8:00 p.m. on the same day.

Procedure on opening of voting station

69 (1) Each Deputy Returning Officer must arrive at the voting station 30 minutes before the start of voting hours.

(2) In the 30 minutes before the start of voting hours, the Deputy Returning Officer must show the ballot box to all persons at the voting station and be entitled to be there, so that they may witness that the ballot box is empty.

(3) The Deputy Returning Officer must then:

(a) sign the seal on the ballot box in the presence of the persons at the voting station and entitled to be there; and

(b) seal and keep the ballot box in view for the reception of ballots during voting hours.

(4) A person at the voting station and entitled to be there must sign a prescribed form witnessing whether the requirements under subsections (2) and (3) were fulfilled.

General procedure at voting station

70 (1) When a person arrives at the voting station for the purpose of voting, the Deputy Returning Officer must check the list of voters to ensure that:

(a) the name of the person is on the list of voters; and

(b) person has not already voted.

(2) If the voter is eligible to vote under subsection (1), a voter must then provide proof of their identity or their residence in accordance with any rules on required documentation.

(3) The Deputy Returning Officer must provide a voter who meets the requirements under subsection (1) and (2) with a ballot.

(4) If the person's name is not on the list of voters, the Deputy Returning Officer must not permit the person to vote unless the person can provide the Deputy Returning Officer with their Métis Citizenship ID card and proof of residency.

Ballot to be initialed by Deputy Returning Officer

71 The Deputy Returning Officer must initial the back of a ballot provided to a voter so that the Deputy Returning Officer's initials can be seen when the ballot is folded.

Explanation of voting

72 On request, the Deputy Returning Officer must explain to the voter as concisely as possible how to vote.

Marking of ballot

73 When receiving the ballot from the Deputy Returning Officer, the voter must:

- (a) immediately proceed to the voting booth; and
- (b) respecting the instructions as to the mark for a valid vote, mark the ballot to indicate clearly the voter's choice.

Delivery of ballot to Deputy Returning Officer

74 (1) In the voting booth, the voter must fold the ballot to conceal the voter's mark on the ballot and expose the initials of the Deputy Returning Officer.

(2) The voter must then deliver the ballot to the Deputy Returning Officer, witness the Deputy Returning Officer deposit their ballot under section 75 of this Act.

(3) A voter must immediately leave a voting station after voting.

Deposit of ballot

75 Without unfolding the ballot or in any way disclosing the marks made by the voter, the Deputy Returning Officer must verify the Deputy Returning Officer's initials on the ballot and:

- (a) if the ballot contains the Deputy Returning Officer's initials, in the presence of those people present, deposit the ballot in the ballot box; or
- (b) if the ballot does not contain the Deputy Returning Officer's initials, proceed as if the ballot were a spoiled ballot in accordance with section 77 of this Act.

Forfeiture of voting rights

76 (1) If a voter:

- (a) takes their ballot out of the voting station; or
- (b) returns the ballot to the Deputy Returning Officer after declining to vote;

that voter forfeits their right to vote in that election or referendum.

(2) The Deputy Returning Officer must enter in the poll book in the appropriate column that the voter forfeited their right to vote.

Spoiled ballot

77 (1) A voter who inadvertently spoils their ballot may, after returning it to the Deputy Returning Officer, obtain another ballot.

(2) The Deputy Returning Officer must write the word “spoiled” on the returned ballot and preserve it in a separate envelope.

Procedure on close of voting hours

78 (1) At the close of voting hours, the Deputy Returning Officer must:

(a) permit all voters remaining in the voting station at that time of the close of voting to vote; and

(b) deny entry into the voting station to any other persons.

(2) After all persons vote in accordance with subsection (1), the Deputy Electoral Officer must:

(a) seal the ballot box at that voting location such that no further ballots may be deposited in that ballot box and initial the seal attached to the ballot box; and

(b) complete a statement of sealed ballot box in the prescribed form.

(3) The Deputy Returning Officer must then:

(a) count the number of voters whose name appears on the list of voters;

(b) count the number of electors recorded in the poll book as having voted; and

(c) draw a line under the name of the last voter in the poll book and affix their initials.

(4) The Deputy Returning Officer in the presence of the Poll Clerk, and any candidate or scrutineers must:

(a) count the number of spoiled and declined ballots;

(b) place all these ballots in an envelope; and

(c) record the total number of these ballots on the outside of the envelope and then seal the envelope.

(5) A person at the voting station must sign a prescribed form witnessing whether the requirements under this section were fulfilled.

(6) The Deputy Electoral Officer must then, as soon as practicable, take custody of the ballot boxes and deliver the ballot box to the location designated by the Chief Electoral Officer for the counting of ballots.

Procedure on close of voting

79 At the end of voting hours on the last day of a voting period, the Chief Electoral Officer must declare the close of voting.

MAIL-IN BALLOT VOTING

Mail-in ballots

(2) (1) In an election or referendum with mail-in ballot voting, no later than 21 days before the commencement of voting, the Chief Electoral Officer must make available a mail-in ballot package to all voters. The mail-in ballot package must contain the mail-in ballot and all documents, envelopes, and instructions necessary for the voter to vote by mail-in ballot under section 80 of this Act.

Voting by mail-in ballot

80 (1) To vote by mail-in ballot, a voter must:

- (a) follow the instructions in the mail-in ballot package for mail-in voting; and
- (b) cause the sealed prepaid mailing envelope to be delivered to the Chief Electoral Officer.

(2) For a mail-in ballot to be eligible for counting in an election or a referendum, the Chief Electoral Officer must receive the mail-in ballot at the address designated by the Chief Electoral Officer by the close of voting.

ELECTRONIC VOTING

Electronic voting

81 The Cabinet may make regulations governing electronic voting including, but not limited to:

- (a) the administration of electronic voting;
- (b) the methods and procedures applicable to electronic voting; and
- (c) the establishment and operation of an electronic voting system.

Electronic voting system

82 An electronic voting system used in an election or a referendum must:

- (a) comply with all Canadian laws and rules governing electronic communication, documentation and transmission;
- (b) be secure and encrypted;
- (c) have systems to verify voter identification using industry standard multi-factor verification protocols;
- (d) maintain the secrecy of the vote;

(e) prohibit a voter from casting more than one (1) ballot and from voting if they have already voted by other methods; and

(f) after the close of voting, generate a count of all electronic ballots.

List of voters in electronic voting system

83 For an election or referendum with electronic voting, the Chief Electoral Officer must ensure the electronic voting system is populated by the final certified list of voters at least 10 days before the commencement of voting.

VOTING ASSISTANCE

Voter may request assistance

84 (1) A voter who is unable to vote in the usual manner may request voting assistance under sections 85 and 86 or special voting assistance under section 87 of this Act.

(2) A voter requesting voter assistance or special voter assistance must make a solemn declaration in the prescribed form that the voter is unable to vote in the usual manner.

(3) If a voter receives voting assistance or special voting assistance, the Deputy Returning Officer must enter in the poll book in the appropriate column “voter assistance” or “special voter assistance.”

Voter assistance from Election Officer

85 If a voter requests voting assistance from an Election Officer at a voting station, the Election Officer must:

(a) provide assistance to that voter by accompanying the voter into the voting booth and marking the ballot in secret as directed by the voter; and

(b) in the presence of the voter receiving voting assistance, fold and deposit the ballot into the ballot box.

Voter assistance from accompanying person

86 (1) If a voter requests voting assistance from a person who is accompanying the voter to a voting station, the Election Officer must permit the accompanying person to assist that voter in the same manner as under section 85 of this Act.

(2) Before assisting the voter referred to in subsection (1), the accompanying person must make a solemn declaration to preserve the secrecy of the vote of the voter they are assisting.

Special voter assistance

87 (1) A voter may request special voter assistance from an Electoral Officer.

(2) If practicable, the Chief Electoral Officer may provide a voter with special voting assistance and allow the voter to cast their vote at a location other than a voting station.

(3) The voter provided with special voting assistance must cast their vote in the presence of at least one (1) Election Officer and any scrutineer who may be present.

PART XI—COUNTING AND DISPOSING OF BALLOTS**GENERAL****Location for counting of ballots**

88 The Chief Electoral Officer must designate the locations for the counting of ballots.

Persons present for counting ballots

89 (1) The Deputy Returning Officer and at least one other Electoral Officer must be present when the ballots are counted.

(2) Additional Electoral Officers, candidates, and scrutineers:

- (a) may observe the counting of the ballots at the location for the counting of ballots; and
- (b) must not interfere with the counting of ballots.

(3) An Election Officer may cause any person whose activities interfere with the counting of ballots to be excluded from the location for the counting of ballots.

Procedure for counting of ballots

90 After the close of voting, an Election Officer must, as soon as practicable, open the ballot box and proceed with counting the ballots and record the results.

Rejected ballots

91 In counting votes, the Deputy Returning Officer must reject any ballot that:

- (a) was not initialed and supplied by the Deputy Returning Officer;
- (b) does not indicate a vote for any candidate or referendum result;
- (c) contains votes for more candidates than are to be elected;

(d) is so marked that it is uncertain for which candidate or referendum result the vote was cast; or

(e) contains any writing or mark enabling the voter to be readily identified.

Objections to ballots

92 (1) A candidate or scrutineer may object to a ballot during the counting of ballots on the basis that the ballot does not comply with the requirements set out in this Act.

(2) The Deputy Returning Officer:

(a) must enter in the poll book in the appropriate column every objection to a ballot and the name of any candidate on whose behalf an objection was made; and

(b) number each objection and place a corresponding number on the back of the ballot subject to objection and initial.

(3) The Deputy Returning Officer must make the final determination on any question arising out of an objection to a ballot.

COUNTING OF MAIL-IN BALLOTS

Reception of mail-in ballot

93 (1) The Chief Electoral Officer:

(a) must cause the designated post office box for mail-in ballots to be checked at the close of voting; and

(b) may cause the designated post office box for mail-in ballots to be periodically checked during a voting period.

Verifying mail-in ballots

94 (1) After the Chief Electoral Officer has received a mail-in ballot, the Chief Electoral Officer or Returning Officer must:

(a) confirm the sender is a voter under section 4 of this Act;

(b) confirm the voter has not voted already; and

(c) subject to subsection (2), mark the voter as having voted by mail and deposit the sealed secrecy envelope containing the mail-in ballot in a designated mail-in ballot box.

(2) If the voter voting by mail-in ballot has voted by other means, the Chief Electoral Officer or Returning Officer must not deposit the mail-in ballot in the designated mail-in ballot box and must place the mail-in ballot in a designated envelope that must be preserved.

Procedure for counting of mail-in ballots

95 (1) As soon as practicable after the close of voting under section 79 of this Act, an Election Officer must count all mail-in ballots received in accordance with this Act.

(2) Unless the context otherwise requires, mail-in ballots must be counted in the same manner as the ballots in ballot boxes at voting stations.

Rejected mail-in ballots

96 Each vote cast on a mail-in ballot is accepted and counted as a valid vote except if:

- (a) the mail-in ballot must be rejected in accordance with section 91 of this Act; or
- (b) the voter has already voted by other methods.

COUNTING OF ELECTRONIC BALLOTS

Procedure for counting of electronic ballots

97 At the close of voting, the Chief Electoral Officer must cause the electronic voting system to generate a report that contains:

- (a) a count of the total number of eligible voters who voted by electronic voting; and
- (b) for each candidate in an election or for each answer in a referendum, the total number of votes accepted and rejected in accordance with section 98 of this Act.

Rejected electronic ballots

98 Each vote cast on an electronic ballot is accepted and counted as a valid vote except if:

- (a) the electronic ballot must be rejected in accordance with section 91 of this Act;
- (b) the ballot violates any regulations made by the Cabinet governing electronic voting; or
- (c) if the voter has already voted by other methods.

CONSOLIDATED BALLOT COUNT

Statement of poll

99 (1) At the conclusion of the count of the ballots, the Deputy Returning Officer must complete a statement of poll indicating the number of votes for each candidate in an election or the number of votes for each answer to a referendum question that were recorded on the tally sheet.

(2) The Deputy Returning Officer must:

(a) sign the statement of poll; and

(b) place the original statement of poll and a copy of it in the separate envelopes supplied for that purpose.

Packaging election materials

100 (1) On completion of the statement of poll, the Deputy Returning Officer must, in the presence of at least one Electoral Officer, place into separate envelopes:

(a) the statement of vote and the tally sheet;

(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;

(e) the spoiled, declined, and un-initialed ballots;

(f) the discarded ballot;

(g) the unused ballots;

(h) the poll book;

(i) the list(s) of voters used at the voting station;

(j) a statement of the number of voters marked by the Deputy Returning Officer as “voter assistance” or “special voter assistance;”

(k) the notes taken of objections to ballots; and

(l) all other documents that were completed, prepared or used during the election or the referendum.

(2) The Deputy Returning Officer must then:

- (a) seal each envelope mentioned in subsection (1) and initial the outside of the envelope;
- (b) mark on the outside of each envelope a short statement of the contents of the envelope, the date and their name; and
- (c) then return all envelopes and relevant documents to the Chief Electoral Officer.

Consolidated ballot count

101 (1) The Chief Electoral Officer must, as soon as practicable, complete a consolidated ballot count of the paper ballots, the mail-in ballots and electronic ballots:

- (a) in an election, in relation to each candidate; or
 - (b) in a referendum, in relation to each answer to the referendum question.
- (2) Without limiting subsection (1), the consolidated ballot count must include the number of:
- (a) accepted ballots;
 - (b) rejected ballots;
 - (c) spoiled and un-initialed ballots;
 - (d) unused ballots;
 - (e) in-person ballots cast;
 - (f) electronic ballots; and
 - (g) mail-in ballots.

Disposal of ballots and voting materials

102 (1) Subject to subsection (2) and section 119 of this Act, the Chief Electoral Officer must ensure the destruction of all ballots and voting related materials:

- (a) on the expiry of 90 days from the announcement of the results; or
 - (b) if a notice of appeal is filed within the appeal period under section 113 of this Act, on the expiry of 90 days from the date of the Judicial Branch's final decision regarding the appeal.
- (2) The Chief Electoral Officer must not destroy the ballots and voting related material if directed to by an order of a court or the Judicial Branch.

PART XII—ELECTION AND REFERENDUM RESULTS AND RECOUNT PROCEDURE

Certification of results

103 After completing the consolidated ballot count under section 101 of this Act, the Chief Electoral Officer must certify the results of the vote in a sworn declaration in the prescribed form.

Announcement of results

104 (1) Immediately after completing the certification of results under section 103 of this Act, the Chief Electoral Officer must publicly announce:

- (a) in an election:
 - (i) the number of votes received by each candidate; and
 - (ii) the candidate who received the most votes to be elected to their respective office.
- (b) in a referendum:
 - (i) the total number of votes cast for and against the referendum question; and
 - (ii) the results of the referendum.

(2) If the Chief Electoral Officer cannot make a declaration under subsection (1)(a) because there is a tie vote for two (2) or more candidates who received the most votes, the Chief Electoral Officer must conduct a recount of the votes cast for that office as soon as practicable in accordance with this Part.

Recount

105 The Chief Electoral Officer must recount all the ballots if:

- (a) the difference between the number of votes between the two (2) candidates with the largest number of votes is less than 1%;
- (b) the difference between number of votes for each referendum result is less than 1%;
- (c) the Chief Electoral Officer determines a recount is necessary or advisable; or
- (d) within five (5) days from the date of the announcement of the result of the election or the referendum, the Chief Electoral Officer receives a written request to recount the ballots from a Citizen in accordance with section 106 of this Act.

Request for recount

106 An application for a recount may be made by a Citizen:

- (a) in writing;
- (b) only on the grounds that the results of an election or a referendum were materially affected by a failure to follow the rules in Part XI- Counting and Disposing of Ballots; and
- (c) must state the facts on which their request for a recount is based.

Recount procedure

107 (1) In an election, the Chief Electoral Officer must give written notice to each candidate of the location, date and hour of the commencement of the recount.

(2) No person may be allowed in the room where the recount is being conducted except:

- (a) any or all of the Election Officers; and
- (b) candidates or a person appointed by a candidate in writing to be present at the recount on their behalf.

(3) Unless the context otherwise requires, in recounting the ballots, the Chief Electoral Officer must follow the same rules governing the counting of ballots under this Act.

(4) The Chief Electoral Officer may proceed with no more than two (2) recounts under this section. The tally in the last recount completed under this section is the final count of the votes.

Recounting electronic ballots

108 (1) In the event of a recount of the electronic ballots, the Chief Electoral Officer must cause the electoral voting program to regenerate a report respecting the same requirements as under section 97 of this Act.

(2) If the initial count of electronic ballots and the regenerated count of electronic ballots match, the regenerating count is the final count of the electronic ballots.

(3) If the initial count of electronic ballots and the regenerated count of electronic ballots do not match, the Chief Electoral Officer must cause the electoral voting program to regenerate a final count of the electronic ballots. A regenerated count conducted under this section is the final count of electronic ballots.

Breaking a tie vote after recount

109 (1) If, after the recount of votes, no candidate can be declared elected for office of President, Women's Representative, Youth Representative or Citizen's Representative because the same

number of votes is counted for two (2) or more candidates for an elected office, the Chief Electoral Officer must conduct a by-election in which only the candidates tied with the same number of votes may be candidates.

(2) If the result of a by-election held under subsection (1) is a tie between the candidates:

(a) the Chief Electoral Officer must report to the Citizens Council; and

(b) the Citizens' Council must:

(i) in the case of a tie for the elected office of President, Women's Representative or Youth Representative, convene a Citizens' Gathering. At the Citizens' Gathering, one (1) of the tied candidates must be declared, by ordinary resolution, to be elected; or

(ii) in the case of a tie for the office of a Citizens' Representative, the Citizens Council must, in consultation with a District Council if a District Council has been established in the District, call a District Gathering of the Citizens of the District in which there is a tie. At the District Gathering, one (1) of the tied candidates must be declared, by ordinary resolution, to be elected.

Announcement of results of recount

110 After the completion of a recount, the Chief Electoral Officer must publicly announce:

(a) the reasons that the Chief Electoral Officer completed a recount; and

(b) the results of the recount in the same manner as under section 104 of this Act.

PART XIII—APPEALS

Interpretation

111 In this Part, “**appellant**” means a person under section 112 of this Act who files a notice of appeal in accordance with this Part.

Grounds for Appeal

112 A voter, candidate, or an Election Officer may file an appeal with the Judicial Branch alleging that an election or a referendum is void if the person has reasonable grounds for believing that there was an irregularity, failure, non-compliance or mistake in the conduct of the election or referendum that materially affected the result.

Appeal period

113 A notice of appeal under section 112 of this Act must be filed with the Judicial Branch within ten (10) days of the announcement of results under sections 104 or 105 of this Act.

Notice of appeal

114 (1) The appellant must:

- (a) file the notice of appeal with the Judicial Branch in accordance with the procedures set out in applicable Otipemisiwak Métis Government Law; and
- (b) cause a copy of the notice of appeal to be delivered to:
 - (i) the Chief Electoral Officer; and
 - (ii) each person whose contravention of this Act is alleged in the notice of appeal.

(2) A notice of appeal must:

- (a) be in writing;
- (b) include the appellant's name, address, and telephone number;
- (c) state the grounds for the appeal under section 112 of this Act and the facts upon which the appeal is based;
- (d) include one or more solemn declarations of persons having personal knowledge of the facts stated in the notice of appeal; and
- (e) include a statement from the appellant that copies of the notice of appeal have been delivered in accordance with subsection (1) of section 114 of this Act.

Procedure for appeal

115 (1) Within five (5) days of receiving a notice of appeal under section 114 of this Act, the Judicial Branch must:

- (a) decide whether the appeal will be determined by oral or written submissions;
- (b) give written notice to the applicant, Chief Electoral Officer and any other parties to the appeal:
 - (i) of its decision under paragraph (a); and
 - (ii) any procedural directions for determining the appeal as the Judicial Branch considers necessary or advisable.

(2) On receipt of a notice of appeal in accordance with section 114 of this Act, the Judicial Branch may conduct further investigation as the Judicial Branch considers necessary or advisable.

Judicial Branch's decision on appeal

116 (1) Within 30 days of the filing of the notice of appeal, the Judicial Branch must determine whether the election or the referendum subject to appeal is invalid pursuant to section 112 of this Act.

(2) If the Judicial Branch determines that the election or referendum subject to appeal is invalid, the Judicial Branch may order:

- (a) that another election be held;
- (b) that, notwithstanding section 14 of this Act, another referendum be held;
- (c) that another candidate is duly elected; or
- (d) any other order the Judicial Branch may make within its jurisdiction.

(3) An order of the Judicial Branch under subsection (2) must:

- (a) be in writing;
- (b) be provided to the appellant, the Chief Electoral Officer and any other parties to the appeal;
- (c) state the reasons for the Judicial Branch's order; and
- (d) be signed by the deciding members of the Judicial Branch.

(4) If the Judicial Branch orders that another election be held under subsection 2(a), the election may proceed in accordance with the procedure for a by-election under this Act.

No appeal

117 The Judicial Branch's decision under section 116 of this Act is binding, final, without appeal, and is not subject to judicial review.

PART XIV—REPORTING

Chief Electoral Officer Report

118 (1) Within 30 days of the announcement of the results, the Chief Electoral Officer must submit a written report on the conduct of the election or the referendum to the Citizens' Council detailing:

- (a) the total number of eligible voters on the list of voters;
- (b) details on the notice of vote, such as when and where it was posted;

(c) if an election or referendum is postponed under sections 43 or 15, the reason for the postponement of the election or referendum;

(d) information on voting dates and the location of voting stations; and

(e) information on the consolidated ballot count.

(2) The Chief Electoral Officer must attend the Citizens' Gathering held following an election or a referendum and present the Chief Electoral Officer's report to Citizens.

Election Record

119 (1) Within 30 days of the announcement of the results or, if a notice of appeal is filed, within 30 days from the date of the Judicial Branch's final decision regarding the appeal, the Chief Electoral Officer must compile the official election record containing the following:

(a) a copy of the resolution appointing the Chief Electoral Officer and any document submitted by the Chief Electoral Officer under section 19 of this Act;

(b) copies of all appointments made by the Chief Electoral Officer and Returning Officers;

(c) a copy of the certified final list of voters;

(d) copies of the candidate nomination forms;

(e) a copy of the consolidated ballot count;

(f) copies of any campaign information; and

(g) any other records the Chief Electoral Officer considers necessary or advisable to preserve for the purposes of this Act.

(2) The Chief Electoral Officer must cause the election record to be maintained and kept confidential.

PART XV—BY-ELECTIONS

Term of candidate elected in by-election

120 A candidate elected in a by-election is elected to complete the balance of the term of the elected office for which the by-election was held.

Same rules apply to by-elections

121 Unless the context otherwise requires, the rules regarding the conduct of general elections apply, with all necessary modifications, to the conduct of by-elections.

PART XVI—REFERENDA

Amendment to Constitution referendum

122 (1) Any amendments to the Constitution must be ratified by way of a binding referendum held in accordance with the Constitution and this Act.

(2) The President must order that a referendum be held in accordance with this Act if a law stating an amendment to the Constitution to be put to referendum:

- (a) is presented to the Citizens' Gathering; and
- (b) is approved by at least three quarters of the members of the Citizens' Council.

Other referenda

123 (1) The President must order that a referendum be held in accordance with this Act if a resolution stating a referendum question, other than a proposed Constitutional amendment, is approved by at least three quarters of the members of the Citizens' Council.

(2) The resolution under subsection (1) must state:

- (a) that the Citizens' Council considers that it is in the public interest to obtain by means of a referendum the opinion of voters on a question;
- (b) the question to be put to referendum in accordance with section 124 of this Act;
- (c) the percentage of the votes required for a referendum question to be answered in the affirmative; and
- (d) whether the results of the referendum are binding on the Otipemisiwak Métis Government.

Referendum question

124 A referendum question must be worded so that each voter may vote on the question by making a mark after the word "yes" or "no" on the ballot.

Implementation of referendum results

125 If the results of a referendum are binding, the Citizens' Council and the Cabinet must, as soon as practicable, take any steps within the jurisdiction of the Otipemisiwak Métis Government to implement the results of the referendum.

Same rules apply to referenda

126 Unless the context otherwise requires, the rules regarding the conduct of elections apply, with all necessary modifications, to the conduct of referenda.

PART XVII—CODE OF CONDUCT

Interpretation

127 In this Part,

- (a) “**inducement**” includes the giving of money, gift, entertainment, office, placement, employment and any other benefit of any kind that might reasonably have been given to influence;
- (b) “**interference**” includes abduction, duress, destruction, obstruction, or fraudulent means; and
- (c) “**intimidate**” means to do or threaten to do any of the following:
 - (i) use force, violence or restraint against a person;
 - (ii) inflict injury, harm, damage or loss on a person or property; or
 - (iii) otherwise threaten or coerce a person.

No inducement

128 (1) A person must not, by inducement, either directly or through another person on their behalf, persuade or attempt to persuade another person to vote or refrain from voting:

- (a) in an election or for or against a particular candidate; or
- (b) in a referendum or for or against a particular answer to the referendum question.

(2) A person must not accept an inducement to vote or refrain from voting in an election for a particular candidate or a referendum for a referendum result.

(3) A candidate or a person campaigning on their behalf may, at an event they are hosting, offer either or both of the following to Citizens:

- (a) food or drink; and
- (b) a gift or other benefit;

given as a normal expression of courtesy, protocol or custom.

No intimidation

129 A person must not, either directly or through another person on their behalf, intimidate or attempt to intimidate another person:

- (a) to persuade or compel a person to vote or refrain from voting:
 - (i) in an election
 - (ii) for or against a particular candidate;
 - (iii) in a referendum; or
 - (iv) for or against a particular answer to the referendum question; or
- (b) to punish a person for having voted or refrained from voting:
 - (i) in an election;
 - (ii) for or against a particular candidate;
 - (iii) in a referendum; or
 - (iv) for or against a particular answer to the referendum question.

No Interference

130 A person must not, either directly or through another person on their behalf, by interference do or attempt to do any of the following:

- (a) without authority, obtain a ballot or supply a ballot to a person;
- (b) impede, prevent or otherwise interfere with a person's right to vote;
- (c) persuade, compel or otherwise cause a person to vote or refrain from voting for a particular candidate or for a particular answer to a referendum question;
- (d) obtain information as to how the voter is about to vote or has voted; or
- (e) mark a ballot in a way that identifies the voter.

No use of Otipemisiwak Métis Government resources

131 In an election, no person or candidate may use any resources of the Otipemisiwak Métis Government for partisan political activity or campaign purposes, including but not limited to financial, material, communications, and human resources of the Otipemisiwak Métis Government.

No campaigning in voting station

132 No person may campaign within 100 meters of a voting station during voting hours.

No unethical practices

133 A nominee or candidate must not use, endorse, or encourage anyone to use:

(a) dishonest or unethical practices that undermine the principles in this Act, the Constitution, or Métis customs and traditions; or

(b) libel, slander, or defamatory attacks on any candidate or their personal or family life;

whether through speech, writing, social media, or any other medium of communication.

Voter fraud

134 No person may vote in an election or a referendum knowing that they are not eligible to vote.

Misuse of list of voters

135 A person must not use the information in the list of voters other than:

(a) in accordance with section 51 of this Act; or

(b) for the purposes of the administration and enforcement of this Act.

No contravention

136 A person must not contravene any provision of this Act, or any provision of regulations enacted pursuant to this Act with the intention of affecting the result or validity of an election or a referendum.

Jurisdiction

137 The Judicial Branch has exclusive jurisdiction to adjudicate contraventions of this Act, including this Code of conduct, and any regulations enacted pursuant to this Act.

Prohibition from holding office

138 The Judicial Branch may order that a person who contravenes this Part of the Act be prohibited from:

(a) running for an elected office in any election; and

(b) holding an elected office;

for a maximum of ten (10) years.

PART XVIII—GENERAL

Immunity

139 No proceedings lie against an Election Officer, or against a person acting for or under the direction of an Election Officer, for anything done, or omitted to be done, in good faith in the exercise or performance or the intended exercise or performance of a power, duty or function under this Act.

Powers to make regulations

140 The Cabinet may make regulations it considers necessary or advisable for the purposes of this Act, including but not limited to:

- (a) the prescribed forms for the purposes of this Act;
- (b) the posting or publication of notices required under this Act;
- (c) the documents needed to prove a Citizen's identity or ordinary residence;
- (d) the contributions that may be made to candidates, political organizations, persons, or groups of persons campaigning for or against a candidate or a referendum result;
- (e) the terms and conditions of the appointment, employment, remuneration, resignation, and removal from office of Election Officials;
- (f) the roles and responsibilities of a compliance team;
- (g) the eligible expenses that may be incurred for the purposes of holding an election or referendum; and
- (h) for any other purpose for which regulations are contemplated by this Act.

Powers of Citizens' Council and Cabinet during general election

141 From the date of the notice of vote in a general election until the date the results are certified, the Citizens' Council and Cabinet:

- (a) must continue the routine operations of the Otipemisiwak Métis Government required for good government and for the conduct of the election; and
- (b) to the extent possible, the Citizens' Council and Cabinet should restrict their activities to matters that are:
 - (i) routine;

- (ii) non-controversial;
- (iii) urgent and in the interest of the Métis Nation within Alberta; or
- (iv) reversible by the next Citizens' Council and Cabinet without undue cost or disruption.

Expenses of administering the Act

142 (1) Subject to Otipemisiwak Métis Government Law, the Chief Electoral Officer:

- (a) is authorized to incur all expenses necessary for the conduct of an election and a referendum and to fulfill the Chief Electoral Officer's obligations under this Act; and
- (b) must approve all amounts to be paid under the authority of this Act.

(2) The Citizens' Council must ensure that the Chief Electoral Officer is allocated the funds required for the Chief Electoral Officer to perform their duties under this Act.

Repeal

143 The Election Bylaws of the Métis Nation of Alberta Association in Schedule C of the Bylaws of the Métis Nation of Alberta Association and the Otipemisiwak Métis Government's 'Constitution Province Wide Ratification Guidelines' are no longer in effect and are replaced by this Act.

Review of Act

144 (1) No later than five (5) years after the coming into force of this Act, this Act must be referred to a committee of the Citizens' Council designated or established for the purpose of reviewing this Act.

(2) The committee of the Citizens' Council to which this Act is referred must submit a report of the committee's review of the Act to the Citizens' Council, including any proposed amendments to the Act or the regulations enacted pursuant to this Act.

Transition

145 (1) This Act applies to the general election in 2023.

(2) Notwithstanding any other provision in this Act, the Provincial Council of the Métis Nation Association of Alberta must perform the duties of the Cabinet and Citizens' Council under this Act that are essential to conducting the general election in 2023.

(3) The Provincial Council and the Chief Electoral Officer may modify the dates or deadlines provided for in this Act for the general election in 2023 as necessary, except for the date of the general election.

Commencement

146 (1) This Act binds the Métis Nation of Alberta on the date it is adopted by the Provincial Council by resolution.

(2) On the date the Constitution comes into force, the Otipemisiwak Métis Government becomes the successor of Métis Nation of Alberta and this Act will come into force as an Otipemisiwak Métis Government Law.

