

**ACADIA FIRST NATION**

**ELECTION 2020 HANDBOOK**

**Prepared under the authority of**  
**Electoral Officer**

**In accordance with the Bylaws of the Acadia First Nation, the process to be followed for the 2020 Election is set out below.**

## **SELECTION OF ELECTION DATE**

Chief and Council will confirm the election date in accordance with legal requirements. All dates in the 2020 election process will then be determined as follows:

1. Nomination Meeting - 39 days prior to Election Date.
2. Posting of List of Electors - 30 days prior to Election Date.
3. Date to withdraw as a candidate - 29 days prior to the Election Date.
4. Date to provide criminal record check - 29 days prior to the Election Date.
5. Advance Poll - 15 days prior to Election Date.

## **PRE-ELECTION NOTICE**

A Pre-Election Notice will be sent to each Elector by mail.

The Pre-Election Notice will:

- a) contain the location and time of the Nomination Meeting;
- b) advise that the position of Chief is available and will also contain the number of Council positions available;
- c) contain the date and locations of the Election Advance Poll;
- d) contain the date and locations for the polls on Election Day; and
- e) advise potential candidates for the need for a recent criminal records check (done within 6 months prior to the Election Date).

## **NOMINATION MEETING**

The procedure to be followed at the Nomination Meeting is as follows:

1. Each Member will sign an attendance list as they enter the room, providing their Band number. Upon request, the Member shall either (a) show their Band card or (b) state their band number and provide Government issued photo identification (passport, drivers license or Firearm Possession and Acquisition Licence). Band members who do not then have a Band card would be permitted to show their confirmation letter from Indigenous Services Canada, with a Government issued photo identification.
2. At the appointed time, the Electoral Officer will call the meeting to order.
3. The meeting will open with a prayer.
4. The Electoral Officer or designate will describe the following nomination process.

5. Any Acadia Band member 18 years of age and older (an “Elector”) is entitled to nominate a candidate, or to second a nomination.
6. Any Elector present at the Nomination Meeting can nominate an eligible Band member for office of either Chief or Councillor. Any such nomination must be seconded by another Elector present at the meeting. An Elector who nominates or seconds a nomination shall state his or her name and Band number when they rise to speak.
7. Nomination, or the seconding of a nomination, must be done in person, and can not be done in writing or by an agent or representative.
8. Persons nominated must consent to be a candidate. If the person nominated is at the Nomination Meeting, he or she will can consent or decline at that time. If the person nominated is not at the Nomination Meeting, he or she must send in a written consent to be a candidate to the Yarmouth Band Office by 4:30 p.m. on the second business day after the Nomination Meeting. It is the responsibility of the person making the nomination to so advise the intended candidate. If that written consent is not provided, the person will be deemed to have declined to be a candidate and his or her name will not be put on the ballot.
9. Nominations will remain open until all nominations have been received and a motion is passed by a majority of the Electors present to close nominations.
10. Once the time for nominations is declared closed by the Electoral Officer, the Electoral Officer or designate will read back to the meeting a list of candidates, and who nominated or seconded them. That list will be corrected as required at that time.
11. After the candidate list is finalized, each candidate present at the meeting will have an opportunity to give a five minute introduction. The candidates will speak in the order of their nomination.
12. When the introductions have finished, the Electoral Officer will:
  - a. Remind everyone that any candidates that were nominated but who were not present at the meeting must provide their written consent to the Yarmouth Band Office by 4:30 p.m. on the second business day after the Nomination Meeting;
  - b. Advise that all candidates must provide a Criminal Records Check (done within the 6 months prior to the Election Date) to the solicitor for the Acadia First Nation no later than 29 days prior to the Election Date or else they will be removed from the ballot;

- c. Advise that candidates have the option, if they choose, to have their personal contact information made available to Electors so that Electors can contact them directly. The candidate can provide their nickname (if they have one), their phone number(s) and their email address;
- d. Answer questions about the procedure for the election; and then
- e. Declare the meeting closed for business.

## **PREPARATIONS**

1. Candidates will be notified in writing that they have the option, if they choose, to have their personal contact information made available to Electors so that Electors can contact them directly. The candidate can provide their nickname (if they have one), their phone number(s) and their email address to the Band Manager. A consolidated listing will be posted on the First Nation's website under the "Notices" section.
2. The List of Electors, containing the names, in alphabetical order, of all Electors, will be posted as required at the offices of the Acadia Band.
3. Electors will have their name pre-assigned to the polling station closest to their known residence and the Notice of Polling Stations sent to the Elector will advise them of the polling station to which they have been pre-assigned.
4. Any Elector is still able to vote at any polling station they prefer, through a process on the Election Day whereby their name is transferred by the Electoral Officer from the pre-designated list to the list for that alternate polling station. This may cause some minor delay on the Election Day.
5. All Acadia Band members 18 years of age and older are entitled to vote.
6. Any Elector may apply to have the voters' list revised on the ground that the name of an elector is incorrectly set out, that the name of a member has been incorrectly deleted or that the name of a person not qualified to vote is included.
7. If the Electoral Officer is satisfied that a list should be corrected, he shall make the necessary corrections.
8. Ballot papers will be prepared containing the names of the candidates for the available positions, listed in alphabetical order.
9. The Electoral Officer shall, before any poll is opened, cause ballot papers to

be delivered to the poll.

10. Any candidate who has been nominated may withdraw his / her nomination by notice in writing filed with the Yarmouth Band office no later than 29 days prior to the Election Date.
11. In accordance with Bylaw 10, a person convicted of an indictable offence in the three years prior to the Election Day can not be a candidate in the election. Candidates will be required to provide a Criminal Records Check (done within 6 months prior to the Election Date) to the solicitor for the Acadia First Nation no later than 29 days prior to the Election Date or else they will be removed from the ballot.

### **GENERALLY APPLICABLE RULES**

1. Voting at all Elections shall be by secret ballot.
2. Every person in attendance at a polling place or at the counting of the votes has a responsibility to maintain the secrecy of the voting.
3. Once the polls open on Election Day, there is to be no campaigning by candidates inside the building in which the polling station is located, or near the entry to that building.
4. No person shall interfere or attempt to interfere with a voter when marking his / her ballot paper or obtain, or attempt to obtain at the polling place, information as to how a voter is about to vote or has voted.
5. Where a person is eligible to vote, the Electoral Officer, or one of the deputies, shall provide him/her with a ballot paper on which to register his/her vote.
6. The Electoral Officer, or one of the deputies, shall keep track of the number of ballots issued at each polling station so that it can be compared to the number of ballots placed in the ballot box at that polling station.
7. The Electoral Officer, or one of the deputies, may, and when requested to do so shall, explain the mode of voting to a voter.
8. No person other than an Electoral Officer or one of the deputies can accompany an Elector into the voting station. If an Elector requires assistance, it will be provided by, or as directed by, the Electoral Officer or one of the deputies.
9. A voter who mistakenly spoils his/her ballot can obtain a new ballot by returning it to the Electoral Officer or one of the deputies, who shall write the

word "Cancelled" on the spoiled ballot paper and preserve it.

10. No person shall vote whose name is not on the Electors List.
11. No person can vote by proxy, voting letter or power of attorney.
12. Before getting a ballot, all Electors shall either (a) show their Band card or (b) advise the Electoral Officer or the deputies of their Band number and provide Government issued photo identification (passport, driver's license or Firearms Possession and Acquisition Licence). Electors who did not yet have a Band card would be permitted to show their confirmation letter from Aboriginal Affairs and Northern Development Canada, with a Government issued photo identification.
13. Every Elector who is inside the polling place at the time fixed for closing the poll shall be entitled to vote before the poll is closed.
14. An Elector is only permitted into the voting area for the purpose of casting their vote. Once their vote has been made, Electors are not to re-enter the voting area.

## **ADVANCE POLL**

1. There will be one advance poll ballot box, under the supervision of the Electoral Officer or the deputies.
2. The advance poll will be open at the following times and locations:
  - a. Yarmouth Band office from 9:30 a.m. to 11:00 a.m.
  - b. Liverpool (location to be determined), from 1:00 p.m. to 2:30 p.m.
  - c. Hammonds Plains Band office, Halifax from 4:30 p.m. to 6:00 p.m.
3. Ballot papers will be available during all times and places that the advance poll is open.
4. The voting process at the advance poll will be the same as on Election Day, except as modified by this section.
5. The Electoral Officer, or one of the deputies, shall immediately prior to the commencement of the advance poll at the Yarmouth location, open the ballot box and call such persons as may be present to witness that it is empty. He/She shall then lock, and properly seal, the box to prevent it from being opened without breaking the seal and shall place it in view for the reception of the ballots. That same ballot box will then be used at the Liverpool and Halifax advance poll locations. The ballot box will not be opened at either of the other

two advance poll locations and the seal on the ballot box will not be broken or the box opened until the close of the polls on election day for the purpose of counting the votes.

6. The Electoral Officer, or one of the deputies, will note on a List of Electors who voted at the advance poll, and the information from that list will be used on election day to prevent any Elector from voting a second time. The Electoral Officer will notify the Band Manager within two business days of the close of the advance poll of the number of votes cast at the advance poll (but not the identities of the Electors) and the Band Manager will communicate this information on the First Nation's website.
7. The Electoral Officer, or one of the deputies, shall provide a safe and secure storage place for the sealed advance poll ballot box until Election Day and cause it to be delivered to the polling station at which the Electoral Officer is present on Election Day to be dealt with as described in the "Counting the Votes" section below.

## ELECTION DAY

1. There shall be polls open from 10:00 am to 6:00 pm on Election Day at the following locations (the locations are subject to change and will be confirmed in the Pre-Election Notice):

AREA	TIME	PLACE
Yarmouth	10:00 am to 6:00 pm	Yarmouth Band Office
Shelburne	10:00 am to 6:00 pm	Shelburne Boardroom
Wildcat	10:00 am to 6:00 pm	Wildcat Community Hall
Liverpool	10:00 am to 6:00 pm	Liverpool (location to be determined)
Gold River	10:00 am to 6:00 pm	Gold River Health Centre
Halifax	10:00 am to 6:00 pm	Hammonds Plains Band office

2. There will be one ballot box for each location, under the supervision of the Electoral Officer or one of the deputies.
3. Ballot papers will be available during all times and places that an Election Day poll is open.
4. The Electoral Officer, or one of the deputies, shall immediately before the commencement at each poll on Election Day open the ballot box and call such persons as may be present to witness that it is empty. He shall then lock, and properly seal, the box to prevent it from being opened without breaking the seal and shall place it in view for the reception of the ballots, and the seal shall not

be broken nor the box unlocked during the time appointed for taking the poll.

5. Each polling station will have a List of Electors, which will show the Electors who have been pre-assigned to that polling station based on proximity to their residence. That List of Electors will be used to track who votes at that polling station.
6. If an Elector wishes to vote at a polling station other than the one to which he or she was pre-assigned, the deputy Electoral Officer at that location will contact the deputy Electoral Officer at the pre-assigned polling station to have that person transferred to their List.

## **COUNTING THE VOTES**

1. Immediately after the close of the poll on election day, the Electoral Officer or the deputies shall, at each polling location, in the presence of any of the candidates or their scrutineer as may be present, open the ballot box for that location. The Electoral Officer will also, in the presence of any of the candidates or their scrutineers as may be present, open the ballot box for the advance poll.
2. Scrutineers are entitled to be present during the counting of the votes, and to view the counting process but are not permitted to touch the ballots or the tabulation papers.
3. With each ballot box, the Electoral Officer or one of the deputies shall:
  - a. examine all the ballot papers and reject any that:
    - i. are not on a ballot form prepared by the Electoral Officer,
    - ii. gives votes for more than the number of candidate positions available, or
    - iii. upon which anything appears by which the voter can be identified, but no word, letter or marks written or made or omitted to be written or made by the Electoral Officer or one of the deputies on a ballot paper shall avoid it or warrant its rejection.
  - b. subject to review on recount, or on an election appeal, take a note of any objection made by any candidate or scrutineer to any ballot paper arising out of the objection.
  - c. number any objection and place a corresponding number on the back of

ballot paper with the word, “Allowed” or “Disallowed”, as the case may be, with his/her initials.

- d. reconcile the number of ballots found in the box with the number of Electors who voted at that polling station.
  - e. count the votes given for each candidate from the ballot papers not rejected and keep a written record of the number of votes given to each candidate and the number of ballot papers rejected and not counted, which statement shall be then signed by him/her and any of the candidates or their scrutineers as are present and who wish to sign it.
4. The deputy electoral officers at each polling location will advise the Electors at that location of the results of that particular poll. The deputy electoral officers will then promptly contact the Electoral Officer by telephone and email to advise him/her of the total votes from that poll given to each candidate.
  5. The Electoral Officer will compile the votes for each candidate from each polling location, including from the advance poll, and then do the following:
    - a. where it appears that two or more candidates have an equal number of votes, the Electoral Officer:
      - i. conduct a recount, and
      - ii. if there are still equal votes after the recount, give a casting vote for one of such candidates (the Electoral Officer shall not otherwise be entitled to vote). The Electoral Officer intends to make any such casting vote by picking the name from a container using a method by which the names for the candidates with the equal number of votes are written on separate pieces of paper and placed in a container, in such a manner that the names themselves are not visible until the piece of paper is pulled from the container.
    - b. prepare a statement showing the total number of votes cast for each candidate, the number of rejected ballots and the name of the candidates declared elected.
    - c. sign the statement and give an opportunity for any of the candidates or their scrutineer as are present to sign it.
    - d. immediately and publicly declare to be elected the candidates having the highest number of aggregate votes.
  6. The Electoral Officer will then post in some conspicuous place a statement signed by him/her showing the number of votes cast for each candidate and

advise the Band Manager of the results for communication to the candidates and for posting on the Acadia First Nation website.

7. One copy of such statement shall be forwarded to the Band Manager, one copy to the Regional Office of the Department of Aboriginal Affairs and one copy for the Electoral Officer's records.

### **DISPOSITION OF BALLOT PAPERS**

1. The Electoral Officer or one of the deputies shall deposit all used ballot papers in sealed envelopes with the Band Manager.
2. The Band Manager shall retain the used ballot papers in his/her possession for eight weeks and, unless an Election Appeal is filed, shall then destroy the ballot papers in the presence of two witnesses who shall make a declaration that they witnessed the destruction of the papers.
3. If an Election Appeal is filed, the ballots shall be destroyed in that same manner after a decision is rendered by the Appeal Board.

### **ELECTION APPEALS**

1. Within 30 days after an Election, any candidate in the Election or any Elector who voted at the Election who has reasonable grounds for believing that:
  - a. there was a corrupt practice in the connection with the Election,
  - b. there was a violation of the Election Regulations that might have affected the result of the Election, or
  - c. a person nominated to be a candidate in the Election was ineligible to be a candidate

may lodge an appeal by forwarding, by registered mail, to "Acadia First Nation Appeal Board" c/o the Yarmouth Band Office, particulars thereof duly verified by affidavit.

2. If a valid election appeal is filed, an Appeal Board will be formed. Further details of the election appeal process can be found in the Bylaws of the Acadia First Nation.