

NISICHAWAYASI NEHETHOWUK LAWS

2018

LAW 2018-1

A Law to amend the Election Law, 1998-E1

Proposal Date: _____

First Reading: _____

Workshop Dates: _____

General Assembly: _____

Second Reading: _____

Adoption: _____

SUMMARY

This law amends the Election Law to prohibit all NCN Citizens convicted of indictable offences from running for office for a period of 8 years, to remove references to hybrid offences which are difficult to administer, add procedures for electronic voting in areas where there are no in-person polling places, and to provide more flexibility in the dates for the vote.

DRAFT

NCN Election Law Amendment Law, 2018-01

This Law in accordance with *Othasowewin* 2017, c. O-1, by and with the advice of the citizens of the Nisichawayasihk Cree Nation, is enacted as follows:

1 Table of Contents

A Table of Contents shall be added based on the headings in the law.

2 Title

Section 1 is added as follows and all subsequent sections are renumbered sequentially thereafter:

This law may be cited as the *NCN Election Law*, 1998, c. E-1.

3 Procedure for Resigning from Council.

Subsection 3 (7) is amended by replacing the word “members” in the second last line with “NCN Citizens”.

4 Hybrid Offences

Subsections 3 (9), 3 (10), 4 (2), 12 (1), 12 (2), 12 (3), 19 (8) and paragraph 3 (5) (b) are amended by deleting the phrase “or hybrid”.

5 Prohibition on seeking office

Subsection 3 (9) is further amended by replacing the phrase “A chief or councillor” with “An NCN Citizen” in the first line.

6 Electoral Officer Powers

Subsection 8(1) is amended by adding a new paragraph (h) as follows and re-numbering existing (h) as paragraph (g):

- (h) establish the procedures for the use of mail-in ballots if a decision has been made pursuant to subsection 13 (7) to use such ballots; and

7 Polling Locations

Subsection 13(1) is repealed and replaced as follows:

Establishment of polling places.

13(1) The electoral officer shall:

- (a) make arrangements for polling places which are easily accessible for voting during the council and board elections; and
- (b) establish in-person polling stations in locations in Manitoba if there are at least fifty (50) voters ordinarily resident in that location.

8. Mail-in Ballots

Subsections 13(7), 13 (8) and 13 (9) are added as follows:

Notice Mail-in ballots.

13 (7) The electoral officer may, at least one hundred and twenty (120) days before a council election decide that mail-in ballots shall be used by notifying NCN Citizens that if they are not ordinarily resident in a location where in-person voting will take place, they may contact the electoral officer and register to vote by mail-in ballot. For greater certainty, mail-in ballots shall not be utilized for board elections unless permitted by the board's governing documents.

13 (8) Electoral officer to decide procedures.

Upon deciding that mail-in ballots will be used, the electoral officer shall establish the procedures which will apply to the mail-in ballots and shall publicize the procedures at least sixty (60) days prior to the election.

Fundamental principles.

13(9) The procedures established by the electoral officer for the use of mail-in ballots must:

- (a) ensure the secrecy of the voting process is not impaired;
- (b) ensure mail-in ballots are only provided to those voters who are eligible to vote by casting a mail-in ballot and who have properly register in advance to vote;
- (c) prevent NCN citizens from voting more than once during the same election

- (d) ensure that only mail-in ballots received by the date and time set for them to be received by the electoral officer are counted at the same time as ballots cast by voting in person; and
- (e) ensure that all mail-in ballots cast are preserved in the same manner and for the same length of time as regular ballots, and then be disposed of with all other ballots cast.

9 Election Order

Paragraphs 10 (3) (a) and (b) are replaced by the following:

- (a) fixing the date for the filing of nomination papers at least fourteen (14) days from the date of the order;
- (b) fixing the date of the election no more than thirty (30) days after the date of the nomination meeting.

10 Voters' List

Subsection 11 (1) is replaced by the following:

The electoral officer shall cause a voters' list to be prepared, which list shall contain the names of all voters in alphabetical order, any relevant available contact information, date of birth and NCN registration number, which list without identifying personal information other than name shall be posted at least fourteen (14) days prior to the date voting starts in the same locations the election order in subsection 10 (3) is posted but the electoral officer shall provide confirmed candidates with the voters' list containing all contact and related information in accordance with policies established by the electoral officer to balance the privacy interests of NCN Citizens while encouraging participation in NCN's democratic elections.

11 Candidate qualifications.

Paragraph 12 (1) (c) is further amended by adding "or it is at least eight (8) years from the date of the conviction, jail sentence or any appeal arising from the conviction or jail sentence whichever is later" after the phrase "indictable offence" in the fourth sentence.

12 Part IX Amendments

This Part is repealed.

13 Effective date of amendments.

Subsection 23 (2) is replaced as follows:

23 (2) Amendments approved in accordance with *Othasowewin* (constitution) shall take effect on the date established by the amending law except for a change in the composition of council, which amendment shall not take effect until the next regular election following the vote.

14 Oath of Allegiance

The Oath of Allegiance in Schedule “A” is replaced as follows:

I _____ before the Creator and members of the Nisichawayasihk Cree Nation do swear or solemnly affirm that I will be faithful and bear true allegiance to the Nisichawayasihk Cree Nation and will uphold *Othasowewin* and the laws of the Nisichawayasihk Cree Nation and Canada. I acknowledge that failure to do so could result in my removal from office.

15 Words same meaning

Words and expressions used in this law have the same meaning as in the Election Law.

16 Coming in Force

This law comes into force on the day it is approved by Chief and Council.