

CREE NATION OF NEMASKA

LAW NO. 133 being a Law to amend Law No. 87 respecting elections

WHEREAS Law No. 87 respecting elections came into force on 7 March 2006;

WHEREAS it is desirable to amend certain provisions of the said Law;

NOW THEREFORE:

Pursuant to section 6.2 of the Governance Agreement and sections 5.3 and 5.4 of the Cree Constitution, the Cree Nation of Nemaska, acting through its Council at a special meeting of the Council held in Nemaska, on the 4th day of February 2019, hereby enacts this Law amending Law No. 87 respecting elections.

1. The second paragraph of Section 6 is hereby amended by removing "summer" and replacing it with "month of February" such that the said section shall read as follows:

6. Subject to section 4 hereof, the council shall determine the date, the hours, and the place, within the Category 1A lands of Nemaska, of the election. The date, hours and the place of any advance poll and the date, hours and places of any travelling poll may also be fixed by resolution of the council.

General elections shall normally take place during the month of February.

2. Section 8 is hereby amended by adding a second and third paragraph such as the said section shall read as follows:

8. Any elector of Nemaska is eligible to be elected to the office of councillor unless:

- a) he has been convicted of committing an act detrimental to the conduct of free and fair elections within the two year period preceding the election date or, where the most recent election for that office took place before that two year period, in respect of the most recent election for that office;
- b) he has been appointed as a Returning Officer or as a Deputy or Assistant Returning Office in respect of the election for that office;
- c) he is the Corporate Secretary or the Treasurer of Nemaska;
- d) he is a judge or a Crown prosecutor; or
- e) he is, on the election date, imprisoned as a result of having been convicted of an offence under the Criminal Code of Canada.

In order to ensure fairness of the election process, an employee of the Cree Nation of Nemaska who accepts a nomination for the office of chief, deputy chief or councillor must take a paid leave of absence from his employment. Such leave shall be effective as of the date of his acceptance of the nomination and shall continue until the end of the election or until the employee withdraws his candidacy, whichever occurs first.

Following the next general elections to be held in 2019, an employee of the Cree Nation of Nemaska who holds a permanent position or who is employed for a period of more than three consecutive months who is elected to an unsalaried office of councillor must take an unpaid leave of absence from his employment for the duration of his term in that office.

3. Section 9 is hereby amended by adding a third paragraph that reads "No person shall hold the office of chief or deputy chief for more than two (2) consecutive terms" such that the said section shall read as follows:

9. The councillors shall hold office for a term of four (4) years from the date of their election.

Notwithstanding the expiry of their term of office, they shall continue to hold office until the election of their successors.

No person shall hold the office of chief or deputy chief for more than two (2) consecutive terms.

4. Section 28 is hereby amended by adding "for the office of deputy chief" after "There shall be separate nominations for the office of chief," such that the said section shall read as follows:

28. There shall be separate nominations for the office of chief, for the office of deputy chief and for the office of councillor.

5. Section 29 is hereby amended by adding the words "deputy chief" after "Any elector may either propose or second the nomination of any other elector to hold office as chief," such that the said section shall read as follows:

29. Any elector may propose the nomination of and second the nomination of any other elector eligible to hold office as chief, deputy chief or councillor. No one may propose or second the nomination of more than one candidate in respect of any office.

6. Section 30 is hereby amended by adding "of deputy chief" after "The nomination of a candidate for the office of chief," such that the said section shall read as follows:

30. The nomination of a candidate for the office of chief, of deputy chief or of councillor shall be done in writing by filling a nomination paper, in the form annexed hereto as Schedule 2, with the Returning Officer.

7. Section 35 is hereby amended by adding "deputy chief" after "The nominations for the office of chief," such that the said section shall read as follows:

35. The nominations for chief, deputy chief and councillor shall close at least twenty (20) clear days prior to the date of the election poll.

8. Section 43 is hereby amended by adding "one vote for the office of deputy chief" after "Each elector shall be entitled to cast one vote for the office of chief," such that the said section shall read as follows:

43. Each elector shall be entitled to cast one vote for the office of chief, one vote for the office of deputy chief and one vote for each position for the office of councillor which is the object of the election.

9. Section 46 is hereby amended by adding "for the office of deputy chief" after "Separate ballot papers shall be prepared for the election for the office of chief," and replacing "the office of chief and of councillor" with "each office" in the second phrase of the said Section such that the said section shall read as follows:

46. Separate ballot papers shall be prepared for the election for the office of chief, for the office of deputy chief and the office of councillor. Such ballot papers shall list, in alphabetical order, the names of the candidates standing for each office and the photograph of each candidate shall appear below his name.

10. The provisions of Section 84 are hereby replaced with the following paragraphs such that the said section shall now read as follows:

84. The candidate for the office of deputy chief who receives not less than an absolute majority of valid votes cast in respect of that office shall be elected deputy chief.

In the event that a candidate for the office of deputy chief does not receive an absolute majority of valid votes cast, a second ballot shall take place within 10 (ten) clear days following the first ballot. The candidates on the second ballot shall be the two candidates receiving respectively the highest and second highest number of valid votes cast on the first ballot for the office of deputy chief. The provisions of this Law shall apply to the second ballot, with such modifications as the circumstances may require.


11. Section 85 is hereby amended by removing the word "next" after "The Candidate for the office of councillor receiving the" such that the said Section shall read as follows:

85. The Candidate for the office of councillor receiving the highest number of valid votes cast in respect of that office shall be elected councillor. This process shall be repeated until all vacant councillor positions are filled.

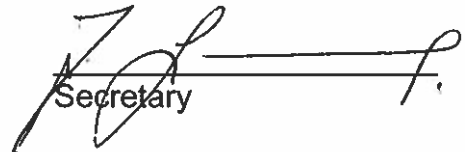
COMING INTO FORCE

12. This Law comes into force on the date when it has been approved by the electors in accordance with section 5.4 of the Cree Constitution.

SIGNED at Nemaska, Quebec, this 21th day of February 2019 and posted this 21th day of February 2019.



Chairman



Secretary

Certified true copy
21/02/19

