

# DELAWARE NATION ELECTION RULES AND REGULATIONS

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The following election Rules and Regulations shall be applied for general elections and by-elections.

## **DEFINITIONS:**

### **Council**

Means the Delaware Nation Council consists of five (5) Councillors and one (1) Chief.

### **Chief**

Is commonly referred to as "Elected Chief".

### **Councillor**

Commonly referred to as "Elected Councillor" or "Band Councillor".

### **Business Days**

Means Monday, Tuesday, Wednesday, Thursday, and Friday.

### **Deputy Returning Officer and Polling Clerk (DRO/PC)**

The people will appoint a Deputy a Returning Officer and a Polling Clerk at a public meeting one (1) month prior to the nomination meeting.

### **Member**

Shall be an individual who is registered on the Delaware Nation membership list.

### **Election**

Means the process used pursuant to these guidelines to duly elect the person(s) who will hold office of the Council.

### **Appeals**

Means a process to address the concerns of member(s) surrounding the results of the election.

## **I. ELIGIBILITY OF VOTERS**

1.
  - a) Only registered members of the Delaware Nation who are eighteen (18) years of age or older are eligible to vote.
  - b) All eligible voters may cast only one (1) ballot.
  - c) Ballots must be marked for not more than one (1) Chief and/or more than five (5) councillors.
2. Voters may be required to produce identification, at the discretion of the Deputy Returning Officer.

## **II. ELIGIBILITY REQUIREMENTS FOR ALL CANDIDATES**

All candidates must meet the following criteria to be eligible to stand for election to the Delaware Nation Elected Council.

- a) Be a registered member of the Delaware Nation, Moraviantown.
- b) Be eighteen (18) years of age or older.
- c) No candidate may run for office of both Chief and Councillor in the same election.
- d) Candidates must accept their nomination at the qualifying meeting. Extenuating circumstances may be considered by the members at the qualifying meeting.
- e) All candidates must be nominated by two (2) eligible nominators.
- f) Anyone removed from office shall not be eligible to be nominated or stand for election for a period of two (2) years from the time of their removal from office.
- g) Employees of the Delaware Nation who are elected into office must resign their position the first business day following the election.
- h) Anyone removed from office as a result of Section VIII, Clause vii shall not be eligible to hold office for a period of five (5) years.

- i) Successful candidates shall not have any contacts with the Delaware Nation Council.
- j) To be eligible to run for Chief, you must have served one term as a Councillor.

### **III. ELIGIBILITY OF NOMINATOR & SECOND NOMINATOR**

- a) Both nominators must meet 'Eligibility Requirements for All Candidates' i) and ii) as stated below:
  - i) Be a registered member of the Delaware Nation.
  - ii) Be eighteen (18) years of age or older.
- b) No nominator shall nominate or second a nomination for more than one chief.
- c) No nominator shall nominate or second a nomination for more than five councillors.

### **IV. TERM OF OFFICE**

- a) The term of office shall be for a maximum of two (2) years.
- b) The term of office shall commence immediately following the appeal period.

### **V. NOMINATION MEETING**

- a) The nomination meeting shall take place two (2) weeks prior to the date of the election. The nomination meeting shall be held from 7:00 p.m. to 9:00 p.m. on that day.
- b) The nomination meeting will be posted at least fourteen (14) days before nominations are to be held.
- c) Delaware Nation staff will be responsible for conducting the nomination meeting and posting the notice for the nomination meeting.

## **VI. QUALIFYING MEETING**

- a) The Qualifying meeting will be held approximately seven (7) days before election day commencing at 7:00 p.m. and ending at 9:00 p.m.
- b) Delaware Nation staff will be responsible for posting the notice at least fourteen (14) days before election day.
- c) All Candidates must attend the qualifying meeting and declare whether they are going to stand for election or withdraw their nomination. Candidates may give election promises and may make commitments to the people at the qualifying meeting.
- d) Candidates not attending the qualifying meeting will not be allowed to stand for election. Extenuating circumstances may be considered by the members at the qualifying meeting.
- e) Candidates may withdraw their nomination, by signing a withdrawal form available at the Administration office, prior to the qualifying meeting.
- f) Candidates must indicate the way in which their name will appear on the ballot prior to the close of the qualifying meeting.
- g) The qualifying meeting will be conducted by Delaware Nation staff.
- h) The voters list will be posted publicly prior to the nomination meeting. Any corrections will be accepted up to the last business day prior to the election. Any discrepancies in the voters list will be resolved at the 'qualifying meeting by the members present.'

## **VII. ELECTION DAY**

- a) The election will occur on June 1 or on the closest business day following June 1 if June 1 is on the weekend.
- b) Voting will take place at the community centre between the hours of 9:00 a.m. and 7:00 p.m.
- c) Where there is only one (1) candidate for the position of Chief, the candidate will be declared Chief by acclamation.

- d) Where there are five (5) or fewer candidates for the position of Councillor, these candidates will be declared Councillors by acclamation.

### **VIII. VACANCY OF OFFICE**

Vacancies occur when an Elected Chief or Elected Councillor:

- i) has resigned;
- ii) is convicted of an indictable offence;
- iii) misses three (3) consecutive regular Council meetings during a two (2) year term;
- iv) is removed from public office by a public petition representing 50% of the **VOTERS** list;
- v) is deceased;
- vi) is removed from public office by a public petition representing 50% of the eligible voters on the voters list; or
- vii) is guilty of corrupt practice, accepting a bribe or dishonesty while working for the benefit of the Delaware Nation.

### **IX. APPEALS**

Candidates may file appeals regarding the election. The Deputy Returning Officer will call for any appeals prior to the motion to destroy the ballots. When the motion to destroy the ballots is carried, the appeal period is concluded.

The Deputy Returning Officer will deal with all appeals as expeditiously as possible.

**X. APPOINTMENT OF DEPUTY RETURNING OFFICER/POLLING CLERK**

- a) The present Council shall advertise for applicants from the Delaware Nation for the position of “Deputy Returning Officer” and “Polling Clerk” two (2) months prior to the election day.
- b) A public meeting will be convened one (1) month prior to the nomination meeting for members to select the Deputy Returning Officer and Polling Clerk from these applications.
- c) Eligible applications must be eighteen (18) years of age or older.
- d) The successful applicants will not be candidates in the upcoming election.
- e) The Deputy Returning Officer is responsible for following the guidelines as laid out in this policy and the Election Procedures Manual.
- f) The Deputy Returning Officer and the Polling Clerk will also be responsible for conducting any general elections and by-elections for the twenty-four (24) month period following their appointment.

**XI. BY-ELECTIONS**

When the office of councillor becomes vacant more than six (6) months before the date when another general election will normally be held, a special by-election is to be held to fill the vacancy.

When the office of councillor becomes vacant less than six (6) months before the date when another general election will normally be held, a special by-election may be held to fill the vacancy at the discretion of Council.

When the office of Chief becomes vacant more than three (3) months before the date when another general election will normally be held, a special by-election will be held.

This policy governing general elections will also apply to all by-elections.

## **XII. AMENDMENTS TO THESE ELECTION RULES AND REGULATIONS**

- a) Proposed amendments to these Election Rules and Regulations will be submitted in writing to the Deputy Returning Officer and to Council at least six (6) months prior to the next general election.
- b) The Deputy Returning Officer will be responsible for presenting these proposed changes at the next public meeting held to appoint the next Deputy Returning Officer.
- c) The members at that public meeting will vote on the proposed changes.
- d) These proposed changes must be posted in a public place by the Deputy Returning Officer one (1) month prior to the public meeting.

## **XIII. EMPOWERMENT**

- a) The present Delaware Nation Council is responsible for enforcing these Election Rules and Regulations.

## **XIV. VOTING PROCEDURES**

### **1. Facilities for the Election**

Arrangements will be made for a place where the Deputy Returning Officer (DRO) and the Polling Clerk (PC) can be contacted by the electors or candidates during the election period.

The DRO must also arrange for the use of facilities for the poll. These facilities will be located on the reserve and must provide suitable access for those who are physically disabled.

(Note: when posting the notice for the poll, the place where it is to be held must be specified in advance.)

## **2. Preparing Ballots**

Ballot papers must be prepared, separately listing the names of the candidates for chief and the names of the candidates for councillor in the order of nomination. The Deputy Returning Officer will keep a record of the total number of ballots that have been printed.

When preparing ballot papers the DRO must ensure that the name of the candidate and spelling of each name is correct and accurately reflect the persons who were nominated.

## **3. Other Supplies**

For the poll the DRO must obtain one ballot box for each place where voters will be received. The ballot boxes must be capable of being locked and sealed. The DRO must also provide all other relevant election material such as pencils for marking ballots, voting directions, and compartments in which electors can mark their ballots privately and secretly.

## **4. Location of the Polling Booths**

The compartment at each polling place must be located in an area which is easily accessible and where the electors can mark their ballots without being watched by any other person.

## **5. Duration of Poll**

The DRO and PC must be in attendance at each of the polls at all times during the polling. The polls on polling day open at 9:00 a.m. (local time). They must remain open until 7:00 p.m. Any voters who are inside a polling place before the poll closes are allowed to cast their ballot.

## **6. Before Opening the Poll**

Immediately before the poll opens, the DRO will examine the ballot boxes in the presence of witnesses to ensure that they are empty. The boxes are then locked and must remain sealed for the duration of the poll.

## **7. Candidates Agents**

Each candidate is entitled to a maximum of two agents in a polling place at any given time. The agents who are in attendance are there to observe the election proceedings. If they are present before the poll opens they may witness that the ballot boxes are empty. They may also be present at the counting of ballots after the poll is closed.



## **8. Issue of Ballot**

Once the DRO or the PC has determined that a person is a qualified voter the DRO or PC can provide him/her with a ballot.

At this point the DRO or PC will initial it on the backside and fold it in a manner which will allow the initials to be seen. The voter, on receiving the ballot, will immediately go to the compartment to mark his/her ballot. Check off the voter's name on the voters' list to indicate that the voter has received a ballot. The voter may ask for instructions on how to vote. The instructions may be communicated verbally and they should also be posted in the polling compartment.

## **9. Return of Ballot**

The voter will, upon leaving the polling compartment, immediately return to the DRO or PC and present the folded ballot. The DRO and PC must then, **without unfolding the ballot**, verify that it is the same ballot. Then, in the presence of the voter and anyone else who is there the DRO or PC will deposit the ballot in the ballot box.

## **10. Aiding an Elector**

If a voter is unable to mark his own ballot as a result of physical inability, the DRO or PC may, at the voter's request, mark the ballot. The DRO or PC must mark the ballot according to the voter's instructions in the presence of any of the candidates' agents who are in attendance.

## **11. Spoiled Ballot**

A voter upon returning from the polling compartment may exchange a ballot which can no longer be used for a new ballot. Upon receipt of the old ballot the DRO or PC will write the word "cancelled" on it and retain it. The DRO or PC will then issue a new ballot to the voter. The voter will immediately proceed again to the polling compartment to mark his/her ballot as previously indicated.

## **12. Forfeited Ballot**

When a voter who has received a ballot refuses to vote, or who leaves the polling place without giving his ballot, loses his/her right to vote. The DRO or PC must mark the word "declined" on the voters list beside the person's name.

### **13. Obstruction of Voting**

While a voter is marking their ballot it is unlawful for anyone else to interfere with them. It is also unlawful for anyone to obtain knowledge of how another person may have voted while they are in the polling place. The only exception would be in the case of a request for the DRO or PC to mark a ballot.

### **14. Ending of Voting**

At the designated time the polling place will promptly be closed. Any elector who is inside the polling place at closing time and who has not voted, may do so without delay.

### **15. Counting the Ballots**

- The DRO will begin counting the ballots as soon as the poll is closed.
- Candidates, and those agents of candidates who were present at the close of the poll have the right to observe the counting procedure.
- The DRO will open the ballot box and count the ballot papers in such a way that anyone present can see how each ballot is marked.
- The Polling Clerk will keep score on the tally sheet, as the candidates' names are called.

### **16. Rejected ballot papers:**

As each ballot paper is read the DRO may reject ballots for any of the following reasons:

- Ballot paper not supplied by DRO or PC
- Ballot paper marked "cancelled" or "declined";
- Ballot paper not marked for any candidate;
- Ballot paper marked for more than the maximum number of candidates that are to be elected. (NOTE: that a ballot which has less votes marked on it is acceptable;)
- Ballot paper upon which the elector has made any mark or writing through which the elector could be identified; and
- Ballot paper marked outside the circle of the name of the candidate.
- The DRO may reject only a portion of the ballot, accepting the balance of the ballot if properly filled out.

**17. Objectionable Ballots**

During the examination of the ballots a candidate or an agent may object to the decision concerning the acceptability of a ballot. If such an objection is raised, the reason should be marked on the back of the ballot in question. For the purpose of counting the votes on a questionable ballot the DRO's decision to accept or reject it stands.

**18. Record of Votes**

Only those ballots, or portions thereof, which have been accepted will now be counted. Total the votes cast for each of the candidates. Record also, the number of rejected ballots, accepted ballots, and unused ballots.

**19. Declaration of Results and Tie Vote**

As soon as the DRO has all the counted votes totalled he/she will publicly declare elected the candidates who received the most votes for each position until all the positions on council are filled. In the event of a tie vote, the method used to break the tie will be discussed with the candidates and determined by the DRO in advance of the polling day.

**20. Notice and Statements of Results**

Without delay the DRO must post in a noticeable place on the reserve a signed statement of the results showing the number of votes cast for each and all of the candidates.

21. The DRO will call for a motion to destroy the ballots after all appeals are presented.