

CREE NATION OF NEMASKA

Law No. 149 respecting elections

WHEREAS the Cree Nation of Nemaska (“**Nemaska**”) is a “Cree band” constituted under the *Cree-Naskapi (of Quebec) Act* and continued as a Cree First Nation, and as the same legal entity, under the Governance Agreement and the *Cree Nation of Eeyou Istchee Governance Agreement Act* (S.C. 2018, c. 4, s. 1);

WHEREAS, on February 9, 2006, the Cree Nation of Nemaska enacted By-Law No. 87 respecting elections;

WHEREAS, on February 4, 2019, the Cree Nation of Nemaska enacted Law No. 133 being a Law to amend By-Law No. 87 respecting elections;

WHEREAS it is desirable and appropriate that By-Law No. 87 and Law No. 133 be repealed and replaced in order to, among other things, reflect the evolution of community standards regarding elections as well as to provide a mechanism for electronic voting;

WHEREAS the members of the Cree Nation of Nemaska have a responsibility to inform themselves regarding election matters and to participate in community elections in a reflective and serious manner with knowledge of the issues and the significance of the exercise of their right to vote;

NOW THEREFORE, pursuant to section 6.2 of the Governance Agreement and to sections 5.2 and 5.3 of the Cree Constitution, the Cree Nation of Nemaska, acting through its Council at a meeting of the Council held in Nemaska, on the 13th day of November 2025, hereby enacts this Law respecting the election and term of office of its Council members, subject to the approval of this Law by the Electors in accordance with section 5.4 of the Cree Constitution and section 75 of this Law.

INTERPRETATION

1. Unless otherwise indicated, words and expressions in this Law have the same meaning as in the Governance Agreement and the Cree Constitution, as applicable, and the singular includes the plural.

2. The following words and expressions shall mean:

“Absolute Majority”: more than 50% of valid votes cast in respect of a ballot;

“Administration Office”: the head office of the Cree Nation of Nemaska;

“Category IA Land”: the Category IA Land of the Cree Nation of Nemaska as defined under the Governance Agreement;

“Chief” the duly elected Chief of Nemaska, a member of the Council;

“Council”:	the Council of the Cree Nation of Nemaska;
“Councillor”:	a person holding office as councillor of Nemaska, a member of the Council other than the Chief and the Deputy Chief;
“Cree Constitution”	the Constitution developed under section 3.1 of the Governance Agreement and ratified in accordance with chapter 31 of the Governance Agreement;
“Cree-Naskapi (of Quebec) Act”:	the Cree-Naskapi (of Quebec) Act (S.C. 1984, c. 18), as it read immediately before the day on which the <i>Cree Nation of Eeyou Istchee Governance Agreement Act</i> came into force;
“Deputy Chief”	the duly elected Deputy Chief of Nemaska, a member of the Council;
“Deputy Returning Officer”	the Deputy Returning Officer appointed by the Returning Officer under section 5.9 of the Cree Constitution and section 8 of this Law;
“Election Official”	the Returning Officer, the Deputy Returning Officer or an Electoral Clerk;
“Elector”:	a person who is enrolled or entitled to be enrolled on the beneficiary list of the Cree Nation of Nemaska, who is eighteen (18) years of age or over and not declared mentally incompetent under the laws of the Province of Quebec;
“Electoral Clerk”	an Assistant Returning Officer appointed under section 5.9 of the Cree Constitution and section 8 of this Law;
“Electoral List”:	the list containing the names of Electors;
“Governance Agreement”	the Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada signed on July 18, 2017, approved, given effect and declared valid and having force of law by virtue of the <i>Cree Nation of Eeyou Istchee Governance Agreement Act</i> ;
“Nemaska”	the Cree Nation of Nemaska;
“Remote Poll”	a poll in person held in one or more locations outside Category IA Land pursuant to sections 14 and 15; and
“Returning Officer”:	the Returning Officer of Nemaska appointed under section 5.9 of the Cree Constitution and section 7 of this Law.

GENERAL

3. This Law applies to the election and term of office of Council members of the Cree Nation of Nemaska, including the Chief and the Deputy Chief.

TERM OF OFFICE

4. The term of office of Council members shall be four (4) years and elections shall be held every four (4) years during the third full week of the month of February.

NUMBER OF COUNCIL POSITIONS

5. The Council of the Cree Nation of Nemaska shall consist of seven (7) Council members, comprised of one Chief, one Deputy Chief and five (5) Councillors.

ELIGIBILITY

6. Any Elector is eligible to be elected to the office of Council member unless he or she:

- a. has been convicted of contravening a provision of Part II of Appendix A of the Cree Constitution, set out as **Schedule I** of this Law, within the two-year period preceding the date fixed for the holding of the election for that office 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. has been appointed as an Election Official in respect of the election for that office;
- c. is the Corporate Secretary, Treasurer, Director General or Deputy Director General of Nemaska;
- d. is a judge to which the *Judges Act* (R.S.C., 1985, c. J-1) applies or is a Crown prosecutor; or
- e. is, on the day fixed for the holding of the election for that office, undergoing a term of imprisonment as a result of having been convicted of an indictable offence.

RETURNING OFFICER

7. The Council shall appoint a person who is not a Council member as Returning Officer and shall fix his or her tenure and term of office.
8. The Returning Officer shall appoint a Deputy Returning Officer and may appoint such other Electoral Clerks as are necessary to assist the Returning Officer in the performance of his or her duties. The Returning Officer may assign functions and duties to the Deputy Returning Officer and Electoral Clerks, subject to the general supervision and direction of the Returning Officer.

9. Where the Returning Officer is absent or incapacitated or the office of Returning Officer is vacant, the Deputy Returning Officer has and may exercise all the powers and duties of the Returning Officer.
10. The Returning Officer shall supervise the conduct of elections. The Returning Officer shall also exercise such other functions as may be attributed to him or her by Nemaska in respect of any members meetings and referenda.
11. The Returning Officer may take such measures that are not inconsistent with the Governance Agreement, the Cree Constitution or this Law as are necessary to ensure the fair and orderly conduct of the elections and any related matter under his or her authority pursuant to this Law.
12. The Returning Officer, the Deputy Returning Officer and any Electoral Clerk must perform their duties impartially and put in place any appropriate measures to minimize any situation that may result in an actual or apparent conflict of interest. Before taking office, each of them must make a solemn written declaration in the following form:

I, _____, having been duly appointed (Returning Officer, Deputy Returning Officer, Electoral Clerk) for the election of the councillors of the Cree Nation of Nemaska, do solemnly affirm that I will faithfully discharge the duties of my office to the best of my judgment and ability and in accordance with the Cree Constitution and with Law No. [●] respecting elections of the Cree Nation of Nemaska (the “**Election Law**”).

I solemnly affirm that I will act impartially, that I will not favour any candidate in the election in which I shall be carrying out my duties and that I shall put in place any appropriate measures to minimize any situation that may result in an actual or apparent conflict of interest.

I solemnly affirm that I shall not divulge any information that I obtain or that is otherwise known to me in respect of the conduct of such election, including the name of any candidate for whom any voter may have marked his or her ballot in my presence: (a) except as authorized by the Election Law; or (b) unless I am required to give evidence in the course of a legal proceeding respecting the election or otherwise required expressly by law to disclose such information.

Signature

Solemnly affirmed before me on this _____ day of _____ at _____.

(signature of Commissioner of Oaths)

Name: _____ Title: _____

CALLING OF ELECTIONS

13. Where an election is held, the term of office of the position to be elected expires on the day of that election. For clarity, for the purpose of this Law, the term of office of the Chief or the Deputy Chief shall be interpreted to expire on the day of any run-off election for that position, if a run off election is required pursuant to subsection 62(2) or subsection 63(2).
14. (1) Where the Council calls for an election, the Council shall determine the day on which the poll for the election will be held and whether an advance poll or Remote Poll, or both, will be held. Any advance poll shall be held at least seven (7) clear days before the day of the main election poll. The Council shall also determine if the poll will be held in person, or in person and also by electronic means (a "hybrid poll").

(2) Where a Returning Officer calls for an election, the Returning Officer shall determine the day on which the poll for the election will be held and whether an advance poll or Remote Poll, or both, will be held. The Returning Officer shall also determine if the poll will be held in person, or in person and also by electronic means (hybrid poll).
15. Where an election is to be held, the Returning Officer shall determine,
 - a. in accordance with section 19, on which day the nomination meeting for the election will be held and shall decide at which hour of the day and at which location within the Category IA Land the meeting will be held;
 - b. the hours during which the poll for the election will be held and shall decide at which location or locations within the Category IA Land the poll will be held for a poll in person;
 - c. if necessary, on which day, prior to the day determined for the poll and subject to section 14, during which hours and at which location or locations within the Category IA Land the advance poll for the election will be held for a poll in person;
 - d. if necessary, on which day, prior to the day determined for the poll and subject to section 14, during which hours and at which location or locations outside the Category IA Land the Remote Poll for the election will be held for a poll in person; and
 - e. if necessary, the matters relating to voting by electronic means set out in sections 51 to 53, and section 0.

ELECTORAL LIST

16. Where an election is to be held, the Returning Officer shall prepare and sign an Electoral List that sets out, in alphabetical order, the names of the Electors.
17. (1) The Returning Officer may, on the application of an Elector, revise an Electoral List to add the name of an Elector whose name had been omitted from the list, correct the name of an

Elector whose name had been incorrectly set out or delete the name of a person who is not an Elector.

(2) The Returning Officer may, on his or her own initiative, correct any clerical errors in an Electoral List.

(3) A Returning Officer shall initial each revision and correction made to an Electoral List pursuant to subsection (1) or (2), as the case may be.

NOTICE OF ELECTION

18. (1) At least forty (40) clear days prior to the day determined for the poll for the election, the Returning Officer shall prominently post, in the Administration Office and in one or more public places within the Category IA Land:

- a. a copy of a notice of election in the form set out in **Schedule II** and signed by the Returning Officer; and
- b. a copy of the Electoral List for the election.

(2) The Returning Officer may also post the election notice by other means necessary to provide appropriate notice to Electors as determined by the Returning Officer, such as on the website of Nemaska or through its social media.

NOMINATION PROCEDURES

19. A nomination meeting for an election shall be held within the Category IA Land during the period commencing ten (10) clear days after the posting of the notice of election and ending twenty (20) clear days prior to the day determined for the poll for the election.

20. A nomination may be made in writing, on a nomination paper, or orally, at a nomination meeting.

21. A written nomination for an election shall be in the form set out in **Schedule III** and shall be signed by the candidate nominated and by three (3) other Electors and shall be forwarded, physically or electronically, to the Returning Officer prior to the nomination meeting for the election. Notwithstanding the above, a candidate may accept a nomination by electronic means to the Returning Officer prior to the nomination meeting, without signing the form, subject to the nomination form being signed by three (3) other Electors and provided to the Returning Officer. An Elector may sign a form for only one candidate for each of the offices of Chief, Deputy Chief or Councillor.

22. On the day, at the hour and at the location specified in the election notice, the Returning Officer shall declare the nomination meeting open and announce and post the names of the candidates for the position of Chief, Deputy Chief or Councillor for whom a written nomination has been received by the Returning Officer pursuant to section 21.

23. (1) An oral nomination presented at a nomination meeting for an election shall be proposed by an Elector and endorsed by two (2) other Electors. An Elector may propose or endorse a nomination for only one candidate for each of the offices of Chief, Deputy Chief or Councillor.

(2) A person who is nominated orally at a nomination meeting for an election shall indicate his or her acceptance or refusal of the nomination to the Returning Officer prior to the close of the meeting. If the person does not so indicate, he or she shall be considered to have refused the nomination.

(3) Where a person who is nominated orally at a nomination meeting for an election is not present at the meeting, the person shall indicate his or her acceptance or refusal of the nomination to the Returning Officer by telephone, email or any other means considered appropriate by the Returning Officer.

(4) At the nomination meeting for an election, the Returning Officer shall indicate the requirements of subsections (1) to (3) to the persons at the meeting.

24. No person shall accept nomination as a candidate in a Council election for more than one of the following positions: Chief; Deputy Chief; or, Councillor.

25. (1) Subject to subsection (2), at the nomination meeting for an election, the Returning Officer shall declare the meeting closed when nominations have ceased.

(2) No nomination meeting or session of a nomination meeting shall last less than two (2) hours.

26. (1) Where, immediately before the close of a nomination meeting for an election, there is an insufficient number of candidates to fill all vacant positions, the Returning Officer shall declare the first session of the meeting adjourned and shall reconvene the meeting at a second session two (2) days later.

(2) No nomination meeting shall consist of more than two (2) sessions.

ELECTION BY ACCLAMATION

27. (1) If there is only one candidate for the position of Chief at the close of a nomination meeting, the Returning Officer shall proclaim the candidate to be elected by acclamation.

(2) If there is only one candidate for the position of Deputy Chief at the close of a nomination meeting, the Returning Officer shall proclaim the candidate to be elected by acclamation.

(3) If the number of candidates for the position of Councillor is equal to or less than the number of Councillor positions to be filled at the close of a nomination meeting, the Returning Officer shall proclaim the candidates to be elected by acclamation.

POLL REQUIRED

28. If there is more than one candidate for a position to be filled at the election at the close of a nomination meeting, the Returning Officer shall declare that a poll will be held for that position or those positions, as the case may be, on the day specified in the notice of election.

NOTICE OF POLL

29. Where a poll is required at an election, the Returning Officer shall as soon as possible and at least fifteen (15) clear days before the day of the election poll, sign and prominently post a copy of the notice of poll, in the form set out in **Schedule IV**, in the Administration Office, in one or more public places within the Category IA Land, and by other means necessary to provide appropriate notice to Electors determined by the Returning Officer, such as on the website of Nemaska or through its social media. The Returning officer shall send a copy of the notice to the Corporate Secretary.

PREPARATION FOR POLL (POLL IN PERSON)

30. Where a poll is required at an election, the Returning Officer shall ensure that:

- a. there are one or more polling stations within the Category IA Land of Nemaska;
- b. there is, at each polling station, one voting compartment that is constructed in such a manner that Electors can mark their ballots in secret;
- c. there are, at each voting compartment, directions for voting and a pen or pencil that is similar to the pen or pencil at each of the other voting compartments;
- d. there are ballots in a sufficient number for the poll to be held;
- e. there is a sufficient number of ballot boxes for the poll to be held; and
- f. there is a poll book for each polling station.

31. (1) Ballots for the election of the position or positions to be filled at the election shall be in the form set out in **Schedule V, Schedule VI and Schedule VII**.

(2) A ballot shall list, in alphabetical order, the name and a photograph of each candidate and may, if applicable, indicate the name by which a candidate is commonly known but shall not indicate any additional information regarding a candidate.

32. (1) A ballot box shall be made of durable material, furnished with a lock and constructed in such a manner that any ballots that have been deposited in it cannot be withdrawn without unlocking the ballot box.

(2) A Returning Officer shall keep count of and ensure the supervision of the ballot boxes to be used at an election up to the opening of the polling stations for the election.

ELECTION METHOD AND PROCEDURE (POLL IN PERSON)

33. Subject to subsection 34(1), a poll in person shall be open for voting continuously for at least eight hours between the hours of 6 a.m. and 10 p.m. on the day determined for the poll.
34. (1) In the case of a natural disaster, an electrical blackout or other extraordinary circumstance, a Returning Officer may:
 - a. postpone the closing of a poll for up to two hours;
 - b. postpone a poll for up to four weeks; or
 - c. interrupt a poll and resume the poll within four weeks.

(2) Where the Returning Officer postpones a poll in person or the closing of such a poll or interrupts such a poll, the Returning Officer shall take reasonable measures to inform the Electors of any resulting changes regarding the poll.
35. A candidate for an election may appoint, in writing,
 - a. for each polling station provided for the election, one person to represent the candidate during the hours the polling station is open for voting; and
 - b. up to two persons to represent the candidate during the counting of votes.
36. Immediately prior to the opening of a polling station for voting, the Returning Officer or other designated Election Official shall open each ballot box to be used at the polling station, call on any persons present to witness that the ballot boxes are empty and then padlock the ballot boxes.
37. (1) Where an Elector appears at the appropriate polling station for the purpose of voting in an election, an Election Official shall verify that the Elector's name is on the Electoral List and that the Elector has not yet voted in the election and shall initial the back of the ballot(s), and hand the ballot(s) to the Elector.

(2) Upon request, an Election Official shall explain the method of voting to an Elector.
38. On receiving a ballot or ballots, as the case may be, an Elector shall immediately proceed to a voting compartment to vote.
39. (1) Subject to subsection (2), only one person shall be in a voting compartment at any one time.

(2) An Elector who is unable to vote without assistance because of an inability to read or to understand the language in which the ballots are printed or because of blindness or any other physical disability may be assisted in voting an Election Official or, by an accompanying friend or relative of the Elector, at the option of the Elector.

40. After marking a ballot, an Elector shall promptly return the ballot to an Election Official who shall check, without attempting to see how the Elector voted, whether the ballot has been initialled by an Election Official.
41. (1) Subject to subsections (2) and (3), an Election Official to whom a ballot is returned shall request the Elector who returned the ballot to deposit it in the ballot box.
 - (2) Where a ballot that was not initialled by an Election Official is returned to the Election Official by an Elector, the Election Official shall mark the word "declined" on the back of the ballot and deposit the ballot in the ballot box.
 - (3) Where a returned ballot is damaged, the Election Official to whom the ballot is returned shall mark the word "damaged" on the back of the ballot and deposit it in the ballot box.
42. An Elector whose ballot was marked "declined" pursuant to subsection 41(2) or "damaged" pursuant to subsection 41(3) shall be entitled to receive a replacement ballot. For greater certainty, this section 42 shall not apply in a case contemplated by section 44.
43. The Election Officials at a polling station shall list, in the poll book provided for that polling station, the name of each Elector who receives a ballot at the polling station and shall record opposite an Elector's name any case where
 - a. the Elector receives assistance to vote pursuant to subsection 39(2) and the reason for that assistance; or
 - b. the Elector after receiving a ballot left the polling station without returning the ballot to an Election Official.
44. (1) An Elector who after receiving a ballot at a polling station leaves the polling station without returning the ballot to an Election Official shall be considered to have voted.
 - (2) Where an Elector referred to in subsection (1) later returns a ballot to an Election Official, the Election Official shall mark the word "declined" on the back of the ballot and deposit it in the ballot box.
45. An Elector who is inside a polling station at the time determined for the closing of the polling station and who is otherwise entitled to vote at that polling station shall be entitled to vote before the polling station is closed.
46. (1) As soon as possible after a polling station is closed, the Returning Officer or other Election Official designated by him or her at the polling station shall
 - a. record in the poll book for that polling station the number of ballots issued for the polling station, the number of ballots used and the number of ballots remaining unused; and

- b. place in separate envelopes the unused ballots for Chief, the unused ballots for Deputy Chief and the unused ballots for Councillor and label each envelope to indicate its contents.

(2) Where the duties of an Election Official at a polling station are performed by a Deputy Returning Officer or an Electoral Clerk, he or she shall, promptly after complying with subsection (1), return the ballot boxes and poll books used at the polling station and the envelopes of unused ballots to the Returning Officer.

ADVANCE POLLS AND REMOTE POLLS

- 47. Where an advance poll is held in connection with an election, an Elector who has reason to believe that he or she will be unable to vote on the day on which the poll for the election will be held may vote in person at the advance poll.
- 48. Where a Remote Poll is held in connection with an election, an Elector who has reason to believe that he or she will be unable to vote on the day on which and at the location at which the poll for the election will be held may vote in person at a Remote Poll.
- 49. Sections 33 to 46 apply to an advance poll or Remote Poll in person, with the necessary modifications.

ELECTRONIC VOTING

- 50. Any reference to electronic voting in this Law shall apply only if it is determined to make such system available in a given election pursuant to section 14, in combination with a poll in person.
- 51. If it is determined pursuant to section 14 that an election poll shall include electronic voting in addition to a poll in person, the Returning Officer shall determine and make available an appropriate electronic voting system and sections 52 to 0 shall apply.
- 52. Electronic voting shall open at least seven (7) clear days prior to the day on which the election is to be held and shall close on the date determined by the Returning Officer, and in any event, no later than three (3) clear days prior to the day on which the election is to be held.
- 53. The Returning Officer shall determine and designate an appropriate independent expert to assist the Returning Officer to implement the electronic voting system. The independent expert shall carry out his or her duties with honesty, impartiality and fairness and in accordance with this Law and with Part II of Appendix A of the Cree Constitution set out as **Schedule I** of this Law, with the necessary modifications, and he or she shall maintain the confidentiality of any confidential information that comes to his or her knowledge in the performance of these duties, unless required by law to disclose it.

54. The independent expert shall not be in a conflict of interest situation with respect to the election, and his or her mandate shall include implementing appropriate measures to ensure the secrecy, security and integrity of voting, including:

- a. the integrity of the Electoral List, including to allow only persons on the Electoral List to vote, to update the list as soon as an Elector has voted and, once the electronic poll has closed, to prevent any alteration of the list of Electors who have voted;
- b. no partial counting of votes during the poll and the impossibility for Nemaska or any unauthorized person to make a connection between an Elector's name and the contents of his or her vote;
- c. protection against intrusion and tampering; and
- d. adequate monitoring of the voting process during the electronic poll and subsequent stages, including the integrity of the vote count, the possibility to count registered votes again, if required, and the conservation and destruction of information in accordance with this Law.

55. Without affecting the generality of sections 53, the Returning Officer shall collaborate with the independent expert to ensure that the electronic voting system permits:

- a. voting only by an Elector on the Electoral List and that only one vote per position per voter is counted and included in the final vote count;
- b. Electors to vote on the basis of the list of candidates;
- c. Electors to receive confirmation that their votes have been cast;
- d. the Electoral List to indicate once an Elector has voted;
- e. the compilation of valid electronic votes, and the production of a final report on the electronic vote count on the day on which the main poll in person is held, under the supervision of the Returning Officer; and
- f. the preparation of a report containing the overall number of ballots cast electronically, the number of valid electronic ballots and rejected electronic ballots (as ruled by the Returning Officer), and the number of electronic ballots cast for each candidate for each position.

56. Prior to the opening of electronic voting, the Returning Officer shall coordinate with the independent expert in order for the Returning Officer to be satisfied that the electronic voting system has been tested and is accurate and in good working order.

57. In the event of an exceptional malfunction or unavailability of the electronic voting system that cannot be rectified in view of the timelines set out in this Law, the Returning Officer may determine that:

- a. electronic voting shall open and close on different days than those determined pursuant to section 52, and notwithstanding that provision;
- b. the electronic voting be cancelled and that the election poll shall take place solely as a poll in person in accordance with this Law; or
- c. the entire election poll be postponed or interrupted and resumed, in accordance with section 34 as an “extraordinary circumstance”, with the necessary modifications.

COUNTING THE VOTES

58. Upon the closing of the poll for an election, the Returning Officer shall promptly count the votes, including any votes cast at any advance poll, any Remote Poll and any electronic poll held in connection with the election, in the presence of any candidates and representatives who wish to attend. As applicable, electronic votes shall be counted by the Returning Officer upon the closing of the poll for the election by means of the report contemplated by section 55(f).

59. (1) In counting votes cast in person at an election, the Returning Officer shall reject any ballot

- a. that was not initialled by an Election Official;
- b. that is blank;
- c. on which there appear more votes than there are positions to be filled;
- d. on which there appear marks or writing identifying the Elector; or
- e. on which the Returning Officer has marked “declined” or “damaged”.

(2) In counting votes cast in person at an election, the Returning Officer shall reject, on a ballot, any vote that does not clearly indicate the Elector’s intention.

60. Where a candidate or a representative objects to a decision of the Returning Officer concerning the counting of a vote in an election, the Returning Officer shall

- a. decide any questions arising out of the objection;
- b. number and record the objection in the appropriate poll book; and
- c. in the case of a vote cast in person, write on the back of the ballot the word or words “allowed”, “allowed in part” or “rejected”, as the case may be, as well as the number of the objection and initial the ballot and in the case of a vote cast electronically, record the corresponding information in the report contemplated by paragraph 55(f).

61. (1) During the counting of the votes at an election for a poll in person, the Returning Officer shall

- a. if applicable, separate the ballots provided for the election of each position into separate groups; and
- b. further sort the ballots provided for the election for each position into separate lots consisting of
 - i. all the ballots allowed or allowed in part, and
 - ii. all the rejected ballots.

(2) As soon as possible after the counting of the votes at an election in person, the Returning Officer shall

- a. place each of the lots of ballots referred to in paragraph (1)(b) in a separate envelope and label each envelope to indicate its contents; and
- b. complete and sign a poll report in the form set out in **Schedule VIII**, which shall include the report contemplated by paragraph 55(f), as applicable, and forward a copy of the poll report to each of the candidates for the election, the Corporate Secretary and the secretary of the Cree Nation Government.

BASIS OF ELECTION RESULTS

62. (1) Where a poll is held for the position of Chief, the candidate for the position of Chief who receives an absolute majority of valid votes cast in respect of that office shall be elected Chief.

(2) Subject to section 64, in the event that a candidate for the position of Chief does not receive an absolute majority of valid votes cast, a run-off poll shall take place within ten (10) days between the two (2) candidates who received the most votes, and shall be carried out in the same manner as the initial poll (i.e. poll in-person; hybrid electronic poll and poll in-person).

63. (1) Where a poll is held for the position of Deputy Chief, the candidate for the position who receives an absolute majority of valid votes cast in respect of that office shall be elected Deputy Chief.

(2) Subject to section 64, in the event that a candidate for the position of Deputy Chief does not receive an absolute majority of valid votes cast, a run-off poll shall take place within ten (10) days between the two (2) candidates who received the most votes, and shall be carried out in the same manner as the initial poll (i.e. poll in-person; hybrid electronic poll and poll in-person).

64. If either of the two (2) candidates referred in paragraphs 62(2) and 63(2) decline to participate in the run-off election for the position of Chief or Deputy Chief, as applicable, the Returning Officer shall ask the candidate who received the third most votes if he or she wishes to participate in the run-off election for the relevant position. If this candidate accepts, the

Returning Officer shall call a run-off election between this candidate and the remaining candidate who received the most votes. If this candidate who received the third most votes also declines to participate in the run-off election, the Returning Officer shall declare the remaining candidate who received the most votes elected.

65. Where a poll is held for one or more positions of Councillor, the candidate or candidates, to the number corresponding to the number of positions of Councillor to be filled, who receive the largest number of votes shall be elected Councillor.

PROCLAMATION OF CANDIDATES ELECTED

66. As soon as possible after the counting of votes in an election, the Returning Officer shall publicly proclaim elected the candidates elected in accordance with sections 62 to 65. This proclamation shall be in writing and shall be signed by the Returning Officer, or by the Deputy Returning Officer or an Electoral Clerk at the request of the Returning Officer.

RECOUNT OF VOTES

67. (1) The Returning Officer shall recount the votes for a position to be filled at an election where

- a. there is an equal number of votes for each of two or more candidates for
 - i. the position of Chief,
 - ii. the position of Deputy Chief, or
 - iii. a position of Councillor, where the position is the only position or the only remaining position to be filled; or
- b. the Returning Officer receives, within one day after the day on which the poll for the election was held, a written request for a recount of votes from a candidate for a position to be filled at the election.

(2) Sections 58 to 66 apply, with such modifications as the circumstances require, to any recount of votes.

RECOUNT POLL

68. (1) Where after a recount of votes there exists an equal number of votes for each of two or more candidates for a position referred to in paragraph 67(1)(a), the Returning Officer shall, within 28 days after the day on which the recount was conducted, hold a second poll for those candidates for that position.

(2) The election rules provided in this Law apply to a poll referred to in subsection (1) with such modifications as the circumstances require.

ELECTION RESULTS

69. (1) Without delay, and in any case no later than two days after the day on which the poll for an election was held, the Returning Officer shall

- a. prepare a report of election results in the form of a certificate set out in **Schedule IX**;
- b. sign the report;
- c. prominently post a copy of the report in the Administration Office and in one or more public places within the Category IA Land; and
- d. forward a copy of the report of election results to the persons referred to in paragraph 61(2)(b).

(2) Where all the candidates for an election have been elected by acclamation, the Returning Officer shall comply with subsection (1) within two days of the nomination meeting held for that election.

CONTESTATION OF ELECTION RESULTS

70. (1) Any candidate for election as Council Member, including for the office of Chief or Deputy Chief, or any fifteen Electors may, within five days of the day of any election, contest the election of any Council Member or Council Members by submitting to the Returning Officer a written notice to that effect.

(2) The election of a Council Member may be contested on the grounds that

- a. a provision of Part II of Appendix A of the Cree Constitution, set out as **Schedule I** of this Law, was contravened in respect of the election of that Council Member, whether or not anyone has been prosecuted or convicted for such contravention;
- b. there was non-compliance with the Cree Constitution or this Law in respect of the election of that Council Member; or
- c. the person elected Council Member was ineligible to be elected to that office.

(3) On receipt of a notice under subsection (1), the Returning Officer shall, within two weeks, prepare and submit to a judge of the Provincial Court or Superior Court of Québec (hereinafter in this section referred to as "the judge") a petition in the form set out in **Schedule X** setting out the name of the person or persons whose election is being contested, the name of the person or persons contesting the election and the grounds on which the election is being contested.

(4) A petition described in subsection (3) must be accompanied by a deposit of two hundred dollars, which, except as provided in subsection (5), shall be refunded to the person or persons contesting the election forthwith after the judge has made a decision on the petition, whether or not the judge declares the election invalid.

(5) Where the judge is of the opinion that the petition was not made in good faith, the judge may order the deposit forfeited and, where he or she so orders, the moneys forfeited shall be applied toward the cost of the court proceedings.

(6) The judge shall inquire into the correctness of the allegations contained in the petition, and for such purposes may exercise all the powers of a commissioner under Part I of the *Inquiries Act* (R.S.C., 1985, c. I-11).

(7) Where, after hearing the petition, the judge is satisfied, in respect of the election of one or more Council Members whose election has been contested, that a ground for contestation contained in the petition has been established and that, in the case of the grounds described in paragraph (2)(a) or (b), the offence or non-compliance materially affected the result of the election, he or she shall declare invalid the election of the Council Member or Council Members in respect of whose election he or she is so satisfied.

(8) The election of any particular Council Member cannot be contested a second time on the same ground in respect of the same election.

(9) A Council Member whose election is contested under this section is entitled to remain in office until such time as the judge has declared his or her election invalid under subsection (7).

ELECTION MATERIALS

71. (1) The Returning Officer shall retain and safeguard all the election materials used in an election including the ballots, ballot boxes, Electoral List, poll books, poll report, any report contemplated by paragraph 55(f) and the report of the election results for a period of 7 days after the day on which the poll for the election is held.

(2) Subject to subsection (3), after the expiration of the period referred to in subsection (1), the Returning Officer shall remit to the Corporate Secretary for safekeeping all the election materials referred to in subsection (1), except the ballots, which shall be destroyed by the Returning Officer in the presence of two witnesses.

(3) Where the election of a Council Member is contested pursuant to section 5.16 of the Cree Constitution, the Returning Officer shall continue to retain and safeguard the election materials referred to in subsection (1) until otherwise directed by the judge who is inquiring into the election.

GENERAL PROVISIONS

72. All documents referred to in the present Law for use in an election shall be in the English language and may also be in the Cree language.

73. Any candidate duly elected under this Law shall take an oath substantially in the form set out in **Schedule XI** within thirty (30) days of the election or the run-off election, as applicable.

REPEAL AND REPLACEMENT OF PREVIOUS ELECTION LAWS

74. Effective the date of its coming into force, this Law repeals and replaces By-Law No.87 respecting elections and Law No. 133 being a law to amend By-Law 87 respecting elections.

APPROVAL AND PUBLICATION

75. This Law shall be subject to the approval by the Electors at a Special Meeting or Referendum at which at least twenty per cent (20%) of the Electors voted on the matter.

76. Within one (1) week of the approval of this Law under section 75, the Corporate Secretary shall post a copy of this Law in a public place in the Administration Office.

COMING INTO FORCE

77. Subject to the approval of Electors set out in section 75, this Law shall come into force on the day on which it is posted pursuant to section 76, whether or not it is posted within the time limit set out in section 76.

78. For greater certainty, this Law shall apply only in respect of elections called after its coming into force.

Signed this 18th day of November 2025, in Nemaska.



CHAIRPERSON



CORPORATE SECRETARY

SCHEDULE I

PROHIBITED ACTS

EXTRACT OF PART II OF APPENDIX A OF THE CREE CONSTITUTION

Part II of Appendix A of the Cree Constitution provides as follows:¹

“Prohibited Acts

55. No person shall, at a poll for a Cree First Nation election, vote or attempt to vote
 - (a) more than once;
 - (b) knowing that he is not entitled to vote; or
 - (c) under any name other than his own name.
56. No person shall induce another person to vote at a poll for a Cree First Nation election knowing that the other person is not entitled to vote.
57. No person shall use bribery, treating, undue influence or any other corrupt practice in a Cree First Nation election.
58. No person shall cause or attempt to cause any disturbance at a nomination meeting or at a polling station.
59. No person shall campaign or advertise in connection with a Cree First Nation election in a polling station or within 30 meters of a polling station.
60. No person shall be present in a polling station except those authorized by this Law and those present for the purposes of voting.
61. Unless authorized by this Law, no person shall
 - (a) be in a voting compartment with an Elector;
 - (b) be in a position from which the person can see for whom an Elector marks his ballot; or
 - (c) at a polling station, attempt to know how an Elector intends to vote.

¹ The provisions set out in this extract of the Cree Constitution have been adjusted to reflect the adoption of this Law by the Cree Nation of Nemaska. A reference to a “Cree First Nation” in this Schedule shall mean the “Cree Nation of Nemaska”.

62. No person who assists an Elector to vote pursuant to this Law, shall

- (a) influence or attempt to influence the Elector in the selection of the candidate for whom the Elector votes; or
- (b) mark the Elector's ballot contrary to the Elector's intention.

63. (1) No person shall interfere with or attempt to interfere with an Elector who is in a voting compartment.

(2) No person shall interfere with or attempt to interfere with the counting of votes.

64. (1) No person shall

- (a) counterfeit or fraudulently alter or deface a ballot or the initials of a Returning Officer, Deputy Returning Officer or Assistant Returning Officer [*Electoral Clerk*] on a ballot;
- (b) fraudulently destroy a ballot;
- (c) without authority, supply a ballot to a person;
- (d) fraudulently deposit in a ballot box any paper other than the ballot that the person is authorized by this Law to deposit in the ballot box;
- (e) without authority take a ballot;
- (f) fraudulently take a ballot out of a polling station;
- (g) without authority, destroy, damage, take, open or otherwise interfere with a ballot box; or
- (h) fraudulently print a ballot.

(2) No person shall attempt to commit any of the acts referred to in subsection (1).

65. No Returning Officer, Deputy Returning Officer or Assistant Returning Officer [*Electoral Clerk*] shall divulge any information obtained by that officer in respect of the conduct of an election

- (a) except as authorized by this Law; or
- (b) unless that officer is required to give evidence in the course of a legal proceeding respecting the election.

66. No Returning Officer, Deputy Returning Officer or Assistant Returning Officer [*Electoral Clerk*] shall fraudulently initial or attempt to initial a ballot or any paper purported to be a ballot.

Maximum Punishment

67. (1) Subject to subsection (3), a person who contravenes paragraph 55(a) or any of sections 58 to 61, 63 or 65, commits an offence and is liable on summary conviction to a fine not exceeding two hundred fifty dollars or to imprisonment for a term not exceeding three months or to both.

(2) Subject to subsection (3), a person who contravenes paragraph 55(b) or section 56, 62 or 64 commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both.

(3) A Returning Officer, a Deputy Returning Officer or an Assistant Returning Officer [*Electoral Clerk*] who contravenes paragraph 55(b), section 56, 61, 62 or any of sections 64 to 66 commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.

(4) A person who contravenes paragraph 55(c) or section 57 commits an offence and is liable on summary conviction to a fine not exceeding one thousand two hundred fifty dollars or to imprisonment for a term not exceeding six months or to both."

SCHEDULE II

NOTICE OF ELECTION

(Paragraph 18(1)(a) of the Law)

Notice is hereby given to the Electors of the Cree Nation of Nemaska that an election has been called for the following position(s) of Council Member, *(insert one or several of the position(s) to be filled by the election, whether for Chief, Deputy Chief or Councillor(s), and in the case of Councillor(s), indicate the number of positions to be filled by the election)*.

A nomination meeting for such position(s) will be held *(indicate on which day, at which hour and at which location the nomination meeting is to be held)*.

A written nomination may be forwarded to the Returning Officer. A written nomination shall be signed by the candidate and by three other Electors of the Cree Nation of Nemaska and shall be forwarded prior to the commencement of the nomination meeting. Written nomination forms are available in the office of the Returning Officer.

Where a poll is required, such poll will be held *(indicate on which day, during which hours and at which location the poll is to be held)*.

(Insert the following paragraph regarding electronic voting, with required adjustments, where such system is to be available in a given election, in combination with a poll in person)

Where a poll is required, an electronic poll, in combination with a poll in person, will be held from [●] to [●] *(indicate on which day the electronic poll will open and close, and add details regarding the manner by which electors can vote)*.

(Insert the following paragraph, if applicable.)

Where a poll is required, an advance poll will be held *(indicate on which day, during which hours and at which location the advance poll is to be held)*.

(Insert the following paragraph, if applicable.)

Where a poll is required, a remote poll will be held *(indicate on which day, during which hours and at which location or locations the remote poll is to be held)*.

For more information, please contact the Returning Officer at *(insert the address of the Returning Officer)*.

Signed at _____, on _____.

Returning Officer

SCHEDULE III
WRITTEN NOMINATION
(Section 21 of the Law)

We, the undersigned, electors of the Cree Nation of Nemaska, hereby nominate (*insert the name of the candidate*), residing at (*insert the address of the candidate*), as candidate for the position of (*insert "Chief" or "Deputy Chief" or "Councillor"*) of the Cree Nation of Nemaska.

Signature _____ Address _____ Date _____

Signature _____ Address _____ Date _____

Signature _____ Address _____ Date _____

I, the undersigned, (*insert the name of the candidate*), hereby consent to be a candidate for the above-mentioned position.

Signed at _____, on _____.

Signature of candidate

SCHEDULE IV

NOTICE OF POLL

(Section 29 of the Law)

Public notice is hereby given that a poll is required for the election of *(insert one or several of the following positions: Chief, Deputy Chief or Councillor(s))* for the Cree Nation of Nemaska and that such poll will be held *(indicate on which day, during which hours and at which location the poll is to be held)*.

(Insert the following paragraph regarding electronic voting, with required adjustments, where such system is to be available in a given election, in combination with a poll in person)

An electronic poll, in combination with a poll in person, will be held from [●] to [●] *(indicate on which day the electronic poll will open and close, and add details regarding the manner by which electors can vote)*.

(Insert the following paragraph, if applicable.)

An advance poll will be held *(indicate on which day, during which hours and at which location the advance poll is to be held)*.

(Insert the following paragraph, if applicable.)

A remote poll will be held *(indicate on which day, during which hours and at which location or locations the remote poll will be held)*.

(Insert one or several of the following paragraphs, if applicable.)

The candidates for the position of Chief are *(insert the name and address of each candidate)*.

The candidates for the position of Deputy Chief are *(insert the name and address of each candidate)*.

The candidates for the *(insert the number of positions to be filled by the election)* position(s) of Councillor are *(insert the name and address of each candidate)*.

Signed at _____, on _____.

Returning Officer

SCHEDULE V
BALLOT (CHIEF)
(Section 31 of the Law)

Cree Nation of Nemaska

(Insert the date of the poll)

ELECTION FOR THE POSITION OF CHIEF

(In alphabetical order)

PLEASE PLACE A MARK BESIDE THE CANDIDATE OF YOUR CHOICE

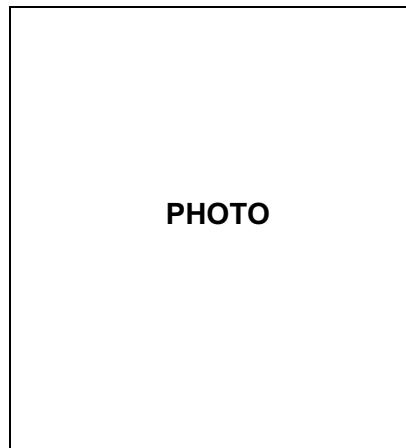
1. *(Insert name of candidate)*

PHOTO

2. *(Insert name of candidate)*

PHOTO

3. *(Insert name of candidate)*



SCHEDULE VI
BALLOT (DEPUTY CHIEF)
(*Section 31 of the Law*)

Cree Nation of Nemaska

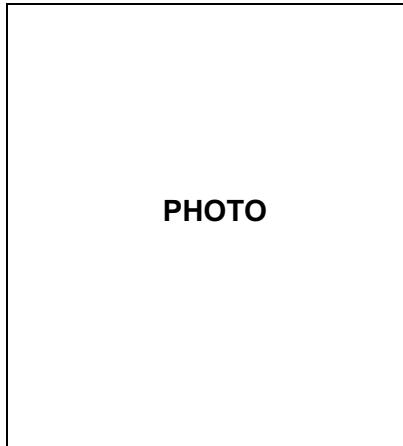
(Insert the date of the poll)

ELECTION FOR THE POSITION OF DEPUTY CHIEF

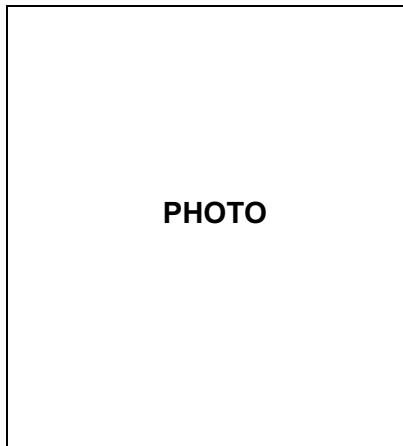
(In alphabetical order)

PLEASE PLACE A MARK BESIDE THE CANDIDATE OF YOUR CHOICE

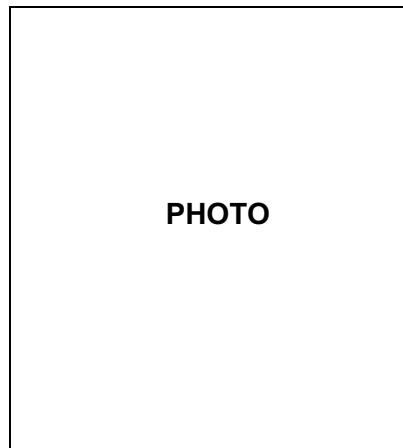
1. *(Insert name of candidate)*



2. *(Insert name of candidate)*



3. *(Insert name of candidate)*



SCHEDULE VII
BALLOT (COUNCILLOR)
(Section 31 of the Law)

Cree Nation of Nemaska

(Insert the date of the poll)

ELECTION FOR THE *(insert the number of positions to be filled by the election)* POSITIONS OF COUNCILLOR

(In alphabetical order)

PLEASE PLACE A MARK BESIDE THE CANDIDATE OF YOUR CHOICE

1. *(Insert name of candidate)*

PHOTO

2. *(Insert name of candidate)*

PHOTO

3. *(Insert name of candidate)*

PHOTO



4. *(Insert name of candidate)*

PHOTO



5. *(Insert name of candidate)*

PHOTO



6. *(Insert name of candidate)*

PHOTO



7. *(Insert name of candidate)*

PHOTO



SCHEDULE VIII

POLL REPORT

(Paragraph 61(2)(b) of the Law)

Cree Nation of Nemaska

ELECTION HELD ON *(insert the date of the poll)* _____

Number of voters _____

(If applicable, add the following text regarding electronic voting for the Chief, Deputy Chief and Councillors)

Total number of ballots cast electronically: _____

Number of valid electronic ballots: _____

Number of rejected electronic ballots (as ruled by the Returning Officer): _____

Number of electronic ballots cast for (name of candidate) for Chief: _____

Number of electronic ballots cast for (name of candidate) for Chief: _____

Number of electronic ballots cast for (name of candidate) for Deputy Chief: _____

Number of electronic ballots cast for (name of candidate) for Deputy Chief: _____

Number of electronic ballots cast for (name) for Councillor: _____

Number of electronic ballots cast for (name) for Councillor: _____

CHIEF

Number of ballots issued

Number of ballots unused

Number of ballots rejected

Number of ballots not returned to the Returning Officer of the Cree Nation of Nemaska

Number of ballots allowed or allowed in part

TOTALS (including electronic votes, if applicable):

Number of votes for (name of candidate)

Number of votes for (name of candidate)

DEPUTY CHIEF

Number of ballots issued

Number of ballots unused

Number of ballots rejected

Number of ballots not returned to the Returning Officer of the Cree Nation of Nemaska

Number of ballots allowed or allowed in part

TOTALS (including electronic votes, if applicable):

Number of votes for (name of candidate)

Number of votes for (name of candidate)

COUNCILLORS

Number of ballots issued

Number of ballots unused

Number of ballots rejected

Number of ballots not returned to the Returning Officer of the Cree Nation of Nemaska

Number of ballots allowed or allowed in part

TOTALS (including electronic votes, if applicable):

Number of votes for (name of candidate)

Number of votes for (name of candidate)

I hereby certify that the information contained in this statement is correct.

Signed at _____, on _____.

Returning Officer

SCHEDULE IX
CERTIFICATE OF ELECTION RESULTS

(Paragraph 69(1)(a) of the Law)

I hereby certify that the following person(s) has (have) been elected, on the date set out, to the position of Council Member on the Council of the Cree Nation of Nemaska.

NAME(S) OF PERSON(S)		POSITION	DATE ELECTED	ELECTED

(Insert names of the persons elected, the positions to which the persons were elected, whether the persons were elected by acclamation or by vote and the date the persons were elected.)

(Insert the following, if applicable.)

I hereby certify that the following persons have received an equal number of votes for the position of *(insert "Chief", "Deputy chief" or "Councillor").*

NAMES OF PERSONS POSITION

(Insert the names of the persons referred to in paragraph 67(1)(a) of this Law and the relevant position.)

Signed at _____, on _____.

Returning Officer

SCHEDULE X
PETITION FOR CONTESTATION
(Section 5.16 of Cree Constitution)

CANADA

PROVINCE OF QUÉBEC

DISTRICT OF

SUPERIOR COURT

(or Provincial Court)

No.: (name)

(occupation)

residing at

Judicial district of

Petitioner(s)

PETITION FOR CONTESTATION OF ELECTION RESULTS

(SECTION 5.16 OF THE CONSTITUTION OF THE CREES OF EYOU ISTCHEE)

To one of the Honourable Judges of the Superior Court (or of the Provincial Court), District of _____, the Petitioner(s) submits (submit):

1. THAT the Petitioner(s) was a (were) candidate(s) for the position(s) of Council Member (were electors) in an election held for the Cree First Nation of Nemaska;
2. THAT was elected (by poll or acclamation) to the position of Council Member for that Cree First Nation of Nemaska on _____;
3. THAT _____ was the Returning Officer at the said election;
4. THAT the Petitioner(s) has (have), in accordance with subsection 5.16(1) of the Constitution of the Crees of Eeyou Istchee, submitted to the Returning Officer on _____, a written

notice of contestation of the election of _____ as Council Member; a copy of this notice is appended hereto as exhibit A1;

5. THAT the grounds for such contestation are:

(Here state the grounds of contestation of election as stated in subsection 5.16(2) of the Constitution of the Crees of Eeyou Istchee. In the case of the grounds described in paragraph 5.16(2)(a) or (b) of that Constitution, allege that the grounds of contestation materially affected the result of the election.)

The sum of two hundred dollars is deposited with this petition in conformity with subsection 5.16(4) of the Constitution of the Crees of Eeyou Istchee.

WHEREFORE the Petitioner(s) requests

THAT the said election of _____ be declared invalid; and

THAT an order be issued to refund the deposit of two hundred dollars to the Petitioner(s).

SIGNED at _____, on _____.

Petitioner(s)

Prepared and submitted by

Returning Officer

SCHEDULE XI
OATH OF OFFICE

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Cree Nation of Nemaska

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OATH OF OFFICE

I, _____, domiciled at Nemaska, do solemnly swear on the Holy Gospels and declare under oath that I will diligently, faithfully and impartially execute the powers and trusts reposed in me as (*insert "Chief" or "Deputy Chief" or "Councillor"*) _____ of the Cree Nation of Nemaska.

In exercising my authority and my role and responsibilities, I shall adhere and apply the principles of good governance and shall act in accordance with the law, without partiality, fear, favour or affection.

I shall serve the community my office represents, take account of the decisions and concerns of the members expressed at meetings, act in a respectful manner towards community members and my fellow councillors, uphold Council decisions, promote the traditions and customs of the community, defend the interests of the community, and honour the community by my behaviour.

I will faithfully, honestly and truly declare my mind and my opinion in all things to be treated, debated and resolved in Council.

I shall keep confidential all matters committed and revealed to me in this capacity, including matters to be treated confidentially by Council.

Generally, in all things I shall do as a faithful and true servant ought to do for the members of the Community of Nemaska.

So help me God.

SIGNED this _____ day of _____ 20____

(insert name of elected official)

I, *(insert name of witness)* _____, domiciled at _____ certify that *(insert name of elected official)* _____ declared his or her Oath of Office before me at _____ this ___ day of ___ 20___.

SIGNED this ___ day of ___ 20___

(*Witness*)