

# MÉTIS NATION BRITISH COLUMBIA



## ELECTORAL ACT

REVISED SEPTEMBER 2009

**ARTICLE ONE – NAME**

1. This Electoral Act of the Métis Nation British Columbia shall be cited as the "MNBC Electoral Act" and hereinafter be referred to as the "Electoral Act".

**ARTICLE TWO – PURPOSE, SEAL AND NAME**

- 2.1. The purpose of the Electoral Act is to establish fair, open and democratic procedures and rules for the elections of the Métis Nation British Columbia (MNBC).

**ARTICLE THREE – DEFINITIONS**

3. In this document:
  - 3.1. **“Advance Poll”** means a vote held prior to Election Day so as to allow those voters who may be unable to attend a polling station the ability to vote;
  - 3.2. **“Board of Directors”** means the governing body of the MNBC made up of the President, Vice-President, the Regional Directors, the Chairperson of the Métis Women of British Columbia, and the Chairperson of the Métis Youth of British Columbia;
  - 3.3. **“By-Election”** means an election to replace or fill a vacancy in the MNBC Board of Directors, the Métis Women of British Columbia and/or the Métis Youth of British Columbia when such vacancy is created by the removal, resignation or disqualification of the person previously holding the office as set out in Article 23 of the Constitution;
  - 3.4. **“Campaign Period”** means that period of time from the date that the MNBC election is called and the date at which the Chief Electoral Officer declares the successful candidates elected;
  - 3.5. **“Candidate”** means a person who is nominated and qualified to compete for an office in the Métis Nation British Columbia election for President, Vice-President, Regional Director, Chairperson and Regional Youth Representative of Métis Youth of British Columbia and Chairperson and Regional Representatives of the Métis Women of British Columbia;
  - 3.6. **“Chief Electoral Officer”** means a contractor appointed in writing after final approval of the Métis Nation Governing Assembly. The Métis Nation British Columbia Board of Directors is charged with developing a call for proposals and short listing potential contractors to operate elections for the Métis Nation British Columbia. This short list will be presented to the MNGA for final approval of the successful Chief Electoral Officer;
  - 3.7. **“Conflict of Interest”** means the circumstances in which there is a real, potential or apparent conflict between the private interests of a person and the interests of the Métis Nation. This also includes circumstances in which a person represents or is a director/ officer of an organization, association or party whose interests are in conflict with the interests of the MNBC;
  - 3.8. **“Constitution”** means the Constitution of the Métis Nation British Columbia as adopted by the Métis citizens at the Annual General Meeting September 2003 and revised from time to time thereafter;
  - 3.9. **“Election(s)”** means an election or By-Election called by the Métis Nation British Columbia for the election of a President, Vice-President, Regional Directors, Chairperson or Regional Youth Representative of Métis Youth of British Columbia, and Chairperson and Regional Representatives of the Métis Women of British Columbia also known as the Métis Women’s Secretariat-British Columbia as set out in the Métis Nation British Columbia

Constitution and includes By-Elections of the purpose of this Act.

- 3.10. **“Election Day”** means the official day when all voting except Advance Poll voting takes place;
- 3.11. **“Election Officer”** means the Chief Electoral Officer, Returning Officers and Poll Clerks appointed for a particular election or by-election;
- 3.12. **“Elector”** means a Métis citizen who, pursuant to the Métis Nation British Columbia’s Constitution, is no less than 18 years of age as of the date of the election, has been registered as a Métis citizen pursuant to the Métis Nation British Columbia Citizenship Act, and has resided in British Columbia for a minimum of twelve (12) months for a provincial office or six (6) months for voting in regional offices. Any female Métis citizen who is eighteen (18) years of age or older may vote or seek elected office within the Métis Women of British Columbia. Any Métis citizen who is between fifteen (15) years of age and thirty (30) years of age may vote or seek elected office within the Métis Youth of British Columbia.
- 3.13. **“List of Electors”** means a list made pursuant to this Electoral Act and the MNBC Central Registry of individuals entitled to vote in a Métis Nation British Columbia election;
- 3.14. **“Métis Citizen”** is a Métis person as defined in the Constitution and listed in the central registry;
- 3.15. **“Métis Community”** shall mean the Métis Nation British Columbia communities as set out in the Constitution;
- 3.16. **“Métis Nation British Columbia Senate”** means the judicial arm of the of the Métis Nation British Columbia and in accordance with Senate Act;
- 3.17. **“Ordinarily Resident”** means a Métis citizen who actually lives and has lived continuously in British Columbia for at least twelve (12) full months prior to the date of the election. In making such determination, temporary absences from British Columbia for reasons such as travel, education, medical treatment, military service or incarceration shall be considered periods of residence provided the person was ordinarily resident prior to such temporary absences. A person can have only one place of Ordinarily Residence;
- 3.18. **“Poll Book”** means a list of names of persons who have received ballots at an election pursuant to the Electoral Act;
- 3.19. **“Poll Clerk”** means a person appointed by the Chief Electoral Officer to assist a Returning Officer at the polls pursuant to this Electoral Act;
- 3.20. **“Polling Station”** means a place established by the Election Officers where Electors cast their vote and which is set up pursuant to the Electoral Act;
- 3.21. **“Region”** means one of the seven (7) regions of the Métis Nation British Columbia;
- 3.22. **“Regional Director”** means a person who holds the position of Regional Director of one of the seven (7) Métis Nation British Columbia regions after being elected pursuant to the Electoral Act or after a By-Election pursuant to Section 47 of the Métis Nation British Columbia Constitution;
- 3.23. **“Returning Officer”** means a person appointed by the Chief Electoral Officer pursuant to the Electoral Act; and
- 3.24. **“Scrutineer”** means a person appointed in writing who is authorized to represent a Candidate’s interests at a polling station pursuant to the Electoral Act.

## ARTICLE FOUR – DATE OF ELECTION

4. The date of the election shall be established by the MNGA in conjunction with the terms outlined in the Constitution.

## ARTICLE FIVE – CHIEF ELECTORAL OFFICER

5. The Chief Electoral Officer shall be appointed by the MNGA to hold office for each election. This individual shall manage and conduct an election. The Chief Electoral Officer shall also have the responsibility of conducting any necessary By-Elections while his/her appointment remains in effect. The Chief Electoral Officer shall:

- 5.1. Provide guidance and supervision respecting the conduct of the election:

- Create all electoral notifications, forms, ballots and documents as may be required;
- Decide the eligibility of all candidates seeking office in an election;
- Prepare the List of Electors;
- Appoint Returning Officers and Poll Clerks;
- Ensure that all Election Officers are in compliance with this Electoral Act and use the guiding principles of fairness and impartiality when conducting an election;
- Issue to Election Officers any information and guidance they consider necessary for the administration of the Electoral Act;
- Reconcile all ballots and prepare an official election report for the Métis Communities and Métis Nation British Columbia Board of Directors; and
- Perform all duties assigned pursuant to this Electoral Act.

- 5.2. In addition, the Chief Electoral Officer may:

- Implement public education and information activities to make the electoral process better known to the public, particularly to those persons most likely to experience difficulties in exercising their democratic rights;
- Remove from office and replace Election Officers upon being satisfied that the officers:
  - refuse, neglect or have an inability to act;
  - have failed to perform satisfactorily the duties of their office; or
  - is engaging in partisan political activities.

- 5.3. The Chief Electoral Officer shall consult with the Solicitor for the MNBC, when and if necessary with respect to issues that may arise from time to time concerning the election process.

- 5.4. If during the course of an election, it transpires that insufficient time has been allowed, or insufficient Election Officers or polling stations have been provided, for the execution of any of the purposes of the Electoral Act, by reason of the operation of any provision of this Electoral Act, the Chief Electoral Officer, notwithstanding anything in the Electoral Act may:

- Increase the number of Election Officers (subject to financial resources);
- Increase the number of polling stations (subject to financial resources);

However, the Chief Electoral Officer may not extend the hour for the opening or closing of an ordinary or advance polling station, or for accepting nomination packages on nomination day or change the date of ordinary polling day.

## **ARTICLE SIX – ELECTORS**

6. Any Métis Citizen of the MNBC who is Ordinarily Resident in British Columbia is eligible to be an Elector subject to Article 6.2 herein.

6.1. A Voter is entitled to cast one (1) vote for the each of the following offices:

- President;
- Vice President;
- Regional Director;
- Regional Youth Representative for the Métis Youth of British Columbia for the Region in which the Elector is entitled to vote being 15 years of age to 30;
- Chairperson for the Métis Youth of British Columbia 15 years of age to 30.
- Regional Women’s representative for the Métis Women of British Columbia for the region in which the Elector is entitled to vote being female 18 years of age and older.
- Chairperson of the Métis Women of British Columbia being female eighteen (18) years of age and older

6.2. Any person is eligible to vote if:

- A Métis person, pursuant to the MNBC’s Constitution;
- No less than 18 years of age of the date of the election;
- No less than 15 years of age and no more than 30 years of age for the BCUMYC;
- Any female Métis citizen who is eighteen (18) years of age or older may vote for the Métis Women of British Columbia.
- Registered as a Métis citizen pursuant to the MNBC Citizenship Act; and
- Ordinarily resident in British Columbia.

6.3. The following individuals are not eligible to vote in a Métis Nation British Columbia election:

- Individuals who are not registered on the MNBC Central Registry;
- Individuals who are not 18 years of age on Election Day; with the exception of the BCUMYC;
- Individuals who are not 15 years of age and older than 30 on election day for the BCUMYC;
- Individuals who are not female 18 years of age and older on election day for the MWBC; and
- The Chief Electoral Officer;

6.4. Each Elector shall, before voting, affirm that they are a Métis Citizen of British Columbia and identify as such. In addition, electors must affirm that they are not registered under either the Indian Act or the Inuit Registry.

## **ARTICLE SEVEN – LIST OF ELECTORS**

7.1 The Chief Electoral Officer shall obtain from the MNBC Central Registry a final

listing of registered voters no later than 5:00 p.m. Pacific Daylight time on or before the 45th day of \_\_\_\_\_, 2008. Subject only to the discretion of the Chief Electoral Officer as set out in Article 7.7 herein, no individual shall be permitted to be included or accepted on the List of Electors after 5:00 p.m., Pacific Daylight Time, on or before the 45<sup>th</sup> day, 2008.

- 7.2 Upon receipt of the final lists as stated herein, the Chief Electoral Officer shall, from the Central registry listing, prepare a List of Electors and satisfy himself or herself as to the accuracy of the List of Electors.
- 7.3 On or before the 30<sup>th</sup> day before the Election Day the Chief Electoral Officer shall submit to each-nominated and official Candidate for a vacancy in the Office of President, Vice President, Chairperson of the Métis Youth of British Columbia and Métis Women of British Columbia Chairperson a copy of the provincial List of Electors. Also a list for each of the nominated and official Candidates for a vacancy in the office of Regional Director, Regional Women’s Representative of the Métis Women of British Columbia, and the Regional Youth Representative of the Métis Youth of British Columbia a copy of the applicable Regional List of Electors. In addition, a copy of the applicable community List of Electors will be provided to each Métis community.
- 7.4 Electors shall vote at the polling station closest to where they are ordinarily resident.
- 7.5 In the event an Elector, who, being on the List of Electors, attends a polling station other than the polling station at which their name is included on the List of Electors, the Returning Officer at that polling station shall deal with that Elector’s ballot as set out in Article 28 herein.
- 7.6 No individual shall be permitted to be included or accepted on the List of Electors after the 45-day timeline. The Chief Electoral Officer shall then, from the list of registered electors, prepare a List of Electors and satisfy himself or herself as to the accuracy of the List of Electors.
- The Chief Electoral Officer shall submit to each nominated and official Candidate for President, Vice-President, Chairperson of the Métis of British Columbia, and Chairperson of the Métis Women of British Columbia a copy of the provincial List of Electors. Also this will be submitted to each of the nominated and official Candidates for Regional Director, Regional Youth Representative of the Métis Youth of British Columbia, and Regional Representative of the Métis Women of British Columbia a copy of the applicable regional List of Electors;
  - The List of Electors referred to in Article 7.3 herein shall be provided to the Candidates no later than 30 days prior to the date of the election;
  - The Chief Electoral Officer may amend the List of Electors as necessary; and
  - The Chief Electoral Officer shall place a copy of the List of Electors with each Métis community.
- 7.7 Upon provision of evidence to the satisfaction of the Chief Electoral Officer, of a legitimate error or omission, a Métis citizen can have his or her name added to, or removed from the List of Electors at any time up to fourteen (14) days prior to the election.
- 7.8 Electors shall vote at the polling station closest to where they are ordinarily resident. In the event of any discrepancy, the Chief Electoral Officer shall make the determination as to

which polling station is deemed closest. Electors may request of the Chief Electoral Officer that they be placed on the List of Electors of another polling station and such determinations shall be at the sole discretion of the Chief Electoral Officer.

- 7.9 No Métis citizens shall:
- Willfully apply to be included in the List of Electors in a name that is not their own; and
  - Willfully apply to be included in the List of Electors for a region that they are not qualified or entitled to vote as an Elector.

## **ARTICLE EIGHT – NOMINATION OF CANDIDATES**

- 8.1 The Chief Electoral Officer shall 50 days before the date of the election, post in the offices of each Métis Community notice of the election and the applicable rules surrounding the election and the preparation of the List of Electors:
- The place and hours fixed for the nomination of Candidates and the date fixed for closing nominations;
  - The nomination papers required to be filed with the Chief Electoral Officer; and
  - The address, email and phone number of the Chief Electoral Officer.
- 8.2 Nominations of all Candidates for the Offices of President, Vice-President, Regional Directors, Chairperson or Regional Youth Representative of the Métis Youth of British Columbia, and Chairperson and Regional Women’s Representative of the Métis Women of British Columbia shall be received in writing no later than 30 days prior to the date of the election by the Chief Electoral Officer at a location to be specified in the notice by the Chief Electoral Officer.
- 8.3 Any Métis Citizen is eligible to be nominated as a Candidate if, on the day his or her nomination papers are filed:
- He or she is an Ordinarily resident in British Columbia
  - Is 18 years of age or older; with the exception of the BCUMYC;
  - Any Métis citizen who is between fifteen (15) years of age and thirty (30) years of age may seek elected office within the Métis Youth of British Columbia;
  - Any female Métis citizen who is eighteen (18) years of age or older may seek elected office within the Métis Women of British Columbia.
  - If he or she is seeking to be nominated as a Candidate for President, Vice-President, Chairperson of the Métis Youth of British Columbia, and Chairperson of the Métis Women of British Columbia he or she has been a resident of the Métis Community in British Columbia for not less than one year;
  - If he or she is seeking to be nominated as a Candidate for a Regional Director, or Regional Youth Representative of the Métis Youth of British Columbia, or Regional Women’s Representative of the Métis Women of British Columbia has been a resident of the Métis Community of the Region they are seeking nomination for not less than 6 months;
  - At the close of nomination has provided a letter of resignation to the CEO for any salaried (contractor or employment) position held within the MNBC;

- In accordance with Article 23.7 of the MNBC Constitution, has provided a criminal record check satisfactory to the Chief Electoral Officer in accordance with Articles 46 and 23.7 of the MNBC Constitution; and
  - Is registered with the Métis Nation British Columbia Central registry pursuant to the Métis Nation British Columbia Citizenship Act.
- 8.4 All nominations for the positions of President, Vice-President, Chairperson of the Métis Youth of British Columbia, and Chairperson of the Métis Women of British Columbia shall include the follow:
- Written acceptance of the nomination by the Candidate;
  - A minimum of twenty (20) original signatures of Electors who reside in the Province of British Columbia, who are not signatories of another Candidate's nomination papers for the same position and who are eligible to vote in the election at which the Candidate seeks to be nominated for the position of President and Vice President;
  - A minimum of ten (10) original signatures of electors who reside in the Province of British Columbia, who are not signatories of another Candidate's nomination papers for the same position and who are eligible to vote in the election at which the candidate seeks to be nominated for the chairperson of the Métis Youth of British Columbia;
  - A minimum of ten (10) original signatures of female electors who reside in the Province of British Columbia, who are not signatories of another Candidate's nomination papers for the same position and who are eligible to vote in the election at which the candidate seeks to be nominated for the chairperson of the Métis Women of British Columbia;
- 8.5 All nominations for Regional Directors, Regional Youth Representative of the Métis Youth of British Columbia, and Regional Women's Representative of the Métis Women of British Columbia shall include the following:

- Written acceptance of the nomination by the Candidate;
  - A minimum of ten (10) signatures of signatures who reside in the region for which the Candidate seeks to be nominated, who are not signatories of another Candidate's nomination papers for the same position and who are eligible to vote in the election at which the Candidate for Regional Director seeks to be nominated;
  - A minimum of five (5) signatures of electors who reside in the region for which the Candidate seeks to be nominated, who are not signatories of another Candidates nomination papers for the same position and who are eligible to vote in the election at which the Candidate for the Regional Youth Representative of the Métis Youth of British Columbia seeks to be nominated.
  - A minimum of five (5) signatures of female electors who reside in the region for which the Candidate seeks to be nominated, who are not signatories of another Candidates nomination papers for the same position and who are eligible to vote in the election at which the Candidate for the Regional Women's Representative of the Métis Women of British Columbia.
- 8.6 A Candidate may not accept a nomination for more than one position on the MNBC Board of Directors, the Métis Youth of British Columbia, or the Métis Women of British Columbia.
- 8.7 No Métis citizen may accept or place a nomination for a position on the Métis Nation British Columbia Board of Directors, the Métis Youth of British Columbia, or the Métis Women of British Columbia if that person is or was, at any time during the one year period prior to the date of the election, a director or officer of another provincial Métis body or association, other than a Métis community, whereby being a director or officer, the Candidate would constitute circumstances in which a real, potential or apprehended conflict of interest would arise. The Chief Electoral Officer shall determine whether circumstances exist under which a real, potential or apprehended conflict of interest would arise.
- 8.8 Candidates who use malicious or objectionable practice or conduct themselves in a malicious or objectionable manner during the Campaign Period shall be subject to disqualification at the discretion of the Chief Electoral Officer.
- 8.9 Candidates shall not be permitted to use the offices or equipment of the MNBC or MHRDA program delivery offices for the purposes of presenting or advancing their campaign at any time during the campaign period.

## **ARTICLE NINE – ELECTION BY ACCLAMATION**

- 9.1. If only one Candidate is nominated for any one office, within seven (7) days of the time nominations close, the Chief Electoral Officer shall immediately declare that Candidate acclaimed to office.

#### **ARTICLE TEN – NO CANDIDATES NOMINATED**

- 10.1. If, after the close of nominations there are offices that remain without Candidates or without persons elected by acclamation, the Chief Electoral Officer shall set another day for the receipt of nominations for the remaining offices subject to available funding. Nominations shall be six (6) months from the date of the election and shall follow the processes and rules set out in this Electoral Act.

#### **ARTICLE ELEVEN – POSTING OF NOTICE OF POLL & CANDIDATES**

- 11.1. The Chief Electoral Officer shall within seven (7) days after the close of nominations post in each Métis Chartered Community office a notice indicating the names of the Candidates and the location, date and time when the Polling Stations will be open for voting.
- 11.2. Candidates whose nominations are accepted by the Chief Electoral Officer shall be entitled to receive a copy of the applicable List of Electors, a copy of the Electoral Act and other materials as deemed appropriate by the Chief Electoral Officer.

#### **ARTICLE TWELVE – WITHDRAWAL OF CANDIDATE**

- 12.1. A Candidate may withdraw at any time by filing with the Chief Electoral Officer a written, signed and witnessed declaration to that effect.
- 12.2. When a Candidate has withdrawn, the Chief Electoral Officer shall take whatever steps are necessary to ensure that Electors are advised when receiving a ballot.

#### **ARTICLE THIRTEEN – DEATH OF CANDIDATE**

- 13.1. If a Candidate for the position of President, Vice-President, Chairperson of the Métis Youth of British Columbia, or Chairperson of the Métis Women of British Columbia dies after close of nominations and prior to closing of the polling stations on Election Day, the election shall be held.
- 13.2. If a Candidate for Regional Director, Regional Youth Representative of the Métis Youth of British Columbia, or Regional Women's Representative of the Métis Women of British Columbia dies after close of nominations and prior to closing of the polling stations on Election Day, the election shall be held.

#### **ARTICLE FOURTEEN – APPOINTMENT OF RETURNING OFFICER AND POLL CLERK**

- 14.1. The Chief Electoral Officer shall appoint a Returning Officer and a Poll Clerk for each location where a polling station is to be established in the electoral region.
- The Returning Officer with assistance from a Poll Clerk is responsible for the conduct at a polling station in an electoral region.
  - The following persons shall not be appointed as either a Returning Officer or a Poll Clerk:
    - A person who is the spouse, child, brother, sister, mother, father, common-law partner, or individual who lives with any Candidate;
    - A member of the Métis Nation British Columbia Senate;
    - An individual who is a candidate or a candidate's representative.
  - A person who is the spouse, child, brother, sister, mother, father, common-law partner, or who lives with either a Returning Clerk or Poll Clerk, shall not be appointed for the same polling station location.

- 14.2. A person appointed, as either a Returning Officer or Poll Clerk shall hold office from the time appointed until thirty (30) days after the date of the election.
- 14.3. The Chief Electoral Officer may remove from office any Returning Officer or Poll Clerk who:
- Is incapable, by reason of illness, of satisfactorily performing his or her duties under the Electoral Act;
  - Fails to discharge competently his or her duties as Returning Officer or Poll Clerk so as to comply with an instruction of the Chief Electoral Officer;
  - Knowingly makes a contribution to a candidate's campaign whether or not the contravention occurs in the exercise of his or her duties under the Act.
- 14.4. Where a vacancy occurs in the office of Returning Officer or Poll Clerk, the Chief Electoral Officer shall forthwith appoint another person to fill the vacancy.

## **ARTICLE FIFTEEN – POLLING HOURS**

- 15.1. Polling shall begin at 8:00 a.m. Pacific Daylight Time or Mountain Daylight Time in accordance with the particular time zone on the date of the election and close at 8:00 p.m. Pacific Daylight Time or Mountain Daylight Time on that same day.

#### **ARTICLE SIXTEEN – LOCATION OF POLLING STATIONS**

- 16.1. A polling station shall be in a location that in the determination of the Chief Electoral Officer is convenient for the Electors.
- 16.2. A final List of the polling stations will be listed twenty-one (21) days prior to the date of the election.
- 16.3. Best efforts will be made to ensure that every polling station will be accessible to persons who have a disability that could affect their ability to vote on the election date.
- 16.4. No polling station may be located in the following places:
- Premises where alcohol or spirits are served; or
  - Premises in which a Candidate has an interest.

#### **ARTICLE SEVENTEEN – SCRUTINEERS**

- 17.1. Each Candidate may appoint Scrutineers in writing to the Chief Electoral Officer to represent him or her at each polling station, and to observe the election procedures on his or her behalf.
- A Candidate may appoint more than one Scrutineer to attend a particular polling station while voting is in progress but only one Scrutineer per Candidate may be present in the polling area at any one time.
  - A Candidate shall supply his or her scrutineer with a form approved for such use by the Chief Electoral Officer, appointing him or her as a scrutineer. If scrutineers are only present for part of a day and are replaced by another scrutineer, the replacement scrutineer must have his/her own form to show the Returning Officer.
- 17.2. Scrutineers may observe the operation of the polling station and observe the counting of ballots.

#### **ARTICLE EIGHTEEN – BALLOT BOXES**

- 18.1. The Chief Electoral Officer shall provide each Returning Officer with a ballot box to conduct the election in his or her region. The ballot box shall be made of durable non-see-through material and accompanied by a sufficient number of appropriate seals. The ballot box shall permit the deposit of ballots but not permit their removal without breaking the seals after they have been attached.

#### **ARTICLE NINETEEN – CONTENTS OF BALLOTS**

- 19.1. The Chief Electoral Officer shall ensure that a sufficient number of ballots are prepared for an election.
- 19.2. Each ballot shall be printed in the English language and shall contain the name of the Candidates which shall be arranged with the Candidates for the Offices of President, Vice-President, Chairperson of the Métis Youth of British Columbia, or Chairperson of the Métis Women's Secretariat-British Columbia located first and arranged alphabetically in order of their surnames. The Candidates for Regional Director, Regional Youth Representative of the Métis Youth of British Columbia, and Regional Women's Representative of the Métis Women's Secretariat-British Columbia located second and arranged alphabetically in the order of their surnames.
- 19.3. If two (2) or more candidates for the same office have the same surnames, their names shall be listed in alphabetical order according to their given names.
- 19.4. Ballots shall be printed on one side only

## **ARTICLE TWENTY – POLLING BOOTHS**

- 20.1. Each polling station shall contain one or more polling booths arranged so that when an Elector is in the polling booth he or she is screened from observation and may mark his or her ballot without interference.
- 20.2. In each polling booth, Electors will be provided with a suitable table, desk or shelf and a suitable marking instrument for marking their ballots. These materials shall be properly maintained during polling hours.

## **ARTICLE TWENTY-ONE – MATERIAL AT POLLING STATION**

- 21.1. The Returning Officer shall before the opening of the Poll ensure the following are available:
  - An area where Electors can mark their ballots in private;
  - A document providing voting instructions for Electors;
  - A Poll Book where the names of all Electors who vote are to be entered;
  - A copy of the final List of Electors;
  - A ballot box or ballot boxes as required;
  - Tape to secure the ballot box or ballot boxes until the ballots are ready to be counted;
  - A sufficient number of ballot papers;
  - The material necessary to enable Electors to mark the ballot papers;
  - Instructions for the Returning Officers and Poll Clerks; and
  - Such other forms, office stationery and materials as may be required to enable the Returning Officer to perform his or her duties.

## **ARTICLE TWENTY-TWO – PERSONS ENTITLED TO REMAIN IN POLLING AREA**

- 22.1. Only the following individuals may remain in a polling area during polling hours:
- Returning Officer;
  - Poll Clerk;
  - Chief Electoral Officer;
  - One Scrutineer per Candidate; and
  - Interpreters.
- 22.2. Nothing in this Electoral Act restricts a Candidate from briefly visiting a polling station during polling hours.

### **ARTICLE TWENTY-THREE – SECRET BALLOT**

- 23.1. Voting shall be by secret ballot.
- 23.2. No person in attendance at a polling station or at the counting of votes shall fail to maintain or fail to aid in maintaining the secrecy of the voting.

### **ARTICLE TWENTY-FOUR – SECRECY OF VOTING**

- 24.1. Each Returning Officer, Poll Clerk, Candidate and/or Scrutineer in attendance at a polling station or at the counting of the ballots shall assist in maintaining the secrecy of the voting process and he or she shall not communicate or attempt to communicate any information obtained at the polling station regarding which Candidate an Elector has voted for or is about to vote for.
- 24.2. Returning Officers and Poll Clerks shall not communicate any information obtained at the counting of the ballots to any person other than the Chief Electoral Officer or those in his or her office.

### **ARTICLE TWENTY-FIVE – OPENING OF POLLING STATION - DISPLAY OF BALLOT BOX**

- 25.1. Each Returning Officer shall attend the polling station at least thirty (30) minutes prior to the opening of his or her polling station.
- 25.2. During the 30 minutes immediately prior to the opening of the polling station, the Returning Officer shall show the ballot box to Candidates, Scrutineers and other persons entitled to be present so that they may see that the ballot box is empty.
- 25.3. After the ballot box has been shown, it shall be locked or sealed for receipt of ballots and at all times during the hours of voting.

### **ARTICLE TWENTY-SIX – ADVANCE POLLS**

- 26.1. The Chief Electoral Officer shall establish an advance poll to accommodate all Métis Communities of the Métis Nation British Columbia.
- 26.2. Individuals who may vote at an Advance Poll are those Electors who have reason to believe that they will not be in their respective Region or community when the election is to be held on the date fixed for the election.
- 26.3. The Advance Poll shall be held on a day designated by the Chief Electoral Officer.
- 26.4. The Chief Electoral Officer will permit Electors to vote by mail in ballots only for the Advanced Polls.
- 26.5. Electors wanting to vote by mail must make a request for a ballot in writing to the Chief Electoral

Officer, and such request shall be signed by the Elector.

- No person shall be allowed to request a mail-in ballot on behalf of any other Elector.
- The Chief Electoral Officer will establish the close of date, time and location for which to receive the requests for mail-in ballots.

26.6. When mail-in ballots have been forwarded to an Elector, the poll book will be marked indicating that the Elector has voted by mail and he or she may not vote in person at on Election Day.

### **ARTICLE TWENTY-SEVEN – POLL BOOKS**

27.1. Each Returning Officer shall be provided with a Poll Book in which the Returning Officer or the Poll Clerk shall enter the names of all Electors who attend the polling station and apply to vote unless those names are previously printed therein. The Returning Officer or Poll Clerk shall record whether those Electors are objected to or vouched for and by whom and if objected to whether the Elector voted or not.

### **ARTICLE TWENTY-EIGHT – GENERAL PROCEDURES AT POLLING STATION**

28.1 Where an Elector presents himself or herself at the Polling Station for the purpose of voting, the voting process shall proceed as follows:

- Each Elector shall present their MNBC Citizenship Card for the purpose of proving their identity and Métis citizenship to the Returning Officer.
- The Returning Officer shall ascertain whether the name of the person applying to vote (the “Applicant”) is on the List of Electors and, if it is, each eligible Elector shall be given a ballot to be marked clearly, in secret, for the Candidate of that Elector’s choice which thereafter shall be placed in a ballot box as instructed by the Returning Officer.
- If the Applicant’s name is not on the List of Electors, the Returning Officer shall not permit that person to vote unless the Applicant can present a valid MNBC Citizenship Card that can be verified by the Returning Officer as being the MNBC Citizenship Card of the Applicant.
- In the event that the Applicant can produce a valid MNBC Citizenship Card, the Returning Officer shall record, in the proper column of the Poll Book, the Applicant’s name, address and MNBC Citizenship number and shall provide that Applicant with a ballot paper on which the Applicant shall clearly mark, in secret, the Applicant’s choice of Candidate.
- Upon being presented with a completed ballot by a person who is not on the List of Electors at the Polling Station where the Applicant has attended to vote and was permitted to vote by the Returning Officer, the Returning Officer shall:
  - i) place the Applicant’s ballot in an envelope with the Applicant’s name, the date and time noted;
  - ii) place that envelope into another envelope that shall be kept separate from the ballots cast by Electors (whose names were located on the List of Electors for that Polling Station) and forwarded to the Chief Electoral Officer for verification of the eligibility of the Applicant.
- If verified as eligible by the Chief Electoral Officer, the Applicant’s vote shall be counted.
- Any Candidate or his/her scrutineer may object to the eligibility of any Métis

citizen requesting a ballot. If in the opinion of the Returning Officer such objection is reasonable, it shall be noted in the Poll Book and shall include the reason for the objection along with the name of the Candidate on whose behalf the objection is being made. The Returning Officer may then give the Métis Citizen a ballot paper so that the Métis Citizen may cast his or her ballot. In the event of an objection to the Métis Citizen, the Returning Officer shall follow the procedure under Article 36.7 of this Electoral Act.

- The Returning Officer shall record the names and obtain the signatures of all persons who, although deemed ineligible to vote, attended at the Polling Station and requested a ballot.”

### **ARTICLE TWENTY-NINE – CONDUCT AT POLLING STATION**

29.1. No person shall interfere or attempt to interfere with an Elector who is marking his or her ballot or casting his or her vote or otherwise make any attempt to obtain, at the polling station, information as to the Candidate or Candidates for whom an Elector at that polling station is about to vote or has voted.

- No individual shall, directly or indirectly, threaten to inflict injury, damage, harm or loss on or against an Elector so as to persuade or compel the Elector to vote or refrain from voting, or because the Elector voted or refrained from voting.

29.2. No person shall, having voted, apply at the same election for a ballot paper in the Elector’s own name, or vote more than once at the same election.

29.3. No individual shall vote knowing that he or she has no right to vote, or induce or persuade any other individual to vote knowing that the other individual has no right to vote.

29.4. No person shall apply at an election for a ballot paper in the name of another person, whether living or dead, or a fictitious person.

29.5. The campaign office of a candidate must not be within one (1) kilometer of a polling station.

29.6. There shall be no campaigning in or in the vicinity of a polling station on Election Day.

29.7. Every Returning Officer and Poll Clerk are responsible for maintaining peace and order in their polling station during an election.

29.8. During an election, no candidate or other person on behalf of a candidate shall, directly or indirectly, or as an accessory, give or cause to be given any alcohol or spirits to or for any person, for the purpose of persuading that person to vote for the candidate or for the purpose of influencing that person or any other person to vote or refrain from voting at an election.

29.9. No candidate shall make or take a share or interest in a bet or wager based on the result of the election.

29.10. Any person in breach of Article 29 of this Electoral Act will be removed from the polling station and will not be entitled to vote.

### **ARTICLE THIRTY – EXPLANATION OF VOTING**

30.1. The Returning Officer may and upon request shall, either personally or through his or her Poll

Clerk explain to the Elector as concisely as possible the way in which voting is to be performed.

### **ARTICLE THIRTY-ONE – VOTING BY A DISABLED PERSON**

- 31.1. Where an Elector on the List of Electors comes to a polling station to vote and is unable to mark a ballot due to an inability to read or has a physical or mental disability, the Returning Officer shall:
- have a friend or relative complete an Elector Assistance Form indicating the name of the Elector, his or her own name and the reason the person is incapable of voting alone;
  - permit that person to accompany the Elector into the polling area to mark the ballot in accordance with the Elector's instructions;
  - receive the completed ballot, check his or her initials and place the ballot in the ballot box; and
  - enter the reason the Elector was permitted to vote in this manner, and the name of the person who assisted the Elector, in the poll book.
- 31.2. An individual other than an Election Officer must not act to assist more than one Elector in an election to mark a ballot unless the individual in assisting more than one member of his or her family.

### **ARTICLE THIRTY-TWO – APPOINTMENT OF AN INTERPRETER**

- 32.1. Where the Returning Officer has been given thirty (30) days advance notice by a Métis Community or an Elector in that Métis Community, that an Elector or Electors who are unable to speak or read the English Language may present themselves at a polling station, subject always to availability, an interpreter may be provided by the Returning Officer for the purpose of explaining to those Electors, questions and answers concerning voting in the following languages: Michif, French or Cree.
- 32.2. The interpreter must make a solemn declaration that he or she is able to make the translation and will do so to the best of his or her abilities.
- 32.3. Every interpreter shall make a declaration of secrecy.

### **ARTICLE THIRTY-THREE – REMOVAL OF BALLOT FROM POLLING STATION**

- 33.1. An Elector who has received a ballot paper shall not take it out of the polling station.

### **ARTICLE THIRTY-FOUR – FORFEITURE OF VOTING RIGHTS**

- 34.1. Where an Elector leaves the polling station without first delivering his or her ballot paper to the Returning Officer or returns it after declining to vote, he or she forfeits his or her right to vote and the Returning Officer shall make an entry in the Poll Book in the column for remarks to the effect that the Elector received the ballot paper, but took it out of the polling station or returned it declining to vote.
- 34.2. Where an Elector returns his or her ballot paper declining to vote, the Returning Officer shall immediately write the word “declined” upon it and preserve the ballot paper.

### **ARTICLE THIRTY-FIVE – SPOILED BALLOT**

- 35.1. An Elector, who upon voting, has inadvertently spoiled his or her ballot paper may on returning it to the Returning Officer obtain another ballot paper and the Returning Officer shall immediately write the word “spoiled” upon the returned ballot paper and preserve it as set out in this Article.

### **ARTICLE THIRTY-SIX – PROCEDURE ON CLOSE OF POLL**

- 36.1. After the closing of the poll, the Returning Officer shall, in the presence of the Poll Clerk and any Candidate and/or Scrutineers who may be present, immediately:
- Count the number of spoiled and declined ballots and record the total on the outside of the envelope containing these ballots and then seal it; and comply with the procedures as set out in Article 28 herein.
- 36.2. On complying with subsection 36.1, the Returning Officer shall count the number of Electors whose name appears on the List of Electors and the number of Electors recorded in the Poll Book as having voted and those persons who having attended were deemed ineligible to vote and shall draw a line immediately under the last name in the Poll Book and affix his or her initials to the list.
- 36.3. On complying with subsection 36.2, the Returning Officer shall open the ballot box and proceed with a count of vote and record the result.
- 36.4. The Returning Officer shall endorse with the words “not initialed” any ballot paper that does not have his or her initials or the initials of such person acting on his or her behalf on the back thereof and any such ballot shall be counted with the other ballots but immediately upon the conclusion of the count, the Returning Officer shall:
- Count the number of “not initialed” ballots, and
  - Record the total on the outside of the envelope containing these ballots and seal it.
- 36.5. In counting votes, the Returning Officer shall reject any ballot that:
- Was not supplied by him or her;
  - Does not indicate any vote for any candidate;
  - Contains votes for more Candidates than are to be elected;
  - Is so marked, that it is uncertain for which Candidate the vote was cast; and
  - Contains any writing or mark enabling the Elector to be readily identified.
- 36.6. Notwithstanding subsection 36.5, a ballot shall not be rejected:
- By reason of any writing, numbering or mark omitted by the Returning Officer; or
  - When the vote, though incorrectly made on the ballot, clearly indicates the Elector’s intention to vote for one particular Candidate.
- 36.7. In the event the Returning Officer determines that an Elector’s right to vote has been reasonably

- disputed pursuant to Article 28, the Returning Officer shall make a note in the Poll Book of every objection and the name of any Candidate on whose behalf such objection was made. The Returning Officer shall place such ballot in a special envelope that shall, on its cover, contain the name of the Elector, his or her MNBC Citizenship number, the name of the polling station and the Returning Officer initials. Such envelopes shall be preserved by the Returning Officer and forwarded to the Chief Electoral Officer. The Returning Officer shall also forward the specific objection to such Elector, as noted in the Poll Book. The Chief Electoral Officer shall investigate the objection of such Elector and in the event the Chief Electoral Officer determines that the objection is valid, the ballot shall be placed in a separate envelope and shall not be counted. If the Chief Electoral Officer determines that the objection is without merit, the envelope shall be opened and the Chief Electoral Officer shall count the vote(s).
- 36.8. The Returning Officer at the conclusion of the count shall complete a statement of poll, indicating the number of votes for each Candidate, which shall be signed by the Returning Officer and Poll Clerk. The Returning Officer shall then immediately inform the Chief Electoral Officer, by phone or by fax, as to the number of votes for each Candidate, the number of spoiled ballots and any disputed Electors.
- 36.9. A copy of the statement of poll shall be attached to the Poll Book and one page shall be retained by the Returning Officer to be sent to the Chief Electoral Officer.
- 36.10. Upon completion of the statement of poll, the Returning Officer shall in presence of the persons authorized to be present, place into separate packets the:
- Statement of poll;
  - The ballots objected to but counted;
  - The ballots objected to but not counted;
  - The rejected ballots not objected to;
  - The rejected ballots objected to;
  - The spoiled and declined ballots;
  - The discarded ballots;
  - The unused ballots;
  - The envelopes containing the ballots of those persons who voted in accordance with Article 28 herein;
  - The Poll Book with the declaration of the Returning Officer therein;
  - The List of Electors used at the poll;
  - The declaration of Electors;
  - The statement of the number of Electors as marked by the Returning Officer as “voter assistance”;
  - The notes taken of objections to ballot papers found in the ballot box; and
  - All other documents that were completed prepared or used at the election.
- 36.11. The Returning Officer shall seal each of the envelopes mentioned in section 36.10 with his or her own seal and initial the outside of the envelopes.
- 36.12. The Returning Officer shall mark on the outside of each of the envelopes a short statement of the contents of the envelopes, the date and name of the election and his or her name.
- 36.13. The Returning Officer shall then return all envelopes and relevant documents to the Chief Electoral Officer as directed.

### **ARTICLE THIRTY-SEVEN – ANNOUNCEMENT OF VOTE**

- 37.1. The Chief Electoral Officer shall publicly announce the results of the election and declare

elected the Candidates who received the largest number of votes.

- 37.2. When the original reports and ballots have been received from the Returning Officers, the Chief Electoral Officer shall check the reports, but not the ballots, and verify or confirm the results.

#### **ARTICLE THIRTY-EIGHT – RECOUNT**

38.1. Subject to Article 37.2 herein, the Chief Electoral Officer shall recount the ballots where applicable if the Chief Electoral Officer decides that there is a need for a recount or if he or she receives a written request to recount from a Candidate within seven (7) days from the date of the election;

38.2. A Candidate shall be entitled to require a recount if:

- The Candidate has been nominated to contest the position of President, Vice-President, Chairperson of the Métis Women of British Columbia, or the Chairperson of the Métis Youth of British Columbia;
- The Candidate has been nominated to contest the position of Regional Director, Regional Representative for the Métis Women of British Columbia (MWBC) or Regional Youth Representative for the Métis Youth of British Columbia;
- There are no more than fifteen (15) votes difference between the Candidate who has the most votes for that position and the Candidate requesting a recount; and
- Two (2) or more candidates for the same position have an equal number of votes, the Chief Electoral Officer shall declare a tie and conduct a recount.

#### **ARTICLE THIRTY-NINE – RECOUNT PROCEDURE AND TIE BREAKING VOTE**

39.1. The Chief Electoral Officer shall give written notice to each Candidate of the place, date and hour of the recount

39.2. The recount shall, if possible, be held within the next seven (7) days from receipt of a Candidate's written request for a recount.

39.3. No person may be allowed in the room where the recount is being conducted except the following:

- The Chief Electoral Officer;
- The Returning Officer (at the CEO recommendation);
- The Candidates or an Elector appointed in writing to be present on behalf of each of the Candidates.

39.4. In recounting the ballots, the Chief Electoral Officer shall follow the same counting rules that a Returning Officer is required to follow under this Electoral Act.

39.5. The CEO will be required to cast a vote in the event of a tie based on the calculation of the popular vote only.

#### **ARTICLE FORTY – ANNOUNCEMENT OF RECOUNT RESULTS**

40.1. Upon the completion of any and all recounts, the Chief Electoral Officer shall certify the final results of the election, publicly announce the results of the recount and declare the names of



the successful candidate who received the largest number of votes.

**ARTICLE FORTY-ONE – DESTROYING BALLOTS**

- 41.1. The Chief Electoral Officer shall destroy all ballots ninety (90) days from the date of the election unless:
- Directed by an order of a Court; or
  - Directed by an order of the Senate; or
  - A request for a recount is received in which case the ballots shall be destroyed after ninety (90) days from the date of the recount unless otherwise ordered.

## **ARTICLE FORTY-TWO – ELECTION APPEAL**

- 42.1. Decisions of the Chief Electoral Officer during an election may be appealed to the Métis Nation British Columbia Senate.
- The Chief Electoral Officer will have the authority to refuse candidates and voters who do not meet the required eligibility pre-requisites and deadlines set out in the MNBC Electoral Act.
  - All candidates or electors refused will have the option to file a written election appeal before the Métis Nation British Columbia Senate.
- 42.2. A candidate or elector will have fourteen (14) days from the date of the election or fourteen (14) days from the date of the recount to file a written election appeal before the MNBC Senate.
- The written appeal sent to the MNBC Senate should outline the rationale of the election appeal, along with any documents or other materials that should assist the appeal.
  - As part of filing an election appeal, the candidate or elector shall deposit with the MNBC Finance Department the sum of \$150.00 in cash or money order. This deposit is non-refundable and serves as security for administrative costs in connection with carrying out the appeal process.
- 42.3. The Chief Electoral Officer will provide information at the request of the MNBC Senate during the election appeals process so as to deliver a fair and balanced decision.
- The Chief Electoral Officer will be responsible in providing reasons for refusal as supported by the Articles in the Electoral Act.
  - The MNBC Senate reserves the right to set a date when the candidate or elector who filed the election appeal may present their arguments in person. The onus to prove the appeal to the satisfaction of the MNBC is upon the individual who filed the election appeal.

## **ARTICLE FORTY-THREE – GENERAL**

- 43.1. The appeal will not be successful if it is shown that the election was conducted in accordance with this Election Act and that the irregularity, failure, non-compliance or mistake did not materially affect the result of the election, no election is void by reason of:
- Failure to publish, late distribution or non-receipt of the Métis communities;
  - A failure to hold a poll at any place appointed for holding a poll;
  - A non-compliance with the provisions of this Electoral Act relating to the counting of the votes or with regard to limitations of time; or
  - Any mistake in the use of the prescribed forms.

## **ARTICLE FORTY-FOUR – INTERPRETATION**

- 44.1. Unless the context otherwise requires, words imparting the singular number shall include the plural



number, as the case may be, and vice-versa.

#### **ARTICLE FORTY-FIVE – ENACTMENT**

- 45.1. This Act comes into force upon approval by the MNGA and final ratification at the MNBC Annual General Meeting. It is binding on all citizens of the MNBC and its organizations.
- 45.2. This Act has been received ratification by the Métis Nation Annual General Meeting

This 22<sup>nd</sup> day of September 2007.