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**ELECTORAL REFORM  
STUDY:**

**A Review of Election Issues for the Métis  
Nation of Saskatchewan**

**November 2001**

**Prepared for the Métis Nation of Saskatchewan**

**ELECTORAL REFORM STUDY:**  
**A Review of the Election Issues for the Métis Nation of**  
**Saskatchewan**

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**Thank you to all of those people who welcomed me into their communities and their lives and entrusted me with information which was important to them on the elections.**

**I hope that the people whom I did not get an opportunity to meet with find some or all of their concerns touched on in these pages**

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**.....An Electoral Reform Study.....**

Democracy is government by the people. It requires systems that are designed to ensure that all people living under society's rules have a voice in the making of those rules based on their needs and morality. Democracy is realized as a method of governance in which citizens vote for those people who best represent their views and their philosophy. The representatives speak and make decisions that are binding on the electorate. Ultimately, the representative is chosen by the most votes; that is, by the majority of the people. This particular form of democratic government has evolved from a time, not so long ago, where the wealthy few ruled over the many who were mainly poor and working class.

Democracy, however, does not come without its failings. Indeed, examples of election problems in the United States and Canada can be found easily. Candidate forms are improperly filed, ballots are tampered with, ballots are spoiled and uncounted, gerrymandering occurs, and many more issues surface at every election. Elections for Métis people are like elections for all democratic governments, representative are voted in and they make decisions on behalf of all the people under that regime. The Métis Nation of Saskatchewan (MNS) is now evaluating some of those same problems and attempting to determine how best to deal with them.

It is important that internal critical evaluation of any structure — whether a government corporation, or small business — happens regularly; the MNS is no exception. Once problems are discovered, evaluated and responded to, external criticism has much less impact and the decision-making is left with the organization itself. Outsiders cannot impose resolutions.

The federal and provincial governments have had external pressure from Métis people in Saskatchewan to be involved in the MNS political process. The governments want their involvement to be justified and unbiased. The MNS has also had internal

pressure to review their electoral process; they too request legitimacy in the review and seek objectivity in the evaluation. It is, therefore, no a coincidence that I am a Métis person reviewing a Métis process. It is also no coincidence that I am not part of the MNS political process. I am involved sufficiently by my Métis heritage to be concerned about the outcome of this review I have undertaken of the electoral process in Métis elections. Every effort has been made to ensure this Study provides the legitimacy and objectivity that all are seeking.

The question I asked myself each time I considered the task undertaken was, what do we really care about here? The answer has to be: We care about a legitimate Métis government that represents the needs and interests of its citizens.

## **PURPOSE**

The Métis Nation of Saskatchewan, together with Canada, and Saskatchewan, have set the Terms of Reference<sup>1</sup> and directed that this Study assess past electoral practices of the MNS and make recommendations to improve the administration of MNS elections.

Both the Terms of Reference and the Contract for service (for the Study) detail the activities required to reach the ultimate objective of recommending effective administrative procedures for future MNS elections. Both the Terms of Reference and the Contract require a review of MNS documentation associated with the elections as well as interviews with people affected by the elections, Elections Canada and Saskatchewan's Chief Electoral Officer. The Study was also designed to reflect the goals of the Métis Nation in the context of governance.

<sup>1</sup> See Appendix A for the Terms of Reference.

## METHODOLOGY

### Documentation

Information for the Study came from many sources. Documentation was gathered from the MNS, some was provided by the membership, by Presidents and by Regional Directors. Other information was received through interviews with people told to contact the consultant or who found out, by whatever means, that the Study was in progress.

The documentation was provided in a piecemeal fashion and is quite scant regarding the 1995 Election. There is a little more information available for 1998 and a little more for the 2001 Election. Many people, including the MNS executive and the Election Commission, were initially reluctant to provide information; many were unaware of the Study and others were not supportive of it.

#### *Information received from the MNS and the Métis Election Commission:*

- MNS Directory
- MNS Citizenship Act - ratified November 6, 1999
- Legislative Assembly Act - ratified November 6, 1999
- Senate Act - ratified November 6, 1999
- Election Act - ratified November 6, 1999
- Constitution - adopted December 3, 1993
  - amended: June 26, 1997
  - December 13, 1997
  - November 18, 2000
- The Métis Election Commission Report - 1998
- 2001

#### *Information Received from Métis Interviewees:*

- numerous news articles,
- correspondence to and from federal, provincial and MNS offices
- letters of complaint
- partial voters' lists
- copies of MNLA and PMC minutes
- past MEC decisions.



This information was sent to the Contractor from members, non members, presidents (past/present) and MNS executive (past/present), who were aware an Electoral Reform Study was being conducted. Some members/citizens provided documents to substantiate their concerns.

### **Interviews**

The Terms of Reference and the Contract outline potential interview candidates. The Contract specifies that MNS would provide a list of people to be interviewed, estimated to be approximately 20 in total. The Study was to be conducted within 18 weeks. As a result the number of people to be interviewed and the research to be conducted had to be manageable within that time frame.

The process of accessing people to obtain information was haphazard at best. The fact that there was a Study was not advertised (not by the tripartite process and not internally within the MNS) became contentious and impacted on what information could be provided and by whom. Names of interviewees were to be provided by MNS but some of those people could not be contacted and many others wanted to be added to the list.

There was no budget for advertising, and travel was expected to be kept to about 4-6 trips within the province. Other efforts had to be made to ensure that as many people as possible could provide information. In an effort to reach as many members as possible, 12 Regional Directors and 129 Local Presidents were sent letters explaining the study, encouraging participation and giving contact information. The Executive and the Election Commission were also invited to participate.

Because the Study was not advertised, plenty of misinformation circulated about what the purpose of the Study was. Many felt the Study was a formal,

public inquiry. Some felt it was designed for failure because the executive of the MNS had hired a consultant and therefore would not look critically at the issues.

Despite the lack of advertising, word of the Study was generated and many people who contacted the Contractor were under the impression that the provincial government had established the Study as a process to hear all complaints against the MNS. They were informed by the Contractor that the Study had a very narrow mandate and was restricted to issues arising out of elections. The study was not designed as a public inquiry nor was it intended to take evidence or review the decisions of the Métis Election Commission (MEC).

Interviews were subsequently conducted at various points in Saskatchewan. Some were by request from MNS members, past members, local regional directors or defeated incumbents who knew of the Study. Other meetings were held at the Contractor's request, at the direction of the MNS or pursuant to the Terms of Reference. Many meetings were with groups of people, some were telephone interviews, some were held in offices or over coffee in a restaurant. It should be noted that although some meetings were recorded with notes taken, there were people who refused to provide names or requested that their names not be recorded for fear of retribution in terms of job loss, health care program denial, or education subsidy cuts by the PMC.

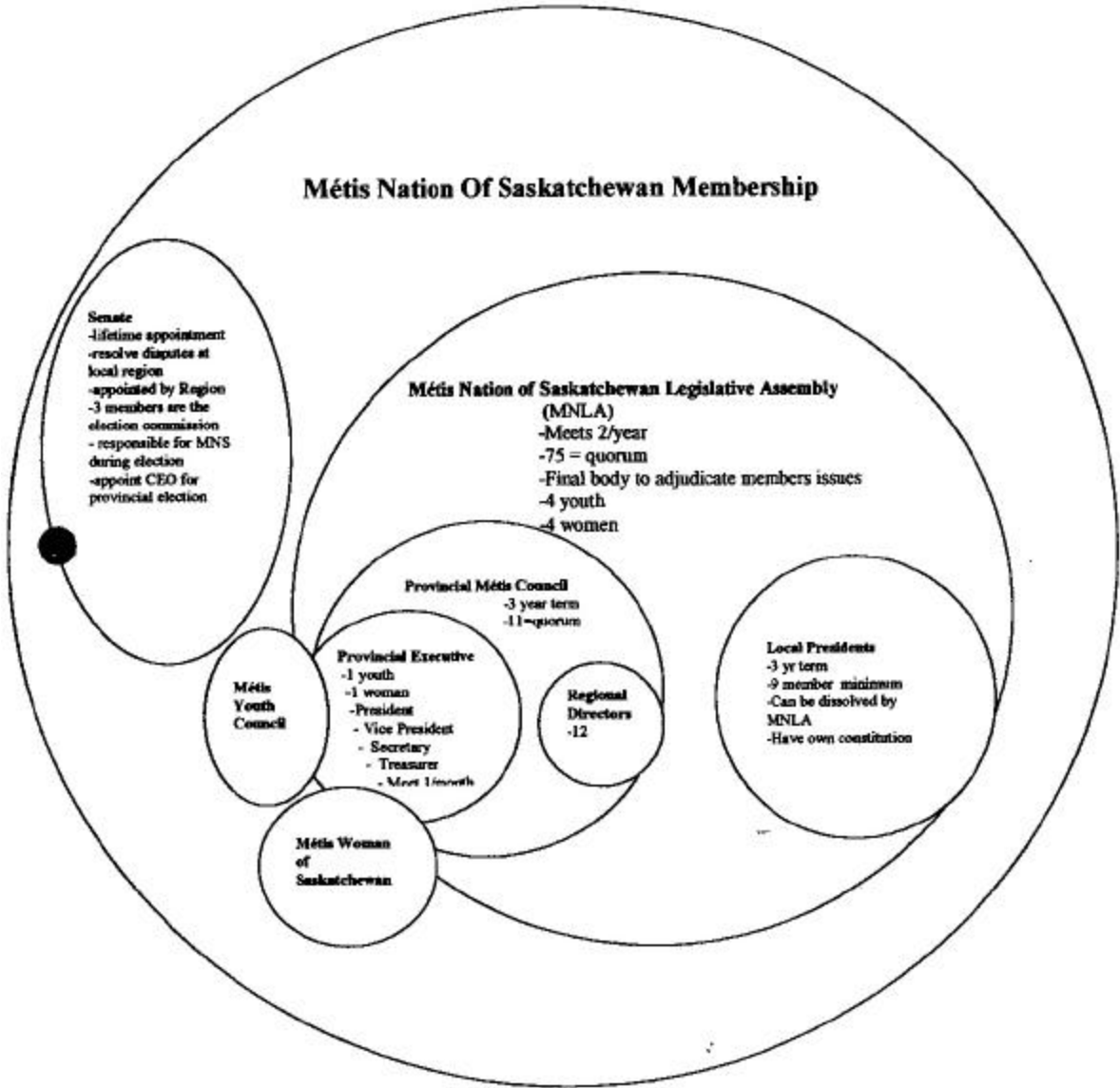
To date, approximately 200 people have provided information to the Contractor in person, by letter, fax, email, and by phone. The Contractor attended large group meetings at Meadow Lake, La Loche, Saskatoon, Regina and Yorkton and individuals in La Loche, Saskatoon and Regina. Telephone interviews were conducted with people in La Loche, Buffalo Narrows, Ile a la Crosse, North Battleford, Moose Jaw, Maple Creek, Green Lake, Beauval, Meadow Lake, Estevan, Loon Lake, Prince Albert, Shell Lake, Wilkie, Yorkton,

Regina and Fort Qu'Appelle. Only one member of the MNS executive would agree to be interviewed.

The end result of reviewing documents, interviewing people and research is found in the Study. The compact time frame, the collection of information and the overwhelming need for a mechanism to voice concerns within the Métis Nation all contribute to a Study that merely scratches the surface on the number of issues that need to be addressed with the MNS. Elections are but one.

To say that there was a high level of distrust surrounding the Study would be a gross understatement. There was skepticism from every corner about how information would be gathered, who would be painted as the party in the wrong, and what the repercussions of the recommendations would be for the people interviewed and for the legitimacy of the 2001 Election.

All concerns, from every corner, were considered and the next pages attempt to reflect all the issues raised surrounding the elections.



## **THE METIS NATION OF SASKATCHEWAN**

In order to understand the election process of the Métis Nation of Saskatchewan, an overview of the structure of the Organization is provided. This Structure is based on the MNS Constitution and current legislation as provided by the MNS. (See page 8)

The issues surrounding the MNS elections from 1995,1998, and 2001 range from who votes, who runs in the election and how candidates conduct themselves, to where people vote and how the votes are counted. The same issues arise in many elections across North America and indeed, the world. As an organization in its infancy, striving to develop membership, programs and services with an eye to governance and jurisdiction, growing pains are inevitable. Vying for leadership roles determining needs for programming and ultimately, deciding who Métis are, will all be aspects of that growth.

There is a sense of pride and a need to take responsibility for the Métis identity in Saskatchewan. This is extremely important as Métis rights develop in the context of Aboriginal rights in the national forum. The Métis Nation of Saskatchewan has the opportunity not only to benefit from the recognition of those rights but also to be instrumental in the development of them. Having a strong, unified governance structure that is accountable, accessible and responsible to its citizens, is transparent in its actions and at is consistent and impartial in its delivery of services will lead to Métis Nationhood.

The issue that this Study addresses is the basic question of fair elections within the MNS, the foundation of a democratic system of government.

## **Membership**

### *Métis Defined.*

The Constitution<sup>2</sup> of the Métis Nation of Saskatchewan was adopted on December 3, 1993 (Amended, June 26, 1997, December 13, 1997 and November 18, 2000). That Constitution recognizes the unique position of the Métis in Canada and their desire for a political voice. It also outlines the importance of the individuals who make up the Métis Nation, their rights as individuals and the importance of social, political, economic and cultural independence.

“Métis” is defined in the Constitution of the MNS as:

An Aboriginal person who self-identifies as Métis, who is distinct from Indian and Inuit and:

- (i) is a descendent of those Métis who received or were entitled to receive land grants and or scrip under the provision of the *Manitoba Act*, 1870 or the *Dominion Lands Act*, as enacted from time to time; or
- (ii) a person of Aboriginal descent who is accepted by the Métis Nation and/or Métis Community

The Métis Nation of Saskatchewan’s Constitution provides a definition of a Métis person for the purposes of membership in the MNS, but to become a member a person must apply for membership through a Local The Application form requires certain documentation in order to have the application processed. That documentation includes:

- I. Census Records
- II. Archival Records
- III. Church Records
- IV. Historical Records
- V. Oral Testimony (transcribed)

2. Refer to Appendix B.

3. See Appendix C.

VI Genealogical Information  
 VII. Government Records  
 VIII. Community Records

The extent of this information and whether or not all of the documentation is required, is not clear. The Application form itself does not require every piece of documentation.

The MNS Citizenship Act <sup>4</sup> states:

6.2 The following minimum information about a Métis citizen may be included in the Central Registry:

- 6.2.1 The person's name;
- 6.2.2 The person's address or place of residence;
- 6.2.3 The person's date of birth;
- 6.2.4 The person's marital status and the name of any spouse;
- 6.2.5 The dates of any marriages;
- 6.2.6 The names and dates of birth of any children of the person;
- 6.2.7 The Local under which the person has applied for Registration;
- 6.2.8 The mother's full name and date of birth;
- 6.2.9 The father's full name and date of birth;
- 6.2.10 The other information submitted in support of the person's application for Registration; and
- 6.2.11 Such genealogical information about the person which may exist.

6.3 The Registrar may collect and register additional demographic information about Métis citizens.

(emphasis mine)

The opening words “minimum information”, and “may be included in a central registry”, found in 6.2, do not make it clear whether or not the applicant must provide the minimum information to the Local or ultimately to the

<sup>4</sup> Attached as Appendix D

Registrar, nor does it refer to the documentation listed on the application form. What does seem clear is that the Registrar has the discretion as to whether or not the listed information will be included in the Registry.

Section 6.2.10 refers to “other” information that may be included in an application but it is not clear what that “other” information might consist of.

Section 6.2.11 allows for the situation in which a person may not have access to all or any of their genealogical information. This is a necessary provision given that records may not have been kept or may not be available if, for example, lost in fires or moved from churches. Also some people may not have historically registered as Métis, - again for various reasons. However, there is no indication what information is minimally required, or the cost/extent to which an applicant for citizenship must go to find information, or who makes these decisions. Genealogical and archival research is costly and may be prohibitively expensive for many Métis people.

Section 6.3 seems to grant latitude to the Registrar to seek out further/additional demographic information. This does not seem to require the consent of the Métis citizen and again the nature of the “additional” information should be defined.

Who a Métis person is, is an issue plaguing the Métis, and the governments of Saskatchewan and Canada. It is dear that only Métis people can apply to become members of MNS. However, not every Métis person in Saskatchewan is a member of the MNS.

Defining Métis is a task best left to Métis themselves. Allowing provincial or federal governments to define who Aboriginal people are has proven problematic in the past and has left many First Nations people faced with the exclusion of family members from their Band programs and services because funding is tied to a federal definition of Indian. In fact Bill C31 has become an



instrument by which the number of “Indians” as defined by the Indian Act will be reduced significantly in the next 20 to 30 years, even though demographics project a record increase in Aboriginal populations. Métis, once half-breeds, are a variety of people, perhaps no longer limited to French/Cree genealogy. The exact roots or combination of heritage will need to be examined closely for inclusion in the MNS organization and ultimately to accept responsibility for any rights inhering in the Métis people in Canada.

The MNS have, through their constitution, determined who a Métis person is for membership in their organization. That membership allows the privilege of voting for Local executives, Regional Directors and the Provincial executive. Membership is inextricably tied to voters list which, of course, determines the representation of the executive at the local, regional and provincial levels. This in turn influences who holds various portfolios and who sits on various boards for Métis programming and services, which are ultimately funded by government dollars. Membership determines population for programs and in turn, influences the dollar amounts for programs flowing to the provincial MNS offices as well as to the region or Local.

The key to the electoral process of the MNS is the determination of who a member of the Métis Nation of Saskatchewan is. Although an enumeration project has been attempted once, and failed miserably, it needs to be completed. It was suggested that a citizenship forum or conference be held to enable all Métis people to participate in defining Métis and in designing an enumeration project.

Currently, applications for membership in MNS, are made through a Local (a MNS member can only belong to one Local-MNS Constitution, article 10:3) and reviewed by the Registrar, who “SHALL” register a person who meets the criteria, according to section 4.7 of the MNS Citizenship Act. Acceptance of

an application for MNS membership will result in the production of a citizenship card - delivered to the new citizen through the local president/secretary (Citizenship Act).

It would appear that rejection of an application would be on the basis of an incomplete or false application. However, the question of what an incomplete application might be remains an outstanding issue.

Completion of the citizenship application, its processing and its acceptance or rejection are not issues that are contentious for membership as a MNS citizen. It is maintaining the MNS membership or citizenship that was identified as an issue in virtually every interview. Staying on a Local's membership list and, therefore the provincial and regional list, and ultimately, the voters' list, seems to be a process which is not available to many people.

The Citizenship Act, article 5 states that once a membership card is issued, a citizen's name can only be voluntarily removed from the Registry by the citizen. By the same legislation, that person can re-apply. There are no provisions within the MNS Citizenship Act, or the MNS Constitution for revocation of Métis Citizenship. The MNS Constitution states at Article 10:4:

- 4 Members shall be issued a membership card.
  - a) This card shall provide life-time membership in the Organization
  - b) There shall be no fee for Membership cards
  - c) Membership cards shall be numbered and a register maintained by the Senate in the Head Office
  - d) Membership cards shall be issued by the President or Secretary of a duly registered Local upon completion of the designated form.

Article 10:5, provides an avenue for disputes about membership,

- 5 Where there is a dispute as to membership, a ruling shall be made by the Senate, with a final right of appeal to the Métis Nation Legislative Assembly the decision of which shall be final and binding.

However, because Article 10:4(a) of the Constitution deems that memberships are *for life*, the only dispute about membership which can arise is rejection of an application, and, in that case, the process for dispute resolution is through the Senate and the MNLA.

*Voters Lists.*

Application for membership/citizenship includes membership in the local, the regional and the provincial body of MNS. Membership lists are compiled and sent into the provincial office where voters' lists are created.

The information received from interviewees indicates that an overwhelmingly large number of people were not on voters' lists in the last 3 elections. Voters' lists are sent in for each election by the Local president Up until the 2001 election, Declaration Forms at the poll station were used to compensate for the problem of people being left off voters' lists.

Declaration Forms were not used in the 2001 Election because it was argued that the Forms were abused and would allow too many people to vote, possibly without membership. There were also allegations that candidates for the election may have taken people to polls who were not Métis, or not MNS members/citizens. Due to these concerns an effort was made at the 2001 Election, to ensure all citizenship/membership lists were t and current voters' lists were to be published from the membership lists. However, the 2001 Election was designed to allow only people on the voters' lists to vote, once the lists were updated by a set date. At this point there is conflicting information on the update of the list.

There are statements from some that a general membership list was compiled by the MNS executive and mailed out to Locals and Regions, well in advance of the election and that a data base was started. Others say that was

never done, or if it was their Local was left out. The Chief Electoral Officer for the 2001 Election reports that the registry lists are extremely old and out of date. She also reports that lists which were sent into the provincial office were not given to her or her staff and they were left scrambling to find existing lists and to ensure that membership lists received were included on the voters lists. Further, it appears that there was no way to ensure that Locals posted lists or that individuals reviewed lists to see that their names were included or even that they realized the significance of being on a list.

The MNS Elections Act<sup>5</sup> states that voters have the responsibility to ensure their names are on the voters' list. The update to the membership list in 2001 was crucial in light of the fact that the MNS Citizenship Act, ratified November 6, 1999, contained a clause that all current members listed on Membership lists, had 2 years (from November 6, 1999) to provide their membership cards to apply to have their names entered into the Central Registry<sup>6</sup>. Without being on a Central Registry and without Declaration Forms, a person would not be eligible to vote.

#### *The Registry.*

People are extremely frustrated by what they perceive as yet another registration process as a result of the MNS Citizenship Act. A failed enumeration project, legal problems with fraudulent memberships for hunting privileges, and the issuance of a variety of cards from Local presidents as well as from Regional Directors have people feeling as though their memberships are not for "life" as promised by the Constitution and further that, no matter where

<sup>5</sup> Appendix E.

<sup>6</sup> Article 12 of the MNS Citizenship Act states that "those who do not [reapply or update their membership] will be removed from the system" and that newly registered people will receive a new card. This is an obvious conflict with the Constitution which states that memberships are for life.

their membership comes from, it is not valid. This of course is heightened by the fact that voters' lists are recreated every election. Thus, lists change as people move, die or when new presidents are elected and existing lists are not passed on.

Clearly there are outstanding issues with the maintenance of a membership list. The list seems to change constantly and can be accessed by the Local presidents, some Regional directors and the Registrar as well as the Métis Election Commission. Veterans, Elders, candidates for election, past presidents, senators, and members who have been voting for many years were denied the right to vote this year if they were not on the voters' list and there were no Declaration Forms to aid with this issue in the 2001 Election.

Many people interviewed explained that they sent lists into the provincial office for registration for the election as required by the MNS Elections Act what happened next was anyone's guess. Lists were returned incomplete, altered and shortened. Lists that were a decade old were returned. Some people claim that lists were amended and returned again for correction to the provincial MNS office only to be again returned to Locals with errors. Many claimed that outgoing executive at all levels altered lists to purposely exclude families they knew were not voting for them.

Membership is clearly the fundamental issue for elections. Not knowing whether or not one's name is included, not knowing how changes are made or by whom, and perhaps not knowing that yet another card must be applied for, proves to be very problematic for individuals and also for the objective of creating a central registry.

It is notable that a number of people reported that they were told their memberships were revoked and voting privileges denied, particularly if these persons fell out of favor with an elected official or their family. These

revocations were verbal and no documentation was provided. However, the people claiming that this occurred were also told at the polls that their names were not on the voters' lists, therefore they were not eligible to vote. With no master list, or central registry, keeping track of thousands of Saskatchewan Métis will prove a daunting, if not impossible, task. The lack of a remedy to add people to the list on the day of the election, if lists continue to be recreated every election, will continue to result in people being denied the right to vote. If there is no central registry, Declaration Forms may be required.

No numbers have been provided to actually see the impact of insufficient lists on an election, or the number of improper Declaration Forms filed.

The Membership lists are used for more than just membership. They are voters' lists for the Local and the provincial elections and are also a way to access MNS programs and services. If separate lists were created for each process it is feasible that existing problems would be compounded. Based on the needs of the MNS and how the information is used, one list, properly maintained would limit costs and potential abuse of information.

### **MNS Elections**

Under the MNS Constitution, the Métis Legislative Assembly (MNLA) sets the date for an election to be held every 3 years. A Métis Elections Commission (MEC), 3 senators and 1 alternate, is to be appointed by the MNLA to run the election, appoint a Chief Electoral Officer, local returning officers and poll clerks. The MEC also has sole responsibility for running the MNS from the close of nominations to the date when the unofficial election results are obtained. They also set the dates for the revision of the voter's list.

There are concerns that the Elections Commission was never actually appointed by the MNLA for the 2001 Election. A review of the 2000 MNLA

minutes does not reveal the appointment of the Commission. Although this may seem a small issue it is one which compounds the concerns about the legitimacy of the 2001 Election.

Once an MEC is chosen they appoint a Chief Electoral Officer (CEO). The CEO has to set, manage and run the election and hire elections officials, is responsible for the election officers during the election, the preparation of forms used for the election, reviewing candidate applications, publication of the election, and distribution of the election list to each polling station. The CEO resolves ballot and ballot box issues for the count and publicly declares who the elected candidates are. Appeals from the CEO decisions are made to the Métis Election Commission.

Candidates for the Election must be members! citizens of the MNS over 16 years of age with “no indictable convictions “in 5 years and “not been charged” with an indictable offence, resident in the Region if they are running for a Regional position, and various other basic requirements. Concerns raised over candidacy were in regard to completion of proper forms and the new use of CPIC information. Many candidates forms were not completed prior the election and as time was short (as were resources). Clarity in forms required, in dates of filing and clear rules of candidacy would remedy some of these problems.

Security at the polls and personal safety, particularly when voting but also generally, was raised as a concern.. In fact most people interviewed expected there to be some level of discontent — even if it was between scrutineers. Some people commented that shouting and fighting invariably occurred, but that it was certainly not as bad as it used to be.

<sup>7</sup> This wording is very ambiguous and needs to be clarified. It leaves the impression that a person who has ever been charged, not convicted, with an offence cannot run in an election.

The code of conduct provisions require that no person shall disturb peace and good order at an election (Article 12, MNS Elections Act). The person is removed if this occurs. It is likely the Canadian Criminal Code definition of disturbing the peace will apply to this infraction, however, enforcement is unclear. Some security was hired for one poll station and for head office but other measures must be considered province wide. Safety should be a basic element for any Canadian election. This type of issue undoubtedly impacts the voters/candidates and others at the election.

### *Casting a Vote*

Polling stations are not specifically described in the MNS Elections Act other than to say it is a place established in each local for votes to be cast. The issues raised around the actual running of the polls vary considerably. Training of the officials and scrutineers was raised as an issue numerous times. Most scrutineers interviewed felt they were left to figure the process out on their own. In at least one instance, the Returning Officer was chosen the day before and was only given the ballot box and a package of information on the morning of the election. The person had worked in other elections (Federal) and felt he could complete the task. Unfortunately, registration forms were included in the ballot box. It was thought that the forms were to be used to include people whose names were left off the list. The person stated that this was cleared at the provincial MNS office. The CEO, however, discarded the entire box because of inclusion of votes by voters who were not on the list as was required.

Scrutineers are appointed by the candidates, and only one can be present at the polling station at any one time. They cannot interfere with the voters.



Scrutineers varied in number and role from poll station to poll station. Poll stations were in public buildings as well as private homes and polls were not located in each Local, as required by the MNS Constitution.

Problems at the polls varied. Identification required for voters on the list, whose names changed due to marriage or divorce or whose address changed, varied not only from poll to poll but person to person within a polling station. Some voters were intimidated by having to vote in a private home; others awoke on election day to find they had to travel up to 40 miles to the next Local to vote or had no poll station at all. Many drove the distance only to find their names were not on the lists and they could not vote.

There were also accusations of ballot boxes being moved from view during the election and in many centres there were allegations that some boxes were not revealed to be empty, and then sealed, prior to the voting.

There have never been advance polls in MNS elections. This raised problems for people traveling for work or pleasure on election day. It is claimed that one ballot box was excluded from the count for including approximately 9 such votes of people who were out of their area but who were known to the returning officer as well as the Commission. Advance polls were universally requested but are potentially prohibited by cost

### *Ballots*

The removal of entire ballot boxes from the count is a regular occurrence at many elections. It is unclear as to what the reasons are in each instance. Some feel it is a penalty by the MEC in elections, others feel it is a concerted effort to control the results and some feel that it is done in situations where the reasons are not justified. There is nothing in the MNS Elections Act, or the MNS Election regulations to authorize this practice and it occurs alarmingly often.

It is unclear whether the MNS Election Regulations applied in the 2001 MNS Election. The Regulations were provided not only in the ballot box but to Presidents prior to the election. However, the legal advice to the Métis Election Commission was to encourage the Election Commission to use the Regulations, dated 10/12/00, only as guidelines, as is questionable whether or not they were ratified. The 2000 Election Regulations are specific about the procedures for poll stations, opening boxes, marking ballots, signing for ballots, counts and appeals. They do not give any direction of elimination of Boxes of Ballots. Ballots should not be thrown out unless they are spoiled. The significance of tossing aside entire boxes is staggering especially in an election where few people are coming out to vote and so many of those people were not even eligible to vote this year. A democratic process to give a voice to people is quite silenced once what they have to say, in terms of whom best represents them, is literally thrown into the garbage. The practice of throwing out peoples votes must be stopped.

It was stated that the ballots for the 2001 Election were not numbered sequentially and therefore tracking of ballots will have been difficult, as would the count. Also many people raised the point that not everyone had to sign or initial for their ballot in the 2001 Election. They had all been required to sign for ballots in past elections, as the MNS Elections Regulations require.

### *Conflict of Interests*

The Conflict of Interest provisions, in the MNS Elections Act, prohibit relationships between Candidates and the Commissioners of the Election Commission or the Chief Electoral Officer. This includes familial, personal, or business associations. However, the result of a conflict is limited to: revealing

<sup>8</sup> Appendix F.

the conflict, and to refraining and excluding oneself from substantial discussion on the candidate unless it is factual. Removal of the Commissioner or CEO is not required by the legislation.

Based on the interviews conducted many felt that the Election Commission's roles of running elections, choosing the CEO and hearing appeals on a process they were in charge of, do not allow for objectivity. There were further complaints of extreme bias with the head of the Election Commission for the 2001 Election. Her partner ran as a candidate in the election and her daughter worked as an elections officer. However, as stated earlier, the only conflict of interest rules provided were the provisions in the MNS Elections Act, which are insufficient to deal with this situation. They do not contemplate a relationship with a local president, and although they do contemplate one with an election official it is only to the point that the conflict is revealed and conversation minimized. Currently senators can sit on MNS Boards, be presidents and even signing authorities.

Bias was also an issue raised with the MEC and the CEO, in regard to the 2001 Election. The fact that many people had relatives working in and around the election was mentioned. The Senate felt that they had dealt with the matter internally and had made the decision that campaigning could not go on in the home where the Senator and the candidate lived.

Objectivity about a situation where a conflict of interest was evident seemed to be determined by the person whose objectivity was in question. Simply declaring oneself to be objective is not the test of objectivity or apprehension of bias. In fact in situations where much power is in the hands of a few people they must in fact be seen to be objective by the standards of those looking on. This is a sensitive issue and one which may go far deeper than it appears at first glance. The Senate has a very large role in MNS and in the

elections in particular and as this is not an elected body responsible to the members. The benefit which could come from this is the possibility of keeping the running of the elections out of the hands of the politicians unless the Senators are also politicians. However, direct relationship to a candidate or a senator tips the scale back into the political realm.

The numerous issues outlined here were faced by the CEO in the management of the 2001 Election and unfortunately were not new. She has completed her own report on the 2001 Election which includes election recommendations for reform. Those recommendations are specific to the running of the MNS election based on the 2001 experience, and are supported by the findings of this Study.

### **Appeals**

Issues arising out of an MNS election are to be addressed by the CEO. This year that process was followed but past years indicate a much stronger role for the Election Commission. Once the results are announced the CEO's job is complete and the issues are then appealed to the Métis Election Commission and from there go to the MNLA. Several concerns were identified as a result of this. First and again, it is the perception that the Senate is not at arms length from the MNS executive. Second are concerns of notification of hearings as well as the manner in which the hearings are conducted. A timely hearing is another issue, particularly when the MNLA does not sit often enough to hear the appeals right away. The cost of such a process is a concern and needs to be examined, however, moving the MNLA to a date closer to the end of the election seems an easy enough process.

<sup>9</sup> See Appendix G for this Study which contains concrete recommendations for changes from the CEO's experience.

Once the final appeal goes to the MNLA there is an additional worry that even though people have paid the cost for the MNLA to review the situation a common response is for that body to simply agree with the MEC without a review of the facts or presentation of arguments.

Again this is an issue of people needing to be heard and to have a process which is transparent enough to assure members of fairness and objectivity.

### **Resources for MNS Elections**

The federal government is the only one to provide MNS with financial resources for their elections, approximately \$35 000.00. The cost to MNS is about \$112 000 for a basic election, no advance polls, minimal advertising, little or no training, few people to work at preparing voters' lists, no office designated for elections and about 1 month to put the entire thing together.

A full-time Registrar with a data base of members names, which can be updated all year and between elections is required. Once the Central Registry is initially designed the role may be reduced to part-time, but clearly the list must be central to be consistent and to give any weight to lifetime memberships. An elections office could better manage elections if the dates were fixed for provincial elections, as well as for Locals. This would ensure regular local elections and would also facilitate the resolution of election issues on an ongoing basis, not only in the few weeks prior to an election when so much is going on.

## 2001 MNS ELECTIONS

This year's election brought many issues to the forefront for Métis people in Saskatchewan. Problems with membership lists are not new. There have been accusations for years of people voting and not being Métis. Ballot boxes have been thrown out time and time again. Candidate's integrity has been challenged before and will be again. Safety issues at the polls and threats between opponents are a regular occurrence. Accusations of nepotism and lack of accountability are age old. In the past appeals have been through the MNS Legislative Assembly and decisions upheld without allowing any further argument and people have experienced lack of recognition from those in power.

Why then did this year bring such a strong reaction from the membership? I suspect that the decision not to use Declaration Forms and only allow those members who were registered to vote -without any concerted effort to properly enumerate province wide beforehand- tipped the scale.

The information received during the Study strongly suggests MNS membership feels that they are not heard, nor are they represented or recognized by the executive as integral to the organization. Suspicions that elections are somehow corrupt were crystallized when people were absolutely excluded from a democratic say at the election. Too many were not allowed to vote and the repeated exclusion of entire ballot boxes exemplified, to n that there is a certain faction out to steam roll over the grassroots needs in order to advance their own interests.

Problems of few resources, a weak structure in terms of lack of organization and huge communication issues between the MNS, the Region and the Locals were contributing factors. To pinpoint precisely what went wrong is an impossible chore. The factors range from questions of when the Election Commission was chosen to how the votes were counted and if the appeals were

fairly adjudicated. In between are questions of the legitimacy of the Senate's significant role as unelected members, their connection to the Chief Electoral Officer, the CEO's role and numerous responsibilities and the limited time available to conduct the election. Add to that the possibilities of tampering with the membership/voter's list, questions of whether people are complaining because they lost and the concerns of working with relatively new legislation.

Building up trust working together, creating terms by which the executive is accountable to the membership and moving the Métis nation forward are all goals of the Métis Nation of Saskatchewan membership. This can be achieved within a defined nation by an executive with the confidence of the membership, working with a strong infrastructure through efficient election and governance processes. Reform in the electoral process will create avenues for change and opportunities for accountability and capacity building in many other areas.

## SASKATCHEWAN OFFICE OF THE CHIEF ELECTORAL OFFICER

Upon discussing the election process in Saskatchewan with the Chief Electoral Officer, Jan Baker, it becomes abundantly clear that that office constantly endeavors to hold fair democratic elections. The SK CEO also notes that fair democratic elections are not created solely by the injection of money into the election process. She stressed that developing trust with the elected body and the electorate is the basis of credible elections.

Saskatchewan is in the unique position of maintaining metal sealed ballot boxes, and of using traditional polling stations, even in villages where few people reside but where many will travel to to vote. The reason behind this is to ensure consistency and familiarity to the voter. She also stressed the fact that the province relies heavily on volunteers and on people paid nominal wages (about 1200 - 1500 people) who participate because they believe in the democratic process and want to contribute. The focus of the Saskatchewan CEO is to instill confidence in the candidates and the electorate through participation in a transparent, reliable process which builds trust.

The province does not use a permanent voters' list<sup>10</sup>. The SK CEO further believes that the enumeration is part of the contact process that builds credibility, and dissipates apathy. It is, however, a costly process. This type of process will not be directly useful to MNS since the membership cards may be used for access to programs and services, not just for voting purposes.

Several forms of voting are used in the provincial elections in an effort to access every voter. None are failsafe. The various modes of voting include curbside voting, absentee (mail in) voting, mobile polls, temporarily displaced voters polls, and hospital remand or the Write-in ballot, to name a few.

<sup>10</sup> It is notable that the province does not do CPIC's either. These issues often come out in campaigns and information of criminal convictions harm the candidate's campaign.



Declaration forms also play a key role in provincial elections. Identification is not required as it is in federal elections. However, fraudulent declarations can be punished by fines or incarceration.

Heavy reliance on trained returning officers and poll clerks, as well as on scrutineers trained by candidates, aids in the smooth running of the election. These people also assist in creating trust for the candidates in the election process. Once the staff is trained they are entrusted with the ballot boxes, voting information and ballots, all sealed until the election.

The write-in ballot is a process by which a voter puts a ballot in a sealed envelope which has a declaration printed on it. The elector completes the information on the outside of the envelope, signs it, puts the marked ballot(s) in and mails it into the election office. The strengths of the write-in ballot are eligibility to vote no matter where the person is and the fact that only the CEO receives those votes, which precludes tampering. Signatures could be used to verify the voter though there could be the obvious possibility of forging a vote.

In order to use the write-in ballot within the MNS, voters should include their membership number and signature. This form of voting could be used for communities with few members, or for advance polls.

Costs of running an election vary from province to province and election to election<sup>11</sup>. The 1999 Provincial Election cost the provincial government just over 6 million dollars. Almost one million of that was for a provincial enumeration, another 2.7 million was spent on reimbursement to political parties and candidates. In an election involving some 622,500 eligible voters, the CEO estimates the cost of the election to be about \$9.80/voter, and higher (\$11) for a

<sup>11</sup> Appendix H contains a break down of the provincial budget for the 1999 election.

by-election. These costs do not, however, include the costs of the office of the CEO, as this is a permanent office and those costs are on going.

A cost comparison between the provincial elections and Métis Nation elections is difficult because of the number of variables involved. To begin with, the MNS has no idea of the number of eligible voters. The estimates range from 10,000 to 40,000, again this goes back to the problems with membership lists. Once a central registry is established the cost analysis would be valuable. Further, MNS compiles a voters' list from a membership list, they do not enumerate. Also, MNS is looking at a much smaller voting base. Fewer voters will reduce some costs but not all, since the MNS is divided up into regions that also cover the entire province.

An accurate financial estimate for the MNS would need to include the creation of a review of costs for the past elections and inclusion of additional expenditures for adequate elections personnel, office costs, training and so on which are necessary to bring MNS Elections Reform to reality.

## ELECTIONS CANADA

The way elections are run nation wide has changed significantly in the last few years under the hand of Jean-Pierre Kingsley who is Canada's Chief Electoral Officer, which is a non-partisan office. Appointed by the House of Commons, and a position that lasts until retirement or resignation, the CEO, along with the Commissioner of Canada Elections and a Broadcasting Arbitrator, are responsible for the Implementation of the Elections Canada Act for Canada's elections.

The responsibilities include:

- enforcing electoral legislation;
- registering political parties and third parties who engage in election advertising;
- training election officers;
- monitoring election spending by candidates, political parties and third parties;
- ensuring all electors have access to the electoral system;
- informing citizens about the electoral system;
- maintaining the National Register of Electors;
- producing electoral districts maps;
- supporting the commissions responsible for readjusting the boundaries of federal electoral districts every ten years;
- reporting to Parliament on the administration of elections and referendums.<sup>12</sup>

The most significant points of information from an interview with Mr. Kingsley are that Elections Canada has thoroughly examined the issue of permanent voter's lists and enumeration and now have experience with both systems. Enumeration for national elections is now a thing of the past. The development of a national register of electors or permanent voters' list has eliminated the need for enumeration. The financial savings to Canadians is in the millions.

Working with various federal organizations, which already exist to gather information and transmit data on the Canadian population, the permanent voters' list is updated regularly. Federal elections have moved into the era of technology with

<sup>12</sup> See their web site at [elections.ca](http://elections.ca) for more information.

sophisticated computer software for storing and tracking voter information and for retrieving electorate data. Partnership agreements have been reached with a number of provinces in order to update and share information and aid in the smooth running of both provincial and federal elections.

Elections Canada works with many communities in Canada to gather information and to ensure that their information is complete. A partnership with them has aided in securing voters lists for municipalities and for federal elections. The Elections Canada office is open to assisting the Aboriginal communities in information gathering for the preparation of voter's lists. The more information available for everyone on who is voting, and how to access that information, will assist not only the voter and the candidate but the election process generally.

A partnership arrangement with Elections Canada should be explored by the MNS in the creation of a Métis membership and for creating a Central Registry which will meet the needs of the MNS. Elections Canada has experience in data collection, in implementation of permanent voter's list and with the development of computer software. Working together, the Elections Canada office could share techniques for the collection of information, software programs and some training techniques with the MNS. The relationship has an obvious mutual benefit in that Elections Canada would also have access to an accurate list of potential Métis federal voters.

Clearly the reasons for the creation of a permanent voter's list will be significantly different for the federal government and for the MNS. However, there is also obvious overlap: certainty of the electorate population, financial and time savings in the long term and consistency. As well constant accessibility to an office which updates that list is more likely to produce a reliable list.

A word of caution on this partnership is that the m list for the MNS is a list which people who consider themselves Métis, may or may not wish to be on. Therefore, this list is not going to be an exhaustive list of the Métis people in

Saskatchewan. Rather it would be a MNS membership list which does not necessarily include all Métis people.

The Elections Canada website contains an enormous amount of information on the history of Canada's elections, elections results, and significant changes in legislation and elections process over time as well as contact information. Internet information is a growing way to contact and inform people and this is another now available in most communities.

## BEYOND THE STUDY

In interview after interview, people commented on the low voter turn out and the lack of interest in the election process. Many feel that the changes to the MNS Constitution in 1993 removed the power of Locals and members in the General Assembly and replaced it with the power of fewer in the MNLA. The words “apathy” and “disinterest” were used over and over. People feel they only matter at election time and that there is too much internal corruption for people to bother getting involved. Many do not feel they have a voice in the political process or even that the political process is predictable enough for meaningful participation. There are presidents who are voted in but are not recognized by either the provincial or regional offices. There are “paper locals” that have not been active in a very long time, are in debt and/or without members. Some Locals were unilaterally dissolved by regions or the provincial body without ratification of the MNLA as required in the MNS Constitution.

There are many who are holding on to issues that are one or two decades old because they have had no forum in which they feel they have been or can be heard. As a result, the issues are not resolved and are allowed to fester. People are unclear of the role of the Provincial and Federal governments in MNS disputes as well. Family connections and patronage or even nepotism were concerns raised over and over as well. This of course is a double-edged sword. Often people appoint friends, family and those close to them to desirable boards or jobs, but often the people who are doing one job are asked to do more because of their talents. This occurs at every level of government in our country. MNS is no exception.

Of the 4128 votes cast in the 2001 Election, 739 were excluded because they were spoiled or because the entire box was thrown out. Numerous people were denied votes because they were not on the list or they did not have the

identification requested by the Election Officials. Others either had no polling station or could not travel to it. The votes have not been tallied which were excluded because of ineligibility or because there was no ballot box available. Therefore, based on information received, it is not certain how many people were denied the right to vote. Yet these were members, supposedly for life, according to the MNS Constitution. This incredibly low number of votes cast for an entire province raises the question of whether or not the current Executive even has a mandate to represent the MNS members in Saskatchewan. Many municipal elections also have low voter turnout (10%), however replicating that particular aspect of federalism is not in anyone's best interest and does not go far in nation building.

Many Métis people who are citizens of the MNS have looked to the federal and provincial governments for resolution of a number of issues, including elections. What the response should be from the federal and provincial governments is not clear, and it is not clear because neither one actually claims jurisdictional responsibility for the Métis. The federal government has an interlocutor office and the province has made efforts to pass legislation on the Métis but both of these gestures avoid the issue of who has jurisdiction. As a result one obvious response is to further limit/control financial resources flowing to the MNS which will further cripple its ability to gain legitimacy in the eyes of Métis because the direct effect is reduced programs/services.

Internal to the MNS are issues of structure and organization. Checks and balances from each level of government, provincial, regional and local, needs to be examined, evaluated, clarified and strengthened. The function of each level, what they have power over, how they interact, who they are responsible for and how are some areas which may be clear to some but are elusive concepts to

others. Clarity, in the form of legislation with a built in check system would reduce nepotism and patronage and should be designed to eliminate the issue of non-recognition of some elected presidents.

Identifying and responding to these types of problems would also solve other areas of concern like concerns with some presidents gaining access to the MNLA. Many people claimed that notification of the MNLA, and the ability to be recognized and therefore to speak with any authority or to vote there is quite controlled and that some people are openly denied access. The perception of an inability to be heard must be addressed.

Finally, the following recommendations suggest that penalties be imposed in the MNS legislation to respond to some problems. The secondary issue to this type of recommendation is how a penalty will be enforced. This is an issue to be discussed by the MNS, Saskatchewan and Canada. Fines may be an option, who will collect these? How? Denying a person the right to run as a candidate may be another, which would have to be built into the legislation. Ballot boxes should not be thrown out. People should not be denied the right to vote.



## RECOMMENDATIONS

The following is a list of suggested recommendations and changes to alleviate historical problems within MNS elections.

### MNS

1. The definition of a Métis person is defined in the Métis Constitution as lasting for life. A constitution is the foundation of any government and this aspect of the MNS Constitution should be achieved to ensure consistency, reliability and faith in the citizenship.
2. Create a process by which all the MNS Regions of Saskatchewan can have a forum for defining not only who Métis are, but a concrete role for MNS. This may be a central conference, it may be regional workshops or it may be several workshops in larger centres, providing access to all.
3. Clarify aspects of documentation required for application purposes. Determine what minimal amount is required and what “additional information” is for the Registrar.
4. Meet with Elections Canada to discuss mutually advantageous ways of collecting information for the creation of a Central Registry.
5. Create a central registry which cannot be subject to change by presidents, regional directors or any one else for political reasons. This system should have the ability to track local membership lists, voters’ lists, and regional lists. It should be designed to be updated for change of address, marriage, birth or death at one central location. This will be an involved and slow process. The starting point for this system could be compilation of the existing information from the 2001 election with the addition of any other names from the Locals. Application forms for those people not registered should be readily available for distribution and completion. Mail outs, phone rosters, door to door enumeration or any thereof are all possible avenues to explore in the creation of the membership list.
6. Remove the Central Registry from the political process by leaving the control of it with a neutral body.

7. Re-examine the use of Declaration Forms, particularly until the Registry is functioning. The Declaration Forms could require inclusion of all information necessary to apply for membership. This makes the process less inviting for those who are not actually members.
8. Issue MNS membership cards with photos, name, date of birth and an identifying number (Saskatchewan Health Number or SIN) to avoid problems with people having the same names or moving. This would assist in portability of membership.
9. Examine the Role of the Senate, a non-elected body, in the structure of the MNS. Although the MNS and the MEC see themselves as quite separate, the membership does not. Further, the membership feels that as the Senate takes on more power and control, this is extended to control over MNS executive. The Senate is appointed for life and plays a significant role in the decision making.
10. Establish clear Conflict of Interest rules which eliminate any possibility of bias for election processes. This legitimizes the executive, the election and the Election Commission.
11. Establish an elections office which has the time and the resources to run a competent election. Key to this is to keep it at arm's length from the MNS.
12. Establish a relationship with the federal and provincial CEO offices and attend their meetings.
13. Establish consistent dates for provincial and regional elections to reduce problems and assist in ability to advertise minimally. Also, set a date for presidential elections for each local in order to ensure these occur every 3 years and to eliminate the arbitrary recognition of certain locals or of certain presidents.
14. Review all legislation and regulations for proper enactment and for clarity. Ensure Election legislation and regulations are clear and allow for minimal discretion to avoid future problems.
15. Establish training procedures for elections officials which are consistent throughout the province. (Creation of a video to send out may be useful.) Provide a list of acceptable documentation to be

provided at polls. Speak with the provincial and federal CEO on training.

16. Provide a ballot box at each Local or use write-in ballots where there are only few voters.
17. Ensure voting is conducted in a neutral place.
18. Provide advance polls for those who cannot be in their community on the day of the election. This may be done through a write-in ballot.
19. Ballots should be uniform - numbered and signed. They should be signed for when the voter appears.
20. The exclusion of entire ballot boxes should not occur. Penalties for tampering with the ballots or for non-members voting should be invoked. A system for determining whether or not the votes cast inappropriately actually affect the vote should be designed.
21. Ensure the MNLA meets near the date of the election to ensure a timelier appeals process.
22. Public education on the MNS should be an ongoing service. A constitution which is claimed to apply to some 20,000 people, or more - should be ratified by more than 900 people. There are many programs initiated by locals with little or no resources. There are prosperous Métis entrepreneurs and many respected Elders who have made significant contributions. More people should be aware of this.
23. MNS must be accessible to the membership. An organization which is striving to govern a body of people as large as MNS must be responsive to its membership. This means being accessible, accountable and also governing in a manner where agendas are transparent and accepted. One method by which this can begin is by creating a Métis Commission for people to air concerns, which will respond to those concerns. This body might redirect the concern to the appropriate office or investigate it. They could also play a key role in public education of Métis issues.
24. Create more forums for the membership to be and to actively participate. Conferences, workshops or seminars throughout the

province to bring people out and get participation up will also increase awareness on issues and process for everyone involved.

25. Work with the provincial and federal governments to define a path for their role in the MNS. The standards which courts have set and the precedent by which federal governments deal with other Aboriginal groups are.
26. Consultation by MNS with it's membership, on legislation which impact the Aboriginal community.
27. Undertake a ratification process by which any and all legislation which impacts on the Métis community would be ratified- by quite a large margin. The standard has been used in First Nation communities and should not be less for Métis people. (example: Treaty Land Entitlement- a vote of 50% + 1 is required).
28. The creation and maintenance of a MNS website with history, organizations growth and structure, programs and services, ministerial portfolios, membership information and contact names and numbers.

### **MNS Membership**

1. Work with Locals and regions within the MNS to provide for a consensus building approach to creating Métis governance.
2. Use the MNS processes to air grievances and debate MNS issues.
3. Vote in MNS elections - once voters' lists are centralized.
4. Take responsibility for keeping personal data in the registry current and assist in the creation of the Central Registry.
5. Participate in the development of creative solutions to enumeration, public education and national Métis issues,

between elections. Attend public forums created by MNS to identify issues and provide direction to the MNS executive.

### **Canada/Saskatchewan**

1. Create a process by which the MNS elections can be observed for a determinate time, to ensure elections processes are fairly implemented.
2. Work with MNS to set a time frame for election observation and to determine penalties and enforcement mechanisms for problems during an election.
3. Assist in the enumeration process to ensure the Central Registry is developed successfully. This assistance may be financial but may also include access to government agencies that can assist with this process in its implementation. (Example: Vital Statistics may include forms for both registration in MNS or notification of death.)
4. Evaluate and assess financial assistance to MNS for administration and programs and services. Reform to the MNS cannot happen without revenues to improve the basic foundation of the organization. Concerns about accountability can be assessed and addressed through the tripartite process and may be assisted when the MNS internal structure is clarified.
5. Undertake provincial and national negotiations on the role of the federal and provincial governments in the lives of Métis people. The other option is to await court findings but eventually even that will result in a ruling where the parties are directed to negotiate a relationship. (as in the Supreme Court decision in *Delgamuukw*).
6. Work with the MNS in developing a Métis Commission to act as a neutral body on Métis issues. Recognize some authority for that body to ensure its credibility.

## CONCLUSION

The Electoral Reform Study was carefully created to take on the very narrow issue of electoral reform for future MNS elections. Many people would demand a re-election immediately if that were an option. To be sure, all people want to know that the problems from the 2001 Election, which are fresh in everyone's minds, will be examined in a fair manner. Some want apologies for excluded boxes and for what is unfair treatment. Others raised issues of distribution of money, of regional boundaries, of nepotism and of outright embezzlement of funds within the MNS.

The one clear message from people inside and outside the MNS officials is that people are in desperate need of a mechanism to air their concerns and frustrations, preferably a mechanism internal to the MNS.

This study is clearly only the beginning of such a process and has identified some needs and some needs and some responses:

- Development of a Central Registry
- Creation of a permanent CEO
- Training of elections staff
- Review of all MNS Legislation / Regulations
- Clarification of MNS governance structure-public education on this
- Creation of an office to respond to concerns and to work with Canada and Saskatchewan - like a Métis Commission.

These are all large undertakings and require an investment of time, people, money and commitment on everyone's part. It is essentially capacity building for a Métis government.

I was fortunate to meet and hear from people across the province on the issue of electoral reform and on their involvement in the MNS. The Study is a general overview of the impression I was left with after speaking with people and reviewing documents. I caught a glimmer of some up and coming capable political warriors, and spent some time with others who have been involved in the evolution of the MNS and know every chink in its armor and the strength of its membership. Many feel that little or no political ground has been covered for some time but it is dear that once internal issues are resolved the strength of the nation will move it forward.

The findings of this Study were limited by time and access to documentation and interviewees, the recommendations are limited only by my own sense of how far I could push the envelope on realistic creativity. Who Métis people are, is a very sensitive issue. Race is a slippery concept and has historically been used for exclusion and disempowerment certain segments of society. To take race out of that context is difficult and will produce its natural side effect- racism. This problem is compounded when we turn the notion of race into a tool to discriminate amongst ourselves. Therefore, as a nation we must be wary of who we exclude, avoid internal fighting, and whom we claim to speak for, not limiting anyone's liberty or voice.

Métis rights are moving into a national and international forum and are being defined and evaluated by the Canadian judiciary. It is essential that the Métis have legitimate representation in that dialogue which in turn knows it has the support of the Métis membership.

## **APPENDICES**



**CONSTITUTION  
OF THE  
MÉTIS NATION – SASKATCHEWAN**

**Adopted December 3, 1993**

**Amended June 26, 1997  
Amended December 13, 1997 and  
Amended November 18, 2000**

## CONSTITUTION OF THE METIS NATION OF SASKATCHEWAN

### PREAMBLE:

The Métis Nation and People are a distinct SOCIETY within the Aboriginal Peoples of Canada. The Métis are distinct from the Indians and Inuit and are the descendants of the historic Métis who evolved in what is now Western Canada and part of the northern United States, as a people with a common political will and consciousness.

Having experienced physical and political conflict and dispossession in the late 1800's, we are still engaged in a continuing struggle to rebuild our social case and revive our cultural heritage and pride. As such, we are striving for the political, legal and constitutional recognition and guarantees of the rights of our People, including the right to a land and resource base, self-government and self-government institutions. In order to achieve these objectives we are hereby reestablishing a strong and revitalized organization within the province of Saskatchewan, which must involve all sectors within our Society.

While pursuing these objectives within Saskatchewan, we are also committed to cooperating with the members of the Métis Nation in the rest of the Métis Homeland in order to develop a National Forum to represent our collective interests at the national and international levels.

We the citizens of the Métis Nation recognize:

The inherent dignity to equality and rights which can never be taken away from Métis people is the foundation of Freedom, Justice and Peace in the Métis Nation.

The ideal of all Métis enjoying civil and political freedom can only be achieved if conditions are created whereby every Métis may enjoy their civil, political rights, economic, social and cultural rights.

The promotion of Universal respect for and observance of all the collective and individual rights and freedoms of all Métis.

Realize that the Métis individual, having duties to other Métis individuals and to the Métis community to which they are a part of, is under the responsibility to strive for the promotion and observance of all Métis rights.

Therefore we the citizens of the Métis Nation agree to the following articles:

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

5. To ensure competent authorities as enacted by the Métis Nation of Saskatchewan shall enforce such remedies when granted;
6. The Métis nation undertakes to ensure the equal right of men and women to enjoy all civil and political rights set forth in these articles;
7. Every Métis citizen shall have the right to liberty of movement and freedom to choose their residence;
8. No Métis citizen in the Métis Nation shall be deprived of the right to join a local in the community they reside;
9. All person shall be equal before the Métis Legislative Assembly in the termination of any issue which they are charged with. Every Métis Person shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by the Métis Legislative Assembly;
10. No Métis Person shall be subject to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks on their honor or reputation;
11. Every Métis person shall have the right to freedom of thought, conscience and religion;
12. No Métis Person shall be subject to coercion that would impair their freedom to have or adopt a belief of their choice;
13. The Métis Nation of Saskatchewan shall have respect for the liberty of parents or guardians to ensure the moral education of their children is in conformity with their own convictions;
14. Every Métis Person has the right to hold opinions without interference;
15. Every Métis Person shall have the right to expression. This right shall include the freedom to seek, receive and import information and ideas of all kinds either in writing or print, in the form of art, or through any media of their choice;
16. The right of Métis People to assemble and organize at the community level shall be recognized;
17. Every Métis Person shall have the right of association.
  1. No restrictions may be placed on the exercise of this right other than those prescribed by the Métis Legislative Assembly which are necessary to protect the interests of the Métis Nation.
18. The family is the natural and fundamental group of the Métis Nation and is entitled to protection by the Métis Nation;
19. Every Métis child born of a Métis man or woman is a citizen of the Métis Nation and shall be registered immediately;
20. Every Métis Person has the right to:
  1. Take part in the conduct of public affairs, directly or through freely chosen representatives.
  2. To vote and to be elected to the Local, Assembly of Representatives or

the Métis Legislative Assembly.

3. All votes shall be of equal and universal suffrage and shall be held by secret ballot which guarantees the free expression of the will of the electors.
  4. All Métis shall have the right to access all public services offered through the Métis Nation affiliates.
21. All Métis Persons are equal and entitled to protection by the Métis Nation of Saskatchewan. (Amended November 18, 2000)

**ARTICLE 1:**  
**NAME OF ORGANIZATION**

1. The organization shall be known as the “Métis Nation - Saskatchewan”. (amended November 18, 2000)

**ARTICLE 2:**  
**MÉTIS NATION LEGISLATIVE ASSEMBLY**

1. There shall be a Métis Nation Legislative Assembly which shall be the governing authority of the Métis Nation of Saskatchewan.
2. The Métis Nation Legislative Assembly shall be comprised of the Local Presidents, The Provincial Métis Council, four representatives of the Métis Women of Saskatchewan and four representatives from the Provincial Métis Youth Council. (amended November 18, 2000).
  1. Notwithstanding Section 2, the Vice President of a Local shall serve as an alternate member of the Métis Nation Legislative Assembly in the event that a President is not able to attend. (amended November 18, 2000.)
3. The Métis Nation Legislative Assembly shall have the authority to enact legislation, regulations, rules and resolutions governing the affairs and conduct of the Métis in Saskatchewan.
4. The President shall assign and recommend portfolios, subject to the approval of the Provincial Métis Council and ratification by the Métis Nation Legislative Assembly. The assignment of portfolios shall be restricted to members of the Métis Legislative Assembly. (amended June 16/97)
5. The Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council, shall have the authority to appoint Commissions, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization. In so doing the Assembly shall ensure equity of representation from the Youth, Women and Elders.
6. The Métis Nation Legislative Assembly shall meet at least twice a year.
7. Seventy-five members of the Métis Nation Legislative Assembly shall constitute a quorum.

8. Notice of any session of the Métis Nation Legislative Assembly shall require thirty days notice to the Local Presidents and Provincial Métis Council.
9. A person is disqualified from being a member of the Métis Nation Legislative Assembly when:
  1. he/she dies or resigns
  2. he/she is under sixteen (16) years of age.
10. All budgets shall be determined by the Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council.
11. The delegates to the Métis National Assembly of the Métis National Council shall be the Provincial Métis Council and the remainder shall be chosen from amongst the members of the Métis Nation Legislative Assembly, while the President shall form part of the Executive Council of the Métis National Council. This Constitution may be amended to take into account and reflect changes which may take place within the Métis National Council.

**ARTICLE 3:**  
**PROVINCIAL MÉTIS COUNCIL**

1. The Provincial Métis Council shall be composed of the elected Regional Representatives, the Executive, one representative from the Métis Women of Saskatchewan and one representative from the Provincial Métis Youth Council for a total of Eighteen (18) Provincial Métis Council members. (amended November 18, 2000)
3. The Provincial Métis Council shall form the cabinet and be responsible for the portfolios to be assigned and recommended by the President.
4. The Provincial Métis Council shall be responsible for ensuring that the affiliates, departments, programs and services covered by their portfolios are running smoothly and have the necessary resources to enable them to operate effectively. In addition, they shall provide a report to each meeting of the Provincial Métis Council and each session of the Métis Nation Legislative Assembly or as requested by the President.
5.
  - a. The Provincial Métis Council shall have the authority to appoint Commission, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization and Métis Legislative Assembly directives.
  - b. The Provincial Métis Council shall designate persons who may have signing authority for the purpose of conducting the affairs of the Organization, which shall include the Treasurer.
6. The Provincial Métis Council shall meet at least once every two months.
7. Eleven members of the Provincial Métis Council shall constitute a quorum. (amended November 18, 2000)
8. Notice of any meeting of the Provincial Métis Council shall be given at least seven days

prior to such meeting.

9. The Provincial Métis Council shall provide written reports to the Métis Nation Legislative Assembly.
10. Elected Provincial Métis Council members and Presidents should not hold paid positions with the Métis Nation of Saskatchewan or any of the Affiliate Boards.
11. The Provincial Métis Council shall set the date and place for each Métis Nation Legislative Assembly sitting, provided no less than Thirty (30) days written notice is given to the President of each Local.

#### **ARTICLE 4:** **EXECUTIVE**

1. There shall be Four (4) Executive members of the Métis Nation Legislative Assembly who are elected province-wide.
2. The Executive shall be composed of the President, Vice-President, Secretary and Treasurer. (amended December 13/97)
3. The term of office for the Executive shall be three years.
4.
  - a. The President of the Métis Nation Legislative Assembly shall be the head of the Executive, and Chief political spokesperson for the Organization.
  - b. The President shall assign and recommend portfolios, subject to the approval of the Provincial Métis Council and ratification of the Métis Nation Legislative Assembly.
5. The Executive of the Métis Nation Legislative Assembly shall meet at least once per month and three members shall constitute a quorum.
6. The Executive shall provide written reports to the Métis Legislative Assembly.
7. Where a vacancy is created for any reason, including death or resignation, the Métis Nation Legislative Assembly shall elect from the Provincial Métis Council members an interim Executive member, who shall serve until a by-election has been held and the vacancy filled.

#### **ARTICLE 5:** **REGIONS**

1. There shall be Twelve (12) Regions as set out in Schedule A of this Constitution.
2. The Regions shall be governed by a Regional Council composed of the Presidents of the Locals within the respective Regions along with a regionally elected representative who shall be the Chairperson of the Regional Council, as well as the Region's Representative on the Provincial Métis Council of the Métis Nation Legislative Assembly.
3. The Regional Council shall have the responsibility of making all appointments to the Institutions and Affiliates at the Regional and Provincial levels. In the event that the

Regional Representative is not so appointed, he/she shall be an ex-officio member of all Regional Institutions and Affiliates. (Amended June 26/97)

4. The Regional Council shall establish regional administrative offices.
5. The Regional Councils shall be responsible for programs and services decentralized to that level.
6. The Regional Councils shall enact a Constitution which is not inconsistent with this Constitution and such Regional Constitutions shall be registered with the Head Office.
7. The Regional Councils may incorporate with the appropriate government department.
8. The Regional Councils may seek the necessary finances and resources to carry out its programs, services, objectives and duties, and where so requested the Provincial Métis Council shall assist in securing these necessary finances and resources.
9. The Regional Councils shall assist their Local Communities in preparing to assume Métis self-government, which includes land, where this is an objective.
10. The Regional Councils shall provide direction to their Representatives on the Provincial Métis Council with respect to all matters, including the aims, objectives and aspirations of the Organization, and for their respective Regions. (Amended June 26/97)
11. Where a vacancy is created for any reason, including death or resignation, the Regional Council shall elect from the members of the Council an interim Regional Representative, who shall serve until a by-election has been held and the vacancy filled.

**ARTICLE 6:**  
**URBAN COUNCILS**

1. The Métis Nation of Saskatchewan shall initiate, assist, support, assign, recommend, and facilitate the development, implementation, and establishment of Métis Urban Self-Government Councils in Saskatchewan.

**ARTICLE 6.1:**  
**NORTHWEST SASKATCHEWAN MÉTIS COUNCIL**

1. The Métis Nation of Saskatchewan shall assist, support, recommend and facilitate the Regions forming the North West Saskatchewan Métis Council to develop, establish and implement Métis governance for their Métis Communities. (Amended Dec.13/97)

**ARTICLE 7:**  
**LOCALS**

1. The Locals shall be the basic unit of the Organization in each community.
2. The Local shall be made up of at least nine members.
3. New Locals can be admitted by the Regional Councils provided this decision is ratified by the Métis Nation Legislative Assembly and the requirements herein are met.

4. Locals can be dissolved by the Regional Councils provided this decision is ratified by the Métis Nation Legislative Assembly and the requirements herein are no longer met.
5. The Métis Nation Legislative Assembly shall adopt rules pertaining to the admission and dissolution of Locals.
6. Each Local shall be governed by an elected leadership as determined through the Constitution of the Local, which may include terms of one to three years and elections may be by ballot box or conducted at a General Assembly of the Local membership.
7. Any Métis who is sixteen years of age or over and is a member of the Local shall be entitled to vote or seek office.
8. Each Local shall be enact a Constitution which is not inconsistent with this Constitution, including the establishment of portfolios, committees or other bodies required to address community and other issues, and such Local Constitutions shall be registered with the Regional and Head Office of the Organization.
9. The Locals shall provide yearly up-dates of their membership to the Regional and Head Office, separating those members who are under sixteen years of age, from those sixteen and over.
10. The Locals shall be responsible to prepare the Communities for the assumption of Métis self-government, which includes land, where this is an objective.
11. The Locals may incorporate with the appropriate government department.
12. The Locals may seek necessary finances and resources to carry out their programs, services and objectives, and where so requested the Provincial Métis Council of the Métis Nation Legislative Assembly shall assist in securing these necessary finances and resources.

## **ARTICLE 8:** **ELECTIONS**

1. Any member who is sixteen years of age or older may vote or seek elected office within the Métis Nation of Saskatchewan.
2. Elections for the Provincial Métis Council of the Métis Nation Legislative Assembly shall be held on the date set by the Métis Nation Legislative Assembly, based upon the recommendation of the Provincial Métis Council.
3. Elections for the Provincial Métis Council of the Métis Nation Legislative Assembly shall be held at least every three years.
4. The Executive of the Métis Nation Legislative Assembly shall be elected by the total membership at the Local polls by secret ballot.
5. Regional Representatives of the Provincial Métis Council shall be elected within their respective Regions through the establishing of a poll in each Local.
6. The Métis Nation Legislative Assembly shall enact, on a priority basis, an Elections Act, along with the necessary regulations and guidelines.
- 7.



- a. A Métis Elections Commission composed of 3 Senators is empowered to oversee and conduct the general elections and by-elections of the Organization.
  - b. The terms of office of the Senators who sit on the Commission shall cease at the first session of the Métis Nation Legislative Assembly following the elections.
  - c. The Senators who sit on the Commission shall be appointed by the Métis Nation Legislative Assembly, based upon the recommendations of the Senate, for a term of not more than three years, and are eligible for reappointment.
  - d. When the election or by-election date has been set and the election called by the Métis Nation Legislative Assembly, based upon the recommendation of the Provincial Métis Council, the Commission shall have sole authority and responsibility to conduct the elections and shall be independent and answerable only to the Métis Nation Legislative Assembly.
  - e. The Commission shall appoint a Chief Electoral Officer and other required personnel.
  - f. The Commission shall be responsible for official recounts and appeals.
  - g. The decisions of the Commission shall be final and binding, subject to the right of appeal to the Métis Nation Legislative Assembly, which decision shall be final and binding.
  - h. The Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council, shall determine the rate of remuneration and expense accounts for the Commission members, along with the period deemed necessary for the work of the Commission.
8. In the event of a vacancy on the Provincial Métis Council of the Métis Nation Legislative Assembly, a by-election shall be called within ninety (90) days from the date of vacancy.
  9. When nominations close all candidates shall take a leave of absence for any elected position on the Provincial Métis Council of the Métis Nation Legislative Assembly or any salaried position with the Organization, or its subsidiary bodies. The Provincial Métis Council members and any person who has a salaried position with the Organization shall continue to receive their salary while they are on such leave of absence.
  10. When nominations close and until candidates are unofficially elected, the Senators shall be solely responsible for conducting the affairs and activities of the Organization. The Senators shall receive remuneration for their work during this period.
  11. The Provincial Métis Council members shall be on call and shall conduct business or represent the Organization from time to time as requested by the Senate. The Provincial Métis Council member shall receive expenses to compensate for travel as requested by the Senate.
  12. All defeated or retiring candidates who were on the Provincial Métis Council prior to the election shall be entitled to and will receive their salary for two weeks after the election.
  13. Any candidate who's election has been appealed under Section 7(f) and has been found guilty by the Métis Elections Commission of violating Section 9 shall forfeit such elected position with a right of appeal to the Métis Nation Legislative Assembly, which decision shall be final and binding.

**ARTICLE 9:**  
**MÉTIS NATION OF SASKATCHEWAN HEAD OFFICE**

1. The Head Office shall be in Saskatoon.
2. The (12) Regional Offices of the Organization shall be accessible to our People and Leadership.

**ARTICLE 10:**  
**CITIZENSHIP**

1. '*Métis*' means an Aboriginal person who self-identifies as Métis, who is distinct from Indian and Inuit, and:
  - i. is a descendant of those Métis who received or were entitled to receive land grants and/or Scrip under the provision of the *Manitoba Act, 1870* or the *Dominion Lands Act*, as enacted from time to time; or
  - ii. a person of Aboriginal descent who is accepted by the Métis Nation and/or Métis Community.(Amended Dec. 13/97)
2. Any Métis who is a member of a duly registered Local is a member of the Métis Nation of Saskatchewan.
3.
  - a. A member shall only belong to one (1) Local.
  - b. A person shall reside in the Local for at least (6) months before he/she is eligible for membership in that Local. The Locals may make exceptions for educational and medical purposes.
4. Members shall be issued a membership card.
  - a. This card shall provide life-time membership in the Organization.
  - b. There shall be no fee for membership cards.
  - c. Membership cards shall be numbered and a register maintained by the Senate in the Head Office. Replacement cards shall retain original number.
  - d. Membership cards shall be issued by the President of Secretary of a duly registered Local upon completion of the designated form.
5. Where there is a dispute as to membership, a ruling shall be made by the Senate, with a final right of appeal to the Métis Nation Legislative Assembly the decision of which shall be final and binding.
6. The Métis Nation Legislative Assembly shall enact, on a priority basis, a Métis Citizenship Act. (Adopted November 14, 1997)

**ARTICLE 11:**  
**GENERAL ASSEMBLY**

1. A General Assembly, composed of member from the Locals, shall be convened by the Métis Nation Legislative Assembly every year.
2. The General Assembly shall provide a Forum whereby the members of the Organization will receive information, review developments and provide guidance to the Métis Nation Legislative Assembly, and discuss, clarify, amend, vote on and ratify amendments to the Constitution.

**ARTICLE 12:**  
**SENATE, WOMEN AND YOUTH**

1. The Métis Nation Legislative Assembly shall make these items a priority, and shall involve the Senators, Women and Youth in the determination of their role and responsibilities within the Organization.
2. The Métis Women of Saskatchewan shall be designated (1) seat in the Provincial Métis Council and (4) seats in the Métis Nation Legislative Assembly. This provision shall cease to apply when women have achieved equitable representation in the Provincial Métis Council and Métis Nation Legislative Assembly.
  - 2.1. That the Provincial Métis Youth Council shall be designated (1) seat on the Provincial Métis Council and (4) seats at the Métis Nation Legislative Assembly.
3. That appointments to vacancies in the Métis Senate be made at area meetings; Further, that Senate appointments be for lifetime or until such time as the Senator is unable to fulfil his/her duties.
4. That the Senate be given the power to resolve disputes occurring in the Regions and Locals. Further, that decisions of the Senate shall be final and binding.
5. That the Senate be equally represented by male and female.

**ARTICLE 13:**  
**MÉTIS INDEPENDENCE**

1. Whereas the Métis are seeking self-government as a third order of government within Canada, the organization shall be non-secretariat and non-partisan.
2. The loyalty of the members of the Métis Nation Legislative Assembly must be to the Métis People and Nation, and shall swear an Oath of Allegiance prior to taking office.
3. The leadership shall be responsible and accountable to the Communities, as reflected by the Métis Nation Legislative Assembly, which is the Supreme Body for the Métis within Saskatchewan.
4. Members of the Organization are not precluded from joining political parties of the two other orders of government, being the federal and provincial levels of government.
5. Any Provincial Métis Council member of the Métis Nation Legislative Assembly who chooses to seek the nomination of any Provincial or Federal Political Party in any provincial or federal election shall take a leave of absence from his/her position.

**ARTICLE 14:**

## **AFFILIATES**

1.
  - a. The Métis Nation Legislative Assembly, on behalf of the Métis Nation - Saskatchewan, shall exercise all voting rights, powers, and duties of ownership in relation to the affiliates, based upon the recommendations of the Provincial Métis Council.
  - b. Where not currently provided all affiliate Articles and By-laws shall be amended at the first reasonable opportunity to conform with this section.
2. The Provincial Métis Council members who is assigned a portfolio shall automatically sit as the Chairperson of the Affiliate(s) which falls under his/her portfolio.
3. A member who is an employee/staff person/management of an Affiliate shall not be permitted to sit on any Affiliate Board.
4. All Affiliates shall representation from the (12) Regions of the Organization, unless otherwise decided by the Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council.

### **ARTICLE 14 (1):**

#### **SECRETARIAT (Inserted June 26, 1997)**

1. A Secretariat shall be retained under the Non-Profit Corporations Act for the sole purpose of carrying out the administrative duties of the Métis Nation - Saskatchewan. (Inserted June 26/97)
2. The Secretariat shall be known as the Métis Nation of Saskatchewan Secretariat Incorporated. (Inserted June 26/97)
3. The Board of Directors of the Secretariate shall be the same members who are elected to the Provincial Métis Council. (Inserted June 26/97)

### **ARTICLE 15:**

#### **AMENDING FORMULA**

1. The Constitution shall only be amended by the majority of three quarters of the members of the Métis Nation Legislative Assembly and ratified by three quarters of the members of the General Assembly.
2. All proposed amendments to the Constitution must be registered with the Métis Nation of Saskatchewan Head Office thirty days prior to the sitting of the Métis Nation Legislative Assembly is provided. Where the minimum 30 days notice is provided under Article 2, Section 8, all proposed amendments must be registered 14 days prior to the sitting of the Métis Nation Legislative Assembly. (Inserted June 26/97)

### **ARTICLE 16:**

#### **IMPLEMENTATION**

1. The Constitution shall take effect upon its adoption by the General Assembly subject to amendments validly passed by three quarters of the Assembly present, and the conclusion

of General Assembly. Upon the happening of these two conditions all previous By-laws of the Organization are repealed and this Constitution shall constitute the sole Constitution of the Organization, until otherwise determined by the Organization.

**MÉTIS NATION OF SASKATCHEWAN  
CITIZENSHIP ACT**

**RATIFIED NOVEMBER 6, 1999**

## **ARTICLE ONE - TITLE**

1. This Act may be cited as “The Métis Nation of Saskatchewan Citizenship Act, 1999.”

## **ARTICLE TWO - INTERPRETATION**

2. In this Act:

2.1. “Act” shall mean the Métis Nation of Saskatchewan Citizenship Act.

2.2. “Appeals” shall mean any written objection by a person who has been rejected entry in the Métis Nation of Saskatchewan Central Registry or by a Métis Nation of Saskatchewan citizen who is objecting to the registration of any person to the Métis Nation of Saskatchewan Central Registry.

2.3. “Child” shall mean a child of a Métis citizen.

2.4. “Citizenship Appeal Board” shall mean the Métis Nation of Saskatchewan Citizenship Appeal Board.

2.5. “Membership” shall mean citizenship.

2.6. “Métis” shall mean a Métis citizen as defined by the Métis Nation of Saskatchewan Constitution.

2.7. “Métis community” shall mean the Locals as set out by the Constitution.

2.8. “Métis Local” shall mean a Métis Local listed in Schedule I of the Métis Nation of Saskatchewan Constitution.

2.9. “Métis Nation Legislative Assembly” shall mean the governing authority of the Métis Nation of Saskatchewan, as set out in the Constitution.

2.10. “Records” shall mean any records used to support an application for citizenship including historical records, church records, archival records, census records and oral history from Métis Elders.

2.11. “Registered” shall mean registered as a Métis under this Act.

2.12. “Registrar” shall mean the Registrar appointed by the Senate to administer the Central Registry.

### **ARTICLE THREE - COMMUNITY ACCEPTANCE\**

#### 3. In this Act:

3.1. The Métis Nation of Saskatchewan shall accept a person as Métis if the person can produce records denoting the person as having Métis ancestry and is accepted by a Métis community and if the person complies with the following conditions:

3.1.1. The person normally resides within the community or jurisdiction of the Métis Nation of Saskatchewan; and

3.1.2. The person expressly held him/herself out to be Métis in the community or jurisdiction;

3.2. The authorized Métis Local must make its decision impartially and in good faith.

### **ARTICLE FOUR - REGISTRATION PROCESS**

#### 4. In this Act:

4.1. A person who wishes to be registered as a Métis may apply to a Métis Nation of Saskatchewan Local.

4.2. The Métis Nation of Saskatchewan Local President or Secretary must issue a card recognizing the person as Métis if they meet the requirements of this Act, but not before they are registered by the Registrar.

4.3. The parent or guardian of a child under 16 years of age may apply for registration on behalf of the child.

4.4. The guardian of a person who is under a mental or legal disability may apply for registration on behalf of the person.

4.5 No person is obliged to apply for registration.

4.6. In the case of an application for registration, the applicant must provide historical and genealogical evidence, such as the records or documents & a government, church or community, including oral testimony from a Métis Elder reduced to writing, to show that the person is a descendant of a Métis.

4.7. The Registrar shall review applications for registration and shall register a person as a Métis only if:

4.7.1. The person is entitled to be registered as a Métis pursuant to this Act and

4.7.2. The application is properly made.



4.8. Following the coming into force of this Act, the Registrar shall establish and implement a process to seek out and encourage the registration of all persons who are entitled to be registered as Métis.

#### **ARTICLE FIVE - VOLUNTARY REMOVAL FROM REGISTRY**

5. In this Act:

5.1. A person who is registered as a Métis citizen may, at any time, voluntarily remove him/herself from the registry.

5.2. The Registrar shall remove a person who, by written request, declares that he or she no longer wishes to be registered as a Métis.

5.3. A person who has removed him/herself from the registry may re-apply for registration.

#### **ARTICLE SIX - CENTRAL REGISTRY•'**

6. In this Act:

6.1. The Registrar shall maintain a uniform system for the registration of the citizens of the Métis Nation of Saskatchewan.

6.2. The following minimum information about a Métis citizen may be included in the Central Registry: .

6.2.1. The person's name;

6.2.2. The person's address or place of residence;

6.2.3. The person's date of birth;

6.2.4. The person's marital status and the name of any spouse;

6.2.5. The dates of any marriages;

6.2.6. The names and dates of birth of any children of the person;

6.2.7. The Local under which the person has applied for registration;

6.2.8. The Mother's full name and date of birth;

6.2.9. The Father's full name and date of birth;

6.2.10. The other information submitted in support of the person's application for registration; and

6.2.11. Such genealogical information about the person as may exist.

6.3. The Registrar may collect and register additional demographic information about Métis citizens.

6.4. The Registrar shall treat the registry as confidential.

6.5. The Registrar shall cause the registry system to be kept safely by administrative, physical and technological safeguards that are reasonable and consistent with this Act.

6.6. The Registrar with the consent of the Provincial Métis Council may enter into agreements with the government of a province or territory or with the government of Canada respecting the collection and exchange of information for the better functioning of the registry system but may not disclose confidential information without the consent of the registrant.

6.7. The process for registration shall be such that:

6.7.1. A person makes application to a Métis Local for citizenship by completing the Métis Nation of Saskatchewan Citizenship Application Form.

6.7.2. The President of the Métis Local submits the Citizenship Application Form to the Registrar for consideration and entry into the Registry.

6.7.3. The Registrar rejects or registers the person into the Registry and notifies the Métis Local President in writing of the decision.

6.7.4. In the event that the Registrar accepts the registration, the Registrar forwards a signed standardized Métis Nation of Saskatchewan Citizenship Card to the Métis Local President or Secretary who then issues the standardized Métis Nation of Saskatchewan Citizenship Card to the person.

6.7.5. The standardized Métis Nation of Saskatchewan Citizenship Cards shall be numbered consecutively following the Métis Local numbers.

6.7.6. Only the standardized Métis Nation of Saskatchewan Citizenship Cards shall be recognized as legitimate for the purposes of the Constitution and this Act.

6.7.7. The Provincial Métis Council will be responsible for the development of the Métis Nation of Saskatchewan Citizenship Application Form and the standardized Citizenship Card.

## **ARTICLE SEVEN - REGISTRY OFFICE**

7. A Registry Office shall be established, based on available fiscal resources.

7.1. The Registry Office shall consist of:

7.1.1. The Registrar and

7.1.2. The staff of the Registry Office.

7.2. The Registry Office

7.2.1. is separate and independent from the public service of the Métis Nation but the staff of the Registry Office shall be considered to be members of the public service for the purpose of employment benefits;

7.2.2. Shall act impartially and in good faith in the exercise of its functions; and

7.2.3. Is under the administrative direction of the Senate; and

7.2.4. Shall retain and provide copies of the standardized Métis Nation of Saskatchewan Citizenship Application Form and the standardized Métis Nation of Saskatchewan Citizenship Cards to Métis Local Presidents.

**ARTICLE EIGHT - THE REGISTRAR**

8. The Registrar:

8.1.1. Shall be appointed and directed by the Senate.

8.1.2. Shall hold office for a term set by the Senate.

8.1.3. May be removed from office only by the Senate.

8.1.4. Shall report in writing to the Métis Nation Legislative Assembly and the Provincial Métis Council through the Senate.

8.1.5. Shall maintain the Central Registry.

8.1.6. Shall administer this Act.

8.1.7. Shall accept and review applications for citizenship submitted on the standardized Citizenship Application Form by a Métis Local President and decide whether a person is entitled to be registered pursuant to this Act.

8.1.8. Shall respond in writing to the Métis Local President on the decision of an application for citizenship.

8.1.9. Shall make decisions on the voluntary removal from the registry of individuals pursuant to this Act.

8.1.10. Shall forward Appeals to the Citizenship Appeal Board on the issue, pursuant to this Act.

8.1.11. Shall ensure that the relevant files are provided to the Citizenship Appeal Board in cases of appeal.

8.1.12. Shall ensure that a final report is written and filed on any appeal that comes before the Registrar or the Citizenship Appeal Board.

8.1.13. Shall manage the staff of the Registry Office.

8.1.14. Shall have a seal of office that may be reproduced by the Registrar in any manner and has the same effect whether it is manually applied or otherwise reproduced.

8.1.15. Shall deliver an annual report to the Provincial Métis Council, to be submitted to the Métis Nation Legislative Assembly, through the Senate, within 60 days following the end of each calendar year.

## **ARTICLE NINE - CITIZENSHIP APPEAL BOARD**

9. The Citizenship Appeal Board shall:

9.1. Hear and resolve appeals from a decision of the Registrar.

9.2. Be composed of three Senators, appointed by the Métis Nation Legislative Assembly, for a term of three years but may be removed for cause by the Métis Nation Legislative Assembly. A Senator who is a member of the Citizenship Appeal Board and whose term has expired may be re-appointed.

9.3. Appoint one member of the Citizenship Appeal Board to be the Chairperson of the Citizenship Appeal Board.

9.4. Have an official seal, which shall be judicially noticed.

9.5. Shall have, in regards to attendance, swearing in and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record.

9.6. Shall be responsible for all citizenship appeals, the decision of which is subject only to appeal to the Métis Nation Legislative Assembly.

9.7. Shall conduct appeal hearings in accordance with such rules of procedures as are necessary and as are ratified by the Provincial Métis Council.

9.8. May appoint a person to inquire into and report on any matter before making a decision on it.

9.9. May sit and make a determination with a majority of members in attendance.

9.10. May make such orders and regulations as are necessary for the purpose of carrying out this Act, subject to ratification by the Provincial Métis Council.

9.11. Make recommendations to the Métis Nation Legislative Assembly in the event of final appeal by a person regarding registry.

## **ARTICLE TEN - CITIZENSHIP APPEALS**

10. The process for Appeals will be such that:

10.1. The Appellant bears the burden of proof.

10.2. Any person who has made application on the Métis Nation of Saskatchewan Citizenship Application Form to a Métis Local President and is denied registry by the Métis Local President is entitled to appeal this decision in writing to the Registrar within thirty (30) days of the President's decision.

10.3. Any person whose Citizenship Application Form has been forwarded by a Métis Local President to the Registrar and has been rejected in writing by the Registrar may appeal in writing to the Citizenship Appeal Board within thirty (30) days of the Registrar's decision.

10.4. Any person whose application has been rejected by the Citizenship Appeal Board may appeal in writing to the Métis Nation Legislative Assembly, whose decision shall be final and binding, complying with the requirements set out in the Métis Nation of Saskatchewan Legislative Assembly Act, and shall do so within thirty (30) days of the Citizenship Appeal Board's decision.

10.5. All appeals by a person regarding rejection of registration by the Local President or Registrar or Citizenship Appeals Board must include:

10.5.1. The name and address of the person who has been rejected;

10.5.2. The Local to which application was made;

10.5.3. The evidence' submitted as proof of Métis ancestry:

10.5.4. Copies of all correspondence regarding the appeal;

10.5.5. The signature of the person who has been rejected; and

10.5.6. The date of submission of the appeal.

10.6. Any person whose registration is being objected to shall be given a reasonable opportunity to make representation in the case at each level, and shall receive copies of all correspondence regarding the appeal.

10.7. The decision of the Citizenship Appeal Board must be in writing, signed by the deciding members of the Citizenship Appeal Board, and forwarded to the affected parties within 14 days of the date of its decision.

10.8. The Registrar shall take whatever steps are necessary to implement the decision of the Citizenship Appeal Board.

10.9. All appeals are confidential and shall be treated as such by all involved parties.

#### **ARTICLE ELEVEN - FINANCES**

11. The remuneration and employment benefits of the Registrar, the staff of the Registry Office and the Citizenship Appeals Board shall be established by the Métis Nation of Saskatchewan Treasury Board, based on available fiscal resources.

#### **ARTICLE TWELVE - GRANDFATHER**

12. In Grandfathering existing memberships:

12.1. Those members currently listed on the Métis Local Membership Lists will have two years from the date of the ratification of this Act, to make application for entry into the Central Registry. Once the two years has passed, those members who have not made proper application on the Métis Nation of Saskatchewan Citizenship Application Form, will automatically be removed from the system.

12.2. Only those members who have made proper application and have been entered into the Central Registry will receive the standardized Métis Nation of Saskatchewan Citizenship Card.

#### **ARTICLE THIRTEEN - ENACTMENT**

13. This Act:

13.1. Comes into force upon ratification by the Métis Nation Legislative Assembly.

13.2. Is binding on all citizens of the Métis Nation of Saskatchewan and its Affiliates and organizations.

13.3. Repeals all former citizenship legislation.

13.4. Has received ratification on this 6th day of November, 1999.

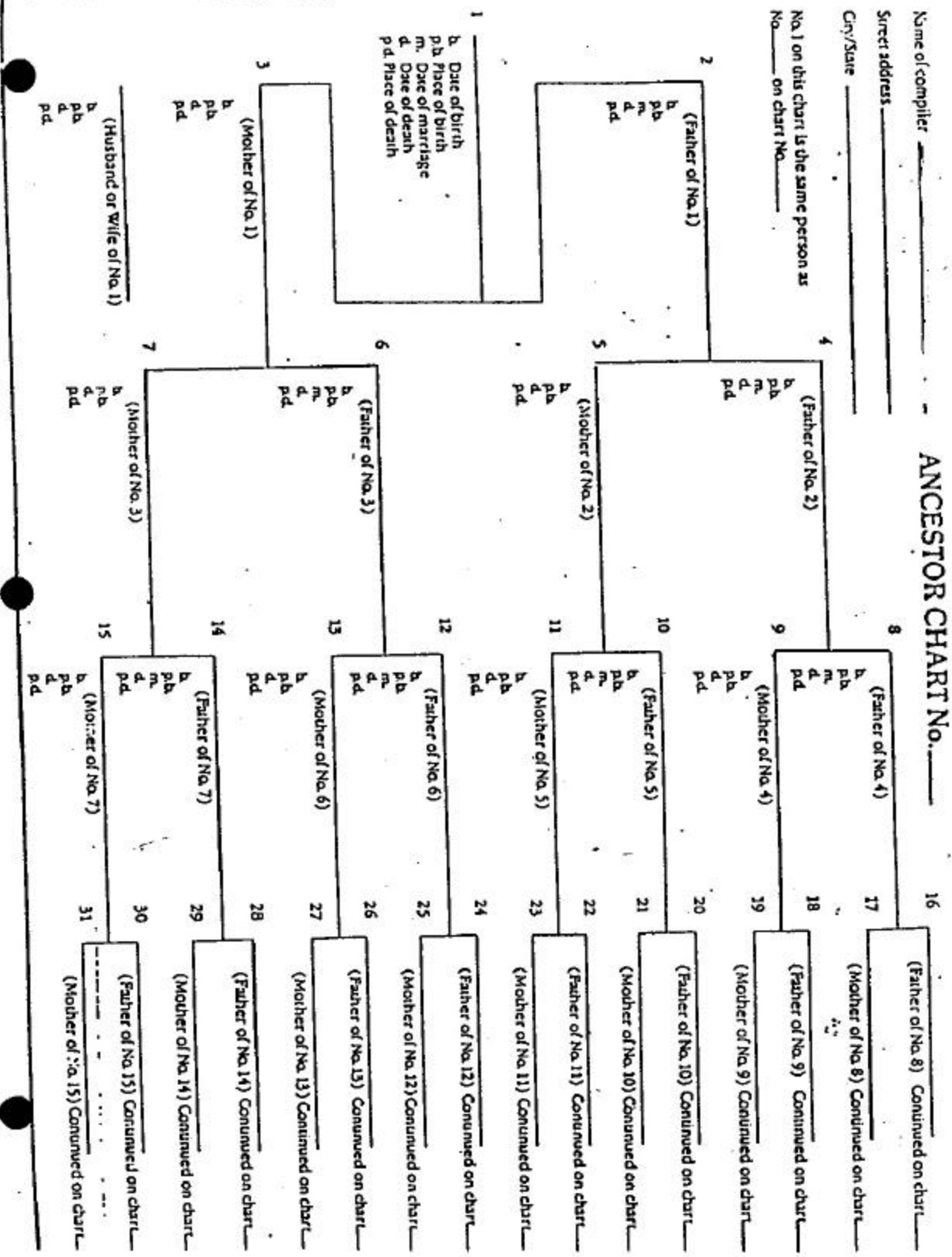
# ANCESTOR CHART No. \_\_\_\_\_

Name of compiler \_\_\_\_\_

Street address \_\_\_\_\_

City/State \_\_\_\_\_

No. 1 on this chart is the same person as No. \_\_\_\_\_ on chart No. \_\_\_\_\_



1  
b. Date of birth  
pb. Place of birth  
m. Date of marriage  
d. Date of death  
pd. Place of death

2  
b  
pb  
m  
d  
pd  
(Father of No. 1)

3  
b  
pb  
d  
pd  
(Mother of No. 1)

(Husband or wife of No. 1)  
b  
pb  
d  
pd

4  
b  
pb  
m  
d  
pd  
(Father of No. 2)

5  
b  
pb  
d  
pd  
(Mother of No. 2)

6  
b  
pb  
m  
d  
pd  
(Father of No. 3)

7  
b  
pb  
d  
pd  
(Mother of No. 3)

8  
b  
pb  
m  
d  
pd  
(Father of No. 4)

9  
b  
pb  
d  
pd  
(Mother of No. 4)

10  
b  
pb  
m  
d  
pd  
(Father of No. 5)

11  
b  
pb  
d  
pd  
(Mother of No. 5)

12  
b  
pb  
m  
d  
pd  
(Father of No. 6)

13  
b  
pb  
d  
pd  
(Mother of No. 6)

16  
(Father of No. 8) Continued on chart

17  
(Mother of No. 8) Continued on chart

18  
(Father of No. 9) Continued on chart

19  
(Mother of No. 9) Continued on chart

20  
(Father of No. 10) Continued on chart

21  
(Mother of No. 10) Continued on chart

22  
(Father of No. 11) Continued on chart

23  
(Mother of No. 11) Continued on chart

24  
(Father of No. 12) Continued on chart

25  
(Mother of No. 12) Continued on chart

26  
(Father of No. 13) Continued on chart

27  
(Mother of No. 13) Continued on chart

28  
(Father of No. 14) Continued on chart

29  
(Mother of No. 14) Continued on chart

30  
(Father of No. 15) Continued on chart

31  
(Mother of No. 15) Continued on chart

METIS NATION OF SASKATCHEWAN  
CITIZENSHIP APPLICATION FORM

1. NAME

NAME TO APPEAR ON CITIZENSHIP CARD

Surname  
[Grid for Surname]

First Name  
[Grid for First Name]

Middle Name(s)  
[Grid for Middle Name(s)]

FORMER SURNAME(S)

Surname at Birth  
[Grid for Surname at Birth]

Former Name  
[Grid for Former Name]

2. PERSONAL INFORMATION

Date of Birth [Grid] Place of Birth [Grid]

Gender [Grid] Marital Status [Grid] Date of Marriage [Grid]

Name of Spouse  
[Grid for Name of Spouse]

NAME(S) OF CHILDREN

Surname	First Name	Date of Birth	Place of Birth	Gender

Saskatchewan Health Card Number  
[Grid for Health Card Number]

NAME OF MOTHER AND FATHER

Surname [Grid] First Name [Grid] Date of Birth [Grid] Place of Birth [Grid]

PERMANENT ADDRESS

Street Number and Name/PO Box No. [Grid] City and Province [Grid] Postal Code [Grid]

Telephone Number [Grid] Occupation [Grid]



**3. MÉTIS LOCAL INFORMATION**

<b>Local Name</b>	<b>Local Number</b>	<b>Address of Local</b>
<b>Length of Residency in Region</b>		<b>If Moved, Date of Residency</b>

**4. COMMUNITY ACCEPTANCE**

Name of Local President	Name of Regional Director
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Signature of Local President	Date of Signature	Signature of Regional Director	Date of Signature
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**5. OATH OF ALLEGIANCE**

I make a statutory declaration that I am a Métis within the meaning of the Constitution of the Métis Nation of Saskatchewan, I swear that all the information provided by me is true, and I pledge to honour the Constitution and Legislation and follow the rules and regulations established by the Métis Nation of Saskatchewan as amended from time to time.

Applicant's Signature (or Parent of Applicant)	Date of Signature
Witness' Signature	Date of Signature

**6. REGISTRY OFFICE: OFFICE USE ONLY**

Date Application Received	Attached Supporting Documents Checklist						
	Census Records						
<b>Application Complete</b> yes / no	Archival Records						
	Church Records						
<b>Date Reviewed</b>	Historic Records						
	Oral Testimony (Transcribed)						
<b>Rejected</b> yes / no	Genealogical Information						
	Government Records						
<b>Date of Processing</b>	Community Records						
	Notes						

**Métis Nation of Saskatchewan Citizenship Number**

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Signature of Registrar	Date of Signature
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**MÉTIS NATION OF SASKATCHEWAN  
ELECTION ACT**

**RATIFIED NOVEMBER 6, 1999**

## **ARTICLE ONE - TITLE**

1. This Act may be cited as “The Métis Nation of Saskatchewan Election Act, 1999.”

## **ARTICLE TWO – INTERPRETATION**

2. In this Act:

2.1. “Act” shall mean the Métis Nation of Saskatchewan Election Act.

2.2. “Appeals” shall mean any Appeal of an election by an elector for an act seen to have breached this Election Act, including breach of the Code of Conduct, Conflict of Interest, Eligibility, and breach of Election Regulations.

2.3. “By-election” shall mean an election called to fill a vacancy within the Provincial Métis Council.

2.4. “Candidate” shall mean any individual who is nominated as a Candidate for the election.

2.5. “Chief Electoral Officer” shall mean the individual appointed by the Métis Elections Commission to carry out the duties set out in this Act.

2.6. “Commissioner” shall mean any Senator who is appointed by the Métis Nation Legislative Assembly to the Métis Elections Commission.

2.7. “Election” shall mean an election called by the Métis Nation Legislative Assembly to elect Executive Members or Regional Representatives.

2.8. “Election Officers” shall mean any individual appointed by the Métis Elections Commission to carry out the duties under this Act under the supervision of the Chief Electoral Officer.

2.9. “Elector” shall mean any citizen of the Métis Nation of Saskatchewan who is eligible to cast a ballot pursuant to the eligibility requirements of this Act.

2.10. “Electoral List” shall mean a list made pursuant to this Election Act naming those citizens entitled to cast a ballot at an election.

2.11. “Frivolous Court Action” shall mean any suit that is brought against the Métis Nation of Saskatchewan and dismissed by a Court of Law for having no basis in law or fact.

2.12. “Métis Elections Commission” shall mean the Métis Nation of Saskatchewan Métis Elections Commission.

2.13. “Métis Nation Legislative Assembly” shall mean the governing authority of the Métis Nation of Saskatchewan, as set out in the Constitution..

2.14. "Nominator" shall mean any citizen of the Métis Nation of Saskatchewan who under this Act is eligible to nominate a candidate for an election.

2.15. "Ordinarily Resident" shall mean the Region to which the elector is registered as a citizen and the Region of the citizen's fixed home address to which whenever he/she is absent he/she has the intention of returning.

2.16. "Poll Book" shall mean the list of names of citizens who have received ballots at an election pursuant to this Act.

2.17. "Polling Station" shall mean a place established in each Local where an elector casts his/her vote and which is set up pursuant to this Act.

2.18. "Region" shall mean regions as determined in the Métis Nation of Saskatchewan Constitution.

2.19. "Senate" shall mean the Métis Nation of Saskatchewan Senate.

2.20. "Scrutineer" shall mean an elector who is authorized in writing to represent a candidate at a polling station pursuant to this Act.

### **ARTICLE THREE - MÉTIS NATION LEGISLATIVE ASSEMBLY**

#### **3. In this Act:**

3.1. The Métis Nation Legislative Assembly shall set the date for an election by Proclamation, at least once every three years, of the Executive and Regional Representatives, based upon the recommendation of the Provincial Métis Council.

3.1.1. The Métis Nation Legislative Assembly is responsible to proclaim the date for an election at least sixty (60) days prior to election day to allow for the compilation of the electoral list.

3.1.2. The Provincial Métis Council is hereby granted the authority to set the date for any by-elections as provided in the Constitution, that is within ninety (90) days of a vacancy occurring.

3.2. The Métis Nation Legislative Assembly, based on recommendations of the Senate, shall appoint three Senators to sit on the Métis Elections Commission.

3.3. The Métis Nation Legislative Assembly shall also appoint one Senator as alternate, in the event of death, illness, resignation or Conflict of Interest pursuant to this Act, to the Métis Elections Commission.

3.4. The Métis Nation Legislative Assembly has the final decision on any Appeals under this Act.

3.5. The Métis Nation Legislative Assembly has the responsibility to determine remuneration of the Métis Elections Commission.

3.6. All granting of new Citizenship Cards to the Métis Nation of Saskatchewan shall be suspended from the date of the close of the Electoral List until the day after the general election is held.

3.7. The Provincial Métis Council is hereby granted the authority to develop election regulations, pursuant to this Act.

#### **ARTICLE FOUR - MÉTIS ELECTIONS COMMISSION**

4. In this Act:

4.1. The Métis Elections Commission shall be composed of three members of the Senate, appointed by the Métis Nation Legislative Assembly, based upon the recommendations of the Senate.

4.2. The Métis Elections Commission Commissioners shall meet the requirements of the Code of Conduct pursuant to this Act.

4.3. The Métis Elections Commission shall have sole authority and responsibility to conduct elections or by-elections pursuant to this Act and shall be independent and answerable only to the Métis Nation Legislative Assembly.

4.4. The Métis Elections Commission shall set the dates for Revision to the Electoral List

4.5. The Métis Elections Commission shall appoint a Chief Electoral Officer.

4.6. The Métis Elections Commission shall appoint the Local Returning Officers and Poll Clerks required to conduct an election, based on the recommendation of the Chief Electoral Officer.

4.7. The Métis Elections Commission shall be responsible for all election Appeals, the decision of which is final and binding, subject only to appeal to the Métis Nation Legislative Assembly.

#### **ARTICLE FIVE - CHIEF ELECTORAL OFFICER**

5. The Chief Electoral Officer shall:

5.1. Meet the requirements of Eligibility, Code of Conduct and Conflict of Interest provisions pursuant to this Act.

- 5.2. Not have filed a Frivolous Court Action against the Métis Nation of Saskatchewan in the last three (3) years.
- 5.3. Not have been Convicted of an indictable offence within five years (5) prior to the Election Proclamation.
- 5.4. Set, manage and conduct the election according to this Act.
- 5.5. Recommend to the Métis Elections Commission for appointment all election officers and other required personnel. The Chief Electoral Officer must only recommend election officers that meet the requirements of Eligibility, Code of Conduct and Conflict of Interest provisions pursuant to this Act. Election officers can not have brought a Frivolous Court Action against the Métis Nation of Saskatchewan within the last three (3) years.
- 5.6. Guide and supervise election officers with respect to the conduct of the election.
- 5.7. Ensure that all election officers conduct their duties in compliance with this Act.
- 5.8. Prepare, print and distribute forms for use pursuant to this Act.
- 5.9. Publish the place and hours fixed for the nomination of Candidates and the date fixed for the closing of nominations.
- 5.10. Accept letters of withdrawal from candidates, nominations, letters of appointment for scrutineers and candidate's letters of leave of absence from Métis Nation of Saskatchewan and Métis Nation of Saskatchewan's Affiliate organizations and the one- hundred dollar (\$100.00) bonds submitted with nominations.
- 5.11. Compile and distribute to each polling station, a final Electoral List, pursuant to this Act; prior to the Election day.
- 5.12. Reconcile all ballots for both unofficial and official counts, and prepare an official election report for the Métis Elections Commission.
- 5.13. Publicly declare to be elected the candidate or candidates having the greatest number of votes.

## **ARTICLE SIX – ELIGIBILITY**

6. In order to participate in an election, the participant shall:
  - 6.1. Be a citizen of the Métis Nation of Saskatchewan.
  - 6.2. Be at least sixteen (16) years of age on the day of the election.
  - 6.3. Be a resident of Saskatchewan who has resided therein for at least six months prior to the date of the close of nominations.

6.4. In order to vote for a regional representative, have been a resident of Saskatchewan and ordinarily resident in the region for at least six months prior to the date of the close of nominations.

## **ARTICLE SEVEN – ELECTORS**

7. In order to cast a ballot in an election, an elector shall:

7.1. Meet the requirements of Eligibility pursuant to this Act.

7.2. Prior to the close of the Electoral List, transfer his/her citizenship to the Local where he/she is ordinarily resident.

7.3. Be on the Electoral List on Election Day.

7.4. Vote at the polling stations closest to where they are registered and ordinarily resident, pursuant to Article 7.2 of this Act. Electors may request of the Chief Electoral Officer that they be placed on the list of another polling station and such determinations shall be at the discretion of the Chief Electoral Officer. Adequate identification will have to be supplied by the elector to the election official, if such a request is made and a Declaration Form will have to be completed and signed.

7.5. Meet the requirements of the Code of Conduct at the polling station in accordance with this Act.

## **ARTICLE EIGHT - ELECTORAL LIST**

8. The Electoral List shall:

8.1. List all of the Electors eligible to vote in an election.

8.1.1. The Electors shall be listed by Local.

8.2. Be compiled by the Chief Electoral Officer from the most recent Local Citizenship Lists on file at the Métis Nation of Saskatchewan Office.

8.3. Be revised only during a publicly announced revision period. The revision period shall be between the date of the Election Proclamation and thirty days prior to election day to a maximum period of thirty days.

8.4. Upon provision of evidence to the satisfaction of the Chief Electoral Officer, of a legitimate error or omission, a citizen can have his/her name added to, or removed from the Electoral List during the revision period.

8.5. Be posted in each polling station on Election Day.

8.6. Be made available to the candidates.

## ARTICLE NINE - NOMINATION OF CANDIDATES

9. In this Act:

9.1. Any citizen of the Métis Nation of Saskatchewan is eligible to be nominated as a candidate if on the day his/her nomination papers are filed he/she:

9.1.1. Meets the requirements of Eligibility pursuant to this Act;

9.1.2. Has not filed a Frivolous Court Action against the Métis Nation of Saskatchewan within the last three (3) years;

9.1.3. Has not been convicted of an indictable offence within five years (5) prior to the Election Proclamation;

9.1.4. If seeking to be a candidate for Regional Representative, is ordinarily resident in the region for which he/she seeks nomination; and

9.1.5. Has not been charged with an indictable offence.

9.2. Any citizen of the Métis Nation of Saskatchewan is eligible to nominate a candidate if he/she meets the requirements of Eligibility pursuant to this Act;

9.3. All nominations for the Executive and the Regional Representatives of the Provincial Métis Council shall be submitted to the Chief Electoral Officer and shall include the following:

9.3.1. The signature of the nominator;

9.3.2. A letter of acceptance from the potential candidate;

9.3.3. A non-refundable bond of one-hundred dollars (\$100.00) which shall be deposited by the Chief Electoral Officer into the electoral fund; and

9.3.4. A minimum of five (5) additional individual citizens who shall attest their support of the nomination by signing the nomination form, and if nominating a candidate for Regional Representative, these citizens must be ordinarily resident within the region.

9.3.5. Any candidate who accepts a nomination for the Executive or for Regional Representative of the Provincial Métis Council must, if employed by the Métis Nation of Saskatchewan or any of its Affiliates, apply for a leave of absence from such employment at least thirty (30) days prior to the Election Date, effective on the date he/she files such nomination. All such applications for a leave of absence shall be granted. Proof of the leave of absence shall be tendered in writing to the Chief Electoral Officer along with the nomination and the candidate's letter of acceptance for the nomination.



## **ARTICLE TEN - SCRUTINEERS**

### 10. Scrutineers shall:

10.1. Meet the requirements of the Eligibility and Code of Conduct provisions pursuant to this Act.

10.2. Not have been convicted of an indictable offence within five (5) years prior to the Election Proclamation.

10.3. Present a letter of authorization from their respective Candidate for the purpose of identifying themselves at the polling station.

10.4. Have been appointed by their candidate to represent him/her at that polling station, and to observe the election procedures on his/her behalf. Only one Scrutineer per candidate may be present in the polling area at any one time.

10.5. Not impede, prevent, or otherwise interfere in any way with the free exercise of the electors right to vote or in any way compel, induce or prevail on an elector to vote or to refrain from voting.

## **ARTICLE ELEVEN - SECRECY OF VOTING**

### 11. In this Act:

11.1. Voting in the election shall be by secret ballot.

11.2. No person shall interfere or attempt to interfere with an elector who is marking his/her ballot or casting his/her vote or otherwise attempt to obtain at the polling station information as to the candidate or candidates for whom an elector at that polling station is about to vote or has voted.

11.3. Each election officer, candidate and scrutineer in attendance at a polling station or at the counting of the ballots shall assist in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at the polling place regarding which candidate an elector has voted for or is about to vote for.

## **ARTICLE TWELVE - CODE OF CONDUCT**

### 12. In this Act:

12.1. No person shall disturb the peace and good order at a polling place or a place where election proceedings are underway.

12.2. The Chief Electoral Officer or his/her designate may cause to remove any person who is disrupting or otherwise interfering at a polling place or a place where election proceedings are underway.

12.3. No person shall unlawfully take down, cover up, mutilate, deface or alter an election proclamation, notice or other document required to conduct an election pursuant to this Act.

## **ARTICLE THIRTEEN - CONFLICT OF INTEREST**

13. In this Act:

13.1. The Commissioners and the Chief Electoral Officer shall not be in a Conflict of Interest respecting their duties;

13.2. Conflict of Interest will exist when:

13.2.1. An immediate family member is a candidate or employee or official in the election. An immediate family member is defined as father, mother, stepfather, stepmother, foster parent, brother, sister, spouse (including a common law spouse), child (including a child with a common law spouse), ward, father-in-law, mother-in-law or relative permanently residing with an election official.

13.2.2. Any close personal or business associate is a candidate or employee or official in the election.

13.3. In such a case-where a Commissioner or Chief Electoral Officer are in Conflict of Interest, he/she Will be required to:

13.3.1. Reveal his/her interest in or in connection to the candidate, employee or official;

13.3.2. Refrain from participating in substantive discussion other than to provide, on request, factual information;

13.3.3. Be absent while discussions concerning the candidate, employee or official in question are taking place. The record must reflect that the person in conflict was absent as specified.

## **ARTICLE FOURTEEN – FINANCES**

14. In this Act:

14.1. The Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council, shall determine the rate of remuneration and expense accounts for the Commissioners.

14.2. There shall be paid out of the General Fund such sums as are required to meet the monetary obligations of the Métis Nation of Saskatchewan under this Act and approved by the Métis Nation Legislative Assembly.

#### **ARTICLE FIFTEEN - ASSUMPTION OF OFFICE**

15. The procedure for Assumption of Office shall be:

15.1. The newly elected Executive and the Regional Representatives of the Provincial Métis Council shall take office the day after election day, and must take an Oath of Office within thirty (30) days of the announcement of official election results.

#### **ARTICLE SIXTEEN - VACANCY OF OFFICE**

16. In this Act:

16.1. An office of the Provincial Métis Council is considered vacant when a person who holds that office:

16.1.1. Dies;

16.1.2. Resigns in writing from his/her office; or

16.1.3. Is convicted of an indictable offence and has exhausted such appeals to any appeal courts; or

16.1.4. Ceases to qualify as a candidate by virtue of the membership or residency provisions referred to in Article Six - Eligibility hereof.

16.2. A member of the Provincial Métis Council shall take a leave of absence upon being charged of an indictable offence until the matter is dealt with.

#### **ARTICLE SEVENTEEN - ENACTMENT**

17. This Act and Regulations:

17.1. Comes into force upon ratification by the Métis Nation Legislative Assembly.

17.2. Is binding upon all citizens of the Métis Nation of Saskatchewan and its Affiliates and organizations.

17.3. Repeals all former election legislation and regulations.,

17.4. Has received ratification by the Métis Nation Legislative Assembly on this 6 day of November, 1999.

# **METIS NATION OF SASKATCHEWAN ELECTION REGULATIONS**

## **GENERAL APPLICATION**

1. These regulations apply to general elections and by-elections.

## **ELECTION OFFICERS**

2. Qualification of Election Officers

2.1. All election officers must meet the requirements of Eligibility and Code of Ethics as set out in the Métis Nation of Saskatchewan Election Act.

2.2. Election officers must not have been convicted of an indictable offence within five (5) years prior to the Election Proclamation.

2.2.1. Chief Electoral Officer

2.2.1.1. The Chief Electoral Officer shall recommend to the Métis Election Commission appointments for all election officers based on the recommendations of the Local. The Chief Electoral Officer shall supervise and appoint for each Local where a polling station is established a Deputy Returning Officer and a Poll Clerk.

2.2.2. Deputy Returning Officers and Poll Clerks

2.2.2.1. A person appointed as either a Deputy Returning Officer or a Poll Clerk shall hold office from the time appointed until thirty (30) days after the election or by- election.

2.2.2.2. Deputy Returning Officers and Poll Clerks shall be paid at a remuneration rate as set out by the Métis Elections Commission and approved by Metis Nation of Saskatchewan.

## **ELECTORAL LIST**

3. Qualification of Electors

3.1. In order to participate in an election, the participant shall meet the Eligibility requirements as set out in the Election Act.

3.2. An elector shall have only one place of residence for purposes of these regulations. If a participant claims to have two or more residences, then for the purposes of these regulations, he/she must select and declare to the Chief Electoral Officer one of the residences to be his/her actual residence.

3.3. An elector is entitled to only one vote for each office for which an election is held.

3.4. An elector must be listed on the Electoral List on Election Day in order to participate in the election.

#### 4. Revision Procedures

4.1. The Chief Electoral Officer will forward to the Local Presidents a temporary Electoral List which is compiled from the Métis Local membership lists on file at the Metis Nation of Saskatchewan Registry Office. The Local Presidents will be responsible for submitting to the Chief Electoral Officer the names and contact information of any new members and striking the names of members who have since deceased or transferred from their Local registry.

4.2. The Chief Electoral Officer will revise the temporary Electoral List and ensure that the revised Electoral List is posted in a public place in each Local community.

4.3. Members will be responsible for verifying that their name is on the Electoral List.

4.4. An elector is responsible to transfer their Local membership to the Local where they are ordinarily resident, pursuant to the Election Act, Article 7.4.

4.5. If a member wishes to move his/her name to the Electoral List of another Local to meet residency requirements and Article 4.4 above, the member shall make a written request to the Local President of the Local in their area of residency, carbon copying a letter to the President where they were originally registered. Or, an elector can request to have his/her name transferred from their Local Electoral List to an alternate Local Electoral List. These changes may be done by:

4.5.1. Writing to the Chief Electoral Officer and making such a request.

4.5.2. Including verification of residency with adequate documentation (drivers license, picture ID, Income Tax return from the most recent tax year); or

4.5.3. Stating that the elector will be away from the Local where they are registered and wishes to vote at another poll.

4.6. All requests for revision of the electoral list must be processed by the Chief Electoral Officer during the period of time set for revision of the List. No requests for revision will be accepted or processed on Election Day.

## 5. Distribution for Election Day

5.1 The Electoral List will identify members by the Local where they hold their membership. A copy of the Local list of members on the Electoral List will be distributed to each Local, to be posted by the election staff at the polling station for that Local.

5.2 Regional Electoral Lists will be compiled by the Chief Electoral Officer and made available to all candidates in the election.

## 6. Verification

6.1. The membership lists on file at the Metis Nation of Saskatchewan Registry Office will be forwarded to the Local Presidents, for update of new or transferred memberships. The updated lists will then be used to develop the Electoral List.

## **CANDIDATES**

### 7. Qualifications

7.1. Qualifications of candidates are subject to the requirements of the Election Act.

### 8. Nomination Procedures

8.1. Nominations of candidates for any elected position shall be filed with the Chief Electoral Officer not less than thirty (30) days prior to Election Day. Nominations may be received any time up to 5:00 o'clock in the afternoon thereof at such place and date as is appointed by the Chief Electoral Officer.

8.2. A nomination must comply with the requirements as set out in the Election Act.

### 9. Where No Candidates Nominated

9.1. In the event that no nominations of a candidate for a particular position is received by the Chief Electoral Officer, the Chief Electoral Officer shall then set an additional day for the receipt of additional nominations for the remaining positions. These nominations shall be received prior to 5:00 o'clock in the afternoon thereof at such place and date as is appointed by the Chief Electoral Officer.

### 10. Proceedings on Acclamation

10.1. Where the Chief Electoral Officer pursuant to the Election Act receives only one nomination of a candidate for a particular position, the Chief Electoral Officer shall declare that candidate whose nomination was received by the deadline set out herein as being elected.

## 11. Procedures at Polls

11.1. Within ten (10) days after the nomination deadline, the Chief Electoral Officer will have posted in each Regional Office and within each Local a notice showing:

11.1.1. The names of the candidates nominated and

11.1.2. The date and time and place where polls will be open for the taking of votes for the candidates nominated.

## 12. Withdrawals

12.1. Any candidate nominated for any particular office may tender a withdrawal in writing to the Chief Electoral Officer before 2:00 o'clock in the afternoon on the second day following the date for nomination deadline.

## 13. Scrutineers

13.1. Qualification of scrutineers shall be pursuant to the Election Act.

13.2. One scrutineer is allowed per candidate per polling station, pursuant to the Election Act.

13.3. Scrutineers are allowed to be in attendance during voting and at all ballot counts.

## **ELECTION POLLS**

### 14. General Procedures

14.1. The election officer shall immediately before the commencement of the poll, show the ballot box to such persons as are present in the polling place so that they may see that it is empty and then shall lock the box and place his/her seal upon it in such a manner as to prevent it from being opened without breaking the seal and he/she shall place the box in plain view for the receipt of ballot papers and shall keep it so locked and sealed during the hours of voting.

14.2. In the event that the ballot box leaves the polling station during the hours of voting, the ballot papers within the box shall be considered invalid.

14.3. For the purpose of these regulations, no polling station shall be established in a motorized vehicle such as automobiles, motor homes, trailers, buses, etc.

14.4. No polling place shall be established by the Chief Electoral Officer in premises in which a candidate has any legal interest or estate.

14.5. The polling place shall be accessible to disabled and handicapped persons.

14.6. Polling shall begin at 8:00 a.m. and close at 8:00 p.m. on election day.

14.7. Where a person claiming to be an elector presents him/herself at the polling station for the purpose of voting, the electoral staff shall proceed as follows:

14.7.1. Verify that the elector's name is on the Electoral List. A person who is not named on the Electoral List of that polling station is not entitled to cast a vote.

14.7.2. If an elector wishes to be placed on the Electoral List of another Local, he/she may request to do so during the revision period for the Electoral List by doing the following:

14.7.2.1. During the revision period, an elector may make a request to the Chief Electoral Officer to vote at a polling station to which they are not listed on the Electoral List of that polling station.

14.7.2.2. The elector shall provide to the Chief Electoral Officer proper identification, such as a Métis membership card, a driver's license, a Saskatchewan Health Card, or picture identification and can state the name of the Local to which they are registered as a member.

14.7.2.3. The Chief Electoral Officer will verify that the elector is indeed on the Electoral List at the polling station stated by the elector.

14.7.2.4. The Chief Electoral Officer may authorize the transfer.

14.7.3. If the elector's name is on the Electoral List of that polling station, then the elector shall present his/her proper identification to the election officer for verification.

14.7.4. If all above requirements have been met, the election officer shall require the elector to sign his/her name opposite the place where it appears in the Poll Book maintained by the election officer.

14.7.5. The election officer will explain to the elector as concisely as possible the way in which voting is to be done, including but not limited to the following:

14.7.5.1. That the elector may vote for only one candidate for each position;

14.7.5.2. That the elector should indicate his/her choice by making an "X" in the space beside the name of the candidate he/she supports;

14.7.5.3. That the elector must vote alone:

14.7.5.4. That the elector should fold the ballot paper across in the same manner as it was folded when delivered to him/her by the election officer so as to expose the initials of the election officer but to not expose the front of the ballot paper so as to indicate the candidate or candidates for whom he/she has voted.



14.7.5.5. Before allowing the elector to deposit their ballot paper in the ballot box, the election officer shall verify their own initials on the ballot paper and instruct the elector to deposit their ballot paper in the ballot box.

14.8. In the event there is more than one Local in a community, one polling centre will be established to accommodate all polling stations.

## 15. Code of Conduct

15.1. No person shall interfere with or attempt to interfere with an elector when marking his/her ballot paper or casting his/her vote or otherwise attempt to obtain at the polling station information as to the candidate or candidates for whom an elector is about to vote or has voted.

15.2. No campaign material, literature or activity shall be permitted within the polling station. For purposes of these regulations, campaigning activity includes the continued presence of the candidate or his/her representative but not the continued presence of the duly appointed scrutineer, and includes any activity intended to influence voting.

## **BALLOTS**

### 16. Ballot Papers

16.1. Where a poll is established, the Chief Electoral Officer shall forthwith cause to be printed a sufficient number of ballot papers for the purposes of the election.

### 17. Contents of Ballot Papers

17.1. Every ballot paper shall contain the name of the duly nominated candidates which shall be arranged alphabetically in the order of their surnames and, if there are two or more candidates with the same surnames, then in the order of their given names.

17.2. The ballot papers shall be in the form prescribed by the Chief Electoral Officer.

### 18. The Marking of Ballots

18.1. Upon receipt of a ballot paper by an election official, the elector shall forthwith proceed to the voting compartment provided for the purpose and -shall there and then mark his/her ballot paper by placing a mark on the right hand side opposite the name of the candidate for whom he/she desires to vote.

### 19. Spoiled and Declined Ballots

19.1. Immediately after the closing of the poll, the election officer in the presence of all election officers and the scrutineers present, shall count the number of spoiled and declined ballots, place them in an envelope marked "Spoiled and Ballots", seal the envelope and endorse thereon the number of such ballots therein contained.

## 20. Ballots to be Rejected

20.1. The election officer shall reject any ballot that:

20.1.1. Has not been supplied by him/her and initialed;

20.1.2. Has not the symbol 'X' marked thereon;

20.1.3. Has the symbol "X" marked opposite the names of more candidates than are to be elected;

20.1.4. Has the symbol "X" and some other figure set opposite the name of the candidate;

20.1.5. Does not show for which candidate the vote is given; or

20.1.6. Has any mark or writing made by the elector by which he/she may be identified.

## 21. Marks Allowed on the Ballot

21.1 A ballot paper is not invalid merely because the elector without any apparent intention of identification has marked his/her vote out of or partly out of its proper space if the mark clearly indicates the candidate for whom he/she evidently intended to vote or has marked the ballot paper with a form of a cross other than an "X" or the figure '1' or "V" or a check mark or any other mark clearly indicating an intent to vote for the candidate opposite whose name the mark is placed.

21.2. A ballot paper shall not be rejected merely because the elector without apparent intention of identification has marked his/her vote with a writing instrument other than the pencil provided for the purpose.

## 22. Disposition of Ballots

22.1. The Chief Electoral Officer shall retain all ballot papers received by him/her for one month following the Official count and then:

22.1.1. Unless he/she has received notice of an appeal as provided for herein; or

22.1.2. Unless he/she is otherwise directed by order of the Metis Elections Commission, or an order of a Court having jurisdiction served on him/her within thirty (30) days of the day on which the election was held, he/she shall then cause the ballots to be destroyed in the presence of two witnesses.

22.1.3. The Chief Electoral Officer and the witnesses shall jointly make a statutory declaration that they have witnessed the destruction of the paper and the declaration shall be retained by the Chief Electoral Officer.

22.1.4. A copy of the declaration shall be included in the final report tabled at the Metis Nation Legislative Assembly by the Metis Elections Commission.

## **VOTING**

### **23. Voting Compartments and Materials**

23.1. Election officers shall ensure that a proper compartment, in which the elector can mark his/her ballot screened from observation, is provided at each polling station.

### **24. Secrecy of Voting**

24.1. While an elector is in the balloting compartment, no other person shall be allowed to enter the compartment or to be in any position from which he/she can observe the elector marking the ballot paper, unless the person marking his/her ballot paper requires assistance and is granted that assistance as provided herein.

24.2. Every election officer and scrutineer in attendance at a polling station, or at the counting of ballots or at both, shall maintain and aid in maintaining the secrecy of the voting.

### **25. Voting by Ballot**

25.1. Where a poll is established by the Chief Electoral Officer for an election, the vote shall be given by secret ballot.

### **26. Persons Entitled to be Present**

26.1. During the hours appointed for voting, no person is entitled or shall be permitted to be present in any polling place other than the election officers and scrutineers appointed pursuant to these regulations, the interpreter if any appointed, and such electors as are for the time being actually within the premises in which the polling place is situated, for the purpose of voting.

### **27. Forfeiture of Voting Right**

27.1. Where a person leaves the polling place without first delivering his/her ballot paper to the election officer in the manner prescribed or returns it after declining to vote, he/she thereby forfeits his/her right to vote and the election officer shall make an entry in the poll book in the column for remarks to the effect that the person received the ballot paper but took it out of the polling place or returned it declining to vote as the facts may be.

### **28. Voting by an Incapacitated Person**

28.1. Notwithstanding any other provision in these regulations, where an elector makes a declaration that he/she is unable to read or is incapacitated by blindness or other physical cause, when marking his/her ballot paper, the election officer shall proceed as follows:

28.1.1. He/she shall:

28.1.1 .1. Cause the vote of that person to be marked on the ballot paper in the manner directed by that person and shall place the ballot paper in the ballot box.

28.1.1.2. If the person is accompanied by a friend, and so requests, the election officer shall permit the friend to accompany the person into the voting compartment and mark the elector's ballot for him/her.

28.1.1.3. State in the poll book opposite the name of that person of the cause of the incapacity and the procedure followed for that elector.

## **POLL BOOK**

29. Poll Book

29.1. The poll book shall contain the names of all electors listed on the Electoral List and the signatures of all electors next to their name on the Electoral List.

29.2. The poll book shall contain a column for remarks by election officers.

29.3. The election officer shall make a note in the poll book of every objection to a ballot paper by a scrutineer and the officer's decision shall be final and binding on the count.

## **COUNTS**

30. At the close of the polls at the end of the Election Day and to prepare for the election count:

30.1. The election officer shall count the number of electors whose names appear in the poll book and the number of electors who appear to have voted and shall make an entry thereon in the poll book on the line immediately below the name of the elector who voted last (in the Remarks column):

30.1.1. The number of names on the List;

30.1.2. The number of electors who cast a vote;

30.1.3. Certify the date of this count;

30.1.4. The names and signatures of all election officers; and

30.1.5. The names and signatures of all scrutineers, if they wish to sign.

30.2. The election officer shall then open the ballot box and count the number of ballot papers therein and record the result, in the presence of the other election officers and the scrutineers in attendance.

30.3. The election officer shall then count the number of votes given for each candidate on the ballot papers by the placing thereon opposite the name of the candidate the symbol 'X' or any other such symbol as allowed and shall credit each candidate with one vote in respect to each vote given for him/her on an un-rejected and un-objected to ballot and on each ballot objected to but counted.

30.4. The election officer shall make out a statement in duplicate showing the number of votes given for each candidate and such other particulars as are required and the statement shall forthwith be signed by him/her and the other election officers and such other scrutineers as may be present and desire to sign.

30.5. One copy of the statement shall be attached to the poll book and the second shall be retained by the electoral officer to be forwarded to the Chief Electoral Officer.

### 31. Unofficial Counts

31.1. After making the statement mentioned above, the election officer shall in the presence of the persons authorized to attend make up into separate packets:

31.1.1. The statement of the poll;

31.1.2. The used ballot papers that have been objected to and have not been counted.

31.1.3. The ballot papers that have been objected to but have been counted.

31.1.4. The rejected ballot papers not objected to.

31.1.5. The rejected ballot papers objected to.

31.1.6. The spoiled and declined ballot papers.

31.1.7. The discarded ballot papers

31.1.8. The unused ballot papers

31.1.9. The poll book with the declaration of the election officer therein

31.1.10. The electoral list used at the poll

31.1.11. The statement of the number of electors marked by the electoral officer under the heads "physical incapacity" and "unable to read" with the declaration of the inability.

31.1.12. The notes taken of objections made to ballot papers found in the ballot box.

31.1.13. All other documents that were completed, prepared or used at the election.

31.2. The election officer shall seal each of the packets mentioned above with his/her own seal and such scrutineers as desire may affix their seals and signatures.

31.3. The election officer shall mark on the outside of each of the packets a short statement of the contents thereof, the date of the election, his/her name and the return and the name of the election.

## 32. Official Count

32.1 The Chief Electoral Officer, within no longer than fourteen (14) days of the Election Day, will proceed with the Official Count.

## 33. Announcement of Results

33.1. The Chief Electoral Officer shall publicly declare to be elected the candidate or candidates having the greatest number of votes.

33.2. Where it appears that two or more candidates have an equal number of votes the Chief Electoral Officer shall at the time he/she declares the results of the poll state that two or more candidates, naming them, to have an equal number of votes.

33.3. In the event of a tie, and all appeal processes have been exhausted, a by-election will have to be held.

## **APPEALS**

### 34. Appeals

34.1. A candidate may appeal a decision of the Chief Electoral Officer by filing a statement of appeal in writing, with the Metis Elections Commission within fourteen (14) days of the announcement of the Official Count. All appeals filed with the Metis Elections Commission shall include a non-refundable bond of one hundred dollars (\$100.00).

34.2. Upon receipt of an appeal, the Metis Elections Commission shall forthwith direct the Chief Electoral Officer not to destroy the ballot papers pertaining to the specific election under appeal until further notice.

34.3. Where it appears that two or more candidates have an equal number of votes, and the Chief Electoral Officer cannot declare a candidate to be elected the Chief Electoral Officer shall immediately conduct a recount of the ballots as hereinafter provided.

34.4. If it is made to appear by the statement of a candidate filed with the Chief Electoral Officer at any time within fourteen (14) days from the date of the election that any ballot papers may have been improperly counted or rejected on application made to him/her for the purpose, the Chief Electoral Officer shall appoint a time and place where he/she will proceed to recount the ballots and he/she shall give notice thereof in writing to the Métis Elections Commission, the election officers and the candidates.

34.5. Upon completion of the recount or as soon as he/she has ascertained the result of the poll, the Chief Electoral Officer shall seal up all the ballot papers in separate packets and unless a new election is ordered, the Chief Electoral Officer shall forthwith certify the result and then declare to be elected the candidate having the highest number of votes.

34.6. Whereupon completing this recount, the Chief Electoral Officer finds that each of the two or more candidates has received an equal number of votes; and cannot therefore finally determine the result of the election by declaring to be elected the number of persons or the remaining number of persons required to be elected he/she shall require a new election to be held.

34.7: Where any new election is ordered the candidates for election in the run-off election shall be only those candidates who had an equal number of votes following the recount.

## RECOMMENDATIONS

1. All Metis Locals and service organizations under the umbrella of the Metis Nation - Saskatchewan should invest in the same technology; all should be connected electronically so that proposed change to operations and legislation is communicated to members.
2. Voting should be done electronically for the next election. This would mean that the Registrar's Office would have to establish an Alpha List and that the development of the next Official Electoral List would include electronic codes to be used solely for the purpose of voting on election day.
3. Contact numbers must be provided for all candidates, presidents, and election personnel. The president's list was out of date and MNS was not notified of changes prior to the revision period, during the campaign period, and up to election day. Much time was spent in trying to contact people who were needed immediately to deal with election procedures and materials.
4. It is very important that a way be found to discipline people who sign false declarations. Approximately 100 hours of staff time, and associated financial costs, was spent trying to establish the residency of a candidate who subsequently was found to be residing outside of Saskatchewan. As well, contrary to his claim, he did not belong to a Local in Saskatchewan.
5. Enumeration information received by the Elections Office was incomplete and not useful for the purpose of compiling the Official Electoral List. In the case of one Local, only three Metis members were identified in the enumeration material.
6. There was a problem in how different people read the *Election Act and Regulations*. There were many interpretations for the same section. An exercise in clarity for the general Metis public by the elected officials needs to take place and a document for public consumption and use should be,



developed and distributed.

7. There is an apparent need to define the official capacity of all elected positions. Most electors, and some candidates, were not clear as to the roles and responsibilities of the various positions. In fact, there is little reference in the Constitution to actual duties of positions other than that of the President.

8. *Code of Conduct for Candidates and Candidates' Handbook*

It became evident during the course of the election that a code of conduct for candidates is necessary. We found several candidates to be uncooperative. Some candidates had lists but they were not provided to the Metis Elections Commission staff until January 18. Several candidates were abusive on the phone toward staff. People working for candidates harassed Elections Office workers and in some cases lawsuits were threatened. It is strongly suggested that a Handbook be developed for candidates and approved by the Provincial Metis Council.

9. *Criminal Record Checks*

It is recommended that an official candidate for election be required to submit all fully completed documents including a CPIC Criminal Record Check before being officially accepted and recognized as a candidate.

10. A candidate's declaration form should be accompanied by a leave of absence if applicable, complete CPIC criminal record check, signed Code of Conduct, proof of citizenship. If these are not provided, then the person should not be accepted as a candidate and should not go on the official candidate's list or ballot.

11. For the next election, unless it is a permanent office, the Elections Office should not be situated at the Head Office building of the MNS.

12. It would be desirable to have a Senate Office permanently located such that personnel working for the Senate or the Elections Commission or any such

project have a place and/or person to contact.

13. Due to problems encountered in revising incomplete, inaccurate and duplicate lists, it would be expedient to extend the revision period from 30 days to 180 days.

14. The election date should be set permanently on a specific date and increment of years. This will allow better planning time and use of financial and human resources.

15. Membership lists should be sent to the Registrar's Office at least 120 days before the next election. This will allow the Registrar and the Elections Commission to compile complete and up-to-date lists that will include all members to that period.

16. The Provincial Metis Council should review and find a method of applying a Code of Ethics within the context of an election.

17. The Elections Office should be available for longer period before and after an election. It is not efficient to be devoting staff time and financial resources to opening, moving and closing an office.

18. Training for all personnel involving in delivering the election must be provided and the necessary funds should be allocated in advance for this purpose. Most of all the problems encountered in election day procedures could have been alleviated or minimized by the provision of training.

19. A Metis public education campaign must be conducted when significant changes are made by legislation as to how elections are to be run.



## Twenty-fourth Provincial General Election

## I. Elections Saskatchewan

## A) Administration

(i) Casual Salaries	\$ 102,327.68
(ii) General Contractual Services	46,383.36
(iii) Information Technology	24,757.80
(iv) Rent of Office Equipment	1,581.31
(v) Telephones	2,079.66
(vi) Miscellaneous Materials/Supplies	17,196.27
(vii) Postal/Courier/Freight	11,978.87
(viii) Advertising	240,126.81
(ix) Printing/Duplicating	298,896.92
(x) Travel/Business	3,360.84
(xi) Transportation	13,236.58

## B) Registered Political Parties

(i) Reimbursement of Registered Political Parties' Election Expenses	289,065.70
(ii) Reimbursement of Auditors' Fees	6,347.50
(iii) Interest	685.87

## Elections Saskatchewan Expenditure

\$1,058,025.17

## II. Constituencies (58)

## A) Election Officials

(i) Returning Officers	\$ 256,960.00
(ii) Election Clerks	177,450.00
(iii) Enumerators	791,392.21
(iv) Polls (Officials/Rental of Space)	1,302,524.36

## B) Administration

(i) General Contractual Services	169,424.26
(ii) Legal Services	48,256.49
(iii) Information Technology	20,235.90
(iv) Rent of Ground/Buildings/Office Space	68,982.89
(v) Rent of Office Equipment	19,112.06
(vi) Telephones	78,692.95
(vii) Miscellaneous Materials/Supplies	4,553.24
(viii) Postal/Courier/Freight	6,913.42
(ix) Advertising	88,287.74
(x) Printing/Duplicating (Ballots/Proclamations/Voters' Lists)	237,956.97
(xi) Travel/Business	44,580.79
(xii) Transportation	28,624.80

## C) Candidates

(i) Reimbursement of Candidates' Election Expenses	1,576,702.59
(ii) Reimbursement of Auditors' Fees	118,601.66
(iii) Interest	1,374.75

## Constituencies Expenditure

\$5,040,627.08

## Total Election Expenditures

\$6,098,652.25

Eligible Voters 622,500

Cost Per Voter \$9.80 (9.797031)