



REQUEST FOR PROPOSAL (RFP)

ELECTORAL OFFICER CURVE LAKE FIRST NATION 2022 ELECTION

CURVE LAKE FIRST NATION
22 WINOOKEEDAA ROAD
CURVE LAKE, ONTARIO K0L 1R0

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1. SUMMARY AND INTRODUCTION

Curve Lake First Nation is currently accepting proposals for an Electoral Officer for a leadership selection process pertaining to the upcoming Curve Lake First Nation Election.

The purpose of this Request for Proposal (RFP) is to solicit proposals from various individuals or organizations, conduct a fair and extensive evaluation based on criteria listed herein, and select the candidate who best represents the knowledge and experience needed to complete the task.

Curve Lake First Nation is located on a peninsula situated between Buckhorn Lake, Harrington Narrows and Chemong Lake. It is affiliated with the Union of Ontario Indians and is one of seven Williams Treaty First Nations.

The total registered population of Curve Lake First Nation is 2,260. There are 777 members who live on reserve while 1,483 live off reserve.

The Council is comprised of one (1) Chief and eight (8) Councillors.

First Nation operations are currently organized into six departments: Finance and Administration, Health and Family Services, Education, Economic Development, Lands and Public Works. Curve Lake First Nation employs approximately 80 full time employees and 25 short term contracts and sub-staff.

Several Council committees have been established to assist the operating departments. These include Finance, Health & Family Services, Education, Economic Development, Infrastructure & Housing, Lands & Environment, and Governance & Nationhood. Additional Council Committees include, Gaming Revenue Fund, Petroglyphs and Rights and Resources, Consultation and Culture.

Curve Lake First Nation delivers several essential and non-essential programs and services to both member and non-member residents of the community.

2. PROPOSAL GUIDELINES

This Request for Proposal represents the requirements for an open and competitive process. Proposals will be accepted until 12:00 p.m. (noon) Friday, March 18th, 2022. Any proposals received after this date and time will be returned to the sender.

If the individual or organization submitting a proposal must outsource or contract any work to meet the requirements contained herein, this must be clearly stated in the proposal. Additionally, all costs included in proposals must be all-inclusive to include any outsourced or contracted work. Any proposals which call for outsourcing or contracting work must include a name and description of the organizations being contracted.

All costs must be itemized to include an explanation of all fees and costs.

Contract terms and conditions will be negotiated upon selection of the winning bidder for this RFP. All contractual terms and conditions may be subject to review by Curve Lake First Nation legal department and will include scope, budget, schedule, and other necessary items pertaining to the project.

Proposal Inquiries

All questions, requests for information, instructions or clarifications regarding any part of this proposal document must be set out in writing and directed to:

Katie Young-Haddlesey
22 Winookeedaa Street
Curve Lake First Nation, ON, K0L 1R0
705-657-8045
KatieYH@curvelake.ca

All questions related to this Request for Proposal (RFP) or any clarification with respect to this RFP must be made no later than three (3) business days prior to the closing date of this RFP in order for staff to have sufficient time to respond. Curve Lake reserves the right to extend the deadline for questions, if required, regarding this RFP.

Written answers or clarifications to issues of substance shall be shared with all Proponents and shall be issued as part of the RFP in the form of an Addendum. This proposal document and all addendum(s), if any, shall also be posted on the First Nation's website.

Proposal Submissions and Closing Date

The **closing date for proposals is set for Friday, March 18th, 2022 at 12:00 p.m. (noon)**. Only proposals that are mailed or emailed will be accepted. If packages are mailed, please send three (3) copies of the proposal. Packages should be clearly marked Proposal for Electoral Officer.

Proposals should be submitted to the attention of:

Katie Young-Haddlesey
Chief Operating Officer
22 Winookeedaa Street
Curve Lake First Nation, ON, K0L 1R0
705-657-8045
KatieYH@curvelake.ca

3. PROJECT PURPOSE AND DESCRIPTION

Project Purpose:

The purpose of this proposal is to hold a vote on the upcoming 2022 Election for Chief and Council.

Project Description:

The Curve Lake First Nation Leadership Selection Code (attached for reference).

4. PROJECT SCOPE

The scope of this project includes strict compliance with the Curve Lake First Nation Leadership Selection Code process.

5. REQUEST FOR PROPOSAL AND PROJECT TIMELINE

Request for Proposal Timeline:

All proposals in response to this RFP are due no later than **12:00 pm (noon) Friday, March 18th, 2022.**

Evaluation of proposals will be conducted from March 22-25, 2022. If additional information or discussions are needed, the bidder(s) will be notified.

The selection decision for the winning bidder will be made no later than April 4th, 2022.

Contract negotiations will be completed by April 11th, 2022.

Notifications to bidders who were not selected will be completed by April 4th, 2022.

Project Timeline:

The Election vote will be held on Monday, June 20, 2022.

6. BUDGET

All proposals must include proposed costs to complete the tasks described in the project scope.

NOTE: All costs and fees must be clearly described in each proposal.

7. BIDDER QUALIFICATIONS

Bidders must provide the following items as part of their proposal for consideration:

- Letter of Introduction

- Confirmation that the applicant has completed the Indian Act Election Training Course.
- Statement of the applicant's experience as: electoral officer or deputy electoral officer or as CAV Officer in a First Nation.
- A statement indicating ability to use, or subcontract someone who can, One Feather voting software.
- A statement of resources and information that the applicant would require from Curve Lake First Nation, if any.
- Two testimonials from relevant clients
- Timeframe
- Methodology to complete the work

8. PROPOSAL EVALUATION CRITERIA

Curve Lake First Nation will evaluate all proposals based on the following criteria. To ensure consideration for this Request for Proposal, your proposal should be complete and include all of the following criteria:

- Overall proposal suitability: proposal must meet the scope and needs included herein and be presented in a clear and organized manner.
- Organizational Experience: Bidders will be evaluated on their experience as it pertains to the scope of this project.
- Value and cost: Bidders will be evaluated based on the work to be performed in accordance with the scope of this proposal and the proposed budget.

9. PREPARATION OF SOLICITATION

If a proposing company, individual, or subcontractor was involved in the preparation of the RFP solicitation that proposal is disqualified.

10. PRIVILEGE CLAUSES

Curve Lake First Nation reserves its right:

1. Not to award the contract;
2. Not to award the contract necessarily to the lowest priced bidder, but rather to the best "value";
3. To conduct negotiations with one or more bidders in the event the negotiations with the first bidder are unsuccessful;
4. To conduct a survey of potential bidders to obtain clarification of their proposals as part of the evaluation process;
5. To cancel and reissue the RFP; and
6. To extend any deadlines and amend the proposal process.

11. EXCLUSIONARY CLAUSES

The proposal writer shall be liable for all costs associated with preparation and submission of the proposal up to the final award of the contract.

Curve Lake First Nation shall not be liable for any costs, expenses, loss or damage

incurred, sustained or suffered by any bidder prior, or subsequent to, or by reason of the acceptance or the non-acceptance by CLFN of any proposal, or by reason of any delay in acceptance of a proposal, except as provided in the tender documents.

Project Name: Comprehensive Human Resources Services		Date RFP's Evaluated:			
Proponents Name:					
				Proponent A	
				Proponent B	
				Proponent C	
				Proponent D	
				Proponent E	
Department:					
Evaluation team name and signatures:					
<p>All members of the evaluation team are responsible for the integrity of the process, however it is the Chair's responsibility to ensure all processes are followed.</p> <p>Evaluation team</p> <p>Conflict of Interest All persons participating in the RFP evaluation process must ensure they are strictly compliant with the conflict of interest policy. All persons participating must sign the conflict of interest policy before participating. All persons participating in the RFP evaluation process must disclose any interests they or immediate family members (parent, parent in-law, spouse, common law partner, sibling, sibling in law, child) have in any sole proprietorship, corporation, or partnership that has submitted a bid. That includes if any of the above persons are the lead, an employee, a subcontractor or any other pecuniary interest. If there is a real, or perceived conflict of interest this will be disclosed to the relevant department manager in writing.</p> <p>All suppliers must disclose real or perceived conflicts of interest. All suppliers must resolve any conflicts of interest at the direction of CLFN.</p> <p>Contractual Obligations The following requirements will be included in any contract between the successful proponent and CLFN: Schedule Costs</p>					
Mandatory Requirements				Yes	No
	Prop. A	Prop. B	Prop. C	Prop. D	Prop. E

	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
Proposal submitted by due date					
Letter of introduction					
Confirmation that the applicant has completed the Indian Act Election Training Course.					
Statement of the applicant's experience as: electoral officer or deputy electoral officer or as CAV Officer in a First Nation.					
A statement indicating ability to use, or subcontract someone who can, One Feather voting software.					
Two Testimonials					
A statement of resources and information that the applicant would require from Curve Lake First Nation, if any.					
Timeframe					
Methodology					
Yes to all mandatory criteria? If yes, proceed to disqualifying criteria. If no, the bid CANNOT be further evaluated.					
Disqualifying criteria					
History of non-performing contracts within past five years from date of proposal submission deadline					
History of vexatious or frivolous litigation within past five years from date of proposal submission deadline					
Pending vexatious or frivolous litigation					
No to all disqualifying criteria? If no,					

proceed to weighted criteria.					
Weighted Criteria					
Experience Performed 2+ FNs elections within past seven years = 150 points Performed 4+ FNs elections within past seven years = 225 points Performed 6+ FNs elections within past seven = 300 points					
					300 points
Budget Lowest cost receives maximum points and all other bids are evaluated according to the formula below. Lowest cost _____ X 300 points = awarded points Cost being evaluated	Prop. A	Prop. B	Prop. C	Prop. D	Prop. E.
					300 points
CLFN members and children of members employed and/or subcontracted by proponent Proposal with highest percentage of workforce as CLFN members and children of members receives 25 points (% being Evaluated/Highest %) X 25 = awarded points	Prop. A	Prop. B	Prop. C	Prop D.	Prop. E
Status First Nation individuals employed and/or subcontracted by proponent	Prop. A	Prop. B	Prop. C	Prop. D	Prop E.

Proposal with highest percentage of workforce who are First Nation receives 25 points (% being Evaluated/Highest %) X 25= awarded points					
Points Total out of total 650. Highest points total is the successful proposal.	Prop. A	Prop. B	Prop. C	Prop. D	Prop. E
	650	650	650	650	650



HOW WE VOTE .

THE CURVE LAKE FIRST NATION LEADERSHIP SELECTION CODE

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WHEREAS the Curve Lake First Nation members' inherent right to select their leaders has never been extinguished; and

WHEREAS community consultation has reaffirmed the leadership selection process by Curve Lake First Nation voters casting ballots in favour of reaffirmation on [insert date of vote];

THEREFORE the Curve Lake First Nation Council sets forth this document as the Curve Lake First Nation Leadership Selection Code to be used in selecting the Chief and Councillors that make up the Council.

1.0 **Effective Date**

1.1 This Curve Lake First Nation Leadership Selection Code shall come into full force and effect on [effective date will be inserted after successful ratification vote].

2.0 **Definitions**

2.1 In the Curve Lake First Nation Leadership Selection Code,

- a) **"By-election"** means the casting of ballots by eligible Curve Lake Voters for the purpose of filling a vacant Council position other than through a General Election.
- b) **"Candidate"** means an eligible person who was nominated according to the requirements set out in this code.
- c) **"Clear days"** means consecutive days exclusive of the first and exclusive of the last day of any process length set out in this Code.
- d) **"Code"** means Curve Lake First Nation Leadership Selection Code.
- e) **"Consideration Period"** is the time between the calling of the Election and Election Day.
- f) **"Council"** means the elected Chief and Councillors as a whole.
- g) **"Curve Lake First Nation Territory"** means lands set aside for the use and benefit of Curve Lake First Nation members.
- h) **"Curve Lake First Nation Web Page"** means the internet web page maintained by the Council on behalf of the Curve Lake First Nation membership.
- i) **"Election"** means either a General Council Election or a by-election.
- j) **"Election Day"** is the last day in which a ballot may be cast for one's choice of leadership candidate(s), the day the ballots shall be counted and the day the leaders will be declared elected.
- k) **"Electoral Officer"** means the person appointed by the current Council to manage the electoral process.
- l) **"General Election"** means the casting of ballots for the purpose of selecting a full Council.
- m) **"Member"** means a person who is on or eligible to be on the Curve Lake First Nation list of members.
- n) **"Non-Resident"** means a voter whose permanent residence mailing address is not within the Curve Lake Postal Code area.
- o) **"Poll or Polling Place(s)"** means the location(s) identified by the Electoral Officer as the place where a Voter may cast a ballot in person.
- p) **"Related Person"** means a spouse (including a spouse in a common law relationship), parent, parent-in-law, sibling, child, grandchild, dependent, sister-in-law, brother-in-law, aunt, uncle, niece or nephew or any person with whom that person currently resides, or a business entity in which that person has an interest.

- q) **“Voter”** means a person eligible to cast a ballot in a Curve Lake First Nation Election.
- r) **“Voting”** means the casting and recording of ballots in accordance with this Code.

3.0 **The Council**

3.1 The Council shall consist of one (1) Chief and eight (8) Councillors .

4.0 **Term of Office**

4.1 The term of office of the Council is three (3) years and begins on July 1st of the General Election year and ends on June 30th, three (3) years thereafter.

5.0 **Election Date**

5.1 For a General Election, Election Day shall be the third Monday in June.

5.2 Council shall call a General Election through a Resolution of Council that confirms the ElectionDay and the procedures for selecting the Electoral Officer.

5.3 The Resolution of Council shall be made in an open session of Council.

6.0 **Selection of Electoral Officer**

6.1 Council shall appoint an Electoral Officer at least 79 days prior to Election Day.

7.0 **Duties of the Electoral Officer**

7.1 The Electoral Officer shall appoint as many Deputy Electoral Officers as the Electoral Officer deems necessary to manage the election process in an effective manner.

7.2 The Electoral Officer shall carry out all duties identified within this Code and any ancillary functions required to manage the election process in an open and fair manner.

8.0 **Eligibility to Vote**

8.1 To be eligible to cast a ballot, a voter must be a Member who will have reached the age of 18 years on or before Election Day;

9.0 **Voters List**

9.1 Council shall provide the Electoral Officer with the full legal and known alias names of voters, personal registry numbers, their birthdates and their last-known address.

9.2 At least 72 days prior to the vote date, the Electoral Officer shall prepare two Voters Lists for use in the Election. The lists shall be a:

- a) Voters List for posting containing only the names of the eligible Voters placed in alphabetical order; and,
- b) Detailed Voters List containing the names in alphabetical order of the eligible Voters, their membership or registry number of each Voter, and the birth date of each Voter;

9.3 At least 72 days before the date of an Election, the Electoral Officer shall post one copy of the Voters List at the entrance of the First Nation Administration Offices and at least one more conspicuous public place in the community of Curve Lake.

9.4 Up to the close of the poll, any member of the community may apply to the Electoral Officer in person or by telephone, courier, regular mail, or fax, for a revision or revisions to the Voters List on the grounds that it incorrectly sets out or omits the name of a Voter or otherwise fails to accurately list and record the names of all eligible Voters.

9.5 If satisfied that the Voters' list should be corrected, the Electoral Officer shall make the needed correction and the list as corrected shall be the Voters List on Election Day.

10.0 *Notice of Nomination Meeting*

10.1 When an Election is to be held, the Electoral Officer shall post a Notice of Nomination Meeting. The Notice of Nomination Meeting shall contain, at a minimum:

- a) the date, time and location of the Nomination Meeting;
- b) the Voters' list or instructions as to how to receive or view a copy of it;
- c) Contact information of the Electoral Officer including telephone number, fax numbers, email address and mailing/courier address;
- d) the Internet address of the Web Page;
- e) the statement that any Voter may cast a ballot by mail-in ballot;
- f) a description of the manner in which a Voter can nominate a candidate, or second the nomination of a candidate;
- g) the statement that, if the Voter wants to receive information from candidates, the voter can agree to have his or her address released to the candidates; and
- h) the point that a nominee may only stand for election as Chief or Councillor, not both.

10.2 At least 30 clear days before the date of the Nomination Meeting, the Notice of Nomination Meeting shall be posted:

- a) at the entrance of the First Nation Administration Offices and at least one more conspicuous public place in the community of Curve Lake; and
- b) on the Web Page; and
- c) in any other location that the Electoral Officer considers appropriate.

10.3 The Electoral Officer will only provide those non-resident Voters with instructions for mail-in nominations, a notice of the nomination meeting, a voter declaration form and a Nomination form where:

- a) the last known address has been provided to the Electoral Officer by Curve Lake First Nation;
- b) a non-resident Voter directly contacts the Electoral Officer prior to the Nomination Meeting and declares they did not receive a package through the mail, or provides an alternate address to the Electoral Officer that is different from that provided by the Curve Lake First Nation.

10.4 The Electoral Officer shall provide a notice of the nomination meeting, a voter declaration form and a Nomination form to any resident voter who makes a request for same. The responsibility to return the completed forms to the Electoral Officer lies with the Voter.

10.5 The Electoral Officer shall record the names of voters to whom a notice of the nomination meeting was mailed, the addresses of those voters, and the date on which the notices were mailed.

11.0 *Eligibility to be Nominated*

11.1 All nominees for Chief or Councillor positions must be eligible Voters.

11.2 Nominated candidates may only stand for the position of Chief or Councillor, not both.

12.0 *Nominations*

12.1 Only eligible Voters may make or second a nomination.

12.2 Voters may nominate or second a maximum of one (1) candidate for chief and a maximum of eight (8) candidates for councillor.

12.3 Every nomination must:

- a) be moved by a Voter; and
- b) seconded by another Voter.

12.4 A Voter may nominate a candidate, or second the nomination of a candidate:

- a) by completing a nomination form at the Nomination Meeting;
- b) orally to the Electoral Officer at the nomination meeting; or
- c) by delivering or by mailing a written nomination and a completed, signed and witnessed voter declaration form to the Electoral Officer before the time set for the close of the nomination meeting.

12.5 Two nominations made in writing for the same candidate and the same position i.e. Chief or Councillor and received by the Electoral Officer per 12.4 shall constitute a nomination and a seconding of a nomination.

12.6 Nomination forms that are not received by the Electoral Officer before the time set for the nomination meeting to close are void.

13.0 *Nomination Meeting*

13.1 A nomination meeting for an election shall be held at least 42 days before the date of the election.

13.2 At the time and place specified in the Notice of Nomination Meeting, the Electoral Officer shall open the meeting to nominations.

13.3 Immediately after opening the meeting, the Electoral Officer shall read out the nominations of eligible nominees received in writing before the meeting as per subsection 12.4 c).

13.4 The Nomination Meeting shall remain open from 6:00 p.m. local time to 9:00 p.m. local time.

13.5 At the close of the Nomination Meeting, the Electoral Officer shall:

- a) declare the slate of nominees;
- b) identify those nominees who have been nominated for two positions and who shall have to declare their intent for a specific position i.e. Chief or Councillor by noon on the 4th day following their nomination or have both nominations declared invalid by the Electoral Officer;
- c) identify any acclamations and declare the acclaimed elected; and
- d) declare the date by which and how nominees' names may be voluntarily excluded from the ballot.

14.0 *Acclamation*

14.1 At the end of the nomination meeting, the Electoral Officer shall:

- a) if only one person has been nominated for election as chief, declare that person to be elected;
- b) if the number of persons nominated to serve as Councillors does not exceed the number to be elected, declare those persons to be elected; and
- c) where more than the required number of persons are nominated for election as chief or Councillors, announce that an election will be held on the date set out as required by the code.

14.2 Where the office of chief and all positions of councillor are filled by acclamation, the Electoral Officer shall post at the entrance of the First Nation Administration Offices and in at least one more conspicuous public place in the community of Curve Lake, and mail to every non-resident Voter, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held.

14.3 If all positions are filled by acclamation, Section 15 to Section 20, inclusive, will not apply.

15.0 *Candidate Withdrawal*

15.1 A nominee may withdraw his/her name from Voter consideration at any time before the polls close on Election Day by providing the Electoral Officer with a written notice signed by the nominee.

15.2 In order for a nominee's name not to appear on the ballot, his/her written signed notice of withdrawal must be provided to the Electoral Officer by noon on the 4th day after being nominated.

15.3 Should a nominee withdraw after the ballots are printed, the Electoral Officer shall have the authority to confirm that information to any Voter requesting same.

15.4 Should a nominee withdraw after the ballots are printed and some votes be cast in his/her favour, they will not be counted.

15.5 Following the printing of the ballots, which will be on the fifth day following the Nomination Meeting, the Electoral Officer will post the names of the candidates and the position which each is

contesting and the names of those acclaimed, if any, at the entrance of the First Nation Administration Offices and at least one more conspicuous place in the community of Curve Lake.

16.0 **Notice of Election**

16.1 When an election is required, the Electoral Officer shall post a Notice of Election:

- a) at the entrance of the First Nation Administration Offices;
- b) in one or more conspicuous places in the community of Curve Lake;
- c) on the Web Page;
- d) at any other location that the Electoral Officer deems appropriate; and
- e) all postings shall be made at least 42 clear days before Election Day.

16.2 The Notice of Election shall contain, at a minimum:

- a) the date and time of the Election;
- b) the location of all Polls;
- c) the number of vacancies to be filled;
- d) instructions for receiving mail-in ballot packages;
- e) advice to those receiving a mail-in ballot that they may vote in person in lieu of sending in their mail-in ballot;
- f) advice to resident Voters that they may vote by mail-in ballot by requesting a mail-in ballot package from the Electoral Officer;
- g) the name of the Electoral Officer and the telephone and fax numbers, electronic contact accessibility and mailing address of the Electoral Officer;
- h) the Curve Lake First Nation Internet Web Page address; and,
- i) a listing of all candidates that were acclaimed if required.

17.0 **Mail-in Ballots**

17.1 A Mail-in Voting Package consists of the following:

- a) Voting Instructions;
- b) Declaration of identity;
- c) Return envelope with postage prepaid;
- d) Ballot initialed by the Electoral Officer;
- e) A ballot envelope.

17.2 At least 35 days before the day on which an election is to be held, the Electoral Officer shall mail, to every non-resident Voter a package consisting of:

- a) a ballot, initialed on the back by the Electoral Officer;
- b) an outer, postage-paid return envelope, pre-addressed to the Electoral Officer;
- c) a second, inner envelope marked "Ballot" for insertion of the completed ballot;
- d) a voter declaration form to which a witness attests;
- e) a letter of instruction regarding voting by mail-in ballot; and
- f) a Notice of Election

17.3 Witnesses required for the voter declaration shall attest to:

- a) the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; or
- b) where the Voter enlisted the assistance of another person, the fact that the Voter is the person whose name is set out in the form and that the ballot was marked according to the directions of the Voter.

17.4 The Electoral Officer will only provide those non-resident Voters with mail-in ballot packages;

- a) for whom the last known address has been provided to the Electoral Officer by Council.
- b) who directly contacts the Electoral Officer and declares they did not receive a package through the mail, or provides an alternate address to Electoral Officer that is different from that provided by the Curve Lake First Nation.

17.5 The Electoral Officer shall provide a mail in ballot package to any resident Voter that requests one. The responsibility to return the completed forms to the Electoral Officer lies with the Voter.

17.6 The Electoral Officer shall indicate on the Detailed Voters List that a ballot has been provided to each Voter to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the addresses to which, each mail-in ballot was mailed.

17.7 A Voter may cast a mail-in ballot by:

- a) marking the ballot by placing a cross, check mark or other mark, that clearly indicates the voter's choice but does not identify the voter, opposite the name of the candidate or candidates for whom the voter desires to vote;
- b) folding the ballot in a manner that conceals the names of the candidates and any marks but exposes the Electoral Officer's initials on the back;
- c) placing the ballot in the inner envelope and sealing that envelope;
- d) completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;
- e) placing the inner envelope and the completed voter declaration form in the outer envelope; and
- f) delivering or mailing the mail-in ballot to the Electoral Officer before the time at which the polls close on the day of the election.

17.8 A Voter who inadvertently spoils a mail-in ballot may request another ballot to replace the spoiled ballot by contacting the Electoral Officer.

17.9 Mail-in ballots that are not received by the Electoral Officer before the time at which the polls close on the day of the election are void.

18.0 ***Manner in which Voting shall be Carried Out***

18.1 The Electoral Officer shall prepare ballots setting out:

- a) the names of the candidates nominated for election as chief, in alphabetical order (Surnames first, given name second, middle names third and desired alias(es) in brackets last); and

- b) the names of the candidates nominated for election as councilors, in alphabetical order (Surnames first, given name second, middle names third and desired alias(es) in brackets last).

18.2 Where two or more candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those candidates.

18.3 The Electoral Officer shall establish at least one polling place on Curve Lake First Nation Territory.

18.4 The Electoral Officer shall procure or cause to be procured as many ballot boxes as deemed necessary by the Electoral Officer, and shall cause to be prepared a sufficient number of ballot papers for the purpose of the election.

18.5 Before the poll is open, the Electoral Officer shall deliver ballot papers, materials for marking the ballot papers, and a sufficient number of directions-for-voting to any Deputy Electoral Officer at any other Designated Poll.

18.6 The Electoral Officer or deputy shall provide a compartment at each polling place where the Voters can mark their ballot papers free from observation.

18.7 The Electoral Officer may appoint a constable to maintain order at each polling place.

18.8 Polling places shall be kept open from 9:00 a.m., local time, until 8:00 p.m., local time, on the day of the election.

18.9 No candidate for election of either the Chief or Councillor positions shall be permitted in a building housing the polling place other than to:

- a) cast a ballot while the polling place is open; or
- b) be inside 10 minutes before the poll closes to be ready to witness the ballot counting; or
- c) to witness the ballot counting.

18.10 A candidate may appoint agents to attend and view both the voting and ballot counting process on Election Day but must provide the agents' names to the Electoral Officer in writing.

18.11 A candidate shall be entitled to not more than two agents in a polling place at any one time.

18.12 The Electoral Officer or his/her deputy shall, immediately before the commencement of the poll, open the ballot box(es) and call such persons as may be present to witness that it is empty; shall then lock and properly seal the box to prevent it being opened without breaking the seal and shall place it in view for the reception of the ballots, and the seal shall not be broken nor the box unlocked during the time the poll is open.

18.13 Where a voter attends at a polling place for the purpose of voting, the Electoral Officer or deputy Electoral Officer shall, if the person's name is set out in the Voters List, provide the person with a ballot.

18.14 The Electoral Officer or his/her deputy shall cause to be placed in the proper column of the Voters List a mark opposite the name of every voter receiving a ballot paper.

18.15 A Voter to whom a mail-in ballot was mailed may obtain a ballot and vote in person at a polling place if

- a) the Voter returns the mail-in ballot to the Electoral Officer or deputy Electoral Officer; or
- b) where the Voter has lost the mail-in ballot, the Voter provides the Electoral Officer or deputy Electoral Officer with a written affirmation that the Voter has lost the mail-in ballot, signed by the Voter in the presence of the Electoral Officer or deputy Electoral Officer.

18.16 The Electoral Officer or his/her deputy shall explain the mode of voting to a voter when such a request is made by a Voter.

18.17 After receiving a ballot, a Voter shall:

- a) immediately proceed to the compartment provided for marking ballots;
- b) mark the ballot by placing a cross, check mark or other mark, that clearly indicates the voter's choice but does not identify the voter, opposite the name of the candidate or candidates for whom the voter desires to vote;
- c) fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the initials of the Electoral Officer on the back; and
- d) deliver the ballot to the Electoral Officer or deputy Electoral Officer.

18.18 On receipt of a completed ballot, the Electoral Officer or deputy Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the voter and any other persons entitled to be present at the polling place.

18.19 While any voter is in the compartment for the purpose of marking his/her ballot paper, no other person shall, except as requested by that voter, be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his/her ballot paper.

18.20 At the request of any voter who is unable to vote in the manner set out, the Electoral Officer or deputy Electoral Officer shall assist that voter by marking his or her ballot in the manner directed by the voter in the presence of another voter selected by the voter as a witness and place the ballot in the ballot box.

18.21 The Electoral Officer or deputy Electoral Officer shall state in the Voters List in the column for remarks opposite the name of such voter the fact that the ballot paper was marked by him/her at the request of the voter and the reasons therefor.

18.22 A voter who has inadvertently dealt with his/her ballot paper in such a manner that it cannot be used shall, upon returning it to the Electoral Officer or his/her deputy, be entitled to obtain another ballot paper, and the Electoral Officer or his/her deputy shall thereupon write the word "cancelled" upon the spoiled ballot paper and preserve it.

18.23 Any person who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the Electoral Officer or his/her deputy, in the manner provided, or if, after receiving the ballot paper, refuses to vote, shall forfeit his/her right to vote at the election, and the Electoral Officer or his/her deputy shall make an entry in the Voters List in the column for remarks opposite the name of such person to show that such person received the ballot paper and declined to vote.

18.24 A voter whose name does not appear on the Voters List may cast a ballot at an election if the Electoral Officer or his/her deputy is satisfied that such person is eligible to cast a ballot.

18.25 Every voter who is inside the polling place at the time fixed for closing the poll shall be entitled to cast their ballot before the poll is closed.

19.0 *Determination of Outcome*

19.1 In any election in which the position of Chief is contested, the Chief shall be elected by the highest number of votes cast for that position.

19.2 In any General Election, a maximum of eight (8) Candidates receiving the highest number of votes shall be elected as Councillors.

19.3 The person receiving the highest number of votes for Councillor in a General Election will hold the title Deputy Chief. During the term of office, besides filling a vacancy for the Chief in certain circumstances, further duties may be assigned the Deputy Chief by an agreed-to and recorded motion of Council.

19.4 Where two or more Candidates have received an equal number of votes in an Election, and the tie must be broken to determine who has been elected, the Electoral Officer shall break the tie by placing a paper note that identifies each of the tied candidates in a container and drawing names until sufficient positions are filled. The Electoral Officer shall declare the elected candidate(s).

19.5 As soon as the votes have been counted and any necessary tiebreaking has taken place, the Electoral Officer shall publicly declare the names of those Candidates who have been elected and their positions and shall also post in some conspicuous place a statement signed by him or her showing the number of votes cast for each Candidate. The Electoral Officer shall also mail the list of selected candidates to those non-resident voters for whom a last-known address has been made available by the First Nation Council.

20.0 *Electoral Officer Reporting*

20.1 Within 10 days of the results of the selection being declared by the Electoral Officer shall provide a report to the most senior First Nation manager a report outlining the following;

- a) Name of Electoral Officer and Deputy Electoral Officers;
- b) Total of eligible voters;
- c) Total Nomination packages distributed;
- d) Nomination meeting date and location;
- e) Vote date and poll location(s);
- f) Total ballots printed;
- g) Total mail-in ballots distributed;
- h) Total mail-in ballots received;
- i) Total ballots cast;
- j) Total ballots rejected;
- k) Total number of spoiled ballots;
- l) Unused ballots;
- m) Total ballots rejected before being placed in the ballot box;

- n) Names of candidates and votes received;
- o) Candidates elected or acclaimed;
- p) Electoral Officer signature; and
- q) Date of submission

20.2 The Electoral Officer Report shall be entered into public record at an open meeting of Council.

21.0 *Handling and Retention of Documents*

21.1 The Electoral Officer shall consider all documents as confidential with the exception of documents to be publicly displayed or required in the process of appeal.

21.2 The Electoral Officer shall retain all documents used for or in the Election process for a period of 60 days following the vote or until any appeal process has concluded, whichever is longer.

22.0 *Election Appeals*

22.1 Within 30 days after an Election, any Voter who voted in the Election and who has reasonable grounds for believing that:

- a) there was corrupt practice in connection with the Election;
- b) there was a violation of this Code that might have affected the result of the Election;
- c) a Candidate was ineligible to be nominated; or
- d) there was a miscount of votes.

may lodge an appeal by forwarding the particulars by registered mail to a Council-identified third party ADR (alternative dispute resolution) specialist. The Council shall identify the ADR specialist at the same time as the Electoral Officer is appointed.

22.2 If the ADR specialist receives an appeal, the ADR specialist shall, within 5 days, notify Council of the appeal and forward a copy, together with all supporting documents, by registered mail to each affected Candidate.

22.3 Any affected Candidate may, within 14 days of receiving these materials, forward to the ADR specialist by registered mail a written answer, together with all supporting documents duly verified by a sworn affidavit.

22.4 The ADR specialist shall work with the appellant to assess the appeal.

22.5 The ADR specialist shall, within 5 days of receiving the materials per 22.3 above, determine the disposition of the appeal. The ADR specialist may conduct such investigation into the matter as is deemed necessary but shall notify Council and any affected candidates of any delay that may result in the decision on the matter.

22.6 The ADR specialist shall provide a written statement that confirms:

- a) the review outcome; and
- b) direction to the Electoral Officer for the appeal disposition.

22.7 The ADR specialist shall direct the Electoral Officer to set aside the affected portion of the election results where the ADR specialist is satisfied that the results of the appeal review shows the election results would have affected the selection of one or more candidates. The decision of the ADR specialist is final.

22.8 Where the Electoral Officer has been so directed by the ADR specialist because of violations, the Electoral Officer shall immediately declare any affected positions vacant and declare the unelected eligible candidate with the next highest vote as elected.

22.9 Where the election of a Candidate is set aside because of a miscount, the Candidate receiving the next highest number of votes shall be declared as elected unless there is a tie at which time the Electoral Officer shall revert to the process identified for breaking a tie.

23.0 *Vacancies*

23.1 The office of the Chief or Councillor becomes vacant when the person who holds office:

- a) is convicted of an indictable offense under the Criminal Code of Canada; or
- b) dies; or
- c) resigns from office ; or
- d) misses three (3) consecutive regular Council, special Council or Community meetings set by the Chief with notice provided to Council members at least one week in advance.

23.2 Where a vacancy occurs in the position of Chief, the Deputy Chief shall act in the capacity of Chief until a by-election is held or the current term expires.

23.3 Where a vacancy occurs in the position of Chief, there shall be no requirement to hold a by-election unless, by resolution of Council, a by-election is preferred and subsequently ordered.

23.4 Where a vacancy occurs in the position of Councillor, that vacancy shall remain until a by-election is held.

23.5 Where a vacancy occurs in Council, there shall be no requirement to hold a by-election unless Council numbers are reduced to five (5) members or less or, by resolution of Council, a by- election is preferred and subsequently ordered.

23.6 Where enough vacancies occur, the general election rules will apply to fill all vacant positions.

23.7 In any by-election in which the position of Chief is contested, the Candidate receiving the highest number of votes shall be elected as Chief.

23.8 In any by-election in which the position of Councillor is contested, the Candidate(s) receiving the highest number of votes, to a maximum of the number of positions contested in the by-election, shall be elected as Councillor(s).

23.9 Any Candidate elected in a by-election shall be entitled to complete only the remaining term of office for the position in question.

24.0 *Postponement of Nomination Meeting, Poll or Amendment Vote*

24.1 At the discretion of the Electoral Officer a nomination meeting, poll or amendment vote maybe postponed:

- a) in the event a death in the community, to the day after the funeral or memorial service, or to another appropriate day, if the nomination meeting, poll or amendment vote would have conflicted with the funeral or memorial service; or
- b) in the event of weather conditions that might pose a risk to Voters, to the next day on which conditions are no longer considered to create an undue risk and in either case the relevant authority shall make every reasonable effort to ensure that Voters are advised of the change and the new date.

24.2 In the event of a postponement of a candidate selection poll date or amendment vote date, nounting of ballots will be permitted until all vote days have been completed.

24.3 No extension of the mail-in balloting deadlines shall result from the postponement of either a candidate selection or amendment vote.

24.4 The Electoral Officer will make every reasonable effort to accommodate those that are affected by the postponement.

25.0 *Amendments*

25.1 Amendments to this Code, including amendments for the use of automatic or electronic equipment, may be made by a motion of Council, except for amendments which affect the:

- a) composition of Council;
- b) selection of Chief;
- c) selection of Councillors;
- d) eligibility for office;
- e) eligibility to vote;
- f) tenure of office; or
- g) amendment process.

Any proposed amendment under this subsection shall require a written submission to be tabled by a member of Council, or by a member of Council on behalf of a voter, at a regular Council or Special Council meeting for consideration and review for due diligence. Following that review, but no earlier than fourteen (14) days later at a regular Council or special Council meeting, a decision will be rendered by Council. The Council decision will be duly recorded in Council minutes, and within seven (7) days posted in a conspicuous place on Curve Lake First Nation Territory and posted on the Curve Lake First Nation Web Page. This Code shall be amended accordingly.

25.2 Amendments that affect the:

- a) composition of Council;
- b) selection of Chief;
- c) selection of Councillors;
- d) eligibility for office;

e) eligibility to vote;

- f) tenure of office; or
- g) amendment process.

shall require a written submission from a voter directly to or by mail to Council. Council shall, after a due diligence review of the submission, but within fourteen (14) days after receiving the submission, provide notice of receipt and disposition of the submission to voters. Disposition may include voluntary withdrawal of the submission by the proponent, Council refusal to proceed to a vote because the proposed amendment would violate the Charter of Rights and Freedoms or a Council notice to have eligible voters vote on the matter. In the event a vote is required, Council shall appoint a Ratification Officer to manage an in-person and mail-in secret ballot amendment approval process. Approval shall require a majority (50% +1) of Curve Lake First Nation voters who voted in the process to vote in favour of the proposition. The final results of any vote shall be duly recorded in Council minutes, posted in a conspicuous place on First Nation Territory, posted on the Curve Lake First Nation Web Page and mailed to those voters for whom a last-known address is available. Where an appeal on the results of the process is lodged within thirty (30) days by a voter who participated in the vote, sections 22.2 to 22.6 inclusive of this Code shall be used to decide the matter excepting that a Ratification Officer shall replace the Electoral Officer. This Code shall be amended in accordance with final vote results.