
Metis Settlements General Council

Election Policy for General Council Officers

Policy GC-P2022/01

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**Part 1
Context**

Background

1 This Policy is made under section 222(1)(ii)(ii) and 216 of the *Metis Settlements Act*.¹

Purpose

2 The purpose of this Policy is to provide a working framework for electing General Council Officers.

Effect

3 GC-P0406 and GC-1809 are hereby repealed and replaced by this Policy.

**Part 2
Interpretation**

Definitions

4(1) The following definitions apply in this Policy:

- (a) "Act" means the *Metis Settlements Act*;
- (b) "Declared Elected" means the point in time from which a candidate takes the oath of office;
- (c) "Deemed Elected" means the point in time from which a candidate receives a majority vote or is the sole nominee for an officer's position;
- (d) "Election Day for Officers of the General Council" means an election held for the Officers of the General Council to fill vacancies caused by the passage of time;
- (e) "General Council Executive" means the Officers of the General Council;
- (f) "Member of the General Council" means the councillors of all the settlement councils and the Officers of the General Council;
- (g) "Officer(s) of the General Council" means the President and the Vice-President;
- (h) "Settlement Member" means an individual who is a member of a Metis Settlement.
- (i) "Tribunal" means the Metis Settlements Appeals Tribunal established under the Act;

(2) Footnotes are part of the Policy and included to help with interpretation.

Part 3

¹ Section 222(1)(ii)(ii) provides that General Council, after consultation with the Minister, may make, amend, or repeal General Council Policies respecting the internal management and affairs of the General Council, including the election of Officers of the General Council, their eligibility, terms of office, disqualification and related matters, including removal.

Election Procedure

Appointment of returning officer

5(1) The General Council shall appoint a returning officer, who is a commissioner for oaths, for the purposes of conducting elections or by-elections under this Policy.

- (a) The appointment of the returning officer shall be made by ordinary resolution; and
- (b) The appointment shall be made no later than two (2) weeks before the election or by-election.

(2) The returning officer may not be a Member of the General Council or a candidate for the General Council Executive.

Duties of returning officer

6 In addition to performing the duties specified in this Policy, or any other Act, a returning officer shall:

- (a) appoint deputies, constables and other persons as required;
- (b) provide notice to Settlement Members concerning election and nomination day;
- (c) provide for the supply and delivery of ballots, ballot boxes, instructions to electors and other necessary supplies;
- (d) receive nomination and disclosure forms; and
- (e) do all things necessary for the conduct of an election.

Oaths

7 Every returning officer and agent before performing the duties of that office must take and subscribe to the official oath in the prescribed form.

Administration of oaths

8 The returning officer shall administer oaths or statutory declarations required by this Policy.

General Council elections

9 The Officers of the General Council must be elected by the settlement councils, each of which has one vote, from Settlement Members who are not councillors.²

Term of office

10(1) Unless otherwise disqualified from remaining in office due to resignation, death, or removal by General Council, Officers of the General Council are considered elected under this Policy and hold office from when the person takes the oath of office to immediately before the person's successor takes his or her oath of office after the next election of Officers of the General Council.

² Section 216(2) of the Act. **(2)** Unless otherwise disqualified from remaining in office, a person elected as an Officer of the General Council to fill a vacancy caused other than by the passage of time holds office from when the person takes the oath of office for the remainder of the period the person's predecessor would have held office had that predecessor continued in office.

General term of office

11(1) Subject to section 32 of this Policy, the Officers of the General Council shall thereafter hold office at the pleasure of General Council for a term of up to four (4) years and an election for the Officers of General Council shall be held every fourth year commencing January 2022.

(2) In passing this Policy, the General Council resolves there shall be two Executive Officers of the General Council;

(3) In accordance with section 216 (1.1) of the Metis Settlements Act, the General Council may, prior to the deadline for nominations, pass an ordinary resolution reducing the number of Executive Officers to one Executive Officer.

(4) In the event the General Council passes a resolution that establishes there will only be one Executive Officer, then all references to "Officers" in this Policy shall be read as singular instead of plural.

(5) The General Council may not pass a resolution to change the number of officers of the General Council during the term of an officer.

Election day

12 Election Day for Officers of the General Council

(a) is the fourth Thursday in January; and

(b) in the case of a by-election shall be the day fixed by an ordinary resolution of the General Council.

Notice to public

13 The returning officer shall provide one (1) week notice of Election Day and nomination day to Settlement Members by publishing said notice in the Metis Messenger, local newspapers, or on social media platforms utilized by the General Council to provide information to settlement members and having the notice posted at each Settlement office.

Nomination day

14 Nomination day shall be 14 days before Election Day.

Form of nomination

15(1) Nominations may be made by any Settlement Councillor in the prescribed form and do not require a seconder.

(2) Nominations shall be accompanied with a disclosure form in the prescribed form.

(3) A candidate breaches this Policy and is ineligible if the candidate does not file a disclosure form, or if the candidate knowingly gives false or misleading information in the disclosure.

Procedure on nomination day

16(1) The returning officer takes the Chair at 10:00 a.m., reviews the election procedures, and subject to the order set out in subsection (3), declares the floor to be open for nominations, and receives said nominations.

(2) If a candidate is not present or does not file the disclosure form at the time of nomination, the nomination is not valid, and the returning officer may not enter the candidate's name on the list of candidates.

(3) Nominations shall be received first for the President's position. If there are two Officers of the General Council, nominations for the President's position shall be followed by nominations for the Vice President's position.

(a) If an election is required, the order set out in 16(3) will apply to the voting process.

(4) Before closing nominations for any Executive position, the returning officer will ask three times whether there are any further nominations for the position.

(5) Upon closure of nominations for all the officer's positions, candidates shall be given the opportunity to address the General Council in the order in which they were nominated.

(6) After the close of nominations, any Member of General Council may request to examine the filed nomination and disclosure forms during regular business hours and in the presence of the returning officer.

Insufficient nominations

17(1) If the number of persons nominated for any office of the Executive is less than the number required to be elected, the time for receipt of nominations:

(a) shall stand adjourned to the next day at the same place at the hour of 10:00 a.m. and shall remain open until 12 noon for the purpose of receiving further nominations for the office,

(b) shall continue to remain open and be adjourned in the same manner from day to day until 12 noon of the day that the required number of nominations has been received or a period of six (6) days, including nomination day but not including Saturday, Sunday and holidays, as required in the *Interpretation Act*, has elapsed; and

(c) when for any reason the necessary number of candidates is not nominated or elected, the General Council may appoint one or more Settlement Members to fill the vacancy or vacancies for a period of not more than (six) 6 months or until the vacancy or vacancies are filled by an election.

Election by acclamation

18(1) When at the close of nominations the number of persons nominated for any office is the same as the number required to be elected, that person is acclaimed as Deemed Elected and, subject to the application of section 24(1)(a) of this Policy if necessary, the returning officer shall administer the oath of office and declare the persons nominated to be elected to the offices for which they were nominated.

(2) Forthwith after having declared a person elected by acclamation, the returning officer shall give to the General Council President and the Minister written notification signed by the returning officer of the names of the persons so elected and of the Executive offices to which they were elected and the returning officer shall

deliver the nomination papers and other material relating to the receipt of nominations to the General Council President.

(3) The General Council President must retain the nomination papers and disclosure forms until the term of office to which they relate has expired.

(4) The nomination papers and disclosure forms may be inspected by a Member of General Council during regular business hours in the presence of the General Council President.

Confirmation of election

19 If more than the required number of persons for any Executive office remain nominated 22 hours after the close of nominations, the returning officer shall open the General Council meeting by declaring that an election shall be held for filling that office, or offices.

Qualification of candidates

20 A Settlement member may be nominated as a candidate for the General Council Executive if on nomination day the Settlement member:

- (a) has maintained residence in a settlement area in accordance with section 234 of the Act for at least 12 consecutive months immediately preceding nomination day; and
- (b) is not otherwise ineligible or disqualified.

Ineligible candidates

21(1) A settlement member is ineligible to be nominated as a candidate for the General Council Executive or to serve as an Officer of the General Council:

- (a) if, on nomination day or between nomination day and the time that the candidate is Declared Elected,
 - (i) the settlement member is or becomes a judge of a court;
 - (ii) the settlement member is or becomes a member of the Appeal Tribunal;
 - (iii) the settlement member is or becomes the auditor of a settlement or the General Council;
 - (iv) the settlement member is or becomes a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;
 - (v) the settlement member is or becomes indebted to any settlement for more than \$250 or to General Council for more than \$5000 or the Settlement Investment Corporation for more than \$5000, unless a written agreement has been entered into with the settlement, the General Council or the Settlement Investment Corporation, as applicable, to repay the debt and the settlement member is not behind in payments under the agreement;
 - (vi) the settlement member is or becomes a formal patient under the *Mental Health Act* or is or becomes the subject of a guardianship or trusteeship order under the *Adult Guardianship and Trusteeship Act*; or
 - (vii) the settlement member in some other manner is or becomes ineligible to be or disqualified from being nominated as a candidate for, or to serve as, an Officer;

Or

(b) if, in the four (4) years preceding Election Day,

- (i) the settlement member was convicted of an indictable offence carrying a possibility of imprisonment for five (5) or more years;
- (ii) the settlement member was convicted of an offence under section 123 of the *Criminal Code* (Canada); or
- (iii) the settlement member was removed from Settlement Council or General Council as a result of an order under section 176 of the Act.

(2) A candidate may withdraw before the commencement of the election process under section 22 of this Policy by providing the returning officer with a withdrawal form in the prescribed form.

(2.1) In the event a candidate accepts the nomination, the candidate must pay to the General Council a non-refundable nomination fee of \$250 prior to the commencement of the election process under section 22 of this Policy by providing a certified cheque or money order payable to the General Council to the returning officer.

(2.2) In the event a candidate accepts the nomination, the candidate must provide a long form birth certificate describing the candidate's parentage prior to the commencement of the election process under section 22 of this Policy.

(3) A Settlement member is not eligible to be nominated for more than one office of the General Council Executive.

Part 4

Voting Procedure

Role of the returning officer on Election Day

22 On Election Day for the General Council Officers, the returning officer:

- (a) takes the Chair to preside over the election;
- (b) updates the General Council concerning the receipt of withdrawal forms (if any) from any of the candidates;
- (c) asks the remaining candidates to address the General Council in the order they appear on the ballot and in the order set out in section 16(3) of this Policy;
- (d) asks the candidates if they wish to appoint scrutineers;
- (e) distributes a ballot to each Settlement listing the names of the candidates for each position in alphabetical order; and (f) counts the votes in the presence of the scrutineers and one or two other people the Returning officer has asked to assist him.

Voting

23(1) Subject to subsection (6), voting shall take place by secret ballot, with each Settlement Council casting one ballot into a ballot box provided by the returning officer.

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- (2) If any candidate receives a majority of five or more votes from settlement councils, the candidate is deemed to be elected to the position.
- (3) Subject to subsection (5), if no candidate receives a least five (5) votes, then the name of any candidate having fewer votes than all others must be removed from the ballot and another vote held.
- (4) The names of candidates removed from the ballot under subsection (3) may not be added to any subsequent ballot in that election.
- (5) The names of candidates shall not be removed from a ballot for having the fewest votes if that removal would leave only the name of one candidate remaining on the ballot.
- (6) In the event that no candidate receives a majority vote after three consecutive votes, the General Council may resolve by ordinary resolution to amend the voting procedure and resolve the deadlock by utilizing subsections 6(a) and 6(b) if necessary, or go directly to 6(b):
- (a) Free vote – Subject to (c) below, and section 23(3) of this Policy, the returning officer distributes ballots with the names of the candidates to each member of General Council, other than officers, present at the time of distribution and counts the resulting members' votes;
 - (i) The returning officer shall declare the candidate receiving more than 50% of the votes of the members who vote deemed to be elected;
 - (ii) If the candidates receive the same number of members' votes, another members' vote is held;
 - (iii) If the candidates receive the same number of members' votes on three consecutive members' votes, then the method provided for in subsection (b) must be used to determine which one is deemed to be elected;
 - (b) Luck of the draw – Subject to the operation of subsection (a), the returning officer shall write the names of the candidates separately on blank sheets of paper of equal size and of same colour and texture, and after folding the sheets of paper in a uniform manner and so that the names are concealed, shall deposit them in a receptacle and direct some person to withdraw one of the sheets and the Returning Officer shall declare the candidate whose name is drawn deemed to be elected; or
- (7) In all free votes conducted under (a), affected candidates who are settlement councillors cannot vote and shall not receive a ballot.

Part 5

Post Vote Procedure

Post election

24(1) Following the declaration of a candidate to have received a majority vote, the returning officer shall

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- (a) in circumstances where the Deemed Elected candidate is a settlement councillor, provide the Deemed Elected candidate up to two weeks to resign from settlement council as set out in section 24 of the Act;
 - (b) subject to (a), administer the oath of office in the prescribed form to the successful candidate and declare him or her to be elected;
 - (c) ask the successful candidate to address the General Council; and
 - (d) return the Chair to the President or next Declared Elected officer in line.

(2) Forthwith after having declared a person elected, the returning officer shall give to the General Council President and the Minister written notification signed by the returning officer of the names of the persons so elected and of the Executive offices to which they were elected.

Packets of ballots

25 At the completion of the counting of the ballots after each voting round, the returning officer or deputy shall make up the ballots into a separate packet.

Sealing ballot packets

26 Each packet of ballots shall be sealed, and each packet must be marked on the outside with:

- (a) the Executive position being voted on;
- (b) the date of the election;
- (c) the name of the returning officer or deputy; and
- (d) the voting round.

Securing election documents

27 Upon completion of the General Council Executive elections, the returning officer shall then place all the packets containing ballots in the ballot box and the ballot box shall be closed and sealed with a returning officer's seal so that it cannot be opened without breaking the seal.

Delivery of election material

28(1) As soon as practicable after the election, the returning officer shall deliver to the General Council President the sealed ballot box, the ballot accounts and the nomination papers and disclosure forms, and the President is subsequently responsible for their delivery when required.

(2) The President must retain the ballot accounts, nomination papers and disclosure forms until the term of office to which they relate has expired.

(3) The nomination papers, disclosure forms, and ballot accounts may be inspected by a Member of General Council during regular business hours in the presence of the President.

Disposition of election material

29 The Vice President, unless otherwise ordered by the Appeal Tribunal, shall retain the ballot box with its seal unbroken for 31 days from the date of voting and then shall cause the ballot box to be opened and its contents destroyed in the presence of two (2) witnesses and each of the two (2) witnesses shall make a statutory declaration that the witness has witnessed the destruction of the contents of the ballot box.

Part 6

Controverted Elections

Limitation of action

30(1) No proceedings relating to the validity of an election of an officer of General Council may be commenced after 30 days from the day a candidate was Deemed Elected.

(2) No proceedings relating to a candidate's eligibility to be Declared Elected may be commenced after 90 days from the day a candidate was Declared Elected.

(3) Proceedings relating to a candidate's eligibility to remain elected may be commenced at any time during their term.

Metis Settlements Appeal Tribunal

31(1) Proceedings under section 30 of this Policy shall be decided by the Metis Settlements Appeal Tribunal.³

(2) A formal appeal concerning the issues set out in sections 30(1) and (2) of this Policy may be raised before the Tribunal by:

(a) a candidate at the election; or

(b) any Member of the General Council.

(3) A formal appeal concerning the issue set out in sections 30(3) of this Policy may be raised before the Tribunal by any Member of the General Council.

(4) The form of appeal shall be made in accordance with the Appeal Tribunal's rules and procedures.

Part 7

Removal, Resignations and Vacancies

Removal of Officers

32 The Officer or Officers of the General Council serve at the pleasure of General Council and may be removed by special resolution if the General Council considers an Officer or Officers to be managing his or her executive role and responsibilities in an irregular, improper or improvident manner.

Resignation

33(1) An Officer may resign by giving written notice of resignation at a General Council Assembly meeting or a General Council Board meeting.

(2) The resignation takes effect the moment it is given to the meeting even if the resignation states it is effective at another time.

Vacancies

³ MSAT's jurisdiction is vested by virtue of being named in this Policy and by virtue of the statutory authority set out in section 189(1)(b) of the Act.

34(1) In the event of a vacancy in a General Council Officer position where there are two Officers of the General Council, the General

Council, or the Board, may set a by-election date by ordinary resolution. In the event of a vacancy in a General Council Officer position where there is one Officer of the General Council, the General Council must set a by-election date by ordinary resolution.

(2) The nomination, election and voting procedures contained in this Policy shall apply to the by-election process.

(3) In the event of a vacancy in a General Council Officer position where there are two Officers of the General Council and the vacancy occurs with less than 9 months remaining in the general term of office, the General Council may leave the position vacant for the remainder of the term.

Part 8

Review

Review

35 The general topic of electing General Council officers will be included under the self-governance advancement review and proposals under section 232.1 of the Act.

Part 9


Transitional

Breaches prior to passage

36 No proceeding may be commenced under this Policy in respect of an alleged breach of this amended Policy committed prior to this amended Policy's approval pursuant to section 224 of the Act.

37 THIS POLICY IS HEREBY DULY APPROVED AND PASSED BY THE General Council on 3rd Reading this 5th day of January, 2022 at Edmonton, in the Province of Alberta.

Metis Settlements General Council


Herb Lehr, President


Dorothy Anderson, Secretary



**Schedule A
Forms**

***OATH OF RETURNING OFFICER and/or
DEPUTY RETURNING OFFICER
(Election of General Council Officers)***

I, (print name) _____, of _____, in the

Province of Alberta, Canada, **MAKE OATH AND SAY THAT:**

1. I will diligently, faithfully and to the best of my ability execute according to law the office of (circle one) returning officer / deputy returning officer;
2. I will not communicate to any person any information obtained at an election or in the course of carrying out my duties as to the candidate or candidates for whom a settlement or Member of General Council has voted.; and
3. I will in all respects maintain and aid in maintaining the absolute secrecy of the vote.

SWORN (AFFIRMED) before me)

at _____)

in the Province of Alberta this)

day of) _____

20 .)

A Commissioner for Oaths/Notary)

Public in and for the Province of)
Alberta)

MY APPOINTMENT EXPIRES _____

NOMINATION FORM

**IN THE MATTER OF THE ELECTION
OF
OFFICERS OF THE METIS SETTLEMENTS GENERAL COUNCIL**

I, (print name) _____, a member of the General Council, hereby
nominate (print name of nominee) _____, for the position of
_____, of the General Council in the election of Officers of the General Council to be held
on the ____ day of _____, 20____.

Signature of Nominator

ACCEPTANCE OF NOMINATION – STATUTORY DECLARATION

I, (print name) _____, of _____, in the
Province of Alberta, Canada, do solemnly declare as follows:

1. I am eligible under section 20 of the Election Policy for General Council Officers (the Policy) to be nominated as a candidate for the GC Executive;
2. I am not otherwise ineligible or disqualified to be nominated or to serve as an Officer of the General Council under section 21 of the Policy;
3. I am committed to accepting the office if elected;
4. I shall pay the non-refundable deposit to MSGC immediately;
5. I shall provide my long form parentage birth certificate to the Returning Officer immediately;
6. I consent to having General Council submit a request for information to the federal government to determine whether I am an Indian registered under the Indian Act;
7. I consent to General Council conducting a criminal record check on me; and
8. I am aware of, understand, and agree to be bound by the contents of the Policy.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me in Edmonton, Alberta, this ____ day of _____
A.D., 20____.

A Commissioner for Oaths/Notary Public
For the Province of Alberta

Signature of Nominee

DISCLOSURE FORM	
<p>(Must be filed with the Returning Officer at the time of nomination)</p> <p>I, (print name) _____, being nominated for the position of _____ of the General Council in the election of Officers of the General Council to be held on the ____ day of _____, 20____, hereby disclose that the following agreements are now in effect between me and the _____ Settlement, the General Council or Settlement Investment Corporation:</p>	
<i>Agreement⁴ (see instructions below)</i>	<i>Duration</i>
1. _____	
2. _____	
3. _____	
4. _____	
Witness (print name) _____	Date _____
Signature of Witness _____	Signature of Candidate _____

⁴ Describe the agreement. For example, if it's a loan with SIC, describe the type of loan (i.e. start-up business loan) and enter the term of the agreement (i.e. how long it's supposed to last) in the duration box. If you need more room, please use the back of this form.

WITHDRAWAL OF NOMINEE

**IN THE MATTER OF THE ELECTION OF
OFFICER(S) OF THE METIS SETTLEMENTS
GENERAL COUNCIL HELD**

ON THE _____ DAY OF _____, 20__.

I (print name) _____, hereby withdraw my
acceptance of nomination for the officer position of
_____ of the Metis Settlements General Council.

Witness (print name)

Signature of Witness

Signature of Candidate

Received by the returning officer (print name) _____,
at Edmonton, Alberta, at _____ A.M./P.M. this _____ day of
_____, 20__.

Signature of Returning
Officer

OATH OF OFFICE
(General Council Officer)

I, _____ of the
_____ Metis Settlement,
swear that I will diligently, faithfully and to the best of my ability
execute according to law the office of _____
of the Metis Settlements General Council.

So, help me God.

Dated this _____ day of _____, 20 ____.

Signature of Officer