



ATIKAMEKSHENG ANISHNAWBEK

ELECTION CODE

GIMAAKENG NAAKNIGEWIN

DRAFT

THE ATIKAMEKSHENG ANISHNAWBEK
ELECTION CODE - GIMAAKENG NAAKNIGEWIN
Table of Contents

1.	Purpose.....	3
2.	Definitions.....	3
3.	Governing Body.....	3
4.	Eligibility to be a Candidate or Hold Office.....	4
5.	Elected Term of Office.....	4
6.	Vacancy of Office.....	4
7.	Election Schedule.....	5
8.	By-Election Schedule.....	6
9.	Electoral Office.....	7
10.	Nominations.....	8
11.	By-Election.....	10
12.	Election.....	11
13.	Mail in Ballots.....	12
14.	Internet Based Voting.....	14
15.	Voting and Counting Ballots.....	15
16.	Disposition of Ballot Papers.....	19
17.	Recount.....	19
18.	Election Appeals.....	20
19.	Penalties.....	22
20.	Amendments, and Augmentations	22
20.	Approved.....	22

THE ATIKAMEKSHENG ANISHNAWBEK

ELECTION CODE

GIMAAKENG NAAKNIGEWIN

Preamble

Atikameksheng Anishnawbek exists as a self-governing Nation and People with our own government, culture, language, traditions, customs and territory. Atikameksheng Anishnawbek has never extinguished our rights to our land or our way of life, including but not limited to, harvesting, gathering, hunting, and fishing.

Atikameksheng Anishnawbek retains our inherent right to self-government and we pass this election code under our inherent right to self-government and under our Gchi-Naaknigewin.

This is a significant step in the affirmation of our inherent right to self-government and moving forward all Atikameksheng Anishnawbek elections will be held according to this Atikameksheng Anishnawbek Election Code.

1. Purpose

This Atikameksheng Anishnawbek Election Code will be utilized for the purpose of electing the Governing Body of the Atikameksheng Anishnawbek.

2. Definitions

“community vote” means a vote of eligible voters held to decide a specific question after a notice of vote has been publicly posted for a minimum of 30 (thirty) days.

“council” means the Gimaa, and councillors of Atikameksheng Anishnawbek.

“eligible voter” means a member of the Atikameksheng Anishnawbek who has attained the age of (18) eighteen years by or on the date of the vote.

“employed by Atikameksheng Anishnawbek,” means either being directly employed by and receiving pay from the First Nation or being employed with a company owned, operated and controlled by Atikameksheng Anishnawbek.

“Gimaa” means the chief of Atikameksheng Anishnawbek.

“mail” means by regular mail, and includes courier service, or hand deliver.

“member” means a person whose name appears on a Atikameksheng Anishnawbek membership list administered under either a Atikameksheng Anishnawbek Membership Code or the *Indian Act*.

3. Governing Body

- (a) The Governing Body of the Atikameksheng Anishnawbek is an elected Council comprised of (1) one Gimaa, and (5) five Councillors;
 - (i) The candidate for Gimaa getting the highest number of votes from the eligible voters voting in the election will be declared Gimaa;
 - (ii) The (5) five candidates for Councillor getting the highest number of votes from the eligible voters voting in the election will be declared Councillors;

4. Eligibility to be a Candidate or Hold Office

- (a) Candidates can only accept nomination for (1) one position, of either Gimaa, or Councillor and must:
 - (i) Be a member who has reached the age of eighteen years by the day of the nomination meeting;
 - (ii) Take a leave of absence if employed by Atikameksheng Anishnawbek from their employment effective from the date of acceptance of nomination until the election date if they are not elected into office;
 - (iii) Not be an undischarged bankrupt;
 - (iv) Not be a trustee on a Atikameksheng Anishnawbek trust;
 - (v) Comply with any Atikameksheng Anishnawbek code of ethics for Candidates.
- (b) Members elected to the position of Gimaa, or Councillor must:
 - (i) resign from their employment prior to the first regular Council meeting of the elected government if employed by the Atikameksheng Anishnawbek,

5. Elected Term of Office

The elected term of the Atikameksheng Anishnawbek Council shall be (4) four years beginning on the first day of July immediately after the election and ending on the last day of June (4) four years later.

6. Vacancy of Office

- (a) The Office of Gimaa, or Councillor becomes vacant when a person who holds that office:
 - (i) resigns, or
 - (ii) has died, or
 - (iii) misses (3) three consecutive regular Council meetings without just cause as determined by Council at a duly convened meeting of Council, or
 - (iv) becomes an undischarged bankrupt, or

- (v) accepts employment with Atikameksheng Anishnawbek, or
 - (vi) becomes a trustee with on a Atikameksheng Anishnawbek trust, or
 - (vii) is convicted of an indictable offence for which a pardon has not been granted or is convicted of an offence that is voted by a majority of Council to be serious, though not indictable, or
 - (viii) fails to meet the preconditions of subsection 4(a), or fails to meet the requirements of subsection 4(b), or
 - (ix) is or otherwise becomes ineligible to hold office by virtue of this code.
- (b) Where an elected person is confirmed to be in violation of the eligibility requirements of this code and that elected person does not resign, Council will declare the person's position vacant and call a by-election subject to Section 8 of this code.

7. Election Schedule

In the final year of the elected Council term:

- (a) The Council shall advertise for and appoint a qualified Electoral Officer by Band Council Resolution, not less than ninety (90) days before the expiration of the current council's terms of office.
- (b) The Band Council resolution appointing the Electoral Officer shall also set the date for the election, the process for voting (in person, mail-in and/or internet-based voting) and appointments to the appeal board;
- (c) A nomination meeting shall be held on a Saturday at least sixty-five (65) days before the election day from the hours of 6:00 p.m. to 9:00 p.m. local time.
- (d) The election will be held from 10:00 a.m. to 8:00 p.m. local time on the last Saturday of June.

8. By-Election Schedule

A by-election will become necessary where Council confirms a vacancy exists for the position of either the Gimaa, or a Councillor and more than (1) year remains to the end of the term.

- (a) A by-election will be held when necessary and must occur within (60) sixty days of becoming necessary.

- (b) The Council will appoint a qualified Electoral Officer within (7) seven days of the by-election becoming necessary to preside over the by-election.
- (c) The by-election date will be the last Saturday of the period in (a) above and the polls shall be open from 10:00 a.m. to 8:00 p.m. local time.
- (d) A nomination meeting will be held on the Saturday a minimum of (40) forty days before the by-election from the hours of 6:00 pm. to 9:00 p.m. local time.
- (e) In addition to in-person voting, mail in ballots and/or, internet voting, may be used.

9. Electoral Officer

It is the responsibility of the Electoral Officer to preside over and manage an election or a by-election for the elected positions of Gimaa and Councillor(s) which shall be held by secret ballot.

- (a) The Electoral Officer will be responsible for the design and development of ballots, notices, report forms/formats, nomination and voting directions and any other printed materials necessary to efficiently manage the electoral process.
- (b) The Electoral Officer and Deputy Electoral Officer if any are not permitted to be a candidate in the election, to nominate or second a candidate, nor vote in the election.
- (c) For assistance in an election or by-election, the Electoral Officer:
 - (i) may appoint, direct and supervise a minimum of (1) one Deputy Electoral Officer for each polling place.
 - (ii) will automatically, upon appointing Deputy Electoral Officer(s), confer on the Deputy Electoral Officer(s) equivalent authority to the Electoral Officer with the exception of the authorities described in Sections 10(d), 10(f), 15(m), 15(q), 15(r), 15(s), 15(v), 16, 17(b), 17(d), 17(e), 17(j), 17(k), 18(d). In the event that the Electoral Officer is deemed by Council as unable to fulfill their duties because of illness or some other unforeseen reason, a Deputy Electoral Officer will be assigned the position of Acting Electoral Officer with all the authorities of the Electoral Officer.

- (iii) may appoint Poll Clerk(s). The duties, supervision and authorities of these individuals will be specified by the Electoral Officer on appointment.
- (iv) will work with an internet based voting service provider to complete the internet-based voting if the election includes internet-based voting.
- (d) The Electoral Officer, any Deputy Electoral Officer, poll clerk must be publicly neutral to the outcome of the election. They cannot be a candidate, campaign, nor be in opposition of a Candidate.

10. Nominations - Noozwin Chi-Gaadeg

The nomination meeting shall take place sixty-five (65) days before the date of the Election.

In order to prepare for and manage nominations, the Electoral Officer:

- (a) will request a Voters' List from the Registration Unit in the Regional Office of Indigenous Services Canada (ISC) as soon as the date of the election is known that contains the names, in alphabetical order, of all eligible voters and post in one (1) one or more conspicuous places in the community.
- (b) may, establish conduct policy for the nomination meeting that is not inconsistent with this Atikameksheng Anishnawbek Election Code.
- (c) will at least (30) thirty days prior to the date of any proposed nomination meeting, mail out nomination packages to the last known address of eligible voters who live off reserve and who have provided their mailing address to the First Nation that shall include:
 - i) a notice of nomination meeting;
 - ii) a voter declaration form to nominate candidates;
 - iii) a mail in nomination form.

to enable eligible voters to nominate or second a nomination for Gimaa, or Councillor.

- (d) shall at least (30) thirty days prior to the date of any proposed nomination meeting post a notice of a meeting for the purpose of nominating candidates for election. At a minimum the notice shall specify:
 - (i) the date, day and time on which nominations shall be held,

- (ii) the location of the nomination meeting,
 - (iii) the eligibility criteria for being a nominator or seconder of a nomination for a candidate for the position of Gimaa, or Councillor, and
 - (iv) the eligibility criteria for being a candidate for the position of Gimaa, or Councillor.
- (e) shall, at the time and place specified in the notice of nomination, declare the meeting open, review any Atikameksheng Anishnawbek nomination meeting conduct policy, and declare that any eligible voter may nominate or second the nomination of up to five (5) qualified persons for Councillor and one each for the positions of Gimaa.
- (f) Each nomination must be moved and seconded by an Eligible Voter. Eligible Voters who nominate or second must complete a Nomination Form which shall include:
- (i) Registry Number;
 - (ii) First and Last Name;
 - (iii) Date of Birth;
 - (iv) Address;
 - (v) Phone Number;
- (g) If the same qualified person receives two written nominations for the same position, the second nomination is considered to second the first nomination.
- (h) All nominations with a nominator and seconder, including any mailed in, are posted on a flip chart for public view during the nomination meeting.
- (i) The electoral officer,
 - (i) if the number of persons nominated for the election does not exceed the required number for that position, declare the person(s) so nominated to be acclaimed.
 - (ii) shall, in the event that more than the required number of persons are nominated for election, declare that a vote will be held on the date selected by Council.
 - (iii) shall complete a report on the proceedings of the nomination meeting and cause the report to be published and circulated in the community and posted in (1) one or more conspicuous places in the community.
 - (iv) shall within forty-eight hours following the nomination meeting, forward to each eligible voter nominated an Acceptance of Nomination form:

- a. setting out space to print their name as they wish it to appear on the ballot,
 - b. verifying that they have checked eligibility requirements to stand for election and declare that they are an eligible candidate,
 - c. agreeing to submit with the Acceptance of Nomination form a non-refundable \$25.00 candidates fee in cash or bank draft payable to Atikameksheng Anishnawbek and placed into general revenues.
 - d. agreeing to allow their name to stand for election, and
 - e. agreeing that if they wish to withdraw their name at a later date, it must be in writing,
 - f. agreeing that, in any instance where they choose to withdraw their name at a later date, it may be with the risk of having their name remain on the ballot due to lead time for the printing of ballots and any votes cast in their favour shall not be counted.
- (j) All those nominated must provide the electoral officer with the signed Acceptance of Nomination form, with the prescribed fee, within (7) seven days after the nomination meeting in order to be included on the ballot for election. Those that do not shall be disqualified from the election.
 - (k) Any candidate who desires to withdraw their acceptance of nomination must do so in writing and is at the risk that their name will be on the ballot and any votes cast in their favour shall not be counted.

11. By-election

In a by-election, the procedures outlined in:

- (a) Section 10 shall be followed except the notice of nomination meeting may be abbreviated.
- (b) Section 12 shall be followed.
- (c) Section 13 shall be followed
- (d) Section 14 shall be followed excepting that only specified candidates for specified vacancies will show on the ballot.
- (e) Sections 15, 16, 17, 18, 19 and 20 will be followed.

12. Election

In order to prepare for and manage elections, the Electoral Officer:

- (a) shall, whenever elections are necessary and within (8) eight days of the close of the nominations, prepare a Notice of Vote and cause the notice to be published and circulated in the community and posted in (1) one or more conspicuous places in the community. At a minimum that notice shall include:
 - (i) the location(s), date and time on which the election will be held,
 - (ii) the criteria for being an eligible voter,
 - (iii) the names of the candidates for the positions(s) to be filled by election,
 - (iv) the location of voters' lists where one would check to ensure they are included if they are an eligible voter, and
 - (v) the name, location, hours and telephone number where the Electoral Officer or Deputy Electoral Officer may be contacted.
- (b) shall, up to the close of polls on election day, review a request by an eligible voter to have the Voters' List amended and if satisfied that the list should be corrected or amended, shall make the necessary corrections when:
 - (i) an eligible voter's name has been omitted or is incorrectly set out therein, or
 - (ii) the name of a person not qualified to vote is included therein.
- (c) shall prepare sufficient ballot papers for the election which:
 - (ii) contain the names, in alphabetical order, of the candidates for the positions to be filled by election, and
 - (iii) have been designed in such a manner to ensure that a mark on a ballot does not show through to the unmarked side.
- (d) shall secure and make available individual ballot box for each election-polling place.
- (e) shall, before each polling place is open, cause to be available sufficient folded ballot papers that they have initialed for validity, materials for

marking the ballot papers, and a sufficient number of directions for voting as may be required for each.

- (f) shall provide a compartment at each polling place where eligible voters can mark their ballot papers free from observation.
- (g) shall ensure constable notification of the election to maintain order at such polling places if necessary.
- (h) shall keep all polling places open from 10:00 a.m. local time to 8:00 p.m. local time on the election day, or as established by the Electoral Officer, but in no case shall the polls be open less than (8) eight hours.
- (i) shall ensure that no candidate has more than (1) one agent, who shall only have observer status, in any polling place at any one time.
- (j) shall, immediately before the commencement of the balloting at any poll, open each ballot box and call such persons as may be present to witness that the ballot box is empty; lock and properly seal the ballot box affixing their initials to the seal and place in view for the reception of the ballots.
- (k) shall ensure the seal is not broken nor the ballot box unlocked during the time allotted for any voting.
- (l) shall ensure a Commissioner of Oaths is accessible at each polling place.

13. Mail-In Ballots

- (a) The Electoral Officer shall, at least 30 days prior to the election day, mail to the last known address of every eligible voter who is not ordinarily resident on reserve a mail-in ballot package consisting of:
 - (i) a ballot initialed on the back by the Electoral Officer;
 - (ii) an inner postage paid return envelope pre-addressed to the Electoral Officer;
 - (iii) a second inner envelope marker “ballot” for insertion of the completed ballot;
 - (iv) A voter declaration which shall set out:
 - a. The name of the eligible voter;
 - b. Their band membership number and date of birth;

- b. placing the inner envelope and the completed , signed and witnessed voter declaration form in the postage paid envelope; and
 - c. delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of polls on the day of the election. Ballots received after the close of polls shall not be counted.
- (e) An eligible voter who is unable to read or is incapacitated because of blindness or some other physical cause from voting in the manner prescribed above, can request the Electoral Officer or the Deputy Electoral Officer assist such eligible voter and place such ballot in the inner and mailing envelope.

14. Internet-Based Voting

- (a) If directed by the band council resolution in section 7(b) an eligible voter may cast a ballot by internet-based voting.
- (b) To cast an internet-based vote, an eligible voter will:
 - (i) access the website address provided;
 - (ii) confirm their name, date of birth, and band registry number;
 - (iii) be provided the opportunity to update their personal contact information;
 - (iv) confirm their desire to vote by internet;
 - (v) confirm their eligibility to vote using internet-based voting;
 - (vi) declare their intent to vote;
 - (vii) confirm intent to vote by entering their PIN (Personal Identification Number), Date of Birth and Registration (Status) number;
 - (viii) open the link to their electronic ballot sent by email and cast their vote;
 - (ix) and confirm their vote.
- (c) Immediately after an internet vote is completed the voters list will be automatically updated with the exact time, and date that the vote was cast and recorded for the eligible voter.
- (d) Immediately after an internet vote is completed an email will be automatically generated that confirms the vote of the eligible voter was received and recorded to:
 - (i) the Eligible Voter; and
 - (ii) the Electoral Officer.
- (e) Upon receipt of the email notification, the Electoral Officer will:
 - (i) confirm that the voter is an eligible voter and will record the vote;

- (ii) confirm that no other Mail-in Voting Package, in-person, or internet vote was received for the same voter; and
 - (iii) record the date when the vote was received.
- (f) Where the Electoral Officer is notified of an incomplete or failed internet based - voter registration or vote, the Electoral Officer will contact the voter immediately with alternative voting solutions, including Mail-in Ballot or voting in person.
 - (g) Internet voting will end automatically on close of polls, and the internet voting platform will no longer be accessible by voters. Internet voting must be completed by this time.
 - (h) Immediately upon the closing of the poll the internet voting contractor will have automatically emailed to the Electoral Officer a link to a the internet based voting results and make the information accessible on the internet voting platform to the Electoral Officer.

15. Voting and Counting Ballots

- (a) It is intended where appropriate in this section that Electoral Officer shall be deemed to include Deputy-Electoral Officer.
- (b) An eligible voter may only vote once.
- (c) At any poll, eligible voters will vote in person and may be required to confirm their identity to the Electoral Officer using photo identification in order to receive a ballot on which to indicate their vote.
- (d) Any person on the voters list representing themselves as an eligible voter asked to confirm their identification and are unable to do so will be required to swear and sign an oath that they are the person they claim to be and provided the elector is on the Voters' List.
- (e) The Electoral Officer, when requested to do so, shall explain the method of voting to an eligible voter.
- (f) The Electoral Officer, once satisfied as to the true identity of the eligible voter and not having already voted through other means, shall provide the eligible voter with a ballot, indicate such on the appropriate name on the master Voters' List, identify the poll station and add any necessary comment beside the name as well. The Electoral officer will update the master Voters' List to ensure that eligible voter votes only (1) one time.
- (g) Each eligible voter receiving a folded ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark their ballot by placing a cross (x) or check mark (✓) opposite the name of the candidate for whom they desire to vote. Each eligible voter shall vote no

more than (1) one time and may vote for (1) one candidate for Gimaa, and may vote for any number of candidates for Council to a maximum of (5) five.

(h) Voting

- (i) While any eligible voter is in the compartment for the purpose of marking their ballot paper, no other person shall, except as provided in subsection (ii) below, be allowed in the same compartment or be in any position from which they can see the manner in which such eligible voter marks their ballot.
- (ii) The Electoral Officer, at the request of any eligible voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed in subsection (i) above, shall assist such eligible voter and place such ballot in the ballot box however the eligible voter may choose another eligible voter to witness the proceeding.
- (iii) No person, except for the Electoral Officer, shall assist more than one eligible voter as described in subsection (ii) above.
- (iv) In the case of (ii) above, the Electoral Officer shall write next to the eligible voter's name on the Voters' list the fact that the ballot paper was marked by them at the request of the eligible voter and why.
- (v) Any eligible voter who has inadvertently dealt with their ballot paper in such a manner that it cannot be used shall, upon returning it to the Electoral Officer or their Deputy be entitled to replace the ballot paper and the Electoral Officer or their Deputy shall thereupon write the word "canceled" on the spoiled ballot paper and preserve it.
- (vi) No eligible voter may vote by proxy or authorize another person to vote on their behalf.
- (vii) Any eligible voter to whom a mail-in ballot was mailed or otherwise provided may obtain a ballot and vote in person at a polling place if the voter returns the mail in ballot to the Electoral Officer or their Deputy or if they have lost the mail in ballot, the voter provides the Electoral Officer or their Deputy with a written affirmation that the mail in ballot is lost, signed in the presence of the Electoral Officer or their Deputy or commissioner for oaths.

- (i) Each eligible voter or other person in the case of Section 15(e)(ii) above, upon leaving the voting compartment after having properly refolded the ballot paper so the Electoral Officer's initials are showing, shall proceed directly to where the ballot paper is to be placed in the ballot box.
- (j) Any eligible voter who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the Electoral Officer in the manner specified or, if after receiving the ballot paper refuses to vote, they shall forfeit their right to vote at the election.
- (k) The Electoral Officer will, without unfolding the ballot paper and in full view of the eligible voter, verify that the validation initials are on the ballot paper and at once deposit the ballot paper into the ballot box.
- (l) Immediately after the close of the election poll the Electoral Officer shall in full view of those present, open the ballot box(es).
- (m) The Electoral Officer in view of those present, will open each envelope containing a mail in ballot received before the close of polls and without unfolding the ballot,
 - (i) reject the ballot if:
 - a. It is not accompanied by a voter declaration form, or the voter declaration form is not signed or witnessed,
 - b. The voter declaration form does not contain a date of birth or a band number that matches the information contained for the eligible voter on the voters list,
 - c. The name of the voter set out in the voter declaration form is not on the voters list or,
 - d. The voters list shows that the eligible voter has already voted,
 - (ii) in any other case place a mark on the voters list opposite the name of the eligible voter and deposit the ballot in the election ballot box.
- (n) The Electoral Officer shall examine the ballot papers keeping a count of the votes. The Electoral Officer shall reject all ballot papers:
 - (i) that are not validated with an appropriate initial, or

- (ii) on which votes have been given for more candidates for Gimaa, or Councillors than are to be elected except that such ballot paper shall be good for any position where the eligible voter has not voted for more candidates than are to be elected, or
- (iii) upon which anything appears by which the voter can be identified, and where ballot papers are rejected, the Electoral Officer shall mark that ballot paper with the work “rejected” and their initials and keep a separate count and place them in an envelope marked “rejected”.
- (o) The Electoral Officer shall include the report of the internet-based voting up to the close of polls in the count of the votes, if internet-based voting was included in the election.
- (p) At the end of the count on election day, the Electoral Officer shall confirm the count for each candidate for each position as well as the number of rejected ballot papers and consolidate all counts to (1) one grand total.
- (q) Where the count shows that (2) two or more candidates have an equal number of votes for Gimaa or the final position of Councillor, the Electoral Officer shall use the lot system to pick the successful candidate. The lot shall be conducted by placing the names of the candidates on equal size pieces of paper in a box and the name drawn by the Electoral Officer shall be the successful candidate.
- (r) When the grand total of votes is known, the Electoral Officer will communicate the results providing the grand total count and announce the candidates publicly confirmed as elected.
- (s) After the public announcement, the Electoral Officer will make and sign a temporary written statement of the number of votes given to each candidate and the number of ballot papers rejected and post at the polling place.
- (t) Immediately after the completion of the above, all ballots including those “rejected” and internet based voting report, if that was used in the election, will be secured by the Electoral Officer.
- (u) The Electoral Officer will place all ballot papers and any paper Voters’ Lists into (1) one ballot box or other secure box, lock and seal the box, sign the seals and place the box in the First Nation office safe or other secure location.
- (v) Within (3) three days of the election, the Electoral Officer shall cause a formal, signed report of the results of the election to be published and

circulated in the community and they shall also post copies in some conspicuous places. A copy of the formal report shall also be forwarded to each candidate, the First Nation band office and the Department of Indigenous Services Canada.

16. Disposition of Ballot Papers

Six (6) weeks after the Election, the Electoral Officer shall destroy the ballot papers in the presence of a witnesses who shall sign a declaration that they witnessed the destruction of the ballot papers, unless a notice of appeal has been received. Where a notice of appeal has been received, ballot papers must not be destroyed until the appeal is complete.

17. Recount

- (a) A recount will be held only if:
 - (i) any candidate or any eligible voter who voted requests a recount in writing not later than twenty-four (24) hours after the election, and
 - (ii) if the number of votes separating a candidate who was not declared elected and another candidate for the same position who was declared elected is (3) three votes or less.
- (b) The Electoral Officer will perform the recount.
- (c) The Electoral Officer may appoint assistants to help at a recount.
- (d) If there is a request for a recount that meets the criteria of (a) above, the Electoral Officer will immediately notify and make a record of the notification of all candidates who could be affected by such a recount of the time and place of the recount.
- (e) The Electoral Officer shall retrieve, from the First Nation safe or other secure location, all ballots and documents relating to the election and securely deliver them to the place of the recount.
- (f) Candidates who could be affected by the recount may be present in person or may designate (1) one agent in writing to represent them at the recount or choose not to attend the recount proceedings at all.
- (g) The candidate who requested a recount must attend the recount and have full view of the ballots as they are counted.
- (h) Eligible voters who voted in the election may attend and witness the recount.

- (i) Upon completion of the recount, the Electoral Officer shall announce the results to those present in the proceedings and the results will be final.
- (j) Upon completion of the recount, the Electoral Officer shall return all the documents to the First Nation safe or other secure location.
- (k) The Electoral Officer shall prepare and sign a formal written report certifying the results of the recount, provide a copy of the report to the candidate(s) concerned, provide a copy of the report to the First Nation for filing and cause a copy of the report to be published in the community newsletter or other media.

18. Election Appeals

- (a) Up to and including (30) thirty days after an election, any candidate or eligible voter who voted in the election may submit a written appeal of the results of the election by registered mail to the Atikameksheng Anishnawbek Appeals Board.
- (b) The particulars, detailed in the written appeal, shall show reasonable grounds for appeal which may have affected the outcome of the election including (1) one or more of the following:
 - (i) a candidate having been elected who was not eligible to be a candidate, and/or
 - (ii) a person or persons having voted who were not eligible to vote and that the vote or votes cast by those ineligible persons could have made a difference in the election results and/or
 - (iii) the secrecy guaranteed of the process was compromised and/or
 - (iv) there was a violation of this election code, and/or
 - (v) any other grounds that are deemed by the Atikameksheng Anishnawbek Appeals Board as compromising a fair electoral process.
- (c) Where an appeal is received that meets the requirements of subsections (a) and (b), the Appeal Board shall, within (7) seven days of the receipt of the appeal, forward by registered mail a copy of the appeal together with all supporting documents to the appellant, the Electoral Officer and each candidate in the election.

- (d) The appellant, the Electoral Officer and candidates in the election shall have 14 days from the date they receive the appeal and any supporting documents to respond or provide any information to the Appeal Board concerning the appeal.
- (e) The Appeal Board, within (14) fourteen days of receiving an appeal conduct such investigation into the matter as they deem necessary and in such manner.
- (f) The Appeal Board shall, within (21) twenty-one days of receiving an appeal, make a decision on the appeal and provide the appellant and the Atikameksheng Anishnawbek with a formal written report on the findings and decision, which shall be final.
- (g) The Atikameksheng Anishnawbek Appeals Board shall, within (7) days of the report referred to in subsection (e):
 - (i) publish a short summary of their decision on the appeal in the community newsletter.
 - (h) The findings and decision from (e) above by the Atikameksheng Anishnawbek Appeal Board shall be published in the community newsletter or other media.

19. Penalties

A person who violates any of the provisions of the Atikameksheng Anishnawbek Election Code may be liable to penalties as may be defined by the Council from time to time.

20. Amendments, Augmentations and Repeals

- (a) This Atikameksheng Anishnawbek Code may be amended or augmented by a simple majority of votes cast by vote of eligible voters.
- (b) A written record of decisions from the vote in 20(a) will be kept and published in the community newsletter.
- (c) In a timely fashion the Council shall make the changes approved in the vote.

21. Approved

- (a) This *Atikameksheng Anishnawbek Election Code*, was approved in an Atikameksheng Anishnawbek vote held in Atikameksheng Anishnawbek on January 30, 2020.

DRAFT