

BAND COUNCIL RESOLUTION

Chronological no. 2022-1004-01
File reference no.

NOTE: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds

The council of the PIIKANI NATION					Cash free balance	
					Capital account	\$ _____
Date of duly convened meeting	D 0 4	M 1 0	Y 2 2	Province ALBERTA	Revenue Account	\$ _____

WHEREAS: pursuant to their inherent rights and powers and those granted under the *Indian Act*, RSC 1985, c. I-56, the Council of the Piikani Nation (the "Council") is empowered to make decisions on behalf of the Piikani Nation;

AND WHEREAS: pursuant to s. 2(3)(b) of the *Indian Act* a majority of the Council had a duly convened meeting on the 4th day of October, 2022 (the "Meeting");

AND WHEREAS: the Council has reviewed certain provisions of the *Piikani Nation Election Regulations, 2002* (the "Regulations"), and determined that those provisions require amendment;

AND WHEREAS: pursuant to section 15.01 of the *Piikani Nation Election Bylaw, 2002*, the Council may amend the Regulations without referendum;

AND WHEREAS: the proposed amendments have been read this day and the Council has approved same;

THEREFORE BE IT RESOLVED THAT

1. The Council of the Piikani Nation hereby passes each of the following amendments to the *Piikani Nation Election Regulations, 2002* and proclaims them in force:

(a) That section 2.01.04A be passed:

2.01.04A the dates and location of advance Polling Places, including off-reserve, and

(b) That section 3.02 be repealed and replaced with the following provision:

3.02 The Chief Electoral Officer shall

3.02.01 be a member of the Piikani Nation,

3.02.02 be twenty one (21) years of age or over,

3.02.03 be neither a Chief nor a Councillor nor shall he become a candidate in the Piikani Nation Election for which he is appointed or favour, promote, or be associated with the campaign of any candidate,

3.02.04 not be an employee of the Piikani Nation Administration, or of Indigenous Services Canada, Crown-Indigenous Relations and Northern Affairs Canada or any Successor Department of the Government of Canada, and

3.02.05 not have been found in breach of the Bylaw or these Regulations within the last five years before the appointment.

(c) That section 3.03 be repealed and replaced with the following provision:

3.03 The Chief Electoral Officer is to act as the returning officer of the election and shall provide all necessary means and do all acts that may be required for the purpose of holding the election and taking the votes. Such duties shall include but are not limited to the following:

3.03.01 to appoint Interpreters, Scrutineers and other persons required to conduct the election,

3.01.02 to prepare the list of eligible voters,

- 3.03.03 to prepare, post and announce the notice of the Piikani Nation Election,
- 3.03.04 to publicize the date, time and place of the nomination meeting,
- 3.03.05 to act as the chairman of the nomination meeting,
- 3.03.06 to prepare lists of eligible and ineligible nominees, from among the nominated, and in so doing to carefully consider any recommendations made in writing by the Elders of the Piikani Nation as to the eligibility or ineligibility of any of the nominees, in accordance with the principles of PIKANISSINI,
- 3.03.07 to collect on behalf of the Piikani Nation the fees to be assessed pursuant to the Bylaw and these Regulations,
- 3.03.08 to procure the necessary materials and establish Polling Places,
- 3.03.09 to establish regulations and accreditation procedures for Agents employed by candidates at the Polling Places,
- 3.03.10 to establish and conduct any advance polls,
- 3.03.11 to establish and conduct the polls and to be responsible for all matters during polling,
- 3.03.12 to close the polls and gather ballots,
- 3.03.13 to supervise the count of the vote,
- 3.03.14 to declare the successful candidates,
- 3.03.15 to deal with the ballots in accordance with the Bylaw and these Regulations, including ensuring that ballots and ballot boxes are kept secure at all times,
- 3.03.15A to ensure order is maintained at the nomination meeting and Polling Places, and
- 3.03.16 subject to the provisions of the Bylaw, to generally oversee and supervise the conduct and integrity of the election and to act with respect to appeals as required by the Bylaw and these Regulations.

(d) That section 3.04 be repealed and replaced with the following provision:

3.04 The Chief Electoral Officer shall be provided with a budget, sufficient support staff, space, and other resources by the Piikani Nation Council in order to fulfill his duties pursuant to the Bylaw and Regulations, including resources to be able to obtain independent legal advice regarding the fulfillment of his duties and determinations to be made by him as part of the discharge of his duties.

(e) That section 3.05 be repealed and replaced with the following provision:

3.05 In the event that any person breaches these Regulations or the Bylaw, the Chief Electoral Officer may, in his sole discretion, remove that person from the Polling Place or ballot count.

(f) That section 4.02 be repealed and replaced with the following provision:

4.02 The Deputy Electoral Officers shall be

- 4.02.01 a member of the Piikani Nation,
- 4.02.02 twenty one (21) years of age or over,
- 4.02.03 neither a Chief nor a Councillor nor shall he become a candidate in the Piikani Nation Election for which he is appointed or favour, promote, or be associated with the campaign of any candidate,
- 4.02.04 not be an employee of the Piikani Nation Administration, or of Indigenous Services Canada, Crown-Indigenous Relations and Northern Affairs Canada or any Successor Department of the Government of Canada, and

4.02.05 not have been found in breach of the Bylaw or these Regulations within the last five years before the appointment.

(g) That section 5.02 be repealed and replaced with the following:

5.02 An Interpreter shall

5.02.01 be an Indian within the meaning of the Indian Act

5.02.02 be twenty-one (21) years of age or over,

5.02.03 be fluent in the Blackfoot language,

5.02.04 be able to read and write English,

5.02.05 have a knowledge of Blackfoot names and families on the Reserve,

5.02.06 have knowledge of the sign language of the Blackfoot people,

5.02.07 be neither a Chief nor a Councillor nor shall he become a candidate in the Piikani Nation Election for which he is appointed or favour, promote, or be associated with the campaign of any candidate, and

5.02.08 not have been found in breach of the Bylaw or these Regulations within the last five years before the appointment.

(h) That section 6.02 be repealed and replaced with the following provision:

6.02 A Scrutineer shall

6.02.01 be a Treaty Indian other than a Piikani Nation Member,

6.02.02 not be a member of the Piikani Nation,

6.02.03 be twenty-one (21) years of age or over,

6.02.04 be fluent in the Blackfoot language,

6.02.05 be able to read, write and speak English,

6.02.06 not favour, promote, or be associated with the campaign of any candidate, and

6.02.07 not have been found in breach of the Bylaw or these Regulations within the last five years before the appointment.

(i) That section 7.03 be repealed and replaced with the following provision:

7.03 Agents shall be entitled to observe the conduct of the election and the counting of the ballots, but shall not

7.03.01 speak or influence or interfere with any voter in the Polling Place, or

7.03.02 obstruct or interfere with the Chief Electoral Officer, the Deputy Electoral Officer, the Interpreters or the Scrutineers in completing their duties in accordance with the Bylaw or Regulations.

(j) That section 8.01 be repealed and replaced with the following provision:

8.01 Not later than twenty-one (21) days prior to the Piikani Nation Election date, the Chief Electoral Officer shall prepare or cause to be prepared a preliminary list of eligible voters from the list of Piikani Nation Members maintained pursuant to the Piikani Nation Membership Code.

(k) That section 8.02 be repealed and replaced with the following provision:

8.02 The list of eligible voters shall be held by the Membership Clerk and shall be made available for review by any Piikani Nation member who is twenty-one (21) years of age or over to determine that his name is on the list of eligible voters.

- (l) That section 8.02A be passed:

8.02A Where a Piikani Nation member who is twenty-one (21) years of age or over determines that his name is not on the list of eligible voters, he may apply to the Chief Electoral Officer to have his name added to the list of eligible voters.

- (m) That section 8.02B be passed:

8.02B A Piikani Nation member may apply to the Chief Electoral Officer to have his name removed from the list of eligible voters.

- (n) That section 8.02C be passed:

8.02C A Piikani Nation member who is twenty-one (21) years of age or over may apply to the Chief Electoral Officer to have the name of any other person deleted from the list of eligible voters.

- (o) That section 8.06 be repealed and replaced with the following provision:

8.06 The Chief Electoral Officer shall finalize the final voters list seven (7) days prior to the Piikani Nation Election date.

- (p) That section 9.01 be repealed and replaced with the following provision:

9.01 Not later than twenty-one (21) days prior to the Piikani Nation Election date, the Chief Electoral Officer shall hold a nomination meeting at the time, date and place described in the Notice of Piikani Nation Election.

- (q) That section 9.02A be passed:

9.02A The notice of the nomination meeting shall include:

9.02A.01 the date, time and place of the nomination meeting,

9.02A.02 the eligibility requirements to be met by nominees,

9.02A.03 the nomination procedures, and

9.02A.04 any other matters relating to nominations.

- (r) That section 9.03 be repealed and replaced with the following provision:

9.03 At the time, date and place scheduled for the nomination meeting, the Chief Electoral Officer shall

9.03.01 declare the meeting open for the purpose of receiving nominations for the offices of Chief and Councillor,

9.03.02 act as chairman of the nomination meeting, which shall be open for the period commencing at 4:00 o'clock in the afternoon and concluding at 7:00 o'clock in the evening, local time,

9.03.02A if individuals are waiting in line to deliver their nomination packages at the conclusion of the nomination meeting, whether inside or outside the place of the nomination meeting, permit those individuals to deliver their nomination packages,

9.03.03 declare nominations closed at the end of the said time period,

9.03.04 if only one person shall have been nominated for the office of Chief, declare that person as duly elected by acclamation,

9.03.05 if eight or fewer persons have been nominated as Councillor, declare those persons as duly elected by acclamation, and

9.03.06 if the number of persons nominated for the office of Chief exceeds one, or the number of persons nominated for Councillor exceeds eight, then declare that a poll will be held at the time, date and place specified in the notice of Piikani Nation Election to elect the said Chief and/or Councillors as required.

(s) That section 9.04 be repealed and replaced with the following provision:

9.04 Any person eligible to vote may nominate any other person eligible to stand for office pursuant to the Bylaw or Regulations for either the office of Chief or Councillor provided:

9.04.01 each nomination shall be seconded by another eligible voter,

9.04.02 the person being nominated shall be present when nominated,

9.04.03 each nomination for the office of Chief shall be accompanied by the appropriate fee of Seven Hundred Fifty (\$750.00) Dollars and for the office of Councillor Five Hundred (\$500.00) Dollars payable at the time of nomination either by cash, certified cheque or money order payable to the Piikani Nation and delivered to the Chief Electoral Officer. The Piikani Nation Chief Executive Officer shall appoint a person to collect all such fees, and

9.04.04 each nominator provides sworn evidence in the prescribed form that he believes the nominee is eligible to be nominated and hold office pursuant to the Bylaw and Regulations.

(t) That section 9.04A be added:

9.04A A nomination is not valid unless the nomination is submitted to the Chief Electoral Officer at the nomination meeting with:

9.04A.01 the prescribed form sworn by the nominator and seconder,

9.04A.02 the prescribed form signed by the nominee accepting the nomination,

9.04A.03 the required fee,

9.04A.04 the nominee's criminal record check,

9.04A.05 the nominee's criminal record check consent form, and

9.04A.06 the nominee's record of pardon, if applicable.

(u) That section 9.04B be added:

9.04B Nomination fees are non-refundable.

(v) That section 10.01 be repealed and replaced with the following provision:

10.01 Any candidate who has been nominated may withdraw his nomination no later than seven (7) days after the nomination date by filing with the Chief Electoral Officer a written withdrawal of his nomination signed by himself in the presence of the Chief Electoral Officer, a justice of the peace, a notary public, or a commissioner for oaths, and his name shall not appear on the list of candidates for the office of Chief or Councillor.

(w) That section 14A be added:

ADVANCE POLLS

14A.01 Where Piikani Nation Council has determined that one or more advance polls should be held prior to the election date, the Chief Electoral Officer shall follow the procedures for such advance polls as set out in this section.

14A.02 Not later than seven (7) days prior to the election date, the Chief Electoral Officer shall cause the advance polls to be held and such vote shall be conducted in the same manner as a vote on the election date, and all provisions in the Bylaw and these Regulations respecting the conduct of the election on the election date and all related matters apply, with all necessary modifications, to the holding of an advance poll, except that:

14A.02.01 After eligibility to vote is confirmed in accordance with these Regulations, every eligible voter who presents himself at an advance poll, and before being permitted to vote, shall be required by the Chief Electoral Officer to complete a statement that he is voting at an advance poll and such completed statements shall be kept securely in the custody of the Chief Electoral Officer with other records of the Polling Place,

14A.02.02 The Chief Electoral Officer shall also make an entry in the final eligible voters list to indicate that person voted at an advance poll,

14A.02.03 The ballots cast shall be kept in a separate ballot box for each advance poll,

14A.02.04 Immediately after the close of the advance poll, the Chief Electoral Officer shall seal the ballot box so that it cannot be opened and no ballots can be deposited into it without breaking the seal and the ballot box must remain sealed and kept securely in the custody of the Chief Electoral Officer until the close of the Polling Places on the election date when the ballots shall be counted in accordance with sections 17.01 to 17.11 of these Regulations, and

14A.02.05 Immediately after the close of the advance poll, the Chief Electoral Officer shall advise the Deputy Electoral Officer of the names of all those eligible voters who voted at the advance poll, and the Chief Electoral Officer shall keep the list of eligible voters, which will indicate those eligible voters who voted at the advance poll, securely in his custody until the Election Date at which time that list shall be used on the Election Date.

(x) That section 15.01A be added:

15.01A No campaigning is permitted at the Polling Places.

(y) That section 15.02A be added:

15.02A No unofficial cameras or other recording devices shall be permitted in the voting compartments or at the Polling Places.

(z) That section 15.03 be repealed and replaced with the following provision:

15.03 An elector may vote once only for Chief and for the number of Councillors he chooses, not exceeding the number of Councillors to be elected. A ballot containing votes for more than one Chief or the number of Councillors to be elected is void.

(aa) That section 15.15 be repealed and replaced with the following provision:

15.15 Promptly at 8:00 o'clock in the evening of election day, the Chief Electoral Officer shall publicly declare that the poll is closed, however, all eligible voters who are waiting in line at the Polling Place at such time but who have not yet voted shall be allowed to vote.

(bb) That section 16 be renamed "AUTOMATIC OR ELECTRONIC BALLOT PROCEDURES";

(cc) That section 16.04A be added:

16.04A The Chief Electoral Officer at the polling places shall, immediately before commencement of any poll, assemble the ballot tabulator equipment and call the Scrutineers and Agents and such other persons as may be present to view that the ballot tabulator equipment is in working order and the ballot drum is empty. He shall then lock and seal the drum to prevent it from being opened without breaking the seal and shall place it in public view for the reception of ballots and the seal shall not be broken until the poll is officially terminated and the ballots are to be counted.

(dd) That section 16.04B be added:

16.04B The Chief Electoral Officer shall run a preliminary report from the ballot tabulator to demonstrate that the ballot count is starting at zero for each candidate.

(ee) That section 16.07 be repealed and replaced with the following provision:

16.07 The voter shall vote for his selected candidate in the manner prescribed. The voter shall mark one candidate for the position of Chief and shall mark no more than eight candidates for the position of Councillor. All marks shall be made with the ballot marking pen.

(ff) That section 17 be renamed "CLOSING THE POLL/COUNTING THE BALLOTS";

(gg) That section 17.01 be repealed and replaced with the following provision:

17.01 Immediately after the close of the poll, the Chief Electoral Officer shall, in the presence of such of the Scrutineers, the candidates or their Agents, and all other persons who may be present, open the ballot boxes to count the votes, including the votes from any advance polls.

(hh) That section 17.08 be repealed and replaced with the following provision:

17.08 The Chief Electoral Officer shall then count the votes given for each candidate on ballots not rejected, and shall prepare a written statement in words and as well in figures under the following heads using the prescribed form:

- 17.08.01 Date of election,
- 17.08.02 Number of persons who voted at the Polling Places,
- 17.08.03 Number of votes cast for each candidate,
- 17.08.04 Number of valid ballots cast,
- 17.08.05 Number of rejected ballots, and
- 17.08.06 Number of unused and cancelled ballots.

(ii) That section 17.09 be repealed and replaced with the following provision:

17.09 The prescribed form shall then be signed by the Chief Electoral Officer, the Scrutineers, and those of the candidates or their Agents who are present and desire to sign it.

(jj) That section 17.09A be added:

17.09A The Chief Electoral Officer shall provide his signed form to the Chief Executive Officer to be kept as part of Piikani Nation records.

(kk) That section 17.10A be added:

17.10A Where a portable precinct ballot tabulator is used to electronically read and tabulate mark-sense ballots, at the close of the polls the Chief Electoral Officer shall:

- 17.10A.01 open as many ballot boxes as may be necessary to hold the ballots and call the Scrutineers and Agents and such other persons as may be present to view that the ballot boxes are empty,
- 17.10A.02 collect all ballots from the ballot drum and transfer them to the ballot boxes, and
- 17.10A.03 lock and seal the ballot boxes to prevent them from being opened without breaking the seal.

(ll) That section 20.03 be repealed and replaced with the following provision:

20.03 A person appointed pursuant to section 20.02 to the Piikani Nation Election Appeals Board

- 20.03.01 shall be twenty-one (21) years of age or over,
- 20.03.02 may be a member of the Piikani Nation,
- 20.03.03 may be of Blackfoot origin,
- 20.03.04 shall not favour, promote, or be associated with the campaign or promotion of any candidate, and
- 20.03.05 shall not be an employee of Piikani Nation Administration, or of Indigenous Services Canada, Crown-Indigenous Relations and Northern Affairs Canada or any Successor Department of the Government of Canada.

(mm) That section 20.06 be repealed and replaced with the following provision:

20.06 Any eligible voter may lodge an appeal against a Piikani Nation Election by

20.06.01 filing within fourteen (14) days of the Piikani Nation Election a written document on which shall appear;

20.06.01.01 the grounds pursuant to the Bylaw on which the election is appealed,

20.06.01.02 the evidence in support of the appeal,

20.06.01.03 the signature of a person initiating the appeal.

(nn) That section 20.07 be repealed and replaced with the following provision:

20.07 Any notice of appeal shall

20.07.01 be accompanied by cash, a certified cheque or a money order payable to the Piikani Nation in the amount of Five Hundred Dollars (\$500.00) which shall be non-refundable, and

20.07.02 be served either personally on the Chairman or by forwarding the appeal to the Piikani Nation Election Appeals Board via registered mail, mailed within such period addressed to:

Chairman
Piikani Nation Election Appeals Board
Piikani Nation Administration Office
Brockton Alberta T0K 0H0

with such service to be effected within fourteen (14) days of the Piikani Nation Election.

(oo) That section 20.08 be repealed and replaced with the following provision:

20.08 The Piikani Nation Election Appeals Board shall not receive or consider any appeals with respect to:

20.08.01 the eligibility of candidates, or

20.08.02 the removal of any person from the Polling Place or ballot count for breach of these Regulations or the Bylaw.

(pp) That section 20.10 be repealed and replaced with the following provision:

20.10 Upon receipt of an Appeal, the Piikani Nation Election Appeals Board shall cause a copy of the Appeal to be served on all candidates for the office of Chief or Councillor. Service shall be effected personally, by registered mail, or by email if the candidate has provided an email address on his nomination form.

(qq) That section 20.10A be added:

20.10A Service of the Appeal on all candidates shall be effected by the Piikani Nation Election Appeals Board within seven (7) days of receipt of the Appeal.

(rr) That section 20.16 be repealed and replaced with the following provision:

20.16 In their deliberations, the Piikani Nation Election Appeals Board may, in their sole discretion,

20.16.01 examine the record,

20.16.02 conduct hearings of the Appellant, the Respondent and any witnesses which either may call and the Board permit to be heard,

20.16.03 cause the appearance as witness of the Appellant or Respondent or any witnesses who may, in the Board's opinion, assist the Board in deciding the appeal,

20.16.04 generally conduct the proceedings in any way which the Board, in its sole discretion, deems appropriate in order to decide the appeal, and the Board may make or establish procedures, regulations and orders governing the conduct of any such hearings or any proceedings of the Board as the Board determines to be necessary and appropriate in the circumstances, provided that such procedures, regulations and orders

do not conflict with the Bylaw, these Regulations, or any regulations enacted by Piikani Nation Council governing election appeals.

(ss) That section 20.19A be added:

20.19A In making its decision, the Piikani Nation Election Appeals Board shall take into consideration all relevant matters, including but not limited to:

20.19A.01 the purpose of the Bylaw and the Regulations,

20.19A.02 the evidence and submissions of the Appellant and Respondent before it, including any evidence or submissions provided in writing, and

20.19A.03 past practices and decisions of the Piikani Nation Election Appeals Board.

(tt) That section 21.02 be repealed and replaced with the following provision:

21.02 The Piikani Nation Removal Appeals Board shall consist of persons appointed by the Piikani Nation Council who shall be appointed not less than seven (7) days after the Piikani Nation Council has received a referral or recommendation from Council or an appeal resulting from a petition calling for the removal of the Chief or Councillor.

(uu) That section 21.03 be repealed and replaced with the following provision:

21.03 A person appointed pursuant to section 21.02 to Piikani Nation Removal Appeals Board

21.03.01 shall be twenty-one (21) years of age or over,

21.03.02 may be a member of the Piikani Nation,

21.03.03 may be of Blackfoot origin, and

21.03.04 shall not be an employee of the Piikani Nation Administration, or of Indigenous Services Canada, Crown-Indigenous Relations and Northern Affairs Canada or any Successor Department of the Government of Canada.

(vv) That section 21.04 be repealed and replaced with the following provision:

21.04 The Piikani Nation Removal Appeals Board shall be appointed for a term commencing on appointment and terminating after the time the Piikani Nation Removal Appeals Board has rendered a decision. Members of the Piikani Nation Removal Appeals Board may be reappointed after the end of their term for future referral or recommendations from Council or appeals resulting from a petition calling for the removal of the Chief or a Councillor.

(ww) That section 21.05 be repealed and replaced with the following provision:

21.05 The Piikani Nation Removal Appeals Board shall be responsible to conduct, hear and determine in accordance with the Bylaw and these Regulations any referral or recommendation from Council or any appeal resulting from a petition calling for the removal of the Chief or a Councillor. The Board may generally conduct the proceedings in any way which the Board, in its sole discretion, deems appropriate in order to decide the appeal and the Board may make or establish procedures, regulations and orders governing the conduct of any such hearings or any proceedings of the Board as the Board determines to be necessary and appropriate in the circumstances, provided that such procedures, regulations and orders do not conflict with the Bylaw, these Regulations, or any regulations enacted by Piikani Nation Council governing removal appeals.

(xx) That section 24 be added:

PROCEDURES DURING A STATE OF EMERGENCY

24.01 Notwithstanding these Regulations, in the event that the Piikani Reserve is in a state of emergency as declared by Piikani Nation Council within a three (3) month period prior to the date on which a Piikani Nation Election is to be held, and in order to ensure the safety and wellbeing of Piikani Nation members, election officials, administrative support staff and any other individuals permitted to be present at the nomination meeting or polling places, such procedures as may be determined by Piikani Nation Council in consultation with the Chief Electoral Officer shall be followed.

2. The Chief Operating Officer of Piikani Nation is directed to publish this Band Council Resolution forthwith.

Quorum 5

(Chief Stanley C. Grier)

(Councillor Doane Crow Shoe)

(Councillor Wesley Crow Shoe)

(Councillor Theodore Provost)

(Councillor Brian Jackson)

(Councillor Troy Knowlton)

(Councillor Riel Houle)

(Councillor Erwin Bastien)

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority (Indian Art Section)	Source of funds	Expenditure	Authority (Indian Art Section)	Source of funds
		<input type="radio"/> Capital <input type="radio"/> Revenue			<input type="radio"/> Capital <input type="radio"/> Revenue
Recommending officer			Recommending officer		
_____ Signature		_____ Date	_____ Signature		_____ Date
Approving officer – Approuvé par			Approving officer		
_____ Signature		_____ Date	_____ Signature		_____ Date