

# INSTRUCTIONS:

Documents included in the mail out package:

- 1) Instructions
- 2) Letter from the Chief
- 3) Timeline
- 4) Agenda
- 5) Bingwi Neyaashi Anishinaabek Custom Election Code (Bingwi Code)
- 6) Big Grassy First Nation Leadership Election Code (Big Grassy Code)
- 7) Verification of Identity form **(to be sent back in your package completed and signed by a Commissioner of Oaths or your comments/recommendations will not be accepted)**
- 8) Buctouche Micmac Band Custom Election Code

Sample election codes (# 5 & # 6) provided in this package are samples for discussion purposes only, as the final decision of every category (please see the AGENDA items attached), will be decided by the members. Additional samples of custom election codes can be found by googling: **First Nations Custom Election Codes.**

The Agenda (# 4) provides a list of all topics that are to be discussed at the up-coming public meetings. Please send us your comments/recommendations under each heading that you would like to see included in the possible up-dated code, if you are 19 years of age by the date of the final vote:

**Example: The Nomination Process:**

**I would like to see the process as outlined in the Bingwi code (5), section 3, page 7 used as the nomination process; or you could write your own.**

If you plan on hand writing your comments/recommendations, please ensure the handwriting is readable as we want to ensure your voice is heard through the documents you send back to us. You are also more than welcome to join us at our public meetings as outlined in the attached timeline.

If you would like these documents in the package sent to you electronically, please contact the Band Manager or Membership Clerk at the email address provided below.

Arnold Peters – Band Manager: apeters@nb.aibn.com

Lisa Sanipass – Membership Clerk: lisasanipass@<sup>msn</sup>hotmail.com

There may be other topics which someone might want to add and that is why “OTHER” is included in the Agenda, so please do not hesitate to do so. Just keep in mind that the “OTHER” has to pertain to the election process, and any other topic(s) will be disregarded.

Upon reviewing all the information provided to you, please put your comments or recommendations in writing under each category in the Agenda, or another agenda item you may have added, and mail them back as soon as possible

The plan is to discuss each topic and vote on each item at each meeting, which will eventually result in a final draft being submitted to the Band Lawyer for review, and then brought forward for a final vote as outlined in the timeline.

Your comments/recommendations will be read out at the public meetings as each topic is discussed, but your name will be excluded as per the **Privacy Act**, unless you specify otherwise.

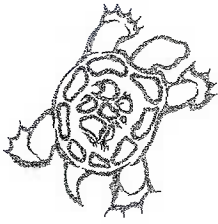
Please be advised that nasty or derogatory comments not targeted to the custom election code will not be acknowledged or read at these public meetings.

Please mail your comments/recommendations, and Statutory Declaration to:

Buctouche Micmac Band  
9 Reserve Road  
Bouctouche Reserve  
New Brunswick E4S 4G2

Additional contact information:

Telephone: 506-743-2520; Fax: 506-743-8995



**TJIPOGTOTJG MICMAC BAND**  
**BUCTOUCHE MICMAC BAND**

*9 Reserve Road, Buctouche Reserve, New Brunswick, E4S 4G2*  
Tel: 506-743-2520 Fax: 506-743-8995

October 13, 2017

Greetings Member:

**Re: Custom Election Code up-date**

After the last election held in 2016, a complaint was submitted to the Band Office by a couple of members stating they were filing a complaint to the Human Rights Commission as the off-reserve members were not allowed to vote in our Custom Election Code (Code). Keep in mind the decision to exclude off-reserve members from voting at election was voted on by the members a long time ago at a community meeting.

With that complaint we decided to be proactive and have all our members revisit our Code to review and possibility up-date the whole process, as there was just way too much vagueness on the two page document we now have. Our Code was outdated and just did not meet the needs of our members. To leave it as is would end up in the courts sooner than later, so we decided to turn it over to our members to decide what changes, if any, would be required.

As stated above, the current election code does not allow band members residing off reserve to vote at the next election. This also applies to the ones residing on-reserve but work off reserve. Discussions will take place to see if members will allow our code to change to include members living off-reserve or working off reserve to vote at our next election, as our current code states otherwise.

We also did some research and found that many high courts have allowed various changes, including the members residing off reserve to vote in other custom election Bands. To save us on possible massive legal costs of having to fight a human rights complaint through the courts, which we might lose given the court decisions to date, we decided to commence this process this year.

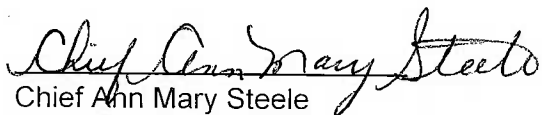
As well, over the years, band members have expressed concerns on other various sections of the Code, such as having only two hours to appeal the election results. We also heard other various complaints. We thereby decided to take this opportunity and have all band members of the age of 19 by the final vote date as per the timeline, to voice and express the changes they would like to see, if any. We will hold public meetings and having a final vote to accept or reject a new up-dated Code. Members input are very important on all matters, including this issue, so please get involved.

We are thereby mailing you out a package for your review and reply, and you can respond by mail, or email at the addresses provided on the instruction sheet (attached). Keep in mind that through mail it will take longer to reach us, as we do have a cut-off date to receive your feedback, so mail them back to us as quickly as possible. If you plan on sending us your response through email, please ensure you still mail in your hard copies as well, along with the signed form (attached) identifying who you are and signed and stamped by a Commissioner of Oath.

The full mail-out package can also be found at our Website at **[buctouchemicmacband.ca](http://buctouchemicmacband.ca)**, so keep checking it on a continuous basis for changes and updates.

I hope to hear back with your recommendations/suggestions, and please do not hesitate to contact myself, or the Band Manager, Arnold Peters, at 506-743-2520 if you have any questions pertaining to the process.

Yours sincerely,

A handwritten signature in cursive script that reads "Chief Ann Mary Steele". The signature is written in black ink and is positioned above the printed name.

Chief Ann Mary Steele

On behalf of the Buctouche Micmac Band Council

**TIMELINE for the Buctouche Custom Election Code Update and meetings:**

Fri October 13, 2017 – Off-reserve contact information deadline submitted as per the Notice in the newspapers, the Website and social media.

Mon October 16, 2017 – 1<sup>st</sup> mail out package

Wed November 15, 2017 – last day to receive packages from off-reserve members.

**PUBLIC MEETINGS (9:00 am – 4:00 pm):**

Thurs November 16, 2017: – 1<sup>st</sup> Public meeting at Buctouche Band Office

Wed November 22, 2017 – 2<sup>nd</sup> Public meeting at Buctouche Band Office

Thurs November 23, 2017 – 3<sup>rd</sup> Public meeting at Buctouche Band Office

Wed November 29, 2017 – 4<sup>th</sup> Public meeting at Buctouche Band Office

Wed December 6, 2017 - 5<sup>th</sup> Public meeting at Buctouche Band Office

Thurs December 7, 2017 – 6<sup>th</sup> Public meeting at Buctouche Band Office

Wed January 10, 2018 – 7<sup>th</sup> Public meeting at Buctouche Band Office

Wed January 17, 2018 – 8<sup>th</sup> Public meeting at Buctouche Band Office

Wed January 24, 2018 – 9<sup>th</sup> Public meeting at Buctouche Band Office

Mon February 5, 2018 – Final draft submitted to the Band Lawyer for review.

Mon February 19, 2018 - Mail out of final draft to off-reserve members, and copies provided at Band Office for the on-reserve members.

Tues March 27, 2018 – Vote

Wed March 28, 2018 – Post Notices of the results.

Thurs March 29, 2018 – Mail the results to off reserve members.

**Note:** This timeline is subject to change depending on inclement weather etc. Notice of any change(s) will be made available on our website at:

**[buctouchemicmacband.ca](http://buctouchemicmacband.ca)**

# AGENDA:

1. Preamble & Title
2. Coming Into Force
3. Interpretation
4. The Council
5. Code of Ethics
6. Removal of Council Members from Office
7. Pre-nomination Procedure
8. The Nomination Process
9. Candidacy
10. Pre-Election Procedure
11. Election Day
12. Counting of the Votes
13. Post-Election Procedures
14. Complaints and Appeal Board
15. Appeal Mechanism
16. Amendments
17. Considerations
18. Appendix A - Alternative Council Member Dismissal Procedure
19. Other

Please note that the list above is just a sample agenda for discussion purposes, and the list might change during and after every meeting depending on which direction is provided by the members. The discussions will however stay focused solely on our custom election code, and the possible amendments.

# STATUTORY DECLARATION

I, \_\_\_\_\_ of \_\_\_\_\_ in the State/Province of \_\_\_\_\_ do solemnly declare that I am a registered Band Member of the Buctouche Micmac Band and provide the facts as follows:

Full legal Name: \_\_\_\_\_

Band number: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address (optional): \_\_\_\_\_

Two types of Government issued documents provided with name, address, and at least one of the IDs with date of birth and signature (e.g.: driver's license) to establish identity:

# 1 \_\_\_\_\_

# 2 \_\_\_\_\_

Declared before me at the town of \_\_\_\_\_ )

In the State/Province of \_\_\_\_\_, this \_\_\_\_\_ )

day of \_\_\_\_\_ 2017 )

Signature of Deponent

\_\_\_\_\_  
Commissioner of Oaths

\_\_\_\_\_  
Name

My Appointment expires on \_\_\_\_\_

1. These regulations shall have effect on the Buctouche Indian Reserve beginning October 1<sup>st</sup>, 1981 and shall continue in force except as for the amending procedure provided for in these regulations (section 5).
2. The authority for the drafting and adopting of these regulations is derived from the wishes and recommendations of a majority of the band membership held in attendance at a duly convened meeting of the General Band Membership held in Buctouche Indian Reserve on October 1<sup>st</sup>, 1981 at which not less than thirty electors were in attendance. A survey commissioned by the Former Band Council and this meeting support the retention but documentation of a "Band Custom" elective system as mentioned in the *Indian Act* and as per the tradition of the Buctouche Indian Band.
3. An election of positions of Chief and Councillors of the Buctouche Indian Band will be held every 5 years as calculated accurately within 14 days.
4. Candidates for Band Council office must be nominated and their nomination seconded by persons who are themselves eligible to be nominated.
5. A majority of the Band members attending a duly convened meeting may set and amend Band Custom Regulations by a majority vote.
6. Electors must have reached the full age of (19) nineteen years of age on the day of election in order to cast their ballot.
7. All registered Buctouche Indian Band Members who meet the age 19 requirement will be eligible to vote according to the *Indian Act*, Section 77, subsections (part 1-2.)
8. Voting will be by secret ballot in a manner prescribed by the Electoral Officer.

The Indian Band Election Regulations, Section 3, subsections a, b, c, d. The above relate to who is and who is not "ordinarily resident on a reserve" for the purpose of the election proceedings.

These guidelines are to assist you in your task as electoral officer should the question of residency arise during either the nomination meeting or the election.

- A) A person who is away from the reserve for educational or training reasons and who intends to return to the reserve (especially where family is on reserve) is considered on reserve for election purpose.
- B) A man has a house on the reserve and moves with his family to a seasonal type job off the reserve. He is a resident for the reserve and is considered on reserve for election purposes because his home is on the reserve and he will return at the end of his seasonal employment.



- C) An individual with a full time job off reserve is considered off-reserve for election purposes, no matter how frequently he or she visits the reserve.
  - D) A man or woman separated from their family which is on reserve, and who lives and works off reserve, is considered to be off-reserve for election purposes.
  - E) A person living off the reserve who returns for short visits and stays with friends or relatives is considered to be off reserve for election purposes.
9. The office of Chief or Councillor becomes vacant when:

- A) the persons who holds that office dies or resigns or
- B) is convicted of an indictable offence or
- C) ceases to be a Band Member or
- D) the person who holds the office is absent from three consecutive Band Council meetings without being authorized by the remainder of the council.

When a council member has been removed from office pursuant to these regulations that person will be ineligible to be a candidate for Chief or Councillor in any by-election immediately following and in the next normal general election. The maximum period of ineligibility by virtue of one removal from office under this section shall not exceed (5) years.

10. Council members are expected to refrain from the use of alcoholic beverages or non-prescription drugs during business hours.
11. When the office of the Chief or Councillor becomes vacant for more than one (1) month before the date when another appointing would ordinarily be held, a by-appointing will be held to fill the vacancy.
12. Nomination meeting will commence at 10:00 a.m. to 11:00 a.m. and the meeting shall be kept open from 1:00 in the afternoon until 2:00 in the afternoon of the same day.
13. The electoral officer shall post this voters list in one or more conspicuous places on the reserve prior to the voting.
14. Any candidate who has been nominated may withdraw at any time after his nomination but not later than anytime before the time of the opening of the poll, by filing with the electoral officer a written withdrawal of his nomination, signed by him or herself in the presence of the electoral officer or a justice of the peace, a notary public or a commissioner of oaths. Any votes then cast for any such candidate shall be null and void.