



Whitecap Dakota Nation Election Code

DRAFT FOR MEMBERSHIP APPROVAL – Sept 5/24

[add date of approval]

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PART I - GENERAL

1. Short Title

This Law may be cited as the *Whitecap Dakota Nation Election Code* and referred to as the "Code".

2. Application

This Code applies to all Elections for the positions on Council of the Whitecap Dakota Nation.

3. Interpretations

In this Code:

"Arbitrator" means a barrister and solicitor licensed to practice law in Saskatchewan;

"By-Election" means an Election other than a General Election;

"Candidate" refers to a WDN Member who is eligible to run for a position on Council;

"Candidates Forum" refers to the forum set out in section 15;

"Caretaker Period" runs from Nomination Day until Election Day and has the meaning set out in section 18;

"Chief" means the position of Chief of Whitecap Dakota Nation;

"Chief Executive Officer" or "CEO" means the individual hired who oversees and manages WDN's operations;

"Corrupt Practice" means bribery, threats, extortion, intimidation, or the exchange or promise of exchange of alcohol, drugs, money, sexual favours, or property in exchange for votes;

"Council" means the duly elected Chief and Councillors of WDN;

"Councillor" or "Councillors" refers to the positions of Councillors of Whitecap Dakota Nation;

"Declaration Day" refers to the day where Candidates must declare their intent to seek a position on Council in accordance with this Code;

"Declaration of Intent" means the document referred to in sections 5.3 and 5.4 and found at Appendix "C" of the Code;

“Election” refers to a General Election or a By-Election for the positions of Chief and Councillors of the Nation in accordance with this Code;

“Election Day” refers to the day upon which an Election is held in accordance with this Code;

“Election Period” means the period from Nomination Day until the Electoral Officer has publicly declared the results of the Election;

“Election Regulations Act” means the Act established under this Code to assist with the administration of the Code;

“Elector” means any WDN Member meeting the eligibility requirements of this Code;

“Electoral Officer” refers to the person appointed by Council, in accordance with the process established by this Code;

“Emergency” means a calamity caused by an accident, criminal acts, or forces of nature, death in the WDN community, or a present or imminent situation or condition that requires prompt action to prevent or limit loss of life, harm or damage to the safety, health or welfare of persons, or damage to property or the environment;

“General Election” refers to the Election for Chief and Councillors that occurs every four (4) years in accordance with this Code;

“Governance Code” means the *Whitecap Dakota Nation Governance Code*, as amended from time to time;

“Governance Committee” means the committee established by Terms of Reference for the purpose of assisting Council with reviewing, enacting, and amending WDN Laws;

“WDN Member” is as defined in the Constitution and means a person whose name appears on, or is entitled to appear on, the Membership List;

“Membership List” means the list of WDN Members;

“Membership Meeting” is a meeting of WDN Members which follows the requirements set out in section 28 of the Governance Code;

“Nomination Day” refers to the day that the Nomination Meeting is held;

“Nomination Meeting” refers to the meeting where nominations for the positions of Chief and Councillors are made in accordance with this Code;

“Notice of Appeal” refers to the documentation referred to in section 23.4;

“Polling Station” refers to a place for the Electors to vote as established by the Electoral Officer;

“Public Places” refers to the WDN government office, WDN school, WDN community store, WDN health centre, the WDN government website, and any WDN social media pages;

“Rules of Council Conduct” refers to the standards of conduct set out in the Election Regulations Act;

“Scrutineer” refers to a Member appointed by a Candidate to monitor activities on Election Day;

“Security Personnel” refers to any person(s) who may be appointed by the Electoral Officer to assist with maintaining order on Election Day;

“Term of Office” refers to the four (4) year period, or such lesser period in the event a By-Election is called, that the Chief and Councillors hold office, such term to not extend past November 30th;

“Virtual Voting Platform” means an electronic system where votes can be cast virtually via a secure internet-based platform;

“Voters List” refers to the list of names of all Electors;

“Whitecap Dakote Nation Council Resolution” or “WDNCR” means a resolution of Council passed at a duly convened Council Meeting by a majority of Council.

PART II – ELIGIBILITY

4. Eligibility of Electors

- 4.1 Any WDN Member who has attained the age of 18 years as of the Election Day is eligible to be an Elector and to vote.
- 4.2 All eligible Electors are entitled to vote regardless of ordinary place of residence.

5. Eligibility of Candidates

- 5.1 By September 1 of each General Election Year, the CEO must prepare an information sheet which sets out the responsibilities of Chief and Council and post it in at least three (3) Public Places.
- 5.2 The Declaration Day must be seven (7) days before the day on which the Nomination Meeting is scheduled to be held and twenty-one (21) days before the Election.
- 5.3 All WDN Members wishing to be a Candidate for a position on Council must file a Declaration of Intent, attached to this Code as Appendix “C”, with the Electoral Officer by the Declaration Day.
- 5.4 As part of the Declaration of Intent, Candidates for Council must:

- 5.4.1 provide proof of their membership with WDN, by:
 - (a) providing a copy of their Status Card; or
 - (b) a written letter from the Nation's Membership Clerk confirming their membership with the Nation.
- 5.4.2 be 18 years of age as of Election Day;
- 5.4.3 provide written confirmation from the WDN Chief Financial Officer, based on a request made to the Chief Financial Officer, that verifies the Candidate is free from monetary obligations to WDN. In the event there is a monetary obligation owed from the Candidate, they must, by at least Nomination Day, pay the amount in full by cash, bank draft, or certified cheque and provide:
 - (a) an official receipt from WDN confirming that the amount has been paid in full; and
 - (b) a written confirmation letter from the WDN Chief Financial Officer that there are no current financial obligations to the Nation; and
- 5.4.4 provide written information regarding their qualifications to serve on Council, including their educational background and work experience, in the form set out at Appendix "C".
- 5.5 Any WDN Member employed by WDN who seeks to be a Candidate must take a leave of absence from their employment with WDN by providing notice as part of the Declaration of Intent. The leave will be paid and will begin the day of the Nomination Meeting. If elected, such Candidate shall be deemed to have resigned their employment with WDN effective on Election Day. If not elected, such Candidate's leave of absence shall end on Election Day.
- 5.6 Failure by any WDN Member to satisfy requirements of section 5 will result in the WDN Member being ineligible to be a Candidate for a position on Council.

PART III – HOLDING OF ELECTIONS

6. Elections

- 6.1 A General Election must be held on the last Friday of November every four (4) years for the positions of Chief and Councillors.
- 6.2 Where an Emergency exists that prevents an Election from being held as scheduled, Council may postpone the Election by following the provisions of the Governance Code to declare an Emergency by way of a WDNCR.
- 6.3 An Election postponed pursuant to section 6.2 must be re-scheduled for the earliest possible date.

7. Pre-Election Procedures

- 7.1 By September 15 of each General Election Year, the CEO must provide the Governance Committee with a recommendation regarding a proposed:
 - 7.1.1 Electoral Officer;
 - 7.1.2 Virtual Voting Platform; and
 - 7.1.3 Arbitrator.
- 7.2 Prior to making the recommendation set out at section 7.1, the CEO must obtain at least two (2) proposals from potential reputable Electoral Officers, Virtual Voting Platforms, and Arbitrators.
- 7.3 The Electoral Officer must not be a WDN Member nor be employed or otherwise in the service of WDN or any corporations or other business entities of WDN.
- 7.4 The Governance Committee must review the recommendations from the CEO and make a recommendation to Council regarding the appointment of the Electoral Officer, Virtual Voting Platform, and Arbitrator.
- 7.5 By October 1 of each General Election Year, Council must pass a WDNCR confirming the appointment of an Electoral Officer, Virtual Voting Platform, and Arbitrator, as well as setting the locations of the Polling Stations.
- 7.6 Upon the passage of the WDNCR referenced in section 7.5, the CEO must arrange for WDN to enter into contractual arrangement with the Electoral Officer, Virtual Voting Platform, and Arbitrator.

8. Duties of the Electoral Officer

- 8.1 The Electoral Officer shall have the discretion to appoint any deputies or assistants to assist with the carrying out of their responsibilities under this Code.

- 8.2 The Electoral Officer may make orders and issue instructions consistent with the provisions of this Code as deemed necessary for the effective administration of the Election. Duties of the Electoral Officer include:
- 8.2.1 confirming the eligibility of Candidates in accordance with this Code;
 - 8.2.2 posting all notices and the distributing all Election information required by this Code;
 - 8.2.3 presiding as chairperson at the Nomination Meeting;
 - 8.2.4 arranging for facilities to conduct the Nomination Meeting and the Election;
 - 8.2.5 preparing a Voters List;
 - 8.2.6 making arrangements for the ballots, the ballot box, and Polling Stations;
 - 8.2.7 making arrangements for the Virtual Vote, including coordinating with the Virtual Voting Platform and establishing a virtual voting team;
 - 8.2.8 presiding as chairperson on Election Day;
 - 8.2.9 examining and, where required, ruling on the validity of all ballots cast;
 - 8.2.10 counting the ballots and announcing the official results of the Election;
 - 8.2.11 posting the results and distributing information regarding the Election as may be required;
 - 8.2.12 initialing all ballots cast on Election Day;
 - 8.2.13 safeguarding the integrity of the Election results by:
 - (a) placing in separate envelopes:
 - (i) all spoiled ballots;
 - (ii) all properly cast ballots;
 - (iii) all unused ballots;
 - (iv) any Declarations of Elector Identity completed at the Polling Station;
 - (v) a copy of the Voters List; and
 - (vi) a copy of the Election Results;
 - (b) sealing and initialing envelopes; and

(c) ensuring the information listed in section 8.2.13 (a) is retained in a secure place for at least thirty (30) days after the Election; and

8.2.14 receiving appeals and coordinating with the Arbitrator as provided for in this Code; and

8.2.15 doing such other tasks required to fulfill the responsibilities of the Electoral Officer pursuant to this Code.

PART IV – HOLDING OF BY-ELECTIONS

9. By-Elections

9.1 Where a Council position becomes vacant more than six (6) months before the date of the next General Election, a By-Election must be held to fill the vacancy, and the provisions of this Code relating to Elections apply to any By-Election with any necessary modifications.

9.2 The Term of Office for any Council position filled by a By-Election shall be for the unexpired portion of the term of office remaining.

PART V - VOTERS LIST

10. Voters List

10.1 The Voters List must set out:

10.1.1 the names of all Electors in alphabetical order; and

10.1.2 the membership or registry number of each Elector.

10.2 The Electoral Officer must revise the Voters List where, in the opinion of the Electoral Officer, it is demonstrated that:

10.2.1 the name of an Elector has been omitted from the Voters List;

10.2.2 the name of an Elector is incorrectly set out in the Voters List; or

10.2.3 the name of a WDN Member not qualified to vote is included in the Voters List.

10.3 For the purposes of section 10.2:

10.3.1 a WDN Member may demonstrate that the name of an Elector has been omitted or incorrectly set out in the Voters List by presenting to the Electoral Officer evidence from the Membership Clerk that the Elector:

- (a) is on the Membership List, or is entitled to have their name entered on the Membership List; and
 - (b) is or will be 18 years of age or older on Election Day;
- 10.3.2 a WDN Member may demonstrate that the name of a person not qualified to vote has been included on the Voters List by presenting to the Electoral Officer evidence that the person:
- (a) is neither on the Membership List, nor entitled to be on the Membership List; and
 - (b) has not reached, and will not reach, 18 years of age as of Election Day.
- 10.4 By the Nomination Meeting, the Electoral Officer must post the Voters List in at least (3) Public Places.

PART VI – NOMINATION PROCESS

11. Nomination Meeting

- 11.1 The Nomination Meeting must be held fourteen (14) days before Election Day, beginning at 5:00 p.m. Saskatchewan Time and running until closed by the Electoral Officer in accordance with section 14.1.
- 11.2 Fourteen (14) days before the day on which the Nomination Meeting is to be held, the Electoral Officer must post, in at least three (3) Public Places, a notice of the Nomination Meeting.
- 11.3 The notice of the Nomination Meeting must contain:
- 11.3.1 the date, time, anticipated duration, and location of the Nomination Meeting;
 - 11.3.2 the date on which the Election will be held and the location of each Polling Station;
 - 11.3.3 information regarding how to register for Virtual Voting; and
 - 11.3.4 the name, telephone number, and email address of the Electoral Officer.
- 11.4 The Nomination Meeting must be held on WDN Lands.
- 11.5 A Candidate may run for one (1) Chief or Councillor position only.
- 11.6 The Electoral Officer must preside over the Nomination Meeting as chair and must:

- 11.6.1 call the Nomination Meeting to order;
- 11.6.2 declare the Nomination Meeting open for the purpose of receiving nominations; and
- 11.6.3 thereafter proceed to call for nominations in the following order:
 - (a) Chief; and
 - (b) Councillors.
- 11.7 At the Nomination Meeting, the Electoral Officer must:
 - 11.7.1 make three (3) calls at twenty (20) second intervals for an Elector to nominate a Candidate; and
 - 11.7.2 upon receiving the nomination of a Candidate, make three (3) calls at twenty (20) second intervals for an Elector to second the nomination of a Candidate.
- 11.8 All nominations must be moved and seconded by an Elector who is present in-person at the Nomination Meeting.
- 11.9 All Candidates seeking office must be present in-person at the Nomination Meeting and indicate their willingness to accept the nomination.
- 11.10 The Electoral Officer must be satisfied that sufficient time has elapsed for the nomination of all Candidates before calling for:
 - 11.10.1 a motion that nominations cease; and
 - 11.10.2 a show of hands, by a majority of Electors present, in favour of the motion that nominations cease.

12. Nomination and Acceptance Speeches

- 12.1 Upon nominations ceasing pursuant to section 11.10, the nomination and acceptance speeches must proceed in the following order:
 - (a) Councillors; and
 - (b) Chief.
- 12.2 For each Council position that is open for Election, the order of nominations and acceptance speeches must proceed from the last Candidate nominated to the first Candidate nominated.
- 12.3 The Elector who has nominated a Candidate must indicate their reasons in a nomination speech.
- 12.4 The Candidate must accept their nomination in an acceptance speech.

- 12.5 Each nomination speech and acceptance speech will be recorded and posted on the WDN website for Members to review prior to the Election.
- 12.6 In the event that more than one (1) Candidate is nominated for the office of Chief, and/or more than four (4) Candidates are nominated for the positions of Councillors, the Electoral Officer must declare that an Election will be held on the day set out in the notice referred to in section 11.3.

13. Acclamation of Candidates

- 13.1 If only one Candidate is nominated for the office of Chief, the Electoral Officer shall declare that Candidate to be elected effective the day after Election Day.
- 13.2 Where the number of Candidates nominated for the office of Councillor does not exceed four (4) qualified Candidates, the Electoral Officer must declare such Candidates to be elected for the respective Councillor positions, effective the day after Election Day.

14. Closing of Nomination Meeting

- 14.1 The Electoral Officer must close the Nomination Meeting when all business they consider proper to bring before the meeting is disposed of.
- 14.2 At the close of the Nomination Meeting, the Electoral Officer will provide each Candidate with a package of documents as set out in the Election Regulations Act.
- 14.3 By 12:00 p.m. Saskatchewan Time on the day after the Nomination Meeting, the Electoral Officer must post in at least three (3) Public Places, a Notice of Election specifying the names of the Candidates and the positions being sought in the form attached as Appendix "A".

15. Candidates Forum

- 15.1 A Candidates Forum will be held immediately after the Nomination Meeting.
- 15.2 The Electoral Officer will arrange the Candidates Forum in accordance with the Election Regulations Act.

16. Withdrawal of Candidacy

- 16.1 Any Candidate who wishes to withdraw from the Election must notify the Electoral Officer in writing at least forty-eight (48) hours prior to the opening of the Polling Stations on Election Day.

17. Candidate Conduct

- 17.1 No Candidate will engage in illegal, criminal, or Corrupt Practices.

17.2 During the Election Period, every Candidate is expected to abide by the Rules of Candidate Conduct, as set out in the Election Regulations Act.

PART VII – CARETAKER PERIOD

18. Caretaker Period

- 18.1 From Nomination Day until Election Day, Council will enter into a Caretaker Period.
- 18.2 During the Caretaker Period, Council activities must be restricted to matters that are routine, non-controversial, urgent, do not involve an unbudgeted expenditure of funds, or are reversible by a new Council without undue cost or disruption.
- 18.3 Council will continue to be supported by the CEO and WDN administrative staff to undertake their roles and fulfill their duties on Council during the Caretaker Period.

PART VIII – ELECTION PROCESS

19. Ballots and Ballot Boxes

- 19.1 Ballots will be prepared in the form attached as Appendix “D” and will clearly identify all the Council positions open for election and the Candidates running for each Council position. For greater certainty, all questions will be on one single ballot for each Election.
- 19.2 The Electoral Officer must prepare the ballot form setting out, in the form attached as Appendix “D”:
 - 17.2.1 the names of the Candidates nominated for election as Chief, in alphabetical order; and
 - 17.2.2 the names of the Candidates nominated for election as Councillor, in alphabetical order.
- 19.3 Where two or more Candidates have the same name, the Electoral Officer must add to the ballot form such additional information as is necessary to distinguish between those Candidates.
- 19.4 The Electoral Officer must establish at least one (1) Polling Station at WDN.
- 19.5 The Electoral Officer must procure an appropriate ballot box, ballot marking materials, and sufficient ballot papers for the purpose of the Election.
- 19.6 The Electoral Officer must provide a compartment at each polling place where the Electors may mark their ballots free from observation.
- 19.7 The Electoral Officer may appoint any Security Personnel to assist with maintaining order at the Polling Stations.

- 19.8 Each Candidate may appoint one Scrutineer who will be entitled to remain at the Polling Station during the voting period and during the counting of the votes. Each Candidate must provide a letter to the Electoral Officer identifying their chosen Scrutineer prior to the opening of the Polling Station on Election Day.
- 19.9 Before opening each polling station, the Electoral Officer will:
- 19.9.1 open the ballot box and ask two (2) Electors to witness that the ballot box is empty before any votes are cast;
 - 19.9.2 properly seal and lock the ballot box and place their signature on the seal in front of the two (2) witnesses;
 - 19.9.3 keep the ballot box in view for the reception of the ballots.
- 19.10 A copy of this Code must be posted at each Polling Station.

20. **Virtual Voting**

- 20.1 Electors who wish to vote by the virtual vote method must register with the Electoral Officer.
- 20.2 Registration will commence on the day after the Nomination Meeting.
- 20.3 The deadline for registration will be 9:00 p.m. Saskatchewan Time the day before the Election.
- 20.4 The Electoral Officer will accept registration for virtual voting by email or text.
- 20.5 Electors must provide their name, status number or appropriate identification as required by the Electoral Officer, in order to complete their registration for a virtual vote. If necessary, the Electoral Officer may require the Elector to complete the Declaration of Elector Identity, found at Appendix "E" of this Code.
- 20.6 The Electoral Officer will confirm the identity of each Elector who registers for the virtual vote.
- 20.7 When the poll opens on Election Day, each confirmed Elector will be sent a link to access their ballot and a computer-generated password. Only one ballot will be sent to each Elector's email or text number.
- 20.8 The virtual voting team will monitor the status of each virtual vote to ensure that each Elector registered to vote virtually has received their ballot, and will monitor if their vote has been cast.
- 20.9 An Elector who has cast their vote through the virtual process will be recorded as having voted and will not be able to cast another vote at any other polling station.
- 20.10 The results of the virtual vote will not be accessible until close of the polling station on Election Day.

- 20.11 When the polling station closes, the virtual voting team will receive the results of the virtual vote from the platform.
- 20.12 The virtual voting team will give the results of the virtual vote to the Electoral Officer for ballot counting alongside the cast ballots at each in-person polling station.

21. **Voting at the Polling Station**

- 21.1 The Polling Stations must be open from 9:00 a.m. to 9:00 p.m. Saskatchewan Time on Election Day.
- 21.2 All voting must be by secret ballot, which must be placed in a locked and sealed ballot box.
- 21.3 When an individual arrives at a polling station to vote, the Electoral Officer will:
 - 21.3.1 ensure that the individual is an Elector;
 - 21.3.2 check the Voters List to ensure that the individual has not already voted in-person or virtually;
 - 21.3.3 mark an “X” on the Voters List in the comments section beside the name of the Elector receiving a ballot and draw a line through the Elector’s name; and
 - 21.3.4 provide the Elector with a ballot, on the back of which is clearly affixed the Electoral Officer’s initials so that the initials can be seen when the ballot is folded.
- 21.4 The Electoral Officer is responsible for determining if an individual is an Elector at a polling station.
- 21.5 Before providing a ballot to an individual, the Electoral Officer may require that individual to provide their current Certificate of Indian Status or adequate proof, in the Electoral Officer’s opinion, of identification and age.
- 21.6 An Elector whose name does not appear on the Voters List may vote at an Election by providing the Electoral Officer with adequate proof, in the discretion of the Electoral Officer in consultation with the Membership Clerk, of their identification and membership status.
- 21.7 Should an individual not have their current Certificate of Indian Status or documentation that provides adequate proof of identification and membership status, they may complete the Declaration of Elector Identity found at Appendix “E” of this Code.
- 21.8 The Electoral Officer will explain the mode of voting to any Elector upon request.
- 21.9 Each Elector, after receiving a ballot, must:

- 21.9.1 proceed immediately to a voting booth;
- 21.9.2 mark the ballot paper by placing a cross (X) or a check mark (✓) opposite the name of the Candidate or Candidates for whom the Elector desires to vote;
- 21.9.3 vote only for one (1) Candidate for the position of Chief;
- 21.9.4 vote only for four (4) candidates for the position of Councillor by placing four separate marks on the portion of the ballot that is for the Councillor position; otherwise the ballot will be considered spoiled pursuant to section 22.1.1(b);
- 21.9.5 fold the ballot paper to conceal the marks and to expose the initials of the Electoral Officer; and
- 21.9.6 immediately give the folded ballot to the Electoral Officer.
- 21.10 On receipt of the completed ballot, the Electoral Officer must, without unfolding the ballot paper, verify the initials placed on it and immediately deposit it in the ballot box in the presence of the Elector and all other persons present in the Polling Station.
- 21.11 While any Elector is in the compartment for the purpose of marking their ballot paper, no other person may be present in the same compartment, except as provided for in section 21.12.
- 21.12 At the request of any Elector who is unable to read or is incapacitated by blindness or other physical ailment that may prevent the Elector from voting in the manner described above, the Electoral Officer must assist the Elector by marking the Elector's ballot paper in the manner directed by the Elector, in the presence of another Elector selected by the voting Elector as a witness, and place the ballot paper in the ballot box.
- 21.13 The Electoral Officer must record the name of each Elector who receives assistance in voting pursuant to section 21.12 and the reason such assistance was provided.
- 21.14 An Elector who has inadvertently caused their ballot paper to be spoiled or otherwise no longer able to be conveniently used, is, upon returning it to the Electoral Officer, entitled to obtain another ballot paper, and the Electoral Officer must write the word "cancelled" on the spoiled ballot paper and retain it.
- 21.15 Any Elector who has received a ballot paper and who leaves the Polling Station without delivering the ballot paper to the Electoral Officer or, after receiving the ballot paper, refuses to vote, is deemed to forfeit their right to vote at the Election. The Electoral Officer must record the names of each WDN Member whose right to vote has been forfeited in accordance with this provision and, where possible, the ballot papers must be preserved and marked as "declined."

21.16 Every Elector who is inside the Polling Station at the time fixed for closing of the Polling Station is entitled to vote before the Polling Station is closed.

21.17 Electors perceived to be under the influence of alcohol or any illegal substance may be excluded from voting at the discretion of the Electoral Officer.

22. Procedure After the Closing of the Polls

22.1 Immediately after the close of the Polling Station, the Electoral Officer must, in the presence of the Candidates and/or their Scrutineers, open the ballot box and:

22.1.1 examine the ballot papers and reject all ballot papers:

- (a) that have not been supplied by the Electoral Officer in accordance with this Code;
- (b) on which marks have been made for anything other than four (4) Candidates on the Councillor portion of the ballot paper and/or one (1) Candidate for the Chief portion of the ballot paper; or
- (c) upon which anything appears by which the Elector can be identified.

22.1.2 declare a ballot paper on which votes are given for more Candidates for any office than are to be elected, to be void as regards all the Candidates for such office; but such ballot paper shall be good as regards:

- (a) the votes for any other offices in respect of which the Elector has not voted for more Candidates than are to be elected; and
- (b) a ballot that has only one (1) position properly voted for.

22.1.3 Subject to review on recount or on an election appeal take a note of any objection made by a Candidate or his/her Scrutineer to any ballot paper found in the ballot box and decide any question arising out of the objection.

22.1.4 Number such objection and place a corresponding number on the back of the ballot appear with the word "allowed" or "disallowed" as the case may be, with the Electoral Officer's initials.

22.1.5 From the ballots not rejected or declared void under section 22.1.1, count the votes given to each Candidates; and

22.1.6 Prepare and sign a statement of the number of votes for each Candidate and the number of votes rejected in the form attached as Appendix "B".

22.2 A ballot marked with something other than a cross (X) or check mark (✓) in the box will not be rejected if, in the opinion of the Electoral Officer:

22.2.1 the mark does not identify the Elector; and

- 22.2.2 the intent of the Elector is clear.
- 22.3 Immediately after the completion of the counting of the votes, the Electoral Officer shall publicly declare to be elected the Candidates as follows:
- 22.3.1 In a General Election for Chief of the Whitecap Dakota Nation, the Candidate with the highest total number of votes will be deemed to be elected as the Chief.
- 22.3.2 In a General Election for Councillors of the Whitecap Dakota Nation, the Candidates with the four (4) highest number of votes will be deemed to be elected for the position of Councillor.
- 22.3.3 In the case of a tie for the position of Chief, the Electoral Officer will call an Election for that position no later than seven (7) days after the initial Election Day. The ballots with the names of the Candidates who are tied will be prepared by the Electoral Officer. All procedures of the General Election shall apply.
- 22.3.4 In the case of a tie between Candidates for the Councillor positions, the Electoral Officer will call an Election no later than seven (7) days after the initial Election Day. The ballots with the names of the Candidates who are tied will be prepared by the Electoral Officer. All procedures of the General Election shall apply.
- 22.4 The Electoral Officer must post in at least three (3) Public Places, a signed statement signed showing the number of votes cast for each Candidate duly declared elected.
- 22.5 The CEO must send a copy of this statement to the Saskatoon Tribal Council, Executive of the Federation of Sovereign Indigenous Nations and the governments of Canada and Saskatchewan.
- 22.6 The Electoral Officer shall deposit all ballot papers in a sealed envelope and shall retain them in safekeeping to be examined if necessary in relation to an appeal, recount or other investigation as required under this Code. If no such reason remains for keeping the ballots after thirty (30) days' time has expired following the Election, the Electoral Officer may destroy the ballot papers remaining in their possession.

PART IX - APPEALS

23. Election Appeals

- 23.1 Any Candidate may appeal the results of the election within seven (7) days from Election Day.

- 23.2 Grounds for appeal are based on the period from Nomination Day to Election Day and are restricted to:
- 23.2.1 election practices which contravene this Code;
 - 23.2.2 illegal, criminal, or Corrupt Practices on the part of the Candidate; or
 - 23.2.3 a Member was ineligible to be a Candidate.
- 23.3 Every Notice of Appeal must be filed with the Electoral Officer together with a filing fee of one thousand dollars (\$1000.00). For greater certainty, the filing fee is non-refundable unless the appeal is successful, in which case the filing fee will be refunded to the appellant.
- 23.4 Every Notice of Appeal must be in writing and must:
- 23.4.1 identify the name, address, and telephone number of the appellant;
 - 23.4.2 summarize the grounds for the appeal; and
 - 23.4.3 be accompanied by a sworn statement which sets out the facts substantiating the grounds for declaring the Election of the position of Chief or Councillor to be invalid and attaches any supporting documentation.
- 23.5 Immediately upon receipt of the Notice of Appeal, the Electoral Officer must provide the Arbitrator appointed under section 7.5 with a copy of the Notice of Appeal.
- 23.6 The Arbitrator must, within seven (7) days of receiving the Notice of Appeal, provide the Notice of Appeal to each Candidate for the position being appealed.
- 23.7 Any Candidate for the position being appealed may, within seven (7) days of receipt of the Notice of Appeal from the Arbitrator, provide in writing a response to the Notice of Appeal in the form of a sworn statement which sets out the relevant facts and attaches any supporting documentation.
- 23.8 All documents filed in accordance with the provisions of this section shall constitute and form the appeal record.
- 23.9 If the material that has been filed is not adequate for deciding the validity of the Election complained of, the Arbitrator may conduct such further investigation into the matter as they deem necessary, in such manner as they deem expedient.
- 23.10 Where, in the Arbitrator's opinion, it appears that:
- 23.10.1 there was an election practice that contravened the Code;
 - 23.10.2 there was an illegal, criminal, or Corrupt Practice on the part of a Candidate; or

23.10.3 a Member nominated to be a Candidate in the Election was ineligible to be a Candidate,

and the Arbitrator determines that the final result of the Election was affected by the violation, the Arbitrator may order a new Election to be held for the position appealed from.

23.11 Where, in the Arbitrator's opinion, none of the circumstances in section 23.10 are present, or there was a violation but the final result of the Election was not affected by it, they must dismiss the appeal.

23.12 The Arbitrator's decision in section 23.10 or 23.11 shall be final and there shall be no right of appeal of this decision.

23.13 The appellant and respondent shall bear their own costs in connection with an appeal and, notwithstanding the appeal fee in section 23.3, the costs of the Arbitrator associated with an appeal will be the responsibility of WDN.

24. Elected to Office

24.1 Candidates who are elected to Council shall begin their Term of Office immediately after the Electoral Officer has publicly declared the Candidates to be elected pursuant to section 22.3.

24.2 In accordance with section 13 of the Governance Code, WDN will hold a swearing-in ceremony where Council members will publicly swear the Oath of Office within five (5) days of the Election.

25. Election Regulations Act

25.1 To assist with the administration of the Code, Council will enact an Election Regulations Act.

25.2 The Election Regulations Act will be enacted and amended in accordance with the procedures set out in the Governance Code.

26. Amendments

26.1 Any amendments to this Code are governed by the amendment procedures found in the Governance Code.

26.2 By no later than June 30 in the year in which a General Election is to be held, the Election Code shall be reviewed at a Membership Meeting to determine if any amendments are required.

27. Repeal of Previous Act

27.1 The Whitecap Dakota First Nation #94 Band Custom Election Act, October 5, 2020 is hereby repealed.

WDN Council hereby approves of this Code effective the ____ day of _____, 2024.

Chief

Councillor

Councillor

**Whitecap Dakota Nation
Notice of Election**

Date: _____

The following individuals have been nominated for Chief and Council of the Whitecap Dakota Nation.

Chief Candidates:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Councillor Candidates:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Electoral Officer: _____

Polling Stations: _____

Polls Open/Close: 9:00 a.m. – 9:00 p.m. Saskatchewan Time

**Whitecap Dakota Nation
Summary of Election Results**

CHIEF		
Candidates:	Ballots Cast:	Spoiled Ballots:
	#	#
	#	
	#	Rejected Ballots:
	#	#
	#	
	#	Total Ballots Cast:
	#	#
	#	
	#	
	#	
COUNCILLOR		
Candidates:	Ballots Cast:	Spoiled Ballots:
	#	#
	#	
	#	Rejected Ballots:
	#	#
	#	
	#	Total Ballots Cast:
	#	#
	#	
	#	
	#	

**Whitecap Dakota Nation
Declaration of Intent to Seek Office**

I, _____ (*insert full legal name*), hereby declare my intent to seek the position of

- Chief
- Councillor

of Whitecap Dakota Nation on _____. (*insert date of election*)

I do solemnly declare that I meet all the requirements to be a Candidate under the *Whitecap Dakota Nation Election Code* and submit:

- a) A copy of my Status Card, or a written confirmation letter from the WDN Membership Clerk confirming that I am a WDN Member;
- b) A letter from the Chief Financial Officer of Whitecap Dakota Nation confirming I am free from any monetary obligation to the Nation; and
- c) (*for potential Candidates currently employed by WDN*) An approved leave request to take a leave of absence effective Nomination Day at 4:30 p.m. Saskatchewan Time.

I do solemnly declare that I will adhere to the Rules of Candidate Conduct found in the Election Regulations Act and that I will not, directly or indirectly, engage in any illegal, criminal, or Corrupt Practices during the Election Period.

I do solemnly declare that I have the following qualifications to serve on Council:

Educational Background:

- (*Name of Educational Institution*), (*Degree or Certificate Earned*), (*Dates Attended*)
- (*Name of Educational Institution*), (*Degree or Certificate Earned*), (*Dates Attended*)
- (*Name of Educational Institution*), (*Degree or Certificate Earned*), (*Dates Attended*)

Work Experience:

- (*Name of Position*), (*Name of Employer*), (*Dates Employed*)
- (*Name of Position*), (*Name of Employer*), (*Dates Employed*)
- (*Name of Position*), (*Name of Employer*), (*Dates Employed*)
- (*Name of Position*), (*Name of Employer*), (*Dates Employed*)

Please list any other qualifications to serve on Council you feel are relevant:

I understand that the information I have provided in this Declaration of Intent will be shared publicly and I hereby consent to Whitecap Dakota Nation sharing the information contained in this Declaration of Intent publicly.

Signature

Date

**Whitecap Dakota Nation
Ballot Form Template**

Ballot for Position of Chief

Choose only ONE (1) of the following persons for the position of Chief, and preferably mark your choice with an "X".

- (Insert name* in alphabetical order by family name)
- (Insert name* in alphabetical order by family name)
- (Insert name* in alphabetical order by family name)

Ballot for Position of Councillor

Choose FOUR (4) persons for the position of Councillor and preferably mark your choice with an "X".

- (Insert name* in alphabetical order by family name)
- (Insert name* in alphabetical order by family name)
- (Insert name* in alphabetical order by family name)
- (Insert name* in alphabetical order by family name)
- (Insert name* in alphabetical order by family name)

*Include other names or "nicknames" of a Candidate if requested by such Candidate or otherwise required for clarity.

(TO BE INCLUDED ON ALL BALLOTS)

***Voters are to vote only for one (1) candidate for Chief, and four (4) candidates for the position of Councillor by placing one (1) mark on the portion of the ballot that is for the Chief position, and four (4) separate marks on the portion of the ballot that is for the Councillor positions.**

**Whitecap Dakota Nation
Declaration of Elector Identity**

I, _____, (the "Elector") swear that:

1. I am a Member of Whitecap Dakota Nation;
2. I am of the full age of eighteen (18) years;
3. I have not voted before at this Election;
4. I have not received or been promised any consideration whatsoever for voting at this Election;
5. I am not otherwise disqualified from voting; and
6. I understand that, by making this Declaration, I am confirming my identity. I understand that the making of a false or fraudulent declaration of identity is a contravention of the *Criminal Code of Canada*, and could carry, upon conviction, penalties including fines or imprisonment.

Sworn before me at _____)
 in the Province of Saskatchewan,)
 this ____ day of _____, 20__)
 _____)
 _____)

Signature of Elector

Witness Signature

*I hereby attest to the fact that the person completing and signing this Declaration of Elector Identity Form is the person whose name is set out in the Form.

**WITNESS MUST BE MEMBER OF THE
WHITECAP DAKOTA NATION WHO
IS 18 YEARS OF AGE OR OLDER,
OR A NOTARY PUBLIC**

Witness Name (Please Print)

Witness address & phone number

**THE ELECTORAL OFFICER MUST TAKE A DIGITAL PHOTOGRAPH OF THE ELECTOR
SWEARING THIS DECLARATION OF ELECTOR IDENTITY AT THE POLLING STATION
AND ATTACH IT TO THIS APPENDIX**