



P.O. BOX 5000

OHSWEKEN, ONTARIO

CANADA N0A 1M0

Office: (519) 445-2201
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Economic Development: 445-0093
Housing: 445-2235

FULL COUNCIL MEMORANDUM

DATE: August 18, 1995

TO: Chief & Council
Management Team
Office file

MEETING DATE: AUGUST 16, 1995
FULL COUNCIL MEETING

RESOLUTION NO: (1)

Moved by Winona Johnson and seconded by Edward Martin that this Council accept that the Six Nations of the Grand River Elections Code with changes made throughout the consultation process and that second reading be waived.

Carried.

SIX NATIONS COUNCIL

Tammy Martin
Administration Secretary



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FULL COUNCIL MEMORANDUM

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MEETING DATE: **AUGUST 16, 1995**
FULL COUNCIL MEETING

RESOLUTION NO: (2)

Moved by Winona Johnson and seconded by Edward Martin that this Council set the following dates for the Fiftieth (50th) General Election for Six Nations of the Grand River:

Nomination day on September 23, 1995;
Advanced Poll on October 14, 1995;
Election day on October 21, 1995;
and the take over date for the newly elected Council be November 20, 1995.

Carried.

SIX NATIONS COUNCIL

Tammy Martin
Administration Secretary

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

These guidelines are for general elections. Sections as may be deemed appropriate may be applied for By-elections, referendums (binding and non-binding), plebiscites (binding and non-binding), or other forms of polling.

DEFINITIONS:

Council - means the Six Nations of the Grand River Elected Council consisting of twelve (12) Councillors and one (1) Chief.

Chief - is commonly referred to as "Elected Chief"

Councillor - commonly referred to as "District Representative", "Elected Councillor" or "Councillor" or "Band Councillor" or "District Councillor"

Chief Electoral/Polling Officer - also shown as CEPO in these guidelines.

Business Days - means Monday, Tuesday, Wednesday, Thursday and Friday.

Chief Electoral/Polling Officer - means the person appointed by the presiding Council to ensure that all provisions set forth in these guidelines are adhered to.

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

Sitting Council - means the Six Nations Elected Council currently holding office.

Appeals - means a process to address the concerns of individuals surrounding the results of the election.

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

I. ELIGIBILITY OF VOTERS

1. a) Only registered band members of the Six Nations of the Grand River Indian Reserve who are eighteen (18) years of age or older are eligible to vote.
- b) All eligible voters may cast only one (1) ballot marking one (1) vote for Chief.
- c) All eligible voters may cast not more than one (1) ballot with not more than two (2) votes marked on the ballot for District Representative.
2. Members Who Live On-Reserve
 - a) All eligible voters who live on-reserve may only vote for candidates seeking election in the district where they principally own property, rent a home, or otherwise reside.
3. Members Who Live Off-Reserve
 - a) In the case of members who live off-reserve all eligible voters may only vote for candidates seeking election in the one (1) district where they can prove a historical relationship ie. own property, have family.

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

II. ELIGIBILITY REQUIREMENTS FOR ALL CANDIDATES

All candidates must meet the following criteria to be eligible to stand for election to the Six Nations of the Grand River Elected Council.

- a) Be a registered band member of Six Nations of the Grand River.
- b) Be eighteen (18) years of age or older.
- c) Be a permanent resident of Six Nations of the Grand River and/or have resided on the reserve for a minimum of one (1) year prior to election.
- d) Must live in the district they intend to run in.
- e) Upon acceptance of nomination, shall include:
 - i) a biography of the candidate; and
 - ii) a recent (*recent defined as 'within the previous four (4) weeks of the nomination date'*) simply ~~CPECK~~ at the cost of the candidate, thus, providing proof of not having been convicted within the previous three (3) years of an ~~Indicatable Offense~~ in Canada, or a Felony in the United States of America.
- f) No candidate may run for office of both Chief and Councillor in the same election.
- g) Candidates standing for election shall be required to confirm acceptance of nomination to the Chief Electoral/Polling Officer within ten (10) business days of the close of nominations.

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

II. ELIGIBILITY REQUIREMENTS FOR ALL CANDIDATES con't

- h) All candidates must be nominated by two (2) eligible nominators.
- i) Anyone removed from office shall not be eligible to be nominated or stand for election for a period of three (3) years from the time of their removal from office.
- j) employees of the administration of Six Nations of the Grand River who are elected into office must resign there position the first business day following the election.

III. ELIGIBILITY OF NOMINATOR & SECOND NOMINATOR

- a) Both nominators must meet 'Eligibility Requirements for All Candidates' a), b), and c) as stated below:
 - "a) *Be a registered band member of Six Nations of the Grand River.*
 - b) *Be eighteen (18) years of age or older.*
 - c) *Be a permanent resident of Six Nations of the Grand River and/or have resided on the reserve for a minimum of one (1) year prior to election."*
- b) Both nominators must reside in the district they intend to nominate a candidate.

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

III. ELIGIBILITY OF NOMINATOR & SECOND NOMINATOR con't

- c) No one may nominate or second a nomination for more than one (1) candidate for Elected Chief.
- d) No one may nominate and/or second a nomination for the same candidate.

IV. TERM OF OFFICE

- a) The term of office shall be for a maximum of three (3) years.
- b) The term of office shall commence at 12:00 a.m. midnight on the first Tuesday of the first month immediately following the election.
- c) The outgoing Council shall officially end its term of office at 12:00 midnight on the Monday immediately preceding the first Tuesday of the first month immediately following the election unless deemed to by the current Council to be a shorter term.
- d) When an appeal on the election process is submitted to the Chief Electoral/Polling Officer, the existing/sitting Council shall remain in office until the appeal process is complete.

V. DISASTER CLAUSE - CALL FOR ELECTION

When a permanent absence of a quorum of Council occurs due to death, sickness, resignation, etc., the remaining Council has the authority to call an election or by-election. The call for election must be made within five (5) business days of the absence of a quorum.

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

V. DISASTER CLAUSE - CALL FOR ELECTION con't

When a total absence of Council occurs the Chief Electoral/ Polling Officer has the authority and responsibility to call an election and will begin the election process immediately.

VI. DISTRICTS

- a) There shall be six (6) Electoral Districts for the Six Nations of the Grand River Elected Council elections.
- b) The boundaries outlining each and all Electoral Districts shall be advertised at the time of the declaration of nomination meeting in at least six (6) conspicuous locations, one of which must be in each of the Electoral Districts.
- c) The Electoral Districts will be named: District 1, District 2, District 3, District 4, District 5, and District 6.

VII. NOMINATION MEETING

- a) The nomination meeting shall take place on Saturday not less than four (4) weeks prior to the date of the election.
- b) The nomination shall be advertised for two (2) weeks in not less than six (6) conspicuous places throughout the reserve, one (1) of which must be in each of the Electoral Districts, announcing the date, place and time of the meeting to nominate candidates for election to the Six Nations of the Grand River Elected Council.
- c) The nomination meeting shall be presided over by the Chief Electoral/Polling Officer. The CEPO will be required to adhere to the Chief Electoral/Polling Officer's Procedural Manual.

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

VIII. ADVANCED POLL

- a) The Advance Poll may occur within one (1) week prior to the regular Election Day polling.
- b) The location and time of the Advance Poll shall be determined by the Chief Electoral/Polling Officer, pursuant to the Duties of the Six Nations Chief Electoral/Polling Officer Procedures Manual.
- c) The ballots will be sealed and counted and included in the proper District/Elected Chief at the time of the General Election counting of ballots.

IX. ELECTION DAY

- a) The day for elections to the Six Nations Elected Council shall occur no less than two (2) weeks prior to the expiration of the outgoing Council.
- b) On election day where there are only two candidates that stand for election, those candidates shall be declared acclaimed.

X. REPRESENTATION TO COUNCIL

- a) There shall be one (1) Elected Chief elected to the Six Nations Elected Council.
- b) Two (2) representatives shall be elected to the Six Nations Elected Council from each of the six (6) electoral districts for a total of twelve (12) representatives.

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

XI. VACANCY OF OFFICE

- a) Vacancies occur when an Elected District Councillor or Elected Chief:
- i) has resigned
 - ii) is convicted of an indictable offence in Canada, or a felony in the United States of America
 - iii) Misses three (3) consecutive Full Council meetings without reasonable excuse or notification to Council
 - iv) becomes incapacitated for any reason and/or is incapable of fulfilling their role & duties as an elected Councillor or Chief
 - v) dies
 - vi) an 'impeachment/removal from office' of an Elected District Councillor or Chief occurs.
 - vii) ceases to reside on the Six Nations reserve in the district they were voted into. (exceptions - burnt out of house due to fire, unusual circumstances beyond their control)
- b) When a vacancy occurs greater than four (4) months prior to the next election, the sitting Council may call a By-election to fill that vacancy or may call a General Election. The sitting Council will inform the Community of their decision to have a By-Election or General Election within five (5) business days of the vacancy.

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

XII. IMPEACHMENT/REMOVAL FROM OFFICE

A member of the Elected Council shall be removed from Council when:

- a)
 - i) a Councillor ceases to reside on the Six Nations reserve in the district they were voted into*.
 - ii) in the case of the Chief, ceases to reside on the Six Nations reserve*.

(* exceptions - burnt out of house due to fire, unusual circumstances beyond their control)
- b)
 - i) a valid petition is brought forth to the Council at a duly convened General Council Meeting signed by the majority of the eligible voters that voted in that District at the General Election when the Councillor was voted into office.
 - ii) in the case where a Councillor or Chief was acclaimed to office, a valid petition is brought forth to the Council at a duly convened General Council Meeting signed by the majority of the eligible voters that voted in the General Election prior to when the Councillor or Chief was acclaimed.
- c) cannot, within 90 calendar days, have a charge of an indictable offence in Canada, or a felony in the United States of America, cleared.
- d) is convicted of an indictable offence in Canada, or a felony in the United States of America.
- e) Misses three (3) consecutive Full Council meetings without reasonable excuse or notification to Council.
- f) Becomes an employee of the Six Nations Council.

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

XIII. APPEALS

Candidates may file appeals regarding the elections.

The appeal must be made within five (5) business days after the election. Appeals shall be made to the Chief Electoral/Polling Officer for adjudication.

The appellant must submit a registered letter, a signed affidavit, or a signed petition to the Chief Electoral/Polling Officer. In order to discourage unwarranted appeals of a personal nature, the appellant must also submit a bank draft of two hundred dollars (\$200) that will be returned pending a successful appeal.

The Chief Electoral/Polling Officer shall deliver his/her decision in writing to the appellant within (5) business days of receiving the appeal.

XIV. FURTHER APPEAL

Should the appellant not be satisfied with the CEPO decision:

- a) he/she, in writing, may make a request within five (5) business days of receiving the CEPO decision, that the CEPO forward the appeal and the CEPO's decision to the Six Nations Election Appeals Committee for further appeal. Further appeals of the election results (including but not limiting to procedural anomalies) shall be heard by the Six Nations Election Appeals Committee.
- b) The Six Nations Election Appeals Committee shall determine the appropriateness of the appeal and make a binding recommendation to the Chief Electoral/Polling Officer within five (5) business days of receiving the appeal.
- c) The Chief Electoral/Polling Officer shall act on the recommendation without further appeal.

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

XV. SIX NATIONS ELECTIONS APPEALS COMMITTEE

The Six Nations Election Appeals Committee will be comprised of three (3) Six Nations Community Members selected by the Chief Electoral/Polling Officer. The CEPO will select a minimum of 10 people before election day to be members of the Six Nations Elections Appeals Committee.

XVI. APPOINTMENT OF CHIEF ELECTORAL/POLLING OFFICER

- a) Should time permit the sitting Council may advertise no less than two (2) weeks for applicants to submit for the position of "Chief Electoral/Polling Officer" prior to the expiration of the current term of office. Should time not permit the sitting Council has the authority to appoint a "Chief Electoral/Polling Officer".
- b) The sitting Council shall determine the Chief Electoral/Polling Officer from all eligible submissions in accordance with the procedures pursuant to this guideline.
- c) All applicants must meet the "Eligibility Requirements for All Candidates" a) b) c) and e) (as shown below) of this guideline.
 - "a) Be a registered band member of Six Nations of the Grand River.*
 - b) Be eighteen (18) years of age or older.*
 - c) Be a permanent resident of Six Nations of the Grand River and/or have resided on the reserve for a minimum of one (1) year prior to election.*

SIX NATIONS OF THE GRAND RIVER ELECTIONS CODE

XVI. APPOINTMENT OF CHIEF ELECTORAL/POLLING OFFICER

c) con't

e) *Upon acceptance of nomination, shall include:*

i) a biography of the candidate; and

ii) a recent (recent defined as 'within the previous four (4) weeks of the nomination date') simply CPECK at the cost of the candidate, thus, providing proof of not having been convicted within the previous five (5) years of an Indicatable Offense in Canada, or a Felony in the United States of America."

d) The appointment of the Chief Electoral/Polling Officer shall be for a maximum period of three (3) years or shall co-incide with the term of office and shall be paid according to the duties performed.

e) The Six Nations Elected Council may delegate its authority for choosing the Chief Electoral/Polling Officer.

f) The Chief Electoral/Polling Officer is responsible for following the guidelines in the Six Nations Chief Electoral/Polling Officer Procedural Manual.

g) The Chief Electoral/Polling Officer, upon appointment, must confirm in writing that he/she will not be a candidate in the upcoming election for which he/she is appointed to oversee.

**SIX NATIONS
OF THE
GRAND RIVER ELECTIONS CODE**

XVII. AMENDMENTS OF THESE REGULATIONS

- a) Amendments to these guidelines may be heard when:
 - i) A petition is presented to Council signed by eligible voters accompanied with proposed amendments.
 - ii) A motion is brought forth to Council by a member of Council. The motion must be accompanied with the proposed amendments.
- b) No amendments shall be valid unless:
 - i) a public meeting of the eligible voters is called to review the proposed amendments.
 - ii) eligible voters are consulted on the proposed amendments through consultation meetings.
- c) Upon completion of the consultation process, a vote shall be taken by the eligible voters. The proposed amendment shall be deemed approved if the majority of the eligible voters that voted are in agreement. The approved amendments shall become effective five (5) business days after the vote.