

SIX NATIONS OF THE GRAND RIVER

2023 ELECTION CODE

PREAMBLE

We, Six Nations of the Grand River Territory (Mohawk, Cayuga, Oneida, Onondaga, Seneca, and Tuscarora) possess an inherent right of self-determination. We have treaty rights, that are recognized and affirmed within the 1982 Constitution Act. Plus, the United Nations Declaration on the Rights of Indigenous Peoples, include the inherent right of governance on integral matters that are unique to languages, identities, customs, and traditions with respect to our connections to land, children, people, and resources. These rights cannot be extinguished or affected without our consent. We assert our rights as Six Nations of the Grand River to federal and provincial governments and exercise the right to determine the rules for the selection of our political leadership. This Custom Election Code affirms our own process to nominate and select the political representatives of Six Nations of the Grand River Territory.

Six Nations of the Grand River Election Code and Related Documents

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SIX NATIONS OF THE GRAND RIVER

ELECTION 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. Eligibility requirements for candidates begin with this Code.

DEFINITIONS :

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

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

Campaigning on Day of Election – means the promotion of any candidate by means of paraphernalia, on the property of the polling station.

Chief – is commonly referred to as “Elected Chief”.

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

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

Councillor – commonly referred to as “Elected Councillor” or “Councillor” or “Band Councillor”.

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

Emergency – means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or health risk, an accident, or an act whether intentional or otherwise. (Emergency Plan definition)

Full Council Meeting – means when all Councillors and Chief are expected to be in attendance.

Felony – (Definitions from the American Criminal Code to be used)

GED – means General Equivalency Diploma and is equivalent of a high school diploma, as recognized by the Human Resources Department.

Integrity Commission – means the body of established to monitor, receive complaints, and determine appropriate action as per The Integrity Commission’s objectives.

Indictable Offence – (Definition from the Canadian Criminal Code to be used.)

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

Six Nations of the Grand River Territory – Also referred to as Six Nations and the Territory.

Unusual Circumstance Beyond Control – Sick, Working, Family Emergency, Public Duties, Bereavement.

Valid Petition – means fifty percent plus one of the people that voted in an election.

1. ELIGIBILITY OF VOTERS

1. a) Only registered band members of the Six Nations of the Grand River Territory 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 only one (1) ballot marking no more than twelve (12) votes marked on the ballot for Councillor.
2. Members Who Live Off-Reserve
a) All band members of the Six Nations of the Grand River Territory, regardless of residency, are eligible to vote.

2. 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

- 1) Be a registered band member of Six Nations of the Grand River.
- 2) Be eighteen (18) years of age or older.
- 3) 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.
- 4) Possess a minimum of a high school diploma or GED.
- 5) Must demonstrate previous and current community involvement. Example current board member of a community organization, volunteer with minor sports, etc.
- 6) Must not be an incumbent Councillor or Elected Chief having been elected to two consecutive terms prior to the election. (A candidate having served two consecutive terms as a Councillor or Elected Chief is eligible provided that they are not an incumbent to their respective position.)
- 7) Upon acceptance of nomination, shall submit to the Electoral Polling Officer documents which include:
 - a) a biography of the candidate;
 - b) proof of education which might be a diploma, GED certificate, or transcript;
 - c) a recent (recent defined as ‘within the previous four (4) weeks of the nomination date’) simple CPIC police check at the cost of the candidate, thus providing proof of not having been convicted within three (3) years of:
 - [i] an Indictable Offence in Canada or [ii] a Felony in the United States of America.
- 8) No candidate may run for the office of both Chief and Councillor in the same election.
- 9) Candidates standing for election shall be required to confirm acceptance of nomination to the Polling Officer within ten (10) business days of the close of nominations.

- 10) All candidates must be nominated by two (2) eligible nominators.
- 11) Anyone removed from office shall not be eligible to be nominated or stand for election for a period of four (4) years from the time of their removal from office.
- 12) Any Elected Council member who voluntarily steps down from office for any reason will remain eligible for the next election provided that they have not stepped down in their second consecutive elected term and meet all of the preceding requirements.
- 13) Employees of the Six Nations Council who are elected into office must resign their position on the first business day following the election.

3. ELIGIBILITY OF NOMINATOR & SECOND NOMINATOR

- 1) Both nominators must meet “Eligibility Requirements for All Candidates” 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 the election.
- 2) No one may nominate or second a nomination for more than one (1) candidate for Elected Chief.
- 3) No one may nominate or second a nomination for more than one (1) candidate for Councillor.

4. TERM OF OFFICE

- 1) The term of office may be for a maximum of four (4) years, leaving the possibility for a by-election or full general election.
- 2) The term of office shall commence at 12:00 noon on the first Tuesday immediately following the Election and in direct correlation, the outgoing Elected Council will officially end its term at 12:00 noon, the first Tuesday immediately following the Election unless deemed by the current Elected Council to be a shorter term.
- 3) When an appeal of the election results is submitted to the Chief Electoral Polling Officer, the newly-elected Chief and Elected Council shall hold office until the appeal process is complete.

5. DISASTER CLAUSE – CALL FOR ELECTION

- 1) When a permanent absence of a quorum of Council occurs due to death, illness, resignation, etc., the remaining members of Council have 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.
- 2) When a total absence of Council occurs, the Chief Electoral Polling Officer has the authority and responsibility to call a General Election and will begin the election process immediately.

3) In the event that fewer than twelve (12) Councillors are elected, the Chief Electoral Polling Officer may call for a By-Election if agreed to by a majority of the Elected Council.

6. AT LARGE REPRESENTATION

1) Traditionally, the Six Nations of the Grand River was divided into six (6) electoral districts with Councillors to represent the districts in which they reside. For the purpose of elections, districts no longer exist.

2) At Large Representation means that the elected Chief and elected Councillors represent the whole Reserve. The Council is composed of the Chief and twelve (12) Councillors and all candidates for those respective positions will run at large. In the case of Council, the twelve (12) candidates who garner the most votes will be elected.

7. NOMINATION MEETING

1) The nomination meeting shall take place on a Saturday not less than six (6) weeks prior to the date of the election.

2) The nomination shall be advertised for two (2) weeks in not less than six (6) conspicuous places throughout the Reserve, announcing the date, place, and time of the meeting to nominate candidates for election to the Six Nations of the Grand River Elected Council.

3) The nomination meeting shall be presided over by the Chief Electoral Polling Officer (CEPO). The CEPO will be required to adhere to the Chief Electoral Polling Officer's Procedural Manual.

8. ADVANCED POLL

1) Two Advanced Polls will occur prior to the regular Election Day polling. The first advanced poll will be held two (2) weeks prior and the second advanced poll will be held one (1) week prior to the regular Election Day polling.

2) The location and time of the Advanced Poll shall be determined by the Chief Electoral Polling Officer pursuant to the Duties of the Six Nations Chief Electoral Polling Officer Procedures Manual.

3) The ballots will be sealed until the General Election when they will be included and counted with those for Elected Chief.

9. ELECTION DAY

1) The day for elections to the Six Nations Elected Council shall occur no less than one (1) week prior to the expiration of the outgoing Elected Council's term.

2) On Election Day if there are only twelve (12) or fewer candidates that stand for election as Councillors, those candidates shall be declared acclaimed. In the event of just one candidate standing for the office of Chief, that candidate will be acclaimed.

3) Each candidate is to submit a two hundred and fifty dollar (\$250) fee to the Chief Electoral Polling Officer. The fee will be refunded if there has been a good faith effort to remove all his/her signs within ten (10) calendar days after the election.

4) No campaigning is allowed on Election Day within five hundred (500) feet of the Polls. No Promotion of any candidate by means of paraphernalia is allowed on the property of the polling station.

10. REPRESENTATION TO COUNCIL

1) The Oath of Office must be taken verbally and signed by the successful candidate before taking office. (Appendix A)

2) There shall be one (1) Elected Chief elected to the Six Nations Elected Council.

3) There shall be twelve (12) representatives elected to the Six Nations Elected Council. Should there be fewer than twelve (12) candidates elected, the remaining seat, or seats, shall remain vacant until there is a By- Election or General Election.

4) If a Councillor is compelled to reside outside the Territory for reasons including but not limited to: acts of God, residence being uninhabitable, or a marital breakup, he/she is given one (1) year to move back to the Territory.

11. VACANCY OF OFFICE

Vacancies occur when an Elected Councillor or Elected Chief:

1) has resigned

2) is convicted of an indictable offence in Canada, or a felony in the United States of America

3) misses three consecutive Full Council meetings without a reasonable excuse or notification to Council.

4) becomes incapacitated for any reason and/or is incapable of fulfilling their role & duties as an elected Councillor or Chief.

5) dies

6) is impeached/removed from office

7) ceases to reside on the Six Nations Grand River Territory (exceptions – burnt out of house due to fire, unusual circumstances beyond their control).

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 it may call a General Election. The sitting Council will inform the Community of their decisions to have a By-Election or General Election within five (5) business days of the vacancy.

12. IMPEACHMENT/REMOVAL FROM OFFICE

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

- 1) a) a Councillor ceases to reside on the Six Nations Reserve with the exceptions noted in 11. (Vacancy of Office, 7).

b) in the case of the Chief, ceases to reside on the Six Nations Reserve with the exceptions noted in 11. (Vacancy of Office, 7).
- 2) a petition is brought forth to the Chief Electoral Polling Officer, signed by eligible voters that voted at the General Election and which represent a majority of the number of votes cast for the Councillor or Chief. (e.g. candidate 'A' received 450 votes. A petition would require at least 226 signatures of eligible voters.)
- 3) a) if an Elected Chief or Councillor is under criminal investigation, he or she has six (6) months to clear their name. In order to preserve the dignity of the office it is encouraged, but optional, that the said Chief or Councillor step down from active participation.

b) if an Elected Chief or Councillor is charged with an Indictable Offense in Canada or a Felony in the United States he or she shall be strongly encouraged to step down and will not be paid or permitted to participate in meetings or decisions. He or she may resume their seat if cleared of charges within six months; otherwise the seat is declared vacant. The individual may run in the next General Election, if cleared of charges within six (6) months; otherwise the seat is declared vacant. The individual may run in the next General Election, if cleared of charges and meets all other requirements for candidates.
- 4) is convicted of an Indictable Offence in Canada, or a Felony in the United States of America.
- 5) misses three (3) consecutive Full Council meetings without reasonable excuse and notifications to Council.
- 6) becomes an employee of the Six Nations Council.
- 7) for frequent, repeat or multiple disciplinary actions; or for not cooperating with the Integrity Commission; or non-compliance with discipline meted out by it.

13. APPEALS

Eligible Voters and Candidates may file appeals regarding the election.

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 five (5) business days of receiving the appeal.

14. FURTHER APPEAL

Should the appellant not be satisfied with the Chief Electoral Polling Officer's decision:

- 1) He/she, in writing, may make a request within five (5) business days of receiving the Chief Electoral Polling Officer's decision, that the Chief Electoral Polling Officer forward the appeal and the Chief Electoral Polling Officer's decision to the Six Nations Election Appeals Committee for further appeal.
- 2) 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.
- 3) The Chief Electoral Polling Officer shall act on the recommendation without further appeal.

15. 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 Chief Electoral Polling Officer will select a minimum of ten (10) people before Election Day to be members of the Six Nations Appeals Committee.

16. APPOINTMENT OF CHIEF ELECTORAL POLLING OFFICER

- 1) a) Should time permit, the sitting Council shall advertise no less than ten (10) weeks for applicants to submit for the position of "Chief Electoral Polling Officer" prior to the expiration of the current term of office.
b) Should time not permit, the sitting Council has the authority to appoint a "Chief Electoral Polling Officer".
- 2) The sitting Council shall determine the Chief Electoral Polling Officer from all eligible applicants in accordance with the procedures pursuant to this guideline.
- 3) All applicants must meet the "Eligibility Requirements for All Candidates" (as shown below) of this guideline.
 - a) Must be a registered band member of the Six Nations of the Grand River.
 - b) Be eighteen (18) years of age or older.
 - c) Be a permanent resident) year prior to election.
 - d) Upon acceptance of nomination, shall provide:
 - (i) a biography of the candidate
 - (ii) a recent (recent defined as within the previous four (4) weeks of the nomination date) simple CPIC at the cost of the candidate, thus providing proof of

not having been convicted within the previous five (5) years of an Indictable Offence in Canada, or a Felony in the United States of America.

- 4) The appointment of the Chief Electoral Polling Officer shall be for a maximum period of four (4) years or shall coincide with the term of office and shall be paid according to the duties performed.
- 5) The Six Nations Elected Council may delegate its authority for choosing the Chief Electoral Polling Officer.
- 6) The Chief Electoral Polling Officer is responsible for following the guidelines of the Six Nations Chief Electoral Polling Officer Manual.
- 7) The Chief Electoral Polling Officer, upon appointment, must confirm in writing that he/she will not be a candidate or a nominator in the election for which he/she is appointed to oversee.

17. AMENDMENTS OF THESE REGULATIONS

- 1) Amendments to these regulations may be heard when:
 - a) A petition is presented to Council signed by eligible voters accompanied with proposed amendments.
 - b) and/or A motion is brought forth to Council by a member of Council. The motion must be accompanied with the proposed amendments.
- 2) No amendments shall be valid unless:
 - a) a public meeting of the eligible voters is called to review the proposed amendments.
 - b) eligible voters are consulted on the proposed amendments through consultation meetings.
- 3) Upon completion of the consultation process, a vote shall be taken by the eligible voters. The 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.

18. AUTHORITIES AND RESPONSIBILITIES OF THE CHIEF

The authorities and responsibilities of the Elected Chief are as follows:

1. Acts as the official Council spokesperson or representative for the Six Nations Elected Council on all Council matters and official political functions, sanctioned by Council.
2. Expresses the opinion or feelings of the Six Nations Elected Council either personally or through a duly appointed spokesperson on matters of concerns to the Council.
3. Calls special meetings of the Six Nations Elected Council to consider items of business which cannot wait until the next regularly scheduled meeting of Council.
4. Acts as the Chairman of all Six Nations Elected Council meetings, designates an alternate Chair, as required and casts the deciding vote in the event of a tie vote.
5. Reports to the Six Nations Elected Council on all global, national, political, legal, constitutional and legislative issues to the extent of their impact on the Six Nations of the Grand River Territory and offers guidance and direction on politically related areas.

6. To acknowledge and accommodate all public inquiries for assistance and/or direction and where inquiries involve matters of a sensitive and/or confidential nature, to exercise discretion and sound judgement.
7. Delegates Six Nations Elected Councillors to attend political, public or civic duties/functions, when necessary.
8. Responsible for ensuring that all meetings are conducted in an orderly and professional manner and for dismissal of any Councillor from a meeting for conduct unbecoming of an elected official.
9. Informs the Six Nations Elected Council on all matters arising from meeting attended and of political issues impacting on the Six Nations of the Grand River Territory which require direction and/or action from Council.
10. Furthers the goals, objectives and aspirations of the Six Nation Elected Council, keeping in mind the best interests of the Six Nations of the Grand River Territory.
11. Responsible for the internal and external political liaison between the Six Nations Elected Council; First Nations Governments; Provincial, Federal, and Municipal Governments; Organizations; Committees; and Departmental Managers/Directors, and to promote positive working relationships, respecting the diversity of each.
12. Makes decisions for the Six Nations Elected Council in times of emergency when a decision has to be reached quickly and it is not possible to call the Council together. Decisions made by the Elected Chief shall be made known to Council at the next meeting of Council.
13. In conjunction with the Director of Operations is responsible for ensuring that Directors/Managers carry out their duties according to Council and Departmental mandates, regulations, polices and guidelines.
14. May suspend a Band employee if an emergency situation exists until such time as the suspension is reviewed and a recommendation is forthcoming from the Director of Operations and Departmental Directors/Managers.
15. Responsible for providing professional and administrative support to all senior administrative departmental directors/managers to ensure efficient and effective professional working relationships.
16. Responsible for providing supervision and direction to the Executive Assistant to the Elected Chief in all areas of activity pertaining to the effective and efficient management and operation of the Office of the Elected Chief.
17. Should additional staff be required, the Elected Chief will be responsible to forward the request to Council for approval, based on the available Band Support funding. Funding of these positions cannot be from private sources.
18. All Honoraria received from speaking engagements will be turned over to Council.

19. DUTIES AND RESPONSIBILITIES OF THE CHIEF AND COUNCIL

1. I will sign and verbally take the Six Nations Elected Council Oath of Office. (Appendix A)
2. I will become fully familiar with and gain working knowledge of all Six Nations Elected Council policies and agree to abide by the regulations of Council.
3. I will demonstrate respect and honour for all Six Nations beliefs and customs and speak with the pride and dignity our people demand.
4. I will work to promote unity amongst all of our people regardless of our differences.
5. I will honour, respect, and uphold the decisions of the Six Nations Elected Council.
6. I will demonstrate my commitment to the Six Nations Elected Council and the community by participating fully in discussions in order to achieve positive results.
7. I will promote and maintain at all times the integrity and dignity of the Six Nations Membership, its government, its programs, and staff.
8. I will conduct myself at all times in a manner which will bring credit to the community, to the Six Nations Elected Council, and to myself.
9. I will promote and maintain a positive, co-operative attitude in dealing with fellow community members, Elected Chief, Councillors, and staff; and will work as a team member for the betterment of the community.
10. I will demonstrate commitment to information-sharing, except for confidential matters, cultural reinforcement, social/economical development and all similar activities that will ensure a better quality of life and improved well being for the people of Six Nations.
11. I will be tolerant of the views and opinions of others and work diligently toward achieving the community's objectives in a respectful and co-operative manner.
12. I will endeavor to work toward self-improvement and professional development through available training workshops and materials authorized by the Six Nations Elected Council.
13. I will not release official and/or confidential information acquired as a result of the elected position except when the release of such information has been authorized by a Six Nations Elected Council Resolution.
14. I will not use information obtained as a result of my elected position and will not ask for, nor accept any fees, gifts, or other tangibles offered to me for personal gain.
15. I will not engage in self-dealing or any conduct of private business between myself and the Six Nations Elected Council or its programs except as procedurally controlled by Conflict of Interest guidelines.
16. If I am faced with a Conflict of Interest situation, I will declare this to the Elected Chief and Elected Council, who will direct me in which manner this may be resolved. (Refer to Conflict of Interest Guidelines of Elected Chief & Elected Council)
17. I will attend all Six Nations Elected Council meetings punctually, unless there is a valid reason for absence or lateness, in which case I will contact the appropriate Administration Office in advance.
18. I will fully attend all other meetings, workshops, conferences, etc. officially assigned to me as an official delegate of the Six Nations Elected Council, and will formally and promptly report back in

writing to the Six Nations Elected Council on the proceedings.

19. I will abide by the Policies and Procedures in place which may affect my duties as Elected Chief or Councillor.
20. I will abide by the Six Nations of the Grand River Code of Conduct.
21. All Honoraria received from speaking engagements will be turned over to Council and included in their written report.
22. All contributions and expenses will be included in a signed financial statement to be filed with the CEPO, within thirty (30) working days after the election, from each successful and unsuccessful candidate

(Appendix A) OATH OF OFFICE

Six Nations Elected Council Oath of Office

(to be spoken and signed)

I, _____, do solemnly and sincerely affirm before the people of Six Nations of the Grand River that I will faithfully perform my duties, carry out my responsibilities, promote the welfare of the people, safeguard the security of the community and will in no way betray the people's trust. Should I break my oath, I shall be willing to submit myself to disciplinary action and accept the penalty as determined by the Integrity Commission. This is my solemn oath.

(Signature)

(Date)

(Signature of Witness)

(Date)