

**Metis Legislative Assembly,  
November 14-15-16, 1997.**

**Constitutional Amendment.  
Addition**

**PREAMBLE.**

We the citizens of the Metis Nation recognize;

- \* **The Inherent dignity to equality and rights which can never be taken away from Metis people is the foundation of Freedom, Justice, and Peace in the Metis Nation;**
- \* **The ideal of all Metis enjoying civil and political freedom can only be achieved if conditions are created whereby every Metis may enjoy their civil, political rights, economic, social and cultural rights.**
- \* **The promotion of Universal respect for and observance of the collective and individual rights and freedoms of all Metis.**
- \* **Realize that the Metis individual, having duties to other Metis individuals and to the Metis community to which they are a part of, is under a responsibility to strive for the promotion and observance of all Metis rights.**

Therefore we the citizens of the Metis Nation agree to the following articles;

1. **All Metis have the right to self determination. By virtue of that right we the citizens of the Metis Nation will freely determine our political status and freely pursue our economic, social and cultural development;**
2. **The Metis Nation undertakes to respect and ensure to all individuals within the nation and subject to its jurisdiction the rights without distinction of any kind such as race, color, sex, language, religion, political or other opinions;**
3. **To ensure that any Metis person whose rights or freedoms as herein recognized are violated shall have an effective remedy;**
4. **To ensure that any person claiming such a remedy shall have their right thereto determined by competent Judicial, administrative or legislative authorities of the Metis Nation of Saskatchewan;**

5. To ensure competent authorities as enacted by the Metis Nation of Saskatchewan shall enforce such remedies when granted;
6. The Metis Nation undertakes to ensure the equal right of men and women to enjoy all civil and political rights set forth in these articles;
7. Every Metis citizen shall have the right to liberty of movement and freedom to choose their residence;
8. No Metis citizen in the Metis Nation shall be deprived of the right to join a local in the community the reside;
9. All persons shall be equal before the Metis Legislative Assembly in the termination of any issue which they are charged with. Every Metis Person shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by the Metis Legislative Assembly;
10. No Metis person shall be subject to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks on their honor or reputation
11. Every Metis person shall have the right to freedom of thought, conscience and religion.
12. No Metis person shall be subject to coercion that would impair their freedom to have or adopt a belief of their choice.
13. The Metis Nation of Saskatchewan shall have respect for the liberty of parents or guardians to ensure the moral education of their children is in conformity with their own convictions.
14. Every Metis person has the right to hold opinions without interference.
15. Every Metis person shall have the right of expression. This right shall include the freedom to seek, receive and import information and ideas of all kinds either in writing or print, in the form of art, or through any media of their choice.
  - (a) The rights outlined in paragraph 15 carry special duties and responsibilities, such as respect for the rights and reputation of others.
16. The right of Metis people to assemble and organize at the community level shall be recognized.

17. Every Metis person shall have the right of association.
  - (a) No restrictions may be placed on the exercise of this right other than those prescribed by the Metis Legislative Assembly which are necessary to protect the interests of the Metis Nation.
18. The family is the natural and fundamental group of the Metis Nation and is entitled to protection by the Metis Nation.
19. Every child shall have without discrimination as to race, color, sex, language, the right to such measures of protection as are required by their status as a minor, on the part of the family, or the Metis Nation
20. Every child borne of a Metis man or woman is a citizen of the Metis Nation and shall be registered immediately.
21. Every Metis person has the right to;
  - (a) Take part in the conduct of public affairs, directly or through freely chosen representatives.
  - (b) To vote and to be elected to the Local, Assembly of Representatives or the Metis Legislative Assembly.
  - (c) All votes shall be of equal and universal suffrage and shall be held by secret ballot which guarantee's the free expression of the will of the elector's.
  - (d) All Metis shall have the right to access all public services offered through the Metis nation affiliates.
22. All Metis persons are equal and entitled to protection by the Metis Nation of Saskatchewan.

Mover; Robert G. Doucette  
2nder; *GARNET PARENTEAU.*

MOVED: Western Region III, MNS  
SECONDED:

THAT no community within Saskatchewan will have more than one (1) Local within a twenty-mile (20) mile radius of another.

---

II) Article 4. - #4

CURRENT

- a) The president of Metis Nation Legislative Assembly shall be the head of the executive, and chief political spokesperson for the organization.
- b) The president shall assign and recommend portfolios, subject to the approval of the Provincial Metis Council and ratification of the Metis Nation Legislative Assembly.

PROPOSED CHANGE:

- c) The president shall not assign portfolios, (Minister Associate Ministers) to any of the executive members.
-

**CONSTITUTIONAL CHANGES**  
**CONSTITUTION OF THE METIS NATION OF SASKATCHEWAN**

Proposed change: Add new Article 6.1

**ARTICLE 6.1: NORTH WEST SASKATCHEWAN METIS COUNCIL**

1. The Metis Nation of Saskatchewan shall assist, support, recommend and facilitate the Regions forming the North West Saskatchewan Metis Council to develop, establish and implement Metis governance for their Metis communities.

**CONSTITUTIONAL CHANGES**  
**CONSTITUTION OF THE METIS NATION OF SASKATCHEWAN**

Proposed change:

**ARTICLE 14: AFFILIATES**

- Add new section 2.1

2.1 Notwithstanding sections 1 and 2, the Affiliates of the Metis Nation of Saskatchewan remain semi-autonomous based on their respective Constitutions and By-laws, and the Provincial Metis Council shall remain at arm's length with respect to the functions, activities and administration of the Affiliates.

NOVEMBER 14, 15, 16, 1997

CONSTITUTIONAL AMENDMENT

ARTICLE 12 : Senate, Women, Youth

3. The Senators shall be placed in by appointment at Regional or Area Meeting with each Senate appointment being reappointed every five years.
4. The Senators will act as ambassadors and advisors with no power to resolve disputes within Regions or Locals as Senators should refrain from being politically motivated, and be looked upon as the Head Metis Elder in the Region to which he or she represents.

REPEAL

3. That appointments to vacancies in the Metis Senate be made at area meetings. Further, that the Senate appointments be for lifetime or until such time as the Senator is unable to fulfil his/her duties.
4. That the Senate be given the power to resolve disputes occurring in Regions and locals; Further, that decisions of the Senate shall be final and binding.

Mailing Address/1022-Tiffin Cres.  
Saskatoon Sask.  
S7L/3R3.  
October 27/97.

FROM:

The President Of Langham  
Local #159/Shirley Ross

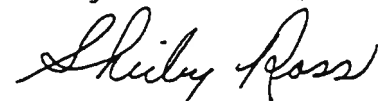
RECOMMENDED CONSTITUTIONAL AMENDMENT

WHEREAS our current elected leadership has deliberately acted against our Constitution (MNS)

WHEREAS We the Métis people are unable to do anything about this

THEREFORE be it Resolved that in the event that elected leaders of the Metis Nation of Saskatchewan act un-constitutionally that the Senate be given absolute power to suspend those same people.

Signed  
The President of  
Langham Local #159



Shirley Ross

**Metis Legislative Assembly,  
November 14-15-16, 1997**

**Constitutional amendment.**

**Article 5; Regions: Sub - Section 12**

1. The "Assembly of Representatives" shall be the supreme body for the region.
2. All decisions made by the Assembly of Representatives shall be final and binding.
3. All legislative powers shall be vested in the Assembly of Representatives.
4. The members of the Assembly of Representatives shall be chosen every third year by the Metis citizens of each respective region.
5. Assembly of Representatives shall be chosen by each local/community on the following basis;
  - (i) 1 delegate for every hundred members.
  - (ii) Every community/local shall have at least 4 representatives to the Assembly of Representatives.
6. The actual enumeration of Metis to ascertain how many representatives each community/local get shall be done in the first 6 months after subsection 12 is ratified.
7. When a vacancy occurs in the Assembly of Representatives the executive of the respective community/local shall issue a notice of election to fill the vacancy.
8. The Assembly of Representatives shall elect a "Vice Chair" for each respective region;
  - (i) The vice chair holds office at the pleasure of the Assembly of Representatives.
  - (ii) If the Regional Representative is absent or unable to perform his or her responsibilities, or if the position of the Regional Representative is vacant, the vice chair shall perform the responsibilities and may exercise the powers of the Regional Representative.
9. The Assembly of Representatives shall assemble once every 4<sup>th</sup> month.
10. A majority of the Assembly of Representative's shall constitute a quorum to do business.

11. The Assembly of Representative's shall determine and enact it's rules of it's proceedings and with the concurrence of two thirds of the Assembly shall expel a member of the Assembly for unruly behavior for that sitting of the Assembly.
12. The Assembly of Representative's shall elect a "Secretary from its members who will record in a journal the proceedings of the Assembly.
  - (i) One copy of the proceedings shall be sent to the Metis Nation Head office, one copy retained at the regional head office and a copy retained by the Secretary.
13. The Assembly of Representative's shall elect a "Treasurer" from its members;
  - (i) The Treasurer shall present a yearly statement and account of the total yearly income received and spent on behalf of the Assembly of Representatives.
  - (ii) The Treasurer shall review and scrutinize the financial records of all Regional affiliates and may make recommendations to the Assembly of Representative's.
14. The Assembly of Representative's shall establish a "Judicial Commission" which shall consist of three representatives;
  - (i) All Metis shall be equal before the Judicial Commission in the termination of any issue which they are charged with.
  - (ii) Every Metis shall be entitled to a fair and public hearing by a competent, independent and impartial Judicial Commission.
  - (iii) Any Metis person shall have adequate time to prepare their defense.
  - (iv) All issue's will be processed without undue delay.
  - (v) At any public hearing or sitting of the Judicial Commission all Metis involved shall be tried in their presence, and shall have the right to defend themselves or appoint legal assistance of their own choosing.
  - (vi) An application to the Judicial Commission must be made in writing outlining in detail the grievance or grievances.
  - (vii) The Judicial Commission may, by order, approve the application, and fix a time and place at which the Judicial Commission will convene a hearing.
  - (viii) The Metis person not satisfied with the decision of the Judicial Commission may appeal to the Metis Legislative Assembly.
  - (ix) All decisions of the Judicial Commission shall be recorded and one copy shall be sent to the Metis Nation Head office, Regional Head office, and one copy to the parties involved in the application.
  - (x) The power of the Judicial Commission shall extend to all issue's brought before them and shall be final and binding.

Mover; Robert G. Doucette

2nder; *GARNET JAREU TEAU*





**THE METIS NATION OF SASKATCHEWAN - EASTERN REGION III  
LEEBERT POITRAS - REGIONAL REPRESENTATIVE**

November 3, 1997

Dear Lorna:

At our recent Regional Council Meeting on October 29, 1997 the following 2 motions regarding a change in Lebret Local #48 Interim President & the forming of a new Local in Ituna, SK.

**Motion #3: LYLE SCHERLE moves that Dorothy Fayant be interim president of Lebret Local #48 until the annual meeting. Seconded by CLAUDE BEAULIEU. CARRIED.**

Letter from Vince Folk regarding starting a local in Ituna was read.

**Motion #4: KEN DENOMIE moves to accept Ituna as a local of Eastern Region III. Seconded by BEV WORSLEY. CARRIED.**

Sincerely,

Leebert Poitras, Area Director  
Eastern Region III

October 28, 1997

TO: Leebert Poltras, Area Director, MNS Eastern Region III

Dear Leebert:

The Ituna, SK district is interested in setting up a Metis Local. We have more than the required 9 members to start up a Local. The nearest Local that we can attend to is Balcarres, SK and rather than traveling such a long distance, the Metis people in this district would like to see a Local here in our community.

I will attend your Regional Council meeting on October 29, 1997 to present this request, as I understand that the Regional Council (Local Presidents) have the authority to approve this.

Sincerely,

*Vince Folk*

Vince Folk,  
Ituna, SK

Vince Folk	795-2908
Christopher Folk	795-2908
Gordon Folk	795-2908
AL Folk	795-2569
Richard Folk	795-2569
Louis Bonneau	795-3390
Carmen Bonneau	795-3390
Robert Bonneau	795-3390
Marie Villeneuve	675-2093
Gerald Villeneuve	675-2093
David Ouellette	675-4507
Shirley Lebach	<del>675</del> 795-2761
Troy Ward	795-2761
Crystal Lebach	795-2761
Betty Lou Clayton Mackenzie	795-2523
Leonard Ross	795-2508

**METIS LEGISLATIVE ASSEMBLY**  
**November 14 -15 -16, 1997**

**Constitutional Amendment**  
**Addition**

**Article 7: Locals**

**We the Regional Council of Western Region 2A ask the Metis Legislative Assembly to accept our decision to amend Schedule A and add "Saskatoon Local 11A" to the locals of Western Region 2A.**

**Mover; Robert G. Doucette**

**2nder; *GARNET PARENTEAU***

**Metis Legislative Assembly  
November 14-15-16, 1997**

**Constitutional Amendment  
Repealed.**

**Article 7: Locals, Subsection 4**

On Dec 18, 1996 a Western Region 2A meeting was convened and the regional council decided to make changes to strengthen the representation of Metis people at a community level and also on a Regional level. Therefore the regional council are asking the Metis Legislative Assembly to accept our decision to amend Schedule A as it pertains to the number of locals in Western Region 2A.

- Therefore let it be known that Western Region 2A Regional Council has decided to dissolve three locals pursuant to **Article 7, subsection 4; Locals can be dissolved by the regional councils provided this decision is ratified by the Metis Legislative Assembly and the requirements herein are no longer met.**

Accordingly, the **Plato Bickleigh, Darcy & Fiske and the Rosetown** locals are the locals that the Western Region 2A Council have dissolved and require an amendment to Schedule A, to reflect the decision of the Regional Council.

Moved; Robert G. Doucette

2nder; *GARNET PARENTEAU*

October 27, 1997

Ms. Lorna Docken  
Secretary-Metis Nation Of Sask.  
219-Robin Crescent  
Saskatoon, Sask.

Mr. Don Favel  
Director-Metis Nation Of Sask-Northern West Region #3  
General Delivery  
Ile-a-la Crosse, Sask.  
Som-1co

RE: Metis Nation Of Sask.  
Proposed Boundary Change.

Dear Lorna,

Throughout recent years there has been consideration and much discussion regarding the implications of the Metis Locals number #29 Green Lake and number #36 Sled Lake, Dore Lake of Western Region #1, Joining or amalgamating with North West Region #3 of the Metis Nation Of Sask.

There seems to be a consensus that the similarities and benefits of such a proposed union outweigh the obstacles and disadvantages. To list but a few, The geography and cultural lifestyles and language similarities, Relation to and Land claim (Metis Specific) aspirations, Northern specific issues -Forestry, Resource Development, Hunting /Fishing /Trapping.

To promote the social economic and cultural rights of the Metis of Northwest Saskatchewan.

I have had discussions with both Local Presidents and the regional Director Mr. Guy Bouvier regarding this matter, and all parties concerned seem to be in agreement with a boundary change to the Metis Nation structure to amalgamate the Locals of Green Lake, and Sled Lake, Dore Lake to Northern Region #3 Of Ile-a-la Crosse Region.

To this end, a Motion is attached to this notice.

If you require further information I can be reached at the above.

Regards



Mr. Don Favel - Director Metis Nation Of Sask - Northwest Region #3

C.C. Mr. Guy Bouvier - Director Metis Nation Of Sask.  
Mr. Francis Laliberte - President Green Lake.  
Mr. Richard Lafleur - President Sled lake, Dore Lake.  
Mr. Philip Chartier - Co-Chair - North West Sask Metis Council.

# Constitutional Change

Constitution Of the Metis Nation Of Saskatchewan.

Article: # 7 Locals

Subsection #3

New locals can be admitted by the Regional Council provided this decision is ratified by the Metis Nation Legislative Assembly and the requirements herein are met.

Proposed Change: Boundary Change.

Metis Nation Locals #29 Green Lake and #36 Sled Lake/Dore Lake of Western Region #1 amalgamate with Northwest Region #3.

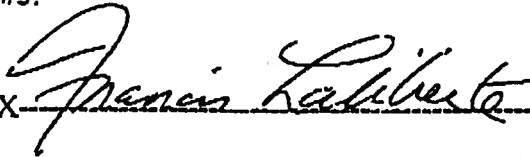
October 28, 1997

Motion:

Moved By:

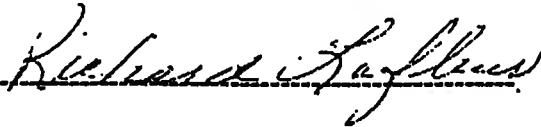
Mr. Francis Laliberte - President Green Lake  
That the Metis Nation Of Sask. Locals #5 Green Lake, and #67 Sled  
Lake/Dore Lake of Western Region #1, Amalgamate with Northwest  
Region #3.

Mr. Francis Laliberte. X



Seconded By: Mr. Richard La Fleur - President Sled Lake/Dore Lake.

Mr. Richard La Fleur. X



**The Metis Nation of Saskatchewan  
Elections Act,  
1997.**

**Metis Legislative Assembly, Nov 14-15-16, 1997.**

## **Part 1. Short Title and Interpretation**

**1. This Act may be cited as “The Metis Nation of Saskatchewan Elections Act, 1997.**

**2(1) In this Act:**

- (a) “Advance Poll” means a poll taken in advance of polling day;
- (b) “Ballot” means the portion of a ballot paper that is to be marked by a voter, detached from the counterfoil and deposited in the ballot box.
- (c) “Beverage Alcohol” means beverage alcohol as defined in the Alcohol & Gaming Regulation Act.
- (d) “Business Manager” means a business manager that a candidate or potential candidate is required by this act to appoint.
- (e) “By election” means an election held in a region on a date on which there is no Metis Nation of Saskatchewan General Election.
- (f) “Candidate” means any individual who is nominated as a candidate at an election.
- (g) “Candidates representative” means an individual who is appointed by a candidate to be a candidates representative.
- (h) “Chief Electoral Officer” means the appointed chief electoral officer.
- (i) “Region” means regions as determined in the Metis Nation of Saskatchewan Constitution, 1993.
- (j) “Corrupt practice” means any act or omission that is declared by this Act or any other act to be corrupt practice and includes any act or omission that is recognized by a Metis Legislative Assembly decree, law or custom to be a corrupt practice.
- (k) “Declined ballot” means a ballot declined pursuant to ?
- (l) “During an election” means the period commencing the day the writ is issued for an election and ending on polling day for the election.
- (m) “Election” means an election of a member of the Provincial Metis Council.
- (n) “Election Officer” means includes a returning officer, supervisory deputy returning officer, deputy returning officer, election clerk or poll clerk appointed for an election.
- (o) “Election proclamation” means the election proclamation issued by the Chief Electoral Officer.
- (p) “Final Count” means a final count made by the Chief Electoral Officer.
- (q) “General Election” means an election that is held with respect to each region on the same day.
- (r) “Member” means a member of the Metis legislative Assembly.
- (s) “Minister” means the member of the Metis Legislative Assembly to whom for the time being the administration of this act is assigned.
- (t) “Nomination day” means the day fixed for the nomination of candidates.



- 2(1)**
- (u)** "Poll Book" means a record containing the names of persons who have received ballot papers or who have applied for ballot papers at an election.
  - (v)** "Polling day" means the day for taking votes of voters.
  - (w)** "Polling division" means a portion of the region in which the votes of voters are taken.
  - (x)** "Potential candidate" means an individual who, before he or she is nominated is declared by the individual or others to be a person who intends to become a candidate.
  - (y)** "Rejected ballot" means a ballot rejected.
  - (z)** "Returning Officer" means a returning officer appointed for a region.
  - (aa)** "Spoiled ballot" means a ballot that on polling day or any other voting day has not been deposited in the ballot box but has been:
    - (i)** found by the deputy returning officer to be soiled or improperly printed
    - (ii)** handed by the deputy returning officer to a voter to cast his or her vote, spoiled in marking by the voter and handed back to the deputy returning officer and exchanged for another ballot paper
  - (bb)** "Supervisory deputy returning officer" means a supervisory deputy returning officer.
  - (cc)** "Voter" means an individual who is entitled to vote during an election.
  - (dd)** "Voter data" means any information respecting a voter that is reasonably required for the purposes of preparing a voter's list, including the following information respecting each voter;
    - (i)** Name;
    - (ii)** Birthdate;
    - (iii)** Mailing address and residential location;
    - (iv)** Sex;
    - (v)** Occupation;
    - (vi)** Date of commencement of ordinary residence.
    - (vii)** Date of termination of ordinary residence.
  - (ee)** "Voter's declaration" means a voter's declaration made or required to be made.
  - (ff)** "Voter's list" means a preliminary voters list alphabetically ordered according to surnames.
  - (gg)** "Voting Station" means a compartment, room, screen or other place or means supplied or used to facilitate the secrecy of voting at a polling place.

**2(2)** If an election officer is required by this act to state an occupation on a voters list, the election officer shall use the commonly employed description of that occupation.

## **Part 2. ELECTION OFFICERS**

**3(1) None of the following persons are eligible to be appointed as an election officer.**

- (a) A member of the Provincial Metis Council.**
- (b) A member of the Metis Nation Senate.**
- (c) A member of the Metis Legislative Assembly.**
- (d) The Chief Electoral Officer.**
- (e) A candidate at the election, Business Manager of a candidate or a candidates representative.**
- (f) A person who has been found guilty by a competent tribunal of a corrupt practice or who has been convicted by a competent tribunal of any offence against this act or any previous Election Act.**
- (g) A person convicted of an indictable offence within the five years preceding the date of the issue of the election proclamation.**
- (h) A person who is ineligible to vote pursuant to this act.**
- (i) No person mentioned in subsection (1) shall act as an election officer.**
- (j) A contravention of this section does not affect the validity of the election.**

**4(1) The Metis Legislative Assembly shall appoint a voter residing in Saskatchewan as the Chief Electoral Officer.**

**(2) The Chief Electoral Officer holds office at the pleasure of the Metis Legislative Assembly.**

**5(1) The Chief Electoral Officer is responsible for administering the Act, including;**

- (a) guiding & supervising election officers with respect to the conduct of all elections;**
- (b) ensuring that election officers act fairly and impartially in the conduct of their duties and that they comply with this Act;**
- (c) issuing to election officers any information & guidance the chief electoral officer considers necessary to ensure the effective carrying out of the provisions of this Act;**
- (d) preparing, printing & distributing forms for use pursuant to this Act;**
- (e) issuing & distributing financial & administrative guidelines to candidates & their business managers, chief official agents and auditors, and;**
- (f) performing any other duties assigned by this or any other Act;**

- 5(2) If in the opinion of the Chief Electoral Officer, there is no adequate provision made by this Act to resolve the situation, the Chief Electoral Officer may;**
- (a) suspend or remove from office any election officer for disability, misconduct, or neglect of duty; and**
  - (b) If a chief electoral officer suspends or removes an election officer pursuant to clause (a):**
    - (i) demand that the election officer deliver all election materials in the election officer's possession to the chief electoral officer or to any other person designated by the chief electoral officer.**
    - (ii) notwithstanding any other provision of this Act, appoint on a temporary basis an individual to hold the office of the suspended or removed election officer until a permanent appointment can be made in accordance with this Act.**
- (3) The chief electoral officer may attend at any polling place and consult with any deputy returning officer and any poll clerk.**
- (4) The chief electoral officer shall send to each returning officer a sufficient number of copies of this Act, election forms, materials and supplies to enable the returning officer to carry out his or her duties.**
- 6. The chief electoral officer shall prescribe a seal to be used for locking the ballot boxes.**
- 7(1) The Metis Legislative Assembly shall appoint a Metis Nation of Saskatchewan member as the assistant chief electoral officer.**
- (2) The assistant chief electoral officer holds office at the pleasure of the Metis Legislative Assembly.**
  - (3) The chief electoral officer may delegate any of the chief electoral officer's responsibilities & powers to the assistant chief electoral officer.**
  - (4) When delegating responsibilities or powers to the assistant chief electoral officer, the chief electoral officer may impose any limitations or conditions on the performance of responsibilities or the exercise of powers that the chief electoral officer considers appropriate.**
  - (5) The assistant chief electoral officer shall perform his or her responsibilities & exercise his or her powers subject to the direction of the chief electoral officer.**

**7(6) If the chief electoral officer is absent or unable to perform his or her responsibilities for any reason or if the office of the chief electoral officer is vacant, the assistant chief electoral officer shall perform the responsibilities & may exercise the powers of the chief electoral officer pursuant to this Act.**

**8(1) The Regional Council may appoint a Metis citizen residing in that region as the returning officer.**

**(2) The chief electoral officer shall immediately notify in writing an individual who has been appointed a returning officer of his or her appointment.**

**(3) As soon as a possible after being notified of his or her appointment, a returning officer shall take an oath or make a declaration and shall forward the oath or declaration to the chief electoral officer.**

**(4) If the returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities, the Regional Council may cancel that returning officers appointment and appoint another voter residing in the region as the returning officer.**

**(5) A returning officer may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election.**

**(6) If a returning officer wishes to resign or is unable to perform his or her responsibilities the returning officer shall forward a written notice to the chief electoral officer in writing.**

**9(1) A returning officer shall appoint a deputy returning officer for each polling place in the region.**

**(2) A returning officer shall appoint as a deputy returning officer a Metis Resident of the region;**

**(i) is in the opinion of the returning officer, competent & reliable;**

**(ii) resident of the region;**

**(iii) willing to act as a deputy returning officer; and**

**(iv) not ineligible pursuant to section 3.**

**(3) A returning officer shall appoint deputy returning officers as soon as possible after the election proclamation.**

**(4) The appointment as a deputy returning officer terminates on the completion of the deputy returning officer's responsibilities for the election for which the deputy returning officer is appointed.**

- 9(5) If a deputy returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer shall appoint another resident of the region as the deputy returning officer.**
- (6) A deputy returning officer may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election, other than the oaths or declarations that a returning officer is required to administer.**
- 10(1) Every returning officer and deputy returning officer may do anything that he or she considers necessary to preserve the peace and maintain order at a polling place during an election.**
- (2) For the purpose of preserving peace and maintaining order during an election, a returning officer and deputy returning officer may request the assistance of any Police Officer.**
- 11(1) A deputy returning officer shall appoint a poll clerk for the polling place for which the deputy returning officer was appointed.**
- (2) Subject to the written approval of the returning officer, a deputy returning officer may appoint an additional poll clerk for the polling place.**
- (3) A deputy returning officer shall appoint as a poll clerk a voter who is:**
- (a) is in the opinion of the deputy returning officer competent & reliable;**
  - (b) resident in the community for which the poll is established;**
  - (c) willing to act as the poll clerk; and**
  - (d) not ineligible pursuant to section 3.**
- (4) A deputy returning officer shall appoint a poll clerk before the polling day and, unless the appointment is made before a election proclamation, as soon as possible after the election proclamation.**
- (5) An appointment as a poll clerk is to made in the prescribed form.**
- (6) An appointment as a poll clerk terminates on the completion of the poll clerk's responsibilities for the election for which the poll clerk is appointed.**
- (7) On his or her appointment, every poll clerk shall take an oath or make a declaration in the prescribed form.**
- (8) If a poll clerk dies, is absent or is unable or unwilling to perform his or her responsibilities, the deputy returning officer shall appoint another Metis resident of that region.**

- 11(9) If the deputy returning officer dies, is absent or is unable or unwilling to perform his or her duties or if the office of the deputy returning officer is vacant, and the returning officer has not appointed another deputy returning officer, the poll clerk shall perform the responsibilities and may exercise the powers of the deputy returning officer, including the power to appoint a poll clerk.
- (10) A poll clerk may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election, other than the oaths or declarations that a returning officer is required to administer
- (11) The following individuals shall take the oath of secrecy in the prescribed form or make the declaration of secrecy in the prescribed form before performing their responsibilities or entering any polling place:
- (a) every supervisory deputy returning officer;
  - (b) every deputy returning officer;
  - (c) every poll clerk;
  - (d) every candidate's representative;
  - (e) every individual other than the one's described in clauses (a) to (d), who is authorized to be at a polling place or at the counting of the votes.
- (12) Every election officer is entitled to remuneration for his or her services and reimbursement for his or her expenses at the prescribed rate.

### **PART THREE. ENTITLEMENT TO VOTE.**

- 13(1) An individual is entitled to vote during an election if he or she:
- (a) meets Article 8 Elections : subsection (1), and Article 10, Membership subsections 1(a) - 1(b) of the Metis Nation of Saskatchewan constitution.
  - (b) on polling day is at least 16 years old.
  - (c) on the day the election proclamation was issued;
    - (i) has ordinarily resided in Saskatchewan for at least six months immediately preceding that day.
    - (ii) is a resident in the region in which he or she seeks to vote.
- (2) An individual who is entitled to vote in an election is also entitled to be registered on a voter's list as a voter.
- (3) An individual is entitled to be registered only on a voters list for the polling place in which he or she ordinarily resided on the day which the election proclamation was issued.

- 13(4) The following individuals are not entitled to vote during an Election:**
- (a) a person who is ineligible to vote pursuant to this Act or any previous Elections Act because of a conviction within the previous five years for engaging in corrupt practices.**
  - (b) a person who, on polling day, is in a correctional facility or prison.**
  - (c) the Chief Electoral Officer, or the Assistant Chief Electoral officer.**
- 14(1) The following rules are to be used to determine the ordinary residence for the purposes of this Act;**
- (2) The place where an individual is or was ordinarily a resident at any material time is to be determined by reference to all the facts of the case.**
  - (3) An individual's ordinary residence is in place in which the individual has his or her established habitation and to which he or she intends to return.**
  - (4) An individual does not lose his or her ordinary residence by reason of temporary absence from his or her established habitation.**
  - (5) No individual, while he or she remains in Saskatchewan, is deemed to have lost his or her ordinary residence until he or she acquires another.**
  - (6) If an individual moves to a place outside of Saskatchewan with the intention of remaining outside of Saskatchewan for at least 6 months the individual loses his or her ordinary residence in Saskatchewan, notwithstanding that he or she entertains the intention of returning at some future time.**
  - (7) An individual is not deemed to have acquired an ordinary residence in Saskatchewan or in a region if the individual moves to Saskatchewan or a region for the temporary purposes only, without intending to make Saskatchewan or some place in a region his or her established habitation.**
  - (8) If an individual has left his or her place of residence in Saskatchewan to study at an educational Institution outside of Saskatchewan, the individual is deemed to be an ordinarily resident in the polling place in which he or she was resident immediately before leaving Saskatchewan and is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies.**
  - (9) If an individual has left his or her place of residence in Saskatchewan to study at an educational institution in Saskatchewan, the individual is deemed to be ordinarily resident in two following places:**

- 14(9)(a) in the polling place in which he or she was residing immediately before leaving to pursue his or her studies, and the individual is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies.
- (b) in the polling place to which he or she has moved for the purpose of pursuing his or her studies and in which he or she was residing on the day on which the election proclamation was issued.
- 15(1) When directed to do so by the Chief Electoral Officer, a returning officer shall subdivide the polling places for which he or she was appointed into as many polling divisions as he or she considers necessary for the convenience of the voters.
- (2) A returning officer shall review the polling place from time to time and, if the returning officer considers it necessary for the greater convenience of the voters in the polling place, may alter the polling place.
- (3) Unless it is not feasible or consistent with the convenience of voters, a returning officer shall try to have an equal number of voters in each polling division to 500.
- (4) For the purposes of this section, a returning officer shall:
- (a) consider the most recently revised list of voters for the polling place and other relevant information with respect to population distribution; and
  - (b) be guided by the chief electoral officer.
- (5) A returning officer shall appoint an enumerator for each polling place in the region.
- (6) A returning officer shall only appoint as an enumerator a voter who is:
- (i) in the opinion of the returning officer, competent and reliable;
  - (ii) resident in the region.
  - (iii) willing to act as an enumerator.
  - (iv) not disqualified pursuant to section 3.
- (7) An appointment as an enumerator terminates on the completion of the enumerator's responsibilities for the election for which the enumerator is appointed.
- (8) If an enumerator dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer shall appoint another resident of the region as an enumerator.



- 15(9) An enumerator may administer any oaths that are required by this Act or the regulations to be administered with respect to the making and revising of preliminary and secondary voters lists.
- (10) The returning officer shall give to each enumerator a complete description of the boundaries of the polling place or divisions for which the enumerator is appointed and any amendments to the description that may be made from time to time.
- (11) The returning officer shall give to each enumerator sufficient materials and supplies furnished by the chief electoral officer to enable the enumerator to perform his or her responsibilities.
- (12) Immediately after being notified of the date of the election, the returning officer shall instruct the enumerators for each polling place to conduct an enumeration.
- (13) In conducting an enumeration, the enumerators shall:
- (a) collect voter data for each voter; and
  - (b) collect voter data from each local as supplied by the local.
  - (c) record that voter data on the prescribed enumeration forms.
- (14) Within 10 days of the date of issue of the election proclamation, an enumerator shall:
- (a) prepare a preliminary voters list by recording data for each voter on the prescribed enumeration forms;
  - (b) complete the statements and endorse any certificates that are on the prescribed forms; and
  - (c) deliver the preliminary voters list to the returning officer.
- (15) An enumerator shall arrange the names on each preliminary voter's list alphabetically according to surnames and shall set out on the voter's list the surname, first name, initial, if any, occupation, mailing address and residential premise of each voter.
- (16) Each name on each preliminary voter's list is to be numbered consecutively, commencing with the number one.
- (17) All voters names on a preliminary voter's list are to be type written, printed or hand printed in block letters.
- (18) The returning officer shall immediately review all preliminary voters lists delivered to the returning officer pursuant to this section and correct any errors omissions that the returning officer is aware of or that are brought to the returning officer.

**16(1) A returning officer shall:**

- (a) immediately after receiving the reproduced copies of the voters list, deliver:**
  - (i) 1 copy of the voters list to each candidate in the region.**
  - (ii) 1 copy of the voters list to the enumerator who compiled the voters list; and**
  - (iii) if the voters list was prepared by the returning officer 1 copy of the voters list to the chief electoral officer; and**
- (b) promptly post one copy of the voters list for each polling place in his or her office and in the head office of each region.**

**(2) The returning officer shall provide the following to each person who requests them:**

- (a) the name and phone number of the enumerator.**
- (b) Place and time the enumerator will hear applications for revision of the voters list.**

**(3) The chief electoral officer or, on the direction of the chief electoral officer, the returning officer shall place an advertisement in a local newspaper or, if there is no local newspaper in the region, in newspaper having the widest circulation that sets out;**

- (a) the right of voters to review the voters list and to apply for revisions of the voters list.**
- (b) the times during which and the place at which voters may review the voters list; and**
- (c) the times during which and the place at which the enumerator will hear applications for revision of the voters list.**

**17(1) On revision day, the enumerator shall attend at the place indicated on the voters list and in the advertisement pursuant to section 16(3) between the hours of 2:00PM and 10:00PM to hear applications for revision of the voters list.**

**(2) The enumerator may receive applications at any time after the posting of the voters list pursuant to section 16 and before 10:00PM on revision day.**

**18(1) At any time before the hour of 10:00PM on revision day, the enumerator shall do the following;**

**(a) if the enumerator is satisfied that the name of an individual who is entitled to vote has been omitted from the voters list for the polling place in which the voter resides, the enumerator shall;**

**(i) add the name to the copy of the voters list in his or her possession.**

**(ii) initial the addition.**

**(b) if the enumerator is satisfied that the name of an individual who is not entitled to vote in the polling place is on the voters list, the enumerator shall;**

**(i) delete the name by drawing erasing lines through the name; and**

**(ii) initial the deletion.**

**(2) An enumerator shall act only on the evidence of a credible person.**

**(3) If an enumerator finds the occupation, postal address or residence of a voter inaccurately stated in the voters list or where the enumerator finds a mistake in the spelling of a name, the enumerator shall make the necessary correction and initial the correction.**

**19(1) After revising the voter's list pursuant to section 18, the enumerator shall certify the voters list and close to the last name on it.**

**(2) Immediately after certifying the voters list pursuant to subsection (1), the enumerator shall deliver a copy of the certified revised voters list to the returning officer.**

**(3) The enumerator shall deliver the certified revised voters list to the deputy returning officer for the polling place to which it relates to.**

**(4) The certified revised voter's list delivered pursuant to subsection (3) is the official voters list for that polling place.**

**(5) A candidate or candidates representative may request a revised voters list by the enumerator pursuant to section 18.**

**20(1) No enumerator shall:**

**(a) omit from the voters list the name of an individual that should be included; or**

**(b) include in the voters list the name of an individual that should not be included.**

**PART FOUR. COMMENCING AN ELECTION.**

- 21(1) The Metis Legislative Assembly may commence an election by passing an “election Proclamation”, that directs the chief electoral officer to issue notices of the election proclamation to the returning officers for the regions in which the elections are to take place.**
- (2) The order mentioned in subsection (1) must:**
- (a) fix the day the chief electoral officer shall issue the notice of the impending election, which may be the same day that the order is passed or a subsequent day.**
  - (b) fix the nomination day for candidates.**
  - (c) fix the polling day.**
  - (d) fix any 5 days before polling day on which the advance poll is to be held.**
  - (e) fix the day on which the returning officer shall hold the final count.**
- 22(1) Immediately on receiving the notice of the impending election, the returning officer shall endorse on the notice the date of its receipt.**
- (2) The returning officer shall keep the notice in his or her possession until the day fixed for returning all election materials**
- 23(1) On receiving the notice the returning officer shall issue to every local in the region an election proclamation in the prescribed form.**
- (2) An election proclamation must set out:**
- (a) the numbers, names and fully described boundaries of the polling place and the polling divisions at which the voting will be held;**
  - (b) the day, time and place fixed for the nomination for candidates;**
  - (c) the place or places at which any advance poll will be held and the days and the hours when the advance poll at that place or those places will be open;**
  - (d) the polling day; and**
  - (e) the day and time when, and the place where, the returning officer will make a final count of votes cast for the candidates**
- (3) At least seven days before the nomination day, the returning officer shall cause copies of the election proclamation to be posted;**
- (a) in all Metis locals; and**
  - (b) with the approval of the Postmaster General of Canada or other proper officer, at every post office in the respective polling places.**
  - (c) in any approved location which might be in the best interest of Metis voters.**

**24(1) Every ballot paper, shall:**

- (a) be printed in a prescribed form;**
- (b) be of the same description, as nearly as possible;**
- (c) be numbered consecutively on the back of the stub and on the back of the counterfoil, with the same number being printed on the back of the stub as is printed on the back of the counterfoil**
- (d) bear on the back of the ballot paper an impression of the printing aid furnished by the chief electoral officer that is placed in such a way that when the ballot paper used by the voter is folded by the voter the impression can be seen without the ballot paper being opened.**
- (e) have the instructions to voters printed on the counterfoil.**

**(2) the chief electoral officer shall send to each returning officer a quantity of ballots sufficient to provide at least one ballot for each voter in the polling place.**

**25(1) A returning officer shall provide for each polling place and or polling divisions, a place that is the most central or most convenient place for Metis voters.**

**(2) If a returning officer considers it advisable, the returning officer may establish a central polling place where the polling places of all or any of the polling divisions of any region may be centralized.**

**(3) Unless the chief electoral officer approves otherwise, the maximum number of polling divisions that may be combined in a central polling place is six.**

**(4) If in the opinion of the returning officer, local conditions require a division of the polling place included within an established polling division, the returning officer may divide the polling place into two or more polling subdivisions.**

**(5) If the polling subdivisions are created pursuant to subsection (4), the returning officer shall;**

- (a) divide the voters list for the established polling division according to Metis local.**

**(6) The returning officer shall use the new voters lists certified pursuant to subsection (5) at the election.**

**(7) No returning officer shall establish a polling place in a building with respect to which a permit has been issued pursuant to the Alcohol & Gaming Regulation.**

- 26(1) If a returning officer establishes a central polling place in which three to six polling places are centralized, the returning officer may appoint a supervisory deputy returning officer.**
- (2) subject to the direction of the returning officer, the supervisory deputy returning officer shall supervise the central polling place on behalf of the returning officer and shall inform the returning officer with respect to all matters that take place at the central polling place.**
  - (3) For the purpose of maintaining peace and order at the central polling place, the supervisory deputy returning officer can ask for the assistance of a police officer.**
  - (4) A returning officer shall only appoint as a supervisory deputy returning officer a person who is;**
    - (a) in the opinion of the returning officer, competent and reliable;**
    - (b) Resident of the region;**
    - (c) willing to act as a supervisory deputy returning officer; and**
    - (d) not ineligible pursuant to section 3.**
  - (5) An appointment as a supervisory deputy returning officer terminates on the completion of the election for which the supervisory deputy returning officer is appointed.**
  - (6) A supervisory deputy returning officer may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election, other than oaths or declarations that a returning officer is required to administer.**
- 27(1) If, in the opinion of the returning officer, the voters list for a polling place or division contains a number of names that is substantially more than 500, the returning officer shall:**
- (a) provide one or more additional polling divisions in the same building;**
  - (b) divide the number of voters on each voter's list into subdivisions so that they are as nearly equal as possible; and**
  - (c) provide for each polling subdivision a voter's list, so that the name of every voter on the voter's list for the polling division appears only on one of the polling subdivisions voters list's.**
- (2) When arranging the number of voters pursuant to clause 1(b), the returning officer shall divide the voters list by using the first letter of the voters surnames.**

- 27(3) the returning shall deliver to each deputy returning officer a polling subdivision voter's list certified by the returning officer for each polling subdivision that the deputy returning officer is responsible for.**
- (4) every voter whose name appears on a polling subdivision voter's list pursuant to this section shall vote in the polling place provided for that polling subdivision.**
- 28(1) Every Metis voter is entitled to free access to the polling place where the voter is to vote.**
- (2) Every polling place must be furnished with voting stations in which the voters may mark their ballot papers screened from observation.**
- (3) The returning officer and the deputy returning officer shall ensure that a sufficient number of voting stations are provided for each polling place.**
- 29. The nomination for candidates is to be the day, time and place fixed by the chief electoral officer.**
- 30(1) An individual is qualified to be a candidate if that individual:**
- (a) is at least 16 years old.**
  - (b) is a member of the Metis Nation of Saskatchewan.**
  - (c) has ordinarily resided in Saskatchewan for at least 6 months preceding the Metis Legislative Assembly Election proclamation.**
  - (d) is not disqualified by the Metis Legislative Assembly or by any other Metis Nation Act from being a candidate.**
- (2) Notwithstanding subsection (1), the following persons are not qualified to be candidates:**
- (a) a person who has been convicted for engaging in corrupt practices.**
  - (b) a person who, on polling day is in a correctional facility, jail or prison because of being convicted of an offence against a Federal Act.**
  - (c) a person who, on polling day, is subject to disposition of a review board established pursuant to section 672.38 of the Criminal Code.**
- 31(1) before filing his or her nomination papers, every potential candidate may appoint a business manager.**

- 31 (2) A potential candidate shall give written notice of the name and address of the individual appointed as his or her business manager.
- 32(1) A nomination paper must be filed with the chief electoral officer at any time after the Metis Legislative Assembly issues the Election proclamation.
- (2) Any four or more members of the Metis Nation of Saskatchewan resident within the region in which the election is to take place may nominate a regional candidate by signing and filing with the chief electoral officer.
- (3) Any four or more members of Metis Nation of Saskatchewan resident within the province of Saskatchewan in which the election is to take place may nominate a executive member candidate by signing and filing with the chief electoral officer.
- (4) Every person who signs a nomination paper as a nominator shall sign in the presence of another voter resident within the region or province in which the election is to take place.
- (5) The Metis person in whose presence the nominator signed the nomination paper shall sign his or her name as witness forming part of the nomination paper.
- (6) The nomination paper must state:
- (a) the name, address and occupation of the candidate.
  - (b) a specific place, being either a residence or a place of business in Saskatchewan, at which notices and other documents issued or to be served either pursuant to this Act may be served on the candidate.
  - (c) the name and address of the candidates business manager if one is so appointed.
- (7) A nomination paper is valid only if it is accompanied by a deposit of \$100.00.
- (8) The deposit must be in Canadian currency or in the form of a certified cheque on a valid account in a chartered bank, trust company or credit union.
- 33(1) The chief electoral officer shall immediately examine all nomination papers filed.
- (2) If the chief electoral officer is satisfied that the nomination paper is valid, the chief electoral officer shall:
- (a) certify the validity of the nomination by issuing a certificate



**33(3) Any certificate issued pursuant is admissible in evidence as conclusive proof that the nomination is valid, and the validity of the nomination is not open to question in any action or proceeding on any ground whatsoever.**

**34(1) On nomination day the returning officer shall:**

- (a) attend at the place fixed for the nomination at the hour of 9:00 a.m.;**
- (b) receive and recognize all nominations for the executive and regional candidate positions;**
- (c) declare the nominations closed at 5:00p.m..**

**35(1) If, at the close of the nominations only one candidate remains in nomination the chief electoral officer shall immediately:**

- (a) declare the candidate elected;**
- (b) give to the candidate, or, if the candidate is absent, to the candidate's business manager or to any person authorized in writing by the candidate, a certificate that the candidate has been duly elected; and**
- (c) the returning officer will forward to the chief electoral officer;**
  - (i) all ballot boxes, poll books and other books, forms, seals, materials, supplies and things that have been sent to the returning officer to be used in the election and that have not been used.**

**36(1) If at the close of nominations, more than one candidate remains in nomination the chief electoral officer shall:**

- (a) list the names, addresses and occupations of the candidates nominated;**
- (b) list the polling day and the hours during which voting will take place.**

**37(1) A candidate who is nominated may withdraw at any time after his or her nomination and before the close of polling day by filing with the returning officer a written declaration.**

**(2) If the withdrawal of a candidate leaves only one candidate for the vacancy, the returning officer shall immediately declare the remaining candidate duly elected and shall proceed to do things as mentioned in section 35.**

**38(1) A candidate may appoint one Metis person residing in the region for which the candidate was nominated to do all or any of the following:**

- (a) to be present and to represent him or her, in addition to or in place of himself or herself, at a polling place;**
- (b) to perform at the polling place any functions that this Act authorizes a candidate's representative to perform;**

- 38(1) (c) prior to the final count of votes, to be present at a place other than a polling place and to perform at the place any functions that this Act authorizes a candidate's representative to perform at the place.**
- (2) A candidate may have, at any time, one candidate's representative for each polling division at a polling place or other place.**
- (3) No individual who is ineligible to vote or who, within the period of five years preceding the day fixed for nomination, has been found guilty of a corrupt practice by a competent tribunal shall act as a candidates representative.**
- (4) On entering the polling place, a candidates representative shall immediately deliver his or her written appointment to the deputy returning officer.**
- 39(1) A candidate may:**
- (a) undertake the duties that any candidates representative, except his or her business manager, may undertake;**
  - (b) assist his or her candidate's representative in the performance of their responsibilities; and**
  - (c) be present at any place at which his or her candidate's representative may attend, except at a place where a ballot paper is being marked.**
- 40(1) The deputy returning officer shall be at the polling place at least 30 minutes before the time fixed to open the polling place for voting.**
- (2) Prior to opening the polling place for voting, the deputy returning officer shall:**
- (a) initial all of the ballots;**
  - (b) count the ballots intended for use at the polling place;**
  - (c) inspect the ballot papers and all other papers, forms and documents relating to voting at that polling place; and**
  - (d) set up all necessary facilities to take the votes of voters.**
- 41(1) Prior to opening the polling place on polling day, a deputy returning officer shall post:**
- (a) in a place outside the polling place, one copy of the notice as to secrecy of voting;**
  - (b) in a place within the polling place, one copy of the notice as to secrecy of voting;**
  - (c) in a place outside the polling place, one copy of the directions for the guidance of voters;**
  - (d) in each voting station in the polling place, one copy of the directions for the guidance of the voters; and**
  - (e) in a place outside the polling place, one copy of the election proclamation.**

**42(1) Immediately before the voting begins, the deputy returning officer shall;**

- (a) show the ballot box to the persons who are present in the polling place so that they may see that it is empty;**
- (b) lock and seal the ballot box with one of the seals prescribed by the chief electoral officer; and**
- (c) place the ballot box on a desk, counter or table or in any manner so that it is raised in full view of all present.**
- (d) the deputy returning officer shall keep the ballot box where it is placed in a locked and sealed condition during the hours that voting takes place.**

**43(1) Each voter shall vote only at the polling place of the polling division or subdivision that is mentioned on the voters list on which the voters name appears.**

- (2) If a voter is deemed to be ordinarily resident in two polling divisions, the voter shall vote in only one of those polling divisions.**
- (3) If the voter is casting a ballot in another region either than the region in which he or she is a resident, the voter shall only be allowed to cast ballots for the three executive positions.**

**44(1) Every polling place is to be open for voting between the hours of 9:00 a.m. and 8:00 p.m..**

**(2) A polling place must be kept open after the time set for closing the polling place if, at the time set for closing, there are individuals who;**

- (a) are in or are waiting admission to the polling place;**
- (b) are entitled to vote; and**
- (c) have not been able to vote since their arrival at the polling place.**

**(3) If a voter is not actually in or awaiting admission to a polling place at the time for closing the polling place, the polling place is to be closed to that voter and that voter is not to be permitted to vote.**

**45(1) Only the following persons are entitled to be present in the polling place during the time that the polling place remains open at the counting of the ballots.**

- (a) Chief electoral officer and the assistant chief electoral officer.**
- (b) the returning officer, the supervisory deputy returning officer, if any, and the deputy returning officer;**
- (c) the election clerk, and the poll clerks;**
- (d) the candidate and the candidates representative for each candidate; and**
- (e) any peace officer assisting in preserving the peace at the polling place.**

- 46(1) Votes must be given by ballot.
- 47(1) On entering the polling place and if required to do so by the deputy returning officer or any candidate's representative, a voter shall state his or her name occupation, post office address, location of residence, and eligibility to vote,
- (2) If a voters name does not appear on the voters list, the voter shall answer any questions from the deputy returning officer, and provide to the deputy returning officer any information satisfactory to the deputy returning officer, relating to establishing the voter's ordinary residence on the day on which the day the Metis Legislative Assembly issued the election proclamation.
- 48(1) The poll clerk shall record the name of each voter in the poll book and fill in all appropriate blank spaces opposite the voters name before the voter is handed a ballot.
- (2) As soon as the ballot has been deposited in the ballot box, the poll clerk shall enter the word "voted" in the appropriate column of the poll book opposite the voters name.
- 49(1) Every voter whose name is on the voters list is entitled to vote without making a declaration unless the voter is required to do so.
- (2) A candidates representative may request the deputy returning officer to require a voter whose name is on the voters list to make a voter's declaration.
- (3) Where requested pursuant to subsection (2), no deputy returning officer shall fail to require a voter to make a voter's declaration before handing that voter a ballot paper.
50. If an individual's name does not appear on the voter's list and the individual claims he or she is entitled to vote at the polling place, that individual shall make a voter's declaration before receiving a ballot paper and voting.
51. No deputy returning officer shall fail to require an individual who appears at the polling place to make a voter's declaration if the deputy returning officer has reasonable grounds to believe that the individual:
- (a) is not entitled to vote;
  - (b) is tendering his or her vote under false name or designation;
  - (c) is impersonating or falsely representing himself/herself as being on the voter's list;
  - (d) has already voted;

51. (e) has participated in or committed any corrupt practices.
52. A voter shall make a voters declaration before receiving a ballot paper and voting if the voter's name has been struck off the voter's list pursuant to any provision of this Act.
- 53(1) If the voter is required to make a voter's declaration, the poll clerk shall:
- (a) complete the voter's declaration form with information supplied by the voter; and
  - (b) record the name of the voter in the poll book and fill in the appropriate spaces opposite the voter's name;
- (2) A voter's declaration must be made before the deputy returning officer or the poll clerk.
- (3) A voter shall sign his/her name in the presence of the deputy returning officer or the poll clerk and the deputy returning officer or the poll clerk shall sign the voter's declaration as a witness to the signature
- (4) If the voter who is required to make a voter's declaration does make the declaration:
- (a) the deputy returning officer shall give the voter a ballot paper; and
  - (b) the voter shall proceed to mark the ballot paper in the manner required by this Act.
- 54(1) No individual who refuses to make the voter's declaration when required to do so is entitled to a ballot paper or to vote.
- (2) No deputy returning officer shall give a ballot paper to an individual described in subsection (1).
- (3) If a voter who is required to make a voter's declaration refuses to make the declaration, the poll clerk shall note the refusal in the poll book.
- 55(1) The deputy returning officer shall give a ballot paper to every individual whose name:
- (a) is on the voter's list & who is not required to make a voter's declaration;
  - (b) is on the voter's list & who, if required to make a voter's declaration, has made the voter's declaration;
  - (c) has been struck off the voter's list and has made a voter's declaration;
  - (d) is not on the voters list and has made a voter's declaration.
- (2) The ballot paper must have on its back the deputy returning officer's initials placed so that when the part of the paper used by the voter is folded the initials can be seen with out opening the ballot paper.

- 56(1) On receiving a ballot paper, the voter shall immediately proceed to a voting station provided for the purpose of voting.**
- (2) The voter shall mark the ballot paper by placing a cross or the other mark that clearly indicates the voters choice in the circle to the right of the name of the candidate for whom the voter intends to vote.**
- (3) After marking the ballot paper, the voter shall:**
- (a) fold the ballot paper so that the names of the candidates and the mark on the face of the paper are concealed, but the initials of the deputy returning officer are exposed; and**
  - (b) leave the voting station.**
- (4) After leaving the voting station, the voter shall:**
- (a) immediately deliver the folded ballot paper to the deputy returning officer, without showing the front to anyone or displaying the ballot paper so as to make the name of the candidate for whom he/she has voted known to any person;**
  - (b) observe the deputy returning officer deposit the ballot in the ballot box;**
  - (c) leave the polling place immediately after the ballot has been deposited in the ballot box.**
- 57(1) On receiving a ballot paper from a voter, the deputy returning officer shall, in full view of the voter and all others present;**
- (a) without folding the ballot paper or in any way disclosing the names of the candidates or the marks made by the voter, examine the initials appearing on the ballot paper to ensure that it is the same ballot paper the deputy returning officer delivered to the voter; and**
  - (b) if it is the same ballot paper:**
    - (i) deposit the ballot in the ballot box.**
- 58(1) A deputy returning officer may assist a voter in marking the voter's ballot if the voter:**
- (a) is unable to read or is physically unable to mark his/her ballot in the manner prescribed in this Act;**
  - (b) applies for assistance;**
- (2) Before assisting a voter, the deputy returning officer shall require the voter to take an oath or make a declaration:**

**58(3) After the voter completes the oath or declaration mentioned in subsection (2) the deputy returning officer shall:**

**(a) assist the voter, either inside or outside the voting station, by marking the ballot paper in the manner directed by the voter in the presence of the poll clerk.**

**(b) deposit the ballot in the ballot box.**

**(4) The poll clerk shall enter in the column for remarks in the poll book opposite the voter's name:**

**(a) the reason why the ballot paper was marked for the voter;**

**(b) whether the ballot was marked by the deputy returning officer or a friend;**

**(c) if the ballot was marked by a friend, the name of the friend;**

**(d) the word "sworn" after the name of the voter and the friend, if any, to record the required oaths or declarations were made.**

**59. While a voter is in a voting station for the purpose of voting, no other person shall enter the voting station or be in a position from which that other person can see for whom the voter marks his/her ballot paper.**

**60(1) No person who has received a ballot paper shall take it out of the polling place.**

**(2) If an individual receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer or returns the ballot paper, declining to vote;**

**(a) the individual forfeits his/her right to vote; and**

**(b) the deputy returning officer shall enter in the poll book in the column for the remarks a note that the individual received a ballot paper but took it out of the polling place or returned it, declining vote.**

**(3) If a voter has returned the ballot paper, declining to vote, the deputy returning officer shall immediately write the word "declined" on the ballot paper and shall preserve it to be returned to the returning officer.**

**61(1) If a person claiming to be a voter applies for a ballot paper after another person has voted under that voters name, that person is entitled to receive a ballot paper and to vote, but only after:**

**(a) making a voter's declaration; and**

**(b) satisfying the deputy returning officer of his/her identity.**

- 61(2) The poll clerk shall enter on the poll book:**
- (a) the voter's name; and**
  - (b) a note indicating:**
    - (i) that a second ballot paper was given in the name of that voter;**
    - (ii) that a voter's declaration was made; and**
    - (iii) if the circumstances arise, that a candidate or candidates representative objected to giving the ballot paper, the name of the candidate and the nature of the objections.**
- 62(1) A voter who accidentally destroys his/her ballot paper so that it cannot be used to vote shall return it to the deputy returning officer.**
- (2) On returning the ballot paper, the voter is entitled to receive another ballot paper.**
  - (3) On receiving a ballot paper returned , the deputy returning officer shall immediately write the word "spoiled" on the returned ballot paper and preserve it to be returned to the returning officer.**
- 63(1) An individual who applies for a ballot paper is deemed to have presented his/her vote or to have offered to vote.**
- (2) An individual who has deposited or caused to be deposited his/her ballot in the ballot box or has delivered it to the deputy returning officer or poll clerk for the purpose of having it deposited in the ballot box is deemed to have voted.**
- 64(1) The deputy returning officer shall complete a statement containing:**
- (a) the name, address and occupation of every voter who made a declaration's on polling day; and**
  - (b) the reason, opposite each name, for requiring a voter's declaration.**
- (2) The statement must be signed by the deputy returning officer and the poll clerk and may be signed by any candidate or candidate's representative who wishes to sign.**
- 65(1) The Metis Legislative Assembly shall establish the date for the advance polls.**
- (2) The returning officer shall make available advance polling places at those places in the region the returning officer considers most convenient for the voter's.**



- 66(1) The following voter's who ordinarily reside in the polling place may vote at an advance poll:
- (a) a voter who believes that he/she will be absent from his/her ordinary residence on polling day;
  - (b) a voter who:
    - (i) is an election officer or is a candidates representative; and
    - (ii) has reason to believe that, because of his/her responsibilities, he/she will be at a polling place other than the polling place in which he/she is entitled to vote;
    - (iii) a voter who is physically disabled.
67. Voting at an advance poll is to be conducted in the same manner as voting at polling places during a general election.
- 68(1) An advance poll is to be open:
- (a) during the weekday, from 3:00 p.m. to 10:00 p.m.;
  - (b) if held on a Saturday or Sunday, from noon until 7:00 p.m.
69. A voter who wishes to vote at an advance poll shall make a voter's declaration before he/she is entitled receive a ballot paper and vote.
70. On every day that an advance poll is held, immediately after closing the advance poll, the deputy returning officer shall:
- (a) place his/her seal on the ballot box in such a manner that the box cannot be opened and nothing deposited in the ballot box without breaking the seal; and
  - (b) sign his/her name on the first line below the name of the last voter entered in the poll book on that day.
- 71(1) On the last day that an advance poll is held, immediately after closing the advance poll, the deputy returning officer for the advance poll shall do the things prescribed in this section.
- (2) The deputy returning officer shall do the things in the presence and in full view of the persons who are entitled to be present pursuant to section 45.
  - (3) The deputy returning officer for the advance poll shall:
    - (a) count the number of voters whose names appear in the poll book as having voted;
    - (b) make an entry of the number of those names on the line immediately below the last name recorded.
    - (c) sign his/her name after the entry.

- 71(4) the deputy returning officer for the advance poll shall:
- (a) count the unused ballots undetached from the books of ballot papers;
  - (b) place the unused papers together with the stubs of used ballot papers in the special envelope supplied for the purpose;
  - (c) indicate on the special envelope the number of unused ballot papers enclosed;
  - (d) seal the envelopes; and
  - (e) record the number of unused ballot papers on the ballot paper account and poll statement.
- (5) The deputy returning officer for the advance poll shall:
- (a) count the spoiled and declined ballots.
  - (b) place the spoiled and declined ballots in the special envelopes supplied for the purpose;
  - (c) record on the special envelope the number of spoiled and declined ballots;
  - (d) seal the special envelope; and record the number of spoiled and declined ballots on the ballot paper account and the poll statement.
- (6) The deputy returning officer for the advance poll shall place in an empty ballot box:
- (a) the poll book;
  - (b) the special envelope supplied for the voter's declarations;
  - (c) the envelope containing the unused ballot papers;
  - (d) the envelope containing the spoiled and declined ballots;
  - (e) the written appointments delivered by the candidates representative's.
- (7) The deputy returning officer for the advance poll shall lock and seal the ballot box in which the ballots are placed and the ballot box mentioned in this section with one of the seals prescribed by the chief electoral officer.
- (8) The deputy returning officer for the advance poll shall place his/her seal on each of the ballot boxes.
- (9) The deputy returning officer for the advance poll shall satisfy himself/herself that the seals are placed in a manner that the boxes cannot be opened and nothing can be deposited in them without breaking the seals
- (10) The deputy returning officer for the advance poll shall place the ballot boxes and the other election material in a safe place and prevent any other person from having access to them until the close of voting on polling day.

- 71(11) The deputy returning officer for the advance poll shall:**
- (a) complete a statement that sets out the name, address and occupation of every voter who made a voter's declaration on polling day and the poll number of the poll where the voter is otherwise eligible to vote; and**
  - (b) send a copy of the statement to the returning officer.**
- (12) At the close of voting on polling day, the deputy returning officer for the advance poll shall proceed to count the votes in the same manner prescribed by this Act for counting votes at any poll.**
- (13) For the purposes of this Act, the deputy returning officer for the advance poll is deemed to be the deputy returning officer on election day.**
- (14) The deputy returning officer shall allow any candidate's representative who are present to observe the deputy returning officer's actions and to initial the ballot paper account, the poll statement, any envelope, the ballot box and any seal mentioned in this section**

**PART V. PROCEEDINGS AFTER VOTING.**

- 72(1) Immediately after the closing of the polling place, the deputy returning officer shall do the things in this section in the order prescribed in this section.**
- (2) The deputy returning officer shall do the things prescribed in the presence and in full view of the persons entitled pursuant to section 45.**
  - (3) The deputy returning officer shall:**
    - (a) count the number of voters whose names appear in the poll book as having voted;**
    - (b) make an entry in the poll book of the number of those names on the line immediately below the last name recorded;**
    - (c) sign his/her name after that entry.**
  - (4) The deputy returning officer shall make the ballot paper account and poll statement in duplicate.**
  - (5) The deputy returning officer shall;**
    - (a) count the unused ballot papers undetached from the books of ballot papers;**
    - (b) place the unused ballot papers together with the stubs of used ballot papers in the special envelope supplied for the purpose;**
    - (c) indicate on the special envelope the number of unused ballot papers enclosed;**
    - (d) seal the special envelope;**
    - (e) record the number of unused ballot papers on the ballot paper account and poll statement.**
  - (6) The deputy returning officer shall:**
    - (a) count the number of spoiled and declined ballots;**
    - (b) make an entry in the poll book of those ballots on the line immediately below the last name;**
    - (c) sign his/her name.**
  - (7) The deputy returning officer shall announce in an audible voice the number of voter's, as recorded in the poll book record, in the following categories;**
    - (a) voter's registered on the voter's list and not required to make a voter's declaration;**
    - (b) voter's registered on the voter's list and required to make a voter's declaration;**
    - (c) voter's not registered on the voter's list and required to make a voter's declaration;**
    - (d) voters struck off the voter's list and required to make a voter's declaration;**

- 72(8) The deputy returning officer shall check the total number of voter's in the categories mentioned in subsection (7) and ensure that the number is the same as the total number of persons appearing in the poll book as having voted.**
- (9) The deputy returning officer shall open the ballot box.**
- (10) The deputy returning officer shall:**
- (a) count the number of votes in favor of each candidate;**
  - (b) give full opportunity to those present to examine each ballot;**
- (11) The deputy returning officer shall;**
- (a) make note in the poll book of every objection taken to a ballot by a candidate, candidate's representative or voter present;**
  - (b) number each objection;**
  - (c) place a corresponding number on the back of the ballot;**
  - (d) initial the ballot; and**
  - (e) decide the objection.**
- (12) A deputy returning officers decision pursuant to clause 11(e) may be reviewed on a recount.**
- (13) The deputy returning officer shall:**
- (a) place all rejected ballots in a special envelope supplied for that purpose;**
  - (b) indicate the number of rejected ballots contained in the special envelope on the outside of the envelope and on the ballot paper account and poll statement; and**
  - (c) seal the envelope.**
- (14) When the deputy returning officer is satisfied with the accuracy of the ballot paper account and poll statement, he/she shall sign each copy of them, direct the poll clerk to sign them and permit any candidates representative to sign them if the candidates representative so desires.**
- (15) The deputy returning officer shall:**
- (a) place the original ballot paper account and the poll statement in the special envelope supplied for that purpose; and**
  - (b) keep the second copy of the original ballot paper account and poll statement as the deputy returning officer's own record.**
- (16) The deputy returning officer shall permit each candidate or candidate's representative who wishes to do so, to sign his/her name or initials across the flap of any special envelope mentioned in this section**
- (17) The deputy returning officer shall administer the oath or declaration to the poll clerk, who shall take the oath or make the declaration.**

- 72(18) The deputy returning officer shall place in the large envelope supplied for that purpose the following material:**
- (a) the envelopes containing the ballots counted for each of the candidates;**
  - (b) the envelope containing the rejected ballots;**
  - (c) the envelope containing the unused ballot paper;**
  - (d) the envelope containing the spoiled and declined ballot papers;**
  - (e) the written appointments delivered by candidates representatives.**
- (19) The deputy returning officer shall sign and seal the large envelope mentioned in subsection(18).**
- (20) The deputy returning officer shall permit any candidate or candidates representative who wishes to do so to sign or initial the large envelope mentioned in subsection (18)**
- (21) The deputy returning officer shall place in the ballot box, but outside the large envelope:**
- (a) the poll book;**
  - (b) the voters list;**
  - (c) the special envelope supplied for voters declarations; and**
  - (d) the special envelope containing the original ballot paper account and the poll statement.**
- (22) The deputy returning officer shall place his/her own seal on the ballot box.**
- (23) The deputy returning officer shall satisfy himself/herself that the seal is placed in a manner so that the boxes cannot be opened and nothing can be deposited in them without breaking the seals.**
- (24) The deputy returning officer shall immediately advise the returning officer by telephone or by Fax of the number of voters who voted at the polling place and the results of the voting.**
- 73(1) In counting the votes, the deputy returning officer shall reject the following ballots;**
- (a) ballots that have not been supplied by the chief electoral officer;**
  - (b) ballots which voters have voted for more than one candidate;**
  - (c) ballots on which a voter has written or marked anything by means of which the voter can be identified;**
  - (d) ballots on which the voters intention is not clear or on which no vote has been given for a candidate.**

- 73 (2) In counting the ballots, the deputy returning officer shall not reject the following ballots:**
- (a) ballots marked with some mark other than a cross if;**
    - (i) the voters intention is clearly indicated;**
    - (ii) there is no cross mark elsewhere on the ballot.**
  - (b) ballots on the back of which the deputy returning officer has omitted to place his/her initials if the deputy returning officer is satisfied:**
    - (i) that the ballot is one he/she supplied;**
    - (ii) that the omission has been made inadvertently; and**
    - (iii) that every ballot supplied to him/her by the chief electoral officer has been accounted for.**
- (3) If a ballot does not have the deputy returning officers initials and the deputy returning officer is satisfied that the conditions mentioned in clause (2)(d) are met, the deputy returning officer shall in the presence of the poll clerk and the candidates representatives:**
- (a) place his/her initials to the ballot; and**
  - (b) count the ballot as if it had been initialed in the first place.**
- 74(1) Immediately after counting the ballots, the deputy returning officer shall personally deliver the ballot box to the returning officer or to a person appointed by the returning officer to receive the ballot box.**
- (2) If directed by the returning officer, the deputy returning officer shall forward the ballot box by registered mail or courier instead of personally delivering the ballot box.**
  - (3) Before handing over the ballot box, the deputy returning officer shall obtain a receipt from the person to whom the deputy returning officer has handed over the ballot box.**
  - (4) A person appointed by the returning officer to receive the ballot box from any deputy returning officer and who has taken delivery of the ballot box shall:**
    - (a) immediately deliver the ballot box to the returning officer.**
  - (5) On receipt of the ballot box, the returning officer shall:**
    - (a) keep the ballot box safe and prevent any person, other than the returning officer and the election clerk, from having access to it;**
    - (b) examine the seal placed on the box by the deputy returning officer & if the seal is not on good condition, shall place the returning officers own seal.**
    - (c) record, in the column for remarks in the returning officer's statement, the condition of the seal placed on the ballot box by the deputy returning officer.**
    - (d) Send the ballot box to the destination instructed by the chief electoral officer for the final count.**

**75(1) Each candidate may appoint voters as his/her candidates representative at the final count.**

**(2) An appointment made pursuant to this section must be in writing.**

**(3) A candidate may not have more than one candidate representative present at any one time.**

**(4) The chief electoral officer may refuse to allow any candidates representative to be present at the final count until the candidates representative produces his/her written appointment.**

**76(1) At the time and place set for the final count and after receiving all advance and general election ballot boxes, the chief electoral officer shall do in the presence of and in full view of the candidates or the candidates representatives who are present:**

**(a) remove from each ballot box and open the special envelope containing the original ballot paper account and poll statement; and**

**(b) enter the results appearing in the ballot paper account and poll statement in the appropriate columns of the returning officers statement.**

**(2) In an audible voice, the chief electoral officer shall read each ballot paper account and poll statement.**

**(3) The chief electoral officer shall place each ballot paper account and poll statement in a file.**

**(4) The chief electoral officer shall give each candidate or each candidates representative an opportunity to inspect each poll book and voters list used in voting.**

**77(1) If on the final count, the chief electoral officer finds that two or more candidates have the same number of votes and cannot declare a clear winner, the chief electoral officer shall immediately conduct a recount of the ballots;**

**(2) If the chief electoral officer finds each of the candidates has received an equal number of votes;**

**(a) shall seal up all ballot papers, poll books, ballot paper statements and any other election material in the ballot box and recommend to the Metis Legislative Assembly that a new election should take place immediately.**



- 78(1) The chief electoral officer may adjourn making the final count if, at the time and place set for making the final count:**
- (a) all the ballot boxes have not been returned to the chief electoral officer;**
  - (b) the ballot paper account and poll statement are not found enclosed in the ballot box for a polling place; or**
  - (c) the returning officer for any reason cannot ascertain the number of votes given for each candidate.**
- (2) The returning officer may adjourn the final count pursuant to this section to a date not more than one week after the date set for the final count.**
- 79(1) If the chief electoral officer cannot obtain the ballot paper account, poll statement or if a ballot box is still missing, the chief electoral officer shall determine the total number of votes given for each candidate at the polling places.**
- (2) The chief electoral officer shall determine the votes using any evidence that the chief electoral officer is able to obtain;**
- (a) for the purposes of this section, the chief electoral officer may summon the returning officer, deputy returning officers, supervisory deputy returning officers, poll clerks or any other election officer to appear before the chief electoral officer and bring with them all election papers and documents.**
  - (b) if the chief electoral officer summons the election officers, the chief electoral officer shall set a time and place for hearing the evidence and shall give each candidate written notice of the time and place;**
  - (c) the chief electoral officer may examine on oath or declaration any election officer with respect to any aspect of the election and the ballots cast at a polling place;**
  - (d) If the chief electoral officer cannot make a decision after hearing all of the evidence, the chief electoral officer shall proceed with section 77(2)(a).**
- 80(1) If, after the final count, the margin of victory of the candidate declared to be elected is less than the total number of all unopened ballot envelopes, rejected ballots and ballots objected to, any candidate or the business manager of any candidate is entitled to request a recount.**
- (2) A request for a recount must be:**
- (a) signed by the candidate or business manager: and**
  - (b) served on the chief electoral officer within four days of the date the chief electoral officer declared the results of the election.**

- 80(3) Within four days after receiving a request for a recount, the chief electoral officer shall:**
- (a) issue a certificate setting out that the candidate or the candidates business manager has requested a recount.**
  - (b) set a time and place for a recount.**
- (4) The chief electoral officer shall order a recount if he/she ascertains that the margin of victory of the candidate declared is less than the total number of all unopened ballot envelopes, rejected ballots and ballots objected to.**
- (5) The recount must be not less than 10 days after the date the request was served on the chief electoral officer.**
- (6) Within four days after the chief electoral officer has fixed the time and place for the recount, the chief electoral officer shall serve a notice on the returning officer, the deputy returning officer, poll clerks and the candidates or business managers of the candidates.**
- (7) The returning officer and the election clerks shall attend the place fixed for the recount.**
- (8) The chief electoral officer, the assistant chief electoral officer, the candidates and not more than one candidates representative may be present at the recount.**
- 81(1) At the time and place fixed for the recount, the chief electoral officer shall:**
- (a) in the case of a recount, recount all of the voted and ballots and open all the sealed envelopes containing;**
    - (i) the ballots that have been counted;**
    - (ii) the rejected ballots;**
    - (iii) the spoiled ballots;**
    - (iv) the declined ballots;**
    - (v) the unused ballot papers;**
    - (vi) the unopened ballot envelopes.**
- (2) In the case of a recount, the chief electoral officer shall consider and make a finding with respect to every ballot envelope that has not been opened.**
- (3) The chief electoral officer may receive oral or affidavit evidence with respect to the eligibility to be a voter of the individual whose ballot envelope has not been opened.**
- (4) In the case of a recount the chief electoral officer shall:**
- (a) verify and correct the ballot paper accounts and poll statements and the returning officers statements.**

- 82(1) On completing the recount, the chief electoral officer shall seal all of the ballots in their separate envelopes.**
- (2) At the request of any party who is entitled to be present at the recount, the chief electoral officer shall number the disputed ballots on the back and enclose them in a separate envelope.**
- (3) Upon the completion of the recount the chief electoral officer shall forthwith certify the result and shall then declare to be elected the candidate having the highest number of votes.**
- (4) If the chief electoral officer finds that each of the two or more candidates has received an equal number of votes and cannot finally determine the result of the election, the chief electoral officer will recommend to the Metis Legislative Assembly a new election be held.**
- 83. If a chief electoral officer fails to proceed with a recount, any aggrieved party may file a statement to the Metis Legislative Assembly setting out the facts relating to the failure.**
- (a) A statement must be filed within five days of the date the chief electoral officer was required to proceed with the recount.**
- (b) The party filing the appeal may limit the appeal to the specified ballots or to specific findings of the chief electoral officer.**
- (c) unless the appeal is limited pursuant to subsection (b), the appeal is deemed to be a request by the party for a recount of all ballots.**
- 84. The ruling made by the Metis Legislative Assembly on the appeal shall be final and binding.**
- 85. On receiving notice, the chief electoral officer shall send out in a letter to all of the locals and the Metis Nation Affiliates the final results.**
- (a) The chief electoral officer will issue a press release to all major forms of media outlining the final results.**
- 86(1) The chief electoral officer shall retain in his/her possession the election papers and documents for at least one year after the date the papers and documents were received.**
- (2) At the end of the one year period, the chief electoral officer shall destroy the papers and documents.**

## **PART VI. ELECTION OFFENCES AND CORRUPT PRACTICES.**

- 87. No person shall disturb the peace and good order at a polling place or at a nomination.**
- 88. No person in attendance at a polling place or at a counting of votes shall fail to maintain or fail to aid in maintaining the secrecy of voting.**
- 89(1) No person shall:**
- (a) interfere or attempt to interfere with a voter when the voter is marking a ballot paper; or**
  - (b) attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.**
- (2) No person shall communicate information obtained at a polling place as to the candidate for whom a voter at the polling place is about to vote or has voted.**
- 90. No person shall directly or indirectly persuade a voter to show the voter's marked ballot paper so as to make known the name of the candidate for whom the voter has voted.**
- 91. No voter shall show his/her marked ballot paper to any person so as to make known the name of the candidate for whom the voter has voted.**
- 92. Every election officer who has reasonable grounds to believe that there has been a contravention of sections 87 to 91 shall immediately report the alleged contravention to the chief electoral officer.**
- 93(1) No person shall unlawfully take down, cover up, mutilate, deface or alter an election proclamation, notice or other document required to be posted pursuant to this Act**
- (2) No person shall unlawfully take down, cover up, mutilate, deface or alter a poster or sign set up or displayed on behalf of a candidate.**
- 94. On polling day, no person shall post or display any campaign literature, emblem, ensign, badge, label, ribbon, flag, banner, card, bill, poster or device that could be taken as an indication of support of or for a candidate;**
- (a) on his/her person within the polling place;**
  - (b) in or within 1 kilometre of the polling place;**
  - (c) in or on a hall, window or door of a polling place or of the building in which a polling place is situated.**

95. No person shall bring into, or possess or use in, any polling place any cellular phone or other communication devices.
96. The deputy returning officer may exclude from the polling place any person who contravenes any provision of this section and may remove any material or device brought into, possessed or used in contravention of this section.
- 97(1) No person shall;
- (a) fraudulently alter, deface or destroy a ballot paper or the initials of the deputy returning officer on the ballot paper;
  - (b) fraudulently supply a ballot paper to any person;
  - (c) fraudulently place in a ballot box a paper other than the ballot paper that he/she is authorized by law to place in the ballot box;
  - (d) fraudulently take a ballot paper out of a polling place;
  - (e) fraudulently destroy, take, open or otherwise interfere with a ballot box or ballot book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of the election;
  - (f) fraudulently use the printers aids authorized by the chief electoral officer for any purpose other than the printing of ballots;
  - (g) fraudulently have in his/her possession any printers authorized by the chief electoral officer or a counterfeit or imitation of those printers aids;
  - (h) fraudulently print a ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
  - (i) print ballot papers that he/she is not authorized to print;
  - (j) attempt to commit any of the acts mentioned in this section.
- (2) No deputy returning officer shall fraudulently put his/her initials on the back of a paper purporting to be capable of being used as a ballot at an election.
- (3) If a person is convicted of an offence against this section, that person is disqualified from voting for the next five years.
- (4) In addition to the penalty mentioned in subsection (3), if a person is convicted of an offence against this section, that person is liable to;
- (a) in the case of an election officer, have his/her Metis Nation membership suspended for two years.
  - (b) in the case of a person who is not an election officer, have/her Metis Nation membership suspended for one year.

**\* CORRUPT PRACTICES.**

**98(1) No person shall, directly or indirectly and either by himself/herself or by another person, do any of the following:**

- (a) give. Lend, or agree to give or lend or offer or promise any money or other valuable consideration or promise to obtain or to endeavor to obtain any money or other valuable consideration to or for a voter or to or for a person on behalf of a voter or to or for a person;**
  - (i) for the purpose of persuading a voter to vote or refrain from voting at an election;**
  - (ii) for the purpose of rewarding a voter for having voted or refrained from voting in an election;**
  - (iii) for the purpose of electing a candidate as a member; or**
  - (iv) for the purpose of persuading a voter to vote for a candidate;**
- (b) give or obtain or agree to give or obtain or offer or promise any office, place, or employment or promise to obtain or endeavor to obtain any office, place or employment to or for a voter or to for any other person;**
- (c) as a result of any gift, loan, offer, promise, agreement or other action mentioned in clauses (a) or (b) obtain, or engage or promise or endeavor to obtain;**
  - (i) the election of any candidate as a member; or**
  - (ii) the vote of a voter at an election.**
- (d) advance, pay or cause to be advanced or paid money to or for the use of any other person with the intention that all or any part of the money will be paid:**
  - (i) to support a corrupt practice;**
  - (ii) to discharge or repay money that was, in whole or in part spent to support a corrupt practice;**
- (e) apply to a candidate for any money, valuable consideration, office, place or employment as a reward for doing, or enter into an agreement to do, any of the following;**
  - (i) unlawfully voting or unlawfully restraining a voter from voting at an election;**
  - (ii) unlawfully assisting in electing a candidate as a member;**
  - (iii) unlawfully persuading a voter to vote, or refrain from voting, for a candidate;**

- 98(1) (f) during an election, receive or agree to receive any money, gift, loan or other valuable consideration, office, place or employment for himself/herself or for any other persons for;
- (i) voting or agreeing to refrain from voting at an election; or
  - (ii) persuading any other person to vote, or refrain from voting, for a candidate;
- (g) after an election, receive or agree to receive any money, gift, loan or other valuable consideration for;
- (i) voting or agreeing to refrain from voting at an election; or
  - (ii) persuading any other person to vote, or refrain from voting, for a candidate;
- (h) give, lend or agree to give or lend or offer or promise any money or other valuable consideration or promise to obtain or to endeavor to obtain any money or other valuable consideration or any office, place or employment or promise to obtain or endeavor to obtain any office, place or employment to or for any person to persuade that person;
- (i) to be a candidate;
  - (ii) to refrain from being a candidate;
  - (iii) to withdraw from being a candidate.

(2) Any contravention of this section is a corrupt practice.

99(1) No person shall directly or indirectly and either by himself/herself or by another person:

- (a) Intimidate a voter or use or threaten to use force, violence or restraint or inflict or threaten to inflict injury, damage, harm or loss on or against a voter;
  - (i) to persuade or compel the voter to vote or refrain from voting;
  - (ii) because the voter voted or refrained from voting;
- (b) impede, prevent or otherwise interfere in any way with the free exercise of the voter's right to vote; or
- (c) in any way, compel, induce or prevail on a voter to vote or refrain from voting.

(2) No person shall represent a voter, directly or indirectly, that the ballot to be used or the mode of voting at an election is not secret;

**100. No person shall request a charitable contribution from any candidate during an election.**

**101(1) No person shall:**

- (a) apply at an election for a ballot in the name of another person, whether living or dead, or a fictitious person;**
- (b) having voted, apply at the same election for a ballot paper in the voter's own name; or**
- (c) vote more than once at the same election.**

**102(1) No person shall;**

- (a) obtain an appointment as a supervisory deputy returning officer, deputy returning officer, election clerk or poll clerk by false pretense, deceit or other improper means; or**

- (b) act as a supervisory deputy returning officer or deputy returning officer without lawful authority.**

- (2) No person shall knowingly appoint as an election clerk, supervisory deputy returning officer, deputy returning officer or poll clerk a person who has been found guilty of a corrupt practice by a court of a competent jurisdiction within five years of the appointment.**

**103(1) No individual shall;**

- (a) vote knowing that he/she has no right to vote; or**

- (b) induce or persuade any other individual to vote knowing that the other individual has no right to vote.**

**104. No person shall make a false or misleading oath or declaration that is required pursuant to this act.**

**105(1) Before or during the election, no person shall knowingly make or publish a false statement of the withdrawal of a candidate at the election for the**

**purpose**

**of promoting or securing the election of another candidate.**

- (2) Before or during an election, no person shall knowingly make or publish any false statement in relation to the personal character or conduct of a candidate for the purpose of affecting the return of the candidate at the election.**



106. No returning officer, supervisory deputy returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified voter's list, polling list or poll book shall willfully make an alteration or insertion in or omission from or in any way willfully falsify the poll book, voter's list or polling list.

107. No person shall willfully and maliciously destroy, injure or obliterate, or cause to be destroyed, injured or obliterated a poll book, voter's list, polling list, certificate or affidavit required for the purposes of this Act.

108(1) No deputy returning officer shall knowingly:

(a) omit to put his/her initials on the back of a ballot paper in use for the purposes of an election; or

(b) put on a ballot paper any word, letter, figure or mark not required by this Act.

(c) No deputy returning officer and no poll clerk shall willfully miscount the ballots or otherwise make up a false ballot paper account and poll statement.

109(1) If an election officer reports to the chief electoral officer that a corrupt practice has been committed by an elected candidate, the candidates business manager or any of his/her candidates representatives, the election of the candidate is void.

(2) An election is void pursuant to subsection(1) regardless of whether the corrupt practice was committed with or without actual knowledge and consent of the candidate.

(3) Not with standing subsection (1), an election of a candidate is not void if the chief electoral officer reports:

(a) No corrupt practice was committed during the election by the candidate personally and that the corrupt practice of the candidates representative was committed contrary to the order and without sanction or connivance of the candidate;

(b) the candidate took all reasonable means for preventing the commission of corrupt practices at the election;

(c) the corrupt practice was of a trivial, unimportant and limited character;

- 109(3) (d) the evidence discloses that the election was otherwise free from any corrupt practice on the part of the candidate and of the candidates representative and or business manager.
- 110(1) Subject to subsection (2), if the chief electoral officer reported that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate;
- (a) the candidate's election, if he/she has been elected is void; and
  - (b) for the five years following the date of the ruling, the candidate is disqualified from;
    - (i) being elected as a member to the Metis Legislative Assembly;
    - (ii) being entered on any voter's list;
    - (iii) voting in any local, regional, by-election or general election of the Metis Nation of Saskatchewan.
    - (iv) sitting as a board member of a Metis Nation affiliate.
- 111(1) The penalties shall not apply if the chief electoral officer finds that;
- (a) the candidate did not commit the corrupt practice with any corrupt intent or committed the corrupt practice in ignorance; and
  - (b) the candidate honestly desired and in good faith tried as far as the candidate was able to have the election conducted according to law.
- (2) Any other person either than a candidate who is found guilty of a corrupt practice is disqualified, for the five years following the date of the ruling, from;
- (a) being elected as a member to the Metis Legislative Assembly;
  - (b) being entered on any voter's list;
  - (c) voting in any local, regional, by-election or general election of the Metis Nation of Saskatchewan.
  - (d) sitting as a board member of a Metis Nation affiliate.
112. If an election is voided due to one or more corrupt practices and a second election is held, the chief electoral officer shall recommend to the Metis Legislative Assembly that a new election be scheduled.
113. The election of a candidate is void if it is proved at a hearing that a candidate personally engaged a canvasser, campaign worker, candidate's representative or business manager knowing that the canvasser, campaign worker, candidate's representative or business manager had, within five years previous to the engagement, been;
- (a) found guilty by a court of competent jurisdiction of a corrupt practice;
  - (b) reported by a chief electoral officer of a corrupt practice

- 114(1) No person shall make a payment or contribution by or on behalf of a federal or provincial registered political party to a Metis candidate running in a by election or a Metis Nation general election.**
- (2) A person may use an agent to make a contribution to a candidate.**
- (3) If a person receives money from another person for the purpose of making a contribution to a candidate, that person is deemed to be an agent for the other person;**
- (a) the agent shall disclose the identity of his/her principal to;**
    - (i) the candidates business manager; and**
    - (ii) the chief electoral officer.**
- (4) If a person or agent makes a contribution to a candidate in excess of \$100.00, the candidate shall provide the chief electoral officer with a statement of all names of, and the amount contributed by, each person/agent.**
- (5) A chief electoral officer may request at any time a candidate to submit a statement pursuant to subsection (4).**
- (6) No candidate shall fail to comply with subsections 3 to 5.**
- (7) If a candidate fails to comply with subsections 3 to 5, the chief electoral officer shall ascertain through a hearing why the candidate will not comply and whether the candidate is guilty of a corrupt practice**
- (8) If found guilty of a corrupt practice pursuant to subsections 3 to 5 the candidate will be for five years;**
- (a) disqualified from sitting as a member of the Metis Legislative Assembly.**
  - (b) prevented from entering his/her name on a voter's list;**
  - (c) voting in a local, regional, by-election or a general election of the Metis Nation of Saskatchewan.**
  - (d) sitting as aboard member of any of the regional or Provincial Metis Nation affiliates.**





## Response & Clarification regarding Metis Enumeration

### OVERVIEW

For the past decade, the Metis of Saskatchewan have been calling for an enumeration that would be controlled by the Metis Nation of Saskatchewan (MNS) whereby Metis would be identified and counted. It is the belief of the MNS that to move into self-government agreements, the citizenry must be defined.

In April 1996 the MNS presented the 'Metis Enumeration Proposal' to the Government of Saskatchewan and the Government of Canada. This proposal outlined a proposed methodology for the conduct of the enumeration and the proposed questionnaire.

The "Metis Enumeration Proposal" formed the basis for securing the funding to develop and conduct the enumeration. The Governments of Saskatchewan and Canada, through the tripartite process, agreed to share the cost of the enumeration, with the MNS providing in-kind support through their networks of locals and institutions throughout the province.

The request for proposals (RFP) will be posted in the Saskatoon *Star Phoenix*, the Regina *Leader Post* and the Prince Albert *Herald* on November 15 and 22. The short time frame precludes the inclusion of the RFP in *Sage* and *Windspeaker*.

An information meeting with prospective bidders is scheduled for November 25 at the MNS office in Saskatoon. The deadline for submitting sealed proposals is December 14, at 16:00 CST.

The selection of the contractor is the responsibility of the Enumeration Steering Committee comprised of three members – one each from the MNS, the Government of Saskatchewan and the Government of Canada. The selection will be made during December 15 to 23. The MNS will contract with the successful firm for the Metis Enumeration.

The actual enumeration will not begin until the summer of 1998. The activities in the initial months of 1998 will include the development of a communication and education strategy, as well as related materials. The development of the strategy and the testing of the related materials along with the enumeration questionnaire will be a community-driven process. The enumeration will be completed by March 31, 1999.

### CONTENT OF THE ENUMERATION

For the purpose of enumeration, the MNS definition of Metis (Article 10 of the MNS constitution) has been operationalized as follows:

- Part 1 of the MNS definition: "Do you consider yourself to be Metis? and, "Are you of Aboriginal ancestry?"
- Part 2 of the MNS definition: The signature of each individual aged 16 years of age or older or the signature of a parent or guardian for children under 16 years declaring that they are Metis.
- Part 3 of the MNS definition: The enumeration will be a community driven process which will begin with the MNS membership lists.

Two additional questions will be included in the enumeration to provide information about the Aboriginal background of each Metis: "Are you registered as an Indian under the *Indian Act*?" and, "Did any of your ancestors receive or were entitled to receive land grants and/or Scrip through the *Manitoba Act, 1870* or the *Dominion Lands Act*, as enacted from time to time?"

Additional questions may be required to ensure that each individual is included only once during the enumeration.

### EVALUATION OF PROPOSALS

There are two components of the evaluation for each proposal – mandatory and rated.

The mandatory requirements include extensive experience in working with Metis; extensive knowledge of Saskatchewan Metis; relevant complex project management experience; and extensive experience in the development and implementation of a communication/education strategy and related materials. Failure to meet any of the mandatory requirements will result in the rejection of the proposal.

The rated requirements include 1)related experience (8 factors will be assessed), 2)knowledge (5 factors will be assessed), 3)specifics of the proposed methodology for the enumeration, and 4)the communication/education strategy. One of the rated requirements under the proposed methodology for enumeration is the inclusion of a strategy to hire Metis. A failing grade in any of the four rated requirements will result in the rejection of the proposal.

## **MNS CONSTITUTION AMENDMENT, Article 4 Executive**

### **Whereas**

Members of Local 126 propose a change to the Executive Council, Article 4 of the MNS Constitution Act to include the right to elect a Vice President within the Executive Council; and,

As a growing organization there is too much responsibility put on the president; and,

Current duties of the President should be shared between a President and a Vice-President; and,

It is time for change, and the beginning of a better and more efficient Executive Council which is answerable to the Metis of Saskatchewan.

### **Therefore let it be resolved that**

The Metis Nation Legislative Assembly amend Article 4: EXECUTIVE of the MNS Constitution Act to read as follows:

1. There shall be Four (4) Executive members of the Metis Nation Legislative Assembly who are elected province-wide.
2. The Executive shall be composed of the President, Vice-President, Secretary and Treasurer.
5. The Executive of the Metis Nation Legislative Assembly shall meet at least once per month and four members shall constitute a quorum.

**MOVED BY:**

**SECONDED BY:**

**DISPOSITION:**

**MNS CONSTITUTION AMENDMENT, Article 14 Affiliates**

**Whereas**

The Metis Nation Legislative Assembly is the governing body of the Metis Nation of Saskatchewan; and,

The Metis Nation Legislative Assembly, on behalf of the Metis Nation of Saskatchewan, shall exercise all powers of ownership in relation to the affiliates.

**Therefore let it be resolved that**

The Metis Nation Legislative Assembly amend Article 14: AFFILIATES of the MNS Constitution Act to read as follows:

4. All affiliates shall have representation from the twelve (12) regions of the organization.
5. All affiliates shall base programming and funding on a regional basis, not a per-capita basis, as Affiliates ownership is the Metis Nation of Saskatchewan and its twelve (12) regions of the organization.

**MOVED BY:**

**SECONDED BY:**

**DISPOSITION:**

## **MNS CONSTITUTION AMENDMENT, Article 8 Elections**

### **Whereas**

The current Metis Nation of Saskatchewan election articles need more detail and substance; and,

The Metis Nation of Saskatchewan's elections need to be democratic, open and transparent.

### **Therefore let it be resolved that**

The Metis Nation Legislative Assembly amend Article 8: ELECTIONS of the MNS Constitution Act to read as follows:

2. Election for the Provincial Metis Council of the Metis Nation Legislative Assembly shall be held on the date set by the Metis Nation Legislative Assembly. Failure to comply shall be considered insubordination and shall result in the removal of the Provincial Metis Council from office on the day immediately following the election date.
  - a) At the call of a Provincial Metis Council Election, eligible voters must be card carrying members of the Metis Nation of Saskatchewan, in good standing, from a recognized local of the Metis Nation of Saskatchewan; and,
  - b) Once there has been a call for a Provincial Metis Council Election, members' names must appear on the Regional Voters' List, which must be advanced to the Metis Nation of Saskatchewan Head Office forty-five (45) days prior to the election date by each Region; and,
  - c) A Provincial Voters' List will be provided to each Region thirty (30) days prior to the election date.
7. d) When the election or by-election date has been set and the election called by the Metis Nation Legislative Assembly, the Commission shall have sole authority and responsibility to conduct the elections and shall be independent and answerable only to the Metis Nation Legislative Assembly.

**MOVED BY:**

**SECONDED BY:**

**DISPOSITION:**



**METIS LEGISLATIVE ASSEMBLY**  
**November 14 - 15 - 16, 1997**

**Constitutional Amendment**  
**Addition.**

**Article 8: Elections**

**Whereas Article 8: Elections - subsection 6 reads that "the Metis Nation Legislative Assembly shall enact, on a priority basis, an Elections Act, along with the necessary regulations and guidelines".**

**Therefore, let it be known that Article 8 will add the new "Metis Elections Act, 1997," to reflect Article 8 - subsection 6.**

**Also, let it be known that sections 7. (A) to (I), 10., 11., 13. shall be repealed.**

**Moved by; Robert G. Doucette**

**2nder; GARNET PARENTEAU.**

**MNS CONSTITUTION AMENDMENT, Article 5 Regions**

**Whereas**

The Metis Nation Legislative Assembly is the governing body of the Metis Nation of Saskatchewan; and,

The Metis Nation Legislative Assembly, on behalf of the Metis Nation of Saskatchewan, shall exercise all powers of legislating and enacting good laws for the good governing of the members of the MNS; and,

The current regional boundaries are not reflective of the population, membership and program allocations.

**Therefore let it be resolved that**

The Metis Nation Legislative Assembly in consultation with the PMC proceed with changing regional boundaries that will reflect Metis population and membership; and

The proposed boundary changes will then initiate a review that will reflect the proposed changes on all program allocation and funding formulae to the regions.

**MOVED BY:**

**SECONDED BY:**

**DISPOSITION:**

**THE METIS NATION OF  
SASKATCHEWAN  
REGIONAL BOUNDARIES ACT,  
1997.**

**Metis Legislative Assembly, Nov 14-15-16, 1997.**

An Act to provide for the division of the Metis Nation of Saskatchewan into Regional boundaries.

SHORT TITLE AND INTERPRETATION.

1. This Act may be cited as "The Regional Boundaries Act, 1997."
2. In this act:
  - a) "Census" means a census conducted by Statistics Canada.
  - b) "Chairperson" means the chairperson of the commission.
  - c) "Commission" means a Regional Boundaries commission established by the Metis Legislative Assembly.
  - d) "Dividing Line" means the line that:
    - i) divides Saskatchewan into a Northern Area and Southern Area.
  - e) "Member" means a member of the commission.
  - f) "Metis Enumeration" means the Metis enumeration conducted by the Metis Nation of Saskatchewan.
  - g) "Northern Population" means that part of the total population which is North of the dividing line as estimated by a commission.
  - h) "Recognized Member of the Metis Legislative Assembly" means a member of the Metis legislative Assembly.
  - i) "Regional population quotient" means the regional population quotient calculated.
  - j) "Total population" means the total Metis population of Saskatchewan as determined according to the Census that a commission is established to consider.

COMMISSION ESTABLISHMENT AND MEMBERSHIP.

- 3(1) The Metis Legislative Assembly shall establish a Regional Boundaries Commission in accordance with this act for the census taken in 1991 and for each each census taken every tenth year after 1991 and the Metis Enumeration.
- (2) The commission shall consider and report on readjustments of the representation of the population of Saskatchewan in the Metis Legislative Assembly to be made based on the Canadian Census and the Metis Enumeration.
- 4(1) For the 1991 census, the Secretary of the Provincial Metis Council shall obtain a copy of the part of the census showing the total population from Statistics Canada as soon as it is practicable after this act comes into force.

- 4(2) The Provincial Metis Council shall establish a commission within 30 days of receiving notice from the Metis Legislative Assembly and that the Secretary has obtained a copy of the information mentioned in subsection 1.
  - (3) The Metis Legislative Assembly may extend the 30 day period prescribed in this section for establishing a commission for an additional 30 days.
- 5(1) Each commission shall consist of;
    - (a) A chairperson; and
    - (b) two members of the Metis Nation of Saskatchewan.
  - (2) The Metis Legislative Assembly shall appoint a chairperson.
  - (3) After consultation with the leaders of the Provincial Metis Council and any recognized member of the Metis Legislative Assembly, the Metis Legislative Assembly shall appoint as the members in clause 5(1b) persons who:
    - (a) Are members of the Metis Nation of Saskatchewan.
    - (b) Not ineligible pursuant to section 8.
- 6(1) A commission may appoint one of its members as deputy chairperson of the commission.
  - (2) The deputy chairperson shall act as the chairperson if;
    - (a) the chairperson is absent or unable to act; or
    - (b) the office of the chairperson is vacant.
- 7(1) A vacancy in the membership of a commission does not impair the right of the remaining members to act.
  - (2) If a vacancy in the membership occurs, whether through inability to act, resignation or otherwise, the Provincial Metis Council may fill the vacancy by appointing to the commission another person who;
    - (a) is a member of the Metis Nation of Saskatchewan.
    - (b) is not ineligible pursuant to section 8.
  - (3) The Provincial Metis Council shall consult with the leaders of the Metis Legislative Assembly before making an appointment pursuant to subsection (2).
  - (4) The Secretary of the Provincial Metis Council shall cause a notice of the appointment to be published in a letter as soon as is reasonably practicable after the appointment.
8. The following persons are ineligible to be appointed to a commission;
    - (a) a member of the Metis Nation Senate.
    - (b) a member of the Provincial Metis Council.
    - (c) a member of the Metis legislative Assembly.

- 9(1) Each member is entitled to an allowance that is to be fixed by the Metis Legislative Assembly.
- (2) Each member is entitled to be reimbursed for reasonable living and travelling expenses that a member incurs while:
- (a) absent from the member's ordinary residence; and
  - (b) in the course of fulfilling the member's duties as a member of the commission.
- 10(1) A commission is not an agent of the Metis Nation of Saskatchewan.
- (2) No member is, in the members capacity as a member of the commission, an employee of a Provincial or Regional Metis Nation of Saskatchewan affiliate.
- 11(1) Within 30 days of the appointment of a commission, the secretary of the Metis Nation of Saskatchewan shall provide the chairperson with a copy of that part of the Census with respect to which the commission is established showing the total population.
- (2) The Secretary shall certify the copy of that part of the census provided to the chairperson.
- 12(1) On receipt of the certified copy of that part of the census showing the total population, the commission shall prepare, in accordance with this act, an interim report containing the commission's recommendations respecting regional boundaries.
- (2) In fixing the boundaries of the proposed regions, a commission shall;
- (a) divide the area of Saskatchewan North of the dividing line into \_\_\_\_\_ regions.
  - (b) divide the area of Saskatchewan south of the dividing line into \_\_\_\_\_ regions.
- (3) In a commission's interim report and final report, the commission's recommendations respecting regional boundaries shall include:
- (a) boundary descriptions for each proposed region; and
  - (b) the proposed name of each proposed region.

- 13(1) In preparing his report respecting proposed regions south of the dividing line, a commission shall establish a regional population quotient in accordance with subsection (2).
- (2) The regional population quotient is to be calculated in accordance with the following formula:  

$$RPQ = \frac{TP - NP}{12}$$
- where:
- RPQ is the regional population quotient;
  - TP is the total population; and
  - NP is the northern population.
- 14(1) In determining the area to be included in a proposed region south of the dividing line and in fixing the boundaries of that region, a commission shall ensure that the population of each proposed region is, as nearly as possible, equal to the Regional Population Quotient
- (2) A commission may depart from the requirements of subsection (1) where, in its opinion, it is necessary to do so because of:
- (a) special geographic considerations, including;
    - (i) Sparsity, density or relative rates of growth of population in various regions south of the dividing line;
    - (ii) accessibility to the regions.
    - (iii) the size and shape of the regions.
  - (b) a special community of interests or diversity of interests of persons residing in regions south of the dividing line; or
  - (c) physical features of regions south of the dividing line.
- (3) A commission shall ensure that the population of each region south of the dividing line remains within 5%, either more or less, of the regional population quotient.
- (4) A commission shall fix as the boundaries of the regions north of the dividing line.
- 15(1) For the purpose of preparing the report a commission and each member of the commission have powers;
- (2) A commission may:
- (a) employ any technical advisers and other staff, including a secretary to the commission, that the commission considers necessary;
  - (b) subject to the approval of the Metis Legislative Assembly, set the salaries, rates of reimbursing the expenses and conditions of employment of any technical advisers and staff it employs; and

15(2)(c) do any other thing that it considers necessary to fulfil its duties under this act.

(3) A commission may request that the Chief Electoral Officer provide any information possessed by his or her office and any other assistance that the commission considers necessary and the Chief Electoral Officer shall comply with any reasonable request.

16(1) A commission may make rules to regulate its proceedings and conduct its business.

(2) In its rules a commission may provide that one or more of its members may conduct an inquiry or hearing.

17(1) A commission may hold hearings at the times and places that it considers appropriate to conduct its business.

(2) A commission shall notify members of the Metis Nation of Saskatchewan of the time and place of each of its hearings by letter or advertising in a newspaper having general circulation in that part of Saskatchewan where the hearings will be held at least 30 days before the hearing.

(3) A commission shall include the following in the letter or advertisement;

(a) a map or drawing in a form and with the detail satisfactory that shows;

(i) the regions proposed by the commission.

(ii) the name and population of each proposed region; and

(b) a schedule in a form and with the detail satisfactory to the commission showing the boundaries of each proposed region.

18(1) Every person who wishes to make a presentation to the commission at a hearing shall notify the secretary to the commission in writing of the following.

(a) the name and address of the person making the presentation;

(b) a concise summary of the presentation;

(2) A person who wishes to make a presentation shall provide the written notice at least 15 days before the date of the hearing.



- 19(1) A commission shall prepare an interim report within three months after the date the commission was established.
  - (2) Notwithstanding subsection (1) the Provincial Metis Council or the Metis Legislative Assembly may extend the time to prepare an interim report at the request of a commission for an additional period not exceeding three months.
  - (3) As soon as is practicable after completing the interim report required by this section, a commission shall:
    - (a) file with the provincial Metis Council a copy of the report, certified by the chairperson; and
    - (b) publish in a letter and one or more newspapers having general circulation in all or any part of Saskatchewan a notice stating:
      - (i) a copy of the interim report has been filed with the Provincial Metis Council and the date of the filing;
      - (ii) public hearings will be held by the commission to allow presentations with respect to the interim report and the locations and the dates of those hearings.
- 
- 20(1) A commission may hold hearings at the times and places it considers appropriate to allow presentations with respect to its interim report.
- (2) In addition to the notice required by clause 19(3)(b), a commission shall notify the members of the Metis Nation of Saskatchewan of the time and place of its hearings by advertising in a newspaper having general circulation in that part of Saskatchewan where the hearing will be held at least 30 days before the hearing.
- 
- 21(1) The Provincial Metis Council;
  - (a) make a copy of an interim report filed pursuant to clause 19(3)(a) available for public inspection during the normal business hours of the Metis Nations for at least 10 days.
  - (b) provide a copy without charge to every member of the Metis Legislative Assembly and to each person who was a candidate nominated at the last general election who requests a copy.
- 
- 22(1) After hearing and considering the presentations made to it at the hearings conducted pursuant to section 20, the commission shall prepare a final report
- (2) A commission shall prepare the final report within six months after the date it was established.

- 22(3) Notwithstanding subsection (2), the Provincial Metis Council or the Metis Legislative Assembly may extend the time to prepare a final report at the request of a commission for an additional period not exceeding three months.
- (4) As soon as is practicable after completing the final report, a commission shall submit the final report to;
- (a) the Provincial Metis Council.
  - (b) Members of the Metis Legislative Assembly.
  - (c) make the report available for public inspections during normal business hours of the Metis Nation of Saskatchewan.
- (5) If the commission submits the final report to the Metis Legislative Assembly the commission is deemed to have laid the report before the Metis Legislative Assembly.
- 23(1) If the Metis Legislative Assembly, by resolution, approves or approves with alterations the proposals of the commission as set out in its final report, the member whom for the time being the administration of the portfolio assigned shall at the same time introduce a bill to amend the Metis Nation of Saskatchewan constitution for the establishment of new regions.
- (2) The amendment if it is enacted shall be issued before the next Metis Nation of Saskatchewan Annual general Assembly to receive final approval.

## MNS CONSTITUTION AMENDMENT, Article 10 Membership

### Whereas

The Metis Nation knows no provincial boundaries; and,

The current Metis Nation of Saskatchewan membership criteria is inconsistent with other provincial Metis membership policies; and,

The Metis National Council (MNC) and Manitoba Metis Federation (MMF) have the same definition of Metis.

### Therefore let it be resolved that

The Metis Nation Legislative Assembly adopt the following Metis definition which is consistent with the MNC and MMF definitions by amending Article 10: MEMBERSHIP of the MNS Constitution Act to read as follows:

#### Article 10: CITIZENSHIP

##### 1. DEFINITION

- a) *'Aboriginal person'* means any person who declares himself to be an Aboriginal person on account of descent or of a personal relationship with a family of Aboriginal persons and who is accepted as an Aboriginal person by an Aboriginal community in accordance with the procedures established in this article.
- b) *'Metis'* means an Aboriginal person who self-identifies as Metis, who is distinct from Indian and Inuit, and:
  - (i) is a descendant of those Metis who received or were entitled to receive land grants and/or Scrip under the provision of the *Manitoba Act, 1870* or the *Domion Lands Act*, as enacted from time to time;
  - (ii) A person of Aboriginal descent who is accepted by the Metis Nation.
- c) *'Children'* includes all natural or adopted children, whether legitimate or illegitimate under Canadian law.
- d) *'Membership Appeal Tribunal'* means a tribunal of three Aboriginal persons, including at least one Metis, which shall be appointed by the Board to hear appeals of membership decisions by the Board. The term of office shall be five years, renewable at the discretion of the Board as confirmed by the members at a general meeting.
- e) *'Metis Nation'* means the community of Metis persons in subsection (a), which is represented nationally by the Metis National Council and provincially by the Metis Nation of British Columbia, Metis Nation of Alberta, Metis Nation of Saskatchewan, Manitoba Metis Federation, Metis Nation of Ontario and the Metis Nation-Northwest Territories, acting either collectively or in their individual capacity, as the context require, or their successor organizations, legislative bodies or governments.

**MOVED BY:**

**SECONDED BY:**

**DISPOSITION:**

## **MNS CONSTITUTION AMENDMENT, Article 11 General Assembly**

### **Whereas**

The Metis Nation Legislative Assembly is the governing body of the Metis Nation of Saskatchewan.

### **Therefore let it be resolved that**

The MNS General Assembly be an information sharing forum only and that constitutional amendments need not be brought before the General Assembly; and,

The Metis Nation Legislative Assembly amend Article 11: GENERAL ASSEMBLY of the MNS Constitution Act to read as follows:

2. The General Assembly shall provide a Forum whereby the members of the Organization will receive information, review developments and provide guidance to the Metis Nation Legislative Assembly.

**MOVED BY:**

**SECONDED BY:**

**DISPOSITION:**

**Metis Nation Legislative Assembly MOTION#1**

**Whereas**

The Metis Nation Legislative Assembly has been approached by the President's Council of Western Region II to hold a bi-election; and,

Western Region II President's Council has petitioned that November 22, 1997 be declared the bi-election date for Western Region II by the Metis Nation Legislative Assembly.

**Therefore let it be resolved that**

The Metis Nation Legislative Assembly, after consultation with the membership of Western Region II, hereby authorize Peter Rudyck as Chairperson of the Western Region II President's Council; and,

The Metis Nation Legislative Assembly declare that a bi-election for Regional Director be held in Western Region II on November 22, 1997.

**MOVED BY:**

**SECONDED BY:**

**DISPOSITION:**



## PROPOSED MNS CONSTITUTION AMENDMENTS

### **A. PROPOSED AMENDMENTS REQUIRING RATIFICATION DECEMBER 13/97.**

1. Moving Green Lake and Sled Lake/Dorc Lake Locals from WR1 to NRJL (Boundary Change: Appendix A)
2. Creating new position of Vice-President (Article 4)

### **B. AMENDMENTS FOR RATIFICATION WHICH ARE HELPFUL AT THIS TIME.**

1. Definition of Metis (Article 10)
2. All Affiliates to have representation from all 12 Regions (Article 14)
3. North West Metis Saskatchewan Council (Article 6.1)

### **C. AMENDMENTS NOT NECESSARY TO RATIFY AT THIS TIME (Send back to MLA for further review and clarification).**

1. Changing General Asscmbly to policy forum only. (Article 11). [NOTE: The Article providing for Amendment to Constitution has not been changed. There would still be a requirement for going to the General Asscmbly for ratification].
2. Elections and 45 days cut-off for membership and voting rights (Article 8, section 2) [NOTE: Not feasible for implementation this year as it only gives about 2 - 3 weeks after ratification (Dec 13<sup>th</sup>) for Metis people to get memberships - too fundamental a change - the grassroots should not be stripped of voting rights on such short notice.]
3. Addition to Preamble. [NOTE: It is too complicated and needs further revision. It should not be added as part of the Preamble, or replace existing Preamble if that is the intention. It could or should be revised and added after the Preamble as a set of "Fundamental Principles", and then worked into the Constitution.
4. Elections and disbanding the Elections Commission (composed of 3 members from the Metis Nation Senate appointed by the MLA), and stripping the authority of the Elders Senate from keeping the Government/Organization functional during the election, and the provision for recalling the PMC on critical matters. (Article 8, sections 7(A) - (I), 10, 11, and 13) [NOTE: Fundamental changes to the role of the Senate of Elders should be done over a wider consultation and in partnership with the Senate, fundamental changes to the election process should be made at least one year in advance of elections so that our people/members/citizens are aware of what is happening, the financial feasibility of creating a different election process should also be examined, and there should not be a "VOID" left in our government during the election. While an Elections Act is needed, it should be done in an open and transparent manner with consultation of our people at the community level, and not brought forward for the first time for adoption when hardly any Local President has had a chance to see or read it, let alone our "Grassroots" people.]